



**Tunisian Forum for Economic and Social Rights (FTDES)**

Tunisia. Working Paper #1

**The Covid-19 outbreak in Tunisia:  
Politics, policies, and public dissent**

A year in review (March 2020–March 2021)

by  
Cyrine Ghannouchi



International Development Research Centre  
Centre de recherches pour le développement international

**Arab Hub for Social Protection from COVID**  
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## **The Covid-19 outbreak in Tunisia: politics, policies, and public dissent**

A year in review (March 2020 – March 2021)

### **Abstract**

A non-human actor reshapes life on earth as we used to know it and, inevitably, opposes competing discourses as per best practices and policies to face uncertainty. At the center stage, the international community, scientists and governments, and the need for decision-makers to seize an opportunity of power consolidation amid pandemonium. This evenly represents a potential moment of political rupture that could be invested by societies to push for change, though the nature and the level of urgency at stake, as well as the exponential escalation of events, seem to make it a difficult task in times of highly policed measures limiting societal agency.

This paper reviews state and non-state responses to the Covid-19 pandemic in Tunisia from March 2020 to March 2021. It offers a context-based narrative of the country's key political and socio-economic features throughout a global health crisis and identifies four main phases that marked domestic dynamics. The paper investigates moments of political and socio-economic rupture and continuity with pre-pandemic policies to then argue that the Covid-19 crisis was rather seized by the power elite to perpetuate the system, to sustain self-preservation, and to further resuscitate Tunisia's pre-uprising authoritarian legacy, which, in return, fueled resistance from below and ensured its continuity despite the quasi-annihilation of the civic space.

## Introduction

In their book discussing the commodification of housing, Marcuse and Madden dedicated a section to rethink the meaning(s) of the word 'crisis'<sup>1</sup>. They concluded by rejecting the random use of the term in its *ideological* sense for it refers to a common understanding of a temporary and unplanned malfunctioning of a system. According to the authors, crises under the neoliberal order are rather the manifestation of a well-functioning capitalist system, "working as intended", and are likely to be addressed only to ensure that very system's resilience and perpetuation. Though the Covid-19 sanitary crisis undeniably falls under the *ideological* meaning of the term -i.e. a crisis in its literal meaning-, it clearly overlaps with preexisting *crises* that rather match the stance of the two scholars. It is unlikely for an unprecedented moment of distress to be invested by power elites as a moment of reform when their survival is rather served by the status quo. It is hence important to differentiate between the sanitary crisis as a *distinct and unforeseen moment* and the pre-pandemic protracted 'crises' of political, economic, and social character exacerbated by the pandemic.

In Tunisia, the first case of Covid-19 was officially announced on the 2<sup>nd</sup> of March 2020. At the time, the country was still adjusting to the results of its latest presidential and legislative elections<sup>2</sup>, and its new government, barely installed, was expected to address pressing socio-economic needs. This paper examines the unfolding of the global pandemic in the Tunisian context and how state and non-state responses shaped and continue to shape such a momentum. Acknowledging the significance of the current crisis's historicity and its importance for a solid understanding of its management, the paper argues, in fine, that the pandemic has been seized by the power elite as an opportunity to consolidate pre-pandemic policies and not as an opportunity for reform. In other words, the paper pinpoints three layers of continuity -and finds no rupture- by addressing the pandemic within its broader context and course of events rather than as an isolated moment.

The first layer of continuity looks at how the containment rationale of the state-led crisis management plans resuscitated pre-uprising authoritarian mechanisms and opened the door to an unprecedented "reactivation" of the police state, culminating in January 2021. The second layer of continuity opposes pre- to post-pandemic dynamics. It focuses on how the state of emergency, quasi-permanently activated in Tunisia since 2011, has been subject to a discursive shift from a security-based narrative to a necessity dictated by a force majeure of a sanitary character. It also looks at the persistence of neoliberal economic policies for matters of elite preservation despite the exceptionally strident socio-economic consequences of the pandemic and regardless of state obligations towards

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<sup>1</sup> Marcuse, Peter, and David Madden. 2016. *In Defense of Housing: The Politics of Crisis*. New York: Verso Books.

<sup>2</sup> Held between September and October 2019.

existing and emerging vulnerabilities. The third layer of continuity is observed throughout the pandemic itself, i.e. over a timeline covering a full year, by looking at power balances in place at the time of the Covid-19 outburst and their evolution from March 2020 to March 2021. Thanks to a close monitoring of overall Covid-related dynamics<sup>3</sup>, it has been possible to identify four key phases that marked this third layer. The definition of these four phases has been key to understanding the consistency of investigated patterns, i.e. state policies and key socio-economic features, despite what seemed like political ruptures, namely the inception of two different governments within a semester (see Graph 1). The first phase, from the detection to the first Covid-19 case to borders' reopening on June 27, is characterized by the heaviest bulk of measures and the leverage of rhetorical success of crisis management plans to ensure the summer 2020's touristic season. The second phase covers the entire summer season and is characterized by denial of sanitary risks and *laissez-faire* amid political tensions, the resignation of the Prime Minister (PM) Fakhfakh appointed in February 2020, and the designation of his Minister of Interior (Mol) Mechichi to form a new cabinet. The third phase, from September to December 2020, is characterized by state laxity except for an unending curfew and the continuation of the state of emergency. The fourth phase covers the first quarter of 2021 and is characterized by the culmination of public dissent faced by state violence and a bolder containment rationale. During this quarter, the pandemic ended up at the periphery of the country's political and social dynamics and lost its centrality and potential to be forcefully leveraged by the state as a pretext for the annihilation of the civic space and the systemic failure to remedy institutional corrosion and further economic collapse.

In addition to this multilayered continuity at the state level, the argument goes a step further by looking at non-state responses, and more specifically social protests. Drawing on the reports of the Tunisian Social Observatory<sup>4</sup>, the paper suggests that social movements and protests offer a significant entry point to the understanding of the role of non-state players and responses and represent a fair indicator of resistance to pre and 'post' pandemic public policies as well as a vector to trace the most persistent socio-economic grievances. While it does not offer an extensive analysis in this regard, the paper highlights how continuity at the decision-making level sustained the continuity of *pressure from below* despite constraints imposed on the civic space. This equally indicates the extent to which the formation of the post-uprising social contract remains unreachable. And though it is still difficult to fully grasp post-pandemic emerging forms of grievance, vulnerabilities, organization and protest, the paper signals some of these aspects to set grounds for further debates. It then concludes with comments on the extent

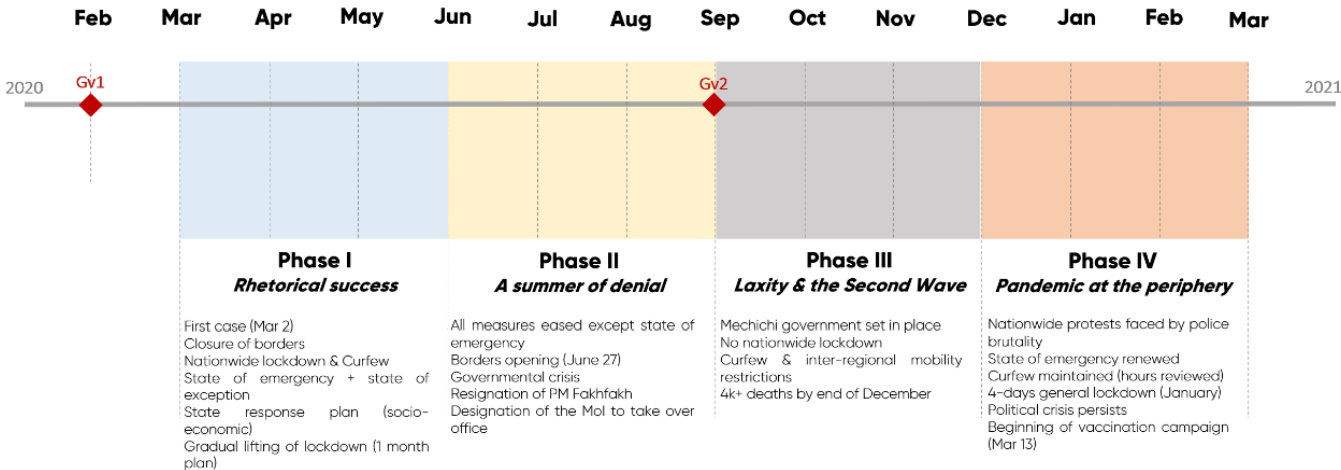
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<sup>3</sup> Monitoring is part of the project activities and serves as a background to research activities. Key findings are shared on the project's platform:

<sup>4</sup> The Tunisian Social Observatory is an initiative of the Tunisian Forum for Economic and Social Rights (FTDES) that ensures daily monitoring of social protests and movements, undocumented migration flows, and forms of violence in the public space. It issues monthly and yearly reports presented during regular press conferences. <https://ftdes.net/en/observatoire/>

to which the sanitary crisis is being leveraged differently by state and non-state actors opposing keenness to preserve the system to mass pressure towards change and reform.

The paper’s first section focuses on the state level and sets grounds for an informed understanding of the consequent unfolding of the political scene throughout the sanitary crisis. It also highlights the consequences of the interplay between law and politics on selected aspects of vulnerability and civil rights. The second section offers further insights on the governmental response plan with an emphasis on how its early ‘success’ has been leveraged to resume ‘business as usual’. The third section discusses the state’s containment rationale to then dress an overview on non-state responses in the fourth section. This paper is hence a depiction of main patterns and dynamics and does not pretend to offer an exhaustive documentation of all events and details. It simply draws a general understanding with resort to a few instances when relevant. The selection of examples used throughout the paper does not deny the existence of other aspects that this paper’s limits fail to mention.



Graph 1: Main phases from March 2020 to March 2021<sup>5</sup> – *By author*

**1. Pandemic and the constitutional leverage: Power shifting and political contentions**

In October 2019, the election of Kais Said, a professor of Constitutional law who joined the presidential race as an independent candidate, marked a significant rupture with the consociational model in place since 2014. This model was kept intact for five years thanks to a pact set in motion by former President Essebsi and Ennahdha’s leadership and ensured relative political stability while contouring

<sup>5</sup> For more details, please refer to the timeline annexed to this paper.



pressing socio-economic issues to protect the power elite<sup>6</sup>, both at the legislative and the executive levels. After the death of Essebsi, the 2019 presidential and legislative elections reordered the Tunisian political scene to some extent, with an 'outsider' as head of the state, and a notable decline in Ennahdha's popularity. This paved the way to unprecedented tensions between the country's legislative and executive institutions<sup>7</sup> and generated a fragmented parliamentary scene where no party, or coalition, holds the absolute majority. Amid growing political and institutional paralysis, the formation of a new government turned out to be a difficult task. In January 2020, the no-confidence vote on the first suggested cabinet led by PM-designate Habib Jemli urged Saïd to appoint Elyes Fakhfakh as his new PM, seizing his constitutional prerogatives to 'save the moment'. And though Fakhfakh enjoys little -to no- popularity<sup>8</sup>, he is not unfamiliar with Tunisia's public administration and socio-economic struggles for he served as the Minister of Tourism and the Minister of Finances respectively in 2011 and 2012.

Within a few weeks, a new government presided by Fakhfakh hence made it to the Kasbah, only to shortly face an unexpected crisis to which no one was prepared. The first case of Covid-19 was officially announced by the newly appointed Minister of Health (MoH) during a press conference on March 2<sup>nd</sup>, four days after the Parliament's vote of confidence on Fakhfakh's cabinet. The new government, formed by a fragile coalition, had to promptly adjust its agenda and to face a global pandemic amid acute symptoms of multifaceted financial and socio-economic exhaustion. Lessons were still freshly drawn as the 2019 presidential elections sent a clear anti-establishment message and revealed the level of untrust between citizens and politicians<sup>9</sup> and, in the days that followed, all eyes were on the new government. Fakhfakh quickly realized the significance of such an opportunity to earn legitimacy and to consolidate his position as the new PM.

While the above briefly describes the immediate context of the outbreak, much of what followed the installment of the new cabinet should be considered within a larger timeframe. This is particularly relevant to the Tunisian case as the judicial context of the Covid-19 outbreak is the first structural deficiency highlighted by the pandemic. Indeed, a decade after the 2010-2011 uprising, Tunisia continues to struggle with the translation of its 2014 Constitution in legal and institutional terms. In the absence of a Constitutional Court, the country keeps confronting a major institutional void while being under a quasi-permanent state of emergency since 2011<sup>10</sup>. Justified by security concerns of domestic and regional scale, then by the country's "war against terrorism", the state of emergency has been consistently declared and extended with reference to Decree 1978-50 regulating its

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<sup>6</sup> Brésillon, Thierry, and Hamza Meddeb. 2020. *Reform from Crisis: How Tunisia Can Use Covid-19 as an Opportunity*. June, 327. European Council on Foreign Relations.

<sup>7</sup> *Ibid.*

<sup>8</sup> Fakhfakh presented his candidacy to the 2019 presidential elections and got 0,3% of votes in the first round.

<sup>9</sup> [Arab Barometer. 2019. Tunisia Country Report.](#)

<sup>10</sup> Lifted on two occasions from March 2014 to July 2015 then from October to November 2015.

organizational provisions<sup>11</sup> and to article 77 of the 2014 Constitution<sup>12</sup>. Resort to the said decree, as well as to the relentless activation of the state of emergency, have long been subject to persistent condemnation, especially from non-state actors. In brief, it is strongly argued that Decree 1978-50 is unconstitutional, but more importantly, that the prerogatives granted to governors and security forces under the state of emergency represent a threat to the civic space and liberties. It is that with the right to prohibit the movement of people and vehicles, to prohibit demonstrations and strikes, to requisition people and goods, to close cultural and leisure establishments, to order house searches at any time of the day without prior notice, and to control the press and artistic performances, all granted to law enforcement authorities under the state of emergency, Tunisia continues to witness the perpetuation of the police state since the 2010-2011 uprising to-date. This post-uprising's preservation of a heavily authoritarian legacy comes in contradiction with demands for freedom, though guaranteed by the Constitution, hence severely undermining the formation of a post-uprising social contract.

The state of emergency hence obeys to a quasi-uninterrupted cycle of declaration, extension, then "re"-declaration under the exact same terms, making it **the rule and not the exception**. And as some scholars argue, the state of emergency has been a model of governance in Tunisia for decades<sup>13</sup>, a model still intact ten years after the uprising. It is noteworthy that Article 77 of the 2014 Constitution does not textually refer to the state of emergency but rather to the President of the Republic's prerogatives of taking decisions to face an external or internal threat to the country's security when necessary. This very article refers, in vague terms, to article 80 which refers to "the state of exception" defined as, and conditioned by, "*the event of imminent danger threatening the nation's institutions or the security or independence of the country, and hampering the normal functioning of the state*". In case of activation of Article 80, the Constitutional Court, an institution that does not exist (yet), plays a central advisory role, and ensures close monitoring of the applicability and usage of the law<sup>14</sup>. On the 27<sup>th</sup> of December 2019<sup>15</sup>, i.e. more than two months before the detection of the first case of Covid-19, President Saïd referred to Articles 77 and 80 of the 2014 Constitution and to Decree 1978-50 to mark his very first declaration of the state of emergency

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<sup>11</sup> [Decree 1978-50](#)

Former President Essebsi tried to replace the decree with a new law via a legislative initiative presented in 2018 triggering a heated public debate for a while. To-date, reference to decree 1978-50 remains a norm despite statements condemning its unconstitutionality. See: [Amnesty International](#)

<sup>12</sup> Article 77 of the Constitution: "[The President of the Republic] has the prerogatives to take measures that are required by a state of emergency, and to publicly announce such measures in accordance with article 80."

<sup>13</sup> Mullin, Corinna, and Brahim Rouabah.2016. " Discourses of Power and State Formation: The State of Emergency from Protectorate to Post-uprising Tunisia". *Middle East Law and Governance*8 (2-3): 151-178, doi: <https://doi.org/10.1163/18763375-00802003>

<sup>14</sup> Only a provisional commission for the review of the constitutionality of laws exists to-date. It can only intervene as an advisory body when solicited by the President of the Republic, the PM, or at least 30 MPs. Regulated by organic law 2014-14.

<sup>15</sup> [Presidential Decree 2019-239 issued on December 27, 2019](#)

since his election as the head of the state. Said, who previously expressed his endorsement of the argument on the unconstitutionality of Decree 1978-50, reiterated his stance in this regard during a televised interview celebrating his first 100 days in office. On the 30<sup>th</sup> of January 2020, the new President extended the state of emergency for three months and according to the same terms. In other words, the first case of Covid-19 contamination in Tunisia was registered under an already-established state of emergency regulated by an obsolete legislation and overlapping with the state of exception (or the ambiguity of its legal terms and the wide margins of interpretation). And though the state of emergency has become the country's "new normal", what is important to retain is that it found a new context for its justification and acquired a new purpose. This new purpose is chiefly a discursive shift that substitutes 'counterterrorism' with 'a force majeure' of a global sanitary character, namely the pandemic. It reinvents necessities and attempts to remodel the public imaginary to absorb resistance as per the perpetuation of the state of emergency while keeping the system in place unchallenged.

A few weeks later, Presidential decree 2020-24<sup>16</sup> instituting a nationwide curfew issued on March 18, clearly and solely invoked Article 80, and was followed by Presidential decree 2020-28<sup>17</sup> establishing, under the same terms, a nationwide lockdown at a time where Tunisia counted only 27 officially declared Covid-19 cases. This triggered a heated public debate that shed light on two key points, regardless of the intricacies of constitutional law from a scholarly perspective. The first point is the graveness of the instrumentalization of the Constitution in the absence of independent institutional safeguards, namely the Constitutional Court, the second is on the disproportionality of measures taken, especially the blunt reference to the state of exception, in comparison to what the Covid-19 outbreak calls for. Much of what followed would confirm such concerns to quite a worrying extent.

On the eve of the latter decree's entry into force, Fakhfakh described the state's response as a preventive strategy to face "a war" and presented his Covid-19 response plan during a televised appearance, choosing to address Tunisians directly in local dialect<sup>18</sup>. His plan was chiefly financial, with an evasive social dimension. His discourse capitalized on the -commonly used- culture of exceptionalism that emerged after the uprising and not on fear, calling citizens to unite and to comply with announced measures to succeed as a group and to lead by example. Enjoying the endorsement of President Said, Fakhfakh also succeeded in leveraging the urgency at stake to get the Parliament's approval on exceptional prerogatives conferred under Article 70, paragraph 2, of the

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<sup>16</sup> [Presidential Decree 2020-24 issued on March 18, 2020](#)

<sup>17</sup> [Presidential Decree 2020-28 issued on March 22, 2020](#)

<sup>18</sup> [Full PM address on public television, March 21, 2020.](#)

Constitution<sup>19</sup>. This entitled the head of the government to act via decree-laws and to temporarily contour the heavy bureaucracy, and politics, of the legislative institution. Prior to that, a presidential decision ordered the deployment of the army to ensure compliance with lockdown and curfew decisions on the 23<sup>rd</sup> of March<sup>20</sup>. A few days later, an initiative led by the executive office of the Parliament and related to the implementation of exceptional measures to ensure the continuity of the legislative institution's agenda was approved during a plenary session on March 31<sup>st</sup>. The decision allows members of the Parliament to attend sessions and vote on laws remotely and specifies no end-date. In an analytical note published by Al-Bawsala, a non-governmental parliamentary watchdog, such a decision poses issues of transparency and limits the participation of other actors of the public sphere (namely the press and CSOs). According to the same note, the decision was meant to send a message to the executive body as well as to the public emphasizing the will of the Parliament, represented by its President, to sustain the role of the legislative institution and to demonstrate its ability to adapt and to ensure the continuity of its schedule. The note provides a detailed account of the decision's blind spots as well as a comparison with other parliamentary experiences around the world<sup>21</sup>.

This is to say that **early state responses insisted on shifting power from the legislative to the executive institutions to then keep it highly centralized and held by a few throughout the lockdown**, namely the President of the Republic, the PM, the Minister of Interior, and to a lesser extent, the Minister of Health. And while this seems justifiable to avoid heavy bureaucracies in times of urgency as dictated by the pandemic, the Tunisian political context makes a different interpretation possible, that is **the need to centralize power alongside lines of political cleavages and to marginalize opponents**. Legal texts aside, this keenness to centralize power took other discursive forms and affected other decision-making levels. In fact, during their first public statements, the two presidencies openly expressed that they consider any crisis-related decision that could be taken at the municipal level without consulting the central authorities null and void<sup>22</sup>. Though later rectified upon the reactivity of the Ministry of Local Affairs<sup>23</sup>, such statements sent a negative message as contradicting national efforts to implement Article 14 of the Constitution stating that *"the state commits to strengthen decentralization and to apply it throughout the country, within the framework of the unity of the state"*. Incoherence and structural problems of coordination aside, this was also in contradiction with the very argument justifying power aggregation,

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<sup>19</sup> Article 70, paragraph 2 of the Constitution: *"The Assembly of the Representatives of the People may, with the agreement of three-fifths of its members, authorize by law for a limited period not exceeding two months, and for a specific purpose, the Head of Government to issue decree-laws of a legislative character, to be submitted for ratification to the Assembly immediately after the end of the period of authorization."*

<sup>20</sup> [Presidential statement ordering the deployment of the army to ensure compliance with lockdown, 23 March 2020.](#)

<sup>21</sup> [قراءة في الإجراءات الاستثنائية المتخذة من قبل مجلس نواب الشعب في إطار أزمة فيروس كورونا. مرصد مجلس البوصلة](#)  
[أسماء سلايمية. 2020. عودة على مركزة القرار في ضل جائحة كورونا: ضرورة ظرفية أم حيداد عن اللامركزية؟ البوصلة](#)

<sup>23</sup> *ibid.*

i.e. the sanitary crisis, as the pandemic revealed the crucial need for prompt action and for local, contiguous, and communitarian services and safety nets. Power over health? Given the political landscape, it seems that concerns over containment, legitimacy, leadership, and opponents' marginalization were at the heart of much of the maladroitness.

## **2. Economy and Health as a tradeoff? State responses, rhetorical success, and emerging vulnerabilities**

The governmental plan announced on March 21<sup>st</sup> followed-up on earlier small measures implemented as early as January 31<sup>st</sup> guided by WHO's recommendations. This included the repatriation of Tunisians residing in Wuhan, China, after mobilization of the public sphere via social media, and instructions of self-quarantine. Yet the difficulty to acquire testing toolkits along with limited laboratory capacities, especially with the choice of keeping testing centralized at first, seem to have had misleading results. According to medical studies published between April and May 2020, Tunisia counted cases of Covid-19 contagion and deaths prior to March 2<sup>nd</sup>, all undetected<sup>24</sup>. It is undeniable that scientific expertise, represented by the National Observatory of New and Emerging diseases (ONMNE), a public structure created in 2005, was put at the forefront of the battle early enough to help draft informed responses. But it is that the very nature of the crisis calls for such a scientific expertise and, more importantly, amounts to the state's obligations towards its citizens, knowing that avoiding the saturation of hospitals is dictated by the well-known limits of Tunisia's health sector. This said, the role of scientific experts remains subject to decision-makers' good faith, and their agency is limited by the extent to which science is respected and acknowledged at the executive level. In times of crisis, building on already-existing shortcomings is unavoidable<sup>25</sup>, yet the 'preventive' character of the state response could also have other explanations of authoritarian character, as it will be discussed in the third and fourth sections.

### 2.1. Early responses to the pandemic and the limits of the governmental response plan

The dire situation of the health sector was known to all. Upon the announcement of the first Covid-19 case, citizen-led initiatives, both organized and spontaneous, varied from spreading awareness via social media platforms to distribution of food baskets and participation in calls for contribution, especially the 1818 special

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<sup>24</sup> Ben Said Saffar, Cyrine. 2020. "Gestion sanitaire de la pandémie Covid-19 en Tunisie: les dessous d'un enchantement national » In *La Tunisie à l'épreuve de Covid-19*, Redissi, Hamadi (ed). pp. 55-70.

<sup>25</sup> In this regard, it is noteworthy to refer to the National Societal Dialogue for Health System Reform initiated in 2012 as a multi-level participatory project to draft a new national health policy for 2030. The project of reform introduced the notion of citizen-jury, yet it remains unclear whether the Covid-19 crisis offered a venue for its activation or not, nor how the pandemic will affect the outcomes of the still ongoing dialogue. In an article documenting the process and assessing its participatory approach, the project seems to have been politically co-opted, posing a problem of non-ownership from a public perspective and hence undermining the process.

Solidarity Fund initiated by the government to collect donations to fight Covid<sup>26</sup>. There was also a surge of innovative technological solutions to facilitate access to information and services, all online, including mental health support, and to remedy shortages in protection toolkits. Some initiatives have been endorsed by the private sector, others by public institutions as well as humanitarian organizations, but also the Tunisian diaspora, all attempting to bridge as many gaps as possible and to find a margin for action under strict limits of mobility. In brief, the civic space shifted to an almost-exclusively virtual space quickly adjusting to the situation and building on existing networks of the online public sphere. Tunisia also benefited from international aid and was able to increase its hospitals' capacity by the acquisition of equipment and intensive care units and to install field hospitals and Covid-19 circuits within a relatively short period. Still, reinforcing the capacity of the health sector was only possible where public health institutions are prepared to incorporate such measures, i.e. along crystallized geographical inequalities opposing key urban hubs in the capital city and along the coastline to the rest of the country. Tunisians started facing the pandemic with a health system that offers only 3 intensive care units (ICUs) per 10,000 inhabitants<sup>27</sup>, with an inter-governate disparity amounting to 10 beds in the capital city for 0 beds in 13 governorates. This number is estimated to be around 1000 ICUs when counting private sector units. The share of the health sector in the 2019 state budget was around 5% compared to 23% allocated to public debt<sup>28</sup>. And though the private health sector, with its 102 hospitals (2018), later expressed its 'conditioned' readiness to join the battle, absence of coordination on cost-sharing between private hospitals and the government had heavy costs on citizens as private health care remains majorly unaffordable. While Covid-19 patients are treated for free in public hospitals, Covid-19 treatment at a private hospital could reach 1000\$ per night<sup>29</sup> in a country where the minimum wage is around 150\$ per month. This, however, is not specific to the pandemic. It has always been the case. The crisis's specific public need for infrastructure calling for exceptional measures and the involvement of the private sector, or its "requisitioning" by the state, remains unanswered. Here again, the interests of the private sector seem strongly immune regardless of how chaotic the situation is. The question of the right to health reemerged, a question that echoes severe multifaceted inequalities.

As per the socio-economic response, the governmental plan focused primarily on financially supporting the formal private sector to preserve jobs, whether through exceptional deferrals of loans and tax payment or by direct injection of cash

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<sup>26</sup> The Fund collected some 200M TND as of October 2020, its management remains opaque.

For an overview on the participation of the private sector in the fund, see: [تبرعات الشركات الخاصة لصندوق مقاومة وباء "كورونا" والحذ من](#) [Masad Majles, Al Bawsala](#)

<sup>27</sup> [Inkyfada. Covid-19 Dashboard.](#)

<sup>28</sup> [Lamloum, A. 2020. Tunisia: Une gestion sécuritaire du Covid-19 au détriment du droit à la santé. Orient XXI.](#)

<sup>29</sup> For real-life examples, see: Delpuech, A. and Noujoud Rejbi. 2020. [Getting treated for Covid-19 at a private clinic, but at what cost?](#) 15 December 2020. Tunis: Inkyfada

support, and so on. According to the UN-ESCWA<sup>30</sup>, the total amount of governmental support represents 2,71% of the country's GDP with the financial policy support having the highest share of the allocated envelope (37,9%). In terms of measures, the private sector continued to enjoy the largest share compared to budgets allocated to supporting the healthcare system (3,3%) and stocks of basic food and medicine (16,3%). Income support represents 4,9% and unemployment benefits some 9,8%. It goes without saying that all these measures, including those targeting unemployment, are exclusively dedicated to the formal sector. In a country where more than 40% of the labor force operates in the informal sector<sup>31</sup>, this means that the governmental plan barely addressed half of the active population. In brief, the plan is heavily quantitative as opposed to urgently needed qualitative measures. It relies on monetary envelopes, but no rights-based measures have been announced nor any initiative related to critical aspects such as housing (suspension of payment of rent or prohibition of eviction), migrants and refugees, or the arbitrary dismissal of employees in the private sector. Such aspects and groups, and much more, were excluded by the said plan.

On April 2<sup>nd</sup>, the government addressed a letter to the International Monetary Fund (IMF) listing a series of fiscal commitments as to guarantee an emergency fund under the institution's Rapid Financing Instrument<sup>32</sup>. The letter cited measures such as a temporary rescheduling of TND3.4B in public investment to open space for Covid-19-related capital expenditures, emergency measures on the civil service wage bill to prevent any hiring, non-statutory promotions, or new wage increases for 2020 beyond those already agreed with the UGTT labor union, and an increase in tobacco prices –to cite only a few points. Engagements on the short and the mid-term are listed as safeguards to ease budgetary burdens, varying from the reduction of subsidies for electricity and natural gas while preserving social tariffs to the fight against corruption. Under the said IMF program, Tunisia received USD745M, amounting to 2% of the country's GDP. Yet by the end of 2020, the unemployment rate rose to 18% compared to a pre-pandemic, relatively stable, rate of 15%<sup>33</sup>, posing serious questions about the governmental response plan and its potential to save jobs, with gender disparities amounting to 4 points difference between men and women who permanently lost their jobs and 8 points in terms of temporary loss<sup>34</sup> to women's disadvantage. Moreover, the monitoring of the implementation of these measures continues to reveal conflicting results. In January 2021, and according to the National Organization of Entrepreneurs, 93% of self-employed individuals in relevant fields say never receiving any financial support from the state. The crisis was also seized by some to impose monopoly

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<sup>30</sup> [UN-ESCWA Covid-19 Stimulus Tracker](#)

The breakdown per measure is also available via the tracker.

<sup>31</sup> National Institute of Statistics (INS).

<sup>32</sup> [Tunisia: Letter of Intent addressed by the Governor of the Central Bank and the Minister of Finance to the IMF. 2 April 2020.](#)

<sup>33</sup> National Institute of Statistics (INS).

<sup>34</sup> [Alayli, Aseel. 2020. COVID-19 Magnifies Pre-Existing Gender Inequalities in MENA. Arab Barometer.](#)

and to seal corrupt deals involving state officials<sup>35</sup>. The governmental plan, though classified as one of the most extensive worldwide in terms of total number of measures, revealed the government's neoliberal rationale where protecting capital and employers comes first at the expense of social protection and 'officially recognized' and 'invisible' socio-economic vulnerabilities alike. While dictated by a unique crisis, the PM's ad hoc plan is in continuity with the country's post-uprising public policies where action is tailored to meet the interest of the elites, concealing state inaction vis-à-vis structural inequalities. Ironically, this governmental plan is the only 'comprehensive' one to-date. Since March 2020, and despite growing challenges, all state measures continue to be scattered, improvised, downstream, and even conflicting with no mid-term vision.

<b>Measures to preserve jobs, guarantee incomes for workers, employees and civil servants</b>	
funding line to support lay-off workers	300M
subsidies for the benefit of vulnerable and low-income groups and persons with disabilities.	150M
Postponing the repayment of bank loans for a period of 6 months for people whose monthly income does not exceed 1000 dinars	
<b>Measures for businesses, especially small and medium enterprises (SMEs), economic operators acting on their own account and liberal professions affected by the stagnation or cessation of their activities</b>	
Deferral of tax payments for 3 months starting in April	
Deferral of the payment of social security contributions for the second quarter for a period of 3 mos	
Deferral of the payment of bank and financial institution debts for a period of 6 months	
Rescheduling of tax and customs debts for a period of 7 years	
guarantee line to enable companies to obtain new operating and works loans	500M
Allowing the recovery of the VAT credit, within a maximum period of one month	
Creation of investment funds for the restructuring and capitalization of the companies concerned	700M
Allowing totally exporting companies to sell 50% of their total production on the local market instead of 30%	
Allowing companies to revalue the built and non-built assets included in their budget according to their real value	
Adopting a tax and customs amnesty for those who have taxes due	
Exempting companies that have concluded public contracts and whose execution has been blocked from late penalties for a maximum period of 6 months	
<b>Measures to consolidate strategic stocks</b>	
Additional budget to support strategic medicines, food products and fuel stocks	500M
<b>Legal amendments to consider</b>	
provisionally suspend legal proceedings in financial crime	
seeking to halt decisions to cut off water, electricity and telephone services for a period of 2 mos	

**Table 1: Measures announced by PM Fakhfakh on March 21<sup>st</sup> 2020**

total amount: TND 2,5B. Source: [TAP agency](#)

<sup>35</sup> See:

[خولة بوكريم. 2020. كيف أدارت الحكومة التونسية "صفقات" الكوفيد-19؟ ARIJ](#)  
[Lac, H. and Haifa Mzalouat. 2020. Covid-19: Masques, le grand cafouillage des autorités. Inkyfada, 13 May 2020.](#)  
[Derbali, M. 2020. Covid 19 en Tunisie : Éclairages juridiques sur l'affaire des masques. Nawaat, 30 April 2020.](#)



Amid growing public anger fueled by increasingly noticeable structural failures and inequalities, a three-phases plan to lift the general lockdown entered into force in early May, leading to full resumption of all economic activities in full capacity in early June<sup>36</sup>. By the end of the general lockdown, there was a widely mediatized acknowledgment of the merits of Tunisia's response to the pandemic, both nationally and internationally. These merits were stressed by worldwide rankings that only look at rates of contamination and death hence generating a biased 'perception' of the country's infrastructural and institutional capacities. This mediatized success, backed by a narrow statistical lens, concealed the glooming reality on the ground and the dire situation of health workers. By mid-May 2020, 13% of Covid-19 active cases were from the medical community<sup>37</sup>. The sanitary crisis has indeed unveiled the precarious 'safety' of groups that have never been 'classified' as vulnerable before.

## 2.2. Vulnerability: emerging forms and missed opportunities

The governmental response plan did refer to the protection of 'most vulnerable groups', only this definition of vulnerability turned out to be obsolete in the pandemic's context. Cash transfers to 'most vulnerable groups' were set to be channeled through the traditional social protection mechanisms in place tutored by the Ministry of Social Affairs. For example, the National Program of Aid to Needy Families offers direct cash stipends of some 50\$ per month and per family in addition to free health services in public institutions. It reached 230.000 families in 2017. It is that social protection in Tunisia, a constitutional right under the 2014 Constitution, remains chiefly state-led. The outreach, efficiency, and sustainability of these mechanisms have been subject to re-evaluation in recent years, with reform programs pending implementation<sup>38</sup>. And apart from social protection plans tied to formal labor statuses, whether in the public or in the private sector, informality still constitutes one of the main challenges. In March 2021, the government announced a new social aid program that includes families economically affected by the pandemic, which translates that the inevitable expansion of the very definition of vulnerability started to resonate at the state level. At the same time, the World Bank is providing USD300M to combat poverty by targeting 1 million Tunisian families, yet the overall approach continues to show no sign of systemic reform in approaching poverty, let alone a clear strategy to tackle vulnerability. In brief, adopted policies continue to approach both poverty and vulnerability as a burden that should be eased without serious endeavors (or willingness) towards the implementation of mechanisms that would ensure the autonomy of targeted groups. No real shift from mere aid to

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<sup>36</sup> [The 3-phases plan to lift lockdown gradually. Ministry of Local Affairs.](#)

<sup>37</sup> Ben Said Saffar. *Op. cit.* pp. 66

<sup>38</sup> Ben Cheikh, Nidhal, and Sami Bibi. 2017. [Évaluation de la performance des programmes d'assistance sociale en Tunisie : Pour optimiser le ciblage des pauvres et freiner l'avancée de l'informalité.](#) Tunis: Centre de Recherche sur les Etudes Sociales, Banque Africaine de Développement.

enabling and sustainable solutions that would guarantee the dignity of vulnerable groups and mitigate root causes of their conditions at once seem to be in the making.

Apart from the consideration of 'vulnerable groups' as a homogeneous entity at the periphery of the system defined on grounds of monetary indicators, the response plan overlooked both 'emerging' and preexisting '*invisible*' vulnerabilities. While emerging vulnerabilities are yet to be discerned, their identification is already possible through the pandemic lens. The sanitary crisis revealed that large groups, considered as non-vulnerable in 'regular' times, have been exposed to increasing risks ranging from health to access to basic rights. Briefly, it is possible to refer to health workers, employed individuals on the edge of conventional poverty threshold (the WB poverty line), students in the public sector<sup>39</sup>, especially those more likely to drop-out, and the educational community at large<sup>40</sup>. By preexisting invisible vulnerabilities, we refer to those living unseen, such as the homeless and workers in the informal sector, as well as migrants who continue to be excluded from public policy, only to name a few. The pandemic, while it exacerbated their conditions, does not seem to have triggered a new definition of social protection –yet. Regarding refugees, the state continues to keep a blind eye on the fact that Tunisia is not merely a transit country but also a destination for many and a land of refuge<sup>41</sup>. In June 2020, a report by the IOM states that more than 50% of migrants residing in Tunisia have lost their jobs. Faced with systemic discrimination, their survival throughout the pandemic has been only possible thanks to tentative safety nets ensured by individual and communitarian efforts. In January 2021, Tunisia counted over 6500 migrants and asylum seekers whose situations remain unaddressed by Tunisian law<sup>42</sup>. **Vulnerability in the context of the pandemic also goes beyond consensual socio-economic aspects and calls for the consideration of individual capabilities to face the virus.** While there has been extensive sensibilization on the higher probability of fatality among the elderly and people with chronic diseases, and hence their consideration as vulnerable groups in need of specific attention, there has been no acknowledgment of pollution-led health conditions, particularly respiratory and immunodeficiency diseases. In the case of Tunisia, habitants of large parts of the governate of Gabes continue to witness their slow death caused by the mortifying activity of nearby plants of the Tunisian Chemical Group –a public institution of a

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<sup>39</sup>A survey conducted by the Ministry of Education (MoE) shows that 91% of students in the public sector had no access to, or any experience of, online learning.

<sup>40</sup> In brief, it was impossible to ensure online learning for all. Decision to resume in-class teaching for AY 2020–2021 with prerogatives to close schools depending on the sanitary situation are conferred to governors, often leading to an uneven learning experience across the country. As February 2021, the educational community lost 39 individuals to the virus (MoE), 1415 schools are not connected to water supply networks.

For an overview, see: [Smaali Bouhlila, Donia. 2021. Education in Tunisia: Past progress, present decline and future challenges. The Arab Barometer.](#)

<sup>41</sup> See: Akrimi, Y. 2020. *Between Securitisation and Racialisation: The Sub-Saharan African Experience in Tunisia*. Tunis: Tunisian Forum for Economic and Social Rights. <https://www.ftdes.net/rappports/racialisation.en.pdf>

See also: [Heppe, F. 2020. How coronavirus has worsened the plight of refugees in Tunisia. Heinrich Boll Stiftung, 11 June 2020.](#)

<sup>42</sup> Press conference by UNHCR. TAP

vital sector of the country's economy. In this specific example, the environmental crisis that started decades ago affects not only the right to life but also means to fight for survival as it destroyed an ecosystem that once was a source of livelihood for many families living on fishery and farming<sup>43</sup>. Households in the region also have one of the highest shares of health-related expenses in the country. Gabes, to only cite this example, has been one of the most critical clusters of Covid-19 in the country.

Emerging and overlooked vulnerabilities aside, further examples of institutional failure to protect most vulnerable groups covered by law, i.e. seen and recognized, are gender related. Indeed, governmental responses are not gender sensitive to start with, but there is one specific aspect, left unaddressed, that had immediate dramatic consequences. On March 15, 2020, the Supreme Judicial Council (SJC) decided to close courts and suspend all proceedings except for extremely urgent cases<sup>44</sup>. This means that throughout the lockdown, the right of access to justice was severely undermined exposing already-vulnerable groups, namely victims of gender-based violence (GBV), to more vulnerability. According to a report by the Arab Barometer, Tunisia registered the highest rate of perceived increase in GBV amounting to 69%<sup>45</sup>. Despite (uncoordinated) state and non-state efforts to support GBV victims<sup>46</sup>, a surge in domestic violence has been documented very early during the first lockdown. Between April and May 2020, 20% of the calls received by Beity, a local NGO, asked for judicial assistance to cases of domestic violence<sup>47</sup>. Documented GBV also included economic violence as well as serious mental health issues caused by overwhelming home-based workload due to closure of schools and daycares. On a more revealing note, data collected by the Ministry of Women and Family Affairs (MoWFA) via its green line set to signal violence shows that 9,800 calls were received between March 23 and end of May 2020, which is nine times higher than 'usual'<sup>48</sup>. However, the MoI revealed that complaints filed before its specialized units during April 2020 decreased by 69% in comparison to April 2019<sup>49</sup>. According to a UN Women briefing note, this statistical divergence is explained by difficulty to access police stations due to restrictions on mobility as well as the reduction of staff and number of working hours<sup>50</sup>. It is also caused by the quasi-impossibility to access justice as, while the Public Prosecutor

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<sup>43</sup> See for example:

[Consortium Particip GmbH. 2018. \*Etude d'impact de la pollution industrielle sur l'économie de la région de Gabès, Tunis: Commission Européenne.\*](#)

[Vernin, Zoé. 2017. \*Gabès : La petite Tchernobyl de Tunisie » revendique son droit de vivre.\* FTDES. Lac, Hortense. 2019. \*For the Gabes Chemical Group, a population is sacrificed.\* Inkyfada.](#)

<sup>44</sup> [LaPresse. Le ministère de la Justice suspend le travail dans tous les tribunaux. March 15, 2020](#)

For an overview on justice in times of Covid-19 in other countries, see: [Que dit le droit: les systèmes de justice face à la pandémie \[blog\]](#)

<sup>45</sup> Aseel. *Op. cit.*

<sup>46</sup> Green lines and shelters. Main actors: Ministry of Women and Family Affairs, Beity (CSO), ATFD (CSO), etc.

<sup>47</sup> [Beity. 2020. La Covid-19 révélateur et facteur aggravant les inégalités intersectionnelles envers les femmes. Tunis : Association Beity.](#)

<sup>48</sup> [UN Women. 2020. Tunisian Women in the Face of Covid-19 during and after Confinement. Tunis: UN Women Arab States.](#)

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

continued to work permanently, only very urgent matters could make it to the courts, where urgency is defined by the elite. Similarly, and instead of setting exceptional procedural mechanisms as justified by the sanitary situation to facilitate access to justice, no decisions have been taken to soften the heavy bureaucracy and institutional ‘filtering’ of cases. Despite the entry into force of law 2017-58 on the eradication of all forms of violence against women<sup>51</sup>, Tunisian women continue to face an institutionalized culture of gender discrimination where security agents, for example, have margins to ‘informally’ reject a complaint and where women are often intimidated when insisting on filing a GBV case<sup>52</sup>. **During the pandemic, such vulnerable groups also lost access to informal safety nets usually found in neighborhoods and family networks.** Under general lockdown, an atmosphere of ‘temporary’ –or consolidated– impunity urged several CSOs to address an open letter to the SJC calling for immediate measures to remedy judicial laxity, a laxity that not only affects women but also children and the elderly<sup>53</sup>. Attempts to shift to online court proceedings seemed unrealistic and unsustainable as, at the time of the outbreak, Tunisia was far from having the infrastructure needed to make good use of technological alternatives<sup>54</sup>. The first remote hearing took place only in May thanks to a decree-law amending the Code of Criminal Procedures as to allow remote proceedings. Resumption of the judicial activity was later subject to a gradual timetable issued by the Ministry of Justice and in line with the national plan of progressive lockdown lifting<sup>55</sup>.

### 2.3.A summer of denial

By the end of the two months dictated by the law, the Parliament voted on concluding the exceptional prerogatives granted to Fakhfakh on June 2<sup>nd</sup>, 2020. At the time, the political scene started showing more salient symptoms of disaccord and the premises of a new political stalemate. Party politics aside, and to put it simply, Ennahdha set off a discussion of a motion of no-confidence to dissolve Fakhfakh’s cabinet after leaks on alleged ‘conflict of interest’ involving the PM went public. Nonchalant about the possibility of his destitution, Fakhfakh continued to build on his government’s “success” in managing the sanitary crisis and worked on preparing the public sphere for his decision to reopen borders for a new touristic season on June 27. The sector of tourism has been severely affected indeed, and the toll was heavy on all related direct and indirect jobs. Relevant chambers worked insistently on putting pressure to ease the situation of the sector. The Ministry of Tourism launched a marketing campaign under the slogan of a “Covid-safe” summer. With Europe’s green light to “visit Tunisia”, and with a hazy plan of sanitary measures, all borders have been reopened for a new

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<sup>51</sup> [Loi Organique 2017-58 du 11 août 2017 relative à l'élimination de la violence à l'égard des femmes](#)

<sup>52</sup> For a regional outlook, see: [ESCWA. 2020. The impact of Covid-19 on Gender Equality in the Arab region. Policy Brief #4.](#)

<sup>53</sup> [رسالة منظمات المجتمع المدني للمجلس الاعلى للقضاء لضمان وصول النساء للعدالة. تونس: 19 أبريل 2020](#)

See also: <https://euromedrights.org/publication/tunisia-pandemic-increases-violence-against-women/>

<sup>54</sup> [Al Bawsala. 2020. La Tunisie à Distance. 8 June 2020.](#)

<sup>55</sup> For a full chronology and shortcomings, see: [International Commission of Jurists. Rights of judicial proceeding participants must be protected in Tunisia following COVID-19 lockdown: a briefing paper. June 8, 2020.](#)

summer season in times of a global pandemic. At the time, Tunisia registered zero new cases and a total of 52 deaths. The message sent here was that economy cannot wait any longer and should now come first, but also that “danger is all behind us” and that it is possible to resume life as usual. It was also a message to IFIs as an additional proof of successful crisis management and efforts to bridge fiscal gaps. This marked the beginning of Phase 2 (Graph 1), a summer season of *laissez-faire* during which the state bequeathed its central role to citizens, emphasizing “individual responsibility and awareness”, a neoliberal move *par excellence*. Ironically, the cancellation of the cultural and artistic scene was kept intact, which exposed workers in the cultural sector to increasing vulnerability, left unaddressed<sup>56</sup>. In brief, during the summer of 2020, all security and sanitary measures have been lifted except for the state of emergency, this time renewed without invoking Article 80. Yet by September 2020, it became clear that sacrificing public health for the sake of a touristic season was rather an unrealistic and hazardous venture.

By the end of the summer season, tourism-related losses reached 60,7% compared to 2019<sup>57</sup>. Following Said’s request, Fakhfakh submitted his resignation on July 15. His Mol, Hisham Mechichi, was appointed to form a new government, granted parliamentary confidence on September 2<sup>nd</sup>. Mechichi’s government thus became the second government within less a year, the ninth since the uprising. During the fourth quarter of 2020, i.e. the third phase of the pandemic’s first year, no specific measures have been put in place, except for the maintaining of the state of emergency and the reinitiating of a nationwide curfew in October when the threshold of 1000 deaths was reached. In November, and prior to the approval of the 2021 state budget, a coalition of CSOs launched a campaign titled “Corona kills and austerity kills even more” decrying the deepening of austerity measures already in place<sup>58</sup>. The statement published in this regard focused on the fragile situation of health workers and the state’s incapacity to safeguard the right to health, illustrated by its failure to ensure more than 0,2 PCR test per 1000 habitants<sup>59</sup>. The new state budget for 2021 was approved in December, increasing the health sector budget by only 3% and deepening fiscal injustices on the other hand. The 2021 budget, formulated under heavy economic constraints, signals in its annexed “Investment and Development Strategy” the first chapter of a new quinquennial plan (2021–2025), knowing that only 53% of regional public investments scheduled in the previous plan have been achieved between 2016 and 2020<sup>60</sup>. And while law 2020–30 on Social and Solidary Economy, a project initiated five years ago, has been finally ratified in June and hence introducing

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<sup>56</sup> See for example:

[Rejbi, N. 2020. \*Cinema and Epidemics: a professional community in great difficulty\*. Inkyfada, 13 November 2020.](#)

<sup>57</sup> [وزارة الاقتصاد والمالية ودعم الإستثمار. تقرير حول التوزيع الجغوي للإستثمار مرفق بمشروع قانون المالية 2021](#)

<sup>58</sup> See for example: IMF’s Tunisia Country report IMF Country Report No. 19/223 where the Fund’s traditional toolbox is set in motion to ensure stability before the 2019 elections.

<sup>59</sup> ["بيان اطلاق حملة "الكورونا تقتل والتشرف يقتل أكثر"](#)

<sup>60</sup> *Ibid.*

potential solutions, little endeavors towards its activation have been undertaken ever since.

On a related note, and to further illustrate priorities that concerned the power elite during this phase as well as how the Parliament sets its priorities, a legislative initiative on the protection of security forces was brought back to the table triggering a heated public debate. The initiative dates back to 2015, and has been reintroduced in 2017, stirring renewed controversy. In 2020, the draft law was approved by the general legislation parliamentary committee during the second quarter of the first year of the pandemic and scheduled for plenary discussion during the third quarter. The draft law is one of the security forces' syndicates most pressing demands, endorsed by some political fractions, and though revised on several occasions, it fails to appease concerns over the gravity of its essence. It is that such a project, if materialized, bares risks of granting more legitimacy to abusive use of force by police officers, even when lethal and with no clear justification, and hence confers to security forces wider margins of impunity. The very modification of the draft's title, from "prosecution of abuses against police officers" to "protection of police officers", is an anecdotal hint to the essence of the final draft and approved amendments. Yet in light of the prerogatives conferred to security forces under the state of emergency (and the counterterrorism law alike) and consequent abusive use of force and impunity despite numerous victims, CSOs and social movements succeeded in leveraging their weight to adjourn the plenary session planned to discuss the draft law. The reintroduction of such an initiative in the context of a pandemic and amid growing public anger and a suffocating civic space is one of the manifestations of consistent endeavors towards the reinforcement of the police state. However, even in the absence of such a legislative move, or its deferral, the policing rationale of the state is clearly a solemn response to public affairs and a steady and the state's primary resort, regardless of the context, as it will be discussed in the next two sections.

### **3. Crisis management and the police state: The containment rationale**

With the escalation of events and measures following the detection of the first case of Covid-19, the country witnessed an intense daily flow of information, official announcements, and decisions amid which much of the legal loopholes organizing all these measures went unnoticed by the public. The overlap of 'verbally communicated' restrictions and law-based sanctions resulting from the mobilization of an armor of texts put citizens at the crossroad of interpretations. More importantly, a clear consensus to confer large entitlements to the Ministry of Interior and to amplify the role and agency of the police reduced the civic space to nothing. Such a muddle opened the door for random selectivity of law enforcement mechanisms and inter-governorate disparities of law applicability

have also been observed<sup>61</sup>. By June 2020, arrestations on grounds of violation of curfew and/or lockdown amounted to more than 5000, along with legally unfounded seizures of more than 74,800 driving licenses and more than 5700 cars<sup>62</sup>. This triggered strong opposition from different local and international NGOs describing measures as “disproportionate” and in servitude of oppressive purposes beyond public health and the sanitary situation<sup>63</sup>. Several interesting analyses of the impact of the said measures on civil rights and individual freedoms have been published in open access in the months that followed, shedding light on, and condemning, the abusive character of the state’s containment plan. Documentation of power abuse has also been part of the civil society’s efforts to monitor state policies under lockdown<sup>64</sup>. Yet the urgency imposed by the pandemic left little room for further bargain during the first three phases, all in the name of public health.

During the first phase, the exceptional legislative prerogatives granted to Fakhfakh helped gradually clarifying much of the confusion and lack of coordination. Yet while these prerogatives are limited by the Covid-19 context, the PM attempted to carve out a space for wider initiatives. In fact, Fakhfakh’s initial agenda presented upon his designation in January 2020 lists mechanisms needed for his government to efficiently work, including exceptional legislative prerogatives to be granted by the Parliament, regardless of the pandemic and before its occurrence. The Covid-19 outbreak simply helped the PM reach his objectives easily and promptly, giving him a valid cover and making his attempts to seize such an opportunity unsurprising. One of the most debated decisions taken upon the activation of Article 70 is the governmental decree-law establishing the “unique citizen-identification number” issued on May 12, 2020<sup>65</sup>. The unique identifier is, briefly, an individual code to be attributed to every Tunisian citizen and gathering key information such as identity, civil status, taxes, social security numbers, etc. It aims at “facilitating access to public services” and codes are registered under ministerial management. These endeavors are not new as the unique identifier project was already proposed to the Parliament in 2016<sup>66</sup> and was

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<sup>61</sup> Alliance pour la Sécurité et les Libertés. 2020. [Deux mois de lutte contre le COVID19 en Tunisie: Analyse en matière d'État de droit](#). Tunis: Al-Bawsala

<sup>62</sup> Mzalouat, H. 2020. [Covid-19 en Tunisie: Concentration et abus de pouvoir sous couvert d'épidémie](#). Inkyfada, 30 June 2020.

<sup>63</sup> See for example:

Alliance pour la Sécurité et les Libertés. 2020. [Deux mois de lutte contre le COVID19 en Tunisie: Analyse en matière d'État de droit](#). Tunis: Al-Bawsala

Ferchichi, Walid, Mohamed-Amine Jelassi, and Mohamed-Anouar Zayani. 2020. [Les Libertés Aux Temps Du Coronavirus: Rapport Sur l'état Des Lieux Des Libertés Individuelles Durant Le Confinement](#). Tunis: Association Tunisienne de Défense des Libertés Individuelles.

Democracy Reporting International. 2020. [Epidémie de La Covid-19 En Tunisie: Analyse Du Cadre Juridique Mis En Application](#). Tunis: DRI.

Manganella, A. et al. 2020. [La riposte tunisienne à la pandémie Covid-19 – Quand l'état d'exception se superpose à l'état d'urgence](#). Tunis: Avocats Sans Frontières.

Jelassi, M.Y. 2020. [Covid-19 en Tunisie : Abus de pouvoir et arbitraire policier](#). Tunis: Nawaat. 23 April 2020.

<sup>64</sup> *Ibid.*

<sup>65</sup> [Presidency of the Government, Decree-Law 2020-17 issued on May 12, 2020](#)

<sup>66</sup> Latest parliamentary activity on this legislative project (2016-62) dates back to January 2018 according to Al-Bawsala - Marsad Majles – search engine.

subject to several statements from international and local NGOs warning about the risks of undermining privacy and individual freedoms<sup>67</sup>. For the PM, the new ID card is necessary to guarantee a better distribution of aid and tracing of health services and social protection allocations and hence is timely needed and justified in the context of the pandemic<sup>68</sup>. One would question, however, how the PM organized his government's priorities in times of crisis considering leniency on much more urgent matters, such as the role of the judiciary and the interruption and dysfunctional resumption of its activities.

Indeed, the very judicial system that turned its back to one of the most vulnerable groups, namely women victims of GBV, judging their grievances as unurgent, continued to look at cases of arrest on grounds of violation of the lockdown and/or the curfew<sup>69</sup>. This has been made possible not only because of conflicting active laws, but also in contradiction with the necessity to ease pressure on the carceral system, already overcrowded<sup>70</sup>. Measures have been taken to protect prisoners from contagion and to limit the spread of the virus among the carceral system's population in response to international guidelines on the virus containment in prisons<sup>71</sup>, yet this remained tentative and insufficient. Special presidential amnesty, though welcomed and necessary, has been granted on seven occasions only between March 2020 and March 2021. A closer look at these special amnesties shows that only one amnesty was decided in response to the pandemic on March 31<sup>st</sup>, 2020, while the rest of the amnesties are in line with an old presidential 'tradition' set on national and religious holidays. Furthermore, amnesties do not mean the immediate release of benefiting prisoners but mostly the reduction of sentences, i.e. there is no real immediate diminution of the population in prisons (Graph 2). From a gender-based perspective, gender-sensitive data has been made available on one occasion only, that is the National Women's Day, where only 23 women prisoners were granted immediate release. A group of CSOs addressed two letters to relevant authorities on the matter, the latest issued in December 2020, urging the implementation of more comprehensive and sustainable measures to alleviate the burden on the carceral system<sup>72</sup>. The letter referred to a press statement of the Mol, issued in October 2020, describing the country's situation as stable "thanks to the efforts of the security forces", a stability measured by the arrestation of 9000 individuals in five days.

With the prompt rise of PM Fakhfakh, and his even prompt fall marked by his resignation in July, his replacement by his Minister of Interior, Hisham Mechichi, is yet another testament of the policing rationale of the state. Mechichi, now at the

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<sup>67</sup> See for example: [Statement on Proposed National ID Card by a coalition of NGOs, November 2016](#)

<sup>68</sup> About 50% of regular social protection state allocations are estimated to be ending up in the wrong hands and do not reach the most vulnerable groups.

<sup>69</sup> [محمد العفيف الجعدي. محاكمات الحجر الصحي في تونس: تشدد قضائي حيث وجب الحذر وعقوبة من دون نص. المفكرة القانونية. 27.3.2020.](#)

<sup>70</sup> [Avocats Sans Frontières. 2019. Lutter contre la surpopulation carcérale en Tunisie. Tunis: ASE.](#)

<sup>71</sup> [Amnesty International. Tunisie: Les autorités doivent réduire le nombre de personnes détenues pendant la crise du COVID-19. April 2, 2020.](#)

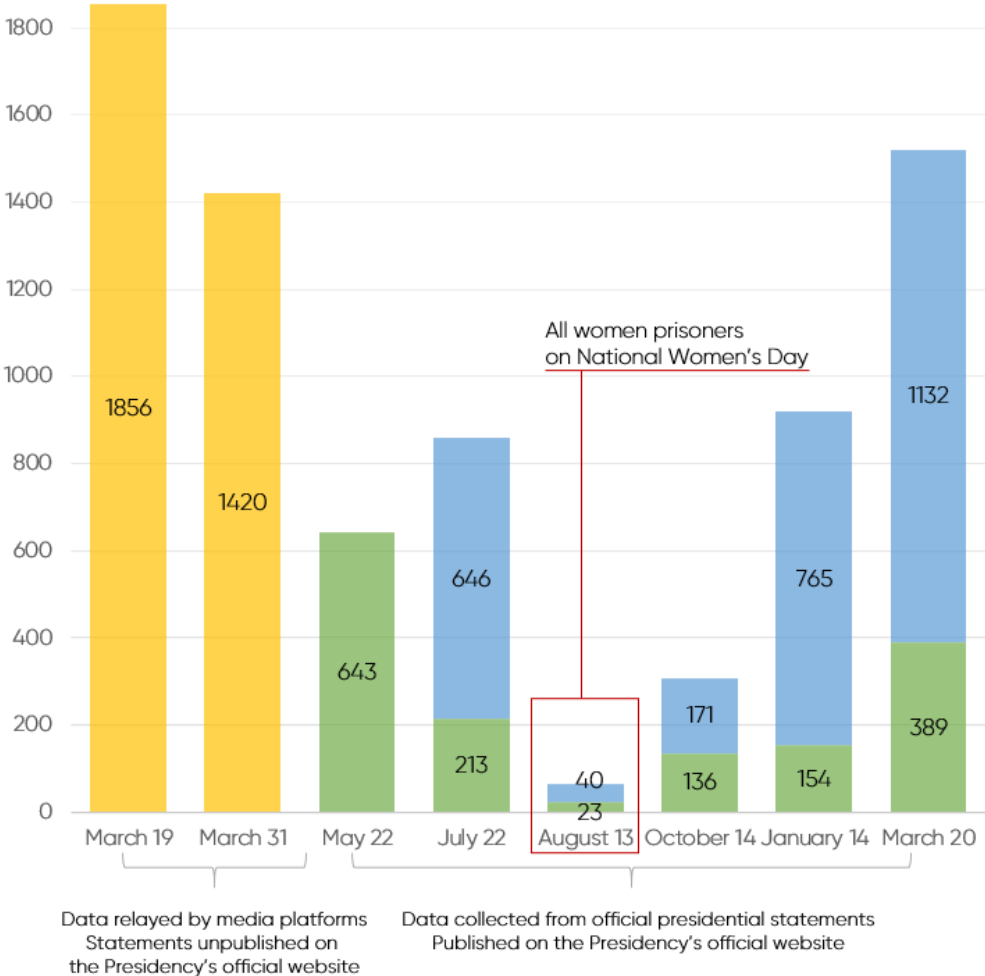
International Committee of the Red Cross. 2020. [COVID-19 : la réponse du CICR en Tunisie](#). ICRC. May 2, 2020.

Boukhayatia, R. 2020. [Prisons en Tunisie : la surpopulation carcérale au temps du Covid-19](#). Nawaat. December 18, 2020.

<sup>72</sup> [بيان صحفي. الإزمة الصحية والاحتفاظ الناتج عن سياسة النظام: من أجل انخفاض دائم في عدد المساجين](#)



head of the government, would promptly dismiss his own Mol only to designate himself as the interim minister and to take over office for what seems to remain a protracted vacancy. Mechichi’s efforts to restructure his cabinet in January 2021, a shuffle targeting 11 ministries, have been approved by the Parliament but rejected by President Said, fueling an already tense political climate. Months later, the deadlock remains intact and the relationship between the two presidencies hostile. As of March 2021, Mechichi is still the country’s PM and interim-Minister of Interior at once.



March 20: Independence Day, May 22: Eid al-Fitr, July 25: Republic Day, August 13: National Women’s Day, October 15: Evacuation Day, January 14: Commemoration of the 2010-2011 Revolution

■ Unspecified  
■ Immediate release  
■ Reduction of sentence

**Graph 2: Special presidential amnesties since first Covid-19 case – By author**  
 Only the March 31 Amnesty is Covid-specific.

By unspecified, we refer to absence of information on numbers of immediate releases vs. those of mere reduction of sentence.

By mid-January 2021, the sanitary situation in Tunisia continues to escalate, reaching a critical peak with more than 5300 deaths compared to 52 deaths

registered on the eve of borders' reopening in June. Public dissent persists, taking more pronounced forms across the country and faced with increased police brutality and further arbitrary arrests. On January 12<sup>th</sup>, 2021, a nationwide lockdown was decided for four days. The decision was abruptly announced by the MoH in a short statement blaming the toll on the non-compliance of citizens at large and stating that the infrastructure and human resources of the health system are critically strained. The MoH reminded that the government's vaccination plan will prioritize the elderly, health workers, workers in vital sectors, and people suffering from chronic diseases. Announced to be launched in February, the vaccination campaign started only in mid-March 2021 on a rather slow pace and with over 8300 officially documented deaths. State officials explained delays differently by issuing conflicting statements varying from "unavailability of doses" to "a lagging legislative system". The campaign is exclusively state-led, and vaccines are free to all Tunisians and non-Tunisian residents, though authorities remain silent on whether this includes refugees or not. And while the campaign enjoys a rather consistent communication strategy, involving state and non-state actors, it shows signs of lack of preparedness, looming stock shortages, and public mistrust.

#### **4. Dissent as a viable indicator of vulnerability and resistance**

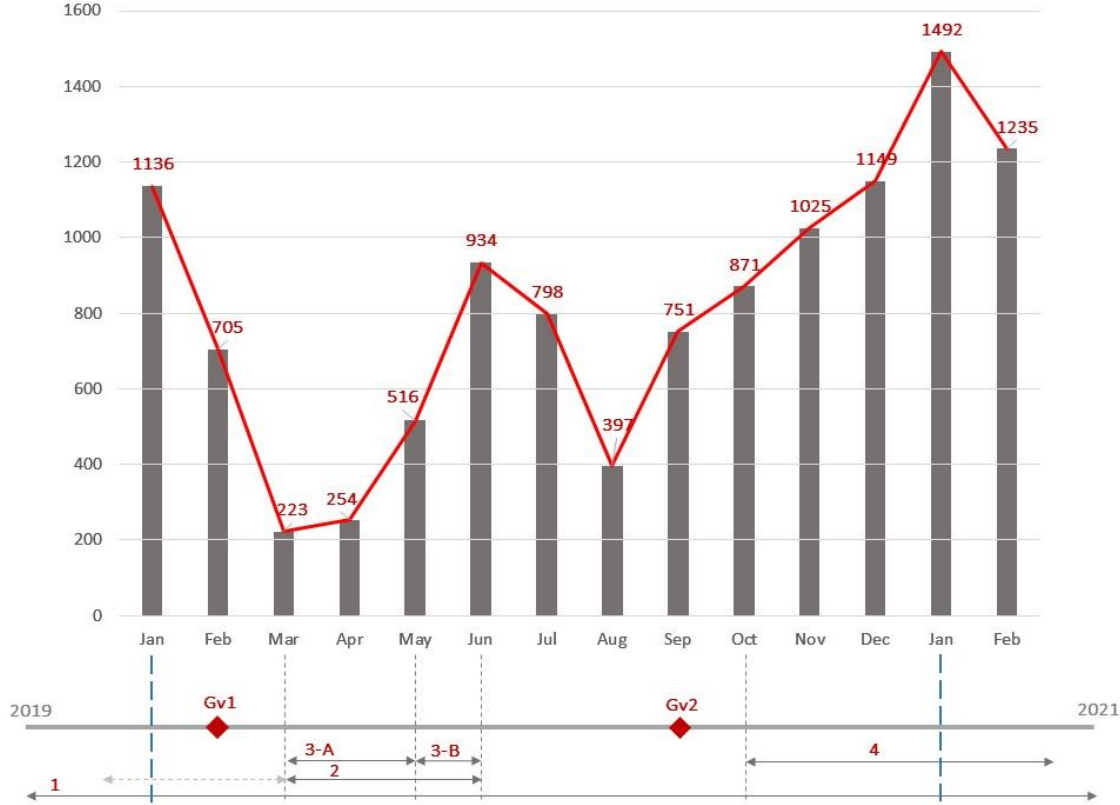
Despite the novelty of the situation imposed by the pandemic, especially the general lockdown, means of mass protest continued to find their ways to voice out grievances. At early stages of the pandemic, it was still unclear whether the outbreak is pushing for new forms and channels of dissent or not. Yet the nullification, or temporary annihilation, of the physical public space has a symbolic dimension that should be carefully examined. And while the outbreak forced the elite to move out of their comfort zone and to face an exponentially evolving situation, testing their legitimacy, it offered societies the -unfortunate- opportunity to gather more evidence on the shortcomings of the ruling system. In the case of Tunisia, pre-pandemic distrust and absence of dialogue between the political elite and the masses added more complexity to the situation, its management, and its consequences. And while the crisis could have been a moment to somehow settle the tumbling formation of the post-uprising social contract, the reality on the ground conveys otherwise. By the end of 2020, the public sphere has been manifesting mounting 'symptoms' akin to the very atmosphere that gave birth to the 2010-2011 uprising<sup>73</sup>. This has been confirmed in January 2021 and more significantly in the month that followed where protests increased by 42% compared to February 2020<sup>74</sup>.

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<sup>73</sup> Saidani, M. 2020. *Tunisie: Les mouvements sociaux amorcent une nouvelle révolution*. *Orient XXI*, 5 January 2021.

<sup>74</sup> FTDES. Press statement. March 15, 2021.

Here lay the motives of the FTDES to look at social movements and protests not only as a manifestation of dissent but also as an indicator to qualitatively measure vulnerability and social exclusion. We believe that social movements and protests, regardless of their forms and their success or failure, reflect areas of deprivation, help discern excluded groups and faithfully echo their voices. In other words, it is a bottom-up definition of deprivation and inequalities perceptible in the nature of demands, their geographical manifestation, and the typology of societal groups in action as well as their interaction with other actors in the civic space and resulting power balances. In the Tunisian context, post-uprising public dissent continues to be majorly focused on socio-economic demands, whether with or without the support of unions and NGOs, despite phases of political polarization and ideological divides.



1: state of emergency 2: state of exception 3-A: general lockdown & curfew 3-B: plan to lift lockdown & curfew 4: nationwide curfew Gv1: Government of Fakhfakh Gv2: Government of Mechichi

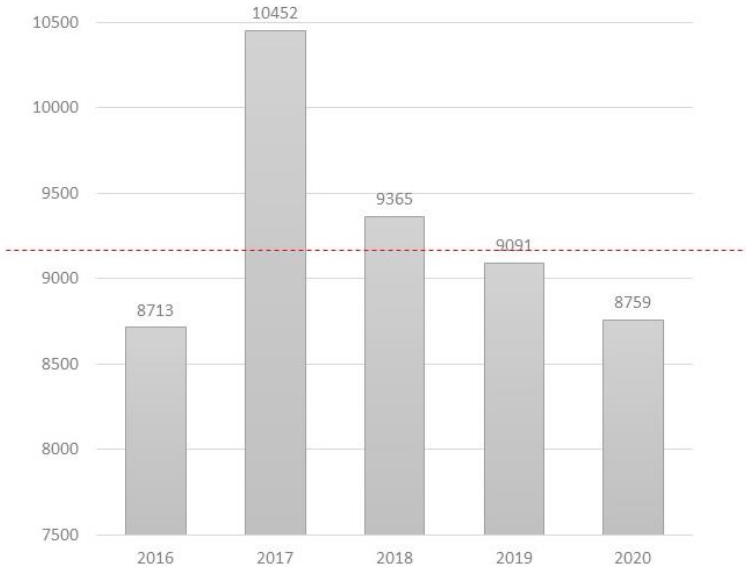
**Graph 3: Evolution of social protests in 2020, all forms combined.**

Numbers indicate total protests registered per month in all governorates. Data from TSO-FTDES monthly briefs. Graph by author.

As showed in Graph 3, the evolution of social movements and protests –all forms combined– throughout the year 2020 speaks volumes on spaces of resistance defying the quasi-annihilation of the public space, as well as responses to the post-lockdown impact of continuing and new state policies. This remains a preliminary analysis of a general character for we do not look at how this is helping

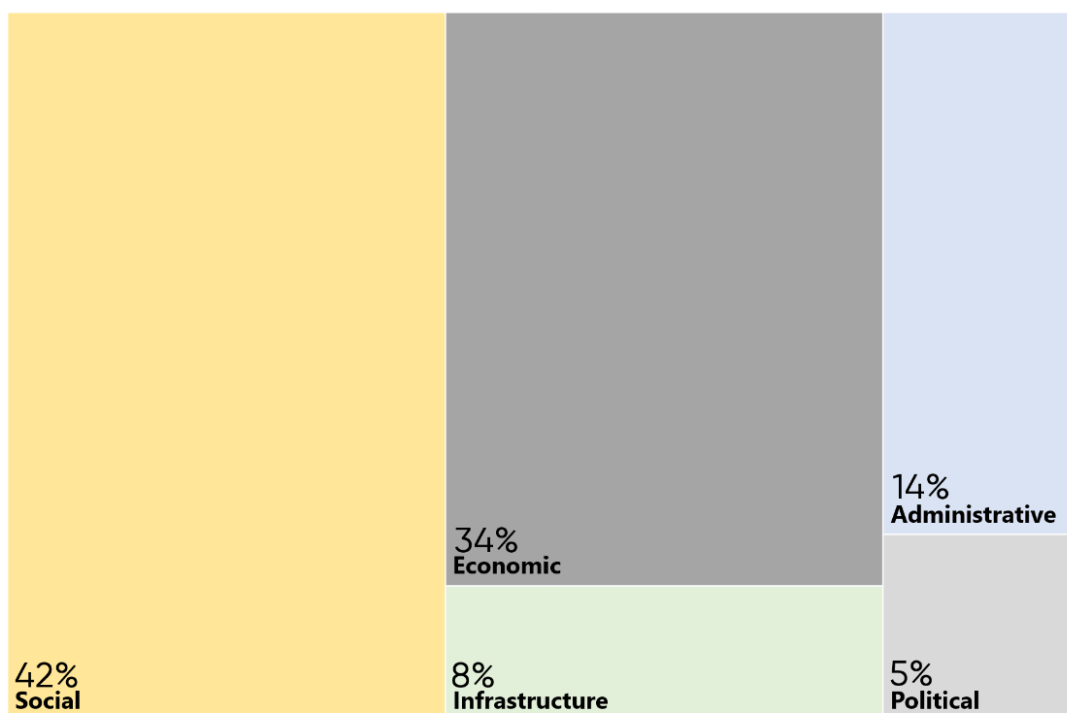
change policy and/or social values or gain participation in the policy process. Yet it is clear that abiding by the rules of lockdown (3-A) was not an option for many, and that as soon as the gradual plan to lift mobility restrictions entered into force (3-B), a surge in demonstrations and sit-ins has been observed. With a new government in place (Gv2), the situation kept escalating, unaffected by the nationwide curfew decided in October nor by the state of emergency still in place.

Compared to previous years, and despite the pandemic and consequent containment measures, social movements and protests continued to persist indeed, quantitatively barely affected by the crisis and rather proving increasing resistance. Graph 4 illustrates this trend for the year 2020 where the total number of social protests is insignificantly lower than the quinquennial average, a gap easily explained by Covid-related restrictions on the physical public space and, to an unassessed extent, public fear from contagion.



Graph 4: Evolution of social movements during the past quinquennial period – from 2016 to 2020. *source: ETDES*

Graph 5 shows that, by the end of the year 2020, 74% of mass demands are socio-economic. On top of these grievances are unemployment (37%), followed by calls for the right to development (20%) and access to basic services such as water and health (11%). All combined, they give an idea on priorities as perceived by the public. And though a lockdown has been decided from 14 to 18 January 2021, the situation kept escalating, and these percentages only varied insignificantly in February 2021, while proportions remained the same.



Graph 5: Typology of demands documented in December 2020. *source: FTDES*

Taking place amid a surge of Covid-19 deaths and contaminations, protests translate a renewed public call for social justice without which matters of public health cannot be genuinely mitigated. To put it simply, it is a bottom-up reordering of priorities and a blunt rejection of downstream state responses to the sanitary crisis, a crisis also co-opted as an argument for oppression. The pandemic is reinforcing the will of social actors to seize the moment for structural reform and to underscore the depths of multi-level inequalities as opposed to a top-down approach characterized by mere surface-scratching. The year 2020 also witnessed the reemergence of extreme forms of dissent, namely the capture of means of production and resort to general strikes. These forms are not new in the Tunisian context. The Kamour movement<sup>75</sup>, initiated three years ago, reached a 'settlement' in October after attempts of violent oppression in July<sup>76</sup>. The movement's successful model inspired other groups to replicate the experience elsewhere with little impact so far. Moreover, two successful general strikes also took place, in Beja in November and in Kairouan in December 2020, calling for the habitants' right to development. This said, these graphs, as well as the monitoring of bottom-up forms of protest in general, omits what Bayat defines as "quiet encroachment of the ordinary"<sup>77</sup>. While it could be interestingly revelatory, it is

<sup>75</sup> See for example:

[Bajec, A. 2020. Tunisia: In Tataouine, Socio-Economic Marginalization Is a Time Bomb. Bawader, 24 July 2020. Arab Reform Initiative](#)

<sup>76</sup> [Amnesty International. 2020. Public statement: Authorities must investigate excessive use of force in Tataouine. Tunis, 21 July 2020.](#)

[Mzalouat, H. 2020. El Kamour, protests continue amid crackdown. 30 July 2020, Inkyfada.](#)

<sup>77</sup> Bayat defines the quiet encroachment activism as "non-collective direct actions of individuals and families to acquire basic necessities (land, shelter, urban collective consumption, informal jobs, business opportunities) in a quiet, unassuming, and illegal, fashion".

difficult to tell how such a form evolved amid a sanitary crisis as it is imperceptible by definition.

All the above substantiates the dissociation between the public and the ruling elite as well as a consolidated social distrust and disinterest in what continues to happen at the top-level. It is that, for ten years, the country has witnessed the succession of nine governments, not counting reshuffles, while pressing socio-economic issues have been kept unaddressed and the situation worsening. The 14<sup>th</sup> of January could be here identified as a turning point indeed where phase 4 of the pandemic's first year, i.e. the first quarter of 2021, saw a **"peripheralization" of the pandemic and recentering of civic rights, freedoms, and ESRs**. New forms and geographies of protests have been observed, as well as unprecedented state violence deployed to contain the wave. It is also a shift as the scale and significance of post-January 14, 2021, events became the center of public debates, confirming that Covid-19 related concerns are now at the periphery. Furthermore, the protests revealed that marginalization has now a wider territoriality where it is growingly impossible to discern the center from periphery in traditional terms. This was also led by emerging movements involving younger generations and outside the traditional umbrella of the civil society which continued to accompany the movement by provision of legal assistance and lobbying for pressure to halt police violence<sup>78</sup>. By end of January, and though reports show some discrepancies, the number of arrestations was estimated around 1000 protestors and activists within a few days<sup>79</sup>. This was also marked by the arrestation of a considerable ratio of minors (under 18) along with further violations of rights during arrest, but also the stalking and arrestation of activists after manifesting by violating the privacy of their places of residence in some instances.

It is equally noteworthy that protests are mostly unorganized and claim the necessity to plead for the intersectionality of movements under the leadership of a youth unused to the culture of fear from the state apparatus of law enforcement<sup>80</sup>. As of end of March 2021, police violence, including that leading to the death of civilians, enjoys a persistent general atmosphere of impunity.

In sum, the restrictive measures set in motion via an arsenal of security-based laws continued to be discursively justified by state officials as necessary to prevent a national sanitary catastrophe and to avoid the saturation of the healthcare

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See: Bayat, A. 2000. *Social Movements, Activism and Social Development in the Middle East*. Civil Society and Social Movements Programme Paper Number 3 (November). Geneva: United Nations Research Institute for Social Development

<sup>78</sup> Comments on how NGO-led support increased police violence: [Aliriza, Fadil. 2021. When Civil Society Groups Tried to Support Protesters, Police Pressure Increased. 5 March 2021. Tunis: Meshkal.](#)

<sup>79</sup> See for example:

[Statement of the Tunisian Organization Against Torture. February 1st, 2021.](#)

[Statement of the LTDH. February 3rd, 2021.](#)

[Statement by a Coalition of CSOs and Movements. March 9, 2021.](#)

[Open letter to the President of the Republic from a coalition of CSOs and Movements. March 11, 2021.](#)

For an overview, see: [Rejbi, Noujouad. 2021. En chiffres: Arrestations arbitraires, violences... un mois de manifestations réprimées. Inkyfada, March 3, 2021.](#)

<sup>80</sup> For a more detailed account, see FTDES monthly reports for [January](#) and [February](#).

system as informed by scientific committees and expertise. With two major political rallies organized by two different and opposed parties, namely Ennahdha and the Free Destourian Party, under the protection of police forces, the rhetoric persists yet fails to diffuse any more fear and to convince the masses. It remains, however, important to investigate the rise of state violence during the pandemic. In a remarkably argued analysis, Ben Achour, a Tunis-based professor of public law, explains state response to dissent on grounds of socio-economic distress as caused by a politically constructed perception of poverty and the margins as a form of criminality<sup>81</sup>. Such a construct has social ramifications as well and is deeply anchored in the Tunisian penal system, still largely built on colonial heritage. Another explanation comes from a thorough study published in November 2020 that investigates the correlation between fast, lengthy, and severe Covid-19 restrictive measures and states' history of repression<sup>82</sup>. And while this remains analytical premises yet to be investigated, evidence to back the argument in the Tunisian case is rather abundant. The study also argues that international pressure on repressive governments has been weakened under the pandemic as Covid-related policies adopted on a global scale present "*observational equivalence*" to those used for collective oppression of domestic dissent, i.e. there is greater difficulty to discern the motives and to identify oppression. Though UN bodies and other INGOs promptly warned about the "suspension of civil liberties" due to the pandemic<sup>83</sup>, what should be rather explored is how governments and state officials leveraged this observational equivalence to build their discourses.

## Conclusion

State responses to the Covid-19 pandemic in Tunisia presented an opportunity not only to unveil structural inequalities and the limits of the socio-economic model in place, but also to realize that civil rights and individual freedoms, considered as the only gains of the 2010–2011 uprising, are fragile and severely threatened. State responses to the sanitary crisis continue to be marked by a containment rationale, the prioritization of capital over public health, reliance on external debt and donations, and improvisation amid growing institutional frailty.

By dressing an overview of state policies throughout the pandemic, it has been possible to understand that, at the state level, the pandemic has not been seized as a moment of reform but that of downstream unsustainable solutions through

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<sup>81</sup> Ben Achour, Sana. 2021. [La répression pénale de la pauvreté: Vagabondage et mendicité](#). 25 January 2021. Tunis : Leaders.

<sup>82</sup> Barceló, Joan, Tiril H. Rahn, Cindy Cheng, Robert Kubinec, and Luca Messerschmidt. 2020. "Suppression and Timing: Using COVID-19 Policies Against Political Dissidents?." SocArXiv. [doi:10.31235/osf.io/yuqw2](https://doi.org/10.31235/osf.io/yuqw2)

<sup>83</sup> See for example:

[United Nations. 2020. COVID-19 and Human Rights: We are in this together. Section IV: The threat is the virus, not the people. April 2020. UN.](#)

[Oxfam. 2020. Covid-19 and Human Rights: States' obligations and businesses' responsibilities in responding to the pandemic. August 2020. Oxfam.](#)

[Human Rights Watch. 2021. Covid-19 Triggers Wave of Free Speech Abuse. \[Online repository\]. HRW](#)

which the system in place remained unchallenged. Despite the political 'rupture' resulting from the 2019 elections, continuity of the neoliberal policies and of the police state remains intact. This poses serious questions as per the political will to address emerging vulnerabilities brought to light by the sanitary crisis as well as the very definition of vulnerability and the necessity to rethink marginalization and social protection in the Tunisian context. This includes inter-governorates inequalities, health and education infrastructure, environmental crises, but also the reform of public administration and institutional dynamics with the private sector. More importantly, it is indisputable that the consolidation of the Constitution cannot wait any longer, yet the current parliamentary scene does not send an optimistic message as per the establishment of the Constitutional court, a pillar without which Tunisia is likely to fall in the traps of a critical deadlock. As per the role of non-state actors during the pandemic, CSOs continued playing their traditional role of observation, documentation, analysis, condemnation, public information, and support to social actors and movements. This traditional role has an unquestionably palpable and necessary impact. However, the emergence of new forms of mobilization and actors and calls for the reconsideration of key social notions and concepts are invitations to CSOs to revise their mechanisms and to work on their adjustment. Work on understanding divergences, investing in convergences, and unpacking shortcomings that pushed an entire generation to organize itself outside established venues is timely needed. It should focus on bridging distances and enhancing adaptation to the social landscape to avoid the shattering of civic endeavors in the future.

The vaccination campaign, launched on March 13, 2021, with a one-month delay, has been made possible via diplomatic talks and support, donations, and IFIs assistance programs. Tunisia, 'the exception', was the last country to start vaccination in the Maghreb. A CSOs' call to ensure a fair and equal access to vaccines specifically highlighted the responsibility to include migrants. Other civil society actors launched monitoring platforms to foster transparency and signal shortcomings. What is next is still to be improvised, adding to general uncertainty and distress.

As this paper is being written, a new threshold of Covid-related deaths has been crossed, the Ministry of Tourism is preparing a new touristic season, set to start in mid-April 2021, and a new round of negotiations with the IMF is taking place, which means that further deterioration of socio-economic conditions is the only looming certainty.