

Baseline Study on Trafficking in Persons in Tunisia: Assessing the scope and manifestations



الجمهورية التونسية
République Tunisienne
Republic of Tunisia



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المنظمة الدولية للهجرة

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JUNE 2013

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Mrs. Hélène LE GOFF, coordinator of the S.H.A.R.E project and Mr. Hafedh BEN MILED, project assistant provided technical and logistical support in the organization of activities related to the Study, helped to monitor the news on trafficking in Tunisia and worked on collecting information on the subject. They finally made a detailed reading of the text and contributed to the enrichment of its content and to the editing of the final Report, before printing and distribution of the publication in Tunisia and around the world.

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List of Abbreviations

- ANC:** National Constituent Assembly, **NCA**
- ATUPRET:** Tunisian Association of Drug Prevention
- BAD:** African Development Bank, **ADB**
- CEJJ:** Centre for Legal and Judicial Studies
- CNPTO:** National Center for the Promotion of Organ Transplantation
- COFS:** Coalition for Organ-Failure Solutions
- CRT:** Tunisian Red Crescent
- CREDIF:** Centre for Research, Studies, Documentation and Information on Women
- INPE:** National Institute of Child Protection
- J/TIP:** Office to Monitor and Combat Trafficking in Persons, United States of America Department of State
- MAFF:** Ministry of Women and Family's Affairs
- MAS:** Ministry of Social Affairs
- MDHJT:** Ministry of Human Rights and Transitional Justice
- MENA (region):** Middle East and North Africa
- MFPE:** Ministry of Professional Training and Employment
- OHCHR:** Office of the High Commissioner for Human Rights
- IOM:** International Organization for Migration
- ILO:** International Labour Organization
- ONFP:** National Office for Family and Population
- UNODC:** United Nations Office against Drugs and Crime
- UNWOMEN:** United Nations Entity for Gender Equality and the Empowerment of Women
- PAMG:** Free Medical Assistance programme for the poor
- UNDP:** United Nations Programme for Development
- S.H.A.R.E (project):** Support and Hand-over of Assistance and Referral Mechanisms as well as Exchange of Practices in Anti-Trafficking
- UGTT:** Tunisian General Labour Union
- UNFPA:** United Nations Fund for Population
- UNGIFT:** United Nations Global Initiative to fight against trafficking in persons
- UNHCR:** United Nations High Commissioner for Refugees
- UNICEF:** United Nations Fund for Children
- UTICA:** The Tunisian Union for Industry, Commerce and Handicrafts

EXECUTIVE SUMMARY

Although it is difficult to quantify the magnitude of the global phenomenon of trafficking, it is estimated that every year there are 800,000 victims of cross-border trafficking. This would be more numerous in the internal trafficking networks. This crime, which constitutes a serious violation of human rights and one of the worst violations of human dignity, affects all the Middle East / North African countries (MENA region), and does not spare Tunisia.

Prior to its 14th January 2011 Revolution, (triggered by social demands based on the respect of human dignity, the right to work, the fight against inequality and corruption) Tunisia was committed to fighting trafficking through the ratification of the Palermo Protocol in 2003. A decade later, the Tunisian government is particularly concerned about this issue and interested in understanding the problem better in all its forms, in order to establish laws, structures and public policies adapted to respond to the situation.

The Baseline Study on trafficking in Tunisia is the first Study addressing this issue in the country and aims to be a key step in supporting all the actors involved in the fight against trafficking. A Steering Committee comprising the major institutions and organizations working on the field of trafficking has also closely followed the development of this Study, from the design to the presentation of results, actively facilitating access to information to the investigators (Chapter I).

If the Study is mainly dedicated to discover the characteristics and conditions of trafficking in Tunisia (Chapter III), the context in which it occurs has also been studied (Chapter II). The action implemented in the country to achieve the 4Ps against trafficking in persons, namely: Prevention, Protection, Prosecution and Partnerships, has also been subjected to a detailed research (Chapter IV).

The research results show that Tunisia is concerned with trafficking in persons as a source, destination, and potentially transit country. On the national territory, victims are mostly children, but also women and people with disabilities. The sectors of exploitation vary, as well as the profile of traffickers. They range from domestic servitude to forced involvement in criminal activities, through forced labour and forced begging or sexual exploitation. Abroad, Tunisian women are sexually exploited, mainly in the Gulf countries, in Lebanon and Western Africa. Tunisian men were identified as victims of trafficking for forced labour in Europe.

A number of challenges remain to be taken up in Tunisia to tackle human trafficking and protect victims. While the legal measures and structures to achieve these objectives are not yet in place, we can however note the efforts made by the government to adopt, soon, a specific national law on trafficking, as well as the will of the Ministries and the civil society actors concerned to commit themselves to the identification and support of victims. Furthermore, Tunisian Media and Labour Unions have an important role to play vis-à-vis human trafficking in Tunisia, and in particular to prevent this offense. The private sector will have to make a number of efforts to reduce the number of victims in Tunisia, especially in the Tourism industry.

In conclusion to this report, a set of recommendations was formulated to the attention of all the key players to combat trafficking and protect victims in Tunisia. They target the existing needs in the country related to the 4Ps, according to the results of this Study.

INTRODUCTION

Human trafficking is a criminal phenomenon that has experienced one of the strongest global growths in recent decades. After the trade in drugs and weapons, human trafficking is the third most lucrative criminal phenomenon in the world. In 2012, it would have generated nearly 32 billion U.S. USD (USD)¹. As per ILO, the Organization estimates that 9 million people were subjected to this crime in the last ten years.

At any given moment, millions of men, women and children around the world are victims of trafficking for sexual exploitation, forced labour or removal of organs. They suffer the worst forms of violence perpetrated by organized criminal networks, small business owners, or members of their families or their community. All states are affected by trafficking, whether they are countries of origin, transit or destination for victims. In North Africa, states face different types of processes that affect not only the citizens of North Africa, but also nationals from other parts of the world who come to work in the region.

Tunisia is at a historic turning point following the Jasmine Revolution (or "Revolution of Dignity") of 14th January 2011, and is not immune to the phenomena of transnational and internal trafficking. These are part of a political, economic, social and cultural context that is important to understand to effectively combat trafficking.

Difficult living conditions may lead people to choose migration; migration being internal or cross-border, regular or irregular, alone or through criminal networks. Whatever option is chosen, these journeys submit migrants to risks of exploitation once they arrive to their destination, and sometimes even during their journey. The events of the Arab Spring in 2011 saw the displacement of more than a million people around the region, particularly in and to Tunisia, but also to Europe, crossing, at their peril, the Mediterranean Sea. These migration flows have also helped to shed new light on the situation of exploitation of migrants and on measures that need to be implemented in order to protect the migrants from human trafficking in all its forms.

By ratifying the 2003 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children (Palermo Protocol), supplementing to the United Nations Convention against Transnational Organized Crime, Tunisia scored a first step in its commitment to the fight against this crime. Since 2009, the government has been working on the drafting and adoption of a national law against trafficking in persons, through the Ministry of Justice. More recently, the Tunisian government has endeavored to implement a series of measures to fight more effectively the crime of trafficking in persons, especially within the Ministry of Interior.

To support this process and strengthen the capacity of the Tunisian government and local stakeholders in the fight against human trafficking, the International Organization for Migration (IOM) has established the S.H.A.R.E project "Support and Hand-over of Assistance and Referral mechanisms as well as Exchange of practices in anti-trafficking" in 2011, in close collaboration with the Ministry of Justice and an expanded Steering Committee (see Annex 1). This project, funded by the US Department of State's Office to Monitor and Combat Trafficking in Persons (J/TIP), seeks to obtain a better understanding of national and cross-border trafficking, provide training and implement mechanisms addressed to specific governmental and non-governmental organizations fighting the phenomenon in the country.

This Study is part of the above mentioned S.H.A.R.E project and is the first research on human trafficking in Tunisia. This is a preliminary, exploratory Study which helped collect qualitative data thanks to the work of a multidisciplinary research team deployed on the Tunisian territory from 26th November 2012 to 18th January 2013.

¹Source : UNODC 2012.

The objective of the *Baseline Study on trafficking in persons* is to determine the characteristics of the phenomenon of trafficking in Tunisia, to verify whether Tunisia meets the requirements of the Palermo Protocol, also to determine the needs of Tunisia in terms of prevention, prosecution and punishment of trafficking in persons, protection of victims and national and international cooperation/coordination (4Ps), and analyze the role of the private sector and the media in countering trafficking in persons in Tunisia. The Study attempted to cover all potential vulnerable groups across the country (both sexes, different age ranges and multiple nationalities) and Tunisian nationals abroad.

A large number of stakeholders are involved in the fight against human trafficking and have a role to play in the 4Ps. These are ministerial institutions, non-governmental and international organizations, the private sector, trade unions, universities, the Media and the general public. Individuals from all groups were interviewed to determine their level of knowledge in the field of trafficking in persons, to assess their response to this phenomenon and develop recommendations for the design of policies and programmes.

The research team has been given access to detention centers for women and children, as well as to the Reception and Orientation Center for migrants, brothels in Tunis and the Shousha refugee camp, located in the Tunisian-Libyan border in the Southeast of the country, allowing collection of evidence from alleged victims of trafficking and persons at risk of being trafficked.

I. CONCEPTUAL FRAMEWORK AND PRESENTATION OF THE STUDY

This Study is the first research on human trafficking in Tunisia. It is mainly composed of qualitative data on trafficking and related issues, which were collected and analyzed to obtain reliable, accurate and up to date information on the phenomenon in Tunisia and the context in which it operates, or may develop in the future.

The first part of this Chapter presents the conceptual framework of human trafficking to ensure the reader's understanding of this global phenomenon, whose roots are numerous and whose consequences are devastating for its victims and societies in general. This section also seeks to distinguish trafficking in persons from smuggling, too often confused because of their, at times, close relationship with migration.

The second part of Chapter I describes the context in which the Study took place and sets out in detail the methodology used for its development, and the composition and organization of the research team, made up of 14 assistants and a statistician. Finally, the limitations encountered in the research are presented to the reader, to help understand the obstacles observed in the conduction of the Study, as well as how the research team managed these constraints.

1. DEFINITION OF TRAFFICKING IN PERSONS AND DIFFERENCES BETWEEN SMUGGLING OF MIGRANTS

At the global level, the crime of trafficking is still very little known to the public and public authorities, including courts of justice. Yet it is not a new phenomenon. "Trafficking in persons" refers to slavery in all its forms. But even more, the term "trafficking" is used to describe the mechanisms that make it possible, both in terms of recruitment and mobilization methods to isolate and threaten victims to take advantage of them. It is this set of practices that are analyzed in this report, through the definition of the Palermo Protocol, presented below.

Trafficking in persons is rooted in Antiquity. Throughout History until today, it has been used by many civilizations, reducing individuals or groups of individuals to total subjugation, by depriving them of their rights and freedoms. . This is why trafficking is often described as "modern slavery of the XXI Century".

The term "trafficking" is a reminder of two historical phenomena taking place internationally. First, the "*slave trades*", to mention three intercontinental dynamics of the slave trade that lasted for centuries: 1) the eastern slave (to the Arab-Muslim world), 2) intra-African ²slave trade and 3) the Atlantic slave trade (i.e. the triangular trade between sub-Saharan Africa, the Americas and Europe, including France, Portugal and the Netherlands).

Despite the terminology referring to the black color of the skin of people enslaved in the context of the "*slave trades*", it should be noted, however, as we shall see in the case of Tunisia, that this type of slavery also staged other ethnic groups, including Europeans captured as prisoners of war or because of their religious beliefs (Christians).

A more recent phenomenon, occurring in the late nineteenth and early twentieth centuries, is called the "*white slaves' trade*". This practice is in turn rooted in the exploitation of European women

² Both (Eastern and intra-African slave trade) will be exhibited in the History of the slave trade in the region and in Tunisia, Chapter III.

(hence the term "white") into forced prostitution or domestic use, as well as through forced marriages in the European colonies in Africa, Americas or Asia. It is important to see that this practice, unlike the phenomenon described above, is characterized by a very specific context (European colonization in the nineteenth century), migration of one nature: from northern countries, to southern countries, and a unique type of victims: European women for one type of generally acquired exploitation: sexual or domestic.

1.1 HISTORY OF INTERNATIONAL LAW ON HUMAN TRAFFICKING

Despite being an old phenomenon, until very recently trafficking was not recognized and legally regulated at a global level. The term "trafficking" appears in international legal instruments in 1904, with the Convention against Trafficking in White slaves or "International Agreement to ensure the Effective Protection against Criminal Trafficking known as the White Slave Trade". Concerned about this widespread phenomenon that affects women, members of the League of Nations hence adopted several international conventions on this issue in 1910³, 1921⁴ and 1933⁵. Other references to trafficking in various subsequent agreements will address the problem of trafficking in women and prostitution in particular, as is the case of the Convention for suppression of Trafficking in Human Beings and the Exploitation of the Prostitution of Others of 1949. Here, the term "white slave trade" was abandoned in favor of the more general term "trafficking in persons" thus including all sectors of the population that can be victims of this crime, and not only women. Finally, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in its Article 6, reaffirmed in 1979 the need to fight against sex trafficking of women⁶.

In parallel, the international legal instruments against the trafficking in human beings were strengthened in 1926, with the adoption in Geneva, Switzerland, of the Convention against Slavery. With the birth of the United Nations in 1945, this Agreement was superseded by the Convention on the Abolition of Slavery in 1953, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956. It states in its preamble that "*freedom is a right that every human being acquires at birth.*" For the first time, the Convention provides a definition of practices considered "institutions and practices similar to slavery."

Few international legal documents refer to trafficking into forced labour in these terms, because they prefer to speak of "forced or compulsory labour." To this end, we have at our disposal two texts of the International Labour Organization (ILO), one from 1930, namely the Convention No. 29⁷ and the other from 1957, the Convention No. 105⁸.

The definition of trafficking in persons in its current meaning first appears in 2000. The discussions in Palermo, Italy, that would later lead to the "Palermo Protocol"⁹, brought together the views of 117 signatory countries on the various forms of trafficking (sexual exploitation, forced labour, removal of organ) and on populations at risk of trafficking (men, women and children). The result is a long and complex definition, but offers the advantage of integrating all the conducts connected to the trafficking in human beings globally. Moreover, it is the first protocol that specifically addresses the strategies put in place to combat this crime with a view to cooperation and partnership, and also to

³International Convention for the Suppression of the White Slave Trade, 1910.

⁴International Convention for the Suppression of Trafficking in Women and Children, 1921

⁵International Convention for the Suppression of the Trafficking in Women, 1933.

⁶"Member states shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women" (Article 6).

⁷Convention concerning forced or compulsory labour.

⁸Convention concerning the Abolition of Forced Labour.

⁹This Protocol was signed by 117 countries on December 12, 2002.

protect and assist the victims. However, it should be noted that the Palermo Protocol is in a very particular context (the fight against transnational organized crime). It is thus advisable to the signatory countries to rule on these issues in their national law.

Thus, trafficking in persons is defined by Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, supplementing the United Nations Convention against Transnational Organized Crime (2000):

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threats or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

According to this definition, the offense of trafficking in persons has three components:

1. **At least one act** (what is done): recruitment, transportation, transfer, harboring or receipt of persons;
2. **Means** (how it is done): threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;
3. **Purpose** (why it is done): Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The Protocol requires that the definition of the offense of trafficking combines the three elements, even if each of these elements is often in itself a criminal offense.

Article 3 b) of the Protocol provides that if the consent of a victim to the intended exploitation was obtained by improper means (threat or use of force or other forms of coercion, deception, the giving or receiving of payments or benefits, abuse of power or of a position of vulnerability), then it is null and void and cannot be used to discharge a person from criminal responsibility.

When children¹⁰ are concerned means are disregarded., Indeed regardless of whether consent has been obtained by using or not improper means, they are considered victims of trafficking when they are recruited, transported, transferred, accommodated or hosted (acts) for operating purposes (goal).

1.2. DIFFERENCES BETWEEN TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS

Trafficking and migration are intrinsically linked. Even though trafficking does not require movement, displacement of people is often present in the trafficking process (in the sense of isolation). Therefore a migration movement may be domestic or international. However, neither the transnational nature of trafficking, nor the involvement of an organized criminal group, is required to qualify

¹⁰ According to Article 3 d) of the Palermo Protocol, any person under the age of 18 is considered a "child".

trafficking. Trafficking can indeed be organized on the territory of a single country; or further, carried out by a single actor.

In this context, trafficking in persons and smuggling of migrants are often confused not only because of their links with transnational organized crime and international migration, but also because of their interactions. The term "trafficking" is often misused in French due to erroneous translations of the English word "*trafficking*" (versus "*smuggling*"). One reason for this common confusion is due to the fact that in the French language, the person behind the crime of trafficking is called "dealer" in the same way as one who commits a drug related crime (also known as "dealer "or" runner ").

However, trafficking in persons and smuggling of migrants have distinct definitions from two Additional Protocols of the UN Convention against Transnational Organized Crime.

The crime of smuggling of migrants is defined in Article 3 of the additional Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime:

- a) " Smuggling of migrants "shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry into a State Party of which the person is not a national or a permanent resident;
- b) "Illegal entry" shall mean crossing borders without the necessary conditions for the legal entry into the receiving State being met.

Therefore, smuggling of migrants is a crime that involves the crossing of borders by illegal means (without due documentation or with false papers) and including a business transaction between two parties (one who is smuggled) a priori entirely consenting. Thus, the relation between a smuggler and an irregular migrant is supposed to come to an end once the latter arrives at their destination. The smuggling of migrants is most often considered a crime committed primarily against a State. However, violations of Human Rights are very common in these population movements, and sometimes the conditions of transfer of migrants across borders are contrary to human dignity, migration can take on a forced character (e.g. in the case of unaccompanied minors or potential victims of trafficking networks) and worse, that it costs the lives of migrants. In addition, smuggling can – and often does – tip into trafficking.

In the light of these two definitions provided by the additional Protocols of the Convention of 2000, we can argue that trafficking in persons and smuggling of migrants differ in the following points:

Border crossing	Smuggling of migrants necessarily involves crossing borders, while trafficking can be transnational or take place in the same territory (internal trafficking). The border crossing will be carried out regularly or irregularly in the course of trafficking in persons and systematically improperly in the case of smuggling.
Identity and travel documents	They may be in order, counterfeit or stolen in the course of trafficking, but always irregular, counterfeit or absent in case of smuggling of migrants. The traffickers tend to confiscate the victims' papers in order to maintain pressure on them, while the smugglers can sometimes help candidates to get them in the first place.
Exploitation	Victims of trafficking are exploited by definition (exploitation is the ultimate goal of human trafficking), while migrants using the services of smugglers are not necessarily subject to exploitation; although smuggling can tip into trafficking.
Control over the individual	Victims of trafficking are subject to the control of one or more individuals, throughout the duration of the trafficking situation, and they have their freedom of movement restricted by the trafficker(s). This is not necessarily the case of irregular migrants in the context of their "agreement" with the smugglers, once arrived at destination the migrants are no longer under the control of the criminal networks.
Crime	Trafficking in persons is a crime committed against an individual, while the smuggling of migrants is a crime committed against a State.

There are still many interactions between smuggling of migrants and trafficking in persons. Indeed, trafficking and smuggling of migrants both have in common the fact of being profitable, low-risk criminal activities, and involving human beings. According to the empirical experience of organizations such as IOM, it has been shown that smuggling networks are often used by criminals who offer to help individuals during smuggling process with the intention of exploiting them at the end. In other cases, smugglers and traffickers form a network, which requires the migrant wishing to cross the border irregularly, to repay their debt by submitting themselves to one or more forms of exploitation during the migration process and on arrival. Finally, irregular migrants are particularly vulnerable to various forms of exploitation, including human trafficking.

2. CONTEXT OF THE STUDY

According to the Annual Report of the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons (TIP Office), Tunisia has been presented in recent years as a country of origin, destination and potentially of transit for trafficking in persons for purposes of forced labour and exploitation in the sex trade. In 2011, Tunisia was still on the Tier 2 Watch List for the application of minimum standards for the elimination of trafficking, including prevention, protection, prosecution and cooperation. In its 2011 report, despite the implementation of several initiatives in the combat against this crime in Tunisia, including the drafting of a full legal framework for addressing human trafficking in its different forms, the TIP Office recommended Tunisia "to conduct a baseline assessment to better understand the significance and scope of the problem of trafficking in human beings". It is in this context that this Study was undertaken, to confront the phenomenon more effectively and implement appropriate public policies, together with the appropriate laws.

¹¹ The J/TIP Annual Reports on human trafficking list and evaluate the national achievements in the combat against trafficking and to protect victims. These reports (published since 2001) are available on the website of the Department of State of the United States of America: <http://www.state.gov/j/tip/rls/tiprpt/>

¹² In 2012 Tunisia came out of the watch list to move to level 2, which reflects the growing political interest in Tunisia to develop a better understanding of human trafficking in the country and build capacity to combat it and protect its victims.

The year 2011 was marked by the advent of the Arab Spring in the Middle East and North Africa (MENA) region, particularly in Tunisia, the first country to have toppled its regime. These revolutions have triggered an unprecedented wave of migration flows across the region. In this context, Tunisia was the scene of considerable crossover of migrants¹³, both Tunisians immigrating to Europe and international migrants who sought refuge in Tunisia. Many refugee camps were set up in the Southeast part of the country in order to address the situation. Besides, Tunisia was used as a platform for transit to European countries, and especially to the Italian island of Lampedusa. These massive and unexpected migrations have increased the vulnerability of migrants to human trafficking, especially women and unaccompanied or separated children. Minors of sub-Saharan origin were also detected as being victims of trafficking and assisted by IOM and its institutional partners in the Shousha camp, located on the Tunisian-Libyan border. Other unaccompanied children were also the subject of special attention from the government and organizations in charge of receiving migrants.

It is in this general, complex and unstable historical context, that the IOM¹⁴ commenced its efforts to offer technical assistance to the Tunisian government in the fight against trafficking in persons through the S.H.A.R.E Project proposing the following objectives:

- Promote a better understanding of national and international trafficking, by identifying the existing resources and capabilities to fight against the phenomenon and protect victims.
- Strengthen the capacity of governmental and nongovernmental actors in order to fight more effectively against trafficking in persons, through technical assistance and training.

To do this, the S.H.A.R.E project implements three major activities:

- Conduct a Study on trafficking in persons in Tunisia and on the planning of operational measures to fight against trafficking.
- Undertake, through training and exchange of best practices, activities of capacity-building to identify victims of trafficking and assist them, according to their specific needs (victim-centered approach).
- Establish a National Referral Mechanism to identify and assist victims of trafficking in order to strengthen the intersectorial cooperation and the sharing of information between government institutions and civil society and international organizations partners.

The results of the first activity are presented in this report.

A **Steering Committee**¹⁵ composed of several ministries, autonomous institutions, non-governmental organizations, trade unions, UN agencies, and experts from IOM is involved in all activities of the S.H.A.R.E Project. Its members were involved in all the stages of the Study, as it is expected that over time, the Steering Committee will serve as the basis for effective public strategies and policies against trafficking in Tunisia.

¹³The majority of migrants received on Tunisian soil (one million people) were Libyans as well as migrant workers from different parts of the world (sub-Saharan Africa, MENA or Southeast Asia) working in Libya who fled crisis in the country, and, to a lesser extent, Syrians (a few thousands) who sought refuge in Tunisia following the civil war that erupted in Syrian Arab Republic in March 2011.

¹⁴The International Organization for Migration is located in Tunisia since 2001. IOM works on the subject of trafficking in the context of migration management and its objective is to fight against all forms of exploitation of migrants and to assist the victims of trafficking. Its activities are implemented in partnership with government agencies, NGOs and other international organizations. At the world level, IOM is committed to preventive action, technical cooperation, direct assistance, and manages the largest world database on trafficking victims. It has assisted, since 1994, over 15,000 victims of trafficking worldwide.

¹⁵Annex 1. List of members of S.H.A.R.E Project Steering Committee.

3. OBJECTIVES OF THE BASELINE STUDY ON TRAFFICKING IN PERSONS IN TUNISIA

The completion of the *Baseline Study on trafficking in Tunisia* aims broadly to improve the Tunisian counter-trafficking response and protecting victims. This is a preliminary baseline Study that will be used as a basis for further research on certain aspects of trafficking in persons and related research topics.

The specific objectives of the Study on trafficking are to determine:

- 1) Manifestations of trafficking in Tunisia; the trafficking routes (internal and transnational); profiles of traffickers, victims and clients of trafficking; places and sectors of exploitation; risk groups; the factors that facilitate trafficking in persons; and trends in the evolution of the phenomenon as observed by the agents involved.
- 2) The extent to which Tunisia meets the requirements of the Palermo Protocol
- 3) The needs of Tunisia as to the prevention, prosecution and punishment of trafficking in persons and protection of victims, and national and international cooperation (4Ps)
- 4) The role of the private sector and the Media as to the development of trafficking in Tunisia

Once the report is published, broadcasting the results and recommendations of the Study through workshops for dissemination of the information, will help all stakeholders in the fight against human trafficking and protection of victims in Tunisia, to be informed of trends and characteristics of the phenomenon, as well as the measures to cope with the situation.

4. CALENDAR OF THE STUDY

The Baseline Study of trafficking in Tunisia lasted from October 15th, 2012 to April 20th, 2013. It included: eight weeks of fieldwork eight weeks of data analysis and eight weeks of drafting.

The methodology of the Study, prepared by the consultant, was approved by the Steering Committee in October 16th, 2012; JTIP also approved the approach. The process of recruitment of the team - 14 research assistants and a statistician - was carried out from late October to mid-November 2012. On November 21st and 23rd, the entire team received training on human trafficking and the methodology of the Study provided by the consultant.

The field survey was implemented from November 26th to December 31st, 2012, 6 weeks, plus two weeks with three research assistants. In parallel, a statistician processed and analyzed data. Regular meetings between members of the research team were held to facilitate the exchange of information and good coordination between researchers at all levels.

To get recommendations from actors directly involved in trafficking in Tunisia, four focus discussion groups were held in January and February 2013. These meetings enabled the liaison of the various actors and the debate about human trafficking.

Finally, several special visits to places where victims of trafficking could be interviewed were carried out in coordination with the Ministries of Justice and of Interior, until February 23rd, 2013.

The preliminary results of the Study were presented regularly to the members of the S.H.A.R.E Project Steering Committee, and they were discussed during two plenary sessions. The final report of the Study was presented and approved by the Steering Committee on April 18th, followed by a workshop on the recommendations, conducted on April 19th, 2013.

5. PRESENTATION OF THE PROJECT TEAM

5.1. COMPOSITION OF THE TEAM

A **CONSULTANT** specialized in the fight against human trafficking had the task of designing, organizing and supervising the Study, recruiting, training and coordinating the research team, and producing this report. She designed the activities schedule of the assistants, the methodology and tools for gathering information. She met actors in the field, alone or with colleagues, and monitored the data collection and processing and analysis by the statistician. Finally, the consultant provided the link between the research team and members of the Steering Committee when necessary.

14 RESEARCH ASSISTANTS¹⁶ collected and analyzed documentation and interviewed, under the direction and guidance of the consultant, the actors concerned by the trafficking in persons and the related topics in Tunisia. They also ensured the liaison with the project consultant to assist her with administrative and logistic procedures; they supported the preparation of reports and provided translation services for interview guides and interpretation when needed. Among them, **THREE COORDINATORS** were appointed by the consultant in the research team and were responsible for overseeing, respectively, the documentary research (a coordinator) and field surveys (two coordinators). They supervised the work and travel of the assistants, undertook field surveys and provided the link between their team and the consultant. They carried out the majority of the translations of interview guides from French to Arabic, with the support of their team of assistants when needed.

Research assistants were mainly based in Tunis and its suburbs (9), but also Ben Arous (2) Bizerte (1) Sfax (1) and Sidi Bouzid (1)¹⁷, covering the regions of interest to conduct the fieldwork (see Figure 1). The Study benefited from a multidisciplinary team: doctoral and Master in Economics (3), Master of Psychology (3), Master of Research in Marketing (2), Master of Science in Media and Technology (former journalist), Research Master in Geographic Information System, Master in Organizational Theories, Master Degree in Sociology and Master in English Language (2). Most assistants had significant experience in the civil society sector. Gender equality was respected in the field teams, thus promoting a more comprehensive approach in terms of gender perspective to trafficking, and maximizing the results of interviews with local stakeholders, alleged victims of trafficking, vulnerable groups and traffickers.

A **STATISTICIAN** entered the data collected by the research assistants on a data analysis software; modified the code and the data tabulated previously about this programme; conducted rigorous analysis and prepared a report of experimental analysis; provided the consultant with research data, analysis and supporting documentation; brought her expertise in survey methods and tools to ensure the collection of usable data.

THE S.H.A.R.E PROJECT STEERING COMMITTEE followed the research process and facilitated the sharing of information at its disposal. It shared its recommendations during bimonthly meetings attended by the consultant.

Throughout the Study, the consultant was able to benefit from the technical support of the S.H.A.R.E Project IOM team, regarding the search for contacts and information, logistical and administrative organization of travels, and the coordination of meetings and consultations needed for the Study.

¹⁶ All Tunisians.

¹⁷ With the exception of the northwest region of Tunisia, particularly interesting for the study, since no application from this region was received by the IOM.

5.2 TRAINING OF THE TEAM

Prior to the Study, the research assistants and the statistician received two-day training in order to optimize the results of the Study. This training, designed by the project consultant with technical support from IOM, was divided into two modules of eight hours each: one on human trafficking (module 1), the other on the methodology of the Study (module 2). Both sessions were interactive and participatory and helped the researchers to integrate the definition and the realities of human trafficking, as well as the organization and methodology of the Study.

Module 1 introduced the definition and the realities of human trafficking in the world, the differences between trafficking in persons and smuggling of migrants, motives and *modus operandi* of traffickers, causes and consequences of trafficking on victims and societies in general, the picture of human trafficking in Tunisia and the means to meet the challenges posed by trafficking.

Module 2 focused on the methodology of the Study. It unveiled the overall schedule, the objectives, the expected results and the activities of the Study, the structure and organization of the team, the working conditions and the first interview guides. In this module, the rules of teamwork were established together with the consultant, research assistants and statistician. The assistants found the themes of the document research and started using interview guides through a simulation in pairs, in order to contribute to the best adaptation of the tool.

Two evaluations were conducted to measure the impact of training on research assistants: one before the training, the other at its end. The evaluation results revealed that the team had acquired a good knowledge and understanding of trafficking in persons, knew well the approach of the IOM in the fight against trafficking, as well as the S.H.A.R.E Project objectives, had assimilated the methodology and organization of the Study and had appropriated the first survey tools.

From November 26th to November 28th 2012, the research assistants had the opportunity to attend a public Conference on human trafficking, followed by a two-day workshop on the human rights approach to the trafficking of persons. This event, organized by the Office of the High Commissioner for Human Rights (OHCHR), the Ministry of Interior and the Center for Information and Documentation on Human Rights in Southeast Asia East and the Arab Region (Qatar), completed the training of research assistants on trafficking, but also raised a number of useful points relevant to the Study.

On November 30th and December 1st, 2012, some assistants were also able to attend an International Seminar on comparative experiences of shelters for women victims of exclusion and economic and social vulnerability, organized by the association Beity and UNFPA in Tunis. This allowed the research team to become familiar with aspects of assistance to people at risk of trafficking in Tunisia, as well as with the best practices in the region.

6. METHODOLOGY ADOPTED

The Baseline Study on trafficking in persons in Tunisia is the result of exploratory research for which qualitative information was collected. The results of this Study would be a baseline to further develop future research, to provide an analysis as sharp as possible of the phenomena of trafficking and their evolution in Tunisia.

The consultant developed a comprehensive research methodology, including details on the organization of the research team, the methods used to obtain information (literature, field observations, interviews, etc), and statistical analysis of the data collected. As mentioned earlier, this methodology was presented to and approved by the S.H.A.R.E Project Steering Committee, responding to a participatory process at all stages of the Study.

The research was based on the definition of trafficking in persons from the Palermo Protocol, on scarce data available on trafficking in Tunisia prior to the Study, and mainly on J/TIP Annual Reports on Trafficking in Persons globally, and on the empirical experience of local and international actors, including IOM Tunis. In order not to be limited to a group of individuals or a specific form of exploitation, the Study was interested in all different vulnerable groups (men, women, children) of Tunisian nationality or other, victims of exploitations such as the prostitution of others or any form of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs, on the national territory and abroad (for individuals of Tunisian nationality). The political, social, economic and cultural context in which trafficking in persons registered in Tunisia as well as the role of the Media and the private sector, were given special attention in order to address potential phenomena of trafficking in their respective contexts and complexity.

6.1 DOCUMENTARY RESEARCH

Throughout the Study, the documentary research focused on collecting data about the general context within which trafficking in persons could be developed in Tunisia. Particular attention was paid to the Tunisian political, economic and socio cultural context, to the rights of groups at risk of trafficking and to related topics with a possible direct or indirect impact on human trafficking.

Thus, for six weeks, three research assistants and their coordinator studied the political, economic and socio-cultural environment of the country, the status of women and children, the situation of Human Rights, migration flows and the situation of Migrants, organized crime, corruption, Media, etc. They used materials such as reports, studies, press articles, videos, stories, academic papers, available in English, Arabic and French, from the following sources: relevant Ministries, local NGOs, international organizations, service providers to victims of trafficking in persons (international, governmental or non-governmental organisms), regional and international human rights organizations, universities, organizations fighting against crime and corruption, Media, research centers and other.

The documentary search was also able to enrich its work through regular press reviews, prepared by IOM Tunis, about news focusing particularly on possible trafficking cases detected in the media in Tunisia. As noted later in this report, the Media played a key role in gathering information on trafficking in persons during the period of the Study, because they not only detected the alleged victims and trafficking networks operating in Tunisia and abroad, but also offered ways for reflection on the various forms of trafficking in the country and in the region.

6.2 FIELD SURVEY

The field surveys consisted of interviews with national and international actors acting in connection with the subject of human trafficking in Tunisia, with potential victims of trafficking and persons belonging to vulnerable groups at risk of trafficking. Actors interviewed were previously selected by the consultant, in coordination with IOM and the members of the Steering Committee on the basis of their experience and their knowledge of the field. Research assistants also contributed to the meeting of other participants relevant to the Study.

Over a hundred people from the public were briefly interviewed¹⁸ during the first days of the investigation, to allow assistants to capture the themes and tools of investigation, but also to gather general information for the Study, namely tracks on potential vulnerable groups and key places to

¹⁸The research assistants were tasked with interviewing ten people in their entourage and five individuals approached in the street.

consider during the investigation. The collected information was primarily used to determine the level of knowledge of the phenomenon by the population in the areas where they were interviewed.

Observation sessions in the street were organized all over the country, as there were strong suspicions about the exploitation of children by traffickers to sell small items on the streets of major cities. First line agents of the Ministry of Social Affairs from different regions largely contributed to the enrichment of the results of the Study through their testimony and detailed knowledge of the field. Other observations were possible, including places of illegal prostitution, public and known to all, but they were not organized for security and ethical reasons.

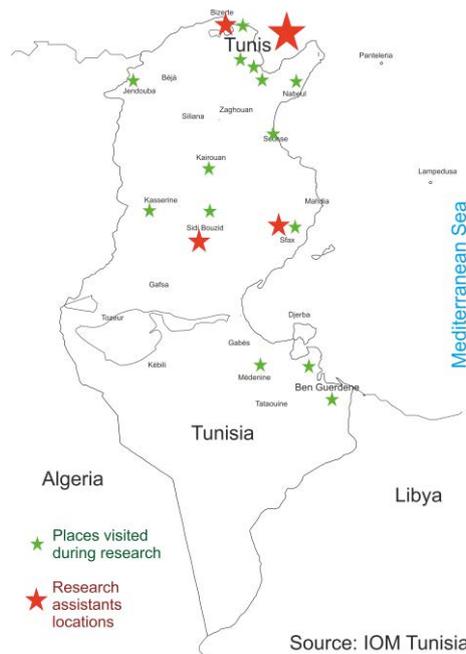


Fig 1 : Geographical distribution of the research team and the areas visited

6.2.1 INTERVIEWS

Structured and semi-structured individual interviews were conducted on the basis of interview guides developed for this purpose¹⁹. Seventy-seven interview guides were designed and customized according to the structure and function of the interlocutor. The guides, available in French and Arabic, enabled the collection of information on trafficking in persons, on vulnerable groups and their needs, on the services provided by the stakeholders; they determined their degree of satisfaction with them, their level of knowledge on human trafficking, financing structures, cooperation between actors, or training needs.

A questionnaire was created for the embassies and consulates based in Tunisia, to determine whether their nationals had been involved in cases of trafficking, pimping, pedophilia, smuggling of migrants, whether as victims, or accomplices or guilty party. Questionnaires, written in accessible French and English²⁰, were sent via email to a total of 28 embassies²¹ in Tunisia. Of all the institutions consulted, 10 percent responded.

¹⁹ Annex 2: Questionnaires for local NGOs

²⁰ Annex 3 : Questionnaire for Embassies and Consulates in Tunisia

²¹ Have been consulted the following embassies: Algeria, Saudi Arabia, Bahrain, Cameroon, Canada, Côte d'Ivoire, the United Arab Emirates, Spain, USA, Greece, France, Italy, Jordan, Lebanon, Libya, Mali , Malta, Morocco, Niger, Nigeria, Oman, Philippines, Qatar, the United Kingdom, Senegal, Chad and Turkey.

Besides, all IOM counter-trafficking focal points in the MENA region and Europe (including France, Italy, Germany, UK, Switzerland and Turkey) have been consulted by email, to see if they had assisted victims of trafficking or had been in contact with potential victims of trafficking in recent years.

In total, more than two hundred and twenty people were interviewed and consulted as part of the Study. The details of these actors are presented in Appendix 4. Among them are the following structures:

- **16 Members of the S.H.A.R.E project Steering committee**
- **42 national, regional and local structures from the Ministry of Social Affairs** based in the North (4) North East (23) North West (2) Center (4), Central East (4), Central West (4) and Southeast (1). These structures were dedicated to all vulnerable groups, including potential trafficking victims, regardless of gender, age and nationality.
- **5 Child Protection Delegates** the North (1) Northeast (2) Center (1) and Central East (1).
- **5 Heads of hospital wards, the CAMU (Centre for Emergency Medical Help) and SAMU (Emergency Medical Service Help)** in Tunis.
- **One member from a psychological assistance Centre** for Women Victims of Violence, the National Office for Family and Population (ONFP).
- **7 judges** referred by the Ministry of Justice, and **4 lawyers** in Tunis.
- **4 directors of detention centers namely:** Women's Prison of Manouba, two rehabilitation centers for children (boys and girls) and the Reception and Orientation Center for migrants in Tunis.
- **5 Heads of departments in the Ministry of Interior** dedicated to the repression of human trafficking and border control.
- **3 staff members working in brothels**, Tunis.
- **1 representative of the National Authority for the Fight against Corruption.**
- **3 trade unionists** of the Tunisian General Union for Labour.
- **23 associations from the civil society**²² distributed over six governorates in the North (1) Northeast (13) Northwest (1) Center (1), Central East (5) Southeast (2). Their themes related to the following areas: Children, Women, Migrants, Disability and Health, Humanitarian, Human Rights and Development.
- **2 civil associations** in France and in Italy dealing with the rights of migrants.
- **28 consular offices and embassies** based in Tunisia.
- **6 UN organizations** (including 2 external to the Steering Committee).
- **IOM counter-trafficking focal points** established in the MENA Region and in six European countries.
- **7 Media organizations from newspapers, television and radio.**
- **12 hotels** in Sousse (3), Nabeul (3), Medenine (3), Sfax (3), Tunis (3).
- **1 private bank** in Tunis.
- **1 representative of the Tunisian Financial Analysis Commission (CTAF).**

²²Thirteen of them are located at a national level. Half of the associations that responded to the question have a staff of over 20 people, a quarter has a staff between 1 and 4 and a quarter between 5 and 10 people. Over 70% of them have existed for more than 10 years and nearly 30% were created less than two years after the Revolution of 14 January 2011.

- **4 experts** on human trafficking, corruption, diplomatic relations and associations' financing.
- **1 representative of the Central Office for the Repression of Human Trafficking**, France.
- **12 Taxi drivers**, Tunis (9) and Sfax (3).
- **8 religious representatives** including six imams in Tunis, Sfax and Bizerte, and two priests in Tunis.
- **6 potential victims of trafficking** and **30 people from vulnerable groups** (migrants, refugees, rejected asylum-seekers, unaccompanied migrants, female students, and single mothers).
- **8 traffickers**, six of which are intermediates for domestic exploitation of minors under 16 years of age, two procurers (one in activity, and one incarcerated).

Visits to places of detention were essential in the context of research on human trafficking, as they can accommodate victims incarcerated for a crime they were forced to commit under exploitation (eg, prostitution, begging, theft, drug use, border crossing, and lack of residency documentation). Exceptional visits were made possible through the support of the Ministry of Justice and Ministry of Interior. The research team was able to visit the Women's Prison, rehabilitation centers for minors (boys and girls), the Reception and Orientation Centre for migrants, and brothels in Tunis, in order to question their staff and individuals therein detained or employed and possible victims of trafficking.

6.2.2. OBSERVATIONS

A series of observations were carried out in the streets of Tunis, Ben Arous, Bizerte, Sfax and Sidi Bouzid, the Tunis-Carthage airport and near an agricultural field in Bir El Haffey, near Sidi Bouzid. Research assistants were tasked with observing people working or begging in the street and getting information about their working conditions, their physical appearance²³ and the environment surrounding²⁴ them.

The instructions given were strict in order to ensure the safety of the observed persons (potential victims) as well as the research assistants themselves. The measures included not to attempt contacting potential victims, not to ask direct questions if victims came forward, not to be more than two people in the place of observation, not to stay more than two consecutive hours a day in the same place, not to stare and not to talk about the subject of the Study during the observation.

During these observation sessions, a number of suspected cases of trafficking including children and people with disabilities were detected and referred to the public institutions, as it will be explained in more detail in Chapter III of this Report.

6.3 FOCUS DISCUSSION GROUPS

Four focus discussion²⁵ groups of half a day were held in the final phase of fieldwork. They aimed to make recommendations to the participants about prosecution²⁶ (1), prevention (2) and victim protection (3). A fourth panel of discussion on the role of the Media vis-à-vis human trafficking was also held.

²³ Facial expressions, apparent state of health, clothes' aspect, etc...

²⁴ Potential danger, people watching them, objects suppliers, people approached, etc...

²⁵ See Appendix 4 : Participants in the Focus Discussion Groups.

²⁶ The Ministry of Interior has been consulted on its recommendations for law enforcement during an interdepartmental meeting held specifically for the study in which seven officials participated.

These groups not only helped to make relevant recommendations for the Study, but also to gather information on cases of trafficking in persons, the needs of the actors as well as the strengths and weaknesses of the governmental and non-governmental response in preventing and fighting human trafficking and protecting its victims. The participants were from the Ministries, organizations from the Tunisian civil society and international organizations, to ensure a balanced representation between the different actors.

The focus discussion group on the Media gathered journalists and producers from different Tunisian Media (Press, television, Internet news sites). Despite a fairly large meeting, very few of them were present due to the amount of breaking news and events during this early period of the year, following the second anniversary of the Tunisian Revolution²⁷. However, discussions in a reduced committee permitted to go further in the analysis of the media situation in Tunisia and draw relevant conclusions and lessons for the Study, which are presented in this report.

6.4. IOM DATA PROTECTION PRINCIPLES AND CONFIDENTIALITY OF INFORMATION

Data protection is the systematic application of a set of institutional, technical and physical safeguards used to protect the right to privacy when it comes to collect, store, and use and disclose personal data. In the absence of adequate safeguards, personal data can be used for reasons unrelated to the original purpose, that the involved individuals are not aware of and contrary to their expectations.

Thus, the IOM strategy for the management of personal data is to protect the confidentiality and anonymity of individuals through a series of data processing. IOM has therefore set rules on how to protect the personal data that supports migrants, including victims of trafficking and persons interviewed in the course of research and investigation. These rules are published in the IOM Data Protection Principles²⁸, and were followed by the research team to ensure, to all respondents without distinction, the respect of their privacy and their security.

7. STUDY LIMITATIONS

The vast majority of limitations that could hinder the smooth conduct of the Study or bias it, was planned in advance and could thus be avoided. The initial lack of knowledge of the actors interviewed for trafficking could be problematic for the investigation, but was limited due to the inclusion of the definition of trafficking²⁹ in the interview guides with systematic verification of the correct understanding of this definition by the interviewee. The translation of the interviewing guides in Arabic or the use of interpreters, when needed, permitted to adapt to different interlocutors throughout the Study. Despite these efforts, the research team faced other limitations, as described below that sometimes prevented further collection and analysis of data.

7.1. DURATION AND TIME OF STUDY

The time allotted to the Study and the current political situation in Tunisia did not allow all the parties sought to answer the questions or interview requests that were sent to them, because, among other factors, trafficking in persons seemed not to be a priority for Tunisia at that moment.

²⁷ The meeting with journalists was completed on January 15, 2013.

²⁸ IOM, *Data Protection Principles*, IN/00138, May 2009.

²⁹ The definition has been simplified compared to the version of the UN Protocol on Trafficking in order to ensure proper understanding by the interviewee.

Besides, some key stakeholders could not be directly reached, such as agents dealing with the public in matters of customs or immigration, or the Tunisian diplomatic missions abroad, to cover the issue of possible victims of Tunisian trafficking abroad.

However, information could be gathered from the Ministries of Interior, Social Affairs and Foreign Affairs, as well as from the Central Office for the Repression of Human Trafficking, and associations dealing with the rights of migrants in France and Italy, in order to complete the missing information. The consultation of the IOM missions in the MENA region and Europe helped to confirm or deny the information obtained on possible trafficking networks involving Tunisia, as well as on the victims detected and assisted by the Organization.

7.2. GEOGRAPHICAL COVERAGE OF THE FIELD SURVEY

As part of this first *Baseline Study on trafficking in persons in Tunisia*, it was important to be as comprehensive and representative as possible, by covering the entire Tunisian territory at the completion of the investigation. It was also one of the main demands of the Tunisian government itself, expressed in various meetings of the Steering Committee.

However, the geographical distribution of the research assistants, mainly based in Tunis, largely limited field surveys of key stakeholders in interior governorates. Thus, few actors were interviewed in the interior regions. Moreover, we received few responses from local associations, which are not well developed in the regions.

Nevertheless, the social and cultural characteristics and disparities at the regional level were taken into account during interviews with the actors at the regional and national levels, and in the context of documentary research. To overcome these difficulties, information on vulnerable groups and potential victims was collected from the staff of the Ministry of Social Affairs, which is at the forefront in all regions.

7.3. AVAILABLE INFORMATION ON TRAFFICKING

According to the research carried out in the framework of the Study, there are two computerized databases on trafficking in Tunisia. One, which we could not have access to, is managed by the Ministry of Interior, the other by the IOM. Civil society organizations on the other hand had no statistics on trafficking in persons. This extremely limited statistical information hindered the presentation of quantitative data in this report.

In addition, relevant databases exist within the Ministry of Women and Family's Affairs, or the Ministry of Social Affairs, but they contain partial information that does not allow concluding systematically to cases of trafficking.

Finally, one of the other obstacles encountered during the Study was the lack of information available on the profile of traffickers and their *modus operandi* regarding the recruitment and exploitation of victims. Indeed, even governmental and non-governmental agents working directly with economically and sexually exploited persons, who can actually be victims of trafficking, are not always able to specify if they were coerced or not by their exploiter. For these reasons, thorough studies need to be undertaken later for more information on the nature of the link between exploiters and exploited.

7.4. INTERVIEW CONDITIONS WITH POTENTIAL VICTIMS OF TRAFFICKING

Interviews with victims of trafficking are essential for maximum accurate information on their profile and their traffickers, on the *modus operandi* from recruitment to exploitation of the victims, or on the role played by some actors and factors in the development of human trafficking. However, these interviews were difficult to obtain due to the small number of victims identified as such and willing to talk about their exploitation. Fear of reprisals from their traffickers is a major obstacle to the testimony of victims of trafficking. Besides, interviews with them are not easy to carry out. Indeed, some victims do not recognize themselves as such, and others are too psychologically and physically fragile to deliver accurate information about their life history. There are also strict ethical obligations.

Despite these difficulties, interviews with potential victims of trafficking were carried out within the framework of the Study. Many of these meetings were organized with the support of members of the Steering Committee, namely the Ministries of Justice and Interior.

Although the very limited duration and conditions of these interviews failed to establish the necessary climate of trust, or to examine a large number of alleged victims in the various places visited, evidence concluded to possible cases of trafficking, as will be developed in Chapter III of this Report.

8. DISSEMINATION OF THE INFORMATION

This Report is intended for the general public and national and international actors involved in counter-trafficking in Tunisia and the region. Dissemination of the information contained in this document will raise awareness, inform and mobilize the necessary resources to prevent and fight trafficking and to better identify and protect victims.

The Media are strongly encouraged to share the information contained in this report and to monitor and relay public policies and actions of civil society and international organizations related to human trafficking in Tunisia.

This first collection of information on trafficking in Tunisia can serve as a basis for further studies on the issue. Universities and government research centers such as the Center for Research, Studies, Documentation and Information on Women (CREDIF) or the Center for Legal and Judicial Studies (CEJJ) are in this sense allies relevant for deepening reflection on trafficking in Tunisia and the launch of new tracks for research.

It is finally strongly recommended that data on human trafficking revealed in this report be listed as part of the creation of a statistical database on trafficking in Tunisia, which could eventually be administered by the future National Commission against Trafficking in Persons³⁰.

³⁰ Instance whose creation is planned in the draft law against trafficking in Tunisia.

II. GENERAL CONTEXT OF TRAFFICKING IN PERSONS IN TUNISIA

To fight effectively against trafficking in persons, it is important to understand it in all its dimensions. For this, the Study of the political, economical and socio-cultural contexts in which it fits is essential. This allows us to understand the roots of trafficking in identifying factors and actors that encourage, or not, its development, as well as groups vulnerable to trafficking and niches for traffickers. Once this analysis is achieved, it is up to the countries to implement specific programmes to reduce the vulnerability of individuals at high risk and to limit the scope of action of human traffickers.

Human trafficking is a complex phenomenon that can be approached from several angles. Its approach can indeed be focused on Human Rights, gender mainstreaming, violence against women and children, migrations, or public health³¹. In connection with these different approaches, some topics are frequently discussed when one is interested in human trafficking. These include transnational organized crime, corruption, which encourages the perpetration of the crime, or prostitution. It was important, in the context of this Study, that all these elements be designed for reflection and analysis.

1. PRESENTATION OF TUNISIA



Tunisia is a democratic republic of 162,155 km² which has 10.7 million inhabitants. It is located in the Arab Maghreb, North Africa and shares borders with Algeria to the West and Libya to the Southeast. In the North, the Mediterranean Sea borders the country and separates it by one hundred and forty kilometres from Europe, via the Channel of Sicily. The geographical position of Tunisia makes it a junction point between the Arab world, Africa and Europe. It is a key country in the Mediterranean in terms of geopolitics, economic and cultural exchanges.

Tunis is the capital of the country and Sfax, Gabes, Sousse, Kairouan and Bizerte are the major cities. The official language is Arabic, and French is spoken, read and written by the great majority of Tunisians. The major religion is Islam (98 percent).

The life expectancy in Tunisia is 74.7 years, and the human development index is of 0.698 (94th)³². The literacy rate is of 77.6 percent. Sixty-six percent of Tunisians live in the urban centers, particularly in coastal areas. In 2011,

Tunisians aged less than 14 years were estimated at 23.2 percent of the total population, those between 15 and 64 years were 69.3 percent of the population and 7.5 percent were aged 65 and more.

Tunisia's History dates back to the Caspian prehistoric period and the Carthaginian ancient civilization. Representing a strategic country due to its position at the heart of the Mediterranean basin, Tunisia passed, in turn, under the domination of the Romans (164 BC.), Byzantines, Arabs (from the seventh century), Spain (1535) and the Ottoman Empire (1574). It became a French

³¹Physical, mental or social health. On these issues, see the document: *Caring for Trafficked Persons, Guidance for Health Providers*, IOM, 2009.

³² PNUD, 2011.

protectorate in 1881 until its independence in 1956. This paved the way to the presidency of Habib Bourguiba, marked by the development and modernization of the country, then to President Ben Ali's regime. 14 January 2011 was a turning point in the contemporary history of Tunisia: through the "Revolution of dignity", Tunisians stepped into a new democratic transition.

2. POLITICAL, ECONOMIC AND SOCIO-CULTURAL ENVIRONMENT AND OTHER FACTORS THAT MAY INFLUENCE THE DEVELOPMENT OF TRAFFICKING IN TUNISIA

The trafficking phenomena fall within a political, economic and sociocultural environment that needs to be analyzed in order to prevent them. In Tunisia, political instability since 2011, lack of access to employment, social marginalization and growing economic inequalities are the factors that made individuals more vulnerable and favored the development of exploitative situations. It is therefore important to look at the new Tunisian context, in light of the post Revolution situation.

2.1. POLITICAL SITUATION

The political instability of a state is favorable to the development of trafficking in persons, both nationally and internationally. Tunisia is currently at a crossroads and political stability is not yet quite assured. It is important, therefore, to be attentive to the evolution of the political situation, in order to accompany appropriately the development of public policies on trafficking in Tunisia taking into account that the process dates back prior to the Revolution.

The Revolution of 14 January 2011 ended the regime of President Ben Ali and sparked the Arab Spring in the region. Born of a popular uprising, the Revolution was fueled by social demands based on access to employment, dignity, development, equitable distribution of wealth, the elimination of social marginalization and corruption.

Tunisia is now engaged in a process of institutional reform and democratic transition. The Constitution of 1959 was repealed, and the National Constituent Assembly (NCA) elected in October 2011 is tasked to develop a new constitution for Tunisia³³. A transitional government elected by the people and represented by a tripartite³⁴ coalition is currently leading the country. The murder of an opposition figure in February 2013 revived tensions between political parties and led to the resignation of the Prime Minister³⁵. The next elections are scheduled for the autumn 2013, but this date is to be confirmed according to the work in progress of the ANC regarding the Constitution.

The new Constitution is a major challenge for the future of the country and has been the subject of much debate. It addresses issues such as the future system of government (parliamentary, presidential or a combination of both), the controlling forms of the three powers, the role and structure of the judiciary, human rights issues, and the relationship between religion and the State. Sensitive debates have arisen about women's role vis-à-vis men ("complementarity" versus "equality"). These debates should be closely monitored in order to better understand the development of public policies in the fight against human trafficking, based on the interaction of gender.

³³The initial objective of drafting a Constitution in a maximum period of one year has not been achieved.

³⁴Reuniting a moderate Islamist party, Ennahda, and two secular parties: Ettakatol (Democratic Forum for Labour and Liberties - FDTL) and the Congress for the Republic (CPR).

³⁵A new consensus government was created on March 8, 2013.

2.2. ECONOMIC, SOCIOCULTURAL AND HEALTH CONTEXT

In many cases, economic and social problems are at the root of instances of trafficking, as these factors can increase the vulnerability of people, especially women, youth and children, plagued by unscrupulous human traffickers. This includes the cultural acceptance of children in situations of forced labour, including domestic servitude.

Tunisia is currently affected by major economic difficulties at a time of global crisis that has undermined its main European partner countries (France and Italy). Also, the recovery of the Tunisian economic growth seems rather slow even if, subject to a normalization of the political situation, an improvement is expected in the year 2013.

Regions inside Tunisia still suffer from inequalities in employment, access to education and health care, and purchasing power and cultural activities. According to a national report on the achievement of the Millennium Development Goals (MDGs), significant differences existed between the rural West and urbanized East in 2004. The report also refers to a significant lack of development in the governorates of Kasserine, Sidi Bouzid, Tataouine, Kairouan and Siliana, compared to the rest of the country, the issue of unemployment and access to employment in those governorates remain daunting, especially for young people. Thus, the unemployment rate varies between 31 percent and 48 percent among graduates, against 23 percent at the national level; indeed the fact that young people graduate doesn't necessarily facilitate their employment. As a consequence, it doesn't prevent them from being victims of trafficking in Tunisia or abroad. The cultural offer is also lower in the interior regions, thus depriving their citizen access to knowledge and entertainment as part of their basic rights.

Due to the lack of stable markets and job opportunities in the formal sector, more and more people are employed in the underground economy, which would represent 85 percent of Tunisian³⁶ companies, according to the Tunisian Union of Industry, Trade and Handicrafts (UTICA). A recent survey by the National Institute of Statistics (INS) suggests that informal employment represents 42 percent of total employment in Tunisia, absorbing a very important part of the labour force mainly in trade and services³⁷. This situation endangers many Tunisians, and increases the risk of exploitation.

At the social level, 15.5 percent of Tunisians were under the poverty threshold in 2010 and 4.6 percent below extreme poverty³⁸. Children and women are usually the most affected by poverty, as it exposes them to the lack of schooling, work at a young age and a precarious situation.

The social, economic and cultural difficulties can push people to leave their area and go to the big cities, and even to leave their countries in search of better opportunities, without preparation or the necessary information for local integration and protection from trafficking networks. Thus, since 2011, there has been an upsurge in international migration of Tunisians to Europe or to other destinations in the region, in particular the Gulf countries and Libya. Since the recovery of the Libyan economy in 2012, many Tunisians returned³⁹. Most of these economic migrants are 18 to 30 year old men, but statistics show a notable increase of young women among them. These migrants, on arrival at their destination, are vulnerable to various forms of exploitation. Also, the growth of internal migration and in particular the increasing number of children from inland areas, left to themselves in the Tunisian big cities, is even more worrying because they are extremely vulnerable to trafficking in persons.

³⁶ 524,000 companies out of a total of 616,000 would be extralegal.

³⁷ "Development of informal sector in Tunisia: A trompe-l'oeil liberal policy" DUCHENE Gérard et SEGHIR Sonia, 2007.

³⁸ "Budget Survey, consumption and living standards of households in 2010," National Institute of Statistics in collaboration with the African Development Bank and the World Bank.

³⁹ The study "Migration of Tunisians in Libya: dynamics, challenges and prospects" developed by the IOM (2012), reveals that 70% of Tunisian migrant workers who fled the crisis in their country in 2011, wished to come back and work once the situation was stable again, and in 2012, 40% of them had already done so.

The Tunisian health-care system is public, widely accessible and universal. In principle, access to health services in Tunisia is based on a reference network in three levels through its 24 regions: a) primary-health centers (Basic Health Care Centers) and local hospitals (district hospitals); b) Regional Hospitals; c) University Hospital (University Hospital Centers). The system of health care is also essentially public: 87 percent of beds are in public hospitals and 13 percent in private clinics. On average, Tunisia has almost as many doctors per capita as Turkey⁴⁰. However, there are many disparities between regions⁴¹ and between the different social classes. Although the Programme of free medical assistance to the poor (PFMAP), funded by the government, has been extended with the Revolution to about 27 percent of the population, there is a number of challenges and significant gaps in the effectiveness of the programme where the poorest are the least targeted⁴².

The lack of access to health care for all can have an impact on human trafficking for organ removal. For that purpose and within the framework of the Study, research was conducted on the process of organ donations and transplants in Tunisia. The findings are presented in Chapter III and indicate that all conditions are met in the country for patients awaiting transplantation to have access to medical treatment, supported 100 percent by Social Security, and the certainty of being chosen on purely medical criteria. This would hinder the development of networks connected to organs traffic in Tunisia, though numerous in the region.

Despite the development of structural public policies since 2011, many Tunisians are still waiting for solutions to their socioeconomic problems, and it seems to them that the fruits of the Revolution are slow to come. In this context and in recent months internal regions were the scene of more or less violent manifestations, expressing the disappointment and insecurity of the citizens. The inter-institutional fight against regional disparities⁴³ must be at the heart of policies to prevent trafficking because this environment is detrimental to vulnerable groups.

2.3. CONTEXT OF HUMAN RIGHTS

Human trafficking is a gross violation of human rights. That is to say political and civil liberties, such as the prohibition of slavery and forced labour, protection against torture and discrimination, but also economic, social and cultural rights, including the right to work with an appropriate remuneration, gender equality, protection of the family, of the mother and child, the right to an adequate standard of living, to enjoy the highest attainable standard of health, the right to education and taking part in cultural life. There is no order of priority between these rights. All are needed to ensure a stable environment in which the crime of human trafficking does not occur.

Tunisia ratified almost all international and regional instruments relating to Human Rights, many of which refer to the elimination of all forms of slavery or trafficking. After the Revolution, it opened its doors to all the special procedures, including UN or regional Special Rapporteurs, to demonstrate its commitment to human rights.

⁴⁰The density of doctors in 2007-2008 is of 1.1/1000 inhabitants in Tunisia, and 1.5 Turkey.

⁴¹According to a report from the Ministry of Health in 2011 and the figures of the *OECD Indicators 2009* (Table 3.2.1) of the Organization for Economic Cooperation and Development (OECD), there is a large disparity between the capital Tunis where the physician density is 3.3 (which is comparable to Germany) and some interior regions (Eg only 0.2 Tozeur). Note, however, that a survey conducted in 2012 by NSI and UNICEF showed a marked improvement in health indicators in the three governorates of the Center-West.

⁴² Consolidation and Transparency: Transforming Tunisia's Health Care for the Poor, UNICO studies Series 4, The World Bank, Washington D.C., January 2013.

⁴³The Tunisian government and the United Nations Framework Plan for the Development Assistance to Tunisia (UNDAF), launched a joint programme on Regionalization of MDGs in Tunisia to support the development and adoption of a local strategy development aimed at improving the capacity of local and central governments to identify challenges and develop appropriate policies. The Joint Programme is conducted under the leadership of UNDP, in partnership with other UN agencies such as UNICEF, UNFPA and IOM.

At the national level, governmental structures have been strengthened in the sense of a larger respect of Human Rights in Tunisia. Thus, in 2012, a Ministry of Human Rights and Transitional Justice (DHJT) was created, in addition to the Higher Committee for Human Rights and Fundamental Freedoms, established in 1991 as an autonomous institution to ensure respect for Human Rights by the Government in Tunisia. In recent years, Tunisian civil society has been particularly dynamic on Human Rights issues organizing awareness raising campaigns for public in general as well as advocating actions with public institutions.

Finally, the NCA seeks to integrate Human Rights and individual freedoms in the context of the drafting of the new Tunisian Constitution. While members of the NCA are still divided on the role of international instruments on Human Rights in this fundamental text, civil society plays its role of pressure for the entrenchment of these tools in their universality, and for the principle of equality between men and women.

2.4. RIGHTS AND SITUATION OF WOMEN

Worldwide, women represent the majority of trafficking victims identified by international organizations⁴⁴. They are mainly exploited for sexual purposes, which is one of the worst forms of gender-based violence. It is therefore important to try to analyze the trafficking in persons across the gender perspective and to look at the situation of women in Tunisia to understand the different types of exploitations they could undergo, just because they were born females.

The principle of equal rights between men and women in all areas was endorsed by the Tunisian Constitution of 1959. According to national experts like CREDIF, Tunisian women have a privileged position compared to many other women in the Arab world. However, in practice, gender equality is not yet consecrated, especially within the family. For example, responsibility for children rests primarily with the father and the woman can exercise the prerogatives of guardianship. She becomes full-fledged guardian only in case of failure or death of the father. Women cannot have equal inheritance under the Personal Status Code, which recognizes women as half the share of men.

The status of women remains lower than men in the labour market and in public spaces. Thus, Tunisian women are affected by regional disparities at the economic and social levels. Article 5 (a) of the Labour Code stipulates that after the amendment under Law No. 66 of 1993 dated July 5, 1993: "There should be no discrimination between men and women." Yet, in many sectors, wage inequalities remain. In the agricultural sector, for example, women earn up to half as much as men. Tunisian women also suffer from a literacy rate 15 percent lower than men and are less likely to continue their studies, although they get better marks than men in this area. Entering the labour market is more difficult for them, which makes them vulnerable to poverty and various forms of exploitation. Finally, young girls in some marginalized areas seem destined to become domestic workers from an early age and remain there throughout their life cycle.

The consideration given to women and their rights is an important indicator to better understand the development of certain cases of exploitation. In this sense, it is necessary to pay attention to violence against women, which sometimes weakens women in an irreversible way, by making them more easily manipulated and exploited, which partly reflects the cultural perception of the woman in society. According to a recent ONFP⁴⁵ Study, 47 percent of women aged 18 to 64 report having experienced at least one form of physical, psychological, sexual or economic violence in their lives. The perpetrators are part of the private sphere of women (husband, fiancé or boyfriend).

⁴⁴ An analysis of individuals around the world who receive IOM support reveals that women represent 62% of assisted trafficking victims. Although IOM assistance data further shows that an increasing number of men have been assisted in the past few years.

⁴⁵ Study on Violence against Women, ONFP, 2010.

Nevertheless, there are few shelters or accommodation provided by the state or civil society for women victims of violence in Tunisia, as will be discussed in Chapter IV. However, the problem should be addressed in order to best defend the rights of women, including victims of trafficking.

Stigma is also a vulnerability factor to trafficking, as it classifies people who are victims to a lower rank, and respect of their basic human rights is no longer considered necessary. In Tunisia, single mothers are highly stigmatized and need a stronger legal framework to support them, as well as their children born out of wedlock. Some of them even risk their lives by announcing their pregnancy to their families, who consider sex outside marriage as a familial offence. Marginalized and isolated, these young women, sometimes minors, are subject to various forms of exploitation in attempting to meet the needs of their child.

From a legal point of view, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified by Tunisia in 1985, and its Optional Protocol in 2008. The Cabinet of the Transitional Government adopted on 16 August 2011, a decree on the withdrawal of reservations⁴⁶ the Tunisian government made in 1985. Nevertheless, they kept the general statement that the Tunisian Government will not adopt, under the Convention, "any administrative or legislative decision that would likely go against the provisions of Chapter I of the Constitution." However, this decree cannot be applied to date, because no official letter has been sent to the UN General Secretary, who is the depositary of multilateral treaties, following the procedures⁴⁷.

In parallel to these efforts for the rights of Women, legislative reforms at the national level were implemented: they include the law of February 2008, which strengthened the right to housing for divorced mothers with custody of minor children, the law on the harmonization of the age of marriage (18 years for men and women) and the law on tax exemption on donations. Two important laws adopted in 1998, significantly strengthened the rights of women: the law of the surname of natural or abandoned children⁴⁸ and the law organizing the regime of community of property between spouses⁴⁹.

2.5 RIGHTS AND STATUS OF CHILDREN

Children are one of the most vulnerable populations to trafficking. Globally, they represent a significant proportion of victims and are exploited for commercial sex, forced labour or for their organs⁵⁰. It is the responsibility of States to protect Childhood with a comprehensive legal framework, a flawless law enforcement and implementation of comprehensive development policies that will ensure a stable and prosperous future to these future adults.

⁴⁶Reservations were expressed with regard to Articles 9, 15, 16 and 29. Art 9. Article 9 recognizes the same rights for both parents to give their nationality to their children. Article 15 deals with provisions concerning the right of women to choose their residence and domicile, which must not be interpreted in a manner that would violate the provisions of Articles 233 and 614 of the Personal Status Code, which relate to the same question. Tunisia does not consider paragraphs c), d), f), g), h), Article 16 goes against the provisions of the Personal Status Code concerning the granting of family names to children and the acquisition of property by inheritance. Source: UNFPA, "The withdrawal of reservations to CEDAW but not the maintenance of the general statement. Tunisia" 2011.

⁴⁷See Handbook of the UN General Secretary (ST/LEG/7/Rev.1) and Repertory of Practice of UN Organs (Volume V, New York, 1955, and Supplements 1 to 6).

⁴⁸Act No. 1998-0075 of 28 October 1998 on the allocation of a name to abandoned children or those of unknown parentage such as amended by Law No. 2003-0051 of 7 July 2003.

⁴⁹Law No. 98-91 of 9 November 1998 on the regime of community of property between spouses.

⁵⁰According to the IOM, a third of the victims assisted by the Organization globally are under 18 years. This figure has been growing for a decade, due, among other things, to the increased migration of unaccompanied children in some parts of the world.

In Tunisia, Childhood has, since the Independence in 1956, a place in the social policy of the country. Despite numerous provisions and protective legislation, the situation of some children, particularly those from poorer regions, remains a concern. Early child labour is often a solution for poor families to meet their needs. The Multiple Indicator Cluster Survey MICS 4 Tunisia conducted in 2012 by the National Institute of Statistics with support from UNICEF and UNFPA shows that 3 percent of 5-14 year olds are engaged in child labour. This proportion is higher in rural areas where 5 percent of children aged between 5 and 14 years are engaged in work, against 2 percent in urban areas. International organizations and civil society on the other hand found a number of cases of exploitation of children in begging, sex tourism or domestic work. This Study focused on the cases of exploitation and trafficking, all sectors merged (see Chapter III).

Street children⁵¹ and those living in the street are groups at risk of trafficking and need to be protected. Since the Revolution, their number has increased according to international organizations. To explain this phenomenon, the majority of sources suggest the impoverishment of families in interior regions, which makes children go to big cities to provide for themselves. All, however, are subject to numerous risks and serious accidents have already been identified by the staff of the Ministry of Social Affairs. In 2007, the Ministry also conducted a Study on the psychological and social characteristics of children in the street with a sample of 592 children. More than 85 percent are boys and 8.11 percent are considered illiterate. More than a quarter of them do not have a place to live and 17 children (2.9 percent) live continually in the street and are called street children by UNICEF. Children often live in parks, near bus stations and other public transport. This makes them particularly vulnerable to exploitation by third parties on the national territory or abroad, since 65.7 percent already thought of escape or illegal immigration. More than 62.4 percent of the children surveyed said they already had paid sexual relationships without specifying whether they were forced by a third party. Anyway, prostitution at an early age tends to favor the subsequent risk of forced prostitution and therefore of human trafficking.

Moreover, children born out of wedlock face other problems: there are about 1,000 of them each year in Tunisia and nearly half of them are placed temporarily or left by their mother⁵². These mothers, like their children, are vulnerable because of the stigma attached to them. The National Institute of Child Protection's (INPE) mission is to support children aged from one day to six years⁵³, who are temporarily or permanently abandoned, and children at risk (temporarily).

As explained in Chapter IV of institutional responses in Tunisia, measures are taken to support these vulnerable groups in specialized centers. Legal mechanisms for the placement of children also exist in Tunisia, so that mothers do not give up their unwanted children to strangers who could exploit them. Approximately 40 percent of children are recovered by the biological family. Four SOS villages are intended for children destined to be picked up by their families. However, important challenges exist to identify victims of trafficking. Only 20 percent of the Child Protection Delegates interviewed during the Study, as first line actors to detect trafficking situations among children, admit having been trained on how to identify them.

In terms of international law on minors, Tunisia ratified the Convention on the prohibition of the worst forms of child labour and an immediate action for their elimination (ILO Convention No. 182); the Convention concerning minimum age for employment (ILO Convention No. 138), with a reserve and a declaration⁵⁴; the Convention on Child Rights, Articles 11, 19, 32 34 and 36⁵⁵; the Optional

⁵¹It is worth mentioning here that at present, Tunisia is one of the few countries in the region little affected by the problem of street children, that is to say children who work, live and sleep in the street.

⁵²Source: UNICEF Report 2011.

⁵³More than 70% of INPE registered children are infants.

⁵⁴The minimum age specified in pursuance of Art. 2 al. 1, is 16 years. Decree No. 96-190 of February 5th 1996 (JORT. No. 13 of 13 February 1996) Source: Centre for Legal and Judicial Studies.

Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and the Protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict. At the regional level, Tunisia is a signatory of the African Charter on the Rights and Welfare of the African Child.

At a national level, the enactment in 1995 of a Child Protection Code⁵⁶ is the central reference of the Tunisian commitment to the respect of the child's rights. Its basic principles are the best interest of the child, keeping the child in their family environment, reporting any situation of a child in physical and moral danger. Since then, a series of laws helped advance the legal framework for children, for example by acting on the situation of children born out of wedlock, from broken families, or those who are disabled. These include the aforementioned law concerning the attribution of a surname to abandoned children or those of unknown parentage⁵⁷, and measures concerning the joint responsibility of the spouses to ensure payment of alimony after a divorce; the law relating to paternity testing by DNA; or the law on the promotion of people with disabilities that ensures, in particular, equality of chances between disabled children and other children.

As to laws relating to offenses in trafficking in children, the Tunisian Criminal Code developed aggravated penalties for perpetrators of violence against children, in particular for the sexual exploitation and economic offenses of children, abuse and kidnapping, diversion or displacement of Children (Law No. 95-93 of 9 November 1995) and drug-related offenses (Law No. 95-94 of 9 November 1995).

2.6. RIGHTS AND STATUS OF WORKERS

Where the laws and conditions of the labour market are favorable to workers as well as employers, traffickers see their opportunities to exploit others reduced considerably. As part of the *Baseline Study on trafficking in persons in Tunisia*, research has focused on the general situation of the labour market in Tunisia, on the legislation of labour law for Tunisians (adults and children who have reached the legal age to work) and migrant workers, on the implementation of this legislation by the government (through labour inspectors) and on the importance of trade unions.

As stated previously, an increase in social demands arose since the Revolution of 14 January 2011. Workers are demanding better access to employment, working conditions and worthy earnings, which seems difficult given the size of the informal sector in the country. Women, children (and particularly children who are of legal age to work) and foreign workers are particularly vulnerable to abuse by their employers.

At the international level, workers in Tunisia are protected by ILO instruments such as the Convention concerning forced or compulsory labour, as amended by the Convention for the revision of final clauses (Convention No. 29), sections 1 and 4; the Convention on the Abolition of Forced Labour (Convention No. 105), sections 1 and 2; the Convention concerning Labour Inspection in Industry and Commerce (Convention No. 81); the Convention on discrimination in employment (Convention No. 111); the Convention on equal treatment in labour accidents (Convention No. 19) and the Convention concerning Equal treatment in social security (Convention No. 118). However, Tunisia has not signed the Convention on Private Employment Agencies (Convention No. 181) of the ILO nor the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1990. Tunisia is ultimately not a signatory of the recent Convention No. 189 on Domestic Workers, June 2011.

⁵⁵With withdrawal of a declaration and a reservation from the declarations and reservations attached to Law No. 91-92 of November 29th1991 on the ratification of the UN Convention on the Rights of the Child. Approval: Law No. 2001-84 of August 1, 2001 Source: Cit. Op.

⁵⁶95-92 Law of 9/11/1995), Article 2. Source: Centre for Legal and Judicial Studies.

⁵⁷As amended by Law No. 2003-0051 of 7 July 2003, Source: Cit. Op.

At the national level, workers' rights are regulated primarily by the 1966 Labour Code, revised in 1996, the Constitution, the sectorial collective labour agreements and finally some laws and decrees. Tunisian Labour Code applies to institutions of industry, commerce, agriculture⁵⁸ and their dependences of any kind, whether public or private, religious or secular, even if they are of a professional or charitable⁵⁹ type. It regulates the formation of labour relations, work performance, employee representation in business, labour inspection, individual conflicts at work, and the penalties for violations of rules and special provisions⁶⁰. The Tunisian General Labour Union (UGTT) is the major workers Union in Tunisia. It has 800,000 members, a third of the Tunisian active population. Active in all the sectors, UGTT has a great knowledge of the field and a large mobilization and awareness raising capacity on workers' rights.

The work of domestic employees is governed by the law 65-25 of 01/07/1965 on the situation of domestic workers (amended on 4/4/2005 to prohibit the employment of children under 16, versus 14, years ago). This law is intended to be very protective of the employee, but remained virtually unimplemented since its enactment. There are now very young girls (age 6) employed in houses.

The legal age for children to start working is 16 years (except special exemptions by the Labour Code), except for child labour in schools of general, vocational or technical education, and other training institutions (apprentice). For light agricultural works, harmless to the health, the legal age of working children is lowered to 13 years. This provision is an open door to many abuses. Children under 18 may not be employed in all activities (except for certain non-industrial work) unless they undergo thorough medical examination (X-rays and laboratory analysis) proving their ability to work. This examination should be performed free of charge by the doctor. Children under 14 should not be employed at night for a period of at least 14 consecutive hours (between 20h and 8h), and those aged over 14 and under 18 years during a period of at least 12 consecutive hours (between 22h and 6h)⁶¹.

As of foreign workers, their condition is regulated by the law of 8 March 1968 on the status of foreigners in Tunisia. Their employment is subject to thorough preconditions of procedure, which can be restrictive. Art. 263 of the Labour Code states that: "The foreign worker has the same rights and the same obligations arising from labour relations and applicable to Tunisian workers." This recognition is still limited and the implementation of the principle is difficult to apply.

2.7. RIGHTS AND SITUATION OF MIGRANTS IN TUNISIA

Generally, migrants, especially irregular ones, are among the groups that should be considered in the assessment on trafficking in persons, as they are vulnerable. In Tunisia, there are several categories of foreigners. Among them, illegal economic migrants, asylum-seekers and unresettled refugees coming from Libya after the conflict of 2011 and students present in Tunisia through bilateral agreements, are certainly the most vulnerable migrant populations to discrimination, to racism and labour exploitation. These attacks on human dignity, like any form of prejudice, are to be fought because they promote the development of unequal treatment and open the way to more serious Human Rights abuses.

The 2004 census reports that there were 35,192 foreigners residing in Tunisia. At that time, nearly half of them were male, 62 percent were over 30 years old. The Algerians were the largest community and their number was 9,612 (27.3 percent)⁶². Between 2007 and 2008, 3,500 foreign

⁵⁸ However, there is no specific legislation governing the agricultural sector.

⁵⁹ Article 1 of the Labour Code.

⁶⁰ Article 1 of the Labour Code.

⁶¹ Labour Code, Book II, Chapter 1.

⁶² Work package 3 (September 2011): "Demography, migration, health and gender issues: the demographic profile of Tunisia", Ministry of Regional Development and Planning.

students were present in Tunisia. They were especially from Morocco, Mauritania, Occupied Palestinian Territory, Algeria, Mali, and Côte d'Ivoire⁶³. In recent years, family reunification has become the main reason for long-term stay, including sub-Saharan Africans working for the African Development Bank, based in Tunis since 2003.

There are not many irregular migrants in Tunisia, according to a Study of CARIM⁶⁴. Indeed, they represent less than 1 percent of the total population; this figure had hardly changed since the 1970s. The 2011-2012 periods, however, saw an unprecedented influx of irregular migrants after the Libyan crisis. In response to this crisis, Tunisia opened its borders and welcomed in several camps⁶⁵ hundreds of thousands of people fleeing the country, 60,000 Libyans and a large number of sub-Saharan migrant workers. In late August 2011, more than 4,000 refugees and asylum-seekers were accommodated in camps⁶⁶ and 116,000 people supported by IOM in their voluntary return to their country of origin. Hundreds of thousands returned to their country of origin with the help of authorities in their respective countries.

Today, only the Shousha transit camp, southeast of the country, is still operating. In March 2013, it hosted 855 refugees, seven asylum-seekers, and 327 rejected migrants, including 39 unaccompanied migrants for which the Tunisian government is trying to find a humanitarian solution, while the distribution of food and essential commodities ceased at the end of October 2012. All of these migrants, for most sub-Saharans, and especially unsuccessful asylum-seekers do not have the right to work on Tunisian territory and are vulnerable to all forms of exploitation and trafficking. Each week, men and children in the camp go to Ben Guerdane, a few kilometres from Shousha camp and hotbed of contraband, to work for few hours or days, and sometimes leave without being paid, as explained by occupiers of the camp during our investigation. Without hope for the improvement of their situation, a number of rejected migrants try to find an illegal passage to Italy, thus putting their lives in danger. The future of these men and women is more than uncertain, and protection measures for these rejected migrants who refuse to return to their country of origin should be taken now. Tunisia does not yet have national legislation on refugees, but the government is working on a draft law on asylum.

Further, in March 2011, the events in Syrian Arab Republic forced hundreds of thousands of Syrians to flee⁶⁷ to neighboring countries such as Lebanon and Jordan, or Turkey. Thousands fled to Algeria⁶⁸, where a camp was set up to accommodate them. Among them, an indefinite number chose to go illegally to Tunisia, where the cost of living is lower. The UNHCR Office of Tunisia estimates the number of Syrian families on Tunisian territory to thirty. The majority of these families are in Sousse and Mahdia (eastern center), but also more recently in Kef (north-west), and they live in relatively good conditions. Despite the tolerance of the Tunisian government for their presence in the country, they are not allowed to work in Tunisia. This makes them vulnerable in the medium and long term, and special attention should be paid to the Syrians.

At the universal level, Tunisia ratified the Convention relating to the Status of Refugees; the additional Protocol to the UN Convention against Transnational Organized Crime and Smuggling of Migrants, and the International Convention on the elimination of all forms of racial discrimination. However, specific ILO Conventions have not yet been ratified. These conventions, including

⁶³ Ibid.

⁶⁴ Consortium for Applied Research on International Migration "Tunisia, the demographic and economic context of migration, legal context of migration, the socio-political context of migration", 2010.

⁶⁵ Near the border point of Rasjdîr and in the province of Tataouine.

⁶⁶ Source: website of the UNHCR.

⁶⁷ According to UNHCR, the number of Syrian refugees reached 728,553; Syrians are now registered as refugees or asylum seekers. Of this number, 237,623 Syrian refugees are in Lebanon, 227,484 in Jordan, 163,161 in Turkey, 79,769 in Iraq, 14,478 in Egypt and 6338 in North Africa (1 February 2013).

⁶⁸ 25,000 Syrian nationals arrived in Algeria since the start of the Syrian revolution in March 2011 according to the Algerian newspaper "Midi Libre" dated 25 July 2012. <http://www.tunisienumerique.com/25-000-refugies-syriens-envahissent-lalgerie-et-plusieurs-sinfiltrer-dans-le-territoire-tunisien/135765>

Convention No. 97 of 1 July 1949 (revised) concerning migrant workers, and Convention No. 143 of 23 June 1975 on migration in abusive conditions and the promotion of equal opportunities and treatment of migrant workers. Moreover, Tunisia has not ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, of 1990.

At the national legal level, entry, stay and exit of foreigners are regulated by the Law 68-7 of 03/08/1968 on the situation of foreigners. Sometimes migrants arrive legally on the Tunisian territory, stay beyond the period of residency permit⁶⁹ and are transferred to the Reception and Orientation Centers for migrants (retention centers) pending their return to their country. In Tunisia, there are seven centers of reception and referral for migrants, with shelter installations, and 19 posts in the regions, all under the supervision of the National Guard. However, the law governing the retention of foreigners in these centers provides no time limit for their support. The Tunisian government does not feel responsible for the return of migrants to their country of origin and is not practicing deportations; it is usually the migrants themselves who must pay the return trip if the embassy cannot help. However, a loan from a third party for the purchase of transport tickets can put the migrant in a debt situation, making him vulnerable to trafficking.

For instance, three men were interviewed during a visit to the Reception and Orientation Center for migrants in Tunis. Two were from Pakistan and one from Cape Verde. The Pakistanis said they entered the Tunisian territory with a 15 day visa with a (fictional) work contract, both obtained for 800 USD. They were held for several weeks and had no way to pay it back. The Cape Verdean meanwhile was expecting the sale of a fishing boat in order to go home. It is therefore necessary to focus on studying the problem of migrants kept by the Tunisian authorities in these retention centers and to find alternatives for a quick and dignified repatriation⁷⁰ to reduce their vulnerability. These measures should be accompanied by a reintegration plan to accompany each individual in his socio-economic and family reinsertion.

Moreover, these Reception and Orientation Centers for migrants could accommodate victims of trafficking in persons, retained for being in an irregular situation in Tunisia or after completing a prison sentence. The penitentiary centers can also shelter victims accused of committing a crime⁷¹ when they were transported by force into the country, held against their will, deprived of their identity papers or travel documents and forced by their trafficker to violate laws in the context of exploitation. For these reasons, it is important to ensure that the necessary resources are available and that they are used to identify victims of trafficking among these risk groups, and not to return them to their country of origin if they are in danger.

Finally, the circulation of people through regular border crossings is regulated by the Law 1975-1940 of 14 May 1975 on passports and travel documents, as amended by the Organic Law of 2004-6 4/2/2004 criminalizing irregular migration and any attempt to this effect. The penalties can be very high⁷² if they are committed by senior executives. These practices facilitate human trafficking which is why they should be strongly opposed.

⁶⁹Article 9 states that "All foreigners staying in Tunisia more than three uninterrupted months or six non-consecutive months in a year, must obtain a visa and a temporary residence permit which will be issued in accordance with this Act."

⁷⁰ IOM supports Tunisia, and under certain conditions, the voluntary return of migrants to their countries of origin, but there are people who are usually referred by IOM institutional partners who are not under conditions of retention. However, mechanisms to assist this vulnerable population could be put into practice in the future, in coordination with the national authorities, for instance through Assisted Voluntary Return (AVR) Programmes supported by IOM.

⁷¹ Including illegal prostitution when it comes to women.

⁷² Up to twelve years imprisonment, and a fine of forty thousand dinars.

2.8. THE SITUATION OF TUNISIANS OVERSEAS

In the context of trafficking in persons, migrant workers can be recruited by traffickers in their home country or in another country while they are in a vulnerable position. The Study has therefore addressed the issue of Tunisians abroad, whether they are in an irregular situation or not.

Tunisia is one of the main countries of origin in the Euro-Mediterranean area, which has over one million Tunisian emigrants in 2008⁷³, 10 percent of the total population. Every year, it is estimated that between 2,000 and 3,000 Tunisians leave the country by regular means, a workforce that is still low compared to Tunisians leaving irregularly⁷⁴. European countries are receiving 82.6 percent of Tunisians living abroad regularly and the rest in the Middle East and the Gulf countries, Africa and the Americas. France is the leading destination for Tunisians. More than half of those living abroad live in France, which amounts to 577,998 people in 2011⁷⁵. The second emigration country is Italy, which has 13.4 percent Tunisians in the same year, followed by Libya (7.9 percent) and Germany (7.8 percent)⁷⁶. Men are generally twice as likely to leave as women, from all regions.

Between January and June 2011, following the Revolution, 25,800 Tunisian migrants arrived irregularly in makeshift boats on the island of Lampedusa (Italy), 5,000 of which between 9 and 12 February 2011⁷⁷. Some twenty thousand Tunisians, arrived in Italy between January 1st and April 5th, 2011, were granted a temporary residence of a humanitarian nature, allowing them to travel in the Schengen area. The Tunisian government has pledged, in return, to readmit any of its nationals in the long term. Many however are currently in irregular situations in Europe and therefore are vulnerable to trafficking in persons.

Several hundred Tunisians who left after the Revolution are still missing, much to the chagrin of their families. According to a survey conducted by the Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM) in 2011⁷⁸, most of the Tunisian migrants who have left their country after the Revolution have a similar profile. They would be between 20 and 30 years old and come from the poorest cities of the Central West and South of the country and poor neighborhoods in the suburbs of Tunis. Minors aged 13 to 17 years may also be affected⁷⁹. They would have paid 1,000 to 3,000 dinars, or between 500 and 1,500 Euros for the crossing, this amount would have been borrowed by the family. It is not excluded that these young people were recovered by trafficking networks in Europe.

A Secretariat of State for Immigration and Tunisians abroad was created after the Revolution of 14 January 2011. It was created to redefine migration policy in Tunisia, in close cooperation with the European Union, the Gulf countries, Canada and the United States of America, but also with international organizations and civil society through which it hopes to reach Tunisians abroad.

2.9. CIVIL SOCIETY IN TUNISIA

Civil society is an essential opposing force within states. It guarantees an independent, active and self-organized citizen participation to promote and defend the values and fundamental rights.

Associations from the Tunisian civil society are regulated by Decree-Law No. 88-2011 dated September 24th, 2011 on associations in Tunisia. It is currently composed of multiple associations,

⁷³ ILO, "Migration, labour market and development", Hassen Boubakri, 2011.

⁷⁴ Hassen Boubakri, cite op.

⁷⁵ Source: Ministry of Foreign Affairs / General Administration of Consular Affairs / Tunisians Embassies Abroad (2011).

⁷⁶ Op. Cit.

⁷⁷ "Tunisian Revolution and illegal migration to Europe, European and Tunisian Reactions" S.Ben Achour and MBjemia, 2012.

⁷⁸ Ibid.

⁷⁹ See the Study "Irregular Migration. Field study and prospective research", published in 2012 by the Sustainable Development and International Cooperation Association (ADDICI) in Zarzis.

some recently created, more ancient and rooted in the Tunisian institutional landscape dedicated to Women's Rights, Children's Rights, Development, and Human Rights in general. None, however, is specifically dedicated to the fight against trafficking in persons. Despite the existence of a number of associations, the Tunisian civil society as a whole remains underdeveloped. Due to the lack of resources and training, only a few organizations are able to provide shelter services, care and accommodation for vulnerable people. These organizations are generally dependent on public or foreign subsidies, which may jeopardize the sustainability of their action. Partnerships between the private sector and civil society are not developed, whereas a significant potential for exchange and collaboration between these actors exists.

In the context of trafficking in persons, associations have an important role to play in the prevention and protection of victims, but also in advocacy. Their local knowledge and access to victims makes them essential to consult and involve in the development of programmes and policies against trafficking and to protect victims. More than twenty Tunisian associations were consulted during the Study to determine their missions and activities, vulnerable groups in their care, their needs, and their ability to cooperate with other structures. Over 70 percent of respondent associative actors know the problem of trafficking in persons even if they do not use that word to describe it. They thus declared meeting the following types of exploitations in the course of their activity⁸⁰: forced prostitution (62.5 percent), forced labour (56.3 percent), exploitation of children in domestic work (18.8 percent), agriculture work (12.5 percent), forced begging (18.8 percent), exploitation into drug trafficking (12.5 percent) and other activities from organized crime (6.3 percent).

The Study demonstrated the need to reinforce the capacity of civil society actors. Indeed, 63 percent of organizations interviewed during the Study felt the services to their target audiences, little or not at all satisfactory. They require more staff, cooperation with other stakeholders, funding, training, equipment and premises. Furthermore, only 4.8 percent of people interviewed have received specific training in the identification of victims. S.H.A.R.E Project will attempt to address these needs.

Associations interviewed in the Study tend to cooperate with other associations and the Government, but not enough. State senior executives from the Ministries interviewed during the Study also expressed interest in working with a more effective civil society, which can assist and protect vulnerable people.

2.10. ORGANISED CRIMES AND ILLEGAL ACTIVITIES

Some issues and enterprises cannot be separated from the issue of trafficking in persons. The first is organized crime which finances some of its activities by trafficking; and vice versa. In Tunisia, even if the official sources are rare on this issue, organized crime feeds principally on drug trafficking, traffic (of luxury car for instance), robbery and stealing, all in close connection with regional criminal networks.

Some border areas with Algeria and Libya are real hubs for smuggling and trafficking. Traffickers are challenging daily the vigilance and integrity of customs agents, border police and military officers. Recent news reported closures of regular borders with the two neighboring countries on matters related to these illegal activities making it dangerous to Tunisians who live in these areas and conduct regular border travel.

Furthermore, in the 2011 Libyan crisis context, a large number of weapons and munitions transited illegally in the region and especially in Tunisia. Fear regarding their use by the extremists' networks in armed conflicts arose at the national level. The development of these criminal networks means a need for new recruits, and Tunisians, especially young people, are concerned by the problem. In

⁸⁰ Response to an open question, after introducing the definition of trafficking in persons and related types of exploitation.

March 2013 The Ministry of Interior announced the creation of a crisis unit that focuses on the mechanisms of recruitment of young Tunisians by extremists on the Tunisian territory and abroad.

It is impossible to accurately assess the role of corruption⁸¹ and organized crime, particularly trafficking in persons in Tunisia, but it certainly has a very important role in the perpetration of this crime. It may involve inter-institutional actors but also isolated individuals and intervene at any stage of the trafficking process (preparation of the crime, recruitment, transfer, transportation, hospitality, accommodation, exploitation). It is therefore necessary to fight against corruption at all levels in Tunisia.

2.10.1. CLANDESTINE PROSTITUTION

Clandestine prostitution is a theme barely treated and studied in Tunisia. Even feminist organizations seem to stay away from the debate. However, Tunisia is concerned with national and international trafficking networks affecting its citizens, especially women. These networks are established between Tunisia, Lebanon, Turkey, the Gulf States and West Africa, as will be detailed in Chapter III.

At the national level, illegal prostitution seems to have developed in recent years. Even temporary or occasional, it is punishable by six months to two years imprisonment and a fine of 20 to 200 dinars. The customer is considered an accomplice and can be sentenced to the same penalty⁸². Clandestine prostitution mainly affects young Tunisian women, but also young men, whether for heterosexual or homosexual intercourse in the context of sex tourism. The legal definition of prostitution does not report on male prostitution, men who engage in prostitution are usually prosecuted on other charges relating to morals.

A behavioral survey of clandestine women in prostitution in 2009 by the Tunisian Association for the Prevention of Substance Abuse (ATUPRET) denounces the physical and verbal abuse they suffer at the hands of customers and pimps. In some cases, we are dealing with women who were victims of trafficking in their childhood, and who became clandestine prostitutes for their own account. Indeed, the Study of ATUPRET also reported that 2.5 percent of them started sex between the age of 10 and 14 and 28.3 percent between 15 and 19. Some of them had their first sexual intercourse before the legal age for leaving school. These cases of early prostitution can hide cases of trafficking in persons. Besides, these child victims can be sentenced for prostitution the same way as adults, whereas they require special assistance and protection. Two of them were encountered in the course of the Study. The testimony of one of the two is transcribed in Chapter III.

In Tunisia, women's legal prostitution and the functioning of brothels⁸³ are regulated by the Decree of 30 April 1942. Women in prostitution can therefore work legally either independently or with matrons (who have to be women) in brothels. After the Revolution, many brothels were destroyed by citizens or closed by municipalities under pressure from the population. Two are still functioning today in Tunisia, one in Tunis and another in Sfax. Sixty women in prostitution and eight matrons are still working in Tunis, and 90 women in prostitution and 20 matrons in Sfax⁸⁴.

Women seeking legal prostitution must apply to the Vice Squad of the Ministry of Interior, which gives them permission or not. Prostitutes must be unmarried or divorced. They work by day and have 6 days off per month, corresponding to the menstrual period, but can apply for special leave. They go

⁸¹ Corruption is a criminal misconduct by which a person (the corrupt) solicits, accepts or approves a gift, offer or promise of any benefit or present to complete, delay or omit to do an act falling directly or indirectly in the course of their duties. In 2012, Tunisia lost two places from the previous ranking of Transparency International Index of Corruption Perception (CPI). It so happens in 75th position out of 176 countries, with an index 41. The CPI is 0 for countries considered highly corrupt and 100 for a very virtuous countries. Tunisia is still the Maghreb countries the least corrupt.

⁸² The decree of April, 30th 1942 has been completed by the Law of 8 March 1968 that modifies Article No. 231 of the Penal Code.

⁸³ The brothels have been created during the French Protectorate and have not been closed since then. They are currently administrated by the State, by the Ministry of Interior.

⁸⁴ Interior Ministry sources, prostitutes and brothels matrons met in Tunis in February 2013.

to medical consultations each week and are tested for HIV/AIDS and syphilis every month. According to official regulations from Ministry of Interior, these women cannot leave the brothel without permission from the Ministry.

2.10.2. SMUGGLING OF MIGRANTS

In Tunisia, the smuggling of migrants benefits smugglers whose level and degree of criminal organization is unknown. As explained in Chapter I, the smuggling of migrants and trafficking in persons have strong interactions in the context of transnational migration.

According to UNODC research on the evolution of smuggling from North Africa to Italy⁸⁵, Tunisia was a starting point in the early 90s, mainly for Tunisians, Moroccans and to a lesser extent, Algerians. At that time, smuggling was tolerated. Migrants boarded fishing boats or any other type of small craft to reach in about ten hours, the islands of Pantelleria and Lampedusa and Sicily (Italy). They paid between 300 and 600 U.S. USD (450 to 900 dinars) to smugglers organizing the trip.

Despite cooperation agreements between Tunisia and several European countries, in the context of global hardening against crime in the 2000s, and the signing of readmission agreements in 2008, including Italy, the networks of trafficking in migrants continue to operate from Tunisia, especially from Sfax and Zarzis, southeast of the country. The networks are still active and sometimes keep candidates in houses pending favorable weather conditions to sail. According to a CARIM⁸⁶ Study, Tunisia is an important transit country, mainly to nationals of sub-Saharan Africa hoping to reach southern Italy from the Tunisian coast. According to UNODC, there are several routes to Europe starting from the countries of the Economic Community of West African States (ECOWAS), which enjoys free circulation between its states to Europe. One of the routes is from Niger to Algeria or Libya, and Tunisia.

⁸⁵ UNODC, "Smuggling of Migrants into, through and from North Africa. A thematic review and annotated bibliography", 2010

⁸⁶ Consortium for Applied Research on International Migration. "Tunisia, the demographic and economic context of migration", 2010.

Routes of mixed and irregular migration through Tunisia

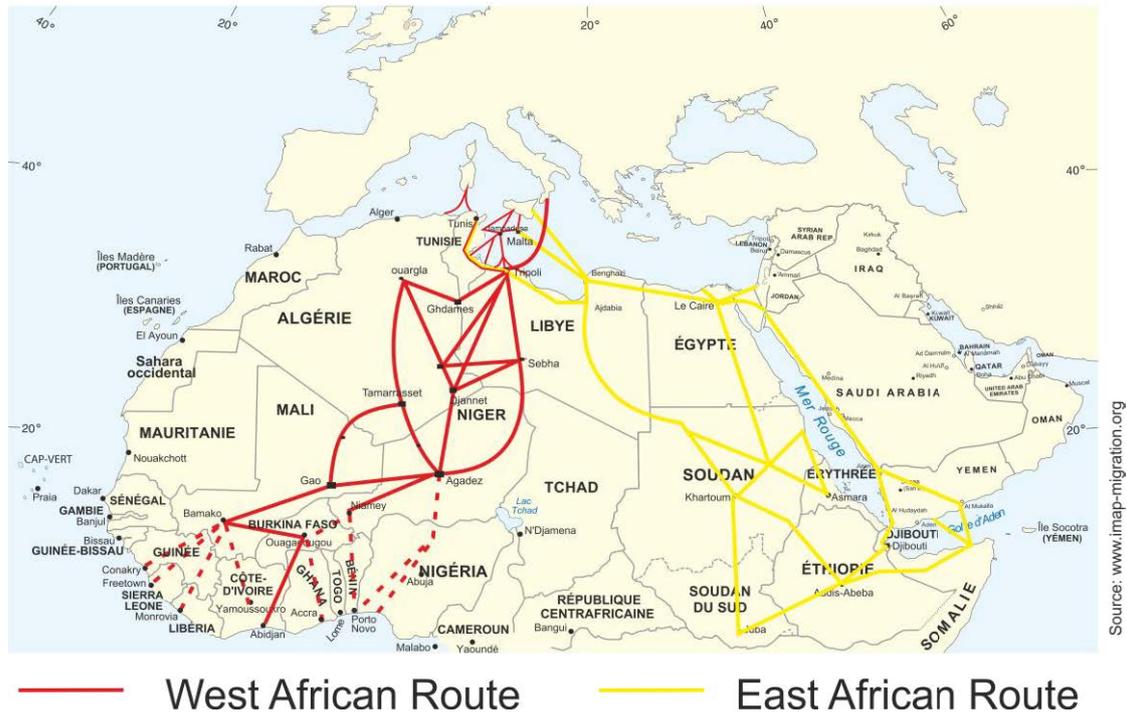


Fig 3: Routes of mixed and irregular migration through Tunisia

In the second quarter of 2012 Frontex report, 3,685 irregular border crossings were recorded at the central route in the Mediterranean. This is an increase compared to the end of 2011 and early 2012. Most Tunisian migrants detected on this route were young unmarried men (18-35), with a low level of education and a limited income (80 to 180 Euros per month). All respondents reported having relatives or friends in Europe, especially in Italy. They sailed on ships containing an average of 20 migrants.

At the national level, individuals who contribute, even on a voluntary basis, to irregular migration, are punishable by up to three years in prison and a fine of 8,000 dinars, and up to 4 years in prison for hosting an irregular migrant. The penalties are increased where organizations are involved.⁸⁷

⁸⁷ See Organic Law 2004-6 of 4/2/2004.

III TRAFFICKING IN PERSONS IN TUNISIA

Trafficking in persons is a crime with ancient roots, practiced at a global level, and Tunisia has not been spared. The present Study investigated the forms of trafficking, places and areas of operation, the modus operandi of traffickers, their profiles and those of their clients and victims of trafficking, activities, routes of national and international trafficking, the groups at risk of trafficking, elements facilitating trafficking or trends in the evolution of the phenomenon, as observed by the agents involved in Tunisia.

The collection of reliable data on trafficking is challenging due to a number of factors, including the covert and dangerous nature of this crime. Thus, information on traffickers and their victims is not accessible to everyone. If information obtained through the Study has clearly identified trafficking cases, they would be subject to further investigation, in close collaboration with the Ministry of Interior and other Ministries.

1. A BRIEF REMINDER ON SLAVERY IN TUNISIA AND THE NORTH AFRICAN REGION

As we have seen, human trafficking is not a new phenomenon in the world. In History, this practice was widespread in the Muslim world and in the North African region.

The slave trade began in ancient times and was particularly developed in the Middle Ages following a trans-Saharan route through the deserts of the Maghreb and Mashreq, an eastern itinerary through the sea routes of East Africa (Red Sea and Indian Ocean), and a route restricted to the Mediterranean when the pirates of the Regency of Algiers captured European slaves. This "intra-African and Eastern trafficking" was spread over fourteen centuries and ended at the beginning of the twentieth century, as the last slave market was closed in Morocco in 1920. They provided black and European slaves to the Muslim world, which at its peak, stretched across three continents, from the Atlantic Ocean (Morocco, Spain) to India and East China.

Historical evidence shows that Tunisia was at the crossroads of important commercial slave streams. Thus, the Phoenicians established in Tunisia from the tenth century BC, and founders of Carthage in 814 BC, were at the origin of slavery in the country. The first slaves came then from the local Berber people. After three wars fought against Rome, Carthage disappeared around 146 BC and saw the last Carthaginians enslaved by the Romans. In the Middle Ages, slaves came from Europe and a wide area ranging from West Africa to Lake Chad. Most groups in this region were enslaved as a result of local wars between rival tribes or kidnapping operations. European slaves were captured during raids on the coasts of European countries mainly Italy, France, Spain and Portugal, or when capturing European ships. Men were used for various jobs and women as domestic servants or in harems.

Slavery in Tunisia responded primarily to the specific needs of urban society. The slave property was then a sign of nobility in Tunisian cities. Unlike men, it was very rare for a woman to be "sold" a second time because women were mostly converted to Islam, which prohibits the enslavement of a Muslim.

Although it has been a nerve center of slavery in the region, Tunisia was however located at the forefront of the fight against this practice in the nineteenth century. The slave market of Tunis was permanently closed in August 1842, and slavery was abolished in Tunisia by decree on January 23th, 1846 by Ahmed Bey the 1st, himself the son of a slave. A second decree on the abolition of slavery

was promulgated in 1890⁸⁸ during the French protectorate, as a result of resistance observed against the first decree in Djerba. Slavery persisted until the early twentieth century in Tunisia.

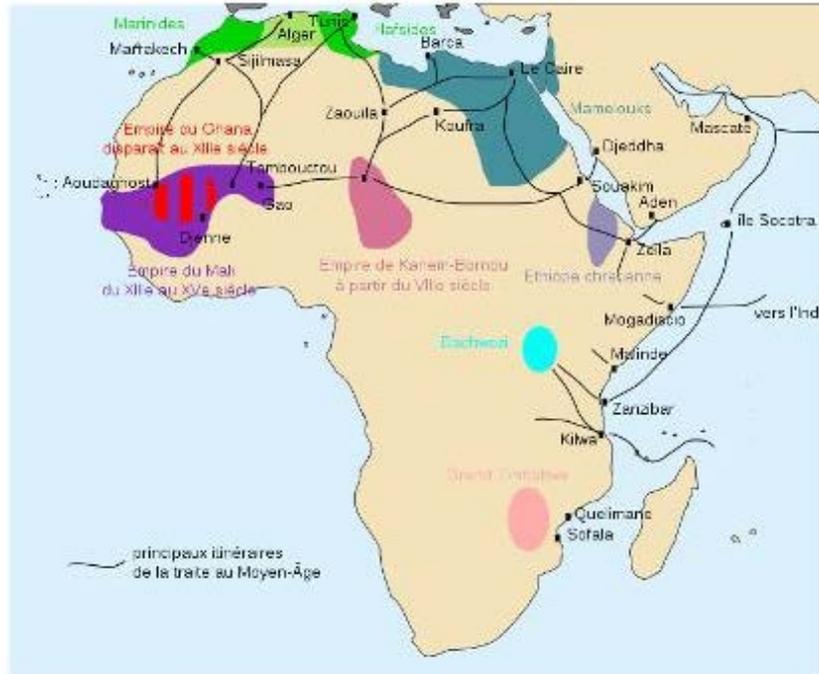


Fig 4 : Routes of intra-African slave trade in the Middle Ages⁸⁹

2. NOWADAYS: TRAFFICKING IN PERSONS IN THE AREA OF AFRICA, NORTH AFRICA AND MIDDLE EAST

While reliable data on trafficking in Tunisia and among Tunisians is difficult to ascertain, there is some reliable data on trafficking and trafficking trends at the regional level (i.e., North Africa and the Middle East). According to the UNODC⁹⁰, in 2009, 65 governments reported detecting 6,900 trafficking victims⁹¹; and between 2010 and 2012, these nations in the North Africa/Middle East region reported identifying 4,200 trafficked children. The majority of identified traffickers are country nationals and most of them are males⁹².

During this same period, Africa and the Middle East reported a higher overall proportion of victims of trafficking for forced labour than other parts of the world. Forced labour is a form of trafficking most detected in the region (49 percent), followed by sexual abuse (36 percent), other types of exploitation (14 percent) and the removal of organs (0.8 percent).

⁸⁸ The Decree on the prohibition of slavery in the regency of 29/5/1890 states in its first article: "Slavery does not exist and it is forbidden in the Regency; all human beings, without distinction of nationality or color, are free and may also, if they believe injured, resort to laws and magistrates".

⁸⁹ Bessire, François (Ed.), "Reports from different trips in African coast, in Morocco, Senegal, Gorea, Galam", etc. Extracted from newspapers of M. Saugnier, Saint-Etienne University, 2005

⁹⁰ Global Report on Trafficking – 2012.

⁹¹ 65 governments responded to the UNODC's questionnaire.

⁹² Analyzed data about trafficking in the North Africa and Middle East region reveals a low rate of participation by women. Women in this region represent 20% of the individuals prosecuted and convicted for trafficking offenses during the period 2007-2010.

Among the 1,600 victims detected in 18 countries in Africa and the Middle East region, 500 were identified in the Middle East, a leading destination for trafficking victims coming from other regions. More than 300 of them came from other continents, especially Eastern and Southern Asia. As to the victims of North Africa, Moroccan victims were identified in nine West African and European countries, including Belgium, Spain, France, Italy and the Netherlands. Algerian victims were also trafficked in France and Norway. Trafficking in African women also took place in the Middle East. Cases of exploitation of people from East Africa (Eritreans and Ethiopians) and North Africa were identified in the Middle East between 2007 and 2010.

According to the IOM Regional Office in Cairo, Egypt, working on the issue of trafficking in cooperation with many countries in the region⁹³, domestic exploitation is particularly apparent in the MENA region, whether internal or transnational. Sarah Craggs, Regional Officer in charge of Trafficking in Persons, said that the most increased international movements in trafficking take root in Mali, Somalia, Eritrea and Sudan, where groups of people are transported to Israel or Europe. Individuals are kidnapped with an unprecedented level of violence in Egypt, including Sinai, where men are starved or have their hands cut off, in order to exploit them. Following the Arab Spring, migration between the Maghreb and Europe has raised challenges for the MENA⁹⁴ region. Indeed, when they are not well organized, these flows are dangerous for migrants vis-à-vis trafficking.

According to IOM, the internal trafficking in the different countries in the region is particularly important. According to the global database on trafficking victims assisted by IOM, more than 50 percent of cases assisted in the MENA region are internal trafficking⁹⁵. Among them, in 2011, juveniles accounted for 40 percent and female victims for 55 percent. For the Organization, the internal trafficking of children, mainly for exploitation in begging, require special attention and should be addressed at its roots in order to reduce the conditions of vulnerability of these children and their families.

3. NATIONAL AND INTERNATIONAL LEGAL FRAMEWORK ON TRAFFICKING IN PERSONS

3.1. INTERNATIONAL LEGAL FRAMEWORK

Tunisia has ratified the United Nations Convention against Transnational Organized Crime in 2002⁹⁶ and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, in 2003⁹⁷. Earlier, Tunisia had ratified a series of texts related to trafficking, such as the Slavery Convention of 1926 and the Protocol amending the Convention and the Supplementary Convention on the Abolition of Slavery, of the slave trade and institutions and practices similar to slavery, of 1956. For reference, all instruments ratified by Tunisia are detailed in Chapter I.

⁹³ See www.iom.int.

⁹⁴ Conference "Fighting Trafficking in Persons with the approach based on Human Rights," Speech by Sarah Craggs, Tunis, November 2012.

⁹⁵ 2011 IOM report on these activities on human trafficking: Counter-Trafficking and Assistance to Vulnerable Migrants, Annual Report of Activities 2011, IOM (2012).

⁹⁶ Decree n°2101 of the 23/9/2002 (JORT n°80 of the 1/10/2002).

⁹⁷ Decree n°2003-698 of the 25/3/2003 (JORT n°26 of the 1/4/2003).

3.2. NATIONAL LEGAL FRAMEWORK

A national bill on human trafficking is currently being drafted in Tunisia. It was initiated in 2009 by an ad hoc interdepartmental group.

The general provisions of the draft law include the adoption of the international definition of trafficking, the decriminalization of acts committed by victims of trafficking, not to take account of the consent of the victim (whether major or minor) and provide a more protective regime for children. It is noted that under the draft law, the children used in armed conflict can be recognized as victims of trafficking.

The criminalization of trafficking in this bill concerns national and transnational trafficking, done by single traffickers or organized crime, and will include an exhaustive list of offenses to ensure broad reach. Individuals, corporations, the main perpetrators, co-perpetrators and accomplices will be condemned. The sanctions will be dissuasive with circumstances of growing aggravation. Incentive measures to promote denunciation and repentance will be included.

Preventive measures in the bill include the creation of a National Commission against trafficking in persons, through a comprehensive, integrated and participatory approach, a programme of identification, detection of victims and vigilance; a training component for public officers; and information and awareness strategies for the public, as well as documentation and studies.

In terms of protection and victims' assistance the following are planned: the protection of witnesses, victims and informers (body and procedural protection, and decriminalization or reduction of sentences), procedural, health, social and administrative assistance of victims and damage repair.

Despite the absence of national legislation on trafficking in persons, Tunisia has laws criminalizing offenses related to trafficking⁹⁸. The Tunisian Penal Code criminalizes fatigue duty (art 105), begging (art 171 and following), child abuse (Article 201 and following), pimping (Article 232 and following), kidnapping (art 237 and following), criminal conspiracy (Article 131), rape (Article 227), and the violation of individual freedom (sequestration) (art 250 and following). Special texts complete the legal framework by incriminating for example violations of rules on the regulation of activities related to trafficking in persons (labour relations, tourism, etc).

4. INTERNAL TRAFFICKING

Internal trafficking concerns citizens exploited in their home country. This type of treatment does not involve crossing international borders; however it may involve in many cases migration from one region to another within the same country.

In Tunisia, field observations and testimonies of local actors have demonstrated the existence of internal trafficking in various forms, mainly affecting children from inland regions, going to Tunis and major coastal cities, but also women. Cases of exploitation of people with disabilities were also identified during the Study. This chapter presents the dynamics associated with the identified internal trafficking into domestic servitude and forced labour, into sexual exploitation and into the involvement in criminal activities.

⁹⁸Until April 2013, the draft law has not been presented to the NCA yet.

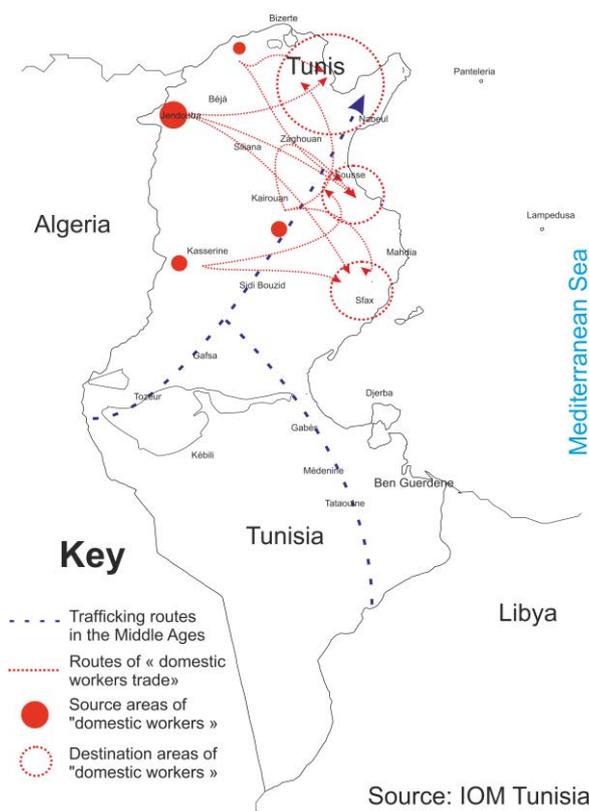


Fig 5: Routes of internal trafficking in Tunisia

4.1. INTERNAL TRAFFICKING INTO DOMESTIC SERVITUDE AND FORCED LABOUR

The ILO defines forced labour as "work or service exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily". Throughout the survey period, cases of trafficking for forced labour were detected in Tunisia, in all categories, including children. As for domestic servitude, it is defined as "the state or condition of dependency of a person who is unlawfully forced or coerced by another person to provide any domestic service to that person or to others and who has no other reasonable choice but to provide this service". According to this definition, the reported cases of Tunisian victims affect only girls.

4.1.1. CHILDREN

Under the Palermo Protocol on trafficking in persons, any child (under 18 years) recruited, transferred, transported, received or harbored for exploitation, including forced labour or services, may be recognized as a victim of trafficking. The findings of this Study demonstrate that Tunisian children are victims of internal trafficking into domestic servitude, forced labour in the areas of formal and informal trade and industry, and into begging.

- **Domestic Servitude**

Many testimonies of people working in associations, in the Ministries of Social Affairs (MSA), Women and Family's Affairs (MAFF), Justice, Health, as well as research assistants themselves, have enriched the Study on domestic exploitation of children. While little official data are available in this regard,

the MAFF has officially identified seven children exploited into domestic labour in 2012⁹⁹; although the unofficial estimates are likely to be much higher.

Although the activity of domestic workers is well regulated by law in Tunisia, it falls mainly in the informal sector. It is also almost impossible to quantify the number of young domestic workers without a contract in Tunisia, although some associations believe they would be thousands. The minimum age to work as a domestic is 16. However, a survey of 130 domestic workers by AFTURDE in 2008 shows that most domestic workers are girls, 17.5 percent of whom are between 12 and 17 years old and 60.8 percent between 18 and 29 years old. More than 32 percent have never been to school and nearly 31 percent were forced to leave school to work.

Based on information obtained, girls mainly from the North-west of the country¹⁰⁰ are sent to work as domestic servants for wealthy families in Greater Tunis and major coastal cities, but more recently, also in families in the governorate of Jendouba. Some are 6 years old when leaving home. These girls are forced to quit school at an early age under pressure from parents, especially the father, in order to support the family, or to provide additional income. Their level of education generally does not exceed the third year of primary school (8 years).

It's the father of the girls who takes the decision to send them to work with families. He generally uses a *samsar* (intermediate), who establishes the connection with a family in search of a domestic worker. There is also the *souks* (markets) located in the northwest¹⁰¹, in which fathers go to discuss directly with intermediaries, who receive a commission on the transaction. Sometimes, people of authority in the village help identify girls who have the "privilege" to integrate into wealthy families to serve. No employment contract is established, since young workers are below the legal age for domestic work. Wages, which vary from 80 to 150 dinars per month (40 to 75 Euros), are sent directly to the father¹⁰². The length of employment is not determined. It can vary from a few months to several years, depending on the treatment and behavior of the girl in the family, the father's will, etc.

Within the exploiting family, the girls must perform household chores and care of infants, children, sick or elderly, mothers who have just given birth. Many testimonies from people working in Justice, Health, social assistance and associations interviewed during the Study reported that these girls are sometimes subjected to physical and psychological violence, and sexual abuse¹⁰³. When some find the strength to talk to their family or to the police, or to run away, they can be beaten and forcefully put back in the same family. The tasks entrusted to them and the working schedules are generally unsuitable for their age and accidents may occur. A few years ago, a child working as a maid was prosecuted after dropping an infant in her care, causing his death. She was less than 13 years old and was found innocent because of her young age. In 2012, the publicized case of a young maid working for a member of the family in-law of former President Ben Ali¹⁰⁴ drew the authorities' attention to the situation of domestic workers and the injustices committed against them. Indeed, they can sometimes be prosecuted for theft after they try to flee the house. Extremely vulnerable by their conditions, some girls attempt suicide¹⁰⁵, while others can be killed¹⁰⁶.

To better understand the dynamics of recruitment of victims, the research team contacted five *samsara* and an employment agency in Tunis to find out about the possibilities and limits of supply

⁹⁹ Data from the database of the Child Protection General Delegate in 2012.

¹⁰⁰ The North West region is one of the poorest areas in Tunisia.

¹⁰¹ Principally situated in Bazina and Fernana.

¹⁰² Legal minimum wage (SMIG) in Tunisia is around 301 TND (150 Euros) for 48 hours of labour per week (July 2012).

¹⁰³ The girls are abused by family members or guardians.

¹⁰⁴ Rachida K. case: this domestic worker burned a carpet after being victim of violence by member of the family in-law of former President Ben Ali. She was condemned to life imprisonment. On July, 26th, she obtained presidential pardon.

¹⁰⁵ Testimony of the Child Protection Regional Delegate of Sfax on a 13 year old who allegedly tried to commit suicide in 2009 after the abuse she was exposed to by her employer, a lawyer.

¹⁰⁶ Testimony of an association member, as part of the Study.

for domestic labour in formal and informal markets. Four *samsaras* lived in Tunis and one in Jendouba. One of them redirected the interviewer to a caretaker in an upscale neighborhood in Tunis, showing the networking. The *samsars* are usually from the same village as the domestic workers. According to information collected from them, the girls "available" are aged 9-16 years and are predominantly from the North-west (Fernana, AinDraham, Jendouba, Kef) and North (Sejnane, Mateur / Bizerte) and finally a minority from Kairouan. They come from large families and live in extreme poverty. The monthly salary of 80 to 150 dinars (40 to 75 Euros) is fully given to the father and shared with the *samsar* (taking commissions on the transaction on the part of the father and the employer).

The employment agency contacted in the survey did not offer any underage girls, a number are however suspected to be involved in trafficking of young girls.

The living conditions of the families of young maids seem very modest for most. However, some evidence collected during the Study, suggest that this is not always the case and that the disintegration of the protective role of the family can be the cause of some cases of trafficking. For example, a young single mother¹⁰⁷ says her father was a farmer and owner of his land when he sent her to work with her sister at the age of six, in a house in Tunis (El Manar City). According to her, he made this decision not for economic reasons, but because "he did not want to take care of his children."

Children who have been exploited in the context of domestic work bear significant psychological and sometimes physical scars. They stop schooling too early and are quickly torn from their communities, families and friends, and confined to work for unknown people. They may suffer physical, sexual and mental abuse daily, are generally prohibited from movement or communication with the outside world.

All these injuries and denial of basic rights make them vulnerable to other types of exploitation, even after the end of their ordeal. This is the case of one of the girls met at the Rehabilitation Center for Minors of Mornaghia. We will call her "E" for privacy purposes:

E. is a 17-year-old native of Jendouba, in the north-west of the country. She is the eldest in a family of three girls and a boy. Her parents are married. Her mother is a housewife and her father a mason. They made her stop her studies in the second year of primary school at the age of 10, having had repeated school failures¹⁰⁸. She began working at the age of 12 in several families in Sousse and Hammamet. E. is not always well treated but cannot say more. From this experience she has suffered serious consequences. Thus, at 16, once returned to her family, she ran away from home, as her relationship with her mother became very tense. She found refuge with a young man of 23 years, a cannabis dealer, whom she fell in love with. In his apartment live other men of the same age. E. feels compelled to have sex with them, because she does not pay rent and fears homelessness. One of her friends told her mother, who warned the police. E. was sentenced to one month of imprisonment for prostitution. When we met, she was serving her third prison term for the same reason in the Rehabilitation Centre/detention facility for minors. She plans to return to her family at the end of her term, in six months. However, her mother has not visited her since her last conviction.

Many testimonies of those consulted as part of the Study mentioned the social tolerance of the employment of children in domestic work in Tunisia, with the exception of the south of the country. Two senior executives interviewed for the Study said¹⁰⁹ they were surprised to learn that employing a child under 16, as a domestic, could be a form of trafficking, since they, themselves, had one in their service. Wealthy families employing younger children feel that they are helping them by offering a

¹⁰⁷ Interviewed for the Study at the National Institute for Child Protection, Tunis.

¹⁰⁸ E. was behind in her studies. Students in second year of primary school are normally 7 years old.

¹⁰⁹ Off the record.

better quality of life and work experience that can be valuable later in other houses. An education programme should/must start with families who employ these young Tunisians, sincerely thinking they are helping them.

Finally, the Study confirmed that in the context domestic servitude of children, girls are the most affected. Deprived of school at an early age to serve families, they need to be supported in a very specific manner once identified. Furthermore, strategies for the prevention of child domestic servitude must take into account the gender aspect of the issue and work to reduce regional disparities. Indeed, as already mentioned, a large majority of these children come from the Northwest region, where populations are particularly disadvantaged.

- **Formal and informal trade**

The MAFF found three cases of child exploitation in shops at the national level in 2012. The field survey of those responsible for child protection and law enforcement reported a much higher number of children victims of this form of exploitation.

Children are employed in garages, bakeries and workshops across the country. In general, boys are particularly affected by exploitation in garages, and the girls in bakeries. According to a labour inspector from Kasserine (center-west), the contracts of apprentices hide child exploitation, especially in bakeries, carpentry workshops and textile manufacturing. In Jendouba (Northwest), General Labour Inspection met dozens of children working in workshops and weekly markets. Those were boys aged 13 to 16. In Manouba (Great Tunis), the mechanical sector sometimes recruits children under the age of 12, according to a Regional labour inspector Direction. The youngest child they met was 10 years old.

During field observation of Ben Arous (Northeast), two research assistants were able to see for themselves that the mechanical workshops were employing minors. Most were aged 12 to 17 years and constituted the bulk of the workforce, according to the observations. The work of these children was to purchase small goods for the manager (coffee, tobacco), transportation tools and vehicle repair.

According to the Children's Judge at the Court of First Instance of Tunis, interviewed for the Study, the children would be very numerous working in the informal sector, in Tunis, especially in the *souks* for transporting heavy goods and selling products. Although little is known about the mode of recruitment of children or the treatment inflicted on them during their work, all the facts point to the possibility of their being victims of trafficking because of their long working hours conditions at their young age, and since they are ill-paid or receive no payment. Also, children refer that often the adults get a percentage of what they sell in the *souks*. These minors originating from inland areas (Kasserine, Tala, Sidi Bouzid, Siliana and Gafsa) are away from their families and must sustain themselves. They often appear in court for theft. That is how we discover their exploitation. There could be hundreds of employers, and they even incite drug use. According to the Children's Judge, exploiters are Tunisians, about 25 years old, middle class, single and also from the regions of the interior.

Finally, in Sfax (Southeast), an issue was raised by the Child Protection Delegate: he wondered about the children rummaging through trash dumps south of the city, and that they might be doing this on behalf of adults.

- **Industries**

Although in limited number, boys and girls are victims of forced labour by their families in factories in Tunisia. These cases do not really defer from child labour in the formal and informal trade, but it seems that it affects especially young girls. The MAFF officially recorded one case in 2012, but many

children working below the legal age in factories were detected by the interviewed labour inspectors in the regions.

Aware of the problem, the Tunisian General Labour Union (UGTT) states that gender aspect is also taken into account in the analysis of the exploitation of children in factories in Tunisia. Based on field experience, girls below the legal working age are forced to leave school and go to work in factories. The full pay is given to the father. Again, the role of the employer, but also the family, is to be underlined in this type of trafficking, making the need to implement prevention and parental education strategies, even more urgent.

- **Agricultural sector**

As discussed in Chapter II, the Tunisian law allows child labour into agriculture from the age of 13, when it does not exceed a certain number of hours and tasks are adapted to the age of the child. This law makes it difficult to identify victims of trafficking, as it is common for very young children to work in the sector and that, quite often, abuses are committed against them, without alerting authorities or the general public. However, in 2012, the MAFF identified a child exploited into agriculture in the northwest of the country.

Following observations in the course of the investigation, it is possible to confirm that cases of child trafficking into agriculture are actually difficult to identify. In the few possible cases of trafficking identified, potential victims are girls. Thus, a research assistant spotted two girls about 13 years, used for picking olives in fields, one hour away from Sidi Bouzid, the center-west of the country. In Sfax (south-east), the Regional Delegate for Child Protection also mentioned cases of child labour in the fields of olives in Gargour (Sfax), without specifying the ages of these children, their work conditions, or the mechanisms and people surrounding these activities.

A reinforcement of the monitoring of agricultural activities should be undertaken in Tunisia in order to better identify children exploited into agriculture.

- **Exploitation in the streets**

The MAFF identified 14 cases of exploitation of children in begging in 2012. According to the Ministry of the Interior, these children would not be victims of organized networks but would be exploited by their parents. However, several governmental and non-governmental actors working with these children say that some are supervised by networks that place them every morning at strategic locations in the big cities. Some live together in abandoned premises. Others would be returned each evening to their family, in vans. In a newspaper (Le Temps) article in Time, released on November 2nd, 2012, the Tunisian Association for the Defense of the Rights of the Child states that children are often controlled and monitored by third parties, suggesting that these could be cases of trafficking. Most of them come from inland regions of Tunisia, including Zaghouan, a town near Tunis.

To confirm these statements, observations were conducted by the research team in Tunis, Ben Arous, Bizerte, Sfax and Sidi Bouzid in November and December 2012, to determine the characteristics and the environment of children vendors and beggars in the street.

Thus, it was observed that in downtown Tunis, on Bourguiba Avenue, a few children from 7 to 15 years old sell small items (gummy candy, roses, jasmine flowers, leaflets with verses from the Qur'an) while others beg. Young sellers walk up and down the avenue to offer their merchandise to customers in cafes. Other jasmine or tissues sellers are detected at red lights and busy intersections crowded with motorists in Tunis and its suburbs. Young teenagers selling jasmine are also spotted at the red light at the exit of the airport of Tunis-Carthage.

Another team near the Gare de Tunis (Tunis train station) spotted two hefty adults, supervising children aged 9-17 who were selling cigarettes and chewing gum in the area. Careful observation of the research assistants helped to identify a well-structured network. The tasks seemed to be defined and shared between salespeople, coordinators and supervisors. One child is equipped with roller skates to facilitate his rounds between merchants and suppliers. A man sits in a taxi that is never put to service, to keep watch. The observation was repeated, and although the faces change, the same practices continue.

Also, during the observations carried out in Tunis, a child beggar identified by the research team said they needed money to buy merchandise, and then sell it. Their supplier is a gas station, which shows the involvement of the private sector in the exploitation of these children.

This phenomenon of children working in the streets is also present in the regions. In Sidi Bouzid, a research assistant was able to talk with a young boy of 15, claiming to be fatherless, selling leaflets with coranic verses on the street. He explained that a group of beggars, minors and adults, were transported each day from Kasserine to Sidi Bouzid, Kairouan, and sometimes Gafsa¹¹⁰ to beg. They gather early in the morning and come back at night. Children receive leaflets from an adult and try to sell them without a fixed price. Once back home, they must give each a quota of 8 dinars (4 euros) to the person who gave them the leaflets and keep the rest.

Spending time in downtown Sfax, researchers' observations revealed regular and routine instances of child labour and helped gather information on this fact. Thus, young people 12 to 16 years get into cafes to sell products like lamps, lighters, toys, hair clippers. These are regulars according to the waiter in one of the cafes. They walk for miles with a large backpack. Some work alone, others in pairs. They buy their products (all the same) in a market located 5 km from the city center. One of the vendors said he gets 1 or 2 dinars for each item sold. According to the Child Protection Delegate of Sfax, the children who beg are from Sidi Bouzid and Mahdia.

The exploitation of children in the streets of major cities is a phenomenon visible and known to all, and we can say that it is socially tolerated. Tunisian citizens do not have the wish to denounce these cases of child labour, as it is for them an activity for an additional income for poor families, and even a socialization of children during school holidays. An awareness raising effort is to be undertaken with the general public so that they understand what the work of young children in the street is about, because apart from their conditions, these children are exposed to serious accidents and the enrollment in trafficking networks. These risks have been confirmed by public officers in the field that denounce sexual abuse of children in the streets, or the use of jasmine sellers by criminal networks for drug traffic (see 4.3).

4.1.2. EXPLOITATION OF WOMEN INTO AGRICULTURAL SECTOR

A number of people interviewed during the Study pointed our research towards the exploitation of women in the agricultural sector, without being able to give us more information to show whether or not they were cases of trafficking.

According to an association located in the northwest of the country, a number of women living in the poor outskirts of the city of Jendouba are used in the agricultural sector. They are aged 30 to 65 and their workday¹¹¹ begins at 6 am, time at which they are driven by an individual to a destination unknown to them. It is usually a farm in an area about 60 km away. Transport conditions prove to be dangerous because the vehicle used is intended for the transport of goods. Two fatal accidents occurred in two years. Upon arrival at destination, the owner of the land tells them about the nature of the tasks (plowing, sowing or harvesting). They sign contracts and are paid six dinars per day (3

¹¹⁰ These cities are about 100-150 km far from each other.

¹¹¹ They work every day with a day-off on Wednesday.

Euros), less than the legal minimum wage. Sometimes the owner does not pay at the end of the day and asks them to continue to work for a period of 10 to 20 days, by promising pay once the work is finished. Often, they only get violence for remuneration.

Even if the available information does not confirm that these women are forced to work in these fields, it should be noted that these women are in a situation of extreme poverty and sometimes have no alternative but to accept the most despicable working conditions to survive. It is also important to note that women in the farming sector represent a significant pool of potential victims of trafficking in persons.

4.1.3. EXPLOITATION OF DISABLED PERSONS

Although rare, the Study helped identify a few cases of disabled victims of internal trafficking in Tunisia. According to the profile of the victims, it is clear that their exploitation is based on an abuse of their vulnerable situation.

According to the Tunisian Union for Aid to Mental Impairment (UTAIM), disabled children are used for begging and selling small items, by their own parents or by others when they are isolated from their families. It happened that a disabled child was exploited for begging and sexually assaulted by another disabled adult.

Also according to UTAIM, a senior, both legs amputated because of diabetes, was apparently placed in recent years with a host family, who then forced him to beg in the street. Rescued by the social services, the woman was placed in a home for the elderly. However, no special assistance was provided to her as a victim of trafficking.

Other cases were detected during field observations: researchers spotted a teenager about 15, with a visible disability begging at traffic lights of an intersection on the outskirts of Tunis. Another, with the same profile, was seen in the town-center of Tunis. He was selling small items on the terraces of cafes. He had difficulty moving and communicating. It is therefore unlikely that this man chose this activity or that he was going to enjoy the earnings.

4.2. INTERNAL TRAFFICKING INTO SEXUAL EXPLOITATION AND PROSTITUTION OF OTHERS

4.2.1. CHILDREN

The information collected during the Study helped confirm the presence of cases of children trafficking into sexual exploitation and forced prostitution in Tunisia.

The Juvenile Judge questioned in connection with the Study in the Court of First Instance (CFI) of Tunis, deals with approximately four cases of underage prostitutes per month, all supervised by pimps. They are aged between 15 and 18 and are from rural areas. Their recruitment is done through family or friends. Traffickers and exploiters are mostly Tunisian women aged fifty, from the popular districts of Djebel Lahmar, areas of Hay Nour and Hay Hlal. The majority are middle class single or divorced women. Girls are prostituted in the street or in cars with Tunisians; with foreigners (mostly Libyans) they are exploited in groups in apartments, for instance in the city Ennasser, in Tunis, as referred by official sources and taxi drivers in Tunis. The detection of the situation of these girls is often possible when they are arrested in a context other than that of prostitution, such as theft or drug use. Yet these are indeed trafficking cases.

The investigating judge of the CFI of Tunis deals with about five cases per year of girls and boys sexually exploited in the street. They are between 10 and 12 years and are generally in conflict with their families. The living conditions of these children in the street make them very vulnerable to

human trafficking and drugs are often involved in this type of exploitation. Clients, men 40 and older, unemployed, according to the established profile, are convicted of rape and statutory rape.

The MAFF identified 125 child victims of sexual exploitation in 2012, and four cases of "sex on the Internet." However, no details were provided on these cases and it is not possible to distinguish trafficking cases of sexual abuse because the MAFF database was not elaborate enough in order to identify the different cases.

In the regions, the exploitation of the prostitution of young Tunisian girls aged 15 to 18 years by others would mainly take place in Sousse, in private homes, and customers would be Tunisians in their majority. No information has been collected on the geographic origin of these young women. Several sources, including ECPAT International¹¹², confirm that Sousse is a center of international sex tourism trade. Foreign clients are mainly Europeans. Many of the minors strolling the streets and the tourist beaches are potential victims of trafficking for sexual exploitation. Sex would take place in small downgraded hotels. The Ministry of the Interior, as well as people interviewed in a hotel, indicate the presence of Western women who pay the services of young Tunisian men. It is not clear whether pimps are involved in these cases. The Ministry of Interior also states cases of pedophilia, namely in Sousse¹¹³.

Consistent testimonies also relate that in Sfax, Tunisian girls and boys are sexually abused by foreigners including Libyans¹¹⁴. According to J/TIP Report, between 2009 and 2010, dozens of children under the age of 16 were involved in these cases. In this same city, the square in front of the in the city hospital is known by the inhabitants to be a "market for prostitutes." Fathers come accompanied by their daughters to offer them to customers in public. No information has been provided on the age of the girls or their place of origin.

According to the Ministry of Interior, there is no child pornography produced in Tunisia. However, a monitoring must be undertaken in this area; because according to the online journal Attariq el Jadid, the Tunisian police dismantled a few years ago an illegal prostitution network consisting of 12 people of Tunisian origin, including minors, in the area Mareth, south of the country. Girls and boys under 15 were filmed under the influence of alcohol during collective sexual acts. The final intended use of the video is unknown; it is not permitted nor excluded, to consider this a case of trafficking for sexual exploitation of children through child pornography.

Finally, although no clear evidence has demonstrated the existence of such cases in Tunisia, the possible link between adoption and child trafficking should be taken into account. In fact, during an interview with a member of INPE staff, the case of a little girl who was adopted and then returned because "she was not nice," was mentioned. In fact, the child had been sexually abused during her stay in the adoptive family. If the conditions for a possible exploitation remain unspecified, a case of trafficking cannot be excluded.

4.2.2. WOMEN

According to the Ministry of Interior and other official sources, the available national data does not identify a network of internal trafficking of Tunisian women into forced prostitution. However, there are cases of exploitation of the prostitution of women in Tunisia, identified during the Study thanks to the testimonies of associations, agents of the MAS, or judges that may be trafficking cases. Thus, during the first quarter of 2012, the judge of corrections of the First Instance Court of Tunis had noticed an unprecedented increase in the cases relating to procuring and illegal prostitution. He now works on one to two cases per week. This is a phenomenon that is important to monitor because clandestine prostitutes may be victims of trafficking networks. Besides, the Press also publishes

¹¹² « A Situational Analysis of Sexual Exploitation of Children in Tunisia », ECPAT International, 2003.

¹¹³ During a interview with Ministry of Interior, January, 2013.

¹¹⁴ 2012 J/TIP Report and Child Protection Delegate in Sfax interviewed for the Study.

articles that suggest the presence of trafficking into sexual exploitation of Tunisian women in the country.

In November 2011 the online journal Attounissia mentioned two separate cases¹¹⁵ that were similar to cases of trafficking. The first concerns four young women aged 24 to 26 who were tried in Tunis for illegal prostitution. They said at first having practiced sex for money (ten dinars, five Euros), but the bulk of the revenue was for the owner of the apartment where they worked, then they retracted saying they were deceived. They were actually recruited to work in a hair salon, and ended up involved in a prostitution network. In the second case, two sisters appeared before the Court of First Instance in Tunis for illegal prostitution while proclaiming their innocence because they were recruited to work in a center for accommodation and support for the destitute, and eventually found themselves locked in a house, from which they could not escape.

The MAS agents, judges and voluntary sector stakeholders pointed to cases of sexual exploitation of women involving family members or a spouse, or else clandestine prostitution with or without a pimp. By most accounts, these women were not forced into prostitution, but the concept of constraint is to be identified and reminds of the difficult issue of the consent of the victim, which is an important element in the trafficking definition. It should also be noted that the Study of ATUPRET reports that 8 percent of interviewed women say they work in prostitution under duress by a third party. They may therefore be victims of trafficking.

Twelve interviews with taxi drivers in Tunis (9) and Sfax (3) were conducted during the Study to obtain more information on clandestine prostitution in these cities. Each said he daily drove women prostitutes: in the early evenings, from their houses to restaurants, bars and tea rooms where they meet clients after being called by their pimps; later in the evening, they would move to apartments and villas, sometimes reserved by pimps for customers; and in the morning, back to their houses. Prostitution would take place in rich neighborhoods and tourist areas, bars, cabarets, nightclubs, apartments, houses, villas and hotels sometimes. Some taxi drivers are involved in procuring networks by transporting women.

Clandestine prostitutes, portrayed by the drivers, are Tunisian women aged 16 to 40 years, in a difficult economic situation and from poor neighborhoods. In Tunis, a driver notes, however, the emergence of women from rich neighborhoods. Two of them posited that many women are forced into prostitution, without specifying by whom. Two others will say that they are forced by economic conditions. A driver of 54 years, with 34 years of experience, including 14 years of night work, considers that prostitution is often forced. Customers are Tunisians and foreigners from 25 to 55 years, financially well off. They are brought into contact with prostitutes by intermediaries of their own nationality, involved in various illegal acts. They are often from the same neighborhood as the girl. There would be intermediate women, but the heads of networks remain men. An interview conducted by a research assistant with a *samsar* (intermediate) in Tunis sought to determine whether the "market" of clandestine prostitution offered minor prostitutes to clients. It turns out that this was not the case this time.

Drugs are often present in these cases. In Sfax, for example, women were forced into prostitution by their boyfriend so that he can buy drugs, according to ATUPRET which is in regular contact with these groups of women. The Chems youth center (rehabilitation center) in Tunis provides the same testimony, adding that it is sometimes the dealer who exploits young women in need of drugs. The abuse of the vulnerability of young women and the use of hard drugs is then used as a means to exploit them.

To summarize, it is not always possible to confirm the presence of a victim of trafficking within the clandestine prostitution population in Tunisia. However, those individuals represent a pool of

¹¹⁵ "Bringing four girls before the Justice for illegal prostitution"
http://www.attounissia.com.tn/details_article.php?t=66&a=40045

potential victims of trafficking, as they represent vulnerable groups who are stuck in very difficult circumstances.

4.3. INTERNAL TRAFFICKING INTO INVOLVEMENT IN CRIMINAL ACTIVITIES

Five children were identified nationally as being exploited by third parties in cases of organized crime in 2012 by the MAFF. They were mainly reported in Greater Tunis, the Sahel and South of the country. The staff of Justice, MAS, civil associations and a priest interviewed in the Study reported this problem. According to the educators of the Centers of Defense and Social Integration (CDIS), the children they meet on the street will never talk about their traffickers because they are too afraid of retaliation. The judges interviewed in Tunis as well as the Child Protection Delegate of Tunis, reported cases of children being exploited for drug trafficking, robberies, assaults and burglaries. Traffickers are adults and former prisoners for profiles established by government senior executives.

These children victims of trafficking should be treated as such and not as criminals. It is thus advisable to take them to secure centers, keep their confidentiality to protect them from traffickers who threaten them. These centers should provide any necessary assistance for reintegration (education, training, medical and psychological assistance). No such centers exist at the moment in Tunisia.

5. INTERNATIONAL TRAFFICKING

According to Ministry of Interior, transnational trafficking involves, in most cases, international organized networks, facilitating the recruitment of victims, their passage from one or several borders, irregularly or regularly, to a destination where the exploitation will be performed. In Tunisia, data prior to the Study existed on the presence of the phenomenon, including foreign women sexually exploited or into domestic servitude in Tunisia, but also Tunisian women trafficked into prostitution abroad and Tunisian men exploited into agricultural work in Europe. The Study helped to confirm and analyze this information and understand the terms of international trafficking as manifested in Tunisia.

5.1. TUNISIA AS A SOURCE COUNTRY FOR HUMAN TRAFFICKING

5.1.1. TUNISIAN WOMEN VICTIMS OF TRAFFICKING INTO FORCED PROSTITUTION ABROAD

The results of the Study confirm the information already released in Tunisia on transnational trafficking involving Tunisian women abroad. In 2009, two Tunisian women were rescued from forced prostitution in Jordan¹¹⁶. According to the J/TIP 2012 report, four Tunisian women were recruited in the same year to work as secretaries in Lebanon and forced into prostitution by traffickers. Others were recruited to work in the entertainment industry, provided with an artist visa, and then forced into prostitution once they arrived in Lebanon.

According to the Ministry of the Interior, questioned during the Study, Tunisia is indeed a country of origin for victims of trafficking into sexual exploitation in Lebanon, but also the Gulf, and West African countries. Tunisian women exploited in West Africa¹¹⁷ are channeled through Lebanon. Other testimonies revealed that victims are recruited in Kef region (northwest) and directly transported to

¹¹⁶ Source: 2009 Report of the Office to Combat and Control of Trafficking in Persons, U.S. Department of State.

¹¹⁷ Côte d'Ivoire, Benin, Senegal.

destination countries (Côte d'Ivoire) to be sexually exploited. Most of the victims are young women, they travel regularly and they are deprived of their passport upon arrival.

IOM assisted, in 2007, a young Tunisian woman of 22 years, victim of trafficking for sexual exploitation in Turkey. She was persuaded by a friend to travel there to babysit for a Turkish family. Once there, she was forced into prostitution. Trafficking cases between Tunisia and Turkey are still rare. According to the staff of the Ministry of Interior interviewed during the survey, women in prostitution in Turkey are, in most cases, voluntary and consensual.

In the light of this information, and as confirmed in the research related to this Study, international trafficking involving prostitution of Tunisian women abroad is achieved in almost all cases in the context of labour migration in a regular situation (passport and valid visa). The recruitment of victims usually takes place through friends or acquaintances and via the Internet and social networks, using the offer of a false promise of employment overseas.

To take the example of networks operating in Lebanon, the procedure is as follows: foreign traffickers, mainly Lebanese, travel to Tunisia to find Tunisian intermediaries who will recruit girls for them. Hairdressers are very good recruitment areas for traffickers, but also Internet social networks, where young girls are offered a job as a waitress, dancer or singer abroad. The only requirement: to be young and pretty, with supporting photographs. The intermediate asks the girls for about 800 dinars (400 Euros) to pay for the paperwork and travel expenses, whereas it is actually the foreign trafficker who pays. Artist visas with a validity of three months are issued by the Lebanese Consulate and passports issued by the Tunisian authorities. Contracts are signed on the spot before departure. Once arrived, the victims find themselves faced with the reality that they are offered a job as a prostitute. If they refuse, they must reimburse the travel expenses to the trafficker, which they had actually already paid to the Tunisian intermediate. Unable to afford to pay these fees or finance their return ticket to Tunisia themselves, they are often forced to remain in Lebanon and join prostitution illegally¹¹⁸.

It is very clear that the trafficking of women into forced prostitution is carried out within the framework of legal circular migration flows (three-month contracts are renewed), which raises considerable problems for the detection of victims.

In collaboration with Interpol, the Ministry of Interior detected a prostitution network of 85 Tunisian women in Lebanon in September 2012. In this case, the women were sentenced to varying penalties for prostitution and another woman for pimping; some are still awaiting trial at the time of writing of this Report. Others were released because they were able to provide proof of having been duped by a fictitious job offer. One of them testified with her face hidden on a major Tunisian television channel, claiming to have been forced into prostitution and deprived of her passport upon arrival in Lebanon. A Tunisian pimp was behind the sending of these women to Lebanon and Bahrain. He seems to have been free at the time of writing this report.

Facilitated by the Ministry of Justice, we met one of the pimps of this case, along with four other women incarcerated for prostitution in Lebanon and Bahrain in the Women's Prison in Tunis. The women interviewed agreed: none of them had engaged in prostitution. It is difficult in these conditions to determine whether these women have been trafficked. However, some indicators of trafficking statements suggest that some could be. In Bahrain, for example, the two women interviewed were shut and locked all day in their room, without possibility of going out. In Lebanon, the women worked and slept in the same building. Their passports were confiscated. They could leave the hotel but only accompanied by a network member. At least two women were recruited via

¹¹⁸ Prostitution is prohibited by law in Lebanon and traffickers can use the threat of jail if women decide to report them or to leave.

Facebook. This recruitment is worrying, according to the Ministry of Interior, as it is very difficult to spot.

One of the young women interviewed was married Orfi¹¹⁹ to one of the cabaret customers in which she worked in Lebanon, a marriage that had no legal value in Tunisia. The customer-husband paid the boss so that she did not have sex with other clients, but she had to live and work in the cabaret. This shows the existence of illegal acts of prostitution in these cabarets.

During the survey period, a similar case was detected in the Tunisian Press, this time involving 28 young women arrested on their return to Tunisia after having been sexually exploited in Lebanon. The programme Labes on Ettounsia channel, February 20th, 2013, shed light on the processes of trafficking, through the testimony of a potential victim's fiancé:

L., a 20 year old young woman, was engaged before the departure for Dubai. She comes from a middle-class family and stopped her studies in order to follow a beautician training course. One of her Tunisian friends, who had lived some time in Dubai before returning to Tunisia, praised the economic opportunities there. She said she knew a woman who worked with her brother in the labour migration of Tunisians to Dubai. L. then gets into contact with this woman who reassures her and her fiancé, on the seriousness of the job offer in a beauty center. Recruitment criteria are physical beauty and being young. The visa and contract of L. are quickly prepared. The contract states that she will work in a beauty salon owned by the woman in question. She does not advance any travel expenses. These will be deducted from the salary she receives in Dubai.

L. left Tunisia in November 2012. Upon arrival, she is received by a Syrian man. He allows her to use his phone to contact her fiancé. She tells the latter she was taken to a house hosting Tunisian, Moroccan and Algerian women and not into a hotel, as originally intended. For some time, L. remains unemployed. They were preparing her papers and her badge, she explains to her fiancé.

Time goes by and L. no longer answers her boyfriend when he calls at night. The few times she picked up the phone, it was after 3am when she was drunk. However, L. did not drink alcohol before leaving for Dubai. L. told him that she worked from 22pm to 03am, with a break at midnight. It was difficult, according to her fiancé, to know whether she consented or not to exercise that activity at night.

Worried, the fiancé of L. called the woman who hired L. asking for explanations. She said that alcohol was prohibited at the workplace of L., and that it was not her, but the man who employed her. Later, L. called her boyfriend at night, drunk and crying, telling him about humiliating working conditions. Her calls are interrupted and she is still under control. She was able to talk to him three times in three months. It is forbidden for women to go out, call or use Internet telephony (Skype).

The fiancé of L. contacted her employer, without success. They eventually got back to him via Facebook and suggested that he should recruit beautiful young women between 20 and 28 in Tunisia for 100 dinars per head (50 Euros). In just three weeks, the network could have recruited 28 women.

Some young women working with L. returned to Tunisia on February 10th, while some others were transported to Turkey. He learnt that his fiancée was in Lebanon. He learned that the contract signed by L. was falsified and in English, misunderstood by his fiancée. L. was supposed to come back with the others, at the end of her contract, but her employer decided differently. As of February 12, he could no longer get in touch with his fiancée. L. was detained by Tunisian authorities upon her return to Tunisia.

¹¹⁹ Customary marriages, orfi, are illegal but allow the couple to consummate their relationship without a formal marriage.

In this case, all the elements are present to conclude, a priori, to a case of trafficking into sexual exploitation. L. was recruited and transferred from one country to another on the basis of deception about the nature and conditions of the work. Her movements and external communications were monitored. She was housed with women of different nationalities in one place, with the presence of alcohol as a means of control used by traffickers to enslave their victims. The fact that L. could earn money does not change her status as alleged victim. In order not to disturb the families and relatives of their victims, but also for better control, traffickers sometimes offer to pay them. This salary doesn't make them any lesser victims of trafficking.

Upon her return from Lebanon, L. was arrested for illegal prostitution and considered a criminal. She may be convicted for an offense that she was probably forced to commit. She no longer has the support of her fiancé and risks the rejection of her family if they discovered her activities. Measures must be taken to sensitize police and Justice Officers, the Media and the general public, to not re-victimize these young women by condemning or stigmatizing them.

In another register, forced marriage can be likened to a form of trafficking for sexual exploitation. Although available information does not reveal this to be an issue in Tunisia, and the national legal framework forbids it, it is a pressing problem in some countries in the region. During the investigation, a Press article dating from 2011¹²⁰ reports that three brothers from Tunisia and living near Lyon, France, were sentenced to six months of deferred sentence of imprisonment for kidnapping, holding and beating their 18 years old sister; they are suspected of trying to marry her by force in Tunisia. Their other sister had herself been a victim of forced marriage with a family member. Although this case seems to be an isolated incident, a monitoring is still needed on the subject of forced marriage.

5.1.2. TUNISIAN MEN VICTIMS INTO FORCED LABOUR IN EUROPE

According to the 2009 J/TIP Report, three Tunisian men were found and freed from forced labour in the agricultural sector in Italy¹²¹. Since then, no case of Tunisian man exploited into forced labour abroad has been identified. However, according to an association based in Italy, it seems that migrants are exploited in the agricultural regions of southern Italy, thanks to well-organized criminal networks. The *caporalat* phenomenon (mafia phenomenon of illegal exploitation of the workforce, mainly in construction and agriculture in the south of Italy) is still valid.

Moreover, suspicions were made during the research by an association fighting against trafficking in France about the exploitation of young Tunisian men in forced prostitution in France and the Middle East, including Lebanon, without mention of precise cases. Further studies should be conducted to investigate this situation especially that of young homosexuals who go abroad and may find themselves, once there, trafficked into forced prostitution.

¹²⁰ Figaro Magazine, "Forced Marriage: three brothers condemned", October, 19th 2011.

¹²¹ Source: 2009 Report of the Office to Combat and Monitor Trafficking in Persons, U.S. Department of State.

Trafficking routes starting in Tunisia

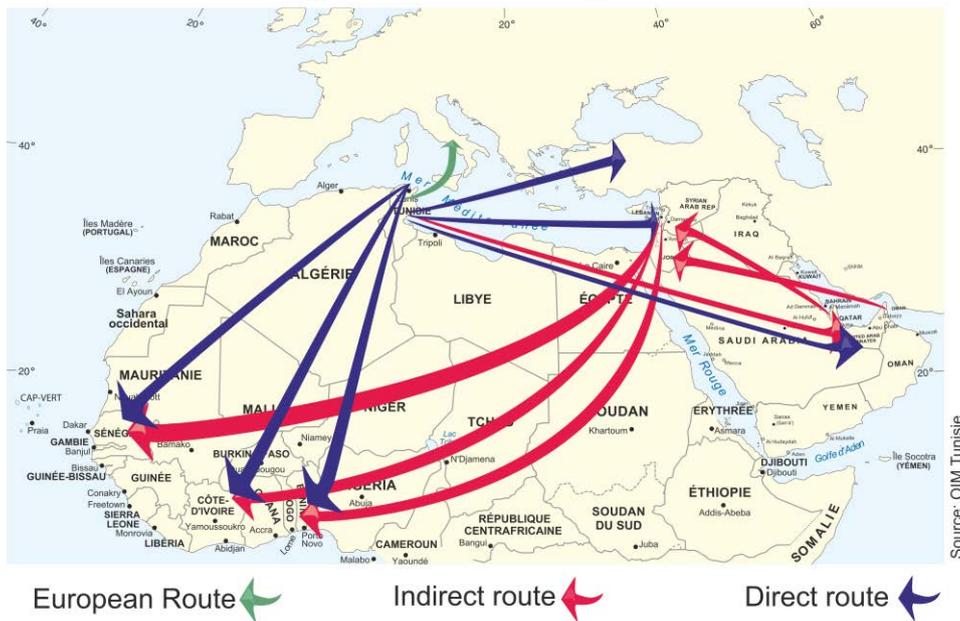


Fig 6: Trafficking routes starting in Tunisia

5.2. TUNISIA, DESTINATION COUNTRY FOR HUMAN TRAFFICKING

5.2.1. FOREIGN WOMEN VICTIMS OF TRAFFICKING INTO DOMESTIC SERVITUDE IN TUNISIA

Several sources told us during the Study that the staff members from an international financial institution, who are mainly from West Africa but also from East Africa, bring young women from their country to work as servants in Tunis. Dozens of these women undergo abuses and may be victims of trafficking for domestic servitude, as reported to Tunisian authorities by, among others, international organizations and civil society organizations. In its 2011 report, J/TIP also mentioned the case of an Ivorian woman held in domestic servitude by a senior official of the same respective institution in Tunis.

Among the testimonies gathered during the Study, a doctor reports that one of his patients, a high official in an international financial institution, had at his service in 2008, two young girls from Ghana to take care of his severely disabled sister. They took turns every 12 hours with the patient, who was never left alone. He says that he sometimes found one of the girls sleeping on a chair next to the patient, visibly exhausted. The patient, very corpulent, required daily care that was very hard for the girls. Their papers were confiscated by the employer, and they had no right to leave or to have holidays. In 2010, they were still in the service of this high official, protected by diplomatic immunity. The doctor himself wondered about the possibility of reporting the situation to the authorities, and worried about the ethical dimension of his initiative, in regard to his professional secrecy obligation. He then chose to abstain.

Diplomatic immunity is a real problem vis-à-vis the fight against human trafficking and assisting victims of trafficking. When the victims are kept in a diplomat's place, it is impossible for the police to intervene without the consent of the Ambassador or the Ministry of Foreign Affairs of the country of origin of the diplomat concerned by the charge.

Moreover, few people seem inclined to denounce such practices, even when aware of the exploitation inflicted, whether due to ignorance of the trafficking situation, for fear of repercussions or thinking that their statement will not result in anything positive for the victim. Measures should be taken to allow reporting cases of trafficking anonymously.

5.2.2. TRAFFICKING OF FOREIGN WOMEN INTO SEXUAL EXPLOITATION

In the 1990s, foreign women represented about 80 percent of prostitutes in the cabarets of Tunis¹²². They were mostly Europeans and Egyptians, but also from the Philippines. This trend is completely reversed today. Foreigners represent only a minority of the prostitutes.

Too little information is available to conclude there are still victims of trafficking for sexual exploitation among these women in Tunisia. However, according to J/TIP, three Ukrainian women were identified as victims of trafficking for sexual exploitation and forced labour in hotels on the Tunisian coast in 2007¹²³. Also, a witness interviewed during the survey reported that a few years ago, a European married to a Dominican woman was accused of being the cause of trafficking of young women from the Dominican Republic, "sold" here in Tunisia for prostitution in luxury hotels. Finally, a Press article from the newspaper *Attariq*, published in 2009, reports the existence of an international network of pimping bringing in Egyptian women for forced prostitution, while they thought they were coming to work as dancers in nightclubs¹²⁴.

Further studies should be conducted in this area, because it is rare for foreign prostitutes to cross borders without the help of well-organized networks. However, it may also be that the regional conflicts throughout the region in recent years have changed demand and shifted it to a national supply.

5.2.3. NO DETECTION OF TRAFFICKING FOR REMOVAL OF ORGANS

Trafficking for removal of organs is a topical issue in the MENA region. In Egypt, where the phenomenon has been documented, migrants from sub-Saharan Africa are prime targets for criminal networks, in particular Sudanese. In 2011, fifty-seven refugees or asylum-seekers from Sudan were identified by the Coalition for Organ-Failure Solutions (COFS). All were victims of a kidney removal. In this context, the presence of regional networks of organ trafficking cannot be excluded, and may directly or indirectly affect Tunisia.

However, discussions with local stakeholders, as part of the Study, tend to show that there could be no trafficking for organ removal in Tunisia. Health¹²⁵ professionals, police and associations agree on this point. Indeed, as already mentioned, Tunisia has a system of organ donation, which avoids the risk of trafficking in the country, and in most cases the departure abroad of patients in need of transplants. Thus, commissions within the National Centre for Promotion of Organ Transplantation (CNPTO), active since 1998, establish the rules of allocation of organs to patients. These are software programmes, based on scientific standards and anonymity of the patient, that define who will receive the organ. Transplants are very expensive operations, which require specific equipment and materials. Only a few public hospitals are authorized by decree to conduct certain types of transplant. Post-surgery treatment can be provided to patients only by the hospital pharmacy.

¹²² Statement of a former regular customer of cabarets, and from two local NGOs.

¹²³ Source: 2009 Report of the Office to Combat and Monitor Trafficking in Persons, U.S. Department of State.

¹²⁴ Online Journal *Attariq*, 2009: "The phenomenon of pimping in Tunisia: Social and Legal aspects."

¹²⁵ The information on this topic was collected from a particular specialist in organ donation in Tunisia UAS Montfleury in February 2013.

In general, living donation works well in Tunisia and donors are family members, compatible with the recipient. However, families have fewer children and are not always compatible donors. For these reasons, twenty patients went abroad in recent years to receive a kidney transplant in Egypt, Turkey, Iraq, and China. Some operations were not necessarily successful and the experience of these patients should be used to discourage the dialysis patients from going abroad.

As a consequence, it seems that Tunisia has a strong framework in place to prevent trafficking in persons into removal of organs.

5.3. TUNISIA, POTENTIAL TRANSIT COUNTRY FOR TRAFFICKING IN PERSONS

The national territory and territorial waters of Tunisia are transit routes to Europe for migrants from sub-Saharan Africa. Among them, it is possible to find people who have been victims of trafficking in their country of origin, in a third country, or future victims of trafficking in Europe, especially women destined to be trafficked into forced prostitution.

According to the 2012 TIP report, the Tunisian coastguards led 281 operations, with the support of Italy that resulted in the interception of African migrants off the Tunisian coasts. However, the Tunisian authorities did not establish mechanisms to identify potential victims of trafficking among these migrants.

During a voluntary return operation to provide assistance to hundreds of migrants stranded at sea in September 2012 (their boat to Italy had failed on the Tunisian coast), IOM detected a group of seven Nigerian women trafficked into domestic servitude in Libya. Evidence indicated that these women could be victims of sexual trafficking networks in Italy. At the end of March 2013, during the drafting of this report, another group of sub-Saharan migrants arrived in Tunisia under the same circumstances. Given the facts and circumstances, among this group there could have been trafficking victims. Similar cases are very likely to be repeated in the future, so it is incumbent on all parties to establish mechanisms and protocols for the protection of vulnerable groups and the identification of potential trafficking victims among them.

Finally, many Sub-Saharan migrants from Shousha Camp have left from Tunisia to Europe irregularly, through smuggling networks. According to the information gathered as part of the Study, the camp residents have no news of them. It is not excluded that these migrants fell into trafficking networks operating in Europe.

6. VULNERABLE GROUPS AT RISK OF TRAFFICKING

In many cases, victims of trafficking have a complex life history which should be considered in the context of a psycho-social approach to trafficking. They often underwent events or are living in an economic, social, political or cultural environment that weaken them and make them more vulnerable to various forms of exploitation. Vulnerable groups should be at the heart of policies to fight human trafficking.

Professionals in the field of the MAS and civil society actors showed during the course of this Study, that there are a number of vulnerable groups in Tunisia. This section therefore aims on the one hand to identify some of the groups which are recognized as highly at risk of being trafficked and on the other hand some of the groups which may be at risk of potentially being trafficked. The list below therefore shows the groups already presented in Chapter III, and includes others that have attracted the attention of the research team throughout the investigation. Even though this list does not

pretend to be exhaustive, it will help implement targeted programmes for these groups to prevent trafficking in persons in Tunisia.

Acknowledged groups at risk of trafficking in the Tunisian context

- **Young girls from the North-west**

Throughout the Study, the various field officers of MAS, the Child Protection Regional Delegates or else the associative staff revealed the vulnerability of girls from the North-west, victims of trafficking for domestic servitude. Measures for the decrease in demand should be designed for the families employing these children, the families from which they come, but also intermediates promoting their exploitation. Gender aspect should be addressed in a transverse way to think about this problem and find durable solutions in the best interest of the child.

- **Street children and children in the street**

The Study revealed that some of the street children and those who work or beg in the streets are victims of trafficking; it is of the utmost importance to focus on prevention programmes and assistance to these extremely vulnerable groups. These strategies should be enforced by raising awareness among the general public, so that citizens are aware of the dangers faced by these children and other realities surrounding these activities.

- **Women and underage illegal prostitutes**

Quitting prostitution is not easy and continuing it puts women and girls at high risk, for their health and safety. Measures of prevention and protection should be taken, particularly for minors, who are generally punished by Justice for illegal prostitution, instead of being treated as victims.

Foreign women in prostitution should be watched, as many of them may turn out to be victims of international trafficking networks. They are usually placed in a detention center¹²⁶ or prison for illegal prostitution.

- **Disabled persons**

Tunisian civil society warns against possible cases of exploitation of persons with disabilities, including children. They can be subject to exploitation into begging in particular, as reported in the Study.

- **Irregular Tunisian migrants abroad**

Each year thousands leave the country and hundreds lose contact with their families. Among them, some may be victims of networks that exploit them into agriculture, construction, or prostitution.

- **Women from sub-Saharan Africa domestic workers in Tunisia**

The Study showed the existence of cases of sub-Saharan women exploited into domestic servitude in Tunisia. Recruited by individuals sometimes protected by diplomatic immunity, they have little chance of being rescued.

¹²⁶ In 2012, 129 foreign women were received in this centre in Tunis, but none was identified as a victim of trafficking by the Ministry of Interior.

Groups at risk of possible trafficking

- **Individuals who are victims of sexual violence, especially women and children**

Whatever the context of sexual violence (committed by a stranger, a family member, spouse, clients of prostitution), age and sex of the victim, it is essential to take her into care and offer medical, psychological and social care, as well as adequate protection in the long term.

Sexual violence undermines individuals to the point that makes them vulnerable to any form of future exploitation, including sexual. Children are particularly vulnerable and should be accompanied throughout their rehabilitation.

It is not uncommon, even after having been rescued, that women who had been sexually exploited turn to prostitution. This is explained by the fact that their perception of themselves had been reduced to that of a slave/sex object. Their self-esteem is very low. This is also what the psychologists of the Women's Prison of Manouba noticed concerning, among other things, women accused of prostitution in Lebanon. Through prostitution, women run big risks of relapsing into prostitution trafficking.

- **Students**

Students were given special attention during the Study, because they were reported by several actors as a highly vulnerable group to trafficking. Indeed, some young Tunisian women are victims of customary marriages called "Orfis." Deceived by their husbands, these women can get pregnant and then be abandoned and end up together with their children, vulnerable to various forms of exploitation (issue of single mothers discussed below). According to the Ministry of the Interior, cases of Orfis marriage are not frequent, but the staff working with single mothers, among others, reports an increase in this type of marriage since the Revolution.

Also, during the interviews with the students, some reported having been directly contacted by people offering them employment in the Gulf countries, which is well known as a cover for trafficking for sexual exploitation. Others know women supposedly made rich from prostitution in Lebanon, and may be tempted to follow in their footsteps without knowing they could end up in trafficking networks.

- **Single mothers, divorcees and their children**

Stigmatized, single and divorced women have limited access to housing and employment in Tunisia. Some of them are forced to engage in illegal prostitution, as stated by the behavioral Study of women in prostitution of the ATUPRET. Others are forced to become homeless women. These situations may lead them to cross paths with traffickers and be exploited.

Many statements of social workers for the protection of children and others mentioned the difficulties faced by single mothers or divorced women and their children. Some single mothers are very young, sometimes minors. They live in poverty, fear for the future of their children, the shame, the potential rejection by their family, and their situation sometimes constitute a danger to their life if their family members do not accept them. This is the case of the mothers we met at INPE. One of them was abandoned by her father and has to work as a maid. She works from 7 am to midnight for 500 dinars (250 Euros) per month. Another, while she was pregnant, had to turn to prostitution to pay for housing a "friend" provided for her, and where she sent her customers.

The Ministry of Social Affairs conducted a Study on single mothers in 2007. 1,054 children born out of wedlock were recorded in 2006. A little more than half of them found their parent through a DNA test. The women had an average of 26 years. Minors accounted for 6.2 percent of cases. Just a little less than 50 percent were unemployed and 66.2 percent had completed primary education or none at all. The reasons for these births were transient relationships (36.9 percent), prostitution (35.9

percent) and rape (24.1 percent). In most cases, prevention of the risks of unwanted pregnancy can reduce the vulnerability of women.

- **Rural women**

Women living in rural areas are particularly vulnerable because of regional economic, social and cultural differences, but also because of wage discrimination against them. According to the UGTT, they may gain up to two times less than men for the same work. Exploiters do not hesitate to take advantage of their poverty. Stringent controls and prevention measures targeting both the needs of these women and the responsibilities of employers would be required to reduce the risks of trafficking.

- **Irregular migrants, asylum-seekers and those who are rejected asylum-seekers**

These three categories of migrants do not have the right to work in Tunisia and therefore have no legal means of subsistence. Asylum-seekers are protected from arrest for irregular stay in the country while their case is examined; they nonetheless remain vulnerable to various forms of exploitation. Following the conflict in Libya, many migrants were refused the right of asylum by UNHCR in Tunisia and departed irregularly to Europe. The Shousha camp residents interviewed during the Study had no news of them. As part of the prevention of trafficking in persons, the situation of those who were rejected in Tunisia is to be taken seriously, because it is not excluded that these people could fall victims to trafficking networks, while trying to reach Europe.

Foreigners in irregular situations held in the Reception and Orientation Centers for migrants must find the necessary funds for their repatriation themselves, when their Embassy does not acknowledge them or cannot finance their return. Sometimes they are forced to borrow the money, which makes them vulnerable to trafficking for debt. In general, the situation of adult migrants and minors arrested, imprisoned or detained should be analyzed, to ensure that they are not victims of trafficking or that they had not been victims in the past, and give them appropriate assistance and protection.

Finally, during the Study, it was revealed that a number of young people from West Africa went to Tunisia after being invited to join a football club, or to pass tests to join one. Once there, the test was not conclusive, and these young people were destitute and lacked the courage to inform their families at home. These practices must be taken into account in efforts to prevent trafficking in the countries of origin of groups at risk of trafficking.

- **Apprentices**

In practice, the employment of apprentices is little watched in Tunisia. Young people can be hired below the legal age for tasks inappropriate to their age. The testimony of various stakeholders, including Regional labour inspectors, agree that it is necessary to better control the employment of apprentices and to enforce the law.

- **Infants**

Thefts of infants are regularly mentioned in the Press in Tunisia. According to an expert on the Rights of the Child, the hospitals do not seem to be able to ensure all the necessary security for infants. Also, cases of exploitation of infants were identified in relation to begging. Individuals would hire the services of an infant from his/her parents in order to earn more money when begging. Although these are rare and isolated cases, it would be useful to address the weaknesses that could be employed by traffickers to exploit infants and children. For instance security measures at hospitals should be reinforced and upgraded and national efforts should be undertaken to stem the common practice of beggars using infants and children.



IV. PRESENTATION OF RESPONSES AND CHALLENGES IN THE FIGHT AGAINST TRAFFICKING IN PERSONS AND ASSISTANCE TO VICTIMS OF TRAFFICKING IN TUNISIA

The coordinated action of a number of actors is essential to effectively counter trafficking in persons. The governmental instances, the civil society, the international organizations, the Media, the diplomatic missions, the trade unions, the private sector and other stakeholders still need to combine their efforts to create synergies that will prevent and combat trafficking, but also to protect victims and to help them achieve rehabilitation.

In recent years, little has been done specifically against trafficking in Tunisia. However, in light of the activities carried out by various local actors (governmental and non-governmental) and international actors, we see that in this country there is a growing interest in the issue, as well as a strong legal framework in the field related to trafficking and best practices in inter-institutional coordination. The Study reveals indeed an active cooperation between the Ministries concerned with the protection of children and vulnerable groups in general (Ministry of Women and Family's Affairs, Social Affairs and the Interior). These ministerial structures also have a close collaboration with international organizations on topics related to trafficking in persons, among which are the IOM, but also UNHCR¹²⁷, OHCHR¹²⁸ and UNFPA. However, all agree on the need to rely more on civil society to provide appropriate services to groups vulnerable to trafficking.

Civil society plays a very important role in the prevention of trafficking in persons and in assisting victims, through their mission of general interest and their great knowledge of vulnerable groups and potential victims of trafficking. However, the associative network is relatively undeveloped in Tunisia and associations of service providers are in short supply and with limited capacity. All Tunisian associations interviewed are however aware of the challenge posed by trafficking in persons and said they wanted to strengthen their capacity, including the identification of victims and their assistance.

This Chapter will address the actions implemented in Tunisia by local actors to combat trafficking in persons; to punish perpetrators of this crime; to identify, assist and protect trafficking victims, whether they be found in the Tunisian territory and or abroad; and finally to ensure inter-institutional cooperation. This chapter will be punctuated by responses from structures encountered in the course of the investigation, on their capacity for action and their needs to be more effective. This will list the challenges to better counter trafficking in Tunisia and assist victims.

1. PREVENTION

Prevention is one of the most important steps in the fight against trafficking in persons. To be effective, it must take the necessary time, based on a cooperation and coordination approach, and adapted to the possible evolution of the phenomena. Actions to prevent trafficking are to be

¹²⁷ The United Nations High Commissioner for Refugees (UNHCR) prevents trafficking in persons among vulnerable groups (asylum seekers, repatriated, stateless persons, internal displaced persons) and assist victims. It supports the identification of international protection needs of trafficked victims. In coordination with IOM, UNHCR put in place in 2009, at the global level, detection and protection mechanisms for victims of trafficking that present high risks of persecution in their country of origin. UNHCR assists the member States in the identification process of victims of trafficking in irregular situation, stateless persons and asylum seekers, in order to better protect them.

¹²⁸ The High Commissioner for Human Rights (OHCHR) opened an office in Tunis a few months after the revolution of 14 January 2011. At the global level, OHCHR developed, in 2002, guidelines and recommendations on human trafficking. Since 2004, OHCHR supports and provides the Secretariat of the Special Rapporteur on trafficking in persons, women and children in particular. In 2010, he established a global plan of action against trafficking in persons and created a Voluntary Fund for the United Nations in the fight against contemporary forms of slavery.

conducted with the greatest number of actors and include comprehensive policies focusing on fighting the causes of trafficking, but also to target people who are already at high risk of trafficking. Many actors have a role to play in preventing trafficking in persons. By strengthening their knowledge of human trafficking and coordinating their efforts, they can reach a wider audience and thus effectively prevent the development of human trafficking, not only for victims and groups at risk, but for the whole society.

Research and improved knowledge

In terms of prevention, this Study and research reveal that since 2011 the Tunisian government has improved its knowledge of human trafficking. This Study, which required the involvement and participation of representatives of the Tunisian government, establishes the first set of national strategies to fight trafficking in Tunisia. The aim of the S.H.A.R.E.¹²⁹ Project, undertaken by IOM with the financial support of the U.S. Department of State, is the prevention of trafficking, whether in the short, medium or long terms.

The current S.H.A.R.E project Steering Committee¹³⁰ is closely involved in this Study and facilitated access to information to better understand and grasp the problem. It is expected that at the completion of the project, the Steering Committee will become the future National Commission against Trafficking in Persons. This latter will be responsible particularly for designing and implementing a National Action Plan against Trafficking in Persons, thus contributing to the prevention of crime.

Awareness-raising and capacity-building activities

Although efforts have been made to raise awareness about Human Rights and violence against women and children (related subjects), no prevention campaign against trafficking in persons has been developed by the government or civil society in Tunisia. Awareness campaigns on trafficking in persons were however carried out by IOM, through brochures and information workshops as to the risks of trafficking for migrants and asylum-seekers, as part of the emergency response to the Shousha Camp between 2011 and 2012, in coordination with local partners (mainly UNHCR, Danish Refugee Council and the Tunisian Red Crescent).

Also, in 2011 and 2012, IOM conducted a dozen training sessions on trafficking in persons, for government senior executives in the context of a humanitarian emergency in Shousha camp, but also in Tunis. Among these senior executives, there were agents of the Ministry of Women and Family, and of the military and border police and immigration. Also, in May 2012, with the support of IOM office based in Kuwait, an international seminar on human trafficking was held in Tunis, whose objective was to achieve the exchange of good practices on trafficking in the region. Government representatives from the Gulf countries as well as Egypt were present at the meeting, providing an opportunity to discuss issues on the protection of victims, as well as international cooperation on trafficking.

From 26 to 28 November 2012, OHCHR organized in coordination with the Ministry of the Interior and the Information and Documentation Centre on human rights for South-East Asia and the Arab Region (Qatar), a public conference aimed at the Ministries of Justice, Interior, Human Rights and Transitional Justice and Women and Family's Affairs, as well as the civil society, and with the participation of trainers and experts from the United Arab States and Jordan. Following this conference, the OHCHR organized a two-days training on the human rights approach in the context of trafficking in persons. These events sensitized dozens of actors from Ministries, civil society, international organizations, the media and the general public.

¹²⁹ Reminder: "Support and Hand-over of Assistance and Referral mechanisms as well as Exchange of practices in anti-trafficking".

¹³⁰ See Annex 1: List of members of S.H.A.R.E Project Steering Committee.

In terms of prevention of the causes of trafficking, an interdepartmental strategy, led by the Ministries of Social Affairs, Education and Employment and Vocational Training is being implemented and could have an impact, in the medium and long term, on trafficking of Tunisians abroad. This strategy consists of the implementation of awareness campaigns in primary schools to deter future teenagers and young adults from illegal migration, and thus becoming potential victims of trafficking.

Preventive action in employment

As has been mentioned throughout the report, the issue of employment is central in Tunisia and must be taken into account in strategies to prevent trafficking in Tunisia and abroad. Many government policies have been elaborated in recent years. Thus, the Ministry of Vocational Training and Employment (MFPE) is committed to developing a National Employment Strategy¹³¹. These measures should help to improve the living conditions of workers, reduce the rate of unemployment, the vulnerability of workers in the informal sector and regional differences that make individuals vulnerable to trafficking. In the same context, at the beginning of 2013, the "New Social Contract" of Tunisia was signed by the government, the UGTT (Union of Workers) and UTICA (Union of Employers). This social contract concerns, among other things, labour relations and social protection, employment policy and vocational training. It stresses the importance of social dialogue and social justice. This is a good foundation in the fight against trafficking, with a view to employment and worker protection.

For their part, women are grouped in women's structures to defend their interests at work. Among the major national professional organizations: the National Chamber of Women Entrepreneurs (CNFCE), created in 1990 within UTICA, the National Federation of Women Farmers (FNA) was established in 1990 within the Tunisian Union for Agriculture and Fisheries (UTAP) and the National Commission of Working Women, founded in 1991 within the UGTT. The CNFCE and the FNA and women's committees of the UGTT are established throughout the country through regional offices. These structures are important actors to be mobilized in strategies to prevent trafficking of women.

The MFPE introduced initiatives to control all recruitment agencies in Tunisia. These must now sign contracts with the Ministry prior to recruiting workers intended for the Gulf countries. This approach helps to prevent the trafficking of women for forced prostitution in these countries, and could be translatable to other countries in the region.

Currently, social workers from the Ministry of Social Affairs require prior authorization from the head of the family declaring a domestic worker to perform their checks. However, many girls are not reported. Because of the findings of the Study on the victims of trafficking in domestic servitude an effort could be made to introduce unannounced checks.

Finally, in recent months, the UGTT has publicized problems related to trafficking, such as the exploitation of women in farming and textiles sectors, as well as the issue of subcontracting. The three tracks were explored in this Study and helped to highlight the vulnerability of women in rural areas and the exploitation they are subjected to, as described in Chapter III. UTICA is worried about the importance of the informal sector in Tunisia. Thus, UTICA circulated, during a panel discussion on the informal economy in December 2012, the results of a Study on the subject conducted by the Institute for Liberty and Democracy, according to which we can conclude that the underground economy in Tunisia participates in enhancing the vulnerability of groups at risk of trafficking.

¹³¹ National employment strategy focuses on six themes: a new model of development and employment dynamics, a new regional policy in employment, a new training and education, work relationships, the revision of the institutional structure and finally the informal economy.

2. VICTIM IDENTIFICATION, PROTECTION AND ASSISTANCE

The *Baseline Study on trafficking in persons in Tunisia* focused on the role and capacity of government and non-government actors to identify, assist and protect victims of trafficking, regardless of their age, sex or nationality. The identification of a victim is to recognize his/her status as a victim of trafficking, giving him/her access to assistance and protection to which they are entitled. Assistance to victims includes all medical, psychological, legal and administrative support¹³². It may also include shelter and life-skills, for example educational programmes and vocational training. The protection of victims is in itself an element not to be overlooked and that consists in guaranteeing all necessary security conditions from identification to reintegration/rehabilitation. Indeed, victims of trafficking are often recruited by relatives or individuals who know their family and could threaten them with retaliation before, during or after trial, if they can locate them.

According to the 2012 J/TIP report, in recent years Tunisia has undertaken efforts to protect victims of trafficking. However, there are still no formal procedures to identify victims among vulnerable groups such as irregular migrants, asylum-seekers or prisoners, including minors. However, the Tunisian government does not provide or even offer assistance to foreign victims of trafficking. For this population, no legal alternative exists to repatriation. Further the government does not take any steps to ensure or to better ensure that foreign trafficking victims who are repatriated won't be re-victimized in their country of origin, where they possibly face threats and retaliation.

Also, there is no civil society structure dedicated to victims of trafficking in Tunisia. However, there are structures acting for groups at risk of trafficking in the area of Child Protection (SOS Villages), for homeless women (Beity Association in partnership with the MAFF and UNFPA), women victims of violence (Tunisian Association of Democratic Women), single mothers (Amal Association) or drug consumers (ATUPRET). The challenge is to improve coordination between these structures and work on the inclusion of aspects of assistance to victims of trafficking in their charters/constitutions. The staff working in these organizations are not trained to identify the victims, but in the framework of the S.H.A.RE. Project, IOM will organize training sessions for local NGOs.

As part of the Study various structures, which would ensure the detection of victims and their assistance, were identified. Thus, the MAS Divisions of Social Promotions, which are open to all people in difficulty (including people with disabilities, single mothers) have proven to be useful in identifying potential victims of trafficking, including domestic servitude and forced labour, and also in preventing the risk of trafficking. However, few of them are trained to identify victims.

As to Child Protection, existing government structures are managed by the MAS and the MAFF and cover all ages from birth to 18 years. The National Institute of Child Protection (INPE) under the MAS as an emergency center, accommodates children from 0 to 6 years. Two Supervision and Social Referral Centers (CPOS) located in Tunis (Ezzahrouni) and Sousse (Zaouia) accommodate, in emergency, adults in difficulty (abandoned, marginalized or excluded), single mothers and their children, women victims of violence or even homeless families.

A Centre for Social Protection of Children in Tunis (Ezzahrouni) is responsible for the care of children from 6 to 18 years at risk (children without families, wandering beggars or those affected in their physical or mental health). These children are placed by the Family Judge or the Children Protection Delegate for an indefinite period. The center can accommodate up to 72 children. Another center, with a capacity of 60 places, is under construction in Sidi Bouzid. However, these centers are not suitable for the reception and assistance of trafficked children. Indeed, child offenders are placed alongside victims of violence. None of the necessary safety measures for child victims of trafficking are met. Although complete assistance is provided to children (accommodation, food, medical and psychological care, recreational activities, vocational training and education), these structures do not

¹³² IOM Handbook for direct assistance to victims to trafficking, 2007.

meet the specific needs of child victims of trafficking, which require special treatment, support and a secure environment.

There are also 17 Centers for Defense and Social Integration (CDIS) under the supervision of MAS covering 14 governorates, which mainly target children who dropped out of school (and are no longer entitled to access the Integrated Centers Youth and Childhood) by providing prevention programmes and educational rehabilitation. The activity of these centers is limited to day work, without access to accommodation. Children of school age who leave school because of academic failure problems find no structure that can accommodate them and take care of all their needs. They only have access to CDIS. As part of the Study, the staff of CDIS interviewed said that there could be victims of trafficking among those children: young domestic servants (19.2 percent), forced prostitution (53.8 percent), forced labour (84.6 percent), forced begging (69.2 percent), drug trafficking (23.1 percent), organized crime (23.1 percent), forced labour in the fields (11.5 percent) and sex tourism (3.8 percent). According to 84.6 percent of the interviewed staff, CDIS services are satisfactory, but in order to improve, they need more financial, human, and material resources, transportation facilities, premises, cooperation with other actors, a broader legal coverage (schedules, travel) and more flexibility in the administrative proceedings. Only 3.8 percent reported having been trained in the identification of victims of trafficking.

Twenty-three Integrated Centers Youth and Childhood (CIJE) under the MAFF, and 68 childhood centers are spread over all the governorates in Tunisia. The CUE is organized into living units consisting of children aged 6-18 years in school, physically and mentally able to live with other children. Comprehensive care is offered to children who have no family support, are abandoned or in danger.

As for women, few governmental support structures are dedicated to them. There are shelter centers for vulnerable and marginalized groups such as abused women, young women at risk, etc., but none of them are specifically designed for victims of trafficking. Among these structures, the first psychological assistance center for women victims of violence in Tunisia was created in Ben Arous at the end of 2012 at the initiative of ONFP within the cooperation project with the Spanish Agency for International Cooperation Development (AECID). The staff of this center was interviewed for the Study. The center hosts between 10 and 20 women victims of violence a day, but does not provide accommodation. The team is composed of medical staff, a social worker and a lawyer. According to the director, the main needs of women are legal support and material assistance. The causes of the vulnerability of women are the lack of information about their rights, lack of education and family support, and unemployment. There may be victims of trafficking among women admitted to the center, but, according to the director, at this time there is not enough available evidence. While the director believes the services provided are satisfactory, he would like to have better trained staff. No employee of the center has been trained to identify victims of trafficking.

Finally, a pilot Center for women victims of domestic violence, El Aman, was inaugurated in December 2012 by the MAFF in the context of the implementation of the strategy to combat violence against women. This center is designed to provide women and their children with psycho-social support and legal guidance to enable them to assert their rights. At the time of writing this report, it is not yet operational.

Detection procedures of cases of trafficking among migrants

During the Libyan crisis in 2011, the Tunisian government made available an open space in the south of the country (Shousha camp) to accommodate all the migrants that flee the country, together with the Tunisian Red Crescent and several international organizations, including the UNHCR and the Danish Refugee Council. In this camp, health services, support, education and temporary shelter were provided to migrants, among who were alleged victims of trafficking and groups at risk of trafficking. Thus, in coordination with IOM and UNHCR, the Ministry of Women and Family's Affairs

assisted two trafficked Malians (minors) detected in 2011 in Shousha camp, by hosting them in an unaccompanied child care center.

From there, regular cooperation between IOM and UNHCR was established to facilitate the detection of potential victims of trafficking among people who fall under UNHCR's mandate, namely asylum-seekers and refugees in Tunisia. In January 2013, UNHCR and the Tunisian Red Crescent referred to IOM the cases of an Ivorian minor whose profile seemed to be very vulnerable to trafficking. Although the interview with the boy revealed that he was not a victim of trafficking, evidence showed that some of his African roommates used as masons in Tunisia could be victims of trafficking.

Following these successful, inter-institutional experiences with migrants and asylum-seekers located on the Tunisian territory, other detection actions and assistance to victims of trafficking were conducted in Tunisia with regard to vulnerable groups. Thus, in September 2012, IOM, by performing a voluntary return assistance operation of a group of migrants stranded at sea (their boat to Europe had ran aground on the Tunisian coast), conducted individual interviews with 21 young women, among whom seven Nigerian women were trafficked into domestic servitude in Libya. These interviews were made possible by a close coordination between IOM and the Tunisian Red Crescent. According to the IOM, it was not excluded that these young women were at risk of falling into networks of trafficking for sexual exploitation in Europe. These women were eventually supported by IOM in their voluntary return to their country of origin; upstream coordination actions with governmental structures to protect victims of trafficking in Nigeria were put in place, together with the IOM Nigeria, for the reintegration of victims.

Role of Embassies and Consulates

Diplomatic missions have a role of assistance and protection vis-à-vis their citizens, especially those who have been identified as victims of trafficking. Twenty-eight Embassies were consulted within the framework of the Study. None of the three that responded had identified victims of trafficking in Tunisia.

Roles, rights and responsibilities of consular officers in the exercise of their functions are specified in the 1967 Vienna Convention on Consular Relations. These functions include "helping and assisting nationals, both individuals and corporate bodies, of the sending State" - art. 5 e) to "safeguard, within the limits set by the laws and regulations of the receiving State the interests of minors and disabled, nationals of the sending State" - art. 5 h) and "deliver passports and travel documents to nationals" - art. 5. d). In this context, diplomatic missions can identify potential victims of trafficking (through visa applications, requests for assistance, etc) and provide them with assistance, through services of translation or interpretation, travel documents or any other type of consular assistance. They can also guide the victim of trafficking to appropriate services at local level (social, medical, psychological, legal, etc.) but also facilitating their voluntary return and reintegration to their origin country. Finally, diplomatic representations have the option, with the consent of the victim, to share the information gathered with the local authorities and to participate in criminal proceedings.

Following interviews undertaken at the Reception and Orientation Center for migrants in Tunis and other consultations, the Study revealed that most Embassies in Tunisia do not support the repatriation of their nationals detained in detention centers and wishing to return to their country of origin. When IOM cannot assist migrants through its Assisted Voluntary Return programme, they may find themselves obliged to borrow money in order to finance their return themselves. This greatly increases the risk of debt servitude of these migrants.

Concerning its nationals abroad, Tunisia has an extensive network of consular services and offices, part of the Office of Tunisians Abroad (OTE) assigned to Tunisian embassies and consulates in Europe, Canada and the Arab World. The consular officers and OTE social attachés ensure the safeguard of the interests of Tunisian nationals abroad through social support, social security,

treatment of marital conflicts, or other assistance at the health, judicial and administrative levels. Nevertheless, the structure needs to be strengthened in order to fight against trafficking in persons and protect victims, especially training in the identification of victims, both men (agriculture or building) and women (prostitution).

Finally there are no mechanisms to ensure return and socioeconomic and family reintegration in Tunisia for national victims of trafficking abroad. Tunisia has neither special structure nor information desk for victims of trafficking once back in the country. This aspect needs to be taken into account for future policies on victims' assistance and protection, because their security and life can be in danger when they go back in their community of origin, where the networks can find them and continue the exploitation cycle.

3. PROSECUTION

The Ministry of Interior has created an Office dedicated to the fight against trafficking in persons and has developed a strategy to fight against trafficking based on the approach of Human Rights. A computerized database of trafficking crimes was initiated by the Office in 2012. Senior executives from the Ministry of the Interior were trained on human trafficking in 2012 and training of field workers is expected in 2013.

Cooperation between the Ministry of Interior and Interpol, among others, helped to weaken, in 2012, transnational trafficking networks for forced prostitution, operating in Lebanon, Bahrain and Senegal. In parallel, the Ministry of Interior continued to work with Interpol to prevent trafficking of women and children, by preventing some women duped by false promises of employment from departing to the Gulf, or by performing monitoring of sexual predators when they plan to enter or entering the country. Closer cooperation with Interpol would, according to the Ministry of the Interior, help combat more effectively traffickers who use the Internet to recruit victims, including through social networks. The Ministry of Justice has meanwhile expressed its intention to penalize more severely the use of the Internet to recruit victims in the draft law on trafficking. The same Ministry is also involved in the drafting of a law on cybercrime, currently underway.

Repression of trafficking in persons in the houses of people protected by diplomatic immunity is a real challenge in Tunisia, as the country hosts foreign trafficking victims exploited into domestic labour by diplomats. Police are forbidden, even in case of force majeure, to enter the house of a diplomat who enjoys immunity without the approval of his Embassy¹³³. Solutions should be designed in a concerted manner between Tunisian and foreign authorities to solve this problem.

Labour inspectors, under the Ministry of Social Affairs, have an important role to play in combating trafficking. As mentioned in Chapter III, they can easily identify victims of trafficking for labour exploitation during their inspections, and act accordingly so that exploiters are reported to authorities and prosecuted. The inspectors interviewed for this Study reported five cases of children trafficked into situations of forced labour. The majority of inspections carried out by the staff interviewed are in factories and restaurants (87.5 percent each), but also in hotels (75 percent), apartments or private homes (12.5 percent) and others (25 percent). Strategic locations for exploitation are regularly visited by the staff of MAS. However, the Study revealed that most inspectors, upon detection of working children below the legal age, merely send them home without reporting them in order to take the strictest measures against the entrepreneur. These "amicable" solutions prevent the prosecution of children's exploitation. Three-quarters of the inspectors interviewed felt they could improve their performance through a strengthened legislation, more staff, financial resources, as well as more material resources, including vehicles to carry out their

¹³³Vienna Convention on Diplomatic Relations.

inspections. Training has also been listed as a need: none of the MAS inspectors has been trained in identifying victims of trafficking.

Judicial Proceedings

Convictions for offenses related to trafficking in persons are rare in Tunisia. No cases of forced labour or exploitation of child labour were identified by the Tunisian Justice in 2008. In April 2009, the Court of Tunis sentenced a Tunisian woman to three years in prison for having employed as a servant and physically abused a child of 7 years. In 2010, no investigation was conducted, nor any conviction relating to trafficking in persons. An investigation was opened, however, to investigate the sexual exploitation of minors by dozens of Libyan tourists, according to the Tunisian Press.

Detailed information outlining all convictions for offenses related to trafficking in persons has not been sent by the Ministry of Justice to the research team in the time allotted to the Study. However, it was determined as part of the Study, and through the judges of the Court of First Instance of Tunis, that the Tunisian Justice treated in 2012 several cases of abuse of children in domestic work, selling small items on the streets, organized crime and pimping in the country. Through the testimony of a pimp incarcerated in the women's prison in Tunis, at least two pimps (one female and one male) came to the attention of the Justice in the context of trafficking in Tunisian women into forced prostitution in Lebanon and in Bahrain. It is noted that at least three children prostitutes were convicted for prostitution and placed in rehabilitation centers for minors in 2012.

Frontline staff of MAS and the associations generally believe that the law is not sufficiently applied to combat offenses relating to trafficking in persons. According to the judges interviewed for the Study, the laws are not strict enough against the traffickers. For example, Tunisian legislation punishes with a simple fine exploitation of a child below the legal working age. The amount is not a deterrent and should be reassessed. Also according to the judges, the prevention of trafficking and protection of victims should be strengthened, as well as exchange of experience at national and international levels in order to strengthen the work of Justice. The creation of computerized databases is also a need identified by the judges.

4. ROLE OF THE PRIVATE SECTOR AND THE MEDIA

4.1. ROLE OF THE PRIVATE SECTOR

The private sector plays an important role in Tunisia as to the trafficking in persons and related illegal activities, either by organizing or facilitating them. Within this Study, it was decided to focus on the tourism-related businesses (hotels, restaurants), and the rest of the companies linked to the primary, secondary and tertiary sectors where alleged cases of trafficking and exploitations were identified.

Concerning sexual exploitation and related activities, the private sector seems very involved in Tunisia. Indeed, many statements in this area were collected. For example, some hotels in the capital and the coast would harbor the illegal prostitution and sexual exploitation of women and young men, but also children. If the Tunisian law prohibits the renting of a room to an unmarried couple, the exception is often made for tourists and businessmen, which represents a considerable risk. In Tunis, very large hotels are known for hosting illegal luxury prostitution for, among others, these same men. It cannot be excluded that these women may belong to trafficking networks and a thorough investigation should be conducted in this area. Internal regulations of the hotels are supposed to prohibit relationships between customers and employees. However, evidence gathered through

focus groups with the Media reports that, a few years ago, a well-known club in Djerba encouraged its employees into prostitution with customers. These practices may still be occurring.

The hotel employees contacted during the Study declared that they respected the established procedures when receiving customers. Thus, foreigners are required to present their passports and Tunisians wishing to book a double room a proof of their marriage. In Sfax, a hotel manager said he was often inspected by the regional offices of the Ministry of Tourism, which check if there are any offenses committed when booking rooms. Employees of the large hotels surveyed said that cases of sexual exploitation by foreigners usually took place in small unclassified hotels. These statements were confirmed by the Ministry of Interior.

Cabarets and beauty salons of the Tunisian capital also offer services of illegal prostitution of Tunisian and foreign women. Some statements report that after the Revolution, a number of salons stopped these activities for fear of the police. Some restaurants and cafes in the capital and major cities seem much less worried. They indeed facilitate the exploitation of the prostitution of women by allowing pimps to offer their services to their customers. These practices are tolerated by the restaurant and meeting points are well known to all. Some establishments even have rooms for rent above their business, as reported in detail by the waiter of a restaurant in Tunis.

In the context of trafficking for forced labour, the private sector also plays a central role. Thus, the direct exploitation of children is found in the trade of goods and services, farming and industrial sectors. Some private sector actors can in turn be less directly involved in the exploitation of children. This is the case, for example, of suppliers of flowers and small items sold by children in the street. During field observations, a team was able to identify a child from Tunis getting fresh supplies of jasmine flowers from a florist. Investigations should be more thorough to determine the involvement of these traders. Cafés owners, who see children strolling all day long in front of their terrace, could also deliver valuable information, and the same for taxi drivers.

The agricultural sector reported an anomaly that can open the door to forced child labour. This concerns the legal age set at 13 years, when a child can start working in this field, under certain conditions. Besides, this sector exploits rural women and should be given special attention, because the networks seem well organized.

The role of labour inspectors is very important in the fight against the excesses of the private sector in the context of trafficking in persons. As explained above, it is necessary to train the inspectors to identify victims of trafficking and to inform them about the methods of traffickers.

The private sector has a great responsibility in the fight against trafficking in persons. Therefore, it is important to analyze the factors that promote the involvement of this sector in the Trafficking in Persons and strive to fight against them. Awareness campaigns could be designed specifically for the different sectors mentioned above, possibly relayed by Unions of employers and workers or the Chamber of Commerce and Industry.

4.2. ROLE OF THE MEDIA

The Revolution of 14 January 2011 overwhelmed the Tunisian media landscape. The electronic media experienced unprecedented growth, as well as citizen journalism, and it is particularly in these areas of expression that we can find sources on trafficking in Tunisia. In this context, traditional Tunisian Media today have many challenges. Among these, one is particularly important in the fight to counter trafficking: the development of investigative journalism. For now, only one public educational institute trains future media professionals in this kind of journalism (the Institute of Press and Information Sciences (IPSI)) but it should undoubtedly be strengthened.

As part of the Study, a significant number of articles were identified on the exploitation of people in Tunisia, whether in the area of forced begging, child labour, women and young domestic workers. However, very few articles or television reports were specifically devoted to trafficking in Tunisia. The use of this term by the Media was also hardly detected during the Study. We can also see in parallel the sensationalist treatment of related topics by some television programmes, which often seek to increase TV ratings rather than denounce human rights violations.

The treatment of topics related to human trafficking is of major importance, because the Media can carry harmful prejudice to potential victims. According to a journalist interviewed as part of the Study, the image of migrants in the Tunisian press is still negative. Foreigners are also often mentioned in the general news articles of newspapers, without mentioning their nationalities. Illegal prostitution is also mentioned as general news in the majority of cases and in a stigmatizing way. Few articles or documentaries deal with the subject thoroughly.

Nevertheless, it is through the written Press and television that specific cases of human trafficking were highlighted in Tunisia. This is particularly the case of the discovery of a network of transnational exploitation involving 85 women accused of having engaged in prostitution in Lebanon. Most articles repeated the same information, without mentioning the possibility of trafficking. The case made the headlines in August and September 2012. One of the accused also appeared on a major television channel to explain how she was forced into prostitution after responding to a fake job advertisement; the production of the programme did not even take the necessary precautions to preserve her anonymity. Later, in February 2013, the testimony of the fiancé of an alleged victim of sexual trafficking¹³⁴ provided information about the recruitment process and methods of pressure from traffickers on their victims. Meanwhile, the existence of a network of trafficking for sexual exploitation of Tunisian women in Senegal was disclosed by the Media, and the possibility of trafficking cases finally mentioned.

The Media are also an interesting source to reflect on emerging social phenomena and in relation to trafficking. For example, since the end of 2012, the media attention is focused on the Islamist network recruiting young Tunisians to fight in Syria. Media monitoring should be conducted to ensure that minors are not part of those recruited, and that there is no question here of possible cases of child soldiers.

The problem of illegal organ trafficking has also been discussed by the Tunisian media in recent years, but there have been more rumors than actual cases, even creating tensions between "serious" media and tabloids.

The involvement of the traditional media in human trafficking proved to be almost nonexistent in the Study, but should still be given special attention. Moreover, in Tunisian newsrooms, measures could be taken to avoid the use of media by traffickers in recruiting victims, customers or intermediaries. Sales departments have clear instructions to report to the Editor suspicious contents. The latter can contact the advertiser if he has any doubts. In 2000, *La Presse* published the advertisement of a corporation presented as Korean to recruit young Tunisian girls aged 16 and 17 as "masseuruses" abroad. This failure led to the dismissal of the director of the newspaper at the time.

Whereas social media have the power to and do raise awareness among the general public, this new form of media is a source of concern regarding the issue of trafficking in Tunisia and among Tunisians. For example, according to the Ministry of the Interior and as explained in this report, social media are increasingly used by traffickers to recruit young Tunisian women into forced prostitution abroad. In the aforementioned case of Lebanon, one of the convicted traffickers had used Facebook to recruit at least two girls. The increasing growth in the number of Internet¹³⁵ users and social

¹³⁴ This case is presented in Chapter III.

¹³⁵ According to Internet World Stats (December 31st, 2011), the rate of Internet penetration in Tunisia is 36.3%. A figure which ranks Tunisia third in the African continent.

networks¹³⁶ in Tunisia has to be taken into consideration in, among other things, developing and implementing anti-trafficking prevention strategies.

At present, no concrete action has been taken to prevent or even attempt to combat trafficking through social media. However there is real political will in the Ministry of Justice to include this method of recruitment in the draft law against trafficking, as discussed in the framework of the Steering Committee meetings.

In their public information mission on trafficking in persons, the media must implement several actions: these include the obligation to report and analyze the facts of trafficking in persons without confusing them with other crimes or activities (particularly instances of smuggling and prostitution) and to monitor public policies and relay the actions of civil society organizations. At the same time, journalists must be proactive in seeking information and most importantly, always remember to protect victims, including when they interview trafficking survivors and when they are reporting on a survivor's testimony¹³⁷. There are, in Tunisia, important needs as to the journalists' sensitization about trafficking and training on techniques of investigative journalism and interviewing victims. Moreover, legislation should be strengthened to enable better protection of journalists in their investigative work.

¹³⁶ According to the website "Socialbakers", tool of social media monitoring, the number of Facebook users in Tunisia in March 2013 exceeds 3,4 million people with a penetration population of about 32.46% and penetration of Internet users about 89.10% classifying Tunisia in the 47th position worldwide. Another social media for professional purposes (LinkedIn) has a penetration of about 0.52% ranking Tunisia in the 81st position.

¹³⁷ Too many casualties to date have been found by their traffickers and murdered because of a lack of protection of their identity by the media. Specific protection measures for victims of trafficking should be taught in training centers for journalists.



CONCLUSION AND RECOMMENDATIONS

"Since when do you take up the right to enslave men, while their mothers bore them free?"

Omar Ibn Al Khattab,
one of the companions of the Prophet Muhammad¹³⁸

The *Baseline Study on trafficking in persons in Tunisia* helped conclude that Tunisia is a source, destination and potential transit country for trafficking in persons.

On the national territory, IOM documented that domestic internal trafficking primarily affects/impacts Tunisian children, but also women and disabled persons. Tunisian girls and boys are exploited into forced labour and sexual exploitation. Note that the exploitation of these children is particularly marked by the gender aspect. Indeed, areas such as domestic servitude, sexual exploitation and forced labour in small shops (bakeries) are mainly for girls. Boys are exploited to sell small items in the street, work in mechanical workshops and for criminal activities. As to adults, Tunisian women were identified as victims of trafficking for sexual exploitation, and potentially in the agricultural sector. Disabled persons, both women and men, are also victims of exploitation into forced labour or begging.

The Study reports the existence of networks related to transnational trafficking, which make Tunisia a source country for human trafficking. Thus, Tunisian victims are exploited for forced prostitution in the Gulf, Lebanon, and West Africa and, to a lesser extent, Turkey. They are deceived by traffickers who promise them work in the context of international labour migration. They increasingly use the Internet and social networks to recruit these young women. Considerable efforts should be made to avoid the stigma and condemnation of these victims, once back in Tunisia. Finally, a few cases of Tunisian men trafficked into forced labour in Italy were identified.

Tunisia is not a major destination country for transnational trafficking. Indeed, in the context of trafficking into sexual exploitation, only a few European women were identified, but it is not excluded that women of other nationalities are also victims of trafficking networks. Here, the private sector, including hotels, bars and nightclubs, has a large responsibility in relation to the exploitation of these women. However, a number of women from sub-Saharan Africa are victims of domestic servitude in Tunisia, exploited by senior foreign executives. Increased vigilance and stronger legislation should allow these people to be better protected and to prevent the risk of trafficking in these homes.

Finally, Tunisia could be a transit country for trafficking in persons. Monitoring the situation of irregular Tunisian and African migrants in Europe, after transit through Tunisia, would probably help collecting more information about this subject.

Groups of individuals were identified as being at risk of trafficking and shall be subject to preventive measures. These are mainly children, women, disabled persons and irregular migrants and asylum-seekers. The Study shows that the low level of development of the inner regions of Tunisia, the importance of the informal sector, the social acceptance of child labour below the legal age, as well as organized crime and corruption, are key factors that must be taken into account in the development of future public policies to combat trafficking.

In terms of prevention, Tunisia ratified most of the international instruments relating to the fundamental rights of people, including the Palermo Protocol of 2003 relating to trafficking in

¹³⁸ Omar bin Al-Khattab stated this memorable allocation on the occasion of a complaint filed by a Copt in Egypt against the governor `Amr bin Al-` Aç and his son.

persons. A small number of sensitization actions targeted vulnerable groups, but very few were dedicated to trafficking. Besides, no action has been identified to reduce the demand. The protection and assistance to victims of trafficking in Tunisia is not yet assured as such. No specific help and support system has yet been implemented for the victims, neither by the government, nor by the civil society.

As to law enforcement, Tunisia has not yet defined nor criminalized trafficking in its legislation. However, a draft law on human trafficking, which is protective of the victims, is expected to be released shortly. Moreover, Tunisian legislation covers a large number of trafficking related crimes, even if the laws do not always appear to be sufficiently severe or applied. Important strategic efforts have been implemented within the Ministry of Interior and are expected to fight more effectively against trafficking.

There are enough good foundations for national and international cooperation and coordination in Tunisia, suggesting that inter-institutional actions against trafficking in the country will certainly bear fruit.

The results and conclusions of this *Baseline Study on trafficking in persons in Tunisia* helped to develop a number of recommendations to strengthen action in Tunisia for 4Ps, namely to prevent trafficking, assist its victims, suppress the crime and punish traffickers, and finally better coordinate actions nationally and internationally. These recommendations, non-exhaustive, are as follows:

Recommendation 1: Establishment of a National Commission against trafficking in persons

The commission, established by ministerial decree pending the enactment of national legislation on trafficking in persons, would be responsible for drafting a National Action Plan structured around 4Ps and coordinate actions on trafficking in persons at the national level. The National Action Plan should include, among others, the creation of a national statistical database on trafficking in persons accessible to all stakeholders and the inclusion of indicators of trafficking in existing relevant databases. Besides, the commission may order thorough research on certain aspects of trafficking in Tunisia, launch information and awareness campaigns, and ensure the dissemination of the information contained in this Report.

Recommendation 2: Approve a comprehensive national legal framework on trafficking and implement a national action plan in this area

Tunisia has ratified the Palermo Protocol, but it has yet to develop a comprehensive national legal framework on trafficking in persons. It should follow at least the minimum standards of the Protocol on Trafficking in Persons.

In parallel, it would be appropriate to strengthen the laws relating to the protection of vulnerable groups and to ensure the adjustment of penalties for crimes related to trafficking in persons. In this sense, it is recommended to:

- Aggravate penalties concerning the exploitation of people, including the exploitation of child labour below the legal age.
- Increase the legal age for child labour in the agricultural sector.
- Ratify international and regional instruments related to trafficking in persons.
- Adopt national legislation on asylum (in progress).
- Adopt a legal provision on the duration of the detention of foreigners.
- Adopt a law on cybercrime (in progress).

PREVENTION

Recommendation 3: Take comprehensive measures to improve the socioeconomic conditions of groups at risk of trafficking and their access to social and cultural services

- Reinforce access to education, health services, including sexual and reproductive health and social services in general, to culture and expression for all.
- Adopt economic and social measures to better supervise work, reduce the informal economy, and promote access to decent employment for vulnerable groups.
- Implement measures to fight all forms of discrimination, including those related to gender, nationality, place of origin, age, health status or the family situation (single mothers, women divorced).
- Highlight the protective role of the family, including the structures of the MAFF, the MAS, the Ministry of Health and Education.
- Reinforce awareness programmes against violence against women and children.

Recommendation 4: Inform the public about human trafficking and the rights and duties of individuals towards the crime

- Implement information and awareness campaigns on a large scale about:
 - The definition of human trafficking and its consequences on individuals and society in general.
 - Trafficking in persons based on the gender approach, Human Rights, health and migrations.
- Implement prevention campaigns aimed at vulnerable groups about:
 - The dangers of trafficking on the individual and society.
 - Recruitment methods of traffickers.
 - The rights and remedies available to victims.
 - The link between trafficking and migration.

These Campaigns could for instance take the form of *Education by Pairs* or *Theatre of Oppressed*.

- Develop further studies on trafficking and related issues through academia, civil society, research institutions or government institutions.

Recommendation 5: Take deterrent measures against possible traffickers and their accomplices and measures to address the demand

- Enforce the laws in case of exploitation of individuals and employment of children below the legal working age by corporations (prevention of recurrence and expansion of malpractice).
- Develop strategies to prevent sex tourism, particularly involving children.
- Develop information and awareness programmes to target groups of potential exploiters, including:
 - Families likely to employ a child in the context of domestic exploitation.
 - Foreign staff of international organizations and the diplomatic corps in relation to the domestic exploitation of individuals.
 - Farmers, craftsmen and traders looking for cheap labour.

Recommendation 6: Support journalists in their research mission, processing and dissemination of information on human trafficking and related crimes

- Train journalists on trafficking in persons and related issues, including clear information about:
 - The protection of victims during the research, processing and dissemination of information, in accordance with journalistic ethics.
 - Use of a vocabulary appropriate to themes relating to trafficking.
- Support the development of teaching investigative techniques in journalism schools.

- Develop an exchange between the media, government and international organizations and civil society for accurate monitoring of public policies and action programmes on trafficking.

Recommendation 7: Prevent the use of the media and social networks by traffickers to recruit victims or clients

- Monitor, in the written Press, the publication of job advertisements that can be used to recruit victims of trafficking.
- Educate vulnerable groups about cybercrime on the Internet and especially in social networks.

ASSISTANCE AND PROTECTION

Recommendation 8: Train all professionals involved in the identification, care and protection of victims

- Implement training on identification, guidance and the process of assistance and protection of victims, especially among front-line staff of the MAS (social action and labour inspection), of the MAFF (including Child Protection Delegates), of the Ministries of Health, Interior, Justice, Foreign Affairs, assistance/advocacy associations, Unions, Foreign Embassies and Consulates in Tunisia, and international organizations or else, the journalists.
- Work on health aspects of victims of trafficking, including mental health and psychosocial assistance and specialized training of psychologists (centered on listening and psychotherapy) in shelters for victims.

Recommendation 9: Strengthen the capacity of civil society

- Educate voluntary sector staff on trafficking in persons, and offer specialized training in the identification and support of victims of trafficking.
- Increase funding to the voluntary sector, over time, by various actors, for the implementation of projects related to trafficking in persons.
- Develop exchanges between institutional and voluntary partners.
- Support the development of programmes dedicated to trafficking in persons and related subjects.

Recommendation 10: Implement a national mechanism for the identification, referencing and support for victims of trafficking

- Develop a National Referral Mechanism (NRM) involving all stakeholders including: government, civil society, international organizations, UN agencies and unions. The NRM should be based on clear, standard procedures, holistic and agreed between all stakeholders and focused on the specific interests of the victim (safety and confidentiality). It should cover all the steps involved in the assistance and protection of victims, namely: social and legal administrative assistance, reception, accommodation, protection, medical and psychological care, the restoration and maintenance of family ties, education, employment support and socioeconomic reintegration, family mediation or else assisted voluntary return.
- Support and monitor victims over time, in appropriate structures. Placement of trafficked migrants in closed centers for migrants and in prisons / rehabilitation centers for minors should be avoided. Mechanisms for the identification of victims of trafficking in these closed centers are to be set up.
- Establish a toll free facility to enable reporting, self-referencing and referral of victims (also accessible to the persons confined and speaking a foreign language).
- Promote public participation in the identification of victims and assistance to persons in danger.

Recommendation 11: Take specific measures on assistance to victims of trafficking

- Provide specific support for victims of trafficking in structures adapted to their security requirements and other needs.
- Implement protective measures in the area of shelters, in partnership with the Ministry of the Interior.
- Design complete specifications for the creation of shelters for victims of trafficking, including foreign victims. These centers would be managed by civil society and funded by the State; their location should be kept confidential.
- Provide all legal, social, and administrative departments with the medical and psychological care, and the education / training needed for the recovery and reintegration of victims, including legal compensation, and residency facilitation.
- Establish specialized structures of guidance and assistance to Tunisian victims of trafficking who had been exploited abroad, especially in prostitution.

Recommendation 12: Develop a programme of social and professional reintegration for victims of internal and transnational trafficking

- Establish partnerships with the State and/or the private sector to ensure victims' access to education, training and socio-professional reintegration.
- Adapt training to the sex, age, wishes of the victim, and the requirements of the labour market where they live or want to work.
- Implement appropriate services for trafficked children to ensure their physical and psychological well-being, and their education and reintegration in coordination with the existing services for the Protection of Children.

Recommendation 13: Establish measures for the voluntary repatriation of victims of transnational trafficking and reintegration in their country of origin

- Establish national mechanisms assisted voluntary return and reintegration of victims to their country of origin, and provide rehabilitation services maintaining family ties.
- Provide training to the diplomatic representations officers on assistance to victims within their mandate.
- Strengthen exchanges with international organizations and civil society in charge of assisting victims in their countries of origin and hosting countries.
- Implement alternatives to repatriation of victims, particularly in cases where victims of trafficking need international protection (access to asylum right or resettlement in a third country).

PROSECUTION
Recommendation 14: Strengthen the capacity of police and justice officers, labour inspectors and Child Protection Delegates

- Provide training for police and justice officers, labour inspectors and Child Protection Delegates, on the identification of crime, the approach and referral of victims of trafficking and the treatment of traffickers.
- Support the development and strengthen police investigation techniques, especially for tracking down criminals on the Internet.
- Provide technical Support to the Unit against trafficking in persons in the Ministry of Interior.
- Establish a structure dedicated to cases of trafficking within the Ministry of Justice.

- Increase material and human resources to improve the efficiency of Child Protection Delegates and labour inspectors throughout the country.

Recommendation 15: Strengthen against corruption and money laundering

- Increase resources available to actors fighting corruption and money laundering to better counter-trafficking.
- Train senior executives, including border guards, on the issues of the fight against corruption in the context of trafficking in persons.

COOPERATION AND COORDINATION AT NATIONAL AND INTERNATIONAL LEVELS

Recommendation 16: Develop inter institutional actions on trafficking

- Implement, through the future National Commission against trafficking in persons, actions around the 4Ps involving all institutional partners concerned. These actions will be coordinated by the Ministry of Justice in order to facilitate communication between stakeholders.
- Approve a budget for the implementation of the National Action Plan against Trafficking in Tunisia.
- Strengthen national cooperation and coordination between civil society and other stakeholders in the fight against trafficking in persons and protecting victims.

Recommendation 17: Strengthen police and judicial cooperation

- Strengthen cooperation between Interpol and the Ministry of Interior.
- Strengthen cooperation between the Ministry of Interior and international police departments.
- Strengthen collaboration between the Ministry of Interior and the Ministry of Justice about topics related to trafficking in persons.

Recommendation 18: Strengthen exchanges between the actors involved in trafficking at the national, regional and international levels

- Implement national, regional and international networks for sharing experience on trafficking.
- Organize national, regional and international seminars to promote exchanges between actors within the 4Ps on trafficking.

Bibliography

Reports

Achour, N.

2011 "Tunisian Health System: current state and challenges"

Assfam, Forum Refugees, France land of asylum, Cimade and Order of Malta

2011 Centers and administrative retention premises, report 2011

Association Beity and UNFPA

2012 « Roaming women. Homeless women. Profiles and images of life»

Association for sustainable development and international cooperation (ADDCI)

2012 « Irregular immigration. Field Study and prospective research »

Tunisian Association of Prevention from Addiction

2009 « Behavioral Survey on illegal sex workers in Tunisia »

African Development Bank

2012 « Interim Country Strategy Document 2012-2013, Tunisia »

World Bank

2013 « Consolidation and Transparency : Transforming Tunisia's Health Care for the Poor », UNICO studies Series 4

Bessire, F. (Ed.)

2005 "Reports from different trips in African coast, in Morocco, Senegal, Gorea, Galam", etc. Extracted from newspapers of M.Saugnier, Saint-Etienne University

Euro Mediterranean Consortium for research applied on international migrations (CARIM)

2010 « Tunisia demographic-economic migration profile »

2011 « Tunisian revolution and illegal migration towards Europe :Tunisian and European reactions»

2011 « Tunisian law as to the trafficking in persons and to the illegal trafficking of migrants » Ben Achour, S.

American Department of State, Office to Monitor and combat trafficking in persons

2009 Report on trafficking in persons in Tunisia

2010 Report on trafficking in persons in Tunisia

2011 Report on trafficking in persons in Tunisia

2012 Report on trafficking in persons in Tunisia

ECPAT International, A. Belhadj and H. Checkir

2003 « A Situational Analysis of Sexual Exploitation of Children in Tunisia »

Frontex

2012 « FRAN Quarterly.Issue 2. April-June 2012 »

National Institute of Statistics, with the support of UNFPA and UNICEF

2012 « MICS survey 4 Tunisia, 2011-2012 »

Ministry of Women and Family

2009 « National strategy against violent behaviors within the family and society : Violence Founded on gender through the cycle of life », Tunisia

Ministry of Family, Women, Children and Elderly's Affairs

2005 « Initial Report of Tunisian Republic on the implementation of Supplementary Protocol son the Rights of the Child, child prostitution and child pornography », Imed Farhat

Ministry of Social Affairs

- 2007 « Characteristics of beggars in Tunisia»
- 2007 « Characteristics of single mothers in Tunisia»
- 2008 « Psychological and social characteristics of street children»

International Organization for Migration (IOM)

- 2011 « Transnational trafficking in persons. Current status and analysis of responses in Morocco»
- 2012 « Counter-Trafficking and Assistance to Vulnerable Migrants, Annual Report of activities 2011»
- 2012 « Migrations of Tunisians to Libya: dynamics, challenges and perspectives »

International Labour Organization (ILO)

- 2010 « Migration, labour market and development », Hassen Boubakri

Office National de la Famille et de la Population (ONFP)

- 2007 « Current status of the legal aspects and the current of women victims of violence in Tunisia »

ONFP- Agence Espagnole de Coopération Internationale pour le Développement (AECID)

- 2010 Report of the « National survey on violence towards women in Tunisia »

United Nations Development Programme (UNDP)

- 2004 « Analysis of the phenomenon of poverty in Tunisia »
- 2004 « National report on the Millennium objectives for development. Tunisia»
- 2012 « OMD Report 2012: Evaluation of progress achieved in Africa as to the Millennium Objectives for development»

United Nations Children's Fund (UNICEF)

- 2011 « Analysis of the situation of children in Tunisia »

United Nations Office on Drugs and Crime (UNODC)

- 2010 « Smuggling of migrants into, through and from North Africa. A thematic review and annotated bibliography »
- 2012 « Global report on trafficking in persons »

Articles

Lamine, R.

- 2008 « Demographic growth and migration dynamics in major Tunisian towns »

Duchêne, G. and S. Seghir

- 2007 « Development of the informal sector in Tunisia: A policy of sham liberalization»

Programme documents and training manuals

Astra, Anti trafficking action

- 2008 « Human trafficking. Manual for journalists »

Council of the Baltic Sea States

- 2011 « Handbook for diplomatic and consular personnel on how to assist and protect victims of human trafficking »

IOM and Nexus Institute

- 2012 « Beneath the surface. Methodological issues in research and data collection with assisted trafficking victims »

IOM

- 2007 « IOM Handbook on Direct Assistance for Victims of Trafficking »
- 2009 « Caring for Trafficked Persons, Guidance for Health Providers »

UNODC

- 2009 « International framework for action for the implementation of the Protocol relative to the trafficking in persons »
- 2010 « Needs Assessment on the Criminal Justice Response to Human Trafficking »

Brochures

UN.GIFT

- 2008 « The Roles of Employers' Organizations, Business and Trade Unions in Combating Trafficking for Labour Exploitation ». Background paper, Vienna Forum to fight Human Trafficking 13-15 February 2008, Austria Center Vienna
- 2008 « The Role of the Media in Building Images ». Background paper, Vienna Forum to fight Human Trafficking 13-15 February 2008, Austria Center Vienna

UNFPA and ATFD

- 2011 « Lifting of the reserves to the CEDAW convention but not to the maintaining of the general declaration. Tunisia»

UNODC

- 2009 « Reference table of help in the combat against trafficking in persons»
- 2009 « Global programme against human trafficking »
- 2011 « Issue Paper. The Role of Corruption in Trafficking in Persons »

Conferences and Seminars

Third convention on the CEDAW convention and its impact on women's lives in Tunisia– Thursday 15 November 2012, CREDIF (The Center for Research, Studies, Documentation and Information on Women), Tunis (Tunisia)

International seminar on compared experiences of centers hosting women victims of exclusion and economic and social vulnerability, association BEITY, 30 November and 1st December 2012, Cité des sciences of Tunis (Tunisia)

Public conference « Combat human trafficking by the approach based on human rights», followed by two days training workshops, OHCHR, Ministry of Interior and the Center of Information and documentation on human rights for South-East Asia and the Arab region (Qatar), from 26 to 28 November 2012, Tunis (Tunisia)

Report of the Conference « Women's work » submitted by M. Habib Touhami Economist and former Minister, Association La Voix de la Femme (The Voice of Women), 24 December 2011, Tunis (Tunisia)

Report of the second Arab African conference against the exploitation, the violence and the sexual abuses of children, UNICEF, 14-16 December 2004, Rabat (Morocco)

Literature

- 2012 « Summary of foreign prisoners in Tunisia », Jean Fontaine

Press Articles

- « The jihadists in the cracks of the net », Slateafrique.com, 19 march 2013
- « From the pacifist revolution to the armed jihad », Courrierinternational.com, 8 march 2013
- « Major destinations for sex tourism in Africa », Slateafrique.com, 14 Feb. 2013

- « After Lebanon, a prostitution network of Tunisian girls in Senegal! » newsoftunisia.com, 3 January 2013
- « The Tunisian press is still sick », Webmanager.com, 26 November 2012
- « Employment of children: an organized crime », Le Temps, 2 November 2012
- « Tunisia: The human tragedy of prostitution », nawaat.org, 24 August 2012
- « Organized crime threatens Tunisian institutions », Le temps.com, 21 Jan. 2012
- « Pedophilia in Tunisia: Taboo or urban legend? », Businessnews.com, 18 Jan. 2012
- "Forced Marriage: three brothers condemned", Figaro Magazine, October, 19th 2011
- « Figures of the Tunisian internet », tekiano.com, 8 June 2011
- "The phenomenon of pimping in Tunisia: Social and Legal aspects." Online Journal Attariq, 2009
- « Tunisia, organ trafficking and kidnapping... virtual », Tekiano.com, 7 may 2008
- "Bringing four girls before the Justice for illegal prostitution"
http://www.attounissia.com.tn/details_article.php?t=66&a=40045

Annex 1

LIST OF MEMBERS OF S.H.A.R.E. PROJECT STEERING COMMITTEE

Support and Hand-over of Assistance and Referral mechanisms
as well as Exchange of practices in anti-trafficking

Ministries

- Ministry of Justice
- Ministry of Interior
- Ministry of Foreign Affairs
- Ministry of Human Rights and Transitional Justice
- Ministry of Women and Family's Affairs
- Ministry of Health
- Ministry of Social Affairs

United Nations Organizations

- UNHCR – United Nations High Commissioner for Refugees
- UNICEF – United Nations Fund for Childhood
- UNFPA – United Nations Fund for Population
- OHCHR – Office of the High Commissioner for Human Rights

Specialized Institutes

- CREDIF – The Center for Research, Studies, Documentation and Information on Women
- CEJJ - Center for Legal and Judicial Studies
- Higher Committee for Human Rights and Fundamental Freedoms Tunisia

Associations

- AMAL Association for family and children
- Lawyers without Borders
- Tunisian Red Crescent
- Tunisian League for Human Rights

Trade Unions

- UGTT – Tunisian General Labour Union
- UTICA – Tunisian Union for Industry, Commerce and Handicrafts

Annex 2

QUESTIONNAIRE FOR NGOS

Name of the association:
Address of the association:
Governorate:
Name of interviewed person:
Role and function:
Address of interviewed person:
Name of the interviewer:
Date:

I. STRUCTURE

1. What is the mandate and main activities of your association?
2. What type of public/target group do you have?
3. When was your association created? By who? In what context?
4. Does your association operate in different parts of the country? If so, where?
5. How many people work for your association at the local level?
6. How many people work for your association at the national level?

II. VULNERABLE GROUPS AND NEEDS

7. For what type of vulnerable groups do you work?
8. What are the needs of these groups?
9. Have these needs changed since the Revolution? If so, why?
10. Are there people more vulnerable than others because of criteria like: gender, age, geographic area, education level, nationality, disabilities, health, additions, marriage status, etc.? If so, who?
11. Do they have specific needs?

III. ALLEGED TRAFFICKING CASES

12. Do you know the term: « trafficking in persons »?

Trafficking in person is (explain with your own words):

It is the exploitation of others by coercion. It can concern men, women, children, Tunisian, foreign people.
(Please give examples: domestic workers, agriculture, forced prostitution, removal of organs).

13. Are you familiar with this kind of situations (check if the person understood the definition)?
14. Have you ever heard of this type of exploitation (on the basis of the cases mentioned)?
15. If so, what cases, when and where?
16. How have you heard of these cases?
17. Do you think there are victims of trafficking among your target group?
18. Why?
19. Can you give more information on these persons' profile? (Age, gender, nationality, family situation, marriage status, education, health problems, etc.) **Get as much information as possible, complete annex.**
20. What do you know about methods and profiles of the exploiters or other accomplices (recruitment, exploitation, etc.)?
21. Who can give more information on this subject?

IV. HOW TO RESPOND TO THE NEEDS OF VULNERABLE PEOPLE

22. In general, what kind of actions do you think it would be helpful to implement in order to reduce the vulnerability of your target group?
23. In your opinion: who should be in charge of it and how?
24. In your opinion, are Tunisian laws adapted to the needs of your target groups?
25. What needs are covered by your association?
26. How?(*activities, human and material means*)
27. How many people have you assisted this year (or in 2011)? (*Ask if they have any report*)
28. Do you have any office/structure? (places and kind of structure)
29. Please describe your team members' functions.
30. What kind of services do they provide to your target public?

V. ACTORS CAPACITIES

31. Your team has received a specific training on :
 - Victims of trafficking identification among vulnerable groups
 - Reception/shelter
 - Health assistance (HIV/SIDA, IST)
 - Psychological assistance
 - Vocational training and reintegration
32. (If not) Are they interested in doing a training?
33. How do you describe the services provided by your association to target public?
 - Not satisfactory at all
 - Not satisfactory
 - Not really satisfactory
 - Satisfactory
 - Good
 - Very good

VI. ASSOCIATION NEEDS

34. What are your main needs? Why?
35. What would you need to improve your services?
36. Who is/are the association's main donor(s)?
37. Is this situation sustainable for your association?
38. Do you consider the financial resources are sufficient to carry out your activities?

VII. OTHER ACTORS OR STUDY SUPPORTS

39. Do you work in coordination/partnership with other associations, Ministries, Media or private sector? If so, which ones and how?
40. Do you know institutions that would be able/interested in supporting victims of trafficking:
 - Victims of trafficking identification among vulnerable groups:
 - Reception/shelter:
 - Health assistance (HIV/SIDA, IST):
 - Psychological assistance:
 - Vocational training and reintegration:
41. Can you recommend anyone who could help us with this Study?
42. Do you have any documentation/reports to help us with the Study?

THANK YOU

Annex to the Questionnaire
Information to collect on victims of trafficking and traffickers

Victims

- Number of victims
- Men/Women/Children (boys/girls)
- Age
- Nationality
- Family situation
- Type of exploitation
- Country of exploitation
- Place of exploitation (city, in the street, apartment, institutions, etc.)
- Period of exploitation
- How have they been detected (by who, in what circumstances)?
- Did they receive assistance? If so, from who? Where? When and how?
- Can we interview this person?

Traffickers

- Traffickers (men, women, age, nationality, socio-professional category)
- Recruitment (family, false promises, kidnapping, etc.)
- Transport
- Conditions of exploitation (limited freedom, threats, drugs, violence, etc.)
- Have they been accused/charged by Justice?
- Have they been convicted? If so, for what crime and what sentence? When and where?

Other comments:

Annex 3

QUESTIONNAIRE FOR EMBASSIES AND CONSULATES BASED IN TUNISIA

Baseline Study on Trafficking in Persons in Tunisia

Name of interviewee:
Position of the interviewee:
Embassy / Consulate / of:
Full address:
Contact details of the interviewee:

NATIONALS IN TUNISIA

1. Since 2008, how many citizens / Nationals of your country have been identified in Tunisia?

National hosted in Tunisia	2008	2009	2010	2011	2012
Men					
Women					
Children (above 18 years old)					

2. What are the main reasons for hosting your Nationals by Tunisia since 2008?

- Employment (percentage: percent)
- Tourism (percentage: percent)
- Other (specify):

3. Can you forward an estimate of the percentage of :

- Nationals who are in "regular situation"
- Nationals who are in an irregular situation in Tunisia?

IDENTIFICATION OF CASES OF TRAFFICKING IN PERSONS

**PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS,
 ESPECIALLY WOMEN AND CHILDREN,
 SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST
 TRANSNATIONAL ORGANIZED CRIME**

"Trafficking in Persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Art.3

4. Given this definition of Trafficking in Persons, do you think some of your citizens are at risk of suffering from trafficking in Tunisia?

If yes, please describe which groups/communities:

5. Has the staff of the Embassy / Consulate ever had to deal with cases of Trafficking in Persons among your Nationals in Tunisia?

6. Do you have a database for identifying these cases?

If so, please provide the following details:

Nationals identified as victims of trafficking	2008	2009	2010	2011	2012
Sexual exploitation (including forced marriage)					
Labour exploitation					
Traffic / organ harvesting					

Distribution by gender and age:	Men	Women	Children
Sexual exploitation (including forced marriage)			
Labour exploitation			
Traffic / organ harvesting			

7. Does the Embassy / Consulate have an established procedure for identification and referral of victims of trafficking?

If so, what is it?

8. Is there, in the Embassy / Consulate some trained staff to identify victims of trafficking?

If yes, when and by whom were they trained?

If not, would you like them to receive training?

Please specify areas of most interest to you:

9. Have you established a system or any actions to prevent trafficking for your citizens?

If yes, when and how?

REPATRIATION

10. How many citizens of your countries have requested assistance from the Embassy / Consulate to be repatriated since 2008?

Repatriated Nationals	2008	2009	2010	2011	2012

Men					
Women					
Children under 18 years					
Unaccompanied children					

11. What were the reasons for these repatriation requests?

- Irregular status (percentage: percent)
- Crime or offense committed (percentage: percent)
- Crime or offense caused (percentage: percent)
- Voluntary Return (percentage: percent)
- Other (specify):

12. To your knowledge, are there any mechanisms of return and reintegration for victims of Trafficking in Persons to your country?

Please specify:

CONVICTION AND IMPRISONMENT

13. Since 2008, how many citizens of your country have been recognized by the Tunisian Justice system as victims of:

Nationals who are victims of:	2008	2009	2010	2011	2012
Forced prostitution					
Forced labour (including domestic work)					
Forced marriage with a Tunisian national					
Organ removal					

Distribution by gender and age:

Nationals victims of:	Men	Women	Children
Forced prostitution			
Forced labour (including domestic work)			
Forced marriage with a Tunisian national			
Organ removal			

14. Since 2008, how many citizens of your country have been condemned by the Tunisian Justice for:

Convictions of Nationals for:	2008	2009	2010	2011	2012
Procuring					
Illegal prostitution					
Sex with a prostitute					
Sex with a minor and statutory rape					
Sex tourism					
Forced labour (including domestic work)					
Smuggling of Migrants (related convictions)					
Illegal stay					
Organ trafficking					

Distribution by gender and age:

Convictions of Nationals for:	Men	Women	Children
Procuring			
Illegal prostitution			

Sex with a prostitute			
Sex with a minor and statutory rape			
Sex tourism			
Forced labour (including domestic work)			
Smuggling of Migrants (related convictions)			
Illegal stay			
Removal of organs			
Forced marriage with a Tunisian national			

POTENTIAL CASES OF TRAFFICKING IN PERSONS IN YOUR COUNTRY

15. Could you please provide us with information about:

- Mechanisms for identification and assistance to potential Tunisian victims of Trafficking in Persons in your country?
- Recent cases of forced prostitution of Tunisian women in your country?
- Recent cases of forced domestic labour of Tunisian women in your country?
- Recent cases of labour exploitation by Tunisians in your country?

THANK YOU FOR YOUR COOPERATION

Annex 4

PERSONS AND ORGANIZATIONS INTERVIEWED

Members of Project S.H.A.R.E Steering Committee

- Ministry of Justice
- Ministry of Interior
- Ministry of Foreign Affairs
- Ministry of Women and Family's Affairs
- Ministry of Social Affairs
- National Office for Family and Population (Ministry of Health)
- Ministry of Human Rights and Transitional Justice
- Center for Legal and Judicial Studies
- CREDIF – The Center for Research, Studies, Documentation and Information on Women
- Lawyers without Borders
- The NGO AMAL for Family and Children, Tunis
- Tunisian Red Crescent
- IOM: Regional Office (Cairo, Egypt), Tunis and Zarzis Offices, as well as all the IOM Missions established in the MENA Region
- UNHCR, Zarzis
- OHCHR
- UNFPA

Ministry of Justice

- Children's Judge *Tunis*
- Family's Judge, *Tunis*
- Judge specialized in criminal affairs, *Tunis*
- Judge specialized in penalty affairs, *Tunis*
- Investigating Judge (specialty: Children), *Tunis*
- Investigating Judge, *Tunis*
- Prosecutor (1st substitute), *Tunis*
- Two lawyers, *Tunis*
- Rehabilitation center for boys, *El Mourouj*
- Rehabilitation center for girls, *Mghir*
- Women's Prison, *la Manouba*

Ministry of Social Affairs

- 9 regional Directorates, *Tunis, la Manouba, Nabeul, Ben Arous, Bizerte, Sfax, Sidi Bouzid, Kasserine, Sousse*
- 10 Regional Labour Inspections, *Tunis, la Manouba, Nabeul, Ben Arous, Bizerte, Sfax, Sidi Bouzid, Kasserine, Sousse and Jendouba*
- 9 Departments for Social Promotion, *Tunis, la Manouba, Nabeul, Ben Arous, Bizerte, Sfax, Sidi Bouzid, Kasserine, Sousse*
- Social promotion Unit, *Zarzis*
- National Institute for Child's Protection (INPE), *Manouba*
- Defense and Social Integration Centers (CDIS), *Tunis Malassine, Nabeul, Ben Arous, Bizerte, Sfax, Sidi Bouzid, Kasserine, Sousse, Jendouba*
- 2 Councillings and Social Support Centers, *Tunis and Sousse*
- Center for Social Protection of Children, *Tunis*

Ministry of Women and Family Affairs

- Child Protection General Officer
- 5 Child Protection Regional Officers, *Tunis, Ben Arous, Sidi Bouzid, Bizerte, Sfax*

Ministry of Health/ National Office of the Family and the Population (ONFP)

- Children's Hospital, Head of Emergency Department, *Tunis*

- Hospital Charles Nicolle, Head of the Forensic Medicine Department, *Tunis*
- Hopital Wassila Bourguiba, 3 Heads of departments, *Tunis*
- CAMU, Head of department, *Tunis*
- SAMU, Head of department, *Tunis*
- Center of Psychological Assistance, *Ben Arous*
- National Coordinator of Youth Programmes / Reproductive Sexual Health, ONFP, *Tunis*
- National Center for the Promotion of Organs Transplant (CNPTO), Head of Ward, *Tunis*

Ministry of Interior

- Human Rights Unit
- Directorate of Frontiers and Foreigners
- Directorate of external relations
- Sub-Directorate of social protection (minors and morals)
- Department of protection for minors
- Reception and Orientation Center for migrants, *El Ouardia*

United Nations Organization

- United Nations Organization for Women – UNWOMEN, *Tunis*
- United Nations Organization against Drugs and Crime - UNODC, Trafficking in Persons and illegal trafficking in Migrants Section, *Vienna, Austria*

Embassies and Consulates

- 28 consulates or embassies were consulted through a questionnaire
- Italian Embassy in Tunisia, consulted through an interview

Associations

- Mashrek Shams, *Tunis*
- Tunisian Association for the Defense of the Child's Rights, *Tunis*
- Tunisian Association for Democratic Women - ATFD, *Tunis*
- Tunisian Forum for Economic and Social Rights - FTDES, *Tunis*
- Tunisia Childhood, *Tunis*
- France land of Asylum, *Tunis*
- Caritas Migrants Service, *Tunis*
- Union Tunisienne d'Aide aux Insuffisants Mentaux - UTAIM, *Tunis*
- Drug weaning Center (Chems) for the youth, ATIOST, *Tunis*
- Tunisian Red Crescent, *Bizerte, Sfax*
- Addiction Center ATUPRET, *Sfax*
- Tunisian League for Human Rights (LTDH), *Sfax*
- Tunisian Association of fight against sexually transmitted diseases, *Sfax*
- Association of Committed Artists for a Free Culture, *Jendouba*
- Voice of Eve, *Sidi Bouzid*
- Child's Voice, *Kairouan*
- Danish Refugee Council, *Zarzis*
- Association for sustainable development and international cooperation, *Zarzis*
- Association of Tunisians Abroad (Italy)
- The Cimade (France)

Alleged victims of trafficking

- Tunisian women condemned for illegal prostitution (3) (2 in Bahrain, 1 in Lebanon), Women's Prison, *Tunis*
- Tunisian Minors condemned for prostitution, Rehabilitation Center for girls (2), *Tunis*
- Isolated Ivorian minor, *Tunis*

Traffickers

- Six traffickers (*samsars*) in the recruitment of servants below the legal age (less than 16 years), *Great Tunis* (5), *Jendouba* (1)
- One pimp, Women's Prison, *La Manouba*

Vulnerable groups

- 3 single mothers (among them 1 minor), *Tunis*
- Migrants established in Shousha camp (12), *Shousha*
 - Nine rejected sub Saharan migrants, including 3 non accompanied minors, four men and two women; one female refugee not resettled ; one male refugee whose resettlement is pending
- Tunisian students (13), men (6) *Tunis*
- Foreign students (1), *Tunis*
- Asylum-seekers (1), *Tunis*

Syndicate

- Tunisian General Labour Union (UGTT) (3)

Experts

- Tunisian Expert in Child's Rights with UNICEF, *Tunis*
- Student in Master of Research on Trafficking in Persons, *Tunis*
- Diplomat (theme: Vienna Convention on Diplomatic Relations) *Vienna, Austria*
- Professor at the Higher Institute of Management (themes: financing associations and corruption in Tunisia), *Tunis*

Medias

- Hannibal TV, Producer
- Nawaat, Journalist
- Correspondants.org et No pasaran Production, Journalist
- Others (4)

Private sector

- UIB Bank, AML Unit (Anti-Money Laundering), *Tunis*
- Hotels (12), *Sousse (3), Nabeul (3), Médenine (3), Sfax (3), Tunis (3)*
- Waiter in a restaurant allowing prostitution (1), *Tunis*

Religious People

- Priests (3), *Tunis*
- Imams (3), *Sfax, Tunis and Bizerte*

Others

- Tunisian Commission for Financial Analyzes (CTAF)
- Tunisian National Council for the Promotion of Organ Donation (CNPTO)
- National Authority for the Fight against Corruption
- Central Office to combat Trafficking in Human Beings, *Paris, France*
- Taxi drivers (12), *Tunis (9) and Sfax (3)*
- Prostitutes in brothels (2), pimps (2) and deputy-matron (1), *Tunis*

Annex 5

PARTICIPANTS IN FOCUS DISCUSSION GROUPS

PREVENTION OF TRAFFICKING

Ministry of Women and Family's Affairs, Responsible of the Child Protection General Delegation
Ministry of Foreign Affairs, Responsible for cooperation with the United Nations
UNWOMEN, Head of Office
Tunis Centre for Migration and Asylum, President
France Land of Asylum, Tunis, Coordinator
Caritas, Migrants Service, responsible and volunteer
Cathedral of Tunis, priest

PROTECTION OF VICTIMS

UNHCR, legal assistant
International Committee of the Red Cross (ICRC) Delegate RFL and intern
Beity Association, Member
Tunisian Red Crescent, national Coordinator of programmes
UGTT, Member

PROSECUTION OF TRAFFICKING

From Ministry of Interior:

Human Rights Office, Director
Direction of Borders and Foreigners, Director
Direction of External Relations, Director
Direction of External Relations, Representative
Brigade for the Protection of Minors, Head of Service
Social Protection Sub-Directorate, Deputy-Director
Communication Directorate, Director

ROLE OF THE MEDIA VIS-A-VIS TRAFFICKING IN PERSONS

Correspondants.org, on line press, journalist
Hannibal TV, Producer
Nawaat, on line newspaper, Journalist
Former journalist (daily *l'Expert*, weekly *Eco-Journal*) and research assistant



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