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PRESS RELEASE

**Tunisia: Draft Election Decree Must
Protect Freedom of Expression**

London 17.05.11: Today marks the launch of ARTICLE 19’s legal analysis of the Draft Decree pertaining to the election of the National Constituent Assembly. The Draft Decree is an essential step in preparation of the Tunisian elections for the Constituent Assembly, set for 24 July 2011, which will in turn be responsible for drafting the new Constitution. ARTICLE 19 recognises the historical importance of the upcoming election for building a free and democratic society in Tunisia and is ready to assist the Tunisian Government and other stakeholders in finalising the text of the Draft Decree and other freedom of expression related regulations.

Although ARTICLE 19 welcomes the timely introduction of the Draft Decree, the organisation also notes that the speed of the reform cannot overtake the key human rights principles that should guide free and fair elections. ARTICLE 19’s analysis of the Draft Decree calls for an improved framework that would fully incorporate relevant international standards on freedom of expression, right to political participation and to guarantee the respect for freedom of expression and media freedom during the election process.

“ARTICLE 19 welcomes the efforts of the Tunisian Interim Government to pass a new regulation on elections as an important step in preparing credible and peaceful nationwide elections in 2011. After decades of repression, Tunisians will finally be able to influence decisions that affect their lives,” said Dr Agnes Callamard, ARTICLE 19 Executive Director.

“However, we are concerned that the current draft does not sufficiently address the role of the media in the electoral process and that it does not provide adequate protection for freedom of expression in an election period. Freedom of the media is particularly important ahead of an election period. In addition, voters, parties and candidates should not be prevented from imparting, seeking and receiving information and ideas relevant to their participation in elections,” continued Dr Callamard.

In this context, ARTICLE 19 makes a number of recommendations on how the text of the Draft Decree could be brought in line with international freedom of expression standards. In particular, ARTICLE 19 recommends the Draft Decree explicitly recognises the protection of the right to freedom of expression and information, as well as the right to participate in election campaigning as basic principles in both election information provision and election campaigning.

The Draft Decree should also improve the framework for election campaigning and for the protection of media independence during the election process. In addition, it should ensure that the media can carry out its work without harassment and prosecution.

Special measures should be undertaken to ensure impartiality of public/state broadcasters and in absence of self-regulatory mechanisms, it should impose a duty on the state/public media and private broadcasters to provide fair, balanced and impartial information in their reporting of news and current affairs during election campaigning.

The Draft Decree should also expand the mandate of an independent Electoral Commission to carry out voter education programmes and provide for transparency of its operations.

ARTICLE 19 believes these recommendations are particularly important in the light of ongoing reform of other media-related laws. ARTICLE 19 fully supports this reform as well as the initiative undertaken by journalists, media, broadcasters and experts to introduce a comprehensive system of media self-regulation.

-ENDS -

NOTES TO EDITORS:

- For more information please contact: Mona Samari, Senior Press Officer at ARTICLE 19 on +44 (0)7515 828 939 or mona@article19.org
- The text of the analysis can be found at the following link: <http://www.article19.org/pdfs/analysis/comment-on-the-draft-decree-on-election-of-national-constituent-assembly-of-.pdf>
- The summary of the analysis can be found at <http://www.article19.org/pdfs/analysis/tunisia-elections-arabic.pdf> (in Arabic) and <http://www.article19.org/pdfs/analysis/summary-comment-on-the-draft-decree-on-election-of-national-constituent-asse.pdf> (in English).
- For ARTICLE 19's Guidelines for Election Broadcasting in Transitional Democracies, see <http://www.article19.org/pdfs/tools/electionbroadcastingtrans.pdf>.
- For ARTICLE 19's *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation*, a set of guidelines developed based on international standards, comparative constitutional law and best practice in countries around the world, see <http://www.article19.org/pdfs/standards/accessairwaves.pdf>
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.