



Freedom of the Press 2013 - Tunisia

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2013 Scores

Press Status: Partly Free

Press Freedom Score: 52

Legal Environment: 18

Political Environment: 18

Economic Environment: 16

The Tunisian media environment remained in transition in 2012 following the overthrow of President Zine el-Abidine Ben Ali in early 2011. The National Constituent Assembly (ANC), elected in 2011 as the interim legislature and tasked with drafting a new constitution, is led by Ennahda, a moderate Islamist party that was banned during the Ben Ali era. The space for media freedom opened considerably under the transitional government, which released jailed journalists, bloggers, and activists and passed a number of measures to promote press freedom during its first year in office. In 2012, however, both government and opposition forces exerted increased pressure on news content, and journalists faced an uptick in violence.

The ANC continued working on a new constitution in 2012. However, proposed clauses that make exceptions to freedom of expression on the grounds of morality and decency could be used to censor free speech or media content. The assembly is considering whether a higher religious council will be involved in interpreting laws, a mechanism that could also be used to curb press freedom. There is a genuine concern that the constitution will articulate media rules in rigid and excessive detail rather than guaranteeing broad rights to freedom of opinion, expression, and the press. On a positive note, in October 2012 the government dropped a controversial clause outlawing blasphemy from the draft constitution, and the ANC announced that defamation would not be criminalized. Nevertheless, defamation cases continued to be filed against members of the press during the year. In February, journalist Ghazi Mabrouk was charged with "defamation and publishing false news" for an article that revealed poor working conditions in a clothing factory. He faced up to two years in prison if convicted. Also that month, the director of two daily newspapers, Abdel Aziz al-Jaridi, was sentenced to four months in jail following his June 2011 conviction for defaming a news anchor with Qatar's Al-Jazeera television network.

In November 2011, the transitional government passed Decrees 115 and 116, which were intended to replace the restrictive 1975 press code and create an independent audiovisual regulatory authority. The new press code enabled journalists to freely access information and removed a requirement for prior authorization from the Interior Ministry for the publication of certain stories.

The code also included a reduction in the protections and privileges enjoyed by public authorities, including those related to defamation and information pertaining to state security. After a significant delay, the government announced that it would begin implementation of the new regulatory framework in October 2012, though the independent audiovisual regulatory authority had not been launched by year's end. While the 2011 decrees are widely regarded as a step toward increased press freedom, the ambiguity of the language still poses potential risks to the work of journalists and media outlets. The National Authority to Reform Information and Communication (INRIC), a body created to overhaul the media sector following the revolution, ended its work in July 2012, citing the government's engagement in censorship and its disregard for the authority's recommendations. Another reason for the INRIC's closure was the government's slowness to implement Decrees 115 and 116. Separately, newly established media outlets are able to begin work quickly, as the registration process has been expedited considerably. Press freedom groups and journalists alike are able to operate more openly in the new environment.

The judiciary functions with legal uncertainty regarding press freedom, enforcing both the new press code established under Decree 115 and the repressive Ben Ali-era penal code. Some observers have expressed concern that the judiciary will be used to harass and intimidate journalists, who continue to face legal action for allegedly offending Islamic morals and committing acts of indecency. In February 2012, the publisher of the Arabic-language daily *Attounissia*, Nasreddine Ben Saida, became the first media executive to be jailed in the post-Ben Ali era following the paper's publication of a photograph of a scantily clad model. He was released after seven days and fined approximately \$650. In May, Nabil Karoui, director of the private station Nessma TV, was fined \$1,500 after the channel broadcast the Franco-Iranian animated film *Persepolis*, which includes a depiction of God. Despite these rulings, the judiciary has at times demonstrated independence and upheld freedom of expression. In February, Tunisia's highest court overturned a lower court's ban on pornographic websites, which many feared would be applied broadly and lead to tighter internet restrictions. However, the court referred the case back for reconsideration, leaving open the possibility of internet censorship. In March, whistleblower and former Interior Ministry official Samir Feriani was acquitted of "spreading false information" for his criticism of personnel and practices within the ministry.

Access to information and sources has improved, but remains difficult. In 2011, the transitional government adopted Decree 41, which provided greater access to administrative documents. In May 2012, the government issued a directive detailing the information that government offices must make public and the procedures for doing so. While the adoption of the decree was welcomed by press freedom groups, it was criticized for its broad exceptions and the absence of a public-interest override clause, as well as the fact that no independent body has been created to oversee implementation. Activists continued working in 2012 to include a formal right to freedom of information in the new constitution.

Increased polarization of the media landscape has left news organizations divided by ideology, political affiliation, and economic interests. Media outlets tend to favor either progovernment or opposition voices, and adopt Islamist or secularist outlooks. However, state media have displayed growing independence and covered the government in a considerably nonpartisan manner, creating tension with the ruling party. In April 2012, discussion of the privatization of state broadcasting caused an uproar that led to clashes outside the state media headquarters.

There is no longer official censorship, and self-censorship has decreased since the fall of Ben Ali. However, the ruling coalition has increased pressure on the state media, which it views as a platform for the opposition. On several occasions in 2012, officials and reporters with the state-owned broadcasters were dismissed in what appeared to be politically motivated firings. In June, the director of the national news channel Wataniya 1 was dismissed for inviting a Ben Ali-era politician to participate in a panel discussion. The government nominated new officials to managerial positions within the state media outlets, a process reserved in theory for the planned broadcast regulatory body. Private media that were critical of the government also endured

repressive treatment. In August, authorities detained television producer Sami Fehri of Attounissia TV for alleged misappropriation of public funds and refused to comply with a November court order calling for his release. He remained in detention at year's end.

While the environment for online free expression improved significantly after the fall of Ben Ali, there have been instances of internet censorship under the transitional government. In March 2012, two bloggers – Ghazi Ben Mohamed Beji and Jaber Ben Abdallah Majri – received seven-year prison sentences for publishing items deemed offensive to Islam. The former fled to Europe and was convicted in absentia. Although the government in September announced its intention to lift all internet censorship, activists remained concerned by the continued existence of the censorship infrastructure. Tunisia subsequently joined the Freedom Online Coalition, a partnership of 19 countries that have declared a commitment to work in support of internet freedoms.

Physical assaults on journalists, while not systematic, have become a standard practice among police during demonstrations. In February 2012, at least seven journalists were harassed and attacked by police while reporting on security forces' use of violence to disperse a union protest. In April, some 14 journalists were similarly beaten by police while covering a demonstration in defiance of a ban on protests on Tunis's central thoroughfare. Journalists were also targeted by party supporters based on the political affiliation of their outlets, and by hard-line Salafi Muslim groups. In March, Lotfi Hajji, director of Al-Jazeera's Tunisia office, accepted an invitation to cover a political meeting only to be assaulted by participants. In May, assailants ransacked the privately owned television station El-Hiwar Ettounsi, causing over \$130,000 in damage. Impunity for violence against the media remains an issue, as most cases have resulted in inconclusive investigations.

There was a spike in the number of independent media outlets immediately following the revolution. However, many of these outlets dissolved shortly thereafter, leading to major fluctuations in the number of operational independent media outlets since 2011. The print sector now contains a mix of state-owned and private dailies. There are two public television stations and nine radio stations, four of which are national in reach. Two radio stations formerly owned by Ben Ali's children are now counted among these public stations. While the cost of establishing media outlets has decreased in general, independent radio stations formed after the fall of Ben Ali's government are now threatened with closure as a result of the exorbitant license-renewal fees requested by the National Broadcasting Office (ONT). Community radio stations do not receive special status under current laws, and they cannot secure necessary equipment without facing severe penalties. Critics of the government's slow progress on this issue accuse it of intentionally hindering community radio in order to centralize broadcasting in the commercial sector. There is no longer a state intermediary between advertisers and the media, and the debilitating limits on advertising that existed under Ben Ali are no longer a factor for privately owned outlets. However, the country's weak economy has made it difficult for media companies to sustain themselves financially without backing from wealthy, politically connected investors. Even state media are not immune from these economic problems.

Approximately 41 percent of the population had internet access in 2012. More people than ever used social-media platforms such as Facebook and Twitter during the year, and a growing number of online services and websites are contributing to the news and information environment. However, access continues to be inhibited by high prices and underdeveloped infrastructure. Despite the popularity of mobile telephones, with over 12.8 million subscriptions countrywide, mobile internet service is beyond the financial reach of most Tunisians.

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