



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

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Committee on the Elimination of Racial Discrimination

**Combined twentieth to twenty-second reports
submitted by Tunisia under article 9 of the
Convention, due in 2012** , *****

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Introduction

1. The Tunisian State hereby submits its combined twentieth to twenty-second periodic reports pursuant to article 9 of the Convention on the Elimination of All Forms of Racial Discrimination and recommendation 29 of the concluding observations issued by the Committee on the Elimination of Racial Discrimination following its consideration, on 16 and 17 February 2009, of the combined eighteenth and nineteenth periodic reports of Tunisia.
2. The report has been prepared in accordance with the simplified reporting procedure and is based on the list of issues received from the Committee on 21 May 2021.
3. Important changes have occurred in Tunisia since late 2010, namely a transformation of the political system and the establishment of a democratic system that has brought about major changes at all levels. A number of important elections were held during the same period: the election of the National Constituent Assembly, which promulgated the 2014 Constitution; legislative elections for two terms in 2014 and 2019; presidential elections in 2014 and 2019; and municipal elections in 2018.
4. This report also covers the period that followed the declaration of a state of exception on 25 July 2021.
5. The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights (hereinafter referred to as the National Commission) prepared this report, relying on a participatory approach.
6. The present report presents an overview of progress made in implementing the articles of the Convention, key legislative, regulatory, judicial, administrative, institutional and practical developments, and the difficulties and challenges encountered in seeking to ensure full compliance with obligations under the Convention.
7. The National Commission hopes that this national report will afford a renewed opportunity for a constructive dialogue and fruitful cooperation between the Tunisian State and the United Nations Committee, thereby supporting action to combat all forms of racial discrimination.

Procedure for preparation of the report

8. The National Commission adopted a participatory and consultative approach to the preparation of the current report. It also cooperated with the Danish Institute for Human Rights and the Minority Rights Group International.
 - The following two training workshops were organized on behalf of the members of the National Commission;
 - A training workshop on discrimination and intersectional and multiple forms of discrimination (15 and 16 December 2021);
 - A training workshop on the normative framework for combating racial discrimination and on terms of reference for the preparation of the national report (24 and 25 February 2022).
9. The National Commission also organized the following dialogue and consultation workshops with independent national bodies and civil society associations:
 - A dialogue and consultation workshop on the national report was held on 11 March 2022 with independent national bodies;
 - A dialogue workshop with associations involved in combating discrimination, which was held on 22 March 2022, the International Day for the Elimination of Racial Discrimination, was attended by representatives of 10 associations;
 - A regional consultation, which was held in the Governorate of Medenine on 12 May 2022, was attended by representatives of 20 associations of human rights defenders from the region and neighbouring governorates;

- A regional consultation, which was held at the Childhood Complex in Ajim Djerba Childhood Centre in the Governorate of Medenine on 13 May 2022, was attended by 20 children of both sexes and 20 adolescent girls and boys;
- A national consultation, which was held in Tunis on 24 May 2022, was attended by representatives of 25 human rights associations and representatives of the executive structures of independent national bodies;
- A national consultation, which was held on 27 May 2022, was attended by 30 children of both sexes and 30 adolescent girls and boys.
- The recommendations that resulted from the consultations are attached to this report (annex 1).

10. It should be noted that the National Commission's consultation procedure with groups of children, adolescents and young people has been adopted as a best practice model to be used in the preparation of national reports. For instance, it was used in preparing the report on the rights of the child.

11. This practice, which the Commission is seeking to institutionalize and use as a tool for the preparation of all national reports, is in line with the recommendations of United Nations treaty bodies and with the Sustainable Development Goals, which seek to ensure that various stakeholders, regardless of their age, are aware of the provisions of international treaties, and to provide them with a platform for expressing their views and making recommendations concerning diverse human rights issues.

Chapter I

General information

1. Information on the ethnic composition of the population

12. The National Institute of Statistics, which is officially tasked with compiling national statistics, organizes a general population and housing census every 10 years based on a questionnaire produced by a group of experts, which contains indicators that are subsequently used by the State to prepare strategic development plans and sectoral plans.

13. The National Institute adopts a human-right-based approach to the areas addressed in the questionnaire in performing its functions, bearing in mind the rules governing the protection of personal data and the need to respect individuals' freedom to provide the requested data.

14. While Tunisia is aware that one of the Committee's basic requirements is the compilation of data on the population's ethnic composition, based on the criterion of self-identification, the questionnaire adopted by the National Institute of Statistics does not include items relating to the ethnic or religious composition of the population. Accordingly, no accurate data are available on the ethnic composition of Tunisian society. In addition, no data are available on national or ethnic minorities or the indigenous population.

15. It should be stressed that the Tunisian State enshrines the principle of equality and non-discrimination in its legal system and abides by it when formulating policies and developing programmes and actions plans, which are applicable to all persons without discrimination based on race, colour, descent, national or ethnic origin or gender. The State monitors all infringements of the legislation in force by individuals or groups, including infringements motivated by discrimination, including racial discrimination.

16. While the Tunisian State considers that the availability of such data could play an important role in enhancing its public policies based on respect for human rights and for the individuals and groups living within its territory, it underscores that the compilation of such indicators and data would require access to sufficient technical and financial resources.

17. The National Institute of Statistics produced the country's first ever survey of international migration in 2021. The survey, which provides an overview of the phenomenon

of migration, was conducted between July 2020 and March 2021 and targeted the following groups: non-migrants (Tunisian residents), current migrants, returning migrants, and foreigners resident in Tunisia.

18. Some results of the survey are presented below.

Foreign residents in Tunisia

19. An immigrant or foreign resident in Tunisia is a person who has resided in the country for six months or more, or who intends to reside there for more than six months, regardless of the person's regular or irregular residence status (this definition is contained in the above-mentioned survey).

20. Based on the aforementioned definition, there were 58,990 foreign residents in Tunisia in 2020, which represents an increase of 6,000 compared with the 2014 census, or a growth rate of 11.4 per cent, compared with a growth rate of 6.2 per cent for the resident population.

Geographical distribution of foreigners in Tunisia

21. Foreign residents in Tunisia are highly concentrated in geographical terms. They are resident to a large extent in the region of Greater Tunis (50.2 per cent) and the centre-eastern region (27.7 per cent) and to a far lesser extent in the southern region (7.3 per cent) and the north-eastern region (5.5 per cent). The concentration rates are far lower in the western regions of the country (the north-western and centre-western regions) on the border of the Algerian State. The regions account for a total of 9.4 per cent of foreign residents, of whom 56.8 per cent are Algerian nationals.

Distribution of the total foreign population in Tunisia, by areas of residence

<i>Region</i>	<i>Estimated number of foreigners</i>	<i>Percentage</i>
Greater Tunis	29 641	50.2
Centre-east	16 337	27.7
North-west and centre-west	5 517	9.4
North-east	4 279	7.3
South	3 216	5.5
Total	58 990	100

Distribution of foreigners residing in Tunisia by nationality

22. Three quarters of all foreigners residing in Tunisia come from African countries, one half from Maghreb countries and the other half from other African countries, especially sub-Saharan Africa.

23. In addition, 18.5 per cent of foreigners residing in Tunisia come from European countries, 6.5 per cent from the Middle East and 1.6 per cent from other countries.

Distribution of foreigners residing in Tunisia by region of origin

<i>Region</i>	<i>Estimated number of foreigners</i>	<i>Percentage</i>
Arab Maghreb	21 818	37
Other African countries	21 466	36.4
Middle East	3 861	6.5
European countries	10 927	18.5
Other countries	918	1.6
Total	58 990	100

24. The national population and housing census showed a decline in the number of citizens of some countries, compared to the number recorded in the 2014 census. The number of residents from European countries declined from 15,000 to about 11,000 persons, due primarily to the pandemic-related situation in Tunisia at the time of the survey (July 2020 – March 2021), which prompted a number of residents to leave the country, especially Europeans. On the other hand, the number of African citizens from countries other than the Maghreb increased from 7,200 to 21,466 persons. Ivorians accounted for one third of the total, followed by citizens of the Democratic Republic of the Congo, Guinea and Mali.

25. The overall ratio of males to females among foreign residents in Tunisia is balanced (29,481 males and 29,509 females). The highest ratio is recorded among citizens of African countries (not including the Maghreb), namely 1,920 males for every 1,000 females, and the lowest ratio is recorded among citizens of Maghreb countries, namely 619 males for every 1,000 females.

26. The average age of migrants in general is 36.2 years. The average age of migrants from African countries (apart from the Maghreb) is 26.6 years and that of Europeans is 49.9 years.

Foreign population aged 15 years and over residing in Tunisia, by region of origin and higher education status (in percentage terms)

<i>Region</i>	<i>Higher education certificate</i>	<i>No higher education certificate</i>
Arab Maghreb	24.2	75.8
Other African countries	26.5	73.5
Middle East	47.8	52.2
European countries	57.2	42.8
Other countries	64.1	35.9
Total	34.5	65.5

27. According to statistics for 2020, about 5,678 refugees and asylum-seekers (refugees: 45 per cent; asylum-seekers: 53 per cent) were registered with the Office of the United Nations High Commissioner for Refugees (UNHCR). The Office registered 200 applications for asylum in 2020. The number of women and girls registered with UNHCR totalled 1,899, and they were divided into the following groups:

- 593 girls under the age of 18 years;
- 1,306 women over the age of 18 years;
- 777 women and girls with disabilities.

Minorities¹

28. There is no precise definition of the concept of a minority, be it ethnic, racial, religious or linguistic, in Tunisian legislation.

29. Religious diversity in Tunisia is reflected in groups comprising Christians, Jews, Shiite Muslims and Baha'is. The Tunisian Government signed an agreement with the Vatican on 9 July 1964, which regulates the status of the Catholic Church, which has the largest number of Christian practitioners in Tunisia, and the practice of Catholic religious rites. In addition, Tunisia promulgated, on achieving its independence, Act. No. 78 of 1958 concerning the practice of Judaism and protection of the rights of the Jewish community in Tunisia. The Ministry of Religious Affairs maintains and protects Christian and Jewish monuments and allocates funds for the purpose whenever necessary. It allocates 15,000 Tunisian dinars (D) each year for the maintenance of El Ghriba Synagogue and oversees the organization of the annual pilgrimage to the synagogue.

¹ A draft study prepared by stakeholders, constitutional bodies, civil society human rights activists and the Danish Institute for Human Rights (unpublished).

30. With regard to linguistic minorities, there are no official statistics concerning speakers of the Amazigh languages, but most of them reside on the Island of Djerba, in Tataouine, Chenini, Douiret, Matmata, Zraoua, Taoujout, Gafsa and Zaghuan, and in numerous small villages throughout the country. They also reside in several towns and villages along the border with Algeria, such as Tebessa, El Kef and Siliana.

31. The term “minorities” appeared for the first time in Tunisian legislation in Decree No. 4522 of 12 November 2013 concerning the organization of the Ministry of Religious Affairs. Article 12 stipulates that:

“The Office for Relations with Organizations and Associations and for Coordination with the Entities that Supervise the Affairs of Religious Minorities shall be responsible for: monitoring files concerning organizations and associations that are linked to the Ministry’s activities; preparation of periodic reports on the work and activities undertaken by the organizations and associations.”

32. Some legal texts contain implicit references to minorities, such as Decree No. 155 of 2 November 2011 concerning freedom of the press, printing and publishing, which uses a phrase reminiscent of those used in international human rights instruments, namely “a group of people who belong to a particular ethnicity, race or religion”. The phrase is used in connection with the criminalization of certain acts committed through the press or publications with a view to “inciting hatred between races, religions or populations by means of hostile acts or violence, or disseminating ideas based on racial discrimination”.

33. Other texts refrain from using the term “minorities” but implicitly refer to religious minorities. For instance, article 292 of the Code of Civil and Commercial Procedure stipulates that no act of enforcement may be undertaken:

- Against Jews: on Saturdays, the days of Rosh Hashanah and Yom Kippur, the first two days and the last two days of Sukkot (the Harvest Festival), the day of Purim (the Festival of Esther), the first two days and the last two days of Pesach (Passover), and the two days of Shavuot (Pentecost);
- Against Christians: on Sundays, Ascension Thursday, 15 August (Assumption), 1 November and 25 December (Christmas).

34. Such protection is upheld by various provisions of the Constitution of 2014. Thus, the principle of non-discrimination is enshrined in article 21, which stipulates that: “All citizens, male and female, are equal in terms of rights and duties and are equal before the law without discrimination.” It adds that: “The State guarantees the individual and collective rights and freedoms of all citizens, and provides them with the means to live a decent life.”

35. Chapter II of the Constitution, entitled “Rights and Freedoms”, enshrines civil, political, economic, social and cultural rights, which guarantee full protection for minorities, in particular articles 31 and 35 concerning freedom of expression and freedom of association. These freedoms enable minorities to participate actively in cultural, religious, social, economic and public life. The right to participate in all aspects of social and community life throughout the country is of vital importance when it comes to promoting the interests of members of minorities and ensuring that their voices and claims are heard, particularly through the establishment of associations that contribute to the enhancement of their rights.

2. Changes to the human rights system

36. Tunisia has achieved considerable progress in terms of its involvement in the global human rights system, and this is reflected at both the legislative and institutional levels.

(a) Increased participation in international and regional frameworks

37. Since the examination of its previous national report on the International Convention on the Elimination of All Forms of Racial Discrimination, Tunisia has ratified the following instruments:

- The International Convention for the Protection of All Persons from Enforced Disappearance;²
- The Optional Protocol to the Convention against Torture;³
- The third Optional Protocol to the Convention on the Rights of the Child on a communications procedure;⁴
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;⁵
- In July 2018, Tunisia made a declaration recognizing the competence of the African Court of Human Rights to receive complaints from individuals and non-governmental organizations (NGOs), pursuant to article 34 (6) of the Protocol to the African Charter on Human and Peoples' Rights;
- The Council of Europe Convention on Protection of Children from Sexual Exploitation and Sexual Abuse;⁶
- Council of Europe Convention No. 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and its Additional Protocol No. 181 regarding supervisory authorities and transborder data flows.⁷

(b) At the legislative level

38. The preamble to the Constitution enshrines the principles and values of solidarity, respect and tolerance, as well as general human values and universal human rights principles, and promotes complementarity with African peoples, cooperation with peoples throughout the world and the elimination of all forms of racism. Following the declaration of a state of exception in Tunisia on 25 July 2021, Presidential Order No. 117 of 2021⁸ authorized the enactment of decrees provided that they did not undermine the human rights and freedoms guaranteed by the national and international legal system. It also highlighted the need to respect the provisions of the preamble and of chapters I and II of the Constitution of 2014. The Constitution prohibits all forms of discrimination and enshrines the principle of equal rights and duties of all male and female citizens and of equality between regions. It stipulates that the organization and functioning of public administration shall comply with the principles of impartiality and equality (art. 15) and that male and female citizens shall be equal in terms of rights and duties and shall be guaranteed equality before the law without discrimination (art. 21).

39. The Tunisian State has enacted a number of laws that enhance the human rights system, including the following:

- Organic Act No. 2016-61 of 3 August 2016 on preventing and combating trafficking in persons;
- Organic Act No. 2017-7 of 14 February 2017 amending and supplementing Organic Act No. 2014-16 of 26 May 2014 on elections and referendums;
- Organic Act No. 2017-10 of 7 March 2017 on reporting of corruption and protection of whistle-blowers;
- Organic Act No. 2017-58 of 11 August 2017 on the elimination of violence against women;

² Decree No. 2011-2 of 19 February 2011 approving the International Convention for the Protection of All Persons from Enforced Disappearance. Order No. 2011-550 of 14 May 2011 ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

³ Order No. 2011-552 of 17 May 2011 ratifying the accession of the Tunisian Republic to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁴ Presidential Order No. 2018-62.

⁵ Presidential Order No. 2018-61.

⁶ Presidential Order No. 2018-5.

⁷ Presidential Order No. 2017-75.

⁸ Presidential Order No. 2021-117 of 22 September 2021 concerning exceptional measures.

- Organic Act No. 2018-29 of 9 May 2018 on the Local Government Code;
- Act No. 2018-46 of 1 August 2018 on the declaration of assets and interests and on combating illicit enrichment and conflicts of interest;
- Organic Act No. 2019-15 of 13 February 2019 concerning the Organic Act on the Budget;
- Organic Act No. 2019-9 of 23 January 2019 amending and supplementing Organic Act No. 2015-26 of 7 August 2015 on combating terrorism and preventing money-laundering;
- Act No. 2021-37 of 16 July 2021 regulating domestic work.

40. Legal frameworks have also been established for the work of constitutional and independent bodies, and the following laws have been enacted:

- Organic Act No. 2017-59 of 24 August 2017 on the Good Governance and Anti-Corruption Commission;
- Organic Act No. 2018-47 of 7 August 2018 on common provisions applicable to independent constitutional bodies;
- Organic Act No. 2018-51 of 29 October 2018 concerning the Human Rights Commission;
- Organic Act No. 2019-60 of 9 July 2019 concerning the Commission on Sustainable Development and the Rights of Future Generations.

41. In September 2018, eight public entities⁹ signed a memorandum of understanding on the establishment of the League of Independent Public Bodies with a view to enhancing cooperation and coordinating actions, programmes and projects aimed at promoting a culture of citizenship and protecting human rights.

42. In response to the recommendations of the Committee on the Elimination of Racial Discrimination concerning the enactment of separate legislation on racial discrimination and related offences, Tunisia promulgated Organic Act No. 2018-50 of 23 October 2018 on the elimination of all forms of racial discrimination.

43. In addition, the following decrees concerning action to combat racial discrimination have been adopted:

- Decree No. 2011-88 of 24 September 2011 on the organization of associations;
- Decree No. 2011-115 of November 2011 on freedom of the press, printing and publishing;
- Decree No. 2011-116 of 2 November 2011 on freedom of audiovisual communication and the establishment of the Independent High Authority for Audiovisual Communication.

(c) At the institutional level

44. The National Authority for the Prevention of Torture was established pursuant to Organic Act 2013-43 of 21 October 2013, and has been allocated a special budget since 2018, in accordance with the provisions of the Act establishing the Authority.

45. At the level of the Prime Minister's Office, a National Committee was established pursuant to Governmental Decree No. 2019-1196 on 24 December 2019 for the purpose of aligning legal texts on human rights with the provisions of the Constitution and those of ratified international treaties.

⁹ They are the following bodies: the Independent High Electoral Commission, the National Commission for Combating Corruption, the Independent High Authority for Audiovisual Communication, the National Authority for the Prevention of Torture, the National Authority for Access to Information, the National Authority for the Protection of Personal Data, the National Authority to Combat Trafficking in Persons, and the Higher Committee for Human Rights and Fundamental Freedoms.

46. The National Commission to Combat Racial Discrimination was established pursuant to Governmental Decree No. 2021-203 of 7 April 2021.

47. A General Department for Human Rights, which was established in the Ministry of the Interior pursuant to Order No. 2017-737, is tasked with offering guidance on human rights and with handling petitions and complaints concerning human rights violations. In addition, security inspections are conducted to monitor the personnel and to assess the extent to which they respect human rights in the performance of their duties.

48. Governmental Decree No. 2021-534 of 29 June 2021 on the organization of the Ministry of Religious Affairs established an Office for Human Rights and relations with associations, organizations and other bodies responsible for supervising the affairs of religious minorities at the ministerial level.

49. Tunisia wishes to reiterate in this report that it abolished slavery and officially emancipated slaves on 23 January 1846.

50. On 21 March 2013, the 173rd anniversary of the abolition of slavery, Tunisia celebrated the International Day for the Elimination of Racial Discrimination, using the slogan “Tunisia in all its colours”, and in 2018 it decided that a national festival on the abolition of slavery should be held each year on 23 January. During the same year, Tunisia received official documents concerning the incorporation of the country’s experience in abolishing slavery into the “Memory of the World” register of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

(d) The status of the Convention in the domestic legal system

51. Article 20 of the Tunisian Constitution stipulates that: “Treaties approved and ratified by the Assembly of People’s Representatives have primacy over legislation but not over the Constitution.” Accordingly, Tunisian law incorporates ratified international treaties, including human rights treaties, into its domestic legal system and grants them primacy over national legislation. As a result, if domestic legislation is inconsistent with ratified international treaties, the courts can directly invoke and impose international human rights treaties, unless such treaties require the development of a national legal framework concerning criminalization and the prescription of penalties. Litigants are entitled to invoke the provisions of international treaties before national bodies, including judicial bodies.

(e) Measures taken to raise public awareness of the Convention, and training and capacity-building programmes

52. Given the progress achieved in the promotion of human rights at all levels, a number of ministries and other public and independent bodies have implemented programmes and activities aimed at raising awareness of the international human rights system, including the International Convention on the Elimination of All Forms of Racial Discrimination. For instance, the provisions of treaties have been disseminated, and training and capacity-building sessions have been organized.

Awareness-raising and education

53. During the preparation of this report, the National Commission for the Coordination, Preparation and Submission of Reports and Follow-up on Recommendations on Human Rights disseminated the Convention among more than 120 participants in various relevant activities, including judges (see paragraph 9).

54. In late 2020, the National Commission, supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR), published a collection of international human rights treaties and optional protocols ratified by the Tunisian State. It was distributed to judges, authorities and law enforcement agencies, together with legal ratification tools, with a view to facilitating access to the treaties and their implementation, since they form part of the legal system and have been granted primacy over domestic legislation.

55. The Ministry of Education has also taken steps to promote human rights in the education system. The general guidelines of the education sector are based on the fundamental principles enshrined in the Constitution, which aim to achieve equality of

opportunity for all students. The guidelines stem from a forward-looking vision aimed at consolidating the concept of “education on democracy and human rights”. In addition to sharing knowledge and perceptions of human rights among children and students, the aim is to disseminate the values that are associated with such rights. It is primarily value-based rather than mere cognitive education, and focuses on human conduct and values.

56. This pedagogical approach to human rights education is incorporated into the educational and learning process through the adoption of an inclusive approach, the foundations and dimensions of which are closely linked to the capacity of different academic subjects to be inspired by the values and principles of a human rights culture.

57. A crucial point to be taken into account in improving the quality of education is the need to review curricula in order to include twenty-first century skills, life skills, the values of human rights, democracy, freedom, equality, tolerance, dialogue and coexistence, and the rejection of violence, extremism and hatred. The curricula also enshrine the values of openness, acceptance of differences, equality and non-discrimination. In addition, teaching materials, the evaluation system, and basic and in-service training courses for teachers have been reviewed, the teaching of languages and sciences has been promoted, and information and communications technologies have been integrated into the curricula.

58. With a view to enhancing the partnership between the Ministry of Education and the United Nations, and in accordance with article 19 of the Convention on the Rights of the Child, a teaching guide and an interactive electronic platform were prepared for human rights education, promotion of freedom of expression and combating hate speech in the Tunisian school environment on the occasion of Human Rights Day. The teaching guide was designed to promote the training of trainers, teachers, counsellors and students in the school environment.

59. The interactive electronic platform was devised in response to proposals from students in a number of primary and secondary schools in different regions of the Republic, and it is designed for intermediate and secondary school students in the 13 to 18 age group. It is also of interest to parents, teachers specializing in pedagogy, psychology and sociology, and civil society.

60. The platform plays an important role in promoting students’ right to freedom of expression and in protecting them from violent and intolerant discourse and hate speech by equipping them with essential life skills and enabling them to prevent such conduct. It includes electronic learning games, educational materials, a teacher training module, and facilities for interaction and dialogue between students, teachers, parents and specialists.

61. With a view to contributing to the dialogue between civilizations and religions, Tunisia established, pursuant to Decree No. 1855 of 27 June 2005, a Centre for Research and Studies on the Dialogue between Civilizations and Comparative Religions, which is supervised by the Ministry of Higher Education and Scientific Research and the Ministry of Religious Affairs. It is tasked with undertaking in-depth research and scientific studies on the dialogue between civilizations and comparative religions, for instance by the following means:

- Contributing to the enrichment of the intellectual heritage by supporting scientific research and undertaking assessments and prospective studies in the area of civilizations and comparative religions;
- Organizing scientific events, seminars and forums in cooperation with competent national and international institutions and bodies, as part of a network that brings together institutions and structures that are of relevance to the Centre’s activities;
- Publishing the results of the Centre’s research and studies in the form of books, publications and audiovisual or electronic products;
- Organizing training courses and study days on the dialogue between religions and civilizations in the context of the partnership between the Centre and other relevant institutions;

- The studies undertaken by the Centre in 2020-2021 included the publication of a scientific and intellectual review in March 2020 on the phenomenon of terrorism based on humanitarian and social approaches.

62. The Ministry of Religious Affairs also organized a number of symposiums, including the following:

- A study day on religious tolerance, support for coexistence and rejection of extremism was held in October 2017.
- A national symposium on the role played by religious coexistence in Tunisia in promoting tourism and the fight against terrorism was held in January and February 2018.
- An international symposium on the acculturation movement between the two shores of the Mediterranean was held on 12 November 2019 in Sousse and was attended by representatives of the Secretariat General of the Association of Arab Universities, and representatives of Algerian, Moroccan and Iraqi universities, the University of Barcelona in Spain, and Kharazmi University in the Islamic Republic of Iran.
- A national symposium on promotion of a culture of tolerance for peace, which was held on 16 November 2021, was organized by the Ministry for Religious Affairs in response to a recommendation by the Director-General of the Centre and was attended by representatives of monotheistic religions.

Training

63. Many capacity-building programmes on international human rights law have been implemented on behalf of professionals, judges and law enforcement personnel. As human rights treaties constitute an important component of judges' training programmes, courses have been arranged for practising judges on treaties and their implementation. In addition, specialized training courses have been organized in areas such as action to combat human trafficking, racial discrimination and violence against women.

64. On 24 September 2021, the Ministry of Justice organized a training session for judges from the districts of Tunis, Ariana and Ben Arous, in cooperation with OHCHR and the Manamati Association, on Organic Act No. 2018-50 on combating racial discrimination. The session focused on the following themes:

- Combating racial discrimination by means of international and domestic law by implementing the International Convention on the Elimination of All forms of Racial Discrimination and Organic Act No. 2018-50;
- Racial discrimination and access to justice: the challenges faced by victims and associations;
- Application of Act No. 50 by the courts;
- Application of the Act by the courts is an important indicator when it comes to assessing respect for human rights.

65. According to the provisions of article 1 of Decree No. 2006-1169 of 13 April 2006, which specifies the stages of training for agents of the Internal Security Forces of the Ministry of Justice, training consists of the following stages:

- Basic training;
- Continuous training.

In line with these provisions, training programmes are conducted by the Directorate General for Prisons and Rehabilitation. As of 21 November 2020, a total of 1,494 agents had benefited from the training courses as follows:

- Basic training: 586 beneficiaries;
- Continuous training: 908 beneficiaries (see annex 2).

66. The Ministry of National Defence has established an integrated training programme on human rights and international humanitarian law in military academies and schools during all stages of training in order to promote universal human rights principles and respect for international treaties. In addition, human rights courses are organized for senior military and civilian personnel at the Institute of National Defence, and many representatives of the Ministry participate in national and international symposiums and training courses on the subject.

67. As part of the basic and continuous training of the Internal Security Forces, law enforcement executives and agents of the Ministry of the Interior receive basic and in-service training that comprises training courses on human rights and public freedoms, and on the implementation of Act No. 2016-5 on legal guarantees for persons held in police custody. In addition, circulars have been issued with a view to highlighting the need to respect the law and to ensure that all persons enjoy their rights and respect for their physical integrity. The Ministry of National Defence has also attended courses held by UNHCR to support the drafting of a law on the protection of refugees based on international norms. The work of the committee tasked with this project is ongoing.

68. The bodies responsible for training and higher education in the Ministry of National Defence include themes relating to the prevention of trafficking in persons and to human rights and international humanitarian law in their academic and operational training and educational programmes with a view to enhancing the knowledge and expertise of all types and ranks of military personnel in areas that intersect with the tasks assigned to them, especially in land and maritime border areas.

69. The National Commission to Combat Racial Discrimination is entrusted with the task of formulating a national action plan and a communication strategy aimed at disseminating a culture of diversity and coexistence and at endorsing the concepts of equality and non-discrimination on racial grounds, in line with the norms enshrined in the International Convention.

70. Article 3 of Organic Act No. 2018-50 on the elimination of all forms of racial discrimination stipulates that: “The State shall develop policies, strategies and action plans aimed at preventing all manifestations and practices of racial discrimination and combating all racist stereotypes prevailing in different environments. It shall also undertake to disseminate a culture of human rights, equality, tolerance and support for coexistence among the diverse components of society. The State shall take the necessary measures in this context to ensure that such values are respected in all sectors, in particular those relating to health, education, culture, sports and the media.”

71. Article 4 of the Organic Act stipulates that: “The State shall develop integrated awareness-raising and training programmes against all forms of racial discrimination in all public and private entities and institutions and shall oversee their implementation.”

3. Action plans and measures taken to implement the Durban Declaration and Programme of Action at the national level

72. In addition to the enactment of laws, the Tunisian State has developed and implemented a number of sectoral programmes and strategies aimed at implementing the Durban Declaration and Programme of Action.

73. It should be reiterated that the approach adopted by the Tunisian State in developing its public policies and strategies is based on the principles of equality and non-discrimination enshrined in the Constitution and ratified international treaties, the aim being to afford protection, in accordance with the provisions of the Convention and domestic legislation, against all forms of discrimination and against intersectional or dual discrimination, which in many cases can conceal racial discrimination.

74. Annex 3 lists various programmes, strategies and action plans implemented by the Ministry for Women, the Family, Children and Older Persons with a view to promoting the rights of women and children and guaranteeing respect for the principles of universality and

rejection of all forms of discrimination. It also lists the main programmes of the Ministry of Social Affairs in that area.

75. Various parts of the report also review the progress made and the challenges encountered in implementing the Durban Declaration and Programme of Action at the legislative, judicial and operational levels.

Chapter II

The constitutional, legislative and institutional framework for combating racial discrimination (arts. 1 and 2)

1. Measures taken or planned to ensure that article 21 of the Constitution addresses racial discrimination

76. Article 21 of the Constitution stipulates that: “All citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination.” It thus affords comprehensive protection against all forms of discrimination, including racial discrimination. Following the promulgation of the 2014 Constitution, the legal arsenal was reinforced with important texts aimed at combating discrimination in general and racial discrimination in particular.

77. Although article 21 of the Constitution is comprehensively applicable to male and female citizens, it did not impede the promulgation of a number of laws, including Organic Act No. 61 of 2016, Organic Act No. 2017-58 and, in particular, Organic Act No. 2018-50, which are designed to ensure that all persons on Tunisian territory enjoy the necessary protection against all forms of discrimination, including racial discrimination.

2. Indirect discrimination pursuant to Organic Act No. 50 of 2018 and other legislation concerning racial discrimination

78. Discrimination is one of the most serious violations of the principle of equality, which is guaranteed by humanitarian law, international law and the Constitution. It is also one of the most harmful infringements of individual rights and occurs in all cases in which persons are unable to enjoy their human rights or other legal rights on an equal footing with others for unjustifiable reasons.

79. Discrimination can be of a direct nature, and such cases are covered in domestic legislation both by the Constitution and by article 2 of Organic Act No. 2018-50, which defines racial discrimination as follows: “Any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin, or any other form of racial discrimination as defined by ratified international treaties that disrupts, impedes or prevents the enjoyment or exercise on an equal basis of rights and freedoms or that entails additional duties or burdens. Any distinction, exclusion, restriction or preference established between Tunisians and foreign nationals shall not constitute an act of racial discrimination provided that it does not target a specific nationality and is in line with the international obligations of the Tunisian Republic.”

80. Indirect discrimination can also be imposed through the development of laws, policies or practices that appear to be neutral, but have a disproportionate impact, based on prohibited grounds for discrimination, on the exercise of the rights enshrined in treaties, the Constitution or domestic legislation. In light of this concept, there is no need for a specific definition of indirect discrimination to ensure its prohibition at the national level, since the right to protection against direct discrimination and to a legal remedy does not require the existence of a legal text in which it is defined or criminalized. The existing legal system provides adequate protection against diverse forms of racial discrimination and other categories of direct or indirect discrimination, given the all-encompassing nature of the legislative and constitutional provisions that guarantee full protection against all forms of discrimination.

81. Organic Act No. 2018-50 focuses on the implementation of the obligations of Tunisia under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and addresses other obligations in a concise and consolidated manner, pending the regulation of all issues relating to racial discrimination by the National Commission to Combat Racial Discrimination. The Act is composed of the following five chapters:

- Chapter I: General Provisions;
- Chapter II: Prevention and Protection;
- Chapter III: Procedures;
- Chapter IV: Prescribed Penalties;
- Chapter V: The National Commission to Combat Racial Discrimination.

82. With the exception of Chapters III and IV (on the procedures and penalties required to comply, as mentioned above, with obligations under article 4 of the Convention), the other chapters of the Organic Act are concise and comprehensive. Chapter V of the Act concerning the National Commission to Combat Racial Discrimination stipulates that the Commission “shall collect and monitor various relevant data and shall design and propose strategies and public policies aimed at eliminating all forms of racial discrimination”.

83. Although Organic Act No. 2018-50 contains no definition of indirect discrimination, it is expected that two Commissions established by Tunisian legislation (the Committee to Combat All Forms of Discrimination, which forms part of the Human Rights Commission, and the National Commission to Combat Racial Discrimination, which was established by the Act concerning racial discrimination) will play a major role in determining indirect discrimination.

3. Special measures

84. Tunisian law does not prohibit the adoption of special measures aimed at guaranteeing the rights of persons or groups protected by the Convention, which therefore remain legally permissible.

85. These measures include the establishment of a mechanism to protect the best interests of unaccompanied migrant children, which is supervised by the General Delegation for Childhood Protection with the support of the International Organization for Migration (IOM) and the United Nations Children’s Fund (UNICEF), in partnership with all stakeholders, including security, judicial, social, educational and health-care bodies (see para. 178).

4. Implementing regulations for Organic Act No. 2018-50 and the establishment of the National Commission to Combat Racial Discrimination

86. Organic Act No. 2018-50 can be described as one of the most important legislative mechanisms aimed at aligning the national legal system with the broad lines of the 2030 Agenda for Sustainable Development, which intersects with human rights and whose most important principles are equality and non-discrimination. In addition, the Organic Act contains a comprehensive definition of racial discrimination that reflects the situation in Tunisia (particularly the numerous delegations of diverse nationalities who have come to work or study in Tunisia in recent decades, especially young people and families of African descent, who are covered by the provisions of the International Decade for People of African Descent and whose rights are promoted and fully respected). The provisions of the Act are also consistent with the International Convention on the Elimination of All Forms of Racial Discrimination.

87. The Act entitles victims of racial discrimination to psychological and social support, legal protection, and fair and appropriate judicial redress. Racial discrimination has been

recognized as an autonomous offence and has been equated in some cases to aggravating circumstances.

88. Governmental Decree No. 2021-203 of 7 April 2021 established the National Commission to Combat Racial Discrimination and specified its responsibilities, organization, management and functioning procedures, and composition. It is recognized as the most important mechanism for the implementation of Organic Act No. 2018-50.

89. The importance of this institutional body is reflected in the tasks assigned to it and in its composition, which includes representatives of several ministries, a Member of Parliament, a representative of the Human Rights Commission, a representative of the media sector, a representative of the National Institute of Statistics, and five representatives of civil society, who are selected on the basis of criteria applicable to associations that are most active in combating racial discrimination and that respect the rules of integrity, accountability and financial transparency, in accordance with the legislation and regulations currently in force.

90. Article 2 of the Governmental Decree stipulates that the National Commission to Combat Racial Discrimination shall perform, in particular, the following functions:

- Collection and updating of data related to racial discrimination, monitoring of violations and proposal of the necessary measures;
- Development and proposal of strategies and public policies aimed at the elimination of all forms of racial discrimination and racist stereotypes, in coordination and cooperation with relevant ministries and structures in the framework of development plans;
- Proposal of action plans to prevent and combat all manifestations and practices of racial discrimination and to combat discriminatory practices in diverse sectors, particularly education, sports, health, culture and the media, and action to spread a culture of equality, tolerance, acceptance of others, and coexistence;
- Coordination of action by various stakeholders to combat racial discrimination and cooperation with national bodies that are active in that area;
- Proposal of programmes and training courses to build the capacities of various stakeholders and to train them to combat racial discrimination;
- Proposal of awareness-raising and training programmes against all forms of racial discrimination in all public and private entities and institutions, and monitoring of their implementation;
- Cooperation with civil society organizations and other bodies involved in combating all forms of racial discrimination so that they assist the Commission in implementing its programmes;
- Expression of opinions on draft legislative and regulatory texts aimed at combating all forms of racial discrimination;
- Expression of an opinion on the draft report of Tunisia on racial discrimination, in coordination with all relevant parties.

91. The permanent secretariat of the National Commission, which forms part of the General Directorate of Human Rights in the Prime Minister's Office, is responsible for the appointment of members of the Commission and for assisting it in the performance of its duties. The following measures, which have been taken to ensure that the Commission can perform its duties in the best possible conditions, should be highlighted:

- Launching of procedures for the appointment of members of the National Commission, bearing in mind the principle of parity. The members of the National Commission who meet the conditions of integrity, impartiality and experience in the area of human rights are appointed, pursuant to a decision by the Minister for Human Rights based on a proposal from the relevant ministries and entities, for a three-year term, which is renewable once.
- Launching of a public request for candidates from civil society with a view to appointing five members of the Commission representing associations that are

actively involved in combating racial discrimination, bearing in mind the principles of integrity and financial transparency, in accordance with the legislation and regulations currently in force.

92. The General Directorate of Human Rights is endeavouring to establish the National Commission as speedily as possible and to complete its membership by appointing representatives of diverse stakeholders that have not yet designated representatives. Once established, the Commission will adopt an action plan, establish its strategy and priorities, and specify its needs and the resources that it requires to achieve its objectives.

93. In accordance with article 11 of Organic Act No. 2018-50, the Commission will submit its annual report to the competent committee in the Assembly of the Representatives of the People, so that it will have direct contact with the legislature.

5. The Human Rights Commission

94. The Organic Act establishing the Human Rights Commission was drafted on the basis of a participatory approach and the organization of national and regional consultations with various stakeholders. The Commission complies, in accordance with the Act, with the Principles relating to the Status of National Human Rights Institutions (the Paris Principles), since it has been entrusted with a broad mandate, including the monitoring, protection, promotion and development of respect for human rights, and action aimed at detecting all violations of human rights, conducting the necessary investigations and inquiries, and instituting all possible legal proceedings to address such violations. Interference in the Commission's work by any party is prohibited.

95. The members of the Commission are elected by the Parliament based on criteria of competence, experience and integrity. They are required to perform their duties on a full-time basis, and they enjoy independence and immunity in accordance with the Constitution and the legislation in force. They also have a special system of remuneration. The Commission enjoys administrative and financial independence, in accordance with article 1 of the applicable Organic Act. It is allocated an independent budget, which is discussed in the Parliament, and which it implements independently without prior oversight.

6. Prevention of overlapping of the functions of the Human Rights Commission and the National Commission to Combat Racial Discrimination

96. Article 1 of Organic Act No. 2018-51 concerning the Human Rights Commission stipulates that the Commission shall conduct the necessary investigations into all data that it receives concerning human rights violations, regardless of their nature and source.

97. Article 14 stipulates that the Commission shall monitor all cases involving violations of human rights and freedoms, shall undertake the necessary investigations and inquiries, and shall institute all possible legal proceedings to address them in accordance with the provisions of the Act. The Commission coordinates with the National Authority for the Prevention of Torture and other bodies active in the area of human rights and freedoms, and exchanges with them all data and information regarding complaints.

98. Article 15 entrusts the Commission with the task of investigating violations of human rights and freedoms, either on its own initiative or in response to a complaint submitted to it by:

- Any natural or legal person who has been subjected to the aforementioned violations or anyone with the requisite legal capacity;
- Children or their legal or appointed representative;
- Organizations, associations and institutions acting on behalf of persons who have been subjected to violations of their human rights and freedoms;

- It should be noted that the Commission includes a Committee to Combat All Forms of Discrimination.

99. As already mentioned, the National Commission to Combat Racial Discrimination is a governmental Commission that reports to the Office of the Prime Minister. It is entrusted with other tasks specified in article 2 of Governmental Decree No. 2021-203 (see para. 90).

100. Accordingly, although the functions of the Commissions may overlap, they are in fact quite different. One of them concerns discrimination in general, while the other concerns racial discrimination in particular. We therefore consider that there is no room for overlapping fields of competence, in accordance with the general principle of complementarity of the work of specialized human rights mechanisms.

7. Segregation and racial discrimination (art. 3)

101. Tunisian law criminalizes segregation and racial discrimination. Article 9 of Organic Act No. 2018-50 stipulates that: “Anyone who commits one of the following acts shall be liable to a prison term of between one and three years and/or a fine of between 1,000 and 3,000 dinars:

- Incitement to hatred, violence, segregation, separation or exclusion;
- Issuing threats thereof against any person or group of persons based on racial discrimination.”

Chapter III Measures taken to implement the provisions of the International Covenant on the Elimination of All Forms of Racial Discrimination (art. 4)

1. Measures taken to combat racial superiority, racial hatred and racist activities

102. The Tunisian State has enacted a number of legal texts aimed at ensuring the compatibility of national legislation with the requirements of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination concerning action to combat all forms of intolerance and hatred based on racism. The following are some of the legal texts that have been enacted:

103. Decree No. 2011-88 on the organization of associations includes a number of provisions aimed at combating extremism and discrimination. Article 3 stipulates that: “Associations shall, in their statutes, activities and funding, observe the principles of the rule of law, democracy, plurality, transparency, equality and human rights, as enshrined in international treaties ratified by the Tunisian Republic.” Article 4 stipulates that: “Association are prohibited from adopting in their statutes, statements, programmes or activities any incitement to violence, hatred, intolerance or discrimination on religious, sexual or regional grounds.”

104. Article 4 of Decree No. 2011-87 of 24 September 2011 concerning the organization of political parties prohibits political parties from adopting in their statutes, statements, programmes or activities any incitement to violence, hatred, intolerance or discrimination on religious, factional, sexual or regional grounds.

105. In addition, article 52 of Decree No. 2011-115 of 2 November 2011 on freedom of the press, printing and publishing stipulates that: “Anyone who, using one of the means indicated in article 50 of this Decree, engages in direct incitement to hatred and discrimination between races, religions or population groups, using hostile means or violence, or disseminating ideas based on racial discrimination shall be liable to a term of imprisonment of one to three years and a fine of between 1,000 and 2,000 dinars.”

106. Article 69 of the above-mentioned Decree stipulates that: “Offences committed by the press or any other media shall be prosecuted in accordance with the following provisions:

First: Cases of defamation, as provided for in article 55 of this Decree, and cases involving injuries, as provided for in article 57 of the Decree, shall be prosecuted solely in response to a complaint from the person against whom the defamation or injury was directed. However, proceedings may be instituted by the Office of the Public Prosecutor if the defamation or injury targeted persons belonging to a specific ethnicity, race or religion, and if the aim was to incite hatred between races, religions or population groups, using hostile means or violence, or disseminating ideas based on racial discrimination, in accordance with the provisions of article 52 of this Decree.”

107. Article 52 of the Decree stipulates that: “Anyone who, using one of the means indicated in article 50 of this Decree, engages in direct incitement to hatred and discrimination between races, religions or population groups, using hostile means or violence, or disseminating ideas based on racial discrimination shall be liable to a term of imprisonment of one to three years and a fine of between 1,000 and 2,000 dinars.”

108. Article 70 of the Decree stipulates that any association that was established at least one year prior to the date of commission of the act may file a civil lawsuit concerning the offence defined in article 51 of the Decree, provided that it is entitled by its statute to defend human rights and to combat discrimination on the grounds of origin, gender or religion. If the offence was perpetrated against specific individuals, it can institute proceedings solely with the formal written consent of the persons concerned.

109. Organic Act No. 2015-26 of 7 August 2015 on combating terrorism and preventing money-laundering, as amended by Organic Act No. 2019-9 of 23 January 2019, contains a number of provisions aimed at combating various forms of extremism, terrorism, violence and hatred. Article 14 of the Act defines takfir (declaration of apostasy) or encouragement thereof and incitement to hatred and animosity between races, religions and doctrines or advocacy thereof as terrorist crimes.

110. With regard to action by the judiciary, two complaints concerning acts of racial discrimination on the social media were referred to the court of first instance of Tunis. An investigation was opened and the complaints were referred to specialized investigating teams, which are currently completing the investigations.

2. Racial motivation as an aggravating circumstance in Tunisian criminal law

111. Organic Act No. 2018-50 criminalizes and prescribes harsher penalties for a number of acts, in accordance with the obligations pursuant to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Article 8 of the Act stipulates that: “Anyone who commits an act or makes a statement based on racial discrimination, as defined in article 2 of this Act, with a view to expressing contempt or undermining dignity, shall be liable to a prison term of between one month and one year and/or a fine of between 500 and 1,000 dinars.”

112. The penalty is doubled in the following cases:

- If the victim is a child;
- If the victim is in a vulnerable situation due to advanced age, disability, apparent pregnancy, or his or her status as an immigrant or refugee;
- If the perpetrator has legal or de facto authority over the victim or abuses the powers stemming from his or her office;
- If the act was perpetrated by a group, regardless of whether the perpetrators are principals or accomplices.

113. Article 9 of Organic Act No. 2018-50 stipulates that: “Anyone who commits one of the following acts shall be liable to a prison term of between one and three years and/or a fine of between 1,000 and 3,000 dinars:

- Incitement to hatred, violence, segregation, separation or exclusion;
- Issuing of threats thereof against any person or group of persons based on racial discrimination;
- Dissemination by any means of ideas based on racial discrimination, racial superiority or racial hatred;
- Commendation of practices of racial discrimination by any means;
- Creating, joining or participating in a group or organization that explicitly and repeatedly endorses racial discrimination;
- Supporting or financing racist activities, associations or organizations.

The penalties prescribed in the Act do not preclude the imposition of more severe penalties prescribed in the legislation in force, nor does criminal liability preclude the institution of disciplinary proceedings.

114. Article 10 of the Act stipulates that: “If the perpetrator of the acts described in article 9 above is a legal person, the penalty shall be a fine of between 5,000 and 15,000 dinars. The prosecution of the legal person shall not preclude the imposition of the penalties prescribed in this Act on its representatives, managers, associates or agents if their personal responsibility for such acts has been established.”

3. Jurisprudence pertaining to Organic Act No. 2018-50

(a) Judgments handed down

115. Article 49 of the Constitution requires judicial authorities to ensure that rights and freedoms are protected from all violations. Since its entry into force, the Tunisian courts have handed down a number of judgments based on Organic Act No. 2018-50, the most important of which are listed below:

- Judgment No. 62196 of 5 February 2019 handed down by the District Court of Sfax, which convicted a person of having issued a statement based on racial discrimination with a view to expressing contempt and undermining dignity;
- Judgment No. 39410 of 19 February 2020 handed down by the District Court of El-Ouardia, which convicted a woman of having committed the offence, under article 8 of the Act, of issuing a statement based on racial discrimination with a view to expressing contempt and undermining dignity;
- Judgment No. 1786/20 of 4 June 2020 handed down by the Criminal Chamber of the Court of First Instance of Medenine, which convicted a woman of having issued statements based on racial discrimination against a child, which is criminalized by article 9 of the Act;
- Judgment No. 1068/20 of 17 March 2021 handed down by the District Court of Ariana, which convicted a woman of having committed the offence, under article 8 of the Act, of issuing a statement based on racial discrimination with a view to expressing contempt and undermining dignity;
- On 19 December 2018, the investigating judge of the Court of First Instance of Medenine concluded the investigations in case No. 24022 and referred the defendant for prosecution for having committed offences, including offences of racial discrimination under article 8 of the Act;
- The Office of the Public Prosecutor of the Court of First Instance No. 2 in Sousse, exercising its competence to institute criminal proceedings, referred a person to the Criminal Chamber of the same Court on the charge of committing an offence of racial discrimination for proceedings scheduled to begin on 25 May 2021.

116. It should be noted that the promulgation of Organic Act No. 2018-50 had a major impact on the Tunisian legal system, since the courts now accept requests from concerned parties to change or delete surnames that have racist or discriminatory implications (relics of

the slavery period), in line with the provisions of the Convention and the provisions and underlying values of the Act, which prohibit any racist behaviour or act. An example thereof is the acceptance by the Personal Status Chamber of the Court of First Instance in Medenine, in its judgment No. 39091 of 12 December 2020, of a request for the deletion and alteration of a family name that contained racist and discriminatory implications. The Court of First Instance of Tunis handed down a similar judgment (see annex 4 for the text of the judgment).

(b) Complaints and prosecutions

117. Since the judicial year 2018/2019, the Inspectorate General of the Ministry of Justice has issued statistical tables along the following lines showing the number of cases concerning racial discrimination in which a judgment has been handed down:

<i>Judicial year</i>	<i>Number of cases</i>
2018/2019	198
2019/2020	169

118. Article 6 (2) of Organic Act No. 2018-50 stipulates that complaints shall be filed with the territorially competent public prosecutor and shall be recorded in a special register. Such registers have not yet been introduced in all courts, but they are designed, once established, to provide access to accurate, up-to-date and disaggregated data on all complaints and legal proceedings concerning issues of racial discrimination.

(c) Reparations guaranteed to victims of racial discrimination

119. Article 5 of Organic Act No. 2018-50 stipulates that: “Victims of racial discrimination shall have the right to:

- Legal protection based on the legislation in force;
- Health care and psychological and social support based on the type of racial discrimination to which they were subjected and aimed at guaranteeing their security, safety, physical and psychological integrity and dignity;
- Just and proportionate legal compensation for the material and moral damages that they have suffered as a result of racial discrimination.”

120. Article 10 stipulates that: “If the perpetrator of the acts described in article 9 above is a legal person, the penalty shall be a fine of between 5,000 and 15,000 dinars.”

4. Measures taken to facilitate access to justice for all victims

121. Organic Act No. 2018-50 of 23 October 2018 on the elimination of all forms of racial discrimination specifies the procedures to be followed to institute legal proceedings based on the provisions of the Act:

- Article 6 stipulates that: “Complaints shall be filed, by the victim or by the guardian if the victim is a minor or lacks legal capacity, against any person who commits an act, who refrains from doing so, or who makes a statement with the intent of racial discrimination as defined by this Act;
- Such complaints shall be filed with the territorially competent public prosecutor and shall be recorded in a special register;
- The public prosecutor shall mandate one of his deputies to receive complaints of racial discrimination and to oversee the investigations;
- Complaints may be filed with the district judge, who is required to inform the public prosecutor thereof as soon as they are filed, to record them in a special register, and to authorize investigations by the public prosecutor;
- The public prosecutor shall assume responsibility for the case as soon as it is registered and shall entrust the tasks of research and investigation to judicial police officers who

are specially trained to investigate such offences and to combat all their forms and manifestations. The investigations shall be completed and the case shall be referred to the competent court within a maximum period of two months from the date on which the complaint was filed.”

122. With a view to protecting the rights of victims of racial discrimination, article 7 of the Act stipulates that: “The territorially competent court shall consider complaints that are filed under this Act and are referred to it by the Office of the Public Prosecutor, based on the conclusions and investigations. In light of the referral, the court may authorize further investigations through supplementary proceedings.”

123. With regard to legal aid, Organic Act No. 2018-50 does not provide for compulsory legal aid, but litigants can benefit from the general provisions governing legal aid contained in Act No. 2002-52 of 3 June 2002 concerning the granting of legal aid, article 1 of which stipulates that: “Legal aid may be granted in civil cases to all natural persons, whether they are plaintiffs or defendants, at every stage of the proceedings. It may also be granted in criminal proceedings to a civil party and a petitioner for review. In addition, it may be granted in cases punishable by a term of imprisonment of at least three years, provided that the applicant for legal aid is not a repeat offender. Crimes shall remain subject to the provisions in force concerning a requisition. Legal aid may be granted for the execution of judgments and the exercise of the right of appeal. It may also be granted in criminal cases that are subject to an appeal in cassation.”

124. Foreigners may benefit from legal aid, pursuant to article 2 of the Act, when the Tunisian courts are competent to consider disputes to which they are a party, in accordance with a cooperation agreement on legal aid with the country of which the person concerned is a national and provided that the principle of reciprocity is respected.

125. With a view to further harmonizing legal aid with the requirements of the right of access to justice and facilitating such access, the Ministry of Justice established a commission at the Centre for Legal and Judicial Studies in 2017 to assess the Act promulgated in 2002 and to propose a draft law on the matter, in cooperation with various stakeholders (judges, lawyers, enforcement officers, etc.). This action is in line with indicator 16.3 of Goal 16 of the Sustainable Development Goals concerning equal access to justice for all.

5. Role of the Independent High Authority for Audiovisual Communication in combating hatred and racial discrimination

126. Article 15 (5) of Decree No. 116 of 2011 concerning freedom of audiovisual communication, which established the Independent High Authority for Audiovisual Communication, stipulates that the Authority shall be responsible for organizing and regulating audiovisual communication by establishing pluralistic, diverse and balanced audiovisual media that respect the values of freedom, justice and elimination of discrimination on grounds of race, gender or religion.

127. The Independent High Authority for Audiovisual Communication launched the project “Monitoring of a Discourse of Incitement in the Media” with a view to combating any explicit or implicit discourse which seeks to incite all forms of violence, hatred and racism in the media, and which transcends the limits of freedom of expression and professional ethics. The project began to be implemented in October 2015, when the Independent High Authority for Audiovisual Communication undertook an empirical study on incitement to hatred in the audiovisual media, adopting a human-rights-based approach, in collaboration with the OHCHR Office in Tunis.

128. The project seeks to raise awareness in the media of abuses that may be perpetrated through incitement of violence and hatred with a view to preventing offences that gravely undermine the project of building a democratic society. It also aims to establish a national and international legal framework (among members of the Network of French-speaking Media Regulators (REFRAM)) to combat hate speech in the media, and to develop a code of conduct for the dissemination of a culture of tolerance by the media and by regulatory bodies that are members of REFRAM.

129. The Authority also issued the following recommendations made by the Language and Audiovisual Media symposium held on 29 March 2018 on action to combat racial discrimination and intolerance in the media:

- Compilation of a glossary of racist terms whose use in the audiovisual media should be prohibited;
- The need for the audiovisual media to contribute to education on equality, the elimination of all forms of racial discrimination, and promotion of a culture of difference and tolerance, and to broadcast cultural programmes and ensure that they are broadcast at times when they reach a large number of listeners and viewers.

130. The Authority has imposed penalties on some media outlets, ranging from warnings and fines to the suspension of broadcasting, for having failed to meet the requirements of Decree No. 115 and Decree No. 116 of 2 November 2015 (see annex 5).

Chapter IV

Measures taken to guarantee that groups protected by the Convention can exercise their rights (arts. 5, 6 and 7)

131. The fact that the Tunisian system is based on the principle of equality and non-discrimination does not prevent the existence of discriminatory racist practices in society and justifies the State's promulgation of special legislation and the establishment of competent institutions. Accordingly, strategies and action plans focus on combating such practices in order to reduce violations based on racial discrimination to the minimum and to ensure that all persons on Tunisian territory enjoy their rights to equality by adopting a preventive, educational and dissuasive approach and providing the necessary protection for victims of racial discrimination.

1. Civil and political rights

132. Tunisian law guarantees the right to political participation solely for Tunisian citizens (the Electoral Code), without discrimination on the ground of colour, race or ethnic origin. An increase has been recorded, especially in recent years, in the participation of black and Jewish members of the population in Parliament and in the Government, and this constitutes a positive step in terms of participation in public life.

133. With regard to freedom of assembly and association, the black population, minorities (although no accurate data are unavailable), immigrants and refugees enjoy the right to establish associations and to engage in their activities in accordance with the legislation in force. Accurate data on the number of associations are unavailable, since the classification and approval system has been abolished and replaced by the licence and activity system, in accordance with the objectives enshrined in Decree No. 88 of 2011 concerning the organization of associations. Accordingly, human rights activities undertaken by African students and migrants do not fall solely within the framework of classified associations but also within many areas of activity pertaining to other associations, regardless of how they are classified.

134. There has been a significant increase in the number of associations, especially those engaged in human rights activities, since 2011. Many associations address issues of racial discrimination and minority rights or include such issues in their action plans. A number of them participated in the discussions and dialogues with the Assembly of Representatives of the People when Organic Act No. 2018-50 was promulgated.

135. However, a number of impediments are encountered in establishing associations, for instance the complexity of the establishment procedures and the lack of any reference in Decree No. 2011-88 to certain issues relating to the examination of establishment files. This creates legal difficulties at the practical level and affects all those wishing to establish an association without any exclusion based on racial discrimination.

136. In addition to exercising their right to freedom of assembly, associations of all kinds, including Amazigh associations, participate in regional and national consultations organized by the State on matters relating to human rights in general and on action to combat discrimination on racial or other grounds during the preparation by Tunisia of its national periodic reports.

137. During the consultations, the associations submit recommendations and proposals on all the issues raised, depending on the nature of the report. The Tunisian Association of Amazigh Culture was one of the associations that supported the National Commission for the Preparation of Reports during the consultations on the preparation of the present report. It has also participated in the preparation of a significant number of national reports submitted to the treaty bodies and the Human Rights Council.

138. Tunisian law also guarantees the rights of groups protected by the Convention and other groups to freedom of expression, protection of personal data, and access to information, in accordance with the legislation in force, in the abovementioned areas.

2. Measures to guarantee access to justice and the right to a fair trial

139. Tunisian law enshrines the principle of equality before the law and contains a number of guarantees, such as the right to the presumption of innocence (article 27 of the Constitution), the principle of the legality of offences and penalties, the principle of the individual nature of penalties (article 28) and the principle of the legality of arrest and detention (article 29).

140. With a view to ensuring the compatibility of national legislation with international norms, the Ministry of Justice implemented a strategy aimed at reforming the legal and penitentiary system (2015-2019). Steps were taken to consolidate the rights of litigants by restoring the confidence of citizens, professionals and partners in the judicial system through a reform of the legal and institutional framework. The strategy focused on two main issues, one relating to the quality of justice and protection of the rights of litigants, and the other relating to access to justice.

141. With a view to implementing these plans, many committees were established to review laws and their compatibility with the Constitution and international standards governing the right to a fair trial (the committees were tasked with reviewing the Code of Criminal Procedure, the Criminal Code, the Code of Civil and Commercial Procedure, the Arbitration Code and the Child Protection Code).

142. In practice, several programmes funded by the European Union are being implemented, including the Support to Partnership, Reform and Inclusive Growth (SPRING) Programme, which is designed to support the reform of the judiciary in both structural and human terms, a programme to support judicial reform, and a cooperation programme with the Council of Europe to enhance the effectiveness of the legal system, to promote democratic and political reform, and to enhance the independence and effectiveness of the judiciary.

143. In addition, as part of the judicial reform project funded by the European Union, a programme aimed at the rapid settlement of criminal cases was established. It involves a new procedure for addressing complaints that are filed directly with the Office of the Public Prosecutor and for dealing with the records of investigations concerning suspects who have been released. It is designed to enhance the efficiency and effectiveness of legal proceedings, to reduce the time taken to issue a judicial response, and to reduce the number of judgments in absentia, thereby contributing to enforcement of the law and the delivery of justice to all within reasonable deadlines, while respecting the conditions governing a fair trial and human rights.

144. A number of legal measures were taken with a view to guaranteeing the right of access to justice and enhancing the rights of litigants. For instance, Act No. 2002-52 concerning the granting of legal aid was promulgated (see paras. 124 to 126).

145. This action is in line with indicator 16.3 of Goal 16 of the Sustainable Development Goals concerning equal access to justice for all.

3. Forms of redress and compensation in cases of racial discrimination that are deemed to be appropriate under Tunisian law

146. Article 5 of Organic Act No. 2018-50 guarantees victims of racial discrimination the right to “just and proportionate legal compensation for the material and moral damages that they have suffered as a result of racial discrimination”. Accordingly, they may institute civil proceedings, in conjunction with criminal proceedings, with a view to requesting compensation pursuant to article 7 of the Code of Criminal Procedure, or they may institute independent civil proceedings once the criminal proceedings have been completed. Mention should be made in this connection of a case in which civil proceedings were instituted to request compensation for the moral damage suffered by the victim of a racist offence. The District Court of El-Ouardia ruled in her favour in judgment No. 39410 of 19 February 2020, awarding her compensation amounting to 500 dinars.

147. It should also be noted that article 5 cited above does not limit claims for compensation for cases of racial discrimination to criminal proceedings, since its provisions are formulated in general terms, and claims for compensation may therefore be filed with the courts in all cases in which aggrieved parties demonstrate that they were subjected to racial discrimination in the manner specified in article 2 of the Convention, including compensation for cases of indirect discrimination.

4. The burden of proof in civil proceedings concerning acts of racial discrimination

148. The Tunisian legal system theoretically provides civil remedies for offences of racial discrimination. In practice, however, no complaint was filed prior to the date of this report that would indicate how the courts may be expected to deal with such cases.

5. The Amazigh population

Registration of Amazigh first names in civil records

149. On 15 July 2020, the Ministry of Local Affairs issued a circular revoking joint circular No. 1965-85 of 12 December 1965 issued by the Secretary of State for Justice and the Secretary of State for the Interior, which imposed some restrictions on parents’ choice of names for newborn babies when registering their birth. The new circular guarantees, in particular, the right of the Tunisian population of Amazigh origin to register children with Amazigh names (see annex 6). The departments tasked with monitoring compliance with the circular seek to prevent cases in which individual civil servants fail to comply with this obligation.

Exercise of the social and cultural rights of the Amazigh population

150. The Amazigh population constitute an important part of the Tunisian social fabric and enjoy their right to education, culture and health and other human rights without any form of discrimination, exclusion or marginalization.

151. Educational and cultural institutions invariably seek to promote the Amazigh cultural heritage. Schools basically seek to consolidate the foundations of this affiliation and they take pride in preserving all its historical and cultural components.

152. Amazigh culture will be included, as from 2024, as a supplementary component of official school curricula through cultural activities organized by clubs on behalf of those wishing to participate.

6. Economic, social and cultural rights of the groups protected by the Convention

(a) The right to education

153. The education system in Tunisia enshrines the right to compulsory and free education for all persons in the 6 to 16 age group. It is a fundamental right guaranteed to all Tunisians without discrimination on the grounds of gender, social origin, colour or religion, and a duty shared by individuals and the community. It is also a right enjoyed without exception, restriction or preference by foreigners residing in Tunisia. Accordingly, the enrolment of all persons of school age, be they Tunisians or foreigners, is a right guaranteed by the country's laws and regulations. The education system thus supports principles and values that enhance people's dignity and guarantee their rights.

Enrolment of foreigners in educational institutions

154. During the 2020/2021 academic year, 1,886 foreign students were enrolled at the various levels of education in primary, preparatory and secondary institutions.

155. With regard to university education, enrolment facilities and scholarships are granted to foreign students in Tunisian public universities based on agreements and contracts concluded between the Ministry of Higher Education and Scientific Research and the student's country of origin, or based on individual applications. Foreign students enrolled in public universities receive a university scholarship, have access to university services, benefit from reductions in public transport fees, and receive medical and psychological care from the social security and health-care system. Students who have not received a university scholarship benefit from reduced fees for all health-care services in public institutions if Tunisia is their country of origin. Participation in cultural and sports clubs and associations is also guaranteed for foreign students in all university institutions.

156. Students from sub-Saharan African countries constitute a stable component of the student community in Tunisian university institutions and benefit from the same university services as Tunisian students. Education is almost free of charge for foreign students in Tunisian universities, and they have the right, just like Tunisian students, to proceed to the next university level if they fulfil the legal and pedagogical conditions for admission and registration and possess the requisite certificate. Annex 7 shows the number of foreign students enrolled in public institutions during the years 2019, 2020 and 2021, disaggregated by nationality.

(b) The right to housing

157. Applications for real-estate projects may be submitted by various social groups and by non-citizens aspiring to reside legally in Tunisia and who have been granted the right by the State to own residential property constructed by licensed real-estate developers, based on certain conditions.

158. The State of Tunisia is one of the countries participating in projects, action plans and programmes implemented by the United Nations Human Settlements Programme (UN-Habitat).

159. The right to own a home or to obtain funds for its construction is not based on any criterion related to the beneficiary's ethnic or national origin, colour or descent. The State seeks to provide persons who wish to build housing with appropriate sites in terms of quality and quantity, and to reserve sites for collective facilities, without discrimination on any grounds. Foreigners may own residential property after obtaining prior authorization.

(c) The right to health

160. The Ministry of Health is taking steps to promote vigorous action in various regions and settings to enable all segments of society to benefit from all available health-care services without discrimination, and is seeking to provide the necessary facilities for such action.

161. With a view to providing health-care services to non-citizens residing in Tunisia, the National Office for the Family and Population signed a work and cooperation agreement with IOM on the provision of preventive, support and care services free of charge in the field of sexual and reproductive health.

162. With a view to promoting the prevention of communicable diseases, such as HIV/AIDS, awareness-raising, educational and guidance sessions on sexual health services and on the prevention of sexually transmitted infections were organized for immigrants.

163. With a view to ensuring the sound reception and support for immigrants seeking health-care services in public health-care facilities and institutions, a circular was issued by the Minister of Health on 19 March 2019 confirming that preventive and therapeutic services would be provided to all immigrants whose state of health so required, regardless of their regular or irregular status, and that the costs of their treatment would be covered, in accordance with the legislation in force.

164. According to the circular, health-care personnel were obliged to comply with a number of rules, such as the following:

- Immigrants should be provided with a sound reception and comprehensive care, while respecting their human dignity and fundamental rights, without any discrimination, and special attention should be paid to vulnerable groups, such as pregnant women, children, older persons, persons with disabilities, and victims of human trafficking;
- The provision of health-care services to immigrants entering emergency departments should be expedited, and they should be provided with care even if, upon their admission, they lack documentation concerning their civil status or a health-care card, provided that the administrative procedures relating to the cost of treatment are completed in due course, either by the patient himself or by any institution or organization that agrees to take care of a patient who is in a permanently precarious economic and social situation;
- Immigrants should be referred, when necessary and based on their health condition, to competent health-care facilities, and they should be informed of the treatment and services that they are entitled to receive.

(d) Statistical data, at the administrative level of delegations, on health-care services provided to immigrants

165. A total of 7,701 services were provided between September 2018 and August 2020 and were distributed as follows, according to the data that has been compiled:

- Most of the beneficiaries of services were females (98.7 per cent), of whom 80.3 per cent were single and 17.4 per cent were married.
- Their levels of education were diverse: 19.2 per cent were illiterate, 23.3 per cent were at the primary education level, 35.8 per cent at the secondary level, 20.7 per cent at the higher education level, and 1 per cent were attending vocational training courses.
- More than half of the beneficiaries were workers (61.7 per cent), 18.1 per cent were students and 20.2 per cent were unemployed.
- Distribution by nationality shows that the majority of beneficiaries were Ivorians (82.6 per cent), followed by Cameroonians (4.7 per cent) and Malians (4.2 per cent).
- The services provided to immigrants were distributed as follows:
 - Health-care awareness-raising, education and communication: 3,841 services (49.9 per cent);
 - Medical services: 4,855 services (63.0 per cent);
 - Psychological consultations: 171 services (2.2 per cent);
 - Guidance (if required): 728 services (9.5 per cent).

(e) The right to employment and to social security

166. The right to employment and social security is governed by the principles applicable under the legal system in all areas, namely equality and prohibition of all forms of discrimination. In addition to the Constitution, these principles are enshrined in the General Statute of Civil Service Officials, the Labour Code and collective labour agreements.

167. With regard to the refugees registered with the UNHCR Office in Tunisia, they have been granted since 2020 National Social Security Fund membership cards, which enable them to benefit from one of the social security systems and the various authorized social services on presenting an employment contract signed by the Ministry of Vocational Training and Employment or a card for the conduct of commercial activities in the case of self-employed refugees.

Resident foreign population in terms of sex and type of activity

<i>Type of activity</i>	<i>Men</i>	<i>Women</i>
Worker	49.5	22.1
Unemployed	14.2	14.6
Inactive	36.3	63.3
Total	100	100

168. The Ministry of Vocational Training and Employment implements a number of programmes in cooperation with various partners with a view to addressing these issues. They include the THAMM programme, which aims at gradually developing legislative, institutional and regulatory frameworks for legal migration and mobility, particularly promotion of the rights of migrant workers, combating forced labour, child labour and human trafficking, improvement of procedures for assessment, recognition and authentication of certificates, and enhancement of the knowledge and management of data and statistics on regular migration and mobility. The programme also aims to develop and improve organized immigration programmes and to promote cooperation on the issue of immigration among various stakeholders.

(f) Migrants, asylum-seekers and refugees**The legal framework, adoption of an asylum bill, and establishment of a body responsible for considering applications for asylum and determining refugee status**

169. There is currently no national legal framework governing asylum, although the Tunisian State ratified the United Nations Convention relating to the Status of Refugees and its Protocol in 1967. All asylum procedures and requests are therefore examined by UNHCR in accordance with the applicable criteria.

170. The Centre for Legal and Judicial Studies at the Ministry of Justice has been drafting, in a participatory manner, a bill on asylum aimed at establishing a national authority on the protection of refugees, which would be tasked with examining and taking decisions on asylum claims, monitoring the status of refugees, and withdrawing or revoking refugee status whenever necessary. Its headquarters would be based in Tunis, the capital city, and it has been suggested that it should be composed of representatives of all ministries, a representative of the Human Rights Commission, a representative of the Tunisian Red Crescent association, and a representative of the UNHCR Office in Tunisia without the right to vote. It should be chaired by a third-rank judge specializing in matters of asylum. The bill is still being studied.

The institutional framework

171. Tunisia has reception centres rather than detention centres. Measures are taken in partnership with relevant international bodies (UNHCR, OHCHR, IOM, etc.) to provide support for such groups, especially those in a vulnerable situation, with a view to improving guaranteed services until such time as practical solutions have been found.

172. Immigrants and refugees are housed temporarily in shelters based in diverse regions of the country pending a study of their legal status. The Tunisian State covers the costs of providing them with accommodation, means of subsistence, treatment and care. It also cooperates with various constituents and representatives of their countries and with competent organizations, such as IOM and UNHCR, in providing them with assistance.

173. The Ministry of the Interior has enabled external monitoring bodies to visit its shelters so that they can examine the existing human and material resources, and propose solutions aimed at their improvement and development, such as Doctors of the World, the International Committee of the Red Cross (ICRC), the Tunisian Human Rights League, the Committee on Civil Liberties, Justice and Home Affairs in the European Parliament, and other bodies.

174. The Ministry of the Interior, acting in cooperation with the OHCHR Office and the UNHCR Office in Tunisia, has organized a number of training courses on law enforcement and international human rights law for law enforcement officers and National Guard and National Security personnel of various ranks and areas of specialization. The Ministry's aim is to take all necessary measures to protect the physical and psychological integrity of all persons, to protect their rights without discrimination, in accordance with international human rights norms and basic national legal instruments concerning the protection of human rights and fundamental freedoms, to address complaints and petitions concerning human rights violations submitted either by persons who claim to have suffered damages or by national and international organizations, and to impose, if necessary, administrative, disciplinary or criminal sanctions on any perpetrator of such violations.

175. The social support and guidance centres located in a number of governorates undertake to provide assistance to vulnerable groups of refugees (unaccompanied children, pregnant women, persons with disabilities, etc.) by providing them with accommodation and various support and health-care services. For example, during the first six months of 2020, the Social Support and Guidance Centre in Sfax received and interviewed five men referred to them by the security services, and provided them with accommodation and social care. In addition, it cooperated with representatives of civil society and international organizations, such as the UNHCR Office in Tunis and the Tunisian Refugee Council, in facilitating their access to health-care services and providing them, if necessary, with an interpreter.

176. Continuous action is taken to find a solution to the problem of immigrants and refugees in a manner that guarantees their freedom of movement and enables them to integrate into social life, notwithstanding the existence of a number of problems, such as overcrowding and the growing number of immigrants entering the country, especially in the region of Medenine, owing to the continuous instability in the territory of Libya. It is thus essential to formulate a practical and effective policy that definitively addresses the existing problems, guarantees the security of immigrants, and is based on the principles of human rights enshrined in the country's Constitution.

177. The UNHCR Office in Tunisia, the Tunisian Red Crescent association and IOM undertake to provide accommodation, means of subsistence and medical care for immigrants and refugees until the examination of their files has been completed and their status had been regularized.

Treatment of immigrant children

178. The Office to Support the Juvenile Justice System at the Ministry of Justice addresses the problem of unaccompanied immigrant children in a serious and flexible manner. Family judges, children's judges and representatives of the Office of the Public Prosecutor take direct action together with the security authorities to support juveniles in conflict with the law, children who have been threatened or child victims, for instance by guaranteeing them the right to health and psychological care and the right to enrolment in education until such time as the procedures for return to their country have been completed. This necessitates a case-by-case examination of each child's situation. The Office to Support the Juvenile Justice System participated in a coordination session on care for unaccompanied immigrant children at the Ministry for Women, the Family, Children and Older Persons, which resulted in the following recommendations:

- Establishment of a joint multisectoral working group to monitor the situation of immigrant children;
- Finding urgent solutions to protect such children, particularly in terms of accommodation;
- Joint action by all stakeholders, exchanges of information and data, and sharing of responsibility for the provision of care;
- Addressing various dimensions of the issue of child immigration, taking into account the best interests of the child;
- Preparation of procedural guidance for the provision of care for immigrant children;
- Capacity-building on behalf of parties involved in matters related to immigration;
- Development of an “emergency strategy” for dealing with cases involving accompanied or unaccompanied immigrant children.

Action is currently being undertaken to implement these recommendations.

Problems and challenges

179. The following are some of the problems that have been identified and that present a challenge with respect to the issue of immigrants:

- Most immigrants and refugees do not possess documents that prove their identities. In addition, some of them, when questioned, deliberately provide false identities and claim to belong to nationalities that are not their own. It is therefore difficult to deal with them in security terms.
- They do not undergo a health examination when they are detained, although some of them may suffer from infectious diseases.
- It is difficult to manage them after they have been accommodated in authorized reception centres.
- They may refuse to reside in Zarzis and Sfax, and insist on remaining in the reception centres of the region of Medenine, which have exceeded their maximum capacity.
- The above-mentioned organizations, which are responsible for monitoring their affairs, are unaware of their total number and their nationalities.
- Difficulties arise when they are transferred to shelters because of the large numbers involved and the lack of the necessary means of transport.

180. The difficulties encountered in dealing with immigrants are also due to the lack of material, logistical and human resources, which presents a major challenge. These issues, given their importance and their sensitive nature, call for an international review of the problems of immigrants, refugees and displaced persons.

7. Action to combat trafficking in persons

<i>State</i>	<i>Percentage</i>
Tunisia	22.4
Côte d’Ivoire	72
Cameroon	1
Togo	0.4
Guinea	0.6
Mali	1
Other African countries	1.4
Asia (Japan and the Philippines)	0.4
Arab countries (Algeria and Syria)	0.6

(a) Data on trafficking in persons related to immigrants¹⁰

181. Cases of trafficking in persons totalled 907 in 2020. Women accounted for almost two thirds of the victims (63.7 per cent), and more than half of the cases (about 52 per cent) involved children. The number of foreign victims was estimated at two out of every five (40.4 per cent).

Victims registered with the National Authority to Combat Trafficking in Persons in 2020, disaggregated by nationality (in percentage terms)**Foreign victims of trafficking in persons registered in 2020, disaggregated by the type of trafficking**

<i>Type of trafficking</i>	<i>Foreigners (in percentage terms)</i>
Sexual exploitation	0.3
Forced labour	98.9
Economic exploitation of children	2
Slavery-like practices	0
Trafficking and sale of children	15.4
Other types of trafficking	8.3

(b) Implementation of Organic Act No. 2016-61 and the results of the National Strategy to Combat Trafficking in Persons (2018-2023)

182. In line with the provisions of article 46 of the above-mentioned Act and with technical support from the United Nations Office on Drugs and Crime, the Authority produced the National Strategy to Combat Trafficking in Persons (2018-2023) based on a participatory approach.

183. The Authority developed an action plan to implement the main components of the Strategy during the period from 2017 to 2019. The resulting actions were in line with indicators 16.2 and 16.4 of Sustainable Development Goal 16 and with indicator 5.2 of Sustainable Development Goal 5.

184. The Strategy aims to adopt a comprehensive approach in combating the phenomenon, especially when implementing protective measures and procedures for assisting victims, and to create a database on trafficking in persons that can assist the authority in the performance of its duties. The Strategy has four main components, namely prevention, protection, monitoring and cooperation.

185. With regard to the human and financial resources of the National Authority to Combat Trafficking in Persons, article 44 of Organic Act No. 2016-61 provides for the allocation of funds in the budget of the Ministry of Justice to enable the Authority to perform its functions. The Authority continued to boost its resources, especially its human resources. Annex 9 lists the recommendations of the National Authority to Combat Trafficking in Persons contained in its annual report for 2020. The following action has been taken to implement its Strategy:

Awareness-raising

186. The Authority has joined the Blue Heart Campaign against human trafficking and has organized, since its establishment, many awareness-raising activities in the capital city and various internal regions, such as marches, seminars, press conferences and campaigns to raise awareness of the need to tackle the phenomenon of trafficking and to learn about Organic Act No. 2016-61.

187. The Authority also signed two media agreements aimed at raising awareness of the phenomenon of trafficking. In addition, 23 January each year has been declared the national day for the abolition of slavery and servitude, and a postage stamp was issued in January

¹⁰ The annual report of the National Authority to Combat Trafficking in Persons for the year 2020 (a quantitative summary of the situation of trafficking in persons in 2020).

2021 commemorating the abolition of slavery and servitude in Tunisia. The Authority has developed partnerships with international and regional organizations and concluded cooperation agreements on the implementation of its Strategy with components of civil society.

Capacity-building

188. The Authority has organized many training activities on behalf of judges, court officials, internal security forces, personnel of the Ministries of Social Affairs, Women, Religious Affairs and Health, and university professors.

189. More than 200 members of the judiciary have benefited from the training programmes. During the period from 2015 to 2018, courses on international treaties and their implementation were organized on behalf of practising judges, and specialized training courses on international regulations against smuggling and trafficking were organized on behalf of court officials, 125 public prosecutors and investigating judges, and 28 judges deemed to be “judges of reference” in the fight against trafficking in persons. In addition, several training courses were organized for family judges and public prosecutors responsible for cases of violence against women in all courts of first instance.

190. With regard to the military judiciary, four military judges attended a training course on combating trafficking in persons organized by the Partnership for Peace Training Centre in Ankara. The course was designed to build participants’ capacity to deal effectively with issues of human trafficking and to familiarize them with procedures and measures to combat the phenomenon.

191. With regard to judicial police officers belonging to the Internal Security Forces, 25 officers attended four training courses on trafficking in human beings, and eight were selected at the national level. In addition, 104 participants benefited from four regional training courses organized by the Authority.

192. The staff of social welfare centres also benefited from training courses and workshops on victim identification procedures, and 26 inspectors were trained to serve as focal points. In addition, 25 child protection delegates participated in a trainer training programme and 41 regional delegates attended several training courses.

193. The Authority organized 29 training courses in 2018, in partnership with IOM, from which more than 2,000 participants benefited.

194. The National Authority to Combat Trafficking in Persons has been organizing HELP online courses on combating human trafficking since 2020, in coordination with the Office of the Council of Europe in Tunisia. The first six-month session, which ran from April to September 2020, was launched on 13 and 14 February 2020. The 41 Moroccans and Tunisians who participated in the session included members of bodies that operate in the area of trafficking in persons, security personnel belonging to units that investigate trafficking crimes, lawyers, social workers and legal specialists. Annex 8 lists training courses on combating child trafficking conducted in partnership with IOM.

National referral mechanism for victims of trafficking in persons

195. The National Authority to Combat Trafficking in Persons has established and developed a national monitoring, referral and guidance mechanism for victims of trafficking in persons in the context of a strategic partnership with the public and private sectors, civil society and the international community. The national referral mechanism enables victims to be identified, referred to appropriate services, and provided with support and protection.

196. The mechanism was designed to embody the roles of governmental and non-governmental institutions with a view to establishing a general framework and clear foundations for assisting victims and persons who have suffered damages from such crimes, and in order to promote a participatory approach from the time of detection of the crimes until the victims are reintegrated into society or voluntarily return to their country, the aim being to ensure that they are not subjected once again to trafficking. The victims are provided with all means of assistance and protection required by their situation, in accordance with relevant national and international norms.

197. The Authority, in partnership with the Council of Europe, has prepared a national referral and guidance mechanism aimed at developing a roadmap that specifies the roles of various stakeholders within a unified, structured and integrated network that guarantees the provision of better and speedier services to victims through a set of tools that facilitate coordination between the participants in the partnership and guarantee the rights and protection of victims.

198. With a view to enhancing the effectiveness and practical implementation of the national mechanism for referral of victims, the Authority carried out a simulated test prior to its final approval through three regional workshops in 2020 involving the various governorates of the Republic.

Collection of data

199. The National Authority to Combat Trafficking in Persons prepares an annual report, with the support of IOM, on cases of trafficking in persons that it has addressed together with various stakeholders. The Authority is also developing a data system that enables it to digitalize the procedures and compile statistics on the number of cases referred to it.

(c) Measures to protect victims

200. The National Authority to Combat Trafficking in Persons implements the following measures:

- Provision of the medical aid required to ensure the physical and psychological rehabilitation of victims;
- Provision of guidance to victims on the judicial and administrative procedures required to ensure that they obtain appropriate compensation;
- Assisting victims in the preparation of files aimed at obtaining legal aid;
- Referral of notifications of human trafficking to the competent judicial authorities;
- Publication of guidelines on the identification and provision of assistance to victims of trafficking in persons;
- Utilization of competent public services and infrastructure to implement measures aimed at protecting victims, witnesses and whistleblowers, and at assisting victims;
- Monitoring of victims' files with public authorities, in coordination and cooperation with NGOs, and assisting them, whenever necessary, in removing obstacles that might impede access to their rights;
- Provision of the necessary social assistance to victims in order to facilitate their reintegration into society and their accommodation.

201. All parties involved in combating trafficking in persons operate in accordance with the legislation in force and the procedures established for the purpose. With regard to children, the child protection officer is required, as in the case of Tunisian children, to request the institution of legal proceedings on behalf of all children whose rights have been violated, regardless of their legal status in terms of immigration, asylum or any other situation.

202. For example, the Delegate for Child Protection in Sfax handled a number of cases of victims of exploitation and human trafficking, in accordance with the provisions of Organic Act No. 2016-61 of 3 August 2016.

203. The Office of the Delegate for Child Protection in Sfax received a notification from a human rights association on 25 February 2021 concerning a juvenile from a sub-Saharan country, born on 9 January 2004, who had crossed the Algerian border into Tunisia in order to seek asylum. On Sunday, 22 August 2021, all his documents were stolen, he was diverted from his destination and was subjected to a sexual assault by a Tunisian man of about 31 years of age. The notification from the Delegate for Child Protection in Sfax was based on article 237 and ff. of the Criminal Code and article 2 of Organic Act No. 2016-61 of 3 August 2016 on combating trafficking in persons. On 25 August 2021, the Prosecutor of the Court

of First Instance of Sfax 1 was informed of the crime with a view to ensuring that the necessary legal measures were taken to prosecute the accused (case No. 1193/2021).

204. In addition, the Child Psychiatry Department of Hedi Chaker University Hospital in Sfax provided the necessary psychological support and oversight (case No. 1192/2021) on 25 and 27 August 2021.

(d) Social support and accommodation for victims

205. Tunisian and foreign victims of human trafficking are accommodated in social care centres run by the Ministry of Social Affairs on behalf of disadvantaged and homeless persons. Minors are accommodated in a child protection centre that provides psychological care and rehabilitation services.

206. The following social care centres provided support for 71 victims in 2020:

- The Child Social Care Centre in Tunis: 36 victims: 17 girls and 19 boys;
- Counselling and social guidance centres: 35 victims: 13 women and 22 men.

207. Victims residing in the centres are provided with basic care and with social and medical protection services, and the centres have multidisciplinary teams (social workers, psychologists, health-care providers, and medical and paramedical staff). Victims residing in the centres were provided in 2020 with the following services: psychological care (39 persons), family integration (7 persons), social support (35 persons), material aid (9 persons), vocational integration (4 persons) and health-care services (27 persons).

8. Measures taken in the context of the coronavirus (COVID-19) pandemic to protect groups most vulnerable to discrimination and diverse groups protected by the Convention, including non-citizens

208. Special measures were taken to protect vulnerable groups who were deemed to be more at risk of being infected or harmed by the COVID-19 pandemic. Governmental Decree No. 2020-208 of 2 May 2020 established selective confinement procedures, pursuant to which specific groups were strictly confined, such as pregnant women, mothers of children under 15 years of age, persons with disabilities and persons with chronic diseases listed in the Decree.

209. Although some medical departments and health-care facilities were closed down, the Ministry of Health adopted a number of measures, including those listed below, aimed at ensuring that infected people had access to all necessary health care:

- Identification of groups most affected by the COVID-19 pandemic in order to protect them and guarantee their specific health-care requirements, thereby promoting a decline in the number of critical cases and deaths;
- Adoption of exceptional measures aimed at guaranteeing the permanent availability of medication, especially medicines for the treatment of chronic diseases, and of personal protective equipment and medical supplies, and ensuring that patients did not need to travel to obtain treatment, thereby preventing their exposure to risks;
- Action to promote access to outpatient clinics for people with chronic diseases requiring primary care and people being treated in hospitals in light of the suspension of consultation services in hospitals and problems of communication and transport;
- Continuous provision of health-care services that are deemed to be necessary or urgent, such as vaccinations, consultations on the health of pregnant women, on maternal and reproductive health, on the health of vulnerable groups such as children, women and older persons, on nutrition and on urgent dental cases.

210. These measures were applicable to all persons concerned without discrimination and in accordance with the available capacities, including those of hospitals and health-care centres.

211. A number of governmental agencies (the Ministry of Social Affairs, the Units for Relations with Constitutional Bodies, Civil Society and Human Rights Organizations, and the Ministry of the Interior) took the initiative, in coordination with IOM, UNHCR, representatives of civil society and a number of municipal councils, of providing migrants affected by the pandemic, particularly those who had lost their jobs, with financial and in-kind assistance equivalent to that provided to Tunisian citizens affected by the pandemic.

212. In addition, the Tunisian Union for Social Solidarity provided migrants affected by the pandemic with 1,350 donations of food aid and 400 donations of financial aid (the value of each type of aid is estimated at 200 dinars).

213. A Committee responsible for monitoring the situation of migrants and asylum-seekers was established by the Prime Minister's Office and tasked with developing a plan of action aimed at coordinating the activities of the various parties concerned and specifying all forms of intervention and the procedures for distributing aid to such groups. The Committee was composed of representatives of the Ministry of Higher Education and Scientific Research, the Ministry of Foreign Affairs, the Ministry of Social Affairs, the Assembly of People's Representatives, IOM, UNHCR, the Union of Industry, Trade and Handicrafts and some municipal councils, as well as representative of civil society bodies involved in promoting the rights of immigrants and asylum-seekers, such as the Tunisia Land of Asylum Association, the Tunisian Council for Refugees, and the Association of African Students and Trainees in Tunisia.

214. In addition, a digital platform was created for the remote management of donations and aid. Its role was, on the one hand, to receive requests for assistance from foreign students, refugees and asylum-seekers or their representatives, regardless of their legal status, and, on the other hand, to receive material aid and donations from individuals, companies and institutions.

215. The platform received 787 requests for assistance. The number of beneficiaries totalled 1,342 and 403 aid packages were distributed. However, data disaggregated by gender are not available.

216. During the comprehensive lockdown period of April 2020, the Delegation for Child Protection took steps, in coordination with various stakeholders, to meet all the needs of migrants from sub-Saharan countries, including accommodation, material assistance and health monitoring. In April 2020, for example, 600 material assistance vouchers, worth 100 dinars for one person and 200 dinars for more than one person, were provided with the support of IOM. Their distribution was supervised by the Mayor of Al-Bustan Municipality and the person responsible for external relations in Sfax Municipality.

217. The SOS Children's Village in Mahres also provided material assistance to all families from countries of sub-Saharan Africa in areas such as Hafara and Rabd. The action was conducted through an integrated network (Hedi Chaker University Hospital in Sfax, Habib Bourguiba University Hospital in Sfax, the Sfax Regional Health Administration, the SOS Children's Village in Mahrese, IOM, UNHCR, the Tunisian Council for Refugees, the Municipality of Sfax and the Tunisian Union for Social Solidarity).

“Azima” National Programme

218. The Programme was launched by the Units for Relations with Constitutional Bodies, Civil Society and Human Rights Organizations, headed by the Government, at the beginning of the COVID-19 pandemic in March 2020. It included partner State administrations (10 ministries), the Centre for Information, Training, Research and Documentation on Associations (IFEDA), and diverse national and international civil society organizations. The Programme was implemented at the regional level by 24 regional committees supervised by the governors.

219. It supported the national campaign to prevent the COVID-19 virus, to provide protection and to address the repercussions of the rapid spread of the pandemic. It sought to protect all persons resident on Tunisian territory, regardless of their legal status. It was not funded by the State budget but by national and international organizations and private individuals, who provided a network of volunteers and citizens with means of prevention and

protection against the COVID-19 virus, and also offered support in terms of logistics and communication.

220. The Programme underwent several stages of implementation. It began with awareness-raising of the need to respect the health protocol, and this was followed by field campaigns to distribute means of prevention and to protect vulnerable groups from the repercussions of the pandemic, and by participation in the national vaccination campaign, in accordance with the Decree issued by the Ministry of Health on 25 December 2020 on the establishment of a technical committee to lead the national vaccination campaign against the SARS-CoV-2 virus.

221. In conjunction with the comprehensive lockdown procedures approved by the Government from 9 to 16 May 2021, a free 24-hour call number (80107785) was launched from 10 May 2021 in order to provide citizens with information and guidance on the COVID-19 virus.

222. In addition, the following training courses were organized on behalf of immigrants:

- 6 March 2021: a remote training course on “Communication technologies”;
- 2 April 2021: a remote training course on “Communication technologies” in order to provide immigrants with guidance on registration in the vaccination system;
- 30 April 2021: a training course on scientific aspects of vaccination on behalf of immigrants in Tunisia.

223. With a view to ensuring that immigrants received the necessary COVID-19 vaccinations, the Ministry of Health provided for their registration in the EVAX system, in accordance with their legal status. Accordingly, all individuals without exception were vaccinated, regardless of their status. Even persons who possessed no identity documents were registered in the box designated for persons without an identity and were therefore entitled to be vaccinated. All immigrants who applied to the vaccination centres during the open days for vaccination were vaccinated without needing to meet any conditions.

224. With regard to statistics concerning immigrants who were vaccinated against COVID-19, it should be noted that the Ministry of Health does not possess accurate data, since the persons in question did not provide identity documents in all cases. Accordingly, it is difficult to determine their legal status and to compile data by resorting either to the EVAX system database or to data compiled by the various regional health departments.

225. The Tunisian armed forces participated and continue to participate effectively in the national campaign to vaccinate Tunisians, residents and all persons currently on Tunisian territory, in accordance with the relevant national strategy, which establishes priorities for the receipt of vaccinations based on objective and scientific criteria that are entirely devoid of discrimination in terms of colour, gender, race, origin or any other form of racial discrimination.

Contribution of the National Authority to Combat Trafficking in Persons to action taken against the COVID-19 pandemic

226. The National Authority to Combat Trafficking in Persons drafted a national training strategy that meets all the needs and requests of persons involved in anti-trafficking training courses, and that takes into consideration the context of the COVID-19 pandemic.

227. In light of the COVID-19 pandemic and the applicable health protocol, several training courses were organized in 2020 and tools were prepared for use by trainers during training courses and for use by victims to learn about their rights and to identify the contact points for bodies involved in combating trafficking in persons. In addition, a number of forums were organized for the purpose of establishing the national mechanism for referral and guidance of victims.

9. General information on the education system and measures to combat discriminatory and derogatory terms

228. Guidance Act 2002-80 of 23 July 2002 concerning education and teaching includes a number of provisions concerning human rights, dissemination of a culture of acceptance of differences and of citizenship, including the following:

- Article 3 stipulates that the education system “is designed to instil the values shared by Tunisians, which are based on the primacy of knowledge, work, solidarity, tolerance and moderation, and which guarantee the establishment of a society that is deeply attached to its cultural identity, that is open to modernity and that is inspired by humanist ideals and the universal principles of freedom, democracy, social justice and human rights”.
- Article 8 stipulates that: “The school shall ensure that students learn to respect collective values and the rules of coexistence.”

229. Accordingly, the Tunisian education system is based, in terms of human rights education and dissemination of a culture of human rights, on the following guidelines:

- Teaching of the subjects of Islamic education/Islamic thought and history at both the primary and secondary levels;
- Teaching of philosophy at the secondary level;
- Focusing on the development of skills and proper conduct, and promotion of the acceptance of differences and the rejection of intolerance, violence and hatred within the school environment;
- Teaching of human rights at the university level.

230. Paragraphs 55 to 60 contain information on the measures taken by the Ministry of Education in this regard. Paragraphs 150 to 152 provide information on the cultural rights of the Amazigh population.

10. Measures taken to raise awareness among media professionals of the fight against racial discrimination

231. The role of the Independent High Authority for Audiovisual Communication is described in paragraphs 126 to 130.

232. The Press Council, which was established in September 2020, is the first independent press council to be established in the region of the Middle East and North Africa. Its establishment constitutes a landmark achievement in the media reform process, which has been under way in Tunisia since 2011, and it will play a vital role in protecting freedom of the press and in promoting the right to freedom of expression in the country. The Council will also organize courses for journalists in order to enhance their professional skills, and it will receive public complaints concerning any ethically and professionally devious conduct by the media.

233. The Press Council is composed of three groups representing journalists, media owners and civil society. The members were selected by the National Union of Tunisian Journalists, the Tunisian Federation of Newspaper Directors, the General Media Union, which forms part of the Tunisian General Labour Union, the Chamber of Owners of Private Television Channels, and the Tunisian Human Rights League, which represents the general public in the Press Council.