

**ADVANCE UNEDITED VERSION**

Distr.: General  
5 December 2025

Original: English

---

**Committee on the Elimination of Racial Discrimination****Concluding observations on the combined twentieth to twenty-second periodic reports of Tunisia\***

1. The Committee considered the combined twentieth to twenty-second periodic reports of Tunisia,<sup>1</sup> submitted in one document, at its 3181st and 3182nd meetings,<sup>2</sup> held on 26 and 27 November 2025. At its 1390th meeting, held on 3 December 2025, it adopted the present concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the combined twentieth to twenty-second periodic reports of the State party. The Committee also welcomes the constructive dialogue with the high-level delegation and wishes to thank the delegation for the information that it provided during the Committee's consideration of the reports.

**B. Positive aspects**

3. The Committee also welcomes the ratification by the State party of the following international human rights instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2018;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2011;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2011;

(d) The Optional Protocol to the International Covenant on Civil and Political Rights, in 2011.

4. The Committee further welcomes the following legislative, institutional and policy measures taken by the State party:

(a) Adoption of the Governmental Decree No. 2021-203 of 7 April 2021 on establishing the National Commission to Combat Racial Discrimination;

(b) The establishment of the National Commission to Harmonize Human Rights Legislation with the Constitution and Ratified International Instruments, in 2019, pursuant to Governmental Decree No. 2019-1196 on 24 December 2019;

---

\* Adopted by the Committee at its 116th session (17 November - 5 December 2025).

<sup>1</sup> [CERD/C/TUN/20-22](#).

<sup>2</sup> See [CERD/C/SR.3181](#) and [CERD/C/SR.3182](#).

- (c) Adoption of the Organic Act No. 2018-50 of 23 October 2018 on the Elimination of all Forms of Racial Discrimination;
- (d) Adoption of Organic Act No. 2016-61 on the Prevention and Combating of Trafficking in Persons;
- (e) Establishment of the National Authority for Combating Trafficking in Persons, in 2016;
- (f) Establishment of the National Authority for the Prevention of Torture pursuant to Organic Act 2013-43 of 21 October 2013.

## C. Concerns and recommendations

### Statistics

5. The Committee takes note of the statistics provided by the State Party's delegation during the dialogue on the population, including on asylum seekers, based on the results of the general population and housing census conducted in 2024. However, the Committee is concerned about the lack of comprehensive statistics on the demographic composition of the population, disaggregated by ethnicity, including on the Amazigh ethnic minority group and Black Tunisians, and non-citizens, and on the socioeconomic situation of the various population groups. It is also concerned that the 2024 population census did not allow information to be gathered on the basis of the principle of self-identification. This lack of disaggregated data limits the Committee's ability to properly assess the situation of groups vulnerable to racial discrimination, including their socioeconomic status and any progress achieved by implementing targeted policies and programs (arts. 1, 2 and 5).

**6. Recalling its general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, and its guidelines for reporting under the Convention,<sup>3</sup> the Committee recommends that the State Party collect and provide to the Committee reliable, updated and comprehensive statistics on the demographic composition of the population, based on the principle of self-identification, including on the Amazigh ethnic minority group and Black Tunisians, and non-citizens, particularly asylum seekers, refugees and migrants in irregular situation. It also recommends that the State party produce disaggregated statistics on the socioeconomic situation of ethnic minority groups and non-citizens and on their access to education, employment, health care and housing, with a view to creating an empirical basis for assessing equal enjoyment of the rights enshrined in the Convention.**

### National human rights institution

7. The Committee notes the information on the adoption of the Organic Act No. 2018-51 regarding the establishment of a human rights commission as a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). However, the Committee regrets the information provided by the delegation during the dialogue that the human rights commission eventually will not be established and that the High Committee on Human Rights and Fundamental Freedoms is acting as the national human rights institution. The Committee notes that the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions previously reviewed and accredited the High Committee on Human Rights and Fundamental Freedoms a "B" status in 2009, while expressing various concerns, including the absence of transparent and pluralistic member nomination procedures, lack of immunity provisions for members and unclear terms of appointment. The Committee regrets the lack of information on measures to review and strengthen the High Committee on Human Rights and Fundamental Freedoms (art. 2).

**8. Recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State Party adopt legislative and operational measures to**

---

<sup>3</sup> CERD/C/2007/1.

**strengthen the institutional independence of the High Committee on Human Rights and Fundamental Freedoms and ensure that it is able to carry out its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and General Assembly resolution 74/156 of 18 December 2019.**

#### **Legislative and institutional frameworks**

9. The Committee welcomes the adoption of the Organic Act No. 2018-50 of 23 October 2018 on the Elimination of all Forms of Racial Discrimination that prohibits racial discrimination on the grounds of race, color, descent, or national or ethnic origin under Article 2. It also notes that Article 9 of the Organic Act criminalizes the dissemination of and incitement to racial discrimination and hate crimes as well as prohibits organizations and propaganda that promote such acts, in accordance with Article 4 of the Convention. The Committee further takes note that hate speech and hate crimes are also criminalized under other legislations, including Decree No. 2011-87 of 24 September 2011 concerning the organization of political parties, Decree No. 2011-88 on the organization of associations, and the Penal Code including Article 101 bis that prohibits torture on grounds of racial discrimination. It also notes that racist motive is considered an aggravating circumstance pursuant to Article 8 of the Organic Act. The Committee further notes the adoption of the Governmental Decree No. 2021-203 of 7 April 2021 on establishing the National Commission to Combat Racial Discrimination Organic in accordance with Article 11 of the Organic Act. Nevertheless, the Committee is concerned about:

(a) Lack of comprehensive anti-discrimination legislation expressly prohibiting structural, direct, indirect and intersecting forms of discrimination in the public and private spheres;

(b) Undue delay and lack of progress in the establishment of the National Commission to Combat Racial Discrimination;

(c) Absence of comprehensive policy measures to combat racial discrimination and hate crimes, particularly in relation the situation of groups protected under the Convention, such as the Amazigh ethnic minority group and Black Tunisians, and non-citizens (arts. 1, 2 and 5).

#### **10. The Committee recommends that the State Party:**

**(a) Adopt comprehensive anti-discrimination legislation that encompasses structural, direct, indirect, and intersecting forms of discrimination in both the public and the private spheres;**

**(b) Expedite the establishment, within clear time frame, of the National Commission to Combat Racial Discrimination, while ensuring meaningful participation of civil society organizations working on the rights of persons protected under the Convention, and allocating adequate human, financial and technical resources to enable it to carry out its mandate and activities effectively;**

**(c) Develop and adopt a policy framework to combat racial discrimination and hate crimes, within clear time frame, while ensuring meaningful participation of civil society organizations working on the rights of persons protected under the Convention.**

#### **Complaints of racial discrimination and hate crimes**

11. The Committee takes note of the information that, between 2018 and 2020, courts handed down judgments in over 350 racial discrimination cases and that, in 2024, there were 14 such cases related to the Organic Act No. 2018-50. Nevertheless, the Committee is concerned about:

(a) Lack of updated, detailed and disaggregated information on complaints of racial discrimination and hate crimes, investigations, prosecutions, and convictions, and sanctions imposed by courts;

(b) Significant underreporting of racial discrimination and hate crimes, attributed to victims' mistrust of law enforcement agencies, fear of reprisals and harassment, limited awareness of complaint mechanisms and rights, and a prevailing perception that racial discrimination and hate crimes are normalized and widespread;

(c) Lack of progress in developing the judicial data collection system on complaints of racial discrimination and hate crimes in accordance with Article 6 of the Organic Act No. 2018-50;

(d) Cases of hate speech and the dissemination of negative stereotypes against Black Tunisians and non-citizens, particularly on the Internet and social media;

(e) Use of racist hate speech by politicians and influential public figures and the lack of information on investigations, prosecutions and convictions of such politicians and public figures (arts. 2, 4 and 6).

**12. The Committee draws the State party's attention to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, and recalls that an absence of complaints and legal action relating to racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of trust in the judicial system, a fear of reprisals or a lack of will on the part of the authorities to prosecute the perpetrators of such acts. Recalling its general recommendations No. 7 (1985) and 15 (1993) relating to the implementation of article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

**(a) Ensure the effective implementation of the Organic Act No. 2018-50 by law enforcement officials, prosecutors and judges including by conducting training programs on the identification and registration of incidents of racial discrimination, hate speech and hate crimes;**

**(b) Adopt effective measures to ensure the availability and accessibility of safe reporting channels to victims of racial discrimination and hate crimes, including by conducting an assessment of the systems for reporting and registering complaints of racial discrimination and hate crimes, and to identify and effectively address all barriers to justice faced by victims of racial discrimination and hate crimes, including discriminatory attitudes in the judicial system;**

**(c) Undertake public education campaigns on the rights enshrined in the Convention and on how to file complaints of racial discrimination, particularly among Black Tunisians and non-citizens;**

**(d) Expedite the development of the judicial data collection system for complaints of racial discrimination and hate crimes, within clear time frame, to ensure the availability of statistical data on complaints of racial discrimination and hate crimes and on investigations and prosecutions undertaken, convictions handed down and sanctions imposed, in accordance with Article 6 of the Organic Act 2018-50, disaggregated by age, gender, and ethnic and national origin of the victims and the perpetrators and include them in its next report;**

**(e) Take effective measures to monitor and address the spread of racist hate speech in the media, on the Internet and in social media, in close cooperation with media outlets, Internet service providers and social media platforms;**

**(f) Condemn any form of hate speech, and distance itself from racist hate speech expressed by politicians and public figures and ensure that such acts are investigated and appropriately sanctioned.**

#### **Independence of the judiciary**

13. The Committee takes note of the information provided by the delegation regarding the independence of the judiciary, as set out in the 2022 Constitution. However, the Committee is concerned about the alleged absence of judicial independence due to executive control and political interference, particularly following the suspension of the Supreme Judicial Council, pursuant to Decree No. 11-2022 of 12 February 2022, and its subsequent

replacement by the Provisional Judiciary Council, and the authority of the President of the State Party to appoint members of the Provisional Judiciary Council. It is also concerned about the dismissal of more than 55 judges in June 2022, following the issuance of Decree No. 35-2022 of 1 June 2022, which grants the President of the State Party the power to dismiss judges based on the vaguely defined concepts of “interfering with public order and the supreme interest of the country”. The Committee is further concerned that such interference may jeopardize the fair administration of justice, including the principle of equality before the law, to the detriment of individuals belonging to ethnic minority groups, non-citizens and victims of racial discrimination in particular (arts. 5 and 6).

**14. Recalling its general recommendations No. 20 (1996) on article 5 of the Convention and No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State Party adopt effective measures to guarantee the independence and impartiality of the judiciary from political control and influence, including by reviewing its legislative framework to bring the procedures for the selection, appointment and removal of judges into full compliance with the Basic Principles on the Independence of the Judiciary, and ensure that it is in a position to protect victims of racial discrimination and provide them with effective remedies.**

#### **Racial profiling and racially motivated police violence**

15. The Committee takes note of the information provided by the delegation during the dialogue on the adoption of a code of conduct for law enforcement officials and the human rights training provided to law enforcement officials. It also notes that complaint mechanisms exist under the Office of the Minister of Interior and under each law enforcement agency. Nevertheless, the Committee is concerned that:

- (a) Legislative framework on law enforcement does not prohibit racial profiling and racially motivated violence by law enforcement officials;
- (b) Available complaint mechanisms regarding racial profiling and racially motivated police violence perpetuated by law enforcement officials lack independence and inaccessible to the public;
- (c) Reported prevalence of racial profiling and racially motivated police violence by the law enforcement agencies, particularly targeted at non-citizens;
- (d) Lack of information on investigations, prosecutions, convictions and sanctions for acts of racial profiling and racially motivated police violence by law enforcement officials against non-citizens (arts. 4 and 6).

**16. Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State Party:**

- (a) Adopt legislation that explicitly prohibits racial profiling by law enforcement officials during police stops, identity checks and other police operations, and racially motivated violence;
- (b) Establish an independent monitoring body with the competence to receive complaints of racial profiling and racially motivated violence perpetuated by law enforcement officials, with safe and accessible reporting channels for victims;
- (c) Conduct prompt, thorough, and impartial investigations into all allegations of racial profiling and racially motivated violence by law enforcement officials, , particularly against sub-Saharan migrants, and ensure that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that the victims or their families are provided with adequate forms of reparation;
- (d) Collect and include in its next periodic report data on complaints of racial profiling and racially motivated police violence, on investigations, prosecutions, convictions and sanctions, and on reparations provided to victims.

### Civic space

17. The Committee notes the information provided by the delegation on guarantees to exercise the right to freedom of association in accordance with the provisions of the Constitution and Act No. 2011-88 of 24 September 2011. However, the Committee is concerned about the significant increase, since July 2021, in restrictions imposed on exercising and enjoying the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association in practice. In particular, the Committee is concerned:

(a) That the arbitrary interpretation of the overly broad and vague concepts and provisions in the legislative framework to combat trafficking in persons, particularly the criminalization of “assisting” and “providing shelter” to persons in irregular situation under Article 25 of Act No. 1968-7 of 8 March 1968 and Articles 38-41 of Act 2004-6 of 3 February 2004, not only restrict the legitimate exercise of the rights to freedom of expression and of association and arbitrarily silence human rights defenders and civil society organizations, but also allows for targeted applications against the operations and activities of civil society organizations, human rights defenders, lawyers and journalists working to promote the rights of non-citizens, particularly sub-Saharan migrants;

(b) Decisions to suspend several local and international human rights organizations working to promote and protect the human rights of ethnic minority groups, particularly Black Tunisians, and non-citizens, and that human rights defenders, members of civil society organizations, activists, lawyers, and journalists have increasingly become targets of intimidation, surveillance, harassment, threats and reprisals, arbitrary arrest and detention, and violations of their fair trial safeguards, as a consequence of their work.

**18. The Committee recommends that the State Party adopt effective measures, including reviewing its legislative framework, namely the Act No. 1968-7 of 8 March 1968 and Act 2004-6 of 3 February 2004, to ensure an open space for the operation and activity of human rights defenders and civil society organizations, in particular those working on the promotion and protection of the human rights of ethnic minority groups, particularly Black Tunisians, and migrants, asylum seekers and refugees. It also recommends that the State party conduct effective, thorough, and impartial investigations into all reported cases of intimidation and harassment of, and threats and reprisals against, human rights defenders, journalists, lawyers, activists, and members of civil society organizations.**

### Black Tunisians

19. The Committee takes note of the information in the State party’s report indicating that, pursuant to the provisions of Organic Act No. 2018-50, courts granted requests by Black Tunisians to change their surnames that carry racist or discriminatory connotations to address relics of the trans-Saharan slave trade. However, the Committee is concerned that:

(a) Black Tunisians continue to experience structural discrimination and marginalization, which hinders their enjoyment of rights guaranteed under the Convention, particularly in relation to access to employment, education, and public services;

(b) The lingering effects of the trans-Saharan slave trade include the normalization of offensive words in daily life and the fact that Black Tunisians still bear surnames that carry racist or discriminatory connotations;

(c) Black Tunisians are subject to discriminatory practices in employment on the basis of skin color, including restricted access to senior positions commensurate with their qualifications, with disparities being especially pronounced among individuals with higher education, and persistent barriers to career progression (arts. 1, 2 and 5).

**20. Recalling its general recommendations No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State Party:**

(a) **Adopt effective measures, including special measures, to combat structural racial discrimination and marginalization targeting Black Tunisians, to increase their access to education, employment and public services;**

(b) Take measures to address the historical legacies of trans-Saharan slave trade and period, including by combating the use of offensive words in daily life and by ensuring that Black Tunisians wishing to change surnames carrying racist or discriminatory connotations can do so through accessible, timely, and cost-free procedures;

(c) Take measures to ensure the protection of Black Tunisians against racial discrimination, including by ensuring their access to justice and effective remedies and by providing legal aid;

(d) Adopt measures to ensure the effective implementation of the Organic Act 2018-50 in the workplace and to guarantee the equal access Black Tunisians to employment, including by ensuring transparent recruitment and promotion processes, particularly for senior positions, in both public and private sectors;

(e) Collect and include, in its next periodic report, statistics about Black Tunisians, particularly concerning their economic, social and cultural situation.

#### **Amazigh ethnic minority group**

21. The Committee welcomes the issuance, on 15 July 2020, of the Circular by the Minister of Local Affairs, based on the Organic Act No. 2018-50, to revoke circular No. 1965-85 of 12 December 1965, which restricted the registration of Amazigh names for newborns. However, the Committee is concerned about:

(a) Reports that some municipalities still refuse to register Amazigh names, despite the Circular of July 2020;

(b) The lack of information and official statistics on the situation of the Amazigh ethnic minority group in the State party, particularly on their social and economic situation;

(c) The reported marginalization and structural discrimination faced by the Amazigh ethnic group;

(d) The lack of education in public schools in the Tamazight language, their mother tongue language that is classifying it as an endangered language by the United Nations Educational, Scientific and Cultural Organization (arts. 1, 2 and 5).

#### **22. The Committee recommends that the State Party:**

(a) Ensure the effective implementation of the Circular by the Minister of Local Affairs of 15 July 2020 to allow the registration of Amazigh names for newborns;

(b) Take effective measures, including special measures, to address the marginalization and structural discrimination faced by the Amazigh ethnic minority group and to ensure their access to education, employment, health care and housing;

(c) Adopt measures to ensure access to education in their mother-tongue for members of the ethnic Amazigh minority group in public schools and universities and to allocate sufficient human, technical and financial resources to ensure high-quality instruction in the Tamazight language;

(d) Collect and include, in its next periodic report, statistics about the ethnic Amazigh minority group, particularly concerning their economic, social and cultural situation.

#### **Ethnic minority groups in political and public affairs**

23. While noting the information by the delegation on the lack of restrictions imposed under the legal framework on the participation of members of Black Tunisians and the Amazigh ethnic minority group in political and public affairs, the Committee is concerned about the lack of information on the representation of Black Tunisians and the Amazigh ethnic minority group in the Assembly of People's Representatives, law enforcement agencies, the public administration and the judiciary, particularly in senior and decision-making positions (arts. 1, 2 and 5).

**24. The Committee recommends that the State Party adopt measures to ensure fair and equitable representation of Black Tunisians and the Amazigh ethnic minority group, particularly women, in the public sector, and in decision-making and high-ranking positions, including through special measures and by identifying and removing the barriers that members of Black Tunisians and the Amazigh ethnic minority group face in this respect.**

#### **Legislative framework on migration**

25. The Committee takes note that, according to Article 32 of the Constitution, the right to seek political asylum is guaranteed under conditions prescribed by the domestic legislative framework and that political asylums are protected from extradition. However, the Committee is concerned about:

- (a) The legislative framework does not establish a national asylum procedure or recognize the rights of asylum seekers;
- (b) Reported suspension of the procedure for refugee-status determination in June 2024, which was conducted by the United Nations High Commission for Refugees, following the request of the State Party, leading to a protection gap for asylum seekers, particularly against refoulment and preventing their access to basic human rights and services;
- (c) The de facto detention of undocumented migrants and asylum seekers without judicial overview and for an indefinite duration;
- (d) The criminalization of migrants in irregular situation under the legislative framework, particularly Act No. 1968-7 of 8 March 1968 and Act 2004-6 of 3 February 2004, that is leading to discriminatory treatment, hate speech and hate crimes targeted at Sub-Saharan migrants based on their national origin and denying their access to basic human rights and services;
- (e) Legislative framework, namely Article 18 of Act No. 1968-7 and Article 50 of Act 2004-6, regulates the expulsion of non-citizens without requirements to ensure due process safeguards, to conduct individualized assessment process or to respect to the principle of non-refoulment.

**26. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State Party:**

- (a) **Develop and adopt a legal framework, within clear time frame, in accordance with international standards, particularly the Convention and the Convention relating to the Status of Refugees and the Protocol thereto, that provides adequate protection of migrants, asylum-seekers and refugees and establishes an asylum procedure, in accordance with internationally recognized standards, including the principle of non-refoulement;**
- (b) **Review the legislative framework, particularly Act No. 1968-7 and Act 2004-6, to decriminalize migrants in irregular situation, to prevent and eradicate discriminatory practices, including on the basis of race, color, descent or national or ethnic origin, particularly affecting sub-Saharan migrants, to ensure the respect the non-refoulement principle, and to amend expulsion procedures to ensure that no individual is expelled without an individualized assessment that the person will not be at risk of serious human rights violations upon return;**
- (c) **Ensure that immigration detention is applied only as a measure of last resort and for the shortest possible period, after an assessment of its legality, necessity and proportionality on a case-by-case basis.**

#### **Situation of sub-Saharan migrants since February 2023**

27. The Committee takes note of the information on the legal framework regarding migration and measures taken to provide assistance and protection to migrants from the sub-Saharan region, such as the hotline to provide them with legal assistance. However, the Committee is concerned that the already adverse situation of sub-Saharan migrants has drastically deteriorated following the Statement delivered by the President of the State Party



during the national security meeting, on 21 February 2023, in which he noted that there is “conspiracy” underway to transform the State Party into “a purely African country that has no affiliation with Arab and Islamic nations”, while highlighting “the need to quickly put an end to this phenomenon, especially since the hordes of irregular migrants from sub-Saharan Africa are still continuing with violence, crimes, and unacceptable practices.” The Committee is concerned that this statement signals a shift in the State Party’s policy and practice towards non-citizens, particularly migrants, refugees and asylum seekers from the sub-Saharan region, by prioritizing the repression of irregular migration that is increasing their vulnerability and leading to violations and abuses of their human rights. In particular, the Committee is gravely concerned about:

(a) Widespread and systematic use of racist hate speech targeting sub-Saharan migrants by politicians and influential public figures, particularly the President of the State Party, members of the Assembly of People's Representatives and Ministers, which fosters intolerance and incites racial discrimination and hate crimes;

(b) Spread of racist hate speech and the dissemination of negative stereotypes against sub-Saharan migrants, particularly on the Internet and social media;

(c) Lack of measures to combat and address the rise in racist hate speech and the dissemination of negative stereotypes targeting sub-Saharan migrants by politicians and influential public figures and on the Internet and social media;

(d) Reports of harassment and organized violent attacks perpetuated by civilians and organized vigilante groups, since February 2023, against documented and undocumented sub-Saharan migrants and reports of the lack of action taken by the law enforcement agencies to ensure their protection, leading to unlawful killings, injuries and destruction of their properties in violation of their right to security and protection by the State against violence or bodily harm;

(e) Since February 2023, documented and undocumented sub-Saharan migrants are reportedly being evicted by landlords, dismissed from employment, and denied access to entry and essential services, including healthcare, education and transportation, leading to abuses and violations of their rights to equality and non-discrimination, to an adequate standard of living, to the highest attainable standard of health, to education and to freedom of movement;

(f) Reports of an increase in law enforcement operations since February 2023, including stop-and-identity checks, targeting sub-Saharan migrants and involving the systematic use of racial profiling, and that these operations have reportedly resulted in arbitrary arrest and detention without due process, confiscation of property, forced transfers, collective expulsion, torture, ill-treatment, rape, and other forms of sexual violence in detention facilities and during the transfer and expulsion processes.

(g) Reports of the significant increase in racially motivated excessive use of force in law enforcement operations targeting sub-Saharan migrants;

(h) Reports that, during maritime interception operations, the law enforcement agencies, namely the Tunisian Maritime National Guard, employ discriminatory, dangerous and violent methods, such as high-speed maneuvers creating waves that risk capsizing migrant boats and the deliberate collisions with migrant vessels, that jeopardize sub-Saharan migrants lives, instead of ensuring their protection, and leading to death among them;

(i) Reports of forced eviction of migrants and asylum seekers by law enforcement agencies from shelters and informal settlements without the provision of adequate alternative housing;

(j) Reported substandard and inhuman conditions at detention facilities, particularly at the Ouardia Reception and Orientation Centre in Tunis, for migrants and asylum seekers, which have a disproportionate impact on women and children, and reports of human rights violations by law enforcement officials against arbitrarily detained migrants, including excessive use of force, torture and ill-treatment;

(k) Reports of collective expulsion of more than 11,000 sub-Saharan migrants and asylum seekers in need of international protection between February 2023 and May 2025 to

border areas with Algeria and Libya in dire conditions and without access to food or water, which has led to deaths and injuries among them;

(l) Reports that collective expulsion incidents are allegedly carried out in a systematic manner, without individualized assessments as required under the principle of non-refoulement, and without judicial oversight;

(m) The lack of investigations, prosecutions, convictions and sanctions for alleged human rights violations and abuses against sub-Saharan migrants and asylum-seekers perpetuated by civilians, organized vigilante groups and law enforcement officials, including racial discrimination, hate speech and dissemination of negative of negative stereotypes, systematic use of racial profiling and racially motivated excessive use of force during law enforcement operations, dangerous and violent methods in maritime interception operations, arbitrary detention, unlawful killings, torture, rape and other forms of sexual violence (arts. 2, 5 and 6).

**28. Recalling its statement 1 (2023) of 31 March 2023 under its early warning and urgent action procedure, the Committee recommends that the State party as a matter of urgency, acknowledge the discriminatory nature and seriousness of the problem and adopt effective measures to address the root causes of racial discrimination, hate speech and hate crimes targeted at sub-Saharan migrants and to protect the rights of sub-Saharan migrants in irregular situation. It also recommends that the State Party:**

**(a) Take effective measures to monitor the spread of racist hate speech and the dissemination of negative stereotypes targeting sub-Saharan migrants on the Internet and social media, and in close cooperation with media outlets, Internet service providers and social media platforms;**

**(b) Ensure the public condemnation of racist hate speech targeting sub-Saharan migrants and to distance itself from racist hate speech by politicians and influential public figures;**

**(c) Take effective measures to ensure an effective, objective and proportionate response by law enforcement to hate speech and hate crimes and attacks perpetrated by civilians and organized vigilante groups targeting sub-Saharan migrants and to ensure their protection, including by effectively implementing the Organic Act No. 2018-50;**

**(d) Adopt effective measures to address, including by preventing, disbanding and bringing to justice, organized and racist vigilante groups that intimidate sub-Saharan migrants, engage in hate speech and incitement to racial hatred and are responsible for attacks and violence against them;**

**(e) Adopt measures to ensure accountability and end impunity, including by effectively implementing the Organic Act Organic Act No. 2018-50 and by conducting effective, thorough and impartial investigations into all reports of abuse and violations of human rights against sub-Saharan migrants perpetrated by civilians, organized vigilante groups and law enforcement officials, including racial discrimination, hate speech and dissemination of negative of negative stereotypes, systematic use of racial profiling and racially motivated excessive use of force during law enforcement operations, dangerous and violent methods in maritime interception operations, arbitrary detention, unlawful killings, torture, rape and other forms of sexual violence;**

**(f) Take measures to improve the living conditions in detention facilities for migrants and asylum seekers in accordance with international standards and ensure that everyone in those facilities has access to medical care, interpreters, adequate food and social support;**

**(g) Refrain from collective expulsion, provide access to its territory for persons in need of international protection, respect the principle of non-refoulement, and conduct investigations into cases of collective expulsion.**

29. The Committee also notes the information provided by the delegation regarding the Memorandum of Understanding on a strategic and global partnership between the European Union and Tunisia, signed in July 2023, and on the capacity-building programs targeting

Tunisian maritime law enforcement agency under the migration and mobility pillar. The Committee is concerned about the lack of consultations with civil society organizations and transparency in the development, negotiation and implementation of the Memorandum of Understanding, the absence of monitoring mechanism in place and lack of safeguards for human rights, including through the conduct of human rights impact assessments. It is also concerned that the Memorandum of Understanding is resulting in discriminatory treatment targeted at sub-Saharan migrants, particularly those in irregular situation, by prioritizing migration control and border security and focusing on repressing irregular migration over protecting their human rights by exposing them to arbitrary detention, racial profiling and racially motivated excessive use of force during law enforcement operations, dangerous and violent methods in maritime interception operations, and collective expulsion.

**30. The Committee recommends that the State Party ensure that the Memorandum of Understanding with the European Union does not undermine the State Party's legal obligations under the Convention and other instruments of international human rights and refugee law, particularly the protection for sub-Saharan migrants, including those in irregular situation. It also recommends that the State Party ensure transparency in the implementation of the Memorandum of Understanding and conduct regular human rights impact assessments in the implementation of activities under the Memorandum of Understanding.**

#### **Trafficking in persons**

31. The Committee welcomes the adoption of the Adoption of Organic Act No. 2016-61 on the Prevention and Combating of Trafficking in Persons and the establishment in 2016 of National Authority for Combating Trafficking in Persons. It also notes the information provided by the delegation on the capacity building activities carried out by the National Authority. However, the Committee is concerned that the identification procedures for trafficking victims are not utilized regarding sub-Saharan migrants in need of international protection and the lack of information on the assistance and rehabilitation services provided to them (arts. 2 and 5).

**32. The Committee recommends that the State Party ensure the effective implementation of its legislative framework on combating trafficking in persons, enhance the identification procedure in cases involving sub-Saharan migrants and ensure their referral to appropriate services for their assistance and rehabilitation.**

#### **Undocumented migrant workers**

33. The Committee takes note of the information provided by the delegation on the adoption of Act No. 2025-16 that prohibits labor exploitation and on labor inspections. Nevertheless, the Committee is concerned about reports that undocumented migrant workers face harsh working conditions, abuse and exploitation and are subjected to discrimination, including regarding recruitment and remuneration. The Committee is also concerned about the barriers faced by undocumented migrants, in accessing justice and other forms of remedies (arts. 2 and 5).

**34. The Committee recommends that the State Party adopt effective measures to combat abuse and exploitation of undocumented migrant workers, including by assessing and reviewing the employment framework regarding migrant workers with a view to reduce their vulnerability to exploitation and abuse, particularly by their employers. It further recommends that the State party increase the monitoring of employers and investigate cases of abuse and exploitation of undocumented migrants and prosecute those responsible.**

#### **Training, education and other measures to combat prejudice and intolerance**

35. The Committee takes note of the information to promote human rights within the education system, including by reviewing school curricula to incorporate human rights, democracy, equality, and the rejection of violence, extremism and hatred. However, the Committee is concerned about the reported marginalization of ethnic minorities, particularly the Amazigh ethnic minority and Black Tunisians, in history education in the State Party. It

is also concerned about the lack of detailed information on awareness-raising campaigns targeting the general public, members of law enforcement and judicial authorities on the importance of cultural diversity, tolerance and inter-ethnic understanding (art. 7).

**36. The Committee recommends that the State Party adopt measures to enhance the school curricula review process in order to integrate the concepts of ethnic and cultural diversity and the fight against racial hatred and discrimination at all levels of education and to ensure that history education is conducted in such a way as to prevent a dominant historical narrative and ethnic hierarchizing. It further recommends that the State Party conduct public awareness-raising campaigns targeting the general public, civil servants, law enforcement officials and judicial authorities on the importance of ethnic and cultural diversity, tolerance and inter-ethnic understanding.**

## **D. Other recommendations**

### **Ratification of other treaties**

**37. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.**

### **Amendment to article 8 of the Convention**

**38. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.**

### **Declaration under article 14 of the Convention**

**39. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.**

### **Follow-up to the Durban Declaration and Programme of Action**

**40. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State Party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State Party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

### **International Decade for People of African Descent**

**41. In its resolution 79/193, the General Assembly proclaimed 2025–2034 the Second International Decade for People of African Descent. Also in that resolution, the Assembly decided to extend the programme of activities for the implementation of the International Decade for People of African Descent adopted in resolution 69/16, with a view to ensuring continuing efforts in promoting the respect, protection and fulfilment of all human rights and fundamental freedoms of people of African descent. In light of this development, the Committee recommends that the State Party implement the programme of activities in collaboration with people of African descent and include in**

its next periodic report information on the concrete measures adopted in that framework, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### Consultations with civil society

42. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### Dissemination of information

43. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly in the official and other commonly used languages, as appropriate.

#### Common core document

44. The Committee encourages the State party to update its common core document, which dates to December 2016, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.<sup>4</sup> In light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

#### Paragraphs of particular importance

45. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 12 (complaints of racial discrimination and hate crimes), 18 (civic space) and 20 (Black Tunisians) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

#### Follow-up to the present concluding observations

46. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 10 (b) (legislative and institutional frameworks), 28 (g) and 30 (situation of sub-Saharan migrants since February 2023) above.

#### Preparation of the next periodic report

47. The Committee recommends that the State party submit its combined twenty-third to thirty-first periodic reports, as a single document, by 4 January 2030, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports and 42,400 words for the common core document.

---

<sup>4</sup> HRI/GEN/2/Rev.6, chap. I..