

# Freedom on the Net 2024



## header1 Key Developments, June 1, 2023 – May 31, 2024

Internet freedom in Tunisia continues to suffer following Kaïs Saïed's July 2021 seizure of extraordinary powers, including due to the use of recent repressive laws, the imposition of prison sentences for social media posts, and a restrictive climate that continually minimizes the space for independent media and freedom of expression online.

- Members of the media were routinely barred from covering parliament sessions, protests, and other public events (see B7).
- President Saïed's state of emergency, first enacted in July 2021, was extended again, this time until December 2024. The state of emergency grants undue powers to government authorities (see C1 and C5).
- Scores of internet users were arrested during the coverage period because of content they posted online, including journalists, human rights defenders, and government critics (see C3).

- Several online defamation campaigns orchestrated by progovernment social media accounts targeted government critics during the coverage period (see C7).

## header2 Political Overview

After the ouster of a longtime autocrat in 2011, Tunisia held a series of free multiparty elections, and citizens enjoyed considerable political rights and civil liberties under a constitution promulgated in 2014. However, endemic corruption, economic challenges, security threats, and unresolved problems related to gender equality and transitional justice remained obstacles to full democratic consolidation. In recent years, President Saïd has worked to transform the political system and expand his own executive power. Since 2021, Saïd has unilaterally replaced the prime minister, formally dissolved the old legislature, issued a new constitution and electoral law, and continued campaigns of legal harassment against his political opponents.

### A Obstacles to Access

A1 1.00-6.00 pts0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?	4.004 6.006
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Tunisia's information and communication technology (ICT) infrastructure is relatively robust and has continued to improve in recent years.<sup>1</sup>

As of January 2024, there were 9.96 million internet users in Tunisia, and internet penetration stood at 79.6 percent.<sup>2</sup> There were roughly 1.7 million fixed-line broadband subscriptions as of November 2023.<sup>3</sup> Mobile connectivity is widespread. The mobile penetration rate stood at 98 percent in November 2023,<sup>4</sup> and there were 16.73 million mobile connections as of January 2024.<sup>5</sup> According to the National Telecommunications Authority (INT), 99.9 percent of the Tunisian population is covered by either 4G, 3G, or 2G technology for mobile networks, and the 4G network alone covers 94.9 percent of the population.<sup>6</sup>

According to Ookla's Speedtest Global Index, as of February 2024 the median mobile upload speed stood at 14.02 megabits per second (Mbps), while the median broadband upload speed stood at 2.99 Mbps. The median mobile download speed was 22.12 Mbps, and the median broadband download speed was 9.41 Mbps.<sup>7</sup> According to the Ministry of Communication Technologies (MTC), international bandwidth capacity increased from 82.5 gigabits per second (Gbps) in 2012 to 1710 Gbps in 2023.<sup>8</sup>

In 2023, the MTC announced the launch of Edunet 10, a project aiming to connect 3,307 educational institutions and 1.5 million students to high-speed fiber-optic internet.<sup>9</sup> By February 2024, the ministry announced that in some governorates the project had completed 75 percent of its goals.<sup>10</sup>

In February 2024, the internet service provider (ISP) Ooredoo Tunisie announced its connection to the "Ifriqa" submarine fiber-optic cable.<sup>11</sup> The initiative aims to improve the quality of telecom services to the company's customers.<sup>12</sup> In 2023, the ISP Orange Tunisie announced that it was partnering with the Medusa Submarine Cable System to start the construction of a submarine cable that would be completed by the end of 2025.<sup>13</sup>

The three main mobile service providers—Tunisie Telecom,<sup>14</sup> Ooredoo Tunisie,<sup>15</sup> and Orange Tunisie<sup>16</sup>—successfully implemented the first tests of 5G technology in Tunisia in 2020. The commercial launch of 5G service has been delayed until November 2024.<sup>17</sup>

A2 1.00-3.00 pts0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?	2.002
	3.003

Internet access is affordable in Tunisia relative to many other countries in the region, and ISPs offer a wide variety of packages and data capacities.<sup>18</sup>

In 2023, subscribers spent, on average, 8.8 Tunisian dinars (\$2.84) per month on 3G and 4G data packages for smartphones and key subscriptions compared to 9.30 Tunisian dinars (\$3.00) per month in 2022. Data packages higher than 25 GB recorded significant user growth, with 35 percent more customers in the last quarter of 2023 compared to 2022.<sup>19</sup> According to Cable UK's 2023 report, the average cost of 1 GB of mobile data in Tunisia is \$1.28.<sup>20</sup>

A 2023 survey on digital inclusion found that location is one of the strongest indicators of digital access.<sup>21</sup> As part of ongoing efforts to address the digital divide, in January 2023 the MTC expanded the “white zones” project, which provides internet access to educational establishments and health centers, to an additional 112 counties.<sup>22</sup>

Additionally, in October 2023, the Tunisian National Frequency Agency (ANF) and the American company SpaceX agreed on a three-month trial period of a new program in which SpaceX will provide internet services via satellite to three governates containing remote areas.<sup>23</sup>

According to a quantitative study published in December 2023, 77.9 percent of women use the internet, compared to 72.2 percent of men.<sup>24</sup>

A3 1.00-6.00 pts0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?	5.005
	6.006

While authorities do not deliberately disrupt access to the internet, the government has some control over the internet backbone through its ownership stakes in the country's major technology infrastructure companies (see A4).

The government-controlled Tunisie Telecom manages more than 30,000 kilometers of the country's fiber-optic network,<sup>25</sup> while Ooredoo Tunisie and Orange Tunisie, both of which are partially owned by the government, manage the remaining 5,000 kilometers.

A4 1.00-6.00 pts0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?	3.003
	6.006

There are no major obstacles to market entry for telecommunications companies. However, there are some regulatory requirements for ISPs, and the Tunisian state retains ownership of several key service providers.

The main mobile service companies 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.<sup>26</sup> The government has a small stake in Ooredoo Tunisie, a subsidiary of the Qatar-based Ooredoo. The state has also controlled a 51 percent stake in Orange Tunisie since 2011, while the remaining 49 percent stake is owned by the multinational group Orange.<sup>27</sup> A smaller mobile operator, Lycamobile Tunisia, entered the market in late 2015, having secured a five-year renewable license and the use of Tunisie Telecom's infrastructure.

Tunisie Telecom, Ooredoo Tunisie, and Orange Tunisie also provide fixed-line internet service. As of December 2023, Topnet, owned by Tunisie Telecom, dominated the asymmetric digital

subscriber line (ADSL) broadband market with a share of 45.4 percent, followed by Tunisie Telecom (19.4 percent), GlobalNet (13.9 percent), Orange Tunisie (9 percent), and several other companies with smaller market shares, all of which depend on the Tunisian Internet Agency (ATI) for network management.<sup>28</sup> In March 2023, Nety, owned by the Tunisian firm Chifco, entered the market as the country's newest ISP.<sup>29</sup>

In December 2020, the private firm Standard Sharing Software (3S), the owner of GlobalNet, acquired a majority stake in HexaByte, another ISP, which led to criticisms of market concentration.<sup>30</sup>

Both individuals and legal entities may apply to become an ISP. Individuals must be Tunisian citizens and hold a graduate degree or a training certificate at an equivalent level in information technology, telecommunications, or multimedia. A legal entity must be constituted in accordance with Tunisian law and have standing capital of at least 1 million Tunisian dinars (\$320,000), with a majority stake held by Tunisian owners. Licensing applications must be answered by the MTC within one month; a one-time licensing fee of 150,000 Tunisian dinars (\$48,000) must be paid once a license is obtained.<sup>31</sup>

Decree Law 2022-54, which was adopted in September 2022, requires service providers to store user data for a minimum of two years (see C6).<sup>32</sup> The public prosecutor, investigative judges, and judicial officers can issue a written request for access to digital data stored on IT systems or servers.<sup>33</sup> Service providers are required to respond to these requests, as well as to court orders relating to access, collection, or interception of user data.<sup>34</sup>

A5 1.00-4.00 pts0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?	2.002
	4.004

The MTC is the main government body responsible for regulating the ICT sector. The INT is the regulator for all telecommunications and internet-related activities, and is responsible for resolving technical issues and disputes between actors.

The INT appears to enjoy 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 the agency exposed to the risk of external intervention or political pressure.<sup>35</sup>

The INT's governing board is made up of seven members, including a vice president who is appointed from among members of the Court of Cassation, the highest court in Tunisia, and a permanent member appointed from among members of 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 board has been directly selected by the Supreme Judicial Council, an independent body tasked with overseeing the functioning of the judicial system (see C1), before being appointed by government decree.<sup>36</sup> 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 process for resolving disputes over domain names.

A 2014 government decree regulates the granting of business licenses to ISPs.<sup>37</sup> Under the decree, ISPs are subject to prior authorization from the MTC, after consulting with the Interior Ministry and the INT.<sup>38</sup>

## B Limits on Content

B1 1.00-6.00 pts0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?	6.006 6.006
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Content censorship remains uncommon in Tunisia. Popular social media tools, such as Facebook, YouTube, X (previously known as Twitter), and international blog-hosting services are freely available.

In March 2022, however, members of the media and civil society reported disruptions to two online communications platforms.<sup>39</sup> Zoom and Microsoft Teams were both blocked for a short period of time while members of the parliament, which had been suspended by the president in July 2021, were attempting to hold an online plenary session.<sup>40</sup> Hours after the session, President Saïed permanently dissolved the parliament.<sup>41</sup> Testing data from the Open Observatory of Network Interference (OONI) showed that Zoom.us presented signs of transmission control protocol/internet protocol (TCP/IP) blocking.<sup>42</sup> Authorities did not take responsibility for the disruptions.

B2 1.00-4.00 pts0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?	2.002 4.004
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Government authorities and various other entities sometimes seek the removal of online content.

In July 2023, the National Syndicate of Tunisian Journalists (SNJT) reported that Tunis Afrique News Agency (TAP) had removed three articles relating to migrant and asylum seekers from its website. Following the publication of an article on the number of registered voters and the voter participation rate on the day of local elections in December 2023, journalist Rashad El Salhi was contacted by the director of the regional subsidiary elections authority, who asked El Salhi to withdraw the mention of his name in the article. El Salhi refused to withdraw the published news article.<sup>43</sup>

Following the publication of a February 2024 article discussing the judiciary's role in politicized arrests by Nawaat, an independent news website, the Independent High Authority for Elections (ISIE) sent a notice to the website stating that the article violated the rules of the electoral campaign and the duty of neutrality and claiming that the article could sway voters. Despite the notice, Nawaat refused to delete the article, stating that it was an opinion piece unrelated to local or legislative elections.<sup>44</sup>

The SNJT denounced the ISIE's interference and announced the suspension of its partnership with the elections authority due to recurrent interference in media outlets.<sup>45</sup>

At times authorities ask social media companies to remove content from their platforms.<sup>46</sup>

B3 1.00-4.00 pts0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	3.003 4.004
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Formal cases of content removal and blocking are mostly transparent, and the decisions can be appealed through the courts. However, some legislation from the Ben Ali era remains and could be used to censor online content.<sup>47</sup>

B4 1.00-4.00 pts0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? | 2.002 4.004

While the 2011 democratic revolution cleared the way for a proliferation of new online news outlets, in recent years a pattern of arrests, detentions, and harassment aimed at people who have spoken out online against public officials has prompted bloggers, journalists, and online activists to practice self-censorship.<sup>48</sup>

Self-censorship has increased dramatically since July 2021, when the president seized unilateral control over the political system. Since then, several new laws and decrees have been passed that assign harsh penalties for online speech; these laws could encourage not only activists and journalists but also ordinary internet users to self-censor (see C2).<sup>49</sup> Critics of President Saïed's actions have been subject to intimidation and defamation campaigns on social media, which has led previously outspoken activists to reconsider what they post online (see C7).<sup>50</sup>

A survey conducted by a civil society organization to assess freedom of expression online following the adoption of Decree Law 2022-54 found that only 8 percent of the respondents felt free to express their opinions on social media and 78 percent identified government surveillance as a cause of shrinking freedoms online.<sup>51</sup>

Members of the media have faced harassment and, in some cases, have considered leaving their profession in response. The editor in chief of Tunigate, Wejdan Bouabdallah, and several other Tunigate journalists were deliberately harassed by state authorities after they reported on a virtual parliamentary session that was held in March 2022.<sup>52</sup> According to Bouabdallah, the intimidation led three of the website's journalists to consider resigning.<sup>53</sup>

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

B5 1.00-4.00 pts 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest? | 3.003  
4.004

Authorities have significant control over public media institutions, including multiple television channels and regional radio stations that have a strong online presence. At times, authorities issue threatening statements that could be seen as attempts to control the editorial line of online media outlets (see C2).<sup>54</sup> President Saïed has also openly defamed political opposition members and judges via social media (see C7).

Since July 2021, President Saïed and his government have taken measures to consolidate and influence the online media space. That month, for example, the president dismissed and replaced the executive director of the Tunisian Television Establishment, the country's national public television broadcaster, which maintains a popular online and social media presence.<sup>55</sup> In a report on political pluralism that covered the period following President Saïed's seizure of power, the Independent High Authority for Audiovisual Communication (HAICA) concluded that the content aired by the broadcaster, including content published on its website, was biased in favor of the president and excluded the views of opposing political parties.<sup>56</sup>

In November 2023, the ISIE amended the rules and conditions for media coverage of elections.<sup>57</sup> This amendment stated that all media outlets must provide the authority with detailed coverage plans before the start of the electoral campaign. Previously, in March 2023, ISIE issued a decree amending the 2014 electoral law. While HAICA previously monitored electronic media during the election period, the March 2023 decree effectively limited HAICA's role and gave the duty of monitoring electronic media to the ISIE.<sup>58</sup> Members of the HAICA considered the November 2023

amendments to be unacceptable interference aimed at undermining the independence of media outlets.<sup>59</sup>

In March 2023, the SNJT released a statement expressing concern over new appointments to key positions at several public media institutions, including TAP, Tunisian Radio, and Tunisian Television. The choice of the appointees, who may further align the editorial line of the three outlets with the government's position, could be seen as an effort to increase President Saïed's control over public media institutions.<sup>60</sup> The SNJT has condemned the rise of state censorship on the media, citing the intimidation of journalists through judicial prosecution and interrogation. The SNJT also criticized President Saïed's intervention after the president publicly denounced the state television channel and suggested different editorial themes for it.<sup>61</sup> In March 2024, after the former minister of the interior called for a ban on filming in public, the SNJT reported cases where police officers prevented journalists from filming in public spaces, despite having no legal basis to do so.<sup>62</sup>

Propaganda campaigns orchestrated abroad also affect online discourse. Following President Saïed's seizure of power in July 2021, a wave of inauthentic social media activity sought to either celebrate or denounce Saïed's actions.<sup>63</sup>

B6 1.00-3.00 pts 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	3.003
	3.003

No license is required to publish content on websites, blogs, or social media platforms.

Both print and online outlets have been affected by the country's general economic hardship, as companies have cut their advertising budgets.

Many outlets avoid critical coverage of major private advertisers, including banks and telecommunications companies, in order to avoid losing out on advertising contracts.<sup>64</sup>

B7 1.00-4.00 pts 0-4 pts

Does the online information landscape lack diversity and reliability?	3.003	4.004
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Tunisia's online media landscape is generally vibrant and open. Since the 2011 revolution, numerous online news websites have been launched alongside traditional media outlets, enriching the information environment with viewpoints from a diverse range of social actors. However, self-censorship and fear of judicial proceedings among users limit the availability of content addressing some sensitive topics, such as religion and LGBT+ issues.<sup>65</sup>

Members of the media were largely able to report on government affairs without obstruction prior to President Saïed's seizure of power in July 2021. However, the presidential administration has since limited its contact with the press, and journalists, including those working for fact-checking initiatives, continue to face challenges in verifying information from official sources.<sup>66</sup> During the coverage period, journalists were barred from covering regional elections,<sup>67</sup> protests,<sup>68</sup> and parliamentary committees<sup>69</sup> and plenary sessions.<sup>70</sup> The election authority also allegedly instructed the heads of polling centers not to give information to journalists.<sup>71</sup> These restrictions limit the availability of reliable information about ongoing events and government affairs.

Misinformation has become more prevalent in recent years and at times has led to offline harms. After President Saïed published a video on his official Facebook page in which he made controversial and racist comments about sub-Saharan African migrants,<sup>72</sup> false and misleading social media posts about immigration were widely shared.<sup>73</sup> Human Rights Watch (HRW) found that at least 16 people from West and Central Africa were physically or verbally attacked in the weeks after the president's comments circulated online.<sup>74</sup>

B8 1.00-6.00 pts0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	4.004 6.006
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Tunisian youth and civil society organizations continue to use digital media to promote initiatives related to political and social issues. However, activists and journalists have been prosecuted or intimidated due to their online mobilization efforts.<sup>75</sup>

During the coverage period, the SNJT organized several initiatives to protest the shrinking space for media freedom.<sup>76</sup> Following a wave of arrests in May 2024 that targeted journalists and civil society actors, some of whom were arrested for their online activities (see C3), protests demanding the repeal of Decree 2022-54 took place in Tunis.<sup>77</sup>

In the previous coverage period, several students were arrested in retaliation for their use of social media to call for protests. In October 2022, Ahmed Bahaa El-Din Hamada, a student activist, was arrested and detained for three days after creating a Facebook page where he posted updates about nightly protests against police brutality in his hometown.<sup>78</sup> Another student activist, Mohamed Zantour, was arrested in April 2023 over his protest-related Facebook posts.<sup>79</sup> Zantour was detained for nearly two months before receiving a six-month suspended sentence.<sup>80</sup>

In February 2023, members of the Coexistence with Alternative Language and Actions Movement (CALAM), a civil society organization that organizes online fundraising campaigns for sub-Saharan African migrants, were subject to racist attacks, online intimidation, and threats to storm their headquarters.<sup>81</sup>

## C Violations of User Rights

C1 1.00-6.00 pts0-6 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?	2.002 6.006
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On July 25, 2021, President Saïed announced the dismissal of the prime minister, suspended the elected parliament, and began ruling by decree. In September of that year, the presidency issued Decree Law 2021-117, which suspended the 2014 constitution except for its preamble and first two chapters, which relate to general provisions for fundamental rights and freedoms. Furthermore, it allowed the president to legislate in all areas without the possibility of legal challenges to the constitutionality of such decree laws. The document effectively concentrated unchecked power in the hands of the president. According to Article 5 of Decree Law 2021-117, the president assumes the prerogative to enact laws governing information, the press, and publishing.<sup>82</sup>

On July 25, 2022, Tunisia adopted a new constitution, replacing the 2014 constitution, following a deeply flawed national referendum.<sup>83</sup> The 2022 constitution provides for freedom of opinion, thought, and expression.<sup>84</sup> The state is also required to guarantee the right to access information and the right to access communication networks (see C5).<sup>85</sup> Judicial institutions are required to ensure that rights and freedoms are protected from all violations; however, the executive's unilateral control over the judiciary may jeopardize these safeguards.<sup>86</sup> The new constitution contains vague language allowing the state to "achieve the purposes of Islam," which could act as a constitutional restriction on freedom of expression and be used to criminalize speech that is considered offensive to religious beliefs.<sup>87</sup>

In February 2022, the president dissolved the Supreme Judicial Council, an independent oversight body set up after the 2011 revolution to shield judges from government influence. He issued Decree Law 2022-11 to repeal Organic Law 2016-34, which established the council's mandate, and terminated the roles and benefits of the council's existing members. A temporary body consisting of presidential appointees was formed to replace it. Decree Law 2022-35 was also issued, giving the president the authority to dismiss judges. In June 2022, the president unilaterally dismissed 57 judges, accusing them of corruption and other malfeasance.<sup>88</sup>

Decree Law 2011-115, which covers the press, printing, and publishing, provides protections to journalists against imprisonment. However, Tunisia's press code does not guarantee bloggers and citizen journalists the same protections it affords to traditional journalists. Article 7 of the code defines a "professional journalist" as a person holding a bachelor's degree who shares news and ideas with the public on a regular basis. A journalist is also defined as a person who is employed by "daily or periodical news agencies, or audiovisual media and electronic media."<sup>89</sup>

In 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 nongovernmental organizations (NGOs), the parliament, local municipalities, the central bank, and other constitutional bodies. The law prescribes fines on those who obstruct access to information and establishes an information commission tasked with adjudicating appeals related to information requests.<sup>90</sup> Despite this, there have been several attempts to limit the media's ability to cover government affairs (see B7).

The country's state of emergency, which authorities initially imposed in response to a 2015 terrorist attack, has been extended several times. Under Presidential Decree 2023-47, President Saïed again extended the state of emergency, which allows authorities to access electronic devices without a court order (see C5), until December 2024.<sup>91</sup>

C2 1.00-4.00 pts 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

1.001  
4.004

Several laws assign criminal penalties for online speech. In recent years, a number of bloggers and journalists have been prosecuted in military courts rather than civil courts after being charged under the code of military justice, which criminalizes criticism of the military and its commanders (see C3).<sup>92</sup>

Authorities continue to use the penal code to prosecute journalists and other internet users. Articles 128 and 245 of the penal code punish slander with two to five years' imprisonment. Article 121(3) calls for a maximum sentence of five years in prison for those convicted of publishing content that could disrupt public order.

Article 31 of a 2015 counterterrorism 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.<sup>93</sup> Under Article 37, authorities cannot prosecute journalists for failing to reveal terrorism-related information that they obtain in the course of their work.<sup>94</sup>

In the last few years, Tunisian authorities have approved several laws which have been denounced by rights groups for introducing unprecedented restrictions on free speech and digital rights.<sup>95</sup> Decree Law 2022-54, which regulates crimes related to information and communication systems, was adopted in September 2022.<sup>96</sup> Under Article 24 of the decree law, the "creation, promotion, publication, transmission, or preparation" of false news, hate speech, personal data, or forged documents can result in a prison sentence of up to five years and a 50,000 Tunisian dinar (\$16,000) fine. If the person targeted with this speech is a public official, the penalty is increased to a 10-year prison sentence and a 100,000 Tunisian dinar (\$32,000) fine.<sup>97</sup> The law's broad language has been

used to arbitrarily detain and sentence journalists and government critics for their online activities (see C3).<sup>98</sup>

Decree Law 2022-54 has been used to threaten online outlets for their coverage of President Saïed. In April 2023, several websites and social media pages questioned the president's health after he failed to appear at public events over the course of a few weeks. As a response, the public prosecutor of the Court of First Instance in Tunis announced that criminal proceedings will be conducted "against all persons and pages behind the publication of false news that would harm the country's public security."<sup>99</sup>

In September 2022, Decree Law 2022-55 was adopted, amending the organic law on elections and referendums. Amendments include criminal penalties of up to five years in prison for any electoral candidate who deliberately undermines the "honor, dignity, or regional, local or family affiliation" of another candidate through offline or online speech.<sup>100</sup>

In March 2022, President Saïed issued Decree Law 2022-14 on combating illegal speculation. The law criminalizes the deliberate spreading of "false or incorrect news or information" that could cause consumers to refrain from buying products or could disrupt the supply of goods to markets and thereby cause prices to rise.<sup>101</sup> In a statement, Amnesty International expressed concern over the decree's "vaguely worded provisions that could lead to prison terms of between 10 years and life including for public debate of the economy."<sup>102</sup>

Repressive laws from the Ben Ali era that are still in force threaten internet freedom. Article 86 of the telecommunications code states that anyone found guilty of "using public communication networks to insult or disturb others" can be fined and sentenced to up to two years in prison.<sup>103</sup>  
C3 1.00-6.00 pts0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	2.002
	6.006

Bloggers, journalists, and activists were arrested during the coverage because of content they posted online.<sup>104</sup> Prosecutions are often initiated in response to online criticism of the president, security forces, or government officials. In recent years, charges against users have relied heavily on Decree Law 2022-54, as well as on the penal code, the code of military justice, the counterterrorism law, and the telecommunications code, each of which carries its own separate penalties (see C2).

During the coverage period, several journalists and political activists were convicted under Decree Law 2022-54 for content they published online. In March 2024, a military court sentenced blogger Nasreddine El-Halimi to seven years in prison under Decree Law 2022-54 and the code of military justice for three social media posts, one of which called for protests.<sup>105</sup> After the coverage period, when El-Halimi had already spent more than a year in pretrial detention, his sentence was reduced to two years, with the remaining five years to be served as a suspended sentence.<sup>106</sup>

In May 2024, journalist Mourad Zghidi was arrested after expressing solidarity with an imprisoned journalist on social media. Zghidi, was sentenced to one year in prison after being convicted of defamation and spreading false news under Decree 2022-54.<sup>107</sup> The same month, journalist Houssem Hajlaoui, cofounder and publisher of the independent news website Inkyfada, was arrested over social media posts about police brutality and local politics, some of which dated back to 2020. Hajlaoui was given a nine-month suspended sentence under Article 86 of the telecommunications code and Article 24 of Decree 2022-54.<sup>108</sup>

Several other individuals were arrested for their social media posts expressing solidarity with imprisoned opposition leaders and journalists. In December 2023, Sofiane Zneidi, a member of opposition party Ennahda, was sentenced to eight months in prison and a 5,000 Tunisian dinars (\$1,600) fine after expressing support for Rached Ghannouchi, the jailed leader of Ennahda, on

Facebook.<sup>109</sup> Other social media users have been summoned for interrogation based on their social media posts.<sup>110</sup>

Internet users and journalists were also prosecuted under the counterterrorism law during the coverage period. On March 18, 2024, the Court of First Instance in Ben Arous sentenced Ghassen Ben Khelifa, a journalist and the editor in chief of the news website Inhiyaz, to six months in prison on charges of insulting others through the public communications network. Ben Khelifa was reportedly suspected to be an administrator of a Facebook page that featured content that incited hate.<sup>111</sup> After Ben Khelifa's defense team requested clarification on the court's evidence that he was linked to the Facebook page, the court postponed the case and released Ben Khelifa.<sup>112</sup>

Online commentators were also prosecuted under the penal code for their social media posts. On March 7, 2024, political blogger Abdel Moneim El Hafidhi was sentenced to six months in prison under Article 67 of the penal code for "committing an atrocious act against the President" after he shared critical opinions online.<sup>113</sup> In May 2023 Hassan Labidi, a guard in an elementary school, was sentenced to eight months in prison under the same charges for posting a video on his personal Facebook page that contained satirical caricatures criticizing the president.<sup>114</sup> In June 2023, Abderrahman Ben Said, a vegetable and fruit vendor, was charged with "insulting a public official while performing their official duties" under Article 125 of the penal code and sentenced to six months in prison. Ben Said had posted a video on his personal Facebook page about the daily harassment and illegal seizure of goods committed by police officers in his region.<sup>115</sup>

In March 2024, Khalifa Guesmi, an online correspondent for Mosaïque FM who had previously faced a five-year prison sentence for "disclosing security secrets" under Article 62 of the counterterrorism law,<sup>116</sup> was released after the Court of Cassation overturned his conviction and ordered that the case be reheard.<sup>117</sup>

In August 2023, the public prosecutor announced that it had initiated criminal proceedings against eight websites and online pages. The move followed a press release issued by several ministries, which stated that they would seek to reveal the identities of owners and administrators of platforms that spread false news, rumors, and inaccurate data. The official spokesperson for the Tunis Court of Appeal added that "anyone who contributes to or participates in the publication or dissemination of the content of these pages will suffer the same fate."<sup>118</sup> This announcement followed a statement from President Saïed calling for an end to "chaos" on social media, which rights groups criticized as a direct interference with the active prosecution of individuals critical of the government.<sup>119</sup>

C4 1.00-4.00 pts0-4 pts

Does the government place restrictions on anonymous communication or encryption?

3.003

4.004

Laws that limit encryption remain a concern. In particular, Articles 9 and 87 of the 2001 telecommunications code ban the use of encryption and prescribe penalties of up to five years in prison for the unauthorized use of such tools. While there have been no reports of these measures being enforced, their continued existence underscores the precarious nature of Tunisia's relatively open internet environment.

Mobile internet users are required to provide identifying information to purchase a SIM card. ISPs must collect and store users' data, including "identities, dates of birth, postal addresses, and national identity numbers."<sup>120</sup>

In March 2024, parliament adopted two controversial bills introducing biometric national identification cards and passports. Civil society organizations raised concerns about how personal data would be safeguarded under the laws,<sup>121</sup> particularly around plans for a centralized database of biometric data governed by the Ministry of the Interior.<sup>122</sup>

In June 2022, the minister of communication technologies issued a circular introducing the mobile ID project, the first digital national identity project.<sup>123</sup> The project allows multiple state entities to access identifying information about citizens through a new database that is maintained by the Ministry of Local Affairs.<sup>124</sup> Rights groups have expressed concerns about the centralized nature of the system, the security of the collected data, and the lack of consultation with civil society.<sup>125</sup>

C5 1.00-6.00 pts0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	2.002 6.006
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Surveillance remains a concern in Tunisia, particularly in light of the country's history of intrusive monitoring under the Ben Ali regime and the lack of a comprehensive legal framework that regulates the process of surveillance and the relationships among the relevant institutions. Revelations in recent years have focused attention on the government's wiretapping capabilities.

In January 2024, the country's state of emergency was extended by 11 months, until December 31, 2024.<sup>126</sup> It grants government agencies the ability to access electronic devices without a court order (see C1).<sup>127</sup> During the coverage period, rights organizations documented a number of incidents in which the phones of opposition politicians under investigation were confiscated or the transcripts of their WhatsApp and Signal conversations were used during interrogations, without respect for legal procedures.<sup>128</sup>

In March 2024, the defense team of Meriem Sassi, a political activist who was being investigated in connection with her public criticism of the electoral process, accused authorities of monitoring Sassi's social media conversations with her lawyer, infringing upon her legal and privacy rights.<sup>129</sup> They accused the technical expert appointed by the court of overreaching his professional role and accessing her social media accounts and private conversations.<sup>130</sup> Sassi was briefly released from detention, but was soon arrested and sentenced to eight months in prison under Article 20 of Decree 2022-54, which penalizes impeding information systems, because she had changed her Facebook password after receiving a notification from Meta that her account may have been hacked.<sup>131</sup>

The Technical Telecommunications Agency (ATT), which was created in 2013, is tasked with supporting judicial investigations into "communication crimes."<sup>132</sup> Rights groups have noted that the agency lacks a clear and limited mandate, mechanisms to ensure its freedom from government interference, and safeguards for user rights.<sup>133</sup> Later amendments outlined the ATT's leadership,<sup>134</sup> 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.<sup>135</sup> The ATT's mandate compels it to coordinate with telecommunications network operators and ISPs in relation to its work so as to provide technical support for judicial investigations of cybercrimes.<sup>136</sup>

Decree Law 2022-54 allows the public prosecutor, investigating judges, and the judicial police to order the seizure of telecommunications devices and to access all stored data (see C6). Article 10 of the decree provides for the interception of individuals' communications following a written decision from the public prosecutor or the investigating judge.<sup>137</sup> Rights organizations criticized the absence of procedural safeguards, such as the right to be notified of surveillance measures or the right to appeal.<sup>138</sup>

In 2019, an amended version of the 2015 counterterrorism law<sup>139</sup> was approved by the parliament.<sup>140</sup> Article 54 of the law does not require investigators seeking judicial approval to specify the type of communication being surveilled or the length of the surveillance period.<sup>141</sup> Article 64 of the law punishes conducting unauthorized surveillance with five years in prison and a fine of 5,000 Tunisian dinars (\$1,600).<sup>142</sup>

A September 2019 Privacy International report found that the European Union (EU) had been funding surveillance projects in Tunisia. Specifically, the EU's Instrument contributing to Stability and Peace (IcSP) funded 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.<sup>143</sup>

A 2018 report by Citizen Lab, a University of Toronto research center, listed Tunisia as one of 45 countries in which devices were likely breached by Pegasus, a form of targeted surveillance software developed by the Israeli technology firm NSO Group. Pegasus is known to be used by governments to spy on journalists, human rights defenders, and opposition leaders, though it remains unclear whether the Tunisian government is a Pegasus client.<sup>144</sup>

C6 1.00-6.00 pts0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?

3.003

6.006

The government has several tools it can use to compel companies and ISPs to assist with the monitoring of 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.<sup>145</sup>

In September 2022, authorities enacted Decree Law 2022-54, which requires service providers to store user data for a minimum of two years (see A4).<sup>146</sup> The decree stipulates that this stored data can include geolocation data, personal identification data, and traffic flow data.<sup>147</sup> The public prosecutor, judicial police, or investigating judge can request access to telecommunications data stored on IT systems or servers, data related to telecommunications traffic, and other user data needed for their investigations.<sup>148</sup>

A joint 2020 study by Access Now and ImpACT International for Human Rights Policies found that seven of Tunisia's main ISPs have violated basic principles of customer data protection.<sup>149</sup> Only one provider, Orange Tunisie, claimed to comply with all requirements laid out in Organic Law 2004-63, the country's data protection law, though the study found violations by that company as well.<sup>150</sup>

According to Facebook's transparency report, the Tunisian government made 47 requests for user data between July and December 2023, none of which Facebook complied with.<sup>151</sup>

C7 1.00-5.00 pts0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

3.003

5.005

In addition to arrests and prosecutions, internet users and digital activists must be wary of extralegal attempts to silence them. Several online defamation campaigns orchestrated by progovernment social media accounts targeted and discredited government critics (see B5).<sup>152</sup>

President Saïed has openly defamed political opposition members and judges in his social media videos, in an apparent attempt to discredit them.<sup>153</sup> After the president accused a female magistrate of adultery, progovernment social media accounts shared highly sensitive personal information about her, including medical information and videos taken without her consent.<sup>154</sup> Additional progovernment Facebook users also circulated other defamatory information about the magistrate.

During the coverage period, journalists faced extralegal harassment, including doxing and intimidation campaigns, for expressing critical views or conducting interviews with opposition members.<sup>155</sup> According to the SNJT, between October 2022 and October 2023, there were 210 instances in which journalists were harassed, 32 of which occurred online. Of the 210 instances,

141 were perpetrated by state officials.<sup>156</sup> Islam al-Madab, a journalist with Radio Express FM, was subject to a defamation campaign by a Facebook page that questioned his integrity as a journalist, insinuated he received monetary privileges, and posted photos of his private life and his young daughter.<sup>157</sup>

Female journalists were subject to defamation and intimidation campaigns during the coverage period.

In May 2024, Saadia Mosbah, head of the antiracism organization Mnemty, was subject to an online defamation campaign by progovernment social media accounts. She was subsequently arrested alongside other civil society organization leaders and detained for 10 days under the counterterrorism law.<sup>158</sup>

On two occasions in June 2023 and February 2024, Khawla Boukrim, the editor in chief of the websites Tumedia and Kashf Media, was targeted by Facebook pages seeking to undermine her reputation and credibility.<sup>159</sup> In August 2023, journalist Sana Adouni was threatened and harassed over the phone by an officer at the Ministry of Interior after she published an article on the Al-Araby al-Jadid website that addressed the conditions faced by immigrants.<sup>160</sup> After Asmaa al-Bakouch, a journalist at Monastir Radio, wrote a Facebook post about malfeasance by the governor of Monastir, a former director at her radio station threatened to transfer her to work in another city, away from her family.<sup>161</sup> Another digital journalist, Sofia Sfaxi, was verbally attacked by a public official while trying to film a report. The official also attempted to break Sfaxi's phone.<sup>162</sup>

Members of the LGBT+ population are frequently subject to violence and harassment online. 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 sexual activity.<sup>163</sup>  
C8 1.00-3.00 pts 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	2.002
	3.003

*Score change: The score improved from 1 to 2 because there were fewer public reports of attacks on independent websites, journalists, and activists during the coverage period.*

Since the 2011 revolution, there have been no reported incidents of cyberattacks perpetrated by the government to silence individual users. However, cyberattacks targeting news websites and government bodies have been documented in recent years.<sup>164</sup>

In November 2023, the Facebook page of the Tunisian National Radio was hacked and the hackers published misleading content on the page. According to a SNJT monitoring unit report, the hacking operation was carried out as part of phishing operations that target media pages for their pro-Palestinian content.<sup>165</sup>

According to the National Cybersecurity Agency (ANCS), 7,420 distributed denial-of-service (DDoS) attacks were reported in 2023, compared with 4,200 attacks in 2022.<sup>166</sup>

In late 2019, the minister of communication technologies presented a national cybersecurity strategy, which was aimed at implementing sectoral cybersecurity strategies, improving the legal and regulatory framework, strengthening the technical skills of officials, promoting a culture of cybersecurity, and controlling standards and technologies related to digital security.<sup>167</sup>

In March 2024, parliament voted for the country's accession to the Council of Europe Convention on Cybercrime (Budapest Convention).<sup>168</sup> Earlier, in September 2023, Decree Law 2023-17, which created a new ANCS to replace the former National Agency for Computer Security (ANSI), came into force.<sup>169</sup>

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