

# LETTER FROM THE COMMITTEE

march 2016

## EDITORIAL

### DEMOCRACY AND CORRUPTION

“Corruption is much the way Mark Twain once described the weather: everybody talks about the weather but nobody does anything about it.”  
John D. Sullivan, Exécutive Director, CIPE

One third of the Tunisian enterprises are forced to pay bribes to the administration they deal with in order to facilitate their business and “get things done” quickly. That’s what a study carried out by the Tunisian Institute of Competitiveness and Quantitative Studies (ITCEQ, French acronym) has revealed. The survey was conducted on 1200 enterprises located in different regions and it covered the period from October 1st to November 15, 2015. The survey, also, showed that 32% of those businesses consider that the customs offices are the most corrupt institution. These alarming statistics reflect the extent of corruption and financial abuse in post-revolutionary Tunisia.

On his side, Chawki Tabib, who’s been recently named at the head of the National Anti-Corruption Authority, declared that corruption is still rife in Tunisia, and is even getting worse than under Ben Ali’s rule.

That’s one of the main Tunisian paradoxes: pervasive and structured corruption was one of the main causes that fueled people’s anger against the ousted regime, as the deposed president and his extended family had captured the state, tailoring laws to enrich cronies at the expense of the public’s expense. People, including activists, believed that since dictatorship had benefited from corruption, democracy is going to be the most effective remedy: separation of power, freedom of the press and transparent and frequent elections could expose, denounce and punish any corrupt behavior. But things are slightly more complicated: this rather idyllic understanding of democracy as a system based on the principles of justice, equality and accountability does not take into account other complexities.



In fact, the problem is not only corruption and its devastating economic impact being costly in terms of economic efficiency, it is also its perception among public opinion as its rampant spread nurtures a “culture of distrust” towards the State and public institutions. Most Tunisians believe that widespread corruption is the result of the lack of political will to combat it. According to a survey published by Middle East on Line (9February 2016) 89% of Tunisians believe that the unprecedented scale of corruption and kickbacks is caused by a certain laxity of the government to fight them . Worse still, observers fear that this scourge could become so commonplace (and “normal”) that it could, in the future, raise no eyebrows. Then, it would become more and more difficult to break away from the culture of corruption and promote a new culture of accountability and transparency. But why is corruption so rife?

Here are attempts to explain: one of the reasons cited to explain large-scale corruption is the precarious situation during the post-revolutionary period as the country struggles to recover stability and the state tries to regain its full control and power. And therein lies the rub: the old monopoly of power with its crony corruption has given way to new political elites, from different backgrounds, competing for new state rents and new privileges. Then emerges a

COMITÉ POUR LE RESPECT DES LIBERTÉS ET DES DROITS DE L’HOMME EN TUNISIE.

membre du Réseau Euro-méditerranéen des Droits de l’Homme 21ter rue Voltaire – FR-75011 PARIS

Tel/Fax : 00.33.(0)1.43.72.97.34 cldht@wanadoo.fr

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certain democratization of corruption: uncontrolled political influence, intrusion of political money in the media, partisanship engagement....

Then there are other explanations related to the priorities of the transitional period as the focus is usually put on organizing free elections, putting the legal framework to different organizations and building up constitutional institutions. True, institutions are important but, as someone has rightly put it, "institutions keep societies from falling apart, provided that there's something to keep institutions from falling apart." And to keep institutions from falling apart, the rule of law and transparency should take root. This has not always been the case here.

When corruption captures the state having the alliance of some corrupt businessmen with new politicians opportunistically eager for power, you can expect nothing but detrimental impacts; people begin to lose faith in accountability and justice in general. Moreover, it contributes, in a way, to more radicalization of the youth as they begin to lose confidence in democracy as the

best governance possible, thinking that the old corrupt system is now legalized with new beneficiaries. Thus, corruption might have immediate economic effects but long-term damage on the future democracy.

I think that we are now at crossroads in the truest sense of the expression: we don't have only to reinforce anti-corruption laws, but also to set up the condition of eliminating the possible loopholes for this rot through changing incentives and eliminating what might encourage corrupt behavior.

No-one could deny that financial lobby groups, smugglers and tax evaders have taken advantage of the weak rule of law, the post-revolution fragility of the state to set up their "shadow state", which is getting more and more conspicuous, powerful and quite hard to dismantle without the rehabilitation of the rule of law, the restoration of state credibility, the enhancement of accountability and without guaranteeing the independence of the judiciary. Otherwise, this unique democratic experience in the Arab world might slide into dictatorship. Again.

## 1. Lessons from terrorist attacks in Ben Guerdene

The Committee for the Respect of Liberties and Human Rights in Tunisia has issued a communiqué stating that the latest terrorist attacks in Ben Guerdene were a turning point in targeting security and military forces and trying to occupy a town. The Committee called for all actors from political parties, civil society and public personalities to rise above partisan considerations and turf wars.

The communiqué urged all stakeholders to give priority to the interest of the country, its safety and the future of our nascent democracy and overcome political differences and vested interests when the country is threatened by terror.

## 2. Facing rampant corruption

A new ministry of public service, governance and fight against corruption has been created. Numerous administrative structures such as, the



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administration of the state audit and the committee on controlling public expenditure, that were reporting directly to the prime ministry have been transferred to the new ministry. This means that the new ministry's role and responsibilities are going to be wide. Let's hope that the ministry's extended competence would help us to combat the rampant corruption that cripples the economy.

### 3. International Women's Day: The need for new legislations

The Centre for Research, Studies, Documentation and Information held a press conference on March 2nd, 2016, to introduce the outcome of a study on violence against women in public spaces, conducted on 4000 women during the last four years: from 2011 to 2015. The results were alarming as it's been shown that 35% of women were victims of all types of violence, 78.1 % were victims of psychological violence and 75.4 % were subject to sexual violence.

Commenting on the study, Mrs. Moufida Missaoui, member of the Association of Democratic Women, said that the results are a "cry of alarm" regarding the acquired rights of women and as a result we have to read them carefully and draw the necessary lessons.

On the other hand, Fatma Siidi, a sociologist, considered that women in Tunisia are victim of two theories that melt in their contempt for women: the conservative and the liberal one. While the former perpetrates the degrading status of women, the latter conveys an image of women as a sexual object of advertizing.

On their part, civil society organizations called for a revision of the current laws so as to effectively combat violence against women in respect of the Tunisian Constitution and, mainly article 46 that stipulates that "The state commits to protect women's accrued rights and works to strengthen and develop those rights, and that the state shall take "all the necessary measures in order to eradicate violence against women."



### 4. The Judicial Pole: "waiting for Godot"

By the end of the year 2014, it was decided to set up the counter-terrorism judicial pole to try in terrorism cases, mainly with the increasing number of acts of terrorism and the complexity of its judicial files. But magistrates who have been working there since the inauguration of the pole premises since October 2015 complain about the lack of necessary working tools.

The members of the Association of Tunisian Magistrates who have visited the pole recently described the situation as "catastrophic" as the team appointed to work there lack the basics: from a car for the attorney general for the investigation to the shortage of the required staff.

Some explain that shortage by the reluctance of judges to work in the pole. The irony is that these hardships occur at a time when there is a rise of cases related terrorism, cases that need clarity, scrutiny and decisiveness.

### 5. Media coverage of terrorism : slippages

In mid-February, the Observatory for Deontology and Ethics in written and electronic media relating to the National Union of Tunisian Journalists (SNJT) published a report which

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details “media slippages” in the coverage of terrorism and hate speeches.

The report, an integrated summary of an observation of 19 media outlets and websites in two languages (Arabic and French) belonging to both the public and private sectors, raises the question of sensationalist media coverage of terrorist acts. The report identified 1925 flaws related to the media treatment of terrorism and 142 relating to the issue of hate speech.

Specific recommendations of the reporters include the pressing need to adopt a charter of professional ethics that incites journalists to observe the necessary rigor in providing information, to avoid sensationalism and to respect the right of citizens to the truth.

## **6. Report of the Court of Auditors: spiraling debt**

At a press conference held on 16 February 2016, the first president of the Audit Office stressed the danger that lies ahead of the country if debts keep rising from year to year. For instance, it was 48.8 % in 2013 and it shot up to 52.9% in 2015. The financial warning lights, experts believe, are all in red. In conclusion, he emphasized the urgency of efficient reforms in several economic areas.

Figures published by the central bank are, also, gloomy: lower tourist receipts due to, among other things, the impact of the terrorist attacks and the increase in parallel trade amounting to a total of 53% of the GDP in December 2015. (Point d’Afrique , February 2016)

## **7. Access to information: no more controversies over article 24**

On 11 March 2016, The Assembly of People’s Representatives ended up by voting an amended version of the “famous” article 24 dealing with the access to information, an article that had generated controversies. In the new version, no access to information shall be refused, except when it is injurious to public security, national defense or the safety of individuals (protection of privacy, personal data or intellectual property).

It is furthermore specified that this refusal of access is by no means irreversible and it shall be

duly justified.

## **8. With the new constitution in Algeria: more deterioration of human rights**

At a time when the situation in human rights is deteriorating in Algeria, the new constitution has come to dampen hopes for a change, notably through reinforcing substantially the extended powers of the president.

Euromed Rights and other Algerian NGOs called attention to the ongoing repression and the



weakening of the rule of law in the country.

“Against the backdrop of the social and economic crisis, everything is a pretext for the smothering of dissident voices to better control ongoing changes and suppressing social protests,” says the communiqué published in Brussels on 2 February 2016, adding that now more than ever Algerian civil society needs clear support in order to defend human rights, the rule of law and to guarantee a democratic transition that will bring more stability to the country.