

REPORTERS WITHOUT BORDERS

FOR FREEDOM OF INFORMATION

President François Hollande
Elysée Palace
55 Rue du Faubourg Saint-Honoré
75008 Paris

Paris, 1 July 2013

Dear President Hollande,

Reporters Without Borders would like to draw your attention to the current situation of freedom of information in Tunisia ahead of your 4-5 July official visit to that country, which is in mid-transition two and a half years after Zine el-Abidine Ben Ali's fall.

While the primary purpose of your visit is to express France's solidarity with the Tunisian people and government during this difficult transition to democracy, we think it is important that you should also raise the human rights situation and, in particular, freedom of information with your Tunisian counterpart.

The draft constitution, which is to be submitted to the National Constituent Assembly's vote, is a source of concern. Despite recent substantial improvements, the current draft still lacks sufficient safeguards to ensure that freedom of information is respected and protected.

Article 19 says the constitution takes precedent over international commitments, reducing the value of Tunisia's international obligations. At no point does the draft refer to major international human rights instruments. As a result, although cited in the preamble, the universality of human rights is in danger of becoming a dead letter.

The draft also fails to provide adequate guarantees for listed rights such as freedom of expression and access to information, named in articles 30 and 31. Article 48, which was added to the latest version of the draft, dated 1 June, does not go far enough. Its wording will not provide the right to freedom of expression with any real protection and leaves legislators and judges too much leeway.

We also regard article 124, providing for the creation of a constitutional body to regulate nothing less than the entire media sector, as a danger to freedom of information in Tunisia. It violates the principle of self-regulation that should govern the print media and raises questions about the survival of the High Independent Authority for Broadcasting Communication (HAICA), which was officially launched on 3 May, World Press Freedom Day.

It was President Marzouki who, on 3 May, finally announced the names of those who will form the HAICA, 18 months after the adoption of Decree Law 116, providing for this body's creation.

Reporters Without Borders hailed this initiative, but we also emphasized the challenges facing this new self-regulatory body and urged the authorities to give it the resources it needs to carry out its mission in a fully independent manner and in accordance with the law.

The tasks facing the HAICA under the provisions of Decree Law 116 include revising the appointments of persons to head the state-owned media that the government began making in January 2012. The state-owned media are the Tunisian people's media and should reflect the Tunisian political landscape's diversity. The state should guarantee their independence.

The media reform movement should not be limited to Decree law 116's implementation. It is crucial that Decree law 115 on the freedom of the "print media and publishing" - in theory in effect since its proclamation on 2 November 2011 - should be applied to all Tunisian state institutions, the police, the prosecutors office and judges.

Reporters Without Borders has seen that, in various cases and legal proceedings involving news providers, the provisions of Decree Law 115 are completely ignored and that judges apply the criminal code partially or selectively to such cases instead.

Since the opening of a Reporters Without Borders bureau in Tunis in October 2011, we have documented dozens of cases of physical attacks on journalists and other media employees by the police, religious extremists and members of the public.

These physical attacks have been accompanied by hate speech by certain politicians against media and journalists. We have often condemned the impunity enjoyed by those responsible for these violations of freedom of information, which have rarely been the subject of independent investigations. This impunity has a big impact on freedom of information and encourages self-censorship.

Reporters Without Borders will continue to assist the Tunisian people in implementing structural reforms that guarantee their right to freely-reported and independent news and information.

As we are confident of France's desire to accompany Tunisia on the road to democracy, we would be grateful if you would raise these points in the course of your talks and exchanges of views with the Tunisian authorities.

Sincerely,



Christophe Deloire
Reporters Without Borders secretary-general