The drama of migrants in Tunisia

Matteo Mazzoleni

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Matteo Mazzoleni obtained an M.A. in International Politics (2013) from the University of Surrey (UK), with a dissertation on the EU foreign policy in Egypt and Syria. Between November 2015 and February 2016 he carried out research on the situation of migrants and refugees in Tunisia for the Rosa Luxembourg Stiftung. He currently works in the NGO sector in the UK and the Middle East and can be reached through matteomazzoleni4891@gmail.com.
1. Introduction

The writing of this report comes at a time when migration regularly makes the headlines. The report largely draws on interviews with officials and staff members of the following organizations: Alarm Phone Tunisia; Boats4People; EU; Euro-Mediterranean Human Rights Network; ICRC; IOM; Maison du droit et des migrations; UNHCR; Tunisian Order of Lawyers. Further information was gathered by attending focus group meetings organized by the Swiss Agency for Development and Cooperation, events organized by the FTDES, the Maison du droit et des migrations and the Rosa Luxemburg Stiftung as well as the 11-12 February 2016 ILO conference in Tunis.

A dramatic combination of regional conflicts and mass human rights violations has triggered an unprecedented humanitarian crisis, leaving hundreds of thousands of people with little or no choice but to cross the Mediterranean Sea in barely-seaworthy and overcrowded boats.

By virtue of its geographical position, Tunisia serves as a natural springboard towards the European continent. Placed in the middle of the Mediterranean seaways, at the end of the routes intersecting the Sahel region and the Maghreb, Tunisia has for decades been a necessary step for many people in their attempt to reach Europe’s shores. In Tunisia, the dream of a different life can be as near as a few dozen nautical miles away, its shape looming on the horizon, bearing the name of an Italian island. For years, many people have resorted to crossing dangerous seas, determined to achieve this dream.

More recently, the regional upheavals that have troubled the region since 2011 have once again made Tunisia an important focal point for migration. This time, not only as a gateway to Europe but also as a transit country and a destination in itself. Over the last five years, the conflict in Libya has forced many people to cross the border and seek refuge in neighbouring Tunisia. While some returned to their home country at the first opportunity, many others decided or found themselves forced to stay in Tunisia. The purpose of this research is to cast light on the situation of migrants, whatever their origin, who for one reason or another currently find themselves in Tunisia.

2. Background

The so-called ‘Jasmine Revolution’ in Tunisia and the war in Libya are the two events that contributed the most to shaping the current situation of migrants in Tunisia.

In the first months of 2011, 24,769 Tunisians reached Italy by boat from Tunisia, exploiting the power vacuum left by the collapse of Ben Ali’s regime. After a series of bilateral agreements with the Tunisian authorities, the Italian government issued temporary residence permits to all Tunisians who had arrived before 5 April 2011, which marks the signing of “exchange of notes” between Italy and Tunisia (Paoletti 2014). However, those who had reached Italy after that date faced deportation. Meanwhile – amid the ongoing confusion – some families in Tunisia had lost contact with their relatives after their attempt to cross the sea. Officially, 503 Tunisians are reported missing however civil society associations estimate that this number could be tripled (Ouest France, 2015). A number of sea accidents also occurred during the same period, leading to the death of hundreds of people. On 6 September 2012, a boat
carrying about 130 people from the Sfax region sank not far off the Italian island of Lampione. The number of deaths has never been confirmed, but around 70 people are believed to have died in this shipwreck (Watch the Med, 2013).

Meanwhile, further south, the Libyan revolution was taking a more violent turn. The brutal repression and the collapse of the Gaddafi regime had caused a large influx of people to seek refuge in neighbouring Tunisia. In order to assist the new Tunisian government in managing the wave of refugees, the UNHCR opened the Choucha humanitarian camp – near the Libya-Tunisia border – which, at the peak of the 2011 crisis, was home to around 4,000 people. After more than two years, in June 2013, the UNHCR decided to close the camp – which at that point was still hosting 400 people (Global Detention Project, 2014, p. 8). While most of those who obtained refugee status have been resettled abroad or “locally integrated” in towns across Tunisia, at the time of writing dozens of people are still living in what is left of the Choucha camp – five years after its creation – waiting for a residence permit.

3. The actors

A country with a decades-long tradition of emigration, Tunisia has only very recently emerged as a country of immigration. However, caught in a difficult democracy-building process and facing huge socioeconomic challenges, Tunisia is still struggling to understand and manage this new phenomenon.

For the time being, Tunisia largely lacks the expertise, the will and the resources to deal efficiently with foreign migrants on its territory. In the last years, a few steps have been taken by local authorities to provide the state with long-term immigration management capabilities. These include – in April 2014 – the establishment of the National Observatory on Migration (NOM), tasked with data collection and advisory duties. The NOM still has to go beyond its period of adjustment, however its activities and resources are too limited to make a difference. The creation of the post of State Secretary in charge of Immigration and Social Integration raised some expectations for an improvement in the government’s approach towards migration. However, these hopes were quickly dashed as the post was suppressed in January 2016 following a government reshuffle, thus leaving the matter in the hands of the Ministry of Interior and the Ministry of Social Affairs.

As a result of this limited capability, most of the activities in this field are currently carried out by international organisations – in particular the International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), and the International Committee of the Red Cross (ICRC) – as well as NGOs, both local and international, which act as transmission belts between the foreign migrants and the Tunisian authorities.

In June 2011, the UNCHR signed a cooperation agreement with Tunisia that would give the former a mandate to deal with refugees and asylum seekers. The ICRC focuses on cases of detention, overseeing treatment and conditions of the detainees. It also deals with maintaining and restoring family links between the migrants and their relatives. The IOM covers various fields such as data collection, migration flow management, assisted voluntary returns, labour migration and local development in migration-prone communities. Migration-
focused NGOs, such as Boat4People and Terre d’Asile Tunisie (in particular through the Maison du droit et des migrations project) provide grassroots social, legal and medical support to foreign migrants and refugees. Other civil society groups, for example the Tunisian Forum for Economic and Social Rights (FTDES) and the Euro-Mediterranean Human Rights Network, complete the picture with advocacy and campaigning activities.


The abstruseness of Tunisia’s flawed migration and asylum legislation possibly represents the most crucial issue.

Currently, Tunisia lacks an up-to-date package of rules that regulate the status of migrants, asylum seekers and refugees present on its territory. Most of the legal provisions in this domain date back to the 1960s and the 1970s and not only do they fail to provide extensive solutions to the present day’s challenges in terms of asylum rights, access to work, healthcare, education and freedom of movement, they also bear the legacy of Tunisia’s authoritarian past. People without documents raise suspicion and are treated as a potential threat. Whatever relates to border control and foreigners is strictly regarded as a matter of national security, and – in a country affected by terrorism – this means highly restrictive policies.

Tunisia is a signatory to the 1951 Geneva Convention and the 1967 Protocol relating to the Status of Refugees. However, these agreements were never translated into a comprehensive legislation. Limits and roles of the authorities are unclear and thus subject to arbitrariness, a problem exacerbated by the lack of a body for civilian oversight. Whenever a new issue arises, NGOs and civil society groups have difficulty in identifying the state officials they need to address. Problem-solving is often left to case-by-case improvisation, and informal channels with the authorities can be more helpful than resorting to standard procedures. For the same reason, migrants constantly struggle not only to have their fundamental rights respected but also to know what rights they actually have. In a system where the rule of law is inconsistent, it is the most vulnerable and isolated people that suffer the most.

Since 2011, international organisations and NGOs have been pressuring the Tunisian authorities into drafting new legislation that would fill the gap. The UNHCR, the IOM, and the EU are working together to provide assistance on this matter, helping Tunisian authorities to acquire knowledge and devise the necessary reforms. As of November 2015, the technical work on the preliminary draft is mostly done. On the political side, however, progress has been slow as – in a country bogged down in severe socioeconomic difficulties – the issue struggles to find space on the national agenda. International organisations and NGO officials also cite the local politicians’ fear that if they do anything visible for the refugees they might incur criticism for encouraging immigration flows and prioritising foreigners over disadvantaged Tunisians. At the moment, there is no clear roadmap for the implementation of such a legislation by the Tunisian parliament.

More specifically, the absence of a Tunisian system for refugee status determination (RSD) means that all the procedures have to be put in the hands of international organisations. Currently, asylum
applications are registered with the Red Crescent and processed by the UNHCR. Refugee status certificates, however, are not formally recognised by the authorities and refugees can be arrested and considered as irregulars solely on the basis that the police officers might not be familiar with this kind of documents. This is an issue that occurs more often in the northern than the southern regions as the refugee phenomenon is less well-known further from the Libyan border. On some occasions, the UNHCR had to intervene in asking for the release of asylum seekers and refugees detained by the police. In order to help avoid similar cases in the future, the UNHCR has recently started a training programme for Tunisian police officers about refugee status procedures and documents.

According to UNHCR sources, on the basis of the 2011 cooperation agreement with the Tunisian government, people who have been granted refugee status have the right to accommodation, healthcare, work and education. Yet, again, the legislative gap and the lack of formal recognition make the assertion of these rights dependent on publicity and awareness among local actors.

Tunisian civil society actors have also denounced the superficial and flimsy behaviour displayed on many occasions by the Tunisian authorities. A typical case occurred in July 2013 when – after the closure of the Choucha camp – the government promised to issue residence permits to the refugees hosted there. However, despite having their fingerprints taken for the procedure, the refugees never received the promised papers (Webdo, 2014) and – worse still – some accuse the Tunisian authorities of having lost their passports in the procedure. Irregularities allegedly committed by UNHCR staff in the handling of RSD procedures have also been reported, in particular with regard to the lack of interpreters, the inadequate confidentiality and a faulty appeal mechanism (Roesch, et al., 2013).

Deportation procedures also pose a constant threat to migrants’ rights. According to Tunisian law, irregular migrants not only have to pay for their flight home but also have to face overstay penalties of up to 20 TND (about 10€) per extra week. No exemption is granted in consideration of the economic status of the individual, meaning that the most destitute migrants are forced to remain in Tunisia until international or local organisations come to their help – which does not always happen. As a result of this, many people currently live in a systemic limbo, exposed to the arbitrariness of the authorities, and constantly threatened with detention whenever they have their documents checked.

As pointed out by a local NGO, the law states that migrants awaiting deportation should only be put under house arrest. In practice, this measure has resulted in cases of arbitrary detention and deportation. A well-documented incident occurred in August 2015, when 10 sub-Saharan migrants who had their asylum application rejected staged a protest in front of the EU office in Tunis, calling for a solution to their situation. They were subsequently arrested by the National Guard and put into detention at Wardia “reception centre”, where they were held without access to legal counsel. A week later, they were taken to a border town near Algeria, where they were beaten by the police, who also threatened to shoot them if they did not cross the border. Luckily, the case received immediate media attention. Fearing public uproar, the Tunisian authorities let the migrants

1 See art. 19, Law n° 0007-1968 of 8 March 1968, concerning the status of foreigners in Tunisia.
come back to the Tunisian side of the border. Yet, the authors of these violations were never prosecuted.

According to Tunisian immigration lawyers, arbitrary deportation is also in violation of Tunisian law and individuals cannot be deported unless they represent a threat to the public order\(^2\). Yet, on some occasions, law enforcement authorities have disputed this legislation stating that they reserve the right to deport and detain irregular migrants. Unfortunately, such actions do not follow a written order, thus making any legal action against them difficult to achieve.

The total number of migrants detained across the country is unknown as no statistical data are available and the number of detention facilities for migrants is also shrouded in secrecy. The Ministry of Interior – which controls these centres – admits the existence of only two “shelters for migrants”, in Wardia (Tunis) and in Ben Guerdane (close to the Libyan border). According to the little information available, during the Ben Ali era the Wardia facility was used as a shelter for homeless people and was only recently converted into a detention centre for migrants. Access to these centres is restricted and only the International Committee of the Red Cross is allowed to conduct inspections and to talk with the detainees, out of the earshot of the authorities. However, following an agreement between the ICRC and the Tunisian authorities, the inspections must be notified of one day prior and the results must be kept confidential and cannot be discussed with third parties. The UN Special Rapporteur who visited the centre in Wardia found it in “reasonable condition, [with] no reports of ill-treatment” (Global Detention Project, 2014, pp. 13-14).

According to international organisations, further detention centres exist. However, their number and location are unclear as they appear to be used solely as transit stations where migrants are temporarily placed before being transferred to Tunis.

By law, lawyers are entitled to see their detained clients. However, the official status as “shelters for migrants” rather than detention centres, puts these facilities outside the scope of the law, with the result that lawyers can be denied access to them.

The rapidity with which the migration scenario has developed in the past years is also having consequences for coexistence between immigrants and the local population. As emerged during this research, the link between immigrants and civil society is still extremely weak and only a small number of Tunisians are aware of the migrants’ status, let alone their needs. Meanwhile, race hate incidents have been reported in recent years, particularly against sub-Saharan migrants. Luckily, a number of civil society groups such as the FTDES and the anti-racism association M’nemty delivered a prompt response and events have been organised to raise awareness on this subject. A study conducted by the FTDES in 2013 collected various accounts of cases of verbal and physical abuse – both in public and private places – forced seclusion and mistreatment carried out by landlords or employers as well as sexual harassment against women (HuffPost Maghreb, 2013). In most cases, victims choose not to report the aggression to the police out of fear they might be questioned by the authorities about their legal status should they turn up at police stations.

Ultimately, the current legislation prevents irregular migrants from becoming self-

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2 See art. 18, Law n° 0007-1968 of 8 March 1968, concerning the status of foreigners in Tunisia.
reliant and contributing positively to the local community. According to legal sources, irregular migrants have little to no chance of regularising their stay as procedures are extremely arduous and demanding. As a result, the risk of detention and deportation threatens to frustrate even successful examples of integration, while discouraging immigrants from embarking on successful or easily detectable working activities.

In this realm, a number of migration management programmes have been setup by international organisations to help fill the gap. For example, through its partner, the Adventist Development and Relief Agency (ADRA), the UNHCR runs a project for facilitating access to employment for refugees, by offering them training sessions and the possibility to work in an ad-hoc start-up company. It is clear, however, that without a broader reform of migrant labour rights these examples will only remain isolated exceptions for a small group of individuals.

If Tunisian governments have failed to develop laws and regulations based on the 1951 Refugee Convention, even more complicated is the situation when it comes to migrant labour. Tunisia has not ratified any of the most relevant ILO and UN conventions on the rights of migrant workers\(^3\), thus depriving regular migrant workers of a binding international protection framework – women and low-skilled workers being the most affected by this situation. As ILO officials point out, the current legislation not only fails to provide adequate protection against abuses in the workplace; it also lacks any efficient supervisory system tasked with monitoring the extension to regular migrants of the rights guaranteed by the Tunisian labour code. By ratifying the international conventions in this domain, the ILO hopes that Tunisia could eventually spark the momentum to fill these gaps and improve the compliance of domestic laws and regulations to international standards.

Regarding the so-called irregular or undocumented migrant workers, many find employment in the vast informal sector, which accounts for up to 38% of Tunisia’s GDP (Trabelsi, 2014). Again, the law causes more harm than good, as it not only offers no protection but also directs sanctions mainly against the migrant, while overlooking the responsibility of the employer. As a result, no legal tool currently acts as an efficient deterrent against exploitation of undocumented workers. Unfortunately, local social partners have shown little interest if not outright hostility to experts’ calls for labour law reforms in this area, thus hampering efforts to improve rights for migrant workers.

Even access to healthcare is problematic for those who are not regular migrants, refugees or asylum seekers. According to the Tunisian law, irregular migrants have no right to medical care and Tunisian doctors who provide services to these people may incur penalties. Although such a law does not seem to have ever been enforced, it acts as a deterrent and forces migrants in need of medical assistance to resort to the mediation of NGOs and international organisations.

Another problem is related to statistical data collection. Despite the work of

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\(^3\) These are the “C97- Convention concerning Migration for Employment” (ratified by Algeria), the “C143- Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers” and the UN “International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families” (Algeria, Egypt, Libya, Mauritania, Morocco have either acceded to or ratified the convention, which makes Tunisia the only non-contracting party in the region).
international organisations such as the IOM and state bodies like the NOM, the number of migrants present on Tunisian territory is still largely approximate and incomplete. This task is made more difficult by the fact that many migrants are irregular or – as happens with Libyans – benefit from relaxed visa requirements and their transfers generally go unreported (Le Point Afrique, 2015).

5. Migrants and Tunisia: the status

Tunisians

Visa requirements for Tunisians who want to travel to Europe are particularly strict and include expensive travel medical insurances as well as proof of sufficient resources to cover the costs of their stay. These measures effectively restrict mobility on the basis of economic status and leave the majority of Tunisians with no other choice but irregular migration.

After the mass migration of 2011, Tunisian authorities have gradually stepped up border controls thus leading to a decline in the number of migrant boats departing from Tunisia. At the same time, the political instability in Libya has made this country a more favourable location for smuggling networks as the corrupt and understaffed authorities often fail to prevent the departure of the migrants’ boats (Reuters, 2016). There are also increasing reports of Tunisians who make their way to Europe through different routes, for example via Turkey, a country Tunisians can travel to without a visa and where they can easily mix in with the flux of refugees from the Middle East.

Under a law introduced in 2004, individuals can only leave Tunisian territory through official border posts. In theory, this would put Tunisians who have been deported back from Europe at risk of prosecution. However, international organisations and Tunisian lawyers dealing with these cases deny that this law has ever been enforced against deported migrants. Different is the case of those who are caught by Tunisian authorities while attempting to cross the sea. For them, detention can be up to six months and may include fines. A few programmes for reinsertion of returning Tunisians are run by the Swiss Agency for Development and Cooperation (RTS, 2015) and the IOM, aimed at cases of Tunisians migrants who failed to obtain a visa in Europe. However, these programmes only target cases of voluntary returns while leaving out those Tunisians who have been deported from Europe.

Accidents at sea and the confusion that followed the 2011 mass migration has led to numerous cases of missing people. According to the State Secretary in charge of Immigration and Social Integration, 503 Tunisians went missing during or after their attempt to reach Italy in that period. For many years, the families of the missing Tunisians received little to no support from anyone with the exception of a few ad-hoc advocacy groups formed by civil society organisations to raise awareness on this subject. Finally, in August 2015, a commission of inquiry was created by the Tunisian government to investigate into these cases (Le courrier de l’Atlas, 2015). However, six months after its creation, very little has been achieved. On multiple occasions, the advocacy groups have denounced the indifference and lack of cooperation of the Italian authorities as well as the commission’s incapability to establish the truth over these people’s disappearance, which – they say – has been aggravated by the absence of systemic body identification procedures.

4 See Art. 35, Law N° 0040-1975 of 14 May 1975, concerning passports and travel documents.
Other nationalities

In Tunisia, barriers to immigration from other African countries are particularly high. In a report published in February 2016 by the African Development Bank, Tunisia ranked 36th for Visa Openness on a list of 55 African countries. According to the AfDB, 76% of African nationalities need to apply for a visa prior to travelling to Tunisia, whilst 24% do not require one or can obtain it on arrival (NEPAD, 2016). The latter group includes Libyans, who enjoy relatively easy access to Tunisia, as they do not need to apply for visas prior to entering the country. However, they can only remain for a period of three months after which time they may incur penalties for overstaying. The numbers of Libyan in Tunisia vary significantly and estimates range from 300,000 to one million, with roughly 500 officially registered with the authorities (IOM sources). This variance is due to the relative freedom with which they can travel to and from Tunisia.

Given their particular situation, Libyans are less likely to apply for refugee status, despite the fact that parts of their country have turned into warzone. According to an UNHCR official, only a few Libyans have applied for refugee status “as their living conditions in Tunisia are generally good, compared with other nationalities”. However, the ongoing conflict in their home country might force many of them to consider applying for refugee status in the future. Whereas most Libyans live in good conditions and rely on their own means, local NGOs state that some of them share the same difficulties as others nationalities as they struggle for access to healthcare and employment.

Tunisia, just like many other Mediterranean countries, hosts a community of refugees fleeing the war in Syria. Again, their exact numbers are disputed. As of September 2015, the State Secretary in charge of Immigration and Social Integration, Belgacem Sabri, reported the number of Syrian refugees in Tunisia to be around 4,000. Yet this assessment is contradicted by the UNHCR which has registered about 600, enough to make them the first nationality registered with the UNHCR in Tunisia (the total number of registered refugees in Tunisia is less than 1,000). Despite their status as refugees, chances of being resettled in Europe through the UNHCR are slim, as access to such schemes is generally given to cases of family reunification or to people who are absolutely unable to live in Tunisia for health or safety reasons. UNHCR sources report that no more than five to six cases per year actually meet these requirements. As a result, many share the same difficulties of other Syrians hosted elsewhere as they largely depend on humanitarian assistance provided by international organisations and NGOs. Again, the lack of an asylum law further restricts their prospects of a normal life as they struggle to obtain residence and work permits.

Another important community is made up of people from Sub-Saharan African countries. This includes students with regular visas as well as irregular migrants. The latter group comprises people who have lived and worked in Libya before the revolution and were forced to leave the country by the ensuing violence. For many of them, this meant losing their only source of income. Many others were rescued and brought ashore by the Tunisian navy or fishermen following unsuccessful attempts to reach Europe. Indeed, for those who fail to obtain refugee status from the UNHCR and do not want to go back to their own country through the IOM’s Assisted Voluntary Return (AVR) programme, the only options left are to try to reach Europe by sea or to remain in Tunisia working in the informal economy.
Sub-Saharan Africans are also the first victims of trafficking, a phenomenon which is rapidly growing in Tunisia, mostly affecting women from the Ivory Coast. In particular, NGOs dealing with these cases have denounced the existence of Tunisian–Sub-Saharan networks, which smuggle young women into Tunisia to work as domestic workers for wealthy families, mainly in Tunis and Sfax. Deprived of their passports and kept secluded with no possibility for communicating with the outside, they are left with no rights, at the mercy of their employers.

6. Tunisia and the Mobility Partnership

The relationship with the European Union plays an important role in the realm of migration management in Tunisia. In April 2014, the Tunisian government and the European Commission signed a joint declaration for the establishment of a new Mobility Partnership. Mobility Partnerships are frameworks of cooperation between the EU, some EU Member States and a number of Arab Mediterranean countries – notably Tunisia, Jordan and Morocco aimed at establishing a common set of migration management projects and agreements. As Reslow states:

The central idea is that legal migration opportunities will be offered to non-EU countries in return for their cooperation on preventing irregular migration; in practice, this has come to mean that Mobility Partnerships include the signature of both readmission and visa facilitation agreements (Reslow, 2015, p. 118).

At the moment, negotiations on the Mobility Partnership are still in the early stage and much of its significance will depend on implementation details that are yet to be discussed. However, civil society groups have criticised the lack of transparency in the negotiations, which are being conducted behind closed doors with little to no public engagement. On the EU side, equally, the issue is being kept on a strictly intergovernmental level, and the European Parliament is virtually excluded from the policy-making process. Moreover, concerns have been expressed over what seems a mere extension and “Europeanisation” of the very same readmission agreements Tunisia already signed with Italy, France and Switzerland. Readmission agreements facilitate the return not only of illegal immigrants coming from Tunisia but can be extended to include third country nationals who have transited through Tunisia before arriving in the EU. For this reason, these agreements have often been criticised, as their compliance with human rights standards – in particular the principle of non-refoulement – has been questioned (Amnesty International, 2011; Giuffré, 2013). Indeed, European and Tunisian migrant rights watchdogs denounce what they see as the umpteenth step in a long tradition of migration management outsourcing, aimed at turning the southern Mediterranean countries into pre-frontier outposts against migration flows. In their view, it is unlikely that the promise of facilitating Tunisians’ access to EU would go beyond a mere streamlining of bureaucratic procedures for people who already meet the requirements for Schengen visas. Ultimately, the Syrian refugee crisis, the 2015/16 terrorist attacks in Paris and Brussels and the 2016 New Year’s incidents in Germany

5 See Art. 1(33) of the Convention relating to the Status of Refugees: PROHIBITION OF EXPULSION OR RETURN (Refoulement). “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”
make any relaxation of visa requirements even more implausible.

At the same time, the Tunisian government lacks the leverage to negotiate such agreements from an equal position. The EU is Tunisia’s most important trading partner and Tunisia’s socioeconomic development highly relies on European aid. As a result, human rights organisations in Tunisia fear that readmission agreements and closer cooperation on irregular migration prevention are likely to be offered in return for further economic aid rather than concessions on the visa obligations for Tunisians.

7. Conclusion and recommendations

The purpose of this report is to provide a broad overview of the plight of migrants in Tunisia and to capture the general situation at a time of great change and uncertainty. Research in this field reveals that migrants are not regarded as a priority in a country that is struggling to shore up its democracy amidst an unsteady economy and a faltering security apparatus.

Tunisia is slowly progressing towards the building of a democratic state and enormous challenges still lie ahead. Frustration and resentment towards the elected political elites are on the rise, as promises of economic development and social justice have been largely unmet. Corruption, bureaucracy and a lack of economic planning force many into unemployment and the informal economy, with no access to decent livelihoods or welfare, whilst depriving the state of fundamental fiscal revenues. Terrorist attacks regularly show the frailty of the new security apparatus – caught in a difficult reform process – thus feeding a nostalgic rhetoric as calls for more authoritarian solutions receive more and more space in the media. Not surprisingly, immigrants are exposed to the consequences of all these combined problems.

The dilemma of migrants and Tunisia’s path to a solid democratic state are inherently intertwined. Although some progress has been achieved, Tunisian security legislation still retains vestiges of its authoritarian past, and processes in adapting it to higher human rights standards are proceeding slowly. The very few laws available in the realm of asylum and migrant protection are often misapplied by the authorities, thus contributing to widespread legal uncertainty and flagrant violations.

At the same time, the deficiencies of the international organisations in handling cases that fall outside their scope and the incapability of the Tunisian authorities to develop a more inclusive legal framework have caused many people to fall victim to systemic loopholes. Civil society groups have reported numerous cases of people who live as irregular migrants, having not been granted refugee status but unwilling to go back to their own country or unable to pay the overstay penalties.

In this situation, grassroots groups and local NGOs – working on a case-by-case basis – play an important role in filling the gaps left by the state and the international organisations. If there is hope for the migrants, much of it lies in Tunisia’s vibrant civil society and its capability to raise awareness on subjects such as racism and migrant rights.

A lot of Tunisia’s capability to deal with
foreign and native migrants will depend upon the final layout and implementation of the Mobility Partnership. However, scholarly research warns that Mobility Partnerships are relatively recent policy tools and an assessment on their effects for non-EU signatories cannot yet be done yet (Reslow, 2015). For the time being, Tunisian authorities should reject any negotiations which will not grant more relaxed visa requirements for their citizens. The risk of becoming Europe’s outsourced migration detention facility is more than real.

Changes in migrant flows usually occur in relatively short periods and are thus difficult to forecast. Drawing on lessons from the recent past, broader recommendations on how to deal with the migration phenomenon in Tunisia should include a radical change from crisis management to a long-term approach. Sadly, an end to regional instability is not be expected anytime soon. On the contrary, the risk of further destabilisation is looming on the horizon. At the time of writing, a number of Western countries are mulling over the possibility of a military intervention against ISIS-controlled areas in Libya. However, in the case of a humanitarian emergency of the same degree as the one witnessed in 2011, an IOM official warned “it is unlikely that Tunisia will respond with the same compassion”.

As a result, national and international actors, governmental and non-governmental organisations should work together to learn from errors of the past and implement more durable solutions that would help minimise the traumatic impact of forced migration on groups and individuals over the long haul. To do so, more focus should be put by Tunisia and its partners on capacity building programmes in the realm of refugee and migrant integration.

In conclusion, the issue of migrants in Tunisia deserves to be seen in a broader perspective. Far from being the exception, Tunisia is just one example of the indifference and the negligence displayed by virtually all countries across the Euro-Mediterranean region vis-à-vis the issue of migration. Refugees and migrants in Tunisia face difficulties not too different from those experienced by their counterparts in the more developed and stable countries of the northern Mediterranean shore. In Europe, despite the longer tradition of rule of law, cases of prejudices, criminalisation, violence, as well as political and economic exploitation of migrants are still largely common phenomena. This fact signals that even a sounder legal framework and better resources can be of little help if they are not coupled with a wider change in the narrative towards the plight of migrants.
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<td>ADRA</td>
<td>Adventist Development and Relief Agency</td>
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<td>Forum Tunisien pour les Droits Economiques et Sociaux</td>
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<td>GDP</td>
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Bibliography


Migration is an issue that dominates political debates in European societies, in parliaments, and in the media. For the European Left, this issue is strongly related to the freedom of movement and mobility rights and putting in place safe ways to entering Europe for migrants and refugees. We focus on the reasons for migration and related responsibilities of European policies, the cruel realities that are hidden behind Europe’s human rights speeches. This involves the responsibilities of North African partners of the European Union and its member states as well. At the same time, securing people from forced displacement from their livelihoods needs to be enforced. At the Rosa Luxemburg Stiftung we are analyzing destructive effects of climate change as well as economic and “developmental” projects on the livelihoods of communities and societies in North Africa. We focus on the negative impact of European economic, trade, and debt policies, official development cooperation, as well as arms trade. More importantly it involves the constant search for viable and sustainable alternatives.

The Rosa Luxemburg Stiftung is an independent institute for political education, affiliated with the German Left. Our office in Tunis works with organisations and individuals in North Africa with regards to socio-economic development without oppression and foreign domination. In this respect, analyzing the effects of European politics with regards to North Africa is a focus. Another one is dialogue between societal groups working on social justice in North Africa and Germany/Europe for fostering sovereign, democratic development for all. In this respect, we irregularly publish short analyses and opinions about relevant issues. These don’t necessarily represent positions of the Rosa Luxemburg Stiftung, but should be viewed as input into local, regional or international debates.

Rosa Luxemburg Stiftung
North Africa Office

23, Jugurtha Street, 1082 Tunis

infotunis@rosalux.org