

Fatima El-Issawi Tunisian media in transition

Report

Original citation:

El-Issawi, Fatima (2012) *Tunisian media in transition* The Carnegie Papers, Carnegie Endowment for International Peace and POLIS, London School of Economics and Political Science, London, UK.

Originally available from [Carnegie Endowment for International Peace](#) and [POLIS](#), London School of Economics and Political Science

Funded by [Carnegie Endowment for International Peace](#)

This version available at: <http://eprints.lse.ac.uk/59880/>
Available in LSE Research Online: October 2014

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TUNISIAN MEDIA IN TRANSITION

Fatima el-Issawi

MIDDLE EAST | JULY 2012

CARNEGIE ENDOWMENT

FOR INTERNATIONAL PEACE

WASHINGTON DC ■ MOSCOW ■ BEIJING ■ BEIRUT ■ BRUSSELS

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Summary

The media in Tunisia has undergone drastic changes since the country's 2011 revolution. From content that was once uniform and restricted in the extreme, Tunisian media outlets have moved away from echoing the state line and are now providing diverse output. A host of new media outlets have cropped up. The legal framework and state institutions governing the industry are undergoing reform. And most importantly, journalists are now able to experience political journalism firsthand.

But though the groundwork is largely in place for a free and unbiased media landscape, journalists continue to operate without appropriate resources and training, and under questionable professional standards—dubious editorial qualities that are reflected in tabloid-style publications. As a reporter from *Réalités* magazine aptly described, after the fall of President Ben Ali, “we could finally say all we wanted, we could interview any political figure we wanted, we could even slam any of them. We were free.” Those journalists, so long prohibited from fully practicing their trade, remain unable to translate this acquired freedom into professional media practices.

The Tunisian media is still a venue for manipulation, intimidation, and bias. Media outlets are becoming the main stage for the fierce political and ideological battle between the country's opposing camps: conservative Islamists and secular elitists. Ennahda, the Islamist winner of the first free elections in the history of this deeply secular country, gradually awakened to the ongoing influence of the national media and turned to old regime tactics. The Islamist party and its supporters are raising their voices against what they view as the “leftist lobbies” that are turning the media into a weapon against government policies.

The true liberalization of the media sector will be impossible without the training that instills professional standards in the industry and helps members of the Tunisian media overcome entrenched habits. Guaranteeing journalists a degree of job security must also be a priority. As long as working conditions remain a concern and journalists are unable to secure decent contracts with reasonable stability and salaries, the quality of content will not be a priority.

The Tunisian media is still a venue for manipulation, intimidation, and bias.

Transforming the Tunisian Media

Print and broadcast media in Tunisia turned the page on a new chapter after the country's 2011 uprising and the demise of the Ben Ali regime, freed as they were from the heavy hand and strict control of their former rulers. Yet, the uprising also plunged them into a period of uncertainty about what exactly to do with their newfound freedom. Today, Tunisian journalism remains at best a work in progress.

Members of the media are still not totally free in Tunisia. The boundaries of what is and is not permissible are certainly not as narrow as they used to be, but they are not clear either. The country still lacks a cadre of professional journalists, and writers recently freed from strict controls have not necessarily absorbed the ethics and professional practices that ensure a high quality of reporting. Working conditions also remain poor, with many journalists living on temporary work contracts that may be renewed for long periods but without any security of tenure. Most importantly, the Tunisian mainstream media is becoming a central feature of the political struggle between the new government led by moderate Islamists and the new secular opposition.

The difficulty of transforming the Tunisian media from a closely controlled tool of the regime to the free voice of a democratic society provides a strong reminder that the transition from authoritarianism, in Tunisia and elsewhere, requires not just regime change at the top but changes in all the regime's institutions. These battles for reform may receive much less attention than the battles taking place at the highest levels of government, but they are just as important to the outcome of the transition process.

The Industry's Past

The Tunisian media was once among the most monotone and heavily censored in the Arab world, governed by a system of vicious and rigorous controls over both independent and state-run outlets. The industry was renowned for being micromanaged and under the thumb of a number of governmental bodies with a monopoly on all aspects of media operations. Taking a "carrot and stick" approach to media outlets, the previous regime rewarded those who praised it and sanctioned those who dared criticize it.

The Tunisian mainstream media is becoming a central feature of the political struggle between the new government led by moderate Islamists and the new secular opposition.

Before the uprising, print media was divided between publications directly owned by the state (*La Presse*, *Essabafa*) or the ruling party (*Al-Hurriya*, *Le Renouveau*) and those that were privately owned but retained firm ties to the regime through friendship, family, or the de facto nepotism of the industry (*Assabah*, *Al-Chourouk*, *Le Temps*, *Le Quotidien*, *Assarib*). Meanwhile, the former opposition press (*Al-Mouatinoun*, *Al-Fajr*, *Al-Tariq al-Jadid*) subsisted with difficulty under political and economic pressure from the regime.

The broadcast sector was dominated by two large state television channels whose role was to report on the activities of the president and his family (Wataniya 1 and Wataniya 2). In the regime's last decade, the channels' subject matter became the broader "clan" and not just the president himself. In addition to these large broadcasters, two private television channels and twelve radio stations existed, two of which belonged to the state. Two large private television channels with links to the Ben Ali clan (Hannibal TV and Nessma TV) operated throughout the country but could not be described as independent. All private broadcast media outlets were officially prohibited from reporting on politics—that remained the domain of the state-run media, for whom political reporting amounted to a daily recital of the news bulletin from the president's family.

A host of state institutions worked behind the scenes to regulate the system. The Ministry of Communications held overall responsibility for the Tunisian media, and the Ministry of Interior was responsible for approving the applications of new print publications. It transformed that process, which should have just consisted of a simple notification, into a disguised licensing system.

Central to much of this was the Agency for External Communication. Part of the Ministry of Communications, the agency was created in 1990 with the primary task of embellishing the image of the regime in the international media. However, the agency was also ultimately responsible for distributing advertising revenue from public administrations to the various media outlets, thereby determining their funding and viability.

On an international level, the Agency for External Communication's main function was to encourage the publication of implicitly pro-regime propaganda by sponsoring journalistic trips to Tunisia or even paying direct remunerations for articles endorsing the regime. In a bid to foster the image of a reformist regime, the agency's fierce international campaign targeted not only media professionals but also diplomats and politicians. One of the most prominent beneficiaries of these trips was the former French minister of foreign and European affairs, Michèle Alliot-Marie. She was forced to step down after the French press published the news of her Christmas holiday to Tunisia, during which she was flown around on a jet by Aziz Miled, who is close to the Ben Ali family, while the revolution was raging. The agency also handled important operational tasks, such as granting permits for special envoys and

international correspondents, and had license to withdraw the permits of any journalists critical of regime policies.

The Tunisian Internet Agency, meanwhile, policed online content, censoring and monitoring Internet users by blocking pages containing “unacceptable” content—primarily of a political nature. A company owned by Masoud Dada, a close associate of the former regime, monopolized the distribution operations of all newspapers and magazines (and it is still functioning as the sole distributor of publications in the region of Tunis). Management of radio and television signal distribution was the jurisdiction of the National Broadcasting Corporation or Office National de Télédiffusion (ONT). That authority imposed state control in part by restricting access to the frequencies that enabled transmissions of broadcast content.

In light of these restrictions, as well as extremely sensitive working conditions, local journalists were chiefly concerned with trying to avoid breaching so-called redlines. As many journalists I interviewed explained,¹ the quality of media output was seldom a priority given the many greater hazards of their professional situation and their fragile job security. In fact, the system of media control enforced by the regime transformed local journalists into mere communicators of government policy.

Only local media staff working for international outlets enjoyed some degree of freedom of expression, while remaining vigilant about crossing the editorial redlines set by the regime. This freedom was the most limited when it came to examining the internal affairs of the Ben Ali family and subjects related to corruption, wealth disparity, and poverty. According to former BBC Arabic correspondent Kamal Ben Younes, his “secret recipe” for averting official anger while still managing to address controversial topics was to transmit sensitive information to colleagues at the BBC’s headquarters in London. Provided this information was not reported directly by the local Tunisian correspondent, his position was generally uncompromised.

The Tunisian media did witness a number of brief “awakenings” before the revolution, but they were mainly the result of a political desire to open up the industry in order to ease economic tensions and convey a more flattering or reformist image of the regime. Consequently, the years 1977–1988 saw a “Tunisian press spring,” reflected in the outbreak of a number of pioneering independent publications. Ben Ali’s ascent to power brought another short “spring” to the country’s media (1988–1990), though this quickly turned to repression once again as measures such as prior censorship of the press were implemented for the first time. Under that policy, print publications were forced to deliver copies to the Ministry of Information for content control prior to distribution. This drastic measure was lifted later and replaced with explicit directives to the editors of these publications.

The system of media control enforced by the regime transformed local journalists into mere communicators of government policy.

The New System

After the fall of the Ben Ali regime, a long-repressed and eager appetite for publishing was unleashed and brought chaos to the previously rigidly regulated industry. According to the National Authority for the Reform of Information and Communication (INRIC), the body that was tasked with overseeing the reform of the media after the revolution, in total, 228 new Tunisian print publications sprang up after the uprising. Most of them, however, are not currently in operation, with many vanishing soon after being launched.

In the first few months after the revolution, all media outlets, including those that published under the former regime, were quickly transformed into platforms for personal and political account-settling. The lack of experience among local journalists, who had long served as simple conduits for regime propaganda, as well as the absence of any ethical codes of conduct, left those in the media industry ill-equipped to translate their new freedom into professional practices. Most frequently, a new interest in investigative and field reporting manifested itself in an errant pursuit of sensationalism. Some of the new publications still in existence operate under extremely basic conditions with few journalists on staff and questionable professional standards—dubious editorial qualities that are reflected in tabloid-style publications.

The state-run press and the media owned by the former ruling party and the Ben Ali family were restructured. Before the election of the new Constituent Assembly in October 2011, the interim government made changes to the administrations of some state-run media, a process that is considered by many as incomplete, as some leading figures who were prominent under the former regime are still controlling the decisionmaking processes in these outlets. Press outlets formerly owned by the ruling party—*al Hurriya* and *Le Renouveau*—were shut down and their staffs merged into the state-run media. Those outlets that once belonged to the Ben Ali family, meanwhile, were confiscated by the prime minister's office with “judicial administrators” nominated to oversee their new management.

The public broadcasting scene now includes two television channels—Wataniya 1 and Wataniya 2—and nine radio stations, of which four are national (Radio Tunis in Arabic, Radio Tunis International, Culture Radio, and Youth Radio) and five are regional (Sfax, Monastir, Gafsa, Le Kef, and Tataouine)—the latter being a contrast to the former media landscape where outlets were centralized in the capital. Radio Shems FM, formerly the property of the ousted president's daughter, Cyrine Ben Ali, and the religious Radio Zeitouna, owned by Ben Ali's son-in-law, Sakher El Matri, are now included in the post-revolution public media landscape.

Most of the government institutions that used to manage the media industry are evolving or closing down, no longer assuming their repressive functions. Still, how they will be reorganized and rebranded in a modern context

remains unclear. For instance, the Ministry of Communications was shut down after the revolution, but the functions of that institution did not entirely disappear. After the October election, a special committee was formed at the office of the prime minister to manage relations with the national and international media. Licenses are no longer granted by the Ministry of Interior; new press publications are asked to present a file to the Ministry of Justice that contains basic information about the new project and they are no longer obligated to have the approval from authorities for being allowed to publish.

Although the Agency for External Communication is being questioned over the misuse of public funds—as outlined in the report of the fact-finding committee that in the wake of the revolution was tasked with investigating corruption under the former regime—it is still the main entity responsible for granting accreditations to foreign correspondents. Since February 2011, the agency has also been under the authority of a judicial administrator, although the interim government declared its willingness to dismantle the body.² The Tunisian Internet Agency is modernizing, rebranding itself as a provider of services. According to its CEO Moez Chakchouk, the agency is now “determined to promote the openness and neutrality of the Internet.”³ However, the threat of web filtering still looms.

A Thorny Legal Liberalization Process

The legal reform of the Tunisian media industry was launched after the Ben Ali regime was ousted. While they were primarily focused on abolishing the repressive features of laws governing the media, the reforms generated a new vision for a liberalized and professional industry inspired by other international models and transitional experiences. However, the process, which culminated in legal decrees that guaranteed openness in the media, is yet to be enforced by the new government.

Laws Governing Journalism Under Ben Ali

Under the former Tunisian regime, the country’s media was regulated by an arsenal of laws in both the press and criminal codes. Governing the print media was the 1975 Press Code (Law 32–1975), which underwent a number of amendments in the years 1988, 1993, 2001, and 2006. Rather than allowing greater freedom, those reforms aimed to accentuate political control over the media. Under the Press Code, several physical and financial penalties were imposed on journalists found to be in breach of the state’s redlines, which included the protection of “internal and external state security” and “public order.” The penalties were applied arbitrarily by the Ministry of Interior, which interpreted the document’s vague wording in a way that completely muzzled the media. Similarly, the code prescribed prison sentences for journalists that

committed any of twelve different offenses—for example, incitement to murder, religious and racial hatred, denigration of the Tunisian president and foreign state presidents, misinformation, and libel and slander. The length of defamation sentences depended on the official status of the defamed.

Under the rule of Ben Ali, some criminal sentences were shifted from the jurisdiction of the Press Code to the Penal Code. Prison terms were imposed for “defamatory” speech in cases relating to public officials, the president, state institutions such as the judiciary and armed forces, foreign heads of state and foreign diplomats, and religious groups. Through broad wording that facilitated misuse, these provisions were regularly used by the former regime to preempt public criticism, gag journalists, and jail dissidents and human rights activists.

By contrast, there was no unified law regulating the broadcast media’s various private and state-run outlets. The only existing legal framework was related to the establishment of public institutions, such as Law 49 of 1990, which governed the establishment of Tunisia’s public radio and television corporation, and the laws establishing the National Broadcasting Corporation of Tunisia (Law 93–8, 1993)⁴ as well as the National Frequencies Agency (Law 2001–1).⁵ In the absence of any wide-ranging broadcast laws, the industry was subject to financial and political control by the regime, as enforced by the Ministry of Communications, which presided over media content, staffing, and editorial decisions.

A New Vision for the Industry

Following the revolution, the National Authority for Reform of Information and Communications refused to play any executive role, opting instead for a nonstatutory function. Composed of media professionals and legal experts and led by an experienced Tunisian journalist,⁶ the new authority worked under the remit of the High Authority for the Achievement of the Revolutionary Objectives (*Haute instance pour la réalisation des objectifs de la révolution, de la réforme politique et de la transition démocratique*). The latter body was tasked with laying the foundations for the new republic—a function that was terminated in October 2011 when the Constituent Assembly was elected.

INRIC was tasked with “proposing reforms for the information and communication sectors with consideration of international criteria on freedom of expression.”⁷ Its role was primarily consultative, centered on implementing reforms by drafting laws in collaboration with a committee of legal experts. Through a series of workshops involving local and international media experts as well as media advocacy groups, the body’s consultative role resulted in a final report presenting its main recommendations for the liberalization of the industry.⁸

Its new vision for reforming the Tunisian media focused on dismantling the old system in favor of new structures modeled on international precedents. Central to this was the transformation of the state-run media into a provider of

public services—a goal that was widely criticized in light of the state media’s former deleterious role in serving the regime and its lack of basic professional standards. As the head of INRIC Kamel Labidi argues, the state-run media sector “can provide an example of better practices for private media. Public opinion prefers to rely on public institutions that can provide high professional standards. Private media was not more professional under the former regime and was sometimes used for spin and defamation against activists and journalists.”⁹

Now nearing the end of its stated mission, INRIC has to date worked to issue three essential decrees aimed at reforming the media sector and guaranteeing essential journalistic rights. However, because the body operated during the interim phase of the transition, it lacked statutory power. The measures it decided upon thus need to be enforced by the new government. INRIC has been criticized for the inefficiency this produced. Most of its decrees, issued under the interim government prior to the election of the new Constituent Assembly, have not yet been approved and ratified by the assembly and so have not entered into official legal force. The reluctance of the new government, which is led by the Islamist Ennahda party and took power in December 2011, to endorse the majority of the reforms has raised questions about the efficacy of INRIC and its legacy.

Promising Changes

Drafted to replace the former Press Code, the recent Decree 115–2011 (of November 2, 2011) sets out to guarantee “freedom of exchanging, publishing and receiving news and views of all kinds.”¹⁰ The decree ensures basic media rights, such as journalists’ access to information, the confidentiality of sources, and journalists’ protection against physical or economic threats as a result of exercising these rights, expressing opinions, or disseminating information. The document also sets out a number of organizational provisions in relation to the press. It allows freedom of publication without prior license for print outlets, includes articles requiring the nomination of an editor responsible for output and the clear separation of commercial and editorial teams, and imposes transparency with respect to outlets’ funding, ownership, editorial management, and circulation. The decree also tackles the question of media diversity through anti-monopoly stipulations, for example prohibiting any single individual from owning two political publications that exceed 30 percent of the overall daily circulation of similar publications at the national level.

Most importantly, limits are placed on the ability of the Ministry of Interior to intervene in the industry. The judiciary currently oversees the industry, including the process of new print publication registration, which is now an automated notification system run by the judiciary. The majority of prison sentences, including those for defamation and slander, have been abolished in favor of fines, with imprisonment reserved for a very limited number of offenses. Among those offenses are endorsing terrorism or war crimes,

The media community, along with advocacy and lobbying groups, has continued calls for the wholesale abolition of prison sentences for journalists.

incitement to religious or racial hatred, disseminating ideas about racial discrimination, and publishing information related to legal cases of rape against minors. However, the media community, along with advocacy and lobbying groups, has continued calls for the wholesale abolition of prison sentences for journalists.

A second new decree, number 41–2011 (dated May 26, 2011), aims to regulate the disclosure of government documents for use by journalists. Access to such documents had been restricted, which was one of the main grievances of journalists under the Ben Ali regime. In essence, the restriction was a *de facto* ban on investigative journalism. The new decree, by contrast, obliges governmental bodies to facilitate access by journalists and the public. If a public administration refuses to disclose documents, it can be sued and held accountable.¹¹

A third decree, number 116–2011 (dated November 2, 2011), guarantees freedom in the broadcast sector and establishes an independent communications authority—the High Independent Authority for Audiovisual Communication or HAICA—tasked with regulating the industry.¹² That freedom is not without its limits. Privacy is guaranteed with respect to religious practice, the protection of children, and public health. And the same restrictions on the “protection of public order” and “national security” used by former regime remain enshrined in the new provisions without explicit references to their application. The legislative authority has argued that these restrictions are a standard component of media laws in most democratic systems.

HAICA, which is yet to be formally established, will be composed of:

- A member appointed by the Tunisian president who presides over the body
- Two members representing the judiciary, elected by the representative Union of Judges
- Two members appointed by the speaker of the Constituent Assembly
- Two members proposed by the Union of Journalists
- A member appointed by representatives of the broadcast sector (from the technical field)

According to the decree establishing this commission, anyone who has held political or governmental posts in the past two years is barred from membership. Unlike INRIC, HAICA is a statutory body with executive powers. The independent authority has regulatory, consultative, and judicial powers, including the ability to approve or reject applications for new operating licenses, to produce license specifications (*cahiers de charge*) for public broadcasting outlets, and to preserve plurality in output, especially in political programs. A key example is the commission’s authority to oversee broadcast coverage of

electoral campaigns by allotting air time for each candidate and scheduling the coverage.

HAICA is empowered to adopt a code of ethics and conduct for the broadcast of advertisements and to settle disputes related to the launch and operations of television and radio stations. Significantly, it may also sanction offenses committed by media outlets with penalties ranging from infringement notices to fines and ultimately to the suspension or even withdrawal of operating licenses. The authority provides recommendations for the development of the sector, with particular respect to its regulation, and it has a binding say in all related law proposals as well as in the nomination of the directors of state-run radio and television outlets. Most importantly, HAICA is regarded as a tribunal of first instance because its decisions on matters relating to sanctions can be appealed before courts in the judicial system.

Criticism of the New System

The powers invested in this new body have sparked criticism from within the media community, especially among owners of media outlets who consider such wide-ranging powers as the ability to suspend licenses significant threats to media freedom. INRIC has in turn responded with the claim that broadcast media laws in democratic systems include similar provisions.

The reasons behind delaying the establishment of HAICA have not been openly stated. But these criticisms, combined with the perceived mistrust that exists between INRIC and the new government, are said to be behind the government's current reluctance to endorse Decrees 115 and 116 (Decree 41 has been endorsed) and establish a formal regulatory body for the broadcast sector. The new opposition has described the delay as a tactical maneuver to retain control over the broadcast industry.¹³

Soon, INRIC will end its mission and its functions will be assumed by a new, yet-to-be-established body overseeing the broadcast industry—HAICA. Instead of replacing INRIC with a regulatory body for print media, INRIC advocates self-regulation for the industry and the adoption of a code of ethics to guide the practices of journalists, modeled on international precedents.

INRIC's legacy, however, is not clear. The current government launched a national consultation process on the content of the new decrees issued for the print and broadcast sectors. However, the process was boycotted by both INRIC and the National Union for Journalists on the grounds that the procedure was flawed and retained links to the former regime. In the event that the consultation process fails, Decrees 115 and 116 must be submitted to the Constituent Assembly, which is empowered to adopt, amend, or reject its provisions.

Intimidation Persists

The incomplete legal liberalization of Tunisia's media sector has not brought an end to the prosecution of journalists for practicing their profession. Rather, journalists now fear that the judicial system, not the Ministry of the Interior, will be used as a key tool of intimidation. And those fears do not appear unfounded given a number of recent incidents in which journalists were sentenced to prison terms under the provisions of the Penal Code, casting doubt on the efficacy of the reform process. However, rulings by the judiciary in several similar cases reveal a reluctance to issue prison sentences, with judges instead choosing to apply a “soft” approach and using the Penal Code to sanction journalists.

According to Bechir Ourda, a former journalist and adviser to INRIC, the judicial system is now in a “legal limbo” with respect to practices relating to journalists, as the system applies both the provisions of the new Press Code (Decree 115–2011) as well as the Penal Code. However, the new Press Code stipulates that its provisions should replace all preexisting laws addressing media-related issues. “All previous legal provisions applied before the promulgation of the Decree 115 are de facto abolished,” explains Ourda, “This includes the provisions of the Penal Code dealing with offenses committed by media professionals.”¹⁴ And in some cases the judiciary does indeed use the Press Code. Ourda cites the example of journalist Chaker Besbes of Radio Mosaic, who received a fine for filming inside a courtroom without prior permission from the judge. In this instance, the court chose to apply the new Press Code, limiting its ruling to a small penalty fine.¹⁵

Still, calls to lift provisions in the Penal Code that require sending journalists to prison and to decriminalize offenses such as defamation continue to be ignored.¹⁶ The reluctance of Tunisia's post-revolution political powers to endorse new decrees regulating media is regarded as the main factor behind the judiciary's resort to the Penal Code in cases targeting journalists. “They are under political pressure from the new regime,” says Ourda.

The majority of post-revolution legal suits against journalists have been brought on religious grounds—that is, the journalists are accused of violating Islamic values—and are simultaneously presented as charges of disturbing public order. The first application of the Penal Code provisions to journalists in the post-Ben Ali era involved the imprisonment of an editor for publishing a photograph of a nude woman on the front page of his newspaper. The general director of the *Attounissiya* newspaper, Nasreddine Ben Saida, was released after a week of pre-trial detention on charges of offenses against “public morality” for printing the photo, which shows a Tunisian-German soccer star and his girlfriend, his arm covering her bare chest. Authorities seized all copies of the offending edition after it was distributed to newsstands. The arrest of Ben Saida, as well as two members of his editorial team, was conducted in

accordance with Article 121(3) of the Penal Code, under which the director could also face a prison term of up to five years and a fine of up to 1,200 dinars (\$801) if convicted.¹⁷

The same approach was used against Nabil Karoui, the director general of the privately owned Nessma TV station, and two of his employees. They were accused of “violating sacred values” and “disturbing public order” for airing the French-Iranian film *Persepolis*. In one scene, the film’s main character is shown talking to God, which sparked outrage among Tunisian conservative Muslims. The lawsuit, which was filed by more than 140 lawyers, accused the head of the channel of complicity in airing a foreign film that would disturb public order and undermine public morality. Karoui was eventually fined around \$1,500 with the court reluctant to impose the maximum sentence of three years’ imprisonment demanded by ultra-conservatives. A sign that some progress has been made in this area since the fall of the former regime, the court’s ruling communicated clearly that the judiciary would be reluctant to apply drastic sentences that may further encourage claims against journalists.¹⁸

A number of similar cases have been brought against journalists and media outlets on the same religious grounds. Among these is the case of two young Tunisian bloggers who were sentenced to seven years in prison for posting cartoons of the Prophet Muhammad on Facebook. The two bloggers from the coastal town of Mahdia were charged with the “violation of morality, and disturbing public order.” They are at present appealing the sentence.

These trends apply to the broader cyber realm as well. Although the Tunisian Internet Agency is striving to evolve away from its former repressive role in the surveillance of cyberspace, it may be compelled to adopt its previous filtering practices following a recent initiative in which a group of lawyers obtained a court order forcing the agency to block pornographic sites that allegedly posed a threat to minors and Muslim values. The ruling was upheld in its first court appeal. Ultimately, the judgment was overturned by the Court of Cassation, Tunisia’s highest court, but no final ruling was made. The court opted instead to refer the case back to appeal, leaving the threat of Internet filtering firmly in place.¹⁹

These kinds of cases are not new to Tunisia. The Penal Code was frequently employed under the Ben Ali regime to prosecute journalists, with an important set of criminal sentences for journalists moved from the Press Code to the Penal Code in the final years of his rule. Not only do these current cases raise questions about protecting freedom of expression during the country’s transitional period, but they also reflect the struggle between secularists and Islamists that is turning the mainstream media into one of the country’s most prominent battlefields.

Not only do current cases raise questions about protecting freedom of expression during the country’s transitional period, but they also reflect the struggle between secularists and Islamists that is turning the mainstream media into one of the country’s most prominent battlefields.

The stance of the Islamists from Ennahda, the winner of the first free elections in the history of this deeply secular country, is still evolving. The majority of these cases have been initiated by lawyers claiming to safeguard what are deemed “Muslim values,” and the government has often shown itself intolerant of views that are considered anti-Islamic. But the government remains reluctant to take measures against extremist views when those views are in line with radical Salafi Islam, such as those advocating brutality against “infidels” or the legalization of female genital mutilation (which Egyptian cleric Wajdi Ghounaim advocated during his visit to Tunisia). This is sparking accusations from the secular camp that the Ennahda-led government is perpetuating double standards when it comes to issues of freedom of expression.²⁰

Ideological Battles and Independence in the Mainstream Media

Overall, the margin for freedom of expression in the mainstream Tunisian media has improved relative to the situation before the revolution. However, media outlets are becoming the main stage for the fierce political and ideological

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battle between the country’s opposing camps: conservative Islamists and secular elitists. The partisan alignment of journalists between these two camps has transformed the mainstream media into a platform for propaganda, with media professionals once again in thrall to political agendas. As a result, the opportunity for local journalists to independently become more professional could again be sacrificed in the service of ideology.

Ennahda Islamists had not planned a media campaign for the election. From the perspective of the party, long known for its struggle against the regime and its roots in conservative anti-Francophile Tunisia, the electoral battle was not to be won in media outlets but through coordinated and efficient action on the ground. If the pro-secular media were to negatively focus on the dangers of Islamization, it would be counterproductive in Ennahda’s eyes.

Yet, a campaign launched by Nessma warned of an Iran-style Islamic republic and culminated in the airing of *Persepolis* and a debate on political Islam. The campaign was viewed by many as an effective tool for boosting the popularity of the Islamist party—the Islamists appeared to be the victims of a campaign launched by the secularists. However, this thesis was rejected by one of the channel’s anchors as simplistic. According to Sofian Ben Hamida, chief of news at the channel, the new Islamist reality of the Arab world is overlooked by secularists. “In all Arab transitional regimes, Islamists are scoring high in elections,” he says. “We have the tradition of broadcasting films that tackle a theme with a debate. The Iranian film was not an exception. In our

Arab region, modernity is just a façade rooted in an Islamist reality; we refuse to see this reality.”²¹

Ennahda’s previous indifference to the impact of the press is now a thing of the past. Awakened to the ongoing influence of the national media, in particular state-run and private television channels, the Islamist party and its supporters are raising their voices against what they view as the “leftist lobbies” that are turning the media into a weapon against government policies. Considering state media a vocal platform for the opposition, Tunisia’s new rulers are stepping up their attack on these outlets and their management. Ennahda alleges that state media exaggerates the government’s deficiencies in an attempt to bring the ruling tripartite coalition to its knees. In contrast to the role of mosques, some of which are said to be completely under the control of radical Salafi groups, national mainstream media is viewed as a spearhead in the battle to preserve the secular state against the grassroots Islamization of the country. The national state-run television station, accused by Ennahda’s supporters of being the new mouthpiece of the secular opposition, is central to this struggle.

State-run television channels are controlled by “hidden lobbies,” according to Adel Thabti, editor in chief of *Al-Mouatinoun* magazine published by the Ettakatol party, which is part of the ruling coalition. He expressed disappointment in the quality of state-run channels, claiming that they fail to give equal representation to a diversity of views, especially on topics that drive a wedge between the government and opposition. According to Thabti, state-run television declined to invite representatives of Salafi groups to explain their position on the issue of wearing the *niqab* in universities, which was forbidden under the former secular regime. This issue is fueling tensions between secularists and Salafi groups who are claiming the right for veiled women to access university campuses.

Tunisia’s state television is theoretically under the control of the new government. However, its editorial line does not always appear to reflect government’s policies, and it remains unclear how its new editorial direction is determined. State television headquarters recently became the site of a sit-in by Ennahda supporters, demanding the “purification” of the outlet from so-called “agents” of the former regime and foreign colonial interference. “The people want to change the media” is becoming a popular slogan among Ennahda supporters.

Meanwhile, the government’s decision to nominate new senior officials to state-media management positions, a task that should be the prerogative of the new broadcast industry regulatory body (HAICA), fueled claims that the government was resorting to old regime tactics. Such grievances were aggravated by the fact that some of the nominees were senior media figures from the Ben

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Ali regime itself. The government was forced to back off the move following a vocal campaign by the opposition, supported by large elements of the media community, who claimed the nominations were an attempt to “intimidate” and ultimately silence the media under the new regime.²² These nominations were denounced by INRIC as tantamount to “total control by the government of the state media and an alienation of its independence and the autonomy of its decisions.”²³

The battle over the control of state television stations has shifted from the streets to the courts.

More recently, the battle over the control of state television stations has shifted from the streets to the courts. Unable to control the channels’ output, Islamists have resorted to the judiciary to step up pressure on the stations’ editorial line. A recent legal case against the Tunisian public television network sought to prohibit the use of the term “interim” to describe the new government. The term, the Islamists argued, made the government appear less legitimate, and the case symbolized the current feud over control of state-media editorial policies. In this case, the judiciary ultimately ruled in favor of state television.²⁴

New Journalism in Practice

The media is clearly still under the thumb of a number of players. As has implicitly been admitted by secularists and Islamists, evolving toward independent journalism remains the main challenge for mainstream media professionals who have not yet been able to envisage a role for themselves beyond serving a political agenda. The election of the Constituent Assembly was a litmus test for Tunisian media in political journalism. The task of reporting this momentous event revealed the many professional challenges that still confront a national media industry under development. The National Union of Tunisian Journalists, which set up a press ethics observatory to monitor election coverage, found that there had been “a qualitative transformation in print, broadcast and new media since the revolution.”²⁵ The monitoring report commended efforts at impartiality in the coverage of the electoral campaign as well as further steps toward professionalism.

The report, however, criticized the bias of some media outlets toward certain political parties and the editorial U-turn some publications made—rapidly switching from a glorification of the regime before Ben Ali’s fall to scathing criticism of it. It also highlighted an emergence of “sensationalism, exaggeration, excesses and tension, which has resulted in entrenching, especially amongst the public media, hackneyed phrases and stereotypical formulas.”²⁶

The challenge of delivering high-quality, impartial, and professional reporting of the elections was hampered by journalists’ lack of experience and the short timeframe for preparations and training. Further challenges were posed by the vast number of candidates, most of whom were unknown to the

Tunisian public and media community. Amid all of these obstacles and the fierce battle between secularists and Islamists, providing each party fair representation was not a priority for journalists, who were also operating without any clear guidance from above—editors have the same (lack of) experience as the reporters.

For Khaled Hadda, deputy editor of *Al-Chourouk* newspaper, renowned as a powerful platform under the former regime, it seemed customary to grant a significant share of its election coverage to Ennahda. The “Ennahda party was organizing large public activities. We did not give them visibility, they were visible,” he says. “I cannot give visibility to a party which is not popular. I cannot fabricate a public opinion which did not really exist. In the past we did not have the choice. Now, we have it.”²⁷ For Nessma TV’s Sofian Ben Hamida, the major concern was not to represent diverse opinions, but to reflect the identity of his television channel, which Ennahda supporters consider a radical voice for the secular opposition. “During the elections, we decided that we will be ourselves, without any censorship and without denying our values,” he explains. “We are a modern secular channel and we don’t think that we should be ashamed of it.”²⁸

Tunisia’s New Mainstream Journalists

Major steps have been taken toward diversifying and liberalizing the country’s media sector; however, a number of interrelated factors continue to pose challenges to Tunisian journalism. Foremost among these is journalistic independence from those in political power and media professionals’ awareness of their role in questioning and not flattering the authorities. Progress toward impartial reporting can pave the way for a real reconciliation between journalists and their audiences. The fragile working conditions of the local media community, however, represent a major obstacle to professionalism.

A “rehabilitation” process, as described by some of the mainstream Tunisian journalists interviewed, has recently begun to help Tunisian society move on from what audiences once called the “reporters of the clan.” This is a thorny process that requires self-criticism and wholesale revision of the mechanisms that led the media industry to assume the function of regime mouthpiece. The simplistic “I had no choice” attitude remains prevalent and was the clear and consistent response from journalists I interviewed. When they were questioned about their personal and professional responsibilities, they claimed, “we did not have a choice, we had to save our jobs.”

For the majority of mainstream journalists, serving the regime was inevitable, as employees were compelled to abide by the policy of media institutions. Tibr al Nouaimi worked as a reporter for the *Al-Hurriya* daily, which

The fragile working conditions of the local media community represent a major obstacle to professionalism.

represented the former ruling party and was abruptly closed the day Ben Ali left the country. She claims to be “proud” of having served “the newspaper set by Bourguiba.”²⁹ Tibr, who joined the team of Shabab public radio after the closure of the newspaper, refuses to discuss her personal responsibility or to acknowledge any guilt for promoting the former regime. “We were honest as we used to report the events as they happened,” she says. “But we were only reporting events that supported the policy of the party. This was the policy of the paper. As one of its journalists, I had to respect it. I was doing a professional job.”³⁰

This attitude of denial is typical of Tunisia’s editors and leading media figures, most of whom opted to follow the current trends and simply shift from praising the former regime to flattering the new government. The reaction of the editorial board of *Réalités* magazine to journalists’ proposal to apologize to their readers is a good example of the tendency to look the other way. As one of the magazine’s journalists, Hanene Zbiss, recounts: “On 30 December [2010], while the country was burning, we published a paid-for article praising the achievements of one of the family members of Ben Ali. This was a major setback for us. After the revolution, we had several meetings with the management asking to publish a letter of apology to our readers. The answer was a complete denial: but what could we do?”³¹

The debate about journalistic responsibility has sparked controversy over a blacklist of media figures who played a prominent role in misleading the media community and distorting public opinion under the former regime. The proposal, which is backed by the journalists’ union, aims to open the door to legal suits against these media figures. However, it is far from being accepted by all journalists. Many opponents of the blacklist are concerned about unleashing a vendetta among journalists, particularly in light of the chaos of accusations and libel that exploded in Tunisia’s media in the first months after the revolution. Then, journalists accused each other of being agents of the former regime and accused public figures of being corrupt, for instance. Others believe that a genuine reconciliation requires amending past mistakes and letting those who committed them assume responsibility.

Old Practices Die Hard

While the transitional media scene is witnessing a wider margin for freedom of expression, entrenched habits of praising rulers mean that the danger of new forms of media clientelism has not vanished. While some editors, especially those responsible for decisionmaking in the state-run media, have been removed, others have retained powerful positions or have even been promoted since the revolution. Meanwhile, change is virtually impossible in the upper echelons of decisionmaking in the private media, where editors are often also the owners of media outlets. In some of these, editorial teams have

managed to establish a line between the editorial decisionmaking and ownership, requesting that editors be elected by journalistic staff.

This fragile process of editorial independence has not been realized in other media outlets where decisionmaking processes remain largely unaltered. As Rafic Ben Abdallah, the parliamentary reporter from Assabah newspaper, explains: “After the revolution, we told the Editor ‘Degage’ [“Leave,” the slogan of the Tunisian revolution], we were fighting for the decisionmaking process inside the newspaper to be governed by consensual figures who did not play a negative role under the old regime. Unfortunately, many of them are still there.”³² According to the head of the National Union of Tunisian Journalists, Najiba Hamrouni, local journalists confront a dual struggle. “They are facing the authority of the owner of the media outlet or the editor who used to be followers of the regime, as well as the problem of public opinion accusing them of being responsible for the corruption of the media and partners in it.”³³

Months after the Tunisian revolution, newly acquired freedom appears more of a burden than a gift for the country’s journalists. They are still left to wonder how this freedom should be interpreted and how editorial decisions should be made. State television reporter Amira Arfaoui describes the editorial limbo that was felt inside the public channel after the departure of Ben Ali, explaining that the staff was reluctant to make any decision that could provoke unpredictable reactions on the street. This hesitation did not last long, however, as journalists soon began to do what they knew best—flattering political power. Before the revolution, “power” meant the Ben Ali regime. But at that moment, “power” meant the army, the people, and the resistance. As Arfaoui comments, “we used to be the trumpet of the regime. We did not have the choice and now [that] we find ourselves the trumpet of the people, we also don’t have the choice.”³⁴

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What the Industry Needs

The recent opening-up of the Tunisian media industry attracted vast international interest in training for local media professionals. According to journalist Hanene Zbiss, this training was crucial in introducing an understanding of basic journalistic ethics and practices, such as cross-checking sources and the distinction between news and opinion.

Although beneficial in boosting journalists’ capacity, this training was not properly tailored to the particular needs of Tunisian journalists inheriting a culture of subservience to political power. Nor did it address specific problems created by an obsolete infrastructure and media practices. According to the head of the Union for Young Journalists, Abdel Raouf Bali, “the same training sessions were open to all sorts of journalists. For example, journalists covering

sports were invited to training on political journalism. They just wanted to fill the sessions, to implement their programs.”³⁵

Moreover, it seems that old “journalistic instincts” die hard. As Hossam Eddine Hamad, reporter at Radio Shems describes, “mistakes of subjectivity” are not easily defeated. “I always commit mistakes of subjectivity,” he says. “For example, I intervened in a live debate to respond to a listener who was expressing some views I [didn’t] like. The editor in chief asked me to be vigilant against such mistakes.”³⁶

The liberalization of the media sector will also be impossible without reviewing the working conditions of Tunisian journalists. The quality of the content has never been a priority for those journalists whose main goal was

Winning decent contracts that allow journalists to enjoy decent salaries and job security remains a major challenge.

simply enduring unbearable circumstances. Most Tunisian journalists had to wait many years before securing an employment contract, while many others worked as freelancers and were paid poor wages per piece. All were subject to firing at any moment. Winning decent contracts that allow journalists to enjoy decent salaries and job security therefore remains a major challenge.

The professional status of journalists is defined by agreements devised by the former regime to lay out the salaries and functions of different media workers, mainly in the print media. Those agreements were accepted by owners of media outlets; however, they were never implemented. Under the Ben Ali regime, the government would subsidize what were called “training contracts,” providing journalists with an opportunity for employment while they were paid in part by the government. In theory, these contracts should last no more than a year; but in reality, management would renew contracts on the basis that the trainee journalist needed continued coaching. This practice led to a situation in which journalists worked for years under precarious, short-term contracts, earning poor wages and facing the threat of imminent firing. Journalists finally launched their own “revolutions” for decent working conditions inside newsrooms and against owners of media outlets—a battle that will not be won easily.

This internal revolution could be the most challenging struggle for journalists because the owners of private media outlets are still reluctant to review the poor working conditions of their staff. The National Union of Tunisian Journalists is also fighting to win the right to represent journalists in negotiations with owners in the media industry. Its effort is led by the General Labor Union, which represents workers in all industries. The amelioration of these poor working conditions will require journalists’ solidarity and for them to form a lobbying body under a unified banner.

Conclusion

In its most recent Press Freedom Index (2011–2012), Reporters Without Borders rated Tunisia 134, up from 164 in the previous ranking. The media watchdog praised “the end of the harassment of journalists by the Zine el-Abidine Ben Ali regime, the emergence of real pluralism of opinion in the print media and, albeit possibly only for the time being, the end of massive and systematic Internet filtering.” However, the report also notes that “the recent appointments of persons with links to the old regime to run the state-owned media underscored the danger of a return to the past.”³⁷

The newfound freedom of expression permitted by Tunisia’s post-revolutionary environment is not unique in the history of the country. Several short periods of political openness have in the past allowed the Tunisian media to enjoy the luxury of criticizing the regime. However, this liberty was later revealed to be a tool for appeasing socioeconomic tensions, usually kept under wraps by a complete media blackout.

In its final report, INRIC condemns the reluctance of the new government to adopt new media laws. It deplores the lack of “objective, transparent and fair rules for the appointment of executives to head the public media, the alarming increase in attacks against journalists and attacks against press freedom, and their attempts to take in hand the public media.”³⁸ But beyond the political will of the transitional regime, there are crucial challenges facing the industry, primarily those relating to its ability to become more professional.

The crucial task is now to investigate the real impact of this new media liberalization: Will it lead to a solid, independent media, rooted in professional and responsible journalism? Or will this new spring vanish and be replaced by a winter of agenda wars in the media? Some of the earlier challenges and dangers remain prominent—namely, the appetite of the new rulers for using old mechanisms of media control, as well as the inability of journalists to distance themselves from belligerent political agendas. Journalists must transcend the former definition of their role as simple messengers of government policy. A lasting renaissance of the Tunisian media requires vigilance on the part of the media community itself, and an awareness of its role as the barometer of the country’s new democracy.

Journalists must transcend the former definition of their role as simple messengers of government policy.

Notes

- 1 The article draws on the main findings by a pilot study conducted under the remit of the research project “Arab Revolutions: Media Revolutions,” which investigates the changes in mainstream Arab media under political transitions. The project is hosted and managed by Polis journalism think tank of the Media and Communications Department, London School of Economics.
- 2 The distribution of public advertising revenue is no longer dictated by the Agency. The public administrations are deciding on this distribution without any clear rules or criteria.
- 3 “Moez Chakchouk interview to Tunisia Live at the Arab Bloggers Meeting in Tunis,” YouTube, October 5, 2011, www.youtube.com/watch?v=NeNcZpnwMTA&feature=related.
- 4 See the National Broadcasting Corporation website, www.telediffusion.net.tn/index.php?presen.
- 5 See the National Frequencies Agency website, www.anf.tn/en/anf_presentation.php.
- 6 Kamal Labidi used to work as an adviser for several media and human rights think tanks such as Amnesty International. He was mainly working on media rights and freedoms in the Arab region.
- 7 Decree 10, 2011, dated March 2, 2011, the official journal, March 4, 2011, 22–25.
- 8 National Authority for the Reform of Information and Communication (INRIC), *INRIC Report*, Executive Summary, April 2012, available at www.inric.tn/index.php?option=com_content&view=article&id=155%3A2012-04-29-14-14-07&catid=43%3Ainric-conferences&Itemid=151&lang=ar.
- 9 Interview with the author, December 2011.
- 10 Decree 115, 2011, dated November 2, 2011, the official journal, November 4, 2011, 2559.
- 11 Decree 41, 2011, dated May 26, 2011, the official journal, May 31, 2011, 792.
- 12 Decree N116, 2011, dated November 2, 2011, the official journal, November 4, 2011, 84.
- 13 Monia Ghanmi, “Tunisia Fosters Media Pluralism,” *Maghrebica*, July 7, 2011.
- 14 Interview with the author, May 2012.
- 15 “200 dinars d’amende: l’affaire du journaliste Cheker Besbes passe en appel,” Nawaat.com, February 14, 2012, <http://nawaat.org/portail/2012/02/14/interview-200-dinars-damende-laffaire-du-journaliste-cheker-besbes-passe-en-appel>.

- 16 Please refer to Human Rights Watch, "Tunisia's Repressive Laws," November 1, 2011, www.hrw.org/reports/2011/11/01/tunisia-s-repressive-laws-0.
- 17 Human Rights Watch, "Tunisia: Newspaper Director Free After Week in Jail," February 23, 2012, www.hrw.org/news/2012/02/23/tunisia-newspaper-director-free-after-week-jail.
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- 19 Ibid.
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- 22 "Tunisie: manifestation contre les récentes nominations dans le secteur des médias," Nawaat.com, January 9, 2012, <http://nawaat.org/portail/2012/01/09/tunisie-manif-contre-manif-contre-les-recentes-nominations-dans-le-secteur-des-medias>.
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- 26 Ibid.
- 27 Interview with the author, December 2011.
- 28 Ibid.
- 29 The newspaper was established by the later president Habib Bourguiba considered to be the father of the secular state. *Al-Hurriya* was shut down the same day ben Ali left the country. The staff was redistributed to other state run media.
- 30 Interview with the author, December 2011.
- 31 Ibid.
- 32 Ibid.
- 33 Ibid.
- 34 Ibid.
- 35 Ibid.
- 36 Ibid.
- 37 Reporters without Borders, World Press Freedom Index, 2011/2012, <http://en.rsf.org/press-freedom-index-2011-2012,1043.html>
- 38 *INRIC Report*, Executive Summary, 18–29.

About the Author

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