

Document #2039124

Freedom House

Freedom on the Net 2020 - Tunisia

PARTLY FREE

64

/ 100

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LAST YEAR'S SCORE & STATUS

64 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Tunisia's information and communications technology (ICT) infrastructure is robust, internet access is relatively affordable, and authorities continue working to expand access outside of major cities. However, individuals risk prosecution in response to content published online that is critical of security forces or the government, and some users have experienced harassment in response to their online activity. Users were arrested during the spring of 2020 for posting purportedly fake news about the coronavirus pandemic. Though content removal occurs occasionally, the process is largely transparent and there are avenues for appeal. Surveillance remains a concern, particularly in light of the country's history of abuse of privacy under the Ben Ali regime and the lack of a comprehensive legal framework that regulates the process of surveillance and the relationship between different surveillance actors. This year, a heightened crackdown on social media mobilization and campaigns by authorities occurred. Nevertheless, Tunisians continue to use online tools to organize robust social movements addressing a variety of topics.

After the ousting of a longtime autocrat from power in 2011, Tunisia began a democratic transition, and citizens now enjoy political rights and civil liberties unprecedented in the country's history. However, the influence of endemic corruption, economic challenges, security threats, and continued unresolved issues related to gender equality and transitional justice remain obstacles to full democratic consolidation.

Key Developments, June 1, 2019 - May 31, 2020

- Disinformation promoted through paid advertising was spread in the lead-up to the September 2019 presidential and October 2019 parliamentary elections (see B5).
- In May 2020, Prime Minister Elyes Fakhfakh announced the provision of 5 million dinars (\$1.81 million) in the state budget to finance the media sector rehabilitation program and support it in engaging in the digital transformation (see B6).
- Activists organized several social media campaigns during the coverage period, despite an increasing crackdown on social media activity that increased self-censorship and limited the space for online mobilization (see B4 and B8).
- In March 2020, a member of parliament introduced a problematic “fake news” law meant to quell disinformation about the coronavirus. However, the draft law was revoked after pushback from civil society (see C2).
- A number of bloggers were arrested during the reporting period, and several received prison sentences for posting purportedly fake news about the coronavirus pandemic (see C3).

A Obstacles to Access

Tunisia's information and communications technology (ICT) infrastructure is relatively robust, and internet penetration continues to increase. Internet access is affordable relative to many other states in the region, and the government is working to address the urban-rural digital divide through infrastructure and tax reduction programs.

However, the telecommunications market is concentrated in a few entities, and the government has some control over the internet backbone through its ownership stakes in the country's major tech companies. The Tunisian National Telecommunication Authority (INT), the main ICT regulator, functions with relative independence but lacks institutional safeguards to protect against politicization.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet 4 / connections? 6

Tunisia's ICT infrastructure is relatively robust, and has continued to improve over recent years.^{[1](#)}

According to the International Telecommunication Union (ITU), internet penetration stood at 64 percent at the end of 2018, up from 50 percent at the end of 2016.^{[2](#)} The proportion of individuals using the internet in Tunisia reached 66.6 percent in 2019 compared to 49.6 percent in 2016.^{[3](#)} The international bandwidth capacity increased from 190 Gbps in 2016 to 810 Gbps in March 2020.^{[4](#)} The share of households with a computer grew to 52.1 percent in 2019 compared to 47.5 percent in 2018.^{[5](#)} The share of households with internet was 51.5 percent in 2019 compared to 46.1 percent in 2018.^{[6](#)}

The Mobile Connectivity Index, an annual index published by the GSM Association (GSMA) and made up of 4 sub-indicators relating to infrastructure, affordability, the consumer, and content and services, increased Tunisia's score by 12.5 points between 2014 and 2018.^{[7](#)}

As of April 2020, there were almost 9 million mobile data subscriptions in the country,^{[8](#)} consisting of about 435,500 subscriptions to third-generation (3G) and fourth-generation (4G) USB keys and 119,400 machine-to-machine communication (M2M) subscriptions, with phone plans accounting for the remainder. There were roughly 1,232,000 fixed-broadband subscriptions as of April 2020, including around 875,000 wired, 383,500 radio, and 61 satellite.^{[9](#)}

In the summer of 2016, 4G technology was launched.^{[10](#)} According to the INT, 98.9 percent of the Tunisian population is covered with 4G/3G/2G technology, and the 4G network alone covers 91.3 percent of the population.^{[11](#)} The average annual growth rate of the 4G network coverage between 2016 through 2019 was 13 percent.^{[12](#)} In March 2019, the INT launched a tender to conduct a study on market demand for fifth-generation (5G) technology and the technical and economic aspects of its potential implementation.^{[13](#)} In May 2020, Minister of Communication Technologies and Digital Economy Mohamed Fadhel Kraiem confirmed that an international studies office is collaborating with the ministry to study the risks of 5G technology. He also confirmed that the implementation decision will be made by the end of 2020 in a manner that preserves the internet environment and that in 2021 some pioneer experiments will be taking place.^{[14](#)}

In April 2020, 37.6 percent of asymmetric digital subscriber line (ADSL) users had internet connections slower than 8 Mbps, and 62.4 percent had speeds between 8 and 16 Mbps. In May 2019, 47.5 percent of ADSL users had connections slower than 8 Mbps and 52.5 percent had speeds between 8 and 16 Mbps.^{[15](#)} As of December 2019, there were 24,500 fiber-optic subscriptions, marking a 11.7 percent growth rate from the end of 2018.^{[16](#)} Only 2.1 percent of all broadband connections involve fiber-optics.

Mobile phone use is widespread, with a 76.3 percent penetration rate of mobile phone subscriptions as of April 2020.^{[17](#)} The INT has continued to register a decrease in the number of cybercafés across the country, due mainly to the growing number of users accessing the internet through mobile data plans. The number of cybercafés as of December 2019 was 154, down from 235 in May 2017.^{[18](#)} In April 2019, the Ministry of Telecommunications and Digital Economy initiated a process to provide 12 university campuses and 19 technology colleges with fiber-optic cables and outdoor Wi-Fi service.^{[19](#)}

In May 2019, the National Telecommunications Authority launched a project to measure and assess the quality of mobile radio coverage throughout the country. The project will "measure the degree of compliance by operators with their license commitments in terms of 3G and 4G coverage" and will "verify the reliability of the coverage maps published on their websites."^{[20](#)}

According to INT's report on quality of service in 2019, the annual throughput rates of all internet service providers combined, measured by average download and upload speeds, were 3.32 Mbps and 0.82 Mbps, respectively. This represents a slight improvement from 2018 and a good performance in reference to the intervals of appreciation.^{[21](#)} The average value of the annual latency, all reference sites included, was 40.88 milliseconds, which is in conformity with the threshold of 100 milliseconds set by the INT. The average annual availability rate of internet services was in line with the INT's 98 percent threshold.

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the 2 / population for geographical, social, or other reasons? 3

Internet access is affordable relative to many other states in the region,^{[22](#)} and companies offer a wide variety of packages and data capacities. However, those living outside major cities have fewer options when it comes to operators and coverage. The Tunisian government is working to address this urban-rural digital divide through infrastructure and tax reduction programs.

In July 2017, the Ministry of Telecommunication Technologies and Digital Economy announced that it would implement a five-year plan to increase internet access, mobile coverage, public internet centers, and access for people with disabilities in 94 underserved areas.²³ The project was assigned to Tunisie Telecom in November 2017 and was expected to benefit around 180,000 inhabitants.²⁴ At the end of 2018, 60 percent of the project had been completed.²⁵ In May 2020, Mohamed Fadhel Kraiem, the Minister of Communications Technologies and Digital Transformation, said that 90 percent of the white zones (places without mobile connection) have been covered: 163,000 inhabitants, 132 educational establishments, and 49 health centers are now covered by broadband.²⁶

The 2019 budget law decreased the tax on fixed-line subscriptions for individual use from 19 percent to 7 percent to ensure social inclusion and reduce the digital divide.²⁷ The 2018 budget law increased taxes on prepaid top-up plans from 10 to 14 percent.²⁸

In 2019, internet service provider (ISP) prices ranged from 9.40 dinars (\$3.27) per month for a connection speed of 4 Mbps²⁹ to 21.20 dinars (\$7.37) per month for a connection speed of 20 Mbps.³⁰ The price of a postpaid monthly 4G subscription plan was 25 dinars (\$8.69) for a 25 GB data allowance, while a 55 GB plan cost 50 dinars (\$17.38).³¹ A prepaid monthly 4G subscription plan cost 13.50 dinars (\$4.69) for a 5G data allowance per month, and up to 45 dinars (\$15.64) for a 55 GB data allowance per month.³² According to an ITU report “Measuring digital development: ICT Price Trends 2019,” the price of a mobile-data basket (1.5 GB per month of data over a 3G network) represents 1.3 percent of GNI per capita.³³

According to a field survey conducted by the INT on the level of satisfaction and the use of telecommunications services in Tunisia in 2019, 63 percent of Tunisians are satisfied with the quality of service and 53 percent are unsatisfied with the pricing of mobile data.³⁴

Users are starting to abandon USB keys in favor of databoxes, which allow Wi-Fi access for more than one user. In May 2019, there were around 435,500 3G/4G USB key subscriptions, a decrease from the 674,000 subscriptions in May 2018.³⁵ A databox costs around 40 dinars (\$14).

As part of the digitization project of Tunisian municipalities, the Tunisian Internet Agency (ATI) collaborated with municipal and city councils to offer outdoor Wi-Fi service for citizens to connect to free internet. The agency signed contracts with around 40 municipalities and aims to provide the service to 100 cities by the end of 2020.³⁶ Free internet without registration is available in many cafés and restaurants in major cities.

In response to the growing connectivity needs and the additional traffic demand in densely populated areas during the quarantine period put in place to limit the spread of the COVID-19 pandemic, telecommunications operators and internet service providers have deployed new resources and offered special plans to increase their bandwidth capacity and avoid an internet blackout risk.³⁷ Students were granted free access to educational platforms through three communications networks: Tunisie Telecom, Ooredoo Tunisie, and Orange Tunisia.³⁸

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of 5 / restricting connectivity? 6

The Tunisian government does not impose any restrictions on ICT connectivity. However, the government has some control over the internet backbone through its ownership stakes in the country’s major tech infrastructure.

The government-controlled Tunisie Telecom, Ooredoo, and Orange (in both of which the government also has ownership stakes) manage the country’s fiber-optic network, with Tunisie Telecom managing over 30,000 kilometers as of February 2019,³⁹ out of around 35,000 kilometers total.

In September 2014, Ooredoo Tunisie and Orange Tunisie inaugurated their own international submarine cable, breaking Tunisie Telecom’s monopoly over Tunisia’s international submarine communications cables.⁴⁰ The 175-kilometer-long cable, which links Tunisia to Italy, is the first privately owned cable to enter service in Tunisia.

In December 2017, the Ministry of Communication Technologies and Digital Economy signed an agreement with a new company, Level 4, to provide a high-speed broadband infrastructure that would be available to telecommunications operators and ISPs.⁴¹ Level 4 is owned by the ATI, the private Tunisian company EO Datacenter, and Turkey’s İşkaya.⁴² In August 2018, the cabinet approved Decree 912/2017, which specifies the general conditions for using public telecommunications networks and access networks that regulate the sharing of infrastructure between different companies.⁴³

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? 3 / 6

The Tunisian state retains ownership of several key service providers.

The main mobile operators are Tunisie Telecom, Ooredoo Tunisie, and Orange Tunisie. The state controls a 65 percent stake in Tunisie Telecom; the remaining shares are held by the private equity firm Abraaj Group.⁴⁴ The government has a small stake in Ooredoo Tunisie, a subsidiary of the Qatar-based Ooredoo. Orange Tunisie has been controlled by the state since 2011, when a 51 percent stake was seized from Marwan Ben Mabrouk, son-in-law of former president Ben Ali. The remaining 49 percent stake is owned by the multinational group Orange.⁴⁵ After the

reporting period, on July 15, 2020, Minister of State Properties and Land Affairs Ghazi Chaouachi announced that an agreement had been reached between the Tunisian State and Marouane Mabrouk on Orange Tunisia Company, under which the Tunisian state will hold the company's shares, worth 170 million dinars (\$59.1 million).[46](#)

The Tunisian government had previously announced in December 2016 that it will sell its stakes in Orange Tunisia and Ooredoo Tunisia in 2017, though as of June 2020 none had been sold.[47](#)

A smaller operator, Lycamobile Tunisia, entered the ICT market in late 2015, upon being allocated a five-year renewable license and use of Tunisie Telecom's infrastructure. The market shares in April 2020 were distributed as follows: Ooredoo Tunisia (34.7 percent), Telecom Tunisie (31 percent), Orange Tunisie (34.2 percent), and Lycamobile (0.0 percent).[48](#)

Tunisie Telecom, Ooredoo Tunisie, and Orange Tunisie also provide fixed-line internet subscriptions. GlobalNet, Topnet, Bee, Hexpayte, and public providers connect public institutions to the internet. Topnet, owned by Tunisie Telecom, dominates the ADSL broadband market with a share of 60 percent, followed by GlobalNet (14.6 percent), Orange (10.5 percent), Hexabyte (5.7 percent), Ooredoo (2.4 percent), Tunisie Telecom (4.0 percent), and Bee (1.3) as of April 2020.[49](#)

Bee, the commercial name of the company Internet Smart Solutions, is a new provider[50](#) that offers ADSL and VDSL (very high-speed digital subscriber line) services.[51](#)

Both individuals and legal entities may apply to become an ISP. Individuals must be Tunisian citizens and hold a graduate degree, an equivalent degree, or training certificate at an equivalent level in information technology, telecommunications, or multimedia. A legal entity needs to be constituted in accordance with Tunisian law and have a standing capital of at least 1 million dinars (\$347,000) with the majority of stakes being Tunisian. Licensing applications must be answered by the ministry within one month; a one-time license fee of 150,000 dinars (\$52,000) must be paid once a license is obtained.[52](#)

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a 2 / free, fair, and independent manner? 4

The Ministry of Communication Technologies and Digital Economy is the main government body responsible for regulating the ICT sector. The INT is the regulator for all telecommunications and internet-related activities and has the responsibility of resolving technical issues and disputes between actors.

The INT seems to enjoy in practice a certain level of independence from the government, derived from an institutional layout that provides it with exclusive jurisdiction over the regulatory tasks assigned to it by the legal code. This jurisdiction ensures functional separation from other government bodies. However, the lack of a formal requirement of independence and weak institutional safeguards against politicization leaves it exposed to the risk of external intervention or political pressure.[53](#)

The INT's governance body is made up of seven members, including a vice president who is appointed by the Court of Cassation (the highest court in Tunisia), and a permanent member appointed by the Court of Accounts, which oversees the management of public funds. The INT's board members are appointed by government decree in a process that lacks transparency. Since 2012, the vice president of the INT has been directly selected by the Council of the Judiciary, an independent body tasked with overseeing the functioning of the judicial system, before being appointed by government decree.[54](#) The INT has initiated some positive changes in internet policy, namely through the introduction of a more liberal domain name chart and an invitation to independent arbitrators from civil society to help develop a new alternative domain name dispute resolution process.

A December 2014 government decree regulates the granting of business licenses to ISPs.[55](#) Under the decree, ISPs are subject to prior authorization from the ICT Ministry, after consulting with the Interior Ministry and the INT. Article 8 established a new advisory board tasked with examining licensing requests and advising on matters related to infractions and sanctions. The board is presided over by the ICT minister or their representative and is composed of representatives from the Ministries of Defense, Interior, Communication Technologies and Digital Economy, and Commerce; the INT; and the Union for Industry and Commerce (UTICA).

In an effort to encourage investment in the telecommunications sector, a new ordinance was issued in October 2019 that simplifies the conditions and procedures related to the following activities: the installation and exploitation of a private independent telecommunications network, integration of telecommunications networks, providing internet traffic exchange points, and audits in the field of computer security.[56](#)

B Limits on Content

Tunisian users continue to enjoy an open internet. Though content removal occurs occasionally, the process is largely transparent. Disinformation spread online in the lead-up to the 2019 elections. Activists organized several notable social media campaigns during the coverage period.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content? 6 / 6

Censorship remains uncommon in Tunisia, with no instances of politically motivated blocking during the reporting period. Popular social media tools such as Facebook, YouTube, Twitter, and international blog-hosting services are freely available.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content 2 / hosts, or digital platforms to delete content? 4

Government representatives and bodies and various other entities sometimes seek the removal of online content, and there has been some controversy and confusion in recent years among these various bodies over jurisdiction.

During the coverage period, the High Independent Authority of the Audiovisual Commission (HAICA) made 24 requests to remove content from the websites and social media accounts of television and radio stations. These requests were generally justified on grounds of failing to respect the regulatory framework—including respecting the private life of individuals; incitement of violence; hate or discrimination based on race, physical appearance, religion, gender, region, or certain opinions; the rights of children; respecting human dignity and the rights of women.⁵⁷ Ten out of 24 of these requests were in relation to the coverage of the 2019 legislative and presidential elections and were justified on grounds of unlawful political advertising, disregard of the electoral silence period, and general principles regulating the electoral process.

In January 2020, the Monitoring and Documentation Unit at the National Union of Tunisian Journalists (SNJT) documented the removal of a news item from the website of the public newspaper *La Presse* following a request from the chief editor. The item in question published new details on the contract between Nabil Karoui, president of the Qalb Tunis political party, and an Israeli lobbyist company. The journalist informed the chief editor and published the news item as an exclusive for the website at 9:30 p.m. to find out later the article was deleted. The newspaper issued a statement later claiming they had not been pressured by any authority, but rather that the journalist did not respect procedure and did not obtain the approval from the chief editor.⁵⁸

In February 2019, SNJT documented the removal of a news item from the website of the public radio station *El Kef* following, a request from the governor of the Kef governorate. The item in question documented protesters hostile reception of the governor while on official business. According to SNJT, the governor pressured the manager of the radio station, ordered the removal of the news item, and asked the piece's author to instead highlight the visit and not the protests.⁵⁹

In September 2018, the Ministry of Communication Technologies and Digital Economy launched a third public consultation on the digital code, which would replace the current telecommunications code and its amendments. The draft code states that both internet service providers and content service providers are not liable for content they publish or send unless they edit or otherwise actively take ownership of the material. The draft further states that content hosting providers are not liable for content unless they have been informed by a judicial body that the content is illegal, and they fail to remove it.⁶⁰ The government indicated in April 2019 that the draft law was ready and it was approved by the cabinet in December 2019.⁶¹ However, the new government requested to postpone consideration of the draft bill from the parliament in June 2020.⁶²

According to its transparency report, Facebook restricted no items in Tunisia between July 2018 to December 2019. There were two items that were restricted between January and June 2018 “in response to private reports related to defamation.”⁶³

In May 2018, the Court of First Instance in Tunis ordered the private television station *Tunisna TV* to stop the broadcasting of the television series *Shalom*, for what the court described as treating guests in an unacceptable manner by threatening them with weapons or attempting to bribe them. The hidden-camera program filmed attempts to compel or convince unwitting guests to say that they would cooperate on various projects with Israel.⁶⁴ HAICA claimed it is the only entity responsible for regulating the media and criticized the court's decision, which HAICA condemned as censorship, a constitutionally illegal practice. A few days before the court decision, HAICA had requested the station remove the Israeli flag from the opening credits, an image which they claimed provoked the public. HAICA also ordered *Tunisna TV* to remove one specific episode from its website and social media pages for violating human dignity and forcing guests to give opinions that normalized a “Zionist entity.”⁶⁵

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, 3 / or an independent appeals process? 4

Formal content removal and blocking cases are mostly transparent and can be appealed through courts.

In March 2018, the Court of First Instance in Sousse ordered ATI to block online access to the *Blue Whale* and *Meriam* games, which, the court claimed, encourage teenagers to commit suicide. The ATI has appealed the court's decision and called for a national dialogue on protecting children in cyberspace without impeding internet access.⁶⁶

In February 2018, the Court of First Instance in Tunis rejected a request made by the National Syndicate of Imams and Mosque Workers to block the website of *Shams Rad*, Tunisia's first LGBT+ online radio station. The court stated that the syndicate lacked the status to be a plaintiff in the case, and that the content produced by *Shams Rad* did not undermine the rights of others.⁶⁷ The station launched in December 2017 and received more than 4,000 hate messages in its first two weeks.⁶⁸

B4 0-4 pts**Do online journalists, commentators, and ordinary users practice self-censorship? 3 / 4**

While the 2011 revolution gave way to a proliferation of new online news sites, arrests and prosecutions of people who have spoken out online against government officials have prompted bloggers and online activists to practice self-censorship.⁶⁹ The Global Internet Sentiment Survey results that were published by the nongovernmental organization (NGO) Access Now and RIWI, a Canadian tech firm, in May 2018 revealed that around 50 percent of people surveyed in Tunisia did not feel safe sharing their views online; nearly 25 percent said they felt safe and the remainder felt somewhat safe.⁷⁰

Despite this, users in Tunisia still discuss political, religious, and controversial social issues online, where there is more space for such debates than in traditional media or even in private, in-person discussion. Religious issues are debated more openly online than in the mainstream media or on the streets, for example.

During a World Press Freedom Day webinar under the theme “Journalism without fear or complacency” organized on May 20, 2020, Neji Bghouri, president of the National Syndicate of Tunisian Journalists, stated that the current climate of tension and violence leads to self-censorship and in no way promotes press freedom.⁷¹

B5 0-4 pts**Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest? 3 / 4**

The Tunisian government does not issue official guidelines or directives on coverage to online media outlets. However, the authorities in practice have significant control over public media institutions, including multiple television channels and regional radio stations that have a strong online presence. In its annual report on press freedoms, the SNJT criticized the absence of the political will to improve the state of journalism in Tunisia and the parliament’s failure to adopt the proposed draft law to regulate freedom of expression, press, printing, and publishing. The SNJT report—which covered the period between May 1, 2019 and April 30, 2020—criticized the continuous physical and moral abuse against journalists, the harassment of bloggers, and the absence of legal reforms in the country (see C7).⁷²

Facebook has repeatedly removed accounts, groups, and pages on its platforms for a variety of reasons. On June 5, 2020, Facebook announced it had taken down 182 user accounts, 446 pages, and 96 groups, as well as 209 Instagram accounts that were engaged in coordinated inauthentic behavior.⁷³ A further report by the Digital Forensic Research Lab explained that a Tunisian-based company had operated a network of inauthentic accounts in an attempt to influence Tunisia’s 2019 presidential elections, as well as 10 other African presidential campaigns. According to the report, “approximately 3.8 million Facebook accounts followed one or more of these pages, with nearly 132,000 accounts joining the operation-administered groups and over 171,000 following the Instagram accounts.”⁷⁴

In April 2020, Facebook announced the removal of 118 pages, 389 Facebook accounts, 27 groups, and 6 Instagram accounts for coordinated inauthentic behavior. The accounts originated in Iran and targeted individuals in multiple countries, including Tunisia.⁷⁵

In May 2019 Facebook publicized the removal of 65 accounts, 161 pages, 12 groups, and 4 Instagram accounts. Facebook suspects the pages and accounts belonged to an Israel-based network running disinformation campaigns and artificially boosting engagement on through pages the network created to look like they are run locally. The pages reportedly attracted around 2.8 million followers from at least 13 targeted countries, including Tunisia.⁷⁶ The investigative website Inkyfada analyzed the content of 11 pages targeting Tunisians and concluded they all were established in early 2019 and promoted with paid advertising. The pages attacked politicians who appeared in opinion polls for the September 2019 Tunisian presidential election. Separately, in May 2019, a fake opinion poll circulated claiming that Nabil Karoui was the favored candidate.⁷⁷

The Facebook accounts of several well-known Tunisian bloggers, artists, and activists were deleted during the coverage period. A number of accounts were reactivated after requests sent from advocacy NGOs, but no further explanations as to why their accounts were initially deleted were provided.⁷⁸

In the months leading up to the September 2019 elections, a number of civil society organizations reported on widespread disinformation across social media platforms.⁷⁹ The Tunisian Association for the Integrity of Democratic Elections (ATIDE), which specializes in election monitoring, launched a project in August 2019 in collaboration with Democracy Reporting International to monitor social networks—especially Facebook—and provide the Independent High Authority for Elections (ISIE) with reports that would drive legal reforms.⁸⁰ The ATIDE report highlighted the use of networks of pages to publish the same content praising or criticizing certain candidates in a coordinated manner.⁸¹

Further, the ISIE and civil society leaders have debated the use of political ads on social media, the regulation of political-advertising budgets, and the lack of respect for the electoral silence on social media. However, the lack of transparency on the part of tech platforms and the legal void surrounding the regulation of political ads on social media have rendered any existent legislation insufficient.⁸²

Many organizations have on multiple occasions denounced Facebook’s lack of transparency and accountability.⁸³

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content 3 / online? 3

Publishing content online on websites, blogs or social networks is not an activity that requires a license in Tunisia.

However, both print and online outlets have been impacted by a declining economy, as companies have cut their advertising budgets. The Tunisian cabinet approved a draft law in September 2018 that would establish a national agency to manage public advertising and subscriptions; among its mandates is to set criteria and specify online media outlets that would be eligible for public advertising. It was sent to the parliament in January 2019,^{[84](#)} and remained pending at the end of the coverage period.^{[85](#)}

Many outlets also avoid critical coverage of big private advertisers, including banks and telecommunications companies, in order to avoid losing out on advertising contracts. The Tunisian watchdog association Iwatch published an investigation in August 2019 on violations committed by a local bank, but the study received very little attention online, perhaps reflecting this reluctance.^{[86](#)}

Prime Minister Elyes Fakhfakh announced in May 2020 a series of exceptional measures in order to support the media sector during the COVID-19 crisis. These measures included the allocation of 1.2 million dinars (\$417,000) to be deducted from the budgeted allocations for newspaper subscriptions for the year 2020, and repurposed for the acquisition of subscriptions to electronic copies of newspapers by state and public organizations. The prime minister also announced the provision of 5 million dinars (\$1.7 million) in the state budget to finance the media sector rehabilitation program and support its digital transition.^{[87](#)}

B7 0-4 pts

Does the online information landscape lack diversity? 3 / 4

Tunisia’s online media landscape is generally vibrant and open. Since the revolution, numerous online news sites have been launched alongside newspapers, radio stations, and television channels, enriching the information landscape through the addition of viewpoints from a diverse range of social actors. However, self-censorship and fear of judicial proceedings among users limits the availability of content addressing some sensitive topics, such as religion and LGBT+ issues. Digital evidence pulled from cell phones, laptops, or social media accounts has been used in many cases to suppress and condemn LGBT+ people under Article 230 of the penal code, which outlaws same-sex relations.^{[88](#)}

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on 5 / political and social issues? 6

Score Change: The score declined from 6 to 5 due to an increasing crackdown on social media users and online critics and an overall decline in online mobilization space.

Tunisian youth and civil society organizations continue to use digital media for initiatives relating to political and social issues.

In May 2020, the Facebook accounts of several prominent activists and bloggers were deleted. Facebook is one of the main social media platforms that activists use to mobilize and campaign on different issues. There has been no explanation for the deactivation of the accounts. The anticorruption watchdog agency Iwatch was able to appeal and restore 14 of the 60 accounts which were deleted (see B2).^{[89](#)} Activists and bloggers are not only subjected to account removals, but also face increased harassment online as authorities crack down on those critical of the government. The president of Iwatch reported cases of harassment and intimidation to his person and members of the organization in retaliation against their activism and anticorruption campaigns (see C7).^{[90](#)}

Since September 2019, Tunisians have been reporting experiences of sexual violence online under the hashtag #EnaZeda, Tunisian Arabic for “me too.” This hashtag went viral and was maintained by feminist activists after a high school student shared pictures of member of parliament Zouheir Makhoulouf allegedly masturbating in his car outside her high school in a bid to harass her. The hashtag was also used for mobilization and calls to protests in support of the campaign against violence against women.^{[91](#)}

In November 2018, Tunisian activists organized both online and in-person against the visits of Saudi Arabia’s Crown Prince Mohammed bin Salman. Photos of a giant poster in the SNJT offices that read “No to desecration of Tunisia, the land of revolution,” went viral online along with other posts under the hashtag #sihla_wuhla_ahlla_a (“not welcome”). Activists organized online to invite people to take part in protests to oppose the bin Salman’s visit; to denounce the crown prince for the killing of journalist Jamal Khashoggi, as well as the ongoing war in Yemen;^{[92](#)} and to express solidarity with women’s rights activists in Saudi Arabia.^{[93](#)}

In June 2018, civil society activists launched a social media campaign to boycott the private channel Nessma TV, after the leak^{[94](#)} of an audio recording attributed to its owner, Nabil Karoui. In the recording, Karoui, a 2019 presidential candidate, was discussing with his team a strategy to spread disinformation about the Tunisian watchdog organization Iwatch after the organization published an investigation that accused him of tax evasion and corruption.^{[95](#)}

C Violations of User Rights

While Tunisia has taken significant steps to promote internet access and reverse online censorship, the country's legal framework remains a threat to internet freedom. The judiciary continues to employ laws from the Ben Ali era to persecute people who express opinions online, and a number of bloggers and online activists were arrested during the coverage period. A problematic “fake news” draft law was withdrawn after pushback from civil society and the extension of the state of emergency during the COVID-19 pandemic.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence? 3 / 6

The 2014 constitution that was approved in the wake of the 2011 revolution enshrines the right to free expression and freedom of the press, and bans “prior censorship.” Specific articles guarantee the right to privacy and personal data protection, as well as the right to access information and communication networks.⁹⁶ However, the text contains vague language tasking the state with “protecting sanctities” and banning “takfir” (apostasy accusations). Such language could act as a constitutional restriction on internet freedom.

The constitution mandates the establishment of a constitutional court to which the defendants can appeal when they face prosecutions under unconstitutional laws violating the constitution. However, the parliament has so far failed to establish this court.

Decree 115/2011 on the Press, Printing, and Publishing provides protections to journalists against imprisonment. However, Tunisia's press code does not provide bloggers and citizen journalists with the same protections afforded to traditional journalists. Article 7 defines a “professional journalist” as a person holding a bachelor's degree who “seeks the collection and dissemination of news, views and ideas” to disseminate to the public on a regular basis. A journalist is also defined as a person whose employment “in an institution or institutions of daily or periodical news agencies, or audiovisual media and electronic media” is their main source of income.⁹⁷

In March 2016, Tunisia adopted a basic law on the right to access information. The law guarantees access to information held by government bodies including ministries, the presidency, publicly funded NGOs, the parliament, local municipalities, the central bank and constitutional bodies. The law prescribes fines against those who obstruct access to information, and establishes an access-to-information commission tasked with deciding on appeals for access to information requests.⁹⁸

In September 2018, the Ministry of Communication Technologies and Digital Economy launched a third public consultation on the digital code that would replace the current telecommunications code and its amendments. The draft law ensures the right to access the internet and the right to freedom of opinion, thought, expression, information, publication, and communication on the internet. It states that these rights may only be limited in cases specified by the law and with legal guarantees.⁹⁹ The government indicated in April 2020 that the draft law was ready and was approved by the cabinet in December 2019. However, the new government requested to postpone consideration of the draft bill until June 2020.¹⁰⁰

The state of emergency in the country, which authorities initially imposed in response to a 2015 terrorist attack, has been extended several times. In May 2020, President Kais Saied announced an extension to the state of emergency in the country by six months due to the coronavirus pandemic.¹⁰¹ Among other provisions, the state of emergency allows authorities to access electronic devices without a court order.¹⁰²

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities? 1 / 4

Despite improvements to the constitution, repressive laws still in force from the Ben Ali regime threaten internet freedom. Article 86 of the telecommunications code states that anyone found guilty of “using public communication networks to insult or disturb others” could spend up to two years in prison and may be fined. This provision was retained in the proposed digital code that would replace the telecommunications code and its amendments.¹⁰³

Articles 128 and 245 of the penal code punish slander with two to five years' imprisonment. Article 121(3) calls for a maximum punishment of five years in prison for those convicted of publishing content “liable to cause harm to public order or public morals.” In addition, authorities continue to use the penal code to prosecute journalists (see C3). Tunisia's code of military justice criminalizes criticism of the military and its commanders.¹⁰⁴

During the coronavirus pandemic in the spring of 2020, a member of the parliament proposed a draft law to combat disinformation during the pandemic. The goal of the law was to fight purportedly fake news and control the flow of information on social media that could impact “national security and order.” This law's vague language was seen as a direct threat to freedom of expression by civil society activists, who argued that it would be used to silence critics, journalists, and online activists. The draft was withdrawn in March after pushback from civil society.¹⁰⁵

In August 2015, the parliament adopted a new counterterrorism law to replace a 2003 law used by the Ben Ali regime to crack down on critics and opponents.¹⁰⁶ Article 31 of the law mandates a maximum of five years in prison for those found to have “publicly and clearly praised” a terrorist crime, its perpetrators, and groups connected with terrorism.¹⁰⁷ Under the 2015 law's Article 37, the authorities cannot prosecute journalists for not revealing terror-related information they obtain during the course of their work.¹⁰⁸ In January 2019, the Tunisian parliament approved amendments to the counterterrorism law, but without revisions to articles 31 and 37.¹⁰⁹

In July 2017, parliament debated a vague proposed law that could criminalize criticism of security forces, including for human rights abuses. Article 12 would punish the “denigration” of police and other security forces with the aim of “harming public order” with a sentence of up to two years in prison and a maximum fine of 10,000 dinars (\$3,476). Articles 5 and 6 provide for up to 10 years in prison and a 50,000 dinar (\$17,380) fine for those who disclose or publish “national security secrets,” defined as “any information, data, and documents related to national security.” No protection from prosecution is provided for whistleblowers or journalists.¹¹⁰ Article 7 criminalizes unauthorized filming or recording inside security and military headquarters and at sites of military and security operations, with a maximum punishment of two years in prison.¹¹¹ As of May 2020, it is unclear what became of the proposed law since its debate in parliament.

C3 0-6 pts

Are individuals penalized for online activities? 3 / 6

Score Change: The score improved from 2 to 3 due to fewer long convictions handed out for online offenses, although users were still arrested for content posted online.

Arrests of bloggers are frequent and continued during the coverage period.¹¹² Many prosecutions are prompted by online criticism of the security forces or of government officials, but users can also be charged under antiterrorism laws and laws that effectively criminalize relationships between LGBT+ people. Sometimes, charges are brought under both the penal code and the telecommunications code, each of which can carry their own separate penalties.

A number of users were targeted by defamation cases filed by government officials during the ongoing COVID-19 pandemic. In May 2020, activist and blogger Hajer Awadi was arrested and charged with “insulting a civil servant” and “causing noises and disturbances to the public” under Articles 125 and 316, respectively, of the penal code after she posted a video on her personal Facebook account criticizing government corruption and the poor distribution of basic foodstuffs in her region, Tajerouine. Hajer was sentenced to a two-month suspended prison sentence.¹¹³

On April 13, 2020, blogger Anis Mabrouki posted a video on his Facebook page filming a crowd of people protesting in front of the closed mayor’s office in the town of Tebourba. The protesters were criticizing the local public officials for failing to distribute the financial aid promised by the government during the COVID-19 lockdown. On April 15th, according to an Amnesty International report, he was charged with “causing noises and disturbances to the public” and “accusing public officials of crimes related to their jobs without furnishing proof of guilt” under Articles 316 and 128, respectively, of the penal code.¹¹⁴

In May 2020, a citizen returning from Libya was arrested and charged under Article 67 of the penal code for insulting the president after he posted a video on Facebook complaining about travel delays caused by the coronavirus pandemic lockdown.¹¹⁵ On May 20, 2020, the Court of First Instance of Medenine sentenced him to a three-month suspended prison sentence.¹¹⁶

On two separate occasions, two parliament members were prosecuted for content they posted on their Facebook accounts prior to their election. In December 2019, member of parliament Rached Khiari was sentenced to a six-month suspended prison sentence and a 3,000 dinar (\$1,043) fine for a 2017 Facebook post in which he shared photos of a high-ranking security officer allegedly meeting a smuggler.¹¹⁷

Also in December 2019, member of parliament Seif Eddine Makhoulf was condemned to 20 months in prison after a complaint was filed by the public prosecutor of the Court of First Instance in Sidi Bou Zid.¹¹⁸ The prosecutor sued the parliamentarian after Makhoulf criticized him in a video posted on Facebook for his decision to shut down a controversial Quranic school in Regueb. In June 2020, Seif Eddine Makhoulf filed a case against Mohamed Hentati, a religious preacher, accusing Hentati of defamation on social media.¹¹⁹

Tunisian authorities have also prosecuted other users for posting content perceived as offensive to Islam on Facebook. In November 2019, the counterterrorism prosecutor of the First Instance Court in Tunis opened an investigation into Mounir Baatour, a lawyer and president of the LGBT+ rights advocacy association Shams, for reposting content accusing the Prophet Mohamed of being a rapist and a killer. Baatour was charged with “incitement to hatred and to animosity between races, doctrines, and religions,” under Article 14 of the 2015 counterterrorism law; “incitement to hatred, violence, and segregation toward persons or groups of persons based on racial discrimination” under Article 9 of the law on “the elimination of all forms of racial discrimination”; and with “directly calling for hatred between races, religions, and populations,” under Article 52 of the decree law of 2011 on freedom of the press.¹²⁰

In another case, the Court of First Instance in Tunis charged blogger Emna Chargui with inciting hatred between religions through hostile means or violence and “offending authorized religions” under Articles 52 and 53 of the Tunisian Press Code for sharing a Facebook post of a text that imitates the verses of Quran to make fun of the COVID-19 situation.¹²¹ On July 14, 2020, Chargui was found guilty of “inciting hatred between religions,” and sentenced to six months in jail and a \$700 fine for the post.¹²²

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 3 / 4

Laws that limit encryption remain a concern in the post-Ben Ali era. In particular, Articles 9 and 87 of the 2001 telecommunications code ban the use of encryption and provide a sanction of up to five years in prison for unauthorized use of encryption tools. While there have been no reports of these laws being enforced, their continued existence underscores the precarious nature of Tunisia’s relatively open internet environment.

Under 2014 regulations issued by the ICT ministry, cybercafé internet users are not required to register or provide identification.^{[123](#)}

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy? 2 / 6

Surveillance remains a concern in Tunisia, particularly in light of the country’s history of abuse under the Ben Ali regime and the lack of a comprehensive legal framework that regulates the process of surveillance and the relationship between different surveillance actors. Revelations in recent years have raised concerns about the government’s wiretapping ability.

The creation in November 2013 of the Technical Telecommunications Agency (ATT) raised concerns among human rights and privacy groups, particularly given the lack of transparency surrounding its duties. The body is tasked with “providing technical support to judicial investigations into information and communication crimes,” but fails to define these crimes.^{[124](#)} It quickly came under criticism from online activists because it was established by decree instead of by the parliament; and because it lacks a clear and limited mandate, mechanisms to ensure it remains free from government interference, and mechanisms to guarantee user rights.^{[125](#)} Later amendments outlined the ATT’s leadership,^{[126](#)} which is appointed by the government, as well as an oversight board consisting mainly of representatives from various government ministries and headed by the ATT leadership.^{[127](#)} The ATT’s mandate compels it to coordinate with telecommunications network operators and internet service providers in relation to its work so as to provide technical support for judicial investigations of cybercrimes.^{[128](#)}

In late 2016, plans to introduce biometric identification cards sparked criticism, particularly in the absence of strong data and privacy protections^{[129](#)} and legally mandated consultations with the Data Protection Authority (INPDP). In January 2018, legislation that would have established the program was withdrawn from consideration in the parliament.^{[130](#)}

In September 2018, Citizen Lab published a research report titled “Hide and Seek” that identified Tunisia among 45 countries in which operators of NSO Group’s Pegasus spyware may be conducting operations.^{[131](#)}

In January 2018, former interior minister Brahem admitted during a parliamentary hearing that he had wiretapped French journalist Mathieu Galtier’s phone for allegedly being in contact with “vandals.”^{[132](#)}

Leaked 2018 documents showed that Circinus, a US-based defense contracting company, submitted a five-year, \$80 million proposal to build an open-source intelligence center for the Tunisian government. Circinus claimed could the center would augment the government’s “targeting” abilities, while a social media geolocation feature could enable “agents in the field [to identify] social media traffic in real time.” An official later said that the government ultimately declined the proposal by Circinus.^{[133](#)}

A March 2018 draft law addresses the protection of personal information.^{[134](#)} Civil society groups have criticized it for failing to define the difference between protected personal data and public information, thus potentially hampering freedom of information requests and facilitating government opacity.^{[135](#)} The draft was still under consideration at the end of the reporting period.^{[136](#)}

In January 2019, an amended version of the 2015 counterterrorism law was approved by the parliament.^{[137](#)} Article 54 of the amended law only requires security and intelligence services seeking to intercept communication of suspected terrorists to obtain judicial approval. Previously, judicial approval was required to specify the type of communication being surveilled in addition to the specific period of the surveillance, which could be no greater than four months and could only be extended once.^{[138](#)} Article 64 of the amended law changed the punishment of conducting unauthorized surveillance with between one and five years in prison and a fine ranging from 1,000 to 5,000 dinar (\$350 to \$1,750).^{[139](#) [140](#)}

Accusations of surveillance and interception of communications were presented to the government multiple times during the reporting period. During the formation of the current government there have been accusations from different political groups that the Ennahda party used the ATT as a tool to spy on the communications of its rivals.^{[141](#)} In a plenary session at the parliament in February 2020, the Minister of Communication and Digital Economy refuted all accusations, indicating that the ATT only complies to judicial authorizations.^{[142](#)}

In June 2020, after the reporting period, Prime Minister Fakhfakh confirmed the government was tracking citizens’ movements anonymously through their SIM cards in order to monitor how committed the public had been to the COVID-19 quarantine directive.^{[143](#)} The Ministry of Communication and Digital Economy released a statement to clarify that the technical application relied on general data from mobile phones between regions; that the tracking respected personal data protection law requirements; and that the Ministry was in consultation with the National Authority for the Protection of Personal Data to ensure citizens’ privacy rights were upheld.^{[144](#)}

In a follow-up, the National Authority for the Protection of Personal Data released a statement confirming that advised the government regarding the deployment of a number of tracking applications. So long as individuals’ anonymity is ensured, the program does not violate the legal provisions related to the protection of personal data.^{[145](#)}

The Ministry of Health also announced the adoption of a contact-tracing mobile phone app that collects users’ phone numbers and uses Bluetooth signals and global positioning system (GPS) location data to detect and alert users who may have had contact with others with the COVID-19 virus.¹⁴⁶ The NGO Access Now stated that even though the National Authority for the Protection of Personal Data confirmed that the application complies with Tunisia’s data protection law of 2004, the law “is outdated and does not account for technologies developed since it was written.”¹⁴⁷

Access Now has already expressed concerns regarding the data protection situation in Tunisia and ineffectiveness of the slow measures during and after the elections.¹⁴⁸

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring 3 / the communications of their users? 6

The government has several tools it can invoke to compel companies and ISPs to help the government monitor internet users.

Decrees governing content liability impose a duty on ISPs “to meet the requirements of the national defense, security, and public safety and security in accordance with the legislation and regulation in force” and to aid legal, military, and national security authorities as necessary.¹⁴⁹

According to Facebook’s transparency report, the Tunisian government made 6 requests for data that involved 53 user accounts between January 2013 and June 2019. Facebook responded once to one request that involved 48 accounts between January and June of 2015. Between July and December 2018, Tunisia made one legal request that Facebook did not respond to.¹⁵⁰

Regulations issued by the Ministry of Communication Technologies and Digital Economy in 2013 do not require owners of cybercafés to monitor their customers’ activities.¹⁵¹

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other 3 / actor in retribution for their online activities? 5

In addition to arrest and prosecution, internet users and digital activists must also be wary of extralegal attempts to silence them.

The National Union of Tunisian Journalists (SNJT) documented several incidents during the coverage period in which journalists were subjected to online intimidation and harassment. According to SNJT’s March 2020 report, journalist Halim al-Jariri received verbal threats and was insulted on social media by security agents in Djerba, as a reaction to an open letter he posted on his Facebook account calling for an investigation of security agents’ abuses and to fight the impunity security forces enjoy.¹⁵²

In a case of administrative intimidation, Wajih Dhokkar, a medical student at the University of Tunis El Manar, was suspended for four months after posting on a private Facebook group used by Tunis medical school students criticism of the studying conditions at the university’s library. He was then accused of “insulting the institution’s officials through social media,” according to the university’s disciplinary council.¹⁵³

Tunisian authorities have confiscated and searched the phones of men they suspect of being gay, and have pressured them to undergo invasive examinations and to confess to same-sex relations, according to a November 2018 report from Human Rights Watch.¹⁵⁴

Amnesty International’s 2017 report on abuses under Tunisia’s state of emergency documented cases of arbitrary arrests and interrogations in which people were questioned about their social media activity.¹⁵⁵

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to 2 / widespread hacking and other forms of cyberattack? 3

Since Ben Ali’s fall, there have been no reported incidents of cyberattacks perpetrated by the government to silence individual ICT users. However, other cyberattacks targeting news websites and government bodies have been documented in recent years. According to the Global Cybersecurity Index, Tunisia ranks 76th globally and 9th regionally in 2018.¹⁵⁶

In May 2020, the monitoring unit of the National Union of Tunisian Journalists (SNJT) reported hacking attempts of the website “Insan” after it published an investigative article about a suspected corruption case in the refugee protection project funded by the High Commissioner for Refugees.¹⁵⁷

In October 2018, director general of the National Agency for Computer Security (ANSI), Mohamed Naoufel Frikha, noted that around 80,000 hacking attempts into websites had been recorded over the last three months. Minister of Communication Technologies and Digital Economy, Anouar Maarouf stated that his department would establish a platform to identify denial-of-service (DoS) attacks by the end of 2018.¹⁵⁸ However, it was unclear if a platform had been created by May 2020.

In December 2019, the Minister of Communication Technologies presented the national cybersecurity strategy aimed at implementing sectoral cybersecurity strategies, improving the legal and regulatory framework, strengthening technical skills of officials, promoting a culture of cybersecurity, and controlling standards and technologies related to digital security.¹⁵⁹

In June 2018, The Tunisian cabinet approved a draft law that aims to prevent and combat crimes of information and communication.¹⁶⁰ Access Now submitted two access to information requests to the Ministry of Justice and the Ministry of Communication Technologies and Digital Economy to get a copy of the draft law. The Ministry of Communication Technologies and Digital Economy response explained that the law was not in final draft form and they were working to address technical points that were raised in the cabinet meeting in June 2018.¹⁶¹ A post about the June 2018 cabinet meeting on the Tunisian presidency’s Facebook page seems to have been altered to exclude the approval of the draft law.¹⁶²

In February 2018, Tunisia was invited to accede to the Budapest Convention on Cybercrime. The CyberSouth project, instituted jointly by the Council of Europe and the European Union, seeks to strengthen Tunisia’s legal framework on cybersecurity in a way that also aligns with human rights obligations and the rule of law, in hopes that the country will become party to the convention.¹⁶³

A September 2019 Privacy International report found that the European Union (EU) has been funding surveillance projects in a number of countries, including Tunisia. Specifically, the EU’s Instrument contributing to Stability and Peace (IcSP) funds projects aimed at developing the capacity of Tunisian security agencies to counter terrorism by developing “intelligence processing and analysis,” and training officials in digital intelligence gathering including through social media and digital mapping. The IcSP’s goal is to establish a group of “cyber specialists, criminal analysts, and forensic specialists” capable of conducting online investigations and collecting evidence from digital devices, with the proper “light equipment.” The EU has designated €3.3 million (\$3.6 million) to fund the CyberSouth project for intelligence training to law enforcement agencies in countries on its southern border.¹⁶⁴

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ecoi.net summary:

Report on digital media and
internet freedom (reporting period
June 2019 - May 2020)

Country:

Tunisia

Source:

Freedom House

Original link:

<https://freedomhouse.org/country/tunisia/freedom-net/2020>

Document type:

Periodical Report

Language:

English

Published:

14 October 2020

Document ID:

2039124

Austrian Red Cross
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Research and Documentation (ACCORD)

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

