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Freedom House

Freedom in the World 2020 - Tunisia

FREE

70 / 100

Political Rights (<https://freedomhouse.org/country/tunisia/freedom-world/2020#PR>) 32 / 40

Civil Liberties (<https://freedomhouse.org/country/tunisia/freedom-world/2020#CL>) 38 / 60

LAST YEAR'S SCORE & STATUS

69 / 100 Free

Global freedom statuses are calculated on a weighted scale. See the methodology. (<https://freedomhouse.org/reports/freedom-world/freedom-world-research-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 2019

- After the death in July of President Beji Caid Essebsi, Tunisia held a snap presidential election in September and October. Kais Saied, a political outsider, won the presidency in the runoff, defeating television station owner Nabil Karoui by a large margin. (Karoui spent most of the campaign in prison on money laundering and tax evasion charges.)
- The Ennahda party placed first in parliamentary elections held in October, but at year's end was still working to form a governing coalition. Both the presidential and parliamentary elections were generally well administered, and stakeholders accepted the results.
- In June 2019, two suicide bombers affiliated with the Islamic State of Iraq and the Levant (ISIL) detonated their explosives in Tunis, killing a police officer and wounding eight other people.

- In response to the July attack, interim president Mohamed Ennaceur renewed a state of emergency that has been in force since 2015, and grants the government and security forces extraordinary powers.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority 4 / elected through free and fair elections? 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 prime minister, who serves as head of government, following parliamentary elections. The president is directly elected for up to two five-year terms.

After 92-year-old president Beji Caid Essebsi died in July 2019, presidential elections were held early, with the first round in September. In October, a runoff was held between the top two candidates: Kais Saied, an independent candidate and former professor of constitutional law who received an endorsement from the Islamist Ennahda party, and Nabil Karoui, the owner of the Tunisian television station Nessma, who previously had been affiliated with the secular Nidaa Tounes party. (Karoui spent most of the campaign in prison on money laundering and tax evasion charges.) Saied won the runoff with 73 percent of the vote, according to the electoral commission, and Karoui conceded defeat.

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

Were the current national legislative representatives elected through free 4 / and fair elections? 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 legislative elections held in October 2019 generally competitive and credible. Ennahda placed first with 52 seats, and the party's prime-minister designate, former junior agriculture minister Habib Jemli, was working to form a coalition government at year's end. Karoui's new Qalb Tounes (Heart of Tunisia) party took 38 seats, the progressive Democratic Current took 22, the Al-Karama (Dignity) Coalition took 21, and the remaining seats were split among 11 other parties and 17 independent candidates.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented 4 / impartially by the relevant election management bodies? 4

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 had 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.

Score Change: The score improved from 3 to 4 due to the electoral authority's impartial and generally well-assessed management of a snap presidential election, and the year's parliamentary elections.

B Political Pluralism and Participation

B1 0-4 pts

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 4 / of undue obstacles to the rise and fall of these competing parties or 4 groupings?

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, on occasion forcing parties to bend, if not break, the rules in order to campaign effectively; this contributes to tensions between candidates and parties.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or 4 / gain power through elections? 4

Opposition parties participate competitively in political processes, and the 2019 elections demonstrated that independents and new parties also have the ability to win political power through elections. President Saied is not affiliated with a political party, and the second-place finisher in the parliamentary elections, Karoui's Qalb Tounes (Heart of Tunisia) party, was founded in June after splintering from Nidaa Tounes.

B3. 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

While electoral outcomes are the result of transparent balloting, domestic economic oligarchies have a high degree of influence over politics.

B4 0-4 pts

Do various segments of the population (including ethnic, 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, including a comprehensive law on fighting violence against women, has been passed. Forty-nine women won parliamentary seats in the 2019 elections. Eleven women and one openly gay man requested nomination to stand as candidates in the 2019 presidential elections.

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 issues of relevance to LGBT+ people.

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, the late president Essebsi manipulated the national budget in such a way that the legislative branch is deeply underfunded, leaving it with limited ability or resources to craft legislation on its own. As a result, lawmaking has been largely a function of the executive.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

Corruption is endemic in Tunisia, and corrupt high-level officials often act with impunity. In 2017, then 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. In July 2018, the parliament approved a new law designed to strengthen the anticorruption legal framework, which requires the president, government 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.

While several independent bodies have been approved to deal with corruption since 2011, many have not yet been established, and those that have often lack sufficient resources to carry out their mandate effectively. Chahed's campaign was criticized for focusing in large part on emerging elites, while leaving corrupt figures associated with the Ben Ali regime largely untouched.

However, in an in October 2019, Tunisia was removed from the Financial Action Task Force's blacklist of noncooperative countries in the global fight against money laundering and the financing of terrorism. The development may indicate that the many anticorruption initiatives of the past few years are beginning to result in positive changes,

C3 0-4 pts

Does the government operate with openness and transparency? 2 / 4

In 2016, the ARP adopted a freedom of information law, 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.

The law passed in 2018 requiring public officials to declare their assets represented a step forward in demanding transparency and accountability from the government.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 2 / 4

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. Tunisia also 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.

However, journalists continued to face pressure and intimidation from government officials in connection with their work in 2019. 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 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, as well.

Separately, in April, police raided Karoui's Nessma television station on charges of violating broadcasting rules; it shut down temporarily but then resumed operations without a license, and authorities did not intervene further.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief 3 / 4
in public and private?

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 called an arbitrary use of criminal law. Converts to Christianity often experience harassment and discrimination.

D3 0-4 pts

Is there academic freedom, and is the educational system free from 3 / 4
extensive political indoctrination?

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

Are individuals free to express their personal views on political or other 4 / 4
sensitive topics without fear of surveillance or retribution?

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

Is there freedom of assembly? 2 / 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 August 2019 through the end of the year, allows security forces to ban strikes, meetings, and large gatherings considered likely to incite disorder. Although the government claims that the continued state of emergency is needed due to security concerns, many analysts argue that it remains in place largely as a political tool to suppress dissent.

Hundreds of people were arrested in 2017 and 2018 at various demonstrations against economic struggles and austerity measures. Amnesty International noted in several 2019 statements that many who participated in such protests in Gafsa were later tried

and convicted in absentia by a first-instance court in that city. Demonstrations in 2019, such as those in Sidi Bouzid in April following the deaths of a number of agricultural workers, as well as celebrations of the successful completion of the presidential elections, remained peaceful and free of police intervention.

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, and such groups continued to organize conferences, trainings, educational programs, and other gatherings throughout the country during 2019.

However, a 2018 law effectively equated NGOs with businesses, and requires them to submit to onerous reporting requirements beyond those codified in the 2011 NGO 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. Although the General Tunisian Labor Union (UGTT) is the predominant union, additional independent unions exist as well. 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, as of 2019, the Constitutional Court, which is intended to evaluate the constitutionality of decrees and laws, had not yet been established, nor its members formally appointed.

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 2019 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 to examine political, economic, and social crimes committed since 1956, and it soon began collecting testimony. In March 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, drawing on over 62,000 complaints filed by Tunisian citizens against the state for human rights abuses. While a number of cases were transferred to courts, Essebsi failed to acknowledge the final report, and many of its recommendations remained unimplemented 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 continues to contend with periodic terrorist attacks. In June 2019, two suicide bombers detonated their explosives in Tunis, killing a police officer and wounding eight other people; ISIL claimed responsibility. In October 2018, a suicide bomber in Tunis had injured nine people.

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 2019.

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 a three-year prison sentence 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

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. 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.

G2 0-4 pts

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 cabinet approved a bill in November 2018 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, and it was not taken up by the parliament in 2019.

G3 0-4 pts

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**

Tunisia has long been praised for relatively progressive social policies, especially in the areas of family law and women's rights. However, women experience high rates of domestic abuse. In 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 law have faulted a provision allowing accusers to drop charges, noting that women who experience domestic abuse may be susceptible to pressure from abusers and others to withdraw allegations. At a conference in November 2018 that brought together government officials, NGO representatives, and survivors of domestic violence, participants noted that implementation of the law has been limited by a shortage of trained agents to handle complaints, pressure on women from some agents to avoid taking their abusive husbands to court, and a number of logistical barriers to reporting abuse.

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

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. 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 and a general strike in Sidi Bouzid in April 2019 highlighted the continued problem of regional economic inequality, with marginalization, underdevelopment, unemployment, and deteriorating conditions plaguing the country's interior.

ecoi.net summary:

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