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2009 Human Rights Report: Tunisia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

Tunisia is a constitutional republic with a population of approximately 10 million, dominated by a single political party, the Democratic Constitutional Rally (RCD). Zine El Abidine Ben Ali has been the president since 1987. On October 25, President Ben Ali ran against three opposition candidates and was declared the winner with 89.6 percent of the popular vote to win a fifth five-year term. In concurrent elections for the Chamber of Deputies, the RCD won 161 of 214 seats. Restrictions imposed upon candidates and various procedural aspects of the elections raised doubts about whether either the presidential or legislative elections were free and fair. In 2008 indirect elections for some members of the Chamber of Advisors, the upper house of parliament, resulted in a heavily pro-RCD body. Civilian authorities generally maintained effective control of the security forces.

There were significant limitations on citizens' right to change their government. Local and international nongovernmental organizations (NGOs) reported that security forces tortured and physically abused prisoners and detainees and arbitrarily arrested and detained individuals. Security forces acted with impunity, sanctioned by high-ranking officials. There were also reports of lengthy pretrial and incommunicado detention. Government imposition of severe restrictions on freedoms of speech, press, and association worsened in the lead-up to the October elections. The government remained intolerant of public criticism, and there were widespread reports that it used intimidation, criminal investigations, the judicial system, arbitrary arrests, residential restrictions, and travel controls to discourage criticism. Corruption was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

There were no developments in the case of the May 2008 death by electrocution of protestor Hichem Alaimi at a power station in Redeyef or the investigation into the June 2008 shootings of Hafnaoui Al-Maghzaoui and Abdelkhalak Amaidi by security forces during an unemployment protest in Redeyef.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, according to human rights organizations, security forces tortured detainees to elicit confessions and discourage resistance, and engaged in beatings and other cruel treatments and punishments.

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Reported methods of torture included sexual abuse; sleep deprivation; electric shock; death threats; submersion of the head in water; beatings with hands, sticks, and police batons; suspension, sometimes manacled, from cell doors and rods, resulting in loss of consciousness; and cigarette burns. According to international human rights groups, on occasion police and prison officials used threats of sexual assault against prisoners' wives and daughters to extract information, intimidate, and punish.

Charges of torture in specific cases were difficult to prove, and authorities generally did not take steps to investigate allegations or punish perpetrators. There were several allegations that authorities denied victims of torture access to medical care until evidence of abuse disappeared. The government maintained that it investigated all complaints of torture and mistreatment filed with the prosecutor's office and noted that alleged victims sometimes accused police of torture without filing the complaint that is a prerequisite for an investigation. According to defense attorneys and local and international human rights groups, police routinely refused to register complaints. Judges sometimes dismissed complaints without investigation and accepted as evidence confessions allegedly extracted through torture. The government can open an administrative investigation of allegations of torture or mistreatment of prisoners without a formal complaint; however, in those cases the results were not made public or available to the lawyers representing affected prisoners.

Reports of torture were most frequently associated with the initial phases of interrogation/investigation and more often in pretrial detention centers than prisons. Human rights activists, citing prisoner accounts, identified facilities at the Ministry of Interior and Local Development (MOI) as the most common location for torture. Political prisoners, Islamists, and persons detained on terrorism-related charges allegedly received harsher treatment than other prisoners and detainees.

On March 12, state security forces reportedly suspended Abdelmottaleb Ben Marzoug from his ankles in a "roasted chicken" position to extract a confession of his alleged participation in a physical altercation that took place in a bar. Marzoug had been in MOI detention since February 19, when state security officials arrested him in Gabes. According to local human rights monitors, Marzoug reported the torture to the investigating judge, and Marzoug's lawyer stated that there were visible bruises on Marzoug's ankles. Authorities did not offer Marzoug any medical treatment for his injuries, and they subsequently charged him under the antiterrorism law for allegedly belonging to a terrorist cell. At year's end Marzoug remained in prison, and the investigating judge had not ordered an investigation into Marzoug's allegations.

On April 30, according to local human rights monitors, prison guards tortured Ramzi Romdhani, who was serving a 29-year sentence on terrorism-related charges at Al Mornaguia Prison in Tunis. The guards reportedly kicked him, causing him to lose several teeth, burned him with cigarettes, and submerged his head until he fainted. He was subsequently taken to the prison infirmary, put on a respirator for two days, and given medical treatment for his injuries. The actions were reportedly precipitated by Romdhani's protest of prison officials' decision to deny him visitation privileges with his two-year-old daughter. Following an intervention by Amnesty International (AI), authorities permitted Romdhani to see his family and daughter in May.

On June 27, authorities released from prison Wahid Brahmi, who had been sentenced to two years and four months for spreading false information on criminal actions taken by state authorities against several individuals and for publicly posting false information in his university. On September 11, Brahmi published a letter in the Progressive Democratic Party's (PDP) Arabic-language weekly, *Al-Mowqif*, detailing his torture in Gafsa Prison. He confirmed previous reports that prison guards repeatedly raped him beginning in February 2008 and further alleged that they administered electric shocks

to his body, stripped him of all his clothing, hung him from his feet, beat him repeatedly on his genitals while his mouth was taped shut, poured freezing water on his naked body, submerged his head into contaminated water until he vomited blood and lost consciousness, forced him to drink his own urine, and deprived him of food and sleep. On September 14, the Tunis public prosecutor issued a subpoena for Brahmi to appear before him and gave him 10 days to retract his "false" statements. Brahmi refused and stated he was ready to submit to a medical exam to prove his allegations. The case was pending at year's end.

On November 5, authorities conditionally released the remaining 68 protestors they arrested and allegedly tortured during the January to June 2008 unemployment protests. There was no investigation into their allegations of torture. There were no developments in the cases of the July 2008 alleged rape in prison of teacher, journalist, and opposition party member Zakia Dhifaoui; the 2007 mistreatment in Mornaguia Prison of Oualid Layouni; the 2007 allegations that prison officials tortured and raped Ramzi el Aifi, Ousama Abbadi, and Mahdi Ben Elhaj Ali; or the 2007 case of 30 citizens who claimed that security forces tortured them. The 30 citizens, allegedly part of the Salafi terror group, were convicted of planning a terrorist attack against targeted foreigners in early 2007.

During the year government forces also abused individuals outside custody, most commonly human rights or opposition activists, allegedly for purposes of intimidation or retaliation for unauthorized activities.

On October 28, several assailants, allegedly plainclothes police, abducted prominent independent journalist Slim Boukdhir. Boukdhir reported the assailants blindfolded and bound him, taking him to a park where they beat and verbally assaulted him. The assailants also threatened to kill him. Earlier that day, before his abduction, Boukdhir gave an interview to BBC Arabic radio in which he accused the first lady of corruption. His assailants took his shoes, clothes, wallet, and cell phone and warned him to "leave the woman alone."

On May 15, according to international NGOs, six police officers, including police chief Sami Yahyaoui, assaulted Ammar Amroussia, a human rights defender and journalist for the banned newspaper *El Badil (Alternative)* in the city of Gafsa. Amroussia was on his way to Kasserine to meet with the wife of Adnan Hajji, one of the leaders of the January-June 2008 protests. On May 16, a group of police officers, including Gafsa deputy police chief Mohammed Yousfi, publicly insulted Amroussia and warned him he might be killed if he continued his reporting. On May 21, authorities forcibly prevented him from meeting with his lawyer, Radia Nasraoui.

On June 23, civil society sources reported that state security forces assaulted human rights attorneys Abdel-Raouf Ayadi, Radia Nasraoui, and Abdelwahed Maatar at the Tunis and Sfax airports. All three were returning from Geneva, where they had denounced the government's human rights record to a conference of exiles. The officers pushed, beat, and kicked Ayadi while he lay prostrate on the floor, then searched him and his belongings. A state security officer twisted Nasraoui's arm to knock away her cell phone as she attempted to call her husband for assistance. Officers hit Maatar in the face, breaking his glasses, and detained him for two hours after he refused a full body search. On September 29, plainclothes police officers again assaulted Nasraoui, along with her husband, Hamma Hamami, official spokesperson of the banned Communist Party of State Workers, at the airport upon their return from Paris. While in Paris, Hamami gave an interview with Al Jazeera television accusing the government of repression.

On June 6, a group armed with sticks, stones, and knives attacked PDP secretary general Maya Jribi and other party members in Sidi Bouzid. The group was holding a small-scale, private celebration of the release of a PDP member from prison. The local police chief and three deputies were present when the group attacked the delegation, but they offered no assistance. The delegation reported that inaction by police incited the group to further violence. Jribi contacted the MOI during the attack but did not receive any assistance.

There were no developments in the following cases from earlier years: the alleged February 2008 assault by security forces on Fatma Ksila, secretary general of the Committee for the Respect of Freedom and Human Rights in Tunisia and Samia Abbou, a member of the Tunisian Association for Combating Terrorism. The assault prevented the two from meeting with torture victims' families; the April 2008 assault on a PDP member who was selling copies of the party's weekly newspaper, *Al-Mowqif*; the June 2008 assault on Hama Hammami, a member of an unregistered political party; or the 2007 cases of assault on regional union leader Khaled Barhoumi and journalist Aymen Rezgui.

Prison and Detention Center Conditions

Prison conditions generally did not meet international standards. Overcrowding and limited medical care posed significant threats to prisoners' health. During the year there were credible reports that authorities sometimes denied injured or sick prisoners prompt access to medical care. The government permitted the International Committee of the Red Cross (ICRC) access to prisons, but did not grant access to other independent human rights observers.

According to human rights organizations, prison conditions in the country continued to fall short of minimum adequate standards. Hygiene was extremely poor, and prisoners rarely had access to showers and washing facilities. Sources reported that 40 to 50 prisoners were typically confined to a single 194-square-foot cell, and as many as 140 prisoners shared a 323-square-foot cell. Most prisoners were forced to share beds or sleep on the floor. Current and former prisoners reported that the lack of basic facilities forced inmates to share a single water and toilet facility with more than 100 cellmates, creating serious sanitation problems. Contagious diseases, particularly scabies, were widespread, and prisoners did not have access to adequate medical care. According to prisoners' families, the government imposed arbitrary restrictions, such as limiting family visits, when prisoners sought redress for grievances about treatment and conditions.

On April 10, several families of prisoners arrested on terror charges published a letter on the Internet (tunisnews.net) to protest the cruel detention conditions in which their family members were being held throughout the country. The families alleged that the prisons were overcrowded, detainees were denied needed medical attention, denied access to family visits, and arbitrarily placed in solitary confinement.

On January 11, according to the International Association for the Support of Political Prisoners (AISPP), Anouar Ferjani died in custody in Mornaguia Prison as a result of deliberate neglect and denial of medical care. Ferjani had been sentenced to two years in prison in 2008 on terrorism-related charges.

In September Kasserine Prison officials refused to allow Adnan Hajji, who suffers from kidney disease, to receive medication furnished by his wife. In December 2008 a Gafsa court sentenced Hajji to 10 years in prison on charges of forming a criminal group with the intent of destroying public and private property, leading an armed rebellion, and assaulting officials during the exercise of their duties. Hajji was conditionally released on November 5.

Political prisoners were separated from the general prison population and were under the authority of security forces working for the Department of State Security in the MOI instead of Ministry of Justice and Human Rights (MOJ) officials. Prison administrators and guards allegedly instructed other inmates to stay away from political prisoners and punished them severely for making contact with them. Human Rights Watch (HRW) reported in early 2008 that the government was keeping some political prisoners, most of whom were outlawed Islamist party An-Nahdha leaders, in small-group isolation (see section 1.e.).

According to prisoner and detainee testimony, prison conditions for women were generally better than those for men. In July 2008 the government passed a law mandating that prisons have separate areas for pregnant women and nursing mothers. The law also reduced the period of time infants and toddlers were allowed to reside with their mothers from three

years to one. The law requires that pretrial detainees be held separately from convicted prisoners, but in practice they were not always separated.

The ICRC continued to visit detainees in prisons and detention facilities. According to the ICRC's 2009 Annual Report, the ICRC conducted 56 visits to 37 detention centers. These centers held a total of 26,319 detainees, and the ICRC held individual interviews with 546 detainees during the year. However, the government did not permit media or independent local or international human rights groups to inspect or monitor prison conditions. Per ICRC standard modalities, it shared its observations and recommendations only on a confidential and bilateral basis with the authorities. Although the government pledged to the UN Human Rights Committee in March 2008 that it would allow HRW to visit prisons, at year's end negotiations between the government and HRW had stagnated due to the government's refusal to permit HRW to meet with specific prisoners by request.

The governmental Higher Commission on Human Rights and Civil Liberties (HCHR) continued to make unannounced prison visits and inspections of MOJ facilities during the year; however, the HCHR's reports were not made public.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but the government did not observe these prohibitions.

Role of the Police and Security Apparatus

The MOI controls several law enforcement organizations including the police, who have primary responsibility for law enforcement in the major cities; the National Guard, which has responsibility for border security and policing smaller cities and the countryside; and state security forces, which monitor groups and individuals that the government viewed as posing a threat, such as opposition parties and leaders, the media, Islamists, and human rights activists.

In general, law enforcement groups were disciplined, organized, and effective; however, incidents of petty corruption and police brutality took place. Law enforcement organizations sometimes operated with impunity, sanctioned by high-ranking officials. Police attacked dissidents and oppositionists.

The MOI's Higher Institute of Internal Security Forces and Customs has oversight of law enforcement officers in the ministries of interior and customs. The organization's stated mission was to reinforce human rights and improve law enforcement; however, no information was available about its operations, and no information was available about any punishment of police or prison guards.

Arrest and Detention

The law provides that police must have a warrant to arrest a suspect, unless the crime committed is a felony or is in progress; however, arbitrary arrests and detentions occurred. The penal code permits detention for as long as six days before arraignment, during which time the government may hold suspects incommunicado. This time limit was not always observed. For example, a 2007 National Council for Freedom and Labor (CNLT) report documented 24 cases in 2007 in which the prearraignment detention exceeded six days.

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, but police sometimes ignored those rules. Detainees not being held incommunicado were allowed access to family members, although the government did not always facilitate the efforts of family members to identify the whereabouts of their detained relatives. Detainees have the right to know the grounds of their arrest before questioning and may request a medical examination. They do not have a right to legal representation during prearraignment detention. Attorneys, human rights monitors, and former detainees maintained that

authorities illegally extended detention by falsifying arrest dates. Police reportedly extorted money from families of detainees in exchange for dropping charges against them.

The law permits the release of accused persons on bail, and detainees have the right to representation by counsel during arraignment. The government provides legal representation for indigents. At arraignment the examining magistrate may decide to release the accused or remand him or her to pretrial detention.

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

On February 19, state security officers arrested Abdelmottaleb Ben Marzoug in Gabes and transferred him to the MOI in Tunis the same day but failed to notify his family. On February 26, the public prosecutor informed Marzoug's lawyer that he had no information on Marzoug's arrest or whereabouts. Marzoug's attorney also reported that Marzoug told the presiding judge that officials tortured him during his detention (see section 1.c.).

On April 10, lawyer Najet Labidi conducted a sit-in at the Tunis Bar Association president's office to protest the Mornaguia Prison director's decision to deny her access to her client, Mehdi Batout, despite Labidi's receipt of MOJ authorization to visit him. Authorities subsequently allowed her to visit him after a three-month wait. Throughout the year, Labidi volunteered to defend political prisoners and authorities reportedly often denied her access to clients.

On October 22, authorities arrested Mohamed Soudani, student leader of the General Union of Tunisian Students (UGET), after he met with two French journalists covering the national and legislative elections. On the evening of his arrest, Soudani called his lawyers and family and informed them of a heavy police presence where he met the journalists and of the likelihood that he would be detained. Soudani's lawyer filed a complaint with the Tunis public prosecutor on October 23, when Soudani failed to return home. Authorities did not inform Soudani's family of his arrest as required by law nor did they provide information on his whereabouts. On October 24, Soudani was brought before the court in the town of Mahdia and given a four-month jail sentence on charges of drunkenness and disorderly and immoral conduct.

There were no developments in the June 2008 arrest of Zied Fakraoui. Police failed to notify Zied's family of his whereabouts until July 2008, when local government officials told Fakraoui's lawyers he had been brought before an investigating magistrate without the presence of counsel. At year's end Fakraoui was believed to be still in custody.

On March 30, a Bizerte court issued a three-year suspended sentence to AISPP member Tarek Soussi. In August 2008 police arrested Soussi shortly after his interview with Al Jazeera regarding several arrests. According to Reporters Without Borders (RWB), security forces did not present a warrant at the time of Soussi's arrest and posed as electric company employees to gain entrance to his home.

There were no developments in the 2007 case of founding AISPP member Lassaad Juhri, whom police reportedly detained for approximately 12 hours and questioned on his plans to accompany international NGO Human Rights First and a crew from the US public television program *Frontline* to El Kef Prison.

According to international and domestic human rights organizations, police arrested individuals (more than 1,000 since late 2006) following security operations to disrupt an armed cell that was reportedly plotting terrorist attacks. Families made inquiries about the individuals, but authorities provided no information. Local and international groups have expressed concern that authorities held the arrested in incommunicado detention at the MOI State Security Department,

where they would be at risk of torture and other mistreatment. Courts convicted 30 suspects charged with plotting against state security; the total number remaining in pretrial detention was unknown at year's end.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the executive branch and the president strongly influenced judicial procedures, particularly in cases involving political dissidents and oppositionists. The executive branch exercised indirect authority over the judiciary through the appointment, assignment, tenure, and transfer of judges, rendering the system susceptible to pressure. Defendants may request a different judge if they believe the one assigned is not impartial; however, judges are not required to recuse themselves. The Tunisian Bar Association initially opposed a judicial training institute inaugurated in October 2008, arguing that the institute gave the government control of those admitted to the bar, but the bar association accepted the institute once the government granted the bar association a management role. The president headed the Supreme Council of Judges, composed primarily of presidential appointees.

The civil court system is a three-tiered hierarchy. At the first level, there are 51 district courts, in which a single judge hears each case. At the second level there are 24 courts of first instance, which serve as appellate courts for the district courts but also have original jurisdiction for more serious cases. The Court of Cassation (or Supreme Court) serves as the final court of appeals. The Supreme Court considers only arguments pertaining to points of law. The organization of the criminal court system is similar to that of the civil court system. In most cases the presiding judge or a panel of judges dominates a trial, and attorneys have little opportunity to participate substantively.

Military courts fall under the Ministry of Defense. Military tribunals have the authority to try cases involving military personnel and civilians accused of national security crimes. A defendant may appeal a military tribunal's verdict to the civilian Supreme Court. In 2007, according to AI, military courts sentenced at least 15 civilians to as long as 10 years' imprisonment for alleged national security crimes.

There is also an administrative tribunal, which hears administrative cases between citizens and the government.

Trial Procedures

The law employs the same trial procedures for all citizens, and it provides for the right to a fair trial; however, according to international and domestic NGOs, this did not often occur in practice.

The law provides that defendants are presumed innocent until proven guilty; however, that presumption was sometimes ignored in practice, especially in politically sensitive cases. Trials in the regular courts of first instance and in the courts of appeal are open to the public. The government permitted observers from diplomatic missions and foreign journalists to monitor trials. Observers may be allowed to attend sessions of military tribunals at the court's discretion. There are no jury trials. By law accused persons have the right to be present at trial, to be represented by counsel (provided at public expense for the indigent), to question witnesses against them, and to present witnesses or evidence on their behalf; however, judges did not always observe these rights in practice. The law permits the trial in absentia of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts.

Lengthy trial delays remained a problem. Defendants do not have the right to a speedy trial, nor is there any time limit on cases. Defense lawyers claimed that judges sometimes refused to let them call witnesses on their clients' behalf or to question key government witnesses. Defense lawyers contended that the courts often failed to grant adequate notice of trial dates or allow time to prepare their cases. There were reports that judges restricted access to court records and evidence, especially to records and evidence the government held, and in some cases required all the lawyers working on

a case to examine documents together on a single date in judges' chambers, without allowing them to copy relevant documents.

Lawyers and human rights organizations reported that courts routinely failed to investigate allegations of torture and mistreatment and accepted as evidence confessions extracted through torture. These groups also reported that the summary nature of court sessions sometimes prevented reasoned deliberation and that erratic court schedules and procedures deterred would-be observers from attending political trials.

Although family and inheritance law is codified, civil law judges were known to apply Shari'a (Islamic law) in family cases if the two systems conflicted. Some families avoided the application of Shari'a inheritance rules by executing sales contracts between parents and children to ensure that daughters received shares of property equal to that of sons.

Political Prisoners and Detainees

The number of political prisoners remained unknown. Human rights organizations alleged that the government had arrested and imprisoned more than 2,000 persons under the terrorism law since 2005 without sufficient evidence that they had committed or planned to commit terrorist acts. Human rights activists and lawyers alleged that many of these detainees were tortured in MOI facilities and forced to sign confessions under duress. On May 27, Becchir Tekkari, the minister of justice and human rights, reportedly said the government had sentenced only 300 individuals under the antiterrorism law.

In November 2008 the government conditionally released the An-Nahdha leaders remaining in prison; however, in December 2008 the government rearrested former An-Nahda president Sadok Chorou shortly after he gave an interview to the London-based satellite television station *Al-Hiwar*, and sentenced him to one year in prison for membership in an unauthorized organization. On August 18, according to local NGO Freedom and Equity, Chorou's wife visited him in prison. She subsequently alleged that Chorou had been restricted to a diet of bread and olive oil for the previous 40 days and was subject to harassment by inmates under the guidance of prison officials.

Family members of political prisoners claim that prisoners are poorly treated, their visitation rights limited, their religious beliefs insulted, and that they are subjected to arbitrary solitary confinement. Former political prisoners stated that upon their release, officials failed to return their identification cards, marked their identification cards in a specific way, or denied them certificates attesting that they had served their sentences and were permitted to work. They also reported that both uniformed and plainclothes police closely monitored them.

The ICRC had access to political prisoners in MOJ-controlled prisons and detention facilities, but generally not to those in MOI facilities. The government did not permit any other international humanitarian organizations access to such prisoners.

Civil Judicial Procedures and Remedies

Although a court system existed through which citizens could make human rights complaints, the judiciary was not independent and impartial in cases involving human rights violations when the government was involved. Administrative remedies were available through the Office of the Ombudsman or the Administrative Court. These institutions' decisions were not binding, and other government departments and agencies often ignored them.

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

The law prohibits such actions "except in exceptional cases defined by law"; however, the government generally did not respect these prohibitions in practice. Police sometimes ignored the requirement to have a warrant before conducting searches if authorities cited state security considerations. Domestic NGOs and civil society activists reported that members of the security forces entered their offices when they were not present and searched without a warrant.

Authorities may invoke state security considerations to justify telephone surveillance. According to numerous reports by NGOs and the news media, the government intercepted faxes and e-mails. The law does not explicitly authorize these activities, but the government stated that the code of criminal procedure implicitly gives investigating magistrates such authority. Opposition political activists experienced frequent and sometimes extended interruptions of service to home and business telephones, faxes, and the Internet. Human rights activists accused the government of using the postal code, with its broad and undefined prohibition against mail that threatens the public order, to interfere with their correspondence and interrupt the delivery of foreign publications. Authorities reportedly opened and read letters, many of which never reached their recipients. Security forces routinely monitored the activities, telephones, and Internet exchanges of opposition, Islamist, and human rights activists, as well as journalists, and placed some individuals under surveillance. According to HRW, from October 10 through the October 25 elections, plainclothes police surrounded the home of Hama Hamami, spokesperson of a banned political party. Hamami, reportedly fearing for the safety of his daughter, left his home for a private location. At year's end plainclothes police maintained a limited but visible presence around the home of Hamami and his wife, Nadia Nasraoui.

Human rights activists claimed the government punished family members of Islamist activists by denying them jobs, educational opportunities, business licenses, and travel, due to their relatives' activism. Police also subjected relatives to surveillance and questioning. On June 5, with no explanation, police surrounded the home of former prisoner Hamadi Jebali. Jebali was the publication director for the Islamist newspaper *Al-Fajr*, which the government closed in the early 1990s. The government arrested Jebali in 1990 and released him in 2006. Jebali reported to the Committee to Protect Journalists (CPJ) that, as of year's end, both he and his wife remained under constant police surveillance.

Human rights activists reported that the government made it difficult for released prisoners suspected of An-Nahdha membership to find employment. Other released political prisoners who had been detained but not convicted found it hard to obtain MOI statements that they had no criminal records, and even when not imprisoned, political activists and Islamists had their identification cards confiscated, which created problems with receiving health care, signing a lease, buying or driving a car, and accessing bank accounts and pensions. Police may demand identification cards at any time and may detain those unable to produce their cards until police establish their identity. AISPP member Lasaad Johri has not had an identification card since 1999.

Section 2 Respect for Civil Liberties, Including

a. Freedom of Speech and Press

The constitution provides for limited freedom of speech and of the press; however, the government generally did not respect these rights in practice. The government restricted media freedom and severely intimidated journalists, editors, and publishers into practicing self-censorship. Security forces closely monitored both foreign and domestic media activity.

Individuals were not free to criticize the government without fear of reprisal, and the government restricted some types of speech. The law prohibits individuals from discussing national politics on foreign radio or television channels during the two weeks prior to national elections, with a fine of up to 25,000 dinar (\$20,833) per offense. Security forces often questioned citizens seen talking with foreign visitors or residents, particularly with visiting international human rights monitors and journalists. The government also attempted to prevent private meetings of citizens with foreign diplomats and to influence public meetings by surrounding meeting places with scores of plainclothes police.

The government does not require licensing of print media; however, it rigidly controls print media through a publishing permit process. Print media must request a copyright registration from the MOI, which issues a receipt that constitutes an official permit to publish for one year. The press code requires that the receipt be issued before printing, effectively

prohibiting any unlicensed publications. The code also requires the publisher to inform the MOI of any change of printer. Printers and publishers violating these rules are subject to substantial, per copy, personal fines under the press code.

CNLT produced the online newsmagazine *Kalima* without a license, but it was accessible only from outside the country. In April 2008 CNLT made its fifth attempt to register *Kalima*, but government officials refused to acknowledge they had received their application. International human rights NGOs alleged that the government refused registration of *Kalima* due to its criticism of the government. In October 2008 the *Kalima* Web site was hacked and its archives destroyed.

The government stated that there were 950 foreign publications and newspapers distributed in the country and that 90 percent of domestic newspapers were "privately owned and editorially independent." However, two of the eight mainstream dailies were government-owned, the ruling party owned two, and two, although nominally private, reportedly took editorial direction from senior government officials. All media were subject to significant governmental pressure over subject matter. There were seven opposition party newspapers with small circulations. Five of them received government subsidies under a law that provides government financing to papers representing opposition parties that have seats in parliament.

Broadcast media must receive a grant or denial of a frequency from the Tunisian Frequencies Agency, a part of the Ministry of Communications Technologies. These licenses, or acceptance of the application, are tightly restricted.

On January 30, according to the CPJ, police confiscated the equipment and shut down the offices of Radio Kalima, an independent Internet radio station that was critical of the government. The MOI launched a legal case against Radio Kalima's managing director Sihem Bensedrine for "broadcasting on frequencies without a legal permit." Radio Kalima applied on five separate occasions for a permit during its eight years of existence. The station last applied in 2007 and subsequently filed a case with the administrative court to protest the MOI's refusal to grant a receipt proving that the Ministry received Radio Kalima's permit application. The administrative court refused to hear the case. At year's end, the government continued to block access to the Radio Kalima office.

On October 22, police entered the offices of independent Internet radio station Radio 6 with a search warrant and seized all computers and related equipment. Police sealed the doors to the station with heavy-duty padlocks and informed the station manager that his operation was illegal. The station manager had last applied for a radio license in 2008, but the government failed to respond to the application or issue a license. Prior to the police seizure, the station manager, along with other colleagues, organized an on-air sit-in to protest the government's refusal to allow independent radio and other media outlets to operate legally in the country.

Government regulations required foreign correspondents to obtain written approval before recording video in public. The government controlled the satellite transmissions of local correspondents reporting for foreign television stations by refusing to license correspondents and insisting that all correspondents use government-owned facilities for satellite uplink.

On May 4, progovernment journalists initiated an open campaign against the executive board of the National Syndicate of Tunisian Journalists (SNJT), following the union's announcement of its second annual press freedom report. Progovernment members of the board resigned and began circulating a petition to the union membership calling for an extraordinary congress to conduct new elections. Some journalists were reportedly threatened with dismissal if they did not sign. After holding the congress on August 15, the progovernment faction sued for control of the SNJT. On September 8, plainclothes police surrounded the SNJT offices, and approximately 20 police officers beat SNJT president Neji B'ghouri as he attempted to access the offices. The same day, a Tunis court ruled in favor of the progovernment faction. Police enforced the court order immediately and evicted the independent SNJT board from the offices. On August 12, B'ghouri's

independent group filed a legal challenge to the progovernment takeover. On October 26, the court examined the legal challenge and postponed the case to December 7. At year's end the case remained pending.

There were widespread reports during the year that the government blocked most criticism of the authorities in the mainstream press and also that it harassed, arrested, and abused journalists, especially those active in opposition activities. The government cited the need to preserve public order as grounds to suppress criticism and used defamation laws to prosecute journalists. Journalists most often faced charges of unrelated offenses (such as counterfeiting), often by private parties. The law authorizes sentences as long as five years in prison for offensive statements against the president and as long as three years for defamation of constitutional bodies, including the Chamber of Deputies, Chamber of Advisors, constitutional councils, the administration, government members, or deputies.

On July 13, according to the CPJ, seven plainclothes police officers followed Radio Kalima reporter Mouldi Zwabi while he covered a union event in the town of Beja. Police observed and listened to all his interviews and attempted to intimidate unionists into stopping the interviews. Police subsequently interrogated all those Zwabi had interviewed.

On September 15, police temporarily detained journalist Abdullah Zouari, who once worked for *Al-Fajr*, the An-Nahdha party's weekly newspaper, and asked him to stop writing and publishing articles that were "detrimental" to the country's world image. The officers reportedly threatened to circulate alleged photo-shopped pornographic material of Zouari if he did not stop. Zouari was under "administrative control" (a form of internal exile) for seven years, ending on August 2; he remained under constant police surveillance at year's end.

On December 1, independent journalist Zouhaier Makhlof was sentenced to three months in prison and fined 6,000 dinars (\$4,700) on charges of "harming others on the Internet." Makhlof posted footage he filmed documenting environmental damage and dangerous working conditions in an industrial district of Nabeul, a town 50 miles southeast of Tunis. The government has targeted Makhlof for contributing to an independent news Web site (assabilonline.com) filled with anti-government material and for posting material critical of the government on Facebook and YouTube. On July 27, prior to the arrest that led to his December 1 conviction, plainclothes police officers forcibly prevented Makhlof and his wife from entering the Carthage amphitheatre for a concert by Lebanese musician Marcel Khalifa. Police ripped up their tickets and assaulted Makhlof in the presence of his wife. A journalist for Tunis Radio 6, Mohamed Mzem, was the victim of similar harassment on July 28 when he attempted to attend the same concert. The CPJ reported that the government regularly targeted both Mzem and Makhlof for their numerous articles critical of the government. According to the CPJ, both journalists intended to cover Khalifa's performance for their independent Internet stations. Khalifa has been closely monitored following a 2005 media interview in which he stated that his songs were limited, and in some cases banned, by the government-controlled radio and television stations.

On November 26, prominent independent journalist Taoufik Ben Brik was convicted of assault and given a six-month prison sentence. Arrested October 29 on charges of public indecency, assault, defamation, destruction of private property, and blasphemy, Ben Brik claimed he was sitting in his parked vehicle when another vehicle driven by an unidentified woman collided with his. When he exited his vehicle to check the damage, the woman driver began screaming, tore at her clothes, and ran away. The woman later reported to the police that Ben Brik attempted to rape her. Civil society, independent journalists, and Ben Brik's lawyer described the arrest as a government attempt to silence legitimate and free journalism. The incident followed Ben Brik's publication in the French press of opinion articles critical of the government.

On February 4, an appeals court in Gafsa upheld the December 2008 six-year prison sentence in absentia against Fahem Boukadous for "belonging to a criminal association" and spreading materials "likely to harm public order." Boukadous covered the January-June 2008 unemployment protests in the southwestern Tunisia for the satellite television station, Al-Hiwar Al-Tunisia. Boukadous emerged from hiding, after six and a half months, on November 24. RWB reported that Boukadous went before the court in Gafsa on November 24 to plead his case and benefit from the conditional pardon

granted by President Ben Ali on November 5 that allowed for the release of the remaining prisoners arrested following the January-June Gafsa protests. Upon presenting himself to the court on November 24, police reportedly held and interrogated Bakadous for several hours, before they brought him before the judge. The Gafsa court conditionally released Bakadous and scheduled a hearing for December 2 to revisit Bakadous' original conviction in absentia. At year's end Bakadous remained free, and the court had yet to vacate the conviction in absentia.

There were no developments in the following cases from earlier years: the March and August 2008 assaults on human rights journalist Sihem Bensedrine and her husband, Omar Mestiri; the July 2008 questioning of former PDP secretary general Nejib Chebbi on charges relating to defamation of the judicial system; the November 2008 police arrest of and assault on Radio Kalima reporter Fatine Al-Hamdi; the 2007 conviction in absentia of journalist and press freedom advocate Mohamed Fourati to 14 months in prison for membership in the unauthorized An-Nahdha party; or the reported police assault on journalists Lotfi Hajji and Aymen Rezki.

The law prohibits censorship of domestic newspapers, magazines, and books; however, the government continued to censor international as well as domestic media. For example, it banned distribution of the March 6 issue of *As-Sada*, a weekly magazine published in the United Arab Emirates. The edition carried an article claiming that Tunisia's ban on polygamy led to wealthy citizens having extramarital affairs.

On October 21, the government reportedly barred French journalist Florence Beaugé from entering Tunisia four days before the national and legislative elections. Government authorities blocked Beaugé, a reporter specializing in North African issues for French daily *Le Monde*, at the Tunis Carthage airport on the grounds that she landed without proper authorization. Tunisian officials also stated in press reports that Beaugé conducted "dubious activities" and showed "blatant malevolence" towards Tunisia in the past. Earlier in the same month, Beaugé issued reports from Tunisia that the government viewed as unfavorable.

The government also reportedly banned distribution of the October 29 issue of the *The Economist* for an article that covered the results of the national elections titled: "One-man show: Another meaningless election."

The government routinely seized and prevented distribution of domestic newspapers when it found articles or photos contrary to government policies. For example, authorities reportedly suppressed February and March issues of the opposition weekly *al-Mowqif*, which carried articles on judicial independence, the PDP candidate for president, unemployment, and democracy.

According to journalists and nonjournalist sources, senior government officials routinely called news directors and editors to inform them which issues they were forbidden to cover or publish and to direct editorial content and news coverage. The government also often pressured newspapers to carry the government wire service's version of an event, even when the newspapers' own journalists were present. The Tunisian Agency for External Communications enforced these informal censorship mechanisms by favoring certain publications for placement of government advertising. Private companies that wanted to avoid association with publications the government viewed unfavorably pulled their advertisements from those publications.

Directors and owners of existing private media, as well as journalists working for government- and ruling-party-owned media, practiced a high degree of self-censorship. Journalists in the mainstream media regularly refrained from investigative reporting on national issues. Only the small opposition media reported regularly on controversial national issues.

The law stipulates that the government may restrict the publication, introduction, and circulation of foreign works. The Ministry of Culture required book fair publishing representatives to deposit publication titles in advance; it reportedly

rejected several thousand religious books 25 publishing houses proposed to present for an April 24-May 3 book fair. Authorities also prevented the sale by restricting entry into Tunisia of foreign publications that included articles deemed critical of the country or that the government determined could prompt a security threat.

On October 1, authorities banned the sale and distribution of *The Regent of Carthage*, a book by French journalists Nicolas Beau and Catherine Graciet. The book detailed allegations of corruption by President Ben Ali, first lady Leila Ben Ali, and their respective families.

Internet Freedom

Widespread use and interest in the Internet remained the driving force behind Tunisia's rapidly and continuously developing telecommunications infrastructure. According to 2008 International Telecommunication Union statistics, approximately 28 percent of the country's inhabitants used the Internet. The law allows the government to block or censor Internet content deemed obscene or content threatening public order, defined as "incitement to hate, violence, terrorism, and all forms of discrimination and bigoted behavior that violate the integrity and dignity of the human person, or are prejudicial to children and adolescents." During the year the government also blocked access to a wide variety of Internet sites that did not fit this definition.

There were reports that the government monitored Internet usage and communications. In early May judiciary police summoned university professor Khedija Arfaoui to their headquarters in Tunis and questioned her for approximately eight hours after she posted a message on her Facebook page about the incidence of child kidnappings in the country. The message Arfaoui posted was related to rumors that had already circulated within the country and had been discussed in the local media. On July 4, Arfaoui was sentenced to eight months in prison for "disturbing public order." On December 2, the Tunis Court of Appeals heard Arfaoui's case. Arfaoui stated that she received the posted e-mail from a young woman living in France, and claimed she had posted the message in good faith. The court scheduled another hearing for December 20, and at year's end Arfaoui remained free.

The government blocked nearly all sites belonging to domestic human rights, opposition, and Islamist groups, including discussion sites. The government periodically blocked opposition news sites and Internet discussion sites throughout the year. Some foreign Web sites remained blocked at year's end, including RWB's site and YouTube, which has been blocked since 2007. According to RWB, the *Journaliste Tunisien* blog was blocked in October 2008, one day after it posted RWB's 2008 Press Freedom Index.

The 2009 OpenNet Initiative (ONI) report indicated that the government continued to block Web sites of political opposition groups, opposition news pages, human rights groups, and sites allegedly critical of the Koran and Islam. According to ONI, the government used a commercial software program loaded onto government-controlled servers to consistently block sites on the servers of the country's 11 Internet service providers (ISPs). In addition to filtering software, the government reportedly used regulatory means and surveillance to monitor and control Internet usage.

The AISPP reported that authorities continued to arrest individuals for visiting Web sites the government associated with terrorism and detained them without proper legal procedures or sufficient evidence of commission of a crime.

The law requires all ISPs to obtain a license from the Ministry of Communications Technologies. Each ISP must submit a monthly list of its subscribers to the quasi-governmental Tunisian Internet Agency (ATI). Internet users and those who maintain Web sites and servers are also responsible for infractions of the law.

Academic Freedom and Cultural Events

The government limited academic freedom and fostered a culture of self-censorship in universities. The government closely monitored administrators, teachers, and students to identify political activity. Both uniformed and plainclothes police maintained a significant presence on university campuses and discouraged students from openly expressing dissent.

Authorities subjected academic publications for the Ministry of Culture's approval before publication, and university libraries did not purchase foreign books or subscribe to foreign magazines deemed critical of the government by the Ministry of Culture. Close government control over academic research funds prevented university administrators from authorizing or applying for grants on research topics they believed the government would find objectionable. Professors avoided teaching classes on subjects considered sensitive, such as legal courses on political systems, comparative politics, and classes on civil liberties. University professors often avoided discussion of subjects deemed sensitive enough to interest the government, and faculty members reported that they were hesitant to gather outside the classroom. Faculty members had to request Ministry of Higher Education approval to hold conferences and were required to submit conference topics and invitee lists.

On July 20, the government adopted a law requiring all foreign theatrical and artistic productions not sponsored by the government to undergo Ministry of Culture clearance prior to public performance or release.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, but the government severely restricted this right in practice.

Freedom of Assembly

The law requires groups wishing to hold a public meeting, rally, or march to obtain a permit from the MOI at least three days prior to the proposed event and to submit a list of participants. Authorities routinely approved permits for groups supporting the government and generally refused permission for dissenting groups. As in previous years, NGO leaders reported difficulty in renting space to hold large meetings, maintaining that police pressured venue managers not to rent to certain groups. Hotel managers and businesses denied any specific ban on renting space to opposition groups; however, they acknowledged cooperating with the MOI and accommodating its requests when possible.

The government consistently blocked meetings of the Tunisian Human Rights League (LTDH) in its headquarters in Tunis and in regional offices. On January 24, prior to a public civil society event to introduce a newly created organization to facilitate coordination among human rights leagues in the Maghreb, a large number of plainclothes police officers reportedly surrounded the LTDH headquarters and blocked the entrance, denying access to all guests except the LTDH steering committee. The guest of honor, Mohamed Ismail from the Algerian Human Rights League, was also denied entry, as were several journalists, civil society leaders, and foreign diplomats. The event was originally scheduled to be held at the headquarters of the Tunisian Women's Association for Research and Development, but according to the LTDH, a high-level MOI official contacted the association's president and informed her that the association could not hold the meeting at its headquarters. On May 8, plainclothes police prevented the LTDH from celebrating its 32nd anniversary. Only LTDH steering committee members were allowed into the organization's headquarters, and all other guests, including foreign diplomats, were turned away.

On April 9, according to local NGO Freedom & Equity, plainclothes police surrounded approximately 80 members of the UGET at their organization's headquarters in Tunis and prevented them from traveling to Bizerte to attend the 25th congress of the organization. Police reportedly assaulted some student leaders, and the congress was cancelled. At year's end there were no further developments.

The government used police and other state security forces to monitor, control, and sometimes break up demonstrations. In general, demonstrators and security forces did not resort to violence; however, there were some exceptions, such as scuffles ensuing from protestors' attempts to cross police lines barring access to a demonstration site or from protestors not dispersing when police ordered them to do so.

There was no further unrest in the aftermath of the January-June 2008 protests in southwestern town of Redeyef. The protest began in January 2008 after the region's biggest employer, the Phosphates Company, announced the results of a recruitment competition. The local branch of the Tunisian General Labor Union (UGTT) and many of the unsuccessful candidates protested that there had been fraud. The protest climaxed in April 2008 following the arrest of dozens of demonstrators. One demonstrator was fatally shot and 18 others wounded in June 2008. There have been no developments in the investigation into this fatal shooting. The government maintained that the protests were violent while domestic NGOS claimed they were peaceful. The remaining 68 prisoners incarcerated following the protest were conditionally freed on November 5. The specific terms of their conditional release were not made public but are understood to imply no further political activity. The government previously released 23 prisoners in October 2008.

Freedom of Association

The law provides for freedom of association; however, the government generally did not respect this right in practice. The law requires that new NGOs apply for registration with the government. If the government does not reject the application within 90 days, the NGO is automatically registered. The government routinely blocked registration of new independent NGOs by refusing to provide receipts for their applications. Without such a receipt, NGOs were unable to counter the government's assertions that they had not applied to register and therefore were not allowed to operate. In such cases the government could shut down these NGOs, seize their property, and prosecute their members for "membership in an illegal organization." Authorities arrested and prosecuted several individuals on this charge after they participated in the January-June 2008 Gafsa protests.

There were reports that significant numbers of RCD members attempted to join independent NGOs or labor unions with the apparent intent of limiting the organizations' independence by gaining control through elections or disrupting operations. For example, on September 8, a progovernment faction took over leadership of the journalists' union.

On June 11, the Court of Cassation affirmed a 2001 ruling annulling all decisions and organs resulting from the LTDH's fifth congress, including its newly elected steering committee, and it tasked the LTDH with holding a new congress. According to LTDH leadership, the only way for the LTDH to continue its human rights work was to ensure that progovernment members were elected to the NGO's steering committee. At year's end the LTDH had not planned a sixth congress or scheduled elections for its steering committee.

c. Freedom of Religion

The law provides for freedom of religion on the condition that religious practice does not disturb public order; however, the government restricted and abused this right in practice.

Islam is the state religion, and the law stipulates that the president must be a Muslim.

The government recognized all Christian and Jewish religious organizations established in the country before independence in 1956. Although it permitted other Christian denominations to operate, the government formally recognized only the Roman Catholic Church. The Provisional Committee of the Jewish community met weekly and performed religious activities and charity work, although the government had not granted it permanent registration. The

government regarded the Baha'i faith as a heretical sect of Islam and permitted its adherents to practice their faith only in private.

The law provides that only persons appointed by the government may lead activities in mosques, and the government pays the salaries of imams. The government required that mosques remain closed except during prayers and other authorized religious ceremonies, such as marriages or funerals. Authorities instructed imams to espouse the government's social and economic programs during prayer times in mosques.

The government required Islamic religious education in public schools, and religious curriculum for secondary school students also included histories of Judaism and Christianity. The government allowed Jewish communities to operate private religious schools. Jewish children on the island of Djerba were permitted to divide their academic day between public secular schools and private religious schools.

Although it was not illegal to change religions, government officials occasionally discriminated against converts from Islam to another religion using legal and social pressure to discourage conversion. Customary law based on Shari'a forbids Muslim women from marrying outside their religion. The government required a non-Muslim man to convert to Islam before marrying a Muslim woman. The government did not allow married Muslim couples to register their children with non-Muslim names.

The government prohibits efforts to proselytize Muslims. While authorities did not deport foreigners suspected of proselytizing, they did not renew the visas of suspected missionaries.

The government did not permit the establishment of political parties based on religion, and it used this prohibition to continue to refuse to register the Islamist An-Nahdha party and to prosecute suspected An-Nahdha members for "membership in an illegal organization." The government continued to maintain tight surveillance over Islamists and monitored activity in mosques. According to human rights lawyers, the government also continued to question individuals observed praying frequently in mosques.

The government subjected religious publications to the same restrictions on freedom of expression as secular publications. Christian groups could distribute religious documents only in European languages. Only sanctioned Muslim religious groups could distribute religious documents. In the government's view, distribution by other groups constituted an illegal "threat to public order."

The government sought to suppress certain outward signs of citizens' religious practices, such as the wearing of head scarves (hijabs) by women and the growing of conspicuous facial hair by men. Authorities characterized the hijab as a "garment of foreign origin having a sectarian connotation" and sought to restrict its use in public institutions. Police continued efforts to eradicate sectarian dress (including the hijab) in official buildings, schools, and universities. During the year authorities detained some women in public places and told them to remove their hijabs.

On September 7, according to domestic NGOs, the head of the National School for Rural Development at Medjez El Bab refused to allow female students wearing hijabs to register for classes unless they removed their hijabs and stated in writing that they would cease wearing hijabs to school.

Police also reportedly detained and harassed men with "Islamic" beards, forcing them to shave at a police station or threatening them with arrest unless they returned home immediately to shave.

Societal Abuses and Discrimination

Societal discrimination based on religion continued during the year. Muslims who converted to other religions were often ostracized. The government cooperated closely with and protected the 1,500-person Jewish population, 900 in Djerba and the remainder in and around Tunis, although Jews faced some defamation in the media.

Cartoons in some mainstream newspapers used derogatory images of historically stereotypical Jews to portray the state of Israel and Israeli interests. Most of these cartoons were drawn outside of the country and reprinted locally.

The government promoted anti-bias and tolerance education through a series of lectures regarding religious tolerance. Jewish community leaders reported that the government actively protected synagogues, particularly during Jewish holidays, paid the salary of the grand rabbi, and partially subsidized restoration and maintenance costs for some synagogues.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at <http://www.state.gov/g/drl/rls/irf/>.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government did not always respect these rights in practice. The government restricted the in-country and foreign travel of some dissidents, Islamists, and their relatives. The government also may impose five years of "administrative control" at sentencing on certain former prisoners that constitutes a type of internal exile, limiting their ability to travel within and outside of the country.

The government generally cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, asylum seekers, and other persons of concern; however, the government did not provide protection for such persons, nor did it permit the UNHCR access to detention centers. In the absence of specific legislation on refugee matters, refugees were treated like foreigners, and there was no official government restriction on their movement.

The law authorizes the courts to cancel passports and contains broad provisions that permit courts and the Ministry of the Interior to seize passports on national security grounds and deny citizens the right to present their cases against seizure or to appeal the judges' decision. The MOI is required to submit to the courts, through the public prosecutor, requests to seize or withhold a citizen's passport; however, the ministry routinely bypassed the public prosecutor with impunity. Many citizens, particularly journalists, reported difficulty applying for or renewing their passports and accused the government of blocking their applications solely on the basis of political opposition.

During the year the government reportedly severely restricted the in-country movement of Islamist Hamadi Jebali and his wife from their city of residence, Sousse. The government had continued to ignore the passport requests by both Hamadi and his wife made in November 2008.

On March 3, according to RWB, authorities temporarily detained human rights lawyer Mohamed Abbou at the Tunis airport and prevented him from traveling to an AI-organized conference in London on terrorism, security, and human rights in Tunisia. On March 14, national security agents again prevented Abbou from leaving Tunis to participate in a roundtable discussion on press freedom and human rights in Acabba, 96 miles away. Authorities also prevented AI Jazeera correspondent Lotfi Haji from leaving his hometown of Bizerte to attend the same conference.

At year's end journalist and former prisoner Slim Boukdhir reported that the government had failed to grant him a passport. Boukdhir, who filed his original request for a passport in 2003, was arrested in November 2007 and spent nine months in

prison on charges of insulting a public official, public indecency, and refusal to present his identity card to a security official.

Former An-Nahdha leader Mohamed Sedki Labidi has been deprived of his passport for the last 13 years without a court decision.

According to the constitution, no citizen can be exiled from the country nor prevented from returning; however, the government used administrative control as a type of punitive internal exile. Administrative control measures, which take effect upon a convict's release from prison, are similar to parole restrictions, except that they may be applied to prisoners even after they have completed their sentences. The government requires these individuals to stay "in the area of their residence," which the government determines and may be anywhere in the country. They also may be required to report to a police station frequently, at times determined only the previous evening. At the police station, they may be forced to wait hours before they are allowed to sign in, making normal employment impossible. Numerous Islamists released from prison in recent years have been subjected to such requirements.

By law administrative control measures may only be imposed at sentencing; however, a former high school teacher and An-Nahdha member, Nouri Chniti, claimed he has been subject to extrajudicial administrative control measures since 1991, when he received a suspended sentence that did not include such measures.

The government prevented some political opponents in self-imposed exile abroad from obtaining or renewing their passports to return to the country. On August 21, Sihem Bensedrine, the CNLT spokeswoman and *Kalima* editor in chief, staged a sit-in with her son at the Tunisian consulate in Toulouse, France, to protest the consulate's alleged arbitrary refusal to renew her son's passport due to her political activism. Her son was subsequently granted the passport.

Protection of Refugees

The country is party to the 1951 UN Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. The law provides for the granting of asylum or refugee status; however the government has not established a system for providing protection to refugees or other persons of concern. In practice the government did not protect against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

In the absence of official and specific refugee laws and administrative measures to govern refugee and asylum matters, the UNHCR conducted all refugee status-determination procedures. The UNHCR maintained a liaison with the Ministry of Foreign Affairs, in particular the consular service, in connection with all refugee determinations. Refugees were subject to the foreign labor policies within the national labor code prior to qualifying for work permits. A large majority of refugees worked in the informal sector with risk of exploitation. Refugees had access to all available public national health care facilities, subject to the same standard fees as applied to Tunisian nationals, and also access to law enforcement services. The government's recognition of the rights of all children also extended to refugees. Children born to refugees and asylum seekers were registered and received birth certificates but were not granted citizenship.

Refugees requested residence permits from the Ministry of Foreign Affairs upon their proper determination as refugees by the UNHCR. Issuance and renewal of a residence permit was subject to the approval of the government and was not automatic. In several cases, the government arbitrarily denied residence permits to certain refugees despite their classification as refugees by the UNHCR. Although the UNHCR under its mandate sought resettlement for refugees under specific protection needs, the government did not approve any resettlement requests and at year's end, there were numerous cases pending of third country nationals seeking naturalization.

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

The constitution provides citizens the right to change their government peacefully; however, there were significant limitations on citizens' right to do so. The law provides that citizens shall directly elect the president and members of the Chamber of Deputies for five-year terms, but irregularities routinely called into question the legitimacy of elections. The president appoints the prime minister, the cabinet, and the 24 governors. The ruling party has maintained power continuously since the country's independence in 1956, dominating the cabinet, the legislature, and regional and local governments.

Elections and Political Participation

In the October 25 national elections, President Ben Ali faced three candidates and was reelected for a fifth five-year term. Ben Ali has ruled since 1987. The government reported electoral participation was at 89 percent of the 4.9 million eligible voters. Anecdotal observation suggested this may have been inflated. The government rejected 15 of the 26 legislative candidate slates the Progressive Democratic Party (PDP) proposed and 12 of the 26 proposed by the Ettajdid Movement. In some cases, the government rejected candidate slates without explanation. By contrast, five "opposition" parties viewed as friendly to the government had no more than five of their 26 candidate slates rejected. In March 2008 the Chamber of Deputies amended the electoral code. This changed the legal voting age from 20 to 18 and allowed for an increase in the total number of Deputies from 189 to 214. The number of seats reserved for the seven officially recognized opposition parties increased from 20 percent to 25 percent.

Irregularities and imbalances characterized the period prior to the elections. A coalition of three local independent NGOs--the LTDH, the CNLT, and the Tunisian Association of Democratic Women (ATFD)--cited as serious problems the opposition's lack of media access during the campaign and media bias in favor of the ruling party. Opposition candidates and other observers also cited voter intimidation as well as restrictions on disseminating campaign materials and organizing campaign events.

In July 2008 the president approved a law requiring any presidential candidate to be an elected head of a political party and to have held that position for at least two years. At least two opposition parties did not have candidates who met those criteria.

Political parties other than the ruling RCD faced restrictions. By law the establishment of political parties based on religion, language, race, or gender is prohibited.

The government and the RCD are closely integrated; current and former senior government officials constitute the top ranks of the party. The president of the country is also the president of the RCD, and the party's vice president and secretary general hold the rank of minister. All members of the RCD Politburo hold ministerial rank based on their current or former government service. RCD membership conferred tangible advantages. For example, there were widespread reports that RCD members and their families were more likely to receive educational and housing benefits, small business permits, and waivers on zoning restrictions.

To reduce the advantages wielded by the ruling party, the electoral code reserves 25 percent of seats in the Chamber of Deputies for the seven officially recognized opposition parties and distributes them on a proportional basis to parties that won at least one directly elected district seat. In the October 25 elections, five of the opposition parties gained seats under that provision. The RCD holds the remaining 161 seats.

The government continued to refuse to recognize an environmental political party, the Green Tunisia Party, although it first applied for recognition in 2004.

There were 77 women in the 326-seat legislature, one woman in the 29-seat cabinet, and five women among the 15 secretaries of state (regarded as junior cabinet members). Three women served as presidents of chambers on the Supreme Court, and two women served on the 15-member Higher Council of the Magistracy.

The constitution provides for the same rights, duties, and protection for all citizens. Generally, the government did not classify or interact with any group as a racial, ethnic, religious or indigenous minority. There was one member of the Jewish community in the legislature. There was no set allocation of political party positions or parliamentary seats for members of a minority group.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. Anecdotal evidence suggested that the incidence of corruption was on the rise; however, corruption allegations were difficult to prove. Public officials are not subject to financial disclosure laws.

On April 9, a government employee was sentenced to 10 years in prison for involvement in a corruption scheme and for false use of an official stamp.

On May 20, a Tunis court sentenced a municipal employee to two years in prison on corruption charges.

There were no developments in the 2007 case of a National Pedagogical Center employee charged with corruption and misappropriation of foreign currency. At year's end the court had not handed down a verdict.

The Higher Institute of Security Forces and Customs is tasked with reinforcing human rights, improving law enforcement, and reducing corruption. There were no public reports of the organization's activities during the year. There is no law that requires public access to government documents upon request.

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

The government actively hindered investigations of human rights abuses by domestic and international NGOs, who had difficulty investigating and publishing their findings, and the government sought to monitor and control the activities of some foreign NGOs within the country.

There were approximately 12 domestic human rights NGOs, although only half were authorized. Some NGOs loyal to the government received government funding. The government met with registered domestic human rights NGOs and on occasion responded to their inquiries; however, it also harassed, targeted, and prosecuted some individuals.

The LTDH traditionally was one of the most active independent advocacy organizations, with 41 branches throughout the country, although the blockage of LTDH activities by the government limited its operational effectiveness (see section 2.b.). The organization received and investigated complaints and protested abuses, yet the government rarely responded to LTDH communiqués. The government continued to block an EU grant to the LTDH, citing a law on NGO financing that includes broad prohibitions on the funding of NGOs without government approval.

Since 1998 the government has refused to authorize the CNLT's registration as an NGO. The CNLT issued statements sharply criticizing the government's human rights practices. Government officials have accused CNLT members of violating the pro forma submission requirements by publishing communiqués without prior government approval.

On July 29, domestic NGO Freedom and Equity, an organization that tracks human rights abuses and political prisoners, announced that authorities had mobilized 66 police officers to follow 11 of its members and surveil their homes and offices.

The government sought to monitor and control the activities of some foreign NGOs within the country. The government arbitrarily denied entry to some international NGO human rights observers and reportedly monitored the activities of those who were allowed into the country.

On January 23, authorities prevented Abdelhamid Amine, secretary general of the Human Rights Coordinating Group for the Maghreb (CMODH), from entering the country. Amine was forced to return to Morocco. Three of the CMODH's member organizations were Tunisian. Amine was planning to introduce the CMODH representatives in the country to the government and the public.

Although the government generally maintained good working relationships with UN agencies and other international bodies, it monitored and controlled their activities.

On November 13, the Euro-Mediterranean Human Rights Network (EMHRN), led by Mark Boulsin, made a trip to Tunisia. The delegation met with prominent members of civil society such as members of the ATFD, Sihem Bensedrine, and independent writer Jalloul Ben Azzouna, who hosted the delegation at his home. The following day, plainclothes police took Ben Azzouna to a police station and interrogated him about the meeting. The MOI also reportedly called the head of the EMHRN delegation to instruct him that the objective of his visit was tourism and not to meet with Tunisian human rights observers and political dissidents.

There were credible reports that police prevented some family members of prisoners from visiting ICRC offices and that they monitored, occasionally harassing, families that visited ICRC offices. The ICRC regularly visited detainees in all facilities under the jurisdiction of the MOJ, as well as pretrial detainees under the jurisdiction of the MOI.

The MOJ has the lead on government policy regarding human rights, although other ministries also had human rights offices. The ministry did not release any public reports of cases or investigations. The HCHR, a government-appointed and -funded body, received, addressed, and occasionally resolved human rights complaints about prison conditions, amnesty requests by families of prisoners, and other issues. The commission published two reports annually; one confidential, submitted directly to the president and not available to the public, and a second, for public distribution. The public report detailed the HCHR's efforts in facilitating prison visits for families and improvements in some detention conditions.

Section 6 Discrimination, Societal Abuse, and Trafficking in Persons

The constitution provides that all citizens are equal before the law, and the government generally respected this provision in practice; however, inheritance and family law, as well as biased gender-based provisions in the civil code, adversely affected women.

Women

The penal code specifically prohibits rape, including spousal rape, and the government enforced the laws vigorously, giving significant press coverage to rape cases. There were no reports of prosecution for spousal rape. The penalty for rape with the use of violence or threat with a weapon is death. For all other rape cases, the penalty is life imprisonment. Cultural factors likely contributed to underreporting of rape, including spousal rape.

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

considered a serious problem. According to the government-sponsored National Union of Tunisian Women (UNFT), which ran a center to assist women and children in difficulty and sponsored national educational campaigns for women, the women's shelter in Tunis received 489 new cases of domestic violence during the year, 218 of which involved physical violence. In addition the shelter had more than 500 ongoing cases from earlier years. The ATFD has provided services for more than 2,000 victims of domestic violence since opening its women's center in 1993. During the year the ATFD received 65 new cases of domestic violence and had 42 cases from 2008.

The penal code prohibits prostitution with penalties of up to two years' imprisonment. Few persons were convicted of violating this law. However, there were government-sanctioned brothels in which the workers reportedly had regular medical exams. There were no penalties for visiting these brothels.

Sexual harassment was a problem, although there were no comprehensive data to measure its extent. Civil society groups criticized the law on harassment as too vague and susceptible to abuse. Victims of sexual harassment are required to file a complaint in criminal court where the allegations are then legally investigated. According to the Criminal Code, the penalty for sexual harassment is one year in prison and a 3,000 dinar (\$2,307) fine.

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. Women had free access to contraception. In collaboration with NGOs, the government maintained its national policy of keeping the national birth rate low through public awareness campaigns. The government also provided essential healthcare for women, including skilled attendance during childbirth and treatment for sexually transmitted infections, including HIV.

Women faced discrimination under the law. Codified civil law is based on the Napoleonic code, although judges often used Shari'a as a basis for customary law in family and inheritance. Most property acquired during marriage, including property acquired solely by the wife, was held in the name of the husband. Married couples may choose between joint or separate property systems when they sign marriage contracts. Customary law based on Shari'a prohibits women from marrying outside their religion. Application of Shari'a inheritance law continued to discriminate against women, and there was a double standard based on gender and religion: non-Muslim women and Muslim men who are married may not inherit from each other. The government considers all children from those marriages to be Muslim and forbids those children from inheriting from their mothers. Female citizens can transmit citizenship to children regardless of the father's citizenship.

The law explicitly requires equal pay for equal work; however, it also allows some female employees in the public sector to work part-time 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, including the ATFD, believed treating women and men differently under the law was a major setback to women's rights.

The government continued support and funding of the UNFT; the Center for Research, Documentation, and Information on Women; and women's professional associations.

Children

Citizenship is derived from a Tunisian father, a Tunisian mother and an unknown father, a Tunisian mother and a father who has no nationality, or from birth in Tunisia to a Tunisian mother and a foreign father.

The government provided free education up to the university level, with mandatory attendance for children up to the age of 16.

Convictions for abandoning or assaulting minors carried severe penalties; however, there were no reported specific incidents of child abuse during the year.

Public media generally did not report on violence and abuse of children. Government social workers provided direct assistance to abused women and children in two shelters operated by a local NGO. The Ministry of Women's Affairs, Family, Children, and Elderly Persons employed a child protection delegate in each of the country's 24 districts to intervene in cases of sexual, economic, or criminal exploitation of children.

There were no public reports of cases of children involved in prostitution for survival without third party involvement. The law mandates a three to five year prison sentence for any party who forces a minor into prostitution and a three year prison sentence for incitement of a minor to vice. The law sets the minimum age for consensual sex at 20 for both sexes. Consent must be given without material remuneration, otherwise it is considered "clandestine prostitution." Parties under the age of 13 are not considered to have the legal capacity to consent. Sex with a party between 13 and 15 is punishable by six years in prison. If the party is older than 15 but less than 20, it is punishable by five years in prison. The law also provides that the marriage of the perpetrator and the victim suspends all criminal proceedings against the perpetrator. The perpetrator may still be criminally liable in the event of a divorce and an official request is made to the authorities to pursue criminal proceedings no later than two years following the divorce.

Trafficking in Persons

Tunisia is a source, destination, and possible transit country for small numbers of men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. Some Tunisian girls are trafficked within the country for domestic servitude. In April a Tunis court convicted and sentenced a Tunisian woman to three years' imprisonment for subjecting a seven-year-old girl to domestic servitude and physical abuse.

The law does not prohibit all forms of trafficking, but traffickers may be prosecuted under laws prohibiting forced labor, forced prostitution, participation in armed conflict, or servitude. The MOI and the Ministry of Social Affairs, Solidarity, and Tunisians Abroad were the agencies responsible for enforcing these efforts. There were no specific government campaigns to prevent trafficking. The government did not have measures to identify trafficking victims from those persons smuggled voluntarily.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/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 persons who have disabilities; however, NGOs reported that this law was not widely enforced, and many employers were unaware of its existence. There was some discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The government increased vocational training programs in handicrafts geared toward persons who have disabilities, with the goal of future employment. As of 1991, all new public buildings must be accessible to persons who have physical disabilities, and this was enforced, but persons with disabilities did not have access to most older buildings. The government issued 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, and it strongly supported NGOs working on behalf of persons with disabilities.

Although there is still a social stigma associated with mental illness, at a societal level several active NGOs provided educational, vocational, and recreational assistance to children and young adults with mental disabilities. The government and international organizations funded several programs. The Ministry of Social Affairs, Solidarity, and Tunisians Abroad were charged with protecting the rights of persons with disabilities.

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

Homosexuality is illegal and the penal code (article 230) criminalizes homosexuality with sentences up to three years in prison. There was anecdotal evidence that gay persons faced discrimination, including allegations that police officers sometimes brutalized openly gay persons and accused them of being the source of AIDS.

Other Societal Violence or Discrimination

There was anecdotal evidence that people with HIV/AIDS faced some forms of discrimination. While there were NGOs to assist persons living with HIV, they faced discrimination in the quality of, and access to, medical care.

Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to organize and form unions, but this right was not always respected in practice. The UGTT was the country's only labor federation and claimed approximately 14 percent of the workforce as members, including civil servants and employees of state-owned enterprises. Union contracts covered a considerably larger proportion of the workforce than union membership. A court order is the only means to dissolve a union.

The UGTT and its member unions were legally independent of the government and the ruling party and had the right to decide union leadership; however, they operated under regulations that limited their freedom of action, and union leaders who worked in government-owned companies were often harassed, threatened, and punished. The UGTT included persons associated with all political tendencies. UGTT funding came from modest union dues, revenue from an insurance company, and a percentage of annual contributions to the National Social Security Fund. The government provided the UGTT with land and construction support for its new headquarters. Central UGTT leadership generally cooperated with the government's economic reform program. During the year the UGTT again refused to submit a list of candidates for 14 UGTT-designated seats for elections to the newly created Chamber of Advisors, citing a lack of independence and democracy in the selection process and an unfair distribution of seats. The UGTT supported the LTDH and agreed to let LTDH regional chapters use UGTT facilities for conferences and meetings.

Unions, including those representing civil servants, have the right to strike, provided they give 10 days' advance notice to the UGTT and it grants approval. The decision to approve or deny is on a case-by-case basis. The International Trade Union Conference characterized the requirement for prior UGTT approval of strikes as a violation of worker rights, but unions rarely sought advance approval in practice. The law prohibited retribution against strikers, and the government generally respected this provision. Conciliation panels, in which labor and management were represented equally, settled labor disputes. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails. Members from the Ministry of Social Affairs, the UGTT, and the Tunisian Association for Industry, Commerce and Handicraft composed the commissions.

b. The Right to Organize and Bargain Collectively

The law protects the right to organize and bargain collectively, and the government protected this right in practice. The government reported that during the year collective bargaining agreements covered over 45 percent, or 1.5 million, of the 3.3 million-person workforce. UGTT member unions, the government, and employers set wages and working conditions in triennial negotiations, while the government and employers represent the interests of workers not affiliated with the UGTT. Numerous collective bargaining agreements set standards for industries in the private sector and covered 80 percent of the private sector.

The law prohibits antiunion discrimination by employers, although the UGTT claimed that there was antiunion activity among private sector employers, such as firing union activists and using temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers accounted for a strong majority of the workforce. The labor code protects temporary workers, but enforcement was more difficult than for permanent workers. A committee chaired by an officer from the Labor Division of the Office of the Inspector General approved all worker dismissals. The committee was composed of representatives from the Ministry of Social Affairs, Solidarity, and Tunisians Abroad, the UGTT, and the company dismissing the worker. Legally, workers have the right to reinstatement, but in practice this was not enforced.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor. Some girls were trafficked within the country for domestic servitude, although the government did not report that such practices occurred. A 2008 survey of 130 domestic workers in the greater Tunis region, conducted by a professor at the University of Tunis, found that 52 percent were younger than 16; 23 percent claimed to be victims of physical violence, and 11 percent claimed to be victims of sexual violence. The majority received salaries below the minimum wage, and 99 percent indicated they had no work contracts. These conditions are indicators of possible forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children younger than 18 in jobs that present serious threats to their health, security, and morality, and the UGTT and the National Social Security Fund conducted inspection tours of factories and industrial sites to ensure compliance.

The law generally prohibits the employment of children younger than 16, the age for completing educational requirements, and inspectors of the Ministry of Social Affairs, Solidarity, and Tunisians Abroad examined the records of employees to verify that employers complied with the minimum-age law. There were no reports of sanctions against offending employers.

The minimum age for light work in the nonindustrial and agricultural sectors during nonschool hours was 13 years. 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 years 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. Nonetheless, young children sometimes performed agricultural work in rural areas and worked as vendors in towns, primarily during the summer school vacation. Child labor also existed in the informal sector as apprenticeship, particularly in the handicraft industry. Older girls worked as domestic servants. The penal code prescribes 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor and one-to-two years' imprisonment for forced child begging.

The Department of Labor's 2008 findings on the Worst Forms of Child Labor reported children working as mechanics in small shops and selling products to tourists. The law mandates a three- to five-year prison sentence for any party who forces a minor into prostitution and a three-year prison sentence for incitement of a minor to vice.

On June 2, a Tunis court convicted and sentenced a woman to three years' imprisonment under Article 218 of the penal code (violence with premeditation) for subjecting to domestic servitude and physically abusing a seven-year-old girl.

e. Acceptable Conditions of Work

The labor code provides for a range of administratively determined minimum wages. On August 3, the government raised the industrial minimum wage to 261 dinars (\$201) per month for a 48-hour workweek and to 225 dinars (\$173) per month for a 40-hour workweek. The agricultural daily minimum wage was eight dinars (\$6) per day. With the addition of transportation and family allowances, the minimum wage provided a decent standard of living for a worker and family, although that income was only enough to cover essential costs. More than 500,000 workers were employed in the informal sector, which labor laws did not cover.

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 often had difficulty enforcing the minimum wage law, particularly in nonunionized sectors of the economy. The labor code sets a standard 48-hour workweek for most sectors; requires one 24-hour rest period per week and 125 percent premium pay for overtime; and prohibits excessive compulsory overtime, although this prohibition is not always enforced.

Special government regulations regulated employment in hazardous occupations such as mining, petroleum engineering, and construction. The Ministry of Social Affairs, Solidarity, and Tunisians Abroad had responsibility for enforcing health and safety standards in the workplace. 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. 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.