



COUNTRY OPERATIONS PLAN

Country: Tunisia

Planning Year: 2004

COP 2004 Tunisia

Part I – Executive Committee Summary

(a) Context and Beneficiary Population

Relations between HCR and Tunisia go back to 1957 when the Government invited the UN to take care of several thousands Algerians who sought 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 operation until all those who wanted to go back repatriated to Algeria between April and July 1962.

Few months after the end of the repatriation operation, HCR agreed to be present in Tunisia through an Honorary Representative (1963). This continues to be the case until now.

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 a specific legislation on refugees nor a national structure to take care of refugees and asylum seekers. Therefore, UNHCR carries out refugee status determination. The final decision on delivery of residence permits and Convention Travel Documents (CTDs) remains with the authorities. In the absence of specific refugee law, refugees in Tunisia are subject to the law applicable to foreigners.

Nevertheless, 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 party to the 1954 Convention on the status of stateless persons. In May 2000 Tunisia ratified the 1961 Convention on the reduction of Statelessness.

Since the return of the 120,000 Algerians to their country (April-July 1962) the number of persons of concern to HCR Tunisia varied from 100 to 200. The caseload in 2002 amounted to 102 persons mainly from Algeria, Iraq, and Burundi. The authorities say that five Palestinians are living in Tunisia as refugees, although 19 are registered with UNHCR.

While all Palestinians consulted are ready to go to Palestine whenever feasible the Algerians fear 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. They all refuse to go back home and press for resettlement.

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 delivery as well as the 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 some selected NGOs, closely associated with UNHCR, is being actively pursued as well. UNHCR has signed an agreement with the Tunisian Red Crescent as its implementing partner. UNHCR cooperates closely with the Arab Institute of Human Rights, the “ Association des Etudes Internationales “ and the “ Mouvement des Scouts Tunisiens “ on promotional activities.

(b) Selected Programme Goals and Objectives in 2004

One of UNHCR’s main concerns in terms of protection is to encourage the authorities to move towards a national RSD structure and procedures. Another concern deals with individuals granted refugee status under its Mandate but not being delivered with residence permits and 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 for them. 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 also aims at discouraging some of them tempted to leave Tunisia in an illegal manner.

Name of beneficiary Population/ Theme: Urban refugees	
Main Goals (s): Refugees and asylum seekers are provided with adequate protection and basic assistance is extended to the most needy.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • RSD is carried out • The Mandate refugees are protected in particular • Durable solutions are found • Basic assistance benefits the most needy individuals 	<ul style="list-style-type: none"> • Refoulement prevented • Refugees documented • Basic rights ensured • Irregular movement limited • Self-reliance achieved for those who have residence permits • Refugee who qualify for resettlement are resettled

	<ul style="list-style-type: none"> • Basic needs covered
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Name of beneficiary Population/ Theme: Promotion of refugee law and capacity building – authorities and NGOs	
Main Goals (s): The role of the authorities in the eligibility process is increased and refugee law is disseminated with a view to improve the overall level of protection	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • A refugee law is enacted and an eligibility body is set • The refugees’ rights are enforced • Refugees can integrate locally • The level of understanding on refugee issues and UNHCR activities improve • The network of supporting NGOs expands • The NGOs capacity in terms of expertise and advocacy is improved 	<ul style="list-style-type: none"> • A more active role of the authorities in refugee issues • Detainees better protected and refoulement prevented • No nationality-based discrimination • The difference of treatment between the Mandate refugees and those recognised by the authorities is reduced • Vicious circle residence permit-work permit broken • More refugees attained self-reliance • Refugees better perceived, tolerated and integrated in the society • UNHCR’s role and activities better understood • UNHCR relies on stronger and efficient NGOs