

FPU Submission UPR Tunisia

Free Press unlimited welcomes the opportunity to contribute to the fourth cycle of the Universal Periodic Review (UPR) of Tunisia. This submission assesses Tunisia's compliance with its international human rights obligations. It focuses on issues related to press freedom and access to reliable information within the context of freedom of expression.

Since the political crisis in Tunisia on July 25th, 2021, the human rights situation, including more specifically the respect for fundamental press freedom principles, has deteriorated rapidly.

The political crisis began on July 25th after President Saied announced the dismissal of the government and the freezing of the Parliament. Since then, President Saied and the Assembly of the Representatives of the People have been in an ongoing crisis. On the day of the announcement, protesters took to the streets. By August the crisis had escalated, and our partner described the situation as a "step-by-step decline".

There has been an alarming rise in the numbers of attacks on individuals who exercise their right to freedom of expression in Tunisia since the political crisis. Strong anti-media rhetoric from President Saied has made the climate for journalists extremely unsafe. Not only have journalists increasingly been arrested and detained during protests, but also the legal harassment has increased. Furthermore, as a result of the political crisis and worsening climate for press freedom, it is said there are only 2 or 3 independent news media left in Tunisia. All other media have fallen victim to President Saied's narratives and state propaganda.

We have been in close contact with our partner organization on the ground, DAAM, one of the last few independent media organizations in Tunisia, and one that is continuously striving to provide reliable information to its audiences. We are seriously concerned about the escalating crisis and would like to use this opportunity to bring some of the most important threats to press freedom to your attention, including concrete recommendations needed to address these threats. We will start with the latter, after which a more detailed analysis of the context is laid out per topic.

Recommendations to the Government of Tunisia:

The Tunisian authorities must:

- Keep the internet open and refrain from blocking any source of reliable information or communication means.
- Respect fundamental rights as laid down in the Access to Information Law, which was once a frontrunner in terms of international standards of providing access to government information. Furthermore, Tunisian authorities should increase funding for independent authorities that are of vital importance in holding the government and its actions to account.
- Immediately withdraw the leaked Civil Society Organizations Law, that will severely hinder the operation of civil society organizations in the country.

Internet shutdowns/blocking of news

Just one day before the submission of this consultation, on March 30th, 2022, the government shut down Zoom and Microsoft Teams. The shutdown came exactly on the day that the (albeit officially "frozen") Parliament was scheduled to have an important meeting.

Although Tunisia is no stranger to certain “lighter” forms of censorship - under President Ben Ali the country experienced sporadic forms of censorship, through the temporary blocking of specific websites - the shutdown of two of the most used digital programs for communication is an unprecedented move.

Access to Information

In Tunisia, the Access to Information Law was adopted in 2016 and praised by many as being one of the most progressive access to information laws in the world. The law guarantees the right to access information by requiring that government bodies answer requests for information in a timely manner. Importantly, it emphasizes that access to information includes both the publication of information on request, as well as the proactive publication of information by the concerned bodies.

However, the law has faced limitations to its application, which include overzealous application of national security related exceptions. Still, journalists frequently used provisions in the law as grounds for their investigations and information gathering, which in turn leads to improving government accountability.

However, since the political crisis on July 25th the law does not function properly anymore. Practically no governmental institution has replied to requests based on the law since then. A rough estimation made by our partner is that 80% of the rejection of requests cite national security interest. As a result, journalists are seriously thwarted in their work.

Reduces budgets for independent authorities

In Tunisia there are important public institutions that exist as independent authorities to monitor and control specific sectors and hold the relevant governmental bodies to account. The Independent High Authority for Audiovisual Communication (HAICA), for example, regulates the audiovisual media outlets and reviews compliance with rule of law principles. The Access to Information Committee is responsible for overseeing compliance of governmental bodies with the Access to Information Law. The National Authority for Protection of Personal Data is responsible for determining the proper measures and necessary safeguards to protect personal data. All these authorities are a vital intermediary for citizens when appealing governmental decisions and actions and thus, for holding governmental bodies to account.

However, all these institutions are faced with severe under-budgeting, making their work practically impossible. These institutions are under-capacitated, leaving most requests they receive unanswered. Our partner, for example, has frequently submitted requests to the Access to Information Committee, but has not received any substantial reply in the last six months.

New Civil Society Organizations Law

On February 24, President Saied, accused civil society organizations of "serving foreign interests and attempting to interfere in Tunisian politics. He announced his intention to regulate foreign funding of associations, including civil society organizations.

Not long thereafter a draft law to regulate civil society organizations was recently leaked. It would give government authorities overly broad powers and discretion to interfere with the way civil society organizations are formed, their functions and operations, their funding, and their ability to speak publicly about their work and to express their views. In practice, all funding from international donors would constitute interfering with civil society.

The draft law has been widely criticized and states that associations may not “threaten the unity of the state or its republican and democratic system,” and says that their published material must align with “integrity,” “professionalism,” and “legal and scientific regulations,” broad wording that would allow for abusive enforcement by the authorities. Our partner predicts the law will come into force within 3-6 months.