

TUNISIA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Tunisia is a constitutional republic that is transitioning from a two-decade-long dictatorship under former President Zine el-Abidine Ben Ali to an emerging democracy. The January 2011 revolution ousting Ben Ali created an unprecedented opening for respect for human rights in the country. The interim government and the Constituent Assembly established following free and fair elections in October 2011 were drafting a new constitution and preparing for future elections. Authorities generally maintained control over the security forces; however, there were instances in which elements of the security forces acted outside established guidelines.

The most important human rights problems during the year were security force laxity regarding extremist crimes, the use of excessive force during protester arrests, and some constraints on freedom of the press.

The government was slow to investigate claims of police brutality, in some cases refusing to cooperate with parliamentary committees formed to investigate such abuses. There were several instances of impunity for Salafist extremists who were released without facing prosecution after allegedly engaging in criminal activities.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the government or its agents committed politically motivated killings. However, there were credible reports security forces committed isolated unlawful killings.

In January police shot Slim Hadhri while he was participating in a demonstration in Sfax. On April 30, the Permanent Military Tribunal of Sfax sentenced two police officers, Omran Abdelali and Mohamed Said Khlouda, to 20 years in prison and a fine of 80,000 dinars (approximately \$51,600) for the killing.

During June riots related to an art exhibit Salafists deemed offensive to Islam, Fehmi El Aouini, a 22-year-old student, died after police shot him in the head in Sousse on June 13. The police investigation stated El Aouini died from a ricocheted bullet and concluded officers had followed legal procedures, warning

protesters verbally before using tear gas and firing warning shots before dispersing the group. According to the director of the Farhat Hached Hospital that treated El Aouini, the victim sustained two bullet wounds to his head. The case remained under investigation at year's end.

On September 8, the Ministry of Interior reported that a robbery suspect, Abd Raouf Kammassi, died of a concussion sustained during police interrogation in Tunis. His autopsy confirmed he died of trauma to the head. Four police officers were detained, and pending the results of an official investigation, no verdict was issued by year's end.

Members of Nida Tounes, an opposition party, claimed security forces continued to surveil and harass its members. On October 18, a Nida Tounes party regional coordinator and president of the Regional Union of Farmers of Tataouine, Mohamed Lofti Nagedh, died in the southern town of Tataouine after he and his supporters clashed with members of a controversial local group, the National Committee for the Protection of the Revolution (LNPR). Before receiving its nongovernmental organization (NGO) accreditation from the government, the LNPR was a loosely connected network of neighborhood watch groups whose members used violence. Nida Tounes members claimed Nagedh died of a blow to the head after progovernment demonstrators attacked his office. The Interior Ministry confirmed violence occurred, stated the proximate cause of death may have been a heart attack, and continued at year's end to investigate Nagedh's death.

b. Disappearance

There were no reports of politically motivated disappearances.

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

During the year there were accusations detainees had been tortured, but authorities did not fully investigate these claims. On December 29, Master Corporal Badri Tlili, who had been detained for questioning by the Ministry of Defense, was found dead in his cell. While Tlili's family claimed he was tortured and killed, two autopsies revealed that his death was likely suicide.

Multiple international organizations received first-hand accounts of harsh physical treatment of individuals for participation in demonstrations. For example,

according to international NGOs Amnesty International (AI) and Human Rights Watch (HRW), on May 6, police arrested Wahbi Ben Abdel Jalil Ammamou for inciting a strike in Monastir. While in custody, police officers allegedly punched, kicked, and beat him with sticks before stripping off his clothes and dousing him with cold water. There were several reported instances of police brutality during demonstrations on Tunisian Independence Day on April 9. The government did not cooperate with the Constituent Assembly investigative committee established to investigate the April 9 demonstrations.

Prison and Detention Center Conditions

Prison and detention center conditions varied, although the justice minister on April 8 described prison conditions as “deplorable.” The Ministry of Justice and the Directorate General for Penitentiary Administration and Rehabilitation (DGPAR) manage the prison system. The Ministry of Justice began assessing possible avenues for reform of the penitentiary system and indicated willingness to partner with international human rights organizations such as the International Committee of the Red Cross (ICRC) and the Office of the High Commissioner for Human Rights (OHCHR), other international partners, and local civil society organizations.

Physical Conditions: According to the director general for DGPAR, there were 21,300 prisoners, approximately 11,000 of whom were in the pretrial phase. Approximately 500 foreign nationals were among those incarcerated. Of the 27 prisons operating during the year, one prison was designated solely for women and eight prisons contained separate wings based on gender. Approximately 500 women were incarcerated, and women’s detention conditions were reportedly much better than men’s. The Manouba Prison was reserved for women prisoners and was an exception in that the number of inmates was below the accommodation capacity. The DGPAR closed the Ennadhour Prison, which formerly held political prisoners during the Ben Ali era. Six other institutions, with a total population of 400, of whom approximately 20 were girls, were reserved for minors.

In 2011 prisoner uprisings seriously damaged at least 14 prisons, leading to overcrowding in the remaining functioning detention facilities. Overcrowding was not alleviated by periodic amnesties during the year. In March OHCHR experts visited five prisons and expressed serious concerns about the prevalence of overcrowding. Prisoners’ personal space, limited to nine to 13 square feet, was cited as inadequate. Another key OHCHR concern was the high percentage of the incarcerated population in the pretrial phase. For example, 85 percent of prisoners

in the Al-Mornaguia Prison were in pretrial detention. The high pretrial ratios were largely attributed to problems in case flow and an increase in the number of arrests.

Health services available to inmates were inadequate and insufficient, due to limitations in capacity and supplies. Very few prisons had an ambulance or medically equipped vehicle. Officials also mentioned the lack of necessary equipment for the security of guards, other personnel, and inmates. For example, there were no smoke detectors, and fire extinguishers were rarely available. In addition, there was a lack of training for personnel in crisis management, use of force, and human rights awareness.

While most prisons suffered from decaying infrastructure, prisoners had access to potable water. Prisoners received three meals per day, one shower per week, and food and property from family three times per week.

Administration: Recordkeeping was undertaken by logbook or by a computer connected to the main server of the General Directorate of Prison and Correction Centers. Data was not always updated or accurate, and there were instances in which a prisoner was registered for a case in the system, although he or she had been sentenced for another case. Review of the database also revealed discrepancies between the prisoner's actual length of imprisonment and the one stated in the court's verdict.

According to prison officials, other challenges included complex and long criminal prosecution procedures, understaffing at prisons and detention centers, difficult work conditions, and low pay.

Prisoners were allowed to pray in their cells. Prisoners were able to receive one family visit per week, unlimited receipt of parcels and letters, and unlimited legal visits. The role of prison ombudsmen was played mainly by psychologists or sociologists. Adult prisoners reportedly have some access to educational and vocational training programs, although capacity limitations resulted in only 10 percent enjoying such access.

Monitoring: Following the January 2011 revolution, the government permitted access to prisons by independent, nongovernmental observers for the first time, including human rights groups, media, and the ICRC, in accordance with their standard modalities. According to the director general of penitentiary affairs, while his office was working with new partners such as OHCHR, the most

prominent partner in prison monitoring remained the ICRC. The OHCHR collaborated to perform prison monitoring training with the Ministry of Justice for observers from local civil society organizations.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, although security forces did not always observe these provisions. There were instances reported of arbitrary arrest and detention of demonstrators and bystanders.

Role of the Police and Security Apparatus

Although the Ministry of Interior holds legal authority and responsibility for law enforcement, the military began playing a larger role in internal security matters after the 2011 revolution. The Interior Ministry controls the police, who have primary responsibility for law enforcement in the major cities; the National Guard (gendarmerie), which directs border security and patrols smaller cities and the countryside; the Directorate General for National Security; and firefighters. During the year police and National Guard units sustained repeated attacks; protesters destroyed police stations, vehicles, and equipment on numerous occasions; and in the latter part of the year there was an increase of violent assaults on police by Salafist extremists and criminals.

Civilian authorities maintained generally effective control over the police and military. The government, however, did not have effective mechanisms to investigate and punish abuse, corruption, and impunity. Throughout the year there were reports that security forces did not adequately respond to attacks by Salafist extremists on individuals, private homes and businesses, and at the U.S. Embassy and the American Cooperative School in Tunis.

There were a number of instances where security personnel violently confronted protesters. On April 9, security forces used excessive force to disperse a primarily peaceful demonstration against the March 28 protest ban, causing injuries such as fractures. Both the OHCHR and AI charged security forces used excessive force when confronting demonstrators during five days of protests in Siliana at the end of November. An estimated 300 demonstrators were injured, including dozens shot in the face with birdshot, blinding several.

There was no transparency on internal mechanisms to investigate police abuses or lack of police response to reported extremist attacks on cultural activities and

religious buildings, and the Ministry of Interior refused to cooperate with Constituent Assembly commissions to investigate these incidents. Some senior police officials participated in training programs to improve policing, but it was unclear what effect this training had on security forces at large.

Arrest Procedures and Treatment While in Detention

The law requires police to have a warrant to arrest a suspect, unless the crime is in progress or is a felony offense. The penal code permits detention for up to six days before arraignment, during which time the government may hold suspects incommunicado. Arresting officers must inform detainees of their rights, immediately inform detainees' families of the arrest, and make a complete record of the times and dates of such notifications. There were anecdotal reports from demonstrators police failed at times to follow these regulations.

Detainees have the right to know the grounds of their arrest before questioning and may request a medical examination; however, they do not have a right to legal representation during prearrest detention. The law permits the release of accused persons on bail, and detainees have the right to representation by counsel during arraignment. By law the government provides legal representation for indigents, although it was unclear whether the government consistently provided legal counsel. At arraignment the examining magistrate may decide to release the accused or remand the prisoner to pretrial detention. The law requires that pretrial detainees be held separately from convicted prisoners, but the Justice Ministry reported overcrowding forced them to hold pretrial prisoners together with convicted prisoners.

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. For crimes in which the sentence may not exceed five years, the court may extend the initial six-month pretrial detention only by an additional three months. During this pretrial stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties. Reports of mistreatment during pretrial detention continued during the year, with multiple activists reporting harsh physical treatment of individuals for participation in demonstrations.

Authorities extended the state of emergency, which the government initially imposed after the revolution, nine times during the year. In July the government announced the improving security situation allowed for a series of one-month

extensions, rather than the previously used three-month periods. In October President Marzouki extended the state of emergency for three months after a series of violent confrontations between police and hard-line Islamists.

Pretrial Detention: Pretrial detention remained unpredictable and could last from a month to years. According to authorities, 85 percent of those incarcerated in the Al-Mornaguia Prison were pretrial detainees, principally due to flow-through problems in the court system. The death of two Salafist detainees in mid-November after a two-month hunger strike protesting their detention alerted observers to the failure of the courts to process cases expeditiously. Some Salafist detainees claimed they were detained without charges for periods as long as six months.

Amnesty: During the year President Marzouki granted amnesty to approximately 15,000 prisoners.

e. Denial of Fair Public Trial

While the law provides for an independent judiciary, the executive branch strongly influenced judicial procedures, particularly in cases involving political dissidents and oppositionists. Cases involving religious extremists or associated hooligans were often not carried through to prosecution, while cases brought against secularists or involving freedom of expression resulted in lengthy trials and harsh verdicts. This was the case when two atheists posted writings critical of Islam on their Facebook pages and were sentenced to seven years in prison.

On September 21, a military tribunal convicted former presidential advisor Ayoub Massoudi for defaming the army's chief of staff and minister of defense because he criticized them for not informing the president of the extradition of former Libyan prime minister Al-Baghdadi al-Mahmoudi. The military court of first instance sentenced Massoudi to a four-month suspended prison sentence and a symbolic one dinar (\$0.65) fine for "harming the reputation of the army" and "illegal acts of a public official" under the code of military justice. Massoudi appealed the decision, and a hearing was scheduled for January 2013. Although the code of military justice does not limit its jurisdiction to military personnel, international human rights organizations (including AI, HRW, and Impunity Watch of Syracuse University's School of Law) publicly asserted Massoudi should have been tried in a civilian court and that he was denied a fair trial.

Trial Procedures

In civilian courts defendants have the right to a presumption of innocence, public trial, and a trial by jury. They also have the right to consult with an attorney or to have one provided at public expense; to confront witnesses against them and present witnesses and evidence; to access government-held evidence; and the right to appeal. The law stipulates defendants must be informed promptly, and in detail, of the charges (with free interpretation as necessary). They must also be given adequate time and facilities to prepare defense and not be compelled to testify or confess guilt. Some defendants complained the trial procedures law was not followed.

Military courts fall under the Ministry of Defense. Military tribunals have the authority to try cases involving military personnel and civilians accused of national security crimes. A defendant may appeal a military tribunal's verdict and may resort to the civilian Supreme Court. Previously civilians accused of national security crimes, very broadly defined, were sentenced in military tribunals.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens are permitted to seek civil remedies for human rights violations.

The military courts handled redress of alleged abuses by security forces during civil disturbances during the revolution. Cases brought before civilian courts did not move forward because officials, and occasionally civilian judges, refused to cooperate in the investigations.

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

The law prohibits such actions, and in a departure from prior years, the government generally respected these prohibitions in practice. However, members of opposition parties complained of being monitored by plainclothes police and of having their personal e-mail and telephone correspondence intercepted.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press. Criticism of the interim government was frequently published online, in newspapers, and in magazines, providing access to information at unprecedented levels. However, there was growing fear of government reprisal. The government was reticent to implement media reforms passed in 2011 that would have replaced the former press code and would protect press freedoms and provide legislative protocol for appointments to state-run media outlets. Most notably, proposed legislation revealed an inclination to impose constraints where freedom of expression touched on religion. During the year, in the absence of clear legislative procedures, journalists and civil society activists accused the government of controlling the media through executive appointments in public media institutions and by arresting and prosecuting journalists, relying at times on the former criminal code rather than 2011 reforms.

Freedom of Speech: On May 12, a court convicted Nabil Karoui, head of the Nessma television station, of disrupting public order and violating moral values when Nessma broadcast the French-Iranian film *Persepolis* in October 2011. Conservative Islamists and extremist Salafists criticized the film's depiction of God as sacrilegious, engaged in widespread protests, and attacked Karoui's residence. The government deployed hundreds of troops to separate rival protesters. Ultimately, courts fined Karoui but dismissed the charge of "libeling religion and disrupting public order and morals," which would have required a prison sentence.

Freedom of Press: On November 6, journalist Gazi Mabrouk was charged in Mahdiya under the communication law with "criminal defamation" and "spreading false news on the Internet." According to the NGO Tunis Center for Press Freedom, Mabrouk could be sentenced to up to two years in prison. The charges stemmed from an article published in August 2011 on the Web site Tunes Tantakhib (Tunisia Votes) about poor working conditions at the Boumerdes clothing factory. Sami Fehri, managing director of the most popular television station, turned himself in to authorities after the Ministry of Justice issued a warrant for his arrest on charges of "illegal use of state television resources." Fehri's television station, Ettounisiya, broadcast a popular political satire program, highly critical of many politicians, particularly Nahda representatives. Fehri's supporters claimed his arrest further demonstrated government censorship of political discussion in the media. Others argued Fehri was guilty because of his previous financial and political relationship with the son-in-law of former president Ben Ali. On November 28, the country's highest court, the Court of Cassation,

ordered Fehri be released, but the Ministry of Justice blocked his release, and at year's end, he remained imprisoned.

Violence and Harassment: Security officials repeatedly harassed and threatened journalists during street demonstrations or protests. The NGO Arabic Network for Human Rights Information in Cairo reported security forces verbally harassed journalists and dismantled their cameras while they covered demonstrations in downtown Tunis on August 30.

Actions to Expand Press Freedom

The interim government established the Independent Commission for the Reform of Media and Communications (INRIC) in February 2011 as an independent body charged with formulating a new regulatory framework for radio and television and establishing a new public service broadcaster. However, little progress was made toward these objectives. During the year INRIC criticized the government for failing to implement decrees that would have established an independent oversight body, the High Independent Commission for Audiovisual Communication, charged with overseeing the new audiovisual communications sector, strengthening press freedoms, and protecting journalists. On July 5, INRIC President Kamel Labidi resigned to protest the slow pace of reform.

Internet Freedom

There were no government restrictions on access, nor were there credible reports that the government monitored e-mail or Internet chat rooms. In 2011 a high court found there could be no censorship of Web sites, including those with pornographic content, and it remanded the case back to the lower court that ruled the Internet Agency was required to filter pornography. The courts did not render a verdict by year's end. In September the country joined the Freedom Online Coalition, a group of governments committed to working together to advance Internet freedom.

On March 28, a municipal court in Mahdia convicted two bloggers of "insulting others via public communication networks" and disseminating material which could "disturb public order" after the defendants posted an article critical of the Prophet Muhammad on Facebook. The court issued a prison sentence of seven and one-half years and a fine of 1,200 dinars (\$775) for the offense. One of the bloggers fled abroad to avoid prosecution and was granted asylum in Romania. The court's decisions were confirmed on appeal.

According to the International Telecommunication Union, 39.1 percent of individuals in the country used the Internet in 2011.

Academic Freedom and Cultural Events

There were no reports of government restrictions on academic freedom, although cultural events deemed offensive by religious fundamentalists were attacked on multiple occasions. In June, July, and August there were complaints that government authorities failed to respond expeditiously when protesters disrupted these events, some of which ended in violence.

In mid-June extremist Salafists vandalized an art exhibit in the Tunis suburb of La Marsa featuring artworks they deemed offensive to the sanctity of Islam, including the stoning of three women and a depiction of an Islamic blessing spelled out by depictions of ants. HRW and the press reported Salafists rioted the next day in several locations across the country, setting fire to public property, and causing one death and dozens of injuries. A Salafist group gathered in Bizerte in mid-August to prevent the comedy show *100% Halal* from performing during the holy month of Ramadan. Salafists disrupted two cultural festivals several days later, brandishing weapons and destroying private property. Some activists criticized the extended delay by police in responding to the violent attacks. In early September the Ministry of Culture filed five lawsuits against Salafists involved in attacks that resulted in the cancellation of these cultural events. No further action on the lawsuits occurred by year's end.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Spontaneous demonstrations, protests, and strikes continued. During the year the January 2011 state of emergency was renewed in month-by-month extensions. The law prohibits any gathering of more than three people and requires all rally, demonstration, and march organizers to apply for a permit at least three days in advance. On March 28, the Ministry of Interior banned all protests along Habib Bourguiba Avenue, downtown Tunis' main thoroughfare, after Salafists attacked a parallel demonstration celebrating an international theater festival. The minister of interior attributed the ban to merchants' complaints about disruption of their business; however, HRW maintained the indefinite ban violated international law

because its scope was too broad, failed to specify an alternate central area, and did not provide for an appeal. The government lifted the ban on April 11.

There were a number of instances of security personnel violently confronting protesters (see section 1).

Freedom of Association

Since the fall of Ben Ali, the government has generally not restricted the registration or work of private organizations, political parties, or organizations of women, minorities, or professionals. In the period preceding the October 2011 Constituent Assembly elections, 111 political parties were registered, and an additional 26 parties were accredited by the end of the year. Legislation to outlaw former members of Ben Ali's government from engaging in political activity was under consideration by the Constituent Assembly.

A law on associations promulgated in 2011 eliminates the penalties in the previous law as well as the prohibition on belonging to, or serving in, an unrecognized or dissolved association. The registration procedure was eased, making it more difficult for government entities to hinder or delay the registration process. Most importantly, the Interior Ministry can no longer abolish an association without judicial concurrence.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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 in practice. The government generally 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, displaced migrants, and other persons of concern.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. During the 2011 unrest in Libya, the government kept borders open, permitting more than a million Libyans and other third-country nationals to seek temporary safe haven and access to basic services. During the year most refugees left Tunisia, either returning to Libya or relocating to other countries. The country continued to host some 2,500 refugees and asylum seekers, the majority from sub-Saharan Africa. Approximately 2,000 sub-Saharan Africans who fled Libya in 2011 remained in the Shousha refugee camp. On March 16, when a boat with approximately 60 Somali migrants from Libya was stranded in Sfax, the government relocated migrants to Camp Shousha.

Refoulement: According to the UNHCR, the forced extradition of former Libyan Prime Minister al-Mahmoudi to Libya in June was a violation of the 1951 convention on refugees, to which Tunisia is a party.

Refugee Abuse: At Shousha there were several incidents where residents in the nearby town of Ben Guerdane, angry the diminishing camp population eliminated their temporary jobs at the camp, threatened and harassed refugees and international humanitarian workers. Requests to the government for increased security were unanswered.

Durable Solutions: The government cooperated minimally with the UNHCR in its efforts to identify durable solutions for third-country nationals who fled Libya and could not be repatriated to their countries of origin. These primarily included persons from Somalia, Eritrea, Sudan, and Iraq. For those recognized as refugees, the UNHCR referred them for resettlement in other countries. For an estimated 400 found not to be refugees but rather irregular migrants, third-country resettlement was not an option. By year's end the government did not initiate immigration hearings on these individuals to determine whether to permit them to remain or to return them to their countries of origin.

Temporary Protection: During the year the government continued to provide temporary protection to individuals who may not qualify as refugees.

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

Elections and Political Participation

Recent Elections: The provisional constitution provides the right for citizens peacefully to change their government. Citizens exercised this right in October 2011 by electing in free and fair elections a Constituent Assembly responsible for drafting a new electoral law and preparing for the election of a constitutional government.

Political Parties: The government accredited more than 120 political parties to participate in the projected 2013 elections. Parties that did not receive accreditation were rejected due to incomplete applications or because their programs were found to be inconsistent with laws prohibiting discrimination and parties based on religion.

Participation of Women and Minorities: Women continued to be politically active but also faced significant societal barriers to their political and economic participation.

In an effort to include more women in the electoral process, in April 2011 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 were 61 women in the elected 217-member Constituent Assembly. Three women were in the 41-member cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government made limited efforts to implement these laws effectively. The government continued investigations into corrupt practices and embezzlement by former officials of the Ben Ali regime through the Fact-Finding Commission on Cases of Embezzlement and Corruption, established in January 2011, which attempted to identify corrupt practices and conduct related investigations.

The Ministry of Justice dismissed 82 judges in May, citing the need to curb pervasive corruption, although initially there was no procedure followed to investigate allegations of corruption. After a general strike of judges on May 29, Minister of Justice Bhiri announced he would create an independent commission to review his decisions and hear complaints from the dismissed judges. All the judges interviewed by HRW said the commission consisted of only five ministry inspectors, complained they were denied access to the files compiled on them, and

were not given an adequate hearing. Minister of Justice Bhiri later reinstated nine judges. By the end of the year, the law that determines the rules for appointment, advancement, dismissal, and discipline of judges was not revised, nor was there established a promised independent body to oversee the judiciary and judicial appointments until the adoption of a new constitution.

The cabinet formed after the October 2011 elections included a department under the purview of the Prime Minister's Office that deals with good governance and anticorruption issues. Mohamed Abbou, the responsible ministerial-ranked official, resigned on June 30, and the position remained vacant at year's end.

To improve transparency the Constituent Assembly adopted legislation to grant journalists and civil society organizations access to the records of the Ben Ali regime.

There is no requirement of disclosure of income or assets for appointed or elected officials.

There is no applicable law providing for public access to government information.

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

The government's primary agency to investigate human rights violations and combat threats to human rights is the Ministry of Human Rights and Transitional Justice. Operating circumstances for domestic and international human rights groups improved dramatically following the revolution. A variety of domestic and international human rights groups operated, investigating and publishing without government restriction. Generally, government officials were increasingly cooperative and responsive to their views; however, there were instances when the government did not cooperate with human rights organizations in their investigations into human rights violations. On January 21, the NGO Tunisian League of Human Rights completed a report that documented acts of intimidation and possible human rights violations. On May 6, Salafist extremists in Sejnane attacked a group of students from the Higher Institute of Applied Biological Sciences and a group of tourists, and the local National Guard unit did not make any effort to intervene. Lofti Nagedh, a Nida Tounes party coordinator, died in the southern town of Tataouine in October after he and his supporters clashed with progovernment supporters with the LNPR. The circumstances surrounding his death remained under investigation, and human rights organizations (both domestic

and international) complained the government did not cooperate with their independent investigations into Naguedh's death (see sections 1.a. and 3).

UN and Other International Bodies: In September the UN Development Program and the UNHRC signed an agreement with the government to provide for training programs in matters of human rights, security sector reform, and transitional justice. At year's end the agreement had not been put into action.

Government Human Rights Bodies: After the October 2011 elections, the government established a Ministry of Human Rights and Transitional Justice. The minister also held the role of official government spokesman. While the ministry hosted several conferences on transitional justice, the ministry failed to set up a Web site to publicize its activities or inform the public of the status of transitional justice in the country.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected this provision; however, women faced significant barriers to their economic and political participation, and certain laws adversely affected women. Despite these challenges, the government broke with past taboos and sought to change social norms on topics such as domestic abuse and violence against women and children.

Women

Rape and Domestic Violence: The penal code specifically prohibits rape, including spousal rape, and the government occasionally enforced this law. There were no reports of prosecution for spousal rape. Sexual assaults accompanied by acts of violence or threats with a weapon are punishable by death; for other cases of rape, the prescribed punishment is life imprisonment. If the victim is under age 20 penalties can be more severe (see section 6, Children); however, social and cultural pressures often dissuaded victims from reporting sexual assault.

On September 3, three police officers approached a woman and her fiance while they were in their car in Tunis. Two of the officers allegedly raped the woman in the car, while the third allegedly took her fiance to a nearby ATM to extort money from him, according to the woman. After the incident she filed a complaint charging the police officers with rape and extortion. The officers responded they found the couple in an "immoral position" in the car and charged the woman and

her fiancé with “intentional indecent behavior,” punishable by up to six months in prison. The couple denied the charges. On October 4, Prime Minister Hamadi Jebali stated the police officers awaiting trial would be judged severely, and President Marzouki issued a formal apology and denounced the police actions.

Laws against 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 government and the UN Entity for Gender Equality and the Empowerment of Women reported that almost half of women suffered from physical or verbal abuse. There were no government public education programs on domestic violence. On December 10, the first government-run domestic violence shelter and hotline opened.

Sexual Harassment: Sexual harassment was a problem, although there was no data to measure its extent. Victims of sexual harassment are required to file a complaint in criminal court, where the allegations are then investigated, although bureaucratic problems in securing convictions occurred. According to the criminal code, the penalty for sexual harassment is one year in prison and a 3,000 dinar (\$1,935) fine. Civil society groups criticized the law on harassment as too vague and susceptible to abuse. There were no statistics available on the number of abusers prosecuted, convicted, or punished 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 and to have the information and means to do so free from discrimination, coercion, and violence. Women had free access to contraception, and according to the UN Population Fund, an estimated 52 percent of girls and women ages 15-49 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 attendance during childbirth and treatment for sexually transmitted infections, although some rural women did not have access to these services. Several registered domestic NGOs also cared for HIV-infected individuals.

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

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

Female citizens can transmit citizenship to their children regardless of the father's citizenship.

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

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 births are registered immediately.

Child Abuse: No statistical information on child abuse was available.

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

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

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 annual report on compliance with country-specific information at http://travel.state.gov/abduction/country/country_5828.html.

Anti-Semitism

An estimated 1,500 to 2,000 Jews live in the country. The press reported several anti-Semitic acts, and authorities demonstrated a willingness to respond. On November 1, authorities arrested four suspects and seized two weapons after learning the suspects planned to kidnap two Jewish citizens in Zarzis. The Jewish community in Djerba maintained a dialogue with the government on its security needs. On January 10, Rached Ghannouchi, president of the Islamic party Nahda, condemned anti-Semitic slogans chanted by a handful of ultraconservative Muslims during the visit of a Hamas official. Similarly, the religious affairs minister denounced calls to fight against the Jews as "absurd" and emphasized that "Tunisian Jews are full citizens" following a March 25 protest demanding the imposition of Islamic law. Over the year there were reports of imams delivering anti-Semitic sermons.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities and mandates that at least 1 percent of public and private sector jobs be reserved for disabled persons; however, NGOs reported this law was not widely enforced, and many employers remained unaware of its existence. There were no statistics on patterns of abuse in educational and mental health facilities, including degrading treatment, arbitrary commitment, abusive use of physical restraints, unhygienic conditions, inadequate or dangerous medical care, and sexual or other violence. Some children with disabilities attended school.

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

A 1991 law, which remained in effect after the revolution, requires all new public buildings to be accessible to persons with physical disabilities, and the government generally enforced the law. Persons with disabilities did not have access to most buildings built before 1991. The government issues cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The government 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 special needs children, five schools for the blind, one higher education school, and one vocational training institution.

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

Although consensual same-sex sexual activity is not illegal per se, the penal code of 1964 criminalizes anal intercourse, and convictions carry up to a three-year prison sentence. In a February 4 interview on a talk show, Minister of Human Rights and Transitional Justice Samir Dilou characterized same-sex acts as a “perversion that requires medical treatment” and a western concept incompatible with Islam and national culture. Anecdotal evidence suggested lesbian, gay, bisexual, and transgender (LGBT) individuals faced discrimination, and there were allegations police officers sometimes harassed openly gay persons and accused them of spreading HIV/AIDS. Human rights activists also alleged security force members continued to assault individuals perceived to be LGBT individuals. Despite the hostile environment, increased media freedom allowed members of the LGBT community increased access to information. There were numerous LGBT blogs. For example, the magazine *Gayday* provided a forum for LGBT members to discuss issues of interest.

Other Societal Violence or Discrimination

Throughout the year police sometimes refused to respond or delayed responding to groups labeled as extremist Salafists who committed violent acts. These acts included disruption of cultural events, forced closure of businesses selling alcohol, and vandalizing institutions or symbols found “offensive to Islam,” with the objective of imposing a strict interpretation of Islam on other religious communities, as well as on other Muslims. The government often ignored

intimidation of religious minorities and vandalism of Sufi and Christian religious sites.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers with the right to organize and to form and join unions. The law also provides workers the right to strike, provided workers give 10 days' advance notice to their federations and receive approval. The Ministry of Interior issues unions permits to strike and hold demonstrations. The International Trade Union Confederation and the International Labor Organization characterized the requirement for strike notification as an impediment to freedom of association. The right to strike extended to civil servants, with the exception of workers in "essential" services, that is, those jobs "whose interruption would endanger the lives, safety, or health of all or a section of the population." The government did not issue a decree stipulating which services were "essential." While the provision could potentially be misused, the Tunisian General Labor Union (UGTT) reported that during the year the right to strike was largely respected in public enterprises and services and that the provision of "minimum service" during strikes is subject to negotiations between unions and employers. The law prohibits antiunion discrimination by employers and retribution against strikers, and it protects the right to bargain collectively.

The government generally respected and enforced the laws prohibiting retribution against strikers. However, the UGTT criticized police and National Guard members for failing to protect workers during several peaceful demonstrations, notably on December 4 when LNPR members attacked the UGTT Tunis headquarters during the union's 60th commemoration of its founder's assassination, leaving 10 unionists, including three executive committee members (Hfaiedh Hfaiedh, Samir Cheffi, and Mouldi Jendoubi) injured. The UGTT complained the government failed to protect its regional offices. Unknown assailants either vandalized or firebombed branch union offices in metropolitan Tunis, Manouba, Ben Arous, Kbelli, Douz, and Feriana the night of February 20-21; and in Jendouba, Bousalam, and Ben Guerdane the night of June 11-12. On July 26, partly in reprisal, angry workers attacked National Guardsmen and Nahda Party offices in Sidi Bouzid.

The UGTT also charged police used excessive force in repressing five days of strikes and marches in the governorate of Siliana in late November.

Approximately 300 demonstrators were injured, including dozens shot in the face with birdshot, blinding several.

Conciliation panels, in which labor and management were represented equally, settled labor disputes. Tripartite regional arbitration commissions settled industrial disputes when conciliation failed. Representatives of the Ministry of Social Affairs, the UGTT, and the Tunisian Union (Association) for Industry, Commerce, and Handicrafts (UTICA) constituted the commissions' membership. In July the tripartite members agreed to form several working groups to resolve various outstanding issues and to conclude increases in the minimum wage for both public and private employees. On December 4, the social partners signed wage accords, including a path-breaking one for private sector employees, increasing the minimum wage by 6 percent for agricultural and nonagricultural workers. The monthly minimum wage for nonagricultural workers was increased to 320 dinars per month (\$206), while the daily minimum wage for agricultural sector workers was increased to 11.608 dinars (\$7.50).

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

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

After Ben Ali's departure, the UGTT, the newly formed General Confederation of Tunisian Labor (CGTT), and the Union of Tunisian Labor (UTT) were independent of the government and had the right to decide union leadership. In the period preceding the October Constituent Assembly elections, the three labor confederations were not explicitly aligned with political parties, but prominent UGTT members played a role in the formation of the short-lived Tunisia Labor Party.

The UGTT alleged antiunion practices among private sector employers, including firing union activists and using temporary workers to deter unionization. In certain industries, such as textiles, hotels, and construction, temporary workers accounted for a significant majority of the workforce. Following the emergence of “labor pluralism” in May, employers complained that negotiating bargaining agreements had become more complicated. UTICA, along with the government, continued to maintain an exclusive relationship with the UGTT in reaching collective bargaining agreements. Government-organized collective social negotiations were held only with the UGTT. CGTT and UTT representatives complained throughout the year their labor organizations had been ignored and shut out of tripartite negotiations. They acknowledged their organizations had conducted strikes to gain recognition as a bargaining partner in tripartite negotiations.

The government, moreover, contended the UGTT had staged strikes to undermine the ruling troika and to agitate the public against it. For its part, the UGTT claimed that Nahda party adherents had vandalized and trashed several regional union offices early in the year as part of an orchestrated effort to intimidate the union. During a February 25 walkout, UGTT demonstrators called for the government to resign. Both Prime Minister Hamadi Jebali and Nahda president Rached Ghannouchi subsequently met with UGTT Secretary General Houcine Abassi in March to defuse the situation and reestablish good working relations.

In the face of sporadic strikes, walkouts, and sit-ins staged by the CGTT and UTT, individual companies were compelled to reach settlements with these labor confederations. Although the labor code covers temporary workers, enforcement efforts were weaker than for permanent workers. A number of solidarity strikes were held to publicize the plight of temporary workers, notably those municipal workers who are paid less than the minimum wage.

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.

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

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

Labor inspectors from the Ministry of Social Affairs monitored compliance with the minimum age law by examining the records of employees. On occasion labor inspectors coordinated their spot checks with UGTT and Ministry of Education officials. Officials from the National Social Security Fund also conducted inspections of factories and industrial sites to ensure compliance. According to representatives of the National Committee on Child Labor, the Ministry of Social Affairs investigated 485 complaints of suspected child labor abuses in 2011. Most pertained to young apprentices, age 15 and younger, who were supposed to receive vocational training but instead were doing manual labor. Authorities imposed fines on 24 employers for violating the law.

Young children sometimes performed agricultural work in rural areas and worked as vendors in towns, primarily during the summer school vacation. Child labor existed elsewhere in the informal sector, particularly in the handicraft industry, and children reportedly worked as mechanics in small shops or as street vendors of flowers, cigarettes, and other small items.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The labor code provides for a range of administratively determined minimum wages. Following successful tripartite negotiations, on July 1, the government announced a major minimum wage increase benefitting both industrial and agricultural workers. In May 2011 then minister of social affairs Mohamed Ennaceur reported that 24.7 percent of the population lived on less than three dinars (approximately two dollars) per day. Under former president Ben Ali's

regime, the poverty rate was calculated at 1.50 dinars (approximately one dollar) per day.

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

Special government regulations control employment in hazardous occupations such as mining, petroleum engineering, and construction. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they could take legal action against employers who retaliated against them for exercising this right. The Ministry of Social Affairs has responsibility for enforcing health and safety standards in the workplace. Under the law, all workers--including those in the informal sector--are afforded the same occupational safety and health protections. However, enforcement of these measures was inadequate. In addition to enforcing occupational safety and health regulations, regional labor inspectors enforced standards related to hourly wage regulations. The country's cadre of 380 inspectors inspected most firms approximately once every two years. The government did not adequately enforce the minimum wage law, particularly in nonunionized sectors of the economy. The prohibition against excessive compulsory overtime was not always enforced.

Working conditions and standards generally were better in export-oriented firms, which were mostly foreign-owned, than in those firms producing exclusively for the domestic market. More than 500,000 people, the vast majority of whom were women, worked in the informal sector, which labor laws did not cover and in which labor violations were more prevalent. Temporary contract laborers complained throughout the year they were not accorded the same protections as permanent employees. Among their complaints was abusive dismissal without cause.

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