



2017 Trafficking in Persons Report - Tunisia

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TUNISIA: TIER 2

The Government of Tunisia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increased efforts compared to the previous reporting period; therefore, Tunisia was upgraded to Tier 2. The government enacted anti-trafficking legislation that prohibits all forms of trafficking and trained officials on its application. The government investigated and prosecuted more traffickers and identified significantly more trafficking victims and referred them to care. It provided care to victims in various government-run centers for vulnerable populations and worked with NGOs to provide victims additional services. The government raised awareness of trafficking throughout the reporting period. However, the government did not meet the minimum standards in some key areas. Despite efforts to identify victims during the course of investigations, the government did not proactively screen for victims among vulnerable groups; it did not finalize and implement standard operating procedures for victim identification or the national referral mechanism during the reporting period. Some trafficking victims may have remained unidentified and therefore vulnerable to punishment for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations.

RECOMMENDATIONS FOR TUNISIA

Implement formal procedures to screen and proactively identify trafficking victims among vulnerable groups, such as street children, undocumented migrants, domestic workers, and persons in prostitution, and train officials on their use; implement and use the anti-trafficking law to investigate, prosecute, and convict traffickers and train judicial and law enforcement officials on the law's application; provide adequate protection services to all trafficking victims, including appropriate shelter and rehabilitative services tailored to trafficking victims; fully implement the national victim referral mechanism to ensure all trafficking victims are referred to appropriate protection services, and train law enforcement and judicial authorities on appropriately referring victims to care; train staff at government-operated centers for vulnerable populations to provide trafficking victims with specialized care; develop procedures to ensure victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking, such as prostitution and immigration violations; provide funding or in-kind support to NGOs that provide care to trafficking victims; and allow trafficking victims the right to work while under temporary residency status.

PROSECUTION

The government significantly improved its anti-trafficking law enforcement efforts. In July 2016, the government enacted anti-trafficking legislation that criminalizes all forms of human trafficking and prescribes penalties ranging from 10 years to life imprisonment; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Various pre-existing and disparate criminal code provisions, which do not appear to have been repealed by the new law, also prohibit sex trafficking and forced labor; however, these provisions prescribe penalties that are not sufficiently stringent or commensurate with penalties prescribed for other serious crimes, such as rape. The criminal code

prescribes one to three years imprisonment for forced prostitution of an adult and three to five years imprisonment for sex trafficking of a child, neither of which are commensurate and sufficiently stringent. The criminal code prescribes only one to two years imprisonment for forced child begging and penalties of up to 10 years imprisonment for capturing or detaining a person for forced labor.

The government did not fully implement and utilize the 2016 anti-trafficking law and thus investigated and prosecuted alleged trafficking crimes using other pre-existing criminal code provisions. The data in this reporting period is an improvement from the previous reporting period when the government did not report prosecutions or convictions of traffickers. During the reporting period, the Ministry of Interior (MOI) investigated 134 potential trafficking crimes, which included 46 cases of sexual exploitation of women; six cases of domestic servitude involving three male, one female, and two child victims; and 82 cases of economic exploitation of children, which included 72 male and 10 female child victims who were involved primarily in forced begging crimes. Of these investigations, the MOI investigated, broke up, and arrested the alleged perpetrators of a child begging ring in Sfax. The MOI also investigated a sex trafficking case of three alleged traffickers for fraudulently recruiting 10 Tunisian women to work in a nightclub in Lebanon and forcing the victims into prostitution, confiscating their passports and holding them in debt bondage. The MOI also investigated and referred for prosecution a case of a 15-year-old child in domestic servitude. In 2016, the Ministry of Justice (MOJ) reported 495 prosecutions of crimes involving forced begging and 22 prosecutions involving forced prostitution. The MOJ also reported 135 violations of the labor code involving forced child labor or forced labor of adults. The MOJ reported that all 657 of the prosecutions in this reporting period led to convictions, some of which may have been for trafficking-related crimes under the criminal code, but it did not provide details on the sentences given to the perpetrators. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government held multiple anti-trafficking trainings for officials during the reporting period. In addition, since the passage of the 2016 anti-trafficking law, the government held two conferences both in cooperation with international organizations on implementation of the law for judges and lawyers. In March 2017, the government also began a training program for judicial police on application of the 2016 anti-trafficking law.

PROTECTION

The government significantly increased its efforts to identify and provide protection services to trafficking victims and it worked with NGOs to do so. The government lacked formal victim identification procedures and relied on NGOs to identify and provide care to trafficking victims; however, it worked in cooperation with civil society groups to train key law enforcement, judicial, immigration, and social services personnel to identify victims among high-risk populations. During the course of investigations in 2016, the MOI reported identifying 134 trafficking victims, including 46 female sex trafficking victims, six victims of domestic servitude, and 82 child victims of forced begging. This demonstrated a substantially higher number of identified victims than the previous reporting period when the government identified three victims. Based on the 2016 anti-trafficking law, the government developed in 2016 a new national victim referral mechanism for officials to refer trafficking victims to government-operated social centers or NGO-run shelters; it began training officials on its implementation at the end of the reporting period. In 2016, the Ministry of Social Affairs (MSA) signed cooperation agreements with two NGOs to assist those at risk of abuse and exploitation, including trafficking victims; the MSA also organized capacity-building trainings for NGOs on irregular migration patterns and treatment of vulnerable groups, including trafficking victims. Of the victims identified in 2016, the MOI referred for protection services all adult victims to the MSA and all child victims to the Delegation for the Protection of Children at the Ministry of Women, Family, and Childhood. The government provided medical and psychological treatment to a 15-year-old child victim of domestic servitude. Among the victims identified by an international organization in 2016, the government provided shelter and health services to 18 victims and provided repatriation assistance to 28 victims.

The MSA continued to operate centers for vulnerable populations, including trafficking victims, victims of domestic violence and sexual assault, asylum-seekers, unaccompanied minors, and the homeless. Through these shelters, the government provided vulnerable groups, including trafficking victims, with food, clothing, full and free medical care, and psychological services, as well as legal aid through a network of pro bono lawyers. Four of these centers in Tunis, Sousse, and Sfax had designated areas available for victims of all forms of trafficking and the MSA increased trafficking-specific care available at these shelters; the center in Sfax caters to migrants and refugees, although none of the shelters are dedicated only to trafficking victims.

The MSA collaborated with an international organization to assess and improve shelter capacity and services dedicated to trafficking victims. The center in Tunis held a dedicated office for male and female trafficking victims with a trained social worker and offered medical and psychological exams. This center also allowed foreign embassies access to their nationals to provide assistance, including provision of legal documents and repatriation services. During the reporting period, the MSA in cooperation with an international organization provided victim identification and protection training to the staff of the Sfax and Sousse shelters.

The government offered foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution. During the reporting period, the government offered all foreign trafficking victims relief from deportation and, for those who chose to return home, repatriation services. Trafficking victims could not seek legal employment while under temporary residency status. However, in 2016, the government offered permanent residence, which includes the ability to seek employment, to four trafficking victims who chose not to return home. Under the new anti-trafficking law, the government encouraged victims to participate in the prosecution of their traffickers and provided psychological and physical protection services to victims and witnesses of trafficking crimes. The new law institutionalizes the principle that the government should not punish or prosecute trafficking victims. Nevertheless, the government did not implement systematic policies and procedures to protect unidentified victims from being punished for unlawful acts committed as a direct result of being subjected to human trafficking, such as women in prostitution, child sex trafficking victims, or illegal immigrants.

PREVENTION

The government continued to improve its efforts to prevent trafficking. The MOJ-led national anti-trafficking committee which included representatives from 12 ministries, two experts from civil society, one media expert, and a member of National Commission for Human Rights met several times during the reporting period to develop an anti-trafficking strategy and implement the national anti-trafficking action plan. In February 2017, the MOJ appointed a member of the Tunisian Judges Union to be the president of the commission for a five-year term. Throughout the reporting period, the government conducted numerous anti-trafficking public awareness and information campaigns. In April 2016, the government in cooperation with an international organization launched a national anti-trafficking public awareness campaign. Additionally, during the reporting period, the MOI placed announcements on social media sites and newspapers to inform the public about fraudulent work contracts and forced labor. The government reported efforts to reduce the demand for forced labor. During the reporting period, the government began to implement its national action plan for the elimination of child labor, in coordination with an international organization. The labor inspectorate at the MSA designated 25 labor inspectors and 24 social workers trained as specialized points of contact for trafficking victims. To address fraudulent labor recruitment practices, the Ministry of Vocational Training and Employment filed complaints against 15 private employers for cases of fraud, extortion, or unauthorized abuses of Tunisians employed abroad; it also took action against 26 private employers who recruited workers without proper registration. The government did not report efforts to reduce the demand for commercial sex acts or child sex tourism. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Tunisia is a source, destination, and possible transit country for men, women, and children subjected to forced labor and sex trafficking. According to a baseline study published in 2013, Tunisian youth are subjected to various forms of trafficking. According to the study and as reported by an NGO in 2016, some Tunisian girls, mainly from the northwest, working as domestic servants for wealthy families in Tunis and major coastal cities experience restrictions on movement, physical and psychological violence, and sexual abuse. International organizations report an increased presence of street children and rural children working to support their families in Tunisia since the 2011 revolution; according to the baseline study, these children are vulnerable to forced labor or sex trafficking. Tunisian women have reportedly been forced into prostitution under false promises of work both within the country and elsewhere in the region, such as Lebanon, United Arab Emirates, and Jordan. Civil society organizations report an increase in women, primarily from West Africa, subjected to domestic servitude in private homes in Tunis, Sfax, Sousse, and Gabes. According to international organizations, nationals from Cote d'Ivoire are exploited in Tunisia after accepting fraudulent job offers in Europe. Migrants fleeing unrest in neighboring countries

continue to be vulnerable to trafficking in Tunisia. Security officials reported in 2016 that organized gangs force street children to serve as thieves and beggars and transport drugs.

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