

**Republic of Tunisia**

**National Authority for the Reform of  
Information and Communication (INRIC)**

**INRIC Report**  
**Executive Summary**

**April 2012**

This document is the summary of the general report of the National Authority for the Reform of Information and Communication (INRIC).

It's objective is to give an overview of the work accomplished by this body during the year (March 2011 – April 2012), in the framework of the mission with which it was tasked after the Revolution of 14<sup>th</sup> January 2011.

The INRIC report consists of a diagnostic of the state of the information and communication sector and recommendations to raise this sector to the height of the goals of the revolution and the expectations and aspirations of the Tunisian people.

This summary includes the full text of the introduction, the general conclusions and recommendations and a synthesis of the ten chapters of the report.

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# Executive Summary

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# Introduction

After the flight of General Ben Ali on 14 January 2011, the Tunisian media landscape suddenly changed. It has been a radical upheaval that some observers have described as a “media shift” under the effect of an “an overdose of freedom”.

The main reason behind this radical change is clearly the end of repression and its control mechanisms after the decision of the transition government to abolish the Ministry of Communication and to do away with what were previously considered “taboos” or “red lines”.

TV channels, radio stations and newspapers have suddenly become political arenas, where political disputes are settled, including misinformation and, quite simply, defamation which represent a clear violation of the basic ethical rules of journalism.

This “media shift” reached its nadir when a young man intervened live on a national TV channel calling for the hanging of the interim Prime Minister Mohammed Ghannouchi.

Before these events, and since the early days of the revolution, voices rose calling for the creation of an independent body whose mission would be reform and regulation of the information and the communication sector in order to keep the media out of political disputes and avoid falling into populism and anarchy.

After a number of meetings and discussions, which started in February 2011 between the transition Prime Minister Mohammed Ghannouchi, independent journalists and civil society representatives reputed for their commitment to freedom of expression and defense of human rights, a Decree was issued on 2<sup>nd</sup> March 2011 to create a Higher Authority for Information and Communication Reform (INRIC) (Decree N° 10-2011 - dated 2 March 2011).

This authority was given consultative status as expressly requested by its President and Members who rejected from the beginning being part of an executive body that would replace the Ministry of Information and Communication

In accordance with the decree, INRIC was entrusted with the mission of assessing all the aspects of the communication sector and to submit propositions for reform that comply with international standards on freedom of expression and information.

INRIC has equally been entrusted with:

- Submitting recommendations to improve the output of information and communication enterprises in order to meet the objectives of the revolution and to ensure the right of the Tunisian people to an objective, free and plural information
- Proposing the necessary legislation to reach these objectives, namely by establishing a press, audiovisual and electronic regulation authority

- Submitting the results of the assessment and the proposed recommendations to the relevant authorities and the public
- Giving an opinion on applications for licenses to establish new media outlets pending the adoption of a specific legislation

The INRIC team is made up of independent journalists, a magistrate, an academic specialized in the audiovisual sector, the former President of the National Tunisian Journalists Union (SNJT), the former Secretary General of the Culture and Information Union which is affiliated to the General Workers Unions Federation (UGTT) and a blogger who withdrew from the committee because of an unfair defamation campaign carried out against her on social networks by a group of journalists.

The INRIC team has been supported by a group of volunteers made up of academics and journalists from print and electronic media, agencies, and the audiovisual sector.

## I- Objectives of the Report

This report aims essentially at providing a diagnosis of a media landscape characterized by the heavy impact of the former regime, a plurality of players and structures, the aspirations and will of media professionals and the public opinion to seize the precious opportunity provided by the 14th January 2011 Revolution to break with the past.

This report is equally an attempt to provide answers to the following questions: What are the consequences of two decades of dictatorship on the information and communication sector? What were the means used by Ben Ali's regime to impose its hegemony on the media? And how to reconstruct the sector on healthy and sound grounds?

To answer these questions, it was essential for INRIC to start with an accurate assessment of the situation and to collect as many documents as possible in order to have a reliable and credible data base. INRIC was faced with a number of challenges:

- The total absence of a legal and judicial framework capable of reorganizing the information and communication sector on the basis of transparency, equity and compliance with international freedom of expression standards.
- Maintenance of the same propaganda and manipulation system inherited from Ben Ali's regime even though some of these components sided with the Revolution without any self-criticism or showing any intention to acknowledge responsibilities
- A clear lack of professionalism among journalists because of a long period of inactivity, nepotism and client-oriented practices in the recruitment and promotion of professionals, and the repression of independent journalists
- A profound public opinion and professional' will to break with former practices
- A wait-and-see policy as well as hesitation on the side of the new government to answer these aspirations

## **II- Methodology of the work**

This INRIC report is the sum-total of collective work over one year which has taken place within workshops and field visits, and the observation and analysis of experiences of other democratic countries in reforming the information and communication sector

### **A Participative Approach**

INRIC has adopted a participative approach for all of the planned activities. It has opened the doors to active journalists from various public and private media outlets, managers of outlets, representatives of unions and all the influential players

INRIC invited speakers to talk about their proposals and suggestions in workshops, round table discussions and seminars as well as through electronic correspondence or fax, which has helped to establish an important base of documentation.

All these documents are published on its website ([www.inric.tn](http://www.inric.tn)).

### **INRIC Activities**

#### **Workshops**

INRIC held a large number of workshops focused on various aspects of public and private media reform, the legislation in force in democratic countries, the legal framework for attribution of licenses for TV and radio channels, etc.

Representatives of media support bodies such as the National Frequency Agency (ANF); the National Broadcasting Bureau (ONT) as well as experts in law, and media management took part in the workshops.

#### **Meetings with Professionals**

INRIC held many meetings with specific categories of information and communication sector professionals; namely those in charge of newspapers established after 14 January 2011, foreign media correspondents in Tunisia, press attachés and people in charge of communication in the various ministries and public services.

#### **Field Visits**

INRIC members carried out field visits to discuss concerns and preoccupations of journalists and employees working for public media (TAP news agency, radio, TV), and regional radio stations (Sfax, Monastir, Tataouine, Kef).

INRIC has equally involved a large number of experts, academics and professionals in the audit and assessment sessions for the attribution of licenses for new TV and radio stations as well as debate on the new license specifications related to these new media.

### **Experiences from abroad**

INRIC equally invited a large number of foreign specialists and experts to learn from their reform experiences such as Belgium, France, UK, East European countries and South Africa. These experiences focused essentially on structuring the audiovisual sector, monitoring the media during elections, and the establishment of regulation bodies.

Particular attention has been given to the pioneer experience of the BBC in implementation of the “public media” concept

In this respect, INRIC would like to express its warmest thanks and recognition to all the foreign organizations that provided valuable assistance and support to activities held namely Article 19, the Open Society Foundation (OSF), International Media Support (IMS), the BBC, Reporters Sans Frontières (RSF), the CSA Belgium, the CSA France, the group of observers on freedom of expression in Tunisia (IFEX-TMG), the World Association of Community Radio Broadcasters (AMARC), the International Francophone Organization (OIF), the European Broadcasting Union (EBU), the Barcelona International Study and Documentation Center (CIDOB) and UNESCO.

INRIC equally wishes to thank the national institutions and corporations that provided support for the accomplishment of this mission namely the Information and Communication Sciences Institute (IPSI) and the African Centre for Training of Journalists (CAPJC).

INRIC has equally been interested in the experience of countries with similar contexts such as the Czech Republic, Poland and South Africa. INRIC held meetings with a large number of public media officials and academics from these countries who shared their experiences and views on the necessary political and administrative means and mechanisms to ensure the success of democratic transition at the level of the information and communication sector.

The INRIC team has equally used various techniques to collect as much documentation as possible on information and communication reform from various parts of the world and learned from a number of reports by specialized Tunisian and foreign professional authorities.

### **Drafting the Report**

In drafting the report, INRIC adopted the same participative approach. It involved a large number of experts and specialists from Tunisia and abroad, namely from those who have

been recognized for their commitment to defending freedom of expression and human rights in general under the former regime.

Article 19, the World Association of Community Radio Broadcasters and the IFEX Tunisia Monitoring Group, a network of more than twenty freedom of expression and human rights NGOs, were among the international organizations who actively supported INRIC.

It is also important to note that INRIC met a number of problems to obtain accurate information related essentially to financial aspects of public companies. This is the case with the archives of the Tunisian Foreign Communication Agency (ATCE) which remain inaccessible to INRIC despite efforts deployed relentlessly. Some private media equally rejected to collaborate with INRIC and submit requested documents and information.

### III- Chapters of the Report

This report contains ten chapters:

- The New Information Sector's Legal Framework
- The Print and Electronic Media
- Tunis Afrique Press Agency (TAP)
- The Audiovisual Sector,
- Regional Information
- Governmental Communication
- Advertizing
- Training
- Public Bodies and Professional Organizations
- Monitoring the Media

The report's **first chapter** reviews the different information and communication laws in Tunisia (print and audiovisual media) from the French colonial period until now.

The chapter begins with a detailed historical exposition of these laws. It reviews the Decree dated 06 August 1936 issued under colonial rule and the subsequent laws after independence namely: Decree dated 9 February 1956, Decree dated 7 November 1957, Decree dated 10 August 1957 and Decree dated 30 August 1960.

The chapter concludes that legislation in the 1930s were paradoxically more liberal than those adopted after independence.

The report focuses at length on the 28 April 1975 Press Code (Law N°32-1975) which was amended many times after that date (1988, 1993, 2001, 2006).

It shows that despite the multiple amendments, which were expected to ensure freedom of expression and opening the media landscape in Tunisia, the 1975 Press Code remained excessively repressive because of the numerous penalties limiting freedom and the excessive powers given to the Ministry of Internal Affairs namely those related to the attribution of authorizations and the control of the press.

The report subsequently provides details on the laws adopted after the 14th January revolution as an initiative or in collaboration with INRIC.

They are the Decree N°41-2011 dated 26 May 2011 related to access to administrative and public bodies' documents, Decree N°115-2011 dated 2 November 2011 on the freedom of the press, printing and publishing as well as Decree N°116-2011 dated 2 November 2011 related to freedom of audiovisual communication and the establishment of an independent audiovisual communication authority (HAICA).

As far as the first law is concerned, (Decree N°41), the report stresses the pioneering dimension of the new legislation, the first of its type in Tunisia and in the Arab world (Jordan has a similar legislation but it is more restrictive).

However, the reports expresses regrets about the few exceptions in the law, namely the right attributed to a public service official to reject the submission of documents classified “confidential”.

Next the report analyzes the innovations contained in the Decree N°115-2011 on the freedom of the press, printing and publishing.

In that respect the report refers to the advantages provided by this new legislation to the benefit of journalists (clear and explicit definition of the conditions for the practice of the profession, the protection of sources and against aggressions, the suppression of punishments that may restrict freedom and a minimum quota of permanent journalists in media outlets, etc.)

The report equally cites the many safeguards ensuring plurality of opinions and transparency at the level of financing and management of press companies.

As far as Decree N°116-2001 on audiovisual communication is concerned, which is equally a new issue in the Tunisian media landscape; the report dwells essentially on the articles related to the structure, attributions and operation of the Independent Audiovisual Communication Authority (HAICA).

The report also reviews the context in which the new laws were drafted stressing their compliance with international freedom of expression standards, and the opposition and hostility with which they were met by some interest and lobbying groups that saw the new laws as a threat to their privileges acquired under Ben Ali’s regime.

As far as the audiovisual sector is concerned, the report stresses the absence of a global and transparent law, the incoherence and scattered aspect of the few available laws as well as the opaque and arbitrary nature that characterized the attribution of licenses for private media outlets under Ben Ali’s regime.

The first part of **Chapter Two** reviews the major historical phases of the printed press in Tunisia since independence until today, the various types of press (public press, private press, partisan press) and the difficulties encountered by journalists and patrons in financing, printing and distribution

This chapter deals also with the legislation on the print press, its economy and self-regulation

As far as the electronic media are concerned, the chapter deals essentially with the legal vacuum in this sector, the anarchy characterizing its development, the fraud and tricks used by some electronic sites to attract audience and the total absence of codes of conduct and ethics

**Chapter Three**, which focuses on the Tunis Afrique Press Agency (TAP), reviews the many deviations and problems which have characterized the operation of this press agency under Ben Ali's regime namely in the management of human and material resources.

Established on the 1st of January 1961, TAP had, over the years, lost sight of its original mission, which was that of a public service media, and became a tool for propaganda and manipulation in the hands of Ben Ali and his advisors.

With a capital of 196.450 dinars of which 98.39% is held by the state, TAP does not have the necessary human and material resources to promote and diversify its products and services and to take on effectively the mission entrusted to it.

Because of a policy of recruitment and promotion based on political allegiance, favors and nepotism, the professional competence of the journalists and staff of this enterprise have declined considerably over the years.

TAP is among the few press agencies in the world that do not have foreign correspondent or offices abroad. Its regional offices in Tunisia are poorly equipped in terms of human and material resources and use obsolete methods of management and marketing.

Since the 14th of January 2011 Revolution, considerable and important efforts have been undertaken by the agency's journalists to improve the company's image. The editorial line has considerably changed but a lot of work must still be done at structural and organizational level so that this national company recovers its original status of public service media.

To this end, the report proposes a set of concrete solutions to reconstruct the agency on a solid base notably by amending its legal status, the status of the employees, diversification of products and services through a more aggressive commercial and marketing policy, etc.

The first part of **chapter four** deals with public broadcasting while the second part focuses on private broadcasting.

After a brief historical overview, the first part provides a diagnosis of the situation of public broadcasting and their structural and organizational problems.

The report highlights the absence of clear and precise legislation to govern the public broadcasting landscape which includes two television channels (Wataniya 1 and Wataniya 2) and 9 radio stations of which 4 are national (Radio Tunis in Arabic, Radio Tunis International,

Culture Radio and Youth Radio), and 5 regional (Sfax, Monastir, Gafsa, le Kef and Tataouine); and to which can be added, after the 14th of January 2011, Radio Shems FM, which was the property of Cyrine Ben Ali, daughter of the ousted President, and Radio Zeitouna for the Holy Koran whose owner was Sakher El Matri, Ben Ali's son-in-law.

The report underscores the lack of independence of the public media from the political authorities; the excessive centralization of decision-making and management in the hands of the Chief Executive Officers of these enterprises who are appointed directly by the executive arm of Government; the absence of any internal or external regulatory authority; the absence of editorial lines; the lack of participation of journalists in decision making, the absence of editorial conferences; the lack of communication between the management and the editorial; the lack of representation of the staff in the boards, etc.

The report highlights the obvious lack of material and technical resources that is suffered by these public enterprises as well as the growing number of cases of corruption and embezzlement over the last two decades.

The report proposes to carry out a thorough audit to define responsibilities in these matters and to propose solutions inspired by experiences in democratic countries to enable these media to gain the status of "public service".

In the second part of this chapter, the report deals with the private broadcasting sector stressing the absence of legislation in this sector, the lack of transparency characterizing the opening of the audiovisual media to the private sector and the particular conditions in which the licenses were attributed to close collaborators of the regime on the basis of conventions and license agreements that have remained secret.

The report equally highlights the approach undertaken by INRIC to attribute licenses to new private broadcasting media (12 radio stations and 5 TV channels) and the controversy that has confronted the private broadcasters who obtained their licenses under Ben Ali, on the matters of political advertizing and of the new legislation adopted after the revolution in the field of reform of the information and communication sector.

**Chapter five** deals with regional information. The report shows that this sector has not benefited from the attention and importance it deserves since independence. Regional information remains the information sector's poor child.

The report equally highlights the difficulties of the regional printed press in terms of financing, printing and dissemination as well as the important deficit in terms of human and material means.

As far as regional audiovisual media are concerned, the report stresses the absence of autonomy of the regional radio stations in terms of production, programs, financial and human resources management.

The report provides some concrete proposals namely the necessity to carry out a thorough study of the situation of the regional media in order to identify the characteristics and needs of each region and to adapt the content to the profiles of the audience and readers; to review the state aid to the regional media on the basis of transparency, and of fair and objective criteria; to strengthen the network of private not-for-profit radio stations; to give priority in recruitment of regional correspondents, to graduates of the IPSI and to university graduates in general.

**Chapter Six** addresses the question of governmental communication. The report stresses the failure of the policy adopted by Ben Ali's regime in the sector of communication despite the high cost of this policy.

The report underlines the counterproductive role played by the ATCE in this respect which was used a tool of propaganda, disinformation and manipulation abroad, and as a means of pressure, repression and censorship inside the country.

The report equally addresses the smears and blunders committed after the 14th of January 2011 in terms of governmental communication, mainly with regard to contradictory and incoherent statements by some government members and officials concerning a few sensitive issues such as that of information.

The report provides recommendations and practical solutions aimed at reforming the modes and techniques of institutional communication, namely dissolving the ATCE; implementing the decree-law N°41-2011 related to access to administrative documents; reorganizing communication departments at the level of the various ministries and public enterprises, in accordance with the standards used in democratic societies, the separation of the functions of communication and information; and the strengthening of specialised training in the area of communication.

**Chapter seven** deals with public, commercial and political advertizing. It reviews the history of the sector, the applicable laws, and the various political, economic and cultural aspects of this activity in the complete absence of ethical rules and codes of conduct providing for the advertising sector.

The chapter dwells particularly on the question of political advertising which emerged in Tunisia in the aftermath of the 14 January 2011 revolution during the elections of the National Constituent Assembly.

The report refers to the controversy which confronted INRIC with some media outlets and political groups and the virulent campaign orchestrated against INRIC because of its opposition to this type of advertizing.

The chapter also highlights the negative role played by ATCE in controlling public advertizing and the negative effect of this policy on the media landscape in Tunisia.

**Chapter eight** is focused on the training of journalists, both foundation training and continuing education.

The report sheds light on the slippages and errors which affected IPSI because of excessive political use of this establishment which has become over the years an “executive school” in service of the party in power. It focuses particularly on favoritism and the client-centered policies behind the appointment of managers and academics in this institute as well as the regression in the level of graduates because of the archaic admission criteria for access to IPSI and the obsolete curricula.

The report stresses the gross defects at the level of continuing education at the African Centre for the Training of Journalists (CAPJC) which was equally instrumentalized by the former regime and gradually lost the influence which it had acquired in its early days.

The report gives recommendations in order to structure both training institutions namely the need to rethink the criteria of admission to IPSI, the renovation of its curricula and the revision of legal status of the CAPJC.

In **chapter nine**, the report deals with support structures to the media such as the National frequency Agency (ANF), the National Broadcasting Office (ONT), the Tunisian Internet Agency (ATI) and the National Documentation Center (CDN).

The report reviews the difficulties encountered and the dysfunctions witnessed by these various bodies and proposes practical solutions to improve their operation and productivity.

In the second part of this chapter, the report addresses professional organizations namely the Tunisian National Union of Journalists (SNJT), the Tunisian Association of Print News Managers (ATDJ), the new unions of newspaper and media managers, etc.

It equally deals with active organizations in the areas of freedom of expression and the media (OLPEC, Tunis Center for Press Freedom, etc.).

The report reviews the history of these organizations and structures, their mode of operation, problems and difficulties they have faced and the means to solve them, as well as their respective positions in regard to the new legislation adopted after the revolution of 14<sup>th</sup> January 2011 in the field of information and communication.

In the **tenth and last chapter**, the report deals with the question of monitoring the media. It reviews experiences from abroad in this field and it studies the emerging Tunisian experience carried out, since 2004, by a network of NGOs at election times.

The chapter also addresses the experience of the Independent Elections Authority (ISIE) and the controversy resulting from outlawing political advertizing during the election campaign.

The report recommends broadening this experience in order not to restrict it to electionl periods and to establish independent regulation and monitoring authorities tasked with the permanent monitoring of the media, based on objective and scientific codes and criteria in accordance with international standards applicable in democratic countries.

# General Conclusion

## Findings, Perspectives and Recommendations

The Higher Authority for Media and Communication Reform (INRIC) aims in this report to provide a diagnostic of the information sector under the Ben Ali regime and to highlight the scale of the damage to various media through its policy of systematic repression and lockdown.

This report also provides a synthesis of the activities of INRIC, since its creation in March 2011, activities which have brought together, through various seminars, meetings, workshops and field visits, hundreds of journalists, academics, experts and lawyers, from Tunisia and abroad.

The objective sought, through this approach, is to establish a solid base to the process of reform of the information and communication sector, and to ensure that international standards on freedom of expression be the reference point and the essential foundation for the reconstruction of information and communication enterprise in Tunisia.

## Diagnosis and findings

Reading of this report clearly highlights the disastrous legacy bequeathed by years of dictatorship, corruption, buying of conscience, and hostility towards the press and towards independent journalists who remained committed to the ethics of their profession.

Ben Ali and his advisors deprived Tunisia of precious and incalculable opportunities to become a country of freedom and pluralism in information, by turning a deaf ear to all voices raised for freedom of the press and to proposals and initiatives advanced since the 1980s.<sup>1</sup>

Ben Ali and his advisers used complex and clever ways to lockdown the media landscape and to silence critical or discordant voices. They turned the judiciary and administration into instruments of control and transformed taxes into tools to pressure, tantalise and manipulate.

The administrative and financial mismanagement became a gangrene throughout the workings of the public media companies, whose governing articles have been quietly forgotten. Allegiance and loyalty to the ruling power, favouritism, cronyism and nepotism became the only criteria for the recruitment of journalists and agents, at the expense of competence and merit.

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<sup>1</sup> A Committee, composed of Habib Boulares, Mohammed Ben Ismail and Moncer Rouissi, in 1988, presented him with a report on the information sector. The conclusions of the report remain confidential to this day.

From the TAP Agency to press and broadcasting enterprises, through to institutions for foundation training (IPSI) and continuing education (CAPJC), no sector was spared by this policy of systematic and organized plundering.

Laws were either nonexistent, as in the case of the audiovisual sector, or draconian, like the press code of 1975 or the laws relating to personal data protection and information security.

In addition, the pernicious and opaque practices that were used by the Tunisian External Communication Agency (ATCE), in terms of the selective and conditional distribution of advertising spending, have ended in the transformation of the public media into instruments of propaganda and government communication .

But, despite this policy of closure and lockdown, numerous civil society associations and organizations resisted and succeeded to face up to the infernal machine of dictatorship.

These are precisely the representatives of associative life who, after the 14<sup>th</sup> January 2011 mobilized to foster a healthy dynamic and, eventually, a promising sector of information and communication in Tunisia.

INRIC began its reform process, in March 2011, at a particularly difficult and complex moment, marked by the influence still lingering from the old system and the continuance of certain barons of the deposed regime in positions of decision-making within the public and private media.

This moment was equally marked by a deficit of professionalism among journalists who had lost their reflexes, after a long period of inactivity, lack of exercise and marginalization.

Aware that no work of reform can succeed if it is not based on principles and internationally recognized standards, INRIC immediately adopted as references, in its reconstruction project, the experience of democratic countries and the international standards that relate to media law and regulation.

The efforts by the INRIC in the legislative field, culminated in the promulgation of two decrees, on which it collaborated with the High Authority for the Achievement of the Objectives of the Revolution, political reform and democratic transition (HIROR).

These are the Decree No. 115-2011 of November 2, 2011 on freedom of the press, printing and publishing and the Decree No. 116-2011 of November 2, 2011 on freedom of audiovisual communication and the creating of a Independent High Authority for Audiovisual Communication (HAICA).

INRIC also developed conventions and licence specifications relating to the exploitation of new private broadcast media that obtained their licenses after January 14, 2011.

However, the public authorities have not, as of mid-April 2011, made any initiative to implement these new laws.

The only legislation that has been approved until now and on which INRIC had some reservations is the Decree No. 41-2011 of 26 May 2011 regarding access to administrative documents held by public agencies.

The most significant change in the post-revolutionary media landscape took place, undoubtedly, in the broadcasting sector which recorded the licensing of new private radio and television stations, commercial or associative, on the basis of the recommendations of INRIC which selected 12 radio stations and 5 television channels.

However, the legal vacuum still plaguing the sector has provided opportunities for some businessmen to create satellite channels that broadcast from abroad but whose programs are produced in Tunisia.

For its part, the print media sector has seen a profusion of new titles. The number of periodicals having obtained the permission to publish reached, up to December 2011, some 228 titles. But the publications currently appearing are clearly well below this figure.

With a few exceptions, these new publications are, overwhelmingly sensationalist tabloids, populist-oriented, versed in political one-upmanship and providing a forum for the personal settling of scores, in flagrant violation of the most basic rules of journalistic ethics. A perverse phenomenon, a legacy of the fallen regime, which itself reflects the disastrous impact of years of dictatorship on the practice of the profession and the behaviour of journalists.

The post-revolutionary media landscape is also characterized by the prominent role of the alternative and virtual media with an increasing number of blogs and electronic journals.

However, the virtual space, which was the spearhead of the revolution and has actively contributed to the fall of Ben Ali in unmasking his crimes against the people of Tunisia, has been transformed, too, after the 14<sup>th</sup> January 2011, into a space of confrontation, settlement of accounts, manipulation and misinformation.

The current situation in the areas of broadcast, print and electronic media calls for the urgent establishment of independent regulatory bodies to try to bring some order and to address the highly complex problems that are posed.

Unfortunately, the new government, born of the first democratic and pluralistic elections in the history of Tunisia, has been reluctant to implement the new legislation regulating the information sector. Its refusal to adopt 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, are all signals that leave much doubt on the future of this nascent hard-won freedom.

The subterfuge invoked by the new government to avoid the application of Decree No. 116 on the establishment of HAICA and the unjust and acrimonious campaigns launched by militants and activists of the party Ennahdha against media journalists who have made continued and welcome efforts to improve, are also disturbing signs that indicate the absence of a genuine desire on the part of the new rulers to honour their campaign promises, to respect the citizen's right to free and pluralistic information, and to break with the practices of the old regime that turned the public media into channels of propaganda and manipulation.

The political will of the new rulers, the solidarity of journalists and the sense of general interest are, however, the basic conditions, necessary and essential to the success of the reform process initiated by the INRIC and to ensure the Tunisian people a better future, based on freedom, democracy and economic and social justice.

# General Recommendations

## The Legal Framework:

- ❖ To include in the new constitution the principle of freedom of expression, press, information and digital communication, and the right of access to data, in such manner that guarantees the free exercise of these rights and ensures all restrictions comply with international covenants and conventions and practices prevailing in democratic regimes.
- ❖ To give constitutional status to the Independent High Authority for Audiovisual Communication (HAICA)
- ❖ To amend Decree No. 41-2011 on access to administrative documents to clarify certain contested issues and reduce the limitations and exceptions set forth.
- ❖ To accelerate the effective implementation of Decrees No. 115 and 116 by enacting:
  - The decree on the organization of the legal deposit and the decree on the independent commission for granting the professional journalist's card, provided for by Article 8 of Decree No. 115-2011.
  - The decree appointing the members of HAICA, provided for by Article 7 of Decree No. 116-2011.
  - The removal of the penalties of imprisonment from Decree No. 115-2011 and their transfer to the penal code.

## The Print Media:

- ❖ To create editorial boards or committees in all public press outlets. To determine their responsibilities, composition and their mode of operation and include them in the governing statutes of the enterprises as reference points for all matters relating to editorial guidelines and to the respect of ethical codes.
- ❖ Encourage print and electronic media enterprises to adopt charters and codes of conduct that accord with the principles prevailing in democratic regimes.

## The Electronic Media:

- ❖ Ensure that the law provides for the protection of the right to freedom of opinion and expression on the Internet in general and in the electronic media sector in particular, on the same terms as the print and broadcast media. Confirm respect for international standards on freedom of expression in this field.
- ❖ Ensure that the law includes the principle of prohibition of any filtering of sites or of electronic journals or blogs, for any reason whatsoever. Entrust to the judiciary the power to punish any violations of the law, in accordance with the provisions of Decree No. 115-2011.
- ❖ Encourage electronic journalists to comply with the principles and ethical codes applicable at the national and international level.

## **News Agency: Tunis Afrique Presse (TAP):**

- ❖ Creation within the Agency of the function of "Editor in Chief" for which the postholder should hold a high level of professional competence in the field. Appointment to this position should be through a call for applications on the basis of transparent criteria set by the Chief Executive of the Agency after consultation with the Editorial Board. Applicants may be internal or external candidates. The Editor in Chief will be tasked to act as link between senior management and editorial staff, to evaluate the Agency's production and to prepare a daily report on this. They will also be responsible for coordinating distribution of the Agency's content on the various media platforms and ensuring compliance with the editorial line.
- ❖ Review of the commercial policy of the Agency and current tariffs for products and services. Promotion of the Agency's website and diversification of services, to create "à la carte" services, photo, audio and video services and documentary products.
- ❖ Creation of an independent unit for regional information (TAP Regions) which will be specialized in the dissemination of regional information and will control the interregional and regional offices. The interregional office covers several regional offices and should be headed by a director appointed by the same criteria in force in the other editorial services of the Agency. It should be provided with all the necessary human and material resources.

## **Public Press Enterprises:**

- ❖ To conduct an audit and evaluation to identify the responsibilities for financial, administrative and human resource mismanagement and the abuses that took place under the former regime, relating, in particular, to recruitment and promotion, and the squandering of public funds.
- ❖ To evaluate, in an accurate and comprehensive manner, the performance of the different services and their agents within the public press outlets.
- ❖ To put in place an action plan to improve human resource management by enhancing existing skills, by encouraging voluntary redundancy, by implementing early or compulsory retirement, especially among officers who were closely associated with the old regime or who have shown their inability to adapt to new circumstances and to fulfill requirements for an independent public media.
- ❖ Pending the entry into force of Decree No. 116-2011 and revision of the legal framework of the public media, the Chief Executives of these media should be appointed by a call for applications and on the basis of evidence attesting to their competence, experience and independence. The application of each candidate must also include a work program reflecting their concept for the management of the organisation. A parliamentary committee, supported by experts, will be responsible for announcing the opening of nominations, the receipt and examination of applications,

the organisation of public interviews with candidates and the announcement of the results.

- ❖ To select by means of a call for candidates and on the basis of competence experience and independence, the Editors in Chief of the public press outlets. Candidacies may be internal or external. An independent commission, composed of specialists and of experts known for their competence and integrity, will take charge of examining the applications.
- ❖ To revise the governing statutes of the public press outlets, through a special commission that will include experts and staff representatives among its members. The revision of the statutes should focus on the precise definition of the powers and responsibilities and the composition of the boards of directors, the the relationship between the management and the editorial, in a manner that guarantees the independence of editorial services.
- ❖ To confirm clearly in the governing statutes of each public press outlet, the public service nature of the company and its independence with regard to all political tendencies and in relation to financial or economic interest groups.
- ❖ To revise the personnel regulations of the public press outlets, particularly with regard to the provisions for recruitment, advancement and promotion, granting of operational positions, job descriptions and performance evaluation. The objective is to reward merit and ability and to assure transparency.
- ❖ To establish in each public press outlet, a detailed organizational chart with responsibilities of each staff position and the name of the person responsible, to give full transparency in the management of public service organizations in accordance with the provisions of Article 4 of Decree No. 41-2011 of 2 November 2011.
- ❖ To define precisely the powers and prerogatives of each category of personnel in the public press outlets in order to reduce any form of confusion or conflict of responsibility.
- ❖ To adopt open competition as the sole and exclusive rule for recruitment in public press outlets and create, in each organisation, special committees composed of the editorial boards, experts, academics and independent specialists.

## **Audiovisual Landscape**

### **Public broadcasting**

- ❖ To put in place participatory management and governance mechanisms in the public radio and television organizations, through revision of the composition and powers of the boards of directors of these media which should be dies for supervision and control rather than executive bodies. The board of directors will have the objective to draw up the general policy of the organisation, monitor performance, set the budgets of the different radio and television stations and hold the Chief Executive to account.
- ❖ The board of directors should be composed of competent and independent personalities and representatives of journalists and employees of the company. A

parliamentary committee should assess the applications to the board of directors, with the assistance of experts in the field of information and audiovisual communication. Candidates to the board should not hold responsibilities within political parties or engage in activities that could create a conflict of interest. The composition of the board should be approved by parliament.

- ❖ To create an executive board for the public radio organisation and another for the public television organisation. Each executive board will be responsible for implementing policies set by the board of directors. It will be chaired by the Chief Executive of each organisation and group together the directors of the radio and television channels and the editorial, administrative, financial, technical and other directors.
- ❖ To give more autonomy to the regional radio stations, at the level of production and of administrative and financial management.
- ❖ To work within each broadcast service to promote a sense of public service through development of a code of conduct or a charter that enshrines the values of quality, professionalism, pluralism, independence and respect for human rights.
- ❖ Each public broadcasting service should develop its own editorial line and its own code of conduct.

### **Private Broadcasting**

- ❖ To protect the National Office for Broadcasting (ONT) from all forms of political and economic interference in its affairs
- ❖ To task an independent body with the task of undertaking an analysis of the national radiofrequency spectrum on the FM band to know the frequencies available at the local, regional and national levels.

### **Regional Media:**

- ❖ To conduct a comprehensive and precise scientific study of the state of regional information provision to identify the characteristics and needs of each region and their respective audiences (readers, listeners and viewers) in order to adapt the content to their needs and to provide a real reflection of the situation in the regions.
- ❖ To reduce the broadcasting fees for the new regional radio stations and set a symbolic rate for the associative radios.
- ❖ To give priority in the recruitment of regional correspondents to the graduates of the Institute for Press and Information Sciences and university graduates in general.

### **Government Communication:**

- ❖ Dissolution of the Tunisian External Communication Agency (ATCE) and opening of a judicial investigation against those involved in cases of embezzlement, mismanagement and corruption in connection with the activities of this company.

- ❖ To implement Decree No. 41-2011 of 26 May 2011 regarding access to administrative documents held by public agencies in order to lay foundations for a new policy of transparency in the actions of those responsible for communication in public institutions.
- ❖ To revise the specific status of journalists and press officers working in public bodies to avoid confusion between the function of journalist and of press officer in charge of communications.
- ❖ To protect public bodies against the culture of allegiance and loyalty to the people in the field of government communication.
- ❖ To create a coordination mechanism between the direction of communication within the various ministries and within the communication departments of public enterprises to ensure synergy in government communication.
- ❖ To encourage the government to draw on the experiences of democratic countries in the field of government communication and to establish, with the assistance of specialists and experts in this field, a communication strategy adapted to the demands and needs of a democratic society.

## **Advertisizing:**

- ❖ To activate the role of HAICA in the organization of the advertising field, commercial as well as political
- ❖ To implement Decree No. 115-2011 of November 2, 2011 on freedom of press, printing and publishing, which includes a separation between advertising and editorial activities, and prohibits any form of disguised advertising.
- ❖ To prohibit the overlap between journalistic activity and work in the advertising industry and to make clear the distinction between a news article and advertorial.
- ❖ A ban on political advertising in the broadcast media, in accordance with the provisions of Article 45 of Decree No. 116-2011 concerning audiovisual communication and the creation of HAICA.

## **Training:**

### **The Institute for Press and Information Sciences (IPSI)**

- ❖ To review the criteria and rules for admission to IPSI replacing the automatic system of guidance by a system of competitive examination to assess the candidate's general knowledge, language skills and fitness to practice in the information and communication sector.
- ❖ To strengthening the technical and logistical facilities of the Institute to provide students with the best working conditions and facilitate their future integration in the labour market.

## **The African Center for Training of Journalists (CAPJC)**

- ❖ To ensure the independence of the centre against any form of political interference, by changing its legal status into a non-administrative public organisation (EPNA) or public organisation of industrial and commercial character (EPIC), and allow it to regain its regional profile.

## **Public bodies and professional organizations:**

### **Tunisian Internet Agency (ATI)**

- ❖ To Structure the internet sector and defining the relationship between the various stakeholders such as telecom operators and internet providers including reviewing the tasks attributed to the Tunisian Internet Agency as the national body to monitor the aspects related to regulation, security as well as technical matters (public player according to the regulations issued in 1997) stressing its core role according to the license attributed to it since 1996 which can be summed up in providing internet links.
- ❖ To break away with the practices which hindered the progress of the internet and the development of digital content, reducing investments and the potential of attracting companies and capital because of the claimed cyber security.
- ❖ To Ensure the freedom of the internet and monitoring all the players in order to encourage the respect of the basic principles related to privacy, protection of personal data, intellectual property, freedom of access to information and knowledge according to international freedom of expression standards.
- ❖ Restructuring of the Internet sector and redefinition of the roles of different stakeholders in this sector (service providers, telecommunications operators, etc.). Revision of the responsibilities of ATI into a single national operator in charge of all technical, organizational and security-related questions concerned with Internet services, in accordance with the law establishing ATI (March 1996) and the regulations published in 1997. Strengthen the central role of ATI as "Internet Exchange Point" (National Internet Exchange).
- ❖ To break definitively with past practices which, under the guise of security, hinder the development of the Internet, content production and investment in this sector.
- ❖ Guarantee the freedom of the Internet while encouraging various stakeholders to ensure respect of privacy and personal data protection, and of intellectual property, in accordance with prevailing international standards.

### **National Documentation Center (CDN)**

- ❖ To implement Article 5 of Decree No. 115-2011 of November 2, 2011 concerning the legal deposit to allow the CDN to have its quota of periodicals and thus contribute to the preservation of national memory.

- ❖ To revise the legal status of the center, which dates from 1982, to open new horizons for its agents and officers, modernize its working methods and provide the human and material resources necessary to accomplish its mission, particularly in light of the opening of regional offices in the interior of country since 2005 and the launch of its documentation platform on the web since 2009.

### **Professional organizations**

- ❖ To organize workshops and meetings on the various systems of trade union organisation for journalists, with the assistance of experts and specialists, Tunisian and from abroad, to learn from the experience of democratic countries in this field.
- ❖ To break with the old system of confusion between the functions of a reporter and a press secretary or communications officer.
- ❖ To call all political and economic powers to respect the independence and autonomy of organizations and professional structures and cease all interference in their affairs.
- ❖ To call all organizations and professional bodies to show solidarity and to actively defend freedom of expression and of the press and the interests of their members, independent of all political or economic interest groups or personal interests.

### **Media Monitoring**

- ❖ To implement the role of HAICA in activities related to monitoring the media and to put in place independent and permanent monitoring structures the activities of which should no longer be limited to elections and obeying scientific rules and criteria.
- ❖ To establish training programs in the field of media monitoring techniques