

*We just want to be treated humanely,
to be treated with respect
and not as if we were less than human.*

FORCIBLY DISPLACED SUDANESE TRAPPED WITH THEIR HOPES AT NORTH AFRICAN BORDERS



November 2024

The World Organisation Against Torture (OMCT) works with around 200 member organisations which constitute its SOS-Torture Network, to end torture, fight impunity and protect human rights defenders worldwide.

Together, we are the largest global group actively standing up to torture in more than 90 countries. Helping local voices be heard, we support our vital partners in the field and provide direct assistance to victims.

Our international secretariat is based in Geneva, with offices in Brussels and Tunis.



FORCIBLY DISPLACED SUDANESE TRAPPED WITH THEIR HOPES AT NORTH AFRICAN BORDERS

A regional report assessing the situation of forcibly displaced Sudanese in Libya, Tunisia and Egypt in the aftermath of the April 2023 war in Sudan.

MARCH - OCTOBER 2024

ACRONYMS

CRT	Tunisian Red Crescent
CSO	Civil Society Organisation
FMoH	Federal Ministry of Health (Sudan)
FTDES	Tunisian Forum for Economic and Social Rights
GBV	Gender Based Violence
GNU	Government of National Unity (Libya)
HRW	Human Rights Watch
INGO	International Non-Governmental Organisation
IOM	International Organization for Migration
LAAF	Libyan Arab Armed Forces
LAN	Libyan Anti-torture Network
NGO	Non-Governmental Organisation
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OMCT	World Organisation Against Torture
RPE	Refugee Platform in Egypt
RSF	Rapid Support Forces
SAF	Sudanese Armed Forces
UN	United Nations
UNHCR	United Nations Refugee Agency
WHO	World Health Organisation



The Libyan Anti-Torture Network (LAN) was established in March 2021, with the support of the World Organisation Against Torture (OMCT), which resumed its Libya programme (originally launched in 2012) in 2020. The LAN brings together a group of civil society organisations from different cities and regions across Libya, including hard-to-access areas, working on the Reinforcing Stakeholders in Libya to Engage against Torture (RESILIENT) project. This initiative aims to document and highlight torture, arbitrary detention, enforced disappearance, unlawful killings and other serious human rights violations of Libyans and non-nationals (including migrants, refugees, and asylum seekers), with a larger goal of promoting greater respect for human rights. LAN members had been working independently prior to joining the network, and some data and cases collected before its establishment have been used both in this report and as part of RESILIENT.

World Organisation Against Torture (OMCT)

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1.

EXECUTIVE SUMMARY



The conflict in Sudan, raging since April 2023, **has displaced over 10 million Sudanese** and forced them to seek refuge in neighbouring countries.

However, instead of finding safety, they encounter a new set of challenges in a volatile North Africa marked by political and economic instability, coupled with growing resentment, xenophobia, and discrimination. This report, drawing on insights from surveys of 127 Sudanese individuals and interviews with 11 key informants—including community leaders and representatives from local Civil Society Organisations (CSOs), International Non-Governmental Organisations (INGOs), and UN agencies—sheds light on their journeys, the obstacles they face, the human rights violations they endure, and their increasingly precarious situation in Libya, Tunisia, and Egypt. It also underscores the urgent need for comprehensive action to address their plight, including providing robust protection and support, creating safe and legal pathways for those seeking refuge, and addressing the root causes of displacement.

- **A Shifting Landscape for Forcibly Displaced Sudanese**

The initial wave of acceptance that greeted forcibly displaced Sudanese in Libya, Tunisia, and Egypt has gradually eroded, replaced by growing resentment as the arrival flows continue to rise. A substantial **41.7% of surveyed Sudanese reported experiencing racial discrimination or violence since arriving in their host countries.** Of these, **36.2%** attributed such behaviour and violations to both citizens and authorities, while **25.2%** identified criminal or non-governmental groups, including militias, traffickers and smugglers, as the perpetrators.

This shift is particularly pronounced in Egypt and Tunisia, where strained resources and limited infrastructure have exacerbated concerns among host communities. Despite cultural, historical and regional ties, the sheer scale of the displacement has tested the limits of hospitality, leaving forcibly displaced Sudanese increasingly vulnerable and exposed to human rights violations.

- **Overburdened Systems and Mounting Challenges**

Egypt, currently host to the second-largest number of forcibly displaced Sudanese globally, **1.2 million**, is grappling with the immense strain on its resources and services. Libya and Tunisia, too, are struggling to accommodate the growing numbers of forcibly displaced Sudanese, many of whom arrive after navigating complex and perilous routes. Access to essential services such as healthcare, education, and housing remains severely limited, while the threat of infectious disease outbreaks looms large.

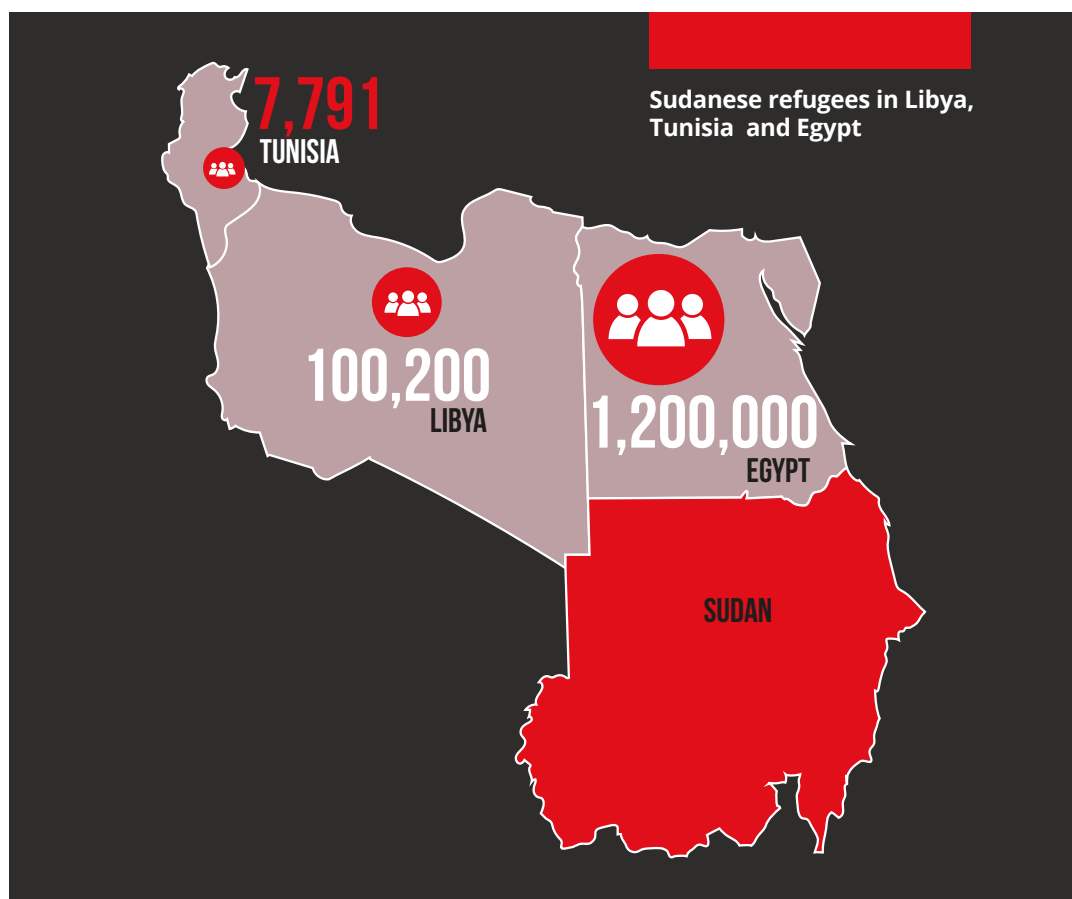
The humanitarian crisis is further compounded by widespread homelessness and escalating community tensions, exemplified by the violent attacks on migrants, refugees, and asylum seekers since July 2023. Instances of mass expulsions and internal forced and arbitrary displacements to remote desert border areas have been documented by OMCT and its partners, underscoring the growing hostility and precariousness of the situation for people on the move from sub-Saharan and West African countries, including forcibly displaced Sudanese.

This volatile climate, punctuated by xenophobic and discriminatory practices, has created an environment of profound uncertainty, denial of fundamental rights, and fear.

👁️ – The Plight of Forcibly Displaced Sudanese in an Unforgiving Environment

Despite their protected status under international law¹, forcibly displaced Sudanese often find themselves entangled in a complex and unforgiving legal system. Laws designed to curb irregular migration are frequently used indiscriminately, leaving people on the move vulnerable to arbitrary arrest and detention, extortion, human trafficking, torture and ill-treatment, and gender-based violence. The already arduous process of regularisation is further complicated by the overwhelming demand for UNHCR services, leaving many in a state of legal limbo. The lack of documentation exposes displaced Sudanese to exploitation, discrimination, and the constant threat of deportation.

Additionally, in Libya, Tunisia, and Egypt, local CSOs as well as INGOs working on migration and refugee issues have faced significant obstacles. Tunisian authorities have intentionally restricted the civic space. Similar challenges have emerged in Libya and Egypt, where CSOs have faced increasing pressure, surveillance, and restrictions on their activities. These actions have made it extremely difficult and dangerous for CSOs to operate effectively in all three countries, forcing some to reduce or cease their activities altogether.



1. Forcibly displaced Sudanese are entitled to international protection under various international legal instruments. The Universal Declaration of Human Rights, the 1951 Refugee Convention, and its 1967 Protocol establish the principle of non-refoulement and the right to seek asylum as well as the African Union's 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. These documents outline the obligations of states to provide refuge and protection to individuals fleeing persecution, violence, or armed conflict.

- The Perilous Pursuit of Refuge

For many forcibly displaced Sudanese, the dream of finding safety and security remains elusive. The prospect of a stable future in their host countries is often overshadowed by the harsh realities of their daily lives. Faced with limited opportunities and mounting challenges, a growing number of forcibly displaced Sudanese see crossing to Europe as their only viable option.²

The perilous sea journey, fraught with danger and uncertainty, underscores the desperation of those who feel they have no other choice. The International Organisation for Migration (IOM) recorded a tragic 1,351 deaths and disappearances in the Central Mediterranean Sea in 2024, including 63 children.³ A series of devastating shipwrecks during the year resulted in the loss of numerous Sudanese lives, such as the shipwreck in August 2024 which claimed the lives of 13 Sudanese individuals while 27 others are presumed missing.⁴

Despite these grim incidents, the aspiration for a better life remains strong, with **54%** of surveyed displaced Sudanese individuals **expressing a desire to settle in a protective country** and a **significant majority (80%) indicating their intention to attempt the crossing to Europe within a 6 months' timeframe**.

- A Call for International Solidarity

The situation of forcibly displaced Sudanese in Libya, Tunisia, and Egypt demands urgent and comprehensive action. The international community must step up its efforts to provide protection and support to these vulnerable populations. Addressing the root causes of displacement, creating safe and legal pathways for those seeking refuge, and ensuring respect for human rights are essential steps towards a sustainable solution. The current crisis calls for a concerted response, rooted in compassion and solidarity, to ensure the safety, dignity, and well-being of displaced Sudanese.

2. A comparison of the Joint Annual Overviews of Migrant and Refugee Movements through the Central Mediterranean Sea reveals a significant increase in Sudanese arrivals to Italy between 2022 and 2023. While Sudan was not among the top countries of origin for arrivals in Italy in 2022, the number of Sudanese departing from Libya and Tunisia surged in 2023. Specifically, 931 Sudanese individuals departed from Libya, and 4,956 departed from Tunisia. This trend has continued into 2024, with a steady monthly increase in arrivals to Italy. According to Italy's Monthly Sea Arrival dashboard, 497 Sudanese arrived in April, followed by 612 in May and 1,016 in July.

3. Missing migrants recorded in Central Mediterranean Sea, IOM, consulted in October 2024

4. 13 people are dead and 27 missing after a boat carrying Sudanese migrants to Europe sank, AfricaNews, August 2024

2.

METHODOLOGY AND APPROACH



This research sheds light on the multifaceted experiences of forcibly displaced Sudanese individuals in Libya, Tunisia, and Egypt. Recognising the scarcity of comprehensive information on this issue, we addressed this critical knowledge gap using a mixed-methodological approach to gain a deeper understanding of the challenges faced by this vulnerable population.

🕒 2.1. Data Collection and Analysis

The research journey began with an extensive review of existing literature on migration patterns and policies in the three countries. This foundation was complemented by the collection of primary data through two distinct but interconnected avenues:

- a. Quantitative Surveys:** A carefully designed Arabic-language survey was administered online, targeting Sudanese nationals residing in Libya, Tunisia, and Egypt. This survey, accessible via Kobo Toolbox, used simplified language and terminology to facilitate participation. It covered a broad range of topics, including demographics, access to documentation, migration experiences, protection and human rights concerns, and access to essential services. Dissemination of the survey link leveraged community networks, CSOs, and a dedicated Facebook page, resulting in responses from **127 participants**.
- b. Qualitative Interviews:** To complement the survey data, semi-structured interviews were conducted with **11 key informants**, including community leaders, representatives from local CSOs, and personnel from UN agencies and INGOs working in Libya, Tunisia, and Egypt. These interviews, conducted online between March and September 2024, in addition to the documentation and testimonies shared by some of these informants, provided invaluable insights into the lived experiences of forcibly displaced Sudanese individuals, as well as the perspectives of those working to support them.

🕒 2.2. Limitations and Ethical Considerations

Conducting research in the context of forced displacement presents unique challenges. The prevailing security situation and restrictions on civil society in the region limited the feasibility of field observations and face-to-face data collection. The reliance on online surveys may introduce sampling bias, as access to the internet and literacy levels can influence participation. Furthermore, the relatively small sample size limits the universality of the findings.

Throughout the research process, utmost care was taken to uphold ethical standards. Participant anonymity was strictly maintained and informed consent was obtained from all interviewees. Sensitive information was handled with utmost discretion and the well-being of participants was prioritised at every stage.

2.3. Conceptual Framework⁵

This research adopts an inclusive approach to terminology, acknowledging the diversity of individuals impacted by forced displacement. The term “forcibly displaced and/or people on the move” is used to encompass Sudanese individuals facing various challenges, regardless of their legal status, drivers of movement, and degree of international protection. This deliberate choice reflects the complex realities of displacement, and it is in line with OMCT approach and terminology on this topic.⁶



OMCT's research confirms that torture and other forms of ill-treatment are widespread at every stage of migration, in countries of origin (often a trigger for migration), along the migration route, and in destination countries, at the hands of state actors, as well as non-state actors. Torture and other types of ill-treatment can take many forms, including kicking, punching, caning, humiliation, racial insults, threats, sexual violence, poor conditions of detention including extreme overcrowding, lack of medical care, food, drinking water and sanitation facilities (or delayed access to them). Other recognised forms of torture and ill-treatment include detention, incommunicado detention and/or prolonged solitary confinement; deportation, return or extradition to another state where there is a risk of torture/ill-treatment. Rape and other forms of sexual violence have also been recognised as equivalent to torture. Threats and being forced to witness the torture of others are psychological torture. These kinds of violations undermine the full and effective enjoyment of the rights of people on the move and in situation of (forced) displacement.

6. In line with OMCT's Migration and Torture Working Group report "Torture Roads" (2022), and OMCT Tunisia's recent reports "Mapping Responses to Human Rights Violations: The cases of people in mixed migratory movements in Tunisia, OMCT Tunisia" (June 2023); "Torture Roads, Volume 2" (November 2023); "Torture Roads, Volume 3" (October 2024), this report alternatively uses the term "forcibly displaced/people in mixed migration/movement flows", "migrants, refugees and asylum seekers" and "people on the move" as a global category including migrants, refugees and asylum seekers, unaccompanied and separated children, victims of trafficking, migrant workers and migrants (including those in an irregular situation). The term describes the cross-border movements of people whose protection profiles, reasons for moving and needs vary widely. Motivated by a multiplicity of factors, people involved in mixed flows have different legal statuses and present different vulnerabilities. While refugees and migrants belong to distinct legal categories, they are increasingly taking similar routes and means of transport by land and/or sea. At every stage of their journey, they face gross human rights risks and violations, including torture and other cruel, inhuman or degrading treatment or punishment ("ill-treatment"), unlawful killings, sexual and gender-based violence, kidnapping, extortion, forced labour and human trafficking.



3. INTRODUCTION



The ongoing conflict in Sudan has triggered a mass exodus of its people, casting a long and ominous shadow across the North African landscape. Over 10 million individuals have been uprooted from their homes, their lives irrevocably altered by the ravages of war.⁷ While many remain internally displaced or have sought refuge within South Sudan, countless others have been forced to embark on perilous journeys to neighbouring countries, including Libya, Tunisia, and Egypt.

7. [WFP Sudan Regional Crisis External Situation Report #6](#), ReliefWeb, 24 July 2024

These countries, grappling with their own unique challenges and political complexities, have become unwilling hosts to a growing number of forcibly displaced Sudanese. While they initially offered a semblance of hope, their cultural, historical, and regional ties fostering an environment of relative acceptance for forcibly displaced Sudanese, the escalating conflict and the subsequent surge in displaced individuals have exposed the fragility of this welcome. Libya, Tunisia, and Egypt find themselves ill-equipped to accommodate the growing influx of forcibly displaced Sudanese.

Years of conflict and political instability following the 2011 uprising in **Libya** have created an environment favourable to the proliferation of human trafficking networks. These networks exploit migrants, refugees, and asylum seekers, including the estimated 100,200 Sudanese refugees and asylum seekers recorded by UNHCR⁸ as of October 2024, who come to the country seeking a better life or passage to Europe.

Tunisia, navigating a delicate transition to democracy amidst economic hardship, continues to be a transit country for people from sub-Saharan Africa: thousands of men, women and children leave their countries of origin in the Sahel region - increasingly characterized by persistent poverty and insecurity, conflict-induced displacement and climate change, and embark on a perilous journey of violence and death with the sole aim of reaching Europe. It has also witnessed an overall increase in arrivals with Sudanese refugees and asylum seekers being the top registered nationality.⁹

As for **Egypt**, despite its relative stability, the country is grappling with the second-highest number of forcibly displaced Sudanese globally with around 500,000 Sudanese individuals crossing into its territory between April 2023 and March 2024,¹⁰ testing the limits of its capacity to provide adequate support and protection. By September 2024, the number of new arrivals reached 1,200,000.¹¹

This precarious regional context has created a complex and challenging environment for forcibly displaced Sudanese, who find themselves navigating a web of political instability, increasing human rights abuses, and limited humanitarian assistance.

The UNHCR's capacity is stretched, and Sudanese asylum seekers must wait for months before being granted an appointment. In Egypt and Libya, many individuals and families are unable to regularise their residency and status and are at risk of arrest, detention and deportation by the authorities. In Tunisia, UNHCR has been forced to suspend pre-registration and registration of new asylum seekers and refugees, leaving hundreds of Sudanese without any form of identification, documentation, or the ability to apply for international protection. Hundreds of forcibly displaced Sudanese have been protesting and sleeping in makeshift camps in Libya and Tunisia close to UNHCR's offices.

The situation has spiralled into a full-fledged humanitarian crisis. Overburdened systems struggle to provide essential services, leaving displaced Sudanese vulnerable to exploitation, discrimination, and human rights abuses. The lack of viable alternatives and the deteriorating conditions in these countries have driven many to risk their lives on dangerous sea crossings to Europe, fuelled by a desperate hope for a better future.

This report seeks to highlight the untold stories of forcibly displaced Sudanese individuals, shedding light on their experiences in Libya, Tunisia, and Egypt. Beyond the statistics and data lies a profound human tragedy – families torn apart, dreams shattered, and lives irrevocably altered by the horrors of war. By documenting their journeys, challenges, and human rights violations, this report aims to foster a deeper understanding of their experiences and inspire evidence-based policy interventions that prioritise their protection and well-being.

8. [Sudan Situation - Operational Data Portal](#), UNHCR, October 2024

9. [Tunisia Situation Map](#), UNHCR, April 2024

10. [Sudan Situation](#) - UNHCR External Update #54, ReliefWeb, March 2024

11. [Sudan Situation](#) - Operational Data Portal, UNHCR, October 2024

4. UNFOLDING CRISIS IN SUDAN



4.1. Unfolding Crisis in Sudan

On April 15, 2023, Sudan was plunged into turmoil as the Rapid Support Forces (RSF) and the Sudanese Armed Forces (SAF) clashed violently. The war has compounded existing hardships, bringing about increased human rights violations, widespread hunger, outbreaks of disease, an education crisis, and economic despair.

This conflict has forced more than 10.2 million people to flee their homes,¹² with the majority (nearly 88%) being women and children.¹³ Tragically, over 23,000 lives have been lost to this violence. The RSF has been accused of committing horrific acts, including murder, torture, and sexual violence, particularly targeting ethnic groups in West Darfur.

Emerging reports indicate a harrowing pattern of gender-based violence against women and girls, who are being disproportionately targeted by sexual assault and human trafficking.¹⁴ The situation is particularly concerning in West Darfur, where Human Rights Watch has documented atrocities committed by the RSF, including killings, torture, and rape, as part of a campaign of ethnic cleansing against the Massalit people and other non-Arab communities.¹⁵

The gravity of Sudan's food insecurity crisis is underscored by a recent OCHA report, which states that:

"Sudan is now also the world's largest hunger crisis, with over half of the country's population – nearly 26 million people – facing high levels of acute hunger. Famine has been confirmed in North Darfur's Zamzam camp, with many other areas at risk. Nearly 5 million children and pregnant and breastfeeding women are acutely malnourished."¹⁶

An outbreak of cholera was reported by the World Health Organisation (WHO), beginning on 22 July 2024 with a number of cases reported by the Federal Ministry of Health (FMoH). By 29 September, over 17,600 cases of cholera were reported, with 546 associated deaths.¹⁷

Children in Sudan face a particularly grim reality. With at least 10,400 schools in conflict-affected areas closed, approximately 19 million children are deprived of education. This lack of access to schooling not only jeopardizes their future but also leaves them at a heightened risk of abuse and exploitation.

The Sudanese economy is also in a state of collapse, with nearly half the population unemployed and the Sudanese pound suffering a dramatic loss in value. The widespread looting and damage to businesses in Khartoum has further disrupted access to essential goods, services, and cash, leaving the population in dire economic straits.¹⁹

12. [Sudan Crisis Explained](#), UNHCR, October 2024

13. [Sudan Situation Report](#), OCHA, October 2024

14. [Sudanese Women Trapped Between Conflict and Political Marginalization in Peace Negotiations](#), Fikra Forum – An Initiative of the Washington Institute for Near East Policy, March 2024

15. [Sudan: Ethnic Cleansing in West Darfur](#), Human Rights Watch, May 2024

16. [Sudan Situation Report](#), OCHA, October 2024

17. [Sudan Situation Report](#), OCHA, October 2024

18. [Crisis in Sudan: What is happening and how to help](#), International Rescue Committee, August 2024 (last update)

19. [Crisis in Sudan: What is happening and how to help](#), International Rescue Committee, August 2024 (last update)

4.2. Displacement and Humanitarian Crises in Neighbouring North African Countries



By early 2024, **Libya** had become a critical refuge for many fleeing Sudan. Around 148,107 Sudanese nationals have sought safety there, usually arriving in Alkufra. Most (88%) displaced Sudanese cross directly from Sudan to Libya, while a minority cross through Chad (9%) or Egypt (2%).²⁰ Alkufra, a city in the southeast of Libya with a long history of serving as a major transit point for Sudanese, is now grappling with a humanitarian crisis due to the overwhelming influx of forcibly displaced Sudanese. The sheer number of arrivals, reaching

approximately 40,000, has severely strained the city's limited resources and infrastructure, transforming it from a once-tranquil stopover into a major crisis zone.

Regrettably, accurate data on daily arrivals is lacking but according to recent statements, the authorities in Eastern Libya are actively trying to manage the situation. A recent proposal suggests establishing a field hospital and camp in a neutral border zone, overseen by the Ministry of Health and the Libyan Red Crescent. However, according to sources active in that region, they allegedly aim to contain the crisis by keeping displaced Sudanese within Alkufra to facilitate their deportation back to Sudan.

While most forcibly displaced Sudanese initially cross into Libya through its southern border, their journey is far from over. The goal for many is to reach Tripoli, the capital city in the northwest, where the sole UNHCR office in Libya is located. This migration pattern is understandable given the forcibly displaced people's urgent need for registration and the possibility of resettlement opportunities. Tripoli's coastal location also makes it a strategic stepping stone for those hoping to reach Tunisia or attempt the perilous sea crossing to Europe. The hope of finding better access to basic services and potential employment opportunities also likely drives this internal migration towards the capital.

Thus, despite entering Libya through the south, most forcibly displaced Sudanese find themselves gravitating towards the northwest. Their journeys are fraught with danger and uncertainty; women and children often find themselves victims of gender-based violence and/or human trafficking.²¹

20. [Quarterly Mixed Migration Update: North Africa, Quarter 3, Mixed Migration Center, October 2024](#)
[Profiles of Sudanese Migrants in Libya](#), IOM, March 2024

21. Interview with Human Rights Defender operating in the region of Alkufra, July 2024





Tunisia has also seen a significant increase in forcibly displaced Sudanese, with nearly half of all registered asylum seekers being Sudanese (46.8% which is around 7,700 individuals).²² It is important to note that registration numbers may not fully reflect the actual number of Sudanese arrivals in Tunisia due to delays in and suspension of UNHCR pre-registration and refugee status determination processes since May 2024 under the pressure of the authorities.²³

Forcibly displaced Sudanese arrive in Tunisia via two primary routes: entering directly from Libya or, since December 2023, across the Algerian border, with most entries happening between Kasserine, Jendouba and Kef. The route goes through Chad, Niger, then Libya and Algeria before reaching Tunisia. UNHCR data suggests that Zarzis, in the south, hosts the largest number of registered refugees and asylum seekers (the camp of Jderia, the informal settlement of Sangho near UNHCR HQ and the shelters), followed by Medenine (Tejra camp). However, a breakdown of nationalities within these figures is unavailable. OMCT research findings indicate that Sudanese arrivals predominantly reside in Sfax, Zarzis, and Greater Tunis, areas known for their concentration of UN services and as key entry points for those crossing from Algeria or Libya.

Sfax, a key departure point for people on the move seeking passage to Europe, has become a hotspot for community tensions and violence against migrants, refugees, and asylum seekers, including Sudanese. Following unrest in July 2023, thousands were forcibly displaced to remote border areas, enduring ill-treatment and denied their rights. The city and its neighbouring villages' humanitarian situation remains critical, with thousands, including Sudanese, trapped in makeshift camps in the outskirts of the city with limited services.

Similar tensions are brewing in Zarzis, another key migrant hub in Tunisia, where tensions led to violent incidents in April 2024 with Tunisian citizens, and in June and July 2024 between Sudanese nationals and other migrant communities.

Testimonies gathered by the OMCT and its partners reveal episodes of sexual violence against migrants and refugees and asylum seekers, particularly at the Algerian and Libyan borders, where National Guard officers have been implicated. Furthermore, cases of sexual abuse by Tunisian civilians, often in exchange for essential supplies like water and food, have been documented in the region of Tozeur, El Amra as well as in the Chaambi mountains and Tebessa.²⁴

These incidents, coupled with reports of Sudanese women facing gender-based violence by other migrants, refugees and asylum seekers in the camps of Jderia and Tejra, paint a grim picture of the challenges faced by forcibly displaced Sudanese women in Tunisia.²⁵

"We recently encountered a Sudanese woman in our office who was in dire circumstances. She had been raped, resulting in pregnancy, and had subsequently sought refuge in Ben Guerdane. Her newborn daughter was only 21 days old, and she had no means of supporting herself. We were compelled to offer her shelter in our centre, and we were planning to assist her in applying for asylum with the Tunisian Refugee Council but registration of asylum seekers has been suspended",
shared an interviewed community leader²⁶

22. [Country data report – Refugees and asylum seekers in Tunisia, Operational Data Portal](#) – UNHCR, July 2024

23. Data collected by OMCT for the *Torture Roads – Volume 2, Mapping of violations suffered by people on the move in Tunisia*, October 2024

24. *Torture Roads - Volume 1, Mapping of violations suffered by people on the move in Tunisia*, OMCT, November 2023 ; *Torture Roads – Volume 2, Mapping of violations suffered by people on the move in Tunisia*, OMCT, September 2024

25. Data collected by OMCT on Tunisia, September 2024

26. Community leader in Medenine, Interviewed by OMCT, April 2024



Egypt, bearing the second-highest number of Sudanese arrivals in 2023, has witnessed a significant influx of forcibly displaced people with over 1,200,000 Sudanese crossing its borders between April 2023 and October 2024. Despite UNHCR's efforts to scale up registration, the sheer volume of arrivals has created a backlog, leaving thousands waiting up to a year for their appointments.

Unfortunately, the lack of legal documentation, coupled with the ongoing crisis in Sudan, has resulted in a concerning rise in arbitrary arrests and detention of forcibly displaced Sudanese in Egypt. Reports highlight a troubling trend of pushbacks and refoulement, with over 50% of registered asylum seekers and refugees deported in 2023 - a staggering 1000% increase from the previous year.

This shift in approach, from recognizing Sudanese arrivals as “refugees fleeing war” to treating them as “irregular migrants,” is particularly alarming. The new visa restrictions and border closures have forced many to enter irregularly, increasing their vulnerability to arrest and deportation. Despite Egypt's legal obligations under international law, the government's actions demonstrate a concerning disregard for the protection of those seeking asylum.

The situation is further complicated by a rise in xenophobia and misinformation, fuelled by inaccurate statements from authorities and amplified through social media. These campaigns paint forcibly displaced Sudanese as a burden on the country's resources, contributing to a hostile environment and justifying harsh measures against them.

The reality, however, is that displaced Sudanese face significant challenges in accessing basic services and legal protection in Egypt. The increasing number of arrests and deportations, often carried out without due process, highlights the precarious situation of these individuals.

4.3. Implications and Urgent Needs

The findings of this report and the hundreds of documented accounts of abuse and torture suffered by forcibly displaced Sudanese underscore the urgent need for immediate international support to address their plight.

The dire humanitarian situation requires a swift and comprehensive response. Increased funding and support for humanitarian organizations and UN agencies are essential to provide much-needed relief and protection. Addressing the root causes of displacement and creating safe and legal pathways for resettlement are also crucial.

The crisis in Sudan and its impact on neighbouring countries underscore the interconnectedness of regional stability and the need for international cooperation. A coordinated and compassionate approach is essential to address the multifaceted challenges faced by forcibly displaced Sudanese individuals and ensure their fundamental rights are upheld.

5.

LEGAL FRAMEWORKS AND POLICIES



5.1. Between International Legal Frameworks and Domestic Realities

International law provides a robust framework for the protection of human rights, including the rights of migrants, refugees, and asylum seekers. Core international human rights instruments, such as the Universal Declaration of Human Rights (UDHR)²⁷ and the African Charter on Human and Peoples' Rights (ACHPR),²⁸ guarantee fundamental rights like the right to life, liberty, and security of person, as well as the right to leave any country and seek asylum.

While the 1951 Refugee Convention and its 1967 Protocol²⁹ provide specific protections for refugees, including the principle of non-refoulement, which prohibits states from returning individuals to a country where they face persecution. The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa³⁰ further expands the definition of a refugee.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)³¹ provides specific rights for migrant workers, including the right to life, the prohibition of torture, and the right to education for their children.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)³² prohibits torture and other forms of cruel, inhuman, or degrading treatment and requires states to investigate allegations of such treatment. It also prohibits refoulement, the return of individuals to countries where they face a risk of torture or other serious human rights abuses.

Despite the existence of robust international legal frameworks designed to protect the rights of migrants, refugees, and asylum seekers, individuals in Libya, Egypt, and Tunisia continue to face significant challenges.

These countries have implemented restrictive laws that criminalise irregular migration, leading to arbitrary arrests, prolonged detention, mass expulsions, and deportation. These policies disproportionately affect migrants, refugees, and asylum seekers, who are vulnerable to exploitation and abuse. The legal status of registered refugees and asylum seekers with the UNHCR is often not recognised by the host countries' authorities and they are treated as irregular migrants. Furthermore, these nations have engaged in mass expulsions and pushbacks, often to countries where individuals face severe human rights abuses. Such actions violate the principle of non-refoulement³³ and international human rights law.

27. [Universal Declaration of Human Rights](#), UN, 1948

28. [African Charter on Human and Peoples' Rights](#), African Union, 1981

29. [The 1951 Refugee Convention and its 1967 Protocol](#), UNHCR, 1951

30. [OAU Convention Governing the Specific Aspects of Refugee Problems in Africa](#), African Union, 1969

31. [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), OHCHR, 1990

32. [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), OHCHR, 1984

33. [The principle of non-refoulement under international human rights law](#), OHCHR

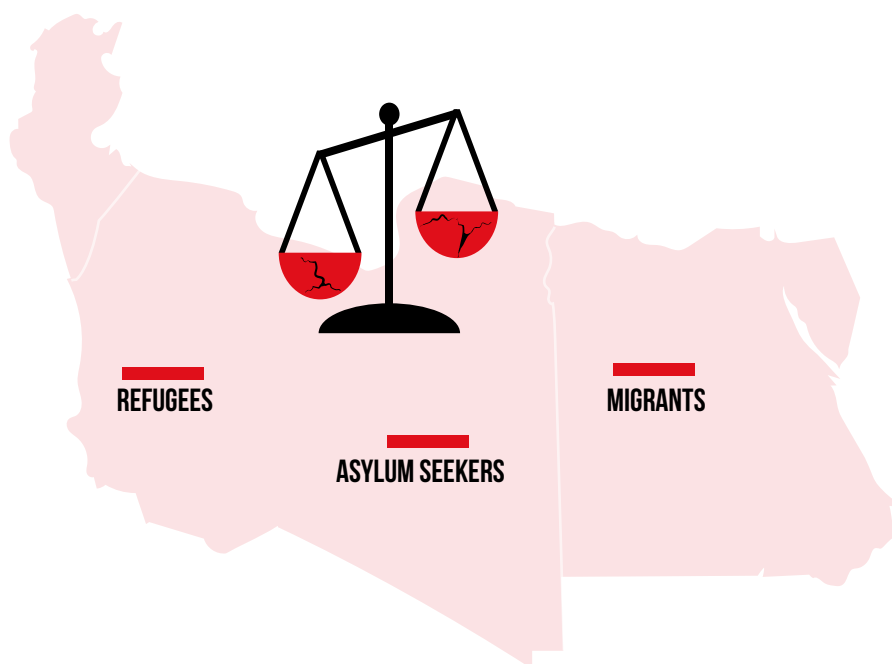
This situation prompted activists and civil society organisations from the three countries to launch advocacy campaigns to halt these mass expulsions, and several international organisations and agencies have warned of the consequences of such policies on people on the move in North Africa.³⁴

Lack of access to justice is another significant challenge, with many migrants, refugees, and asylum seekers hindered by language barriers, lack of awareness of their rights, fear of detention and deportation, and the high cost of legal services. Systemic corruption and inefficiency within the justice systems contribute to this issue.

While Tunisia and Egypt have ratified the 1951 Refugee Convention, their implementation of refugee protection mechanisms remains weak. Libya, on the other hand, has not ratified the Convention and has, therefore, a particularly deficient asylum system.

The human rights situation for these vulnerable populations is alarming, with widespread reports of torture, sexual violence, arbitrary detention, and deportation. The unstable security situation in Libya, in particular, has allowed for widespread and well documented human rights violations, perpetrated by both state and non-state actors.

To address these challenges, urgent international cooperation and domestic reforms³⁵ are imperative to ensure the protection of people on the move in North African countries.



34. [Quarterly Mixed Migration Update North Africa, Quarter 4](#), Mixed Migration Center, 2023

35. [How to Achieve Positive Change for Migrants, Refugees, and Asylum Seekers in Libya](#), OMCT, March 2023

5.2. Flawed Domestic Policies and Insufficient Asylum Processes

In Libya, Egypt, and Tunisia, the protections provided by international legal framework for the rights of migrants, refugees, and asylum seekers are often undermined by domestic laws and practices.

These national legal frameworks have been used to justify restrictive policies and practices that violate the rights of migrants, refugees, and asylum seekers and these countries have often prioritised border control and migration management over the protection of human rights.

5.2.1. Libya: A State of Lawlessness and Exploitation



Libya, a nation grappling with instability and conflict, has become a perilous transit point for migrants, refugees, and asylum seekers. The absence of a strong central government and the proliferation of armed groups have created a chaotic environment where human rights are routinely violated.

Despite legal provisions that could offer protection to specific groups, such as Arab nationals, the reality on the ground is far different. Libya's domestic laws, particularly the 2010 Law on Combating Irregular Migration,³⁶ have been instrumental in the criminalisation of irregular migration. The law empowers authorities to detain, fine, and deport migrants, including refugees and asylum seekers, without due process. This has led to the widespread detention of people on the move in inhumane conditions for which detention centres are notorious for and where detainees are subjected to torture, abuse, forced labour and sexual exploitation.

Migration provisions are also included in Law No. (06) of 1987 On Organising the Entry and Residence of Foreigners in Libya,³⁷ later amended by Law No. (02) of 2004.³⁸ In addition to Law No. (24) of 2023 Concerning the Prevention of the Settlement of Foreigners in Libya that punishes foreigners intending to settle in the country or others that support such foreigners with fines and imprisonment.³⁹ The law states that *"Any natural person, as well as the legal representative of a legal entity, who shelters, employs, or facilitates the entry of a foreigner, knowing that they intend to settle in Libya and does not notify the competent authorities of their presence and the reason for sheltering them in Libya, shall be punished with imprisonment for a period not less than five years and a fine not exceeding ten thousand dinars."* (Article 3). In addition, article 7 allows judges to deport any foreigner with an intention to settle in Libya.

Another important aspect to be considered when analysing the human rights situation of people on the move residing and/or transiting through Libya is the legislative framework concerning the ability of civil society organizations to operate in the country, such as Law No. (19) of 2001 on the reorganisation of NGOs.⁴⁰ This restrictive legal framework governing civil society organisations has significantly hampered the ability of humanitarian and human rights organisations to provide support to migrants, refugees, and asylum seekers.

36. Law No. (19) of 2010 on combatting illegal immigration, DCAF Libya, January 2010

37. Law No. (6) Of 1987 Organising The Entry And Residence Of Foreigners, DCAF Libya, June 1987

38. Law No. (2) Of 2004 Amending Law No. (6) Of 1987 On Organizing Entry & Residence Of Foreigners In Libya, DCAF Libya, January 2004

39. Law No. 24 of 2023 concerning the prevention of the settlement of foreigners in Libya, The Law Society of Libya, August 2023

40. Law No. (19) of 2001 on the reorganization of NGOs, DCAF Libya, December 2001

As a result, civil society activists and staff may be subjected to surveillance, intimidation, and harassment by state authorities. Restrictions on movement and access to certain areas may hinder NGOs' ability to reach migrants, refugees, and asylum seekers in need. The threat of legal action or arrest can deter NGOs from providing critical assistance to vulnerable populations.

These restrictions have a direct impact on the lives of migrants, refugees, and asylum seekers, limiting their access to essential services such as food, water, shelter, and healthcare. Therefore, the Libyan government is exacerbating the humanitarian crisis and undermining the protection of vulnerable populations.

Moreover, Libya has repeatedly violated the principle of non-refoulement by engaging in mass expulsions and pushbacks to neighbouring countries, disregarding international law and exposing vulnerable individuals to further harm. Such cases have been documented by civil society organisations, including the arbitrary arrest and detention of hundreds of Sudanese asylum seekers in Tripoli in front of the UNHCR office.⁴¹

Libya has also emerged as a hub for human trafficking networks, with migrants, refugees, and asylum seekers often held captive and subjected to extortion and violence.

With regards to asylum procedures, Libya does not have asylum legislation or any established procedures, nor is it a party to the 1951 Refugee Convention. However, it has ratified the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa,⁴² which makes it accountable for violations being committed against African migrants, refugees, and asylum seekers. In addition, the right to asylum is provided for in Article 10 of Libya's 2011 interim Constitutional Declaration.⁴³ Despite these legal provisions and the protection provided in the CAT, that Libya has ratified, African migrants, refugees, and asylum seekers are still at risk of detention.⁴⁴

However, Libyan law provides many exceptions to Arab nationals, including Forcibly displaced people from Sudan. Article 3 of Law No. (06) of 1987 provides that Arab nationals can enter the country using personal ID cards and not necessarily passports,⁴⁵ and Article 1 of Law No. (10) of 1989 Concerning the Rights and Obligations of Arabs in Libya states that all Arabs shall have the right to enter and reside in the State of Libya.⁴⁶ Further, Libyan law treats Arab nationals like Libyan citizens, as per Article 2, which states, "*Arab nationals residing in the State of Libya shall possess all the rights and duties accorded to Libyan Arabs*".

While forcibly displaced Sudanese have been provided with regulations allowing their access to specific services in Libya, such as public health facilities and public schools, in practice, they do not enjoy these rights as stipulated in the regulations. According to a number of testimonies collected, many still pay to receive basic services, including education and health. Moreover, they are also arrested and detained due to a lack of valid documents, like any other foreigner in the country.

41. [Libya: Rising concerns regarding UNHCR response and refugee well-being in wake of recent mass arrest in Tripoli](#), OMCT, November 2023

42. [OAU Convention Governing the Specific Aspects of Refugee Problems in Africa](#), African Union, 2019

43. [Libya's Constitution](#) of 2011

44. Sudanese community leader in the South of Libya, Interviewed by OMCT, May 2024

45. [Law No. \(6\) Of 1987 Organising The Entry And Residence Of Foreigners](#), DCAF Libya, June 1987

46. [Law No. \(10\) Of 1989 On The Rights And Obligations Of Arabs In The Great Jamahiriya](#), DCAF Libya, October 1989

5.2.2. Tunisia: A Faltering Commitment to Protection



Migration to and from Tunisia is governed by the “Law Regulating the Entry and Stay of Foreigners” adopted in 1968 and its implementing decree, and the “Law on Passports and Travel Documents” adopted in 1975 and amended in 2004. Another relevant piece of national legislation is Decree No. 2017-1061, setting the rates for chancery fees, and the Decree on exemptions for foreign students.

Tunisia explicitly criminalises irregular migration for both foreigners and Tunisian nationals. Penalties are imposed for the unauthorised departure of both nationals and non-nationals. There are also fines and prison sentences for non-citizens who enter or leave the country without authorisation or documentation, as well as fines and prison sentences for non-citizens who use false documents or provide inaccurate information.

Tunisian legislation makes no provision for the evacuation and forcible transfer of individuals or groups from one place to another within the Tunisian territory, either within the supervision of the Ministry of the Interior,⁴⁷ of regional administrations,⁴⁸ or laws and decrees regulating the security forces.⁴⁹ Neither the provisions of the state of emergency⁵⁰ nor the regulations governing meetings and other public gatherings⁵¹ allow for forced evacuation by state authorities. Tunisian law also provides for the expulsion of foreigners whose presence on Tunisian territory constitutes a threat to public order, on the basis of administrative decisions taken by the Ministry of the Interior.⁵² If a foreigner infringes the rules governing entry and residence in Tunisia, or has committed other related offences, he or she will be subject to criminal prosecution.⁵³ The penal code also provides for the possibility of a “residency ban” as an additional penalty for certain offences committed by foreigners.⁵⁴

For people who have entered Tunisia legally (with a residence, tourist, medical or other visa), the law and procedures for issuing, extending and renewing residence permits/titles (for education, employment, family reunification or other reasons) exist,⁵⁵ but their legal and social status may remain undetermined for a long time, or even indefinitely.⁵⁶

Since the Tunisian state criminalises irregular residence, as mentioned above, these laws have been used to target people on the move, including refugees and asylum seekers, leading to arbitrary arrests, detention, forced displacement, and deportation.

47. Decree no. 75-342 of May 30, 1975, establishing the responsibilities of the Ministry of the Interior

48. Law no. 75-52 of June 13, 1975, setting the remit of senior regional administrative staff

49. Law no. 82-70 of August 6, 1982, laying down the general status of the Internal Security Forces; Decree no. 2023-240 of March 16, 2023, approving the code of conduct for the Internal Security Forces under the authority of the Ministry of the Interior.

50. Decree no. 78-50 of January 26, 1978, regulating the state of emergency

51. Law no. 69-4 of January 24, 1969, regulating public meetings, processions, parades, demonstrations and gatherings

52. People must be notified in writing of the reasoned expulsion order in a language they understand and, under international law, must be able to challenge the legality of this administrative decision. In addition, the law on foreigners allows migrants subject to expulsion orders to be placed under house arrest pending expulsion, but house arrest does not mean detention.

53. Those accused of having committed a misdemeanour, felony or infraction will then be arrested in flagrante delicto or on the basis of a warrant, placed in police custody, brought before a prosecutor before being dismissed, or prosecuted generally with preventive detention.

54. See art. 18, article 23 et seq. of law no. 1968-7 of March 8, 1968, and art. 50 of law no. 2004-6 of February 3, 2004, amending law no. 75-40 of May 14, 1975, on passports and travel documents.

55. Among others, see: Law n. 1968-7 of March 8, 1968 relating to the conditions of foreigners in Tunisia and Decree 1968-198 of June 22, 1968; Law n. 1975-40 of May 14, 1975 relating to passports; Law n. 2004-6 of February 3, 2004 relating to passports and travel documents; Government Decree no. 2017-1061 of September 26, 2017, setting the rates for chancery fees; Government Decree no. 2018-331 of April 6, 2018) exempting students (in training and trainees) from overstay penalties.

56. Obstacles reported in Tunisia include unclear or overly bureaucratic residence permit renewal procedures, racial discrimination on the part of the administration in charge, material obstacles such as high visa renewal fees, language barriers or lack of access to legal aid, overstaying the legal length of stay which entails excessive fees or legal consequences, among others.

For those who have no choice but to use irregular migration routes to cross borders, their legal situation is even more complex, as the Tunisian state criminalises irregular entry⁵⁷ and regularisation procedures are thus difficult or even impossible in some cases, in violation of states' obligations under international law.⁵⁸ People on the move living in Tunisia are unable to legally rent housing solutions without a valid residence permit.⁵⁹

Additionally, while Tunisia has ratified the 1951 Refugee Convention, its implementation remains weak. The lack of a national asylum framework⁶⁰ and the government's restrictive policies have made it difficult for refugees and asylum seekers to access protection and assistance.

5.2.3. Egypt: A Fortress State and Shifting Policies



Egypt has implemented increasingly restrictive policies that often clash with international human rights law and refugee protection standards. Egypt's migration laws, including the 2005 Law on Entry, Residence, and Exit of Foreigners, grant broad powers to the authorities to detain, fine, and deport people on the move, often without due process. The Ministry of Interior has the authority to deport anyone that represents *"a threat to the State and country security and safety, internally or abroad, or to its national economy, public health, public moral, or public tranquillity, or [who is] a burden on the state"*.⁶¹

The country also has other laws concerning migrants and refugees, including safeguards in the 2014 Egyptian Constitution and the Code of Criminal Procedures against arbitrary arrest and detention, the Presidential Decree on Security of the Eastern Border of Arab Republic of Egypt of 1995, and Law No. (82) of 2016 on Combating Illegal Migration & Smuggling of Migrants.⁶² However, the application of the law and grounds used for arrest and detention vary, depending on the profiles of migrants, refugees, and asylum seekers as well as their location.⁶³ Overall, *"Egyptian legislation allows for indefinite migration-related detention, in contravention of international human rights law and standards"*.⁶⁴

Law No. (88) of 2005 on Entry, Residence, and Exit of Foreigners (an amendment to Law No. (89) of 1960) is the core law for the management of foreigners in the country.⁶⁵ It stipulates that anyone

57. The irregular entry and stay of migrants should not be treated as a criminal offence, as the mere fact of crossing a border or staying in a country irregularly does not in itself constitute a crime against persons, property or national security and should not be treated as such. See A/HRC/20/24, paragraph 13; GTAD, Deliberation No. 5. Under international human rights law, the criminalization of irregular migration goes beyond the legitimate interests of States to protect their territory and regulate migration (A/HRC/13/30, para. 58). In the New York Declaration, member states agreed to review policies that criminalise cross-border movements, and that children should not be criminalised because of their migration status (paragraphs 33 and 56). Irregular migrants should not be treated as criminals or as threats to national or public security (A/HRC/10/21, para. 68). See also article 31 of the 1951 Refugee Convention and the explicit reference to the Convention in article 34 of Organic Law 1975-40 as amended by Organic Law 2004-6 on the compulsory entry of all travellers through official border crossing points designated by the Ministry of the Interior and the Ministry of Finance. The article provides for exceptions for situations covered by the 1951 Convention and should lead to the decriminalisation of irregular entry for people seeking asylum in Tunisia.

58. Special Rapporteur on the human rights of migrants, "Report of the Special Rapporteur on the human rights of migrants", François Crépeau, Addendum, Mission to Tunisia, OHCHR, A/HRC/23/46/Add.1, May 3, 2013, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>. "How to expand and diversify regularization mechanisms and programs to strengthen the protection of migrants' human rights." Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales, A/HRC/53/26.

59. Articles 21 and 22 of Law no. 68-7 of March 8, 1968, on the status of foreigners in Tunisia. On the other hand, Tunisia imposes fines on people who help or receive foreigners whose entry or residence is irregular. See article 25 of the 1968 law: "Any person who knowingly, directly or indirectly, assists or attempts to facilitate the entry, exit, movement or illegal residence of a foreigner in Tunisia is liable to imprisonment of 1 month to 1 year and a fine of 6 to 120 dinars." See Badalić, V. (2019). "Tunisia's role in EU external migration policy: immigration law, illegal practices and their impact on human rights." *Journal of International Migration and Integration*, 20: 85-100. doi.org/10.1007/s12134-018-0596-7.

60. *Tunisia Country Report*, Global Detention Project, March 2020

61. *Egypt: "Handcuffed like dangerous criminals": Arbitrary detention and forced returns of Sudanese refugees in Egypt*, Amnesty International, June 2024

62. *Egypt Country Report*, Global Detention Project, September 2018

63. *Urgent Appeal on the Detention and Refoulement of Forcibly displaced people from Sudan in Egypt*, GPD & CFJ, April 2024

64. *Egypt: "Handcuffed like dangerous criminals": Arbitrary detention and forced returns of Sudanese refugees in Egypt*, Amnesty International, June 2024

65. *Law No. 88 of 2005 amending some provisions of Law No. 89 of 1960 regarding the entry and residence of foreigners in and exit from the territory of the Arab Republic of Egypt*

entering or exiting Egypt irregularly or at an unauthorized port may be imprisoned, fined, and possibly deported as a criminal penalty. Further, the law provides for criminal penalties and administrative detention against refugees and migrants who enter, stay, or exit irregularly.⁶⁶ The criminalisation of irregular migration has indeed led to the arbitrary arrest and detention of vulnerable populations, including refugees and asylum seekers. This practice not only violates international human rights law but also undermines the principle of non-refoulement, as individuals are often pushed back to dangerous situations.

Despite ratifying the 1951 Refugee Convention and its protocol (with some reservations)⁶⁷ and signing the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa,⁶⁸ Egypt's implementation of refugee protection mechanisms remains inadequate and weak, characterised by arbitrary detention, forced expulsions, and limited access to legal aid and asylum procedures. The recent influx of Sudanese refugees has further exposed the limitations of Egypt's refugee protection system. While the country has a historical connection with Sudan, the practical implementation of the "Four Freedoms Agreement"⁶⁹ has been hindered by bureaucratic obstacles and restrictive policies. Egyptian government's decision to impose stricter entry requirements requiring non-citizens to pay a fee in hard currency to legitimise their residency, which includes Sudanese nationals, has limited their access to safety and protection.⁷⁰

The country has also been accused of engaging in pushbacks and forced returns of refugees and asylum seekers, particularly Sudanese nationals.⁷¹ This puts Sudanese at risk as they are unable to regularise their stay without UNHCR registration. UNHCR advocated with authorities to ease this requirement as it is dealing with increasing numbers beyond their capacity.

Moreover, Egypt's cooperation with the EU⁷² has led to increased pressure to adopt stricter migration policies. The EU's financial incentives and political support have incentivised Egypt to strengthen border controls and implement measures to prevent irregular migration. However, these policies often come at the expense of human rights and the protection of vulnerable populations.

In conclusion, while a robust international framework safeguards the rights of migrants, refugees, and asylum seekers, a critical gap exists between these legal instruments and their implementation in these North African countries. This dissonance between international law and domestic policies in Libya, Egypt, and Tunisia necessitates further examination. The following section will explore these discrepancies in granular detail, specifically focusing on the lived experiences of Sudanese nationals in the region.

66. [Egypt Country Report](#), Global Detention Project, September 2018

67. [States parties, including reservations and declarations, to the 1951 Refugee Convention](#), UNHCR

68. [OAU Convention Governing the Specific Aspects of Refugee Problems in Africa](#), African Union, 2019

69. [Egypt-Sudan Four Freedoms Agreement](#), Citizenship Rights in Africa Initiative, 2004

70. [Sudan Situation - UNHCR External Update #54](#), UNHCR, March 2024

71. Instances of mass expulsions and deportation of Sudanese nationals back to Sudan have been confirmed by the testimonies collected by OMCT for this report and the recent Amnesty International report "[Handcuffed like dangerous criminals: Arbitrary detention and forced returns of Sudanese refugees in Egypt](#)" published in June 2024.

72. [EU Pledges Billions of Euros for Egypt as it Seeks to Curb Migration](#), Reuters, March 2024

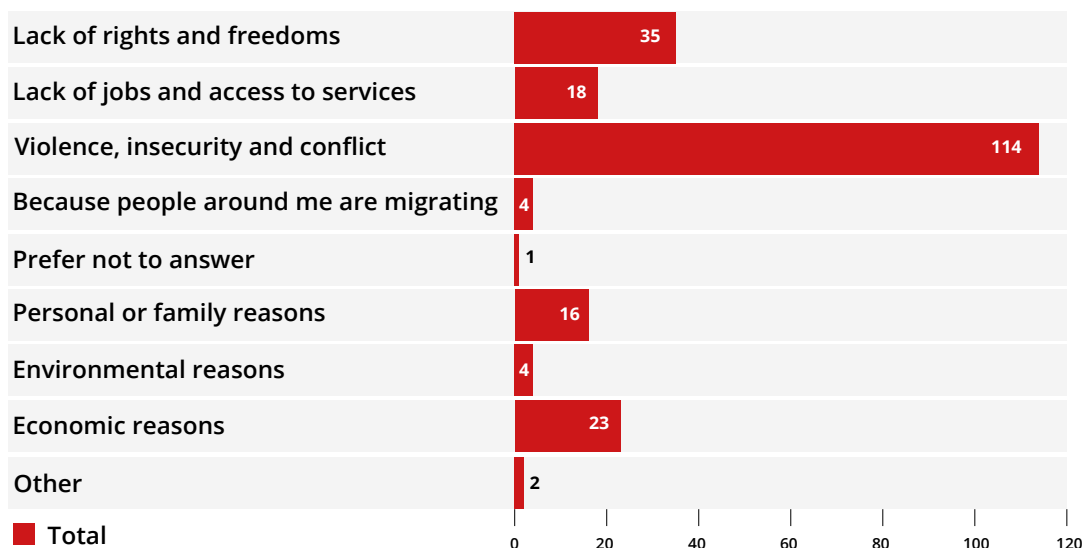
6.

THE PLIGHT OF FORCIBLY DISPLACED SUDANESE IN LIBYA, TUNISIA AND EGYPT



Driven by the ravages of war in their country, **90% of the 127 surveyed Sudanese respondents identified violence and insecurity as their primary reasons for leaving Sudan**, with a significant 66% seeking refuge in Libya, Tunisia, or Egypt within the past year, highlighting the direct impact of the ongoing conflict on displacement patterns.

FIGURE 1: DRIVERS OF MOVEMENT (N=127)



However, instead of finding the safety and asylum they desperately seek, forcibly displaced Sudanese in these North African countries are trapped in a cycle of abuse and vulnerability. Arbitrary arrests and detention, physical and sexual violence, human trafficking, and deportations have become commonplace, exacerbating the challenges faced by these individuals. Indeed, **18.9% of the surveyed Sudanese reported being victim (themselves or people close to them, friends or family members) of violence (including beatings with the use of firearms, rape and torture among other practices) while a further 22.8% reported being victim of racial discrimination and hate.** Multiple testimonies from interviewed human rights defenders, humanitarian workers, and community leaders converge on the conclusion that these practices are widespread in all three countries, albeit with varying intensities.

As the situation in these North African countries continues to deteriorate and viable alternatives for durable solutions dwindle, forcibly displaced Sudanese are increasingly compelled to consider the dangerous sea crossing to Europe, despite the well-documented risks. The lack of safety and stability within the region has tragically transformed this perilous journey into a perceived last resort for many.

6.1. A Journey of Hardship: From Conflict to Uncertainty

6.1.1. Drivers of Movement and Challenges to Durable Solutions

The escalating conflict in Sudan has propelled a wave of displaced individuals towards neighbouring countries, such as Libya, Tunisia, and Egypt. Recent reports suggest that a shift in migration patterns from Sudan specifically towards Libya and Tunisia is driven by multiple factors, including heightened security risks and restricted movement within Chad and Egypt.⁷³

The allure of these destinations lies largely in the relative safety, the perceived opportunity to access asylum and, for some, the possibility of onward migration to Europe. **Survey data reveals that nearly half of forcibly displaced Sudanese (48%) cite the prospect of asylum as their primary reason for choosing one of these North African countries.** This is reflected in the high number of forcibly displaced Sudanese individuals visiting UNHCR offices upon arrival. Human rights defenders and community leaders have observed that they demonstrate a greater awareness of their rights compared to other nationalities, particularly since the conflict began and due to their potential eligibility for resettlement.

A human rights defender in **Libya** suggests that Sudanese individuals often choose Libya due to its perceived economic opportunities and resources, which they believe are more abundant compared to neighbouring countries like Chad and Niger. In contrast, **Egypt** is viewed as offering limited opportunities unless individuals have established family or community networks to aid in their integration.⁷⁴

“Sudanese have been in Egypt for a long time, and the historical relations between Egypt and Sudan represent a great historical connection. The Sudanese community is one of the largest communities in Egypt, if not the largest, whether officially registered or not. Many Sudanese residents also have Egyptian citizenship due to family ties from many years ago, creating a generation of Sudanese living in Egypt with Egyptian citizenship.”

Nour Khalil, Executive Director of Refugees Platform in Egypt (RPE)⁷⁵

Conversely, the data also reveals that some displaced Sudanese in Libya opt to move on to Tunisia, not only due to its closer proximity to Europe but also to escape the harsh conditions they experience in the country, which has been described by some as “*Hell on Earth*”.⁷⁶

Indeed, the stark reality on the ground often clashes with these hopes and expectations. The rapidly escalating influx of displaced Sudanese has exposed significant challenges to their resettlement and integration. While some of these challenges are common across Libya, Tunisia, and Egypt, others are more country specific.

Testimony of a young Sudanese and his journey to Libya:

73. [Quarterly Mixed Migration Update North Africa, Quarter 1, 2024](#), Mixed Migration Center, April 2024

74. Human Rights Defender member of the LAN, Interviewed by OMCT, April 2024

75. Interviewed by OMCT, April 2024

76. OMCT data collected during a field trip in Medenine – Tunisia, April 2024



"I fled Sudan to escape the horrors of war, seeking a new life. I had no money. So, when I reached the Malha area on the Libyan-Sudanese border, I found the drivers of large trucks that transport goods between Libya and Sudan and I made an agreement with a

Libyan truck driver to take me to Libya for 800 Libyan dinars. The driver was transporting goods from Sudan to Libya, and we set off after three days.

Our journey took six days through the desert, and the driver would rest for only four hours every 24 hours. During these breaks, we would feed and water the sheep, then continue the journey. There were 14 others with me, including five children. Unfortunately, about 100 kilometres before reaching Libya, one of these children died. The child was diabetic and had insulin injections with him, but they had spoiled due to the high heat. Despite this, he continued to use them until he passed away. The driver took the child's body and transported it to a hospital in the city of Kufra.

When we entered AlKufra, we stayed at the driver's farm. He asked me to pay for the transportation by contacting my relatives or friends, but I didn't know anyone who could help me. I suggested that he give me a job so that I could pay the amount, and he agreed. He told me that he would transfer me to another person's farm where I would work until I paid the due amount.

I was transferred to a farm in the city of Tazerbou along with three more who were with me, while the others paid the amount and were released. On the farm, I started working in many arduous tasks, and there were many other Sudanese. The farm runs on the labour of Sudanese young men who seemed to have gone through the same circumstances previously.

I continued my work on this farm for seven months until I was told that I had paid the required amount. The owner of the farm owned many large trucks, so I asked him to help me reach the city of Ajdabiya. He agreed to my request, and I travelled as a co-driver until I reached Ajdabiya.

This was my arduous journey in search of safety in a foreign land."

➡ Common Challenges

■ Overwhelmed Asylum Systems and Limited Access to UNHCR

The sheer number of people displaced by the Sudanese conflict has overwhelmed asylum systems in Libya, Tunisia, and Egypt, creating significant obstacles for Sudanese asylum seekers striving for protection and assistance. The insufficiency of UNHCR's on-the-ground presence and the lack of political will to bolster national asylum systems have resulted in significant challenges:

- **Long waiting times for registration, limited services and lack of adequate housing solutions:** Sudanese refugees and asylum seekers as well as community leaders reported facing months-long waits for registration appointments with UNHCR, leaving them in a state of legal limbo and vulnerable to exploitation and abuse. Even after registration, access to essential services such as healthcare, education, and legal aid remains limited due to capacity constraints and bureaucratic hurdles. Consequently, many Sudanese camping close to UNHCR's offices in all three countries, have been vocal about the extremely vulnerable position they find themselves in and the perceived inaction on the part of UNHCR. This delay is especially concerning given the urgency of their situations, forcing people to live in harsh conditions with very limited resources.

"Nobody chooses to live on the streets in such conditions! Nobody! People are sick or dying and all they receive from the UNHCR is painkillers, painkillers! Many of these people died before even getting through the UNHCR's gates!"⁷⁷

- **Delays in processing asylum applications:** The backlog of asylum applications leads to significant delays in processing the ever-increasing demands for pre-registration and registration for forcibly displaced Sudanese. This is true for all three countries and leaves asylum seekers in a protracted state of uncertainty, unable to access the rights and protections associated with refugee status. In Tunisia, UNHCR's pre-registration and Refugee Status Determination activities were suspended nationwide in May 2024 with huge impact on the agency's the provision of protection, health, shelter, education, child and GBV case management services.
- **Lack of UNHCR offices or focal points near border areas:** The absence of UNHCR presence in border regions, particularly in Egypt and Libya, forces asylum seekers to undertake long and often dangerous journeys to reach registration centres. This exponentially increases their vulnerability to human trafficking, exploitation, and violence, particularly for vulnerable groups including the wounded, the sick, as well as women and children (many of whom are unaccompanied minors). Human Rights Defenders interviewed in both Libya and Egypt have expressed frustration with the lack of UNHCR presence at the borders with Sudan. Urging both their respective governments and the UN agency to take immediate action given the gravity and urgency of the situation.
- **UNHCR pre-registration and registration do not guarantee protection:** Consequently, despite the legal obligations of these countries to protect those fleeing conflict, the possession of a UNHCR asylum seeker certificate or refugee status does not guarantee adequate protection in Libya, Tunisia, or Egypt.

77. Testimony of a Sudanese asylum seeker in Libya, Interviewed by OMCT, November 2023

— Difficulty in obtaining legal documentation

Complex and often opaque procedures for obtaining legal documentation, such as residency permits and identity cards, pose a major challenge for forcibly displaced Sudanese fleeing war. The lack of clear information and inconsistent application of regulations further complicates the process, leaving many without a secure legal status. Moreover, all three countries - Libya, Tunisia, and Egypt - criminalise “irregular migration,” making it even more difficult for refugees to navigate the legal system. Libya stands out for its harsh approach, often failing to consider humanitarian exceptions even in the face of dire circumstances.

Indeed, in **Libya**, forcibly displaced Sudanese are mandated to apply for residency permits within two months of arrival, a process that is further complicated in the eastern region where registration at the local municipality is also required. Despite attempts by NGOs to negotiate these requirements, authorities insist on treating all foreigners equally.

A major obstacle to obtaining residency is the necessity of a valid passport, a significant challenge for those fleeing conflict who may have left without essential documents. Acquiring a new passport costs approximately 250 USD (approximately 1,200 LYD), a prohibitive expense for many Sudanese struggling to meet their basic needs. A Human Rights Defender with the Libyan Anti-torture Network (LAN) recorded the testimony of a Sudanese family of five regarding their current situation in Libya and specifically about their official papers. This was their reply:

“We can't find anything to eat or drink; how can we have money to pay the embassy so we can renew our passports?”⁷⁸

They would need an estimated 1,250 USD for the whole family just to have valid passports and then pay an additional 300 USD (around 1,500 LYD) to apply for residency papers for the whole family on an annual basis.⁷⁹ Additionally, the registration process remains inconsistent since there is no unified procedure that was agreed upon between the Eastern and Western authorities and lacks a clear legal basis, leading to arbitrary enforcement and even the arrest and harassment of Sudanese community leaders advocating for change.

In May 2024, a new registration process was introduced in Eastern Libya, requiring all foreigners to pay 150 LYD per person. Authorities positioned this as a means for foreigners to both contribute to municipal taxes and gain some form of legal status within the area. However, this process was shrouded in ambiguity, with no official decree issued to formalise it or provide clarity on its implementation. Following this, Sudanese community leaders who have voiced their concerns to their embassy regarding this arbitrary registration requirement have subsequently faced threats from authorities. In a further escalation, two community leaders were arrested, one in Om Al-Araneb and another in Sabha. The community leader arrested in Om Al-Araneb was subjected to two days of beatings and then left on the streets following his release. This harsh treatment was a direct consequence of his advocacy efforts to challenge this registration process, which lacks any legal foundation.

For individuals who entered **Tunisia** legally (with a residency permit, work visa, tourist visa or medical visa), the law and procedures for issuing, extending, and renewing residence permits/cards (for reasons related to education, employment, family reunification, or other) do exist. However, experts

78. Human Rights Defender member of the LAN, interviewed by OMCT, April 2024

79. *The Legal Guide for Foreigners in Libya*, ICMPD, January 2020

and case analysis confirm that non-nationals face numerous difficulties in regularising their stay and often find themselves in an irregular situation. Their legal and social status can remain undetermined for a long time, even indefinitely.⁸⁰

Indeed, the complex and bureaucratic processes for obtaining and renewing visas and residence permits in Tunisia have left many migrants, refugees, and asylum seekers in a precarious legal limbo, often labelled as “illegal.”⁸¹ Reports suggest that individuals from Sub-Saharan Africa face discriminatory treatment during these procedures, with some even being denied entry and deported despite having visa-free access.⁸²

The inconsistency and lack of clarity in the requirements for obtaining a residence permit further compound the challenges faced by people on the move. This uncertainty, coupled with the realisation that even legal documents may not guarantee protection from detention or access to services, discourages many from even attempting to regularise their status. As a result thousands of people on the move remain in an irregular situation, constantly vulnerable to arbitrary arrest and detention.

As for **Egypt**, documentation remains the biggest challenge, particularly following the implementation of new visa restrictions on Sudanese arrivals in June 2023. These restrictions have left thousands stranded at the Sudanese border, awaiting visa appointments, and forcing many to resort to irregular entry into Egypt in their desperate search for safety. Mahmoud Shalaby, Egypt Researcher at Amnesty International,⁸³ highlights the dangers of this situation:

“There are many challenges in entering irregularly; the journey is very dangerous through the desert with smugglers, it is very hard to get documentation, and without it, those Sudanese are at risk of arbitrary detention and deportation because of lack of documents, which is an offense in Egyptian law”

Typically, foreigners in Egypt require an entry stamp on their passport to apply for a residence permit. However, the irregular status of many Sudanese arrivals, who lack this stamp due to visa restrictions, makes them vulnerable to arrest if they seek residency.

A 2023 decree by the Egyptian Prime Minister offers a path to regularisation for those without UNHCR certificates, requiring a 1,000 USD fee and an Egyptian sponsor within a grace period extended to September 2024.⁸⁴ However, the high cost and bureaucratic hurdles pose significant challenges, particularly for families. This leaves many Sudanese without legal status, at risk of arbitrary arrest and deportation.

Further complicating matters, the process for obtaining a residence permit is lengthy and often involves repeated requests for additional documentation. Even if granted, permits are typically valid for only a short duration, forcing individuals to constantly renew them at further expense. This precarious situation particularly affects new Sudanese arrivals, who often feel trapped and afraid to leave their homes for fear of deportation. This is confirmed by the testimony of Mahmoud Shalaby, Egypt Researcher at Amnesty International, as his organisation has documented numerous cases of Sudanese individuals deported for lack of documentation during security raids targeting black communities.

80. *Torture Roads – Volume 2, Mapping of violations suffered by people on the move in Tunisia*, OMCT, September 2024

81. *How Tunisia Produces “Irregular” Migrants*, The Tahrir Institute, June 2023

82. *Arbitrary arrests and residence permits: racist ordeals for Sub-Saharanans in Tunisia*, Inkyfada, February 2022 ; See also, *“Torture Roads – Volume 2”*, September 2024 where cases of arbitrary arrest and non-respect of procedural guarantees were documented.

83. Interviewed by OMCT, May 2024

84. *UNHCR Egypt: Sudan Emergency Response Update*, Relief Web, September 2023

---➔ Country-Specific Challenges

■ Overwhelmed Asylum Systems and Limited Access to UNHCR

• Libya

The prevailing security challenges and political fragmentation pose unique obstacles to the resettlement of displaced Sudanese. The country's divided governance structure, with two competing administrations and differing approaches to the humanitarian crisis, creates a complex and uncertain environment for those seeking protection. Furthermore, the de facto control exerted by militias over significant portions of the country, coupled with the pervasive presence of human trafficking and smuggling networks, exposes Sudanese refugees to heightened risks of exploitation, abuse, and violence. The arduous journey from border towns like Alkufra to the sole UNHCR office in Tripoli, often traversing territories controlled by these non-state actors, further amplifies their vulnerability. In 2023, the country adopted Law No.24 concerning the prevention of the settlement of foreigners in Libya,⁸⁵ which states in its Article 2 that: *"Anyone who enters the country intending to settle, whether their entry is under valid or invalid visa, shall be punished with imprisonment and a fine of no less than one thousand Libya dinars."* It goes on to add in its Article 3 that:

"Any natural person, as well as the legal representative of a legal entity, who shelters, employs, or facilitates the entry of a foreigner, knowing that they intend to settle in Libya and does not notify the competent authorities of their presence and the reason for sheltering them in Libya, shall be punished with imprisonment for a period not less than five years and a fine not exceeding ten thousand dinars."

Even though this law does not target displaced Sudanese specifically, it has an impact on the scope of support and assistance that could be provided by Libyans and the local community in general.

• Tunisia

Although Tunisia has enjoyed relative stability compared to its neighbour Libya, the country has experienced a disturbing surge in xenophobia and discriminatory practices targeting migrants, refugees, and asylum-seekers, including those from Sudan. This hostility has been fuelled, in part, by inflammatory political rhetoric that paints these vulnerable populations as a burden on the country's struggling economy and a threat to its social fabric.*

As a result, forcibly displaced Sudanese in Tunisia are facing an increasingly precarious situation, marked by arbitrary arrests, forced displacement to remote and desert border areas, deportations to Libya and Algeria,** and a lack of legal recognition for their UNHCR certificates. This denial of basic rights and protections leaves them in a state of constant fear and uncertainty, unable to access essential services or build a stable life in their host country. The Tunisian government's actions, which often violate international human rights law and the principle of non-refoulement, further exacerbate the challenges faced by forcibly displaced Sudanese and contribute to a climate of hostility and insecurity.

85. "Law No.24 concerning the prevention of the settlement of foreigners in Libya", The Law Society of Libya, August 2023

* The representation of sub-Saharan African migrants in the Tunisian written media: a corpus-assisted critical discourse analysis, Asma Hedi Nairi, *The Journal of North African Studies*, September 2024

** *Torture Roads – Volume 2. Mapping of violations suffered by people on the move in Tunisia*, OMCT, September 2024

• Egypt

The precarious legal status of displaced Sudanese women, coupled with the lack of proper documentation, creates a grave risk of statelessness for their newborn children, especially in the absence of the father. The absence of birth registration not only denies these children access to basic rights and services, such as vaccination, but also increases their vulnerability to exploitation and trafficking. In the event of the mother's arrest, the lack of identification for the child can lead to accusations of child trafficking, further endangering both mother and child.⁸⁶ This alarming situation highlights the urgent need for policy interventions to address the specific needs and vulnerabilities of Sudanese women and their children in Egypt.

These challenges to finding durable solutions, combined with the constant threat of arbitrary arrest, detention, and deportation, have created a climate of fear and uncertainty for Sudanese refugees in North Africa. The deteriorating conditions in all these countries have tragically driven many to risk their lives on dangerous sea crossings to Europe.

6.1.2. No Options but to Cross to Europe

When asked about their future plans, **over half of the surveyed displaced Sudanese (54%) expressed a desire to settle in any country that could offer them protection.** The survey of 127 Sudanese refugees and asylum seekers in Egypt, Tunisia, and Libya revealed a stark truth: none expressed a desire to undertake the perilous journey to Europe irregularly. Their primary concern, regardless of their current location, is securing safety and protection. This suggests that the dangerous sea crossing is not a preferred choice but rather a last resort born out of desperation.

Given the deteriorating conditions in North Africa and the absence of viable alternatives that offer genuine protection and a dignified life, many forcibly displaced Sudanese feel compelled to risk the treacherous journey to Europe. The lack of adequate support and opportunities in North Africa forces them to choose between enduring a precarious existence or gambling on the slim chance of finding refuge in Europe.

To further explore this apparent contradiction between the desire for safety and protection within North Africa and the reality of many embarking on dangerous journeys to Europe, respondents were asked about their concrete plans for the next six months. Surprisingly, **despite their stated preference for resettlement in a safe country, a significant majority (80%) indicated their intention to attempt the crossing to Europe within this timeframe, with men (50%) being more inclined to brave the crossing than women (30%).** This discrepancy might be attributed to several factors, including:

- The inherent limitations of online surveys, where nuanced interpretations of questions can lead to seemingly contradictory responses. Respondents may have initially focused on their ideal aspirations, while the question about concrete plans forced them to confront the limited options available in the short term.
- The absence of viable alternatives for immediate safety and protection in North Africa. While many displaced Sudanese may hope to remain in the region, the deteriorating conditions, lack of support, and ongoing threats to their well-being may push them towards the risky option of seeking refuge in Europe.

86. Nour Khalil, Executive Director of Refugees Platform in Egypt (RPE), Interviewed by OMCT, April 2024



This stark contrast between aspirations and actions underscores the complexity and desperation of the situation faced by Sudanese in North Africa. This trend is further reflected in the disproportionate number of men attempting the crossing. In 2024, 80% of Sudanese arrivals in Italy were men.⁸⁷ One of the factors explaining this disparity between men and women crossing the sea is the high cost of the journey which makes it extremely difficult to secure enough money for all family members. Therefore, men tend to cross first, secure an income, and later bring the rest of their family.⁸⁸

Driven by desperation and the elusive promise of a better life, Sudanese refugees and asylum seekers entrust their fate to human smugglers, exposing themselves to exploitation, abuse, and the ever-present risk of death. A tragic incident in February 2024, when a boat carrying Sudanese individuals sank off the Tunisian coast, resulting in an estimated 40 that were lost or missing, serves as a chilling reminder of the perils they face.⁸⁹

Over the past year, the borders have tightened and Libyan and Tunisian authorities, have increased the number of interceptions. However, thousands continue to attempt the crossing each month. Over 21,000 migrants were prevented from reaching Italy by the Tunisian authorities in the first four months of 2024 which represents an increase of 22.5% compared to the same period last year.⁹⁰ These interceptions, however, often lead to dire consequences.

In **Libya**, the Libyan Coast Guard routinely intercepts migrants, refugees, and asylum seekers at sea, forcibly returning them to overcrowded and unsanitary detention centres. As evidenced by hundreds of documented incidents of interception and testimonies of the inhumane living conditions in the detention centres, these individuals endure a harrowing ordeal, suffering from a lack of basic necessities, inadequate healthcare, and systemic torture and ill-treatment.

With the complicity of state actors such as the Directorate for Combatting Illegal Migration (DCIM) and the Libyan Coast Guard, human traffickers and smugglers in Libya have been widely documented as perpetrators of severe human rights violations against people on the move, including sexual violence, rape, torture, and abuse, often being traded within vast smuggling and trafficking networks.⁹¹ The devastating consequences of these crimes include a number of disappearances and deaths, with a LAN member reporting 148 bodies of people on the move found in 2023 following recorded kidnappings or arbitrary detention.⁹² Both Libyan and Tunisian Coast Guards have been reported to employ excessive force, including insults, beatings, and even gunshots, when intercepting boats at sea, further increasing the risk of capsizing.⁹³

87. *Italy Sea Arrivals Dashboard*, UNHCR, July 2024

88. *Why it's often men who make the migration journey to Europe*, EuroNews, September 2023

89. *13 people are dead and 27 missing after a boat carrying Sudanese migrants to Europe sank*, AfricaNews, *Sudanese Refugee Deaths Highlight EU Policy Failures*, HRW, March 2024

90. *Twenty-three people missing at sea off Tunisia*, Le Monde, May 2024

91. *A/HRC/52/83*, UNFFM on Libya, March 2023

92. *Annual Report 2023*, LCW – member of the Libyan Anti-torture Network (LAN), April 2024

93. *Torture Roads - Volume 1. Mapping of violations suffered by people on the move in Tunisia*, OMCT, November 2023; *Contribution of the World Organization against Torture and the Libyan Anti-Torture Network to Human Rights Council*, OHCHR, OMCT, June 2023; Sea Watch, *Episodes of Violence by the so-called Libyan Coast Guard and Libyan Coastal Security at sea*, May 2023

However, accounts from key informants suggest that displaced Sudanese may experience a somewhat different treatment from smugglers. Due to their perceived inability to pay large ransoms, they are less likely to be subjected to extortion compared to other nationalities. Nonetheless, exploitation persists, with some Sudanese being forced into labour or sexual exploitation to pay off debts incurred during their journey.

“I’ve witnessed firsthand the harrowing experiences of people on the move, including Sudanese fleeing the war, who have fallen victim to human trafficking in Libya. After arriving in the country, many are unable to pay the exorbitant transportation costs they owe to smugglers. These drivers, desperate for profit, often act as intermediaries for human traffickers, selling these people into their clutches. The traffickers then hold them captive, demanding exorbitant sums of money for their release. If they cannot meet these demands, they are subjected to imprisonment, forced labour, or other forms of exploitation. It’s a vicious cycle that traps countless individuals in a nightmare from which they struggle to escape.”

Human Rights Defender, member of the LAN.

The overall picture remains bleak, with displaced Sudanese facing significant risks and vulnerabilities at the hands of smugglers and traffickers in Libya.

A shift in migration management in **Tunisia** since February 2023 has resulted in a wave of arrests and forced evictions from private houses. A number of these operations were carried out between 2023 and 2024 by the Tunisian authorities in Tunis, Sfax, Zarzis, ElAmra, and Medenine where groups of migrants, refugees, and asylum seekers were arbitrarily arrested and/or forcibly displaced. Those arrested are typically taken to police stations.

A number of intercepted or rescued individuals, including Sudanese refugees and asylum seekers, were also deported to remote desert border areas (both Libyan and Algerian borders) in violation of the Search and Rescue (SAR) convention as disembarkation must happen in a safe place where fundamental rights of the SAR people are respected and their humanitarian needs are met.⁹⁴ Even if they have international protection status, they are often deported immediately.⁹⁵ The mass expulsions of migrants, refugees, and asylum seekers from Tunisia have resulted in severe humanitarian consequences. Individuals are frequently stranded in remote environments, such as the Libyan desert, without access to essential resources like food and water. This has led to a tragic increase in deaths due to the harsh conditions and lack of support. Compounding the crisis, Tunisian authorities have not only failed to provide adequate assistance but have also allegedly collaborated with Libyan authorities by handing over individuals arrested on Tunisian soil, further endangering their lives and well-being.⁹⁶

OMCT’s documentation and research reveal a substantial rise in the forced displacement of individuals from Tunisia between July 2023 and September 2024. During this period, an estimated 1,900 people were forcibly relocated to the Algerian and Libyan borders between July and mid-August 2023. Furthermore, over 3,000 individuals were deported or forcibly displaced between September and December 2023.

94. Under international law, a place is considered safe if “the safety of life of survivors is no longer threatened and their basic human needs (such as food, shelter and medical needs) can be met. (...)”, Annex to the 1979 SAR Convention, 1.3.2.

95. *Torture Roads – Volume 2, Mapping of violations suffered by people on the move in Tunisia*, OMCT, October 2024

96. *Torture Roads – Volume 1, Mapping of violations suffered by people on the move in Tunisia*, OMCT, November 2023; *Tunisia: African Migrants Intercepted at Sea, Expelled*, HRW, September 2023

Documentation and research also confirm the allegations that Tunisian authorities have been confiscating documents and belongings from those expelled. This practice extends even to children, in violation of their rights under the Convention on the Rights of the Child.⁹⁷

So far in 2024, of the 8,980 migrants, refugees, and asylum seekers that have been intercepted at sea and returned to by Libyan authorities, 297 of them were children,⁹⁸ underscoring the ongoing challenges faced by migrants and refugees seeking to cross the sea.

6.2. Rise in Human Rights Violations and Lack of Protection



6.2.1. Arbitrary Arrests and Inhumane Detention Conditions

The plight of forcibly displaced Sudanese in Libya, Tunisia, and Egypt extends far beyond the immediate challenges of resettlement, integration or even lack of access to essential services. At various stages of their journey and within these countries' borders, Sudanese nationals reported facing a constant and pervasive threat of arbitrary arrest, detention, and abuse, highlighting the systemic failures of these countries to uphold the rights and dignity of those seeking refuge.

---➔ Crossing Land or Sea Borders

Forcibly displaced Sudanese on the move, like many other people on the move, face a heightened risk of arrest, detention, and pushbacks when attempting to **cross land borders** to Libya, Tunisia, or Egypt or embark on **sea crossings** to Europe. Survey data reveals that **58% of respondents that forcibly displaced Sudanese are being arrested while crossing land borders. In Tunisia, 83% of respondents indicated they were being arrested and detained during their attempts to cross the Mediterranean while in Libya the rate was slightly lower at 47%.**

97. *Torture Roads - Volume 1, Mapping of violations suffered by people on the move in Tunisia*, OMCT, November 2023

98. *Libya — Maritime Update Libyan Coast*, IOM, July 2024

The increased militarisation of borders, stricter border policies, and heightened collaboration between North African authorities and the European Union (EU) and some of its member states, has resulted in a surge of arbitrary arrests, interceptions, and pushbacks of migrants and refugees.

In May 2023, UNHCR urged all nations to grant Sudanese civilians fleeing conflict access to their territories without discrimination, even those lacking passports or other identification. However, that same month, Egypt countered this call by imposing stricter entry restrictions on Sudanese nationals escaping the conflict. Therefore, many Sudanese refugees have been forced to enter the country irregularly, making them particularly vulnerable to arrest at the border.

Amnesty International's recent report, published in June 2024, documents instances where Egyptian Border Guard Forces, operating under the Ministry of Defence, have intercepted and detained Sudanese refugees, including women and children, in cruel and/or inhumane conditions in remote areas near the border, often without providing any justification or legal process pending their forced return to Sudan.⁹⁹ This process effectively prevents forcibly displaced from claiming asylum.

While **Tunisia** is a signatory to international refugee conventions and its Constitution guarantees the right to political asylum, the absence of a national asylum law or system creates challenges for refugees seeking protection. Tunisian laws criminalise irregular entry, stay, and exit, even though international human rights standards discourage such criminalisation. Tunisian authorities also stopped recognising UNHCR refugee and asylum-seeker cards as a document providing international protection reportedly from September 2023. Unfortunately, while the UNHCR used to handle registration and refugee status determination, its work has been suspended since May 2024.

This situation leaves many Sudanese refugees and asylum seekers in a precarious legal position, similar to the challenges faced by those in Egypt who also grapple with strict visa restrictions and the constant threat of arbitrary detention. The arduous process of obtaining residency permits, combined with the ever-present risk of being arbitrarily detained, further exacerbates their vulnerability.

Initially, Libya displayed a comparatively welcoming attitude towards forcibly displaced Sudanese; the situation changed dramatically as the refugee population surged and the humanitarian situation in Alkufra deteriorated. This prompted the Eastern Libyan authorities to implement a series of measures aimed primarily at stemming the tide of arrivals.

Regrettably, despite recognising the urgent need to provide humanitarian assistance to these vulnerable populations, the authorities adopted an approach that prioritized border security and control over the protection of refugees' rights. This approach manifested itself in a variety of ways, most notably in the imposition of restrictions on the movement of Sudanese refugees within the country. Checkpoints were established in Alkufra, effectively preventing them from continuing their journey northwards to reach the UNHCR office in Tripoli, where they could potentially seek protection and assistance.

Furthermore, there have been numerous reports of Sudanese refugees being subjected to arbitrary arrest and detention, often followed by deportation back to the Sudanese border. Due to the extremely dangerous conditions, hundreds of migrants and refugees have been reported dead or missing while crossing the desert between Sudan and Libya. In January 2023, 600 migrants detained in Al-Kufra DCIM facility were expelled by the LAAF. This number included Sudanese asylum seekers registered at the UNHCR many of whom are believed to have died in the desert since.¹⁰⁰ These actions not only

100. "How to Achieve Change for Migrants, Refugees and Asylum Seekers in Libya?", OMCT, March 2023

99. "Handcuffed like dangerous criminals" – Arbitrary detention and forced returns of Sudanese refugees in Egypt, Amnesty International, June 2024

violate international human rights law and refugee conventions but also expose refugees to further risks and hardships in a region already marred by conflict and instability.

Beyond these concerns, a new one has also emerged in regard to the Sudanese army's tightened security measures in the Sudan-Libya-Egypt border region. Aiming to cut off RSF supply lines, these measures have resulted in hundreds of travellers being arrested and deported. The Sudanese army controls only a third of the 300-kilometer border with Libya, with the RSF holding the rest.

However, the army has intensified its control over a 50-kilometer area bordering all three countries, setting up checkpoints where travellers face stringent inspections and risk arrest for possessing RSF-related content on their phones. These measures have disrupted trade and movement, forcing travellers to abandon traditional routes and seek costlier and more dangerous alternatives through the desert.¹⁰¹

The conflict in Sudan has significantly altered regional smuggling routes. Sudanese refugees, facing increasing restrictions, have turned to human smuggling networks as a means to reach safety. In Egypt, this shift has led to around three land route and a surge in maritime smuggling operations along the Red Sea coast, with vessels departing from Port Sudan and disembarking passengers in Egypt.¹⁰²

Prior to the conflict, traditional migration routes from Sudan to Libya were used by a diverse group of people on the move, including Sudanese, Ethiopians, Eritreans, and Somalis. However, the ongoing conflict in Sudan has disrupted these routes, with Sudanese nationals now constituting the majority of those seeking to cross into Libya, specifically through AlKufra.¹⁰³

People on the move sometimes pay smugglers to transport them in vehicles from Libyan border towns such as Zuwara to a point on the Libyan coast near the Tunisian border, and then continue the journey independently. Smugglers' assistance may also include liaising with and bribing security officials to ensure that migrants can continue their journey on foot, thereby reducing the risk of arrest in Libya.¹⁰⁴

For many forcibly displaced Sudanese, the arduous journey across land borders into Egypt, Libya, or even Tunisia marks only the beginning of their ordeal. Instead of finding the promised sanctuary, they are often confronted with a harsh reality of mounting challenges and disillusionment.

Faced with the mounting challenges and often insurmountable barriers to resettlement in North Africa, many Sudanese refugees are driven to the desperate measure of attempting the perilous sea crossing to Europe. The central Mediterranean route, notorious as the world's deadliest migration route,¹⁰⁵ becomes their only perceived hope for safety and a future. This stark choice underscores the profound desperation of these individuals, who are forced to risk their lives in pursuit of the basic human right to seek asylum and protection.

In recent years, the EU and member states like Italy, Greece, and the Netherlands have intensified their collaboration with Libyan, Tunisian, and Egyptian governments. This has involved increased financial and logistical support aimed at strengthening border control measures. Consequently, this

101. *Army Intensifies Security along Sudan-Libya Border and Arrests Travelers*, Darfur 24, August 2024

102. *SUDAN: Conflict Drives Mass Refugee Movement and Fuels Human Smuggling*, Global Initiative, October 2024

103. *LIBYA: Hybrid Human Smuggling Systems Prove Resilient*, Global Initiative, September 2024

104. *TUNISIA: Irregular Migration Reaches Unprecedented Levels*, Global Initiative, August 2024

105. *10 things you should know about the Central Mediterranean migration route*, NRC, March 2024

has led to a surge in maritime interceptions by coast guards in these North African countries.

The principle of non-refoulement, a cornerstone of international human rights law, strictly prohibits states from returning individuals to territories where they face a real risk of persecution, torture, or other cruel, inhuman, or degrading treatment. This principle holds the same binding power as the prohibition of torture, underscoring its fundamental importance in safeguarding human rights.¹⁰⁶ It's enshrined in the Convention against Torture, particularly Article 3, which explicitly forbids the expulsion, return, or extradition of anyone to a state where there's substantial evidence of potential torture. The UN Committee against Torture further clarifies that this protection extends to all individuals, irrespective of their legal status, emphasizing the universality of the principle of non-refoulement.

The EU's migration and asylum policies rely heavily on securing external borders through reinforced border management, cooperation on readmission, and the fight against organised crime. However, by delegating border control responsibilities to countries with inadequate infrastructure and protection mechanisms, the EU effectively externalises the burden of migration management, often at the expense of the human rights and dignity of people on the move. Thus, implicitly contributing to the cycle of arbitrary arrests, detention, exploitation and abuse faced by these vulnerable groups as evidenced by the rising death toll at sea.

"The EU ignored Tunisia's migrant rights violations while finalising a migration control deal last year, just as it has ignored what a UN body said may amount to crimes against humanity in Libya while supporting the Libyan Coast Guard."¹⁰⁷

While the Central Mediterranean route remains the most active migration pathway to Europe, the number of people undertaking journeys along this route has significantly decreased by 64% in the first seven months of 2024, according to preliminary data from Frontex, the EU's external border agency. Frontex attributes this decline to preventive measures implemented by Libya, Tunisia and Egypt to a lesser degree, facilitated by agreements with the EU and individual European governments. Libya and Tunisia serve indeed as the departing points for 95% of all people on the move detected on the Central Mediterranean route, highlighting their pivotal role in shaping migration flows in the region.¹⁰⁸ The International Organization for Migration (IOM) has estimated that 1,351 people have died or been reported missing on the Central Mediterranean Route between January and September 2024, around 63 of them were children.¹⁰⁹



106. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Interim Report submitted to the General Assembly, (2004) UN Doc. A/59/324, §28; see also Interim Report submitted to the General Assembly, (2005) UN Doc. A/60/316.
107. *Sudanese Refugees Deaths Highlight EU Policy Failures*, HRW, March 2024
108. *Frontex: Migrant arrivals down 64% in Central Mediterranean*, InfoMigrants, August 2024
109. *Missing Migrants Project*, IOM, October 2024

In July of 2023, the EU and Tunisia signed a memorandum of understanding covering five areas of cooperation: macro-economic stability, economy and trade, green energy transition, people-to-people contacts, and migration and mobility. The EU agreed inter alia to enhance Tunisia's border control capabilities while facilitating entry to highly-skilled Tunisians. In exchange, Tunisia committed to cooperate on the fight against smuggling of migrants and trafficking in persons, to carry out search and rescue operations within its maritime borders, and to readmit its own nationals irregularly present in the EU. However, unlike Turkey, Tunisia refused to accept the return of non-Tunisian migrants who transited through the country to reach the EU.¹¹⁰

The deal also pledges “respect for human rights”. Yet smugglers and migrants reveal that the national guard is routinely robbing, beating and abandoning women and children in the desert without food or water.¹¹¹

Several EU member states expressed dissatisfaction with the rushed migration deal between the European Commission and Tunisia. The EU's chief diplomat, Josep Borrell, highlighted concerns over the commission's unilateral action and the lack of proper procedure in a letter to the European commissioner. The deal has faced criticism due to a perceived imbalance of power between the commission and member states and concerns about its potential impact on human rights in Tunisia.¹¹²

The mistreatment of people on the move in Tunisia has sparked widespread public criticism, raising concerns about the EU's support for the country's border management authorities. As a result, the EU is trying to strike a balance between its credibility on human rights and its interest in maintaining cooperation with Tunisia on migration and other issues.¹¹³

On June 19, Tunisia formalised its Sea Search and Rescue (SAR) zone in the central mediterranean, a decision long requested by Italy. Civil society organisations expressed their concerns over the potential increase in interceptions and Tunisia's status as a safe place for rescued individuals at sea.¹¹⁴

The World Organisation Against Torture¹¹⁵ and Human Rights Watch¹¹⁶ have reported grave human rights violations against sub-Saharan African migrants, refugees, and asylum seekers at the hands of Tunisian security forces, including the police, military, national guard, and coast guard. These abuses encompass a range of serious offenses, including beatings, excessive use of force, torture, arbitrary arrests and detention, collective expulsions, unsafe practices at sea, forced evictions, and theft of personal property. Therefore, Tunisia cannot be considered a place of safety for disembarkation of rescued individuals.

The number of individuals intercepted by maritime units of the Tunisian National Guard between January and mid-July 2024 has already matched the total number of interceptions for the entire year of 2023.¹¹⁷ The perilous journey across the Mediterranean continues to claim lives as over 559 people died or went missing off the Tunisian coast between January and September 2024, out of a total of 1121 deaths and disappearances on the Central Mediterranean route. Also, between January and July 2024, 189 people, including children, are reported to have lost their lives during

110. EU signs off €1bn deal with Tunisia to help stem irregular migration, The Guardian, July 2023

111. The brutal truth behind Italy's migrant reduction: beatings and rape by EU-funded forces in Tunisia, The Guardian, September 2024

112. EU states expressed 'incomprehension' at Tunisia migration pact, says Borrell, The Guardian, September 2023

113. EU fears for its human rights credibility as Tunisia crushes dissent, leak shows, The Guardian, September 2024

114. SOS Méditerranée, July 2024; Tunisia is Not a Place of Safety for People Rescued at Sea, Sea Watch, October 2024

115. Torture Roads - Volume 1, Mapping of Violations Suffered by People on the Move in Tunisia, OMCT, November 2023

116. Tunisia: No Safe Haven for Black African Migrants, Refugees, HRW, July 2023

117. Tunisian National Guard members accused of raping migrants: EU demands accountability, Sud Ouest, September 2024

crossings and 265 during interception operations at sea; 95 people are reported missing, and, in certain cases, they could be victims of enforced disappearance or acts tantamount to enforced disappearance according to UN Experts.¹¹⁸

Furthermore, the European Ombudsman has raised serious concerns about the EU's migration partnerships, particularly highlighting the lack of human rights safeguards and accountability mechanisms in agreements like those with Libya and Tunisia.¹¹⁹ These concerns echo a UN report which found evidence suggesting EU-supported Libyan entities may have committed crimes against humanity against migrants and refugees.

Similar apprehensions have been voiced within the European Parliament regarding the EU's aid package to **Egypt**.¹²⁰ Critics argue that this partnership risks enabling human rights violations and fails to address the root causes of irregular migration. Transparency and meaningful consultation with civil society have also been lacking in EU-Egypt cooperation on migration.

Despite a prior commitment to conduct human rights risk assessments and establish an independent monitoring mechanism, the EU's collaboration with Egypt on border management has proceeded without these safeguards. Amnesty International's documentation of Egyptian Border Guard Forces' involvement in human rights violations against Sudanese refugees further underscores these concerns.¹²¹ These violations often result in the detention of individuals intercepted at sea, raising further concerns about potential human rights violations within the broader context.

The EU and Italy's cooperation with the Libyan authorities to "regulate" migration, contributes to the Libyan Coast Guards' violent sea operations, including interceptions and search and rescue operations of people on the move that violate international human rights standards and jeopardize the safety and life of people on the move attempting to cross Mediterranean waters. Recent announcements about a decrease in migration numbers fail to acknowledge the harrowing human consequences of such policies.¹²² While the EU and Italy celebrate declining migration figures, evidence suggests a disturbing reality for migrants, refugees and asylum seekers residing and transiting through Libya. Many intercepted at sea by the Libyan Coast Guard, funded and trained by the EU and its member states, are returned to Libya to face arbitrary detention, torture and ill-treatment, human trafficking, enslavement, forced labour, extortion, and smuggling with the complicity of State institutions and government security forces.¹²³

It is with great concern that OMCT took note of the tweet from the United Nations High Commissioner for Refugees (UNHCR) Libya office that commends Italy's commitment to providing "humanitarian corridors" for refugees in Libya.¹²⁴ Instead of facilitating safe passage, current realities leave people on the move with little option but being prey to continuous cycles of abuse and violence in Libya. The recent sudden visits of the Italian Prime Minister to both governments in east and west Libya with the aim to reportedly suggest for the Libyan government to join the *Rome Process*¹²⁵ – an externalisation agreement aiming to intercept migrants in the Mediterranean Sea before they reach Italian shores, sets the wrong signal and further amplifies the worrisome situation.

118. [Tunisia: UN experts concerned over safety of migrants, refugees and victims of trafficking](#), UN, October 2024

119. ["Ombudsman raises concern over EU migration deal with Egypt"](#), Reuters, March 2024

120. ["MEPs to sue Commission over 'blank cheque' to Egyptian dictator Sisi"](#), Euroobserver, May 2024

121. ["Handcuffed Like Dangerous Criminals" – Arbitrary detention and forced returns of Sudanese refugees in Egypt](#), Amnesty International, June 2024

122. [Migrants, Meloni: "Illegal arrivals reduced by 60%. Alarming data flows from monitoring"](#), ADNkronos, 21 June 2024.

123. Report of the Independent Fact-Finding Mission on Libya, [A/HRC/52/83](#), Paragraph 4.

124. [Italy's National Day tweet](#), UNHCR Libya, June 2024.

125. [Italy's Meloni in Libya to talk migration](#), InfoMigrants, May 2024: "Meloni invited Libyan officials to take part in a working group known as the 'Rome Process,'" Euractiv reports. The group was launched last summer and aims to coordinate collective action on migration policy by combatting the causes of migration -- like conflict and economic difficulties -- as well as climate change and human trafficking."

These EU policies directly impact forcibly displaced Sudanese by contributing to heightened risks of interception and pushback at sea, forced displacement to remote border areas, and even direct deportation back to Sudan. These actions, carried out by security forces in all three countries, particularly in the context of border control and maritime interceptions, expose forcibly displaced Sudanese attempting to reach Europe to significant danger. Reports of forced returns and refoulement further suggest that these refugees are being denied their fundamental right to seek asylum and face an elevated risk of being sent back to the very conflict they fled. Moreover, the EU's emphasis on preventing departures and intercepting boats in the Mediterranean, while intended to curb irregular migration, may inadvertently push forcibly displaced Sudanese towards more perilous and clandestine routes, increasing the likelihood of tragedies at sea.

The humanitarian ramifications of these policies are dire as the number of deaths and disappearances at sea and land borders continues to climb, tragically illustrating the desperation faced by those seeking refuge. Detention centres, often characterised by overcrowding and inadequate provision of basic necessities, exacerbate the suffering of those intercepted or apprehended, and negatively impacting the mental and physical health of refugees.

---> Within Borders

Other instances of arbitrary arrests also take place while they are on the street, in their places of residence (during raids) or even at their workplace (mostly in Libya and Tunisia). A concerning **27%** of respondents reported **arrests of forcibly displaced Sudanese in their place of residence**, and **21%** reported **arrests occurring in their workplaces**. These incidents were primarily reported in Tunisia and Libya.



These trends are extremely concerning as they keep displaced Sudanese in a constant state of fear and panic and highlight the pervasive vulnerability that they face in these countries. From arbitrary arrests and inhumane detention conditions to deportations and the constant threat of violence, their journey is fraught with danger and uncertainty.

In Libya, Tunisia, and Egypt, in addition to migrants, refugees are frequently apprehended, often without any legal justification or due process. Even those possessing valid UNHCR certificates or residency permits find themselves at risk, as authorities often disregard their protected status.

Egypt, for example, has witnessed a concerning increase in mass stops and identity checks disproportionately target Black individuals, leading to the arbitrary arrest and detention of many Sudanese refugees, including those registered with the UNHCR. Many are falsely accused of crimes, such as colluding with smugglers, or denied access to asylum procedures, leading to their indefinite confinement in overcrowded and unsanitary police stations or unofficial detention facilities. The denial of legal representation and access to UNHCR further exacerbates their vulnerability and increases the risk of deportation back to Sudan.

Those without valid residency permits, even if they possess UNHCR registration cards, are often arrested on the spot and detained. There are also cases of Sudanese refugees being arrested from public hospitals, where they were receiving treatment for injuries sustained during their journey or while in Egypt. In October 2023, six women aged 26 to 55 were reportedly arrested by police at an Aswan hospital while they were there for treatment and then forcibly transferred to various police stations within Aswan. They were held for up to 10 days without being presented before any legal authority and ultimately being deported. In a separate incident, two Sudanese men receiving treatment at a hospital were also arrested and transferred to an Aswan police station. They remained detained without charges and without the chance to challenge their detention until they were deported to Sudan on 20 March 2024. These incidents, documented by Amnesty International through information received from relatives and lawyers, raise serious concerns about the arbitrary arrest and detention of Sudanese refugees in Egypt, even within healthcare facilities.¹²⁶

Police violence and abuse are pervasive threats to Sudanese refugees in these countries. In Libya, the grim reality faced by Sudanese refugees is starkly evident through reports of beatings, torture, and sexual assault, particularly during arrests and within detention centres and trafficking camps.

The conditions within detention centres, particularly in Libya, are often inhumane. Overcrowding, unsanitary facilities, and inadequate access to food, water, and healthcare are commonplace. Reports from organisations such as Médecins Sans Frontières¹²⁷ and the UN Independent Fact-Finding Mission on Libya¹²⁸ paint a grim picture of widespread human rights abuses within these centres, including torture, sexual exploitation, forced labour, human trafficking, and even extrajudicial killings.¹²⁹ Women and children are especially at risk in these facilities, where the lack of separation between genders and age groups creates a fertile ground for exploitation and sexual abuse.

Furthermore, some of these so-called “detention centres” are nothing more than makeshift containers, devoid of basic amenities like running water, toilets or air conditioning, posing severe health risks, particularly during the scorching summer months. Detainees often faint or even suffocate due to the extreme heat and overcrowding. In some unofficial detention sites, migrants and refugees are left exposed to the elements without even the most basic shelter, exacerbating their already dire circumstances. In Alkufra, an activist interviewed by OMCT in July 2024, reported an alarming rise in cases of gender-based violence within the Sudanese community, highlighting the urgent need for targeted interventions and support systems. However, this is not limited to the south of the country as evidenced by the following testimony:

126. “Handcuffed Like Dangerous Criminals” – Arbitrary detention and forced returns of Sudanese refugees in Egypt, Amnesty International, June 2024

127. Médecins Sans Frontières (MSF) reports, “Refugees, asylum seekers, and migrants held inside detention centres in Tripoli, Libya, have been assaulted, sexually abused, beaten, killed, and systematically deprived of the most basic humane conditions.”

128. UN Independent Fact-Finding Mission on Libya Report, A.HRC.52.83, Paragraph 4, March 2023

129. “That was the last time I saw my brother” – Extrajudicial and Unlawful Killings in Libya, OMCT & LAN report, September 2022



"I'm a Sudanese asylum seeker in Libya and my journey began in Sudan with my husband, but it became a nightmare from the very start. I was pregnant when we fled, and I was forced to give birth in the harsh conditions of the desert, without any medical assistance. It was a terrifying experience, putting both me and my newborn at risk.

When we finally reached Libya, my husband was arrested while we were trying to reach Tripoli and register with UNHCR. I was left alone with a newborn, to continue the journey. Miraculously, I managed to get pre-registered, but finding safety and support seemed impossible.

I worked on a farm in Al-Ajilat, hoping for a chance to rebuild our lives. But my ordeal was far from over. I was brutally assaulted, struck on the back of the head, and lost consciousness. When I regained my senses, I realised I had been raped. I turned to UNHCR for help, desperately seeking support and medical attention to document the assault. Unfortunately, they failed to respond to my pleas. Without a medical examination or forensic report, I'm unable to file a complaint with the authorities, fearing that I could be arrested and detained myself since the authorities in Libya do not recognise the documents issued by UNHCR.

Now, I'm living in Sabratha, working on a farm with other women who are also migrants, refugees, or asylum seekers. Our conditions are appalling. We lack even the most basic necessities and are forced to live under trees in the open air. It's a dangerous and precarious situation, especially for my newborn baby.

The uncertainty about my future and the well-being of my child weighs heavily on me. I fear for their safety and struggle to imagine a life free from fear and hardship. The constant struggle to survive has taken a toll on my mental and physical health, leaving me feeling hopeless and alone."

Beyond sexual assault, Sudanese women and children, like other refugees, face the horrifying prospect of being trafficked and sold into exploitation to be used as housekeepers for Libyan families. There are also reports alluding to Libyans colluding with foreign traffickers in their abuse of detained migrants and refugees.¹³⁰

A disturbing new trend is impacting forcibly displaced Sudanese people, particularly women and children who are dark skinned, in Libya. They are facing accusations of begging and, in some cases, practicing black magic. These accusations are linked to existing stereotypes about Sudanese people within Libyan society.¹³¹ Tragically, this has already resulted in the deaths of two Chadian individuals following their arrest and alleged torture, as reported by a member of the Libyan Anti-torture Network. These accusations and their severe consequences are further exacerbated by the recent enactment of Law No. (6) of 2024, which criminalizes magic, sorcery, and divination.¹³²

¹³⁰ *Annual Report 2023*, Libya Crimes Watch (LCW), April 2024

¹³¹ Anonymous LAN member, interviewed by OMCT, June 2024

¹³² *Law No. (6) of 2024 Regarding the criminalization of magic, sorcery, divination and the like*, The Law Society of Libya, May 2024

While, comparatively to Libya, detention is less prevalent in Tunisia and Egypt, forcibly displaced Sudanese in these countries also face a heightened risk of being arbitrarily arrested and held in overcrowded and unsanitary conditions, often without access to legal representation or medical care.

The **Tunisian** government's increasingly restrictive migration policies have led to a rise in arbitrary arrests, police violence, forced displacement and deportations. People on the move, including Sudanese nationals, are often apprehended during security raids or while traveling and subsequently expelled to remote border areas with limited access to basic necessities. The "deprivation of liberty *prima facie* detention centers" located in remote desert regions, far from any semblance of protection or support, expose refugees to extreme hardship and vulnerability. Refugees and asylum seekers, including Sudanese nationals, have been housed in temporary shelters and camps such as Jderia, a former isolated factory on the Jderia peninsula between Zarzis and Ben Guerdane. Despite being managed by the UNHCR, Jderia houses between 450 and 800 individuals, primarily refugees and asylum seekers from Sudan, Chad, Niger, Eritrea, and Somalia, with extremely difficult living and hygiene conditions, without respecting international standards for emergency accommodation for vulnerable people.¹³³

Conditions in these shelters or temporary host camps are widely described as "catastrophic" by those who have been able to access them. It's important to distinguish between these camps and the forced displacement of individuals to remote border areas, often leading to stranding or deportation. While residents of Jderia can still access the nearby city of Zarzis, those forcibly displaced to border regions face heightened risks of violence, detention in Libya, and death due to the denial of essential services.



Police violence against people on the move protesting for their rights and during recent evacuations to border zones and camps has been widely reported. Police allegedly used excessive force and subjected protesters to ill-treatment. During the night of May 2 to 3, 2024, Tunisian security forces forcibly displaced around 500 migrants, refugees and asylum seekers from informal settlements located opposite the UNHCR and IOM headquarters in Tunis, in the northern district of Lac 1 Tunis and near the Jardin Public in the same area. Those expelled were deprived of their freedom and forcibly

¹³³ *Torture Roads – Volume 2, Mapping of violations suffered by people on the move in Tunisia*, OMCT, September 2024; Romdhane Ben Amor, Spokesperson for Tunisian Forum for Social and Economic Rights (FTDES), interviewed by OMCT, April 2024

transferred to border areas, as confirmed by the President of the Republic, using the same modus operandi as those documented in this report. Among them, 33 refugees from Sudan were forcibly and arbitrarily moved to the Algerian border, followed by expulsion. Human rights organisations have appealed to the United Nations protection bodies, and despite the multiple protection measures granted by the UN Human Rights Committee, some of these individuals have been arrested and are currently detained, while others have been deported to Algeria, separated from their wives and children.

There were also a number of instances documented by OMCT of documents and belongings being confiscated during these expulsions. Coupled with the denial of due process, this violates people on the move's fundamental rights. Several OMCT legal aid partners have reported that most migrants, refugees, and asylum seekers who have completed their detention period have denounced the police for confiscation of their legal and civil documents, including passports, residence permits, UNHCR cards, and even birth certificates. It was also reported that the legal status and intentions of migrants, refugees, and asylum seekers played no role in the protection of people on the move: refugee/asylum seeker cards do not guarantee protection, with the level of familiarity of security forces and judges with the international protection regime and the UNHCR mandate being decisive.¹³⁴

OMCT and its partners found that migrants, refugees, and asylum seekers in Tunisia are frequently subjected to pre-trial and incommunicado detention, without respect for procedural guarantees. Those detained often face incommunicado detention, denial of information to their legal representatives, and difficulty in accessing legal assistance due to language barriers. Additionally, there have been reports of collective sentences being issued.¹³⁵

The use of unofficial detention facilities and the denial of due process for those facing deportation in **Egypt** highlight a disregard for international human rights standards. A number of forcibly displaced Sudanese have been subjected to torture and ill-treatment in detention facilities, often being denied access to legal representation and medical care. A case documented by Amnesty International revealed that a Sudanese man, severely ill, was handcuffed to his hospital bed even after being transferred to a police station.

Furthermore, reports indicate that detention facilities in Egypt, whether operated by the police, the military, or Border Guard Forces, are reportedly rife with cruel and inhumane conditions. Detainees, including vulnerable individuals like women and children, experience overcrowding, unsanitary environments, and inadequate access to food and healthcare. This is further compounded by the fact that some locations used for detention, such as repurposed horse farms or military camps, are clearly unsuitable for human habitation. There are also reports of instances of racist and xenophobic behaviour by police officers towards Sudanese detainees, further compounding their suffering.¹³⁶ While detained, forcibly displaced individuals from Sudan are generally denied legal representation and frequently subjected to interrogations without the presence of a lawyer. Even when the Egyptian prosecution issues release orders, these individuals are often not released.¹³⁷

As mentioned earlier in this report, registration does not guarantee effective protection since it is disregarded by the authorities, as evidenced by numerous documented cases of arbitrary arrests of Sudanese individuals holding UNHCR registration cards by security forces in Libya, Tunisia, and Egypt. This alarming trend, reported by various human rights organisations, including OMCT, LAN, FTDES, RPE, and Amnesty International, perpetuates a climate of fear and insecurity among registered

134. *Torture Roads – Volume 1, Mapping of Violations Suffered by People on the Move in Tunisia*, OMCT, November 2023

135. *Torture Roads – Volume 2, Mapping of violations suffered by people on the move in Tunisia*, OMCT, September 2024

136. "Handcuffed Like Dangerous Criminals" – Arbitrary detention and forced returns of Sudanese refugees in Egypt, Amnesty International, June 2024

137. Mahmoud Shalabi, Egypt Researcher at Amnesty International, Interviewed by OMCT, May 2024

refugees.

Moreover, the financial assistance provided by UNHCR often falls short of meeting the basic needs of refugees and asylum seekers, as the provided amount is frequently insufficient to cover the rising rents and certainly does not cover the basic necessities for a family given the rate of inflation in all three countries. This situation has been exacerbated by a surge in rental prices, often exploited by landlords seeking to profit from the perceived financial resources of refugees and asylum seekers or to engage in discriminatory practices. In all three countries, Tunisia, Libya, and Egypt, reports indicate that landlords have raised rents significantly, making it increasingly difficult for refugees and asylum seekers to afford adequate housing.

According to several testimonies,¹³⁸ refugees and asylum seekers were provided an insufficient amount of money to survive, since the financial allowance being allocated is inadequate for the receivers' needs or the family's size. Single people would receive around 500 LYD (roughly 95 Euros) while families would get a mere 1,200 LYD (about 200 Euros) from UNHCR, which can barely even cover the expenses of finding shelter in a city like Tripoli.

Such testimonies pinpoint several deficiencies in UNHCR's support mechanisms, triggering significant concerns regarding the agency's ability to fulfil its mandate not only in Libya but also in Tunisia and Egypt as well. The persistent vulnerability of UN-registered refugees to arbitrary arrest underscores a critical gap in the protection framework, demanding urgent attention and redress.

Displaced Sudanese, though sometimes afforded a degree of leniency due to perceived lower ransom potential and cultural ties (especially in Libya and Egypt), are not exempt from this cycle of violence and exploitation by smuggling and trafficking networks. Like other migrants and refugees of other nationalities, Sudanese individuals also face a disturbing reality of torture, ill-treatment, and gender-based violence, leaving a devastating and enduring impact on their physical and mental health. These experiences can result in long-term health complications, psychological trauma, social isolation, and, in some tragic cases, even death. Addressing this critical issue requires, therefore, a multi-faceted approach, including strengthening protection mechanisms, providing access to comprehensive healthcare and psychosocial support, and holding perpetrators accountable for their crimes.

6.2.2. Internal Displacement and Deportations

Sudanese refugees navigating the complexities of displacement in Egypt and Tunisia find themselves ensnared in a web of forced returns, precarious border zones, and escalating social tensions. In **Egypt**, the spectre of deportation looms large, with a staggering **59% of surveyed Sudanese refugees reporting such incidents since the start of 2024**. Disturbing investigations have unveiled the existence of unofficial detention camps and the mass expulsion of thousands, often under the guise of UNHCR registration, highlighting a blatant disregard for international law and human rights.

Egyptian authorities are conducting a systematic campaign of forced returns, targeting Sudanese refugees fleeing the ongoing conflict in their country. Many are subjected to arbitrary detention in squalid conditions within secret military bases¹³⁹ before being deported, with buses transporting hundreds of people at once to border crossings, often without giving them the opportunity to seek asylum. These deportations are in violation of international refugee conventions, and critics contend that EU funding provided to Egypt for migration control may implicate European countries in these abuses.

138. Testimonies of Sudanese refugees in Libya, Interviewed by OMCT, November 2023

139. [Inside Egypt's secret scheme to detain and deport thousands of Sudanese refugees](#), The New Humanitarian – Youtube channel, April 2024

“Some refugees told reporters that Egyptian border guard forces had shot at them in desert areas, and then arrested and deported them without any legal process.”

Forcibly displaced Sudanese recount experiences of arbitrary detention, torture, and deportation, often without access to legal representation or due process sometimes immediately after being intercepted near the border. This suggests that authorities are using arbitrary arrests and detention as a tool to facilitate deportations. The situation is particularly dire for vulnerable populations, such as women and children, who face an elevated risk of abuse. Forcibly displaced individuals and families are being deported back to Sudan, including areas heavily impacted by the ongoing conflict. This raises serious concerns about their safety and well-being upon return.

“All of the prisoners’ mental states were severely affected,” said 31-year-old Mahmoud, who was detained on a Cairo-bound bus earlier this year having escaped fighting in Khartoum. “For some, the prospect of deportation to a country at war was better than remaining in such dire circumstances.”¹⁴⁰

These actions occur within a context of increasing hostility towards forcibly displaced Sudanese populations in Egypt, despite historical ties between the two nations.

Tunisia employs a strategy equally detrimental to refugee well-being: forced displacement to remote, inhospitable border regions with Libya and Algeria, and direct expulsions to Libya with direct handover to Libyan militias and/or security forces. These desolate areas, characterized by limited resources and humanitarian aid, become open air places of deprivation of liberty for those seeking asylum and protection. This practice not only infringes upon their fundamental rights but also exacerbates their vulnerability to exploitation and abuse, a reality reflected in the uncertainty expressed by over half of the survey respondents regarding deportations.

Tunisian authorities have been accused of forcibly transferring hundreds of migrants, refugees and asylum seekers, including Sudanese nationals, particularly after they attempted to cross the sea to Europe, to the Algerian border, leaving them stranded without essential provisions.

This action, characterised as a “mass desert dumping”, has drawn widespread condemnation, especially in the wake of a crackdown on migrant camps and inflammatory statements by President Kais Saied regarding the perceived impact of migrants on Tunisia’s demographics.¹⁴¹ This growing hostility in Tunisia, a key transit point, creates a dangerous situation for all people on the move, including those forcibly displaced from Sudan, who are already highly vulnerable. While Tunisia has entered a strategic partnership with the EU to address migration concerns, human rights advocates have criticised this agreement for its perceived neglect of human rights considerations. In the meantime, international and national civil society organisations striving to provide essential aid to migrants, refugees and asylum seekers, are denied access to border areas by the authorities, therefore, preventing any form of humanitarian emergency response.

The United Nations is currently investigating reports of a mass grave situated near the Libyan-Tunisian border, further highlighting the increasingly perilous conditions confronting migrants in the region. The Sahara Desert has emerged as a particularly dangerous route, with fatalities surpassing those occurring during Mediterranean crossings. The UN High Commissioner for Human Rights has strongly condemned the pervasive abuse and human rights violations against migrants and refugees in Libya, urging authorities to conduct thorough investigations into these crimes. A recent UN report underscores the alarming escalation of violence against migrants in the Sahara Desert, implicating criminal gangs, armed groups, and even security forces in these abuses.¹⁴²

140. EXCLUSIVE: Inside Egypt’s secret scheme to detain and deport thousands of Sudanese refugees, The New Humanitarian, April 2024

141. Tunisia accused of ‘mass desert dumping’ of migrants, The New Humanitarian, May 2024

142. UN discovers mass grave of migrants along Libya-Tunisia border, InfoMigrants, July 2024

As mentioned previously in this report, Tunisia is facing rising tensions between its citizens and the communities of migrants, refugees, and asylum seekers but also between the migrant communities themselves. The city of Sfax, once a symbol of hope for people on the move aspiring to reach Europe, now grapples with escalating social unrest and forced evictions, leaving refugees, including Sudanese nationals, in a state of perpetual insecurity. Zarzis, though traditionally more welcoming, is also experiencing mounting pressure. The influx of refugees has strained resources and fuelled community anxieties, leading to violent incidents in April 2024 with Tunisians citizens, and in June and July 2024, between Sudanese nationals and other migrant communities.

The complexities of the situation are further amplified by the nuanced dynamics within migrant communities. Sudanese refugees and asylum seekers, at times perceived as “privileged” due to their relatively easier access to international protection, can become targets of resentment and hostility from other groups of people on the move. This inter-community tension adds another layer of challenge to their already precarious lives, underscoring the need for targeted interventions that address the specific needs and vulnerabilities of different refugee populations.

Even within **Libya**, where widespread deportations are not the norm, the actions of Eastern Libyan authorities in Alkufra, conducting deportations back to Sudan, serve as a stark reminder of the localised challenges and inconsistencies in refugee protection.

In the broader context of the ongoing crisis in Sudan and the political and economic challenges faced by North African countries, the plight of forcibly displaced Sudanese demands urgent attention. The current landscape, marred by forced displacement, deportations, and limited access to essential services, paints a grim picture. A collective and compassionate response from the international community is imperative. This response must prioritize the protection of human rights, the provision of humanitarian aid, and the creation of sustainable solutions that offer Sudanese refugees a path towards safety, dignity, and a brighter future. The time for action is now.

6.2.3. Racial Discrimination and Xenophobia

The initial welcome extended to Sudanese refugees in Libya, Tunisia, and Egypt has gradually eroded and been marred by a rising tide of discrimination and xenophobia. Hate speech and misinformation campaigns, often amplified or even supported by authorities, have fuelled resentment towards people on the move, including refugees and asylum seekers. This is confirmed by the finding of the survey as respondents clearly indicated a significant decline in tolerance. **A substantial 41.7% of surveyed Sudanese reported experiencing racial discrimination or violence since arriving in their host countries. Of these, 36.2% attributed such behaviour and violations to both citizens and authorities, while 25.2% identified criminal or non-governmental groups, including militias, traffickers and smugglers, as the perpetrators.**

Fundamentally, the discourse of “othering” centres on the exclusion from national belonging and the solidification of criteria for legitimate membership within a particular nation. Cultural distinctions are often framed as deficient and even dangerous which feeds into threat discourses.¹⁴³ This type of discourse, prevalent in contemporary political discourse, undeniably serves specific agendas and interests.

143. [Media discourses of migration: A focus on Europe](#), Janet M. Fuller, Compass, May 2024

In recent years, **Tunisia** has witnessed a disturbing rise in racial discrimination and xenophobia, particularly targeting Sub-Saharan African migrants and refugees, including Sudanese nationals. Under President Kais Saied's leadership, anti-migrant rhetoric¹⁴⁴ has become a central tool of political control, with the state fostering narratives that blame migrants for the country's socio-economic decline. This rhetoric has been exacerbated by the introduction of the "Great Replacement" conspiracy theory, which portrays Sub-Saharan Africans as a threat to Tunisia's Arab and Islamic identity, fuelling widespread xenophobia. This racialised discourse, amplified by social media disinformation and government-aligned groups, has normalised violence and discrimination against Sub-Saharan Africans, leading to harassment, physical attacks, and the forced expulsion of many migrants from cities like Sfax and Sousse.¹⁴⁵

A recently published academic study indicates that *"a predominantly negative representation, categorising migrants as invaders, security threats, economic burdens, and moral hazards. Significantly, much of the discourse echoes the political anti-immigrant policy, suggesting a potential media alignment with the emerging authoritarian tendencies in Tunisia. This alignment harbours damaging implications for the safety and well-being of the migrant community, as well as for the overall human rights and democratisation process in the country."*¹⁴⁶

Therefore, it comes with no surprise that people on the move including forcibly displaced people from Sudan in Tunisia face a particularly hostile environment, compounded by the state's complicity in stoking racial tension. As previously stated, many are subjected to arbitrary arrests, physical assaults, and deprivation of basic rights, including access to housing and safety. Migrants and refugees, regardless of legal status, are often treated as scapegoats for the country's economic hardships. This has created a climate of fear for Sudanese and other black migrants, where they are forced to live in unsafe conditions, constantly vulnerable to violence and discrimination. The state's harsh crackdown on civil society groups defending human rights further aggravates the situation, leaving people on the move, including forcibly displaced from Sudan with limited legal recourse or support amidst growing societal hostility.

The escalating xenophobia and racial discrimination coupled with documented abuses by security forces, present significant challenges for Sudanese refugees seeking protection and stability in Tunisia.

"We're used to arrests based on the colour of our skin,"
says a leader of an organisation involved in legal aid for migrants,
refugees and asylum seekers¹⁴⁷

Tunisian authorities have also fallen short in providing sufficient protection, justice, or support to numerous victims of forced evictions and racist attacks and have at times even obstructed such efforts.

The alarming rise in xenophobic violence and hate speech against sub-Saharan migrants in Tunisia has drawn international attention. The UN Committee on the Elimination of Racial Discrimination issued an early warning, urging Tunisia to take immediate action to halt such practices.¹⁴⁹

144. [President Saied's inflammatory anti-migrant speech](#), Official Facebook page of the Presidency, February 2023

145. [Rhetoric and Repression: Anti-Migrant Discourse as a Political Weapon in Tunisia](#), The Tahrir Institute, July 2024

146. [The representation of sub-Saharan African migrants in the Tunisian written media: a corpus-assisted critical discourse analysis](#), Asma Hedi Nairi, The Journal of North African Studies, September 2024

147. [Torture Roads - Volume 1. Mapping of Violations Suffered by People on the Move in Tunisia](#), OMCT, November 2023

148. [Tunisia: No Safe Haven for Black African Migrants, Refugees](#), HRW, July 2023

149. [Tunisia must immediately stop hate speech and violence against migrants from south of Sahara. UN Committee issues early warning](#), OHCHR, April 2023

Although **Tunisia** has made commendable strides in addressing racial discrimination by enacting Law No. 50 of 2018, the first country in the MENA region to enact a law that penalises racial discrimination and allows victims of racism to seek redress for verbal abuse or physical acts of racism, the practical implementation of this legislation remains deficient. Despite the existence of such a legal framework, several factors contribute to a hostile environment in Tunisia. The lack of public awareness campaigns, the absence of a dedicated national commission, and deeply ingrained racist stereotypes create significant challenges for people on the move, including forcibly displaced Sudanese.¹⁵⁰

The recent escalation in xenophobic violence, as evidenced by the UN Committee's early warning, further underscores the pressing need for Tunisia to intensify its efforts to eradicate racial discrimination and safeguard vulnerable populations, including Sudanese refugees.

The disparity between legal provisions and their effective enforcement leaves people on the move, including those forcibly displaced from Sudan particularly susceptible to discrimination and abuse. They may encounter obstacles in seeking justice and protection, exacerbating the challenges they already face due to forced displacement and precarious living conditions. Addressing these systemic issues is paramount to ensuring the safety, dignity, and well-being of Sudanese refugees residing in Tunisia.

Similarly in **Egypt**, official statements and hate speech campaigns on social media linking Sudanese refugees directly to economic challenges, such as the sugar crisis, have further stoked hostility.

As one community leader noted, "The head of the sugar company...said that the sugar crisis in Egypt is because of the Sudanese. The same thing was said by the Minister of Social Affairs...All of these words and official statements affect the people and affect the street."

Even in **Libya**, where forcibly displaced Sudanese initially experienced relative acceptance due to cultural ties, instances of discrimination have emerged, particularly among those living in makeshift camps near UNHCR offices.¹⁵¹ This phenomenon is primarily attributable to the extended duration of Sudanese refugees' stays in these camps, a situation that was previously atypical in Libya. Historically, Sudanese nationals travelled to Libya for trade or employment opportunities, with the intention of returning to their home country. However, the ongoing conflict in Sudan has significantly altered this pattern, resulting in protracted stays within the camps. Consequently, the host community has become increasingly hostile towards the refugee population.

The consequences of this pervasive discrimination are severe. It limits refugees' access to essential services, employment opportunities, and safe living conditions. It also contributes to a climate of fear and anxiety, hindering their ability to rebuild their lives and contribute to their host communities.

The international community must urgently address this growing crisis of xenophobia and racism. It is imperative to counter hate speech, hold those responsible for abuses accountable, and foster an environment of tolerance and inclusion. Only through concerted effort can the safety and dignity of forcibly displaced Sudanese be ensured, and the fundamental principles of human rights be upheld.

150. *Tunisia's Law against Racial Discrimination: The Mixed Results of a Pioneering Legislation*, Arab Reform Initiative, February 2021; *Law No. 2018-50 of October 23, 2018, relating to the elimination of all forms of racial discrimination*, DCAF, October 2018

151. Anonymous member of the LAN, Interviewed by OMCT, April 2024

6.3. Struggling for Survival: A Humanitarian Crisis

6.3.1. Denial of The Right to Adequate Housing and Undignified Living Conditions

Homelessness and unsafe living conditions are endemic issues faced by migrants, refugees, and asylum seekers in North Africa. Forcibly displaced Sudanese in Libya, Tunisia, and Egypt also face significant challenges in securing safe and adequate housing, further compounded by movement restrictions.

In **Libya**, while community support networks within the Sudanese diaspora offer some respite, rising rental costs and the scarcity of formal shelters contribute to housing insecurity. Alkufra, a small city in the southeast of the country, is experiencing a massive influx of displaced Sudanese and facing a particularly acute housing crisis, with people forced into overcrowded makeshift camps or cramped living spaces.¹⁵² This overcrowding heightens the risk of gender-based violence (GBV), particularly against women and children¹⁵³ such as physical violence, rape, and forced prostitution. In some instances, women were coerced into engaging in sexual acts against their will in exchange for basic necessities like food. A Human Rights Defender in Alkufra has reported a concerning increase in GBV cases within the Sudanese community in recent months.¹⁵⁴

Additionally, overcrowding significantly elevates the risk of contagious disease transmission, such as HIV or Hepatitis. Human Rights Defenders, members of the LAN, operating in the South of Libya reported that the Eastern authorities have implemented a strict policy of mandatory deportation for all Sudanese refugees diagnosed with any contagious disease, highlighting a concerning disregard for their health and well-being.

When questioned about their most pressing challenges and concerns, one of the surveyed Sudanese women in Alkufra has stated the following:

“My biggest challenge in the past three months is finding accommodation, and one of my fears is the inability to pay rent.”

Even if they manage to reach Tripoli and the UNHCR office, Sudanese people on the move face the daunting prospect of waiting months for their asylum requests to be processed. This prolonged waiting period, coupled with a lack of income opportunities, forces many to reside in makeshift camps near the UNHCR office, in extremely precarious living conditions. Following the mass arrest incident in November 2023, a Sudanese refugee interviewed by OMCT revealed that many residing in these makeshift camps are women and children, with some women even pregnant and giving birth in these dire conditions, on nothing more than a mattress laid out in the open.

Similarly, **Tunisia's** limited shelter capacity and the legal requirement for residency permits to access rental agreements leave many refugees homeless or in precarious living situations. Consequently, unexpected rent increases and forced evictions remain prevalent practices, documented by civil society organizations. A number of displaced people interviewed mentioned intrusive and sometimes violent behaviour by landlords, characterized by unannounced visits, and prohibitions on receiving visitors or temporarily housing other people.

152. Anonymous Human Rights Defender member of the LAN, Interviewed by OMCT, May 2024

153. According to a human rights defender working in Alkufra, although precise figures are unavailable, a significant portion of Sudanese refugees present in the city or arriving daily are unaccompanied minors.

154. Anonymous human rights defender operating in Alkufra, Interviewed by OMCT, July 2024

Access to housing constitutes the primary need of displaced people in Tunisia. According to research conducted by OMCT, migrants, refugees, and asylum seekers find themselves forced to reside in informal camps - without a fixed address, constantly moving either spontaneously or forced by Tunisian authorities, in individual accommodations that they rent informally, in shelters managed directly or indirectly by IOM or UNHCR in Zarzis, Medenine, Tunis, Tataouine, and Jderia (25km from Zarzis), or in the Tejra camps (10km from Medenine).

According to the interviews conducted for OMCT's "Torture Roads, Volume 2" 2024 report,¹⁵⁵ after the forced displacement of 800 people, that were illegally evicted in June and July, from the camps in downtown Sfax on September 16, 2023 to the coastal villages north of Sfax, it is estimated that more than 20,000 men, women, and children are unable to pay rent or meet their needs. This has led many of them to erect makeshift tents in olive groves and wait for the opportunity to migrate again. These informal camps, around the towns of El Amra and Jbeniana, are spread over about thirty kilometres along the Mahdia Road. These shelters are regularly burned and destroyed by bulldozers during security forces operations.

Forcibly displaced Sudanese in **Egypt** are struggling with inflated rents and the risk of forced eviction due to exploitation by landlords. This situation forces displaced Sudanese individuals and families into overcrowded accommodations or homelessness, with some even resorting to living on the streets or in cemeteries as seen recently on the 6th of October area in Giza.¹⁵⁶

Movement restrictions further impede the ability of Sudanese refugees to access essential services and opportunities and are a serious human rights issue that can have profound consequences for individuals and families. In all three countries, Libya, Tunisia, and Egypt, fear of arbitrary arrest and detention, particularly for those lacking documentation, limits their mobility.

In **Tunisia**, law criminalising assistance to irregular migrants¹⁵⁷ has led to transportation companies denying service to people on the move, forcing them to rely on unsafe and arduous means of travel and exposing them to a high risk of human trafficking in the form of kidnapping by mixed criminal networks operating between border areas and Sfax.¹⁵⁸ Additionally, the pursuit of livelihood opportunities often exposes migrants, refugees, and asylum seekers to heightened security risks, including arbitrary arrest, detention, and even forced relocation to remote border areas. This vulnerability is particularly pronounced for those engaged in the informal sector, who frequently experience labour rights violations such as unpaid or meagre wages, lack of medical coverage, and denial of compensation for workplace injuries. The absence of adequate income and social protection leaves many individuals and families struggling to survive in inhumane conditions.¹⁵⁹

Similarly, in **Egypt**, the risk of arbitrary arrest and deportation by security forces can significantly constrain the movements of displaced Sudanese in the country. Since September 2023, Egyptian security forces have reportedly escalated their efforts to monitor refugee and migrant populations through intensified identity document checks and mass stops. This information is based on accounts gathered by Amnesty International from Sudanese nationals who have been subjected to such checks, as well as community leaders in the Greater Cairo area who have received reports of arrests within their communities. Areas identified as having a high concentration of foreign nationals, including 6th of October city, Ard Al Liwa, and Faisal in Giza governorate, as well as central Cairo locations like Al-Ataba and Ramsis, appear to have been particularly targeted by these measures.¹⁶⁰ The persistent threat of arbitrary arrest and unlawful deportation significantly hinders the ability of Sudanese refugees to

155. *Torture Roads – Volume 2, Mapping of violations suffered by people on the move in Tunisia*, OMCT, September 2024

156. Nour Khalil, Executive Director of Refugees Platform in Egypt (RPE), interviewed by OMCT, April 2024

157. "Migration-relevant policies in Tunisia", p.19, MIGNEX Background Paper, February 2023

158. Romdhane Ben Amor, Spokesperson for Tunisian Forum for Social and Economic Rights (FTDES), interviewed by OMCT, April 2024

159. *Torture Roads – Volume 2, Mapping of violations suffered by people on the move in Tunisia*, OMCT, September 2024

160. "Handcuffed like dangerous criminals" - Arbitrary detention and forced returns of Sudanese refugees in Egypt, Amnesty International, June 2024

access vital services, seek employment opportunities, or even relocate to safer areas within Egypt. This pervasive fear is unfortunately well-founded, as evidenced by the numerous documented cases of Sudanese nationals being arbitrarily arrested, as highlighted in Amnesty International's reports.¹⁶¹

Within **Libya**, the complex political landscape, marked by the presence of two competing authorities, further complicates the movement of Sudanese refugees. While the internationally recognized Government of National Unity (GNU) holds nominal control over much of the country, the eastern region operates under the influence of the Libyan Arab Armed Forces (LAAF). This division has resulted in a fragmented and often contradictory system of regulations and restrictions, particularly affecting Sudanese refugees attempting to move between different regions. Checkpoints, arbitrary detentions, and even forced returns are prevalent, especially in areas under LAAF control. The lack of a unified and coordinated approach to migration management exacerbates the challenges faced by Sudanese refugees, hindering their access to essential services, protection mechanisms, and potential resettlement opportunities.

These challenges highlight the urgent need for increased humanitarian assistance and targeted interventions to address the specific needs of forcibly displaced Sudanese in North Africa. Ensuring access to safe and affordable housing, as well as facilitating freedom of movement, are crucial steps towards protecting their rights and promoting their well-being in the face of ongoing displacement and uncertainty.



"I am a Sudanese woman, seeking asylum in Libya and living in a dangerous neighbourhood known for theft and abductions. I am a single mother raising two young children, a blind boy and a severely burned girl who suffered injuries during the war in Sudan. I am struggling to provide my daughter with the necessary medical care for her burns, as I have no support from humanitarian organisations or the UNHCR.

The uncertainty about my children's future and well-being is overwhelming. Without access to education or proper medical support, they are being denied their fundamental rights. I fear for their safety and am constantly worried about how I will provide for them in this challenging environment.

The fear of violence and displacement has created a constant state of anxiety and uncertainty for my family. We urgently need assistance to ensure our safety and well-being."

161. Mahmoud Shalabi, Egypt Researcher at Amnesty International, Interviewed by OMCT, May 2024

6.3.2. Lack of Access to Essential Services

Due to the numerous challenges highlighted previously in this report, the majority of forcibly displaced Sudanese find it difficult if not impossible to access essential services. According to the results of the survey conducted by OMCT, **a distressing 64% of surveyed displaced Sudanese across the three countries reported having no access at all to basic services.** This figure rises to 83% in Tunisia and 74% in Libya, highlighting the acute challenges faced by vulnerable people in these countries.

■ The State's Responsibility

As host countries, Libya, Tunisia, and Egypt have a legal and moral obligation to provide basic essential services to forcibly displaced Sudanese. This includes access to shelter, food, healthcare, education, and legal assistance. Given their special status as refugees and displaced persons, these countries are bound by international law, such as the Refugee Convention, to ensure their basic needs are met.

However, in **Tunisia**, CSOs in Médenine have reported to OMCT a shrinking operational space with inability to host beneficiaries and provide assistance due to limited access to funds, security threats and fear of arrests.¹⁶² Organisations working on migration in the country faced police surveillance, suspension of activities due to arrests and freezing of funds, criminalisation and pre-trial detention on criminal charges of money laundering and corruption.¹⁶³

■ Shrinking Operational Space for Civil Society Organisations and Human Rights Defenders

The overwhelming influx of forcibly displaced Sudanese has placed an immense strain on humanitarian organisations and aid agencies operating in the region. These organisations, already stretched thin, are struggling to cope with the ever-increasing number of people in need.

As the Refugees Platform in **Egypt** (RPE) noted, the volume of cases has exceeded their capacity to respond effectively, leading to a significant decline in the quality and timeliness of services, particularly for those in informal camps and remote areas. This has resulted in a desperate situation for many refugees, with many struggling to secure even the most basic necessities like shelter, food, and healthcare. Some have resorted to sleeping in the streets or even cemeteries. Children, women, and the elderly are particularly vulnerable, facing heightened risks to their health and well-being. The lack of access to education further compounds their challenges, jeopardising their future prospects and perpetuating the cycle of poverty and displacement.

In **Libya** alone, an estimated 700 Sudanese children of school age are currently not enrolled in any educational program. Alkufra specifically faced a huge crisis in terms of providing the most urgent needs of the displaced Sudanese population there due to the overwhelming numbers and the limited resources available for assistance.¹⁶⁴ Reports indicate that over 40,000 Sudanese are currently in Alkufra, besides the undocumented ones.¹⁶⁵ In April 2024, during a meeting with Eastern Libyan authorities, the Interior Minister put forward a proposal to set up a field hospital and a camp in a neutral zone at the Libyan-Sudanese border. This initiative would be overseen by the Ministry of Health and the Libyan Red Crescent.¹⁶⁶ Additionally, the National Centre for Disease Control (NCDC) has initiated a vaccination campaign in Alkufra and other affected areas.¹⁶⁷

162. Head of a Community Organisation in Medenine, Interviewed by OMCT, April 2024

163. Tunisia: UN expert alarmed by arrests and smear campaigns against migrant rights defenders, OHCHR, October 2024

164. The Libyan city of Alkufra complains about the escalating displacement of Sudanese... and the lack of capacities, Aawsat, February 2024

165. Data provided by the Libyan Anti-Torture Network (LAN), May 2024

166. Libya Considers Establishing Camp for Forcibly displaced people from Sudan, Libya Review, April 2024

167. The National Center for Disease Control is monitoring the health situation in the city of Kufra after the increasing number of displaced people from Sudan, Libyan News Agency, May 2024

Despite these efforts, the director of Alkufra University Hospital, the city's sole healthcare facility, warns of a "state of health chaos." The influx of Sudanese arrivals, some carrying infectious diseases like AIDS and hepatitis, has strained the hospital's already limited resources and raised concerns about the potential spread of diseases like tuberculosis.¹⁶⁸ This underscores the urgent need for increased healthcare support in the region.

Recognising the growing humanitarian crisis, UNHCR has recently expanded its operations in the East to provide essential services in cooperation with the Libyan authorities. UNHCR has decided to significantly increase its emergency aid response to the influx of Sudanese refugees in Alkufra as it is a key entry point to the country with around 350 daily new arrivals.¹⁶⁹ Recent flooding in the region has also impacted critical local infrastructure, with some refugees forced to take temporary shelter in schools. By scaling up its efforts and incorporating Libya into the regional refugee response (in addition to Egypt, Chad, South Sudan, Ethiopia and Central African Republic), the UNHCR aims to address the urgent needs of Sudanese refugees and mitigate the hardships they face in their new environment.¹⁷⁰

In **Tunisia**, civil society organisations providing assistance and/or advocating for human rights, including rights of people on the move, have faced increasing pressure from state authorities. Several leaders of these organisations have been indicted on serious charges,¹⁷¹ including facilitating illegal entry or exit, money laundering, undermining public administration, and forming criminal coalitions. In some cases, these charges have led to preventive detention. Additionally, the government has revoked residence permits of human rights leaders from sub-Saharan Africa, despite their long-standing legal residency in Tunisia. These actions, coupled with heightened surveillance and intimidation tactics, have created a challenging environment for organisations working to defend the rights of migrants in the country.

According to OMCT's documentation, at least 30 non-governmental organisations have been targeted by arrests, police summonses and searches (September 2024). The majority of the organisations concerned have suspended their activities - leaving the people they were assisting without access to their support.

■ Psychological Toll and Need for Mental Health Support

The traumatic experiences endured by displaced Sudanese have had a profound and detrimental impact on their mental health. These experiences, including physical and sexual violence, torture, forced displacement, loss of loved ones, and other hardships, have led to widespread anxiety, depression, and other mental health conditions.

The lack of access to adequate psychological support can exacerbate these issues, resulting in long-term consequences for their well-being. As highlighted by OMCT's focus group discussions in Zarzis and Medenine, Tunisia, including with Sudanese nationals, the growing mental health needs of displaced Sudanese individuals are not being adequately addressed by civil society organisations specialising in healthcare due to a lack of resources and personnel.

168. A humanitarian crisis in Alkufra with the arrival of thousands of displaced people from Sudan, Alwasat, April 2024

169. UNHCR scales up emergency aid in Alkufra, Libya, in response to Sudanese refugee influx, ReliefWeb, August 2024

170. As fighting rages in Sudan, refugee aid efforts expand to two new countries, ReliefWeb, July 2024

171. Among others: (i) Facilitating the illegal entry of persons into Tunisia or their illegal exit from Tunisia and providing a place to shelter and hide them (Law no. 40 of 1975, dated May 14, 1975, relating to passports and travel documents. Articles: 38, 39, 40, 41, 42, 43); (ii) Deliberately helping a foreigner to enter and exit illegally (Law no. 7 of 1968, dated March 8, 1968, relating to the status of foreigners in Tunisia, articles 25); (iii) Money laundering (Law no. 2015-26 of August 7, 2015 relating to the fight against terrorism and the prevention of money laundering as amended by Fundamental Law no. 2019-09 of January 23, 2019, articles: 92, 93, 94, 95, 96, 97) (iv) Undermining public administration or civil servants to obtain advantages for oneself or for others (Penal Code, articles 96 and 98); (v) Forming a coalition to commit crimes by exploiting one's position and the authority conferred on one to prepare, plan or execute these crimes (Penal Code articles: 131, 132); (vi) Disseminating false information or committing cybercrimes (Telecommunications Code articles 85 and 86 and Decree 54 article 24).

However, in response to growing needs, the local municipality in Alkufra, Libya, has partnered with the World Health Organization (WHO) to establish six mobile clinics, supplementing their efforts to provide mental health services.¹⁷²

Legal Assistance and Documentation of Violations

Ensuring access to legal representation is paramount for safeguarding the rights of displaced Sudanese and documenting the human rights violations they endure. Unfortunately, the limited capacity of legal aid and human rights organisations, coupled with the fear of arrest or deportation, can impede displaced Sudanese from seeking legal assistance. This not only hinders their ability to access justice but also obstructs efforts to hold perpetrators accountable and advocate for justice as evidenced by the following testimony of a Sudanese woman seeking asylum in Libya:



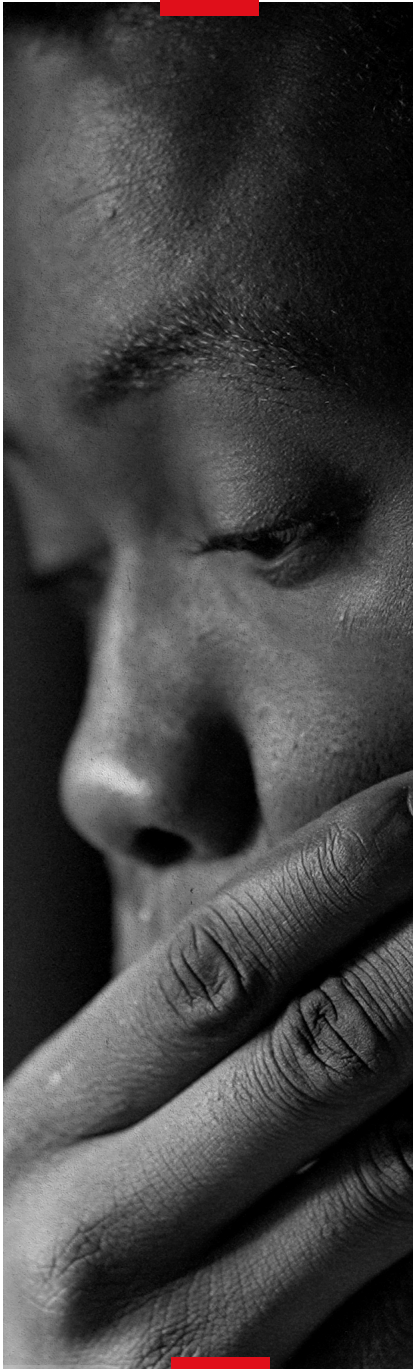
"Back in Sudan, my two sisters were tragically raped and killed, and our family was torn apart. My husband was unjustly arrested and subjected to torture by the Rapid Support Forces before managing to escape and join me.

Fearful for our safety, we fled Sudan and sought refuge in Libya. After reaching Tripoli, we registered with the UNHCR and found a place to live. However, our sense of security was shattered when our home was raided by two armed men, whose affiliations remain unknown to us. In the attack, my husband was brutally beaten, sustaining severe head trauma and a broken arm. Our meagre belongings were also stolen, including 600 Libyan dinars (our rent and living expenses) and two phones.

Living in Libya without a residence permit and relying on UNHCR documentation that authorities often disregard, we are terrified of reporting this crime to the police. The fear of arbitrary arrest and transfer to a detention centre under the control of the Department for Combating Illegal Immigration (DCIM) or even being sold to human traffickers is a constant threat. Despite repeated attempts to seek support and protection from the UNHCR following the attack, our pleas have fallen on deaf ears.

Our young daughter is also suffering from kidney problems and is deprived of access to health and education. The challenges we face are immense, and we desperately need assistance to ensure our safety and the future of our daughter."

172. Mayor of Kufra Municipality: We have begun the work of registering the displaced from Sudan and issuing them a health certificate, Almarsad, May 2024



When asked about their greatest fear at the moment, forcibly displaced Sudanese answered with a range of responses:

"There is no hope, the future is uncertain"

"I am dying far away from my family. I want to be with them in Europe so that I can live in honour, learn, and have my rights as a human being"

"If I go out without my children, I may end up in prison and will not be able to return home"

"That I will be imprisoned and killed"

"Lack of protection, no education, no health, no work, no family, no known good future"

"Losing my children's future"

"That I will be arrested and detained and unable to communicate with my family so they know where I am being detained and that I will remain in prison until I die, and my family is displaced"

"That there is no country in which there is security and safety"

"That the war does not end, and I remain in this country (Egypt)"

"That my children cannot continue their education because I do not find enough money to feed them"

"I cannot find the right treatment because I am a cancer patient"

"I am afraid of the country's government, and I am afraid of dying in this situation, where I do not have housing, clothing, or food"

"I have nothing, I live a life of homelessness and hunger, I don't have clothes and I'm sick. I can't do this anymore!"

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CIVIL SOCIETY'S STRUGGLE TO AID FORCIBLY DISPLACED SUDANESE IN LIBYA, TUNISIA AND EGYPT



Providing essential aid and support to forcibly displaced Sudanese and other people on the move in Libya, Tunisia, and Egypt has become a perilous endeavour. A growing wave of restrictions and the criminalization of humanitarian efforts are stifling the work of Human Rights Defenders and organisations, leaving vulnerable populations increasingly isolated and at risk. The confluence of factors, including restrictive laws, bureaucratic hurdles, and intimidation, has created a hostile environment for humanitarian organisations and the vulnerable populations they serve at a time when domestic distrust of CSOs working on this issue has reached a critical point.

In the three countries, the most glaring obstacle to the work of CSOs is mainly of a legal nature. The criminalisation of migration-related humanitarianism has become a standard challenge to civil society actors, and a common theme for coercion in North Africa. The laws put migrants, both regular and irregular, refugees and asylum seekers under the same footing: they are all liable under the law and treated as if they were all undocumented, while it blurs the lines between smuggling and humanitarianism, assimilating civil society work to acts of trafficking. When applied, these laws translate into increased violation of different human rights, including the right to work and to seek asylum, while the absence of a clear and codified asylum system in these countries further compounds the socio-economic hardships these groups endure.

In **Tunisia**, the situation has reached a critical point with the overuse of regulations specifically enacted to impose various restrictions, often created on vague grounds, to limit different kinds of support provided to vulnerable groups and often crucial for their sustenance. Law No. (06) of 2004 was enacted by the old regime but is still used to restrict assistance including medical aid, translation and interpretation services, legal representation as well as the provision of shelter, under the objective of combatting undocumented migration. As a result, defenders of the rights of people on the move and even public workers providing them with assistance face a relentless campaign of intimidation and harassment. Accusations of ulterior motives and attempts to “keep migrants or helping them to resettle in Tunisia” are frequently levelled against them, often amplified by hate speech and misinformation campaigns on social media. This hostile environment has created a chilling effect on humanitarian work, forcing many organisations to operate under constant fear of reprisal or even to suspend their activities altogether.

This crackdown has sent shockwaves through the humanitarian community, prompting many organisations to suspend their activities and leaving countless refugees and migrants without access to vital services. A leader of a local community organisation in the southern city of Medenine¹⁷³ even expressed frustration with the accusations that they are intentionally harbouring people on the move in Tunisia. He emphasised the urgent need for assistance and expressed concern that these unfounded claims might even discourage volunteers from offering help due to fear of legal repercussions. As a result, people on the move in Tunisia could face a decrease in vital support at a time when needs are at a critical point.

In both reports, Torture Roads VOLUME 1 (November 2023) and VOLUME 2 (October 2024), Mapping violations against people on the move in Tunisia, OMCT has pointed out that NGOs in Tunisia now face stricter bureaucratic regulations as they are required, since July 2023, to coordinate all aid provided to refugees and migrants through the Tunisian Red Crescent (CRT) and obtain government approval, especially when providing aid for those residing in informal camps. Concrete examples illustrate these difficulties: in El Amra, an NGO was denied authorisation to organise mobile medical consultations, despite the health emergency, and in Zarzis, associations are excluded from the Jderia camp, which has significant humanitarian needs. This additional layer of bureaucracy has created a sense of pressure

173. Head of a local community organisation in Medenine, Interviewed by OMCT, April 2024

for NGOs, as they are often accompanied by security forces during their activities. Extensive oversight can also erode the trust between NGOs and the vulnerable populations they serve.

The often called “Crimmigration laws”¹⁷⁴ are also implemented in Egypt, where the legal framework itself poses a formidable challenge to adequate provision of humanitarian aid, often imposed on a non-discriminatory nature. NGOs in Egypt are prohibited from providing assistance to irregular migrants, regardless of their individual circumstances or vulnerabilities. This blanket ban effectively criminalises compassion, leaving many Sudanese refugees who lack proper documentation to fend for themselves in an increasingly hostile environment. Consequently, when humanitarian work becomes legally restricted, human rights violations effectively become standardised, a common practice that instead of being prohibited, it remains unaddressed by the justice system.

Egypt also exhibits the same concerning trends of increased cyber insecurity, and the rise of defamatory campaigns and conspiracy theories spread against CSOs. The Executive Director of Refugees Platform in Egypt (RPE) explained that he regularly receives threats on social media targeting him, with campaigns accusing him of being a traitor and a spy, implying that all these organisations do is for the sake of permanently relocating migrants and refugees in the country. These accusations (i.e. assimilating humanitarian and human rights work to covert and foreign funded resettlement schemes) are just deliberate attempts to discredit his organisation's efforts in assisting refugees and migrants.¹⁷⁵

The situation in **Libya** is no less challenging. The instrumentalization of Law No. (19) of 2010 to combat undocumented migration has amplified coercive acts such as indefinite and arbitrary detention of migrants, refugees, and asylum seekers irrespective of their status. These violations have been standardised, while laws and regulations continue to be lacking judicial remedies for victims of violence in a way that has subsequently limited the humanitarian work of CSOs. This has been compounded by the ongoing conflict and political instability which have further cemented a climate of fear and uncertainty, forcing many human rights groups to operate with extreme caution. It is necessary for NGOs working to support people on the move to keep a low profile. The enduring state of insecurity in Libya has also created a restrictive environment that impedes the potential of reliable and credible information sharing, especially due to the decrease in the number of specialised organisations working on the documentation of migrants-related or refugees-related issues. Limited access to detention centres in the country leaves migrants, refugees, and asylum seekers feeling abandoned and they lose trust in the whole premise of humanitarian and human rights work.¹⁷⁶

As in Egypt and Tunisia, a shrinking civic space is also a facet of the Libyan human rights environment. This has been evidenced by the suspension of registration by the Civil Society Commission in 2023 which has forced many NGOs to cease operations, further limiting the availability of aid and support to people on the move. The spread of injustice and the absence of accountability in the country are not monitored by an international independent mechanism anymore since the termination of the UN Independent Fact-Finding Mission (FFM), which played a crucial role in documenting and exposing acts of torture and crimes against humanity, particularly those perpetrated against people on the move. Its departure leaves civil society in Libya without a reliable international body to report violations and abuses committed against vulnerable populations, and thus the potential of ending impunity remains unattainable.¹⁷⁷

174. This term is often used to describe anti-migration laws, or laws being created specifically to criminalise migration-related assistance.

175. Nour Khalil, Executive Director of Refugees Platform in Egypt (RPE), interviewed by OMCT, April 2024

176. «How to achieve positive change for migrants, refugees, asylum seekers in Libya?», OMCT, March 2023

177. UN rights body fails to further justice in Libya, OMCT, April 2023

The cumulative impact of these restrictive policies and practices is devastating. Sudanese refugees, already grappling with the trauma of displacement and the challenges of rebuilding their lives, find themselves increasingly isolated and vulnerable to different kinds of institutional violence, while they continue to feel let down by the inadequate support received. The criminalisation of aid and the shrinking of civic space not only endanger their lives and well-being but also undermine the fundamental principles of humanity and solidarity. Even more glaring, when humanitarian work becomes restricted, human rights violations become effectively normalised in countries where law application is abusive with little to no effort invested from the states to provide legal protections and reparations, while the prospects of codifying a comprehensive asylum system remain deprioritised in these countries.

The right to seek asylum and the right to humanitarian assistance are not privileges to be granted or denied at the whim of governments, but fundamental human rights that must be respected and protected.

8. CONCLUSION AND RECOMMENDATIONS



8.1. Conclusion

This research underscores the critical need for enhanced protection and humanitarian assistance for forcibly displaced Sudanese individuals in Libya, Tunisia, and Egypt. It reveals a disturbing deterioration in their situation, marked by a shift from initial acceptance to increasing hostility and restrictive policies. The sheer scale of displacement, coupled with the prolonged conflict in Sudan, has strained resources and fuelled xenophobic sentiments, creating a volatile environment for these vulnerable populations.

The study uncovers a distressing pattern of human rights violations against Sudanese on the move. Arbitrary arrests, inhumane detention conditions, forced displacement, and deportations to remote border areas are commonplace. The lack of access to basic services, coupled with discrimination and racism, has created a dire humanitarian crisis, disproportionately affecting women, children, and other marginalized groups.

Furthermore, the research highlights the challenges faced by humanitarian organisations and human rights defenders in providing much-needed aid and support. Restrictive policies, criminalisation of humanitarian efforts, and threats against Human Rights Defenders have created a hostile environment, impeding their ability to effectively address the needs of forcibly displaced Sudanese.

The findings also reveal the precarious legal status of Sudanese nationals in these three countries. The lack of recognition for UNHCR certificates and complex bureaucratic procedures for obtaining residency permits create a state of legal limbo, exposing them to further exploitation and abuse.

Despite these challenges, forcibly displaced Sudanese continue to demonstrate remarkable resilience and determination.

However, the lack of viable alternatives in host countries often compels them to embark on dangerous journeys to Europe, seeking safety and a better future. which underscores the urgent need for safe and legal pathways to protection.

In conclusion, Libya, Egypt, and Tunisia have adopted increasingly restrictive measures to prevent forcibly displaced Sudanese from settling within their borders. These policies, often implemented through the militarisation of borders, arbitrary arrests, and deportations, violate international human rights law and expose people on the move to grave risks. This report serves as a stark reminder of the urgent need for these three countries to uphold their international obligations and ensure the safety, dignity, and well-being of all those seeking refuge within their borders.

The international community must also play a crucial role in addressing this complex crisis. This includes providing comprehensive humanitarian assistance, advocating for the creation of safe and legal pathways for resettlement, and holding host countries accountable for their treatment of people on the move. A concerted and compassionate response is essential to alleviate the suffering of forcibly displaced Sudanese individuals and ensure their fundamental rights are respected and protected.

8.2. Recommendations

8.2.1. To the Libyan, Tunisian, and Egyptian Authorities

Legal and Policy Reforms

- 1. Decriminalise Irregular Entry and Exit:** Revise legislation to decriminalise irregular entry, stay, and exit for people on the move. Ensure that individuals and families seeking asylum and refugees are granted international protection.
- 2. Strengthen Protection Frameworks:** Adhere to international human rights and refugee law including, the 1951 Refugee Convention and the principles of the OAU Refugee Convention, ensuring that people on the move who are fleeing violence have access to asylum and are not subjected to arbitrary detention or deportation. Encourage Libya to sign the 1951 Refugee Convention.
- 3. Prohibit Torture and Ill-Treatment:** The prohibition of torture is absolute and can never be justified in any circumstance. States are required to take positive measures to prevent its occurrence. Enact and strictly enforce laws that prohibit torture and other forms of cruel, inhuman, or degrading treatment or punishment.

Enhancing Protection and Access to Justice

- 4. End Arbitrary Arrests and Detention:** Cease the arbitrary arrest and detention of forcibly displaced individuals. Ensure arrest, police custody and detention conditions are in line with human rights standards, including respect of procedural guarantees and the right to seek asylum in addition to access to basic services, including food, water, healthcare.
- 5. Ensure Accountability:** Establish robust mechanisms to investigate and prosecute cases of human trafficking, torture, and other human rights abuses against people on the move. Hold perpetrators, both state and non-state actors, accountable for their crimes.

Improving Humanitarian, Development and Human Rights Response

- 6. Expand Access to Services:** Increase resources and capacity to ensure that forcibly displaced Sudanese and other forcibly displaced have access to essential services, including healthcare, education, housing, and legal aid. Facilitate the work of I/NGOs, CSOs and UN agencies to expand their reach and impact.
- 7. Combat Discrimination and Racism:** Implement comprehensive measures to combat discrimination and racism against people on the move, including public awareness campaigns, training programs for officials, and strict enforcement of anti-discrimination laws.

8.2.2. To the International Community

Upholding International Law and Human Rights

- 8. Apply Pressure for Reform:** Exert diplomatic pressure on Libyan, Tunisian, and Egyptian authorities to end human rights abuses against people on the move (including migrants, refugees, and asylum seekers). Make financial and technical assistance conditional on concrete improvements towards their adherence with international law.

- 9. Condition International Funding on Human Rights Compliance:** Make international funding (EU, EU member states and other relevant donors) contingent upon recipient countries demonstrating a clear commitment to upholding international human rights standards, including the protection of refugees and asylum seekers. Implement robust monitoring mechanisms to ensure that funding is used responsibly and ethically.
- 10. Create Safe and Legal Pathways:** Expand opportunities for safe and legal pathways to protection in Europe and other regions, reducing reliance on dangerous irregular migration routes.

Enhancing Protection and Assistance

- 11. Strengthen UNHCR Capacity:** Increase funding and support to UNHCR, in these three countries, to ensure timely registration and processing of asylum claims. Advocate for the establishment of UNHCR offices or focal points in border areas to facilitate protection monitoring and access to protection for those fleeing violence.
- 12. Prioritise Humanitarian Aid:** Increase funding to CSOs, INGOs, and UN agencies to support forcibly displaced Sudanese and other forcibly displaced in Libya, Tunisia, and Egypt. Ensure that essential services, including shelter, food, healthcare, and education, are available to all those in need.

Promoting Accountability and Transparency

- 13. Establish Monitoring and Reporting Mechanisms:** Support the establishment of international independent monitoring and reporting mechanisms to document human rights abuses, including against people on the move. Ensure transparency and accountability for violations committed by state and non-state actors.
- 14. Protect Human Rights Defenders:** Condemn the harassment, intimidation, and arrest of human rights defenders and organisations providing aid to refugees and migrants. Call for the immediate release of those unjustly detained and ensure their safety and freedom to operate.

8.2.3 Specific Recommendations

To Libya:

- 15.** Recognise UNHCR certificates as valid proof of refugee status and ensure that holders are protected from arbitrary arrest and detention.
- 16.** End the practice of “selling” refugees, asylum seekers and migrants into forced labour and exploitation. Prosecute those responsible for such crimes.
- 17.** Strengthen efforts to ensure humane treatment and safeguard the rights of individuals in custody, including those in detention centres, by guaranteeing access to basic necessities, healthcare, and legal assistance in accordance with international standards.

To Tunisia:

- 18.** Cease the arbitrary and forced displacement to border areas and deportations of refugees, asylum seekers and migrants.
- 19.** Allow UNHCR to resume its pre-registration, registration and refugee status determination (RSD) activities and to expand its capacity and presence, particularly in border areas, to ensure timely identification of new arrivals, pre-registration and registration, and processing of asylum claims as well as protection monitoring..

To Egypt:

- 20.** Lift visa restrictions for Sudanese nationals fleeing violence, allowing them to enter the country safely and seek asylum.
- 21.** End the practice of arbitrary detention and deportation of people on the move , including those registered with UNHCR.
- 22.** Ensure access to legal representation and due process for all those facing deportation or detention.

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