



**International Freedom of Expression Exchange Tunisia Monitoring Group (IFEX-TMG)**

**Contribution to the Universal Periodic Review Mechanism**

**13<sup>th</sup> Session of the Working Group of the Universal Periodic Review (UPR) (21st May - 1st June 2012):**

**A Joint UPR Submission on Tunisia by the following members of the IFEX-TMG: ARTICLE 19, Canadian Journalists for Free Expression (CJFE), Cartoonists Rights Network International, Index on Censorship, International Publishers Association (IPA), Norwegian PEN, World Association of Community Radio Broadcasters (AMARC), World Association of Newspapers and News Publishers (WAN-IFRA), and the Writers in Prison Committee (WiPC) of PEN International**

**18 November 2011**

**BACKGROUND**

1. The International Freedom of Expression Exchange Tunisia Monitoring Group (IFEX-TMG) has been working on Tunisia since 2004, and in April undertook the first formal mission<sup>1</sup> since the revolution of 14 January 2011 that brought President Zine el-Abidine Ben Ali's repressive 23-year regime to an end. This submission documents the findings of the IFEX-TMG fact-finding mission to Tunisia from 9-16 April 2011, as well as follow up workshops in September 2011 during which local Tunisian partners were consulted and drew up recommendations.

2. Under the regime of President Ben Ali, the IFEX-TMG documented severe violations against the right of freedom of expression, among other fundamental human rights. Censorship was rigorously applied to all aspects of the media, while civil society groups, professional associations and human rights activists were repeatedly harassed and prevented from conducting their work. The official media were often used as the tool through which many of these attacks were conducted. The jailing of journalists, freedom of expression advocates and opponents of the regime was a regular occurrence. Access to information was severely restricted and the monitoring of the Internet, social media and general communications commonplace. By the time of its demise, the regime of President Ben Ali was widely believed to have installed one of the world's most sophisticated electronic surveillance networks.

3. Following the mission report published in June 2011, a two-day strategy workshop was held in Tunis on 27 and 28 September. In the course of the workshop, Tunisian media and civil society participants invited by the IFEX-TMG shared their assessment of the media landscape nine months after the revolution and formulated recommendations and action plans to guide the reform of the media sector, create the legal and institutional framework on freedom of expression, promote the development of the broadcast and print media sectors, and protect the Internet from the resurgence of censorship. The workshop ended with recommendations formulated by the participants.

4. During the course of eight missions, the IFEX-TMG has now met with over 300 individuals and over 50 organisations and institutions including members of the government and opposition, public officials,

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<sup>1</sup> The report, *The Scars of Oppression Run Deep: Assessing the Critical Requirements for Freedom of Expression in Tunisia's Democratic Transition*, documents the findings of the IFEX-TMG fact-finding mission to Tunisia from 9-16 April 2011 (Eng/Fre/Arabic) [http://ifex.org/tunisia/2011/06/16/deep\\_scars/](http://ifex.org/tunisia/2011/06/16/deep_scars/)

government supported organisations, independent civil society organisations, human rights defenders, journalists, publishers, librarians, private broadcasters and others.

5. In stark contrast to previous missions, the IFEX-TMG delegation was able to meet and talk openly with civil society groups, human rights activists, journalists, bloggers and representatives from across the political spectrum. Furthermore, the delegation was invited to a meeting with the Prime Minister, Béji Caïd Essebsi, after which the IFEX-TMG delegation spoke with the media<sup>2</sup>. The work of the IFEX-TMG in consistently raising freedom of expression issues both locally and internationally during the country's darkest years was widely praised, and opinions on how the transition process is unfolding were freely given.

6. While cautious optimism still exists among many of those interviewed by IFEX-TMG for the purpose of its report, events since the mission – notably the clampdown and apparent targeting of journalists, bloggers and photographers during demonstrations held on 7-8 May 2011 – are highly disturbing. An activist who worked with the Observatoire pour la liberté de presse, d'édition et de création (OLPEC) during the IFEX-TMG mission, Najib Abidi, was physically attacked by members of the Political Police on 7 May 2011 and suffered a broken arm. He claims to have been caught-up in an indiscriminate attack by police who ran amok through a peaceful crowd of demonstrators. Such threats facing freedom of expression provide stark evidence that while the dictator may have gone, the scars he inflicted upon his people still run deep.

7. This submission documents the key concerns and immediate challenges regarding censorship and freedom of expression in Tunisia. It recognises the advances that have already been made since 14 January and addresses the fundamental issues raised by key stakeholders with regards to maintaining the momentum of change and ensuring the widest participation for the democratic transition to succeed.

8. The submission covers a broad range of voices of those interviewed during the IFEX-TMG mission in April 2011. The views documented in this report are based on a series of interviews conducted in Tunis, Sousse, Le Kef and Monastir between 9 and 16 April 2011. Additional follow-up material was gathered by mission members World Association of Community Radio Broadcasters (AMARC) and ARTICLE 19 in subsequent trips with regards to the broadcast licensing process and the draft press law as well as incidents of press freedom violations that occurred after the mission. Additional recommendations come from the workshop IFEX-TMG organised in September 2011 with local Tunisian NGOs in Tunis.

## **General comment**

9. IFEX-TMG tirelessly urged the interim government to authorise without any further delay the 12 radio and five television services recommended by the National Authority to Reform Information and Communication (INRIC), respectively on 29 June and 7 September, to start broadcasting. However, the authorisations were delayed until the approval of the law to create the High Authority for Information and Audio-visual Communication (la Haute autorité indépendante pour la communication audiovisuelle, HAICA), which calls for the adoption of an open system of appointment of members based on the call for nominations, contest, amongst others. The audio-visual law was passed on 4 November 2011. As a result, the authorisations have not yet allowed the new stations to commence broadcasting.

10. On 23 October 2011, Tunisia held its first democratic elections for the Constitutional Assembly which resulted in the victory of Ennahda Party followed by the Congress for Republic. Negotiations are

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<sup>2</sup> *Les médias tunisiens n'ont pas eu l'opportunité sous le régime précédent d'exercer leur profession* (TAP) 14 April 2011: [http://www.tunisieoir.com/index.php?option=com\\_content&view=article&id=39663:&catid=42:politique](http://www.tunisieoir.com/index.php?option=com_content&view=article&id=39663:&catid=42:politique)

underway to form a government likely to be headed by the Islamic party Ennahda. The newly elected Assembly is expected to write the new Tunisian constitution. IFEX-TMG stressed before the elections that all political parties taking part in the elections should ensure that basic freedoms are protected.

## The Media

11. Concerns surround both the capacity and capability of the Tunisian media to safeguard the gains of the revolution and play the vital watchdog role required in this period of transition. The media were severely repressed under the regime of President Ben Ali, with strict censorship of editorial content, the closure of critical publications, independent radio stations and television channels contributing to the erosion of reporting in the public interest that is now crucial to the democratic processes.

12. Concerns were raised about the conduct of the media in the period immediately prior to the elections in October 2011. There were several complaints that there had not been fair coverage, the media agency had not given equal time to all parties or candidates and the stations established during Ben Ali's regime broke the conduct of coverage set up by the Independent High Commission for Elections. The transitional government did not yet authorise the 12 radio and five television services recommended by INRIC. This had an impact on election campaigning and on the diversity of media coverage as only the state-owned media and the private media existed in the pre-revolution period, which their impartiality was in doubt, covered the campaign.

13. Discussions have taken place among media and civil society organisations on the development of a code of ethics for election reporting and the establishment of election monitoring mechanisms. These developments should have been supported, including through the training of managers and editors, assistance in the development of internal guidelines for media organisations and support for initiatives that promote citizen reporting. The success of such initiatives will help determine the nature of the political system that emerges in Tunisia.

## Journalists and the Written Press

14. Many journalists persecuted under Ben Ali, such as Fahem Boukadous, Slim Boukhdar and Taoufik Ben Brik, are yet to secure positions in the local Tunisian media. Alarming, it seems that some critical journalists and commentators have been deliberately ostracised by the domestic media since the fall of the dictatorship with some claiming the existence of a 'black list' of names deemed persona-non-grata within the media.

15. Journalist **Fahem Boukadous** was the subject of a sustained IFEX-TMG campaign during 2010 after being jailed for his coverage of violent protests in Gafsa in 2008. He was freed from prison on 19 January 2011 and is currently a founding member of the Tunis Centre for Press Freedom (Centre de Tunis pour la liberté de presse). "The revolution has not finished in my field... Many businessmen from Ben Ali's era are still in control, especially in the audiovisual sector because it is worth so much money. Journalists and activists are afraid that the revolution could be overturned," he said in April 2011.

16. Journalist and author **Taoufik Ben Brik** who was jailed on spurious charges for six months until April 2010 during the previous IFEX-TMG mission<sup>3</sup>, was adamant the old system remains intact, with those now in power having maneuvered into position. "Today, the press in Tunisia effectively manages the conspiracy. The press were the watchdogs and are now the White Guard for those in power as they attempt to launder the past and their role in it all," he said in April 2011.

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<sup>3</sup> See: TMG welcomes release of journalist Ben Brik but condemns policy of punishing critical journalists, 28 April 2010: [http://www.ifex.org/tunisia/2010/04/28/benbrik\\_free\\_boukadous\\_appeal/](http://www.ifex.org/tunisia/2010/04/28/benbrik_free_boukadous_appeal/)

17. Ben Brik also complained about his access to media, claiming certain television channels still hesitate before putting him live on air due to the lingering mark of stigmatisation from his hard-fought battles with the old regime. One significant positive change Ben Brik reported, however, was that extracts from his books, including the recently reissued *Ben Brik - President*, had been published in newspapers.

18. Similarly **Hamma Al-Hammami**, editor of the Communist Workers Party official newspaper *Al-Badil* who was arrested in January 2011 by the Presidential Special Security and released after Ben Ali fled, also believes that much is left to change in the media. "The transitional government is a continuity of the old regime. Censorship is still in place and the political police are still watching people, even if it is lighter than before," he said in April 2011.

19. Journalists who took part in the September 2011 strategic workshop stated that nine months after the fall of Ben Ali, the press which had previously served his regime remains in place and its role de facto in the forming of public opinion is worrying.

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

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

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

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

## **Broadcast Media**

24. Before the revolution, Tunisia operated a state broadcasting system as a propaganda instrument of government. State broadcasting consists of two separate institutions, now known as Télévision Tunisienne Nationale (formerly TV7) and Radio Tunisienne. Since the revolution, there have been senior management changes in both institutions and programming has become considerably more open to diverse points of view.

25. The question arises as to whether goals of pluralism, diversity and independence in the national radio landscape are best achieved by adding new national services to compete with Radio Tunisienne, or by Radio Tunisienne divesting of one or more of its services. This question is further complicated by reports in April 2011 that Radio Zitouna and Shems FM may also become state owned as a result of the seizure of the assets of the Ben Ali family.

26. Of the five private radio stations, only Radio Zitouna has comparable coverage to Radio Tunisienne, reaching around 90 percent of the population. Express FM is receivable in the major urban centres and covers around 70 percent of the population. Radio Mosaïque is the market leader in Grand Tunis and surrounding areas, Jawhara FM is a regional private service centred on Sousse, and Shems FM has

coverage of Tunis and Sfax. There is some pressure from Mosaïque, Shems FM and Jawhara FM to increase their coverage areas but there is also considerable demand from new entrants wishing to establish local and regional radio services.

27. All five private radio stations and the two private television channels also carry some association with the previous regime whether through the investment of persons close to the ruling family or authorisation under a system of presidential patronage. There is no doubt their content has changed since the revolution. Old 'red lines' have disappeared. Political debate is extensive. Even the term 'super-revolutionary' is used to describe those that exert themselves trying to demonstrate revolutionary credentials.

28. An increase of media outlets, particularly in the area of broadcast media, is expected to emerge in Tunisia after INRIC was established in March 2011 with the responsibility, among other matters, to assess demand for new radio and television services and to provide advice on broadcasting authorisations.

29. INRIC received 71 proposals for authorisation of radio services and 25 proposals for television services, including some transferred to INRIC by the office of the Prime Minister. A priority for media development must be to transform these expressions of interest into a range and diversity of new local and regional radio services, within and outside Tunis.

30. Several of these proposals came from groups wishing to operate on an associative or not-for-profit basis serving communities of interest or of proximity. Although awareness of community media in Tunisia remains low, the IFEX-TMG mission found civil society actors enthusiastic about the concept.

## **The Internet**

31. Many of the bloggers and activists who spoke to the IFEX-TMG mission in April 2011 believed that the transitional government was yet to adequately deal with many of their concerns regarding freedom of expression, with aspects of the former regime's censorship and surveillance networks still very much in place. It remains to be seen what impact the new government will have on these concerns.

32. During the strategic workshop in September 2011, participants stated that censorship has not entirely disappeared despite the fact that the Tunisian Internet Agency (ATI) today requires a judicial request for all demands to ban websites coming from a civil or military authority.

33. State censorship has almost disappeared. However, light needs to be shed on the ramifications of the surveillance system established by the Ben Ali regime. In particular the "new assignments" of 600 staff specialised in content filtering, monitoring and hacking opponents' addresses remain unknown, while the Ministry of Interior department responsible for monitoring the Internet remains active.

34. The resurgence of moralising censorship which states that there should be a censorship of websites which contradict the Tunisian culture, pornography etc, in the name of preserving values and protecting children, ignores all possibilities and technological constraints and obliterates the debate on the dangers of state interference in the right of accessing information.

35. The few investigations into internet surveillance have proved that the virulence of the surveillance system was established and developed with the complicity of multinational corporations such as CISCO and Microsoft. There is currently no guarantee that these companies amongst others may reengage in similar practices if the opportunity arises.

36. **Slim Amamou**, blogger (<http://nomemoryspace.wordpress.com/>) said in April 2011 believes there should be no specific regulation for either traditional or Internet-based media, arguing such regulations help neither citizens nor journalists. "We want regulation that is citizen focused. If there were a need for laws, it would be ideal if they were the broadest possible and the most generally applicable." Amamou resigned from his post as Secretary of State for Youth and Sport in May after four websites were censored at the request of the Tunisian army.<sup>4</sup>

### **Freedom of expression, cases between 14 January 2011 and the elections on 23 October 2011**

37. Despite the progress that has been made after the fall of Ben Ali's regime, there have been setbacks and the pace of change is slow. Journalists and civil society activists believe that freedom of expression is still threatened in Tunisia. Many people told the IFEX-TMG that the Ministry of Interior is still tapping people's phones and emails. Several expressed discontent that their Facebook accounts are being hacked by the Ministry.

38. **Nabil Al-Hajlaoui**: A blogger and journalist was arrested by the Tunisian army in Sidi Bouzid on 25 October 2011, shortly after the announcement of results of the elections for writing an article entitled *Sidi Bouzid is burning and the army is looking as a spectator* in which he criticised the Tunisian army for not trying to stop the riot that took place in the city during and after the elections. He was charged with calling for the public disturbance. He is being held in Qafsa prison. He appeared before a military court on 9 November 2011 which sentenced him to two months in prison<sup>5</sup>. Al-Hajlaoui is a former political prisoner.

39. Recently the Tunisian army has been becoming involved in such cases. The army, for example, blocked four websites in May 2011.

40. **Samir Feriani**: Senior Tunisian police commissioner Samir Feriani was arrested on 29 May 2011 after writing a letter to the Interior Minister Habib Essid that named current high-level ministry officials whom he said bore responsibility for killing protesters during the Tunisian revolution, as well as for other human rights abuses. Feriani's letter also accused ministry officials of destroying sensitive archives following the ousting of Ben Ali. Feriani appeared before a military court on charges under the penal code of "harming the external security of the state," distributing information "likely to harm public order," and "accusing, without proof, a public agent of violating the law". Feriani was released on 23 September pending trial before the military court. On 29 September Samir was cleared of harming the external security of the state but transferred to a civil court to be tried on the other two charges.

41. In May, Tunisian police also attacked journalists who were covering protests in Tunis after the former Minister of Interior declared that the Ministry was still run by Ben Ali regime's men. Protesters also had been beaten up and arrested.

42. The private TV station Nessma was attacked, and protesters tried to storm into its offices in October 2011, before the elections, by radical Islamic groups after it broadcast the animated movie *Persepolis*. They took issue, in particular, with its depiction of God. The incident raised fears of a new religious censorship.

### **Book publishing**

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<sup>4</sup> [http://ifex.org/tunisia/2011/06/09/censorship\\_returns/](http://ifex.org/tunisia/2011/06/09/censorship_returns/)

<sup>5</sup> <http://fr.globalvoicesonline.org/2011/11/10/87161/>

43. Despite the fact that books which were banned during Ben Ali's rule are back in the bookshops, the process of publishing a book is still complicated. It has to go through the same bureaucratic procedures as previously.

### **Analysis of Legal Process Surrounding Media Regulation During the Transition**

44. At an institutional level, the transitional authorities have sent strong signals by reiterating their resolve to guarantee freedom of expression. One of the major symbols of control, the Ministry of Information, was scrapped from the legal architecture of the country. In addition, the mission to control information assigned to the Agence tunisienne de communication extérieure (ATCE) and Internet sites to l'Agence tunisienne d'internet (ATI) was in theory suppressed, but the two institutions are still in existence.

45. Regarding policy reform, and despite INRIC's attempts to develop an operational transitional framework, it is yet to define a clear road map for the sector due to a variety of challenges including political pressure, the complexity of broadcasting regulation and the lack of resources.

46. On the other hand, in March, a first draft of the press code was prepared by the media sub-committee, but media professionals decried the lack of consultation and the absence of input from the relevant stakeholders. Some international organisations including ARTICLE 19 provided in-depth analysis<sup>6</sup> and met with the sub-commission during the IFEX-TMG mission to provide guidance, raise concerns on the legitimacy of a press code, the need for national consultation with media practitioners, and the need to comply with international standards.

47. Media organisations in Tunisia continued to raise their concerns and oppose the draft press code for its overbroad limitation and lack of consultation. On 4 November, the press law was passed, but it contains some clauses that are contrary to freedom of expression, including clauses that could lead to prison. Some local groups are satisfied with the law, but INRIC continues to lobby against prison sentences being included in the press law.

48. Legal guarantees to ensure freedom of expression and independence of the media including during elections need to be adopted. Despite progress, media freedom is not fully guaranteed as illustrated by the series of recent attacks committed against journalists without any prosecution of the perpetrators (attacks on *Le Press* in May).

49. Another limitation to freedom of expression and the independence of the media is the lack of transparency in the ownership of many private media companies. Some are owned by individuals close to the former regime and, in many cases, the shareholders are mainly from Ben Ali's former circles of influence. This situation limits the ability of the media to gain public trust and play a major role in supporting the aspiration for democracy of the Tunisian people. There is currently no clear policy to address this disturbing situation which, if not tackled, may undermine the quality and pluralism of media content. Ad-hoc measures have been taken against some media houses, but clear policies on ownership need to be elaborated.

### **NGOs and Civil Society Groups**

50. Since 14 January, many NGOs and civil society groups and individuals have faced a wholly different set of challenges. Some have found access to the media limited, while others - because of the nature of

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<sup>6</sup> A summary of ARTICLE19's analysis of the draft decree on the election of national constituent assembly: <http://www.article19.org/pdfs/analysis/summary-comment-on-the-draft-decree-on-election-of-national-constituent-asse.pdf>

the subjects they address - have come up against official reticence to push for their agendas.

51. Mondher Cherni and Choukri Latif from the Organisation Against Torture in Tunisia (**Organisation contre la torture en tunisie, OCTT**) claimed that torture is yet to be eradicated in Tunisia. "The right to demonstrate is being increasingly repressed. The authorities are reoccupying the public space, the Political Police remains and so does communications surveillance." The organisation believes there is an intentional amalgam between political demands and instability and that the media facilitates this confusion. "Today, it's all about security and the economy."

52. Meanwhile, Ahmed Rahmouni, (now former) President of the Tunisian Magistrates' Association (**l'Association de magistrats tunisiens, AMT**), said in April 2011 that he believes there is an urgent need for greater transparency in order to fight rampant corruption in the Tunisian judicial system. "The revolution itself demanded the purification of the judicial system in order for it to fight corruption. Corruption was caused by a lack of transparency, lack of participation and a flawed election process that maintained the dictatorship. All of these processes were under the auspices of the Ministry of Justice, and there is still a need for certain figures to disappear from public life in order for there to be true reform."

53. An independent judiciary is essential for a free media. No matter what kind of regulatory environment is created for journalism and the new electronic media in Tunisia, the media can only remain relatively free within a framework protected by a strong and completely independent judiciary. There must be a strong and independent judiciary to uphold the articles within the Constitution that will be written to protect free speech.

54. A slight improvement in access to the media was reported in April 2011 by Radhia Zekhri and Raoudhe Gharbi from the Association of Tunisian Women for Research and Development (**l'Association des Femmes Tunisiennes pour la Recherche et le Développement, AFTURD**). "To have ample access to media we need to be aggressive," said Gharbi. "The media are not totally free, they are still controlled, and the revolution has still not produced its fruits," she said. A free press is the most important method to achieve democracy and free expression must be allowed in the public domain, she added, noting "there is a big difference in access to the media in the city and in rural areas." Despite conceding that there is still lots to accomplish (suspecting continued surveillance and that her telephone is still tapped), Gharbi remains optimistic that with greater opportunities for collaboration and open dialogue between different generations, people will begin to find the space to breathe and enter the debate concerning what kind of society they want to see develop.

55. Essia Belhassan, a board member of the Democratic Women's Association of Tunisia (**l'Association Tunisienne des Femmes Démocrates, AFTD**), stated that women had gained more freedom and access since the January revolution but that, again, a lot of work remained to be done to ensure their voices are heard. "There is a need to change the mentality of the people, particularly men, in order to achieve more of the goals for women." AFTD is also looking for access in the State media. "Censorship still remains, and the leaders of the private media... do not represent our cases in a decent way. The media are still characterised by Ben Ali's politics. Certain concerns are ignored, with the private media oriented towards the mainstream news and not covering concerns of women in the streets." Belhassan also reported that since the revolution there had been negative campaigns or comments against AFTD on Facebook and even on some TVs, perhaps because of religious concerns.

56. Sihem Bensedrine from the Observatory for Press Freedom, Publishing and the Creative Arts (**Observatoire pour la liberté de presse, d'édition et de création, OLPEC**) and the National Council for Liberties in Tunisia (**Conseil National des Libertés Tunisiennes, CNLT**) reported in April 2011 that there is still surveillance over her telecommunications. The secret police continue to watch her.

“Censorship still exists throughout the written press and the audiovisual sector, particularly within media companies... Editors are still censoring opinion pieces that criticise power,” stated Mahmoud

57. Mahmoud Dhaouadi from the Tunis Centre for Press Freedom (**Centre de Tunis pour la liberté de presse**) said in April 2011, “Information isn’t flowing too freely. For example, information on the victims from 12 and 13 January 2011 remains a taboo subject.” He revealed that many journalists now recognise they require training.

## Conclusion

58. Drawing on the array of views presented above, it appears that the new government had much to do to guarantee freedom of expression but little had been achieved by the transitional government. Eyes now are on the new government which is expected to be formed in November 2011. The new government is expected to achieve what the transitional government could not achieve. Access to information should be safeguarded, lingering censorship and surveillance eradicated. Media pluralism has to be encouraged and journalism standards and techniques developed. If Tunisians are to play an informed part in the transition phase and beyond, they need a free and independent media and a strong, democratic and open civil society to hold power to account and ensure dictatorship - of whichever nature - never returns.

59. Failure to address such issues in an adequate and timely manner risks signalling a tacit acknowledgment that elements of the old regime are still acceptable. This would not only be a betrayal of the revolution, but would condemn the Tunisian people to many more years of uncertainty.

## Recommendations

60. The members of the International Freedom of Expression Exchange Tunisia Monitoring Group (IFEX-TMG) make the following recommendations:

- 1- IFEX-TMG highlighted a series of concerns that require immediate attention if the transition to a representative democratic society is to achieve fundamental freedom of expression rights:
  - a. Redress the lingering effects of the former regime that are having a negative effect on the transition process across many areas of society, and in particular the media.
  - b. Plural voices ought to be heard and informed debates undertaken so that the people of Tunisia can continue to effectively engage and shape their own futures.
- 2- Tunisians have elected the first democratic assembly, which will be tasked with drafting the future constitution. It is recommended that this new constitution:
  - a. The right to freedom of expression, press freedom and the right of access to information should be included in the Constitution
  - b. Enshrines the principles of freedom of expression, freedom of the press and the right to access to information;

- c. Transforms state media into public service media by guaranteeing the organic and functional independence of these institutions;
  - d. Provide the audio-visual regulatory authority a constitutional status and effectively guarantee its independence;
- 3- Develop and implement a legal and institutional framework and a proactive policy allowing for a definitive break with the practices of the dictatorship and promoting the emergence of a professional press which is free, independent and pluralistic.
  - 4- Review and reform new legislation relating to freedom of expression. On 4 November 2011, the newly-elected Constituent Assembly passed the Press Code and the decree to establish the High Authority for Information and Audio-visual Communication law (la Haute autorité indépendante pour la communication audiovisuelle, HAICA). There are concerns about 3 articles in the press code that lead to prison, which should be removed to conform with international standards of law relating to free expression, such as Article 19 of the Universal Declaration of Human Rights.
  - 5- Put an end to the monopoly of the National Broadcasting Office (ONT), allow operators to choose their means of broadcasting, and avoid replacing a public monopoly with a private monopoly.
  - 6- End the old regime bureaucratic procedures surrounding book publishing to allow full freedom to publish.
  - 7- Promote self-regulation of the Internet through a charter of values (and not of laws), resulting from the blogging community and cyber activists' refusal of any interference and all forms of state control.
  - 8- Protect cyber activists (Web TV and web radio editors) from police repression during the coverage of events in public space.
  - 9- Internet Governance: Civil society must be actively involved, and occupy a role allowing them to suggest proposals and make decisions rather than just serve as observers.
  - 10-Ensure the genuine right to access information in order to shed light on all violations on freedom.
  - 11-Regarding the destroying of Ben Ali's regime archives, the new government should seriously address the question of archives not only in terms of preservation but also in terms of enabling citizens' access to them including the archives of the political police and the ministries involved.