



COUNTRY OPERATIONS PLAN

Executive Committee Summary

Country: Tunisia

Planning Year: 2005

2005 Country Operations Plan Tunisia

Part I – Executive Committee Summary

(a) Context and Beneficiary Population

Relations between UNHCR and Tunisia go back to 1957 when the Prime Minister of Tunisia asked for help to take care of several thousands Algerians who took asylum in the country. UNHCR became involved in this first operation outside Europe. In cooperation with the International League of National Red Cross and Red Crescent Societies and the ICRC, UNHCR conducted this assistance operation until all those who wanted to go back repatriated to Algeria between April and July 1962.

UNHCR's presence in Tunisia was important during the years 1957-1962. Few months after the end of the repatriation operation, UNHCR agreed to be present in Tunisia through an Honorary Representative (1963). This continues to be the case now. The UNHCR office in the country is located in the UN building in the capital city of Tunis, where 98% of persons of concern reside. This building provided by the government also serves the working needs of UNDP, UNFPA, the World Bank, UNIC, WFP, UNOPS and IOM.

Tunisia is party to the 1951 Convention, the 1967 Protocol and the 1969 OUA Convention. It has also ratified all major Human Rights Conventions. However it neither has a specific legislation on refugees nor a national structure to take care of them and of the asylum seekers. That is why UNHCR carries out refugee status determination. The final decision on delivery of residence permits and Convention Travel Documents remains in the hands of the Authorities. In the absence of specific refugee law, refugees are subject to the law applicable to foreigners.

Although there is no specific legislation regulating refugee affairs, the major commitments of the 1951 Convention have been dealt with in the national legislation. The principle of non-refoulement is enshrined in the Constitution (Art.17 prohibits the extradition of political refugees). Decree n°75/40 of 1975 on travel documents published in the Official Gazette "Journal Officiel de la République Tunisienne" contains articles on the delivery of special documents to refugees and stateless persons, of CTD's according to the 1951 Convention and on the exemption of refugees from penalties for illegal entry into the territory.

Tunisia is since 1969 one of the 54 countries parties to the 1954 Convention on the status of stateless persons. Thanks to UNHCR's 1999 campaign for accession, Tunisia became on 12 May 2000 one of the 23 countries that ratified the 1961 Convention on the reduction of Statelessness. Some of the core provisions of these two Conventions have been incorporated into Code de la nationalité adopted in 1963. In this context, it should be highlighted that in Tunisia, a Tunisian mother married to a foreigner or a stateless person gives her nationality to her children (art. 6.2). A child born for a stateless person residing legally in the country for at least 5 years is considered Tunisian (art 8). However, the marriage of a foreigner with a Tunisian woman does not give an automatic right to nationality and permanent residence.

Since the return of the 120.000 Algerians to their country (April-July 1962) the number of persons of concern to UNHCR Tunisia varied from 100 to 200. The caseload in 2003 amounted to 99 refugees mainly from Algeria, Iraq and Burundi. Other nationalities are involved. Their first need is protection against refoulement and assistance to survive while seeking durable solutions. They are all urban refugees. Six cases are long-standing refugees as

a result of the 1917 revolution, WW2 and the Spanish war. The authorities say that five Palestinians are living in Tunisia as refugees. A total of 19 are registered in our Office. The number of those living in the country with a different status is not known. They are all under UNHCR mandate.

At the government level, UNHCR seeks to increase the role and responsibilities of the authorities in the refugee status determination process and to ease the deliverance and renewal of the residence permits to refugees. The ultimate objectives are the enactment of a refugee law and the setting of an eligibility body.

The Office is equally engaged in promoting and disseminating refugee law in favour of the NGOs and the civil society. Capacity building of selected NGOs closely associated with UNHCR is being actively pursued. UNHCR has signed an agreement with the Croissant Rouge Tunisien as its implementing partner. Assistance to individual cases is handled by CRT. UNHCR cooperates closely with the Institut Arabe des Droits de l'Homme, the Association des Etudes Internationales, Caritas and the Mouvement des Scouts Tunisiens on promotional activities.

The other UN agencies present in the country include UNDP, UNFPA, World Bank, WHO, UNICEF, FAO, UNOPS and the UN Information Centre. IOM, ICRC and the International Federation of Red Cross and Red Crescent Societies have also presence in the country.

(b) Selected Programme Goals and Objectives

Assistance delivered to those people of concern to UNHCR consists, first of all, of a protection letter on the Status, which protects him/her from refoulement and, second, of financial assistance needed almost by all.

One of UNHCR's main concerns in terms of protection is to encourage the authorities to move towards a national RSD structure. Another concern deals with individuals granted refugee status under its Mandate but not being given residence permits and are therefore remaining "illegally" in the country. Ensuring the benefit of basic rights and protection for these individuals, whose presence is tolerated as long as they can prove that they are of concern to UNHCR, is a challenge to the Office. For these people, access to work and ultimately prospects for local integration in the country are limited.

In addition to the refugee status determination, UNHCR's role is also to counsel the refugees on their rights and obligations and to seek durable solutions. Limited financial assistance is granted by UNHCR implementing partner to the most needy individuals and families in order for them to cover their basic needs (food, accommodation, health care and education). Assistance to needy asylum-seekers and vulnerable cases aims at discouraging some of them tempted to leave Tunisia in an illegal manner.