



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-second session
3-21 March 2003

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

**Concluding observations of the Committee on the
Elimination of Racial Discrimination***

TUNISIA

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

A. Introduction

2. The Committee welcomes the thirteenth to seventeenth periodic reports, submitted in one document, as well as the additional information that the State party's delegation provided during its oral presentation, and expresses its appreciation for the opportunity to continue its dialogue with the State party.

3. The Committee notes, however, that the report, in spite of the Committee's previous observations to this effect, still contains almost exclusively information on the legislation adopted in order to give effect to the Convention and does not provide sufficient information on the extent to which individuals concretely enjoy the protection afforded by the Convention.

* Please note that the symbol CERD/C/Session No./CO/... replaces the symbol CERD/C/304/Add....

B. Positive aspects

4. The Committee welcomes the fact that, pursuant to article 32 of the Constitution, international instruments ratified by the State party, including the International Convention on the Elimination of All Forms of Racial Discrimination, take precedence over norms of the State party's domestic law, and may be invoked directly before the Courts.

5. The Committee commends the efforts made by the State party in the area of human rights education, including its advocacy of the principles of tolerance and respect in accordance with article 7 of the Convention, and welcomes the establishment of a national commission for human rights education.

6. The Committee welcomes the measures taken in the economic and social sphere, which have resulted in economic growth and a significant reduction of poverty. The Committee notes with interest the establishment of a National Solidarity Fund to combat poverty and marginalization, as well as the creation of a National Solidarity Bank, and appreciates the results they have achieved so far. The Committee also notes the progress already achieved towards ensuring equality between women and men in Tunisian society, as well as the observance of religious freedom, inasmuch as they impact on the promotion of non-discrimination based on ethnic origin. The Committee encourages the State party to continue along this path.

C. Concerns and recommendations

7. The Committee takes note of the view of the State party as to the homogeneity of its population. However, since the report itself refers to the liberties and rights of those who are not Arabs or Muslims, and in the light of the absence of statistical data on the ethnic composition of Tunisian society, the Committee recommends that the State party provide an estimate of the demographic composition of the population in subsequent reports, as requested in paragraph 8 of the reporting guidelines, and draws the attention of the State party to its general recommendation VIII concerning the identification of members of particular racial and ethnic groups.

8. The Committee notes that the State party did not provide information on the Berber (or Amazigh) population and on measures taken for the protection and promotion of their culture and language. In view of the absence of any reference to this group in the report, the Committee requests concrete information on their situation and recommends that increased attention be given to the situation of Berbers as a specific component of the Tunisian population.

9. The Committee does not accept any State party's assertion that there is no racial discrimination in the State party, and recommends that Tunisia avoid such generalizations in future reports. Noting that new penal laws punish racial discrimination and incitement to racial hatred as extensions of the law that penalizes terrorism, the Committee is concerned about the association of racial discrimination and terrorism. The Committee also remains concerned that the legislation of the State party does not seem to respond fully to the requirements of article 4 of

the Convention. The Committee recommends that the State party review its domestic legislation in the light of general recommendation XV concerning the implementation of article 4 of the Convention, and that it adopt separate legislation on the offence of racial discrimination and the propagation of racial hatred.

10. Moreover, the Committee requests that the State party include in its next periodic report statistical information on prosecutions launched, and penalties imposed, in cases of offences which relate to racial discrimination, and where the relevant provisions of the existing domestic legislation have been applied. The Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be mainly an indication of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute. The Committee requests the State party to ensure that appropriate provisions are available in national legislation, and to inform the public about all legal remedies in the field of racial discrimination.

11. The Committee notes that insufficient information was provided in the report and in the oral replies on the effective functioning of the human rights bodies and mechanisms in the State party, particularly the Higher Committee of Human Rights and Fundamental Freedoms and the Administrative Mediator. While noting the information provided by the delegation that the institution of the Administrative Mediator was further strengthened by a law introduced in February 2002, the Committee requests that in its next periodic report, the State party provide additional information on the role, responsibilities, functioning and achievements of these institutions, as well as on measures taken to ensure their independence.

12. While taking note of the information about activities of non-governmental organizations in Tunisia, the Committee also notes the absence in the report of references to the contribution of civil society in the preparation of the report itself. The Committee encourages the State party to consult with organizations of civil society working to combat racial discrimination in the preparation of reports.

13. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and urges it to consider the possibility of doing so.

14. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meetings of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

15. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the

domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

16. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

17. The Committee recommends that the State party submit its eighteenth periodic report jointly with its nineteenth periodic report, due on 4 January 2006, and that it address all points raised in the present concluding observations.
