



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2010 Country Reports on Human Rights Practices](#) » [Near East and North Africa](#) » [Tunisia](#)

2010 Human Rights Report: Tunisia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

Tunisia is a constitutional republic with a population of approximately 10 million, which during the year was dominated by a single political party, the Democratic Constitutional Rally (RCD). As of December 31, Zine El Abidine Ben Ali, the country's president since 1987, was still in office. In October 2009 President Ben Ali ran for reelection against three opposition candidates and was declared the winner with 89.6 percent of the popular vote to serve 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 seats in the Chamber of Advisors, the upper house of parliament, resulted in a heavily pro-RCD body. Security forces reported to civilian authorities.

During the year there were significant limitations on citizens' right to change their government. There were reports of at least one arbitrary or unlawful killing. 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. Severe government-imposed restrictions on freedoms of speech, press, and association worsened in the period leading to and following the October 2009 elections. The government remained intolerant of public criticism, and there were widespread reports it used intimidation, criminal investigations, the judicial system, arbitrary arrests, residential restrictions, and travel controls to discourage criticism. Corruption among government officials 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

During popular riots against President Ben Ali's rule that started on December 18, security forces in the town of Menzel Bouzaïene, in the central Sidi Bouzid region, used live ammunition on protesters and shot and killed Mohammed Ammari

on December 24. Security forces claimed that Ammari was shot in self-defense after shots fired into the air failed to disperse scores of protesters who were setting police cars and buildings ablaze.

There were no developments or reports of a government investigation in the 2008 death by electrocution of protester Hichem Alaimi at a power station in Redeyef, or the 2008 shootings of Hafnaoui Al-Maghzaoui and Abdelkhalak Amaidi by security forces during the 2008 Gafsa protests. There were no reports of court cases opened into either case.

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 several reports by independent domestic and international human rights organizations, security forces tortured detainees to elicit confessions and discourage resistance and engaged in beatings and other cruel treatments and punishments.

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 alleged victims sometimes accused police of torture without filing a complaint, which is a prerequisite for an investigation. However, 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 such 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 and 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 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, including reports of torture, solitary confinement, and cancellation of family visitation rights. 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 April 24, plainclothes police arrested human rights activist and independent journalist Zouheir Makhoulouf at his home. Makhoulouf stated that when he asked them for an arrest warrant, officers beat him in front of his wife and children and took him to the Borj Louzir police station in Tunis, where they interrogated him for seven hours. Makhoulouf suffered from a broken nose and a black eye and reported his physician put him on bed rest for 21 days to recover from his injuries.

On July 9, two police officers attacked and detained Ismail Debara, a journalist with the Democratic Progressive Party (PDP)'s Arabic biweekly, *Al-Mowqif*, in downtown Tunis. The officers seized his briefcase, confiscated his private papers, and took him to a police station in downtown Tunis, where they allegedly further threatened and verbally assaulted him.

The police asked Debara to sign a statement stipulating that he was caught putting stickers and invitations to a PDP conference on the hoods of parked vehicles. Debara allegedly refused to sign and was subsequently released.

The
Affair
the U
Exter
cons:
polici

On September 5, according to local human rights monitors, Mornaguia prison guards led by Ali Ouergli violently beat Ramzi Romdhani, causing him grievous bodily harm and perforating his right eardrum. Romdhani was then chained and placed in solitary confinement until September 9. Romdhani, who was serving a 29-year sentence on terrorism-related charges at Mornaguia Prison in Tunis, previously reported that guards tortured him in April 2009. The guards reportedly kicked him, causing him to lose several teeth, burned him with cigarettes, and submerged his head in a bucket of water until he fainted.

On December 28, plainclothes police arrested human rights activist and lawyer Abderraouf Ayadi without an arrest warrant at his home. Ayadi was taken to an undisclosed location where he was detained for a day, interrogated, and severely beaten, resulting in numerous cuts and bruises to his back. He reported that he was arrested for a speech he made during demonstrations led by lawyers in Tunis on December 27.

There were no developments in the March 2009 case of Abdelmottaleb Ben Marzoug, who alleged he was suspended in a "roasted chicken" position by state security forces at an Interior Ministry detention center in an attempt to extract a confession of his alleged participation in a physical altercation at a bar. At year's end Marzoug remained in prison on terrorism charges, and the investigating judge had not ordered an investigation into Marzoug's allegations of torture.

Wahid Brahmi dropped all claims of torture and rape against the government. In September 2009 Brahmi published a letter in *Al-Mowqif* alleging that Gafsa prison officials had tortured and raped him in custody beginning in 2008. At year's end he was reported to be employed by the government in his hometown of Sidi Bouzid.

There were no developments in the May 2009 case of human rights activist Ammar Amroussia, allegedly assaulted by six police officers, including Gafsa police chief Sami Yahyaoui; the state security forces' June 2009 assault on human rights attorneys Abdel-Raouf Ayadi, Radia Nasraoui, and Abdelwahed Maatar; the June 2009 armed attack on the PDP secretary general Maya Jribi and other party members that police and security forces failed to stop; the alleged September 2009 assault on Radia Nasraoui and her husband and official spokesperson of the banned Communist Party of State Workers, Hamma Hammami, by plainclothes police; or the abduction of prominent independent journalist Slim Boukdhir, allegedly orchestrated by several plainclothes police officers.

There were no developments in the 2008 cases of 68 protesters arrested and allegedly tortured during unemployment protests in Gafsa; the alleged rape in prison of opposition member Zakia Dhifaoui; the alleged assault by security forces on Fatma Ksila, secretary general of the Committee for the Respect of Freedom and Human Rights in Tunisia, and on Samia Abbou, a member of the Tunisian Association for Combating Terrorism, which prevented the two from meeting with torture victims' families; the assault on a PDP member who was selling copies of *Al-Mowqif*; or the assault on Hamma Hammami.

Prison and Detention Center Conditions

Prison conditions generally did not meet international standards. Overcrowding and limited medical care posed significant threats to prisoners' health. There were credible reports from former political prisoners, human rights activists, and family members of detainees 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.

There were reports that prison officials arbitrarily decided when to grant or deny prisoners access to medication. According to the International Association for the Support of Political Prisoners (AISPP), the administration at Mornaguia Prison in Tunis on January 6 denied prisoner Mohamed El-Lafi medication he needed for his high blood pressure and skin ailments. It did not report whether El-Lafi subsequently received medication.

On January 15, according to local human rights monitors, Mornaguia prison authorities deprived Ramzi Romdhani of medical treatment and a surgical operation recommended by the prison physician. Human rights attorneys believed that Romdhani was denied treatment in retaliation for reporting to his family and attorney he had been tortured at an Interior Ministry facility (see section 1.c.).

From July 21 to 27, Hatem Harmi reportedly went on a hunger strike in Mornaguia Prison to protest prison conditions; he alleged 100 prisoners were confined in the same room and three prisoners had to share a single bed.

There were no reports of an investigation into the January 2009 death of Anouar Ferjani who, according to AISPP, 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.

Most 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 Ministry of Interior instead of Ministry of Justice and Human Rights officials. Prison administrators and guards allegedly instructed other inmates to stay away from political prisoners and punished the other inmates severely for making contact with the political prisoners. Human Rights Watch (HRW) reported in early 2008 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. The law requires that pretrial detainees be held separately from convicted prisoners, but in practice they were not always separated.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prisoners and detainees reported inhumane detention conditions to their lawyers and family members, but there were no reports of government investigations into these allegations of inhumane detention conditions. Civil society activists and lawyers reported prisoners on death row were denied access to visitors.

The governmental Higher Committee for Human Rights and Civil Liberties continued to make unannounced prison visits and inspections of Ministry of Justice facilities during the year; however, the committee's reports were not made public.

The ICRC continued to visit detainees in prisons and detention facilities. The ICRC did not report the government impeded its visits. Per its standard modalities, the ICRC shared its observations and recommendations with government authorities on a confidential and bilateral basis. According to its most recent annual report in 2009, the ICRC conducted 56 visits to 37 detention centers. These centers held a total of 23,319 detainees; the ICRC held individual interviews with 546 detainees. No updated figures were available at year's end. The government did not permit media or independent local or international human rights groups to inspect or monitor prison conditions. Although the government pledged to the UN

Human Rights Committee in 2008 it would allow HRW to visit prisons, negotiations between the government and HRW remained stagnant due to the government's refusal to permit HRW to meet with specific prisoners.

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 Ministry of Interior controls several law enforcement organizations including 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, and police brutality took place. Law enforcement organizations sometimes operated with impunity, sanctioned by high-ranking officials. Police attacked dissidents and oppositionists.

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

Arrest Procedures and Treatment While in 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. 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. The government did not regularly uphold these rights. Detainees do not have a right to legal representation during prearraignment detention. Attorneys, human rights monitors, and former detainees maintained 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 the prisoner 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 January 18, eight state security officers entered Walid Romdhani's home and arrested him in the presence of his family. Six of the officers searched the family home and confiscated documents, compact discs, and a computer. His family reported that the officers had no warrant for the arrest. Romdhani's arrest was believed to be linked to his efforts to

expose the torture and prison conditions of his brother, Ramzi Romdhani (see section 1.c.). Walid Romdhani was held incommunicado until his release on January 20.

On June 9, human rights lawyers reported officers of the National Guard in Chebba, in the governorate of Mahdia, arrested Jamel Ben Mohammed Ben Hassine without a warrant on allegations of involvement in illegal immigration activities. He was detained for three days, and authorities failed to inform his family of his whereabouts. Following his release Ben Hassine alleged he had been tortured, had not been brought before a judge, and no official charges against him had been filed.

On September 15, police arrested student activist Khaled Gafsaoui at his home without a warrant and detained him for eight hours, during which they reportedly physically assaulted and verbally abused him. Following his release Gafsaoui reported that authorities had interrogated him about his activities with the independent General Union of Tunisian Students (UGET) and about his signature on a petition criticizing a campaign calling for President Ben Ali to present his candidacy in the 2014 presidential elections.

On January 1, the student leader of the UGET, Mohamed Soudani, was conditionally released from prison. Authorities arrested Soudani in October 2009 after he met with two French journalists covering the 2009 national and legislative elections. A court sentenced him to four months in prison for drunkenness and disorderly and immoral conduct.

On May 26, the Court of First Instance in Tunis sentenced 11 men arrested in 2009 to prison terms ranging from four to 12 years on charges of funding an unnamed terrorist cell and recruiting new members. The total number remaining in pretrial detention was unknown at year's end.

There were no developments in the 2008 arrest of Zied Fakraoui. Police failed to notify Zied's family of his whereabouts until 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 still believed to be in custody.

According to international and domestic human rights organizations, police continued to arrest individuals suspected of membership in an armed cell that was reportedly plotting terrorist attacks. Families made inquiries about the individuals, but authorities provided no information. Local and international groups expressed concern that authorities held arrested persons in incommunicado detention at the Interior Ministry's State Security Department, where they would be at risk of torture and other mistreatment.

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 president headed the Supreme Council of Judges, composed primarily of presidential appointees. There were reports of lack of judicial independence and impartiality.

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. Some civilians accused of national security crimes were sentenced in military tribunals.

Trial Procedures

The law provides all citizens the right to a fair trial; however, according to international and domestic NGOs, this often did not 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. Trials before military tribunals are not 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, be represented by counsel (provided at public expense for the indigent), question witnesses against them, and present witnesses or evidence on their behalf; however, judges did not always observe these rights in practice. The law permits a trial in the absence 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 judges sometimes refused to let them call witnesses on their clients' behalf, to question key government witnesses, or to have adequate notice of trial dates to allow time to prepare their cases. Defense lawyers also reported judges restricted access to court records and evidence, especially to government-held records and evidence, 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 courts routinely failed to investigate allegations of torture and mistreatment and accepted as evidence confessions extracted through torture. These groups also reported the summary nature of court sessions sometimes prevented reasoned deliberation and erratic court schedules and procedures deterred would-be observers from attending politically motivated trials.

Although family and inheritance law is codified, civil law judges were known to apply Sharia (Islamic law) in family cases if the two systems conflicted (see section 6).

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 they had committed or planned to commit terrorist acts. Human rights activists and lawyers alleged that many of these detainees were tortured in Interior Ministry facilities and forced to sign confessions under duress. In May 2009 then minister of justice and human rights Bechir Tekkari reportedly said the government had sentenced only 300 individuals under the antiterrorism law.

In 2008 the government conditionally released the An-Nahdha leaders remaining in prison; however, shortly thereafter the government rearrested former An-Nahda president Sadok Chorou 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. In August 2009, according to local NGO Freedom and Equity, Chorou's wife visited him in prison. She subsequently alleged that prison officials had restricted Chorou to a diet of bread and olive oil for the previous 40 days and condoned inmates harassing him. At year's end Chorou was free but reportedly under constant police surveillance.

Family members of political prisoners claimed that authorities treated prisoners poorly, limited visitation rights, insulted their religious beliefs, and arbitrarily subjected them to 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 Justice Ministry-controlled prisons and detention facilities but generally not to those in Interior Ministry 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 and homes when they were not present and searched without a warrant (see section 1.d.).

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 state prosecutors, investigating magistrates, and Justice Ministry officials regularly claimed 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.

Throughout the year plainclothes police maintained a limited but visible presence around the home of married activists Hamma Hammami and Radia Nasraoui. On February 12, following the release from prison of journalist Zouheir Makhoulouf, a colleague and client of Nasraoui, plainclothes police surrounded Nasraoui's office in downtown Tunis and denied her all access to her clients for two days. Security forces assaulted the couple in June and September 2009.

On September 15, according to the domestic NGO Freedom and Equity, approximately 25 uniformed and plainclothes policemen forcibly entered the farm of human rights activist and lawyer Mohamed Nouri. The officers allegedly destroyed the doors on the barn and stole 1,400 frozen partridges. Human rights activists believed the forcible entry was a government reprisal against Nouri for publishing a statement against the campaign calling for President Ben Ali to present his candidacy in the 2014 elections. Nouri filed a complaint with the public prosecutor following the unlawful entry.

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 kept under surveillance, detained, and questioned relatives of individuals affiliated with Islamist activists (see section 1.c.).

Human rights activists reported that the government made it difficult for suspected An-Nahda members who had been released from prison to find employment. Other released political prisoners, who had been detained but not convicted, found it hard to obtain Interior Ministry statements that they had no criminal records. Even when political activists and

Islamists had not been imprisoned, security forces confiscated their identification cards, which negatively affected their ability to receive health care, sign a lease, buy or drive a car, and access 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. Authorities took AISPP member Lasaad Johri's identification card in 1999, and he remained without identification at year' end.

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.

On June 15, parliament amended article 61 of the penal code, which criminalizes any acts intended to damage the country's military and diplomatic interests and any contact "with foreign parties that incite prejudice against vital economic interests," with penalties of five to 12 years' imprisonment. The amendment defines "vital interests" as anything linked to the country's economic security, which would include deterring foreigners from investing in the country, influencing national loan acquisitions, affecting trade negotiations, incitement to boycott tourism, and obstructing the country's efforts to gain preferential cooperative arrangements with a foreign state.

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 Ministry of Interior, 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 ministry of any change of printer. Printers and publishers who violate these rules are subject to substantial, per copy, personal fines under the press code.

The National Council for Liberties (CNLT) that operated the independent Internet radio station, Radio Kalima, also produced the online newsmagazine *Kalima* without a license, and accessible only from outside the country. In 2008 the 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 to register *Kalima* due to its criticism of the government. Also in 2008, according to *Kalima* staff, the *Kalima* Web site was hacked and its archives destroyed.

The government stated 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 others, although nominally private, reportedly took editorial direction from senior government officials. All media were subject to significant governmental pressure regarding subject matter. There were seven opposition party newspapers with small circulations. Five 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 of a frequency from the Tunisian Frequencies Agency, a part of the Ministry of Communications Technologies. Grants to these licenses are tightly restricted.

In mid-August the Ministry of Communications Technologies granted a license for the creation of a new radio station, Shams FM, to the president's daughter, Cyrine Ben Ali Mabrouk. The station was scheduled to begin broadcasting in September.

There were no developments in the January 2009 case of Radio Kalima, an independent Internet radio station that was critical of the government. At year's end the government continued to block access to the Radio Kalima office.

There were no developments in the October 2009 Radio 6 shutdown; at year's end the station remained sealed, with all equipment in government custody.

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 connection.

In May 2009 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 in August 2009, the progovernment faction sued for control of the SNJT. In September 2009 plainclothes police surrounded the SNJT offices, and approximately 20 police officers beat SNJT president Neji B'ghouri as he attempted to access the offices. On 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. In August 2009 B'ghouri's independent group filed a legal challenge to the progovernment takeover. At year's end the case remained pending.

There were widespread reports during the year that the government blocked most criticism of authorities in the mainstream press and 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), frequently by private parties. The law authorizes prison sentences as long as five years for offensive written or spoken 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 April 27, authorities released independent journalist Taoufik Ben Brik after a six-month sentence. Civil society, independent journalists, and Ben Brik's lawyer described his October 2009 arrest on charges of public indecency, assault, defamation, destruction of private property, and blasphemy as a government attempt to silence legitimate and free journalism. The incident occurred after Ben Brik published opinion articles critical of the government in French press sources in September 2009.

On July 6, the Gafsa Court of Appeal affirmed the four-year sentence against independent journalist Fahem Boukadous, originally sentenced in 2008 on charges of "belonging to a criminal association" and spreading materials "likely to harm public order." Boukadous was taken into custody on July 15, one day after his discharge from a hospital at which he received treatment for respiratory ailments. The charges against Boukadous stemmed from his 2008 coverage of a series of unemployment protests that ended in bloodshed in the impoverished Gafsa region. Boukadous was sentenced in his

absence to six years in prison, but his conviction was vacated when he emerged from hiding, hoping to benefit from the conditional pardon granted by President Ben Ali in November 2009 that allowed for the release of the remaining prisoners arrested following the 2008 Gafsa protests. However, his case was reopened and Boukadous was convicted and sentenced to four years in prison on January 10.

The law prohibits censorship of domestic newspapers, magazines, and books; however, the government continued to censor international as well as domestic media. For example, the government reportedly banned distribution of the July 29 issue of the *The Economist* and blocked its Web site for an article criticizing the country's human rights record and the lack of rule of law and political pluralism.

The government routinely seized and prevented distribution of domestic newspapers when it found articles or photographs contrary to government policies. For example, authorities reportedly suppressed and confiscated the March and July issues of the opposition weekly *Al-Mowqif*, which carried an article on a HRW report on abuses in the country, a call for President Ben Ali to respect the constitutional bar against presenting his candidacy in the 2014 elections, and a poem in solidarity with imprisoned journalist Fahem Boukadous, authored by Taoufik Ben Brik.

According to journalists and other 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' 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 withdrew 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, and it was subject to regular and frequent government harassment.

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 15 publishing houses from participating in the country's international book fair, which opened on April 23, because the publishing houses allegedly presented books that contradicted the values of modernity, enlightenment, and innovation. Authorities also restricted the importation or sale of foreign publications that included articles deemed critical of the country or that the government determined could prompt a security threat.

Internet Freedom

Widespread use and interest in the Internet remained the driving force behind the country's rapidly and continuously developing telecommunications infrastructure. According to this year's International Telecommunication Union statistics, approximately 34 percent of the country's inhabitants used the Internet. The government monitored and restricted Internet usage and communications. In 2009 Reporters without Borders (RSF) named the country an "Internet Enemy" due to its harsh filtering and surveillance of 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. The quasi-governmental Tunisian

Internet Agency controlled and censored Internet-based information. The government blocked nearly all sites belonging to domestic human rights, opposition, and Islamist groups, including discussion sites. The government also periodically blocked opposition news sites and Internet discussion sites throughout the year. Some foreign Web sites remained blocked at year's end, including RSF's site and YouTube. According to OpenNet Initiative, whose Web site was also blocked in the country, the government used a commercial software filtering program in government-controlled servers to consistently block sites on the servers of the country's 11 Internet service providers (ISPs).

On July 18, the Arabic Network for Human Rights Information reported that the government blocked the Web site-based chat room Fadaa Jadal Democracy (A Space for Democratic Debate), although the site had not been officially launched and was in its testing phase.

In addition to filtering software, the government reportedly used regulatory means and surveillance to monitor and control Internet usage, and it prosecuted and punished individuals for expressing their views via the Internet. The law requires all ISPs to submit a monthly list of their subscribers to the Tunisian Internet Agency. Human rights attorneys and local human rights monitors reported that authorities sometimes arrested 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.

During the year human rights activist and independent journalist Zouheir Makhlouf reported that he continued to be subject to harassment and abuse by government forces (see section 1.c.). On February 12, authorities conditionally released Makhlouf from prison after he had served almost four months on charges of "harming others on the Internet" for having posted footage documenting environmental damage and dangerous working conditions in an industrial district of the town of Nabeul. The government also targeted Makhlouf for contributing to an independent news Web site with antigovernment material and for posting material critical of the government on Facebook and YouTube.

On June 23, according to domestic NGO Freedom and Equity, plainclothes police arrested Heithem Mahjoubi and took him to an unknown police location, allegedly for posting on Facebook that he was facing extreme pressure and harassment from authorities in the governorate of Sfax for his decision to rent office space to the PDP. Mahjoubi also stated on Facebook that authorities had harassed his father and brother and threatened to close his brother's car wash business. He was released on the same day as his arrest. At year's end Mahjoubi had cancelled his lease agreement with the PDP.

In December 2009 the Tunis Court of Appeals gave university professor Khedija Arfaoui an eight-month suspended sentence for posting a message on her Facebook page about rumored child kidnappings in the country. The message Arfaoui posted related to rumors that had already circulated within the country and had been discussed in local media.

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 to the Ministry of Culture's approval before publication, and university libraries did not purchase foreign books or subscribe to foreign magazines the ministry deemed critical of the government. 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.

In July 2009 the government adopted a law requiring all foreign theatrical and artistic productions not sponsored by the government to obtain 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 Ministry of Interior 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 ministry and accommodating its requests when possible. The government blocked meetings of the Tunisian Human Rights League (LTDH) at the organization's Tunis headquarters and at its regional offices (see section 5).

On March 24, the government prevented HRW from holding a public press conference to announce the release of a report documenting the government's treatment of former political prisoners. Several hotels in the country had previously offered venues for HRW to hold its press conference but subsequently withdrew their offers. A hotel suite that HRW staff had reserved to hold the conference on March 23 was flooded three hours prior to the press conference. HRW held the conference at the office of a civil society activist. Police allowed only one foreign diplomat and three other individuals to attend.

In early May independent Web log writer Zied El-Heni and head of the "Arab Free Radio Group" Salah Forti announced plans for a peaceful demonstration in front of the Ministry of Communications Technologies on May 3. On May 2, police officers surrounded El-Heni's home and maintained surveillance until May 3. On May 3, El-Heni reported that police followed him as he accompanied his children to school. The planned demonstration was not held.

On July 26, several hours prior to a PDP public conference on the origins of the country's democratic movement, a large number of plainclothes police blocked all streets and access points to the PDP's headquarters in downtown Tunis. Police turned away members of civil society, journalists, and other invitees, as well as scheduled conference speakers, including independent journalist Lotfi Hajji and Tunisian historian Ali Marzouki.

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

On December 18, protests erupted in the city of Sidi Bouzid expressing solidarity with Mohammed Bouazizi, a young university graduate who set himself on fire on December 17 to protest the government's refusal to allow him to sell vegetables without a license. Security forces initially responded to the protests by using tear gas and arrested approximately 80 persons. The protests spread to neighboring cities. On December 24, in the city of Menzel Bouzaiane, security forces used live ammunition on the protesters. One protester, Mohamed Ammari, was killed by a bullet in the

chest, and 10 protesters were reportedly wounded. The government press stated that security forces acted to protect themselves after protesters attacked the National Guard office, a train, and several shops. The government press also reported that two National Guardsmen were in comas after sustaining injuries during the protest.

In protest against the shooting of Mohamed Ammari, further skirmishes erupted between security forces and protesters on December 25 in the towns of Al-Ragab and Maknasi in central Tunisia. Several protesters were reportedly injured, and security forces arrested many others. Hundreds of protesters also rallied in front of the Tunisian General Labor Union (UGTT) headquarters in Tunis on December 26, calling for more equitable employment opportunities and a cessation of the security siege of the city of Sidi Bouzid.

There were no further developments in the legal cases stemming from the unrest in the aftermath of the 2008 Gafsa protests; however, human rights lawyers reported that on April 3, a Gafsa court sentenced Adel Amaidia, Amine Khaldia, Aymen Amaied, and Fethi Amaied, all of whom had been arrested on March 12, to up to six months in prison for protesting the new recruitment process adopted by the Gafsa phosphate company in the aftermath of the protests. In 2008 authorities arrested dozens of demonstrators, fatally shot one demonstrator, and wounded 18 others. There were no developments in the investigation into the fatal shooting. The government maintained that the protests were violent while domestic NGOs claimed they were peaceful.

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 close 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 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.

Despite the introduction, at the government's recommendation, of three prominent civil society figures to serve as neutral mediators to resolve the LTDH's leadership crisis, at year's end the LTDH had failed to regularize relations with the government or hold a sixth congress. In June 2009 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 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.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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 law allows the government to 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 UN 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 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 ministry is required to submit to the courts, through the public prosecutor, requests to seize or withhold a citizen's passport; however, it 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.

The government reportedly continued to ignore passport requests by Mohamed Nejib Krifi, a former political prisoner. Krifi, deprived of his passport since 1998, has sent seven requests to both the ministries of justice and interior since 2003, with no response.

On April 3, police informed *Al-Mowqif* journalist Mohamed Hamrouni, who applied for a passport in May 2009, that the Ministry of Interior had rejected his application. Hamrouni alleged the rejection was due to his work as an opposition journalist.

Journalist and former prisoner Slim Boukdhir remained without a passport at year's end. Boukdhir, who filed his original application in 2003, was arrested in 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 14 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.

The country's laws provide for the granting of asylum or refugee status, but 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 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 persons seeking naturalization.

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.

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 2009 national elections, President Ben Ali, who became president in 1987, faced three candidates and was reelected for a fifth five-year term. The government reported electoral participation was at 89 percent of the 4.9 million eligible voters. Anecdotal observation suggested that the government inflated this figure. The government rejected 15 of the 26 legislative candidate slates the 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.

Irregularities and imbalances characterized the period prior to the elections. 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.

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 law also requires 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.

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 2009 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; it first applied for recognition in 2004.

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. 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.

On July 7, according to *Kalima*, government authorities interrogated more than 20 judges on bribery and corruption allegations leveled by the Ministry of Justice. At year's end there was no reported outcome from these alleged interrogations.

There is no law that requires public access to government documents upon request. The government did not grant access to government documents, including to foreign media.

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 six 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 associated with registered and nonregistered NGOs.

The LTDH traditionally was one of the most active independent advocacy organizations, with 41 branches throughout the country, although the government's blockage of LTDH activities limited the organization's 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.

On February 8, unknown persons reportedly burglarized the organization's headquarters, despite the permanent assignment of plainclothes police to guard the building. According to the LTDH, the burglars stole specific items, such as organization files and the main computer server, but left behind many financially valuable goods, including televisions, paintings, and furniture.

On May 22, the government stationed plainclothes police on all access roads to the LTDH's headquarters, preventing guests from attending its 33rd anniversary celebration. Only LTDH steering committee members were allowed into the organization's headquarters, and all other guests, including foreign diplomats, were turned away.

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 formalized submission requirements by publishing communiqués without prior government approval.

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. For example, the government refused to grant HRW permission to hold a press conference announcing the release of its report on former political prisoners (see section 2.b.).

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

The government allowed Martin Scheinin, the UN special rapporteur on the promotion and protection of human rights while countering terrorism, to visit the country January 22-26, the first such visit since 1999. During the four-day visit, he met with various ministers and members of the diplomatic community and visited several detainees including Ramzi Romdhani (see section 1.c.). At year's end a report of his findings had not been publicly released.

There were credible reports police prevented some family members of prisoners from visiting ICRC offices and that they monitored and occasionally harassed others.

The Ministry of Justice 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 Committee for Human Rights and Civil Liberties, 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 matters. The committee 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 committee'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. Generally, the government did not classify or interact with any group as a racial, ethnic, religious, or indigenous minority.

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. No statistics regarding the pervasiveness of rape were available.

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 operated a center to assist women and children in difficulty and sponsored national educational campaigns for women, the women's shelter in Tunis received 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.

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 and to have the information and means to do so free from discrimination, coercion, and violence. 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. Several registered domestic NGOs also care for HIV-infected individuals. In 2008 the UN Population Fund estimated the maternal mortality ratio to be 60 per 100,000 live births.

Women faced discrimination under the law. Codified civil law is based on the Napoleonic code, although judges often used Sharia 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 Sharia prohibits women from marrying outside their religion. Application of Sharia inheritance law continued to discriminate against women, although some families avoided the application of Sharia by executing sales contracts between parents and children to ensure that daughters received shares of property equal to those of sons. There was a double standard in Sharia inheritance law based on gender and religion: non-Muslim women and 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. On November 23, the government amended the national citizenship code granting women married to noncitizens the right to transmit their citizenship to their children without official consent from the noncitizen fathers.

The law explicitly requires equal pay for equal work; however, it also allows some female employees in the public sector to engage in part-time work and receive two-thirds of their original full-time salary. The government defended the law as allowing women to balance family and professional life, but some women's rights advocates, including the ATFD, believed treating women and men differently under the law was a major setback to women's rights.

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

Children

Citizenship may be derived from a Tunisian father, a Tunisian mother and an unknown father, a Tunisian mother and a father who has no nationality, or 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 years old.

Convictions for abandoning or assaulting minors carry severe penalties; however, there were no reported specific incidents of child abuse during the year. On July 26, the government amended the penal code to criminalize corporal punishment of minors by their parents. Law No. 2010-40 amended article 319 of the penal code, making it a criminal offense to assault a child even slightly. 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 the UNFT. 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 years old for both sexes. Consent must be given without material remuneration or 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 years old 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 prohibits and punishes with up to six years in prison and a monetary fine anyone who incites a minor to vice. Child pornography is covered under this law. The law also provides that 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.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For more information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.

Anti-Semitism

The government cooperated closely with and protected the 1,600-person Jewish population. Jews faced some defamation in the media, particularly in reaction to the Gaza flotilla incident in March.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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 buildings built before 1991. 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. The Ministry of Social Affairs, Solidarity, and Tunisians Abroad was charged with protecting the rights of persons with disabilities.

There continued to be some social stigma associated with mental disabilities; however, several active NGOs provided educational, vocational, and recreational assistance to children and young adults with such disabilities, and the government and international organizations funded several programs.

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 gays faced discrimination, including allegations that police officers sometimes brutalized openly gay persons and accused them of being the source of AIDS. There were no reports of persons arrested for homosexual activity.

Other Societal Violence or Discrimination

There was anecdotal evidence that persons with HIV/AIDS faced some forms of discrimination, including in the quality of, and access to, medical care.

Section 7 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.

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. 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.

On July 16, according to the UGTT, authorities prevented two members of the French labor union Force Ouvrière from entering the country for a planned labor conference in the city of Bizerte.

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, settle labor disputes. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails. Members from the Ministry of Social Affairs, UGTT, and 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 in 2009 collective bargaining agreements covered more than 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, UGTT, and 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 with penalties of up to 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor. Some girls were subjected to domestic servitude within the country, although the government did not report that such practices occurred (see section 7.d.). A 2008 survey of 130 domestic workers in the greater Tunis region, conducted by a professor at the University of Tunis, found some indicators of possible forced labor: 52 percent of the workers were younger than 16 years old, 23 percent claimed to be victims of physical violence, 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. (For more information, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip).

d. Prohibition of Child Labor and Minimum Age for Employment

The law generally prohibits the employment of children younger than 16 years old, the age for completing educational requirements, and inspectors from the Ministry of Social Affairs examined the records of employees to verify that employers complied with the minimum-age law. There were no reports of sanctions, including convictions or fines, against offending employers. The law prohibits the employment of children younger than 18 years old 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 minimum age for light work in the nonindustrial and agricultural sectors during nonschool hours was 13 years old. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. In nonagricultural sectors, children between the ages of 14 and 16 may work no more than two hours per day. The total time that children spend at school and work may not exceed seven hours per day. 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. A 2008 survey of 130 Tunis area workers found that 52 percent were younger than 16 years old. The penal code prescribes 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor and up to two years' imprisonment for forced child begging.

The Department of Labor's 2009 findings on the Worst Forms of Child Labor reported children working in domestic service, in the agricultural sector, and as mechanics in small shops or street vendors of flowers, cigarettes, and other small items. (For more information, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip).

e. Acceptable Conditions of Work

The labor code provides for a range of administratively determined minimum wages. On July 10, the government raised the industrial minimum wage to 274 dinars (approximately \$188) 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 (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 enough to cover only essential costs. 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. More than 500,000 workers were employed in the informal sector, which labor laws did not cover.

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. Although there is no standard practice for reporting labor code violations, workers have the right to report violations to regional labor inspectors.

Special government regulations control employment in hazardous occupations such as mining, petroleum engineering, and construction. The Ministry of Social Affairs has 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. There were no reported cases of employees taking such action against their employers.

[Back to Top](#)