

# TUNISIA 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Tunisia is a constitutional republic with a multiparty, unicameral parliamentary system and a president with powers specified in the constitution. In early 2014 parliament ratified a new democratic constitution that respects individual rights. In October 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. On February 5, parliament approved a coalition unity government made up of four political parties, Nida Tounes, Nahda, Afek Tounes, and the Free Patriotic Union. Civilian authorities maintained control over the security forces, although international organizations reported instances of detainees subjected to harsh physical treatment.

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

Other human rights problems included physical abuse of prisoners in detention centers and prisons, poor prison and detention center conditions, arbitrary arrest and detention, lack of judicial independence, lax prosecutorial environment with poor transparency, corruption, infringement of gay, lesbian, bisexual, transgender, and intersex (LGBTI) rights, gender-based violence, and societal obstacles to the full economic and political participation of women.

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

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

Security forces reportedly used excessive force that resulted in the killing of civilians. For example, on February 8, police shot and killed a 20-year-old man in Dhiba during a demonstration against poor economic conditions. The independent NGO Tunisian Forum for Economic and Social Rights created an independent commission and reported on February 15 that the peaceful protest was met with an “exaggerated” security response that led to the man’s death.

Media and civil society organizations reported the deaths of several individuals in detention. The court assigned Abderaouf Kridis to al-Mornaguia prison on July 14 pending a court hearing after he stabbed his neighbor. In June the court granted his mother a judicial warrant to commit him to a psychiatric facility for treatment, but police officials refused to act on the warrant. Prison staff repeatedly blocked Kridis's family from visiting him. On August 5, prison staff informed the family that they transferred Kridis to a hospital, where the family discovered that Kridis had died of organ failure, septic shock, and septic arthritis. The family accused the police station of al-Medina al-Jadida of refusal to implement the court order and neglecting Kridis's psychological condition, as well as failing to inform them of his transfer and subsequent death. A spokesperson for the General Directorate of Prison Services told media that the office launched an investigation into the case. Results of an investigation were not available at year's end.

The prosecution at the Military Court of First Instance in Sfax requested the court charge five security officers from Gafsa with murder, three with accessory to murder, and one for falsifying an official record in connection with the 2013 police killing of Mohamed Mufti.

In June 2014, a court in Sousse charged members of the National Committee for the Protection of the Revolution with voluntary manslaughter in the 2012 death of Mohamed Lotfi Naguedh, a Nida Tounes opposition party regional coordinator. The new charge came after the Court of Cassation, the country's highest court, rejected the lesser charge of involuntary manslaughter. Nida Tounes members claimed Naguedh died of a blow to the head after progovernment demonstrators attacked his office. According to the MOI, violence occurred, but the proximate cause of death may have been a heart attack. According to the state news agency, the International Bar Association deemed the case politicized and called for the release of the accused, since they spent more than 14 months in provisional detention, the maximum permitted by law. On July 10, the Indictment Chamber at the Sousse Court of Appeals dropped the charges of voluntary manslaughter, and acquitted and released four of the suspects. Four other suspects remained in detention.

The army, police, and National Guard have suffered 91 fatalities and more than 200 injuries in repeated attacks by terrorist groups since 2011. During the year attacks by terrorist groups killed 21 security force members, including five soldiers on April 7, four National Guardsmen on June 15, and 12 presidential guards on November 24.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

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

Although the law prohibits such practices, police reportedly subjected many detainees to harsh physical treatment, according to first-hand accounts provided to international organizations. Several prominent local human rights lawyers have decried the practice of torture in police stations and detention centers. Human rights NGOs criticized the government for reluctance to investigate torture allegations.

On June 4, an investigative judge at the Tunis Court of First Instance released seven detainees accused in a terrorism-related case. Human rights organizations reported signs of torture, including cigarette burns, on the detainees and called for an investigation. The government established a commission of seven members of different parliamentary blocks to investigate the events. Results of the investigations were pending. During a 2014 visit, UN Special Rapporteur on Torture Juan Mendez stated that “torture and ill-treatment continue to take place in Tunisia.”

Media and civil society organizations reported the deaths of several individuals from torture (see section 1.a.). On September 11, authorities arrested Sofien Dridi at passport control at the Tunis-Carthage Airport after he was deported from Switzerland. On September 18, Dridi’s family found his body at the Charles Nicole Hospital morgue in Tunis. Police and prison officials did not inform the family of his death. On October 5, the National Guard antidrug brigade arrested Qais Berrhouma. Two witnesses reported to Human Rights Watch that officers violently beat Berrhouma in the street. On October 6, his family learned through a relative that Berrhouma’s body was at Charles Nicole Hospital.

As of year’s end, the cases of alleged abuse of two prisoners at al-Mornaguia Prison, Mohamed Amine Guesmi and Thamer Nassri, were filed with the Mannouba court. Administrative sanctions against prison officers were pending the outcome of the court cases. The prison administration transferred the officers involved in the two cases to other prisons.

## Prison and Detention Center Conditions

Prison and detention center conditions were below international standards, principally due to overcrowding and poor infrastructure. The General Directorate of Prisons and Rehabilitation reportedly spent 7,850 dinars (\$3,843) per prisoner annually.

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

An April 2014 report, *Prisons in Tunisia: International Standards versus Reality*, by the UN Office of the High Commissioner for Human Rights, cited overcrowding, along with poor infrastructure, as the biggest problems in prisons. The highest rates of overcrowding were found in four prisons: Kasserine (151 percent), Kairouan (138 percent), Mesadine Prison of Sousse (116 percent), and Jendouba (114 percent). The report concluded that conditions often forced inmates to share beds.

As of October there were an estimated 23,500 prisoners and detainees, 55-60 percent of whom were in pretrial detention. The high percentage of pretrial detainees, which stemmed from case-flow problems, raised concerns about the capacity of the courts to dispense timely justice.

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

Of the country's 27 prisons, one was designated solely for women, and eight prisons contained separate wings for women. As of October 615 women were incarcerated, 67 percent of whom were awaiting trial.

El-Ouardiya is a holding center for migrants awaiting deportation. Those detained at the center have spoken to media of an absence of legal assistance and medical care at the facility.

Health services available to inmates were inadequate. Very few prisons had an ambulance or medically equipped vehicle. Officials mentioned they lacked

equipment necessary for security of guards, other personnel, and inmates. Additionally, there was a lack of training for personnel in crisis management, use of force, and human rights awareness.

Most prisons suffered from decaying infrastructure.

Administration: Recordkeeping was inadequate with data not always updated or accurate. During the year officials of the General Directorate of Prisons and Rehabilitation received training in methods to improve prisoner classification. The directorate developed a new classification system and began updating its database at the end of 2014.

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

Authorities allowed prisoners to receive one family visit per week. Adult prisoners reportedly had some access to educational and vocational training programs, but only a minority had access due to limited capacity.

Independent Monitoring: The government expanded access to prisons for independent nongovernmental observers, including local and international human rights groups, NGOs, and local media, including the International Committee of the Red Cross, the Office of the UN High Commissioner for Human Rights, and the Organization Against Torture in Tunisia. On July 10, the Ministry of Justice and the Tunisian League for Human Rights signed a memorandum of understanding allowing the league to conduct unannounced prison visits and to issue reports about conditions inside the prisons.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, although security forces did not always observe these provisions. There were reports of arbitrary arrests following the attacks in Bardo and Sousse. Several other reports detailed the arbitrary arrest of and physical aggression against demonstrators and journalists.

#### **Role of the Police and Security Apparatus**

The Ministry of the Interior holds legal authority and responsibility for law

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

On February 17, the 20 Tunisians accused of involvement in the attack against a foreign embassy in 2012 were sentenced to two to four years of prison. Eight of those convicted were sentenced in absentia.

Civilian authorities maintained control over police, although international organizations, such as Amnesty International and Human Rights Watch, reported instances of detainees being subjected to harsh physical treatment. The government lacked effective mechanisms to investigate and punish abuse, corruption, and impunity by police and prison officials, and there was little transparency in internal investigations. On July 25, the Ministry of the Interior dismissed the National Security District Chief of Monastir for physically assaulting a waiter at a cafe serving patrons during Ramadan. Three other security officials in La Marsa were also dismissed the same day for unspecified “abuse of power.” On September 14, then inspector general of the ministry said in a media interview that the ministry arrested “five or six” police officials for “direct links to smuggling or terrorism.” Senior police officials participated in human rights training programs and established separate inspectors general for police and the National Guard.

### **Arrest Procedures and Treatment of Detainees**

The law requires police to have a warrant to arrest a suspect, unless a crime is in progress or the arrest is for a felony offense. The penal code permits detention for up to six days before arraignment, during which time the government may hold suspects incommunicado. A new counterterrorism law, adopted on July 25, allows for five days of incommunicado prearraignment detention, which can be renewed for two five-day extensions with the court’s approval, in terrorism cases. Arresting officers must inform detainees of their rights, immediately inform detainees’ families of the arrest, and make a complete record of the times and dates of such notifications. Police failed at times to follow these regulations and on occasion detained persons arbitrarily.

Detainees have the right to know the grounds for their arrest before questioning and may request a medical examination, but they do not have a right to legal

representation during detention prior to arraignment. The law permits authorities to release accused persons on bail, and the bail system functioned. Detainees could exercise their right to representation by counsel during arraignment. By law the government provides legal representation for indigents, although it was unclear whether the government consistently provided it. 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.

Arbitrary Arrest: Security forces arrested and used force against peaceful demonstrators on June 6 during a protest against corruption in the petroleum sector, and on September 1, 2, and 6 in protests against the economic reconciliation bill.

Pretrial Detention: Pretrial detention remained unpredictable and could last from a month to several years, principally due to judicial inefficiency (and lack of resources). A 2013 Human Rights Watch report noted legal gaps governing pretrial detention, poor physical conditions of detention, frequent violations of due process, and several cases of mistreatment during arrest and interrogation. A January report entitled *Justice in Tunisia: Year Zero*, by the antitorture French NGO ACAT in collaboration with three Tunisian human rights associations, detailed the dysfunctional mechanisms for complaining of torture during custody, detention, and imprisonment. As of October 55 to 60 percent of the 23,500 inmates were in pretrial status.

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

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary. While the government generally respected judicial independence, in one instance it failed to carry out an administrative court decision from December 2013 to reinstate 30 of 75 judges dismissed in 2012. Beginning in July 2013, a temporary commission began reviewing judicial promotions, transfers, and disciplinary actions. On May 15, parliament approved the creation of a constitutionally mandated council to replace the temporary body. Human Rights Watch criticized the new law for failing to ensure independence from the executive branch.

### **Trial Procedures**

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

Parliament passed a counterterrorism law in July, which stipulates that in cases involving terrorism judges may close hearings to the public and 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, including 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.



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

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens and organizations may seek civil remedies for human rights violations through domestic courts, except that military courts handled claims for civil remedies for alleged security force abuses during civil disturbances during the revolution. Civilian courts heard cases involving alleged abuse by security forces during the year. Some cases did not move forward because security force officials, and occasionally civilian judges, failed to cooperate in the investigations. According to Human Rights Watch, 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 Interference with Privacy, Family, Home, or Correspondence**

The constitution provides for the right to privacy. The International Commission of Jurists claimed that the counterterrorism law extensively infringed on the right to privacy through the use of surveillance. The law allows interception of communications including recording of phone conversations with advance judicial approval for a period not to exceed four months. State agents are subject to a one-year prison sentence if they conduct surveillance without judicial authorization. No complaints were filed against state agents for improper use of surveillance during the year.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

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

continued to practice self-censorship to avoid violence targeting journalists.

Freedom of Speech: 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.”

In April authorities released blogger Yassine Ayari; however, he still faced defamation charges for which the maximum penalty is death and reported there had been anonymous threats against his family after he wrote a public letter to the Prime Ministry asking it to investigate crimes of violence by the Nida Tounes party. In 2014 authorities arrested Ayari and charged him in his absence on November 18 with defaming the army and insulting high-ranking defense officials in a series of blog posts about mismanagement in the army.

Press and Media Freedoms: The new constitution provides for freedom of the press. Activists expressed concern, however, about restrictions pursued in the fight against terrorism. On November 17, the Ministry of Justice posted a notice on social media stating it would use the counterterrorism law to “criminally prosecute” journalists it considered responsible for disseminating images of a shepherd killed by terrorists in Sidi Bouzid on November 13. The announcement was condemned by both the Independent Authority of Audiovisual Communication (HAICA) and the National Union of Tunisian Journalists (SNJT). HAICA claimed that attempts to regulate the media using the counterterrorism law were a return to the “repression of the Ben Ali regime,” while the SNJT called the ministry’s decision a “declaration of war against the freedom of the press.” There were no reports of the application of the ministry’s announcement by year’s end.

Violence and Harassment: Security officials continued to harass and threaten journalists during street demonstrations or protests. In March the NGO Tunis Center for Press Freedom (CTLP) released a report documenting 277 assaults on journalists in 2014, most of them committed by security forces. CTLP and SNJT condemned the September 30 assault by a plainclothes off-duty police officer of two journalists covering a student demonstration. Reporters Without Borders claimed that 30 journalists were assaulted by plainclothes security force members while reporting from the scene of the November 25 terrorist attack in downtown Tunis.

Censorship or Content Restrictions: The government penalized individuals who

published items counter to government guidelines.

Libel/Slander Laws: On July 15, counterterrorism police summoned Abdelfattah Said for questioning about a video he published on social media expressing his opinions on the cause of the Sousse terrorist attack. He was charged with complicity to facilitate terrorism, defaming a public servant, and knowingly broadcasting false news. Police transferred Said to al-Mornaguia prison on July 22. On December 3, the court sentenced Said to one year in prison and a fine of 2,000 dinars (\$979). Said's lawyers appealed the decision.

National Security: On September 28, police arrested Manouba University student Montasar Trabelsi on a charge of insulting the president after Trabelsi participated in a radio talk show on September 27. The case was pending at the year's end.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet, and there were no credible reports that the government monitored private online communications without appropriate legal authority. There was no censorship of websites, including those with pornographic content, with the exception of websites linked to terrorist organizations. According to the International Telecommunication Union, 46.16 percent of the population used the internet in 2014.

### **Academic Freedom and Cultural Events**

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

### **b. Freedom of Peaceful Assembly and Association**

The law provides for the rights of freedom of assembly and association. In October the government lifted the state of emergency that was in place since July 31, originally decreed for one month after the Sousse terror attack. The government imposed a state of emergency on November 24 after a terror attack in Tunis, along with a curfew from 9 p.m. to 5 a.m. On December 1, the curfew was shortened to midnight-5 a.m. The curfew was lifted on December 12, but the state of emergency remained in effect at year's end. 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 Assembly**

The law provides for the right of freedom of assembly. On September 1, a peaceful group of demonstrators protesting against a proposed economic reconciliation bill in Tunis was violently dispersed by security forces, injuring a number of participants. On September 5, police forcefully dispersed a similar protest in Kairouan, detaining some protesters for questioning. The protesters were released later that day without charge. Several other similar protests between August 27 and September 8 were dispersed by police throughout the country.

## **Freedom of Association**

The law provides for the right of freedom of association, but the government did not always respect it. A law on associations promulgated in 2011 eliminated penalties in the previous law as well as the prohibition on belonging to, or serving in, an unrecognized or dissolved association. The law eased the registration procedure, making it more difficult for government entities to hinder or delay registration, and the government did not unfairly deny registration. The Ministry of the Interior is not authorized to abolish an association without judicial concurrence since promulgation of the 2011 law. In September the International Observatory of Associations and International Development (ASDI), an independent Tunisian association that monitors the functioning of civil society, asserted the government was delaying registration of associations through unnecessary bureaucratic hurdles, a practice that runs counter to the law on associations.

In July 2014 the government, through local governors, suspended 157 associations six days after 15 soldiers died in an attack near the Algerian border. The government stated it was suspending the associations for propagating hate speech and for links to terrorism, but it did so without a judicial order. Human rights groups criticized the decision as arbitrary and not in accordance with due process. According to the 2011 law, only the judiciary has the authority to suspend or dissolve an association. In May 2014 a trial court observed this procedure in ordering the suspension of activities by the National League for the Protection of the Revolution, which had been accused of intimidating journalists and politicians.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

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

#### **Protection of Refugees**

Access to Asylum: The country does not have a law for granting asylum or refugee status. 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 grants 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 June 2013, it still housed more than 300 persons who had been denied refugee status. In September 2014 the Tunisian Red Crescent counted 98 persons residing in the camp. Of these, 45 were registered refugees who had refused resettlement within the country. The remaining 53 were not granted asylum status and continued to appeal that decision. In October 2014 the government dismantled the Shousha camp; however, UNHCR still provided services to the refugees resettled in homes in Gabes and Medenine. According to press reports, there were at year's end approximately 50 refugees and economic migrants occupying the Shousha camp, the majority of whom were from sub-Saharan countries.

In August, 10 migrants from the Choucha refugee camp demonstrated against difficult living conditions in front of the EU delegation in Tunis, asking to be resettled in Europe. The police requested they report to the police station, where they were arrested and taken to the el-Ouardiya detention center. According to one migrant, authorities dropped them off at the Algerian border and forced them to cross into Algeria. Pressure from NGOs and media made it possible for them to return to Tunisia.

#### **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 based on universal and equal suffrage, and citizens exercised that ability.

### **Elections and Political Participation**

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

Political Parties and Political Participation: Of the approximately 170 registered parties, 70 ran electoral lists in the 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: Women continued to be politically active but also faced societal barriers to their political participation. In a 2011 effort to include more women in the electoral process, the government adopted a candidate gender-parity law requiring political parties to list an equal number of male and female candidates on electoral lists. The law also stipulates male and female candidate names must alternate in order to increase the opportunities for female candidates to be selected. There are now 73 women in the 217-member parliament, and three female ministers and five female state secretaries in the 41-member cabinet.

### **Section 4. Corruption and Lack of Transparency in Government**

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

Corruption: Anticorruption watchdog groups reported increasing government corruption during the year, especially petty corruption. According to NCCC President Annabi, of the estimated 12,000 cases the NCCC received since its inception in 2013, one quarter were related to corruption. The NCCC was able to

transfer 460 cases to the judiciary. Annabi said most cases that reach the judiciary either were dismissed for procedural reasons or defendants received light sentences. The main sectors affected by corruption included real estate, agricultural land, energy, mining, and public procurement.

Financial Disclosure: The constitution requires those holding high government office to declare assets “as provided by law.” At the end of the year, there was no law that requires appointed or elected officials to disclose their income or assets.

Public Access to Information: To improve transparency and promote national reconciliation following the 2011 revolution, a new law granted journalists and civil society organizations access to the records of the previous regime. Bureaucratic hurdles, however, limited the law’s implementation. Information from the previous regime deemed sensitive remained inaccessible. The law on transitional justice grants access to members of the Truth and Dignity Commission, tasked with investigating gross violations of human rights from 1955 until passage of the transitional justice law in 2013.

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

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

Government Human Rights Bodies: The government’s primary agency to investigate human rights violations and combat threats to human rights is the Ministry of Justice. The High Committee for Human Rights and Fundamental Freedoms is a government-funded agency charged with monitoring human rights. The ministry failed to pursue or investigate adequately alleged human rights violations. Established in June 2014, the Truth and Dignity Commission (TDC), tasked with investigating human rights violations committed by the state or those who acted in its name, began hearing cases during the year. Civil society organizations noted the TDC faced criticism and strong opposition from the ruling party, which could threaten the effectiveness of the commission’s work. Observers expressed concerns about the commission’s limited financial resources and inability to fill vacant positions.

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

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

## Women

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

Rape accompanied by the use or threat of violence or threats with a weapon are punishable by death. For other cases of rape, the prescribed punishment is life imprisonment. If the victim is under the age of 20, penalties can be more severe (see section 6, Children). Nonconsensual sexual conduct not meeting the definition of rape, such as sexual assault, aggravated sexual assault, and molestation, may be prosecuted as “indecent assault,” which is punishable by up to six years in prison, 12 years if the victim is under the age of 18. The punishment is extended to life imprisonment if committed with weapons, threats, or detention or in cases where the victim was mutilated, disfigured, or if the victim’s life was endangered. The sentence is five years in prison for “indecent assault” attempted or committed without violence against a child, which is extended to 10 years if the perpetrator is related to the victim, or holds a position of authority over the victim. Cultural pressures often dissuaded victims from reporting sexual assault.

Rape remained a taboo and underreported subject. Convictions for sexual violence were far below the number of actual incidents. A March study by the Tunisian General Labor Union’s National Commission of Working Women indicated that 32 percent of all women experienced some kind of physical violence, 28.9 percent experienced psychological violence or harassment, 15.7 percent suffered sexual violence or exploitation, and 7 percent experienced economic violence, including financial exploitation, extortion, or deprivation of money or the necessities of life. A large portion of violence against women occurred within marriage, according to the study. An Amnesty International report cited several reasons for underreporting and lack of prosecution for rape and sexual assault, including evidentiary standards that place a high burden on the victim, lack of trust in police and the judicial system, and an inadequate legal definition of 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.

There were no government public education programs on domestic violence, including rape. Victims received services at two dozen social centers throughout the country. There is a growing demand for services, but social stigma keeps many women from utilizing existing resources.

Sexual Harassment: Sexual harassment was a problem, although there was no data to measure its extent. The law requires victims of sexual harassment seeking redress to file a complaint in criminal court, where authorities then investigate the allegations. According to the criminal code, the penalty for sexual harassment is one year in prison and a fine of 3,000 dinars (\$1,469). Civil society groups criticized the law on harassment as too vague and susceptible to abuse. During the 2012-13 judicial year, there were only 14 reported convictions for sexual harassment.

Reproductive Rights: There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, manage their reproductive health and have access to the means and information to do so, free from discrimination, coercion, and violence. Women had free access to contraception. According to a study conducted by the Office of Family and Population in Tunisia, an estimated 62.5 percent of girls and women between the ages of 15 and 49 used a modern method of contraception. In collaboration with NGOs, the government maintained its policy of keeping the national birthrate low through public awareness campaigns. The government provided essential health care for women, including skilled attendants during childbirth and treatment for sexually transmitted infections, although some rural women did not have access to these services.

Discrimination: Women faced societal rather than statutory barriers to their economic and political participation. Codified civil law is based on the Napoleonic code, although on occasion judges drew upon interpretations of sharia (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 keep them separate. Customary law based on

sharia prohibits Muslim women from marrying outside their religion. Sharia requires men, but not women, to provide for their families. Because of this expectation, sharia inheritance law provides, in some instances, men with a larger share of an inheritance. Some families avoided the application of sharia by executing sales contracts between parents and children to ensure that daughters received shares of property equal to those 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.

Female citizens can transmit citizenship on an equal basis with male citizens. On November 10, parliament amended a law that had previously prohibited a mother from traveling outside the country with minor children without written permission from the father. Under the new amendment, there is no discrimination between a mother and father regarding passport application and authorization to leave the country.

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. The government defended the law as allowing women to balance family and professional life, but some women's rights advocates believed treating women and men differently under the law infringed women's rights. Societal and cultural barriers significantly reduced women's participation in the formal labor force, in particular in managerial positions. Women in the private sector earned on average one-quarter less than men for similar work.

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

## **Children**

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

Child Abuse: On June 5, the general delegate for the protection of children stated

that reports of sexual abuse of children reached 160 cases since the beginning of the year.

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

Sexual Exploitation of Children: The law prohibits child pornography. Anyone who has sexual relations with a girl under age 10 is subject to the death penalty. Anyone who has sexual intercourse with a girl between the ages of 10 and 15 is subject to six years' imprisonment. If the victim is over 15 and under 20, the penalty is five years' imprisonment, unless the individuals are married. The penal code states that if a man has consensual sex with a female minor, he can avoid legal consequences by marrying the victim. Sexual intercourse outside of marriage is illegal, but consensual sex between adults was not prosecuted. The country was not a destination for child sex tourism; however, the International Organization for Migration reported some children were victims of sexual exploitation through prostitution; the extent of the problem was not known.

International Child Abductions: The country is not party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

An estimated 1,500 Jews live in the country. In March in Tunis, vandals destroyed the grave of 18th century Jewish sage Rabbi Masseoud Elfassi. Media reported that motives for the vandalism were unknown but speculated it was the work of looters. After the incident, President Essebsi increased security around the cemetery and other Jewish sites, and promised a European rabbinical body he would firmly protect the Jewish community and its institutions.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. It mandates that at least 1 percent of public and private sector jobs be reserved for persons with disabilities. NGOs reported authorities did not widely enforce this law, and many employers were not aware of it. There were no statistics on patterns of abuse in educational and mental health facilities, and individual cases of employment discrimination against persons with disabilities were rarely reported.

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

The government issued cards to persons with disabilities for benefits such as unrestricted parking, free and priority medical services, free and preferential seating on public transportation, and consumer discounts. The government provided tax incentives to companies to encourage the hiring of persons with physical disabilities. The Ministry of Social Affairs is charged with protecting the rights of persons with disabilities. There were approximately 300 government-administered schools for children with disabilities, five schools for the blind, one higher-education school, and one vocational training institution. The Ministry of Social Affairs managed centers in Tunis, Kairouan, Nabeul, and Sfax that provided short- and long-term accommodation and medical services to persons with disabilities who lacked other means of support.

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

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. LGBTI NGOs reported 56 known cases of arrests under the sodomy law during the year.

As an example of such arrests, on December 10, six men from Rakkada were sentenced to three years each for sodomy, after being forced to undergo a rectal examination. One of the men was sentenced to an additional six months for an “attack on public morals” after police found a video clip on his computer. The

court also banished the men from their town for five years after they are released from prison.

Associations advocating for LGBTI rights organized a campaign against these arrests, which quickly gained popularity on social media and garnered international media attention. These associations, along with international NGOs, demanded release of the men and that parliament rescind the law against sodomy.

Then minister of justice Mohamed Salah Ben Aissa, in a radio interview, said the law runs counter to the right to privacy, and citizens should work together to repeal it. The president, however, stated that the government would not repeal the law.

Anecdotal evidence suggested LGBTI individuals faced discrimination and violence, although societal stigma and fear of prosecution under sodomy laws likely discouraged individuals from reporting problems. 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. Despite the hostile environment, numerous LGBTI-oriented websites and Facebook pages were not censored. LGBTI advocacy work was done by several small organizations formed after 2011.

In March several LGBTI associations organized a small gay pride festival in Tunis--the first of its kind in the country. Associations also organized events for the International Day against Homophobia in May.

During a November 28 plenary session of parliament, Member of Parliament Abdellatif Mekki called for the dissolution of LGBTI NGO Shams, arguing that the organization constituted a threat to Tunisian society, and that it advocated for “criminal practices.” Organizations objected to the statement, noting they had complied with all legal requirements to be registered as associations. In December the vice president of Shams left the country, citing threats against his life from extremists.

## **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 the Interior approval. The International Trade Union Confederation and the International Labor Organization characterized the requirement for strike notification as an impediment to freedom of association. The right to strike extended to civil servants, with the exception of workers in essential services “whose interruption would endanger the lives, safety, or health of all or a section of the population.” The government did not explicitly stipulate which services were “essential.” Authorities largely respected the right to strike in public enterprises and services. The law prohibits antiunion discrimination by employers and retribution against strikers. The government generally enforced applicable laws.

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

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

The UGTT alleged antiunion practices among private sector employers, including firing union activists and using temporary workers to deter unionization. In certain industries, such as textiles, hotels, and construction, temporary workers continued to account for a significant majority of the workforce. UTICA, along with the government, maintained an exclusive relationship with the UGTT in reaching collective bargaining agreements. The government held organized collective social negotiations only with the UGTT. Representatives from the General Confederation of Tunisian Labor and the Union of Tunisian Labor complained their labor organizations had been ignored and excluded from tripartite negotiations. In June the administrative court ruled to allow the General Confederation of Tunisian Labor to deduct earnings from paychecks for dues, a right previously only allowed to the UGTT. Observers saw the decision as an affirmation of union plurality in Tunisia.

## **b. Prohibition of Forced or Compulsory Labor**

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

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

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

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

Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum age law by examining the records of employees. The number of inspectors and resources at their disposal lagged economic growth. Additionally, the inspectors do not cover the informal economy, officially estimated to constitute 38 percent of GDP. Occasionally, labor inspectors coordinated spot checks with the UGTT and the Ministry of Education. According to a 2013 study, 2.6 percent of children under the age of 15 worked, but this figure did not include children who worked in the informal sector, whether as street vendors, beggars, handicraft workers, or seasonal agricultural labor.

Children were subjected to commercial sexual exploitation and used in illicit activities, including drug trafficking, which are worst forms of child labor (section 6, Children).

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

#### **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 also section 6).

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, in particular in managerial positions. Women in the private sector earned on average one-quarter less than men for similar work.

#### **e. Acceptable Conditions of Work**

The labor code provides for a range of administratively determined minimum wages. In November the government announced a new monthly minimum wage for a 40-hour workweek for nonagricultural workers of 290 dinars per month (\$142), and a daily minimum wage for agricultural sector workers of 13 dinars (\$6.36).

The Ministry of Social Affairs reported in April a poverty rate of 25 percent. The law sets a maximum standard 48-hour workweek for manual work in the industrial and agricultural sectors and requires one 24-hour rest period per week. For administrative jobs in the private and public sectors, the workweek is 40 hours with 125 percent premium pay for overtime. The law prohibits excessive compulsory overtime. Depending on years of service, employees are statutorily awarded 18 to 23 days of paid vacation annually. Although there is no standard practice for reporting labor code violations, workers have the right to report violations to regional labor inspectors.

Special government regulations control employment in hazardous occupations,



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

Working conditions and standards generally were better in export-oriented firms, which were mostly foreign-owned, than in those firms producing exclusively for the domestic market. According to World Bank statistics, the informal sector--more than half of which is women--employed more than 54 percent of the total workforce. According to the Tunisian government and NGOs, labor laws did not adequately cover the informal sector, and labor violations were also reportedly more prevalent. Temporary contract laborers complained throughout the year they were not afforded the same protections as permanent employees. There were no major industrial accidents during the year. Credible data on workplace accidents, injuries, and fatalities were not available.