

Freedom of the Press 2014 - Tunisia

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2014 Scores

Press Status: Partly Free

Press Freedom Score (0 = best, 100 = worst): 53

Legal Environment (0 = best, 30 = worst): 18

Political Environment (0 = best, 40 = worst): 19

Economic Environment (0 = best, 30 = worst): 16

Tunisia's media environment remained relatively stable in 2013, following a dramatic opening in the wake of the revolution that toppled President Zine el-Abidine Ben Ali in 2011. The transitional government and the National Constituent Assembly (ANC) – elected in 2011 as the interim legislature and tasked with drafting a new constitution – released jailed journalists, bloggers, and activists and passed a number of measures to promote press freedom during their first year in office. In 2013, however, both government and opposition forces exerted increased pressure on news content. Journalists also faced defamation charges and serious threats of violence, but responded with strikes to protest the criminalization of their critical reporting.

Work continued on a new constitution during 2013. Although the draft contained improvements, it fell short of international norms for protection of freedom of the press and expression. Several articles were too vaguely worded in describing media independence, access to information, and freedom of expression. Furthermore, proposed clauses that allow exceptions to freedom of expression on moral grounds could be used to censor media content.

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 that outlets obtain prior authorization from the Interior Ministry to publish 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. While

the 2011 decrees were 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 ANC announced in 2012 that defamation would not be criminalized, but journalists continued to face defamation charges for their reporting in 2013. In September, Zuhair el-Jiss, a journalist with the French-language radio station Express FM, was charged with defamation after moderating a program in which Lebanese political commentator Salam Zahran accused Tunisian president Moncef Marzouki of receiving payments from the Qatar-based television network Al-Jazeera. Zahran was also charged with defamation. The charge against el-Jiss was withdrawn, while that against Zahran remained in place at year's end. Also in September, Zied el-Heni, president of the National Union of Tunisian Journalists (SNJT), was charged with defamation after an interview with Nessma TV in which he accused a public prosecutor of using false evidence to charge cameraman Mourad Meherzi. El-Heni was released from jail after the SNJT paid his bail of 2,000 dinars (\$1,200). Meherzi, who was commissioned by filmmaker Nasreddin Sihilli to record Sihilli throwing eggs at Culture Minister Mehdi Mabrouk, was charged under Article 210 of the penal code, which prescribes a five-year prison term for "conspiring to commit violence against a government official." The cameraman was released the same month. Separately, Nazeer Azouz of the newspaper *Al-Messa*, who was facing multiple charges including defamation and spreading false news, was sentenced to 20 months in prison in December. Bloggers also faced defamation charges. After posting a piece in December 2012 that alleged misuse of public funds by the foreign minister, blogger Olfa Riahi was charged in March 2013 with criminal defamation and practicing journalism without a press card; she was also barred from traveling. Activist Hakim Ghanmi faced defamation charges after writing an April blog post about the shortcomings of a military hospital. He was fined 240 dinars (\$140) by a military court in July.

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 continued to express concern in 2013 that the judiciary uses the penal code and defamation laws to harass and intimidate journalists, who have faced legal action for allegedly offending Islamic morals and insulting government officials.

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, the absence of a public-interest override clause, and the fact that no independent body has been created to oversee implementation. Activists continued working in 2013 to include a formal right to freedom of information in the new constitution.

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. In May 2013, the Independent Broadcasting Authority (HAICA) was established as an independent self-regulatory body for the media sector after the dissolution of INRIC. Tunisia's president named Nouri Lajmi to lead the nine member board. Lajmi, a professor at the Institute for Press and Information Sciences, the country's only school for journalism, is a veteran journalist who

spent the 1990s exiled in Canada due to Tunisia's repressive media climate under Ben Ali. In November, the Ministry of Communication and Technologies issued a decree creating a new telecommunications regulatory agency, the Tunisian Technical Agency for Telecommunications (ATT), to "provide technical support for judicial investigations on cybercrimes." The ATT will have the capacity to perform surveillance and collect the private information of bloggers and activists.

Given that press freedom groups and journalists have been able to operate more openly since 2011, they have been more active in pushing back against officials' attempts to penalize reporting on political developments. In September 2013, the SNJT organized a strike by the media to protest legal harassment of journalists. Earlier that month, citing political interference, radio journalists organized a strike to protest the government's decision to appoint new heads for each of the public radio stations.

There is no longer official censorship, and self-censorship has decreased since the fall of Ben Ali. However, 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 viewpoints. Polarization was exacerbated in December 2013, when the office of President Marzouki released a controversial report listing journalists who had received payments from the Ben Ali regime in exchange for favorable reporting. Marzouki supporters argued that the report shed light on media corruption, while opponents alleged that the document was politically motivated and designed to discredit the targeted journalists and media outlets. The SNJT pledged to defend any journalists it believed to be falsely accused of wrongdoing in the report.

The environment for online free expression has improved significantly since the revolution. In 2012, Tunisia joined the Freedom Online Coalition, a partnership of 19 countries committed to support internet freedom. There were no reports of internet censorship in 2013, nor were there substantive reports that internet forums or private e-mail were being monitored. However, union leader Walid Zarrouk was detained after he posted allegations on Facebook that prosecutions at a Tunis court were politically motivated. He was charged with defamation and accusing public officials of breaking the law without proof.

Physical assaults on journalists, while not systematic, have become common in encounters with police during demonstrations. In July 2013, numerous journalists were harassed and had their work obstructed by official and unofficial actors as they attempted to cover events related to the assassination of secularist opposition leader Mohamed Brahmi. Security forces harassed or threatened at least nine journalists from a range of outlets during protests outside the ANC. Demonstrators prevented journalists from the Tunisian News Network from covering similar protests outside Brahmi's home due to the channel's affiliation with Islamists. Prime Minister Ali al-Arady vaguely threatened to "take action" against the private satellite channel Al-Hiwar al-Tunisia after the station aired calls by Brahmi's political party to engage in civil disobedience.

In October, security officials raided the studio of satellite channel Al-Mutawasit while it was presenting a live discussion on the drafting of Tunisia's new constitution. Although no arrests were made, the security officials refused to identify themselves or give cause for their presence. Journalists also reported receiving death threats in connection with their work. In September, the president and director general of Tunisia's state television broadcaster, Imen Bahroun, resigned her

position after growing concerned over threats against her life. In a positive development, El-Tounissiya television producer Sami Fehri was released from prison in September after being held for over a year despite multiple court decisions in late 2012 and in 2013 ordering his release. He had been held on corruption charges for the alleged misuse of public funds after his network aired a program satirizing Tunisian politicians, including members of the ruling Ennahda party.

Prior to the revolution, the media landscape was dominated by a handful of state-owned outlets and private firms owned by figures tied to the Ben Ali family and the ruling party, all of which served as mouthpieces for the regime. Since 2011, state-owned media have been restructured to include more diverse viewpoints, although figures from the Ben Ali era remain influential. There was a spike in the number of private, independent media outlets immediately after the revolution, but many of these enterprises later dissolved, leading to major fluctuations in the number of operational media outlets since 2011. Nevertheless, several strong private companies have taken hold in print, television, and radio, ensuring a greater diversity of political and regional representation. In 2013, two new satellite channels, Telvza and Al-Qalaam, were announced. Shortly after the September press strikes, and in response to concerns about politically biased coverage, former Nessma TV producer Zouheir Ltaif and a cooperative of journalists and bloggers established Telvza with an undisclosed amount of foreign funding. In June the U.S.-based news website *The Huffington Post* established *Al Huffington Post Maghreb* to include perspectives from Morocco, Tunisia, and Algeria.

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). Just 12 radio stations have received licenses since 2011. In February 2013, Oxygen Radio Bizerte was shut down for one day in an apparent attempt to stifle criticism of the government. 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, Tunisia's weak economy has made it difficult for media companies to sustain themselves financially without backing from wealthy, politically connected investors. State media have also faced economic difficulties.

Approximately 44 percent of the population had internet access in 2013. 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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