

Country Operation Plan

2002

Part I. Executive Committee Summary

a) Context and Beneficiary population (s)

1. Relations between HCR 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. HCR 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, HCR conducted this assistance operation until all those who wanted to go back repatriated to Algeria.
2. HCR's presence in Tunisia was important during the years 1957-1962. Few months after the end of the repatriation operation, HCR agreed to be present in Tunisia through a Honorary Representative (1963). This continues to be the case now. There is only one UNHCR office in the country located in the UN building in the capital city of Tunis where 98% of persons of concern reside. This building provided by the government gives shelter to the remaining reduced staff of UNDP, FNUAP, the World Bank, UNIC, WFP and UNOPS.
3. 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 has neither legislation nor a national structure to take care of refugees and asylum seekers. That is why HCR is doing status determination. The final decision on delivery of residence permits and CTDs is in the hands of the Authorities.
4. It is worthwhile mentioning that although there is no specific legislation regulating refugee affairs, the major commitments of the 1951 Convention have been dealt with in the national legislation. 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, of CTD's according to the 1951 Convention and on the exemption of refugees from the penalties concerning the illegal entry of foreigners into the country.
5. Tunisia is since 1969 one of the 51 countries parties to the 1954 Convention on the status of stateless persons. Thanks to HCR's 1999 campaign for accession, Tunisia became on 12 May 2000 one of the very few countries (23) who ratified the 1961 Convention on the reduction of Statelessness. Some of the core provisions of these two Conventions have been incorporated in the Code de la nationalité adopted in 1963. Tunisia is one, if not the only, Arab and Moslem country where 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).

6. After the return of the 120.000 Algerians to their country (April-July 1962) the number of refugees and asylum seekers in Tunisia varied between 100 and 500 with ups and downs according to the situation in the neighbouring countries and countries south of the Sahara (Niger, Chad, Mali, Mauritania , Rwanda, Burundi, Nigeria..)
7. The caseload runs now around 450 including 300 Palestinians. The others come 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.
8. While all Palestinians, consulted are ready to go to Palestine whenever possible the Algerians are afraid for their security and rarely think of going back home. Most of them are threatened by fundamentalist groups and do not trust the information about the improvement of the internal situation in their country .
9. They all need UNHCR assistance which consists, first of all, of a protection letter on the Status of the IC and second of financial assistance needed by all except for the majority of the Palestinians .

b) Selected Programme Goals and Objectives

The main objectives are to continue Refugee Status determination, assistance to vulnerable cases and to pursue dialogue with the Authorities, to advise and support them for the development of national refugee legislation and of an effective asylum framework or mechanism. It is also vital to broaden the scope of understanding for refugee questions by our NGO partners and to sensitise academics, media and public opinion to HCR's concerns with the objective of promoting refugee law and the international Protection regime.