



Freedom in the World 2017 - Tunisia

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Freedom Status: Free

Aggregate Score: 78/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 2/7 (1 = Most Free, 7 = Least Free)

Political Rights: 1/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 3/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 11,300,000

Capital: Tunis

GDP/capita: \$3,873

Press Freedom Status: Partly Free

Net Freedom Status: Partly Free

OVERVIEW

Since ousting a longtime autocrat from power in 2011, Tunisia has transitioned to a functioning, if precarious, democracy in which citizens enjoy unprecedented political rights and civil liberties. Corruption, economic challenges, and security threats remain obstacles to full democratic consolidation.

Key Developments

- In March, dozens of gunmen with links to the Islamic State (IS) militant group attacked the town of Ben Guerdane, near the Libyan border. The ensuing battle left 36 militants, 7 civilians, and 12 members of the Tunisian security forces dead.
- In June, the parliament adopted a robust gender parity law for candidates in local elections, though officials indicated that the next elections, set for March 2017, would be postponed.
- Amid increasing concerns about security threats and a weak economy, Prime Minister Habib Essid lost a July confidence vote in the parliament, and his government stepped down. A new national unity government took office in late August.
- In November, the Truth and Dignity Commission held two public hearings on national television and radio, offering victims of human rights abuses under the former regime a chance to share their testimony.

Executive Summary

Tunisia took important, if modest, steps in 2016 toward preserving the democratic gains of the previous five years and improving civil liberties, even as ongoing economic stagnation and security challenges threatened the system's stability. New legislation established the Supreme Judicial Council, a body charged with

ensuring the independence of the judiciary and appointing Constitutional Court judges, and council members were elected in October. In September, the parliament approved a long-awaited investment code that was expected to help attract foreign direct investment and reduce state interference in economic activity. And in June, the parliament adopted a gender parity law to ensure greater representation of women in local elections, though the elections planned for March 2017 were postponed.

In a sign of ongoing frustration with the lack of economic progress, protests broke out across the country in January. Police met the demonstrations with greater restraint than in recent years, when security forces had sometimes responded to protests with excessive or even deadly force. A major attack on the town of Ben Guerdane in March by militants affiliated with IS highlighted ongoing security threats that have triggered successive states of emergency.

At the start of the year, a number of parliament members with the leading political party, the secularist Nidaa Tounes, broke away after two years of growing internal disagreements. The development left Nidaa Tounes with 64 seats and handed a plurality to the moderate Islamist party Ennahda, which held 69. In July, the government of Habib Essid, an independent who had initially enjoyed the backing of both Nidaa Tounes and Ennahda but had struggled to address security threats and the faltering economy, was forced to step down after failing to win a vote of confidence. A national unity government assumed office in August, with Youssef Chahed of Nidaa Tounes as prime minister.

A controversial bill that would grant amnesty to individuals implicated in economic crimes under the former regime in exchange for their return of stolen assets to the state continued to meet resistance in civil society during the year, with activists claiming that it would undermine existing reconciliation programs. However, leading factions in the parliament indicated their intention to approve the measure.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 37 / 40 (–1)

A. Electoral Process: 11 / 12 (–1)

- A1. Is the head of government or other chief national authority elected through free and fair elections?
- A2. Are the national legislative representatives elected through free and fair elections?
- A3. Are the electoral laws and framework fair?

Tunisia's 2014 constitution established a unicameral legislative body, the Assembly of the Representatives of the People (ARP), and a semipresidential system in which the majority party in the parliament selects a head of government, while a popularly elected president serves as head of state and exercises circumscribed powers. The ARP consists of 217 representatives serving five-year terms, with members elected on party lists in 33 multimember constituencies.

Parliamentary elections held in October 2014 featured high turnout, with 67 percent of registered voters participating. Nidaa Tounes, established two years earlier with the goal of blunting the momentum of Ennahda, won a plurality of the vote and 86 seats. Ennahda placed second with 69 seats, 20 fewer than in 2011. Three other parties won enough seats to play significant roles in government formation: the populist-centrist Free Patriotic Union (UPL) won 16 seats, the leftist Popular Front garnered 15, and the center-right Afek Tounes won 8. Eleven other parties each obtained between one and four seats, and two seats went to independents.

A presidential election was held in November 2014, with 64 percent of registered voters casting ballots in the first round. Beji Caid Essebsi, the leader of Nidaa Tounes, won 40 percent of the vote, followed by incumbent Mohamed Moncef Marzouki of Congress for the Republic, with 33 percent. Essebsi then defeated Marzouki in the runoff, 55 percent to 44 percent. International and local observers concluded that the 2014 elections were free and fair.

Essebsi tasked Essid, an independent technocrat, with forming a government. The ARP's approval of Essid's cabinet in February 2015 completed the transition to a fully democratic system at the legislative and executive levels under the new constitution. Essid's government, comprising members of Nidaa Tounes, Ennahda, UPL, and Afek Tounes, remained in office through the first half of 2016.

In January 2016, 22 representatives from Nidaa Tounes resigned from the party to form a new bloc, Al-Horra, reducing Nidaa Tounes to 64 seats and leaving Ennahda as the largest party. That development, combined with growing concern over the government's handling of security threats and widespread frustration with a lack of economic progress, prompted Essebsi to call for a new national unity government in June. The following month, Essid lost a vote of confidence in the parliament, and his government stepped down. Essebsi tapped Chahed, an agricultural economist and Nidaa Tounes member, to serve as prime minister. His government, comprising members of Nidaa Tounes, Ennahda, and five smaller parties, plus two figures close to the Tunisian General Labor Union (UGTT), took office in August.

The Independent High Authority for Elections (ISIE), a neutral nine-member commission, is tasked with supervising parliamentary and presidential elections. The constitution also calls for a system of local governance based on municipal, district-level, and regional elections. Those votes have been repeatedly postponed, due in part to a lack of resources and disagreements as to whether members of the security forces should participate. The government has pledged that the polls will be held in 2017, though a plan to hold them in March of that year was abandoned in 2016.

Observers praised the 2014 electoral law for providing a credible framework that would reflect the will of the voters. However, the law's gender parity provisions, which required men and women to alternate within each party list but stopped short of requiring that men and women alternate at the head of lists across regions, attracted criticism. In June 2016, the ARP adopted an amendment to legislation governing municipal and regional elections that mandated horizontal and vertical parity, meaning parties must have equal numbers of men and women at the head of their lists, in addition to alternating between men and women within each list.

B. Political Pluralism and Participation: 16 / 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 open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

Seventy parties participated in the 2014 elections. The two dominant parties were Nidaa Tounes, a secularist coalition of leftists, trade unionists, businesspeople, and members of the former government of Zine el-Abidine Ben Ali (who was ousted as president in a popular revolution in 2011), and Ennahda, a moderate Islamist party that had been banned under Ben Ali's regime. Throughout 2015, a power struggle played out within Nidaa Tounes between the leftist faction, led by the party's secretary general, Mohsen Marzouk, and ancien régime elements led by Hafedh Caid Essebsi, the current president's son. In March 2016, Marzouk announced the formation of a new party, the Tounes Movement Project, which was expected to contest the next elections. Al-Horra, the parliamentary bloc that departed Nidaa Tounes in January, supported Marzouk.

The Tunisian military, historically marginalized by the political leadership, remained politically neutral in 2016. The military's budget has significantly expanded in the past several years, and it has established its own intelligence and security services. While generally viewed as positive developments aimed at correcting long-standing internal dysfunction, these changes have led some experts to caution against an unwarranted increase in the military's powers. Concerns over the military's potential politicization emerged in September 2016, following a controversial proposal to amend the electoral law to extend voting rights to members of the armed forces and police. The proposal had not been approved by year's end, but unions representing the security forces campaigned vigorously in favor of the amendment.

The government and both domestic and international nongovernmental organizations (NGOs) have worked to increase the political participation of marginalized groups, including disabled Tunisians, and ensure their inclusion in elections.

C. Functioning of Government: 9 / 12

- C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?
- C2. Is the government free from pervasive corruption?
- C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

Freely elected officials determine and implement laws and policies without interference in Tunisia, and the 2011 removal 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. The 2014 constitution called for the eventual creation of a Good Governance and Anti-Corruption Commission, but few prosecutions have occurred to date, with the exception of in absentia trials for members of the Ben Ali and Trabelsi clans – the families of the ousted president and his wife. Petty corruption continues to plague the country, with tax evasion, falsification of documents, and bribery rampant in the civil service.

A proposed "reconciliation law" approved by Essid's cabinet in 2015 would suspend all legal proceedings and investigations into public corruption committed under the Ben Ali regime in exchange for implicated individuals' agreement to return stolen assets to the state. In 2016, the bill continued to face resistance from civil society and some factions in the parliament, with representatives claiming that its enactment would undermine existing reconciliation programs. The leading political parties indicated that they would support the measure, though the bill had not come up for a vote by year's end.

Since the revolution, Tunisia has improved its record on government transparency. A 2011 decree requires internal documents of public institutions to be made available to the public. The 2014 constitution established the right of access to information, along with an independent commission to monitor compliance. In March 2016, the ARP adopted a freedom of information law, though it was criticized by watchdog groups for its security-related exemptions.

Civil Liberties: 42 / 60

D. Freedom of Expression and Belief: 13 / 16

- D1. Are there free and independent media and other forms of cultural expression?
- D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?
- D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?
- D4. Is there open and free private discussion?

The constitution guarantees freedom of opinion, thought, expression, information, and publication, subject to some restrictions. However, journalists continued to face obstacles in 2016. In February, political cartoonist Lotfi Ben Sassi alleged that he had received threats of administrative sanctions and pressure from the editor in chief of the state-run newspaper *La Presse* over cartoons mocking Tunisia's reliance on foreign assistance, particularly from the United States. In September, officials at the private television station Attessia said government officials had pressured them not to air a prerecorded interview with former president Marzouki, though it broadcast the interview anyway.

Article 91 of the military justice code criminalizes "insulting the flag or the army," and a number of bloggers and journalists have been prosecuted under the provision. In October 2016, a military court issued a warrant for the arrest of Mohamed Haj Mansour following his online newspaper's publication of an article alleging that Israel was behind the army's recent purchase of defective military equipment. Independent journalist Jamel Arfaoui and Rached Khiari, editor of the newspaper *Al-Sadaa*, were charged under the military justice code in September and November for separate articles; at year's end both were free pending trial.

Authorities do not restrict access to the internet or illegally monitor users' online activity.

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. While the constitution identifies Islam as the state religion and requires the president to be a Muslim, no constitutional

provision identifies Sharia (Islamic law) as a source of legislation. The state retains influence over the internal affairs of religious institutions, particularly at mosques, where it continues to appoint local imams and bans unauthorized activity.

Article 33 of the constitution explicitly protects academic freedom, which continues to improve in practice. Private discussion is largely open and free.

E. Associational and Organizational Rights: 9 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

The constitution guarantees the rights to assembly and peaceful demonstration. Public demonstrations on political, social, and economic issues regularly take place, although a controversial counterterrorism law adopted in 2015, and successive states of emergency issued in response to terrorist attacks, have imposed constraints on public demonstrations. In January 2016, protests over soaring unemployment erupted in Kasserine Governorate and spread to cities around the country after a jobless man was electrocuted while standing on top of a power pole to protest his removal from consideration for public-sector jobs. The protests subsided by late February, and observers credited the police with demonstrating greater restraint than in previous years.

The constitution protects the freedom to establish political parties, unions, and associations. Tens of thousands of new civil society organizations began operating after the revolution, and NGO conferences were held throughout the country during 2016.

The constitution guarantees the right to form labor unions and to strike. The Tunisian economy has been rocked by continuous strikes across all sectors since the revolution, with participants demanding labor reform, better wages, and improved workplace conditions. In August 2016, Chahed announced that his government would penalize labor actions aimed at disrupting production, but offered assurances that the constitutional right to strike would be upheld. In November, the country's largest trade union, the UGTT, called for a strike of public-sector workers following a wage dispute with the government. However, the planned action was canceled in December after the government agreed to increase civil service salaries.

F. Rule of Law: 9 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

The constitution calls for a robust and independent judiciary. Judicial reform since the revolution has proceeded slowly, with numerous Ben Ali-era judges remaining on the bench and successive governments regularly attempting to manipulate the courts. Legislation adopted in March 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 October by thousands of legal professionals.

In June 2014, Tunisia established a Truth and Dignity Commission (TDC) to examine political, economic, and social crimes committed since 1956. The TDC's director, Sihem Ben Sedrine, reported in February 2016 that she still had not been granted access to Interior Ministry archives, though she did obtain access to the presidential archives after initially being blocked the previous year. In November, the TDC broadcast its first two public hearings on national television and radio. By December, the commission had registered over 62,000 complaints and heard 11,000 testimonies documenting cases of economic corruption and human rights violations such as torture and sexual abuse against men, women, and children.

Security issues, particularly threats from violent groups within the Salafi Muslim community, are a major concern for the government. A 2015 antiterrorism law gives police expanded surveillance and detention powers, allows terrorism suspects to be tried in closed-door hearings, and permits witnesses in such trials to remain anonymous. In March 2016, dozens of militants with links to IS attacked the town of Ben Guerdane near the Libyan border, targeting police and army outposts before being repelled by security forces. The initial attack left 36 militants, 7 civilians, and 12 members of the armed forces dead, and security forces killed 14 more militants in operations over the next several days to secure the town.

The constitution refers to state protections for persons with special needs, prohibiting all forms of discrimination and providing aid for their integration into society. It also calls for the state to create a culture of diversity. However, LGBT (lesbian, gay, bisexual, and transgender) people continue to face discrimination in law and society, and the penal code calls for a three-year prison sentence for "sodomy." In January 2016, a court in Tunis ordered the LGBT rights group Shams to suspend activities for 30 days. The decision was reversed on appeal in February, although Shams activists continued to face harassment by the police. In March, a judge acquitted eight youths charged with same-sex sexual acts, the first such acquittal in Tunisian history, though they remained in jail on separate drug charges.

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. A draft law that would normalize the status of asylum seekers and increase their rights and protections had yet to be passed at the end of 2016.

G. Personal Autonomy and Individual Rights: 11 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

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. Unlike in some other countries in the region, women do not require the permission of a male relative to travel. In 2016 the border with Libya was closed on numerous occasions in response to terrorist attacks, and a nationwide curfew was imposed following the demonstrations that broke out in January. The curfew was lifted in February, though a state of emergency has been repeatedly renewed since late 2015 and remained in place throughout the year.

The protection of property rights continued to be an area of concern, closely linked to high levels of corruption as well as a large backlog of property disputes. The 2014 constitution introduced new protections for property, including intellectual property, but their implementation has yet to be seen. In September 2016, the parliament approved a long-awaited investment code that was expected to help attract foreign direct investment and reduce state interference in economic activity.

Tunisia has long been praised for relatively progressive social policies, especially in the areas of family law and women's rights. The constitution guarantees equality before the law for men and women, and the 1956 personal status code, which also grants women equality with men, has remained in force. The code provides women with equal rights in divorce, and children born to Tunisian mothers and foreign fathers are automatically granted citizenship. Medical abortion is legal. Currently, 68 women serve in the parliament, and 8 of the 40 ministers and secretaries of state in Chahed's government are women.

Areas of ongoing concern for women's rights include social discrimination, domestic abuse, and unequal inheritance laws. A proposed law introduced in the parliament in May 2016 would allow families to manage their estates as they wished, in an effort to establish equity for women and men in matters of inheritance. The

bill elicited opposition from various factions in the parliament, as well as from the Mufti of the Republic, the country's leading religious authority. It had not passed by year's end.

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.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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