

PRESS FREEDOM IN TUNISIA



Summary

Freedom of expression and press freedom in Tunisia are increasingly at risk, and particularly so since President Kais Saied's July 25, 2021 announcement declaring that he would freeze the parliament, dismiss the prime minister, suspend much of the constitution, and rule by temporary decree.

In Tunisia, the media landscape is primarily governed by two pieces of legislation. Decree Law No. 115 of 2011 establishes the legal framework regulating the media space, abolishes prison sentences for defamation, guards the industry from state intervention, and protects journalists from physical and moral attacks. Decree Law No. 116 of 2011 creates the Independent High Authority for Audiovisual Communication (HAICA), which grants licenses, sets professional and ethical standards, and monitors media content. Though both decrees were meant to be temporary measures that would eventually be replaced by organic laws (laws that form the foundation of the government), they remain on the books today, and HAICA—a temporary body—has not been replaced.

Though Organic Law No. 22 of 2016 on Access to Information is celebrated as “one of the most progressive access to information laws in the world,” some gaps in implementation remain and civil society organizations report that additional steps are necessary to enshrine a culture around the right to information among state entities.

Since the last UPR in 2017, various laws dating

back to the Ben Ali-era have been instrumentalized to restrict press freedom, including the Telecommunications Code, the Penal Code, anti-terrorism laws, and the Code of Military Justice. This includes Organic Law No. 26 of 2015 (amended by Organic Law No. 9 of 2019), which has established wide discretion for authorities to target non-violent forms of dissent, including the writings and posts of journalists, bloggers, and social media users.

Since Tunisia's last UPR, the physical and psychological safety of journalists has deteriorated significantly. Between May 1, 2017 and January 31, 2022, the National Syndicate of Tunisian Journalists (SNJT) recorded at least 867 attacks against journalists, and security forces were the top aggressors. Numerous attacks against female journalists, including six incidents of sexual harassment in 2021 alone, were documented. Protests covering the COVID-19 pandemic and the events following July 25, 2021, saw an increase in the use of violence against journalists. Media outlets and newsrooms also came under physical attack.

Documentation by SNJT and the Committee to Protect Journalists (CPJ) confirms that the number of arbitrary detentions, judicial harassment, and prosecutions of journalists and media figures by Tunisian authorities, on vague charges, has risen significantly. Since May 2017, the SNJT recorded 24 cases of arbitrary detention and at least 62 cases of

journalists being prosecuted outside of the framework of the laws that are meant to govern their work.

Tunisian authorities continue to exercise censorship over media content; since the last UPR, the judiciary prevented the broadcasting of media content on more than five instances while the Public Prosecution raised cases

against journalists on more than 10 cases. Also during that period, journalists and media workers faced impediments to obtain sources and access information; approximately 45 percent of the total number of violations faced by journalists between May 1, 2017 and January 31, 2022 were related to the right to obtain and access information.

Recommendations

- Establish a national action plan encompassing the necessary security sector and judicial reforms to improve the safety of journalists and to ensure that journalists can practice their profession in a free and safe environment.
- Secure the legal framework regulating the work of journalists and the audiovisual sector: Translate Decree Law No. 115 of 2011 into an organic law enshrining and guaranteeing protections for journalists and the freedom of expression; Pass an organic law on audiovisual regulation that guarantees a permanent legal framework for the audiovisual sector by creating the Audiovisual Communication Commission (ICA).
- Conduct impartial investigations into all incidents of attacks, harassment, and intimidation against journalists and media outlets, and halt the prosecution of bloggers and journalists over their social media posts.
- Release all convicted and detained journalists and bloggers charged with offenses under the laws highlighted in this fact sheet, including the Penal Code and the Military Justice Code.
- Halt government interference in media content, stop raiding local and international media outlets, and ease the process of obtaining press credentials and media licenses.