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Convention on the Rights of the Child

COMMITTEE ON THE RIGHTS OF THE CHILD

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TUNISIA

Alternative report submitted by *Congrès Mondial Amazigh*

1-Introduction

The Amazighs are the indigenous people of North Africa and the Sahara. Since antiquity their territories (which extend from the Siwa oasis in Egypt to the Canary Islands) have known several waves of invaders: Phoenicians, Romans, Vandals, Byzantines, Arabs, Spaniards, Turks, Italians and French. In spite of assimilation policies implemented by successive colonizers, the Amazighs, especially those living in the most inaccessible regions (mountains and deserts), were able to preserve their ancestral identity. Today there are some thirty million of them, unequally distributed over ten countries: Morocco, Algeria, Tunisia, Libya, Egypt (Siwa), Spain (Canary Islands, Ceuta, Melilla), Azawagh (North Niger), Azawad (North Mali), northern Burkina Faso and Mauritania. The vast majority of this fragmented people live in Morocco and Algeria. Tamazight, the Amazigh language still spoken today by about 30 million people throughout the North Africa and Sahara region, has an original writing system, called Tifinagh, which is 3000 years old, but this language is also written in universal characters (known as Latin).

In Tunisia more than in other countries, the Amazigh-speaking populations are difficult to count accurately because of the lack of official statistics. According to our estimates, based both on field observations, regional demographic data and independent studies, Amazigh-speakers account for approximately 10 per cent of the country's total population, or one million people. They are mainly concentrated in southern Tunisia (Djerba, Matmata, Tataouine, Médenine, Kebili, Tozeur) but there are also several groups forming villages of a few hundred to several thousand people on the Mediterranean coast and in the west of the country, along the border with Algeria (Tebessa, El Kef, Siliana mountains) and in the Gafsa region. Many of them have also emigrated to the large Tunisian cities where they work as craftsmen or small traders.

2- The indigenous Amazigh identity, a hidden identity

The official position of the Tunisian State on the Amazigh issue is simply that there are no more Amazighs in this country. The Tunisian Constitution of 2014 proclaims the ethnic, linguistic and religious uniqueness of Tunisians, who all belong to the "Arab and Muslim culture and civilization". Article 1 of this Constitution stipulates that "Islam is the religion of Tunisia and Arabic its language". Article 5 states that "the Tunisian Republic is part of the Arab Maghreb". There is not a single word in the constitutional text, not a single reference to the Amazighness of Tunisia, the cradle of the Amazigh civilization and part of the historical, human, cultural and toponymic reality of this country.

Furthermore, in order to deny the existence of Amazighs in Tunisia, the authorities claim that no one claims to be Amazigh in that country. This is naturally inaccurate, as evidenced by the fifteen or so Amazigh cultural associations created since 2011. However, it is true that very often Amazighs in this country do not dare to publicly assert their identity because of fear of the authorities and the negative stereotypes they may fall victim to. In fact, the Amazighs of Tunisia do not dare to say freely and without fear that they are Amazighs and go so far as to deprive themselves of speaking their language in public spaces in order to avoid the risk of being stigmatized.

3- Exclusionary legislation for the Amazigh child

The Child Protection Code adopted in 1995 reinforces discrimination against Amazigh children. Its article 1 advocates raising the child "in pride of his or her national identity

(...) and a sense of belonging to civilization at the national, Maghreb, Arab and Islamic levels". The Amazigh child is thus ignored, the history of his people and the determinants of his identity rejected, which places him in a position of inferiority in relation to the Arab child.

Decree No. 85 of 12 December 1962 prohibits Amazigh first names. Only Arab and/or Muslim first names are accepted.

There is no legislative or regulatory text that allows the Amazigh child to grow up in a context imbued with his mother tongue and indigenous culture. Tunisian schools do not give any place to the teaching of the Amazigh language and no public media include Amazigh language programmes.

In its periodic report to the Committee on the Rights of the Child, the Tunisian government does not mention a single word about the Amazigh child, nor about his rights and needs that are ignored and flouted.

4- Discriminatory practices

For more than half a century the Tunisian State has exercised the most serious discrimination in all areas against children and Amazigh citizens. Here are a few examples:

- The Amazigh child is subjected to an education system that falsifies his history, offends his personal convictions and represses his freedom of conscience,
- There is no information in the Amazigh language in the Tunisian public print media and broadcast media,
- There is no Amazigh cultural production benefiting from public resources,
- The Amazigh populations of Tunisia have no right to cultural expression in their language,
- Anti-Amazigh political and religious discourse and negative prejudices (Amazighs are said to be backward, savages, Jews, bad Muslims, separatists...) are freely and publicly expressed and never sanctioned by justice,
- The territories where the Amazighs live are among the poorest in Tunisia. A forced exodus has ensued since the 1960s, facilitating the destruction of the thousand-year-old architecture of Tunisia's Amazigh villages.

5- Concluding observations and recommendations of the Committee on Economic, Social and Cultural Rights adopted at its 59th session (September 2016) E/C.12/TUN/CO/3 :

" - the Committee expresses its concern about the information received on the discrimination allegedly suffered by the Amazigh minority, in particular in the exercise of cultural rights, and that the lack of data disaggregated by ethnic and cultural background makes it impossible to assess the real situation of the Amazigh people,

- the Committee notes that the State party's definition of Arab and Muslim identity could lead to violations of the linguistic and cultural rights of the Amazigh minority, in particular by imposing Arabic as the exclusive language in public education. Regrettably, the Committee also notes the limited budgetary resources allocated to culture and to the protection of the cultural heritage of the Amazigh population,

- the Committee recommends that the State party recognize the language and culture of the Amazigh indigenous people and ensure its protection and promotion, as requested by the Committee on the Elimination of Racial Discrimination in 2009".

In addition, the Committee on Economic, Social and Cultural Rights calls on the State party to :

"a- collect statistics disaggregated by ethnic and cultural background on the basis of self-identification,

b- To take administrative and legislative measures to ensure the teaching of the Amazigh language at all school levels and to encourage knowledge of Amazigh history and culture,

c- repeal Decree No. 85 of 12 December 1962 and allow the registration of Amazigh first names in the civil status registers,

d- To facilitate the smooth running of cultural activities organized by Amazigh cultural associations".

However, despite the reminders addressed to the Tunisian government by our NGO and the Tunisian Association of Amazigh Culture as well as other civil society organizations, no follow-up has been given to date to these recommendations.

Therefore, we ask the Committee on the Rights of the Child to demand that the Tunisian government:

- the recognition and respect of the Amazigh indigenous community,

- the implementation of concrete measures to rehabilitate the Amazigh history of Tunisia,

- the implementation of the teaching and promotion of the Amazigh language and culture,

- the support for associations working in the fields of rehabilitation and promotion of the Amazigh language and culture,

- the implementation of effective measures to combat racism and anti-Amazigh discrimination,

- the implementation of the recommendations of the Committee on Economic, Social and Cultural Rights.

It is also important to point out that, in order to prepare its report to the Committee on the Rights of the Child, the Tunisian Government and the National Human Rights Commission organized a series of meetings with civil society organizations, but no Amazigh association was invited to these consultations.

CMA, march 2020.