

# TUNISIA 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

According to the 2014 constitution, Tunisia is a constitutional republic with a multiparty, unicameral parliamentary system and a president with powers specified in the constitution. In 2019 the country held free and fair parliamentary elections that gave the Nahda Party a plurality of the votes and the opportunity to form a new government in the first transition of power since its first democratic elections in 2014. President Kais Saied, an independent candidate, came to office in 2019 after winning the country's second democratic presidential elections.

The Ministry of Interior holds legal authority and responsibility for law enforcement. The ministry oversees the National Police, which has primary responsibility for law enforcement in the major cities, and the National Guard (gendarmerie), which oversees border security and patrols smaller towns and rural areas. Civilian authorities maintained effective control over the security forces. Military courts, with judges nominated by the president and approved by the Military Judicial Council, have authority to try cases involving military personnel and civilians accused of national security crimes or crimes involving members of the security or armed forces. Security forces committed periodic abuses.

On July 25, citing widespread protests and political paralysis, President Saied took “exceptional measures” under Article 80 of the constitution to dismiss Prime Minister Hichem Mechichi, freeze parliament's activities for 30 days, and lift the immunity of members of parliament. On August 23, Saied announced an indefinite extension of the “exceptional measures” period and on September 22, he issued a decree granting the president certain executive, legislative, and judiciary powers and authority to rule by decree, but allowed continued implementation of the preamble and chapters one and two, which guarantee rights and freedoms. Civil society organizations and multiple political parties raised concern that through these decrees President Saied granted himself unprecedented decision-making powers, without checks and balances and for an unlimited period. On September 29, Saied named Najla Bouden Romdhane as prime minister, and on October 11, she formed a government. On December 13, Saied announced a

timeline for constitutional reforms including public consultations and the establishment of a committee to revise the constitution and electoral laws, leading to a national referendum in July 2022. Parliamentary elections would follow in December 2022.

Significant human rights issues included credible reports of: torture by government agents; arbitrary arrests or detentions; the use of military courts to investigate civilian cases; serious restrictions on freedom of expression and media, including the closure of media outlets, as well as prosecution of social media users based on criminal libel laws; serious government corruption; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons; criminalization of consensual same-sex sexual conduct between adults; and the worst forms of child labor.

The government took steps to investigate officials who allegedly committed abuses, but investigations into police, security force, and detention center abuses lacked transparency and frequently encountered long delays and procedural obstacles. High-profile investigations into several members of parliament and businesspeople on corruption charges also lacked transparency.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

Two individuals reportedly died in security force custody during the year. On March 23, parliament formed a committee to investigate the death of Abdesaalam Zayen, who died on March 2 while in detention in Sfax. Zayen was reportedly arrested along with his brother for violating the COVID-19 curfew and was accused of insulting a police officer. Zayen was reportedly diabetic and required insulin, but authorities allegedly refused him access to medication even after his health began deteriorating. A forensic report from September 25 stated Zayen was deprived of insulin. On July 12, parliament's investigative committee held a press conference to announce the investigation remained ongoing, but there were no updates by year's end.

The independent Tunisian Organization Against Torture (OCTT) reported that Moez Amri died on July 2 in a hospital in Tunis under suspicious circumstances. Amri was arrested on June 29 and detained in Mornaguia Prison following a physical altercation with a National Police officer in downtown Tunis. On July 1, the General Committee for Prisons and Rehabilitation (CGPR) contacted Amri's wife to request her authorization to provide medical treatment. The following day prison personnel informed her that Amri had been transferred to the hospital in critical condition. Later that day prison officials notified the family of Amri's death. The family reported that Amri had been in good health prior to his arrest. The OCTT received photographs and video of the corpse showing traces of bruises, including on the wrists and elsewhere. The OCTT informed the National Antitorture Authority (INPT) regarding the case and called for a forensic report to determine the cause of death. The government made no public statements concerning this case.

In March the Indictment Chamber referred the case of Omar Laabidi, who drowned in 2018 allegedly due to police negligence, to the Ben Arous First Instance Court. A group of police officials faced manslaughter and negligence charges but remained free pending trial. On December 5, the court announced it would schedule the hearing for March 2022.

As of September an investigation continued into the 2019 death in National Police custody of Ayoub Ben Fradj, allegedly due to excessive use of pepper spray, after he was detained for involvement in a fight. One member of the security forces remained in pretrial detention facing charges; two other suspects remained free.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

Although the law prohibits such practices, the National Police reportedly subjected detainees to harsh physical treatment, according to firsthand accounts provided to national and international organizations. Several prominent local human rights

activists decried the practice of torture in police stations and detention centers.

The press reported that on January 27, an individual named Gam was arrested on allegations of looting and held at the detention center in Monastir. Police allegedly tied his feet to the legs of a table and beat his groin with sticks for several hours. One officer reportedly burned Gam's testicles with a lighter. According to the press report, police tortured Gam for more than seven hours and denied him medical treatment for two days before transferring him to a hospital in Sousse, where one of his testicles was removed due to severe injury. According to the World Organization Against Torture (OMCT), the First Instance Court's public prosecutor in Monastir opened an investigation into the allegations on February 2 based on the crime of torture resulting in organ amputation. According to press reports, the court summoned three suspects for questioning on February 15. There were no updates by year's end.

On May 4, a video appeared on social media allegedly showing security agents assaulting a young man in Tunis with a baton, following a soccer match. There were no public updates on this case.

A video appearing to show police stripping naked a young man in Sidi Hassine and beating him during a June 8 protest drew significant attention and condemnation online. On June 10, the Ministry of Interior issued a statement alleging the individual was intoxicated and voluntarily removed his clothes to provoke police. The following day, however, the ministry condemned the police's actions, suspended those responsible for the apparent abuses, and announced an investigation. On June 29, the Tunis First Instance Court issued an arrest warrant against one police officer. On December 14, the First Instance Court of Tunis dismissed the case against police officers suspected of involvement in the assault.

On October 19, arrest warrants against two police officers were issued for attempted premeditated murder. The two officers violently assaulted a young man inside a police car as they were taking him to the police station after arresting him for filming a car accident he witnessed in which the officers were involved; the young man's injuries required his hospitalization. Forensic investigations led to the arrest of the two officers and ongoing investigations into two additional policemen.

The INPT, an independent body, was established in 2013 to respond to allegations of torture and mistreatment. The INPT issued a report in 2020 covering 2016-20 but had not issued a 2021 report as of year's end.

The Ministry of Interior has three inspector general offices (one for the National Police, one for the National Guard, and a central inspectorate general reporting directly to the minister) that conduct administrative investigations into the different ministry structures; these offices play a role in both onsite inspections and investigations in response to complaints received from the public. The inspector general offices can hold agents accountable and issue administrative reprimands even before the courts announce a final verdict.

Human rights nongovernmental organizations (NGOs) criticized the government for what they saw as reluctance to investigate torture allegations and the appearance of impunity for abusers. On June 23, INPT president Fathi Jarray contended that the judiciary had never announced a final verdict in cases of torture or mistreatment and that such cases were generally treated instead as “excessive use of force.”

The United Nations announced in late 2020 that an investigation into an August 2020 report of sexual exploitation and abuse by Tunisian peacekeepers deployed to the UN peacekeeping mission in Mali, allegedly involving transactional sex with an adult, found the allegation to be unsubstantiated.

### **Prison and Detention Center Conditions**

Prison and detention center conditions were below international standards, principally due to overcrowding and poor infrastructure.

**Physical Conditions:** Prisons were grossly overcrowded. The law requires pretrial detainees to be held separately from convicted prisoners, but the Ministry of Justice reported that overcrowding forced it to hold pretrial detainees together with convicts.

Of the country's 27 prisons, one – the women's prison in Mandouba – is designated solely for women, and seven contain separate wings for women (Sfax, Jendouba, Sousse, Kasserine, Harboub, Gafsa, and El Kef). Only Gafsa, Sfax, and

Sousse prisons have a dedicated section for female inmates with children younger than two.

The Ministry of Justice operated five juvenile centers in El Mghira, Mdjez El Bab, Sidi El Henj, Souk Jedid, and El Mourouj. Juvenile prisoners were strictly separated from adults; most minors (those younger than age 18) were detained in separate correctional facilities or in rehabilitation programs.

Most prisons were originally constructed for industrial use and then converted into detention facilities; as a result, they suffered from poor infrastructure, including substandard lighting, ventilation, and heating. Health services available to inmates were inadequate. Very few prisons had an ambulance or medically equipped vehicle.

**Administration:** According to prison officials, lengthy criminal prosecution procedures led to extended periods of pretrial detention, understaffing at prisons and detention centers, and difficult work conditions for prison staff, who struggled with low pay and long commutes to remote prison locations.

Family visits were limited to one per week, through a window or a fence. Inmates with children were entitled to a family visit in a private room every three months. Prisons provided certain prisoners with access to educational and vocational training programs as allowed by capacity, eligible jobs, and appropriate levels of prisoner classification.

As part of the Ministry of Justice's rehabilitation program for countering violent extremism, the CGPR has a memorandum of understanding with the Ministry of Religious Affairs to permit vetted and trained imams to lead religious sessions with prisoners identified as extremists. The ministry prohibited organized, communal prayers, but prisons permitted individual detainees to have religious materials and to pray in their cells.

The Ministry of Justice's internal investigations into prisoner abuse sometimes lacked transparency and often lasted several months, in some cases more than a year. The ministry frequently did not make public its internal investigations.

INPT members have the authority to visit any prison or detention center without

prior notice and to document torture and mistreatment, request criminal and administrative investigations, and issue recommendations for measures to eradicate torture and mistreatment. The INPT reported continued cooperation by government authorities and access to prisons and detention centers during the year.

The INPT conducted a number of visits to civilians arrested and detained under the military and civilian courts' purview.

**Independent Monitoring:** The government granted access to prisons for independent nongovernmental observers, including local and international human rights groups, NGOs, local media, the International Committee of the Red Cross, the Office of the UN High Commissioner for Human Rights, and the OCTT. The nongovernmental Tunisian League for Human Rights (LTDH) could conduct unannounced prison visits and issue reports on conditions inside prisons. Other organizations were issued permits on a case-by-case basis.

**Improvements:** In June the INPT announced the release of a prison guidebook for both detainees and prison staff on their legal rights and obligations, covering all aspects of daily life in prison. The guidebook, developed in collaboration with the Ministry of Justice and the CGPR, was made available in all prisons.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, although security forces did not always observe these provisions. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Human rights organizations expressed concern that the government used its powers under the 1973 decree law on the state of emergency to place citizens under house arrest with limited evidence or foundation for suspicion, and often without offering these individuals access to the court orders that led to their arrest. (The country has been under a state of emergency since 2015.)

On March 20, political activist and former member of parliament Ayman Aloui was arrested, along with other members of the al-Watad Party, and accused of insulting a public servant (on-duty security officers). The detainees refused to give statements without the presence of their lawyers. The OCTT reported that their lawyers were prevented from entering the Bardo police station or attending their

clients' interrogation. The case was referred to the public prosecutor, who dropped the charges and released the detainees.

On December 31, the Ministry of Interior detained Nahda party vice president Noureddine Bhiri and former Ministry of Interior official Fathi Baldi without announcing formal charges against them.

### **Arrest Procedures and Treatment of Detainees**

The law requires police to have a warrant to arrest an alleged suspect unless a crime is in progress or the arrest is for a felony offense. Arresting officers must inform detainees of their rights, immediately notify detainees' families of the arrest, and make a complete record of the times and dates of such notifications. The maximum time of detention without charges for felonies is 48 hours, renewable once by a prosecutor's order, for a maximum of four days. For misdemeanor offenses the time limit is 24 hours, renewable once by the prosecutor's order. All extensions must be justified in writing.

Detainees have the right to representation by counsel and to request medical assistance immediately upon detention. The Judicial Police must inform the lawyer of all interrogations and interactions between the accused and witnesses or victims of the alleged offense and allow the lawyer to be present unless the accused explicitly waives the right to a lawyer or the lawyer does not arrive at the prearranged time of questioning. The only exception is for terrorism suspects, who may be held without access to counsel for 48 hours. The counterterrorism law provides a suspect may be held without charges for 15 days, with a judicial review after each five-day period.

Media and civil society reported that police failed at times to follow these regulations and, on occasion, detained persons arbitrarily.

By law the prosecutor represents the government in criminal proceedings, including those involving underage offenders. A lawyer may be assigned in a criminal case even if the accused did not ask for one during the investigation. For those who cannot afford a lawyer, judicial aid is provided at government expense if certain conditions are met. In civil cases both parties may request judicial aid. In criminal cases, however, legal aid is provided to citizens only if the minimum



possible sentence is at least three years and the person on trial is not a recidivist; noncitizens have access to legal aid under conditions outlined by law. Judicial aid is also extended to administrative matters once the police investigation has been completed and the case goes to court. The military code of justice gives detainees in military court the same right to legal counsel as described in the penal code. It was unclear whether the government consistently provided this service.

The law permits authorities to release accused persons on monetary or nonmonetary bail, and the bail system functioned. At arraignment the examining magistrate may decide to release the accused or remand the detainee to pretrial detention.

**Arbitrary Arrest:** On July 24, President Saied extended the state of emergency (SOE) until January 19, 2022. The SOE allows the president to prohibit strikes or demonstrations deemed to threaten public order, place under house arrest anyone whose “activities are deemed to endanger security,” and suspend associations on suspicion of participation in harmful acts. The presidency has renewed the SOE for periods of one to six months continuously since 2015.

The CGPR reported in late February that 617 of 968 individuals arrested during protests between January 14 and February 17 had been released, 304 remained in pretrial detention, and 47 were tried and convicted of crimes ranging from damaging public property and disturbing the peace to violating COVID-19 protection measures. The CGPR’s numbers included 141 minors, of whom three were convicted, 29 were held in pretrial detention, and 109 were released by February. Civil society organizations alleged nearly 1,700 total arrests in January and February, including 500 minors, but did not released figures on the number of persons remaining in detention. Civil society organizations also alleged some of the arrests were violent and that security officials interrogated detainees without a lawyer present.

Domestic and international organizations alleged that since July 25, at least 50 individuals have been placed under arbitrary house arrests, travel bans, or both, including former officials, a judge, and three lawmakers. On October 10, local media reported that all house arrests and travel bans, except for those with pending legal charges, had been lifted.

**Pretrial Detention:** The length of pretrial detention remained unpredictable and could last from one month to several years, principally due to judicial inefficiency and lack of capacity.

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. Detainees may be held longer than this 14-month period if a hearing date is scheduled beyond it. In cases involving crimes for which the sentence may not exceed five years, the court may extend the initial six-month pretrial detention only by three months. During this stage the court investigates, hears arguments, and accepts evidence and motions from both parties.

The first official remote hearing for pretrial detainees, under a 2020 Ministry of Justice pilot program that installed remote connections between 49 courts and 27 prisons, took place on March 5 in the First Instance Court of Sousse.

## **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

### **Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right, although defendants complained authorities did not consistently follow the law on trial procedures. In civilian courts defendants have the right to a presumption of innocence. They also have the right to consult with an attorney or to have one provided at public expense, to confront witnesses against them, to present witnesses and evidence, and to appeal verdicts against them. The law stipulates defendants must be informed promptly and in detail of the charges against them, 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.

The counterterrorism law states that in cases involving terrorism, judges may close hearings to the public. Judges may also keep information on witnesses, victims,

and any other relevant persons confidential, including from the accused and his or her legal counsel. Human rights organizations objected to the law for its vague definition of terrorism and the broad leeway it gives judges to admit testimony by anonymous witnesses.

Military courts fall under the Ministry of Defense, with military and civilian judges nominated by the president and approved by the Military Judicial Council, which is chaired by the minister of defense. The Military Judicial Council controls the assignments, pay and promotion of military judges; the Ministry of Justice controls the assignment and promotion of civilian judges assigned to military courts.

Military courts have authority to try cases involving military personnel and those of civilians accused of national security crimes, crimes involving members of the security or armed forces, and offenses such as insulting the president (as commander in chief of the armed forces) or other members of the military.

Appeals of decisions made by the military courts involving civilians are heard by the Court of Cassation – the country’s highest court of appeal, and part of the civilian judiciary system. Human rights advocates argued that national security crimes for which civilians may be tried in military courts were too broadly defined but acknowledged that, following the 2011 reform of military courts, defendants in military courts have the same rights as those in civilian courts, including the right to choose legal representation, access case files and evidence, conduct cross-examinations, call witnesses, and appeal court judgments.

There are three permanent military courts of first instance (in Tunis, Sfax, and El Kef), a military court of appeals, and a military chamber at the Court of Cassation.

Following President Saied’s July 25 decision to declare exceptional measures and lift parliamentary immunity, the government arrested 13 members of parliament on charges of alleged corruption, sexual harassment, and assault of security officials. Of these, civil society organizations reported that two other cases involving members of parliament included charges related to freedom of expression. Six members of parliament remained in detention, four were released pending trial, two were released after charges were dropped, and one received a suspended prison sentence. Of these 13 cases, eight were adjudicated within the military court system. In addition to the foregoing 13 cases, two members of parliament remained subject to pending arrest warrants since August, a third was sentenced to

prison in absentia, and a fourth remained under active investigation.

### **Political Prisoners and Detainees**

Civil society groups criticized the government for investigating, detaining, and prosecuting individuals, including members of parliament and a journalist, who publicly criticized President Saied after July 25.

On November 5, a military court opened an investigation into Nahda Party member of parliament and lawyer Bechir Chebbi under the Code of Military Justice for “harming the dignity of the army.” According to news sources, investigations into Chebbi’s prosecution reportedly stemmed from declarations he made during a political rally opposing President Saied’s July 25 “exceptional measures.” No other updates on the investigation have been announced.

### **Civil Judicial Procedures and Remedies**

Citizens and organizations may seek civil remedies for human rights abuses through domestic courts. Civilian courts heard cases involving alleged abuse by security forces during the year. Some cases did not move forward because security force officials, and occasionally civilian judges, reportedly failed to cooperate in the investigations. According to Human Rights Watch (HRW), the lack of legal provisions holding senior officers liable for crimes committed by subordinates with explicit or tacit approval contributed to military courts’ light sentences for security force members.

Civil society activists continued to cite the failure to establish the Constitutional Court, which left the country without an independent arbiter of the constitutionality of laws and draft laws, as hindering efforts to conform existing legislation with the 2014 constitution and with international human rights norms, particularly regarding individual freedoms and fundamental rights (see section 3).

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions. The country’s counterterrorism

law establishes the legal framework for law enforcement to use internationally recognized special investigative techniques, including surveillance and undercover investigations. The law allows interception of communications, including recording of telephone conversations, with advance judicial approval for a period not to exceed four months. Government agents are subject to a one-year prison sentence if they conduct surveillance without judicial authorization.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for the press and other media, and the government mainly respected this right, although there were constraints, especially after President Saied's July 25 imposition of exceptional measures. An independent press and robust civil society contributed to an environment generally conducive to this freedom.

**Freedom of Expression:** Public speech considered offensive to “public morals” or “public decency,” terms undefined in the law, continued to be treated as criminal acts. Provisions of the penal and telecommunications codes, for example, 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.”

Human rights groups expressed concern regarding arrests and prosecution for social media posts. On January 17, police arrested Ahmed Ghram, a human rights defender and LTDH member, for allegedly defaming and insulting a public servant on Facebook. He criticized an unspecified individual for calling poor persons criminals when they are hungry but calling those who steal people's money successful businessmen. On January 28, the Ben Arous Misdemeanor Court acquitted and released Ghram.

On June 9, the Military Court of El Kef sentenced blogger Slim Jebali to three months in prison under Article 91 of the Military Justice Code for violating the dignity of the military and under Article 86 of the telecommunications code for using public communication networks to “insult” others. On July 2, the Military

Appeals Court of El Kef reduced Jebali's sentence to one month and subsequently released him. Separately on October 13, the military court sentenced Jebali to one year in prison based on social media postings critical of President Saied. On November 13, an appeals court reduced Jebali's sentence to six months.

Blogger Amina Mansour appeared before a military court for interrogation on June 28 following a lawsuit filed by the military prosecutor concerning a Facebook post insulting the commander in chief of the armed forces, President Saied. Mansour remained free pending updates on the charges.

Independent member of parliament Yassine Ayari was arrested on July 30 to serve a two-month sentence based on a 2018 military court conviction for "defaming the military" that resulted from Facebook posts criticizing the military. The INPT visited Ayari while in detention. On September 22, Ayari was released from prison after completing this sentence. Additionally, Ayari faced separate charges under Article 91 of the Military Justice Code related to Facebook posts criticizing President Saied after July 25. His next hearing before the military court was scheduled for February 14, 2022.

On December 24, the First Instance Court of Tunis sentenced former member of parliament and human rights activist Bochra Belhaj Hmida in absentia to six months in prison for disseminating false information in a 2012 case. At that time Hmida had accused former minister of sports and youth Tarek Dhiab of corruption, prompting him to file a complaint. At year's end there was no movement on this case.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Activists expressed concern regarding government interference in media and the concentration of media ownership in the hands of a few political parties or families. NGOs stated the penal code and military justice codes were used to target journalists, lawyers, and civil society activists. The codes criminalize defamation, false allegations against members of an administrative or judicial authority, and attacks against the "dignity, reputation, or morale of the army."

The prime minister's office announced on April 19 the resignations of the recently

appointed CEO of government-run news agency Tunis Afrique Presse (TAP), Kamel Ben Younes, and the director general of Shems FM radio, Hanen Ftouhi. The appointments of Ben Younes and Ftouhi had resulted in protests by journalists who claimed the choices were politically motivated and inappropriate. The National Syndicate of Journalists (SNJT) and the Tunisian General Labor Union (UGTT) called on former prime minister and acting Interior Minister Hichem Mechichi to apologize after security forces allegedly assaulted journalists in TAP headquarters on April 13, according to some accounts by SNJT and TAP representatives, while escorting Ben Younes. Other TAP employees publicly refuted these claims.

On July 26, the SNJT published a statement calling on President Saied to protect press freedom following reports that security agents had entered al-Jazeera headquarters in Tunis earlier that day and demanded that the office's seven-person staff leave the premises. As of December al-Jazeera's offices remained closed and their journalism licenses have not been renewed, but its journalists continued to work from the SNJT's headquarters.

In October the private Hannibal TV channel announced it was temporarily and voluntarily suspending broadcasting following a determination by the Independent High Authority for Audiovisual Communication (HAICA) that it was one of four media outlets that had been operating illegally without a license: Hannibal TV since 2013; Nessma TV and Zitouna TV since 2014; and Radio Quran since 2015. On October 6, HAICA and the Ministry of Interior closed Zitouna TV, and on October 27, they closed Nessma TV and Radio Quran, confiscating broadcasting equipment. On November 12, HAICA reached an agreement with Hannibal TV allowing it to resume broadcasts temporarily. As part of the agreement, the station must provide requested documents – including administrative records and financial statements – to HAICA by June 2022. On November 18, a court overturned HAICA's decision to confiscate Zitouna TV and Radio Quran broadcasting equipment but upheld HAICA's decision to confiscate Nessma TV's equipment. HAICA announced plans to appeal the court's decision to ensure all media outlets were treated equally under the authority's regulatory mandate.

**Violence and Harassment:** Violence and harassment against journalists continued, according to human rights organizations.

From January through June, the SNJT reported 118 instances of physical assault and verbal harassment against journalists and photojournalists by security and police officers, civilians, political party supporters, and members of parliament. Among these cases were three involving sexual harassment against female journalists. The SNJT announced on March 12 the suspension of its work with the Ministry of Interior after security forces allegedly assaulted several journalists and impeded their access to a confrontation between political parties. The SNJT called on the Ministry of Justice and the speaker of parliament to investigate all the alleged assaults.

According to Minority Rights Group International, police insulted and violently assaulted journalist Arroï Baraket while arresting her on September 17 for violating a COVID-19 curfew. The officer who assaulted her reportedly said she could do nothing against him because as a trade unionist he was “protected.” Baraket tried to file a complaint but was instead taken into custody and charged with contempt for a public official. She was due to appear in court in early December, but the date was postponed to January. There were no charges against the officer.

**Censorship or Content Restrictions:** Unlike in previous years, the government did not seek criminal penalties against members of media who published items counter to government guidelines or who published items deemed to defame government officials.

**Libel/Slander Laws:** Various civil society organizations expressed concern regarding the use of criminal libel laws to stifle freedom of expression. The 2017 adoption of decree laws, which maintained the separation between protection of freedom of expression and regulation of the communications and media sector, rolled back the prerevolution regime of censorship and secrecy. Many media actors and activists asserted these decree laws did not go far enough to protect freedom of expression and of the press and did not comply with the country’s international obligations.

On October 3, police arrested Ameer Ayed, the host of a show on Zaytouna TV, and a member of parliament, Aloui Abdellatif, on allegations that they had harmed state security by insulting and criticizing President Saïed during an episode of



Ayed's *Hassad 24* program. Aloui was released pending further investigation. On November 25, Ayed was released pending trial in military court, scheduled for January 20, 2022.

**National Security:** On November 4, the judiciary issued an arrest warrant for former president Mohamed Moncef Marzouki regarding accusations that he undermined the country's security. Marzouki had publicly called President Saied's July 25 measures a "coup." In early October he called on Tunisians to protest Saied and Tunisia's "dictatorial" regime. Marzouki also publicly claimed he encouraged organizers of the Summit of Francophonie, scheduled for November, not to proceed with hosting the event in Tunisia. On December 22, the First Instance Court of Tunis sentenced Marzouki in absentia to four years in prison for "undermining the external security of the State."

### **Internet Freedom**

The government did not restrict or disrupt access to the internet, and there were no credible reports the government monitored private online communications without legal authority. There was no censorship of websites, including those with pornographic content, except for websites linked to terrorist organizations.

On September 13, the Court of First Instance in Sousse stated that the prosecution had ordered an investigation of individuals implicated in the case of the digital content production company Istalingo. Six employees were detained, one was detained and then released, and three escaped arrest. The charges included attempting to change the form of government, incitement to disorder, calls for murder and looting, and attempting to harm the president. On October 5, the court sentenced four of the individuals on charges of spying and harming state security through social media pages. The defense team filed an appeal.

### **Academic Freedom and Cultural Events**

There were no reports of government restrictions on academic freedom or cultural events. Due to the COVID-19 crisis, the government ordered the suspension of all cultural festivities, including the International Carthage Festival 2021.

## **b. Freedoms of Peaceful Assembly and Association**

The government at times restricted freedom of peaceful assembly based on public health, public order, or bureaucratic delay in issuing permits.

### **Freedom of Peaceful Assembly**

According to the Tunisian Forum for Social and Economic Rights (FTDES), more than 7,000 protests took place from January to July, largely in response to worsening social and economic conditions including electricity and drinking water outages, high inflation, poor government performance, and the deterioration of health-care services during COVID-19. On July 25, President Saied invoked Article 80 of the constitution and issued a decree prohibiting public gatherings of more than three persons. Despite the decree, the government permitted peaceful protests.

During a September 1 demonstration in Tunis calling for an investigation into the 2013 killings of politicians Mohamed Brahmi and Chokri Belaid, there were reported confrontations between security forces and protesters. Reporters Without Borders (RSF) condemned the police's use of violence, seen in videos posted online. On September 3, the Ministry of Interior removed the Tunis regional director of the National Police, Lotfi Belaid, from his position. Minister of Interior Taoufik Charfeddine, appointed in October, stated the ministry would make the protection of civil liberties, particularly the right to protest, a priority and directed law enforcement to use restraint when responding to protests.

In March the government published the implementation plan of the El Kamour agreement signed in November 2020 with protesters who had blocked oil and gas production in the south of the country for several weeks. The government pledged to hire 1,000 unemployed youth through the Tataouine Environment and Gardening Company, provide a 78.3 million-dinar (\$29 million) development fund for Tataouine Governorate for projects benefitting unemployed youth or related needs, grant 1,000 loans to young entrepreneurs, and hire 300 youth in oil companies in the region. Implementation of the agreement was disjointed, however, and on November 8, unemployed youth in Tataouine protested against its slow pace.

## **Freedom of Association**

The law provides for the right of freedom of association, but the government did not always respect it. Several NGOs asserted the government delayed registration of associations through unnecessary bureaucratic hurdles, at times for political reasons, a practice counter to the law.

Free Constitutional Party (PDL) members allegedly attempted to break into the religiously conservative International Union for Muslim Scholars (IUMS) headquarters in Tunis on March 9 and 10, resulting in counterprotests by IUMS, the Karama Coalition, and Nahda Party supporters that ended after Ministry of Interior security forces dispersed the crowds. Referring to IUMS as a Muslim Brotherhood-sponsored terrorist organization, PDL president Abir Moussi called on the governor of Tunis, Chedly Boualleague, to shut down the organization for illegal activity. Karama Coalition leader Seifeddine Makhlouf condemned the PDL's position and organized a counterprotest outside IUMS headquarters. Tunis governor Boualleague authorized security forces on March 10 to disassemble sit-in tents erected by PDL, IUMS, and Karama Coalition supporters. The government has maintained the IUMS' right to assembly and has not shuttered the association.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. After July 25, President Saied reportedly authorized the use of travel bans for individuals with pending legal cases against them. The government temporarily closed its border with Libya during the year due to COVID-19 concerns.

**In-country Movement:** Civil society groups reported that the Ministry of Interior continued to restrict some individuals' internal travel, using the Ministry of Interior's informal travel ban list known as the "S17" watch list, although the list was established to inform border agents of individuals' potential travel outside the

country and require extra screening at border checkpoints. While there were no official statistics on the number of persons covered, a local NGO estimated the list could contain more than 100,000 names. The government has not acted on 2018 and 2020 rulings by the Administrative Court of Tunis that the list has no legal basis and that the government should issue a law authorizing it to restrict an individual's travel rather than relying on an internal ministry directive.

**Foreign Travel:** The law requires that authorities promptly inform those affected by travel restrictions or who have had their passports seized of the reasons for these decisions. In addition, the law provides that the affected individuals have the right to challenge the decision and sets a maximum of 14 months during which their travel can be restricted before requiring another court order. Human rights groups noted authorities did not consistently apply the law and that security forces did not always respect court decisions to reverse travel restrictions.

After a woman was denied permission to board a flight to Turkey in March, allegedly because her name was on the "S17" watch list, civil society groups expressed concern with the list and the lack of transparency around its implementation.

Civil society organizations and the business community alleged that several members of parliament, former ministers, and businesspersons were arbitrarily prohibited from traveling following President Saied's invocation of "exceptional measures" on July 25. Amnesty International reported on August 26 that at least 50 individuals were barred from traveling abroad over the prior month without justification or timeline for the ban. The president publicly instructed the acting minister of interior on September 17 not to prevent any individual from traveling unless the person was the subject of an arrest warrant, search warrant, or a guilty verdict and sentence of imprisonment.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for

Refugees (UNHCR) and other organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. UNHCR reported that as of August, it registered 8,590 persons of concern (2,804 refugees and 5,786 asylum seekers), a 120 percent increase since 2018. UNHCR assisted registered refugees and asylum seekers with primary medical care and, in some cases, basic education. The government granted access to schooling and basic public-health facilities for registered refugees and asylum seekers.

**Access to Asylum:** The law does not provide for the granting of asylum or refugee status. The Ministry of Foreign Affairs and other ministries coordinated regularly with UNHCR despite the absence of this legal framework. UNHCR receives asylum claims, registers asylum seekers, conducts refugee status determination, and provides documentation. As of September approximately 3,000 individuals were waiting to apply for asylum in Tunisia.

The press reported that Slimane Bouhafs, an Algerian refugee living in Tunisia since 2018, was forcibly returned to Algeria on August 25 to face terrorism charges. Bouhafs previously served two years in prison in Algeria on charges including “offending Islam.” UNHCR granted Bouhafs refugee status in 2019. On August 30, several civil society organizations issued a joint statement condemning Bouhafs’ alleged extradition. On September 3, President Saied reportedly told local human rights organization LTDH that the government would investigate the incident, but as of December there were no updates to the investigation.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. On July 25, citing widespread protests and political paralysis, President Saied invoked Article 80 of the constitution and took “exceptional measures” to dismiss Prime Minister Hichem Mechichi, freeze parliament’s activities for 30 days, and lift immunity for members of parliament. On August 23, President Saied announced an indefinite extension of the “exceptional measures” period, and on September 22, issued a decree granting himself certain executive, legislative, and judicial powers, and the authority to rule by decree, subject to rights guaranteed in

the constitution. Civil society organizations criticized the president for granting himself unprecedented decision-making powers, without institutional checks and balances and for an unlimited period. On September 29, President Saied named Najla Bouden Romdhane as prime minister, and on October 11 she formed a government composed of 24 ministers and one secretary of state. On December 13, President Saied announced a timeline including public consultations and the establishment of a committee to revise the constitution and electoral laws, leading to a national referendum in July 2022. Parliamentary elections would follow in December 2022. According to local polling, the measures were broadly popular, although some civil society groups and political parties expressed concern regarding the lack of transparency and inclusivity of Saied's actions.

## **Elections and Political Participation**

**Recent Elections:** Citizens exercised their ability to vote in legislative and presidential elections in 2019 that observers characterized as generally open, competitive, and well run. Officials reported that approximately 3.9 million persons voted in the second round of presidential elections in 2019, placing the turnout at 55 percent. Official election observers generally agreed these elections were free and fair with no widespread fraud, violence, or attempts to undermine the credibility of the results. Observers assessed overall that the process for both elections was satisfactory, transparent, and valid, despite detailing faults with certain technical aspects of the electoral process and some electoral law violations. International observers expressed concern that the arrest and detention of one of the presidential candidates, Nabil Karoui, had denied him an equal opportunity to campaign for both the presidential and parliamentary elections, a right guaranteed by the electoral law. Authorities arrested Karoui after a court ordered his detention in a 2016 case involving money laundering and tax evasion charges. Without a conviction and court order to restrict his candidacy, Karoui remained on the ballot for the 2019 presidential elections. Ranking second in the elections with 15.6 percent of the votes, Karoui proceeded to the runoff election.

Karoui and his political party, Qalb Tounes (Heart of Tunisia), argued his continued detention was politically motivated to limit his party's success and to exclude his participation in the presidential elections.

In December 2020 the Judiciary's Economic and Financial Division issued a summons and arrest warrant against Karoui for allegations of money laundering and tax evasion. Karoui remained in pretrial detention until the Court of Cassation ordered his release on June 15 pending further investigation. As of year's end, no trial date had been announced. On August 29, Karoui was arrested in Algeria for entering the country illegally. On October 26, he was reportedly released from prison, but his whereabouts were unknown.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority communities in the political process, and they did participate, including two women who ran for president during the first round of presidential elections in 2019. Women's representation decreased from 35 percent to 23 percent in the parliament elected in 2019. On October 11, Najla Bouden Romdhane became the country's first female prime minister, leading a 25-person cabinet that included nine other women.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. There were numerous reports of government corruption during the year.

**Corruption:** Polls indicated that most citizens viewed widespread corruption as a key hindrance to effective government. President Saied publicly announced he would prioritize anticorruption efforts. During the year some members of parliament were charged and detained based on corruption allegations. Tahya Tounes member of parliament Lotfi Ali remained in detention, with no trial date announced, following his August 21 arrest based on charges from 2014 of corruption, fraud, and money laundering.

On August 20, President Saied ordered the closure of the National Authority for the Combat against Corruption (INLUCC), an independent body charged with investigating and preventing corruption and drafting policies to combat corruption. The governor of Tunis confirmed to media that the INLUCC was closed under orders from the Ministry of Justice and would remain so until the end of the

“exceptional measures” period. President Saied removed Anour Ben Hassane, the acting INLUCC president, reportedly “on a temporary basis.” On August 20, authorities placed the organization’s former president, Chawki Tabib, under house arrest based on unclear charges; the house arrest was lifted on October 10.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

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 abuses and combat threats to human rights is the Ministry of Justice. Human rights organizations contended, however, that the ministry failed to pursue or adequately investigate alleged human rights abuses. Within the office of the president, the High Committee for Human Rights and Fundamental Freedoms is charged with monitoring human rights and advising the president on related topics.

The government established the INPT in 2013 to respond to allegations of torture and mistreatment (see section 1.c.).

The government formally published the final report of the Truth and Dignity Commission (IVD) report in June 2020 but as of November had not issued its action plan, which by law should be published within one year of the report’s release. The report’s recommendations, which focused on how to avoid a recurrence of gross abuses of human rights committed by the government or those who acted in its name from 1955 to 2013, included “preservation of memory,” reconciliation, and institutional reforms.

On August 10, civil society organizations and trade unions called on President Saied to prioritize transitional justice in the government’s next steps, including by investigating the lack of follow-up to the IVD report. There was no official response to a 2020 statement by the civil society coalition for transitional justice



urging the government and the Supreme Judicial Council to address challenges facing the Specialized Criminal Courts (SCCs), established to adjudicate cases referred by the IVD of human rights abuses and financial crimes. Among these challenges were the refusal of police unions to cooperate with the SCCs to deliver subpoenas and other requests, the regular rotation of SCC judges, and the judges' part-time status. By year's end none of the 204 cases referred, representing more than 1,100 victims of abuses committed between 1955 and 2013, had been resolved.

The National Human Rights Authority published a list of martyrs and wounded of the revolution in the official gazette on March 19. The list, prepared by a special committee within the Commission for Human Rights and Fundamental Freedoms, contained the names of 129 martyrs and 634 injured who by their inclusion became eligible for compensation and access to medical care. The government, however, reportedly did not provide compensation or medical care to those on the list. The "Release the List" campaign, composed of civil society representatives, rejected the published list as incomplete. According to a statement by a victims' association, those who wished to appeal omissions from the list could do so before the administrative court.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law broadly defines violence against women as "any restriction denying women equality in the civil, political, economic, social, or cultural domains." The law criminalizes rape (including of men), incest, sexual harassment of women in public places, and gender discrimination. A rapist cannot avoid prosecution by marrying the survivor.

Rape remained a taboo subject, and cultural pressures often dissuaded survivors from reporting sexual assault. There were no government public education programs on domestic violence, including rape. Survivors received services at two dozen social centers throughout the country, in addition to five centers – one managed by the government and four by civil society organizations – dedicated to survivors of gender-based violence.

The Ministry of Justice tracked gender-based violence cases, gathering information on cases in each court but not making such information public. The government did not, however, systematically track the number of rape cases. Civil society representatives reported anecdotally that few rape cases resulted in a conviction.

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 law allows women to seek restraining orders against their abusers without filing a criminal case or filing for divorce. The Ministry of Women, Family, and Senior Citizens monitored complaints of domestic violence and worked with civil society to increase awareness of the law and help them connect women with available support services. The ministry operated a national hotline for survivors of family violence.

On February 8, Minister of Women, Family and Senior Citizens Imen Zahouani Houimel announced the creation of a national committee to monitor implementation of the anti-gender-based violence law. The committee included representatives from government institutions, national organizations, and civil society. Houimel stated that despite passage of the law, the rate of violence against women remained high. The emergence of political and economic violence, “now practiced not only in traditional closed spaces but also in public spaces,” necessitated the committee’s creation, according to Houimel.

Human rights organizations, including local NGO Aswaat Nissaa and Avocats Sans Frontieres (Lawyers without Borders), issued a May 10 joint press release condemning impunity and calling for implementation of the law against gender-based violence following the May 9 death of an El Kef woman, allegedly killed by her husband, a National Guard officer. According to the Women and Citizenship Association in El Kef, the victim had filed a domestic violence complaint against her husband a few days before her death. Women’s rights groups accused the El Kef deputy prosecutor on duty during the incident of not arresting the defendant because he was a security officer. A campaign in solidarity with the victim spread online. As of July 15, Aswaat Nissaa reported the defendant was in detention pending trial; there were no further developments as of December.

**Sexual Harassment:** The gender-based violence law allows up to a two-year sentence for the harasser and a 5,000-dinar (\$1,840) fine. Sexual harassment can include any act, gesture, or words with sexual connotation, including harassment in the street. The punishment is doubled if the victim is a child or the perpetrator has authority over the victim.

On August 2, independent member of parliament Faycal Tebbini was arrested on charges of online harassment of two female members of parliament in October 2020. On September 22, Tebbini received an eight-month suspended prison sentence for defamation and was released the same day.

On August 16, independent member of parliament Zouheir Makhoulf was placed under house arrest in response to sexual harassment allegations made in 2019 that he allegedly followed and exposed himself to a female student. On November 12, the court sentenced him to one year in prison on sexual harassment and public indecency charges.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for survivors of sexual violence through the Ministry of Justice, although services were often delayed. Emergency contraception was available without a prescription.

**Discrimination:** The constitution and law explicitly prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. Women faced societal rather than statutory barriers to their economic and political participation. Codified civil law is based on the Napoleonic code, although on occasion judges drew upon interpretations of sharia as a basis for family and inheritance disputes.

Newly married couples must state explicitly in the marriage contract whether they elect to combine their possessions or to keep them separate. Sharia inheritance law in some instances provides men with a larger share of an inheritance. 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

that given to sons. Non-Muslim women and their Muslim husbands may not inherit from each other unless they seek a legal judgment based on the rights enshrined in the constitution. The government considers all children of those marriages to be Muslim and forbids those children from inheriting from their mothers. Spouses may, however, freely give up to one-third of their estate to whomever they designate in their will.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibits all forms of racial discrimination, including “all distinction, exclusion, restriction, or preference based on race, color, origin, heritage, or all other forms of racial obstruction, obstacle, or deprivation of rights and liberties or their exercise.” The law penalizes acts of racial discrimination with up to three years in prison and a substantial fine for an individual and a larger fine for a legal entity. The government did not effectively enforce the law, and there were no reports of prosecution based on antidiscrimination laws.

## **Children**

**Birth Registration:** Citizenship is derived by birth from the parents, and the law provides for 10 days to register a newborn. Thereafter, parents have 30 days to explain their failure to register a newborn and complete the registration. Female citizens transmit citizenship on an equal basis with male citizens, and there was no discrimination between a mother and father regarding passport application and authorization to leave the country.

**Child Abuse:** The law criminalizes child abuse. Between January and November, the Ministry of Women’s psychosocial hotline for children and their families received 5,176 reports of child abuse.

**Child, Early, and Forced Marriage:** The minimum age for marriage for both sexes is 18, but the courts may, in certain situations, authorize the marriage of persons younger than 18 upon the request and approval of both parents.

**Sexual Exploitation of Children:** Sexual relations with a child younger than age 16 are considered rape in all cases, and the perpetrator is subject to 20 years in prison with the possibility of a life sentence if there were aggravating

circumstances, such as incest or the use of violence (see section 6, Women). The court has discretion, but is not required, to drop the charges of sex with a minor if the perpetrator agrees to marry the victim, with the approval of her parents.

On November 8, the Court of Appeal of Sidi Bouzid sentenced the director of an unlicensed, privately run Quranic school in Regueb, Sidi Bouzid Governorate, to five years in prison, three years of probation, and a 50,000-dinar (\$18,500) fine on charges of rape, sexual exploitation of minors, and forced labor of children, in a case dating to January 2019.

The law prohibits child pornography.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The country's Jewish population numbered an estimated 1,400 persons. An April 7 statement by the religious freedom NGO Attalaki Association highlighted two instances of harassment, including one by a government official: a customs officer who reportedly targeted a Jewish merchant, beating him and removing his pants. Another Jewish man was harassed by a man who yelled at him to leave the country.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Since 1991 the law 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 did not ensure information and communications were accessible for persons with disabilities.

The Ministry of Social Affairs is charged with protecting the rights of persons with disabilities. The government issued cards to persons with disabilities for benefits such as unrestricted parking, free and priority medical services, free and preferential seating on public transportation, and consumer discounts. In general, public buses and trains were ill-suited and not easily accessible to persons with disabilities. The government provided tax incentives to companies to encourage the hiring of persons with physical disabilities. The government administered approximately 310 schools for children with disabilities, at least five schools for blind pupils, one higher-education school, and one vocational training institution. These special education centers served individuals ages six to 30. The Ministry of Social Affairs managed centers that provided short- and long-term accommodation and medical services to persons with disabilities who lacked other means of support.

The Ministry of Social Affairs provided 180 dinars (\$66) per month to families that included persons with disabilities and an additional 20 dinars (\$7) per school-aged child with disabilities.

One of the greatest problems for persons with disabilities, according to the Ibsar Association, an NGO promoting rights for persons with disabilities, was a lack of access to information through education, media, or government agencies. For children with physical disabilities, inaccessible infrastructure remained a major hurdle to their social inclusion, as few buildings or cities were easily accessible to persons with physical disabilities or reduced mobility.

There were very limited education options or public-sector accommodations for persons with hearing or vision disabilities. There were no schools for children with hearing disabilities, and Ibsar estimated that more than 90 percent of persons with hearing disabilities were illiterate. The government provided hearing aids to persons with hearing disabilities.

The HAICA ordered a one-week suspension of Radio Mosaique FM's daily show "Ahla Sbeh" on March 3 for mocking persons with vision disabilities. The

HAICA board called the show's mockery "a serious violation of human dignity" and ordered the radio station to remove the episode, which had aired on February 23, from its website and social media pages.

For the 2019 national elections, the Independent High Authority for Elections worked with civil society organizations to prepare electoral handbooks in braille and to develop elections-related materials in sign language, including a mobile application that standardizes signed vocabulary and phrases related to elections. Civil society observer groups noted the election authority increased its efforts to ensure accessibility to persons with disabilities but that there continued to be a need for effective, timely voter education programs targeting persons with disabilities and their families.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual conduct between adults. Whereas the French version of the law uses only the word "sodomy," the Arabic version, which takes precedence, specifically mentions homosexual acts between men and between women. Convictions carry up to a three-year prison sentence. According to NGOs authorities occasionally used the law to detain and question persons concerning their sexual activities and sexual orientation, reportedly at times based on appearance alone. NGOs reported that in some instances lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals were targeted under a penal code article criminalizing "infringement of morality or public morals," which carries a penalty of six months in prison and a fine of 1,000 dinars (\$370).

LGBTQI+ individuals continued to face discrimination and violence, including death and rape threats and societal stigma, and fear of prosecution discouraged individuals from reporting discriminatory violence and threats.

Human rights groups reported an increase in arrests of LGBTQI+ individuals by police, as well as cases of societal harassment. Allegations included reports that some police unions targeted LGBTQI+ participants in January and February protests by posting their home addresses or pictures online and engaging in online

hate speech. According to the Damj Association, an LGBTQI+ rights NGO, during the year authorities sentenced 28 LGBTQI+ persons under provisions of the criminal code criminalizing “sodomy,” “infringement of morality or public morals,” and “insulting a public official.”

On January 8, police arrested Zizi, a transgender woman, and four other transgender individuals on charges of public indecency and disturbing public morality. The Damj Association issued a statement on January 12 condemning the arrests and calling for the release of Zizi and other LGBTQI+ individuals in detention. The organization noted police officers denied Zizi access to a lawyer despite her request. On January 23, the First Instance Court of Sousse released all five individuals and dropped all charges against them.

After self-described queer activist Rania Amdouni participated in antigovernment protests in January and February, some police unions posted photographs of her on Facebook groups and called for her arrest. On February 27, Amdouni went to a police station in downtown Tunis to press charges against members of the security forces she claimed harassed and followed her. Police arrested her after she reportedly had a verbal altercation with a police officer at the station. On March 4, a Tunis court sentenced her to six months in prison for insulting a public servant. Amdouni’s supporters held a small protest outside of the Tunis court, and civil society organizations denounced her arrest and called for her release. On March 17, the Appeals Court of Tunis fined Amdouni 200 dinars (\$75) and ordered her release. On June 24, she announced her departure from the country to seek asylum in France.

On March 22, Damj Association president Badr Baabou reported that four unidentified individuals physically assaulted him on March 10, targeting him for his LGBTQI+ rights advocacy. According to Damj, police officers in a vehicle approximately 65 feet away failed to respond to the physical assault or verbal harassment. Baabou filed a complaint with the public prosecutor’s office against his assailants and the security officials who allegedly did not intervene.

According to the Damj Association, Baabou was assaulted again, this time by two police officers in downtown Tunis, on October 21. According to public reports, the officers struck Baabou with multiple blows to his body and face. The



government did not publicly comment on the case. On December 1, the National Police general inspector opened an investigation into the case and requested Damj's assistance in collecting documents and statements related to reports of police abuse.

On October 26, the First Instance Court of Tunis sentenced the president of LGBTQI+-rights group Shams Association, Mounir Baatour, in absentia to one year in prison for a 2019 Facebook post that allegedly expressed "contempt of the Prophet." Baatour has been residing outside Tunisia since 2019 after reportedly receiving death threats.

There continued to be no information on official discrimination based on sexual orientation or gender identity in employment, housing, access to education, or health care.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to organize, form, and join unions, and to bargain collectively. The law allows workers to protest or strike, provided they give 10 days' advance notice to their federations and receive Ministry of Interior approval. Union leadership normally approves the decision to hold a strike; however, wildcat strikes (those not authorized by union leadership) increased in frequency during the year.

The right to strike extends to civil servants, except for 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 explicitly define which services were essential. Authorities largely respected the right to strike in public enterprises and services. The law prohibits antiunion discrimination by employers and retribution against strikers. The government enforced applicable laws through arrests, fines, and business closures. Penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. After President Saied suspended parliament on July 25, there were no reports of police aggression towards labor protesters, including during a large labor protest in Sfax on October

29.

Conciliation panels with equal labor and management representation settled many labor disputes. In the absence of conciliation panels, representatives from the Ministry of Social Affairs, the UGTT, and the Tunisian Union for Industry, Commerce, and Handicrafts formed tripartite regional commissions to arbitrate disputes. Observers generally considered the tripartite commissions effective. Representatives from UGTT's smaller rival labor unions, the General Confederation of Tunisian Labor and the Union of Tunisian Workers, complained their organizations were ignored and excluded from the tripartite commissions because a previous minister of social affairs, also a former UGTT leader, drafted a decree law explicitly aimed at excluding the smaller unions from social dialogue. The smaller unions accused UGTT of denying the rights of laborers to freely choose the union best representing their interests.

UGTT representatives alleged that some private-sector businesses targeted union leaders and fired them once they led strikes or made demands on behalf of the labor force. UGTT made allegations of other antiunion practices by private-sector employers, including the firing of union activists and employing temporary workers to deter unionization. In certain industries, including textiles, hotels, and construction, temporary workers accounted for a majority of the workforce, a practice reportedly aimed at minimizing the risk of union-related disruptions of business.

UGTT expressed concern regarding the exclusion of factions of the union confederation that oppose actions taken by Secretary General Tabboubi, specifically his decision to change UGTT electoral bylaws to allow himself to run for a third term in February 2022. The factions opposing this action were reportedly targeted by UGTT leadership and received threats, had their membership frozen, and faced other disciplinary measures.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminalizes all forms of forced or compulsory labor and provides for penalties of up to 10 years' imprisonment and fines. The labor code allows workers to change jobs after giving notice as specified in their contract.

Penalties for violations were commensurate with those for other analogous serious crimes, such as kidnapping.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits and criminalizes all the worst forms of child labor and provides for a minimum age of employment. On June 30, parliament passed a domestic workers' law prohibiting employing children in domestic work. The law provides for the protection of children from exploitation in the workplace, including limitations on working hours, occupational safety, and health restrictions. The law generally prohibits the employment of children younger than age 16. Persons younger than 18 are prohibited from working in jobs that present serious threats to their health, security, or morals. The minimum age for light work in the nonindustrial and agricultural sectors during nonschool hours is 13. Children between the ages of 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. 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. Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum age law by examining employee records. Penalties for violations were commensurate with those for other analogous serious crimes, such as kidnapping.

Nevertheless, the worst forms of child labor reportedly did occur in the informal economy, including forced labor and domestic work in third-party households, seasonal agricultural work, street vending, and begging. Children at times worked up to 10 hours per day, without benefits or written contracts, and faced health problems from dangerous and arduous work environments. They were also subjected to commercial sexual exploitation and used in illicit activities, including drug trafficking, sometimes because of human trafficking (see section 6).

The Ministries of Employment and Vocational Training, Social Affairs, Education, and Women, Family, and Senior Citizens all have programs directed to both children and parents to discourage children from entering the informal labor

market. These efforts included programs to provide vocational training and to encourage youth to stay in school through the secondary level. Dropouts remained high, however, especially among low-income families.

On September 10, a member of the Tunisian Forum for Economic and Social Rights, Mounir Hassine, stated that more than one million students have dropped out of school since 2010. Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at

<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits employment discrimination regarding race, sex, gender, disability, language, sexual orientation and gender identity, HIV-positive status or presence of other communicable diseases, or social status. The government did not always effectively enforce those laws and regulations (see section 6). Penalties were commensurate with laws related to civil rights, such as election interference.

Temporary contract laborers complained they were not afforded the same protections as permanent employees.

Societal, legal, and cultural barriers significantly reduced women's participation in the formal labor force, particularly in managerial positions. The gender-based violence law contains provisions aimed at eliminating the gender-based wage gap. The law explicitly requires equal pay for equal work, and the government generally enforced it through fines as laid out in 2017 amendments to the Labor Code. The law allows female employees in the public sector to receive two-thirds of their full-time salary for half-time work, provided they have at least one child younger than age 16 or a child with special needs, regardless of age. Qualifying women may apply for the benefit for a three-year period, renewable twice for a maximum of nine years. Women can apply for early retirement at the age of 55 if they have at least three children.

The domestic workers' law passed June 30 regulates the conditions of domestic work, defines the obligations of workers and employers, establishes oversight mechanisms, and sets penalties for infractions. It mandates a guaranteed minimum wage, a workweek not to exceed 48 hours, and a weekly rest day. The law also

requires that domestic workers be recruited through accredited employment offices under fixed-term or open-ended contracts. Violators may be punished with one to three months' imprisonment and a fine. Despite the absence of an asylum law, an internal government circular from the Ministry of Social Affairs allows refugees registered with UNHCR who hold regular employment with a contract validated by the Ministry of Vocational Training and Employment, or who are self-employed, to enroll in the social security system (CNSS), thereby formalizing their employment. According to UNHCR, refugees who fulfill the requirements may apply through their employer for CNSS coverage, and their applications are assessed on a case-by-case basis.

The law prohibits discrimination against persons with physical or mental disabilities. It mandates that at least 2 percent of public- and private-sector jobs be reserved for persons with disabilities. NGOs reported authorities did not widely enforce this law, and many employers were not aware of it.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law sets a maximum standard 48-hour workweek for manual work in the industrial and agricultural sectors and requires one 24-hour rest period per week. For administrative jobs in the private and public 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 annually. The labor code provides for a range of administratively determined minimum wages; the minimum wages were above the poverty income level.

Although there was no standard practice for reporting labor-code abuses, workers have the right to report them to regional labor inspectors. 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. Penalties were not commensurate with those for similar crimes, such as fraud.

UGTT advocated for three key labor matters during the year. First, on February 6, UGTT signed an agreement with the government for 47 sectoral wage increases in

27 public sectors, to be phased in over two years. As a result of President Saied's suspension of parliament on July 25, an increase due in September did not go into effect. Second, on April 30, the UGTT Electricity and Gas Federation denounced the government's decision to increase the salaries of engineers working for ministries because the raises excluded those working for state-owned enterprises (SOEs). Third, on June 8, UGTT announced an agreement with the government to increase the guaranteed minimum wage by 6.5 percent for the public and private sectors. Most public-sector employees were paid well above minimum wage, so this largely targeted the private sector. The agreement was not implemented by year's end.

**Occupational Safety and Health:** Occupational safety and health (OSH) standards were appropriate for key industries in the country, including energy, agriculture and food processing, car parts, electronics, and chemicals, but the government generally did not enforce them. Responsibility for identifying unsafe situations remained with OSH experts and not the worker.

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. Regional labor inspectors were also responsible for enforcing standards related to hourly wage regulations. The number of inspectors was insufficient to enforce compliance. Penalties for violations of occupational, safety, and health laws were commensurate with those for crimes like negligence. Credible data on workplace accidents, injuries, and fatalities were not available.

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.

**Informal Sector:** According to the government and NGOs, labor laws did not adequately cover the informal sector, where labor violations were reportedly more

prevalent. According to the labor ministry, the inspectorate did not have adequate resources to fully monitor the informal economy, officially estimated to constitute 38 percent of the gross domestic product. According to the latest figures from the National Institute of Statistics, 46.4 percent of the total labor force, amounting to 1.6 million individuals, worked in the informal sector by the third quarter of 2020. Occasionally, labor inspectors coordinated spot checks with UGTT and the Ministry of Education.

Civil society worked with the government to support the most vulnerable among the country's migrant populations, especially day laborers, those working in the informal sector, or those living in shelters who were adversely impacted by COVID-19 prevention measures. The government announced measures to support the largely sub-Saharan migrant community during the COVID-19 crisis. These included commitments by the Ministry of Interior not to arrest migrants during the remainder of the health crisis, to finalize a national migration strategy, to regularize the legal status of migrants, to release some migrants at the Ouardia Center, and to improve the conditions for those who remained. The ministry also suspended fines for visa overstays during the COVID-19 pandemic and appealed to landlords to forgive migrants' rent. Some municipalities covered the rent of sub-Saharan African migrants in need.