
POLICY BRIEF

Reimagining Justice in Tunisia: The Case for Environmentally-Focused Alternative Punishments

Produced by:
The Socrates Center for Justice Studies
MAAK's Internal Think-Tank

Executive Summary

The Cost of Over-Imprisonment:

For every individual imprisoned, Tunisia forgoes the potential of ten (10) students in a classroom. The tangible societal, security, and economic tolls of our current punitive approach are highlighted by alarming prison overcrowding and high recidivism rates.

The MAAK Protocol for Reintegration:

Built on rigorous scientific research, this protocol offers a structured and tailored support system for formerly incarcerated individuals. Its primary goals are twofold: ensuring the successful societal and vocational reintegration of these individuals and curbing Tunisia's recidivism rates.

Challenges in the Tunisian Justice System:

Tunisia grapples with protracted litigation durations, unwarranted detentions, and the aforementioned high recidivism rates and prison overcrowding. It's clear that a comprehensive overhaul of our judicial and enforcement institutions is imperative.

Green Alternatives to Imprisonment:

MAAK strongly advocates for a national program focused on environmentally-responsible alternative punishments. This includes public service initiatives such as urban and coastal cleanup, afforestation efforts, and the upkeep of crucial water infrastructure—all orchestrated under the aegis of pertinent governmental bodies.

Key Recommendations:

1. Promotion of Eco-centric Solutions:

Support the implementation of non-custodial sentences centered on environmental restoration. This approach not only reallocates funds from incarceration to societal advancement but also addresses recidivism, fostering a safer and more sustainable Tunisia.

2. Revise the Penal Code:

It's essential to draft a modern penal code rooted in a strategic vision that diminishes the dependency on imprisonment. By expanding the scope of non-custodial punishments, we can more effectively deter and mitigate crime in Tunisia.

Never Ending Punishment: Unpacking the Societal, Security, and Economic Implications

In a quaint café in Bajah, "Sami" (name altered for confidentiality) narrated a tale all too familiar in Tunisia. Having served his time, he's still haunted by society's lingering judgment a year post-release. Behind his gaze lies a yearning for redemption—a plea for a second chance, which society hesitates to offer.

Yet, Sami's resilience shines through. Against the backdrop of profound societal alienation, he sought to reconstruct his life. This quest led him to the MAAK Association, a Tunisian NGO committed to crime prevention and rehabilitation. One of their main missions is to disrupt the cycle of recidivism, a formidable challenge casting shadows not only on individuals like Sami but also on the nation's societal, security, and economic well-being.

A deep dive into the figures paints a stark picture: Tunisia houses roughly 23,000 prisoners each year¹. With a 40% recidivism rate, a significant portion is likely to find themselves incarcerated again². The annual cost of detaining one person stands at about 15,000 Dinars³—equivalent to educating ten primary school students. This underscores the profound financial strain recidivism places on Tunisia's coffers⁴.

But the implications stretch beyond mere economics. The societal and security toll—fragmented families, squandered potential, and escalating crime rates—is profound and intangible.

Keen to unravel the intricacies of recidivism and unearth viable remedies, the MAAK Association embarked on a research journey in February 2022, unveiling their study, "Punishment Without Rehabilitation". It delved into the lives of 41 formerly incarcerated individuals through 10 dialogue sessions spanning seven Tunisian regions.

The poignant testimonies from the study, juxtaposed with the grim statistics, spotlight a pressing concern: **the daunting barriers to societal reintegration post-release force many formerly incarcerated individuals into a life of crime. Driven by financial needs, a quest for societal belonging, or both, they often find themselves entangled with others from similar backgrounds.**

¹ (Data sourced from the Tunisian Ministry of Justice, based on Right of Access to Information requests submitted by the MAAK.)

² Ibid.

³ Note: Although a prisoner costs the Tunisian state about 50 Dinars daily, amounting to approximately 18,250 Tunisian Dinars annually, we used the approximate value of 15,000 Dinars in the article text to make the numbers and comparison clearer and simpler. ([Source](#)).

⁴ Note: A year of primary education for a student in Tunisia costs approximately 1,400 Tunisian Dinars, as reported by the Tunisian Forum for Economic and Social Rights. ([Source](#))

From Research to Action: The Evolution of the MAAK Reintegration Protocol

Drawing from comprehensive study results and a deep understanding of the challenges faced by formerly incarcerated individuals, the MAAK Association channeled its expertise into crafting an evidence-based, actionable reintegration protocol. This initiative embodies the association's commitment to aiding individuals in their journey back to society after incarceration.

After a rigorous year-long endeavor, the Socrates Center for Justice Studies—MAAK's research arm—unveiled the MAAK Reintegration Protocol, a blueprint for social and vocational integration in Tunisia.

Distinguishing features of this protocol include:

- A foundation rooted in scientific research.
- Adaptations from global best practices and models.
- Collaboration with senior government officials and insights from formerly incarcerated individuals.

More than just a systematic guide, the MAAK Reintegration Protocol epitomizes the association's dedication to setting new benchmarks for successful reintegration in Tunisia.

While MAAK's strides are commendable, they mark merely the onset of a broader mission to curb recidivism in Tunisia. As we envision the road ahead, it's imperative to grasp the bigger picture: Assisting individuals like Sami transcends individual rehabilitation—it's about fortifying community ties, bolstering societal stability, and steering Tunisia towards a brighter, inclusive future.

Tales like Sami's underscore the urgency to craft holistic strategies that not only mitigate recidivism but also pave the way for successful reentry for those who have grappled with the challenges of incarceration. Over the years, countless individuals have battled insurmountable hurdles, often leading them back into the confines of prison.

The Way Forward: Reinventing the Tunisian Justice System

Tunisia's justice system grapples with an array of challenges, from protracted litigation processes and excessive detentions to soaring recidivism rates and severely overcrowded prisons. **These pressing issues spotlight the imminent need for a comprehensive revamp of both our judicial and enforcement institutions.**

Our legal landscape, both in its written form and execution, leans heavily towards punitive measures, often sidelining its core objectives of ensuring justice and societal safety. **As Tunisia commemorates the 110th year of its penal code**, it's clear that the most affected party is the ordinary Tunisian citizen, particularly the youth. At the heart of this predicament lies a penal policy that's antiquated, failing to align with modern criminological principles.

Tunisia's prevailing penal system is characterized by its punitive nature, often sidelining rehabilitative measures. This approach is manifest in the extensive use of custodial sentences for a wide spectrum of offenses, encompassing drug-related infractions and financial misdemeanors like issuing dishonored checks. Many of these offenses might not warrant a stringent "police-prison" response, as affirmed by criminological analysis.

The overcrowding in Tunisian prisons has breached alarming levels, exacerbating health and psychological stresses for inmates and staff alike. There's a burgeoning public sentiment that Tunisian prisons are inadvertently morphing into hubs for refining criminal skills.

While the legal statutes in Tunisia theoretically sanction the use of non-custodial sentences⁵, their real-world application is scarce. **To illustrate, between 2017 and 2020, a mere four (4) non-custodial sentences were meted out for every 10,000 criminal cases⁶.**

⁵ Article 5 of the Tunisian Penal Code, published in the Official Gazette No. 79 dated October 1, 1913 (amended by Law No. 34 of 1964 dated July 2, 1964, by Law No. 63 of 1966 dated July 5, 1966, by Law No. 23 of 1989 dated February 27, 1989, and by Law No. 89 of 1999 dated August 2, 1999).

⁶ (Data sourced from the Tunisian Ministry of Justice, based on Right of Access to Information requests submitted by the MAAK.)

Environmentally-Focused Alternative Punishments: A Triple Win for Tunisia

While the justice system in Tunisia stands at a crossroads, searching for effective alternatives to custodial sentences, the MAAK Association envisions a broader mission: transforming these alternatives into public interest opportunities.

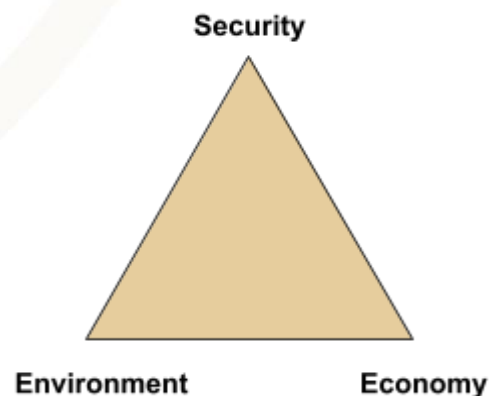
Rather than merely replacing custodial sentences, MAAK aims to metamorphose them into catalysts for positive societal change. This vision breaks from convention, pushing the boundaries of traditional penal thinking.

With Tunisia wrestling a slew of environmental challenges—from urban pollution and deforestation to desertification and water shortages—why confine our youth to prison cells? Why not mobilize this potential workforce towards ecological restoration?

The MAAK Association introduces a groundbreaking national program centered on environmentally-driven alternative punishments. Envision projects that bolster Tunisia's environmental wellbeing: urban and coastal clean-ups, afforestation initiatives, and upkeep of essential water infrastructure—all orchestrated under governmental oversight.

This forward-thinking initiative promises multifaceted benefits:

- 1. Environmental Rewards:** Our environmental quandaries aren't mere challenges; they're opportunities. Linking rehabilitation with environmental service crafts a sustainable blueprint that enriches both society and nature.
- 2. Economic Dividends:** Redirecting funds from prisons can result in significant savings for the state. The funds saved from a broader use of non-custodial sentences could be reinvested in other critical sectors, driving economic growth and job creation.
- 3. Recidivism Reduction:** Reintegrating individuals into community-driven environmental projects fosters a sense of purpose and belonging, diminishing re-offending tendencies. This synergy of societal reintegration and collaborative work promotes a safer, cohesive community.



Internationally, this isn't uncharted territory. Nations like New Zealand, Australia, Canada, and the US have reaped the benefits of such eco-centric programs:

- **New Zealand:** Individuals impacted by the justice system partake in environmental community service, aiding nature.
- **Australia:** Sentenced individuals contribute to public green spaces, from tree-planting to park maintenance.
- **Canada:** Alternative programs encompass eco-driven community service, including wildlife conservation.
- **United States:** Individuals impacted by the justice system are engaged in eco-tasks, from beach clean-ups to wildfire combat training in states like California.

Drawing inspiration from these success stories, Tunisia can tailor a localized version, commencing with a pilot in a single municipality, and scaling it nationally upon success.

This initiative presents Tunisia with a unique chance: crafting a penal system that's economical, rehabilitative, and eco-friendly. It's imperative to rigorously assess and back this proposal, ensuring it receives the requisite resources and support.

Should this model thrive in Tunisia, it could set a precedent for the Arab world—a beacon of innovation in justice and environmental stewardship. Once more, Tunisia would be trailblazing, reinforcing its reputation as a regional exemplar.

Recommendations

To the Presidency of the Republic, the Ministry of Justice (MOJ), and the Committee General for Prisons and Rehabilitations (CGPR):

- **Promotion of Non-Custodial Sentences:** We urge a more extensive adoption of non-custodial sentences, with a particular emphasis on launching a national program dedicated to environmentally-driven alternative punishments.
- **Collaboration with the MAAK Association:** We propose that the MOJ and the CGPR actively engage with the MAAK Association to assimilate the MAAK Reintegration Protocol. Rooted in scientific research and practical insights, this protocol promises a robust framework for the successful reintegration of formerly incarcerated individuals. By forging a collaborative alliance, we can amplify the impact of our reintegration efforts and elevate prison conditions.

To the Tunisian Parliament:

- **Revise the Penal Code:** We advocate for a comprehensive overhaul of the penal code. This updated code should reflect a strategic vision that diminishes dependency on custodial sentences and expands the scope of non-custodial alternatives. Such a balanced approach is poised to more effectively deter and mitigate crime in Tunisia.
- **Introduce a New Penal Procedures Code:** In tandem with the revamped penal code, we recommend instituting a new penal procedures code that resonates with modern penal philosophies and practices.

Statistics at a Glance

Cost Implications:

- **Inmate Maintenance:** On average, the Tunisian state spends about 50 Dinars per day on each prisoner. This translates to roughly 18,250 Tunisian Dinars annually. However, for simplicity in earlier discussions, we rounded this figure to 15,000 Dinars annually. ([Source](#))
- **Primary Education:** A year of primary education for a student in Tunisia costs approximately 1,400 Tunisian Dinars, as reported by the Tunisian Forum for Economic and Social Rights. ([Source](#))

Prison Population and Overcrowding:

- Over the past decade, Tunisia has witnessed a surge in its prison population, with the overcrowding rate peaking at 180% in 2020. (Data sourced from the Tunisian Ministry of Justice, based on Right of Access to Information requests submitted by MAAK.)
- Detainees, or those awaiting trial, account for over 55% of the prison population. In contrast, Algeria's detainee rate is about 19%, and Egypt's stands at 33% ([Source](#)). Noteworthy is the fact that Tunisian detainees typically don't have access to rehabilitation or any form of in-prison activities. (Data sourced from the Tunisian Ministry of Justice,

based on Right of Access to Information requests submitted by MAAK.)

Recidivism:

- The recidivism rate in Tunisia hovers around 40%, indicating that 4 out of every 10 individuals who experience incarceration will likely return. (Data sourced from the Tunisian Ministry of Justice, based on Right of Access to Information requests submitted by MAAK.)

Sentencing Trends:

- Custodial sentences overwhelmingly dominate the penal landscape, making up a staggering 99.99% of all penalties meted out in Tunisia. (Data sourced from the Tunisian Ministry of Justice, based on Right of Access to Information requests submitted by MAAK.)
- The rate of non-custodial sentences remains abysmally low, with merely four such sentences issued for every 10,000 criminal cases between 2017 and 2020. (Data sourced from the Tunisian Ministry of Justice, based on Right of Access to Information requests submitted by the MAAK.)

Methodology

The creation of this policy brief involved a multi-faceted research approach:

1. **Desk Review:** An exhaustive desk review formed the foundation of our research.
2. **Data Gathering:** Official data was solicited from the Ministry of Justice through the Right of Access to Information requests. Additionally, open data from various online sources was incorporated.
3. **Expert Collaboration:** The research team was a blend of professionals, including criminologists, legal experts, and psychologists. Insights were also garnered from senior figures within the Tunisian administration.
4. **Independent Funding:** Crucially, the entirety of this research was financed using the MAAK Association's private resources, ensuring autonomy and eliminating potential biases from external funding sources.

About the Authors

Mustapha Ben Zine, with a background in Psychology and Political Science, serves as the Founder and President of MAAK. Alongside the demanding task of establishing the organization from its inception, he has deeply engaged with the intricacies of reintegration, spotlighting the challenges of post-prison reentry in Tunisia. Mustapha authored a critical study in this field and was instrumental in shaping the MAAK Reintegration Protocol, a framework geared towards the societal and vocational reintegration of formerly incarcerated individuals in Tunisia.

Rania Cherif is MAAK's dedicated Legal Officer, bringing a rich academic background in criminal justice to her role. With over a decade of experience in engaging with civil society organizations, particularly in underserved communities, Rania has cultivated deep insights into the justice system. Her expansive network, inclusive of senior officials within the Ministry of Justice and Prison Authorities, has been pivotal in securing permissions for MAAK's initiatives within prison walls. Hailing from a lineage of police officers, Rania's commitment to justice reform is both professional and deeply personal.

Prior Publications & Resources:

- **"Never-Ending Punishment"**: A focus group study by MAAK that delves into the challenges faced by formerly incarcerated individuals in Tunisia. The study underscores issues like social stigma and offers actionable recommendations for effective socio-economic reintegration.
 - [Full Study \(1h read\)](#) - Post-Prison Reentry Challenges in Tunisia.
 - [Summary \(3 min read\)](#) - Overview of Reentry Challenges in Tunisia.
- **"MAAK Reintegration Protocol"**: Developed by MAAK's Socrates Center for Justice Studies, this guide is designed in collaboration with formerly incarcerated individuals. It provides a holistic framework for the reintegration of individuals post-incarceration in Tunisia, combining scientific principles with global best practices.
 - [Request the Protocol](#) - Tailor this protocol to your reintegration and rehabilitation objectives.

For additional information, please contact:

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About MAAK

MAAK, at its core, is a beacon for enlightened dialogue and transformative action on justice in Tunisia. We are committed to curbing and preventing crime, advocating for a penal policy anchored in scientific principles and informed discourse.

Integral to MAAK's mission is the Socrates Center for Justice Studies. Serving as our internal think-tank, the center is dedicated to pioneering scientific research and in-depth studies on the multifaceted dimensions of crime, punishment, and justice within Tunisia.

By bridging research and action, MAAK strives to reshape the landscape of justice, championing a more informed, just, and harmonious Tunisia.