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Civic Space Monitor

National Reports on Civic Space 2022



Tunisia

Civic Space Under
Threat



Tunisia

Civic Space Under Threat



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Table of Contents

Introduction	4
Political situation	4
Tunisia: One-man rule	5
On the brink of economic collapse	5
A difficult and volatile social situation	6
Post-July 25 status of civil society and social movements	7
General context	7
COVID-19 impact on civil society and freedoms	8
President's path disavowed by civil society	9
Towards amending the Law on Associations	9
Financial constraints on associations	10
The demonization of civil society	11
Anti-trade union/trade union members campaigns	11
Challenging negotiations with the IMF	12
Freedom of expression in law and practice	13
Bloggers under siege	14
Shining moments in the history of civil society	15
Conclusion	16

Introduction

Tunisia is witnessing a deep structural crisis that has wreaked havoc on all fields and institutions, including the civic space which has been severely afflicted. Over the last ten years, instability has reigned in the country, amidst a low growth rate and increasing social, political, and economic issues. The situation, however, has worsened since President Kais Saied assumed full power on July 25, 2021, when he dissolved the Parliament, abolished the constitution and declared a state of emergency, which aggravated the crisis with repercussions across sectors. For the first time since the revolution, the civic space is facing serious threats. This led relevant actors to prepare for another round of battles on different frontlines, in order to maintain the wins from the struggle and huge sacrifices they have made. While civic society remained somehow active in different vital sectors, such as women syndicates and associations, human rights movement, and student activities, the key event that interrupted such activities throughout the period covered by this report is the challenge faced by all parties: the change in power and the targeting of the entire civil and political ecosystem.

Political situation

Politically, the president gathered all powers in his hand, consulting other parties only rarely and in exceptional cases, often with respect to technical matters unrelated to major political decisions or the management of public affairs. Moreover, the president engaged in open war with most of the parties, particularly the heavyweights. He froze then dissolved the parliament, banned MPs from traveling and considered them “guilty” until proven innocent. Since no legislative authority was elected, the president decided to rule the country by decree. Therefore, he issued decree No. 117 of September 23, 2017, whereby he conferred upon himself wide powers, chief of which was issuance of decrees that cover all aspects of life without consulting or taking the approval of any other party, including constitutional institutions. He also called for a national referendum to draft a new constitution. Although less than one third of the constituents took part in the referendum, the president used its results as a basis to move on to draft a new constitution under the pretext that 94% of the participants voted positively, when in fact most of them did not ask for the replacement of the 2014 constitution.

Moreover, parties, civil society components, and citizens were supposed to take part in the ideation of the new constitution and contribute to its wording, but the president decided straightaway to appoint a committee with members having nothing in common but their loyalty to him and the will to participate in the drafting of a new constitution that would pull the rug from under the parties that previously rose to power. Although discussions were boycotted by all university deans and the vast majority of political and civil spectrum representatives in this committee, the efforts made by its designated head, the constitutional law professor Dean Sadek Belaid, resulted in a draft constitution that was submitted to the Head of State. However, the draft was not approved, as to everyone’s surprise, Kais Saied published in the official gazette a ready-made

constitution wholly penned by him.

The same was true for the new electoral law which was released by Saied himself and issued on September 15, 2022, under which voters will choose candidates individually rather than by selecting a single party list, and parliamentary elections will be held on December 17, 2022. Under these amendments, political parties were excluded from participation. Furthermore, under the new Constitution, the upcoming Parliament was not empowered to hold the Government or the Head of State accountable. Candidates will not represent the people, but rather their constituents in the local districts, and they can be removed by simply dispossessing them of their representation capacity.

In order to take over all the State's powers, President Saied abolished the independent authority status of the judiciary, which he considered to be a function like any other, subject to the will of the executive authority represented by the Head of State. He also abolished the provision in the constitution related to the Supreme Judicial Council, which was elected after the revolution for the first time in the country's history and was considered one of the key gains for which hundreds of judges fought. Thus, the head of the executive authority became directly responsible for the judiciary, in a flagrant violation of the principle of separation of powers. On a similar note, he decided to dismiss 57 judges under various charges. Despite the Administrative Tribunal's reversal of this arbitrary measure due to the lack of evidence in the dismissal files that would substantiate the charges, President Saied would not backtrack on his decision. The case was submitted to international judicial bodies, including UN bodies, which have, on more than one occasion, challenged various decisions related to infringement of the independence of the judiciary or of other constitutional institutions.

Tunisia: One-man rule

Tunisia has arguably become entirely governed by one man who is running public affairs independently from institutions, parties, and civil society organizations, and bases his legitimacy on the popular support narrative through the so-called grassroots system he seeks to firmly establish. It is a system that speaks in the name of the people and puts the President delegated on behalf of the people on a pedestal, without taking into account intermediary structures and groups, such as parties and civil society organizations, under the pretext of empowering citizens to run their own affairs without resorting to intermediary parties that disempower them and alter their will. This process resulted in the delegation of a ruler that can escape accountability, despite criticism leveled by many western countries' governments, such as the USA and the European Union, as well as international human rights organizations, which believe that Tunisia has deviated from democratic transition back to authoritarianism.

On the brink of economic collapse

Tunisia is experiencing an unprecedented full-blown crisis. It suffers from public financial suffocation, due to an accumulated deficit since 2011. Despite lengthy negotiations with the International Monetary Fund (IMF), no agreement could be reached that would open the way for dealing with other global and regional financing institutions. The government failed to secure adequate internal financial resources, and had to raise the rate of indebtedness from local banks to unprecedented levels.

The World Bank also projected growth to drop to 2.7% by the end of 2022¹, and the trade deficit to increase to 10% from around 6% last year. The unemployment crisis continues to weigh heavily, especially among holders of postgraduate degrees². The situation has worsened due to COVID-19, the

fallout from the Russian-Ukrainian war, and the government's inability to provide basic commodities that have disappeared from markets and whose prices have risen dramatically.

A difficult and volatile social situation

Economic and political circumstances have negatively affected the social environment, provoking public discontent and anger. Throughout the past year, the country has witnessed the rise of protest movements in many vital sectors, including:

Renewed clash with teachers: The confrontation between the Government and basic education unions is back, with a large protest movement launched by middle school teachers due to the Ministry of Education's non-compliance with the agreement concluded with their syndicate, in which the Government pledged to regularize the status of teachers and professors who have been suffering for too long from precarious work conditions, and receiving no salaries for several months. Therefore, they decided to stage a two-month strike, which deprived 100,000 students of their right to study. While a temporary solution was reached after the Government tried to contain the protests in many ways, including using violence against striking teachers, what happened had a bad impact on students and their families.

Waste Battle: The country has witnessed a wave of protests due to the deteriorating environmental conditions in several regions across the country. The protests first broke out in "Agareb" town, where residents protested against the landfill that was reopened despite an earlier decision to close it for health-related reasons. Consequently, a general strike was declared across the city, and clashes took place with the security forces, resulting in one casualty while others were injured. The waste crisis then moved to Sfax, the second largest city after the capital, where widespread clashes broke

out between citizens and the local and central authorities. For its part, the local and national civil society was engaged in an open struggle against the executive authority, led by the Labor Union, the Tunisian League for the Defense of Human Rights (LTDH), the Deanship of Lawyers, and other organizations, to defend the citizens' right to a healthy environment.

Irregular immigration: The waves of immigration, which Tunisians call "Harga" (illegal immigration), have increased in an unprecedented way. Victims were from different Tunisian governorates. The Zarzis "18/18" is one of the most dramatic cases to have gone dangerously wrong, with the victims' families accusing the maritime security authorities of potentially having a role in the sinking of their children's immigration boat. Instead of handling the incident with transparency, the executive authority was involved in a series of suspicious practices that caused the angry families to clash with the government, declaring a general strike before heading, in thousands, children and elderly, women and men, to Djerba island where the Francophonie summit was held, to voice their complaints to the President of the Republic, but they were countered by the security forces, who used force to prevent them from entering. As a result, the event took on a special mediatic and political dimension.

Threatened healthcare sector: This is one of the key sectors whose performance has declined significantly, with the attrition of physicians, many of whom immigrated. According to the "I Watch" organization, public hospitals have decreased in number, and no new hospitals have been built. Moreover, the pharmaceutical industry suffered a serious downturn, when three major foreign labs decided to relocate from Tunisia for several reasons, including loss of liquidity, which resulted in the unavailability of many medicines on the market, including vital ones for chronic diseases.

Persisting unemployment crisis: Although, according

to the latest official figures, the unemployment rate remains at around 15%, many experts confirmed that at least 45,000 of those registered in the workforce were excluded from the general census for reasons that may be due to the increased legal immigration and particularly the irregular immigration which has exponentially increased during the last year, despite the extensive security coordination between the European Union's Governments and the Tunisian Government, as well as the formal agreements that have been signed in this regard³ to limit immigration.

Self-immolation in the streets or in front of public institutions has also had a strong comeback. This is a serious indicator of despair among young people, as a result of the lack of opportunities and real and effective development initiatives.

These circumstances have led to many forms of ongoing protest movements during this year, such as gatherings, vigils, demonstrations, and sit-ins, staged by several parties, including political parties, associations, and spontaneous citizen movements, along with the Tunisian General Labor Union, which managed to paralyze a large part of public institutions⁴. Protests were also held by many vulnerable workforce groups, such as female peasants⁵, school teachers, municipal and barn workers⁶, university students, various professionals, taxi drivers, and other groups whose livelihood and social position are threatened. In order to confront these movements, the security forces were largely mobilized, committing violations denounced by human rights organizations and civil societies⁷.

Post-July 25 status of civil society and social movements

General context

Civil society has played different key roles in the various major stages the country has gone through, particularly since the 70s and 80s. Although he managed to break through a large number of associations and organizations, President Ben Ali faced a remarkable resistance by many of them, which maintained independent decision-making and never let go of their mission to defend liberties and social justice. This role was particularly played during the last weeks of Ben Ali's regime, taking a new turn following the victory of the revolution that reshaped the political landscape starting from January 14, 2011.

Over the last decade, civil society has clashed with the different successive governments, and was the first to confront the renaissance movement during the Troika rule. Civil society also tried to play different roles throughout the rule of Beji Caid Essebsi and when the Nidaa Tounes party came to power. Civil society has arguably contributed to the creation of an environment that paved the way for President Saied's July 25 movement, with which he justified his strong offensive against the parties that had shared power over the past 10 years. However, civil society's criticism against the political class was not aimed at waiving democratic and human rights gains, but at protecting them.

When President Saied announced his exceptional measures, many expected that this moment would be an opportunity to put an end to the weakness of the State and its institutions, get rid of political Islam, and bring the country into a new dynamic that might lead to genuine and effective democracy. This is why most civil society organizations supported this turning point in the history of the country, but

shortly, particularly after the issuance of Decree 117, which posed a direct threat to the entire democratic transition, these influential organizations began to reconsider the presidential direction and feel the danger it posed to democracy and liberties. They began to send successive messages to President Saied, calling on him to clarify his objectives and announce his political agenda. And when it was clear to them that his aim was to undermine the concepts and values of the democratic path, they decided to stand up against the presidential choices and re-establish coordination among their components to confront the risks involved in sliding into authoritarianism. To do this, they staged protest movements, including taking to the street and denouncing violations. Although these organizations remained independent and shied away from political parties and their agendas, they did not mind participating in some initiatives, in partnership with democratic parties which are opposed to islamists and their allies.

COVID-19 impact on civil society and freedoms

Kais Saied's actions did not occur in a vacuum; he took advantage of the disastrous outcomes of the COVID-19 pandemic in Tunisia. The serious impact of the pandemic on the political situation, particularly on freedoms and civic space, came as a surprise to everyone in Tunisia. When Hichem Mechichi's government failed to provide vaccines quickly enough to curb the record-high death toll, President Kais Saied used this failure politically by deepening the citizens' resentment towards the government and political parties behind it, ultimately worsening the situation. Instead of taking urgent action as President to secure more vaccines from friendly countries for Tunisia during those challenging times, he allowed the epidemic to worsen to the point where he could accuse the government of incompetence and negligence and blame it for the

pandemic. This was the chance he had been waiting for since he became President to seize power and control of the state.

Consequently, President Saied convinced the military and security establishments of what he called the "imminent danger" to the country and sought their assistance in carrying out his political agenda aimed at undermining the foundations of democratic transition. After ousting his political adversaries from their positions of authority, he went on to accuse the entire political class of betraying the revolution and label the democratic transition as a "plot" against both the revolution and the people. Accordingly, he decided to discard the majority of the constitutional organizations that had been established with the support of the international community. This included the "National Authority for the Fight against Corruption" (INLUCC), which he suspended, dismissing its leader and accusing him of corruption. In addition, he exerted control over the "Independent High Authority for Elections" by removing its head to replace him with someone loyal to him, and bringing it under his political influence. In the same context, a presidential decree was issued on November 24, 2021, which abolished the Ministry of Local Affairs, appending its central and regional structures to the Ministry of Interior, despite the former being the first nucleus for the consolidation of local authority, to which various democratic countries provided huge financial and technical support.

The municipalities, which had been elected democratically for the first time in Tunisia's political history, ended up once again under the tutelage of the Ministry of Interior⁸. Furthermore, the President abandoned the transitional justice process altogether, pretexting the country's previous political and structural crises. It became evident that implementing such a political trend would compromise fundamental liberties and threaten the country's civic space.

President's path disavowed by civil society

Initially, civil society organizations found themselves facing a difficult test, as many of them objected to the country returning to pre-July 25 conditions. This is not solely attributed to their opposition to "political Islam," but also due to the poor performance of state institutions after the revolution, which failed to manage the country's affairs. These civil society organizations attempted to collaborate with the President during the new phase and aimed to form a propositional force to counter his attempts at dominating the political and civic space. However, due to his insistence on monopolizing government and leadership, many of them chose to distance themselves from endorsing a path that aimed to undermine democracy and eliminate the gains achieved after the revolution through steadfastness and field struggle.

Although there were various forms of resistance, it has continued to be marked by fragmentation and a lack of unified visions that could adjust the balance of power in favor of democratic change parties. Civil society organizations do not want to assume the role of fragmented political parties, as they, too, struggle with a crisis of trust among their own members. Moreover, many of them refuse to align with the Ennahda Movement, which is held significantly responsible for the current state of affairs in the country.

Towards amending the Law on Associations

Civil society organizations have realized that after the rug has been pulled from under the feet of political parties and the parliament, the intention was to control them by changing their legal status. This prompted 13 Tunisian and international human rights organizations to call onto the Tunisian authorities to "immediately abandon their plans to impose new restrictions on civil society."⁹

These concerns have arisen due to a proposed decree regarding associations, which has been under discussion for months within the relevant ministries, and which will replace Decree No. 88 of 2011 dated September 24, 2011. This decree upheld the fundamental global standards for the freedom to form associations, a right codified in two chapters of the 2014 Constitution. Succeeding governments after that period have used the pretext of combating terrorism and preventing money laundering to undermine this accomplishment. However, the watchfulness of civil society has foiled their attempts.

The government, directed by President Saied, took action on July 25, to reduce the freedom of associations and control civic space by amending the Law on Associations to grant the administration "extensive powers and discretionary authority to intervene in the formation, functions, business, funding and ability of civil society organizations to publicly speak of their work and express their opinions. In a speech on February 24, 2022, President Kais Saied accused civil society organizations of working for foreign interests and trying to interfere in Tunisian politics. He stated his intention to ban all types of foreign funding for these groups¹⁰, which has raised concerns among civil society activists about a potential recurrence of the Egyptian scenario in Tunisia.

As a result, the community created a working team¹¹ to produce an accurate report, which they presented to the United Nations Human Rights Council in

order to bring attention to the imminent dangers that threaten the freedom of associations and their members. The team focused specifically on Article 5 of Decree 117, which brought organizations of political parties, unions, associations, and various professional organizations - including their funding methods - under the scrutiny of presidential decrees and a committee that will be formed and tasked with shaping political reforms. This meant that the presidency would be responsible for supervising associations. In the same context, a draft decree numbered 2011/88 was prepared by the General Directorate of Associations under the Prime Minister without seeking input from civil society. The team believed that this project posed a significant danger to the freedom of associations because it allowed the directorate to reject any requests to form new associations that did not adhere to the guidelines outlined in Articles 3, 4 and 10 of the decree, which contain vague issues subject to interpretation by the directorate, such as "extremism" and "threatening the State unity". This draft decree also eliminated an important gain achieved in the previous decree for associations, which considered the formation of an association as legal upon its announcement. This right was replaced by a set of procedures that granted the directorate wide powers to accept or reject associations based on the officials' mood or the political considerations of those in power. The new draft decree also abolished the principle that only the judiciary has the power to dissolve associations, which could once again give the directorate the power to decide on this sensitive and critical issue regarding the future existence of associations.

Due to these concerning developments in the legislative sphere, the right to freedom of assembly and association is now facing direct threats from the executive authority.

Financial constraints on associations

The recent developments have prompted local banks, with the central bank leading the way, to show a particular interest in associations, especially when it comes to the grants they receive from foreign funders. Government entities are still approaching this matter carefully, particularly after the responses from international financing institutions in light of the President's remarks, which made them hesitant to engage with certain associations that are in conflict with the authorities.

Non-profit organizations were compelled to register in the National Register of Enterprises, despite their non-profit status. This registration subjected them to the same accounting regulations that apply to various economic structures. Moreover, they also had to comply with Law No. 52 of 2015, aimed at preventing terrorism and money laundering. Some activists perceived this as a direct attack on civil society, especially when it is associated with allegations made by the President against these organizations. For this reason, several associations have been subjected to arbitrary obstacles by banks and deprived of opening a bank account. Others have been subjected to complex administrative procedures in order to be able to carry out normal financial transactions.

International organizations, in turn, have faced their own set of challenges, as any dealings or interactions with public institutions must go through the Ministry of Foreign Affairs, due to the country's exceptional circumstances, resulting in complex administrative procedures.

Several associations have reported the presence of delays in transferring financial grants due to the investigations carried out by the Central Bank, to ensure that there is no suspicion that could jeopardize the national security of the country. With every new decision, additional complications arise in obtaining financial resources. The complications directly

affect the functioning of active and independent civil society organizations, which can be jeopardized at any moment or have their activities restricted if they are denied external funding.

The demonization of civil society

Civil society organizations are being targeted by campaigns orchestrated by supporters of the country's leader through social media platforms. These campaigns are accusing civil organizations of working as foreign agents, engaging in financial corruption, and promoting anti-national and anti-Kais Saied¹² agendas. These campaigns aim to damage the reputation of the organizations and demonize them in the eyes of the public. Said campaigns are further intensifying the already existing level of fear among civil society actors due to a political situation that is becoming more complicated and uncertain. Some actors believe that the declining level of cooperation between the government and civil society organizations may be due to political reasons, and that these campaigns are linked to the authorities' efforts to suppress the organizations because of their critical stance on the president's policies and governing style. This has resulted in an unhealthy climate, causing tension between civil society and government institutions and exacerbating the trust crisis in public institutions. The upcoming parliamentary elections are a cause for concern, as they may serve as a pivotal moment for the President's supporters to seize control of state institutions and isolate their political and activist adversaries. In their latest session, civil society organizations appealed to the United Nations Human Rights Council to advocate for an end to their criminalization and demonization, and to prevent their exclusion from the public policy arena. Additionally, President Saied was called upon to halt his accusations that the civil society poses a threat to national security and was requested to

put an end to the state of exception and uphold the human rights gains achieved by the revolution.

These two examples highlight the current relationship between the government and civil society in Tunisia:

Anti-trade union/ trade union members' campaigns

In this context, trade unions are currently under heavy attack from the "coordination" of President Saied's supporters. These individuals are calling for the "purification" of the Tunisian General Labor Union and are denouncing most of its leaders and members as corrupt and mercenary. They also view the unions' demands as "acts of blackmail and sabotage intended to undermine the state and prevent the president's reform efforts."

The exploitation of a disagreement between two union leaders regarding the legitimacy of President Nouredine Taboubi's candidacy and other Executive Office members for a third term occurred within the context of the Union's bylaws only allowing for two terms. This dispute, which was brought to the court for resolution, was used as a political tool by backing the minority faction within the union's leadership, which was believed to have close ties with the president, with the aim of using the dispute to weaken the union and make it more compliant. Nevertheless, the administrative court ruled in favor of the union conference and recognized its leadership as legitimate.

The second example pertains to the Tunisian Union of Agriculture and Fisheries, which underwent a coup orchestrated by a member of its present leadership, with the direct instigation of the authorities, who failed to intervene and prevent this breach of democratic management principles for associations and organizations. The reason for this is that the union's ousted leader was believed to have ties

with the Ennahda Movement and did not endorse the July 25 operation. After the takeover of the organization, the President of the Republic received the new leadership to give legitimacy to what they did and considered them the only representatives of farmers. This is a serious precedent similar to what happened on several occasions under the one-party regime when President Bourguiba intervened and personally changed the leadership of major national organizations in the country.

In regard to the Union of Industry, Commerce, and Traditional Industries, its leadership remained vigilant in avoiding anything that could worsen the relationship with the presidency. They supported the President's actions on July 25 and refrained from anything that could cast doubt on the organization, while also working to support it and preserve the interests of industrialists and traders. However, this did not alleviate the ongoing crisis of trust between the two parties. Despite acknowledging the importance of businessmen and their role in the development process, President Saied singled them out for harsh and repeated criticism. On a previous occasion, he stated that those with money should not come to sit with him, indicating an attempted bribe by one of the businessmen. He also accused billionaires of looting the state and being submissive to foreign powers and denied hundreds of businessmen their right to travel despite the absence of evidence, judicial rulings or procedures against them. Additionally, the President is closely monitoring the case of businessmen accused of illegally obtaining financing from the state during the reign of President Ben Ali to this day and is currently preparing to hold them accountable through the implementation of the "Criminal Reconciliation" law. It is a decree that enables businessmen accused of corruption to receive judicial amnesty by paying financial penalties and committing to completing various projects for the benefit of the most impoverished areas.

Challenging negotiations with the IMF

Negotiations with the International Monetary Fund (IMF) hit a roadblock when President Kais Saied declared a state of emergency in the country. Prior to this, it was essential to understand the presidential agenda, the fate of Tunisia's democratic transition, and the government's willingness to implement the "reform package", from which previous governments had shied away in practice, due to its potential social and political implications. As a result, the IMF initially required the approval of civil society groups, particularly the Tunisian General Labor Union, to implement these reforms, acknowledging the crucial role played by this union in the Tunisian equation. However, the IMF later implicitly gave up this requirement, which was refused by the unions lest they get entangled in a path that may conflict with the workers' interests and the prevailing union culture.

Prior to the negotiations with the Fund, the President, for his part, expressed strong reservations about the role of international financial institutions, accusing them of practicing guardianship and domination over Tunisia and other countries. He also imposed preconditions for dealing with them, calling on the government to find alternative sources of state budget funding and encouraging Tunisians to rely on self-sufficiency. However, due to American pressure, countries refrained from providing urgent loans and financial assistance to Tunisia, prompting the Tunisian government to once again turn to the IMF and comply with its challenging and harsh conditions. The government then attempted to secure the support of unions to implement the "reforms" required by the Fund.

During this difficult battle, the Tunisian General Labor Union leadership voiced its concerns regarding the possible adverse effects that could arise from enacting these reforms, which would directly endanger the citizens' purchasing power and social stability. Deterioration in living conditions

and a rise in poverty rates are the flip side of the coin, as prices soar, unemployment spreads, the dinar's value declines, and debts continue to mount.

The Tunisian General Labor Union not only rejected the IMF recommendations, but also took the initiative to present an alternative proposal and announced its refusal of the privatization of the 111 public institutions. Despite President Saied declaring his opposition to interfering with the public sector, the Managing Director of the IMF, Kristalina Georgieva, affirmed that "it was the Tunisian side that initiated the move, expressing its interest in privatizing certain public institutions." This presented a major predicament for the government and the presidency, which prompted the General Labor Union to adopt a confrontational strategy.

Freedom of expression in law and practice

President Saied promised to uphold and not impede one of the key aspects of civic space, which is the freedom of expression and the press. Nonetheless, the National Syndicate of Tunisian Journalists has once again found itself in a heated conflict with the Presidency of the Republic and the Government for several reasons. These included "concerns over proper legislation and institution-building or safeguarding the rights of journalists, including their ability to have access to information and protection from dangerous situations, and holding accountable those who commit crimes against them."¹³ Unfortunately, the authorities have failed to allow journalists to "carry out their duties without being subject to various forms of official pressure". The Syndicate recently released a report, stating that "the time surrounding the referendum on the President's draft constitution last July was the most violent period for journalists, even surpassing the intensity of the 2019 electoral seasons." This prompted them to launch multiple strikes within the country's media outlets and take to the streets in protest.

Tunisia has dropped 21 places at once¹⁴ in the World Press Freedom Index, now ranking in place 94 after being ranked 73rd. There are several reasons for this, but the most significant is the promulgation of Decree Law No. 54 on combating crimes relating to information systems and communication. The Decree stipulates severe sanctions, including imprisonment for those convicted of fraud and spreading rumors¹⁵. The Decree has "induced legitimate concerns and raised the alarm in the media and society", according to Reporters Without Borders.¹⁶ The representative of said organization stated that this law "not only deprived journalists of their freedom but also aimed to dissuade them from doing their job. It led to a climate of fear and pushed media professionals to the brink of self-censorship." The Head of National Syndicate of Tunisian Journalists believes that "the current authority has created an unsafe work

environment for journalists, with unethical behavior leading to a decline in freedom of expression, as well as economic and social deterioration". He further commented that "the current situation, including the 2022 Constitution and Decree No. 54¹⁷ that threatens the freedom of expression and publication, poses a significant setback". He noted that these restrictions on freedom "not only undermine the fundamental nature of journalistic work but also violate the citizens' right to have access to information. Restricting journalists' access to information only compounds the issue."

Since July 25, there has been a successive increase in violations.¹⁸ While Tunisia's media landscape remains somewhat diverse, the space for freedom is slowly shrinking due to both overt and covert pressure being exerted on journalists and the media. In January 2022, almost twenty journalists - the majority of whom were Tunisian nationals - experienced severe violence while covering protests against President Saïed. International organizations including "Reporters Without Borders" defended journalists and strongly condemned the incident.¹⁹

Bloggers under siege

During the mandate of President Ben Ali, bloggers played a significant role in standing up against the oppressive censorship apparatus as the seeds of the revolution began to take root. Many of them were detained and sentenced to various sanctions. However, today, they are still facing criminal prosecution for numerous charges, the most important of which is the charge of "committing a despicable act against the head of state." This is the reason why journalists and bloggers alike have referred to Decree No. 54 as "notorious." According to Article 19 Organization, criminal charges against bloggers for defamation or insults "go against international treaties, standards, and the Tunisian constitution, all of which guarantee freedom of expression. The crackdown on bloggers who express their opinions and criticisms of security agents and public institutions in general, is contrary to their right to freedom of expression and to the vital role this right plays in promoting democratic participation and holding authorities and public officials accountable". As per the Organization's findings, the authorities rely on Article 86 of the Telecommunications Code in their prosecution and trial of bloggers, "which is a tool of intimidation and has chilling effects on freedom of expression and the participation of individuals in public affairs".

One of the most recent violations involved the interrogation of journalist Nizar Bahloul²⁰ by security services over an opinion article in which he criticized the Prime Minister's poor performance, predicting that she would be sacrificed after the parliamentary elections. This was deemed a significant turning point, as it marked the first instance since the revolution where the executive authority held a journalist accountable for their opinion, despite it being a necessary aspect of their journalistic duties²¹.

Shining moments in the history of civil society

This report reveals that the civic space has encountered three significant risks in recent times. The first was the COVID-19 pandemic, which almost brought public life to a standstill. Despite the pandemic's global reach, it significantly impacted freedoms in Tunisia. President Saied seized the opportunity to settle scores with the Government and ruling parties to monopolize power and transform the entire political landscape.

The second threat to civic space was the devastating economic crisis that stemmed from the mismanagement of public affairs over the past decade following the revolution. The parties in power failed to devise appropriate programs and make sound decisions to improve the country's development and fulfill the Tunisian people's aspirations.

The last threat was the political challenge represented in all the measures announced by Kais Saied, which fundamentally violated democracy and posed a threat to the most important gains made during the past decade.

Despite these severe and difficult challenges and their repercussions on the civic space in particular, there are positive aspects that give hope for the future. While acknowledging that the civil society and the opposition to the current political authority are experiencing fragmentation and weakness, the situation has yet to reach a point of complete disintegration of the social fabric, which is still to some extent cohesive and effective. This is evidenced by the spirit of resilience and resistance and manifested in the following ways:

In various Tunisian cities, protests in diverse forms occur on a daily or weekly basis, featuring varying demands and slogans. This is proof that the social structure has not surrendered to the current situation and is still capable of bouncing back and persevering in the defense of the freedoms and rights earned post-revolution through the

continuous struggle of successive generations.

The sharp division within civil society is beginning to fade, and there is a growing recognition of the severity of the situation and its direct impact on democracy as a system. More and more people are recognizing the importance of coordination between civil society groups and individuals for self-defense and peaceful resistance, as well as building broad coalitions. Social movements are also reemerging, and they are expected to grow gradually over the next few months, due to the deterioration of economic and social conditions and the disintegration of the regime's social base. Additionally, the youth, who were overlooked by parties and organizations in the past, are beginning to mobilize, searching for forms of organization, and seeking to unify their ranks and diaspora communities. These are all signs of resistance in the making.

In this context, the human rights movement has regained its independent struggle position. The eighth conference of the Human Rights League of Tunisia was held under the banner of "Towards an Independent League that Defends Rights, Freedoms, and Complete Equality." It not only brought together various activist associations of civil society but also confirmed the alignment of their leading bodies on the collective defense efforts between all its different components. That is due to the fact that the league had previously found itself targeted and isolated. Spokespersons for all organizations agreed that fundamental freedoms and rights were under threat and called for the need to mobilize civil society and defend the gains of the revolution and democracy. This call was stated by leaders of the Tunisian General Labor Union, Tunisian Association of Democratic Women, Tunisian Order of Lawyers, Tunisian Judges' Association, Tunisian Forum for Economic and Social Rights, and other independent organizations defending freedoms.

The feminist movement has been actively engaged in the various stages of the path followed to defend freedoms over the past few months. They have returned with a strong stance against marginalization

of women and their rights' violation policy. This is evident in various aspects, including the battle for the independence of the judiciary. The President of the Republic was asked to apologize publicly to the two female judges who were subject to "online doxing." Feminist associations considered this incident as "a real threat to the system of freedoms in Tunisia".²²

The President of the Tunisian Association of Democratic Women and various components of the feminist movement also rejected the exclusion of women from the political scene and from managing public affairs. They also denounced the fact that women would be engaged in the dialogue on the Constitution that the President of the Republic called for, but they would not be able to have any effect on this dialogue. These feminist groups reaffirmed their adherence to the gains of the Constitution of 2014, particularly in the section on rights and freedoms. During their protest on June 10, 2022, they raised the slogan "No surrender, no referendum on women's freedoms and rights... Equality now".²³

University students have joined movements against rights' violations and called for educational reform. The Union for Unemployed Graduates also organized a series of protests, including a rally near the Presidential Palace demanding justice by issuing presidential decree to address long-term unemployment. Rather than addressing the needs of those who had been unemployed for over a decade, President Saied opted to cancel the law passed by Parliament which mandated the Government to hire university graduates under exceptional provisions in the context of the solidarity economy.

Conclusion

Over the past decade, all Tunisians have been extremely disappointed because the revolution failed to build a better future for them. All parties are responsible for this failure to a varying degree. However, because social and political events have not been well exploited, many Tunisians were ready to accept the idea of a "savior" who could confront the political parties that have taken over the political scene. President Kais Saied took advantage of this situation to seize power through a highly visible political process, which his opponents describe as a "coup." At first, many Tunisians sympathized with him and believed that he could save and reform the country. However, a year and a half after the July 25 Referendum, his political vision based on "monopoly of power" to the detriment of parties and civil society became evident. This led to significant changes in the political system, and democratic activists realized that the country was heading towards a populist and undemocratic regime.

Meanwhile, the civic space aimed to stay united, tackling other significant risks, including but not limited to environmental issues, the erosion of women's rights, the collapse of the education system, and the migration of Tunisian talent. Nevertheless, these challenges did not break their spirit as they remained united in their efforts to return to the path of democratic transition.

Endnotes

- 1 World Bank report titled: "Crisis management in a turbulent economic situation"
- 2 Although the National Institute of Statistics reported a slight decrease in unemployment rate during Q2 of 2022, from %16.1 to %15.3.
- 3 According to a report by the Tunisian Forum for Economic and Social Rights, more than 13,000 Tunisian immigrants reached Italy's coast, including 2,635 minors and 624 women, since the beginning of 2022, compared to 11,042 during the same period in 2021. It was also reported that 507 migrants have died in drowning accidents off the Tunisian coast since the beginning of this year.
- 4 An example of the movements sparked across the Company of Electricity and Gas during the period between October ,20-17 2022, and the health sector as of November 17.
- 5 Protests by female peasants calling for "recognition" took place on October 2022 ,3.
- 6 Barn workers gathered near Tunisian-Algerian borders in protest of their social conditions on January 2022 ,17 <https://www.shemsfm.net>
- 7 The Tunisian League for the Defense of Human Rights issued a statement on October 2022 ,20, in which it denounced "the unjustified violence by security forces during peaceful public protests" and rejected "referral to the judiciary on charges not supported by evidence", expressing "major concern over the frequent social movements of varying significance across bodies as well as neighborhoods (such as, Tadhamon, Al Intilaqa, Zahrouni, Ezzouhour 4, Mornag, Zarzis, Bizerte) and the security attacks On October ,2022 ,25 the Civil Society Coalition announced the establishment of a national body comprising journalists ,activists, and lawyers" in order to guarantee the right to defend accused and detained protesters ",and an on-field protest was staged on November ,2022 ,2 in rejection of" the policy adopted by the authority to guarantee impunity for all aggressors ."<https://www.tap.info.tn>
- 8 Upon the recommendation of the Minister of Interior, President Saied made the decision to dismiss the elected mayor of Bizerte. The decision was deemed by the National Federation of Tunisian Municipalities as an "unprecedented move in Tunisian history as it explicitly violates the law and relies on mechanisms not outlined in the Code of Local Authorities." <https://www.mosaiquefm.net>
- 9 According to the Deputy Regional Director of the Middle East and North Africa at Amnesty International, Tunisians "are aware from experience of the dangers that restrictive laws can pose to civil society and public debate, as authorities used arbitrary laws against associations and cumbersome administrative procedures as key tools to stifle dissent during the highly repressive era of Ben Ali." <https://www.amnesty.org>
- 10 During a government meeting, Kais Saied stated, "Non-governmental organizations should be prevented from receiving external funding... that's what we shall do." He added, "they appear to be associations, but they are extensions of foreign powers... we will not allow external forces to use foreign money to manipulate our affairs... there will be no tolerance for any external pressure or influence on Tunisian decision-making." <https://arabic.euronews.com>
- 11 The group responsible for drafting the parallel report presented to the UN Human Rights Council during Tunisia's Universal Periodic Review is composed of several associations, including Lawyers Without Borders, the Association for the Defense of Individual Freedoms, Al-Kawakibi Democracy Transition Center, the Tunisian Forum for Economic and Social Rights, Al Bawsala Organization and EUROMED Association.
- 12 Inkyfada, "Civil Society, in the crosshairs of Kais Saied". March 2022 ,15.
- 13 Communiqué of the National Syndicate of Tunisian Journalists, May 2022 ,23
- 14 Reporters Without Borders, May 2022 ,3
- 15 As per the provisions of this Decree, "any individual who utilizes information and communication networks and systems to produce, promote, publish, send, or prepare news, data, false rumors, fake or forged documents, or documents falsely attributed to others, with the intention of violating the rights of others, compromising public security or national defense, or creating fear among the population, shall be subject to 5 years of imprisonment and a fine of 50,000 Tunisian dinars (equivalent to 15,525 US dollars)."
- 16 According to Khaled Drareni, the North Africa representative for Reporters Without Borders, RWB Website <https://rsf.org>
- 17 Tunisian journalists and politicians describe this Decree as "notorious."
- 18 Just 24 hours after the exceptional measures were announced, the police stormed the Al-Jazeera headquarters and forced out all journalists before closing the office. Despite demands from the National Syndicate of Tunisian Journalists and other professional bodies, the headquarters is still closed <https://inkyfada.com>
- 19 On this occasion, RWB released a report titled "Journalism in Tunisia: Moment of Truth." January 2022 ,10. RWB has noted

that "the violent scenes witnessed during the demonstrations of January 2022 ,14 - unseen in the capital since President Ben Ali stepped down in 2011 - only heightened concerns over whether the head of state remains committed to upholding press freedom. <https://www.article19.org>

20 "Business News" Founder and Director

21 Journalist Nizar Bahloul, owner of the "Business News" website, revealed that the Anti-Crime Squad interrogated based on a complaint filed by the Minister of Justice in accordance with the provisions of Decree No. 54

22 Nayla al-Zoglamy, the president of the Tunisian Association of Democratic Women, expressed her concern about "the discrimination and injustice faced by women, which had even led to the online doxxing against the two female judges and the violation of their sanctity and dignity because of the President's statements." She said: "It's a shame to associate a woman's honor with her body. Rather, true honor lies in living with dignity in an environment that respects rights and freedoms, citizenship, and the gains of the Constitution of 2014. The country cannot be led based on the honor of women and loyal Facebook pages." Mosaïque FM website, June 2022 ,8. She also accused President Saied of "not believing in women's citizenship and equality." <https://www.mosaïquefm.net>

23 The feminist movement in Tunisia is composed of Tunisian Association for Democratic Women, Beyti Association, Tawhida Ben Cheikh Association, the Association of Tunisian Women for Research and Development, Citizenship and Women Association in El Kef, Aswat Nissa Association, Amal Association for the Family and the Child, Joussour Citizenship Association in El kef, and Kalam Association