



COUNTRY OPERATIONS PLAN

Executive Committee Summary

Country : Tunisia

Planning Year : 2006

2006 Tunisia Country Operations Plan

Part I: Executive Committee Summary

(a) Context and Beneficiary Populations

Political context

(a) Protection and socio-economic operational environment

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 between April and July 1962.

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 an Honorary Representative (1963). This continues to be the case until now.

Protection issues

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 them and of the asylum seekers. That is why UNHCR carries out refugee status determination at the request of the authorities. The final decision on delivery of residence permits and CTDs remains in the hands of the Authorities. In the absence of specific refugee law, refugees are subject to the law applicable to foreigners.

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. The principle of non-refoulement is enshrined in the Constitution (Art.17 prohibits the extradition of political refugees).

Despite the fact that there are no practical measures of implementation, the 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 a partie 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 countries who ratified the 1961 Convention on the reduction of Statelessness. Some of the core provisions of these two Conventions have been incorporated into the "Code de la nationalité" adopted in 1963.

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. This problem is faced by the majority of foreigners married to Tunisian women.

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 2004 amounted to 90 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.

Due to the persistently difficult circumstances in which refugees are accommodated and assisted and the lack of possibility to work, UNHCR continues to provide protection and assistance to them to cover their basic needs.

UNHCR's role

HCR will continue to plead for a national status determination procedure, or at least the improvement of the existing RSD formula entirely carried out by UNHCR. It will continue also to protect and assist recognised refugees and asylum seekers and pave the way for the authorities to take over this responsibility.

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 preparation 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 to which UNHCR can hand the responsibility of RSD.

The authorities do not discriminate against refugee woman, children, elderly refugees and minority groups. There is no problem of equal gender or security in Tunisia. On many occasions, Mandate refugees have reported to UNHCR that they were denied contracts because of their lack of residence permits.

HIV/AIDS is not an issue among the refugee population in the sense that the Office is not aware of any infected case within the caseload. However, the CRT Partner of UNDP in the UNAIDS programme, is well sensitised on the issue and is in a position to provide adequate counselling and support, should the need arise.

There are no problems of security for UNHCR Staff nor for the refugees. The Security Plan established by the UN Country Team is applicable to UNHCR with a financial contribution from our Side to be MOSS compliant. Tunisia is in Phase 0.

Overview of beneficiary populations

On 31 December 2004, the total number of refugees hosted by Tunisia and registered by HCR-Tunis was: 90 (99). The breakdown by country of origin was as follows: Algeria 37 (39), Palestine 15 (19), Iraq 08 (10), Iran 6 (6), Burundi 7 (8), Bosnia-Herzegovina 2 (2), Syria 5 (5), Ivory Coast 03 (2), Russia 2 (2), Poland 2 (2), Chad 2(2), Spain 0 (1), and Bulgaria 1(1).

It is expected that the number of refugees for 1 January 2006 to be stable. 98 % of the refugees are in the City of Tunis.

Capacity and presence of partners

NGO capacity to implement programs does exist but there is no prospect for their financial contributions to any program. UNHCR implementing Partner the “Croissant Rouge Tunisien” provides a small Office in its premises for UNHCR to receive refugees and asylum seekers and handle their requests. This contribution (Office, telephone, fax, food, clothes, blankets, stationary for education and medical assistance) is evaluated to approximately 11,000 US\$. Five CRT employers are helping in implementation of the Care and Maintenance Program and receive a small indemnity from HCR.

The Arab Institute for Human Rights is also a Partner for dissemination of refugee law and promotion of refugee protection. HCR contributes to its many seminars in Tunis and other Arab Capitals on refugee protection. HCR takes care of the participation of two Arab NGO cadres in charge of HR questions including refugee problems take part in the main training seminars in June July each year. The Arab Institute for Human Rights published a book in Arabic about HCR and Arab countries during the 50th Anniversary Celebrations and is preparing another book for children on refugees in collaboration with Community Services Beirut.

The Association des etudes Internationales, an NGO specialised in international affairs, offer another forum for the dissemination of refugee law and international protection. HCR contributed to its training seminars by offering lectures of items of concern to UNHCR. The lectures, either in Arabic or in French, are reproduced in its publication entitled Etudes Internationales. HCR invites for lunch the 50 participants to the one-day yearly seminar on HCR’s preoccupations in September of each year.

Caritas provides various forms of direct assistance to some Mandate refugees (supplementary assistance for housing for a maximum of one year, medical care, clothes, blankets, limited assistance to education for children under 12 years old).

El-Taller is an NGO engaged in Social and migration activities. They very often help refugees to find a job or way out their problems.

Presence and roles of other UN and international organisations

UNHCR takes part regularly in all the UN country Team meetings. The only UNHCR office in the country is located in the UN building in the capital city of Tunis. This building provided by the government hosts the staff of UNDP, UNFPA, the World Bank, UNIC, UNOPS (PDHL & GOLD) and IOM. Four other UN Agencies have their bureau outside of UN building like, WHO, UNICEF and UNIDO.

(b) Selected Programme Goals and Objectives

Assistance is provided to refugees by the Croissant rouge Tunisien on the basis of a monthly allowance or exceptional financial aids to address critical issues (new-borns, unpaid rents, humanitarian cases, etc...). Allowances are meant to cover accommodation, food, transportation and clothing. Aid for education and all refugee children go to school. Medical Assistance is provided under sector F. 96. The general practitioner of the Tunisian Red Crescent examines refugees and asylum seekers

recommended by UNHCR (free of charge consultations). Caritas helped some refugees and asylum seekers to get medical treatment by covering medicine costs and visits to specialised doctors, hospitalisation, pregnancies, as well as imperative dental treatments and Vaccinations.