



Freedom of the Press 2016 - Tunisia

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Press Freedom Status: Partly Free

Legal Environment: 17 / 30 (↓1) (0 = best, 30 = worst)

Political Environment: 18 / 40 (↓2) (0 = best, 40 = worst)

Economic Environment: 17 / 30 (↓1) (0 = best, 30 = worst)

Press Freedom Score: 52 / 100 (↓4) (0 = best, 100 = worst)

Quick Facts

Population: 11,026,000

Net Freedom Status: Partly Free

Freedom in the World Status: Free

Internet Penetration Rate: 48.52%

Overview

Despite press freedom protections instituted after the revolution in 2011, including constitutional protections adopted last year, 2015 saw a significant increase in government pressure on the media in the form of criminal prosecutions and a spike in violence committed by law enforcement officials against journalists. Moreover, a closer alignment between the government and media emerged in the wake of several deadly terrorist attacks, prompting many observers to question Tunisian media outlets' credibility and independence.

Key Developments

- A new antiterrorism law passed in July 2015 included some protections for journalists, but also authorized expansive new surveillance powers for state security forces.
- The government replaced the head of the state broadcaster in November without fulfilling its obligation to consult with the media regulator, continuing a prior pattern of undermining the regulator's authority.
- A significant increase in violence against journalists was registered during the year, culminating in the assault by police officers of more than 30 journalists attempting to cover a high-profile terrorist attack in Tunis in November.

Legal Environment: 17 / 30 (↓1)

Tunisia's 2014 constitution guarantees freedom of expression and enshrines the right to access information and communication networks. However, the constitution also lists circumstances in which restrictions on press freedom would be justified, including to protect "public morals." Moreover, Article 6 attempts to reconcile Tunisia's secular and religious populations by identifying the state as the guardian of religion and belief, a role that could be used to justify press freedom violations in cases of alleged blasphemy and similar offenses.

The legal framework contains a mixture of new and prerevolution elements. Decrees 115 and 116, passed in 2011, enable journalists to access information and publish without prior authorization from the Interior Ministry. However, they include some restrictive provisions, such as a requirement that journalists hold academic degrees. In addition, several pre-2011 laws have not been struck down or updated to reflect the freedoms established in the constitution. These older laws, and in particular the penal code, have allowed journalists to be prosecuted for defamation and other crimes.

In January 2015, a military court reduced the 2014 sentence of prominent blogger Yassine Ayari from three years to one year in prison for his alleged defaming of the army in a Facebook post. In March, a military appeals court further reduced the sentence to six months. Also in March, well-known satirist Wassim Hrisi, as well as a television anchor and a producer, received six-month suspended prison sentences for allegedly defaming the president and violating several other articles of the penal code in connection with an impersonation Hrisi did of the president.

In June 2015, the government charged Nouredine Mbarki, editor of the private news website *Akher Khabar Online*, with "colluding with terrorists and facilitating their escape" under the 2003 antiterrorism law. Mbarki had refused to disclose the source of a photo his website had published of the gunman responsible for killing 38 people at a popular tourist resort that month. He had not had a court hearing by year's end. In December, investigative journalist Walid Mejri received a summons from the anticrime division of the national gendarmerie in connection with an article he had written in 2013 that described security practices at the Tunis airport. Press advocates described the summons as an attempt to discourage investigative journalism.

A new antiterrorism law was passed in July 2015, replacing the 2003 statute. This new law includes provisions exempting journalists from having to disclose confidential information or the identities of sources in order to aid an investigation. However, in November, authorities brought charges against a journalist under the law for broadcasting images of a terrorist attack. Press groups also expressed concern that the law authorized broad new surveillance powers for security forces.

Journalists' access to state information has improved since 2011, but remains a challenge. In July 2015, the government withdrew a draft access to information bill that was due to be approved by parliament later that week; press freedom advocates had been supportive of the draft. Meanwhile, freelance journalists are unable to obtain official press cards, which prevents them from entering the parliament building without an invitation. Journalists who cannot obtain a press card also lack other legal protections afforded to their peers.

The Independent High Authority for Audiovisual Communication (HAICA) was established in 2013 as an independent self-regulatory body. Article 127 of the constitution states that the authority will be consulted on relevant draft laws, but critics have said it should have broader decision-making capacity. In 2014, then prime minister Mehdi Jomaa declined to consult the HAICA when he unilaterally closed a radio station and an affiliated television station for carrying extremist views. In November 2015, HAICA's authority was further undermined when Prime Minister Habib Essid fired the head of the national public broadcaster and appointed an interim head without first consulting the body. HAICA lodged a formal complaint challenging the government's actions in December, but a decision was still pending at year's end.

A 2013 decree created the Tunisian Technical Agency for Telecommunications (ATT) to "provide technical support for judicial investigations on cybercrimes." Press freedom advocates argued that the ATT's bylaws violated international law and disregarded UN recommendations regarding online surveillance. Critics also said the legal foundation for the agency – and for the crimes it was meant to address – was unclear.

Since 2011, press freedom groups and professional organizations like the National Union of Tunisian Journalists (SNJT) have been active in pushing back against legal restrictions, and providing assistance to journalists who are prosecuted or dismissed for their work.

Political Environment: 18 / 40 (↓2)

There is no longer official censorship, and self-censorship decreased after the revolution in 2011. The media on the whole were free to cover opposition parties and leaders without government interference in 2015. Television debate programs in particular have developed into lively open forums for civil arguments between holders of diverse political opinions. However, polarization of the media landscape continued in 2015, leaving news organizations divided by political affiliation, economic interest, and ideology. The sharp

delineation between Islamist and secularist viewpoints diminished slightly in 2015, mirroring the improved unity of a governing coalition that brought together Islamist and secular parties. Some media owners have openly aligned themselves with political parties, in apparent violation of the 2011 press code.

More broadly, the media landscape in 2015 reflected a closer alignment between the government and the media, which was spurred by a spate of deadly terrorist attacks. The shift prompted many observers to question the credibility of Tunisian media outlets, as many local sources did not investigate authorities' failure to prevent the attacks. Terrorism coverage has also been marked by the use of hate speech, intemperate language, and provocative images by journalists, according to HAICA assessments. For example, in July the government-owned daily newspaper *La Presse* ran an editorial calling for 10 legislators who abstained from voting on the new antiterrorism law to be stripped of their parliamentary immunity and prosecuted for supporting terrorists. In other cases the national public broadcaster has avoided reporting critical of government policy, and has drawn criticism for its perceived partisanship.

The environment for online expression has improved significantly since the revolution. There were no reports of internet censorship in 2015, nor were there substantive reports that internet forums or private e-mail were being monitored. However, activists remained concerned that the increased power of the ATT, with insufficient oversight, could lead to a regression in online freedom.

Threats of violence against journalists, including death threats, by extremist groups continued in 2015. Moreover, journalists covering demonstrations or protests critical of government policies were subject to physical assaults by security forces with greater frequency than in previous years. At a June demonstration in Tunis calling for greater transparency in natural resource management, security forces physically assaulted at least eight journalists and damaged and confiscated their equipment. The same month, a journalist with the online outlet *Nawaat*, Nouredine Gantri, alleged that security forces assaulted him, confiscated his press card, and prevented him from filming a protest in the town of Zarzis. In September, plainclothes officers physically assaulted a number of journalists in Tunis covering a demonstration against a proposed corruption amnesty bill, confiscating press cards and attempting to prevent filming. In October, police assaulted two journalists while they were reporting on a drowning. In November, over 30 journalists were beaten by police, many of them sustaining injuries, while attempting to report on a terrorist attack that killed 12 member of the security forces. One journalist was briefly detained and several had their equipment confiscated.

Economic Environment: 17 / 30 (↓1)

Prior to the revolution, the media landscape in Tunisia was dominated by a handful of state-owned outlets and private firms owned by figures tied to the family of former leader Zine el-Abidine Ben Ali 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 closed. Nevertheless, several strong, private companies have taken hold in print, television, and radio. In September 2015, HAICA announced the allocation of new funding to support a number of young community radio stations in the country.

While an increase in the number of outlets has resulted in a greater diversity of political representation in the media, it has also coincided with a strengthening of the connections between media owners and politicians. In 2015, for example, the chief of the popular television station Nessma TV, Nabil Karoui, admitted that he had been one of the principal founders of the Nidaa Tounes political party, which led the governing coalition throughout most of 2015 and was cofounded by President Beji Caid Essebsi. In November, HAICA criticized the presidency for granting Nessma TV exclusive broadcasting rights for a ceremony honoring Tunisian organizations that were awarded the Nobel Peace Prize. Separately, the government exerted increased pressure on both the national broadcaster and on HAICA during the year, reflected in Prime Minister Essid's move in November to fire the broadcaster's director and to appoint an interim one without consulting HAICA.

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.

Just under half the population used the internet in 2015. Social-media platforms such as Facebook and Twitter are increasingly popular. However, access remains inhibited by high prices and underdeveloped infrastructure.

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