



2008 Human Rights Practices: Tunisia

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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. The international community generally did not consider the 2004 presidential election to be free and fair. President Ben Ali ran against three opposition candidates and was declared the winner with approximately 94 percent of the popular vote. In concurrent elections for the Chamber of Deputies, the RCD won 152 of the 189 seats. During the year the indirect elections for some members of the Chamber of Advisors, the upper house of parliament, resulted in a heavily pro-RCD body. The 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. The government infringed on citizens' privacy rights and continued to impose severe restrictions on freedoms of speech, press, assembly, and association. 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 by human rights and opposition activists. Media freedom was severely restricted during the year and 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

The government or its agents did not commit any politically motivated killings; however, security forces killed demonstrators during the year.

On May 6, according to domestic NGOs, protestor Hichem Alaimi was fatally electrocuted at a power station in Redeyef when local officials proceeded to restore power to the station, although Alaimi and others refused to let go of the cables after alleged warnings by officials that power would be restored. Protestors had temporarily shut down the generator during a sit-in protesting unemployment. Two other protestors were non-fatally electrocuted.

On June 6, security forces shot and killed Hafnaoui Al-Maghzaoui during an unemployment protest in Redeyef. Security forces also shot Abdelkhalak Amaid, who died on September 13 due to complications resulting from the wound. Government officials claimed that protestors threw Molotov cocktails at security forces, prompting them to open fire; however, local civil society leaders maintained that the protest was peaceful and that security forces began firing without warning. At year's end there was an investigation into the circumstances of the shootings, but no charges had been filed.

There were no developments in the 2006 case of Tarek Ayari, allegedly killed by Bechir Rahali, a Tunis police chief, who hit the victim on the head with the handle of a pickaxe.

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. Reported abuses 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 threatened and actual 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 often 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 a complaint, a prerequisite for an investigation. However, according to defense attorneys and local and international human rights groups, police routinely refused to register complaints. In addition, judges 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 of affected prisoners.

Consistent with an effort to extract information or coerce confessions, reports of torture were more frequently associated with the initial phases of interrogation/investigation and in pretrial detention centers more than prisons. Human rights activists, citing prisoner accounts, identified facilities at the Ministry of Interior (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.

Defense attorneys for protestors arrested during the January to June unemployment protests in the southwestern region of Tunisia allege that their clients were tortured while in police custody but have not been able to obtain court-ordered medical exams to prove their charges.

According to local NGO, Freedom and Equity, Gafsa prison guards raped Wahid Brahmi, sentenced to two years and four months in prison on charges of spreading false information, during his incarceration beginning on February 12. The guards threatened reprisals if Brahmi told his family what happened to him. Brahmi made several complaints to the head of the prison, but his complaints were dismissed, and authorities transferred him to Mornaguia Prison. At year's end Brahmi remained in prison.

On July 25, security forces arrested Zakia Dhifaoui, a teacher, journalist, and member of the opposition Democratic Forum for Freedom and Labor (FDTL), after she took part in a demonstration in Redeyef. On September 15, a court sentenced her to four-and-a-half months in prison on charges of participating in an illegal demonstration. During her trial, Dhifaoui told the judge she was harassed by security officials. Authorities granted her early release on November 4, and upon her release, Dhifaoui told the international press that she had been raped by prison officials while incarcerated.

On January 16, the Tunis Court of First Instance acquitted and released Oualid Layouni after he had been detained at Mornaguia Prison since January 2007. There was no investigation of his allegations that officials hit him on the head and body, confined him to a small space without natural light or aeration, and subjected him to sleep deprivation.

On May 23, the Court of Cassation confirmed the convictions on terrorism charges of Ramzi el Aifi, Ousama Abbadi, and Mahdi Ben Elhaj Ali, sentenced to life, 30 years, and eight years in prison, respectively. There was no investigation into the men's November 2007 allegations of torture, including Aifi's claim that officials inserted a stick into his anus, and the men remained in prison at year's end.

There were no developments in the December 2007 case of 30 citizens who alleged torture by security forces, or the 2006 case of Aymen Ben Belgacem Dridi who reported that security forces beat, kicked, and subjected him to falka (beatings on the soles of the feet) in the Borj er-Roumi prison.

On May 23, the Court of Cassation upheld Mohamed Amine Jaziri's 30-year sentence. He was arrested in 2006 on terrorism-related charges. From 2006 to January 2007 authorities reportedly blindfolded, bound, and beat him with electric cables. At year's end he remained in prison, and there had been no public investigation of his allegations.

Police assaulted human rights and opposition activists throughout the year.

On February 18, according to the Committee for the Respect of Freedom and Human Rights in Tunisia (CRLDHT), security forces assaulted CRLDHT secretary general Fatma Ksila and Tunisian Association for Combating Terrorism (ATLT) member Samia Abbou and prevented them from meeting with torture victims' families. The officers allegedly hit Ksila and Abbou repeatedly, abused them verbally, and confiscated their cash, a camera, and a tape recorder.

On April 17, security forces assaulted a member of the opposition Progressive Democratic Party (PDP) while she was selling copies of the PDP's Arabic weekly in central Tunis.

On June 18, according to an Agence France-Presse report, four security officers attacked and kicked Hamma Hammami, a member of an unregistered political party, in front of his nine-year-old daughter as he was leaving his home.

There were no developments in the June 2007 case of regional union leader Khaled Barhoumi, reportedly attacked by police during a protest; the August 2007 case of Aymen Rezgui, assaulted by police as he was leaving a PDP press conference; or the 2006 case of lawyers Ayachi Hammami, Abderraouf Ayadi, and Abderrazak Kilani, reportedly assaulted while they were staging a three-week sit-in to protest a new law creating a government-controlled training institute for lawyers.

Prison and Detention Center Conditions

Prison conditions generally did not meet international standards. Overcrowding and limited medical care posed a significant threat 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 permits the International Committee of the Red Cross (ICRC) access to prisons, but not 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 up to 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 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. Additional discriminatory and arbitrary measures such as restrictions on family visits worsened the conditions for detainees, particularly when prisoners sought redress for grievances about treatment and conditions.

According to domestic and international human rights organizations, from April to May, Sfax prison officials denied journalist Slim Boukhdhir access to a shower for six weeks. As a result, he developed scabies, and for a time prison officials withheld medication. In addition, on May 27, an inmate threatened to stab Boukhdhir, and guards near his cell did not respond to his repeated calls for help.

According to international NGOs, on November 11, prison officials at Mornaguia Prison refused to give former prisoner Ridha Boukadi, who suffered from kidney problems, his medical file. President Ben Ali granted Boukadi conditional release on November 4 after more than a decade in prison.

On April 5 and April 20, security forces allegedly beat Adnan Hajji, and also extinguished lit cigarettes on his skin. On December 11, a court in Gafsa sentenced Hajji to ten years in prison on charges of forming a criminal group with the intent of destroying public and private property, leading an armed rebellion, and assault on officials during the exercise of their duties.

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 and Local Development instead of Ministry of Justice (MOJ) officials. Other inmates were instructed to stay away from political prisoners and were punished severely for making contact with them. In addition, Human Rights Watch (HRW) reported that the government continued to keep some political prisoners, most of whom were outlawed Islamist party An-Nahdha leaders in small-group isolation; however, the government released the remaining ah-Nahdha prisoners on November 4. Former An-Nahdha President Sadok Chourou, one of those released on November 4, was subsequently rearrested on December 3, shortly after giving an interview to the London-based satellite television station Al-Hiwar. He was sentenced to one year in prison for membership in an unauthorized organization on December 13.

According to prisoner and detainee testimony, prison conditions for women were generally better than those for men. On July 23, 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 are 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 separate.

The ICRC continued to visit detainees in prisons and detention facilities in the country. Per ICRC standard modalities, its observations and recommendations were shared on a confidential and bilateral basis with the authorities. The government did not permit media to inspect or monitor prison conditions.

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 within 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 considers to be 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 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 and prison guards.

Arrest and Detention

The law provides that the 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 up to six days prior to arraignment, during which time the government may hold suspects incommunicado. This requirement, however, was not always observed. For example, a 2007 National Council for Freedom and Labor (CNLT) report documented 24 cases in which the six-day pre-arraignment detention reportedly was exceeded. Arresting officers are required to 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 those rules were sometimes ignored. Detainees were allowed access to family members when they were not being held incommunicado, 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 the pre-arraignment detention. Attorneys, human rights monitors, and former detainees maintained that authorities illegally extended detainment by falsifying arrest dates. Police reportedly extorted money from families of innocent detainees in exchange for dropping charges against them.

The law permits the release of accused persons on bail, and detainees have the right to be represented 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 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 by an additional three months only. 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 June 25, according to Amnesty International (AI), police arrested Zied Fakraoui but failed to notify his family of his whereabouts until July 2 when local government officials told Fakraoui's lawyers that he had been brought before an investigating magistrate without the presence of counsel. At year's end Fakraoui was believed to still be in custody.

On August 27, police arrested International Association for the Support of Political Prisoners (AISPP) member Tarek

Soussi shortly after his interview with Al-Jazeera regarding several recent arrests. He was charged with spreading false news likely to disturb public order. 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. Soussi was released on September 25, following a ruling by the Bizerte Court of Appeals. At year's end no court date had been set.

There were no developments in the May 2007 case of founding AISPP member Lassaad Jouhri, reportedly detained by police for approximately 12 hours and questioned on his plans to accompany international NGOs Human Rights First (HRF) and Frontline to El Kef prison.

According to international and domestic human rights organizations, police arrested individuals (more than one thousand since late 2006) following security operations to disrupt an armed cell that was plotting to carry out 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 ill-treatment. Although 30 suspects charged with plotting against state security were convicted, the total number of those in pretrial detention is unknown.

Amnesty

The government did not grant amnesty during the year; however, judges sometimes exercised their authority to release prisoners or suspend their sentences in favor of conditional parole.

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 political cases. The executive branch exercised indirect authority over the judiciary through the appointment, assignment, tenure, and transfer of judges, rendering the system susceptible to pressure. The president headed the Supreme Council of Judges, composed primarily of presidential appointees.

The law provides citizens legal recourse to an administrative tribunal to address grievances against government ministries, although officials rarely respected the tribunal's nonbinding decisions. 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.

The training institute for lawyers that President Ben Ali signed into law in 2006 became operational in October. Once it was granted a management role, the Tunisian Bar Association no longer opposed the creation of the institute; previously it argued that the institute would undermine judicial independence by giving the government control of those admitted to the bar.

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 the 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. Defendants may appeal the military tribunal's verdict to the civilian Supreme Court. In 2007, according to AI, the military courts sentenced at least 15 civilians to up to 10 years' imprisonment.

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

Trial Procedures

The law extends the same trial procedure rights to 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.

Trials in the regular courts of first instance and in the courts of appeal are open to the public. By law the accused has the right to be present at trial, to be represented by counsel (provided at public expense for the indigent), and to question witnesses; 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.

The law provides that defendants are presumed innocent until proven guilty; however, that presumption was sometimes ignored in practice, especially in politically sensitive cases. Defendants may request a different judge if they believe the assigned one is not impartial; however, judges are not required to recuse themselves. Juries are not used.

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 that held by the government, 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 observers of 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 approximately 2,000 persons 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.

All remaining An-Nahdha leaders in prison were pardoned, however one was subsequently re-arrested soon after his release.

Former political prisoners stated that upon their release, officials failed to give them their identification cards, marked their identification cards in a specific way, or denied them the certificate attesting that they had served their sentences and were permitted to work. They also reported being closely monitored by both uniformed and plainclothes police.

The ICRC and the HCHR had access to political prisoners in Ministry of Justice-controlled prisons and detention facilities.

Civil Judicial Procedures and Remedies

While a court system existed through which a human rights complaint could be made, 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 at the Presidency or the Administrative Court under the Prime Ministry. However, decisions taken by these institutions were not binding and were often ignored by other government departments and agencies.

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 considered state security to be involved. 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 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 the recipients. Security forces routinely monitored the activities, telephone, and Internet exchanges of opposition, Islamist, and human rights activists, as well as journalists, and placed some under surveillance.

Human rights activists claimed that 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. For example, during the week of April 13, according to RWB, two security officers threatened the family of journalist Taoufik Ben Brik.

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 found it hard to get 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 press freedom and severely intimidated journalists, editors, and publishers into practicing self-censorship. Security forces closely monitored both foreign and domestic press 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 up to a 25,000 dinar (approximately \$20,833) fine per offense. Security forces often questioned citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists. The government also attempted to prevent private meetings with foreign diplomats and to influence public meetings by surrounding meeting places with scores of plainclothes policemen.

On January 14, police arrested comedian Hedi Ouled Baballah for alleged possession of cannabis and counterfeiting, shortly after he performed a satirical comedy sketch about President Ben Ali. Baballah denied the charges against him and domestic and international NGOs alleged that he was framed, noting that in March 2007, after he performed a similar sketch, police arrested, beat, and detained him in Bouchoucha detention center for several days. On February 4, a court sentenced him to one year in prison and a 1,000 dinar (approximately \$833) fine for "possession of a category B drug;" however, on March 20, President Ben Ali granted Baballah an early release.

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 valid 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 newspaper-magazine Kalima without a license, but it was accessible only from outside the country. On April 26, the CNLT made its fifth attempt to register Kalima, but government officials refused to acknowledge their application had been received. International human rights NGOs alleged that the government refused registration of Kalima due to its commentary critical of the government. On October 8, the Kalima Web site was hacked and its archives destroyed. Previously, in May 2007 between 30 and 60 plainclothes policemen reportedly blocked the entrance to Kalima's offices for more than six weeks, beginning shortly after Kalima's representatives met with members of international NGOs Frontline International and HRF.

On November 13, the assistant general prosecutor summoned the secretary general of the opposition FDTL to answer questions about an October 22 editorial in FDTL's Arabic weekly Mouatinoun. The editorial accused government officials of ordering the destruction of Kalima's Web site. Government officials also removed the Mouatinoun edition in question from newsstands.

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, two were owned by the ruling party, 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 providing government financing to papers representing opposition parties with seats in parliament.

Broadcast media are controlled by the granting or denial of a frequency by the Tunisian Frequencies Agency, a part of the Ministry of Communications Technologies. These licenses, or acceptance of the application, are tightly restricted.

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

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

As a result of his coverage of the January to June unemployment protests in southwestern Tunisia for the private television station al-Hiwar Attounsi, journalist Fahem Boukadous was sentenced on December 11 in absentia to six years in prison on charges of disseminating information that might disturb public order and belonging to a criminal organization.

On March 3, security forces assaulted human rights journalist Sihem Bensedrine and her husband Omar Mestiri, both members of the CNLT, upon their arrival at the port of La Goulette. They were held for six hours, and Bensedrine's arm was injured in the assault. Plainclothes officers confiscated several documents, which were not returned. On August 19, according to RWB, security officers prevented Bensedrine from boarding a flight to Europe. According to the International Freedom of Expression Exchange (IFEX), the officers were physically and verbally abusive and pushed her to the floor. At year's end there was no known investigation into the allegations.

On July 4, former PDP Secretary General Nejib Chebbi was questioned on charges relating to defamation of the judicial system. The charges stem from an editorial in the May 9 edition of the PDP's Arabic weekly al-Mowqif. At year's end the case was ongoing.

On June 6, according to RWB, security forces detained Mouwatinoun reporter Hédi Raddaoui for 36 hours after he attempted to photograph demonstrators injured by security forces during a protest in the mining town of Redeyef.

On November 24, police arrested reporter Fatine Al-Hamdi in Tunis, reportedly hitting her with a baton and dragging her by the hair. Police detained and interrogated her for four hours at the Sidi Bachir police station, reportedly in connection with her employer, the unregistered Internet radio station called Radio Kalima.

There were no developments in the March 2007 case of journalist and press freedom advocate Mohamed Fourati, sentenced in absentia to 14 months in prison for membership in the unauthorized An-Nahdha party. Fourati previously helped edit the opposition newspaper al-Mowqif and authored several articles critical of the government.

There were no developments in the April, June, or September 2007 incidents in which police reportedly assaulted journalists Lotfi Hajji and Aymen Rezki and forcibly prevented Hajji from entering PDP offices.

In June 2007 authorities added 26 months to the internal exile of journalist Abdullah Zouari, who once worked for Al-Fajr, the weekly newspaper of the An-Nahdha party. Zouari has remained under administrative control and in

internal exile since 2004. According to RWB, no explanation was given for the extension, which continued at year's end.

On July 21, authorities granted an early release from prison to journalist Slim Boukhdhir, sentenced in December 2007 to one year in prison for "aggression against a public employee," "violation of public morality standards," and "refusal to present identity papers to police." However, on September 20, according to RWB, plainclothes police officers abducted, detained, and threatened Boukhdhir for several hours. Boukhdhir told the Committee to Protect Journalists (CPJ) that he believed the incident was prompted by his recent article urging President Ben Ali to loosen the government's hold on civil society. The government reportedly continued to refuse Boukhdhir a press card.

On December 11, a court sentenced journalist Fahem Boukadous in absentia to six years in prison on charges of disseminating information that might disturb public order and belonging to a criminal organization. In November 2007 authorities arrested Boukadous and a colleague working for the private television station al-Hiwar, where they were covering a labor union meeting.

There were no developments in the 2006 case of opposition political leader Moncef Marzouki, charged with "threatening to disturb the public order" following appearances on Al-Jazeera in which he criticized the government and called for civil disobedience. Marzouki departed the country before his case was heard by the court.

The law prohibits censorship of local newspapers, magazines, and books; however, the government continued to censor international media. For example, it banned the October 30 issue of French weekly L'Express Internationale. The edition carried six articles on Islam and Christianity. Furthermore, self-censorship and obvious government interference continued.

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 the March 14, March 21, and April 4 editions of the opposition weekly al-Mowqif, which carried articles on possible increases in the state-controlled prices of semolina and bread, governmental corruption, and the possibility of unsafe cooking oil on the domestic market, respectively.

According to many journalists and non-journalist 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 their own journalists were present. The Tunisian Agency for External Communications enforced these informal censorship mechanisms by favoring certain publications for placement of government advertising. In addition, private companies were unwilling to advertise in newspapers no longer receiving government advertisements to avoid the appearance of siding with a media organization being punished by the government.

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

The law stipulates that the publication, introduction, and circulation of foreign works may be restricted. The MOI required book fair publishing representatives to deposit publication titles in advance; it rejected many titles from the display list for the April 25-May 4 book fair. Authorities also restricted the timely purchase of foreign publications that included articles deemed critical of the country or that the government determined could prompt a security threat.

Internet Freedom

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." However, the government blocked access to a wide variety of Internet sites during the year. There were also reports that the government monitored Internet usage and communications.

According to the 2007 OpenNet Initiative (ONI) country profile, there were approximately one million Internet users in the country.

In June the government unblocked the Web sites of HRW and AI. From August 18 to September 1, the government blocked Facebook but unblocked it after President Ben Ali intervened. However, the government blocked nearly all sites belonging to domestic human rights, opposition, and Islamist groups, including discussion sites. Opposition news sites and Internet discussion sites were periodically blocked throughout the year. Some foreign Web sites remained blocked at year's end, including RWB's site and YouTube. According to RWB, the Journaliste Tunisien blog was blocked on October 23, one day after it posted RWB's 2008 Press Freedom Index.

The 2007 ONI report indicated that the government pervasively blocked Web sites of political opposition groups, opposition news, human rights groups, and some sites allegedly critical of the Koran and Islam. According to ONI, the government used a commercial software program loaded onto government-controlled servers to block sites consistently on the country's 12 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 that 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, monthly, a 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 any 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 to government approval before publication, and university libraries did not purchase foreign books or subscribe to foreign magazines deemed critical of the government. Close government control over academic research funds prevented university administrators from authorizing or applying for grants on research topics that 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, submitting conference topics and invitee lists.

A planned conference at a cultural center was cancelled by security forces.

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 before 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 to prevent them from renting space. 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), whether in its headquarters in Tunis or in regional offices. On January 7 and 8, police reportedly blocked LTDH meetings organized by its steering committee. On June 13, security forces prevented LTDH members from the La Marsa, La Goulette, Ariana, and Le Kram chapters from entering the LTDH headquarters. On December 10, the LTDH attempted to host a reception in honor of the 60th anniversary of the signing of the Universal Declaration of Human Rights (International Human Rights Day); however, security forces allowed only members of the LTDH Executive Bureau to enter the LTDH headquarters and turned all other invitees, both citizens and foreign diplomats, away.

On July 23, the opposition at-Tajdid party attempted to hold a meeting on the unemployment protests in Redeyef and Gafsa. Security forces prevented guests from accessing the conference room, though a few were ultimately allowed access.

On September 20, according to the online magazine Kalima, the FDTL planned to hold a conference regarding elections and the role of the opposition parties. That afternoon, before the conference was scheduled to begin at a private hotel, the hotel owner faxed the FDTL to inform them that he would be unable to accommodate them, citing ongoing construction. An FDTL member asserted that the government pressured hotel management to cancel the reservation to prevent the FDTL from holding the planned event.

In June 2007 police reportedly blocked the Kairouan regional chapter of the LTDH from accessing the Union Générale Tunisienne du Travail (UGTT) regional office, where the LTDH hoped to commemorate its 30th anniversary; in November 2007 police reportedly blocked a LTDH meeting organized by members of its steering committee; and in August 2007 the government allegedly pressured hotel management to cancel the PDP's reservation for a summer youth program.

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 demonstrators' attempts to cross police lines barring access to a demonstration site or demonstrators not dispersing when ordered by police.

Between January and June there were multiple protests in the southwestern mining town of Redeyef. The government reportedly used violence to break up several unauthorized demonstrations held to protest high levels of unemployment and the cost of living and in support of those arrested or detained during prior protests.

Government statements maintained that protestors attacked security forces, who then responded. According to domestic NGOs, however, the protests were peaceful, and the aggressive police response in each case was unprovoked, leaving several people injured.

In 2006 the government refused to allow several demonstrations to take place. Opposition groups, human rights NGOs, the Tunisian labor union, and students petitioned for permission for multiple demonstrations to protest Israeli actions in Lebanon. Police in Sfax, Gabes, and Kairouan reportedly used violence in breaking up unauthorized demonstrations held in protest against the conflict between Israel and Lebanon in 2006. Also, in 2006, on World Press Freedom Day, plainclothes policemen blocked a planned demonstration supporting press freedom.

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 NGOs could be shut down, their property seized, and their members prosecuted for "membership in an illegal organization." Several protestors in Gafsa were arrested or prosecuted on this charge after they participated in a demonstration against governmental corruption and unemployment.

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. In February 2007 a court again ruled that the LTDH could not hold its national congress because of a suit filed by seven members of the LTDH allegedly loyal to the RCD.

In 2006 the government appointed new leaders of the Association of Tunisian Judges (AMT). They implemented measures reducing the number of members serving on the executive board and excluding regional members. The prior leadership was evicted by the government in 2005.

c. Freedom of Religion

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

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

The government recognizes 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 paid 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 governmental, social and economic programs during prayer times in mosques.

The government required Islamic religious education in public schools. The religious curriculum for secondary school students also included histories of Judaism and Christianity. The government also 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.

While 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 non-Muslim men to convert to Islam before marrying a Muslim woman. The government did not allow married 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, the government did not renew the visas of suspected missionaries. As in the past year there were no reports of official action against persons suspected of proselytizing.

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. Some Christians reported government harassment in the form of surveillance and interrogation.

The government subjected religious publications to the same restrictions on freedom of speech and the press 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 hijabs on women or beards on 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 hijab.

In September, according to domestic NGOs, the head of the Superior Institute of Technology Studies in Sidi Bouzid asked female students to sign statements promising they would not wear the hijab and acknowledging that they understood they would be expelled from the university if they were found wearing the hijab.

During a 2006 meeting of the government-loyal NGO, National Union of Tunisian Women (UNFT), senior UNFT officials demanded that all women in the audience remove their veils, on occasion tugging at their veils and verbally abusing them.

There were no developments in the 2006 case of Abdelhamid Sghaier, fined for demonstrating for the right of female students at a Tunis university to wear the hijab.

Police also reportedly detained and harassed men with what were termed "Islamic" beards, forcing them to shave at a police station or threatening them with arrest unless they returned home immediately to shave. These reports increased in frequency after security operations against alleged Islamist terrorists in 2006 and 2007. According to international NGOs and domestic human rights organizations, following these security operations, police arrested more than one thousand young men on terrorism charges. Human rights groups asserted that some of these

arrests may have been targeted at some individuals because of their Islamic appearance, frequent attendance at mosques, or other actions related to their practice of Islam.

There were no reports during the year that any Christians' passport renewals were delayed as they had been in previous years.

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 discrimination 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.

In 2006 approximately 100 students at Manouba University near Tunis reportedly shouted anti-Jewish slogans during a ceremony to mark a donation from the late Tunisian Jewish historian Paul Sebag.

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 2008 International Religious Freedom Report at www.state.gov/g/drl/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, and the government generally respected these rights in practice; however, it refused to issue, renew, amend, or accept passports of some dissidents, Islamists, and their relatives. The government also may impose a five-year period of "administrative control" at sentencing on certain former prisoners that constituted a type of internal exile. The government generally cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, asylum seekers, and other persons of concern; however, it did not provide protection for such persons; it did not permit the UNHCR access to detention centers; and it had not officially accredited the UNHCR.

The law authorizes the courts to cancel passports and contains broad provisions that both permit passport seizure on national security grounds and deny citizens the right to present their case against seizure or to appeal the judges' decision. The MOI is required to submit to the courts requests to seize or withhold a citizen's passport through the public prosecutor; 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. Former An-Nahdha leader Mohamed Sedki Labidi has been deprived of his passport for the last 13 years without a court decision.

On December 10, according to international NGOs, authorities detained human rights lawyer Mohamed Abbou and journalist Lotfi Hidouri at the Tunis airport while they were en route to the Independent Arab Press Forum in Beirut. Authorities told Abbou, who was imprisoned for more than two years for defaming the judicial system and assault, that he needed to provide documentation proving he was no longer subject to parole restrictions. It was the fifth

time since his release that Abbou was prevented from traveling abroad. Police arrested Hidouri at the airport on charges of not paying a 2002 fine and took him to Bouchacha Detention Center. Hidouri was freed on December 11, after providing proof that the fine had already been paid.

According to the constitution, no citizen can be exiled from the country nor prevented from returning; however, the government used administrative control measures 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 those individuals to stay "in the area of their residence," which is determined by the government and may be anywhere in the country. They also may be required to report to a police station frequently each day 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 punishment.

By law administrative control measures may only be imposed at sentencing; however, a former high school teacher, Nouri Chniti, claimed that, although his sentence did not include administrative control, he has been subject to extrajudicial administrative control measures since 1991 when he received a suspended sentence for membership in An-Nahdha. Some political opponents in self-imposed exile abroad were prevented from obtaining or renewing their passports to return to the country.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government has not established a system for providing protection to refugees or other persons of concern. In practice the government did not provide protection against the expulsion or return of persons to countries where their lives or freedom would be threatened.

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

There were significant limitations on citizens' right to change their government. 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 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 2004 national elections, President Ben Ali faced three candidates and officially received 94.9 percent of the popular vote to secure a fourth term. Ben Ali has ruled since 1987. The third opposition candidate, Mohamed Halouani of the at-Tajdid party, cited government restrictions and other irregularities to explain why he received less than one percent of the official vote count. According to official election returns, more than 90 percent of registered voters went to the polls; however, independent NGOs estimated that the actual turnout was closer to 30 percent.

Irregularities characterized the polling. A coalition of three local independent NGOs--the LTDH, CNLT, and 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.

On July 28, the president approved of a law requiring presidential candidates to be elected heads of political parties

who had held that position for at least two years.

In 2008 the government conducted elections for half of the 126 seats in the Chamber of Advisors, a second parliamentary chamber created in 2002. The voters consisted of 4,555 officials, including municipal counselors, mayors, and the 189 members of the Chamber of Deputies. Only 305 of the 4,555 voters belonged to opposition parties. The law specifies that seats must be allocated among various regional and professional organizations, including 14 seats for the UGTT, which refused to name candidates, citing a lack of independence and democracy in the candidate selection process. The president directly appointed 20 candidates. The majority of elected members of the chamber were members or supporters of the ruling RCD party.

The president appoints the prime minister, the cabinet, and the 24 governors. The government and the party are closely integrated; current and former senior government officials constitute the top ranks of the RCD. The president of the country is also the president of the party, and the party's vice president and secretary general each 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 much 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 (47 of 189) for the seven officially recognized opposition parties and distributes them on a proportional basis to those parties that won at least one directly elected district seat. In the 2004 elections, five of the opposition parties gained seats under that provision. The RCD holds the remaining 152 seats.

In 2006 authorities authorized the establishment of the Green Party for Progress (PVP), the first new political party created since 2002. The government refused to recognize an environmental political party, Green Tunisia Party, despite its long-pending application.

The government partially funded legal opposition parties. The government raised the public subsidy for operational costs of opposition parties represented in parliament to 270,000 dinars per party (approximately \$225,000) per year. Opposition parties represented in the chamber who publish newspapers received additional funding.

By law the government prohibits the establishment of political parties on the basis of religion, language, race, or gender.

There were 60 women in the 301-seat legislature, one woman in the 29-seat cabinet, and five women among the 15 secretaries of state (regarded as junior cabinet members). Following municipal elections in 2005, more than one-fourth of municipal council members elected were women. Three women served as presidents of chambers on the Supreme Court, and two women served on the 15-member Higher Council of the Magistracy.

Government Corruption and 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.

On February 7, a National Guard officer reportedly stopped a journalist for a traffic violation and asked for a bribe.

In May 2007 a Tunis court sentenced two civil service employees involved in a corruption case to four years in

prison. One of the employees, a Tunis airport employee, received 1,500 dinars (approximately \$1,234) for helping the other employee travel from Tunis to Marseilles with a false passport.

In November 2007 police arrested an employee of the state-owned National Pedagogical Center on charges of corruption and misappropriation of foreign currency. At year's end the Court of Tunis had not handed down a verdict.

The Higher Institute of Security Forces and Customs is tasked not only with "reinforcing human rights and improving law enforcement" but also reducing corruption. There were no public reports of the organization's activities during the year. No laws to provide government documents to citizens exist. Public officials are not subject to financial disclosure laws.

Section 4 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 groups, who had difficulty investigating and publishing their findings, and it 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.

Citing a court ruling that stated that the LTDH could not hold its National Congress, the government blocked its meetings and events throughout the year. 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. The organization received and investigated complaints and protested abuses, although 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 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 April 20 and 21, domestic NGO Freedom and Equity, an organization that tracks human rights abuses and political prisoners, announced that security forces had surrounded the home and law offices of its president, Mohamed Nouri. According to the statement, security forces prevented Freedom and Equity members from meeting and also stopped Nouri's legal clients from entering the building. On July 18, Freedom and Equity alleged that the government had cut off its Internet connection, stating that it considered this to be part of a pattern of government interference designed to isolate civil society organizations in the country.

In June 2007 police reportedly questioned the president of AI's Tunisian chapter about the launch of a coalition against the death penalty, which had been announced the day before. The police reportedly characterized the effort as "illegal."

In December 2007 police reportedly detained AISPP cofounder and steering committee member Samir Ben Amor.

According to HRW, before his release, police told him to cease his activities with the AISPP. The government has refused to register the association since its creation in 2002.

In 2006 the International Freedom of Expression Exchange–Tunisia Monitoring Group (IFEX-TMG), a coalition of international human rights and freedom of expression NGOs, conducted fact-finding missions. The IFEX-TMG reported heavy police surveillance of their activities and government interference with their mission. Police prevented translators and private citizens traveling with the group from attending some meetings.

In 2006 authorities arrested and expelled Yves Steiner, a visiting member of the Executive Committee of the Swiss chapter of AI. According to AI, Steiner had delivered a speech to members of AI's local chapter in which he condemned growing human rights abuses in the country, notably restrictions on freedom of expression and freedom of association. According to international media, a government source said that Steiner had posed a threat to public order.

There were credible reports that police prevented some family members of prisoners from visiting ICRC offices and monitored, occasionally harassing, families that visited ICRC offices.

The Ministry of Justice and Human Rights has the lead on government policy regarding human rights issues, 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 in regard to prison conditions, requests for amnesty from families of prisoners, and other issues. The commission submitted confidential reports directly to the president; however they were not available to the public.

In June the government made the HCHR a separate item in the budget; previously, the HCHR received its funding through the president's office. President Ben Ali also approved legislation allowing the HCHR to conduct proactive outreach, suggest changes to Tunisian law, and instigate investigations.

Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

The law provides that all citizens are equal before the law, and the government generally respected this provision, although in inheritance and family law, 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; however, 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.

Laws against domestic violence provide for fines and imprisonment for assaults 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 UNFT, 935 women consulted with UNFT during the year about domestic violence, including 515 new cases. The ATFD has provided services for approximately 2,000 victims of domestic violence since opening their women's center in 1993. The UNFT, a government-sponsored organization that ran a center to assist women and children in difficulty, sponsored national educational campaigns for women.

The penal code prohibits prostitution, and few persons were convicted of violating this law. There were

government-sanctioned brothels, although under the penal code there is a penalty for prostitution of up to two years in prison. The government officially sanctions some brothels in which the workers have regular medical exams and the environment is relatively regulated and controlled. There are no penalties for visiting these brothels. The law applies to both women and men and their accomplices. There were no reported cases of trafficking or forced prostitution involving women.

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 as it requires women to convince a judge that they were the victims of sexual harassment which is often difficult to prove. According to the criminal code, the penalty for sexual harassment is one year in prison and a 3,000 dinar (approximately \$2,307) fine.

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 signing 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. In January 2007 a law went into effect allowing some female employees in the public sector to work part-time while still receiving two-thirds of their original salary. The government stated that the law was motivated by a desire to allow women to balance family and professional life. Women's rights activists, including the ATFD, stated that treating women and men differently under the law was a major setback to women's rights in the workplace.

The Ministry for Women's Affairs, Family, Children, and Senior Citizens sponsored several national media campaigns to promote awareness of women's rights. The government supported and funded the UNFT; the Center for Research, Documentation, and Information on Women; and women's professional associations. Several NGOs focused on women's advocacy and research in women's issues, and a number of attorneys represented women in domestic cases.

Children

The law provided protections to children. Convictions for abandonment of and assault on minors carried severe penalties. Some child labor occurred.

Trafficking in Persons

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. There were no reports that persons were trafficked to, from, or within the country. The law specifically provides punishments for anyone who "guides, arranges, facilitates, assists, acts as an intermediary or organizes the surreptitious entry or exit, even without remuneration, of an individual to or from Tunisia by land, sea, or air" of three to 20 years' imprisonment and fines of 80,000 to 100,000 dinars (approximately \$61,538 to \$76,923).

The Ministry of Interior and Local Development and the Ministry of Social Affairs, Solidarity, and Tunisians Abroad were the agencies responsible for anti-trafficking efforts. There were no specific government campaigns to prevent

trafficking, although the government worked closely with its European neighbors to interdict smuggling, some of which may include trafficking. The government did not, however, have measures to identify trafficking victims from those persons smuggled voluntarily.

The State Department'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 at least one percent of public and private sector jobs be reserved for persons with disabilities; however, leaders of NGOs dedicated to persons with disabilities 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, or in the provision of other state services. All public buildings constructed since 1991 must be accessible to persons with physical disabilities, and this was enforced. The government issued special 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.

While 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.

Other Societal Abuses and Discrimination

Homosexuality is illegal. There is anecdotal evidence that homosexuals face some forms of discrimination.

There is anecdotal evidence that people with HIV/AIDS face some forms of discrimination. While there were NGOs to assist persons living with HIV, they faced discrimination in the quality of and in their 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. Approximately 10 percent of the work force belonged to the UGTT, including civil servants and employees of state-owned enterprises, and a considerably larger proportion of the work force was covered by union contracts. A union may be dissolved only by court order.

The UGTT and its member unions were legally independent of the government and the ruling party; however, they operated under regulations that limited their freedom of action. 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 into the National Social Security Fund. The government provided the UGTT with land for its new headquarters and support for its construction. Central UGTT leadership generally cooperated with the government regarding its 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 that they give 10 days' advance notice to the UGTT, and it grants approval. The International Trade Union Conference characterized the requirement for prior UGTT approval of strikes as a violation of worker rights, but such advance approval rarely was sought in practice. The law prohibited retribution against strikers, and the government generally respected this provision. Labor disputes were settled through conciliation panels in which labor and management were represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

On January 16 and 17, the Tunisian General Union of Secondary School Teachers went on strike, to protest the severance of three teachers reportedly due to their union activities.

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. Wages and working conditions are set in triennial negotiations between the UGTT member unions, the government, and employers. Numerous collective bargaining agreements set standards for industries in the private sector and covered 80 percent of the private sector.

The law prohibits anti-union discrimination by employers, although the UGTT claimed that there was anti-union activity among private sector employers, such as firing union activists and using of temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers accounted for a strong majority of the work force. 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.

Export processing zones were subject to labor laws.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children, and there were no reports that such practices occurred. However, some parents placed their teenage daughters as domestic servants and collected their wages.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under 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 under the age of 16 years, which is consistent with 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 non-industrial and agricultural sectors during non-school 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 in 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 their summer vacation from school. Child labor also existed in the informal sector disguised as apprenticeship, particularly in the handicraft industry.

e. Acceptable Conditions of Work

The labor code provides for a range of administratively determined minimum wages. On May 2, the government raised the industrial minimum wage to 252 dinars (approximately \$194) per month for a 48-hour workweek and to 218 dinars (\$168) per month for a 40-hour workweek. The agricultural daily minimum wage was seven-eight dinars (six dollars) 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 was not covered by labor laws.

Regional labor inspectors enforced standards related to hourly wage regulations. They inspected most firms approximately once every two years. The government often had difficulty enforcing the minimum wage law, particularly in non-unionized 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 governed employment in hazardous occupations like mining, petroleum engineering, and construction, and 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 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.