

<p>Map data ©2020 GeoBasis-DE/BKG (©2009), Google, Inst. Geogr. Nacional</p>	<b>Quick Facts</b>	
	<b>Immigration detainees (2019)</b>	Not Available
	<b>Detained asylum seekers (2019)</b>	Not Available
	<b>Detained minors (2019)</b>	Not Available
	<b>Immigration detention capacity (2020)</b>	Not Available
	<b>International migrants (2019)</b>	57,445
	<b>New asylum applications (2019)</b>	1,513
<b>Number of immigration detainees on a given day (2019)</b>	Not Available	

## NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/africa/tunisia>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

## STATISTICS

### Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	Not Available	2019	Number of immigration detainees on a given day	Not Available	2019
Number of detained asylum seekers	Not Available	2019	Total number of detained minors	Not Available	2019
Estimated total immigration detention capacity	Not Available	2020	Estimated capacity of dedicated long-term immigration detention centres	2	2020
Criminal prison population	23,543	2016	Prison population rate (per 100,000 of national population)	206	2016
	25,000	2013		230	2013
	21,000	2011		198	2011
	26,000	2004		263	2004
	23,165	1996		253	1996

### Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	11,800,000	2020	International migrants	57,445	2019
	11,254,000	2015		56,700	2015
	10,700,000	2012		36,500	2013
International migrants as a percentage of the population	0.5	2015	Estimated number of undocumented migrants	Not Available	2020
	0.3	2013			
Refugees	1,732	2019	Ratio of refugees per 1000 inhabitants	0.06	2016
	1,066	2018		0.08	2014
	1,066	2018		0.13	2012
	722	2017			
	636	2016			
	824	2015			
	730	2014			
Total number of new asylum applications	1,513	2019	Refugee recognition rate	2	2014

## DOMESTIC LAW

LEGAL TRADITION			
Legal tradition	Name	Observation Date	
	Civil law	2017	
	Muslim law	2017	
LAWS AND REGULATIONS			
Core pieces of national legislation	Name	Year Adopted	Last Year Amended
	Loi n° 1968-0007 du 8 mars 1968, relative a la condition des étrangers en Tunisie	1968	
	Loi No. 1975-40 du 1975, relative aux passeports et aux documents de voyage	1975	2017
	Loi organique n° 98-77 du 2 novembre 1998, portant modification de la loi n° 75-40 du 14 mai 1975, relative aux passeports et documents de voyage	1998	
	Loi n° 2004-6 du 3 février 2004, modifiant la loi n°75-40 du 14 mai 1975, relative aux passeports et aux documents de voyage	2004	
	Loi organique n° 2017-45 du 7 juin 2017, modifiant et complétant la loi n° 75-40 du 14 mai 1975, relative aux passeports et documents de voyage	2017	
LAWS AND REGULATIONS			
Additional legislation	Name	Year Adopted	Last Year Amended
	Décret No. 1968-198 du 22 juin 1968	1968	
	Loi organique n° 2016-61 du 3 août 2016, relative à la prévention et la lutte contre la traite des personnes	2016	
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION			
Immigration-status-related grounds	Name	Observation Date	
	None	2020	
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	Yes	
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration	Observation Date
	Unauthorized entry	365	
	Unauthorized exit	365	
	Unauthorised stay	365	
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Has the country decriminalized immigration-related violations?	Has the country decriminalized immigration-related violations?	Observation Date	
	No		

**PROCEDURAL STANDARDS**

<b>Provision of basic procedural standards</b>	<b>Name</b>	<b>In Law</b>	<b>In Practice</b>	<b>Observation Date</b>
	Right to legal counsel	Yes	No	
	Information to detainees	Yes	No	
	Access to consular assistance		No	

**NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)**

<b>Types of non-custodial measures</b>	<b>Name</b>	<b>In Law</b>	<b>In Practice</b>	<b>Observation Date</b>
	Supervised release and/or reporting	Yes		
	Designated regional residence	Yes		
	Designated non-secure housing	Yes		

**NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)**

<b>Impact of alternatives</b>	<b>Name</b>	<b>Impact of Nature</b>	<b>Observation Date</b>
	Not applicable		2020

## COVID-19 UPDATES

	Update Status	Observation Date
	<p>Having largely avoided the first wave of the COVID-19 pandemic, Tunisia began experiencing a sharp increase in infections starting in August 2020. This coincided with increased maritime arrivals from Tunisia to Italy and renewed efforts by European leaders to partner with Tunisia in externalising migration controls in the Mediterranean and North Africa. On 10 August, the Italian government announced that it would resume repatriation flights of Tunisian migrants back to their country, which had been cancelled due to the pandemic. While the increasing numbers of maritime arrivals in Italy helped spur this decision, Info Migrants underscored the relevance of the new EU Pact on Migration and Asylum, which aims in part to strengthen partnerships with a host of countries in North Africa, including Tunisia, Algeria, Libya, Mauritania, and Morocco. The European Commission has stated that the list of safe third countries for repatriation is an option that “will certainly be assessed” as part of the new pact. On 17 August, a delegation of Italian and EU officials held meetings in Tunis with the Tunisian president and other officials, resulting in a deal that reportedly is aimed at boosting Tunisian security forces’ migration control efforts. However, the precise details of the agreement remain unclear because it has not been published, which has spurred a coalition of NGOs to demand its release. According to an 8 October press release: “ASGI (Association for Juridical Studies on Migration), FTDES (Tunisian Forum for Economic and Social Rights) and ASF (Lawyers Without Borders) have submitted FOI requests to the Italian and Tunisian governments after the non-publication of the content of the agreement concluded on August 17, 2020. According to press reports the agreement envisages the Italian economic support of 11 million euros for the strengthening of border control systems and training of security forces aimed at both preventing the departure of migrants and intercepting vessels in Tunisian territorial waters.” According to ASGI, Italy threatened to suspend the 6.5 million Euro funding for development cooperation in Tunisia in order to encourage the country to intensify its efforts to control departure from its coasts.</p>	2020
	<p>On 16 July, in what observers in Tunisia have called an “unprecedented decision,” the Tunisian administrative court suspended the detention of 22 migrants detained arbitrarily at the El Ouardia detention centre. The decision comes after reports of hunger strikes at El Ouardia and calls from civil society organisations for authorities to clarify the legal basis for detainees’ continued detention (see the 5 May and 18 April Tunisia updates on this platform). The court found that the detention measures were contrary to Tunisian law as well as the country’s commitments under international human rights treaties, including the International Covenant on Civil and Political Rights and the Convention against Torture. In a press release that published in the days before the court decision (13 July), the Forum Tunsien pour les Droits Économiques et Sociaux (FTDES), a Tunis-based research and advocacy group that has long documented immigration detention issues in the country, along with other NGO partners (OMCT, ASF, Terre d’Asile), said: “The arbitrary detention of migrants at Ouardia symbolises the flaws of the rule of law” in Tunisia. Recalling the principle that any deprivation of liberty must be based in law, the tribunal opined that the deprivation of liberty of the 22 migrants did not meet the essential conditions required by the law. In effect, the migrants must be immediately released. In the court application, the lawyers for the migrants had denounced the fact that the migrants had been detained without any legal procedure, any judicial control, without having access to a lawyer, and without written notification of the basis of their detention in a centre which is not even officially recognised as a place of deprivation of liberty. Accordingly, the court found the situation amounted to arbitrary detention, in violation of international human rights law and the Tunisian Constitution. In addition, in order to avoid future human rights violations, the court requested that Tunisian authorities, including in particular the Interior Ministry, clarify the legal status of the El Ouardia detention centre so that it is no longer employed as a site for deprivation of liberty. The Global Detention Project previously reported, in its March 2020 report “Immigration Detention in Tunisia: Shrouded in Secrecy,” that in Tunisia there are no explicit legal grounds for administrative forms of immigration-related detention. However, the country explicitly criminalises irregular migration for both Tunisian nationals and non-citizens. Tunisian legislation provides penalties for the unauthorised exit of both nationals and non-nationals; fines and imprisonment for non-nationals who enter or exit the country without authorisation or documentation; and fines and imprisonment terms for non-citizens using false documents or providing inaccurate information.</p>	2020
Latest Update	<p>Responding to the Global Detention Project Covid-19 survey, the International Organisation for Migration (IOM) Tunis office reported that on 7 April 2020, the government held an inter-ministerial meeting, which included the Interior Ministry, to discuss measures to be taken with respect to migrants in response to the pandemic. These included the suspension of visa termination dates, financial assistance, and non-arrest for irregular residence for those already in the country. However, the IOM said that they were not aware of any migration detainees being released during the pandemic. While no arrests appear to have been made for immigration-related reasons during the confinement period, according to IOM, people attempting to enter the country without authorisation continue to be arrested (the country has closed its borders until 27 June). These people are supposed to be tested for Covid-19, if the tests are negative, may be referred to humanitarian assistance agencies for accommodation and care, including the IOM, Red Crescent, and Terre d’Asile. However, the IOM pointed out that they are not present at points of entry so could not confirm all the procedures that may be taken. Anyone arrested following a judicial decision is to be tested for Covid-19 and is to spend 14 days in confinement. The IOM said that authorities prepared specific spaces for solitary confinement within places of detention. During the pandemic, deportations were reportedly halted and Tunisia adopted mechanisms for the inclusion of vulnerable migrants in financial aid programs and health care so that movement was minimised while ensuring that migrants arrested for irregular border crossings were tested for Covid-19 and referred to aid organisations.</p>	2020
	<p>Following reports of protests and hunger strikes in El Ouardia Detention Centre by detainees demanding their release (see 18 April update), Tunisian civil society organisations have called on authorities to clarify the legal basis for detainees’ continued detention. According to the NGOs, migrants and asylum seekers continue to be arrested and detained in Tunisia, despite the health risks associated with detention. “All detainees are foreign nationals and are unaware of the legal basis for their detention,” the statement said. The lack of information regarding detainees’ legal situation has, the NGOs added, prompted concerns that persons are being detained arbitrarily, contrary to the Tunisian constitution. “The situation is all the more important for detainees in this period of health crisis caused by the spread of Covid-19. The health risk is indeed greater in detention centres where barriers and social distancing cannot be observed as easily as outside. This risk could increase with the arrival of new detainees, hence the urgency of clarifying the legal status of this centre and of the people deprived of their liberty.”</p>	2020
	<p>As of 17 April 2020, there were 780 confirmed Covid-19 cases and 35 deaths related to the virus in Tunisia. No cases had yet been recorded among the prison population. While the President released 1,420 prisoners at the end of March, the GDP has been unable to find reports indicating that any measures to protect detainees in immigration detention centres from Covid-19 have been taken. On 6 April 2020, detainees at the el-Ouardia Reception and Orientation Centre began a hunger strike to protest their continuing detention and mistreatment as well as the absence of coronavirus infection prevention measures. Rejabu Kilamuna, a human rights activist and founder of Migrants Sans Frontières, was detained from 14 February 2020 at el-Ouarida. He said that “there are only two bathrooms between some 60+ detainees, several toilets do not work and [detainees] only get one piece of soap issued once a fortnight between three to four people.” Also, he explained that detainees are afraid of the virus spreading and that authorities have not established a protection plan from Covid-19.</p>	2020
	<p>While the Tunisian government has taken several steps to protect prison populations, the GDP has been unable to find any reports indicating that authorities have adopted measures to assist migrants and asylum seekers, including those in detention. Instead, on 24 March it was reported that migrants continued to be placed in Ben Guerdane and Al Wardia detention facilities, where already poor sanitary facilities are now facing even greater strains. Migrants and asylum seekers also report a lack of prevention advice in languages they can understand. Several steps have been taken concerning prisons. On 12 March 2020, the “Direction Générale des prisons et de la rééducation” (DGPR) announced several preventive measures to mitigate the risk of a Covid-19 outbreak within Tunisian criminal prisons, including sterilisation operations, the acquisition of thermal cameras, and the creation of isolation cells. Newly arrived detainees now undergo a full medical examination before being placed in their cell. In addition, visits have been suspended and the sending of food baskets prepared by families is now restricted. The Minister of Justice, Thouraya Jeribi, visited a women’s prison on 19 March 2020 to ensure that all measures were being followed. On 19 March 2020, the Tunisian president, Kais Saied, called on the Special Pardon Committee to study the possibility of releasing certain detainees in order to “ease the pressure on prisons.” Similarly, on 20 March 2020 the President announced the granting of special pardons to coincide with the 64th anniversary of the country’s independence: 670 prisoners would be released, while others would benefit from reduced sentences. Civil society organisations have also called for the government to reduce the prison population in order to avoid any risk of contamination of prisoners. A letter signed by 15 Tunisian human rights organisations on 19 March 2020 requests a “drastic reduction in the number of people detained” so as to control the spread of Covid-19. The letter suggests the multiplication of parole and the maintenance of links between detainees and their families while respecting health protection measures.</p>	2020

## INTERNATIONAL LAW

Relevant international treaties and date of ratification		
<b>International treaties</b>	<b>Name</b>	<b>Ratification Year</b>
	OP CRC Communications Procedure	2018
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance	2011
	CRPD, Convention on the Rights of Persons with Disabilities	2008
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2003
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2003
	CRC, Convention on the Rights of the Child	1992
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1988
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1985
	ICCPR, International Covenant on Civil and Political Rights	1969
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1969
	CRSSP, Convention Relating to the Status of Stateless Persons	1969
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1968
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1967
	CRSR, Geneva Convention Relating to the Status of Refugees	1957
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2011
VCCR, Vienna Convention on Consular Relations	1964	
<b>Ratio of relevant international treaties ratified</b>	16/19	
Relevant international treaties and date of ratification		
<b>Individual complaints procedure</b>	<b>Name</b>	<b>Acceptance Year</b>
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2008
	CRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2008
	CAT, declaration under article 22 of the Convention	1988
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	2011
Relevant international treaties and date of ratification		
<b>Ratio of complaints procedures accepted</b>	<b>Number</b>	<b>Observation Date</b>
	4 / 8	
	4 / 8	

Regional treaties, regulations, and directives			
Regional legal instruments	Name	Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)	
		ACHPR, African Charter on Human and Peoples Rights	1983
Bilateral/Multilateral agreements linked to readmissions			
Bilateral/multilateral agreements linked to readmission	Name	Year in Force	Observation Date
	Austria	1965	2017
	France	2009	2017
	Italy	1999	2017
	Switzerland	2014	2017
Non treaty-based international human rights mechanisms			
Visits by special procedures of the Human Rights Council	Name	Year of Visit	Observation Date
	Special Rapporteur on the human rights of migrants	2013	
Non treaty-based international human rights mechanisms			
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	No	2008	2017
	No	2012	2017
	Yes	2017	2017

INSTITUTIONAL INDICATORS															
Institutions responsible for immigration detention															
Custodial authority	Agency				Ministry	Ministry Typology	Observation Date								
		Borders & Foreigners Department				Ministry of the Interior	Interior or Home Affairs	2013							
Institutions responsible for immigration detention															
Detention Facility Management	Entity Name				Entity Type				Observation Date						
	Ministry of Interior				Governmental				2013						
Institutions responsible for immigration detention															
Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
	Yes							Yes		Yes					2020
Detention monitoring institutions															
Does national preventive mechanism (NPM) carry out visits?	Does NPM carry out visits in practice?							Observation Date							
	Yes							2019							

## Foreign sources of funding for detention operations

Does the country receive external sources of funding?	Benefitted from non-state funding sources?	Observation Date
	Yes	2020

More information about immigration detention in Tunisia is available at the website of the Global Detention Project ([www.globaldetentionproject.org](http://www.globaldetentionproject.org))