

TUNISIA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Tunisia is a constitutional republic with a multi-party parliamentary system and a government appointed after the January 2011 revolution ousted former president Zine el-Abidine Ben Ali. The interim government of Prime Minister Ali Laarayedh took office on February 27. In October 2011 citizens chose in free and fair elections a Constituent Assembly that began work on a draft constitution in October 2012. The assembly was also tasked with preparing a new electoral law in preparation for the election of a constitutional government. Authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

The most important human rights problems included constraints on media and freedom of expression, the use of excessive force against protestors, and the absence of transparent and speedy investigations into previous allegations of human rights abuses.

Other human rights problems included torture and other physical abuse, poor prison and detention center conditions, arbitrary arrest and detention, a lack of judicial independence and a lax prosecutorial environment with poor transparency, reliance on forced confessions, and barriers to the economic and political participation of women.

The government took steps to investigate officials who committed abuses, but investigations into police and security force abuses were lengthy and lacked transparency. A lack of follow-up action in some cases led critics to question the government's commitment to seriously prosecuting those charged, in turn creating a perception of impunity by some in civil society.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were credible reports security forces used excessive force that resulted in deaths while trying to control violent crowds in the first part of the year.

For example, on May 19, police killed a bystander and at least three were injured after protests in Tunis turned violent. Protesters were demonstrating against the

government's decision not to allow a rally by Ansar-al-Sharia in Tunisia (AAS-T), a hard-line Salafist group. Results from an internal Ministry of Interior (MOI) investigation were not available by year's end.

On July 26, Mohamed Mufti died after being struck in the head by a tear gas canister fired by police during a demonstration in the central city of Gafsa. On November 1, Walid Denguir died shortly after being taken into police custody. His mother reported seeing injuries to his head and extensive bruising when she viewed his body later that same day. An internal investigation concluded that Denguir had died of a drug overdose and that the injuries to his body stemmed from the autopsy.

At year's end police continued to investigate the case of Mohamed Lotfi Naguedh, a Nida Tounes opposition party regional coordinator who died in October 2012 during clashes with members of the National Committee for the Protection of the Revolution. Nida Tounes members claimed Naguedh died of a blow to the head after progovernment demonstrators attacked his office. According to MOI, violence occurred, but the proximate cause of death may have been a heart attack.

The government accused Salafist extremists, including AAS-T, of involvement in the assassinations of two opposition political figures, Choukri Belaid on February 6 and Mohammed Brahmi on July 25. The government also accused them of killing eight soldiers on July 29 in the Chaambi Mountain region.

The army, police, and National Guard all suffered casualties in counterterrorism operations. The number of civilian attacks on security forces fell compared to 2012. The government blamed Salafist extremists for attacks against police in Sidi Bouzid (February 26), Siliana (March 22), and Hergla (April 12).

The government began stepping up efforts to counter extremist groups in the middle of the year, after banning the annual conference of AAS-T in May. On August 27, the government formally designated AAS-T a terrorist organization and began pursuing high-ranking members of its military wing, arresting its second in command, Mohamed Khiari, on September 9.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, there were credible reports that security forces in some cases mistreated and tortured detainees. Multiple international organizations received first-hand accounts of harsh physical treatment of individuals for participation in demonstrations.

On August 29, the international nongovernmental organization (NGO) Human Rights Watch (HRW) called for investigations into abuse alleged by two prisoners, Mohamed Amine Guesmi and Thamer Nassri, held in Mornaguia prison under the antiterrorism law. Even though Guesmi decided not to press charges, the Directorate General of Prisons and Rehabilitation conducted an investigation. Conclusions for both the Guesmi and Nassri charges were not available at year's end.

On October 9, members of the Constituent Assembly unanimously passed a law to create the National Body to Prevent Torture. The new body was responsible for monitoring allegations of torture and human rights violations in detention centers. It was not in operation by year's end.

A hearing for a September 2012 rape case involving three police officers was postponed until January 20, 2014 at the request of the prosecution. The Tunisian Association of Democratic Women reported that this particular case had encouraged women to speak out more freely to denounce rape.

Prison and Detention Center Conditions

Prison and detention center conditions were poor. The Directorate General of Prisons and Rehabilitation spent 4,090 Tunisian dinars (\$2,500) per prisoner annually.

Physical Conditions: On September 13, then-prisons director Habib Sboui blamed “past mistakes” for the “catastrophic” state of the prison system. Prisons were understaffed and lacked adequate equipment to deal with the number of inmates.

Overcrowding has persisted despite periodic amnesties over the past two years. In fact, many prisons were well over capacity, due in part to 2011 prisoner uprisings, which damaged 14 prisons and led to transfers of large numbers of prisoners. In March 2012 experts from the UN Office of the High Commissioner for Human

Rights (OHCHR) visited five prisons and expressed serious concern about overcrowding, citing prisoners' personal space as inadequate.

As of February there were 21,715 prisoners and detainees, 54 percent of whom were in pretrial detention. At the largest prison, Mornaguia, 85 percent were in pretrial detention. The high pretrial ratios were largely attributed to problems in case flow and an increase in the number of arrests. The number of pretrial detainees raised serious concerns about the capacity of the judiciary to dispense justice in a timely fashion.

The law requires that pretrial detainees be held separately from convicted prisoners, but the Justice Ministry reported that overcrowding forced them to hold pretrial prisoners together with convicted prisoners. Many prisons suffered from sub-standard lighting, ventilation, and heating as they were not originally built to serve as prisons. These problems are exacerbated by overcrowding. Of the 27 prisons operating during the year, one prison was designated solely for women, and eight prisons contained separate wings for women. As of February 579 women were incarcerated. Women's conditions of detention were reportedly better than men's. The number of inmates at the Manouba Prison, reserved for women, was below the accommodation capacity. Six other corrections institutions are reserved for minors, housing a total population of 400, of whom approximately 20 were girls. Conditions in these facilities were better than those in adult prisons.

Health services available to inmates were inadequate. Very few prisons had an ambulance or medically equipped vehicle. Officials also mentioned the lack of necessary equipment for the security of guards, other personnel, and inmates. In addition there was a lack of training for personnel in crisis management, use of force, and human rights awareness.

While most prisons suffered from decaying infrastructure, prisoners had access to potable water.

Administration: Recordkeeping was inadequate. Data was not always updated or accurate, and there were instances in which a prisoner was registered for a case in the system, although he or she had been sentenced for another case. Review of the database also revealed discrepancies between the prisoner's actual length of imprisonment and the one stated in the court's verdict. Foreign assistance provided training to officials from the General Directorate of Prisons and Rehabilitation in methods to improve prisoner classification.

According to prison officials, other challenges included lengthy criminal prosecution procedures leading to extended periods of detention, understaffing at prisons and detention centers, difficult work conditions, and low pay. Alternative methods of punishment rather than imprisonment are rarely pursued.

Authorities allowed prisoners to pray in their cells and to receive one family visit per week, unlimited receipt of parcels and letters, and unlimited legal visits. Prisoners received three meals per day, one shower per week, and could receive food and property from family three times per week. The role of prison ombudsmen was played mainly by psychologists or sociologists. Adult prisoners reportedly have some access to educational and vocational training programs, although capacity limitations resulted in a distinct minority enjoying such access.

The Ministry of Justice granted ten different civil society groups access to prisons, albeit with 24-hour advance notice, but denied access to prisoners in solitary confinement.

Independent Monitoring: Following the January 2011 revolution, the government expanded access to prisons by independent, nongovernmental observers, including human rights groups, media, and the International Committee of the Red Cross. According to the director general of penitentiary affairs, while his office was working with new partners such as OHCHR, the most prominent partner in prison monitoring remained the International Committee of the Red Cross. The OHCHR collaborated to perform prison-monitoring training with the Ministry of Justice for observers from local civil society organizations. The Ministry of Justice granted ten different civil society groups access to prisons, although it required 24-hour advance notice, but denied access to prisoners in solitary confinement.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, although security forces did not always observe these provisions. There were reports of arbitrary arrest of demonstrators and detention of government opponents (see section 2.a.).

Role of the Police and Security Apparatus

Although MOI holds legal authority and responsibility for law enforcement, the military has played a larger role in internal security matters after the 2011 revolution. MOI oversees the police, who have primary responsibility for law enforcement in the major cities; the National Guard (gendarmerie), which directs

border security and patrols smaller cities and the countryside; the Directorate General for National Security; and firefighters. Civilian authorities maintained generally effective control over the police and military, although investigations into police and security force abuses lacked transparency and often lasted months. Police forcibly dispersed demonstrators, particularly during the first part of the year, although crowd control practices improved despite numerous demonstrations and rallies following a political assassination and the onset of a political crisis in late July.

Security forces failed to pursue adequately and authorities failed to prosecute effectively attacks by Salafist extremists on individuals, private homes, and businesses. On May 28, a judge issued two-year suspended sentences for 20 militants convicted of attacking the U.S. Embassy in September 2012. On May 31, the government appealed the sentence, but the hearing was postponed for various reasons, including a failure by the prosecution to produce the necessary documents as well as a request by the defense for postponement. The hearing was scheduled for January 28, 2014.

The government did not have effective mechanisms to investigate and punish abuse, corruption, and impunity. There was little transparency in internal mechanisms and no external mechanism existed to investigate police abuse and corruption. Senior police officials participated in training programs and established separate inspectors general for the police and National Guard, but it was unclear what effect this training and reform had on security forces at large.

Arrest Procedures and Treatment of Detainees

The law requires police to have a warrant to arrest a suspect, unless the crime is in progress or is a felony offense. The penal code permits detention for up to six days before arraignment, during which time the government may hold suspects incommunicado. Arresting officers must inform detainees of their rights, immediately inform detainees' families of the arrest, and make a complete record of the times and dates of such notifications. Police failed at times to follow these regulations and on occasion detained demonstrators arbitrarily.

Detainees have the right to know the grounds of their arrest before questioning and may request a medical examination, but they do not have a right to legal representation during pre-arraignment detention. The law permits the release of accused persons on bail, and the system functioned. Detainees were able to exercise effectively their right to representation by counsel during arraignment. By

law the government provides legal representation for indigents, although it was unclear whether the government consistently provided legal counsel. At arraignment the examining magistrate may decide to release the accused or remand the prisoner to pretrial detention.

In cases involving crimes for which the sentence may exceed five years or that involve national security, pretrial detention may last six months and may be extended by court order for two additional four-month periods. For crimes in which the sentence may not exceed five years, the court may extend the initial six-month pretrial detention only by an additional three months. During this pretrial stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties.

Three women from the feminist protest group FEMEN claimed police treated them harshly as they were arrested while protesting topless in front of the Ministry of Justice in support of fellow activist Amina Sboui (see section 2.a.).

Arbitrary Arrest: Police arbitrarily arrested demonstrators and bystanders. On February 9, police arrested 375 demonstrators in Tunis following the assassination of leftist opposition leader Choukri Belaid (see section 1.a.). A police officer was killed, and 59 persons were injured.

Pretrial Detention: Pretrial detention remained unpredictable and could last from a month to several years, principally due to judicial inefficiency and lack of resources. A December 5 HRW report noted legal gaps governing pretrial detention, poor physical conditions of detention, frequent violations of due process, and several cases of mistreatment during arrest and interrogation.

Amnesty: As of September more than 2,300 prisoners had been pardoned during the year. The majority of those released had been charged with petty crimes. During an early August pardon, the Ministry of Justice declared that no amnesty would be extended to prisoners implicated in terrorist acts.

e. Denial of Fair Public Trial

While the law provides for an independent judiciary, the executive branch strongly influenced judicial procedures and outcomes, particularly in cases involving political dissidents and the free expression of ideas. After filing a formal complaint on February 4 to protest judicial appointments and delays in plans to secure judicial independence, on April 17 and 18, the Association of Tunisian

Judges (AMT) demonstrated. The government responded by establishing the High Judicial Authority, an interim body charged with overseeing the judiciary until the adoption of a new constitution. During two weeks in November, the Tunisian Judges' Union (SMT) joined AMT to organize demonstrations, a two-hour work suspension, and a judges' strike on November 19 and 20. The ministry considered the strike illegal based on a 1967 ban still in effect.

Justice Minister Nadhir Ben Ammou spent much of the year defending his ministry, claiming on March 8 that his ministry's first priority was judicial independence. On September 19, the Constituent Assembly summoned the minister to respond to accusations that the executive branch unduly influenced the judiciary. The accusations focused on the disparity between cases involving religious extremists, who often were not fully prosecuted or received lax sentences, and cases against secularists or involving freedom of expression, which resulted in harsh verdicts (see section 2.a.).

Trial Procedures

In civilian courts defendants have the right to a presumption of innocence, public trial, and a trial by jury. They also have the right to consult with an attorney or to have one provided at public expense, to confront witnesses against them and present witnesses and evidence, to access government-held evidence, and to appeal verdicts against them. The law stipulates defendants must be informed promptly, and in detail, of the charges (with free interpretation, if necessary). They must also be given adequate time and facilities to prepare their defense and not be compelled to testify or confess guilt. In general procedures conformed to the law, although defendants complained that the trial procedures law was not followed.

On August 22, a court sentenced two rappers, Ala Yaacoubi (known as Weld El 15) and Ahmed Ben Ahmed (known as Klay BBJ), to 21 months in prison for "insulting the police," defaming public officials, and harming public morals based on what authorities labeled a "profane" song critical of the police performed at a concert in Hammamet. According to Yaacoubi's lawyer, his client was not notified of the trial in advance. Yaacoubi then went into hiding, but did appear before an appeals court on December 5, where his original sentence was reduced to four months. He was released two weeks later after being acquitted on a second appeal. In September Ahmed Ben Ahmed's sentence was reduced to six months, and on October 17, he was finally released from prison following a successful appeal. On November 25, a journalist and two rappers charged with "attacking

public morals” for protesting charges made against Yaacoubi received suspended four-month sentences.

On September 18, Sahbi Jouini, an executive committee member of the National Trade Union of Security Forces, refused to appear before a judge after he was called without his lawyer present. The judge maintained that a lawyer was not required because Jouini was called as a witness, but the union suspected the judge might prosecute Jouini in a tactic often exercised under the former regime. The hearing was then postponed, but no new date was set by year’s end.

Military courts fall under the Ministry of Defense. Military tribunals have the authority to try cases involving military personnel and civilians accused of national security crimes. A defendant may appeal a military tribunal’s verdict and may resort to the civilian Supreme Court. Human rights advocates argued that national security crimes are too broadly defined, but acknowledged that following the July 2011 reform of military courts, defendants in military courts are extended the same rights as those in civilian courts, including choice of legal representation, access to case files and evidence, conducting cross examinations, calling witnesses, and the right to appeal. There is no exceptional or specialized code for military courts.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens are permitted to seek civil remedies for human rights violations.

As an exception, military courts handled claims for civil remedies for alleged security force abuses during civil disturbances during the revolution. Cases involving alleged abuse by security forces during the year were heard in civilian courts. Some cases did not move forward because security force officials, and occasionally civilian judges, refused to cooperate in the investigations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no credible reports that the government monitored the activities or intercepted the correspondence of civilians without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for both freedom of speech and press, and articles critical of the government are frequently published in online and print media, but there were continuing constraints on freedom of speech and press during the year. Journalists and activists practiced self-censorship.

Freedom of Speech: Speech considered offensive to local sensibilities continued to be treated as criminal. Provisions of the penal and telecommunications codes, for instance, criminalize speech that causes “harm to the public order or public morals” or intentionally disturbs persons “in a way that offends the sense of public decency.” Amina Sboui, a former member of the radical protest group FEMEN, drew widespread criticism after posting topless pictures of herself online March 1. On May 19, police arrested her for writing “FEMEN” on a cemetery wall in Kairouan to protest a planned meeting of Salafists. While awaiting trial, Sboui alleged that guards mistreated other inmates and was then charged with contempt and defamation. Human rights groups claimed the charges resulted from her controversial protest methods. On July 11, authorities dropped both charges, and on August 1, Sboui was released after three months in prison. The charge of desecrating a cemetery, however, remained at year’s end.

Press Freedoms: Authorities arrested or prosecuted a number of journalists for publishing articles critical of prominent politicians. On September 17, the National Union of Tunisian Journalists called for a general strike, following a number of arbitrary arrests, including that of Zuhair el-Jiss, who had criticized President Moncef Marzouki, and Zied el-Heni, who had accused the public prosecutor of fabricating evidence to justify arresting a cameraman for filming an egg-throwing incident involving Minister of Culture Mehdi Mabrouk. El-Jiss appeared in court after an analyst interviewed on his radio program alleged that the Al Jazeera television channel furnished monthly payments to President Moncef Marzouki. El-Jiss received a subpoena to appear before the Court of First Instance in Tunis, although the Office of the President denied it had filed a suit against him. El-Heni was released after a weekend in jail, which provoked a countrywide strike by journalists. At year’s end El-Heni, a vocal proponent of human rights issues, sought to establish a union and to improve protection of journalists.

On September 11, authorities released television producer Sami Fehri after more than a year in prison. Fehri was charged with corruption after his TV channel, el-Tounissiya, broadcast a political satire program that criticized politicians,

particularly from the Islamic party Nahda. His release came 10 months after the Court of Cassation, the country's highest court, rejected Fehmi's detention order.

International NGOs like HRW, and journalists and civil society activists cited the cases of el-Jiss, el-Heni, and Fehri as evidence that authorities repressed journalists who criticized the government. Critics also accused the government of seeking to control the media through executive appointments in public media institutions and by arresting and prosecuting journalists under the penal code, rather than 2011 decrees 115 and 116, which were designed to protect journalists from harassment and to abolish prison sentences for criminal defamation and other speech offenses.

Violence and Harassment: Security officials continued to harass and threaten journalists during street demonstrations or protests. On July 27, police assaulted at least nine journalists covering a sit-in outside the Constituent Assembly.

According to news reports, some of the journalists were reportedly hospitalized, although the injuries were not serious. The NGO Arab Network for Human Rights Information criticized the assault as an attempt by security forces to discourage coverage of the sit-in. In a statement sent to the Tunis Center for Press Freedom, an MOI spokesman apologized for the attacks and promised an investigation.

Internet Freedom

There were no government restrictions on access, nor were there credible reports that the government monitored e-mail or Internet chat rooms without legal authority. There was no censorship of websites, including those with pornographic content. According to the International Telecommunication Union, 4.4 million Tunisians, or 41 percent of the population, were Internet users in 2012.

On September 9, union leader Walid Zarrouk was ordered detained for a Facebook post alleging that a Tunis Tribunal general prosecutor's prosecutorial policy was politicized. Prosecutors charged him with accusing, without proof, a public agent of violating the law and defamation of public officials under penal code Articles 128 and 225.

Academic Freedom and Cultural Events

There were no reports of government restrictions on academic freedom, although religious fundamentalists continued to attack cultural events they deemed offensive. The number of these attacks fell compared with 2012, but complaints continued that government authorities did not respond adequately.

On July 8, a group of Salafists attacked actors in El Kef as they were performing a play dedicated to the slain politician and vocal opponent of Islamists, Choukri Belaid (see section 1.a.). Witnesses reported that police arrested the artists rather than the Salafists. On July 9, the actors were released after appearing before a judge.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, but the government-imposed state of emergency limited the right of assembly. The government generally did not restrict the right of association.

Freedom of Assembly

A nationwide state of emergency first issued during the 2011 revolution was still in effect at year's end. The law prohibits any gathering of more than three persons and requires the organizers of any rally, demonstration, or march to apply for a permit at least three days in advance. In July 2012 the government announced the improving security situation allowed for a series of one-month extensions, but has since returned to three-month extensions. Spontaneous demonstrations, protests, and strikes continued.

Security forces had a mixed record in dealing with protests, at times attempting to disperse large crowds with violence and at other times allowing demonstrations to continue despite the organizers' failure to secure prior permission. There were a number of instances in which security personnel violently confronted protesters, particularly if protesters precipitated the violence (see section 1). In late July security personnel appeared to instigate the violence against demonstrators protesting the July 25 assassination of opposition political leader Mohamed Brahmi (see section 1.a.). As the year progressed and police gained more experience in dealing with protests, the number of incidents dropped considerably.

On February 6, spontaneous protests erupted in Tunis following the assassination of opposition politician Choukri Belaid (see section 1.a.). Clashes ensued when security forces tried to disperse demonstrators with tear gas and batons. On May 19, one person was killed and at least three seriously injured during clashes between Salafist extremists and riot police in Tunis. Following Brahmi's assassination, police used tear gas and batons to separate pro- and anti-government

demonstrators in downtown Tunis. Several opposition members of the Constituent Assembly accused the police of beating them in front of the assembly building.

Freedom of Association

A law on associations promulgated in 2011 eliminated the penalties in the previous law as well as the prohibition on belonging to, or serving in, an unrecognized or dissolved association. The registration procedure was eased, making it more difficult for government entities to hinder or delay registration. Most importantly, MOI can no longer abolish an association without judicial concurrence.

Since the fall of the previous regime, the government has generally not restricted the registration or work of private organizations, political parties, or organizations of women, minorities, or professionals. The government agreed to delay until after the next parliamentary elections legislation to prohibit former members of the previous regime from engaging in political activity.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, displaced migrants, and other persons of concern.

Protection of Refugees

Access to Asylum: Tunisia does not have a law for granting asylum or refugee status, but the government did extend temporary safe haven to more than a million Libyans and other third-country nationals during the 2011 unrest in neighboring Libya. Most subsequently returned to Libya or relocated to other countries. When the UNHCR closed the Shousha camp in June, it still housed more than 300 people who had been denied refugee status. Roughly half were granted temporary

residency permits, while at year's end, the other half rejected the offer in hopes of being granted asylum in a third country.

Refoulement: Unlike in the previous year, there were no reported cases of refoulement in 2013.

Refugee Abuse: Unlike in the previous year, there were no reports of refugee abuse.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Elections and Political Participation

Recent Elections: The provisional constitution provides the right for citizens to change their government peacefully. Citizens exercised this right in 2011 by electing in free and fair elections a Constituent Assembly responsible for drafting a new electoral law and preparing for the election of a constitutional government. As the Constituent Assembly was on the verge of establishing the High Independent Authority for Elections and finalizing a constitution, opposition leader Mohammed Brahmî's July 25 assassination plunged the country into a political crisis. Negotiations to end the standoff between the government and the opposition were nearing resolution at year's end.

Political Parties: During the first nine months of the year, the government accredited more than 25 new parties, bringing the total number of parties to approximately 170. Parties that did not receive accreditation were rejected due to incomplete applications or because their programs were inconsistent with laws prohibiting discrimination and parties based on religion.

Participation of Women and Minorities: Women continued to be politically active, but also faced societal barriers to their political and economic participation. In an effort to include more women in the electoral process, in 2011 the government adopted a candidate gender parity law requiring political parties to list an equal number of male and female candidates on electoral lists. The law also stipulates male and female candidate names must alternate in order to increase the opportunities for female candidates to be selected. There were 66 women in the 217-member Constituent Assembly and three women in the 41-member cabinet at year's end.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption, and the government took some steps but did not implement these laws effectively. Government institutions, including those for combating corruption, lacked resources.

Corruption: The cabinet formed after the 2011 elections included a department under the purview of the Prime Minister's Office dealing with good governance and anticorruption issues. Mohamed Abbou, the responsible ministerial-ranked official, resigned in June 2012, and the position was eliminated when the new government was formed on March 13. On July 17, 20 months after it was established by decree, the National Committee to Combat Corruption (NCCC) met for the first time. The committee's executive body was still not appointed by year's end.

The Tunis Court of First Instance handled corruption cases and heard more than 500 such cases since beginning operations in January. Many cases related to former president Ben Ali and his family and associates. On September 24, committee chairman Samir Annabi announced the NCCC had considered 6,000 cases of alleged corruption and referred 400 of them to the courts. On October 1, Finance Minister Ilyes Fakhfakh confirmed that 100 businessmen were involved in corruption cases and 20 of them had been banned from traveling abroad.

Whistleblower Protection: The law does not provide protection for whistleblowers. In January the watchdog association "I Watch" launched a website to gather reports of corruption cases. I Watch encouraged citizens to report corruption by providing anonymity and following up on allegations before deciding whether to bring cases to court.

Financial Disclosure: There is no requirement of disclosure of income or assets for appointed or elected officials.

Public Access to Information: To improve transparency and promote national reconciliation following the 2011 revolution, the Constituent Assembly adopted legislation to grant journalists and civil society organizations access to the records of the previous regime. There is, however, no law providing public access to subsequent governmental information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Conditions for domestic and international human rights groups improved dramatically following the 2011 revolution. A wide variety of domestic and international human rights groups investigated and published without government restriction their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The government's primary agency to investigate human rights violations and combat threats to human rights is the Ministry of Human Rights and Transitional Justice, established after the October 2011 elections. The High Committee for Human Rights and Fundamental Freedoms is a government-funded agency charged with monitoring human rights. While the ministry has hosted numerous conferences, it has failed to create a website or appoint an official spokesperson.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions, although discrimination against women occurred due to reliance on customary law and social norms. The law is silent regarding sexual identification and/or gender identity and social norms resulted in discrimination.

Women

Women faced barriers to their economic and political participation, and certain laws adversely affected women. Despite these challenges, the government broke with past taboos and sought to change societal norms on topics such as domestic abuse and violence against women and children.

Rape and Domestic Violence: Although prohibited by law, rape, including spousal rape, remained a serious problem. There was no comprehensive or consolidated database on the incidence of sexual violence, but NGO groups claimed rape continued to be underreported.

The penal code prohibits rape, and the government generally enforced this law. There were, however, no reported prosecutions of spousal rape. Sexual assaults accompanied by acts of violence or threats with a weapon are punishable by death. For other cases of rape, the prescribed punishment is life imprisonment. If the victim is under age 20, penalties can be more severe (see section 6, Children).

Nevertheless, societal and cultural pressures often dissuaded victims from reporting sexual assault.

Rape remained a taboo and underreported subject. Convictions for sexual violence were far below the number of actual incidents. A 2011 study by the National Office of Family and Population concluded that 15.7 percent of women ages 18-64 claimed to be victims of sexual violence.

Laws prohibiting domestic violence provide penalties for assault committed by a spouse or family member that are double those of an unrelated individual for the same crime, but enforcement was rare, and domestic violence remained a serious problem. The government and the UN Entity for Gender Equality and the Empowerment of Women reported in 2012 that 47 percent of women suffered from physical or verbal abuse.

There were no government public education programs on domestic violence, including rape. The first government-run domestic violence shelter and hotline opened in December 2012 on the outskirts of Tunis. Advocates called for similar shelters in other parts of the country.

Sexual Harassment: Sexual harassment was a problem, although there was no data to measure its extent. Victims of sexual harassment are required to file a complaint in criminal court, where the allegations are then investigated, although bureaucratic problems in securing convictions occurred. According to the criminal code, the penalty for sexual harassment is one year in prison and a 3,000 dinar (\$1,817) fine. Civil society groups criticized the law on harassment as too vague and susceptible to abuse. There were no statistics available on the number of abusers prosecuted, convicted, or punished for sexual harassment.

Reproductive Rights: There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Women had free access to contraception, and according to the UN Population Fund, an estimated 52 percent of girls and women ages 15-49 used a modern method of contraception. In collaboration with NGOs, the government maintained its policy of keeping the national birthrate low through public awareness campaigns. The government provided essential health care for women, including skilled attendance during childbirth and treatment for sexually transmitted infections, although some rural

women did not have access to these services. Several registered domestic NGOs also cared for HIV-infected individuals.

Discrimination: The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions, although discrimination against women occurred due to reliance on customary law and social norms. Codified civil law is based on the Napoleonic code, although on occasion judges drew upon interpretations of sharia (Islamic law) as a basis for customary law in family and inheritance disputes. Most property acquired during marriage, including property acquired solely by the wife, was held in the name of the husband. Customary law based on sharia prohibits Muslim women from marrying outside their religion. Application of sharia inheritance law resulted in discrimination against women, although some families avoided the application of sharia by executing sales contracts between parents and children to ensure that daughters received shares of property equal to those of sons. There was a double standard in sharia inheritance law based on gender and religion: non-Muslim women and their Muslim husbands may not inherit from each other. The government considers all children of those marriages to be Muslim and forbids those children from inheriting from their mothers.

Female citizens can transmit citizenship to their children regardless of the father's citizenship.

The law explicitly requires equal pay for equal work, and the government generally enforced it, but the law also allows some female employees in the public sector to receive a pro-rated salary for part-time work. The government defended the law as allowing women to balance family and professional life, but some women's rights advocates believed treating women and men differently under the law was an infringement of women's rights. Societal and cultural barriers significantly reduced women's participation in the formal labor force, in particular in managerial positions. Women in the private sector earned on average one-quarter less than men for similar work.

Gender-biased Sex Selection: The ratio of boy-to-girl births was 107 to 100. There was no information on any government efforts to address this imbalance.

Children

Birth Registration: Citizenship is derived by birth from one's parents, and the law provides for a period of 10 days to register a newborn. Thereafter, parents have 30 days to explain why they failed to register a newborn.

Child Abuse: No statistical information on child abuse was available.

Forced and Early Marriage: The minimum age for marriage for both sexes is 18. There were no reports of childhood marriage.

Sexual Exploitation of Children: The law prohibits child pornography. Anyone who has sexual relations with a girl under age 10 is subject to the death penalty. Anyone who has sexual intercourse with a girl ages 10-15 years old is liable to six years' imprisonment. If the victim is over 15 and under 20, the penalty is five years' imprisonment, unless the individuals are married and the woman is at least 18 years old. Sexual intercourse outside of marriage is illegal. Tunisia was not a destination for child sex tourism.

International Child Abductions: Tunisia is not party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

An estimated 1,500 Jews live in the country. Sporadic anti-Semitic acts continued, with reports of Jewish gravestones being desecrated in January and February. Authorities condemned these and other reports of anti-Semitic acts. On October 2, the president of the Tunisian Association to Support Minorities cited three recent examples of anti-Semitic acts on Djerba and complained that security forces were not doing enough to protect the island's Jewish community. Nevertheless, prominent members of the Jewish community in Djerba and Tunis downplayed the incidents, praised security forces for their efforts to protect Jewish religious sites, and insisted that the country's Jewish minority did not feel threatened.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services, and mandates that at least 1 percent of public and private sector jobs be reserved for persons with disabilities. NGOs reported this law was not widely enforced, and many employers were not even aware of it. There were no statistics on patterns of abuse in educational and mental health facilities, and individual cases of employment discrimination against persons with disabilities were rarely reported.

A 1991 law, which remained in effect after the revolution, requires all new public buildings to be accessible to persons with physical disabilities, and the government generally enforced the law. Persons with physical disabilities did not have access to most buildings built before 1991. The government enacted and effectively implemented laws and programs to provide access to post-1991 buildings, but not to information and communications. The government issues cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The government provided tax incentives to companies to encourage the hiring of persons with physical disabilities. The Ministry of Social Affairs is charged with protecting the rights of persons with disabilities. There were approximately 300 government-administered schools for children with disabilities, five schools for the blind, one higher education school, and one vocational training institution. The Ministry of Social Affairs managed centers in Tunis, Kairouan, Nabeul, and Sfax that provided short- and long-term accommodation and medical services to individuals with disabilities who lacked other means of support.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Although consensual same-sex sexual activity is not illegal per se, the law criminalizes sodomy. Convictions carry up to a three-year prison sentence, although there were no reported cases of enforcement during the year. The minister of Human Rights and Transitional Justice, Samir Dilou, has characterized same-sex acts as a “perversion that requires medical treatment” and incompatible with Islam and national culture.

Anecdotal evidence suggested lesbian, gay, bisexual, and transgender (LGBT) individuals faced discrimination, and there were allegations police officers sometimes harassed openly gay persons and accused them of spreading HIV/AIDS. Human rights activists also alleged security force members continued to assault

persons perceived to be LGBT individuals. Despite the hostile environment, there were numerous LGBT-oriented websites that were not censored. The Facebook page of the online magazine *Gayday* was updated regularly.

Other Societal Violence or Discrimination

Police sometimes refused to respond or delayed responding to reports of violent acts by extremist Salafists, including the disruption of cultural events, forced closure of businesses selling alcohol, and vandalizing institutions or symbols considered “offensive to Islam.” On April 10, radical Muslims burst into a school in the governorate of Nabeul and assaulted its director after he barred entry to a teenage girl wearing a *niqab*. On June 18, a court sentenced six Islamists to five years in prison for burning a Sufi Muslim shrine in Manouba, near Tunis. Such events were less frequent later in the year as security forces cracked down on violent Salafist activity.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers with the right to organize and to form and join unions. The law also provides workers the right to strike, provided workers give 10 days’ advance notice to their federations and receive MOI approval. The International Trade Union Confederation and the International Labor Organization characterized the requirement for strike notification as an impediment to freedom of association. The right to strike extended to civil servants, with the exception of workers in essential services “whose interruption would endanger the lives, safety, or health of all or a section of the population.” The government did not issue a decree stipulating which services were “essential.” While the provision could potentially be misused, the right to strike was largely respected in public enterprises and services. The law prohibits antiunion discrimination by employers and retribution against strikers, and it protects the right to bargain collectively. The government generally enforced applicable laws.

Conciliation panels, in which labor and management were represented equally, settled many labor disputes. Otherwise, representatives from the Ministry of Social Affairs, the Tunisian General Labor Union (UGTT), and the Tunisian Union for Industry, Commerce, and Handicrafts (UTICA) formed tripartite regional commissions to arbitrate disputes.

Unions rarely sought advance approval to strike. Wildcat strikes (those not authorized by union management) were common throughout the year. Some strikes and sit-ins were by sector-based unions, such as those representing university instructors or health professionals. Although not authorized, MOI tolerated many strikes if confined to a limited area. The state of emergency did not inhibit or prevent labor unions in the public and private sectors from conducting strikes.

The UGTT alleged antiunion practices among private sector employers, including firing union activists and using temporary workers to deter unionization. In certain industries, such as textiles, hotels, and construction, temporary workers continued to account for a significant majority of the workforce. The UTICA, along with the government, continued to maintain an exclusive relationship with the UGTT in reaching collective bargaining agreements. Government-organized collective social negotiations were held only with the UGTT. Representatives from the General Confederation of Tunisian Labor and the Union of Tunisian Labor complained throughout the year their labor organizations had been ignored and shut out of tripartite negotiations. They acknowledged their organizations had conducted strikes to gain recognition as a bargaining partner in tripartite negotiations. On August 26, a UGTT-dissident group challenging the latest elections to the Executive Board split off to establish the Tunisian Labor Organization.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, and provides for penalties of up to 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor.

The government effectively enforced most applicable codes dealing with forced labor. Some forced labor and forced child labor occurred in the form of domestic servitude, street vending, and seasonal agricultural work (see section 7.c).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law generally prohibits the employment of children younger than 16. Persons under 18 are prohibited from working in jobs that present serious threats to their

health, security, or morality. The minimum age for light work in the nonindustrial and agricultural sectors during non-school hours was 13. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. In nonagricultural sectors children between ages 14 and 16 may work no more than two hours per day. The total time that children spend at school and work may not exceed seven hours per day. The penal code provides for penalties of up to 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor and up to two years' imprisonment for forced child begging.

Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum age law by examining the records of employees. On occasion labor inspectors coordinated spot checks with the UGTT and the Ministry of Education. According to a recent study, just 2.6 percent of children under 15 worked, but this figure does not include children who work in the informal sector, whether as street vendors, handicraft workers, or seasonal agricultural labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The labor code provides for a range of administratively determined minimum wages. In 2012 the monthly minimum wage for nonagricultural workers was increased to 320 dinars per month (\$206), while the daily minimum wage for agricultural sector workers was increased to 11.608 dinars (\$7.50). There was no countrywide increase during the year, although some workers in specific sectors, such as transportation and tourism, did receive minimum wage increases.

A poverty rate of 15.5 percent was reported in March, but the director of the National Institute of Statistics predicted the figure would rise above 19 percent if the state ceased subsidizing some basic goods. He also predicted the rate of extreme poverty would jump from 4.6 percent to 6.3 percent. The law sets a maximum standard 48-hour workweek for most sectors and requires one 24-hour rest period per week. For other sectors the workweek is 40 hours with 125 percent premium pay for overtime. The law prohibits excessive compulsory overtime. Depending on years of service, employees are statutorily awarded 18 to 23 days of paid vacation. Although there is no standard practice for reporting labor code violations, workers have the right to report violations to regional labor inspectors.

Special government regulations control employment in hazardous occupations such as mining, petroleum engineering, and construction. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they could take legal action against employers who retaliated against them for exercising this right. The Ministry of Social Affairs is responsible for enforcing health and safety standards in the workplace. Under the law all workers, including those in the informal sector, are afforded the same occupational safety and health protections. Enforcement of these measures was inadequate. In addition to enforcing occupational safety and health regulations, regional labor inspectors enforced standards related to hourly wage regulations. The country had 380 inspectors who inspected most firms approximately once every two years. The government did not adequately enforce the minimum wage law, particularly in nonunionized sectors of the economy. The prohibition against excessive compulsory overtime was not always enforced.

Working conditions and standards generally were better in export-oriented firms, which were mostly foreign-owned, than in those firms producing exclusively for the domestic market. More than 500,000 persons, the majority of whom were women, worked in the informal sector, which labor laws did not cover and in which labor violations were reportedly more prevalent. Temporary contract laborers complained throughout the year they were not accorded the same protections as permanent employees. There were no major industrial accidents during the year. Credible data on workplace accidents, injuries, and fatalities was not available.