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2019 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 prosecutions of alleged traffickers under the anti-trafficking law; proactive identification of trafficking victims; and implementation of a pilot program for the national victim referral mechanism, which resulted in more victims receiving care. However, the government did not meet the minimum standards in some key areas. The government did not provide sufficient training for security forces and border control agents to identify potential victims of trafficking. As a result, some trafficking victims may have remained unidentified and therefore vulnerable to punishment for unlawful acts their traffickers compelled them to commit, such as immigration violations and prostitution. Additionally, limited resources and lack of understanding of trafficking among judicial and law enforcement officials inhibited authorities from effectively bringing traffickers to justice.

PRIORITIZED RECOMMENDATIONS

Implement formal procedures 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 prostitution—and train officials on their use. • Implement the national victim referral mechanism using a victim-centered approach to ensure all trafficking victims are referred to appropriate protection services, and train law enforcement and judicial authorities on appropriately referring victims to care. • Collaborate with civil society partners to increase training of police, prosecutors, and judges on evidence collection for trafficking cases, witness and victim protection during trial, and alternatives to victim testimony. • 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. • Provide adequate protection services to male, female, and child victims of all forms of trafficking, including appropriate shelter and rehabilitative services tailored specifically to trafficking victims. • Use the anti-trafficking law to investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms. • Train judicial and law enforcement officials on application of the anti-trafficking law. • Improve coordination among government

ministries to combat trafficking, and dedicate sufficient financial and human resources to the national anti-trafficking commission. • Provide funding or in-kind support to NGOs that provide care 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.

PROSECUTION

The government increased its law enforcement efforts to combat trafficking during the reporting period. 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) (\$16,620) for offenses involving adult victims and 15 years’ imprisonment and a fine of 50,000-100,000 TND (\$16,620-\$33,230) 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 anti-trafficking commission reported the lack of an independent budget and insufficient capacity building hindered the government’s efforts to fully implement the law. 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. Furthermore, some judicial officials used other laws that had less stringent sentences to prosecute trafficking offenders, primarily because judges were not familiar with the anti-trafficking law. Observers also reported that courts dismissed several potential trafficking cases for lack of evidence, because details on the exploitative nature of the crime were insufficient. During the reporting period, officials reported difficulty prosecuting and convicting trafficking offenders due to lack of victim or witness testimony.

Despite these deficiencies, from April 2018 to January 2019, the Ministry of Interior (MOI) conducted a total of 349 investigations, which included 39 cases of sex trafficking, 195 of forced labor, and 115 of “economic exploitation” (forced labor); two of these cases were ultimately classified as non-trafficking crimes. In one notable case in January 2019, Tunisian authorities closed an association running an unauthorized Koranic school in Regueb, Sidi Bouzid governorate and arrested its director and administrators on charges of human trafficking and other crimes. The public prosecutor initiated an immediate investigation into allegations that the association’s personnel allegedly forced the school-aged boys to work in agriculture, construction, and cleaning; the case was ongoing at the end of the reporting period. The MOI reported it initiated a total of 199 judicial investigations of suspected trafficking crimes, including forced prostitution, forced labor, and forced begging and forced criminality of children. The Ministry of Justice (MOJ) reported it brought 66 alleged perpetrators to trial under the anti-trafficking law. The majority of these cases were ongoing at the end of the reporting period; however, the MOJ reported that one forced labor perpetrator was convicted and sentenced to four months in prison. These statistics compared to 195 judicial investigations, 21 perpetrators brought to trial, and one conviction in the previous reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period. However, following the investigation of the Koranic association in

Regueb, Prime Minister Chahed dismissed the Governor of Sidi Bouzid and several other local officials following allegations that they had allowed the unauthorized school to operate in the governorate with impunity.

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. The MOJ also 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. Additionally, the MOI's special victims unit, established in 2017, included 70 judicial police and 56 National Guard officers throughout the country who were specialized in cybercrimes and assistance to victims of trafficking and gender-based violence.

Throughout the reporting period, the government—in coordination with international and civil society organizations—prioritized anti-trafficking trainings for law enforcement and judicial officials on investigation and prosecution, as well as victim identification techniques. The anti-trafficking commission—in collaboration with an international organization—expanded training for security forces and prepared an anti-trafficking training guide for police officers and a manual of judicial procedures for the MOJ. In addition, the Ministry of Health (MOH) and the Ministry of Women, Family, Childhood, and the Elderly (MWFCE) also conducted trainings to strengthen the prevention and protection of trafficking victims. During the reporting period, the government expanded international cooperation with INTERPOL offices, including Saudi Arabia, the Netherlands, and Germany, in order to exchange information about potential trafficking cases.

PROTECTION

The government significantly increased efforts to proactively identify and refer trafficking victims to care. Between April 2018 and January 2019, the government reported that the National Authority identified 780 trafficking victims from among the potential victims referred to it by government agencies and civil society organizations. The MOI identified 383 trafficking victims. Additionally, child protection specialists from MWFC identified 709 potential trafficking victims among the 10,000 child abuse cases it received in 2018. The MOH also identified 69 potential trafficking victims of sexual and economic exploitation, forced begging, and domestic servitude among patients that received services from the MOH. Despite authorities' efforts during the reporting period to proactively identify trafficking victims, the government lacked formal victim identification procedures to guide officials during much of the reporting period; however, judicial and border police reportedly had practices in place to screen for potential trafficking victims among those that overstayed their legal residency or who were subject to expulsion after serving a prison sentence. 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. Government officials continued to work in cooperation with civil society groups to train key law enforcement,

judicial, immigration, and social services personnel to identify victims among high-risk populations. Despite these efforts, the national anti-trafficking commission and MOI special victims unit were the only government entities that were authorized to officially identify trafficking victims, thereby allowing victims access to state-run services and providing exemptions from exit visas for foreign victims. NGOs reported 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. Due to a lack of systematic victim identification procedures and policies, some unidentified victims may have been punished for unlawful acts traffickers compelled them to commit, such as prostitution or immigration violations.

At the end of the reporting period, the government began to implement the national victim referral mechanism, which streamlined all stages of the referral process from victim identification and assistance to civil and criminal proceedings. For example, as part of the investigation into the so-called Koranic school in Regueb, a special victims unit—accompanied by child protection officers and psychologists—referred 42 boys aged 10-18 years old to a specialized care facility near Tunis. Additionally, the MOI provided assistance and accommodation to 50 child trafficking victims and 30 foreign victims. The anti-trafficking commission also assisted 80 victims, 63 of whom were identified by an international organization, by providing them exemption from the exit fee penalty that allowed them to return to their home countries; the government also allowed them access to state-run health and social services. The government also repatriated and provided support and medical care to 35 Tunisian victims, who were exploited in sex and labor trafficking in Saudi Arabia after applying for work through the Agency for Placement Abroad in Private Establishments (EPPA)—a Tunisian government agency. The Ministry of Social Affairs (MSA) reported it provided lodging, medical and psychological assistance, and legal aid to 70 victims of economic exploitation at its centers for vulnerable populations. Two of these MSA-run centers in Sousse and Sfax 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 help 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. In January 2019, the MSA and anti-trafficking commission signed an agreement for the MSA to dedicate one room in all social care centers for victims of trafficking and violence. During the reporting period, the national anti-trafficking commission utilized a center within its national headquarters—established in January 2018—to house trafficking victims while the commission helped victims navigate administrative and judicial procedures. An MOH-operated hospital in Tunis had 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. Seventy-nine government-run youth centers around the country provided psycho-educational

services to at-risk children ages six to 18, including child trafficking victims. In April 2018, the MWFCE inaugurated one of these centers near Tunis as the first center solely for child trafficking victims, which provided services to the 42 victims referred by the aforementioned special victims unit. Despite this, civil society contacts reported there were limited services, especially long-term, reintegration, and relocation services, around the country for child trafficking victims.

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. The anti-trafficking law also allowed victims and witnesses of trafficking crimes access to psychological and physical protection services.

Despite these available centers and services, the anti-trafficking commission and civil society partners reported the country lacked sufficient shelters to support vulnerable populations, including trafficking victims. Although the commission 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 that 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.

PREVENTION

The government maintained strong efforts to prevent trafficking. The MOJ continued to lead the government’s national anti-trafficking commission, which included representatives from 12 ministries and experts from civil society. In mid-2018, the government finalized, formally adopted, and publicized its 2018-2023 national strategy to combat trafficking, and it also developed a supplemental plan outlining individual steps to implement the strategy during the 2018-2019 time period. In January 2019, the committee presented its first annual report to Tunisian President Beji Caid Essebsi, which detailed its activities and recommendations on how to improve the government’s fight against human trafficking, and subsequently released it to the public. Additionally, President Caid Essebsi established January 23 as the National Day of Celebration to commemorate the abolition of slavery in Tunisia, further emphasizing the need to combat and end modern-slavery. 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. Between October 2018 and January 2019, the anti-trafficking commission met six different ministers from countries in the region to discuss ways to fight human trafficking. The government continued to operate a hotline to report potential trafficking cases, which was operational five days a week during regular

business hours and operators spoke Arabic, French, and English. During the reporting period, the hotline received 489 calls that resulted in the identification of 10 potential trafficking victims.

The government continued efforts to reduce the demand for forced labor. To address fraudulent labor recruitment practices, the EPPA filed complaints with the MOI against 20 private employers for cases of fraud, extortion, or abuses of Tunisians employed abroad; it also took action against 23 private employers who recruited workers without proper registration with the EPPA. In addition, the EPPA periodically disseminated 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 coordinated 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. The government also expanded its cooperation with countries in the Persian Gulf in an effort to combat the falsification of work visas and contracts that had led to the exploitation of some Tunisian nationals. Following an MOI investigation of allegations of child trafficking—including forced labor—at the Koranic association in Regueb, Tunisian authorities shut down 11 other associations operating unauthorized Koranic schools in six different governorates. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide specific anti-trafficking training to Tunisian peacekeeping forces prior to their deployment abroad.

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 have dropped out of school and are between the ages of 11 and 12 years old—are observed working 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 force street children to serve as thieves and beggars and transport drugs. 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.

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 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 women, primarily from West Africa and increasingly from Cote d'Ivoire, who are exploited in domestic servitude in private homes in Tunis, Sfax, Sousse, and Gabes. An NGO also reported in 2018 that some men from Cote d'Ivoire are forced to work on farms and construction sites. 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 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 reported in 2018 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, who are held in debt bondage by their employers, 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 prostitution 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 are vulnerable to trafficking after accepting fraudulent offers of soccer careers in Tunisia.

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