

USDOS – US Department of State

2021 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Tunisia remained on Tier 2. These efforts included providing protection services, including medical and psycho-social assistance, to more than 160 identified victims and continuing to coordinate with civil society organizations to provide additional services to all identified victims and to train officials. The government developed a contingency plan to manage its crisis response to trafficking amid the pandemic and prepare for similar situations in the future. The government also formalized and expanded anti-trafficking cooperation, including an agreement with the Government of Cote d'Ivoire to exchange information on victim support and transnational trafficking networks. However, the government did not meet the minimum standards in several key areas. For the second consecutive year, the government did not convict any traffickers. Poor understanding of trafficking among judicial and law enforcement officials inhibited authorities from effectively using the 2016 anti-trafficking law to prosecute and convict traffickers. 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—outside of major cities remained limited.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms, using the 2016 anti-trafficking law. • 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. • 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. • 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. • Provide adequate protection services to adult 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. • 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 maintained uneven law enforcement efforts. 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) (\$18,640) for offenses involving adult victims and 15 years' imprisonment and a fine of 50,000-100,000 TND (\$18,640-\$37,270) 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 government reported pandemic-related mitigation efforts placed restrictions on investigators' ability to work and hindered interagency collaboration. In 2020, the Ministry of Interior (MOI) conducted a total of 181 investigations, which included 73 cases of forced labor, 62 cases of "economic exploitation" (forced labor), 28 cases of sexual exploitation, and 10 cases of child forced criminality. This demonstrated a significant decrease from the 775 investigations—361 forced labor cases, 348 "economic exploitation" (forced labor) cases, 54 sexual exploitation cases, and 12 "slavery-like practices" cases—the government initiated in the previous reporting period. Despite a nationwide pandemic-related lockdown from April to June 2020 and several judges' strikes, the National Authority to Combat Trafficking in Persons ("National Authority")—the government's lead agency coordinating anti-trafficking efforts—with the assistance of a legal aid NGO, reported the government prosecuted 32 cases involving at least 36 defendants; however, the government did not try any of the cases under the anti-trafficking law. This was similar to the 31 prosecutions in the previous year. The government reported 157 prosecutions initiated in previous reporting periods remained ongoing. The public prosecutor and investigative judge closed 12 cases before going to trial for a variety of reasons including lack of evidence and victims deciding not to press charges; of those 12 cases, two involved Tunisian defendants and 10 cases involved Ivoirian defendants. The government did not convict any traffickers for the second consecutive year. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes. During the reporting period, the government continued expanding cooperation with the governments of Senegal and Cote d'Ivoire to exchange information about potential trafficking cases. The government formalized the partnership with Cote d'Ivoire and expanded it to exchange information on victim support and transnational trafficking networks between the two countries.

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 MOJ's special victims unit, established in 2017, included brigades of judicial police and national guard officers throughout the country who specialized in cybercrime and assistance to victims of trafficking and gender-based violence. 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. 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. The National Authority maintained an online platform to provide training to legal professionals on how to combat and prevent human trafficking established in February 2020. Nevertheless, insufficient training of judicial and law enforcement officials hindered investigations and victim identification efforts. 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 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.

PROTECTION

The government maintained efforts to proactively identify trafficking victims and refer victims to protection services. Pandemic-related lockdowns inhibited the government's ability to identify and assist trafficking victims during the reporting period. Between April 2020 and March 2021, the National Authority identified 907 trafficking victims; while this represented a decrease from the 1,313 victims it identified in the previous reporting period, it was an increase compared with 780 in 2019 and 285 in 2018. More than half of the identified victims were women and children, and 366 were foreign victims from Algeria, Burkina Faso, Cameroon, Cote d'Ivoire, Guinea, Madagascar, Mali, Uganda, Senegal, Sierra Leone, Togo, Japan, and Philippines. The National Authority reported traffickers subjected 62 percent of identified victims to forced labor and 32 percent to sex trafficking; traffickers subjected 75 percent of identified child victims to sex trafficking compared to 59.2 percent in 2019. The government referred or directly provided assistance to all identified victims of trafficking. The Ministry of Health (MOH) provided healthcare to 93 trafficking victims, including both Tunisian and foreign victims, and the Ministry of Social Affairs (MSA) provided psychological and socio-economic assistance to 71 victims. NGOs reported the government continued to collaborate with civil society organizations to provide assistance to the remaining victims in need. The government also assisted in the repatriation of 34 female Tunisian trafficking victims, who Tunisian authorities identified in Gulf countries in 2018 and 2019, and provided shelter, medical, and financial assistance to the victims upon their return to Tunisia.

The government continued implementing the national victim identification and referral mechanism approved in the previous reporting period, 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. In addition, the MSA continued to train all labor inspectors to identify potential trafficking victims; there were 26 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 trafficking victims 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. Civil society noted authorities' current interpretation of the anti-trafficking law limited application of identification procedures; 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's rehabilitation center for torture victims could also assist trafficking victims with psychological and therapeutic support. 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. During the reporting period, the National Authority produced, in partnership with an international organization, victims' rights cards listing government and non-government services available to trafficking victims; the National Authority intended these cards to complement the "passport of victims' rights" cards launched in July 2020 that outlined victims' rights in Tunisia. 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; during the reporting period, the government provided temporary relief from deportation for 56 foreign trafficking victims. Victims had the right to free legal aid to assist them in engaging in civil and criminal proceedings against their traffickers and 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; the government did not report whether courts issued restitution in trafficking cases during the reporting period. Trafficking victims could request legal aid to assist them in civil suits; the government did not report whether courts ordered defendants to pay compensation in the form of damages through civil suits during the reporting period.

PREVENTION

The government maintained 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 13 ministries and experts from civil society. In addition, the National Authority developed a contingency plan to manage its crisis response to trafficking amid the pandemic and to prepare for similar situations in the future. Decree law number 2019-653 issued in 2019 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. The National Authority consulted a network of trafficking survivors established during the previous reporting period that served as a council to share experiences, advise, and present recommendations to the committee to help improve its work. During the reporting period, the National Authority completed its annual report that detailed its activities and recommendations on how to improve the government's fight against human trafficking but did not publicly release the report during the reporting period. The government continued to conduct numerous anti-trafficking public awareness and information campaigns, at times in partnership with civil society organizations, including workshops for journalists and media engagements. The National Authority 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 crimes, which was operational five days a week during regular business hours and whose operators spoke Arabic, French, and English. The government did not report the number of calls to the hotline in 2020 but reported identifying three potential trafficking victims through the hotline. In response to the pandemic, the National Authority established a 24-hour mobile emergency line during the reporting period for reporting trafficking crimes; the emergency line received approximately 8,000 calls in 2020 and 47 percent of calls to the hotline resulted in identifying 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 21 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 and National Authority 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 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. 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 maintained bilateral labor migration agreements with France and Switzerland, which contained provisions to prevent unfair labor recruitment practices and labor trafficking. The government also used a Qatar-Tunisia visa center to organize the process of recruiting Tunisians to work in Qatar and oversee employment contracts. 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. 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—any 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 to 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 sex trafficking, 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, are held in debt bondage, and are 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 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 reported in 2018 that male migrants from sub-Saharan Africa who work in poor working conditions could be vulnerable to forced labor. Tunisian LGBTQI+ 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. During the reporting period, Italian authorities reported a sharp increase in Tunisian irregular migrants arriving in Italy, in part due to pandemic-related economic fallout; these irregular migrants were vulnerable to trafficking.

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