

# Tunisia | Freedom House

## POLITICAL RIGHTS: 31 / 40 (+1)

### A. ELECTORAL PROCESS: 11 / 12 (+1)

#### **A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The 2014 constitution lays out a semipresidential system in which a popularly elected president serves as head of state and exercises circumscribed powers, while the majority party in the parliament selects a prime minister, who serves as head of government, following parliamentary elections. The president is directly elected for up to two five-year terms. International and local observers concluded that the 2014 presidential election was generally competitive and credible, despite widespread claims of vote buying on behalf of the major candidates. President Beji Caid Essebsi of the secular Nidaa Tounes party defeated incumbent president Moncef Marzouki of the Islamist Ennahdha Party in the second round of voting, 56 percent to 44 percent. In 2016, President Essebsi appointed Prime Minister Youssef Chahed after former prime minister Habib Essid was ousted in a vote of no confidence.

#### **A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4**

Tunisia's 2014 constitution established a unicameral legislative body, the Assembly of the Representatives of the People (ARP), which consists of 217 representatives serving five-year terms, with members elected on party lists in 33 multimember constituencies. International and national observers declared the 2014 legislative elections generally competitive and credible, despite reports of vote buying and campaign finance violations. The Nidaa Tounes party won a plurality of votes with 86 seats, enabling the party to name a prime minister and lead a coalition government. The Ennahda Party, which had previously dominated the parliament, followed with 69 seats.

#### **A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4 (+1)**

The Independent High Authority for Elections (ISIE), a neutral nine-member commission, is tasked with supervising parliamentary and presidential elections. Since its inception in 2011, the ISIE's political independence and conduct of elections had been well regarded by Tunisian and international observers. However, the 2017 resignation of former ISIE president Chafik Sarsar raised doubts about the body's impartiality and independence. Sarsar claimed that he had faced political pressure and publicly questioned the ISIE's independence.

In May 2018, long-delayed municipal elections were held in 350 municipalities for

7,212 available council seats, and were widely considered credible. Prior to the elections, unelected local councils had been in place since the 2011 revolution.

*Score Change: The score improved from 2 to 3 because municipal elections were held across the country after a long delay.*

## **B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16**

### **B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Tunisia's numerous political parties represent a wide range of ideologies and political philosophies, and are generally free to form and operate. The 2018 municipal elections saw robust competition between political parties and independent candidates within electoral processes deemed generally free and credible by observers.

Campaign finance laws intended to prevent money from determining political outcomes are complex and often unclear, on occasion forcing parties to bend, if not break, the rules in order to campaign effectively; this contributes to tensions between parties. The US-based International Republican Institute (IRI), in an assessment of the 2014 elections, found that ambiguous campaign financing laws helped facilitate vote buying "with little chance of penalty."

### **B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4**

Opposition parties participate competitively in political processes. Nidaa Tounes won a plurality in the parliament in the 2014 legislative elections, displacing Ennahda, which had held the largest share of seats previously. During the 2018 municipal elections, independent candidates outperformed the major parties, winning 32 percent of seats, while Ennahda won nearly 29 percent, followed by Nidaa Tounes with 21 percent.

### **B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4**

While electoral outcomes are the result of transparent balloting, domestic economic oligarchies have a high degree of influence over policymaking, particularly on economic issues. In 2017, the parliament passed a controversial "administrative reconciliation" bill that granted amnesty to Ben Ali-era civil servants who are implicated in corrupt activity, but are deemed to have not personally benefitted from it. The bill was met with resistance by civil society, with activists claiming that it would undermine other justice processes. Analysts suggested that the bill was designed to reward powerful individuals linked with the Ben Ali regime who had supported Nidaa Tounes, and would have been negatively affected by the ongoing judicial and reconciliation processes.

Meanwhile, geopolitical competition between Gulf states has had reverberations in Tunisia, frequently coming in the form of financial and other support to political parties. For example, the United Arab Emirates (UAE) controversially gifted two armored cars to Essebsi in the run-up to Tunisia's 2014 elections, and has reportedly pressured the party to crack down on Ennahda. Ennahda, in turn, is thought to receive support from Qatar.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4**

Nongovernmental organizations (NGOs) and international organizations continue working to increase the political participation of marginalized groups. In 2017, the parliament passed a law requiring an equal number of men and women at the top of candidate lists, as well as at least one candidate with a disability and three people under the age of 35 on each list. For the 2018 municipal elections, 50 percent of candidates were under the age of 35 and nearly half were women. Women ultimately won 48 percent of the seats.

Despite these positive developments, some segments of the population lack full political rights. Only Muslims may run for president. Additionally, societal discrimination and laws criminalizing homosexuality preclude many LGBT (lesbian, gay, bisexual, and transgender) people from active political participation, and political parties fail to address issues of relevance to LGBT people.

**C. FUNCTIONING OF GOVERNMENT: 6 / 12**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

The 2011 removal from power of Ben Ali and his close relatives and associates, who had used their positions to create private monopolies in several sectors, represented an important step in combating corruption and eliminating conflicts of interest. However, Essebsi has manipulated the national budget in such a way that the legislative branch is deeply underfunded, leaving it with little ability or resources to craft legislation on its own in 2018. As a result, lawmaking is largely a function of the executive.

Nidaa Tounes's losses in the 2018 municipal elections contributed to extensive discord within the party and led to speculation that Prime Minister Chahed could be removed from office. In September, as Chahed's relationship with President Essebsi and the president's son, who was appointed head of Nidaa Tounes in 2016, continued to deteriorate, Chahed was suspended from the party, creating uncertainty about the stability of the governing coalition.

**C2. Are safeguards against official corruption strong and effective? 1 / 4**

Corruption is endemic in Tunisia, and corrupt high-level officials often act with impunity. In 2017, Prime Minister Chahed launched a well-publicized war on corruption, frequently using powers granted under a state of emergency in force since

late 2015 to detain those accused. The campaign has come under criticism for focusing in large part on emerging elites, while leaving corrupt figures associated with the Ben Ali regime largely untouched.

In July 2018, the parliament approved a new law designed to strengthen the anticorruption legal framework, which requires the president, government ministers, and high-level public officials, among others, to publicly declare their assets. Penalties for violating the law include hefty fines and prison terms of up to five years. The law, which went into effect in October, required 350,000 people to submit their asset declarations by year's end.

### **C3. Does the government operate with openness and transparency? 2 / 4**

In 2016, the ARP adopted a freedom of information law, though it was criticized by watchdog groups for its security-related exemptions. Cabinet ministries often refuse requests for information.

Members of the governing coalition frequently craft policy behind closed doors, without input from other parties. The law passed in 2018 requiring public officials to declare their assets was a step forward in demanding transparency and accountability from the government, but it remains to be seen how effectively the legislation will be implemented.

## **CIVIL LIBERTIES: 38 / 60 (-2)**

### **D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16**

#### **D1. Are there free and independent media? 2 / 4**

The constitution guarantees freedom of opinion, thought, expression, information, and publication, subject to some restrictions. While independent media outlets exist in Tunisia, journalists continued to face pressure and intimidation from government officials in connection with their work in 2018. Journalists who cover the security forces are particularly vulnerable to harassment and arrest. In June, blogger and recently elected member of parliament Yassine Ayari was sentenced to three months in prison for “undermining the morale of the army,” over a 2017 Facebook post critical of the military and the president. In November, Ayari had a separate sentence, over another 2017 Facebook post that mocked the appointment of a military commander, extended from 16 days to three months. At year's end, Ayari had not yet served prison time for the offenses.

In January, Minister of the Interior Lotfi Brahem admitted in a parliamentary hearing that journalists were being monitored, and stated that the ministry would prosecute anyone who “undermined the morale of security forces.” The police had come under criticism earlier in the month for cracking down on protests.

Lawmakers also advanced legislation that would tighten defamation laws during the year. In March, 16 legislators from Nidaa Tounes introduced a bill that would make online defamation a criminal offense. Following an October suicide attack in Tunis,

lawmakers pushed to expedite the consideration of a bill introduced in 2017, which would criminalize “denigration” of the security forces. Both bills remained under consideration at year’s end.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4**

The constitution calls for freedom of belief and conscience for all religions, as well as for the nonreligious, and bans campaigns against apostasy and incitement to hatred and violence on religious grounds. However, blasphemy remains illegal and police may invoke it as a pretext for arrests. Islam is enshrined as the only religion of the state. Islamic education remains a required component of the curriculum in public schools.

During Ramadan, in May and June 2018, non-Muslims protested in Tunis over the closure of cafes and restaurants. While it is not illegal to eat during daylight hours of Ramadan, many restaurants close because the majority of the population participates in the observance. Converts to Christianity often experience harassment and discrimination.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4**

Article 33 of the constitution explicitly protects academic freedom, which continues to improve in practice. However, ingrained practices of self-censorship on the part of academics remain in some instances. Students have reported being unable to pursue dissertation research on topics including sexuality, gender identity, and critiques of Islam’s role in violent extremism.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4**

Private discussion is generally open and free, though there is some reluctance to broach some topics, including criticism of the military. Homosexuality remains illegal, and the prohibition discourages open discussion of issues affecting LGBT (lesbian, gay, bisexual, and transgender) people.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12  
(–2)**

**E1. Is there freedom of assembly? 2 / 4 (–1)**

The constitution guarantees the rights to assembly and peaceful demonstration. Public demonstrations on political, social, and economic issues regularly take place. However, a controversial counterterrorism law adopted in 2015, and successive states of emergency issued in response to a 2015 terrorist attack, have imposed significant constraints on public demonstrations. The latest state of emergency, which was renewed in October 2018 and again in December, allows security forces to ban strikes, meetings, and large gatherings considered likely to incite disorder. Although the government claims that the continued state of emergency is due to security concerns, analysts argue that it remains in place largely as a political tool to suppress

dissent.

Security forces also cracked down on demonstrations during the year. In January, more than 900 demonstrators were arrested during protests across the country over the passage of a budget law that included austerity measures, and the police reportedly beat many of those detained and denied some detainees access to a lawyer. The police also arrested dozens of activists who distributed leaflets that contained criticism of the government. Many of the protests were peaceful, but some demonstrators set fire to public buildings and committed acts of vandalism. Also in January, police forcefully dispersed a demonstration in Tunis planned by the Association of Free Thinkers, who demanded gender equality, freedom of conscience, and ending the criminalization of consensual same-sex relations and the use and possession of cannabis.

*Score Change: The score declined from 3 to 2 because assembly rights were threatened by the mass arrests and mistreatment of protesters by security forces, and the extension of a state of emergency for what appears to be political rather than security reasons.*

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4 (–1)**

Tens of thousands of new NGOs began operating after the revolution, and such groups continued to organize conferences, trainings, educational programs, and other gatherings throughout the country during 2018.

However, in July, the parliament passed a controversial new law establishing the National Registry of Institutions, and requiring all NGOs, as well as businesses, to register with the new body. Critics argue that including NGOs among the institutions that must register is meant to increase the monitoring and oversight of civil society by the government. Registration applications can be denied at the discretion of the Council of the National Registry. The law also requires NGOs to provide data on staff, assets, decisions to merge or dissolve, and operations. Failure to register may result in a year of imprisonment and a fine of \$4,000. In a statement issued before the law's passage, 24 leading NGOs argued that the legislation was not only unconstitutional, but would "lead to an aversion to civic work."

*Score Change: The score declined from 3 to 2 due to the passage of a law that limits the freedom of nongovernmental organizations by requiring them to register with the National Registry of Institutions and provide extensive data on their operations, among other provisions.*

**E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4**

The constitution guarantees the right to form labor unions and to strike. Although the General Tunisian Labor Union (UGTT) is the predominant union, additional independent unions exist as well. The Tunisian economy has seen large-scale strike actions across all sectors since the revolution, with participants demanding labor reform, better wages, and improved workplace conditions. Unions have reported that

some employers have taken actions to discourage union activities, including dismissing union activists.

## **F. RULE OF LAW: 9 / 16**

### **F1. Is there an independent judiciary? 2 / 4**

While the constitution calls for a robust and independent judiciary, judicial reform has proceeded slowly since the 2011 revolution, with numerous Ben Ali–era judges remaining on the bench and successive governments regularly attempting to manipulate the courts. Legislation adopted in 2016 established the Supreme Judicial Council, a body charged with ensuring the independence of the judiciary and appointing Constitutional Court judges. Council members were elected in 2016 by thousands of legal professionals. However, at the end of 2018, the Constitutional Court, which is intended to evaluate the constitutionality of decrees and laws, had not yet been established, nor its members formally appointed.

### **F2. Does due process prevail in civil and criminal matters? 2 / 4**

In 2014, Tunisia established a Truth and Dignity Commission to examine political, economic, and social crimes committed since 1956. It has since registered tens of thousands of complaints and testimonies. In March 2018, the parliament voted against extending the commission’s mandate for one year, a decision that drew criticism from rights activists for weakening transitional justice. In May, the commission’s first public trial began, concerning the 1991 forced disappearance of Kamel Matmati, an Islamist political activist, although in October, the trial was postponed until 2019. The commission also transferred a number of cases to specialized courts that deal with human rights violations before winding down its activities in December.

The state of emergency in place since 2015 and renewed through the end of 2018 gives police broad license to arrest and detain people on security- or terrorism-related charges, and arbitrary arrests continued to take place during the year. Civilians are frequently tried in military courts, particularly on charges of defaming the army. Notably, Ayari’s June conviction took place in a military court.

### **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4**

Tunisia has not experienced a major terrorist attack since 2015, although a suicide bomber in Tunis injured nine people in October 2018. Reports of the use of excessive force and torture by security agents continued in 2018. Critics of draft legislation introduced in 2017, entitled “Rejection of Assaults against the Armed Forces,” say it would grant security officials the right to use excessive force without risking repercussions. If passed, the bill, which remained under consideration by the parliament at year’s end, would allow security officials to use lethal force at protests to defend public order and property.

### **F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4**

The constitution prohibits all forms of discrimination and calls for the state to create a culture of diversity. However, LGBT people continue to face legal discrimination. Homosexuality remains illegal, and the penal code calls for a three-year prison sentence for “sodomy.”

Although the 2014 constitution guarantees gender equality, women experience discrimination in employment, and sexual harassment in public spaces remains prevalent.

Tunisia has no asylum law, leaving the United Nations as the sole entity processing claims of refugee status in the country. Irregular migrants and asylum seekers are often housed in informal detention centers, where they suffer from substandard living conditions. Delays in the issuance of residency permits make it impossible for many to work legally, forcing them to take informal jobs with no labor protections.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16**

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Freedom of movement has improved substantially since 2011. The constitution guarantees freedom of movement within the country, as well as the freedom to travel abroad. Women do not require the permission of a male relative to travel. In 2017, lawmakers approved measures that require authorities to go through more rigorous processes in order to issue travel bans or restrict passports. However, authorities still have broad license under the state of emergency to restrict individuals’ movement without initiating formal charges, and thousands have been affected by such orders.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4**

The protection of property rights and establishment of new businesses continues to be an area of concern, closely linked to high levels of corruption as well as a large backlog of property disputes. The investment code passed in 2016 has yet to lead to substantial improvements.

The cabinet approved a bill in November 2018 that would establish equal inheritance rights for men and women. Currently, women are granted half the share of inheritance that men receive. The Ennahda Party expressed opposition to the bill, and it had not yet been passed by the parliament at year’s end.

### **G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4**

Tunisia has long been praised for relatively progressive social policies, especially in the areas of family law and women’s rights. However, women experience high rates of domestic abuse. In 2017, lawmakers approved a Law on Eliminating Violence against Women, which addressed domestic violence and also included language intended to

protect women from harassment in public, and from economic discrimination. However, the law is not consistent with the penal code—which, for example, does not criminalize spousal rape. Critics of the law have faulted a provision allowing accusers to drop charges, noting that women who experience domestic abuse may be susceptible to pressure from abusers and others to withdraw allegations. At a conference in November 2018 that brought together government officials, NGO representatives, and survivors of domestic violence, participants noted that implementation of the law has been limited by a shortage of trained agents to handle complaints, pressure on women from some agents to avoid taking their abusive husbands to court, and a number of logistical barriers to reporting abuse.

Public displays of affection can lead to charges of violating public morality laws, and jail time. In 2017, the Justice Ministry repealed a decree that had banned Tunisian women from marrying non-Muslim men.

#### **G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4**

Tunisian women and children are subject to sex trafficking and forced domestic work in both Tunisia and abroad. Refugees and other migrants are also susceptible to exploitation by traffickers. Cases of exploitation in the agriculture and textile sectors are prevalent; women often work long hours with no contracts, benefits, or legal recourse. The protests in early 2018 called attention to the lack of economic opportunity for average Tunisians due to high inflation, high unemployment, and a lack of meaningful reform to address such issues.