



## **The Scars of Oppression Run Deep: Assessing the Critical Requirements for Freedom of Expression in Tunisia's Democratic Transition**

*IFEX-TMG Mission Report, 9 – 16 April 2011*

## About the IFEX Tunisia Monitoring Group (IFEX-TMG)

The International Freedom of Expression Exchange Tunisia Monitoring Group (IFEX-TMG) is a coalition that now numbers 21 members of IFEX, a global network of organisations committed to defending freedom of expression. It was set up in 2004 to monitor freedom of expression in Tunisia in the run up to and following the World Summit on the Information Society (WSIS), held in Tunis in November 2005.

The first IFEX-TMG mission took place in January 2005 and led to the first report *Tunisia: Freedom of Expression Under Siege*, published in February 2005. The report described the IFEX-TMG's initial findings and set out a series of recommendations to the Tunisian government. Subsequent missions took place in May and September 2005, in April 2006, in February/March 2007 and in June 2010, leading to four other mission reports that reviewed the initial findings of the IFEX-TMG and reported on any progress or setbacks.

The eighth formal mission of the IFEX-TMG to Tunisia, which this report documents, took place in the context of a 30-month project entitled *Monitoring & Advocacy in Support of Independent Human Rights Defenders in Tunisia*, funded by European donors and managed by Index on Censorship. It was comprised of seven member organisations of the IFEX-TMG<sup>1</sup>. This phase of the programme is led by the World Association of Newspapers and News Publishers (WAN-IFRA).

This project, now in its second year, was designed to address three different but equally urgent issues through a series of monitoring, reporting and campaigning activities. The three themes led by IFEX-TMG members include:

- The detention of Tunisian prisoners of opinion, the use of administrative sanctions to punish dissident views and the obstruction of the emergence of an independent judiciary;
- Restrictions on freedom of association for peaceful purposes and the right of all civil society groups to be legally established and hold meetings in Tunisia;
- Censorship of the Internet, the arts, books and periodicals by legal, administrative and extrajudicial means in Tunisia.

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<sup>1</sup> Sally Khodary of ANHRI, Fatou Jagne of ARTICLE 19, Yousef Ahmed of Index on Censorship, Elisabeth Eide of Norwegian PEN, Steve Buckley and Francesco Diasio of AMARC, Virginie Jouan and Andrew Heslop of WAN-IFRA and Ghias Aljundi of PEN International WiPC. Kristina Stockwood of the IFEX Clearing House also participated in the mission. Lotte Graubelle of International Media Support (IMS) was invited to join the mission as an observer because of its support for the work being done in Tunisia by IFEX-TMG members and local NGOs.

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**The 21 members of the IFEX-TMG are:** Arabic Network for Human Rights Information, Egypt; ARTICLE 19, Global Campaign for Free Expression; Bahrain Center for Human Rights; Cairo Institute for Human Rights Studies, Egypt; Canadian Journalists for Free Expression; Cartoonists Rights Network International; Egyptian Organisation for Human Rights; Freedom House; Index on Censorship, UK; International Federation of Journalists; International Federation of Library Association and Institutions; PEN International - Writers in Prison Committee, UK; International Press Institute, Austria; International Publishers' Association, Switzerland; Journaliste en Danger, Democratic Republic of Congo; Maharat Foundation, Lebanon; Media Institute of Southern Africa, Namibia; Norwegian PEN; World Association of Community Radio Broadcasters; World Association of Newspapers and News Publishers, France; World Press Freedom Committee, USA.

*This report was compiled by Andrew Heslop based on IFEX-TMG mission members' contributions and edited by Sarah Richani, Virginie Jouan and Kristina Stockwood. Cover page photo credit: Elisabeth Eide.*

**For more information, including past mission reports, see: <http://ifex.org/tunisia/tmg/>**

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*“People talk about the intellectual poverty of the revolution. Someone who gives their life for a better world is not someone who lacks imagination.”*

**Taoufik Ben Brik, formerly imprisoned author**

## **Executive Summary**

The following report documents the findings of the International Freedom of Expression Exchange Tunisia Monitoring Group (IFEX-TMG) fact-finding mission to Tunisia from 9-16 April 2011. It is the first public report to be issued by the IFEX-TMG since the revolution of 14 January 2011 that brought President Zine el-Abidine Ben Ali's repressive 23-year regime to an end.

This revolution took by surprise leaders and citizens around the world. It has shaken up the regional and international order of things. The 14 January revolution was carried out by people in the name of dignity and fundamental freedoms, including freedom of expression. It has opened the path for change and what was inconceivable until 14 January has become possible. The democratic transition will be complex, but Tunisian people have opened this new chapter with determination and high expectations.

This latest mission of the IFEX-TMG was designed to respond to the immediate needs of stakeholders, old and new, in their efforts to sustain freedom of expression in a post-Ben Ali Tunisia.

Under the regime of President Ben Ali, the IFEX-TMG documented severe violations to the right of freedom of expression, among other fundamental human rights. Censorship was rigorously applied to all aspects of the media, while civil society groups, professional associations and human rights activists were repeatedly harassed and prevented from conducting their work. The official media were often used as the tool through which many of these attacks were conducted. The jailing of journalists, freedom of expression advocates and opponents of the regime was a regular occurrence. Access to information was severely restricted and the monitoring of the Internet, social media and general communications commonplace. By the time of its demise, the regime of President Ben Ali was widely believed to have installed one of the world's most sophisticated electronic surveillance networks.

Conscious of the image it projected to the outside world, the regime often tried dissident voices for criminal misdemeanors under the penal code as opposed to charging them under laws relating to freedom of expression. This practice had the dual effect of discrediting the reputations of opponents and sending a clear message to Tunisians that resistance would not be tolerated. It also

kept a veneer of legitimacy firmly in place for the benefit of the Western powers so ardently courted by the regime. In reality, it made Tunisia one of the world's most repressive countries for human rights abuses.

The regime's control of the media eroded sound journalism practices, ethical standards and objective reporting and led to a loss of independence in both the print and broadcast media. Civil society groups and professional associations dealing with freedom of expression issues were denied the public platforms required to enlarge the scope and appeal of their work, question government policy or investigate abuses of power. Official censorship and self-censorship played an important role in defining the image of the regime – both internally and externally – and became prevalent throughout a media that was subjugated to the will of the dictator. The few remaining voices that continued to criticise the regime felt the full force of its repression and as a result were frequently the subjects of IFEX-TMG campaigns and initiatives.

Scars left by the former regime remain apparent in the media industry, while the legislative framework left behind fails to adequately respond to the requirements of the emerging media stakeholders. Freedom of expression groups are now vying for a place in discussions that will define the new society and must ensure their own internal democratic structures are in place so that all interests can be taken into consideration. Support for the independent press and broadcasting sectors, along with the promotion of professional journalism practices and a thorough revision of the media-legal framework are seen as crucial to the success of the transition process ahead of the Constituent Assembly elections, now scheduled for 23 October 2011.

## Methodology

In stark contrast to previous missions, the IFEX-TMG delegation was able to meet and talk openly with civil society groups, human rights activists, journalists, bloggers and representatives from across the political spectrum. Furthermore, the delegation was invited to a meeting with the Prime Minister, Béji Caïd Essebsi, after which the IFEX-TMG delegation spoke with the media<sup>2</sup>. The work of the IFEX-TMG in consistently raising freedom of expression issues both locally and internationally during the country's darkest years was widely praised, and opinions on how the transition process is unfolding were freely given.

The following report documents the key concerns and immediate challenges regarding censorship and freedom of expression in Tunisia. It recognises the advances that have already been made since 14 January and addresses the fundamental issues raised by key stakeholders with regards to maintaining the momentum of change and ensuring the widest participation for the democratic transition to succeed.

The report is divided into four sections covering a broad range of voices of those interviewed during the IFEX-TMG mission. The views documented in this report are based on a series of interviews conducted in Tunis, Sousse, Le Kef and Monastir between 9 and 16 April 2011. Additional follow-up material was gathered by mission members AMARC and ARTICLE 19 in subsequent trips with regards to the broadcast licensing process and the draft press law as well as incidents of press freedom violations that occurred after the mission.

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<sup>2</sup> *Les médias tunisiens n'ont pas eu l'opportunité sous le régime précédent d'exercer leur profession* (TAP) 14 April 2011: [http://www.tunisieoir.com/index.php?option=com\\_content&view=article&id=39663:&catid=42:politique](http://www.tunisieoir.com/index.php?option=com_content&view=article&id=39663:&catid=42:politique)

*“The Ben Ali regime could do anything, even kill. Many people were imprisoned and tortured. Thanks to the IFEX-TMG, Ben Ali didn't kill dozens of people in jail. You helped protect us. ”*

**Fahem Boukadous, formerly imprisoned journalist**

## 1. The Media

Concerns surround both the capacity and capability of the Tunisian media to safeguard the gains of the revolution and play the vital watchdog role required in this period of transition. The media were severely repressed under the regime of President Ben Ali, with strict censorship of editorial content, the closure of critical publications, independent radio stations and television channels contributing to the erosion of reporting in the public interest that is now crucial to the democratic processes.

A critical issue in the immediate period ahead is to assure fair coverage of the elections and effective monitoring of the election process. An election has been scheduled for a Constitutional Assembly in Tunisia on 23 October 2011, and an election decree has been adopted which sets out rules on election campaigning and media coverage. Its consistency with international standards on freedom of expression and for the conduct of free and fair elections has been disputed.

Discussions are also underway among media and civil society organisations on the development of a code of ethics for election reporting and the establishment of election monitoring mechanisms. These developments should be supported, including through the training of managers and editors, assistance in the development of internal guidelines for media organisations and support for initiatives that promote citizen reporting. The success of such initiatives will help determine the nature of the political system that emerges in Tunisia.

The following sample of views has been taken from interviews with journalists, media NGO representatives and professional media associations and provides an overview of the progress and concerns of the media sector as it approaches its first – and arguably most important – test since January.

## 1.1. Journalists and the Written Press

Many journalists persecuted under Ben Ali, such as Fahem Boukadous, Slim Boukhdar and Taoufik Ben Brik, are yet to secure positions in the local Tunisian media. Alarming, it seems that some critical journalists and commentators have been deliberately ostracised by the domestic media since the fall of the dictatorship with some claiming the existence of a 'black list' of names deemed persona-non-grata within the media.

Journalist **Fahem Boukadous** was the subject of a sustained IFEX-TMG campaign during 2010 after being jailed for his coverage of violent protests in Gafsa in 2008. He was freed from prison on 19 January 2011 and is currently a member of the Tunis Centre for Press Freedom (Centre de Tunis pour la liberté de presse). "The revolution has not finished in my field... Many businessmen from Ben Ali's era are still in control, especially in the audiovisual sector because it is worth so much money. Journalists and activists are afraid that the revolution could be overturned."

Despite seeing his books in print again in Tunisia for the first time in decades, celebrated journalist and author **Taoufik Ben Brik** offered scathing criticism about the course the revolution had taken and in particular the current role of the press. "In Algeria, they killed journalists. In Tunisia, they went further: they killed the profession of journalism. The press remains in the hands of those who have never written a real article. This horde claim to be revolutionaries, but are instead contributing to the whitewashing of the present system."

Ben Brik, who was jailed on spurious charges for six months until April 2010 during the previous IFEX-TMG mission<sup>3</sup>, was adamant the old system remains intact, with those now in power having maneuvered into position. "Today, the press in Tunisia effectively manages the conspiracy. The press were the watchdogs and are now the White Guard for those in power as they attempt to launder the past and their role in it all."

He also complained about his access to media, claiming certain television channels still hesitate before putting him live on air due to the lingering mark of stigmatisation from his hard-fought battles with the old regime. One significant positive change Ben Brik reported, however, was that extracts from his books, including the recently reissued *Ben Brik - President*, had been published in newspapers.

Similarly Hama Al-Hammami, editor of the Communist Workers party official newspaper *Al-Badil* who was arrested in January 2011 by the Presidential Special Security and released after Ben Ali fled, also believes that much is left to change in the media. "The transitional government is a continuity of the old regime. Censorship is still in place and the political police are still watching people, even if it is lighter than before."

<sup>3</sup> See: TMG welcomes release of journalist Ben Brik but condemns policy of punishing critical journalists, 28 April 2010: [http://www.ifex.org/tunisia/2010/04/28/benbrik\\_free\\_boukadous\\_appeal/](http://www.ifex.org/tunisia/2010/04/28/benbrik_free_boukadous_appeal/)

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Eissia Atrous, a journalist at **Essabeh** newspaper, part of the Essabeh Press Group that publishes two daily newspapers (*Essabeh* and *Le Temps*) and two weeklies, explained how the paper is currently led by a council of editors consisting of four journalists. "Everyone is trying to reposition themselves, to find their path. For instance, here at *Essabeh* we're trying to strengthen the paper's investigative reporting profile." However, there is "a significant lack of trust among the newspaper's journalists, with professional training urgently needed," she revealed. In 2009, Ben Ali's son-in-law took over 80% of the company's shares. *Essabeh* is currently under judicial administration and Atrous fears that if the State decides to sell its shares, the newspaper risks falling into the hands of Islamists. She admitted that the newspaper's revenue issues were becoming "most problematic."

**Al Fajr**, the newspaper of the Al Nahda Islamist movement that became a registered political party after the revolution, saw huge circulation figures of over 100,000 copies for its 9 April issue, its first since the paper was banned in 1990. Acting-Editor Lotfi Hidouri and senior journalists Abdullah Zouari, Mohammed El Hamrouni, Sabrin Moro and Najib Murad aim to turn *Al Fajr* into a comprehensive political weekly whilst maintaining distance from the Party. "*Al Fajr* deals with subjects normally left out of traditional Islamist papers; including women's issues and Op-Ed pieces that do not necessarily reflect the views of the Party. We're trying to establish our independence without denying the link with the Islamist movement," said Acting-Editor, Lotfi Hidouri.

Hidouri also reiterated the challenges facing the media sector. "Working journalists have a lack of experience when it comes to appropriate professional standards. The oppression of the press created a culture of self-censorship. There are no critical questions. Old and new journalists alike need training in how to write objectively."

The journalists admitted they could see the beginnings of a change within the media, but that after such a long period of censorship and repression it needed time to develop and realign itself. "To a certain extent, censorship is still in place - for example through the exclusion of certain personalities and members of political parties from debates. The mentality remains the same as before. Can these people really change and become democratic? There hasn't been enough time to change this perception."

Regardless, *Al Fajr*, he said, will attempt to clear up conceptual issues for the election process and "perform an educative role to introduce concepts, even the political language, to help explain differences between parties and candidates."

The entire *Al Fajr* editorial team categorically rejected the criminalising aspects contained within the revised version of the press law, currently under review, and stated their general opposition to the need for a separate law that is reserved exclusively for the press.

Neji Bghouri, President of the National Union of Tunisian Journalists (**Syndicat national des journalistes tunisiens**, SNJT), told the IFEX-TMG mission that 23 years of Ben Ali's regime "had effectively killed the press. With a few notable exceptions, Tunisia during this time never

entertained a real press. The question now is: Can we create a professional press that inspires the confidence of the Tunisian people?"

Bghouri decried the many instances where journalists have fallen into the trap of espousing propaganda for a particular party or political personality and outlined the urgent need for more training to develop specialised political journalists. "Government pressure on journalists, especially when they raise questions of national security, has been reported. But such attacks will become more serious the longer journalists remain untrained. The press needs to become irreproachable in this area."

But, rather than perceiving it as a systematic attack against freedom of expression, Bghouri says it is rather a reaction against individuals or outlets that are seen to touch on the stability of the country. "The problem remains, however, that such vague terminology can be widely interpreted to attack many things."

Bghouri's position is that there is no need for a press law separate from guarantees that already exist and that run in conjunction with the regular penal code. Journalists should not be considered outside of the normal constitutional legal framework.

In Bghouri's view, the provisional government is attempting to put the brakes on the expansion of the media sector, using INRIC (of which he is a member) as unwitting co-conspirators. "Without resources, INRIC cannot act, and it is the government that controls the budget. In the meantime, the risk is that the media realigns around classic models seen in other post-revolutionary societies, effectively supporting the emergence of a new set of dictators. There is a real fear that if the press cannot extricate itself from partisan coverage, it will inadvertently support the emergence of... these types of leaders."

The Union is working from all angles to guarantee a pluralistic media sector during the elections. "The press is running out of time... and the first real test for the Tunisian press is approaching. With the way things are now it will be difficult for the media to come through as it should. It is civil society's role to guarantee freedom of the press - to guard against manipulation by political forces - not the sole responsibility of the Union."

Similarly, Najiba Hamrouni, member of the SNJT Executive Committee<sup>4</sup>, confirmed the need for training after such a long period of repression. "There is a real lack of objectivity... Tunisian journalists need to begin again from zero. They have lost a lot of their professional reflexes."

Nejib Ouerghi, General Director of the **Tunis-Afrique Presse (TAP) News Agency** admits that his journalists are learning how to become accustomed to objectivity. "There is a real need to return to the basics of journalism. It's clear that we will learn from the errors of the past, and those still being committed. But journalists are taking themselves to task and beginning to self-regulate. They need to become real journalists and need to go out and hunt for information themselves. A competitive environment should be encouraged."

<sup>4</sup> Najiba Hamrouni was elected President of the SNJT in early June 2011.

## 1.2. Broadcast Media

Before the revolution, Tunisia operated a state broadcasting system as a propaganda instrument of government. State broadcasting consists of two separate institutions, now known as Télévision Tunisienne Nationale (formerly TV7) and Radio Tunisienne. Since the revolution, there have been senior management changes in both institutions and programming has become considerably more open to diverse points of view.

The question arises as to whether goals of pluralism, diversity and independence in the national radio landscape are best achieved by adding new national services to compete with Radio Tunisienne, or by Radio Tunisienne divesting of one or more of its services. This question is further complicated by reports that Radio Zitouna and Shems FM may also become state owned as a result of the seizure of the assets of the Ben Ali family.

Of the five private radio stations, only Radio Zitouna has comparable coverage to Radio Tunisienne, reaching around 90 percent of the population. Express FM is receivable in the major urban centres and covers around 70 percent of the population. Radio Mosaïque is the market leader in Grand Tunis and surrounding areas, Jawhara FM is a regional private service centred on Sousse, and Shems FM has coverage of Tunis and Sfax. There is some pressure from Mosaïque, Shems FM and Jawhara FM to increase their coverage areas but there is also considerable demand from new entrants wishing to establish local and regional radio services.

All five private radio stations and the two private television channels also carry some association with the previous regime whether through the investment of persons close to the ruling family or authorisation under a system of presidential patronage. There is no doubt their content has changed since the revolution. Old 'red lines' have disappeared. Political debate is extensive. Even the term 'super-revolutionary' is used to describe those that exert themselves trying to demonstrate revolutionary credentials.

An increase of media outlets, particularly in the area of broadcast media, is expected to emerge in Tunisia. The newly formed National Authority to Reform Information and Communication (Instance nationale pour la réforme de l'information et la communication, INRIC) has been established with the responsibility, among other matters, to assess demand for new radio and television services and to provide advice on broadcasting authorisations.

INRIC received 71 proposals for authorisation of radio services and 25 proposals for television services, including some transferred to INRIC by the office of the Prime Minister. A priority for media development must be to transform these expressions of interest into a range and diversity of new local and regional radio services, within and outside Tunis.

Several of these proposals come from groups wishing to operate on an associative or not-for-profit basis serving communities of interest or of proximity. Although awareness of community media in Tunisia remains low, the IFEX-TMG mission found civil society actors enthusiastic about the concept.

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Most applicants are eager to contribute to a new broadcast media landscape, in particular in advance of the elections. In addition, the IFEX-TMG mission also found frustration from two radio owners regarding the authorisation of new FM radio stations. Delays in the regulation process mean their only option is to broadcast as pirate stations, while others find themselves in limbo until authorisation is granted. And while restrictions on content have largely disappeared in recent months, the focus is now on training journalists in an effort to raise reporting standards. Providing a voice for young people and encouraging a public broadcasting mentality, particularly in the run up to the elections, has motivated many of the new and existing stakeholders to push for more pluralism and diversity within the broadcast media space.

"If we are outside the law, then so are the radios of Ben Ali," asserted Fourti Salah of **Radio 6**. The station launched on 14 February but still awaits a license. "If we are closed down we will start again and we will, at the same time, organise a protest against such an attack on freedom of expression."

Omar Mestiri, Director at **Radio Kalima**, said, "We want INRIC to support the emergence of media that have historically been rejected and were never part of the old system of cronyism," he says. "We don't want them to fall into the old traps but rather to promote the inclusion of the 'médias de liberté'."

Meanwhile, Habib Belaid, Director General at **Radio Tunisienne**, said he is concerned with improving the quality of regional radio stations, thereby increasing the audience, without aggravating regional identities and tribalism. "There is a need to consolidate the network of correspondents at a local level and equip them with the basic reporting kits for external productions. The main challenge is to open communication windows and space for society, to change the political mentality in order to increase the respect of difference. To play the role of Public Service Broadcaster, with a strong audience, to inform, educate and entertain."

**Mosaïque FM** started in 2004 and has become the market leader in Grand Tunis. "We tried to work with the constraints. Our programming has included music, culture and talk shows. The latter were allowed to cover local issues but not to go beyond the red lines of political discussion," said Director General, Nourredine Boutar. "After 14 January was the first time we really had free speech. It wasn't easy because broadcast media were linked to the old regime, but our audience retained some trust in us. We opened ourselves up and staged debates for expression of social and economic issues. Now the political parties and civil society consider us a space they can come to." As a result, the station is conducting training sessions in how to organise political debate and how to cover elections.

Mohamed Challouf works with the African-Mediterranean Cultural Association (**Association Culturelle Afrique Méditerranée**) in Sousse, and wants to give marginalized Sub-Saharan African students a voice. He has already submitted a request for a radio licence to operate on a not-for-profit basis and is putting together an application to the European Union (EU), in cooperation with Radio Popolare ([www.radiopopolare.it/](http://www.radiopopolare.it/)), to set up a station in Sousse, with the long-term vision of a network of local stations.

**Bouthaina Ahmed Gweia'a**, a presenter at the national radio, claimed that a culture of investigative journalism does not exist in Tunisia and lamented continuing controls.

*“The youth said what was needed, when it was needed,  
in record time and with marvelous results.”*

**Raoudhe Gharbi, women's rights activist**

### **1.3. The Internet**

Activists who used digital technology as a tool for mobilisation were key to the revolution as protests spread and gathered momentum. Social media users played a crucial role in circulating news and video evidence of the regime's brutal response from the regions to the capital and beyond. As the international media picked up on the stories emerging from Tunisia and beamed them to the world, few could predict that cell phone videos, Facebook groups and simple Tweets of ordinary citizens fighting for their freedom could contribute to the chain of events dubbed “the Arab Spring”, sending reverberations far beyond the country's borders.

Indeed, mostly young activists and social media users, who operated in anonymity, suddenly found themselves loosely united in defence of the revolution they helped bring about. Internet activists have scrutinised every step of the transition process, documenting witness statements, communicating fresh evidence and providing a living source of testimonial from those who have lived through the revolution and are determined to shape its aftermath.

While the importance of the Internet and social media in the spread and ultimate success of the revolution cannot be underestimated, it would be false to assume that the gains achieved occurred solely because of the digital phenomenon. While the pressure of a global audience may have helped, the complex socio-political-economic frustrations which were the catalyst to the Tunisian uprising risk being overlooked in the cacophony of superficial international headlines that focus on the triumphs of the “Facebook revolution.” The Tunisian revolution proved social media to have an essential role in delivering the story, but social media itself is not the story.

Many of the bloggers and activists who spoke to the IFEX-TMG mission believed that the transitional government is yet to adequately deal with many of their concerns regarding freedom of expression, with aspects of the former regime's censorship and surveillance networks still very much in place.

"Thanks to [social media] and despite limited Internet access in many Arab countries, the world was - and is - following Arab citizens gathering to protest against the authoritarian regimes that

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restrict and limit their freedoms,” explains **Lina Ben Mhenni**, who blogs under the name ‘A Tunisian Girl’ (<http://atunisiangirl.blogspot.com/>). “But social media alone hasn’t facilitated the Arab revolution. It was combined with a myriad of other factors as well as different methods of digital and traditional media: technological advances in conjunction with more traditional media outlets like TV channels Al Jazeera and France24, created the circumstances for such effective information dissemination.”

Ben Mhenni deplores the fact that the world’s attention has since turned away from Tunisia. “The majority of people think we have succeeded and that everything is fine. This is simply not true. Indeed, as recently as 4 May<sup>5</sup>, a video showing the previous Minister of the Interior circulated on Facebook. He was talking about the misdeeds of the transitional government, about his dismissal and about conspiracy theories. Whether what he was saying was true or not, many Tunisians decided to take to the streets to denounce the behavior of the present leaders of the country, and guess what? The government used the same old methods to repress the peaceful demonstrators: tear gas and live ammunition. Several journalists and bloggers were kidnapped, beaten and tortured, only to be released.”

Naturally, videos of the events circulated widely on Facebook and were picked up by networks like Al Jazeera. “There are no concrete changes in Tunisia. The people are still suffering; they are the victims of counter-revolution forces. Freedom and freedom of speech are just myths for us. We are not enjoying freedom of expression as the people outside Tunisia think,” said Ben Mhenni.

Nabil Chamekh, Dhouha Bjaoui and Wael Wnifi of the Youth Movement of Free Tunisians (**Mouvement des Jeunes Tunisiens Libres**) agree. “The dialogue on Facebook is completely different from the dialogue in the media. There are demonstrations that have been prevented by the police. You can't talk of a constitutional assembly under these conditions. You can't talk of independence of the judiciary either. The media are not really liberated: they continue to operate with the same practices and we still don't have access to their platforms.”

Journalist and Facebook activist **Ismail D’Barra** was compiling a report about media agencies and social media networks such as Facebook, Twitter and their roles in the revolution. “We will document the violations that took place and where oppression exists now. The challenges are still enormous, but we have to be optimistic. While the media scene has changed, there is still a deliberate blocking of content. For example, I wrote an article about Hamma Al Hammami<sup>6</sup> and it was blocked. Also, any articles related to the actions of the police will be censored. Nasma TV censored an interview with the photographer Mohammad Al-Ghareeni. We have also recorded complaints by journalists who have received threats.”

Asked where this censorship comes from, D’Barra replied: “In the State-owned media, censorship comes from the government. In the private media, censorship comes from the agency itself. In terms of access to information, the scene is vague and the transitional government has no will or power to make changes. Some journalists rely on using their personal connections with officials to

<sup>5</sup> Lina Ben Mhenni spoke to the IFEX-TMG after the violent crackdown by police against demonstrators on 5, 6 and 7 May

<sup>6</sup> Editor of *Al-Badil*, the official newspaper of the Communist Workers party

get information about what is happening. One of the aspects we need to train journalists in is how they can be impartial, as the new era carries variety and there is no political party from the past.”

**Slim Amamou**, blogger (<http://nomemoryspace.wordpress.com/>) and Secretary of State for Youth and Sport<sup>7</sup>, believes there should be no specific regulation for either traditional or Internet-based media, arguing such regulations help neither citizens nor journalists. “We want regulation that is citizen focused. If there were a need for laws, it would be ideal if they were the broadest possible and the most generally applicable. For example, they shouldn't define who is a journalist and there shouldn't be a government issued press card. On laws for protecting sources, maybe we should give these rights to everybody. Most of the time, the state media have third hand information – often from Facebook. The only fair solution is a system of self-regulation across all media, including real-time reporting. They should adopt this attitude and their own ethics. This should be enough. The only solution is to be transparent.”

Amamou believes the transitional government has done what it had to regarding the Internet. “The Internet is free. There are still cases of sabotage but this is not from the government... The Internet is still centralised but the ATI<sup>8</sup> is looking to decentralise it. There was a decision that interception should only take place within the framework of the law.”

He agreed with calls for greater access to information, particularly with regards to archives held by the Ministry of the Interior: “There is a need to be more transparent, including having access to the files of the political police. They could do this but maybe there should be more pressure, because people have other interests right now.” Amamou admitted that the Interior Ministry was still monitoring certain websites - albeit now under the prior condition of having obtained a court order to do so.

Rouissi Mehrez, Mahmoud Dachraoui and Daff Chafai are contributors to the Facebook page **Les batailles tunisiens** (<http://www.facebook.com/pages/les-batailles-tunisiens/>), part of the ‘Union of Pages of the Revolution’ that came together after 14 January. Before this, administrators were anonymous. The Union consists of the organisers of various Facebook pages that had called for the revolution. The group also said little has changed since the end of Ben Ali's regime. “We lived through times of bloody snipers targeting young people, yet those responsible for this are unknown and the subject remains taboo... The old policies of attacking demonstrators have continued. A young man was killed at a demonstration in February; demonstrators were arrested and tortured after the sit-ins we organised at Casbah 3 at the end of March.”

The group told the IFEX-TMG mission of a number of occasions in which uploaded videos simply disappeared, as well as instances where their admin passwords have been hacked, thus preventing them from accessing their sites.

<sup>7</sup> The resurgence of Internet censorship in April and May led to the resignation of Slim Amamou from his post as Secretary of State for Youth and Sport on 23 May. The resignation came in protest over the closure of four websites at the request of the Tunisian army. (Read IFEX-TMG statement [http://ifex.org/tunisia/2011/06/09/censorship\\_returns/](http://ifex.org/tunisia/2011/06/09/censorship_returns/))

<sup>8</sup> Tunisian Internet Agency (Agence tunisienne d'Internet), established by the Ministry of Communication to regulate the country's Internet and domain name system

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They are also concerned by the way the media is misrepresenting debates over the major issues facing Tunisian society. “They often present things in a way that makes out there is a real conflict in society, but often this is an engineered concept to present an image of a certain Tunisia that is incorrect and unbalanced,” asserted Daff Chafai. “Presenting televised debates as a 50/50 discussion suggests that certain problems are more important than they actually are. The Islamist issue is a case in point. Raising the profile of certain actors beyond their stature falsely changes the priorities and helps mask other issues. It shifts people’s focus away from their own, more pressing issues.”

Asked whether he and his Facebook network will ever recover confidence in the traditional media after having accomplished so much through the Internet and their own forms of communication, Chafai responded: “If we see it, we’ll believe it. We want to see reality as it is. We’re waiting to see real freedom of expression.”

*“In every country that has seen a transition from dictatorship to democracy, it has been a rough road. Tunisia will not be the exception.”*

**Kamel Labidi, free expression advocate**

## **2. Media Regulatory Bodies During the Transition**

Tunisia is in the process of adopting a new constitution and new media laws. A draft Press Code was produced by the Sub-commission on media of the Higher Political Council. After being widely criticised as overly restrictive and unnecessary, the first draft was withdrawn and a second is under review. An electoral decree has been adopted which includes some basic provisions for media coverage during the electoral period.

### **2.1. Reform of Broadcasting Laws and Regulatory Process**

The National Authority to Reform Information and Communication (Instance nationale pour la réforme de l'information et la communication, INRIC) acting as an advisory body, was established by the Prime Minister through Decree No 10 of 2 March 2011, which ascribes to it the following responsibilities:

The committee is empowered to present recommendations on the reform of the media and communication, taking into account international standards of freedom of expression:

- (a)** It specifically evaluates the state of the media in all aspects:
- (b)** It recommends scenarios on how to bring media and communication institutions to standards in order to achieve the objectives of the revolution, and preserve the right of the Tunisian people to a free, plural and independent media.
- (c)** It recommends the necessary legislations to achieve the objectives mentioned above, including the establishment of independent bodies to regulate the media laws relating to the written press, radio, television and the internet, as formulated on page 222 of the Tunisian Gazette n.14 dated March 4, 2011.
- (d)** It informs the relevant authorities and the public of the outcome of the evaluation and recommendations.
- (e)** It issues its opinion regarding the applications for the establishment of radio and television stations it receives, while awaiting the promulgation of a specific law.

As of April 16 at the end of the mission, INRIC had organised 10 consultative events with civil society, media, politicians and public officials, including two workshops sponsored by IMS/AMARC on media reform and community media that took place on 9-10 and 16 April. More were organised subsequently. It has also worked with international NGOs on the draft press law,

including ARTICLE 19 (see section 2.2 below.) A great deal of its time has been taken up with formulating proposals for broadcasting regulation and in the assessment of applications for the establishment of radio and television stations, for which it has requested the support of IMS/AMARC<sup>9</sup>. INRIC lacks resources to perform its responsibilities effectively, and has been criticised for lacking decision-making powers (see more above, section 1.2.) Notwithstanding these concerns, INRIC has been tasked with centrally important responsibilities in media reform. On completion of the first phase of its work (June 2011), INRIC should have produced:

- Policy recommendations for media development in Tunisia
- Proposals for legislation to give effect to these policies
- Recommendations for interim broadcast authorisations

At the same time it is essential to monitor and engage with other political actors with an interest in or having impact on media reform, in particular the Higher Political Reform Commission (**Haute instance pour la réalisation des objectifs de la révolution, de la réforme politique et de la transition démocratique**), led by Dr Yadh Ben Achour, which has established a sub-commission on media and is overseeing preparation for the Constitutional Assembly elections. The successor to INRIC is anticipated to be an independent broadcast regulator with decision-making powers. Its independence, powers and responsibilities can be expected to be constitutionally defined. It will be important therefore to follow closely the process leading to the new constitution, including the present preliminary drafting stage.

## **2.2. Analysis of Legal Process Surrounding Media Regulation During the Transition**

At an institutional level, the transitional authorities have sent strong signals by reiterating their resolve to guarantee freedom of expression. One of the major symbols of control, the Ministry of Information, was scrapped from the legal architecture of the country. In addition, the mission to control information assigned to the Agence tunisienne de communication extérieure (ATCE) and Internet sites to l'Agence tunisienne d'internet (ATI) was in theory suppressed, but the two institutions are still in existence.

Regarding policy reform, and despite INRIC's attempts to develop an operational transitional framework, it is yet to define a clear road map for the sector due to a variety of challenges including political pressure, the complexity of broadcasting regulation and the lack of resources.

On the other hand, in March, a first draft of the press code was prepared by the media subcommittee, but media professionals decried the lack of consultation and the absence of input from the relevant stakeholders. Some international organisations including ARTICLE 19 provided in-depth analysis<sup>10</sup> and met with the sub-commission during the IFEX-TMG mission to provide

<sup>9</sup> IFEX-TMG members support fair and transparent allocation process for broadcasting licenses, 10 May 2011:

[http://www.ifex.org/tunisia/2011/05/10/broadcasting\\_licences/](http://www.ifex.org/tunisia/2011/05/10/broadcasting_licences/)

<sup>10</sup> A summary of ARTICLE19's analysis of the draft decree on the election of national constituent assembly: <http://www.article19.org/pdfs/analysis/summary-comment-on-the-draft-decree-on-election-of-national-constituent-asse.pdf>

guidance, raise concerns on the legitimacy of a press code, the need for national consultation with media practitioners, and the need to comply with international standards.

Media organisations in Tunisia have continued to raise their concerns and opposed the draft press code for its overbroad limitation and lack of consultation. Currently, the press code is on the shelf and the long awaited discussions on the overall legal reform on media policies are yet to take place. It is unlikely that a comprehensive framework will be finalised and agreed to before the Constituent Assembly elections.

Legal guarantees to ensure freedom of expression and independence of the media including during elections need to be adopted. Despite the progress, media freedom is not fully guaranteed as illustrated by the series of recent attacks committed against journalists without any prosecution of the perpetrators.

Meanwhile, a flawed election decree has been recently adopted. One of the major issues of concern is the lack of any clear reference to key human rights principles that should guide free and fair elections. Relevant international standards on freedom of expression, the right to political participation and to guarantee the respect for freedom of expression and media freedoms during the election process are not explicitly guaranteed. The decree does not provide special measures to ensure impartiality, fair and balanced information in the reporting of news and current affairs during election campaigning. The decree also does not mandate the independent Electoral Commission to carry out voter education programmes and provide for transparency of its operations.

Another limitation to freedom of expression and the independence of the media is the lack of transparency in the ownership of many private media. Some are owned by individuals close to the former regime and in many cases, the shareholders were mainly from Ben Ali's former circles of influence. This situation limits the ability of the media to gain public trust and play a major role in supporting the aspiration for democracy of the Tunisian people. There is currently no clear policy to address this disturbing situation which if not tackled may undermine the quality and pluralism of media content. Ad-hoc measures have been taken against some media houses, but clear policies on ownership need to be elaborated.

Under the former regime, state media was tightly controlled by the government. Today, there are no legal guarantees to define the status of the state media and how it should operate and be transformed into a public service media. The public media is under direct control of the Prime Minister's office, but given the major challenges linked to assuring a smooth transition, the reform of the state media does not seem to be a top priority of the transition government, despite the assurance given during the IFEX-TMG's meeting with the Prime Minister.

*“The priorities for change were announced by the revolution. If we maintain the same social, economic and political models then we can't expect to maintain the freedoms won.”*

**Fathi Chamkhi, Civil society activist (RAID-ATTAC)**

### 3. NGOs and Civil Society Groups

Freedom of expression and civil society activists suffered the full force of repression under the Ben Ali regime. The State media was regularly used to attack individuals and undermine entire groups, discrediting reputations by publishing often shocking and perverse lies.

Since 14 January, many such groups and individuals have faced a wholly different set of challenges. Some have found access to the media limited, while others - because of the nature of the subjects they address - have come up against official reticence to push for their agendas.

Fathi Chamkhi who organises the Committee for the Abolition of Third World Debt (CADTM) and the **Assembly for Alternative International Development (RAID-ATTAC)**, which is calling for an audit of Tunisia's external debt, has been faced with red-lines throughout the Tunisian media. “The subject has suffered a media blackout and the organisation is being totally ignored inside of Tunisia,” he claimed. “There has been a petition of Members of the European Parliament and TV interviews on European TV that have not been broadcast in Tunisia. If the debt is not addressed, then austerity measures will continue. Everything that brought us to the stage of revolution will remain, except the actual dictator.”

Mohamed Ennouri, head of the association Liberty and Equity (**Liberté et Équité**), works in collaboration with the International Association of Political Prisoners in the areas of public freedoms and human rights. “Over the past five years, the association has collected evidence of crimes committed by the state against the Tunisian people. The aim now is to address the issues with the largest number of people,” he said. He believes the regime is not like it was before, despite those responsible for many of the cases still in their positions. “But they are largely powerless. There is a general lack of legitimacy in the Prime Minister and the government. Everyone is waiting for the elections to restart the process from a practical point of view.”

Ennouri argued that there has been no positive intervention by the government in terms of the media and that particularly in broadcasting, the old guard is still in charge. “Red lines are still very much present, and there are certain figures who still do not appear on TV. We are witnessing a continuation of the old mentality.”

The Mothers of the Families of Prisoners Condemned Under the Terrorism Laws (**Les mères des familles des prisonniers jugés sous la loi de terrorisme**) are responsible for making contact with political prisoners. The group reported an ongoing police mentality regarding the specific targeting of “undesirables”, namely “those who look too pious for the taste of the new regime.” According to the group’s directors Zeineb Chebli and Jamila Ayed, arrests under the terrorism laws have continued since the revolution and numerous demonstrations have been violently disrupted. They claimed that agents-provocateurs had begun to reappear in an attempt to deliberately trap young men and get them into trouble. “It’s not transparent who has the power now,” they said.

Mondher Cherni and Choukri Latif from the Organisation Against Torture in Tunisia (**Organisation contre la torture en tunisie**, OCTT) claimed that torture is yet to be eradicated in Tunisia. “The right to demonstrate is being increasingly repressed. The authorities are reoccupying the public space, the Political Police remains and so does communications surveillance.” The organisation believes there is an intentional amalgam between political demands and instability and that the media facilitates this confusion. “Today, it’s all about security and the economy.”

Meanwhile, Ahmed Rahmouni, President of the Tunisian Magistrates’ Association (**l’Association de magistrats tunisiens**, AMT), believes there is an urgent need for greater transparency in order to fight rampant corruption in the Tunisian judicial system. “The revolution itself demanded the purification of the judicial system in order for it to fight corruption. Corruption was caused by a lack of transparency, lack of participation and a flawed election process that maintained the dictatorship. All of these processes were under the auspices of the Ministry of Justice, and there is still a need for certain figures to disappear from public life in order for there to be true reform.”

A slight improvement in access to the media was reported by Radhia Zekhri and Raoudhe Gharbi from the Association of Tunisian Women for Research and Development (**l’Association des Femmes Tunisiennes pour la Recherche et le Développement**, AFTURD). “To have ample access to media we need to be aggressive,” said Gharbi. “The media are not totally free, they are still controlled, and the revolution has still not produced its fruits,” she said. A free press is the most important method to achieve democracy and free expression must be allowed in the public domain, she added, noting “there is a big difference in access to the media in the city and in rural areas.” Despite conceding that there is still lots to accomplish (suspecting continued surveillance and that her telephone is still tapped), Gharbi remains optimistic that with greater opportunities for collaboration and open dialogue between different generations, people will begin to find the space to breathe and enter the debate concerning what kind of society they want to see develop.

Essia Belhassan, a board member of the Democratic Women’s Association of Tunisia (**l’Association Tunisienne des Femmes Démocrates**, AFTD), stated that women had gained more freedom and access since the January revolution but that, again, a lot of work remained to be done to ensure their voices are heard. “There is a need to change the mentality of the people, particularly men, in order to achieve more of the goals for women.” AFTD is also looking for access in the State media. “Censorship still remains, and the leaders of the private media... do not represent our cases in a decent way. The media are still characterised by Ben Ali’s politics. Certain concerns are ignored, with the private media oriented towards the mainstream news and not covering concerns of women in the streets.” Belhassan also reported that since the revolution there had been negative

campaigns or comments against ATFD on Facebook and even on some TVs, perhaps because of religious concerns.

Tarek Saidi, executive board member of the General Union of Tunisian Students (**Union Générale des Etudiants Tunisiens, UGET**), believes that many of the issues that brought about the revolution in the first place are not being addressed. "How will all these competing organisations treat the subject of freedom? It's not a question of capability, but more an issue of just how democracy will be brought about and how we will address the many social problems raised by the revolution all at the same time." Saidi fears there is a great risk that many students will not participate in the election. "Democracy has to be seen to work, to address the issues in society, before people take part. We need to communicate that each of us has a civic responsibility to participate in order to formulate the right kind of society together." The UGET suffered tremendous repression under Ben Ali and its membership plummeted. As the union restores itself, it is looking to create a countrywide campus-level radio network to connect the regions and communicate student issues. It would also act as an educational tool in terms of the forthcoming election process.

Sihem Bensedrine from the Observatory for Press Freedom, Publishing and the Creative Arts (**Observatoire pour la liberté de presse, d'édition et de création, OLPEC**) and the National Council for Liberties in Tunisia (**Conseil National des Libertés Tunisiennes, CNLT**) reported that there is still surveillance over her telecommunications. The secret police continue to watch her.

CNLT has documented the control over all types of communications by the political police under Ben Ali. They also have evidence that the articles written against activists and journalists were pre-written by the Ministry of the Interior and handed to newspapers (*Al Hadath* and *Kol El Nas*), whose editors were obliged to sign their names and print them. She also reiterated that control of major media outlets still lies with Ben Ali cronies and the mafia. "TV is the biggest source of disinformation, while many radio stations require a change in management. The current status of the media is that censorship and disinformation still very much exist."

The Tunis Centre for Press Freedom (**Centre de Tunis pour la liberté de presse**), through journalists Mahmoud Dhaouadi, Ismael D'Barra, Mohamed Malli and others, has identified the dual priorities of training journalists and establishing a new legal framework for the media. The Centre has prepared a report, launched on 3 May, World Press Freedom Day, which documents the state of the press since 14 January.

"Censorship still exists throughout the written press and the audiovisual sector, particularly within media companies... Editors are still censoring opinion pieces that criticise power," stated Mahmoud Dhaouadi. "Information isn't flowing too freely. For example, information on the victims from 12 and 13 January remains a taboo subject." He revealed that many journalists now recognise they require training.

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Mokhtar Trifi, President of the Tunisian League for Human Rights (**Ligue Tunisienne des Droits de l'Homme, LTDH**) said that established NGOs are cooperating together in a coalition to focus their work around election monitoring. In a previous meeting with the IFEX-TMG in February 2011<sup>11</sup>, Trifi praised the commitment of the IFEX-TMG and said that the international coalition had been essential in maintaining international attention on what was going on in Tunisia. "After WSIS, there were fears that international organisations would vanish. We lacked everything in Tunisia with regards to freedom of expression. We need to completely revamp the media scene. Since independence, Tunisia has relied on a very classic system of information. We need to completely revise this and open up the media scene to greater pluralism, reinvent how media work and support new media. The critical role of youth using social media has been essential in showing us this."

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<sup>11</sup> *Tunisian partners share history in the making with IFEX-TMG*, 16 February 2011:  
[http://ifex.org/tunisia/2011/02/16/history\\_in\\_making/](http://ifex.org/tunisia/2011/02/16/history_in_making/)

*“Despite the challenges, the transition ought to be exemplary, particularly as it resonates across the region.”*

**Béji Caïd Essebsi, Prime Minister of Tunisia**

#### **4. Politicians and Diplomatic Representatives**

Of the diplomats met from the UK and Canadian Embassies and the European Commission (EC) Delegation, there was a general consensus that international support could be offered to local NGOs, often in the form of support for international NGOs with experience in election monitoring and training. Some embassies already work together with the EC to coordinate funding activities and support. It is widely appreciated that the established NGOs and the journalists' union are able to handle projects. For example, embassies are looking at supporting training for journalists and sharing best practices with journalists, editors, publishers and media owners, including developing a code of conduct. However, one diplomat noted that the political landscape was very fragile.

**Canadian Ambassador** Ariel Delouya said, “The media are not intentionally reckless but they lack training, rigour and standards – under Ben Ali, they were used to being a mouthpiece and now that they are free, they have to adapt.” He cited a situation when the media caused panic by reporting a general strike by gas stations when it was a strike by only two small companies. Ambassador Delouya said civil society now had a good role to play “in building up democracy and establishing ramparts against extremist elements.”

Political Officer William Hopkinson from the **British Embassy** said the British government is interested in helping Tunisian journalists, including perhaps to create a code of conduct for elections, as well in public service broadcasting reform in general. He thought that public and state radio coverage was quite open, while Nesma TV (Tunisian satellite TV) carried an hour-a-day of reports from various blogs. He believed the rules and habits set-up over the next year would shape the future direction of media regulation, and that the nature of INRIC could change after the elections.

Adrianus Koetsenruijter, Head of Delegation at the **European Commission Delegation**, also talked about training for journalists and civil society groups. The EC is calling for proposals for small projects (under 200,000 Euros), which would be instrumental to stability in Tunisia. There is a lot of EC support for the election process, and for the first time, they will be able to fully use the human rights budgets available. The EC Delegation is involved in election support projects and coordinating with other agencies to ensure there is no duplication of efforts.

Alexandre Delvaux from the **Delegation Wallonie-Bruxelles** explained how they are facilitating the work of a group of 14 international funding partners with a view to a common approach. He said support had been allocated for the Media Observatory (Observatoire des médias) partnership between Panos Paris and the SNJT. There has also been support for RFI and Deutsche Welle who are conducting professional training across the media.

Meeting with the IFEX-TMG mission members, **Prime Minister** Béji Caïd Essebsi expressed his conviction that a free press is key to a successful democratic transition in Tunisia, while acknowledging difficulties they are facing. "Despite the challenges, the transition ought to be exemplary," he said, "particularly as it resonates across the region." The youth played an important role in the change and their aspiration for justice and freedoms, including freedom of expression, should not be deceived. "The decision to abolish the Ministry of Information should be seen as a sign that the era of government propaganda has ended," he claimed.

Responding to the issue of ownership of private media by close allies of the former regime, the Prime Minister said that as far as public media were concerned changes in leadership had taken place, and that the government would ensure they remained insulated from political control and their editorial independence was respected. He raised concerns about the concentration of private media in the capital city. The contribution of social media to the public debate and in fostering the democratic discourse was welcomed.

The Prime Minister said he was aware of the difficulties facing INRIC regarding the requests for broadcasting licenses, but reiterated that despite technical limitations all applications needed to meet minimum conditions to be considered. He also admitted to differences in opinion regarding the draft Press Law. "We are committed to freedom of the press and have not taken any restrictive decisions. We are only a transitional government, and this prevents us from doing more than is needed to assure the process of establishing a new system. Journalists are all independent, and now everyone has the freedom to express themselves. We are open to the NGOs who are ready to assist."

Regarding the next steps to ensure election coverage is balanced and that the public media plays its part, the Prime Minister said he was committed to reinforcing the technical and financial capacity of the public media to fulfill its public service mission, and that he would support the elaboration of a framework to ensure that election coverage complies with international standards and allows Tunisians to participate freely and fairly to make an informed choice.

## **Conclusion**

Drawing on the array of views presented above, it appears that the transitional government has much to do to guarantee freedom of expression. Access to information should be safeguarded, lingering censorship and surveillance eradicated. Media pluralism has to be encouraged and journalism standards and techniques developed. If Tunisians are to play an informed part in the transition phase and beyond, they need a free and independent media and a strong, democratic and open civil society to hold power to account and ensure dictatorship - of whichever nature - never returns.

Failure to address such issues in an adequate and timely manner risks signaling a tacit acknowledgment that elements of the old regime are still acceptable. This would not only be a betrayal of the revolution, but would condemn the Tunisian people to many more years of uncertainty.

With the upcoming and historic elections set for 23 October, the media will be put to the test and freedom of expression ought to be far beyond the experimental phase.

While cautious optimism still exists among many of those interviewed for the purpose of this report, events since the mission – notably the clampdown and apparent targeting of journalists, bloggers and photographers during demonstrations held on 7 - 8 May – are highly disturbing. An activist who worked with OLPEC during the IFEX-TMG mission, Najib Abidi, was physically attacked by members of the Political Police on Saturday 7 May and suffered a broken arm. He claims to have been caught-up in an indiscriminate attack by police who ran amok through a peaceful crowd of demonstrators. Such threats facing freedom of expression provide stark evidence that while the dictator may have gone, the scars he inflicted upon his people still run deep.

## Recommendations

The IFEX-TMG mission members highlighted a series of concerns that require immediate attention if the transition to a representative democratic society is to achieve fundamental freedom of expression rights:

- Redress the lingering effects of the former regime that are having a negative effect on the transition process across many areas of society, and in particular the media.
- Plural voices ought to be heard and informed debates undertaken so that the people of Tunisia can continue to effectively engage and shape their own futures.
- Support Tunisian journalists in their ongoing efforts to strengthen professional skills and standards, particularly in view of the forthcoming elections.

## Recommendations to INRIC

- Upon request by INRIC, an international group of experts, including AMARC and ARTICLE 19, should continue to advise and support INRIC on media law and regulation
- An independent technical study should be commissioned with a view to INRIC making recommendations on a spectrum plan for the FM band.
- INRIC should engage in further consultation on demand for national radio and television services considering the availability of radio frequencies, and terrestrial television channels.
- INRIC should seek to minimise barriers to entry for new local radio services (private and associative) and recommend the rapid assignment of frequencies for new services that can add to the plurality, diversity and independence of services available.
- INRIC proposals for media policy and media law reform should give a priority to:
  - Establish interim regulatory framework for the licensing procedure; and the regulation of broadcasting content during election.
  - Constitutional provisions to assure media freedom and an independent body for the regulation of broadcasting and communications;
  - Defining the main elements of a new media law to establish an independent regulatory body and regulatory system that can facilitate public service, private commercial and community/associative media;
  - Development of cahiers des charges for the authorisation and operation of private and associative radio and television services at the local level.
  - Provide support to the state broadcaster to fulfill its public mandate during the election.

## **Recommendations to Government**

- To promote and protect the right to freedom of expression and act upon any violations to this fundamental right.
- To ensure broad and transparent consultation with stakeholders before the adoption of any media legislation. All legislation that imposes criminal sanctions on journalists in relation to their work should be repealed.
- To guarantee the safety and security of all media professionals. The perpetrators of attacks against media professionals should be brought to justice.
- To support the transformation of state broadcasting into public service broadcasting.
- To guarantee access to information.
- While welcoming steps to dismantle Internet censorship, more work is needed to bring to an end the system of centralised control of Internet infrastructure.
- To grant provisional authorisations for new local radio services based on results of INRIC assessment and recommendations, so as to increase pluralism and diversity in the broadcasting landscape in the run-up to elections.
- Where licensees also need a broadcasting frequency, they should not have to go through a separate decision-making process to obtain this frequency; successful applicants should be guaranteed a frequency appropriate to their broadcasting licence and they should be free to make their own arrangements for transmission, subject to complying with general technical standards.

## **Recommendations to Civil Society Organisations**

- Independent civil society organisations working with their international partners should form a civil society coalition for media reform to engage in policy dialogue and advocacy. Policy goals of the civil society coalition should include:
  - Constitutional guarantees for freedom of expression rights
  - Broadcasting regulation based on public interest objectives and consistent with international standards of independence, transparency and integrity;
  - A three-tier model with an equitable distribution of frequencies between public service, private commercial and community/associative broadcasting;
  - Transformation of the state-owned radio and television providers into public service institutions that are editorially independent of government;
  - Effective media self-regulation and accountability;
  - Reform of journalism education.

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- The IFEX-TMG mission members welcome the project led by a consortium of civil society organisations to monitor the work of media in this critical phase of transition, during and after the elections.
- More generally, threats to and violations of freedom of expression rights in Tunisia should continue to be recorded and decisively acted upon.

## Appendix 1: List of Sources for the IFEX-TMG Mission

- Slim Amamou, blogger (<http://nomemoryspace.wordpress.com/>) and Secretary of State for Youth and Sport (until resignation on 23 May 2011)
- Eissia Atrous, journalist, *Essabeh* newspaper
- Habib Belaid, Director General, Radio Tunisienne
- Sihem Bensedrine, the Observatory for Press Freedom, Publishing and the Creative Arts (Observatoire pour la liberté de presse, d'édition et de création, OLPEC) and the National Council for Liberties in Tunisia (Conseil National des Libertés Tunisiennes, CNLT)
- Neji Bghouri, President of the National Union of Tunisian Journalists (Syndicat national des journalistes tunisiens, SNJT)
- Dhouha Bjaoui, Nabil Chamekh and Wael Wnifi, Youth Movement of Free Tunisians (Mouvement des Jeunes Tunisiens Libres)
- Nourredine Boutar, Director General, Mosaïque FM (<http://www.mosaïquefm.net/>)
- Taoufik Ben Brik, journalist and writer
- Fahem Boukadous, journalist and activist
- Slim Boukdir, journalist
- Daff Chafai, Mahmoud Dachraoui and Rouissi Mehrez, contributors to the Facebook page Les batailles Tunisiens (<http://www.facebook.com/pages/les-batailles-tunisiens/>)
- Mohamed Challouf, African-Mediterranean Cultural Association (Association Culturelle Afrique Méditerranée)
- Fathi Chamkhi, RAID-ATTAC
- Zeineb Chebli, President, and Jamila Ayed, Vice-President, the Mothers of the Families of Prisoners Condemned Under the Terrorism Laws (Les mères des familles des prisonniers jugés sous la loi de terrorisme)
- Mondher Cherni and Choukri Latif, the Organisation Against Torture in Tunisia (Organisation contre la torture en Tunisie, OCTT)
- Cooperation for the Development of Emerging Countries, COSPE (<http://www.cospe.it/>)
- Ismail D'Barra, Journalist and Facebook activist
- Ariel Delouya, Canadian Ambassador
- Alexandre Delvaux, Delegation Wallonie-Bruxelles
- Mahmoud Dhaouadi, Ismael D'Barra and Mohamed Malli, Tunis Centre for Press Freedom (Centre de Tunis pour la liberté de presse)
- Mohamed Ennouri, head of the association Liberty and Equity (Liberté et Équité)
- Rashid Ghannouchi, general director *Al Fajr* newspaper and leader of the Al Nahda Islamist party
- Bouthaina Ahmed Gweia'a, Presenter, National Radio
- Hama Al-Hammami, editor, *Al-Badil* Communist Workers party newspaper
- Najiba Hamrouni, member of the SNJT Executive Committee (elected SNJT President in June 2011)
- Lotfi Hajji, journalist, Al Jazeera
- Mohamed Al Hani, Chargé de mission, Office of the Minister, Women's Ministry

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- Lotfi Hidouri, acting editor, Abdullah Zouari, Mohammed El Hamrouni, Sabrin Moro and Najib Murad, senior journalists, *Al Fajr*, newspaper of the Al Nahda Islamist movement
- William Hopkinson, Political Officer, British Embassy
- Halima Jouini and Essia Belhassan, board member, the Democratic Women's Association of Tunisia (l'Association Tunisienne des Femmes Démocrates, ATFD)
- Mohammd Kirchen, journalist, Al Jazeera
- Adrianus Koetsenruijter, Head of Delegation, European Commission Delegation
- Mariem Masmoudi, head of communications, SAWTY
- Omar Mestiri, Director, Radio Kalima (<http://www.kalimatunisie.com/>)
- Lina Ben Mhenni, blogger, radio producer and sociologist 'A Tunisian Girl' (<http://atunisiangirl.blogspot.com/>)
- Noza Ben Mohamed, Soumaya Hamlaoui and Fourti Salah, Radio 6
- Sahbi Ben Nablia, UNESCO
- National Authority to Reform Information and Communication (Instance nationale pour la réforme de l'information et la communication, INRIC): President Kamel Labidi; Ridha Kehfi, Kapitalis; Larbi Chouikha, Professor, Institut de Presse et des Sciences de l'Information; Lina Ben Mhenni, blogger, radio producer and sociologist
- Nejib Ouerghi, General Director of the Tunis-Afrique Presse News Agency (TAP)
- Political Reforms Committee, Media Laws sub-commission
- Ahmed Rahmouni, President, and Judge Kalthoum Kennou, Secretary General, the Tunisian Magistrates' Association (l'Association de magistrats tunisiens, AMT)
- Radio Regueb (<http://www.radioregueb.com>)
- Naziha Rejiba, president, PEN Tunisia
- Professor Mahmoud Ben Romdan, economist and member of Ettajid political party
- Beji Caid el Sabsi, Tunisian Prime Minister
- Rodhia Saidi, President of the Women's Commission, SNJT
- Tarek Saidi, executive board member of the General Union of Tunisian Students (Union Générale des Etudiants Tunisiens, UGET)
- Ahmed Seddik, board member, National Order of Tunisian Lawyers (L'ordre national des Avocats de Tunisie)
- Mokhtar Trifi, President of the Tunisian League for Human Rights (Ligue Tunisienne des Droits de l'Homme, LTDH)
- Tunisian Association for the Fight Against Torture (Association tunisienne de lutte contre la torture, ATLCT)
- Ali Belhadj Yousef, Owner/Manager, Jawhara FM, Sousse (<http://www.jawharafm.net>)
- Radhia Zekhri and Raoudhe Gharbi, the Association of Tunisian Women for Research and Development (l'Association des Femmes Tunisiennes pour la Recherche et le Développement, AFTURD)

## Appendix 2: Establishing the National Authority for the Reform of the Media and Communication (INRIC) Decree

### Order No. 10, March 2, 2011

Upon the Prime Minister's recommendation and pursuant to

- Articles 28 and 57 of the Constitution,
- The Original Law No. 48 dated June 14, 2004 that establishes the Parliament and the Council of Advisors and defines the way they relate to each other, and as amended by the Original Law No. 32, dated May 22, 2006, specifically in its Article 32
- Code of public accountability promulgated by Law no. 81 dated December 31, 1973, and as later amended and completed by subsequent texts
- Law No. 5 dated February 9, 2011, which entitles the Interim President to issue orders according to Article 28 of the Constitution,
- Law No. 400 dated November 7, 1969 which establishes the Prime Minister position and his mission

The Interim President of Tunisia issues the following Order-Law that establishes the National Commission for the Reform of Information and Communication and which reads as follows:

**Article 1.** The establishment of a national independent committee called the National Authority for the Reform of Information and Communication.

**Article 2.** The committee is empowered to present recommendations on the reform of the media and communication, taking into account international standards of freedom of expression:

**(a)** It specifically evaluates the state of the media in all aspects:

**(b)** It recommends scenarios on how to bring media and communication institutions to standards in order to achieve the objectives of the revolution, and preserve the right of the Tunisian people to a free, plural and independent media.

**(c)** It recommends the necessary legislations to achieve the objectives mentioned above, including the establishment of independent bodies to regulate the media laws relating to the written press, radio, television and the internet, as formulated on page 222 of the Tunisian Gazette n.14 dated March 4, 2011.

**(d)** It informs the relevant authorities and the public of the outcome of the evaluation and recommendations.

**(e)** It issues its opinion regarding the applications for the establishment of radio and television stations it receives, while awaiting the promulgation of a specific law.

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**Article 3.** The National Authority for the Reform of Information and Communication will be composed of:

(a) the President of the National Authority, who will be selected for his competence and independence with respect to the media and communication field. He will be appointed by Order.

(b) At least eight Members, who are selected by the President of the National Authority among professionals, experienced and specialised persons in the fields of media, communication and law in consultation with groups and organisations from civil society. The members will be appointed by Order.

**Article 4.** The National Authority for the Reform of the Information and Communication will hold periodic meetings and when it considers necessary. The meetings will be called for by the President of the Commission or his deputy who will issue invitation and prepare their agenda after consulting the Commission members.

**Article 5.** The Law No.30 of 2008, dated 2 May 2008, which relates to the Higher Council for Communication and all texts amending that law are abolished.

**Article 6.** All assets of the Higher Council will be transferred to the ownership of the State, and the State will assume the commitments of the Higher Council.

**Article 7.** The expenses related to the working of the Commission will be charged to the budget of the Prime Ministry

**Article 8.** The Prime Minister will implement this Order which will be published in the Gazette of the Tunisian Republic.

Tunis, March 2, 2011

Signed

Fouad Al-Mebaza'a, Interim President