

MEDIA REFORM AMID POLITICAL UPHEAVAL WORKING PAPER



# Media Reform in Tunisia: A Volatile Process

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TUNISIA



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# Introduction

**T**unisian media since the 2011 uprising have been disseminating unprecedented pluralistic content, in departure with the uniform tone and content that prevailed under the former regime. The regulatory media reform is the most progressive in the Middle East and North Africa (MENA) region. However, the political infighting and ensuing instability in governance is hampering effective implementation of these reforms.

Moreover, there is still resistance to change, and successive governments have been reluctant to give up control over media narratives. President Kais Saeid's power grab in July 2021 has resuscitated old narratives praising the strongman presented as the savior of the nation. The power grab, perceived as a corrective measure by his supporters and as a coup by his opponents, raises fears of a potential return to autocratic rule, thus undoing the gains from the revolution.<sup>1</sup> It is important to note that this research was conducted prior to the president's move to seize power.

The constitution of 2014 provides important guarantees for media freedom: Articles 30 and 31 ensure freedom of opinion and expression and access to information. The establishment of an independent regulator for the broadcast media is unprecedented in the region. However, the independence and efficacy of this new regulatory body are threatened. Despite the newly born media freedoms, which are acknowledged by Tunisians as major gains from the revolution, an increased number of journalists and activists are getting arrested and harassed, mainly through use of the old penal code and new anti-terrorism legislation. Recapture of the state by old and new elites and widespread corruption loom over the process of democratic consolidation, including media reform. The suspension of the constitution and the lack of clarity on its fate put these reforms in limbo.



INDICATOR	RANK/SCORE
2021 Reporters Without Borders Press Freedom Rank	73/180
2020 V-Dem Liberal Democracy Index Rank	42/179
2021 Freedom House Global Freedom Score	71/100 (Free)
2020 UN Human Development Index Rank	95/189

The new Tunisian media industry is more open and diverse but suffers from extreme precarity and lack of vision. The media are not yet functioning as a watchdog institution. Journalism professional bodies and civil society act as the main guardians of media reform, though there is no formal support structure that brings together media reformers to challenge the continuous attempts at political and business co-optation. The reluctance of successive governments and parliaments to officially endorse the regulatory reform is endangering the newly introduced media rights and further exacerbating the business and political instrumentalization of the media landscape.



# The Media Landscape: Context, Structures, and Agents

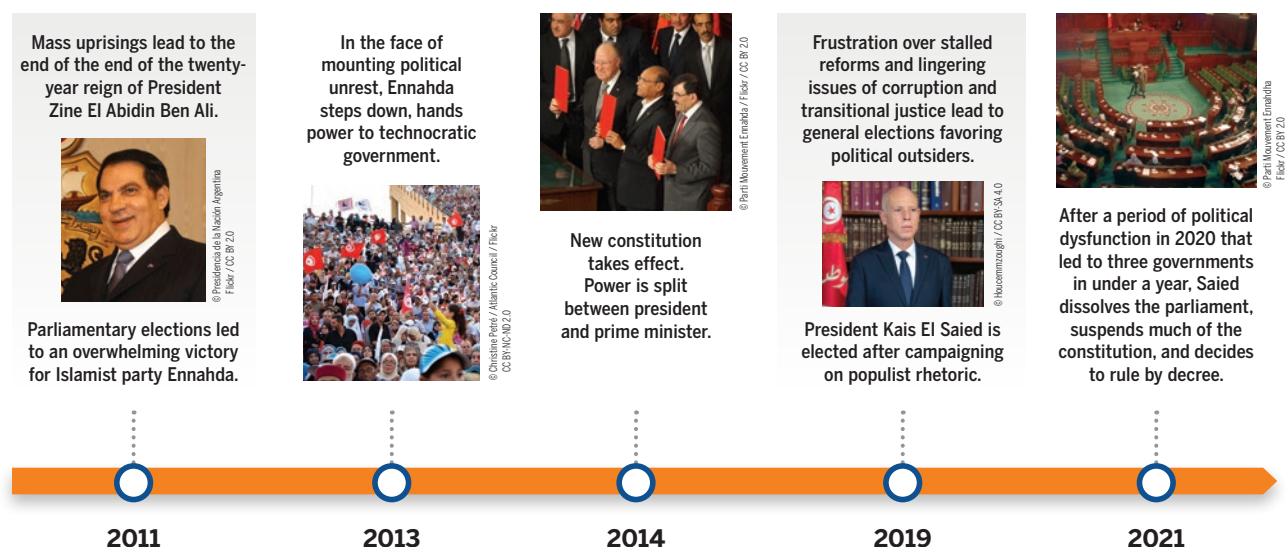
Tunisia has achieved important progress in democratic consolidation, emerging as a unique success story among the various revolts in the region. This success can be attributed to structural advantages and a culture of consensus within the government that has helped to bridge differences, especially in the rift between conservative Islamists and elitists secularists, thus protecting the fragile new democracy from sinking into a military coup or civil war, following the paths of Syria, Libya, and Egypt.<sup>2</sup>

However, the state's failure to deliver solutions to a stagnating economy, a high level of unemployment, and continuous political infighting frequently resulting in policy paralysis threaten to derail this process.<sup>3</sup> For instance, the Arab Barometer surveys show a

steady state of mistrust among Tunisians toward the new political system and disillusionment with the outcomes of the democratic transition, as corruption continues to flourish while economic reform falters, inciting calls for a return to autocracy in the name of stability.<sup>4</sup> In 2020, the country ranked 54 out of 165 countries worldwide in the Democracy Index, which classified it as a “flawed democracy.”<sup>5</sup>

While the democratic transition has achieved key advancements, some major barriers against change remain, such as growing police brutality, exacerbated by the anti-terrorism laws; repressive articles in the penal code frequently used by the judiciary;<sup>6</sup> military trials of civilians;<sup>7</sup> and unlawful detention or trials of citizens for expressing dissenting opinions. Severe polarization frequently puts the democratic consolidation in peril, notably the political deadlock of 2013, which witnessed large protests calling upon the governing coalition to resign, encouraged by the military coup in neighboring Egypt.<sup>8</sup> Weak security, exemplified by two political assassinations<sup>9</sup> and several terrorist attacks,<sup>10</sup> has ignited Tunisians' frustration

## Transition Timeline





*President of the Tunisian National Constituent Assembly (NCA) Mustapha Ben Jaafar (L), President Moncef Marzouki (C) and outgoing Islamist Prime Minister Ali Larayedh (R) pose after signing the country's new constitution in Tunis, January 27, 2014.*

with the outcomes of the uprising, particularly the growing social and economic inequality driving the youth to immigration or despair.

The adoption of a new constitution in 2014 was a major step toward establishing a functioning democracy, by enshrining essential rights such as the right to access to information and gender equality.<sup>11</sup> However, the delay in establishing the Constitutional Court, mandated to ensure national laws are consistent with the constitutional provisions, threaten the gains from the regulatory reform, especially in view of a growing number of regressive legislative proposals.<sup>12</sup> Despite the country's success in holding fair and regular elections since 2011, the new polity is highly fragmented, with leading parties disappearing and new formations gaining power swiftly.<sup>13</sup> The latest presidential election, in 2019, saw the victory of a political outsider, professor of law Kais Saied, followed in second place by the controversial media magnate Nabil Karoui, who has been prosecuted for money laundering.<sup>14</sup> The parliamentary elections held in the same year led to a highly fractured parliament, with no party or list receiving more than 20 percent of the vote.<sup>15</sup> The victory of populist outsiders is perceived to be an indication of a popular rejection of the notion of consensual politics as a response

to polarization. The politics of consensus, wherein cooperation between political opponents is prized to the point where lawmakers often abandon controversial issues,<sup>16</sup> are blamed for obstructing the adoption of controversial yet crucial reforms such as transitional justice, security sector reform, and structural economic reforms. The new political system is semi-presidential with vast prerogatives granted to the National Assembly (the parliament).<sup>17</sup>

## Media Reform: Major Milestones

Media democratization has achieved major milestones: Tunisia was the only Arab country to rank “free” (70) in the 2020 Freedom in the World report compiled by Freedom House.<sup>18</sup> It has since been downgraded to partly free in the latest version of the report due to the return of some pressures on press freedom after President Saied's power grab.<sup>19</sup> The new media landscape reflects features of fragmentation, polarization, and fluidity. After the departure of President Zine el-Abidine Ben Ali, the media industry was freed from the control of several governmental bodies—particularly the Ministry of Communication, which was abolished—that used to exercise a monopoly on all aspects of media operations.<sup>20</sup> Debating politics became a main feature of media reporting with almost no topic considered off limits, a formidable change compared with the former media landscape where political reporting, a monopoly of the state media, was no more than relating the news of the president's family and his clan, mostly dictated by his office.

The media reform opted for smooth continuity rather than a severe rupture with the past, for many reasons, chief among them protecting journalists' jobs given the difficult economic situation. For instance, media outlets that once belonged to the Ben Ali family were confiscated and put under the oversight of “judicial administrators.” Their fate remains in limbo with no initiatives to restructure or sell them to the private sector.

The media reform followed international precedents and launched a large consultation with national and international actors. It was initially led by a non-

statutory body, the National Authority for Reform of Information (INRIC), acting 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*), which was formed in the early years after the regime change.<sup>21</sup> The work of the authority was crucial in setting the foundation of the new media regulatory framework, largely cleared from the repressive features of the former system. Three essential decree-laws were introduced:

1. Decree 115-2011 (of November 2, 2011)<sup>22</sup> replaced the former repressive press code. It guarantees the freedoms of publication, expressing opinions, and accessing and disseminating information. It also allows freedom of publication without prior license for print outlets and protects media diversity through antimonopoly stipulations.<sup>23</sup> The decree abolishes prison sentences for offences related to the exercise of the profession and instead imposes fines.
2. Decree 116-2011 (of November 2, 2011)<sup>24</sup> guarantees the freedom of the broadcast sector and established an independent regulator—the High Independent Authority for Audiovisual Communication, or HAICA—tasked with overseeing the industry. It is envisaged that HAICA will be replaced by the new Audio-Visual Communication Commission. However, the delay in establishing this new body and questions about its functional independence—the commission members will be elected by the National Assembly—raise fears of political and economic co-optation.<sup>25</sup>
3. Decree 41-2011 (of May 26, 2011)<sup>26</sup> ensures the right to access to information for journalists and the public. The decree was adopted in an organic law, the “Right to Access Information Law” (Law No. 2016-22), passed in March 2016.<sup>27</sup> A precedent in the Arab region, the law establishes an independent commission—the Access to Information Authority—to oversee compliance.<sup>28</sup> A major impediment to the efficient implementation of this new right, however, is the refusal of executive bodies to comply with requests, making them de facto irrelevant.

It is important to note that Decree 41-2011 is the only legacy of this earlier media reform that succeeded in being adopted into an organic law. Decrees 115-2011 and 116-2011 have yet to be replaced by new organic laws, leaving their fate, as well as the whole media reform process, in limbo.<sup>29</sup> These important changes are also undermined through the continuous use of repressive articles in the penal code and other laws that criminalize freedom of speech. An example is the 2018 prison sentence for blogger Amina Mansour for a Facebook post in which she criticized the government’s anti-corruption plans.<sup>30</sup> The new anti-terrorism law raises concerns as it threatens to reintroduce impunity for security forces by granting them broad and vague surveillance powers. The law can be used to effectively muzzle freedom of expression. According to the law, any person who is found to have “publicly and clearly praised” a terrorist crime or its perpetrators could be sentenced to up to five years in prison.<sup>31</sup> In late 2020, following outcry from civil society, parliament eventually decided to indefinitely postpone the adoption of another draft law, one on the “protection of security forces,” that would impose disproportionate criminal penalties for offences considered to jeopardize security and exempt security forces from criminal liability. It is important to note that while these repressive draft laws are no longer on the parliamentary agenda, they can still be revisited, which makes them a continuous threat to media rights.<sup>32</sup>

The new progressive regulatory amendments are further weakened by ambiguity in the judicial practice in prosecuting offences relating to journalists. While the new press code stipulates that its provisions should replace all preexisting laws dealing with media-related offences, the system applies both the provisions of the new press code as well as the penal code to such cases.<sup>33</sup> Important repressive stipulations remain in the penal code such as criminalizing defamation of public officials and broad restrictions on speech based on vague concepts like “good morals.”<sup>34</sup>

# The New Media Landscape: Business/Political Instrumentalization

Around 228 new Tunisian print publications emerged after the uprising, most of which have since shuttered, leaving only 50 newspapers currently publishing regularly. The number of nationally broadcast television (TV) stations has increased from five under the former regime to 14, radio stations have increased from 14 to 41, and an estimated 20 websites before 2011 has ballooned to 50, per the Media Ownership Monitor, a platform developed by Reporters Without Borders. The latest official figures, as of February 2021, indicate 53 radio stations: 12 public, 19 private, and 22 run by civil society groups. The broadcast sector counts 10 TV stations, including 2 public and 8 private TV channels.<sup>35</sup>

HAICA, the body entrusted with issuing licenses to private broadcasters, continues to struggle with the legacy of the former regime. Channels that were established during the Ben Ali regime like Hannibal TV, launched in 2005 as the first private TV channel, and Nessma TV, launched in 2007, both owned by people close to the former regime, were issued licenses based on opaque criteria. At the time, both were apolitical channels airing mainly entertainment content. Before the uprising, an opposition channel, El Hiwar El Tounsi, launched from abroad in 2003, would challenge the regime narratives albeit not with much influence. In 2011, INRIC recommended issuing licenses to five channels. Later, once HAICA was established, it developed a clear set of criteria for issuing licenses, known as *cahiers de charge*, and granted licenses to a handful of broadcasters.<sup>36</sup> At the time of writing this report in June 2021, the industry totaled two public and 12 private TV channels, with



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three of them broadcasting without valid licenses due to political protection, according to the head of the broadcast regulator, Nouri el-Lajmi.<sup>37</sup> The most influential private TV channels widely watched by the Tunisian public (98 percent of Tunisian audiences watch television<sup>38</sup>) are the following:

- **Al-Janoubia TV:** Granted a license by HAICA in 2015, it is largely owned by the businessperson and founder of the Tunisian Movement for Freedom and Dignity, Mohamed Ayachi Ajroudi.
- **Atessia TV:** Launched first by host and producer Moez Ben Gharbia in 2015, the channel is now jointly owned by an individual, Lotfi Charfeddine, and the company Olivier Invest Sicaf.
- **Carthage Plus:** This channel is majority owned by an individual, Kais Mabrouk.
- **Al-Hiwar Ettounsi:** Owned initially by Tahar Ben Hassine as an opposition channel to the former regime, the channel was sold recently to Asma Fehri, wife of Sami Fehri, a media baron who launched Ettounsiya TV, leading to the two TV stations merging.
- **Hannibal TV:** Owned initially by businessman Larbi Nasra. He and his family sold their shares in 2013 to Saudi and Tunisian businessmen so Nasra could engage in political activities. It is currently



broadcasting according to a provisional license, pending management's compliance with a number of regulatory measures, including providing transparency on the channel's funding.<sup>39</sup>

- **Nessma TV:** The channel continued to broadcast without a legal license until it was finally suspended by HAICA on October 27, 2021, citing suspicions of "financial and administrative corruption."<sup>40</sup> HAICA's decision also cited the channel's ownership by the leader of a political party, which, it alleged, impacted its content. It was originally owned by Karoui & Karoui World, Italian Mediaset Group linked to Silvio Berlusconi, and the Tunisian businessperson Tarek Ben Ammar. In 2016, Nabil Karoui officially resigned as chief executive officer (CEO) of Nessma TV to pursue political ambitions but his influence on the channel has remained prominent. According to HAICA member Hishem Snoussi, the regulator has launched negotiations with the channel's management to establish new ownership in the form of a company with Tunisian capital and no link to any political activity.<sup>41</sup>
- **Zitouna TV:** A religious TV channel broadcasting illegally, it has close ties to the Islamist party Ennahda and was created in 2012 by Osama bin Salem, son of a leader in the party, and is financed by Sami Essid, a businessman close to the party. The channel was shut down by HAICA in October 2021 and had its broadcasting equipment seized

by security forces. HAICA forbids private religious broadcasting linked to political parties. Religious broadcasting is limited to public media.<sup>42</sup>

- **Telvza TV:** Established in 2013 by journalist Zuhair Latif, the channel sustains operations through advertising programs, according to its owner.<sup>43</sup>
- **Al-Insen TV:** The channel has a religious goal and aims to educate on the values of Islam. It launched in 2012 but only obtained a broadcasting license from HAICA three years later.
- **Tunisna TV:** The channel started broadcasting in 2012.

As clear from the information above, the Tunisian media landscape presents traits of parallelism with the new political scene,<sup>44</sup> largely owned by businessmen who are either engaged in political activities or pursuing political ambitions. A study by the Media Ownership Monitor (in partnership with the Tunisian civil society group Al-Khat) shows that several national TV channels have either a direct or indirect link with a political party or politician. Though the new law forbids political investments in media, it is customary for owners to get around this limitation by hiding behind their legal representation, a process that is difficult to trace. A central figure in this scene is Nabil Karoui, founder and former CEO of Nessma TV, who was also a leading member of Nidaa Tounes. His newly formed party—Qalb Tounes (Heart of Tunisia)—



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won 38 seats in the 2019 parliamentary elections, becoming the second-largest political force in the country. Another example is Larbi Nasra, founder of Hannibal TV, who also founded a political party in 2014 (named after the slogan of Hannibal TV) and ran for president, without much success. Tahar ben Hassine, founder of al Hiwar Ettounsi TV channel, was also a member of the Nidaa Tounes party and does not hide his political ambitions. Some of these media owners are suspected of running illegal financial operations.<sup>45</sup> For instance, Karoui was arrested and charged with money laundering and tax evasion while running for president, despite his allegations that the prosecution was politically motivated. He was arrested again after the elections and recently released on bail.<sup>46</sup> Another media magnate, Sami Fehri, formerly a close ally of the Ben Ali clan, was also arrested in 2019 on allegations of corruption and money laundering.<sup>47</sup>

The ever-changing ownership of these channels and the lack of transparency regarding their funding sources are a major impediment to achieving a thriving, independent broadcast industry. Interviewees for this project believe that the media instrumentalization is encouraged by successive governments to increase their media support and visibility. According to a former member of the Union for Journalists, Zied Dabbar:

In Tunisia, we don't know who owns what. Successive governments have adopted an opportunistic approach to media in their bid to build a positive relationship with private media, showing reluctance to implement sanctions against them in exchange for positive reporting.<sup>48</sup>

On the other hand, some interviewees have criticized HAICA's process for granting licenses for allegedly lacking a realistic understanding of the local advertising market which is limited in its resources and perceived by some local observers as being politicized.<sup>49</sup> Several participants talked about journalists self-censoring to avoid tackling topics that can cause an important advertiser to withdraw their support. The state financial support to the media sector, direct or indirect, is also not clear, raising questions about potential interference from the state



in manipulating the financial sustainability of these media outlets. According to Saloua Ghazouani, head of ARTICLE 19 MENA:

The state is a major contributor to media through subsidies but also special financial help such as the financial support offered to media during COVID; there is no transparency on how this process is taking place and according to which criteria.<sup>50</sup>

The new broadcast law considers HAICA to be the guarantor of media funding transparency, but the new regulator has no way of enforcing such transparency. It was only in 2019 that HAICA was granted access to financial data related to the funding of private media, after years of requesting access from the central bank thanks to the support of the Access to Information Authority.<sup>51</sup> While some of these channels struggle to secure a share from the advertising market, they invest in more programming than their advertising revenue should seemingly allow, thus raising questions about their real sources of funding. A draft law proposed by the government to create an independent public body—the National Agency for the Management of Public Advertisements and Subscriptions—to oversee public advertising and subscriptions for newspapers and periodicals on behalf of government institutions was not endorsed by the parliament. This body could have helped provide an enabling environment for sustainable independent media. However, the proposal “lacks sufficient guarantees that would prevent the interference with the media independence and fails to ensure the independence of the Agency,” according to ARTICLE 19.<sup>52</sup>

# From State to Public Service Media

**T**he former state broadcaster has made radical changes toward adopting the values of public media, albeit with serious shortcomings and frequent attempts by successive governments at regaining control. The apparatus includes two television channels—Wataniya 1 and Wataniya 2—and 10 radio stations, of which four are national (Radio Tunis in Arabic, Radio Tunis International, Culture Radio, and Youth Radio).

A recent vision for the future of the public broadcaster was agreed to during a consultation process with various media stakeholders, but the government continues to delay its adoption of the proposed reforms, which await budget approval.<sup>53</sup> The new vision document includes the wide range of topics that must be addressed during restructuring and reorganization, including job descriptions for various roles, newsroom workflow, professional training, and redundancy, in addition to editorial policies, ethical codes, and the move to multimedia production.

The diversity of voices has significantly expanded, and a balanced representation for major political factions



has become a feature of news reporting, especially in elections coverage.<sup>54</sup> The CEO of the public broadcaster is appointed through open competition and following recommendations from HAICA. The same process was recently adopted for news editors, who used to be nominated based on nepotism under the former regime. The daily news bulletins, provided by the public service, represent a major provider of political information for the public, especially with the reluctance of private channels to invest in news provision considered to not be financially sustainable. However, this progress is fragile and could be easily undone due to continuous power struggles with the government, direct and implicit; and a lack of financial resources to implement reforms.

While the professional training helped shift toward a new news production culture, the change is unlikely to be sustainable given how ingrained the prior culture is. Some ethical codes have been adopted but how well they are being implemented is unclear. A newly created internal body within the public television is entrusted with producing monitoring reports tracking quality improvement. The public TV still does not have editorial guidelines or an organizational charter that clearly defines jobs and responsibilities. According to the former CEO of the Establishment of Tunisian Television Mohamed Lassaad Dahech:



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Our aim is to implement a professional control that would limit the influence of personal choices and affinities in leading the news production, by offering journalists clear directives that govern their practices.<sup>55</sup>

The independence of public media remains fragile and highly contested, including by nostalgic voices within the staff.<sup>56</sup> Successive governments have insisted on nominating senior staff, a practice used for decades to control state media. HAICA has frequently fought for its prerogative to nominate the heads of the public broadcaster.<sup>57</sup> The pressure to control the media content is mostly indirect, channeled through the political bias of journalists, as stressed by Abdel Razzaq Tabib, former head of the public radio, who resigned from his role due to the continuous delays in implementing reforms and limited budgets:

Most journalists continue to believe that personal connections with politicians are crucial for their roles. Leading journalists are in direct contact with those in power and discuss with them how they should tackle some polemic topics or who they should invite to their shows.<sup>58</sup>

Despite the progress achieved, journalistic practices remain hybrid, bringing together features of both

democratic and non-democratic regimes, and volatile. While election coverage has been praised for being largely balanced, political infighting has become a feature of daily news reporting. For instance, newly appointed news editor for Wataniya 1 Imad Barboura believes that the news service focus on a balanced representation of main parties and officials, in the name of “political balance,” is leaving a narrow scope for investigative reporting:

We became part of the power balance between parties. This limits our ability to provide in-depth reporting as we find ourselves restricted in how we tackle some events. The coverage of the parliament is worrisome: We are compelled to reflect the power balance; otherwise, we will face criticism on why this or that party is not represented, including possible angry calls.<sup>59</sup>

Recent interferences in the nominations for the leaders of some public media outlets indicate a return to old practices of political control of state media. The recent attempt by the government to appoint a new director of the Tunis Afrique Presse (TAP), the official news agency, triggered a strike among the agency's journalists, supported by the Union for Journalists, forcing the new director to resign.<sup>60</sup>



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# Media versus Politics: Parallelism, Adaptation, or Instrumentalization?

Our interviewees categorized freedom of expression and the diversity of media content as the most important gains from the political opening. However, these gains are threatened by a lack of political support to endorse them and the growing instrumentalization of the media to achieve political aims.

The extensive focus of media, especially the influential private TV channels, on reporting political struggles among alliances, parties, and political leaders has transformed the media into an active player in the struggle among elites. This “balance” is ever shifting following the changes in loyalties of media owners, a matter that can take the editorial line from one extreme to another. According to leading journalist and anchor Elias el Gharbi:

The problem is not the quantity of media programs but rather their quality. Is the media content being produced for the service of the public interest or to assert the power of political lobbies and media owners? We have a media tycoon, Nabil Karoui, who used to be close to Ben Ali, and who leads the second largest political group in the country.<sup>61</sup>



*Presidential candidate Kais Saied casts his vote at a polling station in during the second round of the presidential election in Tunisia, Tunisia, Oct 13, 2019.*

The media/politics nexus is complex. Journalists have gained important agency in challenging political elites, in a departure from obediently toeing the government line under the Ben Ali regime. However, political and business instrumentalization is a main feature of the new media landscape, taking place within a sense of shared responsibility colored by a blend of confrontation and cooperation between media and politics. The major focus of media, especially influential televised talk shows, on the political struggle among major forces, makes access to these platforms mostly limited to representatives of these factions, while smaller parties or other groups struggle to make their voices heard. Rym Mahjoub, a former member of parliament (MP) for the Afak Tounes party, explains:

We don't hear all voices in media with the same diversity, scope, and frequency as it used to be in the first phase of the transition. There is no blackout on information. We can always voice opinions through various platforms but being present on major TV stations is becoming very difficult.<sup>62</sup>

The growing media instrumentalization is again reducing media production to reporting on the political struggle, more than holding politicians accountable and monitoring policies. According to MP Nawfal Jamali from the Ennahda party, the chaotic media scene is a result of the political ambiguity, caused by the absence of a strong executive power, infighting among the most power institutions, and the fragmented composition of the parliament, making passing laws very difficult without securing alliances. He argues:

It is illusionary to separate the media from politics. It is clear there are relationships between media practitioners and politicians as in all countries, some not going in the right direction as some TV channels serve the agendas of political parties. What is important is to ensure the financial transparency of media outlets rather than focusing on the media politics relationships.<sup>63</sup>

This view is not shared by Zied Ghaney, an MP from the democratic bloc in the opposition, who believes that the political instrumentalization of media hinders the development of what he calls “national narratives” in media that would support the democratic consolidation. “The media politics relationship is fluid and complicated; it is led by the media owners and sometimes by the developments of their cases before the judiciary,” he argues.

The business model for the new TV channels, heavily reliant on wealthy businessmen with political ambition and advertising revenue, makes their independence from politics very difficult, as argues Zuhair Latif, journalist and owner of Telvza TV:

The funding forces us to take sides and to invite some figures to talk shows and ignore others. If we want to be independent from all camps, we will find ourselves outside the game and we will not enjoy any financial support.<sup>64</sup>



Tunisian Journalists protest against the repression of journalist after they were subjected to attacks in a coverage by opponents of the Tunisian President, May 2022.



# Professional Journalism: A New Journalism?

Tunisian journalists have been freed from most of the barriers that used to limit their practice. They can finally report on a myriad of topics and play a watchdog role in monitoring politics. However, the cultural perception that journalists are conveyers of positive messages has not changed in the political arena.

Both new and old elites attempt to recapture media using a mix of incentives and threats, as expressed by radio journalist Amira Mohamed:

Politicians and powerful lobbies of wealth interfere in our work via various ways, such as threats of withdrawal of advertisements, pressure on media funders, or pressure through the shareholders of the media outlet.<sup>65</sup>

Journalism has changed from disseminating information from political and business elites to taking a more proactive approach to newsgathering and reporting on a complex political transition with associated political and socioeconomic crises. Ensuring a diversity of views has become an established feature of this reporting, and most newsrooms have adopted internal charters and ethical codes. However, there is no clear definition of what constitutes professional journalism, and journalists are growing increasingly dependent on social media platforms—mostly Facebook—as sources of information. As Asia Atroussi, a leading journalist and former editor of *Assabah* newspaper, puts it:

Those who took the lead after the revolution are the former regime's guard. They showed loyalty to all governments; therefore, they reproduce the same system without learning from the mistakes of the past. We became the mirror of politics, and the political players benefit from it.<sup>66</sup>



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Tunisian newsrooms do not follow one model of journalism. The practice is a hybrid, bringing together features from the new and old media landscapes. Dependency on politicians and self-censorship continue to color journalism, to varying degrees and in various forms depending on the media institution and its funding model. *Nawaat*, a blog that used to challenge the former regime and became a news provider after the revolution, has a “militant fiber,” as its director, Thameur Mekki, says, while providing an alternative model of journalism:

We practice watchdog journalism, but this journalism is very limited compared to the model of media or programs with links to political interests. There is a room for independent journalism focused on important topics such as rights and socioeconomic conditions, but this represents a marginal practice. The current prominent model of journalism acts at the service of business lobbies, as there is no genuine politics in the country.<sup>67</sup>



The bleak security and economic conditions have empowered those calling for a return to a more docile media, often blamed for exacerbating political polarization through sensational reporting. The evening televised talk shows offer a staging of the political dilemma of the day and a main arena to debate politics, thus replacing the news services on most of the private TV channels. These shows are led by a *chroniqueur*, a new role for Tunisian media, who represents a prominent political party or ideological camp, even if they don't have a formal political affiliation. They are accused of enticing polarization and turning politics into a show of adversity, an assertion rejected by Neji Zghiri, *chroniqueur* for *Ettesia* TV, who argues that *chroniqueurs* create a positive “buzz”:

Politicians will not give you the full truth unless you provoke them. Sometimes guests flatter each other while belonging to rival parties. Our role is to plant some positive sedition, to create a conflict, to push them to say what they are trying to hide. This is a professional provocation with the aim to reveal the truth.<sup>68</sup>

The precarity of media institutions and journalists' dire financial situations are a major impediment to establishing an independent media. The new journalistic community brings together those who used to work under the former regime with young journalists, including many female journalists.<sup>69</sup> Journalists' lack of job security and poor working



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conditions and the wide gaps in salary between journalists and other roles such as talk moderators, *chroniqueurs*, and presenters exacerbate inequalities and hinder the development of quality journalism.<sup>70</sup> The Union for Journalists has developed a contract/ agreement to ensure journalists' economic rights and job security, which has been adopted by the managers of media outlets and the representatives of various bodies of journalists, but the government hasn't endorsed it, making it only a theoretical change.<sup>71</sup>

A journalism of public relations, wherein news outlets uncritically publish the press releases of powerful elites, has become the norm. This is the result of multiple issues, such as the blurring lines between the management and editorial teams in media outlets, the pressure from advertisers to avoid topics that criticize their products or the policies of their countries, and interference from political parties and groups, as argued by Zied Dabbar:

In the crisis of COVID, we saw very limited investigative reporting on potential corruption or wrongdoings; there is a trend towards a journalism that simply relates the information and acts as a public relation agent instead of a genuine watchdog of the public debate. The editorial lines are not clear, and this ambiguity is misleading the audience.<sup>72</sup>

# Media Reform: Friends versus Enemies

Media reform has undergone two phases following the fall of the Ben Ali regime: one of emancipation, which immediately followed the political opening and created an unprecedented level of diversity in voices and opinions in the media. While this was liberating for journalists, the regulatory vacuum resulted in a chaotic media scene.

The second phase has been marked by a continuous arm-wrestle between, on the one hand, the new media regulators, journalists' union and civil society groups, and on the other hand, the executive power and conservative parliamentary factions supported by media barons, the latter lobbying against media regulation under the pretext of supporting media freedoms and diversity. This unsettled struggle is exacerbating the uncertainty of the media industry and the professional practice as well as journalists' working conditions. Despite all difficulties, the establishment of HAICA and the active role played by the journalists' union as a legitimate defender of media rights are major assets for media reform.

Most participants agreed that the Union for Journalists and the broadcast regulator (HAICA) are the champions of the media reform and its legitimate representatives. The Press Council, established in 2020 as a self-regulatory body, is considered to be a new important player in supporting the reform, especially in raising the quality of the journalistic practice and journalists' awareness of ethical codes. The council has galvanized journalists' voluntary contributions, according to the head of this body, Itimad Almijbiri, but the new body still lacks a budget and headquarters. Participants also believe that the regulatory reform, including the effective establishment of HAICA, could not have taken place without the wide lobbying movement, bringing together national and international players to compel



the government to endorse some features of this reform. This lobbying movement, spearheaded by the Tunisian civil society and the Union for Journalists, continues to be effective but is informal and mostly reactive, in response to repressive initiatives, according to the head of the journalists' union, Mehdi Jlassi:

The pressure is strong, but this effort is not organized through a formal structure. We need to adopt a proactive strategy and not [allow] the government and political parties to set the agenda for media policies. One main reason for this situation is the huge pressure on the union to resolve problems related to journalists' working conditions as being our priority.<sup>73</sup>

Although there is no formal agreement on the priorities for media reform, a common major concern is institutionalizing the regulatory reform by adopting the initial decree laws 115 and 116 as organic laws, a matter that is continuously delayed due to lack of political support. Another important goal is ensuring the financial transparency of media funding. The prominent business model for media outlets, which mainly relies on funding from wealthy businesspeople and advertising revenue, is considered a main barrier

to developing a healthy media sector. However, there was no clarity among participants on how this monitoring could effectively take place, with the continuous barriers weakening HAICA's prerogatives in this field. An alternative business model for media is inexistent or weak, mostly relying on help from media development agencies, as the subscription model is proving to be unpopular and not lucrative.

Most interviewees considered Tunisian civil society as the guardians of the gains from the media and political reform. This role was exemplified when the Nobel Peace Prize was awarded to the Tunisian National Dialogue Quartet<sup>74</sup> in 2015 for successfully negotiating a compromise between the opposition and the Islamist-led governmental coalition, when the transition was at the brink of collapse due to intense political polarization between secularists and Islamists. This civil society remains highly engaged in defending the gains from the revolution, mainly through the informal organization of mass protests, social movements, and regular issuing of communiqués/petitions. Much like the broader political environment, civil society is also divided, and these divisions have been exacerbated by the recent presidential power grab. Moreover, this informal



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movement of pressure suffers from fatigue, according to Abdel Razzak Tabib:

The reform requires an effective lobbying movement bringing together journalists, media, civil society, and HAICA to agree on priorities and put it to the government. In 2011, the civil society was active and influential; today all these organizations are weakened and most of them are overwhelmed by internal problems.<sup>75</sup>

Another important issue is the decreasing trust in a media sector accused of fueling polarization and serving vested interests. This is reflected in the media's negative portrayal of dissenting movements, such as the depiction of the protests that erupted in January 2021 in marginalized districts across Tunisia, as troublemakers.<sup>76</sup> Youth were protesting the bleak economic situation, including unprecedented levels of unemployment (15 percent in general and 36 percent among the 24- and 25-year-olds).<sup>77</sup> Another example is the protest movement against the controversial “administrative reconciliation law,” which grants amnesty to Tunisian officials accused of corruption under Ben Ali.<sup>78</sup> The activist group Manich Msemah (I Will Not Forgive), behind the massive street protest against this law, was brutally repressed by police and frequently labelled unpatriotic by the media.<sup>79</sup> It is arguable that the political co-optation of media narratives is further weakening public solidarity with media rights campaigns.



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*Winners of the Nobel Peace Prize 2015, The Tunisian National Dialogue Quartet (Hassine Abassi, Mohamed Fadhel Mahfoudh, Abdessattar Ben Moussa, Ouided Bouchamaoui) attend the Nobel Peace Prize Ceremony in City Hall in Oslo on December 10, 2015.*



# Foreign Assistance: Agent of Change?

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Tunisia has benefitted from massive provisions of foreign aid in the form of training programs for journalists and technical and advisory support. Several leading media development agencies support the media reform, including Canal France International, BBC Media Action, Deutsche Welle Akademie, International Media Support, UNESCO, the Council of Europe, ARTICLE 19, and Reporters Without Borders, among others.

There is no coalition bringing together those actors for regular consultations. An informal structure called the Group of Technical and Financial Partners in Support of the Tunisian Media Sector is hosted by the Centre Africain de Perfectionnement des Journalistes et Communicateurs (CAPJC) in Tunis to coordinate the efforts of the group's members. Beyond this structure, which only brings together a small group of donors, there is no formal coordination mechanism bringing together the major international assistance actors in the Tunisian media sphere.

Foreign media assistance is estimated to be 13–15 million euros per year, much higher than the funding received by the other countries in the region.<sup>80</sup> Chief among those contributors is the

European Union support program for media that began a first phase in 2017 with 10 million euros in partnership with the CAPJC, the national center for training journalists. The program focuses on training journalists, conducting research, and building institutional capacity.<sup>81</sup> The second phase will provide the same level of financial support but with direct management from the donor, a matter the head of CAPJC, Said Ben Krayem, disagrees with, saying “we will be reduced to providing legitimacy to what the donor wants.”<sup>82</sup>

These programs are frequently criticized for lacking connection to the reality of journalism in the country and for the low level of efficiency in creating genuine change in the practice. In his study,<sup>83</sup> Olivier Koch, lecturer at the University of Nice-Sofia Antipolis, describes a saturation effect and competitive relationship among various agents, impacted by the level of funds available for their programs and the diplomatic positioning of their countries, with France coming first, benefitting from the historical relations between the two countries and cultural affinities. The competition among these agents is focused on how impactful their programs are in creating change in the journalistic practice, although a major problem is the discontinuity between program implementation and impact. The study noted that, in many cases, the training programs implemented by these actors, did not have a tangible impact on journalistic practice.

Another important gap, according to the same study, is the lack of harmony between the content provided and the national context, and the poor knowledge of this context among trainers. Virginie Jouan, who led International Media Support's programs in the Maghreb region, acknowledges the lack of conversation among these actors, beyond the simple exchange of information on programs, as “a missed opportunity.”<sup>84</sup> Most participants in this study agreed that the level of program effectiveness is modest compared with the large funds invested in them, mainly due to a lack of connection and consultation with media organizations, which they believe should



play a major role in defining the focus of these training programs. For Nesrine Jelalia, former head of Al-Bawsala, a prominent NGO monitoring politics in post-revolution Tunisia, it is important to review the real impact of these programs:

There is no comprehensive evaluation of these programs to effectively test their impact; we can observe some change in media practices, but it is not proportional to the investments that were put in this sector; the impact is also different from one media outlet to another.<sup>85</sup>

Despite this criticism, these programs have helped raise journalists' awareness in areas such as human rights, a major new field of investigation for Tunisian journalists, thus contributing to unveiling important abuses, according to journalist Assea Attrous<sup>86</sup>. Another major contribution is providing journalists with technical knowledge on new, urgent issues such as fake news, misinformation, and reporting on the pandemic, especially as these topics are not covered in the national curriculum for journalism education in universities.

As for the process of defining priorities for these interventions, the data from this study show that international assistance actors are consulting with national stakeholders, and these consultations do sometimes lead to modifying some of these programs' features. However, these changes are decided in the donor or implementer's main offices and generally do not deviate from the project's original major goals. The process is challenging for both domestic and international actors. Saloua Ghazouani Oueslati, regional director for MENA at ARTICLE 19, reflects on the complexity of the process:

International agents listen to their partners in the government or the civil society, but the latter's expectations are not necessarily harmonious, and what one side sees as a priority may not be for the other. Moreover, these expectations are not necessarily reflective of the priorities of Tunisian audiences; therefore, most of the programs try find a mid-way to reconcile different views.<sup>87</sup>



An example comes from International Media Support, which defines its priorities based on both its assessment of the media sector and its partners' expressed needs. As explains Tunisia Program Manager Asma Ajroudi, the organization's program has built partnerships with alternative media "as we found this is the best way to create a balance with the media we cannot reform."<sup>88</sup> In choosing its partners, the media development agency is guided by the need to ensure it can work with them in the long term, and that they are not vulnerable to political decisions, highlighting the difficulty of working with public media given the lack of political support to reform the sector.

The topics for journalism training are often decided by the provider, though the process is flexible, as noted by former head of the public radio Abdel Razzak Tabib, who was able to convince his interlocutors in the European Union program to shift the program's focus from training journalists to providing technical and advisory support to better help achieve the vision for reform of the public media sector<sup>89</sup>.

# HAICA: An Independent Regulator for Broadcast Media?

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Whether the new broadcast regulator can achieve its mission and how well its role is institutionalized are crucial indicators of the success or failure of the overall media reform. Established in May 2013 after considerable delay, HAICA was conceived as the guardian of a pluralistic media landscape.

However, the new body was met with fierce opposition, mainly from influential media owners who painted the regulator as a new tool to impede the freedoms of the private broadcast sector.<sup>90</sup> In addition, successive governments have intervened in the process of hiring and firing high-level positions for the public broadcaster—per Decree 116, HAICA has the right to nominate the directors for state-run radio and television outlets, and has the right to provide binding recommendations in all law proposals related to the public media sector.

HAICA was established as a statutory body with executive powers. It is formed of the following:

- A member appointed by the Tunisian president who presides over the body
- Two members representing the judiciary, elected by the Union of Judges
- Two members appointed by the speaker of the Constituent Assembly (the National Assembly)
- Two members appointed by the Union for Journalists
- A member appointed by representatives of the broadcast sector (from the technical field)<sup>91</sup>

The regulator grants new operating licenses and produces license specifications (*cahiers de charge*). It also monitors broadcasters to enforce ethics rules, for instance, by ensuring candidates and parties are represented fairly in election campaign coverage.

While diversity and fairness of representation in election coverage has tremendously improved in the public broadcaster, it is harder to enforce these ideals in the coverage provided by private radio and TV channels. For instance, the major shareholder of the popular Mosaic FM radio, Nouriddine Boutar, argues against the requirement to allocate the same amount of air time for each candidate:

We were asked to represent all parties equally. We told them we are not a wall on which political parties stick their statements. We gave one minute daily to various parties regardless of their weight and we used talk shows to discuss the political race among major forces, to allow the public to make informed choices.<sup>92</sup>

HAICA has a wide range of powers, chief among them the ability to sanction media outlets for committed offenses with penalties ranging from infringement notices to fines and ultimately to the suspension or even withdrawal of operating licenses. According to HAICA member Radhia Saidi, the fines imposed by the regulator for ethical breaches, such as airing racist content or material considered to be in breach of children's or women rights, has reduced the number of these offences, and raised the quality of programming.<sup>93</sup> This opinion is not shared by Zuheir Latif, journalist and owner of Telvza TV, a new TV channel that sustains its operations with broadcasting advertisement programs. He likens the regulator to a “kind policeman” whose power is limited to issuing fines, with not much impact on the wider scene.<sup>94</sup>

HAICA faces a crisis of legitimacy. The recognition of its role by the new constitution of 2014 is a major victory for media reformers. Article 127 of the constitution that establishes the new Audio-Visual Communication Commission stipulates it

... is responsible for the regulation and development of the audio-visual communication



sector and ensures freedom of expression and information, and the establishment of a pluralistic media sector that functions with integrity. The commission has regulatory powers in its domain of responsibility. It must be consulted on draft laws in its areas of competence.<sup>95</sup>

As for its composition, the article stipulates it will be “composed of nine independent, neutral, competent, experienced members with integrity, who serve for one six-year term. One third of its members are replaced every two years.” The latter will be elected by the parliament. There is no discontinuity between the old and new bodies. Article 148 of the constitution states that HAICA shall perform its duties until the establishment of the new audio-visual broadcasting regulator. However, the reluctance of parliament to establish the new commission has weakened the legitimacy of HAICA in implementing decisions considered to be “difficult,” given its irregular situation. An example is a decision issued by HAICA to suspend the broadcast of a religious radio program owned by an MP and operating illegally, which was ultimately reversed by the judiciary. The MP lodged a complaint arguing he is protected by his parliamentary immunity. The judicial decision to support the deputy’s claim was blamed by Hisham Snoussi, HAICA member, as “collusion between the state’s institutions against HAICA and involvement of some judges in targeting its prerogatives by giving priority to party affiliations and the policy of directives” from politicians.<sup>96</sup>

The delay in establishing the new commission created a legal vacuum, which paved the way for regressive draft laws proposed by some parliamentary factions with the aim of curbing the regulator’s prerogatives. For instance, draft Law No. 34-2020 on amending the 2011 law proposed by the parliamentary bloc “El Karama coalition” triggered an uproar as it would have undermined the independence of HAICA by altering the process of appointing its members and by abolishing its power to issue licenses for the creation of TV channels, thus opening the door for broadcasters launching through simple notification. This would have enabled financial and political interests to exercise greater power, threatening media pluralism in Tunisia.<sup>97</sup> The proposal was removed after

a protest by the media sector, civil society, and most opposition parties. According to Snoussi:

What they want is not to expand media diversity as they pretend but to create a chaotic market dumping, by flooding it with illimited number of TV channels, leading to de-facto controlling the market, and making it impossible for smaller projects to survive.<sup>98</sup>

Getting the new broadcast law adopted is a major battle for media reformers. It is crucial that the new law preserves the wide powers granted to the regulator by the 2011 law. It is also essential that the independence of this body is preserved by disallowing political nominations of its members. The new commission’s members will be elected by the parliament according to the constitution, but HAICA has proposed that the parliament choose among names proposed by the most representative professional bodies to ensure the required level of expertise, legitimacy, and integrity. It is also critical that the new commission is given a sufficient budget to perform its duties.

The issuing of this new law is itself a matter of discord; two project laws have been proposed, one by HAICA and another by the government, and no agreement on the text has been reached, despite several consultations. The regulator is also criticized for lack of a more aggressive approach in enforcing its decisions, an opinion rejected by the head of HAICA, Nouri el-Lajmi, who argues for adopting a pragmatic approach in evaluating the regulator’s challenges:

The regulator should take into consideration the political climate in the country, especially that Tunisia is going through a fragile transition. We are compelled to work within these conditions; we cannot make unilateral decisions and act in denial of our environment.<sup>99</sup>

The future of HAICA is uncertain, especially with the president’s current tendency to suspend or dissolve institutions at will, thus exacerbating the uncertainty of the overall media reform process. The regulator’s success is crucial, not only for Tunisia, but also for creating a culture of independent broadcast regulation that can protect media pluralism in the region.

# Conclusion

The halting progress of the Tunisian media reform reflects the uncertainty and vulnerability of the political reform. As Professor of Communication and Democracy Katrin Voltmer contends, emerging media systems are unique types that are a blend of inherited structures, the constraints of the transitions, and the reform movement's choices.<sup>100</sup>

The new Tunisian media system retains features of the old regime while embedding the contradictions and struggles that paint the emerging political system. Eleven years after the Jasmine Revolution, the media reform is still governed by ambiguity, having turned into a field of political struggle between progressive and conservative forces and their allies. The president's recent move to suspend the parliament and his highly controversial referendum on a new constitution granting him extraordinary powers, which passed following an unprecedented level of low turnout, have plunged the democratic consolidation process into turmoil. Sharp divisions have emerged between Saeid's supporters and opponents, exacerbating uncertainty and ambiguity.<sup>101</sup>

Media diversity has expanded post revolution; a variety of views and opinions continues to find scope in the media coverage with various degrees of representation. However, while media development programs have focused on fostering a Western-led model of impartial reporting, their impact has so far been limited. This study has found that Tunisian journalistic practice is marked by a strong adherence to partisanship, with much news coverage taking an antagonistic tone at times of crises. It is unrealistic to expect the media coverage of heated transitional politics to remain detached when journalists are engaged in these battles not only as reporters, but also as citizens. It is crucial that these programs are led by local demands and developed collaboratively



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to answer genuine needs, in consultation with media organizations and local media stakeholders. The study also demonstrates the importance of solidarity between reformers in media and in civil society to exert pressure on the government to advance their media reform agenda. Although some of these actors have worked together informally to push for reform, organized collective action has been impeded by the lack of a structure for cooperation and coordination bringing these players together.

The lack of a clear vision for media reform and the recent suspension of democratic institutions are alarming. They threaten to undo the gains from the revolution in guaranteeing diverse and autonomous media industry and public sphere. The new Tunisian media system suffers from political and business instrumentalization, but it also offers opportunities for journalists' empowerment and the development of an autonomous professional practice. Ten years after the revolution, media reform remains a work in progress.

# Endnotes

- <sup>1</sup> In July 2021, President Kais Saïed suspended the parliament, invoking an emergency article in the constitution. He seized all powers while launching a purge of senior officials, including prosecutors and judges. The move was qualified as a coup by his opponents. Saïed called for a referendum on a new constitution on 25 July 2022 with exceptionally low participation (only around a third of the country's 9.3 million registered voters cast ballots, according to Tunisia's electoral commission). The new constitution hands him wide-ranging powers and risks the return of authoritarian rule, thus threatening to topple a troubled and fragile transition to democracy. See Martin Chulov, "Tunisia referendum approves expansion of president's powers – officials," *The Guardian*, July 26, 2022, <https://www.theguardian.com/world/2022/jul/26/tunisia-president-referendum-result-new-phase-kais-saied>.
- <sup>2</sup> On the Tunisian democratic transition, see Sharan Grewal, "Tunisian Democracy at a Crossroads," Policy Brief (Washington, DC: Brookings Institution, 2019), [https://www.brookings.edu/wp-content/uploads/2019/02/FP\\_20190226\\_tunisia\\_grewal.pdf](https://www.brookings.edu/wp-content/uploads/2019/02/FP_20190226_tunisia_grewal.pdf); Rory McCarthy, "The Future of Democracy in Tunisia," *New York Times*, September 24, 2019, <https://www.nytimes.com/2019/09/24/opinion/tunisia-democracy.html>; Larbi Sadiki, "Tunisia's Sustainable Democratization: Between New and Anti-politics in the 2019 Presidential Election," *Al Jazeera Centre for Studies*, October 21, 2019, <https://studies.aljazeera.net/en/reports/2019/10/tunisia-sustainable-democratization-anti-politics-2019-presidential-election-191021120857585.html>; Halima Ben Nasr, "Is Tunisia's Democracy in Danger?" *Middle East Monitor*, April 22, 2021; Project on Middle East Political Science, *Tunisia's Volatile Transition to Democracy* (Washington, DC: Institute for Middle East Studies, George Washington University, 2015), [https://pomeps.org/wp-content/uploads/2015/11/POMEPS-BriefBooklet27\\_Tunisia\\_Draft31.pdf](https://pomeps.org/wp-content/uploads/2015/11/POMEPS-BriefBooklet27_Tunisia_Draft31.pdf); Sarah Yerkes and Zeineb Ben Yahmed, "Tunisia's Political System: From Stagnation to Competition," *Carnegie Endowment for International Peace*, March 28, 2019, <https://carnegieendowment.org/2019/03/28/tunisia-s-political-system-from-stagnation-to-competition-pub-78717>.
- <sup>3</sup> In 2020, the World Bank estimated the unemployment rate in Tunisia to be approximately 16.15 percent. See "Unemployment, Total (% of Total Labor Force) (Modeled ILO Estimate) – Tunisia," *The World Bank*, data retrieved from International Labour Organization on June 15, 2021, <https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=TN>.
- <sup>4</sup> The 2019 survey shows that most Tunisians consider corruption to be a major problem and believe that the government is not seriously working to tackle corruption. Just one in five Tunisians trust the government while 14 percent trust parliament. Trust in political parties is even lower at 9 percent. Support for democracy remains high with 79 percent believing it is the best political system. See Arab Barometer, *Arab Barometer V: Tunisia Country Report* (Ann Arbor, MI: Arab Barometer, Institute for Social Research, University of Michigan, 2019), [https://www.arabbarometer.org/wp-content/uploads/ABV\\_Tunisia\\_Report\\_Public-Opinion\\_2018-2019.pdf](https://www.arabbarometer.org/wp-content/uploads/ABV_Tunisia_Report_Public-Opinion_2018-2019.pdf).
- <sup>5</sup> Mariam Saleh, "Democracy Index in Tunisia from 2008 to 2020," *Statista*, February 19, 2021, <https://www.statista.com/statistics/1202191/democracy-index-in-tunisia/>.
- <sup>6</sup> These clauses include Articles 67, 125, 128, and 245-247 of the penal code, available in French here: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/61250/60936/F1198127290/TUN-61250.pdf>; Article 86 of the 2001 telecommunications code; and Article 91 of the code of the 1957 military justice, available here: [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=68458BCC5599BC-C3C12576B200398A66&action=openDocument&xp\\_country=Selected=TN&xp\\_topicSelected=GVAL-992BU6&from=state](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=68458BCC5599BC-C3C12576B200398A66&action=openDocument&xp_country=Selected=TN&xp_topicSelected=GVAL-992BU6&from=state).
- <sup>7</sup> Article 149 of the code of military justice permits such trials for civilians.
- <sup>8</sup> See the article from Reuters on the protest against the government: Tarek Amara, "Tens of Thousands Rally to Oust Tunisian Government," *Reuters*, August 6, 2013, <https://www.reuters.com/article/us-tunisia-protests/tens-of-thousands-rally-to-oust-tunisian-government-idUSBRE97513220130807>.
- <sup>9</sup> See this article on the assassination of the opposition leader, Mohamed Brahmi: Carlotta Gall, "Second Opposition Leader Assassinated in Tunisia," *New York Times*, July 25, 2013, <https://www.nytimes.com/2013/07/26/world/middleeast/second-opposition-leader-killed-in-tunisia.html>.
- <sup>10</sup> Thirty-eight people died in an attack in a popular resort in Sousse in Tunisia on June 26, 2015. See "Tunisia Attack: What Happened," *BBC News*, February 1, 2017, <https://www.bbc.com/news/world-africa-33304897>.
- <sup>11</sup> Article 31 of the 2014 constitution stipulates that "Freedom of press Freedom of opinion, thought, expression, information and publication shall be guaranteed. These freedoms shall not be subject to prior censorship" and Article 32 stipulates that "The state guarantees the right to information and the right of access to information and communication network."
- <sup>12</sup> See ARTICLE 19's call to establish the Constitutional Court: "Tunisia: ARTICLE 19 Urges Government to Revitalise Efforts towards Reform," *ARTICLE 19*, July 2, 2018, <https://www.article19.org/resources/tunisia-article-19-urges-government-to-revitalise-efforts-towards-reform/>.
- <sup>13</sup> The formerly ruling Nidaa Tounes is now defunct after being divided into several smaller parties rattled by internal divisions, scandals, and alleged cases of corruption.
- <sup>14</sup> See "Tunisia Election: Political Outsiders Advance to Run-Off Vote," *BBC News*, September 17, 2019, <https://www.bbc.com/news/world-africa-49726045>.
- <sup>15</sup> See Sharan Grewal, "Winners and Losers of Tunisia's Parliamentary Elections," *Washington Post*, October 8, 2019, <https://www.washingtonpost.com/politics/2019/10/08/winners-losers-tunisia-parliamentary-elections/>.
- <sup>16</sup> Sharan Grewal and Shadi Hamid, *The dark side of consensus in Tunisia: Lessons from 2015–2019* (Brookings Institution, 2020), <https://www.brookings.edu/research/the-dark-side-of-consensus-in-tunisia-lessons-from-2015-2019/>.
- <sup>17</sup> The president serves as head of state and exercises circumscribed power. The majority party in the parliament selects a prime minister, who serves as head of government, following parliamentary elections. The president is directly elected for up to two five-year terms.
- <sup>18</sup> Freedom House, *Tunisia: Freedom in the World 2020* (Washington, DC: Freedom House, 2020), <https://freedomhouse.org/country/tunisia/freedom-world/2020>.



- <sup>19</sup> Freedom House, *Tunisia: Freedom in the World 2022* (Washington, DC: Freedom House, 2022), <https://freedomhouse.org/country/tunisia/freedom-world/2022>.
- <sup>20</sup> The Agency for External Communication was also abolished. It was created in 1990 with the primary task of embellishing the image of the regime in the international media. It was also responsible for distributing advertising revenue from public administrations to the various media outlets. Another important organ, the Tunisian Internet Agency, which used to censor and monitor internet users, was transformed into a developer of the internet space.
- <sup>21</sup> The body decided to dissolve itself as an act of objection to the continuous delays in the formation of the HAICA.
- <sup>22</sup> Decree 115-2011 on the Freedom of Press, Printing and Publishing, *The Official Journal*, November 4, 2011, 2559.
- <sup>23</sup> The decree also prohibits any single individual from owning two political publications that exceed 30 percent of the overall daily circulation of similar publications at the national level.
- <sup>24</sup> Decree 116-2011, *The Official Journal*, November 4, 2011, 84.
- <sup>25</sup> See report on building regional strategies for media development in the MENA region: Fatima El-Issawi and Nicholas Benequista, *Building Regional Strategies for Media Development in the Middle East and North Africa* (Washington, DC: Center for International Media Assistance, National Endowment for Democracy, 2020), [https://www.cima.ned.org/wp-content/uploads/2020/03/CIMA\\_MENA-Regional-Strategies\\_web150ppi.pdf](https://www.cima.ned.org/wp-content/uploads/2020/03/CIMA_MENA-Regional-Strategies_web150ppi.pdf).
- <sup>26</sup> Decree 41-2011, *The Official Journal*, May 31, 2011, 792.
- <sup>27</sup> Ibid.
- <sup>28</sup> See "Tunisia: Citizens Testing Right-to-Information Law," Human Rights Watch, February 15, 2019, <https://www.hrw.org/news/2019/02/15/tunisia-citizens-testing-right-information-law#:~:text=Tunisia's%20law%20requires%20all%20government.%2C%20statistics%2C%20and%20%E2%80%9Cany%20information>.
- <sup>29</sup> See ARTICLE 19 letter on the growing number of violent attacks against journalists and bloggers and restrictions on freedom of expression and information provided in several draft bills of law. "Tunisia: World Press Freedom Day," ARTICLE 19, April 30, 2015, <https://www.article19.org/resources/tunisia-world-press-freedom-day/>.
- <sup>30</sup> She was sentenced using Article 86 of the Telecommunications Code, which criminalizes the offense of "harming others or disturbing their well-being through the internet," and Article 128 of the Penal Code, which penalizes defaming public servants. See Human Rights Watch, *World Report 2019: Tunisia* (New York: Human Rights Watch, 2019), <https://www.hrw.org/world-report/2019/country-chapters/tunisia>.
- <sup>31</sup> See "Tunisia: Counterterrorism Law Endangers Rights," Human Rights Watch, July 31, 2015, <https://www.hrw.org/news/2015/07/31/tunisia-counterterrorism-law-endangers-rights>.
- <sup>32</sup> See Dima Samaro, "Tunisia's Police Protection Law Brings a Memory of Years of Silence," The Tahrir Institute for Middle East Policy, December 17, 2020, <https://timep.org/commentary/analysis/tunisias-police-protection-law-brings-a-memory-of-years-of-silence/>.
- <sup>33</sup> See Fatima El-Issawi, *Tunisian Media in Transition* (London: The London School of Economics and Political Science, 2012), [EL-Issawi\\_Tunisian-media-in-transition\\_2012.pdf](https://www.lse.ac.uk/EL-Issawi_Tunisian-media-in-transition_2012.pdf) (lse.ac.uk).
- <sup>34</sup> See "Tunisia: ARTICLE 19 Urges Government to Revitalize Efforts towards Reform," ARTICLE 19.
- <sup>35</sup> These are official figures provided by HAICA member Hishem Snoussi as the most recent figures.
- <sup>36</sup> This process is also criticized for not providing clear justifications for why an application is approved or declined, according to Saloua Ghazhouani Oueslati, ARTICLE 19.
- <sup>37</sup> Interview with head of HAICA, Nouri el-Lajmi, February 2020.
- <sup>38</sup> This figure is provided by L'Institut National de la Statistique, the national institute for statistics. See "Economic Growth," Press Release Q2 2021, Statistics Tunisia, n.d., <http://www.ins.tn>, accessed June 10, 2021.
- <sup>39</sup> According to Hishem Snoussi, HAICA member in an interview with the author, December 2021.
- <sup>40</sup> See *Tunisia shuts television channel of ex-presidential candidate | Al Arabiya English*.
- <sup>41</sup> Interview with the author, May 2021.
- <sup>42</sup> This information is provided by the Media Ownership Monitor of Reporters Without Borders. See "Media," Media Ownership Monitor Tunisia, n.d., <https://tunisia.mom-rsf.org/en/media/>, accessed June 10, 2021.
- <sup>43</sup> Zuhair Latif, owner of Telvza TV, in an interview with the author, May 2021.
- <sup>44</sup> Used first by Colin Seymour-Ure and developed later by Daniel Hallin and Paolo Mancini, the concept of "political parallelism" indicated collusion between media editorial lines and the ideological agendas of political parties or groups.
- <sup>45</sup> See Kamel Labidi, *Tunisia's Media Barons Wage War on Independent Media Regulation* (Washington, DC: Center for International Media Assistance, 2015), [https://www.cima.ned.org/wp-content/uploads/2015/02/Capture10\\_Tunisia.pdf](https://www.cima.ned.org/wp-content/uploads/2015/02/Capture10_Tunisia.pdf).
- <sup>46</sup> See this article on Karoui's prosecution: "Tunisia's Media Mogul Surrenders to Authorities," Middle East Monitor, March 17, 2021, <https://www.middleeastmonitor.com/20210317-tunisias-media-mogul-surrenders-to-authorities/>.
- <sup>47</sup> See Rim Hana, "Tunisia-Sami Fehri Arrested on Corruption Allegations," Tunisie Numérique, November 6, 2019, <https://news-tunisia.tunisienumerique.com/tunisia-sami-fehri-arrested-on-corruption-allegations/>.
- <sup>48</sup> Interview with author, May 2021.
- <sup>49</sup> Zuhair Latif in an interview with the author, May 2021.
- <sup>50</sup> Interview with author, May 2020.
- <sup>51</sup> HAICA member Radhia Saidi in an interview with the author, February 2020.
- <sup>52</sup> See ARTICLE 19 review of the draft law: "Tunisia: Draft Law on the National Agency to Manage Public Advertisements & Subscriptions—Legal Analysis," ARTICLE 19, August 17, 2020, <https://www.article19.org/resources/tunisia-draft-law-on-the-national-agency-to-manage-public-advertisements-subscriptions-august-2020-legal-analysis/>.
- <sup>53</sup> Former CEO Mohamed Lassaad Dahech in an interview with the author, May 2021.
- <sup>54</sup> A HAICA report on pluralism in the broadcast sector for 2019 showed a diversity in the public TV with strong representation of government and major political parties, and a much weaker representation for nonparliamentary groups. See *A Report on Monitoring Political Pluralism in TV and Radio Channels* (HAICA, March 2019), <https://haica.tn/wp-content/uploads/2020/04/Rapport-pluralisme-Mars-2019-3.pdf>.
- <sup>55</sup> Interview with author, May 2019.
- <sup>56</sup> See "Tunisia: Head of National TV Fired over Greetings to Ben Ali, amid Public Rage," Middle East Monitor, May 10, 2019, <https://www.middleeastmonitor.com/20190510-tunisia-head-of-national-tv-fired-over-greetings-to-ben-ali-amid-public-rage/>.

- <sup>57</sup> The government unilaterally decided to remove the head of the broadcaster on several occasions, using technical problems or polemic content as pretext, without prior consultation with HAICA.
- <sup>58</sup> Interview with author, Tunis, May 2019.
- <sup>59</sup> Interview with author, May 2020.
- <sup>60</sup> See "New Head of Tunisia's Official News Agency Resigns after Days of Protests," Middle East Monitor, April 21, 2021, <https://www.middleeastmonitor.com/20210421-new-head-of-tunisias-official-news-agency-resigns-after-days-of-protests/>.
- <sup>61</sup> Journalist and anchor Elias el Gharbi in an interview with the author, February 2020.
- <sup>62</sup> Focus group organized in Tunis in May 2019.
- <sup>63</sup> Interview with author, May 2020.
- <sup>64</sup> Zuhair Latif, owner of Telvza TV, in an interview with the author, May 2021.
- <sup>65</sup> Focus group, Tunis, May 2019.
- <sup>66</sup> Interview with author, May 2020.
- <sup>67</sup> Interview with author, May 2020.
- <sup>68</sup> Interview with author, May 2020.
- <sup>69</sup> According to the union's figures, there are around 2,000 journalists. Almost half are young and a large proportion are female.
- <sup>70</sup> A mid-career journalist can earn around \$500 monthly, while a leading journalist or commentator can earn 10 times more.
- <sup>71</sup> Former member of the Union of Journalists Zied Dabbar in an interview with the author, May 2021.
- <sup>72</sup> Interview with author, May 2020.
- <sup>73</sup> Interview with author, May 2020.
- <sup>74</sup> Comprised of the Tunisian General Labor Union; the Tunisian Confederation of Industry, Trade and Handicrafts; the Tunisian Human Rights League; and the Tunisian Order of Lawyers.
- <sup>75</sup> Interview with author, May 2020.
- <sup>76</sup> Simon Speakman Cordall, "People Are Hungry: Why Tunisia's Youth Are Taking to the Streets," *The Guardian*, January 20, 2021, <https://www.theguardian.com/global-development/2021/jan/20/people-are-hungry-why-tunisias-youth-are-taking-to-the-streets>.
- <sup>77</sup> "Unemployment, Youth Total (% of Total Labor Force Ages 15–24) (Modeled ILO Estimate) – Tunisia," The World Bank, data retrieved from the International Labour Organization on June 15, 2021, <https://data.worldbank.org/indicator/SL.UEM.1524.ZS?locations=TN>.
- <sup>78</sup> Parliament adopted the law in September 2017.
- <sup>79</sup> See Magda Al-Army, "More than a Description of the Protests in Tunisia," *Al Jazeera Magazine*, January 14, 2018, <https://institute.aljazeera.net/ar/ajr/article/398>; "Tunisia: Police Use Violent Tactics to Quash Protests," Human Rights Watch, February 5, 2021, <https://www.hrw.org/news/2021/02/05/tunisia-police-use-violent-tactics-quash-protests>.
- <sup>80</sup> See Abdelkrim Hizaoui, "Comment: Media Aid? Or International Politics?" European Journalism Observatory, October 24, 2017, <https://en.ejo.ch/media-politics/comment-media-aid-or-international-politics>.
- <sup>81</sup> Said Ben Krayem, head of CAPJC, in an interview with the author, April 2021.
- <sup>82</sup> Ibid.
- <sup>83</sup> See Olivier Koch, "Chapitre 5. La (re-)professionnalisation du journalisme tunisien dans la période transitionnelle: le rôle des acteurs extranationaux," in *La circulation des productions culturelles* (Rabat, Istanbul: Centre Jacques-Berque, Institut français d'études anatoliennes, <https://books.openedition.org/cjb/1219>).
- <sup>84</sup> Virginie Jouan, International Media Support, in an interview with the author, May 2021.
- <sup>85</sup> Interview with author, May 2020.
- <sup>86</sup> Interview with author, May 2020.
- <sup>87</sup> Interview with author, May 2020.
- <sup>88</sup> Interview with author, May 2020.
- <sup>89</sup> Interview with author, May 2020.
- <sup>90</sup> See "Tunisia: Independence of HAICA Should Be Protected," ARTICLE 19, May 2, 2014, <https://www.article19.org/resources/tunisia-independence-haica-protected/>.
- <sup>91</sup> See Fatima El-Issawi, *Tunisian Media in Transition* (Washington, DC: Carnegie Endowment for International Peace, 2012), <https://carnegieendowment.org/2012/07/10/tunisian-media-in-transition-pub-48817#:~:text=%20Tunisian%20Media%20in%20Transition%20%201%20Transforming,wider%20margin%20for%20freedom%20of%20expression%2C...%20More%20>.
- <sup>92</sup> Interview with author, May 2019.
- <sup>93</sup> HAICA member Radhia Saidi in an interview with the author, February 2020.
- <sup>94</sup> Zuheir Latif, journalist and owner of Telvza TV, in an interview with the author, May 2021.
- <sup>95</sup> Article 127 of Tunisia's 2014 Constitution: <https://www.venice.coe.int/files/Constitution%20TUN%20-%2027012014.pdf>.
- <sup>96</sup> See the article on this judicial decision: "HAICA Condemns Attack on Democracy after Al-Jaziri's Complaint Against It," *Al Arab*, April 29, 2021, <https://alarab.co.uk/%D9%87%D9%8A%D8%A6%D8%A9-%D8%A7%D9%84%D8%A5%D8%B9%D9%84%D8%A7%D9%85-%D8%A7%D9%84%D8%AA%D9%88%D9%86%D8%B3%D9%8A-%D8%AA%D9%86%D8%AF%D8%AF-%D8%A8%D8%B6%D8%B1%D8%A8-%D8%A7%D9%84%D8%AF%D9%8A%D9%85%D9%82%D8%B1%D8%A7%D8%B7%D9%8A%D8%A9-%D8%A8%D8%B9%D8%AF-%D8%B4%D9%83%D9%88%D9%89-%D8%A7%D9%84%D8%A-C%D8%B2%D9%8A%D8%B1%D9%8A-%D8%B6%D8%AF%D9%87%D8%A7>.
- <sup>97</sup> See "Tunisia: Human rights Organisations Call on Tunisian Parliament Not to Pass Amendment to Law on Freedom of Audiovisual Communication," ARTICLE 19, October 19, 2020, <https://www.article19.org/resources/tunisia-human-rights-organisations-call-on-tunisian-parliament-not-to-pass-amendment-to-law-on-freedom-of-audiovisual-communication/>.
- <sup>98</sup> Interview with author, May 2020.
- <sup>99</sup> Nouri el-Lajmi in an interview with the author, February 2020.
- <sup>100</sup> Voltmer K (2013) *The Media in Transitional Democracies*. Cambridge: Polity Press; Voltmer, Katrin. 2012. "How Far Can Media Systems Travel? Applying Hallin and Mancini's Comparative Framework Outside the Western World." In *Comparing Media Systems Beyond the Western World*, eds. Daniel C. Hallin, and Paolo Mancini, 224–46. Cambridge & New York: Cambridge University Press.
- <sup>101</sup> See Francesca Ebel, "Celebration and protests mark Tunisia's new Revolution Day," ABC News, December 17, 2021, <https://abcnews.go.com/International/wireStory/celebration-protests-mark-tunisias-revolution-day-81811236>.