



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

Distr.  
GENERAL

CERD/C/431/Add.4  
1 October 2002

ENGLISH  
Original: FRENCH

---

COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

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

**Seventeenth periodic reports of States parties due in 2000**

**Addendum**

**TUNISIA\***

[5 July 2002]

---

\* This document contains the thirteenth, fourteenth, fifteenth, sixteenth and seventeenth periodic reports of Tunisia due on 4 January 1994, 1996, 1998 and 2000 respectively, submitted in one document. For the twelfth periodic report of Tunisia and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/226/Add.10 and CERD/C/SR.1016 and SR.1017. The information of a general nature constituting the first part of States parties reports can be found in the core document (HRI/CORE/1/Add.46 of 8 June 1994).

## CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Introduction .....	1 - 2	3
I.    SOME RECENT SOCIO-ECONOMIC DATA .....	3 - 8	3
II.   INFORMATION RELATING TO ARTICLE 2 OF THE CONVENTION .....	9 - 14	4
III.  INFORMATION RELATING TO ARTICLE 3 OF THE CONVENTION .....	15 - 17	5
IV.  INFORMATION RELATING TO ARTICLE 4 OF THE CONVENTION .....	18 - 29	5
V.    INFORMATION RELATING TO ARTICLE 5 OF THE CONVENTION .....	30 - 74	8
A.    Right to equal treatment before the tribunals and all other organs administering justice .....	31 - 32	8
B.    Right to security of person and protection by the State against violence or bodily harm .....	33	8
C.    Political rights, in particular the right to participate in elections, the right to vote and stand for election, the right to take part in the conduct of public affairs and the right to have access to public service .....	34 - 36	8
D.    Enjoyment of other rights .....	37 - 55	9
E.    Economic, social and cultural rights .....	56 - 74	12
VI.   INFORMATION RELATING TO ARTICLE 6 OF THE CONVENTION .....	75 - 78	15
VII.  INFORMATION RELATING TO ARTICLE 7 OF THE CONVENTION .....	79 - 88	16
A.    Education and teaching .....	80 - 85	16
B.    Culture and information .....	86 - 88	17
Conclusion .....	89	17

## Introduction

1. Tunisia subscribes to the purposes and principles of the United Nations as set forth in international instruments, particularly those dealing with non-discrimination as to race, colour, descent or national or ethnic origin. This commitment has been confirmed by Tunisia's ratification, on 12 January 1967, of the International Convention on the Elimination of All Forms of Racial Discrimination. Racial discrimination has never existed in Tunisia. Our country has been a melting pot for diverse peoples and civilizations. The values of tolerance and respect for others are deeply rooted in the Arab-Muslim civilization to which Tunisia belongs and to which it makes valuable contributions as a country in the forefront of human civilization. In the light of this basic information, the Government of Tunisia submits its consolidated periodic report on the implementation of the aforementioned Convention.

2. This report is submitted to the Committee on the Elimination of Racial Discrimination in accordance with article 9, paragraph 1 (b), of the International Convention on the Elimination of All Forms of Racial Discrimination. This report, which covers the period 1992-2001, comprises the thirteenth, fourteenth, fifteenth, sixteenth and seventeenth reports; it supplements the report submitted on 6 April 1993 (CERD/C/226/Add.10).

### I. SOME RECENT SOCIO-ECONOMIC DATA

3. In 2001, the population of Tunisia was approximately 9.6 million. At 1.14 per cent, the population growth rate is among the lowest on the African continent. More than 62 per cent of the population lives in cities. In 1999, the population of Tunis, the country's main urban centre, exceeded 2 million.

4. Demographic indicators show that there has been a steady decline in fertility since the 1960s as a result of improved living conditions, better education, greater participation of women in society and, above all, improved medical and welfare services. The steady decline in fertility and the regular increase in life expectancy at birth exemplify the transitional demographic phase through which Tunisia has been passing for 40 years. Its dominant features are as follows:

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

(b) Increase in the economically active population (aged 15 years and above), which increased from 2,772,400 in 1994 to 3,149,900 in 1999. In 1994, men accounted for 76.4 per cent of the economically active population, and women for 23.6 per cent; in 1999, men accounted for 75.4 per cent and women for 24.6 per cent (National Statistics Institute, survey of population and employment, 1999);

(c) Marked rise in the proportion of the population over 60 years of age, which increased from 5.5 per cent of the total population in 1966 to 8.3 per cent in 1995, and 9 per cent in 1999.

5. In 2000, the population of the Tunisian expatriate community was 698,108, as compared with 659,892 in 1999. European countries attract nearly 85 per cent of expatriate Tunisians, 62 per cent of whom live in France. Adhering to the principle that expatriate Tunisians are an integral part of the national community, the Government has continued to pay close attention and accord priority to them with a view to safeguarding their rights and constantly improving their living conditions and conditions of residence.

6. The period 1992-2001 was marked by the consolidation and continuation of the significant reforms undertaken by President Zine El Abidine Ben Ali with a view to strengthening the rule of law and promoting democracy and human rights.

7. The principle of equality between men and women is expressly guaranteed by the Constitution and legislation. Article 6 of the Constitution of 1 June 1959 provides that "all citizens have the same rights and the same duties. They are equal before the law". The Personal Status Code, promulgated on 13 August 1956, abolished polygamy, instituted marriage by notarial act, introduced judicial divorce, established the minimum age for marriage at 17 years for girls, provided that they consent, and awarded widowed mothers the right of guardianship over their under age children. Over the past decade, new measures have been taken to strengthen the gains already achieved by women, with a view to establishing a partnership between spouses.

8. Thanks to this process, Tunisia registered, in its eighth (1992-1996) and ninth (1997-2001) development plans, a period of unprecedented economic growth, political stability and social peace. Today the middle class makes up 60 per cent of the Tunisian population; 80 per cent of all families own their homes. The poverty index has decreased from 13 per cent in 1980 to 6 per cent in 1999, and 4 per cent in 2000. Per capita income rose from 927 dinars in 1984 to 2,422 dinars in 1998, and 2,701 dinars in 2000. Life expectancy at birth was 72 years in 1999, as compared with 67 years in 1987.

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

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

10. No public or private body or institution in Tunisia engages in acts of racial discrimination or segregation against persons or groups of persons, regardless of their colour, sex, religion or nationality.

11. In Tunisia, there is no disadvantaged racial group whose situation would require the adoption of provisional measures for the purpose of guaranteeing that group's exercise of its human rights and fundamental freedoms in the economic, social, cultural, political or other fields.

12. The State does not sponsor, defend or support activities of a discriminatory nature; it disapproves of them, insofar as they are completely incompatible with the Constitution, particularly article 6. Tunisian legislation and regulations respect this constitutional requirement.

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

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

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

15. Under this article, States parties condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction. The policies of apartheid and practices of racial discrimination are alien to Tunisian society. Tunisia has always denounced and condemned such policies and practices. It has always been in favour of a dialogue among civilizations and cultures.

16. Tunisia acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid (Act of Accession No. 76/89 of 4 November 1976) and has ratified the International Convention against Apartheid in Sports (Act of Ratification No. 89/2 of 27 February 1989).

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

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

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

19. The public authorities and public institutions do not support, promote or encourage any acts of racial discrimination. Tunisian law prohibits any incitement to acts of racial discrimination and provides that incitement to racial hatred and all acts of intolerance or racist violence shall be declared punishable offences.

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

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

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

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

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

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

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

27. Act No. 88-32 (Political Parties Organization Act) of 3 May 1988 defines the procedure for establishing and managing political parties. The general rule is the freedom to establish political parties in accordance with the procedures set out in the aforementioned Act. However, article 2 of the Act makes it mandatory for political parties to:

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

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

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

28. Article 3 of the same Act adds that "a political party may not rely fundamentally, in its principles, objectives, activities or programmes, on a religion, a language, a race, a sex or a region".

29. Article 17 prohibits political parties from issuing recommendations that incite or encourage violence with a view to sowing hatred among citizens. These principles and obligations, with which political parties must comply, are based on article 8 of the Constitution, which provides that:

"Freedom of opinion, of expression, of the press, of publication, of assembly and of association are guaranteed and exercised within the conditions defined by the law. The right to organize is guaranteed. Political parties provide guidance to citizens with a view to ensuring their participation in political life. Political parties must be organized on democratic principles. Political parties must respect the sovereignty of the people, the values of the Republic, human rights and the principles regulating personal status. Political parties undertake to prohibit all forms of violence, fanaticism, racism and all forms of discrimination. A political party may not rely fundamentally, in its principles, objectives, activities or programmes, on a religion, a language, a race, a sex or a region. All political parties are forbidden to have ties of dependence with foreign parties or interests. The law shall establish the rules for founding and organizing parties."

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

30. Under article 5 of the Convention, State parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the civil, political, economic, social and cultural rights referred to in the article.

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

31. The Constitution guarantees fundamental human rights for everyone without any discrimination and without reference to a race, a colour, a sex, a language, a religion, a political opinion or a national or social origin. In this regard, article 6 of the Constitution of 1 June 1959 stipulates that “all citizens have the same rights and the same duties. They are equal before the law”. Thus, any person whose right is protected by the law and who has been injured, may institute legal proceedings and is entitled to equal treatment before the tribunals.

32. The Tunisian legal system provides for convergent mechanisms to guarantee the rights recognized by the International Convention on the Elimination of All Forms of Racial Discrimination against any assault. Criminal law is based on the rule of the territoriality of laws. Since Tunisian criminal law applies throughout Tunisian territory, any person whose right is protected under criminal law and who has been injured, benefits from automatic protection. Legislators consider that if there has been a breach of the peace, society itself must address the question through the public right of action, which is exercised by the Public Prosecutor. Article 1 of the Code of Penal Procedure provides that “any infringement gives rise to proceedings instituted by the Public Prosecutor for the purpose of enforcing the penalty and, if an injury has been caused, to a civil suit to obtain compensation therefor”.

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

33. The State guarantees the security of persons in its territory, without any discrimination, against any assault and punishes the perpetrator of any form of aggression. To this end, and in conformity with the principle of the territoriality of criminal law, the guarantees relating to police custody, preventive detention and imprisonment, provided for under Tunisian legislation, apply to everyone without any distinction.

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

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



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

36. Article 3 of the same Act adds that "a political party may not rely fundamentally, in its principles, objectives, activities or programmes, on a religion, a language, a race, a sex or a region". Article 17 prohibits political parties from issuing recommendations that incite or encourage violence with a view to sowing hatred among citizens.

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

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

38. Tunisia has ratified the Protocol relating to the Status of Refugees, which entered into force on 4 October 1967, and the Organization of African Unity (OAU) Convention governing the Specific Aspects of Refugee Problems in Africa. Article 17 of the Constitution prohibits the extradition of political refugees. Refugees authorized to reside in Tunisia may receive a residence permit and a type "C" travel document (Act No. 75-40 of 14 May 1975 relating to passports and travel documents). As for the possibility of their working, it is to be noted that refugees enjoy special treatment. The visa of the Ministry of Employment is granted to them immediately.

39. The right to nationality is guaranteed. Tunisian nationality is granted either on the grounds of affiliation or on the grounds of being born in Tunisia. Nationality is acquired either by law or through naturalization in accordance with the procedures established by law, without any discrimination.

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

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

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

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

44. Individuals forfeit their nationality if they have been convicted for an act designated as a crime or offence against the internal or external security of the State or if they engage for the benefit of a foreign State in acts incompatible with their status as Tunisians and detrimental to the interests of Tunisia, or if they have been convicted in Tunisia or abroad for an act defined as a crime by Tunisian law and having resulted in a sentence of at least five years' imprisonment, or if they have been convicted for non-compliance with the obligations deriving from the National Service Act. Individuals are liable to forfeit their nationality only if such acts have taken place within a period of 10 years from the date of acquisition of Tunisian nationality. Beyond that period, they incur for those acts the penalties applicable to nationals, and there is then no question of forfeiture of nationality.

45. Individuals may have their Tunisian nationality withdrawn when it transpires after the naturalization order that they did not fulfil the conditions laid down by the law for being naturalized. The order must be revoked within a period of two years from the date of its issue. If a foreigner has used fraudulent means to obtain Tunisian nationality, the order may be revoked within a period of two years from the time the fraud is discovered.

46. All citizens are guaranteed the right to marry and to choose their spouse freely, without any discrimination of a racial, ethnic or other nature.

47. The right to own property is guaranteed by the Tunisian Constitution and legislation, without any discrimination. The Code of Obligations and Contracts and the Code of Real Rights do not provide for any discrimination with respect to possession, acquisition, management or disposal of property.

48. Foreigners may acquire immovable property in Tunisia once they have obtained authorization from the governor of the region in which such property is situated. Tunisia has concluded bilateral agreements with Libya (14 June 1961), Algeria (26 July 1963), Morocco (9 December 1964) and the Niger (18 October 1966), which allow citizens of these countries to acquire immovable property in Tunisia under the same conditions as apply to Tunisians. In this regard, article 32 of the Tunisian Constitution provides that "... duly ratified treaties have an authority superior to that of laws, subject to their application by the other party".

49. With regard to inheritance law, Tunisian legislators have made progress towards recognizing the equality of the sexes. The inheritance rights of Tunisian women have improved significantly owing to the establishment of a number of legislative mechanisms, such as the "return mechanism", which allows a daughter to inherit the entire estate if she is the sole heir. The second mechanism involves the establishment of the compulsory legacy regime, which entitles the small children of a predeceased son or daughter the right to a claim on the

inheritance. The third mechanism concerns the common property regime, established by Act No. 98-97 of 9 November 1998, which promotes equality between men and women by allowing both spouses to own property jointly.

50. The Tunisian Constitution and legislation guarantee everyone the right to freedom of thought, conscience and religion, without any discrimination of a racial or other nature. Tolerance is a major characteristic of Tunisia, which is committed to the essence of the Muslim religion and to its noble values of tolerance, respect for others, solidarity, and its social traditions.

51. Article 5 of the Constitution provides that “the Republic of Tunisia guarantees the inviolability of the human person and freedom of conscience, and protects the free practice of religion”. Moreover, the Tunisian Penal Code devotes an entire section to the suppression of all obstacles to the practice of religion. Article 165 of the Code provides that “anyone who impairs or disrupts religious worship or ceremonies shall be punished by six months’ imprisonment and a fine, without prejudice to the more severe penalties which would be incurred in cases of outrage, acts of violence or threats”. Article 166 of the Penal Code provides that “anyone who, without any legal authority over a person, forces that person by violence or threats to practise or refrain from practising a religion shall be liable to three months’ imprisonment”.

52. Moreover, and in the context of constitutional and legislative guarantees, Tunisian legislators have regulated the practice of the Jewish religion by the Act of 11 July 1958 for Tunisian citizens of the Jewish faith. Regulations concerning the Catholic religion are established by an agreement concluded between Tunisia and the Holy See on 27 June 1964: under this agreement, the Government of Tunisia protects the free practice of the Catholic religion. The Church is represented by a prelate appointed by the Holy See.

53. The right to freedom of opinion and expression is guaranteed, without any discrimination, in article 8 of the Constitution, which provides that “the freedoms of opinion, expression, the press, publication, assembly and association are guaranteed and shall be exercised in accordance with the law ...”.

54. In the context of respect for the right to freedom of expression, legislators have adopted regulations that punish any incitement by the press to discrimination (instigation of racial hatred, dissemination of ideas based on discrimination, defamation of a group of persons belonging to a particular race or religion; see articles 53, 54 and 72 of the Press Code, which have been cited above).

55. The right to freedom of peaceful assembly and association is guaranteed to everyone, without any discrimination, by article 8 of the Constitution. The Act No. 59-154 (Associations Act) of 7 November 1959 (amended and supplemented by Act No. 88-90 of 2 August 1988 and Act No. 92-25 of 2 April 1992) recognizes this constitutional principle.

## **E. Economic, social and cultural rights**

### **1. Right to work, free choice of work, just and favourable working conditions, protection against unemployment, equal pay for equal work and just and favourable remuneration**

56. The Constitution recognizes that everyone has the right to work, without any discrimination. The Labour Code, promulgated by Act No. 66-27 of 30 April 1966 (amended and supplemented by Act No. 94-29 of 21 February 1994 and Act No. 96-62 of 15 July 1996), effectively applies this constitutional principle.

57. The provisions of the General Statute for the Civil Service (promulgated by Act No. 83-112 of 12 December 1983) and the General Statute for Employees in Public Enterprises of an industrial or commercial nature and companies whose capital belongs directly or entirely to the State or to local public corporations (promulgated by Act No. 85-78 of 5 August 1978) recognize the principle of non-discrimination in employment.

58. Article 13 of the General Statute for the Civil Service provides that the “individual file of the official shall contain all documents concerning his civil status, his administrative position and his level of education. These documents must be registered and numbered consecutively. The official shall be informed in writing of any administrative decision concerning him”. It adds that “in no case shall an individual’s file contain a reference to political, philosophical or religious opinions, or to trade union membership”.

59. Moreover, article 11 of the General Statute for the Civil Service and article 4 of the General Statute for Employees in Public Enterprises clearly prohibit any discrimination against women in the application of the statutes.

60. Tunisian legislation grants working women childbirth and maternity rights, the right to a salary or an allowance and the right to time off for breastfeeding, and obliges employers who employ 50 women to set aside a special room for breastfeeding (article 64 of the Labour Code and article 19 of Decree 68-328 of 22 October 1968 establishing general hygiene regulations applicable to the enterprises subject to the Labour Code).

61. Tunisian legislation has provided other facilities for working women, including: early retirement, part-time work in the private sector, part-time work in the civil service and in public enterprises, and leave of absence.

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

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

## **2. Right to form and join trade unions**

64. Article 7 of the Constitution guarantees everyone, without any discrimination, the right to organize. Article 242 of the Labour Code provides that “trade unions or professional associations of persons engaged in the same profession, similar trades or related professions working together to manufacture specific products, or in the same independent profession, may be set up freely”.

## **3. Right to housing**

65. All citizens, without any discrimination, have the right to a decent standard of living, including adequate housing in a healthy and secure environment. In Tunisia, four out of five families own their own homes.

## **4. Right to health, medical care, social security and social services**

66. In the area of health, the State has concentrated its efforts on extending the social coverage of the population, without any discrimination, by investing in infrastructure and the training of health professionals. Access to medical care, social security and social services is open to all, without any discrimination, in accordance with the regulations established by law. Life expectancy at birth was 72 years in 1999, as compared with 67 years in 1987.

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

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

69. Bilateral social security conventions have been concluded with France, Belgium, the Netherlands, Luxembourg, Italy, Germany, Austria, Algeria, Morocco, Libya and other

countries. Tunisians residing in countries with which Tunisia has not concluded bilateral social security conventions (Gulf countries, Scandinavia) are covered by Decree No. 89-107 of 10 January 1989.

## **5. Right to education and training**

70. Under Act No. 91-65 of 29 July 1991 concerning the educational system, “the State guarantees, free of charge, to all who are of school age the right to be educated in schools ...”, without any discrimination. The principles of “free” and “compulsory” are the two operational rules specific to the public service of education. In 2000, 99.1 per cent of Tunisia’s 6-year-olds were enrolled in schools (enrolment is compulsory). In 2001, 52 per cent of all university students were women.

71. A number of measures have been taken to strengthen the right of Tunisians residing abroad to education. These measures seek to:

- (a) Strengthen Arabic-language programmes for Tunisian children residing abroad;
- (b) Offer scholarships and university loans to the most deserving male and female students from among second-generation children of emigrants, who study in their country of residence, on the basis of criteria that take account of the material situation and needs of their families, and offer those who wish to pursue their higher education in Tunisia scholarships, lodging and - once a year - round-trip travel documents to their country of residence;
- (c) Enable children of families who have returned to Tunisia for good to pursue their studies in appropriate programmes by creating the International School of Tunisia, which opened its doors at the beginning of the 1999/2000 academic year;
- (d) Organize summer universities for intensive training in Arabic, provide information about universities in Tunisia and conduct exchanges with Tunisian young people residing in Tunisia.

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

## **6. Right to equal participation in cultural activities**

73. Tunisia is committed to ensuring optimum conditions that enable everyone to exercise effectively the right to cultural activities without any form of discrimination or exclusion. During this period, geographical and social coverage of cultural activities and festivals has

increased significantly: such activities are now held throughout the entire country, even in the most remote areas, and target all segments of society. This has been made possible by a policy of decentralization and democratization of culture and the establishment of regional cultural centres.

### **7. Right of access to places of service**

74. Tunisian law guarantees all citizens equality with respect to public services and ensures their right of access to all places of service on an equal basis and without any discrimination.

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

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

76. The Tunisian legal system includes a number of principles and texts that assure to everyone effective protection and remedies against any acts of racial discrimination. In order to guarantee to all citizens effective remedies against any offences, the Tunisian judicial system is based on a set of principles that include equality of all citizens before the public service of justice, without discrimination of any nature whatsoever. Moreover, free access to the courts has been strengthened by the abolition of the enrolment fee and the counsel's hearing fee, both in judicial courts and in the Administrative Tribunal. The office of referring judge has been established in all courts of first instance. A magistrate is responsible for providing citizens with the necessary information, particularly information concerning procedure. These measures apply equally to all defendants, without any discrimination.

77. Tunisian legislators have prohibited and declared illegal all propaganda organizations and activities, which includes organized or any other propaganda, that incite racial discrimination. They also criminalize participation in such organizations and their activities. The few rare cases that have occurred have been punished by the courts. For example, on 18 October 1994 the Tunis Court of Appeal considered a case involving the manifestation of racial and religious hatred and decided to uphold the ruling of the Tunis court of first instance that sentenced the defendant to two years' imprisonment and a fine of 1,000 dinars.

78. On 28 September 1994, the United Nations Working Group on Arbitrary Detention, which examined the aforementioned case, issued a decision in which it considered that the restrictions placed by Tunisian law on freedom of opinion in order to combat the dissemination of racist ideas or remarks were compatible with the rules of international law, particularly articles 19 and 20 of the International Covenant on Civil and Political Rights. Consequently, the Working Group on Arbitrary Detention decided to consider the acts in question as an offence and not the expression of an opinion. Accordingly, the Group declared that the detention of the perpetrator of the crime was not arbitrary.

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

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

### A. Education and teaching

80. The Act of 29 July 1991 concerning reform of the educational system is based on two fundamental principles, namely that education shall be free in order to ensure equal opportunities in the exercise of the right to academic training, and compulsory schooling for all children between the ages of 6 and 16. Moreover, one of the major objectives of the educational system is to prepare young people for a life that has no room for any kind of discrimination or segregation based on sex, social origin, race or religion.

81. During the academic year 1999/2000, there was a total of 2,311,977 students in Tunisia's educational establishments. In 2000, 99.1 per cent of the country's 6-year-olds were enrolled in schools; schooling for children of that age is compulsory. School enrolment of girls has increased significantly; during the academic year 1999/2000, 91 per cent of girls between the ages of 6 and 12 were enrolled in schools. Girls accounted for 47.4 per cent of the total number of pupils in the first cycle of basic education in 1999/2000, as compared with 44.5 per cent in 1986/1987. In the second cycle of basic education and of secondary education, that rate increased from 42.4 per cent in 1986/1987 to 51.1 per cent in 1999/2000.

82. The universal right to education and training also applies to social categories with specific needs. Thus, the right of disabled children has been recognized and upheld. The Act of 29 July 1991 provides that the State must "ensure, as far as possible, favourable conditions that would allow the disabled to exercise their right to education".

83. The review of official programmes and schoolbooks, carried out with a view to meeting the objectives of the educational system as contained in the Act of 29 July 1991, demonstrates that such programmes and schoolbooks are inspired by the values and principles of human rights, tolerance, moderation, dialogue, respect for others, and solidarity. In order to implement this policy, courses in human rights have been incorporated into school and university curricula.

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

85. Moreover, in order to improve the supervision of human rights education and ensure the dissemination of culture, on 4 April 1996 Tunisia decided, in the context of the United Nations



Decade for Human Rights Education (1995-2000), to establish a national commission for human rights education. Chaired by the Minister of Education, the Commission includes representatives of ministries and organizations concerned with human rights issues, as well as associations that campaign for the ideals of human rights.

### **B. Culture and information**

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

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

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

### **Conclusion**

89. It is clear from the foregoing that, since its independence, Tunisia has scrupulously respected and recognized the principle of non-discrimination both in its legislation and in practice. The principle of equality for all has been further strengthened following the political change of 7 November 1987, which accorded priority, among Tunisia's national objectives, to the promotion of human rights and the preservation of the dignity and improvement of the well-being of individuals.

-----