

Tunisia - Human Rights Scorecard ¹

Tunisia covers 165,000 square kilometers, from the Atlas Mountains to the Sahara desert, and is the northernmost point on the African continent.² Tunisia was one of the countries most dramatically impacted by the so-called “Arab Spring” in 2011, when longtime dictator President Ben Ali was forced to step down. Since that time, the country has held multiple elections deemed “free and fair” by observers. While there are still political tensions, Tunisia’s current political environment remains relatively healthy.

Official language: Arabic

Ethnic groups: 98% Arab-Berber; 1% Jewish; 1% European

Government: Unitary semi-presidential republic

- President: Beji Caid Essebsi

- Prime Minister: Habib Essid

Death penalty: Abolitionist in practice

Population: 10.89 million

Life expectancy: 75.1 years

Under-5 mortality: 14.6 per 1000

Adult literacy: 79.7 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected³

There are reports that government security forces use excessive force that results in the death of civilians involved in political demonstrations.

Freedom from disappearance



Respected⁴

There are no reports of politically motivated disappearances in Tunisia.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected⁵

While the law prohibits these practices, police subject many detainees to harsh physical treatment. Detention centers are below international standards and the government is reluctant to investigate allegations of torture.

Freedom from arbitrary arrest or detention



Largely disrespected⁶

The law outlaws arbitrary arrest and detention, yet security forces do not always abide by these procedures. Following the terrorist attacks in Bardo and Sousse, there were multiple reports of arbitrary arrest.

Freedom from denial of fair public trial



Partially respected⁷

The law guarantees the right to a fair trial. However, in cases involving terrorism judges may close hearings to the public and keep information confidential. In addition, occasionally security officials and civilian judges refuse to cooperate or follow proper trial procedures.

Freedom from arbitrary interference with privacy, family, home or correspondence



Partially respected⁸

The Constitution provides the right to privacy of all citizens. However, the counterterrorism law infringes on these rights through the use of surveillance and interception of communications. Despite this law, there have been no complaints filed for improper use of surveillance.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders 2016 Press Freedom Index*)⁹



Score: 31.6, Rank: 96/ 180 – Highly controlled, limited or intimidated¹⁰

Despite the democratic transition that occurred in the spring of 2011, journalists are still subject to harassment. While arbitrary arrests have ended, self-censorship is widespread and has become the norm.

Freedom from academic censorship



Respected¹¹

There are no reports of government restrictions on academic freedom.

Freedom of peaceful assembly and association



Partially disrespected¹²

There are laws in place to guarantee the rights and freedoms of assembly and association. However, the government frequently declares a state of emergency, which limits the right of assembly. Security forces regularly use excessive force to disperse peaceful protestors.

Freedom of religion



Respected¹³

While Islam is the official religion of Tunisia, the constitution guarantees freedom of belief, conscience, and exercise of religious practices.

Protection of refugees and stateless persons



Partially disrespected¹⁴

Tunisia does not have a law for granting asylum or refugee status. Nonetheless, the government cooperates with UNHCR in protecting and assisting refugees, who are generally Libyan. The government does expel refugees, but repatriates them under pressure from NGOs.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



3/ 7 – Partly free¹⁷

The new constitution guarantees freedom of thought, opinion, expression, information and publication. However, on some occasions the government has challenged the right to assembly. They have also targeted journalists and Islamists in particular.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



1/ 7 – Free¹⁹

More than 100 political parties exist, as the government and NGOs have worked to increase political participations among marginalized groups. Since the revolution of 2011, Tunisia has excelled in fiscal transparency. In 2014 the country had its first fair, free, democratic election.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 38%, Rank: 76/168 – Limited corruption²¹

In Tunisia, the majority of anti-corruption measures have been enforced according to Transparency International.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²²

Many human rights groups have investigated and published their findings, without government restriction. In June 2014, the government established the Truth and Dignity Commission (TDC) to investigate human rights violations committed by the state.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Score: 63.4%, Rank: 127 / 142 – Very unequal rights²⁴

Women face discrimination in law and practice. In addition, rape and domestic violence has remained a serious problem. The new draft constitution is more progressive, guaranteeing the rights of women, but has yet to be passed.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 90%, Rank: 9/ 165 – Protected²⁶

Tunisia is one of the top ten countries in the world for rights of the child.

Rights of persons with disabilities



Respected²⁷

The law prohibits discrimination against persons with physical or mental disabilities. The law ensures that at least one percent of public and private jobs are reserved for disabled persons. However, this law remains largely unenforced. There are schools and benefits available for disabled people.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Partly disrespected²⁸

While an act of vandalism occurred towards a synagogue, the President was quick to respond with increased security. Islamists, and Salafis in particular, have experienced increasing government harassment in wake of domestic terrorist attacks.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{29 30}

The law criminalizes sodomy, with prison sentences of up to 3 years. Despite pressure from domestic NGOs, the government has actively enforced this law. In addition, there are religion-based morality laws that limit LGBT freedom of expression.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Respected³¹

The law allows workers to organize, form unions, and bargain collectively. Before a strike, workers are supposed to give 10 days notice, however this law is not enforced.

Freedom from forced or compulsory labour



Partially disrespected³²

The law prohibits any form of forced or compulsory labour, with punishments of up to 10 years imprisonment. The government has actively enforced this policy, however some forced labour occurs in the form of domestic workers and seasonal workers.

Freedom from forced labour for children, and a minimum age of employment



Partially respected³³

Minimum age of employment and protection of children from child labour is generally respected. However, there is a gap in figures regarding children who work in the informal sector and children subjected to sexual exploitation and drug trafficking.

Right to acceptable conditions of work



Partially disrespected³⁴

While there are laws to guarantee a minimum wage and prohibition of excessive overtime, they are largely unenforced. The informal sector, which is not covered by Tunisian labour laws, includes 54% of the nation's total workforce.

Right to employment



16.2% - Extreme unemployment³⁵

The unemployment rate rose dramatically following the 2011 Revolution.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Tunisia 2015/2016." Amnesty International. Accessed May 12, 2016. <https://www.amnesty.org/en/countries/middle-east-and-north-africa/tunisia/report-tunisia/>.

³ "Country Reports on Human Rights Practices for 2015 Tunisia." U.S Department of State. Accessed May 13, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252949#wrapper>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹⁰ "2016 World Press Freedom Index." Reporters Without Borders: For Freedom of Information. Accessed May 13, 2016. <https://rsf.org/en/ranking>.

¹¹ "Country Reports on Human Rights Practices for 2013 Tunisia." U.S Department of State. Accessed May 13th, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252949#wrapper>.

¹² Ibid. U.S. Department of State.

¹³ "Tunisia." 2014 Report on International Religious Freedom. Accessed May 13, 2016. <http://www.state.gov/j/drl/rls/irf/2014/nea/238480.htm>.

¹⁴ "Tunisia 2015/2016." Amnesty International. Accessed May 12, 2016. <https://www.amnesty.org/en/countries/middle-east-and-north-africa/tunisia/report-tunisia/>.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed May 13th, 2016.

<https://freedomhouse.org/report/freedom-world/freedom-world-2016>.

¹⁷ "Tunisia." Freedom in the World: Tunisia. Accessed May 13, 2016. <https://freedomhouse.org/report/freedom-world/2015/tunisia>.

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed May 13, 2016. <https://freedomhouse.org/report/freedom-world/2015/tunisia>.

¹⁹ Ibid. Freedom House.

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "Bahrain." Corruption by Country. January 1, 2014. Accessed May 17, 2016. <http://www.transparency.org/country#BHR>.

²² "Country Reports on Human Rights Practices for 2013 Bahrain." U.S Department of State. January 1, 2013. Accessed May 17, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights. Accessed May 13, 2016.

<http://www.transparency.org/cpi2015#map-container>

²⁴ "Tunisia." World Economic Forum. Accessed May 13th, 2016. <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=TNS>.

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed May 17, 2016. <http://www.kidsrightsindex.org/>

²⁷ "Country Reports on Human Rights Practices for 2015 Tunisia." U.S Department of State. Accessed May 17, 2016.

http://ilga.org/downloads/03_ILGA_WorldMap_ENGLISH_Overview_May2016.pdf.

²⁸ Ibid. U.S Department of State.

²⁹ "ILGA World Map 2016." International Lesbian Gay and Intersex Association. May, 2016, 2014. Accessed May 17, 2016.

http://ilga.org/downloads/03_ILGA_WorldMap_ENGLISH_Overview_May2016.pdf. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2015 Tunisia." U.S Department of State. Accessed May 17, 2016.

<http://www.state.gov/documents/organization/253161.pdf>.

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁵ "Global Employment Trends." International Labour Organization. Accessed May 17, 2016. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.