



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Nineteenth periodic reports of States parties due in 2006**

**Addendum**

**TUNISIA \* \*\***

[13 August 2007]

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\* This document contains the eighteenth and nineteenth periodic reports of Tunisia due on 4 January 2006, submitted in one document. For the thirteenth to seventeenth periodic reports of Tunisia (submitted in one document) and the summary records of the meetings at which the Committee considered them, see documents CERD/C/431/Add.4, CERD/C/SR.1560, 1561 and 1575, and CERD/C/62/CO/10.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

The thirteenth to seventeenth periodic reports of Tunisia were submitted as one document (CERD/C/431/Add.4) and considered by the Committee at its 1560th and 1561st meetings (CERD/C/SR.1560 and CERD/C/SR.1561), held on 6 and 7 March 2003. At its 1575th meeting, held on 18 March 2003, the Committee adopted its concluding observations, which were published as document CERD/C/62/CO/10.

The present document contains the eighteenth and nineteenth periodic reports of Tunisia.

Readers are also referred to the core document constituting the first part of States parties' reports (HRI/CORE/1/Add.46) and to Tunisia's previous report.

Tunisia looks forward, for its part, to continuing its dialogue with the Committee.

In accordance with the Committee's recommendations, Tunisia's eighteenth and nineteenth periodic reports are submitted in this single document, which addresses all the points raised in the Committee's concluding observations.

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## **Introduction**

1. Tunisia was one of the first States to prohibit slavery. The practice of slavery was outlawed in the nineteenth century by the Decree of 23 January 1846, which prescribed criminal sanctions for anyone who enslaved another person.
2. Tunisia firmly subscribes to the purposes and principles of the United Nations as set forth in international instruments, particularly those dealing with non-discrimination on grounds of race, colour, descent or national or ethnic origin.
3. This commitment was confirmed by Tunisia's ratification, on 12 January 1967, of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter "the Convention").
4. Although the Committee has stated clearly that it "does not accept any State party's assertion that there is no racial discrimination in the State party, and recommends that Tunisia avoid such generalizations in future reports" (CERD/C/62/CO/10, para. 9), it must be reaffirmed that the phenomenon of racial discrimination is basically non-existent in Tunisia. The country has been a melting pot for diverse peoples and civilizations, so that most Tunisians are no longer aware of their ethnic and racial origin, and feel no need to look into the matter.
5. Tunisia has always been a country of mixed blood, this being its greatest asset. And it follows quite naturally from this empirical fact that, to all intents and purposes, the problem of racial discrimination does not arise in Tunisia.
6. Bearing in mind the Committee's other recommendations, the Tunisian Government hereby submits its consolidated periodic report on the implementation of the Convention.
7. This report is submitted to the Committee on the Elimination of Racial Discrimination (hereinafter "the Committee") in accordance with article 9, paragraph 1 (b), of the Convention. Covering the period 2003-2006, it constitutes Tunisia's eighteenth and nineteenth periodic reports and supplements Tunisia's thirteenth to seventeenth periodic reports submitted in one document (CERD/C/432/Add.4) and considered by the Committee at its 1560th and 1561st meetings (CERD/C/SR.1560 and CERD/C/SR/1561), held on 6 and 7 March 2003, following which the Committee issued its concluding observations at its 1575th meeting held on 18 March 2003 (CERD/C/62/CO/10).

## **I. SOME RECENT SOCIO-ECONOMIC DATA**

8. In 2006 the population of Tunisia was approximately 10.1 million.
9. The number of Tunisians who are not Muslims may be estimated at 5,000. Of these, 3,000 are Jews and the remainder Christians
10. It should be noted that the Berbers of Tunisia are particularly well integrated into Tunisian society and that they have no grievances. Furthermore, there are no nomadic tribes in Tunisia.

11. With regard to the Jews of Tunisia, their departure to France (most of those who have dual nationality are in possession of a French passport) may be due to the fact that they wish to live in the West, but they remain in continual contact with the country and like to return very frequently as though going back to their roots. There has never been any desire on the part of the Government or any other body to seek or provoke the departure of the Jews from Tunisia.

12. Some 25,000 foreigners work in Tunisia.

13. Most immigrants into Tunisia are nationals of neighbouring countries (Moroccans, Algerians or Egyptians) and there are also some Europeans employed by foreign companies. Tunisia has ratified all relevant Conventions of the International Labour Organization (ILO) regarding equality of treatment of nationals and non-nationals in the areas of employment and occupation and in terms of remuneration and social protection.

14. At 1.08 per cent in 2004, the population growth rate is among the lowest on the African continent. More than 63 per cent of the population live in cities. The population of greater Tunis, the country's main urban centre, is currently almost 2.5 million.

15. Demographic indicators show a steady decline in fertility since the 1960s as a result of improved living conditions, better education, greater participation of women in society and, above all, improved medical and welfare services. The steady decline in fertility and the continuous increase in life expectancy at birth confirm the fact that the country has been passing through a transitional demographic phase since it became independent 50 years ago. The main features of this trend are as follows:

(a) A reduction in the number of children who die before the age of 4 from 18.6 per cent of the total population in 1966 to 11.1 per cent in 1994, 9 per cent in 1999 and 8.1 per cent in 2004;

(b) A marked increase in the proportion of the population over 60 years of age, which rose from 5.5 per cent of the total population in 1966 to 8.3 per cent in 1995, 9 per cent in 1999 and 9.3 per cent in 2004.

16. The Tunisian expatriate community numbers almost 700,000, compared with 659,892 in 1999. European countries attract nearly 85 per cent of expatriate Tunisians, 62 per cent of whom live in France. Basing itself on the principle that Tunisians living abroad are an integral part of the national community, the Government has continued to pay close attention and accord priority to them with a view to safeguarding their rights and constantly improving their living conditions and conditions of residence.

17. During the period 2003-2006 the substantial reforms undertaken by President Zine El Abidine Ben Ali with a view to strengthening the rule of law and promoting democracy and human rights were pursued and consolidated.

18. The principle of non-discrimination on grounds of sex, i.e. equality between men and women, is expressly guaranteed by the Constitution and legislation. Article 6 of the Constitution of 1 June 1959 provides that "all citizens have the same rights and the same duties. They are equal before the law".

19. The Personal Status Code, promulgated on 13 August 1956, abolished polygamy, instituted civil and official marriage contracted by notarial act or an instrument signed in the presence of the registration officer, and introduced judicial divorce. Act No. 2007-32 of 14 May 2007 amending certain provisions of the Personal Status Code established the minimum age for marriage at 18 years for boys and girls. Over the past decade, fresh steps have been taken to consolidate the advances achieved by women, with a view to establishing a partnership between spouses.

20. Thanks to this process of modernization, Tunisia has enjoyed since independence one of the most prosperous periods of its more than 3,000-year-old history, with unprecedented economic growth, political stability and social peace.

21. Today the middle class accounts for almost 80 per cent of the Tunisian population; 80 per cent of all families own their homes. The poverty index has been reduced from 23 per cent in 1975 to 13 per cent in 1980, 6 per cent in 1999 and 3.9 per cent today. Per capita income rose from 927 dinars in 1984 to 2,422 dinars in 1998 and 2,701 dinars in 2000, and currently stands at 3,500 dinars. The enrolment ratio for compulsory schooling at the age of 6 years has attained 99.1 per cent. Life expectancy at birth is 75.3 years for women and 71.4 years for men, compared with 72 years in 1999, 67 years in 1987 and about 50 years in 1966.

## **II. INFORMATION RELATING TO ARTICLE 2 OF THE CONVENTION**

22. Under this article, each State party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and not to encourage acts or practices of this nature; to adopt, when the circumstances so warrant, legislative measures aimed at punishing such acts, to take the necessary measures to eliminate barriers between races and to ensure the adequate protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full enjoyment of human rights and fundamental freedoms. In this regard, the following should be noted.

23. It is a plain and concrete fact that no public or private body or institution in Tunisia engages in acts of racial discrimination or segregation against persons or groups of persons, regardless of their colour, sex, religion or nationality.

24. There is no disadvantaged racial group in Tunisia whose situation would require the adoption of provisional measures for the purpose of guaranteeing that group's enjoyment of its human rights and fundamental freedoms in the economic, social, cultural, political or other fields. The notion of "race" is not current in Tunisia and that of "tribe" has not been current since the country became independent in 1956.

25. The State does not sponsor, defend or support activities of a discriminatory nature; it prohibits them inasmuch as they are absolutely incompatible with the Constitution, particularly article 6, which stipulates that "all citizens have the same rights and the same duties" and that they "are equal before the law". Tunisian legislation and regulations respect and comply with this constitutional requirement.

26. Article 8 of the Constitution of the Tunisian Republic states that: “Freedom of opinion, of expression, of the press, of publication, of assembly and of association are guaranteed and exercised in accordance with the conditions laid down by law. Trade union rights are guaranteed. Political parties provide a structural framework for citizens to organize their participation in political life. Political parties must be organized on democratic principles. They must respect the sovereignty of the people, the values of the Republic, human rights and the principles regulating personal status. Political parties undertake to prohibit all forms of violence, fanaticism, racism and discrimination. A political party’s principles, objectives, activities or programmes may not be based essentially on a single religion, language, race, sex or region.”

27. These provisions, in conjunction with those of article 5 of the Constitution as amended on 1 June 2002, afford explicit protection for human rights and for the principle of non-discrimination in the Constitution of the Tunisian Republic, which furthermore recognizes the primacy of duly ratified international treaties over internal legislation.

28. Similarly, Act No. 88-32 (Political Parties Organization Act) of 3 May 1988 stipulates that “a political party’s principles, objectives, activities or programmes may not be based essentially on a single religion, language, race, sex or region”. Article 17 of the same Act prohibits political parties from issuing recommendations that instigate or encourage violence with a view to promoting hatred among citizens. These principles and obligations, with which political parties must comply, are based on article 8 of the Constitution cited above.

29. Article 44 of the Press Code clearly stipulates that “anyone who ... directly either incites hatred among races, religions or populations, or encourages the propagation of opinions based on racial segregation or on religious extremism ... shall be punishable by two months’ to three years’ imprisonment and a fine of 1,000 to 2,000 dinars”.

30. Similarly, in the context of measures to combat all forms of racial discrimination, the new provision of the Criminal Code (art. 52 bis), introduced by Act No. 93-112 of 22 November 1993, stipulates that “the perpetrator of an offence defined as a terrorist offence shall incur the penalty prescribed for the offence itself; the penalty may not be reduced by more than one half. A terrorist offence is any offence involving an individual or collective undertaking the purpose of which is to harm persons or property through intimidation or terror. Acts of incitement to hatred or to racial or religious fanaticism, regardless of the means employed, shall be dealt with in the same manner”.

### **III. INFORMATION RELATING TO ARTICLE 3 OF THE CONVENTION**

31. Under this article, States parties condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

32. The policies of apartheid and practices of racial discrimination are not only quite alien to Tunisian society but Tunisia is also a country that has always disapproved of, denounced and condemned such policies when they are discernible in the practices of other countries. It acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid (Act of Accession No. 76/89 of 4 November 1976) and ratified the International Convention against Apartheid in Sports (Act of Ratification No. 89/2 of 27 February 1989).



33. Tunisia strongly condemned the apartheid system that existed in South Africa, and never had any diplomatic or consular relations with that discriminatory regime. Tunisia is known to have encouraged the process of reconciliation and reunification of South African society, which began with the holding of free general elections in South Africa in 1994.

34. The combination of non-discrimination on racial grounds and on sexual grounds is one of Tunisia's strong points. It is a country that condemns all forms of racial segregation and discrimination and undertakes to prevent, prohibit and eliminate all such practices on its territory and to guarantee equal rights for all.

**A. Non-discrimination on racial grounds and  
non-discrimination on sexual grounds**

35. Women's emancipation as a result of this situation has proved decisive in ensuring its perpetuation and in preventing all forms of hatred and extremism. Tunisia has vigorously reinforced its already robust action to promote women's rights, to consolidate equality between the sexes and to demarginalize women by developing a modern vision of society, implementing gender-specific legislation and formulating policies aimed at enhancing women's legal and social status and broadening their role, without distinction as to race, ethnic origin or religion.

36. In this context, Tunisia has acceded to all international instruments pertaining to the consolidation of women's rights on which a global consensus exists.

37. After ratifying the ILO Equality of Treatment (Accident Compensation) Convention (No. 19) (1930), the ILO Night Work (Women) Convention (Revised) (No. 89) (1957), the ILO Underground Work (Women) Convention (No. 45) (1957), the ILO Equality of Treatment (Social Security) Convention (No. 118) (1964) and the ILO Employment Policy Convention (No. 122) (1965), Tunisia acceded in quick succession to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1967), the Convention on the Political Rights of Women (1967), the ILO Equal Remuneration Convention (No. 100) (1968), the Convention against Discrimination in Education (1969), the Convention on the Elimination of All Forms of Discrimination against Women (1985), the United Nations Convention against Transnational Organized Crime (2002), the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2003) and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2003).

**B. Non-discrimination on racial grounds and equal rights for all**

38. In the area of civil rights, the principle of equality between men and women is expressly guaranteed by the Tunisian Constitution and legislation. Article 6 of the Constitution provides that "all citizens have the same rights and the same duties. They are equal before the law".

39. The Personal Status Code (CSP), which was promulgated on 13 August 1956 even before the Constitution of 1 June 1959, abolished polygamy, instituted civil marriage with compulsory registration by notarial act, introduced judicial divorce and granted equal rights to the two spouses in terms of the legal grounds for divorce, divorce proceedings and their

outcome. The situation of women with respect to inheritance has been significantly improved through the “return” arrangement, which enables a daughter to inherit the estate if she is the only heir, and the “compulsory legacy” provision whereby the grandchildren of a predeceased son or daughter are entitled to a share of the estate equal to that of the deceased parent.

40. After the political change of 7 November 1987, new steps were taken to consolidate the advances achieved by women in all areas with a view to establishing a partnership between spouses.

41. Legislative adjustments have been made to the Personal Status Code, the Nationality Code, the Criminal Code and the Labour Code.

42. All legislative provisions that might have been construed in a discriminatory and sexist way have thus been eliminated.

43. The new parity approach gave rise to amendments such as that requiring the two spouses “to treat each other with kindness and to support each other in running the household and looking after the children”, which replaced provisions requiring the wife to obey her husband.

44. Requirement of the mother’s consent to the marriage of her minor child (girl or boy); involvement of the mother in decision-making regarding her children, and emancipation of minor girls on marriage, leaving them free to run their private lives and attend to their concerns as well as to those of their children; granting of attributes of parental authority to divorced mothers enjoying custody; establishment of a fund guaranteeing the payment of alimony to divorced wives and their children; training of judges in family rights in order to provide them with expertise in personal status matters and in sociological and psychological questions pertaining to couples and children; granting a mother the right to give her family name or that of her father to her child of unknown descent, with provision for genetic analysis to confirm paternity; granting the Tunisian mother of a child born abroad to a non-Tunisian father the right to transmit her own nationality to her child; introduction of harsher penalties for domestic violence, with possible pardon by the spouse entailing a halt to the criminal proceedings; and introduction of a community of property regime, which is conducive to greater equality between the husband and wife in terms of property rights within the marriage. In addition, Act No. 2007-32 of 14 May 2007 amending certain provisions of the Personal Status Code established the minimum age for marriage at 18 years for boys and girls.

45. With regard to women’s political rights, in particular the right to participate in elections (to vote and stand for election), the right to take part in the conduct of public affairs and the right of access to public office, it should be noted that the Tunisian Constitution guarantees all citizens, without any discrimination, the right to take part in the country’s political life, including the right to citizen participation in all areas.

46. With regard to the executive, since the cabinet reshuffle of 10 November 2004, women have accounted for 14.89 per cent of the total membership of the Government, compared with 13.6 per cent previously. The Government currently has two women ministers and five women secretaries of State. The representation of women in the Chamber of Deputies doubled between 1999 and 2004, increasing from 11.5 per cent to 22.75 per cent, compared with 7.4 per cent in 1994. The Vice-President of the Chamber of Deputies is a woman, and

one of the standing committees is also chaired by a woman. Women make up 17 per cent of the members of the Chamber of Councillors (the Senate), who were elected in 2005 for the first term of this new body, one of whose vice-presidents is a woman. The representation of women in municipal councils, following the municipal elections of 2005, stood at 21.6 per cent, compared with 16 per cent in 1995. Women's participation in consultative committees has also markedly increased. Women now account for 25 per cent of the members of the Constitutional Council, 20 per cent of the members of the Economic and Social Council (compared with 11 per cent in 2002), 20 per cent of the members of the Higher Council for Communication and 13.3 per cent of the members of the Higher Council of the Judiciary. Women have also been appointed to high-level posts such as that of Ombudsman, President of the Court of Auditors, ambassador, governor, etc. Moreover, some 20 women work as special advisers in ministerial cabinets.

47. With regard to economic, social and cultural rights, mention may be made of the Code of Obligations and Contracts (promulgated in 1906), under which everyone without distinction as to sex, race, colour or ethnic origin enjoys the right to engage in business, to conclude contracts, and to purchase, sell and dispose of property.

48. This legal capacity is in no way affected by a woman's marriage since, as stipulated by article 24 of the Personal Status Code, the husband has no power of disposal over his wife's property.

49. These rights have been underpinned in practice through the establishment of machinery such as the support mechanism for women's economic initiatives run by the Ministry for Women, the Family, Children and Older Persons with the general aim of promoting women's participation in the economy by facilitating their access to the different sources of financing, training and managerial skills needed to create long-term income-generating economic activities.

50. With regard to women's right to work, Tunisian legislation in both the private and public sector explicitly guarantees equality of opportunity and treatment in employment, without any discrimination on grounds of sex, race, ethnic origin or religious, trade-union or political affiliation.

51. In the public sector, the Regulations governing staff employed by the State, local authorities and public administrative bodies require compliance with the principle of equality of opportunity in respect of access to public office and the conduct of public affairs. They prohibit any reference to political, philosophical or religious opinions in a public servant's individual file.

52. The private sector offers the same guarantees: the Labour Code and the Framework Employment Convention prohibit discrimination between wage- and salary-earners, including between men and women, and guarantee all women without discrimination specific rights related to their status as mothers. They prohibit night work and underground work for women and the unjustified termination of a woman's employment contract on account of pregnancy. The above-mentioned legislation also provides for paid maternity leave, the duration of which depends on the sector concerned, and for breastfeeding breaks.

53. According to recent statistics, women occupied 23.59 per cent of public-service posts in 2005. The corresponding figures were only 6 per cent in 1984, 12 per cent in 1994 and 14 per cent in 1998.

54. In 2004, women held 4.8 per cent of managing director posts and 8.1 per cent of public-service director-general posts, compared with 6.1 per cent in 2000.

55. In the area of health, Tunisia has adopted a population control policy. A special health education and family planning programme has been launched in every region; family planning and mother and child protection services have been combined in basic health-care centres and more accessible coverage has been provided for remote rural areas.

56. The universal application of national measures and programmes aimed at reducing maternal and infant mortality ratios and the development of awareness-building and preventive health education for young people, especially schoolchildren, have yielded broadly satisfactory results.

57. The rate of coverage among women of family planning services has also increased to more than 70 per cent in 2004, compared with 60 per cent in 1966, and the proportion of medically supervised births has reached almost 86 per cent.

58. These results have led to an increase in women's life expectancy at birth to 75.5 years in 2005, compared with 51 years in 1966.

59. Compared with women in 1966 who devoted half their lives to childbearing (25 years), women in 2004 devoted only about 10 years to such responsibilities. A woman's life expectancy after bearing her last child rose from 15 years in 1956 to 35 years in 2004.

60. Maternal mortality has also declined from 68.9 per 100,000 live births in 1994 to 54 per 100,000 in 2002.

61. The synthetic fertility index (average number of children per woman of childbearing age) has also declined, to 2 children per woman in 2002, compared with 2.9 in 1994 and 4.7 in 1984.

62. Equal access for all to education without any form of discrimination is not only a right guaranteed by law but a legal obligation, rendering those who fail to comply liable to prosecution. The General Principles Act of 23 July 2004 on education and schooling, which introduced a school for all based on fairness and equality of opportunity, states in article 1 that "education is an absolute national priority and schooling is a fundamental right guaranteed to all Tunisians without discrimination on grounds of sex, social origin, colour or religion". Pursuant to article 4 of the same Act, schooling in public educational establishments is guaranteed by the State for all children of school-going age without discrimination.

63. The policy of equality of opportunity for boys and girls pursued for the past decade has proved highly successful at all levels of education, since the enrolment rate for six-year-old girls, at 99 per cent, now equals that for boys, while the gap between girls and boys in the same age group was eight points in 1987.

64. The promotion of persons with disabilities, especially children, is a social policy priority in Tunisia. Action in this area is designed to protect such groups from all forms of discrimination and to ensure integration, especially for children in ordinary educational establishments.

65. In application of the principle of non-discrimination, steps were taken to establish a computer centre for children with disabilities in order to spread a digital culture among children in this category.

66. The policy aimed at countering early school dropout has led to a marked increase in the enrolment ratio for girls, which attained 94.7 per cent in 2004 for girls in the 6-14 age group, compared with only 83.2 per cent in 1994.

67. The same applies to the enrolment rate for girls in the 12-18 age group, which soared from 44 per cent in 1993 to 78 per cent in 2004 thanks to the introduction of compulsory and free basic schooling from the ages of 6 to 16 years. Progress was also recorded in success rates for girls, which rose in the case of the national baccalaureate examination from 35 per cent in 1990 to 75.6 per cent in 2003.

68. With regard to higher education, the country has had more female than male students since 2000. In 2005 girls accounted for 59 per cent of the total number of students and recorded a success rate, at all levels combined, of 52.9 per cent, compared with only 25.8 per cent in 1975-1976.

69. Tunisian women's access to the national vocational training system is guaranteed by the General Principles Act on vocational training (17 February 1993), which provides young people with training facilities corresponding to their choice, motivation and aptitudes without distinction as to sex, race, colour or ethnic or religious origin.

70. The cultural sector, in which creation and creativity abound, witnessed the emergence and rise to fame of a number of women novelists, poets, film-makers, visual artists, archaeologists and other artists who imparted fresh impetus to the country's cultural life.

71. The Tunisian media landscape, which has undergone far-reaching changes in terms of quality and quantity, such as the opening up of audio-visual broadcasting, which had previously been a State monopoly, to the private sector, offers women greater opportunities to make their voices heard.

72. In addition to women's pages in the general press, by 2005 seven women's newspapers were in circulation.

73. Under article 8 of the Constitution, all Tunisian citizens without distinction enjoy the right to freedom of peaceful assembly and association. There are currently more than 20 women's associations and development associations chaired by women, compared with only one organization in 1987: the National Union of Tunisian Women founded in 1956.

#### **IV. INFORMATION RELATING TO ARTICLE 4 OF THE CONVENTION**

74. Under article 4 of the Convention, States parties undertake to prevent, prohibit and condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and to declare illegal and to punish any propaganda or organization of this kind.

75. Tunisia has opted for a policy in this area based on the prohibition and prosecution of acts of racial discrimination and racist propaganda.

##### **A. Prohibition of acts of racial discrimination and racist propaganda**

76. The public authorities and public institutions in no way support, promote or encourage any acts of racial discrimination.

77. Tunisian law clearly prohibits all forms of incitement to acts of racial discrimination and contains a number of provisions that characterize incitement to racial hatred and all acts of intolerance or racist violence as punishable offences.

78. Article 44 (new) of the Press Code, as amended by Organization Act No. 93-85 of 2 August 1993, punishes anyone who “directly promotes hatred among races, religions or populations, or the dissemination of opinions based on racial segregation or religious extremism ...”.

79. Article 52 bis of the Criminal Code, introduced by the Act of 16 November 1993 amending the Criminal Code, provides that “the perpetrator of an offence defined as a terrorist offence shall incur the penalty prescribed for the offence itself; the penalty may not be reduced by more than one half. A terrorist offence is any offence involving an individual or collective undertaking the purpose of which is to harm persons or property through intimidation or terror. Acts of incitement to hatred or to racial or religious fanaticism, regardless of the means employed, shall be dealt with in the same manner ...”.

80. Moreover, article 161 of the Criminal Code stipulates that “anyone who destroys, razes, damages, disfigures or defiles religious buildings, monuments, emblems or objects shall be liable to a one-year prison term and a fine”. Article 163 of the same Code adds: “The same penalties shall be applicable to anyone who damages or destroys objects kept in museums, books or manuscripts kept in public libraries or religious buildings, or items or documents of any kind kept in a public collection, in archives or in administrative storage.”

81. Article 165 of the Criminal Code provides that “anyone who impedes or disrupts religious worship or ceremonies shall be punishable by six months’ imprisonment and a fine, without prejudice to the more severe penalties that would be incurred in cases of abuse, acts of violence or threats”. Article 166 adds that “anyone who, without any legal authority over a person, forces that person by violence or threats to practise or refrain from practising a religion shall be liable to three months’ imprisonment”.

82. Article 53 of the Press Code provides that “defamation of individuals ... shall be punishable by 16 days’ to 6 months’ imprisonment and/or a fine”. The same article adds that “[d]efamation committed by the same means against a group of persons not specified in the present article but who belong by origin to a particular race or religion shall be punishable by one month’s to one year’s imprisonment and a fine, if its object is to stir up hatred among citizens or inhabitants”.

83. Article 54, paragraph 4, of the same Code provides for a maximum prison sentence of one year and a fine if the offence of insult is committed by the same means against a group of persons belonging by origin to a particular race or religion with the object of stirring up hatred among citizens or inhabitants.

84. In cases of defamation and insult committed against individuals, legal action is taken only if the defamed or insulted person files a complaint. However, such action may be instituted by the Public Prosecutor ex officio if the defamation or insult is committed against a group of persons belonging, inter alia, to a particular race or religion with the object of stirring up hatred among citizens or inhabitants (Press Code, art. 72).

85. Act No. 88-32 (Political Parties Organization Act) of 3 May 1988 lays down the procedure for establishing and running political parties. The general rule is that people are free to establish political parties in accordance with the procedures set out in the aforementioned Act. However, article 2 of the Act makes it mandatory for political parties to:

“(a) Respect and defend human rights as determined by the Constitution and the international treaties ratified by Tunisia;

(b) Respect and defend Tunisia’s attainments, in particular the republican form of government and its foundations, the principle of the sovereignty of the people as laid down in the Constitution, and the principles governing personal status;

(c) Eschew all forms of violence as well as fanaticism, racism and all other forms of discrimination.”

86. Article 3 of the same Act adds that “a political party’s principles, objectives, activities or programmes may not be based essentially on a single religion, language, race, sex or region”.

87. Article 17 cited above, which is based on article 8 of the Constitution, also prohibits political parties from issuing recommendations that instigate or encourage violence with a view to promoting hatred among citizens.

88. Moreover, the Tunisian courts are committed to taking a strong line, in the rare criminal cases that come before them, against all propaganda in favour of any kind of religious or racial hatred and discrimination.

## **B. Prosecution of acts of racial discrimination and racist propaganda**

89. In one particular case that became famous because it was so unusual, the Tunis Appeal Court decided on 28 March 1995, in case No. 26718, to uphold the judgement of the court of first instance sentencing a Tunisian defendant to three years’ imprisonment and

three years' administrative supervision. The case involved a person who on 5 October 1994 had prepared and distributed pamphlets on behalf of the Committee to Combat Normalization and "Zionization", in which he urged people to rise up against the Jews and to oppose any form of agreement with them, stressing in particular the need to fight them and to reject any peace process with them.

90. On 28 September 1994, the United Nations Working Group on Arbitrary Detention, which examined the aforementioned case, issued a decision in which it held that the restrictions imposed by Tunisian law on freedom of opinion in order to counter the dissemination of racist ideas or remarks were compatible with international legal norms, particularly articles 19 and 20 of the International Covenant on Civil and Political Rights. The Working Group on Arbitrary Detention therefore decided to treat the acts in question as an offence and not as the expression of an opinion. Accordingly, it declared that the detention of the perpetrator of the offence was not arbitrary.

## **V. INFORMATION RELATING TO ARTICLE 5 OF THE CONVENTION**

91. Under this article, States parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the civil, political, economic, social and cultural rights referred to in the article.

### **A. Right to equal treatment before the tribunals and all other organs administering justice**

92. The Constitution guarantees fundamental human rights for everyone without any discrimination and without reference to race, colour, sex, language, religion, political opinion or national or social origin.

93. In this regard, article 6 of the Constitution of 1 June 1959 provides that "all citizens have the same rights and the same duties. They are equal before the law". It follows that any person whose right is protected by the law and who has been harmed may institute legal proceedings and is entitled to equal treatment before the courts.

94. The Tunisian legal system provides for complementary mechanisms to guarantee the rights recognized by the Convention against any infringement. Criminal law is based on the rule of the territoriality of laws. As Tunisian criminal law is applicable throughout Tunisian territory, any person whose right is protected under criminal law and who has been harmed enjoys automatic protection. Legislators consider that if there has been a breach of public order, society itself must address the question through criminal proceedings instituted by the Public Prosecutor's Office. Article 1 of the Code of Penal Procedure provides that "all offences give rise to criminal proceedings for the purpose of enforcing penalties and, if an injury has been sustained, to a civil suit for damages".



**B. Right to security of person and to protection by the State against violence or bodily harm**

95. The State guarantees the security of all persons in its territory, without discrimination, against assault and punishes the perpetrator of any act of aggression. To this end, and in conformity with the principle of the territoriality of criminal law, the guarantees relating to police custody, pretrial detention and imprisonment afforded under Tunisian legislation are applicable to all persons without discrimination of any kind.

96. In Tunisia, protection of liberty and security of person without discrimination is a political choice and an everyday reality.

97. Article 5 of the Convention prohibits all infringements of security of person at the time of arrest as well as arbitrary detention. It guarantees the right to liberty and security to all individuals. It is mainly the Code of Criminal Procedure that regulates the arrest and detention of persons on criminal charges.

98. With a view to improving safeguards during police custody, the Tunisian Constitution was amended by Constitutional Act No. 2002-51 of 1 June 2002; article 12 of the Act stipulates that “police custody is subject to judicial review and a court order is required for pretrial detention. Nobody shall be subjected arbitrarily to police custody or detention ...”.

99. Tunisia has spared no effort to ensure that remand and convicted prisoners are treated humanely and fairly and to punish all those who abuse their authority and infringe citizens’ freedom without legal cause.

100. The Head of State has called for action to imbue law enforcement officials with human rights principles and for the incorporation of such principles in training courses for all categories of public officials, including internal security force officers.

101. Some cases of abuse of authority have been noted and referred to the courts. The number of referrals of police or national guard officers to the courts on various charges during the period from 2000 to 2005 amounted to 104, including 77 cases of abuse of authority. The sentences imposed on officials found guilty ranged from a simple fine to a maximum 10-year prison term without remission, not to mention, of course, the impact on their career and disciplinary sanctions.

**C. Political rights, in particular the right to participate in elections, the right to vote and stand for election, the right to take part in the conduct of public affairs and the right of access to public service**

102. The Tunisian Constitution guarantees all citizens, without any discrimination, the right to participate in the country’s political life, in particular the right to vote and the right to stand for election, the exercise of which is regulated by the Electoral Code.

103. Act. 88-32 (Political Parties Organization Act) of 3 May 1988 requires political parties to respect and defend human rights and Tunisia’s attainments, and to eschew all forms of violence as well as fanaticism, racism and all other forms of discrimination.

104. Article 3 of the same Act adds that “a political party’s principles, objectives, activities or programmes may not be based essentially on a single religion, language, race, sex or region”. Article 17 prohibits political parties from issuing recommendations that instigate or encourage violence with a view to promoting hatred among citizens.

#### **D. Enjoyment of other rights**

##### **1. Enjoyment of political rights and non-discrimination**

105. No racial or other form of discrimination is discernible in Tunisian citizens’ enjoyment of their political rights. This is clearly demonstrated by the different kinds of political elections.

###### **(a) Presidential elections**

106. As a result of the various measures and decisions taken with a view to consolidating political pluralism and enabling opposition party candidates to run for office without discrimination, four candidates from different regions of the country were registered in the 2004 presidential elections, compared with only three in 1999.

###### **(b) Parliamentary elections**

107. Following the amendment to the Constitution (which came into effect on 1 June 2002 after a referendum), a second legislative chamber was constituted to add a new dimension to the legislature representing all professional sectors and regional components of society. Several councillors are women.

108. Pursuant to article 19 of the Constitution, the membership of the Chamber of Councillors may not exceed two thirds of the membership of the Chamber of Deputies. “... The composition of the Chamber is as follows: one member or two for each governorate, depending on the number of inhabitants, is or are elected at the regional level from the elected members of local authorities; one third of the membership of the Chamber is elected at the national level from employers, farmers and wage- and salary-earners, with the candidacies being proposed by the relevant trade and professional organizations; the electoral lists comprise at least double the number of seats reserved for each category.

109. The seats are distributed evenly among the sectors concerned.

110. The members of the Chamber of Councillors are elected, by free and secret ballot, by the elected members of the local authorities.

111. The electoral law lays down the procedures and conditions for election of members of the Chamber of Councillors.

112. The President of the Republic appoints the remaining members of the Chamber of Councillors from among eminent Tunisian individuals and authorities.

113. The members of the Chamber of Councillors may not have connections with local or sectoral interests.

114. It is not permitted to hold office in both the Chamber of Deputies and the Chamber of Councillors.”

115. The elections to the Chamber of Councillors on 3 July 2005 marked a fresh step towards enhancement of the participation of the Tunisian people in public life and the consolidation of democratic pluralism. A total of 4,550 candidates were registered on the electoral lists. The electoral turnout on polling day was 96.04 per cent.

116. With regard to the results, all 43 seats comprising the third of the total reserved for the regions were won by the Rassemblement constitutionnel démocratique (Democratic Constitutional Rally), the only party to put forward candidates. Farmers and employers, the only two sectors to take part in the elections for the second third comprising 42 seats, won 14 seats each; the 14 seats always reserved for wage- and salary-earners were not allocated owing to the failure of any representatives of that sector to participate.

117. According to the Constitution, the remaining third of seats reserved for eminent national individuals and authorities are filled by members appointed by the President of the Republic.

118. It should be noted that one elected member of the Chamber is a Jewish Tunisian citizen.

119. With regard to the Chamber of Deputies, the results of the 2004 parliamentary elections reinforced the trend towards political pluralism since the 1999 elections. The number of seats won by opposition parties rose from 19 in 1994 to 34 in 1999 and 37 in 2004. The total number of seats in the Chamber - 189 - were distributed as follows:

- The Democratic Constitutional Rally won a majority in the 26 constituencies, i.e. 152 seats;
- The Movement of Socialist Democrats won 14 seats;
- The Popular Unity Party won 11 seats;
- The At-Tajdid Movement won 3 seats;
- The Unionist Democratic Union won 7 seats;
- The Social Liberal Party won 2 seats.

**(c) Municipal elections**

120. Another milestone in the strengthening of democracy, pluralism and the principle of citizen participation was reached on 8 May 2005.

121. These elections were contested by 380 lists of candidates belonging to five political parties and a single list of independent candidates.

122. A turnout of 82.75 per cent was recorded.

123. When the votes were counted, the seats were distributed as follows in accordance with article 154 of the Electoral Code:

– Democratic Constitutional Rally	4,098 seats
– Movement of Socialist Democrats	107 seats
– Popular Unity Party	88 seats
– Unionist Democratic Union	51 seats
– Social Liberal Party	16 seats
– Independent list	6 seats

## 2. Enjoyment of civil rights and non-discrimination

124. **Freedom of movement and residence**, both within and outside the country, is guaranteed by the Constitution without any discrimination. Article 10 of the Constitution provides that “every citizen has the right to move freely within the territory, to leave it and to establish his or her domicile within the limits prescribed by the law”. Article 11 provides that “no citizen may be expelled from the national territory or prevented from returning to it”.

125. Freedom of movement within the country is not subject to any formalities. The only restrictions that apply stem from the requirements of criminal action (detention, administrative supervision).

126. **Freedom to leave and return to the country** is governed by Act No. 75-40 of 14 May 1975 concerning passports and travel documents. Article 34 of the Act states that, in order to leave Tunisian territory, travellers must pass through the border posts designated for that purpose. Article 1 prescribes that any Tunisian national wishing to travel abroad must be in possession of a national travel document. Travel documents are of two kinds: passports and travel authorizations (art. 3). Every Tunisian national has the right to be issued with a passport, and to have it renewed or extended, subject to the restrictions laid down by the Act (criminal prosecution, a minor or a person deprived of legal capacity who is unable to produce an authorization from his or her legal representative in the absence of a judicial decision, or a justification based on public order and security).

127. It should be noted that the Act concerning passports and travel documents was amended in 1988 by Basic Act No. 98-77 of 2 November 1998. It should further be noted that this Act provides the judiciary with exclusive jurisdiction over the withdrawal of valid ordinary passports, in accordance with the terms and provisions of the Act.

128. To provide stronger guarantees for this freedom, the President of the Republic reaffirmed at the meeting of the Council of Ministers on 12 May 2000 that possession of a passport is an inalienable right of every citizen, guaranteed by law, in the same way as other identity documents. Similarly, freedom of movement may be restricted only by the courts in cases prescribed by law.

129. The provision restricting the issue or renewal of a passport is not inconsistent with the provisions of article 5 (d) of the Convention. It may be regarded as a measure aimed at protecting, guaranteeing and ensuring respect for rights.

130. The status of foreigners is governed by Act No. 68-2 of 8 March 1968. There are 35,000 foreigners lawfully resident in Tunisia, including 22 refugees.

131. Tunisia has ratified the Protocol relating to the Status of Refugees, which entered into force on 4 October 1967, and has also ratified the Organization of African Unity (OAU) Convention governing the Specific Aspects of Refugee Problems in Africa. Article 17 of the Constitution prohibits the extradition of political refugees. Refugees authorized to reside in Tunisia may receive a type "C" residence permit and travel document (Act No. 74-40 of 14 May 1975 concerning passports and travel documents).

132. It should be noted that refugees enjoy special treatment with respect to employment, since they are issued immediately with the visa of the Ministry of Employment.

133. There are no restrictions on the freedom of movement of foreigners in Tunisia, except for the measures regarding expulsion adopted under Act No. 74-40. It should be noted that 1,282 illegally resident foreigners were expelled between 2002 and 2005 pursuant to decisions taken in accordance with the law.

134. As an order by the Minister of the Interior to expel a foreigner is an administrative act, an appeal on grounds of abuse of authority may be filed with the Administrative Court, which may decide to suspend execution of the order pending consideration of the merits of the appeal.

135. It should be noted that the Minister of the Interior has exclusive authority to sign the expulsion order. The Minister cannot delegate that authority without breaking the law.

136. With a view to protecting Tunisian citizens and foreigners alike from human trafficking, the Act concerning passports and travel documents was amended by Organization Act No. 2004-6 of 3 February 2004, which prescribes harsh penalties for anyone who provides information for, plans, facilitates, assists in, acts as intermediary for, or in any way organizes the smuggling of a person into or out of Tunisian territory by land, sea or air, even free of charge. The penalties range from a 3-year prison sentence and a fine of 8,000 dinars to a 20-year prison sentence and a fine of 100,000 dinars if the act results in death.

137. It should be noted that, pursuant to the Act concerning passports and travel documents, as amended by Organization Act No. 2004-6 of 3 February 2004, foreigners who have been involved in and convicted of human trafficking must be expelled from Tunisian territory as soon as they have served their sentence, and they are prohibited from entering Tunisian territory for 10 years when the sentence is for a major offence (*délit*), and for life when the sentence is for a serious crime (*crime*).

138. **The right to nationality** is guaranteed. Tunisian nationality is granted either on the basis of affiliation or to persons born in Tunisia. Nationality is acquired either by law or through naturalization in accordance with the procedures laid down by law, without any discrimination.

139. Tunisia has ratified the Convention on the Nationality of Married Women (Act No. 67-41 of 21 November 1967) and the Convention relating to the Status of Stateless Persons (Act No. 69-27 of 9 May 1969).

140. Under Act No. 2002-4 of 21 January 2002, a woman who is a Tunisian national and is married to a foreigner has the right to transmit her nationality to any child resulting from the marriage and born abroad by a joint declaration by the child's mother and father, or by a unilateral declaration by the child's mother in the event of the father's death, disappearance or legal incapacity.

141. The constitutional reform of October 1997 (Constitutional Act of 27 October 1997) reinforces the principle of equality in this regard by placing paternal and maternal affiliation on an equal footing and recognizing the right of "all Tunisians born of a Tunisian father or of a Tunisian mother without discrimination" to stand for election to parliament.

142. Since the promulgation of Act No. 75-79 of 14 November 1975, persons who voluntarily acquire a foreign nationality no longer automatically forfeit their Tunisian nationality.

143. Persons forfeit their nationality if they have been convicted of an act characterized as a serious crime or a major offence against the internal or external security of the State, if they engage in acts for the benefit of a foreign State that are incompatible with their status as Tunisians and are detrimental to the interests of Tunisia, if they have been convicted in Tunisia or abroad of an act characterized as a serious crime by Tunisian law and entailing a sentence of at least five years' imprisonment, or if they have been convicted of non-compliance with obligations under the National Service Act. Forfeiture of nationality occurs only if such acts were committed within a period of 10 years from the date of acquisition of Tunisian nationality. Beyond that period, they carry the same penalties as are applicable to nationals and forfeiture of nationality is ruled out.

144. Tunisian nationality may be withdrawn where it comes to light after the naturalization order is issued that the person concerned failed to meet the legal conditions governing naturalization. The order must be revoked within two years of its date of issue. If the foreigner used fraudulent means to obtain Tunisian nationality, the order may be revoked within two years of the date on which the fraud was discovered.

145. All citizens are guaranteed **the right to marry** and to choose their spouse freely, without discrimination on racial, ethnic or other grounds.

146. **The right to own property** is guaranteed by the Tunisian Constitution and legislation, without any discrimination. The Code of Obligations and Contracts and the Real Property Code contain no discriminatory provisions regarding the possession, acquisition, management or disposal of property.

147. Foreigners may acquire immovable property in Tunisia once they have obtained authorization from the governor of the region in which the property is located. Tunisia has concluded bilateral agreements with the Libyan Arab Jamahiriya (14 June 1961), Algeria (26 July 1963), Morocco (9 December 1964) and Niger (18 October 1966), which allow citizens of those countries to acquire immovable property in Tunisia under the same conditions as Tunisian nationals. In this regard, article 32 of the Tunisian Constitution provides that "... duly ratified treaties have primacy over laws, provided that they are implemented by the other party".

148. The Tunisian legislature has made progress in inheritance law towards recognizing equality of the sexes. The inheritance rights of Tunisian women have been significantly enhanced through the establishment of a number of legislative mechanisms such as the return arrangement, which enables a daughter to inherit the entire estate if she is the sole heir. A second mechanism involves a compulsory legacy regime whereby the grandchildren of a predeceased son or daughter are entitled to a claim on the estate. A third mechanism is the community of property regime established by Act No. 98-97 of 9 November 1998, which is conducive to greater equality between husband and wife in terms of property rights within the marriage.

149. The Tunisian Constitution and legislation guarantee everyone **the right to freedom of thought, conscience and religion** without discrimination on racial or other grounds. Tolerance is a prominent characteristic of Tunisia, which is committed to the basic spirit of the Muslim religion, to its lofty values of tolerance, respect for others and solidarity, and to its social traditions.

150. Article 5 of the Constitution states that "the Republic of Tunisia guarantees the inviolability of the human person and freedom of conscience, and protects freedom of worship".

151. Moreover, the Tunisian Criminal Code devotes an entire section to the elimination of all "impediments to freedom of worship". Article 165 of the Code provides that "anyone who impedes or disrupts religious worship or ceremonies shall be punishable by six months' imprisonment and a fine, without prejudice to the more severe penalties that would be incurred in cases of abuse, acts of violence or threats". Article 166 of the Criminal Code provides that "anyone who, without any legal authority over a person, forces that person by violence or threats to practise or refrain from practising a religion shall be liable to three months' imprisonment".

152. Moreover, in the context of constitutional and legislative guarantees, the Tunisian legislature has regulated the practice of Judaism on behalf of Tunisian citizens of the Jewish faith by the Act of 11 July 1958. The status of Catholicism is regulated by an agreement concluded between Tunisia and the Holy See on 27 June 1964: under this agreement, the Government of Tunisia protects the free practice of Catholicism. The Church is represented by a Prelate appointed by the Holy See.

153. **The right to freedom of opinion and expression** is guaranteed, without any discrimination, by article 8 of the Constitution, which provides that "freedom of opinion, of expression, of the press, of publication, of assembly and of association are guaranteed and exercised in accordance with the conditions laid down by law ...".

154. In the context of respect for the right to freedom of expression, the legislature has adopted rules punishing all forms of incitement to discrimination by the press (incitement of racial hatred, dissemination of ideas based on discrimination, defamation of a group of persons belonging to a particular race or religion; see articles 53, 54 and 72 of the Press Code cited above).

155. **The right to freedom of peaceful assembly and association** is guaranteed to everyone, without discrimination, by article 8 of the Constitution. The Associations Act No. 59-154 of 7 November 1959 (amended and supplemented by Organization Act No. 88-90 of 2 August 1988 and Organization Act No. 92-25 of 2 April 1992) recognizes this constitutional principle. Act No. 32 of 3 May 1988 requires all political parties to prohibit all forms of violence, fanaticism, racism and discrimination (art. 2). A political party's principles, objectives, activities or programmes may not be based essentially on a single religion, language, race, sex or region (art. 3).

156. The Associations Act No. 59-154 of 7 November 1959, as amended on 2 August 1988, was again amended on 2 April 1992 to reaffirm the principle of non-discrimination with respect to membership of any public association. Pursuant to this amendment, persons who meet the conditions for membership of a public association of general interest but are denied membership can take legal action before the court of first instance to enforce their right.

#### **E. Enjoyment of economic, social and cultural rights and non-discrimination**

157. **The right to education and vocational training** is governed by Act No. 91-65 of 29 July 1991 concerning the education system, which provides that "the State guarantees the right to schooling, free of charge, to all persons of school-going age ...", without any discrimination.

158. The principles of "free" and "compulsory" schooling are the two basic rules governing the public education system.

159. A number of measures have been taken to enhance the right to education of Tunisians living abroad. These measures include:

- (a) Improving Arabic-language instruction for Tunisian children living abroad;
- (b) Offering university scholarships and loans to the most deserving male and female students from emigrant families who are studying in their country of residence, on the basis of criteria that take account of the material situation and needs of their families, and offering those who wish to pursue their higher education in Tunisia scholarships, lodging and free return travel once a year to their country of residence;
- (c) Enabling children of families who have returned to Tunisia for good to pursue their studies on the basis of appropriate curricula through the launching of the "International School of Tunisia" at the beginning of the 1999/2000 academic year;
- (d) Organizing summer universities for intensive training in Arabic, providing information about universities in Tunisia and conducting exchanges with Tunisian young people residing in Tunisia.



160. The Ministry of Vocational Training and Employment, which was established in 1990, is endeavouring to introduce a new system of vocational training open to everyone, without any discrimination. The vocational training reform begun by Act No. 93-10 of 17 February 1993, containing the General Principles Act on vocational training, demonstrates the importance attached to the promotion of human resources and the elimination of all forms of discrimination in that regard.

161. The **right to work**, including the right to a free choice of work, to fair and satisfactory working conditions, to protection from unemployment, to an equal salary for equal work and to a fair and satisfactory remuneration, is legally protected, and supported and encouraged by the State, having been made a priority by President Ben Ali in his electoral programme.

162. The Constitution recognizes the **right to work** for all, without any discrimination. The various provisions of the Tunisian Labour Code, promulgated by Act No. 66-27 of 30 April 1966 (amended and supplemented by Act No. 94-29 of 21 February 1994 and Act No. 96-62 of 15 July 1996), effectively apply this constitutional principle.

163. Under labour legislation, the principle of non-discrimination applies to the hiring of workers.

164. State action in labour matters is part of the State's promotion of human rights in general. It takes as its starting point the Tunisian Constitution of 1 June 1959 which, in its preamble, recognizes that the State owes each and every citizen the "right to work" and welfare. As such, it is a veritable entitlement, which the national community is committed to honouring by means of a national employment and welfare policy that equips the world of work with institutions and techniques capable of achieving this aim.

165. The provisions of the Staff Regulations of the Civil Service (promulgated by Act No. 83-112 of 12 December 1983) and the Regulations governing employees of public agencies, public industrial and commercial undertakings and companies whose capital belongs directly or entirely to the State or to local authorities (promulgated by Act No. 85-78 of 5 August 1978), recognize the principle of non-discrimination in employment. Article 13 of the Staff Regulations of the Civil Service provides that the "individual file of the official shall contain all documents concerning his civil status, his administrative position and his level of education. These documents must be registered and numbered consecutively. The official shall be informed in writing of any administrative decision concerning him". It adds that "in no case shall an individual's file contain a reference to political, philosophical or religious opinions, or to trade union membership". Moreover, article 11 of the Staff Regulations of the Civil Service and article 4 of the Regulations governing employees of public institutions clearly prohibit any discrimination against women in the application of these regulations.

166. As part of an approach based on positive discrimination in favour of women employees, Tunisian legislation grants working women childbirth and maternity rights, the right to a salary or an allowance and the right to time off for breastfeeding, and obliges employers who employ 50 women to set aside a special room for breastfeeding (article 64 of the Labour Code and article 19 of Decree No. 68-328 of 22 October 1968 establishing general hygiene regulations applicable to the enterprises subject to the Labour Code).

167. Tunisian legislation has provided other facilities for working women, including: early retirement, part-time work in the private sector and leave of absence. Decree No. 2006-3230 of 12 December 2006 sets forth the procedures for applying the special part-time working arrangements under which mothers receive two thirds of their salary (in the civil service and in public institutions).

168. The provisions of chapter II of Book VII of the Labour Code set forth the conditions for employing foreigners in Tunisia, taking due account of the conventions that Tunisia has concluded with foreign countries, and of the specific legal provisions. Thus, under article 258-2 of the Labour Code, any foreigner who wishes to engage in a salaried profession in Tunisia must be in possession of an employment contract and a residence permit stamped with the words “authorized to hold a salaried job in Tunisia”. The employment contract is concluded for a period not exceeding one year and is renewable once only. However, the employment contract may be renewed more than once when foreigners are employed by their own enterprises carrying out in Tunisia development projects that have been agreed by the competent authorities.

169. Tunisia has ratified 56 of the 184 international conventions adopted by the International Labour Organization (ILO). The last ILO convention ratified by Tunisia, in Act No. 2000-1 of 24 January 2000, was the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention No. 182).

170. Alongside these conventions, Tunisia has introduced a raft of vocational adaptation, integration and reintegration measures aimed at making it easier for both male and female job-seekers to enter the employment market, with no ethnic, racial or religious discrimination.

171. Together, the introduction to working life programme (SIVP 1) and the on-the-job training contract (CEF) offer graduates of higher education or vocational training a chance to prepare for employment and gain knowledge of the real working environment. Altogether 18,492 higher education graduates and 2,703 vocational training graduates benefited from these programmes in 2005.

172. The introduction to working life programme (SIVP 2) helps those who have completed their secondary education to find employment following a training course at an enterprise; 5,821 persons benefited in 2005.

173. These measures are accompanied by State aid in the form of allowances for the young people and/or subsidies for the enterprises. The trainees receive free social security cover.

174. The integration rate of beneficiaries is more than 70 per cent.

175. The Fund for Vocational Integration and Adjustment (FIAP) was created with a view to responding to unfilled job vacancies.

176. FIAP pays for the full cost of the training and grants the trainees scholarships for the whole duration of the course; the trainees are also given free social security cover.

177. Essentially, FIAP takes two kinds of action: occupational adaptation to enable young people to satisfy a job offer and adaptation with a view to self-employment; 14,423 persons benefited from the programme's various occupational adaptation mechanisms in 2005.

178. It should be noted that 58.2 per cent of all the beneficiaries of the various employment programmes in 2005 were female.

179. The 21-21 National Employment Fund, established by Act No. 99/101 of 31 December 1999, containing the Finance Act 2000, is a mechanism with considerable supplementary resources whose goal is to improve the employability of job-seekers and offer them more job opportunities, by helping them find a paid job or create a start-up or source of income.

180. The National Employment Fund intervenes mainly in the following areas:

- Training and adaptation in specialities required by the job market (improving employability);
- Training in enterprises or with artisans/independent workers;
- Training in public works;
- Creating start-ups and sources of income;
- Integration in paid employment.

181. Between its establishment and the end of 2005, the Fund helped nearly 565,000 job-seekers, whose levels of education were as follows:

School level	Number	(%)
Higher education	46 016	8.1
Secondary education	92 986	16.5
Primary education or lower	425 925	75.4
Total	564 927	100

182. Specific programmes have been created with a view to lowering unemployment in certain localities where the unemployment rate is above the national average (13.9 per cent in 2004). These programmes, designed by the different stakeholders at the regional and local levels, have offered training and integration opportunities in the form of occupational adaptation and training-conversion courses designed to meet the needs of the job market, create microenterprises and so forth.

183. Specific programmes have also been established for employing categories with special needs (disabled persons, job-seekers from needy families, job-seekers who have been waiting for more than two years, and job-seekers with no family support). In 2005, these programmes helped nearly 14,000 job-seekers, including 6,000 higher education graduates, to enter the employment market (as employees or self-employed).

184. The specific programmes also include instruments whose aim is to requalify and/or reintegrate workers who have lost their jobs for economic or technical reasons: they allow this category to benefit from a system of training contracts for reintegration purposes. These contracts enable workers who have been dismissed to undergo training for up to six months. Beneficiaries receive an amount equal to the guaranteed minimum industrial wage (SMIG).

185. Since 1 January 2005, this category has further benefited from the vocational reintegration contract, under which half of the worker's salary is paid for one year, up to a limit of 200 dinars a month, and the employer is exempted from the contribution to the State social security system.

186. According to the statistics of the Tunisian Agency for Employment and Independent Work, there is growing convergence in the rates at which the demand of male and female job-seekers registered with the employment offices is being satisfied. These rates currently stand at 30.1 per cent for women and 35.3 per cent for men.

187. The data of the National Statistical Institute reveal an improvement in the situation of Tunisian women on the employment market. Women occupied 25.7 per cent of all jobs in 2004 compared with 23.1 per cent in 1994.

188. The unemployment rate in Tunisia fell between 1994 and 2004, from 15.6 per cent to 13.9 per cent.

189. The unemployment rate for men fell from 15 per cent to 12.9 per cent whereas that for women fell from 17.2 per cent to 16.7 per cent.

### **1. Foreign workforce**

190. As in all countries around the world, the employment of foreign workers is regulated in Tunisia. It should, however, be pointed out that such regulation guarantees foreign workers employed in Tunisia the same rights as those enjoyed by nationals. The previous periodic report included a comprehensive overview of the legal arrangements for the employment of foreign workers. The conditions and modalities of implementation were the subject of a ministerial decree of 14 August 2004, aimed at ensuring transparency and safeguarding the rights of all parties concerned.

191. As a rule, the employment of foreign workers requires an employment contract authorization issued by the relevant departments of the Ministry of Vocational Training and Employment, in accordance with the provisions of article 258-2 of the Labour Code.

192. This authorization is granted provided that no Tunisian nationals are qualified in the field concerned, so that it is the needs of enterprises, together with the requirements of the employment market, that determine whether authorizations are granted. The use of foreign labour is in a sense an instrument available to enterprises.

193. With a view to protecting the national workforce, foreign workers are granted employment contract visas for one year, renewable once only, with the exception of foreign workers seconded by foreign enterprises operating in Tunisia under development projects sanctioned by the relevant authorities.

194. The aforementioned general rule does not apply in the following two cases: the existence of international conventions between Tunisia and other countries containing specific provisions on the subject, such as bilateral labour conventions; and the existence of specific legislation.

195. With regard to specific legislation, a range of laws and regulations provide incentives and encouragement to investment, including specific provisions designed to allow foreign enterprises that have invested in Tunisia to recruit freely a quota of high-level foreign workers (managers and foremen); this quota is usually four managers, whose recruitment is left to the enterprise to decide freely, without a time limit. This provision mainly concerns enterprises that export all their output, together with the mining and oil sectors.

196. Under the Labour Code, foreign workers benefit from the same rights and are subjected to the same obligations in respect of labour relations as Tunisian workers.

197. The Labour Code regulates the conditions of employment of foreign workers in Tunisia, by means of provisions regulating the conditions of recruitment of foreign workers and providing for equality of treatment between foreign workers permitted to work in Tunisia and Tunisian workers.

**(a) Conditions of recruitment of foreign workers**

198. Pursuant to article 258-2 of the Labour Code, foreigners may not be recruited when there are Tunisians with the qualifications required for the areas of specialization concerned by the recruitment, subject to the provisions of bilateral conventions concluded between Tunisia and foreign countries and specific legal provisions which, as part of the incentives to foreign investment, permit the recruitment of a certain number of foreigners, in particular in the categories of managers and foremen, mainly in the export sector, the hydrocarbon prospecting sector, and offshore finance and banking institutions.

199. Any foreigner who wishes to engage in any salaried profession in Tunisia must be in possession of an employment contract and a residence permit stamped with the words “authorized to hold a salaried job in Tunisia”.

200. The employment contract is concluded for a period not exceeding one year and is renewable once only. However, the employment contract may be renewed more than once when foreigners are employed by their own enterprises carrying out in Tunisia development projects that have been agreed by the competent authorities.

201. The contract and its renewal must be signed by the Minister of Employment (article 258-2 of the Labour Code).

202. No employers may recruit or retain in their employ any foreigner not in possession of the documents mentioned in the aforementioned article 258-2. Nor may they recruit or retain in their employ any foreign worker in a profession or governorate not specified in the employment contract (article 259 of the Labour Code).

203. Any employer who has recruited a foreign worker is required to register him or her within 48 hours, in a special register complying with the model laid down by order of the Minister of Employment. This register must be presented to staff of the Labour Inspectorate upon request (article 261 of the Labour Code).

204. No employer may recruit a foreign worker before the expiry of an employment contract binding him or her to the previous employer. The foreign worker may, however, conclude a new contract subject to supplying proof that the previous one was amicably or legally terminated.

205. Employers must inform the Minister of Employment of the departure of any foreign worker employed in their enterprise (article 262 of the Labour Code).

206. **Equality of treatment between migrant workers and nationals:** Tunisian legislation explicitly enshrines the principle of equality of treatment between foreign workers and nationals in matters of employment.

207. Pursuant to article 263 of the Labour Code, foreign workers enjoy the same rights and are subject to the same obligations concerning labour relations as those applicable to Tunisian workers.

208. Workers allowed to work in Tunisia are also entitled to the employer's contribution to the Social Security Scheme and access to the Conseil des Prud'hommes (labour tribunal) under the same conditions as Tunisians.

209. Similarly, foreigners may be appointed or elected to trade union administrative or management posts provided they have obtained the necessary authorization at least 15 days before the trade union is set up or before its governing board is renewed by means of an election or other means (article 251 of the Labour Code).

210. **Salary remittances:** Both foreign employees working in Tunisia under contract and Tunisian nationals are free to transfer 50 per cent of their salary (Circular issued by Minister for the Economy and Finance No. 15, published in *Journal officiel* No. 61 of 25 September 1990).

211. **Controls on implementation of legislation on employment of foreign workers:** foreign workers have the same rights and are subject to the same obligations concerning labour relations as Tunisian workers. Pursuant to article 170 of the Labour Code, staff working for the Labour Inspectorate supervise implementation of the legislation on the employment of foreign workers.

212. Similarly, medical labour inspectors work alongside other inspectors to monitor the implementation of legislation relating to occupational health and the protection of workers' health (articles 289 and 291(1) of the Labour Code).

213. Pursuant to article 178 of the Labour Code, the police authorities and the National Guard may act together to investigate and take action against infringements of labour legislation.

214. **Sanctions:** Tunisian legislation provides for sanctions against employers and foreign workers who contravene the aforementioned provisions.

215. Pursuant to article 265 of the Labour Code, employers who contravene the provisions of the aforementioned articles 259, 261 and 262 are punishable by a fine of 12 to 30 dinars per day and per worker, calculated from the date when the infringement began until the date it was ascertained (article 265 of the Labour Code).

216. Similarly, failure to present a register or any other document whose possession or provision are required by the legislation in force shall be punishable by a fine of 60 to 300 dinars.

217. In the event of a repeated offence, the sanction shall be doubled.

218. Foreign workers who contravene the provisions of the aforementioned articles 258-2 and 266 may be expelled from Tunisian territory by decision of the Director of National Security.

219. The same decision shall set the time limit within which the workers must leave the country (article 267 of the Labour Code).

**(b) Legislation on social security**

220. The principle of equality of all under social security legislation regardless of sex or nationality is also proclaimed and respected, in accordance with the international standards laid down by the ILO, in particular the ILO Social Policy (Basic Aims and Standards) Convention (No. 117) (1962), which has been ratified by Tunisia. The same is true of legislation that complies with the rules laid down by the ILO Equality of Treatment (Social Security) Convention (No. 118).

221. Under the Code of Investment Incentives enacted in Tunisia to stimulate the agriculture and fisheries sectors and the manufacturing, tourism and services industries, foreign enterprises wishing to set up business in Tunisia may employ a certain number of foreigners. Under the same Code the employers' contributions, whether the employers are Tunisian or foreign, are defrayed for a renewable period of five years.

222. Article 39 of Decree-Law No. 85-9 of 14 September 1985, containing special provisions on the prospecting and production of oil and gas, establishes the rules governing the recruitment of foreign staff and provides that "for exploration work, a company may freely recruit management staff of foreign nationality ...". It adds that "(it) may opt for a social security scheme other than the Tunisian scheme; in that case neither the employee nor the employer is obliged to pay social security contributions in Tunisia".

223. The principle of freedom to recruit foreigners and their entitlement to be exempted from the national social security scheme is reiterated in:

- (a) Act No. 85-105 of 6 December 1985 concerning the encouragement of financial institutions and banks working mostly with non-residents;
- (b) Act of 18 August 1988 determining the scheme applicable to companies engaged in international trade;
- (c) Act of 3 August 1992 on economic free zones.

224. Welfare and medical cover are recognized and guaranteed for non-nationals under national regulations and pursuant to the international conventions duly ratified by Tunisia.

- (i) Under national regulations

225. Starting from the principle that the social security legislation is applied throughout the territory, all workers affected by this legislation who are employed on Tunisian territory are required to contribute to the Tunisian social security schemes irrespective of nationality and, as long as they reside in Tunisia, are entitled to the benefits of these schemes under the same conditions as Tunisian nationals.

226. Social security coverage in Tunisia is broad. Thanks to a wide range of laws and regulations social security cover has been extended to virtually the entire working population: civil servants, staff of public enterprises, employees in the agricultural and fisheries sectors and in the non-agricultural sector, students, and self-employed workers in the agricultural and non-agricultural sectors.

227. Moreover, social security coverage in Tunisia is non-discriminatory. Act No. 85-12 of 5 March 1985 concerning the civilian and military retirement and survivors' pension scheme provides in article 1 that this scheme shall apply "to all public sector workers, irrespective of their administrative status, the terms of payment of their salary, their sex or their nationality".

228. The principle of non-discrimination explicitly set forth in this law reflects the spirit underlying all the social security schemes applicable in Tunisia.

- (ii) Under bilateral and international social security conventions

- (a) Bilateral conventions

229. In accordance with the principle of territoriality, social security schemes only benefit those residing on national territory and only during their residence. However, this principle has been shown to be inadequate by the increased mobility of workers and the growth in international exchanges. Exceptions have thus been introduced, in particular by means of bilateral social security conventions which, in order to facilitate the movement of those concerned, provide for the coordination of States parties' domestic legislation.



230. A veritable network of conventions had gradually been established: Tunisia has concluded bilateral conventions with a dozen countries, listed below.

Country	Date of signature	Entry into force
France	17/12/1965	01/09/1966
Belgium	29/02/1975	01/11/1976
Luxembourg	23/04/1980	01/10/1982
Germany	16/04/1984	01/08/1986
	20/09/1991	01/08/1996
	(family allowances)	
Netherlands	22/09/1978	01/04/1980
	(amended on 23/10/1992 and 19/11/2002)	01/11/2004
Italy	07/12/1984	01/06/1987
Austria	23/06/1999	01/11/2000
Spain	26/02/2001	01/01/2002
Algeria	30/12/1973	01/02/1982
	(amended on 04/03/1991)	
Libyan Arab Jamahiriya	04/04/1988	05/04/1988
Morocco	05/02/1987	01/06/1999
Egypt	23/03/2000	01/12/2001

231. In the area of benefits, the bilateral social security conventions abandon the principle of territoriality in favour of a different but essential principle: equality of treatment, implying non-discrimination against foreigners. Equality of treatment theoretically stems from a series of guiding principles, most notably the preservation of rights that have been acquired or are being acquired, which in practical terms translates into the export of social benefits.

232. These conventions establish the following principles: confirmation of the principle of equality of treatment in respect of social security; the free transfer of benefits in case of return to the country of origin; the institution of mechanisms to coordinate retirement rights that have been acquired or are being acquired in the country of origin and in the country of employment; the establishment of provisions enabling family benefits and health care to be granted to family members of the worker who have remained in the country of origin.

233. Under the conventions concluded with the Libyan Arab Jamahiriya (1961 and 1973), Algeria (1963) and Morocco (1966), the nationals of those countries enjoy freedom of movement and establishment, and cultural, social and economic rights.

234. Tunisia made a point of including social and human issues as an essential component in the Association Agreement it concluded with the European Union in 1995, in order to guarantee and strengthen the acquired rights of Tunisian workers abroad and to give effect to the principle of non-discrimination between Tunisians living legally in Europe and their counterparts among nationals of European Union States, in terms of working conditions and social security coverage (articles 64 to 68 of the Agreement).

235. In respect of international social security standards, several multilateral conventions have been negotiated at international level, mainly under the aegis of the United Nations and the ILO.

236. In fact, the principle of the equality of all under social security legislation, regardless of sex or nationality, meets the international standards set by the ILO, in particular the Social Policy (Basic Aims and Standards) Convention (No. 117), which has been ratified by Tunisia. The social security schemes apply to all the workers who are liable to contribute, both Tunisians and foreigners legally residing in Tunisia. On the one hand, this implies a right and an obligation to join, on the part of the persons liable to contribute. On the other hand, workers who are liable to contribute and who meet the conditions laid down by the social security legislation are entitled to the benefits of that legislation.

237. In this regard, Tunisian legislation conforms to the rules prescribed by ILO Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, which has been ratified by Tunisia. This Convention stipulates that the signatory country shall grant to foreign nationals within its territory equality of treatment with its own nationals, both as regards coverage and as regards the right to benefits. The Convention also provides for mechanisms to lift the residence requirement and to guarantee the maintenance of rights within the framework of bilateral reciprocity agreements.

238. On 25 April 1957, Tunisia ratified ILO Conventions No. 12 (1921) concerning Workmen's Compensation in Agriculture and No. 17 (1925) concerning Workmen's Compensation for Accidents. On 30 December 1958, it ratified Convention No. 18 (1925) concerning Workmen's Compensation for Occupational Diseases.

239. In this connection, it should be pointed out that Tunisia has ratified ILO Convention No. 19 concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents, which states that residence shall not be a condition for payment of compensation.

(b) Labour-related conventions adopted by Tunisia under the aegis of the United Nations and the ILO.

240. The 1948 Universal Declaration of Human Rights (arts. 22, 23 and 25) and the 1966 International Covenant on Economic, Social and Cultural Rights do no more than lay down general principles: right to social security, right to an adequate standard of living and right to health.

241. It is under the aegis of the ILO that the major multilateral social security conventions have been concluded.

242. ILO Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security (1962) was ratified by Tunisia in 1965. It is the most detailed convention with respect to the application of the principle of equal treatment of nationals and non-nationals.

243. It covers numerous branches of social security: medical care, sickness benefit, maternity benefit, invalidity benefit, old-age benefit, survivors' benefit, employment injury benefit, unemployment benefit and family benefit. The signatory States undertake to respect equality of treatment in respect of the branch or branches of social security which they chose when they signed the Convention and were chosen by the State of origin of anyone relying on the Convention.

244. The old ILO Convention No. 19 (1925) concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents, ratified by Tunisia in January 1956, is very useful for the specific field with which it deals. It also provides for the possibility of exporting rights related to industrial accidents.

245. Under the Convention relating to the Status of Refugees of 28 July 1951, supplemented by the 1967 Protocol relating to the Status of Refugees, refugees have the same obligations and rights in respect of social security as Tunisian nationals. These texts offer refugees guarantees in the event that other international conventions fail to specify that they are covered.

246. Anyone who has requested refugee status may rely on the provisions of the 1951 Convention even if he or she has not yet been awarded refugee status. Asylum-seekers may therefore request the payment of social benefits on these grounds.

247. The right to satisfactory welfare is also guaranteed by the Convention on the Rights of the Child, signed in New York on 20 November 1989 and ratified by Tunisia. In particular the signatory States recognize for every child the right to benefit from social security (art. 26), the right to the enjoyment of the highest attainable standard of health (art. 24), and to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (art. 27). Moreover, article 2 prohibits any discrimination that is based on the legal status of the child's parents.

248. On 9 June and 14 July 2003, Tunisia ratified the United Nations Convention against Transnational Organized Crime and its two protocols to prevent, suppress and punish trafficking in persons and against the smuggling of migrants. There are no specialized agencies on these matters in Tunisia, but a set of specialized departments have been established in the Ministry of the Interior and Local Development with a view to combating counterfeiting, and trafficking in drugs, organs and human beings.

249. Under their Association Agreement, Tunisia and the European Union have created a Social Affairs and Migration Group. A number of issues relating to migration, such as co-development, social integration, visas, illegal migration, transit migration, improved information and specific cooperation projects have been identified and are the subject of regular dialogue.

250. **The right to form and join trade unions** is guaranteed to everyone, without any discrimination, by article 7 of the Constitution.

251. In article 242 the Labour Code provides that “trade unions or associations of persons engaged in the same occupation, similar trades or related occupations working together to produce specific products, or the same profession, may be freely constituted”.

252. In respect of the right to housing, all Tunisian citizens, without any discrimination, have the right to a decent standard of living, including adequate housing, in a healthy and safe environment. In Tunisia, four out of five families own their own houses.

253. **The right to health, medical care, social security and social services** is also guaranteed to all. In this area, the State’s efforts have effectively been concentrated on extending social coverage of the population, without any discrimination, by investing in infrastructure and the training of health professionals. Access to medical care, social security and social services is open to all, without any discrimination, in accordance with the rules laid down by the Act. In respect of the **right to health**, Tunisian health legislation is based upon a number of principles, including the principle of non-discrimination between patients. This fundamental principle is enshrined in several pieces of legislation:

254. Act No. 91-63 of 29 July 1991, on the organization of health care, provides in article 1 that “everyone has the right to health protection in the best possible conditions”.

255. Similarly, article 5 of the Act provides that “public and private health facilities and establishments must operate in conditions that guarantee fundamental human rights and the safety of patients who avail themselves of their services”. Article 34 adds that “public health facilities shall be open to anyone whose state of health requires their services”.

256. In this context, and thanks to the considerable efforts made by the State with a view to offering the widest possible health-care coverage, the number of basic health-care centres was increased from 1,476 in 1990 to 2,067 in 2004, or an average of one centre for 4,795 inhabitants, while the average distance between each citizen’s place of residence and the nearest basic health-care centre is now around 4 km, which guarantees a reasonable distribution of care centres throughout the country and improves the population’s health-care coverage.

257. In its article 1, Act No. 92-71 of 27 July 1992, on transmissible diseases, provides that “nobody may be the subject of discriminatory measures in connection with the prevention or treatment of a transmissible disease”.

258. It should be pointed out that HIV/AIDS patients benefit from the same conditions of treatment as other patients and consequently are not subjected to any particular measure in terms of their care. Not only are they given the most up-to-date treatment free of charge, but they also enjoy the benefit of all their social rights, without any discrimination.

259. Article 1 of Act No. 92-82 of 3 August 1992, on mental health and conditions of hospitalization for mental health problems, provides that “the hospitalization of persons for mental health problems shall be carried out with respect for individual freedoms and in conditions that guarantee human dignity”.

260. Consequently, this Act ensures that anyone who is hospitalized on account of mental health problems benefits from a number of rights, including:

- Right to appropriate medical care and physical treatments;
- Right to the instruction, training and rehabilitation that will help him or her improve his or her skills and abilities;
- Right to free care and hospitalization for persons hospitalized without their consent;
- Right to carry out productive work or exercise any other activity;
- Right to protection from any exploitation, abuse or any inhuman or degrading treatment.

261. It should also be mentioned that under this Act “a regional mental health commission” has been set up in the governorates where there is an establishment for patients with mental health problems. This commission is chaired by a judge and its purpose is to review the situation of mental patients being cared for in such establishments from the standpoint of respect of individual freedom and human dignity. The fact that these commissions are chaired by a judge reflects the legislature’s concern to preserve the rights of mental patients, since judges are the guarantors of personal rights and freedoms.

262. In this connection it should also be mentioned that a network of services concerned with citizens’ mental health has been set up nationwide to cover every region of the country, with a view to bringing health services closer to the people and guaranteeing equality of access to care.

263. Regarded as special partners of the State for sustainable human development, associations have been encouraged and the freedom in this area granted by the legal provisions in force has enabled the number of associations in Tunisia to soar from 1,976 in 1988 to 8,811 in 2005. These associations act in different areas, permitting the full exercise of all human rights without any discrimination.

264. During the period covered by this report, 967 new health-related associations were created.

265. With regard to the **right to solidarity**, social programmes that have been implemented by the State include the National Solidarity Fund (26/26). Established primarily to provide assistance to the most disadvantaged areas, the Fund has made it possible to provide basic community facilities and services, such as drinking water, electricity, health and education services, decent housing, roads and lines of communication, to the populations of remote areas, enabling them to escape marginalization and become involved in the development process. The Fund has proved to be a successful experiment: during the period 1993-2000, it benefited some 216,597 families for a total cost of 500 million dinars.

## **2. The National Solidarity Fund (26-26 Fund)**

266. The creation of the National Solidarity Fund, a veritable tool for reducing inequalities and combating discrimination, stemmed from a political will to promote the least favoured areas and improve the living conditions of their populations without racial discrimination between individuals. It was set up in the context of building a fair society, based upon solidarity and offering each and every citizen, wherever he or she is, equal opportunities to gain access to social services and improve his or her social and economic well-being, on the basis of a commitment to the values of respect for human rights and dignity, without any preference on the grounds of race, colour, descent or national or ethnic origin.

### **(a) The origins of the National Solidarity Fund**

267. When he visited certain remote and virtually inaccessible areas of the country, President Ben Ali realized how precarious their populations' living conditions and incomes were, owing to the lack of vital community facilities and basic amenities and the low economic potential for production and employment.

268. On 8 December 1992, President Ben Ali announced his decision to set up the National Solidarity Fund, with a view to promoting those areas and their populations.

269. The National Solidarity Fund is clearly a mechanism designed to ensure a dignified life for those benefiting from its actions, which are intended to guarantee all Tunisians, including women and children, the elderly and the disabled, decent living conditions.

### **(b) The achievements of the Fund**

270. From 1993 to 2005, the National Solidarity Fund intervened in 1,762 disadvantaged localities targeted according to objective criteria, without any preference. Over 240,000 families (more than 1,200,000 inhabitants) have benefited from the interventions of the National Solidarity Fund, without any distinction between the beneficiaries.

271. The value of the interventions totalled 807,338 million dinars, broken down as follows:

- Basic infrastructures: 709,948 million dinars;
- Sources of income: 87,890 million dinars;
- Participation in the World Solidarity Fund: 2,500 million dinars;
- Participation in the capital of the Banque de financement des petites and moyennes enterprises (Bank for the financing of small- and medium-sized enterprises): 5,000 million dinars;
- Digital solidarity (acquisition of computers for students from needy families): 2,000 million dinars.

**(c) Achievements by sector**

Achievements		Cost (millions of dinars)
Projects	Number	
Housing	62 605	212 729
Renovation	19 333	
New housing	43 272	
Roads and tracks (km)	4 428.1 km	219 105
Improvement	883.4 km	
Tarmacking	3 544.7 km	
Electrification (beneficiary families)	71 681 families	144 862
Conventional energy	69 396	140 462
Solar energy	2 285	4 400
Drinking water (beneficiary families)	81 762 families	106 288
Health (number of centres)	139	6 147
New centres	136	
Refurbishment	3	
Education (number of schools)	130	3 878
New schools	104	
Refurbishment	26	
Other projects	864	16 939
Total		709 948

**(d) Impact of the National Solidarity Fund**

**(i) Rate of electrification**

272. The rate of electrification in rural areas rose from 53 per cent in 1992 to 94.3 per cent in 2004. The National Solidarity Fund's participation in that increase was 25.6 per cent.

273. Neither exclusion nor preference was practised when deciding who should benefit from the National Solidarity Fund's interventions in respect of the electrification of disadvantaged areas.

274. The few people who have not benefited from electrification live in very remote places far from built-up areas, making it very costly to link their houses to the grid. The National Solidarity Fund offers them solar energy equipment instead.

**(ii) Rate of access to drinking water**

275. The National Solidarity Fund's intervention in providing access to drinking water was always operated without distinction between the beneficiary communities.

276. The rate of access to drinking water in rural areas rose from 49.5 per cent in 1992 to 88.5 per cent in 2004.

277. The National Solidarity Fund's share of that increase was 67.6 per cent.

(iii) Roads and tracks

278. 3,538.1 km were built and 863.4 km improved.

279. These infrastructures benefit all populations in the regions affected. Need, remoteness and economic and social opportunities are the only criteria taken into account when determining whether the National Solidarity Fund should intervene in work on roads and tracks.

(iv) Housing

280. All housing regarded as rudimentary was replaced with decent housing, without preference between individuals or region: between 2001 and 2004, 26,374 rudimentary homes were replaced, 68 per cent in rural areas, at a cost of 124 million dinars.

(v) Education

281. In Tunisia, schooling is compulsory for all children without distinction until the age of 16. It is guaranteed for 99 per cent of children of school age, boys or girls, rich or poor, in urban or rural areas, irrespective of descent.

282. Between 1993 and 2005 the National Solidarity Fund built 130 basic rural schools or 8.1 per cent of a total of 1,603 schools. These schools are open to all children of school age, without any exclusion or distinction.

(vi) Health

283. In the area of health, from 1993 to 2005 the National Solidarity Fund built 139 basic care dispensaries or 43.17 per cent of a total of 322 dispensaries.

284. These dispensaries offer all populations in the localities concerned basic health care, without exclusion or preference among patients.

(vii) Contributions and donations

285. Thanks to the National Solidarity Fund, national solidarity is an integral part of Tunisians' daily lives. Social awareness has become a requirement of civilization and, as such, is enshrined in the Constitution, where it is set forth as a commitment of the State and society as a whole.

286. This is reflected in the increase in the amount of donations, from 5 million dinars in 1994 to 28 million in 2005.



### Number of donors and change between 1994 and 2005

National day of solidarity	Number of donors	Amount of donations (millions of dinars)
8 December 1994	182 072	5 112.544
8 December 2005	3 746 741	28 092.157

#### (viii) Digital solidarity

287. Digital solidarity is a new form of national solidarity. It is intended to promote knowledge of the digital culture in less favoured areas, without exclusion or distinction.

288. In 2005, nearly 2,200 computers were distributed to students from needy families, without any other criteria being taken into account.

289. Similarly, a second set of computers was distributed in 2006, and 3 million dinars were earmarked for this distribution from the National Solidarity Fund budget.

#### (ix) From National Solidarity Fund to World Solidarity Fund

290. For a long time, the success of the National Solidarity Fund has gone beyond the frontiers of Tunisia. In the light of its results and the extent of poverty in the world, on 25 August 1999 President Ben Ali called for the creation of a World Solidarity Fund to help to combat poverty in the poorest regions of the planet, and to assist world peace and development. His appeal was repeated in September 2000 at the Millennium Summit.

291. Welcomed by many regional and international bodies and institutions, the Tunisian initiative was adopted on 20 December 2002 by the General Assembly of the United Nations, when it created the World Solidarity Fund for Poverty Eradication.

292. Steps are being taken to make the Fund operational, particularly following the announcement by President Ben Ali on 10 December 2004 of his decision to allocate 10 per cent of the contributions received by the National Solidarity Fund so that it can begin its activities.

#### (x) The National Solidarity Fund, component of a national system of solidarity

293. The National Solidarity Fund is a vital component of a national solidarity system designed to enable all Tunisians in need to benefit from the system's operations. The system comprises a range of mechanisms introduced between 1992 and 1999:

- The National Solidarity Fund, established in December 1992;
- The Tunisian Solidarity Bank, established in 1997;
- The system of microcredit granted by associations, established in July 1999;
- The 21-21 National Employment Fund, established in December 1999.

294. These multifaceted solidarity mechanisms are intended to consolidate human rights.

295. The success of the National Solidarity Fund experiment prompted the authorities, in 1997, to set up the National Solidarity Bank with a view to facilitating access to microcredit, particularly for developers, craftsmen and male and female higher education graduates with limited financial resources, who do not have the necessary collateral to obtain conventional bank loans. By the end of 2000, the Bank had granted 31,126 microcredits totalling 127 million dinars (handicraft industry, small trades, farmers and various services). As for the beneficiaries, 78 per cent were 40-year-old entrepreneurs, 28 per cent were young people and 9.8 per cent were university graduates.

296. With regard to **workers' right to social security**, bilateral social security conventions have been concluded with France, Belgium, the Netherlands, Luxembourg, Italy, Germany, Austria, Algeria, Morocco, the Libyan Arab Jamahiriya and other countries. Tunisians residing in countries with which Tunisia has not concluded bilateral social security conventions (Gulf States, Scandinavia) are covered by Decree No. 89-107 of 10 January 1989.

297. In respect of the **right to equal participation in cultural activities**, Tunisia is committed to ensuring the optimum conditions for the effective exercise of the right of all to participate in cultural activities without any form of discrimination or exclusion.

298. During this period, the geographical and social coverage of cultural events and activities and festivals has increased considerably, throughout the country, even in the remotest areas; they target every category of society, including the fringes. This has been made possible by a policy of decentralization and democratization of culture and the establishment of regional cultural centres.

299. Regarding the **right of access to any place or service intended for use by the general public**, Tunisian law guarantees the right of all citizens to public services and ensures their right of access to all places open to the public on an equal footing and without any discrimination.

### **3. Welfare provision for vulnerable categories**

300. Welfare provision for vulnerable categories is totally free from discrimination. Tunisian policy on social promotion is based upon constitutional principles that emphasize tolerance, social solidarity, and full and effective participation by all in the construction of a society free from all forms of discrimination, exclusion and marginalization.

301. In this context, particular attention is paid to social categories with special needs, in order to foster and promote their social integration.

#### **(a) The protection and promotion of the disabled are national responsibilities**

302. The recognition of the principle of national responsibility in respect of the rehabilitation, education, teaching and vocational training of disabled persons has been illustrated by specific measures included in the legal arrangements introduced to reform certain sectors, in particular.

303. General Principles Act No. 2002-80 of 23 July 2002, on education and schooling, which provides that “the State guarantees the right to free education in State schools for all those of school age and equal opportunities in the enjoyment of that right for all pupils, as long as they are able to pursue their studies on a regular basis in accordance with the regulations in force”.

304. Act No. 93-10 of 17 February 1993, containing the General Principles Act on vocational training, provides in article 4 that “special measures should be taken for the training of persons with disabilities”.

305. Act No. 94-104 of 3 August 1994, on the organization and development of physical education and sporting activities, states in article 13 that “any centre for the education or training of the disabled must work towards the establishment of a sports association subject to mandatory affiliation to the National Sports Federation for Persons with Disabilities”.

306. Tunisia has deployed considerable resources in order to ensure citizens’ well-being and physical and mental health. In this context, prevention is seen as a key component of sectoral policies, including in the areas of health, social advancement and social security, employment and the environment.

307. The work of the State in formulating national policies and sectoral strategies for prevention, protection, integration and advancement in respect of people with disabilities is supported by the Higher Council for the Protection of Disabled Persons, chaired by the Prime Minister.

308. The Council is required to present to the President of the Republic an annual report on its work containing proposals regarding the various policies and strategies on disability.

309. Tunisia has adopted programmes and deployed significant material and human resources for the social integration of persons with disabilities.

310. In this context, the 2003/04 school year saw the start of a national school mainstreaming programme for children with disabilities which enabled them to pursue their studies in 159 ordinary schools. The current number of mainstreamed pupils is estimated at around 600.

311. Preschooling is provided in ordinary kindergartens or, if necessary, in specialized centres.

312. The State has made a considerable effort to equip receiving schools with the necessary human and material resources and to ensure an accessible school environment and appropriate curriculum content.

313. Children who cannot be mainstreamed in ordinary schools owing to the degree of their disability attend institutions specializing in the education, rehabilitation and vocational training of disabled people. There is a schedule of conditions pertaining to the establishment of such institutions.

314. These centres provide comprehensive care which is expected to combine medical, psychological, social, educational, academic, occupational and leisure programmes for the disabled persons enrolled there, with a view to developing all their intellectual, emotional and physical potential to the fullest possible extent and enabling them to acquire a maximum of independence in everyday life so as to ensure their integration in society.

315. There are now eight State-run centres catering for various types of disability and 235 centres run by associations, which work with nearly 12,660 pupils with disabilities.

316. The work of the specialized centres run by associations is funded mainly through State subsidies and contributions from social security funds to the costs of care for disabled persons who have social insurance.

317. The costs of care for children with disabilities who do not have social insurance are borne by the State.

318. Social security fund contributions were raised in 2003 from 600 to 700 dinars per year per child and the State contribution was raised from 400 to 500 dinars.

319. State and social security fund contributions to home care for children with severe disabilities were raised from 800 to 900 dinars per year per child.

320. Action has been taken on behalf of disabled people through a series of measures including:

- Creation in 1989 of a special account for the advancement of persons with disabilities, into which taxes on monopoly products and postal services are paid. The fund financed from this account pays out an allowance to needy disabled persons who are not fit for work and assists in the creation of sources of income and the provision of prosthetics;
- Implementation, starting in 1998, of two presidential programmes for the upgrading of institutions specializing in the education, rehabilitation and vocational training of persons with disabilities. A third programme will be carried out in 2006;
- Strengthening of community life and incentives to associations working with people with disabilities. These associations receive technical and financial support from the State, which provides them with teaching and technical staff, grants an annual subsidy earmarked for recruitment of specialist staff, and provides buses to enable them to extend coverage of special education needs to a large number of disabled people.

321. Integration into the workforce is a national priority and a number of steps have been taken to encourage the employment of people with disabilities, including:

- Enrolling young people with disabilities in vocational training centres for training leading to a qualification;
- Creation of a network of sheltered workshops and occupational support centres allowing young people with severe disabilities to obtain a qualification;

- Establishment in 1993 of the Occupational Rehabilitation Centre for the Physically Disabled and Incapacitated. The basic mission of the Centre is the rehabilitation of the physically disabled and permanently incapacitated in order to facilitate their reintegration into working life;
- Establishment of a national programme to create sources of income with a view to reducing unemployment among the disabled and providing additional job opportunities: 13,250 projects have been carried out under this programme since its inception in 1987, at an estimated cost of 18.3 million dinars;
- Creation of the Tunisian Solidarity Bank, which has helped enhance employment opportunities for disabled young people, including those with a professional qualification;
- Establishment of a national programme to enhance the employability of disabled people through training under the National Employment Fund (21-21).

322. A recently adopted new General Principles Act (Act No. 2005-83 of 15 August 2005 on the advancement and protection of people with disabilities) is designed to guarantee equality of opportunity between disabled and other persons and to protect them against all forms of discrimination.

323. Under this Act, any measures or acts that result in exclusion or could cause a reduction of opportunities or harm to disabled persons shall be considered discriminatory.

324. The Act also provides that special incentives aimed at ensuring effective equality of opportunity and treatment between persons with disabilities and others shall not be considered discriminatory.

325. Within this framework, a series of measures have been taken to ensure disabled people's full and effective participation in society, including:

- The introduction in 2005 of a special jobs programme for people with disabilities;
- The requirement that companies employing more than 100 people set aside 1 per cent of jobs for disabled people.

326. In addition, article 1, paragraph 2, of Decree No. 2005-3087 establishing the conditions and modalities for the employment of people with disabilities, identifies establishments subject to a hiring requirement.

327. The same Decree also provides for exceptions and alternatives to direct employment, employment incentives and procedures for monitoring the implementation of Act No. 2005-83.

328. Furthermore, needy disabled persons who are clearly physically incapacitated or have no family support may be placed with a foster family if desired.

329. Under current legislation (Decree No. 2005-3088 of 29 November 2005, establishing the conditions for granting material assistance to needy disabled persons, the modalities of placement in foster homes and the modalities of financial support to families fostering unsupported disabled persons), the foster family is required to guarantee proper treatment of the person concerned. In return the State grants the family financial assistance to meet the person's substantial needs.

330. Further progress was made in terms of disabled persons' health in 2005, when social security institutions began covering the patient's contribution payable for medical care in health institutions by disabled persons covered by social insurance and disabled dependants of insured persons.

331. In addition, a Presidential prize was established in 2005, to be awarded annually to individuals, local communities, non-governmental institutions or organizations, or associations, that have contributed directly or indirectly to the development of programmes or projects to facilitate the integration of persons with disabilities in order to enhance their education, training and employment or improve their environment; or to give them the opportunity to participate in sporting, cultural or leisure activities or to make use of communications technologies or extend their access to new technologies; or in any other way help strengthen the culture of integration and the principle of equal opportunities.

#### **(b) Protection of children in difficult situations**

332. In order to ensure conditions conducive to children's development in general, and in particular the development of children at risk, Tunisia has ratified the Convention on the Rights of the Child. It has also enacted a Child Protection Code (Act No. 1995-92 of 9 November 1995 on publication of the Child Protection Code), which focuses in particular on the need to promote mechanisms for the protection of children as a vulnerable group, the consideration of children's best interests in all proceedings affecting them and children's involvement in all decisions concerning them.

333. Tunisian law (Child Protection Code, art. 20) defines the situations that may expose children to moral or physical danger and which therefore require special care and attention.

334. Thus, abandoned and vagrant children, children who have no family support or are generally ill-treated, those who do not receive a proper upbringing or protection, and those who are exposed to sexual exploitation or exploitation through organized crime, begging or other economic exploitation, are deemed to be at risk.

335. Tunisian law (Criminal Code, arts. 227 bis, 228 and 229) also provides for prison sentences of 5 to more than 20 years in cases of indecent assault on children of either sex.

336. Furthermore, in the area of juvenile crime, measures have been taken to strengthen the right of every citizen to equal treatment before the courts.

337. Thus, social workers are assigned to juvenile courts and required to help find solutions in cases involving juvenile offenders and to assist in reintegration.

338. A juvenile observation centre was set up in 1993 to study offenders' personalities and look into the factors and causes of their criminal behaviour prior to referral to the competent courts.

339. As a direct result of the establishment, in 1992, of a national programme for the protection of children and youth at risk, social welfare and integration centres (currently numbering 10) have been set up in densely populated regions. These centres are responsible, inter alia, for early detection of conditions and situations that might lead to criminal behaviour and social maladjustment, and for assisting with social and educational supervision of the target group, particularly school dropouts, and ensuring follow-up and social rehabilitation.

340. The programmes implemented by these centres focus on education and rehabilitation, family support to strengthen parenting skills, as well as psychological support.

341. These programmes take a rather special approach, a participatory one that involves people in actively developing plans for their own future and provides individualized support that takes into account the specific needs of each person.

342. A national programme of social work in schools has also been put in place, as a result of which 1,941 social welfare units have been set up in basic and secondary-level schools, along with 224 pupil counselling and orientation units in basic and secondary-level schools.

343. The State has consolidated this programme by providing psychologists to better identify the situations that could disrupt pupils' schooling.

**(c) Protection for children without family support**

344. Children without family support are a particular priority, as reflected, inter alia, in the establishment of the National Institute for Child Welfare to carry out studies and research into children's problems, particularly the problems of abandoned and maladjusted children, and in the light of those studies to recommend preventive measures and appropriate action to guarantee such children conditions conducive to healthy and harmonious development.

345. In this context, the Institute cares for children who are wards of the State and facilitates their placement in families for foster care, guardianship or adoption.

346. Action on behalf of children without family support was consolidated in 2003 by major presidential decisions on, inter alia, legal issues (Act No. 2003-51 of 7 July 2003 amending and supplementing Act No. 98-75 of 25 October 1998 on the granting of a surname to abandoned children or children of unknown parentage), and organizational issues in respect of abandoned children and children of unknown parentage, by establishing an obligation to provide a surname to such children.

347. A national commission and regional commissions have been set up to monitor these children and enable them to enjoy this right.

348. In accordance with these decisions, the monthly allowance provided to families who provide foster care has been increased from 75 dinars per month to 100 dinars; the allowance is 120 dinars if the child is disabled.

349. In addition, single-parent families receive special support through measures enabling them to provide their children with adequate care and education, in close cooperation with the network of associations.

350. The number of associations working with children without family support and single-parent families, as well as in the areas of prevention, protection and social integration, and social and cultural services, continues to grow. These associations receive financial and technical support from the State.

**(d) Poverty-reduction efforts**

351. In 40 years of development, Tunisia has experienced a continuous rise in the living standards of its citizens and a significant reduction in poverty levels (from 7.7 per cent in 1985 to 6.2 per cent in 1995 and 3.9 per cent in 2005), thanks to a comprehensive development campaign that has had redistributive effects, as well as the implementation of a series of measures and actions that have directly and indirectly impacted the social environment.

352. Social policy in Tunisia focuses on three main objectives, namely:

- Paying special attention to the vulnerable and disadvantaged and those without family support in order to reduce poverty;
- Ensuring that those in need but able to work are brought into the production process in order to give them access to a reliable source of income;
- Ensuring the effective management of social programmes in order to increase social equity.

353. To achieve these objectives, Tunisia has established various economic and social development programmes, including the National Programme of Assistance to Needy Families, the Programme of assistance to persons with disabilities who are unable to work and the Standing Programme of assistance to elderly, disabled persons lacking family support. These programmes currently benefit 121,000 needy families. Financial allocations to these programmes for 2005 amounted to around 60 million dinars.

354. The establishment of a poverty register and an information system for socio-economic integration and rehabilitation has helped improve the targeting of poverty-reduction programmes and coordination between the various partners.

355. In exceptional cases, grants are also provided to needy individuals and families to enable them to cover additional expenses occasioned by religious holidays and the start of the school or university year, and at times of hardship.

356. At the start of the 2005/06 school year, grants of this kind were provided to 405,327 school and university students, to a total of 12.2 million dinars.



357. Particular attention is paid to children of preschool age from needy families: 105,000 children a year receive socio-educational and health benefits at 234 special centres located around the country in rural and suburban areas.

358. Access to free or low-cost care (depending on family situation) in the public health system reflects the desire to ensure the best possible health coverage for needy people with limited income, who are not covered by social security.

359. A strict selection procedure for the scheme, coordinated with the various partners, notably the social security funds, has been introduced in order to facilitate identification of those entitled to low-cost care cards.

## **VI. INFORMATION RELATING TO ARTICLE 6 OF THE CONVENTION**

360. Article 6 provides that States parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate their human rights and fundamental freedoms contrary to the Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

361. The Tunisian legal and political system includes a number of principles, texts and bodies guaranteeing to everyone effective protection and remedies, judicial and otherwise, against any acts of racial discrimination and violations of their human rights.

### **A. Effective extrajudicial remedies**

362. The High Committee on Human Rights and Fundamental Freedoms is a national human rights institution made up of representatives of ministerial departments (one third) and independent persons (two thirds). It can consider complaints and grievances from individuals or NGOs, investigate allegations of human rights violations and make proposals to improve legislation and practice. It publishes an annual report on its work and a national report on the human rights situation in Tunisia.

363. The role of the Ombudsman is to receive individual applications from citizens and NGOs concerning administrative problems encountered by members of the public in their dealings with public services or civil servants; the Ombudsman is also authorized to put proposals to the President of the Republic.

364. The Office of Human Rights Coordinator was established in 2002 in the Ministry of Justice and Human Rights to deal with various issues in conjunction with the human rights units of the ministries concerned, in particular the Ministry of Justice and Human Rights, the Ministry of the Interior and Local Development, and the Ministry of Foreign Affairs. This important Office strengthens the effectiveness of human rights protection.

### **B. Effective judicial remedies**

365. In order to guarantee to all citizens effective remedies against any violations, the Tunisian judicial system is based on a set of principles including, in particular, the equality of all citizens

in the public administration of justice, without discrimination of any kind whatsoever. Moreover, free access to the courts has been strengthened by the abolition of the registration fee and counsel's hearing fee, both in the courts of law and in the administrative courts.

366. Similarly, the office of referring judge has been established in all courts of first instance. A judicial officer from the Public Prosecutor's Office is responsible for providing citizens with any information they need, particularly information concerning procedure. These measures apply equally to all subjects of law, without discrimination.

367. There are also judicial bodies to monitor and put a stop to all discrimination. For example, article 63 of the Telecommunications Code, as supplemented by Act No. 2002-46 of 7 May 2002, established the National Communications Board, a regulatory body responsible in particular for adjudicating disputes between network operators.

368. The Board is an independent administrative authority and its decisions are subject to appeal only in the Court of Appeal in Tunis. Two members of the National Communications Board are professional judges.

## **VII. INFORMATION RELATING TO ARTICLE 7 OF THE CONVENTION**

369. Under this article, States parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention.

370. In the firm conviction that tolerance must prevail in attitudes and be reflected in behaviour, and that discriminatory attitudes and behaviour are unacceptable, the Tunisian State reinforces human rights education year by year at the various levels of education and training for young people and law enforcement officers.

### **A. Education and teaching**

371. Numerous measures have been taken by Tunisia to teach human rights in schools and universities and introduce young people to tolerance and cultural pluralism.

#### **1. Secondary education and non-discrimination**

372. The Act of 29 July 1991 on reform of the education system was based on two fundamental principles, namely free education, in order to ensure equal opportunities in the enjoyment of the right to education, and compulsory schooling for all children between the ages of 6 and 16, with due regard for co-education which is a manifestation of genuine equality and a means of combating discrimination. The Act also aims to prepare young people for a life in which there is no place for any form of discrimination or segregation based on sex, social origin, race or religion.

373. The Child Protection Code enacted on 9 November 1995 is based on general principles inspired by human rights ideals and seeks, among other things, to “raise children to be proud of their national identity and loyal to Tunisia, a land of history and achievements, and to feel that, as Maghrebians, they are a part of Arab and Islamic civilization, while at the same time immersing themselves in the culture of human brotherhood and openness to others, in accordance with the requirements of educational and scientific guidelines”.

374. On 23 July 2002 Tunisia adopted a new General Principles Act on education and schooling. The Act reaffirms the basic principles of Tunisia’s education system, in particular that it is free of charge at all levels and compulsory between the ages of 6 and 16, but also clarifies certain important aspects of the right to education. Under article 1, for example, “education is a fundamental right guaranteed to all Tunisians without discrimination on grounds of sex, social origin, colour or religion”.

375. Under article 4, the State is obliged to guarantee “equality of opportunity to all school pupils in the exercise of this right” and to “make appropriate arrangements to allow children with special needs to exercise this right”.

376. Also under article 4, “the State shall provide assistance to pupils from families of modest means”.

377. In order to enforce compulsory schooling, article 21 provides that “parents or guardians who fail to enrol their children in one of the basic education establishments, or who withdraw their children before the age of 16” shall be liable to penalties in the form of fines of up to 400 dinars.

378. To guarantee preschool education for all children, the Act provides for a “preparatory year for children aged 5 to 6” (art. 17) and requires the State to ensure the spread and promotion of preschool education.

379. The absolute priority accorded to education and the sacrifices made by the Tunisian people in order to guarantee education for all have borne fruit.

380. It is the narrowing of the gender gap that has made universal education a reality. The enrolment rate for girls increased from 91.5 per cent to 99.1 per cent between 1988/89 and 1998/99, an increase of nearly eight points in 10 years, which puts them on a par with boys.

381. The significant improvement in the productivity of the education system is reflected in the increased enrolment rate for children in the 6-12 age group. Here too, girls have made up much lost ground. Between 1988/89 and 1998/99, their enrolment rate rose by 11.4 points, from only 80.4 per cent to 91.8 per cent. In 2005/06, they moved slightly ahead of boys (97.1 per cent as against 97 per cent).

**Trends in school enrolment rates (State primary education)**

		2000/01	2001/02	2002/03	2005/06
Net enrolment rate (age 6)	Boys	98.8	99.0	99.0	89.9
	Girls	99.1	99.0	99.0	99.0
	Average	99.0	99.0	99.0	99.0
Net enrolment rate (age 6-12)	Boys	91.7	91.0	91.0	97.0
	Girls	92.2	91.6	91.2	97.1
	Average	92.0	91.3	91.1	97.1

382. The same trend can be observed in the 13-19 age group, where the enrolment rate rose from 50.2 per cent in 1994/95 to 71 per cent in 2001/02 (75.5 per cent for girls; 67 per cent for boys).

383. Several aid and support mechanisms have been put in place in order to guarantee universal access to school and equal opportunities for all children, including:

- Subsidizing the paper used in making school textbooks and exercise books in order to hold prices down to an affordable level within reach of all families. Needy pupils receive school materials free of charge, as well as study grants and many other forms of assistance. More than 400,000 pupils receive such support every year;
- Bringing education closer to people by continual extension of the network of schools in all regions of the country, particularly rural areas. Despite the significant drop in pupil numbers in primary school owing to birth control, the number of schools continues to increase and there has been no decline in the number of teachers.

School year	Number of pupils	Number of schools	Number of teachers
1996/97	1 441 143	4 388	59 623 (1 teacher to 24 pupils)
2001/02	1 314 836	4 476	59 884 (1 teacher to 22 pupils)
2005/06	1 120 425	4 492	58 281 (1 teacher to 19 pupils)

384. Of the total number of 4,492 schools, 2,725 are located in rural areas. Tunisia has thus now achieved parity between town and countryside.

385. In the interests of fairness and equal opportunity, a national programme of assistance to schools whose results are below the national average has been set up: 696 primary schools and 104 secondary schools have been designated “educational priority schools”, to which the principle of positive discrimination should be applied. Additional resources are provided to these schools to enable them to narrow gaps and make up lost ground. These human and material resources are intended to improve teaching and working conditions in such schools.

386. Introduction of a preparatory year for children under 5 as part of basic education: under the General Principles Act, the goal of preschool education is to “develop oral communication skills, the senses, psychomotor skills and a healthy perception of the body. It is also a means of introducing children to community life” (art. 16). A national plan has been adopted to introduce the preschool year systemwide by 2009.

387. There are two ways of integrating children with special needs, whose right to education is guaranteed by the Act (art. 4):

- Full integration, which allows children with “minor” disabilities to pursue their studies in regular classes at all levels of education;
- Partial integration, whereby special classes in regular schools cater for pupils with certain mental disabilities and hearing-impaired pupils.

388. However, most of the education for children with specific needs is currently provided in specialized centres dependent either directly on the State or on specialized organizations subsidized by the State and supported by the Ministry of Education and Training which makes specialized teachers and educators available to them.

389. Moreover, a national programme for integrating disabled children in schools has been established, and its implementation began in the school year 2003-2004.

390. The number of pupils benefiting from such integration is currently 3,728.

391. The content of such education is defined in article 3 which establishes as the primary function of the school that of instilling in pupils “all the values shared by Tunisians that are based on the primacy of knowledge, work, solidarity, tolerance and moderation. Education serves to guarantee the establishment of a society that attaches great importance to its cultural identity, is open to modernity and is inspired by humanist ideals and universal principles of liberty, democracy, social justice and human rights”.

392. In addition, article 8 on the educational function of the school defines the purpose of education as follows:

- To develop public-spiritedness in young people;
- To educate them in the values of citizenship;
- To strengthen their awareness of the indivisibility of freedom and responsibility;
- To prepare them to contribute to the consolidation of the foundations of a society based on solidarity, justice, equity, and equality of the rights and duties of citizens;
- To develop the personality of the individual in all its dimensions: moral, emotional, mental and physical;
- To refine their talents and abilities and guarantee them the right to build their character in a manner which sharpens their critical faculties and will, so as to develop in them clear-sightedness, self-confidence, a sense of initiative and creativity;

- To raise young people to appreciate effort and the love of work as moral values and as decisive factors for the development of autonomy and the building of personality; and to foster in them the desire for excellence;
- To educate pupils to respect common values and the rules of social fellowship.

393. With its republican and democratic tradition, Tunisian education has a clearly established emancipating role. All the articles of the new Act are underpinned by the concern to form free, open-minded and tolerant citizens.

394. Whether in terms of curricula, teaching methods, or school management structures, everything is designed to promote acquisition of the attributes of active and responsible citizenship. The participation of all stakeholders and the fostering of initiative are the intended goals of all the mechanisms put in place to carry out the reform.

395. The Child Protection Code is based on general principles inspired by the ideals of human rights and seeks, inter alia, to “raise children to be proud of their national identity and loyal to Tunisia, a land of history and achievements, and to feel that, as Maghrebians, they are part of Arab and Islamic civilization, while at the same time immersing themselves in the culture of human brotherhood and openness to others, in accordance with the requirements of educational and scientific guidelines”.

396. Moreover, in order to improve the supervision of human rights education and ensure the dissemination of culture, on 4 April 1996 Tunisia decided, in the context of the United Nations Decade for Human Rights Education (1995-2004), to establish a National Commission for human rights education. Chaired by the Minister of Education, the Commission includes representatives of ministries and organizations concerned with human rights issues, as well as associations that campaign for the ideals of human rights.

397. Human rights education is included in all curricula and especially in all subjects that have a specific bearing on such matters, including civic education and languages and literature.

398. The Ministry of Education and Training watches out for any manifestations of discrimination and intolerance.

## **2. Higher education and non-discrimination**

399. Higher education seeks to eliminate all forms of discrimination, starting from the premise that the aim of education must be the full development of the human person and respect for human rights and fundamental freedoms.

400. In the area of higher education, Tunisian legislation places emphasis on understanding, tolerance and friendship between all nations, all races and all religions. It has always demonstrated a commitment to adhere to the requirements of international law, especially articles 2, 3 and 13 of the International Covenant on Economic, Social and Cultural Rights and articles 2 and 25 of the International Covenant on Civil and Political Rights.

401. Although Tunisia is not rich in natural resources, it attaches maximum importance to its human resources which constitute its real wealth. In this context, it strives to guarantee a place at university for all students holding a school leaving certificate without any exception or discrimination, while establishing universities in all the regions.

### **Non-discrimination between students or the guarantee of a university place for school leavers**

#### **Up-to-date higher education statistics**

402. In the academic year 2005/06, there were 320,684 university students, compared with only 1,000 in 1987.

403. This development is the result of a slowdown in the rate of population growth and the constant increase in the percentage level of success in the baccalaureate. It is also explained by the political will to ensure a university place for any school leaver who has passed the baccalaureate and to provide for the steady improvement of the performance of higher education.

#### **University places for foreign students**

404. Recently, 2,732 foreign students were enrolled in Tunisian universities, which means that Tunisia has opened its doors to students from practically all the countries of the world (73 nationalities are represented). This proves that Tunisian university courses are in demand in foreign countries. It also proves that the agreements between Tunisia and other countries in the area of higher education have not remained a dead letter.

#### **Equality between the sexes**

405. Commensurately with social and economic changes in Tunisia, there has been a steady increase in female enrolment. The percentage of female students has grown considerably since the change of 1987: from 37.2 per cent in 1987-1988, it reached 58.2 per cent in 2005-2006 (when the number of female students was significantly higher than that of male students for the first time in the history of contemporary Tunisia).

406. This major change has had an impact on the university enrolment rate for the 19-24 year age group (irrespective of sex), which has seen a sharp increase: from 5.5 per cent in 1997 to 19 per cent in 1999-2000 and 42 per cent in 2005-2006.

#### **Trends in higher education enrolment**

Academic year	Male students %	Female students %	Total %
1987	4	7	6
1993	9	13	11
1997	13	15	14
2002	23	26	25
2003	25	31	28
2004	-	-	31.7
2005	-	-	42

407. As a result of these developments, women today occupy a prominent place in the ranks of higher education administrators. Indeed, the proportion of women members of the university teaching staff rose from 16.8 per cent in 1987 to 28 per cent in 1997 and 40.2 per cent in the academic year 2004-2005.

**Lack of regional discrimination between students or the extension of universities to all regions**

408. The decentralization of institutions marks the culmination of trends in the Tunisian system of higher education. Since 1990, it has been driven by a policy aimed at streamlining the creation of new institutions, in accordance with the following principles:

- To bring universities as close as possible to the places where students live;
- To relieve the pressure on traditional centres of university education, particularly the capital;
- To establish new centres of university education in all regions of the country;
- To contribute to the social and economic development of the regions.

409. As a factor in economic and social development, universities must have a presence in all regions, without any discrimination. This new configuration is to be achieved in stages, and to be integrated into an overall vision for the future, which will be implemented in accordance with means and priorities. In addition to its multidisciplinary nature, every university is required to promote standards of excellence in relation to its field of specialization, as a reflection of the human resources at its disposal and its foothold in the socio-economic environment.

410. For all these reasons, the President of the Republic decided to establish the universities of Manouba, Gabès and Jendouba and to restructure the three universities in Tunis. In 2004, he ordered the establishment of the universities of Gafsa, Monastir and Kairouan. He also ordered the extension of the network of higher technology institutes (Instituts supérieurs des études technologiques - ISET) so as to cover all governorates: each newly created university should take account of the needs and particularities of each region.

411. These institutes are open to the regions and interact economically and culturally with their surroundings, consolidating the position of the university as a focal point.

412. There are today 178 higher education institutions, 155 of which are run by the Ministry of Higher Education, while 23 are managed jointly with other ministries.

413. These institutions, which include 24 higher institutes of technology and 6 higher teacher-training institutes, are divided among 12 universities, not including the virtual university. These new creations have been characterized in recent years by the restructuring and diversification of long university courses and by the introduction of new short courses, closely reflecting the requirements of the job market, without prejudice to the position of general training in such courses, thus offering a university landscape that is both dynamic and diversified.



### **The manifestations of social solidarity as a key to success**

414. It cannot be denied today that social solidarity actively influences the future of society. It is through such solidarity that each and every citizen can ultimately realize his/her dreams and the dreams of the nation. Solidarity is one of the factors that bring individuals together. Accordingly, the Ministry of Higher Education has played a decisive role in implementing the policy established since the change of 7 November 1987 by taking stronger measures to democratize higher education.

415. The incentives offered to students since 1987 are revealing in this regard. The figures contained in the tables set out below illustrate this trend.

#### **National subsidies for students in Tunisia**

Scholarships	Number of scholarships awarded	Budget appropriation DT
2000	52 037	30 400 000
2001	59 701	32 200 000
2002	68 066	45 665 600
2003	80 995	47 089 944

University loans	Number of loans granted	Budget appropriation DT
2000	7 396	3 949 720
2001	5 971	3 499 240
2002	4 671	2 999 680
2003	5 123	3 199 260
2004	4 491	3 336 320
2005	7 257	4 433 640

#### **National subsidies for students abroad**

Scholarships	Number of scholarships awarded	Budget appropriation DT
1999	1 438	8 426 318
2000	1 548	10 832 518
2001	1 868	11 986 760
2002	1 950	12 568 038
2003	1 819	19 537 647
2004	1 925	22 458 668
2005	1 581	24 439 674

University loans	Number of scholarships awarded	Budget appropriation DT
1999	538	831 000
2000	557	803 000
2001	555	1 000 000
2002	547	1 000 000
2003	541	1 000 000
2004	626	1 200 000
2005	620	1 200 000

Social welfare grants	Number of scholarships awarded	Budget appropriation DT
1999	42	64 000
2000	32	50 000
2001	24	40 000
2002	72	102 645
2003	47	50 000
2004	53	81 550
2005	114	94 000

### **Human rights teaching in all Tunisian higher education institutions**

416. Freedom and democracy need a mass culture and extensive promotion of education and information. Legislation and mechanisms can no doubt protect human rights, but they are strengthened when they are supplemented by an educational and media strategy. Such action must be guided by universal principles of human rights.

417. In this connection, the Tunisian Government considers that one of the main essentials for the teaching of democracy consists of the dissemination of the culture of human rights on a wide scale, as well as civic education aimed at promoting human rights from primary school to university.

418. To this end, separate human rights courses were introduced at university level in Tunisia in 1996. These compulsory courses have been extended to all areas of training. Their aim is to educate and train students in respect for human rights and to acquaint them with the most recent achievements in this field.

419. All 178 higher education institutions in Tunisia provide human rights education in the form of lectures, integrated courses, tutorials or seminars. The objective is to ensure that the teaching method selected promotes the consolidation of the culture of human rights.

420. In 2003, the Ministry of Higher Education published a book entitled “The teaching of human rights in universities - selected texts”.

421. This handbook includes international texts: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. It also includes national texts: the Constitution of Carthage, and Aristotle's Opinion on that Constitution; the Fundamental Tunisian Covenant of 10 September 1857; the Tunisian Constitution of 26 April 1861; the Decree of 29 May 1890 on the abolition of slavery in the Regency; the 1959 Constitution of the Tunisian Republic with the latest reform of 1 June 2002; extracts from the Personal Status Code, the Child Protection Code, the Criminal Code, the Code of Criminal Procedure and the Press Code; extracts from the laws relating to associations, political parties, the guarantee fund for maintenance and alimony payments, the organization of prisons, the granting of legal aid, compensation of persons who have been held in pretrial detention or who have been sentenced and whose innocence has been proved.

422. The handbook also includes tables of international conventions, defining human rights standards administered by specialized bodies, bilateral judicial cooperation agreements between Tunisia and foreign countries and guarantee mechanisms for human rights in Tunisia.

423. The content of this work demonstrates the desire of the Ministry of Higher Education to train a generation of students imbued with humanitarian values.

424. Students have also submitted end-of-study dissertations and doctoral theses in the five Tunisian law faculties on the international instruments and mechanisms relating to the promotion and protection of human rights and on domestic legal procedures. Thus, the integration of the human rights module into the university training course has led to the emergence of a new research dynamic in the institutions of higher education.

### **3. Education and comparative approaches to religions and civilizations**

425. In Tunisia, the history of religion, comparative Fiqh and comparative religions are taught at the University of Ezzitouna. The academic training provided at Ezzitouna is not limited to the Islamic sciences but also covers the human sciences deemed necessary, such as sociology, psychology, anthropology and, above all, comparative religion. The latter discipline has become an end in itself in the university's curricula.

426. Ezzitouna places emphasis on the history of religions, human rights in sacred writings and inter-religious dialogue.

427. The aim is to enable the student to acquire a familiarity with cultures and civilizations and to empower him to enrich human thought.

428. Ezzitouna University also seeks to implant the culture of tolerance, solidarity, concord and social fellowship. The Comparative Religion Club at the same university strives to disseminate the same ethical principles.

429. Similarly, student cultural activities are used to instil humanitarian values and understanding of the multifaceted history of Tunisia.

430. In November 2001, Tunisia also established the “Ben Ali Chair for the dialogue of civilizations and religions”. This university Chair contributes to promoting action in favour of human well-being, security and stability. Its purpose is to step up efforts to deepen the dialogue between religions, civilizations and cultures, and to disseminate the values of moderation, tolerance and solidarity between individuals, groups and peoples.

431. Moreover, Tunisia has organized a number of international seminars dealing with dialogue and peaceful co-existence in the world, based on the aspiration to live a civilized life in a healthy national and international environment governed by solidarity and serving to promote sustainable development.

432. In addition, research units and laboratories concerned with religions and civilizations have been set up in the Tunisian universities in order to strengthen and develop scientific research in this field. For example, a unit on comparative religion was established in the University of Ezzitouna. It is made up of professors, researchers and doctoral students from all the Tunisian universities. Doctoral theses and master’s degree dissertations have been submitted on this theme.

433. Another research unit, entitled “History and Memory”, has been set up in the University of Manouba. It takes a fresh approach to the phenomena of history, looking at them in relative rather than absolute terms, and reflecting on them from the standpoint of tolerance.

## **B. Culture and information**

434. Tunisia has made human rights one of the cornerstones of its civilization project, confirming human rights principles, disseminating human rights culture and expanding the area of human rights protection, both in legislation and in practice. Intense efforts are deployed to promote media coverage in order to contribute to the strengthening of the values of democracy and pluralism, the consolidation of the ability of the media to adapt to the major civilizational changes Tunisia is undergoing, on the one hand, and to the international developments calling for an objective focus in the treatment of events and the presentation of information and ideas, on the other.

435. Tunisia endorses article 19 of the Universal Declaration of Human Rights, a provision of concrete and fundamental importance, since it lays down a condition essential to the existence of the information and communication society, which is based on human rights. The article in question requires that everyone should have the right to freedom of opinion and expression and the right to seek, receive and impart information and ideas through any media and regardless of frontiers (Declaration of civil society at the World Summit on the Information Society, Tunis 2005).

436. In order to promote the information sector while ensuring that it carries out its work as efficiently as possible, amendments to the Press Code have been made on three occasions, with the aim of ensuring that journalists are free to discharge their role and that they enjoy the benefit of an appropriate environment in which to carry out their work, in a context of objectivity and honesty.

437. The promotion of information in Tunisia is an uninterrupted process; it goes hand in hand with the changes being experienced by our country and the surrounding world, on the basis of faith in the organically interdependent relationship between peace, security and development, for the sake of reducing excessive imbalances between countries and peoples and forestalling the dangers of extremism, violence and terrorism.

438. In accordance with the principles aimed at eliminating racial discrimination, as set forth in the International Covenants to which Tunisia has acceded, article 44 of the Press Code, as amended by Organization Act No. 93-85 of 2 August 1993, extended the penalty prescribed for incitement to racial hatred to all those who spread opinions based on racial segregation. Similarly, with the aim of consolidating human rights and disseminating values of tolerance, the same penalty now also applies to proponents of religious extremism.

439. The liberalization measures introduced by the Government since 1987 have benefited all the media and have given a particular fillip to the opposition press.

440. The Tunisian media landscape is today characterized by diversity and pluralism. The number of national publications and periodicals continues to increase: approximately 250 national publications and 950 foreign newspapers and magazines are available in Tunisia. There are currently 973 local journalists and more than 70 foreign correspondents working in the country.

441. In order to ensure that the information sector reflects the specific characteristics of Tunisian society and its concerns and ambitions, by guaranteeing individuals' right to information and ensuring fluidity in the circulation of data without obstacles or impediments, the media landscape has recently been enriched by the launching of a cultural radio station and has been opened up to private initiative through the establishment of two private radio stations and one private television station: Radio Mosaïque FM, Radio Jawhra and Hannibal TV.

442. Similarly, to facilitate the working conditions of the media and strengthen their transparency, an Organization Act, amending the Press Code and repealing the statutory deposit requirement and the penalties for non-compliance therewith in relation to the press was enacted in 2006.

443. Moreover, in the context of the strong political commitment to give more encouragement to pluralism in the media environment, to expand the space for dialogue, to stimulate private initiative and to improve working conditions and the situation of journalists, new financial incentives for the consolidation of party newspapers have been ordered to strengthen their role in building the foundations of a liberal and democratic society.

444. The principles and values underpinning Tunisian policy, which is based on promotion of the individual, the development and promotion of human resources and consolidation of the social fabric, and which advocates closer relations between peoples, peace, concord and tolerance in the world, are given expression by Tunisian journalists who play a major role in informing and enlightening public opinion on humanitarian development objectives and the far-reaching changes affecting society on the path to democracy, social progress, modernity, and the protection and promotion of human rights.

## **2. Communication technologies and non-discrimination**

445. In recognition of the constitutional principle of freedom of association, and in the context of the dissemination of digital culture, the State constantly promotes the role of civil society by providing incentives for the establishment of specialized associations throughout the country through grants and the free hosting of websites with a cultural, educational and scientific content.

446. In connection with the introduction of communication technologies without any discrimination, Tunisia offers an opportunity to all domestic and foreign investors to participate in the provision of telecommunication services under operator concessions.

447. Concession-holders are selected in accordance with objective competition procedures (article 18 et seq. of the Telecommunications Code enacted by Act No. 2001-1 of 15 January 2001).

448. Pursuant to the above-mentioned provisions, in 2004 the Tunisian State granted three concessions to foreign operators, two for the installation and operation of public digital mobile telephony networks in 2001 and 2004, and one for data transmission.

449. The legislation in the sector in question has gone further to give the users of public telecommunication networks the benefit of the opportunities offered by the new technologies, while at the same time protecting the rights of those users by Act No. 2000-83 of 9 August 2000 on trade and electronic commerce, which provides for specific mechanisms to protect personal data exchanged on the networks via a system for the creation and identification of electronic signatures.

450. Similarly, with a view to human resources development, and pursuant to Act No. 99-100 of 13 December 1999 on information, training, documentation and study centres, the Ministry of Communication Technologies set up one of these centres under Decree No. 2000-2827 of 27 November 2000, in order, inter alia, to provide continued training and retraining for staff in the sector and occupational adaptation for new recruits, by organizing readaptation courses for interested young people in order to facilitate their rapid and effective integration.

451. The work of this centre complements that of the higher education establishments supervised by the Ministry of Communication Technologies, i.e., the Tunis Communications College and the Tunis Higher Institute of Communication Technology Studies, so as to prepare the young people for occupational life and facilitate their integration into the labour market.

452. The right of access to all places and services intended for public use is guaranteed to all interested persons. Indeed, article 3 of the Telecommunications Code recognizes the right of every individual to benefit from telecommunication services. This right is given effect through access to basic services throughout Tunisian territory, access to other types of services depending on areas of coverage, freedom to choose the provider of telecommunication services and access to basic information relating to the conditions of supply of telecommunication services and their pricing.

453. The above-mentioned Code, together with its implementing texts governing the provision of telecommunication services, establishes the principle of equality of access to telecommunication services, a basic principle binding on service providers and operators.

454. These texts provide for specific measures to ensure non-discrimination towards all persons, particularly the disabled as regards equipping public communications centres (fixed telephony or Internet) with dedicated entrances to facilitate disabled access; in case this cannot be done, the operators concerned will be required to assign one of their staff to facilitate such access.

455. In addition, and again with a view to guaranteeing the possibility of access to telecommunication services for all citizens, the State intervenes to regulate tariffs for basic services, by setting maximum rates while granting a compensatory payment to the operators concerned.

456. Under its policy of affording digital opportunity to all citizens, the State has set the objective of providing 1 million computers to outstanding pupils and students, and of giving every citizen an electronic address by the end of 2009.

457. In addition, the authorities in the sector are stepping up their efforts to offer Internet services to all users by means of a network that would connect all the regions through the use of broadband ADSL, and to improve connection capacity in order to achieve 50 per cent coverage of the population. To this end, and so as not to isolate rural areas and deprive them of the opportunities offered by the Internet, the Tunisian State has introduced a reduced tariff for connecting public Internet centres sited in those areas.

458. In this connection, article 7 of Act No. 98-38 of 2 June 1998 on the Postal Services Code includes among the conditions for operating basic postal services the obligation to have enquiry points for users throughout the territory of the Republic, that are open on working days, and to ensure the equality of all users in respect of the provision of such services.

459. The regulations in force in this area also give particular attention to the disabled by requiring providers of postal services to equip public postal centres with dedicated entrances for easy access by the disabled.

460. It is clear that Tunisia's commitment to a free and non-discriminatory information society is a firm and unconditional commitment. This was attested at the Summit organized in Tunis at the end of 2005.

461. Indeed, under the terms of its resolution 56/183 (21 December 2001), the United Nations General Assembly approved the holding of the World Summit on the Information Society (WSIS) in two phases, the first of which was held in Geneva (Switzerland) from 10 to 12 December 2003, and the second in Tunis from 16 to 18 November 2005.

462. The objective of the Tunis phase was to implement the Geneva Plan of Action and to achieve solutions for the conclusion of agreements on Internet governance, financing mechanisms, etc., and to reduce the digital divide between the populations of the North and the South.

### 3. Culture of tolerance and non-discrimination

463. Tunisia, a country with a great civilization and thousands of years of history, has a profound and homogeneous identity. The preservation and consolidation of that identity form a strategic priority of its cultural policy. This choice does not contradict the equally important requirement of openness to other cultures, respect for differences, dialogue and exchanges with other peoples, and the prohibition of all forms of cultural intolerance and chauvinism.

464. The holding in Tunisia in 1995, under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO), of the International Conference on the Teaching of Tolerance in the Mediterranean Area, and the Declaration adopted by the Conference, known as the Carthage Declaration, recognize Tunisia's unswerving commitment to respect these principles.

465. The Tunisian media (television channels, radio and written press) play an important role in disseminating to the public the values of non-discrimination, tolerance, openness and respect for differences.

466. The Ben Ali Chair for the dialogue of civilizations and religions, referred to above, which was established in November 2001, has held a number of symposiums, seminars and round tables, including the following:

“The dialogue of civilizations in the Mediterranean”, January 2002  
(Sebastiano Maffetone);

“Builders of civilization in the Mediterranean”, January 2002;

“Islam and the law”, April 2002;

“Tolerance in Tunisia: from Carthage to Kairouan”, July 2002;

“The Ben Ali Chair for the dialogue of civilizations and religions: reference principles and objectives”, November 2002;

“Tunisia, meeting place and crossroads of civilizations”, October 2002;

“The meeting of the three great Abrahamic religions in Jerusalem (Al-Quds). What past? What future?”, October 2002 (Father Michèle Lelong);

“Tolerance in order to bring about closer relations and solidarity between peoples”, December 2002 (international symposium);

“Carthage and its civilization”, January 2003;

“Tunisia - 3,000 years of art and history”, February 2003;

“Dialogue of cultures”, April 2003;



“Islam and Christianity in the time of Haroun Al-Rachid and Charlemagne”, May 2003 (Pierre Riche);

“Tunisia, cultural diversity and values”, September 2003;

“For a culture of peace”, September 2003 (round table);

“The dialogue of civilizations: the thoughts of President Ben Ali”, October 2003;

“For an inter-religious dialogue”, October 2003;

“Tunisia, host country and crossroads of civilizations”, October 2003;

“Islam and Christianity: building a future together”, February 2004 (international symposium);

“Promoting peace and tolerance between peoples”, March 2005;

“Learning about the Other. How? Why?”, April 2005;

“For dialogue between Abrahamic religions”, March 2005;

“Tolerance or acceptance of the Other”, May 2005;

“Inter-religious dialogue today”, May 2005;

“Solidarity in the world: the approach of Tunisia”, June 2005 (Euro-Mediterranean Symposium).

## **7. Culture of equality and non-discrimination**

467. One of the objectives of the educational system is to prepare pupils for a life in which there is no place for any form of discrimination. Equality between the sexes then becomes a fundamental principle in the determination of the content of curricula. In accordance with this principle, a thorough revision of all school textbooks used in basic education was undertaken in order to remove images which portrayed women as stereotypes or as inferior beings.

468. Because of the rights-related values covered by civic education, a specialized postgraduate degree course on civic education has been introduced, as has a module on human rights, as part of the reform of the educational system, which has been extended to all areas of specialization.

469. The Ministry for Women, the Family, Children and Older Persons (MAFFEPA) has implemented a strategy of information, education and communication, geared to the dissemination of the culture of equality and non-discrimination.

470. In the short term, this strategy is aimed at combating sexist behaviour and reactionary attitudes, with the medium- and long-term aim of establishing a culture of democracy and human rights in society and irreversibly inculcating the values of equality and partnership in the mentality and everyday experience of Tunisians.

471. The use of multimedia plans associating all the audio-visual and written communications media (television, leaflets, posters and brochures), together with the other interpersonal means of communication (direct contacts, meetings, symposiums, seminars), forms part of the overall approach initiated by MAFFEPA to achieve the objectives relating to promotion of women's rights, on the basis of respect for national identity and the fundamental principles of Tunisian culture.

### **Conclusion**

472. Tunisia's prohibition of all racial discrimination is aimed at guaranteeing full respect for the principle of equality throughout Tunisian territory for the benefit of all residents of the country.

473. Tunisia has ratified virtually all the international human rights treaties. It has adopted a wide range of measures with a view to strengthening the prevention of discrimination and protecting against all its manifestations, such as the ban on defining nationality in terms of racial or religious criteria, the penalties under the Criminal Code and the Press Code for incitement to racial hatred and defamation based on racial or religious origins. All Tunisians have an equal right to education, health, work, social welfare, housing and justice.

474. It is clear from the foregoing that Tunisia, since its independence, has scrupulously respected and recognized the principle of non-discrimination both in its legislation and in practice.

475. The principle of equality for all has been further strengthened following the political change of 7 November 1987, thanks to an enlightened political will which has given priority, in the hierarchy of national objectives, to the promotion of human rights, the preservation of individual dignity and improvement of individual well-being.

476. This vision, initiated by President Zine El Abidine Ben Ali, has received wide-ranging support from the political elites and the components of Tunisian civil society. This support was expressed in the first instance in the National Covenant signed on 7 November 1988 by the progressive forces of the country. The text in question was produced by negotiation between the Government and all the political and social forces of the country, and was signed by the latter. It does not have the force of law, but it served as a moral and political code binding on all the economic and social forces of the country pending the adoption of the principles contained therein through amendments to the Constitution and legislative enactments relating to political parties, the educational system, child welfare, protection against discrimination and racial and religious hatred, and the fight against terrorism.

477. Broader popular support for President Ben Ali's policy was subsequently expressed unambiguously in the context of the referendum held on 26 May 2002, which led to the constitutional reform of 1 June 2002 and the resulting inauguration of "the Republic of the future", a republic based on the rule of law, human rights, tolerance and solidarity.

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