Tunisia’s Escalating Suppression of Civic Space and Digital Freedoms

Statements · Tunisia · 13 November 2024

HuMENA for Human Rights and Civic Engagement, and CALAM Association are gravely concerned about Tunisia’s escalating clampdown on civic space and digital freedoms. The recent moves by the Tunisian government to prosecute social media influencers and content creators on vaguely defined charges of violating “public morals” represent a disturbing intensification of state control over freedom of expression and a dangerous regression for human rights in Tunisia.

On October 26, 2024, Tunisia’s Minister of Justice, Leila Jaffel, empowered the Ministry of Justice to pursue legal actions against individuals allegedly violating “public morals” on social media platforms, especially TikTok and Instagram. Within days of this announcement, at least five social media influencers were detained, including on charges of “indecency” and “Committing harassment via social media among these content creators Three women, one of whom is pregnant on her fifth birthday, and one transgender.” On October 31, a TikTok influencer was sentenced to four and a half years in prison in a swift and troubling legal process.

On November 5, 2024, the Tunis Primary Court sentenced four content creators to prison terms ranging from one and a half to four and a half years. These convictions have raised serious concerns about freedom of expression, as the individuals were prosecuted for content shared on social media. Such actions risk creating a chilling effect on digital freedom in Tunisia, further silencing critical voices in an already restrictive environment.

These actions are part of a broader governmental crackdown that aligns with Tunisia’s recent downgrade in international human rights indices. According to the CIVICUS Monitor, Tunisia’s civic space rating was downgraded from “obstructed” to “repressed” in March 2023, highlighting a pattern of increased repression. Similarly, the “Freedom in the World 2024” report documented significant setbacks in Tunisia’s political rights and civil liberties, underscoring the government’s consolidation of power and intensified restrictions on dissenting voices.

The Tunisian government’s use of Articles 226 and 226 bis of the Penal Code, expanded to cover digital content, signals a deeply concerning trend. These articles criminalize acts deemed to “offend public morals or decency” with no clear definitions or limitations. This lack of clarity allows the authorities significant leeway in interpreting what constitutes a breach, creating substantial risks of arbitrary arrests, excessive punishment, and selective enforcement. The recent crackdown on these articles has already led to detentions and harsh sentences for those who use digital platforms to engage their communities or express personal views.

The swift prosecution of individuals on these grounds points to a judicial process prioritizing state

control over safeguarding rights. The application of such ambiguous legislation clearly contravenes Tunisia's obligations under the International Covenant on Civil and Political Rights (ICCPR), which guarantees freedom of expression and the right to a fair trial. These rights are central to a functioning democracy and to maintaining the independence of civic spaces, including digital platforms.

The repression extends beyond digital expression. Since 2021, the Tunisian government has intensified actions against civil society organizations, journalists, and activists, including restrictive regulations, shutdowns of organizations, and threats against outspoken individuals. The arrest and sentencing of social media influencers are part of a coordinated attempt to control public discourse and silence those who engage in criticism or alternative viewpoints, especially within spaces that reach Tunisia's youth.

This crackdown has broader implications: further erode human rights guarantees and protections in Tunisia. It sends a clear message of intimidation to those who seek to express themselves, whether online or offline. This trend endangers not only individual freedoms but also the role of civil society in holding the government accountable and ensuring transparency.

We Call on the Tunisian Authorities to Take Immediate Action to Uphold Human Rights Standards:

1. Immediate release of detainees in freedom of expression cases, cessation of prosecutions following content published on social networks and urgent review and amendment of Articles 226 and 226 bis of the Penal Code to bring them into line with international human rights standards.
2. Guarantee fair and transparent legal procedures for all individuals facing charges related to online expression, ensuring compliance with Tunisia's obligations under the ICCPR.
3. Ensure the protection of digital freedoms by safeguarding online platforms as spaces for free expression and respecting all users' personal autonomy and privacy.
4. Engage meaningfully with civil society organizations and international human rights bodies to reform public morality laws and provisions , ensuring they are clearly defined, proportionate, and respectful of individual rights and freedoms.

We urge the international community, including human rights and digital rights organizations, to closely monitor Tunisia's actions and support Tunisian civil society organizations working tirelessly to defend civic freedoms and advocate for human rights. Tunisia must uphold the values it committed to in its democratic transition, preserving spaces for free expression and public debate. The international community has a duty to stand against this repression and help prevent Tunisia from setting a dangerous precedent for the MENA region.

Signatories:

- HuMENA for Human Rights and Civic Engagement

- CALAM Association

Published at https://humena.org/tunisias-escalating-suppression-of-civic-space-and-digital-freedoms/
HuMENA for Human Rights and Civic Engagement · info@humena.org