

POLICY PAPER: TUNISIA

Date: 3 June 2015

DISCLAIMER

The country-specific policy paper provides the main points regarding the policy rules that are applied by the Commissioner General when assessing requests for asylum from a specific country.

This paper begins with a brief, simplified summary of the complex situation in the country. The situation outline only covers the asylum-related aspects of the situation in that country. A non-exhaustive overview is then provided of the at-risk groups in the country of origin. The focus lies on the at-risk profiles that the CGRS encounters during its day-to-day work. In addition, it only covers the policy themes that are relevant for the country of origin or any special policy rules that apply to that particular country. Subsequently, a country-specific policy paper does not contain a complete overview of all of the possible issues that may be faced by the citizens of the relevant country of origin.

The policy implemented by the Commissioner General is based on a thorough analysis of accurate and up-to-date information on the general situation in the country of origin. This information is collated in a professional manner from various, objective sources, including the EASO, the UNHCR, relevant international human rights organisations, non-governmental organisations, professional literature and coverage in the media. When determining policy, the Commissioner General does not simply examine the COI Focuses, drawn up by Cedoca and published on this website, as these deal with just one aspect of the general situation in the country of origin. The fact that a COI Focus could be out of date, does not necessarily mean that the policy that is being implemented by the Commissioner General is no longer up-to-date.

The policy paper does not reflect the complexity of the asylum application assessment process. When assessing an application for asylum, the Commissioner General not only considers the actual situation in the country of origin, at the moment of decision-making, he also takes into account the individual situation and personal circumstances of the applicant for international protection concerned. Every asylum application is examined individually. An applicant must comprehensively demonstrate that he has a well-founded fear of persecution or that there is a clear personal risk of serious harm. He cannot, therefore, simply refer back to the general conditions in his country, but must also present concrete, credible and personal facts.

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For a better understanding of the policy themes that may be dealt with in a country-specific policy paper, see web page "About the CGRS/Policy".

1. SITUATION OUTLINE

Over the last few years, Tunisia has experienced a serious political crisis that has resulted in violence. This political crisis was resolved following the appointment of a new government of technocrats and the approval of a new Constitution in early 2014, which led to a significant reduction in violence. However, social conflict remains very close to the surface, although it has not caused any major violent incidents recently. The political tensions that threatened to worsen in 2013 have subsided and no longer provoke mass demonstrations and violence. Tunisia is becoming more stable and is adopting the political tools it needs to move towards a more democratic, pluralist system.

Another fairly recent phenomenon in Tunisia, in the form of violence by Salafist Jihadi groups, came to light during the above-mentioned crisis. This violence primarily affected the border regions with Algeria and Libya, where confrontations between Ansar al-Charia and Okba Ibn Nafaa Brigade fighters and the police, the army and the security forces regularly resulted in casualties among the

Jihadists and the security forces. The attacks had not targeted tourist attractions until recently, but several tourists were killed in an attack against the Bardo Museum in Tunis on 18 March 2015.

2. PERSECUTION IN THE CONTEXT OF THE REFUGEE CONVENTION

The Commissioner General has noted a very significant drop in asylum requests due to fear of persecution as a result of political opinion. However, any such requests made are examined on a case-by-case basis and refugee status can be granted to applicants who have put forward a specific individual fear or facts from which it can be deduced that there is a fear of persecution.

The emergence of Salafism in Tunisia could be a source of tension. As a result of this movement, a certain pressure from a naturally conservative society can be felt within the population and be considered a form of harassment by those who are most isolated. However, there is no group persecution. Therefore, application requests are examined on a case-by-case basis and refugee status can be granted to applicants who have put forward a specific individual fear or facts from which it can be deduced that there is a fear of persecution.

Homosexuality also remains a crime punishable by the Tunisian Penal Code. However, the Commissioner General noted that legal action in this area seems rare. As in any Arab Muslim society, relationships between same-sex partners are a major social taboo in Tunisia. However, rather than homosexuality itself, it is the transgression of public order and morality that society considers a serious offence. Discrimination, harassment and police brutality are mentioned by several sources. Most Tunisian gays in Tunisia are extremely discreet about their homosexuality in order to avoid stigmatisation. There are informal meeting places in large Tunisian cities, particularly Tunis. Social networks and specialised websites are increasingly used by the gay community. Asylum requests mentioning homosexuality are examined on an individual basis and the need for international protection is assessed with the utmost care.

3. SUBSIDIARY PROTECTION

The Office of the Commissioner General believes that the situation described in point 1 is not of a nature to establish that, in Tunisia, there is a serious threat to a civilian's life or person as a result of blind acts of violence during an armed internal or international conflict in the sense of article 48/4, § 2, c) of the Aliens Act of 15 December 1980. Therefore, the status of subsidiary protection may not be granted on this basis.

4. EXCLUSION

The Commissioner General examines whether the applications and the organisations involved in the terrorist acts perpetrated on Tunisian soil and elsewhere, fall within Article 1F of the Refugee Convention. If there are strong reasons to believe that the applicant has been directly involved in committing a serious crime under common law or in actions contrary to the aims and principles of the United Nations, he will be excluded from the protection measure of the Refugee Convention and/or subsidiary protection.