

Back to Tunisia

Authorities escalated their crackdown on freedom of expression and all forms of dissent, using repressive laws and unfounded charges to prosecute and arbitrarily detain political opponents, journalists, trade unionists, human rights defenders, lawyers and critics. Prior to the October presidential election, authorities intensified their harassment of political opponents, imposed further restrictions on the work of journalists, human rights defenders and NGOs, and took steps to further undermine judicial independence and the rule of law. Authorities increased interceptions at sea and conducted unlawful collective mass expulsions of thousands of asylum seekers, refugees and migrants to the borders with Algeria and Libya. Authorities initiated investigations against at least 14 civil society organizations working on refugees' and migrants' rights, undermining foreign nationals' access to asylum procedures and essential services. LGBTI people faced arbitrary arrests and prosecution.

Background

The first elections of the National Council of Regions and Districts took place on 28-29 March resulting in the election of 77 members of the upper house of Parliament.

President Kais Saied was re-elected for a second term on 6 October with 90.69% of the vote, on a turnout of 28%. Most genuine opposition candidates were excluded from running for president through bureaucratic obstacles, judicial harassment or arbitrary detention. Despite the administrative court issuing a decision to reinstate three opposition candidates in the presidential election, the Independent High Authority for Elections (ISIE) refused to implement the decision and only approved three candidates including President Saied.

Repression of dissent

Secretary-general of the opposition Ennahdha party, Ajmi Lourimi, and two other party members were arrested on 13 July during a routine police check and remained arbitrarily detained without charge at the end of the year.

Human rights defender and former president of the Truth and Dignity Commission (IVD), Sihem Bensedrine, was arrested and detained on 1 August under charges of “fraud” and “abuse of official capacity” for allegedly falsifying a report denouncing corruption in the banking sector. Her prosecution appeared to be in retaliation for her role in exposing human rights violations as head of the IVD.

Other high-profile opposition figures remained in pretrial detention or were serving prison sentences in relation to politically motivated charges including “terrorism” and “conspiracy against state security”. In the so-called “conspiracy case”, six opposition politicians arrested in February 2023 remained in arbitrary detention charged with “conspiracy against state security” beyond the expiration in April of their pretrial detention period according to national law.

Opposition party leader Abir Moussi was sentenced on 5 August to two years’ imprisonment under Decree-Law 54 on Cybercrimes following a complaint filed against her by the ISIE after she criticized the legislative elections process of 2023. She had been arbitrarily detained since 3 October 2023 in a separate case under charges of “spreading false news” and “attempting to change the form of government” under Decree-Law 54 and Article 72 of the Penal Code in relation to the exercise of her freedom of expression and peaceful assembly.

On 18 October the Criminal Chamber of the Court of First Instance in the capital, Tunis, sentenced the Ennahda leader and former minister of justice, Noureddine Bhiri, to 10 years in prison for a social media post which he denied writing. He was convicted of “trying to change the form of the government and inciting people against each other” under Article 72 of the Penal Code. He had been arbitrarily detained since February 2023.

In the run-up to the presidential elections, authorities increased their crackdown against opposition groups and political opponents. At least 97 members of Ennahda were arrested between 12 and 13 September.

Freedom of expression

In January the Monsatir Court of Appeals confirmed the sentencing of artist Rached Tamboura to two years’ imprisonment for graffiti denouncing President Saied’s racist remarks about sub-Saharan refugees and migrants. Rached Tamboura was convicted of “committing an offensive act against the president” under Article 67 of the Penal Code and “producing and promoting false news” under Article 24 of Decree-Law 54 on Cybercrimes.

On 11 May security forces arbitrarily arrested lawyer and media figure Sonia Dahmani. On 6 July she was sentenced to one year in prison under Article 24 of Decree-Law 54 for her critical comments on the situation facing migrants in Tunisia. On 10 September the Tunis Court of Appeals reduced her sentence to eight months’ imprisonment. On 24 October the Tunis Court of First Instance convicted and sentenced her to two years’ imprisonment in a separate case under Decree-Law 54. Her prosecution and conviction were based on remarks she made on television denouncing racism against Black people in Tunisia.

On 11 May, security forces arrested and detained journalists Mourad Zeghidi and Borhen Bsais. On 22 May the Tunis Court of First Instance sentenced both men to one year in prison under Article 24 of Decree-Law 54 for “intentionally using communication systems to produce and promote false news to harm public security or national defence or spread terror” solely for exercising their right to freedom of expression. In July the Tunis Court of Appeals reduced their sentences to eight months’ imprisonment.

In June the Tunis Court of Appeals overturned the initial acquittal of lawyer Abdelaziz Essid and convicted and sentenced him to a nine-month suspended prison sentence for “offending others through telecommunications networks” and “accusing public officials of illegal acts without proof,” under Article 86 of the Telecommunications Code and Article 128 of the Criminal Code respectively. The charges were based on a complaint by the minister of justice over claims made by Abdelaziz Essid that authorities tampered with his clients’ case file.

The Electoral Commission filed criminal complaints against political opposition members and critics under Decree-Law 54 for “spreading false information.” According to the National Union of Tunisian Journalists, four private radio stations received written warnings from the Electoral Commission between July and September relating to reports and comments aired on their stations about the electoral process.

Tunisian authorities banned the distribution in Tunisia of the September issue of the magazine Jeune Afrique, which featured an article criticizing President Saied.

Freedom of association

President Saied continued to publicly accuse civil society organizations of corruption and interfering in Tunisia’s internal affairs, often referring to organizations’ receipt of foreign funding.

In May, authorities intimidated, arrested, summoned and investigated representatives, former staff and members of at least 14 organizations defending the rights of and providing essential services to refugees and migrants. They faced vague accusations including “financial crimes” and “helping undocumented migrants”. At the end of the year, at least six organizations remained under investigation and seven individuals were in pretrial detention.

On 14 May, Prime Minister Ahmed Hachani announced that a new draft law on associations would be submitted for approval to the next ministerial council, amid concerns over the authorities’ plans to introduce draconian legislation further stifling civil society.

On 9 September the ISIE denied requests for accreditation for election monitoring from two Tunisian NGOs, IWatch and Mourakiboun, stating that the decision related to the organizations receiving “suspicious foreign funding”.

Freedom of peaceful assembly

Authorities repeatedly used baseless “obstruction” charges, a provision lacking legal clarity, to arbitrarily detain, prosecute and convict individuals simply for exercising their rights to freedom of peaceful assembly, including the rights to form and join a union and to organize and participate in a strike.

On 20 June, police in the city of Tabarka summoned environmental and human rights defender Rania Mechergui for questioning in relation to a peaceful protest held on 11 June to demand access to water. Between 12 and 16 August, police in the L’Aouina neighbourhood of Tunis summoned for questioning 23 trades unionists and workers in relation to a series of peaceful demonstrations organized between 5 June and 9 August. The demonstrations related to workers’ status, salaries and access to social security.

Right to a fair trial

According to the Tunisian Judges’ Association, the minister of justice ordered the appointment, transfer or suspension of at least 105 judges and prosecutors through executive memoranda without due process between August 2023 and June 2024.

Judges and prosecutors who had been summarily dismissed by presidential decree in June 2022 continued to be denied reparation and to suffer professional, economic and reputational harm. No judicial action was taken following individual complaints filed on 23 January 2023 by 37 of the dismissed judges against the minister of justice. The complaints contested the minister’s failure to implement a court order to reinstate 49 of the 57 dismissed judges and prosecutors.

Lawyers representing members of political opposition groups were targeted with criminal investigations under bogus charges such as “offending others” and “spreading false information”.

Refugees’ and migrants’ rights

Human rights violations against migrants, asylum seekers and refugees increased in frequency and severity, most notably against those who were Black and from sub-Saharan Africa. Xenophobic and racist public advocacy of hatred, including by officials, continued to be widespread.

Life-threatening collective and summary expulsions of migrants, asylum seekers and refugees to neighbouring Algeria and Libya remained routine, violating the principle of non-refoulement and leaving people in deserted areas without access to food or water. These expulsions often followed violent or reckless interceptions at sea by Tunisian authorities, or racially targeted and arbitrary arrests. Between June 2023 and May 2024, authorities collectively expelled at least 10,000

migrants, asylum seekers and refugees to Algeria and Libya, including children and pregnant women.

Migrants, asylum seekers and refugees reported torture and other ill-treatment, including rape, violent or abusive body searches, beatings and detention under cruel, inhuman and degrading conditions by Tunisian security forces.

Authorities also carried out multiple forced evictions using unnecessary and disproportionate force and arrested and convicted landlords for housing people who were undocumented. According to UNHCR, the UN refugee agency, arrests and investigations launched against human rights defenders and organizations working with refugees and migrants from May onwards critically disrupted access to asylum procedures and essential services.

LGBTI people's rights

LGBTI groups reported an increase in prosecutions for consensual same-sex sexual conduct between adults under Article 230 of the Penal Code as well as other articles pertaining to “good morals” or “public decency”. The authorities carried out anal examinations on men accused of engaging in same-sex sexual relations, a practice that amounts to torture. At least 41 trials of gay and trans people began during the year across Tunisia. Between 26 September and 2 October at least 27 LGBTI people were arrested in Tunis, Sousse and Hammamet.

Authorities harassed queer activists and members and staff of LGBTI rights associations. On 18 September, trans activist Mira Ben Salah, coordinator at the association DAMJ, received a summons to appear on 10 October before the criminal police brigade in Sfax without any further information. Police investigations were subsequently opened against four activists from other LGBTI rights associations, who also received summonses for questioning at different judicial brigades.

Women's and girls' rights

The political participation of women continued to decline, with only 10 women elected in March to the 77-member upper house of parliament.

Women's rights groups continued to denounce the culture of impunity for violence against women and the lack of effective implementation of Law 58 of 2017 to protect women from gender-based violence. At least 15 femicides were reported by women's rights organizations between January and August.

The Tunisian Association of Democratic Women recorded a rise in requests for assistance from women facing online violence. UN Women documented that 19% of women in Tunisia had faced online violence.

Right to food

According to the National Institute of Statistics, the cost of food in Tunisia increased by 9.2% between January and September. Shortages of staple foods continued. Authorities were not transparent about the causes of the persistent shortages or their policies to address the problem.