

Document #2004225

USDOS – US Department of State

## Country Report on Human Rights Practices 2018 - Tunisia

### EXECUTIVE SUMMARY

Tunisia is a constitutional republic with a multiparty, unicameral parliamentary system and a president with powers specified in the constitution. In 2014 the country held free and fair parliamentary elections that resulted in the Nida Tounes (Call of Tunisia) Party winning a plurality of the votes. President Beji Caid Essebsi of the Nida Tounes Party came to office in 2014 after winning the country's first democratic presidential elections. Nida Tounes formed a coalition government with the Nahda Party and several smaller parties. On May 6, Tunisians voted in the country's first democratic municipal elections. Domestic and international observers reported the elections were free and fair, with only isolated accounts of electoral law violations that did not affect the overall results or credibility of elections. Voter turnout was 35.7 percent with independent candidates winning the majority of seats nationwide followed by the Nahda and Nida Tounes political parties.

Civilian authorities maintained effective control over the security forces.

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; corruption, although the government took steps to combat it; criminalization of consensual same-sex sexual conduct that resulted in arrests and abuse by security forces, including the continued use of forced and coerced anal examinations; and societal violence and threats of violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

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. The country's first transitional justice case for gross violations of human rights commenced on May 29, advancing the process from the Truth and Dignity Commission (IVD) to the Ministry of Justice.

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

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

Media and civil society reported the deaths of several individuals in detention as a result of suspected mistreatment or inadequate medical care. In its 2017 report, the independent Tunisian Organization against Torture (OCTT) noted 80 registered cases of torture and mistreatment of prisoners or detainees, including five cases of suspicious death during detention, a nearly 50-percent decline from the previous year.

In one example, the OCTT reported that Lotfi Arfaoui died in the custody of the Laarousa National Guard station in December 2017 following his arrest on December 9. Witnesses described to the OCTT that a medical responder's vehicle had been outside of the detention center, although Arfaoui's family was not provided a cause of death. An investigative judge initiated an investigation into his death, leading to the issuance of arrest orders for several of the National Guard officers. As of September the case remained underway.

In March authorities charged 17 police officers in the death of a young man who drowned after being chased into a stream by police following a soccer match at a stadium in a Tunis suburb. According to media reports of witnesses' accounts, 19-year-old Omar Labidi had shouted to police that he did not know how to swim as the police stood by without offering assistance.

During the year, six National Guard officers were killed and dozens more security force personnel were injured both in terrorist attacks and in civil unrest. On July 8, terrorists attacked a National Guard patrol in the northwestern Jendouba governorate, killing six and wounding three.

### 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. In a presentation for the International Day in Support of Victims of Torture in Tunis on June 27, the National Authority for the Prevention of

Torture (INPT) stated (<https://pomed.us2.list-manage.com/track/click?u=8a185f96ecfeb10569f5120d0&id=e27029246f&e=96d43876ef>) that abuse and ill treatment of detainees in police and National Guard detention centers has continued despite an overall decrease in instances of torture in prisons.

According to a poll conducted by the INPT in 2017, 14.4 percent of Tunisians reported they had experienced cruel, inhuman, or degrading treatment by public authorities during their lifetimes, while 3.3 percent reported having been a victim of an act of torture committed by a public official.

On February 22, police arrested Ameer Balaazi in Ben Arous (a suburb of Tunis) on suspicion of being involved in a carjacking. Through his lawyer, Balaazi alleged that the officers tortured him after his arrest, prompting the prosecutor for Ben Arous to authorize the INPT to conduct its own investigation. Shortly thereafter, the INPT published its findings, including a medical report and photographs showing that Balaazi had suffered injuries to different parts of his body. In the days that followed, three police officers were arrested and charged with torture, only to be released after police unions staged a protest at the court where the officers were being arraigned. Several prominent national lawyers’ and judges’ associations immediately published communiques condemning the police unions’ actions, arguing that the officers’ presence served to intimidate the judiciary and undermine its independence. As of September the case remained open.

According to the OCTT, on April 11, 16-year-old Mohamed Louay was arrested in Tunis for delinquency and taken to a nearby police station. Louay’s lawyer later contended that the authorities conducted a preliminary interrogation without his legal guardian or his lawyer, violating Louay’s legal rights. The day after his arrest, Louay’s mother was charged with insulting an officer during the exercise of his duties following an altercation when she was denied access to see him. She was subsequently sentenced to one year in prison, although she remained free pending an appeal. On April 16, Louay informed his mother that after his arrest, he was handcuffed, placed in solitary confinement, and physically assaulted by police officers. His mother filed a complaint for torture, leading the INPT to initiate an investigation into Louay’s case and to seek medical attention for him. As of September Louay remained in detention awaiting his trial.

Media reported that on June 8, a police officer and two friends sodomized a 32-year-old man in Monastir governorate using a police baton. The man filed a complaint with his local police station, which the LGBTI rights Shams Association published online. According to media reports, after the man filed a complaint against the officers, authorities requested that he undergo an anal examination to collect evidence with which to charge him with violating Article 230, which criminalizes sodomy. Police officers reportedly escorted the man to the examination room. As of September there was no verdict on his case.

## 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: Morneg (148 percent), Kairouan (80 percent), Sfax (47 percent), and Monastir (70 percent).

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. The prison system lacked sufficient resources to transport detainees to court hearings securely.

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.

Of the country's 27 prisons, one is designated solely for women, and five prisons contain separate wings for women (Sawaf, Harboub, Gafsa, Messadine, and El Kef). The Ministry of Justice has five juvenile centers located in Mejaz El Bab, Meghira, El Mourouj, Souk El Jedid, and Sidi El Hani. Minor convicts were strictly separated from adults; the majority of minors were detained in separate correctional facilities or 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.

Administration: According to prison officials, lengthy criminal prosecution procedures led to extended periods of pretrial detention, understaffing at prisons and detention centers, difficult work conditions, and low pay.

Authorities allowed prisoners to receive one family visit per week. A minority of adult prisoners reportedly had access to educational and vocational training programs, due to limited capacity.

As part of the Ministry of Justice's rehabilitation program for countering violent extremism (CVE), the Directorate General for Prisons and Rehabilitation (DGPR) has a memorandum of understanding with the Ministry of Religious Affairs to permit vetted and trained imams to lead religious sessions with prisoners who were classified as extremists, in an effort to deradicalize their religious beliefs. As part of CVE measures, organized, communal prayers were prohibited, but prisons permitted individual detainees to have religious materials and to pray in their cells.

The INPT, an administratively independent body established in 2013 to respond to allegation of torture and mistreatment, reported increasing cooperation by government authorities and improved access to prisons and detention centers during the year. Its members have the authority to visit any prison or detention center without prior notice

and at any time to document torture and mistreatment, to request criminal and administrative investigations, and to issue recommendations for measures to eradicate torture and mistreatment.

On February 27, INPT released its first public investigation report on alleged torture of a suspect by police in Ben Arous.

Independent Monitoring: The government granted access to prisons for independent nongovernmental observers, including local and international human rights groups, NGOs, local media, the International Committee of the Red Cross, the Office of the UN High Commissioner for Human Rights, and the OCTT. The Tunisian League for Human Rights (LTDH) may conduct unannounced prison visits and issue reports about conditions inside prisons. On September 5, the LTDH signed a memorandum of understanding with the Ministry of Interior to permit unannounced LTDH visits to all detention facilities under ministry control. Other organizations were issued a permit after a case-by-case examination of their requests.

Improvements: The DGPR continued to renovate and build new prisons to manage the prison population and improve the conditions of confinement. In April the minister of justice and director general of the DGPR inaugurated a new wing in the Messadine prison, with capacity for approximately 200 inmates.

The Ministry of Justice and the DGPR refurbished many prisons and added a new health-care center to one, increasing their capacity to accommodate additional inmates in new wings of the prisons in Sfax, Mahdia, Monastir, Messadine Sousse, and Borj el Roumi.

In an effort to reduce the potential for violence and mistreatment of detainees by prison staff, early in the year, the DGPR established an Emergency Response Unit composed of 200 law enforcement officers who are to be trained to intervene peacefully in significant security events within the prison system.

Throughout the year, the DGPR trained prison officials on a code of ethics and emergency management. The DGPR also opened a prison legal aid office and mental health unit in Messadine Sousse Prison. In addition, the DGPR began to classify inmates according to their level of threat, enabling prisoners to have access to vocational programs according to their classification.

#### 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 state of emergency to place citizens under house arrest with limited evidence or foundation for suspicion.

#### 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, 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. The Ministry of Interior has three inspectorate general offices 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. Investigations into prisoner abuse lacked transparency and often lasted several months and, in some cases, more than a year.

On March 13, several weeks after the incident in Ben Arous, 15 Tunisian and international organizations published an open letter urging authorities to ensure “an end to the impunity that prevails for human rights violations by the Tunisian security forces.”

### 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. The 2015 counterterrorism law allows for five days of incommunicado prearrest detention for detainees suspected of terrorism, which can be renewed for two five-day extensions with the court’s approval. 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. Media and civil society reported that police failed at times to follow these regulations and, on occasion, detained persons arbitrarily.

Detainees can exercise their right to representation by counsel and can request medical assistance immediately upon detention. Arresting officers 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. 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. Media and civil society reported that police failed at times to follow these regulations and, on occasion, detained persons arbitrarily.

The law permits authorities to release accused persons on bail, and the bail system functioned. By law, the prosecutor provides legal representation in case of criminal offenses and for 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 the expense of the government if certain conditions are met. In civil cases, both parties can 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. At arraignment, the examining magistrate may decide to release the accused or remand the detainee 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 three months. During this stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties.

A Human Rights Watch (HRW) report issued on June 1 found that weak enforcement of the 2016 law resulted in systematic violations of detainees’ rights. While HRW praised the new law for the rights it grants precharge detainees to legal counsel and medical assistance, in practice, HRW found that police largely failed to inform suspects of these rights. HRW identified common violations of the law, alleging documented cases in which the police forcibly pressured detainees to waive their rights and, in some instances, even signed these waivers unbeknownst to the detainees.

The report also identified other legislative gaps that produce situations denying detainees their rights to a fair trial and humane treatment as guaranteed by the constitution. HRW asserted that the law does not provide sufficient protections to prevent authorities from interrogating detainees prior to the arrival of their lawyers. Similarly, HRW stated that the law does not sufficiently provide individuals convicted of certain minor crimes the right to a free public defender, thereby restricting poorer individuals’ ability to exercise their right to legal counsel. In January, Lawyers without Borders began working with the Tunisian Lawyers’ Association and the Ministry of Justice to provide public defenders to individuals accused of felonies or minor crimes. As part of this pilot project, 100 pro bono lawyers worked to represent defendants accused of felonies.

Arbitrary Arrest: NGOs criticized the use of the emergency law 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 initial arrest.

While praising new efforts to crack down on corruption, civil society observers claimed that in a handful of cases, in making arrests, authorities disregarded laws on due process and respect for human rights (see section 4).

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 January, as part of a pilot project, the Sousse Probation Office began to promote alternatives to incarceration by imposing community service sentences in lieu of prison sentences for more than 300 cases in which the original prison sentence would have been less than one year. Through this program, judges worked with probation officers to substitute two hours of community service for each day of the jail sentence. Following this pilot program, the Ministry of Justice began expanding alternate sentencing programs to six other 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 2015 counterterrorism law stipulates 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. The counterterrorism law also extends the amount of time that a suspect may be held without access to legal counsel from five to 15 days, with a judicial review required after each five-day period. 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 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 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:

### 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 Expression: Public speech considered offensive to “public morals” or “public decency,” terms undefined in the law, continued to be treated as criminal acts. Provisions of the penal and telecommunications codes, for example, criminalize speech that causes “harm to the public order or public morals” or intentionally disturbs persons “in a way that offends the sense of public decency.” During several demonstrations, authorities presented inconsistent policies pertaining to the display of the rainbow flag, a symbol associated with rights for LGBTI individuals. In January authorities authorized a demonstration in Tunis demanding greater individual freedoms; however, they reportedly qualified this approval with a request that the organizers not raise rainbow flags. When participants raised the flag during their approved demonstration, police

dispersed the crowd, reportedly “for their own security.” During an August 13 demonstration in central Tunis in support of the fundamental freedoms and equality, activists raised rainbow flags without incident or attempts by security forces to restrict this symbolic speech.

Press and Media Freedom: Activists expressed concern about government interference in media and in the concentration of media ownership. NGOs continued to call for reforms to the penal code and military justice code, which NGOs stated 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.”

On January 27, the Tunisian Union of Journalists (SNJT) issued a statement denouncing the “return of repressive practices against journalists” and limits to freedom of expression posed by the improper or illegal use of surveillance of the media sector. Subsequently, on January 29, then minister of interior Lotfi Brahmi stated during a hearing before parliament that the ministry was monitoring journalists, including one whose conversation with a protester was wiretapped.

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

The SNJT reported 245 violations relating to physical assault, detention, and confiscation of equipment against journalists between March 2017 and March 2018, with public service employees responsible for 106 of those violations and security officers responsible for 50. In its monthly report for January (the same month as countrywide social movements), the SNJT documented 18 cases of violations committed against journalists. The report found security officers and members of security unions were responsible for 11 of the 18 documented violations, which included physical assault, detention, and confiscation of equipment.

The SNJT issued a statement condemning assaults against six journalists on August 8. According to the SNJT, three security officers verbally and physically assaulted journalists who were attending a press conference on the margins of a cultural event in Djerba. Media reported that these police officers were not originally from Djerba and that the local police commissioner apologized to the journalists on their behalf.

The SNJT and other rights groups documented that police detained and questioned several journalists in relation to their coverage of the protests, including two French journalists--Michel Picard, a freelance journalist, and Mathieu Galtier, a reporter for the Paris-based daily *Liberation*. On January 14, police briefly detained and questioned Picard after he reported on President Beji Caïd Essebsi’s inauguration of a youth center in Cite Ettadhamen. On January 11, one day after Galtier covered protests in Tebourba, police officers took him from his home to a police station for questioning. Galtier reported the police did not show him a warrant for his arrest and that they insisted on learning the names of his sources in Tebourba.

Censorship or Content Restrictions: The government penalized individuals who published items counter to government guidelines or who published items deemed to defame government officials. While online and print media frequently published articles critical of the government, journalists and activists at times practiced self-censorship to avoid violence targeting journalists, mainly from security forces or other anonymous attackers, according to the NGO Tunis Center for Press Freedom.

On April 18, blogger Mohamed Hammami was sentenced to eight months in prison and a fine of 120 dinars (\$43) for criticizing then minister of civil society, human rights, and constitutional bodies Mehdi Ben Gharbia. In another example, on March 9, a court of first instance sentenced blogger Sahbi al-Omri to 18 months in prison after he published information on Facebook accusing Adel Shoushan, a security director in Tunis, of abuse of authority in that position. Released pending an appeal on this first charge, al-Omri was arrested on September 18, reportedly for defaming a member of the Supreme Judicial Council in a Facebook post.

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. Several media actors and civil society groups argued the need for more comprehensive media reforms to comply with the country's international obligations.

National Security: Military courts have the power under the law to try civilians for “insulting the honor of the armed forces.” In March a military court sentenced Yassine Ayari, a Tunisian activist elected to parliament in December 2017, in absentia to 16 days' imprisonment for “insulting the military” and “offending the president of the republic” as a result of a Facebook post published in February 2017 in which he mocked the appointment of a senior military commander. In a separate case, on June 26, the military court sentenced Ayari to three months in prison for “insulting the military” and “offending the president of the republic” following another Facebook post. Ayari waived his parliamentary immunity, although as of November, he has yet to serve his sentences.

## 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. According to Internet World Stats, 68 percent of the population used the internet.

## Academic Freedom and Cultural Events

There were no reports of government restrictions on academic freedom.

## b. Freedoms of Peaceful Assembly and Association

The law provides for the rights of freedom 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. On July 27, parliament adopted a law mandating the establishment of a more comprehensive business registration system, with the aim to combat terrorism finance and money laundering that also included requirements for nonprofit associations to submit financial data to a newly created registry. This National Center for the Registry of Institutions would be responsible for collecting and maintaining the financial and administrative data of all “economic actors,” including nonprofit associations. Several prominent civil society organizations (CSOs) issued a public statement contending that this registry would duplicate existing requirements, place an undue burden on CSOs, and potentially threaten freedom of association. The government contends that the law does not prevent either the registration or the operations of CSOs.

### Freedom of Peaceful Assembly

The law provides for the freedom of peaceful assembly, and the government generally respected these rights.

In January the government authorized civil society groups throughout the country to organize peaceful protests against the new budget law as well as price increases and subsidy cuts. Media reported that authorities detained some of the organizers of the social movement #Fech\_Nestanew (What Are We Waiting For) on charges including graffiti, destruction of property, and “inciting riots” through the distribution of flyers calling for more protests. All were subsequently released without charge, according to human rights groups. With this notable exception, human rights groups reported that the police respected the protesters’ rights to peaceful assembly.

In several cities, these peaceful social movements gave way to instances of opportunistic crime, including episodes of vandalism and looting masquerading as protests that led to small-scale clashes with security forces. On January 13, the Ministry of Interior stated that authorities arrested more than 930 individuals for criminal charges that the ministry reported were unrelated to the legitimate and authorized protest movements; many of these individuals were subsequently released. The ministry also reported that more than 50 police officers were injured during the protests and one civilian died of asphyxiation as a result of an asthma attack prompted by the tear gas used by police to clear protesters.

Subsequent social movements, including several large protests in downtown Tunis during the summer, took place without major incidents or reports of interference by security forces. In several smaller protests throughout southern Tunisia to demand

greater economic development, security forces responded proportionately to violent incidents using riot control techniques and tear gas to disperse crowds that had blocked access to border posts.

## 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, making it more difficult 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 [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/) (<http://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. 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, vulnerable migrants, and other persons of concern.

In-country Movement: As of September the Tunisian NGO Observatory for Rights and Freedoms (ODL) estimated that more than 100,000 individuals were on a border-control order list known as “S17.” Originally created to restrict individuals’ movement outside the country, civil society groups report that the government has restricted individuals’ internal travel as well. Amnesty International concluded in an October report that the Ministry of Interior had issued the original S17 directive without independent judicial oversight and that authorities have subsequently applied the directive in a discriminatory and disproportionate manner to restrict movement. Based on research conducted into the application of S17 measures between April 2017 and August 2018, Amnesty found that “as of January 2018, the ministry had prevented 29,450 people from traveling to conflict areas on the basis of S17 measures since 2013.”

Without a clear understanding of the directive’s legal basis and scope, individuals on this list are unable to effectively appeal their inclusion on the list or seek legal redress. Civil society reported that the ministry systematically and discriminatorily included individuals on the “S17” list if they have a conservative appearance or were arrested on

suspicion of connection to terrorist groups, even if they were subsequently released without charge. According to the ODL, 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, individuals have remained on the list.

Since 2014 more than 500 individuals filed complaints with the ODL, claiming the government prevented them from traveling due to suspicions of extremism, and, in some cases, apparently based on the travelers’ religious attire. The group added that some persons were prevented from traveling despite not having a criminal record, because they were related to a terrorist suspect. In other cases, the observatory claimed that women were prevented from traveling if suspected of prostitution, often based on appearance alone.

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 the law was not consistently applied and that security forces did not always respect court decisions to reverse travel restrictions.

## Protection of Refugees

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, for basic education. The government granted access to schooling and basic public health facilities for registered refugees.

Temporary Protection: In August authorities received a boat carrying 40 irregular migrants (32 men and eight women) that had been stranded off the coast of Tunisia after being refused entry by several other countries. The secretary of state for immigration and Tunisians abroad, Adel Jarboui, headed the delegation that met the migrants at the port of Zarzis prior to their transfer to a migrant shelter in Medenine. The government announced it would work with the migrants’ countries of origin to facilitate their right to return.

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

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. On February 2, parliament passed an electoral law that codified regulations regarding

municipal and local elections, as well as granting members of the armed forces and security services the right to vote. Security forces had historically been denied suffrage on the grounds that the security forces must be “completely impartial.”

## Elections and Political Participation

Recent Elections: Citizens exercised their ability to vote in free, fair, and transparent elections in 2014 for legislative and two rounds of presidential elections. The country's first democratic municipal elections took place on May 6 with elections simultaneously organized and held in each of the 350 municipalities. For the first time since independence, the country's security forces voted on April 29. Officials reported that approximately 1.8 million persons voted in the municipal elections, placing the turnout above 35.7 percent. Official elections observers generally agreed that these elections were successful with no widespread fraud, violence, or attempt to undermine the credibility of the results. While some observers detailed faults with certain technical aspects of the electoral process and some electoral law violations (such as violations of the moratorium on campaign activities prior to the election day) and detailed sporadic instances of election officials or party representatives obstructing aspects of their observation efforts, their overall assessment was that elections were satisfactory, transparent, and valid.

Political Parties and Political Participation: Of the approximately 200 registered parties, 70 ran electoral lists in the 2014 parliamentary elections while 22 ran electoral lists in the 2018 municipal 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 and minorities did participate in the political process, and no laws limit their participation. Women continued to be politically active but faced societal barriers to their political participation. With the adoption of a new electoral law in 2017, party lists in the municipal elections were required to maintain horizontal and vertical gender parity and incorporate youth and persons with disabilities among the top positions on each list. The independent elections commission (ISIE) reported that of the newly elected municipal council members, 48 percent were women and 37 percent were youth below the age of 35. Persons with disabilities headed 15 of the successful lists.

## 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. On July 17, remedying a gap seen by civil society as enabling government corruption, parliament adopted the Assets Declaration Law, requiring public officials to declare their assets upon being elected or appointed and upon leaving office. The law went into effect October 16, stipulating a 60-day deadline for officials to declare their assets.

As of December 2, the National Commission to Combat Corruption (INLUCC) reported that 5,660 people had declared their assets out of an estimated total number of 350,000.

One year after the entry into force of the Access to Information Act, the independent commission established to implement the law issued its first judgments. On February 1, the commission ordered the disclosure of beneficiaries of taxi permits in Mahdia, and on March 7, it ruled that seven local governments must divulge the details of a public construction contract. In the justification for its decisions, the Authority for Access to Information stated that the new law requires government agencies to provide the public access to information pertaining to the issuance of government contracts if this information is not proactively provided.

The INLUCC, an independent body established in 2011 to investigate and prevent corruption and to draft policies to combat corruption, continued to process corruption cases. During a March press conference, INLUCC President Chawki Tabib reiterated past concerns that the budget allocated to this commission was seriously insufficient to implement a comprehensive anticorruption strategy. According to Tabib, the most common types of corruption reported to INLUCC are misappropriation of public funds and inappropriate employment practices in the public sector.

Corruption: The government’s anticorruption campaign led by the prime minister continued during the year with a series of arrests and investigations that targeted well known businessmen, politicians, and other government officials. In two notable cases, the preliminary charges included mismanagement of public funds, fraud, and taking bribes. On August 31, Prime Minister Youssef Chahed dismissed the minister of energy and mines, Khaled Kaddour, and four other high-ranking officials for allegations of bribery and permitting illegal energy exploration. Minister of Health Imed Hammami dismissed Central Pharmacy CEO Moez Mokaddem on April 12, citing suspicions of corruption and misallocation of public resources. The dismissal followed widespread media reports of corruption, drug shortages, and cash flow problems at the Central Pharmacy as well as reports of higher-level mismanagement of public health funds and inefficient management procedures that opened the public health system up to abuse.

While many expressed full support to the prime minister’s campaign and urged him to take further steps, a number of human rights organizations criticized the use of the state of emergency law as the basis for the arrests. They expressed concern that it gives the government full discretion to try civilians before a military rather than a civil court. In 2017 authorities arrested Chafik Jarraya and several other prominent businessmen on charges of smuggling and embezzlement, as well as conspiracy against the safety of the state and complicity with a foreign government. On August 23, the High Court of Tunis rejected a decision made by a lower court to transfer Jarraya’s case to the military tribunal and transferred his case to the Tunis Court of Appeals for re-examination as a civil, rather than military justice case.

Financial Disclosure: The constitution requires those holding high government offices to declare assets “as provided by law.” On July 17, parliament adopted the “Assets Declaration Law,” fulfilling a long-standing demand from civil society and anticorruption



champions. The new law identifies 35 categories of public officials required to declare their assets upon being elected or appointed and upon leaving office. 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. INLUCC will receive declarations from all of the officials covered by the law, and will be required to maintain all related records in a dedicated database.

## 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 Ministry 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 IVD, established in 2014 to investigate gross violations of human rights committed by the government or those who acted in its name, began hearing cases in 2016. As of September the IVD received 62,713 complaints and petitions. Of these cases, the IVD held 13,165 hearings for victims and broadcast six public hearings in the media between November 2016 and January 2017. As of early October the IVD had transferred 25 cases, and the Ministry of Justice had begun trials for nine of them in seven different courts. The IVD’s mandate is scheduled to end December 31, 2018.

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

In August 2017 President Beji Caid Essebsi announced the creation of a committee to provide recommendations for aligning the country’s laws with the 2014 constitution and international human rights laws and treaties to which Tunisia is a signatory. On June 12, the Committee on Individual Liberties and Equality published a report recommending a series of legislative changes including: decriminalization of homosexuality; ban of anal examinations; alignment of laws to adopt the definition of torture contained in the UN Convention against Torture; inheritance equality between genders with the option to follow Islamic principles favoring male heirs; equality in marriage and parenting; abolition of the death penalty; and review of the “state of emergency law.” In addition, the report argued that discrimination in all of its forms violates existing provision of the

constitution and international laws. The report recommended changes to legislation to prohibit discrimination based on gender, race, color, physical appearance, age, medical condition, disability, pregnancy, language, religion, beliefs, national or societal origin, place of residence, wealth, legitimacy, civil status, or sexual orientation or tendencies.

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

### Women

Rape and Domestic Violence: In 2017 parliament unanimously passed a comprehensive law addressing all forms of gender-based violence, which went into effect in February 2018. The law broadly defines violence against women as “any restriction denying women equality in the civil, political, economic, social, or cultural domains.” The law, which enjoyed widespread support from both political parties and civil society organizations, adds or updates articles in the Penal Code to meet international best practices. It criminalizes previously uncovered acts of incest, sexual harassment of women in public places, and gender discrimination.

Rape remained a taboo, and cultural pressures often dissuaded victims from reporting sexual assault. Several civil society groups urged the government to improve implementation of the new law condemning gender-based violence, including by providing better protection and legal remedies for victims of sexual assault.

In one case that received extensive national-level attention, on August 28, the minister of health visited a 15-year-old girl at the hospital after she had been allegedly gang raped and her relatives physically assaulted by five men over the course of several days. Media reported that her neighbor, who had led the attack, was a police officer. In the course of the attack, both the girl’s mother and grandmother died from their injuries. The minister told media the government would provide the girl and her family with all necessary medical and psychological assistance. Upon her release from the hospital, the girl was reportedly transferred to a child protection center. Media reported that the National Guard arrested the perpetrators in “record time.”

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 2018 law strengthens the 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, and Childhood Affairs established a national hotline for victims of violence. While the service hours were limited, the ministry reported that between early 2017 and August 2018, 4,727 women called the hotline and were referred to the ministry’s services and assistance. There were five centers dedicated to providing assistance to women victims of violence, one of which was managed by the ministry and four by civil society organizations.

There were no government public education programs on domestic violence, including

rape. Victims received services at two dozen social centers throughout the country.

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 (\$2,040) 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. 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.

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. In 2017 the government cancelled the 1973 decree law that prevented the marriage of Muslim female citizens with non-Muslim men unless the men presented proof of conversion to Islam. Sharia requires men, but not women, to provide for their families. Because of this expectation, in some instances, sharia inheritance law 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 judgement based on the rights enshrined in the 2014 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.

On August 10, the Ministry of Health issued a circular to all public hospitals requiring that they inform authorities upon receiving cases of pregnancy outside of marriage, children born to unmarried couples, or single mothers wishing to abandon their newborns. In response, the National Council of the Medical Order issued a statement calling the circular unacceptable as it violates professional secrecy, basic individual rights, and the protection of personal data. The Ministry of Health later withdrew this guidance.

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 under 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. Societal and cultural barriers significantly reduced women’s participation in the formal labor

force, particularly in managerial positions. Women in the private sector earned on average one-quarter less than men for similar work. The new law on gender-based violence contains provisions aimed at eliminating the gender-based wage gap.

The government initiated a “Council of Peers” during the year, with participation of each ministry and the major labor organizations, to institutionalize changes to promote gender sensitivity and integration at all levels of public administration, including budget proposals and government programs.

## 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.

The Ministry of Women, Family, and Childhood designated 21 psychologists to treat victims of child abuse and announced its collaboration with civil society to provide increased services for child victims in shelters in Sousse, Sfax, and Tunis.

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 girl under age 10 is subject to the death penalty. The 2018 law against gender-based violence addresses all forms of gender-based violence. Under previous laws, intercourse with a girl under the age of 15 without the use of violence was punishable by six years in prison; the 2018 law raised the age of consent to 16, and removed a clause in the legal code that allowed the court to drop the charges of sex with a minor if the perpetrator agreed to marry the victim, with the approval of her parents. The law prohibits child pornography.

International Child Abductions: The country is not 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.html> (https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html).

## Anti-Semitism

An estimated 1,400 Jews lived in the country. During widespread, violent protests against government austerity in January, vandals threw incendiary devices into the courtyard of a synagogue and at a Jewish school on the island of Djerba. There were no injuries. Observers said the attackers took advantage of reduced police presence around the institutions due to the protests. According to media reports, police arrested five suspects in connection with the incident, and members of the Jewish community described security officials as being responsive.

On May 1-4, an annual Jewish pilgrimage took place on the island of Djerba. Local media estimated participation at 3,000 persons, including approximately 400 Israelis. The event took place without incident and included the participation of several government ministers. Leaders in the Jewish community and government publicly praised the pilgrimage as a sign of the excellent relationship between the Jewish and Muslim communities.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/) (<http://www.state.gov/j/tip/rls/tiprpt/>).

## Persons with Disabilities

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.

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

The Ibsar Association, which works to promote rights for all persons with disabilities, estimated that fewer than one-third of persons with disabilities hold a government-issued disability card, which entitles the holder to a monthly government stipend of 120 dinars (\$44).

One of the biggest 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. For children with physical disabilities, infrastructure continued to be a major hurdle to their social inclusion, as few buildings or cities are accessible to persons with physical disabilities or reduced mobility.

For the municipal elections, while ISIE prepared electoral handbooks in Braille and ensured sign language interpretation for most of its press conferences, civil society observer groups noted that ISIE did not provide effective, timely outreach and voter education programs to reach persons with disabilities.

## Acts of Violence, Discrimination, 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. In some instances, NGOs reported that LGBTI individuals were targeted under the article of the penal code that criminalizes “infringement of morality or public morals,” which carries a penalty of six months in prison and a fine of 1,000 dinars (\$370). ADLI, a civil society organization, reported that 120 individuals had been arrested and accused of homosexuality during the first 10 months of the year.

In 2017 the National Council of the Medical Order in Tunisia issued a statement calling for doctors to cease conducting forced anal and genital examinations, which the World Health Organization and United Nations have said can constitute acts of torture. Human rights organizations and LGBTI-focused NGOs stated that the statement has neither deterred these exams nor reduced the rate of individuals being sentenced to jail under the sodomy law, since judges often assumed guilt of individuals who refused to submit voluntarily to an exam. Tunisian LGBTI-rights NGO Shams Association reported a decrease in the use of anal examination through physical force by the police but an increase in coerced anal examinations as police and judicial officials frequently used the individuals’ refusal to submit to the exam as “proof” of their homosexuality.

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. LGBTI-rights associations collaborated to publish a study in May that surveyed 300 LGBTI individuals about the

types of violence experienced as well as the perpetrators and location of this violence. According to this study, more than 50 percent of those surveyed reported they had been insulted more than once in public spaces due to their actual or perceived sexual orientation; 24 percent reported that within the previous six years they had been the victim of a physical threat or attack for the same reason.

Although 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, this survey found widespread anecdotal evidence of systemic denial of services and socio-economic discrimination targeting LGBTI individuals. Approximately 25 percent of the respondents reported they had been refused a job due to their LGBTI status, and 10 percent reported being denied medical treatment or tests, at least once, due to LGBTI status.

## 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 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 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 tripartite commissions as effective.

Unions rarely sought advance approval to strike. Wildcat strikes (those not authorized by union leadership) occurred throughout the year but at a level reduced from previous years, according to labor rights organizations. Sector-based unions carried out some strikes and sit-ins, such as those in education and health services and in extractive industries. Even if not authorized, the Ministry of Interior tolerated many strikes if confined to a limited geographic area.

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. 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. The government effectively enforced most applicable codes dealing with forced labor. While penalties were sufficient to deter many violations, transgressions still occurred in the informal sector.

Some forced labor and forced child labor occurred in the form of domestic work in third-party households, begging, 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/](http://www.state.gov/j/tip/rls/tiprpt/) (<http://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 is 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. 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 2016 law to prevent trafficking in persons provides for penalties of up to 15 years' imprisonment and a fine if a trafficking-in-person offense is committed against a child. The penalties were adequate to deter violations.

Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum age law by examining the records of employees. The resources at their disposal lagged behind economic growth. 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 GDP. According to World Bank statistics, the informal sector employed more than 54 percent of the total workforce, more than half of which was women. Occasionally, labor inspectors coordinated spot checks with the UGTT and the Ministry of Education.

Children were subjected to commercial sexual exploitation and used in illicit activities, including drug trafficking.



The Ministries of Employment and Vocational Training, Social Affairs, Education, and Women, Family, and Childhood all have programs in place to discourage children and parents 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 September that between 100,000 and 120,000 students drop out of primary or secondary school each year.

Also, see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/) (<http://www.dol.gov/ilab/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’ traditional attitudes toward gender identity or sexual orientation resulted in discriminatory employment practices (see section 6).

#### e. Acceptable Conditions of Work

The labor code provides for a range of administratively determined minimum wages. In March the UGTT and employers’ union UTICA began talks on private sector wage increases. The UGTT has called for a 10.3 percent increase, equal to inflation and economic growth. In June the government and the UGTT started negotiations on public wage increases through 2021. In July the government raised the guaranteed interprofessional minimum wage by 6 percent for workers with 40 and 48-hour workweeks. The 48-hour regime minimum wage increased to 378 dinars and 560 millimes (\$140.20) from 357 dinars and 136 millimes (\$132.27). The 40-hour regime minimum wage increased to 323 dinars and 439 millimes (\$119.79) from 305 dinars 586 millimes (\$113.18). This move also included retroactive pay for private sector retirees covering 2016 and 2017. The minimum wage exceeds the poverty income level of 180 dinars (\$66.67) per month.

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.

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. UGTT representatives noted that these health and safety standards were not adequately enforced. Regional labor inspectors were also responsible for enforcing standards related to hourly wage regulations. 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. 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. There were no major industrial accidents during the year. Credible data on workplace accidents, injuries, and fatalities were not available.

---

**ecoi.net summary:**

Annual report on human rights in 2018



**Country:**

Tunisia

**Source:**

USDOS – US Department of State (</en/source/11558.html>)

**Original link:**

<https://www.state.gov/j/drl/rls/hrrpt/2018/nea/289232.htm> (<https://www.state.gov/j/drl/rls/hrrpt/2018/nea/289232.htm>)

**Document type:**

Periodical Report

**Language:**

English

**Published:**

13 March 2019

**Document ID:**

2004225

---

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

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583F (Fax) +43 1 589 00 589info@ecoi.net

---

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.

