

2013-12-19

Fråga-svar

Tunisien. Situationen för statslösa

Fråga:

1. Hur ser situationen ut för statslösa i Tunisien?
2. Hur ser situationen ut för statslösa palestinier?

Svar:

Sammanställning av information från olika källor

1. Statslösa

UNHCR (2011):

Tunisia is a party to the 1954 Convention on the Status of Stateless Persons since 1969 and has acceded to the 1961 Convention on the Reduction of Statelessness on 12 May 2000.

Upon accession to the 1961 Convention, the Government of Tunisia submitted reservations, whereby it declared that it does not consider itself bound by the provisions of article 11 concerning the establishment of a body responsible for assisting in the presentation of claims to obtain nationality and by those of article 14, which provides for the competence of the International Court of Justice. The Government of Tunisia also made a declaration relating to article 8,

which is in effect a reservation. Article 8 prohibits the deprivation of an individual's nationality if it would render them stateless.

Citizenship issues are regulated by the *Code de la nationalité Tunisienne* issued by the *Décret loi* n° 63-6 of 28 February 1963, amended by the Law n° 2002-4 of 21 January 2002 and by the Law n° 2010-55 of 1 December 2010. This last amendment allows Tunisian women to transfer nationality to their children, even if the father is not Tunisian and regardless of their location inside or outside the country. This new legal provision has therefore fully eliminated discrimination against women as regards conferral of nationality to their children.

Article 16 of the *Code de la nationalité* foresees the loss of Tunisian nationality for the foreign woman who acquired it through marriage with a Tunisian national when the marriage is annulled. This provision does not contain any safeguards against statelessness in case the spouse does not have another nationality or cannot reacquire her former nationality, if she lost it due to her marriage with a Tunisian national.

UNHCR Tunisia has no indications as to the extent to which this provision leads to statelessness situations, as there are no official statistics available and no cases have been reported to UNHCR. (s. 3)

UN General Assembly (2013):

On 23 October 2011, the NCA was elected and charged with drafting and adopting a new constitution for Tunisia. (kap. 27, s. 7)

The Special Rapporteur welcomes the fact that a considerable number of the draft articles are aimed at guaranteeing basic human rights for all persons, making no distinction between citizens and other persons found within the Tunisian territory. (kap. 28, s. 7)

...a number of draft articles potentially undermine the global enjoyment of some fundamental human rights for migrants, by specifying their applicability only to citizens. These include:

that only citizens have equal rights and duties before the law, and are equal before the law (art. 1.6) and that the

State will guarantee the individual and public rights of citizens, and their decent conditions of life (art. 1.7). Moreover, the right to equitable and decent work conditions (art. 2.14) and cultural rights (art. 2.32) are restricted to citizens. (kap. 30, s. 8)

2. Palestinier

United States Congressional Research Service (CRS) (2011):

Tunisians broadly sympathize with the Palestinians; Tunisia hosted the Palestine Liberation Organization (PLO) headquarters in exile from 1982-1993 and still hosts some PLO offices today. (s. 21)

Ma'an News (2011):

A small Palestinian population remains in Tunisia, which hosted the Palestine Liberation Organization from 1982-1992, when the population reached some 5,000.

Studies showed that most of the Palestinians in Tunisia left in the mid 1990s following the creation of the Palestinian Authority in Ramallah in the wake of the Oslo Accords. A report from the European University estimates there remain about 1,000 Palestinians in the North African nation.

BBC News (2010):

...pro-Palestinian sentiments remain strong...

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

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