



FREEDOM IN THE WORLD 2021

# Tunisia

# 71

/100

FREE

<u>Political Rights</u>	32/40
<u>Civil Liberties</u>	39/60

## LAST YEAR'S SCORE & STATUS

70 /100    **Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Overview

After ousting a longtime autocrat from power in 2011, Tunisia began a democratic transition, and citizens now enjoy unprecedented political rights and civil liberties. However, the influence of endemic corruption, economic challenges, security threats, and continued unresolved issues related to gender equality and transitional justice remain obstacles to full democratic consolidation.

## Key Developments in 2020

- Tunisian authorities instituted a COVID-19-related lockdown in March, which was partially enforced by the army. Mass gatherings were banned before the lockdown was eased by June, though small-scale events took place during the lockdown and larger protests were held later in the year; while authorities responded forcefully to some demonstrations, others proceeded without intervention.
- Travel restrictions and curfews were reintroduced in October, as COVID-19 transmission accelerated, and continued through year's end; nearly 138,000 cases and 4,620 deaths were recorded by the World Health Organization at year's end.
- The proposed cabinet of prime minister-designate Habib Jemli was rejected in January. Ettakatol party leader Elyes Fakhfakh became premier in February but resigned in July after a report highlighted his stakes in firms that earned public contracts; Interior Minister Hichem Mechichi succeeded him after his cabinet was approved in September, and remained in post at year's end.
- In October, parliamentarians considered a draft bill that would provide immunity for security personnel who respond with lethal force while dispersing gatherings. The parliament withdrew the bill later that month, after domestic and international rights groups vehemently opposed it.

## Political Rights

# A. Electoral Process

**A1** 0-4 pts

<b>Was the current head of government or other chief national authority elected through free and fair elections?</b>	<b>4/4</b>
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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.

The last presidential election took place in October 2019, following the death of President Beji Caïd Essebsi that July. Kaïs Saïed, an independent candidate and former constitutional law professor who received an endorsement from the Islamist Ennahda party, won an October runoff against opponent Nabil Karoui with 73 percent of the vote. (Karoui spent most of the campaign in prison on money laundering and tax evasion charges.)

Local observers concluded that the 2019 presidential election was generally competitive and credible, but raised some concerns about Karoui's inability to campaign while in prison.

**A2** 0-4 pts

<b>Were the current national legislative representatives elected through free and fair elections?</b>	<b>4/4</b>
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Tunisia's 2014 constitution established a unicameral legislative body, the 217-seat Assembly of the Representatives of the People (ARP); 199 members are directly elected in domestic multimember constituencies, while 18 represent multimember constituencies abroad via a party-list system. All members serve five-year terms.

The most recent legislative election took place in October 2019. International and national observers declared the elections generally competitive and credible. Ennahda placed first with 52 seats, Karoui's Qalb Tounes (Heart of Tunisia) party took 38 seats, the progressive Democratic Current took 22, and the al-Karama (Dignity) Coalition took 21. The remaining seats were won by 11 other parties and 17 independent candidates.

The proposed cabinet of the Ennahda-supported prime minister-designate, former junior agriculture minister Habib Jemli, was rejected by parliamentarians in January 2020. President Saïed then tasked former tourism and finance minister Elyes Fakhfakh, leader of the center-left Ettakatol party, with forming a new cabinet. That cabinet took office in February, but Fakhfakh resigned in July after a report highlighted his holdings in firms that won public contracts. Saïed named Interior Minister Hichem Mechichi to succeed Fakhfakh in late July, and Mechichi's ministerial slate was approved in September.

### **A3** 0-4 pts

<b>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</b>	<b>4/4</b>
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The Independent High Authority for Elections (ISIE), a 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 has been well regarded by Tunisian and international observers. In 2019, the ISIE successfully oversaw early presidential elections, including a televised debate between the two candidates in the second round, as well as successful parliamentary elections.

## **B. Political Pluralism and Participation**

### **B1** 0-4 pts

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**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 2019 parliamentary elections saw robust competition between political parties and independent candidates within electoral processes that were deemed generally free and credible by observers.

Campaign-finance laws intended to prevent money from determining political outcomes are complex and often unclear. Parties occasionally bend, if not break, the rules in order to campaign effectively.

**B2** 0-4 pts

**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, and the 2019 elections demonstrated that independents and new parties can win political power through elections. President Saïed is not affiliated with a political party, nor is Prime Minister Mechichi.

**B3** 0-4 pts

**Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?**

**3/4**

Electoral outcomes are the result of transparent balloting. However, domestic economic oligarchies have a high degree of influence over politics. Foreign groups reportedly route funds to preferred campaigns, though these channels of support are opaque.

**B4** 0-4 pts

**Do various segments of the population (including ethnic, racial, 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. Representation of women in subsequent elections has been high, and legislation aimed at protecting the rights of women has been passed. Fifty-four women held parliamentary seats after the 2019 elections. Eleven women and one openly gay man requested nomination to stand as candidates in the 2019 presidential election.

The Amazigh ethnic community is underrepresented in electoral politics, but the first party to address their interests, the Akal Movement, was formed in May 2019.

Despite these positive developments, some segments of the population lack full political rights. Only Muslims may run for president. Societal discrimination and laws criminalizing homosexuality preclude many LGBT+ people from active political participation, and political parties largely fail to address LGBT+ issues.

## C. Functioning of Government

**C1** 0-4 pts

**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 autocrat Zine el-Abidine Ben Ali and his close relatives and associates made way for the establishment of a representative government that is generally accountable to voters. However, late president Essebsi

manipulated the national budget in such a way that the legislative branch was deeply underfunded, leaving it with limited ability or resources to craft legislation on its own. As a result, lawmaking has been largely an executive function. The fractured nature of the parliament also interfered in legislative decision-making during 2020, though parliamentarians did pass a national budget in December despite tensions within the body.

**C2** 0-4 pts

<b>Are safeguards against official corruption strong and effective?</b>	<b>1 / 4</b>
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Anticorruption legislation has historically been considered weak. The Economic Reconciliation Law of 2017 effectively offered amnesty for those implicated in Ben Ali-era corruption, but was amended due to public disapproval. In July 2018, the parliament approved a new law designed to strengthen the anticorruption legal framework, which requires the president, 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 National Commission for the Fight against Corruption (INLUCC) was established in 2011, and a permanent body, the Commission on Good Governance and the Fight against Corruption (IBGLCC) was meant to replace it under the 2014 constitution. While legislation founding the IBGLCC was passed in 2017, the new body remains inactive. INLUCC has continued its operations, notably renewing a partnership with the General Tunisian Labor Union (UGTT) in November 2020, but is underfunded, and cannot compel the judiciary to hear cases.

Corruption remained a significant issue in 2020. In July, then Prime Minister Fakhfakh resigned after Ennahda tabled a no-confidence motion over a report tying firms Fakhfakh held stakes in to public contracts. After he was nominated as premier, Mechichi instructed ministerial nominees to declare assets to INLUCC. In late December, 2019 presidential candidate Nabil Karoui, who was detained on suspicion

of money laundering and tax evasion during that campaign, was again arrested over those charges and remained detained at year's end.

The ongoing COVID-19 pandemic has worsened corruption in Tunisia; in December 2020, INLUCC head Imed Boukhris warned that corruption was on the rise, and specifically identified a future vaccination effort as a potential target for illicit behavior.

**C3** 0-4 pts

<b>Does the government operate with openness and transparency?</b>	<b>2/4</b>
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In 2016, the ARP adopted freedom-of-information legislation, though it was criticized by watchdog groups for its security-related exemptions. Cabinet ministries often refuse public requests for information. Members of the governing coalition voted out in 2019 had frequently crafted policy behind closed doors, without input from other parties.

However, legislation passed in 2018 that required public officials to declare their assets represented a positive step in government transparency. Government officials also operated with relative transparency in response to the COVID-19 pandemic.

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts

<b>Are there free and independent media?</b>	<b>2/4</b>
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The constitution guarantees freedom of opinion, thought, expression, information, and publication, subject to some restrictions. Press freedom has improved in recent years, and many independent outlets operate. Several online news outlets have launched since the 2011 revolution. Tunisia signed on to the International Declaration on Information and Democracy, which outlines basic principles for the global information and communication space, when the initiative was launched in late 2018.

Some journalists face pressure and intimidation from government officials in connection with their work. Reporters covering the security forces remain particularly vulnerable to harassment and arrest. Moreover, it is difficult to obtain data about the ownership of media companies, their audiences, or the funding of public advertising, and press freedom advocates have expressed concern about significant political influence on a number of major private outlets. Ahead of the 2019 elections, Tunisian journalists expressed concerns about government influence over the public broadcaster.

Journalists and bloggers are also targeted with insult and defamation laws. In April 2020, a blogger was convicted of insulting a public official after posting a video criticizing the effectiveness of a COVID-19-related food distribution effort to Facebook, and received a suspended sentence. Another blogger was charged with causing a disturbance for posting a video of a demonstration that same month, but was acquitted. In July, commentator Taoufik Ben Brik received a modified one-year sentence for defaming and insulting public officials; Ben Brik was charged after criticizing the authorities' treatment of presidential candidate Karoui the previous October. In November 2020, a blogger received a two-year prison sentence for criticizing a prosecutor in a Facebook video posted earlier that month.

**D2** 0-4 pts

**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, and Islamic education remains a required component of the curriculum in public schools. In May 2019, during Ramadan, a café owner was arrested and fined for keeping his restaurant open during fast hours in what human rights activists called an arbitrary use of criminal law. Converts to Christianity often experience harassment and discrimination.

**D3** 0-4 pts

<p><b>Is there academic freedom, and is the educational system free from extensive political indoctrination?</b></p>	<p><b>3/4</b></p>
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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 and gender identity, as well as critiques of Islam's role in violent extremism.

**D4** 0-4 pts

<p><b>Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?</b></p>	<p><b>4/4</b></p>
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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+ people.

## **E. Associational and Organizational Rights**

**E1** 0-4 pts

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**Is there freedom of assembly?****3/4**

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 declared in response to political and security situations, have imposed significant constraints on public demonstrations. The latest state of emergency, which was renewed in May and December 2020, allows security forces to ban strikes, meetings, and large gatherings considered likely to incite disorder. The government has called these measures necessary due to security concerns, but analysts have argued the measures are meant to suppress dissent.

Freedom of assembly was also curtailed under COVID-19-related emergency measures enacted in late March 2020, which initially banned all gatherings. That lockdown expired by June, but the government banned protests and limited public gatherings in an October order, citing an increase in COVID-19 cases. Protest bans were included in a November order, but mass-gathering restrictions were loosened in a December order.

Nevertheless, small protests reportedly proceeded in May 2020, with workers in sectors affected by COVID-19 measures demonstrating over a lack of pay. In late June, demonstrators in the city of Tataouine protested over high unemployment, and clashed with authorities after an activist was arrested. The Interior Ministry reported 10 arrests after those clashes. In October, protesters denounced proposed legislation that would provide immunity to security personnel in front of the parliament building in Tunis; participants were physically attacked by security forces, and several were detained. However, other demonstrations proceeded without forceful intervention during the year.

*Score Change: The score improved from 2 to 3 because protests and demonstrations were generally able to proceed with less police intervention and fewer arrests than in the previous two years, though police violence remained a problem.*

**E2** 0-4 pts

**Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?**

**2/4**

A progressive 2011 decree guarantees the freedom for NGOs to operate and outlines procedures governing the establishment of new groups. Tens of thousands of new NGOs began operating after the revolution, holding conferences, trainings, educational programs, and other gatherings throughout Tunisia in subsequent years.

However, a 2018 law effectively equated NGOs with businesses, and requires them to submit to onerous reporting requirements beyond those codified in the 2011 decree. Under the law, all NGOs (and businesses) are required to register with a new National Registry of Institutions, and 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. Critics argue that the requirement increases 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.

**E3** 0-4 pts

**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. The UGTT is the predominant union, though independent unions also exist. 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

**F1** 0-4 pts

**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, the Constitutional Court, which is intended to evaluate the constitutionality of decrees and laws, has not been established via legislation, nor have its members been formally appointed, at year's end.

**F2** 0-4 pts**Does due process prevail in civil and criminal matters?****2/4**

The state of emergency in place since 2015 and renewed through the end of 2020 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 still tried in military courts, particularly on charges of defaming the army.

In 2014, Tunisia established a Truth and Dignity Commission (IVD) to examine political, economic, and social crimes committed since 1956, and it soon began collecting testimony. In early 2018, the parliament voted against extending the commission's mandate, a decision that drew criticism from rights activists for weakening transitional justice efforts. The commission presented its final report in March 2019 and officially published it in June 2020, drawing on over 62,000 complaints filed by Tunisian citizens against the state for human rights abuses. Tunisian courts were reviewing 69 indictments and 131 referrals from the IVD at year's end.

**F3** 0-4 pts

**Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?**

**3/4**

Tunisia has recently dealt with periodic terrorist attacks. In June 2019, two suicide bombers detonated their explosives in Tunis, killing a police officer and wounding eight other people; the Islamic State (IS) militant group claimed responsibility.

The police force faces long-standing complaints of officers abusing civilians and detainees with impunity, and the police unions have resisted reform efforts aimed at addressing the problem. Reports of the use of excessive force and torture by security agents continued in 2020.

In October 2020, the parliament considered a bill that would provide immunity for security forces who use lethal force to disperse some gatherings if the action is considered a last resort. National and international rights groups voiced fierce opposition to the bill, which was first proposed in 2013, and the parliament withdrew it.

While the death penalty technically exists, Tunisian authorities have not carried out an execution since 1991. President Saïed drew ire in September 2020 after voicing his support for capital punishment for certain crimes.

**F4** 0-4 pts

**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 prison sentences of up to three years 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

**G1** 0-4 pts

<b>Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?</b>	<b>3/4</b>
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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. 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 have broad license under the state of emergency to restrict individuals' movement without initiating formal charges, and thousands of people have been affected by such orders.

Freedom of movement was also impacted by COVID-19-related measures. A late March 2020 lockdown order, which was partially enforced by the army, restricted movement and instituted a nationwide curfew, though these initial measures expired by June. Nationwide curfews were reintroduced via October and November orders, which also restricted travel between governorates; some governorates were exempt from travel restrictions in a subsequent December order.

**G2** 0-4 pts

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

In November 2018, the cabinet approved a bill that would establish equal inheritance rights for men and women. Currently, women are granted half the share of inheritance that men receive. However, Ennahda expressed opposition to the bill, which did not receive a parliamentary vote by the end of 2020.

### **G3** 0-4 pts

<p><b>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</b></p>	<p><b>3/4</b></p>
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Tunisia has long been praised for relatively progressive social policies, especially in the areas of family law and women's rights. However, women face high rates of domestic abuse. In 2017, parliamentarians 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. At a conference in November 2018 that brought together government officials, NGO representatives, and domestic abuse survivors, participants noted that the law's implementation was limited by a shortage of trained agents to handle complaints, pressure on women from some agents to avoid taking abusive husbands to court, and logistical barriers to reporting abuse.

Violence against women rose as the COVID-19 pandemic took hold. During the March-to-June national lockdown, the Tunisian Association of Democratic Women's Tunis shelter received four times as many women as it did before.

Homosexuality remains criminalized. A Tunisian appeals court upheld the conviction of two men on sodomy charges in July 2020, resulting in one-year prison sentences for the defendants.

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** 0-4 pts

<b>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</b>	<b>2/4</b>
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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. Recent protests have 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. Protests throughout 2020 highlighted the continued problem of regional economic inequality, with marginalization, underdevelopment, unemployment, and deteriorating conditions plaguing the country's interior.



#### On Tunisia

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#### Country Facts

#### Global Freedom Score

**71/100** Free

Internet Freedom Score

**64/100** Partly Free

*Other Years*

2020
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