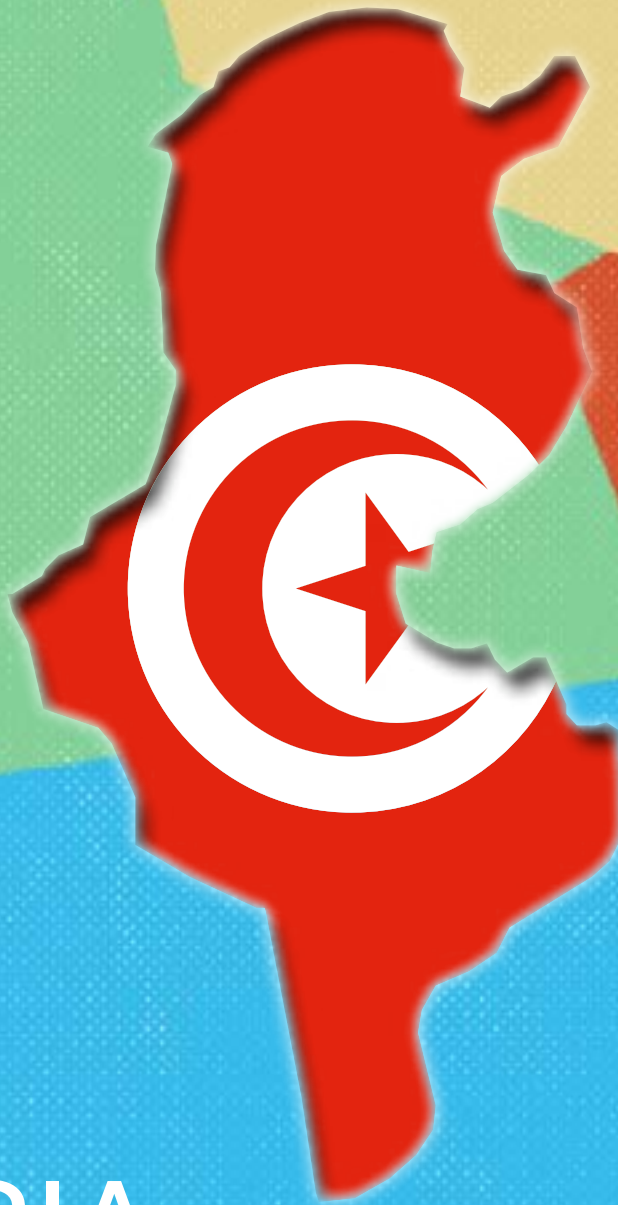


# LONDA 2023

DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT



TUNISIA

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# Tunisia

## EXECUTIVE SUMMARY

This report assesses Tunisia's digital landscape, highlighting advancements and challenges in internet access, freedom of expression, privacy, and cybersecurity. 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. In 2023, Tunisia witnessed notable progress in expanding internet access and connectivity projects, including initiatives like the national education network, satellite internet trials, and efforts to bridge connectivity gaps in underserved areas. Simultaneously, advancements in public digital services facilitated remote access to administrative services. Despite this notable progress in connectivity and digital transformation projects, concerns arise over declining freedom of expression and potential privacy infringements. Therefore, it is recommended that the government prioritise transparency, fortify data protection frameworks, and uphold freedom of expression. In addition, fostering digital literacy and collaborative efforts between different stakeholders

in cybersecurity are crucial. Civil society is urged to advocate for privacy rights and data protection and promote digital literacy to empower citizens in navigating the evolving digital environment. Overall, this country report provides an overview of the advancements, challenges, and tensions in Tunisia's digital rights landscape.

# Introduction

As of 2023, Tunisia, the North African country home to a population of 12 million, continues its digital journey, reporting an internet penetration of 79%.<sup>938</sup> By the end of the second trimester of 2023, the mobile data penetration rate reached 93.5%.<sup>939</sup> As per the National Telecommunications Authority (INT), 99.9% of the Tunisian population is covered by mobile network coverage, utilising fourth-generation (4G), third-generation (3G), or second-generation (2G) technologies. Notably, the 4G network extends its reach to 94.9% of the population.<sup>940</sup> This report aims to capture the evolving dynamics, achievements, and challenges that define Tunisia's digital landscape in 2023.

938 Simon Kemp, "Digital 2023: Tunisia," Data Reportal, February 14, 2023, <https://datareportal.com/reports/digital-2023-tunisia?rq=Tunisia>.

939 INTT, "Tableau de bord trimestriel TR2- 2023", INTT, 2023, <http://www.intt.tn/upload/files/Rapport-TR2-2023.pdf>

940 INTT, "Revue Internationale des Télécommunications Positionnement international de la Tunisie en 2020 [International Telecommunications Review Tunisia's international positioning in 2020]," INTT, 2020, <http://www.intt.tn/upload/files/RIT-2020.pdf>.

## Country Analysis

### Internet access and disruptions:

Tunisia has a relatively high internet penetration rate compared to other countries. However, it is important to note that there are still disparities in internet access within the country. According to a survey on digital inclusion in Tunisia conducted by the United Nations Development Programme (UNDP), while both genders surveyed show very similar scores across the user population, the level of digital inclusion differs the most between individuals according to their level of education, age, and household income as well as geographical habitation.<sup>941</sup> Following the national strategic plan “Digital Tunisia 2021-2025”, various regulatory measures and infrastructure projects have been initiated to enhance internet connectivity throughout Tunisia.

In October 2023, a three-month trial period commenced following an agreement between the Tunisian National Frequency Agency and American SpaceX. This agreement allowed SpaceX to provide internet services via satellite in three governorates.<sup>942</sup> This undertaking aligns with pursuing technical solutions to deliver high-speed internet services to areas lacking terrestrial communication networks. Although satellite internet services are already accessible to certain economic institutions in remote locations, such as oil and industrial companies in desert areas, expanding public access can narrow the digital gap between regions.<sup>943</sup>

Further endeavours to connect remote areas involved extending the coverage of the “white zones” project to an additional 112 counties, as announced by the Ministry of Communication Technologies in January 2023. The initial phase, concluded in April 2022, connected 164 schools, 59 basic health centres, and 180,000 inhabitants across 94 underserved areas to the telephone and internet network.<sup>944</sup>

The national education network, “Edunet 10,” was also 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 initiative will contribute to developing the national digital infrastructure, expanding the high-flow fibre optic network by approximately 10%, thus enhancing service quality and meeting the Ministry of Education’s digital service requirements.<sup>945</sup>

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 use of IPv6 addresses surpassed 7% by the year-end, marking the highest percentage in the North African region.<sup>946</sup> The Ministry of Communication Technologies granted permission for the three main telecom companies

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941 UNDP, “Indice d’inclusion numérique de la Tunisie – PNUD et MTC (2023) 3 / 196”, [https://www.undp.org/sites/g/files/zsk-gke326/files/2023-03/IIN\\_Full.pdf](https://www.undp.org/sites/g/files/zsk-gke326/files/2023-03/IIN_Full.pdf)

942 Mosaïque FM, “Internet par “Starlink” en Tunisie...”, Mosaïque FM, September 29, 2023 <https://www.mosaiquefm.net/amp/fr/actualite-high-tech-tunisie-monde/1194601/internet-par-starlink-en-tunisie>

943 Ministère des Technologies de la Communication, Press release, Facebook, October 2, 2023 <https://www.facebook.com/MinistereICTD/posts/pfbid02HEzr1FtfE7wsSontDsBhFukCv38PU6cYf8XUCWUZsEwpsg3oS44u52frdh6pdcRbl>

944 Agence Ecofin, “Tunisie : le ministère des Télécoms a engagé la seconde phase du projet de « couverture des zones blanches »”, January 31, 2023 <https://www.agenceecofin.com/telecom/3101-105021-tunisie-le-ministere-des-telecoms-a-engage-la-seconde-phase-du-projet-de-couverture-des-zones-blanches>

945 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>

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

to conduct tests preceding the official commercial launch of 5G service, now postponed until 2024.<sup>947</sup> Regarding affordability, Tunisia ranks 119 out of 237 countries for mobile data costs, with an average price of \$1.28 for 1GB of data.<sup>948</sup>

## Online Freedom of Expression

Tunisia has experienced a notable decline in freedom of expression over the past few years. In 2023, both human rights organisations and the UN High Commissioner for Human Rights expressed apprehension regarding the erosion of freedom of expression in Tunisia.<sup>949</sup> Despite calls from civil society groups urging the implementation of Decree Law 115 on freedom of the press, which aligns more closely with international standards, convictions, arrests, and prosecutions against journalists, as well as social media users, persistently rely on provisions from the Criminal Code, the Telecommunications Code, and Decree-Law No. 2022-54.

In May 2023, journalist Khalifa Guesmi received a five-year prison sentence from a Tunis appeals court for an article reporting the arrest of a group of terrorism suspects published on Mosaique FM's website. This sentence represents the longest prison term ever issued against a journalist concerning their profession since independence, as reported by the National Union of Tunisian Journalists.<sup>950</sup> Numerous social media users and critics of authorities have also faced prosecution under Decree-Law No. 2022-54, which prescribes prison terms of up to 10 years for disseminating false news, among other speech-related offences. According to the National Union of Tunisian Journalists, there are currently over 20 ongoing trials against journalists based on Decree-Law No. 54 since its adoption in September 2022.<sup>951</sup> National human rights groups have urged the Tunisian Parliament to reject Decree-Law No. 54 and have called for a national campaign to suspend its application.<sup>952</sup>

Efforts to intimidate dissenters and online critics are pervasive. In February 2023, Nouredine Boutar, the Director of Mosaique FM, a private radio station with a prominent online presence, faced extensive questioning about the outlet's funding and editorial stance when being apprehended on charges of money laundering and detained for over three months before being released on bail and subjected to a travel ban.<sup>953</sup> In September 2023, cartoonist Taoufik Omran was arrested for interrogation after publishing two satirical cartoons of the Head of government on his Facebook page.<sup>954</sup>

In addition to prosecutions and arrests, critics and vulnerable groups have been continuously targeted by defamation and intimidation campaigns online. A study by the UN women on violence against women and girls found that 54 % of women internet users in Tunisia report feeling unsafe

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

948 Cable.co.uk, "Worldwide mobile data pricing: The cost of 1GB of mobile data in 237 countries", <https://www.cable.co.uk/mobiles/worldwide-data-pricing/#speed>

949 Office of the high commissioner for human rights, "Tunisia: Crackdown on media freedoms", ohchr, June 23, 2023, <https://www.ohchr.org/en/press-releases/2023/06/tunisia-crackdown-media-freedoms>

950 Business News, "SNJT : la décision prononcée à l'encontre de Khalifa Guesmi est la plus élevée de l'histoire de la presse tunisienne", Businessnews, May 16, 2023, <https://www.businessnews.com.tn/snjt--la-decision-prononcee-a-lencontre-de-khalifa-guesmi-est-la-plus-elevee-de-lhistoire-de-la-presse-tunisienne,520,129194,3>

951 Zeineb Ben Ismail, "En Tunisie, le décret 54 veut faire taire les voix de l'opposition", Inkyfada, July 2023 <https://inkyfada.com/fr/2023/07/18/decret-54-opposition-tunisie/>

952 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/>

953 AP News, "Tunisian court releases prominent radio director from prison," AP News, May 25, 2023, <https://apnews.com/article/tunisia-radio-director-released-bail-prison-d1aa144a4118086b446a13e671e98a8b>

954 Article 19, "Tunisia: Drop prosecution of cartoonist Taoufik Omran", Article 19, September 25, 2023, <https://www.article19.org/resources/tunisia-drop-prosecution-of-cartoonist-taoufik-omran/>

online.<sup>955</sup> In its annual report, the monitoring unit at the national syndicate of Tunisian journalists documented, from November 2022 to October 2023, 32 instances of attacks targeting journalists in the digital space, which notably included 11 gender-based attacks aimed at inciting and distorting the reputation of female journalists.<sup>956</sup>

## Privacy and Surveillance

The right to privacy and personal data protection are enshrined in Article 30 of the 2022 Constitution and Organic Law 2004-63 on the Protection of Personal Data. Despite these legal safeguards, the privacy rights of Tunisians continue to face vulnerabilities. Throughout the year, the renewal of the state of emergency has empowered government agencies to access electronic devices without the need for a court order.<sup>957</sup> Furthermore, the adoption of Decree-law 2022-54 in late 2022 introduced provisions that threaten the right to privacy. Notably, Article 9 grants law enforcement agencies the authority to access extensive personal data on all electronic devices without requiring a judicial warrant. Additionally, Article 6 of the same decree mandates that telecommunications providers retain, for a minimum period of two years, data about the identification of service users, traffic analysis, communication devices, user geolocation data, and data related to the access and utilisation of value-added protected content.

As the government progresses with various digitisation programs, civil society groups caution against jeopardising the privacy, protection of personal data, and digital security of citizens.

On January 3, 2023, Tunisia's Minister of Trade and Exports announced the development of a digital platform for subsidy compensation.<sup>958</sup> Local associations urged the Tunisian government to postpone the launch of this platform, citing concerns that it does not align with personal data protection laws, potentially impacting the privacy and data protection rights of Tunisians.<sup>959</sup> The Tunisian authorities did not proceed with the launch of the digital platform without providing any official comments. Rights groups have also expressed concerns over the mobile ID project, the first digital national identity project. They specifically criticised the centralised nature of the system, the security of the collected data, and the lack of consultation with civil society.<sup>960</sup>

## Digital ID

It has been over a year since the inauguration of the National Citizen Digital Identity project, marking the initiation of the first digital national identity project designed for citizens through mobile phones. This initiative enables citizens to access documents and administrative services remotely. The project's core objective is to convert SIM cards into identity tools by associating users' national identity card numbers with their phone numbers.<sup>961</sup> As of August 2023, the Ministry

955 Besma Essoussi, "I Now Have the Tools Human Interest Story (Tunisia)", UN Women, December 2, 2023 <https://arab-states.unwomen.org/en/stories/feature-story/2023/12/i-now-have-the-tools#drop1>

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957 Décret Présidentiel n° 2022-73 du 15 février 2022, portant prorogation de l'état d'urgence, <https://legislation-securite.tn/fr/law/105203>

958 "Bientôt : lancement de la plateforme de subventions ciblées", Tuniscope, January 3, 2023, <https://www.tuniscope.com/ar/article/347328/politique/actualites/bientot-lancement-de-la-plateforme-de-subventions-ciblees-160416>

959 Access Now, "Human rights organizations and associations call for the Tunisian government to postpone the launch of digital platform for subsidies compensation", Access Now, February 27, 2023, <https://www.accessnow.org/press-release/tunisia-postpone-digital-platform-for-subsidies-compensation-launch/>

960 Access Now, "Tunisia's digitization programs threaten the privacy of millions", Access Now, April 27, 2023, <https://www.accessnow.org/tunisia-digitalization-programs-threaten-the-privacy-of-millions/>

961 Tunisie numérique 'Tunisia-Launch of digital identity project for citizens' <https://news-tunisia.tunisienumerique.com/tunisia-launch-of-digital-identity-project-for-citizens/>



of Communication Technologies reports that nearly 60,000 civil status documents have been generated for over 50,000 recipients of the digital ID.<sup>962</sup>

Holders of a digital ID gain access to various government services, including acquiring an online birth certificate or facilitating a paperless transfer of vehicle ownership and signing of documents and authentication of electronic transactions and receipts. Additionally, they can establish an official email in the national domain (@tunisie.tn) to communicate with government agencies and public institutions. Furthermore, in April 2023, the electronic wallet and electronic payment card linked to the digital identity were introduced. The electronic wallet allows citizens to conduct payment and withdrawal transactions including to complete administrative processes.<sup>963</sup>

Despite these advancements, civil society groups expressed concerns about the lack of transparency regarding the project's technological and legal aspects, including how data is collected and processed. There are apprehensions about the potential misuse of the project as a tool for privacy invasion in the absence of an updated and enforced data protection framework.<sup>964</sup>

### Data Protection and Cybersecurity:

In 2023, various regulatory measures and legislative projects were enacted to oversee the cybersecurity national ecosystem and redefine the new responsibilities of the National Cyber Safety Agency. Among these enactments is Decree-law 17 of March 11, 2023, which seeks to regulate the field of cybersecurity and delineate the mission of the National Cybersecurity Agency, along with the mechanisms assigned to it for ensuring the security of the national cyberspace within the scope of its attributions.<sup>965</sup> The Agency is now tasked with awarding the “secure” label to each software or electronic equipment upon the request of the developer or importer. The Ministry of Communication Technologies has also released decisions about regulating the procedures and conditions for assigning and revoking the “secure” label. Additionally, it has set technical standards for auditing the integrity of information systems and outlined procedures for monitoring the implementation of recommendations outlined in the audit report. The Ministry has further established procedures and conditions for assigning, renewing, and revoking the “Government Cloud Computing Services provider” (G-cloud) label and the “National Cloud Computing Services provider” (N-cloud) label.

The National Cybersecurity Agency is assigned to publish and regularly update a national software and electronic equipment register that has obtained the “secure” label. All institutions managing digital infrastructures of vital importance are mandated to use software and equipment with the “secure” label, maintain their primary hosting centre, and have a backup centre with a cloud computing service provider that has obtained the label. They must also adhere to measures and procedures ensuring continuity and the protection of sensitive databases during a cyber crisis. Decree-law 17 also outlines various monetary sanctions in case of infractions, such as failing to complete mandatory and periodic security audits of information systems.

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962 Ministère des Technologies de la Communication Facebook page, August 2023 <https://www.facebook.com/watch/?ref=saved&v=641593591044811>

963 WebManager; “E-houwiya : La nouvelle carte de paiement électronique prépayée liée à l'identité numérique”, Webmanager, April 16, 2023, <https://www.webmanagercenter.com/2023/04/16/505938/e-houwiya-la-nouvelle-carte-de-paiement-electronique-prepayee-liee-a-lidentite-numerique/>

964 Access Now, “Tunisia’s digitization programs threaten the privacy of millions”, Access Now, April 27, 2023, <https://www.accessnow.org/tunisia-digitalization-programs-threaten-the-privacy-of-millions/>

965 THD, “Un nouveau décret sur la cybersécurité et l'Ansi change de nom”, THD.tn, March 2023, <https://www.thd.tn/un-nouveau-decret-sur-la-cybersecurite-et-lansi-change-de-nom/>

## Universal Service Fund

The Tunisian regulation governing universal services, introduced in 2001 and amended in 2008 and 2013, defines internet access (minimum 128 kbps) as a universal service.<sup>966</sup> Telecom operators contribute 1% of their revenue to support a Universal Services provision as part of a broader communications development fund. However, the universal service fund isn't managed independently and lacks transparency in its allocation. Despite initiating multistakeholders' consultations in 2015 to develop a specific universal services policy, no progress has been made.<sup>967</sup> The government pursued alternative strategies to expand service access, particularly in rural areas. These projects, often led by the partly state-owned Tunisie Telecom, include the "white zones" initiative for remote internet coverage and "Edunet 10" which focuses on connecting educational institutions.

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966 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/txts/fr/arr%C3%AAt%C3%A9\\_du\\_ministre\\_des\\_tecnologies\\_du\\_30\\_d%C3%A8cembre\\_2013\\_fixant\\_la\\_liste\\_des\\_services\\_universels.pdf](https://www.intt.tn/upload/txts/fr/arr%C3%AAt%C3%A9_du_ministre_des_tecnologies_du_30_d%C3%A8cembre_2013_fixant_la_liste_des_services_universels.pdf) (accessed on March 14, 2023)

967 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 March 14, 2023)

# ▶ Conclusion & Recommendations

## 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 and privacy underscore the need for a careful and balanced approach. While advancements in internet access and cybersecurity regulations showcase Tunisia's commitment to progress, challenges related to declining freedom of expression highlight the importance of safeguarding individual rights.

## Recommendations

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### Government:

- » Authorities must prioritise transparent communication and engage in meaningful consultations with civil society groups and stakeholders. This can help address data protection, privacy, and potential misuse of digital initiatives, fostering a collaborative approach and building trust.
- » Given the growing importance of digital identity projects, the government should work on updating and enforcing robust data protection frameworks. The Parliament is called to enact a new data protection law that respects individuals' rights, ensures the protection of Tunisian citizens' data, and is in compliance with Tunisia's international commitments.
- » The government should further invest in digital literacy programs to ensure citizens can fully benefit from digital services while understanding the associated risks.
- » The government should review and reconsider legal measures, such as Decree-Law No. 2022-54, to ensure they align with international standards for freedom of expression. Safeguards should be in place to protect journalists and internet users from unwarranted prosecutions or convictions, promoting a climate of open discourse.
- » The authorities must dismiss all charges and stop extralegal intimidation used to silence and censor critical voices.
- » Establish, communicate, and enforce a comprehensive national strategy aimed at eliminating violence against women and girls in the digital space.

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**Civil society:**

- » Consolidate joint efforts to oppose the reinforcement of laws and decrees threatening digital rights in the country.
  - » Actively engage in advocacy efforts to raise awareness about privacy rights and data protection issues among citizens.
  - » Civil society groups can contribute to promoting digital literacy and cyber safety awareness among citizens.
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