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Freedom House

Freedom in the World 2018 - Tunisia

Year:

2018

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

3

Aggregate Score:

70

Freedom Rating:

2.5

Overview:

Since ousting a longtime autocrat from power in 2011, Tunisia is transitioning to democracy. Citizens enjoy unprecedented political rights and civil liberties. The influence of old regime officials, endemic corruption, economic challenges, and security threats remain obstacles to full democratic consolidation.

Ratings Change:

Tunisia's political rights rating decreased from 1 to 2 and it received a downward trend arrow due to further postponement of municipal elections and growing pressure on the political system from powerful elements of the former regime.

Key Developments in 2017:

- In January, lawmakers approved amendments to the law on local elections, which granted the military and security services the right to vote and contained

provisions aimed at boosting the political representation of women, young people, and people with disabilities.

- In May, the head of the Independent High Authority for Elections (ISIE) resigned, questioning the body's independence, and was replaced only after a months-long delay. Meanwhile, the ISIE once again pushed back long-delayed local elections, which at year's end were set for mid-2018.
- In September, lawmakers approved a controversial "reconciliation" bill that would grant amnesty to many former civil servants implicated in economic crimes under the former regime of autocrat Zine el-Abidine Ben Ali. The bill was met with resistance by civil society, with activists claiming that it would undermine justice processes taking place in the courts and through the postrevolutionary Truth and Dignity Commission.
- One person was killed amid a clash between protesters and police in Tataouine, where a series of demonstrations against economic inequality took place in the spring.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 30 / 40 (-6)

A. ELECTORAL PROCESS: 10 / 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 head of government. 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.

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.

Delays in holding elections for municipal and regional councils have left unelected local councils in place seven years after the 2011 revolution.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 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, in 2017, a series of concerning events casts doubt upon the ISIE's impartiality and independence. In May, ISIE president Chafik Sarsar resigned, saying he had faced political pressure, and publicly questioned the body's independence. Following four failed attempts by the ARP to replace him, Mohamed Mansri was elected as a consensus candidate of the Ennahda and Nidaa Tounes parties—which comprise Tunisia's governing coalition—in November.

As the parties struggled to elect a new ISIE head, the body announced in October that long-delayed local elections would be held in March 2018. Then, in December, the ISIE pushed them back to May 2018.

Meanwhile, amendments to a 2014 law on local elections were approved in 2017 after a long delay. Some observers attributed the delay to a reluctance by the major parties to approve it before they were better positioned to contest local races.

Score Change: The score declined from 3 to 2 due to the resignation of the ISIE president, who questioned the body's independence; delays in the election of a replacement; and the postponement of municipal and regional elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16 (-2)

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 2014 parliamentary and presidential elections saw robust competition between political parties 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 U.S.-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. President Beji Caid Essebsi of Nidaa Tounes defeated the incumbent, Moncef Marzouki of the Congress for the Republic, in the 2014 presidential election. Meanwhile, Nidaa Tounes won a plurality in parliament in that year's legislative elections, displacing Ennahda, which had held the largest share of seats previously.

Local and regional elections, originally scheduled for 2015, have been repeatedly postponed, leaving unelected councils in place. The lack of elections has effectively prevented opposition groupings from winning political representation at those levels.

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 (-1)

While electoral outcomes are the result of transparent balloting, domestic economic oligarchies have a high degree of influence over policymaking, particularly on economic issues. Following Essebsi's and Nidaa Tounes's electoral success in 2014, the new government introduced a controversial "reconciliation" bill that would grant 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 justice processes taking place in the courts and through the Truth and Dignity Commission, which is tasked with examining political, economic, and social crimes committed since 1956. Analysts suggest 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. A version of the bill was approved in September 2017.

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, and in 2017 faced a lawsuit alleging illegal financial support from the emirate.

The 2014 elections, while deemed generally competitive by observers, were marred by allegations of vote-buying by the major parties.

Score Change: The score declined from 4 to 3 because oligarchs linked to the previous regime have exerted influence over economic policymaking.

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 (-1)

Nongovernmental organizations (NGOs) and international organizations continue working to increase the political participation of marginalized groups. The 2017 Law on Local and Regional Elections included measures aimed at boosting the political participation of people with disabilities.

However, only Muslims may run for president. Homosexuality remains illegal in Tunisia, effectively precluding openly gay candidates from participating in elections.

Score Change: The score declined from 4 to 3 because non-Muslims may not run for president, and a law criminalizing homosexuality precludes openly gay people from running for elected office.

C. FUNCTIONING OF GOVERNMENT: 6 / 12 (-3)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4 (-1)

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 legislative branch is deeply underfunded, leaving it with little ability or resources to craft legislation on its own in 2017. As a result, lawmaking is largely a function of the executive.

Score Change: The score declined from 4 to 3 due because an inadequate legislative budget has allowed the executive to dominate policymaking processes.

C2. Are safeguards against official corruption strong and effective? 1 / 4 (-1)

In 2017, Prime Minister Youssef 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 members of emerging elites, while leaving corrupt figures associated with the Ben Ali regime largely untouched.

In September 2017, the parliament passed the controversial Administrative Reconciliation law, which grants amnesty to individuals implicated in economic crimes under Ben Ali's regime, if they did not gain personally from those acts. The law undermines ongoing investigations, as well as the work of the Truth and Dignity Commission.

Score Change: The score declined from 2 to 1 due to the passage of legislation that can impede the prosecution of corrupt government officials from the Ben Ali administration.

C3. Does the government operate with openness and transparency? 2 / 4 (-1)

In 2016, the ARP adopted a freedom of information law, though it was criticized by watchdog groups for its security-related exemptions. Tunisian transparency advocates say the government failed to take adequate preparations for the law's implementation. Cabinet ministries have refused many requests.

Chahed has been criticized for a lack of transparency surrounding his 2017 anticorruption drive; officials have made few public statements about goals for the drive, nor have they released any guiding strategy for it.

Members of the governing coalition frequently craft policy behind closed doors, without seeking input from other parties.

Score Change: The score declined from 3 to 2 due to inadequate implementation of the freedom of information law, and a general lack of transparency surrounding government activity.

CIVIL LIBERTIES: 40 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16 (-1)

D1. Are there free and independent media? 2 / 4 (-1)

The constitution guarantees freedom of opinion, thought, expression, information, and publication, subject to some restrictions. While independent media outlets exist in Tunisia, in 2017, journalists covering controversial topics continued to encounter pressure and intimidation from government officials in connection with their work. In May, officers from the National Guard interrogated Sami Ben Gharbia, cofounder of the investigative news website *Nawaat*, in connection with a story the outlet had published on the economic reconciliation bill; the police demanded that he reveal the sources for the story, as well as extensive information about the journalists who worked on it. While attending a legal hearing related to the issue days later, Gharbia reportedly discovered that authorities had been monitoring his phone. Officials also threatened to charge the outlet with the dissemination of false news. Separately, in September, Hamdi al-Souissi, a journalist for the local radio station Diwan FM, in Sfax, was attacked by police officers while covering a demonstration. He was then arrested and questioned for two hours before being released.

Score Change: The score declined from 3 to 2 due to the continued intimidation and harassment of journalists by public officials.

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. The presidency is restricted to Muslims, and Islam is enshrined as the only religion of the state. Islamic education remains a required component of public education curriculum.

In June 2017, four men were arrested for smoking and eating in public, during the daytime, during Ramadan. While it is not illegal to smoke or eat during daylight hours of Ramadan, the state exercised its role as the guardian of Islam to justify the arrests.

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 can discourage open discussion of issues affecting LGBT (lesbian, gay, bisexual, and transgender) people.

A controversial draft law to strengthen the security services has been criticized for a provision that would provide legal grounds for prosecuting critics of the security sector. The bill was introduced in 2017, but had not passed at year's end.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12

E1. 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, although a controversial counterterrorism law adopted in 2015, and successive states of emergency issued in response to a 2015 terrorist attack, have imposed constraints on public demonstrations.

In the spring of 2017, police and demonstrators clashed at a series of protests in Tataouine against economic inequality. One demonstrator was killed in such a melee, and many were injured.

E2. Is there freedom for nongovernmental organizations, particularly those

that are engaged in human rights- and governance-related work? 3 / 4

Tens of thousands of new NGOs began operating after the revolution, and such groups participated in conferences, trainings, and other gatherings throughout the country during 2017. However isolated cases of intimidation of Tunisian anticorruption groups continue. In April, a leaked recording surfaced in which a senior figure in Nidaa Tounes could be heard issuing a directive to staff to attempt to discredit I-Watch, an anticorruption group that had been publishing reports on tax evasion and advocating for better protections for whistleblowers.

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, though the landscape is dominated by General Tunisian Labor Union (UGTT). The Tunisian economy has seen large-scale strike actions strikes 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 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 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 2016 by thousands of legal professionals. However, the court, which is intended to evaluate the constitutionality of decrees and laws, has not 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. However, the approval of the reconciliation bill in September 2017 threatens to undermine the commission's work and other judicial processes by granting amnesty to Ben Ali-era civil servants who are implicated in corrupt activity, but are deemed to have not personally benefitted from it.

A state of emergency that has been renewed a number of times since it was first issued following deadly 2015 terrorist attacks gives police broad license to arrest and detain people on security- or terrorism-related charges, and arbitrary arrests continued to take place in 2017. The state of emergency was once again extended in November 2017, for a period of three months.

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

Tunisia did not experience a large-scale terrorist attack in 2017, such as the ones two years previously that targeted a museum and a tourist resort, respectively, and resulted in the deaths of dozens of people.

Reports of the use of excessive force by security agents continued in 2017, as did reports of torture. Critics of draft legislation introduced in 2017 say it would effectively grant security officials the right to use lethal force without risking repercussions.

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 discrimination in law and society. Homosexuality remains illegal, and the penal code calls for a three-year prison sentence for "sodomy."

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 (-1)

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 new investment code passed in 2016 has yet to lead to substantial improvements.

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 (-1)

Tunisia has long been praised for relatively progressive social policies, especially in the areas of family law and women's rights. However, women experience social discrimination, domestic abuse, and extremely high rates of harassment in public spaces, and are subject to unequal inheritance laws. In July 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 new law have noted as problematic a provision allowing accusers to withdraw charges, noting that women who experience domestic abuse may be susceptible to pressure from abusers and others to withdraw abuse allegations.

Separately, in September the Justice Ministry repealed a decree that had banned Tunisian women from marrying non-Muslim men.

Homosexuality and sodomy remain illegal. Public displays of affection can lead to charges of violating public morality laws, and jail time. In October 2017, a tourist and his Tunisian girlfriend were questioned by police who found them kissing in their car. Upon arguing with the police, they were sentenced to four months and three months in prison, respectively, in connection with various violations including public indecency and insulting an official.

Score Change: The score declined from 4 to 3 based on realities women face, including domestic violence and high rates of public harassment.

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.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology (<https://freedomhouse.org/report/methodology-freedom-world-2018>)

ecoi.net summary:

Annual report on political rights and civil liberties in 2017



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