

GLOBAL INFORMATION SOCIETY WATCH 2021-2022

Digital futures for a post-pandemic world



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
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Global Information Society Watch 2021-2022

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TUNISIA

CREATIVE EXPRESSION IN TUNISIA: SURVIVING A PANDEMIC



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Introduction

In 2020 alone, over 700 cultural activities in Tunisia were either suspended or cancelled due to the COVID-19 pandemic. Going digital offered alternatives for both artists and citizens to revitalise the cultural scene and to re-examine the barriers for creative freedom in the country. However, moving artistic performances online has also raised questions on whether the internet is a safe place for cultural expression, what social and legal barriers may hinder freedom of expression online, and the challenges of poor connectivity and low digital literacy outside of the country's main economic centres.

The context for creative expression

In 2011, an uprising in Tunisia toppled the 23-year rule of autocratic president Zine el Abidine Ben Ali. Since then, citizens have for the most part enjoyed unprecedented political liberties and creative freedoms. However, social taboos, oppressive laws and the absence of a supporting cultural policy have suppressed the culture and arts scene, which continues to be overlooked as a field worthwhile for investment, and is a struggling field.

Despite the newfound liberties following the uprising, endemic corruption, socioeconomic challenges, security threats as well as political instability remain major obstacles for the democratic transition of the country. In an unprecedented move, on 25 July 2021, just over a year into the pandemic, Tunisian President-elect Kais Saïd announced the dismissal of the prime minister, a freeze of the elected parliament, and his rule by decree. The constitution adopted in 2014 has also been suspended, with the exception of two chapters related to rights and freedoms, including the right to freedom of expression and the freedom of creative expression.

The impact of COVID-19 on the Tunisian cultural scene

In a petition published on social media in July 2021, the Union of Dramatic Arts Trades expressed its indignation and deep concern at the deteriorating

situation for artists and the shrinking of cultural spaces, which was then almost non-existent compared to almost two years previously.¹ While artists like everyone else needed to deal with the health crisis, the government's attempts to curb the spread of the virus tended to rush the restrictions over cultural activities ahead of other sectors. By 13 March 2020, it had cancelled all cultural and sporting events and shut down movie theatres and all other cultural venues. These measures were re-imposed every time the country witnessed a surge in the number of recorded COVID-19 cases.

In response to the pandemic's repercussions on the cultural scene, the Ministry of Cultural Affairs launched the Fonds Relance Culture (FRC),² a cultural recovery fund. The FRC is a mixed endowment funded by the private and public sectors that centralised financial contributions in order to support young artists and performers. The fund offers several forms of aid and support, such as interest-free loans so that cultural activities can continue, and aid for unanticipated expenses (such as ticket refunds as a result of cancellations, a drop in revenue, etc.) to help relaunch activities relevant to the redevelopment of the economy of the cultural sector.³

However, cultural actors interviewed for this report described the state response as insufficient and criticised it for excluding alternative and less mainstream forms of cultural expression.

Going digital: The emergence of new opportunities and old challenges

As the proverb says, "Necessity is the mother of invention" – and the pandemic and restrictive measures to contain it have pushed cultural actors to launch new digital initiatives to revitalise the local cultural scene.

One pioneering initiative is "Festival le chapeau", a digital festival with live musical performances initiated by Klink,⁴ a Tunisian digital booking platform for artists. The festival allowed the audience to en-

1 Drissi, A. (2021, 27 July). Pandémie et vie culturelle: Les artistes s'indignent. *La Presse*. <https://lapresse.tn/104285/pandemie-et-vie-culturelle-les-artistes-sindignent>

2 <https://fr.unesco.org/creativity/covid-19/fonds-relance-culture-de-tunisie>

3 Ibid.

4 <https://klink.tn>

gage with the performers and financially support them directly. However, the initiative faced challenges in finding partners and businesses to sponsor the shows.⁵

The consumption of art online and paying for it remains a new concept for the Tunisian audience. The lack of respect for intellectual property and unauthorised use of artistic content remains an important barrier to the sustainability and vitality of the local cultural landscape. Tunisia is a member of the World Intellectual Property Organization and has an arsenal of legal texts protecting intellectual property. The country established the Tunisian Copyright Protection Organization (OTDAV),⁶ an agency responsible for overseeing copyright, while the Tunisian Internet Authority is responsible for administering the .tn country code top-level domain name. However, the application of the copyright laws remains limited with regard to the arts and culture field. This is a challenge that artists in the musical and theatrical scene have been facing for years – and it was one that re-emerged during the pandemic as the internet became the only medium of distribution for artistic performances. In a webinar organised by the OTDAV amid a COVID-19 surge, the participants emphasised the urgent need to raise awareness among artists of their moral and financial rights, as well as the need to educate different stakeholders including lawyers, judges and the private sector on the legal particularities of artistic products.⁷

An additional option could also be to use alternative licences such as Creative Commons licences that allow creators to decide which rights they reserve and which rights they waive, so that users and other creators use, share, distribute and build upon the original works. These sorts of alternatives offer wider flexibility for non-traditional artistic products such as graffiti and their distribution in digital form.⁸

Digital accessibility, a pillar or obstacle for moving digital

While moving online presented itself as a new potential for some artists and cultural groups, much has been lost in the transition. In an interview with Amira Guebsi, the executive manager of Collectif Créatif,⁹ a Tunisian civil society organisation, the difficulties faced in maintaining the social impact

of the arts for underprivileged communities was highlighted. As an organisation with an important presence on the ground and in the local community, COVID-19 paralysed their work and activities, especially when funders revoked their funding. The communities that used to be pillars of their cultural projects found themselves excluded due to the curfews and restrictions imposed on cultural events. While many organisations have offices in the capital or major cities and used to frequently visit artisans and craftspeople in other regions of the country, the restrictions on inter-cities travel not only restricted mobility but also revealed the huge connectivity gap and digital literacy differences between the economic hubs in the country and less financially resourced cities and regions. Accessing and affording the internet remains a challenge, even for those residing in the country's main cities. In other regions, including towns near borders, poor telecommunications infrastructure makes it even more difficult to get online, adding to the difficulties faced by older artisans working in the crafts sector in these regions who have little to no computer skills.

Going digital nevertheless opened new opportunities for cross-regional partnerships. For instance, Collectif Créatif has developed a new online project where art is co-produced by artists of different nationalities.

Cultural expression and creative freedom online: From imprisonment to self-censorship

Tunisia's 2014 constitution and the country's ratification of the central international human rights instruments guarantee the right to artistic freedom. Despite such guarantees, artistic freedom is not fully upheld and protected in Tunisia. Artists are exposed to threats, assaults and prosecution. A number of artists including rappers,¹⁰ graffiti artists¹¹ and visual artists¹² have been arrested in the past based on vaguely worded legal texts – such as the penal code, which criminalises defamation and the insult of public officials – that have served as repressive tools for political biases. In 2013, rapper Weld el 15 was sentenced to six months suspended imprisonment for public indecency on the basis of the content of a song, “El Bouლისა Kleb” (translated as “Cops

5 <https://open.spotify.com/episode/62b6OaKmb08nBdummCU6Vx>

6 <http://www.otdav.tn>

7 <https://www.facebook.com/AuServiceDesAuteurs/videos/158008236242972>

8 Rizk, N. (2015). Revolution, Graffiti and Copyright: The Cases of Egypt and Tunisia. *The African Journal of Information and Communication*, 16. <https://hdl.handle.net/10520/EJC189556>

9 <https://collectifcreatif.org>

10 Human Rights Watch. (2013, 5 September). Tunisia: Rappers Sentenced to Prison. <https://www.hrw.org/news/2013/09/05/tunisia-rappers-sentenced-prison>

11 France 24. (2012, 27 November). “هارقف” بونوت يتيفارغل “ زوداني سينوت -سينوت-20121127. <https://www.france24.com/ar/20121127-هارقف-بونوت-يتيفارغل-زوداني-سينوت-سينوت-20121127>

12 Franceinfo. (2016, 6 December). Tunisie : deux artistes menacés de prison. https://www.franceinfo.fr/culture/arts-expos/sculpture/tunisie-deux-artistes-menaces-de-prison_3316153.html

are Dogs”), which he released online.¹³ The actress in the video clip was also found guilty for the same charges and received a fine.

During the pandemic – so far – no artist has faced charges in relation to their artistic work and its online diffusion. However, societal taboos often lead to artists self-censoring when posting art for larger audiences online. Shahrzad Amous, the founder of Klink and “Festival le chapeau”, said in an interview that in the choice of media platforms, their policy against hate speech and harassment was critical for organisers, with the goal to provide a safe space for artists.¹⁴

Conclusion

Although the cultural and creative sector is one of the fastest-growing economic sectors in the world, in Tunisia, it remains one of the most overlooked sectors for public and private investment. Since the pandemic hit, actors in the cultural scene took the initiative to revitalise the sector. Going digital became essential and central to creation, production, distribution and access to cultural expression. However, this also introduced new challenges for the creative sector such as inequalities in internet access and the digital skills gap. In particular, community-based creative work suffered, given the low level of internet connectivity at the grassroots. Other challenges include the sustainability of cultural activities in the face of unlawful use of artistic material, the lack of financial compensation for art, and the restriction of creative freedom either through repressive laws or societal taboos, which have led in some cases to a greater level of self-censorship by artists who have found a wider audience through the internet.

Action steps

The following steps are necessary to revitalise the cultural sector in Tunisia:

- The state needs to adopt an inclusive cultural policy that supports young artists in the sector. This needs to promote access to creative goods and services and take into account different forms of cultural expression.
- The state needs to reform oppressive legal texts restricting internet freedom and creative expression. Reforms should include clarifying unclear and vague provisions in the penal code used arbitrarily and disproportionately to imprison artists, provisions for defamation, and articles in the telecommunications code, criminal procedure code and other texts that silence criticism of authorities, among others.
- The private sector should help make cultural activities more accessible as part of its social responsibilities. Funding is desperately needed to support the creative sector. Among other things, it could support the capacity building of artists who already work online, or who are new to the internet.
- All stakeholders should contribute to the creation of an enabling environment for cultural creation that allows artists to express themselves freely and not have to resort to self-censorship.

¹³ Attorney General v. Weld el 15. <https://globalfreedomofexpression.columbia.edu/cases/attorney-general-v-weld-el-15>

¹⁴ <https://open.spotify.com/episode/62b60aKmb08nBdummCU6Vx>

DIGITAL FUTURES FOR A POST-PANDEMIC WORLD

Through the lens of the COVID-19 pandemic, this edition of Global Information Society Watch (GISWatch) highlights the different and complex ways in which democracy and human rights are at risk across the globe, and illustrates how fundamental meaningful internet access is to sustainable development.

It includes a series of thematic reports, dealing with, among others, emerging issues in advocacy for access, platformisation, tech colonisation and the dominance of the private sector, internet regulation and governance, privacy and data, new trends in funding internet advocacy, and building a post-pandemic feminist agenda. Alongside these, 36 country and regional reports, the majority from the global South, all offer some indication of how we can begin mapping a shifted terrain.

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2021-2022 Report
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