

ARTICLE 19

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Policy Brief

Access to Information and Digitalization: Towards Transparent Public Administration in Tunisia



Policy Brief

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Towards Transparent Public Administration in Tunisia

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EXECUTIVE SUMMARY

Tunisia has made notable progress in advancing the right of access to information (RTI) since the adoption of the Organic Law No. 22 of 2016 on access to information. Yet the implementation of the law has been slow, and inconsistent application creates several issues and barriers that hinder individuals' ability to receive information held by public bodies. The rapid pace of digital transformation presents both opportunities and challenges for effective implementation of the law. When integrated into public administrations, digital tools have the potential to streamline and accelerate access to public information. At the same time, the adoption of digital tools highlights gaps in the existing legal and institutional frameworks and reveal limitations in the ability of public bodies to adapt to the evolving digital landscape.

Challenges Identified

- Many public bodies lack the necessary infrastructure and technical expertise needed to respond to access to information (ATI) requests in a timely and transparent manner through digital platforms.
- A significant portion of the population lacks adequate digital literacy or access to technology, limiting their ability to exercise their right to information through digital platforms.
- The use of digital tools in public administration has not yet resulted in the expected improvements in transparency and accountability due to slow implementation and weak oversight.

Opportunities for leveraging digitalization to enhance access to information

- Digital tools can streamline the processing of ATI requests, making the system more efficient and accessible to the public.
- Digitalization has the potential to facilitate access to public information, particularly for citizens in remote or underserved areas.
- Digitalization can foster greater citizen engagement by making public data more readily available and easier to use, supporting a more informed and active citizenry.

Key Recommendations

Tunisian authorities should:

- Prioritize the full and effective implementation the ATI law in accordance with Tunisia's international obligations and strengthen the role of INAI as the oversight body to uphold the right to information and enhance public participation and accountability.
- Allocate necessary and appropriate resources to improve public bodies' digital infrastructure and train staff in using digital tools to handle ATI requests expeditiously, effectively and transparently.
- Launch national programs to improve digital literacy and expand access to technology, ensuring marginalized groups can exercise their right to information and participation in the digital age.
- Establish robust oversight mechanisms to monitor the use of digital tools, ensuring they result in tangible improvements in transparency, accountability, and public access to information.
- Develop national action plans to implement the national strategies on RTI, open data and digitalization to enhance transparency, accountability and quality of public services.
- Standardize data formats and add tools to enhance accessibility for all, including persons with disabilities and marginalized and vulnerable groups.
- Set up a compliance monitoring system to evaluate public bodies' compliance with Law No. 22 of 2016. Regularly publish reports highlighting compliance levels and areas for improvement.

Civil society should:

- Engage in advocacy and awareness actions on the importance of RTI, open data and digitalization in empowering and upholding other human rights. It should also highlight the importance of the public's right to access information and the broader societal benefits of transparency.

Introduction

In today's digital age, information is increasingly stored and shared through digital platforms. Globally, digitalization and digital technologies are recognized as transformative opportunities for advancing transparency and good governance. Digital tools can facilitate proactive disclosure of public information, strengthen protection of the right to access information (RTI) by enabling individuals to know what public institutions are doing, and support international efforts to promote accountability and openness. As public administrations worldwide undergo digital transformations, leveraging these technologies has become essential for meeting the evolving expectations of citizens and aligning governance practices with international standards and best practices.

Tunisia's digitalization agenda reflects this broader international movement. Recent initiatives, such as Circular No. 3 of January 2024 and ministerial council discussions on enhancing online services, underscore the growing recognition of the role of digital tools in fostering transparency. Since 2011, Tunisia has made significant progress in promoting RTI, particularly through the adoption of Law No. 22 of 2016, which mandates proactive disclosure of public information.

Tunisia now stands at a critical juncture in its digital transformation journey while also retaining its international commitments regarding the right to access information. The renewed governmental focus on modernizing administrative services offers a unique opportunity to embed robust RTI standards into these efforts. By building on post-2011 reforms and leveraging current initiatives, Tunisia can align its strategies with international standards, setting a regional benchmark for integrating RTI into digital governance.

This policy brief highlights the vital role of RTI in the digital age and advocates for a cohesive digitalization strategy that prioritizes transparency, proactive publication and dissemination of public information, and opening up public data. Drawing on lessons learned, identifying challenges, and offering actionable recommendations, this

brief aims to support reforms that align Tunisia's digital transformation with global best practices.

This brief is based on a diagnostic study examining the intersection between digitalization and RTI implementation under Law No. 22 of 2016 on access to information. The study assessed how digitalization policies enable the right to information, identifying both strengths and barriers to enhancing transparency within Tunisia's evolving governance landscape.

The study employed a qualitative approach, including two focus groups and a series of in-depth interviews. The focus groups brought together representatives from the National Authority for Access to Information (INAI) – which oversees the implementation of the RTI law – and public administration officials, while individual interviews targeted journalists and civil society representatives actively working on RTI.

I. International standards on access to information and digitalization

The right of access to information held by public bodies – often referred to the «right to information» – is a fundamental human right recognized in international law. Article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Tunisia in 1969, guarantees the right to freedom of expression and information. The UN Human Rights Committee in General Comment 34 stated Article 19 encompasses the right to access information held by public bodies.⁽¹⁾ It requires that states proactively disseminate information in the public interest and ensure that access is «easy, prompt, effective and practical».⁽²⁾ The Committee also stated that countries must enact «necessary procedures» such as legislation to give effect to the right to information, which should include timely processes for handling RTI requests and appeals.⁽³⁾

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1. UN Human Rights Committee (HR Committee), General Comment No. 34, Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34, 2011, para 18.
 2. *Ibid.*, para 19.
 3. *Ibid.*

RTI is also considered key in combating corruption by the United Nations Convention against Corruption (UNCAC). The Convention mandates that states adopt “procedures and regulations” to provide public access to information “on the organization, functioning, and decision-making of its public administration.”⁽⁴⁾ RTI is similarly protected in the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

At the regional level, the African Commission on Human and People’s Rights has similarly affirmed that access to information is fundamental to democratic governance.

In its resolution adopted in 2020⁽⁵⁾, the Human Rights Council recognized digitalization as a valuable means to improve access to information and urged states to “facilitat[e] and promot[e] access to and use of communications and digital technologies.” The 2022 report from the Office of the High Commissioner for Human Rights (OHCHR) emphasized the role of the Internet in realizing the right to information. It encouraged governments to leverage technology by developing appropriate platforms to facilitate searches and requests for information, such as e-government platforms, and policies on proactive transparency and dissemination of information.⁽⁶⁾

RTI is integrated into the UN Sustainable Development Goals (SDGs), with target 16.10.2 calling on states to «ensure public access to information and protect fundamental freedoms».⁽⁷⁾ As the custodian of SDG 16.10, UNESCO has identified online proactive dissemination as a key best practice, recommending regular monitoring and updating of government websites.⁽⁸⁾ The UN Special Rapporteur on Freedom of Expression Irene Khan also emphasized internet access as crucial for sustainable development, stating that connectivity gaps, particularly for women and persons with disabilities, hinder information access and inclusion, so states should direct specific actions to bridge such gaps.⁽⁹⁾

4. United Nations Convention Against Corruption. Treaty Series, vol. 2349, Oct. 2003, Article 10

5. Human Rights Council, Resolution 44/12, 24 July 2024, para. 8 (h) (iii)

6. OHCHR, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/49/38, 10 January 2022, para. 38

7. Ibid., SDG Target 16.10.2.

8. UNESCO, A steady path forward: UNESCO 2022 report on public access to information (SDG 16.10.2), 2023

9. Ibid. Paras. 42-43, 116

II. RTI and open data: the national framework

In Tunisia, RTI is a constitutional right guaranteed in **Article 38 of the 2022 Constitution**, building on Article 32 of the 2014 Constitution. Since 2011, Tunisia has undertaken a series of reforms to promote transparency and openness in public data and information. These efforts began with Decree-Law No. 41 of 2011, which governs access to administrative documents held by public bodies and was later amended by Decree-Law No. 54 of 2011 in June 2011.

The adoption of **Organic Law No 22 of 2016 on the Right of Access to Information** marked a significant milestone in Tunisia's commitment to protecting RTI in line with its international obligations. Widely regarded as a progressive legal framework, the law established mechanisms for requesting information while upholding the principle of maximum disclosure. It requires public bodies subject to the provisions of the law to proactively “publish, update, place periodically at the disposal of the public, in a usable form” key categories of information such as:

- the policies and programs that concern the public,
- the detailed list of services provided to the public,
- the functions which are assigned to them, its organization chart, (...) and the detailed budget, which was allocated to it,
- the programmed public procurement,
- any information relating to public finance including detailed data related to the budget at the central, regional and local level, and
- statistics related to their areas of activity.

The law also created the **Access to Information Authority (INAI)**, a body composed of nine members responsible for overseeing the implementation of the law, receiving appeals against denials of ATI requests, and raising awareness about RTI. To ensure optimal and consistent application of the RTI law, the Prime Minister issued **Circular No. 19 of 2018**, providing practical guidelines to enforcement

Complementing RTI legislation, Tunisia has advanced reforms to promote open public data. Government **Decree No. 03 of 2021** established a framework for publishing public data based on the principle of openness by default. The decree aims to:

- Promote transparency and accountability.
- Encourage public participation in policy development of public policies, implementation and evaluation.
- Modernize administration to improve the quality and efficiency of public services.

Further guidance was issued through **Circular No. 04 of February 2024**, which clarified the process for opening public data and implementing the provisions of Government Decree No. 03 of 2023.

While these reforms have sought to position Tunisia as a regional leader in integrating RTI principles into governance and digital transformation, a lack of genuine commitment to fulfilling these obligations continues to pose significant challenges and barriers.

III. Tunisia's digital transformation

Tunisia's digitalization journey began in the 1970s with the establishment of a legal framework and has progressively evolved over the decades. Major reforms in the 2000s focused on modernizing public administration, setting the stage for broader digital transformation. The 2010s marked another turning point, with numerous initiatives launched to integrate digital technologies into public administration and the national economy.

In 2020, the Ministry of Communication Technology introduced its **2025 Digital Strategy**, building on the earlier Smart Tunisia 2020 program.⁽¹⁰⁾ This strategy focuses on six key pillars, including digitizing public administration, positioning Tunisia as a global leader in digital development, and harnessing technological infrastructure to drive socio-economic growth.

10. Plan National Stratégique Tunisie Digitale 2020 – Tunisie Digitale 2020 – Ministère des technologies de la communication et de l'économie numérique (mtc.gov.tn)

Two key objectives of the 2025 Digital Strategy are:

- **Ensuring social inclusion and bridging the digital divide** by expanding access to information and knowledge, democratizing access to digital equipment and high-speed connectivity, and implementing very high-speed broadband.
- **Transforming public administration into an e-administration** by enhancing efficiency, fairness, transparency, and agility and improving service delivery to citizens.

The strategy prioritizes digital inclusion, ICT skills development, cybersecurity enhancement, and emerging technologies like cloud computing. Notable initiatives include the creation of GCloud and NCloud, two cloud computing projects critical for Tunisia's digital sovereignty:

- **GCloud** (Government Cloud) centralizes public administration data and applications, optimizing resources, improving service security, and ensuring sensitive information remains under national control.
- **NCloud** (National Cloud) supports private sector innovation and competitiveness while guaranteeing compliance with national sovereignty regulations.

Additionally, Tunisia developed the **XRoad system**, modeled on Estonia's interoperability framework. This system ensures secure, transparent and efficient data exchange between public institutions, further enhancing e-government services.

The Covid-19 pandemic catalyzed Tunisia's digital transformation. To maintain public service continuity, several key reforms were enacted:

- **Decree-Law No. 17 of 2020**, introduced a unique citizen identifier, streamlining access to digital services.
- **Decree-Law No. 31 of 2020**, enhanced data exchange interoperability and the security between government entities and citizens.

- **Government Decree No.777 of 2020** established operational standards for electronic data exchanges, improving service efficiency.

Starting in 2022, Tunisia focused on strengthening its digital infrastructure to bolster cybersecurity and ensure national data sovereignty:

- **Circular No. 8 of 2022**, launched a strategy to adopt Internet Protocol IPv6 improving connectivity and security of communication infrastructures.
- **Decree-Law No.17 of 2023** established the National Agency for Cybersecurity (ANCS), replacing the National Agency for Computer Security (ANSI). The ANCS provides a robust framework to protect critical infrastructures from cyber threats and certifies cloud services like GCloud and NCloud

IV. Key challenges in Tunisia's transparency initiatives

Despite significant progress, Tunisia still faces several challenges. Addressing these challenges will be essential for Tunisia to maximize the benefits of digital transformation in favour of transparency and accountability.

Technological challenges

Efforts to promote transparency and open data in Tunisia face significant technological obstacles, primarily stemming from outdated systems, delays in infrastructure development, and lack of integration between public institutions. These challenges undermine the collection, processing, and dissemination of public information, hindering progress toward effective governance and citizen access to data. These challenges consist of.

1. **Outdated hardware and software:** Many public institutions rely on obsolete hardware, while software for document or database management is either limited or non-existent. This results in inefficiencies in managing and disseminating public information.

2. **Lack of automated systems:** The absence of tools for data anonymization and pseudonymization poses a significant barrier, particularly in sectors like healthcare and social services, where large-scale sensitive data must comply with privacy regulations.
3. **Delays in key infrastructure projects:** Critical initiatives such as GCloud (Government Cloud) and Tunisian XRoad (interoperability platform) face prolonged delays. These projects are essential for centralizing and securing public data, streamlining data management, and enhancing interconnectivity between public administrations. Delays limit transparency and proactive publication capabilities.
4. **The absence of a national reference database** and the lack of a central reference database creates inconsistencies and redundancies in data collection and publication. A unified database is essential to ensure reliability, standardization and seamless access to public information
5. **Outdated and static platforms:** Platforms like Data.Gov.tn rely on manual updates, resulting in static and outdated data. Additionally, official documents are often not formatted for easy public use, further diminishing the effectiveness of open data initiatives
6. **Lack of Interoperability:** Information systems across ministries and public agencies are not interconnected. This fragmentation prevents seamless and centralized data exchange. For instance, statistical data from one agency may not align with economic data from another ministry, making it difficult for citizens to access cohesive and comprehensive data.

Human Resources challenges:

Effective promotion of transparency within public administrations hinges not only on technological infrastructure but also significantly on the human resources available. The technical expertise, skills, and capacities of personnel are crucial in driving these efforts forward.

- **Lack of expertise:** Public sector institutions face a shortage of professionals with technical skills, such as data engineers, cybersecurity experts, and data analysts. While general IT skills are present, there is a gap in advanced competencies like data management, anonymization, and Open Data technologies.
- **Recruitment challenges:** Uncompetitive public sector salaries make it difficult to attract and retain qualified professionals. This gap restricts the ability of public institutions to implement sophisticated data systems and automation tools essential for proactive publication and open data.
- **Resource constraints:** ATI officers and IT directors report inadequate resources and limited human resources, making it challenging to handle information requests effectively. These responsibilities are often viewed as administrative burdens, impacting morale and performance.
- **Lack of training :** insufficient budgets for RTI and Open Data training prevents officials from acquiring essential skills in data management, anonymization, and standardization. This results in reluctance to publish information and open data due to concerns over non-compliance with ATI laws and open data regulations.

Administrative challenges

Efforts to promote transparency within Tunisian administration have emerged relatively recently, with foundational texts dating back to 2011. Consequently, significant challenges persist within the administrative structure, impacting the effectiveness of these initiatives:

- **Rigid and fragmented structures:** Tunisian public administrations are characterized by rigid, compartmentalized structures that limit interdepartmental collaboration. Coordination between IT, communication, and access to information departments is rare, except in specific ministries or companies like the Tunisian Electricity and Gas Company (STEG) . This fragmentation leads to inconsistent transparency practices and complicates harmonization.

- **Bureaucratic inertia and lack of prioritization of transparency:** Bureaucratic inertia represents another significant obstacle, often linked to a lack of political will to prioritize transparency. The absence of clear directives and monitoring mechanisms for compliance with access-to-information legal obligations leaves public officials with little motivation to invest time and resources to implement transparency initiatives. Additionally, frequent staff turnover, especially among senior staff, disrupts continuity and institutional knowledge in departments responsible for RTI.

Cultural challenges

A deeply rooted culture of secrecy stemming from pre-2011 practices persists. Many public officials perceive information sharing, even internally, as a threat to their authority and institutional reputation. Concerns about transparency, exposing inefficiencies, attracting public criticism, or posing risks of legal liability deter officials from embracing openness. Additionally, misconceptions about transparency compromising institutional security or leading to political misuse further hinder progress.

Operational challenges

The legal and institutional frameworks for RTI and open data in Tunisia have made significant progress, but there are still essential steps that need to be taken to fully realize their potential. The effective implementation of these frameworks encounters significant challenges primarily due to insufficient coordination and the lack of cohesive national strategies for proactive publication and data openness. Responsibilities for RTI and open data are fragmented, divided between the General Directorate of Administrative Reforms and Prospects (DGRPA) and the Electronic Administration Unit (UAE), which hinders formal collaboration and creates inefficiencies.

The National Authority for Access to Information (INAI) is currently paralyzed due to the lack of an elected president as required by Law No. 22 of 2016. A recent decree also ended the secondment of the interim president, further exacerbating the situation.⁽¹¹⁾ In addition, the government decrees concerning the particular status of the agents of the INAI and the organizational chart to complete the full establishment of INAI as an independent oversight body have not been issued yet.

Another key issue is the lack of systematic classification of information and data, which is essential for organizing content based on sensitivity and public relevance. Beyond the general provisions of Law No. 22 of 2016, no clear criteria exist, leaving access-to-information officers and open data managers to operate in a legal and administrative gray area. This ambiguity not only delays responses to requests but also encourages a cautious, sometimes overly restrictive, approach to data publication.

11. Right to Know Day: Progress on access to information in the MENA region despite challenges - ARTICLE 19

Recommendations

The Tunisian government should:

- Guarantee full enjoyment of human rights for marginalized and vulnerable groups through equal access to the internet and digital tools.
- Fully implement the RTI law in accordance with Tunisia's international obligations, while strengthening the RTI oversight body to safeguard the right to information and enhance public participation and accountability.
- Adopt coordinated and cohesive national strategies on RTI, open data and digitalization to enhance transparency, accountability and public service quality.
- Allocate necessary and appropriate resources to improve public bodies' digital infrastructure and train staff in using digital tools to handle ATI requests expeditiously, effectively and transparently.
- Establish robust oversight mechanisms to monitor the use of digital tools ensuring they result in tangible improvements in transparency, accountability, and public access to information.
- Launch national programs to improve digital literacy and expand access to technology, ensuring marginalized groups can exercise their right to information and participation in the digital age.
- Involve civil society organizations in the design and implementation of the national strategies and plans on RTI, open data and digitalization to enhance transparency, accountability and public service quality.

Public administrations should:

- Develop national action plans to implement the national strategies on RTI, open data and digitalization to enhance transparency, accountability and public service quality.
- Actively involve top management to address internal resistance to release information and integrate transparency principles into daily public activities and operations.

- Develop national action plans to implement the national strategies on RTI, open data and digitalization to enhance transparency, accountability and quality of public services.
- Standardize data formats and add tools to enhance accessibility for citizens including persons with disabilities and marginalized and vulnerable groups.
- Set up a monitoring system that measures the compliance of public bodies with Decree No. 03 of 2021 on public open data.
- Establish a national interoperability platform to enhance the collaboration and internal sharing of information and data across various public bodies.
- Allocate adequate and necessary resources for the implementation of the national strategies and action plans on RTI, open data and digitalization.
- Regularly train public officials on RTI, open data, and proactive publication standards.
- Ensure continuous education to build the technical skills required for effective data management and promotion of a culture of openness and transparency in public bodies.

The Access to Information Authority (INAI) should:

- Set up a compliance monitoring system to evaluate public bodies' compliance with Law No. 22 of 2016. Regularly publish reports highlighting compliance levels and areas for improvement.
- Provide practical tools, resources and a set of guidelines highlighting good practices to educate public administration's top management on transparency best practices.
- Facilitate consistent and high-quality dissemination of public data and information dissemination.

Civil society and media organisations should:

- Engage in advocacy and awareness actions on the importance of RTI, open data and digitalization in empowering and upholding other human rights, highlighting the importance of the public's right to access information and the broader societal benefits of transparency.

- Monitor the implementation of the national strategies on RTI, open data and digitalization to enhance transparency, accountability and public service quality. They should also report on gaps, successes, and failures to hold public institutions accountable and enhance the transparency, accountability, and quality of public services.
- Organize educational initiatives particularly targeting marginalized and vulnerable groups to demonstrate the value of exercising their RTI and using digital tools. They should also enhance digital literacy to bridge the digital divide and promote inclusivity.



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