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2020 Trafficking in Persons Report: Tunisia

TUNISIA: Tier 2

The Government of Tunisia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Tunisia remained on Tier 2. These efforts included an increase in investigations of alleged traffickers and an increase in victim identification efforts. It also implemented the national victim referral mechanism, directly provided more than 150 identified victims with protection services—including medical and psycho-social assistance—and continued to coordinate with civil society organizations to provide additional services to victims and to train officials. The government also established a network of trafficking survivors to advise the government on anti-trafficking measures and best practices. However, the government did not meet the minimum standards in some key areas. The government's efforts to prosecute and convict traffickers decreased. Continual lack of understanding of trafficking among judicial and law enforcement officials inhibited authorities from effectively bringing traffickers to justice. While the government provided some services for victims, overall government services appropriate for the needs of all trafficking victims—including male, female, and child victims—across the country remained limited.

PRIORITIZED RECOMMENDATIONS:

Fully implement the national victim referral mechanism using a victim-centered approach to ensure officials refer all trafficking victims to appropriate protection services, and train law enforcement and judicial authorities on appropriately referring victims to care. • Implement formal procedures for all relevant officials to screen and proactively identify sex and labor trafficking victims—particularly among vulnerable groups such as domestic workers, undocumented migrants, street children, and persons in commercial sex—and train officials on their use. • Provide adequate protection services to male, female, and child victims of all forms of trafficking, including appropriate shelter, psycho-social, and rehabilitative services tailored specifically to trafficking victims. • Train staff at government-operated centers for vulnerable populations to provide trafficking victims with appropriate and specialized care, and increase resources for provision of care at these centers. • Use the anti-trafficking law to investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms. • Train and build the capacity of judicial and law enforcement officials on application of the anti-trafficking law, investigative techniques and evidence collection specific to trafficking cases, witness and victim protection best practices during trial, and alternatives to victim testimony. • Improve coordination among government ministries to combat trafficking. • Provide funding or in-kind support to NGOs that provide care to trafficking victims. • Develop procedures, especially for law enforcement, judicial, and border officials, to ensure victims are not punished for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations.

PROSECUTION

The government increased efforts to investigate potential trafficking cases but decreased efforts to prosecute and convict alleged traffickers. Tunisia's anti-trafficking law, Organic Law 2016-61, enacted in July 2016, criminalized sex trafficking and labor trafficking and prescribed penalties of 10 years' imprisonment and a fine of 50,000 Tunisian dinar (TND) (\$18,040) for offenses involving adult victims and 15 years' imprisonment and a fine of 50,000-100,000 TND (\$18,040-\$36,080) for those involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as kidnapping. The National Authority to Combat Trafficking in Persons (“National Authority”)—the government's lead agency coordinating anti-trafficking efforts—reported the lack of an independent budget and insufficient capacity building hindered the government's efforts to fully implement the law. Furthermore, civil society organizations reported there continued to be a low level of awareness among police and judicial authorities on the application of the anti-trafficking law and handling of trafficking cases. Due

to their lack of familiarity with the law, some judicial officials used other laws that had less stringent sentences to prosecute and convict trafficking offenders. Observers also reported that courts dismissed several potential trafficking cases due to lack of evidence on the exploitative nature of the crime; lack of victim or witness testimony also created challenges for officials to successfully prosecute and convict trafficking offenders.

From April 2019 to January 2020, the Ministry of Interior (MOI) conducted a total of 775 investigations, which included 361 cases of forced labor, 348 cases of “economic exploitation” (forced labor), 54 cases of sexual exploitation, and 12 cases of “slavery-like practices.” The majority of economic exploitation cases involved female victims from Cote d'Ivoire, and the cases of sexual exploitation involved female Tunisian victims. This demonstrated a significant increase from the 349 investigations the government initiated in the previous reporting period. The National Authority—with the assistance of a legal aid NGO—reported the government prosecuted 31 alleged traffickers, which included 23 forced labor cases and six sex trafficking cases; however, none of the cases were tried under the anti-trafficking law. The government did not convict any traffickers during the reporting period. These statistics represented a significant decrease from the 66 prosecutions and one conviction the government initiated in the previous reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

Every tribunal in Tunisia had a prosecutor and investigative judge responsible for overseeing human trafficking cases and leading anti-trafficking training programs for judicial officials. Additionally, the MOI's special victims unit, established in 2017, included brigades of judicial police and national guard officers throughout the country who were specialized in cybercrimes and assistance to victims of trafficking and gender-based violence. The Ministry of Justice (MOJ) continued to monitor and maintain statistics on human trafficking cases brought before the judiciary through a specialized office; this office also had the authority to conduct research on the application of the anti-trafficking law and advise the minister of justice on policies related to the implementation of the law. However, lack of a judicial database and bureaucratic delays prevented the MOJ from providing detailed data on trafficking prosecutions and convictions during the reporting period. Throughout the reporting period, the government—in coordination with international and civil society organizations—conducted a wide variety of anti-trafficking trainings for law enforcement and judicial officials, healthcare practitioners, and social workers. Nevertheless, insufficient training of judicial and law enforcement officials hindered investigative techniques and victim identification efforts. During the reporting period, the government expanded cooperation with the governments of Senegal and Cote d'Ivoire to exchange information about potential trafficking cases.

PROTECTION

The government significantly increased efforts to proactively identify trafficking victims and it provided some victims with protection services. Between April 2019 and February 2020, the National Authority identified 1,313 trafficking victims from among the potential victims referred to it by government agencies—including the MOI and the Ministry of Women, Family, Childhood, and the Elderly (MWFCE)—and civil society organizations; this represented a substantial increase from the 780 victims it identified in the previous reporting period. More than half of identified victims were women and children, and the majority were foreign victims of economic exploitation primarily from Cote d'Ivoire. The government referred or directly provided assistance to all identified victims of trafficking. The Ministry of Health (MOH) provided healthcare to 69 trafficking victims, including both Tunisian and foreign victims, and the Ministry of Social Affairs (MSA) provided psychological and socio-economic assistance to 83 victims. NGOs reported that the government continued to collaborate with civil society organizations to provide assistance to the remaining victims in need. The government also repatriated and provided psycho-social, medical, and employment assistance to three female Tunisian trafficking victims, who Tunisian authorities identified abroad in 2019.

At the end of the reporting period, the government finalized and began implementation of the national victim referral mechanism, which streamlined all stages of the referral process from victim identification and assistance to civil and criminal proceedings. Judicial and border police continued to have practices in place to screen for potential trafficking victims among those who overstayed their legal residency or who were subject to expulsion after serving a prison sentence. The government also prepared a practical guide for security officers and judicial police on victim identification techniques. In addition, the MSA continued to train all labor inspectors to identify potential trafficking victims; there were 25 labor inspectors and 24 social workers in the MSA's labor inspectorate that were trained as specialized points of contact for child trafficking victims. Despite these efforts, the national anti-trafficking commission and MOI special victims unit were the only government entities authorized to officially identify trafficking victims, thereby allowing victims access to state-run services and providing exemptions from exit visas for foreign victims. NGOs continued to report that the limited number of ministries who could legally identify a trafficking victim slowed the process for victims to receive care. Moreover, insufficient interagency coordination and resources reportedly hindered the timely identification and referral to services for trafficking victims. In addition, civil society organizations reported the special victims unit did not have sufficient

personnel or resources to provide adequate assistance to trafficking victims, nor did personnel have the cultural understanding or training to communicate with vulnerable migrants from the sub-Saharan African population, including potential trafficking victims. Civil society organizations also expressed concern that the government’s process to provide exemption from visa penalties for foreign trafficking victims was slow and cumbersome, thereby creating difficulties for civil society to assist victims in a timely manner. Due to a lack of systematic victim identification procedures and policies, authorities may have punished some unidentified victims for unlawful acts traffickers compelled them to commit, such as prostitution or immigration violations.

The MSA continued to operate two centers in Sousse and Sfax that had designated areas available for victims of all forms of trafficking where victims could enter and exit freely and return on a regular basis for assistance seeking employment. The MSA—in collaboration with an international organization—continued to provide training for the centers’ staff on rehabilitation and care for trafficking victims. The MSA and National Authority continued to uphold an agreement, signed in January 2019, for the MSA to dedicate one room in all social care centers for victims of trafficking and violence. An MOH-operated hospital in Tunis continued to have a unit with trained personnel dedicated to caring for victims of violence, including sexual exploitation, which offered psycho-social support, medical documentation, and legal expertise; the government did not report if this unit assisted any trafficking victims during the reporting period. The government ran 79 youth centers around the country that provided psycho-educational services to at-risk children ages six to 18, including child trafficking victims, one of which was dedicated solely for abandoned or otherwise vulnerable children, including child trafficking victims; however, the government did not report if any child trafficking victims received assistance at this center during the reporting period. Civil society contacts reported there were overall limited services throughout the country for child trafficking victims, especially long-term, reintegration, and relocation services. Despite the centers and services provided by the MSA and MOH, the National Authority and civil society partners continued to report the country lacked sufficient shelters to support vulnerable populations, including trafficking victims. Although the National Authority and NGOs partnered to reintegrate victims into society, the lack of resources, trained personnel, and sufficient shelter beds created challenges in doing so. Additionally, civil society organizations reported there were not adequate shelter or safe spaces available for male victims of trafficking and other forms of violence; there were only three government-run shelters that could accommodate male trafficking victims, but those shelters did not provide access to trained counselors, economic reintegration programs, or legal support. The government offered foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution. Under the anti-trafficking law, the government offered all identified foreign trafficking victims relief from deportation, and victims had the right to free legal aid to assist them in engaging in civil and criminal proceedings against their traffickers. During the reporting period, the government provided temporary relief from deportation for all identified foreign trafficking victims. The anti-trafficking law also allowed victims and witnesses of trafficking crimes access to psychological and physical protection services.

PREVENTION

The government significantly improved efforts to prevent trafficking. The government continued to implement its 2018-2023 national strategy to combat trafficking, and the MOJ continued to lead the National Authority, which included representatives from 12 ministries and experts from civil society. In July 2019, the government issued decree law number 2019-653, which established operating procedures and guidelines for the National Authority and four specialized commissions to focus on monitoring and evaluation, research, training and development, and tracking victim cases. Additionally, during the reporting period, the National Authority established a network of trafficking survivors that served as a council to share experiences, advise, and present recommendations to the committee to help improve its work. In February 2020, the National Authority—in partnership with an international organization—launched an online platform to provide training on how to combat and prevent human trafficking. The National Authority also strengthened its partnership with the Ministry of Foreign Affairs (MFA) during the reporting period, which resulted in the MFA’s first victim referral and assistance repatriating Tunisian victims of trafficking abroad. During the reporting period, the National Authority completed an annual report that detailed its activities and recommendations on how to improve the government’s fight against human trafficking, which it presented at an international anti-trafficking conference in Tunis in January 2020. The government continued to conduct numerous anti-trafficking public awareness and information campaigns, at times in partnership with civil society organizations. The MOI also continued to place announcements on social media sites and newspapers to inform the public about fraudulent work contracts and forced labor. The government continued to operate a hotline to report potential trafficking cases, which was operational five days a week during regular business hours and whose operators spoke Arabic, French, and English. During the reporting period, the hotline received 3,960 calls that resulted in the identification of seven potential trafficking victims. Limited financial and personnel resources remained challenges to the government’s overall ability to address trafficking.

The government continued to make efforts to address fraudulent labor recruitment practices. The Agency for Placement Abroad in Private Establishments (EPPA) filed complaints against 30 private employers for cases of fraud, extortion, or abuses of Tunisian workers abroad; it also formally requested the MOI to shut down seven private employers who recruited workers without proper registration with the EPPA. In addition, the EPPA continued to periodically disseminate announcements in the media to raise awareness of unfair or illegal recruitment practices and informed the public about information on EPPA facilities and services. In addition, the Directorate General for Immigration continued to coordinate with the Minister of Vocational Training and Employment to combat illegal job recruitment agencies. The government maintained bilateral labor migration agreements with France and Switzerland, which contained provisions to prevent unfair labor recruitment practices and labor trafficking. Nevertheless, civil society organizations reported concerns the government did not provide sufficient initiatives to address the internal child domestic servitude problem. The government did not make efforts to reduce the demand for commercial sex acts or child sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Tunisia, and traffickers exploit victims from Tunisia abroad. Some Tunisian children are vulnerable to forced labor and sex trafficking in Tunisia. Some Tunisian girls working as domestic servants for wealthy families in Tunis and major coastal cities are highly vulnerable to trafficking, experiencing restrictions on movement, physical and psychological violence, and sexual abuse. According to experts, in 2017 Tunisian children—many of whom had dropped out of school and were between the ages of 11 and 12 years old—worked in small workshops, auto mechanic garages, and domestic work; some of these children may be vulnerable to trafficking. International organizations report a continued presence of street children selling goods on street corners and rural children working in agriculture to support their families in Tunisia; these children are vulnerable to forced labor or sex trafficking. Tunisian officials reported in 2017 that organized gangs reportedly forced street children to serve as thieves and beggars and transport drugs. Tunisian women are reportedly exploited in sex trafficking under false promises of work both within the country and elsewhere in the region, such as Lebanon, United Arab Emirates, and Jordan.

Foreign migrants are particularly vulnerable to sexual exploitation, domestic servitude, and other forms of forced labor in Tunisia. According to an NGO, in 2017 and 2018, foreign trafficking victims typically arrived in Tunisia on a valid tourist or student visa and remained in an exploitative situation for an average of five to 13 months, surpassing the validity of their visa. Civil society and international organizations continue to report an increase in traffickers exploiting women, primarily from West Africa and increasingly from Cote d'Ivoire, in domestic servitude in private homes in Tunis, Sfax, Sousse, and Gabes. An NGO also reported in 2018 that traffickers forced some men from Cote d'Ivoire to work on farms and construction sites. Traffickers reportedly coerce Ivoirians to smuggle cannabis and opioids into Tunisia. According to a Tunisian NGO, recruiters in Cote d'Ivoire target both well-educated and non-skilled individuals in the country with false and fraudulent promises of work in Tunisia. Well-educated Ivoirians, who pay a recruiter to assist them to find work in Tunisia, are promised jobs that do not exist upon arrival in Tunisia, held in debt bondage, and forced into domestic servitude in Tunisian households. Recruiters also target unskilled and uneducated individuals primarily from San Pedro, Cote d'Ivoire, to work in domestic work, construction, or agriculture in Tunisia; these individuals are then required to repay the transportation costs and recruitment fees upon arrival and thereby held in debt bondage by their employers. Civil society organizations continue to report that traffickers appear to coach some of their victims on how to answer questions about their trafficking experiences so that victims can access benefits, such as a reprieve from exit fines, which would further allow the traffickers to exploit their victims. An NGO reported in 2018 a new trend where female victims of domestic servitude and other forms of forced labor, whose employers hold them in debt bondage, are further exploited by nightclub owners that cater to sub-Saharan African communities in Tunisia. The nightclub owners falsely promise to pay the women's debts in exchange for working in the nightclubs as servers, but the owners subsequently force the women into commercial sex for the nightclubs' clientele. Civil society organizations also reported in 2018 that male migrants from sub-Saharan Africa who work in poor working conditions could be vulnerable to forced labor. Tunisian LGBTI rights associations reported in 2018 that migrants and asylum-seekers from neighboring countries who escaped violence or discrimination due to their gender identity or sexual orientation may be particularly vulnerable to sex trafficking and forced labor in Tunisia. NGOs and international organizations observed in 2017 a slight increase in boys from Sub-Saharan and West Africa, including Cote d'Ivoire, who were vulnerable to trafficking after accepting fraudulent offers of soccer careers in Tunisia.

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