



TUNISIA: ISSUES RELATED TO THE IMMIGRATION DETENTION OF MIGRANTS, REFUGEES, AND ASYLUM SEEKERS

**SUBMISSION TO THE UN COMMITTEE
ON THE ELIMINATION OF ALL FORMS
OF RACIAL DISCRIMINATION**

**116TH SESSION, NOVEMBER/DECEMBER
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ABOUT THE GLOBAL DETENTION PROJECT (GDP)

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

ABOUT THE FORUM TUNSIEN POUR LES DROITS ECONOMIQUES ET SOCIAUX (FTDES)

The Forum Tunsien pour les Droits Economiques et Sociaux (FTDES) is a Tunisian civil society organization recognized by the state in 2011. FTDES is a non-governmental, neutral, and independent organization. It was founded in 2011 to defend economic, social, environmental, and migration rights at the national, regional, and international levels. FTDES works in the areas of workers' rights, women's rights, environmental justice, and migrants' rights. Its headquarters are located in Tunis, and it has local branches in the governorates of Kairouan, Monastir, and Gafsa.

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The Global Detention Project (GDP) and the Forum Tunsien pour les Droits Economiques et Sociaux (FTDES) welcome the opportunity to provide information relevant to the review of Tunisia's twentieth to twenty second state party reports during the 116th session of the Committee on the Elimination of All Forms of Racial Discrimination (CERD).

This submission focuses on the treatment of migrants, refugees, and asylum seekers in the country since the State Party's review in 2009, with particular emphasis on detention and deportation.¹

The submission is also made taking into account the recent efforts of the CERD committee in conjunction with the UN Committee on Migrant Workers to develop a joint general comment aimed at eradicating xenophobia and preventing harms to migrants and their families stemming from racial discrimination.²

1. MIGRATION CONTEXT

Tunisia is both a transit and destination country for migrants, refugees, and asylum seekers, primarily from sub-Saharan Africa. Significant numbers of migrants and refugees from countries such as Sudan, Chad, Guinea, Mali, and Cote d'Ivoire enter Tunisia irregularly, with some seeking work in informal sectors while others attempt perilous journeys by sea to Europe. Between 2019 and 2024, 14,570 foreign migrants entered Tunisia, 61.8 percent of whom were male and 38.2 percent were female. During that period, 33.2 percent were integrated into the labour market, 9.6 percent were unemployed, and 57.2 percent were outside the labour market.³

Previously, conditions for refugees and migrants were considered to be generally better in Tunisia than in Libya and other North African countries despite the extreme precarity of their situations. In 2023, however, the situation began to deteriorate as the government adopted a more hardline approach to migration. President Saied said that "hordes of illegal migrants" were arriving from sub-Saharan Africa as part of a "criminal plan to change the composition of the demographic landscape in Tunisia."⁴

¹ For an account of Tunisia's immigration-related detention practices, see: Global Detention Project, "Tunisia," <https://www.globaldetentionproject.org/countries/africa/tunisia>

² OHCHR, "Call for Submissions for the CERD-CMW Joint General Comment/Recommendation on Obligations of State Parties on Public Policies for Addressing and Eradicating Xenophobia and its Impact on the Rights of Migrants, Their Families, and Other Non-Citizens Affected by Racial Discrimination," 2024, <https://www.ohchr.org/en/calls-for-input/2024/call-submissions-concept-paper-cerd-cmw-joint-general-commentrecommandation>

³ Institut National de la Statistique (INS) of Tunisia, "Flash Migration: Septembre 2025," <https://www.ins.tn/sites/default/files-ftp3/files/publication/pdf/Migration-FR.pdf>

⁴ Le Monde, "Tunisia's President Saied Claims Sub-Saharan Migrants Threaten Country's Identity," 23 February 2023, https://www.lemonde.fr/en/le-monde-africa/article/2023/02/23/in-tunisia-president-kais-saied-claims-sub-saharan-migrants-threaten-country-s-identity_6016898_124.html

Observers documented a surge in violence against African migrants including raids, arbitrary arrests and detentions, and mass deportations to the borders with Algeria and Libya often characterised by extreme violence.⁵ FTDES has documented reports of officers shooting in the air when detecting irregular arrivals.⁶ Reports indicate that migrants are sometimes abandoned without food and water, and exposed to the risk of kidnapping, extortion, forced labour, torture, sexual violence, and death.⁷

UN human rights mechanisms have urged Tunisia to improve their treatment of non-citizens and tone down xenophobic rhetoric. In July 2023, UN experts including the Special Rapporteur on contemporary forms of racism, the Working Group of Experts on People of African Descent, and the Special Rapporteur on the human rights of migrants called on the government to “take immediate steps to end racist hate speech in the country, protect sub-Saharan migrants from violence, investigate reported acts of violence and ensure access to justice and remedies for victims.”⁸ The committee will also recall its April 2023 early warning to the state party, in which it denounced President Saïed’s anti-migrant pronouncements as a violation of the CERD Convention and urged authorities to curb “all forms of racial discrimination and racist violence against black Africans, especially migrants from the south of the Sahara and black Tunisian citizens.”⁹

Nevertheless, the abusive and discriminatory treatment has continued apace as has the xenophobic rhetoric from authorities. In April 2025, for example, the country’s Interior Minister Khaled Ennouri said that authorities were prepared to “confront all plans to alter the demographic composition of the Tunisian population.”¹⁰ That same month, authorities dismantled improvised camps around Sfax housing approximately 7,000 sub-Saharan migrants, setting tents on fire before arresting and deporting many of them.¹¹

Since May 2024 authorities have arrested and detained representatives of key civil society organisations working to protect the rights of people on the move in Tunisia, and closed key organisations. Amongst them are Mustapha Djemali and Abderrazak Krimi from the Tunisian Refugee Council, both of whom are accused of illegally sheltering sub-Saharan migrants and

⁵ Algerian authorities have also responded to these arrivals by conducting “chain deportations” to Niger and Libya. See: FTDES, “Suppression of Movement: Migration Control, Manufactured Precarity and Racialised Border Regimes in Post-Hirak Algeria,” June 2025, <https://ftdes.net/en/suppression-of-movement-migration-control-manufactured-precarity-and-racialised-border-regimes-in-post-hirak-algeria-in-the-name-of-sovereignty-at-the-service-of-rent-accumulation/>

⁶ FTDES, “Suppression of Movement: Migration Control, Manufactured Precarity and Racialised Border Regimes in Post-Hirak Algeria,” June 2025, <https://ftdes.net/en/suppression-of-movement-migration-control-manufactured-precarity-and-racialised-border-regimes-in-post-hirak-algeria-in-the-name-of-sovereignty-at-the-service-of-rent-accumulation/>

⁷ Global Detention Project, “Tunisia: Detention and “Desert Dumping” of Sub-Saharan Refugees,” 8 July 2024, <https://www.globaldetentionproject.org/immigration-detention-tunisia-shrouded-in-secrecy>

⁸ OHCHR, “UN Experts Urge Tunisia to Act Swiftly to Uphold Migrants’ Rights,” 18 July 2023, <https://www.ohchr.org/en/press-releases/2023/07/un-experts-urge-tunisia-act-swiftly-uphold-migrants-rights>

⁹ OHCHR, “Tunisia Must Immediately Stop Hate Speech and Violence Against Migrants from South of Sahara, UN Committee Issues Early Warning,” 4 April 2023, <https://www.ohchr.org/en/press-releases/2023/04/tunisia-must-immediately-stop-hate-speech-and-violence-against-migrants>

¹⁰ Amnesty, “Tunisia: Year-Long Arbitrary Detention of Human Rights Defenders Working with Refugees and migrants,” 7 May 2025, <https://www.amnesty.org/en/latest/news/2025/05/draft-tunisia-year-long-arbitrary-detention-of-human-rights-defenders-working-with-refugees-and-migrants/>

¹¹ Reuters, “Tunisia Dismantles Sub-Saharan Migrant Camps and Forcibly Deports Some,” 5 April 2025, <https://www.reuters.com/world/africa/tunisia-dismantles-sub-saharan-migrant-camps-forcibly-deports-some-2025-04-05/>

who have since been held in arbitrary pre-trial detention.¹² Authorities also detained Sharifa Al-Riahi, Mohamed Jouo, and Ayad Bousalmi from the *Terre d'Asile Tunisie*; Saadia Masbah, president of the Manamti Association for Combating Racism; Salwa Ghraisa from the Association for the Activation of the Right to Difference; and Abdullah Al-Said from the Children of the Moon Association.¹³

These practices have coincided with growing European support for the country's border control and migration "management," part of wider European border externalisation efforts in the region. This includes the July 2023 formalisation of an MoU between the EU and Tunisia, which included allocation of a 105 million EUR budget for bolstering border management, combatting smuggling, facilitating returns, and curbing irregular migration.¹⁴ In 2024, an investigation by The Guardian revealed that members of the Tunisian National Guard—an institution that has benefited from EU training and support—had subjected hundreds of migrants to rape, beatings, and other serious abuses.¹⁵

2. DETENTION OF MIGRANTS, REFUGEES, AND ASYLUM SEEKERS

2.1 IMMIGRATION DETENTION-RELATED LEGISLATION

Although the use of detention for people on the move is employed "systematically" in Tunisia,¹⁶ Tunisian law does not contain specific provisions providing for administrative immigration or pre-removal detention. Instead, there are an array of laws pertaining to foreigners:

- Articles 23, 24, and 34 of the **Organic Law 1975-40** and Article 23 of **Law No. 68-7 of 1968** criminalise unauthorised entry and stay and sanctions them with prison terms and fines. Article 23 of Law No. 68-7 currently provides for prison sentences of up to one year, and fines up to 120 TND. A draft amendment to Article 23 of Law No. 68-7 has been submitted which, if approved, would extend prison sentences to up to three years and fines up to 5,000 TND.¹⁷ However as of October 2025, this amendment is yet to be ratified.
- Article 50 of the **Organic Law 1975-40** provides for the expulsions of foreigners who have been criminally prosecuted upon the completion of their prison sentences, but it does not contain details about the expulsion procedure or provide guarantees for deportees, implying that removals may be conducted summarily.
- **Law No. 68-7 of 1968** grants the Ministry of Interior discretionary powers to issue expulsion orders against foreigners on the grounds of "threat to public order"

¹² OHCHR, "Tunisia: End All Forms of Persecution of Opponents and Activities," 18 February 2025, <https://www.ohchr.org/en/press-briefing-notes/2025/02/tunisia-end-all-forms-persecution-opponents-and-activists>

¹³ See: Tunisian Solidarity, <https://tunisiansolidarity.org/en/>

¹⁴ Middle East Institute, "Libya, Tunisia, and Niger as Case Studies for Counter-Productive Anti-Migration Policies: Sustaining Abuses and Criminality," May 2024, <http://bit.ly/497WZb5>

¹⁵ The Guardian, "The Brutal Truth Behind Italy's Migrant Reduction: Beatings and Rape by EU-Funded Forces in Tunisia," 19 September 2024, <https://www.theguardian.com/global-development/2024/sep/19/italy-migrant-reduction-investigation-rape-killing-tunisia-eu-money-keir-starmer-security-forces-smugglers>

¹⁶ World Organisation Against Torture (OMCT), "Torture Roads: The Shrinking of Civic Space and Its Impact on People on the Move in Tunisia," Volume 3, May-October 2024, <https://www.ohchr.org/en/press-releases/2023/07/un-experts-urge-tunisia-act-swiftly-uphold-migrants-rights>

¹⁷ The Jurist, "Tunisia Lawmakers Propose Amendments to Foreigners Status Law Following Anti-Migrant Protest," 11 May 2024, <https://www.jurist.org/news/2024/05/tunisia-lawmakers-propose-amendments-to-foreigners-status-law-following-anti-migrant-protest/>

(Article 18) and to designate where individuals ordered to leave Tunisia must reside (Article 19).

- **Organic Law No. 2004-6** punishes all forms of assistance to a person entering or exiting Tunisian territory irregularly. Article 38 provides for prison sentences of up to four years and fines of up to 10,000 TND for persons sheltering or transporting irregular migrants.

In its combined twentieth to twenty-second state report to CERD, Tunisia notes that:

- it “has reception centres rather than detention centres”;
- that “immigrants and refugees are housed temporarily in shelters based in diverse regions of the country pending a study of their legal status”; and
- that “continuous action is taken to find a solution to the problem of immigrants and refugees in a manner that guarantees their freedom of movement and enables them to integrate into social life.”

However, evidence indicates that these claims by Tunisia are misleading and that the country in fact aggressively deploys immigration detention measures, albeit in ad hoc and extra-judicial ways. The GDP and FTDES have repeatedly documented the use of informal detention centres in the country despite the absence of any clear legal basis for their operation. These include the Al-Wardia (Ouardia) facility¹⁸ outside Tunis and another near to Ben Guerdane (the [Bordj Choucha Facility](#)), used to gather migrants before their deportation to Libya. Although authorities designate some sites as “reception and orientation centres,” in practice they function as de facto detention facilities. This is particularly evident in the case of Al-Wardia which, despite being legally designated a reception and orientation centre and the Ministry of Interior asserting that migrants are not deprived of their liberty there, effectively operates as an “illegal detention center.”¹⁹ In 2020, several organisations (OMCT, Avocats Sans Frontières, and Terre d’Asile Tunisie) sent lawyers to the centre who reported being denied entry while confirming that migrants inside were unable to leave.²⁰

In July 2020, these same organisations succeeded in obtaining a decision from the Administrative Court to release migrants detained in the Al-Wardia facility. Twenty-two migrants were released in September that year, pursuant to the Court’s decision, on the ground that depriving them of their liberty contravened Tunisian law and Tunisia’s international obligations. However, authorities have nevertheless since continued to detain non-nationals in Al-Wardia.²¹

In addition to these facilities, observers also report the use of police stations, border police premises, and airport and maritime border police stations for detaining non-nationals. Credible reports also state that significant numbers of sub-Saharan migrants are detained inside the country’s prisons and “dépôts” (pre-trial detention facilities) following their sentencing for irregular entry, stay, and exit. According to observers, following their

¹⁸ See: Global Detention Project, “Al Wardia (El Ouardia) Reception and Orientation Centre,” <https://www.globaldetentionproject.org/countries/africa/tunisia/detention-centres/1136/al-wardia-el-ouardia-reception-and-orientation-centre>

¹⁹ InfoMigrants, “Tunisia: Migrants File Complaint Over Arbitrary Detention,” 10 June 2020, <https://www.infomigrants.net/en/post/25272/tunisia-migrants-file-complaint-over-arbitrary-detention>

²⁰ OMCT, “Note sur la détention arbitraire au centre de détention de migrants d’El-Ouardia,” 2023, <https://omct-tunisie.org/wp-content/uploads/2023/03/Note-juridique-El-Ourdia-VF.pdf>

²¹ FTDES, “إيقافات تعسفية بمركز الوردية: كابوس ينتهي بالنسبة إلى 22 مهاجراً، لكنه يستمر بالنسبة لآخرين” 23 September 2020, <https://ftdes.net/ar/detention-arbitraire-au-centre-del-ouardia-le-cauchemar-se-terme-pour-22-migrants-mais-il-se-poursuit-pour-dautres/>

imprisonment, some non-nationals are transferred to informal detention centres (without judicial authorisation)—which essentially results in the period of their imprisonment being significantly extended.²²

2.2 CONDITIONS IN DETENTION

With few observers able to enter Tunisia's informal detention centres, there is very limited transparency surrounding operations in such facilities. However, the GDP and FTDES have documented several reports revealing the conditions and treatment that non-nationals, the majority of whom are of sub-Saharan origin, face inside these facilities. In March 2023, France 24 published reports and photos from inside the Al-Wardia centre, which included allegations of physical abuse, severe overcrowding, and insufficient sleeping space.²³

Detention at Al-Wardia also constitutes arbitrary detention. Those who have been detained here describe periods of confinement lasting several months, without judicial decision or the provision of detention or expulsion orders. As OMCT noted in 2023: “We are likely witnessing a widespread practice of arbitrary detention to which any migrant passing through this centre is systematically subjected.”²⁴

Observers also report²⁵ that detainees face difficulties in contacting lawyers and translators (and lawyers and associations do not have free access to the centre), which combined with authorities' failure to inform detainees of their right to appeal, creates significant barriers to their accessing any form of meaningful judicial review. Moreover, Tunisian judges do not exercise any systematic review of the legality of detention in Al-Wardia, given that such detention is not provided in legislation. On top of this, since Tunisian law does not provide for administrative detention, it does not feature language regarding maximum duration of detention leaving detainees vulnerable to indefinite detention. OMCT has documented several cases of migrants being detained for more than 18 months.²⁶

Migrants, refugees, and asylum seekers detained in the Al-Wardia facility have also reported violence during searches and arrests, transfers to other unidentified sites, and issues including:

- **Poor hygiene:** Hygiene standards are reported as being “not the best,” characterised by a lack of soap for personal washing and no dedicated cleaning staff. This situation has, at times, led to skin infections and other health issues.
- **Inadequate nutrition:** Meals fail to provide a balanced diet and, in most cases, do not account for the specific dietary needs of migrants—particularly those with existing health conditions.
- **Confiscation of property:** Several migrants have reported the confiscation of their money, computers, travel documents, and—most commonly—their smartphones. The latter is notably seized to prevent them from documenting violations.

²² OMCT, “Note sur la détention arbitraire au centre de détention de migrants d’El-Ouardia,” 2023, <https://omct-tunisie.org/wp-content/uploads/2023/03/Note-juridique-El-Ourdia-VF.pdf>

²³ France24, “‘They Spit on Us’: What’s Really Going on in the El Ouardia Migrant Centre in Tunis,” 13 March 2023, <https://observers.france24.com/en/africa/20230313-el-ouardia-tunis-tunisia-migrant-detention-centre-conditions>

²⁴ OMCT, “Note sur la détention arbitraire au centre de détention de migrants d’El-Ouardia,” 2023, <https://omct-tunisie.org/wp-content/uploads/2023/03/Note-juridique-El-Ourdia-VF.pdf>

²⁵ See: OMCT, “Note sur la détention arbitraire au centre de détention de migrants d’El-Ouardia,” 2023, <https://omct-tunisie.org/wp-content/uploads/2023/03/Note-juridique-El-Ourdia-VF.pdf>

²⁶ OMCT, “Note sur la détention arbitraire au centre de détention de migrants d’El-Ouardia,” 2023, <https://omct-tunisie.org/wp-content/uploads/2023/03/Note-juridique-El-Ourdia-VF.pdf>

- **Psychological distress:** Migrants suffer from significant psychological distress stemming from the uncertainty regarding the duration of their detention and their experience of discriminatory treatment. This is exacerbated by the fact that the centre's staff lack adequate training in dealing with migrant populations.

FTDES and the GDP believe that in light of the facility's failure to comply with legal standards and fundamental guarantees, the facility should be immediately closed. The submitting organisations also call on authorities to adopt clear and public rules for any place where a person is deprived of liberty: nominal registration, information in a language the detainee understands, access to a lawyer and interpreter upon arrival, medical certificate, separation of men and women, and regular visits by independent organisations.

2.3 DETENTION OF VULNERABLE GROUPS

As immigration-related detention is not provided in Tunisian law, there are also no formal safeguards or protections in place for vulnerable groups such as children, victims of trafficking, and asylum seekers. At the same time, however, the law also does not provide any legal basis for depriving such groups of their liberty for migration-related reasons. Reports indicate that child refugees and migrants are detained in Tunisia—both in informal and ad-hoc detention centres and in prisons following criminal charges.²⁷

CHILDREN

FTDES teams have noted the presence of children, sometimes very young and accompanied, in detention in Tunisia. These children are held alongside adults, without an assessment of their best interests, and with no access to education or legal assistance. In 2019, information provided by the Al-Wardia administration revealed that 80 people under the age of 18 were detained in the centre during the first ten months of 2019.²⁸

FTDES teams have also met pregnant women, LGBTIQ+ people, survivors of sexual violence, and people suffering from mental or physical health issues who have experienced detention in Tunisia. FTDES and the GDP note with concern that there is no official mechanism in place to identify such persons and to refer them to appropriate facilities and support. **We therefore recommend that the State Party immediately establish an independent assessment and guidance system to ensure screening upon arrival, and transfer of vulnerable persons to open and safe alternatives.**

VICTIMS OF TRAFFICKING

There is also a lack of procedures in place for identifying victims of trafficking amongst those arrested, resulting in their facing the risk of detention and deportation as a result of unlawful acts that result from their being trafficked. The country was downgraded to Tier 2 Watch List by the U.S State Department in 2025, which noted:

“Although the government reported screening vulnerable populations for trafficking indicators, such screening was inconsistent and varied in quality, and authorities did not take effective

²⁷ Infomigrants, “En Tunisie, “les prisons sont remplies de migrants subsahariens” condamnés pour “séjour irrégulier,” 18 November 2024, <https://www.infomigrants.net/fr/post/61237/en-tunisie-les-prisons-sont-remplies-de-migrants-subsahariens-condamnes-pour-sejour-irregulier>; AfroPlanete, “Tunisie – Prison De Al Wardia: La Police Tente De Déporter De Force Des Prisonniers Subsahariens Dans Le Désert (Vidéo),” 3 March 2020, <https://bit.ly/3dxszQv>

²⁸ Tunisian Forum for Economic and Social Rights, “Migrants Placed in the Wardia Centre: Detained, then Deported or ‘Forcibly’ Returned,” 2019, <https://ftdes.net/en/migrants-placed-in-the-wardia-centre-detained-then-deported-or-forcibly-returned/>

measures to prevent the inappropriate penalization of potential victims solely for unlawful acts committed as a direct result of being trafficked, such as “prostitution” or immigration violations. The government did not report screening for trafficking indicators before initiating legal proceedings against 27 children for trafficking-related crimes during the reporting period, which resulted in the detention of two children. The government did not report screening for trafficking indicators during expulsions of thousands of sub-Saharan migrants, a population particularly vulnerable to trafficking.”²⁹

Given the freeze on the work of the anti-trafficking body,³⁰ victims remain without identification or guidance. **FTDES and the GDP therefore recommend the establishment of an early identification protocol, the non-penalisation of victims, and the creation of a humanitarian residence permit guaranteeing their protection.**

ASYLUM SEEKERS

The State Party has yet to adopt an asylum law, leaving the country without a protection framework. In the absence of a formal national asylum system, UNHCR has conducted the registration of asylum seekers and refugee status determination (RSD)—however these procedures were suspended in June 2024, leaving many individuals stranded without legal status. This has left hundreds of people unprotected, and exposed to arrest and detention. Reports indicate that many—particularly those from sub-Saharan Africa—who intend to request protection are arrested, detained, and deported without being given the opportunity to apply for asylum. **FTDES and the GDP therefore call for the immediate resumption of the registration of asylum applications and the adoption of a national asylum law in line with international standards.**

2.4 SUMMARY ARRESTS AND DEPORTATIONS

Since 2023, FTDES teams have observed a marked increase in raids, mass arrests, and forced displacement of migrants, often to border areas with Libya or Algeria. Hundreds of people, including women and children, have been left stranded in the desert without water or assistance. In 2024, at least 38 dead bodies were discovered in areas near the Algerian border, including 12 Syrians and 21 people from African countries.³¹

The GDP and FTDES recall that these practices violate the principle of non-refoulement and call for their immediate suspension. We also call for an independent audit of European migration cooperation programmes, in order to measure their real impact on human rights and to demand guarantees of transparency and accountability.

²⁹ U.S State Department, “2025 Trafficking in Persons Report: Tunisia,” accessed 16 October 2025, <https://www.state.gov/reports/2025-trafficking-in-persons-report/tunisia>

³⁰ Since 2023, the National Authority for the Prevention of Human Trafficking has become virtually paralysed, with no activity posted on its website since June 2023. It has been absent from all meetings and demonstrations and has remained silent about what has happened to migrants since February 2023, including victims of human trafficking. A new judge was appointed to head this agency in February 2024, but to date there has been no sign of any activity on its part.

³¹ FTDES, “Suppression of Movement: Migration Control, Manufactured Precarity and Racialised Border Regimes in Post-Hirak Algeria,” June 2025, <https://ftdes.net/en/suppression-of-movement-migration-control-manufactured-precarity-and-racialised-border-regimes-in-post-hirak-algeria-in-the-name-of-sovereignty-at-the-service-of-rent-accumulation/>

3. RECOMMENDATIONS

In light of the above information, the GDP and FTDES encourage the committee to urge Tunisia to:

- Immediately close the Al-Wardia Detention Centre and all information detention facilities until a clear legal framework and minimum safeguards are established.
- Release all persons detained without a judicial order and establish alternatives to detention that respect human dignity.
- Ensure that at-risk individuals—including children, torture survivors, victims of trafficking, and asylum seekers—are removed from detention and/or their removal procedures cancelled, and that they be referred to appropriate social assistance agencies and services.
- Ensure that immigration detainees are able to challenge the grounds of their detention and/or removal before a court or other competent, independent, and impartial authority, and provided access to legal aid.
- Undertake a careful assessment of its arrest, deportation, and other enforcement measures imposed on irregular migrants, asylum seekers, and refugees, to ensure that these measures do not violate Tunisia's international legal commitments.
- Review the UN Working Group on Arbitrary Detention's (WGAD) Revised Deliberation No. 5 on the deprivation of liberty of migrants as part of its efforts to ensure that its treatment of non-citizens is not arbitrary or harmful, and to invite the WGAD to assist the country in reforming its immigration-related custodial practices to ensure they meet the highest international standards.³²
- Decriminalise irregular entry, stay, and exit, and cease the detention of non-nationals alongside convicted criminals, as advised by the WGAD in its Revised Deliberation No. 5.
- Ban the detention of children for immigration-related reasons.
- Ensure that any deprivation of liberty, including de facto detention in reception centres, is based on an individual legal assessment of each case and is subject to judicial review.
- Ensure that any deprivation of liberty is only used as a measure of last resort, when determined to be strictly necessary and proportionate in the light of an individual's circumstances and for as short a period as possible.
- Ensure access for lawyers, interpreters, and national NGOs (including FTDES) to all places where non-citizens are deprived of their liberty.
- Take steps to ensure that conditions in facilities where migrants, refugees, and asylum seekers are detained meet international standards. Appropriate medical care, hygiene products, and decent material conditions must be guaranteed.
- Immediately suspend summary expulsions and ensure that any removal measure is individual, justified, and subject to appeal.
- Resume the registration of asylum applications and adopt a national asylum law.
- Establish a national mechanism for monitoring places of detention, and publish regularly updated and disaggregated statistics on the numbers of people who are detained for migration or asylum-related reasons, including details about the facilities that are used for these purposes.
- Ensure that all immigration-related detention measures, including those carried out along Tunisia's borders, are fully reported by the arresting agency and promptly referred to judicial authorities for a review of the legality and appropriateness of

³² UN Working Group on Arbitrary Detention, "Revised Deliberation No. 5," A/HRC/39/45, 2 July 2018, <https://docs.un.org/fr/A/HRC/39/45>

detention measures in each individual case and only after an assessment of the viability of non-detention (or alternative to detention) measures are assessed.

- Carry out a public audit of international migration cooperation and make all aid conditional on respect for human rights.
- Adopt the UN Convention on the Human Rights of All Migrant Workers and Their Families.