



DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT

TUNISIA
COUNTRY REPORT

2024

Tunisia



Executive Summary

Tunisia's digital landscape presents a complex interplay of progress and repression. On one hand, the country has made progress in internet access, with significant investments in digital infrastructure. However, these advancements are overshadowed by a growing crackdown on digital rights and freedoms. The Government's increasing surveillance of online activities, coupled with the arbitrary arrest of journalists and activists, has created a climate of fear and self-censorship. The misuse of laws to target critical voices and the erosion of privacy rights are major concerns.

This report aims to capture the evolving achievements and challenges that define Tunisia's digital landscape in 2024. It covers the dynamics of internet freedom, the right to privacy, data protection, access to information and digital inclusion. Additionally, the report assesses the country's score based on the TheScore Index developed by Paradigm Initiative to assess countries' compliance with the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information. The employed methodology involved a multi-faceted approach, which included a thorough review of government reports, media sources, existing literature, and analysis. This approach combined empirical and desk research methods to comprehensively evaluate quantitative and qualitative aspects of digital rights and inclusion in the country.

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Introduction

Tunisia, a North African nation of approximately 12 million people, embarked on a democratic transition following the 2011 revolution.⁷⁷⁷ However, since 2021, President Saïed's consolidation of power has led to a significant repression of human rights and freedoms as evidenced by the imprisonment of numerous political dissidents, the crackdown on peaceful protests and the growing number of prosecutions against social media users⁷⁷⁸

Tunisia is a signatory to several international human rights treaties, including the International Covenant on Civil and Political Rights⁷⁷⁹ and the African Charter on Human and Peoples' Rights.⁷⁸⁰ On a regional level, in 1983, Tunisia ratified the African Charter on Human and Peoples' Rights, which guarantees individuals the right to receive information as well as the right to express and disseminate information. While these commitments underscore the country's obligations to protect fundamental rights, recent developments have raised concerns about their implementation.

Despite constitutional provisions for the primacy of international treaties, the current political climate has created challenges in upholding these commitments. The tension between democratic principles and authoritarian tendencies has significant implications for Tunisia's digital rights landscape.

Tunisia's score suggests that it is moderately compliant with the Declaration of Principles of Freedom of Expression and Access to Information in Africa.

⁷⁷⁷ Al Jazeera, "Timeline: Tunisia's uprising", Jan 23, 2011, <https://www.aljazeera.com/news/2011/1/23/timeline-tunisias-uprising>.

⁷⁷⁸ Inkyda, "Kais Saïed: jeopardizing rights and freedom", July 2023, <https://inkyfada.com/en/2023/07/27/threats-rights-freedom-kais-saied-tunisia/>

⁷⁷⁹ United Nations Treaties Collection, "International Covenant on Civil and Political Rights", https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf.

⁷⁸⁰ African Union, "African Charter on Human and Peoples' Rights", <https://au.int/en/treaties/african-charter-human-and-peoples-rights>.

Internet access and disruptions:

According to the International Telecommunication Union's ICT Development Index 2024, 73.8% of the Tunisian population uses the Internet, while 57.0% of households have internet access at home. In 2024,⁷⁸¹ the country had a robust mobile network infrastructure, with 99% of the population covered by at least a 3G network and 95% covered by 4G/LTE. This extensive coverage has contributed to a high mobile broadband subscription rate of 85.8 per 100 inhabitants.⁷⁸²

Overall, Tunisia's internet penetration continued to grow, reaching 51.2% for broadband internet and 95.8% for mobile data⁷⁸³, up from 51.5% and 90.7% in 2023, respectively.⁷⁸⁴ International bandwidth capacity has also increased from 1780 Gbps in 2023 to 2050 Gbps in 2024.⁷⁸⁵ Data traffic reached a significant milestone of 97,807 TB in July 2024, with smartphones accounting for a substantial 87.4% of total traffic.⁷⁸⁶ While ADSL technology still dominates the fixed data market, with 70.8% of data traffic in the first quarter of 2024, fibre optic technology is gaining traction, increasing from 12.8% to 13.9% of data traffic during the same period.⁷⁸⁷

According to Ookla's Speedtest Global Index released in September 2024, Tunisia's average mobile download speed increased from 25.06 Mbps in 2023 to 26.17 Mbps in 2024. However, the average upload speed decreased slightly from 15.50 Mbps to 14.60 Mbps. For fixed broadband, both download and upload speeds saw significant improvements. Download speeds increased from 8.65 Mbps to 10.90 Mbps, while upload speeds jumped from 2.02 Mbps to 3.86 Mbps, ranking 149th globally.⁷⁸⁸

A notable development in 2024 was the completion of the connection of all Tunisian schools to fibre optic networks, as announced by the Minister of Communication Technologies in November.⁷⁸⁹ The national education network, "Edunet 10," was launched in 2023 to connect 3,307 educational institutions and 1.5 million students to high-speed fibre optic internet, backed by a budget exceeding 132 million Tunisian dinars (over 43 million US dollars). This project contributes to developing the national digital infrastructure, expanding the high-flow fibre optic network, thus enhancing service quality and meeting the Ministry of Education's digital service requirements.⁷⁹⁰

As part of implementing the national plan for adopting 5G technologies and IoT systems, Tunisia transitioned to the sixth version of the Internet Protocol. The adoption of IPv6 addresses surpassed 17% by November 2024, marking the highest percentage in the North African region and the third in Africa.⁷⁹¹ The Ministry of Communication Technologies granted permission for the three main telecommunications companies to conduct tests preceding the official commercial launch of 5G service, now postponed until 2025.⁷⁹² In September 2024, the three operators officially submitted their applications for obtaining a 5G license.⁷⁹³

781 International Telecommunication Union (ITU), "ICT Development Index 2024", https://www.itu.int/hub/publication/D-IND-ICT_MDD-2024-3/ (Accessed on 15 November 2024)

782 International Telecommunication Union (ITU), "ICT Development Index 2024", https://www.itu.int/hub/publication/D-IND-ICT_MDD-2024-3/ (Accessed on 15 November 2024)

783 INTT, "Tableau de bord trimestriel TR1- 2024", <https://www.intt.tn/upload/files/Rapport-TR1-2024.pdf> (Accessed on 15 November 2024)

784 INTT, "Tableau de bord trimestriel TR1- 2023", <https://www.intt.tn/upload/files/Rapport-TR1-2023.pdf> (Accessed on 15 November 2024)

785 INTT, "Tableau de bord trimestriel TR1- 2024", <https://www.intt.tn/upload/files/Rapport-TR1-2024.pdf> (Accessed on 15 November 2024)

786 INTT, "Tableau de Bord Mensuel Data Mobile", July 2024, https://www.intt.tn/upload/files/TB4_Data-Mobile -07-2024.pdf (Accessed on 15 November 2024)

787 INTT, "Tableau de Bord Mensuel Data Fixe", July 2024, https://www.intt.tn/.../files/TB3_Data-Fixe%20-07-2024.pdf (Accessed on 15 November 2024)

788 Speedtest Global, "Tunisia," <https://www.speedtest.net/global-index/tunisia> (Accessed on 15 November 2024)

789 La Presse, "Tunisie : Le raccordement des écoles à la fibre optique achevé d'ici fin novembre", November 2024, <https://lapresse.tn/2024/11/07/tunisie-le-raccordement-des-ecoles-a-la-fibre-optique-acheve-dici-fin-novembre/>

790 Mosaïque FM, "Internet haut débit: Lancement du projet Edunet 10", March 11, 2023 <https://www.mosaiquefm.net/amp/fr/actualite-high-tech-tunisie-monde/1143299/internet-haut-debit-lancement-du-projet-edunet-10>

791 APNIC, "Use of IPv6 for Tunisia (TN)", <https://stats.labs.apnic.net/ipv6/TN?o=cXBw30x1r1>

792 Mosaïque FM, "Nizar Ben Neji : La 5G déployée en 2024", Mosaïque FM, November 28, 2023, <https://www.mosaiquefm.net/amp/fr/actualite-high-tech-tunisie-monde/1215096/nizar-ben-neji-la-5g-deployee-en-2024>

793 African Manager, «5G : Les 3 opérateurs déposent officiellement leurs dossiers», September 23, 2024, <https://africanmanager.com/5g-les-3-operateurs-deposent-officiellement-leurs-dossiers/>

Freedom of Expression

In 2024, Tunisia witnessed a notable decline in freedom of expression online. The year began with the arrest of prominent political figures but soon expanded to include journalists, activists, and even social media influencers. This broadening crackdown has been accompanied by the strategic use of various legal instruments, including the counterterrorism law, the penal code, the military justice code and specific decrees like Decree Law 2022-54.⁷⁹⁴⁷⁹⁵

The National Syndicate of Tunisian Journalists (the Syndicate) documented a surge in attacks, with 224 incidents reported between October 15, 2023, and October 15, 2024. The monitoring unit of the syndicate recorded 37 cases of judicial prosecution outside the framework of Decree 115 which regulates the freedom of the press, printing and publishing.⁷⁹⁶

In particular, Decree Law 2022-54 has been used in silencing dissent, with several journalists and activists facing prosecution and imprisonment for their online activities. The decree restricts freedom of opinion and expression and prescribes prison terms of up to 10 years for disseminating false news, among other speech-related offences. National human rights groups have urged the Tunisian Parliament to reject Decree-Law 2022-54 and have called for a national campaign to suspend its application.⁷⁹⁷

In July 2024, journalist Mourad Zeghidi was sentenced by the appeal court of Tunis to eight months in prison for defamation and spreading false news charges under Decree-Law 2022-54 after he expressed solidarity with an imprisoned journalist on social media.⁷⁹⁸ A military court sentenced blogger Nasreddine El-Halimi to seven years in prison – five as a suspended sentence – under Decree Law 2022-54 and the code of military justice for three social media posts, one of which called for protests.⁷⁹⁹

Social media users, including those living abroad, were also prosecuted under the counterterrorism law and penal code. The judicial counter-terrorism pole issued arrest warrants against Tunisians residing abroad, including blogger Anis Ben Daou, after examining posts and video clips they published, which the Public Prosecution considered to be aimed at spreading chaos and terror among citizens and disrupting the electoral process. Ben Daou was sentenced in October 2024 to 10 years imprisonment for defamation charges.⁸⁰⁰ The investigating judges presiding over this case have issued international arrest warrants for all parties involved including Ben Daou.⁸⁰¹

The latter part of 2024 witnessed a concerning trend of arrests and prosecutions targeting non-political content creators and social media influencers, often based on charges of “public indecency” and “breach of morality.” This crackdown was intensified following a statement by the Minister of Justice on October 27, 2024, which singled out TikTok and Instagram as platforms promoting content deemed morally corrupt or contrary to societal values.⁸⁰²

794 Hivos, “Freedom of Expression in Tunisia: Legal Mapping”, <https://hivos.org/document/freedom-of-expression-in-tunisia-legal-mapping/>

795 Decree-Law No. 2022-54 of September 13, 2022, relating to the fight against offenses relating to information and communication systems <https://legislation-securite.tn/latest-laws/decret-loi-n-2022-54-du-13-septembre-2022-relatif-a-la-lutte-contre-les-infractions-se-rapportant-aux-systemes-dinformation-et-de-communication/>

796 SNJT, “8th Annual Report on the Safety of Journalists”, November 2024, <https://protection.snjt.org/المجلس الوطني للحرية والتعبير عن الرأي/البيان السنوي الثامن لجمعية تونس للحرية والتعبير عن الرأي>

797 Article 19, “Tunisia: Government must drop policy of undermining press freedom”, Article 19, April 11, 2023, <https://www.article19.org/resources/tunisia-government-drop-policy-of-undermining-press-freedom/>

798 Mosaïque FM, “Affaire Mourad Zghidi: La peine réduite à huit mois...”, July 30, 2024, <https://www.mosaïquefm.net/fr/actualite-national-tunisie/1297073/affaire-mourad-zghidi-la-peine-reduite-a-huit-mois>

799 Business News, “La peine prononcée contre le blogueur Nasreddine Halimi allégée en appel”, June 6, 2024, <https://www.businessnews.com.tn/la-peine-prononcee-contre-le-blogueur-nasreddine-halimi-allegee-en-appel.520,138477,3>

800 Tunisie Numerique, “Tunisia – 10 years in prison for admin of Facebook page”, October 3, 2024, <https://news-tunisia.tunisienumerique.com/tunisia-10-years-in-prison-for-admin-of-facebook-page/>

801 Mosaïque FM, “International arrest warrants against Zenaidi, Bouchlaka, Ben Daou and Badida”, October 2024, <https://www.mosaïquefm.net/ar/%D8%AA%D9%88%D9%86%D8%B3-%D9%88%D8%B7%D9%86%D9%8A%D8%A9/1322447/%D8%A8%D8%B7%D8%A7%D9%82%D8%A7%D8%AA-%D8%AC%D9%84%D8%A8-%D8%AF%D9%88%D9%84%D9%8A%D8%A9-%D9%81%D9%8A-%D8%AD%D9%82-%D8%A7%D9%84%D8%B2%D9%86%D8%A7%D9%8A%D8%AF%D9%8A-%D9%88%D8%A8%D9%88%D8%B4%D9%84%D8%A7%D9%83%D8%A9-%D9%88%D8%A8%D9%86-%D8%B6%D9%88-%D9%88%D8%A8%D8%AF%D9%8A%D8%AF%D8%A9>

802 Facebook page, Statement, Ministère De La Justice-Tunisie, October 27, 2024, <https://www.facebook.com/photo/?fbid=944622251031799&set=a.252244646936233>

Individuals with significant followings on social media platforms, particularly women and members of the LGBTQIA+ community, became targets of online harassment, defamation, and incitement campaigns.⁸⁰³ Many were subsequently arrested and sentenced to up to 5 years of imprisonment under Articles 226 and 226 bis of the penal code, which criminalise “public indecency” and “breach of morality”.^{804 805}

Data Protection and Privacy

Tunisia’s legal framework includes provisions for privacy and data protection enshrined in the 2022 Constitution⁸⁰⁶ and the 2004 Personal Data Protection Law.⁸⁰⁷ Despite these legal safeguards, Tunisians’ privacy rights continue to face vulnerabilities.

The 2004 Personal Data Protection Law is outdated and does not effectively address the technological advancements and new challenges related to personal data, including the specificity of biometric data. Its numerous shortcomings, particularly in safeguarding privacy, grant the public authorities undue power over personal data, undermining citizens’ fundamental rights.⁸⁰⁸

The prolonged state of emergency, renewed in January 2024,⁸⁰⁹ grants government agencies extensive powers to access electronic devices without judicial oversight. This has led to concerns about the surveillance of individuals, particularly those perceived as critical of the government.⁸¹⁰ Additionally, Decree-Law 2022-54, enacted in late 2022, further eroded privacy rights. Notably, it allows law enforcement agencies to access extensive personal data without a judicial warrant and mandates telecommunications providers to retain user data for extended periods.⁸¹¹

Civil society organisations have documented instances where the mobile phones of opposition politicians and activists have been seized and their communications monitored without proper legal authorisation.^{812,813} This has raised concerns about the extent of government surveillance to target individuals and suppress dissent. In March 2024, the defense team of Meriem Sassi, a political activist, accused authorities of monitoring Sassi’s social media conversations with her

803 Fédération internationale pour les droits humains, “Tunisie : nouvelles attaques et actes d’intimidation contre DAMJ et ses membres”, October 10, 2024, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/tunisie-nouvelles-attaques-et-actes-d-intimidation-contre-damj-et-ses>.

804 Tunisie Numerique, “Tunisie : cinq ans de prison pour quatre créatrices de contenu et influenceuses Instagram”, November 8, 2024, <https://www.tunisienumerique.com/tunisie-cinq-ans-de-prison-pour-quatre-creatrices-de-contenu-et-influenceuses-instagram/>

805 Le Figaro, “Tunisie : accusée d’avoir publié des contenus obscènes, une instagrameuse condamnée à quatre ans et demi de prison”, Octobre 31, 2024, <https://www.lefigaro.fr/flash-actu/tunisie-accusee-d-avoir-publie-des-contenus-obscenes-une-instagrameuse-condamnee-a-quatre-ans-et-demi-de-prison-20241031>.

806 The Constitution of the Tunisian Republic of July 25, 2022, <https://legislation-securite.tn/latest-laws/decret-presidentiel-n-2022-691-du-17-aout-2022-portant-promulgation-de-la-constitution-de-la-republique-tunisienne/>

807 Law No. 2004-63 of July 27, 2004, relating to the protection of personal data, <https://legislation-securite.tn/latest-laws/loi-organique-n-2004-63-du-27-juillet-2004-portant-sur-la-protection-des-donnees-a-caractere-personnel/>.

808 Nawaat, 3Journée internationale de protection des données personnelles : En Tunisie, c’est toujours l’inertie!, Jan 2015, <https://nawaat.org/2015/01/29/journee-internationale-de-protection-des-donnees-personnelles-en-tunisie-cest-toujours-linertie/>.

809 Al Sharq al awsat, “Tunisia Extends State of Emergency until Dec. 31”, January 30, 2024, <https://english.aawsat.com/ar-ab-world/4823346-tunisia-extends-state-emergency-until-dec-31>

810 Amnesty International, “Tunisia Repressive state of emergency bill a threat to human rights,”, March 15, 2019, <https://www.amnesty.org/en/latest/news/2019/03/tunisia-repressive-state-of-emergency-bill-a-threat-to-human-rights/>.

811 “Decree n° 2022-54 relating to the fight against crimes related to information and communication systems,” , <https://legislation-securite.tn/latest-laws/decret-loi-n-2022-54-du-13-septembre-2022-relatif-a-la-lutte-contre-les-infractions-se-rapportant-aux-systemes-dinformation-et-de-communication/>

812 Kapitalis, “Tunisie : Qui a utilisé le smartphone de Chaima Issa”, April 2023, <https://kapitalis.com/tunisie/2023/04/24/tunisie-qui-a-utilise-le-smartphone-de-chaima-issa-apres-sa-saisie/> and Webso, “Ennahda met en garde contre l’utilisation du téléphone de Rached Ghannouchi”, May 2023, <https://www.webdo.tn/fr/actualite/national/ennahda-met-en-garde-contre-l-utilisation-du-telephone-de-rached-ghan-nouchi/205704>.

813 Women Journalists without chains, “Statement of Condemnation by Women Journalists Without Chains”, December 12, 2024, <https://www.wjwc.org/news-en/statement-of-condemnation-by-women-journalists-without-chains/>.

lawyer, infringing upon her legal and privacy rights.⁸¹⁴ Subsequently, she was sentenced to eight months imprisonment under Article 20 of Decree 2022-54 on the grounds that she had changed her Facebook password after receiving a security alert from Meta, an action interpreted as impeding information systems.⁸¹⁵⁸¹⁶

The arbitrary arrest and prosecution of activists based on the content found on their phones underscores the deterioration of digital rights. The cases of Dhia Hamdi and Adam Hammami exemplify how digital evidence can be used to silence critical voices. In September 2024, Dhia Hamdi and Adam Hammami, two Tunisian students and activists, were arrested and their phones confiscated. The authorities subsequently charged them with committing an obscene act against the President of the Republic, citing graffiti images found on their phones and on the basis of Article 67 of the Penal Code, which criminalizes obscene offences against the President of the Republic, with a penalty of three years imprisonment or a fine of 240 dinars.⁸¹⁷

In March 2024, the Tunisian Parliament passed two controversial bills that would introduce biometric national identification cards and passports. Civil society organisations expressed concerns regarding the potential misuse of personal data, especially in light of the proposed centralised database of biometric data, which would be under the control of the Ministry of the Interior.⁸¹⁸ They cite concerns about the possibility of data breaches exposing sensitive personal information, the potential for public authorities to misuse the data for surveillance or repression, and the lack of sufficient legal and regulatory frameworks to prevent these harms and provide redress for individuals.⁸¹⁹

Tunisia's accession to the Council of Europe's Convention on Cybercrime in March 2024 could have implications for international cooperation in cybercrime investigations.⁸²⁰ However, it is crucial to ensure that such cooperation respects human rights and privacy.

Censorship and content moderation

In the lead-up to and during the 2024 presidential elections, government institutions, including the Independent High Authority for Elections (ISIE), pressured media outlets to conform to a specific narrative and avoid critical reporting.

Independent news outlets like Nawaat have been targeted for critical reporting. In February 2024, Nawaat received a notice from the ISIE to remove an article discussing the judiciary's role in politicised arrests. The ISIE claimed the article violated electoral rules and could influence voters.⁸²¹ The journalists' syndicate denounced the ISIE's interference and announced the suspension of its

814 Business News, "Meriem Sassi laissée en liberté", October 5, 2024, <https://www.businessnews.com.tn/meriem-sassi-laissee-en-liberte,520,132528,3> and <https://www.cfjustice.org/tunisia-lawyer-alleges-state-surveillance-of-defense-discussions-in-human-rights-defender-mariam-sassis-case/>

815 Interview With Meriam Sassi's lawyer Nafaa Ghribi, Panorama Tunisie Facebook page, May 2, 2024, <https://www.facebook.com/61555419999964/videos/1664545704084534/>

816 Business News, "PDL - Le comité de défense fera appel de la condamnation de Meriem Sassi", June 20204, <https://www.business-news.com.tn/article,544,138365,3>.

817 Committee for Justice, "Tunisia: CFJ observes trial of 2 Tunisian activists due to anti-normalization activities ", November 8, 2024, <https://www.cfjustice.org/tunisia-cfj-observes-trial-of-2-tunisian-activists-due-to-anti-normalization-activities/>

818 Access Now, "Eight years in the making: Tunisia's controversial Biometric ID and Passport Bills risk rights", Access Now, March 7, 2024, <https://www.accessnow.org/press-release/tunisia-biometric-id-passport-bills-passed/>

819 Access Now, "Tunisia: Statement on Proposed National ID Card", January 2023, <https://www.accessnow.org/press-release/tunisia-statement-proposed-national-id-card/>.

820 "Tunisia becomes the 70th Party to Convention on Cybercrime", Council of Europe, March 8, 2024, https://www.coe.int/en/web/cybercrime/-/tunisia-becomes-the-70th-party-to-convention-on-cybercrime?fbclid=IwAR3QD_v4JqkzJkDk6V04f8hQd6FaNG77lgPw698Y5xTVTH2dEZQ0ecYWslW

821 "تقديم الال تاسسؤملا ىلع قىيىضتلاو نييفحصلا لىسره يف ريظخ جرعنم", Nawaat, February 7, 2024, <https://nawaat.org/2024/02/07/%d9%85%d9%86%d8%b9%d8%b1%d8%ac-%d8%ae%d8%b7%d9%8a%d8%b1-%d9%81%d9%8a-%d9%87%d8%b1%d8%b3%d9%84%d8%a9-%d8%a7%d9%84%d8%b5%d8%ad%d9%81%d9%8a%d9%8a%d9%86-%d9%88%d8%a7%d9%84%d8%aa%d8%b6%d9%8a%d9%8a%d9%82/>

in 2018, concrete policy advancements have been limited.⁸³⁰ The 2004 Personal Data Protection Law⁸³¹ applies to the automated processing, as well as the non-automated processing of personal data.

Tunisia's position in the Global Innovation Index slipped from 79th in 2023 to 81st in 2024, indicating a slight decline in its innovation performance.⁸³² However, there were some positive developments, particularly in the field of AI education and research. The Minister of Higher Education and Scientific Research announced, in April 2024, the establishment of the first Tunisian Institute dedicated to artificial intelligence at the University of Tunis. This initiative aims to cultivate a skilled workforce and foster innovation in AI.⁸³³

Tunisia still faces challenges in fully harnessing the potential of emerging technologies. To accelerate its technological advancement, the country needs to invest in research and development, and create a favourable regulatory environment for innovation.

Digital inclusion

Tunisia's Universal Service Fund (USF), established in 2001 and subsequently amended, mandates telecom operators to contribute a portion of their revenue to support universal service initiatives, including internet access.⁸³⁴ While the fund aims to bridge the digital divide, its implementation has faced challenges.

Despite efforts to develop a comprehensive universal service policy, progress has been limited.⁸³⁵ The government has collected a 1% telecoms fee for 'universal service development' since 2001, but has failed to provide consistent and transparent information on how these funds are utilised.⁸³⁶ To address the digital divide, the government has pursued alternative strategies, such as the "white zones" initiative to extend internet coverage to remote areas and the "Edunet 10" project to connect educational institutions.

Regarding affordability, Tunisia ranked 10th cheapest in Africa for mobile data in Q3 2024, with average monthly costs of USD 1.47 per GB.⁸³⁷

This year also marks the second year since the introduction of the mobile ID project, the national digital identity project.⁸³⁸ This project enables citizens to access documents and administrative services remotely such as the acquisition of birth certificates and the enrollment in public universities. In February 2024, a new service was introduced to facilitate the issuance of mobile IDs for Tunisians residing abroad.⁸³⁹ As of December 2024, the Ministry of Communication Technologies reported that over 120,000 mobile IDs were issued.⁸⁴⁰ Although current enrollment

830 Agence Nationale de la Promotion de la Recherche Scientifique, "National AI Strategy: Unlocking Tunisia's Capabilities Potential," September 2018, <https://www.anpr.tn/national-ai-strategy-unlocking-tunisia-capabilities-potential/>

831 Law No. 2004-63 of July 27, 2004, relating to the protection of personal data, <https://legislation-securite.tn/latest-laws/loi-organique-n-2004-63-du-27-juillet-2004-portant-sur-la-protection-des-donnees-a-caractere-personnel/>.

832 Global Innovation Index, "Tunisia ranking in the Global Innovation Index 2024", <https://www.wipo.int/gii-ranking/en/tunisia>

833 Entreprise Magazine, "Le premier Institut d'intelligence artificielle verra le jour dans quelques mois en Tunisie", April 2024, <https://www.entreprises-magazine.com/le-premier-institut-dintelligence-artificielle-verra-le-jour-dans-quelques-mois-en-tunisie/>

834 Arrêté du ministre des technologies de l'information et de la communication du 30 décembre 2013, fixant la liste des services universels des télécommunications. https://www.intt.tn/upload/bts/fr/arr%C3%AAt%C3%A9_du_ministre_des_techologies_du_30_d%C3%A8cembre_2013_fixant_la_liste_des_services_universels.pdf (accessed on December 17, 2024).

835 INT 'workshop «pour l'élaboration d'une politique de service universel des télécommunications en tunisie»' <http://www.intt.tn/fr/index.php?typeactu=89&actu=538> (accessed on December 17, 2024).

836 THD, "GSMA issues critical opinion on draft Digital Code", October 2018, <https://www.thd.tn/la-gsma-donne-un-avis-critique-sur-le-projet-du-code-du-numerique/> (accessed on December 17, 2024).

837 Research ICT Africa, "RAMP index insights: Quarter 3, 2024", November 12, 2024, <https://researchictafrica.net/2024/11/12/2024-q3-ramp-index-insights/> (accessed on December 17, 2024).

838 MTC, "MTC circular," June 2022, https://www.mtc.gov.tn/fileadmin/user_upload/circulaire_mobile_id.pdf. (accessed on December 17, 2024).

839 RTCI, "Les Tunisiens à l'étranger commencent à obtenir leurs identités numériques", February 10, 2024, <http://www.rtc.tn/les-tunisiens-letranger-commencent-obtenir-leurs-identites-numeriques/#:~:text=Les%20Tunisiens%20%C3%A0%20l'%C3%A9tranger%20ont%20commenc%C3%A9%20vendre%20des%20documents%20de%20v%C3%A9hicule%20et> (accessed on December 17, 2024).

840 MTC, "Mobile ID", <https://www.mobile-id.tn/accueil#chiffres> (accessed on December 17, 2024).

figures for digital IDs remain limited, the Ministry of Communication Technologies is increasingly introducing additional services, such as those provided by the National Health Insurance Fund⁸⁴¹, the Ministry of Education, and Universities⁸⁴², that could increase their uptake in the future.

Conclusion

The findings presented in this report point to Tunisia's commendable progress in enhancing internet connectivity, strengthening cybersecurity, and implementing innovative digital services. However, concerns raised by civil society regarding transparency, online freedoms and privacy underscore the need for a careful and balanced approach. While advancements in digital inclusion showcase Tunisia's commitment to progress, challenges related to declining freedom of expression highlight the importance of safeguarding individual rights.

Recommendations

Government should:

- **Strengthen Digital Rights Protection:** Prioritise legislative initiatives that uphold human rights principles and safeguard the freedoms enshrined in the Tunisian Constitution.
- **Enhance Transparency and Accountability:** Implement an open communication plan that guarantees transparency and upholds citizens' right to access information. Publish comprehensive reports on the Universal Fund's activities and funded projects.
- **Cease Unjustified Prosecutions:** Refrain from referring journalists on state security charges outside the legal framework governing the profession.
- **Accountability for Assaults:** Conduct thorough investigations into incidents involving assaults on journalists by public agents and ensure accountability.
- **Reform Data Protection Laws:** Prioritise human rights in all digital reforms and modernise existing data protection laws.
- **Review Restrictive Laws:** Revise legal measures like Decree-Law No. 2022-54 to align with international standards for freedom of expression. Implement safeguards to protect journalists and internet users from unwarranted prosecutions.
- **Establish robust governance frameworks:** Develop and implement clear regulations and guidelines for the development and use of AI, addressing potential risks and ensuring responsible innovation.

Civil Society Organisations should:

- **Advocate for Digital Rights:** Continue advocating against laws and decrees that threaten digital rights.
- **Promote Privacy Awareness:** Conduct public awareness campaigns to educate citizens about their right to privacy.
- **Demand Transparency:** Advocate for transparency in digital policies and project implementation.
- **Foster Digital Literacy:** Contribute to promoting digital literacy and cybersecurity awareness among the public.

841 Managers, "E-CNAM est désormais disponible", June 1, 2024, <https://managers.tn/2024/06/01/e-cnam-est-desormais-disponible/> (accessed on December 17, 2024).

842 L'economiste Maghrébin, "Les étudiants ont la possibilité d'utiliser E-Houwiya pour s'inscrire en ligne à partir de l'année universitaire 2024-2025", August 23, 2024, <https://www.leconomistemaghrebin.com/2024/08/23/etudiants-ont-possibilite-dutiliser-e-houwiya-pour-sinscrire-en-ligne-a-partir-de-annee-universitaire-2024-2025/> (accessed on December 17, 2024).

Private sector should:

- Uphold Ethical Standards: Adhere to data protection principles and human rights in all operations.
- Ensure Data Privacy: Implement robust data protection measures to safeguard user information.
- Promote Digital Inclusion: Contribute to initiatives that promote digital literacy and access for marginalised groups.

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	5	No recorded disruption of access to the internet and other digital technologies
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	3	While the promotion of universal, equitable, affordable and meaningful access to the internet is stated in some laws such as the telecommunication code and policies such as the National Strategic Plan for the ICT sector, there are still gaps such as the non-existence of a comprehensive universal service policy.
False News Criminalisation	P22(2)	1	Several legal texts including penal code and Decree 2022-54 do criminalise publication of false news with prison sentences and fines. Examples: Article 24 of Decree 2022-54 mandates up to ten-year prison terms to punish the use of communications networks to “produce, spread, disseminate... false news” or to “slander others, tarnish their reputation, financially or morally harm them”.
Sedition Legislation	P22(2)	1	Several legal texts including penal code and Decree 54 do criminalise sedition with prison sentences and fines
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	In 2024, Tunisia witnessed a growing number of prosecutions and prison sentences against journalists, HRDs and citizens for online activity. Media outlets faced increasing pressure in the lead-up to the presidential election, including revocation of accreditation and restrictions on journalist access.
Data Protection Legislation.	P42	3	The 2004 data protection law is considerably outdated.
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	4	Formal cases of content removal and blocking are mostly transparent, and the decisions can be appealed through the courts.
Invasion of Privacy of Communications	P41	2	Current legal texts, such as Decree 54 and the state of emergency law, fail to comply with international human rights standards. Concerns include the absence of adequate procedural safeguards, such as notification of surveillance and the right to appeal.

Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	While most governmental agencies have websites and social media accounts, some of them don't update or disclose information regularly. see access to information section
AI and Emerging Technologies national strategies	P39(6)	3	While Tunisia has a data protection law, it is considered outdated and no specific policies have been communicated regarding emerging tech
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	4	Tunisia's laws, including the Personal Data Protection law and the Child Protection Code, aim to protect children online, but face implementation gaps.
Digital Inclusion	P37(3)	4	see digital inclusion section.
TOTAL (up to 60)		34	Moderately compliant

