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Freedom in the World 2013 - Tunisia

2013 Scores

Status: Partly Free

Freedom Rating: 3.5

Civil Liberties: 4

Political Rights: 3

Overview

In 2012, the Constituent Assembly elected in 2011 attempted to balance its governing responsibilities with the need to draft and pass a new constitution, which remained incomplete at year's end. Security issues were a major concern for the coalition government during the year. Among other violent incidents, demonstrators protesting an online anti-Islam video clip in September attacked the U.S. embassy and an international school in Tunis.

Tunisia, which had been a French protectorate since 1881, gained its independence in 1956. The country was then ruled for more than 30 years by President Habib Bourguiba, a secular nationalist who favored economic and social modernization along Western lines but severely limited political liberties. Bourguiba succeeded in advancing women's rights and economic development, and his government maintained strong relations with the West and fellow Arab states.

In 1987, Prime Minister Zine el-Abidine Ben Ali ousted Bourguiba and seized the presidency in a bloodless coup. Ben Ali's rise to power had little effect on state policy. He continued to push market-based economic development and women's rights, but he also repressed political opponents. Independent journalists, secular activists, and Islamists faced imprisonment, torture, and harassment. Many Islamists, particularly supporters of the banned movement Ennahda, were jailed following sham trials in the early 1990s.

Ben Ali's hold on government institutions remained strong over subsequent years, and he won a fifth five-year term in the 2009 presidential election, taking nearly 90 percent of the vote amid tight media and candidacy restrictions.

The government's repressive measures continued through 2010 and included a harsh crackdown on journalists and bloggers. A state media campaign during the year advocated constitutional amendments that would allow Ben Ali to run for a sixth term in 2014.

The strict state controls enforced by the Ben Ali regime, combined with high unemployment and a lack of economic opportunities for young adults, led to nationwide antigovernment protests in December 2010 and January 2011. The uprising was triggered by the self-immolation of a fruit vendor protesting police harassment. As a result of the protests, which featured at least 219 deaths as demonstrators clashed with police, Ben Ali was forced to flee to Saudi Arabia on January 14.

Prime Minister Mohammed Ghannouchi assumed the role of head of state after Ben Ali's departure, but he too was forced from office by the continuing protests. Ben Ali's party, the Democratic Constitutional Rally (RCD), was dissolved by court order in March, all members of the party were forced to resign from the transitional government, and a court decision in June found Ben Ali guilty of theft and sentenced him in absentia to 35 years in prison and a \$65 million fine.

Originally scheduled for June, elections for a Constituent Assembly were held in October 2011. The voting was observed by international monitoring groups, and they were widely touted as the first orderly, free, and fair elections in the country's history. There were isolated reports of irregularities and one documented violation of campaign finance rules, but the transitional authorities sought to act quickly on those problems, in some instances invalidating seats that were gained unfairly. Turnout was 52 percent, a substantially higher rate than in previous Tunisian elections.

Ennahda, the formerly outlawed Islamist party, won a plurality of the vote and 89 of the 217 seats. Two left-leaning parties, the Congress for the Republic (CPR) and Ettakatol, joined Ennahda in a governing coalition after winning 29 and 20 seats, respectively. Ennahda's Hamadi Jebali became prime minister, Ettakatol's Mustafa Ben Jaafar was chosen as speaker of the assembly, and the CPR's Moncef Marzouki was named to hold a largely ceremonial presidency. The Constituent Assembly was tasked with drafting a new constitution and holding new elections within a year, and would serve as a legislature in the interim.

In 2012, the Constituent Assembly attempted to balance the need to draft a constitution with more basic governing responsibilities. As a result, it made little concrete progress on key issues like the role of the central and local governments, reform of the judicial system, and the respective powers of the president and prime minister. The constitutional drafting process continued during the year, but without an officially sanctioned deadline, a final document was not expected until early 2013. It remained unclear whether a referendum or a two-thirds vote in the Constituent Assembly would be necessary to adopt the constitution.

The authorities largely maintained security in the country during 2012, though there were sporadic clashes between rival political factions, crackdowns on protests related to economic issues, and threats from some Salafi Muslim groups against civilians and the state. In September, demonstrators protesting an online video that ridiculed Islam stormed the U.S. embassy and an international school in Tunis. Police reported that at least three protesters were killed and 28 people were wounded. Police and protesters also clashed violently in the town of Siliana in early December. Five days of protests over economic issues left unaddressed since the 2011 revolution were finally quashed by security forces.

Political Rights and Civil Liberties

Tunisia is an electoral democracy. The balloting of October 2011 represented a dramatic improvement in electoral freedoms and practices. Under the former regime of Zine el-Abidine Ben Ali, the president had directly appointed the cabinet, much of the legislature, and many regional officials. Elections were tightly controlled, and term limits were extended to allow Ben Ali to remain in power.

By contrast, in the 2011 elections, all 217 members of the Constituent Assembly were directly elected through party-list voting in 33 multimember constituencies, and voters were able to choose from political parties representing a wide range of ideologies and political philosophies, including Islamist and secularist groups. Many of the parties that competed were excluded from political participation under Ben Ali. It should be noted, however, that the government appoints many local officials. The appointment process for many key positions is not entirely transparent, and oversight is incomplete.

The removal of Ben Ali and his close relatives and associates, who had used their positions to create private monopolies in several sectors of the economy, represented an important first step in combating corruption and conflicts of interest. An anticorruption commission was established soon after the former president's ouster, the unelected transitional cabinet was far more subject to popular scrutiny than its predecessors, and the government elected in October 2011 also seemed inclined to operate with greater transparency. However, a strong legal framework and systematic practices aimed at curbing corruption had yet to take shape at the end of 2012. Tunisia was ranked 75 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The Ben Ali regime had used an array of legal, penal, and economic measures to silence dissenting voices in the media, and the transitional government almost immediately proclaimed freedom of information and expression as a foundational principle for the country. Conditions improved significantly in practice, but many problems persist, and it remains uncertain whether long-promised legal or institutional frameworks will be established to guarantee media freedoms. In May 2012, El Hiwar Ettounsi, one of five new private television stations to receive broadcast permits since the revolution, had its broadcasting equipment vandalized and stolen. Also in May, Nabil Karoui, owner of the private Nessma TV station, was ordered to pay a 2,400 dinar fine after a court found him guilty of violating moral values and disrupting public order for airing the movie *Persepolis*, which includes a cartoon depiction of Allah that religious conservatives found offensive.

Muslims form the dominant religious group in Tunisia, but the small populations of Jews and Christians have generally been free to practice their faiths. Draft constitutional language under consideration at the end of 2012 would protect religious expression, but would not give complete equality to people of all religions. Non-Muslims would be barred from the presidency, and the right to change one's faith or choose no faith was not explicitly protected. After Ben Ali's ouster, conservative and Salafi Muslims, like all religious groups, had more freedom to openly discuss the role that religion should play in the public sphere and to express their beliefs

© UNHCR without state interference. However, this has resulted in periodic violent clashes with their political and ideological opponents, attacks on purveyors of alcohol or allegedly blasphemous art, and public threats by Salafis against state institutions. At least four Sufi Muslim shrines, which Salafi Muslims consider un-Islamic, have been destroyed, and several others have been forced to close.

Authorities limited academic discussion of sensitive topics under the Ben Ali regime, and its removal created a more open environment for students and faculties. Some small institutional improvements were made in 2012, including the reopening of the moderate 8th-century Zaitouna mosque and madrasa, which had been closed since the Bourguiba era. However, without a constitution, there is no legal framework to protect even such marginal advances.

Some human rights groups questioned the government's commitment to freedom of assembly in 2012. Although demonstrations on political, social, and economic issues took place throughout the year, many featured violent clashes with police, who were criticized for using excessive force. Temporary curfews were imposed in some cases.

Nongovernmental organizations (NGOs) were legally prohibited from pursuing political objectives and activities under the Ben Ali regime. However, many new groups began operating after the revolution. A number of conferences were held by NGOs across the country during 2012, and advocacy groups have mounted protests on issues such as women's rights, the role of religion in the state, and the needs of nomadic Berber communities. No formal registration process has been instated for these organizations, and their existence is not protected by a legal framework.

New labor organizations were established in 2011, including the Tunisian Labor Union (UTT) and the General Confederation of Tunisian Workers (CGTT). In 2012, these organizations, along with the oldest labor union in Tunisia, the General Union of Tunisian Workers (UGTT), continued to call for substantial governmental labor reform, better wages, and improved workplace conditions. However, the Constituent Assembly gave the issue little attention, leading the UGTT to both call for strikes and support protests against the authorities.

Under Ben Ali, the judicial system was carefully managed by the executive branch, which controlled the appointment and assignment of judges. Trials of suspected Islamists, human rights activists, and journalists were typically condemned as grossly unfair and politically biased by domestic and international observers. Politicized imprisonment and similar abuses declined significantly in 2011 and 2012, and the judiciary experienced some changes, reflected partly in the trial of Ben Ali in absentia. However, the court system and law enforcement agencies have not been thoroughly reformed since the fall of Ben Ali, and few within the government have shown the political will to undertake such reforms, despite significant domestic and international pressure.

Tunisia has long been praised for relatively progressive social policies, especially in the areas of family law and women's rights. The personal status code grants women equal rights in divorce, and children born to Tunisian mothers and foreign fathers are automatically granted citizenship. The country legalized medical abortion in 1973. There are currently 49 women in the Constituent Assembly, representing the largest proportion of female representatives in the Arab world, though only seven are from a secularist party. In 2012, women's rights advocates criticized language in the draft constitution that referred to "complementarity" rather than equality between the sexes. Government officials backtracked on those provisions after the public outcry.

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