

1 FOCUS BRIEF

**HUMAN RIGHTS
VIOLATIONS AND THEIR
DISPROPORTIONATE IMPACT
ON CHILDREN ON THE MOVE**





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LIST OF ACRONYMS

AVRR	Assisted Voluntary Return and Reintegration
BID	Best Interests Determination
CAT	Convention against Torture
ICRC	International Committee of the Red Cross
CIDE	Convention on the Rights of the Child
CPE	Child Protection Code
CSO	Civil Society Organization
CRT	Tunisian Red Crescent
DCIM	Directorate for Combating Illegal Migration (Libya)
DGFE	General Directorate of Borders and Foreigners of the Ministry of the Interior
DGPE	General Delegate for Child Protection
DPE	Child Protection Delegate
DSR	Refugee status determination
FGD	Focus Group Discussion
GBV	Gender-based violence
HRD	Human Rights Defender
IMO	International Maritime Organization
INLCTP	National Authority to Combat Trafficking in Persons
INPT	National Authority for the Prevention of Torture

IOM	United Nations International Organization for Migration
ITS	Informal Settlement
KII	Key Informant Interview
MRCC	Maritime Rescue and Coordination Centre
MAS	Ministry of Social Affairs
ME	Ministry of Education
MENA	Middle East and North Africa
MFES	Ministry of Family, Women, Children and Seniors
MI	Ministry of the Interior
MJ	Ministry of Justice
MS	Ministry of Health
NGO	Non-governmental organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
OMCT	World Organisation Against Torture
SAR	Search and Rescue
SOP	Standard Operating Procedures
SSA	Stability Support Apparatus (Libya)
UN	United Nations
UNHCR	United Nations Refugee Agency
UNICEF	United Nations Children's Fund

METHODOLOGY

The OMCT's monitoring and research are based on:

- A thorough analysis of reports and communications from international organizations, non-governmental organizations, and national and local associations on the rights of people on the move and children on the move;
- Extensive documentation of publicly accessible secondary data, including the analysis of videos, images, GPS coordinates, satellite imagery, and written testimonies, which made it possible to identify episodes of violations during the period under review;
- Semi-structured interviews and focus group discussions with:
 - 32 representatives from international, national, and local NGOs (based in Tunis, Sfax, Zarzis, Médenine, Sousse, and Le Kef) assisting children and people on the move;
 - 23 representatives and social workers from six international organizations (including United Nations agencies) and cooperation agencies working on migration issues active in Tunisia;
 - 7 experts who have worked or are working in the public sector in child protection and health in Tunisia;
 - 6 lawyers who have represented children on the move before Tunisian courts;
 - 4 independent activists, researchers, and journalists.
- Documentation of 40 individual cases of victims assisted by OMCT and partner organizations (including 12 cases documented directly by OMCT and its SANAD program for direct assistance to victims of torture, and 28 by partner organizations);
- Quantitative analysis of databases from four organizations that provided direct assistance to people on the move in Tunisia during the study period (November 2024 – April 2025).

Several inherent limitations in documenting human rights violations experienced by people on the move—particularly children—make it difficult to access consensual quantitative data. These include, among others: the difficulty of documenting violence against children in a secure and ethical manner; the constant mobility of alleged victims; the overlap of different migration flows during the same period and along the same routes; the cross-border nature of the violations suffered by people on the move; and limited access to areas where alleged violations have occurred.

However, after a detailed examination and verification of the types, frequency, and prevalence of violations within Tunisian territory, the report presents conclusions on the qualitative aspects of these violations in terms of patterns and impacts on individuals, their families, and their communities.



INTRODUCTION

This Focus Brief presents an analysis of the typology of human rights violations over the period November 2024 to April 2025 suffered by people on the move transiting or residing in Tunisia, and offers an overview of their disproportionate effects on children on the move.¹ The results of this section reflect the OMCT's research and documentation work with direct and indirect victims of violations, and with experts and practitioners working to protect and defend the rights of people on the move in Tunisia, North Africa and Europe.

The OMCT confirms that the following violations have continued since previous periods:²

- Arrests and detentions
- Forced and arbitrary displacement within the country to border areas and deportations
- Family separations and enforced disappearances
- Violence
 - Violence, excessive use of force, torture and ill-treatment
 - Physical and psychological violence
 - Gender-based and sexual violence
- Dehumanizing practices during maritime interception and search and rescue operations
- Poverty, precariousness and exclusion from protection, education and health systems: risks and violations caused by the impoverishment of children on the move
 - Child labor
 - Negative coping mechanisms
 - Human trafficking

1. Some of the violations described in this section affect all children in vulnerable situations in Tunisia, regardless of their nationality or legal status. Some violations have also been reported to be suffered by Tunisian children wishing to leave their country irregularly.

2. Previous volumes of «Routes of Torture» in Tunisia can be consulted here: **OMCT - Migration & Torture**.

HUMAN RIGHTS VIOLATIONS AND THEIR DISPROPORTIONATE IMPACT ON CHILDREN ON THE MOVE

1. ARREST AND DETENTION : THE CRIMINALIZATION OF CHILDREN ON THE MOVE

Children on the move continue to be subjected to arbitrary detention, secret detention and incommunicado detention³ - regardless of age or legal status. According to the OMCT's partner organization, 6% of adult migrants with children reported that detention poses a risk to children travelling with them.⁴ The OMCT and its partners have documented a systematic failure to respect procedural safeguards during arrest, preventive detention, sentencing and judicial detention. The focus brief «Criminalization of children on the move» will take an in-depth look at this violation.⁵



3. While secret detention involves being held in a secret location, incommunicado or incommunicado detention means being deprived of all contact with the outside world, and consequently being unable to communicate with family, friends or any other person, including one's lawyer.

4. Humanitarian source. This data comes from a survey conducted between December 2024 and March 2025 among 525 people on the move in Tunis, Sfax, Sousse and Gabès. Of those surveyed, 14% said they were traveling or living with dependent children. Although the study includes data collected in Tunisia, it is based on a route-based approach; the data collected is not specific to Tunisia.

5. A series of Focus Briefs, to be published between September and December 2025, will analyze in depth the rights of children on the move in Tunisia, examining the extent to which these rights are respected, as well as the capacities and responses of state and non-state actors to ensure their effective protection and full realization.

2. FORCED AND ARBITRARY DISPLACEMENT AND DEPORTATION

What does international law say?

Forced and arbitrary displacement within Tunisia

International human rights law guarantees the right to freedom of movement and residence.⁶ Under the Convention relating to the Status of Refugees, persons recognized as refugees have the right to choose their place of residence and to move freely within the State Party.⁷ The right not to be arbitrarily displaced implies: a) the prohibition of arbitrary displacement; and b) the obligation of the authorities to prevent arbitrary displacement.⁸ The legal nature of the displacement does not determine whether it is authorized or arbitrary under international law. This question must be decided on the basis of four criteria: the reasons for the displacement, the principle of legality, the guarantees to be respected during the displacement and the duration of the displacement.⁹ Drawing on international human rights law and international humanitarian law, the Guiding Principles on Internal Displacement (1998) reaffirmed and clarified the international legal obligations applicable to situations of internal displacement, explicitly stating a general prohibition on arbitrary displacement and providing a non-exhaustive list of situations in which displacement would be arbitrary.¹⁰

The principle of non-refoulement in the case of deportation

The expulsion or deportation of any individual, where there is a real risk of torture or other ill-treatment in the State to which he or she will be returned, is prohibited by several provisions of international human rights law.¹¹ The prohibition of unsafe return under customary international law shares the *jus cogens* and *erga omnes* character of the prohibition of torture.¹² The UN Committee against Torture emphasizes that the principle of non-refoulement must be applied without discrimination of any kind, regardless of an individual's status under national law.¹³

6. International Covenant on Civil and Political Rights, article 12. Under international human rights law, the prohibition of arbitrary displacement is implicit in provisions relating to the right to freedom of movement and residence, the right not to be subjected to arbitrary measures in one's own home, and the right to adequate housing. Exceptions may be made to these rights, provided they comply with the main principles of legality, necessity and proportionality.

7. Art. 26 of the Convention relating to the Status of Refugees, adopted on July 28, 1951.

8. Human Rights Committee, General Comment No. 36 (2018), para. 12. «The notion of 'arbitrary' should not be confused with that of 'contrary to law', but should be interpreted more broadly, as encompassing elements relating to the inappropriate, unjust and unforeseeable nature of the act targeted and to the principle of legality just as much as considerations of reasonableness, necessity and proportionality.»

9. UN A/76/169. For arbitrary and forced internal displacement, international human rights frameworks on internal displacement are an essential point of reference. See also «Making Arbitrary Displacement a Crime: Law and Practice», UNHCR and Global Protection Cluster (2022) for an overview of key treaties and international obligations and standards that address arbitrary displacement.

10. Principle 6: 1. Every human being has the right to be protected against arbitrary displacement from his or her home or place of habitual residence. 2. The prohibition of arbitrary displacement includes displacement: (a) when it is based on policies of apartheid, «ethnic cleansing» or similar practices aimed at or resulting in a modification of the ethnic, religious or racial composition of the affected population; (b) in situations of armed conflict, unless the security of the civilians concerned or imperative military reasons so demand; (c) in cases of mass population displacement, within or outside a country; (c) in the case of large-scale development projects, which are not justified by overriding and compelling public interests; (d) in the event of a disaster, unless the safety and health of those affected require their evacuation; and (e) when it is used as collective punishment. 3. Displacement must not last longer than circumstances require.

11. Under article 3 of the Convention against Torture: «No State Party shall expel, return («refouler») or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture».

12. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Interim report submitted to the General Assembly, (2004) UN Doc. A/59/324, §28; see also Interim Report submitted to the General Assembly, (2005) UN Doc. A/60/316.

13. Committee against Torture, General Comment No. 4 (2017) on the implementation of article 3 of the Convention in the context of article 22, CAT/C/ GC/4, September 4, 2018, §10.

States are obliged not to return a child to a country if there are substantial grounds for believing that the child will be exposed to a real risk of irreparable harm, either in the said country or in any other country to which the child may subsequently be transferred.¹⁴ States parties, in applying the principle of non-refoulement in relation to children, should consider in particular whether the child would be expelled to a State in which violations of the fundamental rights of children have been or may be committed, resulting in irreparable harm.¹⁵ According to the Special Rapporteur on the human rights of migrants, child-specific considerations must be taken into account to ensure that no child is returned to a country where he or she risks death, torture and other cruel, inhuman or degrading treatment or punishment, enforced disappearance or other irreparable harm, whether to the country of origin or to any third country.¹⁶ The Committee on the Rights of the Child has recommended that Tunisia prevent any form of detention or expulsion of children on the move.¹⁷

What does Tunisian law say?

Forced and arbitrary displacement within Tunisia

Tunisian legislation makes no provision for the evacuation and forced transfer of individuals or groups from one place to another on Tunisian territory, whether within the remit of the Ministry of the Interior,¹⁸ regional administrations,¹⁹ or laws and decrees regulating the security forces.²⁰ Neither the provisions of the state of emergency²¹ nor the regulations governing meetings and other public gatherings²² allow for forced evacuation by State authorities.

The eviction of occupants of private land - such as an olive grove on which an informal camp has been set up - is governed by legislation on property rights and the protection of occupants' rights.²³ Only a court of law can order eviction, and certain procedural guarantees are in place to protect the rights of those involved.²⁴

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14. Committee on the Rights of the Child, General Comment No. 6 (2005) on the treatment of unaccompanied children outside their country of origin, §27. See also Joint General Comment no. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and no. 22 (2017) of the Committee on the Rights of the Child on general principles on the human rights of children in the context of international migration, §46.
15. Committee against Torture, General Comment No. 4 (2017) on the application of article 3 of the Convention in the context of article 22, CAT/C/GC/4, September 4, 2018, §29o. Irreparable harm constitutes, for example, the recruitment of children as combatants with a view to their direct or indirect participation in hostilities or for sexual services.
16. **Report of the Special Rapporteur on the human rights of migrants, A/79/213, 2024, §14.** Risks to be taken into account include child marriage, other forms of sexual and gender-based violence, human trafficking, exploitation and abuse, and the worst forms of child labor. See also: UNHCR Guidelines on Child Asylum Claims - **Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees** | Refworld
17. Committee on the Rights of the Child, Concluding observations on the fourth to sixth periodic reports of Tunisia, September 2, 2021, CRC/C/TUN/CO/4-6, §41.
18. Decree no. 75-342 of May 30, 1975, establishing the powers of the Ministry of the Interior.
19. Law no. 75-52 of June 13, 1975, establishing the powers of senior regional administrative officials.
20. Law no. 82-70 of August 6, 1982, laying down the general status of the Internal Security Forces; Decree no. 2023-240 of March 16, 2023, approving the code of conduct for the Internal Security Forces under the authority of the Ministry of the Interior.
21. Decree no. 78-50 of January 26, 1978, regulating the state of emergency.
22. Law no. 69-4 of January 24, 1969, regulating public meetings, processions, parades, demonstrations and gatherings.
23. Penal Code, article 256 et seq.
24. Code of civil and commercial procedure, art. 43, 125 and 126.

The principle of non-refoulement in the case of deportation

Tunisian law provides for the expulsion of foreigners whose presence on Tunisian territory constitutes a threat to public order, on the basis of administrative decisions taken by the Ministry of the Interior.²⁵ If the foreigner infringes the rules governing entry and residence in Tunisia, or has committed other related offences, he or she will be subject to criminal prosecution.²⁶ The penal code also provides for the possibility of a «ban on residence» as an additional penalty for certain offences committed by foreigners.²⁷ The cases of expulsion and deportation documented by the OMCT in this research therefore fall into neither of the two scenarios provided for under Tunisian law.²⁸

Forced and arbitrary internal displacements followed by systematic deportations to Libya and Algeria continued uninterrupted between November 2024 and April 2025, following the same modus operandi as documented in OMCT's previous research,²⁹ targeting mainly and indiscriminately people intercepted at sea, but also, from April 2025, people evicted from informal settlements located in the olive groves around Sfax (El Amra and Jbeniana). According to OMCT research, **56% of people on the move (children and adults combined) who reported at least one violation between November 2024 and April 2025 said they had been victims of forced displacement followed by deportation.**³⁰ Deportation would be the most frequent violation over the period concerned, ahead of arbitrary arrest / deprivation of liberty (29%).³¹ The Tunisian National Guard remains the main State security force responsible for this violation, according to testimonies collected by the OMCT.

25. Individuals must be notified in writing of the reasoned expulsion order in a language they understand and, under international law, must be able to challenge the legality of this administrative decision. In addition, the law on foreigners allows migrants subject to expulsion orders to be placed under house arrest pending expulsion, but house arrest does not mean detention (Law no. 1968-7 of March 8, 1968).

26. Persons accused of having committed a misdemeanor, a felony or an infraction will then be arrested in flagrante delicto or on the basis of a warrant, placed in police custody, brought before a prosecutor before being dismissed, or prosecuted generally with placement in preventive detention (Law no. 1968-7 of March 8, 1968).

27. See art. 18, Article 23 et seq. of Law no. 1968-7 of March 8, 1968, and art. 50 of Law no. 2004-6 of February 3, 2004, amending Law no. 75-40 of May 14, 1975, on passports and travel documents.

28. Migration to and from Tunisia is governed by the law regulating the entry and residence of foreigners adopted in 1968 and its implementing decree, and the law on passports and travel documents adopted in 1975 and amended in 2004. Another relevant piece of national legislation is decree no. 2017-1061, setting the rates for chancery fees, and the decree on exemptions for foreign students. Tunisia explicitly criminalizes irregular migration for both foreigners and Tunisian nationals. Penalties are imposed for the unauthorized departure of both nationals and non-nationals. There are also fines and prison sentences for non-citizens who enter or leave the country without authorization or documentation, and fines and prison sentences for non-citizens who use false documents or provide inaccurate information.

29. See sections on «Forced and arbitrary displacement and deportation» on page 36 in **OMCT, Routes to Torture vol. 3, January 2025** and page 44 in **OMCT, Routes to Torture vol. 2, September 2024**.

30. Humanitarian source. These data come from the databases of humanitarian organizations to which the OMCT has had access. These figures are calculated as a proportion of the total incidents of violations reported by people on the move over the period November 2024 - April 2025 (313 incidents). Only people who approached humanitarian organizations and reported violations suffered are represented.

31. See footnote 30.

Following interception at sea or arrest (see places of arrest in the section on the criminalization of children on the move), arbitrary internal forced displacement leads to:

- Abandonment in border and desert areas with Algeria and Libya.
- Deportations to Libya followed by detention in Libyan places of deprivation of liberty - over **4,000 people** (adults and children combined) between January and April 2025.³² From November 2024 to April 2025, almost 833 people on the move were intercepted at the border with Tunisia by the Libyan Ministry of the Interior, Ministry of Defense, Libyan border guards and customs and officials from the Directorate for Combating Illegal Migration (Libya)³³ before being detained at the Al Assa center.³⁴
- Deportations to Algeria - over **8,000 people** (adults and children combined) between January and April 2025 - followed by detention in Algerian places of deprivation of liberty and/or deportation by the Algerian authorities to Niger at Assamanka - 5,000 people deported to Niger between January and April 2025³⁵ - or to Libya at Ghadamès - 1,421 people between November 2024 and April 2025.³⁶

The reality: **Zakaria's story**

Zakaria is a 14-year-old unaccompanied child on the move. In 2024, he was arrested with a group of people on the move, then transported at night to the Algerian border. His money and cell phone were confiscated. After spending three days in Algeria, the child tried to return to Tunisia but was intercepted by the Tunisian authorities and deported to the Libyan border, along with 25 other people. In Libya, Zakaria received some support from other members of the community, but he was then arrested in July 2024 by the Libyan authorities and held for four months at the Al Assa detention center. He was held with adults, in overcrowded conditions, with limited access to food and drinking water. In November 2024, Zakaria secured his release by paying 2,000 Libyan dinars to a member of the prison staff, thanks to payment arranged by his uncle from his home country via a third party. He managed to return to Tunisia in December 2024.

Over the period studied, the majority of forced removals (whether or not followed by deportation to Algeria) were carried out towards the Algerian borders and involved men on the move from sub-Saharan African countries. However, according to the OMCT's data collection, **forced displacements and deportations also involve children of all ages, legal status, profiles and nationalities.**³⁷ Thus, according to OMCT research, 67% of children on the move who reported having suffered at least one

32. Humanitarian source.

33. DCIM in Libya refers to the Directorate for Combating Illegal Migration. It is an entity under the Ministry of the Interior, responsible for the management of certain detention centers. The DCIM has regularly been implicated in serious human rights violations, including arbitrary detention, extortion, forced labor, torture, sexual violence and inhumane detention conditions in its centers. See **Amnesty International, «Libya. National Unity Government must hold militia leaders to account in wake of Tripoli violence», 13/05/2025**

34. The Al Assa detention center, near Nalut, is run by the Libyan Border Guard (LBG) on the border with Tunisia. Many ex-detainees met by OMCT partners between September 2023 and May 2024 testified to having been arrested in Tunisia before being deported to this center. Many testified to extreme levels of violence in this detention center. See the section «Violence, torture and ill-treatment in the Libyan detention center of Al Assa» p.39 in OMCT, **Routes of Torture vol n°3**, January 2025.

35. **«Assamaka, Niger: expulsions from Algeria to the desert between January 1 and June 1, 2025. Thousands expelled, several killed by unforgiving conditions», 25/06/2025, Alarm Phone Sahara.**

Furthermore, in April 2025, over 4,975 people were expelled from Algeria to Assamaka in Niger; the expulsions were preceded by large-scale arrest campaigns in many Algerian towns since the beginning of April. See: FTDES, «Suppression of Movement Migration Control, Manufactured Precarity and Racialised Border Regimes in Post-Hirak Algeria», June 2025, p. 31.

36. Since the beginning of 2024, at least 1,800 people have been intercepted by Libyan militias at the Algerian border and detained in the town of Ghadames, according to humanitarian sources. See also **«Le régime des réfugiés en plein chambardement», 23/04/2025.**

See also: FTDES, «Suppression of Movement Migration Control, Manufactured Precarity and Racialised Border Regimes in Post-Hirak Algeria», June 2025, p. 80.

37. According to humanitarian sources, until June 2025, it was not until mid-June that the authorities began to carry out a summary disembarkation control, deporting only adult men and unaccompanied adolescents.

violation between July 2024 and April 2025 said they had been subjected to forced displacement followed by deportation - the most frequent violation reported by children ahead of arbitrary arrest / deprivation of liberty (26%).³⁸ Among the displaced children who suffered this type of violation are:

- Children in possession of refugee cards, asylum seekers, irregular migrant children.
- Unaccompanied children - the majority of whom are teenage boys aged 16 to 18, not identified as minors and considered as adults.
- Separated children - including infants: the OMCT has documented several cases of infants arrested and arbitrarily displaced to border areas while their parents were in detention.
- Accompanied children - including newborns and infants, displaced with their families.

Forced displacements and deportations are moments of great violence that can constitute acts of torture, excessive use of force and ill-treatment (see the section on violence, excessive use of force, torture and ill-treatment) - generally inflicted on adults by Tunisian security agents, but also on children, especially older ones, who are considered adults.³⁹

The reality: Hassan's story

Hassan is a 12-year-old boy from Burkina Faso, in possession of a valid UNHCR refugee card and living in Tunisia with his mother and three minor siblings. At the beginning of 2025, his mother was arrested at her home by the police and convicted of illegal residence, even though she was regularly registered as an asylum seeker and in possession of a valid UNHCR refugee card. Hassan and his siblings are placed in a public facility by the family judge. Leaving the center unsupervised one day, they were arrested and forcibly and arbitrarily moved to the Algerian border with another group of displaced persons. Thanks to the solidarity of a Tunisian citizen, they managed to make their way back to Sfax and were reunited with their mother, who had been desperately searching for them. Meanwhile, their mother has lost her apartment and her job and is forced to beg to support the family. Recently, Hassan was arrested for begging and detained for several weeks, without being able to contact his family.

These arbitrary forced internal displacements and deportations have a disproportionate impact on children, exposing them to further violations of their rights, such as family separation (see section on family separation), torture and ill-treatment (see section on violence and excessive use of force - torture and ill-treatment) and trafficking (see section on trafficking).

38. Humanitarian source. These data come from the databases of humanitarian organizations to which the OMCT has had access. These figures are calculated as a proportion of the total incidents of violations reported by children on the move over the period July 2024 - April 2025 (208 incidents). Only children who approached humanitarian organizations and reported violations suffered are represented. The proportion of child victims of deportation in the total of minors on the move who reported violations is similar to the proportion of people (adults and children combined) victims of deportation in the total of people on the move who reported violations (66%).

39. Furthermore, according to a recent FTDES study, 44.1% of the people on the move surveyed (adults and children combined) had experienced at least one forced displacement during their migratory journey. What's more, 64.7% said they had witnessed forced expulsions of people on the move to border areas. The study, whose field survey took place from March to June 2024, is based on questionnaires from 379 people on the move in the Greater Tunis, Zarzis and El-Amra-Jebeniana regions. See : FTDES, Migrants subsahariens en Tunisie : profils, vécus et dérives des politiques migratoires, field survey, July 2025, p. 104 and 108.

3. FAMILY SEPARATION AND ENFORCED DISAPPEARANCE

What does international law say?

Family separation

Under international law, family separation refers to situations in which a child is separated from his or her parents, guardian or caregiver,⁴⁰ but not necessarily from other family members.⁴¹ A child may therefore be considered separated even if accompanied by other adult family members. States parties shall ensure that the child is not separated from his or her parents against their will, unless the competent authorities decide that such separation is necessary in the best interests of the child.⁴² As emphasized by the Committee on the Rights of the Child, States must not only refrain from taking measures that could lead to the separation of a family but must also take positive measures to maintain family unity, including the reunification of family members who have been separated.⁴³

Enforced disappearance

The International Convention for the Protection of All Persons from Enforced Disappearance⁴⁴ establishes that no one shall be subjected to enforced disappearance, defined as «arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with their authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places that person outside the protection of the law».⁴⁵ The Guiding Principles on Missing Persons, concerning the particular vulnerability of people on the move, establish that States must take coordinated measures to prevent disappearances from occurring, particularly in the case of unaccompanied children.⁴⁶

40. UNHCR, *Resettlement Handbook*, 3.5: Children and adolescents in situations of risk.

41. ICRC, IRC, Save the Children, UNICEF, UNHCR, World Vision International, *Inter-Agency Guiding Principles on Unaccompanied and Separated Children*, 2004. Please see also: UNCRC General Comment No 6 -

General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin | Refworld

42. Art. 951 of the CRC. See also art. 954 of the CRC: «When separation results from measures taken by a State party, such as the detention, imprisonment, exile, expulsion or death (...) of both parents or of the child's legal guardian, the State party shall take all appropriate measures to prevent the separation of the child.) of one or both parents or of the child, the State Party shall, upon request, provide the parents, the child or, where appropriate, another member of the family with essential information concerning the whereabouts of the family member(s), unless the provision of such information would be detrimental to the well-being of the child.»

43. Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on States' obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, §27. Please also see: UN CRC Art 10.

44. **UN Treaty Collection, International Convention for the Protection of All Persons from Enforced Disappearance, December 20, 2006. Tunisia ratified this Convention on June 29, 2011.**

45. Art. 2 of the International Convention for the Protection of All Persons from Enforced Disappearance.

46. Committee on Enforced Disappearances, Principle 9 of the Guiding Principles on the Search for Missing Persons, CED/C/7, 2019.

What does Tunisian law say?

Under the Child Protection Code (CPE),⁴⁷ any decision taken must maintain the child in its family environment, and avoid separating it from its parents, unless it appears to the judicial authority that this separation is necessary to safeguard the child's best interests. The latter is enshrined in several fundamental texts in Tunisian law, notably the 2022 Tunisian Constitution⁴⁸ and the CPE.⁴⁹ The said separation decision must guarantee the child's right to continue to benefit from the various living conditions and services adapted to his or her needs and age and corresponding to the normal family environment.

Organic law no. 2013-53 on the introduction of transitional justice provides for investigations to be carried out into the fate and whereabouts of victims of enforced disappearance. Tunisian legislation does not, however, have a specific law to prevent and combat enforced disappearances.⁵⁰ In 2016, the Committee on Enforced Disappearances recommended that Tunisia adopt the necessary measures to guarantee in law and in practice strict compliance with the principle of non-refoulement in all circumstances, in particular by enshrining in domestic law the prohibition on expelling, returning, handing over or extraditing a person if there are substantial grounds for believing that he or she is at risk of being the victim of an enforced disappearance.⁵¹ A working group was set up to draft a bill,⁵² but it has still not been adopted.

According to an OMCT partner organization, family separation can occur at various stages of the migration process: in 50% of cases, family separation occurs in the country of origin, in 21.4% of cases during the journey to Tunisia, in 14.3% of cases during cross-border movements between Tunisia and Libya, and in 10.7% of cases after arrival in Tunisia.⁵³ According to the OMCT's data collection, family separation for children on the move in Tunisia is the consequence of:

- interception at sea and rescue operations at sea - during shipwrecks or when disembarking.
- the disappearance of parents and relatives following arrest, detention and/or forced displacement and deportation without them.
- the arrest of children themselves and their detention without maintaining family ties, or their forced and arbitrary displacement and deportation to Libya and Algeria without their relatives.
- deportation to Libya or Algeria and separation in these third countries during detention.
- illegal push-back operations in border areas when attempting to return to or enter Tunisia from Libya or Algeria.

47. Art.8 of the CPE.

48. Art. 52 of the Tunisian Constitution.

49. Article 4 of the CPE, Law n°95-92 of November 9, 1995.

50. **Organic law n°2013-53 of December 24, 2013 relating to the establishment of transitional justice and its organization.**

51. Committee on Enforced Disappearances, Concluding observations concerning the report submitted by Tunisia pursuant to article 29, paragraph 1, of the Convention, CED/C/TUN/CO/1, May 25, 2016, §13.

52. Committee on Enforced Disappearances, Concluding observations concerning the report submitted by Tunisia pursuant to article 29, paragraph 1, of the Convention, Addendum: Information received from Tunisia on the follow-up to the concluding observations, CED/C/TUN/CO/1/Add.1, April 13, 2017, §1-8.

53. Humanitarian source. Data collected as part of an assessment of the protection needs of children on the move, conducted between October and November 2024. The assessment is based on 25 key informant interviews (KIs) in the governorate of Médénine, limiting the generalizability of the results to the whole of Tunisia.

- the placement of children in public alternative care⁵⁴ by child protection services (after childbirth,⁵⁵ arrest for begging, referral to these services, etc.) without maintaining family ties. These placements often have no time limit, and the parents' visiting rights are not always guaranteed (see the chapter on child protection).
- the severance of family ties with their relatives for other reasons (irregular departure for Italy by sea, undocumented death, departure for a third country via land borders).

Humanitarian organizations active in Tunisia have reported an increase in the number of separated children on the move in the informal settlements of El Amra, claiming that their parents have been moved to the borders. The OMCT was able to speak to several women accompanied by young children whose partners had been arrested and forcibly displaced - family separations sometimes being organized by security forces who, during arrests, separate women and children from men, the latter then being forcibly displaced and/or deported.

*«This child was alone, I was the only one who spoke his dialect,
so I took care of him and crossed the sea with him.»*

A woman on the move talks about the child who accompanied her when she disembarked at Lampedusa after crossing from Tunisia.⁵⁶

Family separation is a major risk for children on the move in Tunisia, as it exposes them to psychological distress, barriers to accessing education, health and protection services, but also to further violations, such as detention, sexual violence, exploitation, trafficking and disappearance.⁵⁷ Separated children are usually cared for by other people on the move who have neither legal nor customary guardianship. This situation creates great instability and affects the well-being of these children, who find themselves successively in the care of several adults. The latter frequently decide to leave Tunisia, are arrested, or choose to no longer take on this responsibility. Beyond the psychological impact, the absence of official legal guardianship seriously exposes these children to an increased risk of abuse and exploitation (see section on child trafficking).

The reality: Hawa's story

Hawa is a woman registered as a refugee and in possession of a valid UNHCR refugee card, who arrived in Tunisia with her four daughters. Two of her daughters (aged 15 and 11) disappeared when they went shopping and never returned. Hawa learned that they had been captured by the authorities along with other displaced persons and deported to Libya, where they were eventually detained by Libyan militias. Despite her attempts to regain contact, Hawa never heard from her daughters again, until 2025, when they were found in a European country. After being deported to Libya, they managed to reach Italy by sea, then settled in another European country with other members of their community.

54. Alternative care refers to different types of alternative care for children deprived of family support or at risk of being so. There are different types of alternative care, including informal and formal, and for short or long-term periods. Such care must be provided by the State: «When, even with appropriate assistance, the child's family is unable to provide care, abandons the child or entrusts him or her to a third party, the State is obliged to protect the rights of the child and provide appropriate alternative care, with the assistance or through the competent local authorities and duly empowered civil society organizations. It is the responsibility of the State, through the competent authorities, to oversee the safety, well-being and development of any child in alternative care, and to ensure regular review of the appropriateness of the alternative care system in place.» Guidelines for the Alternative Care of Children, A/RES/64/142

55. Especially if the mother is a minor herself.

56. Reported by a humanitarian source.

57. Forced Migration Review, Dangerous journeys: saving lives and responding to missing migrants and refugees. Separation of children: causes, impacts and mitigation strategies, p. 105.

International organizations present at the disembarkation in Italy confirmed that they were assisting children who had transited through Tunisia and were being cared for by adults from their community following the disappearance of their parents. Similarly, with the loss of income generated by the separation of parents, guardians or persons responsible for the child's needs, many children find themselves obliged to work in order to survive, creating significant risks for them (see the section on exploitation and child labor).

The OMCT and its partners have documented certain situations leading to family separations that constitute enforced disappearances⁵⁸ under international law, due to three cumulative elements:⁵⁹

- The deprivation of a person's liberty against his or her will.
- The involvement of State agents, at least by consent.⁶⁰
- Refusal to acknowledge the deprivation of liberty or to provide information on the fate or whereabouts of the person concerned.⁶¹

The internal and arbitrary transfers within Tunisia and the deportations, the impossibility of accessing information on the presence in detention of relatives, the failure to respect procedural guarantees during arrest and detention, the severing of family ties in detention or after the placement of children in alternative care by social services, the lack of access to justice in the search for missing relatives, and Tunisia's failure to meet its obligation to protect people on the move from abduction (see section on trafficking) are all factors in enforced disappearances affecting children (as direct or indirect victims) in Tunisia.

The reality: the story of Mariama and Oumar

Mariama, 16, and her little brother Oumar, 6, left their native Benin with their mother in search of a better life. The family settled in Tunis. After several months in the capital, the children's mother was arrested at her home in early 2025 by the police. The children were away from home at the time.

The teenager and her brother report that two weeks later, they received a call from their mother on a telephone lent to her by a Tunisian man whom she had met on the road. She explained that she was at the Algerian border, having been deported by the Tunisian authorities, and was trying to get back to Tunisia.

The children have not heard from their mother since, remaining unaccompanied in Tunisia. The children's uncle and maternal grandmother, who are in Benin, confirmed the children's statements. The grandmother had a last contact with her daughter shortly after her deportation; she had explained that she had been deported from Tunisia to Algeria, then from Algeria to Niger. Her whereabouts remain unknown to this day, and the children have no family support or access to education in Tunisia. The teenager takes care of her little brother.

58. For more details on this crime, see also: **Fact Sheet / 6 Rev.4 Enforced Disappearances (ohchr.org)**, revised version 2023. Principle 9 of the «Guiding Principles on the Search for Missing Persons» states that «taking into account the particular vulnerability of persons who cross international borders regularly or irregularly, in particular unaccompanied children, States concerned shall take coordinated measures to prevent disappearances in such situations. States must be attentive to the risk of enforced disappearance, which is all the greater as a result of migration, particularly in the context of human trafficking, sexual slavery and forced labor». See «Guiding principles concerning the search for missing persons», Committee on Enforced Disappearances, CED/C/7, May 2019.

59. **WGED, Report of the Working Group on Enforced or Involuntary Disappearances, 28/12/2010, A/HRC/16/48/Add.3**

60. «Acquiescence within the meaning of article 2 occurs when disappearances are committed recurrently according to a known modus operandi and the State has failed to take appropriate measures to prevent new cases of disappearance, to investigate the perpetrators and to bring them to justice. «CED, Declaration on non-state actors in the context of the International Convention for the Protection of All Persons from Enforced Disappearance, 02/05/2023, CED/C/10

61. See in particular the concept of «short-term enforced disappearances», **CED and WGED, Joint statement on «short-term enforced disappearances», 31/10/2024, CED/C/11**

4. VIOLENCE AGAINST CHILDREN ON THE MOVE TRANSITING/ RESIDING IN TUNISIA

Torture, other forms of ill-treatment and violence are widespread at every stage of migration, in countries of origin, along the migration route - in this case Algeria, Libya, Tunisia among others - and in countries of destination. They are carried out by both State and non-State actors. Between November 2024 and April 2025, 30% of displaced persons (adults and children combined) assisted by one of OMCT's partner organizations reported having suffered some form of violence.⁶² According to another OMCT partner organization, 17% of adult people on the move traveling with children reported that physical violence poses a risk to children traveling with them.⁶³

According to the OMCT's data collection, certain factors disproportionately expose certain sub-categories of children to violence.

- **Age:** Among children on the move, adolescent boys aged between 15 and 18 (most of whom are unaccompanied) are said to be the most exposed to violence, excessive use of force, ill-treatment and torture. The latter are often not considered children by security forces and other perpetrators of violence and suffer treatment similar to that of displaced adults. Young displaced children are less likely to be the direct victims of violence, but are often indirect victims of violence, having witnessed acts of violence committed against their parents and close relatives.⁶⁴
- **Profile:** Separated children under the age of 13, often cared for by adults who are not their legal or customary guardians, are more vulnerable to gender-based and sexual violence and exploitation, particularly in informal settlements, where security forces intervene only to dismantle informal shelters, and to which protection actors (public services and civil society) have no access.⁶⁵
- **Gender and ethnic origin:** adolescent girls on the move are more exposed to the risk of sexual violence - in all its forms - than boys. Racially motivated physical violence, particularly that committed by Tunisian citizens, and violence committed by agents during security force operations, are more likely to affect adolescent boys from sub-Saharan African countries.
- **Lack of safe, dignified housing:** With eviction campaigns for people on the move on the rise in spring 2025, and financial and legal obstacles to renting safe, dignified housing on a long-term basis, more and more people on the move are living in informal settlements, industrial wastelands and construction sites - including unaccompanied and separated children, as well as families with children. Children on the move who are homeless, begging or living in informal shelters are thus more exposed to violence, the risk of arrest and other human rights violations than those with secure accommodation in urban centers or a place in a home.

62. Humanitarian source. These data come from the databases of a humanitarian organization to which the OMCT has had access. These figures are calculated as a proportion of the total number of people who approached this organization between November 2024 and April 2025 (823 people).

63. Humanitarian source. This data comes from a survey conducted between December 2024 and March 2025 among 525 people on the move in Tunis, Sfax, Sousse and Gabès. Of those surveyed, 14% said they were traveling or living with dependent children. Although the study includes data collected in Tunisia, it is based on a route-based approach; the data collected is not specific to Tunisia.

64. Under Tunisian law, children who witness violence are themselves considered victims of violence in their own right. See **Organic Law no. 2017-58 of August 11, 2017, on the elimination of violence against women - Tunisia - Legal Databases**

65. **Photo essay «Ils sont venus coloniser»: la fabrique d'un fantasme à El-Amra, 09/07/2025, Inkyfada.**
See also **«En Tunisie, des migrants chassés, leurs défenseurs poursuivis», 04/07/2025, Le Monde.**

- **Location of violence:** Entry points into Tunisia (notably the desert areas bordering Libya and Algeria), the Sfax coastline, informal settlements and the peri-urban areas of Sfax have a higher prevalence of acts of violence than urban centers (Tunis, Sousse, Médenine, Zarzis).

This section presents a typology of the different forms of violence suffered by people on the move - particularly children on the move - residing or transiting in Tunisia. It is divided into three sub-sections: (I) Violence, excessive use of force, torture and ill-treatment committed by state actors; (II) Physical and psychological violence committed by non-state actors, (III) Gender-based and sexual violence committed by state and non-state actors.

4.1 Violence and excessive use of force, torture and ill-treatment by State actors

What does international law say?

The UN Convention on the Rights of the Child states that every child has the right to protection from all forms of physical or mental violence. The CRC provides that States shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.⁶⁶ The CRC recognizes the fundamental right of every child to life, survival and development.⁶⁷ As such, children are holders of rights, and States parties have an obligation to take the necessary measures to protect them from all forms of abuse, violence, neglect or exploitation that threaten their integrity and development. The Committee on the Rights of the Child stresses that at any time during the migration process, children's right to life and survival may be threatened by, among other things, violence resulting from organized crime, violence in camps, refoulement or interception operations, excessive use of force by border authorities, denial of assistance at sea or extreme conditions during the journey, and limited access to basic services.⁶⁸ States are therefore obliged to protect children against the risks associated with migration that are likely to compromise their right to life, survival and development, and to ensure that children have a standard of living sufficient to ensure their physical and psychological development, whatever their legal situation and/or that of their parents.⁶⁹

66. Art. 19 of the CRC.

67. Art. 6.2 of the CRC.

68. Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on general principles on the human rights of children in the context of international migration, §42.

69. **Special Rapporteur on the human rights of migrants, «Children are children first: protecting the rights of the child in the context of migration», July 22, 2024, A/79/213, §15.**

What does Tunisian law say?

Article 52 of the Constitution stipulates that the State must provide all children with all forms of protection without discrimination and in accordance with the child's best interests. The Child Protection Code (CPE) guarantees children the right to benefit from various preventive measures of a social, educational and health nature, as well as other provisions and procedures designed to protect them from any form of violence, harm or physical or mental injury. Article 20 lists the difficult situations that threaten a child's health or physical or moral integrity. Among these, habitual ill-treatment of the child is defined as subjecting the child to torture, repeated violations of his or her physical integrity, detention, deprivation of food or any act of brutality likely to affect the child's emotional or psychological equilibrium. In cases of physical violence, the child's best interests must be a major consideration in all measures taken in his or her regard by the courts, administrative authorities or public or private social welfare institutions. Finally, Organic Law no. 58 of August 11, 2017 on the elimination of violence against women has made a remarkable development by enshrining provisions concerning child witnesses, recognizing them as victims in their own right.

Cases of torture and ill-treatment against people on the move in Tunisia are reported to have increased in 2024. In 2023, 11% of patients treated by Médecins Sans Frontières had reported acts of torture and ill-treatment in Tunisia; by 2024, this figure had risen to 24%. Between November 2024 and April 2025, the OMCT and its partners documented recurrent acts of violence by public officials towards migrant, refugee and asylum-seeking children residing or transiting in Tunisia, which may constitute acts of torture or ill-treatment, including:

- During operations to dismantle informal settlements and evict shared accommodation - by the police and the national guard.
- In the public space, with acts of violence committed by municipal police officers against children begging or trying to access public health facilities.
- During control, arrest, police custody, pre-trial detention and criminal detention in juvenile centers and adult prisons - including by prison officers (see section on conditions of detention);
- During interception at sea and disembarkation at port - by agents of the National Guard's maritime units (see section on dehumanizing practices during operations at sea).
- During forced internal displacement, arbitrary detention, deportation and refoulement operations in border areas - mainly by the National Guard.

70. Art. 2 CPE.

71. Art. 24 CPE.

72. Norwegian Refugee Council, Guide juridique sur les droits de l'enfant en Tunisie, p. 35.

73. **Organic law no. 2017-58 of August 11, 2017, on the elimination of violence against women - Tunisia - Legal Databases. UNICEF, Analyse des normes législatives portant sur la protection de l'enfant en Tunisie, p. 34.**

74. **Médecins Sans Frontières, «Inhuman. Torture along the Mediterranean migration route and support for survivors in a fragile system», 25/06/2025.** These data do not include refoulements and deportations to Libya and Algeria, which are mistreatment in themselves, even though they have been rising steadily since July 2023. A recent study revealed that 40% of people on the move through Tunisia were victims of physical violence. See FTDES, «Les migrants d'Afrique subsaharienne en Tunisie : profils, conditions de vie et dérives des politiques migratoires», 08/07/2025.

75. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as: «any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, to intimidate or coerce her or a third person, or for any other reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. This term does not extend to pain or suffering resulting solely from, inherent in or occasioned by legitimate sanctions.» Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The reality: **Samuel's story**

Samuel is a 14-year-old child, registered as a refugee with the UNHCR in Tunisia. Before entering Tunisia, he was detained in Libya for several months, where he was subjected to ill-treatment. He was released due to the serious deterioration in his health. He managed to enter Tunisia in the summer of 2024 but was arrested at a bus station a few weeks later. He was then deported to the Algerian borders in October 2024, being beaten by National Guard officers during the deportation. Samuel has since managed to return to Tunisia.

Organizations involved in the disembarkation and assessment of asylum applications in Italy have reported taking in many children who have been **victims of torture and ill-treatment in Tunisia**, particularly during **forced evacuations** from houses or informal settlements.⁷⁶

Desert border areas: a torturous environment for children

The abandonment of children, between November 2024 and April 2025 in desert areas on the border with Algeria and Libya, may constitute torture under the United Nations Convention against Torture because:

- The deprivation of food and water, medical assistance and shelter, with extreme variations in temperature, caused severe physical and mental pain and suffering.
- Such acute pain and suffering were intentionally inflicted by Tunisian security forces on the children concerned, against whom they exercised effective control at the time of the arbitrary forced displacement and expulsion, but also afterwards, maintaining a continuous presence in the area to prevent returns to Tunisia.
- The authorities had one objective, presumably to dissuade the victims from returning to Tunisian territory.
- When children are deported and forcibly transferred to the territory of a neighboring State after forced and arbitrary internal displacement, Tunisia is in breach of its obligations to prohibit torture.⁷⁷ There is a documented risk of exposure to torture, ill-treatment and other human rights violations in Libya⁷⁸ and Algeria⁷⁹.

76. Humanitarian source. See also the Médecins sans Frontières report, *Deadly Manoeuvres: obstruction and violence in the Central Mediterranean*, June 2025.

77. Article 3§1 of the Convention against Torture: «No State Party shall expel, return («refouler») or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.» Tunisia ratified the Convention against Torture on September 23, 1988.

78. OHCHR, *Libya: Urgent action needed to remedy deteriorating human rights situation, UN Fact-Finding Mission warns in final report, 27/03/2023*. See also OHCHR, «*Libya: Sites of gross human rights violations must be sealed and impartially investigated*», 04/06/2025.

79. OMCT, «*Algérie : Les migrants subsahariens sont exposés à la violence et aux expulsions*», 26/03/2023
Alarm Phone Sahara, «*Assamaka, Niger: expulsions from Algeria to the desert between January and June 2025. Thousands deported, many killed by unforgiving conditions*», 06/25/2025. See also «*Suppression of movement migration control, manufactured precarity and racialised border regimes in post-Hirak Algeria: in the name of sovereignty, at the service of rent accumulation*», 18/06/2025, FTDES.

4.2 Physical and psychological violence committed by non-State actors

According to OMCT's data collection, over the period studied, children on the move were also victims of physical and psychological violence committed by other people on the move, Tunisian citizens and non-state actors.⁸⁰ The informal settlements to the north of Sfax have seen a gradual rise in tensions since 2024, with the increase in the number of residents of various nationalities, their continuing impoverishment, and the massive and regular dismantling operations by the authorities. The children living there are exposed to physical violence (linked in particular to the circulation of bladed weapons, sexual and psychological abuse, as well as exploitation and trafficking by other adult members of the various communities on the move (see section on trafficking).

Hate speech targeting people on the move, disseminated and trivialized at the highest level of the Tunisian State (see chronology of violations), legitimizes acts of discrimination and violence of a racist and xenophobic nature against people on the move from sub-Saharan Africa - including children. Between November 2024 and April 2025, the OMCT documented numerous cases of racist and xenophobic insults directed at migrant and refugee children, as well as xenophobic and racist assaults committed by Tunisian citizens, including beatings, kidnapping, theft of personal belongings and «manhunts» targeting groups of displaced adolescents in urban centers. These insults and assaults generally take place in the public space (when they are out and about, begging, at the beach, near homes), in transport, but also when they try to access health facilities, at their workplaces, during demonstrations against the presence of people on the move in Tunisia, and on social networks. Several cases of violence and racist insults committed by Tunisian children or civil servants have been documented in schools, child protection centers and juvenile detention centers.

The OMCT and partner organizations have also documented the rise in online hate speech targeting people on the move from sub-Saharan African countries.⁸¹ Birth certificates of children on the move in Tunisia have been the subject of Facebook posts accompanied by xenophobic and racist messages, in violation of the right to privacy⁸², and several politicians have made statements associating the rising birth rate in communities on the move with a security risk for Tunisia.⁸³

According to OMCT's research, the children most at risk of violence by Tunisian citizens in the public space are teenagers over the age of 15 from sub-Saharan Africa, because they are perceived as adults. Most of them are unaccompanied or separated. The risk of exposure to racist and xenophobic verbal and physical violence is therefore lower for children displaced at an early age or from other Maghreb and Middle Eastern countries. According to the organizations consulted for the study, Syrian children and adults suffer very few racist attacks in the street during begging activities.

Finally, criminal groups involved in human trafficking are also reported to be responsible for physical and psychological violence (see section on child trafficking).

80. According to a recent FTDES study, 62.8% of people on the move surveyed (adults and children combined) had experienced at least one physical aggression. Nearly half (44.3%) had been subjected to it repeatedly. 64.3% of those surveyed said they had suffered at least one verbal aggression; 49.3% had been exposed to it repeatedly. Finally, 61% of those surveyed said they had seen another person on the move physically assaulted at least once. The study, whose field survey took place from March to June 2024, is based on questionnaires from 379 people on the move in the Greater Tunis, Zarzis and El-Amra-Jebeniana regions. See: FTDES, *Migrants subsahariens en Tunisie: profils, vécus et dérives des politiques migratoires*, field survey, July 2025, p. 103, 104 and 107.

81. For more details on the link between hate speech and xenophobic acts in the Tunisian context, see **The representation of sub-Saharan African migrants in the Tunisian written media: a corpus-assisted critical discourse analysis**, Asma Hedi Nairi, The Journal of North African Studies, September 2024.

82. The dissemination or publication of a birth certificate without parental consent in the case of a minor - or without the consent of the adult concerned - constitutes a violation of privacy under the general principles of Tunisian law, and may expose the author to civil and criminal penalties. Tunisian law on civil status (Law No. 1957-3) strictly specifies who may obtain a copy of a birth certificate: only the child concerned, his or her direct ascendants, descendants, guardian, legal representative (in the case of a minor or a person under guardianship), or with specific judicial authorization, may obtain an extract or certified copy. Any other person can only access it with the authorization of the cantonal judge of the place of registration of the deed.

83. See «Fatma Mseddi : il faut contrôler les naissances chez les migrants subsahariens», *Business News*, 02/13/2025 and «6 000 bébés de migrants et zéro preuve : autopsie d'une rumeur virale», *Business News*, 06/04/2025

4.3 Sexual and gender-based violence by both non-State and State actors

What does international law say?

International human rights law requires states to protect children from all forms of sexual exploitation and abuse. In particular, States must take measures to prevent the inducement or coercion of children to engage in unlawful sexual activity; the exploitation of children in prostitution or other unlawful sexual practices; and the exploitation of children in pornographic performances or materials.⁸⁴ States have an obligation to implement measures to protect and prevent all forms of sexual violence against children, based on the «four Ps»: prevention of violence, protection of child victims, prosecution of offenders and participation of children themselves.⁸⁵ Joint General Comment No. 3/22 of the UN Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families recalls that unaccompanied or separated children in a migratory context find themselves in a situation of heightened vulnerability and are more exposed to risks such as gender-based violence, sexual violence and other forms of violence.⁸⁶

What does Tunisian law say?

The Penal Code sets the age of consent at 16. In fact, consent is considered non-existent when the victim's age is under 16.⁸⁷ Consequently, any sexual relationship involving a minor under the age of 16 is automatically qualified as rape, without exception. There is no specific provision governing sexual relations between minors, which are thus ignored by the legislator. This approach raises major difficulties, not least because of the irrebuttable presumption of non-consent: even if the minor has expressly consented to the act, it is still legally classified as statutory rape. Thus, on reading this provision, coupled with those of Organic Law no. 58 of August 11, 2017, any minor under the age of 16 having sexual intercourse will be apprehended as the perpetrator of rape or assumed to be the victim of rape.⁸⁸

Articles 28 and 29 of Organic Law no. 58 of August 11, 2017, specify that child victims of sexual offenses must be interviewed in the presence of a psychologist or social worker. Sexual harassment of a child aged between 16 and 18 is punishable by five years' imprisonment. The period of imprisonment is increased to six years if the child is under 16. The CPE makes no explicit mention of gender-based or sexual violence.

84. Art. 34 of the CRC.

85. **Council of Europe: Mapping the Lanzarote Convention.** Tunisia acceded to the Lanzarote Convention on October 15, 2019; the Convention entered into force for Tunisia on February 1, 2020.

86. Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on general principles on the human rights of children in the context of international migration, §40. Furthermore, in its joint general comment no. 4/23, the Committee stresses that restrictive migration policies - including the criminalization of irregular migration, the lack of safe, orderly and accessible channels, or the inadequacy of protection systems dedicated to children - accentuate the exposure of migrant children to violence and abuse during their migration and in destination countries.

87. Art. 227bis of the Tunisian Penal Code.

88. Art. 227bis of Organic Law no. 2017-58 of August 11, 2017, on the elimination of violence against women.

The OMCT and its partners have documented an increase in sexual violence reported by children on the move, girls and boys of all ages, in Tunisia or on arrival in Italy after transit through Tunisia. According to OMCT's partner organization, between November 2024 and March 2025, among people (adults and children combined) on the move who had experienced violence and specified the nature of the violence, **54% had experienced sexual violence.**⁸⁹

It takes place at four points: **(I) before entering Tunisia, in the country of origin and on the road, (II) in informal settlements - within displaced communities, (III) in the Tunisian public space, (IV) and during / following operations by security forces.**

Sexual violence is a driving force behind the displacement of women and girls, fleeing intra-family sexual violence, forced marriages, female circumcision and female genital mutilation as children. Similarly, civil society organizations specializing in providing health assistance to people on the move in Tunisia have confirmed that they are seeing an increasing number of under-age victims of rape and sexual violence along the migratory route, particularly in Algeria and Libya. According to one of our partner organizations, 75% of those who reported being victims of sexual violence suffered it in transit, before entering Tunisia.⁹⁰ Several cases of underage girls becoming pregnant as a result of rape in Libya were documented by partner organizations in Tunisia over the period studied. Many children are also indirect victims, having witnessed the sexual violence suffered by their parents and relatives, and suffer psychological trauma as a result (see section on the psychological consequences of violence).

Without access to safe, dignified housing, with variable or even absent family support for unaccompanied or separated children, and with little prevention of violence by protection services (see Capacities and responses of child protection actors), children on the move are particularly at risk of sexual violence in areas where there are concentrations of people on the move. The OMCT has documented several cases of rape and sexual assault by adults on the move. Cases of sexual exploitation through prostitution of minors on the move have been documented by the OMCT and partner organizations⁹¹, as well as an increase in cases of «*sex for survival*», which may constitute sexual exploitation.⁹² Against a backdrop of increasing violence within communities on the move, unaccompanied teenage girls and women are said to consent to sexual relations with men on the move, in effect becoming their official «companion» vis-à-vis the community, in order to protect themselves from the risk of violence - particularly sexual violence - by third parties. Women and girls on the move thus find themselves caught in a cycle of gender-based sexual violence.

89. Humanitarian source. These data come from the databases of a humanitarian organization to which the OMCT has had access. These figures are calculated as a proportion of the total number of people who approached this organization between November 2024 and April 2025, and detail the type of violence suffered (112 people). Furthermore, according to a recent FTDES study, 20.9% of people on the move surveyed (adults and children combined) said they had been the victim of at least one sexual assault on their migratory journey; 13.5% had been victims several times. 16.4% of those surveyed reported having been forced to have sex at least once. The study, whose field survey took place from March to June 2024, is based on questionnaires from 379 people on the move in the Greater Tunis, Zarzis and El-Amra-Jebeniana regions. See: FTDES, *Migrants subsahariens en Tunisie : profils, vécus et dérives des politiques migratoires*, field survey, July 2025, p. 104.

90. Humanitarian source. These data come from the databases of a humanitarian organization to which the OMCT has had access. These figures are calculated as a proportion of the total number of people who approached this organization between November 2024 and April 2025 and declared having been victims of sexual violence (60 people).

91. Sex work is defined as the consensual sale of sexual services between adults; children (people under the age of 18) cannot therefore be involved in sex work. Children involved in the sale of sexual services are considered victims of sexual exploitation. See UNHCR - UNFPA, «*Responding to the health and protection needs of people selling or exchanging sex in humanitarian settings*», June 2021.

92. Survival sex refers to the practice of exchanging sexual relations for goods or services essential to survival, such as food, shelter or money, due to extreme precariousness, particularly among marginalized groups. See UNHCR - UNFPA, «*Responding to the health and protection needs of people selling or exchanging sex in humanitarian settings*», June 2021.

The reality: Amna's story

Amna is a 13-year-old refugee minor from Sierra Leone. Living with her mother and other members of her community in an insecure environment, she was raped by a man who had moved from her community. As a result of this rape, Amna became pregnant and gave birth to a child.

Over the period studied, the OMCT and its partners documented cases of sexual assault, harassment, insults and remarks of a sexual nature - including towards children - by Tunisian citizens, notably in transport, during begging activities, on the outskirts of informal settlements in Sfax, or in the context of cleaning work in private homes or in catering by the employer.

Finally, cases of sexual violence perpetrated by Tunisian security agents or with their complicity have been documented during security force operations (sexual assaults and rape during arrest, detention, forced displacement and deportation in particular) and/or as a consequence thereof:

- Children witness sexual violence perpetrated against adults - the OMCT has documented several cases of children on the move who witnessed their mothers being raped.
 - They are exposed to sexual violence and trafficking in the form of sexual exploitation by criminal groups after being abandoned in border areas during forced displacement or after deportation to Libya.
-

The reality: Salih's story

another person on the move, then detained and deported to the Libyan border. During the deportation, he was tied up and physically assaulted by Tunisian National Guard officers, including kicks and punches. After being forced to cross the border into Libya, Salih was arrested by Libyan militias and held for two months. Unable to pay the ransom, he was beaten and raped three times during his detention.

5. CROSSING MARITIME BORDERS:

DEHUMANIZING PRACTICES WITH DISPROPORTIONATE RISKS FOR CHILDREN

Against a backdrop of violations of their rights, including exposure to torture, extreme impoverishment, lack of durable solutions and access to international protection, many people on the move - including families with children, separated and unaccompanied children - attempt to leave Tunisia, in the hope of finding safety and protection elsewhere. However, in the absence of regular migration routes, crossing borders irregularly exposes children to serious risks, including the risk of death or disappearance, in the event of shipwrecks, or during interceptions at sea,⁹³ often violent, and the risk of separation, including from parents, legal guardians or peer groups, further reinforcing their vulnerability to abuse compared to adults.

According to UNICEF, 3,500 children are estimated to have died on the central Mediterranean route in the last ten years.⁹⁴ **In 2024 alone, at least 1,818 people died or went missing at sea off the Tunisian coast - over 890 of them after violent interceptions at sea by the National Guard.**⁹⁵ However, in the absence of accessible child-specific figures, it is impossible to estimate the number of missing and separated children over the period studied following shipwrecks off the Tunisian coast.

This section focuses on violations committed against people on the move who decide to cross the sea irregularly from Tunisia and are intercepted in Tunisian territorial waters,⁹⁶ as well as those committed against those who find themselves in distress and are rescued at sea by the Tunisian authorities as a result.

The modus operandi of the National Guard's maritime units is similar to the practices documented by the OMCT in its previous research.⁹⁸ Operations to control the Tunisian coastline and territorial waters are moments of great violence, including for children on the move, throughout the process:

- **Before departure**, when security forces intervene on beaches to prevent irregular departures at sea and the launching of boats.
- **During interceptions at sea or rescue at sea** - with an even greater risk of drowning for small children.
- **During disembarkation** after interception or rescue at sea, and during arbitrary detention and/or forced and arbitrary internal displacement.
- **After interception or rescue at sea**, in the absence of any procedure for detecting and identifying protection risks - with abandonment in the middle of the night on beaches and in uninhabited areas, exposing the most vulnerable displaced persons, such as children, to violence.

93. Furthermore, according to a recent FTDES study, 20.1% of people on the move surveyed (adults and children combined) said they had been intercepted at sea once or twice. Over 52% said they knew of several missing or drowned people, and 45.6% said they had heard of recent cases. The study, whose field survey took place from March to June 2024, is based on questionnaires from 379 people on the move in the Greater Tunis, Zarzis and El-Amra-Jebeniana regions. See: FTDES, *Migrants subsahariens en Tunisie: profils, vécus et dérives des politiques migratoires, field survey*, July 2025, p. 156 and 158.

94. UNICEF, «Approximately 3,500 children have died in the central Mediterranean over the past 10 years», 15/04/2025.

95. Humanitarian source. These data come from humanitarian organization databases to which the OMCT has had access.

96. Interception refers to any measure «employed by States to : prevent the embarkation of persons on an international voyage; prevent the continuation of an international voyage by persons who have commenced their voyage; or take control of vessels where there are reasonable grounds to believe that the vessel is carrying persons in violation of international or national maritime law; where, in connection with the foregoing, the person or persons do not have the required documents or a valid entry permit; and where such measures also serve to protect the lives and safety of travelers as well as persons being trafficked or transported irregularly.» ExCom, Conclusion 97 (LIV), 2003. This definition is also reflected in the IOM Migration Glossary.

97. Rescue at sea is an operation to recover people in distress, meet their initial medical or other needs and bring them to safety, according to the Convention on Search and Rescue at Sea (SAR).

98. See section 2.2.4 «Crossing maritime borders: dehumanizing practices» in OMCT, «Torture Roads», January 2025.

As indicated in the OMCT's previous research,⁹⁹ the Tunisian authorities treat those intercepted in the same way as those rescued at sea. The latter are often deprived of their freedom as soon as they disembark at port, and have no access to humanitarian aid, regardless of the conditions of dehydration and malnutrition in which they find themselves, or the injuries caused by engines, petrol and/or exposure to the sun for many hours.

The *modus operandi* of the security forces after the landing has followed the same pattern since September 2023: no identification takes place, and no independent assessment of international protection needs is undertaken. This has important consequences specifically for children:

- Children are not identified as minors, who should be entitled to protection, and are not referred to child protection services despite their vulnerability - preventing their holistic care.
- International organizations are generally not notified of the presence of intercepted and disembarked children on the move - preventing identification of vulnerabilities and access to international protection.
- No procedures are undertaken to restore or maintain family ties upon disembarkation - increasing the risk of family separation and disappearance.

The reality: Youssouf's story

Youssouf is a 15-year-old unaccompanied teenager who left Senegal alone, fleeing violence in his home country and in search of a better life. He traveled with an adult member of his community to Tunisia, where they later became separated. Some time later, he learned from his community that the adult in question had died in a shipwreck while attempting to cross to Europe.

Youssouf also wanted to attempt the crossing. During a night-time attempt to set sail from a beach near Sfax, his group was intercepted by the Tunisian authorities. Those who had attempted the crossing fled, while Youssouf, who was ill, was arrested near the departure area. The teenager was beaten and questioned on the spot, as the authorities wanted to know where the boat's engine was located. Youssouf refused to cooperate and was hit several times. The teenager finally managed to run away and hide. He was then rescued, sick and injured, in the middle of the night by a local resident, who assisted him for a few days while he recovered.

Consequently, the OMCT reaffirms that Tunisia cannot today be considered a safe place for the disembarkation of people rescued at sea - including children - and that such disembarkations should then be considered as an illegal return in violation of the principle of non-refoulement,¹⁰⁰ given the documented risk of exposure to torture.

99. Ibid.

100. Tunisia: UN experts concerned about the safety of migrants, refugees and victims of human trafficking | OHCHR, October 2024

6. POVERTY, PRECARIOUSNESS AND EXCLUSION: RISKS AND VIOLATIONS CAUSED BY THE IMPOVERISHMENT OF CHILDREN ON THE MOVE

International law guarantees every child the right to economic security,¹⁰¹ to adequate food,¹⁰² to protection from exploitative labor and trafficking,¹⁰³ as well as the fundamental right to survival.¹⁰⁴ However, in a context of widespread violations of their rights and marginalization of displaced populations, displaced children in Tunisia face exclusion and economic insecurity, further undermining their development, health, education and well-being, while exposing them to poverty and multiple violations, including hazardous child labor in dangerous and unhealthy conditions, exploitation and violence.

Several factors contribute to the impoverishment of displaced communities in Tunisia:

- **No access to legal and decent employment**

In the absence of any possibility of regularizing their stay, people on the move in Tunisia are unable to access legal and decent work.¹⁰⁵ According to the interviews conducted for this study, many migrants, refugees and asylum-seekers have to turn to jobs in the informal sector - without employment contracts or any guarantee of labor law and social and legal protection against abuse as a result. Children on the move, like Tunisian children, should have access to schooling. In the absence of schooling and means of subsistence, they are forced to work (see chapter on the right to education). Informally employed, they are exposed to the risks associated with a lack of legal protection against economic exploitation and non-compliance with age, employability and working conditions.

- **Decline in income-generating activities**

According to the experts and organizations consulted for this research, the precariousness and impoverishment of displaced communities has steadily worsened over the period studied. Since May 2024, these communities have been facing a reduction in work opportunities in the informal sector, and therefore in income-generating activities, due to stricter enforcement of legislation on the employment of foreigners. Also, in a context of reduced assistance programs by civil society since May 2024, the needs of displaced communities are on the rise. As a result, more and more families are sending their children to work informally and illegally, putting them at risk.

- **Lack of family support**

Unaccompanied children are particularly vulnerable to working in conditions that violate their rights. In the absence of family support, they often have to work to support themselves, while the absence of parents or legal guardians also exposes them to violations of their rights. Most of them are aged between 15 and 18 and are often considered adults - or even pretend to be so, in order to be employed more easily - and do not benefit from differential treatment linked to their minority as a result.

101. CRC, Art.26 in particular.

102. CRC, Art.27 in particular.

103. Art.32 of the CRC.

104. Art.6 of the CRC, among others.

105. According to international standards, work must be both legal and decent. This means that it must comply with national and international labor law, respect minimum age limits and be freely chosen. Decent work, as defined by the ILO, goes beyond legality and requires fair remuneration, safe working conditions, social protection and respect for workers' rights and dignity. These standards are essential to prevent exploitation, particularly for groups in vulnerable situations, such as migrant workers and children on the move, who are often at risk of informal, exploitative or illegal working conditions.

The OMCT has identified three major, interconnected consequences of this impoverishment: (I) child labor, (II) negative coping mechanisms (III) and human trafficking.

6.1 The reality of child labor for children on the move in Tunisia

Childhood and adolescence are critical periods for growth, and exposure of children to premature work or exploitation can cause irreversible physical, psychological and social damage. States have therefore chosen to regulate the age and working conditions of children in order to protect their development and the realization of their rights. Children on the move are particularly vulnerable to labor exploitation due to a number of factors mentioned in this chapter, such as lack of legal status or documentation, family separation, limited access to education, social protection and formal labor markets.¹⁰⁶

What does international law say?

Children are entitled to the same protection against child labor and exploitation, regardless of their migratory status. International law, through instruments such as the CRC, ILO Conventions n°138¹⁰⁷ and n°182¹⁰⁸ and the Optional Protocol on the sale of children,¹⁰⁹ prohibits economic exploitation¹¹⁰ and the worst forms of child labor, including forced labor, human trafficking and hazardous work. Additional safeguards are in place for migrant and refugee children, particularly those who are unaccompanied or at risk of exploitation during their migration. The Global Compact for Migration¹¹¹ and ILO Convention n°143¹¹² underline the need to prevent labor exploitation in migratory contexts. States are obliged to ensure that all children, including those on the move, are protected from any form of work that endangers their health, safety, development or education.

What does Tunisian law say?

Under Tunisian law,¹¹³ the minimum legal age for employment is 16, subject to certain conditions concerning the nature of the work performed and the working hours. Exceptionally, children aged 13 to 16 may be employed in limited sectors.¹¹⁴ Children under 16 are allowed to work in family businesses or organizations, where only family members are employed, provided they are under the authority of their parents or legal guardians. However, this exception does not apply if the nature of the work performed by the family business is dangerous and could harm the child's health.¹¹⁵ As a general rule, children may only engage in light work that does not adversely affect their health, physical and mental development, and schooling.¹¹⁶

106. In 2020, the Human Rights Committee recommended that Tunisia eliminate forced labor and all forms of child labor exploitation, particularly in the agricultural and domestic sectors, by strengthening the role of labor inspectors. See CCPR/C/TUN/CO/6, §40.

107. International Labour Organization, C138 - Minimum Age Convention, 1973.

108. International Labor Organization, C182 - Worst Forms of Child Labor Convention, 1999.

109. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000.

110. See also article 32§1 of the CRC: «States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.»

111. IOM, Global Compact for Safe, Orderly and Regular Migration, 2018.

112. International Labour Organization, C143 - Migrant Workers Convention, 1975.

113. Art. 53 of the Labor Code. See also «Guide juridique sur les droits de l'enfant en Tunisie», Norwegian Refugee Council and UNICEF p. 28.

114. Article 55 of the Labor Code.

115. «Guide juridique sur les droits de l'enfant en Tunisie», Norwegian Refugee Council and UNICEF, p. 28.

116. International Labor Organization, Guides to child labor laws and regulations in Tunisia, 2019.

According to the OMCT's data collection, an increasing number of children on the move in Tunisia are working:

- in construction, as workers on building sites.
- in agriculture, as workers in olive groves.
- in the hotel and catering industry - as dishwashers, waiters, cleaners, gardeners, etc.

According to the OMCT's partner organization, 90% of children involved in child labor participate «voluntarily», in order to support themselves or their families. On the other hand, 10% of children are sent to work by their parents or carers. In addition, 65% would work on an occasional basis and 35% as a regular activity.¹¹⁷

Child workers in Tunisia are often exposed to dangerous working conditions in violation of the guarantees enshrined in the law on child labor, the absence of a contract, excessive working hours and the lack of social protection.¹¹⁸ These jobs are often on a daily basis - with unknown employers. The following abuses emerged from OMCT's research: deplorable working conditions, low or unpaid wages, uncovered work-related accidents, delays in wage payments, harassment, unfair dismissal. Children are at increased risk of being recruited or exploited by human trafficking networks (detailed in the section on trafficking).

The reality: **Khalid's story**

Khalid is a 17-year-old unaccompanied minor asylum seeker from Sudan. He was working on a house construction site in Tunis. Following an accident at his workplace, Khalid seriously injured his hand. His employer ordered him to leave the site and fired him. Khalid was able to access medical care thanks to the intervention of a humanitarian organization but has never received any compensation from his former employer, whose name he does not even know.

6.2 Negative coping mechanisms generating additional risks

In the absence of income-generating activities, children on the move in Tunisia turn to «negative resilience mechanisms»,¹¹⁹ which, without being violations of their rights per se committed by the Tunisian authorities, expose them to risks of arrest and prosecution, as well as other more specific risks to their safety and violations of their rights. These negative resilience mechanisms include:

- **So-called «spontaneous» begging** by unaccompanied or separated children, without supervision by third-party adults. Similarly, the OMCT has documented spontaneous begging by women accompanied by their children in the absence of childcare solutions - it involves risks for the minor (see «Exploitation through begging» below) and may even constitute an act of trafficking.

117. Humanitarian source. Data collected as part of an assessment of the protection needs of children on the move, conducted between October and November 2024. The assessment is based on 25 key informant interviews (KIs) in the Médénine governorate, limiting the generalizability of the results to the whole of Tunisia.

118. See, for example, **Child Labor and Forced Labor Reports, US Department of Labor**.

119. See **Terre des Hommes, Analyses de genre et diversité Projet « Enfants et Jeunes sur les Routes Migratoires d'Afrique de l'Ouest et du Nord », 23/02/2024**

- **Prostitution and sex for survival** - which expose children to the risk of sexual violence, constitute exploitation¹²⁰ and involve risks to their physical and psychological health.¹²¹
- **Waste collection**, which entails additional health risks.
- Other **minor offences**, such as theft, handling stolen goods and selling illegal substances (drugs, alcohol, medicines).
- **Squatting on private property** in the absence of access to housing.

6.3 Child trafficking, an ever-changing and variable violation

Children on the move are exposed to a high risk of trafficking and abuse. In the absence of targeted protection, children on the move are often forced to work in the dangerous and exploitative informal sector in order to survive. This exposes them to the worst forms of child labor, including forced labor, sexual exploitation and domestic servitude. According to one of OMCT's partner organizations, 7% of adult travelers traveling with children reported that trafficking and exploitation posed a risk to children traveling with them.¹²²

What does international law say?

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing¹²³ the United Nations Convention against Transnational Organized Crime,¹²⁴ defines trafficking in persons as «the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation».¹²⁵

120. Sex work is defined as the consensual sale of sexual services between adults; children (people under the age of 18) cannot therefore be involved in sex work. Children involved in the sale of sexual services are considered victims of sexual exploitation. See **UNHCR - UNFPA, «Responding to the health and protection needs of people selling or exchanging sex in humanitarian settings», June 2021.**

121. «In the vast majority of cases, prostitution is a negative means of resilience, due to a lack of other income opportunities. It is a mechanism widely observed among mothers with dependent children without a father present, sometimes former domestic workers dismissed because of their pregnancy. Girls and young women in prostitution are highly stigmatized, with access to housing and health care complicated by the stigma attached to them by landlords, neighbors and health care staff. Yet their activity exposes them to major health risks (...). They are victims of all forms of violence: physical violence by the police, who fail in their duty to protect them, physical and sexual violence by their clients, economic and even physical violence by their pimp.» See **Terre des Hommes, Analyses de genre et diversité Project «Enfants et Jeunes sur les Routes Migratoires d'Afrique de l'Ouest et du Nord», 23/02/2024 p13-14.**

122. Humanitarian source. This data comes from a survey conducted between December 2024 and March 2025 among 525 people on the move in Tunis, Sfax, Sousse and Gabès. Of those surveyed, 14% said they were traveling or living with dependent children. Although the study includes data collected in Tunisia, it is based on a route-based approach; the data collected is therefore not specific to Tunisia.

123. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

124. United Nations Convention against Transnational Organized Crime, November 15, 2000.

125. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. See also: Recommended Principles and Guidelines on Human Rights and Human Trafficking. Moreover, under article 35 of the CRC, «States Parties shall take all appropriate measures (...) to prevent the abduction of, the sale of or traffic in children for any purpose or in any form». According to article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000), the sale of children is defined as «any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration».

The three basic elements required to qualify as trafficking in persons (adults) are: i) an action (recruitment, transportation, etc.); ii) a means (including threats); and iii) an end (exploitation). A person's consent to the intended exploitation is irrelevant when that person has been threatened or exposed to any of the above means.

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is considered «trafficking in persons» even if it does not involve any of the above-mentioned means. The term «child» refers to any person under the age of 18.¹²⁶ International law therefore recognizes that children cannot give informed consent to exploitation and are inherently vulnerable to abuse. This recognition removes the requirement to prove coercion, making it easier to prosecute child traffickers.

Children require additional protection from trafficking because of their heightened vulnerability. States therefore have a responsibility to identify child victims of trafficking and take measures to ensure their protection, in particular by ensuring that they are not penalized for acts committed as a direct consequence of their situation of exploitation.¹²⁷ Joint General Comment No. 4/23 of the UN Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and their Families¹²⁸ stresses that girls may be even more vulnerable to trafficking, particularly for sexual exploitation.¹²⁹ Trafficking for the purpose of sexual exploitation is a process that involves the recruitment, transportation or harboring of a person for the purpose of sexual exploitation and can - among others - take the form of forced prostitution, sexual slavery, or the production of pornographic material under coercion.¹³⁰ The Committee on the Elimination of Discrimination against Women has also highlighted the increased vulnerability of girls to trafficking, and recommended that anti-trafficking measures be age-appropriate and child-focused.¹³¹

Economic exploitation can be one of the specific purposes of trafficking. Economic exploitation is itself prohibited by several provisions of international law.¹³² The term «economic exploitation» refers to the use of another person for one's own benefit or profit. It applies to situations in which a person is manipulated, abused, harmed, oppressed or mistreated. The economic exploitation of children may include forms of begging, the assignment of work

126. **United Nations Trafficking Protocol, Art. 3 c, d.**

127. The Special Rapporteur on the rights of migrants stressed that child victims of trafficking are particularly exposed to physical or extreme violence, and that they «should not be arrested, charged, detained or prosecuted, nor penalized or otherwise punished for unlawful conduct they have committed as a direct result of trafficking». He also recommended «ensuring that child victims of trafficking receive age-appropriate, gender-sensitive support and are not criminalized». See **Report of the Special Rapporteur on the human rights of migrants, A/79/213, 2024, §37 and 57.**

The Committee on the Elimination of Discrimination against Women has also stressed that it is the responsibility of States parties to identify, assist and protect people who have been trafficked, to prevent re-victimization and to ensure their access to justice and punishment of perpetrators. See Committee on the Elimination of Discrimination against Women, General Recommendation no. 38 (2020) on trafficking in women and girls in the context of international migration, §6.

128. Joint general comment no. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and no. 23 (2017) of the Committee on the Rights of the Child on States' obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, §41.

129. Sexual violence must be distinguished from trafficking for sexual exploitation. Sexual violence includes any non-consensual sexual act, any attempted sexual act, as well as any comment or advance of a sexual nature. Trafficking for sexual exploitation, on the other hand, is an organized criminal process aimed at placing a person in a situation of sexual exploitation. This involves one or more actions such as recruitment, purchase or sale, and relies on illicit means such as coercion, deception or abuse of vulnerability. In the case of children, due to their intrinsic vulnerability, it is not necessary for the means criterion to be present for a situation to be qualified as trafficking for the purposes of sexual exploitation.

130. Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. See also **Office of the United Nations High Commissioner for Human Rights, Fact sheet no. 36: Human rights and human trafficking, 2014.**

131. Committee on the Elimination of Discrimination against Women, General Recommendation no. 38 (2020) on trafficking in women and girls in the context of international migration, §7.

132. Under article 32 of the CRC, States parties recognize the right of the child to be protected from economic exploitation. Article 10§3 of the International Covenant on Economic, Social and Cultural Rights stipulates that children and adolescents must be protected from economic and social exploitation. Article 15§1 of the African Charter on the Rights and Welfare of the Child stipulates that the child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral and social development.

contrary to the law, or work that involves risk, is likely to interfere with the child's education, or is likely to be harmful to the child's health or physical, mental, spiritual, moral or social development.¹³³ States must take measures to guarantee effective protection for children on the move against violence and economic exploitation.¹³⁴

What does Tunisian law say?

Tunisia has ratified the United Nations Convention against Transnational Organized Crime,¹³⁵ its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,¹³⁶ the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse,¹³⁷ the Convention on the Rights of the Child¹³⁸ and its Protocol on the sale of children, child prostitution and child pornography.¹³⁹

Tunisia has adopted Organic Law No. 2016-61 on preventing and combating human trafficking.¹⁴⁰ Trafficking in persons is defined as "the solicitation, recruitment, transportation, transfer, abduction, repatriation, harboring or receipt of persons,, through the use or threatened use of force or arms or any other form of coercion, abduction, fraud, deception, abuse of authority or of a position of vulnerability or by the offer or acceptance of sums of money or benefits or gifts or promises of gifts in order to obtain the consent of a person having authority over another person for the purpose of exploitation, in whatever form, whether such exploitation is committed by the perpetrator of these acts or with a view to placing such person at the disposal of a third party" (article 2).¹⁴¹ The definition incorporates the three elements of trafficking under international law, namely i) an action; ii) a means; and iii) an end (exploitation). When human trafficking is committed against children, it is punishable by fifteen years' imprisonment and a fine of 50,000 to 100,000 dinars (art. 23). The law created a favorable framework for the identification, assistance and protection of victims of trafficking, and enabled the establishment of the National Authority for Combating Trafficking in Persons (INLCTP).¹⁴²

Organic law 2016-61 defines **sexual exploitation** as «the obtaining of benefits of any kind whatsoever by delivering a person into prostitution or any other type of sexual services, in particular, their exploitation in pornographic scenes, through the production or possession or distribution, by any means, of pornographic scenes or materials» (art. 2). Lastly, the Child Protection Code (CPE) stipulates that subjecting a child, boy or girl, to acts of prostitution, for consideration or free of charge, directly or indirectly, constitutes sexual exploitation.¹⁴³

The CPE defines **economic exploitation** as «exposing a child to begging, or employing him or her in conditions contrary to the law, or entrusting him or her with work likely to deprive him or her of schooling, or which is harmful to his or her health, or physical or moral integrity».¹⁴⁴ Economic exploitation of children is a crime punishable by 10 years' imprisonment.¹⁴⁵

133. International Labor Organization, *Guides to child labor laws and regulations in Tunisia*, 2019.

134. Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on States' obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, §44.

135. Tunisia ratified this convention on June 19, 2003.

136. Tunisia ratified this protocol on July 14, 2003.

137. Tunisia acceded to this convention on October 15, 2019. It entered into force for Tunisia on 01/02/2020.

138. Tunisia ratified this convention on January 30, 1992.

139. Tunisia ratified this protocol on September 13, 2002.

140. Organic law no. 2016-61 of August 3, 2016, on preventing and combating human trafficking.

141. Organic law no. 2016-61 of August 3, 2016, on preventing and combating human trafficking.

142. The body's missions include developing a national strategy to prevent and combat trafficking, as well as setting up coordinated mechanisms to identify, care for and protect victims, reduce demand and also prosecute perpetrators. The first national strategy to combat human trafficking in Tunisia was launched in July 2018 for the period 2018-2023.

143. Art. 25 of the CPE.

144. Art. 26 of the CPE. In partnership with UNICEF in 2022, the Instance nationale de lutte contre la traite des personnes (national anti-trafficking body) noted that, of the people trafficked in 2021, 55.6% were children, and 54% were foreigners. The forms of trafficking were characterized by a high number of cases of economic exploitation (64.2%), mainly linked to forced labor (40.5%) and the economic exploitation of children by exposing them to begging and exploiting them in marginal activities (24.2%). See UNICEF, *Rapport de l'instance nationale de lutte contre la traite des personnes*, 2022.

145. Organic law no. 2016-61 of August 3, 2016, on preventing and combating human trafficking.

Over the period studied, according to the organizations consulted, human trafficking remains a frequent violation to which displaced children residing in or transiting through Tunisia are exposed.¹⁴⁶ Several factors explain this exposure of children on the move to trafficking:

- **Limited State protection:** Limited access to child protection services (see the chapter on child protection) prevents the prevention and assistance of children at risk, who are extremely exposed to the risk of trafficking. According to the organizations and experts consulted, the 'Instance Nationale de Lutte Contre la Traite des Personnes (INLCTP) is not very reactive - referrals of cases of people on the move, including children, considered as victims of trafficking did not receive quality assistance over the period studied.
- **Impunity of traffickers:** Several factors explain the difficulties in identifying cases of trafficking. On the one hand, fear of approaching the authorities leads to systematic under-reporting of this crime. On the other hand, some forms of trafficking are so normalized that they are not even perceived as violations by the victims themselves, especially when it comes to community or intra-family exploitation schemes. Children on the move, in particular, face major obstacles in accessing justice and protection (see chapter on child protection). This combination of factors contributes to the persistent impunity of traffickers and fuels a continuing cycle of violations.
- **International protection suspended:** The suspension of registration of new asylum seekers and refugee status determination prevents UNHCR from identifying and protecting children eligible for asylum who were not registered before June 2024. The lack of identification, registration and access to international protection contributes to people fleeing conflict and violence being invisible and exposes them to further violations such as trafficking.
- **Family separation:** Separated children are often cared for by adults who are not their legal or customary guardians, putting them at risk of exposure to trafficking. Often under the age of 13, they are very young and therefore even more vulnerable. Unaccompanied children often live in groups and communities, where they are even more exposed to the risk of trafficking by third parties.
- **Violation of the right to education:** While access to schools, kindergartens and day-care centers has become very difficult for children on the move (see section on the right to education and development), and in the absence of alternative care options, children - including the youngest - often accompany their parents in begging activities (see section on begging below). Educational structures could represent a key opportunity for national authorities to identify and prevent situations of danger to which children on the move are exposed. However, the fact that the majority of these children remain outside the institutional system considerably limits their chances of being protected.
- **Other human rights violations:** By forcibly moving displaced children, abandoning them in border areas or deporting them to Algeria or Libya, the Tunisian authorities expose them to trafficking by criminal groups and authorities in third countries (Libya in particular). Denial of access to civil and legal documentation further increases the risk of exploitation and prevents victims from being identified.

146. A recent study, moreover, highlighted that one in five people on the move in Tunisia would suffer some form of economic exploitation. See FTDES, «Les migrants d'Afrique subsaharienne en Tunisie : profils, conditions de vie et dérives des politiques migratoires», 08/07/2025.

Child trafficking in Tunisia takes many forms, mainly **(I) economic exploitation through begging, (II) economic exploitation through labor, (III) sexual exploitation, (IV), kidnapping for ransom, (V) and sales during deportation operations.**

- **Economic exploitation through forced begging**

What distinguishes ordinary begging from trafficking is the fact that a third party controls, organizes, profits from or exploits the person begging.¹⁴⁷ All the child protection organizations and experts consulted by the OMCT have confirmed an increase in economic exploitation in the form of begging within displaced communities, stressing the almost systematic presence of very young children, including children aged 0 to 6, in a defined area and supervised by one or more women from the community in the vicinity. This begging is generally organized around frequented places in urban areas (mosques, beaches, train stations, tourist and shopping areas, crossroads, markets and souks).

The OMCT has gathered a number of indicators concerning the organization of begging networks in so-called «strategic» locations. Certain begging sites (freeway toll booths, coastal shopping and tourist areas) are difficult to access and imply an organization that goes beyond organized begging by families on the move. The use of children by adults, sometimes unrelated to them, to collect money is a form of economic exploitation of children. Economic exploitation through begging entails major risks for children:

- **Arrest** of parents or children for begging and vagrancy, and family separation following detention, forced removal and/or deportation.
- **Family separation** following placement of children in a public facility by protective services on the grounds of vagrancy.¹⁴⁸
- **Health risks:** exposure on the streets to weather conditions (humidity and temperature), hygiene (risks of transmissible diseases) and safety (road and traffic accidents) that endanger children, especially the youngest.
- **Exposure to violence and abuse:** see section 3 on violence.
- **Violation of rights to development, education and leisure.**

«In downtown Sfax, children are tools, supervised by their parents.»

A Tunisian association leader

147. «Trafficking for the purpose of begging depends on the presence of an organizing third party, who exploits or controls the person asking for alms.» United Nations Office on Drugs and Crime (UNODC), Trafficking in persons for the purpose of forced begging, 2013, p. 2-3.

148. The emergency measures of article 45 of the CPE mention vagrancy and neglect as intervention criteria, but these terms are defined very broadly, which could influence the placement of children whose situation does not necessarily justify such a measure, or on the contrary serious situations that would not be covered by these two notions (such as, for example, those of article 20).

The reality: Hadja's story

Hadja is a 10-year-old from Nigeria. She was raised by her aunt because her mother was ill and disabled. Following her aunt's decision, Hadja traveled overland with her aunt to Tunisia.

In Tunisia, with no resources, Hadja's aunt began to beg, sending Hadja to beg alone in the streets and olive groves. One day, while begging, Hadja was the victim of sexual harassment by a man passing in the street. She ran away and reported the situation to her aunt. Her aunt asked Hadja to continue begging so that they could support themselves.

• Labor exploitation

In addition to begging, the OMCT and partner organizations have documented cases of economic exploitation through labor involving displaced children residing in or transiting Tunisia, in the form of the recruitment of adolescent minors nearing the age of majority by members of their community. According to the experts consulted, the latter act as intermediaries for Tunisian employers, diverting all or part of the child employees' wages. These practices are often accompanied by the confiscation of the identity documents of trafficked children by the intermediaries.¹⁴⁹

The reality: Abubaker's story

Abubaker is a 16-year-old child registered as a refugee in Tunisia, and in possession of a valid UNHCR card. Arrested by the police and then released, he landed a job on a farm in exchange for a monthly salary of 400 TND. He worked there for over 5 months without ever being paid. Regularly beaten by his employer, who threatened to have him arrested and deported if he reported this to the police. Abubaker said he had been afraid to report the exploitation, given the risk of arrest and the loss of refuge he had found by working on the farm.

• Sexual exploitation

According to the experts and organizations consulted for this study, the sexual exploitation of women and minors on the move by third parties has increased since 2023. Cases of minors aged 14 to 18 sexually exploited by criminal networks have been documented by partner organizations over the period studied.

149. According to a recent FTDES study, 24.3% of the travelers questioned (adults and children combined) said they had been victims of economic exploitation on several occasions, and 18.5% at least once or twice. The study, whose field survey took place from March to June 2024, is based on questionnaires from 379 people on the move in the Greater Tunis, Zarzis and El-Amra-Jebeniana regions. See: FTDES, *Migrants subsahariens en Tunisie : profils, vécus et dérives des politiques migratoires, field survey, July 2025*, p. 87.

These networks profit from:

- An increase in the number of women and girls seeking to enter Tunisia by land and leave Tunisia for Italy - these women and girls find themselves sexually exploited once they arrive in Tunisia or in border areas by criminal networks also active in migrant smuggling on Tunisia's land and sea borders.
- Increased recourse to prostitution by women and minors on the move, who then fall prey to exploitation networks.
- Lack of access to protection and justice for people on the move in Tunisia, preventing the identification of sexually exploited women and girls and organized networks.

The reality: Fanta's story

Fanta is a young woman from Côte d'Ivoire who came to Tunisia to cross the Mediterranean and reach Europe. Unable to pay for the crossing, Fanta was raped by a smuggler, who then agreed to cover the cost of the journey. She arrived by sea in Italy at the end of 2024, accompanied by her son born of the rape.

• Kidnapping for ransom

Several organizations offering assistance to victims of trafficking documented cases of kidnapping over the period studied, mostly in Sfax. These kidnappings for ransom (up to several hundred or even thousands of dinars) by mixed organized crime groups also concern families with children and unaccompanied and/or separated children. As in the previous period, these kidnappings are accompanied by high-intensity violence, including torture and sexual violence.¹⁵⁰

• Sales during deportation operations

Partner organizations and independent researchers have highlighted alleged cases of the sale of displaced persons - including children - to Libyan armed groups during deportations at the border between Tunisia and Libya.¹⁵¹

150. See section 2.3.2 The emergence of new trends in human rights violations, page 69 in «Les routes de la torture vol n°2» OMCT, September 2024.

151. RR(X), ASGI, Border Forensics. «State Trafficking - Expulsion and sales of migrants from Tunisia to Libya», February 2025



CONCLUSION

Children on the move residing in or transiting Tunisia are exposed to detention on the basis of their immigration status, forced displacement and deportation, violence in its various forms, human trafficking and other violations highlighted by OMCT's data collection, and suffer disproportionate consequences in the short, medium and long term. The intersection of these various violations exacerbates the vulnerability of children, most of whom already suffer from undignified living conditions, precarious status and a lack of clarity about their future. Each violation they suffer engenders or fosters the appearance of other forms of abuse, creating cycles of violence from which it is difficult for children on the move to extricate themselves.

In a context of limited access to protection, the victims of these violations have neither access to justice nor to rehabilitation - including psychological assistance. On the other hand, the perpetrators of these violations, whether State or non-State actors, enjoy almost total impunity, fueled by the systematic under-reporting of acts of violence by victims, the difficulty of collecting evidence, the complexity of identifying perpetrators and qualifying crimes, compounded by the transnational dimension of many of these abuses. Without the possibility of reparation and rehabilitation, the processes of integration in the country of transit or destination, resettlement in a third country or return and reintegration in their country of origin, cannot be sustainable.

RECOMMENDATIONS

Respect the absolute prohibition of torture and ill-treatment

- Ensure that no person, and in particular no child, is exposed to institutional violence, and that human dignity is respected and protected, in accordance with the Tunisian Constitution and duly ratified international instruments.
- Ensure prompt, impartial and effective investigations, opened ex officio when there are reasonable grounds to believe that an act of torture or ill-treatment has been committed; protect complainants and witnesses against reprisals; suspend implicated agents during the investigation; prosecute and punish appropriately; guarantee full reparation for victims. Ensure that general inspectorates of the security forces have sufficient resources, expertise and independence to guarantee the opening and conduct of effective and impartial investigations into allegations of torture and ill-treatment.
- Deploy mandatory and periodic modules for National Guard, police and prison staff on the absolute prohibition, procedural safeguards, identification/prevention of ill-treatment (including against children and people on the move), standard-compliant use of force, and documentation in accordance with the Istanbul Protocol; incorporate practical exercises and impact assessment mechanisms. Link these training courses with the mission of the National Authority for the Prevention of Torture (INPT) and the recommendations of the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), in order to improve practices during visits and follow-up.

Put an end to the detention of children on the move

- Adopt and implement clear legal and policy safeguards to ensure that children on the move, particularly unaccompanied and separated children, are not detained on the basis of their administrative status, prioritizing placement in the child protection system in line with the Tunisian Child Protection Code and international commitments.
- Expand alternative care options, notably by strengthening social protection centers for temporary care, developing foster care and supervised independent living for older children, and guaranteeing individualized care to avoid prolonged detention due to a lack of alternatives.

Adopt border management measures that comply with international law

- Respect the principle of non-refoulement and refrain from deporting people on the move, particularly children, to third countries.
- Refrain from forcibly returning or moving children to border areas where their lives and physical integrity could be endangered, and where the risk of becoming victims of human trafficking is increased.
- Put in place border management measures enabling the identification of children, including unaccompanied children, and their immediate referral to appropriate services. This also includes children disembarked in Tunisia following rescue operations or interception at sea.
- Refrain from implementing border and migration management measures that could, in certain circumstances, lead to the separation of children from their families or caregivers.



ACKNOWLEDGMENTS

The World Organisation Against Torture (OMCT) works with 200 member organizations fighting to end torture and ill-treatment, assist victims, and protect human rights defenders at risk, wherever they may be. Together, we form the largest international coalition actively combating torture in more than 90 countries.

We strive to protect members of marginalized groups who are at greater risk of abuse, including women, children, Indigenous peoples, migrants, and other marginalized communities.

In Tunisia, OMCT's direct assistance program, SANAD, provides holistic and tailored support to victims of torture and ill-treatment. We combine grassroots expertise with advocacy to inspire reforms, undertake strategic legal action, and support institutional strengthening in partnership with Tunisian civil society and public institutions.

OMCT seeks to promote information, documentation, and research on the human rights situation of all individuals, including migrants, refugees, asylum seekers, and stateless persons. The organization is committed to combating discrimination, racism, and xenophobia, and to promoting and protecting the principles of equal rights, equal opportunities, and respect for human dignity—regardless of origin, nationality, language, religion, gender, or political beliefs.

We extend our sincere thanks to partner organizations, researchers, experts, human rights defenders, journalists, and associations assisting people on the move, who shared their insights on the human rights situation of children on the move in Tunisia. This report has been significantly enriched by their contributions and perspectives. Civil society organizations in Tunisia currently play a crucial role in advancing the rights of people on the move.

A special thank you goes to the direct victims of violations who shared their suffering and relived their experiences of violence; through this report, OMCT hopes their voices can be heard. Individuals, including children, who are victims of human rights violations, are also agents of change and of the fight against impunity, and OMCT salutes their courage and commitment.

All quotes have been anonymized to protect the identities of those interviewed. The content of this report is the sole responsibility of OMCT. This report aims to inform OMCT's future work and positioning on the subject and will be shared with partners and relevant stakeholders.

