

Policies and legislations related to the democratic transition and human rights

in Tunisia



The constitutional and legal framework represents one of the most important signs of the democratic transition in Tunisia. Especially by establishing rules, procedures and institutions in order to achieve the transition and its goals. Thus, the report focused on further operationalization of the aforementioned framework while seeking to monitor the events related to, its development and its impact on the transition's path. Besides, monitoring the difficulties of the second transition, which is related to the political conflict over the formation of the government and what's behind the scenes of the official institutions.

Activating the constitutional and legal framework for the democratic transition

The constitution of 2015 is considered as the de facto framework for the democratic transition. And all its developments in the midst of the political life, whether in texts or institutions, are an important indicator of the process of transition itself.

The three authorities and the balance among them

The political players focus on “moralizing” a “code of honor” regarding the idea of working inside the institutions and adjusting the paths of political activity according to clear criteria. And it is an approach which is based on the party work not the institutional one. Besides, the discourse and the programs of the political players lack a clear vision of the structural, logistical and financial problems that the house of representatives suffer from. Perhaps some representatives referred to that problems, but that’s not followed by serious proposals regarding that.

The House of Representatives:

The party tourism and the parliamentary work:

Once the Assembly of the Representatives of the People (ARP), in Tunisia starts working, the fear returns regarding the quota of the political blocs and the need to ensure the balances within it. There is a great focus on the ethical work inside the parliament, the ways to adjust it to ensure the functioning of the legislative authority and to avoid suspending it due to political conflicts and the changing of Party loyalties according to the map of the political arena or what’s called “ the Party Tourism” . Especially since the parties failed to adopt the “Representative’s Code of Honor” earlier in the aforementioned committee during 2017. This was the discourse’s subject of the speaker of the Assembly of the Representatives of the People (ARP), during the opening session on November 13, 2019 after announcing the intention to amend the internal system of the assembly aiming to prevent “the party tourism”, as that will enhance the ethics of the political action.

And in the 8th of January 2020, the Committee on Rules of Procedure, Immunity, Parliamentary Laws and Electoral Laws in the Assembly of the Representatives of the People (ARP) started listening to the representatives of the Supreme Judicial Council about the procedures dedicated for the parliamentary immunity. and therefore, all blocs, parties and independents were contacted in order

to submit their proposals until the end of January. Then, the committee will start its action from the beginning of February until the end of April 2020, when it submits its outcome to the assembly’s bureau.

It is reportedly that the balances within the council have not changed numerically, as it doesn’t witness many cases of changing the party and coalition loyalties “Tourism” except the resignation of the deputy Sahbi Samara from the Future bloc and the joining of deputy Ahmed Bin Ayyad to the Dignity Coalition bloc in the Parliament. On February 13, 2020, the head of the Reform Bloc in the Assembly of the Representatives of the People, Hassouna al-Nasfi, announced on his Facebook page that the independent deputy

outside the major parties to be in the forefront of the political scene.

The structural and financial difficulties of the Assembly

People’s representatives

The budget of the Assembly of Representatives is still insufficient. As Chapter Four of the Parliament’s byelaw clarifies that it is attached to the state’s general budget. In the 2020



Khair Al-Din Al-Zahi from the governorate of Siliana had joined the bloc.

Also, during the month of March, 11 deputies from the (Heart of Tunisia (bloc resigned, and it is reported that by mid-March two deputies had withdrawn their resignation, so that the Heart of Tunisia bloc became 29, according to the Parliament website.

However, the balances remain close because of understandings which led the names of representatives who are from

budget, it was estimated at 43903 compared to 140,953 for the Presidency of the Republic and 148,295 - for 1000 D - for the Presidency of the government, without comparing it with the total of all branches of the executive authority. This reflects an imbalance in the financial resources of the legislative and executive authorities. Parliament employees previously reported that the Workload cannot be compared to other public administrations.

However, in addition to not providing the sufficient financial resources to ensure the representatives’ proper perfor-

The Constitutional Court was supposed to be formed in one year from the date of the 2014 elections as a deadline . But the partisan divisions prevented that .



mance of their duties, human resources are also unavailable, especially with the suspension of mandates and the executive authority's refusal to exceptionally authorize the Assembly of the Representatives of the People to do so, especially with the severe shortage that it has become suffering from, which will negatively affect parliamentary work.

Moreover, the presidency of the Assembly and its institutions are not far from the political conflict and the conflict with other authorities. As on November 13, 2019, Rashid Al-Ghannouchi, the leader of the Ennahda Movement, was elected as the Speaker of the Assembly of the Representatives of the People (ARP). Besides, the Ennahda bloc has the largest numbers of representatives, in addition to a large number of representatives in other Islamic coalitions. While, in contrast, the "non-Islamic" bloc is dispersed and weak in terms of the quantity of their seat numbers in the Assembly and in terms of quality regarding their ideological presentation.

Meanwhile, it is obvious that in the level of the political discourse, the conflict between what's revolutionary and what's counter-revolutionary continues. On January 16, 2020, violent incidents were happened inside the Assembly of Representatives. As numbers of families' martyrs and wounded of the revolution raised the slogan "Dégage" against the president of the Free Constitutional Party and the head of its bloc in the Assembly, after his refusal to read Al-Fatiha on the souls of the revolution's martyrs.

Executive Authority

Presidency

The Presidency of the Republic is the second pillar of the executive authority in a system that ensures the multiplicity of sources of popular legitimacy through direct elections. In addition to the political conflict with the legislative authority, serious questions were raised about the ability of the Presidency's institutions implementing their role to support and build a decision-making process. As for example of these questions, the question concerning the role of the Tunisian Institute for Strategic Studies, the absence of research and scientific production regarding making foreign policy and national strategies, and the nature and quality of appointments.

The Presidency's institutions:

- The National Security Council: It was created in 2017
- The administrative department
- Tunisian Institute for Strategic Studies
- The Supreme Authority for Administrative and Financial Supervision
- The National and Residential Services Company

These institutions witnessed new appointments once president Qais Saeed took his office. The National Security Council is represented as the first tool in forming state policies under the powers of the President of the Republic. But it witnessed resignations that reflected the disagreement

and the conflict inside it, especially since the beginning of the epidemic crisis in Tunisia, including the resignation of the National Security Adviser at the Presidency of the Republic, Muhammad Saleh Al-Hamidi which was after the resignation of Abdel Raouf the minister counselor, Tariq Al-Hanashi the doctor and advisor who was the chief of protocol, and Tariq Bel-Taib who was the chief the president of the republic office.

The Tunisian Institute for Strategic Studies is severely criticized concerning its structure, and its outputs as it is an official institution which was founded for establishing strategies and policies of the state. These institutions are still functioned according to who runs them rather than following public policies and major visions of the state.

The judicial authority

The Supreme Judicial Council

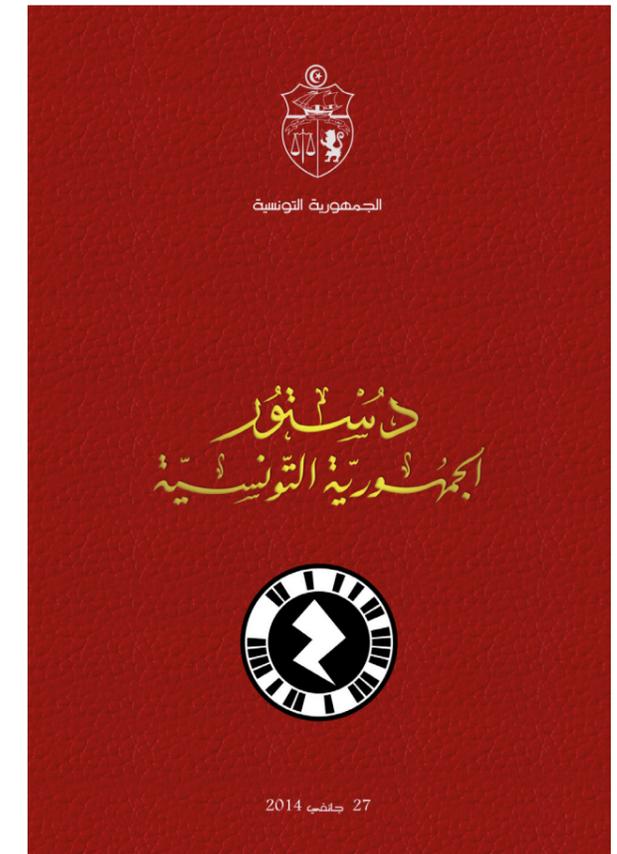
Articles from 112 to 117 of the Tunisian Constitution

Basic Law no.34 of 2016 dated to the 28th of April, 2016 regarding the Supreme Judicial Council.

Forming the Supreme Judicial Council is part of the embodiment of title five of the Constitution related to "the judicial authority", which established the judiciary on the structural and functional levels. This constitutional framework is considered the basic reference in drafting the provisions of the Basic Law of the Supreme Judicial Council, while considering the international standards for the independence of

the judiciary and comparative approaches in this field. Besides, its role is still suspended because of the interference of the political institutions, especially the interference of the Ministry of Justice in its power, and to favor some names who support this approach.

Later, that will affect the constitutional court, as what happened previously. And it is essential to point out that there are pressures on the judiciary and a clear interference by the Ministry of Justice in the judicial affairs. Although the



Constitution affirms that the Council is the delegated authority to organize the judicial facility.

As for example, the Ministry of Justice issued a memorandum, the judicial sessions and to direct that through instructions to the officials of the courts in order to implement them. As a result of that interference, the Association of Judges considered that a seizure of the council's powers.

Constitutional Court

Articles 118 to 124 of the Tunisian constitution

Basic Law no.50 of 2015 dated to 3rd of December 2015 relating to the Constitutional Court

Its members have not been elected to the date of monitoring. And part of the problem is the Supreme Judicial Council because it appoints four members while facing a crisis by the interference of the political institutions to control it. Also, the politicization of the other four appointed members by the Assembly of the Representatives of the People affects the court.

The Constitutional Court was supposed to be formed in one year from the date of the 2014 elections as a deadline, but the partisan divisions prevented that, as the previous parliament was not able to elect except only one member out of four in March 2018.

The crisis of the Constitutional Court continues to affect the whole political system. As a result, by its absence, the crisis continues in terms of interpreting and implementing the constitution. Tunisia witnessed a clear conflict between the two heads of the executive authority concerning powers, and the interpretation of some titles of the constitution regarding the role of religion and public freedoms.

Centralizing the constitutional bodies

Arguably the political class's implicit silence on centralizing the constitutional bodies is due to its preoccupation with the details of the political conflict. And besides, the existence of the current disputes among the heads of the three authorities lead to a sustainable conflict. Also, disrupting forming the bodies because each of them has its legal quota in appointing its members. And under the desire of all political parties in imposing their own conceptions, the path of forming the bodies will be difficult (loaded).

Human Rights Commission

Article 128 of the Tunisian constitution

Basic Law No. 51 of 2018 dated to October 29, 2018, relating to the Human Rights Commission.

It hasn't started its function yet

The Commission for Sustainable Development

The President of the Electoral Commission of the Assembly issued a decision dated to the 15th of February 2019, for opening candidatures for the membership of the Commission for Sustainable Development. And during the monitoring, 8 members from nine have been elected. In other words, the absence of this Commission reflects the absence



of a clear vision about the development path as it is supposed to play a fundamental role in it. Also, it is obligatory consulted as an independent body in all laws related to economic, social and environmental affairs.

It hasn't started its function yet

The Good Governance and Anti-Corruption Commission

Article 129 of the Tunisian constitution

Basic Law No. 60 of 2019 dated to the 9th of July 2019, regarding The Commission for Sustainable Development and the Rights of Future Generations It hasn't started its function yet

Audio-Visual Communication Commission

Article 125 of the Constitution

Decree No. 116 of November the 2nd of 2011, and Decree No. 115 of November the 2nd of 2011.

A draft Basic Law No. 97/2017 related to the Audio-visual Communication Commission has been deposited since the date of the aforementioned law. although, it has not been voted on until today, it carries out its duties today according to the aforementioned decrees. And that contradicts with Article 125 of the constitution, which states that it is regulated by law. As a result of not forming the commission, a chaos hits the media that the current body is unable to manage the media scene efficiently.

The transitional justice process

The function of The Truth and Dignity Commission

It is clear that politicizing the function of the Truth and Dignity Commission has an echo throughout its function. Thus, its outputs were affected after issuing its report. Mounir Wahada who is one of the victims of tyranny, stated that "the process of the transitional justice at this moment has a lot of uncertainty and shall be in progress by all parties, politicians, civil society and organizations. It is a priority for future state programs, and it is the first priority to restore the dignity of the victims, even if it is symbolic". He added that the transitional justice is absent from the party's programs, and that is what's expected.

And within the electoral process, especially within the campaigns for the legislative elections, the «No Return» campaign was launched, which was supervised by three civil society organizations which are «Lawyers Without Borders», «Forum for Economic and Social Rights» and «The Compass/ Al-Bousla» organization. As according to the supervisors, the campaign aims to restore the Transitional Justice to the table of the political dialogue as a constitutional and legal benefit which is in parallel with the electoral campaign, monitoring and following-up on the institutional framework of the transitional justice process beyond ending the Truth and Dignity Commission's action. As well as raising the awareness of the Tunisian citizen on the importance of demanding the adoption of guarantees that

past violations will not be repeated.

In other words, as according to the official body which is in charge with the transitional justice process and Civil Society that defends it, these two situations reflect that the process itself is not important except its proper end. As its outputs govern the whole process, which has been marred by several obstacles.

The work of the body continued despite the slow and shortcomings it had.

On the official page of the Truth and Dignity Commission on social media, on the 2nd of November 2019, it was stated that thousands of victims may have received reparation and rehabilitation decisions from the commission, but until today they are still waiting for these decisions to be operationalized. And the Truth and Dignity Commission has continued to issue reparation decisions for victims until the end of 2019. It also stated in a communiqué issued on the 12th of November 2019, that decisions will be under their responsibility only until the end of the month, and the remaining decisions will be referred to the prime minister.

During 2019 and up to November, the Monitoring Unit noticed some criticisms of the commission's work and its slow action, especially that the number of individual reparation decisions are more than 40,000 decisions. And they were issued according to a timescale to list the victims according to their seniority to be subjected to abuse. Thus, it was considered objective in terms of its introduction to the older victims. But the action was generally slow.

The inaction of the provisions of Article 70 of the Basic Law on Establishing Transitional Justice

It is also noticed the absence of other important merits of the transitional justice process, especially the implementation of institutional reforms, the failure of the punishment's process of torturers, and the weak official interaction with the outcomes of the commission's comprehensive final report.

It is also noteworthy, that Article 70 of Basic Law No. 53 of 2013 dated to December 24, 2013 concerning establishing and organizing the Transitional Justice provides for the following:

It is also noteworthy, that Article 70 of Basic Law No. 53 of 2013 dated to December 24, 2013 concerning establishing and organizing the Transitional Justice provides for the following:

The government shall, within a year from issuing the comprehensive report by the Commission, prepare a plan and work programs for implementing the recommendations and proposals presented by the Commission, and submit these to the legislative council for discussion. The legislative council shall monitor the extent to which the commission is implementing the plan and the work program. This task should be assigned to a special committee in the parliament with help from relevant organizations, so as to exert pressure to implement the recommendations and suggestions of the commission".

It is noteworthy that the Commission issued its report on Tuesday, March 26, 2019, after it finished the action in the end of 2018, when it concentrates in reviewing its action and drafting the final report. And until the date of monitoring in November 2019, it can be noticed the absence of any initiative by the government to present a plan and program to implement the recommendations and suggestions.

In this direction, the following are observed:

On the 7th of December, 2019: the governmental decision was issued regarding the creation of a 'medical committee charged with reviewing the files of the medical recovery expenses, following up critical cases of the injured of the revolution, and organizing its structure and methods of action in the official newspaper of the Tunisian Republic No. 97. The medical committee follows up critical cases of the

injured of the «Freedom and Dignity Revolution: December 17, 2010 to the 14th of January 2011.

In the 11th of January 2020: The Truth and Dignity Commission announced on its own page on social media that its archive had been transferred to The National Archives of Tunisia under the supervision of the Prime Minister, according to the provisions of Article 68 of the Transitional Justice Law.

Since May 2019, the commission has begun to transfer all the archives, which are estimated at 796.3 linear meters and 724 gigabytes, and the implementation to compile them with judicial permission.

In the 16th of January, 2020: The Truth and Dignity Commission completed the transfer of its private archive to the National Archives during these days, nearly a year after completing its work in late 2018. It is noteworthy that Article 68 of the Basic Law No. 53 of 2013 dated to December 24, 2013 concerning establishing and organizing the Transitional Justice, which states that "The Commission's works shall be concluded at the end of its term stipulated by law and the Commission shall submit all the documents and files in its possession to the National Archive or shall place them at an institution entrusted with the preservation of national memory".

The choice of the commission was to establish a special institution for preserving memory, but the lack of political will to establish forced the commission to legally submit its archives to the National Archives.

The publication of the commission's report in the official newspaper, in addition to sending the follow-up committee is necessary to confirm the whole process. As it passed with obstacles and disagreements that started within the commission itself (6 resignations out of a total of 15 members), and the political polarization that affected its work. The same report is also criticized, including omitting parts of it and the historical mistakes that some people criticized, which raises many questions about the investigation methodology used by the authority and its efficiency

Local authority

Texts: Title seven of the Tunisian Constitution. From chapter 131 to. 142

Local Communities Magazine: Basic Law No. 29 of 2018 dated to the 9th of May 2018, relating to the Local Com-

munities Code.

The slow empowering path of the local authority and practical difficulties

The slow legal procedure

The Local Authorities Magazine lists 38 government orders. Only 10 governmental orders were issued from these texts until the monitoring period, as what is indicated by the official website of the local groups. This is confirmed by Al Bosla organization in its annual report on the decentralization process.

It is noteworthy, that the Ministry of Local Affairs and Environment has previously confirmed that completing drafting 75% of the implementing regulations for the Local Communities Magazine.

This is addressed on the 2nd of January 2018, months before the publication of the Local Communities Magazine. As according to Article 385 of the Local Authorities Magazine the deadline of 9 months from the date of the magazine's publication for issuing the implementing orders. This means exceeding the deadlines of the 25th of February 2019 for more than a year without completing publishing the magazine, in the process of building the whole decentralization.

The politicization of the Local work

It is noticed that local work has become penetrated by party programs and loyalties of candidates to play a role at the local level. And that practically led to dissolve the local councils and to organize partial elections in several regions.

Also, the vision of the local work still has an inferior interest compared to other positions. As it is noticed that some individuals give up Local work and run for legislative elections. It is noteworthy that the former mayor of Al-Kasserine city, Muhammad Kamal al-Hamzawi, had given up his position in February, as a result of being elected as a member of the Assembly of the Representatives of the People. Therefore, a new mayor was elected to the local authority in Kasserine.

Here is a list of the partial elections that were held:

Partial elections in 2019

- The municipality Souk Jadid of Sidi Bou Zid Governorate

- Bardo municipality of Tunis Governorate

- Tebar municipality of Beja governorate

- El-Ayoun municipality of the 2nd Al- Kasserine Governorate after the first partial elections of July 2018.

- As Sars municipality of Al-Kef governorate

Partial elections in 2020

Voting day: from 25th to 26th of January 2020

- Partial elections in Al-Battan municipality of Manouba governorate.

- Partial elections in Al-Dandan municipality of Manouba governorate.

- Partial elections in Qasiba Al-Thuriyat municipality of Sousse governorate

- Partial elections in Nafza municipality of Beja governorate

- Partial elections in Raqqada municipality of Al-Kairouan governorate

While there were no partial elections in the municipality of Shabika after the members withdrew their resignations.

Voting day: March 28 to 29, 2020.

- Partial elections in Al Fawwar municipality of Kebili governorate

- Partial elections in Jebiniana municipality of Sfax Governorate

- Partial elections in Hassi El ferid of Kasserine governorate:

- The partial elections in Hassi Alfred municipality came after a mass resignation on the 23rd of December 2019 due to what was considered by 10 of the members as a tyrannical opinion by the speaker of the council and his deputy. In addition to the deteriorating situation in the municipality. Resignations have continued since the municipal elections in 2018 due to disagreements among members of the elected councils for similar reasons. Disagreements among councilors lead to interruption of work and the pos-

sibility of the cooperated and democratic functioning process, as partisan conflict and domination by one side against the other are present in several cases.

This is due to:

Transferring partisan political conflict to the municipal level. As most of the municipal councils witnessed severe disputes that prevented the normal functioning of municipal work. And members resort to mass resignation, so that the council shall be dissolved due to the absence of a quorum.

(Municipal party tourism) - the case of Skhira municipality - Mayor Khaled Vetirish from an independent to a member of the Democratic Current Party.

Governors intervene in the work of the Municipal Council - a municipal case -

The 2nd transitional crisis

This crisis represents a proof of the democratic transition difficulties and confirms that it is not only carried out by legal texts and institutions, and despite of their importance, the period of transition needs an ability for implementing decisions to end it.

Features of the electoral path

At the beginning of October 2019, the debate on equal opportunities for presidential candidates, Kais Saied and Nabil Karoui, continued with regard to the second round scheduled for the 13th of October. The presence of an academic and a businessman as the main candidates for the presidential elections reflected the crisis of partisan political work which the Tunisian voter distrust the proposed political names. They are two opposites, where Kais Saied moved with an unusual campaign and without much funding, while his rival moved with a media machine and huge financial resources invested in his image throughout the years preceding the elections.

Regarding the electoral process, while the candidate Kais Saied continued a special “interpretative campaign”, his rival, Nabil Karoui, was in prison on charges of money laundering and suspicions of corruption (he was jailed on August 23, 2019).

It is noteworthy that Karoui has a bad reputation with the Tunisian civil society, as he had recordings threatening activists of the organization (I WATCH) which is a Tunisian

non-governmental organization that was established to ensure transparency and fight corruption following the Tunisian revolution. And This remained without serious investigation to punish who is responsible. The Karoui candidate has been arrested in a case against him by the «I Watch» organization regarding suspicion of money laundering by using companies owned by him and his brother Ghazi Karoui, in Morocco, Algeria and Luxembourg.

On September 5, the Summer Indictment Chamber of the Tunis Court of Appeal rejected a request for the release of Karoui and maintained the precautionary measures that had been taken in a while against the Karoui brothers related to the travel ban and freezing of dealing with the properties of Nabil Karoui, who is currently the head of «Heart of Tunisia» party.

On September 18, 2019, the investigating judge of the economic and financial judicial pole rejected the request for provisional release of the candidate for the early presidential election Nabil Karoui as he is incompetent to examine the request.

The decision to suspend a candidate for the premature presidential elections by the Summer Indictment Chamber of the Court of Appeal resulted in mixed reactions, as members of the Karoui Defense Committee considered many legal breaches in the issuance of his arrest and the arrest process itself.

On October 1, A High Committee of Human Rights and Fundamental Freedoms (French: CSDHLF) delegation led by President Taoufik Bouderbala and member Mondher Cherni visited presidential candidate Nabil Karoui who is currently held in custody in Mornaguia civil prison.

Many political figures and human rights bodies at home and abroad called for candidate Nabil Karoui to enjoy full freedom in carrying out his election campaign, based on the principle of equal opportunities for candidates. The Independent High Electoral Commission also expressed its fear that the results of the presidential elections would not be accepted due to Karoui’s continued imprisonment. The commission’s spokesperson relied on what he considered the commission’s role in protecting the democratic process itself, as he considered that the commission’s role goes beyond the technical dimension.

The European Union Election Observation Mission in Tunisia adopted the same situation in its statement issued on



Who is Kais Saied?

- Date and place of birth: February 22, 1958, in Tunisia

Academic certificates:

- Certificate of in-depth studies in public international law from the Faculty of Law and Political Science, Tunisia, 1985
- Diploma in Constitutional Law from the International Academy, Tunisia 1986
- Diploma in Humanitarian Law from the International, San Remo, Italy 2001

Professional experience

- Lecturer at the Faculty of Law, Economic and Political Sciences, Sousse 1986 /1999
- Lecturer at the Faculty of Social, Political and Legal Sciences in Tunisia since 1999
- Head of the Public Law Department at the Faculty of Political, Economic and Law Sciences in Sousse 1994/ 1999
- Kais Saied is mainly an academic, and he always introduce himself as he is not involved in politics. His character raised an urgent question about the reasons for the tendency of public opinion to him, and not to other names who has a known political and struggle history.

Who is Nabil Karoui?

- Date and place of birth: August 1, 1963 (age 57 years), Bizerte, Tunisia

businessman

- Nabil Al-Karoui One of the key figures in the Tunisian media landscape when he and his brother Ghazi founded the «Karoui and Karoui» media company in 2002.

- With the outbreak of the Tunisian revolution in 2011, his television channel, which was presenting entertainment programs, began covering political news in a colloquial dialect, and it became widely publicized in Tunisia.

- He also founded a charitable association that was active for two years before the elections in social work in favor of the poor inside Tunisia. It is noticed that an important part of the voters for him in the first round in September are the social activity space of his association.

the 3rd of October 2019. It confirmed that since the first round when it sought to meet the Karoui candidate without

a response. As the Mission stated that a meeting held with the candidate Kais Saied, the second candidate, in the pre

sidential race, “to talk about the electoral path, and that it submitted a request to the judicial authorities, in order to visit Nabil Karoui”.

On the 9th of October 2019, Nabil Karoui was released days before the election debate with the second candidate, and days before the election day.

Also, the Administrative Court did not receive any appeals against its results until the legal deadline for submitting appeals (16th of October), according to what the court’s spokesperson, Imad El-Gabri, told Tunis Afrique Presse (TAP). Kais won in the second round of the pre-term presidential elections with 72.71% of the vote, over his rival who gets 27.29%.

Government formation path

The process of forming the government reflects the difficulty of the democratic transition in Tunisia, as it has the legal and institutional conditions in principle for success. However, it is not sufficient to achieve all success to reach the guaranteed combination for democracy.

And the crisis in forming the government lasted for 109 days, and was characterized by severe political disputes that caused the domination of the concept of partisan quota and the narrow political interests. It also reflected features which can be summarized as follows:

The impotence of the political class and the crisis of the political parties led to the appearance of names of bureaucrats, experts, technocrats or politicians who does not have much political and electoral weight or previous experience in government.

The political parties take advantage of who rules through a political front.

The crisis of forming the government proved the public opinion’s lack of confidence in the parties and the whole political class.

The crisis of the government formation has turned into a continuous crisis of governance, and state institutions have become a scene of political conflict or temporary consents.

Turning to the political contractual documents that were ultimately found to be limited generally and its inaccuracy, in addition to being the last thing signed after the distribution of political positions.

Figures about the 2019 presidential elections in the second round :

The number of observers



18,000
local observers

700
from abroad

The number of polling stations



13,000
inside Tunisia

384
abroad

The number of those registered in the presidential elections



7,074,566

%51 Men
%49 Women

The government of Habib Jemli

The depth of the partisan disagreements and its implications

On the 15th of November, Tunisian President Kais Saeid assigned Ennahda’s candidate, Habib Jemli with forming a new government. Al-Jemli a minister in two previous governments, and he is 60 years old. The Ennahda movement decided to choose a person from outside it, especially as most of the parties in the House of Representatives required to enter into consultations to form a government coalition only if the appointment of a prime minister from outside the movement.

The 2 months of November / December 2019 witnessed negotiations marathon concerning forming a government, with a major disagreement over the nature of possible coalitions. It is clear that Ennahda cannot rule alone, but the ruling cannot be without it. As a result of the balances imposed by the elections. Ennahda also affected the whole process because of the differences within it, in addition to the severe disagreements with the People’s Movement and the Democratic Current and Long Live Tunisia. And the methodology of the work of the designated prime minister received very severe criticism, as it was linked previously with the movement that suggested his name. Then he later expressed his desire to form a non-partisan government. As a consequence, for that, he didn’t gain confidence from the Assembly of People’s Representatives on the 10th of January 2020.

The proposed government by Habib Jemli consisted of 42 members, 28 as Ministers and 14 as State Secretaries. And the formation is not different than its extended previous government. Also, the female presence was limited and less than the percentage announced by the prime minister himself. Besides, many of the appointed names have served in governments led by Ennahda.

Government of Elyes Fakhfakh

Elyes Fakhfakh was commissioned to form the government according to the requirements of Article 89 of the Tunisian constitution, in a duration of one month, which cannot be extended. And that is from 21st of January to the 19th of February.

This assignment comes as a result of the end of a series of written consultations among the President of the Republic with parties, blocs and coalitions in the Assembly of the Representatives of the People, and after meetings with officials of the largest national organizations and with a number of personalities that have been nominated. And as according to Article 89 of the Constitution, the President is authorized to determine the personality that he considers the most capable of forming a government, thus allowing the Assembly that has the agreement power to choose who is capable for. Respecting the will of the electorate’s will in the legislative elections, and the proposals made by the parties, coalitions, and parliamentary blocs in the correspondences they directed.

the government that will be formed will not be the government of the President of the Republic, but it will be what the Assembly of the Representatives of the People will give confidence to. And quite a few members of Parliament are the one who proposed the name of the prime minister, and it is only the Assembly that has the final word during the presentation of the government with its whole members in the plenary session according to the text of the presidency.

Besides the various political promises, after the meeting of Elyes Fakhfakh with the President of the Republic, Kais Saeid, on Monday, the 20th of January 2020, he affirmed that he shall form a government from a “small, cohesive and serious team that combines efficiency with strong political will, and the fulfillment of national constants and the goals of the glorious revolution”. He indicated that he would open the way for the widest possible political belt in forming the government, far from any partisan exclusion or quota system while fulfilling the majority orientation, according to him.

As according to him, he indicated that he would open the door for the widest possible political presentation in forming the government, far from any exclusion or partisan quota system with the fulfillment of the major concept.

The designated prime minister has chosen a specific list of parties with which he will enter negotiations to form the government. As according to his opinion, he excluded from his list the Heart of Tunisia Party and the Constitutional Free Party, in consistent with the «revolutionary» political line of the President of the Republic, with the Presidency's denial that this government is the «government of the President».

Besides, the political discourse of Kais Saied is always focusing on the idea of the state and the constitution, and the keenness to present his interpretation of the constitution within the political struggle. Despite the above, it cannot be ignored that there are conflicting priorities between parliament and the presidency.

The following parties participated in the negotiations, which was the parties that voted for the president in the second round. These parties are: the Ennahda Movement, the Democratic Current, the Dignity Coalition, the People's Movement, the Long Live Tunisia Movement, (Machrouu Tounes), the Republican People's Union, (Nidaa Tounes), the Tunisian Alternative, and (Afek Tounes).

These parties can be classified as:

- Conservative Right: Ennahda / Dignity Coalition, with the absence of Errahma Party
- Right: Mashrouu Tounes / Nidaa Tounes / Long Live Tunisia / Tunisian Alternative/ Afeq Tounes with the absence of the Heart of Tunisia Party at the beginning and the Constitutional Free Party
- Arab Nationalism: The Democratic Current

The above-mentioned classification is according to in view of the weakness of the ideological approach, with the exception of the Islamic Ennahda Movement and some old parties that exist through their elite discourse rather than their ideology such as the People's Movement or the Democratic Current.

This fact is affected by the emotional and revolutionary momentum, which identified with a rising populist feature whether in the legislative or presidential election campaigns.

It is a development imposed by the reality of the fragmented partisan life with full of distrust among its actors.



Negotiations to form the government of Habib Al-Jemili

- **November 11, 2019:** Ennahda announces the contractual document to form the government
- **November 14, 2019:** Ennahda's Shura Council chooses Habib Al-Jemili from four personalities
- **November 15, 2019:** Habib Jemili was appointed by the Presidency of the Republic
- **November 19, 2019:** The start of negotiations to form the government with the various political parties and national organizations
- **December 05, 2019:** The People's Movement and the Democratic Current withdraw from negotiations to form a government
- **December 15, 2019:** The formation period of the government was extended due to the failure of negotiations with the parties
- **December 23, 2019:** Habib Al-Jemili announces his desire to form an independent competencies government (cabinet members will be chosen on «their competence and integrity, regardless of their political affiliation»)
- **January 01, 2020:** Habib Jemili presents the formation of his cabinet
- **January 05, 2020:** Ennahda's Shura Council announces its intention to grant confidence to the Jemili government



Negotiations to form the government of Elyes Fakhfakh

- **January 20, 2020:** Elyes Fakhfakh was appointed to form the government
- **January 23, 2020:** Elias Fakhfakh announces three-week stages of forming the government: Defining the political belt (or what means as the extended participation of Parties) / Defining the program / Determining the structure of the government formation
- **January 24, 2020:** Elyes Fakhfakh announces that he has excluded the Heart of Tunisia and the Free Constitutional Party.
- **January 28, 2020:** Consultative meetings start with the political parties concerning the contractual document
- **January 31, 2020:** After meetings during the previous week, the designated Prime Minister announces amendments to the contractual document and the 1st of February shall be the date for ratification.
- **February 01, 2020:** The non-ratification of the contractual memorandum, and Ennahda's postponement request. The postponement request was issued a quarter-hour before the parties' meeting.
- **February 03, 2020:** The contractual memorandum was not ratified due to the request of the Ennahda Negotiation Committee. The movement calls to the participation of the Heart of Tunisia party under the title «National Unity Government». Youssef Chahed (Former Prime Minister of Tunisia) participates in the pressure process.
- **February 06, 2020:** A meeting between the prime minister-designate and the head of the Ennahda movement
- **February 07, 2020:** Elyes Fakhfakh presents the 3rd edition of the contractual document
- **February 08, 2020:** The prime minister's meeting with representatives of the parties as the Tunisian Alternative, Afek Tounes, Nidaa Tounes and Mashrouu Tounes
- **February 11, 2020:** The meeting of the Prime Minister-designate with the head of Ennahda Movement
- **February 12, 2020:** Announcing the date of the 14th of February as the date for submitting the final formation of the government to the President of the Republic.
- **February 14, 2020:** The announcement postponed to the next day
- **February 15, 2020:** The meeting of the Prime Minister-designate with the parties concerned with forming the government and the withdrawal of Ennahda Movement an hour before the announcement of the government's formation and its decision not to grant confidence due to the absence of the Heart of Tunisia party.
- **February 20, 2020:** The Prime Minister-designate presents the formation of the government to the Presidency of the Republic.
- **February 24, 2020:** Signing of the contractual document in the presence of Noureddine Bhiri, head of Ennahda Movement, Mohamed Abbou, Secretary-General of the Democratic Movement, Zouhaier maghzaoui, Secretary-General of the People's Movement, Youssef Chahed, head of the Tahya Tounes movement, and Hassouna Al-Nassifi, head of the National Reform Bloc.
- **February 26, 2020:** A vote of granting confidence to government of Elyes Fakhfakh, with the approval 129 votes in favor, 1 abstained and 77 against

The political and legislative development related to human rights

Tunisia witnesses a remarkable progress at the legislative level regarding human rights, but approaches to it are still incomplete due to the lack of a clear ability to establish a clear equation between human rights and security or between the necessities of the governmental action in the exceptional cases and freedom.

During March 2020, a draft law (bill) against attacks on security forces was appeared. The delegation representing the Tunisian General Labor Union (UGTT) criticized the returning of a draft law under the title of « “Repression of Attacks against Armed Forces”, during a parliamentary hearing session at the General Legislation Committee. As it considered the bill to include many serious violations that threaten society and contradict with the rights and freedoms guaranteed by the constitution. Also, the delegation called for the need to reformulate the bill regarding individual and public freedoms.

The Defense Minister Imad Al-Hazqi stressed that the draft law which criminalize attacks against Armed Forces in its presented version, is not suitable to the recent events by including many deficiencies and several points related to the basic concepts and definitions that shall be reviewed especially relating to the articles of the draft law with the rest of the rights and freedoms.

The Ministry of Interior and Security Unions, through the recent legislative initiative, insisted on the need to protect their members while carrying out their work. But this draft law faced a widespread opposition about its repressive content and its punitive nature. In addition to its contradiction with international conventions and the constitution regarding freedoms. And the majority of human rights organizations and association, and national organizations issued statements and declared condemning situations against this law besides alerting its seriousness. Also, many political actors expressed their outrage with the draft law, and both the Tunisian Journalists Syndicate and the Tunisian General Labor Union demanded that to withdraw the bill from the General Legislation Committee.

And also, DAAM Center participated with the Tunisian Civil Society Organizations in calling to people's representatives to withdraw the bill “Repression of Attacks against Armed Forces”

The death penalty in Tunisia:

21 crimes and offenders punishable by death in the Tunisian law, but that haven't practically enforced since 1991. This is considered as a voluntary cessation of the implementation of the death penalty which made Tunisia as one of 29 countries that have chosen to voluntarily cease carrying out the death penalty.

On Wednesday, the 8th of January 2020, the General Legislation Committee and the Committee on Rights, Freedoms and Foreign Relations held a joint session on a draft of an indicative code issued by the Arab Parliament regarding the death penalty and guarantees for its implementation in Arab countries. Experts and civil society representatives during the hearing session confirmed the contradiction of the indicative draft law with the provisions of the constitution, conventions and treaties ratified by the Tunisian state. The deputies also rejected this bill for the same reasons. This is

from entering the Assembly of the Representatives of the People, despite the office's activity. In addition, the tense atmosphere due to the dispute between Jamila Al-Kasiksi a member of the Ennahda Movement and Abeer Mousa a member of the Free Constitutional Party. And a number of the Free Constitutional Party representatives held a sit in the parliament. the National Syndicate of Tunisian Journalists (SNJT) threatened to raise the red badge within the Assembly of the Representatives of the People or to strike in case of the continuation of attacks on the journalistic work.



considered positive on the road to total penalty abolition.

Freedom of expression / press / media

Violations and difficulties in journalistic work

Attacks on journalists continue under difficult circumstances during work, especially during the electoral period and until October 2019. This can be noticed in the relationship with official institutions and bodies.

Several journalists were attacked by the employees and managers of the polling stations.

On the 7th of December 2019: Journalists are denied

That resulted from the chaos of some of the Dignity Coalition deputies in Parliament and preventing the national television cameramen from broadcasting, and using television to pass fake slogans that don't express what happens inside the Assembly.

December 2019: The Tunisian National Syndicate criticized what it expressed as a republic's policy of blackout. The situation of the Syndicate is resulted from what happened to prevent Journalists during their coverage to the visit of the Turkish president Recep Tayyip Erdoğan to Tunisia. And this policy included local journalists in addition to foreign journalists, especially journalists of the Al-Araby tv. As, the Presidential Security Forces took the cards of the press team of Al-Araby although it is approved channel in Tun-

sia which consisted of the journalist Wissam Da'si and the photojournalist Ayman Ben Mansour. Also, they were accompanied to file a report for filming without authorization under the pretext that filming in front of the presidential palace is subject to a prior authorization so that it violates the law. In addition, 13 Tunisian journalists who works as correspondents for a number of foreign mass media were prevented from entering the Carthage Palace.

February 17, 2020: The documentary «black rooms» team was investigated in front of the 3rd Central Division of Research and Investigation of the Aouina National Guard in a complaint filed by the security agent, who wrote the report of seizing documents and equipment in Mustafa Khadhar's house, the suspect's case known as the "Secret Apparatus of Ennahda movement."

Work difficulties for foreign journalists, especially concerning to the license agreement to work in polling stations. The National Syndicate of Tunisian Journalists indicated that it had several deficiencies.

The political activists' lack of respect to journalistic work of, especially the candidates for the legislative and presidential elections, including the working teams in the electoral campaigns of several candidates. As for example, the security teams accompanying the candidates prevent opportunity a journalist to obtain a statement or information.

The issue of respecting the professional ethics and to be not biased in channeling information is considerable especially concerning the work during election periods.

Structural difficulties in the media sector

The weakness of the official media and the absence of professionalism

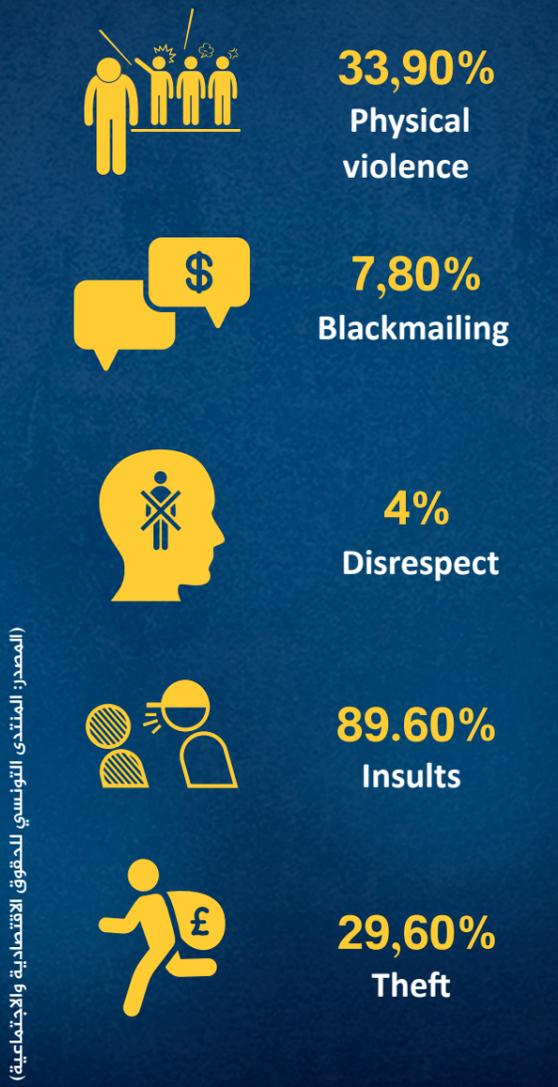
The fear of disappearance of several media institutions among which include the newspaper journalism, and small, association and regional radio stations that haven't receive a support from the State. While in contrast, there is control over the remaining institutions to direct it. This raises the question of the state's support for the media sector in light of the effect of political money and the abusing of the mass media for a biased partisan purpose.

The absence of a reform project of the media sector

The limited public policies in Media in terms of ensuring pluralism, diversity and ensuring the quality and professional standards of Media.

The regulating role of the High Independent Authority if

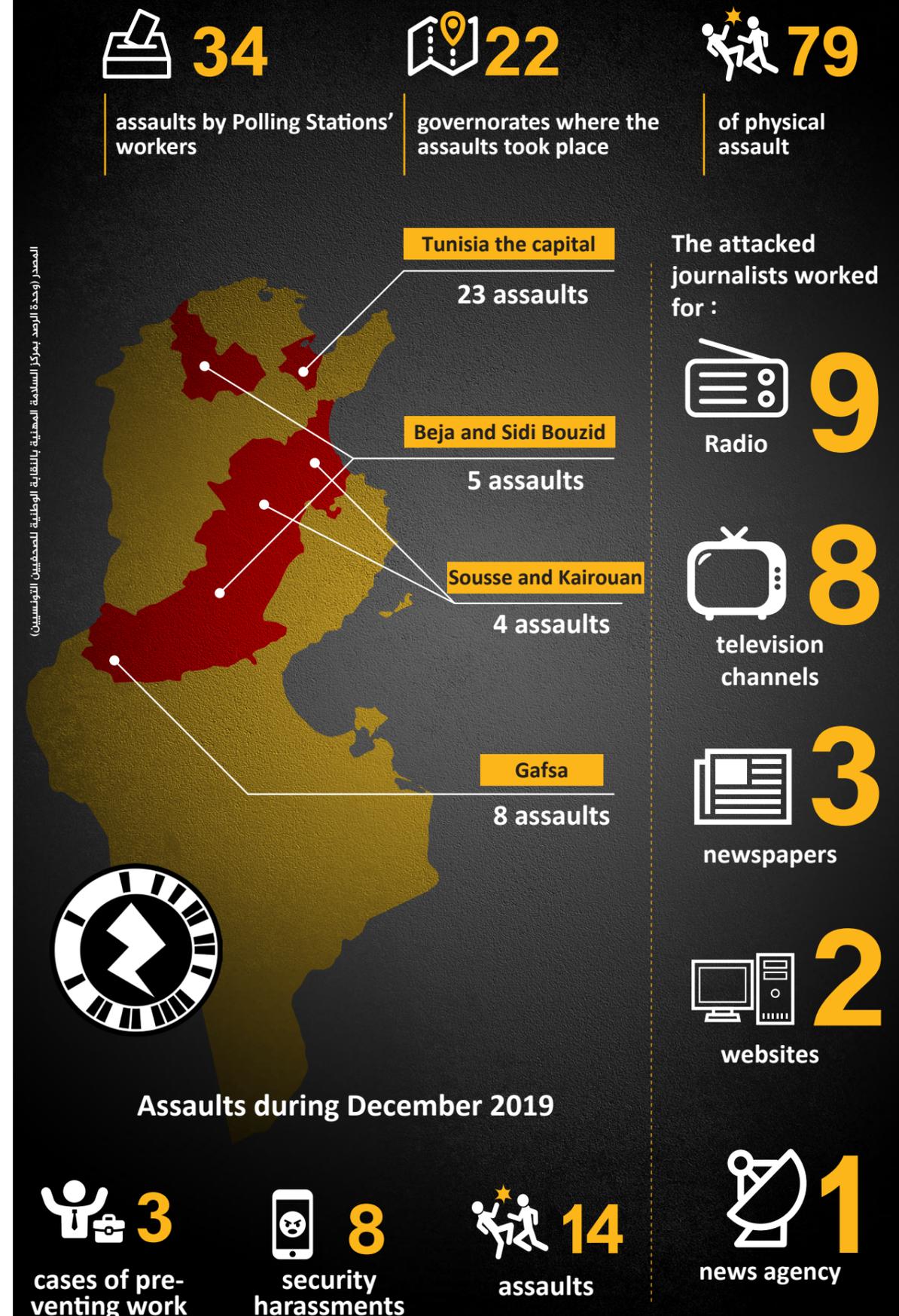
The percentage of immigrants from sub-Saharan Africa who are exposed to various types of attacks



the Audiovisual Commission in Tunisia

The Commission tend to amend the media sector through decisions that fall within its powers. For example, the Commission's Board decided, in its session held on the 25th of December 2019, to suspend the "La Class" program presented in "Tunisna" channel for two months, due to its violations in the episode dated to the 14th of December 2019 "concerning the employment of children without Taking into consideration their age, maturity and lack of aware-

Figures on press work from the 22nd of July to the 20th of October 2019



ness, in a way that affects their interest which necessitates keeping them away from political and other disputes". The Commission decided not to re-broadcast the mentioned episode subjected to violation and to delete it from the official website of the channel and from all its pages on social network. The commission continued to draw the attention of the media personnel concerning their violation of the law and the rules of the professional ethics.

Figures about the activities of the Access to Information Commission



The total number of files presented to the Commission since starting its work

1912 Files

Number of the responded files

From January to March 2020

from late 2018 to late 2019

357 Files

1000 Files

On the 7th of January 07 2020, the Tunisian Forum for Economic and Social Rights stressed the need to respect the rights of the most vulnerable groups like women, children and asylum seekers. Information is scarce regarding the prepared emergency plan to face the possible fallout developments of the security situation in Libya, especially the camp concentration plan in the Bir al-Fatnasyah area, 15 km south of the city of Remada in the governorate of Tataouine. It is noteworthy that the Euro-Mediterranean Rights Network called Tunisia for the need to establish a complete and coherent system to guarantee the right of asylum. Actually, this is often absent because of the dominance of the security approach, which raises critical problems, especially concerning the humanitarian situation experienced by foreigners in Tunisia, especially sub-Saharan Africans.

Foreign immigrants in Tunisia

Foreign immigrants are subjected to discrimination and racism in Tunisia, especially those who come from sub-Saharan Africa. This is proved by several numbers and statistics.

Racist attacks occur either as a result of individual acts, which are carried out by citizens, taxi drivers, and shop owners, or institutional work where security centers re-

present the highest percentage. And the work of foreign immigrants in Tunisia is subject to an unauthorized legal framework (dating back to the sixties). It is an unstructured and fragile act that violates the minimum terms for professional ethical treatment. The wages of foreign workers are the lowest under inadequate conditions for work. In addition, a large number of them are forced to leave their work searching for another due to inhuman and immoral treatment, while many are subjected to harassment.

The above requires a review of the legal framework for migrants in Tunisia with the law enforcement against racial discrimination that still exists in practice.

Anti-human trafficking

Basic Law No. 61 of 2016 dated to the 3rd of August 2016, concerning criminalizing human trafficking

The national anti-trafficking commission according to Chapter Three of the aforementioned law.

Concerning the duty of the Commission, the observatory noticed the difficulties in the work of the Commission and the lack of the necessary capabilities. Besides, the insufficient cooperation among departments and institutions, especially in providing information and data. It is noteworthy that the activity of the Commission depends on the influence of the personal reputation of its president Rawda Al-Obaidi and the efforts of its members on the effectiveness of its role while the Commission work under difficult financial and logistical conditions.

Regarding the annual report of the Commission, Professor Al-Obeidi stated that the process of collecting data and statistics was stopped as some Ministries did not provide the Commission with data until the 10th and 11th of January.

The aforementioned report was issued later on the 23rd of January in conjunction with the National Day for the Abolition of Slavery. One of the cases represented by the commission that was published on the official page of the National Anti-Trafficking Commission, is that the Public Prosecution of Sfax authorized an investigation concerning the streaming video on "Facebook" about a suspicion of a woman's violent assault on a number of girls.

And the Commission following up the case in coordination with the relevant security bodies and judicial authorities.



Children's Rights

On the 15th of October 2019: Tunisia acceded to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote), which was announced on the 12th of July 2007. The agreement aims to combat sexual abuse of children, prevent their exploitation, and protect the rights of child who are victims of sexual abuse and assault by criminalizing luring them into sexual assault or physically exploiting them through modern technologies.

This requires the adequate national legislation in order to combat crimes against children in the virtual space network, especially at the level of laws related to sexual assault crimes. Organizing awareness and awareness campaigns in order to increase the awareness of citizens, especially children and their parents, in this field.

Organizing awareness-raising campaigns in order to increase the awareness of citizens, especially children and their parents in this case.

Minorities' Rights

Despite the existence of a legislative and constitutional legal framework, real obstacles appear in practice in terms of the dominance of traditional perceptions and misusing power

by some in order to impose certain perceptions while excluding others. Thus, the legal framework remains defective because of the following reasons:

- Laws that contradicts with the constitution
- The absence of the Constitutional Court as a guarantee of rights and freedoms

Sexual Minorities

Regarding the sexual minorities, the following may be noted:

- The openness of the democratic space, which enhanced the representation of minorities, allowed, in parallel, to monitor homophobia and calls for violence, discrimination and hatred. This shows the need to review laws that contradict the constitution, especially those that contradict the individual rights and freedoms.
- The lack of concentration of the Constitutional Court is a major reason for disrupting achieving the individual rights and freedoms, as there is no possible way to challenge these laws due its absence. This makes the democratic transition inadequate and incomplete because it loses the characteristic of transformation from its legal and human rights com-

prehensiveness and preserves the defects of previous systems.

■ As a result of the absence of criminalization and punishment, all forms of violence and discrimination increase.

■ The exploitation of security forces and their complicity in violating the rights of sexual minorities to protect the aggressors.

As for example, among the observed violations, three transsexual Tunisian women were violently assaulted on the night of the 13th January 2020, in the center of the capital and near the headquarters of the Ministry of the Interior.

A video documenting this assault was shared on social media. Later, it was discovered that the accused of the attack was a security agent of the Bab Bahr police station who was protected by the head of the station. As the victims were prevented from receiving medical treatment in Al-Rabbetah Hospital under the pretext that they did not have medical document authorized by the Security Center. And as a result of cruel, inhuman and degrading treatment based on gender identity and sexual orientation against the victims, one of the victims suffer from internal bleeding and a fractured skull. And the aggressors remain unpunished until today!

Migrants and refugees

The head of the Tunisian Forum for Economic and Social Rights, Abd al-Rahman al-Hadhili, confirmed during a press conference on the 9th of February 2020 that Tunisia takes the action of immediate deportation of refugees at the borders with Libya, with official recognition, through the reports of the Ministry of National Defense, despite Tunisia's signature of the 1951 Refugee Status Convention. And he adds that Tunisia close the borders in front of the fugitives from the war in Libya. Also, he said that whoever succeeds in reaching Tunisia faces the dire reality of the misconception regarding obtaining asylum in the absence of a legal system for asylum. As according to him, talking about the death of migrants at sea does not conceal talking about many violations that happen on land which are practiced against immigrants and refugees in Tunisia.

“The sub-directorate for the accommodation and orientation for refugees raises a wondering question regarding the absence of a legal text explaining the structure of this issue,

the nature of its work and the length of stay”.

The sub-directorate for the accommodation and orientation for refugees, or what is known as the shelter center, raises a major wondering question due to the absence of a legal text explaining the structure of this issue, the nature of its work and the duration of stay. As for the irregular migrants who reside in the shelter center, the authorities consider them as an issue of serious concern and annoyance to the Tunisian state and they shall be deported. And among the residents we find people who could not regularize their situation, especially students, due to the compulsory residency in the center and the impossibility of leaving it except returning to the country of origin.

He also confirmed that the Forum observed the situation of the return of refugees to Libya especially the migrants who were rescued from the ship «Mardiff» in May 2019, who were 64 immigrants. And then, they were transferred to Tunisia facing all kinds of pressure and psychological violations under the slogan of the so-called voluntary return to their countries. As a result, 53 of them acquiesced without giving them any opportunity to apply for asylum.

Thus, the question arises as to the domestic and international Tunisian policy in dealing with this file, which is dominated by the security approach over the human rights approach.

The path of constructive engagement can be noticed in enhancing the right to access to information in the level of managing that right. However, the reality proved the existence of many violations, with the powers and the traditional activity of the administrative bureaucracy that are not in consistent with the requirements of transparency and making information available to the citizen.

The aforementioned commission emphasized the absence of the access to information concept as the isolation of administration, withholding information and the non-recognition of the citizen's right to access administrative documents.

Also, inside these administrations, accessing information is not available to the department in charge of accessing the information.

The 10th of December 2019: Signing a partnership agreement between the Access to Information Authority and the Ministry of Education:

This agreement aims to establish a bilateral cooperative framework between the two parties based on joint programs, annual work plans to consolidate the right to access information and enhance the ministry's openness to its surroundings. Besides, enhancing the principles of transparency and accountability in its structures, and developing the capabilities of its theorists (Perspectives) in the field of access to information.

The Commission continued its activities by issuing 19 new decisions starting with March, including two decisions that obligate the Gafsa Phosphates Company and the Stock Exchange in Tunisia to hand over hard copies of the required documents. The Board of the Commission issued a decision requiring the President and General Manager of the Gafsa Phosphates Company to enable the “I Watch” organization to obtain a hard copy of the required documents, with a permission to withhold the personal data included in these documents. While the 2nd decision was obligating the Director General of the Stock Exchange in Tunisia to hand over a hard copy of the requested document to the claimant.

The Commission considered that these decisions are within the framework of enriching the right to access information related to public affairs, enhancing the principles of transparency and accountability, and supporting confidence in public institutions.

The right to access information is still far from being developed because of facing practical difficulties as there is no cooperation among administrations and those who seek access.

The commission continues its work despite the lack of cooperation among departments that show a significant improvement in its performance especially with the lawsuits that are filed by the concerned parties to follow up their demands. In other words, this requires more follow-up of the implementation of decisions.

Recommendations

Legislature:

The necessity of ensuring the functioning of the Council away from narrow political calculations, and going behind the logic of the honor documents and the ethics of work to the logic of an independent institution at all levels. This requires reviewing the internal system of the Assembly of the Representatives of the People concerning enriching a text

that takes into consideration the experience of parliamentary work during the post-revolution period. Any amendments shall set out consistent general principles without going into a narrow detail. Among the basic principles that the amendments should focus on is the principle of transparency in parliamentary work, such as announcing votes, amendments proposed by MPs, and the method of voting in a single system, electronically, for example.

Accelerating the vote on the Constitutional Court and selecting independent members who experienced and competent, to ensure the role of respecting the constitution in the best way, and to avoid politicizing its work and all attempts to control it.

Focusing on the role of the constitutional bodies that are supposed to play a fundamental role in making the constitution, its values and principles based on the Tunisian people's revolution.

For reference, constitutional institutions play a pivotal role in political development, which is supposed to be a complementary and primary locomotive with the rest of the development aspects. However, its absence led to the absence of a clear vision and improvisation according to context and circumstance in light of a weak political will. Democracy in Tunisia is still flawed unless it is placed as a moral, procedural and institutional ceiling above the narrow calculations of parties and the interests of social and economic influence.

In that context, constitutional institutions play a central role in political development which is supposed to be a complementary and primary tool with the rest of the development aspects. However, its absence led to the absence of a clear vision and improvisation according to context and circumstance in light of a weak political will. Democracy in Tunisia is still defective unless it is considered as a moral, procedural and institutional concept above the narrow calculations of parties and the interests of social and economic influence that are still present in the details of the administrations and the state.

Developing a legislative framework and a mechanism for following up the aggressor against journalists.

Establishing a legislative framework for the reformation of the media sector which includes the relevant constitutional body and the various entities which are concerned in the Tunisian civil society and sector.

Establishing a legislative framework on the issue of immigration in consistent with the rules of international law. This means strengthening the human rights approach in this field and monitoring the recent dominant security policy.

Executive Authority:

Presidency:

It is necessary to review the role of institutions affiliated with the presidency, such as the Institute for Strategic Studies which should interact with the civil and academic society and need to strengthen its administration and cadres as it is considered as an organization that has the power of suggestion and direction. Law No. 103 of 1993 establishing the center referred to the mission entrusted to the institute, which is the task of analyzing, researching, studying, exploring, and preparing confidential reports to be submitted to the Presidency of the Republic. This actually requires capabilities that go beyond the current situation of the center headed by a person with a management experience. This is considered one of the important reasons for the stability of the country's vision and policy in all fields.

The need to ensure respect for the powers of the head of the second executive authority and the Assembly of the Representatives of the People according to the constitution.

Cabinet Office

- The need to ensure that the balance between among authorities is respected, especially with the second head of the executive authority and the Assembly of the Representatives of the People, as provided in the Constitution.
- Respecting the transitional justice process and completing it based on an objective evaluation that corrects the multiple and recurring mistakes and shortcomings of the Truth and Dignity Commission, together with dedication to the implementation of the rest of the procedures related to the process according to Basic Law No. 53 of 2013 dated to the 24th of December 2013 concerning establishing and organizing the transitional justice.
- Publishing the report of the Truth and Dignity Commission and working to revise it from the obvious mistakes to ensure respect for work's progress on the outputs of the process with emphasizing the previous point.

- To stop dealing with the immigration issue according to a mere security approach to clearly identify the Tunisian state's policy within a complete legislative system in accordance with the rules of international law.

- Supporting the right to access information by dedicating it within the public administration in the administrative reform program, which remains far from being achieved at present.

- Respecting the right of journalism to monitor the government's action and ending attacks on women journalists, especially by security forces

Judiciary:

The Supreme Judicial Council: The Supreme Judicial Council was affected by political inducements, and recently it has a conflict with the Ministry of Justice over the powers of each of them, especially in light of the presence of a politicized Minister of Justice. This was indicated by the President of the Council when he emphasized the continuous actions of the executive authority to control over the judiciary. Based on that, it is necessary to respect the provisions of the Constitution to ensure the independence of the justice facility in general. The council should also ensure a proper relationship with justice assistants, especially lawyers, to avoid sectoral disputes that ultimately weaken the justice facility to the detriment of all at the end

Local Authority

Avoid politicizing the local authority and accelerating its legal implementation. But what is mentioned above is not only sufficient as the idea of local authority does not mean creating a separated center, but it should interact with the local community. And in order to codify the effectiveness of the local community, steps should be recognized such as supporting the entity of local associations, youth initiatives, and promoting a participatory approach in decision-making away from the monopoly of power in favor of one party.

The 2nd transition in Tunisia

- The importance of regulating the role of political money and the influential entities using it to purify political and party life as it is a condition to achieve real democracy in Tunisia



- Enhancing the positive role of parties towards adopting clear programs and visions capable of forming a new political generation. Thus, systematic work should be occurred through the academies of parties, not only at the central level, but also at the local level which means a partisan action that is not limited to elections.
- Providing a sober political discourse that does not depend on intimidation from the other, and the accountability for those who involved in it, especially the intention of rumor-mongering
- Thinking about the democratic development in Tunisia from its various aspects, especially the political one, in which parties and civil society implement its primary role in confronting Populist Currents, defending the values of democracy, the principles of transparency and participation and the respect for difference.

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