



**Department of Law**  
**International Protection of Human Rights Legal Clinic**

**Trafficking in women and girls from Côte d'Ivoire to Tunisia**  
**Report**  
**8 July 2024**





## **Disclaimer**

This report is rendered upon the request of ASGI (Associazione per gli Studi Giuridici sull'Immigrazione), in the context of the Project Sciabaca&Oruka – Oltre il Confine. It has been prepared, under the supervision of Prof. Alice Riccardi, by the students of the Legal Clinic in International Protection of Human Rights of the Roma Tre University (Rome, Italy) Department of Law, class of 2023/2024. The students who participated in the drafting of this report are: Soraya Maria Rosa Hossainpour, Léonore Mary, Filia Tsakiri, Silvia Turco Liveri and Aramis Sebrechts.

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## **Executive summary in English**

This report aims to offer an analysis of human trafficking between Côte d'Ivoire and Tunisia. To this end, the document explores the political situation in Côte d'Ivoire and the surrounding region, examining national political climates and the roles of regional organizations such as CEN-SAD and ECOWAS, as well as the specific situations in countries like Mali, Burkina Faso, and Guinea.

The analysis continues with an examination of the socio-economic situation, particularly regarding the condition of women in Côte d'Ivoire. The institutional and legal frameworks are also addressed, analysing the legislative, executive, and judicial powers to provide an overview of relevant institutions in the fight against human trafficking.

The report also addresses migration trends and trafficking issues, including the socio-cultural catalysts of child trafficking and trafficking routes to Tunisia, as well as the mobility framework between Côte d'Ivoire and Tunisia.

An overview of the Tunisian context is provided, covering the political situation, socio-economic conditions, and the organization of the State. The anti-trafficking framework in Tunisia is also reviewed, including legal and institutional frameworks. The document then examines the international protection systems for migrants in Tunisia, detailing human rights violations by State and non-state actors.

Finally, the report studies voluntary return, repatriation and reintegration procedures of Ivorian nationals from Tunisia, specifying the actors involved and the processes, with a focus on the crucial role of the International Organization for Migration, domestic and EU actors.

## **Executive summary in French**

Ce rapport a comme objectif d'offrir une analyse de la traite des êtres humains entre la Côte d'Ivoire et la Tunisie. À cet effet, le document explore la situation politique en Côte d'Ivoire et de la région environnante, en examinant les climats politiques nationaux et les rôles des organisations régionales telles que la CEN-SAD et la CEDEAO, ainsi que les situations spécifiques de pays comme le Mali, le Burkina Faso et la Guinée.

L'analyse se poursuit avec un examen de la situation socio-économique, en particulier par rapport à la condition des femmes en Côte d'Ivoire. Le cadre institutionnel et juridique est également abordé, analysant les pouvoirs législatif, exécutif et judiciaire, afin de fournir un cadre des institutions pertinentes dans la lutte contre la traite des êtres humains.

Le rapport approche également les tendances migratoires et aux questions de traite, y compris les catalyseurs sociaux-culturels de la traite des enfants et les routes spécifiques de la traite vers la Tunisie, ainsi que le cadre de mobilité entre la Côte d'Ivoire et la Tunisie.

Un aperçu du contexte tunisien est fourni, couvrant la situation politique, les conditions socio-économiques et l'organisation de l'État. Le cadre anti-traite en Tunisie est également passé en revue, incluant les cadres juridiques et institutionnels. Le document aborde ensuite les systèmes de protection internationale des migrants en Tunisie, détaillant les violations des droits de l'homme par les acteurs étatiques et non étatiques.

Enfin, le rapport étudie les procédures de rapatriement et de réintégration des ressortissants ivoiriens depuis la Tunisie, précisant les acteurs impliqués et les processus, en se concentrant sur le rôle crucial de l'Organisation Internationale des Migrations, des acteurs étatiques domestiques et européens.

## List of Acronyms

Acronym	Name in French	Name in English
<b>ACHPR</b>	Charte Africaine des Droits de l'Homme et des Peuples	African Charter on Human and People's Rights
<b>AfCHR</b>	Cour Africaine des Droits de l'Homme et des Peuples	African Court of Human and People's Rights
<b>ACRWC</b>	Charte Africaine des Droits et du Bien-être de l'Enfant	African Charter on the Rights and Welfare of the Child
<b>AES</b>	Alliance des États du Sahel	Sahel States Alliance
<b>AMAR</b>	Association pour l'Aide au Retour et à la Réinsertion	Association for Migration and Reintegration Assistance
<b>AMU</b>	Union du Maghreb Arabe	Arab Maghreb Union
<b>AVRR</b>	Aide au Retour et à la Réinsertion Volontaires	Assisted Voluntary Return and Reintegration
<b>BTI</b>	Indice de Transformation Bertelsmann	Bertelsmann Transformation Index
<b>CAT</b>	Convention contre la Torture et autres Peines ou Traitements Cruels, Inhumains ou Dégradants	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>CEDAW</b>	Convention sur l'Élimination de toutes les Formes de Discrimination à l'Égard des Femmes	Convention for the Elimination of all forms of Discrimination Against Women
<b>CEN-SAD</b>	Communauté des États Sahélo-Sahariens	Community of Sahel-Saharan States
<b>CEPU</b>	Comité de suivi de l'Examen Périodique Universel	Universal Periodic Review Follow-up Committee
<b>CERD</b>	Convention sur l'Élimination de toutes les Formes de Discrimination Raciale	Convention for the Elimination of all forms of Racial Discrimination
<b>CIM</b>	Comité Interministériel de Lutte contre la Traite, l'Exploitation et le Travail des Enfants	Interministerial Committee to Combat Trafficking, Exploitation, and Child Labor
<b>CLTETE</b>	Cellule de Lutte contre la Traite, l'Exploitation et Travail des Enfants	Unit for the Fight against Trafficking, Exploitation and Child Labor
<b>CMA</b>	Coordination des Mouvements de l'Azawad	Coordination of Azawad Movements
<b>CNDH-CI</b>	Conseil National des Droits de l'Homme	National Human Rights Council
<b>CNFCI</b>	Commission Nationale des Frontières de la Côte d'Ivoire	National Commission for the Borders of Côte d'Ivoire
<b>CNLTP</b>	Comité National de Lutte Contre la Traite des Personnes	National Committee for the Fight Against Human Trafficking
<b>CNLVBG</b>	Comité National de Lutte Contre les Violences Basées sur le Genre	National Committee for the Fight Against Gender-Based Violence
<b>CNRT</b>	Chambre Nationale des Rois et Chefs Traditionnels	National Chamber of Kings and Traditional Chiefs
<b>CNS</b>	Comité National de Surveillance des Actions de Lutte contre la Traite, l'Exploitation et le travail des Enfants	National Monitoring Committee on Action to Combat Child Trafficking, Exploitation and Labour
<b>COMESA</b>	Marché Commun de l'Afrique Orientale et Australe	Common Market of Eastern and Southern Africa

<b>CRC</b>	Convention relative aux Droits de l'Enfant	Convention on the Rights of the Child
<b>CRPD</b>	Convention relative aux Droits des Personnes Handicapées	Convention for the Rights of Persons with Disabilities
<b>CRT</b>	Croissant Rouge Tunisien	Tunisian Red Crescent
<b>DAARA</b>	Direction d'Aide et d'Assistance aux Réfugiés et Apatrides	Directorate of Assistance to Refugees and Stateless Persons
<b>DCPJ</b>	Direction Centrale de la Police Judiciaire	Central Directorate of Judicial Police
<b>DGCIM</b>	Direction Générale de la Coopération Internationale en Matière de Migration	General Directorate of International Cooperation on Migration
<b>DPJEJ</b>	Direction de la Protection Judiciaire de l'Enfance et de la Jeunesse	Directorate for Judicial Protection of Children and Youth
<b>ECCAS</b>	Communauté Économique des États de l'Afrique Centrale	Economic Community of Central Africa States
<b>ECOWAS</b>	Communauté Économique des États de l'Afrique de l'Ouest	Economic Community of West African States
<b>ECPAT</b>	En finir avec la prostitution enfantine, la pornographie enfantine et la traite des enfants à des fins sexuelles	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
<b>EU</b>	Union Européenne	European Union
<b>FCFA</b>	Franc de la Communauté Financière Africaine	Franc of the African Financial Community
<b>FGM/C</b>	Mutilation/Coupure Génitale Féminine	Female Genital Mutilation/Cutting
<b>FN</b>	Forces Nouvelles	New Forces
<b>GBVIMS</b>	Système de Gestion de l'Information sur la Violence Basée sur le Genre	Gender-Based Violence Information Management System
<b>GDP</b>	Produit Intérieur Brut	Gross Domestic Product
<b>HDI</b>	Indice de Développement Humain	Human Development Index
<b>HRW</b>	Human Rights Watch	Human Rights Watch
<b>ICC</b>	Cour Pénale Internationale	International Criminal Court
<b>ICCPR</b>	Pacte International relatif aux Droits Civils et Politiques	International Covenant on Civil and Political Rights
<b>ICESCR</b>	Pacte International relatif aux Droits Économiques, Sociaux et Culturels	International Covenant on Economic, Social and Cultural Rights
<b>ICERD</b>	Convention Internationale sur l'Élimination de toutes les Formes de Discrimination Raciale	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICPPED</b>	Convention Internationale pour la Protection de Toutes les Personnes contre les Disparitions Forcées	International Convention for the Protection of All Persons from Enforced Disappearance
<b>ICRC</b>	Comité International de la Croix-Rouge	International Committee of the Red Cross
<b>ILO</b>	Organisation Internationale du Travail	International Labor Organization
<b>IMF</b>	Fonds Monétaire International	International Monetary Fund
<b>INS Côte d'Ivoire</b>	Institut National de la Statistique de Côte d'Ivoire	Côte d'Ivoire National Institute of Statistics
<b>INS Tunisie</b>	Institut National de la Statistique de Tunisie	Tunisian National Institute of Statistics
<b>IOM</b>	Organisation Internationale pour les Migrations	International Organization for Migration

<b>MFFE</b>	Ministère de la Femme, de la Famille et de l'Enfant	Ministry of Women, Family, and Children
<b>MICIC</b>	Migrants en Situation de Crise dans les Pays d'Accueil	Migrants in Countries in Crisis
<b>MINUCI</b>	Mission des Nations Unies en Côte d'Ivoire	United Nations Mission in Côte d'Ivoire
<b>MINUSMA</b>	Mission multidimensionnelle intégrée des Nations Unies pour la Stabilisation au Mali	Integrated Stabilization Mission in Mali
<b>NAP</b>	Plan d'Action National	National Action Plan
<b>NGO</b>	Organisation Non Gouvernementale	Non-Governmental Organization
<b>NOM</b>	Observatoire National des Migrations	National Observatory for Migration
<b>NRM</b>	Mécanisme National de Référence	National Referral Mechanism
<b>OECD</b>	Organisation de Coopération et de Développement Économiques	Organisation for Economic Cooperation and Development
<b>OHCHR</b>	Haut-Commissariat des Nations Unies aux Droits de l'Homme	Office of the United Nations High Commissioner for Human Rights
<b>OMCT</b>	Organisation Mondiale Contre la Torture	World Organisation Against Torture
<b>OPA</b>	Accord Politique de Ouagadougou	Ouagadougou Political Agreement
<b>PPP\$</b>	Dollars Internationaux en Parité de Pouvoir d'Achat	International Dollars Purchasing Power Parity rates
<b>REALIC</b>	Réseau Ouest Africain de Lutte contre l'Immigration Clandestine	West African Network to Fight against Clandestine Immigration
<b>RSD</b>	Détermination du Statut de Réfugié	Refugee Status Determination
<b>SEDH</b>	Secrétariat d'État Chargé des Droits de l'Homme	State Secretariat for Human Rights
<b>SEMTE</b>	Secrétariat d'État pour la Migration et les Tunisiens à l'Étranger	State Secretariat for Migration and Tunisians Abroad
<b>SNEDAI</b>	Société Nationale d'Édition de Documents Administratifs et d'Identification	National Society for the Publication of Administrative and Identification Documents
<b>UCT</b>	Unité de Lutte contre la Criminalité Transnationale organisée	Unit to Combat Transnational Organized Crime
<b>UGTT</b>	Union Générale Tunisienne du Travail	Tunisian General Labour Union
<b>ULGC</b>	Unité de Lutte contre les Grands Crimes	Unit to Combat Major Crimes
<b>UPR</b>	Examen Périodique Universel	Universal Periodic Review
<b>UNDP</b>	Programme des Nations Unies pour le Développement	United Nations Development Programme
<b>UNESCO</b>	Organisation des Nations Unies pour l'Éducation, la Science et la Culture	United Nations Educational, Scientific and Cultural Organization
<b>UNGA</b>	Assemblée Générale des Nations Unies	United Nations General Assembly
<b>UNHCR</b>	Haut-Commissariat des Nations Unies pour les Réfugiés	United Nations High Commissioner for Refugees
<b>UNSC</b>	Conseil de Sécurité des Nations Unies	United Nations Security Council
<b>UNOCI</b>	Opération des Nations Unies en Côte d'Ivoire	United Nations Operation in Côte d'Ivoire
<b>US DOS</b>	Département d'État des États-Unis	United States Department of State

## Côte d'Ivoire: General information

### 1. Political situation in Côte d'Ivoire and the wider region

#### 1.1. Côte d'Ivoire

Côte d'Ivoire is a country in West Africa that borders the Gulf of Guinea. The legislative and administrative capital is Yamoussoukro, while the economic capital is Abidjan.<sup>1</sup>

It is divided into 12 districts: Abijan, Bas-Sassandra, Comoe, Denguele, Goh-Djiboua, Lacs, Lagunes, Montagnes, Sassandra-Marahoue, Savanes, Vallee du Bandama, Woroba, Yamoussoukro, Zanzan. The official language is French.<sup>2</sup>

Côte d'Ivoire was a French colony until 1960, gaining independence under President Felix Houphouet-Boigny.<sup>3</sup> Initially, strong economic growth attracted migrants, reaching 25% of the population by 1998.<sup>4</sup> Despite Houphouet-Boigny's efforts to promote ethnic and religious dialogue, the north-south wealth gap widened due to cocoa and coffee plantations in the south.<sup>5</sup>

In 1990, the first multiparty elections saw Houphouet-Boigny's victory over Laurent Gbagbo. Houphouet-Boigny ruled until his death in 1993, succeeded by Henri Konan Bedie.<sup>6</sup> Economic crises and the concept of "ivoirité",<sup>7</sup> marginalizing the Muslim north,<sup>8</sup> fuelled tensions.<sup>9</sup> Bedie reinforced this division, leading political affiliations to align with ethnic and religious identities.<sup>10</sup>

Subsequent years were marked by conflicts linked to elections. In 1999, Bedie was ousted in a coup, followed by the widely contested election of General Robert Guei.<sup>11</sup> The exclusion of Alassane Ouattara and unrest in the north marred the process. Laurent Gbagbo's presidency which followed further entrenched ethnic divides, led to the continued marginalization of northerners.<sup>12</sup>

After a failed reconciliation effort marred with repression,<sup>13</sup> the army mutinied and attempted to overthrow President Gbagbo in September 2002. Although he resisted, officers and their supporters, led by Guillaume Soro, formed the FN (*Forces Nouvelles*) and seized control of the north, plunging the country into civil war.<sup>14</sup> After repelling a government offensive in October 2002, the FN undertook a campaign of its own, capturing sites in the west and north of the country.<sup>15</sup> A ceasefire in 2003 followed by the Linas-Marcoussis Agreement aimed to share power with rebel representatives and amend the Constitution regarding presidential parentage requirements.<sup>16</sup> In 2002,

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<sup>1</sup> The World Factbook, [Côte d'Ivoire](#), 24 April 2024.

<sup>2</sup> Ibidem.

<sup>3</sup> BBC News, [Côte d'Ivoire profile](#), 24 July 2023.

<sup>4</sup> UNHRC, [Report of the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights](#), April 2015, para. 10.

<sup>5</sup> Tom Ogwang, [The Root Causes of the Conflict in Côte d'Ivoire](#), Africa Portal Backgrounder No 5, April 2011, pp. 2-3.

<sup>6</sup> Ibidem.

<sup>7</sup> Such a thesis revolves around the identification of the Ivorian State with the "five main tribes" of Akan, Malinké and Bambara, Dan, Gur and Krou. Gradually, an implicit assimilation of foreigners with the Muslim inhabitants of the north took hold; see F. Gaulme, *L'« ivoirité », recette de guerre civile*, *Études*, S.E.R, vol. 394, no. 3, 2001, pp. 292-304, para. 11-14.

<sup>8</sup> Ibidem., para. 15-18.

<sup>9</sup> Ibidem., p.4

<sup>10</sup> R. C. Crook, [Winning Coalitions and Ethno-Regional Politics: The Failure of the Opposition in the 1990 and 1995 Elections in Côte d'Ivoire](#), *African Affairs*, vol. 96, no. 383, 1997, p. 215.

<sup>11</sup> Ibidem.

<sup>12</sup> UNHRC, [Report of the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights](#), April 2015, para. 11.

<sup>13</sup> HRW, [Trapped Between Two Wars: Violence Against Civilians in Western Côte d'Ivoire](#), August 2003, p. 9.

<sup>14</sup> Al Jazeera, [Timeline: Côte d'Ivoire](#), 30 November 2011.

<sup>15</sup> HRW, [Trapped Between Two Wars: Violence Against Civilians in Western Côte d'Ivoire](#), August 2003, p. 10.

<sup>16</sup> UNSC, [Linas-Marcoussis Agreement](#), January 2003.

the UN Security Council (UNSC) deemed the situation a threat to regional peace, deploying the UN Mission in Côte d'Ivoire (MINUCI), in coordination with ECOWAS and French troops from Operation Licorne.<sup>17</sup> MINUCI was replaced by the UN Operation in Côte d'Ivoire (UNOCI) in 2004 and concluded in 2017.<sup>18</sup> The civil war persisted until 2007, when the Ouagadougou Political Agreement (OPA) established a transitional government with rebel leader Soro as Prime Minister and included provisions on disarmament and national reunification. Presidential elections were slated for 2008.<sup>19</sup> After delays, elections were held in October 2010, with Ouattara declared President in December 2010. Although Ouattara's victory was certified by the UN and accepted by the AU,<sup>20</sup> Gbagbo's refusal to cede power escalated the crisis, leading to a new internal armed conflict.<sup>21</sup>

In 2010, the second civil war erupted over elections, lasting until 2011. From December 2010 to February 2011, post-election violence primarily involved police forces and armed militias loyal to Gbagbo, who sought to retain power by systematically targeting real or suspected Ouattara supporters. Among other accusations against pro-Gbagbo forces were forced disappearances, violent suppression of protests, and sexual violence against women and girls involved in the protest campaign, as well as extrajudicial killings.<sup>22</sup>

State-controlled media daily incited hatred and violence against northern Ivoirians and West African immigrants. Pro-Gbagbo militias established checkpoints around Abidjan and killed dozens of pro-Ouattara individuals during moments of tension.<sup>23</sup>

Rebel forces, situated in the north since the end of the first civil war in 2002, launched a new military offensive in March 2011 to oust Gbagbo and install Ouattara in power. The crisis then escalated into an internal armed conflict marked by violent actions from both sides.

In the south and west of the country, the conflict was most intense. On 5 April 2011, heavy fighting erupted in Abidjan, Gbagbo's stronghold and the commercial capital, between pro-Ouattara and pro-Gbagbo forces.<sup>24</sup>

The western region, the most unstable area, witnessed massacres by both sides in late March 2011. In Bloléquin and Bédi-Goazon, pro-Gbagbo militias and Liberian mercenaries killed at least 130 men, women, and children belonging to pro-Ouattara groups. In Duékoué, Republican Forces and their allied militias killed hundreds of men from pro-Gbagbo ethnic groups after seizing control of the city on 29 March 2011. At the peak of the conflict, over 180,000 Ivoirians fled to Liberia.

After seizing control of the west, the Republican Forces (pro-Ouattara) rapidly advanced towards Abidjan. Violent clashes occurred in Abidjan on 5 April 2011, just before Gbagbo's capture on 11 April. In the following days, pro-Gbagbo militias wreaked havoc in areas still under their control, killing Ouattara supporters. As the Republican Forces consolidated control over Abidjan, they carried out summary executions, torture, and arbitrary detentions.<sup>25</sup>

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<sup>17</sup> MINUCI, *United Nation Mission in Côte d'Ivoire*, last accessed April 2024.

<sup>18</sup> UNOCI, *Protecting civilians and supporting the Government in DDR and security sector reform*, last accessed April 2024.

<sup>19</sup> UNSC, *Ouagadougou Political Agreement (OPA)*, March 2007.

<sup>20</sup> UNHRC, *Report of the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights*, April 2015.

<sup>21</sup> OHCHR, *Consideration of reports submitted by States parties under article 40 of the Covenant - Côte d'Ivoire*, May 2013.

<sup>22</sup> HRW, *"They Killed Them Like It Was Nothing": The Need for Justice for Côte d'Ivoire's Post Election Crimes*, October 2011.

<sup>23</sup> HRW, *World Report 2012 - Côte d'Ivoire*, January 2012.

<sup>24</sup> Nicolas Cook, *Côte d'Ivoire's Post-Election Crisis*, United States Congressional Research Service, April 2011.

<sup>25</sup> HRW, *World Report 2012 - Côte d'Ivoire*, January 2012.

In November 2011, Gbagbo was transferred to The Hague to face charges brought by the ICC Prosecutor.<sup>26</sup> He was accused of four different crimes against humanity: murder, rape and other forms of sexual violence, other inhumane acts, and persecution. Gbagbo returned to Côte d'Ivoire after his acquittal by the ICC in 2021,<sup>27</sup> where he was subsequently pardoned by President Ouattara in 2022,<sup>28</sup> as a part of a wider reconciliation campaign which saw numerous former officials pardoned.<sup>29</sup>

Since President Ouattara took office in 2011, political stability has improved in Côte d'Ivoire. Reforms have been pursued, including free and peaceful elections, the adoption of a new Constitution, and progress in governance transparency and effectiveness.<sup>30</sup>

In light of these positive developments, the UNHCR has recommended that host countries of Ivorian refugees should consider a general cessation of refugee status to take effect on 30 June 2022.

Despite positive indicators, in the most recent presidential elections in October 2020, Ouattara's candidacy sparked riots due to constitutional term limits, leading to the deaths of 50 people.<sup>31</sup> However, dialogue between the government and the opposition helped ease tensions. In the subsequent parliamentary elections in March 2021, all major parties participated for the first time in 25 years. The local and regional elections in September 2023 were largely peaceful, with the governing party winning by a significant margin, despite tensions linked to the influx of refugees fleeing jihadi violence in neighbouring States.<sup>32</sup>

Though government response has so far stemmed jihadism in the country, the ongoing Islamic fundamentalist insurgency in Burkina Faso has led to tensions, especially in the northern regions.<sup>33</sup> Additionally, estimates put the number of internally displaced persons as a result of both civil wars at around 302.000, mostly concentrated in the western regions.<sup>34</sup>

Whilst Côte d'Ivoire's economic outlook is positive, its internal political and religious divisions linger.<sup>35</sup> With the AfCHR condemning the Ivorian electoral law, doubts persist as to the state of democracy in the country.<sup>36</sup> Moreover, the volatile situation in neighbouring States hinders future prospects of peace in the region.

## ***1.2. The wider region***

Côte d'Ivoire is located on the south coast of West Africa and shares borders with Liberia and Guinea to the west, Ghana to the east, and Mali and Burkina Faso to the north; it is part of the Community of Sahel-Saharan States (CEN-SAD) and of the Economic Community of West African States (ECOWAS).

### ***1.2.1. CEN-SAD***

The CEN-SAD was established by treaty on 4 February 1998,<sup>37</sup> following the Conference of Leaders and Heads of State held in Tripoli, Libya. It was recognized as one of the regional economic

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<sup>26</sup> ICC, [Case Information Sheet - The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé](#), July 2021.

<sup>27</sup> Ibidem.

<sup>28</sup> France24, [Ivorian President Ouattara pardons predecessor Gbagbo to boost 'social cohesion'](#), 7 August 2022.

<sup>29</sup> Voice of Africa, [51 Prisoners Pardoned by Ivory Coast President](#), 22 February 2024.

<sup>30</sup> German Federal Ministry for Economic Cooperation and Development, [Striving to achieve stability and development](#), last accessed 7 May 2024.

<sup>31</sup> HRW, [Côte d'Ivoire: Post-Election Violence, Repression](#), 2 December 2020.

<sup>32</sup> World Bank, [Country Overview – Côte d'Ivoire](#), last accessed 23 April 2024.

<sup>33</sup> International Crisis Group, [Keeping Jihadists Out of Northern Côte d'Ivoire](#), 11 August 2023.

<sup>34</sup> The World Factbook, [Côte d'Ivoire](#), 1 May 2024.

<sup>35</sup> BTI, [Côte d'Ivoire Country Report](#), 2024.

<sup>36</sup> AfCHPR, [Press Release – Judgement Summary in Suy Bi Gohore Emile And Others V. Republic Of Côte D'Ivoire](#), App. No. 044/2019, 15 July 2020.

<sup>37</sup> CEN-SAD, [Community of Sahel-Saharan States Revised Treaty](#), 2013.

communities during the 36th ordinary session of the Conference of Leaders and Heads of State and Government of the Organization of African Unity, which took place from 4 to 7 July 2000, in Lomé, Togo.<sup>38</sup>

The current parties to the CEN-SAD are the following: Benin, Burkina Faso, Central African Republic, Comoros, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ghana, Guinea, Kenya, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Sudan, Somalia, Chad, Togo, and Tunisia.<sup>39</sup>

As established in Article 3 of the CEN-SAD Treaty, members should adopt measures to facilitate the freedom of movement of people. Despite this provision, the development of freedom of movement between member States has been stagnant; free movement, residence, and establishment are only assured through temporary bilateral agreements.<sup>40</sup>

### 1.2.2. ECOWAS

ECOWAS was established on 28 May 1975 via the Treaty of Lagos.<sup>41</sup> It is currently a 15-member regional group with the mandate of promoting economic integration in all fields of activity of the constituting countries. Member countries of ECOWAS are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal, and Togo.<sup>42</sup>

Following military coups, ECOWAS membership has been suspended for Mali (May 2021), Guinea (September 2021), Burkina Faso (January 2022) and Niger (August 2023). ECOWAS imposed economic and financial sanctions on those countries after the military coups. While memberships were suspended, main sanctions measures on Burkina Faso and Mali were lifted in July 2022, and sanctions measures on Guinea and Niger were lifted on 24 February 2024.<sup>43</sup>

However, on 28 January 2024, the three military juntas in Burkina Faso, Mali, and Niger announced they would leave ECOWAS, sending their requests on the 29 and 30 of the same month.<sup>44</sup> As the ECOWAS Treaty requires a 1-year period from the notice for the withdrawal to be effective, the obligations stemming from the Treaty are binding until 29 January 2025.<sup>45</sup> Prior to their withdrawal notice, Burkina Faso, Mali, and Niger created the Alliance of Sahel States (*Alliance des États du Sahel* (AES)) on 16 September 2023, within which they plan to establish a common defence framework against terrorism.<sup>46</sup> Within this framework, the three States signed a “treaty of confederation” on 6 July 2024.<sup>47</sup>

As to the freedom of movement under the ECOWAS Treaty,<sup>48</sup> the 1979 Protocol establishes the right of Community citizens to enter, reside, and establish in member States, outlining a phased approach over 15 years for making effective such rights (Article 2).<sup>49</sup> Entry requires a valid travel document and health certificate (Article 3), with member States retaining the right to refuse admission and set expulsion conditions (Articles 4, 11). The 1986 Supplementary Protocol focuses on the right of

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<sup>38</sup> UN Economic Commission for Africa, [CEN-SAD - Communauté des États Sahélo-Sahariens](#), last accessed 19 May 2024.

<sup>39</sup> CEN-SAD, [Community of Sahel-Saharan States Revised Treaty](#), 2013.

<sup>40</sup> IOM, [Étude des Avantages et des Défis de la Libre Circulation des Personnes en Afrique](#), para. 61, 2018.

<sup>41</sup> ECOWAS, [Treaty of the Economic Community of West African States \(ECOWAS\)](#), 28 May 1975.

<sup>42</sup> ECOWAS, [Basic Information](#), last accessed 18 May 2024.

<sup>43</sup> UNDESA, [Monthly Briefing - A current challenge to regional integration in West Africa](#), March 2024.

<sup>44</sup> HRW, [Burkina Faso, Mali, and Niger Quit Regional Bloc](#), 2 February 2024.

<sup>45</sup> ECOWAS, [Treaty of the Economic Community of West African States \(ECOWAS\)](#), 28 May 1975, art. 91.

<sup>46</sup> Jeune Afrique, [Alliance des États du Sahel](#), last accessed 18 May 2024.

<sup>47</sup> Africanews, [Coup-hit nations of Niger, Mali and Burkina Faso form Sahel Alliance](#), last updated 7 July 2024.

<sup>48</sup> ECOWAS, [Treaty of the Economic Community of West African States \(ECOWAS\)](#), 28 May 1975, arts. 3 and 55.

<sup>49</sup> ECOWAS, [Protocol A/P.1/5/79 Relating To Free Movement of Persons, Residence And Establishment](#), 29 May 1979.

residence, requiring member States to grant residence for employment purposes with an ECOWAS Residence Card or Permit (Articles 2, 5, 9).<sup>50</sup>

### **1.2.2.1. Mali**

Having gained power after the 2021 coup,<sup>51</sup> the military junta in Mali currently faces multiple threats, with 2023 seeing an increase in attacks against civilians by Islamist armed groups linked to Al-Qaeda and ISIS, as well as territorial advances by the *Coordination des Mouvements de l'Azawad* (CMA), an alliance of mostly ethnic Tuareg rebel groups seeking independence for the northern region of Azawad.<sup>52</sup>

The military, former rebel groups, government-aligned militias and mercenary groups, and terrorist organizations unlawfully killed people across the country, particularly in the central and, to a lesser extent, northern regions.<sup>53</sup> According to the UN Secretary-General, 1.002 civilians were killed by all parties from July 2022 to May 2023 due to armed conflict and criminal acts.<sup>54</sup>

Nearly 198.000 Malians remain refugees in neighbouring countries, while an estimated over 3.9 million people require protection assistance in Mali in 2023.<sup>55</sup>

With the Malian junta announcing on 25 January 2024 the end of the 2015 peace agreement with separatist factions,<sup>56</sup> and the government's successful request to terminate the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), effective from 1 January 2024,<sup>57</sup> the outlook for peace in the country seems poor.

### **1.2.2.2. Burkina Faso**

After the *coup d'état* of 30 September 2022, which overthrew Lieutenant Colonel Paul Henri Sandaogo Damiba, Captain Ibrahim Traoré was inaugurated as the new transitional President on 21 October 2022.<sup>58</sup> This *coup d'état* comes in a context of widespread violence, with terrorist organisations such as *Jama'at Nasr al-Islam wal Muslimin*, the Islamic State in the Greater Sahara, and other armed groups, such as Ansaroul Islam, perpetrating numerous attacks since 2016.<sup>59</sup> Furthermore, reports attest massacres by government sources.<sup>60</sup> In 2023, nearly 7.600 individuals lost their lives in conflict-related violence spanning over 2.000 incidents, whilst since its onset in 2016, the conflict has displaced an estimated 2 million people from their homes.<sup>61</sup>

Since the 2022 coup, the security situation has worsened, with government-aligned forces controlling around 50% of Burkina Faso's territory as of 2023.<sup>62</sup>

### **1.2.2.3. Guinea**

Since the 2021 coup against President Condé by the National Committee for Reconciliation and Development (CNRD), Guinea is ruled by a junta led by Colonel Mamady Doumbouya.<sup>63</sup> Since the

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<sup>50</sup> ECOWAS, [Supplementary Protocol on the Second Phase \(Right of Residence\) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment](#), 1 July 1986.

<sup>51</sup> European Parliament, [Mali: Yet another coup](#), June 2021.

<sup>52</sup> HRW, [World Report 2024 – Mali](#), 11 January 2024.

<sup>53</sup> US DOS, [2023 Country Reports on Human Rights Practices: Mali](#), 23 April 2024.

<sup>54</sup> UNSC, [Situation in Mali - Report of the Secretary-General](#), 1 June 2023, para. 9.

<sup>55</sup> European Civil Protection and Humanitarian Aid Operations, [Mali – Factsheet](#), last accessed 18 May 2024.

<sup>56</sup> HRW, [Mali's Peace Deal Ends](#), 26 January 2024.

<sup>57</sup> UNSC, [Resolution 2690 \(2023\)](#), 30 June 2023.

<sup>58</sup> World Bank, [Country Overview – Burkina Faso](#), last accessed 18 May 2024.

<sup>59</sup> US DOS, [2023 Country Report on Human Rights Practices: Burkina Faso](#), 23 April 2024.

<sup>60</sup> HRW, [Burkina Faso: Army Massacres 223 Villagers](#), 25 April 2024.

<sup>61</sup> HRW, [World Report 2024 - Burkina Faso](#), 11 January 2024.

<sup>62</sup> Africa Center for Strategic Studies, [Burkina Faso Crisis Continues to Spiral](#), 29 August 2023.

<sup>63</sup> BTI, [Guinea Country Report 2024](#), last accessed 19 May 2024.

dismissal of the previous government on 20 February 2024, new prime minister Mamadou Oury Bah is tasked with overseeing the transition to civilian rule,<sup>64</sup> with elections being planned for sometime between late 2024 and 2025.<sup>65</sup>

The US DOS indicates that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during 2023.<sup>66</sup> There is no evidence of terrorist groups operating in Guinea or targeting foreign interests in the country, although there are general concerns about the spread of Islamist militant activity in the region.<sup>67</sup>

Before its abolition in 2021, the Constitution prohibited Female Genital Mutilation and Cutting (“FGM/C”). The country had an extremely high prevalence rate of FGM/C. According to a 2018 government survey, 94.5 percent of women aged 15 to 49 had undergone such practice, which was implemented nationwide and among all religious and ethnic groups.<sup>68</sup>

## 2. Socio-economic situation

### 2.1. General population

Côte d’Ivoire has 28.160.542 inhabitants. 60% are under the age of 25. Estimates put the number of non-registered citizens at about 17.9%.<sup>69</sup>

The highest population density is found in the southern forests and in cities on the Atlantic coast. The northern regions are sparsely populated, except for urban centres near major communication routes. 52.3% of the population live below the poverty line; 33% are in a situation of extreme poverty. Côte d’Ivoire has a low human development rate, ranking as 171<sup>st</sup> out of 188 countries studied (one place lower than the last survey in 2014). The general, not disaggregated data concerning Côte d’Ivoire are as follows:<sup>70</sup>

- Human Development Index: 0.534,<sup>71</sup>
- Life expectancy: 58 years,
- Mandatory years of education: 10.1 years,
- Mean years of education: 4.2 years,
- GDP per capita: \$2720,<sup>72</sup>
- Gross National Income per capita: \$5376 (constant 2017 PPP\$).<sup>73</sup>

### 2.2. Women

- Human Development Index, female: 0.492,<sup>74</sup>
- Life expectancy 60.2,
- Mean years of education: 3 years,
- Gross National Income per capita, female: \$4063 (constant 2017 PPP\$).

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<sup>64</sup> BBC News, [Guinea junta appoints Mamadou Oury Bah as new prime minister](#), 28 February 2024.

<sup>65</sup> Voice of Africa, [Guinea PM Hints Return to Civilian Rule Delayed Until 2025](#), 12 March 2024.

<sup>66</sup> US DOS, [2023 Country Report on Human Rights Practices: Guinea](#), 23 April 2024.

<sup>67</sup> UK Foreign, Commonwealth & Development Office, [Foreign travel advice – Guinea](#), last accessed 19 May 2024.

<sup>68</sup> Institut National de la Statistique Ministère du Plan et du Développement Economique, [Enquête Démographique et de Santé \(EDS V\)](#), July 2019.

<sup>69</sup> UNDP, [Côte d’Ivoire](#), last accessed 23 April 2024.

<sup>70</sup> Ibidem.

<sup>71</sup> The Human Development Index (HDI) is a composite statistic used to measure a country's overall level of human development. It combines indicators of life expectancy, education, and per capita income to provide a comprehensive assessment of well-being. The HDI methodology assigns scores to each of these dimensions and aggregates them to produce a single index value, allowing for comparisons between different countries.

<sup>72</sup> IMF, [Côte d’Ivoire – Datasets](#), last accessed 23 April 2024.

<sup>73</sup> UNDP, [Côte d’Ivoire](#), last accessed 23 April 2024.

<sup>74</sup> Ibidem.

The UN indicator does not highlight substantial differences in life expectancy between men and women, but it shows significant differences in education, as the literacy rate for women in the 25 to 64 age bracket is 35%, compared to 49,7% for men.<sup>75</sup> In addition, around 24% of women fall below the poverty rate, compared to 19,8% for men.<sup>76</sup> Regarding employment, the percentage of female employment rate is 58% compared to 73% for men.<sup>77</sup>

Despite reduced human rights violations compared to the 2010-2011 post-electoral crisis, Côte d'Ivoire still faces pressing issues: enforced disappearances, inhuman treatment, dangerous prisons, arbitrary arrests, judicial independence concerns, media restrictions, corruption, gender-based violence, and LGBTQ+ rights violations.<sup>78</sup>

Women's rights in Côte d'Ivoire fall short of international commitments. Despite ratifying CEDAW and the Maputo Protocol, patriarchal structures persist, particularly in rural areas, with disparities in literacy, labour participation, and poverty rates. Female Genital Mutilation remains prevalent, as does forced marriage, with cultural stigma hindering reporting.<sup>79</sup> Sexual violence against women is prominent, as 27% of women report having experienced intimate partner violence.<sup>80</sup> The existing provisions do not guarantee accountability, with marital rape victims facing hurdles in seeking justice, contributing to Côte d'Ivoire ranking 156th out of 166 in the Gender Equality Index.<sup>81</sup>

In 2022, according to the Côte d'Ivoire Gender-Based Violence Information Management System (GBVIMS), a total of 7.919 cases of gender-based violence were reported and addressed, including 1.198 cases of rape, 260 cases of sexual assault, 1.826 cases of physical assault, 182 cases of forced marriages, 3.073 cases of denial of resources, opportunities, and services, and 1.380 cases of psychological and emotional violence.<sup>82</sup>

### **3. Institutional framework**

Côte d'Ivoire is a Presidential Republic with a perfect bicameral system. The system is based on the division of legislative, executive, and judicial powers.<sup>83</sup> Alongside this secular system, traditional chieftaincies exercise various religious and political prerogatives.

#### ***3.1.1. Legislative power***

The bicameral Parliament consists of the National Assembly and the Senate. The President and Parliament members drive the legislative process.<sup>84</sup> Proposed laws are submitted to both the National Assembly and the Senate after initial scrutiny by the President.<sup>85</sup> Both chambers approve laws.<sup>86</sup>

#### ***3.1.2. Executive power***

The executive power is held by the President, the Vice President, and the Government.<sup>87</sup> The President determines and leads political life,<sup>88</sup> heads the administration and armed forces, appoints

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<sup>75</sup> UNESCO, *GAL Country Profiles: Côte d'Ivoire*, December 2021.

<sup>76</sup> UN Woman Data Hub, *Country Fact Sheet - Côte d'Ivoire*, last accessed 27 April 2024.

<sup>77</sup> World Bank, *Gender Data Portal - Côte d'Ivoire*, last accessed 27 April 2024.

<sup>78</sup> US DOS, *2023 Country Report on Human Rights Practices: Côte d'Ivoire*, 23 April 2024, Section 6 on gender-related violence in particular.

<sup>79</sup> Save the Children, *Spotlight Series: Ending child marriage for gender equality*, 2021.

<sup>80</sup> Ibidem.

<sup>81</sup> UNDP, *Côte d'Ivoire*, last accessed 23 April 2024.

<sup>82</sup> Centre d'Information Intergouvernemental, *Lutte contre les violences basées sur le genre (VBG): les initiatives du gouvernement dans le cadre de la tolérance zéro*, 17 May 2023.

<sup>83</sup> *Constitution of Côte d'Ivoire*, Art. 26.

<sup>84</sup> Ibidem., Art. 74.

<sup>85</sup> Ibidem., Arts. 109 and 110.

<sup>86</sup> Ibidem., Art. 85.

<sup>87</sup> Ibidem., Art. 53.

<sup>88</sup> Ibidem., Art. 64.

the Prime Minister, and chairs the Council of Ministers.<sup>89</sup> The Vice President acts on behalf of the President.<sup>90</sup> The Government is entrusted with the implementation of policies set by the President.<sup>91</sup> The Prime Minister chairs the Government Council, a preparatory meeting for the Council of Ministers.<sup>92</sup>

### 3.1.3. *Judicial power*

According to the Constitution, the judiciary is independent and impartial.<sup>93</sup> Judges are protected from any interference or pressure to ensure the proper performance of their functions. Judicial power is divided among different courts:

- The Constitutional Council ensures the conformity of laws with the Constitution.<sup>94</sup>
- The Supreme Court oversees the application of the law by lower courts,<sup>95</sup> and is composed of the Court of Cassation and the Council of State.<sup>96</sup>
- The Court of Auditors controls public finances and has jurisdictional powers.<sup>97</sup>
- The High Court of Justice, a special jurisdiction, judges the President, the Vice President, and government members in specific cases provided for by the Constitution.<sup>98</sup>

### 3.1.4. *Traditional chieftaincies*

In Côte d'Ivoire, particularly in rural regions, governance involves secular (government) and traditional (kings and chiefs) powers, the latter being known as traditional chieftaincies.<sup>99</sup> Nationally, traditional authorities are represented by the National Chamber of Kings and Traditional Chiefs (CNRT),<sup>100</sup> established in 2014 by the National Assembly.<sup>101</sup> These bodies often replace government institutions in promoting traditions and practices.<sup>102</sup>

At the provincial and local level, the State recognizes three levels of chieftaincy: village chiefs, canton/tribe chiefs, and provincial chiefs. Generally, traditional chiefs participate, within the limits set by law, in the administration of the territory or ensure compliance with state directives.<sup>103</sup> Polls show the increasing influence of traditional chiefs since the creation of the CNRT.<sup>104</sup>

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<sup>89</sup> Ibidem., Arts. 67, 68, 70, 71.

<sup>90</sup> Ibidem., Art. 80

<sup>91</sup> Ibidem., Art. 81.

<sup>92</sup> Ibidem., Art. 82.

<sup>93</sup> Ibidem., Art. 139-141.

<sup>94</sup> Ibidem., Art. 126.

<sup>95</sup> Ibidem., Art. 147.

<sup>96</sup> Ibidem., Arts. 148 and 149.

<sup>97</sup> Ibidem., Art. 152.

<sup>98</sup> Ibidem., Arts. 156-159. In particular, the President can only be prosecuted for the crime of high treason, whilst the vice president and ministers are liable for any crime committed during office.

<sup>99</sup> I. Flan, J. Kone, K. Silwe, [Chefferie traditionnelle en Côte d'Ivoire: Quel bilan après l'institutionnalisation ?](#), 2021 p. 1.

<sup>100</sup> [Constitution of Côte d'Ivoire](#), Art. 175.

<sup>101</sup> National Assembly, [Law n° 2014-428 on the Status of traditional chiefs and kings](#), 14 July 2014, Art. 8.

<sup>102</sup> Le Monde Afrique, [En Côte d'Ivoire, les chefs traditionnels, plus convaincant que les fonctionnaires](#), April 2020.

<sup>103</sup> National, Assembly, [Law n° 2014-428 on the Status of traditional chiefs and kings](#), 14 July 2014, Art. 2.

<sup>104</sup> I. Flan, J. Kone, K. Silwe, [Chefferie traditionnelle en Côte d'Ivoire: Quel bilan après l'institutionnalisation ?](#), 2021, p. 4.

## **3.2. Relevant institutions in the fight against human trafficking**

### **3.2.1. Ministries and agencies**

#### **3.2.1.1. Ministry of Solidarity and the Fight against Poverty**

The *Ministère de la Solidarité et de la Lutte Contre la Pauvreté* focuses on addressing poverty and social inequality within the country. It oversees policies and programs aimed at poverty alleviation and social welfare.

Its main agency tasked with combatting human trafficking is the National Committee on the Prevention of Human Trafficking, *Comité National de Lutte Contre la Traite des Personnes* (CNLTP), which is responsible for the coordination of efforts to combat human trafficking, collaborating with both the CNS and CIM (see 3.2.1.5).

#### **3.2.1.2. Ministry of Women, Family and Children**

The *Ministère de la Femme, de la Famille et de l'Enfant* (MFFE) is dedicated to promoting and protecting the rights of women, strengthening family structures, and ensuring the well-being of children within the country. Within its organisation, the relevant agencies are the National Committee on the Fight Against Gender-based Violence, and the Action Cell on the Fight Against Child Trafficking, Exploitation and Labour.

The *Comité National de la Lutte Contre les Violences Basées sur le Genre* (CNLVBG) is tasked with developing and implementing strategies to combat gender-based violence, including domestic violence, sexual assault, and harmful traditional practices.<sup>105</sup>

The *Cellule de Lutte contre la Traite, l'Exploitation et Travail des Enfant* (CLTETE) focuses specifically on addressing issues related to child trafficking, exploitation, and child labour within Côte d'Ivoire. It coordinates efforts to rescue and rehabilitate victims and prosecute perpetrators.<sup>106</sup>

#### **3.2.1.3. Ministry of Justice and Human Rights**

The *Ministère de la Justice et des Droits Humains* oversees the administration of justice and protection of human rights within the country. As of its structure, the two most relevant agencies are the Directorate for the Judicial Protection of Children and the Youth and the State Secretariat on Human Rights.

The *Direction de la Protection Judiciaire de l'Enfance et de la Jeunesse* (DPJJE) focuses specifically on protecting the rights of children and young people within the judicial system. It ensures that their rights are respected and that they receive appropriate legal protection.

The *Secrétariat d'Etat Chargé des Droits de l'Homme* (SEDH) focuses specifically on human rights issues within the country.<sup>107</sup> It works to ensure that human rights are protected and promoted across all sectors of society. It comprises the *Direction pour la Promotion des Droits Humains*, responsible for promoting awareness of human rights issues and advocating for their protection and respect, as well as the *Direction pour la Protection des Droits Humains*, which receives complaints from victims of human rights violations, addresses them, and conducts non-judicial investigations. The Directorate is also tasked to identify groups particularly vulnerable to human rights violations and propose measures to protect them.

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<sup>105</sup> *Ministère de la Femme, de la Famille et de l'Enfant*, [Comité National de Lutte Contre les Violences Basées sur le Genre \(CNLVBG\)](#), last accessed July 2024.

<sup>106</sup> *Ministère de la Femme, de la Famille et de l'Enfant*, [Cellule de Lutte Contre la Traite, l'Exploitation et le Travail des Enfants \(CLTETE\)](#), last accessed July 2024.

<sup>107</sup> [SEDH](#), last accessed July 2024.

#### **3.2.1.4. Ministry of Foreign Affairs, African Integration and Diaspora**

This Ministry is responsible for managing Côte d'Ivoire's international relations, promoting African unity and integration, and engaging with the Ivorian diaspora around the world.

Under its General Directorate of Legal, Consular, and Civil Status Affairs, the Ministry has established the *Direction d'Aide et d'Assistance aux Réfugiés et Apatrides du Ministère d'Etat, Ministère des Affaires Etrangères, de l'Intégration Africaine et de la Diaspora* (DAARA), which is responsible for the assistance of refugees and stateless individuals in or returning to Côte d'Ivoire.

Established within the ministry is the *Direction Générale Des Ivoiriens de l'Exterieur* (DGIE), entrusted with assisting Ivorians living abroad by encouraging and coordinating initiatives aimed at their gathering; promoting their interests and protection; implementing actions related to their return and resettlement and facilitating their access to housing in Côte d'Ivoire.

#### **3.2.1.5. Committees established to prevent child trafficking, exploitation and labour**

Côte d'Ivoire has established two committees entrusted with the coordination and enactment of Law n. 2010-272.<sup>108</sup> Respectively, the Intergovernmental Committee on the Fight Against Child Trafficking, Exploitation, and Labour and the National Oversight Committee on Actions against Child Trafficking, Exploitation and Labour.

The *Comité Interministériel de lutte contre la traite, l'exploitation et le travail des Enfants* (CIM) is tasked with defining and ensuring the implementation of government directives within the framework of the national policy to combat trafficking, exploitation, and child labour; validating various programs and projects executed by partners to verify their compliance with the relevant national policy; coordinating the activities of all stakeholders involved in the fight against trafficking, exploitation, and child labour; and evaluating the implementation of the related programs and projects.<sup>109</sup>

The *Comité National de Surveillance des Actions de Lutte contre la Traite, l'Exploitation et le travail des Enfants* (CNS) brings together numerous government agencies and ministries to coordinate efforts to combat child trafficking, exploitation, and labour both domestically and internationally.<sup>110</sup>

#### **3.2.1.6. National Commission of Borders**

The *Commission Nationale des Frontières de la Côte d'Ivoire* (CNFCI) is an interministerial agency established under the Prime Minister's cabinet,<sup>111</sup> responsible for managing and safeguarding Côte d'Ivoire's borders.<sup>112</sup> It is tasked with maintaining security and preventing illegal activities such as smuggling and human trafficking.

### **3.2.2. Human rights bodies**

The *Conseil National des Droits de l'Homme* (CNDH-CI) is an independent institution established to promote and protect human rights within the country.<sup>113</sup> As the National Human Rights body, it monitors human rights violations, investigates complaints, and makes recommendations to the government and other relevant authorities.

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<sup>108</sup> National Assembly, [Law 2010-272 concerning the trafficking and the worst forms of child labor](#), 30 September 2010; see below.

<sup>109</sup> Presidency of the Republic, [Decree No. 2011-365, establishing the Interministerial Committee for Combating Trafficking, Exploitation, and Child Labor](#), 3 November 2011.

<sup>110</sup> Ibidem.

<sup>111</sup> [CNFCI](#), last accessed July 2024.

<sup>112</sup> Presidency of the Republic, [Decree n. 2017- 462 concerning the establishment, assignments, organisation and functioning of the National Border Commission of Côte d'Ivoire \(CNFCI\)](#), 12 July 2017.

<sup>113</sup> [CNDH](#), last accessed July 2024.

The *Comité de suivi de l'Examen Périodique Universel* (Comité EPU) in Côte d'Ivoire is responsible for monitoring and implementing recommendations made during the 2019 Universal Periodic Review (UPR).<sup>114</sup>

### **3.2.3. Law enforcement agencies**

In Côte d'Ivoire, law enforcement is attributed to the national gendarmerie, national police, and municipal police.

The coordination of efforts by law enforcement agencies in the fight against human trafficking and smuggling operations is attributed to the Unit for the Fight against Transnational Organized Crime, the *Unité de lutte contre la Criminalité Transnationale organisée* (UCT).<sup>115</sup>

#### **3.2.3.1. Gendarmerie**

The *Gendarmerie Nationale* is a military force instituted to ensure public safety, maintain order, and enforce laws, aiming to protect institutions, individuals, and property.<sup>116</sup> Under the direct authority of the Minister of Defence, it performs three types of missions: civil missions (administrative and judicial police), military missions (military police, operational defence of the territory), and various other missions (such as requests for assistance). It includes departmental gendarmerie, mobile gendarmerie, and specialized units.<sup>117</sup>

#### **3.2.3.2. Police**

The *Police Nationale* is a civilian force under the Ministry of Internal Affairs and Security, tasked with guaranteeing rights and defending the institutions of the Republic.

The *Police Municipale* is a civilian force under the authority of mayors, entrusted with the enforcement of decisions of local authorities and assisting the other law enforcement agencies.<sup>118</sup>

### **3.3. NGO's active in the fight against human trafficking**

Among others, the most active NGO's are: SOS Migration; Ivorian League of Human Rights; Action for the Promotion of Human Rights; West African Network for Combating Clandestine Immigration (REALIC); Association for Migration and Reintegration Assistance (AMAR); Association des Femmes Juristes, AVSI, ICMPD, Foyer Akuaba, SOS Exclusion.

## **4. Legal framework**

Côte d'Ivoire has a civil law legal system.

### **4.1. International agreements**

Côte d'Ivoire is currently a State party to the following agreements:

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), since 1973;
- Convention on the Rights of the Child (CRC), since 1991;
- African Charter on Human and Peoples' Rights (ACHPR), since 1992;
- United Nations Covenant on Civil and Political Rights (ICCPR), since 1992;

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<sup>114</sup> [Comité EPU](#), last accessed July 2024.

<sup>115</sup> Presidency of the Republic, [Decree n. 2014-675 establishing the creation, attributions, organization, composition, and functioning of the Unit for the Fight against Transnational Organized Crime](#), 5 November 2014.

<sup>116</sup> National Assembly, [Law n. 60-209 creating the National Armed Forces Of Côte D'Ivoire](#), 27 June 1960.

<sup>117</sup> National Assembly, [Law n. 67-331 concerning the regulation of the service of the National Gendarmerie](#), 1 August 1967.

<sup>118</sup> Presidency of the Republic, [Decree n. 2015-101 concerning the organization of the Municipal Police](#), 18 February 2015.

- United Nations Covenant on Economic, Social and Cultural Rights (ICESCR), since 1992;
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), since 1995;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), since 1995;
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), since 1998;
- Statute of the International Criminal Court (ICC Statute), since 1998;
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Palermo Protocol), since 1999;
- African Charter on the Rights and Welfare of the Child (ACRWC), since 2004.

#### **4.2. Constitution**

The fundamental law of Côte d'Ivoire is its Constitution. The current Constitution has been adopted with a referendum on 30 October 2016, with substantial amendments made in 2020.<sup>119</sup> The Constitution recognizes and protects fundamental rights. Notably, it protects the right to life and human dignity (Articles 2 and 3), it bans human trafficking (Article 5), establishes the right to a fair trial (Article 6), the right to respect for private life (Article 8), the right to property (Article 11), it posits the prohibition and suppression of child labour (Article 16), it establishes the right to freedom of expression, thought, and religion (Section 19), the right to freedom of association (Article 20).

Furthermore, the Ivorian Constitution prohibits FGM (Article 3), as well as any form of discrimination (Article 4); establishes that the State and public institutions ensure the promotion, development, and protection of women (Article 35); promotes women's participation in political and public life (Article 36) and equality between women and men in the labour market (Article 37).

#### **4.3. Legislation on human trafficking**

In light of the general ban of human trafficking under Article 5 Constitution and international obligations, Côte d'Ivoire has adopted Law n. 2016-1111.<sup>120</sup> In accordance with such law, the consent of the victim, their parents, or a third-party having authority over the victim cannot be invoked as a justification by traffickers (Article 5).

A prison sentence of 10 to 20 years and a fine ranging from 10 million to 50 million FCFA are provided for in case of violation of the general ban (Article 7). If the trafficking is carried out through an organization, the prison sentence is 20 years (Article 8). Both Ivorian and foreign traffickers can be found guilty, whether they are the actual perpetrators of the trafficking or accomplices, even if the crime was committed abroad (Articles 16 and 17).

The law establishes that if the victim is a minor, the best interests of the child and their specific needs are taken into consideration; if the minor lacks a legal representative or if the legal representative is unable to safeguard their interests, the public prosecutor has the power to appoint one in the best interest of the minor (Article 19). Furthermore, the State adopts measures to ensure that victims, witnesses, and their families have sufficient protection in cases where their security is threatened (Article 21), ensures the implementation of national assistance programs for trafficking victims (Article 22), and provides legal assistance and the issuance of identity documents to Ivorian citizens who have survived trafficking and reside abroad (Article 24).

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<sup>119</sup> National Assembly, [Constitutional Law n. 2020-348](#), of 19 March 2020.

<sup>120</sup> National Assembly, [Law n. 2016-1111 on the fight against Human Trafficking](#), 8 December 2016.

However, despite the existence of such provisions, the US DOS “Trafficking in Persons” report<sup>121</sup> categorizes the country under TIER 2,<sup>122</sup> as the minimum standards for the protection of trafficked persons are not met. According to the report, significant shortcomings emerge in various key areas for the protection of trafficking survivors. Specifically, shelter facilities and services, especially for adult individuals, are deemed inadequate. According to same document, for the fourth consecutive year in 2023, the *ad hoc Comité national pour la Lutte contre la Traite des Personnes* (CNLTP) did not receive the allocated funds for its activities.

According to government sources, the actions of the CNLTP have enabled the rescue and assistance of 1.157 victims of trafficking and exploitation from 2017 to 2020, including 490 minors and 667 adults. Among all the victims, 450 Ivorians and 707 foreigners were identified. Additionally, 377 complaints were recorded for cases of trafficking and exploitation of children.<sup>123</sup>

The following conclusions of the US DOS are also underlined by the Côte d’Ivoire UPR monitoring committee,<sup>124</sup> which highlighted three different challenges: the insufficient divulgation of legal texts addressing human trafficking amongst the wider public, the lack of specialized training on trafficking for officials, as well as the inadequacy of resources to effectively investigate trafficking cases and identify victims.

#### **4.3.1. Legislation on the trafficking of children**

Law n. 2010-272 concerns the trafficking of minors and their exploitation, though solely when exploited to conduct hazardous labour.<sup>125</sup> It is prohibited to enslave minors, force them into prostitution, compel them to engage in unlawful activities, or any other work that may harm their health, morality, or safety (Article 4). If a parent or guardian consents to the exploitation of the minor, they are subject to imprisonment for one to five years and a fine ranging from 500.000 to one million CFA francs (Article 18). If the minor is abducted by an individual intending to sell or enslave them, the perpetrator faces imprisonment for ten to twenty years and a fine of 5 million to 50 million CFA francs (Article 20). The minor victim of trafficking and/or forced to engage in hazardous and/or unlawful work is entitled to food, shelter, medical care, and psychological assistance (Article 40).

#### **4.4. Legislation on violence against women**

Law n.019-574 has rewritten the Penal Code to ensure the protection of women,<sup>126</sup> providing for the punishment of offences such as FGM (Article 394), forced labour and coerced prostitution (Article 441), rape or any other form of sexual violence of comparable severity (Articles 404 and 405).

Additionally, Law n. 2021-894 of 21 December 2021 allows “any interested person” to request a protective order against the alleged perpetrator,<sup>127</sup> not just the victim of gender-based violence (Article 3). This law also provides that, in the case of violence covered by this text, the judicial police officer “immediately proceeds to the hearing of the victim as well as to the collection of all evidence to clarify the facts and circumstances of their commission” (Article 11). Furthermore, it grants protective orders to those threatened with forced marriage, victims of sexual violence, and parents of minor victims (Article 10). Violating the order is a criminal offence, punishable by imprisonment and fines (Article 14). To ensure prompt protection, the Public Prosecutor must act immediately upon

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<sup>121</sup> US DOS, [Trafficking In Persons Report 2023: Côte d’Ivoire](#), 2023.

<sup>122</sup> The Tier 2 category is applied to countries which do not meet the US Trafficking Victims Protection Act (TVPA) minimum standards but are implementing substantial efforts to align and comply with the standards.

<sup>123</sup> Ministère du Plan et du Développement, [Plan National de Développement 2021-2025](#), 2020, para. 204.

<sup>124</sup> Comité de Suivi des recommandations de l’Examen Périodique Universel (Comité de Suivi EPU), [Rapport à mi-Parcours: Evaluation de la mise en œuvre des recommandations du 3e cycle de l’Examen Périodique Universel de la Côte d’Ivoire](#), 2022, p. 51.

<sup>125</sup> National Assembly, [Law 2010-272 concerning the trafficking and the worst forms of child labor](#), 30 September 2010.

<sup>126</sup> National Assembly, [Law n. 2019-574 concerning the Penal Code](#), 26 June 2019.

<sup>127</sup> National Assembly, [Law n. 2021-894 concerning domestic violence](#), 21 December 2021.

receiving a request (Article 3), and orders must be issued within 24 hours after the Tribunal President has been informed (Article 5).

However, delays due to resource issues and court backlog raise concerns.<sup>128</sup> Furthermore, the law requires “serious reasons” to issue an order, implying both the likelihood of violence and danger to the victim. This, along with discretionary decisions by the Tribunal President, may lead to rejections without considering the actual danger. Additionally, though not required, medical certificates are often requested, raising doubts about compliance with the law.<sup>129</sup>

Notwithstanding, Côte d’Ivoire still does not have a law on reproductive health, as the Penal Code provides for abortions to be legal only if there exists a risk of death for the mother or, solely for rape victims, upon request (Article 447).<sup>130</sup>

#### **4.4.1. Violence against women by military and security personnel**

Côte d’Ivoire has ratified the Statute of the International Criminal Court (or Rome Statute) on 15 February 2013,<sup>131</sup> and thereby criminalized rape and slavery by military and paramilitary forces as a war crime and as a crime against humanity (Articles 138 and 139 of the Penal Code).<sup>132</sup>

As to gender-based violence at the behest of security services (police stations and military police units), Circular n°005 of 18 March 2014 and inter-ministerial circular n° 016/MJ/MEMIS/MPRD of 4 August 2016, facilitated the procedure for receiving complaints from victims.

#### **4.5. Legislation on LGBTQI+ persons**

The Penal Code criminalizes “indecent and unnatural acts with an individual of the same sex” (Article 360),<sup>133</sup> providing for imprisonment from six months to two years and a fine ranging from 50.000 to 300.000 FCFA. Therefore, although homosexuality is not considered a crime, this provision criminalizes acts in public that may imply a person’s homosexuality.

### **5. Migration**

#### **5.1. General data on migration flows**

##### **5.1.1. A foreword on self-identification as Ivorian nationals**

As of recent estimates, around 931.076 individuals which are stateless or at risk of statelessness reside in Côte d’Ivoire.

Furthermore, polls show that only 5% of migrants in Côte d’Ivoire possess a passport from their country of origin.<sup>134</sup> This proportion is lower in rural areas (3%, compared to 7% in urban areas), and among women (1%, compared to 8% among men); additionally, 1% of the migrant population does not possess any document, with this proportion rising to 2% in urban areas. Moreover, only 6% of migrants have obtained the Ivorian citizenship and possess the nationality certificate.

According to Ivorian government Côte sources, between 2009 and 2018, in England, Spain, Italy, France, Belgium, Germany, and the Netherlands, less than 15% of migrants declared as Ivorians were

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<sup>128</sup> Fédération Internationale des Droits Humains, [‘On va régler ça en famille’: Les obstacles à une prise en charge effective des victimes de violences sexuelles en Côte d’Ivoire](#), March 2022, p. 45.

<sup>129</sup> Ibidem.

<sup>130</sup> National Assembly, [Law n. 2019-574 concerning the Penal Code](#), 26 June 2019.

<sup>131</sup> ICC, [Communiqué de presse - La Côte d’Ivoire ratifie le Statut de Rome](#), 18 February 2013.

<sup>132</sup> National Assembly, [Law n. 2019-574 concerning the Penal Code](#), 26 June 2019.

<sup>133</sup> Ibidem.

<sup>134</sup> Friedrich-Ebert-Stiftung Côte d’Ivoire, [Le Migrant en Côte d’Ivoire: Profil, perceptions, préférences et degré d’intégration](#), 2021, p. 26.

formally identified as such.<sup>135</sup> Meanwhile, according to the same source, from 2019 to 2023, out of 45.218 presumed Ivorian migrants, the internal security attachés deployed within the embassies of Côte d'Ivoire in Europe have received and processed 2.000 identification requests, resulting in the confirmation of only 543 Ivorians.<sup>136</sup>

Similarly, the Ivorian vice-president has affirmed that over 80% of young migrants claiming to be Ivorian upon arrival in Italy do not possess Ivorian nationality, citing that, out of 425 self-identified Ivorian migrants in Lampedusa, only 76 possessed or were eligible for Ivorian nationality.<sup>137</sup>

### **5.1.2. Post-independence trends of migration and immigration**

Seeking to capitalize on Côte d'Ivoire's relative agricultural wealth, its first President, Félix Houphouët-Boigny, significantly opened the country to immigrants.<sup>138</sup> This policy shift led to an unprecedented influx of immigrants into the country, particularly from neighbouring countries, mainly in the cocoa sector. This policy, continued by Houphouët-Boigny's successor, President Bédié, lasted until the 1990's crisis,<sup>139</sup> with the immigrant share of the population reaching 28%, according to the Ivorian *Institut National de Statistique* (INS).<sup>140</sup>

### **5.1.3. Post-civil war trends of migration and immigration**

The two internal armed conflicts in Côte d'Ivoire, spanning from 2002 to 2007 and from 2011 to 2012, led to surges of significant civilian displacement within and beyond the nation's borders. During the first crisis (2002-2007), around 750.000 individuals were forcefully displaced. Among them, 50.000 refugees who sought protection in Liberia, Guinea, and Mali. Between December 2010 and late February 2011, following post-election violence, another 500.000 Ivorians were displaced, the majority of whom fled to Liberia.<sup>141</sup>

Accordingly, between 2000 and 2011, Côte d'Ivoire has seen a dramatic increase in emigration, reaching an all-time low net migration score in 2011.<sup>142</sup> Since 2013, the trend has inverted, with Côte d'Ivoire again becoming a recipient state of immigration.<sup>143</sup>

#### **5.1.3.1. Immigration**

As of 2021, government sources affirmed that immigrants made up around 22% of the Ivorian population, at 6.336.560 individuals.<sup>144</sup> Estimates from the IOM instead put this number at around 2.500.000.<sup>145</sup> A large majority of immigrants in Côte d'Ivoire comes from another African country, particularly from the ECOWAS region (98,1%). In 2013, individuals born in Burkina Faso accounted for approximately 62% of immigrants in the country, followed by immigrants from Mali, with about 17%.<sup>146</sup> Due to security issues in both Mali and Burkina Faso, Côte d'Ivoire has an estimated 13.214

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<sup>135</sup> Jeune Afrique, [Pourquoi tant de migrants prétendent-ils venir de Côte d'Ivoire ?](#), 21 November 2023.

<sup>136</sup> Ibidem.

<sup>137</sup> Presidency of the Republic, [Note d'Information - le Vice-Président de la République a eu des entretiens avec la Présidente du Conseil des Ministres italien et le PDG du groupe Eni, à Rome](#), 30 January 2024.

<sup>138</sup> International Center for Migration Policy development, [Migrants in Countries in Crisis \(MICIC\) Côte d'Ivoire Case Study: Côte d'Ivoire at a Crossroads – Socio-economic Development Implications of Crisis-induced Returns to Burkina Faso, Ghana and Liberia](#), 1 September 2017.

<sup>139</sup> Cris Beauchemin, [Les migrations et l'effritement du modèle ivoirien: chronique d'une guerre annoncée ?](#), Critique internationale, 2005, para. 16.

<sup>140</sup> INS, [Recensement général de la population et l'habitat 2021](#), October 2022, p. 44.

<sup>141</sup> OECD, [Panorama de l'émigration ivoirienne](#), 29 March 2022.

<sup>142</sup> World Bank, [Net Migration - Côte d'Ivoire](#), last accessed 13 May 2024; this metric refers to the sum of immigrants entering one country, subtracted by the sum of migrants exiting the country.

<sup>143</sup> UNPD, [International Migrant Stock 2020](#), 2020.

<sup>144</sup> INS, [Recensement général de la population et l'habitat 2021](#), October 2022, p. 44; Under the INS definition, immigrants are "residents without the Ivorian nationality".

<sup>145</sup> IOM, [Enquête sur les politiques migratoires en Afrique de l'Ouest](#), p. 136.

<sup>146</sup> Ibidem.

refugees (2.489 households), of which an estimated 59% are children.<sup>147</sup> Additionally, as of the 31 March 2024, there are around 55.470 asylum seekers in the country.<sup>148</sup>

Most immigrants are employed in the agricultural sector (39%), whilst 21% are unemployed, a percentage which rises to 26% for women.<sup>149</sup>

Immigration has also been facilitated by Ordinance No. 2007-604 of 8 November 2007, under which ECOWAS citizens staying in Côte d'Ivoire for less than 3 months are no longer required to hold a residence permit.<sup>150</sup>

### **5.1.3.2. Migration**

By mid-2020, the global Ivorian diaspora numbered 1.1 million individuals.<sup>151</sup> Key destinations for Ivorian emigrants included Burkina Faso (557.732), Mali (188.250), France (99.031), Ghana (72.728), and Benin (33.996). Of these emigrants, 47,6% had attained lower levels of education, while 30,7% had received higher education, including professionals such as medical personnel, as well as individuals engaged in manufacturing, distribution, and service sectors.<sup>152</sup> Despite a decrease in personal remittances since 2011, emigrants still contributed 0,528% of the GDP in 2020 through personal remittances.<sup>153</sup>

#### **5.1.3.2.1. Migration to OECD States**

Migration flows from Côte d'Ivoire to OECD member States reached nearly 13.500 people in 2019 (fluctuating between 10.000 and 15.000 since 2015). Since 2010, this growth has been relatively strong (47%).<sup>154</sup> Migration flows of Ivorian nationals to OECD countries are directed towards five main destination countries: France, Italy, Canada, the United States, and Germany, which absorbed on average 91% of Ivorian nationals' flows to OECD countries between 2000 and 2019.<sup>155</sup> France and Italy are by far the two main OECD destination countries for Ivorian nationals, with over 60% of flows directed to these two countries.<sup>156</sup>

Migration of Ivorians compared to other ECOWAS nationals is largely limited, with Ivorian nationals amounting to 5,3% of 2018 migrants to OECD States from the ECOWAS region.<sup>157</sup>

Compared to other countries in West Africa, the gender distribution of Ivorian migration flows to European OECD countries is balanced. The number of permits issued to Ivorian women by France between 2012 and 2014 was slightly higher than the number issued to men.<sup>158</sup> On the contrary, in Italy, since 2015, men were overrepresented among Ivorian nationals receiving a residence permit: in 2016, nearly 4.500 holders were men and only 920 were women. This imbalance has slightly decreased thereafter: 63% of permits issued to Ivorian nationals by Italy in 2019 were to men.<sup>159</sup>

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<sup>147</sup> Bureau of International Labor Affairs, [2022 Findings on the Worst Forms of Child Labor – Côte d'Ivoire](#), 2022.

<sup>148</sup> UNHCR, [Côte d'Ivoire – Operational Data Portal](#), last accessed 19 May 2024.

<sup>149</sup> Friedrich-Ebert-Stiftung Côte d'Ivoire, [Le Migrant en Côte d'Ivoire: Profil, perceptions, préférences et degré d'intégration](#), 2021, p. 27.

<sup>150</sup> Presidency of the Republic, [Ordinance No. 2007-604 concerning the abolition of the residence permit](#), 8 November 2007.

<sup>151</sup> OECD, [Panorama de l'émigration ivoirienne](#), 29 March 2022.

<sup>152</sup> Ibidem.

<sup>153</sup> Integral Human Development, [Country Profiles – Côte d'Ivoire](#), last accessed 12 May 2024.

<sup>154</sup> OECD, [Tendances récentes de l'émigration ivoirienne](#), last accessed 12 May 2024.

<sup>155</sup> Ibidem.

<sup>156</sup> Ibidem.

<sup>157</sup> ECOWAS Commission, [Indicateurs régionaux sur la Migration 2018](#), September 2021, para. 3.1.1.

<sup>158</sup> OECD, [Panorama de l'émigration ivoirienne](#), 29 March 2022.

<sup>159</sup> OECD, [Tendances récentes de l'émigration ivoirienne](#), last accessed 12 May 2024.

## 5.2. Trafficking

In 2023, the government reported identifying and referring at least 1.185 trafficking victims to care, including 419 sex trafficking victims and 766 forced labour victims.<sup>160</sup> As to the 1.190 victims identified in 2022, the Minister of Solidarity and the Fight Against Poverty stated that 56 were placed in apprenticeships, and 49 traffickers were prosecuted.<sup>161</sup> Since 2012, the government claims to have prosecuted over 1.000 traffickers.<sup>162</sup>

### 5.2.1. Fostering as a catalyst of child trafficking

*Confiage* is an ancient tradition, widespread in West Africa in general and particularly in Côte d'Ivoire.<sup>163</sup> This practice sees the entrustment of a child to a relative or friend, who will ensure their education and development; in some cases, biological parents relinquish their rights to oversee the child's upbringing.<sup>164</sup>

This practice has been linked to the trafficking of minors, particularly of immigrants in Côte d'Ivoire.<sup>165</sup> In these cases, children working in plantations are provided with accommodation and food, but they do not receive any salary. Occasionally, a small sum is sent directly to their parents by their "guardian".<sup>166</sup>

### 5.2.2. Trafficking in Côte d'Ivoire

Migrant workers, including Malian, Burkinabe, and Ivoirian migrants, are exploited in the prolific cocoa plantations in the south, subjected to forced labour and debt bondage.<sup>167</sup> Traffickers also force women from neighbouring West African into prostitution, especially around Abidjan.<sup>168</sup> According to a 2016 survey, over 99,2% of exploited female minors were involved in prostitution.<sup>169</sup> The majority of identified victims were foreign nationals, mainly from Nigeria, along with victims from neighbouring West African countries.<sup>170</sup>

### 5.2.3. Trafficking out of Côte d'Ivoire

As reported by IOM in 2019, the majority of trafficked Ivorian individuals are aged 20-35 and generally have limited education and economic opportunities.<sup>171</sup> Ivorian migrants are frequently trafficked for labour, domestic work, and sexual exploitation in Tunisia and Libya, where men are exploited mainly in agriculture, lured by promises of lucrative jobs or careers in professional soccer, while women face domestic and sexual exploitation.<sup>172</sup> (See below at 9.2)

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<sup>160</sup> US DOS, *Trafficking In Persons Report 2023: Côte d'Ivoire*, 2023.

<sup>161</sup> Abidjan.net, *Lutte contre la traite des personnes: 1.234 victimes secourues et prises en charge en Côte d'Ivoire en 2022*, 30 April 2023.

<sup>162</sup> The Borgen Project, *Human Trafficking In Côte D'Ivoire*, 21 March 2023.

<sup>163</sup> ECPAT International, *Panorama du Pays: Côte d'Ivoire*, February 2023, p. 11.

<sup>164</sup> ONG Cavoequiva, *Le confiage d'enfant, une pratique traditionnelle en Afrique de l'Ouest, pouvant mener à une grande vulnérabilité*, 10 June 2022.

<sup>165</sup> Office français de protection des réfugiés et apatrides, *Côte d'Ivoire - Les victimes de la traite des êtres humains à des fins d'exploitation par le travail, 18 March 2019*, p. 10.

<sup>166</sup> Ibidem.

<sup>167</sup> The Borgen Project, *Human Trafficking In Côte D'Ivoire*, 21 March 2023.

<sup>168</sup> US DOS, *Trafficking In Persons Report 2023: Côte d'Ivoire*, 2023.

<sup>169</sup> SOS Violences Sexuelles, *Analyse situationnelle de l'exploitation sexuelle des enfants à des fins commerciales en Côte d'Ivoire*, March 2016, p. 36.

<sup>170</sup> US DOS, *Trafficking In Persons Report 2023: Côte d'Ivoire*, 2023.

<sup>171</sup> IOM, *Vittime di tratta nella rotta del Mediterraneo centrale: focus sulle donne provenienti dalla Costa d'Avorio, dalla tratta in Tunisia al rischio di re-trafficking in Italia*, 2019.

<sup>172</sup> Ibidem.

Between January 2012 and October 2019, 85% of the 823 trafficking victims identified by the IOM in Tunisia were Ivorians.<sup>173</sup> Most of the 575 Ivorian victims, mainly women, were found in domestic servitude in the Tunisian cities of Sfax, Tunis, Sousse, and Gabes.<sup>174</sup> According to the IOM's internal estimates, Ivorians made up 80% of trafficked individuals in Tunisia in 2020.<sup>175</sup>

Ivorians represented 3,9% of migrants identified as victims of trafficking by the Italian anti-trafficking system in the first semester of 2023,<sup>176</sup> a slight increase from 3,3% in 2022.<sup>177</sup>

## Trafficking from Côte d'Ivoire to Tunisia

### 6. Mobility law framework

#### 6.1. Travel documents regulations

The Constitution of Côte d'Ivoire states that every Ivorian citizen has the right to freely leave and return to their country.<sup>178</sup> For this right to be facilitated and realized, passports must be issued for Ivorians to travel. There are three types of passports available in Côte d'Ivoire: the regular passport, the service passport, and the diplomatic passport.<sup>179</sup>

Any citizen of Côte d'Ivoire may request a regular passport, issued under the police authorities by the *Société Nationale d'Édition de Documents Administratif et d'Identification* (SNEDAI) Group, a company based in Côte d'Ivoire partnered with the Ivorian government. Its role is to be responsible for the e-visa system and the production of passports within the country.<sup>180</sup> There are four steps to obtain a regular passport: acquisition of the application form, payment of the passport fee, enlistment and, if successful, delivery of the passport.<sup>181</sup>

There are multiple ways to obtain the application form, both online and in person. It can be obtained for free through the SNEDAI website, and in person from the Enlistment and Delivery centres or the Sub-Directorate of Air and Border Police.<sup>182</sup> Once the form has been procured and subsequently filled out, a payment of 40.000 FCFA must be paid into a BACI, Ecobank or NSIA Bank.<sup>183</sup> A receipt must be kept as evidence of payment. The enlistment stage then requires the applicant to go in person to one of the sites listed: the Platform Passport Agency, the Cocody Passport Agency, the E-Passport Marcory Agency, The Yopougon Passport Agency or the Djibi E-Passport Agency. These are all in different locations within Côte d'Ivoire. At these sites, the applicant must present the completed application form, the payment receipt, and all the required administrative documents. A list of the required documents can be found on the SNEDAI website.<sup>184</sup> The applicant must also allow officials

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<sup>173</sup> IOM, [La coopération bilatérale entre la Côte-d'Ivoire et la Tunisie est centrée sur la lutte contre la traite des personnes](#), 5 November 2019.

<sup>174</sup> Ibidem.

<sup>175</sup> IOM, [Une étude exploratoire sur le recrutement de la main-d'oeuvre et les mécanismes de protection des travailleurs migrants en Afrique de l'Ouest: Étude de cas de la Côte d'Ivoire, de la Gambie, du Ghana, du Nigéria et du Sénégal](#), 2021, p. 8.

<sup>176</sup> Vatican News, [Italia, tratta di esseri umani: terza fonte di guadagno per la criminalità dopo armi e droga](#), 28 December 2023.

<sup>177</sup> Dipartimento per le Pari Opportunità, [SIRIT – Nuove prese in carico 2022](#), 27 July 2023.

<sup>178</sup> National Assembly, [Constitution of the Republic of Côte d'Ivoire](#), 9 November 2016, art. 21.

<sup>179</sup> UNHCR, [Côte d'Ivoire: The service passport; terms and conditions for obtaining one, privileges associated with this type of passport, and difference between a service passport and a regular passport](#), 9 September 2003, paras. 2-3.

<sup>180</sup> Snedai Groupe, [Passport to Ivory Coast](#), last accessed 6 May 2024, paras. 1-4, Procedures.

ServicePublic.Gouv.Ci The Portal of the Ivorian Administration, [Apply for a passport](#), last accessed 6 May 2024, para. 1.

World Bank Group, [ID4D Country Diagnostic: Côte d'Ivoire](#), 2016, chapter 3, para. 8, p. 8.

<sup>181</sup> Snedai Groupe, [Passport to Ivory Coast](#), last accessed 6 May 2024, paras. 1-4, Procedures.

ServicePublic.Gouv.Ci The Portal of the Ivorian Administration, [Apply for a passport](#), last accessed 6 May 2024, paras. 3-9.

<sup>182</sup> Ibidem.

<sup>183</sup> Ibidem.

<sup>184</sup> Snedai Groupe, [List of documents to be provided](#), last accessed 6 May 2024, Entire page.

to check such documents, take fingerprints and a photo.<sup>185</sup> The last step of the process is the delivery of the passport. This is only issued upon the verification of the fingerprints and presentation of receipt for the filing of the application. The time of issuance is 72 hours after validation by the Air and Border Police of Côte d'Ivoire. The police may also ask for additional documents for identity verification.<sup>186</sup>

In recent news, the press has stated that Ivorian authorities have arrested multiple people for passport smuggling and facilitating obtaining nationality by fraud. Businessmen close to the government are also included in the arrests.<sup>187</sup> The arrests stem from the investigations conducted by the Unit for the Fight against Great Crime (ULGC). The Court of First Instance of Abidjan delivered a guilty verdict finding the accused guilty of acts of forgery of administrative documents, alongside other offences.<sup>188</sup> The case reveals the vast network of passport trafficking and nationality fraud that exists within Côte d'Ivoire. The problem of nationality fraud has also been reported to Côte d'Ivoire by the European Union.<sup>189</sup>

It should be noted that many Ivorian citizens are unaware of the passport acquisition process, many do not have the funds to acquire legal passports, and many travel without any document at all, making it easier for criminal organizations and individuals to exploit citizens who wish to travel.<sup>190</sup>

Due to the complexities and barriers associated with obtaining official documents in Côte d'Ivoire, a significant market for fake documents has emerged.<sup>191</sup> The difficulties in accessing legitimate identification papers, exacerbated by a corrupt administrative system, have in fact led to the proliferation of counterfeit documents. Migrants, including foreigners, often purchase fake Ivorian identity cards or passports to facilitate their travel and avoid legal complications. Corruption plays a substantial role in the document fraud industry. In the justice system, officials are often bribed to provide certificates of nationality and other essential documents. Additionally, there is a thriving black market for stolen or counterfeit identity cards, sometimes involving people within the administration. This parallel market thrives on the high demand for identity documents, driven by both locals and migrants.<sup>192</sup>

## ***6.2. Bilateral 90-days Visa-free agreement between Côte d'Ivoire and Tunisia***

Tunisia is relatively easily accessible for Ivorian citizens. Indeed, a bilateral agreement exists between the two States, allowing Ivorian nationals to enter Tunisia without a visa, and stay legally for up to 90 days. After the 90 days have passed, a residence permit must be obtained to maintain a legal presence in the country. The name and original document of the bilateral agreement establishing the visa-free area could not be accessed. However, press releases,<sup>193</sup> UN agency reports,<sup>194</sup> and Tunisian airport authorities<sup>195</sup> all state and affirm the existence of this 90-day visa free agreement.

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<sup>185</sup> Snedai Groupe, [Passport to Ivory Coast](#), last accessed 6 May 2024, paras. 1-4; Official portal of the Republic of Côte d'Ivoire, [Apply for a passport](#), last accessed 6 May 2024, paras. 3-9.

<sup>186</sup> Ibidem.

<sup>187</sup> The Africa Report, [Côte d'Ivoire: Prominent Lebanese CEO in passport scandal](#), 20 July 2023.

The Africa Report, [Lebanese Passport Scandal: Who is Abbas Badreddine?](#), 25 July 2023.

<sup>188</sup> Fratmat.info, [Case "trafficking in diplomatic passports and fraud against Ivorian Nationality": The prosecutor's office delivers its indictment](#), 4 December 2023, paras. 1 and 3.

<sup>189</sup> Afrique Sur 7, [Crime in Côte d'Ivoire: Lebanese sell Ivorian nationality](#), 2 November 2023, para. 7.

<sup>190</sup> Interview with Prof. Armando Cutolo, 30 May 2024, on file with the Clinic.

<sup>191</sup> Ibidem.

<sup>192</sup> Ibidem.

<sup>193</sup> IOM, [Bilateral Cooperation between Côte d'Ivoire and Tunisia is focused on the fight against trafficking in persons](#), 2019, para. 4.

<sup>194</sup> IOM, [Return Migration: link between irregularity and reinforcement on the vulnerability of Ivorian migrants in Tunisia, Morocco and Algeria, a study by IOM Côte d'Ivoire](#), July 2020, chap. 1, para. 2, p. 8.

IOM, [The Republic of Côte d'Ivoire Profile 2019 Migration Governance Indicators](#), 2019, chap. 3.1, para. 3, p. 16.

<sup>195</sup> Tunis-Carthage International Airport, [Formalities: Visa Tunisia](#), last accessed 6 May 2024, para. 4.

Under Tunisian law, when the State concludes bilateral agreements with other States on exit and entry policies, the nationals of that State are exempted from visa restrictions for a period of three months.<sup>196</sup> In addition to this, the agreement with Côte d'Ivoire foresees the 90-day visa free period.

Media sources has recently claim that Côte d'Ivoire has plans to reinstate visa restrictions between the two States.<sup>197</sup> It is reported that Côte d'Ivoire claims it would help to fix the immigration phenomenon of Ivorians transiting through Tunisia.<sup>198</sup> The information we have does not indicate that there has been a reinstatement of visa requirements at the time of writing.

## **7. Anti-trafficking legal framework**

### **7.1. Treaties**

Côte d'Ivoire ratified the underneath described treaties, aiming at addressing human trafficking.

#### **7.1.1. Maputo Protocol**

Formally titled “Protocol to The African Charter on Human and Peoples’ Rights on The Rights of Women in Africa”, the Maputo Protocol was drafted under the auspices of the Assembly of the African Union in 2003. Under the Maputo Protocol, trafficking is condemned as a form of violation of human rights. State parties are obliged to adopt effective measures to prevent and criminalize trafficking in women, prosecute the perpetrators, and provide protection to those women most vulnerable to such exploitation.<sup>199</sup>

Côte d'Ivoire signed this treaty on 27 February 2004 and ratified it on 5 October 2011.<sup>200</sup>

#### **7.1.2. Palermo Protocol**

Formally titled “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women, and Children”, it was drafted under the auspices of the United Nations General Assembly Resolution 55/25 in 2000. The Protocol came into effect on 23 December 2003. Côte d'Ivoire accessed the treaty on 25 October 2012.<sup>201</sup>

The Protocol addresses aspects of human trafficking, including prevention,<sup>202</sup> and protection of victims.<sup>203</sup> Emphasis should be placed on the principle of repatriation of individuals considered victims of human trafficking.<sup>204</sup>

#### **7.1.3. Implementation framework**

Following the ratification of the Protocols, progresses have been made by Côte d'Ivoire to prevent human trafficking. Côte d'Ivoire approved an anti-trafficking National Strategy Plan for 2016-2020, which established the *Comité National de Surveillance des Actions de Lutte contre la Traite, l'Exploitation et le travail des Enfants* (CNS), and the *Comité Interministériel de lutte contre la traite, l'exploitation et le travail des Enfants* (CIM). Departmental Committees have also been set up to

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<sup>196</sup> UNHCR, [Law No. 1968-0007 of March 8, 1968, relating to the condition of foreigners in Tunisia. Official Journal of March 8-12, 1968](#), last accessed 6 May 2024, chap. 1, art. 7.

<sup>197</sup> Nova.News, [Migrants: Côte d'Ivoire asks Tunisia to re-establish entry visas](#), 29 September 2023, para. 1.

<sup>198</sup> AfricanNews, [Côte d'Ivoire: towards the introduction of a visa to enter Tunisia](#), 29 September 2023, paras. 1-3.

<sup>199</sup> [Le Protocole à la Charte africaine des droits de l'homme et des peuples relatif aux droits des femmes](#), 11 July 2003, Art. 4 para. 2, sub. g), p. 7.

<sup>200</sup> African Union; [List of countries which have signed, ratified/ acceded to the Protocol](#), 19 September 2023.

<sup>201</sup> UN, [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Convention against Transnational Organized Crime](#), last accessed 11 May 2024.

<sup>202</sup> OHCHR [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#), last accessed 6 May 2024, Section III, Art. 9-13, p. 5-6.

<sup>203</sup> Ibidem, Arts. 6-8, pp. 3-4.

<sup>204</sup> Ibidem, Art. 8, p. 4.

monitor the implementation of this plan.<sup>205</sup> Moreover, Côte d'Ivoire adopted national anti-trafficking provisions in 2016 and established the National Council for Combating Trafficking in Persons, in April 2017.<sup>206</sup>

In the 2020 Trafficking in Persons US DoS report, it is stated that the Ivorian government lacked official mechanisms to identify trafficking victims or refer them to care. In the context of human trafficking, the provision of care and support is a critical component of the repatriation process. Trafficking victims often require immediate assistance, such as medical treatment, psychological support, legal aid, and secure housing. These services could be provided by local authorities, NGOs, or, for foreign nationals, by their embassies (see below para. 20 ff).

The *Unité de lutte contre la criminalité transnationale* (UCT), *Brigade Mondaine*, and Sub-Directorate reportedly refer victims to care centres through existing operational procedures.<sup>207</sup> During 2020, while NGOs provided material support, government assistance for victim protection and services was still inadequate.<sup>208</sup> Consequently, NGOs often bear the financial burden and responsibility for most victim care. The shortage of services, particularly for adults, and the absence of reintegration assistance prevented some victims from accessing sufficient support and made many of them susceptible to re-victimization.<sup>209</sup> For more information on reintegration, please refer below to paras. 20 and the following.

Additionally, as stated in the 2023 Trafficking in Persons US DOS report, the adoption of the National Action Plan (NAP) 2022-2025 was unsuccessful for the second year in a row. This was attributed to the fact that law enforcement authorities lacked specialized training and adequate resources to investigate trafficking cases and identify victims effectively.<sup>210</sup> During that period the government kept applying the NAP for 2019-2023 to contrast trafficking of children and allocated 28.6 billion FCFA for its application.<sup>211</sup> In 2023, Côte d'Ivoire began implementing a National Referral Mechanism (NRM) with standardized procedures to identify trafficking victims and refer them to care services proactively. Throughout the year, officials employed this mechanism to direct victims to appropriate services. Yet, government and civil society stakeholders indicated that the NRM was not fully operational, and officials needed further training. The US DoS reported that the government did not always provide or refer trafficking victims to legal aid. This hindered victims' ability to press charges against alleged traffickers.<sup>212</sup>

The situation described above placed Côte d'Ivoire in TIER 2 of anti-trafficking capacity in the year 2023 (as described in para 4.3).

## **7.2. National legal framework**

### **7.2.1. Penal Code**

Upon implementation of the Maputo and Palermo Protocols into its own criminal legal order, Côte d'Ivoire decided not to include provisions criminalizing trafficking within the Penal Code, but it adopted separate laws (see above para. 4.3). This resulted in some confusion, to the extent that, reportedly, courts use criminal provisions of the Penal Code sanctioning pimping and illegal mining

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<sup>205</sup> [Stratégie Nationale de Lutte contre la Traite des Personnes 2016-2020](#), last accessed 11 May 2024, para. Last, p. 4.

<sup>206</sup> ILO, [Côte d'Ivoire renews its commitment to international labour standards](#), 5 December 2019, para. 6, p. 1.

<sup>207</sup> US DOS, [2020 Trafficking in Persons Report: Côte d'Ivoire](#), Protection, para. 1.

<sup>208</sup> *Ibidem*, para. 2.

<sup>209</sup> *Ibidem*, para. 1.

<sup>210</sup> *Ibidem*, para. 2.

<sup>211</sup> *Ibidem*, para. 1.

<sup>212</sup> *Ibidem*, para. 3.

to prosecute individuals who have allegedly committed human trafficking, especially against women and children, rather than using specific anti-trafficking legislation.<sup>213</sup>

Pimping is used because it criminalizes the conduct of facilitating prostitution and profiting from the exploitation of others. Illegal mining, on the other hand, involves the exploitation of vulnerable individuals, including victims of trafficking who are coerced or deceived into forced labour in mining operations. Remarkably, this results in traffickers facing significantly lower penalties than the ones described under trafficking law provisions, as discussed below.<sup>214</sup> The Penal Code prescribes penalties of one to five years imprisonment and a fine of 1 million to 10 million FCFA for pimping,<sup>215</sup> and penalties of two to five years imprisonment and a fine of 50 million to 100 million FCFA for illegal mining.<sup>216</sup>

### **7.2.2. Law No. 2016-111 on the fight Against Trafficking in Persons**

Under the provisions of Law No. 2016-111, which entered into force on 8 December 2016, the phenomenon of human trafficking is comprehensively regulated. This law aims to prevent and suppress the phenomenon of human trafficking, whilst also providing for protection and assistance to victims and witnesses, as well as promoting and facilitating international cooperation to combat human trafficking at a global level.<sup>217</sup>

The focal point of the legislation is Article 4. According to this provision, the penalty for committing the offence of human trafficking ranges from five to ten years of imprisonment and a fine of 5.000.000 to 10.000.000 FCFA.<sup>218</sup>

This penalty serves as the base punishment. Aggravating circumstances include, from the least to the most severe:

- a. trafficking of children;<sup>219</sup>
- b. trafficking involving multiple victims;<sup>220</sup>
- c. trafficking of no-national individuals;<sup>221</sup>
- d. trafficking under conditions endangering the physical integrity of the victim, potentially leading to death;<sup>222</sup>
- e. if the trafficker, through their duties, is expected to contribute to the fight against human trafficking or the maintenance of public order;<sup>223</sup>
- f. if the offense has placed the victim in a serious material or psychological situation<sup>224</sup>
- g. if committed by an organized gang;<sup>225</sup>
- h. if the offense is committed using acts of torture or inhuman treatment or results in the death of the victim.<sup>226</sup>

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<sup>213</sup> US DOS, [2023 Trafficking in Persons Report: Côte d'Ivoire](#), Prosecution, para. 2.

<sup>214</sup> Ibidem, para. 1.

<sup>215</sup> [Côte d'Ivoire Code Penal](#), 21 December, 2021, Chapter 10, Section 4, Art. 358 para. 1, p. 79.

<sup>216</sup> [Côte d'Ivoire Code Penal](#), 21 December, 2021, Chapter 9, Section 1, Art. 340, para. 1, Sub-Issue 3°, p. 75.

<sup>217</sup> National Assembly, [Law n. 2016-1111 on the fight against Human Trafficking](#), 8 December 2016, Art. 1.

<sup>218</sup> Ibidem, Art. 4, last para., p. 1.

<sup>219</sup> Ibidem, Art. 6, p. 1.

<sup>220</sup> Ibidem, Art. 7, para. 1°, p. 1.

<sup>221</sup> Ibidem, Art. 7, para. 2°, p. 1.

<sup>222</sup> Ibidem, Art. 7, para. 3° and 4°, p. 1.

<sup>223</sup> Ibidem, Art. 7, para. 5°, p. 1.

<sup>224</sup> Ibidem, Art. 7, Para. 6°, p. 1.

<sup>225</sup> Ibidem, Art. 8, para. 1, p. 1.

<sup>226</sup> Ibidem, Art. 8, para. 2, p. 1.

### **7.2.3. Law No. 2010-272 Prohibition of Child Trafficking and the worst forms of Child Labor**

This legislative act adopted on 30 September 2010 addresses both the phenomena of human trafficking against minors and child labor.

The term “trafficking in children”, as used in this Act, encompasses any act involving the recruitment, transportation, transfer, housing, or provision of care for children, whether within or outside the country, with the intent of exploitation, irrespective of the methods employed.<sup>227</sup>

Whoever traffics children as defined in this Act is liable to imprisonment for ten to twenty years and a fine from 5.000.000 up to 20.000.000 FCFA.<sup>228</sup>

## **8. Actors of human trafficking**

### **8.1. Allegations against Ivorian State officials**

Numerous cases of corruption among law enforcement are reported. US DOS alleged that low-ranking police officers at the borders with Mali and Ghana facilitate migrant smuggling and trafficking by collecting bribes at checkpoints and along bus routes.<sup>229</sup>

The 2023 Trafficking in Persons US DoS report underscores that Côte d'Ivoire has not reported any investigation, prosecution, or convictions of government officials complicit in human trafficking-related crimes. This lack of action is particularly concerning as corruption undermines law enforcement efforts.<sup>230</sup>

### **8.2. Criminal organizations and recruitment**

There is limited information on the structure of criminal organizations involved in human trafficking in Côte d'Ivoire. However, a 2019 IOM report acknowledges the existence of a network of recruiters linked to a transnational criminal organization of traffickers.<sup>231</sup>

Recruiters are usually called “*coxeurs*”. They are Ivorian nationals connected to a broader network, often involving Tunisian agents.<sup>232</sup> The term “*coxeur*” denotes individuals who facilitate various aspects of migrants’ journeys, including transportation, border crossing, accommodation, obtaining passports, and accessing employment. Depending on their specific role, “*coxeurs*” may act as facilitators, smugglers, or traffickers.<sup>233</sup>

Recruiters typically proceed through familiar channels like friends, relatives, and acquaintances.<sup>234</sup> Some Ivorian community and religious leaders, possibly working with others abroad, are also recruiting Ivorian women and girls to work in the Middle East and Europe.<sup>235</sup> There has also been a marked use of social media to lure individuals into the trafficking circuit.<sup>236</sup> Many migrants initially

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<sup>227</sup> National Assembly, [Law 2010-272 concerning the trafficking and the worst forms of child labor](#), 30 September 2010.

<sup>228</sup> Ibidem, Art. 21.

<sup>229</sup> US DOS, [2023 Trafficking in Persons Report: Côte d'Ivoire](#), Prosecution, para. 2.

<sup>230</sup> Ibidem.

<sup>231</sup> IOM, [Victims of trafficking in the central Mediterranean route: focus on women from Côte d'Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy](#), 2019, para. 3, p. 5.

<sup>232</sup> Ibidem, para. 2, p. 4.

<sup>233</sup> IOM [RESEARCH BRIEF Migration de retour: trafic et traite des migrants ivoiriens le long de la route méditerranéenne centrale et occidentale](#), August 2021, Methodologie, p. 1.

<sup>234</sup> IOM, [Victims of trafficking in the central Mediterranean route: focus on women from Côte d'Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy](#), 2019, para. 1, p. 4.

<sup>235</sup> US DOS, [2022 Trafficking Persons Report: Côte d'Ivoire](#), para. 2.

<sup>236</sup> IOM, [Victims of trafficking in the central Mediterranean route: focus on women from Côte d'Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy](#), 2019, para. 1, p. 4.

trust these recruiters to organize their journeys, but the majority eventually realize they have been deceived and exploited due to their vulnerable conditions.<sup>237</sup>

“Coxeurs” often fund the journey from the outset, covering expenses for passport release and airfare, and facilitating the creation of fraudulent employment contracts for roles such as hairdressers or maids, promising monthly salaries corresponding to around 500/700 euros.<sup>238</sup> An example of such deceit involved a Nigerian national intercepted in Togo *en route* to Mali with five women, including three minors, who were officially recruited to work in a hair salon but were intended for sexual exploitation in clubs. This case has been referred to the Central Directorate of Judicial Police (DCPJ) for investigation.<sup>239</sup>

If the journey is conducted overland, recruitment can occur either in the victim’s country of origin or in transit nations, such as Tunisia. It is often the case that victims deplete their financial resources to sustain their journey and are compelled to depend on recruitment agents due to the lack of alternatives, making them more susceptible to exploitation.<sup>240</sup>

## 9. Victim profiles

Over the past five years, human traffickers have increasingly targeted individuals in Côte d’Ivoire for exploitation both domestically and abroad. According to the 2023 Trafficking in Persons US DOS report, traffickers, often distant relatives, bring women and girls from rural Côte d’Ivoire and other West African countries to Abidjan under the pretense of providing education or professional training. However, these women and girls are subsequently exploited in domestic servitude. Traffickers also exploit Nigerian, Burkinabe, Malian, and Moroccan women in both sex and labor trafficking.<sup>241</sup> The same report refers that Nigerian traffickers are particularly active in exploiting Nigerian women and girls in sex trafficking within Côte d’Ivoire northern and western mining regions. The victims often fall into two main profiles: disadvantaged and well-educated individuals.

### 9.1. Disadvantaged individuals

Traffickers predominantly target people aged 20 to 35 who have little access to economic and educational opportunities, most having only attended primary school. Many of these individuals previously ran small businesses, such as selling vegetables and fruit, in their home countries. Returning refugees and those living in Côte d’Ivoire without identity documents are especially vulnerable due to the risk of statelessness.<sup>242</sup>

### 9.2. Well-educated individuals

Recruiters provide these individuals with false promises of work in Tunisia. Well-educated Ivoirians who pay recruiters to help them find jobs in Tunisia are promised non-existent positions and, upon arrival, are held in debt bondage and forced into domestic service.<sup>243</sup>

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<sup>237</sup> IOM, *Migration de retour: trafic et traite des migrants ivoiriens le long de la route méditerranéenne centrale et occidentale*, August 2021, Methodologie, p. 1.

<sup>238</sup> IOM, *Victims of trafficking in the central Mediterranean route: focus on women from Côte d’Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy*, 2019, para. 2, p. 4.

<sup>239</sup> INTERPOL, *West Africa: 56 minors rescued from exploitation*, 21 December 2022, *Operational Highlights*, para. 5.

<sup>240</sup> IOM, *Victims of trafficking in the central Mediterranean route: focus on women from Côte d’Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy*, 2019, para. Last, p. 4.

<sup>241</sup> US DOS, *2023 Trafficking in Persons Report: Côte d’Ivoire*, *Trafficking Profile*, para. 1.

<sup>242</sup> IOM, *Victims of trafficking in the central Mediterranean route: focus on women from Côte d’Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy*, 2019, para. 2, p. 3.

<sup>243</sup> See earlier para 5.2.3.

## 10. The journey to Tunisia

### 10.1. Travel methods

The easiest method of transportation to depart from Côte d'Ivoire and arrive in Tunisia is by plane. There are over 20 airports located throughout Côte d'Ivoire,<sup>244</sup> the largest and most important being the Felix-Houphouët-Boigny International Airport, located in the southeast of Abidjan. The most popular airlines that operate these flights are Tunisair, Royal Air Maroc, Air France, Air Côte d'Ivoire, and NouvelAir.<sup>245</sup> Tunisair is the only airline to operate a direct flight from Abidjan to Tunis, that takes approximately five hours.<sup>246</sup> The price for flights can range from \$500 to \$750, equating to around 304,000-456,000 CFA. The main arrival point within Tunisia is the Tunis-Carthage International Airport, located in Tunis.

Another method of travel is by motor vehicle, the distance being approximately 5000 km to drive.<sup>247</sup> There are two main car routes available to take, the first averaging around 74 hours and the second around 87 hours according to Google Maps.<sup>248</sup> The first route begins in the centre of Côte d'Ivoire and travels through Mali, into Algeria, crossing then into Tunisia. The second route travels through Mali into Mauritania, then through the Western Sahara into Morocco, crossing then into Algeria to reach Tunisia.

Travel by public transport is extremely difficult as the journey consists of crossing multiple borders, entering countries with different public transport systems, and paying various transport costs. It may be possible to arrange public transport to depart from Côte d'Ivoire and arrive in Tunisia, however exact information on schedules and transport cannot be located.

A final method of transportation that may be available is by boat, travelling from the port of Abidjan to the port of Tunis, the distance being 3.792 nautical miles.<sup>249</sup>

### 10.2. Trafficking routes

Data indicate that trafficked Ivorians who travel to Tunisia may take two main alternative routes: by air and land. The latest statistics show a 30% decrease in the use of land routes during COVID-19 due to closed borders (from 72% in 2017 to 44% in 2020).<sup>250</sup> The conflict in Mali also contributed to this decline. Notably, for the trafficked victims, overland flows were significantly lower than those via airports during the COVID-19 period, a situation that is still ongoing. Conversely, there was a 30% increase in the use of aerial routes during from 28% in 2017 to 56% in 2020.<sup>251</sup>

#### 10.2.1. Air route

Migrants often start their journey from Abidjan. The travel is conducted via direct flights to Tunisia. In this regard, the existence of a visa-free policy for Ivorian citizens in Tunisia is relevant (see para. 6.2). Regarding their transportation, individuals must have either paid the agent in advance or agreed to pay upon entering Tunisian national territory.<sup>252</sup>

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<sup>244</sup> Airportcodes.io, [Find All Airports Worldwide Côte d'Ivoire](#), last accessed 12 May 2024.

<sup>245</sup> Kiwi.com, [Cheap flights from Abidjan, Côte d'Ivoire to Tunis, Tunisia](#), last accessed 12 May 2024, FAQ section.

<sup>246</sup> FlightRoutes, [Flights from Abidjan to Tunis](#), last accessed 12 May 2024, para. 1.

<sup>247</sup> Rome2Rio [How to get to Abidjan to Tunis by plane or car](#), last accessed 12 May 2024.

<sup>248</sup> Google Maps, [Côte d'Ivoire to Tunisia](#), last accessed 12 May 2024.

<sup>249</sup> Ports.com, [Port of Tunis to Port of Abidjan](#), last accessed 12 May 2024.

<sup>250</sup> IOM, [Côte d'Ivoire Stratégie pays \(2022-2025\)](#), *Profil Migratoire*, para. 1, p. 7.

<sup>251</sup> Ibidem.

<sup>252</sup> Ibidem, para. 2, p. 7.

### **10.2.2. Overland routes**

Alternatively, the overland transportation route presents two possibilities for individuals seeking passage to Tunisia. The first involves travel from Côte d'Ivoire through Mali, with stops in Bamako and Gao, then through Algeria, with key waypoints at Tamanrasset and Debdeb, before reaching Tunisia, including arriving in Tunis or Sfax.<sup>253</sup> This route as depicted in Google Maps is calculated at approximately 4.940 km.<sup>254</sup> Alternatively, individuals *en route* to Tunisia may opt for a route beginning in Côte d'Ivoire, traversing Burkina Faso, and Niger, then Libya, culminating in crossing the Libyan-Tunisian border, motivated by a desire to escape the violence and abuses prevalent in Libya.<sup>255</sup> For the second alternative, the route is calculated in approximately 8.227 km.<sup>256</sup> Mali used to serve as the main transit hub,<sup>257</sup> but its relevance has diminished, reportedly due to regional instability.<sup>258</sup>

### **10.3. Means of travel**

Not much information could be gathered on the means used to move trafficking victims along the overland route. However, the IOM stated that people migrating along the overland route often use various forms of transportation, such as trucks, cars, or buses. Additionally, some migrants may attempt to travel on foot.<sup>259</sup> It should be noted that, although the initial stages of migration may not involve trafficking, the situation often changes dramatically throughout the journey and in transit countries, where Ivorian migrants fall into traffickers' hands.

## **11. Human trafficking upon arrival in Tunisia**

### **11.1. Situation at the Tunisian border**

Victims of trafficking intercepted at Tunisia's borders face severe mistreatment and neglect, often being treated as undocumented migrants rather than victims of serious crimes. Reports indicate that, mostly due to racial discrimination,<sup>260</sup> they are frequently detained in harsh conditions. They receive insufficient food, water, and medical care. Instead of receiving the necessary protection and support, they are sometimes expelled<sup>261</sup> to remote areas along the borders with Algeria<sup>262</sup> and Libya,<sup>263</sup> where they are abandoned without resources, leaving them at high risk of re-trafficking by criminal networks. Additionally, trafficking victims often suffer physical and psychological abuse from security forces, including beatings, threats, and the confiscation of personal belongings like passports and money.<sup>264</sup> For more information on migrants' conditions in Tunisia, see below at para. 16.1.

### **11.2. Tunisia as an entry point**

Upon arrival in Tunisia, a local agent takes charge of the victims and connects them with the so-called "employer". If the victim has not paid the "service" provided by the agent before the trip, she is required to pay immediately upon arrival, usually in cash. This is often the case for victims arriving

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<sup>253</sup> IOM, [Victims of trafficking in the central Mediterranean route: focus on women from Côte d'Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy](#), 2019, para. 3, p. 4.

<sup>254</sup> Google Maps, [Côte d'Ivoire to Tunisia](#), last accessed 20 May 2024.

<sup>255</sup> IOM, [Victims of trafficking in the central Mediterranean route: focus on women from Côte d'Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy](#), 2019, para. 3, p. 4.

<sup>256</sup> Google Maps, [Côte d'Ivoire to Tunisia](#), last Accessed 20 May 2024.

<sup>257</sup> IOM, [Côte d'Ivoire Stratégie pays \(2022-2025\)](#), Profil Migratoire, para. 2, p. 7.

<sup>258</sup> US DOS, [2023 Trafficking in Persons Report: Côte d'Ivoire](#), 2023, Trafficking Profile, para. 2.

<sup>259</sup> IOM, [Côte d'Ivoire Stratégie pays \(2022-2025\)](#), 24 January 2024, Profil Migratoire, para. 2, p. 7.

<sup>260</sup> Amnesty International: [The state of World's Human Rights](#), April 2024, para. 1, pp. 371 – 372.

<sup>261</sup> HRW, [Tunisia: No Safe Haven for Black African Migrants](#), 19 July 2023, para. *Refugees*.

<sup>262</sup> HRW, [Tunisia: African Migrants Intercepted at Sea](#), 10 October 2023, para. *Expelled*.

<sup>263</sup> HRW, [Tunisia: Crisis as Black Africans Expelled to Libya Border](#), 6 July 2023.

<sup>264</sup> HRW, [Tunisia: No Safe Haven for Black African Migrants](#), 19 July 2023, para. *Collective expulsion to Libia and Algerian borders*, para. 3.

through the air route, who pay their “coxeur” upon their arrival at the airport. Often, victims discover at this moment that the trip organization has incurred higher costs than expected: aside from the predetermined payment, they are informed that they will need to work for an additional two to five months to reimburse the agent for the “unexpected” expenses. At this juncture, the intermediary hands over the victim to the exploiter, vanishing after stealing documents, mobile phones, and any other valuables.<sup>265</sup>

In 2022, Tunisian authorities identified around 372 trafficking victims from Côte d’Ivoire, accounting for approximately 66% of all trafficking victims identified in Tunisia.<sup>266</sup>

### ***11.2.1. Exploitation in Tunisia***

Trafficked victims typically work from six to eight months to pay back their *coxeur*. Usually, they serve affluent families in the Tunis and Sfax regions. Exploitation manifests in the form of domestic servitude under unsustainable conditions: enduring extensive work hours with minimal rest, residing in deplorable housing conditions, and enduring mistreatment. Often, women not only face exploitation but also endure sexual abuse at the hands of their exploiters.<sup>267</sup> It is also reported that women subjected to domestic servitude and other forms of forced labor, whose employers keep them in slavery for debts, are further exploited by nightclub owners. They falsely promise to pay off the women’s debts in exchange for work in the clubs as waitresses, but later coerce the women into prostitution.<sup>268</sup>

### ***11.2.2. Re-trafficking to Europe***

The trafficking route of the victims does not always end when they enter Tunisia. Tunisia also serves as an origin and a crucial transit point for migrants traveling from Africa to Europe, with Italy as their main target destination. There has been a notable surge in the number of migrants leaving Tunisia and attempting the journey across the Mediterranean, particularly since the onset of the COVID-19 pandemic.<sup>269</sup> In fact, according to the UNHCR’s Sea Arrivals Dashboard for Italy, there was a notable increase in the proportion of women among those arriving from Côte d’Ivoire. In 2018, women represented 26% of arrivals, whereas in 2019,<sup>270</sup> this figure surged to 43%, surpassing even the number of male arrivals.<sup>271</sup>

The primary focus of IOM observations revolves around the alarming issue of women being trafficked to Tunisia, with a looming risk of being re-trafficked to Italy. Numerous accounts gathered from arrivals on Italian shores highlight Tunisia as the primary destination for exploitation, with Libya also emerging as a potential transit point. According to the IOM, many trafficking victims do not initially intend to travel to Europe. However, they make this decision to escape exploitation in Tunisia.

Most commonly, these individuals are trafficked for domestic servitude, with instances of sexual exploitation also reported.<sup>272</sup>

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<sup>265</sup> IOM, [Victims of trafficking in the central Mediterranean route: focus on women from Côte d’Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy](#), 2019, para. 3, p. 5.

<sup>266</sup> US DOS, [2023 Trafficking in Persons Report: Côte d’Ivoire](#), para. Trafficking Profile.

<sup>267</sup> IOM, [Victims of trafficking in the central Mediterranean route: focus on women from Côte d’Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy](#), 2019, para. 4, p. 5.

<sup>268</sup> US DOS, [2023 Trafficking in Persons Report: Tunisia](#), para. Trafficking profile, para. 1.

<sup>269</sup> Africa Organized Crime Index: [Tunisia, 2023](#), 01 People, para. 1.

<sup>270</sup> UNHCR, [Italy Sea arrivals dashboard](#), December 2019, Nationality of arrivals, para. 1, pp. 1-2.

<sup>271</sup> IOM, [Victims of trafficking in the central Mediterranean route: focus on women from Côte d’Ivoire, from the trafficking in Tunisia to the risk of re-trafficking in Italy](#), 2019, paras 1-2, p. 1.

<sup>272</sup> *Ibidem*, p. 3.

Another notable observation is that, at times, women arrive accompanied by individuals claiming to be their husbands, only for the women to later deny any familial ties. This raises significant concerns regarding the vulnerability of these victims to potential re-trafficking in Italy.<sup>273</sup>

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<sup>273</sup> Ibidem, para. 4, p. 5.

## Tunisia

### 12. General Information

#### 12.1. Political situation in Tunisia and the wider region

##### 12.1.1. Tunisia background

After World War I, Tunisia started to advocate for its independence. Indeed, the country who had been colonized by the French in 1881, started to contest colonizers' dominance.<sup>274</sup> Opposition parties such as the Destour party led by Habib Bourguiba were created, and civil obedience movements appeared. In the context of the emancipation of Arab States and after another strong campaign for independence, Tunisia gained independence on 20 March 1956.<sup>275</sup> Habib Bourguiba became Tunisia's first President, establishing a one-party political system, which allowed him to rule for 31 years.<sup>276</sup> He was replaced by Zine el Abidine Ben Ali in 1937, following a pacific coup. The new head of State promised to instill political liberalization and transition to democracy. However, Ben Ali developed an authoritative regime, establishing censorship of the press, arbitrary detentions, and violently repressing protests.<sup>277</sup> These authoritative drifts, human rights abuses, and excessive reliance of the army were heavily criticized at the end of his mandate.<sup>278</sup> Yet, the first claims against Ben Ali were economic ones. His incapacity to effectively deal with the 2008 global economy crisis greatly contributed to his unpopularity, as Tunisians' conditions of life incredibly deteriorated.

Indeed, following the 2008 global crisis, the beginning of the 2010s was marked by high unemployment, widespread poverty, inequalities between north and south and high food prices. The growing discontent eventually culminated when a student set himself on fire on 17 December 2010 in front of a municipal office. Symbolizing the despair and precariousness of the population, especially among the young, this act initiated a strong wave of riots.<sup>279</sup> The regime tried to control the growing popular movement, often with violence, as 350 civilians were killed during protests between 17 December 2010 and 14 January 2011.<sup>280</sup> This resulted in drawing the attention of international actors and press, creating criticisms against Ben Ali and his regime. After leading several unsuccessful attempts to repress the opposition, Ben Ali felt compelled to quit the government and resigned from office on 14 January 2011.<sup>281</sup>

In December 2011, the interim President Moncef Marzouki and a Constituent Assembly were elected, entrusted with the task of establishing a new Constitution. Thus, three years later, in January 2014, a democratic Constitution was adopted. Although the country was free from an authoritative head of State and ready to start a democratic transition, the economic situation was still critical and the political one unstable.<sup>282</sup> Between 2014 and 2019, the country was also destabilized by terrorist attacks, claimed by Islamic State extremists.

##### 12.1.2. Current political situation. Saied's anti-immigrant speech

In October 2019, Kais Saied, a former law professor, was elected President of Tunisia after a campaign based on anti-corruption; he won the general election with 72.7 % of the votes. Saied's mandate was set to expire in 2024, but he applied the emergency provision of the Constitution,

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<sup>274</sup> The World Factbook, [Explore All Countries – Tunisia](#), last accessed 24 April 2024.

<sup>275</sup> Britannica, [Tunisia – history](#), last accessed 4 May 2024, paras. 12-18.

<sup>276</sup> The World Factbook, [Explore All Countries – Tunisia](#), last accessed 24 April 2024.

<sup>277</sup> United States Department of State, [Tunisia: executive summary](#), last accessed 5 May 2024, paras. 2, 6, 7, 17, 19, 34.

<sup>278</sup> Britannica, [Tunisia – history](#), last accessed 24 April 2024, paras. 25-26.

<sup>279</sup> UNDP, [Tunisia-Blogs-Dix ans depuis la révolution du jasmin: il est temps de faire refleurir le jardin tunisien](#), 15 June 2021, paras. 2, 6, 7, 17, 19, 34.

<sup>280</sup> US DOS, [Tunisia: executive summary](#), last accessed 5 May 2024, paras. 6, 33.

<sup>281</sup> Britannica, [Tunisia – history](#), last accessed 5 May 2024, paras. 32, 33.

<sup>282</sup> The World Factbook, [Explore All Countries – Tunisia](#), last accessed July 2024.

allowing him to remain in power and dismissed the Prime Minister and the Parliament.<sup>283</sup> He also shared his intention to adopt a new Constitution through a referendum. In February 2022, he dissolved the Supreme Judicial Council and replaced the members with his own appointees. In June 2022, Saied issued a draft Constitution, which established a presidential system with few counter judicial and legislative powers. The document was not debated nor discussed with opposition parties, but was submitted to referendum in July 2022. Despite the boycott from the opposition and the population (only 30% of participation was registered), the Constitution was adopted on 27 July 2022 (96% approval). This boycott tendency lasted throughout the year, as only 11% of the population voted in December 2022 for the parliamentary elections.<sup>284</sup>

In addition to economic difficulties following COVID-19 (inflation, less tourism, closing of micro enterprises), Tunisia also faced an increasing flow of irregular migrants.<sup>285</sup> The President decided to deal with the situation by organizing a National Security Council's meeting on 23 February 2023 and stated that the recent augmentation of migration was the result of "a plot". He described migrants as criminals and called on actions to be taken at any level to stop migration.<sup>286</sup> Following Saied's speech, a major rise of violence against migrants was observed.<sup>287</sup>

Recently, Kais Saied authoritarian policy was further pursued, as two lawyers and two journalists were arrested for criticizing the situation of the country.<sup>288</sup> The two journalists received a one-year imprisonment sentence under a 2022 decree aiming at the ban of "spreading false news". Under this same decree, according to the National Union of Tunisian Journalists, more than 60 opposition figures have been prosecuted.<sup>289</sup>

### ***12.1.3. The wider region***

#### ***12.1.3.1. Regional organizations***

At the regional level, Tunisia is part of multiple African organizations like the COMESA (Common market of Eastern and Southern Africa) and the CEN-SAD (Community of Sahelo-Saharan States), which are both regional markets aimed at promoting investment, harmonizing economic policies and helping for transport development.<sup>290</sup> Tunisia also issued requests to be part of ECCAS (Economic Community of Central Africa states) in 2016 and ECOWAS (Economic Community of West Africa states) in 2017, but is still not a member of these organizations today.<sup>291</sup> Tunisia is also part of the African Union, an organization of all African countries aiming at Africa's growth, economic development and cooperation.<sup>292</sup> Moreover, the country is a member of smaller organizations such as the AMU (Arab Maghreb Union) and the League of Arab states, which only unite North African countries. The AMU is an economic organization aiming at the economic growth of the Arab region, enhancing cooperation among Arab states and working toward the free movement of persons and

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<sup>283</sup> Ibidem.

<sup>284</sup> Britannica, [Tunisia - history](#), last accessed 5 May 2024, para.s. 49-51.

<sup>285</sup> ILO, [Tunisia COVID-19 Country Case Study – key messages](#), March 2022.

Global initiative against transnational organized crimes, [Leveraging flows: the surge in irregular migration from Tunisia to Europe](#), 26 June 2023.

<sup>286</sup> Présidence Tunisie Facebook, [Kais Saied's 21 February 2023 speech](#), 21 February 2023.

<sup>287</sup> Amnesty International, [Tunisie. Le discours raciste du président déclenche une vague de violences contre les Africain.e.s Noirs](#), 10 May 2023.

<sup>288</sup> France 24, [Tunisia sees a return of 'self-censorship' as fear mounts amid arrests](#), 15 May 2024.

<sup>289</sup> France 24, [Tunisia's President Saied reshuffles cabinet after wave of arrests](#), 26 May 2024.

<sup>290</sup> Community of Sahelo-Saharan States, [Qu'est ce que le COMESA ?](#), last accessed 5 May 2024;

UN Economic Commission for Africa, [Communauté des états sahélo-sahariens](#), last accessed 5 May 2024.

<sup>291</sup> European Center for Development Policy Management, [Regional organisations in Africa - Mapping multiple memberships](#), 15 September 2017.

<sup>292</sup> African Union, [Who we are-member states](#), last accessed 5 May 2024.

goods.<sup>293</sup> The League of Arab states is more specialized, as it promotes development through efforts against unemployment and poverty.<sup>294</sup>

### *12.1.3.2. Neighboring countries*

Tunisia is a North African country, bordered by Algeria to the West, Libya to the East, and the Mediterranean Sea to the North. Tunisia is also very close to Italy and to some of the country's southern islands, including Lampedusa, Pantelleria, and Sicily, which make Tunisia a key transit country for migrants hoping to reach Europe through Italy.<sup>295</sup> Indeed, the closest distance between Italy and Tunisia is 71,5 kilometers, separating *Isola di Pantelleria* (Italy) and Kelibia (Tunisia), while 154,5 kilometers separate *Mazara del Vallo* (Sicily, Italy) and El Haouaria (Tunisia).<sup>296</sup> Other migration routes also exist, as many departures are initiated from Libya and Algeria every year.<sup>297</sup>

Tunisia, Algeria and Libya countries have seen an increase of irregular migration tendencies. In Libya, the IOM reports stated that if 706.062 migrants were registered in January and February 2023, while they were in 719.064 January and February 2024.<sup>298</sup> In Tunisia, the governments' attempts to control migration flows by any means, sometimes resulting in serious human rights violations. It has been reported by the OMCT that, during July and August 2023, migrants have been forcibly displaced and arbitrarily expelled from Tunisia. In some cases, migrants were deported at the borders between Tunisia and Algeria or Tunisia and Libya, where they were refused entry in the countries' respective territories, therefore remaining stuck at the border. It has also been reported that Tunisian security forces, to expel migrants, have proceeded several times to drive them directly within Algerian or Libyan territories. Once there, local authorities would try to push back migrants to Tunisia, resulting in back-and-forth movements between the security forces and border guards. Additionally, some migrants arrested in the Mediterranean Sea and driven back to Tunisia were sent to detention centers in Libya. The OMCT understands that a Libyan-Tunisian agreement exists, allowing the refoulement of those migrants who arrived in Tunisia via Libya.<sup>299</sup>

Cooperation between the European Union and Tunisia to curb illegal migration is also developing, as an agreement on the matter was concluded on 16 July 2023.<sup>300</sup> This agreement, named "Memorandum of Understanding on a strategic and global partnership", is composed of five pillars: macroeconomic stability, economy and trade, the green energy transition, people-to-people contacts, and migration and mobility.<sup>301</sup> It offers 900 million euros to help Tunisia's economy, 150 million euros for business partnership and 105 million to curb migration.<sup>302</sup> The last pillar on migration and mobility aims at "combating irregular migration in order to avoid loss of human lives and developing legal pathways for migration". It also states that: "Tunisia reiterates its position that it is not a country of settlement for irregular migrants." Another partnership between the European Union and Tunisia against migrant smuggling and trafficking in human beings was announced for April 2023. Its content, supposed to protect migrants' human rights, is still under discussion: the human rights

<sup>293</sup> UN Economic Commission for Africa, [AMU: Arab Maghreb Union](#), last accessed 5 May 2024.

<sup>294</sup> League of Arab States, [League of Arab states: about us](#), last accessed 5 May 2024.

<sup>295</sup> Global initiative against transnational organized crimes, [Leveraging flows: the surge in irregular migration from Tunisia to Europe](#), 26 June 2023; IOM, [Algeria](#), last accessed 6 May 2024, Cranegie Endowment for International Peace, [Tunisia's Transformation Into a Transit Hub: Illegal Migration and Policy Dilemmas](#), 27 March 2024.

<sup>296</sup> Distance calculator, [Kelibia \(Tunisia\) - Isola di Pantelleria \(Italy\)](#), last accessed 18 May 2024, Distance calculator, [Mazara del Vallo \(Sicily, Italy\) - El Haouaria \(Tunisia\)](#), last accessed 18 May 2024.

<sup>297</sup> Global initiative against transnational organized crimes, [Leveraging flows: the surge in irregular migration from Tunisia to Europe](#), 26 June 2023; IOM, [Algeria](#), last accessed 6 May 2024.

<sup>298</sup> IOM, [Libya-migrant report 46: key findings](#), January-February 2023; IOM, [Libya-migrant report 51: key findings](#), January-February 2024.

<sup>299</sup> OMCT, [Cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, pp. 41-44.

<sup>300</sup> Le Monde, [L'UE et la Tunisie signent un accord pour un « partenariat stratégique complet »](#), 17 July 2023.

<sup>301</sup> European Commission, [The European Union and Tunisia come to an agreement on a EUR 150 million programme](#), 20 December 2023.

<sup>302</sup> The Guardian, [What is the controversy over the EU migration deal with Tunisia](#), 18 September 2023.

instrument is thus still not existent. Moreover, the creation of “a system for the identification and return of irregular migrants already present in Tunisia to their countries of origin” is also envisaged.<sup>303</sup> If the content of the Memorandum of Understanding as signed by the Tunisian and European Union parties refers to common goals and cooperation to curb “irregular” migration, concrete measures and mechanisms to achieve such objectives were not disclosed.<sup>304</sup>

Part of the funds granted by the 16 July 2023 agreement is tied to the release of a maxi loan from the International Monetary Fund. The latter remains frozen due to the Tunisian President’s refusal to adopt a series of unpopular economic reforms, which are conditional to the loan’s grant. Therefore, part of the deal concluded with the European Union is also suspended.<sup>305</sup>

Global NGOs, including Amnesty, which are generally critical on EU-Maghreb countries cooperation to curb “irregular” migration, voiced their concerns also with respect to the new EU-Tunisia deal from a human rights perspective.<sup>306</sup>

More recently, on 17 April 2024, Italy concluded three agreements with Tunisia, offering *inter alia* 105 million euros to reduce illegal migration.<sup>307</sup> Italy already concluded a deal with Tunisia in October 2023, aimed at helping to stem the pressure from migrants at borders by admitting about 4.000 workers from Tunisia. Therefore, 4.000 residence permits have been issued and converted from seasonal work to employment permits.<sup>308</sup> Signatories, Minister of Foreign Affairs Antonio Tajani, his counterpart Nabil Ammar, and President Kais Saied publicly declared that the agreement’s goal was to promote “regular” migration while preventing “irregular” migration.<sup>309</sup>

The authorities’ objectives are today the same as in 2023, but with stronger means. The 2024 agreement is included in a broader plan: the so-called Mattei Plan, a €5.5 billion project announced by the Italian government in January 2024. The plan was created to boost economic development in Africa, to strengthen African-Italian relations, and to curb irregular migration to Italy.<sup>310</sup> Meanwhile, a joint statement was published by NGOs and human rights advocates to denounce systematic violations of sub-Saharan migrants’ human rights occurring in Tunisia and calls on Tunisia to “reject all European border externalization policies”.<sup>311</sup> Two days after the signature of the agreements between Italy and Tunisia on 19 April 2024, an inquiry about guarantees and respect of human rights in the Memorandum of Understanding between the European Union and Tunisia was initiated by the European Ombudsman.<sup>312</sup>

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<sup>303</sup> European Commission, [Memorandum of Understanding on a strategic and global partnership between the European Union and Tunisia – Migration and mobility](#), 16 July 2023.

<sup>304</sup> Ibidem.

<sup>305</sup> Eunews, [EU Parliament seeking clarification on the 150 million in macroeconomic assistance to Tunisia](#), 14 March 2024.

<sup>306</sup> Amnesty International, [En Tunisie, l’UE refait la même erreur, toujours aussi dangereuse](#), 21 September 2023.

<sup>307</sup> The National News, [Italy and Tunisia sign three agreements in push to curb migration to Europe](#), 17 April 2024.

<sup>308</sup> Arletti Partners, [Italy decreto flussi 2023: official plan for 2023-2025](#), 5 October 2023.

<sup>309</sup> Reuters, [Italy signs deal to take in migrants workers from Tunisia](#), 20 October 2023.

<sup>310</sup> ECRE, [Italy: New Reports Highlight Violations of Basic Refugee Rights Including Detention of Minors — Prime Minister Signs Three Agreements with Tunisia to Curb Migration as EU Ombudsman Launches Inquiry Into EU-Tunisia Deal — New Plans for Migrant Workers Launched to Fill Labour Shortages — Interior Minister Vows to Increase Number of Repatriation Centres — All Charges Against Juventa Crew Dropped](#), 19 April 2024.

<sup>311</sup> Alarmphone, [One year on from the start of the crisis, violations of migrants’ rights continue in Tunisia](#), 9 April 2024.

<sup>312</sup> ECRE, [Italy: New Reports Highlight Violations of Basic Refugee Rights Including Detention of Minors — Prime Minister Signs Three Agreements with Tunisia to Curb Migration as EU Ombudsman Launches Inquiry Into EU-Tunisia Deal — New Plans for Migrant Workers Launched to Fill Labour Shortages — Interior Minister Vows to Increase Number of Repatriation Centres — All Charges Against Juventa Crew Dropped](#), 19 April 2024.

## **12.2. Socio-economic situation**

### **12.2.1. General population**

Tunisia's population is evaluated at 12.548.908 people.<sup>313</sup> According to 2023 data, 24,4% of the Tunisian population is between 0 and 14 years old, 65,2% is between 15 and 64 years old and 10,4% is over 65 years old. The great majority of the population lives in the north, while the south, being mainly composed of desert landscapes, is underpopulated.<sup>314</sup> In 2023, the general population density is evaluated at 80 people per square kilometer.<sup>315</sup> The overwhelming majority of the population is Arab (98%), only 1% of the population is composed of Europeans and 1% of others. Sunni Muslims represent 99% of the population while only 1% professes other religion like Jewish, Christian, Shia Muslim, and Baha'i.<sup>316</sup> Arabic is the official language but French and Tamazight are also spoken. The total population's life expectancy at birth is 77.3 years in 2024. The rate of population below the poverty line was 16,6% in 2021.<sup>317</sup> The Tunisian Human Development Index was 0.732 in 2022. The average Human Development Index growth between 1990 and 2022 is 0.81. According to UNDP, Tunisia is classified among the countries with a high Human Development Index and is ranked 101. In 2022, the expected years of schooling are 14.6 years, and the mean years of schooling are 8 years.<sup>318</sup> In 2022, the Gross National Income was 47,35 billion in current US dollars.<sup>319</sup> In 2017, Gross National Income per capita was 10.297 dollars.<sup>320</sup> The Gross National Income per capita is a country's final income in a year divided by its population.<sup>321</sup> Furthermore, the real GDP per capita was evaluated at 10.600 dollars in 2022.

High unemployment is one of the country's main social-economic problems, concerning 17,76% of the population in 2022 and affecting especially women and youth.<sup>322</sup> The country was greatly affected by COVID-19, with an inflation rate evaluated at 5,71% in 2021, reaching 8,31% in 2022, and 9,32% in 2023.<sup>323</sup> The external debt was 35.911 billion dollars in 2019.<sup>324</sup> If agreements regarding migration have been concluded between Tunisia and the European Union, their close ties are also explained by the export and import's partners of Tunisia: France, Italy, and Germany. Concerning exports in 2019, the main partners of Tunisia were France (29%), Italy (17%), and Germany (13%).<sup>325</sup>

### **12.2.2. Women**

In Tunisia, women's life expectancy at birth is longer than men's (79.1 years for women and 75.7 years for men in 2024). The total fertility rate is 1.93 of children born per woman in 2024.<sup>326</sup> In 2022, the female Human Development Index was 0.698 (the male Human Development Index was 0.751). In 2022, the expected years of schooling for girls was 15.5 years and the mean years of schooling was 7.3 years. In 2022, the female estimated Gross National Income per capita was 5.198 (in constant international dollars) while the male estimated Gross National Income per capita was three times higher (15.528 in constant international dollars).<sup>327</sup>

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<sup>313</sup> World Population Review, [Tunisia](#), last accessed 6 May 2024.

<sup>314</sup> The World Factbook, [Explore All Countries – Tunisia](#), last accessed 24 April 2024.

<sup>315</sup> Worldometers, [Tunisia-population density](#), last accessed 6 May 2024.

<sup>316</sup> The World Factbook, [Explore All Countries – Tunisia](#), last accessed July 2024.

<sup>317</sup> Ibidem.

<sup>318</sup> UNDP, [2023-2024 Report-Breaking the gridlock](#), 13 March 2024, p. 275.

<sup>319</sup> World Bank, [GNI Atlas Method \(current US dollars\)-Tunisia](#), last accessed 6 May 2024.

<sup>320</sup> UNDP, [2023-2024 Report-Breaking the gridlock](#), 13 March 2024, p. 275.

<sup>321</sup> World Health Organization, [Gross National Income per capita \(Atlas method\)](#), last accessed 7 May 2024.

<sup>322</sup> The World Factbook, [Explore All Countries – Tunisia](#), last accessed 6 May 2024.

<sup>323</sup> Statista, [Tunisia: inflation rate from 1993 to 2029](#), last accessed 6 May 2024.

<sup>324</sup> The World Factbook, [Explore All Countries – Tunisia](#), last accessed July 2024.

<sup>325</sup> Ibidem.

<sup>326</sup> Ibidem.

<sup>327</sup> UNDP, [2023-2024 Report-Breaking the gridlock](#), 13 March 2024, p. 289.

The literacy rate also differs between men and women. It is defined as the ability to read and write by the age of 15 years old. In 2021, 10,9% of men were considered illiterate and 17,3% of women were considered illiterate. Youth unemployment rate (ages 15-24) is particularly high with 38,3% in 2021. This year, Tunisia was ranked 19 for youth unemployment rate, which concerns more young women than men (41,2% of women and 37,1% of men between 15 and 24 years old). Child marriage is still practiced, with 1,5% of women being married by the age of 15 years old according to 2018 data.<sup>328</sup>

To conclude, if the 2011 revolution contributed to move towards parity, a significant gap remains between Tunisian men and women.

### ***12.3. Organization of the State***

#### ***12.3.1. Legislative power***

The legislative power is composed of the People's Representatives Assembly and the National Council of Regions and Districts. To be elected to the Representatives of the Assembly, candidates must have a Tunisian mother or a father, be at least 23 years old and not be subject to a special interdiction measure from electoral law. Their mandate lasts five years. The Council members are elected from regions and district deputies. Suffrage is universal, free, direct, and secret, for both the election of deputies and president.<sup>329</sup>

#### ***12.3.2. Executive power***

The executive power is held by the President of the Republic and the Government. The President must be of Islam faith and his parents and grandparents shall be Tunisian without discontinuity. The President must not have another nationality in addition to the Tunisian one. He is elected for five years. Presidential functions cannot be exercised for more than 2 mandates.

The President is the Chief of the army, he designates diplomatic representatives, the Prime Minister, and government members on proposition of the prime minister, ends a government's member mandate on his own initiative, declares war and conclude peace, determines the state's general policy and informs the legislative about it, exercises general regulatory power.<sup>330</sup>

#### ***12.3.3. Judicial power***

Magistrates exercise an independent function; they are only subjected to law. Three types of magistratures exist: judiciary, administrative and financial. Additionally, the constitutional Court is also part of the judiciary. Composed of nine members, the Court is entrusted to exercise constitutional review.<sup>331</sup>

### ***12.4. Institutional framework on migration***

#### ***12.4.1. International organizations***

IOM has been present in Tunisia since 2001 and implements migration protection programs.<sup>332</sup> In Tunisia, IOM is known to oversee so called "Assisted Voluntary Return and Reintegration" (AVRR).

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<sup>328</sup> The World Factbook, [Explore All Countries – Tunisia](#), last accessed 6 May 2024.

<sup>329</sup> Jurisite Tunisie, [Chapitre III - La fonction législative, Section première – L'assemblée des représentants du peuple](#), last accessed 20 May 2024 ; Jurisite Tunisie, [Chapitre III – La fonction législative, Section II – Le conseil national des régions et districts](#), last accessed 20 May 2024, arts 58, 60, 81, 90.

<sup>330</sup> Jurisite Tunisie, [Chapitre IV – La fonction exécutive, Section première – Le président de la République](#), last accessed 20 May 2024, arts 88, 89, 90, 94, 95, 98, 100, 101, 104.

<sup>331</sup> Jurisite Tunisie, [Chapitre V – La fonction juridictionnelle](#), last accessed 20 May 2024, arts 117, 119 ; Jurisite Tunisie, [Chapitre VI – La Cour constitutionnelle](#), last accessed 20 May 2024, arts 125, 127.

<sup>332</sup> IOM, [Qui sommes nous](#), last accessed 18 May 2024.

In 2023, 2,557 migrants were helped by the organization to leave Tunisia and return to their country of origin (see para ??).<sup>333</sup>

UNHCR is the only actor managing registration and Refugee Status Determination (RSD) in Tunisia, as there is no national asylum system (see para 13.3).<sup>334</sup>

The ICRC intervenes in Tunisia for migrants' protection as some migrants' presence in the Tunisian territory is the consequence of an armed conflict. The ICRC also contributes to re-establishing contacts between dispersed family members.<sup>335</sup>

#### ***12.4.2. State level: ministries and other organs***

The Ministry of Social Affairs is a key actor regarding migration in Tunisia and possesses specialized entities under its authority. The *Direction générale de la Coopération Internationale en matière de migration* (DGCIM) is a body under the umbrella of the Ministry of Social Affairs entrusted with developing a “National Strategy” on migration governance, as well as contributing to international development partnerships. In 2014, the National Observatory for Migration (NOM) was created and aims at collecting data, conducting research, designing, and evaluating migrant status policies.

The Ministry of Interior manages borders. This Ministry possesses a National Guard under its authority, which intervenes in border control, therefore engaging in migration related activities. The Ministry is also responsible for the oversight of reception, detention centers, and expulsion orders. It was criticized by the ECDPM for its lack of transparency and the refusal to dialogue and cooperate with civil societies and NGOs.

The Department of National Defence is responsible for air and ground reconnaissance operation. It can deal with migration matters such as “irregular migration”, trafficking in persons, and helps the Ministry of Interior with border control.

The Ministry of Foreign Affairs contributes to international cooperation on migration issues.

The State Secretariat for Migration and Tunisians Abroad (SEMTE), under the umbrella of the Ministry of Social Affairs, ceased to exist recently. It was supposedly aimed at designing national migration strategies.

#### ***12.4.3. Civil society organizations and national NGOs***

Different civil society actors play a role in migration, from different perspectives. A complete survey of these actors is beyond the scope of this report. Yet, the following may be identified as actors with a general mandate relevant to migration issues.

Le *Croissant Rouge Tunisien* (CRT) is an organization of public interest created in 1956 and recognized by decree in 1957. The Organization is member of the International Red Cross and the Red Crescent movement and acts according to the 1949 Geneva Convention and additional protocols.<sup>336</sup> Nonetheless, the CRT has played a key role in contributing to migrant's protection, especially after the 21 February 2023 presidential speech, when a surge in the cases of migrants forcibly displaced at borders was registered. It was in fact the only humanitarian organization allowed

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<sup>333</sup> IOM, [L'IOM aide 392 migrants à rentrer chez eux depuis la Tunisie et à reconstruire leur vie](#), 19 January 2024.

<sup>334</sup> UNHCR, [Home-Tunisia](#), last accessed 19 May 2024 ; UNHCR, [About UNHCR](#), last accessed 19 May 2024.

<sup>335</sup> ICRC, [Where we work > Afrique > Tunisie](#), last accessed 19 May 2024.

<sup>336</sup> Croissant Rouge Tunisien, [Qui sommes nous ?](#), last accessed 19 May 2024 ; ICRC, [What is International Humanitarian Law](#), July 2004.

to reach the borders by Tunisian authorities. The CRT was therefore able to provide for food, water, medicine, and clothes.<sup>337</sup>

The *Union Générale Tunisienne du Travail* (UGTT) is also involved in migrants' protection as it advocates for migrant workers' rights.

The Tunisian Council for Refugees (CTR) is an NGO founded in 2016, aiming at finding appropriate solutions for refugees in Tunisia. It is a UNHCR partner organisation, helping to implement UNHCR programs to protect refugees and assists refugees and asylum seekers in Tunisia.<sup>338</sup>

### ***12.5. Migration flows and data***

In Tunisia, there are currently more than 12.000 refugees and asylum seekers registered with UNHCR,<sup>339</sup> while they were only 5.202 in August 2020. This demonstrates the recent surge in migrants seeking assistance in Tunisia. In 2020, the main nationalities among refugees and asylum seekers were Syrian 37% and Ivorians 30%. In 2020, UNHCR conducted a survey on migrants who arrived in Tunisia in 2019: 64% expressed the intention to seek asylum in Tunisia, 14% declared they intended to stay on the territory without seeking asylum, 12% wanted to continue their journey, and 5% declared to want to go back to their country of origin.<sup>340</sup>

Concerning migrants who wish to continue their journey from North Africa to Europe, from the beginning of 2023 to September 2023, more than 230.000 migrants have tried to reach the European Union through illegal means. This is the highest refugee flow registered since 2015.<sup>341</sup> The three main nationalities of migrants are Ivorian, Guinean, and Egyptian.<sup>342</sup> According to the Tunisian Minister of Interior, between January and May 2024 almost 53.000 migrants<sup>343</sup> tried to reach Europe through Tunisia. These numbers could not be verified.<sup>344</sup>

In Italy, according to Frontex, migrant flows have doubled in 2022, as 102.000 irregular border crossings the Mediterranean Sea have been registered. This represents a 51% rise compared to 2021. Struggling to cope with all the arrivals, Italy has declared a state of emergency.<sup>345</sup> Migrant flows have again almost doubled between 2023 and 2022. Indeed, from the beginning of 2023 to October 2023, among the 140.000 migrants arrived in the country, 91% are Tunisian.<sup>346</sup>

While investigating the reasons beyond a migratory journey can be difficult and misleading, according to a survey conducted by IOM in 2023 migrants arrived in Italy left their countries of origin mainly because of personal violence (35%), war and conflict (31%), and economic reasons (29%). 65% of the 1.451 migrants were between 18 and 29 years old. Moreover, 79% of them faced at least one serious issue during the journey, such as financial issues, hunger, robbery, lack of shelter, health problems or attacks. Among migrants who arrived in Italy, 81% stated they have experienced abuse, exploitation, and violence.<sup>347</sup>

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<sup>337</sup> Radio France Internationale, [Tunisie: le Croissant-Rouge inquiet face à la situation des migrants ramenés de la frontière](#), 16 July 2023.

<sup>338</sup> CTR, [Qui sommes-nous?](#), last accessed 20 May 2024.

<sup>339</sup> UNHCR, [Tunisia](#), last accessed 25 May 2024.

<sup>340</sup> European Centre for Development Policy Management, [Tunisia: Possibilities for reform and implementation of migrant reception and protection](#), November 2020.

<sup>341</sup> The Guardian, [Syria refugee crisis: six charts that show how Europe is struggling to respond](#), 3 February 2016.

<sup>342</sup> The Guardian, [What is the controversy over the EU migration deal with Tunisia](#), 18 September 2023.

<sup>343</sup> Infomigrants was unable to verify the number provided by the Minister.

<sup>344</sup> Infomigrants, [More than 52,000 attempted migrants departures from Tunisia this year](#), 24 May 2024.

<sup>345</sup> Euronews, [The EU-Tunisia deal is finally here. But what exactly is in it?](#), 17 July 2023; Italian Government, [Consiglio dei ministri dell'11 aprile 2023](#), 11 April 2023.

<sup>346</sup> Reuters, [Italy signs deal to take in migrants workers from Tunisia](#), 20 October 2023.

<sup>347</sup> IOM, [Flow Monitoring Surveys with migrants arriving to Italy in 2023](#), 4 August 2023 – 27 December 2023.

## 13. Legislative migration framework

### 13.1. International level

Tunisia must respect non-refoulement obligations under Art. 33 of the 1951 Convention<sup>348</sup> and Art. 3 CAT,<sup>349</sup> to which it is party.

It must ensure that no one is subject to torture or other cruel, inhuman, and degrading treatment, according to Art. 2 CAT<sup>350</sup> and Art. 7 ICCPR.<sup>351</sup> As per Art. 2 CRC,<sup>352</sup> Art. 2 CERD,<sup>353</sup> it must grant protection against all forms of racial discrimination.

Under Art. 12(2) ICCPR, Art. 8(1) ICRMW,<sup>354</sup> everyone has the right to leave their country; Art. 31 of the Refugee Convention enshrines the right to non-penalization of illegal access of refugees to the national territory; Art. 5 of the Palermo Protocol protects migrants against human trafficking.<sup>355</sup>

Additionally, Tunisia is part of the ICPPED since 2011,<sup>356</sup> of the 1954 Convention relating to the Status of Stateless Persons,<sup>357</sup> of the ICRMW, and CRPD.<sup>358</sup> As per Art. 20 of the Tunisian Constitution,<sup>359</sup> international treaties ratified have an infra-constitutional and super-legislative value.

### 13.2. Regional level

At the regional level, Tunisia is party to the 1969 AU Refugee Convention since 1989,<sup>360</sup> prohibiting refoulement (Art. 3). Furthermore, it is part of the 1986 ACHPR,<sup>361</sup> establishing the right to liberty (Art. 6) and asylum (Art. 12 para. 3) and prohibiting expulsions without a lawful decision (Art. 12 para. 4) and collective expulsions (Art. 12 para. 5).

### 13.3. National level

At the national level, the 2022 Constitution enshrines the right to life (Art. 24), dignity and physical integrity (Art. 25), individual freedom (Art. 26), political asylum (Art. 32), presumption of innocence (Art. 33), and the prohibition of detention without judicial decisions (Art. 35).<sup>362</sup>

Immigration is mainly governed through informal arrangements and executive measures as presidential decrees.<sup>363</sup> An example is Art. 8 of decree 2017/1061, foreseeing the possibility for the *Ministre des finances* to exonerate foreigners in a vulnerable position from fees to regularise their

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<sup>348</sup> UNGA, resolution 429 (V), [Convention relating to the Status of Refugees](#), 1951.

<sup>349</sup> UNGA, resolution 39/46, [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), 1984.

<sup>350</sup> *Ibidem*.

<sup>351</sup> UNGA, resolution 2200A (XXI), [International Covenant on Civil and Political Rights](#), 1966.

<sup>352</sup> UNGA, resolution 44/25, [Convention on the Rights of the Child](#), 1989.

<sup>353</sup> UNGA, resolution 2106 (XX), [International Convention on the Elimination of All Forms of Racial Discrimination](#), 1965.

<sup>354</sup> UNGA, resolution 45/158, [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), 1990.

<sup>355</sup> UNGA, resolution 55/25, [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#), 2000.

<sup>356</sup> UNGA, resolution 47/133, [International Convention for the Protection of All Persons from Enforced Disappearance](#), 2010.

<sup>357</sup> UNGA, resolution 526A (XVII), [Convention relating to the Status of Stateless Persons](#), 1954.

<sup>358</sup> UNGA, resolution A/RES/61/106, [Convention on the Rights of Persons with Disabilities](#), 2006.

<sup>359</sup> Tunisian Government, [Décret Présidentiel n° 2022-691, portant promulgation de la Constitution de la République tunisienne](#), 2022.

<sup>360</sup> African Union, [Convention governing the specific aspect of the refugee problem in Africa](#), 1969.

<sup>361</sup> Organization of African Unity, [African charter on Human and People's rights](#), 1986.

<sup>362</sup> [Décret Présidentiel n° 2022-691, portant promulgation de la Constitution de la République tunisienne](#), 2022.

<sup>363</sup> Katharina Natter, Territory, Politics, Governance, 11(4), [Ad-hocratic immigration governance: how states secure their power over immigration through intentional ambiguity](#), February 2021.

situation. The tendency to deal with migration issues through executive measures is further provided for by Decree 2018/331, lifting penalties for sub-Saharan African students, trainees, and people enrolled in professional trainings.<sup>364</sup> The securitarian paradigm emerges also in agreements on migration with the EU and its member States, as Italy (see above 12.2.1).<sup>365</sup>

The centrepiece of Tunisian immigration policy is Organic Law 2004/06 amending law No. 1975/40, criminalising irregular migration.<sup>366</sup> It punishes with imprisonment and fines the offence of smuggling (Art. 38), aid to either enter or exit Tunisia unlawfully (Art. 39), as well as secret transportation of irregular migrants (Art. 40). In case of violations, Art. 34 of Law No. 1975/40 foresees migrants' repatriation with the exception of refugees, protected under the 1951 Convention.<sup>367</sup>

The conditions of entry and stay of migrants are regulated by Decree no. 1968/198,<sup>368</sup> enacting Law No. 68/0007.<sup>369</sup> According to the latter, nationals of States having a specific agreement with Tunisia are exempted for three months to the entry visa and the permanence permit (Art. 7). Penalties are foreseen for using falsified documents (Art. 24), directly or indirectly aiding irregular migration (Art. 25), and disregarding an order of expulsion or re-entering Tunisia after being expelled (Art. 26).

Furthermore, as per Art. 23, migrants entering, staying, and exiting without a valid visa can be sentenced to imprisonment from one-month to one year and an amend from 6 to 120 dinars (corresponding at the time of writing to 1,78 to 35,55 €).<sup>370</sup> Decree No. 2017/1061 establishes such sanctions must be paid for every unlawful week of stay, up to 300 Tunisian dinars (88,90 €).<sup>371</sup> Even though a law with an exhaustive list of grounds for detention does not exist, many migrants reported being detained in the El-Ouardia centre until they paid such sanctions.<sup>372</sup> Once they complete their prison sentences, Organic Law 1975/40 foresees migrants' expulsion (Art. 40), with no reference to expulsion procedures or judicial guarantees.<sup>373</sup>

### ***13.3.1. Legislative framework on migrants' access to employment***

The absence of a law on asylum also implies that migrants' access to employment is not regulated. Thus, it is neither allowed nor denied: the general framework on employment applies.<sup>374</sup>

To be legally employed, Article 268(2) of the Labour code requires foreigners to have an employment permit.<sup>375</sup> The latter is issued by the Ministry of Employment, provided the migrant has a work contract and a residence permit. According to Articles 265 and 266, in case of violations both employers and employees are sanctioned with a fine and, in case of reiteration, detention.<sup>376</sup>

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<sup>364</sup> [Décret gouvernemental n° 2018-331, complétant le décret gouvernemental n° 2017-1061 du 26 septembre 2017, fixant les tarifs des droits de chancellerie](#), April 2018, art. 1.

<sup>365</sup> Vincent Geisser, *Migrations Société* N° 177, [Tunisie, des migrants subsahariens toujours exclus du rêve démocratique](#), Sempتمبر 2019, p. 5.

<sup>366</sup> [Loi n° 2004-6, modifiant la loi n°75-40 du 14 mai 1975, relative aux passeports et aux documents de voyage](#), February 2004.

<sup>367</sup> [Loi No. 1975-40 du 1975, relative aux passeports et aux documents de voyage](#), May 1975.

<sup>368</sup> [Décret No. 1968-198, réglementant les conditions d'entrée et de séjour des étrangers en Tunisie](#), 1968.

<sup>369</sup> [Loi N° 68-7 du 1968, relative à la condition des étrangers](#), June 1968.

<sup>370</sup> Il Sole 24 Ore, [Converti valute](#), last accessed May 2024.

<sup>371</sup> [Décret gouvernemental n° 2017-1061](#), September 2017.

<sup>372</sup> OMCT, [Note sur la détention arbitraire au centre de détention de migrants d'El-Ouardia](#), March 2023.

<sup>373</sup> Global Detention Project, [Tunisia Immigration Detention Profile, 2.2 Ground for detention](#), March 2020.

<sup>374</sup> L'essentiel, [L'accès au travail des migrants en Tunisie, du cadre juridique à la pratique](#), May 2020, para. 6: *Le travail des demandeurs d'asile et des réfugiés*, p. 24.

<sup>375</sup> [Loi n° 66-27 promulguant le code du Travail](#), April 1966, art. 258-2.

<sup>376</sup> [Loi n° 66-27 promulguant le code du Travail](#), April 1966, arts. 265-266.

The same provision further establishes that contracts can be concluded for a maximum of one year, renewable once. They must be approved by the Minister of Employment, who ensures no Tunisian citizen competent for the job could be employed instead.<sup>377</sup>

Residence permits are released by General Directorate of National Security, situated within the Ministry of Interior, and require employment permits as a pre-condition.<sup>378</sup> In order to be used to obtain an employment permit, it must also contain the specific mention “*autorisé à exercer un travail salarié en Tunisie*”, discretionarily released by the Ministry of Interior.<sup>379</sup>

In practice, those legal obstacles render lawful employment for migrants whose status is not determined almost impossible.<sup>380</sup> This results in an irregular job market, which entails a high risk of exploitation and violation of employment rights.<sup>381</sup> Furthermore, said restrictions on access to regular employment also result in precarious medical and social protection, as public services are available only to declared workers. It follows that, for irregular workers, education and medical care are accessible only to those who can afford paying for them.<sup>382</sup>

As for asylum seekers, IOM signals that, after until the interview with the UNHCR (see para. 15), they find themselves in a legal limbo, in which they can neither be expelled, pursuant to international law, nor have access to formal work.<sup>383</sup>

### ***13.3.2. Legislative framework on women’s protection***

Tunisia adhered to the CEDAW in 1985.<sup>384</sup>

The 2022 Constitution establishes gender equality and prohibits discrimination (Art. 21). Furthermore, according to Art. 51, Tunisia is committed to protect the women’s rights, to develop equal opportunities and gender equality, and to eradicate gender-based violence.<sup>385</sup>

Law 2017/58 aims at protecting women against domestic violence, establishing support services, prevention, prosecution, and protection mechanisms for survivors.<sup>386</sup> It toughened penalties for abuses perpetrated by family members. Additionally, it abrogated provisions allowing termination of the proceeding if survivors withdrew their complaints, as well as those allowing impunity when abusers married survivors.<sup>387</sup> This law establishes a State obligation to protect victims and ensure their right to medical, psychological and social support, as well as to emergency shelter. It further mandates ministries and institutions to prevent gender-based violence (GBV) through education, training, detection, and awareness raising.<sup>388</sup> Six months after its implementation, the Ministry of

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<sup>377</sup> L’essentiel, *L’accès au travail des migrantes en Tunisie, du cadre juridique à la pratique*, May 2020, p. 26.

<sup>378</sup> Tunisia eVisa, *Tunisia Residence Permit*, last accessed May 2024, *Requirements for obtaining a Tunisia Residence Permit*; Mixed Migration Centre, *City of welcome and transit, Migrants’ and refugees’ livelihoods and migration projects in Sousse, Tunisia*, February 2024, *Most migrants and refugees lack residency permits and access to the formal labour market*, p. 20.

<sup>379</sup> Terre D’Asile, *Parcours de vie de femmes migrantes en Tunisie*, July 2023, para. A.1: *La difficulté d’accéder à des emplois réguliers*, p. 22

<sup>380</sup> Mixed Migration Centre, *City of welcome and transit, Migrants’ and refugees’ livelihoods and migration projects in Sousse, Tunisia*, February 2024, *Most migrants and refugees lack residency permits and access to the formal labour market*, p. 20.

<sup>381</sup> Mustapha Nasraoui, *Revue Européenne des Migrations Internationales*, Vol. 33, n. 4, *Les travailleurs migrants subsahariens en Tunisie face aux restrictions législatives sur l’emploi des étrangers*, 2017, para. 21.

<sup>382</sup> Terre D’Asile, *Parcours de vie de femmes migrantes en Tunisie*, July 2023, para. A.1: *La difficulté d’accéder à des emplois réguliers*, p. 22.

<sup>383</sup> P. Veron, *Tunisia: Possibilities for reform and implementation of migrant reception and protection*, November 2020, para. 2.3.a: *Refugee and Migrant protection in practice, Access to Asylum*, p. 8.

<sup>384</sup> UNGA, *Convention on the Elimination of All Forms of Discrimination against Women*, 1979.

<sup>385</sup> *Décret Présidentiel n° 2022-691, portant promulgation de la Constitution de la République tunisienne*, 2022.

<sup>386</sup> *Loi organique n° 2017-58, relative à l’élimination de la violence à l’égard des femmes*, August 2017.

<sup>387</sup> HRW, *“So What If He Hit you?” Addressing Domestic Violence in Tunisia*, December 2022.

<sup>388</sup> Ibidem.

Interior established 128 specialized units across the country for the elimination of GBV, dedicated to investigating cases. Law 2017/58 paved the way for the establishment of a *L'Observatoire National pour la Lutte contre la Violence à l'Égard des Femmes* in 2020.<sup>389</sup>

In 2018, Tunisia adopted a *National Action Plan on Women Peace and Security* to implement UNSC resolution 1325 on *Women, Peace and Security* (WPS) Agenda.<sup>390</sup> Among the main objectives of the latter are: (i) women protection from violence and gender discrimination in situations of conflicts and terrorism; (ii) access to justice and respect for human rights; (iii) improvement of women participation to Tunisian's political life.<sup>391</sup>

However, Article 5 Constitution stipulates that Tunisia is part of the Islamic Umma, rendering the realization of Islam purposes a public responsibility. This provision risks to be used to justify limitation of women's rights based on religious precepts.<sup>392</sup>

Additionally, the new electoral Decree 2022/55 amending the electoral law eliminated provisions facilitating female parliamentarian presence.<sup>393</sup> As a result, today only 25 women sit in the 161-seats Assembly.<sup>394</sup>

Furthermore, since Saied strongly opposed to reform inheritance laws,<sup>395</sup> the applicable rules continue to discriminate against women.

Moreover, public morality laws and the criminalization of same-sex relations under Art. 230 of the Penal Code may deter lesbian, bisexual or transgender women, as well as those abused by partners outside marriage, from reporting domestic violence to avoid risks of prosecution against them.<sup>396</sup>

## 14. Anti-trafficking framework

### 14.1. Legal framework

The Organic Law 2016/61 (hereinafter anti-trafficking law) criminalises sexual and labour trafficking, establishing imprisonment and fine penalties.<sup>397</sup> According to Art. 1, it aims at preventing human trafficking, protecting victims, and punishing traffickers. As per Article 27, Tunisian courts have jurisdiction over offences of trafficking. Victims of trafficking have two options: being realised a temporary residence permit of one month, renewable once (Art. 64), or to undertake a voluntary return, aided by the competent structures (Art. 65).

### 14.2. Institutional framework

Among the institutions created to fight against trafficking are:

- (i) the *Comité national de lutte contre la traite des personnes* (NCTIP),<sup>398</sup> entrusted with the implementation of the anti-trafficking law;

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<sup>389</sup> Ibidem.

<sup>390</sup> WILPF, [1325 National Action Plans \(NAPs\), Monitoring and Analysis of National Actions Plans on Women, Peace and Security](#), accessed May 2024.

<sup>391</sup> Atlas of Wars, [Tunisia's first National Action Plan for Women](#), 2022, *Peace and Security*.

<sup>392</sup> HRW, [World Report 2024 – Tunisia](#), last accessed in May 2024, *Women's rights*.

<sup>393</sup> S. Yerkes, M. Al-Mailam, [Tunisia's New Electoral Law Is Another Blow to Its Democratic Progress](#), October 2022.

<sup>394</sup> M. Farouk, [Tunisia's male-dominated parliament deals blow to women's gains](#), February 2023.

<sup>395</sup> I. Zayat, [Tunisian president rejects gender equality in inheritance](#), August 2020.

<sup>396</sup> [Code pénal](#), 1913.

<sup>397</sup> [Loi organique n° 2016-61, relative à la prévention et la lutte contre la traite des personnes](#), August 2016, Chapter II.

<sup>398</sup> Enact, [Les efforts de la Tunisie pour lutter contre la traite des êtres humains nécessitent une meilleure application de la loi](#), December 2019.

- (ii) the *Instance nationale de lutte contre la traite des personnes* (INLTP),<sup>399</sup> within the *Mécanisme National d'Orientation* (MNO) for the victims of human trafficking, with the objective to identify and orient them towards protection services. It also provides victims with medical, legal, and social assistance and facilitate reintegration.<sup>400</sup> The INLTP was funded under the *Projet d'Appui aux Instances Indépendantes en Tunisie* (PAII-T),<sup>401</sup> a 2019-2021 project of the EU and the Council of Europe to aid some Tunisian institutions in the exercise of their mandate;<sup>402</sup>
- (iii) specialised judges for each first instance tribunal;<sup>403</sup>
- (iv) specialised judicial offices, that also conduct research on the application of the anti-trafficking law and advise the Ministry of Justice (MOJ) on policies for its implementation;<sup>404</sup>
- (v) the *National Authority to Combat Trafficking in Persons* (National Authority), whose guidelines and procedures are established by Decree No. 2019/653.<sup>405</sup> The National Authority works with its regional counterparts for the creation of regional mechanisms to support victim identification and assistance, as well as to coordinate on transnational trafficking investigations and exchange expertise;<sup>406</sup>
- (vi) special victims' units of the National Authority and Ministry of Interior,<sup>407</sup> with judicial police and national guard officers specialised in cybercrime and assistance to victims of trafficking and gender-based violence (GBV);<sup>408</sup>
- (vii) the *Instance Nationale pour la Prévention de la Torture* (INPT), created by Art. 3 (4) of the Organic law No 2013/43 on the Prevention of Torture, competent to receive complaints on possible cases on torture and transmit them to the competent judicial or administrative authority,<sup>409</sup> also financed by the aforementioned *Projet d'Appui aux Instances Indépendantes en Tunisie* (PAII-T).<sup>410</sup>

## 15. System of migrants' international protection

Attempts to pass an asylum law repeatedly failed due to political reasons. Apart from the increased financial strain<sup>411</sup> and repeated changes in governments,<sup>412</sup> policymakers are concerned such law would convince EU and its member States that Tunisia is a safe country. This would result in an increase of pressure from the EU to readmit migrants who transited through Tunisia before reaching Europe.<sup>413</sup>

<sup>399</sup> Tunisie, Bureau du Conseil de l'Europe à Tunis, [Instance nationale de lutte contre la traite des personnes](#), last accessed May 2024.

<sup>400</sup> F. Raach, H. Sha'ath, T. Spijkerboer, Asile, [Country Report Tunisia, WP5. Country Reports](#), 2022, para. 5.2.1.2.

<sup>401</sup> Tunisie, Bureau du Conseil de l'Europe à Tunis, [Instance nationale de lutte contre la traite des personnes](#), accessed May 2024.

<sup>402</sup> Ibidem.

<sup>403</sup> Friends of Lazarus Association, [Prosecution of human trafficking in Tunisia \(TIP 2023\)](#), last accessed May 2024.

<sup>404</sup> Ibidem.

<sup>405</sup> US DOS, [2023 Trafficking in Persons report: Tunisia](#), 2023.

<sup>406</sup> Friends of Lazarus Association, [Prosecution of human trafficking in Tunisia \(TIP 2023\)](#), last accessed May 2024.

<sup>407</sup> US DOS, [2023 Trafficking in Persons report: Tunisia](#), 2023.

<sup>408</sup> Friends of Lazarus Association, [Prosecution of human trafficking in Tunisia \(TIP 2023\)](#), last accessed May 2024.

<sup>409</sup> République Tunisienne, [Instance Nationale pour la Prévention de la Torture et autres peines ou traitements cruels, inhumains ou dégradants INPT](#), 2017.

<sup>410</sup> Tunisie, Bureau du Conseil de l'Europe à Tunis, [Instance nationale de prévention de la torture \(INPT\)](#), last accessed May 2024.

<sup>411</sup> F. Raach, H. Sha'ath, T. Spijkerboer, Asile, [Country Report Tunisia, WP5. Country Reports](#), 2022, p. 2; UNHCR, [Tunisia](#), accessed May 2024.

<sup>412</sup> P. Ensari, C. Kasavan, E. Thenot, [Migration-relevant policies in Tunisia](#), February 2023, p. 20.

<sup>413</sup> Pauline Veron, Country report Tunisia, [Possibilities for reform and implementation of migrant reception and protection](#), November 2020, p. 12; M. Giuffrè, C. Denaro, F. Raach, [On "safety" and EU Externalization of borders. Questioning the Role of Tunisia as a "Safe Country of Origin" and a "Safe Third Country"](#), 2022, p. 588.

Therefore, asylum and migrants' reception are taken care of by UNHCR and its partners.<sup>414</sup> Once registered as asylum seekers, migrants are allowed to stay for 60 days in reception centres.<sup>415</sup> During this time, they are supposed to have their claims for assistance processed.<sup>416</sup> they undertake a screening and referral process and have the possibility to apply for refugee status. The lack of a formal protective framework on migrants' arrival implies high discretion of individual officers.<sup>417</sup> There are only few reception centres, run by UNHCR, IOM, and the Tunisian Red Crescent. They are often overcrowded due to their limited capacity, migrants overstaying, and more broadly because of the inadequate Tunisian policies on the issue.<sup>418</sup>

Status determination procedures (SDP) are also managed by the UNHCR,<sup>419</sup> as per the Cooperation Agreement of 18 June 2011 (*Accord de Siège*) between Tunisia and the UNHCR.<sup>420</sup>

Although the SDP is the same in the whole country, service providers vary according to the location.

In the North, which comprehends Grand Tunis, Sousse and Kairouan and surrounding area,<sup>421</sup> Tunisian Refugee Council (CTR), one of UNHCR's partners, schedules an appointment for pre-registration with UNHCR. CTR asks asylum seekers to bring: (i) any available identification; (ii) any document related to their situation; (iii) an ID photo. Migrants are also required to fill in a module regarding (i) their personal profile and vulnerabilities; (ii) their protection claim and the reason why they left their country; (iii) their situation in Tunisia and concerns related to their country of origins.<sup>422</sup>

The South covers Zarzis, Gabes, Gafsa, Tataouine, Sidi Bouzid, Sfax, Medenine and any surrounding areas.<sup>423</sup> Here, asylum seekers are referred to the IOM first, they are later interviewed by the CTR for the pre-registration phase, and finally have access to registration. A session is then organised jointly by IOM, UNHCR and CTR staff to explain options available to migrants. The CTR conducts the aforementioned interview only if the migrant decides to seek asylum in Tunisia.<sup>424</sup>

UNHCR's SDP is free of charge and organized as follows:<sup>425</sup> (i) registration and delivery of a temporary registration card with a one-year validity, issued by UNHCR to facilitate movement within the country and access to services;<sup>426</sup> (ii) interview, supported by an interpreter where necessary. At this stage, which often takes several months,<sup>427</sup> the UNHCR staff asks the migrant details about the reasons and circumstances of departure; (iii) notification of a reasoned decision on the asylum request via letter, handed over by the CTR.

UNHCR grants protection pursuant to the definition of refugee provided by Art. 1(a)(2) of the 1951 Refugee Convention. According to the web page of the UNHCR on Tunisia, subsidiary protection under international human rights law does not seem to be granted. As for the examination criteria, the burden of proof rests on the applicant. However, since individuals submitting the claim are often unable to support their statements with evidence, the examiner shares the duty to ascertain all relevant

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<sup>414</sup>J. Lehman, A. Dimitriadi, *The Tunisian red flag, Lessons from the EU, Tunisia Strategic Partnership for the external dimension of EU Asylum policy*, October 2023, p. 6.

<sup>415</sup> Ibidem.

<sup>416</sup> The New Humanitarian, *Tunisia: North Africa's overlooked migration hub*, January 2020, *Welcome, unwelcome*.

<sup>417</sup> J. Lehman, A. Dimitriadi, *The Tunisian Red Flag Lessons from the EU, Tunisia Strategic Partnership for the external dimension of EU Asylum policy*, October 2023, p. 6.

<sup>418</sup> The New Humanitarian, *Tunisia: North Africa's overlooked migration hub*, January 2020, *Welcome, unwelcome*.

<sup>419</sup>J. Lehman, A. Dimitriadi, *The Tunisian Red Flag Lessons from the EU, Tunisia Strategic Partnership for the external dimension of EU Asylum policy*, October 2023, p. 6.

<sup>420</sup> UNCHR Submission on Tunisia, *UPR 27<sup>th</sup> Session*, September 2016, p. 1.

<sup>421</sup> UNHCR, *Asylum in Tunisia*, accessed May 2024.

<sup>422</sup> UNHCR, *Applying for Asylum in North Tunisia*, accessed May 2024.

<sup>423</sup> UNHCR, *Asylum in Tunisia*, accessed May 2024.

<sup>424</sup> UNHCR, *Applying for asylum in South Tunisia*, accessed May 2024.

<sup>425</sup> UNHCR, *Refugee Status Determination – North*, accessed May 2024.

<sup>426</sup> UNHCR, *Frequently asked questions*, accessed May 2024, *How long does it take to register within the UNHCR?*

<sup>427</sup> Ibidem.

facts.<sup>428</sup> If the examiner is unable to assess with full certainty the situation of the migrants, the UNHCR recommends that applicants whose claim appears credible be given the benefit of the doubt.<sup>429</sup>

In case of a positive decision, asylum seekers receive a refugee card with a two-years validity period. The latter, however, is not considered a proper identity document by Tunisian authorities: it does not allow to travel, work, and access the education system.<sup>430</sup> Additionally, since there is no legal framework on refugees' recognition, migrants who enter the country illegally risk being detained under existing general laws, irrespectively of their situation (see above para. 13.3).<sup>431</sup> Furthermore, no national framework on integration assistance exists for recognized refugees.<sup>432</sup>

The most vulnerable among refugees can be identified for resettlement abroad by UNHCR.<sup>433</sup> However, slots available in third countries granting legal protection to refugees amount to less than 1% of the refugee population worldwide,<sup>434</sup> and migrants from Tunisia in particular are not prioritised.<sup>435</sup> Only 76 refugees were resettled from Tunisia in 2021,<sup>436</sup> only 20 in 2022.<sup>437</sup> Among the countries that receive the greatest number of resettled refugees are the USA, Canada, Germany, Australia, and France.<sup>438</sup> Resettlement projects are also undertaken by the IOM.<sup>439</sup>

Conversely, in case of rejection of her application for international protection, the migrant is explained the reasons of the outcome and can submit an appeal to the UNHCR within 30 days. Given the lack of a Tunisian legislative framework on asylum, this internal appeal is the only available option. The lack of access to a competent judicial authority entails a violation of Articles 14 ICCPR, 7(1)(a) ACHPR, of which Tunisia is a party.

Once the appeal is assessed, the migrant receives a final decision. The latter may establish: (i) direct recognition of the refugee status; (ii) a new interview for the migrant; (iii) definitive denial of the application and the closure of the file. In this case, migrants have two alternatives: they can either stay in Tunisia, or voluntarily return to their home country, with IOM's support.<sup>440</sup>

## 16. Systematic violations of migrants' rights in Tunisia

On 21 February 2023, President Saied pronounced a speech on migration during which he accused migrants to be part of a "criminal plan to change the composition of the demographic landscape in Tunisia" (see para. 12.4.3). The speech marked a turning point in the treatment of migrants in Tunisia: intolerance and episodes of violence against migrants dramatically surged.<sup>441</sup> Moreover, repression

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<sup>428</sup> UNHCR, [Handbook on procedures and criteria for determining refugee status and guidelines on international protection](#), February 2019, para. 196.

<sup>429</sup> *Ibidem*, paras. 203-204.

<sup>430</sup> M. Giuffr , C. Denaro, F. Raach, [On "safety" and EU Externalization of borders, Questioning the Role of Tunisia as a "Safe Country of Origin" and a "Safe Third Country"](#), 2022, p. 591; A. Bajec, [The New Humanitarian, In a Tunisian migration hub, asylum seekers find little support](#), November 2023; S. Cordall, [Aljazeera, "I wake up in pain": refugees struggle in Tunisian winter](#), December 2023.

<sup>431</sup> FTDES, [Politiques du non-accueil en Tunisie](#), June 2020, *Centres de « r ception et d'orientation »*, p. 78.

<sup>432</sup> J. Lehman, A. Dimitriadi, [The Tunisian Red Flag Lessons from the EU, Tunisia Strategic Partnership for the external dimension of EU Asylum policy](#), October 2023, p. 6

<sup>433</sup> UNHCR, [Help Tunisia, What is resettlement](#), accessed May 2024.

<sup>434</sup> UNHCR, [Help Tunisia, Do I have a right to be considered for resettlement?](#), accessed May 2024.

<sup>435</sup> J. Lehman, A. Dimitriadi, [The Tunisian Red Flag Lessons from the EU, Tunisia Strategic Partnership for the external dimension of EU Asylum policy](#), October 2023, p. 6.

<sup>436</sup> Le Monde, [In Tunisia, migrants' resentment toward UN agencies grows](#), April 2023.

<sup>437</sup> UNHCR, [Tunisia Operational Update - December 2022](#), January 2023

<sup>438</sup> UNHCR, [Resettlement at a glance, Departures by destination](#), December 2023.

<sup>439</sup> IOM, [migration, Project I](#), last accessed May 2024.

<sup>440</sup> FTDES, [Politiques du non-accueil en Tunisie](#), June 2020, *Retour volontaire sous la contrainte*, pp. 79-80 ; UNHCR, [Voluntary return](#), accessed May 2024.

<sup>441</sup> Le Monde, [Tunisia's President Saied claims sub-Saharan migrants threaten country's identity](#), 23 February 2023.

of civil society associations helping migrants has intensified recently, with at least 5 members from NGOs arrested and accusations and inquiries being multiplied against NGOs. Thus, by targeting entities helping migrants, authorities deprive them of legal and material assistance.<sup>442</sup>

### **16.1. Violations by State actors**

If violations of migrants' human rights had already been reported by some NGOs prior to 2023, violence greatly worsened after the presidential speech of February 2023, in which Kais Saied depicted migrants as criminals and called on action to be taken to stop irregular migration.<sup>443</sup>

#### **16.1.1. Arbitrary arrests**

Arbitrary arrests<sup>444</sup> for irregular entry or stay<sup>445</sup> in Tunisia often take place after migrants are apprehended at the border on entry or intercepted on departure,<sup>446</sup> in zones of high density of migrant population,<sup>447</sup> or simply on the streets.<sup>448</sup>

HRW interviewed migrants who reported, *inter alia*, that they were not notified of the reasons and duration of their arrest, the consular authorities of their country of origin were not informed of their arrest, no investigation was opened, their access to legal or consular assistance was denied, nor did they have the possibility to appeal the decision of their arrest.<sup>449</sup> The collective nature of those arrests implies the impossibility of individual evaluations.<sup>450</sup> Police are often reported to confiscate or destroy mobile phones,<sup>451</sup> often with no possibility to contact families.<sup>452</sup>

Arrests often uncover racial discrimination. They take place irrespective of the individual status of the migrant, which is often not even checked.<sup>453</sup> In February 2023, for example, Lawyers Without Borders, *Avocats Sans Frontiers* (ASF) reported 850 arrests, of including both documented and undocumented people, asylum seekers and registered students. People arrested were all black Africans. Further arbitrary arrests of black African foreigners were reported in July, in and around the city of Sfax.<sup>454</sup> Arrests were often accompanied by racist insults.<sup>455</sup>

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<sup>442</sup> HRW, [Tunisie: La répression de la société civile s'intensifie](#), 17 May 2024; Amnesty International, [Tunisie. Réfugié.e.s. migrant.e.s et organisations de la société civile sont visés par des opérations répressives après des mois d'escalade de la violence](#), 16 May 2024.

<sup>443</sup> Tunisian President's Facebook Profile, [Kais Saied's 21 February 2023 speech](#), 21 February 2023.

<sup>444</sup> As defined in UN Human Rights Committee, [CCPR/C/GC/35, Article 9 \(Liberty and security of person\)](#), December 2014.

<sup>445</sup> OMCT, [Note sur la détention arbitraire au centre de détention de migrants d'El-Ouardia](#), March 2023, para. 3: *Violation des garanties procédurales*.

<sup>446</sup> J. Lehman, A. Dimitriadi, [The Tunisian red flag, Lessons from the EU, Tunisia Strategic Partnership for the external dimension of EU Asylum policy](#), October 2023, p. 6.

<sup>447</sup> Inkyfada, [Expulsions de migrantes aux frontières: un système dissuasif et violent](#), May 2024; Le Monde, [En Tunisie, la répression s'accroît sur les migrants subsahariens et les associations qui les soutiennent](#), May 2024.

<sup>448</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, p. 33.

<sup>449</sup> HRW, [Tunisie: Pas un lieu sûr pour les migrants et réfugiés africains noirs](#), July 2023; OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, p. 33.

<sup>450</sup> HRW, [Tunisie: Pas un lieu sûr pour les migrants et réfugiés africains noirs](#), July 2023; Le Monde, [En Tunisie, la répression s'accroît sur les migrants subsahariens et les associations qui les soutiennent, Mandats de dépôt](#), May 2024.

<sup>451</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, *Vols et destruction de biens*, p. 30.

<sup>452</sup> Advocates for Justice and Human Rights, [Tunisia: end wave of arbitrary arrests targeting critics and opposition members](#), February 2023.

<sup>453</sup> France 24, [Tunisie: HRW dénonce des "abus graves" contre des migrants africains](#), July 2023.

<sup>454</sup> HRW, [Tunisia, Event 2023](#), last accessed May 2024.

<sup>455</sup> France 24, [Tunisie: HRW dénonce des "abus graves" contre des migrants africains](#), July 2023.

Moreover, arrests often happen with the use by authorities of excessive use of force, together with verbal, physical, sexist, and sexual abuses,<sup>456</sup> including against women and children.<sup>457</sup>

Furthermore, security forces take advantage of their position of power, of migrants' lack of knowledge concerning their rights and of language barriers, to extort goods, aid human trafficking, and even participate to criminal organizations.<sup>458</sup>

Arrested migrants can be: (i) arbitrarily detained (14.1.2), (ii) internally displaced (14.1.3), (iii) collectively expelled (14.1.4).<sup>459</sup>

### ***16.1.2. Arbitrary detentions***

Detention in Tunisia may take various forms: preventive detention,<sup>460</sup> imprisonment in execution of a criminal sanction,<sup>461</sup> administrative detention (*garde à vue*)<sup>462</sup> and *de facto*<sup>463</sup> or *prima facie*<sup>464</sup> detention. Additionally, migrants waiting to be expelled are often detained also in custody in police station,<sup>465</sup> airports, and border crossing areas.<sup>466</sup>

Migrants can be subjected to criminal detention for various and specious reasons, including the lack of a valid residence permit, falsification of documents, violation of an expulsion order,<sup>467</sup> or upon execution of a criminal sentence of imprisonment (see para. 13.3).<sup>468</sup> However, the procedures to detain migrants are unclear.<sup>469</sup> It was reported that the Tunisian police often accepts a 1.000 dinars' bribe not to detain migrants, while those who cannot afford it are usually detained and threatened with expulsion.<sup>470</sup>

Officially, no law establishes that migrants can be subjected to administrative detention on ground of their status.<sup>471</sup> However, the practice of migrants' arbitrary detention upon their arrest is increasing.

This detention entails violations of: (i) the principle of legality, (ii) the principles of necessity and proportionality, (iii) procedural guarantees, (iv) the right to non-discrimination.<sup>472</sup>

The principle of legality is violated due to the aforementioned lack of legal basis for administrative detention. Tunisia tried to justify it by resorting to Law No. 68-7, whereby the *Secrétaire d'Etat* can decide to expel migrants threatening public order (Art. 18) and assign them a residence while waiting to be expelled (Art. 19). These provisions, however, do not authorize detention nor retention. Also,

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<sup>456</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, p. 48.

<sup>457</sup> HRW, [Tunisia, Events of 2023](#), last accessed May 2024.

<sup>458</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, p. 35.

<sup>459</sup> Ibidem, p. 33.

<sup>460</sup> [Code de procédure pénale](#), art. 85(1), 2010.

<sup>461</sup> [Code pénal](#), Art. 13, 1913.

<sup>462</sup> [Code de procédure pénale](#), art. 13bis, 2010.

<sup>463</sup> Picum, [Immigration Detention and De Facto Detention; what does the law say?](#), 2022, para. 2: *What is the facto detention?*.

<sup>464</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, p. 37.

<sup>465</sup> Amnesty International, [Tunisia: Authorities must refrain from using unnecessary and excessive force against protesters](#), January 2021.

<sup>466</sup> FTDES, [Politiques du non-accueil en Tunisie](#), June 2020, *Centres de « réception et d'orientation »*, p. 77.

<sup>467</sup> Global Detention Project, [Country Report: Immigration Detention in Tunisia](#), March 2020, para. 2.2.

<sup>468</sup> OMCT, [Note sur la détention arbitraire au centre de détention de migrants d'El-Ouardia](#), March 2023, para. 1: *En cas de poursuites et condamnations pénales, le détenu doit être placé dans une prison officielle.*

<sup>469</sup> Global Detention Project, [Country Report: Immigration Detention in Tunisia](#), March 2020, para. 2.3.

<sup>470</sup> FTDES, [Politiques du non-accueil en Tunisie](#), June 2020, *Centres de « réception et d'orientation »*, p. 78.

<sup>471</sup> Global Detention Project, [Country Report: Immigration Detention in Tunisia](#), March 2020, para. 2.2.

<sup>472</sup> OMCT, [Note sur la détention arbitraire au centre de détention de migrants de'El-Ouardia](#), March 2023.

the Ministry of Interior tried to justify detention of migrants through the aforementioned Article 26 of Law No. 68-7 (see above para. 13.3) which foresees up to three years of imprisonment for those who do not comply with an order of expulsion or who come back to Tunisia after being expelled. The same provisions also dictate that, after prison, migrants are subjected to a new expulsion order. However, migrants are not notified of a written and reasoned order of expulsion, and in fact OMTC was not able to documented cases of detained migrants in the El-Ouardia detention center who had been previously notified with an order of expulsion.<sup>473</sup>

Secondly, the principles of necessity and proportionality are violated as the period of detention is indefinite:<sup>474</sup> the aforementioned lack of law on administrative detention of migrants (see above para. 13.3) also entails that its maximum duration is not establishes.<sup>475</sup>

Thirdly, the violation of procedural guarantees<sup>476</sup> derives from the fact that migrants: (i) are not notified of their rights, (ii) encounter linguistic barriers, and (iii) are often asked to sign documents they do not understand, including because they are not able to read. In most cases, (iv) their detention is not validated by a judge. Furthermore, (v) they cannot be assisted by a lawyer and, even when they are, (vi) lawyers' access to detention centers is often denied, so that legal assistance must take place through mobile phones, when migrants have one.<sup>477</sup> Moreover, migrants are denied access to judicial remedies due to both the lack of notification and concrete difficulties in getting in touch with a lawyer. Moreover, since legislation does not officially recognize detention in such centers, no judicial remedies is foreseen.<sup>478</sup> There is on paper a urgent administrative procedure which the migrants may use to challenge their detention. However, this procedure is *de facto* not prompt: its should last one month, but it is much longer in practice.<sup>479</sup>

Lastly, arbitrary detention entails racial discrimination, since the majority of detained migrants are sub-Saharan. Contrariwise, Caucasian people without a valid residence permit are fined, but hardly ever detained nor expelled.<sup>480</sup> Indeed, arbitrary arrests of sub-Saharan migrants occur even when they possess a valid residence permit, as it was recently reported by an agency controlled by the Tunisian Ministry of Education.<sup>481</sup> In that occasion, sub-Saharan students also denounced that officials coerced them into making DNA tests without a valid reason.<sup>482</sup>

Detention in the center of El-Ouardia constitutes a paradigmatic example of migrants' arbitrary detention in Tunisia.<sup>483</sup> Together with the center of Ben Guerdane, it is one of the facilities designed for administrative detention of migrants. Defined as a centre "*d'accueil et d'orientation*", migrants are here placed in a *prima facie* detention centre. These centres, which do not have a clear legal status, are under the surveillance of the *Garde Nationale*, which falls under the Ministry of Interior.<sup>484</sup> Despite limited access to information on immigration practices and facilities,<sup>485</sup> it is clear migrants

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<sup>473</sup> OMCT, [Note sur la détention arbitraire au centre de détention de migrants d'El-Ouardia](#), March 2023, para. 1, p. 4.

<sup>474</sup> M. Giuffrè, C. Denaro, F. Raach, [On "safety" and EU Externalization of borders. Questioning the Role of Tunisia as a "Safe Country of Origin" and a "Safe Third Country"](#), 2022, para. 5.2, p. 593.

<sup>475</sup> OMCT, [Note sur la détention arbitraire au centre de détention de migrants d'El-Ouardia](#), March 2023, para. 2, p. 5.

<sup>476</sup> Picum, [Immigration Detention and De Facto Detention: what does the law say?](#), 2022, para. 5: *Which procedural safeguards apply?*

<sup>477</sup> OMCT, [Note sur la détention arbitraire au centre de détention de migrants d'El-Ouardia](#), March 2023, para. 3, p. 5.

<sup>478</sup> Raach, H. Sha'ath, T. Spijkerboer, Asile, [Country Report Tunisia, WP5. Country Reports](#), 2022, para. 5.2.1.4.

<sup>479</sup> OMCT, [Note sur la détention arbitraire au centre de détention de migrants d'El-Ouardia](#), March 2023, para. 4, p. 6.

<sup>480</sup> *Ibidem*, p. 6, para. 5.

<sup>481</sup> Le courrier de l'Atlas, l'actualité du Maghreb en Europe, [Tunisie. Une association dénonce les arrestations arbitraires d'étudiants subsahariens](#), February 2022.

<sup>482</sup> Inkyfada, [Arrestations arbitraires et carte de séjour: des épreuves racistes pour les Subsahariennes en Tunisie](#), February 2022.

<sup>483</sup> Global Detention Project, [Tunisia Immigration Detention Profile](#), March 2020, 33b. *Al-Wardia (Ouardia)*.

<sup>484</sup> Raach, H. Sha'ath, T. Spijkerboer, Asile, [Country Report Tunisia, WP5. Country Reports](#), 2022, para. 5.3.2.

<sup>485</sup> Global Detention Project, [Country Report: Immigration Detention in Tunisia](#), March 2020, *Key findings*.

therein detained cannot leave their dormitories, nor exit the centre.<sup>486</sup> El-Ouardia center was recognized by Tunisian tribunals to violate Tunisian law, the ICCPR, and the CAT.<sup>487</sup> Arbitrary detention in the center continues nonetheless.<sup>488</sup>

As for asylum seekers specifically, the aforementioned lack of a law on asylum (see para. 13.3.1) implies there is no special provision preventing the application of the usual rules on migration.<sup>489</sup> Not even the card delivered to them by the UNHCR during their status assessment (see above para. 15) protect them from detention, and those wishing to apply for asylum procedures are denied access to it.<sup>490</sup>

### ***16.1.3. Arbitrary displacements***

Migrants are subjected to arbitrary displacements once arrested,<sup>491</sup> when intercepted at sea, when suspected to be “illegal”,<sup>492</sup> or once they have served their criminal sentence. In all those instances, arbitrary displacements often entail family separation.<sup>493</sup>

Arbitrary displacements can be directed towards: (i) detention centers for migrants who are not already detained;<sup>494</sup> (ii) other zones of Tunisia; (iii) frontier zones with Libya or Algeria.<sup>495</sup> Specifically, security forces have been reported to trick migrants into thinking they were being secured and they later abandoned them.<sup>496</sup>

As for internal displacements, migrants are forced towards: abandoned and inhabited zones, where they are left with little or no access to services;<sup>497</sup> coastal zones close to harbors, such as El Amra, Beliana, Jbeniana and Sidi Mansour, around the city of Sfax;<sup>498</sup> desertic and militarized zones at the border with Libya<sup>499</sup> or Algeria. During such displacements, many migrants are forced into situations where they are exposed to serious risks of death or are killed by Tunisian military forces or the Tunisian Coastal Guard.<sup>500</sup>

Migrants are often displaced from Sfax, a key departure point for Europe by sea journeys, to the surrounding areas, as El Arma. Here, migrants set up encampments, often becoming the target of racial hatred protests and violence.<sup>501</sup>

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<sup>486</sup> FTDES, *Politiques du non-accueil en Tunisie*, June 2020, *Centres de «réception et d’orientation»*, p. 77.

<sup>487</sup> Terre d’Asile, *Communiqué de presse, Une décision sans précédent en Tunisie: le Tribunal administratif suspend la détention de 22 migrants détenus arbitrairement au centre d’accueil et d’orientation El Ouardia*, July 2020.

<sup>488</sup> ASF, *Le centre d’El Ouardia: zone de non-droit où 9 personnes sont arbitrairement privées de leurs libertés*, May 2022, p. 1.

<sup>489</sup> Global Detention Project, *Country Report: Immigration Detention in Tunisia*, March 2020, para. 2.4.

<sup>490</sup> FTDES, *Politiques du non-accueil en Tunisie*, June 2020, *Centres de «réception et d’orientation»*, p. 79.

<sup>491</sup> UN Human Rights Rights Council, *Türk: Human rights are antidote to prevailing politics of distraction, deception, indifference and repression*, September 2023.

<sup>492</sup> OMCT, *Les routes de la torture. cartographie des violations subies par les personnes en déplacement en Tunisie*, December 2023, *Sur la frontière avec la Libye*, p. 42.

<sup>493</sup> Ibidem, *Séparation familiale*, p. 54.

<sup>494</sup> Ibidem, *Deuxième vague d’arrestations: vers des centres de privation de liberté prima facie (10 juillet - 3ème semaine de juillet 2023)*, p. 33.

<sup>495</sup> Ibidem, p. 38.

<sup>496</sup> Ibidem, p. 39.

<sup>497</sup> Ibidem.

<sup>498</sup> Ibidem, p. 21.

<sup>499</sup> HRW, Tunisia: *Crise liée aux expulsions collectives d’Africains noirs vers la frontière libyenne*, July 2023.

<sup>500</sup> Ibidem.

<sup>501</sup> Euractive, *Tunisian protesters demand eviction of migrant encampment*, May 2024.

During displacements, migrants experience physical and psychological violence by Tunisian security forces.<sup>502</sup> Moreover, displaced migrants are at a higher risk of enforced disappearances, especially when their documents have been confiscated (see below para. 16.1.5).<sup>503</sup>

Following the eviction of 500 migrants encamped in front of IOM and UNHCR's sees on May 2024, the OHCHR ordered Tunisia to grant them humanitarian assistance. Saied's government, however, neither enacted the requested measures nor halted arbitrary displacements.<sup>504</sup>

#### ***16.1.4. Arbitrary expulsions***

Tunisian authorities arbitrarily expel migrants both directly and indirectly, by leaving them no other choice but to cross the border. Collective expulsions, with no consideration of individual situations, violate the principle of non-refoulement.<sup>505</sup>

Migrants intercepted at sea are deported to Libya by the Tunisian Coast Guard.<sup>506</sup> Some displaced groups are chased by the Tunisian National Guard until they crossed the frontier.<sup>507</sup> Students with valid visas and asylum seekers holding UNHCR documents are also subjected to such practices.<sup>508</sup>

Authorities have also been reported to abandon migrants at the frontier, as it happens for example in Res Jedir, a militarized tampon zone controlled by Tunisian authorities on the Libyan border, or in Nefta, at the border with Algeria.<sup>509</sup> On the Libyan border, Tunisian authorities commit push backs using violence against migrants: they shoot and throw stones at them to either prevent those who crossed the frontier to return or to lead them to cross it.<sup>510</sup> On the Algerian border, Tunisian authorities were reported to violently force displaced migrants to cross the frontier. Migrants also testified being obliged to recross the Tunisian frontier by Algerian authorities. They are also subjected to degrading and humiliating treatment, including being forced to drink putrid water or to dance and sing pro-Algerian slogans.<sup>511</sup>

Abandoned in desertic zones, at extreme temperatures, migrants suffer treatments liable to constitute torture.<sup>512</sup> With no access to food, water, shelter nor any other service, they must fight for their survival.<sup>513</sup> As denounced also by UN human rights experts,<sup>514</sup> the physical and psychological

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<sup>502</sup> Inkyfada, [Expulsions de migrant-es aux frontières: un système dissuasif et violent](#), May 2024.

<sup>503</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, *Disparition forcée*, p. 53.

<sup>504</sup> ASGI, [Tunisia, famiglia sudanese scaricate al confine presentano ricorso al Comitato per i Diritti Umani delle Nazioni Unite](#), June 2024.

<sup>505</sup> UN CAT, CAT/C/GC/4, [Observation générale n o 4 \(2017\) sur l'application de l'article 3 de la Convention dans le contexte de l'article 22](#), September 2018, para. 10.

<sup>506</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, *Déplacement arbitraire et forcé à l'intérieur du territoire tunisien, y compris les zones frontalières*, p. 39.

<sup>507</sup> Ibidem, *Intersection de discrimination et vulnérabilité variable*, p. 59.

<sup>508</sup> Refugee International, [Abuse, corruption and accountability. Time to Reassess EU & U.S. Migration Cooperation with Tunisia](#), November 2023, *Background*, p. 5.

<sup>509</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, p. 21.

<sup>510</sup> Ibidem, p. 41.

<sup>511</sup> Ibidem, *Sur la frontière avec l'Algérie*, p. 42.

<sup>512</sup> OHCHR, [Tunisia and Libya: UN experts condemn collective expulsion and deplorable living conditions of migrants](#), November 2021; OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, *Torture et mauvais traitements dans les zones frontalières*, p. 53.

<sup>513</sup> The Guardian, ['I had to drink my own urine to survive': Africans tell of being forced into the desert at Tunisia border](#), September 2023.

<sup>514</sup> OHCHR, [Tunisia and Libya: UN experts condemn collective expulsion and deplorable living conditions of migrants](#), November 2021.

violence experienced during expulsions often results in migrants' death.<sup>515</sup> Said violence, including kicks, punches, baton hits, tear-gas and electric guns, is used indiscriminately, also against children and pregnant women.<sup>516</sup>

Migrants often remain trapped in buffer zones, from which they are unable to neither enter Libya nor return to Tunisia.<sup>517</sup>

For the first time on 6 May 2024, the president Saïed himself officially admitted migrants were expelled at the Libyan border.<sup>518</sup>

#### ***16.1.5. Confiscation or destruction of documents***

During arrest, detention, and displacements, Tunisian authorities confiscate or destroy migrants' documents, including when they have been granted refugee status.<sup>519</sup> Such documents include passports, residence permits, UNHCR cards and birth certificates. Their confiscation implies the impossibility to exercise rights such free movement, health, education, political participation. They also entail difficulties to obtain international protection and access to basic services, as well as exposure to high risk of statelessness.<sup>520</sup>

Destruction of documents by the National Guard, together with theft of their belongings, was also denounced during expulsions.<sup>521</sup>

#### ***16.1.6. Tunisian Security Forces' ingrained collusion with smugglers***

Tunisian security forces have long been involved in, and profited from, the country's human smuggling industry.<sup>522</sup> Collaboration with human traffickers is mutual, since irregular migrants are turned over to the police by the latter.<sup>523</sup> Collusion opportunities between smugglers and security forces are enhanced by high profits of the former,<sup>524</sup> coupled with substantial impunity of the latter.<sup>525</sup>

Collusion includes, *inter alia*, payments by smugglers to security forces to provide them with protection, as advance tip-off for raids, as well as intelligence on patrols and surveillance to exit waters. Smugglers also corrupt security forces not to be arrested, charged, and imprisoned as well as

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<sup>515</sup> HRW, [Tunisie: Crise liée aux expulsions collectives d'Africains noirs vers la frontière libyenne](#), July 2023; El Pais, [Dying of hunger and thirst in the desert after being expelled from Tunisia](#), August 2023; UN Human Rights Council, [Türk: Human rights are antidote to prevailing politics of distraction, deception, indifference and repression](#), September 2023; OMC, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, p. 51.

<sup>516</sup> Amnesty international, [Tunisia. Refugees, migrants and civil society organizations are targeted by repressive operations after months of escalating violence](#), May 2024.

<sup>517</sup> Global Detention Project, [Trapped Between Borders: Tunisia's Alarming Treatment of Sub-Saharan Migrants](#), July 2023.

<sup>518</sup> Inkyfada, [Expulsions de migrant-es aux frontières: un système dissuasif et violent](#), May 2024.

<sup>519</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, *Confiscation des documents légaux et civils lors de l'arrestation, de la garde à vue et de la détention préventive*, p. 35.

<sup>520</sup> Ibidem, *Confiscation des documents légaux et civils lors de l'arrestation, de la garde à vue et de la détention préventive*, p. 36.

<sup>521</sup> HRW, [Tunisia: African Migrants Intercepted at Sea, Expelled](#), October 2023;

<sup>522</sup> Refugees International, [Abuse, Corruption, and Accountability Time to Reassess EU & U.S. Migration Cooperation with Tunisia](#), November 2023, *TSF Involvement in the Human Smuggling Boom*, p. 21.

<sup>523</sup> Harvard International Review, [The Business of Human Smuggling in Tunisia](#), October 2023, *The harraga without smugglers*.

<sup>524</sup> H. Meddeb, F. Louati, [Tunisia's Transformation Into a Transit Hub: Illegal Migration and Policy Dilemmas](#), March 2024, *Securitization: Tunisia's Failed Panacea*.

<sup>525</sup> Amnesty International, [Rapport 2022/23, La situation des droits humains dans le Monde](#), 2023, *Tunisie, Impunité*, p. 473. Refugees International, [Abuse, Corruption, and Accountability Time to Reassess EU & U.S. Migration Cooperation with Tunisia](#), November 2023, *TSF Tactics, Cover Ups, and Payoffs*, p. 24.

judicial officials to prevent or lessen jail time in the event of arrest.<sup>526</sup> The recent surge of migrants further increased security forces' role<sup>527</sup> and thus their collusion with smugglers, fragmenting State capacity and weakening Tunisian government's control in the south.<sup>528</sup>

### **16.1.7. Gender-based violence**

Migrant women are exposed to an intersecting condition of vulnerability, as migrants and as women.<sup>529</sup> Women are more exposed to specific forms of violence, including sexual abuses and sexual harassment,<sup>530</sup> a generalized phenomenon also due to the general impunity following such acts.<sup>531</sup> Violence against women is widespread during their trip,<sup>532</sup> border displacements and expulsions,<sup>533</sup> but also on the street and in working settings.<sup>534</sup> Additionally, they are at a higher risk of human-trafficking since they are more likely to contact traffickers than men.<sup>535</sup>

Their specific medical needs, i.e. concerning pregnancy, sexual and reproductive rights, are not considered.<sup>536</sup> Their situation is particularly precarious during displacements,<sup>537</sup> and has dramatically worsened since 7 July 2023, when the *Croissant Rouge Tunisien* has remained the only organizations authorized to assist displaced migrants.<sup>538</sup>

Sub-Saharan women, and Ivorians in particular,<sup>539</sup> are more exposed to both racist and gender-based violence.<sup>540</sup> They are even more isolated and subjected to discrimination and social rejection than other migrant women.<sup>541</sup>

Stigmatization is even worse for unmarried mothers, most of whom are Sub-Saharan. Besides having to cope with irregular employment and lack of means to feed their children, they often face refusal of treatment by sanitary professionals who condemn pre-marriage sexual relationships.<sup>542</sup>

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<sup>526</sup> Refugees International, [Abuse, Corruption, and Accountability Time to Reassess EU & U.S. Migration Cooperation with Tunisia](#), November 2023, *TSF Involvement in the Human Smuggling Boom*, p. 21.

<sup>527</sup> Ibidem.

<sup>528</sup> Ibidem, *Conclusion: The Role of Europe and the United States*, p. 26.

<sup>529</sup> CeSPI ETS, [Localiser le WPS en Tunisie](#), January 2024, p. 12.

<sup>530</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, *Violences basées sur le genre*, p. 56.

<sup>531</sup> OMCT, [Vers une normalisation des violations des droits humains des personnes migrantes en Tunisie ?](#), March 2024, p. 1.

<sup>532</sup> Mixed Migration Centre, [City of welcome and transit, Migrants' and refugees' livelihoods and migration projects in Sousse, Tunisia](#), February 2024, *Dangers are common*, p. 18.

<sup>533</sup> Global Detention Project, [Trapped Between Borders: Tunisia's Alarming Treatment of Sub-Saharan Migrants](#), July 2023.

<sup>534</sup> Mixed Migration Study, [Urban mixed migration Tunis Case Study](#), November 2020, *Sources and types of risk: individualised experiences*, p. 19.

<sup>535</sup> IOM, [Migration de retour: lien entre irrégularité et renforcement de la vulnérabilité des migrants ivoiriens en Tunisie, au Maroc et en Algérie](#), June 2020, *Processus de décision du départ pour la Tunisie, La préparation du voyage*, pp. 11-12.

<sup>536</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, *Déni d'accès au soin*, p. 31.

<sup>537</sup> Terre D'Asile, [Parcours de vie de femmes migrantes en Tunisie](#), July 2023, para. A: *Des conditions de vie qui accroissent la vulnérabilité*, p. 18.

<sup>538</sup> OMCT, [Les routes de la torture, cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, *Réduction de l'espace opérationnel pour assister les personnes en déplacement*, p. 68.

<sup>539</sup> Mixed Migration Centre, [City of welcome and transit, Migrants' and refugees' livelihoods and migration projects in Sousse, Tunisia](#), February 2024, *Dangers are common*, p. 18.

<sup>540</sup> Terre D'Asile, [Parcours de vie de femmes migrantes en Tunisie](#), July 2023, para. A.2: *L'exposition aux arnaques, aux larcins et aux agressions*, p. 19.

<sup>541</sup> Ibidem, para. A.1: *Une intégration sociale difficile mais différenciée selon la région d'origine*, p. 18.

<sup>542</sup> Terre D'Asile, [Parcours de vie de femmes migrantes en Tunisie](#), July 2023, para. A.3: *Être mère célibataire*, p. 20.

Migrant women are also the most exposed to sexual and labor human trafficking (see at para. 9). Among them, Ivorian women are the majority due to their high rates of migration towards Tunisia, as well as organized criminal networks specifically active between the two countries.<sup>543</sup>

Vulnerability and discrimination are both interconnected and reinforce one another: women unlawfully employed are exploited, subjected to several violations of their rights, most of which remain unknown to them, and in turn more exposed to social and racial discrimination.<sup>544</sup> This state of events is further exacerbated by the fact that women mostly engage in domestic work, whose informal character ensures employers impunity for acts of physical, psychological and sexual violence.<sup>545</sup>

## ***16.2. Violations by non-State actors***

At the end of June 2023, a protest broke out in Sfax against the presence of migrants, as Saied reiterated his anti-migrant speech.<sup>546</sup> The already tense situation worsened when a man was stabbed to death by migrants in Sfax at the beginning of July 2023 following a scuffle between Tunisian and sub-Saharan migrants. This event increased racial tensions, with locals in Sfax calling for migrants to leave.<sup>547</sup> The OMCT stated in a 2023 report that many migrants testified that when civilians were aggressive towards them, the police were passive. Moreover, no investigation was launched against alleged perpetrators of human rights violations against migrants and no measures were taken by State authorities to restrain speeches on racial discrimination and their consequences.<sup>548</sup>

### ***16.2.1. Eviction***

Following the death of a Sfax local in July 2023, a wave of illegal evictions occurred, executed by civilians and youth groups. These evictions were often committed alongside physical and psychological violence.<sup>549</sup>

### ***16.2.2. Physical and psychological violence***

If Kasserine, Nefta, Medenine and Ras Jedir are the main locations where civilians committed violence, Sfax is the city where most incidents of civilian violence was observed after the killing of a local citizen in July 2023.<sup>550</sup> Following the event, many episodes of violence occurred and were caught by cameras. Analysis of such videos shows humiliating practices such as constraining migrants to sing slogans to the glory of Tunisia and stabbing attacks against migrants. Organizations providing health care in July 2023 reported cases of cuts, bruises, and burns but also sprains, dislocations or fractures caused by episodes of defenestration when migrants were trying to flee from attackers during violent evictions. OMCT partners, organizations and persons interviewed testified that a climate of impunity was reigning for civilians committing violence against migrants in July 2023.<sup>551</sup>

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<sup>543</sup> Ibidem, para. A.4: *L'exploitation et la traite des êtres humains*, p. 20.

<sup>544</sup> Ibidem, para. A.5: *L'« effet boule de neige » des vulnérabilités et des discriminations*, p. 21.

<sup>545</sup> Ibidem, para. C.5: *Reconnaitre des droits spécifiques aux travailleuses domestiques*, p. 35.

<sup>546</sup> OMCT, [Cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, p. 16.

<sup>547</sup> France 24, [Tunisian stabbed to death in clash with African migrants](#), 4 July 2023.

<sup>548</sup> OMCT, [Cartographie des violations subies par les personnes en déplacement en Tunisie](#), December 2023, p. 64.

<sup>549</sup> Ibidem, p. 29.

<sup>550</sup> Ibidem, pp. 20, 21.

<sup>551</sup> Ibidem, p. 30.

## Returns to Côte d'Ivoire

### 17. Actors involved in the repatriation/return of Ivorian nationals

Internally, the ministry of Foreign Affairs has established the DGIE, entrusted with the implementation of the return and resettlement of Ivorians abroad in collaboration with diplomatic authorities (See above 3.2.1.4). Côte d'Ivoire has been a member of the IOM since 2018.<sup>552</sup>

#### 17.1. Ivorian State organs

The Ministry of Foreign affairs of Côte d'Ivoire, especially through the DGIE, is largely responsible for repatriation procedures. Repatriation primarily concerns refugees, with the UNHCR estimating over 278.000 voluntary returnees to Côte d'Ivoire since 2011.<sup>553</sup>

Repatriation of non-refugees Ivorians has seen few country-specific government initiatives, such as in 2020 during the COVID-19 pandemic,<sup>554</sup> and, notably, after the 2023 controversial declarations by Tunisian president Kais Saied.<sup>555</sup>

#### 17.1.1. State-sponsored repatriation initiatives from Tunisia

The Tunisia National Institute of Statistics estimates that around 7.000 Ivorian nationals resided in Tunisia in 2021,<sup>556</sup> mostly male (65%).<sup>557</sup> The Tunisian NGO “*Union des Ivoiriens en Tunisie*” instead asserts the presence of over 20.000 Ivorians in the country, with 15.000 being at risk of expulsion.<sup>558</sup> The government of Côte d'Ivoire stated that 1.300 Ivorian nationals were registered in Tunisia as of March 2023.<sup>559</sup>

Furthermore, as of April 2024, there are currently 1.586 Ivorian refugees in Tunisia, according to the UNHCR.<sup>560</sup>

The Ivorian government launched a repatriation initiative in March 2023, allocating a budget of 275.000.000 FCFA to repatriate around 500 individuals, also providing them with 160.000 FCFA upon return.<sup>561</sup> The number of requests for repatriation has reached 3.000 in the same month, with a total of 1.053 Ivorian nationals repatriated in March 2023 alone.<sup>562</sup> The government does not appear to have continued such initiative after March 2024.

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<sup>552</sup> IOM Regional Office for West and Central Africa, *Côte d'Ivoire*, last accessed 25 May 2024.

<sup>553</sup> UNHCR, *The Comprehensive Solutions Strategy for the situation of Ivorian refugees including UNHCR's recommendations on the applicability of the cessation clauses*, September 2021, para. 10.

<sup>554</sup> Official Portal of the Government of Côte d'Ivoire, *Coronavirus: Le Gouvernement va rapatrier des Ivoiriens retenus à l'étranger*, 29 April 2020.

<sup>555</sup> Official Portal of the Government of Côte d'Ivoire, *Rapatriement volontaire des Ivoiriens vivant en Tunisie: le gouvernement annonce l'arrivée d'une première vague de 145 personnes le samedi 04 mars sur 500 présélectionnées*, 3 March 2023.

<sup>556</sup> Institut National de la Statistique Tunisie, *Enquête Nationale sur la Migration Internationale*, 7 December 2021, p. 59.

<sup>557</sup> Nawaat, *Migrants Ivoiriens En Tunisie: La Voie De Non-Retour*, 14 November 2022.

<sup>558</sup> Meriem Khdimalla, *La Méditerranée tue plus que le Coronavirus: La détresse des Ivoiriens en Tunisie*, in *La Presse de Tunisie*, 7 April 2021.

<sup>559</sup> Official Portal of the Government of Côte d'Ivoire, *Rapatriement volontaire des Ivoiriens vivant en Tunisie: le gouvernement annonce l'arrivée d'une première vague de 145 personnes le samedi 04 mars sur 500 présélectionnées*, 3 March 2023.

<sup>560</sup> UNHCR, *Operational Data Portal – Refugees and asylum-seekers in Tunisia*, last updated 30 April 2024.

<sup>561</sup> Official Portal of the Government of Côte d'Ivoire, *Rapatriement volontaire des Ivoiriens vivant en Tunisie: le gouvernement annonce l'arrivée d'une première vague de 145 personnes le samedi 04 mars sur 500 présélectionnées*, 3 March 2023.

<sup>562</sup> InfoMigrants, *Discours anti-Noirs du président Saïed: un nouveau vol de 290 Ivoiriens a quitté la Tunisie*, 24 March 2023.

## 17.2. IOM

Between January 2022 and June 2023, the IOM assisted the return of more than 3.162 Ivorian nationals (53% men, 29% women, 10% boys, 8% girls),<sup>563</sup> mainly from Tunisia (34%), Morocco (31%), and Niger (21%).<sup>564</sup>

This marks a shift in migration patterns compared to previous years, with a significant reduction in returns from Libya (19% during 2017-2020 and less than 1% during 2022-2023), as well as an increase in returns from Tunisia (11% during 2017-2020,<sup>565</sup> 34% during 2022-2023).<sup>566</sup>

Cumulatively, the IOM reports that, in 2023, it has helped over 1.600 citizens with voluntary returns to Côte d'Ivoire, with 14,200 people assisted since 2017.<sup>567</sup> Since 2017, the proportion of repatriated women has risen significantly from 21% to 37% in 2022-2023.<sup>568</sup>

According to the IOM, victims of trafficking make up 4% of the total number of people assisted with voluntary return to Côte d'Ivoire, including 135 individuals (79% women and 21% men), primarily returning from Tunisia (87%).<sup>569</sup>

### 17.2.1. IOM in Tunisia

Representing 34% of IOM-organised voluntary returns of Ivorian nationals in the 2022-2023 period,<sup>570</sup> the IOM provided for the voluntary return of 501 Ivorian nationals from Tunisia between March 2022 and August 2023:

Reference period	Men	Women	Boys	Girls	TOTAL
March 2022 – August 2022 <sup>571</sup>	41	37	14	11	103
September 2022 – February 2023 <sup>572</sup>	108	94	26	23	251
March 2023 – August 2023 <sup>573</sup>	54	62	12	19	147

Victims of human trafficking identified by the IOM are referred to the National Authority for Combating Trafficking (INLCTP) in Tunis for protection and direct assistance. In 2018, the IOM referred 213 victims of all nationalities to the INLCTP in Tunisia, and 332 in 2019, around 80% of which were Ivorians.<sup>574</sup>

<sup>563</sup> For an analysis of the Assisted Voluntary Return procedure, see para. 18.2.

<sup>564</sup> IOM Côte d'Ivoire, *Stratégie Pays (2022–2025)*, 11 January 2024, p. 6.

<sup>565</sup> IOM Côte d'Ivoire, *Rapport de Profilage des Migrants Ivoiriens 2017-2020*, 8 September 2021, p. 5.

<sup>566</sup> IOM Côte d'Ivoire, *Stratégie Pays (2022–2025)*, 11 January 2024, p. 6.

<sup>567</sup> IOM Regional Office for West and Central Africa, *Towards Stronger Migration Governance In Côte D'Ivoire*, last accessed 26 May 2024.

<sup>568</sup> Ibidem.

<sup>569</sup> IOM Côte d'Ivoire, *Stratégie Pays (2022–2025)*, 11 January 2024, p. 8.

<sup>570</sup> Ibidem, p. 6; see above at note 178.

<sup>571</sup> IOM, *Interim Report to Italy Ministry of Foreign Affairs Enhancing Response Mechanisms and Assistance to Vulnerable Migrants in Tunisia*, 30 September 2022, p. 7.

<sup>572</sup> IOM, *Interim Report to Italy Ministry of Foreign Affairs Enhancing Response Mechanisms and Assistance to Vulnerable Migrants in Tunisia*, 31 March 2023, p. 7.

<sup>573</sup> IOM, *Interim Report to Italy Ministry of Foreign Affairs Enhancing Response Mechanisms and Assistance to Vulnerable Migrants in Tunisia*, 16 November 2023, p. 8.

<sup>574</sup> IOM, *La coopération bilatérale entre la Côte-d'Ivoire et la Tunisie est centrée sur la lutte contre la traite des personnes*, 5 November 2019.

## 18. Repatriation procedures

### 18.1. State-sponsored returns

The repatriation procedure appears to be left to the appreciation of diplomatic authorities, with the Ivorian embassy in Tunis requiring a prior registration to be eligible for voluntary repatriation procedures; registration requires, cumulatively: i) a passport, ii) a consular card, iii) a certificate of birth or of nationality or an Ivorian identity card or attestation of nationality, as well as iv) two identity photos. Registration also appears to have been possible only in a two-month window from August 2022.<sup>575</sup>

### 18.2. IOM Assisted Voluntary Returns

The Assisted Voluntary Return and Reintegration (AVRR) program is defined by the IOM as a way to provide administrative, logistical and financial support, including reintegration assistance, to migrants unable or unwilling to remain in the host country or country of transit, and who decide to return to their country of origin.

IOM has implemented AVRR Programs since 1979 and at present operates more than 20 AVRR programs worldwide. The three types of AVRR programs available are: (i) general return assistance for irregular migrants, unsuccessful asylum seekers, refugees and others wishing to return from the host country; (ii) assistance to migrants stranded *en route*; and (iii) special return and reintegration assistance specific to the needs of certain vulnerable groups.

Reportedly, from May 2017 until May 2020, a total of 6.757 migrants were assisted through the AVRR program and were repatriated back from Tunisia to their countries of origin. The 7% of them are stated to be Ivorian, which equals approximately 470 individuals.

However, the exact number of repatriation flights conducted during the same period (2017-2020) or the period following (2020-2023) is not readily available in the public reports of IOM.

During our research, specific evidence on Côte d'Ivoire was seldom found. The following part of this report describes the procedures that IOM claims to follow generally. Yet, there is reliable and multi-source information stating that IOM does not follow its own guidelines, specifically when it comes to victims of trafficking.

Depending on the country, AVRR procedures conducted by the IOM may vary, yet upon a common framework. In general, AVRR consists of three stages: the pre-departure stage, the transportation stage, and the post arrival stage.

#### 18.2.1. Pre-departure stage

IOM is entrusted with a general mission of awareness-raising towards migrant communities. Before departures, IOM should undertake counselling activities, *e.g.* disseminate return-related information, and provide both administrative and logistical assistance, from the acquisition of travelling documents to the purchase of flight tickets.<sup>576</sup>

Preliminarily, IOM identifies migrants suitable for AVRR through the help of case managers. They include government social workers, staff of international organisations (e.g. UNHCR), NGOs or civil

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<sup>575</sup> Afrikamag on facebook, [Communiqué de l'Ambassade de Côte-d'Ivoire en Tunisie](#), 2 August 2022.

<sup>576</sup> IOM, [Assisted Voluntary Return and Reintegration \(AVRR\)](#), last Accessed 2 June 2024, para. 9; IOM UN Migration, [Assisted Voluntary Return and Reintegration Supporting Dignified Return and Sustainable Reintegration](#), last Accessed 2 June 2024, para. 12 Diagram 1.

society organisations.<sup>577</sup> When migrants reach out to the nearest IOM office, their personal information is gathered, involving medical records.

IOM collaborates with civil society partners and Tunisian authorities within the Migrant Resource and Response Mechanisms (MRRM) in three regions of Tunisia: Tunis, Zardis and Sfax.

Migrants can get in touch with IOM for the first time during their stay in shelters providing emergency accommodation, for example those in Médenine, Zarzis and Tataouine. Once immediate needs as nutrition and shelter are satisfied, migrants are counselled on available long-term solutions by IOM, including AVRR.<sup>578</sup> Said accommodation centres allow beneficiaries a 60-day reflection period to consider their options. During their stay, they are provided with food and Non-Food Items (NFI) kits, as well as counselling on their rights and responsibilities in Tunisia.<sup>579</sup>

During AVRR, IOM also collaborates in projects with both government authorities as the Ministry of Interior, Ministry of Social Affairs and the Ministry of Women, Family, Children and Seniors, and NGOs and service providers, including the Tunisian Red Crescent. IOM also works closely with local and regional authorities of Tunis, Médenine, Zarzis, Tataouine and Sfax. Furthermore, IOM coordinates with UN agencies as the UNHCR and OHCHR, and country of origin embassies of migrants in Tunisia.<sup>580</sup> While such collaboration is widely confirmed,<sup>581</sup> the role played by each of partner is unclear.

Migrants are further referred to the IOM for the AVRR after shipwrecks off the Tunisian coast,<sup>582</sup> often after they have been hosted in centres as that of Sfax.<sup>583</sup>

During their stay in reception centres, NGOs as *Forum Tunisien pour les Droits Economiques et Sociaux* (FTDES) report difficulties in getting in contact with migrants who apply for AVRR. As denounced by FTDES, this implies difficulties in verifying whether or not returns are really voluntary.<sup>584</sup>

### ***18.2.1.1. Documentation and logistic planning***

Once the individual “agrees” to participate in the AVRR journey,<sup>585</sup> IOM first obtains necessary travel documents, such as passports or emergency travel certificates (see para 18.2.1). Subsequently, travel preparations and administrative and logistical tasks take place. The IOM staff is in charge of booking tickets to arrange operational assistance for departure, transit, and arrival. As stated in the framework of AVRR by IOM, whenever feasible, returnees should travel on commercial airlines.<sup>586</sup>

In the pre-return assistance, health conditions and related needs should be accounted for. A medical escort and necessary medical care should be provided when needed throughout the journey.<sup>587</sup>

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<sup>577</sup> IOM, *Handbook for migrants vulnerable to violence, exploitation and abuse*, 2019, para. 2.3. *Individual assistance for migrants vulnerable to violence, exploitation and abuse*, p. 31.

<sup>578</sup> IOM, *Project proposal: enhancing response mechanisms and assistance of vulnerable migrants in Tunisia*, November 2021, *Rationale*, p. 3.

<sup>579</sup> *Ibidem*, *Output 1.1: Migrants in vulnerable situations in Tunisia are provided with emergency assistance, vulnerability screening and information on options available, including AVRR*, p. 4.

<sup>580</sup> *Ibidem*, *Partnerships and Coordination*, p. 5.

<sup>581</sup> IOM, *L'IOM aide 168 migrants burkinabés bloqués en Tunisie à rentrer chez eux volontairement*, January 2024.

<sup>582</sup> OuestaNews, *Bénin: retour volontaire de migrants depuis la Tunisie*, May 2024.

<sup>583</sup> InfoMigrants, *IOM Tunisia completes first voluntary returns*, May 2019.

<sup>584</sup> The Guardian, *Bangladeshi migrants in Tunisia forced to return home, aid groups claim*, June 2019.

<sup>585</sup> For an overview of the “voluntary” nature of AVRR and the lack of alternatives, see para. 19.

<sup>586</sup> IOM, *A framework for AVRR*, 2016, paras. 2-3, p. 10.

<sup>587</sup> *Ibidem*, *Providing travel assistance*, p. 10.

### ***18.2.1.2. Pre-departure procedure for victims of trafficking***

As depicted in the IOM's Handbooks of AVRR, before the stage of individual counseling, the IOM's staff proceeds to identify the victims of trafficking. The identification procedure includes a standardized screening system for individuals requesting assistance. The so-called "screening system" should consist of the referral of trafficking victims to service delivery organizations, irrespective of whether the organizations are in countries of origin, transit, or destination.<sup>588</sup>

The screening process reportedly involves two stages: (i) evaluating various indicators that can be assessed before interviewing the individual, and (ii) interviewing the individual, featuring questions that concentrate on the recruitment, transportation, and exploitation phases of the trafficking experience.<sup>589</sup>

Accurate identification of trafficking victims is critical. In many destination countries, trafficking victims may be mistaken for the migrant population, leading to their detention, deportation, or return through standard AVRR procedures. Such victims can be, and have been, re-trafficked upon return or deportation.<sup>590</sup> Still, it is often the case that an individual may have grounds to seek asylum, in which the return may not be suitable. In such cases, IOM should refer these individuals to UNHCR or national asylum bodies.<sup>591</sup>

After identifying the victims of trafficking, the AVRR counsels individuals on return and reintegration assistance. This involves providing personalized guidance to help potential returnees understand their rights and options in the host or transit country and their country of origin. This means, *inter alia*, that migrants have access to up-to-date assistance available during voluntary return and reintegration, including concerning the place and the circumstances to which they will be returning and the associated conditions. According to AVRR's principles, counseling is conducted in a language that the migrant understands, in an environment conducive to asking questions and expressing concerns freely.

### ***18.2.2. Transportation stage***

During the transportation stage, IOM provides support throughout the transit, helping with documents and formalities and providing an escort if needed.

IOM promises to support returnees' travel by verifying and assisting with travel documents, providing pre-departure counseling, handling logistics (flight bookings and ground transportation), and ensuring compliance with health and safety measures. On the day of departure, they transport returnees to the airport, assist with check-in procedures, and support passport control and security procedures, as well as addressing any needs during the flight.<sup>592</sup> Specific travel arrangements are also implemented to facilitate the return process for unaccompanied and separated children, elderly migrants, and victims of trafficking.<sup>593</sup>

For flights with layovers or transfers, support is coordinated to assist returnees in navigating connecting airports. Depending on the arrangement, in-flight support might include the provision of meals and comfort items and addressing medical needs.<sup>594</sup>

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<sup>588</sup> IOM, *Handbook on direct assistance for victims of trafficking*, 2007, para. 2.1.2., p. 17.

<sup>589</sup> Ibidem, para. 2.2., p. 26; IOM, *AVRR Handbook for the North African region*, 2013, Counselling, p. 63.

<sup>590</sup> IOM, *AVRR Handbook for the North African region*, 2013, Identifying victims of trafficking, p. 62.

<sup>591</sup> Ibidem.

<sup>592</sup> IOM, *Assisted Voluntary Return and Reintegration*, last accessed 3 May 2024, p. 2.

<sup>593</sup> IOM, *A framework for AVRR*, 2018, *Providing travel assistance*, p. 10.

<sup>594</sup> IOM, *Assisted Voluntary Return and Reintegration (AVRR)*, last accessed 17 June 2024, *Transportation stage*, p. 2.

### ***18.2.2.1. Transportation procedures for victims of trafficking***

According to AVRR's principles, victims of trafficking follow a special procedure. However, the related Handbook of IOM's AVRR procedures on trafficked victims has not been revised since 2007.

### ***18.2.3. Post-arrival stage***

Upon return, IOM supplies reception, including arranging overnight accommodation, as well as inland transportation. When the flight lands at the airport of the return destination, an IOM staff member is there to welcome the AVRR individuals. The member, wearing the organization's insignia, identifies the individuals who landed under the AVRR procedure from an IOM bag in which they carry their belongings.

IOM official reports claim that they offer services such as counseling as well as reintegration assistance to help the returned migrants rebuild their lives and settle into the community. After initial assistance, IOM should continue to monitor and evaluate the assistance provided.<sup>595</sup>

Specific provisions should be made for migrants in vulnerable situations (such as trafficking victims) who may require immediate support upon arrival.<sup>596</sup>

Returnees arriving in Côte d'Ivoire testified that they were promised to receive a phone, clothes, and some money upon their arrival to the state. On the paper though, this procedure seems to be very different from reality.<sup>597</sup>

From that point on, the reintegration procedure starts.<sup>598</sup>

### ***18.2.4. Procedures for victims of trafficking***

IOM in Côte d'Ivoire aids and offers protection to victims of human trafficking, both Ivorian victims returning to their country of origin and foreign nationals who are trafficked on Ivorian territory. IOM also currently partners with the Ivorian National Committee for the Fight against Trafficking in Persons (CNLTP). Furthermore, using the information collected on assisted victims of trafficking, IOM supports the government with policy recommendations. In particular, IOM commits to providing permanent support through technical and material assistance to help implement the National Referral Mechanism (NRM) and the Standard Operating Procedures (SOPs) to help ensure protection and assistance for victims of trafficking.<sup>599</sup>

Upon return, many survivors of trafficking struggle to regain their independence and often have to take on debts, thus resulting vulnerable to re-trafficking and forced labour. Furthermore, they face stigmatization and feelings of shame as well as both physical and mental trauma.<sup>600</sup> Many families and communities in fact disown or exclude the victims as they are seen as "impure" and are blamed for being trafficked.<sup>601</sup> Victims may experience depression, anxiety and PTSD, and therefore cannot re-integrate into their old lives effectively. IOM should support survivors in their reintegration process by verifying whether their return environment is safe from domestic abuse or violence, mapping service providers for health, education, vocational training and employment support. Additionally, IOM claims to empower survivors by co-creating programmes and needs-based

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<sup>595</sup> IOM, [Assisted Voluntary Returns Program for Migrants](#), last accessed 2 June 2024, p. 2.

<sup>596</sup> IOM, [A framework for AVRR](#), 2018, *Assisting returnees upon arrival*, p.10.

<sup>597</sup> For instance see the information provided as interviewed in the following video: FRANCE 24, ['The Cursed': Former migrants rejected by society on return to Ivory Coast](#), minutes 4:17 to 4:38.

<sup>598</sup> Facebook, IOM [Upon Arrival](#), 20 January 2021, Full video.

<sup>599</sup> IOM Côte d'Ivoire, [Country Strategy 2022-2025](#), 2023, para. 6,7 and 8, p. 15.

<sup>600</sup> The News Minute, [Overcoming stigma: How human trafficking survivors are socially marginalised](#), 10 October 2020, para. 3.

<sup>601</sup> Forbes, [End Stigma End Trafficking](#), 16 January 2018; OHCHR, [Recommended principles and guidelines on human rights and human trafficking](#), 2010, p. 141, s8.1 para. 1.

solutions with their involvement, and to provide long term psychological support, as well as assistance to improve access to justice.<sup>602</sup>

## 19. On the concept of “voluntary” return

IOM’s counseling process may result in the individual choosing voluntary return. The informed person purportedly retains the right to change decision at any point before departure.<sup>603</sup> In general terms, IOM affirms that this process is followed for both migrant populations and trafficking victims.<sup>604</sup>

However, this is not the case described by UN rapporteurs. In Libya, for instance, the UN special rapporteur on the matter noted that the procedure that IOM follows “do not allow for the return to be qualified as voluntary, as they do not fulfil the requirements of a fully informed decision, free of coercion and backed by the availability of sufficient valid alternatives”.<sup>605</sup> In addition to explicit or implicit threats, the absence of viable alternative options to return can significantly impair an individual’s capacity to exercise free choice. For instance, when the individuals are obstructed from pursuing asylum or from accessing other mechanisms for the protection of their human rights, their subsequent agreement to return “voluntarily” may be coercive.<sup>606</sup> As shown by interviews from returnees gathered by the UN, AVRR is often not chosen, rather being the only option.<sup>607</sup>

A 2022 OHCHR report on IOM returns conducted from Libya notes that asylum seekers and other vulnerable migrants, including victims of trafficking, are not provided information by IOM on safe and regular pathways for admission and stay to third countries.<sup>608</sup> According to OHCHR, “in the absence of a more robust individual assessment, some of these assisted returns may be leading to the ‘voluntary’ return of migrants in vulnerable situations who would be entitled to protection from return according to the principle of non-refoulement”.<sup>609</sup> This report echoes other UN documents generally doubting IOM return procedures.<sup>610</sup>

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<sup>602</sup> IOM, [The reintegration of victims of trafficking](#), last accessed 1 June 2024, Video on page.

<sup>603</sup> IOM, [A framework for AVRR](#), 2018, Counselling migrants on return and reintegration assistance, pp. 8-9.

IOM, [Assisted Voluntary Return and Reintegration \(AVRR\)](#), last accessed 17 June 2024, Return Information and Counselling services, p. 3.

<sup>604</sup> IOM, [AVRR Handbook for the North African region](#), 2013, *Counselling*, p. 63.

<sup>605</sup> OHCHR, [Nowhere but Back. Assisted return, reintegration and the human rights protection of migrants in Libya](#), November 2022, p. 20.

<sup>606</sup> OHCHR, [Report of the Special Rapporteur on the human rights of migrants](#), UN Doc. A/HRC/38/41, 4 May 2018, para. 18.

<sup>607</sup> OHCHR, [Nowhere but Back. Assisted return, reintegration and the human rights protection of migrants in Libya](#), November 2022, p. 21.

<sup>608</sup> *Ibidem*.

<sup>609</sup> *Ibidem*, p. 17.

<sup>610</sup> For instance see OHCHR, [Report of the Special Rapporteur on the human rights of migrants](#), UN Doc. A/HRC/38/41, 4 May 2018, paras. 29-30.

## Reintegration

### 20. Actors involved in reintegration

Ivorian nationals victim of trafficking who decide not to or cannot settle in a third country, return to Côte d'Ivoire under different programs. Beside the IOM AVRR (see above para. **Error! Reference source not found.**), Ivorians may also return through the UNHCR resettlement program, or through bilateral agreements between Côte d'Ivoire and destination States. Additionally, it appears that Côte d'Ivoire organized the return of 500 of its nationals stranded in Tunisia in 2023.<sup>611</sup> Different actors provide funding or participate in their reintegration for it, as follows.

#### 20.1. Actors funding reintegration

##### 20.1.1. UNHCR

If UNCHR provides for so-called “reintegration funds”, the Agency is itself helped by funds provided by donor States. For instance, in 2023 a number of refugees returned to Côte d'Ivoire thanks to US assistance to UNHCR.<sup>612</sup> UNHCR provides activities and assistance aimed at the reintegration of Ivorian returnees. This assistance can support the returnee’s activities either directly through UNHCR or through its partners, such as Caritas. The UNHCR representative in Côte d'Ivoire states that UNHCR assistance can include “income-generating activities, reintegration funds, and the development of facilities for the most vulnerable, such as shelters and latrines”. He also notes that the aid is generally intended to benefit both individuals and communities.

According to UNHCR, 270.650 resettled Ivorian refugees are in Côte d'Ivoire. Among them, 198.610 resettled voluntarily. Regarding resettlement, the UNHCR 2020 Plan aims at “[supporting] the repatriation of Ivorian refugees hosted in neighbouring countries, in accordance with the Ivory Coast’s roadmap for return and reintegration;” and “implementing an incremental exit and complete handover of the refugee and returnee assistance programme to Ivorian authorities.”<sup>613</sup>

##### 20.1.2. European Union

In November 2015, African and European Union leaders established an Emergency Trust Fund of 2.4 billion euros to address the migratory crisis. This fund supports a 153 million euros initiative by the EU and IOM, benefiting 14 countries, including Côte d'Ivoire. The Côte d'Ivoire component was launched in Abidjan on 5 October 2017. Implemented by IOM (see below 20.1.3.1), the project assists the Ivorian Government in facilitating the voluntary return and reintegration of migrants, safeguarding them, and raising awareness about the risks of irregular migration. It also helps combat smuggling networks and protect migrants from exploitation.

The *Appui a La Lutte Contre La Traite Des Personnes Dans Les Pays Du Golfe De Guinée* project, also established under the EU Emergency Trust Fund for Africa in 2019, plans to provide 17 million euros worth of funds to strengthen, among other aspects, reintegration services and facilities.<sup>614</sup> However, the project has not been funded as of 2024, with the planned end date being on 10 January 2024.<sup>615</sup>

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<sup>611</sup> Jeune Afrique, [La Côte d'Ivoire va rapatrier 500 de ses ressortissants de Tunisie](#), 2 March 2023.

<sup>612</sup> UNHCR, [Former Ivorian refugees rebuild their lives as Côte d'Ivoire recovers peace](#), 3 March 2023.

<sup>613</sup> UNHCR Global Focus, [Côte d'Ivoire - 2020 Plan Summary](#), last accessed 16 June 2024.

<sup>614</sup> EU, [Project - Appui à la Lutte contre la Traite des Personnes dans les pays du Golfe de Guinée](#), last accessed 23 June 2024.

<sup>615</sup> Akvorsr, [CTR - Appui à La Lutte Contre La Traite Des Personnes Dans Les Pays Du Golfe De Guinée](#), last accessed 23 June 2024.

### 20.1.3. IOM

IOM works in collaboration with the *Ministère de l'Intégration Africaine et des Ivoiriens de l'Extérieur* (MIAIE) and offers services through the AVRR programme. While migrants may receive reintegration assistance upon arrival, this support is not guaranteed for everyone. The assistance is provided based on various criteria, such as an individual's resources, with priority given to individuals deemed vulnerable according to IOM evaluation.<sup>616</sup>

The reintegration procedure begins by contacting the IOM to initiate a record and ascertain eligibility for reintegration assistance. Migrants are advised to present documentation pertaining to their journey abroad upon returning to their country of origin. However, it is not explicitly stated whether such documentation is mandatory to qualify for assistance.<sup>617</sup>

The IOM in Côte d'Ivoire purportedly offers assistance in different domains: including the continuation of studies, healthcare, professional training, referencing returnees to reintegration projects already existing.<sup>618</sup> From January 2017 to June 2023, IOM claims to have assisted more than 13.300 Ivorian migrants in their voluntary return to Côte d'Ivoire, 135 of which (79% women and 21% men) were identified as victims of trafficking, primarily returned from Tunisia (87%).<sup>619</sup>

The IOM also states it offers a “*plan de réintégration*”, only accorded to vulnerable persons selected by an *ad hoc* IOM committee, in addition to the general services.<sup>620</sup> The requesting individual's record is reviewed by a committee that determines their eligibility. The committee can also recommend actions for the person's “reintegration plan”, such as participating in a group project. This assistance does not involve cash transfers but helps cover costs. It is granted only if the individual presents an identity document and other documents proving their travel abroad.<sup>621</sup>

#### 20.1.3.1. IOM implemented projects

The IOM “Strengthening Management and Governance of Migration and Sustainable Reintegration of Returning Migrants” project began on 15 May 2017. Funded by the EU (see 20.1.2), it aims to support the reintegration of 4.450 migrants and enhance the capacity of Côte d'Ivoire, Ghana, Guinea, and Guinea Bissau to provide sustainable reintegration, protect vulnerable migrants, and raise awareness in 800 communities about the consequences and alternatives to irregular migration. Additionally, it is meant to aid development partners in gathering data on migration to develop evidence-based policies. Côte d'Ivoire has been allocated 2.7 million euros for this initiative.<sup>622</sup>

Implemented by IOM, this project is intended to bolster the initiatives of the Ivorian Government to facilitate the voluntary return of migrants. The final objective is to enhance the capacity of the Ivorian Government to safeguard Ivorian migrants who voluntarily want to return to their country, aid them in their reintegration process and sustainable reintegration, and ultimately support the Government in raising awareness as to the “risks of irregular migration”.<sup>623</sup>

Additionally, the IOM claims to have organized job fairs to facilitate economic reintegration. The September 2019 job fair allegedly welcomed about 350 young men and women returning home

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<sup>616</sup> IOM Maroc, [Renforcement des opportunités de réintégrations en Côte d'Ivoire](#), 2017, p. 2.

<sup>617</sup> Ibidem, p. 5.

<sup>618</sup> Ibidem, p. 6.

<sup>619</sup> IOM Côte d'Ivoire, [Stratégie Pays \(2022–2025\)](#), 11 January 2024, p. 15.

<sup>620</sup> IOM Maroc, [Renforcement des opportunités de réintégrations en Côte d'Ivoire](#), 2017, p. 7.

<sup>621</sup> Ibidem.

<sup>622</sup> Emergency Trust Fund for Africa, [Strengthening the management and governance of migration and the sustainable reintegration of returning migrants in Côte d'Ivoire, Ghana and Guinea, Guinea Bissau and Cha](#), last accessed 16 June 2024.

<sup>623</sup> EU External Action, [L'Union européenne soutient la protection et la réintégration des migrants en Côte d'Ivoire](#), 6 October 2017.

between 2017 and 2019 as part of IOM AVRR program under the EU-IOM Joint Initiative for the Protection and Reintegration of Migrants.<sup>624</sup>

#### **20.1.4. Third State actors**

Some destination States fund and provide for the return and reintegration assistance to Ivorian migrants. This is exemplified hereinafter through the cases of France and Germany.

##### **20.1.4.1. Office français de l'immigration et de l'intégration**

The *Office Français de l'Immigration et de l'Intégration* (OFII) is the principal French agency supervising immigration policies in France.<sup>625</sup> The OFII provides aid to reinsert nationals of 23 countries, including Côte d'Ivoire.

To benefit from OFII assistance, applicants must submit a project to the OFII Committee of their country of origin. It concerns students, young professionals, volunteers of the civil service or of international solidarity (VSI), nationals of certain countries, whose stay in France comes to an end (residence permit expiring in three months maximum).<sup>626</sup>

According to the OFII, different kinds of reinsertion assistance are provided to foreign nationals upon their return, generally geared towards employment, professional training and enterprises creation. Such assistance includes payment of rent, purchase of furniture and appliances, medical expenses or schooling for children, with psychological care being provided for returnees in some States.<sup>627</sup> The employment component aims at helping migrants in their search of a job. It can imply partial financial aid for professional training or salary during a year. The enterprise creation component consists in financial aid to create a business.<sup>628</sup>

##### **20.1.4.2. Ministry of Foreign Affairs of the Federal Republic of Germany**

The REAG/GARP programme provides financial and organisational support for voluntary return to migrants' home countries or for further migration to another country. It helps migrants to organize their trip and covers the transport costs. Additional reintegration support is available for many countries through the StarthilfePlus program.<sup>629</sup> The federal StarthilfePlus (SHP) program helps returnees reintegrate into certain destination countries. According to this program, voluntary returnees can apply for additional reintegration support provided that their departure is supported by the REAG/GARP 2.0 aid. The SHP provides for economic support to Ivorian returnees.<sup>630</sup>

## **20.2. Actors realizing reintegration**

### **20.2.1. Ivorian State actors**

#### **20.2.1.1. DGIE (Direction Générale des Ivoiriens de l'Extérieur)**

The DGIE is one of the main Direction of the Ministry of Foreign Affairs. Assisting returnees during their return in Côte d'Ivoire is one of the missions of the DGIE. The DGIE is organized in different Directions: the *Direction de l'Action Sociale et de l'information* (DASI) which is in charge of facilitating access to housing for Ivorians returnees; the *Direction de l'Accueil, de l'Orientation et du Suivi des Actions de Réinsertions* which guides Ivorians during the process of reintegration; the

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<sup>624</sup> IOM, [Un salon de l'emploi en Côte-d'Ivoire encourage la réintégration de 350 migrants de retour](#), 17 September 2019.

<sup>625</sup> Direction Générale des étrangers en France, [L'Office français de l'immigration et de l'intégration \(OFII\)](#), 5 May 2021.

<sup>626</sup> OFII, [Les dispositifs d'aides au retour et à la réinsertion](#), last accessed 16 June 2024.

<sup>627</sup> Ibidem.

<sup>628</sup> Ibidem.

<sup>629</sup> Returning from Germany, [REAG/GARP 2.0](#), last accessed 18 June 2024.

<sup>630</sup> Returning from Germany, [StarthilfePlus – Soutien de réintégration supplémentaire à REAG/GARP](#), last accessed 18 June 2024.

*Direction de Mobilisation des compétences de la Diaspora*; the *Direction de la Recherche et de la Promotion des Opportunités Économiques auprès des Ivoiriens de l'Extérieur* which promotes economic opportunities for Ivorian returnees.<sup>631</sup>

### **20.2.1.2. Agence Emploi Jeunes**

The *Agence Emploi Jeunes*, an agency under the Ivorian ministry of Youth, is tasked with facilitating access to the labor market for youths. On May 2016, OFII and the *Agence Emploi Jeunes* signed the PARCI partnership agreement for the implementation of the reintegration assistance program in the Republic of Côte d'Ivoire to facilitate the professional integration of Ivorians returning to Côte d'Ivoire after a stay in France.<sup>632</sup>

Under the PARCI program, the *Agence Emploi Jeunes* is entrusted with providing reintegration assistance to 200 Ivorians upon return in Côte d'Ivoire by granting them an unspecified “socio-economic support” in order to guarantee the sustainability of returns;<sup>633</sup> to this end, the *Agence* has concluded a partnership with Orange Bank Africa to financially support returnees.<sup>634</sup>

### **20.2.1.3. State-actors involved in the reintegration of victims of trafficking**

Generally, the government provides limited in-kind support to NGOs assisting returned victims of trafficking, such as food and hygiene products, but did not offer direct financial aid.<sup>635</sup> In many cases, NGOs funded and provided the majority of victim care.<sup>636</sup>

Nonetheless, in partnership with an NGO, the government manages three reception centers for vulnerable children, two of which are specifically for children who have been victims of forced labour and trafficking.<sup>637</sup> There are no government-run or supported reception centres for adults,<sup>638</sup> although the 2016-2020 anti-trafficking strategy provides for their future establishment.<sup>639</sup> The government typically refers adult trafficking victims to NGOs or foster families, and child victims to shelters or foster families managed by NGOs or the government when needed.<sup>640</sup> In abuse cases, authorities may also direct trafficking victims to public support centres for psychological care.<sup>641</sup> Specifically, the Executive Secretariat of the CNLTP refers trafficking victims, even while still abroad, to the *NGO Côte d'Ivoire Prospérité* (CIP) for care in a secure shelter.<sup>642</sup>

## **20.2.2. NGOs**

Several NGOs are active in reintegration activities, especially of victims of human trafficking, such as: SOS Migration; Ivorian League of Human Rights; Action for the Promotion of Human Rights; West African Network for Combating Clandestine Immigration (REALIC); Association for Migration and Reintegration Assistance (AMAR); *Association des Femmes Juristes*, AVSI, *Foyer Akuaba*, SOS Exclusion.

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<sup>631</sup> Portail de la diaspora ivoirienne, [La direction Générale des ivoiriens de l'extérieur](#), last accessed 18 June 2024.

<sup>632</sup> Agence Emploi Jeunes, [Présentation PARCI](#), last accessed 18 June 2024.

<sup>633</sup> Ibidem.

<sup>634</sup> RTI.info, [L'Agence Emploi Jeunes accompagne la réinsertion socio-professionnelle des migrants Ivoiriens](#), 29 March 2024.

<sup>635</sup> US DOS, [Trafficking In Persons Report 2023: Côte d'Ivoire](#), 2023.

<sup>636</sup> Ibidem.

<sup>637</sup> Ibidem.

<sup>638</sup> Ibidem.

<sup>639</sup> MFFE, [Stratégie Nationale de Lutte contre la Traite des Personnes 2016-2020](#), 10 April 2019, p. 17.

<sup>640</sup> US DOS, [Trafficking In Persons Report 2023: Côte d'Ivoire](#), 2023.

<sup>641</sup> Ibidem.

<sup>642</sup> ILO Experts Commission, [Comment n. C182 of 2021](#), 11 June 2022.

In particular, the following NGOs also provide shelter to victims upon their referral: Foyer Akuaba, AVSI, Côte d'Ivoire Prospérité (CIP), Cavoequiva, the Children of Africa Foundation, *Caritas Côte d'Ivoire*, *La Colombe Ivoirienne pour le Bien Être Social* (CIBES).

NGOs are generally entrusted with providing support to victims of human trafficking upon referral by the IOM or the CNLTP.<sup>643</sup>

In particular, the CIP contributed to housing migrants from Libya, Niger, Algeria, Morocco, and Mauritania with the support of IOM until the end of August 2019, in order to rehabilitate trafficking victims upon return.<sup>644</sup> In 2019, it provided shelter for a total of 902 individuals, including 40 women and 8 accompanied children.<sup>645</sup> In 2021, it provided such service to 798 individuals.<sup>646</sup> The CIP operates in 11 regions of Côte d'Ivoire, including Abidjan, Tiassalé, Gagnoa, Guiglo, Bangolo, Man, Kouibly, Bondoukou, Abengourou, Daloa, Tabou, San-Pedro, Soubré, and Bouaké.<sup>647</sup>

## 21. Reintegration facilities of victims of human trafficking

Besides the existing State-run facility for trafficked children in Soubré (see below 21.3), centres for victims are run by NGOs, with victims being referred to them by the CNLTP and IOM.<sup>648</sup> Among others, we were able to identify the following centres:

### 21.1. Abidjan

The *Centre de Transit Communautaire* in Abidjan, instituted by the NGO Cavoequiva in 2011, has the capacity to host up to 100 victims of GBV and trafficking referred to the NGO by authorities; from its inception, it has purportedly hosted 1281 victims of human trafficking or GBV.<sup>649</sup>

### 21.2. Bondoukou

The centre for the Reception and Housing of Human Trafficking Victims in Bondoukou was inaugurated on 20 June 2022, in the presence of local authorities and residents. The project is funded by the EU and implemented by Expertise France.<sup>650</sup>

Created by the NGO *La Colombe Ivoirienne pour le Bien Être Social* (CIBES), the Bondoukou center aims to protect 60 victims of human trafficking and 40 vulnerable individuals, whilst also including preventive actions in the Gontougo and Bondoukou regions in northeastern Côte d'Ivoire.<sup>651</sup>

### 21.3. Soubré

With financial support from the Ivorian government, the Children of Africa Foundation has built a center for trafficked minors specifically, in the western city of Soubré, with plans for future facilities in Bouaké et Ferkéssédougou.<sup>652</sup>

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<sup>643</sup> MFFE, *Stratégie Nationale de Lutte contre la Traite des Personnes 2016-2020*, 10 April 2019, p. 17.

<sup>644</sup> Côte d'Ivoire Prospérité, *Rapport d'activités 2019*, 2020.

<sup>645</sup> Ibidem.

<sup>646</sup> Ministère de la cohésion nationale, de la solidarité et de la lutte contre la pauvreté, *Traite des personnes: Une ONG dévoile son plaidoyer pour la prise en charge des victimes*, 19 August 2021.

<sup>647</sup> La Voie Originale, *Victimes d'esclavage, de racisme...L'Ong "Côte d'Ivoire prospérité" au secours des migrants*, 3 March 2021.

<sup>648</sup> MFFE, *Stratégie Nationale de Lutte contre la Traite des Personnes 2016-2020*, 10 April 2019, p. 17.

<sup>649</sup> ONG Cavoequiva, *Notre centre de transit*, last accessed 18 June 2024.

<sup>650</sup> Abidjan.net, *Côte d'Ivoire: le centre d'accueil et d'hébergement de la traite des personnes à Bondoukou inauguré*, 20 June 2022.

<sup>651</sup> Ibidem.

<sup>652</sup> CNS, *La première dame inaugure le centre d'accueil pour enfants en détresse de Soubré*, last accessed 18 June 2024.

