

TORTURE ROADS

**THE SHRINKING
OF CIVIC SPACE
AND ITS IMPACT
ON PEOPLE ON
THE MOVE IN TUNISIA**

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Between January and October 2024, arrivals in Italy from Tunisia dropped by 81% compared to the same period in 2023. While this decrease is presented as a success story of cooperation between the EU, its Member States and Tunisia, as a country of origin and transit, this report considers that border management solely focused on security and geopolitical interests has led the Tunisian authorities to violating many of their international human rights obligations, with devastating consequences for thousands of people on the move and Tunisian society as a whole. Furthermore, the report demonstrates that the recent change in migration routes is temporary, it has significant repercussions on migration flows in other destination countries (such as Spain), and does not constitute a sustainable, equitable and dignified solution to irregular migration.

Building on its previous research,¹ the OMCT aims to provide an overview of the scale and nature of human rights violations committed between May and October 2024 against people on the move, their long-term consequences for individuals, families and communities, as well as their effects on Tunisia's stability. The report also highlights the way how civic space in Tunisia is shrinking through targeting and criminalization of civil society organizations and human rights defenders, especially those who assist people on the move and defend their rights.

The report confirms :

- The direct responsibility of the Tunisian state for violations perpetrated by security forces, and for hate and xenophobic speech propagated by executive authorities.
- The indirect responsibility of the Tunisian state, due to its inability to protect people at risk and prevent human rights violations on its territory.
- The responsibility of non-state actors, whether organized criminal groups or ordinary citizens, in cases of racist and xenophobic motivated violence.

The report concludes that by systematically targeting civil society organizations that protect and assist people on the move, and by exerting increasing control on their financial resources, the Tunisian authorities are seriously compromising civil society's ability to operate and defend vulnerable groups. In this context, people on the move isolated and completely deprived of assistance, living in the shadows and on the margins of society in undignified conditions, have no other option but to attempt a perilous crossing to Europe or to ask to return to their country of origin, thus generating recurrent cycles of migration in critical conditions and exposing thousands of men, women and children to dangerous journeys.

1. Previous reports covered violations committed between February and June 2023, "Mapping responses to human rights violations: the cases of people in mixed migratory movements in Tunisia, OMCT Tunisia" (June 2023), between July and October 2023, "[Torture Roads vol n°1: Mapping of violations suffered by people on the move in Tunisia](#)" (December 2023), and between November 2023 and April 2024, "[Torture Roads vol n°2: Mapping of violations suffered by people on the move in Tunisia](#)" (September 2024).

METHODOLOGY

The OMCT's monitoring and research is based on :

- Open-source secondary data collection and in-depth analysis of reports and communications from national and international civil society organizations, governmental organizations and institutions, and research institutes;
- A series of semi-structured interviews with over 39 representatives of 24 international, national and local non-governmental organizations (based in Tunis, Sfax, Zarzis, Medenine, Ben Guerdane, Tozeur, Nefta and Djerba), independent activists, researchers and journalists operating in Tunisia;
- Direct field observation and in-depth documentation of individual and collective cases of victims of violence and other types of human rights violations assisted by SANAD, the multidisciplinary direct assistance program for victims of torture, or supported by partner organizations;
- A dozen semi-structured interviews conducted with officials from international organizations to identify quantitative trends and validate conclusions drawn from fieldwork.

SUMMARY

In line with previous reports, the report includes :

- A contextual analysis of migratory flows, through a map and quantitative and qualitative research of arrivals and departures, as well as of the profile and geographical distribution of people on the move in Tunisia;
- The updated typology of human rights violations documented between May and October 2024, with qualitative and quantitative data on violations, the profile of 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, and key legal definitions such as safe country of origin, place of safety for disembarkation and others;
- A chronology of human rights violations, a chronology of regional cooperation in migration matters, and a chronology of operations at sea;
- An analysis of the typology and nature of restrictive measures against human rights defenders and members of civil society organizations working to defend and promote the rights of people on the move;
- An analysis of the general deterioration of the living conditions of people on the move, with a focus on access to international protection and legal documentation, the explosion in health needs and the continuous insecurity of tenure

A CONTINUUM OF HUMAN RIGHTS VIOLATIONS

The OMCT's in-depth research confirms that between May and October 2024, the following violations continue with the same intensity and prevalence :

- ***Criminalization of people on the move:*** People on the move continue to be subjected to arbitrary detention, secret and/or incommunicado detention. The OMCT and partners have documented systematic violations of procedural guarantees. Detention of minors on the move is increasing significantly.
- ***Arbitrary forced internal displacements and deportations*** to border areas, and deportations to Libya or Algeria remain the main risk for people on the move (16,503 deportations between January and November 2024, the vast majority to Algeria), regardless of their profile or legal status. These practices lead to people on the move being exposed to other types of violations, including acts of torture and ill-treatment.
- ***Violence and excessive use of force, torture and ill-treatment:*** The OMCT and its partners have documented recurrent acts of violence against people on the move in Tunisia, which may constitute torture or ill-treatment. In mid-September 2024, 3,800 people under international protection in Tunisia reported having been subjected to torture during their migratory journey before and/or in Tunisia.
- ***Dehumanizing practices when crossing maritime borders:*** Tunisian authorities' practices in terms of interception at sea, and during the identification and burial of shipwrecked bodies at sea, continue to breach international law. Despite the formalization of its SAR zone, Tunisia is not a place of safety for debarkation for people intercepted and/or rescued at sea. People intercepted or rescued at sea suffer the same identical treatment: lack of identification and needs assessment, denial of access to international protection and asylum, denial of access to humanitarian assistance and forced displacement to border areas or deportation with increased exposure to all types of violations, including human trafficking, torture and ill-treatment. Assistance to boats in distress is often denied, cooperation with SAR actors is quasi non-existent, and no clear authority is designated for operations outside of Tunisian territorial waters.
- ***Sexual and gender-based violence:*** The number of cases of sexual violence suffered by people on the move in Tunisia is rising - a humanitarian organization operating in Tunisia has reported a 400% increase in the number of its beneficiaries who reported being victims of sexual violence.
- ***Human trafficking*** often takes the form of kidnapping for ransom and sexual exploitation operated by criminal groups. Trafficking in persons often is the result of the lack of legal pathways for migration and of access to safe, legal and decent work.

The reality : **Forced displacement on May 3, 2024**

During the night of May 2 to 3, 2024, Tunisian security forces dismantled informal settlements opposite the UNHCR and IOM headquarters in Tunis and forcibly displaced around 500 migrants, refugees and asylum seekers.

Among this group, 92 people were arrested and sentenced to fourteen months' detention for acts of rebellion and unauthorized demonstrations, a ruling eventually reduced to eight months. Other individuals of the same group evicted that evening were then deprived of their freedom and forcibly transferred to border areas, as confirmed by high-ranking political representatives. Among them, 33 refugees from Sudan were forcibly and arbitrarily deported to the Algerian border.

Human rights organizations have appealed to the United Nations protection bodies, and despite multiple protection measures having been granted by the UN Human Rights Committee, some of these individuals have been arrested and detained, while others have been deported to Algeria, separated from their wives and children.

At present (December 2024), several dozens of them are still stranded in Niger after being deported by the Algerian authorities.

SHRINKING CIVIC SPACE

Of thirty civil society organizations engaged in the defense and protection of people on the move consulted by the OMCT in the framework of this research between May and October 2024, the following observation emerged :

- At least sixteen CSOs were subjected to **financial and administrative controls**, including through summonses and requests for documents by the Brigade des investigations et de la lutte contre l'évasion fiscale (BILEF) at the Ministry of Finance and through letters from the Direction Générale des Associations (DGA) at the Presidency of the Government.
- Nine organizations reported having suffered several **restrictions to access to their bank accounts**, going as far as having their bank **accounts frozen** (three of them), with or without grounds, through a court decision.
- Fourteen organizations reported having been subjected to some **form of police harassment**, and eleven of these experienced **unannounced police visits** involving controls on activities and/or team members.
- Eight organizations have been **summoned to an investigation as defendants**, and a further eight have had one or more of their employees or ex-employees **summoned as witnesses**.
- Nine organizations have had **one or more of their members taken into custody** following a police hearing, and then placed in **pre-trial detention**, in connection with their activities. The most frequent charge is **money laundering** (eight organizations).
- In December 2024, eight members or former members of CSOs were still held in **pre-trial detention**. More than thirty are being **prosecuted**.
- Fourteen organizations have **partially suspended and/or reoriented their activities**, while five have suspended their activities altogether.

«Our former interlocutors have now shifted their approach. The authorities are treating a humanitarian issue from a security point of view»

Says an executive of a Tunisian human rights organization.

Through the testimonies of several representatives of targeted organizations and their lawyers, the research offers an overview of legal proceedings and of all kinds of control measures, particularly financial and intimidation practices.

One section is focused on the effects of hate speech against civil society organizations and human rights defenders, legitimized by political statements that fuel campaigns of harassment and discrimination, leading to shrinking civic space and disrupting social ties. The restrictions froze humanitarian assistance depriving thousands of vulnerable people of vital support for their survival, while their needs continue to grow.

DENIAL OF ACCESS TO ASSISTANCE

The report provides an overview of the direct short-, medium- and long-term consequences of these restrictive measures on the human rights situation of people on the move, and identifies two main areas of concern that Tunisian decision-makers and their partners should urgently address :

- 1. *Invisible flows of criminalized people*** : The suspension of registration and refugee status determination and the related denial to access international protection, leaves many people on the move in a protracted situation of irregularity and an uncertain legal status, particularly those newly arrived in Tunisia and those intercepted/saved at sea. Moreover, people on the move face increasing obstacles in registering births and deaths; when arrested and detained their documents are confiscated by the authorities. Lack of documentation complicates the enjoyment of the right to identity, which is a prerequisite for the exercise of a wide range of human rights. The lack of identification/verification processes combined with the existence of completely undocumented individuals prevents decision-makers from having a global vision of people on the move's presence on Tunisian soil, their profiles and needs. This poses obvious security concerns for both migrants, refugees and asylum-seekers who are increasingly exposed to forced displacement and mass deportations, as well as for the host community, in terms of control and the fight against criminality. The authorities continue to criminalize people on the move for migration related reasons, including children, who are often deprived of shelter solutions, deprived of their freedom and left in precarious and dangerous situations.
- 2. *A public health crisis*** : Health needs are exploding, with spillover effects on Tunisian society in a context where restrictions on humanitarian organizations are considerably limiting the intervention capacities of the few players still operating on the ground. Numerous factors contribute to the scale of the health problems faced by people on the move, notably the increase of epidemic risks and sexual and reproductive health needs, exacerbated by a denial of access to basic health services and humanitarian assistance, lack of access to drinking water and hygiene services, the lack of waste management systems, combined with the promiscuity which characterizes life in informal settlements. Precarious living conditions compounded by administrative and financial obstacles, discrimination by local communities and threats of arbitrary arrest, prevent people on the move from accessing healthcare.

CONCLUSION

War, conflict, persecution, poverty, lack of freedom, climate change-induced crises and persistent inequality continue to drive thousands of people to and through Tunisia.

In 2024, Tunisia continued its migration management based on securing borders and deterring irregular movements, supporting policy and practice with a xenophobic narrative presenting migration as a threat rather than an opportunity. Since the end of 2022, the Tunisian state has in fact chosen to criminalize irregular migration, detaining and deporting on a massive scale people on the move arrested on Tunisian soil, intercepted or rescued at sea. A series of controversial agreements with third countries (notably Algeria, Libya and European partners) concluded in violation of the principle of non-refoulement, have legitimized this security approach without tackling the root causes of Tunisia's lack of strategy on migration and its socio-economic crisis nor the factors driving forced displacement in the countries of origin.

When migration and asylum policies are restrictive, when no regularization options are available, when people on the move are criminalized and dehumanized, a distorted perception of people on the move emerges, singling them out as a threat to internal security, The intersection between migration and other forms of discrimination (based on gender, race, ethnicity, religion and sexual orientation) and the erroneous causality between irregularity and criminalization exacerbate the vulnerability of people on the move and their exposure to human rights violations and organized crime.

This report aims to inspire Tunisia to adopt an approach based on the respect for human rights and human dignity, and to endorse a positive and sustainable vision of regional and global mobility. The OMCT calls for an end of the criminalization of people on the move, of restrictive law enforcement policies and the discontinuation of human rights violations, and suggests a series of concrete and achievable measures to improve access to health care, to secure legal documentation and access to international protection, in order to pave the way for social inclusion, safety and security, in compliance with international human rights standards, and in collaboration with civil society.