

IFLA/FAIFE

REPORT ON IFEX - TMG MISSION TO TUNIS

Executive Summary

Between 6-11 September 2005, IFLA/FAIFE participated in a mission to Tunisia with the International Freedom of Expression Exchange Tunisian Monitoring Group (IFEX-TMG). The mission was to assess the state of human rights in the run up to the second phase of WSIS.

From the evidence gathered during this mission, it appears that the Tunisian library system is relatively well established in comparison to other Arab countries. Each of the country's 23 regions has a regional library and there are libraries for adults and young people in addition to this. Altogether there are 380 public libraries in Tunisia. A new National Library will open in 2006. It will be well equipped and will house an extremely valuable collection of manuscripts. However, it is also clear that Tunisian librarians operate in far from ideal conditions. Interviewees acknowledged that freedom of expression in the country is almost non-existent, and that libraries are doing their best with poor facilities and low levels of support and funding.

The conclusion must be drawn that intellectual freedom in Tunisia is under threat from the government's desire to control information flow at every level possible. The main areas of concern for libraries are:

- Tunisia's Press Code - All publications must be deposited with the Ministry of the Interior for vetting before they are distributed. A publication can only be distributed once a receipt is issued by the Ministry and receipts are often not forthcoming. While the government has recently taken steps to issue receipts for periodicals more quickly, books are currently unaffected by the new regulations.
- The low level of publishing in the country - Approximately 1400 'new' titles are published in Tunisia each year but meetings with library colleagues revealed that the vast majority of these titles are reprints or children's books. Perhaps as few as 200-300 new adult titles are actually printed. Some academics have volumes of work that cannot be published as a result of the vetting system. The fact that books must be inspected by the Ministry of the Interior before distribution is both a direct system of censorship that withholds distribution and an indirect one that creates an environment of self-censorship.
- Continued blocking of Internet websites - The Tunisian government continues to deny Tunisians access to political opposition websites and alternative news sites based in and outside of the country. The current climate regarding Islamic terrorism is being used to justify the Internet blocking.
- A lack of diverse news content on a significant scale - Mainstream newspapers are apparently uncritical of the government in any way and the few opposition newspapers have an extremely small circulation and many distribution problems.
- Continued restrictions on freedom of association - A conference for the Syndicate of Tunisian Journalists and meetings for the Tunisian League of Human Rights were cancelled in worrying circumstances during our visit. IFEX-TMG witnessed intimidation of both groups by uniformed and plain-clothes police.

Recommendations

Despite this situation, library colleagues in Tunisia are thoroughly professional, extremely interested in IFLA and acutely aware of the level of freedom of expression that exists within the country. In light of this, and based on the findings of the TMG mission, the following recommendations are proposed:

- IFLA should call on the Tunisian government to amend the country's press code to ensure that the system of receipts is no longer used to restrict the circulation of information materials within the country.
- IFLA should call on the Tunisian government to make transparent the process behind the blocking of Internet websites, and to provide some form of legal recourse for those who believe their websites have been blocked.
- IFLA should support the librarians in Tunisia as much as possible during WSIS. The National Library and the Mediatheque Charles de Gaulle, connected to the French Embassy, are keen to organise some sort of event during the summit and IFLA should support any such activities.
- IFLA should be involved in the concrete actions planned by IFEX-TMG during WSIS. Such actions include exhibitions on censorship, and a four hour programme on freedom of expression in the information society.
- Pressure should be kept on the Tunisian government to respect human rights at all levels. This may be done through IFLA/FAIFE, IFLA advocacy at PrepCom 3 or the WSIS summit in Tunis and beyond, national library associations lobbying of national WSIS delegations and representations to the Government of Tunisia.
- The National Library is in the process of applying to be an IFLA member and IFLA should provide the appropriate help and support both now and at the time of the new National Library's official opening in 2006.

The issues facing Tunisia are described in more depth in the following report prepared by the IFLA/FAIFE Office. IFEX-TMG will issue its official report on the visit at WSIS PrepCom 3 in Geneva on September 26th. For further information please email: sha@db.dk

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IFLA/FAIFE Report on the 3rd IFEX TMG Mission to Tunisia,
6-11 September 2005

Introduction

Between 6-11 September 2005 IFLA/FAIFE took part in a mission to Tunisia to assess the human rights situation in the country in the run up to the final phases of the World Summit on the Information Society (WSIS) in November 2005. The mission involved an intense series of meetings with human rights advocates and government officials in the country. IFLA/FAIFE is one of 14 human rights organisations operating under the banner of the International Freedom of Expression Exchange Tunisia Monitoring Group (IFEX-TMG). Seven other organisations participated in this mission:

1. ARTICLE 19
2. Index on Censorship
3. The International Federation of Journalists (IFJ)
4. The International Publishers Association (IPA)
5. Norwegian PEN
6. The World Association of Community Radio Broadcasters (AMARC)
7. The World Press Freedom Committee (WPFC)

The report issued by the IFEX-TMG in February 2005 contains an excellent overview of the political context and recent history of Tunisia in areas relating to human rights (1). It also contains detailed descriptions of the press code relating to publishing and the system of Internet blocking in the country. This report will not go over the same ground in detail - its purpose instead is to inform members of IFLA and the wider library and information community about the state of freedom of access to information and freedom of expression in Tunisia. This report is therefore structured as follows:

1. The State of Intellectual Freedom in General
2. Libraries and Freedom of Access to Information
3. Reported Incidents
4. Internet Censorship in Tunisia
5. Conclusion

The conclusion makes recommendations for IFLA in light of the rapidly approaching summit in Tunis, and two appendixes are included following this - one which explains the Tunisian Press Code and another which lists blocked Internet sites.

1. The State of Intellectual Freedom in General

The phrase "Tunisia is a country of law" was heard several times from government officials who assured us that the law in Tunisia is not engaged politically, only legally. Despite these assurances, the general state of intellectual freedom in Tunisia is undoubtedly being affected by the application of the law in the country. This is evidenced by the situation facing organisations who seek official recognition, or groups who try to start newspapers or radio stations. Many times representatives from these groups explained to us that even if they follow legal procedures, requests for official recognition of their activities are turned down.

The law is used to restrict the flow of information within the country, to the extent that a system of censorship could be said to exist. In the four areas of information dissemination that the IFEX-TMG mission focused on - books, newspapers/periodicals,

broadcasting, and the Internet - there exist legal restrictions that obstruct the flow of information and the spread of opinions different to the government's.

1a. Books

A large number of books on diverse subjects including human rights, democracy, and religion (especially Islam) are being censored as a result of the existing system of legal submission for Tunisian publishers. The Tunisian Press Code states that publishers must deposit copies of new books with the Ministry of Culture, the National Library, the Ministry of the Interior and the Public Prosecutor's Office. A receipt issued by the Ministry of the Interior then allows the distribution of the books within the country. In reality the receipts are often unforthcoming, leaving books to languish unpublished and restricting citizens' freedom of access to information. The system has been in place for at least ten years, leading to the censorship of books by notable advocates of intellectual freedom such as Mohamed Talbi and Moncef Marzouki. Other books are banned if they are suspected of being edited by centres or groups engaged in scientific research and human rights education, such as the Temimi Foundation, the Arab Institute for Human Rights (AIHR) and the Tunisian Association of Democratic Women (ATFD). The overall consequence of such a publishing system is an atmosphere of self-censorship - if books can only be distributed once they have been certified by the Ministry of the Interior then conceivably authors might think twice about writing something critical if it will never see the light of day (For an examination of the submission procedure and the Tunisian Press Code, see Appendix 1).

1b. Periodicals

Newspapers, magazines, and periodicals are equally restricted, despite recent moves by the government to improve the speed of issuing receipts. There is a lack of pluralism in the media, with most newspapers promoting the government line on politics and events in society. Opposition newspapers are not necessarily banned outright but they suffer from having to be authorized by the government before they can publish. Many people spoken to during the mission described how the legal procedures relating to newspaper authorisation are abused by the government to ensure that dissenting voices in the news market are not heard.

1c. Broadcasting

Likewise, the same can be said about the broadcasting industries. There are no private television broadcasters based in the country, and the state broadcaster sticks to the government line. Recently two new commercial radio stations have been launched but they do not carry news as such, only complete recordings of presidential announcements. While NGO representatives informed us that interested parties have applied to start radio stations, the Ministry of Communications has stated that no applications are in fact pending. As with newspapers, it would appear that the government chooses which applications to accept and which to ignore.

1d. The Internet

Access to information on the Internet is also restricted by the government, in that the websites of Tunisian political opponents inside and outside of the country are blocked. While there appears to be no special efforts made to restrict access to international websites (including those of big human rights organisations or news sites such as BBC or CNN), Tunisian websites that represent opinions different to the prevailing

government ideology are blocked. This certainly includes Tunisian human rights organisations. The government is keen to maintain control over the flow of information inside the country and one of its methods is the threat of imprisonment for those using the Internet for the dissemination of information considered "harmful".

In short, and as expected, while the Tunisian government states that intellectual freedom is alive and well inside the country, government opponents point to restrictions on freedom of association, freedom of expression and freedom of access to information that make it impossible to call Tunisia a democratic country in the truest sense of the expression. The overall state of intellectual freedom is extremely worrying.

2. Libraries and Freedom of Access to Information

Thanks to the help of the Goethe Institute in Tunis I was able to get a list of local libraries and arrange some meetings during the mission. During my visit I managed to speak to a reputable colleague in the library system, who asked not to be identified, and librarians at the Mediatheque Charles de Gaulle, part of the French Embassy's operation in Tunis. I also managed to get a tour of the new National Library Building currently under construction. Finally, I attempted to visit the central public library in Tunis, the Biliotheque Publique de Rue de Yougoslavie, but it was closed for refurbishment until October 1st 2005. I was warned that speaking of freedom of expression issues with staff at the remaining libraries on the Goethe's Institute's list would be unwise and likely met with silence.

The interviews I did manage to carry out led me to believe that Tunisian librarians operate in far from ideal conditions. Interviewees clearly acknowledged that freedom of expression in the country is almost non-existent, and that libraries are doing their best with poor facilities and low levels of support and funding.

2a. General State of Libraries

I was informed that the Tunisian library system is relatively well established in comparison to other Arab countries. Each of the country's 23 regions has a regional library and there are libraries for adults and young people in addition to this. Altogether there are 380 public libraries in Tunisia. The public libraries and the national library are under the administration of the Department of Culture but the large number of academic libraries in the country (unfortunately, interviewees could not give an exact figure) are under the administration of a department dealing with research. The National Archives and the National Centre of Documentation are administered by The Department of Culture.

The National Library is about to move to new premises. During my visit I was given a tour of the New National library in the centre of the government district. The building will be completed some time next year and its size and potential is most encouraging for the Tunisian library community. A full range of IT facilities will be available, along with three huge reading rooms, a full administration facility, café, large amounts of storage, and conference facilities. The move was supposed to happen before WSIS but now only the National Library's manuscript collection will be moved this year. I was made aware that this collection is an incredibly important part of Tunisia's culture - there are over 40,000 manuscripts in 23 languages dating back to the 16th century. Staff are currently working on a new electronic catalogue developed for the new library which will

encompass the manuscript collection.

The current National Library has approximately 250 staff, about 80-100 of whom are professional librarians (nb. The library once went around 20 years without professional staff). There are probably about 1500 professional staff altogether in the public libraries, the majority of whom will have been educated at the Institute for LIS Education. At this institute there are two sorts of diploma available - one for 2 years and another for 4 years. Apparently the standard of education is quite low so the library authorities advise an extra qualification, such as a diploma in another subject.

Tunisia does have a national library association, but it is not an IFLA member. The association suffers from its members being spread out all over the country - communication is an issue - and it is also considered to be less than dynamic in terms of its activities and influence.

2b. Libraries, Mediatheques and IT

A decision has been taken by the government to provide free Internet access in all libraries but staff are as yet untrained in its use - a major problem in the rollout of public Internet access. There are other problems too however, not least major connection problems and technical issues to overcome. Overall, I was informed that it is difficult to use the Internet as a professional tool due to the bureaucratic problems in making the authorities see the difficulties libraries face. There have been five years of problems, both in education and training in the use of the Internet, and also with the connection. No solutions have been forthcoming in recent years.

There are two mediatheques in Tunisia. Whereas libraries are traditional service providers, mediatheques provide more IT for users. Ten years ago a pilot mediatheque, the Mediatheque Ariana, was launched and it became very successful. The French embassy also has a mediatheque (Mediatheque Charles de Gaulle) connected to it which I visited during my trip. This mediatheque building is an old school, built with four sides and a courtyard in the middle. It has a general lending section, a children's library, a reference library, an administrative section and also a small auditorium for performances and meetings. The library lends books, CDs and DVDs. It has Internet facilities for its users, but does not allow email or chat to be used. The mediatheque has very recently upgraded to an ADSL connection, although I was informed the maximum speed of ADSL in Tunisia is 256K. Altogether there are 3600 active users, 7 professional librarians and 14 other library staff. As part of the French Embassy, the library is concerned with French literature and French culture, even if the amount of French publishing in Tunisia is very small. The amount of cultural activities provided by the Mediatheque was very impressive and supported by large amounts of well-produced promotional materials. I was told that in the near future the library will expand its facilities to include a café.

2c. Libraries and Censorship

The main issue to be explored with the interviewees was the impact of the Tunisian Press Code. To recap: new print titles - newspapers, magazines or books - must be vetted by the Ministry of the Interior before they can be distributed. If the publication is okayed for distribution then the Ministry will issue a receipt to the publisher and distribution can proceed. The IFEX-TMG report released in May detailed how there are many long delays in obtaining a receipt from the Ministry, and pointed out that

sometimes receipts never come at all (See Appendix 1). This situation was confirmed by many interviewees during the mission. It is unclear what criteria are being followed regarding what is suitable for publishing and what is not.

In all interviews I asked about the situation relating to books. I was informed that approximately 1400 new titles are published each year in Tunisia but this number conceals a large number of reprints and children's books. In fact, there are perhaps only 200-300 new titles for adults published each year. According to one source, there is a representative at the National Library who has contact with different ministers regarding the circulation of books so it would appear that the government has a degree of control over the books that Tunisia's libraries circulate. While the same source stated that the number of books directly stopped from circulation in libraries is actually quite low I believe that libraries may not experience the full extent of the censorship system as many books appear to be trapped at the Ministry of the Interior (see 3a below). Regardless of the final figures for censored books, both interviewees agreed that the system creates self-censorship that has subsequent effects on publishing levels.

The situation at the Mediatheque Charles de Gaulle is a little different due to the institution's connection to the French Embassy and its concentration on French culture. Nevertheless, librarians there informed me that the list of books the library buys has to be submitted to the Ministry of the Interior for approval. While they have had only 2 or 3 problems with rejected books in 14 years, they admitted that self-censorship was present in their selection decisions - they do not buy books by French Tunisian authors that mention Islam. The topic of Islam is extremely difficult to broach in Tunisia along with some other areas - I was told that people found it hard to speak their minds or publish anything critical of the government

Other interviewees also had some interesting things to say regarding periodicals. The editor of El Maoukif, an opposition newspaper with a circulation of 4000, said that no Tunisian libraries take the newspaper. He went on to say that library periodical subscriptions are decided centrally by the Director of Public Reading at the Ministry of Culture. Unfortunately I could not get this confirmed, but librarians at the Mediatheque Charles de Gaulle informed me that they occasionally had problems with their subscription to "Le Monde", as well as "Le Monde Diplomatique". I was told that if these papers carry a story critical of the Tunisian government then the copy will simply not be delivered to the library. It was made clear to me that someone in the government is charged with reading the paper and deciding if copies can be distributed within Tunisia.

The editor of El Maoukif also informed me that the French newspaper 'Liberation' is banned in Tunisia. However, the librarians at the Mediatheque Charles de Gaulle told me that 'Liberation' is carried in their library, as well as a satirical French newspaper, although both are not on display and must be asked for. Only those who know about it will therefore be able to access it. I cannot confirm it, but I suspect that the Mediatheque is only able to take 'Liberation' due to its close connection with the French Embassy.

Regarding Internet filtering, at the Mediatheque I was told that the websites of Le Monde and Liberation used to be blocked, but about a year ago this practice ceased. When I showed librarians there that the Amnesty and Human Rights Watch websites were also now available in the country they were surprised - they had not been available before. It would appear that Internet blocking is as prevalent in the libraries as

it is in the rest of the country (see 4a below) but the main IT problems libraries experience are poor quality equipment and terrible Internet connections. The key issue for libraries in Tunisia is undoubtedly the impact of the Press Code and the interference of the Ministry of the Interior.

2d. Libraries and the WSIS

It appears that the Tunisian library community has not been approached by the government to participate in any way in the second phase of WSIS. While disappointing, this was no surprise to the interviewees as apparently the authorities do not worry too much about libraries. I was also informed that IFLA has not been in contact with the national library about participation at the time of my visit. When mention of future IFLA involvement in the country was made, all interviewees were extremely keen to see this happen. I was told that the national library is in the process of joining IFLA so it is to be hoped that we will work together in Tunisia in the future.

3. Reported Incidents

The following incidents and situations were reported in various interviews during the visit and are supplemented with personal observations.

3a. Censorship and Restriction of Information Materials

It is difficult to state exactly how systematic and widespread government censorship of print materials is in Tunisia. This is because there was some difference between interviewees regarding the extent to which books are being banned. For example, a reputable library source told me that the number of books prevented from being circulated within the country is quite low, with a handful of problems over the past ten years. On the other hand, there were other interviewees, including a professor of history, a representative from the Tunisian Association of Democratic Women (ATFD) and a representative from the League of Free Writers who differed. The League of Free Writers claims that 40 books have been censored in the past ten years.

I am inclined to believe, because of the particular system of government approved distribution that exists, that the libraries may not see the thick end of the censorship system. As explained in the February 2005 report from IFEX-TMG (see Appendix 1), those wanting to distribute books within Tunisia need to get a receipt from the Ministry of the Interior. A book is supposed to be deposited with the Ministry and a receipt for its distribution issued. In practice, these receipts may never be forthcoming - which explains why the ATFD claim they have a book written in 1993 which is unable to be published. I believe I am correct in stating that libraries receive 'authorised' books as part of the national deposit system and their problems come when they are asked to remove books from circulation at a later date.

The problems experienced by the opposition newspaper El Maokuif explain the Ministry's vetting situation quite well. The editor explained to us that 'Depot Legal' system (which appears to be a term synonymous with the Press Code) was supposedly amended on July 25, 2005. In reality this means that instead of Ministry of the Interior censors having 72 hours to check publications and issue a receipt they now have to do it in 10-12 hours. Government officials are still taking a copy of his newspaper every week and vetting it before it is allowed to be circulated. The principle difference since the amendment is that instead of taking away a completed print to look at (as they did in

the past), they vet the first run copy. Every week the front page carries a banner saying 'This newspaper has undergone censorship'.

The government denies there are problems and insists that it is possible for anyone to start a newspaper in Tunisia. As a test of the government's assertion, three members of IFEX-TMG accompanied Ms. Sihem Ben Sedrine to deliver a letter requesting authorization of a newspaper to the Interior Ministry. Ms. Ben Sedrine is a journalist who works for an independent online newspaper, Kalima, whose website is blocked in Tunisia. She has recently been the target of slanderous attacks in the official Tunisian Press (2). Despite submitting a letter to the Interior Ministry in compliance with Tunisian law (which she has done four times since 1998) she was refused a receipt or letter-stamp from the department. Members of IFEX- TMG volunteered to return to Tunisia to testify should she decide to take the matter to an administrative court.

3b. Freedom of Association

Government recognition is necessary for NGOs that wish to operate inside Tunisia. In theory this recognition is simple to achieve - civil society organisations must register a form at the appropriate government office and they will automatically be issued with an official receipt. In reality the receipt is rarely forthcoming for groups distrusted by the government and it would appear that less than a dozen genuinely independent NGOs exist in the country (1). The remaining NGOs are classed by civil society organisations as 'CONGOs' - Co-Opted Non-Governmental Organisations - who have consistently tried to disrupt discussion of Tunisia's human rights record in the conferences that have formed part of the run up to the Tunis phases of the WSIS.

The problems caused by the interference of government connected civil society organisations were explained to us by members of the Ligue Tunisiene des Droits de l'Homme (the Tunisian League for Human Rights or LTDH). The 6th congress of the LTDH was prohibited from taking place during our visit due to legal proceedings brought by a number of individuals on the grounds that certain names were eliminated from a list of proposed board members. It is strongly felt that the people behind the legal action are connected to the government and that the justice system is being used to shut league activities down. Due to the court order the hotel where the congress was supposed to be held had declared that there were repairs that needed to take place and the venue was definitely unavailable - apparently this, along with being told a wedding has been scheduled, is a standard excuse given to independent groups who wish to hold meetings in hotels and other venues.

In addition to these bureaucratic methods of preventing meetings, we were also able to witness firsthand the degree of intimidation caused by the presence of uniformed and plain-clothes police at the LTDH meeting. As members of the TMG arrived at the meeting on Wednesday 7th September, we found large numbers of uniformed and non-uniformed policemen at the entrance to the road refusing to let our translator or Fatou Jagne (Article 19) enter. There were at least ten men preventing entrance in a decidedly non-cooperative manner. Shortly after our arrival and an intervention with the police we were allowed access to the League's headquarters.

This was not the only time during our visit that we witnessed police intervening to prevent a meeting. Just before the meeting with the Minister of Communications, members of the TMG tried to visit the lawyers of Mr. Lofti Hajji to discuss the situation relating to the Syndicate de Journalistes Tunisiene (Tunisian Journalists Association -

SJT). Mr. Hajji is the convenor of the SJT which has been prevented from holding its first assembly, scheduled for the 7th September, on the grounds of a wrongly filed application for official recognition. Mr. Hajji was also in attendance and was prevented from entering the offices of his lawyers. The IFEX-TMG members present refused to enter without Mr. Hajji.

In an interview, the British Ambassador tried to make it clear to us that the legal situations relating to these two organisations' meetings were sensitive and difficult to deal with. The British Embassy was therefore not sending an observer to the LTDH meeting. The German Embassy, on the other hand sent two representatives show solidarity with the League.

3c. Academic Freedom

Interviews with Tunisian professors revealed that the academic freedom situation in the universities is worrying. While a teacher is free to discuss all issues with his students what is actually taught is reported to the Ministry of Education. The Ministry will let the teachers know that they know what is going on. On top of this, books the authorities do not like are not published and the academic sector is therefore compromised. In general, there appears to be a very poor level of information distribution in the academic community.

In June 2005 the teachers went on strike because the Ministry had refused to acknowledge the Teachers' Board for the previous three years. This situation was unacceptable as there were a lot of issues that need to be discussed including academic freedom and the democratic running of the university. Despite it being within the teachers' rights to strike, the strike was oppressed by the authorities. One month's salary was withheld, but eventually the President intervened to restore the pay - as a professor explained, the President is law in Tunisia and this was done immediately.

3d. Political Prisoners

According to the Tunisian Organisation against Torture about 200 young people have been arrested since May, accused of terrorism offences. Some people have also been extradited from European countries (Turkey, Italy, Luxembourg) in the recent months although it is uncertain if people have been rendered to Tunisia for torture in the war on terror. The authorities claim that capital punishment no longer exists but there are allegedly 60 prisoners on death row who have no rights and are forced to exist in appalling conditions.

The highest profile case in the country the moment is that of Mohamad Abbou, imprisoned for three and a half years in March for writing a piece comparing conditions in Tunisia's prisons with that of Abu Ghraib. The piece was hosted on a banned website (www.tunisnews.com) which provides about 100,000 Tunisians with news, mostly supplied through friends in France. Abbou was snatched from his family home late at night and imprisoned far away from his wife and children. His case, which is made more complicated by dubious accusations of assault against a female colleague, is attracting a lot of international attention in the run up to PrepCom 3, with 21st September being referred to as Abbou Day in Geneva. Abbou's case reminds us of a lot of problems in Tunisia at present in one fell swoop: a lack of freedom of expression, direct blocks on freedom of access to information through Internet blocking, a judiciary acting questionably and terrible conditions for prisoners. The meeting with his wife and lawyer

was a sobering experience.

4. Internet censorship in Tunisia

One of the highest profile complaints levelled against the Tunisian government is that it censors Internet access and monitors email communications and Internet use. During the visit I was able to speak to human rights activists, librarians, journalists and academics about Internet use, but also to government representatives who were concerned specifically with IT use in the country.

4a. Internet Filtering and Surveillance

According to the Minister of Communications, Tunisia has 5 private ISPs and 2 state ISPS. He also stated that government departments have their own ISPs. There are 310 cyberspaces ('Publinets') in the country, and altogether Tunisia (population c. 10,000,000) has approximately 1 million Internet users.

The official government line regarding Internet filtering is that websites spreading hatred will be blocked - the Minister of Communications stated that morally wrong resources are not needed in Tunisia and that other countries in the Mediterranean were coming around the Tunisian viewpoint. The authorities say there less than 100 websites blocked in Tunisia, and that filtering is carried out with a blacklist approach i.e. any website on a list of banned sites will not be allowed to be accessed. It was difficult to find out exactly what methods were being used (if a blacklist method was being used it would likely block over 100 sites due to the large numbers of pornographic sites that would be covered) but the British Ambassador did mention that US technology is being used in the filtering system.

Based on testing carried out while we were in the country this statement would appear to have some weight, but the Minister's statements obscure the real truth of the situation. The British Embassy believed there to be over 100 blocked websites although in some ways the number is of little consequence. The lack of transparency or criteria for the blocking of websites is the main problem, and 'websites spreading hatred' is a vague term indeed. Blocking appears to be carried out on a wider basis than this, and it appears to focus mostly on the websites of political opponents of the Tunisian regime - whether they are based inside or outside of Tunisia.

These opponents may be in the form of news websites or Tunisian civil society websites, but they also extend to the international human rights organisation Reporters Sans Frontiers (RSF). RSF has greatly offended the government with its highlighting of human rights abuses in Tunisia, and it would appear that lawsuits are pending regarding some of their activities - this is apparently the reason behind the blocking of their website. To focus on RSF is to miss the point however. The blocking of alternative news outlets leaves ordinary Tunisians without a variety of sources of information and over-reliant on government channels. The real problem for Tunisian Internet users is the degree of effort the government is putting into preventing access to websites that present a different view of how the Tunisian authorities govern the country.

It is not just access to information via websites that is restricted in Tunisia however - many people we spoke to during the visit mentioned that their email correspondence is monitored, especially the email of those involved with groups the Tunisian government is opposed to. One anecdote we heard concerned how Spanish emails take longer to get

out of the country than emails in any other language due to a lack of Spanish speaking censors.

4b. Empirical Tests

Three tests were carried out during the mission: first all of the sites listed as blocked in the IFEX February 2005 report were rechecked using wi-fi Internet facilities in the mission hotel to see if the list was still valid. Secondly, direct testing of the Global Net Internet service provider was carried out using software provided by the Open Net Initiative. Finally, selected entries from Open Net's 'Global List' - an extensive list of potentially controversial websites in categories including human rights, encryption, news, gambling, religion, pornography, email and humour - were tested from the hotel (3).

Little has changed since January 2005. All of the sites blocked at the time of the last mission were still unavailable. These websites were mostly providers of news and independent opinion that take issue with the policies and point of view of the Tunisian government. The websites of large human rights organisations such as Amnesty International and Human Rights Watch are now unblocked (including their pages on Tunisia), although the website of Reporters Sans Frontiers is unavailable (see 4a. above).

Additional testing with the Open Net software revealed that more sites are blocked than just Tunisian news and opposition websites. Websites that enable anonymous surfing and the use of proxy servers are also unavailable, and the BabelFish translation service cannot be accessed. Google and Yahoo searches for the Tunisian oppositional news and politics website Tunis News were also blocked.

In general however, government blocking is targeted directly at the websites of those Tunisians, in and out of the country, who are providing news and opinion that goes against the government line - whose webmasters and readers are likely to be political opponents of the current government. Checking of selected entries on the Open Net Global List revealed that hardly any websites were blocked in categories such as human rights, religion, encryption, sex education or drugs (although it must be mentioned that the Global List comprised of English language websites). Access to all pornographic websites, however, was blocked. A list of blocked websites is provided in Appendix 3.

5. Conclusion

As far as libraries are concerned, the overall environment that is created by the situation in Tunisia is one where information flows are impeded and, ultimately, library users suffer. During my interviews with colleagues we talked quite frankly about the limits imposed on their activities by the situation in the country. At a basic level, it is clear that librarians in Tunisia are doing their very best with limited funds and an aging infrastructure. The national library association is in decline and communication between librarians in different parts of the country is impaired by a lack of resources. IT facilities are slowly beginning to be rolled out and there is a new National Library soon to be completed, but old library buildings unsuitable for modern network technologies are still the norm. Libraries are currently equipped with poor quality equipment and terrible Internet connections. Staff training is also a huge issue, and before any advances can be made in library Internet provision it is clear that library staff have to be trained to

use it.

The sad truth is that even if these structural and resource problems were solved, the libraries in Tunisia would still be operating in a system that is not in favour of freedom of access to information. Responsibility for this situation lies with the Tunisian Press Code and the Ministry of the Interior, two arms of the government that conspire to manage the flow of information into the public domain through a system that can only be described as censorship. The prior vetting of information materials, be they books, magazines or newspapers, goes against the tenets of Article 19 of the Universal Declaration of Human Rights and IFLA's commitment to freedom of access to information. While the government profits from its control of the informational agenda in the country, ordinary Tunisians are suffering from a lack of information - in print or online, on the airwaves or in the libraries.

Unfortunately, the list of problems in Tunisia goes further than simple access to information. Freedom of association is under threat, political opponents of the government are monitored, followed, slandered and sometimes even jailed in appalling conditions for daring to stand up to the authorities. The members of the IFEX-TMG interviewed many human rights activists, academics and journalists who have experienced such situations, and their testimony has informed this report. While this report is intended to be of use to IFLA representatives attending PrepCom 3 in Geneva in late September and the summit in Tunis in November, it is extremely important to consider what happens to Tunisia's activists and information workers, including librarians, after the WSIS in November, and what IFLA can do to support our colleagues in the future.

Recommendations

In light of the worrying approach of the Tunisian government towards freedom of access to information and freedom of expression, and in recognition of the work that Tunisian librarians are doing in extremely difficult circumstances, IFLA/FAIFE recommends the following:

- 1.** IFLA should call on the Tunisian government to amend the country's press code to ensure that the system of receipts is no longer used to restrict the circulation of information materials within the country.
 - IFLA should not talk about 'improvements' in the Press Code (or 'Depot Legal') system. This is in reference to the fact that receipts are now being issued much faster for periodicals and newspapers. This should not be seen as an improvement because of the fact that publications are being vetted in this way in the first place is unacceptable. All the 'improvements' have done is to make the government censors work faster - and it must be remembered that these 'improvements' do not yet extend to books
 - IFLA should consult with French library and legal experts because according to Tunisian government representatives the written law is based on the Depot Legal system used in France. It would appear that the basic law is being supplemented by the Press Code to create the environment of censorship and French colleagues may be able to shed some light on the situation
- 2.** IFLA should call on the Tunisian government to make transparent the process behind the blocking of Internet websites, and to provide some form of legal recourse for those who believe their websites have been blocked.

- IFLA members must be aware that the blocking of websites in Tunisia is being carried out arbitrarily through the use of vague terms such as 'spreading hatred' and by exploiting the current global terrorism situation
- IFLA should publicise the IFLA Internet Manifesto in Tunisia as a best practice document to raise awareness of access to information on the Internet amongst Tunisian librarians
- IFLA may be able to work with another international NGO such as Index on Censorship regarding best practice guidelines for the Tunisian government regarding transparency in blocking decisions

3. IFLA should support the librarians in Tunisia as much as possible during WSIS. The National Library and the Mediatheque Charles de Gaulle, connected to the French Embassy, are keen to organise some sort of event during the summit and IFLA should support any activities.

- The librarians at the Mediatheque Charles de Gaulle believed it might be possible to stage some sort of event connected to freedom of expression at the Mediatheque during WSIS and were happy to provide support

4. IFLA should be involved in the concrete actions planned by the TMG during WSIS. Such actions include exhibitions on censorship, and a four hour programme on freedom of expression in the information society.

- IFLA should consult with Steve Buckley (Chair of IFEX-TMG and representing The World Association of Community Radio Broadcasters (AMARC)) and Rohan Jayasekara (Index on Censorship) in order to be involved with these events

5. Pressure should be kept on the Tunisian government to respect human rights at all levels. This may be done through IFLA/FAIFE, IFLA advocacy at PrepCom 3 or the WSIS summit in Tunis and beyond, national library associations lobbying of national WSIS delegations and representations to the Government of Tunisia.

6. The National Library is in the process of applying to be an IFLA member and IFLA should provide the appropriate help and support both now and at the time of the new library's official opening in 2006.

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Appendix

Appendix 1 - On the Tunisian Press Code

Taken from the IFEX-TMG February 2005 Report, p. 14-16.

Since its amendment in 1993, Article 1 of the Press Code of 28 April 1975 guarantees, "the freedom of the press, publishing, printing, distributing and sale of books and publications." The broad provisions of this piece of legislation prohibiting "subversion" and "defamation" have often been used to prosecute critics of the government and the head of state and has led to the spread of self-censorship among Tunisians.

Article 8 provides for the legal deposit of "all pieces produced or reproduced in Tunisia". As soon as the production or the printing is over, it is the producer's or printer's duty to proceed with the legal deposit. As far as books or "non-periodical printed pieces" are concerned, the printer proceeds with the legal deposit of one copy with the territorially relevant Public Prosecutor's Office, and seven copies with the Ministry of Culture. Of the seven copies, one is for the Chamber of Deputies, one for the Ministry of the Interior and four for the National Library.

Article 12 indicates that fines ranging from 200 to 800 Tunisian Dinars (\$1 U.S. equals nearly 1.2 Tunisian Dinars) will punish those who would do not abide by these rules. Furthermore, "anything that is published or imported to Tunisia in breach of the preceding provisions may be seized by order of the Ministry of the Interior".

A 1977 decree lays down the general conditions implementing the 1975 Press Code. As far as the legal deposit is concerned, the decree stipulates that the applicant (the printer, the publisher, the distributor or the producer) sends three copies of a stamped and signed deposit form to the legal deposit office. It further provides that the administration returns to the demanding party ("déposant") one of the three copies of the deposit form, which had accompanied the deposit itself. This copy acknowledges receipt of the deposit.

In violation of this legal framework, the authorities require printing houses to await approval by the Ministry of the Interior before proceeding with the distribution of the book (or newspaper) concerned. This approval takes the form of a receipt ("récépissé"), which the authorities sometimes never send or take their time in sending.

According to Article 13, a declaration must be lodged with the Ministry of the Interior before the publication of any periodical. In exchange, the Ministry of the Interior must hand out a "récépissé" (receipt). The declaration must include: The title of the periodical, the details of the publisher, the details of the printer, the language(s) in which it is drafted. By virtue of Article 14, before the printing of any periodical, the printer requires the receipt delivered by the Ministry of the Interior. In practice the receipt is almost never issued, thus preventing the creation of a certain number of periodicals in Tunisia.

The status of the foreign press is also regulated by the Press Code, in articles 24 and

25. Thus, "the publication, introduction and circulation in Tunisia of foreign works, whether or not they are periodicals, may be prohibited by decision of the Ministry of the Interior, on advice of the Secretary of State for Information who is responsible to the Prime Minister."

In its 2003 Report entitled "Press in Distress" the Tunisian Human Right League explained how the Press Code "has preserved its overriding repressive character" even after the transfer of some of its articles to the Penal Code. Such transfer was aimed at creating the illusion of "liberalizing the situation of the press," said the LTDH. Its 2004 report "Media under Watch" sheds light on the section added to the Press Code in 2001 providing for greater penalties for offences relating to inciting murder and looting, "even in the absence of concrete acts following such incitement."

The Press Code has been amended on three occasions since 1988. These amendments mainly concerned the provisions on registration of copyright.

Prominent Tunisian jurists maintain that the current media legislation stifles freedom of expression more than legislation passed in 1936 under the French Protectorate and upon the independence of the country in 1956.

Appendix 2 - Blocked Websites

a. The IFEX-TMG List

The following list of websites was provided in the IFEX-TMG February 2005 report. During checking carried out in September it was discovered that all sites were still blocked.

- www.rezoweb.com/forum/politique/nokta.shtml
Tunisia alternative political discussion board
- www.rsf.fr
Website of international press freedom defenders, Reporters Sans Frontieres
- www.tunezine.com
Tunisian news and comment, editor was imprisoned
- www.nahdha.net
Website of banned Tunisian Islamist An-Nahdha movement
- www.tunisnews.net
Tunisian oppositional news and politics
- www.maghreb-ddh.org
Tunisian oppositional news and politics
- www.albadil.org
Online newspaper of the banned Tunisian Communist Workers Party
- www.alternatives-citoyennes.sgdg.org
Tunisian independent/alternative news and information
- www.tunisie2004.net
Tunisian oppositional politics, news, linked to the CPR (unrecognized political party)
- www.cprtunisie.com
"Official" website of the Tunisian CPR (Congress for the Republic, unrecognized)
- <http://tounes.naros.info>

Tunisian oppositional politics, linked to the independent Democratic Initiative

- www.globalprevention.com/marzouki.htm
Website of exiled Tunisian human rights defender, Moncef Marzouki
- www.nawaat.org
Tunisian oppositional news and politics
- www.perspectivestunisiennes.net
Tunisian oppositional news and politics
- www.verite-action.org
Website of Swiss NGO campaigning for human rights in Tunisia
- www.maghreb-ddh.sgdg.org
Tunisian oppositional news and politics
- www.multimania.com/solidarite26
Solidarity with Tunisian political prisoners
- www.reveiltunisien.org
Tunisian oppositional politics, news, satire
- www.kalimatunisie.com
"The Word", independent Tunisian news and politics

b. Other blocked sites discovered during test conducted on Global Net ISP, Tunisia, using Open Net Initiative software

Anonymous surfing services:

- <http://tor.eff.org>
- <http://anonymizer.com>
- www.publicproxyservers.com
- www.megaproxy.com

c. Other blocked sites discovered during test of selected entries on the Open Net Initiative's 'Global List'

- www.crazyshit.com
Scatalogical Humour site
- www.islamonline.com
Islamic news source owned by Aljazeera
- <http://babelfish.altavista.com>
Online translation service

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