

## The Tunisian Diary

In the coming months, borderline-europe will publish a Tunisian diary by our volunteer Ludovica Gualandi, who is on site and describes her impressions on various migration issues.

16. March 2023 – Part 2 –

### The exclusion of the black community in Tunisia

In the past few days, I was a guest of Mohammed in La Goulette. The coastal town near the capital Tunis is also known as *piccola Sicilia* - little Sicily. The muezzin calls to prayer in the evening. His voice echoes pleasantly through the small streets coloured by the sunset. Mohammed is a young man from Guinea whom I met at an event in the capital. The event was about security in public spaces. Mohammed works for an international human rights organization. Currently, like me, he is dealing with the issue of how various North African countries deal with the dead and missing in the Mediterranean.



La Goulette

For him, as well as for thousands of people in Tunisia, these are complicated and exhausting days. The speech of the President of the Republic, Kais Saïed, on February 21, 2023<sup>1</sup>, on the occasion of the Security Council, was decisive in legitimizing racism against the black population. The president had called on the authorities to act *"at all levels, that is, diplomatic, security, and military"* against the illegal immigration of people from sub-Saharan Africa. In addition, he called for *"the law protecting refugees to be strictly applied and the illegal crossing of*

*the border to be strictly controlled"*. In fact, however, all black people, including citizens of Tunisia, are suffering the effects of the inconceivable terror these days.

The president's remarks have cornered Tunisia's entire black community. They face daily threats and discrimination. On the one hand, the narrative of Tunisia's political power, symbolized by President Kais Saïed, has restored its power and international credibility. Cooperation with Italy has been strengthened. The populists among the European politicians supported the president's speech as well as a reinforcement of controls on "illegal immigration" from North Africa.

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<sup>1</sup> Tunisian President Kais Saïed's speech during a meeting with the Minister of Interior: <https://www.youtube.com/watch?v=ZGwpl1ZcBy8>

The president's speech on February 21, 2023, came just weeks after the Italian delegation, led by Foreign Minister Antonio Tajani, visited Tunisia<sup>2</sup>. During that visit, the two countries also agreed on a joint strategy on migration issues. In a telephone conversation with his Tunisian counterpart, the Italian Foreign Minister Tajani confirmed: "*The Italian government supports Tunisia in border controls, as well as in the fight against human trafficking. On the other hand, Italy wants to create legal immigration channels for Tunisian workers and provide people with training, as an alternative to migration*<sup>3</sup>". However, there was no mention of the ongoing human rights violations.

On the other hand, the political desire for stricter controls on unauthorized entry from sub-Saharan Africa in Tunisia has not brought the desired success. Threatened by daily fear and violence, many people from a wide range of sub-Saharan African countries have made short and desperate decisions to leave Tunisia for Europe via the dangerous central Mediterranean route. In the first months of 2023 alone, 18,000 people reached the Italian island of Lampedusa. This represents an increase of 194 percent compared to the previous year<sup>4</sup>. Of these, 2,383 people are from the Ivory Coast and 2,334 from Guinea. Most of them started from the Tunisian port of Sfax. In the days between March 20 and 25, more than 3,000 people have been intercepted at sea or have been victims of shipwrecks in the Mediterranean Sea, once again as many people have reached the small island of Lampedusa.



In addition, there is another phenomenon, also triggered by the violent statements of the Tunisian president: The repatriation of many citizens from sub-Saharan Africa to their home countries. These days we observe long queues in front of the embassies of the affected countries in Tunis. People are asking there for assisted return to their respective home countries. The absurdity of the story is that all those who are in Tunisia legally, i.e., students or workers, want to return to their home countries voluntarily. Those who are not in Tunisia legally, who do not have a residence permit, are forced to travel to Europe without permission. Hundreds of them have gathered in front of the headquarters of the International Organization for Migration and the UNHCR in Tunis. They demand concessions for assisted repatriation, triggered by the current racist violence and by the fact that Tunisia is not a safe country for them.

This brings to light a sad reality: the president's speech has exacerbated the racism that already existed here in the country. Now all black people in Tunisia are feeling the racial violence. We could

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<sup>2</sup> The meeting between Italian Foreign Minister Antonio Tajani and President of Tunisia Kais Saied on January 18, 2023: [https://www.ansa.it/amp/ansamed/it/notizie/rubriche/politica/2023/01/18/tajani-a-tunisi-impegnocomune-contro-migrazione-illegale\\_d8a721c0-c933-4f04-97e6-d63fec699ba5.html](https://www.ansa.it/amp/ansamed/it/notizie/rubriche/politica/2023/01/18/tajani-a-tunisi-impegnocomune-contro-migrazione-illegale_d8a721c0-c933-4f04-97e6-d63fec699ba5.html)

<sup>3</sup> Italy's deputy head of government and foreign minister, Antonio Tajani, on Feb. 27, 2023, during a telephone conversation with Tunisia's foreign minister, Nabil Ammar: [https://www.esteri.it/it/sala\\_stampa/archivionotizie/comunicati/2023/02/colloquio-telefonico-del-vicepresidente-delconsiglio-e-ministro-degli-affari-esteri-on-antonio-tajani-con-il-ministro-degli-esteri-tunisino-nabil-ammar/](https://www.esteri.it/it/sala_stampa/archivionotizie/comunicati/2023/02/colloquio-telefonico-del-vicepresidente-delconsiglio-e-ministro-degli-affari-esteri-on-antonio-tajani-con-il-ministro-degli-esteri-tunisino-nabil-ammar/)

<sup>4</sup> Consult the following link: <https://data.unhcr.org/en/situations/mediterranean/location/5205>

not only observe arbitrary arrests by the forces of law and order, but also psychological and physical violence on the streets, as well as terminations of employment contracts and apartment cancellations, which has landed many people on the streets. Students from sub-Saharan Africa who are regularly enrolled in Tunisian universities also do not feel safe. Many of the students are trying to return to their home country, and others have stopped attending classes. My friend Mohammed is one of them. He has been living in Tunisia for 15 years and is regularly enrolled at the university. During this time, he has organized many important meetings for civil society. In the process, he has worked with many associations that work to protect human rights, denounce violence, and he has been part of Tunisian rallies and associations. Nevertheless, he too has been living in seclusion in his apartment for weeks. He avoids leaving the house alone both during the day and at night. He follows the lectures for the university online because he is afraid to cross the city by public transport.



With all the media attention on the flare-up of racism in Tunisia, it should not be forgotten that people from sub-Saharan Africa have been quietly and covertly exploited and discriminated against for years. The exploitation is supported by a system that does not guarantee the protection of these people. For this reason, it is important to underline that Tunisia is the first country in North Africa to punish any form of racism, with Law No. 11-2018 of October 9, 2018<sup>5</sup>. On the other hand, the Tunisian legal system is

designed to provide protection for migrants and refugees, their work and education opportunities remain illegal and therefore very vulnerable.

Therefore, it is also important to remember that in Tunisia there is neither the concept of asylum nor of International Protection. The people concerned are thus in a lawless space, in a kind of limbo. It is the UNHCR that has been entrusted by the Tunisian state to take care of procedures for International Protection as well as the persons concerned.

In addition, it is very difficult for foreigners to gain a foothold in the Tunisian labour market, which is not regulated and thus promotes irregularity. In addition, there are two legal provisions that are now outdated but have never been amended. These provisions block work permits for migrants. The first law, No. 1968-0007<sup>6</sup> of March 8, 1968, deals with the status of migrants in Tunisia. In addition to access documents and residence permits, Article 23 stipulates that those migrants who fail to apply for a visa and residence documents within the time prescribed by law, or fail to renew them in a timely manner, face a one-year prison sentence and a cumulative fine. However, there is no maximum amount for the fine. Because long-term residents cannot pay the ever-accumulating fine, some feel blocked and detained in Tunisia.

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<sup>5</sup> Consult the following legal texts: <https://legislation-securite.tn/fr/law/56778>

<sup>6</sup> Consult the following legal texts: <https://www.refworld.org/pdfid/54c25b2b4.pdf>

The second legal hurdle is Law No. 66-27 of April 30, 1966<sup>7</sup>, on labour law<sup>8</sup>. It introduces further restrictions for foreigners, especially Art. 258-2: *"The foreigner who wishes to perform dependent work of any kind in Tunisia must be in possession of an employment contract and a residence permit. The residence permit must also state that the person may perform dependent work in Tunisia."* After the article also fixes the period of the employment contract (one year and renewable once), it adds, *"The employment of a foreigner cannot take place if there are Tunisian workers who can perform the same work"*.

As a result, the large number of people from sub-Saharan Africa who reside in Tunisia are employed irregularly and thus receive no social or legal assistance. The dramatic consequence of the Tunisian labour law with "national preference" makes thousands of workers from Sub-Saharan Africa slip into irregularity every year. Therefore, we are witnessing an exclusionary and illegalizing policy<sup>9</sup>. Economic exploitation and racism are two closely related phenomena, also because public authorities and private employers' benefit from this almost structural irregularity that imposes inhumane working conditions on sub-Saharan African people on the move.



Although the Tunisian state constantly tries to prevent so called irregular migrants from reaching Europe, it also excludes them from a life of legality by not allowing them to legally work or reside in the country. This prolonged irregularity serves the large irregular labour sector, which provides educated and cheap labour from sub-Saharan Africa at low cost.

The Tunisian president's statements have led to a rapid spread of violence and fear towards the black community in Tunisia, and it accentuates a dramatic situation of exclusion and exile that the community has been experiencing for some time on Tunisian territory. Civil society reacted quickly to the president's words, as well as to the violence that ensued. A large rally, in which many associations and solidarity organizations participated, took place on Avenue Bourguiba in Tunis. With this, an antiracist front was established, which offers a lot of support to the people in difficulty on a daily basis, denounces all forms of violence and demands the end of racist violence from the authorities and citizens.



The Tunisia diary of borderline-europe  
Photos by Ludovica Gualandi

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<sup>7</sup> Konsultieren Sie das Arbeitsrecht unter folgendem Link:

[https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/44414/61784/F839958379/TUN-44414%20\(2\).pdf](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/44414/61784/F839958379/TUN-44414%20(2).pdf)

<sup>8</sup> Completed by Law No 96-62 of 15 July 1996

<sup>9</sup> To deepen the topic you can consult the following study: "Entre securitisation et racialisation, l'experience subsaharienne en Tunisie » des FTDES (Forum tunisien des droits économiques et sociaux):

<https://www.ftdes.net/rapports/racialisation.fr.pdf>