

Document #2048161

USDOS – US Department of State

2020 Country Report on Human Rights Practices: Tunisia

EXECUTIVE SUMMARY

ANNOUNCEMENT: The Department of State will release an addendum to this report in mid 2021 that expands the subsection on Women in Section 6 to include a broader range of issues related to reproductive rights.

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 parliamentary and presidential elections in the first transition of power since its first democratic elections in 2014. In October 2019 the country held free and fair parliamentary elections that resulted in the Nahda Party winning a plurality of the votes, granting the party the opportunity to form a new government. President Kais Saied, an independent candidate without a political party, came to office on October 23, 2019, after winning the country's second democratic presidential elections. Three months prior to the elections, President Caid Essebsi died of natural causes, and power transferred to Speaker of Parliament Mohamed Ennaceur as acting president until President Saied took office. On February 20, parliament approved Prime Minister Elyes Fakhfakh's cabinet. Prime Minister Fakhfakh resigned from his position on July 15 ahead of a parliamentary vote of no confidence responding to allegations of a conflict of interest. On July 25, President Saied named Interior Minister Hichem Mechichi prime minister-designate. On September 2, parliament approved Mechichi's cabinet.

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. Security forces committed periodic abuses.

Significant human rights issues included: reports of unlawful or arbitrary killings, primarily by terrorist groups; allegations of torture by government agents; arbitrary arrests and detentions of suspects under antiterrorism or emergency laws; undue restrictions on freedom of expression and the press, including criminalization of libel; widespread corruption, although the government took steps to combat it; societal violence and threats of violence targeting lesbian, gay, bisexual, transgender, and intersex persons; criminalization of consensual same-sex sexual conduct that resulted in arrests and abuse by security forces; 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.

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

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

In contrast to 2019, there were no reports of deaths in security force custody during the year.

As of December, one member of the security forces remained in pretrial detention facing charges in the February 2019 death of Ayoub Ben Fradj, who died in police custody after he was detained for involvement in a fight. Two other suspects remained free. Ben Fradj's lawyer told media that the officers' excessive use of pepper spray led to his death. Based on these allegations, an investigative judge issued an arrest warrant against two officers. An autopsy report indicated abuse and acute asphyxiation as the cause of death.

A judicial investigation was opened on the April 2019 death of Fadhel Hfidhi in prison, but as of December, there were no updates on the case. According to the Committee General for Prisons and Rehabilitation (CGPR), Hfidhi threw himself off the roof of the kitchen prison while attempting to escape. The OCTT reported that a week after Hfidhi's death, a former cellmate told media prison guards had physically assaulted Hfidhi a number of times.

In January 2019 an investigative judge released the police officer suspected of negligence in the 2018 drowning of 19-year-old Omar Laabidi. In September, Amnesty International reported that judicial officials had not taken steps to pursue manslaughter charges.

During the year security officers were killed and injured in terrorist attacks. On March 6, one police officer was killed, and five police officers and one civilian were injured when two terrorists detonated explosives in Tunis. On September 6, one police officer was killed and one was injured during a terrorist attack in Sousse.

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, police reportedly subjected detainees to harsh physical treatment, according to firsthand accounts provided to national and international organizations. Several prominent local human rights lawyers decried the practice of torture in police stations and detention centers. Human rights nongovernmental organizations (NGOs) criticized the government for its application of the antiterrorism law, the appearance of impunity for abusers, and for reluctance to investigate torture allegations.

The Ministry of Interior has three inspectorate 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 to ensure officers' appropriate conduct and investigations in response to complaints received by the public. They can hold agents accountable and issue administrative reprimands even before the courts announce a final verdict.

The National Authority for the Prevention of Torture (INPT), an administratively independent body established in 2013 to respond to allegations of torture and mistreatment, issued its first report in June 2019 detailing reports of torture and mistreatment during the 2016-17 period. According to the report, the majority of the reported abuses took place immediately following individuals' arrests when the individual was in police custody. The INPT reported that until January, there were a total of 22,445 prisoners and detainees. Of those individuals, the INPT claimed medical records proved 22 were subject to physical violence or attempted rape while in detention centers or while in transit to detention centers.

The independent Tunisian Organization against Torture (OCTT) reported in August an increased number of assaults by security officers against individuals who violated the general COVID-19 lockdown orders between March and June. On May 12, Nabil Mbarki told the judge during his trial at the Bardo Court that he was tortured at the Bardo Judicial Police Division. Mbarki showed the judge traces of cigarette burns across several parts of his body and detailed other injuries. The Mornaguia prison administration took pictures of the effects of violence and mistreatment on Nabil's body, as it was shown on the medical examination conducted on May 5, the day he arrived at the prison. His family also reported seeing signs of violence on Mbarki's body during his transfer. Mbarki was initially accused of assaulting security agents.

In its December 2020 report, OCTT warned that cases of torture, police violence and mistreatment in detention centers continue to be perpetrated “without sanctions appropriate to the gravity of the acts committed.”

According to the Tunisian Bar Association, the chief of police for Ben Arous police station and his assistant assaulted lawyer Nesrine Gorneh on August 4 while she was assisting her client during his interrogation at Ben Arous governorate's local police station. Gorneh reportedly lost consciousness and suffered from a concussion following violent strikes to the head. In a social media video, Gorneh alleged police attacked her after she told the police chief her client was disrespected during interrogation proceedings. The bar association condemned the assault on Gorneh, describing her assault as an attack on all lawyers. Then minister of justice Jeribi and Minister of Interior (and Prime Minister-designate at the time) Mechichi condemned the assault. Mechichi ordered the launch of an internal investigation against the perpetrators, in addition to the general prosecutor's continuing investigation. On October 9, the First Instance Court of Ben Arous released the accused police officials pending trial.

According to the *Conduct in UN Field Missions* online portal, there was one allegation submitted in August of sexual exploitation and abuse by Tunisian peacekeepers deployed to a UN peacekeeping mission, allegedly involving transactional sex with an adult. As of October, the United Nations was investigating the allegation.

Prison and Detention Center Conditions

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

Physical Conditions: As of September the following prisons had high rates of overcrowding: Sousse (94 percent over capacity), Monastir (63 percent), Gabes (56 percent), Sfax (39 percent), Borj El Amir (39 percent), Bizerte (34 percent), Mehdia (30 percent), Hawareb (29 percent), Gafsa (13 percent), Mornag (16 percent), and Beja (1.5 percent).

On March 31, President Saied granted a special pardon to 1,420 prisoners in an effort to reduce risk of outbreak of a COVID-19 in prisons. In April the INPT published a report recommending additional protective measures, such as giving conditioned parole for prisoners and detainees pending trial to reduce prison overcrowding, adequate medical and psychological care, one bed per prisoner, face masks, and maintaining social distancing between inmates. The Ministry of Justice announced it conformed with international standards and maintained a distance of 12.4 feet

between prisoners, while government regulations required only 9.3 feet of separation. A representative from local NGO Tunisian Organization against Torture maintained that prison overcrowding remained a serious issue, and that social distancing was not possible in cells that hold approximately 70 prisoners.

On August 28, then minister of justice Jeribi announced that during the COVID-19 lockdown, the number of prisoners and detainees increased from 16,000 to 24,000 in August. 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.

Most prisons were originally constructed for industrial use and then converted into detention facilities and, as a result, suffered from poor infrastructure, including substandard lighting, ventilation, and heating.

The INPT observed that women, youth, and members of the LGBTI community were particularly subject to mistreatment. Of the country’s 27 prisons, one is designated solely for women and seven contain separate wings for women (Sfax, Jendouba, Sousse, Kasserine, Harboub, Gafsa, and El Kef). On June 25, the OCTT released a report on women in prison, indicating Manouba prison held 400 female prisoners and the remaining 250 were held in women-only sections of various prisons. According to the report, women lacked access to sanitary care and were denied their right to family visits.

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; the majority of minors (those younger than age 18) were detained in separate correctional facilities or in rehabilitation programs.

Health services available to inmates were inadequate. Very few prisons had an ambulance or medically equipped vehicle. Officials mentioned they lacked equipment necessary for the security of guards, other personnel, and inmates. On April 24, the Ministry of Justice jointly with the Ministry of Health decided to transform Oudhna prison in Ben Arous governorate into a detention center for prisoners infected by COVID-19.

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 are limited to one per week, through a window or a fence. Inmates with children are entitled to a family visit in a confidential room every three months. No intimate visits, including between spouses, are allowed. Prisons provide certain prisoners with access to educational and vocational training programs as allowed by capacity, eligible jobs, and appropriate levels of prisoner classification. The OCTT reported that prison authorities added precautions such as wearing masks during family prison visits, to prevent the spread of COVID-19.

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. As part of the ministry’s measures to combat violent extremism, organized, communal prayers were prohibited, but prisons permitted individual detainees to have religious materials and to pray in their cells.

The Ministry of Interior’s internal investigations into prisoner abuse sometimes lacked transparency and often lasted several months, in some cases more than a year.

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 increasing cooperation by government authorities and improved access to prisons and detention centers during the year.

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 (UNHCHR), and the OCTT. The nongovernmental Tunisian League for Human Rights could conduct unannounced prison visits and issue reports about conditions inside prisons. Other organizations were issued permits after case-by-case examinations of their requests.

Improvements: Throughout the year the CGPR trained prison officials on a code of ethics and emergency management. In addition the CGPR began to classify inmates according to their level of threat, enabling prisoners to have access to vocational programs according to their classification. The CGPR worked to train its staff and develop standard operating procedures.

The CGPR built two new prisons in 2019: one in Oudna with a capacity of 800 inmates and one in Belly with a capacity of 1,000 inmates.

The INPT welcomed the expansion of the CGPR into a larger General Committee with different subdepartments, including one dedicated to dealing with vulnerable groups. The Ministry of Justice and the CGPR collaborated with the INPT to develop and disseminate a *Prisoner's Rights Guide*, outlining inmate rights and responsibilities. The guide for prisoners and penitentiary staff covers all aspects of daily life in prison from the first to the last day of incarceration.

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. Amnesty International reported that after former prime minister Elyes Fakhfakh's announcement on March 22 of a national COVID-19 lockdown, police arrested at least 1,400 individuals for violating curfew or confinement measures.

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 inform detainees' families of the arrest, and make a complete record of the times and dates of such notifications. The maximum time of precharge detention for felonies is 48 hours, renewable once by a prosecutor's order, for a maximum of three days. For misdemeanor offenses the time limit is 24 hours, renewable once by the prosecutor's order. Both precharge extensions must be justified in writing.

Precharge detainees can exercise their right to representation by counsel and can request medical assistance immediately upon detention. Arresting officials (the Judicial Police) must inform detainees of their rights and the accusations against them, immediately inform detainees' families of the arrest, and make a complete record of the times and dates of such notifications. The Judicial Police must also 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 unless 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 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. The majority of the detainees interviewed by the INPT for its annual report claimed they had not been informed of their legal right to a lawyer or medical care.

By law the prosecutor represents the government in criminal proceedings, including proceedings involving underage offenders. A lawyer may be assigned in a criminal case even if the accused person 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 only provided to nationals if the minimum possible sentence is at least three years and if the person on trial is not a recidivist and to foreigners 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 the same rights to detainees for assigning a legal counsel as described in the penal code, although it was unclear whether the government consistently provided this service.

The law permits authorities to release accused persons on 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: NGOs criticized the use of the 1973 decree law on the state of emergency to put under house arrest any individual suspected of representing a threat to state security, often without offering these individuals access to the court orders that led to their arrest. President Saïed renewed the state of emergency law twice during the year.

In March 2019 authorities detained Moncef Kartas, a dual Tunisian-German national working as a member of the UN Panel of Experts on Libya, reportedly on domestic espionage charges. In his UN position as an “expert on mission,” Kartas enjoyed immunity from arrest and detention and legal proceedings for actions carried out in the exercise of his functions. The United Nations and international community sought an explanation for Kartas' detention from authorities and subsequently appealed for his immediate release, contending that Tunisia's actions were inconsistent with its obligations under the 1946 Convention on the Privileges and Immunities of the United Nations. Authorities held Kartas for almost two months at the Gorjani prison and denied Kartas access to a lawyer for several days beyond the conclusion of the 48-hour window permitted by the counterterrorism law to hold terrorism suspects without access to legal counsel. In May 2019 the Court of Appeals ordered Kartas' release due to lack of evidence. At year's end Kartas remained out on bail pending the conclusion of the government's investigation.

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 can 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 conducts an investigation, hears arguments, and accepts evidence and motions from both parties.

On August 28, then minister of justice Jeribi noted that two-thirds of those incarcerated were pretrial detainees.

The country’s pilot Sousse Probation Office promoted alternatives to incarceration by enforcing community service sentences in lieu of prison sentences. Through the alternatives to incarceration program, sentencing judges work with probation officers to substitute two hours of community service for each day of a jail sentence. Following the Sousse pilot program, the Ministry of Justice began expanding alternatives to incarceration programs to 13 probation offices in 13 governorates.

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 to judges to admit testimony by anonymous witnesses.

Military courts fall under the Ministry of Defense. Military tribunals have authority to try cases involving military personnel and civilians accused of national security crimes. A defendant may appeal a military tribunal’s verdict. A first appeal can be made to the military court of appeal and a second appeal to the civilian second court of appeal. Human rights advocates argued that national security crimes are 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. These include the right to choose legal representation, access case files and evidence, conduct cross-examinations, call witnesses, and appeal court judgments. There is no specialized code for military courts.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens and organizations may seek civil remedies for human rights violations through domestic courts; however, military courts handle claims for civil remedies for alleged security force abuses in civil disturbances during the 2011 revolution. 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, failed to cooperate in the investigations. According to Human Rights Watch (HRW), the lack of provisions criminalizing command dereliction, which would hold senior officers liable for crimes committed by subordinates with explicit or tacit approval, contributed to military courts’ light sentences for security force members.

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

The constitution provides for the right to privacy. 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, Including:

Although government officials acknowledged a Ministry of Justice effort to review and revise the 1968 code of criminal procedures (CPP) and the 1913 penal code to comply with the 2014 constitution, activists and members of civil society expressed concern with the slow pace of reforms. Apart from a few discrete modifications to sections governing rape and pretrial detention, no changes have been made to the penal code since 2011, leading authorities to enforce provisions of the penal code that appear to contradict the rights and freedoms protected in the constitution. For the CPP, however, the government has introduced notable changes, including the introduction of alternatives to incarceration and probation (see section 1.c., Improvements), reorganization of Judicial Police and moving the

Office of the Judicial Police under the authority of the Ministry of Justice, and applying a more refined definition of *flagrante delicto*, obvious offense. As of October 2019, the independent committee of experts in charge of amending these two criminal codes submitted revisions to the CPP to the Justice Ministry, enabling the ministry to prepare a draft law to parliament for review and adoption. By the end of January, the Ministry of Justice had nearly completed its efforts to revise the 1913 penal code to comply with the 2014 constitution and international human rights norms, according to representatives of the committee responsible for this process, but the revisions were pending parliamentary approval as of December.

Civil society activists continued to cite the lack of a constitutional court as hindering efforts to align existing legislation with the 2014 constitution and international human rights norms, particularly legislation pertaining to individual freedoms and fundamental rights (see section 3).

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government mainly respected this right, although there were constraints. An independent press and a functioning democratic political system contributed to an environment generally conducive to this freedom. Some media outlets and civil society expressed concerns about occasional government interference in media and the concentration of media ownership in the hands of a few political parties or families.

Freedom of Speech: 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.”

On November 9, Amnesty International issued a report that highlighted an increasing number of prosecutions of bloggers and Facebook users for peaceful expression of opinion online. Amnesty International examined the cases of 40 bloggers, administrators of widely followed Facebook pages, political activists, and human rights defenders, who between 2018 and 2020 had been investigated or charged or sometimes sentenced on criminal charges including defamation, insulting state institutions, and “harming” others through telecommunication networks.

For example, Amnesty International reported on April 21, that authorities arrested two bloggers for criticizing the government’s handling of the COVID-19 crisis. The first blogger, Hajer Awadi, posted a video on her Facebook page accusing local authorities in the city of Kef of corruption in the distribution of food. She claimed local police threatened her and her uncle with arrest for attempting to file a corruption complaint. The second blogger, Anis Mabrouki, live-streamed a video on Facebook showing a crowd gathered in front of the closed mayor’s office in Tebourba, Manouba governorate, demanding the distribution of government-promised social assistance. The local mayor filed a complaint against Mabrouki for criticizing a government official, although Mabrouki did not include commentary in his video. According to Amnesty International, Awadi received a 75-day suspended prison sentence. On April 30, the Court of Appeals acquitted Mabrouki.

Freedom of Press and Media, Including Online Media: Activists expressed concern about government interference in media and the concentration of media ownership. 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.”

Violence and Harassment: Violence and harassment against journalists continued, according to human rights organizations. In its April report, the Tunisian Union of Journalists (SNJT) warned of an increase in incitement and threats against journalists from citizens who hold media responsible for the deteriorating economic and social situation. Between May 2019 and April 2020, the SNJT reported 193 incidents of verbal, physical assaults, and intimidation against journalists, compared with 139 the preceding year. The SNJT reported that 71 female journalists and photographers and 122 male journalists and photographers were physically or verbally assaulted. The SNJT cited public service employees as responsible for these incidents, followed by security forces and government officials. Despite the overall increase in incidents, the SNJT reported a decrease in the number of assaults against journalists by public service employees during the year, 13 compared with 34 in the previous year. The SNJT cited 10 verbal assaults by politicians against journalists.

In December, Tunisian singer Noomane Chaari posted a song online with an Israeli vocalist, calling for Arab-Israeli peace. He subsequently experienced in-person harassment and received death threats on social media.

Censorship or Content Restrictions: The government penalized individuals who published items counter to government guidelines or who published items deemed to defame government officials.

On August 4, the Tunis Court of Appeals reduced the prison sentence of journalist Taoufik Ben Brik from one year to an eight-month suspended sentence. He was initially sentenced in absentia in April to two years in prison on defamation charges for saying on Nessma TV before the 2019 presidential election that “in other countries, jailed presidential candidate Nabil Karoui would have been freed by armed citizens.” 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 specifically restricting his candidacy, Karoui remained on the ballot for the September 2019 presidential elections. Ranking second in the elections with 15.6 percent of the votes, Karoui proceeded to the runoff election in October 2019. Ben Brik appealed the court’s ruling, and on July 23, he was sentenced to one year

in prison for “insulting, defaming and attacking human dignity.” Ben Brik remained in prison until a second appeal reduced his sentence to eight months suspended. Responding to the same statement, in 2019 the Higher Authority for Audiovisual Communication accused Ben Brik of incitement to hatred and violence, and the general prosecutor filed the charges against him. The Media Union reported on August 3 that Ben Brik’s health significantly deteriorated after his arrest.

Libel/Slander Laws: Various civil society organizations expressed concern about the use of criminal libel laws to stifle freedom of expression. The 2017 adoption of decree laws maintaining 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; however, many media actors and activists expressed concern that these decree laws did not go far enough to protect press freedoms and freedom of expression and did not comply with the country’s international obligations. On March 12, human rights lawyer Najet Laabidi was convicted of “insulting a public official while performing their duty” before the Military Court of First Instance and given a small fine. The trial resulted from a complaint filed by a military judge who presided over the 2015 trial of former regime officials who were prosecuted for torture. As the defense lawyer for victims of torture in this case, Laabidi flagged a number of violations during the hearing and questioned the impartiality of the military judge. The military judge subsequently filed complaints against Laabidi.

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, with the exception of websites linked to terrorist organizations.

On July 14, the First Instance Court of Tunis sentenced blogger Emna Chargui to six months in prison and a fine for a TikTok video that mimicked the format of a Quranic verse to comment on the COVID-19 pandemic. Chargui was charged with “inciting hatred between religions through hostile means or violence” and “offending authorized religions.” Civil society organizations criticized the court’s decision and called on authorities to overturn Chargui’s conviction. Chargui announced through a Facebook post on August 8 that she left Tunisia to seek asylum elsewhere. Her appeal remained under court review.

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 2020.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, but the government did not always respect the right of association. The state of emergency law grants the government the right to limit the right of assembly, although the government rarely applied this law during the year.

Freedom of Peaceful Assembly

Despite the renewal of the state of emergency law, approximately 254 protests occurred peacefully in March and April, according to Tunisian Social Observatory for Economic and Social Rights. Nearly all of these were without incident and permitted by authorities. The protests appeared to influence the Ministry of Interior’s April removal of deputy governors in Monastir, Sousse, El Kef, and Ariana and the mayors of regions in El Kef, Manouba, and Siliana for allegations of corruption.

According to a December 9 report released by the Tunisian Social Observatory under the Tunisian Forum for Social and Economic Rights, 1,025 protests were registered in November, compared with 871 in October, an increase of 18 percent. Nearly 49 percent of the overall protests recorded in November (504) were staged in southern Tunisia (East and West).

In June protesters began a sit-in at the site of the El Kamour pumping station in the southern governorate of Tataouine, demanding job creation, regional development, and implementation of the 2017 El Kamour Agreement, which ended a previous strike (see section 7.a.). Police intervened on June 21 to remove the El Kamour protesters’ tents and arrested several demonstrators, including Tarek Haddad, the spokesman for the protest’s overseeing body, the El Kamour Coordination Committee (EKCC). Haddad had been on a hunger strike since June 18. The EKCC alleged security forces used excessive force to disperse the demonstration and end the sit-in, claiming several protesters were injured. Protesters then staged a June 23 march and sit-in outside the seat of the Court of First Instance to demand Haddad’s release, referencing a provision of the 2017 agreement which provided that demonstrators should not be prosecuted. Haddad and other protesters were released June 24. After a number of protesters corroborated the allegations of abuse, Amnesty International on July 27 called for an independent investigation into the actions of the security forces, but as of December, no charges have been filed against security officials. The government signed an agreement with protesters at El Kamour on November 7, ending the sit-in there.

Freedom of Association

The law provides for the right of freedom of association, but the government did not always respect it. A 2011 law on associations eliminated penalties in the previous law, as well as the prohibition on belonging to, or serving in, an unrecognized or dissolved association. The law eased the registration procedure, reducing opportunities for

government entities to hinder or delay registration. According to the 2011 law, only the judiciary has the authority to suspend or dissolve an association. Several independent monitoring organizations asserted, however, that the government delayed registration of associations through unnecessary bureaucratic hurdles, at times for political reasons, a practice counter to the law.

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Following the April clashes in Tripoli, the government allowed the free movement of Libyans and other nationals crossing into Tunisia. Parts of the Tunisia-Libya border opened on November 14 after an eight-month closure due to COVID-19.

In-country Movement: The Administrative Court of Tunis published a ruling on June 6 stating the Ministry of Interior's "S17" border control watch list, which requires additional screening at border checkpoints on security-related grounds, had 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. The court issued a similar decision in 2018. The court based both rulings on Article 49 of the constitution that states the government may only impose limitations on the exercise of an individual's constitutionally guaranteed rights and freedoms through law, as well as international conventions and treaties to which the country is a signatory. While there is no official data on the number of individuals on the list, in 2018 local NGO Observatory for Rights and Freedoms (ODL) estimated it included more than 100,000 names. Although the list was established to inform border agents of these individuals' potential travel outside of the country, civil society groups reported that the Ministry of Interior continued to restrict some individuals' internal travel as well. Amnesty International, HRW, and local human rights organizations expressed concern with the S17 list and the lack of transparency around its implementation. The Ministry of Interior, in coordination with civil society, ensured individuals were not restricted from internal travel. Additionally, the ministry facilitated avenues for recourse for individuals asserting they were wrongfully included on the S17 list to have their name removed. Amnesty International reported in August that the S17 list was primarily used to regulate external travel and less frequently used to regulate internal movement.

On February 19, the legislative Rights and Freedoms Committee held a hearing with representatives of the Ministry of Interior on urban crime issues and S17 procedures. Ministry of Interior representatives stated that the S17 list is a preventative measure used internationally to fight not only terrorism but also trafficking in persons and drug-related crimes. Ministry of Interior representatives stated that several guarantees were put in place to protect the rights of citizens, including the possibility for those on the list to appeal within the Ministry of Interior's administration or before the judiciary. Those wrongly included on the list had the option of obtaining an identity card to limit any confusion.

According to the ODL, however, despite a court order to the contrary, the Ministry of Interior refused to grant individuals access to the orders that led them to be included on the S17 list. Even in the case of a court-mandated suspension or lifting of the travel restrictions, some individuals have remained on the list.

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. Amnesty International reported, however, that the Ministry of Interior's efforts to improve its S17 procedures enabled some individuals on the S17 list to obtain their passports and travel internationally with a court order.

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) in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Access to Asylum: The country does not have a law for granting asylum or refugee status. The Ministry of Interior noted it coordinated regularly with UNHCR in spite of the absence of this legal framework. Pending the creation of a legal framework, UNHCR is the sole entity conducting refugee status determination. UNHCR provided assistance to registered refugees for primary medical care and, in some cases, basic education. The government granted access to schooling and basic public-health facilities for registered refugees. UNHCR reported that as of September, it registered 5,406 person of concern (2,508 refugees and 2,781 asylum seekers), a fivefold increase since 2018.

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.

Elections and Political Participation

Recent Elections: Citizens exercised their ability to vote in legislative and presidential elections 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 October 2019, placing the turnout at 55 percent. Official election observers generally agreed these elections were successful with no widespread fraud, violence, or attempts to undermine the credibility of the results. In addition observers’ overall assessment was 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, 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 specifically restrict his candidacy, Karoui remained on the ballot for the September 2019 presidential elections. Ranking second in the elections with 15.6 percent of the votes, Karoui proceeded to the runoff election.

The courts denied Karoui’s bail request on four separate occasions in 2019 prior to the elections, citing lack of jurisdiction. 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.

The Court of Cassation issued a judgement in October 2019 ordering Karoui’s release and citing procedural errors in his original detention. Although Karoui was released prior to the elections and appeared in a televised debate with his opponent Kais Saied, international observers expressed concern that the timing of his detention and release appeared to be politically motivated, or at least influenced by the electoral calendar.

Judicial authorities stressed Karoui’s arrest complied with established procedures and that the timing of his arrest did not take into consideration political calculations or the electoral timeline. On December 24, the Judiciary’s Economic and Financial Division issued a summons and arrest warrant against Karoui for allegations of money laundering and tax evasion. At year’s end, Karoui remained in detention pending trial. Karoui remained the leader of the Heart of Tunisia party.

Political Parties and Political Participation: As of August the country had 227 registered political parties. Political parties obtained the highest number of seats in the parliament formed in 2019, compared with independents and coalition lists. Authorities rejected parties that did not receive accreditation due to incomplete applications or because their programs were inconsistent with laws prohibiting discrimination and parties based on religion.

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 September 2019. Women’s representation decreased from 35 percent to 23 percent in the newly elected parliament, with only 54 women members of parliament elected in October 2019, down from 68 elected in 2014. Prime Minister Mechichi’s cabinet, sworn in on September 2, included eight women ministers.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government took some preliminary steps to implement these laws.

Corruption: The National Authority for the Combat against Corruption (INLUCC), an independent body charged with investigating and preventing corruption and drafting policies to combat corruption, continued to process corruption cases. On May 29, Chawki Tabib, former head of INLUCC, stated that petty corruption or “bribery,” cost the country between three and four billion dinars (1.1 to 1.5 billion dollars) annually. Tabib said a study found that 15 percent of citizens considered “bribery” to be normal, and they paid to obtain administrative services, prevent the implementation of the law, or obtain a service intended for others. During a September 7 parliamentary hearing, INLUCC member Olfa Chahbi stated that in its 10 years in operation, INLUCC referred more than 1,800 corruption cases to the judiciary out of more than 39,000 cases of corruption it received. In March, Tabib noted it takes seven to 10 years on average to process corruption cases in the judicial system and that such a lengthy process suggests to the public it is “useless” to attempt to hold corrupt persons accountable.

Prime Minister Elyes Fakhfakh resigned from his position on July 15 after independent Member of Parliament Yassine Ayari brought a case of conflict of interest against him in June. The financial public prosecutor asked INLUCC to share any documentation related to the case. On July 15, INLUCC published a report on Fakhfakh’s case, which highlighted that from 2015 through 2017, Fakhfakh’s companies declared “none” to the taxation authorities, raising the question of tax evasion. On July 19, INLUCC gave the court additional documents and evidence related to “conflict of interest, financial and administrative corruption, and tax evasion allegations.” According to a leaked document from the INLUCC case, Fakhfakh may have used state information to which he had access while serving as minister of finance from 2013-14 to obtain state contracts for a company he partially owned. Fakhfakh started a service provider company in 2014, which eventually became part of a consortium that won state-owned contracts, including an important waste management contract near Gabes. When Fakhfakh became prime

minister in February, he was required to divest his two-thirds ownership of the company in accordance with the 2018 Asset Declaration Law for public officials. INLUCC notified Fakhfakh in June he had one month to divest his ownership according to the law, and when Fakhfakh failed to do so, the case went to court. On October 15, the Ministry of Justice’s Economic and Financial Division launched an investigation.

On August 24, then prime minister Fakhfakh dismissed INLUCC chair Chawki Tabib and appointed Judge Imed Boukhris to replace him. Tabib filed an appeal with the Administrative Court, arguing his dismissal was “illegal.” On August 25, a collective of national authorities that cover anti-TIP, antitorture, elections, access to information, audio visual, personal data, and human rights issues alleged that Fakhfakh dismissed Tabib as retribution for Tabib’s role in the conflict of interest case. The National Center for State Courts’ legal opinion called Tabib’s dismissal “illegitimate” and “an attack on political ethics.” On September 3, Tabib announced he would step down as INLUCC chair and President Saied swore in Boukhris as his replacement. On September 9, the Administrative Court ruled against Tabib’s appeal.

INLUCC opened 15 renovated regional offices in Gabbes, Gafsa, Jendouba, Medenine, and Tozeur to assist citizens outside of Tunis in reporting corruption to the body.

In October 2019 the Public Prosecutor’s Office at the Judicial Counterterrorism Division announced its decision to close the case against businessman Chafik Jarraya for “plotting against national security.” In 2017 the government arrested Jarraya and seven other prominent businessmen, including two former customs officials, on allegations of smuggling, embezzlement, conspiracy against the safety of the state, and complicity with a foreign government. With the October 2019 ruling, Jarraya and the other defendants were acquitted of national security charges but had to remain in detention pending the conclusion of the investigation into the smuggling and embezzlement allegations. As of December, Jarraya remained in detention.

Financial Disclosure: The constitution requires those holding high government offices to declare assets “as provided by law.” In 2018 parliament adopted the Assets Declaration Law, identifying 35 categories of public officials required to declare their assets upon being elected or appointed and upon leaving office. By law INLUCC is then responsible for publishing the lists of assets of these individuals on its website. In addition the law requires other individuals in specified professions that have a public role to declare their assets to INLUCC, although this information would not be made public. This provision applies to journalists, media figures, civil society leaders, political party leaders, and union officials. The law also enumerates a “gift” policy, defines measures to avoid conflicts of interest, and stipulates the sanctions that apply in cases of illicit enrichment.

On September 2, members of Prime Minister Mechichi’s government and 217 members of parliament declared their assets with INLUCC. There was no information on the number of other government officials who declared their assets according to the law.

Section 5. Governmental Attitude Regarding 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 violations and combat threats to human rights is the Ministry of Justice. Human rights organizations contended, however, that the ministry failed to pursue or investigate adequately alleged human rights violations. Within the President’s Office, the High Committee for Human Rights and Fundamental Freedoms is a government-funded agency charged with monitoring human rights and advising the president on related topics. The minister in charge of relations with constitutional bodies, civil society, and human rights has responsibility for coordinating government activities related to human rights, such as proposing legislation, representing the government before international bodies such as the UN Human Rights Council, and preparing human rights reports.

The independent transitional justice Truth and Dignity Commission (IVD), established in 2014 to investigate gross violations of human rights committed by the government or those who acted in its name from 1955 to 2013, concluded its mandate in 2018. In March 2019 the IVD published the final report of its findings and activities. The report’s five volumes document the commission’s findings pertaining to claims of gross violations of human rights committed between July 1955 and December 2013. It also made recommendations how to guarantee nonrepetition of these human rights violations, including through the “preservation of memory,” reconciliation, and institutional reforms. The law requires the government to prepare an action plan to implement these recommendations within one year of the publication of the IVD’s final report. The government formally published the Truth and Dignity Commission report on June 25.

The civil society coalition for transitional justice issued a statement on May 29 urging the government and the Supreme Judicial Council to address challenges faced by the Specialized Criminal Courts (SCCs), which were established by the Transitional Justice Law to adjudicate cases transferred by the IVD of human rights violations and financial crimes from 1955 to 2013. The coalition asserted the pace of hearings was slowed by issues such as the refusal of police unions to cooperate with the SCCs to deliver subpoenas and other requests and the regular rotation of SCC judges and their part-time status. The IVD referred 204 cases to the SCCs, including 49 related to corruption and 155 related to gross human rights violations, representing a total of 1,426 accused persons and 1,120 victims. No

case has been resolved to date. Although there were 13 SCCs throughout the country, 50 percent of the transitional justice cases were heard at the SCC in Tunis. According to the World Organization against Torture, transitional justice cases have on average three hearings with a period of 93 days between each hearing.

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

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

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 2018 law criminalizing gender-based violence adds or updates articles in the penal code to meet international best practices. It criminalizes rape, incest, sexual harassment of women in public places, and gender discrimination.

The amended law also eliminates the possibility for a rapist to avoid prosecution by marrying the victim. Rape remained a taboo subject, and cultural pressures often dissuaded victims from reporting sexual assault. There were no government public education programs on domestic violence, including rape. Victims received services at two dozen social centers throughout the country, in addition to five centers dedicated to victims of gender-based violence.

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

On January 31, the First Instance Court of Gafsa sentenced a 40-year-old man to life in prison for raping a three-year-old girl, under the 2018 law.

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 provides penalties for domestic violence and allows women to seek restraining orders against their abusers without filing a criminal case or filing for divorce.

The Ministry of Women, Family, Childhood, and Senior Citizens monitored complaints of domestic violence and worked with civil society to increase awareness about the law and connect women with available support services. The ministry operated a national hotline for victims of violence. On May 5, Minister Asma Sehri stated the number of cases of violence against women, children, and the elderly increased seven times during the COVID-19 confinement period of March 22 to May 4, compared with the same period last year.

There were five centers dedicated to providing assistance to women victims of violence, one managed by the ministry and four by civil society organizations. Minister Sehri stated the ministry dedicated a new shelter for 30 women victims of violence to help protect them from the spread of the coronavirus.

Sexual Harassment: The 2018 gender-based violence law includes a revised article related to sexual harassment. It allows up to a two-year sentence for the harasser and a 5,000-dinar (\$1,840) fine, instead of the previous one year in prison. The law further clarifies that sexual harassment can include any act, gesture, or words with sexual connotation. It also expanded the definition of sexual harassment to include harassment in the street. The punishment is doubled if the victim is a child or the perpetrator has authority over the victim.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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 (Islamic law) as a basis for customary law in 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 those given 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.

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 and complete the registration. Female citizens can transmit citizenship on an equal basis with male citizens, and there is no discrimination between a mother and father regarding passport application and authorization to leave the country.

On July 16, the then minister of local affairs, Lotfi Zitoun, canceled a 1965 circular that prohibited the registration of a newborn under a non-Arabic first name.

Child Abuse: In 2019 UNICEF reported that 88 percent of children ages one to 14 were subjected to physical, verbal, or psychological violence in their homes and at school. In October 2019 the Ministry of Women, Family, Childhood, and Senior Citizens reported it received approximately 17,000 notifications related to child abuse cases, which the ministry attributed to “growing awareness among citizens about the need to denounce perpetrators of violence.” In May the ministry reported it had received 448 notifications regarding cases of children at risk during COVID-19 related shutdowns.

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: Anyone who has sexual relations with a child younger than age 16 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 may drop the charges of sex with a minor if the perpetrator agrees to marry the victim, with the approval of her parents.

The law prohibits child pornography.

In January 2019 authorities closed an unlicensed, privately run Quranic school in Regueb, Sidi Bouzid governorate, and arrested its director and administrators on charges of human trafficking, polygamy, and suspicion of belonging to a terrorist organization. Authorities reported many of the children were mistreated and were the victims of economic and sexual abuse. The public prosecutor initiated an investigation into the allegations of child exploitation, and a family judge ordered the transfer of the children to a state-run center in Tunis specializing in caring for children who were victims of abuse. In July 2019 the court sentenced one adult male who was affiliated with the school to 20 years in prison on charges of child sexual abuse. In February the 33 students from the Quranic school resumed their education in public schools. The president of the National Authority against Trafficking in Persons, Raoudha Laabidi, told media the students received medical, social, and psychological care prior to resuming their studies.

In March 2019 the Ministry of Women, Family, Childhood, and Senior Citizens reported that a teacher in Sfax was accused of sexually abusing 20 elementary school students. The ministry announced it would provide the children with psychological support. Subsequent to these allegations, the Ministry of Education indicated the initial investigation revealed these crimes took place outside the school and that, as a result, the ministry would suspend any teacher providing private classes outside of the educational framework. Media later reported that authorities issued an arrest warrant against the teacher, although as of December there were no updates to the investigation.

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

An estimated 1,400 Jews lived in the country. There were no reports of anti-Semitic events.

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. As of July 2019, authorities permitted persons with disabilities to obtain a driver’s license from their area of residence rather than the capital.

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. During the year the ministry announced it had increased the hiring of persons with disabilities by 2 percent in the public sector.

The Ibsar Association, which worked to promote rights for all persons with disabilities, estimated that fewer than one-third of persons with disabilities held a government-issued disability card, which entitles the holder to a monthly government stipend of 120 dinars (\$44). The Ministry of Social Affairs stated that during the year, families that included persons with disabilities received 180 dinars (\$66) per month and an additional 20 dinars (seven dollars) per school-aged child.

One of the greatest challenges for persons with disabilities, according to Ibsar, was a lack of access to information through education, media, or government agencies. There were very limited education options or public-sector accommodations for persons with hearing or visual 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 Ministry of Social Affairs stated that during the year, in coordination with the Ministry of Health, the government provided hearing aids to families with hearing disabilities. For children with physical disabilities, infrastructure remained a major hurdle to their social inclusion, as few buildings or cities were accessible to persons with physical disabilities or reduced mobility.

For the 2019 national elections, Independent High Authority for Elections (ISIE) 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 ISIE increased its efforts to ensure accessibility to persons with disabilities but that there continued to be a need for effective, timely voter education programs targeted at persons with disabilities and their families.

Members of National/Racial/Ethnic Minority Groups

In 2018 parliament adopted a law against 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.

On September 20, a video circulated on social media of a Tunisian assaulting two Ivorian nationals. It was revealed later that the assaulter was their boss, a cafe owner in Sousse governorate. The president of the Association of Ivorians in Sousse, who filmed the video, told media, “the two young men went to their boss to claim their two months of unpaid wages. The latter assaulted them and accused them of stealing his coffee machine, to evade payment of wages, when surveillance camera videos show he was the one who took the machine. On their first day of work, he confiscated their passports and later requisitioned their cell phones.” The spokesperson for the First Instance Court of Sousse said the video was authentic, and a judicial investigation was initiated.

In 2018 Falikou Coulibaly, president of the Association of Ivoirians in Tunisia, was killed during a robbery in a suburb of Tunis. Hundreds of Ivorian nationals demonstrated in Tunis to protest Coulibaly’s murder in what they characterized as a racist attack. Then minister in charge of relations with constitutional bodies, civil society, and human rights Mohamed Fadhel Mahfoudh told media, “It is not clear yet if this is a racist criminal act, but an investigation is ongoing. We are against any act of racism.” The court case remained underway.

On October 14, the Court of First Instance of Medenine issued a verdict in favor of Hamden Atig Dali, allowing him to drop *Atig*, a reference to slavery, from his name on all official documents. This was the first-ever court decision to permit a legal name change on the basis of racial discrimination.

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

The law criminalizes sodomy. Convictions carry up to a three-year prison sentence. According to NGOs, authorities occasionally used the law against sodomy to detain and question persons about their sexual activities and sexual orientation, reportedly at times based on appearance alone. NGOs reported that in some instances lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals were targeted under the penal code article that criminalizes “infringement of morality or public morals,” which carries a penalty of six months in prison and a fine of 1,000 dinars (\$369).

LGBTI individuals continued to face discrimination and violence, including death and rape threats, although societal stigma and fear of prosecution under sodomy laws discouraged individuals from reporting problems.

On January 13, an officer from the Seventh Police Station in downtown Tunis and two accomplices allegedly assaulted three transgender women, using Tasers and their fists. They left one individual, nicknamed Frifta, with serious injuries, including internal bleeding and a skull fracture, according to the LGBTI-rights organization Damj. Damj, in partnership with Lawyers without Borders (ASF), assisted Frifta in seeking medical care and legal recourse. According to Damj, Frifta filed a complaint against an officer on January 11 for harassment of sex workers and encountered the same officer while walking in Tunis two days later with friends. The officer, accompanied by two others, attacked her in retaliation for her earlier complaint. The Ministry of Interior suspended the primary officer involved and opened an internal investigation, while the Ministry of Justice General Prosecutors’ Office,

initiated a separate criminal investigation. Both investigations remained underway. On June 17, Damj said the court in El Kef issued prison sentences in three cases under Article 230, which criminalizes same-sex relations. In one case an individual who filed a complaint of police abuse was charged under articles criminalizing homosexuality and offending a police officer.

On July 28, the appeals court upheld the conviction of two men accused of sodomy but reduced their sentence to one year in prison. The First Instance Court of El Kef initially sentenced the two men on June 3 to two years in prison for homosexuality. A lawyer provided by ASF assisted the defendants and led the appeal process.

According to Damj and ASF, 121 individuals were convicted under Article 230 in 2019, with anal examinations used as the basis for the majority of these convictions. In March-September, Damj registered 21 cases of violence against transgender individuals in public places, 10 cases of torture, and two cases of bullying by security forces in detention facilities. Authorities also issued 12 prison sentences against transgender individuals and gay men under Articles 230, 226, and 125 of the criminal code, which criminalize, respectively, “sodomy,” “deliberately declaring immorality,” and “insulting a public official.” Human rights organizations and LGBTI-focused NGOs stated that since judges often assumed guilt of individuals who refused to submit voluntarily to an exam, individuals felt coerced to submit to anal examinations. On May 17, a coalition of NGOs, the Civil Collective for Individual Liberties, called on the government to accelerate the establishment of the Constitutional Court as a guarantor of rights, decriminalize consensual same-sex conduct, end forced or coerced anal examinations, recognize the rights of transgender individuals, and end harassment of LGBTI-rights organizations. The collective noted, “despite the commitment by Tunisian authorities since 2017 not to resort to the use of anal examinations, courts continue to order this practice.”

No laws restrict freedom of expression, association, or peaceful assembly for those speaking out about LGBTI issues. Nevertheless, in February 2019 the government appealed a 2016 court ruling overturning the government’s complaint that the Shams Association’s charter did not allow it to advocate explicitly for gay rights. Adding to its 2016 case, the government stated, “the Tunisian society rejects homosexuality culturally and legally,” and that the Shams Association violated Article 3 of Decree Law 3 “by conducting activities that contradict Tunisia’s laws and culture.” In May 2019 the Tunis Court of Appeals ruled in favor of the Shams Association, noting that Shams did not violate the law by advocating for LGBTI rights. On February 21, the Supreme Court of Appeals issued a final sentence affirming legal status as a civil society organization to the LGBTI-rights Shams Association and rejected the state’s argument that Shams violated the law of associations by advocating for the rights of homosexuals.

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 workers with the right to organize, form, and join unions, and to bargain collectively. The law allows workers to protest, provided they give 10 days’ advance notice to their federations and receive Ministry of Interior approval. Workers may strike after giving 10 days’ advance notice. The right to strike extends 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 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 generally enforced applicable laws. Penalties were commensurate with those for other laws involving denials of civil rights.

Conciliation panels with equal labor and management representation 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. Observers generally saw the tripartite commissions as effective.

By law unions must advertise a strike 10 days in advance to be considered a legal action. The decision to hold a strike is internally approved by the union leadership; however, wildcat strikes (those not authorized by union leadership) have increasingly occurred throughout the year. According to the report of the Tunisian Forum for Economic and Social Rights, 798 collective protests, mainly seeking jobs and regional development, were recorded in July alone. Sector-based unions carried out some strikes and sit-ins, such as those in education, security services, health services, and extractive industries. Even if they were not authorized, the Ministry of Interior tolerated most strikes.

An April agreement between the UGTT, UTICA), and the government averted approximately 1.5 million pandemic-related private-sector layoffs, including agricultural and maritime fishing, construction, metal, garment and shoe manufacturing, transportation, and hotels. Under the agreement the government would pay 190 dinars (\$70) per worker, and employers would be responsible for paying the remaining salaries, in an effort to ensure that workers remain employed through the crisis caused by COVID-19.

In May workers organized a strike against Gartex Garment Factory for its failure to apply labor laws and regulations on a wide range of health and safety issues, and for violating collective agreements. Tensions had been high between the union and employer since Gartex dismissed the IndustriAll affiliate’s general secretary and assistant general

secretary in 2018. In February, Gartex also dismissed additional union leaders, advisory committee members, and 56 workers. In a letter to Gartex, IndustriAll urged management to respect workers’ fundamental labor rights and to reinstate the union leaders and members immediately.

In June the UGTT raised concerns about an uptick in worker rights violations at garment factories since the government allowed them to reopen that month. The UGTT called on employers and the government to reduce short-term contracts and increase formal employment; enact protective measures so workers do not bear the brunt of corporate brands’ rush for products at the lowest cost; urgently address gender-based violence and harassment to ensure decent working conditions, increase safety and health inspections and monitoring; and create space for workers to form and join unions.

In response to the prime minister’s June statements suggesting the possible reduction of salaries of civil servants, public officials, and pensioners due to COVID-19 related crises, the UGTT denounced the government for passing its financial imbalances to workers and stressed the need to respect its commitments and implement agreements reached, including the payment of third tranche wage increases for civil servants and revision of the guaranteed minimum wage. The UGTT further called on the government to respect workers’ contractually guaranteed actions such as promotions and bonuses, the need for serious negotiations to resolve outstanding issues, and for finding solutions to precarious employment.

On June 21, protesters in the southern governorate of Tataouine clashed with security forces near a pumping station and demanded that authorities honor its 2017 pledge to provide thousands of jobs in the gas and oil sectors (see section 2.b., Freedom of Assembly). After extensive negotiations, the government agreed to hire 1,000 employees in the state-owned Environment, Planting and Gardening Company in Tataouine, to create an 80-million dinar (\$29 million) development fund for projects in the region, grant loans to 1,000 beneficiaries under the Corporate Social Responsibility Fund, ensure the hiring of 285 workers by private oil and gas companies operating in Tataouine, and create state-owned holding companies in various sectors in the region with priority access to oil and gas companies’ tenders.

The UGTT alleged antiunion practices among private-sector employers, including firing of 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. UTICA, along with the government, maintained an exclusive relationship with the UGTT in reaching collective bargaining agreements. The government held organized collective social negotiations only with the UGTT and UTICA. Representatives from the General Confederation of Tunisian Labor and the Union of Tunisian Workers complained their labor organizations were ignored and excluded from tripartite negotiations.

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. While the government enforced most applicable codes dealing with forced labor, penalties were not commensurate with those prescribed for other analogous serious crimes, such as kidnapping, and transgressions still occurred in the informal sector.

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 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 morality. 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. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping.

Children engage in the worst forms of child labor, including in forced labor and domestic work in third-party households. They work nearly 10 hours per day without written contracts and have no social coverage. They are victims of health problems related to the arduous nature and long hours of work and to the dangers to which they may be exposed in the performance of various household tasks and other types of work in employers’ home, begging, street vending, and seasonal agricultural work. They were also subjected to commercial sexual exploitation and used in illicit activities, including drug trafficking, sometimes as a result of human trafficking.

Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum-age law by examining employee records. According to ministry officials, the labor inspectorate did not have adequate resources to monitor fully 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, more than 1.5 million Tunisians worked in the informal sector by the fourth quarter of 2019, accounting for 44 percent of the total labor force. Occasionally, labor inspectors coordinated spot checks with the UGTT and the Ministry of Education.

The Ministries of Employment and Vocational Training, Social Affairs, Education, and Women, Family, Childhood, and Senior Citizens all have programs directed at both children and parents to discourage children from entering the informal labor market at an early age. These efforts include programs to provide vocational training and to encourage youth to stay in school through secondary school. The minister of social affairs told media in 2019 that the number of school dropouts increased more than 50 percent in the preceding five years to 101,000 dropouts in 2018. He estimated that 90 percent of school dropouts come from poor and low-income families, stressing that the poverty rate for children has reached 25 percent, higher than the national rate of 15 percent. UNICEF reported in November that only 56.1 percent of children ages 15-18 complete secondary school, down from 70 percent 20 years ago.

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 and regulations prohibit 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, due to lack of resources and difficulty in identifying when employers’ attitudes toward gender identity or sexual orientation resulted in discriminatory employment practices (see section 6). Penalties were commensurate with other laws related to civil rights.

Societal and cultural barriers significantly reduced women’s participation in the formal labor force, particularly in managerial positions. Women are prohibited from employment determined to be dangerous, hard, or harmful to health or trade, or jobs which violate their morals and femininity, in line with public morals. This prevents women from working the same hours as men, as well as in the same sectors, such as in mining and agriculture. Women in the private sector earned on average one-quarter less than men for similar work. The 2018 law on gender-based violence 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. 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.

On October 15, the International Day of Rural Women, the Moussawat (Equality) organization condemned the illegal transport of rural women and demanded information regarding fatal accidents that have killed dozens of women agricultural workers. The organization voiced its support for Law 51 of 2019, which would provide safe transportation for rural agricultural workers, and an equal inheritance law that would support women’s rights. The Moussawat also urged the government to enforce the labor code ensuring that rural women have guaranteed limits on work hours, social security, and equal pay.

Despite the absence of an asylum law, an internal government circular from the Ministry of Social Affairs, issued in May 2019, allowed refugees registered with UNHCR, who hold a regular employment with a contract validated by the Ministry of Vocational Training and Employment or who are self-employed, to enroll in the Tunisian social security system, thereby formalizing their employment. The Casse Nationale pour la Securite Sociale (National Social Security Fund or CNSS) issued a note in this regard in September 2019. According to UNHCR, refugees who fulfill the requirements can apply through their employer for CNSS coverage and their application will be assessed on a case-by-case basis.

Civil society worked with the Ministry of Human Rights and other government bodies 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 are adversely impacted by COVID-19 prevention measures. Migrants at the Ouardia Center, a government-run facility for approximately 60 migrants, initiated a hunger strike on April 6 to protest their continued detention, alleged mistreatment, and an absence of COVID-19 prevention measures. The government announced a series of new 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 crisis, to finalize a national migration strategy, to regularize the legal status of current 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 for the months of April and May. Some municipalities guaranteed to cover the rent of sub-Saharan African migrants in need.

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

The labor code provides for a range of administratively determined minimum wages; the minimum wages were above the poverty income level. The Prime Ministry announced in May 2019 an increase of the guaranteed minimum wage in the industrial and agricultural sectors by 6.5 percent.

In 2015 the Ministry of Social Affairs, the UGTT, and the Tunisian Union of Agriculture and Fishing reached an agreement to improve labor conditions and salaries in agricultural work to match those in the industrial sector. The agreement allows for the protection of rural women against dangerous employment conditions, sets safety standards for handling of hazardous materials, and gives tax incentives for agricultural employers to provide training for workers.

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. Although there is no standard practice for reporting labor-code violations, workers have the right to report violations 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.

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. The government did not effectively enforce these health and safety standards. 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 not commensurate with those for similar crimes.

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. According to the government and NGOs, labor laws did not adequately cover the informal sector, where labor violations were reportedly more prevalent. Temporary contract laborers complained they were not afforded the same protections as permanent employees. Credible data on workplace accidents, injuries, and fatalities were not available.

ecoi.net summary:

Annual report on human rights
in 2020

Country:

Tunisia

Source:

USDOS – US Department of State

Original link:

<https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/tunisia/>

Document type:

Periodical Report

Language:

English

Published:

30 March 2021

Document ID:

2048161

Austrian Red Cross
Austrian Centre for Country of Origin and Asylum
Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
[T \(Telefon\)](tel:+43158900583) +43 1 589 00 583
[F \(Fax\)](tel:+43158900589) +43 1 589 00 589
info@ecoi.net

Contact
Imprint & Disclaimer
F.A.Q.
Data Protection Notice

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

