



Civil Society Groups, Political Parties, and Other Entities Express Justifiable Opposition to Tunisian President Kais Saied's Draft Constitution

An array of Tunisian political and civil society groups have expressed justifiable opposition to President Kais Saied's new draft constitution. Saied has been ruling by decree for almost a year following his late July 2021 power grab whereby he dismantled many of the country's democratic institutions and has since suspended the parliament, dissolved the independent judicial council, shut down the anti-corruption body, and made plans to amend the constitution. His new draft constitution would give vast and unchecked powers to the president, with groups and analysts warning that the changes are aimed at paving the way for absolute autocratic rule. Among the troubling proposed modifications includes one to introduce a presidential system of government to replace the mixed presidential-parliamentary system laid out in the 2014 constitution. Saied's new draft constitution would provide him with ultimate authority over the full government and judiciary. A referendum is due to be held in Tunisia on July 25th – the one-year anniversary of Saied's seizure of powers – regarding the proposed constitutional changes.

There are a variety of concerns with the elements of Saied's new draft constitution and the process behind it. With regards to altering the political system from a mixed presidential-parliamentary one into a purely presidential form, this would give Saied several authoritarian-like powers such as the unrestricted means to put forth draft laws, the ability to appoint and remove government ministers and judges, the capacity to dissolve parliament, and the sole responsibility for proposing treaties and drafting state budgets. Previously, a substantial amount of political power was more directly wielded by the parliament, which took the lead role in appointing the government and approving legislation. Additionally, unlike the 2014 constitution which was written by a constituent assembly that was elected in the aftermath of the country's revolution, Saied's new draft constitution was formulated by a committee that he handpicked. Thus, and rightfully so, this process has been denounced by many observers as undemocratic. As one expert analyst highlighted, "The drafting process was devoid of any legal basis, democratic legitimacy, inclusivity, accountability, and transparency - behind closed doors, an illegitimate committee drafted a constitution that does not reflect the views of all Tunisians."

As a result, most civil society groups and political parties in Tunisia are opposed to Saied's new draft constitution, pointing out that it was drawn up unilaterally and therefore lacks legitimacy. The head of the committee himself that Saied put together in order to prepare the initial draft of the constitution – Sadok Belaid – stated that the president's version was "dangerous and paves the way for a disgraceful dictatorial regime." He also outlined how Saied's final iteration did not resemble the draft that the committee had prepared, as it was significantly rewritten. The head of Tunisia's prominent UGTT union commented as well that the proposed new constitution presented a threat to democracy in the country.

Reputable international rights groups have also chimed in with their unease. Amnesty International, for example, has decried the fact that the new constitution undermines institutional guarantees for human rights by among other things, diminishing the independence of the nation's judiciary. The organization also voiced issues with the unchecked powers that it would grant the president, and how this could be used to diminish freedoms and human rights. Additionally worrying is the fact that the new draft only maintains some provisions of the 2014 constitution – one that was produced by an elected body via a two-year-long inclusive and transparent process and that contains strong human rights safeguards. Ultimately, as Tunisia approaches a July 25th national referendum, critics of the draft constitution have expressed fear that it would push the country further back towards autocracy.