

TUNISIA 2017 HUMAN RIGHTS REPORT

Note: This report was updated 5/21/18; see Appendix G: Errata for more information.

EXECUTIVE SUMMARY

Tunisia is a constitutional republic with a multiparty, unicameral parliamentary system and a president with powers specified in the constitution. In 2014 the country held free and fair parliamentary elections that resulted in the Nida Tounes (Call of Tunisia) Party winning a plurality of the votes. President Beji Caid Essebsi came to office in 2014 after winning the first democratic presidential elections. Nida Tounes formed a coalition government with the Nahda Party and several smaller parties. On September 11, parliament approved Prime Minister Youssef Chahed's second government, composed of 28 ministers and 15 state secretaries.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included some allegations of torture of prisoners and detainees, despite an overall reduction in the number of torture cases compared with previous years; arbitrary arrests and detentions of suspects under antiterrorism or emergency laws; violence against journalists and criminalization of libel; corruption, although the government took steps to combat it; lack of adequate enforcement of laws on rape and domestic violence, although the government passed a law during the year designed to deter violence against women and criminalize previously uncovered acts; and criminalization of same sex sexual activity 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 suspicious deaths of several individuals in detention as a result of mistreatment and/or inadequate medical care. In its 2016 report, the independent Tunisian Organization against Torture (OCTT) noted 153 registered cases of torture and mistreatment of prisoners or detainees, including cases of suspicious death under detention, rape, and unlawful detention.

In February, Mohamed Amine Soudi was arrested by local police officers and held in detention in Kairouan prison until the night of his trial on February 6, when he was urgently transferred to the Kairouan hospital. Soudi died after five days in intensive care. The OCTT asserted that Soudi did not have health problems before his arrest and that his death was due to mistreatment while in prison. The general prosecutor launched an investigation, which remained pending at year's end.

During the year five security force members were killed and one other was injured. While on patrol near the parliament building on November 1, two police officers were injured in a knife attack by an individual belonging to a known extremist group; police officer Riadh Barroua subsequently died from his injuries.

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 many detainees to harsh physical treatment, according to first-hand accounts provided to 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 OCTT noted that it filed court cases for more than 100 cases alleging torture and mistreatment during the year, with no action by the courts as of November.

NGOs noted, however, a reduction in the number of torture cases compared with previous years due in part to implementation of legislation passed in 2016 that provided greater rights to detainees, including pretrial access to a lawyer. According to the justice minister, Mandela Rules (UN Standard Minimum Rules for the Treatment of Prisoners) were added to the training curriculum of all new

correctional staff, including awareness of human rights and use of force. The Director General for Prisons and Rehabilitation (DGPR) reported a substantial improvement in human rights awareness during the year due to training programs. The government stated it distributed a guidebook on the prevention of torture to prisons, detention centers, and the judicial system and provided training for judges and other law enforcement personnel on the content. In its June addendum to the UN Committee against Torture (UNCAT) report, the government stated it had opened 18 investigations into acts of torture committed by antiterrorism officers; all investigations were in progress as of October. As of October the Ministry of Interior reported that security inspectors within the ministry had received 76 cases of physical aggression and mistreatment by security forces or National Guard officers and an additional 77 cases of security forces exceeding their authority. The ministry took disciplinary measures against 295 security officers following investigations, with judicial proceedings initiated against 58 security officers.

The Ministry of Interior created a new Directorate General of Human Rights on June 16, mandated to conduct analytical studies related to the security sector, establish procedural safeguards to eliminate the likelihood or risk of torture, and submit recommendations on human rights and individual liberties to legislative and executive bodies. This new structure, which replaced the Directorate General for Political Affairs within the Ministry of Interior, is also responsible for evaluating training programs for internal security forces related to human rights and civil liberties.

There was one reported case of rape and sexual abuse by government agents during the year. According to the OCTT, police arrested Hada Saidi on April 5 for a complaint filed by her neighbor but did not inform her of the reason for her arrest. Security forces allegedly sexually assaulted her at the al-Omrane police station. The OCTT reported she suffered severe internal bleeding and a nervous breakdown from the assault. Several days later she was transferred to a psychiatric hospital, where she spent two days for treatment. No security officers were reported to have been charged or held accountable.

Prison and Detention Center Conditions

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

Physical Conditions: Prisons were understaffed and lacked adequate equipment to deal with the number of inmates. Despite periodic amnesties since the 2011

revolution, overcrowding persisted, due at least in part to the transfer of a large number of prisoners from 14 prisons damaged during prisoner uprisings in 2011. Most of the prisons that were damaged were either completely or partially renovated.

According to the DGPR, the rate of prison overcrowding dropped from 155 percent in 2016 to 114 percent as of September. The highest rates of overcrowding were found in five prisons: Morneg (225 percent), Kairouan (196 percent), Messadine Prison of Sousse (196 percent), Sfax prison (174 percent), and Monastir (163 percent). As noted in the country's Universal Periodic Review (UPR), the Ministry of Justice and the Directorate General for Prisons and Rehabilitation refurbished many prisons and added a new health-care center to one, increasing their capacity to accommodate additional inmates in new wings of the prisons in Sfax, Mahdia, Monastir, Messadine Sousse, and Borj el Roumi.

Following his visit on January 30 to February 3, Ben Emmerson, the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, expressed concern about prison conditions he witnessed in Mornaguia Prison, which he said fell well below international minimum standards. He noted the prison was approximately 150 percent over capacity, with more than 90 prisoners held in dormitories with inadequate space, natural light, and sleeping and sanitary facilities. He noted unacceptable conditions disproportionately affected those charged with terrorism because they were less likely to be granted provisional release, their cases sometimes took years to come to trial, and they received the longest sentences.

In its 2016 report, the Tunisian League for Human Rights (LTDH) criticized prison overcrowding and unsanitary conditions. It claimed space allotted for inmates averaged 22.6 square feet per person, well below the 43 square feet recommended by international norms. The report also noted that many detention centers were well over capacity.

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. As of October there were 20,755 prisoners and detainees, of whom 52 percent were in pretrial detention. The high percentage of pretrial detainees stemmed largely from delays in the judicial system. The prison system lacked sufficient resources to transport detainees to court hearings securely, although the Ministry of Justice during the year received international assistance for additional transport vehicles and training for transport staff.

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

Of the country's 27 prisons, one was designated solely for women, and eight prisons contained separate wings for women. According to the UNCAT addendum, as of December 2016, minor convicts comprised a small number of prisoners and were strictly separated from adults; the majority of minors were detained in separate correctional facilities.

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.

To reduce the number of persons held in prison for drug-related offenses (28 percent of the prison population, according government statistics in June), the government amended the law in May to permit judges discretion to hand down reduced or suspended sentences for drug use, including decriminalizing first-time marijuana consumption, an offense that previously received up to a one-year prison term.

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

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

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

The government established the Independent National Authority for the Prevention

of Torture (INPT) in 2013 to respond to allegations of torture and mistreatment an administratively independent body. Its members have the authority to visit any prison or detention center without prior notice and at any time to document torture and mistreatment, to request criminal and administrative investigations, and to issue recommendations for measures to eradicate torture and mistreatment. Since its establishment, INPT members reported the body faced material and logistical difficulties that prevented it from conducting its work effectively. A year after being elected, chairman of the board Hamida Dridi resigned on June 30, citing administrative and procedural pressures as well as bureaucratic obstacles that prevented the function of the body.

Independent Monitoring: The government granted access to prisons for independent nongovernmental observers, including local and international human rights groups, NGOs, local media, the International Committee of the Red Cross, the Office of the UN High Commissioner for Human Rights, and the OCTT. The LTDH may conduct unannounced prison visits and issue reports about conditions inside prisons. Other organizations are issued a permit after a case-by-case examination of their requests. The new Directorate General of Human Rights within the Ministry of Interior coordinated with international governmental and NGOs working on human rights.

UN Special Rapporteur Emmerson noted concerns about prolonged periods and conditions of detention, the use of executive orders to restrict freedom of movement and to impose house arrest without proper judicial review, and allegations of mistreatment and torture.

Improvements: The Ministry of Social Affairs and the Danish Institute against Torture opened a new rehabilitation center, Nebras, to assist and support victims of torture as they rehabilitate and reintegrate into society. Other NGOs reported that they referred victims to this center.

Director General (DG) of Prisons and Rehabilitation Elyes Zalleg initiated several steps to strengthen anticorruption efforts and to improve DGPR operations. On April 27, DG Zalleg removed former chief of prison security Imed Dridi on suspicion of corruption. Dridi subsequently was arrested on June 22, and his case was undergoing court proceedings. In early July the DG replaced 75 percent of senior leadership at the DGPR, including 14 prison wardens and three juvenile facility wardens, due to poor performance and possible corruption, according to a DGPR press statement.

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

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/her arrest or detention in court. Human rights organizations expressed concern that the government used its powers under the state of emergency to place citizens under house arrest with limited evidence or foundation for suspicion.

Role of the Police and Security Apparatus

The Ministry of Interior holds legal authority and responsibility for law enforcement. The ministry oversees the National Police, which has primary responsibility for law enforcement in the major cities, and the National Guard (gendarmerie), which oversees border security and patrols smaller towns and rural areas. The Ministry of Interior has three Inspectorate General Offices that conduct administrative investigations into the different ministry structures. These offices play a role in both onsite inspections to ensure officers' appropriate conduct and investigations in response to complaints received by the public. They can hold agents accountable and issue administrative reprimands even before the courts announce a final verdict. Investigations into prisoner abuse lacked transparency and often lasted several months and, in some cases, more than a year.

Civilian authorities maintained control over police, although international organizations, such as Amnesty International (AI) and Human Rights Watch (HRW), reported instances of detainees subjected to harsh physical treatment. The government lacked effective mechanisms to investigate and punish abuse, corruption, and impunity by police and prison officials, and there was little transparency in internal investigations. On February 10, AI published a report asserting that violations by security forces fostered a culture of impunity. On a February 20 television show, a police captain who represented a national police union, defended torture as a means to get information necessary for police investigations. The AI report contended that only a few security officers were held to account despite repeated commitments by authorities to investigate all allegations of torture and other mistreatment. The Ministry of Interior responded

that the National Security General Inspectorate had investigated one allegation of torture in both 2015 and 2016 and found it to be false.

Arrest Procedures and Treatment of Detainees

The law requires police to have a warrant to arrest a suspect, unless a crime is in progress or the arrest is for a felony offense. The 2015 counterterrorism law allows for five days of incommunicado prearrangement detention for detainees suspected of terrorism, which can be renewed for two five-day extensions with the court's approval. Arresting officers must inform detainees of their rights, immediately inform detainees' families of the arrest, and make a complete record of the times and dates of such notifications. Media and civil society reported that police failed at times to follow these regulations and on occasion detained persons arbitrarily.

The 2016 revisions to the code of criminal procedures in relation to detainee rights shortened the maximum time of precharge detention for crimes to 48 hours, renewable once by a prosecutor's order, for a maximum of four days. For minor offenses the time limit is 24 hours, renewable once. The law also includes a provision giving the detainee or a family member the right to request the assistance of a lawyer or medical assistance during precharge detention. When police receive the request, they are required to inform the lawyer of the accusations against the client and the time of questioning. Police must notify 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 the lawyer does not arrive at the prearranged time of questioning.

Several NGOs, including HRW and the Observatory of Rights and Freedoms of Tunisia (ODL), stated torture and mistreatment cases in pretrial detention decreased as a result of changes in the law. Human rights groups believed the law was generally applied since its adoption, particularly in larger cities.

According to 2016 penal code amendments, detainees have the right to know the grounds for their arrest before questioning and may request access to their lawyers, their families, and medical consultation. The law permits authorities to release accused persons on bail, and the bail system functioned. Detainees can exercise their right to representation by counsel immediately upon detention, and they have the right to counsel during police interrogation, with the exception of terrorism suspects, who may be held without access to counsel for 48 hours. By law the

prosecutor provides legal representation in case of criminal offenses and for underage offenders. A lawyer may be assigned in a criminal case even if the accused person did not ask for one during the investigation. For those who cannot afford a lawyer, judicial aid is provided at the expense of the government if certain conditions are met. In civil cases both parties can request judicial aid, but in criminal cases legal aid is only provided to nationals if the minimum possible sentence is at least three years and if the person on trial is not a recidivist, and to foreigners under conditions outlined by law. Judicial aid is also extended to administrative matters once the police investigation has been completed and the case goes to court. The military code of justice gives the same rights to detainees for assigning a legal counsel as described in the penal code, although it was unclear whether the government consistently provided this service. At arraignment the examining magistrate may decide to release the accused or remand the detainee to pretrial detention.

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

Early in the year, the DGPR established the first legal aid office in the Messadine Sousse office prison, with the intention of expanding this pilot program to other prisons nationwide.

Arbitrary Arrest: NGOs criticized the use of the emergency law to put under house arrest any individual suspected of representing a threat to state security, often without offering these individuals access to the court orders that led to their initial arrest. The ODL stated that up to 500 persons were put under house arrest since 2015--many of whom were subsequently prevented from working or providing for their families, in violation of the law. Mohamed Sami Ayedi, a public-sector employee without a prior criminal record, remained under house arrest by the Azzahra police station since 2015. In spite of repeated requests, authorities refused to grant a copy of his arrest order to him or his lawyers, and as a result, he could not appeal this decision.

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

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

The government noted in its June UNCAT addendum report that as of December 2016 almost 50 percent of all detainees were being held without sentences. Ministry of Justice officials reported they were focused on finding alternatives to pretrial detention, including the proposed use of electronic bracelets in lieu of detention, changing prosecutorial behavior, and improving the appeals process.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees are allowed to challenge the legal bases or arbitrary nature of their arrest. The court will order released anyone it finds to have been unlawfully arrested or detained. Although individuals who were unlawfully detained have the right to request compensation by submitting a request to the court of appeal, the procedures are complex, and most requests were rejected for failure to meet all required conditions, according to legal groups.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right, although defendants complained authorities did not consistently follow the law on trial procedures. In civilian courts defendants have the right to a presumption of innocence. They also have the right to consult with an attorney or to have one provided at public expense, to confront witnesses against them, to present witnesses and evidence, and to appeal verdicts against them. The law stipulates defendants must be informed promptly and in detail of the charges against them, with free interpretation if necessary. They must also be given adequate time and facilities to prepare their defense and not be compelled to testify or confess guilt.

The 2015 counterterrorism law stipulates that in cases involving terrorism, judges may close hearings to the public. Judges may also keep information on witnesses, victims, and any other relevant persons confidential, including from the accused and his or her legal counsel. The counterterrorism law also extends the amount of time that a suspect may be held without access to legal counsel from five to 15 days, with a judicial review required after each five-day period. Human rights organizations objected to the law for its vague definition of terrorism and the broad leeway it gives to judges to admit testimony by anonymous witnesses.

Military courts fall under the Ministry of Defense. Military tribunals have authority to try cases involving military personnel and civilians accused of national security crimes. A defendant may appeal a military tribunal's verdict and may resort to the civilian Supreme Court. Human rights advocates argued that national security crimes are too broadly defined but acknowledged that, following the 2011 reform of military courts, defendants in military courts have the same rights as those in civilian courts. 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.

AI and the Tunisian Forum for Social and Economic Rights (FTDES) documented flaws in due process and the failure to secure fair trial guarantees in the context of absentia court sentences issued to protesters in Gafsa (see section 2.b). According to AI the defendants in these cases were neither notified of the charges brought against them nor summoned to court and only found out about the cases against them when they received the sentence notification from the police. Of the 80 individuals whose case files AI reviewed, as of October most were waiting for their next court date or had appealed the charges and were waiting for a retrial.

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, with the exception that military courts handle claims for civil remedies for alleged security force abuses in civil disturbances during the revolution. Civilian courts heard cases involving alleged abuse by security forces during the year. Some cases did not move forward because security force officials, and occasionally civilian judges, failed to cooperate in the investigations.

According to HRW, the lack of provisions criminalizing command dereliction, which would hold senior officers liable for crimes committed by subordinates with explicit or tacit approval, contributed to military courts' light sentences for security force members.

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

The constitution provides for the right to privacy. The International Commission of Jurists claimed the counterterrorism law extensively infringes on the right to privacy through the use of surveillance. 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. No complaints were filed against government agents for improper use of surveillance during the year.

According to the ODL, authorities harassed family members and close associates of the 22 individuals originally arrested for their suspected involvement in the 2015 Bardo Museum attack. Even after these individuals were released from custody for lack of evidence, the ODL stated their relatives were targets of increased police harassment, in some cases sufficient to prevent the conduct of their normal lives. Similarly, AI reported that security forces continued to harass a number of individuals after being investigated on terrorism-related charges even though they were no longer a part of a trial or investigation. These individuals were reportedly subjected to house raids without judicial warrants, arbitrary arrest and interrogations, and summons to police stations. Several human rights organizations also noted that individuals who were subject to the "S17" (border control list) security-related travel restrictions (see section 2.d) and their family members also continued to face increased police harassment.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government mainly respected this right, although there were constraints. An independent press and a functioning democratic political system contributed to an environment generally conducive to this freedom. Some media outlets and civil society expressed concerns over security forces and other actors

committing violence against journalists, occasional government interference in media, a perception the government or individual ministries were using negative media stories to discredit the work of civil society organizations, 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.”

Press and Media Freedom: Activists expressed concern about government interference in media and in the concentration of media ownership. UN Special Rapporteur Emmerson noted concerns about the use of counterterrorism law and other legislative acts against journalists. In particular, journalists and several press freedom advocacy groups expressed concern that the government did not always respect laws regulating the work of journalists and providing journalists legal protections, including the abolishment of prison sentences for criminal defamation and other speech offenses. Article 19, an international NGO, called for reforms to the penal code and military justice code, which NGOs stated were used to target journalists, lawyers, and civil society activists. The codes criminalize defamation, false allegations against members of an administrative or judicial authority, and attacks against the “dignity, reputation, or morale of the army.”

In November 2016 prosecutors charged journalist Rached Khiari with impugning the reputation of the army and undermining its morale after his participation in a popular talk show during which he claimed that authorities signed an agreement allowing the United States to establish a military base in the country. He faced charges of up to three years in prison and was being tried in a military court, although he was a civilian. He faced additional charges of defamation of a civil servant and damaging the morale of the army to harm national defense, which carries a possible death penalty. As of September Khiari had not been arrested, and his case was still undergoing the appeals process.

Violence and Harassment: Security officials continued to harass and threaten journalists, according to human rights organizations. The NGO Tunis Center for Press Freedom (CTLP) reported 14 assaults and attacks on journalists between October 2016 and February 4, of which 58 percent were committed by security forces. The National Union of Tunisian Journalists expressed concerns about

growing pressure exerted on local journalists and foreign media correspondents after an Israeli journalist traveled to the country to report on the December 2016 assassination in the country of engineer Mohamed Zouari, who was linked to Hamas. While the UN Office of the High Commissioner for Human Rights (OHCHR) noted a decreasing number of attacks against journalists between March and August, it stressed assaults against journalists were still committed by security forces--mostly police or security guards during public events to prevent press coverage. The OHCHR attributed the decrease in part to the reduced number of large social gatherings during the year.

AI condemned the conviction in May of two journalists for criticizing a violent raid by security forces on their family home in Tozeur, purportedly to search for their brother, who was suspected of having extreme religious views. Following their criticism of these tactics, Salam Malik, president of the Tunisian Union for Media Association and director of the radio station Djerid FM, was sentenced to six months in prison by a court in Tozeur on May 10. His sister, Salwa Malik, director of programming at the radio station, received a six-month suspended sentence the same day. On appeal their sentences were reduced to a fine.

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

The Committee to Protect Journalists reported officers from the National Guard's Central Investigation Brigade interrogated Sami Ben Gharbia, the cofounder of the independent news website Nawaat on May 3, demanding he reveal the sources of an April 24 article in which he published a draft economic and financial reconciliation law. The officers also demanded he supply the contact information of all journalists who worked on the article.

Libel/Slander Laws: Various civil society organizations expressed concern about the use of criminal libel laws to stifle freedom of expression. HRW highlighted the case of Nabil Rabhi, a blogger arrested on July 23 for Facebook posts in which he criticized Hafedh Caid Essebsi, the executive director of the Nida Tounes Party and son of the president, as well as other prominent members of the party. He was charged with defaming President Caid Essebsi and his family, sentenced on August 5 to six months in prison, and fined 1,200 dinars (\$490). Rabhi appealed and was released from prison on October 22, after serving half of the sentence.

Internet Freedom

The government did not restrict or disrupt access to the internet, and there were no credible reports the government monitored private online communications without legal authority. There was no censorship of websites, including those with pornographic content, with the exception of websites linked to terrorist organizations. According to Internet World Stats, 50.5 percent of the population used the internet.

Academic Freedom and Cultural Events

There were no reports of government restrictions on academic freedom.

b. Freedoms of Peaceful Assembly and Association

The law provides for the rights of freedom of peaceful assembly and association. The state of emergency limited the right of assembly, although the government allowed limited protests to occur. The government did not always respect the right of association.

Freedom of Peaceful Assembly

The law provides for the freedom of peaceful assembly, and the government generally respected these rights. Human rights organizations credited police with taking measures to improve their response to protests, and, in contrast to 2016, there were no reports of violence by security forces during public protests. There was one security force fatality as a result of actions by protesters (see section 1.a.).

AI and FTDES reported that in a few cases the government intimidated peaceful protesters through the use of absentia sentences. According to a FTDES report in May, several protesters in Gafsa received absentia court sentences for violation of article 136 of the penal code, which sets forth prison sentences for impeding commercial activity (see section 1.e).

According to the International Center for Non-Profit Law, the primary barriers to assembly are a requirement to notify authorities at least three days before an assembly and the broad grounds upon which the government may object to an assembly.

Freedom of Association

The law provides for the right of freedom of association, but the government did not always respect it. A 2011 law on associations eliminated penalties in the previous law, as well as the prohibition on belonging to, or serving in, an unrecognized or dissolved association. The law eased the registration procedure, making it more difficult for government entities to hinder or delay registration. 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. As of September the government reported there were 20,758 registered associations. In some cases the government issued warnings to associations for violations of the law, temporarily suspended their operations, or initiated their legal dissolution.

According to the 2011 law, only the judiciary has the authority to suspend or dissolve an association. On June 12, the prime minister issued a communique that gave all civil society groups one month to submit financial reports to the government detailing foreign assistance or donations. Foreign funding may come only from a country with diplomatic relations with Tunisia. According to the Prime Minister's Office, 16 associations were dissolved by a court decision since 2011 on the grounds that these associations did not provide justification for funds received from abroad. Between May 2016 and June 2017, authorities suspended the activities of an additional 50 associations for failure to make public their financial sources or adequately to report foreign sources of funds, according to the government watchdog NGO, I-Watch. These associations were requested to provide additional information about their financing or risk dissolution. The Prime Minister's Office claimed that proper procedure was followed in all cases.

On June 6, the court of Tunis announced a one-month suspension of the Islamist party Hizb Ettahrir's activities for violating the law of associations. The court concurred with the accusation submitted by the Ministry of Relations with Constitutional Bodies, Civil Society, and Human Rights that the party incited hatred, violated constitutional principles, and advocated for the establishment of an Islamic state. A Hizb Ettahrir spokesperson asserted the party had been neither informed about the legal judgment nor asked to testify. The party resumed its normal activities following the suspension.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at

www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

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

In-country Movement: In its 2016 report, the ODL estimated more than 100,000 individuals were on a border control order list known as “S17.” Originally created to restrict individuals’ movement outside the country, the ODL stated the government was also using this list to restrict internal travel. The ODL and other human rights groups explained that if a police officer stopped an individual for a routine traffic stop or at a police checkpoint, the individual’s name would be run through electronic security databases. If the individual was on the “S17” list, the individual would often be held pending approval from the officer’s superior to be released or brought to a police station for hours of interrogation. These civil society groups noted lack of transparency surrounding this list, as well as police inconsistency handling those listed, leaving many individuals without recourse to address limitations on their freedom of movement.

Since 2014 more than 500 individuals filed complaints with the ODL, claiming the government prevented them from traveling, due to suspicions of extremism, in some cases apparently based on the travelers’ religious attire. The group added that some persons were prevented from traveling despite having a clean record, because they were related to a terrorist suspect. In other cases the observatory claimed that women were prevented from traveling if suspected of prostitution, often based on appearance alone. The Ministry of Interior noted that as of August, 1,869 individuals were prevented from traveling because they had not met legal requirement to travel or because the ministry had reason to suspect they would travel to international conflict zones.

Foreign Travel: On May 23, parliament passed an amendment to the 1975 Law on Passports, including new provisions requiring that authorities promptly inform those affected by travel restrictions or who have had their passports seized the reasons for these decisions. In addition the new amendment 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. While human rights groups viewed this amendment positively, they noted the changes were not consistently applied and security forces did not always respect court decisions to reverse travel restrictions.

Protection of Refugees

Access to Asylum: The country does not have a law for granting asylum or refugee status. The Ministry of Interior noted it coordinated regularly with UNHCR in spite of the absence of this legal framework. Pending the creation of a legal framework, UNHCR is the sole entity conducting refugee status determination. UNHCR provided assistance to registered refugees for primary medical care and, in some cases, for basic education. The government granted access to schooling and basic public health facilities for registered refugees. When UNHCR ceased providing assistance to the Shousha camp for refugees from Libya in 2013, the camp still housed more than 300 persons who had been denied refugee status. On June 19, security forces attempted to evacuate the remaining occupants of the camp, as part of a highly publicized government initiative to convert the land into a free trade zone. In September, UNHCR reported that after the resettlement and return of many of the original occupants, 33 persons remained in the area where the camp once existed. Of those, three had been recognized as having a claim to refugee status, with the rest having been determined after an evaluative process to be migrants.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. On February 2, parliament passed an electoral law that codified regulations regarding municipal and local elections, as well as granting members of the armed forces and security services the right to vote. Security forces had historically been denied suffrage on the grounds that the security forces must be “completely impartial.”

Elections and Political Participation

Recent Elections: Citizens exercised their ability to vote in free, fair, and transparent elections in 2014 for legislative and two rounds of presidential elections.

Political Parties and Political Participation: Of the approximately 200 registered parties, 70 ran electoral lists in the 2014 parliamentary elections. Authorities rejected parties that did not receive accreditation due to incomplete applications or because their programs were inconsistent with laws prohibiting discrimination and parties based on religion.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate. Women continued to be politically active but faced societal barriers to their political participation.

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, although they were not always effective, according to transparency NGOs.

The National Commission to Combat Corruption (INLUCC), an independent body established in 2011 to investigate and prevent corruption and to draft policies to combat corruption, continued to process corruption cases. In July the president of the commission, Chawki Tabib, testified before parliament's Finance, Planning and Development Committee that the budget (less than two million dinars or \$820,000) was insufficient to carry out its mandate to conduct investigations, support civil society, and put in place a research center.

In a January 26 statement, Tabib said two billion dinars (\$816 million) was lost annually to corruption and the lack of adequate governance mechanisms in public transactions. According to Tabib, the INLUCC received more than 9,000 cases in 2016. Of the cases INLUCC received in 2016 and 2017, more than 200 cases were determined to meet the legal definition of corruption and have enough corroborating evidence to warrant further legal action. On October 21, Tabib reported the INLUCC had transmitted these cases to the Ministry of Justice and that, of these cases, up to 80 were transportation-related, ranging from bribes for driving licenses to "major corruption" related to infrastructure projects.

On February 22, parliament passed a comprehensive whistleblower protection law that gives a clear definition of whistleblower, outlines procedures for reporting corruption and protecting those who report it, and toughens prison sentences against those who assault or threaten whistleblowers. Political parties and civil society leaders praised the new law.

In October civil society representatives reported that, although the new commission created by the 2016 information law was not operational and public awareness about the law was limited, the law itself had been implemented in most cases. The information law grants citizens access to documents from public institutions, government agencies, and certain publicly financed associations and requires public entities to make information about their offices, including budgets and contact information, publicly available online.

On September 13, parliament adopted the Administrative Reconciliation Law, which offers amnesty to civil servants for acts of corruption committed prior to the 2011 revolution, provided that the individuals did not obtain personal benefit from the corruption. The amnesty does not apply to acts of corruption related to accepting bribes or embezzlement of public funds. Proponents of the bill, including the two largest political parties, asserted the law was necessary for economic growth and national reconciliation. Opponents criticized the law as contrary to the government's stated goals of fighting corruption and characterized the law's passage as offering amnesty for the corrupt.

Corruption: Following the passage of the access to information and whistleblower protection laws, the government initiated an anticorruption campaign led by the prime minister. A series of arrests and investigations targeted well-known businessmen, politicians, journalists, police officers, and customs officials. Preliminary charges included embezzlement, fraud, and taking bribes. On May 23, authorities arrested a businessman with political ties to the Nida Tounes party, Chafik Jarraya, and seven other prominent businessmen, including two former customs officials. Jarraya remained in detention as of November, accused of smuggling and embezzlement, as well as conspiracy against the safety of the state and complicity with a foreign government. His trial, to be held in the military rather than civilian court, was postponed to February 2018. Another businessman arrested on May 23, Yassine Chennoufi, was under house arrest until his transfer to Mornaguia prison on October 2. He was charged in a money laundering case that included several customs officials.

While many expressed full support to the prime minister's campaign and urged him to take further steps, a number of human rights organizations criticized the use of the state of emergency law as the basis for the arrests. They expressed concern that it gives the government full discretion to try civilians before a military court rather than a civilian one.

Financial Disclosure: The constitution requires those holding high government offices to declare assets “as provided by law.” At year’s end there was no law requiring appointed or elected officials to disclose their income or assets.

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

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

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

The Truth and Dignity Commission (IVD) was established in 2014 to investigate gross violations of human rights committed by the government or those who acted in its name; it began hearing cases in 2016. The IVD received 62,326 complaints and petitions, according to the 2017 UPR. Of these cases, the IVD held 13,165 hearings for victims and broadcast six public hearings in the media between November 2016 and January 2017. As of October it processed approximately 45,000 cases. Civil society organizations noted the IVD faced criticism from certain factions of the governing coalition. While the IVD concurred that some government opposition hampered its work, it noted the Ministry of Finance approved its budget, removing previous financial constraints.

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: On June 27, parliament unanimously passed a comprehensive law addressing all forms of gender-based violence, including physical, economic, and social violence. It broadly defines violence against women as “any restriction denying women equality in the civil, political, economic, social, or cultural domains.” The law, which enjoyed widespread support from both political parties and civil society organizations, adds or updates articles in the Penal Code to meet international best practices. The law criminalizes previously uncovered acts of incest, sexual harassment of women in public places, and gender discrimination.

Rape remained a taboo and cultural pressures often dissuaded victims from reporting sexual assault.

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

There were no government public education programs on domestic violence, including rape. Victims received services at two dozen social centers throughout the country.

Sexual Harassment: In the new gender-based violence law, the article related to sexual harassment was revised. It allows up to a two-year sentence for the harasser and a 5,000-dinar (\$2,040) fine, instead of the previous one year in prison. The law further clarifies that sexual harassment can include any act, gesture, or words with sexual connotation. The punishment is doubled if the victim is a child or the perpetrator has authority over the victim.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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. On September 14, the government cancelled the 1973 decree law that prevented the marriage of Muslim female citizens with non-Muslim men unless the men presented proof of conversion to Islam. Sharia requires men, but not women, to provide for their families. Because of this expectation, in some instances sharia inheritance law provides men with a larger share of an inheritance. Some families avoided the application of sharia by executing sales contracts between parents and children to ensure that daughters received shares of property equal to those given sons. Non-Muslim women and their Muslim husbands may not inherit from each other. The government considers all children of those marriages to be Muslim and forbids those children from inheriting from their mothers. Spouses may, however, freely give up to a third of their estate to whomever they designate in their will.

The law explicitly requires equal pay for equal work, and the government generally enforced it. The law allows female employees in the public sector to receive two-thirds of their full-time salary for half-time work, provided they have at least one child under 16 or a child with special needs, regardless of age. Qualifying women may apply for the benefit for a three-year period, renewable twice for a maximum of nine years. Societal and cultural barriers significantly reduced women's participation in the formal labor force, particularly in managerial positions. Women in the private sector earned on average one-quarter less than men for similar work. The new law on gender-based violence contains provisions aimed at eliminating the gender-based wage gap.

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

Gender-biased Sex Selection: The ratio of boy-to-girl births was 107 to 100. There was no information on any government efforts to examine whether this imbalance was due to gender-biased sex selection.

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.

Child Abuse: As of October the government reported that police officers received 398 complaints of violence and 570 of sexual assaults against children. The Ministry of Women, Family, and Childhood designated 21 psychologists to treat victims and announced its collaboration with civil society to provide increased services for child victims in shelters in Sousse, Sfax, and Tunis.

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

Sexual Exploitation of Children: Anyone who has sexual relations with a girl under age 10 is subject to the death penalty. The new comprehensive law against gender-based violence addresses all forms of gender-based violence. Under previous laws, intercourse with a girl under the age of 15 without the use of violence was punishable by six years in prison; the new 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.

In September the Ministry of Social Affairs announced that it organized training for 54 social workers during the year related to the prevention of sexual violence against children, particularly girls.

International Child Abductions: The country is not party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

On May 14-15, an annual Jewish pilgrimage took place on the island of Djerba. Local media estimated participation at up to 4,000 persons. The event took place without incident and included the participation of several government ministers. Leaders in the Jewish community and government publicly praised the pilgrimage as a sign of the excellent relationship between the Jewish and Muslim communities.

Trafficking in Persons

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

Persons with Disabilities

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

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

The Ministry of Social Affairs is charged with protecting the rights of persons with disabilities. The government issued cards to persons with disabilities for benefits such as unrestricted parking, free and priority medical services, free and preferential seating on public transportation, and consumer discounts. The government provided tax incentives to companies to encourage the hiring of persons with physical disabilities. There were approximately 300 government-administered schools for children with disabilities, 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.

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 use the law against sodomy to detain and question persons about their sexual activities and orientation, reportedly at times based on appearance alone. In other instances LGBTI individuals were targeted under the article of the penal code that criminalizes infringement of morality or public morals with six months in prison and a fine of 1,000 dinars (\$408). LGBTI-focused NGOs reported at least 45 known cases of arrests under the sodomy law as of September and 150 violent assaults committed against LGBTI individuals. Human rights organizations and LGBTI-focused NGOs stated that police and the courts often ordered men suspected of sodomy to take a rectal exam in order to collect evidence.

On March 29, Shams association, a local LGBTI advocacy group, released a documentary highlighting testimonies from LGBTI individuals who were violently assaulted for their sexuality by security forces and others. On April 3, the National Council of the Medical Order in Tunisia issued a statement calling for doctors to cease conducting forced anal and genital examinations. Despite praise by NGOs such as HRW, Shams asserts that the statement has neither deterred these exams nor reduced the rate of individuals being sentenced to jail under the sodomy law, since judges often assumed guilt of individuals who refused to submit voluntarily to an exam.

On March 10, Achraf Bouasker and Sabri Chehdi were sentenced to eight months in prison for homosexuality after being arrested in December 2016 at a train station in Sousse. The police officer reported that he caught them in the midst of a sexual act; the two men denied it, claiming that the officer targeted them for their appearance only. In an effort to prove their innocence, they voluntarily submitted to a rectal exam. An appeal in court continued.

Anecdotal evidence suggested LGBTI individuals faced increasing discrimination and violence, including death and rape threats, although societal stigma and fear of prosecution under sodomy laws discouraged individuals from reporting problems, according to a Euromed report released in September 2016. Due to societal intolerance of same-sex sexual relationships, LGBTI individuals were discreet, and there was no information on official discrimination based on sexual orientation in employment, housing, access to education, or health care, although the Euromed report cited widespread anecdotal evidence of systemic denial of services to

LGBTI individuals due to their sexual orientation.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers with the right to organize, form and join unions, and bargain collectively. The law allows workers to strike, provided they give 10 days' advance notice to their federations and receive Ministry of Interior approval. The International Trade Union Confederation and the International Labor Organization characterized the requirement for strike notification as an impediment to freedom of association. The right to strike extends to civil servants, with the exception of workers in essential services "whose interruption would endanger the lives, safety, or health of all or a section of the population." The government did not explicitly stipulate which services were "essential." Authorities largely respected the right to strike in public enterprises and services. The law prohibits antiunion discrimination by employers and retribution against strikers. The government generally enforced applicable laws.

Conciliation panels with equal labor and management representation settled many labor disputes. Otherwise, representatives from the Ministry of Social Affairs, the Tunisian General Labor Union (UGTT), and the Tunisian Union for Industry, Commerce, and Handicrafts (UTICA) formed tripartite regional commissions to arbitrate disputes. Observers generally saw the tripartite commissions as effective.

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

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

complained their labor organizations were ignored and excluded from tripartite negotiations.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor and provides for penalties of up to 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor. The government effectively enforced most applicable codes dealing with forced labor. While penalties were sufficient to deter many violations, transgressions still occurred in the informal sector.

Some forced labor and forced child labor occurred in the form of domestic work in third-party households, begging, street vending, and seasonal agricultural work (see section 7.c.).

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum age law by examining the records of employees. The number of inspectors and resources at their disposal lagged behind economic growth. According to ministry officials, the labor inspectorate did not have adequate resources to monitor fully the informal economy, officially estimated to constitute 38 percent of GDP. Some estimates placed the total percentage of the informal sector as greater than 60 percent. Occasionally, labor inspectors coordinated spot checks with the UGTT and the Ministry of Education.

The Ministry of Women, Family, and Childhood noted its annual report published in March that it received 112 cases related to child labor in 2016. Of these, approximately 48 percent dealt with children who worked as beggars and another 29 percent who were working in the informal commercial sector. Children were subjected to commercial sexual exploitation and used in illicit activities, including drug trafficking (see section 6, Children).

The Ministry of Employment and Vocational Training and the Ministry of Social Affairs worked together to implement the National Action Plan to Eliminate Child Labor, to discourage children and parents from entering the informal labor market at an early age through the use of vocational training centers and to encourage youth to stay in school through secondary school, to stem the estimated 100,000 dropouts per year. The Ministry of Education also incorporated vocational training into secondary school curriculums. The ministry stated that such efforts resulted in the return of 15,000 dropouts to their studies in 2016.

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

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit employment discrimination regarding race, sex, gender, disability, language, sexual orientation and gender identity, HIV-positive status or presence of other communicable diseases, or social status. The government did not always effectively enforce those laws and regulations due to lack of resources and difficulty in identifying when employers' traditional attitudes toward gender identity or sexual orientation resulted in discriminatory employment practices (see section 6).

e. Acceptable Conditions of Work

The labor code provides for a range of administratively determined minimum wages. On March 10, tripartite negotiations led to an agreement on private sector wages, which included a two-year 6-percent general wage increase and a 6-percent increase in bonuses. On June 6, the government announced a 6-percent wage increase and a new monthly minimum wage for a 40-hour workweek for industrial workers of 306 dinars (\$125), and a daily minimum wage for agricultural-sector workers of 13.8 dinars (\$5.63) for basic workers and 15 dinars (\$6.10) for highly qualified workers. In 2015 the Ministry of Social Affairs, the UGTT, and the Tunisian Union of Agriculture and Fishing reached an agreement to improve labor

conditions and salaries in agricultural work to match those in the industrial sector. The agreement allows for the protection of rural women against dangerous employment conditions, sets safety standards for handling of hazardous materials, and gives tax incentives for agricultural employers to provide training for workers.

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

Special government regulations control employment in hazardous occupations, such as mining, petroleum engineering, and construction. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they could take legal action against employers who retaliated against them for exercising this right. The Ministry of Social Affairs is responsible for enforcing health and safety standards in the workplace. Under the law all workers, including those in the informal sector, are afforded the same occupational safety and health protections. UGTT representatives noted that these health and safety standards were not adequately enforced. Regional labor inspectors were also responsible for enforcing standards related to hourly wage regulations. In 2016 the country's 347 labor inspectors visited most firms approximately once every two years. In 2016 the Ministry of Women, Family, and Childhood also had 83 inspectors specifically assigned as child protection delegates distributed throughout the country. The government did not adequately enforce the minimum-wage law, particularly in nonunionized sectors of the economy. The prohibition against excessive compulsory overtime was not always enforced.

Working conditions and standards generally were better in export-oriented firms, which were mostly foreign owned, than in those firms producing exclusively for the domestic market. According to World Bank statistics, the informal sector employed more than 54 percent of the total workforce, more than half of which was women. 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.