

# TUNISIA

## CIVICUS MONITOR WATCHLIST

### OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS



**جمعية القضاة التونسيين**  
**Association des Magistrats Tunisiens**





## INTRODUCTION

A rapid decline in civic space has been noted in Tunisia, with the rights to peaceful assembly, expression and association significantly threatened. Following the decision of President Kais Saïed to dismiss Prime Minister Hichem Mechichi, suspend parliament and lift parliamentary immunity, violations on civic freedoms have continued unabated. In August 2021, the President extended his extraordinary powers indefinitely. In December 2021, he announced that parliament would remain suspended until December 2022, when elections for a replacement body will take place. Furthermore, he announced that there would be a national referendum in July 2022 on revisions to the Constitution.

In a concerning development for judicial independence, in February 2022, President Saïed announced the dissolution of the Supreme Judicial Council which deals with the independence of judges. While its establishment in 2016 was considered a major step to enhancing the rule of law, separation of powers and the independence of the judiciary in Tunisia, UN High Commissioner for Human Rights Michelle Bachelet [noted](#) that the dissolution of the High Council was a clear violation of Tunisia's obligations under international human rights law. A week later, the President [announced](#) a decree which replaced the Council with a Temporary Supreme Judicial Council, including nine of its 21 members appointed by the President who also has powers to dismiss "any judge failing to do his professional duties". Additionally, the decree states that "it is forbidden for judges of all ranks to go on strike or hold any organised collective action that could disturb or delay the normal working of the courts." The announcement sparked [mass protests](#). Amid the ongoing democratic crisis, those critical of the President have faced arbitrary restrictions on freedoms, which include travel bans and detentions. Independent media outlets have faced significant restrictions. Additionally, those staging anti-government protests have been met with excessive force.

## ARBITRARY TRAVEL BANS AND DETENTIONS

Since the President's assumed exceptional powers, as of August 2021, [at least](#) 50 cases of arbitrary travel bans have been documented, with no actual court case or judicial investigation against those who were banned from travelling. Amongst those [who received](#) a travel ban are judges, senior state officials and civil servants, businessmen, and a parliamentarian. Tunisian law states that judicial authorities are the sole entities allowed to issue such a ban and that justification must be provided for such a ban, which can then be challenged.

Additionally, [concerns](#) have been raised by at least 50 Tunisians who have been placed under arbitrary house arrest, including former officials, a judge and three lawmakers. In one case, Chawki Tabib, lawyer and a former head of the Tunisian National Anti-Corruption Authority, a state body, [reported to](#) Human Rights Watch that police officers from the el-Nasr district station in Tunis placed him under house arrest on 20th August 2021, without disclosing the reason and informed him that it would last until the end of the state of emergency. Authorities also limited his movement in his neighbourhood.

## ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Tunisia as "**Obstructed**".

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN



## PEACEFUL ASSEMBLY UNDER THREAT

There are serious [concerns](#) that the government is currently using the COVID-19 pandemic as a pretext to unduly restrict the right to peaceful assembly. On 13th January 2022, the government imposed a blanket ban on peaceful assemblies, in response to rising COVID-19 numbers. The ban came a day before anti-government protests were to take place on the 11-year anniversary of the Tunisian revolution, which saw the ousting of former president Zine El Abidine Ben Ali. Despite the ban, on 14th January 2022, people [gathered](#) to stage anti-government protests and denounce the arbitrary ban on gatherings. However, the authorities prevented people from gathering on the main street in the centre of the capital which has traditionally been the central gathering point for protests. They responded by dispersing protesters with tear gas, sound bombs, batons and a water cannon. Rhida Bouziane, a 57 year-old man [died](#), reportedly as a result of injuries sustained during the police [crackdown](#) on the protest. A “suspicious death investigation” has been opened by the independent, anti-torture body. At least 35 people have [been detained](#) by authorities for violating the COVID-19 ban on gatherings.

## MEDIA AND GOVERNMENT CRITICS TARGETED

Media outlets have [faced](#) obstruction to their work. The offices of privately-owned TV channel Zaytouna were raided by security forces and equipment was confiscated for not having a broadcasting licence. Similarly, in October 2021, security forces raided the offices of privately-owned television channel Nessma TV and the privately-owned radio station al-Quran al-Kareem, shortly before Tunisia’s media regulatory authority, the High Independent Authority of Audiovisual Communication (HAICA), shut down both outlets, stating that they did not have the proper broadcasting licence. However, according to press freedom groups, in Tunisia many media outlets have been operating for years without a licence. The shutdown of both outlets is believed to be in retaliation for their critical reporting of President Saïed.

Earlier in July 2021, police [raided](#) the Tunis headquarters of Al Jazeera TV, evicting its staff and closing down the office. According to Reporters Without Borders (RSF), plainclothes police [ordered](#) the staff to turn off their phones and asked them to leave after confiscating the keys to the office. Although there is no official court decision, since then, the police have blocked access to the office and now Al Jazeera [operates](#) from the front yard of the National Union of Tunisian Journalists. Additionally, the station has been denied authorisation to film and has been using borrowed footage. Furthermore, violations against journalists have [continued](#), which include physical attacks and arbitrary detentions.

The authorities [target](#) those with critical views of the President and have labelled the July 2021 developments as a “coup”. Several prosecutions of civilians have been documented via the civil and military courts. Selim Jebali [was sentenced](#) to one year imprisonment (later on appeal reduced to 6 months) for “insulting the president, defaming the army and accusing public officials of crimes related to their jobs without furnishing proof of guilt,” due to Facebook posts in which he labelled the President as a “coup maker”. Television host Amer Ayed was arrested and faced similar charges for comments he made about the President during his show. Social media commentator, Amina Mansour, remains under investigation for comments she made about the President in a satirical Facebook post.



Government officials have also been arbitrarily [detained](#). Ex-Justice Minister Nouredine Bhiri remains in arbitrary detention at a hospital under police guard, after he was initially detained at his home in December 2021 without any arrest warrant. Bhiri is also a vice president of Ennahdha, the largest party in parliament, and head of its parliamentary bloc, which denounced the President's actions as a "coup". Former interior minister employee, Fathi Beldi, was also detained at the same time. However his whereabouts have not been revealed. According to the Interior ministry, who did not name both men, two individuals were detained as a "preventive measure dictated by the need to protect national security," as permitted by article 5 of [Emergency] [Decree 78-50](#) of 26th January, 1978.

## **RESTRICTIVE LAW ATTEMPTS TO MUZZLE CSOS**

Civil society has [sounded](#) the alarm on a recently leaked draft amendment to the Decree law which poses a serious threat to association. The [draft law](#) provides for additional administrative burdens on the creation of an association, which will be subject to intervention from authorities. It also introduces a prohibition on associations which "threaten the unity of the State or its republican and democratic regime". Another concerning addition seeks to restrict access to foreign funding by bringing in conditionality, namely article 35 of the draft bans associations from accepting foreign aid, gifts or donations not authorised by the Tunisian Financial Analysis Commission. It also introduces automatic dissolution as a result of a reasoned decision of the department responsible for the affairs of associations within the presidency of the government (article 33). Additionally, CSOs were [excluded](#) from the reform process as they were not consulted on these amendments which will directly hamper their work.



## RECOMMENDATIONS

### To the government of Tunisia:

- Lift arbitrary travel bans to allow for freedom of movement and refrain from targeting critics as guaranteed under the International Covenant on Civil and Political Rights.
- Scrap the decree which established an Interim Supreme Judicial Council, reinstate the Supreme Judicial council and ensure respect for the separation of powers, the rule of law and judicial independence.
- Scrap amendments to the Decree law on associations which restrict the activities of civil society organisations and their funding and engage in extensive and inclusive consultation with civil society before policies and laws affecting the sector are discussed and passed.
- Respect the right to peaceful assembly and ensure that restrictions on gatherings in relation to the COVID19 pandemic are necessary, proportionate and in place for a limited period of time as per international law.
- Urgently investigate the use of excessive force against protesters to ensure accountability.
- Protect freedom of expression and ensure that journalists can operate unhindered, and be allowed to practise their profession without fear or intimidation.