



***Report on IFEX-TMG Strategy Workshop:
Campaign for Free Expression
Tunis, 27 and 28 September 2011***

In the context of its campaign for freedom of expression and as historic elections approach on 23 October, the International Freedom of Expression Exchange Tunisia Monitoring Group (IFEX-TMG) organised a strategy workshop bringing together three working groups composed of media professionals and civil society participants who shared their assessment of the media landscape nine months after the revolution and formulated recommendations and action plans to guide the reform of the media sector.

The legal and institutional framework of freedom of expression, the development of the broadcast and print media sectors, and the fight against the resurgence of Internet censorship were at the heart of the discussions.

The Tunisian Association of Democratic Women (Association tunisienne des femmes démocrates, ATFD), the Tunis Centre for Freedom of the Press (Centre de Tunis pour la liberté de presse), the Observatory for Freedom of Press, Publishing and Creation (Observatoire pour la liberté de la presse, de l'édition et de la création, OLPEC) and the Tunisian Syndicate of Free Radios (Syndicat national des journalistes tunisiens, STRL) led and informed the discussions of the working groups on Audio-visual media and media law, the written press and Internet and censorship.

The workshop was led by the World Association of Newspapers and News Publishers (WAN-IFRA) in cooperation with the World Association of Community Radio Broadcasters (AMARC), Index on Censorship and ARTICLE 19.

This document contains the recommendations and action plans elaborated by the three working groups.

1. Working Group on Audio-visual media and media law

Moderation and Synthesis: Tunisian Association of Democratic Women (ATFD), Tunis Centre for Freedom of the Press and the Tunisian Syndicate of Free Radios (STRL)

The working group's debate allowed us to establish a diagnosis of the free expression situation and the media scene, which remains characterised by a legal vacuum, the dominance of media established by the Ben Ali regime and serious violations and breaches of journalistic ethics and media independence.

The discussions were structured around the following three axes:

- I) Identification of key themes
- II) Recommendations
- III) Action Plan

I) List of main themes

10 major themes and priorities were identified:

1. Constitutional guarantees for freedom of expression, media independence and access to information
2. The revision of decrees and draft laws, particularly the draft press law and the decree regarding the High Authority for Information and Audiovisual Communication (HAICA)
3. Finalisation and publication of the books of specifications (*cahiers des charges*) between government and radio and television stations
4. The monopoly of the national broadcasting office (ONT)
5. The transformation of state media into public service media
6. Development and support for the professionalisation of the media sector
7. Development of standards and rules on coverage of electoral campaigns
8. The status of private media established during Ben Ali's rule
9. Granting broadcasting licenses to operators who have been recommended by the National Authority to Reform Information and Communication (INRIC)
10. Role of institutional actors

The round table discussion allowed participants to identify the various obstacles, which need to be overcome and suggest the following recommendations:

II) Recommendations:

- 1) The constitutional guarantees: Tunisians are en route to elect an assembly, which will be tasked with drafting the future constitution. It is recommended that this new constitution:
 - a. Enshrines the principles of freedom of expression, freedom of the press and the right to access to information.
 - b. Transforms state media into public service media by guaranteeing the organic and functional independence of these institutions.
 - c. Provide the audio-visual regulatory authority a constitutional status and effectively guarantee its independence;
- 2) Review and reform legislation relating to freedom of expression. Draft laws including the Press Code and the High Authority for Information and Audiovisual Communication law have not been widely discussed, (adoption of a open system of appointment of members based on the call for nominations, contest, amongst others);
- 3) Regarding, the book of specifications (*cahiers des charges*), further public discussions are necessary. These documents have never been the subject of public debate. It is important to review and subject them to the same principles of alertness and equity;
- 4) Introduce "affirmative action" in order to ensure equal opportunity between different actors in the audiovisual media scene. Several mechanisms were suggested:
 - a. The establishment of a fund to support associative radio broadcasting using capital accumulated by the Ben Ali media (part of the turnover)
 - b. Designing a sort of provisional "preferential right" to encourage the participation of journalists meeting the requirements of honesty, integrity, etc., in the media privatisation process
- 5) With regards to the National broadcasting office (ONT), it is recommended to put an end to its monopoly and to allow operators to choose their means of broadcasting and to avoid replacing a public monopoly with a private monopoly;
- 6) It is important to support journalists and communicators by strengthening the professionalism and commitment to professional ethics;

- 7) The role of the media is very important during this transitional phase of the electoral process. It is therefore recommended that the private media complies with norms and standards of fair treatment and coverage, so as not to torpedo the process;
- 8) Old institutions, including the Tunisian External Communication Agency (ATCE), radio frequencies authorities as well as the National broadcasting office (ONT), should be subject to an audit;
- 9) Seriously address the question of archives not only in terms of preservation but also in terms of enabling citizens' access to them including the archives of the political police and the ministries involved.

III) Action Plan:

The action plan was formulated along different terms and divided into urgent action, short- and medium-term:

1) Urgent Action

Three urgent actions are expected during the election process. These aim firstly to ensure transparency and fairness in the media coverage, secondly to ensure that political actors adhere to the values of freedom and media independence and finally to ensure equality between media players:

- To adopt and comply with the standards set out in the election-related sections of the press law. Lobbying decision-makers to adopt some sort of text, even if in the form of a list of recommendations or a circular.
- Put together a charter for freedom, pluralism and media independence, a 10-point declaration binding political and civil society actors.
- To authorise without any further delay the 12 radio and five television services recommended by INRIC.

2) Short-term actions

Two main short-term actions were identified:

- It is critical to prepare an overview of the media landscape, which should aim to be as complete and objective as possible. A media stakeholders conference should be organised on the basis of the widest possible participation and coordination between media

professionals, decision-making bodies (such as INRIC) and civil society groups.

- The second action is regarding the revision of laws and regulations particularly in light of the general principles of freedom, independence and public service. A drafting committee consisting of experts, professionals and human rights activists would effectively contribute to the writing of the constitution and of all relevant legal provisions.

3) Medium-term actions

- Explore the issue of the de-facto monopoly of the National broadcasting office (ONT),
- Explore how to go about creating a fund to support associative broadcasting
- Review the institutional framework and in particular the question of archives.

2. Print media working group

Moderation and synthesis: National Tunisian Journalists' Syndicate (SNJT)

Diagnosis

Nine months after the fall of Ben Ali, the press, which had previously served his regime, remains in place and its role de facto in the forming of public opinion is worrying.

Starting new newspapers can be a bitter experience, as the print landscape is occupied by the press of the old regime, which have cleverly converted to the objectives of the revolution. It is urgent to consider mechanisms and set budget allocations to support the development of a new and independent press.

Despite the near-dissolution of the Tunisian External Communication Agency (ATCE), the distribution of institutional and public advertising remains opaque and arbitrary. These advertisements are benefitting first the newspapers that were already extant under Ben Ali. It is now urgent to organise a public debate on how to ensure a clear and transparent allocation of public advertising.

The printing of newspapers is virtually at the mercy of the printers. The question of distribution of newspapers is also a central issue. This distribution is currently monopolised by what some call a "mafia". This monopoly must be removed and cooperative presses created, and private distribution companies must be established.

Moreover, fear remains very much in the minds and in newsrooms. Self-censorship persists, as well as discomfort and malaise, as journalists were deprived of freedom for a very long time.

Also, the status of journalists remains precarious, both editorially and economically. Despite the establishment of editorial boards, the effective participation of journalists in defining the editorial line of newspapers apparently remains marginal.

Recommendations and Action Plan:

1. The right to freedom of expression, press freedom and the right of access to information should be included in the Constitution.
2. Develop and implement a legal and institutional framework and a proactive policy allowing for a definitive break with the practices of the dictatorship and promoting the emergence of a professional press; free, independent and pluralistic.
3. By adopting financial, fiscal and other measures, allow journalists to set up groups and editorial boards to launch viable news organisations or to participate in the capital of existing companies.
4. Encourage newspaper editors to form cooperatives in order to reduce manufacturing, printing and newspaper distribution costs.
5. Abolish the monopoly on distribution and circulation and encourage the creation of cooperative presses and private distribution companies.
6. Encourage the government to introduce indirect subsidies, fiscal and financial, to support the development of newspapers (paper, transport, etc.).
7. Establish an audit bureau of circulations (ABC).
8. Establish an administrative body that would bring together elected media professionals and representatives of relevant ministries and departments to work on ensuring an economic environment that would be conducive to the development of the print sector.
9. Ensure the separation between the administration and the editorial side of newspapers and promote the formation of elected editorial boards serving to develop and guarantee the respect of editorial policies.
10. Promote the modernisation of newsrooms by using new information and communications technology (ICTs) to ensure improved coverage of information and greater interaction with readers.
11. Offer targeted training programmes to develop the professional skills and qualifications of journalists.

12. Form a press council consisting of journalists, editors and readers to ensure respect for journalistic and professional ethics.

13. Prevent media concentration.

3. Internet and Censorship Working Group

Moderation and Synthesis: Observatory for Freedom of Press, Publishing and Creation (OLPEC)

Diagnosis

For a long time, Tunisia was classified by Reporters Without Borders (RSF) as being one of the world's five countries considered as enemies of the internet due to the zealous censorship imposed by the regime of Ben Ali, attacks on freedom of expression and the repression of cyber-activists. To break with this very complex system, the workshop participants have all welcomed the liberalisation of the World Wide Web while highlighting the main challenges facing freedom of expression on the web today:

- 1) Censorship has not entirely disappeared despite the fact that the Tunisian Internet Agency (ATI) today requires a judicial request for all demands to ban websites coming from a civil or military authority.
- 2) State censorship has almost disappeared. However, light needs to be shed on the ramifications of the surveillance system established by the Ben Ali regime. In particular the "new assignments" of 600 staff specialised in content filtering, monitoring and hacking opponents' addresses remain unknown, while the Ministry of Interior department responsible for monitoring the Internet remains active.
- 3) The resurgence of moralising censorship, in the name of preserving values and protecting children, ignores all possibilities and technological constraints and obliterates the debate on the dangers of state interference in the right of accessing information.
- 4) The few investigations have proved that the virulence of the surveillance system was established and developed with the complicity of multinational corporations such as CISCO and Microsoft. There is currently no guarantee that these companies amongst others may reengage in similar practices if the opportunity arises.
- 5) Draconian laws with oversight for the Internet sector are still in force.

Recommendations:

1. Make an audit of the filtering systems used by the former regime and agencies engaged in surveillance of the Internet in all public administrations related to

the management of Internet services including the Ministry of Interior, Ministry of Communications (Telecom Agency, Frequencies Agency) to ensure that these organisations do not resume service.

2. Repeal articles in the draconian laws with oversight for the Internet sector¹.
3. Promotion of self-regulation: a charter of values (and not of laws) due to the blogging community and cyber activists' refusal of any interference and all forms of state control.
4. Protection of cyber activists (Web TV and web radio editors) from police repression during the coverage of events in public space.
5. Promoting digital culture: civic education on blogging and citizen journalism: training modules to be offered at university but also media literacy programmes (for Internet). Blogging Clubs: writing, photography, video, critical reading of discourse.
6. Genuine right to access information in order to shed light on all violations on freedom.
7. Internet Governance: Civil society must be actively involved, and occupy a role allowing them to suggest proposals and make decisions rather than just serve as observers.
8. Promote transparency and establish a charter of values for online media (the relationship with advertisers, lack of sales and subscription)
9. Promote the use of free software to limit monopolies.
10. Promote transparency on the pricing of Internet Service Providers (ISP).

Action Plan:

1. Organise a media stakeholders conference (online media transparency and bloggers' charter of values);
2. Advocacy: Amendment of the Law of May 26, 2011 in the sense of simplification of procedures for access. To conduct basic research which may shed light on the monitoring system and its future;
3. Propose a partnership with the Ministry of Education / Ministry of Youth to implement a programme for the development of a new digital culture.

¹ Decree of the Minister of Communications on March 22 1997 on ISPs, Decree of the Minister of Communications on September 9, 1997 regarding encryption, Law No. 98-38 of 2 June 1998 on the Post Code, Law No. 2001-1 of 15 January 2001 promulgating the telecommunications Code, Law No. 2004-5 of 3 February 2004 on IT security; Decree No. 2008-2638 of 21 July 2008 on the Voice Over Internet Protocol service.