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Country Report on Human Rights Practices 2019 - Tunisia

Executive Summary

Tunisia is a constitutional republic with a multiparty, unicameral parliamentary system and a president with powers specified in the constitution. During the year the country held parliamentary and presidential elections in the first transition of power since its first democratic elections in 2014. On October 6, the country held open and competitive parliamentary elections that resulted in the Nahda Party winning a plurality of the votes, granting the party the opportunity to form a new government. President Kais Saied, an independent candidate without a political party, came to office on October 23 after winning the country's second democratic presidential elections. On July 25, President Caïd Essebsi died of natural causes and power transferred to Speaker of Parliament Mohamed Ennaceur as acting president for the three months prior to the election of President Saïed on October 13.

The Ministry of Interior holds legal authority and responsibility for law enforcement. The ministry oversees the National Police, which has primary responsibility for law enforcement in the major cities, and the National Guard (gendarmerie), which oversees border security and patrols smaller towns and rural areas. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included reports of unlawful or arbitrary killings, primarily by terrorist groups; allegations of torture by government agents, which reportedly decreased during the year; 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; societal violence and threats of violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and criminalization of consensual same-sex sexual conduct that resulted in arrests and abuse by security forces.

The government took steps to investigate officials who allegedly committed abuses, but investigations into police, security force, and detention center abuses lacked transparency and frequently encountered long delays and procedural obstacles.

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

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

Media and civil society reported the deaths of several individuals in detention because of suspected mistreatment or inadequate medical care. In its 2018 report, the latest available, the independent Tunisian Organization against Torture (OCTT) reported on three cases of suspicious death during detention.

On February 15, police in Hammamet responded to a report that Ayoub Ben Fradj had been involved in a fight and was “in a state of hysteria and difficult to control.” The Ministry of Interior reported that when police put Ben Fradj in a police car to take him to a nearby National Guard station, he broke one of the car’s windows, lost consciousness, and died before arriving at the police station. Ben Fradj’s lawyer described to media that the officers’ excessive use of pepper spray led to his death. Media reported that, based on these allegations, an investigative judge issued an arrest warrant against two officers. An autopsy report made public on March 6 indicated abuse and acute asphyxiation as the cause of death. As of October the suspects remained in pretrial detention, with no available updates to the status of the case.

On January 31, following a hearing, an investigative judge released the police officer suspected of negligence in the March 2018 drowning of 19-year-old Omar Laabidi.

During the year five security officers were killed and dozens were injured both in terrorist attacks and civil unrest. On July 27, two suicide bomb attacks struck central Tunis, targeting a police vehicle and the office of the Ministry of Interior’s Counterterrorism Investigative Unit, killing two security officers and injuring four others. On September 23, a terrorist stabbed and killed a police officer in Bizerte.

b. Disappearance

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

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

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

The Ministry of Interior has three inspectorate general offices (one for the National Police, one for the National Guard, and a central inspectorate general reporting directly to the minister) that conduct administrative investigations into the different ministry structures; these offices play a role in both onsite inspections to ensure officers’

appropriate conduct and investigations in response to complaints received by the public. They can hold agents accountable and issue administrative reprimands even before the courts announce a final verdict.

The National Authority for the Prevention of Torture (INPT), an administratively independent body established in 2013 to respond to allegation of torture and mistreatment, issued its first report on June 26, detailing reports of torture and mistreatment during the 2016-2017 period. According to the report, the majority of the reported abuses took place immediately following individuals’ arrests when the individual was in police custody. The INPT also reported that in 2018, it received 125 reports of alleged torture and mistreatment inside detention centers and prisons. Separately, the OCTT’s 2018 report indicated that torture persisted, noting 23 registered cases of torture and mistreatment of prisoners or detainees, including attacks by security officers on citizens in detention centers. Human rights organizations, including Amnesty International, noted a decrease in the number of reported cases of torture and mistreatment during the year.

In 2018 the Directorate General for Prisons and Rehabilitation (DGPR) reported 16 cases of alleged torture or misconduct within the prison system to the Ministry of Justice Honor Council (a disciplinary body that includes officials from the ministry and DGPR). One case reviewed by the Honor Council was referred for criminal investigation: the officer was detained for two months and released pending further criminal investigation; a letter of reprimand was issued against his superior (a lieutenant) for inadequate staff oversight.

Prison and Detention Center Conditions

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

Physical Conditions: As of September the following prisons had high rates of overcrowding: Sousse (70 percent over capacity), Beja (58 percent), Gafsa (56 percent), Sfax (54 percent), Monastir (52 percent), Hawareb (47 percent), Mornag (43 percent), and Mehdia (42 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.

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 seven contain separate wings for women (Sfax, Jendouba, Sousse, Kasserine, Harboub, Gafsa, and El Kef). The Ministry of Justice operated juvenile centers in Gammarth and Agareb. Juvenile prisoners are strictly separated from adults; the majority of minors (those younger than age 18) were detained in separate correctional facilities or in rehabilitation programs.

Health services available to inmates were inadequate. Very few prisons had an ambulance or medically equipped vehicle. Officials mentioned they lacked equipment necessary for the security of guards, other personnel, and inmates.

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

Family visits are limited to one per week, through a window or a fence. Inmates with children are entitled to a family visit in a confidential room every three months. No intimate visits, including between spouses, are allowed. Prisons provide certain prisoners with access to educational and vocational training programs as allowed by capacity, eligible jobs, and appropriate levels of prisoner classification.

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

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

INPT members have the authority to visit any prison or detention center without prior notice and to document torture and mistreatment, request criminal and administrative investigations, and issue recommendations for measures to eradicate torture and mistreatment. The INPT reported increasing cooperation by government authorities and improved access to prisons and detention centers during the year. The INPT conducted 50 visits to prisons and detention centers in 2016-2017, the period covered by its most recent report.

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

Improvements: Throughout the year the DGPR trained prison officials on a code of ethics and emergency management. 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 1973 decree law on the state of emergency to place citizens under house arrest with limited evidence or foundation for suspicion.

Arrest Procedures and Treatment of Detainees

The law requires police to have a warrant to arrest an alleged suspect, unless a crime is in progress or the arrest is for a felony offense. Arresting officers must inform detainees of their rights, immediately inform detainees’ families of the arrest, and make a complete record of the times and dates of such notifications. The maximum time of precharge detention for felonies is 48 hours, renewable once by a prosecutor’s order, for a maximum of three days. For misdemeanor offenses the time limit is 24 hours, renewable once by the prosecutor’s order. Both precharge extensions must be justified in writing.

Precharge detainees can exercise their right to representation by counsel and can request medical assistance immediately upon detention. Arresting officials (the Judicial Police, or OPJ) must inform detainees of their rights and the accusations against them, immediately inform detainees’ families of the arrest, and make a complete record of the times and dates of such notifications. The OPJ must also inform the lawyer of all interrogations and interactions between the accused and witnesses or victims of the alleged offense and allow the lawyer to be present, unless the accused explicitly waives the right to a lawyer, or unless the lawyer does not arrive at the prearranged time of questioning. The only exception is for terrorism suspects, who may be held without access to counsel for 48 hours. The counterterrorism law provides a suspect may be held 15 days, with a judicial review after each five-day period.

Media and civil society reported that police failed at times to follow these regulations and, on occasion, detained persons arbitrarily. The majority of the detainees interviewed by the INPT for its annual report claimed they had not been informed of their legal right to a lawyer or medical care. The INPT observed that mistreatment of detainees is most prevalent during interrogations and that women, youth, and members of the LGBTI community were particularly subject to mistreatment.

By law the prosecutor represents the government in criminal proceedings including proceedings involving underage offenders. A lawyer may be assigned in a criminal case even if the accused person did not ask for one during the investigation. For those who cannot afford a lawyer, judicial aid is provided at government expense if certain conditions are met. In civil cases both parties may request judicial aid. In criminal cases, however, legal aid is only provided to nationals if the minimum possible sentence is at least three years and if the person on trial is not a recidivist, and to foreigners under conditions outlined by law. Judicial aid is also extended to administrative matters once the police investigation has been completed and the case goes to court. The military

code of justice gives the same rights to detainees for assigning a legal counsel as described in the penal code, although it was unclear whether the government consistently provided this service.

On July 9, the government issued a decree law dedicating a supplemental payment of 200 dinars (\$70) to defense lawyers assigned to represent individuals unable to afford their own lawyers. In addition the government also authorized overtime pay if these lawyers were required to work on weekends or outside of normal working hours.

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

Arbitrary Arrest: NGOs criticized the use of the 1973 decree law on the state of emergency to put under house arrest any individual suspected of representing a threat to state security, often without offering these individuals access to the court orders that led to their arrest.

On March 26, authorities detained Moncef Kartas, a dual Tunisian-German national working as a member of the UN Panel of Experts on Libya, reportedly on domestic espionage charges. In his UN position as an “expert on mission,” Kartas enjoyed immunity from arrest and detention and legal proceedings for actions carried out in the exercise of his functions. The UN and international community sought an explanation for Kartas’ detention from authorities and subsequently appealed for his immediate release, noting that Tunisia’s actions were inconsistent with its obligations under the 1946 Convention on the Privileges and Immunities of the United Nations. Authorities held Kartas for almost two months at the Gorjani prison and denied Kartas access to a lawyer for several days beyond the conclusion of the 48-hour window permitted by the counterterrorism law to hold terrorism suspects without access to legal counsel. On May 21, the Court of Appeals ordered Kartas’ release due to lack of evidence. At year’s end Kartas remained out on bail pending the conclusion of the government’s investigation.

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

In cases involving crimes for which the sentence may exceed five years or that involve national security, pretrial detention may last six months and may be extended by court order for two additional four-month periods. Detainees can be held longer than this 14-month period if a hearing date is scheduled beyond it. In cases involving crimes for which the sentence may not exceed five years, the court may extend the initial six-month pretrial detention only by three months. During this stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties.

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 counterterrorism law states that in cases involving terrorism, judges may close hearings to the public. Judges may also keep information on witnesses, victims, and any other relevant persons confidential, including from the accused and his or her legal counsel. Human rights organizations objected to the law for its vague definition of terrorism and the broad leeway it gives to judges to admit testimony by anonymous witnesses.

Military courts fall under the Ministry of Defense. Military tribunals have authority to try cases involving military personnel and civilians accused of national security crimes. A defendant may appeal a military tribunal's verdict. A first appeal can be made to the military court of appeal and a second appeal to the civilian second court of appeal. Human rights advocates argued that national security crimes are too broadly defined but acknowledged that, following the 2011 reform of military courts, defendants in military courts have the same rights as those in civilian courts. These include the right to choose legal representation, access case files and evidence, conduct cross-examinations, call witnesses, and appeal court judgments. There is no specialized code for military courts.

In May, Amnesty International reported that the Gafsa First Instance Court convicted hundreds of individuals involved in peaceful protests in 2018 in the Gafsa region on charges of “disruption of the freedom of work,” under Article 136 of the penal code. According to Amnesty International, authorities failed to inform the individuals that they faced these charges. The court conducted trials in their absence, violating the defendants’ right to be informed promptly of charges brought against them as well as their right to a fair, timely, and public trial. As of October these cases were continuing.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens and organizations may seek civil remedies for human rights violations through domestic courts; however, military courts handle claims for civil remedies for alleged security force abuses in civil disturbances during the 2011 revolution. Civilian courts heard cases involving alleged abuse by security forces during the year. Some cases did not move forward because security-force officials, and occasionally civilian judges, failed to cooperate in the investigations. According to Human Rights Watch (HRW), the lack of provisions criminalizing command dereliction, which would hold senior officers liable for crimes committed by subordinates with explicit or tacit approval, contributed to military courts' light sentences for security force members.

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

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

Section 2. Respect for Civil Liberties, Including:

Although government officials acknowledged a Ministry of Justice effort to review and revise the 1968 code of criminal procedures (CPP) and the 1913 Penal Code to comply with the 2014 constitution, activists and members of civil society expressed concern with the slow pace of reforms. Apart from a few discrete modifications to sections governing rape and pretrial detention, no changes have been made to the penal code since the country became a democracy, leading authorities to enforce provisions of the penal code that appear to contradict with the rights and freedoms protected in the constitution. For the CPP, however, the government has introduced notable changes, including the introduction of alternatives to incarceration and probation, reorganization of Judicial Police and moving the Office of the Judicial Police under the authority of the Ministry of Justice and a more refined definition of flagrante delicto, obvious offense. As of October the independent committee of experts in charge of amending these two criminal codes submitted revisions to the CCP to the Justice Ministry, enabling the ministry to prepare the draft law to parliament for review and adoption. The penal code project remained under review.

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

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.”

HRW issued a statement on October 15 asserting, “Tunisian authorities are using laws on criminal defamation, ‘spreading false information,’ and ‘harming others via public telecommunications networks’ to prosecute people for their online commentary.” HRW cited the example of Yacine Hamdouni, a civil servant who was sentenced to six months in prison for having accused a senior security official of corruption in several social media posts. The Tunis First Instance Court that heard Hamdouni’s case convicted him on June 6 for having disseminated “false information,” accusing officials of wrongdoing without providing proof, and “harming others via public telecommunication networks.” The court sentenced him originally to one year in prison, but this sentence was reduced to six months on appeal. According to HRW, Hamdouni remained detained in the Mourneguia prison as of October.

In another example, in December 2018, the First Instance Court of Kairouan sentenced a civil society activist to three months in prison for insulting the president. The activist allegedly wrote an insulting message on a public wall in Kairouan.

Press and Media, Including Online Media: Activists expressed concern about government interference in media and the concentration of media ownership. NGOs stated the penal code and military justice codes, were used to target journalists, lawyers, and civil society activists. The codes criminalize defamation, false allegations against members of an administrative or judicial authority, and attacks against the “dignity, reputation, or morale of the army.”

On March 14, the investigative judge for the First Instance Court of Tunis prevented the dissemination of two television shows investigating a public-health scandal. The judge ruled these shows would impede an ongoing investigation, but critics characterized the injunction as a violation of free speech.

Violence and Harassment: Violence and harassment against journalists continued, according to human rights organizations. In its annual 2019 report, the Tunisian Union of Journalists (SNJT) warned of an increase in incitement and threats against journalists from citizens who hold media responsible for the deteriorating economic and social situation. Between February 2018 and April 2019, the SNJT reported 139 incidents of verbal, physical assaults, and intimidation against journalists. The SNJT cited public-service employees as primarily responsible for these incidents, followed by security forces and government officials. The SNJT reported an additional 39 instances of physical aggression against journalists between July and September, with the majority of these instances taking place during the September 15 elections with heads of polling stations forcibly removing media from polling stations or otherwise limiting their access to report on the electoral process.

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

Libel/Slander Laws: Various civil society organizations expressed concern about the use of criminal libel laws to stifle freedom of expression. The 2017 adoption of decree laws maintaining the separation between protection of freedom of expression and regulation of the communications and media sector rolled back the prerevolution regime of censorship and secrecy; however, many media actors and activists expressed concern that these decree laws did not go far enough to protect press freedoms and freedom of expression and did not comply with the country's international obligations.

In August 2018 authorities charged blogger Amina Mansour with violating Article 128 of the penal code and Article 86 of the telecommunications code. The former refers to accusing public officials of crimes without providing proof of their guilt, while the latter covers “willfully and knowingly harming others or disturbing them via public telecommunications networks.” Mansour had posted a message on her Facebook page accusing Prime Minister Youssef Chahed of promoting “criminals in the customs agency.” The court sentenced Mansour to a suspended sentence of two months in prison. She appealed the ruling, and as of September her appeals case continued.

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.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

A 2018 law mandated the establishment of a more comprehensive business registration system, including the creation of a National Center for Business Registry (CNRE), 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. Formally established on February 5, the CNRE is responsible for collecting and maintaining the financial and administrative data of all “economic actors,” including nonprofit associations. The center also ensures implementation of the new law and reinforces intelligence tools to eliminate economic crimes. There are CNRE offices in Tunis, Sousse, Sfax, and Nabeul that serve as independent institutions under the Prime Minister’s Office. Since February the CNRE has trained professional associations that support companies and civil society organizations to comply with the new business registration system requirements. The deadline for economic actors to register with this new system was September 10.

Freedom of Association

The law provides for the right of freedom of association, but the government did not always respect it. A 2011 law on associations eliminated penalties in the previous law, as well as the prohibition on belonging to, or serving in, an unrecognized or dissolved association. The law eased the registration procedure, reducing opportunities for government entities to hinder or delay registration. According to the 2011 law, only the judiciary has the authority to suspend or dissolve an association. Several independent monitoring organizations asserted, however, that the government delayed registration of associations through unnecessary bureaucratic hurdles, at times for political reasons, a practice counter to the law.

On June 24, UN Special Rapporteur on Rights to Freedom of Association and Peaceful Assembly Clement Nyaletsossi Voule presented the findings from an official visit to the country in September 2018, noting his concern that the inclusion of civil society organizations in the National Enterprise Registry created an unfavorable environment for civil society by imposing a new registration system on civil society organizations. The report noted there were more than 21,500 registered associations in the country.

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Following the April clashes in Tripoli, the government allowed the free movement of Libyans and other nationals crossing into Tunisia.

In-country Movement: In 2018 local 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 as an “advance consultation” watch list, the S17 procedure identifies individuals requiring additional screening at border checkpoints on security-related grounds. Although the list was established to inform border agents of these individuals’ potential travel outside of the country, civil society groups report that the Ministry of Interior continued to restrict some individuals’ internal travel as well.

Based on feedback from citizens and civil society organizations, the Ministry of Interior prepared new guidelines at the end of 2018 for the application of the S17 procedure to ensure it complies with the constitution and is not used to restrict internal travel. During a February 7 parliamentary hearing, the Director General of Human Rights for the Ministry of the Interior, Mohamed Ali Khaldi, stated the judiciary reviewed 800 cases related to the application of this border-control measure and that 51 individuals successfully appealed to remove their names from this list. Khaldi also noted the ministry adopted new procedures to address concerns by individuals who believe they were mistakenly included on the list.

Amnesty International reported the Ministry of Interior’s efforts to improve its S17 procedures led to improvements in in-country movement. According to the ODL, however, despite a court order to the contrary, the Ministry of Interior refused to grant individuals access to the orders that led them to be included on the S17 list. Even in the case of a court-mandated suspension or lifting of the travel restrictions, some individuals have remained on the list.

Foreign Travel: The law requires that authorities promptly inform those affected by travel restrictions or who have had their passports seized of the reasons for these decisions. In addition the law provides that the affected individuals have the right to challenge the decision and sets a maximum of 14 months during which their travel can be restricted before requiring another court order. Human rights groups noted that authorities did not consistently apply the law and that security forces did not always respect court decisions to reverse travel restrictions. Amnesty International reported, however, that the Ministry of Interior’s efforts to improve its S17 procedures enabled some individuals on the S17 list to obtain their passports and travel internationally with a court order.

e. Internally Displaced Persons

Not applicable.

f. 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, basic education. The government granted access to schooling and basic public-health facilities for registered refugees. UNHCR reported that as of September it registered 1,489 newly registered asylum seekers and refugees, bringing to 2,729 the total of persons of concern in the country.

g. Stateless Persons

Not applicable.

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. It proscribes the creation of a constitutional court whose authority includes overseeing the constitutionality of draft laws and acknowledging permanent or temporary vacancies in the office of the president. Parliament advanced the establishment of the court in March by nominating one of the nine court members but could not reach an agreement on the remaining candidates for the court. Legal scholars stress that there remains the potential for a constitutional crisis given differing legal interpretations of constitutional provisions that require the court's action. In one example during the year, political leaders agreed to a solution to ensure a peaceful transition of power following the death of former president Beji Caid Essebsi in July but did not resolve the underlying ambiguity created by the lack of a constitutional court.

Elections and Political Participation

Recent Elections: Citizens exercised their ability to vote in legislative and presidential elections that observers characterized as generally open, competitive, and well run. Officials reported that approximately 3.9 million persons voted in the second round of presidential elections on October 13, placing the turnout at 55 percent. Official elections observers generally agreed these elections were successful with no widespread fraud, violence, or attempts to undermine the credibility of the results. In addition observers' overall assessment was that the process for both elections was satisfactory, transparent, and valid, despite detailing faults with certain technical aspects of the electoral process and some electoral law violations. International observers expressed concern that the arrest and detention of one of the presidential candidates, Nabil Karoui, denied him an equal opportunity to campaign for both the presidential and parliamentary elections, a right guaranteed by the electoral law. Authorities arrested Karoui after a court ordered his detention in a 2016 case involving money laundering and tax evasion charges. Without a conviction and court order to specifically restrict his

candidacy, Karoui remained on the ballot for the September 15 presidential elections. Ranking second in the elections with 15.6 percent of the votes, Karoui proceeded to the runoff election on October 13.

The courts denied Karoui’s bail request on four separate occasions: September 3, September 13, September 18, and October 1, citing lack of jurisdiction. Karoui and his political party, Qalb Tounes (Heart of Tunisia), argued that his continued detention was politically motivated to limit his party’s success and to exclude his participation in the presidential elections.

The Court of Cassation issued a judgement on October 9 ordering Karoui’s release and citing procedural errors in his original detention. Although Karoui was released prior to the October 13 elections and appeared in a televised debate with his opponent Kais Saied on October 11, international observers expressed concern that the timing of his detention and release appeared, on the surface, to be politically motivated, or at least influenced by the electoral calendar.

Judicial authorities stressed that Karoui’s arrest complied with established procedures and the timing of his arrest did not take into consideration political calculations or the electoral timeline.

Political Parties and Political Participation: As of September the country had 221 registered political parties. Political parties obtained the highest number of seats in the new parliament compared with independents and coalition lists. Authorities rejected parties that did not receive accreditation due to incomplete applications or because their programs were inconsistent with laws prohibiting discrimination and parties based on religion. Out of a total of 97 candidates for the presidential elections, the Independent High Authority for Elections (ISIE) accepted 26 candidates and rejected 71 for failing to meet the candidacy criteria.

During the presidential and legislative elections, the ISIE granted accreditations to more than 33,000 observers representing candidates, international observation missions, and local organizations. More than 18,000 local observers received accreditation. Local observer organization Mourakiboun reported that the majority of its observers were authorized access to polling stations without restriction, with access improving with each of the three elections. By the October 13 presidential election, 99 percent of Mourkiboun’s observers reported unrestricted access. Other local observer groups noted similar improvements to their access.

Participation of Women and Minorities: No laws limit participation of women or members of minority communities in the political process, and they did participate, including two women who ran for president during the first round of presidential elections on September 15. Women’s representation decreased from 35 percent to 23 percent in the newly elected parliament, with only 54 female Members of Parliament elected on October 6, down from 68 elected in 2014. In a first for Tunisia, one openly gay candidate submitted his candidacy for president, although he ultimately did not meet the endorsement requirements to qualify for the election.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: The National Authority for the Combat Against Corruption (INLUCC), an independent body charged with investigating and preventing corruption and drafting policies to combat corruption, continued to process corruption cases. During a March 16 press conference, INLUCC President Chawki Tabib said 205 cases had been referred to the judiciary. Tabib added that it takes seven to 10 years on average for the corruption cases to be processed in the judicial system and that this long processing time gives the impression to the public that it is “useless” to attempt to hold corrupt persons accountable.

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

In 2018 the Tunisian Financial Analysis Committee, which operates under the auspices of the Central Bank as a financial intelligence unit, announced that it froze approximately 200 million dinars (\$70 million) linked to suspected money-laundering transactions. The committee received approximately 600 reports of suspicious transactions related to corruption and illicit financial flows during the year.

On October 1, the Public Prosecutor’s Office at the Judicial Counterterrorism Division announced its decision to close the case against businessman Chafik Jarraya for “plotting against national security.” In 2017 the government arrested Jarraya and seven other prominent businessmen, including two former customs officials, on allegations of smuggling, embezzlement, conspiracy against the safety of the state, and complicity with a foreign government. With the October ruling, Jarraya and the other defendants were acquitted of national security charges but must remain in detention pending the conclusion of the investigation into the smuggling and embezzlement allegations.

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

On August 23, INLUCC reported that only 1,877 associations out of a total of 17,772 and only 34 of 219 political parties registered in 2018 declared their assets as required by this new law. It reported that 22,884 individuals representing civil society organizations

and 538 individuals representing political parties declared their assets. INLUCC reported that all but three of the 217 Members of Parliament declared their assets. INLUCC did not report the number of other government officials who declared their assets according to the law.

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

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

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

The independent transitional justice Truth and Dignity Commission (IVD), established in 2014 to investigate gross violations of human rights committed by the government or those who acted in its name from 1955 to 2013, concluded its mandate in 2018. On March 25, the IVD published the final report of the commission’s findings and activities. The report’s five volumes document the commission’s findings pertaining to claims of gross violations of human rights committed between July 1955 and December 2013. It also made recommendations how to guarantee nonrepetition of these human rights violations, including through the “preservation of memory,” reconciliation, and institutional reforms. The law requires the government to prepare an action plan to implement these recommendations within one year of the publication of the IVD’s final report. President Kais Saied met with IVD President Sihem Ben Sedrine on October 30 to discuss the commission’s recommendations on the reform of state institutions and the fight against corruption, although as of December the government had not yet begun work on an action plan.

In 2018 the specialized criminal courts (SCCs) in charge of investigating cases for gross human rights violations reviewed 38 cases and conducted 108 hearing sessions. As of September the SCCs continued to hear transitional justice cases originally brought forward by the IVD, but activists expressed concern about lack of strong government support to the courts, the slow pace of the hearings, and a lack of media attention on both the report and the SCCs’ efforts to prosecute cases of gross violations referred by the IVD. Activists reported that police unions refused to cooperate with the SCCs and

did not support requests to deliver subpoenas or other court requests. Without the support of the security forces, activists said some judges feared for their personal safety, with one judge resigning after being threatened.

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

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

Women

Rape and Domestic Violence: The law broadly defines violence against women as “any restriction denying women equality in the civil, political, economic, social, or cultural domains.” The 2018 law criminalizing gender-based violence adds or updates articles in the penal code to meet international best practices. It criminalizes incest, sexual harassment of women in public places, and gender discrimination.

Laws prohibiting domestic violence provide penalties for assault committed by a spouse or family member that are double those of an unrelated individual for the same crime, but enforcement was rare, and domestic violence remained a serious problem. The law provides penalties for domestic violence and allows women to seek restraining orders against their abusers without filing a criminal case or filing for divorce. The Ministry of Women, Family, Childhood and Senior Citizens established a national hotline for victims of violence. There were five centers dedicated to providing assistance to female victims of violence, one managed by the ministry and four by civil society organizations.

On May 22, Minister of Women, Family, Childhood, and Senior Citizens (MWFCSC) Neziha Laabidi said that authorities annually receive an average of 40,000 complaints of domestic violence brought by women against their husbands. Civil society representatives said many incidents go unreported.

Rape remained a taboo subject, and cultural pressures often dissuaded victims from reporting sexual assault. There were no government public education programs on domestic violence, including rape. Victims received services at two dozen social centers throughout the country, in addition to the five centers dedicated to victims of gender-based violence.

On June 10, the First Instance Court of Tunis sentenced five individuals to life in prison for raping a 27-year-old woman. During the trial the defendants confessed to their crime, which took place in 2017 in the governorate of Manouba.

Sexual Harassment: The 2018 gender-based violence law includes a revised article related to sexual harassment. It allows up to a two-year sentence for the harasser and a 5,000-dinar (\$1,740) 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. Sharia inheritance law in some instances provides men with a larger share of an inheritance. Some families avoided the application of sharia by executing sales contracts between parents and children to ensure that daughters received shares of property equal to those given sons. Non-Muslim women and their Muslim husbands may not inherit from each other, unless they seek a legal judgement based on the rights enshrined in the constitution. The government considers all children of those marriages to be Muslim and forbids those children from inheriting from their mothers. Spouses may, however, freely give up to one-third of their estate to whomever they designate in their will.

The law explicitly requires equal pay for equal work, and the government generally enforced it. The law allows female employees in the public sector to receive two-thirds of their full-time salary for half-time work, provided they have at least one child younger than age 16 or a child with special needs, regardless of age. Qualifying women may apply for the benefit for a three-year period, renewable twice for a maximum of nine years. 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 2018 law on gender-based violence contains provisions aimed at eliminating the gender-based wage gap.

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.

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

Sexual Exploitation of Children: Anyone who has sexual relations with a child younger than age 16 is subject to 20 years in prison with the possibility for a life sentence due aggravating circumstances, including incest or the use of violence. Under previous laws, intercourse with a girl younger than 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. UNICEF reported that one in four children live in poverty and that 88 percent of children ages one to 14 are subjected to physical, verb, or psychological violence in their homes and at school. The MWFCs reported to media on October 17 that during the year it received approximately 17,000 notifications related to child abuse cases, which the ministry attributed to “growing awareness among citizens about the need to denounce perpetrators of violence.”

On January 31, authorities closed an unlicensed, privately run Quranic school in Regueb, Sidi Bouzid Governorate and arrested its director and administrators on charges of human trafficking, polygamy, and suspicion of belonging to a terrorist organization. Authorities reported many of the children were mistreated and were the victims of economic and sexual abuse. On the same day as the closure, the public prosecutor initiated an investigation into the allegations of child exploitation, and a family judge ordered the transfer of the children to a state-run center in Tunis specializing in caring for children who were victims of abuse. In July the court sentenced one adult male who was affiliated with the school to 20 years in prison on charges of child sexual abuse.

On March 12, the MWFCs reported that a teacher in Sfax was accused of sexually abusing 20 elementary school students. The ministry announced it would provide the children with psychological support. Subsequent to these allegations, the Ministry of Education indicated the initial investigation revealed that these crimes took place outside of the school and that, as a result, the ministry would suspend any teacher providing private classes outside of the educational framework. Media later reported that authorities issued an arrest warrant against the teacher, although as of September there were no updates to the investigation.

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

Anti-Semitism

An estimated 1,400 Jews lived in the country. In September the Aleph Institute, an international Jewish organization that assists individuals in prisons, expressed concern about possible anti-Semitic treatment of two Jewish detainees. In one case, the Aleph Institute reported Ilane Racchah has been detained since July 2018 without a trial and that the investigative judge on his case posted to social media comments that appear anti-Semitic. Although prison officials allowed his family to bring him kosher meals, the normal visiting hours precluded the family from visiting Racchah on Sabbath or Jewish holidays and prevented the family from bringing him Jewish religious materials.

Trafficking in Persons

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

Persons with Disabilities

Since 1991 the law requires all new public buildings to be accessible to persons with physical disabilities, and the government generally enforced the law. Persons with physical disabilities did not have access to most buildings built before 1991. The government did not ensure information and communications were accessible for persons with disabilities.

The Ministry of Social Affairs is charged with protecting the rights of persons with disabilities. The government issued cards to persons with disabilities for benefits such as unrestricted parking, free and priority medical services, free and preferential seating on public transportation, and consumer discounts. In general public buses and trains are ill suited and not easily accessible to persons with disabilities. As of July 1, for the first time, authorities permitted persons with disabilities to obtain a driver's license from their area of residence rather than the capital.

The government provided tax incentives to companies to encourage the hiring of persons with physical disabilities. 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. On July 29, the ministry announced it would hire 226 persons with disabilities to work in the public sector.

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 (\$41.70).

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 national elections, ISIE worked with civil society organizations to prepare electoral handbooks in braille and to develop elections-related materials in sign language, including a mobile application that standardizes signed vocabulary and

phrases related to elections. Civil society observer groups noted ISIE increased its efforts to ensure accessibility to persons with disabilities but that there continued to be a need for effective, timely voter education programs targeted at persons with disabilities and their families.

National/Racial/Ethnic Minorities

In October 2018 parliament adopted a law against all forms of racial discrimination, including “all distinction, exclusion, restriction, or preference based on race, color, origin, heritage, or all other forms of racial obstruction, obstacle, or deprivation of rights and liberties or their exercise.” The law penalizes acts of racial discrimination with up to three years in prison and a 1,000-to 3,000-dinar (\$347 to \$1,040) fine for an individual and a 5,000- to 15,000-dinar (\$1,740 to \$5,220) fine for a legal entity.

On February 5, a court in Sfax sentenced a woman to a three-month suspended prison sentence and a 300-dinar (\$104) fine for using racial slurs to insult her daughter’s black teacher. The court added an additional two-month suspended prison sentence and a 100-dinar (\$35) fine for insulting a public official exercising his official duties. This was the first court sentence issued under the law criminalizing racial discrimination.

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

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 (\$347).

LGBTI individuals continued to face discrimination and violence, including death and rape threats, although societal stigma and fear of prosecution under sodomy laws discouraged individuals from reporting problems. On July 18, the First Instance Court of Sousse sentenced two young men to 18 months in prison each under Article 230 of the 1913 Penal Code that criminalizes same-sex relations. According to Shams Association, one of the accused reported being the victim of sexual harassment while in detention due to his sexual orientation.

Human rights organizations and LGBTI-focused NGOs stated that judges continued to sentence individuals to jail under the sodomy law, and since judges often assumed guilt of individuals who refused to submit voluntarily to an exam, individuals felt coerced to submit to anal examinations. On May 17, a coalition of NGOs, the Civil Collective for Individual Liberties, called on the government to accelerate the establishment of the Constitutional Court as a guarantor of rights, decriminalize consensual same-sex conduct, end forced or coerced anal examinations, recognize the rights of transgender people, and end harassment of LGBTI-rights organizations. The collective noted, “despite the commitment by Tunisian authorities since 2017 not to resort to the use of anal examinations, courts continue to order this practice.”

No laws restrict freedom of expression, association, or peaceful assembly for those speaking out about LGBTI issues. Nevertheless, in February the government appealed a 2016 court ruling overturning the government’s complaint that the Shams Association’s charter did not allow it to explicitly advocate for gay rights. Adding to its 2016 case, the government stated, “the Tunisian society rejects homosexuality culturally and legally,” and that the Shams Association violated Article 3 of Decree Law 3 “by conducting activities that contradict Tunisia’s laws and culture.” On May 17, the Tunis Court of Appeals ruled in favor of the Shams Association, noting that Shams did not violate the law by advocating for LGBTI rights.

During the year a small number of politicians offered support for increased rights for members of the LGBTI community. In October 2018, 10 Members of Parliament submitted a draft bill proposing decriminalization of homosexuality, recognition of gender identity, and penalization of homophobia. In a February 11 media interview, Nahda Party leader Lotfi Zitoun condemned the continued use of anal examinations as a violation of human rights and individual dignity. On April 3, the president of the Machrou Tounes party, Mohsen Marzouk, met representatives from the Shams Association and publicly expressed his support for LGBTI rights.

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers with the right to organize, form, and join unions, and 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) occasionally occurred throughout the year. Sector-based unions carried out some strikes and sit-ins, such as those in education, security services, health services, and extractive industries. Even if they were not authorized, the Ministry of Interior tolerated most strikes.

In November 2018, after the UGTT and the government failed to reach an agreement over salary increases for public-sector employee, the UGTT organized a nationwide general strike of approximately 670,000 public-sector workers. On January 17, the UGTT led another nationwide public-sector strike to continue to put pressure on the government. Ministry of Interior officials estimated that 7,000 gathered in front of the UGTT headquarters in Tunis, while an additional 6,000 marched in Sfax, 4,000 in Sousse, and 2,000 in Beja. Media reported no incidents of violence or conflict with local authorities.

The UGTT alleged antiunion practices among private-sector employers, including firing of union activists and using temporary workers to deter unionization. In certain industries, such as textiles, hotels, and construction, temporary workers continued to account for a significant majority of the workforce. UTICA, along with the government, maintained an exclusive relationship with the UGTT in reaching collective bargaining agreements. The government held organized collective social negotiations only with the UGTT and UTICA. Representatives from the General Confederation of Tunisian Labor and the Union of Tunisian Workers complained their labor organizations were ignored and excluded from tripartite negotiations.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor and provides for penalties of up to 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor. 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 <https://www.state.gov/trafficking-in-persons-report/> (<https://www.state.gov/trafficking-in-persons-report/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law generally prohibits the employment of children younger than age 16. Persons younger than 18 are prohibited from working in jobs that present serious threats to their health, security, or morality. The minimum age for light work in the nonindustrial and agricultural sectors during nonschool hours is 13. Children between the ages of 14 and 16 may work no more than two hours per day. The total time that children spend at school and work may not exceed seven hours per day. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. The law to prevent trafficking in persons provides for penalties that are adequate to deter violations.

Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum-age law by examining employee records. According to ministry officials, the labor inspectorate did not have adequate resources to monitor fully the informal economy, officially estimated to constitute 38 percent of the gross domestic product. According to 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, Childhood, and Senior Citizens all have programs directed at both children and parents to discourage children from entering the informal labor market at an early age. These efforts include programs to provide vocational training and to encourage youth to stay in school through secondary school. The minister of social affairs told media in 2018 that between 100,000 and 120,000 students drop out of primary or secondary school each year. UNICEF reported that only 48 percent of children ages 15-18 complete secondary school, down from 70 percent 20 years ago.

Also, see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/> (<http://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>).

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit employment discrimination regarding race, sex, gender, disability, language, sexual orientation and gender identity, HIV-positive status or presence of other communicable diseases, or social status. The government did not always effectively enforce those laws and regulations due to lack of resources and difficulty in identifying when employers’ attitudes toward gender identity or sexual orientation resulted in discriminatory employment practices (see section 6). 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 2018 law on gender-based violence contains provisions aimed at eliminating the gender-based wage gap.

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

e. Acceptable Conditions of Work

The labor code provides for a range of administratively determined minimum wages; the minimum wages were above the poverty income level.

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. 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. The number of inspectors was insufficient to deter violations.

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.

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**Country:**

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