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# Freedom of expression and the downfall of a regime:

The Tunisian revolution and the transition to democracy

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# Abstract

Ben Ali's authoritarian rule over Tunisia was caused by corruption, nepotism, and unemployment. I aim to show that the downfall of the regime was enhanced by the repression of freedom of expression. Limiting access to information creates struggle for people in their daily lives; they become more dissatisfied and the will to create change becomes stronger. Repressing freedom of expression to hide the corruption of a regime does not create a stable state, but this combination of factors creates a state that is aimed for instability and chaos.

Ben Ali suppressed any opposition through limiting freedoms of expression and the circulation of information in order to keep his power. Negative comments about his rule were banned; journalists, activists or opposition parties who disobeyed this faced harsh consequences. Ben Ali sustained his regime for 23 years. After the downfall of the regime, there is an effort in the Tunisian state to transition to democracy. With the theories I apply I will show that it is important to establish an open forum for debate if a democracy is to be sustained.

Key words: Tunisia, revolution, Ben Ali, democracy, freedom of expression, Ennahda, political oppression

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# 1 Abbreviations

RCD	Constitutional Democratic Rally (Rassemblement Constitutionnel Démocratique)
UGTT	Tunisian General Labour Union
CPR	Congress for the Republic
LTDH	Tunisian League of Human Rights (Ligue Tunisienne des Droits de l'Homme)

## 2 Introduction

Article 19 of the International Covenant of Civil and Political Rights guarantees the “right to hold opinions without interference” and “the right to freedom of expression” including “freedom to seek, receive and impart information of all kinds, regardless of frontiers, either orally in writing or in print, in the form of art or through any other media of his choice”.<sup>1</sup> Although this is guaranteed as a human right, it is never absolute because like all rights it carries duties and responsibilities, but the right to free expression is considered to have limitations in certain circumstances. These circumstances regard infringement upon the human rights of others, as well as national security and public health.<sup>2</sup>

Dictators typically claim that the limiting of this right is justified due to the fact that they aim to enhance the safety and security of the state, which they control with a tight grip, but this often goes beyond to human rights violation. We see that their prime reason for limiting the freedom of expression to such an extent is to stop the flow of information. The authoritarian rule depends on repression of information to sustain power, however its long-term usefulness is debatable.

### 2.1 Questions

The focus question will be how much of an impact limiting freedom of expression, in particular press freedom and Internet freedoms, can have on an authoritarian country that faces a revolution, with focus on the Tunisian situation. Were there other factors that were the main factors and did repression of freedom of expression under Ben Ali serve to enhance the will of the people to try to change the problems caused by these factors? This leads me to the question: what roles will freedom of expression play in Tunisia’s recovering after the revolution? And finally: can the Tunisian state successfully transition to democracy, and what role do freedoms of expression have to play in this transition?

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<sup>1</sup> International Covenant of Civil and Political Rights, (ICCPR), 1966, article 19(1) and (2).

<sup>2</sup> ICCPR, art. 19(1) and (2).

## 2.2 Limitations

In this examination of the Tunisian revolution, it is important to keep in mind that a time frame is being set. Without a doubt, there are factors that stem much further back in time that have impacted the way the state has developed. Long lasting effects from colonialism is one such, but I will not focus on its impact. Instead, my focus is on freedom of expression during Ben Ali's rule, and more specifically, how this has affected the start of the revolution in Tunisia. The significance of this after the revolution is important and my time frame lies mostly in the year 2011 here, as much is still very speculative.

There are many factors that impacted the start of the revolution, both long term and short term, but I will not develop these as much. Unemployment, the economic situation, social issues, such as growing marginalisation between upper and lower classes, and nepotism were all issues that impacted the situation in Tunisia. I will touch on these only as necessary for discussing and examining the relevance of freedom of expression. More closely related issues, such as other human rights violations, including torture, arbitrary disappearance and imprisonment, will also only be discussed in relation to freedom of expression and not as a separate category. Regarding the future of the Tunisian state and its ability to transition to democracy, I will not try to predict what will happen, but I will try to apply the theory, regarding the necessity of a multiparty state and opposition party politics. I will limit myself to looking at the relevant theory mainly here, as in this case it is still very early to make a sustainable prediction.

## 2.3 Theory

In answering my question I will use theories from democracy study. The relationship between freedom of speech and a stable democratic state is important here.<sup>3</sup> This is the main theory I will be applying, while looking at the facts of the Tunisian events, I will use theories about the effect of lack of freedom of expression and its relationship to democracy, as well as the relationship to government condition. By looking at this theory we will see the relationship between repression of freedom of expression and the authoritarian state, and how this affects the regime's ability to be stable and long lasting. The effect that lack of freedom of expression has on peoples' wills to change is important.

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<sup>3</sup> Emerson, Thomas I., *The system of freedom of expression.*, Random House, New York, 1970, p. 6-9.

Democracy theory is important when looking at the events after the revolution, in regard to what is happening in reality and what in theory is needed for a successful state. Using the theory regarding the link between freedom of expression and stability versus revolution, I will be able to see what sort of an impact this violation had on the Tunisian revolution and to what extent.

Habib Ayeb, claims that lack of freedom of expression can be a catalyst of a revolution or the need for change. Ayeb's theory in one paper *Social and political geography of the Tunisian revolution: the alfa grass revolution* includes that in countries where restrictions are imposed on freedoms of expression and there is no forum where people can debate issues that are relevant, and where citizens cannot have any input in politics, can indeed increase people's desire to resist an oppressive ruler. This shows us that while the lack of freedoms may not be the primary cause, they definitely enhance the will of the people to protest for change.<sup>4</sup>

In looking at the relationship between freedom of expression and democracy, Philippe Schmitter and Terry Karl's theory on democracy becomes relevant. They have taken Ronald Dahls criterion for democracy and expanded them to what they believe makes a successful democracy. This includes that democracy should be a system of governance that represents the citizens of the country: without free speech and the ability for citizens to give political input a country is not a true democracy. The criteria necessary for a democracy include freedom of expression and freedom to seek information as well as freedom to form organizations, including independent political organizations. It is also argued that without political opposition and input from the citizens of a country the state cannot be stable and successful in the future.<sup>5</sup> Therefore a true democracy cannot be stable and maintained where freedoms of expression are suppressed.

In Schmitter and Karl's paper, they list nine characteristics as the minimum precursors of a successful democracy. These include, but are not limited to: the right to freedom of expression, the right to seek out information without being harassed, and the right to form organizations, independent political parties included.<sup>6</sup> These are only three of the nine characteristics that Schmitter and Karl discuss, but they are most relevant here.

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<sup>4</sup> Ayeb, H, "Social and Political geography of the Tunisian revolution: the alfa grass revolution", *Review of African Political Economy*, vol. 38, no. 129, September 2011, pp. 467-479.

<sup>5</sup> Schmitter, Philippe C and Karl, Terry Lynn, "What Democracy is...And is not", *Journal of Democracy*, vol. 2, no. 3, summer 1991, p. 81.

<sup>6</sup> Schmitter and Karl, p. 80-2.

Thomas Irwin Emerson's theory on the system of freedom of expression is relevant to understanding the relationship between freedom of expression and democracy. The book on this subject is *The System of Freedom of Expression*. Although it was originally published in 1970, the theory is still relevant today. He argues that there is an important link between freedom of expression and the stability of a state. His theory is that in countries where it is possible that people would otherwise consider a revolution, freedom of speech gives the people an outlet to discuss current issues and dissatisfactions, making them less dissatisfied with the problems a state may have. Also, he argues that open discussion increases stability in a state and balances the relationship between opposition and consensus. Emerson believes that opposition is necessary for the stability and functioning of a state's government. Emerson explains his theory using four premises:

First, freedom of expression is necessary for individual self-fulfilment. For each person to achieve self-realization they need to be able to share decisions and opinions, and be able to seek the truth. According to Emerson, "to cut off his search for the truth, or his expression of it, is to elevate society and the state to a despotic command over him and to place him under the arbitrary control of others".<sup>7</sup> This implies that preventing people from speaking their minds and seeking information will result in an authoritarian control, where people cannot realise their potential.

Emerson secondly points out that "freedom of expression is an essential process for advancing knowledge and discovering truth".<sup>8</sup> In finding the truth on a certain topic discussion is necessary so one can judge which side is most plausible. Therefore open discussion is necessary for people to be able to make rational judgements. When a certain opinion is blocked or censored, whether true or false, without being confirmed, the true opinion may be prevented from being known and may be falsely accepted as wrong. Conversely, false opinions may be accepted as the truth. Therefore, according to Emerson open discussion is vital in any society for intelligent individual judgement and rational social judgement.<sup>9</sup> Indeed, according to Eric Barendt, "everyone is entitled to participate in public discourse and debate".<sup>10</sup> While open discussion is vital to Emerson for a democratic society to function, it is even a right according to Barendt.

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<sup>7</sup> Emerson, p. 6.

<sup>8</sup> Emerson, p. 6.

<sup>9</sup> Emerson, p. 7.

<sup>10</sup> Barendt, p. 19.



Emerson's third premise is that individuals in a society must have freedom of expression to be able to participate in decision-making. He believes that while this is especially important in the political realm, such as allowing anyone to voice opinions on the current ruling party, it should also include areas such as religion, literature, art and others.<sup>11</sup> This is important for political decisions to be made in a way that represents the population, so that democracy can function.

Emerson's last point on the theory regarding the system of freedom of expression in a democratic society is that freedom of expression is important for maintaining the balance between change and consensus. Without open channels for debate, the necessary consensus of the current system cannot exist and the possibility of change for something positive is suppressed. Rather, Emerson argues that the balance between consensus and change is fragile and without free expression the state will destabilize and this will lead to chaos, not stability.<sup>12</sup>

## 2.4 Method and materials

The method I used is to find a relationship between the theory regarding democracy and freedom of speech and what has happened in reality in the Tunisian situation. I looked at the theories that are most relevant, and applied them regarding the authoritarian regime and how restricting freedoms of expression played a part in its collapse. Looking at democracy theory, I have been able to see what the necessary factors are for a democracy to succeed, and have been able to apply this to the post-revolution period, when reforms are taking place. I have also looked at the laws both before and after the revolution, comparing them with the actual *de facto* amount of freedom of expression.

The sources I use include *The System of Freedom of Expression* by Thomas Irwin Emerson and *What Democracy is...And is not* by Schmitter and Karl. I have also used a book by Stephen J. King, *The New Authoritarianism in the Middle East and North Africa*, which explains the issues that effected Tunisia and how it developed as a state. I have used various peer-reviewed journals, one very important is by Habib Ayeb, *Social and Political geography of the Tunisian revolution: the Alfa grass revolution*. I have used some reports by NGOs, such as Human Rights Watch and the International Press Institute. I have also

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<sup>11</sup> Emerson, p. 7.

<sup>12</sup> Emerson, p. 7-12, 44-53.

used statistics that Reporters Without Borders have generated: the yearly press freedom index. I have referred to some news articles but I have tried to be critical and only use these for facts. I have specifically used one website, Tunisia Live, which is run from within Tunisia and aims to depict a realistic view of the country. It started after the revolution and the goal is to accurately report on issues that affect the country. Using both news articles from inside and outside Tunisia gives a more accurate depiction because I can compare what the Tunisian people experience and how the international world views the events.

### 3 The right to freedom of expression

People's rights are suppressed when their freedom of expression is limited, and this can have many different effects. Although it has been shown that in countries where religious expression is kept to a minimum and other freedoms of expression are severely repressed that this is an effective way to control terrorism,<sup>13</sup> recent events show that this is correlated with an unstable regime. According to Richard Posner, people are distraught when they are challenged in their daily lives, but this feeling of dissatisfaction can be the first important step in the process of change.<sup>14</sup> Philip Henscher argues that freedom of expression should include the freedom to criticize the government of one's state in newspaper articles and to freely discuss other issues, without having to fear threats.<sup>15</sup> Every country needs an open forum for discussion and critique of the government policy, not only compliance and acceptance. Being able to voice opinions and issues makes the state more stable and less likely to turn chaotic.

However, the question is how far is this freedom supposed to go? Of course freedom of expression can never be an absolute right because there are definitely some limitations, and some grounds that have to be included. We have seen situations where boundaries and limitations on the freedom of expression have been defined less well. However, the right to freedom of expression must include citizens' capability to openly discuss pertinent issues relevant to the politics of the state. But where is the boundary? John Stuart Mill's view on this was that the only legitimate reason to limit someone's freedom is if that person is at risk of harming someone else. This is commonly known as the harm principle. This implies that someone has expressed a threat or will to harm another.<sup>16</sup> This requires weighing out the consequences of the action of the freedom and the consequences of limiting the freedom. Mill's view is a very broad definition of freedom of expression and many would support a more limited right.

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<sup>13</sup> Brown, Nathan J. & Shahin, Emad Eldin (red.), *The struggle over democracy in the Middle East: regional politics and external policies*, Routledge, London, 2010, s. 32-33.

<sup>14</sup> Warburton, Nigel, *Kort om yttrandefrihet*, Fri tanke, Lidingö, 2011, p. 67.

<sup>15</sup> Warburton, p. 66

<sup>16</sup> Warburton, p. 35.

How much can a state limit citizens' freedom to express opinions on current issues or opinions that may be negative towards the regime? Emerson has pointed out that opposition and freedom of expression are vital for democracy and stability of the state. What seems consistent is that the ability to freely express is something that can directly affect the stability of a state. However, this does not necessarily mean that there are not other underlying problems, but the level of freedom of expression seems to determine how willing people are to change the regime. Put differently, a high level of freedom of expression means that citizens of the country have an outlet to discuss and ventilate their dissatisfactions.

A few things can be factors in the limiting of freedom of expression and censoring of information. Lack of respect can be a factor, meaning that people's own choices or views are not as important as those that protect the stability of the regime. Directly preventing people from making their own life decisions and having their own views, developing a sense of autonomy. This has often been the case in countries with authoritarian regimes, where the ruling party has its own extreme ideology it would like to impose, or if the manner in which the country is run is extremely corrupt but non the less beneficial to those in power, meaning any people with opposing views, especially activists could be a threat to the ability of the regime in maintaining its power. We see that in the Tunisian case, any human rights advocates and activists who opposed the regime, as well as any sign of political Islam was banned. This is an extreme case of not allowing autonomy and people to decide over their own lives.

But what is also important in regimes trying to maintain stability is that the inherent reason for restricting freedoms of expression and censoring information is to prevent the spread of truth.<sup>17</sup> When a regime is built on such a precarious corrupt ground the spread of information enlightening the citizens could be something to cause its downturn.

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<sup>17</sup> Warburton, p. 51.

## 4 Background

### 4.1 Ben Ali's Tunisia

Ben Ali is not the first to hold authoritarian control over Tunisia. In fact Habib Bourguiba, the first president after national independence in 1956 ruled as a single party dictator,<sup>18</sup> and before that the country was colonised by France and previously ruled under the Ottoman Empire.<sup>19</sup> This country has struggled for independence and since gaining its status as a republic; the nation has only seen two presidents prior to the revolution, both of whom have repressed the population to their own benefit.

General Zine El Abidine Ben Ali took control of Tunisia through a bloodless coup in 1987.<sup>20</sup> At first he promoted democracy in the country and to significantly decrease the length of presidency, as well as national reconciliation.<sup>21</sup> These claims were ironic because there had been no democratic factor to the way in which he gained power. Ben Ali managed to use the apparent mental insanity of Bourguiba to take control of the country.<sup>22</sup> The neo-destour party from Bourguiba's presidency was not abolished, but rather Ben Ali took over the party and changed its name to the "Rassemblement Constitutionnel Démocratique", translated as Constitutional Democratic Rally (RCD).<sup>23</sup>

During the first year of Ben Ali's rule, there was improvement and the people saw a change in the way the country was run. For example, during the first year, books were no longer banned. Ben Ali also introduced presidential elections, and allowed multiparty politics. It soon became apparent that this was a façade, opposition parties were banned, and over time freedoms became more limited, and state corruption grew. The use of the police to control the civilian population, including opposition parties, journalists and activists became a popular tactic for Ben Ali.<sup>24</sup>

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<sup>18</sup> King, s. 73.

<sup>19</sup> King, s. 73, 46.

<sup>20</sup> King, s. 170.

<sup>21</sup> L. Sadiki, "Political liberalization in Bin Alis Tunisia: Façade Democracy", *Democratization*, vol. 9, no. 4, 2002, p. 2.

<sup>22</sup> King, s.169-170.

<sup>23</sup> King, s. 170.

<sup>24</sup> King, s. 171.

## 4.2 Tunisia as a façade democracy

Although Ben Ali promised reforms and Tunisia saw some improvements in the first year, the regime soon became harsh and the majority of Ben Ali's political actions were only beneficial to the ruling power. Although the country has an acceptable GDP per capita, which has been increasing,<sup>25</sup> making it seem to the rest of the world that the living standard of the country was acceptable, King has explained that the yearly 5% economic growth was not dispersed fairly throughout the country.<sup>26</sup> Apparently, 80% of the country's population could be deemed middle class just by looking at the GDP per capita.<sup>27</sup> However, GDP per capita cannot always be a good measure of standard of living, many other factors must be taken into account, such as the population and the possibility of economic corruption within the rulers.

In Tunisia the majority of the economic resources were owned within the Ben Ali-Trabelsi clan (Trabelsi is Ben Ali's wife's family), 50% of businesses were owned within the families.<sup>28</sup> Reforms made the country appear to be democratizing, and encouraging economic growth such as privatizing, however the government companies were being written off to families connected to the ruling party.<sup>29</sup> Another problem caused was nepotism, to get anywhere in politics one had to have connections to Ben Ali's family. In a sense people have said it was the Ben Alis and Trabelsis who ruled Tunisia, and even referred to them as a royal family.<sup>30</sup>

One difference Ben Ali made when he became president was to abolish single party rule, and to hold regular presidential elections. However, Ben Ali made sure that all real opposition parties were banned, making them illegal, so that when elections came around Ben Ali and the RCD were the only viable option of the parties and presidential candidates to vote for. This was because the other candidates were not in true opposition; in return for

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<sup>25</sup> The GDP per capita in 2007 was \$3800, in 2010 it was \$4200

The World Bank, GDP per capita (current US\$), retrieved 4<sup>th</sup> January 2012, <[http://data.worldbank.org/indicator/NY.GDP.PCAP.CD?order=wbapi\\_data\\_value\\_2007+wbapi\\_data\\_value&sort=asc](http://data.worldbank.org/indicator/NY.GDP.PCAP.CD?order=wbapi_data_value_2007+wbapi_data_value&sort=asc)>

<sup>26</sup> Summary of Conference "The breakdown of autocracy in Tunisia", January 24<sup>th</sup> 2011, Project on Middle East Democracy, Georgetown University

<sup>27</sup> A. Sanchez, "Tunisia: Trading freedom for stability may not last- An international security perspective", *Defence Studies*, vol. 9, no.1, March 2009, p. 1.

<sup>28</sup> E.C. Murphy, "The Tunisian uprising and the precarious path to democracy", *Mediterranean Politics*, vol. 16, no. 2, p. 300.

<sup>29</sup> King, p. 179-181.

<sup>30</sup> Murphy, p. 300.

supporting the RCD these parties had a small input in politics.<sup>31</sup> Ben Ali and the RCD controlled so much of the politics and economics of the country that none of the other parties would have successfully [hypothetically] been able to run the country independently.

Under Ben Ali labour unions were also severely restricted. The only union, the UGTT, was at first in opposition to the regime, but the leaders were replaced after time by the regime. Ennahda, the most supported opposition group by the population was banned in the early 1990s.<sup>32</sup> Ben Ali allowed elections to take place but he controlled which parties could participate. Any true opposition to his rule was not allowed and such parties were banned.

King discusses this phenomenon, which is seen similarly throughout the Middle East and North African region. The previous president of Tunisia ruled in a complete authoritarian style, while Ben Ali took over and made reforms that did not benefit the country, and even negatively impacted the people. King termed this style of setting up a façade of democracy where the single party rule is supported by the multiparty system and the elections are corrupt “new authoritarianism”. This was a way to make Tunisia appear more liberal and democratic.

Ben Ali has always publicly advocated strong human rights values and held elections to legitimize his rule, when from inside the state much of the way he consolidated his power violated the citizens’ human rights. He has been known to publicly speak out for human rights issues such as freedom of speech among other things, when speaking abroad, but in his home country what he said was not reflected in what he did. One example of this is the fact that he advocated freedom of religion and religious tolerance,<sup>33</sup> while at the same time the repression of any political Islam has been a major threat to any true democracy.<sup>34</sup> Also, he amended the constitution to be able to re-run for president, which promotes the view that Tunisia under Ben Ali was just a façade of democracy. For example, Ben Ali changed the maximum age for presidency from 70 years to 75 years to be able to run in the last elections.<sup>35</sup> He had claimed to abolish presidency for life but what was done in reality

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<sup>31</sup> King, p. 171.

<sup>32</sup> King, s. 171-174.

<sup>33</sup> Sanchez, p. 1.

<sup>34</sup> Brown, p. 32-33.

<sup>35</sup> The Constitution of Tunisia, 1975, article 40.

was different, setting up a façade and legitimizing his actions, gaining an arbitrary control over the state.

### 4.3 The Tunisian Revolution

The events of the Tunisian revolution began in the small rural town of Sidi Bouzid, which is located in the middle of the country. The revolution spread from there to other larger cities of the country. It stemmed from problems of unemployment, inflation and growing poverty in certain areas and among certain social classes. The youth of the country played a substantial role, as the age group under 30 makes up 45% of the population, and many have university educations, yet the rate of unemployment was highest for these people. Tunisia's main economic industries have always been the textile industry and tourism.<sup>36</sup>

Ben Ali had managed to keep up a good education system, at least in some areas, especially when compared to other states in the region. The percentage of university educations was also higher. The fact is that Tunisia for some reason had a growing middle class, and an extremely marginalized lower class.<sup>37</sup> The important factor here is that the industry of Tunisia was nowhere near equipped to provide jobs for all the young educated citizens. The president had not focused on furthering the economy, in a way that would create lasting economic growth for the people, he privatized businesses, but the majority of large businesses were owned from within his family.

On the 17<sup>th</sup> of December 2010 in Sidi Bouzid, Mohammed Bouazizi set himself on fire. Bouazizi had found no other way of supporting his family than selling produce of vegetables and fruit on the side of the road. He had done this for quite some time, and apparently had been targeted and harassed by the police, even as a child. The police regularly confiscated his equipment, and claimed he needed a permit to be a street vender. However in 2010 a female officer, allegedly slapped him, spat on him, and confiscated the weighing scales he used, and publicly humiliated him. Her aides had also beaten him. He went over to the governor's office to complain and to request his weighing scales be returned to him, but the governor of Sidi Bouzid refused to let him be seen and to speak for his case. He threatened to burn himself when he was refused an audience, and when his request was still not granted he went through with his threat by dousing himself in gasoline

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<sup>36</sup> "The breakdown of autocracy in Tunisia"

<sup>37</sup> Ayeb, 469-473.



and lighting a match.<sup>38</sup> Apparently, one did not need a permit to be a street vendor but Bouazizi did not have the money to bribe the police to leave him alone.<sup>39</sup> This event caused a wave of protests throughout the country.

When it was announced that Ben Ali had fled the country, the initial reaction of the people was of celebration. The revolution had gone from protests for change and reform, to a revolution primarily demanding the removal of Ben Ali, his family, and his political party. The people of the country had become convinced that it was Ben Ali who was standing in the way of their freedom, and who was liable for the corruption and the obstacle to moving forward.<sup>40</sup> Mohammed Ganhouchi, the vice president acting under Ben Ali and the RCD party, immediately assumed the position of president when he announced on national television January 14<sup>th</sup> 2011 that Ben Ali had stepped down. He said that he was acting under article 56 of the Tunisian constitution. However, the constitutional court decided that under article 57 the speaker of the parliament, Fouad Mebazaa should take the place of interim president, and Ghannouchi that of prime minister.<sup>41</sup>

After continued protests from the Tunisian people, the RCD party was officially dissolved, and all previous members were released of their duties to the old party. Protesters demanded new power, they did not want to see that old RCD politicians were still in control of the country, and in the end of February Ghannouchi stepped down from his position as president as this would encourage the development of the government. Protests continued for other reasons, for example the police went on strike claiming their pay was too low.<sup>42</sup>

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<sup>38</sup> Fisher, M, "In Tunisia, act of one fruit vendor unleashes wave of revolution through Arab world", the Washington Post with Foreign Policy: World, 27<sup>th</sup> March 2011, retrieved 21<sup>st</sup> December 2011, <[http://www.washingtonpost.com/world/in-tunisia-act-of-one-fruit-vendor-sparks-wave-of-revolution-through-arab-world/2011/03/16/AFjfsueB\\_story.html](http://www.washingtonpost.com/world/in-tunisia-act-of-one-fruit-vendor-sparks-wave-of-revolution-through-arab-world/2011/03/16/AFjfsueB_story.html)>.

<sup>39</sup> Murphy, p. 300.

<sup>40</sup> Murphy, p. 301-302.

<sup>41</sup> Murphy, p. 302.

<sup>42</sup> Murphy, p. 303.

## 5 Ben Ali's Regime

### 5.1 Repression of freedom of expression

When Ben Ali was in control of the country, Tunisia was in effect a police state.<sup>43</sup> Many fundamental freedoms were suppressed by the president and the regime. This could be seen as a tactic to gain power and sustain authority, both through limiting the spread of information, as well as suppressing many citizens' ability to speak out against the human rights violations. The government repressed any opposition; those who opposed the regime faced harsh consequences, including imprisonment.<sup>44</sup> Being imprisoned could have long lasting effects, as ex-prisoners were discriminated against.<sup>45</sup>

King describes it to be paradoxical that Tunisia's economic indication given by the World Bank and IMF is more favourable than in reality. He says the 5% growth was not being distributed fairly, especially among rural farmers and small businesses.<sup>46</sup> One would have expected, purely from the measure of economic development that democracy would have been at the same level. However, all though it could have theoretically been plausible to expect such a correlation between economic success and democracy, this does not necessarily have to be the case, as was seen in Tunisia.

King has pointed out that it was difficult to find information and statistics on the standard of living for lower classes after Ben Ali's twenty years of structural adjustments, since he gained power. No official data existed on how the adjustments had affected this group and the government has restricted research on the subject.<sup>47</sup> This is a clear example of the government trying to protect its power by limiting access to information, due to the fact that this information would have threatened the stability of the regime. Nigel Warburton explains that one clear reason regimes censor information is because the data is something that would not reflect positively on the way the country is run, and encourage

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<sup>43</sup> King, p. 181.

<sup>44</sup> King, p. 182.

<sup>45</sup> King, p. 182.

<sup>46</sup> "The breakdown of autocracy in Tunisia".

<sup>47</sup> King, p. 179.

protests to break out.<sup>48</sup> We see that limiting the access to such information was done because if revealed it could have threatened the stability and power of the rulers, probably hiding the corruption of Ben Ali and his family.

Ben Ali had managed to use many different tactics to suppress the freedom of expression during his rule. The fact is that the average citizen was not subject to the most extreme violation of this right, which entailed violations of other rights, including arbitrary imprisonment and arbitrary disappearance.<sup>49</sup> It was the opposition groups and activists or journalists who spoke out against the regime who could face such violations. Publicly speaking out or actively opposing the regime always carried with it a series of risks. The regime enforced constant censoring of published material, especially the press, prohibiting criticism of the regime.

Ben Ali also censored information through the control of information passing through the borders of the country. Bringing books in that were not permitted carried a jail sentence.<sup>50</sup> One had to smuggle the books in or other forms of media, often by paying off the police, who made it hard for the average citizen to obtain outside information. This is why the Internet can be seen as revolutionary for the country. Physically leaving the country as a person was also controlled because the government arbitrarily prevented people from leaving or returning Tunisia. Peoples' passports were denied without a valid reason, but for political reasons, with no justifiable reason regarding safety.<sup>51</sup> This violated peoples' right to move freely as it arbitrarily inhibits people's ability to leave and re-enter their country as they please. According to article 12(2) of the ICCPR, everyone shall be free to leave any country including his own.<sup>52</sup>

Only one labour union, the Tunisian General Labour Union (UGTT) existed.<sup>53</sup> Although according to law a new union needed only to notify the government to be recognized; in practice the government would then un-authorize it. One such is the journalists union, which was not officially recognized due to the ministry claiming the

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<sup>48</sup> Warburton, p. 51.

<sup>49</sup> Hibou, p. 81.

<sup>50</sup> Ayeb, p. 469.

<sup>51</sup> "Tunisia's repressive laws", p. 67-68.

<sup>52</sup> ICCPR art. 12(2).

<sup>53</sup> King, p. 171-174.

application was not received.<sup>54</sup> The media was highly restricted; censoring was imposed everyday, both in the press and the online blogs and journalism. Internet sites were often blocked and any information that criticized the regime was deemed illegal and access was blocked. Surveillance by the police or monitoring of private affairs, such as phone calls, was a common practice. Many organizations were deemed illegal, such as human rights activists.

Around the time of elections, the violations would be worse for people speaking out against Ben Ali.<sup>55</sup> In effect the press became a propaganda source for Ben Ali, and after some years he gained control through privatization: which of course impacted the media sector hugely, and Ben Ali's daughter Cyrine Ben Ali owned the only internet provider available in Tunisia.<sup>56</sup> Independent media organizations had an extremely difficult time being constantly harassed by authorities, as they were critical of Ben Ali and his family.

## 5.2 Journalism

Critical journalism was always subject to censoring and independent media groups were often shut down. One such example was the media group *Kalima*, a critical journalism organization. *Kalima* published an online magazine and a radio news station but it was one of the last independent journalism groups to be shut down by authorities in 2009, facing censorship as well as heavy police harassment, due to the fact that they were critical of the regime. The police harassed the journalists, even detaining one of them and threatening the organization's manager with a knife.<sup>57</sup> Other journalism organizations that spoke out against the regime received similar treatment; they were constantly harassed and subject to censoring, sometimes legal action was taken against independent journalists. Abuse from the authorities was not rare.<sup>58</sup>

Torture was often used by police to silence journalists or other activists who chose to speak out against the regime. As a result few journalists or investigators have been

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<sup>54</sup> "The price of independence: Silencing Labor and student unions in Tunisia", *Human Rights Watch*, October 2010, p. 46.

<sup>55</sup> C. Peters, "Tunisia", in *IPI World Press Freedom Review 2009: Focus on the Middle East & North Africa*, p.62-63.

<sup>56</sup> King, p. 179-181.

<sup>57</sup> Peters, "Tunisia", p. 62-63.

<sup>58</sup> Peters, "Tunisia", p. 62-63.

willing to do work uncovering information critical of the regime.<sup>59</sup> Journalists or political opponents could be imprisoned for lengthy periods of time or even banned from the country, or from leaving it. However, the people who accepted the regimes rule were not actively harassed, but the police were everywhere and information was limited no matter what. Bringing information in and out of the country such as books was very difficult and accessing certain types of websites was also difficult. People who spoke out against the corruption, nepotism, or social and political issues were immediately in danger. The people had either to accept a limited life, or to be subjected to harassment and dangers.

In October 2009, Slim Boukhdhir, a journalist who had already served a prison sentence for allegedly insulting an official, was forced into a car by four men (most likely security forces)<sup>60</sup>, taken to a park and beaten severely, and given a warning to stay away from “that woman”. This occurred after being interviewed by BBC, about Ben Ali’s re-election in 2009, when he mentioned Ben Ali’s wife.<sup>61</sup> Criticizing the family of Ben Ali often meant a harsh punishment. Boukhdhir, who had been denied his passport since 2003, was arrested in 2007, when on his way to try to retrieve his passport after multiple tries. The reasons for arrest were insult to an official, breach of good behaviour and refusal to present identification papers. It is believed that the true reason for his arrest were critical articles Boukhdhir published internationally. He spent four months in a tiny jail cell with no light and on the fifth month receiving a small TV. After his release, he was denied his identification, which made it very difficult to continue his daily life.<sup>62</sup>

Not only journalists were subject to this: online bloggers who published articles criticizing the government could also face harsh consequences. For example, in 2005 online journalist and father of three Mohamed Abbou was arrested for publishing an online article critical of the state, comparing prisons in Tunisia to those in Iraq as well as comparing Ben Ali to Ariel Sharon.<sup>63</sup> As a result, he was given a three-year prison sentence.<sup>64</sup> He was released after more than two years on a pardon.<sup>65</sup>

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<sup>59</sup> Mills, p. 4.

<sup>60</sup> Mills, Anthony, “Reporting on corruption in Tunisia: The price journalists pay- An IPI Report”, *International Press Institute*, July 2010, p. 3.

<sup>61</sup> Peters, “Tunisia”, p. 62-63.

<sup>62</sup> Mills, p. 2.

<sup>63</sup> “Tunisia’s repressive laws: The reform agenda”, *Human Rights Watch*, November 2011, p. 27.

<sup>64</sup> “False freedom: Online censorship in the Middle East and North Africa”, *Human Rights Watch*, vol. 17, no. 10(e), November 2005, p. 110.

<sup>65</sup> “Tunisia’s repressive laws”, p. 27.

### 5.3 Internet

Ben Ali had apparently installed one of the most advanced censoring technologies in the world, which received comparisons to that of North Korea.<sup>66</sup> The government controlled the flow of information that was transferred technologically, and they repeatedly blocked any sites that could possess information threatening Ben Ali's regime. Visitors to such sites repeatedly received the famous "404" message, meaning the site was not found. This message was displayed to hide the fact that the site requested was censored, so as to appear that the page was non-existent.<sup>67</sup> One well-known group of computer hackers within the country by the name of "anonymous" had found a way around this, allowing other young people to access censored Internet sites through glitches they discovered.<sup>68</sup>

Ben Ali used other methods; such as setting up a system for collecting Facebook passwords. Every time someone inside Tunisia logged into Facebook, their password and username was automatically saved and sent to the government. However, this was not noticeable and logging into Facebook looked no different. This allowed the government to follow people they suspected of being in opposition to the regime, and to see what they were planning and where, and to shut down protests before they occurred.<sup>69</sup> They could possibly see what was going to occur where and when and then physically stop it, or delete the planned event from Facebook all together.

### 5.4 Use of the police force

Ben Ali's regime can be referred to as a police state. When looking at the numbers of police, we see that for its population and size Tunisia was definitely an overly policed country.<sup>70</sup> The Police were also underpaid. After Ben Ali stepped down from his position and left the country, the police went on strike claiming they needed benefits and higher salaries.<sup>71</sup> This is interesting, because unlike other authoritarian states that have often been

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<sup>66</sup> "The breakdown of autocracy in Tunisia"

<sup>67</sup> Ayeb, p. 469.

<sup>68</sup> Ayeb, p. 469.

<sup>69</sup> Bernal, Paul. "Web Spies", *Index on Censorship: For Free Expression*, vol. 40, no. 2, June 2011, p. 112.

<sup>70</sup> Hibou, p. 81.

<sup>71</sup> Murphy, p. 303.

backed up by the military, Ben Ali's regime was backed by the police and yet they felt poorly treated, so as soon as they saw an opportunity they stopped supporting him.<sup>72</sup>

Like Ben Ali's other systems for repression of freedoms, the secret police here also a technique for surveillance and monitoring. Civilians were constantly watched by the police. Wherever one went the police were often standing by watching. This was not made better by the fact that the police were a sector heavily plagued by corruption. Many police took liberties in taking bribes from people who needed to get by in daily lives. Mohamed Bouazizi's story is an example of a tragedy where he did not have the money to bribe the police who were harassing him.

One could interpret the situation as that it was not very difficult to bend the law if you had the money to pay off the police, as the police did not act so much as a security force for the citizens' welfare but more as a monitoring force for the stability of Ben Ali's regime. An insult to the family of Ben Ali, or writing a piece criticizing politics and you would never know where the police might get you.

## 5.5 Control of terrorism

The fight against terrorism was often used as an argument for limiting freedom of expression, especially for banning political Islam.<sup>73</sup> This argument was even used to crack down on peaceful dissent, showing that the government used pretexts that were not relevant for the freedoms it repressed. Mysterious disappearance and arbitrary imprisonment had been techniques used to hush those in opposition that were a true threat to the regime. Many politicians in opposition to the regime were imprisoned or sent into exile, which goes against international standards, specifically the convention on forced disappearance. The current president Moncef Mazouki spent many years in exile, due to the fact that he was a human rights activist,<sup>74</sup> as well as Rached Ghannouchi the leader of Ehnnaahda, a moderately Islamist party with a plurality of seats in the constituent assembly.<sup>75</sup>

Ayeb points out that while trying to suppress terrorism from radical Islamist groups, the state had succeeded in suppressing Muslim opposition parties and any Muslim political

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<sup>72</sup> Murphy, p. 301.

<sup>73</sup> Brown, p. 32-33.

<sup>74</sup> "Tunisian activist, Moncef Marzouki, named president", BBC News Africa, 2011, 12<sup>th</sup> December 2011, retrieved 27<sup>th</sup> December 2011, <2011http://www.bbc.co.uk/news/world-africa-16149119>.

<sup>75</sup> King, p. 174.

opposition, even moderate Islam groups. In fact any opposing views were severely repressed, from individuals or groups, and the media was silenced in its ability to report on relevant issues. A lot of the media merely acted as a propaganda outlet for Ben Ali and his regime. The police force was significant in acting as a repressor of the people, using torture as a method to extract information.<sup>76</sup> As a result, by aiming to suppress terrorism the Tunisian state had effectively become the terrorist of its own people. Ayeb considers the fact that the Tunisian regime had closed down any forum for debate to be an important factor that both minimized terrorism to a negligible level but also created a strong will in the people to fight for change. There was no room for freedom of expression what so ever.<sup>77</sup>

## 5.6 The legislation under Ben Ali

Upon Tunisia's independence from France the constitution of Tunisia came into action under Bourguiba. When Ben Ali overthrew Bourguiba, he kept the constitution that had been drafted under Bourguiba. However, Ben Ali made amendments to the constitution so that he was allowed to re-run for president. The constitution has also written in that amendments were permitted.<sup>78</sup> One such case is that Ben Ali amended the constitution in 2002, changing the age limit of the president to 75, as well as removing the maximum length for presidency period. This legalized Ben Ali's authoritarian rule, although he had promised a democracy and to abolish life presidency.

The constitution promoted respect for human rights in its preamble, as well as that the people were free. Article 5 guarantees fundamental freedoms, and human rights and states that Tunisia shall be founded upon the principles of the rule of law. Article 5 goes on to declare that free conscience and free practice of religious beliefs are guaranteed, "provided that this does not disturb public order".<sup>79</sup> Article 8 guarantees "freedom of opinion, expression, the press, publication, assembly and association...and exercised according to the terms defined by the law" as well as "the right to organize in trade unions". Article 8 goes on to explain that political parties must follow what is set in the law, and different characteristics that could prohibit a party.

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<sup>76</sup> Ayeb, p. 469.

<sup>77</sup> Ayeb, p. 469.

<sup>78</sup> The Constitution of Tunisia, 1957

<sup>79</sup> The Constitution of Tunisia, article 5.



Some different legal reasons are given on which the government could ban a party. Using such phrases as “according to the terms defined by the law” or “provided that this does not disturb public order” sets a vague and extremely wide variety of reasons on which the ruling power can limit these rights. And in fact, the “terms defined by the law” showed that the freedom of opinion and expression, etc. guaranteed in article 8 of the constitution were very limited.<sup>80</sup>

The relevant legislation, being in this case the press laws, showed that there were many regulations, and the freedom of expression was in reality very limited. The press code from 1975, which had also been amended after Ben Ali took power, prohibited the publication of false information as well as the publication of information criticizing the regime. Under article 49 of the press code, which criminalizes knowingly distributing false news that can disturb the public order, the government has punished human rights activists.<sup>81</sup> Defamation was also criminalized in the press code and penal code. Articles 245 of the penal code and 52 of the press code criminalized defamation of officials.<sup>82</sup> The main problem with this is that defamation of people holding official positions carried a greater penalty. However, public officials should have a higher level of threshold for defamation, as this encourages debate and discussion on political issues.<sup>83</sup>

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<sup>80</sup> The Constitution of Tunisia, article 8.

<sup>81</sup> ”Tunisia’s repressive laws”, p. 19.

<sup>82</sup> ”Tunisia’s repressive laws”, p. 11.

<sup>83</sup> ”Tunisia’s repressive laws”, p. 13.

## 6 Freedom of press and the revolution

### 6.1 The importance of violations of freedom of expression to the revolution

It has been said by many that Tunisia's revolution was an inspirational revolution, the start of the Arab Spring.<sup>84</sup> People saw that it was possible to demand freedom, and no longer live in the shadow of a repressive regime. In Tunisia, this was not just a revolution of the underclass, the middle class revolted as well;<sup>85</sup> it was a revolution of the people. Women took part in the revolution as much as men,<sup>86</sup> showing the need for equality and how important it was to fight for the freedoms of expression.

In the two years prior to the revolution, the freedom of the press became a lot more restricted.<sup>87</sup> The press was extremely limited and the freedom of speech that Tunisian journalists were granted was next to nothing, unless they wanted to face a series of dire consequences, prison and harassment among these. In fact, human rights activists and political activists were also extremely limited and faced severely limited freedoms. Anyone who wanted to speak out against the regime could face prison terms or police harassment, the secret police being Ben Ali's prime method for control of the civil population. Media publications were not allowed to speak negatively of Ben Ali's government, and Internet sites were frequently censored.

For journalists, this was a major problem. Not being able to freely report on issues and problems that were relevant to the country meant that they were severely limited in their ability to do their work. In a country where freedoms of expression are so restricted, this directly affects the press and the media. The press should function to share important information with the country; they have the tools needed to uncover the information that is

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<sup>84</sup> Joshi, S, "Reflections on the Arab revolutions: Order, democracy and Western policy", *The RUSI Journal*, vol. 156, no. 2, May 2011, p. 63.

<sup>85</sup> Ayeb, p. 471.

<sup>86</sup> United Nations Africa Renewal, *North African women on the barricades: Activists press for freedom, dignity and rights*, retrieved 12<sup>th</sup> December 2011, <<http://www.un.org/ecosocdev/geninfo/afrec/vol25no2-3/north-african-women.html>>

<sup>87</sup> "Press Freedom Index", Reporters Without Borders, <<http://en.rsf.org/press-freedom-index-2010,1034.html>>.

important. For the citizens this plays an important role, without a well functioning press, the people cannot have access to information. The Tunisian press had been plagued with propaganda, none of which was benefiting the country and fortunately the population could no longer stand Ben Ali's oppressive regime.

Human rights activists were extremely dissatisfied with their inability to change the situation. The press was very limited; on a world ranking in 2010 Tunisia landed 164 out of 178.<sup>88</sup> The revolution started the same year, in December 2010. In fact, the year 2009 Tunisia had a very bad ranking as well, but by 2010 it had worsened. So, as the press freedom got more restricted, the revolution got nearer. Without the ability of the press to report on the problems, people grew dissatisfied. Unemployment was growing, and there are vast differences in economic growth and wealth through different regions.<sup>89</sup> The amount of young university educated youths did not match the availability in the job market. In fact, Tunisia has a very high amount of young people, 50% of the population is under 30, and as of the end of January 2011, 40% of people under 30 were unemployed.<sup>90</sup>

The media of Tunisia prior to the outbreak of the revolution was very much controlled by the regime. Néjib Ayachi described the media as a "state puppet", as well as likening the media to that of North Korea.<sup>91</sup> In the IPI world press freedom review from 2009 it was shown that media oppression and pressure on the press had been increasing.<sup>92</sup> However, other factors could have affected this, must be taken into account. Since 2008, the country had seen an increased amount of riots, demonstrations and strikes.<sup>93</sup> Workers had been demanding increased rights,<sup>94</sup> and people had been demanding freedom of expression and end to inflation of food prices and unemployment, as well as the increasing marginalization between the poor.<sup>95</sup> In fact, something that was interesting in this scenario was the amount of educated youths, unemployed and dissatisfied. In fact, 50% of Tunisia's population is under 30, and as of January 2011 40% of them were unemployed, and in

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<sup>88</sup> "Press Freedom Index".

<sup>89</sup> Murphy, p. 305.

<sup>90</sup> "The breakdown of Autocracy in Tunisia".

<sup>91</sup> "The Breakdown of Autocracy in Tunisia".

<sup>92</sup> Peters, p. 62-63.

<sup>93</sup> Ayeb, p. 473.

<sup>94</sup> Ayeb, p. 473.

<sup>95</sup> Ayeb, p. 476.

comparison to other parts of the Middle East a high number had university education.<sup>96</sup>

Although Tunisia had an oppressive regime where freedoms of expression were limited, the level of educated youths was still rather high. For the young educated people of the country, who were unable to get jobs and support themselves, change was drastically needed. Despite the limits on freedom of expression and censoring, young people had still managed to have a high Internet usage in the area, which must have been connected to the level of education.

In 2008, the two years prior to the revolution officially breaking out, the level of resistance to Tunisia's regime increased. And the levels of Tunisia's press freedom were decreasing. In 2008, reporters without borders ranked Tunisia 143 out of 173 ranking levels on the Press Freedom Index (173 being the least press freedom). In 2009 Tunisia was ranked 154 out of 175, and in 2010 it was ranked 164 out of 178.<sup>97</sup> In looking at all the levels of freedom that reporters without borders have allocated Tunisia in their yearly Press Freedom Index since 2002 there appears to be somewhat of a trend. In 2002, the ranking was extremely high, equal to almost no press freedom (0.92 to be precise). Then until year 2008 it was improving slightly. From 2008 until the revolution officially started, the level of press freedom according to the rankings worsened drastically.<sup>98</sup>

There is a clear correlation, which indicates that press control increased, as resistance to the regime, due to social and economic reasons, increased from 2008 onward. Limiting press freedom and any freedom of expression as much as possible was a way for the state to try to control the resistance to the decrease in living standards, especially for certain groups, and the increase in state corruption.

According to Ayeb, one of the factors, which had impacted the Tunisian people's will to overthrow the regime, and the inability of the authoritarian power to persist, was the lack of room for debate and expression.<sup>99</sup> King shows that what made the country's repressive regime able to sustain its power was that Ben Ali's government had developed a new kind of authoritarianism, a "façade democracy".<sup>100</sup>

However, according to Ayeb, there were three factors which affected Tunisia's revolutionary process. Firstly, although Tunisia had an outwardly modernist face, its

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<sup>96</sup> "The Breakdown of Autocracy in Tunisia".

<sup>97</sup> Press Freedom Index, Reporters Without Borders.

<sup>98</sup> Press Freedom Index, Reporters Without Borders.

<sup>99</sup> Ayeb, p. 469.

<sup>100</sup> King, p. 171.

economic corruption was so organized in its function and hierarchical mafia-like structure. The state had developed a systematized and organized fashion for the distribution of economic means, making sure that privately owned companies, such as the Internet, were owned from within Ben Ali's family. The second factor Ayeb mentions, which is important here is that Tunisia had a very modern and technologically advanced police system. Ben Ali had a secret police force, which he routinely used to monitor the actions of people who could be a threat to his power.<sup>101</sup> The advanced police system made it easy for Ben Ali and the RCD to control and repress the population as they saw necessary.

The last factor which Ayeb names of particular importance to the revolutionary process was the fact that country resources were selectively redistributed, with preference for the middle class. Over the years, stable members of the middle class could see an increase in their quality of life, their levels of consumption having risen over the past 20 years.<sup>102</sup> But what this meant, is that the lower class, such as the agricultural workers, were facing increased economic problems.

The peoples' desire to resist the oppressive regime was increased by the fact that there was no room for expression. "[Where] inhabitants do enjoy significant margins of expression, [this] may have limited people's desire to resist oppressive regimes."<sup>103</sup> This shows us that there is a correlation between freedom of expression and the will of the people to overthrow the regime; peoples' desire to resist a repressive regime, with low standard of living, will increase when their freedoms to express their dissatisfaction and discuss/debate the issues are limited. On the causes of the Tunisian revolution, Ayeb has said:

Yet we should not lose sight of the fact that the first cause of the fall of this dictatorship was in its rigid and brutal nature. It was a dictatorship that hermetically closed down all potential spaces for expression, such as the media, research centres and civil society organisations, and exercised terror as a privileged strategy of government.<sup>104</sup>

Ben Alis regime closed down all areas for freedom of expression, there was no room for the population to express their views on current issues. Media was very limited, and finding information would prove to be a difficult task. Managing to suppress these freedoms was done so well because the consequences were so dire and harsh. However, theories such as

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<sup>101</sup> Ayeb, p. 468.

<sup>102</sup> Ayeb, p. 468-469.

<sup>103</sup> Ayeb, p. 469.

<sup>104</sup> Ayeb, p. 469.

Schmitter and Karl's and Emerson's advocate that freedom of expression is necessary for a state to be stable, and without room for healthy debate, critique and opposition, the state will eventually turn into chaos.<sup>105</sup> It is when the ruling power is no longer able to instil fear in the people, that they may become angry instead. The anger is about their inability to change their situation. It is when people no longer fear the regime, and the regime is no longer successful in creating fear that the people start to actively oppose the ruling power.<sup>106</sup>

Schmitter and Karl have listed freedom of expression as one of the factors making democracy successful, and developing a successful state. Tunisia had created a fake democracy, none of the factors were truly there that could lead to a successful democracy. Repression of terrorism has in fact not been correlated with a successful democracy; in the cases where terrorism repression has been successful this has been correlated with the most authoritarian regime, suppressing any opposition.<sup>107</sup> The point is that the only successful evidence of limiting terrorism completely has been in those societies where freedom of expression is also completely limited, and this means limiting expression of everyone's views, which leads to a corrupt state in many areas.

## 6.2 Spread of the revolution through media

Many national media outlets did not cover the revolution: the only regional news channel to cover it was Aljazeera.<sup>108</sup> After Boazizi's sacrifice, people nearby began to protest and spread their dissent through social networking. Ben Ali could control a lot of the media: news, television, the press, Internet, and to some extent social networking. But when so many people in the country had shared all their experiences through social networking, instead of through news broadcast, it became essential in uniting and spreading the revolution so fast.

The revolution started out in the town of Sidi Bouzid, which is a small rural city, in the centre of the country. The use of Internet, Internet medias, and social networking that the state could not control quite as fast was a way for the revolution to spread. Most of the photographs and video footage came from private people, posting on the Internet. National

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<sup>105</sup> Emerson, p. 44-47.

<sup>106</sup> Joshi, p. 63.

<sup>107</sup> Brown, p. 32-33.

<sup>108</sup> Murphy, p. 300.

press medias and news reporters may not have initially dared to report on the revolution. The long time repression of journalists, human rights activists and opposition parties under Ben Ali's regime means that the effects cannot disappear immediately. Indeed, national media outlets have been repressed for so many years that in the uncertainty of what would happen with the revolution they might not have dared to report before knowing the outcome.

## 7 Post revolution and reforms

Ben Ali found that the army was unwilling to follow his command to use force against the civilians protesting for freedom. This signalled to him that he had virtually lost any remaining power he had in Tunisia. Ben Ali officially stepped down from his position as president and fled the country on the 14<sup>th</sup> of January 2011, seeking refuge at first in France, and then when not accepted his second choice was Saudi Arabia.<sup>109</sup> Tunisia now has the possibility to write the next chapter in their history. The revolution was not over, and the people of the country still protested for other reasons, particularly to remove all members of the former RCD party from the government.<sup>110</sup> An interim government was set up, until the elections. In October, elections were held for a national constitutional assembly, which will have one year to write a new constitution.<sup>111</sup> In December a new president was elected from within the assembly to run the country.<sup>112</sup> The secret police, which are known as one of Ben Ali's common threats for human rights violations, have also been dissolved.<sup>113</sup>

### 7.1 The current political situation

Elections for the national constitutional assembly were held on October 23<sup>rd</sup> 2011.<sup>114</sup> Out of 7 million people eligible to vote, 1.5 million voted for Ennahda but they have managed to gain a dominant position in the constituent assembly, and have also joined up with two other parties, Ettakatol and the Congress for the Republic (CPR), forming a coalition party called Troika. The formation of Troika has allowed Ennahda to gain a majority of the seats in the constituent assembly. But the problem with this is that Ennahda is overly represented in the assembly, whereas the majority of the country favours other centre and centre-left

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<sup>109</sup> Murphy, p. 301-302.

<sup>110</sup> Ayeub, p. 475.

<sup>111</sup> "Press hails 'new era' in Tunisia", BBC News Middle East, 24<sup>th</sup> October 2011, retrieved 5<sup>th</sup> January 2012, <<http://www.bbc.co.uk/news/world-middle-east-15432030>>.

<sup>112</sup> "Tunisian activist, Moncef Marzouki, named president".

<sup>113</sup> "Tunisian interim leaders dissolve secret police agency", BBC News Africa, 7<sup>th</sup> March 2011, retrieved 3<sup>rd</sup> January 2012, <<http://www.bbc.co.uk/news/world-africa-12669461>>.

<sup>114</sup> "Press hails 'new era' in Tunisia".



parties, according to a meeting held on the 26<sup>th</sup> of December with representatives from Tunisian progressive parties.<sup>115</sup>

The aim was to discuss the possibility of forming a coalition party between the left-wing progressive parties. If this is achieved it could be a possible step forward. The possibility of Islamist parties dominating the political scene is still at hand, and other political parties being divided does not help. If the opposition groups could form a coalition this may be a step forward in ensuring democracy, in accordance with Emerson's theory that opposition is important in the stability of the state. Otherwise, we may see that Ennahda may take over and rule Tunisia in another authoritarian style, this time as a religious dictatorship. The leader of the opposition party Afek has stated, "We are the people of the center, we represent the mainstream Tunisians. If we don't stand together, Ennahda will rule for 20 years".<sup>116</sup>

But what is important is not the fact that Ennahda represents a religious ideology. If we follow the theory, what is most important is that opposition parties are not suppressed within the government, so that Ennahda gains more power and is unfairly represented. On the other hand, Ennahda has said that they believe in democracy. The party says they are not promoting radical Islam. Their ideology is based on moderate Islam, meaning that they are an Islam party, but they do not want to enforce an Islam state. They want the republic to be secular where people can choose to do as they please, to follow Islam or another religion, but the party draws many values from Islam.<sup>117</sup> Opposition parties have been sceptical about this, believing the party will use democracy as an opening to gain power in politics, only using that power to thwart the development of democracy.<sup>118</sup> This waits to be seen.

One promising step is the fact that the constituent assembly elected Moncef Marzouki as the current Tunisian president. He is a human rights activist who has both studied human rights, and was exiled for two decades for his activism in his home country.<sup>119</sup> His political party the CPR promotes among other things freedom of speech.

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<sup>115</sup>Ghribi, A, "Coalition of leftist parties: Still a long way to go", Tunisia Live, 27<sup>th</sup> December 2011, retrieved 30<sup>th</sup> December 2011, <<http://www.tunisia-live.net/2011/12/27/coalition-of-leftist-parties-still-a-long-way-to-go/>>

<sup>116</sup> "Coalition of leftist parties: Still a long way to go"

<sup>117</sup> Little, A, "Renaissance party offers clean break to Tunisian voters", BBC News Africa, 25<sup>th</sup> October 2011, retrieved 28<sup>th</sup> December 2011, <<http://www.bbc.co.uk/news/world-africa-15453466>>

<sup>118</sup> "Coalition of leftist parties: Still a long way to go"

<sup>119</sup> "Tunisian activist, Moncef Marzouki, named president".

While exiled to Paris, he continued to run the CPR party and returned to Tunis when Ben Ali departed. He is one of the many who has been arrested on the count of propagating “false news” in Tunisia, as well as for aiding Islamists. Political Islam was banned for many years, and opponents were either imprisoned or exiled. Marzouki tried to aid political prisoners and those forced into exile. He took part in founding a committee, in 1993, named the National Committee for the Defence of Prisoners of Conscience. However, many founders were arrested and the committee was eventually taken over by regime supporters. He cofounded the African Network for Prevention of Child abuse, and eventually became president of the Tunisian League of Human Rights (LTDH).<sup>120</sup>

Marzouki appears to be a very promising president for the first period after the revolution. He was elected as president on December 12<sup>th</sup>,<sup>121</sup> so he has not had much time to prove himself yet. But what is interesting is, in the presidential voting process within the assembly; some opposition parties boycotted the election, voting blank votes.<sup>122</sup> Opposition parties believe Ennahda has dominated the political scene, and after forming its coalition “Troika” with the CPR that it can have too much control.<sup>123</sup> While everything Marzouki stands for and promotes is impressive, if he lives up to what he says remains to be seen. He has opposed the Ben Ali regime for many years, which is respectable even though he faced consequences.

However, Najib Chebbi, head of the PDP party said “This was a piece of theatre...we are disappointed in Mr Marzouki that he has accepted a presidency which is just democratic window-dressing without any real functions”.<sup>124</sup> Those who cast blank ballots in opposition to his election believe that Ennahda has joined up with the CPR party to use Marzouki as the president as a way to create the appearance that they are making an honest transition to democracy, but that Islam now has too much power. It can be inferred that they believe the power is in Ennahda’s hands, although in the background with Marzouki in the front as president, so that the party can have more power to impose moral codes on the country. It will be disappointing if the opposition parties are correct about this.

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<sup>120</sup> “Tunisian exiled reformist to head back home”, Al Arabiya News, 1<sup>st</sup> February 2011, Retrieved 2nd January 2012, <<http://www.alarabiya.net/articles/2011/01/16/133681.html>>.

<sup>121</sup> “Tunisian activist, Moncef Marzouki, named president”.

<sup>122</sup> “Tunisia installs Moncef Marzouki as president”, The Guardian, 13th December 2011, Retrieved 28th december 2011, <<http://www.guardian.co.uk/world/2011/dec/13/tunisia-moncef-marzouki-president>>.

<sup>123</sup> “Coalition of leftist parties: Still a long way to go”

<sup>124</sup> “Tunisia installs Moncef Marzouki as president”.

It is important to be critical; opposition parties may be hesitant about Ennahda because Islamist parties dominating the political scene often do impose strict morals.

The important factor here is not who is president and which party dominates the parliament (the constituent assembly in this case), but according to Emerson that there should be healthy opposition. Freedom of speech is an important factor of democracy, as we saw with the failure of Ben Ali's rule. If one party or allegiance heavily dominates politics, this may lead to corruption or another authoritarian rule. Freely represented opposition parties are necessary for a democracy to function properly, where the political space is open for discussion from all groups when making decisions.

## 7.2 Impact on freedom of expression

As of March, the banned opposition parties such as Ennahda were legalized.<sup>125</sup> Other organizations and labour unions have also been legalized. New human rights groups have been set up, legally, such as a local office for Human Rights Watch and reporters without borders (RSF).<sup>126</sup> This is a huge step forward for the right to freedom of expression. Organizations and parties can now operate without being harassed and prevented from carrying out their work. NGOs, opposition political parties and labour unions can now have a voice on issues without facing severe consequences.

However, just because the opposition parties have been legalized and regional organizations have been set up, which is still very important, some lack of freedom of expression still exists in the media. Some people are worried that Ennahda has gained too much control, and will control other outlets and limit media freedoms for other reasons. However, since the revolution the media has opened up considerably. 12 radio stations, 18 newspapers and four cable channels have all been started up.<sup>127</sup>

If this is the case then what is important is that the opposition remains strong, so that democracy does not fail and a new authoritarian rule is not set up. It is vital that all the outlets for freedom of expression and the media are kept open if the transition to democracy is to be successful. Tunisia needs to pay extra attention to opening up the channels of

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<sup>125</sup> Murphy, p. 304.

<sup>126</sup> "Media freedom in question after first post-revolution elections", International Freedom of Expression Exchange: The global network for free expression, 26th October 2011, retrieved December 12th, <[http://www.ifex.org/tunisia/2011/10/26/post-revolution\\_elections/](http://www.ifex.org/tunisia/2011/10/26/post-revolution_elections/)>.

<sup>127</sup> Ghribi, A, "Tunisian media reform: An incomplete process", Tunisia Live, 30<sup>th</sup> December 2011, retrieved 3<sup>rd</sup> January 2012, <<http://www.tunisia-live.net/2011/12/30/tunisian-media-reform-an-incomplete-process/>>.

debate and free expression. Since media and free speech have been limited for so many years, it will take time to really build up all the outlets where people can express themselves. It may also take some adjusting to as people are not used to voicing their opinions. But this needs to be central, since it is a key factor in determining whether democracy can succeed, according to Schmitter and Karl<sup>128</sup> and it was one of the reasons why the Tunisian state was unstable and corrupt in the past.

However, despite the fact that the press initially experienced a liberal freedom of expression after Ben Ali's departure, people started to realise that there might be some other issues. The topics of social and political issues that had been banned before where now not illegal to report on anymore, however due to the dominance of Troika in the constitutional national assembly, people fear that freedoms of expression are limited in other areas. Fears have been voiced on the fact that Tunisia as a police dictatorship, where the religious tolerance for Islam was zero will become a theocratic dictatorship, predominantly ruled by Islamic parties. The United States have expressed a fear that Tunisia may turn into a theocratic authoritarian regime, which they consider worse than a dictator who repressed all political Islam while suppressing terrorism.<sup>129</sup> Apparently, the party Ennahda aims to criminalize defamation or insult against Islam.<sup>130</sup>

Journalists have still encountered some harassment while trying to do their work. The initial freedom they experienced seemed to decrease. Also, another issue is that the stringent censoring equipment used under Ben Ali's dictatorship has not been completely removed.<sup>131</sup> Ennahda believes it could still have some use, maybe for other reasons, censoring sites against Islam. They aim criminalize blasphemy against Islam.<sup>132</sup>

### 7.3 The new press legislation

The situation in Tunisia is definitely different after the revolution. Although there are areas that need to be improved still, we can already see some changes, some positive, some too

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<sup>128</sup> Schmitter and Karl, p. 81.

<sup>129</sup> Bhokars, A, "The Arab Revolutions for Dignity", *American Foreign Policy Interests*, 19th April 2011, vo. 33, no. 2, pp. 61-68.

<sup>130</sup> "Media freedom in question after first post-revolution elections".

<sup>131</sup> "Tunisian media reform: An incomplete process".

<sup>132</sup> Medien, A, "A new form of censorship in Art in post Ben Ali Tunisia?", Tunisia Live, 2nd December 2011, retrieved 22nd December 2011, < <http://www.tunisia-live.net/2011/12/02/a-new-form-of-censorship-in-art-in-post-revolution-tunisia/>>.

early to predict the outcome of. There are still some repressions of freedom occurring, and it is possible to say that the reforms could have occurred faster in this area. In November 2011, Human Rights Watch produced a report helping the Tunisian state to see the areas in the law that still needed reform. Because of the fact that the Ben Ali regime often used the law to arbitrarily arrest and detain people, even though a lot of the rights were guaranteed in the Tunisian constitution, but with broad margins, it becomes even more important to revise the same laws in a way that will represent the country equally and fairly in the legal sphere. Prior to the revolution, the state officials had immunity according to the law, and could not be punished for the crimes civilians could be. Also, criticism of state officials was criminalised as defamation, and had a higher penalty than other types of defamation, instead of being considered as healthy political debate.<sup>133</sup>

The draft press code was passed on September 23<sup>rd</sup> 2011 in Tunisia. While this code is quite an improvement from the repressive code that had lasted from 1975, it still contains the criminalization of defamation, however eliminating prison term as a possible punishment.<sup>134</sup> The penal code has yet to be amended or re written, as it still contains punishments for all offences regarding speech and expression.<sup>135</sup>

And although the new press code has been adapted, which is considerably better than the previous one, whether or not an improved legal text can improve the problem of repressed freedom of expression lies on how strong rule of law the state will develop. According to Jack A. Goldstone, a weak rule of law will further destabilize the state and have negative impacts in its transition to democracy.<sup>136</sup> Ben Ali changed and amended laws to suit his personal interests, showing a very weak rule of law. But if the transition to democracy should be successful it will be important that a stronger rule of law is developed, and that this is done in conjunction with rewriting and revising the current legislature.

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<sup>133</sup> "Tunisia's Repressive Laws: The Reform Agenda", *Human Rights Watch*, November 2011.

<sup>134</sup> "Repressive laws", p. 8.

<sup>135</sup> "Repressive laws", p. 8.

<sup>136</sup> Goldstone, J.A., "Representational Models and Democratic Transitions in Fragile and Post-conflict States", *World Development Report 2011*, September 18<sup>th</sup> 2010.

## 8 Conclusions and Discussion

Zine El Abidine Ben Ali's authoritarian rule lasted from 1987 until 2011, around 23 years. But what made the situation so dire that the people suddenly decided they had to revolt in December 2010? From looking at the situation, it appears that the factors leading up to the revolution are not so sudden at all. Ben Ali tried to cover up the harsh living situations in his country; with the way he advocated for human rights and created a façade democracy. The GDP per capita is not a good measure of the living standards due to the fact that the economic means were not distributed fairly as distribution of wealth was not equal. It is possible that economic means were a way of hiding repressions from the international world. The means to generate economic success were not fruitful in the long run, and economic means were more likely beneficial to the official actors and state rulers.

Repressing freedom of expression is a factor increasing the likelihood of the population's will to revolt. But whether or not this factor can be determined to be an underlying cause is difficult. It may be that the level of some freedom of expression decreases the dissatisfaction of the people with the problems of the regime. The people's dissatisfaction with the problems increases when they are unable to freely address them.

Many people like to refer to Mohammed Bouazizi's self-sacrificial act as the cause and start of the revolution; but it merely triggered the events. Of course, other factors prior to this caused the inherent dissatisfaction that led to the spread of the revolution. The increasing control of press freedom is one of these. Before Bouazizi lit himself on fire, he went to the office of the governor to protest his situation; he had been harassed by the police, his wares confiscated and he had no way to make a living. He wanted to voice his opinion, express himself on the extreme dissatisfaction he felt. When he was neither allowed to receive the confiscated wares back, or meet the governor to express his opinion and file a complaint on the issue, he protested through the immolation.

The sacrifice came after Bouazizi was denied his right to freedom of expression. From the actual event that triggered the revolution, freedom of expression was also important, this too increased Bouazizi's dissatisfaction with the issues, and encouraged him to stage a public protest. When freedom to express on the situation is not there, the dissatisfaction is even greater and the chaos grows, and people will protest in a more

violent way. Bouazizi's protest was anything but a peaceful demonstration, it was violent although not hurting others, and he took his own life in the end for what he believed in.

The regime may try to stop the opposition of dissatisfied citizens by instilling fear, but if the peoples' anger has become so great then this attempt may be unacceptable and people will keep revolting for what they want and believe in. The huge dissatisfaction and the lack of fear will cause people not to give up, as seen in Tunisia and other countries. Keeping people in the dark is more likely to lead to ignorance, which is another problem because the country cannot develop properly.

In Tunisia the situation was very interesting, since a good per cent of the people had an education. People were educated for a certain profession when the job market was so terrible, which meant that people needed change because many young unemployed people did not want to work in manual labour or agriculture. Having access to the information that affects understanding of how the country is run is quite important; the people of a country should not be limited when it comes to information on the politics of their country. This is important both before and after the revolution. Naturally, the Tunisian state was unable to function with stability and without corruption prior to the revolution. Lack of room for opposition or debate meant that the state was moving in the direction of eventual change.

The control of the press and other freedoms was not only a way to stop people from speaking out against the regime; it was also a way to limit the spread of information. In effect, people may have been less aware of all of the problems within the country, due to the lack of spread of information. The extent of the economic corruption may not have been fully understood by everybody because access to information was so limited. This drastically affects the press and limits the topics they can report on. Information that should have been public was kept hidden.

The economic situation, including inflation and unemployment worsened up to the revolution. But we also saw that the press freedom was decreasing up to the revolution, and the crack down on activists and journalists was getting stronger. From the year 2008, there was unrest in the country and the state reacted by becoming more stringent on freedom of expression, trying to suppress any signs of opposition. There is a clear correlation between the repression of freedom of expression and the revolution breaking out in Tunisia.

Journalists were targeted, because reporting on issues was how they made a living, but in Tunisia they were not allowed to do their job without being harassed or worse. Free speech is an outlet or a forum for people to discuss issues and topics that they are deeply

dissatisfied with, when they may otherwise revolt, according to Emerson. And indeed free media is necessary in a democracy. Without free media and free access to sources of information people become angry that they cannot change their situation and grow less willing to accept it.

It appears then, that in Tunisia's case, freedom of expression did have a significant role in the start of the revolution. Press freedom was significantly important because journalists who went ahead reporting the truth about the corruption of the regime were actively targeted and harassed. When the people could not discuss, debate, or voice their opinions on the relevant issues of their country it seems the dissent and dissatisfaction they already felt grew to an even greater level. Freedom of expression creates a more stable community according to Emerson.

In the current political atmosphere, there are tensions between the political parties due to an apparent imbalance of power, even when trying to transition to democracy. If a party gains too much power, then of course this is not a democracy anymore because other parties need to have their input, and the risk of returning to authoritarian rule exists. But of course it is still too early to make a prediction. It seems to be important that opposition parties are not suppressed if democracy is going to be stable and successful.



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