

Tunisia is neither a safe country of origin nor a place of safety for those rescued at sea



Wooden boats from Libya and iron boats from Tunisia intercepted by Tunisian Coast Guard units in El Louza port, 40 km east of Sfax.

Credits: Nissim Gasteli

Joint Statement by Civil Search And Rescue Organizations and migrants solidarity networks

We, the undersigned organisations, issue this statement to remind once again that Tunisia is neither a safe country of origin nor a safe third country. Therefore, it cannot be considered as a place of safety for people rescued at sea. Given the Tunisian ongoing authoritarian state transformation¹ and the extreme violence and persecution of the Black population in Tunisia, as well as of people on the move, political opponents and civil society actors, we urge

¹ The newly approved constitution covers a very authoritarian project, cutting out the already fragile tools to ensure president political and criminal accountability, and potentially abolishing the separation of powers.

<https://www.ispionline.it/en/publication/saieds-constitution-authoritarian-project-behind-bottom-curtain-35847>

authorities of the European Union and its member states to withdraw their migration control agreements with the Tunisian authorities and express our solidarity with the people concerned.

Racist attacks against Black people and the crackdown on Tunisian civil society

In the past months, the crackdown against perceived political opponents, civil society, and minoritized populations in Tunisia has intensified.² Several Tunisian and international human rights organizations have raised their concerns about the “undermining of judicial independence, the arrests of critics and political opponents, the military trials of civilians, and the ongoing crackdown on freedom of expression and threats to civil society.”³

Parallely, the already existing anti-Black racism in Tunisia has escalated, catalysed by the racist and discriminatory speech against migrants from sub-Saharan Africa by the Tunisian President Kais Saied on February 21, 2023. The discourse led to a worsened situation, especially for those coming from Central and West African countries.⁴ A large number of people of the African diaspora in Sfax, Sousse, and the capital Tunis were subjected to acts of violence, found themselves without shelter and food, and were deprived of their right to health and transportation.⁵ Black Africans are not only targeted by pogroms of armed mobs but also by several forms of institutional violence.⁶ They are racially profiled, arrested, and arbitrarily detained by security forces. Most of them were forcibly disappeared. For about a month, around 250 people who were rendered homeless, among them children, have organised a sit-in in front of the International Organisation for Migration (IOM) and the Office of the UN High Commissioner for Refugees (UNHCR), demanding their immediate evacuation, as their lives are in danger.⁷ On April 11, 2023, the protest was violently evicted by security forces, attacking the crowd with tear gas to disperse them, causing serious injuries. About 80 people were arrested, some report about torture and mistreatment.⁸

These developments occur at a time when Tunisia’s socio-economic situation constantly worsens: the unemployment rate is 15 %, and the inflation rate is 10%. The country lacks basic goods, and due to droughts, water usage was just restricted.

Tunisia is not a place of safety!

Several pre-existing elements were already sufficient to contest the safety of Tunisia for its citizens and for considering it not a safe country of origin.⁹ Nevertheless, we highlight the

² See Decree 54 on the fight against offences relating to information and communication systems used by the regime of Kais Saied to prosecute journalists and all those who criticise the regime

³ Letter by Amnesty International, Human Rights Watch, Euromed Rights, International Commission of Jurists,
https://www.hrw.org/sites/default/files/media_2023/03/gl.2023.03.17.Joint%20CSO%20letter%20HR%20in%20Tunisia.pdf

⁴ [Tunisia must immediately stop hate speech and violence against migrants from south of Sahara, UN Committee issues early warning | OHCHR](https://www.unhcr.org/press-releases/2023/04/01/tunisia-must-immediately-stop-hate-speech-and-violence-against-migrants-from-south-of-sahara-un-committee-issues-early-warning-ohchr)

⁵ FTDES (2023): Report February 2023, <https://ftdes.net/rapports/en.fevrier2023.pdf>, p. 16.

⁶ See discriminatory laws against immigrants in Tunisia (law no. 07/1968, law no. 06/2004, etc.)

⁷ <https://twitter.com/RefugeesTunisia>

⁸ <https://www.middleeasteye.net/news/tunisia-black-refugees-reeling-violent-police-crackdown>

⁹ <https://www.dirittoimmigrazione cittadinanza.it/allegati/fascicolo-n-3-2021/810-templatetunisia/file> and https://brill.com/view/journals/emil/24/4/article-p570_5.xml#d2985591e342

increase of expulsions of Tunisian citizens from Italy who do not have access to international protection.¹⁰ After the latest developments, the situation turned dire and dangerous for Black people and foreigners, and it becomes increasingly urgent to state that the safety of Tunisia as a third country looks deeply compromised.

This constellation renders Black migrants and critical voices vulnerable to state repression. They are not safe in Tunisia, and the situation makes them seek an exit from a country that is increasingly dangerous for them. As a consequence, it is unacceptable to disembark in Tunisia those rescued at sea in the attempt to flee the country. According to the Search And Rescue (SAR) Convention, a rescue is defined as “an operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety”¹¹. In the resolution MSC 167(78) of the International Maritime Organization, a place of safety is further defined as “a place where the survivors’ safety of life is no longer threatened and where their basic human needs (such as food, shelter, and medical needs) can be met.”¹²

Tunisia has no national asylum system, and the people rescued at sea, whether Tunisians or non-Tunisians, are at high risk of being subjected to human rights violations, detention¹³, and violent refoulements.¹⁴

Disembarkation of those shipwrecked and rescued at sea in Tunisia violates international human rights and maritime law.

Stop Europe’s complicity in border deaths

For more than a decade, the EU and its member states have been politically supporting, funding, and equipping the Tunisian state in controlling its borders and containing migration toward Europe.¹⁵ The aim is clear: no one should reach the EU at all costs.

They are doing so by means of several agreements for the “joint management of migration”, border control, and the repatriation of citizens. Between 2016 and 2020, more than 37 million Euros from the EU Trust Fund for Africa were granted to Tunisia for the “management of migration flows and borders”.¹⁶ More millions of Euros are to come. Further, the EU supports through “police training, the provision of equipment for data collection and management, technical support, equipment and maintenance of vessels for coastal patrolling and other tools for tracking and monitoring movements.”¹⁷ A change in European policies is not in sight. Only in November 2022, in its recent Action Plan for the Central Mediterranean, the

¹⁰ <https://altreconomia.it/i-rimpatri-record-verso-la-tunisia-paese-sicuro-solo-per-il-governo-italiano/>;
<https://www.lasciatecientrare.it/navi-e-manette/>

¹¹ Point 1.3.2, Annex, SAR Convention.

¹² [https://wwwcdn.imo.org/localresources/en/OurWork/Facilitation/Documents/MSC.167%20\(78\).pdf](https://wwwcdn.imo.org/localresources/en/OurWork/Facilitation/Documents/MSC.167%20(78).pdf)

¹³ In the first quarter of 2023, 3200 migrants were detained in prison for “illegal stay” in Tunisia (<https://ftdes.net/statistiques-migration-2023/>).

¹⁴ <https://alarmphone.org/en/2021/10/03/chain-of-push-backs-from-tunisian-ports-to-the-libyan-desert/>

¹⁵ <https://migration-control.info/en/wiki/tunisia/>

¹⁶ CMRCC (2023): Struggles Along The Tunisian Route, Echoes, Issue 4, January 2023, <https://civilmrc.eu/echoes-from-the-central-mediterranean/echoes4-jan2023/>, p. 13.

¹⁷ Ibid.

European Commission mentioned its aim to “strengthen capacities of Tunisia [...] to prevent irregular departures [and] support more effective border and migration management.”¹⁸

In this way, the EU is supporting a Tunisian actor whose human rights violations against people on the move are well documented: the Tunisian Coast Guard. The number of interceptions and pullbacks by the Tunisian Coast Guard to Tunisia has increased enormously in recent years. In the first quarter of 2023 alone, 14,963 people were prevented from leaving Tunisia by sea and were violently towed back against their will on behalf of the EU.¹⁹ Already in December 2022, more than fifty associations denounced the violence of the Tunisian Coast Guard: “Beating people with sticks, firing shots in the air or in the direction of the engine, knife attacks, dangerous manoeuvres to attempt to sink boats, demanding money in exchange for rescue...”²⁰ These attacks have accelerated in recent months, targeting both Tunisian and non-Tunisian migrants.²¹ In addition, it has recently been documented that the Tunisian Coast Guard steals the engines of boats trying to escape the country, leaving people on board adrift while watching, which has led to preventable deaths at sea.²²

The undersigned organisations recall that Tunisia is not a so-called safe country of origin for Tunisian citizens. Furthermore, it is not a place of safety for people from sub-Saharan Africa, Tunisians, and other foreigners transiting through this country. We ask the authorities of the European Union and its member states to stop their cooperation with Tunisian authorities on migration control. We also ask to stop their financial and technical support to the Tunisian Coast Guard, and provide safe routes for all.

Signatories

Abolish Frontex
Afrique-Europe-Interact
Alarmephone Sahara
All Included Amsterdam
Arci
Association for Justice, Equality, and Peace (AJEP)
Association Intersection pour les Droits et les Libertés Tunisie
Association pour la promotion du droit à la différence Tunisie
Association Sentiers Tunisie
Association Tunisienne pour les Droits et les Libertés
Association Tunisienne de défense des libertés individuelles

¹⁸

https://home-affairs.ec.europa.eu/system/files/2022-11/EU%20Action%20Plan%20for%20the%20Central%20Mediterranean_en.pdf point 3.

¹⁹ <https://ftdes.net/statistiques-migration-2023/>

²⁰ FTDES (2022): Deadly policies in the Mediterranean: stop the shipwrecks caused off the coast of Tunisia,

<https://ftdes.net/en/politiques-meurtrieres-en-mediterranee-pour-que-cessent-ces-naufrages-consciemment-provoques-au-large-de-la-tunisie/>

²¹ CMRCC (2023): Struggles Along The Tunisian Route, Echoes, Issue 4, January 2023, <https://civilmrcc.eu/echoes-from-the-central-mediterranean/echoes4-jan2023/>, p. 12.

²² Alarm Phone, 09.03.2023, https://twitter.com/alarm_phone/status/1633733346164371456 and <https://www.theguardian.com/world/2023/mar/30/migration-capital-of-the-med-hope-and-fear-on-unwelcoming-streets-of-tunisia>

Association Tunisienne de l'Action Culturelle (ATAC)
Association for Juridical Studies on Immigration (ASGI)
Avocats sans frontières (ASF)
Association Tunisienne des femmes démocrates (ATFD)
Associazione Radicali Certi Diritti
Baobab Experience
borderline-europe Human Rights without Borders e.V
Boza Fii
Border Violence Monitoring Network
Campagna LasciateCIEntrare
Carovane Migranti (Italia-Tunisia-Centroamerica)
Comité pour le respect des libertés et des droits de l'Homme en Tunisie (CRLDHT)
Comitee 21 March (Netherlands)
CompassCollective
Dance Beyond Borders
EMERGENCY
EuroMed Rights
Fédération des Associations de Solidarité avec Tou-te-s les Immigré-e-s (Fasti)
Fédération des Tunisiens pour une citoyenneté des deux rives (FTCR)
Flüchtlingsrat Niedersachsen e.V.
Forum Tunisien pour les Droits Économiques et Sociaux (FTDES)
International Justice and Human Rights Centre
iuventa-crew
kritnet - Netzwerk Kritische Migrations- und Grenzregimeforschung
Ligue Tunisienne des Droits de l'Homme
Louise Michel
Maldusa
Mare*Go Zusammenland e.V
Mare Liberum
Mediterranea Saving Humans
Melting Pot Europe Project
Mem.Med - Memoria Mediterranea
Migrant Solidarity Network
migration-control.info project
Migreurop
Mission Lifeline
Moviment Graffiti
Open Arms
Psychologues Du Monde Tunisie (PDMT)
Reclaim The Sea
Refugees in Libya
Refugees Platform in Egypt
Refugees' Solidarity Movement
RESQSHIP
R42-sailandrescue
Salvamento Marítimo Humanitario (SMH)
SARAH (Search And Rescue for All Humans)
Sea-Eye

Sea Punks
Sea-Watch
Seebrücke
Solidary Wheels No Borders For Human Rights
SOS Humanity
Statewatch
United4Rescue
Unitat Contra el Feixisme i el Racisme (Catalonia)
Watch the Med Alarmphone
w2eu - Welcome to europe