

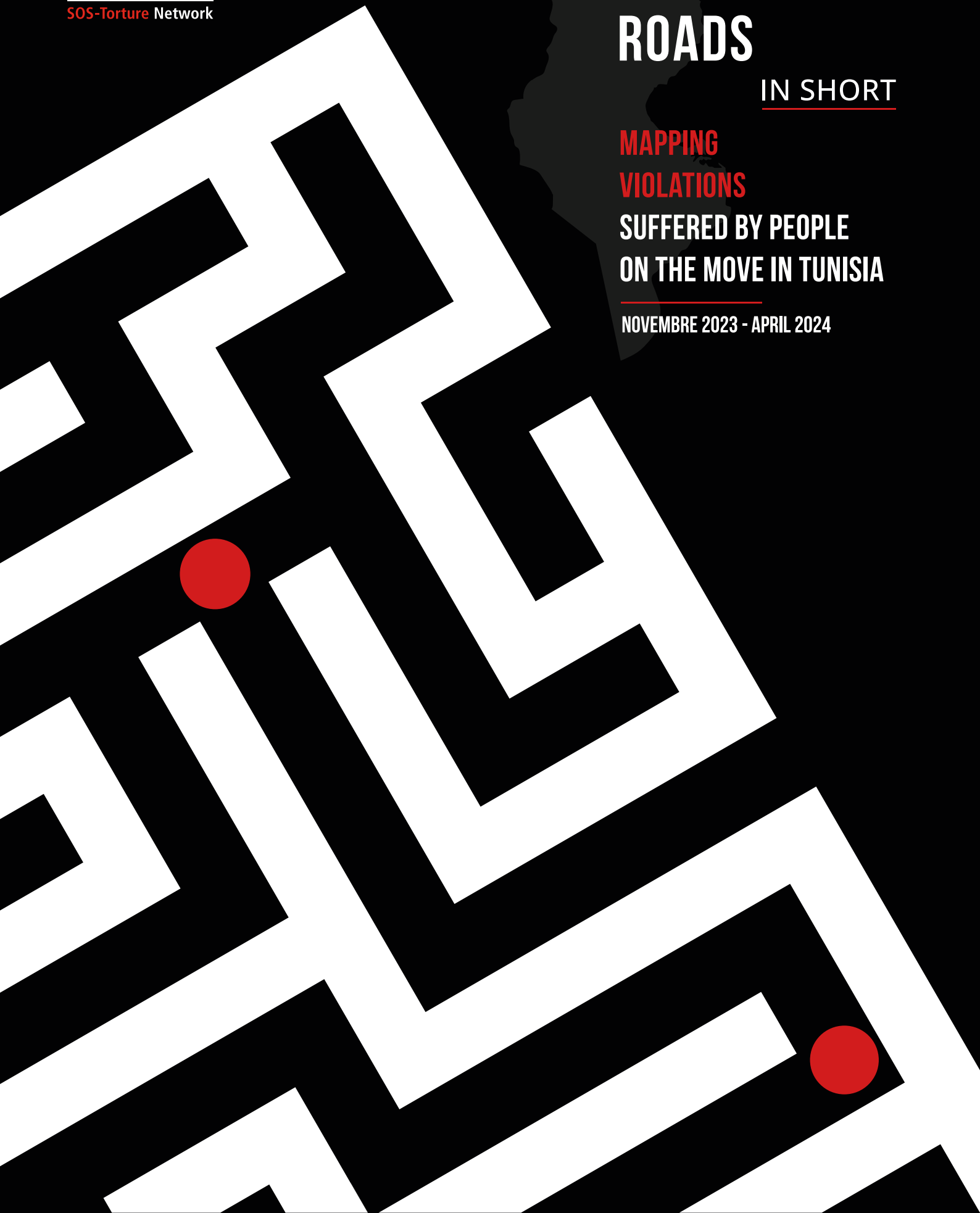
TORTURE ROADS

IN SHORT

**MAPPING
VIOLATIONS**

**SUFFERED BY PEOPLE
ON THE MOVE IN TUNISIA**

NOVEMBRE 2023 - APRIL 2024



Tunisia continues to be a transit country for people from sub-Saharan Africa: thousands of men, women and children leave their countries of origin in the Sahel region - increasingly characterized by persistent poverty and insecurity, conflict-induced displacement and climate change - and embark on a perilous journey of violence and death with the sole aim of reaching Europe. Many of the people interviewed for this study have been repeatedly expelled by Tunisian authorities to Libya or Algeria but decided to return to Tunisia and head for the coast, boarding makeshift boats and crossing the Mediterranean.

«We have nothing to lose and no other options.»

Following on from previous research produced by the OMCT, this report presents an overview of the scale and nature of human rights violations committed between November 2023 and April 2024 against migrants, refugees and asylum seekers, their long-term consequences for this group of individuals, their families and communities, as well as their effects on the stability of Tunisian society as a whole. While people on the move have no prospects of a safe and dignified life in Tunisia, the report warns of the continuation of a situation of lawlessness and impunity for the perpetrators of human rights violations, which represents a danger to social cohesion in Tunisia as such.

METHODOLOGY

OMCT's monitoring and research are based on:

- Semi-structured interviews with over 40 representatives of international, national and local non-governmental organizations, independent activists, researchers and journalists.
- A fact-finding and observation mission to Zarzis and Médenine to meet several local actors involved in assisting people on the move and to collect data directly.
- Documentation of nine individual cases handled by the SANAD program of direct assistance to victims of torture and ten individual cases of victims assisted by partner organizations.
- A dozen semi-structured interviews with officials from international organizations to confirm understanding of quantitative trends and validate conclusions drawn from fieldwork.
- Open-source secondary data collection and in-depth analysis of reports and communications from national and international civil society organizations.

SUMMARY

In line with previous reports, the report contains:

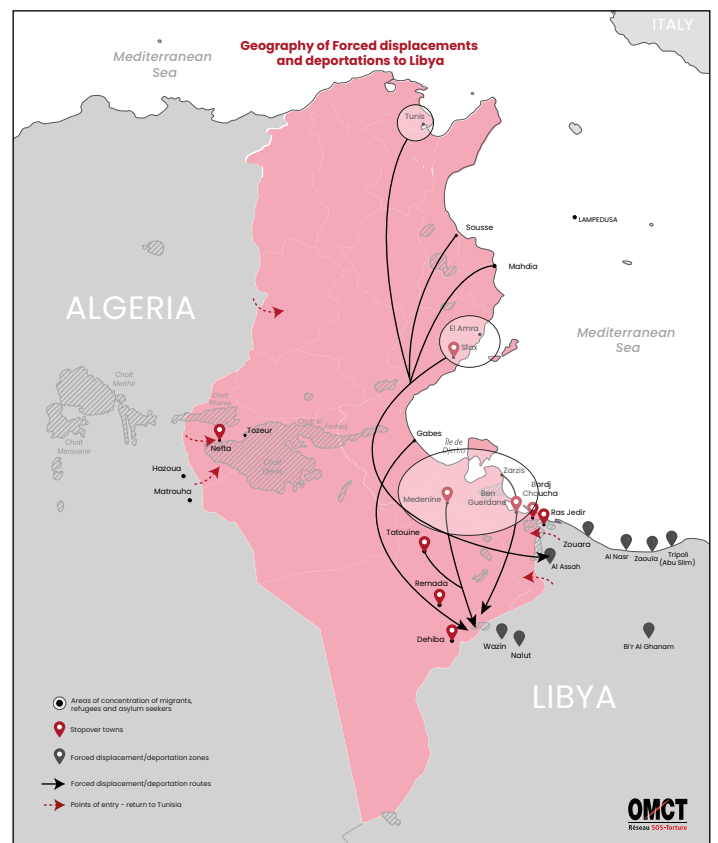
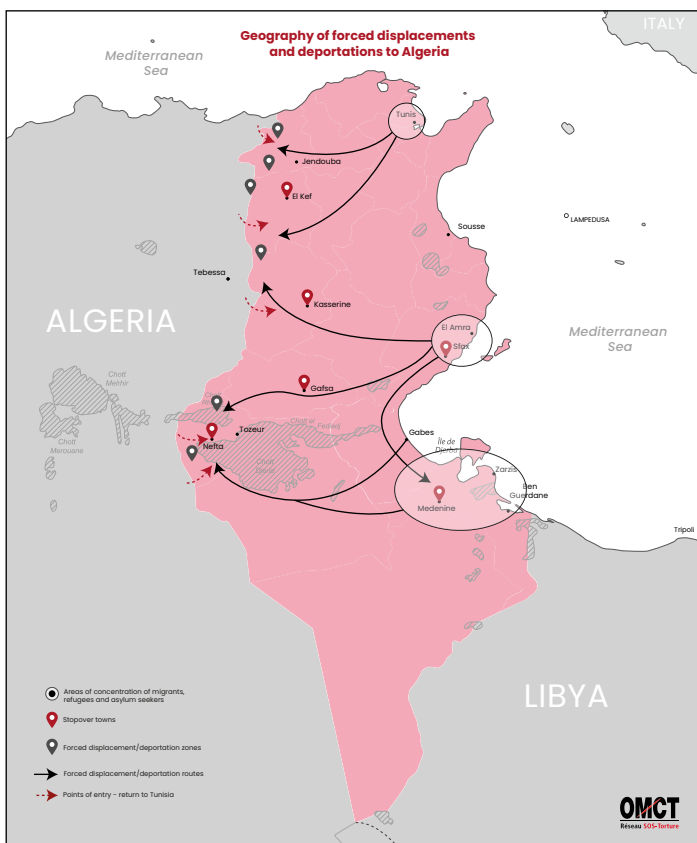
- a contextual analysis of migratory flows, through two maps and a quantitative and qualitative study of the arrivals and departures of people on the move in Tunisia, the geographical distribution and the profile of people on the move residing or transiting in Tunisia;
- updated typology of human rights violations documented since June 2023 and those emerging since autumn 2023, with qualitative and quantitative data on these, the profile of the victims and the modus operandi;
- the legislative framework of international and national law recalling Tunisia's obligations to protect all individuals present on its territory, in compliance with applicable treaties and conventions;
- a chronology of human rights violations, a chronology of regional cooperation on migration, and a chronology of operations at sea;
- two maps detailing the typical routes of forced displacement and deportation to Algeria and Libya;
- an overview of the impact of human rights violations and denial of access to justice for people on the move.

Key Findings

Persistent violations

OMCT's in-depth research confirms that between November 2023 and April 2024, the following violations continue with the same intensity and prevalence as those reported in previous research:

- **Arrests and detentions:** people on the move continue to be subjected to arbitrary detention, secret detention and/or incommunicado detention. The OMCT and its partners have documented a systematic lack of respect for procedural guarantees, a high risk of arrest when renewing residence permits, and the detention of unaccompanied minors on the move.
- **Forced and arbitrary displacements and deportations:** forced and arbitrary displacements to border areas with Libya or Algeria, and deportations to these two countries, persist against both individuals arrested during land operations and those intercepted at sea. A series of interviews with victims and survivors of violence - all from sub-Saharan or West African countries - has identified the systematic use of these practices: through a series of maps, this study reconstructs the routes that hundreds or even thousands of migrants, refugees and asylum seekers are forced to follow when they are stranded in the desert or mountainous border areas, or when they are directly transferred to Libya and Algeria by security forces. These practices lead to related human rights violations and may constitute acts of torture and ill-treatment under international law.



- **Violence and excessive use of force - torture and ill-treatment:** the OMCT and its partners have documented recurrent acts of violence against migrants, refugees and asylum seekers residing in or transiting Tunisia, which may constitute acts of torture or ill-treatment. Racial discrimination against people on the move from sub-Saharan African countries is an important factor in this institutional violence.

- **Violence during maritime interception and search and rescue operations at sea:** the Tunisian authorities' methods of interception at sea, and of identifying and burying the bodies of shipwrecked people at sea, are contrary to international law. Tunisia is no safe country for the disembarkation of a person rescued at sea, despite the formalization of its search and rescue zone in June 2024.
- **Migrant smuggling:** criminal networks continue to take advantage of the blocking of access to public transport and the policy of forced displacement to border areas to develop, and generate significant risks, including exposure to exploitation and human trafficking for people on the move.

New violation trends

This research also confirms **the emergence of a series of alarming new practices** since November 2024, including:

- **Gender-based and sexual violence:** the period November 2023 - April 2024 saw a worrying increase in cases of sexual violence suffered by people on the move in Tunisia, committed with the complicity of agents of the Tunisian security forces, or directly induced by the policy of forced displacement and deportation of vulnerable people.
- **Trafficking in human beings:** this takes the form of «sales» during deportation and abduction, and sexual exploitation by criminal groups, as a result of the blocking of legal channels for movement and access to housing and work.
- **Enforced disappearances and family separations:** the OMCT has established a typology of situations in which people can be considered missing.

Triggers for human rights violations

Direct and permanent contact with people on the move has enabled the OMCT to reconstruct and present the inhuman conditions in which most of them are forced to live. The report identifies a series of situations, classifying them as **triggers for acts of violence:**

- i. Irregular status and lack of legal channels for residence and mobility
- ii. Increasing impoverishment and denial of access to housing and work
- iii. Limited freedom of movement and the stemming vulnerability
- iv. Denial of fundamental rights and respect for human dignity

These four factors are illustrated by individual cases of people who have been victims of violence and have been assisted by the OMCT and its partners.

The OMCT confirms that since September 2023, documented human rights violations concern people on the move with diverse legal status and differing levels of vulnerability, illustrating **the widespread nature of these violations**. However, the study stresses the particular vulnerability of children on the move, especially unaccompanied minors, and women, exposed to a high risk of gender-based violence, while at the same time sexual and reproductive health needs are exploding.

The study confirms the **direct responsibility of the state** through the commission of violence by the National Guard and other security forces, the dissemination of a discourse of hatred and xenophobia by the executive branch which has accentuated local tensions between host and migrant communities, as well as **indirect responsibility** for the failure to respect the obligation to protect people at risk and prevent violence. The report also highlights the **responsibility of non-state actors**, whether organized crime groups active in border areas and areas where people on the move are concentrated, particularly in the case of trafficking, or ordinary citizens for racist and xenophobic violence.

Rose's story

Rose, 33, left Nigeria in January 2023 for Libya, in search of a better future, after having been trafficked and forced into domestic servitude. While attempting to cross the Mediterranean from Libya to Italy, Rose was intercepted by the Libyan coastguard and deprived of her freedom for several months. During her detention in inhuman and degrading conditions, she was subjected to physical violence and deprivation. Freed after payment of a ransom, she was then subjected to human trafficking and sexual exploitation. Rose managed to escape and attempted to enter Tunisia in July 2023. She found herself stranded in a border buffer zone near the Ras Jedir border crossing, in extremely difficult conditions, for several weeks. Evacuated in early August 2023 by the Red Crescent, she settled in Sfax. At the end of September 2023, during an attempted crossing to Italy, her boat was intercepted by the National Guard. Disembarked at the port of Sfax, she was detained before being forcibly and arbitrarily moved the same evening to the Algerian border. Her group was arrested four times during attempts to return to Tunisia over several days, and violently pushed back each time towards desert border areas. After a month of wandering in extremely difficult conditions, on a fifth attempt she managed to reach El Amra and resettled in the olive groves, working on farms for 30 dinars a day.

"I wouldn't have wanted to stay in El Amra, but I had no other choice because black migrants can no longer find accommodation in Tunisia. Even Africans who have managed to get an apartment can be arrested by the police at any time. Sometimes, on the street, the Tunisian National Guard will catch someone walking home from work and arrest them."

At the end of November 2023, Rose escaped a roundup of people on the move by the security forces, but her makeshift shelter was destroyed during a security force operation. In February 2024, Rose is violently assaulted by National Guard officers outside the El Amra police station. Her clothes were torn under the violence of the officers. She suffered numerous bruises to her knee and spine. She wishes to sue her attackers.

Current situation

Since the completion of this report (June 2024),

- the human rights violations documented in this report persisted during the summer of 2024, while the health situation in areas where people on the move are concentrated is rapidly deteriorating. As the migrant population grows, the authorities are attempting to reduce demographic pressure by continuously deporting and displacing migrants. At community level, social tensions between displaced people and citizens are increasing, with the villages around Sfax being the focus of ongoing riots and violence, as part of a systematic, ongoing and random dismantling of informal settlements in olive groves.
- At the beginning of May 2024, several civil society organizations were targeted by Tunisian authorities, through the indictment of Tunisian association leaders, the non-renewal of residence permits without grounds and the prosecution of leaders of human rights organizations from sub-Saharan African countries based in Tunisia, and the multiplication of controls and intimidation practices against organizations working locally to assist and defend the rights of people on the move. The majority of the organizations concerned have suspended their activities - resulting in unmet needs of the people they were assisting. United Nations agencies, non-governmental and intergovernmental organizations, including the European Union, have criticized this repressive approach and expressed concern about the deterioration of the rule of law.
- Tunisia's sea search and rescue zone has been operational since June 2024 - with reports of boats in distress going unanswered. Interceptions at sea continue at a very high level (over 74,000 between May and mid-July 2024 according to the Tunisian National Guard) and are always accompanied by violence and excessive use of force.
- Inter-regional cooperation with Libya and Algeria continues to be strengthened to coordinate efforts to protect borders against the risks and consequences of irregular migration.

CONCLUSION

The intensification of violence and the proliferation of xenophobic rhetoric against people on the move, committed and/or tolerated by Tunisian authorities, reflect the difficulties faced by the Tunisian government in managing the flows and presence of migrants, refugees and asylum seekers. The Tunisian authorities continue to resort to incoherent policies, repressive measures and short-term tactics emanating from a security vision primarily focused on mass expulsions of people on the move to remote rural or border regions, contributing to the deterioration of living conditions for those still residing on or transiting Tunisian territory, with the aim of forcing them to leave.

This security-focused approach aims to compensate for a political context characterized by: (i) the authorities' inability and lack of political will to develop a national and regional migration strategy and policy; (ii) an internal social, political and economic crisis; (iii) continuous pressure from Europe to reduce irregular migration in the Mediterranean; (iv) obsolete and inadequate legislation governing the status of foreigners and migration. On the social front, Tunisia faces escalating challenges stemming from inter-community tensions, increasingly sophisticated and well-connected criminal networks, and widespread public frustration often fueled by populist and xenophobic rhetoric that scapegoat migrants and other vulnerable communities.

The government's strategy of reducing migratory flows by making Tunisia an inhospitable destination has so far failed. On the contrary, according to the OMCT's analysis, people on the move continue to return to Tunisia after expulsion, migration routes remain the same - Tunisia's exceptional geographical proximity to Europe will not change, and its attractiveness to people on the move compared to Libya and Algeria persists. Similarly, efforts by the European Union and its member states to outsource border management now appear counter-productive. The most notable impact of policies to secure migration is not a reduction in flows or the neutralization of smugglers, but an increase in deaths in the Mediterranean Sea, a rise in human rights violations committed in transit countries, an increase in the value of the services of smugglers and traffickers, and the persistence of danger for those who resort to them.