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2011 Country Reports on Human Rights Practices - Tunisia

EXECUTIVE SUMMARY

Tunisia is a constitutional republic. After the revolution that deposed former President Zine El-Abidine Ben Ali's two-decade-long regime on January 14, interim Prime Minister Mohamed Ghannouchi first led an interim government, followed by Prime Minister Beji Caïd Essebsi, who presided over the government and preparations for the country's October 23 Constituent Assembly elections. The country held free and fair elections on October 23 for the Constituent Assembly, which was mandated to draft a new constitution and appoint a new government. Civilian and military security forces reported to civilian authorities.

Ben Ali's departure created an unprecedented opening for respect for human rights in the country. Previous restrictions on freedoms of the press, expression, assembly, and association under Ben Ali's 23-year dictatorship largely ceased, and citizens enjoyed new liberties as they prepared for and participated in the country's first open, inclusive, and democratic election. Exiled political and human rights activists returned, imprisoned political prisoners were released, and civil society and human rights activists pursued their work without government disruption or intimidation.

Women vastly increased their political participation, but they continued to face significant societal barriers to their economic participation. There were reports of security officials using excessive force in arresting protesters, and poor prison conditions persisted. There were also reports of security officials not following legally established arrest procedures and continued concern about judicial independence.

At year's end the government was pursuing legal action against Ben Ali-era officials accused of committing human rights abuses, as well as those suspected of corruption, but this process had not been completed. Some individuals eluded prosecution by fleeing the country, including Ben Ali.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

The National Fact-Finding Commission to Investigate the Abuses During the Recent Period, established after Ben Ali's abdication and led by Taoufik Bourderbala, estimated that 350 people were killed between December 17, 2010 and January 14, 2011 by forces operating under Ben Ali's command. The UN estimated at least 300 civilians were killed during the unrest.

During a July demonstration in Sidi Bouzid, 14-year-old Thabet Belkacem died when a bullet fired by security forces ricocheted and hit him in the stomach. The police had fired warning shots in response to Molotov cocktails thrown by the crowd. In early September security forces in Metlaoui intervened to break up clashes between tribal families. Police fired warning shots, one of which killed a 16-year-old girl.

b. Disappearance

There were no reports of politically motivated disappearances. The government ratified the International Convention for the Protection of All Persons from Enforced Disappearance in June.

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

The government ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment in June.

Multiple international organizations received first-hand accounts of harsh physical treatment of individuals for participation in demonstrations. For example, Human Rights Watch (HRW) observers reported witnessing security officials using excessive force when arresting protesters at demonstrations in Tunis on multiple occasions, including during the March "Kasbah II" and the July "Kasbah III" sit-ins.

The government granted access for a visit by the UN Special Rapporteur on Torture Juan Mendez (see section 5). Following his week-long visit in May, during which Mendez met with the interim government, civil groups, and victims, Mendez confirmed that, while not widespread, in some instances authorities had used torture.

In a break with previous years, actions by the judiciary indicated that government officials would be held accountable for torture. On November 29, a military tribunal sentenced former minister of interior Abdallah Kallal to four years in prison for his role in directing a violent crackdown in response to a 1990 coup attempt, which resulted in the subsequent torture of military officials.

Prison and Detention Center Conditions

Prison and detention center conditions varied. HRW observed overcrowding at two prisons in February but predicted conditions would improve after an amnesty freed thousands of political prisoners detained during the Ben Ali era.

Prisoner rebellions seriously damaged 14 prisons, leading to overcrowding in detention facilities that remained functional. In some cases prisoners died after setting fires in their cells. In one case in January, 42 prisoners in Monastir died in a prison, and in July two prisoners in Kasserine died of smoke inhalation. According to the Ministry of Justice, between January 15 and May 1, the total number of prisoners in the country dropped from an estimated 31,000 to 21,000.

There was no information available on whether prisoners had access to potable water, whether there are prison ombudsmen, whether steps had been taken to improve recordkeeping or to use alternatives to incarceration for nonviolent offenders, whether the conditions for women prisoners were worse than those for men, whether prisoners were permitted religious observance, whether prisoners could submit complaints to judicial authorities without censorship, or whether authorities investigated credible allegations of inhumane conditions. There were reportedly 28 prisons for men and one

prison for women, and approximately 21,000 prisoners, including 400 women, were incarcerated. According to officials, prisoners' personal space was inadequate at just three to four square meters of space per prisoner. After a February visit, HRW reported severe overcrowding and inadequate opportunities for physical activity in Mornaguia prison. Prisoners are allowed one family visit per week, three meals per day, one shower per week, the receipt of food and property from family three times per week, unlimited receipt of parcels and letters, and unlimited legal visits. Adult prisoners were reported to have access to educational and vocational training programs, although in practice only 10 percent had access.

Following the January revolution, the government permitted access to prisons by independent, nongovernmental observers for the first time. Officials' February 2 decision to allow HRW to visit two prisons effectively ended a 20-year ban on human rights organizations' access to prisons. On May 14, HRW reported that the government was also allowing human rights organizations' representatives to visit death row inmates.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, although security forces did not always observe these provisions in practice. There were several instances of demonstrators and bystanders arbitrarily arrested and at times arbitrarily detained in March, April, and May.

Role of the Police and Security Apparatus

The Ministry of Interior has legal authority and responsibility over law enforcement, but the Ministry of Defense assumed an increased role in the country's internal security during the year at the request of the Executive Branch. The Interior Ministry controls the police, who have primary responsibility for law enforcement in the major cities; the National Guard (gendarmerie), which is responsible for border security and policing smaller cities and the countryside; the Directorate General for National Security; and firefighters.

Arrest Procedures and Treatment While in Detention

The law provides that police must have a warrant to arrest a suspect, unless the crime committed is a felony or is in progress. The penal code permits detention for as long as 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. There were several reports that police sometimes ignored those rules.

Detainees have the right to know the grounds of their arrest before questioning and may request a medical examination. Detainees do not have a right to legal representation during prearrest detention. The law permits the release of accused persons on bail, and detainees have the right to representation by counsel during arraignment. By law the government provides legal representation for indigents, although it is unclear whether this was done in practice. At arraignment the examining magistrate may decide to release the accused or remand the prisoner to pretrial detention.

The law requires that pretrial detainees be held separately from convicted prisoners, but the Justice Ministry reported that due to overcrowding, pretrial prisoners were held with convicted prisoners.

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

both parties. Reports of mistreatment during pretrial detention continued during the year, with multiple activists reporting harsh physical treatment of individuals for participation in demonstrations.

The Emergency Law enacted during the revolution remained in effect throughout the year and police applied it when arresting demonstrators who were deemed to be organizing without a permit. UN Special Rapporteur on Torture Juan Mendez reported that an estimated 66 people, including 22 minors, were detained for 12 hours after protests in May without access to their lawyers or families and that they were forced to kneel and remain in uncomfortable positions for extended periods. Mendez also stated that he had seen evidence of people being kicked, beaten, and burned with cigarettes.

Arbitrary Arrest: There were several instances of demonstrators and bystanders arbitrarily arrested. While there were no statistics available on how many persons were arrested arbitrarily, there was anecdotal evidence that arbitrary arrests occurred in Tunis in March, April, and May.

Pretrial Detention: There were no updated statistics on the proportion of the prisoner population that remained in pretrial detention. According to 2010 estimates, approximately 50 percent of the prisoner and detainee population was in pretrial detention.

Amnesty: On January 20, then prime minister Mohamed Ghannouchi issued an amnesty for political prisoners. The amnesty applied to all those who were imprisoned or prosecuted for crimes as a result of their political or trade union activities, and approximately 800 political prisoners were released after the amnesty went into effect on February 19. The International Association for the Support of Political Prisoners reported that the last of the political prisoners, including people charged and convicted under the previous regime's terrorism laws, were freed in early March. There were differing numbers on how many prisoners were granted amnesty during the year.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, historically the executive branch and the president strongly influenced judicial procedures, particularly in cases involving political dissidents and oppositionists. Many of the judges who had been appointed by Ben Ali retained their positions after his overthrow.

Trial Procedures

In civilian courts defendants have the right to a presumption of innocence, public trial, and a trial by jury, as well as the right to consult with an attorney or to have one provided at public expense, the right to confront witnesses against them and present witnesses and evidence, the ability to access government-held evidence, and the right to appeal.

Military courts fall under the Ministry of Defense. Military tribunals have the authority to try cases involving military personnel and civilians accused of national security crimes. A defendant may appeal a military tribunal's verdict to the civilian Supreme Court. In prior years civilians accused of national security crimes have been sentenced in military tribunals. The government ratified the Rome Statute of the International Criminal Court in June.

Political Prisoners and Detainees

There were no reports of new political prisoners or detainees during the year. Following the promulgation of the General Amnesty Act for citizens involved in political cases, in February the government granted amnesty to approximately 500 political prisoners.

Civil Judicial Procedures and Remedies

Citizens are permitted to seek civil remedies for human rights violations. The military courts handled redress of alleged abuses by security forces during civil disturbances during the revolution. Cases brought before civilian courts did not move forward because officials, and sometimes civilian judges, refused to cooperate in the investigations.

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

The law prohibits such actions, and in a departure from prior years, the government generally respected these prohibitions in practice.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Killings

Police were deployed to disperse the protests during demonstrations that began in mid-December 2010 and continued into early 2011. According to the UN, at least 300 civilians were killed and approximately 700 injured during the unrest, which included individuals who died during prison riots. According to HRW, the majority of the 78 demonstrators reported dead in January were killed by police fire. Investigations by the Fact Finding Commission on Abuses during the Recent Period revealed that approximately 350 people were killed between December 17, 2010, and January 14, 2011, by forces operating under Ben Ali's command.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

After the constitution was suspended following the protests that overthrew Ben Ali, the government removed many of the speech and press restrictions that previously existed and abolished the powerful Ministry of Information, which had served as the former regime's main organ of censorship. Unlike in previous years, criticism of the government was frequently published in online and print media. Despite these changes, there were some reported incidents of authorities suppressing speech and press critical of the government or failing to protect the freedom of speech and press.

Freedom of Speech: While the legal restrictions on free speech were lifted, there were instances of government authorities failing to protect citizens' right to free speech. In June activists complained that authorities failed to respond expeditiously when protesters disrupted the screening of the secular-themed film, *Ni Allah, Ni Maitre* (*Neither Allah, Nor Master*), and harassed viewers.

Freedom of Press: In May authorities arrested Samir Feriani, who worked as a police officer in the Interior Ministry for 20 years, after he published two letters in the newspaper *L'Expert* accusing an unnamed ministry official of taking part in a crackdown on popular uprisings in Sidi Bouzid and Kasserine. Feriani also claimed that the records of the Palestine Liberation Organization, which was based in Tunis from 1982 to 1994, were destroyed following Ben Ali's departure. A military tribunal acquitted Feriani on September 29 and released him conditionally, but at year's end he faced charges in civil court of defamation and causing public disorder in connection with his report.

The government issued more than 30 licenses for new television channels. After years of requesting a license and having its Web site hacked and archives destroyed in 2008, independent radio station Radio Kalima received a license in June.

Violence and Harassment: There were several reports of security officials harassing or threatening journalists during street demonstrations or protests. On May 5, police assaulted at least 15 journalists and chased them into the offices of the daily newspaper

La Presse.

Actions to Expand Press Freedom

The government created two high commissions to review Ben Ali-era press codes that stipulated which topics press sources could cover and determined penalties for violators. In February the interim government established the Commission for Reform of the Media and Information, an independent commission for media reform. The commission consulted with the government and presented recommendations for a legal framework for radio and television licensing. It also proposed establishing a new public service broadcaster to disseminate information to the public and allow for informed public opinion.

The new press code adopted in August abolished the criminalization of both the defamation of state institutions and of publishing offensive content about the president. The new law, however, criminalizes "defaming recognized religions" and "distributing false information." The latter offense was invoked in May when police officer Samir Feriani was arrested and charged with distributing information "likely to harm public order" (see above).

Internet Freedom

Widespread use of and access to the Internet and social media sites was a major facilitating factor in sparking the December 2010-January 2011 protests. An estimated 18 percent of youth had a Facebook account, and since the fall of the former government, Internet sites were no longer blocked. The government took several steps during the year to end official Internet censorship. In May a case was brought to court requesting the Tunisian Internet Agency (ATI) to filter pornography. A high court overturned the lower court ruling requiring the ATI to filter pornography, ruling that there could be no censorship of Web sites, including those with pornographic content. At year's end the case was being appealed.

Web sites that were previously blocked, such as Reporters without Borders and YouTube, were no longer censored. There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the free expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

The new opening for freedom of speech also allowed for frequent demonstrations, and the government intervened in some demonstrations after they turned violent. In some of these cases authorities either did not respond or were slow to respond. Several demonstrations that turned violent or damaged personal property involved Salafist extremists. One example was the heated accusations against professors and students related to wearing short skirts and whether or not the government should allow students to wear the full-face covering, niqab (veil), at academic institutions. At Manouba University in Tunis, for example, fundamentalists opposing the ban on the use of the niqab interrupted classes and intimidated teachers. Authorities initially did not intervene in an antiniqab ban sit-in but then forcibly removed the demonstrators after Manouba's dean requested protection for faculty and students. Cultural events deemed offensive by religious fundamentalists were attacked on several occasions.

In June fundamentalists attacked a movie theater that was hosting the opening screening in the country of the independent secular-themed film *Ni Allah, Ni Maitre*. The fundamentalists broke the theater's windows and the film screening was canceled. Despite the theater's location two blocks from the Ministry of Interior, police were reportedly slow to respond to the attack, and organizers complained that police did not provide adequate protection despite their prior acknowledgement of the potential for protests of the film to become violent.

On October 9, violent extremists (allegedly Salafists) attacked the offices of the private television station Nessma and the University of Sousse in protest of the October 7 broadcast of the French-Iranian animated film *Persepolis* that was followed by a debate on religious fundamentalism. Nessma TV co-owner Nebil Karaoui subsequently issued a public apology for airing the film. On October 14, unknown individuals attacked Karaoui's home and on October 16, authorities arrested five people in connection with the vandalism and attempted arson of his house, although they were detained only briefly and not charged. Karaoui and two employees were charged with "undermining sacred values." The trial was postponed, and Karaoui faced criminal charges at year's end.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution, although technically suspended after Ben Ali's departure in January, allowed for the freedom of assembly. Since the revolution, there have been spontaneous demonstrations, protests, and strikes across the country. On January 14, the government enacted an Emergency Law requiring all gatherings of more than three people including rallies, demonstrations, and marches to apply for a permit at least three days in advance. At year's end there were no accounts of the government refusing permits. During the year there were several instances of security personnel having violent confrontations with protesters in which both civilians and police were injured or killed. In July police harassed and chased demonstrators in Tunis who were holding a sit-in calling for judicial reform because the event's organizers had not applied for the required permit.

Freedom of Association

Under Ben Ali, the law provided for freedom of assembly and association, but the former government severely restricted this right in practice. After Ben Ali's departure, the government did not restrict the registration or work of private organizations, political parties, or organizations of women, minorities, or professionals. In the lead-up to the October Constituent Assembly elections, 111 political parties were registered. The Independent Elections Committee refused to register some parties because they did not qualify for political party status under the 2011 Electoral Law.

A new draft law on associations was presented in August and promulgated on September 24. It eliminates the penal dispositions in the previous law as well as the prohibition on belonging to, or serving in, an unrecognized or dissolved association. The registration procedure has been eased, and it is more difficult for government entities to hinder or delay the registration process. Most importantly, the Interior Ministry can no longer abolish an association without passing the case through the courts.

c. Freedom of Religion

See the Department of State's [2010 International Religious Freedom Report](#).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated closely 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. International relief organizations praised the government's humanitarian response to the influx of refugees, migrants, and displaced persons from Libya.

Protection of Refugees

Access to Asylum: The country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. During the year the government kept borders open during civil unrest in Libya, allowing more than a million Libyans and third-country nationals to seek temporary safe haven and access to basic services.

Refugee Abuse: There were two incidents in Camp Shousha, a refugee camp for third-country nationals approximately eight kilometers from the Tunisian-Libyan border, in which refugees and displaced migrants were killed. On May 22, camp residents set fire to part of the camp, killing four. On May 24, residents demonstrated against poor conditions in the camp. Later that day, residents from the nearby town of Ben Guerdane looted and set fire to the camp, resulting in three confirmed deaths. Authorities were reportedly slow to step in and restore order and security in the camps, and they continued to investigate the incidents at year's end. Some testimonials from camp residents and witnesses gathered by HRW in June state that the Tunisian military was complicit in the May attacks on the camp, but there was no additional information to corroborate this claim.

Durable Solutions: The government cooperated with the UNHCR in its efforts to identify durable solutions for third-country nationals who fled Libya and could not be repatriated to their countries of origin. These primarily included persons from Somalia, Eritrea, Sudan, and Iraq. The UNHCR has referred some of these persons for resettlement in other countries.

Temporary Protection: During the year the government also provided temporary protection to thousands of individuals who may not qualify as refugees, although they were fleeing the conflict in Libya. In addition to an estimated 100,000 Libyan refugees who registered with the UNHCR in Tunisia, the government allowed more than 660,000 Libyans to enter the country to seek short-term medical care and commercial opportunities. It also provided temporary protection to more than 200,000 third-country nationals who had been working in Libya.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised their right to do so in the country's first ever free and fair election. The interim government established an Independent Elections Commission as well as a new electoral code to elect the Constituent Assembly on October 23. The government ratified the Optional Protocol to the International Covenant on Civil and Political Rights in June.

Elections and Political Participation

Recent Elections: Elections for the newly established Constituent Assembly took place on October 23 and were judged by both international observer missions and the Tunisian League for Human Rights (LTDH) as free, fair, and transparent.

Political Parties: After the revolution, the historically dominant Constitutional Democratic Rally (RCD) party was dissolved and outlawed. More than 100 political parties registered to run in the Constituent Assembly elections. Those parties that did not receive accreditation were rejected due to incomplete applications or because their programs were found to be inconsistent with laws prohibiting discrimination and parties based on religion. There were no reports of government interference with the right to organize, stand for election, publicizing views, or campaigning. Political party youth wings were not restricted.

Participation of Women and Minorities: There are no laws that prevent women or

minorities from voting or participating in political life on the same basis as men or nonminority citizens. In an effort to include more women in the electoral process, the government adopted a candidate gender parity law in April, requiring political parties to list an equal number of male and female candidates on electoral lists. The law also stipulates that male and female candidate names had to alternate in order to increase the opportunities for female candidates to be selected. Women constituted 26 percent of the elected 217-member Constituent Assembly. Three of 41 members of the new cabinet were women.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government made some effort to implement these laws effectively.

During the year the investigation and prosecution of high-level and wide-scale corruption that occurred during the Ben-Ali regime emerged as the key legal issue facing the criminal justice system. A Fact-Finding Commission on Cases of Embezzlement and Corruption, established in late January, led efforts to identify corrupt practices and conduct related investigations. The commission received an estimated 9,000 complaints, investigated allegations of corruption, and referred credible cases the Ministry of Justice for prosecution. At year's end 105 cases had been transferred for prosecution, including alleged financial, taxation, customs, land, and administrative crimes.

During the year there was no applicable law providing for public access to government information. In December several Constituent Assembly members presented a letter calling for "open governance" legislation, which would allow public access to government documents and proceedings. At year's end the initiative was under review.

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

Operating space for domestic and international human rights groups improved dramatically during the year. After the revolution, a variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Acting government officials were increasingly cooperative and responsive to their views.

On September 9, the LTDH held its first national congress in 11 years after having been banned and repressed under the Ben Ali regime. Prime Minister Beji Caid Essebsi attended the conference, the first time a head of government attended an LTDH congress. During the year the government granted international NGOs HRW and Reporters without Borders permission to open offices in Tunis. These organizations were permitted to freely conduct in-country research and investigations into human rights issues, including prison visits.

UN and Other International Bodies: On July 13, then minister of foreign affairs Mouldi Kefi signed a host country agreement with the UN High Commissioner for Human Rights (UNHCHR), marking the opening in Tunis of the first UNHCHR field office in the Middle East and North Africa region. From May 22 to 26, UN Special Rapporteur on Human Rights and Counter-Terrorism Martin Scheinin visited the country to assess human rights improvements since the transition. In his report Scheinin applauded the dismantlement of the Directorate for State Security and commended the government's decision to ratify the International Convention on Disappearances, the Optional Protocols to the Convention against Torture, and the Covenant on Civil and Political Rights. From May 15 to 22, UN Special Rapporteur on Torture Juan Mendez conducted an assessment and reported that the government gave him broad access to interview former government officials and victims of alleged human rights abuses under the former regime.

Government Human Rights Bodies: Shortly after Ben Ali's abdication, then interim president Mbazza established the National Fact-Finding Commission to Investigate the Abuses During the Recent Period to investigate alleged cases of police abuse during

protests before and after Ben Ali's departure. The government-run commission was supported by the Office of the Prime Minister, although a lack of human resources reportedly constrained its work. The commission made 56 visits around the country to collect testimony from victims and witnesses and catalogued 2,054 violations during the year. The commission does not have prosecutorial power but gathers information for historical recordkeeping. Taoufik Bouderbala, a lawyer and a former president of the LTDH, is president of the commission, which is composed of 17 people, including nine women.

According to Bouderbala's public statement on August 26 that, despite former security chiefs' denials of the existence of snipers, the commission's investigations corroborated allegations that some shots fired at demonstrators during the revolution came from snipers. He said that the commission had tried to summon (by correspondence) security officials to testify, but that the requests remained unanswered. Commission member Slaheddine Jourchi also said publicly on August 26 that strong solidarity between security officers had been the main obstacle in the commission's relationship with the Interior Ministry.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected this provision in practice; however, women face significant barriers to their economic participation, and certain laws adversely affected women.

Women

Rape and Domestic Violence: The penal code specifically prohibits rape, including spousal rape, and the government occasionally enforced this law. There were no reports of prosecution for spousal rape. Sexual assaults accompanied by acts of violence or threats with a weapon are punishable by death; for other cases of rape, the prescribed punishment is life imprisonment. Penalties were more severe when the victim was under age 20 (see Children). Social and cultural pressures often dissuaded sexual assaults from being reported.

Laws against domestic violence provide penalties for assault committed by a spouse or family member that are double those for the same crimes committed by an unrelated individual, but enforcement was rare, and domestic violence remained a serious problem.

Sexual Harassment: Sexual harassment was a problem, although there were no data to measure its extent. Victims of sexual harassment are required to file a complaint in criminal court where the allegations are then investigated, though bureaucratic problems in securing convictions occurred. According to the criminal code, the penalty for sexual harassment is one year in prison and a 3,000 dinar (\$2,000) fine. Civil society groups criticized the law on harassment as too vague and susceptible to abuse.

Reproductive Rights: There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Women had free access to contraception. In collaboration with NGOs, the government maintained its policy of keeping the national birthrate low through public awareness campaigns. The government provided essential health care for women, including skilled attendance during childbirth and treatment for sexually transmitted infections, although some rural women did not have access to these services. Several registered domestic NGOs also care for HIV-infected individuals.

Discrimination: Women faced discrimination under the law. Codified civil law is based on the Napoleonic code, although judges often used Sharia (Islamic law) as a basis for customary law in family and inheritance disputes. Most property acquired during marriage, including property acquired solely by the wife, was held in the name of the

husband. Customary law based on Sharia prohibited women from marrying outside their religion. Application of Sharia inheritance law resulted in discrimination against women, although some families avoided the application of Sharia by executing sales contracts between parents and children to ensure that daughters received shares of property equal to those of sons. There was a double standard in Sharia inheritance law based on gender and religion: non-Muslim women and their Muslim husbands may not inherit from each other. The government considers all children from those marriages to be Muslim and forbids those children from inheriting from their mothers.

Female citizens can transmit citizenship to their children regardless of the father's citizenship. On November 23, the government amended the national citizenship code granting women married to noncitizens the right to transmit their citizenship to their children without official consent from noncitizen fathers.

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

On August 16, the government adopted a draft decree to lift previous reservations to the Convention on the Elimination of All Forms of Discrimination against Women. A "general declaration" was maintained, although it was not certain that all aspects of the convention would be implemented if they were deemed to be in conflict with Islam.

Children

Birth registration: Citizenship is derived by birth from one's parents, and births are registered immediately.

Child Abuse: No statistical information on child abuse was published during the year, and no other statistical information on child abuse was available.

Child Marriage: The minimum age for marriage for both sexes is 18.

Sexual Exploitation of Children: Anyone who has sexual relations with a girl under the age of 10 is subject to the death penalty. Anyone who has sexual intercourse with a girl under 15 years old is liable to six years' imprisonment. If the victim is over 15 years of age and under 20 years, the penalty is five years' imprisonment.

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

Anti-Semitism

An estimated 1,500 to 2,000 Jews live in Tunisia. A few anti-Semitic acts were reported throughout the year, to which authorities were generally responsive. In February a small crowd of about a dozen people gathered in front of Tunis's synagogue and chanted anti-Semitic slogans. A larger counterdemonstration promoting religious tolerance was held several days later. The leader of the Jewish community, Roger Bismuth, met with then prime minister Mohamed Ghannouchi to discuss the incident and anti-Semitism in the country. The Interior Ministry responded by condemning incitements to violence and explicitly referenced the synagogue protests. In December the government affirmed its policy that Jews were full citizens with equal rights.

Trafficking in Persons

See the Department of State's *2011 Trafficking in Persons Report*.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities and mandates that at least 1 percent of public and private sector jobs be reserved for persons who have disabilities; however, NGOs reported that this law was not widely enforced, and many employers were apparently unaware of its existence.

There was some discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services.

A 1991 law, which remained in effect after the revolution, requires all new public buildings to be accessible to persons with physical disabilities, and the government enforced the law. Persons with disabilities did not have access to most buildings built before 1991. The government issues cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The government provides 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.

The Independent Elections Commission (IEC) took steps to accommodate voters with disabilities. The IEC's publicity campaign for voter registration, which ran from July 11 to August 14, targeted such voters; for example, television advertisements showed a woman using sign language to encourage deaf voters to register. Another advertisement featured a presentation in sign language by a young man discussing why voting is important for the country's future. Billboards promoting voter registration displayed a young man in a wheelchair extolling citizens to vote. During the October 23 Constituent Assembly elections, election observers noted infrastructure such as ramps at polling stations and polling staff accommodating disabled voters in accordance with electoral procedures.

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

Consensual same-sex sexual activity remained illegal under the penal code, which criminalizes it with sentences of up to three years in prison. There was anecdotal evidence that lesbian, gay, bisexual, and transgender (LGBT) individuals faced discrimination, including allegations that police officers sometimes harassed openly gay persons and accused them of being the source of HIV/AIDS. There were no known reports of persons arrested for consensual same-sex sexual activity; however, a local LGBT activist reported an uptick during the year in harassment of and assaults by unknown individuals on persons perceived to be LGBT, including multiple incidents in which individuals were followed to their homes and assaulted by people the victims described as Salafists. Human rights activists also alleged that government forces continued to assault individuals perceived as LGBT.

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 strike, provided workers give 10 days' advance notice to their federations and receive approval. The Ministry of Interior issues unions permits to strike and hold demonstrations. 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, that is, those jobs "whose interruption would endanger the lives, safety, or health of all or a section of the population." However, the government had not issued a decree stipulating which services were "essential." While the provision could

potentially be misused, the Tunisian General Labor Union (UGTT) reported that during the year the right to strike was largely respected in public enterprises and services and that the provision of "minimum service" during strikes is subject to negotiations between unions and employers. The law prohibits antiunion discrimination by employers and retribution against strikers, and it protects the right to bargain collectively.

The government generally respected and enforced the laws prohibiting retribution against strikers. Conciliation panels, in which labor and management were represented equally, settled labor disputes. Tripartite regional arbitration commissions settled industrial disputes when conciliation failed. Representatives of the Ministry of Social Affairs, the UGTT, and the Tunisian Association for Industry, Commerce, and Handicrafts (UTICA) constituted the commissions' membership.

A committee chaired by an officer from the Labor Division of the Office of the Inspector General approved all worker dismissals. The committee was composed of representatives from the Ministry of Social Affairs, UGTT, and the company dismissing the worker. Workers have the right to reinstatement after dismissal for union activities. Following the ouster of Ben Ali, the UGTT and UTICA reached an agreement about the right to join a union and engage in union activities. The agreement provides that employers may not harass or arbitrarily dismiss any worker for joining a union and engaging in union activities.

Two labor federations emerged during the year in addition to the UGTT, which had been the country's only recognized labor federation: the General Confederation of Tunisian Labor (CGTT) and the Union of Tunisian Labor (UTT). On February 1 and on May 1, the government recognized the CGTT and the UTT, respectively.

Unions rarely sought advance approval in practice to conduct strikes. Wildcat strikes (those not authorized by union management) were commonplace throughout the year. The state of emergency did not inhibit or prevent labor unions in the public and private sectors from conducting strikes.

On September 6, the prime minister ordered the dissolution of the Union of Internal Security Forces after its membership allegedly conspired to oust the commander of the National Guard, Army General Moncef Helali.

After Ben Ali's departure, the UGTT, CGTT, and UTT were independent of the government and had the right to decide union leadership. They were not explicitly aligned with political parties, but prominent UGTT members played a role in the formation of the Tunisia Labor Party (PTT).

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 accounted for a significant majority of the workforce. With the emergence of "labor pluralism" during the year, employers complained that negotiating bargaining agreements had become more complicated. UTICA, along with the government, continued to maintain an exclusive relationship with the UGTT in reaching collective bargaining agreements. Collective social negotiations were held only with the UGTT. The government tended to ignore CGTT and UTT demands that their representatives be included in tripartite negotiations. However, in the face of sporadic strikes, walkouts, and sit-ins staged by the CGTT and UTT, individual companies were compelled to reach settlements with these labor confederations. Although the labor code covers temporary workers, enforcement efforts were weaker than for permanent workers. Toward the end of the year there was an upsurge in strike activity on behalf of temporary workers.

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. Some girls were subjected to domestic servitude within the country, although the

government did not report that such practices occurred.

Also see the Department of State's *2011 Trafficking in Persons Report*.

c. Prohibition of Child Labor and Minimum Age for Employment

The law 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, and 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 prescribes 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor and up to two years' imprisonment for forced child begging.

Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum age law by examining the records of employees. On occasion labor inspectors coordinated their spot checks with UGTT and Ministry of Education officials. Officials from the National Social Security Fund also conducted inspections of factories and industrial sites to ensure compliance. According to representatives of the National Committee on Child Labor, the Ministry of Social Affairs investigated 485 complaints of suspected child labor abuses during the year. Most pertained to young apprentices, age 15 and younger, who were supposed to receive vocational training but instead were doing manual labor. Authorities levied fines against 24 employers for violating the law.

Young children sometimes performed agricultural work in rural areas and worked as vendors in towns, primarily during the summer school vacation. Child labor existed elsewhere in the informal sector, particularly in the handicraft industry, and children reportedly worked as mechanics in small shops or as street vendors of flowers, cigarettes, and other small items. Adolescent girls worked as domestic servants. A 2008 survey of 130 Tunis area domestic workers found that 52 percent were younger than 16, which violates the law.

Also see the Department of Labor's *2010 Findings on the Worst Forms of Child Labor*.

d. Acceptable Conditions of Work

The labor code provides for a range of administratively determined minimum wages. Effective June 17, the government raised the industrial minimum wage to 286 dinars (approximately \$190) per month for a 48-hour workweek and to 246 dinars (\$164) per month for a 40-hour workweek. On June 9, the government increased the agricultural daily minimum wage from approximately eight dinars (\$5.50) to nine dinars (\$6). On May 28, former minister of social affairs Mohamed Ennaceur reported that 24.7 percent of the population lived on less than \$2 per day. Under former president Ben Ali's regime, the poverty rate was calculated at \$1 per day.

The law sets a maximum standard 48-hour workweek for most sectors and requires one 24-hour rest period per week. For other sectors the workweek is 40 hours with 125 percent premium pay for overtime. The law prohibits excessive compulsory overtime. Depending on years of service, employees are statutorily awarded 18 to 23 days of paid vacation. Although there is no standard practice for reporting labor code violations, workers have the right to report violations to regional labor inspectors.

Special government regulations control employment in hazardous occupations such as mining, petroleum engineering, and construction. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they could take legal action against employers who retaliated against them for exercising this right. The Ministry of Social Affairs has responsibility 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. However, 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's cadre of 380 inspectors 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 people, the vast majority of whom were women, worked in the informal sector, which labor laws did not cover and in which labor violations were more prevalent. A 2008 survey of 130 domestic workers in the greater Tunis region conducted by the University of Tunis, for example, found that the majority received salaries below the minimum wage, 99 percent indicated that they lacked work contracts, 23 percent said they were victims of physical violence, and 11 percent claimed to be victims of sexual abuse. Temporary contract laborers complained throughout the year that they were not accorded the same protections as permanent employees. Among their complaints was abusive dismissal without cause.

There were no major industrial accidents during the year. Credible data on workplace accidents, injuries, and fatalities were not available.
