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Report from a Swedish-Swiss fact-finding mission to Tunisia from 6-10 June 2011



Swedish Migration Board
Slottsgatan 82
601 70 Norrköping
SWEDEN
www.migrationsverket.se

Federal Department of Justice and Police
FDJP
Federal Office for Migration FOM
Directorate Asylum and Return
Section Maghreb and Western Africa
www.bfm.admin.ch

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1. Synopsis

Within a few weeks a dictatorship that had lasted decades in Tunisia was swept away by a wave of demonstrations following the self-immolation on 17 December 2010 of Mohamed Bouazizi, a young man without work or any future prospects. In the follow-up to this event a national protest movement developed, which ultimately led to the ousting of President Zine el Abidine Ben Ali on 14 January 2011.

Since then, the security situation has improved significantly. The interim government has begun a series of reforms. One area especially in need of reform is the state security apparatus. Anything associated with the old regime is tainted with negative images for most of the population. The government functions surprisingly well; whilst many senior-level cadre were replaced, the middle-level cadre was left mostly unchanged and is fully functional.¹

According to information from various dialogue partners, the human rights situation has also improved considerably. Some observers are worried that the new-found confidence of political Islamist forces may have a negative impact on women's rights and tolerance towards homosexuality.

The secular liberal party 'Parti Démocrate Progressiste' (Progressive Democratic Party PDP) says it is important that both political and economic stability return quickly, since the longer the process takes, the more social tension will increase.²

It is obvious that democratic reforms will only be sustainable if Tunisia manages to improve the basic economic needs of its people and can guarantee social justice for everyone. The pressure to emigrate will continue as long as the economic problems persist.

2. Introduction

From 6 to 22 June 2011, the Swedish Migration Board and Switzerland's Federal Office for Migration undertook a joint fact-finding mission to Tunisia, Algeria and Morocco. The delegation consulted sources in Tunisia from 6 to 10 June 2011.

The main purpose of the mission was to gather up-to-date information on political developments, the human rights' situation and the security situation, and assess the consequences thereof on migration. There was also a need for up-to-date information regarding certain potentially vulnerable groups.

The sources used are all reported, but to some extent have been kept anonymous in order to protect the informant. The report does not purport to be exhaustive and should not be accorded exclusive evidentiary value

¹ Interview with ICRC in Tunis on 8.6.2011

² Interview with the PDP in Tunis on 10.6.2011

when assessing individual cases. The information in this report does not necessarily reflect the official opinion of the Swedish Migration Board or the Swiss Federal Office for Migration on a particular issue, and there is no intention by the report to determine policy choices. The Swedish Migration Board and the Swiss Federal Office for Migration are jointly responsible for the report.

In Tunisia, the delegation consulted representatives of non-governmental organisations (NGOs), international organisations, an independent human rights organisation, political parties and diplomatic missions. A complete list of dialogue partners is included at the end of this report. The interviews were conducted in Tunis.

The findings of the report reflect the situation in Tunisia in June 2011. The Embassy of Switzerland in Tunis assisted the delegation in terms of preparation, implementation and country of origin information.

3. Security situation

All dialogue partners were of the opinion that the security situation has improved over the previous months. However, it would be incorrect to speak of a complete normalisation of the situation.

Our sources identified local unrest, strikes and the destruction of infrastructure by agitators from the old regime as areas of difficulty. In general, they also mentioned an increase in crime levels. Other problems mentioned included attempts of infiltrations by Algerian terrorists, and conflict in the interior of the country between rival groups to secure employment in the mining of raw materials.³

The army is the force guaranteeing both domestic and external security; the country's strategically important infrastructure is being protected by the army, and there are many road blocks in the south. Due to its relatively small size and the armed conflict in Libya, the Tunisian army was said to be under pressure and could not be present everywhere it was needed.⁴

The police was said to have fallen into disrepute due to its biased stance towards the old regime, but was still present and focussed on traffic duties. The population and interim government were suspicious of the police and this was why many police officers had not appeared for duty in the first few months after the change in government and had gone into hiding for fear of reprisals or prosecution (dozens of police cars had been set alight during the uprising). Under the old regime the police had been badly trained, but there are plans to employ 10,000 new police officers in the next two years.⁵ Moreover, the interim government has be-

³ Interview with the UNDP and FAO, Tunis 9.6.2011.

⁴ Interview with the ICRC, Tunis 8.6.2011 and the UNDP, Tunis 9.6.2011

⁵ Interview with the LTDH, Tunis 9.6.2011.

gun reforming the security apparatus.⁶ Contrary to previous estimates of 120,000 police officers, only 60,000 persons are on the government's payroll.⁷

During the coup around 11,000 people were said to have escaped from penal institutions: various prisons had been burned down.⁸ Only 10-15 % of those who fled had been caught and put back behind bars.⁹

4. Socio-economic situation

The human rights organisation 'Ligue Tunisienne pour la défense de droits de l'homme' (LTDH) explained that, following the coup, Tunisia's problem was of an economic rather than of a political nature.¹⁰ The population wants to reap the benefits of the revolution as quickly as possible but the economic situation in the country has deteriorated further due to the political upheaval and the armed conflict in Libya. Thus, foreign investments have declined dramatically, and the tourist industry, which generated income for a million households, has collapsed.¹¹ Usually, about 6 million tourists visited Tunisia annually, including 1.5 million Libyans and 1.5 million Algerians.¹² The social-democratic party 'Forum Démocratique pour le Travail et les Libertés' (FDTL) estimated the loss to Tunisia through the revolution and the events in Libya at USD 5 billion (USD 1 billion in damage to property and infrastructure caused by the unrest, USD 2 billion in missing tourist income, USD 2 billion due to the Libyan crisis). It said the rural areas in particular had a high level of unemployment, especially among young people and well-qualified people.¹³ The poverty line under the old regime was officially put at 3.7%, which did not have much to do with reality. The figure had since been adjusted to 25%.¹⁴ According to the United Nations Development Programme (UNDP), 150,000-200,000 qualified graduates are unemployed.¹⁵

5. Medical facilities

The World Health Organization (WHO) said it had been in Tunisia since 2004. Before the revolution its involvement had been fairly limited. Tunisia has the best health service in the region. Many Libyans and Algerians use to come to Tunisia for medical treatment.¹⁶ But there are large regional differences in the country. The north is better developed than the south and interior of the country where infrastructure, supplies and personnel are lacking. WHO said the private medical sector in Tunisia was relatively well-developed and competed with the public health sector: qualified medical staff prefers to work in the private sector where

⁶ Interview with the UNDP, Tunis 9.6.2011.

⁷ Interview with the ICRC, Tunis 8.6.2011

⁸ Interview with the LTDH, Tunis 9.6.2011

⁹ Interview with the Embassy of Finland, Tunis 10.6.2011

¹⁰ Interview with the LTDH, Tunis 9.6.2011

¹¹ Interview with the UNDP, Tunis 9.6.2011

¹² Interview with the European Commission, Tunis 7.6.2011.

¹³ Interview with the UNDP, Tunis 9.6.2011.

¹⁴ Interview with the FAO, Tunis 9.6.2011

¹⁵ Interview with the UNDP, Tunis 9.6.2011

¹⁶ Interview with the European Commission, Tunis 7.6.2011.

salaries are higher. However, 30,000 trained medical staff are without work. Only 20% of the population can afford private treatment, and health insurance is only available to people who are permanently employed. Even then, a person might have to pay part of the treatment himself, depending on what type of health cover he has. Vaccinations and childbirth are free of charge, and there is also an HIV and TB programme free of charge.¹⁷

6. Human rights

Before the revolution people had been very careful when they spoke about the government or the president: freedom of speech was subject to a certain amount of self-censorship. That has fundamentally changed after the ousting of Ben Ali. These days the population is very critical and also dares to speak out publicly.¹⁸

Since the revolution human rights organisations have been able to operate freely. The 'Ligue Tunisienne de Défense des Droits de l'Homme' (LTDH), which has been founded 34 years previously, currently has 26 sections scattered throughout the country, several of which are in Tunis.¹⁹

Our contacts told us that the judiciary was infiltrated by the old regime and many judicial officers and judges were not properly qualified. The process of democratisation alone will not change this unsatisfactory situation; it also requires suitable courses of instruction for officials and judges. The LTDH was also pressing for special judicial chambers to fight corruption.²⁰

According to the LTDH, people who had been associated with Ben Ali and been charged were being held at the El Aouina military base in Tunis. However, this only applies to those who have had an influential or high-ranking position, or who supposedly have committed crimes.²¹ Amongst those being held are 200 police officers who are being detained for misconduct.²² According to the LTDH, ordinary followers of the regime, functionaries, police officers or other civil servants who have been on Ben Ali's payroll are not in danger of attack or being illegally detained on account of their work or position.²³ The Embassy of Finland also pointed out that simple partisans of the former government party (RCD) did not need to fear persecution or attack.²⁴ Amongst the approximately 11,000 people who during the turmoil regained their freedom from penal institutions were 700 political prisoners.²⁵

¹⁷ Interview with the WHO, Tunis 8.6.2011

¹⁸ Interview with the UNHCR, Tunis 8.6.2011

¹⁹ Interview with the LTDH, Tunis 9.6.2011

²⁰ Interview with the LTDH, Tunis 9.6.2011

²¹ Interview with the LTDH, Tunis 9.6.2011

²² Interview with the Association Tunisienne des Femmes Démocrates (ATFD), Tunis 8.6.2011

²³ Interview with the LTDH, Tunis 9.6.2011

²⁴ Interview with the Embassy of Finland, Tunis 10.6.2011

²⁵ Interview with the ICRC, Tunis 9.6.2011

The WHO said there was an increasing problem with drug consumption in Tunisia: one out of five prisoners was in prison for drug-related crime.²⁶ Taking drugs is greatly frowned upon in Tunisia.²⁷ Drug addicts are rigorously prosecuted and imprisoned. The penalty for taking drugs is one to five years' imprisonment, and ten to twenty years for drug trafficking. The legal provisions are contained in the "Loi N° 92-52" of 18 May 1992.²⁸

According to the 'Association Tunisienne des Femmes Démocrates' (ATFD) the new political leadership was lacking courage and legitimacy to continue supporting the cause of women's rights. Before the revolution, wearing the Islamic headscarf or veil had not necessarily just been a sign of respect for Islam, but also of protest against the Ben Ali regime. Nowadays, there is more pressure from society on Tunisian women to submit to Islamic dress code. The ATFD said it had founded its 'Centre d'Ecoute et d'Orientation des Femmes Victimes de Violences' (CEOFVV) in 1993. The Centre is not a shelter for battered wives but rather an advisory centre for women who are victims of violence. There is even a hotline for victims of domestic violence.²⁹ Our sources said there were no government shelters for women.³⁰ However, women who were victims of domestic violence could report to the police and would be taken seriously.³¹ Since long years polygamy is forbidden and equal pay for women is guaranteed by law.³²

Neither the human rights organisation LTDH nor the women's rights organisation ATFD knew of the existence in Tunisia of so-called crimes of honour.³³ This was confirmed by the PDP. The Secretary General of the PDP said that single women who had to take care of disabled or sick relatives or children were particularly at a disadvantage.³⁴ Apart from poor single women without family ties, the Tunisian Red Crescent also mentioned that women who got pregnant out of wedlock were especially vulnerable because they ran the risk of being cast out by the families.³⁵

Our sources said the attitude of the population towards homosexuality stretched from tolerance to strict condemnation, depending on social background: members of the Tunisian upper class can generally stand by their homosexuality relatively freely, whereas this is not the case for those from traditional backgrounds or rural areas. The latter potentially risks being cast out by their families or losing their job. Although it is possible to be verbally attacked³⁶, when showing too explicit your sexual

²⁶ Interview with the WHO, Tunis 8.6.2011

²⁷ Information from the Embassy of Switzerland, Tunis 8.8.2011

²⁸ <http://www.atds.org.tn/LoiStup92.pdf> (10.8.2011)

²⁹ Interview with the Embassy of Finland, Tunis 10.6.2011

³⁰ Interview with the ATFD, Tunis 8.6.2011, Interview with the PDP, Tunis 10.6.2011

³¹ Interview with the Tunisian Red Crescent, Tunis 10.6.2011

³² Interview with UNDP, Tunis 9.6.2011.

³³ Interview with the ATFD, Tunis 8.6.2011, Interview with the LTDH, Tunis 9.6.2011

³⁴ Interview with the PDP, Tunis 10.6.2011

³⁵ Interview with the Tunisian Red Crescent, Tunis 10.6.2011

³⁶ Interview with LTDH, Tunis 9.6.2011.

orientation, there was no known case of anyone being physically attacked.³⁷ Lesbians and gays will often seek the anonymity of Tunisia's larger towns. In addition, there are opportunities for establishing social contact with other homosexuals through closed social communities.³⁸ Generally, lesbians and gays do not have a problem as long as they do not exhibit their sexual orientation publicly.³⁹ Under the Tunisian penal code, homosexuality can be punished with up to three years' imprisonment.⁴⁰ Our sources said the police had been relatively tolerant towards lesbians and gays before the revolution. However, there had been isolated cases of people being arrested, typically if you get too intimate in parks or other public spaces or otherwise make yourself too conspicuous.⁴¹ The Red Crescent said it had wanted to distribute condoms in prisons, but this had been refused by the authorities.⁴² Other observers said that the authorities were relatively open to dialogue on this topic. However, society's attitude towards this topic seems to be turning more critical.⁴³

7. Migration

According to the Delegation of the European Commission, the ports and sea borders had hardly been guarded by the Tunisian authorities following the overthrow of the Ben Ali regime. Subsequently, a large wave of Tunisian migrants had left the country by sea, bound for Italy. On 5 April 2011, Tunisia had signed an agreement with Italy committing itself to take back all Tunisian citizens who had landed in Italy before the date of the agreement (but a maximum of 300 people per week). According to the European Commission, France had a generous voluntary return programme (single people receive EUR 2,000 and married couples EUR 3,000). Moreover, France had pledged EUR 46 million in development aid and micro-credits. The European Commission was supporting the return of third country nationals.⁴⁴

The social-democratic 'Parti Démocrate Progressiste' (PDP) reported that human traffickers in Tunisia's coastal regions were trying to persuade people to emigrate illegally.⁴⁵ It was obvious to the Tunisian Red Crescent that the pressure to emigrate would continue as long as the economic problems persisted.⁴⁶

³⁷ Interview with the WHO, Tunis 9.6.2011 and Interview with Red Crescent, Tunis 10.6.2011.

³⁸ Interview with the Tunisian Red Crescent, Tunis 10.6.2011

³⁹ Interview with the LTDH, Tunis 9.6.2011

⁴⁰ Homosexuality falls under Article 230 of the Tunisian Criminal Code: "La sodomie, si elle ne rentre dans aucun des cas prévus aux articles précédents, est punie de l'emprisonnement pendant trois ans." : <http://www.jurisetunisie.com/tunisie/codes/cp/cp1200.htm> (17.10.2011).

⁴¹ Interview with the WHO, Tunis 9.6.2011

⁴² Interview with the Tunisian Red Crescent, Tunis 10.6.2011

⁴³ Interview with the WHO, Tunis 9.6.2011

⁴⁴ All information originates from the interview with the European Commission, Tunis 7.6.2011

⁴⁵ Interview with the PDP, Tunis 10.6.2011

⁴⁶ Interview with the Tunisian Red Crescent, Tunis 10.6.2011

8. Consulted sources

Association Tunisienne des Femmes Démocrates (ATFD)

Delegation of the European Commission in Tunisia

Embassy of Finland

Embassy of Switzerland

Food and Agriculture Organization of the United Nations (FAO)

Forum Démocratique pour le Travail et les Libertés (FDTL)

International Committee of the Red Cross (ICRC)

International Organization for Migration IOM

Joint United Nations Programme on HIV/AIDS (UNAIDS)

Ligue tunisienne des droits de l'homme (LTDH)

Parti Démocratique Progressiste (PDP)

Tunisian Red Crescent

United Nations Development Programme (UNDP)

United Nations High Commissioner for Refugees (UNHCR)

World Health Organization (WHO)