



Waiting in the middle ground: Blocking the movement of illegalized people on the move in Tunisia, an unsafe country

Riccardo Biggi
Valentina Lomaglio
Luca Ramello

University of Sousse
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Abstract: This ethnographic study focuses on a group of saharan and sub-saharan people on the move in Tunisia, protesting against the United Nations High Commissioner for Refugees (UNHCR) in Tunis, due to the unsafe juridic, economic and social conditions they live in the country. Their demand is immediate evacuation and resettlement to a safe country. Using qualitative data and secondary sources gathered in three months of field research around the *i'tisam* (arabic for sit-in) of *Rue du Lac*, we argue in this short thesis that Tunisia cannot be considered a safe country for people on the move from saharan and sub-saharan Africa, because neither the State nor international organizations are able to provide international protection. Human rights violations, racism, discrimination are evidence of the conditions of unsafety lived by illegalized foreigners (especially black-skinned) in Tunisia. We argue that the country is used as an externalized border, to block the movement of these people in their travel to Europe. The root causes of this are the institutional racism that permeates the European borders and visas system; and the lack of autonomy of the Tunisian State from the EU migration agenda, due to the economic dependency on European funding.

Keywords: migration, UNHCR, european policies of border externalization, racism, safe country

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1. Introduction: *i'tisam*, Tunisia, and the borders of Europe

Everyone has the right to freedom of movement and residence within the borders of any state. Everyone has the right to leave any country, including their own, and to return to their own country.

13th Article of the Universal Declaration of Human Rights

24,130 people have disappeared in the Mediterranean Sea since 2014 while attempting to reach European shores (Missing Migrants Project, 2022). 17,000 of them have lost their lives in the central Mediterranean route, the stretch of sea separating the coasts of Libya and Tunisia, to the south, and those of Italy, to the north. In the first five months of 2022 alone, 677 people went missing in this portion of the sea (ibid.). The lethality of the voyage along these routes is first and foremost due to the conditions of the means of transport used: cast-off boats, often made of plastic or wood, in which human traffickers force large numbers of people, often without GPS and without an experienced driver, into an unknown sea (Interview 7¹). Although the danger of the journey to Europe via the Mediterranean has been documented for years, thousands continue to attempt it. Since 2014 there have been an estimated 218,062 attempted crossings from the southern and eastern shores of the Mediterranean to the shores of European countries (Missing Migrants Project, 2022). However, the movement is hindered by European policies of border externalization: 43 percent (ibid.) of departures are intercepted by the coast guards of Spain, Italy, Greece, Turkey, Libya, Algeria, Tunisia, Malta, and Morocco, and people are often returned back to the coasts of departure, in full violation of the right to leave their country and the principles of non-expulsion contained in the 1951 Geneva Convention, as well as the obligation to disembark in "place of safety" contained in the SAR (1979) and SOLAS (1974) conventions (Farahat and Markard, 2020).

Indeed, the 2011 European Court of Human Rights ruling in *Hirsi Jamaa and others v. Italy*, is just a documented example of refoulement operations with direct responsibility or complicity of European states, that occur in violation of human rights (Farahat and Markard, 2020) and the right to asylum. A right guaranteed in compliance with the standards established by the Geneva Convention of July 28, 1951 and the Protocol of January 31, 1967, relating to the status of refugees, and under the Treaty on European Union and the Treaty on the Functioning of the European Union (European Union Agency for Fundamental Rights, 2007). The seriousness of these violations is especially evident in view of the fact that the people undertaking these journeys are fleeing wars and deep-rooted crises, from countries such as Eritrea, Ethiopia, Sudan, Guinea, Ivory Coast, just to name a few of the major nationalities involved in the Central Mediterranean route. Yet, these refoulement practices against human rights are authorized by bilateral agreements between EU border countries and states in what

¹ The list of all numbered interviews can be found after the bibliography.

is called the Southern European Neighborhood. Italy has been at the forefront of initiating these agreements, given its geographic location. The best known is the 2017 Memorandum of Understanding with the Libyan Coast Guard, which is still in force and will be renewed for another three years in November 2022 (Amnesty International, 2022). The agreement constitutes: "[the basis for] continued cooperation entrusting patrolling of the central Mediterranean to Libyan coastguards, through the provision of patrol boats, a maritime coordination center and training activities." (ibid.)

Less well known are similar treaties that Italy has signed with Tunisia, the country this study focuses on. First signed in the '90s (Interview 10), Italy-Tunisia bilateral agreements to "fight illegal immigration" were last renewed in May 2022 (ibid.). The ineffectiveness of these policies is evident considering the persistence of departures from Tunisia to Italy: the total number of people making the journey in 2021 is estimated at 20,218 (Sea Arrivals Dashboard 2021, UNHCR), not a remarkable decline from the 28,123 recorded in 2011 (Global Initiative, 2020). On the other hand, the number of deaths is still high, as shown by the 373 deaths and disappearances in the Central Mediterranean until May 2022 (FTDES, 2022). Moreover, Mediterranean cooperation policies of securitization and maritime control can be shown to have had the effect of increasing the sophistication and dangerousness of human trafficking networks (Lutterbeck, 2006). Therefore, in the present study we consider the term "countering illegal immigration" an umbrella term, referring to different kinds of European policies of border externalisation in neighboring countries. Rather than clandestine, we will call this type of migration *clandestinized or illegalized* because a certain mobility is made illegal by the policies mentioned above.

Unlike those signed with the militias controlling the Libyan coast guard, the Italy-Tunisia agreements have not reached a public domain dimension, as evidenced by the absence of political or media pressure campaigns. However, the problematic nature of these agreements is clear in the dubious definition of the subject matter of the treaty as not "of a political nature" (Ossevatorio sulle fonti, 2017). Like the Italy-Libya Memorandum of Understanding, these are in fact acts that are considered administrative and therefore not subject to parliamentary scrutiny, "signed in a simplified and non-solemn form" (ibid.). Rather than specific agreements on combating illegal immigration, these treaties of understanding broadly define the main points of international cooperation and development between the two countries. As has been the case recently, these understandings involve Italian funding (Ministry of Foreign Affairs and International Cooperation, 06/17/2022), also used for training the Tunisian coast guard, which, since the beginning of 2022 alone, has intercepted 205 boats and 3,160 passengers heading to Italian shores (Tunisian Ministry of Interior, 2022; cfr. Interview 9).

According to the Tunisian Forum for Economic and Social Rights (hereafter, FTDES), the majority of these interceptions would be carried out against passengers from other countries in non-maghrebi Africa: Chad, Central African Republic, Sudan, Niger, Eritrea, Ethiopia, Guinea, Côte d'Ivoire, to name a few (Interview 10). Sub-Saharan male and female travelers increasingly arrive in Tunisia hostage to trafficking networks; the main entry routes are the land and sea borders with Libya. As one of the continent's most stable and generous economies, before the outbreak of war in 2011, Libya was one of the main destination countries on the African continent. Since the beginning of the conflict, in a climate of

generalized violence and exploitation, foreigners fleeing Libya move to neighboring Tunisia in search of protection, adding to those who transit there on their journey to Europe (FTDES, 2022). Tunisia thus becomes an important transit stop in the migration from Africa to Europe (*ibid.*).

Meanwhile, the legal ways of migration to Europe for foreigners transiting Tunisia are shrinking: according to the United Nations High Commissioner for Refugees (hereafter, UNHCR), while there are 9,374 refugees and asylum seekers in the country, only 76 have been resettled to third countries since 2021 (UNHCR, 2022). In fact, the United Nations consider Tunisia a safe country for foreigners, thus justifying the limited number of places available for resettlement (Interview 1). By contrast, from Libya, which is considered an unsafe country, 785 individuals have been resettled since 2021 to date, 76 of them in the first 5 months of 2022 (*ibid.*).

The objective of this research is to demonstrate that Tunisia is not a safe country for saharan and sub-saharan people on the move, even if they demand or obtain refugee status within it. A country cannot be considered safe if systematic violations of human rights and freedom of movement are documented within it (FTDES, 2022; Farahat and Markard, 2020; EuroMed Rights; 2018). We also highlight the responsibility of third countries - primarily European, since these are often the ideal destination for many of those stranded in Tunisia (Interviews 2, 3, 4, 6, 7, 9) to expand their legal pathways of migration. In absence of resettlement, many of them (38% of the participants in our study) prefer to risk their lives in the Mediterranean or to go back to Libya rather than staying in Tunisia (cfr. Questionnaire, last question²).

In the research conducted from April to July 2022, we focused on people in transit immobilized in Tunisia, whose journey is *clandestinized* and *illegalized* and whose social incorporation in the Tunisian society, which formally depends on the international protection offered by UNHCR, is prevented by the lack of local context, capacity, legislation and funds, and, first and foremost, by European border externalization policies. The sample of our study was therefore identified in a group of these people, including asylum seekers and refugees, who are part of a permanent open sit-in that has been held in front of UNHCR offices since February 2022, first in Zarzis, in the south of the country on the border with Libya, and then in its capital Tunis. In this paper, we chose to use the Arabic word *i'tisam* (اعتصام) to refer to the sit-in in Rue du Lac, to distinguish it from other sit-ins and thus stress its peculiarity. Furthermore, this was the word used by the majority of protesters to refer to their sit-in. The *i'tisam* was a peaceful demonstration attended by about 300 people from Sudan, Eritrea, Ethiopia, Chad, Central African Republic, Niger, Somalia and Nigeria. Also present were stateless members of the ethnic group *Touareg*, from the Libyan desert. While the original core of protesters in Zarzis consisted of 214 individuals, about 60 joined as the demonstrations moved against UNHCR headquarters in Tunis. Triggering the protests were some UNHCR choices, justified by "budget problems" (Interview 1), between December 2021 and January 2022. Some reception centers were closed in the southern Tunisian governorate of Medenine, and some families were notified of their eviction from apartments

² To the question: "What would you do if UNHCR does not give you evacuation?" the 68 participants to the questionnaires reported the following will: 15% want to go back to Libya, 22% want to retry to cross the Mediterranean, 10% would prefer waiting, 5% think about suicide, 28% don't know, 20% do not answer.

provided by the organization, only a few weeks in advance. When the eviction became a reality, the peaceful protests took hold, gathering 214 asylum seekers and refugees in front of the UNHCR office in Sangho, in the tourist area of Zarzis. Since then, the interlocution with the UN agency has been punctuated with closures, procrastination, and even police intervention and arbitrary detentions of the protesters. In a short time, it has become a protest against the living conditions that especially black skinned African people on the move face in Tunisia. Wage discrimination, deaths on the workplace, racist attacks, and sexual violence are just some of the systematic human rights violations that affect them. Therefore, the isolated and contingent claims of the beginning have since converged into a single demand: *immediate evacuation from Tunisia and relocation to a safe country.*

Responsibility of these people falls unevenly and dispersively on various local, national and international actors. The UN agency justifies its inaction by blaming safe third countries (those in Europe, the United States, Canada and Australia, above all) for the impossibility of relocations (Interview 1). Indeed, it is the responsibility of the relocation countries to predict the quotas of refugees to be taken in each year. Therefore, UNHCR's preferred solution is one of local incorporation, as evidenced by the various advocacy and coordination activities with the Tunisian government and civil society actors to foster the "integration" (Schinckel, 2019) of refugees in the country. At the same time, because of the political, social and economic Tunisian crisis, the local social and economic incorporation of African foreigners remains difficult. The responsibility for this group is delegated entirely to international agencies such as the UNHCR and the International Organization for Migration (IOM), their local partners, including the Tunisian Refugee Council (CTR) and the Tunisian Agency for Management and Social Stability (TAMSS); but also to NGOs and civil society actors such as the Red Crescent, the Institute Arabe des Droits de l'Homme (IADH), Médecins du Monde. This network is supported mostly by international public funding, and especially from the European Union. However, these actors fail in the task of effectively supporting African foreigners' settlement in the Tunisian society. As documented through the testimonies of participants in this research, regular employment is scarce, access to schooling is limited, as is the possibility of receiving free medical care in effective time frames (Interviews 2, 3, 4, 5, 6, 7). This is also due to the lack of a comprehensive migration legislation in Tunisia, influenced by the government's dependency on European policymaking. To gain financial and political support, Tunisia tends to enforce the European agenda on migration (Interview 11): the bodies of those whose travel to Europe is impeded in Tunisia, therefore are used as scapegoats in the bilateral negotiations (ibid.).

In light of the above, our primary research question is: **can Tunisia be considered a safe country for refugee, asylum seeking and undocumented people on the move from saharan and sub-saharan African countries?** To answer this question we study a sample of protesters against UNHCR between february and late june 2022. Our argumentation is supported by the analysis of 17 in-depth interviews, field-notes and informal conversations together with a questionnaire answered by 68 among the protesters. As we shall see, their experience highlights systematic human rights violations that contradicts the definition of Tunisia as a safe country. This leads to the second question: **How do UNHCR, Tunisian public authorities and the EU, contribute to the illegalization of these protesters's**

mobility? We will show that the asylum and reception system in Tunisia rests on institutional racism and is concretised in a device of *dispersal of responsibility* among multiple actors, who do not guarantee refugees and asylum seekers access to the rights they are entitled to. This short thesis is divided in sections that discuss the most important concepts gathered in our research through qualitative and quantitative data. We will first tell the story of the *i'tisam*, the protesters' identity, migratory path and demands (section 3). Then, we will discuss how European externalisation policies affect the Tunisian migratory context (section 4). Afterwards, we will show, on the basis of protesters' testimonies, the manifestations of institutional racism and racial discrimination of people on the move in Tunisia (section 5). Finally, we will argue why Tunisia is not a safe country, at least for the participants of this study (section 6). In the conclusion, other than pulling the strings of our research we discuss the gains of the *i'tisam*, its implications and future possibilities.

However, we want to start the paper with some epistemological and methodological considerations (section 2). This section is a crucial step for us to clarify our intentions, limitations, possibilities and capacities as aspiring white, European researchers, in interacting with a reference sample consisting of African people, predominantly black, forced into conditions of irregularity and/or homelessness, in a North African country. We also recognize that our research is based on the subjective experience of the people present at the *i'tisam*. Therefore, we feel the need to explain why the choice of this subject of research and what is its relevance.

The human rights violations of the protesting refugee, asylum seeking and undocumented racialized people are a certainty. Uncertain, however, is their future, the recognition of their denied rights, and the arrival of the resettlement decision by a third country. The international consensus to consider Tunisia as a safe country finds reasons in asymmetric international relations and global and regional migration management, that is, in the policy of externalization of European borders and the illegalization of human mobility, especially in the Mediterranean area. Far more immediate and direct truths, expressed by participants in this research, show instead that Tunisia is not a safe country for refugees, asylum seekers, and more generally for foreigners on the move, particularly black Africans. The *i'tisam* we studied through this research also demonstrates how people deprived of all political and economic power have the ability to act and organize to change their situation. First, the very presence of their demonstration shows the malfunctioning of a system that produces detrimental "side effects" for a category of migrant people. Second, the fact that some of them are at the *i'tisam* by choice indicates that the demonstration is not only the result of an emergency situation, but also of a will to act on behalf of human rights.

2. Epistemological and Methodological Considerations

2.1 A dynamic approach in posing research questions

From the very first moment we started this research in South Tunisia, we began to question the form and the content of the interrogatives that drove our interests. South Tunisia has this way been the region where we first observed the phenomena to which we refer to as *externalization of European borders*. The effects of these policies of control and discrimination are evident: the “Cemetery of Unknowns” in Zarzis, where the bodies of migrants dead at sea are buried; the asylum facilities in the peripheries of Zarzis and Médenine, where refugees stay and wait in conditions of overcrowding; the marginalization and the precarious permanence of many foreigners from non-maghrebi Africa, many of which are *harraga*³ survived or intercepted, stopped on their way to Europe. In addition, during our stay in Zarzis we witnessed what remained of the first phase of the *i'tisam* in front of the UNHCR office. Thus, our first research questions on the practices of illegalization of movement found an empirical and real reference that from that moment took the helm of the research.

Not only was the study guided by what we witnessed and experienced personally, but also by the various questions posed to us by the people whose bodies are at the very center of what we conceptualize as illegalization of mobility. Thus, the process of forming research questions involved existential dimensions, such as the reason for doing research on these topics, the relationships matured with the subjects of study and the weight of socially constructed identities. Such a process has been characterized by continuous dynamicity and transformation. We propose here one example of how our questions have changed during the course of the research itself by reporting a meaningful, off-the-record exchange at the end of an interview. We asked H., one of the protesters in the *i'tisam*, the question "would you know how to quantify the money you have spent since the beginning of your journey so far?" To this, H, in fact answered:

This is not a good question, because what matters is why I spent that money; that is, that whenever I had some money I had to spend it in trying to save my life. [...] It is not good to dive into the economic aspects of the illegalized journey to Europe, because it can give the false impression that the people that do it are rich. In reality, the several thousands that we have to spend are taken from us through rackets, or stolen without giving us any alternative” (Interview 4).

³ The term "harraga" (حراقَة) in Maghrebi Arabic means people who perform "harga." (حرقَة) The term harga means the act of burning. This term is used to refer to the action of crossing borders without being seen, illegally; or even that of burning documents so as not to be recognized in 'crossing. Harraga therefore, are people that “burn the border”, crossing the border illegally.

In this exchange with H., the response led us to reconsider the meaningfulness of the question in the context of a participant observation, where what was emphasized was not the quantity of money but the conditions in which it had to be paid. It is precisely with regard to this that the existence of a condition of constant risk and danger along the routes of illegalized mobility emerges from this testimony, giving an idea of the economic dimension of the phenomenon. In other words, the risk involved in moving outside the law motivates a significant willingness to pay to continue the journey, each time with all the resources one possesses. And this reality is exploited by passeurs, traffickers, mafias and other informal actors, in a business held on human flesh.

Through this example, we would like to point to the importance of embracing the various *stimuli* that reoriented our research process and that could further reorient it in the future. Rather than being an aprioristic design, then, the methodology loomed up as we went along. In broader terms, research subjects can reorient questions, communicating not only experience, but also situated understandings. Also, together with Rachele Borghi (Borghi, 2021), we reckon that post-colonial subjects *should* reorient the way in which we, as decolonial researchers, pose questions. This is important especially when they refer to social phenomena at play in contexts of which the researchers are not experienced, as it happens with this study.

As we will explain in the following sections, to answer our research questions we cross our primary sources with secondary sources found in the related literature, always trying to specify the scope of the research. We do not aim to arrive at comprehensive conclusions with such limited research, but we will identify some cornerstones that could further guide our future research projects. Research questions will then be reassessed at the end of the analysis. We are aware that the fraction of refugees and asylum seekers that participated in the sample of our research is too restricted to allow generalizations while answering the first of our research questions: “can Tunisia be considered a safe country for refugee, asylum seeking and undocumented people on the move from saharan and sub-saharan African countries?”. This is also due to the fact that we could not study the living conditions of the *sans-papiers* community, on which it is difficult to gather statistical data.

Furthermore, protests of the like have been documented in the past. An example are the protests of the refugees waiting for resettlement in Choucha camp, where they had been left waiting since 2011 (Tazzioli and Garelli, 2014). This evidence, together with reports of organizations like FTDES (FTDES, 2022), leads us to advance the conclusion that Tunisia is not a safe country for refugee, asylum seeking, and undocumented illegalized migrants from non-maghrebi African countries.

In more direct terms, we aim at challenging a certainty on which several international agreements and treaties concerning human mobility in the Mediterranean are based: 'Tunisia is a safe country'.⁴This definition has important implications on the lives of everyone who is willing to leave this country, be they Tunisians or refugees and asylum seekers from other

⁴ Demonstrating that Tunisia is not a safe country means challenging the dominant narrative through the testimonies of its victims. It is not our task to demonstrate that 'Tunisia is a safe country', which would, if anything, be up to those who base their political choices on this assumption, accepting responsibility for the consequences of such policies.

African states⁵. These implications find their material reference in the perilous conditions of human mobility in the central mediterranean region and in the various violations of human rights and international obligations (Badalic, 2019) that this definition promotes.

2.2 Subject, object, Other: crossing the boundary between "white researchers" and "black research subjects."

The present research is guided by the question: "can Tunisia be considered a safe country for refugee, asylum seeking and undocumented people on the move from saharan and sub-saharan African countries?" Yet, we need to make a necessary methodological consideration to explain why the choice of focusing entirely on the perspective of a narrow core of these people: those who, since February 2022, have been demonstrating for the rights of refugee and asylum-seekers in Tunisia. We deem it important to specify that the ambition of this research remains circumscribed to showing how the lived experience of these people represents the manifestation of the negative effects of a discriminatory and racist international migration and asylum system. The choice of this sampling of participants is thus motivated, rather than by the thought of being able to generalize a singular and subjective experience, by the importance of considering that even this experience, though belonging to a narrow category of people, is significant for understanding systematic violations of human rights.

In addition to this, centering our research on African people forced into a condition of immobility stems from the need to change the representation of illegalized African people in the extended Mediterranean border⁶, from criminals or victims, to political, social and individual subjects. Picking up on the reflections of Khalil Saucier, in his *Carne Nera* (2021), we aim at putting at the center of our study the experience of the protagonists of the phenomenon that we are researching, recognising that: "Any attempt to theorize race without centering on the lived experiences of precisely those who are defined as not wholly and non-human reproduces rationalizing violence." (Saucier, 2021: p.109). Indeed, we recognize the centrality of these people's experience not as victims and passive objects of a system, but as active subjects. Their testimonies are therefore deemed vital to understanding the system of international migration, which is in our understanding a major race-related subject. To build on that, we borrow the following reflection by Grada Kilomba, a Portuguese Afrodescendant author and artist living in Germany, a refugee herself.

One has the right to be a subject - a political, social and individual subject - rather than the embodiment of Otherness, imprisoned in the dimension of object. This becomes conceivable only when one has the possibility

⁵ On the subject of the externalisation of EU borders and the immobilization of Tunisians, we refer to our the memoire by our fellow researchers' Nicoletta Alessio detto Grassi and Ludovica Gualandi.

⁶ When we refer to the Mediterranean border with the adjective "extended," we mean that it is not limited to the territories bordering the Mediterranean Sea, but that it extends beyond them through bilateral agreements between the EU and other states (cf. the European policies of externalizing borders in Introduction and Section 4). In this sense, even the place of the *i'tisam* can be understood as a spatial and political extension of the Mediterranean border. It is, in fact, a place of forced immobility, the crossing of which is symbolically tied to the opening, by a relocation country, legal channels of migration.

to give voice to one's reality and experience through one's self-perception and perspective; when one can re-define and recover one's history and reality. (Kilomba, 2008: pp. 46):

It could be argued against us that placing the perspective of illegalized and homeless African people at the center to describe the outcomes of European border externalization policies in a North African country would make the study's conclusions "subjective" rather than "objective." Yet, to oppose the concepts of "subjective experiences" and "objective knowledge" is to deepen the boundary between, on the one side, racialized research "objects", and, on the other, white subjects (researchers) within the academy:

"The academic center is not a neutral place. It is a white place where Black people have historically been denied the right to speak. Historically, it is a place where (African or Afro-descendant authors) have been silenced, and where White academics have developed a theoretical discourse that has formally constructed (Black subjects) as an inferior Other; positioning African people in a position of absolute subordination to White subjects [...]. This position of subjugation [...] does not indicate, as is normally thought, a lack of resistance or interest, but rather a lack of access to representation on the part of Black people themselves." (ibid., pp. 26-27).

With the above in mind, we consider the lived experience of research subjects as the first and most authoritative place of personal truth. There is no more important source than that expressed by the bodies who first and foremost experience the political construction of the border on their skin in terms of its effects and consequences. To conclude this reflection, if the goal is to know what the asylum and migration policies entail, it is necessary to ask those who are their main addressees.

2.3 *Accumulation médiatique*: research as a tool for political action

Our methodological choices attempt to avoid reproducing the paradox, evoked by Kilomba, of white people ironically becoming the "experts" over all "the others.". Acknowledging the limitations in the objectivity of the results, we emphasize that the search for "objective" sources has been replaced by the political priority of restoring protagonism to subjects in movement. The ever-changing reality of the *i'tisam* led us continuously to review our understandings of the phenomena and, while we kept on building our research project, we also deemed necessary to contribute to the international public awareness of this dreadful condition and the violation of human rights allowed, if not caused, by contemporary migratory policies in the Mediterranean. In this sense, our research path has always remained militant in nature, associating itself with advocacy initiatives, such as the logistic organization of press conferences held by protesters, and coverage of the *i'tisam* on the radical blog Melting Pot Europa (Biggi, Lomaglio, Ramello, 24/05/2022; Biggi, Lomaglio, Ramello, 01/06/2022; Biggi, Lomaglio, Ramello, 13/06/2022; 18/06/2022; Biggi, Lomaglio, Ramello, 21/06/2022; Biggi, Lomaglio, Ramello 28/06/2022).

We believe that one of the roles of research on migration phenomena is to document the living conditions in which migration policies force thousands of people. In agreement with Tunisian filmmaker and freedom of movement activist⁷ W. F., we think it is important to

⁷ If you want to know more about Tunisian activism, we suggest the work by our fellow researcher Sofia Mele (تفاح)

create media accumulation (*accumulation médiatique*, Intervista 13). Fellah experienced a similar process during the Tunisian revolution. Despite the repression, by the Ben Ali regime, of any form of dissidence, including in the media, a widespread network of young people had begun, with short films, blogs and other media productions, to build counter-narratives to the system and its hegemonic discourse. It resulted in new channels of communication and mobilization, through which a culture of opposition would spread. According to W. F., therefore, documenting in a constant and cumulative way the violations and abuses produced by the contemporary migratory system, will one day come to change it (ibid.).

To achieve this goal, and taking into account the epistemological limitations explained above, following Grada Kilomba (2008) we stress the importance of guiding our study as subject-oriented: using (auto)biographical narrative, through interviews with African illegalized subjects participating in the *i'tisam* in front of the UNHCR offices in Zarzis and then Tunis, in early 2022.

2.4 Research as interaction: positionality and power relations

This section is a crucial step for us to clarify our boundaries as aspiring researchers by making our positionality explicit: middle-class, white-skinned, European passport, born and raised in Italy. The concept of *positionality*, coined in English-language social science, has challenged with blunt arguments the claimed objectivity of social science research. Enriched by decades of postcolonial, feminist and critical studies, *positioned* social research began to seriously take into account the influence of power relations between people, and to use as a method the deconstruction of objective assumptions by making room for the subjectivity of experience. Central then is the perception of identity and its construction by the research subjects themselves, that is, self-identification. Deconstruction begins with an attempt to analyze the discourse used in social research, questioning the oppositions considered fundamental, the supposed fixity of their meaning, in order to identify the influence of the discourse itself on the research subject.

Identifying our positionality as researchers is essential because social research is primarily inscribed in the act of interaction with the research subject. This kind of human relationship between researcher and researched subject produces "cross objectivity" (*l'objectivité croisée*), as mentioned by our thesis supervisor, Hassan Boubakri, during an informal conversation. Two parallel perspectives, the product of different subjectivities, converge in a synthesis of heightened objectivity. It is inevitable, then, that in such an interaction, power dynamics arising from the identity of the participants play an essential role in the outcome of data collection and analysis. Indeed, the transmission of information between researchers and researched subjects is always affected by the limitations due to the positionality of both, which impose ontological conditions on the relationship between the two ties. The possibility of explaining anything about the experience of illegalization is influenced by the human relationship that precedes it, and thus by all the constituent parts of our identity as researchers and on the identity of researched subjects, including passions, goals, interests, preconceptions, and intuitions, education and knowledge.

The subject of this study is the lived experience of African people, predominantly

black-skinned, forced into conditions of irregularity and immobilization in a North African country. Our relationship with these people is formed in a very specific context: that of a university research exercise on international migration in Tunisia. Thus, the first limits we identify arise in the difference in the reasons that drive us and these people to Tunisia: while they arrived there, either forcibly or irregularly, to find shelter from war and persecution or to get to Europe, we arrive there, legally and of our own choice, because we are interested in conducting research. In addition to this, our research interest in this specific subject also stems from our political convictions, namely that movement should be everyone's right. Our interest as aspiring researchers also results from the intention to contribute to the fight that aims at transforming what is now a privilege of the few into a universal possibility. In addition to the axis of militant research, our relationship with the research subject is also built on the axis of personal friendship and interest in getting to know another person.

2.5 Quantitative and Qualitative Methodology

To the 5 individual in-depth interviews conducted with protesters at the site of the *i'tisam*, and 2 focus groups conducted similarly, we combined an additional 5 structured qualitative interviews⁸ with representatives of the following institutions: the International Organization for Migration Tunisia (IOM), the United Nations High Commissioner for Refugees Tunisia (UNHCR), the Police of Médenine, and the regional administration of Zarzis in the southern governorate of Medenine. Three other structured interviews were conducted with civil society associations active in various capacities in promoting and protecting the rights of migrant people in Tunisia: the Tunisian Forum for Economic and Social Rights (FTDES), the Zarzis Innovation and Planning Agency (IPA), Association d'aide et assistance aux migrants Médenine (3A2M). In addition, we also interviewed the activist for freedom of movement, author and director of the documentary *Boza*, which partially inspired this research.

To the collection of such qualitative sources, we combined the administration of a questionnaire to 68 participants (about a quarter of the total number of manifestants of the *i'tisam* in April 2022). Without the possibility of gathering comprehensive data from the totality of the manifestants, we decided to adopt this quantitative methodology to make an estimate about the general demographic characteristics of the participants, their migration path and their future expectations. Whereas this data is not meant to be representative of the total group, it gives a general idea of the people present at the *i'tisam* and allows to partially extend the research subjects group.

The participation in the questionnaire was voluntary, anonymous and without any financial retribution. The participants only partially included people who were illiterate or had writing difficulties, who were helped in filling in by other protesters or by the researchers. The objective of this questionnaire is to investigate the violations suffered by the protesters, especially in terms of obstacles to internal and cross-border mobility in Tunisia and in the border areas with Libya. The information collected can be organized for expository purposes into the following groups of questions: 1→6: on identity and vulnerability; 7→11: on waiting times for international protection documents; 12→15 and 20-22: on the violations by the

⁸ CTR, UNHCR's local partner, agreed to an interview but refused to answer any question.

Tunisian and Libyan authorities concerning mobility, and related migratory pathways of the protesters; 16-19: on illegal migration by sea specifically; 23-27: on racial discrimination and insecurity in Tunisia; 28: on future migration intentions. To read the questionnaire, please refer to the appendix.

The interview recordings were transcribed on the computer in full-length and then provided with a table with context information, including participants, location, and duration. Data from the questionnaires, on the other hand, were uploaded to Excel, the same program used for quantitative analysis. The results were then triangulated and contextualized with information received from the analysis of primary and secondary qualitative sources. All information provided by respondents, including age, occupation and period of arrival, is self-reported. To preserve the anonymity and privacy of respondents, this information cannot be verified.

Many hours of testimonies and sharing of experiences, the listening of which strongly affected the understanding of the studied phenomena, remain *off the record*.

2.6 Limitations, problems and other considerations

The first limitation of this research should be found in its non-inclusivity on the aspect of gender. In the 15 structured or semi-structured interviews, and the 2 focus groups we conducted with the demonstrators, only 3 women took part. Concerning the questionnaires, only 19% of them were filled out by women. This affects the gaze, the perspective of our analysis, in the sense that it does not sufficiently take into account how being a woman affects the migration experience. The subject was not a topic of discussion even with interviewees from international agencies, nor from Tunisian authorities and civil society.

This study also does not account for the living experiences of LGBTIQ+ people within the community. In precarious living contexts such as the one we will recount below, directly from the testimonies of protesters, people who belong to a minority often do not have the freedom to express themselves. This further complicates access to primary sources, amplifying the marginalization, and thus abuse, to which community members are exposed.

We have tried to be gender-reflective in the choice to use English as the final language for writing, given the fact that it is a more gender-neutral language compared to French, Italian or Arabic. Apart from that, we were not able to include a gender perspective. Such an approach, however necessary, is still often subordinated in migration studies to elements perceived as more urgent: the time factor of responding to the "crisis"; the greater availability of male sources, often due to cultural issues; in addition to a still insufficient sensitivity on the part of the academy itself regarding these issues. We call to focus on a gender perspective in future developments of research on illegalized people in Tunisia.

Such limitations are due to the fact that this research has been primarily limited by its time-span. In less than three months we collected a significant amount of qualitative and quantitative data from primary sources, but more literature would be needed to corroborate our arguments and to situate them into a fruitful debate.

Our lack of experience also influenced the quality of data collection. The lack of a sampling strategy limits the possible generalizations of the findings. Concerning interviews, the lack of structure, while letting us explore many facets of the phenomenon, also makes it harder to

compare different results. Finally, the ability to take field-notes and observe, while having improved in this three-month experience, can still become more rigorous and detailed.

Surely the human relationships at the very heart of such a research process gave room for fundamental information to be conveyed by the protesters, which found free and autonomous space both in the process and in the product of the research. On the other hand, it might happen that such a human relationship, with the expectations it brings with itself, also distorts the liability of the information communicated: respondents may react differently and may re-shape their messages for any reason. Believing that answering our questions can help them can become a reason for distortion and lack of transparency in data collection.

3. Field notes: the *i'tisam* of Rue du Lac

We hear about the i'tisam from C.M. while in Zarzis, in southern Tunisia, a few hundred kilometers from Libya. Zarzis is a quiet town, inhabited mainly by fishing families, but also politically active. C.M. is a fisherman and activist who works with the Red Crescent. In 2003 he started the "Cemetery of the Unknown," where he buried the bodies of those he fished out, drowned, from the sea. Since the city has become a place of arrival for castaways from Libya, C.M. has been helping sub-Saharan families by offering them free housing and food. Among them are a few friends from Guinea Conakry. Hosted by C.M., they have been living in Zarzis for some years, always looking for work. Their goal, like that of many sub-Saharan migrants in Tunisia, is to go to Europe. Talking with them and C.M., and reading reports from FTDES (Tunisian Forum of Economic and Social Rights, an independent online media), we learn about the i'tisam, which began in February 2022 in front of Zarzis' UNHCR office. We also learn that all the protesters had moved a few days earlier to Tunis.

Interested in knowing more about the i'tisam, on April 20 we head to Sangho, the tourist area of Zarzis, to visit UNHCR's office. The office is less than a kilometer from the tourist area, but it has no identification signs, it is not shown on google maps, and it is protected by barbed wire and barricades. There is some evidence of people passing through in the past weeks: black bags filled with clothes, blankets, and some food trash. We try to talk to someone, but to no avail: the building seems empty. Then the watchman appears, allowing us a small interview. He tells us that the office would stay closed until May 6 after the protesters managed to climb over the entrance wall and abruptly enter the complex.

*The following day we head to UNHCR's shelter in Zarzis. It is located in the middle of a salt lake (*sebkha* in Tunisian Arabic), on the road to Ben Gardane, a few kilometers away from the town, which is an hour and a half walk. Also this building, like the UNHCR office in Zarzis, is not geolocated on the maps. From the outside, the shelter looks well, but inside the rooms are dirty, crowded, and poorly furnished. The watchman tells us that the shelter heberged almost 60 asylum seekers until most of them went to Tunis to the *i'tisam*. We spend time talking to some of its current inhabitants. They account for the frustration of spending months in Tunisia, waiting for an answer about resettlement, while lacking a job or educational opportunities. On the same day, we also visit IOM's foyer in Médenine, the governorate capital. Far from the center, along rue de Djerba, not geolocated on the maps. Here the gatekeepers are not as kind, and they do not let us in. We come in touch with Touareg inhabitants of the center, who tell us about the harsh discrimination they suffered in Libya as stateless people, and about the difficulty of living in Tunisia.*

*After spending a few more days in Zarzis and talking with the local population and with other sub-saharan migrant people, our interest in the *i'tisam* increases. What are the claims of these people? Why did they move to Tunis and what are they doing there? We decide to visit Tunis as soon as possible: we pack, go back to Sousse, and after a week we are in the capital.*

We arrive at the i'tisam on the 30th of April, at night. There are two or three hundred people. From 10 p.m, we sit on the steps of the entrance of an apartment building adjacent to the *i'tisam* and began to observe, waiting for an opportunity to interact with the protesters. They sleep on pieces of cardboard or on scraps of foam rubber, about the size of a bed. They pile their blankets in a central spot in front of UNHCR headquarters, between the entrance gate and the gate for cars. Among them, there are families, women and even very young children. *After around thirty minutes trying to find a way to approach them, we notice that some of them are walking away carrying plastic water bottles to be filled.* We ask them: “where can we find water?” Their first reaction is that of offering us their water; then, they ask us who we are. Soon, more and more people keep on joining to get to know us. We find out they are mainly of seven origins: Sudan, Nigeria, Chad, Eritrea, Central African Republic, Somalia, Ethiopia, Touareg. Each of them has a different story, but almost all of them come from the south of Tunisia after passing through Libya, where some had been imprisoned for years. The majority of them arrived in Tunisia in 2019, after an interception at sea by the Tunisian Coast Guard while they were attempting unauthorized migration to Italy. Others arrived through the land border passing through Libya or Algeria, at Ras Ajdir, Nalut, Taleb el-Arab or Bou Chebka, where many experienced pushbacks.

Their arrival in Tunis was not as easy as expected. They arrived from Zarzis splitting into groups of two, three or maximum four, taking different routes starting, for example, from Djerba or Medenine. In fact, access to the capital was prevented by the authorities, even through arbitrary detentions. To arrive in Tunis, protesters had to pay a higher price that would allow the drivers to avoid police checks. However, some civil servants in Zarzis, instructed by the police, did not sell Zarzis-Tunis tickets to asylum seekers, using racial profiling to recognize them. Some 18 others, upon arrival in Tunis, were put in jail and later released. Others were stopped in Sfax and sent back to Zarzis; others were even stopped in Zarzis and locked at the bus station with the police for hours. However, around mid April all the protesters arrived in Tunis and started the *i'tisam* in front of UNHCR.

The i'tisam, however, had started two months earlier in Zarzis. In February 2022, most protesters, among which asylum seekers and refugees under the protection of UNHCR, received a notification of eviction from the apartments where they were staying, paid by the UN agency. The protests arose spontaneously, without any organized decision. The first to arrive in front of the UNHCR office were a few Touareg families, joined afterwards by the others. Some of them tried to ask for help from the governor of Medenine, but they were referred back to UNHCR. To protest, they stayed forty days in front of UNHCR's office, day and night. During this time, they also had multiple meetings with the Zarzis municipal delegation, which repeatedly postponed the resolution of the problem. After being refused a meeting with UNHCR officers repeatedly, one day they manage to enter the building en masse through the main door or by jumping over the walls. The protesters' demand is evacuation (إجلاء in Arabic), or the immediate relocation through legal ways to a safe country. They sing in Arabic, French and English: “Evacuation!”, “Rights!”, “Freedom!”, “Justice!”, “Tunisia is not safe!”, “Enough is enough!”

Yet, UNHCR does not evacuate the protesters on the grounds that Tunisia is considered a safe country, where asylum rights are respected. However, they allow them to wait inside

UNHCR headquarters, while looking for solutions. But after 15 days, UNHCR stated that the protesters had occupied the office using force, and they had the police evict them. From this point on, their perilous travel to Tunis - as described above - began. In Figure 1 below, we can see the movements of the manifestants.



Figure 1: Map of the migratory paths of the manifestants in Tunisia

When we first met them, the 30th of April, they started telling us about their harsh condition in Tunis: the various push-backs suffered trying to enter in Tunisia; the interceptions during their attempts to reach Europe; the daily racist discriminations; the difficulty of finding a job; the obstacles to accessing healthcare and education; the impossibility of seeing their appointments respected and the derived *odyssey*, waiting months for the documents to be regularized; the many frustrations of being deceived by UNHCR and their partners. The demands of the protesters coming from Zarzis, however, were embraced by many other people in the movement from non-maghrebi african countries. Since the first protesters arrived in Tunis, many others joined them, starting from around the 19th of April. They came both from the capital and other Tunisian regions. In the following weeks the group reached the number of about 300 people. Nevertheless, the harsh conditions engendered by living on the streets for 4 months put to test the whole protest. At that time, they were telling us that they would have stayed at the *i'tisam* for no more than two months. If evacuation and resettlement could not be enacted, the majority manifested the intention of going back to Libya, where the risk of being tortured and imprisoned is higher, but so are the possibilities to leave for Europe.

On the 6th of May, we began distributing questionnaires to document their living conditions, their mobility pathways and the violations of human rights and rights of asylum they had to suffer. 68 people spontaneously participated in the questionnaires. As we said in the methodology, their data are not representative of the entire group, yet, they give an idea about it. 13 are women, 52 are men, 12 are minors. Concerning nationalities: 2 are Chadian, 11 are Eritreans, 1 is Ethiopian, 1 is South Sudanese, 11 are stateless, 36 are Sudanese. Regarding the date of entry, 30 of participants entered Tunisia in 2019, 2 in 2020, 1 in 2018, 6 in 2022, while the remaining did not say. The average time-span for them to receive refugee status since they first demanded it is about 10-11 months.

During their stay at the i'tisam in Rue du Lac 1 Biwa in front of UNHCR's central office in Tunis, the medical assistance provided by the local partners of the UN Agency was limited to the first 214 people coming from Zarzis. In fact, UNHCR had counted the protesters in Zarzis, creating the first list for assistance and finding a solution. When a new list was written in Tunis including all the newcomers, nothing really changed and those protesters were cut out of any assistance on the grounds that they were presumed as *undocumented*. Yet, among them, there were people of concern of UNHCR to whom the agency was *de facto* not providing protection. Even if the protesters considered themselves as one group, UNHCR kept on applying legalized discrimination on the base of juridical categories and on geographical considerations.

Already in April 2022, some of the manifestants began finding the living conditions unbearable and decided to quit the protest and go to Libya. The insecurity they were living with was exacerbated by the time spent with no solutions at the horizon, the advent of the hot weather, the media representations talking about them as “migrants”⁹, and the irresponsibility of the Tunisian government, UNHCR and other local actors. Some acts of solidarity from Tunisian citizens occurred spontaneously, few others were organized, for example by religious associations. Nonetheless, during the weeks spent at the *i'tisam* we never saw UNHCR officers approaching the protesters in any manner. Instead, first they stopped coming to the bureau and then started using the backdoor of the central office. One day though, we managed to approach through the main door one of the officers, who claimed to be the doorman, and told us a fake name. Yet, the protesters told us just later that he was the main director of the office.

In this dangerous situation, many already felt it was just a question of time for a tragedy to happen. On the 19th of May, next to the *i'tisam*, Mohammed Faraj Momin was hit by one of the many cars that speeded daily close to the protesters. He died 5 days later at the Charles Nicolle Hospital in Tunis. After the delayed delivery of the sanitary and official documents, the funeral finally took place on the 1st of June. After this tough collective moment and a general worsening of health conditions, the negotiations with UNHCR for temporary solutions restarted. Until that point the majority of the manifestants were determined not to accept any other solution than evacuation. In fact, some of the most exposed among them actually stayed at the *i'tisam* with their family even when UNHCR began to move, on the 6th

⁹ The participants to the *i'tisam* would not define themselves with this term, as it has come to be associated with a condition of *criminality*, and therefore absence of rights, in opposition to the category of refugees and asylum seekers. That is why we have tried to also minimize its use in this study, even though we take distance from the hierarchization of legitimacy of people's migratory desires it implies.

of June, around 160 people of concern into the new shelters in Raoued, 20 km away from the city center. These shelters were not anymore managed by CTR, after all the denunciations coming from the protesters. Nevertheless, even there, they continued sleeping on the same carpets they used in the streets, with no clean clothes or bed, in overcrowded apartments. *Even there, their demands did not change.* Everybody was and is still demanding for evacuation, including the protesters left at the *i'tisam* or who voluntarily refused the place in the shelter. They knew they could not trust any authority. Deceived from UNHCR strategies to end the manifestation, the words of the Tunisian Ministry of Foreign Affairs echoed in their minds. On 28th April, after the first press conference organized by FTDES, he released a communication stating that it was unacceptable to exploit the freedom granted to refugees in Tunisia to distort the image of the country after the rescues at sea and all the assistance and the protection provided in collaboration with UNHCR (*sic!*).

Indeed, this joint effort between the UN Agency and the Tunisian authorities advanced and carried on new initiatives. On June 18th, a violent eviction hit the remaining protesters, and the UNHCR had a major role in coordinating such operations with the police authorities (FTDES, 18/06/2022). Coming a week after the temporary moving of around 150 refugees and asylum seekers to “emergency” shelters in Raoued, the eviction was meant to end their protest, without meeting its collective demands for evacuation and safety. What also suggests this interpretation, is the fact that on the same day, some 30 among the nearly 60 remaining protesters were also temporarily transferred to shelters in Erroued. While we are writing, the UNHCR has promised to individually re-open the files of those who started the protest in Zarzis, in order to re-examine their availability for resettlement. There is no possibility for evacuation, as “Tunisia is not a priority for any of the UNHCR donor countries that have the power to concede evacuation”. (Interview 1b). Very restricted possibilities also exist for new resettlements, considering the numbers of 2021. Back then, 146 cases were considered eligible, on a total of around 9000 refugees, and as little as 76 departures have been organized (*ibid.*; UNHCR, 2022). As of 2022, 35 cases have been found eligible, among which 10 departures have already been organized (Intervista 1b). We do not know the future of these people; we do not know if the protests will endure and if the movement will grow again; but their story must not be forgotten.

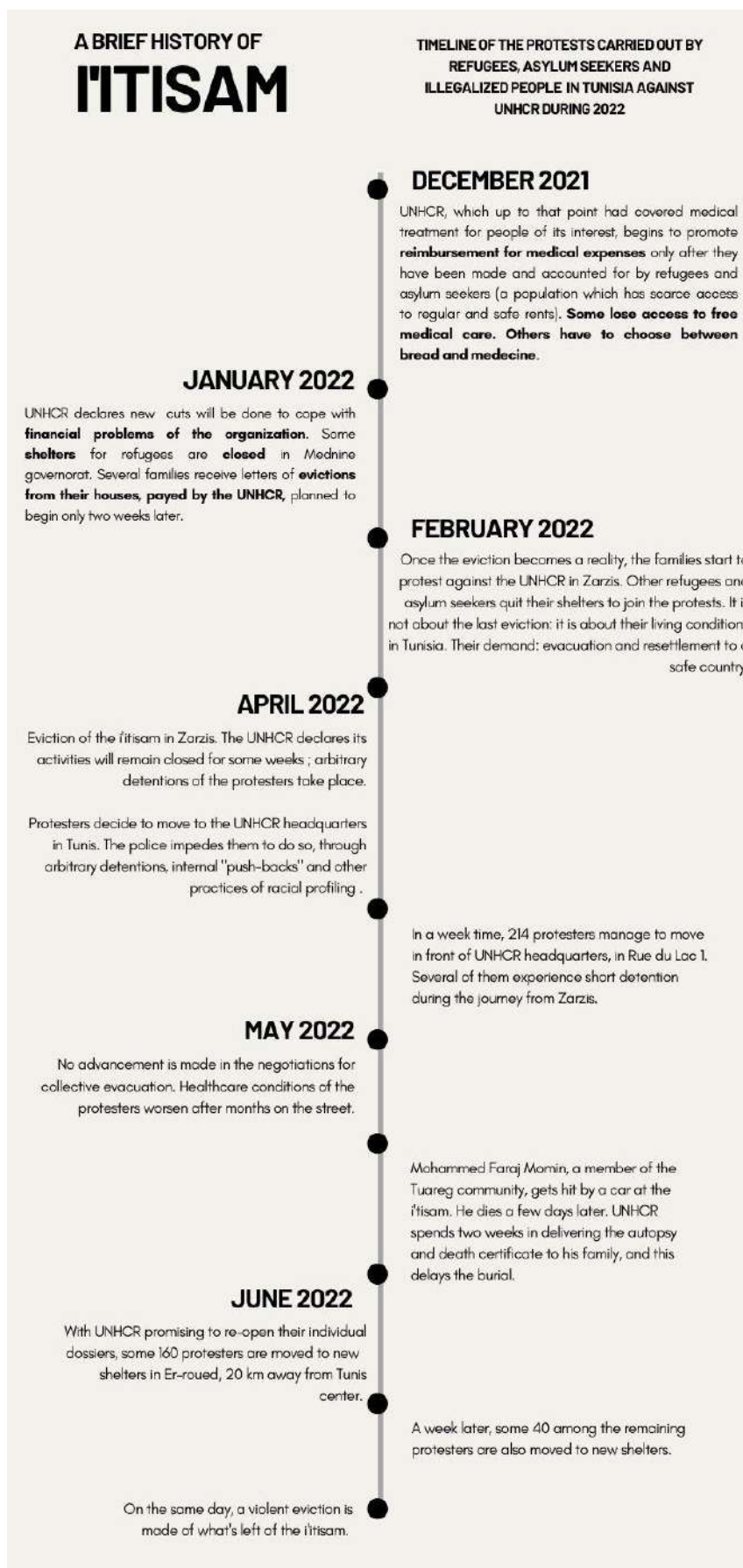


Fig.2: Resuming table of the story of the *itisam*



Fig. 3: UNHCR's office in Zarzis, where the protesters manifested for approximately two months



Fig. 4: Tents and banners of the i'tisam in Rue du Lac, Tunis, at night



Fig. 5: Cars pass by while the protesters lead a demonstration in front of UNHCR, in Rue du Lac, Tunis.



Fig. 6: Waiting endlessly, days and nights, in front of UNHCR's office in Rue du Lac, Tunis.

4. Tunisia: the border of Europe

We are in Zarzis, southern region of Médénine, bordering Libya. After unsuccessful attempts to talk with the mayor, the city's secretary general sends us back to R.B., municipal counselor responsible for the area of H.B.T. The centers for refugees and asylum seekers of the UNHCR are located there. R.B. is also responsible for matters related to migration and development. He explains to us that, since six or seven years, the governorate of Médénine, and particularly Zarzis, have become a transit point for people migrating from other African states on the way to Europe. His testimony approximately matches those of the refugees we have interviewed: the departure from Libya to Italy by boat, the interception at sea by the Tunisian, Libyan or even European coast guard, the arrival in Tunisia. Suddenly Zarzis, a marginalized area of the Tunisian southern region, with high unemployment rates, especially among youngsters, and an extremely limited productive sector, became a place of critical importance for the Mediterranean migration, an extension of the European border.

R.B. is aware of the protests taking place in front of UNHCR and he is well informed of the demands of the protestors. He knows that their goal is to go to Europe, and that the impossibility to carry on the journey is the cause that triggered the *i'tisam*. Their request of evacuation is therefore legitimized, as claimed by the municipal counselor, by the fact that their movement is blocked, illegalized. It is the European States and their migratory policies that are blocking their legal passage, forcing them to undertake illegal journeys. From R.B.'s words, a negative judgment arises on the European policies of border control:

To go back is impossible: the only solution [for refugees] is to take the sea route towards Europe. But in the framework of the normalization of relations with Libya, Italy and France refuse to accept for this solution to take place at the expense of Europe. [...] Today Tunisia has become, indirectly, a platform to accommodate migrants before sending them back. [...] The ships [of the coast guard] do not work to save the lives of those who might drown, but rather to change their direction, to prevent them from reaching Europe and bring them to Zarzis, a central region that is geographically strategic as it is located on the way between Libya and Lampedusa" (interview 9)

The fact that interceptions take place without the vessels being in distress is repeated by R.B. and by the manifestants themselves (Interview 2) The interception is not operated by military ships alone: the "humanitarian" ships intervene as well, such as those of the Red Crescent, with the coordination of the IOM, often before a risk of shipwreck arises (Interview 8). This attests how the ultimate goal of these operations, far from being the safeguard of human life, is indeed that of impeding people's arrival on Sicilian costs. Victims of these violations of the right to freedom of movement are as well those people located in Tunisia, Libya, or other places along the journey, who have been recognized as refugees or asylum seekers, under the protection of UNHCR.

From R.B.'s testimony it is evident that the European Union is the first actor responsible for illegalizing the movement of people in Tunisia. Indeed, European nation-states play a central role in the migration system in the Mediterranean Sea. The gradual strengthening and unification of the European Union domestically, together with the maintenance of neo-colonial asymmetric relations with North Africa have a direct influence on the control of

its external borders especially for what concerns the movement of people. Since the creation of the Schengen area in 1995, together with the introduction of visas in the same decade, entry to the European Union is limited on a selective basis on the ground of criteria such as class and nationality. Indeed, in the last thirty years European states have committed to a mission aimed at the securitization of the external borders in order to prevent the access of undesired foreigners (Huysmans, 2000).

The recent development of this dynamic is called the *externalization of European borders*. This term is employed to identify those policies aiming at the geographical expansion of the Union's frontiers, in order to push them further from their strictly geographical scope. This is aimed, on the one hand, at securing a more efficient control of the flows, through the spatial expansion of the practices of control of people on the move. On the other hand, it is aimed at keeping the violations of human rights that are a direct consequence of these migratory policies in the shadows, by taking advantage of the weakness of the rule of law in many countries of the Mediterranean neighborhood. Finally, this system creates a regime of temporary cheap labor that holds the neocolonial economic structure of European countries.

It would be imprecise to blame the European institutions alone for the responsibility of the systematic violations of the freedom of movement and human rights of African people blocked in North Africa. In fact, it is the institutions of the North African countries, such as Tunisia, that execute the securitarian directives regarding the securitization of Mediterranean borders. In the case of Tunisia, the country's dependence from European funding for the survival of the national economy, causes the balance of political powers at stake in the negotiations of these agreements, to be profoundly unequal. As explained by an internal source of the law enforcement authorities in the region of Medenine during an informal conversation:

If people were able to find a job here, in Tunisia, if there were money and culture, people would not attempt to cross the borders (illegally). It is not a security concern, it is (a) socioeconomic (problem). Italy provides us with equipment, vessels, and radars. What are we supposed to do with these tools? To kill people? This is not the solution. We implement Italian directives, we seek to reduce the departures and increase the interceptions at sea. But what has been achieved in this way so far? We keep having thousands of people departing to Italy from Tunisian costs every year. This is not the solution. The Minister of the Interior repeats this all the time, but he cannot refuse, because otherwise Europe would stop sending us the economic aid without which the country cannot carry on (Intervista 11).

The externalization policies of the European borders have bridged, on the one hand, political interests of European and North African institutions, and on the other, economic interests of corrupted authorities and mafias on both Mediterranean shores. As explained by the aforementioned source:

At the Kerkennah islands, a few years ago, we intercepted a boat with 200 migrants on board. Almost 200.000 euros in one passage alone and on top of that they were also carrying tobacco on board. At the time of the arrival in Italy, there are intermediaries that receive the tobacco to sell it. We are talking about cartons, big quantities. It is all a criminal network. Coordinated between Italians and Tunisians. It is certain that Italian authorities are part of the game: all of this takes place on Italian territory. (Ibid.).

On the one hand therefore, bureaucratic walls and military devices designed “to slow, in some cases altering, the movement of some classes of population (...) in the name of security and protection of identity” (Mbembe, 2019: p 8-9). On the other hand, those devices are exploited by *passeurs* and human traffickers in what we define as the *economy of contained mobility*. In order to better explain this concept, we report below the testimony of a refugee, participant to the protests against UNHCR during the first semester of 2022:

They say that it was the Italian authorities who made agreements with the militias in Libya, in order to prevent migrants from crossing the sea. At sea, the militias block the boats shortly after the departures and ask for money. If people on board give them enough money, they let them continue the journey, otherwise they bring them to prison in Libya. In prison, they give you the phone. They ask you to call your family, in your country, or your brothers¹⁰ in Libya to pay for your release. As everyone has brothers in Libya, it will be them whom you will call in order to receive money. Once they send it to you, you can be released. Then you will go back to work, you will pay the militias once again and you will return at sea. I have tried four, five times to cross the Mediterranean from Libya, but as this has not been my destiny, I decided to come to Tunisia, thinking that at least here there are laws. Libya instead, is a country of chaos. But every minute, every second I have spent in Tunisia, I have regretted this choice”. (Intervista 2)

This short text evokes a large part of the constitutive elements of the central Mediterranean border. Firstly, the bilateral agreements between Italy (under EU mandate) and North African authorities to obstruct movement – in this case, the Libyan militias (*they say that it was the Italian authorities who made agreements with the militias in Libya, in order to prevent migrants from crossing the sea*). Secondly, the chances for illicit profit allowed by those agreements (*at sea, the militias block the boats shortly after the departures and ask for money. If people on board give them enough money, they let them continue the journey, otherwise they bring them to prison in Libya*). Thirdly, the human rights abuses and the violence, not “as a result of the State’s failure, but rather as technology” (Saucier: p. 106) aimed at maximizing the profits in the market of “migration/human trafficking departing from Africa” (ibid.) (*they ask you to call your family, in your country, or your brothers in Libya to pay for you release. As everyone has brothers in Libya, it will them whom you will call in order to receive money*). Fourthly, the perpetuation of a racist economic order based on the immobilization, exploitation, and extortion of communities of color. The members of these communities constitute a vulnerable labor force deprived of protections, for the profit of the productive sector. The need to finance one’s migratory project pushes people to the point of being subjected to conditions of slavery for the time necessary to (as many of them say) “pay back for the journey”. But even their immobilized body is commoditized: imprisonment and torture are exploited in order to terrorize the people that are dear to the detainees, forcing them to pay for their liberation (*once your brothers send them to you, you can be released. Then you will go back to work, you will pay the militias once again and you will return at sea*). Fifthly, the Mediterranean crossing, a condition in the absence of which the mechanism would be disrupted, is cyclically postponed to the future. In this sense, mobility is not really denied, nor really possible, up to the point that the responsibility for success is assigned to

¹⁰ “Brother” or “sister” are terms that, rather than indicating a relation of kinship, are employed to refer to members of one’s community. In particular, they often refer to persons sharing the same nationality.

destiny (*I have tried four, five times to cross the Mediterranean from Libya, but this has not been my destiny*). Sixthly, the possibility of finding a fallacy in the border closure device as the engine for new movements; the constant reconsideration of the plan; the waiting made creative (*I decided to come to Tunisia, thinking that at least here there are laws. Libya instead, is a country of chaos*). And again, the border device re-emerging, in the discrepancy between legal framework and empirical experience, the disillusionment (*but every minute, every second I have spent in Tunisia, I have regretted this choice*). In order to summarize with the words of Sharam Khosravi: “Illegality of migration means sudden and dramatic disruptions of a person’s life, disruptions such as detention, deportation, or simply sudden chances of movement” (Khosravi: p. 69).

This last element evokes a dimension that achieves reconsidering the very conceptualization of “externalization of European borders” under a new light. The issue concerns the element of the *body* turned into a border *in itself*. The contemporary borders system, in this sense, rather than moving through geographical places, passes through the bodies, it makes the borders circumscribing their movement permanent and immaterial, to the point that the border is identified with the body itself. In the words of Achille Mbembe:

[...] we assist to a bifurcation between life on the one hand, and bodies on the other. In our times, not every body is conceived as containing life. It is believed that discounted bodies do not contain life as such. They are, in a narrow sense, bodies at the limits of life, trapped in uninhabitable and inhospitable worlds. The kind of life they entail and contain is not insured or insurable, enfolded as it is in extreme and thin envelops. All of this belongs to the current practice of *borderization* on distance, enacted from afar, in the name of freedom and security. This battle, carried out against certain undesirables, by reducing them to heaps of human flesh, takes place on a global scale. It is almost defining of our times. Wars on mobility are wars that are particular to our bodies. (Mbembe, 2019)

One of the essential criteria according to which the selection of the discounted and undesirable bodies, the *living-without-life* bodies, is carried out, is race. We now pass to addressing it in the next section.

5. Institutional racism and racial discrimination of people on the move in tunisia. The experience of protesters against UNHCR from April to July 2022

We leave Zarzis by louage¹¹ at 5 a.m. When we are about to enter the city of Sfax, which is the main departure point for illegalized migration, we are stopped for a police check. Two black boys are sitting in the last row, looking like they are asleep. The policeman tells the driver, who has opened the trunk, immediately behind their backs, "Wake up the Africans."¹² The driver wakes them up, and the policeman asks for their papers. Then another one arrives and asks us all the same; however, we get the documents right back. The two instead stay and talk at the police station, and after a few minutes they are ordered to get their stuff back from the louage. I hear only part of the conversation: one of them tells the police that they are going to Sfax for an appointment. But the policeman insists and asks, "And after the appointment what will you do? Do you have work in Sfax? Why are you going there?" The louage door closes, and I can no longer hear what they say. After a few minutes, the two are taken inside the police station, while the driver gets back into the louage. We set off again. R. asks the driver where the other two are, why are we not waiting for them. The driver just replies: "*Harraga*", with a dismissive hand gesture. (*Field notes, day 11.04*).

Institutional racism is the framework in which to situate the abuses suffered by people of color in general, and African migrants in particular, in Tunisia. Institutional racism is a "pattern of unequal treatment (in) educational systems, educational programs, labor markets, criminal justice, services, etc. [...] It operates in such a way as to place white subjects in a position of distinct advantage over other racialized groups" (Kilomba, 2021: p.43). When we speak of opposition between "white" and "black," or between "white" and "colored," as (Scaglioni, 2020), we refer to subjects who adhere more to psycho-social constructions than to strictly phenotypic characteristics. Power relations based on race, in fact, have variable configurations and are always relative. Thus, the fact a Tunisian person, in what Malouf (1998) would define a *percentage of their identity*, enters a relation of inferiority in the post-colonial racial imaginary with someone who projects a predominantly European identity does not prevent that person, at the same time, from being in a position of racial superiority with "blacker" subjectivities. These psycho-social constructions, according to critics, are rooted in the centuries-long phenomenon of slavery and its extension into the colonial

¹¹ The louage is an 8-passengers van, among the most used means of public transportation in Tunisia.

¹² Arab racial imagery is made particularly evident, especially in immigration discourse, by the use of the term "Africans" to describe, with a thinly veiled derogatory meaning, non-Tunisian people of color. As if to establish a boundary between the self-representation of the Maghreb as the region closest to the West, in geography and customs, and the rest of the continent. Indeed, the Maghreb region is separated from the rest of Africa by the Sahara desert, and communicates with southern Europe through a shared history in the Mediterranean, making it different culturally from the rest of Africa.

experience. Indeed, in her "Memories of the Plantation: episodes of everyday racism," Grada Kilomba (2021: p. 48) suggests that "the experience of racism is not a momentary or punctual act, but rather an ongoing experience over the course of one's biography, an experience that implies a historical memory of racial oppression, slavery, and colonization." Even in Tunisia, in common sense, "slavery is present as a remnant of a distant past, which has left an overlap between 'being black' and the label of 'slave,' inscribing a supposed past of slavery on a phenotype. Just to provide an example, indeed, "blacks" in Tunisia are often called "abīd" (عبيد, a word meaning slave in Arabic)¹³. Slavery is, in fact, often defined as an ongoing project of denying black workers' basic rights, especially in relation to human trafficking" (ibid.: p. 19-20).

In this section, an attempt will be made to show how institutional racism is one of the European border system cores, and thus also of its Tunisian extension. In particular, how racism has contributed decisively to selecting the bodies in which to embody the border. These bodies are from the poorest countries of Africa and Asia, not coincidentally continents whose relationship with Europe, for centuries and until the mid-20th century, was colonial in nature. We say that institutional racism contributed to the European migration policies, instead of saying that it determined them, because, as (Weber, 2014) intuited, social phenomena, such as migration, cannot be scientifically explained through the identification of unambiguous causes. This is a complementary reflection to the one conducted by Saucier (2021: p.102), who, in order to explain the realities at play in Europe's externalized borders, associates the element of institutional racism with that of the operating logics of the neoliberal global order (ibid.). These two elements, that of racism and that of the need for exploitable labor to sustain the market coexist, then, at the foundations of the European border system.

The reality of institutional racism is what emerges from the analysis of qualitative interviews and questionnaires conducted with a sample of protesters, refugees, and asylum seekers, who participated in demonstrations against UNHCR from February to July 2022. Sixty out of sixty-eight of the participants in the questionnaire affirmatively answered to the question "Have you been a victim of discriminatory or racist acts or insults in Tunisia?". This theme emerged consistently and strongly in the qualitative interviews as well, as one of the pregnant reasons for the non-implementation of international protection and, consequently, for the demand for immediate evacuation from Tunisia by the people protesting against UNHCR.

The most violent manifestation of racism suffered by our sources in Tunisia is physical aggressions. They have been recounted to us extensively, and there would not be time to report them all below. For the sake of brevity, we quote the following account:

¹³ Although it goes beyond the scope of this research, we feel it is important to report the testimony of a Tunisian social worker we interviewed in Zarzis (Interview 13). As a black social worker, employed in programs for the integration of foreign people from other African countries, she recounted how she often "pretend(s) to be a migrant". This was so that she could empathize with the inefficiencies and the discrimination and violence, implicit and explicit, suffered by her "clients" in Tunisia, because of their skin color: "I realize that it really is hell for them," she commented. For more on this issue, we refer to (Scaglioni, 2020). We also cite the memoir written on the subject by our fellow researcher Dorra Frihi. Again, our research has greatly benefited from the reflections shared with her during the months of fieldwork.

In Libya everything is clear: racism, barbarism, mafias, you recognize them clearly. And you walk away from them. But in Tunisia it is all hidden. I speak to you personally: I was attacked once coming out of a café after a match between Tunisia and Nigeria, during the African Cup. I don't remember the exact date (February 23, 2022, author's note). There were some young people there, 10-somethings. Around 10 p.m. I was coming back toward the dormitory (of UNHCR, in the locality of Zaytouna, 6 km far from Zarzis city center, author's note). It was far, I couldn't find a cab, I was walking, and those Tunisians, more than ten people...I wasn't doing anything...they immediately started throwing pieces of stones at me. It was not the first time. (Interview 7)

Within the main manifestations of discrimination reported by the protesters, are both the attitudes of the citizenry, and of UNHCR staff. All contribute to portraying the systemic nature of racially based discrimination suffered by people on the move in Tunisia. The fact then, that all the people interviewed were under the responsibility of UNHCR, which is responsible for ensuring international protection in the country, illustrates the major gaps that exist in the very implementation of the Geneva Convention. Discriminations were reported, first, in the cost of goods, such as food items, and services. This is illustrated in the following testimonies:

We suffered a lot of racism. On the street, in means of transport, at the marketplace...We always stay in groups, especially refugees, four, five people per group. When we go to the stores to buy four, five loaves of bread, they tell us that we eat too much, that we consume all of their bread. (Interview 3).

Once I went to the store to buy four dinars of bread¹⁴. (Tunisians) inside the store said, "You'll finish all our bread," even though for our number (of protesters, more than two hundred, author's note) 2 dinars is nothing. The shopkeeper gave me the equivalent of 2 dinars of bread. I was forced to go to another store to buy another 2 dinars, to complete the four dinars (from the common cash box, author's note) and collect the bread. Life in Tunisia is like that. The same discrimination happens in means of transport. I once tried to get to Barcelona by bus¹⁵. I did not have the half dinar ticket, and (because I am black, author's note) they would not let me on. I had to walk an hour and a half on foot. It's always like that (Interview 3).

Other discriminations were reported in education and training opportunities:

I had to take my little daughters out of school because they were constantly being assaulted, verbally and physically, by their classmates. (Interview 14)

The refugee card is of no use, neither to find work nor to enroll children in school. UNHCR, CTR, TAMSS did not help me at all. I enrolled the children myself, with my own effort, thanks to some neighbors. But then CTR came and prevented the children from continuing to study in that school, saying it was not legal. (Interview 15)

Third, the protesters accounted for difficulties to access physical, sexual and psychological health. This is one of the recurring themes causing the greatest difficulties experienced by protesters with UNHCR and its local partners in Tunisia. We could not report below all the testimonies on this issue. As an example, we report the case of an unaccompanied minor who, in a confidential interview, confessed to us that he had syphilis. M. seemed unaware of the significance of his diagnosis (or perhaps too frightened to assume its content). For months, he

¹⁴ While we are writing, a baguette (the cheapest type of bread in Tunisia) costs half a dinar. Four dinars of bread is, therefore, equivalent to about 8 baguettes.

¹⁵ This is a Metro station in central Tunis, where protesters used to go from time to time to take a shower and break away from the i'tisam environment for a few hours.

was forced to live on the street in the most precarious hygienic conditions and exposed to long waiting times and slow bureaucratic procedures to access treatment in the public system. Among others, we also report the case of a young Sudanese woman (who did not want her interview to be recorded), a mother of two girls who, fleeing Soudan because she was severely discriminated against as a victim of sexual violence. She recounts having developed neurosis because of stress, but never had access to the psychiatric and psychological care she needs. A.M., a Sudanese protester with psychiatric difficulties who told us of not having access to the needed medical care (Interview 16), went so far as to ask us to buy his psychiatric drugs because he did not receive any money from UNHCR. As suggested by F., Sudanese female witness mentioned above, the conditions in which the protesters were left to live for the many months they spent on the streets, as well as a recent history of torture and discrimination during their journey (particularly in Lybia), exposes them to psychological and psychiatric issues¹⁶. Access to mental health is nevertheless denied to them in Tunisia.

We report the testimony of a Sudanese refugee:

In December 2021 they (UNHCR members, author's note) told us: from now on you can go alone to the hospital, get the ticket there, pay for your checks. Also treatment, medicine... and then you bring us the receipts and we reimburse you¹⁷. How can we be able to pay by ourselves? It is so difficult. It means no one takes any responsibility for us, if you want treatment you have to find it yourself. I myself have health problems since I was in Sudan. I am still suffering from it now. Many times I went to the hospital, even to a specialist, when UNHCR was paying. But refugees can go to government hospitals, not private ones, and the quality is different. Not all services are free. In Africa we have problems (in public services, author's note), so we have the public alternative and the private one, and the private one is the best. When you rely on a public service, you cannot get the same benefits as with a private one. That is why it is not easy to be in this country if you have real medical problems. I myself am suffering, but if I don't go to a private clinic, I won't be able to get treatment, so I think I won't be able to get treatment in Africa. The difference is in the quality. (Interview 6)

Areas where racial discrimination has most negatively affected the experience of our interviewees in Tunisia are those of employment and salary, as illustrated in the following testimony of a young Chadian man:

UNHCR gives us 200 dt a month (about 60 euros, author's note) but you do nothing with that amount. So, you are obliged to find a job. But there is no work. Even when you do find work, it is hard work, and you don't even get the same wage that (employers, author's note) give to Tunisian citizens. They get 1000, 1400 dt (about 430 euros, author's note) a month, we get 200, 300 dt (between 90 and 100 euros, author's note). But Tunisians think, "all refugees work, and I don't".... That's why they attack us. (Interview 7).

It's not a regular job, you only find it every now and then. Most of the time (...) you are jobless. Even when you work, you make little money, which is not enough. It's barely enough to eat, and not even properly. And you can't even buy clothes with it. (...) I've been here three years, and I got nothing from this country, and unfortunately I still live here. So I could stay here five, ten years, and I would find myself with nothing. Just accomodation, no creative work, no education. (...) It's difficult, as I said: If we find work, it's in marginal occupations, the ones that the citizens themselves refuse: domestic work, mechanical work, construction work,

¹⁶ Fifty-five participants to the questionnaire stated that they had experienced torture during their journey. Of these, 16 claimed to have experienced torture in Tunisia.

¹⁷ This is one of the changes in HCR management that, justified by shortage of funds, fueled the outbreak of protests two months later in February 2022.

agricultural work. These are not occupations that fit your curriculum nor documents. If you have a college degree you can't find a job that reflects your qualifications. (Interview 6).

The issue of economic insecurity, underemployed and/or underpaid work, exacerbated by the element of racial discrimination, represents the main source of frustration among people in transit who participated in our research. So much that it represents an area through which several testimonies argue their preference for the life they were living in Libya. For example, a Sudanese woman, mother of two young girls aged 13 and 17, all protesters at the *i'itisam*, recounts:

In Libya I worked as a nurse, the girls attended Sudanese schools. These are schools where the Sudanese school programs are taught, by Sudanese teachers. I, on the other hand, worked for four years in a private hospital, 12 hours a day, three or four days a week. When we came here they stopped studying, even though I requested UNHCR to send them to school. They paid me well, 6 Libyan dinars an hour. It was not the same pay as the Libyans because my only document was my refugee card. The work was the same but they gave me less. But there was work, let's say. Libyans with the same diploma as me were getting 12, 13 dinars an hour. To those who were Libyans without a diploma (...) they were giving 9 dinars. I had no contract, there was no other way. (Interview 2.)

As can be seen from comparing the account of the work experiences, what makes the protesters prefer Libya over Tunisia is the absence of job opportunities in the latter country, rather than wage discrimination. What makes people in transit between African countries particularly exploitable, therefore, is their condition of illegality. That condition is brought about by the international visa and passport regime, constructed through the lens of the externalization of European borders.

Sometimes I even tell myself that if you want to travel all over the world you have to have a European, American or Australian passport. Like that you can go anywhere you want without any visa. But we, the Africans, cannot. The Sudanese passport is among the worst in the universe, maybe you have three, four countries in the African continent that you can get to, not without a visa, but with visas that are easy to get. It is an injustice that some people can go where they want and some others cannot. The reason, they say, is that the (African) countries are primitive, they are at war, so if we allow Africans to leave them freely, there will be mass exodus. But I ask myself, if I came to Italy, I would qualify myself. I would contribute to the country's economy, so what's wrong with letting me in? There is a kind of hypocrisy, a kind of injustice. (Interview 6)

As the testimonies show, the economic insecurity, deprivations and human rights violations suffered by people from other African countries in Tunisia are related to their illegalized status, to the kind of documents they (do not) possess. This illegality or limited legality, in turn, is rooted in the laws that regulate international mobility, and which are the fulfillment of a European project. The evidently discriminatory character of those laws is understandable through the reflection on institutional racism deployed in the preceding section. The discriminations perpetuate the existence within societies of a labor force exploitable to the death, and is one of the drivers of contemporary national economic systems, as in the case of Tunisia and Libya. As noted in the National Survey on International Migration 2021 - 2022 (Tunisia IMS), 77.1% of foreigners from other African countries in Tunisia are young people in the age of work (15 to 59). Some 50% of them say they came to Tunisia to improve their economic conditions. If, however, just 10% of those from other Maghreb countries say they want to continue their migration experience, the percentage of foreigners from non-Maghrebi

African countries who want to leave Tunisia rises to 65.7%. The reasons most given for this intention are difficulties in accessing the labor market and working conditions in Tunisia. In addition to confirming these data, our analysis delves into the structural causes of these orientations illustrated in the survey.

Regarding the institutions responsible for the discrimination, the protesters' claims frequently call into question UNHCR's local partners, namely the Tunisian Council for Refugees (CTR, from its name in French) and Tunisian Association for Management and Social Stability (TAMSS, from its name in English).

If you want to exist here, you must work with the local partner, through the CTR. And also, TAMSS, and the Arab Institute for Human Rights, they are our enemies. (...) I do not believe they are a partner for us, really, they are our enemy because they are stealing all the money, the full amount, for them and do not care about the rights of refugees and asylum seekers. They give us bad services for themselves to buy cars, have a comfortable life... I think if the CTR wasn't around, everything would be alright for us, but until they exist our life will be upside-down, just like now. (...) Even if we want to report a human rights violation to the police, we must pass through the AIHR to take our case. But they do nothing. Why? Because we are refugees, we are foreigners, we are Africans. (Interview 6).

6. Tunisia: not a safe country

6.1 The mandate of UNHCR in Tunisia: a dispersion of responsibility

"Our task as HCR tunisia is to receive asylum applications and examine them": this is how our interviewee (Interview 1) in UNHCR sums up its function in Tunisia, a country where since 1992, with an agreement renewed in 2012, the UN agency is the sole authority responsible for determining refugee status (Badalič, 2019). The right of people entering Tunisia to seek asylum, despite the criminalisation of undocumented migration, is guaranteed on paper by the exceptions to the 1975 Loi Organique, for situations covered by the 1951 Refugee Convention (Badalič, 2019). UNHCR's protection and assistance mandate is based on the possibility of distinguishing on an individual basis who belongs to the group of persons under its protection and who does not. The same approach that identifies and distinguishes on the basis of legal categories can be observed in the analysis of the group of protesters made by the UNHCR Associate Reporting Officer of the Emergency Response Team (ERT) at UNHCR Tunisia:

[the group] is very diverse, made up of different profiles: recognised refugees, asylum seekers and also people who have arrived again and who still need to be registered in order to understand whether they want to apply for asylum or not; in addition there are people with a closed file, because they have not received refugee status. Each category is at a specific point in the asylum procedure at UNHCR and is only entitled to protection and assistance if they are refugees or asylum seekers; these two categories define UNHCR's 'persons of concern'. (Interview 1)

Our UNHCR interviewee claims that 'everyone who arrives in Tunisia or is rescued at sea coming from Libya has access to the asylum procedure' (ibid.). At the same time, she at least acknowledges that the implementation of this right to asylum in Tunisia is hindered by long and cumbersome bureaucratic procedures, carried out with the help of local partners. The difficulty of obtaining an interview with UNHCR, of seeing one's appointment confirmed and one's requests heard, is justified by our interviewee by the fact that they are 'overburdened with applications' (Interview 1) due to the recent increase in incoming migratory flows. In the words of our interviewee from UNHCR:

all refugee status determinations are done individually by our status determination officers and we do not have infinite capacity: we can look at 1,000 cases per year, whereas last year we had more than 3,000 applications (Interview 1).

Basically, therefore, UNHCR has signed an agreement in Tunisia within which it is no longer able independently to guarantee a timely examination of applications. UNHCR's procedures, thus go through a rationalization of the services provided. Such rationalization, as occurred in the past, has until now brought to that system of delegations we also refer to as device of responsibility dispersion:

The service may not be the best but we have a pre-enrolment protocol so refugees who arrive ask for and can have a pre-enrolment interview [at CTR], after which they are given an appointment for enrolment, and then the asylum determination process begins, during this limbo period, even when people wait a long time for pre-enrolment, applications can take a while and appointments take a long time (Interview 1).

In this constant bouncing back and forth between UNHCR and local partners such as CTR, the protection and assistance service deteriorates in effectiveness and quality, while beneficiaries tell of the frustration, sense of helplessness and problems associated with this state of "limbo" and insecurity. All the testimonies collected converge on the de facto lack of international protection. First, the lack of an asylum law prevents the Tunisian state from dealing, even legally, with this category of people. This legal vacuum delegates the management of refugees in the country to the UNHCR and its local partners, creating a mechanism for dispersing responsibilities between international and local actors. The following testimony allows us to understand the experience of an asylum seeker in Tunisia at the beginning of his (ir)regularisation path: "It happens that you have to be seen, to stand in front of the UNHCR door until they see you, for 2 or 3 days, sometimes a week [...] often before you are heard you are told to come back the next day" (Interview 4).

This is how the beginning of a bureaucratic management of asylum is established, which takes the form of a continuous postponement and which forces asylum seekers into a wait of which they cannot see the end, a repeatedly disappointed expectation of being heard. The latter theme is among the main ones in all the interviews conducted during the research with protesters about the relationship with UNHCR and its partners. 45% of participants to the survey possess the refugee status recognized by UNHCR Tunisia; the average time for this group for obtaining it is 10,6 months (the time varies from 1 months to 27 months); the 28 participants to the questionnaire who are actually asylum seekers (41%) are still waiting for their refugee status to be recognized; their waiting time is on average 10,3 months.

When he entered Tunisia to apply for asylum, M. went to UNHCR, which then told him to go to the CTR for pre-enrolment (Interview 4). After completing this procedure, he was sent back to UNHCR to begin the actual registration, another procedure that ushers in a further waiting period, this time for the asylum seeker's card. Once in possession of this document, M. recounts how one has to return to CTR to get assistance services. Several times, M. points out that CTR does not offer the services it is mandated to provide, justifying itself by the lack of sufficient financial support from UNHCR and the Tunisian government. M. adds bluntly, "it's like UNHCR saying I've finished my work." He recalls the 10 months of precarious stay in the shelters where he waited for his refugee card, only to find out that UNHCR justifies itself with lack of funds for denied services, even after refugee status was granted.

This situation is confirmed by the testimonies of other refugees. The protesters are aware that their future depends, *de jure*, on UNHCR: that is why they are demonstrating in front of the UN agency and not in front of the Tunisian state or the European delegations. However, everyone knows that, *de facto*, UNHCR offers no protection: Y. (Interview 5), one of the Touareg protesters, says that he finds himself forced to be a person of interest to UNHCR, and that he would rather not be one knowing that he does not have access to what he is

entitled to. In Tunis, UNHCR promised him relocation to a third country and then transferred his case to CTR, which made the same promises and for some time paid for his hotel room. After a month with no response, when CTR stopped paying due to lack of funds, Y. decided to return to Zarzis on UNHCR's advice. He went down to Zarzis but did not receive the promised assistance and was told that relocation to a third country would be impossible because his life was not in danger.

6.2 The myth of “integration” in Tunisia and the ineffectiveness of international protection and assistance

UNHCR's international protection mandate is primarily designed to counter the persecution from which refugees and asylum seekers under its care flee. The measures taken by the agency in this regard depend on the severity of the specific danger to which each individual is exposed. "The people who are really in danger are in a shelter in Tunis, really in a protected facility" (Interview 1). Nevertheless, as outlined in by Y., a Touareg protestant, it happens that acts of persecution can follow a refugee even in Tunisia. In this example, the interviewee was reached by a threat of ethnic persecution coming from Libya:

I stayed in front of UNHCR to demonstrate for 4 days in 2021, perhaps May or July. I stayed four days while the blood came out and I was sick. After four days, Libyan militias arrived here. Three cars stopped here in front of the cameras; they told me they were from the embassy. But I consider them all militias. [...] One got out, gave me an identification card telling me he was an ambassador; he said to me: “you are Libyan, because you are standing here on the street”. And I replied: "I am not Libyan, although I was born and raised in Libya, Libya does not recognize my presence, I am stateless." They told me: "you are Libyan, you have to come with us, we will give you a hotel, six months, you think well and then you come back with us to Libya and you will be given citizenship." I refused, and then he threatened me. [...] I entered the building, forcibly pushed myself inside and requested that they make me evacuate: anywhere in Africa, in Europe, in the world, except Tunisia and Libya. How is it possible that the UNHCR that is supposed to protect me let Libyan militias pass in front of their cameras in the area they protect, who come to insult my honor and attack me while I was sick? They told me that it was not they who informed the Libyans of my presence there, that it was not their fault. (Interview 5)

Another of UNHCR's activities concerning the protection of persons under its care is the training of all Tunisian state apparatuses in the acceptance of the refugee or asylum seeker card, as a document allowing legal mobility within Tunisia. Our testimonies tell of the limitations of this training and the related protection provided by the UNHCR agency. In any case, the UNHCR representative assures that the agency's lawyers always take action to protect refugees and asylum seekers from police abuse, going to detention centers whenever one of the persons under protection is arrested or imprisoned. On this point, too, our questionnaire tells a different reality (see section 6.5).

On the other hand, the assistance services UNHCR provides in Tunisia are also ineffective and have major shortcomings. The justification offered in Interview 1 remains the combination of a reduced budget and an increase in requests for assistance, especially due to the increase in the number of people recovered at sea. The very event at the center of this research began when “some of them unfortunately had their assistance cut, because UNHCR did not receive the necessary funds this year” (Interview 1). For this reason, our source inside

UNHCR tells us that the type of assistance had to be “restructured” (ibid.), focusing on the availability of dormitories and monetary support for those who reach UNHCR after being rescued at sea or those who are assessed as vulnerable and most in need of assistance.

To assist those under its care, UNHCR cooperates with ministries and has ensured that refugee children's access is equal to that of Tunisians in terms of primary and secondary education; within this framework, CTR contacts all school-age individuals and supports their education with an annual grant that covers school fees. If school enrolments remain low, according to UNHCR (Interview 1) and the association we interviewed in Medenine (Interview 17), this is due to the reluctance of families, also motivated by their refusal to stay and find local 'integration' solutions, given their desire to continue their mobility outside Tunisia. Also on the employment side, the collaboration between UNHCR and the Ministry of Labor has the declared objective of removing the barriers that prevent foreigners from accessing the labor market¹⁸. In this field, UNHCR ensures that it monitors all positions procured for refugees through local partners (TAMSS) and supervises working conditions. Yet our testimonies tell of a daily reality of wage discrimination and human rights violations at work, as well as of suspicions harboured by the interviewees about the real destination of their salary when it passes through UNHCR's intermediary partners (interview 2, 3, 4, 5, 6, 7, 8, 14, 15, 16). In the course of the interview, UNHCR's communications officer in Tunisia is keen to inform us of "the many refusals of refugees and asylum seekers from proposed jobs while many others work and are integrated" and of the fact that "refugees continue to receive assistance even if they refuse a job" (interview 1). Protesters' accounts of working conditions give us an idea of the reasons why refugees refuse to offer themselves to certain jobs, mainly in the steel and construction sectors. On the side of medical assistance, UNHCR guarantees the reimbursement of medical expenses of persons under its care (Interview 1). However, according to refugees and asylum seekers in their interviews, this procedure still obliges them to have money to pay for hospital fees or medication; they will then have to submit their expenses to UNHCR offices to be reimbursed. The almost total lack of liquidity of some refugees and asylum seekers therefore effectively prevents their access to medical services, excluding those that other organizations such as Médecins Du Monde¹⁹ bring directly to the field. Among the programmes that focus on the integration solution, our interviewee mentions job placement programmes.

In every country in which it is active, UNHCR proposes 3 different long-term solutions to refugee status: socio-economic integration, voluntary repatriation and resettlement. According to our interview 1, realistic alternatives to resettlement for the group of protesters are local integration or access to alternative pathways. Since the latter depends from the interest of third countries, UNHCR particularly promotes the first one.

They say you will stay in Tunisia, you will live as a Tunisian citizen. But this is not true. As you left your country because of wars and massacres, when you find a country where there is protection, justice, solidarity and rights, you will stay. But when it is not like that... you see in Tunisia it is different. You have nothing and

¹⁸ These barriers apply to all foreigners and are based on the relevant national legislation that discriminates in favor of Tunisians and prevents any foreigner from accessing a position for which no Tunisian personnel can be demonstrated (Badalic, 2019).

¹⁹ After contacting Médecins du Monde through phone and e-mail and informing them of the purpose of our research, they have not reached back to us.

they force you to stay as a citizen. They don't give you anything, all your time with your refugee card. But when you arrive in a country where there are rights, you will receive a passport and all the papers. But in Tunisia it's different. (interview 7)

In Interview 1, the UNHCR representative makes it clear that the fact that "the integration possibilities present are not acceptable to some" is not enough to consider Tunisia an unsafe country. She assures that "from the point of view of rights the possibilities are there" and in favor of this idea she cites the fact that "refugees who have contracts can benefit from pensions, health insurance, and the contracts made are regular"; furthermore "those who have passports can access residence permits" (Interview 1). For all the others, our interviewee states that UNHCR is working with the Ministry of the Interior so that they too can access the residence permit.

Following R.B.'s testimony (interview 9), the position of the municipality of Zarzis is twofold. On the one hand, it is necessary to follow international agreements for international protection, i.e., the Geneva Convention, especially the right to movement within and outside Tunisia. On the other, given the city's limited resources, it is not possible to provide more than the bare minimum for migrant people. R. remains of the view that "it is better to provide alternatives to help these people on their journey to Europe, rather than looking for integration within Tunisia" (ibid.). The municipality actually has little power in the local incorporation of migrants. For instance, it is UNHCR that decides the location of reception centers. The UN Agency, according to R.B., "is in an awkward situation" (ibid.), because it has to deal with the local integration of a category of people who do not want to stay in Tunisia, and for whom there are no effective local possibilities for socioeconomic incorporation. At the same time, there is no national cooperation program to deal with the problem of migrant people in Tunisia: neither cooperation between cities, nor between central government and local municipalities.

As we have seen in the course of the analysis of our primary sources, the present possibilities for integration are not acceptable for the entirety of the sample under research. Moreover, the *i'tisam* makes the recognition of Tunisia as an unsafe country the primary motive for their claims. We shall than pose ourselves the question: What is a safe country in international law? What is the understanding of the concept of the international actors involved? How does the EU and particularly Italy define a safe country? How do UNHCR do so?

They say that Tunisia is a safe country. It is, in the sense that there is security. But if the country doesn't accept me, how can I integrate? How do I live here? This is the point. If I am not given protection and I end up sleeping on the street, how can I have a future? How can I be useful to myself and to society? You understand? These too are criteria for deciding whether a country is safe or not. If there is no possibility of medical treatment, what do I do if I have psychological problems? Thus sanity is lost. How do I feel alive? I feel dead, even though my body has not been buried. You must also take these things into account (when thinking about the concept of security, author's note). I want to enjoy my right to life: what is this right? Having a job, a home, a family. Is a dream? Am I asking for impossible things? When we ask for this right, they look at us in the dark, they don't bother for us, and it's because of the color of my skin again: racism is omnipresent. Is this justice, friend? I have one goal: I want my right to life. I'll make it one day to get it. I will not give up. (Interview 4)

6.3 Defining safety: "Safe third country", "Safe country of origin" and "Place of Safety"

The notion of a safe country refers to two precise juridical terms in national, EU and international law: the first concerns the asylum application procedure ('Safe country of

origin/'Safe third country'); the second concerns rescue at sea ('Place of safety'). Both legal categories are applicable according to certain criteria respectively set out, respectively: in the EU Asylum Procedures Directive²⁰ and in national asylum legislations of Member States²¹; and in the 2004 amendment to the SAR and SOLAS conventions on search and rescue operations²². To clarify the purpose of this section, we should consider that the application of these legal terms strictly concerns only the possibility of “accelerating” procedures of asylum, the possibilities of repatriation and return to safe third country (EuroMed Rights, 2018) and the legitimacy of landings in unsafe places after rescues at sea (Farahat and Markard, 2020). The latter dimension of the notion of a safe country is particularly relevant for the present analysis given that a substantial proportion of the protesters (20 out of 68 participants in the questionnaire) arrived by sea following a rescue/interception. On the other hand, the consideration of Tunisia as a “safe country of origin” or as a “safe third country” only has an indirect effect on the possibility for the protesters to see their request for resettlement recognised. It would be politically inconvenient, to say the least, to evacuate a significant number of refugees from a country considered safe for other purposes. Therefore, it is still relevant to dwell on the lack of clarity of the criteria and the doubts our research may raise about their verifiability (section 6.4).

In what follows we enlist the criteria for the definition of a safe country used by the EU and translated into Italian national legislation - the only one unlike France, Belgium, Germany and England to include Tunisia in the list of "safe countries of origin" (ASGI, 2022). We then report on the criteria contained in the SAR and SOLAS Conventions for determining 'Place of Safety'. Furthermore, we analyze the reasons why UNHCR recommends states not to consider Libya a "Safe Country"; they will be used as a substitute for a formal UNHCR definition of safe country. We close this section by outlining the reasons why this research shows that Tunisia cannot be considered a safe country for the protesters, mainly asylum seekers and refugees at the center of this study, summarizing the violations of international law and human rights of which this group has been the victim. In synthesis, a country is considered to be a “safe country of origin” if respect for human rights there is considered satisfactory, as it is governed by the rule of law and its citizens do not suffer persecution or degrading treatment (ASGI, 2022). The legal framework for the notion of 'safe country of origin' in EU law appeared in 2005, in the first Asylum Procedures Directive, and was later integrated into the 2013 Asylum Procedures Directive. As a result of this directive, asylum seekers who are nationals from 'safe' countries could be subject to 'accelerated' procedures for processing their applications (ASGI, 2022).

The Annex I of Directive 2013/32/EU on common procedures for granting and withdrawing international protection lists the **criteria to define a “safe country of origin”**. The most relevant to this study are the followings:

- the possibility to show that there is “no torture or inhuman or degrading treatment”;
- “respect for the principle of 'non-refoulement' in accordance with the Geneva Convention”;

²⁰ Directive 2005/85/Ce and Directive 2013/32/UE

²¹ i.e., as regards to Italy, Article 7-bis of Interministerial Decree. 4th October 2018, n. 113

²² Guidelines on the Treatment of Persons Rescued at Sea, Resolution MSC.167(78), adopted on 20 May 2004, MSC 78/26/Add.2, Annex 34 (“2004 MSC Guidelines”)

- “the extent to which protection against persecution and ill-treatment is offered through the relevant laws and regulations of the country”
- “the manner in which they are applied”²³

As other member states, Italy has also incorporated into national legislation the provisions of the Procedures Directive. The criteria translated in the Italian legislation take up those listed so far.

The notion of “safe third country” is explained in the article 38 of Procedures Directive. This concept differs from 'safe country of origin' because it refers to a non-EU country through which the asylum seeker has transited and to which he/she could be returned, when a Member State considers that his/her asylum claim should be processed there to accelerate procedures. Nevertheless, some doubts might be raised about the risk of violation of the principle of non-discrimination on the grounds of nationality provided for in the 1951 Convention relating to the Status of Refugees (ASGI, 2022). The criteria for determining safe third-country status can be found in Article 39 of Procedures Directive. For the scope of this study, it is interesting to note that this concept precisely refers to the possibility of an asylum seeker in a third country to receive a treatment which conforms to specific criteria. Among them, we underline the “possibility to apply for refugee status and, for those recognised as refugees, to obtain protection in accordance with the Geneva Convention” (ibid.), which is exactly what the *i'tisam* denounce as missing in Tunisia. Hence, it is possible that in the next future other EU states, including Italy, will implement a new list of “safe third countries” and that Tunisia could be defined as such. Hence, all refugees and asylum seekers passing through Tunisia would be in the same situation of Tunisian citizens. Asylum procedure would then be processed by Tunisian authorities, giving the right to EU member states to send back refugees and asylum seekers in Tunisia.

The concept of 'Place of Safety' is explained in the 'Guidelines for the Treatment of Persons Rescued at Sea' and in the 2004 amendments to the SAR (International Convention on Maritime Search and Rescue) and SOLAS International Convention for the Safety of Life at Sea (SOLAS) Conventions²⁴. Following such provisions, the Law of the Sea obliges the landing of rescued persons in a place of safety. In fact, 'Place of Safety' refers to a place where rescue operations are considered completed. It is a place where the safety of the survivor is not threatened and where his or her basic needs can be met. Furthermore, it is a place from which transportation to the survivor's next or final destination can be organized (Farahat and Markard, 2020).

However, the 2004 MSC Guidelines emphasise that safe places cannot be determined in the abstract, but instead the circumstances and context, as well as the specific needs and vulnerabilities of rescued persons, must be taken into account. Moreover, it is explicitly stated in the Guidelines “[t]he need to avoid disembarkation in territories where the lives and freedoms of those alleging a well-founded fear of persecution would be threatened” (cited in Farahat and Markard, 2020). This means that demonstrating that the lives and freedoms of refugees and asylum seekers in Tunisia are seriously at risk is tantamount to demonstrating

²³ Annex I, Directive 2013/32/EU on common procedures for granting and withdrawing international protection

²⁴ Both conventions were signed by all Mediterranean countries except Egypt and Israel, and Bosnia and Herzegovina respectively

that Tunisia cannot be considered a 'Place of safety', at least for them. Not considering Tunisia a 'Place of safety' would then oblige those rescued in the Mediterranean Sea to land on the shores of a safe third country. We repeat it because it is important to underline here this specific dimension of what the same study of Farahat and Markard (2020) called the “[T]he EU’s Policy of Outsourcing Responsibility”. Moreover, a safe haven should be temporary in any case, which means that survivors should be able to leave and continue their mobility; it also means that durable solutions may not necessarily be provided in the country of disembarkation (Farahat and Markard, 2020).

For its part, UNHCR has no real official definition of a safe country. It simply speaks of a "third country where they [the refugees] are granted legal status" (UNHCR, 2022), for the purposes of resettlement. It then repeats several times on the same webpage that “Resettlement is not a right. Decisions on resettlement consideration are made by the resettlement countries.” As discussed below, UNHCR is only concerned with determining eligibility for resettlement programmes for each individual considered vulnerable. Yet, as we will elaborate on later, not only has UNHCR activated several evacuation and resettlement programmes from Libya, it has also expressed a clear position on "Libya as Safe Third Country and as Place of Safety for purpose of disembarkation after rescue at sea" (UNHCR, 2020). In this official document, UNHCR states that it does not consider it appropriate for states to label Libya as a 'safe third country' and that Libya does not meet the criteria to be considered as a 'place of safety'. Given the fact that UNHCR does not autonomously set out criteria for defining a safe country, we use the arguments thereby contained as substitutes. If these reasons are also applicable to the Tunisian case, as we argue below, following the same logic, UNHCR should also discourage states to consider Tunisia as a “Safe Third Country” or as a “Place of Safety”. **The reasons why UNHCR does not consider appropriate to classify Libya as a “Safe Third Country” are:**

- “the absence of a functioning asylum system”;
- “the widely reported difficulties and abuses faced by asylum-seekers and refugees in Libya”;
- “the absence of protection from such abuses”;
- “the lack of protection against refoulement”;
- “the lack of durable solutions”.

The reasons why UNHCR does not consider that Libya meets the criteria for being designated as a place of safety for the purpose of disembarkation following rescue at sea (UNHCR, 2020) are:

- the volatile security situation in general;
- the particular protection risks for foreign nationals (including arbitrary and unlawful detention in substandard conditions in state-run detention centres, and reports of serious violations and abuses against asylum-seekers, refugees and migrants by, among others, militias, traffickers and smugglers)

As additional reasons it mentions the fact that 'Libya is not party to the 1951 Convention Relating to the Status of Refugees or its Protocol', as well as the fact that 'there is no asylum legislation or any established asylum procedures'. As we said, it should be mentioned here that while Tunisia is a signatory to the 1951 Geneva Convention, it has no asylum legislation

and has delegated the management of asylum procedures to non-governmental or, mainly, intergovernmental organisations, such as UNHCR itself (Badalic, 2019).

On 4 October 2019, an inter-ministerial decree introduces a list of countries considered as safe according to criteria determined by Italian law referring to what is written in the relevant European directive. The measure is aimed at drastically reducing the delay in the assessment of immigration dossiers in Italy for migrants originating from 13 'safe' countries including Tunisia (ASGI, 2022).

The fact that more than 1/3 of the migrants who have arrived in Italy since 2019 originate from one of these 13 states seems to be the only underlying motivation for the determination of this list. (ASGI, 2022)

However, not only the aim, but also the precision and the verifiability of the criteria we listed above can be subject of critiques. In fact, the Italian Supreme Court of Cassation points out how the criteria for the designation of safe countries are of "lacking indication" and how this characteristic could "be detected as a symptomatic figure of excess of power" (Corte Suprema di Cassazione, 2020). To sum up, determining the status of a country of origin as 'safe' implies that respect for human rights is considered satisfactory, governed by organic laws and that no individual suffers persecution (EuroMed Rights, 2018). We now cross the most significant criteria with the evidence received from primary sources in the course of the research. In doing so, we provide arguments for which Tunisia cannot be considered a safe country either for purposes of processing asylum procedures or disembarking rescued people.

6.4 Debunking safeness in Tunisia

Several researches already show how Tunisia cannot be considered a safe country in the formulations of 'safe country of origin'/'safe third country' (EuroMed Rights, 2018; ASGI, 2022; FTDES, 2020). Others focus on demonstrating how the Tunisian coast cannot be considered a 'Place of Safety' for the purpose of a landing after a rescue at sea (i.e. Farahat and Markard, 2020). As far as violations by EU member states are concerned, we may recall that according to the European Charter of Fundamental Rights:

“No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment”. Charter of Fundamental Rights of the European Union, Article 19 (2)

Meanwhile, the EU itself cooperates with a partner, Tunisia, which carries out expulsions and rejections (EuroMed Rights, 2016; ASGI, 2022) and thus also violates this fundamental document. One could say, in light of what has been said about the externalization of European borders, that the EU violates the Charter by proxy. As the Council of Europe warned already in 2013 - referring to the cooperation with Libya and border control agencies such as FRONTEX - changes to policies and laws of third states to aid EU objectives can result in violations of human rights, in particular the right to leave a country, including one's own, the prohibition of collective expulsion and the right to seek and obtain asylum. Although the initiative in determining the place of safety must be taken, according to the 2004 SAR and SOLAS amendments, by the state responsible for the SAR area where the rescue takes place, 'there is a duty of governments to cooperate in providing suitable places of safety for the individuals rescued' and the treaties 'make no determination where this place of safety must be'. This means that Tunisia is not obliged by these conventions to bring individuals rescued in its SAR back to its shores. The reasons why it does so are certainly

other. Indeed, even Farahat and Markard's article (2020) comes to similar conclusions as the present study. Tunisia cannot be considered a place of safety, certainly not for individuals belonging to particularly vulnerable groups, such as most of the protesters participating in this study. Therefore, even Tunisian authorities should stop disembarking these rescued people on their shores.

Despite significant progress having been made by the inclusion of the right to asylum and the principle of non-refoulement in the Tunisian constitution, asylum seekers in Tunisia still cannot be said to be effectively protected. Due to the lack of a proper asylum procedure, chain refoulement is not effectively ruled out. In addition, potential refugees are still exposed to arbitrary detention and have practically no access to effective legal remedies. Vulnerable groups, in particular LGBTI, are exposed to severe discrimination and ill-treatment (Farahat and Markard, 2020).

Generally speaking, we can say that all definitions of a safe country include respect for human rights within it as a necessary condition. In our observations, interviews and questionnaires, we witnessed several violations of the human rights contained in the Universal Declaration of Human Rights. 55 out of 68 participants to the survey declare to have suffered from torture, 16 of which in Tunisian territory. We have documented detentions by the Tunisian authorities on grounds of irregular migration, including in cases of possession of refugee status or asylum seeker status. 45 out of 68 participants declare they have been arrested at least once by Tunisian police; only 4 of the participants who report being arrested were not recognized as asylum seekers or refugees. 36 out of 68 participants declare they have been imprisoned at least once, 22 of them for more than a week (thus justifying some doubts about the readiness of UNHCR legal assistance); only 3 out of those 36 were not provided with refugee or asylum seekers documents. 26 out of 68 participants explicitly declare that the reason for their imprisonment was illegal migration.

We documented persecution and racial discrimination by Tunisian citizens (Interview 2, 3, 4, 5, 6, 7, 8), as well as a general lack of security and coverage of basic needs manifested in the life on the streets experienced by protesters for almost five months. 60 out of 68 participants declare they have been victim of discriminatory or racist acts or insults during their stay in Tunisia. 42 out of 68 participants declare that they reported to the police a crime committed against them and received no response; only 2 of the 42 were not officially recognized as refugees or asylum seekers.

In sum, whether it is at least doubtful whether Tunisia can be considered a place of safety at all, it is certainly dangerous for individuals belonging to particularly vulnerable groups. Furthermore, none of the five North African countries (Morocco, Algeria, Tunisia, Libya, and Egypt) can generally be considered a safe place under the law of the sea (Farahat and Markard, 2020).

In the framework just described, the responsibilities of the EU can be traced on two fronts. The first concerns the landing of survivors by EU authorities in unsafe places. The second concerns cooperation agreements that require the Coast Guards of North African countries to carry out 'rescues' at sea. Due to the effects of the Articles on State Responsibility, having established that North African states also violate the laws of the sea by landing survivors in unsafe places, the involvement of EU Member States can be qualified as complicity (Art. 16 ASR)²⁵ when it is known that rescued individuals will be exposed to "severe human rights

²⁵ Articles on the Responsibility of States for Internationally Wrongful Acts ("Articles on State Responsibility," "ASR"), Report of the International Law Commission on the work of its fifty-third session (23 April – 1 June and 2 July – 10 August 2001), UN Doc. A/56/10 ("ILC Report"), p. 26–30.

violations, persecution or chain refoulement" (Farahat and Markard, 2020). Moreover, they will be complicit in violations of the right to leave.

We can also recall the words of the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment, Nils Melzer, on this subject.

In sum, destination States cannot circumvent their own international obligations by externalizing or delegating their migration control practices to other States or non-State actors beyond their jurisdictional control; rather, any instigation, support or participation on their part may give rise to complicity in or joint responsibility for unlawful pullback operations and the resulting human rights violations, including torture and ill-treatment. (UN, 2018)

EU states are therefore liable for violations of the law of the sea and related human rights violations even when 'calling upon third country authorities to achieve this effect' (Farahat and Markard, 2020). Moreover, EU responsibilities can be found in the power Member States have to increase the number of resettlement places from Tunisia, thereby acknowledging the protesters' claims, as well as in the power to implement legal emigration routes from Tunisia to Europe through visa, asylum and migration policy reform in general. In the next section we specifically analyze the present legal pathways of emigration available for a refugee or an asylum seekers in Tunisia.

The factsheet by EuroMed Rights (2018) denouncing the risks involved in categorizing countries as safe summarizes the issue of the definition of a safe country as follows, by way of a negative logic:

To classify a country as a 'safe country of origin' - or 'safe third country' - means that no risk of persecution exists in principle for nationals of that country or foreign nationals, and that their human rights are effectively respected, including the right of asylum. EuroMed Rights (2016)

The same document goes on to report that in Tunisia the right to leave a country, including one's own, is not guaranteed (Law No. 04-06) and that unauthorized exit is punishable by fines and imprisonment. The only right that according to EuroMed Rights (2016) the UNHCR-issued card is able to guarantee is the right not to be repatriated, yet there is no asylum law and therefore no refugee status directly recognised by an institution of national competence. It then recalls how the constant racist attacks and racial discrimination are still not punishable by law in either Tunisia, Morocco or Algeria. Badalic's (2019) research on the Tunisian case analyzes how the crimmigration law applied in Tunisia alongside the illegal practices employed by the Tunisian authorities negatively impact the human rights of irregularized migrants and in particular asylum seekers in Tunisia. It also shows how the EU supports within its strategy of externalizing migration controls the systematic violation of human rights by Tunisia, in order to prevent irregular migrants from reaching the EU.

This research (Badalic, 2019) also cites rejections of irregular migrants and their detention in order to prevent asylum claims among the illegal practices used by the Tunisian security forces, thus denying the right to apply for asylum. The UNHCR representative explains in Interview 1 how there is no refoulement or deportation at the border, and how people at sea are systematically rescued (or intercepted). Yet, the questionnaires and testimonies paint a very different reality. In fact, 35 out of 68 participants in the questionnaire state that they have been victims of refoulement by the Tunisian authorities after crossing the border by land. Among the 35 participants who suffered refoulement, most were victims more than once. In total, 78 rejections were reported in the survey. Furthermore, by refusing irregular migrants access to lawyers and interpreters, Tunisia violates the right to due process in

criminal proceedings in international protection procedures. The absence of the possibility for refugees and asylum seekers without passports to obtain residence permits in Tunisia is also, according to Badalic (2019), a violation of refugees' right to work. Finally, the same research confirms that the criminalisation of irregular departures from Tunisia is a violation of the right to leave a country (Badalic, 2019).

Despite all these reasons, Tunisia's insecurity can be mitigated and sweetened by downplaying it and recounting the discrimination we observed as mere 'episodes' (Interview 1). Indeed, this country is actually considered as safe by the international community and this hinders the possibility of the protesters to access what they revendicate as a right: the possibility to leave Tunisia for a safe country.

6.5 No way out: from Tunisian “limbo” to Libyan “hell”

It has been explained how the international acknowledgement of Tunisia as a safe country contributes to the lack of legal pathways (i.e. resettlement and evacuation) available for UNHCR's people of concern for leaving the country. This section explores how, alongside the flawed evaluation of eligibility for existing legal emigration pathways, their insufficiency is the principal factor which motivates many refugees and asylum seekers and migrant people from non-maghrebi African countries actually in Tunisia to return to Libya.

Resettlement programmes claim to target particularly vulnerable refugees. The UNHCR Agency defines resettlement as the 'selection and transfer of refugees from a State in which they have sought protection to a third State that has agreed to admit them as refugees with permanent residence status' (UNHCR, 2020). Third 'host' countries, usually together with UNHCR, select a given number of refugees from a certain country in order to ensure legal and safe access to its territory and political community (Welfens and Bekyol, 2021). Resettlement is one of the 3 durable solutions proposed by UNHCR to persons under its care. It is unclear how Tunisia's inclusion on the Italian list of 'safe countries of origin' and the international community's failure to recognise the lack of safety for refugees in Tunisia contribute to limiting resettlement places for them. Places that are recognised as unsafe, however, have more resettlement slots than others, as mentioned in the introduction.

Nevertheless, the number of places for resettlement and the criteria that determine the selection of a category of refugees from Tunisia to a safe third country depend directly on the latter's asylum policies (Interview 1). These policies are often unofficial, such as those determining the preference given to refugees from the LGBTQ+ community or family members (ibid.). Often, these resettlement policies follow emergency logic and give preference now to Afghans now to Ukrainians, just to cite two recent examples in history, building programmes dedicated to resolving a critical situation with geopolitical implications (ibid.). The places available for resettlement, as well as the funding for the different national UNHCR departments, depend on the overall international framework and thus on the emergence of other humanitarian crises that divert support and interest from Safe Third Country policies. Overall, places for resettlement are only 1% of all persons with refugee status (Scarpa, 2021). The slice for Tunisia is small, but the cake as well.

Here again, however, the concept of a responsibility dispersal device finds another case to refer to. *De facto* discrimination on a national basis or on the basis of criteria of 'sensitivity' to certain social categories is concealed by the *de jure* “discrimination” implemented at source by UNHCR. In order to be declared eligible for resettlement, in fact, it is first necessary,

during the examination of the refugee applicant's dossier, to carry out a so-called 'vulnerability assessment'. This procedure verifies the individual's vulnerability on the basis of precise criteria. Yet the number of persons declared vulnerable then depends, on the number of places UNHCR can expect for resettlement, based on projections derived from previous years (Interview 1b). This makes it impossible to rely on statistics derived from the vulnerability assessment to get an idea of how many refugees and asylum seekers in Tunisia actually experience such insecurity. As a result, it is also easier for third states to maintain a small number of places dedicated to resettlement, not receiving the media pressure that would result from independent monitoring of the vulnerabilities of persons under UNHCR protection in Tunisia.

UNHCR is supposed to present vulnerabilities based on pre-established criteria and place the individual assessed as vulnerable on the list of persons eligible for resettlement. The problem is that, as also suggested by Welfens and Bekyol (2021), "vulnerability has come to mean various things, if anything at all." In humanitarian practices and policies related to forced migration, vulnerability has often taken on the function of a static label to categorize groups or individuals as vulnerable, granting them specific procedures, privileges or protections. How does UNHCR assess vulnerability? With regard to the case study we can refer here to the "resettlement submission categories" reported on the UNHCR Resettlement Handbook (2011: 243), namely "women and girls at risk; survivors of violence and/or torture; refugees with legal and/or physical protection needs; refugees with medical needs or disabilities; children and adolescents at risk; family reunification and persons with a lack of foreseeable alternative durable solutions". The latter category is particularly significant in light of the experiences and claims of the protesters. All of them in fact endured five months of *i'tisam* precisely on the basis of a 'lack of foreseeable alternative durable solutions'. The criteria are thus so broad as to certainly include all the participants in this study. Yet, as reported elsewhere, the vulnerability assessments made by UNHCR Tunisia seem anything but objective and independent of the will of the admission states.

[t]he discretionary nature of refugee admission programmes allows states, and to some extent the EU, to formulate additional criteria and leaves ample scope for translating these formal criteria into frontline practices (Welfens and Bekyol, 2021).

The dispersal of responsibilities is achieved through agreements and policies that hinder the clear identification of persons in need of protection and the actors responsible for the failure to implement solutions to asylum and refugee status. The complex mechanism for implementing resettlement is an example of this. The unwillingness of resettlement states to increase their quotas is thus concealed and rendered opaque by the delegation to UNHCR to establish eligibility according to vulnerability criteria. When then the amount of vulnerability assessments depends on the number of resettlements UNHCR expects, it is evident that the concrete aggravation of the living conditions of people under its care in a certain state cannot actually lead to an increased implementation of the resettlement solution, which is at the centre of the protesters' claims. Even if it were proven that the vulnerabilities of refugees and asylum seekers in Tunisia are such as to motivate mass resettlement and thus also the implementation, in an initial period, of emergency solutions such as humanitarian evacuation, this would not be sufficient to oblige resettlement states to increase the slots dedicated to resettlement from Tunisia. The *i'tisam* precisely protests against these discriminations instantiated in international practices of refugee admission programmes. They want their collective demands to be recognized as such and they demand a legal pathway out of Tunisia

on the ground of the fact that for all of them this country is not safe. Precisely, they ask for evacuation (إجلاء).

We were gathered here, we are demonstrating to be taken out of Tunisia. That's what we're asking: in Tunisia there is no justice, there is no protection, there is no solidarity, that's why we want to get out of Tunisia. It's not just to go to Europe, America... to any continent where we can have justice, solidarity and our rights, where the countries give us the possibility to settle. (Interview 7)

As just mentioned, evacuation is a measure historically activated in the case of internationally recognised humanitarian emergencies or crises (Scarpa, 2021) to grant temporary residence status to refugees and displaced persons in situations of imminent serious risk. It differs from resettlement, therefore, precisely in terms of the length of procedures. Whereas, as mentioned above, resettlement requires a lengthy and uncertain time frame, the concept of evacuation presupposes the speed of the operation.

What the protesters demand is evacuation combined with resettlement, a tool developed by UNHCR to operate mass evacuations of refugees. Since 2017 in Libya, in fact, UNHCR has been using dedicated facilities in third countries, EFTs, where evacuees wait for their resettlement requests to be processed, so as to remedy the risks of imminent abuses and violations in the timeframe imposed by third states for resettlement procedures. Since 2017, a total of 8,296 vulnerable refugees and asylum-seekers have been evacuated out of Libya to safe third countries (Al Jazeera, 2022). Since the evacuation measure is of an emergency nature, it is certainly essential for the International Community to recognise the presence of a humanitarian crisis for such a programme to be activated, in the case of refugees, by UNHCR. In this sense, it is evident how the consideration of Tunisia as a safe country prevents an upstream assessment of the appropriateness of evacuation from Tunisia, the focus of the protesters' demands, at least on the part of those states that consider it as such. One might perhaps reflect instead on what is considered a humanitarian crisis. We too often dwell on the difference between a place at peace and a place at war, between a democracy, albeit a formal one, and a military or authoritarian state, just as UNHCR does (2020). In fact, interview 7 tells us that after four years in Tunisia, when he has the opportunity to communicate with any acquaintance in Libya, he advises him against seeking asylum there.

[...] When I listen to brothers or sisters who want to travel to Tunisia from Libya, I discourage them. If I am a friend I must forbid him to come here. (Interview 7)

In recounting his journey from Libya to Tunisia, interview 7 tells us what he expected, hinting at the extent of the hegemonic discourse on Tunisia as the country of rights in North Africa:

We think when they say that Tunisia is a country of rights, but here in Tunisia we found a worse situation than in Libya. (Interview 7)

This mystification of Libyan hell and Tunisian paradise is in fact denounced here. The dangers of a refugee's life in Tunisia are only more hidden:

In Libya everything is clear, you see? The racism, the barbarities, the mafias, you will see them. You'll get away from it. But in Tunisia everything is hidden. (Interview 7)

He later reports on his experience of racist aggression in Tunisia, reported elsewhere in the research in full. He returns to the same theme later on, offering us a testimony that is emblematic and sufficient in itself to understand the conditions of international protection offered in Tunisia:

Tunisia makes me regret even leaving my country. In Libya you see it is a country of disorder but at least you work, you can send money to your parents. You get away from the massacres and risks. There they can kill you because of a phone. But if they let you work, you can buy another one. There is work there, that's the difference. (Interview 7)

The lack of protection in Libya and the state of extreme personal insecurity many participants of the *i'tisam* has experienced is preferable to the facade condition where rights are guaranteed on paper and then deviously denied in reality. Several acquaintances of the protesters have already returned to Libya (Interview 4). This testimony could also advance the reflection on the limits of the securitarian paradigm. Dangerous conditions in Libya are in fact accompanied by a greater likelihood of being able to leave, asserting one's freedom of movement, and to collect the necessary money to do so.

When asked about the substantial difference in the conditions of refugees and asylum seekers in Libya compared to Tunisia, our interviewee replies insisting on the presumption that:

UNHCR cannot take people and evacuate them to third countries because in any case in Tunisia the basic rights of refugees are respected: in any case the government respects refugee status within the Geneva Convention [of 1951] (Interview 1).

Furthermore, it is evident from the discussion above how the mixed-motivated movement of people with the aim of reaching a safe country cannot be administered through the 1951 Geneva Convention, which expressly aims to grant international protection to an individual fleeing persecution or generalised violence. The movement framed by the Convention is in fact from one state to another, and does not in itself provide for the possibility of this mobility continuing beyond the borders of the state from which the asylum application was made. This is why the Convention contributes to the immobilization of refugees and asylum seekers in Tunisia and throughout North Africa. This is why it does not provide a legal alternative to crossing the Mediterranean in informal and insecure conditions.

The 1951 Geneva Convention was designed for a world in which refugees from war in country X would move to country Y as long as there was war, and then return to their homes. Today's world is very different, we are talking about protracted crises and mixed migrations. Personally I believe that people should be able to go wherever they want, there should be no borders. And above all with regard to these phenomena of mixed migration: if there is no radical change in migration policy, it cannot be dealt with. This is my personal vision, which does not belong to any organization: the Geneva Convention of 1951 is an inadequate instrument. It really takes a different global migration policy to manage today's migration. (Interview 1).

7. Pulling the strings: final remarks and open questions on the future of the *i'tisam*

On Saturday 18th June 2022, at eight o'clock in the morning, the police arrived at Rue du Lac to evict the *i'tisam*. Immediately, our thoughts go to the words of one of the refugees at the shelters in Raoued, who approximately a week before had told us to have heard rumors of an imminent eviction of the protest. Arriving in Rue du Lac, we see a drastic difference in the situation compared to only two weeks earlier: there are seven police wagons, iron barricades around the UNHCR building, and a group of men - police officers in civilian clothes - staring at the remaining group of manifestants, cramped together on one side of the road. No more tents, mattresses, covers, banners, bags or blankets - the police have been taking everything away since early morning. The protesters sit on the bare street under the sun in front of UNHCR's main door: they will not give up until the last moment. In the morning, UNHCR proposed to 36 of them to move to a new shelter near Tunis. Others refused the offer, while the remaining ones resisted, complaining against the division of the group. UNHCR repeated its demand to clear the front door to reopen the office and restart individual interviews for all, but the protesters refused. Then the police arrived, taking away all personal belongings and blocking the manifestants in a small space. Some of them, probably five, were arrested – one of them was filming the situation while the police cleared the tent where his family had been living for months. At approximately 12 a.m., the police intimated the manifestants to leave, and when they resisted, they approached them with wooden sticks and pushed them on the wagons, while dragging the others away from the main door. In less than fifteen minutes, most protesters were driven away along Rue du Lac, far from UNHCR's building, among cries of help and chants of protest demanding evacuation. A few others remained, dispersed, hopeless and tired. But not all hope is lost. H., one among those who remained, says: "Don't think that this is the end. I have talked with the leader of the police, and he authorized us to come here, from Monday to Friday, to continue our manifestation legally. We will sleep somewhere else, but we will not stop demanding evacuation. The *i'tisam* is not finished." (personal communication, Tunis, 18/06/2022)

To draw the lines of this research and reach some conclusions, it is helpful to reflect over the scope of the *i'tisam of Rue du Lac* for the issue of illegalized mobility in Tunisia. Who has gained what out of the protests? Let us begin by pondering the meaning of H.'s words: *The i'tisam is not finished*. For H., like for all the other manifestants, the *i'tisam* ends only when its demand for evacuation from Tunisia is realized. Likewise Saadeddin, one of the representatives of the Zarzis group in the *i'tisam*, declared: "The requests don't change. Tunisia is not a safe country for us, people who need international protection. Refugees and asylum seekers in Tunisia need to be resettled to a safe third country. There is only one solution: evacuation from Tunisia." (Ismail, 21/06/2022). Yet, UNHCR has been declaring since the beginning that evacuation was not a possibility, while the agency would have

provided assistance and individual solutions if the protesters agreed. Indeed, evacuation has not been granted - after almost five months on the streets, the protesters have been relocated to a new shelter and their individual procedures will be reviewed. UNHCR's solutions have been accepted due to fatigue, and evacuation is now, perhaps for many, only an illusion.

Yet, it is important to reappraise the movement's strength and to reconsider its gains from another point of view. Firstly, the movement managed to call UNHCR's attention to a group of people that would have otherwise been homeless for a longer time. It had UNHCR provide temporary shelter and food to almost two hundred people, while giving them the possibility to have their asylum case exceptionally reopened. In addition, the reason for the failure of the movement's in having the request of evacuation realized, has largely to do with the relatively limited scale of the protest, the unfertile local political conditions and the impotence of its interlocutory. First, the *i'tisam* did not gain a huge international scale in a moment when mediatic covering is necessary to let refugee's requests be heard. Let us remember that the war in Ukraine, whose scale and mediatic covering are huge, led Italy to resettle almost 99,788 people to its territory (SchengenVisaInfo, 23/04/2022). As our source in UNHCR, declares: "Tunisia is not a priority to any donor country that could concede evacuation." (Interview 1.) No wonder then that the protest of a few refugees in Tunisia has not been able to create evacuation plans to Europe. Second, the Tunisian state is not capable of carrying out advocacy for evacuation since its migration and asylum policy is largely conditioned, or imposed through neo-colonial ties, by the EU (Interviews 1, 9). Third, UNHCR, as an inter-governative agency of the United Nations, does not have the effective power to carry out an evacuation autonomously, nor resettlement to third countries, since these decisions remain in the hands of individual nation-states (Interview 1).

We conclude then that, in current political conditions, the protester's demand is perhaps impossible to realize *a priori*, and that an evaluation of the *i'tisam*'s gains must consider other factors. To begin with, the *i'tisam* represents a manifestation of the broader phenomenon of transnational protesting for human rights and specifically for the right to free mobility. There are indeed other similar protests happening in the rest of North Africa (cfr. Norman, 2021). These protests share the social and political basis of manifestants who belong to the same class of *illegalized people*. In addition, we must not underestimate the transformative power of such protests in the long term, despite present day difficulties. To cite an example of positive change, the We are Here movement that began in the Netherlands in 2010 by a group of refugees in the camp of Ter Appel, living in similar situations of crowdedness and misdirection as those in Raoued today, led to a change in government policies about migration (McGuaran and Hudig, 2014). In that case, the involvement of civil society activists had allowed the initial movement to grow in terms of scope, impact and demands. It is not to exclude those protests like the *i'tisam* may be able to grow, in favorable conditions. Indeed, one of such favorable factors would be the involvement of Tunisian civil society activists in the protests by refugee people for movement rights. In fact, freedom of movement in Tunisia is not only limited to illegalized foreigners as the protesters of the *i'tisam*, but also to Tunisian citizens, who must go through a long and complex itinerary to get a visa. As argued in this short thesis, such illegalization of movement derives from Europe's border externalization policies. These could be the object of a protest reuniting Tunisians and foreigners in a common manifestation for movement rights. As a report of FTDS says:

Despite the political, social and economic difficulties in which the country is struggling, Tunisia could be the laboratory of a new type of welcoming. In this land of arrivals, transits and departures, where those who emigrate share the same fate as those who immigrate, the intersecting and overlapping journeys of those who claim dignity and rights could be the occasion for a shared claim of transnational justice." (FTDS 2021: 9)

To be sure: foreigners are not the only illegalized people in Tunisia, but they could bring new strength to a claim that belongs to all Africans, regardless of origin. Yet, there are some factors that stand in the way of such a realization of a common movement reuniting the revendations of both Tunisians and refugees. We propose some hypotheses that could be developed through further research. First, migration to Europe could not be perceived by Tunisians as a struggle for the freedom of movement, or a struggle for human rights. Instead, illegal migration may be seen as a criminalized act, a taboo, or an unchangeable normality. More research is indeed needed on comparing the perception of illegalized movement by Tunisians and foreigners. Second, the faltering economic situation in Tunisia could make it difficult for Tunisian civil society to focus its strengths on a goal like legalizing emigration while there may be other issues that are perceived as more urgent, like drought, inflation, unemployment and food shortage. Generally, the root cause of all these impediments could be the neo-colonial dependency of Tunisia on Europe, and the political crisis that the country has been living through since the 2011 revolution. To change that, there is a need for systemic change at the level of international relations in the Mediterranean, and on the other hand, local change at the level of political administration in Tunisia. Only such a root-level change would create fertile ground for a universal movement of transnational justice to develop in Tunisia.

For the current moment, the truth unveiled by this short thesis is that the freedom of movement is negated in Tunisia in many different ways. This research shows indeed three levels of the immobilization or illegalization of mobility in Tunisia: the political, the socio-cultural and the economic. To begin with, on the political level of international relations, specifically the topic of European border externalization policies, this research confirms the fact that Tunisia is transformed literally in *the border of Europe*. People on the move who want to reach the European Union are blocked in Tunisia through institutional designs that limit their mobility by illegalizing their travel in and out Tunisia. These institutional designs are: the notion of Tunisia as a safe country, the financial investment into Tunisian border control, and the dispersion of responsibility through UNHCR and its partners. We claim in this research that, according to the testimonies of refugees and asylum seekers, Tunisia is not a safe country - neither according to EU law or the Law of the Sea - for people on the move from other African countries. This is confirmed by the testimonies of violences, deprivations, human rights violations, lack of access to fundamental rights and other risks that the manifestants have to face. Through the qualitative and quantitative data gathered in this study, we say it clearly: Tunisia cannot be considered a safe country of asylum where refugee's rights are respected.

On the socio-cultural level, until the xenophobic political will of European countries remains dominant in the field of migration and asylum, it is hard that anything will improve for people on the move's movements in North Africa. We show in this research that racism at the institutional level is transported from EU institutions to Tunisian institutions, and that this

creates a rather "new" manifestation of systemic racism in the country. The narratives of racism against the migrants, indeed, are one of the pillars that hold the borders of Europe by preventing people of color from moving towards the old continent. This blocking is done through racial profiling and racist discrimination at different levels. One of the possible questions to deal with in future research is: what can civil society do to change the narrative on migration in Tunisia and Europe, specifically Italy, to end racist practices? The way to investigate this question is, first, understanding the causes and substrata of racism in Tunisia, while on the other hand spurring public dialogue of inclusion, citizenship, and equality.

On the economic level, our research has hinted at the presence of a self-feeding system where some actors gain from the blocking of migrants in Tunisia. We suggest that these actors are, mainly, some state fonctionnaires, traffickers and mafia networks. We strongly suggest further qualitative and quantitative research in this direction, including archive research and investigative journalism, in the phenomenon of corruption and clientelism in Tunisia.

Concerning the central question of this research about the legitimacy of considering Tunisia as a safe country, we want to take a step forward in the discussion by claiming that the very concept of "safe country" is flawed. Indeed, in the context of continuous movement from Africa to Europe, the consideration of safe countries, like that of many categories in migration policy is used instrumentally to block migrant flows, instead of corresponding to an ontological reality (cfr. Skleparis, 2017; Council of Europe, 2013). In this sense, Italy's use of Tunisia as a container for sub-Saharan people on the move corresponds, in moral weight, to EU's financing of the Libyan coastguard, to the EU-Turkey deal to block refugees headed to the Balkan route, to Australia's outsourcing of migrant reception centers to the Nauru islands, or to Britain's new law according to which the asylum practices of all unauthorized migrants entering the country in 2022 are dealt with in Rouanda, where these persons are deported until final decision. These practices correspond to both securitization practices on migration at the European level (Huysmans, 2000) and to neo-colonial power-relations between the northern and the southern shore of the Mediterranean (Norman, 2021).

The root of the problem is the inadequacy of the Geneva Convention, which needs to be rethought to be adapted to today's needs. Indeed, the Convention was made for the protection of "refugees" rather than for the management of "migrants". In the international legal framework, asylum is a protection tool for vulnerable minorities, namely refugees. The protection system for victims of persecution was not created to facilitate international migration, but to find a solution to emergency situations consisting of massive movements of vulnerable people fleeing war in the context of the world wars in mid-20th century Europe (Long, 2013). The creation and then development of the international asylum system was thus driven centrally by the need to manage the flows of refugee populations internationally to avoid discords among states, as stated in the preamble to the Geneva Convention (UN, 1951). The Convention responds then to the management of a specific migratory flow perceived as an emergency.

Inevitably though, since refugees, by definition, are also migrant people, the asylum system has come to be closely linked to, and in some cases merged with, the system of international migration. First, the category of refugee is not fixed, but closely linked to the subjective journey of each migrant person. This implies that refugee status has been extended to more and more people, due to the massive movements of people fleeing wars and poverty or in

search of a better life. Second, the progressive and continuous consolidation of intergovernmental cooperation and the perpetuation of neocolonialism at the European legal-political level, as well as the effects of globalization at the global level, have partly increased the *will to control* by the countries of the North, and on the other hand the number of refugees from the countries of the South.

The refugees' protest at the *i'tisam* is a manifestation of the injustices created by this system. Prevented from local socio-economic incorporation and blocked from moving to Europe, these people are victims of inequality in movement opportunities. The UNHCR, with the mandate of the Geneva Convention, is responsible for a category of people who would not want to stay in Tunisia, in a country that does not have the economic possibilities to receive migrant people and incorporate them into its social fabric (Interview 9). At the same time, the very presence of the UNHCR acts as a filter, or funnel, for migration from North Africa to Europe, blocking these people in Tunisia and thus serving the racialization policies of the Union.

Yet, the responsibility is not only European, but also Tunisian. Indeed, the lack of migration and asylum law needs to be addressed as soon as possible. But, as argued by R.b.A., the question is not for Tunisia to simply implement a law on asylum and migration control, but to understand which provisions should contain and what would be the consequences on illegalized movements. On this subject, we propose that an important side of the debate should deal with the transparency, competency and efficiency of the local partners of UNHCR. As gathered through the testimonies of the manifestants, CTR, TAMMS and IADH, are not trustable entities and do not work with competency and seriousness. The inadequacy of these agencies means that they are, ultimately, at the service of securitarian policies, rather than of the protection of human rights.

8. Conclusion

The intermingling of the asylum system and of the policies countering irregular migration has created a systematic abhorrence whereby the right to movement has become a privilege of the few, excluding through the institutionalization of racism people from Africa from the right to movement. On the one hand, the asylum system partially allows a vulnerable group of people to move. Yet this group remains a minority, whose legitimacy to refugee status is based on dated criteria. At the same time, the number of people who could be judged "vulnerable" and thus legitimately obtain political asylum has increased exponentially as both the possibilities for movement caused by globalization and regional conflicts increased. In light of this, we believe that it is illogical and immoral, as well as hypocritical, to close borders and keep international protection restricted to a limited number of people. The situation in Tunisia exemplifies the basic contradiction of this system. On the one hand, people on the move trying to reach Europe from sub-Saharan Africa are blocked in Tunisia by the policies of externalizing the European borders—including the fight against illegal immigration and the strict visa system. On the other hand, the international political asylum system requires that those fleeing war or persecution receive international protection by directly arriving in safe countries. By considering Tunisia a safe country, Europe can eventually block people migrating to North Africa, with all the consequences this political act entails.

The *i'tisam* brings forward fundamental evidence of the privation of human rights and of the negation of asylum rights lived by migrants in the country. The manifestation shows how a group of illegalized people can challenge racist, discriminatory international migration policies. Similar movements in North Africa have the potential to challenge the legitimacy of policies of closing and externalizing European borders, giving visibility to the extreme injustice that these policies force millions of people to live on their skins. While illegalized migration in the Mediterranean continues to rise, many of the participants in this research have the intention to try *harga* again, even by coming back to Libya. In the deadliest migrant route in the world, the most important and urgent of political recommendations is definitely to decriminalize rescues at sea and to start disembarking rescued people in "places of safety", and for this we like to end with the words of one of the protesters, M.: "I ask to Europeans, to the people of the countries that want to help us, to start to save us at sea, save our brothers that every month die on those boats".

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APPENDIX 1

List of Interviews

1. C. C., Associate Reporting Officer - Emergency Response Team (ERT) UNHCR, UN Refugee Agency Tunisia (interviewed in May 2022 and in June 2022).
2. F., Protester in the *i'tisam*, asylum seeker in Tunisia since 2021, (Interviewed in May 2022)
3. Focus Group 1, with A., E. and M, three Central African asylum seekers, protesters in the *i'tisam* (Interviewed in May 2022)
4. Focus Group 2, with H., M. and YH., three asylum seekers from Sudan, protesters in the *i'tisam* (Interviewed in June 2022)
5. Y., Protester in the *i'tisam*, refugee in Tunisia since 2019, stateless member of the Touareg from Libya (Interviewed in May 2022)
6. M. B., Protester in the *i'tisam*, refugee in Tunisia since 2019 (Interviewed in May 2022)
7. M. N., Protester in the *i'tisam*, refugee in Tunisia since 2019 (interviewed in May 2022 and June 2022).
8. P. P., Deputy Chief of Mission and Senior Regional Project Manager at IOM - UN Migration in Tunisia (interviewed in April 2022)
9. R.B., Council member of Zarzis municipality (interviewed in May 2022).
10. R. B. A. #1: Spokesman of the Tunisian Forum of Social and Economic rights (interviewed in April 2022 and May 2022)
11. W.: Police officer stationed in Djerba (Interviewed in June 2022)
12. W.F., Tunisian Film director and activist of freedom of movement (Interviewed in April 2022)
13. S., Tunisian social worker at IPA Zarzis. (Interviewed in April 2022)
14. A .M R., Protester in the *i'tisam*, refugee in Tunisia since 2019 (Interviewed in May 2022)

15. A.R.B, Protester in the *i'tisam*, refugee in Tunisia since 2019, stateless member of the Touareg from Libya (Interviewed in May 2022)
16. A.M., Protester in the *i'tisam*, refugee in Tunisia since 2019 (Interviewed in May 2022)
17. T. B., director of Association Assistance et Aide aux Migrants Medenine (Interviewed in April 2022)

APPENDIX II

Questionnaire

Questionnaire for a survey on the conditions of people in transit from, and refugees and asylum seekers in Tunisia from other African countries

Realised by: Riccardo Biggi, @ 892863@stud.unive.it / +216 52550633 / +39 3668181018 ((ITA, whatsapp) Valentina Lomaglio @ lomagliovalentina@gmail.com / +216 54606271 / +39 3495073651 (ITA, whatsapp, signal) Luca Ramello @ 892550@stud.unive.it / +216 54567700 / +39 3489052941(ITA, whatsapp, signal)

Objectives of the questionnaire: The data contained in the questionnaire will be used to produce statistics, as a support to the information obtained in the interviews with some of the protesters. This information will be disseminated through a news report, in order to raise awareness of the current situation that the participants of the questionnaire are experiencing. It will also be included in the final report of our academic research (not published).

Compilation instructions: Filling out the questionnaire is OPTIONAL and ANONYMOUS. If there are questions that bother you, please let us know and do not answer them. If you do not remember certain answers well, do not write them down. There are no "right" or "wrong" answers. There is no time limit: you can stop the compilation whenever you want, and submit it later. Once you've finished filling in all the answers, lend it to H*****, the tall man with pretty eyes from Sudan.

By filling in the questionnaire, you agree to the use of the data contained therein for the above mentioned purposes.

1) What is your date of birth?

_____ / _____ / _____

2) What is your nationality?

If you do not have a nationality, please write "no".

3) What is your gender?

- Male
- Female
- I prefer not to specify

4) Do you suffer from any illnesses for which you need urgent or continuous medical assistance?

• Yes • No

5) Have you been a victim of torture or inhuman treatment?

Please specify where

• Yes _____ • No

6) Have you been a victim of sexual violence?

Please specify where

• Yes _____ • No

7) When did you enter Tunisia?

Month _____, year _____

8) When did you apply for asylum to UNHCR?

If you did not apply for asylum, write "no".

Month _____, year _____.

9) When did you receive your asylum card?

If you did not receive the card, please write "no".

Month _____/year _____.

10) When did you receive your refugee card?

If you did not receive the card, please write "no".

Month _____/year _____.

11) When did you receive the promise of resettlement?

If you did not receive the card, please write "no".

Month _____, year _____

12) Where and how did you enter Tunisia?

- By land: city of departure _____ city of arrival in Tunisia _____
- By sea: city of departure _____ city of arrival in Tunisia _____
- By plane: city of departure _____ city of arrival in Tunisia _____

13) Were you pushed back by the Tunisian police after crossing the land border?

Write more than one line if you've been pushed back in more than one city

I was turned back in the city of _____, at the number of _____time.s,

I was refouled in the city of _____, at the number of _____time.s,

I have been referred to the city of _____, numbering _____time.s,

14) Do you have any minors in your care at the time of refolement? Indicate the number:

15) Were you pregnant at the time of refolement?

• Yes • No

16) How many times have you tried to cross the sea to Europe?

Write more than one line if you've tried to cross the sea to Europe from more than one city.

I left from the city of _____, _____time.s

I left from the city of _____, _____time.s

I left from the city of _____, _____time.s

I left from the city of _____, _____time.s

17) When the coast guard intercepted you, where did they take you? *If the police never intercepted you, write "no".*

18) How much money did you pay to leave Libya by boat? *If you have not tried Harga from Libya, please write "no".*

19) How much money did you pay to leave by boat from Tunisia? *If you have not tried Harga from Tunisia, please write "no".*

20) Have you been arrested by the Tunisian police on Tunisian territory? *If you have never been arrested by the Tunisian police, please write "no".*

How many times _____ Where: _____

21) Have you ever been put in jail by the Tunisian police? *(indicate for how many days) If you have never been put in jail, write "no".*

• Yes, for _____ days • No

22) For what reasons were you put in prison?

23) Have you been the victim of discriminatory or racist acts or insults in Tunisia?

• Yes • No

24) Have you been subjected to physical violence in Tunisia?

• Yes • No

25) Have you been sexually abused in Tunisia?

• Yes • No

26) How many times were these acts committed by a Tunisian police officer?

27) Have you reported a crime committed against you to the police and received no response?

• Yes • No

28) If the UNHCR is unable to evacuate you from Tunisia within a reasonable period of time, what do you intend to do?
