

Freedom in the World 2014 - Tunisia

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2014 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 3.0

Civil Liberties (1 = best, 7 = worst): 3

Political Rights (1 = best, 7 = worst): 3

Ratings Change:

Tunisia's civil liberties rating improved from 4 to 3 due to gains in academic freedom, the establishment of new labor unions, and the lifting of travel restrictions.

OVERVIEW

Progress on the drafting of a constitution and the passage of an election law were hampered for much of 2013 by a political standoff between the governing coalition, led by the Islamist party Ennahda, and secular opposition parties. The February assassination of leftist opposition politician Chokri Belaid by suspected Islamist militants prompted opposition parties to accuse Ennahda of complicity or excessive tolerance of extremist groups. Prime Minister Hamadi Jebali resigned and was replaced by another Ennahda figure, former interior minister Ali Laarayedh. The new cabinet led a crackdown on violent ultraconservative Salafi Muslim groups, but political tensions escalated in July, when a second secular opposition leader, Mohamed Brahmi, was assassinated.

After many weeks of opposition protests and deadlock in the Constituent Assembly, Ennahda agreed in October to hand power to a politically neutral caretaker government that would be tasked with overseeing elections in 2014. Further negotiations over who would lead the caretaker administration ended in December, when the parties settled on Industry Minister Mehdi Jomaa. However, the agreement was not fully implemented by year's end. The Ennahda government remained in place pending the selection of a caretaker cabinet, work on the final draft of the

constitution was still in progress, an election law had yet to be enacted, and an election commission had yet to be nominated.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 27 / 40 (+1)

A. Electoral Process: 9 / 12

Tunisia was governed in 2013 by a 217-seat Constituent Assembly tasked with drafting a new constitution. It was elected in October 2011, nine months after longtime authoritarian president Zine el-Abidine Ben Ali fled the country amid a wave of antigovernment protests. Parties from across the ideological spectrum participated. The voting was observed by international monitoring groups, and was widely touted as the first free and fair elections in Tunisia's history. While there were isolated reports of irregularities and one documented violation of campaign finance rules, the transitional authorities acted quickly on those problems, in some instances invalidating seats that were gained unfairly. However, the electoral framework gave rural districts a disproportionately high number of seats. 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. A variety of other parties and independents also won seats. The new assembly chose Ennahda's Hamadi Jebali as prime minister, Ettakatol's Mustafa Ben Jaafar as speaker, and the CPR's Moncef Marzouki to serve in the largely ceremonial presidency.

In the absence of local elections and in a process that lacks transparency, the transitional government has appointed many local and regional officials. This has led in some cases to the spontaneous emergence of rival provisional councils, forcing the Ennahda government to review some of its appointees in a process that was ongoing at the end of 2013.

In December 2012 the Constituent Assembly passed legislation on the creation of an election commission, the Independent High Authority for Elections (ISIE). The body's nine members were to be selected by a two-thirds vote in the assembly, raising concerns that it could be biased toward Ennahda, the largest party. Due to legal challenges and ongoing political negotiations, the formation of the ISIE remained incomplete at the end of 2013.

B. Political Pluralism and Participation: 12 / 16

More than 100 legal political parties exist, including a right-wing Salafi party. As of 2013, members of old ruling party, the Constitutional Democratic Rally (RCD), who served in the government under Ben Ali were disqualified from participating in politics.

The Tunisian military has historically been marginalized by the political leadership. In the 2011 revolution, the military remained politically neutral, though it performed nonmilitary security functions to protect the population during the transition. For example, it provided security at polling stations during the Constituent Assembly elections.

The transitional 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 future elections.

C. Functioning of Government: 6 / 12 (+1)

The 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 first step in combating corruption and conflicts of interest. While an anticorruption commission was established in the wake of Ben Ali's departure, the state's willingness to prosecute corruption cases remains questionable. More than 100 cases have been sent to the judiciary, but it has initiated prosecutions only in rare instances. A strong legal framework and systematic practices aimed at curbing corruption had yet to take shape at the end of 2013. A majority of citizens say that corruption has increased in the last two years, with political parties and the police perceived as the most corrupt institutions, and tax services and permits as the most common areas for bribery. Tunisia was ranked 77 of 177 countries and territories assessed in Transparency International's 2013 Corruption Perceptions Index.

In 2011, Tunisia enacted a new information law that instructed public institutions to make internal documents available to the public. In July 2013, an online tool called Marsoum41 was created to enable citizens to directly request public documents. Later in the year, the government introduced draft amendments that would strengthen the 2011 law and create an independent commission to monitor compliance, but these plans were not complete at the end of 2013.

The political elite's negotiations and compromises during the year, particularly the government's agreement to step down in favor of a caretaker administration, were widely hailed as a positive sign of democratic accountability and responsiveness to public pressure.

Civil Liberties: 36 / 60 (+3)

D. Freedom of Expression and Belief: 11 / 16 (+1)

The Ben Ali regime used an array of legal, penal, and economic measures to silence dissenting voices in the media, and the transitional government in 2011 almost immediately proclaimed freedom of information and expression as a foundational principle for the country. However, the media continued to face a number of obstacles during 2013. The government frequently used the legal system to punish independent reporting, with several journalists either arrested or convicted on defamation and other charges. Several other criminal cases, some resulting in imprisonment, were brought against internet users for content they posted online. Some lawmakers in May proposed creating a commission to monitor journalists who insult Constituent Assembly members. In September, the president indicated that journalists were not above the law, but that infringements should be dealt with through civil rather than criminal proceedings.

Members of a new media regulator, the High Independent Authority of Audiovisual Communication (HAICA), were finally agreed upon in May 2013, but the government by that time had already appointed directors of state-owned media outlets, who in turn continued to name subordinates without consulting the regulator, raising objections from journalists who expressed concern about politicization. Journalists, opposition supporters, and civil society groups held a one-day strike to protest such appointments in September.

Muslims form the dominant religious group in Tunisia, but the small populations of Jews and Christians have generally been free to practice their faiths. While the draft constitution identifies Islam as the state religion and requires the president to be a Muslim, Ennahda has not sought a constitutional provision identifying Sharia (Islamic law) as a source of legislation. Other language in the draft would protect freedom of belief and conscience.

After Ben Ali's ouster, ultraconservative 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 without state interference. However, this 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, were destroyed, and several others were forced to close. Extremists in 2013 continued to attack citizens and businesses participating in activities they viewed as religiously offensive, at times without intervention by police, prompting accusations that the government was too lenient toward radical groups.

Authorities limited academic discussion of sensitive topics under the Ben Ali regime, and its removal created a more open environment for students and faculties. Academic freedom continued to improve in practice in 2013, and an article of the draft constitution called for protection of academic freedom and state support of scientific research.

E. Associational and Organizational Rights: 9 / 12 (+1)

Some human rights groups questioned the government's commitment to freedom of assembly in 2013. 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.

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 2013, 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 2013, these organizations, along with the oldest labor union in Tunisia, the General Union of Tunisian Workers (UGTT), grew more active in pursuing their demands for substantial governmental labor reform, better wages, and improved workplace conditions. The Constituent Assembly gave these issues little attention, leading the UGTT to both call for strikes and support protests against the authorities.

F. Rule of Law: 6 / 16

Under Ben Ali, the judicial system was carefully managed by the executive branch, which controlled the appointment and assignment of judges through the Supreme Council of Magistrates. 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 have declined significantly since 2011, but concerns about the misuse of the legal system against journalists and others persisted in 2013.

In April the Constituent Assembly passed legislation replacing the old executive-controlled Supreme Council of Magistrates with an independent temporary body tasked with overseeing the judiciary, including its appointments, promotions, assignments, and disciplinary procedures, until a permanent structure is established by the new constitution. The final bill reflected changes demanded in February by the Union of Tunisian Judges, which argued that the original draft exposed the judiciary to interference from the executive and legislative branches by allowing nonjurists to sit on the temporary board.

Security issues, particularly threats from radical Salafi Muslim groups, were a major concern for the coalition government during 2013, and security forces stepped up patrols of the southern border regions, where Islamist militant groups have been active. Police cracked down on riots by supporters of the extremist group Ansar al-Sharia. The Ennahda government made progress in investigating the year's two political assassinations, and by the end of the year authorities had identified several suspects.

The draft constitution under consideration in 2013 referred to state protections for persons with special needs, prohibiting all forms of discrimination and providing aid to integrate them into society. The draft also guaranteed the right to culture for all citizens and called for the state to create a culture of diversity. LGBT (lesbian, gay, bisexual, and transgender) people continue to face discrimination in law and society. Article 230 of the penal code prescribes up to three years in prison for "sodomy."

Tunisia is a signatory to the 1951 UN convention on refugees and its 1967 protocol, and the government reportedly remains committed to developing an asylum law. In June 2013, the country's Shousha transit camp was closed after more than 3,000 refugees and asylum seekers, most of them from the Horn of Africa, were accepted for resettlement in third countries.

G. Personal Autonomy and Individual Rights: 10 / 16 (+1)

Freedom of movement has improved substantially since 2011, and international travel is unrestricted, though police checkpoints have increased in the southern border area. The draft constitution under discussion in 2013 guaranteed freedom of movement within Tunisia, as well as freedom to leave the country. Women do not require the permission of a male relative to travel.

Tunisia has long been praised for relatively progressive social policies, especially in the areas of family law and women's rights. The 1956 Personal Status Code giving women equality with men has remained in force. It 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 58 women in the Constituent Assembly, representing the largest proportion of female representatives in the Arab world. Party lists for the 2011 elections were required to alternate between male and female candidates. 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 the change after the public outcry. Areas of ongoing concern for women's rights include discrimination in society as well as unequal inheritance laws for men and women.

Scoring Key: X / Y (Z)

X = Score Received
Y = Best Possible Score
Z = Change from Previous Year

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