

**ADDITIONNAL SUBMISSION  
ON THE RIGHTS OF MIGRANT CHILDREN IN TUNISIA**

Submitted to the Committee on the Rights of the Child  
For the 85<sup>th</sup> session

**TUNISIA**

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### *Introduction*

The Tunisian Forum for Economic and Social Rights (FTDES) is a non-governmental organization whose mission is to defend the economic and social rights of the people. More specifically, our organization has expertise in fieldwork and conducts interviews as well as investigations. We want to shed light on children migrant's rights situation in Tunisia. In 2019, the Office of the United Nations High Commissioner for Refugees (UNHCR) registered a total of 972 under-age migrants in Tunisia, not counting the thousands of unregistered migrants, considering that 21 per cent of irregular migrants in Tunisia are minors<sup>1</sup>. The situation of children migrants in Tunisia is a real problem to which particular attention must be paid.

This report is a response to the List of issues in relation to the combined third and fourth periodic reports of Tunisia published by the Committee on the Rights of the Child (CRC) on October 29<sup>th</sup> 2019<sup>2</sup>, particularly paragraph eleven (11). Tunisia is failing to comply with its obligations under the relevant conventions and legislation<sup>3</sup> because the lack of strategy to ensure migrant children’s rights. Through the

<sup>1</sup> FTDES, « En Tunisie, 21% des migrants illégaux sont mineurs et 9,8% sont des femmes » (December 16th 2019), online : *Kapitalis* <[kapitalis.com](http://kapitalis.com)>.

<sup>2</sup> Committee of the Rights of the Child, “List of issues in relation to the combined fourth to sixth periodic reports of Tunisia”, Committee of the Rights of the Child, United Nations, October 29<sup>th</sup>2019, CRC/C/TUN/Q/4-6.

<sup>3</sup> FTDES, “Migrants placed in the wardia centre detained then deporter or forcibly returned” (December 16th 2019), online: *Forum Tunisien pour les Droits Économiques et Sociaux* <[ftdes.net](http://ftdes.net)>.

review and by analysing the situation of under-age migrants on Tunisian territory in addition to the periodic report submitted by the State on 30 April 2018<sup>4</sup>, two key issues are highly worthy to highlight: facilities and deportation.

The different facilities mentioned in this report as El Wardia, Medenine, Ben Guerdan include reception, orientation and detention centres. It is necessary to raise attention to some of those camps even if they are now closed. The State's failure to acknowledge certain practices held in those camps, is unlikely to prevent that such practices are tolerated. The major difference between these facilities lies in the freedom of circulation of the migrants. Accommodation centres are the only ones with no physical restrictions preventing migrants from going out or simply leaving. However, detention centres as well as reception and orientation centers deny this freedom to the migrants living there by two different ways. Mainly, these restraints are material, such as fences, closed doors, fences, guards, or surveillance. In some cases, these restraints can be softer (it appears open and without surveillance), but physically binding because of the location of the detention centre. One detention centre in the middle of the desert deprives migrants of their freedom of movement as if they choose to leave, they have no resources and therefore no chance of survival<sup>5</sup>. Concerning the lack of implementation of the Rights of Children Asylum Seekers included the issue of deportation, it can be broken down into three related and complementary issues:

- A. The Lack of Adequate Migration Management includes all State practices preventing migrant children's from fully availing themselves of the right to asylum and that State not offer any services to migrants in order not to assume the burden, and thus forces them to leave the territory.
- B. Illegal deportations refer to State practices of secretly transporting migrants to often dangerous areas.
- C. The involuntary Nature of AVRR program<sup>6</sup> by pushing migrants children to participate in AVRR programmes or putting them in degrading conditions that are physically and psychologically unbearable to such an extent that they have no choice but to leave "voluntarily", which could be seen as a forced return in disguise.

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<sup>4</sup> Committee of the Rights of the Child, « Rapport valant quatrième à sixième rapports périodiques soumis par la Tunisie en application de l'article 44 de la Convention, attendu en 2017 », CRC, UN, May 29 2019, CRC/C/TUN/4-6.

<sup>5</sup> Robert Tait, "Israeli to open migrant "detention centre", The Telegraph, December 12<sup>th</sup> 2013, Online: *The Telegraph* < [telegraph.co](http://telegraph.co)>.

<sup>6</sup> OIM, "Cadre relatif à l'aide au retour volontaire et à la réintégration", 2016, p. 2, Online : <[publications.iom.int/pdf](http://publications.iom.int/pdf)>.

(IOM's AVRR programs are aimed at distressed migrants in host or transit countries, irregular migrants, regular migrants and asylum-seekers who decide not to apply for asylum seekers, and maintain their application or for which it is established that they are not in need of international protection. A Voluntary return and reintegration assistance can also be provided to migrants in situations of vulnerability, such as victims of trafficking, unaccompanied or separated children, or again migrants with health needs.)

## **A. Challenges: Lack of Adequate Living Conditions for Migrant Children**

In Tunisia, FTDES can observe a critical shortage of housing for asylum seekers, refugees and unaccompanied children<sup>7</sup>. The lack of proper housing is seen through the gathering of children in detention centers or other facilities, as observed by several sources which will be presented thereafter. However, “access to information concerning immigration detention practices and facilities in Tunisia is extremely limited”<sup>8</sup>. It is thus difficult to provide exact numbers or statistics. We deem necessary to bring this matter before to the Committee in order to ensure compliance with the rights provided in the Convention on the Rights of the Child, in Tunisia’s Constitution and in the Child Protection Code, which we list as the right to conditions conducive to development<sup>9</sup>, the right to a standard of living adequate for development<sup>10</sup> and the right to benefit from various measures protecting them from physical or mental harm<sup>11</sup>. We illustrate clear violations of the Convention through: I. The Lack of housing and resources, and II. Neglected living conditions in the lodging facilities of migrant children.

### **I. Lack of Housing and Resources**

There are two so-called “reception and orientation centers” in Tunisia: El-Wardia and Ben Guerdan. These places also serve as detention centers for migrants and asylum seekers entering from Libya and Algeria<sup>12</sup>. During the first ten months of 2019, 1059 migrants were detained in both these centers<sup>13</sup>. Even though these centers welcome officially only adults, several sources confirmed that children are detained in other areas of these centers<sup>14</sup>. In his report, Special rapporteur François Crépeau highlighted the issues

<sup>7</sup> An unaccompanied child is a child, as defined in article 1 of the Convention, “who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.” (*Treatment of unaccompanied and separated children outside their country of origin; General Comment No 6*, Doc off UN CRC, 39<sup>th</sup> sess, Doc off CRC/GC/2005/6, 1 sept 2005.)

<sup>8</sup> Global Detention Project (GDP), “Tunisia Immigration Detention” (March 2020), Online: *GDP* <[globaldetentionproject.org](http://globaldetentionproject.org)>.

<sup>9</sup> Constitution of the Tunisian Republic, Official Journal of the Tunisian Republic, April 20<sup>th</sup> 2015, online: <[legislation.tn](http://legislation.tn)>, art.8.

<sup>10</sup> United Nations Human Rights Officer Of The High Commissioner, *Convention on the Rights of the Child*, entry into force September 2<sup>th</sup> 1990, online: <[ohchr.org](http://ohchr.org)>, art.27.

<sup>11</sup> Code for the protection of Children, Law n° 95-92 from November 9<sup>th</sup> 1995, relative to the publication of the Code for the protection of Children, online : <[e-justice.tn](http://e-justice.tn)>, art.2.

<sup>12</sup> GDP (2020), *supra* note 8, p.26; Vasja Badalič, “Tunisia’s Role in the EU External Migration Policy: Crimmigration Law, Illegal Practices, and Their Impact on Human Rights” (2018) 20:1 J of Int migration & Integration 85 at p 92.

<sup>13</sup> FTDES, “Migrants placed in the Wardia Centre: Detained, then deported or ‘forcibly’ returned” (Dec 16<sup>th</sup> 2019), online: *FTDES*, <[ftdes.net](http://ftdes.net)>.

<sup>14</sup> Glenda Garelli & Martina Tazzioli, *Tunisia as a revolutionized space of migration*, 1<sup>st</sup> ed, New York, Palgrave Macmillan, 2017, p 20; François Crépeau, Report of the Special Rapporteur on the human rights of migrants, Addendum: Mission to Tunisia, Doc off UNHCR, 23<sup>th</sup> sess, United Nations, 2013, Doc HCR A/HCR/23/46/Add.1, para 60; Oliver Tringham, “Rights in Exile exclusive: The case for refugee legal aid in Tunisia”, Refugee Legal aid information, (20 June 2016), online: *Refugee Legal Aid Information* <[refugeelegalaidinformation.org](http://refugeelegalaidinformation.org)>; AfroPlanete, “Tunisie-Prison de Al Wardia: La police tente de déporter de force des prisonniers subsahariens dans le desert (video)”, online: *AfroPlanete*, <[afroplanete.com](http://afroplanete.com)>.

of detaining children in such places as they are particularly vulnerable<sup>15</sup>. Sources also reported that other unofficial and secret detention centers are used by the State to detain the large influx of migrants crossing the Tunisian borders<sup>16</sup>. Children are detained in some of those<sup>17</sup>. As these shelters are non-official, no one is accountable to the state for the living conditions and the high level of occupancy in which children are accommodated.

In addition to these centers, there are various overcrowded facilities<sup>18</sup> across Tunisia<sup>19</sup>. The overpopulation issue was denounced by Vincent Cochetel, special correspondent of the UNHCR, who urged Tunisia to better dispatch refugees after having seen the former Medenine accommodation center<sup>20</sup>. In early 2019, 210 individuals occupied the Medenine center despite its capacity of 80<sup>21</sup>. Out of these 210 individuals, 30 were in vulnerable situation<sup>22</sup>. According to another source, 30 to 35 unaccompanied children were detained there<sup>23</sup>. One testimony gathered by FTDES in Sfax corroborates these statements. J., an Eritrean of 16 years old, was brought to the Medenine center in October 2018, which became overcrowded two months later with more migrants coming from Libya. Indeed, J had to share his room with 8 other people. J could not cook, as only two tiny kitchens per floor were provided. J reported that whenever observers were coming, HCR would organize a large cleanup. Finally, after being the object of much critics in the media, Medenine center closed its doors in March 2019<sup>24</sup>. It is unclear where the occupants were sent afterward.

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<sup>15</sup> Crépeau, *ibid*, para 65.

<sup>16</sup> Oliver Tringham, *supra* note 14; Danish Refugee Council, “Findings of the Danish refugee council in Tunisia”(January 2014), Online: *Danish Refugee Council* <[alnap.org](http://alnap.org)>.

<sup>17</sup> Crépeau, *supra* note 14, para 65.

<sup>18</sup> Here we are no longer referring to detention centres, but to other types of accommodation offered by the State and other agencies with the aim of providing shelter. Migreurop & FTDES, “Politiques du non-accueil en Tunisie” (April 2020), online : *FTDES* <[ftdes.net/rapports/ftdes.migreuo.pdf](http://ftdes.net/rapports/ftdes.migreuo.pdf)>. (For instance, HCR, with the help of Tunisian Refugee Council (CRT), provides 3 reception centers (two in Zarzis and one in Medenine), and IOM, in partnership with Croissant Rouge, provides 3 other centers nationwide.)

<sup>19</sup> FTDES, “Graves violations des droits des demandeur.se.s d’asile et réfugié.e.s en Tunisie : une situation alarmante qui doit cesser” (Dec 13th 2019), online: *FTDES* <[ftdes.net](http://ftdes.net)>; Monika Prończuk, “Migrants flee Libyan ‘prison’ to Tunisia” (Nov 4<sup>th</sup> 2019), online: *Politico* <[politico.eu](http://politico.eu)>; Annalisa Camilli, “Tunisia: North Africa’s overlooked migration hub”, (Jan 22nd 2020), online: *The New Humanitarian* <[thenewhumanitarian.org](http://thenewhumanitarian.org)>.

<sup>20</sup> ANSA, “UNHCR urges Tunisia to distribute refugees better” (Apr 29<sup>th</sup> 2019), online: *Infomigrants*. <[infomigrants.net](http://infomigrants.net)>; Migreurop & l’Observatoire de l’Enfermement des Étrangers en France, *Compte-rendu de la rencontre internationale: L’enfermement des étranger-e-s en Europe et au-delà : Quels horizons?* (Dec 6th 2013), online: *ANAFE* <[anafe.org](http://anafe.org)>.

<sup>21</sup> Vanessa Szkal, “From Eritrea to Tunisia through Libya: Refugees escaping death” (Apr 23<sup>rd</sup> 2019), online: *Nawaat* <[nawaat.org](http://nawaat.org)>; See also Anna Grasso, “La situation des « réfugiés » en Tunisie, une réponse bien trop imparfaite” (June 20<sup>th</sup> 2019), online: *Observatoirepharos* <[observatoirepharos.com](http://observatoirepharos.com)>.

<sup>22</sup> Zied, “Communiqué - Fermeture du foyer d’hébergement de migrants et demandeurs d’asile Al Hamdi” (March 25th 2019), online: *IOM Tunisia* <[tunisia.iom.int/news/communiqu%C3%A9-fermeture-du-foyer-d%E2%80%99h%C3%A9bergement-de-migrants-et-demandeurs-d%E2%80%99asile-al-hamdi](http://tunisia.iom.int/news/communiqu%C3%A9-fermeture-du-foyer-d%E2%80%99h%C3%A9bergement-de-migrants-et-demandeurs-d%E2%80%99asile-al-hamdi)>.

<sup>23</sup> Sara Creta, “Driven to suicide in Tunisia’s UNHCR refugee shelter” (Mar 20<sup>th</sup> 2019), online: *Al Jazeera* <[aljazeera.com](http://aljazeera.com)>.

<sup>24</sup> Zied, *supra* note 22.

The lack of housing also creates an important amount of homeless asylum seekers. In December 2019, at least 130 asylum seekers were reportedly living on the streets, including children<sup>25</sup>. FTDES spoke to children and women in Tunis who had been provided with hotel rooms for the first two weeks of their arrival by the HCR, before getting thrown out because the facilities were overcrowded. They were forced to live on the streets, without any form of shelter. Some of them were even assaulted<sup>26</sup>. M., an unaccompanied child from Guinea, testified that after being rescued at sea while trying to get to Europe, he was brought into a center managed by the IOM and was kicked out one week later, when new migrants came in.

Civil organizations reported problems surrounding housing for foreign unaccompanied children<sup>27</sup>. The State must provide children with proper housing<sup>28</sup>. However, Mr. Aounallah, a Delegate for Child Protection in Tunis, pointed out difficulties concerning the coordination between everyone vested with the care the children, notably in terms of housing. He noted that the living conditions in these centers<sup>29</sup> are not suitable for foreign unaccompanied children.

## II. Neglected Living Conditions in the Facilities of Migrant Children

The detention centers and other facilities such as apartments provided by HCR, allow no adequate living conditions for migrant children<sup>30</sup>. For instance, the apartments provided by HCR are not always suitable for them<sup>31</sup>. According to J., who testified to FTDES, the living conditions at the Medenine center were so bad that he tried to commit suicide in March 2019<sup>32</sup>. Later, J was transferred to Sfax by HCR. There, J. lives in an apartment rented by the HCR, with 6 other children: 3 Eritreans and 3 Somalis. The apartment is located 11 km away from the city center. There are only two beds, thus five of the children sleep on mattresses given by neighbors. HCR did not provide them with blankets and only one jacket was provided to the 7 of them. In addition, HCR refuses to provide a furnished apartment, on account that it does not want to be liable for damages. The kitchen is ill equipped: there is only one saucepan for

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<sup>25</sup> FTDES (Dec 2019), *supra* note 19.

<sup>26</sup> *Ibid.*

<sup>27</sup> Maison du droit et des Migrations, “Compte-rendu du Petit-déjeuner Débat du 19 novembre 2019” (2019) online: *Maison du Droit et des Migrations* <[maison-migrations.tn](http://maison-migrations.tn)>.

<sup>28</sup> Constitution of the Tunisian Republic, *supra* note 9, art. 27.

<sup>29</sup> Maison du droit et des Migrations, *supra* note 27 (Child protection centers for children who are less than 15 years old and guidance centers (“centres d’orientation”) for the children who are more than 15 years old).

<sup>30</sup> Migreurop & FTDES, *supra* note 18 (Most facilities offer worrisome living conditions. For instance, most facilities have no electricity. Sanitary conditions are not adequate, and children sometimes share room with other unknown adults).

<sup>31</sup> FTDES (Dec 2019), *supra* note 19.

<sup>32</sup> Migreurop & FTDES, *supra* note 18.

all of them. The toilet pipes of the owner who lives above pass along the wall and their apartment's door gives to the open septic tank. Thus, the air is unbreathable. The apartment is not well isolated, and not all windows are glazed, so it gets flooded when it rains.

Detention centers and other facilities are also reportedly unsafe and unsanitary. It is claimed that former Medenine center “struggle[d] to offer essential services to a growing number of arrivals”<sup>33</sup>. Several observations illustrate these statements: two unaccompanied children detained in Medenine center attempted suicide<sup>34</sup>. A 16 years old unaccompanied girl tried to escape the center to get to Libya<sup>35</sup>. Detained migrants also complained about bad living conditions in El-Wardia center: they do not receive enough food, nor adequate health care<sup>36</sup>. A report of the NGO *Storiemigranti* also raises several issues related to El-Wardia: malnutrition, no proper medical care, no contact with the exterior, no access to legal aid, poor sanitary conditions and blackmailing from the authorities<sup>37</sup>. FTDES reported that witnesses fear reprisals from HCR and CRT (Conseil tunisien pour les réfugiés). Many witnesses report psychological harassment and threats “aimed at dissuading them from sharing their plight with journalists and civil society”<sup>38</sup>.

Finally, it is worth noting that the State is now elaborating a “contingency plan” to set up a new camp since the conflicts in Libya are intensifying and thus pushing more migrants into Tunisia. It seems that the plan will not provide adequate living conditions to migrants<sup>39</sup>. Indeed, the camp will be located at Bir Fatnasseyah<sup>40</sup> in the desert, with extreme weather conditions, near a military zone. There is no water source nearby and the camp would be hardly accessible<sup>41</sup>.

## **B. Challenges: Lack of Implementation of the Rights of Children Asylum Seekers**

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<sup>33</sup> Sara Creta, *supra* note 23.

<sup>34</sup> Migreurop & FTDES, *supra* note 18; Sara Creta, *Ibid*.

<sup>35</sup> Sara Creta, *supra* note 23.

<sup>36</sup> Wissal Ayadi, “Le drame des migrants dans le centre de rétention d’El-Wardia” (Dec 16th 2019), online: *Gnet News* <[news.gnet.tn](https://news.gnet.tn)>

<sup>37</sup> Glenda Garelli, Federica Sossi and Martina Tazzioli “Migrants in Tunisia: Detained and Deported” (Apr 2015), online: *Srotiemigranti* <[storiemigranti.org](https://storiemigranti.org)>.

<sup>38</sup> FTDES (Dec 2019), *supra* note 19.

<sup>39</sup> Migreurop & FTDES, *supra* note 18, p. 45.

<sup>40</sup> UNHCR, « Operational update -Tunisia » (May 31<sup>st</sup> 2019), online : *UNHCR* <[data2.unhcr.org](https://data2.unhcr.org)>.

<sup>41</sup> Migreurop & FTDES, *supra* note 18, p. 45.



Tunisia ratified the Geneva Convention on Asylum<sup>42</sup> and recognized the Right of Asylum in Article 26 of the Constitution of 2014<sup>43</sup>. According to the analysis of the President of the Tunis Centre for Migration and Asylum (CeTuMA), the State hesitate to promulgate a bill, supporting the right of asylum established in the Constitution, for fear of having to fulfil obligations to which it will be bound<sup>44</sup>. The right to asylum is not adequately implemented by the State in practice<sup>45</sup>, which has implications on the protection of migrant children's rights<sup>46</sup>. FTDES wants to shed light on State practices that disrespect the right to asylum of migrant children's, as well as Article 22 of the Convention on the rights of the child, through practices of forced displacement and forced return. The report illustrates violations to the Convention through three main issues: I. Lack of migration management, II. Illegal deportations and III. The involuntary nature of IOM's AVRR program.

### **I. The Lack of Adequate Migration Management**

Inadequate migration management by the State often pushes migrants to leave the country<sup>47</sup>. The State is increasingly strengthening its borders and tries to prevent migrants, including children, from reaching HCR to apply for asylum<sup>48</sup>. Knowing that it "is the HCR which grants refugee status and organizes the resettlement of recognized refugees in third countries"<sup>49</sup>. A., an anonymous 16 years old child from Tchad who testified to FTDES, was brought in front of a judge after arriving irregularly in Tunisia. Then A. was sent to a center managed by *Croissant rouge* and IOM. No one provided any information to A. about the HCR and the possibility to seek asylum<sup>50</sup>. A. is now planning on going back to Libya, where he can try the Mediterranean crossing. However, Libya poses enormous risks, especially for subsaharian migrant children<sup>51</sup>.

Inadequate migration management also forces migrant children into leaving Tunisia, for instance by pushing them into using more dangerous migration trajectories. Migrant children often lack legal aid, as well as the possibility to contact consular authorities or their families<sup>52</sup>. They are detained for long

<sup>42</sup> United Nations, "Convention Relating to the Status of Refugees", Geneva, July 28th 1951, online: *United Nations* <[treaties.un.org](https://treaties.un.org)>.

<sup>43</sup> Constitution of the Tunisian Republic, *supra* note 8.

<sup>44</sup> Anna Grasso, *supra* note 21.

<sup>45</sup> Vincent Geisser, "Tunisie, des migrants subsahariens toujours exclus du rêve démocratique" (2019) 3:177 *Migrations Sociétés* 3.

<sup>46</sup> GDP (2020), *supra* note 8.

<sup>47</sup> Nicanor Haon, "Tunisie: pas de printemps pour les migrants", (2012) 3:94 *Plein-Droits* 31.

<sup>48</sup> Vasja Badalič, *supra* note 12; Nathalie Janne D'Othée, "Tunisie. Huit ans après la révolution, une politique migratoire inchangée" (2019), online: <[cncd.be](https://cncd.be)>.

<sup>49</sup> Nicanor Haon, *supra* note 47.

<sup>50</sup> Migreurop & FTDES, *supra* note 18.

<sup>51</sup> Nicanor Haon, *supra* note 47.

<sup>52</sup> GDP (2020), *supra* note 8, p 11.



periods, up to more than a year, during which they exhaust their savings as they must pay everything by themselves, knowing that the fees inside the centers are doubled or tripled<sup>53</sup>. Concerning HCR procedures, it could lead to inconsistencies. For instance, the organization offers asylum seekers and refugees who are rejected in Tunisia the opportunity to leave for Libya, even if they don't have the necessary travel documents to legally cross the borders. Those vicious effects of migration control push migration trajectories to more dangerous routes, like Libya. Asylum seekers and refugees also testified that HCR had offered them repatriation through IOM's AVR program despite the dangers and repercussions resulting from their status in their country of origin<sup>54</sup>.

## II. Illegal Deportations

The practice of illegal deportations of migrants as well as migrant children by Tunisia has been denounced by several sources, as presented in this section, even though the State refuses to admit it<sup>55</sup>. Ramy Khouili, of The *Euro-Mediterranean Human Rights Network*, claims that the facts demonstrate a trend of illegal deportation practices<sup>56</sup>. Migrants are deported to dangerous areas, such as military zones, where their lives are endangered<sup>57</sup>. A video was published on the Internet in August 2019 showing migrants abandoned in the desert by the State, at the border between Tunisia and Ras Jdir. There were about 30 migrants including 4 children and a pregnant woman. They were left on their own in hot temperatures, without food or water<sup>58</sup>. The State first denied these facts<sup>59</sup>, and then confirmed the deportations without offering further explanations<sup>60</sup>. Another major issue is that the State, according to GDP, “does not provide any statistics on the number of people detained or deported”<sup>61</sup>.

Migrants detained in centers such as El-Wardia and former Choucha refugees' centers were also reportedly illegally deported. NGO *Srotiemigranti* published a report including testimonies that denounced illegal deportations from El-Wardia center<sup>62</sup>. These deportations are secretly made during the

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<sup>53</sup> Nicanor Haon, *supra* note 47

<sup>54</sup> *Ibid.*

<sup>55</sup> Sana Sboui, “La Tunisie, « prison à ciel ouvert » pour les migrants” (Sept 24th 2015), online : *Middle East Eye* <[middleeasteye.net](http://middleeasteye.net)>

<sup>56</sup> *Ibid.*

<sup>57</sup> Glenda Garelli, Federica Sossi et Martina Tazzioli, « Réfugiés en Tunisie : entre détention et déportation” (April 18 2015), online: *TunisiaInRed* <[tunisiainred.org](http://tunisiainred.org)>

<sup>58</sup> BBC News Afrique, “La police tunisienne abandonne un groupe de migrants dans le désert” (Aug. 5th 2019), online : *BBC News* <[bbc.com](http://bbc.com)>

<sup>59</sup> Laammeri Dorsaf, “Tunisie-Démenti officiel de la vidéo, promue par des parties italiennes, prétendant l'expulsion des migrants ivoiriens vers la Libye” (Aug. 5th 2019), online : *Tunisie Numérique* <[tunisienumerique.com](http://tunisienumerique.com)>

<sup>60</sup> RFI, “Tunisie : confusion autour du sort des migrants abandonnés dans le désert”, 9 août 2019, online : *RFI* <[rfi.fr](http://rfi.fr)>

<sup>61</sup> GDP (2020), *supra* note 8; Martina Tazzioli, “In Tunisia, refugees caught between prison and deportation” (October 8th 2015), online: *Il Manifesto* <[medium.com](http://medium.com)>

<sup>62</sup> Glenda Garelli et al., *supra* note 37.

night, and migrants are left in a military zone of Algerian's desert<sup>63</sup>. In several cases, people die when they get lost in the desert before reaching an urban area<sup>64</sup>. Migrants detained in the former Choucha refugee camp also testified that State had deported them to the Algerian border “by threatening them by force to pass into Algerian territory”<sup>65</sup>. As mentioned earlier, the Choucha and El-Wardia centers are occupied by migrant children. The diversity of testimonies illustrates that illegal deportation is not an isolated case in Tunisia, but rather a rational approach. These deportations, when concerning migrant children, prevent them from exercising their right to asylum, as recognized by the Constitution.

### III. Involuntary Nature of the IOM's AVRR Program

Voluntary returns programs pose serious issues. As some cases illustrate it, some practices exert pressure on migrant children to make them accept a return in their home country. For instance, migrants, including children, reported that they were pressured into participating in the IOM's AVRR program. Migrants rescued by *Maridive 601* on May 2019, including 32 children, denounced the psychological pressure, the use of fear and the absence of a translator when IOM proposed them to enter the AVRR Program. The AVRRs were pursued even though the migrants and migrant children specified that their voluntary return would be life-threatening<sup>66</sup>. The same allegations were reported by Bengali migrant children. They undergo daily psychological pressures and fear from IOM after having refused its “voluntary return” proposition<sup>67</sup>. An immigration psychologist describes the voluntary return to which El-Wardia Center's detainees are subjected as a “forced voluntary return”, since detaining migrants for months does not effectively leave them free to choose<sup>68</sup>. “It is not adequate to talk about a free and voluntary choice”<sup>69</sup>, she specifies.

At international level, NGOs report that migrants are "pressured" into participating in these programs "once governments have strategically removed access to essential services and threatened them with

<sup>63</sup> *Ibid.* See also GDP, “The Detention of Asylum Seekers in the Mediterranean Region” (April 2015), online: [Global Detention Project <globaldetentionproject.org>](http://globaldetentionproject.org). (According to GDP, these secret illegal deportations are made on a weekly basis).

<sup>64</sup> Glenda Garelli et al., *supra* note 37.

<sup>65</sup> Sana Sbouai, *supra* note 55.

<sup>66</sup> FTDES, “Les agences onusiennes et les autorités tunisiennes persistent à harceler psychologiquement des migrants et ignorent leurs droits fondamentaux en vue de procéder à des « retours volontaires” (June 27 2019), online : [ftdes.net](http://ftdes.net); See also Leslie Caretro, “Maridive : les 75 migrants bloqués depuis 18 jours au large de Zarzis ont pu débarquer en Tunisie” (June 19 2019), online : [Info Migrants <infomigrants.net>](http://infomigrants.net)

<sup>67</sup> FTDES, “La résistance d’une dizaine de migrants bangladais face aux pressions qu’ils subissent pour quitter la Tunisie et retourner au Bangladesh”, (July 3rd 2019) Online: [ftdes.net](http://ftdes.net)

<sup>68</sup> FTDES, *supra* note 3

<sup>69</sup> *Ibid.*

deportation"<sup>70</sup>. A study on the involvement of the AVRR program also mentions the negative consequences of voluntary return: "a majority of women and children who participate in these AVRR's program return to conflict areas and face additional hardship, persecution and possibly further displacement"<sup>71</sup>. For these reasons, we find worrisome that "voluntary returns" seem to be often imposed to migrant children.

### ***Conclusion & Recommendations***

FTDES is seriously concerned about the situation of migrant children in Tunisia, particularly about their accommodation and deportation. Considering the importance of the problem, particular attention must be paid to it in order to ensure respect for the rights of this vulnerable group. We therefore propose two main recommendations in this regard:

**A.** we recommend that Tunisia ensures the independent monitoring of these facilities, in order to bring them to adequate living standards. Civil society, international organizations and lawyers must have access to these centers without restrictions to ensure a system of independent monitoring.

**B.** we recommend that Tunisia establishes an accessible and anonymous child friendly complaint mechanism for migrant children, to ensure access to justice for violations of their rights. This mechanism should provide aid and legal information in a language that children understand, and no fees should be charged. This would ensure both to prevent and to act to counter situations depriving migrant children of their asylum rights.

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<sup>70</sup> Monica Encinas, "Le retour volontaire assisté: ses implications sur les femmes et les enfants", (May 2016) 52 RMF 84, online: *Forced Migration Review* <[fmreview.org](http://fmreview.org)>

<sup>71</sup> *Ibid.*