

Annual Report Executive Summary
on the press freedom reality in Tunisia
the National Syndicate of Tunisian Journalists

May 3, 2024

General Introduction:

No professional and free press under intimidation and impoverishment

Tunisia, along with the rest of the world, celebrates World Press Freedom Day in its thirty-first edition. On this occasion, the National Syndicate of Tunisian Journalists issues its annual report on press freedoms in Tunisia for the period from May 3, 2023 to May 3, 2024.

This period witnessed an exceptional situation for journalists characterized by escalating threats against press freedom. whereas, trials of journalists for their journalistic work have been frequent along with continuous vexation, threats and attacks. Journalists were referred for their work on 39 occasions under injunctive laws, such as the Anti-Terrorism and Money Laundering Law, the Communications Code, the Penal Code, and Decree No. 54.

During this year, the Tunisian courts issued, in a serious precedent, five prison sentences against journalists and commentators. These referrals were made contrary to the intention of Decree 115 regulating the journalistic profession. The enforced absence of the Amendment Authority made by the existing Political Authority contributed to doubling the number of judicial prosecutions.

During this period, the Syndicate also recorded 211 attacks on journalists, reporters and photojournalists. The Political Authority persisted in implementing a policy of media closure, especially by the Presidency of the Republic and the House of Representatives. Information was withheld and access to it was restricted, leaving the public sphere subject to a single

narrative, which is that of the authority and its reflection on the public debate in the country and on the right of citizens to access information.

This policy was manifested by preventing journalists from covering major issues on several occasions. Along with the enforced absence of political programs in the public media funded by taxpayers, which deprives them as well as public opinion and voters of following and understanding how to manage the state's affairs and public policies.

There is no doubt that all these options will lead to a greater reluctance towards public affairs and a reduction in political participation.

Journalists and their professional structures have become convinced that the aim is clear. It is to heal and abuse every journalist who allows her/himself to engage in incendiary topics that preoccupy public opinion, or simply to criticize any official in the state and some ministers' performance. The National Syndicate of Tunisian Journalists is concerned with alerting the use of the judiciary to target freedom of expression in Tunisia.

Additionally, the policy of marginalizing the profession of journalism institutionally, economically and socially continued during the same period by perpetuating the fragility of employment in the sector (low wages, absence of social coverage, exacerbation of expulsions and forced referral to unemployment for journalists and non-payment of wages).

This report comes in a year in which our country lives on the heels of highly significant electoral merits, namely the presidential elections, which assume the existence of a democratic pluralistic climate and independent and impartial institutions such as the Electoral Commission, the Audiovisual Modification Commission and the Constitutional Court, in which the media, especially the public one, plays an essential role in establishing a democratic debate to ensure broad political participation and an informed electoral public opinion.

This is linked to the existence of a quality, professional and independent media that reflects political diversity and embraces the pluralism and difference that characterizes Tunisian society. The integrity and transparency of elections are

not only guaranteed at the ballot box because the real manipulation of voters will and the actual forgery of the elections occurs by misleading the voter and directing her/him through the media and social media networks.

It has now become clear that the media sector, given the deep and multifaceted crises it is experiencing today, significantly disrupts the professional performance of journalists and deprives citizens of independent and professional media in their service. It needs an urgent, comprehensive, participatory and open reform approach to all actors. The state bears responsibility for not launching and delaying it, which will lead to serious and grave consequences on political life and on society as a whole.

The systematic and institutional restriction of freedoms is the most important and greatest indicator of how serious the crises experienced by the press and media sector is. In this context, the National Syndicate of Journalists continues to defend the rights of journalists and the fundamental freedoms required for the professional and free performance of the profession, most notably a free public climate, public policies for media, as well as legislation that protects and guarantees freedoms.

The Syndicate continues its approach based on the struggle for a professional, institutional, political and legislative environment that enables journalists to participate effectively in fulfilling the demand for an independent, professional and free media facility that enjoys the confidence of society.

Statistical Landscape

During the period covered by the report, which extends from May 1, 2023 to the end of April 2024, the Syndicate recorded 211 attacks on journalists, reporters and photojournalists.

The number of attacks has evolved over the last six years:

Year	2020	2021	2022	2023	2024
Attacks Number	193	200	214	257	211

During the period covered by this report, the Syndicate recorded 39 prosecutions against journalists compared to 17 prosecutions recorded in the same period last year, and the issuance of 5-freedom restriction sentences against journalists, the last of which was a 6-month prison sentence with immediate effect against journalist Muhammad Boughalab. The Public Prosecution filed suit against journalists on 15 occasions during the year covered by this report, while on three occasions three current ministers filed complaints and so did former ministers on three occasions, in addition to public employees and public establishments engaging in complaints against journalists on seven occasions.

Journalists were also prosecuted during the year covered by this report to the intention of several restrictive laws such as the Anti-Terrorism and Money Laundering Law, including the charges against the journalist Ziad Al-Hani and the journalist Ghassan bin Khalifa, and the proceeding on the prosecution of the journalist Shadha Al-Haj Mubarak.

During the period covered by this report, journalists were prosecuted outside the legal framework regulating their work on 39 occasions in which referral texts were distributed to:

Prosecutions

Referral text	Cases Number
Anti-Terrorism and Money Laundering Law	5
Decree No. 54 on Combating Cybercrime	9
Penal Code	15
Communications Code	8
Personal Data Law	2

The rate of attacks related to freedom of journalism and the right to access information declined during the period covered by this report compared to the previous year due to the increase in the rate of judicial prosecutions and is not linked to the openness of the Political Authority, which persists in the same practices. During the period covered by this report, the Syndicate recorded 137 attacks related to the right to access, publish and circulate information.

The Syndicate also took preventive measures to facilitate the work of journalists during electoral periods to overcome problems related to electoral dates in 2022 during the referendum and legislative elections by concluding a partnership with the Independent High Authority for Elections, which made the number of attacks related to electoral periods decline from 96 attacks during 2022 to 45 attacks during the local elections in December 2023-February 2024.

During the period covered by this report, the Syndicate recorded 23 cases of information withholding, including 16 cases during electoral periods, while 56 cases of work ban were recorded, including 22 cases related to the electoral process and 40 cases of vexation, including 2 cases during the same process.

The Syndicate also recorded new types of attacks on journalists during their coverage of the Zionist aggression on Gaza through the electronic blocking of media pages by social networking companies "Meta", in addition to the ongoing prior media monitoring on 6 occasions, including 3 decisions prohibiting publication issued by the Judicial Authorities. The directors of media institutions also engaged in censorship, interference in editing and vexation of journalists on 12 occasions

Attacks related to access to information

Work ban	56
Information withholds	23
Vexation	40
Arbitrary detention	3
Electronic blocking	5

Prior monitoring	6
Censorship	4

Many parties, particularly official ones, were responsible for these attacks. They were accountable for 106 out of 137 attacks related to accessing and disseminating information during the reporting period. We also recorded the emergence of new actors such as hackers and social media companies.

The Syndicate also noted the frequency of interference in editing and censorship by the administrations of media institutions, which worked to intervene, censor, vex, and prosecute journalists on 12 occasions, making the reality of work even within the space of media institutions, especially public ones, which recorded most of these cases, problematic, and gives indications of attempts to seize control over public media, seeking to direct its editorial line amid attempts by journalists to ensure the independence of their institutions as a public facility that provides a public service to the citizen.

Articles in the Tunis Africa News Agency were withdrawn from the site on various topics, such as irregular migration and political assassination issues, in addition to the Tunisian Radio administration's interference in editing and restrictions on journalists, as is the case in the file of our colleague Amal Chahed, against the background of journalistic work, in addition to the prosecution filed by managers of media institutions in the Tunisian Radio Corporation putting a journalist before the court because she expressed her opinion on her personal page on social media networks.

Violence targeting the physical and psychological safety of journalists continued during the year covered by this report. Journalists were subjected to incitement on 19 occasions, threats and attacks of all kinds, along with verbal and physical violence. A case of sexual harassment was recorded during this period against a female journalist.

These attacks were divided into :

Type of Attack	Number of Attacks
incitement	19
Physical assault	6
verbal abuse	6
Threat	1

Attacks by official authorities on journalists

Official authorities were involved in 139 attacks on journalists out of 211 total attacks recorded during the period from May 1, 2023 to late April 2024, and there were many parties responsible for these attacks.

Aggressor	Number of Attacks
Heads of polling centers	28
Judicial authorities	25
Security officers	22
Public employees	20
Heads of polling stations	8
Government officials	6
National officials	6
Ministries	5
Local Election Commission Coordinators	5
Presidency of the Republic	6
People's Deputies	3

Election Commission Staff	2
Army	1
election commission	1
Diplomatic bodies abroad	1

Attacks by non-state actors

During the reporting period from May 1, 2023 to late April 2024, journalists were victims of 72 attacks, including incitement on social media networks, vexations and prosecution by directors of media institutions, citizens and politicians. They have also been targeted by blocking and hacking.

Aggressor	Number of Attacks
Directors of media organizations	14
Social Media Activists	13
Nationals	12
Politicians	7
Directors of private institutions	6
Organizing Committees	4
Charged with contact personnel	4
Supporters of a political party	2
Artists	2
Anonymous	2
Media professionals	2
Athletes	2

Businessmen.	1
Hackers	1

Violence against women journalists

During the period covered by this report, women journalists were victims of various types of incitement, threats, prevention, vexation and other attacks. One of the female colleagues was also subjected to a case of sexual harassment through telephone calls, a phenomenon that began more than three years ago against women journalists by a person despite the constant complaint against him before the judiciary that he still enjoys impunity.

During the reporting period, female journalists were subjected to 101 attacks, distributed as follows :

	Total number of attacks	In groups	On their own
Incitement	13	4	9
Vexation	17	5	12
Work ban	35	19	16
verbal abuse	2		2
Physical assault	1		1
Threat	1		1
Information withhold	16	7	9
Censorship	3		3
sexual harassment	1		1

Arbitrary detention	2	2	
Judicial pursuit	10	3	7

Social media networks were the scene of 13 attacks on women journalists.

Female journalists have been affected by 16 gender-based attacks, including :

- 8 cases of incitement
- 4 vexation Cases
- 2 cases of verbal abuse
- 1 Case of Physical Assault
- 1 Case of Sexual Harassment

The following were involved in these attacks:

- Social media activists on 7 occasions
- Departments of media organizations on 2 occasions
- All those in charge of communication, security, anonymous, politicians, artists, media and public officials

The Syndicate has developed a new mechanism to receive complaints, investigate and intervene to address violence against women journalists, while considering all the risks faced by women journalists while doing their jobs, especially during their presence alone or by multiple parties in the workplace and in the face of the growing discourses of gender-based incitement on social networks and by many parties. This mechanism works to protect women journalists from discrimination, violence and sexual harassment.

General Recommendations

In light of its follow-up to the reality of press freedoms in Tunisia during a period of one year, the National Syndicate of Tunisian Journalists is interested in making the following recommendations to all parties concerned with the media sector in Tunisia and calls them to:

1. **Presidency of the Republic**

- Ensure the enhancement of expression and press freedom through legislative initiatives taking into account Tunisia's obligations to protect journalists and guarantee the gains of freedom enshrined in the Tunisian Constitution.
- Put an end to discriminatory practices and the absence of the media during national and international events organized by the Presidency of the Republic and open the door to pluralism and diversity in media coverage to ensure the promotion of democratic values and constructive criticism.

2. House of Representatives

- Maintain the previous gains of media coverage within the House of Representatives. Restore the work of the Media Center and open the space allocated for journalists and photojournalists to start their work.
- Consider the laws regulating freedom of expression, press, printing and publication as a priority for review at the beginning of the next parliamentary period and adopting a participatory approach in working on them.
- Accelerate the review of the legislative initiative submitted by 40 deputies regarding the amendment of Decree No. 54 on combating crimes of information and communication systems in the direction of abolishing freedom-depriving penalties for online publishing crimes and adhering to the current legislation in force in particular, which is mainly related to freedom of publication, specifically Decree No. 115 regulating freedom of the press, printing and publishing.
- Cease the policy of restricting the movement of journalists within Parliament and opening the sessions of the committees to their coverage, as has been the case for years.

3. Council of Regions and Provinces:

- Allow journalists and photojournalists in the community, private and public media on an equal footing to cover the sessions.

4. **Presidency of the Government**

- Establish a permanent and independent national mechanism to monitor attacks on press freedom and freedom of expression to ensure fairness and justice.
- Introduce legislative initiatives to regulate freedom of expression and freedom of the press and strengthen the protective aspect within the framework of a participatory approach with the structures of the journalistic profession and the House of Representatives.
- Suspend all internal leaflets and memos that place illegal obstacles to the free circulation of information.

5. **Ministry of Interior**

- Support the efforts of the crisis cell within it and develop a clear action plan for the partnership that includes periodic meetings for evaluation and development.

6. **Judicial authorities**

- Stop referring journalists and media workers under the purview of Decree 54 on combating information and communication crimes and make Article 24 of it an abandoned chapter because it represents a blow to the essence of freedom of expression.
- Suspend the referral of journalists on charges of state security, terrorism charges, and other charges outside the legal framework regulating freedom of expression, press, and publication.
- Open an investigation into the procedural irregularities that marred the judicial files during the stages of investigation and referral by the Public Prosecution and take corrective measures relating to them.
- Accept the cassation request in the case file of colleague Shadha Al-Haj Mubarak in a more tolerant direction towards freedom of expression and lifting the grievance to which she is exposed in light of her dire health situation.
- Review judicial decisions that deprive journalists of freedom during cassation and appeal stages, and establish an open jurisprudence respecting freedom of expression.

- Respect the mandate of the Independent High Authority for Audiovisual Communication in regulating the media sector and making it the controller of files related to freedom of expression in audiovisual institutions.
- Adopt the Press Council as a consultant and reference in issues related to publishing in media, especially electronic and written, considering that the profession of journalism is a profession regulated by customs and ethics, which is important for the judiciary to be familiar with.

7. **Political and civil parties:**

- Stand firm in the face of attempts to seize control of the media, and support journalists' efforts and the sector to cut off and vexation, and to guarantee freedom of journalistic work and freedom of expression.