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TUNISIA 2023

Authorities escalated their crackdown on dissent, using unfounded charges against high-profile opposition figures and other critics. Parliamentarians proposed repressive legislation that threatened independent civil society organizations. Dozens of social justice and environmental protesters were unjustly prosecuted. Judicial independence, accountability and the right to a fair trial continued to be undermined. Racist remarks by the president triggered a wave of anti-Black assaults and arrests. Authorities increased interceptions at sea exponentially, conducting collective mass expulsions to the borders with Algeria and Libya. Women's representation in parliament dropped by half. LGBTI people and human rights defenders were subjected to harassment and an online

hate campaign. Tunisia's cost of living and environmental crises deepened, directly impacting access to food and water.

Background

Following elections that took place between December 2022 and January 2023, with a record low turnout of 11%, a new parliamentary session started on 13 March, the first since President Kais Saied suspended the legislative body in July 2021. On 8 March, the president dissolved all elected municipal councils.

On 9 May, a National Guard officer attacked the Ghriba synagogue on Djerba island, killing five people.

On 16 July, the European Commission and Tunisia signed a memorandum of understanding, providing financial support to Tunisia to combat irregular migration. The agreement was negotiated without input from civil society and omits crucial human rights safeguards.¹

Negotiations stalled with the International Monetary Fund over a USD 1.9 billion rescue package opposed by President Saied.

Freedom of expression

Authorities ramped up their targeting of individuals exercising their right to freedom of expression, making frequent use of the new draconian Decree-Law 2022-54 on cybercrime.

At least 22 individuals, including lawyers, journalists, bloggers and political activists, were summoned for questioning, prosecuted or sentenced in relation to public comments perceived as critical of the authorities, including at least 13 on the basis of the cybercrime law and in most cases following governmental complaints.

In March and April, the parliament twice banned private and foreign media from attending parliamentary sessions and, in June, banned journalists from covering parliamentary committee meetings.

On 16 May, the appeal court in the capital, Tunis, sentenced journalist Khalifa Guesmi to five years' imprisonment for his reporting on security operations.

On 13 December, a Tunis military court convicted political activist Chaima Issa to a 12-month suspended prison sentence for critical remarks about the authorities.

The National Syndicate of Tunisian Journalists reported dozens of incidents of harassment and obstruction of journalists while reporting on the parliamentary elections.

Repression of dissent

Authorities escalated their crackdown on dissent by targeting a wider range of opposition figures, using expression-related offences as well as conspiracy and terrorism charges to detain, investigate and sentence them.

Judicial authorities particularly targeted members of Ennahda, the largest opposition party. They initiated criminal investigations against at least 21 Ennahda leaders and members, and detained at least 12. On 30 October, the Tunis appeal court sentenced Rached Ghannouchi, Ennahda's president and former speaker of the dissolved parliament, to 15 months' imprisonment under the 2015 anti-terrorism law, based on his public remarks.² On 13 February, security forces arrested former justice minister and Ennahda leader Nouredine Bhiri. In November, an indictment chamber referred him to a criminal court. He remained in pretrial detention on capital charges based on his critical online remarks.

From February onwards, at least 50 people, including opposition figures,³ human rights defenders, lawyers and businesspeople were under investigation in a so-called conspiracy case,⁴ facing trumped-up charges that carry heavy prison sentences and the death penalty.⁵ On 3 October, police arrested Abir Moussi, head of the opposition Free Destourian Party, while she was trying to file an appeal against presidential decrees related to the organization of upcoming elections.⁶ She remained in pretrial detention under capital charges brought against her for exercising her right to freedom of expression and assembly.

Freedom of association

President Saied continued to accuse civil society organizations of interfering in Tunisia's affairs and financing corruption.

On 18 April, police ordered everyone out of Ennahda's headquarters in Tunis without presenting any legal documentation, closed it down and forbade anyone from returning. In a leaked internal communication, the interior ministry directed police to ban meetings and gatherings in the offices of Ennahda and the National Salvation Front.

On 10 October, a group of parliamentarians submitted a draft law on associations to replace the 2011 Decree-law 88 on associations, which would undermine civil society's independence.⁷ On 11 December, the prime minister announced that a cross-sectoral committee would work on drafting a new law.

Freedom of assembly

According to the Tunisian Forum for Economic and Social Rights (FTDES), 3,016 protest actions had taken place in 2023 by November. Police allowed most demonstrations to take place, but dispersed some protests. For example, several farm workers protesting in Kasbah Square in Tunis on 9 February were detained and had their phones searched.

In March, a public prosecutor in Siliana town in northern Tunisia prosecuted 28 individuals in relation to protests calling for their right to water. On 8 June, a court in the south-eastern city of Sfax sentenced at least four environmental activists to eight months in prison on charges of obstruction of work.

Right to a fair trial

Judges who had been summarily dismissed by presidential decree in June 2022 continued to be denied reparation. No judicial action was taken following individual complaints filed on 23 January by 37 of them against the minister of justice to contest the non-implementation of a Tunis administrative court order to reinstate 49 of the 57 dismissed judges and prosecutors.

Presidential public remarks urging the prosecution of government critics undermined the independence of the judiciary and the right to a fair trial.

Judicial authorities arbitrarily renewed pretrial detention orders against at least 20 prominent opponents, public figures and perceived critics of President Saied imprisoned for between five months and two years, including for unfounded conspiracy and terrorism accusations.⁸

Military courts continued to prosecute civilians. On 20 January, a military appeals court sentenced six civilians, including four opposition politicians from Al Karama coalition and a prominent lawyer, to between five and 14 months in prison on charges that included insulting and threatening a public official.⁹

Impunity

Authorities failed to hold to account members of security forces and political representatives credibly accused of human rights violations.

A Tunis court fined six individuals for filming in January police beating a man in El Kabbaria, a district of southern Tunis, and for publishing the footage online. The individuals prosecuted included members of the Anti-Marginalization Generation Association and the victim.

On 2 March, an investigating judge charged Sihem Ben Sedrine, former head of the Truth and Dignity Commission, on trumped-up charges related to her leadership of the commission and imposed a travel ban on her.

Refugees' and migrants' rights

The year saw a marked deterioration in the protection of migrants' and refugees' rights.

On 21 February, President Saied made discriminatory and hateful remarks, triggering an upsurge in anti-Black racist violence by citizens and police, and hundreds of arbitrary arrests.¹⁰

On 11 April, police used tear gas excessively against migrants, asylum seekers and refugees staging a sit-in outside the offices of UNHCR, the UN refugee agency, in Tunis, arresting and beating many in custody.

From July onwards, security authorities rounded up and conducted mass arbitrary expulsions of several thousand migrants, asylum seekers and refugees, including children, to Libya and Algeria. According to UNHCR, at least 28 people died in the desert region along the Libyan border between July and August. These collective expulsions occurred without individualized assessments or judicial process. Many of the expulsions followed interceptions at sea, which increased exponentially from July onwards, often involving reckless manoeuvres

that injured migrants. Police and the National Guard tortured and otherwise ill-treated individuals during disembarkation, deportation and detention.

Women's and girls' rights

Gender parity gains were reversed with the election of the new parliament, which included only 25 women in the 161 seats, after the removal of gender parity provisions in the electoral law.

The Tunisian Association of Democratic Women documented at least 21 femicides and said they had supported more than 600 women who reported being subjected to violence.

In March, a national collective of women farm workers called for legislative reforms to guarantee their access to health coverage, safe transportation and a decent livelihood. According to an FTDES study, 92% of women farm workers interviewed did not benefit from social protection.

LGBTI people's rights

Hate campaigns and harassment against LGBTI defenders and people increased significantly.

In July, Damj, the Tunisian Association for Justice and Equality, reported that security force members threatened to close their offices. On 8 August, Damj filed a complaint following an online defamation and hate campaign.

Courts continued to sentence people to up to two years in prison under Article 230 of the Penal Code, which criminalizes consensual adult same-sex sexual relations.

Right to food

Tunisia's cost of living and economic crises deepened, further threatening access to a range of socio-economic rights, including the right to food.

According to the National Institute of Statistics, as of November, food inflation stood at 14.5% compared to 2022. Shortages of staple foods became chronic.

The government reduced its spending on food subsidies by 19% in the first half of the year compared to 2022.

Right to water

Tunisia suffered its worst drought on record. On 31 March, the state water company announced it would administer water cuts at night and the Ministry of Agriculture announced restrictions on the use of tap water, which were renewed indefinitely on 28 September. The statements did not clearly explain which areas would be affected by the cuts or the discrepancies between areas that experienced no cuts or longer cuts, including during the day. On 20 November, the head of the state water company said the discrepancies were due to differences in altitude impacting water availability. In a July report, the UN Special Rapporteur on human rights to safe drinking water and sanitation highlighted that the government repeatedly prioritized water usage by powerful economic sectors, including big agriculture and mining, over water required for drinking and domestic use.

Right to a healthy environment

Tunisia increasingly suffered the adverse effects of climate change and experienced a drought, heat wave and wildfires at record levels. On 14 June, the Ministry of Environment presented a draft environmental code that included a section on the fight against climate change and proposed creating a higher body in charge of the “ecological transition”.

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1. [“EU/Tunisia: Agreement on migration ‘makes EU complicit’ in abuses against asylum seekers, refugees and migrants”, 17 July](#)
 2. [“Tunisia: Ghannouchi sentencing marks aggressive crackdown on Saied opposition”, 18 May](#)
 3. [“Tunisia: Political activists unjustly detained: Chaima Issa, Jaouhar Ben Mbarek & Khayam Turki”, 26 May](#)
 4. [“Tunisia: Authorities add human rights lawyers to trumped-up conspiracy case”, 9 May;](#)
 5. [“Tunisia: Drop trumped-up charges against arbitrarily detained political dissidents”, 10 October](#)
 6. [“Tunisia: Opposition figure arbitrarily detained: Abir Moussi”, 7 December](#)

7. [“Tunisia: Repressive NGO draft law threatens independent civil society”, 21 October](#)
8. [“Tunisia: The abuse of pretrial detention to silence political opponents, authorities targeting political opposition with vague pretrial detention laws”, 22 September](#)
9. [“Tunisia: Convictions of six civilians by military courts must be quashed”, 2 February](#)
10. [“Tunisia: President’s racist speech incites a wave of violence against Black Africans”, 10 March](#)

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