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Country Report on Human Rights Practices 2014 - Tunisia

EXECUTIVE SUMMARY

Tunisia is a constitutional republic with a multi-party, unicameral parliamentary system and a president with powers specified in the constitution. On January 26, parliament ratified a new, democratic constitution that respects individual rights. On October 26, the country held free and fair parliamentary elections that resulted in the Nida Tounes (Call of Tunisia) Party winning a plurality of the votes. On December 31, the country's first democratically elected president, Beji Caid Essebsi, took office. Authorities maintained control over the security forces, although international organizations reported instances of detainees subjected to harsh physical treatment.

The most important human rights problems included slow and opaque investigations into alleged security force human rights abuses, delays in prosecuting cases involving human rights abuses, and violence against journalists.

Other human rights problems included physical abuse, poor prison and detention center conditions, arbitrary arrest and detention, a lack of judicial independence, a lax prosecutorial environment with poor transparency, and social obstacles to the full economic and political participation of women.

The government took steps to investigate officials who committed abuses, but investigations into police, security force, and detention center abuses lacked transparency. Prolonged follow-up in these cases created a perception of impunity.

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

a. Arbitrary or Unlawful Deprivation of Life

Security forces reportedly used excessive force in one case that resulted in death. On August 23, police shot and killed two women and wounded another when they fired on a car in Kasserine, near a violent confrontation between security forces and terrorist groups in Mount Chaambi. A fourth woman in the car said that police later beat her. The Ministry of Interior stated that police at a security checkpoint fired on the car after the driver failed to stop, despite orders and warning shots. Three surviving passengers declared that police opened fire without

identifying themselves or giving any warning. The ministry ordered an investigation that later led to arrests of the police officers who fired shots.

The deaths of two individuals in detention raised public and official concern. On September 25, Ali Ben Khmais Louati died in the Borj el Amri Prison, one day after his arrest. According to his lawyer, police beat Louati on previous occasions. On October 3, Mohammed Ali Snoussi died, six days into his detention at the Bouchoucha jail in Tunis. An autopsy concluded that Snoussi had died of lung and kidney infections resulting from prior and regular drug use. Radhia Nasraoui, president of the nongovernmental organization (NGO) and human rights advocacy group Association for the Fight Against Torture in Tunisia, described photographs released by Snoussi's family as carrying "obvious signs of torture." On October 9, President Moncef Marzouki appointed two of his advisers on human rights and legal affairs to follow up on the circumstances surrounding the deaths of both Louati and Snoussi. No findings were available at year's end.

Demonstrators continued to gather every Wednesday in front of the Ministry of Interior to protest the lack of progress in investigations into the February and July 2013 killings of opposition political figures Choukri Belaid and Mohammed Brahmi.

The results of investigations into two police killings in 2013--those of Moez Dahmani in Tunis in May 2013 and Mohamed Mufti in Gafsa in July 2013--were not available by the end of the year.

On June 26, a court in Sousse charged members of the National Committee for the Protection of the Revolution with voluntary manslaughter in the 2012 death of Mohamed Lotfi Naguehd, a Nida Tounes opposition party regional coordinator. The new charge came after the Court of Cassation, the country's highest court, rejected the lesser charge of involuntary manslaughter. Nida Tounes members claimed Naguehd died of a blow to the head after progovernment demonstrators attacked his office. According to the Ministry of Interior, violence occurred, but the proximate cause of death may have been a heart attack. According to the state news agency, the International Bar Association deemed the case politicized and called for the release of the accused, since they spent more than 14 months in provisional detention, the maximum permitted by law. As of year's end, authorities had not prosecuted the case.

The army, police, and National Guard suffered casualties in repeated attacks by terrorist groups. Most significantly, militants in Mount Chaambi killed five soldiers in a mine explosion on April 11 and killed 15 soldiers in an ambush on July 16. Other attacks throughout the year resulted in the deaths of more than a dozen police, army, and National Guard officers or troops.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the law prohibits such practices, police reportedly subjected some detainees to harsh physical treatment, according to first-hand accounts provided to international organizations.

On June 6 during a visit, UN Special Rapporteur Juan Mendez stated that "torture and ill-treatment continue to take place in Tunisia."

On August 31, police assaulted human rights activist and blogger Lina Ben Mhenni on the island of Djerba. Police reportedly dragged Ben Mhenni out of her car and assaulted her. Police later opened an investigation into the incident, but no conclusions were available at the end of the year.

As of year's end, the results of internal investigations into the alleged abuse of two prisoners at Mornaguia Prison, Mohamed Amine Guesmi and Thamer Nassri, in 2013 were not available.

On November 20, an appeals court increased the prison sentence of two police officers convicted of raping a woman in 2012 from seven years to 15. The court maintained a third officer's two-year prison sentence and fined him 20,000 dinars (\$11,100) for extortion.

In October 2013 the National Constituent Assembly unanimously passed a law to create an independent 16-member body of experts, the National Authority for the Prevention of Torture, but the new body was not operational by year's end.

Prison and Detention Center Conditions

Prison and detention center conditions were below international standards, principally due to overcrowding and poor infrastructure. The Directorate General of Prisons and Rehabilitation spent approximately 3,650 dinars (\$2,000) per prisoner annually.

Physical Conditions: Prisons were understaffed and lacked adequate equipment to deal with the number of inmates. Overcrowding persisted, despite periodic amnesties since the 2011 revolution, due at least in part to the transfer of large number of prisoners from 14 prisons damaged during prisoner uprisings in 2011.

An April 25 report, *Prisons in Tunisia: International Standards versus Reality*, by the UN Office of the High Commissioner for Human Rights cited overcrowding, along with poor infrastructure, as the biggest problems in prisons. The highest rates of overcrowding were found in four prisons: Kasserine (151 percent), Kairouan (138 percent), Mesadine Prison of Sousse (116 percent), and Jendouba (114 percent). The report concluded that conditions often forced inmates to share beds.

As of October there were 23,686 prisoners and detainees, 54 percent of whom were in pretrial detention. The high percentage of pretrial detainees, which stemmed from case-flow problems, raised concerns about the capacity of the courts to dispense timely justice.

The law requires pretrial detainees to be held separately from prisoners, but the Justice Ministry reported that overcrowding forced them to hold pretrial detainees together with individuals who had already been convicted. Overcrowded conditions were exacerbated by substandard lighting, ventilation, and heating problems in buildings not originally built to be prisons.

Of the country's 27 prisons, one was designated solely for women, and eight prisons contained separate wings for women. As of October 647 women were incarcerated, 60 percent of whom were awaiting trial. The conditions of detention for women were reportedly better than those for men. The number of inmates at the Manouba Prison, reserved for women, was below the accommodation capacity. Authorities reserved six other corrections institutions for minors, housing a population of 243, of whom 18 were girls. Conditions in these facilities were better than those in adult prisons.

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

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

Administration: Recordkeeping was inadequate with data not always updated or accurate. During the year officials from the General Directorate of Prisons and Rehabilitation received training in methods to improve prisoner classification. The directorate developed a new classification system and began updating its database at year's end.

According to prison officials, other problems included lengthy criminal prosecution procedures that led to extended periods of pretrial detention, understaffing at prisons and detention centers, difficult work conditions, and low pay. Authorities rarely pursued other methods of punishment as an alternative to imprisonment.

Authorities allowed prisoners to pray in their cells and to receive one family visit per week, unlimited parcels and letters, and unlimited visits by legal counsel. Prisoners received three meals per day and one shower per week; they could receive food and property from family three times per week. Psychologists or sociologists played a role in reducing tensions. Adult prisoners reportedly had some access to educational and vocational training programs, although capacity limitations resulted in a distinct minority of prisoners enjoying such access.

Independent Monitoring: Following the 2011 revolution, the government expanded access to prisons by fully independent, nongovernmental observers, including local and international human rights groups, NGOs, and the local media, including the International Committee of the Red Cross, the Office of the UN High Commissioner for Human Rights, and the Organization Against Torture in Tunisia.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, although security forces did not always observe these provisions. There were reports of arbitrary arrest of Salafists in an intensified antiterror campaign following the deaths of 15 soldiers in a July 22 attack near the Algerian border.

Role of the Police and Security Apparatus

The Ministry of Interior holds legal authority and responsibility for law enforcement. The ministry oversees the National Police, who have primary responsibility for law enforcement in the major cities; the National Guard (gendarmérie), which directs border security and patrols smaller towns and the countryside; the Directorate General for National Security; and firefighters. Investigations into prisoner abuse lacked transparency and often lasted several months and, in some cases, more than a year.

Authorities failed to prosecute effectively previous attacks by Salafist extremists. An appellate court continued to postpone the prosecution's appeal of two-year suspended sentences for 20 Salafists convicted of attacking a foreign embassy in 2012. The appeal had been delayed on nine separate occasions; a hearing was scheduled for February 2015.

Civilian authorities maintained control over police, although international organizations, such as Amnesty International and Human Rights Watch reported instances of detainees being subjected to harsh physical treatment. The government lacked effective mechanisms to investigate and punish abuse, corruption, and impunity by police and prison officials, and there was little transparency in internal investigations. Senior police officials participated in training programs and established separate inspectors general for police and the National Guard.

Arrest Procedures and Treatment of Detainees

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

Detainees have the right to know the grounds of their arrest before questioning and may request a medical examination, but they do not have a right to legal representation during detention prior to arraignment. The law permits authorities to release accused persons on bail, and the bail system functioned. Detainees could exercise their right to representation by counsel during arraignment. By law the government provides legal representation for indigents, although it was unclear whether the government consistently provided legal counsel. At arraignment the examining magistrate may decide to release the accused or remand the prisoner to pretrial detention.

In cases involving crimes for which the sentence may exceed five years or that involve national security, pretrial detention may last six months and may be extended by court order for two additional four-month periods. 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 an additional three months. During this pretrial stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties.

Arbitrary Arrest: In September police arrested relatives of National Constituent Assembly members Faical Jadlaoui and Abderraouf Ayadi. The politicians alleged that authorities took their relatives into custody for political reasons. On September 19, police arrested Jadlaoui's brother and released him the same night, claiming to have confused him with another person. On September 22, police detained Ayadi's son after they found a banner in his car resembling that of the banned terrorist group Ansar al-Shari'a in Tunisia. On September 26, a judge acquitted Ayadi's son.

Pretrial Detention: Pretrial detention remained unpredictable and could last from a month to several years, principally due to judicial inefficiency and lack of resources. A December 2013 Human Rights Watch report noted legal gaps governing pretrial detention, poor physical conditions of detention, frequent violations of due process, and several cases of mistreatment during arrest and interrogation.

Self-immolation followed two cases of alleged police mistreatment of pretrial detainees. On September 2, *Tunisia-Live*, a local news website, reported on a number of cases suggesting a rise in police brutality. On July 17, in one instance a fruit vendor, Hamed Abdellaoui, killed himself. According to his father, he did so after police detained and physically abused him for selling melons in Sousse without the required permit. In a second case, the website reported that Amani Yousfi fainted on June 21 while in police custody and was taken to the hospital after a police officer pulled her hair and hit her stomach. According to her family, police told her not to report the incident or seek medical documentation. While returning to her home in Sfax, she reportedly objected to two police officers questioning why she was out late. She received a sentence of one-month's probation. On July 25, she returned to the station and set herself on fire; she died on July 28.

Amnesty: As of September President Marzouki had commuted the sentences of or pardoned more than three thousand prisoners, mostly imprisoned for petty crimes. The policy of not extending amnesty to prisoners implicated in terrorist acts remained in effect.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. While the government generally respected judicial independence, in one instance it failed to carry out an administrative court decision from December 2013 to reinstate 30 of 75 judges dismissed in 2012. Beginning in July 2013, a constitutionally mandated commission began reviewing judicial promotions, transfers, and disciplinary actions.

Trial Procedures

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

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 and may resort to the civilian Supreme Court. Human rights advocates argued that national security crimes are too broadly defined, but acknowledged that, following the 2011 reform of military courts, defendants in military courts have the same rights as those in civilian courts, including the right to choose legal representation, access case files and evidence, conduct cross examinations, call witnesses, and appeal court judgments. There is no exceptional or specialized code for military courts.

The law extends the rights related to a fair public trial to all citizens.

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, except that military courts handled claims for civil remedies for alleged security force abuses during civil disturbances during the 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.

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Speech and Press

The law provides for both freedom of speech and press, and the government mainly respected these rights, although there were continuing constraints. An independent press and a functioning democratic political system contributed to an environment generally conducive to these freedoms. While online and print media frequently published articles critical of the government, journalists and activists continued to practice self-censorship as a result of violence targeting journalists.

Freedom of Speech: Speech considered offensive to local sensibilities continued to be treated as criminal. 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 December 24, authorities arrested blogger Yassine Ayari and informed him the next day that they had charged him in his absence on November 18 of defaming the army and insulting high-ranking defense officials in a series of blog posts about mismanagement in the army. At year's end a military court had not delivered a final verdict in the case.

Press Freedoms: The new constitution provides for freedom of the press. Activists expressed concern, however, about restrictions pursued in the fight against terrorism. On July 18, two days after militants killed 15 soldiers near the Algerian border, the Prime Ministry closed a religious radio station, Nour, and a television channel, al-Insan, as part of a broader antiterrorism effort. The Prime Ministry accused the outlets of propagating extremist views and claimed to have informed the High Authority for Audio-Visual Communication, an independent media regulatory body, of its decision, but the authority denied that authorities consulted it and criticized the government for exceeding its authority. There were no cases of print media censorship.

Violence and Harassment: Security officials continued to harass and threaten journalists during street demonstrations or protests. According to a report by the NGO Tunis Center for Press Freedom, security forces assaulted 94 journalists in May, making it the most violent month for journalists since 2011. The NGO Arab Network for Human Rights Information criticized a violent crackdown on media covering a protest march in Kasserine on May 27. Reporters without Borders later condemned security forces that attacked journalist Nabil Ben Ouezdou as he covered a July 11 protest against the reopening of a garbage dump on the island of Djerba. Ben Ouezdou claimed to have shown the security forces his press card.

Censorship or Content Restrictions: The government penalized individuals who published items counter to government guidelines. For example, on July 27, police assaulted at least nine journalists covering a sit-in outside the Constituent Assembly. According to news reports, some of the journalists were hospitalized, although the injuries were not serious. The NGO Arab Network for Human Rights Information criticized the assault as an attempt by security forces to discourage coverage of the sit-in. In a statement sent to the Tunis Center for Press Freedom, a Ministry of Interior spokesman apologized for the attacks and promised an investigation. On September 9, in a separate example, local media reported that a court sentenced a journalist at the Agence Tunis Afrique Presse, Ghazi Mabrouk, in his absence, to two months in prison for violating the telecommunications code by "spreading false news on the internet" in a 2011 article about poor working conditions at the Boumerdes clothing factory.

Internet Freedom

The government did not restrict or disrupt access to the internet, and there were no credible reports that the government monitored private online communications without appropriate legal authority. There was no censorship of websites, including those with pornographic content, with the exception of websites linked to terrorist organizations, such as Ansar al-Shari'a in Tunisia.

During the year approximately 45.6 percent of the population had internet access.

Academic Freedom and Cultural Events

There were no reports of government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The law provides for the rights of freedom of assembly and association. On March 4, the government removed the state of emergency that limited the right of assembly, and generally respected it during the remainder of the year. The government did not always respect the right of association.

Freedom of Assembly

The law provides for the right of freedom of assembly. On March 4, President Moncef Marzouki lifted a nationwide state of emergency, first issued during the 2011 revolution. The number of incidents involving security forces and protesters fell considerably during the course of the year. The decline reflected continued improvement in police tactics and training that began in the latter half of 2013 as well as a decrease in the number and size of public demonstrations.

Freedom of Association

The law provides for the right of freedom of association, but the government did not always respect it. A law on associations promulgated in 2011 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, making it more difficult for government entities to hinder or delay registration and the government did not hinder

or unfairly deny registration. The Ministry of Interior is not authorized to abolish an association without judicial concurrence since the promulgation of the 2011 law.

On July 22, however, the government, through local governors, suspended 157 associations six days after 15 soldiers died in an attack near the Algerian border. The government stated it was suspending the associations for propagating hate speech and for links to terrorism, but it did so without a judicial order. Human rights groups criticized the decision as arbitrary and not in accordance with due process. According to the 2011 law, only the judiciary has the authority to suspend or dissolve an association. In May a trial court observed this procedure in ordering the suspension of activities by the National League for the Protection of the Revolution, which had been accused of intimidating journalists and politicians.

c. Freedom of Religion

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

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

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

Protection of Refugees

Access to Asylum: The country does not have a law for granting asylum or refugee status. When the UNHCR ceased providing assistance to the Shousha camp for refugees from Libya in June 2013, it still housed more than 300 persons who had been denied refugee status. In September the Tunisian Red Crescent counted 98 persons residing in the camp. Of these, 45 were registered refugees who had refused resettlement within the country. The remaining 53 were not granted asylum status and continued to appeal that decision. On October 15, the government dismantled the Shousha camp; however, the UNHCR still provided services to the refugees resettled in homes in Gabes and Medenine.

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

The new constitution provides citizens the ability to change their government through free and fair elections, which citizens exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Citizens exercised their ability to vote in free, fair, and transparent elections in October, November, and December for legislative and two rounds of presidential elections, respectively.

Political Parties and Political Participation: Of the approximately 170 registered parties, 70 ran electoral lists in the year's parliamentary elections. 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 Minorities: Women continued to be politically active, but they also faced societal barriers to their political participation. In a 2011 effort to include more women in the electoral process, the government adopted a candidate gender-parity law requiring political parties to list an equal number of male and female candidates on electoral lists. The law also stipulates male and female candidate names must alternate in order to increase the opportunities for female candidates to be selected. There were 68 women in the newly elected 217-member parliament and three women in the 28-member cabinet at year's end. Judge Kalthoum Kannou became the first woman in the country's history to run for president.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption, and the government took some preliminary steps but did not always implement these laws effectively. Government institutions, such as the National Commission to Combat Corruption (NCCC), lacked resources and technical expertise, according to its president, Samir Annabi. The law tasks the NCCC with investigating and preventing corruption and effective policies.

Corruption: There were isolated reports of government corruption during the year. According to NCCC President Annabi, of the 12,000 cases the NCCC received since its inception in 2013, only one quarter were related to corruption. The NCCC was able to transfer 450 cases to the judiciary. The main sectors affected by corruption included real estate, agricultural land, energy, mining, and public procurement and tenders.

The Prime Ministry added a dedicated link to its official internet portal for anonymous whistleblowers to report cases of corruption in the administration and to make available updates on existing cases.

Financial Disclosure: The law does not require appointed or elected officials to disclose their income or assets.

Public Access to Information: To improve transparency and promote national reconciliation following the 2011 revolution, a new law granted journalists and civil society organizations access to the records of the previous regime. Bureaucratic hurdles, however, limited the law's implementation. Information from the previous regime deemed sensitive remained inaccessible. The law on transitional justice grants access to members of the Truth and Dignity Commission, tasked with investigating gross violations of human rights from 1955 until passage of the transitional justice law in December 2013. There is, however, no law providing public access to subsequent governmental information.

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

A wide variety of domestic and international human rights groups investigated and published without government restriction their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The government's primary agency to investigate human rights violations and combat threats to human rights is the Ministry of Human Rights and Transitional Justice. The Ministry of Justice was the primary entity to investigate human rights abuses and combat threats to human rights. In January the Ministry of Justice subsumed the Ministry of Human Rights and Transitional Justice, which, according to one official, had limited the independence of the ministry to investigate and prosecute human rights cases. The High Committee for Human Rights and Fundamental Freedoms is a government-funded agency charged with monitoring human rights. The ministry failed to pursue or investigate adequately alleged human rights violations. Established on June 9, the Truth and Dignity Commission was scheduled to begin hearing cases in 2015. One observer expressed concerns about the commission's limited financial resources.

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

The law and the newly promulgated constitution explicitly prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions, although discrimination against women occurred due to reliance on customary law and social norms. The law is silent regarding sexual preference and gender identity. Traditional social norms resulted in discrimination.

Women

Rape and Domestic Violence: Although prohibited by law, rape, including spousal rape, remained a serious problem. The government generally enforced the law against rape. The penal code does not address spousal rape. There was no comprehensive or consolidated database on the incidence of sexual violence, but NGO groups claimed rape continued to be underreported.

Sexual assaults accompanied by acts of violence or threats with a weapon are punishable by death. For other cases of rape, the prescribed punishment is life imprisonment. If the victim is under the age of 20, penalties can be more severe (see section 6, Children). Nevertheless, societal and cultural pressures often dissuaded victims from reporting sexual assault.

Rape remained a taboo and underreported subject. Convictions for sexual violence were far below the number of actual incidents. A 2011 study, the most recent study available, by the National Office of Family and Population, concluded that 78 percent of women had been exposed to violence, while 16 percent of women between the ages of 18 and 64 claimed to be victims of sexual violence.

Laws prohibiting domestic violence provide penalties for assault committed by a spouse or family member that are double those of an unrelated individual for the same crime, but enforcement was rare, and domestic violence remained a serious problem. A 2012 study conducted jointly by the government and the UN Entity for Gender Equality and the Empowerment of Women reported that 47 percent of women suffered from physical or verbal abuse. The Ministry of Health cited these figures in a November conference sponsored by Amnesty International.

There were no government public education programs on domestic violence, including rape. Victims received services at two dozen social centers throughout the country. Additionally, the first government-run shelter and hotline dedicated to victims of domestic violence opened in 2012 on the outskirts of Tunis.

Female Genital Mutilation/Cutting (FGM/C): The law does not explicitly prohibit FGM/C; it was not practiced or condoned.

Sexual Harassment: Sexual harassment was a problem, although there was no data to measure its extent. The law requires victims of sexual harassment seeking redress to file a complaint in criminal court, where authorities then investigate the allegations. According to the criminal code, the penalty for sexual harassment is one year in prison and a fine of 3,000 dinars (\$1,670). Civil society groups criticized the law on harassment as too vague and susceptible to abuse. There were no statistics available on the number of abusers prosecuted, convicted, or punished for sexual harassment.

Reproductive Rights: There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the right to attain the highest standard of reproductive health free from discrimination, coercion, and violence. Women had free access to contraception. According to the UN Population Fund, an estimated 52 percent of girls and women between the ages of 15 and 49 used a modern method of contraception. In collaboration with NGOs, the government maintained its policy of keeping the national birthrate low through public awareness campaigns. The government provided essential health care for women, including skilled attendants during childbirth and treatment for sexually transmitted infections, although some rural women did not have access to these services.

Discrimination: Women faced societal rather than statutory barriers to their economic and political participation. Codified civil law is based on the Napoleonic code, although on occasion judges drew upon interpretations of sharia as a basis for 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 keep them separate. Customary law based on sharia prohibits Muslim women from marrying outside their religion. Sharia requires men, but not women, to provide for their families. Because of this obligation, sharia inheritance law provides, in some instances, 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 of sons. Non-Muslim women and their Muslim husbands may not inherit from each other. The government considers all children of those marriages to be Muslim and forbids those children from inheriting from their mothers. Spouses may, however, freely give up to a third of their estate to whomever they designate in their will.

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

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

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

Children

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

Child Abuse: The most recent statistical information on child abuse in general dates from 2012, when 5,992 notices of child abuse were received. In April the general delegate for the protection of children stated that cases of sexual abuse of children rose from 152 incidents in 2012 to 332 in 2013, 262 of which were before the courts.

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 express request and approval of both parents. According to 2013 statistics from the UN Children's Fund, 2 percent of women between the ages of 20 and 24 married before they reached 18.

Female Genital Mutilation/Cutting (FGM/C): The law does not explicitly prohibit FGM/C; it was not practiced or condoned.

Sexual Exploitation of Children: The law prohibits child pornography. Anyone who has sexual relations with a girl under age 10 is subject to the death penalty. Anyone who has sexual intercourse with a girl between the ages of 10 and 15 is subject to six years' imprisonment. If the victim is over 15 and under 20, the penalty is five years' imprisonment, unless the individuals are married. The penal code states that if a man has consensual sex with a female minor, he can avoid legal consequences by marrying the victim. Sexual intercourse outside of marriage is illegal, but consensual sex between adults was not prosecuted.

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

Anti-Semitism

An estimated 1,500 Jews live in the country. On April 14, a mentally unstable man stabbed a Jewish citizen on Djerba. Local and national authorities condemned the stabbing. Leaders of the local Jewish community described it as an isolated incident.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. It mandates that at least 1 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. There were no statistics on patterns of abuse in educational and mental health facilities, and individual cases of employment discrimination against persons with disabilities were rarely reported.

A 1991 law requires all new public buildings to be accessible to persons with physical disabilities, and the government generally enforced the law. Persons with physical disabilities did not have access to most buildings built before 1991. The government enacted and effectively implemented laws and programs to provide access to post-1991 buildings, but not to information and communications.

The government 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. The government provided tax incentives to companies to encourage the hiring of persons with physical disabilities. The Ministry of Social Affairs is charged with protecting the rights of persons with disabilities. There were approximately 300 government-administered schools for children with disabilities, five schools for the blind, one higher-education school, and one vocational training institution. The Ministry of Social Affairs managed centers in Tunis, Kairouan, Nabeul, and Sfax that provided short- and long-term accommodation and medical services to persons with disabilities who lacked other means of support.

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

Although consensual same-sex sexual activity is not illegal, the law criminalizes sodomy. Convictions carry up to a three-year prison sentence; there were no reports that authorities enforced the law during the year.

Anecdotal evidence suggested lesbian, gay, bisexual, and transgender (LGBT) individuals faced discrimination, although societal stigma likely discouraged individuals from reporting problems. Due to societal intolerance of same-sex sexual relationships, LGBT individuals were discreet, and there was no information on official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care. Despite the hostile environment, numerous LGBT-oriented websites and Facebook pages were not censored. Chouf Minorities, an association of activists, focused on fighting discrimination against LGBT persons.

Other Societal Violence or Discrimination

The number of cultural events disrupted by extreme Salafists fell sharply, continuing a trend that began in the latter half of 2013. Police and Ministry of Interior units also took a more proactive stance in re-establishing control over mosques that had fallen under Salafist influence and disbanding the Leagues for the Protection of the Revolution, self-identified watchdog groups that were accused of using violence to intimidate their political opponents.

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 bargain collectively. The law allows workers to strike, provided they give 10 days' advance notice to their federations and receive Ministry of Interior approval. The International Trade Union Confederation and the International Labor Organization characterized the requirement for strike notification as an impediment to freedom of association. The right to strike extended to civil servants, with the exception of workers in essential services "whose interruption would endanger the lives, safety, or health of all or a section of the population." The government did not explicitly stipulate 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.

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 commissions as effective, although details on resources available to the commission were unavailable.

Unions rarely sought advance approval to strike. Wildcat strikes (those not authorized by union management) occurred throughout the year. Some strikes and sit-ins were by sector-based unions, such as those of education, sanitation, and health professionals. Even if not authorized, the Ministry of Interior tolerated many strikes if confined to a limited area.

The UGTT alleged antiunion practices among private sector employers, including firing union activists and using temporary workers to deter unionization. In certain industries, such as textiles, hotels, and construction, temporary workers continued to account for a significant majority of the workforce. 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. Representatives from the General Confederation of Tunisian Labor and the Union of Tunisian Labor complained their labor organizations had been ignored and excluded from tripartite negotiations. A UGTT-dissident group challenging the most recent elections to the executive board split off to establish the Tunisian Labor Organization. In September the organization's president and some of its activists held a hunger strike to protest the "negligence of the government" in dealing exclusively with UGTT as the representative of organized labor.

b. Prohibition of Forced or Compulsory Labor

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

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law generally prohibits the employment of children younger than 16. Persons under 18 are prohibited from working in jobs that present serious threats to their health, security, or morality. The minimum age for light work in the nonindustrial and agricultural sectors during nonschool hours was 13. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. In nonagricultural sectors children between 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. The penal code provides for penalties of up to 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor and up to two years' imprisonment for forced child begging.

Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum age law by examining the records of employees. The number of inspectors and resources at their disposal lagged economic growth. Additionally, the inspectors do not cover the informal economy, estimated to constitute 30 percent of national economic activity. Occasionally, labor inspectors coordinated spot checks with the UGTT and the Ministry of Education. According to a 2013 study, 2.6 percent of children under the age of 15 worked, but this figure did not include children who worked in the informal sector, whether as street vendors, handicraft workers, or seasonal agricultural labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or 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' traditional attitudes toward gender identity or sexual orientation resulted in discriminatory employment practices (see also section 6).

e. Acceptable Conditions of Work

The labor code provides for a range of administratively determined minimum wages. In May the government increased the monthly minimum wage for nonagricultural workers to 348 dinars per month (\$193), and the daily minimum wage for agricultural sector workers to 12.30 dinars (\$6.83).

Authorities reported a poverty rate of 15.7 percent for 2013. 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.

Special government regulations control employment in hazardous occupations, such as mining, petroleum engineering, and construction. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they could take legal action against employers who retaliated against them for exercising this right. The Ministry of Social Affairs is responsible for enforcing health and safety standards in the workplace. Under the law all workers, including those in the informal sector, are afforded the same occupational safety and health protections. Enforcement of these measures was inadequate. In addition to enforcing occupational safety and health regulations, regional labor inspectors enforced standards related to hourly wage regulations. The country had 500 labor inspectors and conciliators and 58 doctor inspectors of labor that inspected most firms approximately once every two years. The government did not adequately enforce the minimum wage law, particularly in nonunionized sectors of the economy. The prohibition against excessive compulsory overtime was not always enforced.

Working conditions and standards generally were better in export-oriented firms, which were mostly foreign-owned, than in those firms producing exclusively for the domestic market. More than 500,000 persons, the majority of whom were women, worked in the informal sector, which labor laws did not cover and in which labor

violations were reportedly more prevalent. Temporary contract laborers complained throughout the year they were not afforded the same protections as permanent employees. There were no major industrial accidents during the year. Credible data on workplace accidents, injuries, and fatalities were not available.

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