

2023 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 with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Tunisia remained on Tier 2. These efforts included convicting the largest number of traffickers since the enactment of the 2016 anti-trafficking law and continued strong prosecution efforts in cases identified in previous reporting periods. In addition, the government continued partnering with NGOs and international organizations to ensure victims received all appropriate services and continued to regularly conduct research and analysis on government anti-trafficking efforts and trafficking trends. However, the government did not meet the minimum standards in several key areas. The government identified fewer trafficking victims, and access to services was conditioned on official identification from a limited number of authorities, thereby possibly delaying identification and even subjecting unidentified victims to penalization for unlawful acts committed as a direct result of being trafficked. Overall, services appropriate for the needs of all trafficking victims – provided directly by the government or in partnership with civil society – remained limited outside major cities, which may have prevented victims from receiving care. Despite training efforts, limited understanding of trafficking among officials and the small number of ministries that could legally identify trafficking victims slowed the process for victims to receive care.

PRIORITIZED RECOMMENDATIONS:

- Continue investigating, prosecuting, and convicting traffickers and sentence convicted traffickers to significant prison terms.
- Fully 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, children experiencing homelessness, and persons in commercial sex – and train officials on their use.
- Develop procedures, especially for law enforcement, judicial, and border officials, to ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked, such as for “prostitution” or immigration violations.
- Authorize more government officials, including throughout the country, to officially identify trafficking victims to allow for more efficient access to protection services.
- Train and build the capacity of judicial and law enforcement officials on the application of the anti-trafficking law, investigative techniques, evidence collection specific to trafficking cases, witness and victim protection best practices during trial, and alternatives to victim testimony.
- Continue implementation of the NRM using a victim-centered approach to ensure officials refer all trafficking victims to the appropriate protection services and train law enforcement and judicial authorities on appropriately referring victims to care.
- Provide adequate protection services to adult and child victims of all forms of trafficking, including appropriate shelter, psycho-social, long-term, 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 the provision of care at these centers.
- Improve coordination among government ministries to combat trafficking.
- Provide funding or in-kind support to NGOs that provide care to trafficking victims.

- Reduce the vulnerability of sub-Saharan migrants to trafficking by ceasing rhetoric from government officials that increases incidents of violence against this population and discourages cooperation with authorities on trafficking.

PROSECUTION

The government increased overall law enforcement efforts but initiated fewer prosecutions. 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 dinars (TND) (\$16,160) for offenses involving adult victims and 15 years' imprisonment and a fine of 50,000-100,000 TND (\$16,160-\$32,320) 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. Article 171 of the penal code criminalized begging and using children to beg and prescribed penalties of six months to two years' imprisonment.

An international organization reported the government frequently charged migrant smugglers under the anti-trafficking law; thus, the government's reporting of trafficking investigation, prosecution, and conviction data may be conflated with other crimes such as migrant smuggling. In 2022, the Ministry of Interior (MOI) conducted a total of 266 new investigations, which included 24 cases of sex trafficking, 30 cases of domestic servitude, 12 cases of labor trafficking in construction, 14 cases of labor trafficking in agriculture, five cases of forced labor in the hospitality sector, 45 cases of child "economic exploitation" (forced labor), six cases of child forced criminality, 117 cases of forced begging, and 13 unspecified forms of trafficking. The government also investigated eight cases of sexual exploitation in the production of pornography with trafficking indicators. This was a decrease compared with 332 investigations – 122 cases of forced labor, 135 cases of child "economic exploitation" (forced labor), 27 cases of sexual exploitation, 12 cases of child forced criminality, and 36 unspecified forms of trafficking – the government initiated in 2021 but an increase compared with 180 new investigations in 2020. The National Authority to Combat Trafficking in Persons (National Authority) – the government's lead agency coordinating anti-trafficking efforts – reported the government, with the assistance of a legal aid NGO, initiated prosecutions against 25 alleged sex traffickers and four alleged labor traffickers under the anti-trafficking law in 2022. This was a decrease compared with 200 labor trafficking prosecutions initiated in 2021 but similar to 32 new prosecutions in 2020. The government also continued 382 prosecutions initiated in previous reporting periods. Courts convicted 59 traffickers in 2022 (55 sex traffickers and four labor traffickers) under the anti-trafficking law. This was a significant increase compared with eight convictions in 2021 and the largest number of convictions achieved since the 2016 anti-trafficking law was enacted. The government did not report sentencing information for 2022. The government continued an investigation initiated in 2021 of an employee of a publicly funded social assistance center for alleged complicity in child trafficking but otherwise did not report any new investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes.

The Ministry of Justice (MOJ) designated a judge at each tribunal of first instance, for a total of 28, to serve as focal points to prosecute and investigate human trafficking cases. The MOI's special victims unit included brigades of judicial police and national guard officers throughout the country who specialized in cybercrime and assistance to victims of trafficking and GBV. The 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. The National Authority continued coordination with regional counterparts to advocate for the creation of a regional mechanism to support victim identification and assistance, as well as to coordinate on transnational trafficking investigations and support exchanges of expertise; the National Authority's regional "train the trainer" center was pending its launch at the end of the reporting period. The government – at times in coordination with international and civil society organizations – conducted a wide variety of anti-trafficking trainings

for law enforcement and judicial officials, healthcare practitioners, social workers, and other government officials on identifying and assisting trafficking victims, as well as investigating and prosecuting trafficking cases. Nevertheless, insufficient training of judicial and law enforcement officials continued to hinder investigations and victim identification efforts, and some officials conflated human trafficking and migrant smuggling. The National Authority 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 courts dismissed several potential trafficking cases because of a 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.

PROTECTION

The government made uneven protection efforts as it identified fewer victims yet provided services to more victims compared with the previous reporting period. In 2022, the National Authority identified 560 victims; this was a decrease compared with 718 in 2021. Of the 560 identified victims, 47 were sex trafficking victims, 503 were labor trafficking victims (including 349 for forced labor, three for forced criminality, five for debt bondage, 55 for "slavery and practices similar to slavery," 34 for servitude, and 57 for forced begging), four were victims of "illegal adoption for the purposes of exploitation," and six victims were subjected to unspecified forms of trafficking. The majority of identified victims (488) were women and children, and 410 were foreign nationals from Algeria, Burkina Faso, Cameroon, Cote d'Ivoire, Guinea, Liberia, Niger, Nigeria, Sierra Leone, Senegal, Sudan, and Syria; 372 of the 410 identified foreign victims were Ivoirian. The majority of foreign victims were exploited in forms of labor trafficking. The government either directly provided assistance to all identified victims of trafficking in 2022 or referred them to civil society organizations to provide assistance. The Ministry of Health (MOH) provided healthcare to 91 victims, including Tunisian and foreign nationals.

The government continued implementing the NRM, 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 provided practical guides to security officers and judicial police on victim identification techniques. Despite these efforts, the National Authority and the MOI special victims unit were the only government entities authorized to officially identify trafficking victims, thereby allowing victims access to state-run services and requesting exemptions from exit visas for foreign victims. During the reporting period, the National Authority requested exemptions from exit penalties for 173 potential foreign trafficking victims, a significant increase from 38 in 2021; the Ministry of Finance approved all requests. NGOs continued to report the limited number of ministries that could legally identify trafficking victims slowed the process for identification and subsequently for victims to receive care. Moreover, insufficient interagency coordination and resources reportedly hindered the timely identification and referral to services of 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 sub-Saharan migrants, 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. As a result of the official identification procedures and the other constraints outlined above, civil society noted authorities likely punished some unidentified victims for unlawful acts committed as a direct result of being trafficked, such as "prostitution" or immigration violations.

The Ministry of Social Affairs (MSA) continued to operate two shelters for children in Tunis and Sidi Bouzid and three shelters for adults in Tunis, Sousse, and Sfax; at least two of the three shelters for adults had designated areas for trafficking victims where victims could enter and exit freely and return on a regular basis for assistance seeking employment. The five MSA shelters supported 179 victims in 2022, including 63 women and girls and 113 men and boys; 139 of the 179 victims were children. In 2021 the shelters assisted 129 victims. The MSA shelters provided psychological care, family reintegration, social support, material assistance, professional integration, and health services. The MSA and National Authority continued to uphold a 2019 agreement 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 psychosocial support, medical documentation, and legal expertise; the government did not report if this unit assisted any trafficking victims during the reporting period. The government's rehabilitation center for torture victims could also assist trafficking victims with psychological and therapeutic support; the rehabilitation center assisted 17 trafficking victims with short-term psychological support in 2022, compared with 18 trafficking victims in 2021. 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 these centers 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. In January 2023, the National Authority launched a mechanism for victims to provide feedback on the support they received, aimed at improving assistance to trafficking victims. 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 – especially outside of Tunis – created challenges in doing so. The government offered foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution. The anti-trafficking law provided all identified foreign trafficking victims relief from deportation; the government did not report whether it provided temporary relief from deportation for any foreign trafficking victims in 2022. Victims had the right to free legal aid to assist them in engaging in civil and criminal proceedings against traffickers, and there were provisions to protect victims' privacy during court proceedings, such as recorded testimony and physical protection. The government allowed trafficking victims a 30-day reflection period, renewable once, while they decided whether to assist law enforcement; victim assistance was not dependent on assisting law enforcement. Prosecutors could seek restitution in trafficking cases, and if victims were unable to collect restitution after a final judgement, victims could claim compensation from the government; however, the government did not report whether courts issued restitution in trafficking cases or if the government provided compensation to any victims in 2022. Trafficking victims could request legal aid to assist them in filing a civil suit against the trafficker for compensation; the government did not report whether courts awarded such compensation during the reporting period.

PREVENTION

The government maintained overall efforts to prevent trafficking. The government continued implementing the 2018-2023 national anti-trafficking strategy and began drafting a new national strategy. The MOJ continued to lead the National Authority, which included representatives from 13 ministries and experts from civil society; although the National Authority is an independent government body, it did not have a separate budget from the MOJ and lacked the resources to fully implement its mandate. Decree law number 2019-653, issued in 2019, established SOPs and guidelines for the National Authority and four specialized commissions to focus on monitoring and evaluation, research, training and development, and tracking the causes of trafficking. The National Authority continued to consult a network of trafficking survivors established in 2019 that served as a council to share experience, advise, and present recommendations to the committee to

help improve its work; the government reported full implementation of the network was delayed by the pandemic. The National Authority completed its annual report that detailed its activities in 2021 and its recommendations on how to improve the government's fight against human trafficking and published the report in September 2022. In addition, the government partnered with several international organizations and academic institutions to research trafficking trends in Tunisia, including the intersection of trafficking and irregular migration; the government published the results of these studies in November 2022. The government continued to conduct numerous anti-trafficking public awareness and information campaigns, at times in partnership with civil society organizations. In addition, the National Authority conducted outreach campaigns in coordination with an international organization to migrants and provided informational cards on their rights with contact information for institutions and services supporting trafficking victims. However, after President Saïed's February 2023 remarks accusing migrants from sub-Saharan Africa of being part of a plot to change the demographics of the country, sub-Saharan migrants experienced increased incidents of violence, evictions, and barriers to employment that further increased distrust of authorities and vulnerability to trafficking. The government continued to operate a hotline to report potential trafficking crimes, which was operational five days a week during regular business hours and whose operators spoke Arabic, French, and English. The hotline received 1,414 calls in 2022, but the government did not report identifying any potential trafficking victims through the hotline.

The Agency for Placement Abroad in Private Establishments (EPPA) continued to regulate private labor recruiters and had 31 EPPA officers in Tunisian embassies abroad to oversee labor migration. Article 4 of Law 2010-2948 on the EPPA prohibited worker-paid recruitment fees. The Ministry of Vocational Training and Employment (MFPE) coordinated with the Ministry of Foreign Affairs, Immigration, and Tunisians Abroad and created labor attaché positions at the Tunisian embassies in Qatar, France, and Saudi Arabia. The MFPE also maintained three resource centers for Tunisian labor migrants to offer support and services before, during, and after traveling abroad for work. 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 National Agency for Employment and Independent Work (ANETI) maintained a network of 120 approved private recruiting agencies, 1,000 job advisors, and an online platform to improve employment searches in Tunisia and prevent exploitative work contracts. The ANETI raised awareness about its work during the reporting period and advised job seekers to avoid communicating with unauthorized recruitment agencies as they may use exploitative contracts. The government also used a Qatar-Tunisia visa center to organize the process of recruiting Tunisians to work in Qatar and oversee employment contracts. In July 2021, Law No. 37 of 2021 was published in the official gazette to regulate domestic work. The law defines the terms of employment for domestic workers and the rights and obligations of the employer and wage earner, as well as monitoring and inspection mechanisms; the government did not report on the status of implementation of the law at the end of the reporting period. 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 report 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. During the pandemic, the government reported child sex trafficking, including online sexual exploitation and recruitment through social media, increased; the government also reported family members were, at times, the alleged trafficker. Tunisian girls working in domestic service 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. Tunisian children – many of whom dropped out of school and were between the ages of 11 and 12 years old – worked in small workshops, auto mechanic garages, and domestic service; some of these children may be vulnerable to trafficking. International organizations report a continued presence of children who experience homelessness

or use the streets as a source of livelihood 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 organized gangs forced children who experience homelessness to serve as thieves and beggars and to transport drugs. Tunisian women are reportedly exploited in sex trafficking under false promises of work within the country and elsewhere in the region, such as Lebanon, the UAE, and Jordan.

Foreign migrants are particularly vulnerable to sex trafficking, domestic servitude, and other forms of forced labor in Tunisia. According to an NGO, foreign trafficking victims either come from countries for which Tunisia allows a stay of up to three months without a visa or arrive in Tunisia on a valid tourist or student visa and remain 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 traffickers forced some men from Cote d'Ivoire to work on farms and construction sites. Traffickers reportedly coerce Ivoirians into smuggling cannabis and opioids into Tunisia. According to a Tunisian NGO, recruiters in Cote d'Ivoire target 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 and, upon arrival in Tunisia, are held in debt bondage and are forced into domestic service in Tunisian households. Recruiters also target unskilled and uneducated individuals, primarily from San Pedro, Cote d'Ivoire, to work in domestic service, construction, or agriculture in Tunisia; these individuals are then required to repay the transportation costs and recruitment fees upon arrival and are 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 victims. An NGO reported that 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 report that male migrants from sub-Saharan Africa who experience poor working conditions could be vulnerable to forced labor. Tunisian LGBTQI+ rights associations report migrants and asylum-seekers from neighboring countries who escaped violence or discrimination because of their gender identity or sexual orientation may be particularly vulnerable to sex trafficking and forced labor in Tunisia. NGOs and international organizations observed 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. Since 2020, Italian authorities reported a sharp increase in undocumented Tunisian migrants arriving in Italy in part because of pandemic-related economic fallout; these undocumented migrants were vulnerable to trafficking.