

# Comparative Report on the State of the Media in Egypt, Jordan, Lebanon and Morocco



Dr. Sassin Assaf, Arab Center for the Development  
of Rule of Law and Integrity

Professor Keith Henderson (English Editor), IFES

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Dr. Sassan Assaf (Author)  
Arab Center for the Development of Rule of Law and Integrity  
Professor Keith Henderson (English Editor)  
IFES

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and Integrity in Arab Countries" project





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## Introduction

### I. Overview of the Project

This comparative report on the media in Jordan, Lebanon, Egypt and Morocco seeks to accomplish at least three important tasks:

- (1) measure the independence of the media against new regional best practice standards;
- (2) identify baseline data for the current state of the media; and
- (3) establish a comprehensive framework that can be used to analyze the state of the media in future research and annual monitoring/reporting as well as to facilitate consensus building and the prioritization of reforms.

ACRLI believes that new regional standards developed for the project are essential if the media is to be capable of reinforcing the rule of law. It also believes that these standards can help promote a professional, responsible media built on integrity, independence and competence.

To our knowledge, the multi-tiered methodology ACRLI used to create this report (and two others on the judiciary and parliament) has never been applied in the MENA region. It is described in more detail below, but (broadly speaking) ACRLI systematically analyzed relevant media regulations, reviewed accessible research on this topic, engaged country experts to conduct independent research, surveyed dozens of media experts on a range of issues, and gathered these experts in focus groups, roundtables and conferences to debate the project findings. All involved paid particular attention to the application of regulations governing media action during elections. It is hoped that this report will benefit multiple stakeholders, including governments, parliaments, reformers, members of the media and donors throughout the region.

This comparative report is based on the findings and recommendations in the four national reports, whose survey questions were geared towards helping the experts measure the media's (1) independence, (2) integrity and (3) competence. Those surveyed were asked to prioritize a list of possible reforms. Some of the main findings of the country reports are described below.

### II. Key Findings

- **Limited independence:** The region has three basic forms of media: (1) government-owned and -controlled media, (2) private but politically and/or commercially driven media and (3) private and independent media. Unfortunately, the first two dominate the regional landscape.
- **Government-dominated:** In general, the region is dominated by media that is either owned or controlled by the government. These organizations are mainly used to disseminate propaganda with the aim of consolidating power and promoting unity and religion. They also often try to exploit news stories for commercial purposes. In such cases, the media is effectively selling itself to the highest bidder.



- **Private but partisan:** Privately owned media outlets that are politically and/or commercially motivated are also prevalent in the region. Given their political or commercial agenda, they have features similar to the government-controlled media. Among the print media, this type is particularly common.
- **Some independent outlets:** Small, private, independent media organizations that are more objective and transparent in their reporting do exist.
- **Censorship:** All four countries have constitutional, legal, customary and conventional guarantees of the media's independence. Nonetheless, the media is subject to two kinds of censorship: (1) government censorship and (2) self-censorship. This reality is the result of multiple laws that are used—directly and indirectly—to inhibit free speech. This is possible because provisions of the constitution, the Penal Code, the Emergency Law, the Media Law and religious laws (as well as laws specific to associations, unions, the Ministry of Information and the Higher Council) contradict each other.
- **Hard to report on government:** Throughout the region, governmental secrecy is the norm, and accessing information about the government is one of the media's most pressing problems. To make matters more challenging, public employment laws prohibit government workers from disclosing any employment or personal information. In addition, government-controlled media have a firm monopoly on information sources for the interest of some media broadcasters and specific media institutions.
- **Progress toward reforms:** In general, the region's move towards democracy and free markets has had a positive impact on the ability of the media to exercise its right to free expression. Public access to more information has led to more pluralistic voices, pictures and words. In some countries, rising public opposition to government leaders has also led the media to be more critical. In addition, important progress towards reforms can be seen in the dissolution of some countries' ministries of information and a higher degree of professionalism among journalists and media organizations.
- **Greater political awareness:** More media outlets, especially the print press, demonstrate political and social awareness. Access to technology has also enabled some media outlets to modernize and thereby become more self-sustaining. Greater awareness of people's cultural and political rights has also helped sensitive people to women's rights and open up opportunities for women in the media.
- **Influence of security agencies:** The government agency responsible for granting licenses to political media institutions varies from country to country. However, the influence security and intelligence agencies have on the affairs of the media is prevalent in all four countries.
- **Elites control licensing:** In all four countries, members of the elite political class effectively control media licensing decisions. In practice, if not in theory, none of these countries have objective licensing criteria. Were such criteria to exist, it would come last among the considerations that govern licensing decisions.
- **Defamation laws:** The entities and public officials effectively shielded from criticism by defamation laws are similar in all four countries. They include the president, the military, the



security agencies, religious authorities, employees of government ministries, parliamentarians, legal and judicial authorities, leaders of foreign nations and the flag.

- **Elites threaten independence:** The increase in media independence that has been achieved in recent years is threatened by the growing religious and financial power of some of the ruling elites. It has also been impacted by threats the media has received of a financial and physical nature.
- **Arbitrary justice for journalists:** As the result of numerous investigations, some journalists have found appearing before civil and military authorities has become part of their daily routines. Various laws are used to justify the demands that they appear, including the emergency laws, the theory of exceptional circumstances, the case of external breaches, the logic of government solemnity and confidentiality of information, and a long list of media and free expression restrictions in the criminal code that are arbitrarily interpreted and applied in practice.
- **Journalists often breach honor codes:** The profession of journalism is governed by systems, codes of honor, laws, ethics of the profession and its traditions. Cases in which a journalist is accused of breaching the professional honor code are generally resolved by mediators who are asked to (but usually do not) balance the journalist's right to free expression against the journalist's obligation to report accurately and professionally. However, mediators are often unreliable and untrained and do not know how to balance the tension between free speech and accurate reporting. They are sometimes also biased. Various surveys indicate the public believes bribery to be widespread among journalists.
- **Few professional standards:** Journalists are often hired, assigned stories and promoted based on nepotism or favoritism rather than competence. This situation is facilitated by the absence of impartial, objective and professional standards, which leaves these decisions to the whims of media owners. The lack of professionalism in some elements of the media limits the development of the media as a mature, responsible institution and the degree to which it can be relied upon to report the news accurately. It also limits the potential of the media to play a watchdog role and keep citizens informed about important issues of the day. .
- **Weak coverage of elections:** In all four countries, the poor quality of media coverage of the elections process reveals the limited role the media plays in educating the public or supporting free and fair elections. Media outlets did not give all candidates equal opportunities to express their messages, rather some candidates and political parties received preferential treatment. In addition, clear violations of the law by the government were not reported.

### III. Reform Recommendations

ACRLI asked the authors of the country reports to propose media reforms inspired by international standards for a free and independent media. The reforms should support the media's role in promoting public awareness and in monitoring government decision-making. The realization of such a vision can only begin when a country's laws, regulations and constitutions support—not hinder—free expression and an independent media. Political reform is the natural





and essential gateway to a more independent media, and the government must free the media from its control.

All four reports proposed a number of recommendations, which are divided into three categories below. The first category envisions a legal environment that protects the rights of members of the media. Creating such an environment will require the passage of new laws and the reform of existing ones. The second category includes recommendations designed to shore up media organizations, both in terms of their members' skills as well as their financial stability. The third category focuses on building journalists' professional ethics and ensuring they can continue to improve their skills.

### **1. Enabling Legal Environment**

Recommendations in this category include:

- enacting and implementing laws that guarantee access to certain kinds of governmental information;
- reforming government secrecy laws;
- eliminating what are considered “sacred usages”;
- enacting and implementing a code of ethics for journalists;
- eliminating any expressions that refer to general concepts;
- enacting a law to fight corruption in the media;
- reforming laws so that journalists can form and participate in media associations;
- reforming laws to transfer legal jurisdiction over journalists from the security courts to the regular civil courts (or specialized media courts);
- reforming laws to transfer judicial jurisdiction from the security courts to the regular civil courts or to specialized media courts;
- reforming laws to give journalists rights under labor law;
- amending the media law to give journalists good conscience or good faith rights;
- enacting laws abolishing censorship;
- amending the defamation laws to prohibit the jailing of journalists;
- enacting special media laws that apply to the elections process; and
- enacting a law prohibiting monopolistic advertising in the media.





## **2. Institution Building**

Recommendations in this category include:

- obtaining and utilizing information technology and communication software;
- developing new marketing competencies;
- developing new financial relationships with national and international media partners;
- promoting democratic media by creating special media fora; and
- promoting a more competitive advertising market base through transparent advertising policies.

## **3. Building Capacity and Habits of Integrity**

Recommendations in this category include:

- training journalists in the use of modern media technology techniques;
- training journalists in media management and media production;
- training members of media organizations in professional ethics; and
- training media employees in training the trainer methodologies so they can teach their peers.

Enacting and implementing these kinds of reforms will require support from many stakeholders, including the media, politicians, opinion holders, experts, professionals and civil society leaders. A broad coalition capable of finding consensus on reform priorities and activities must be developed.

These recommendations should be expanded into action plans that can be implemented within specific timeframes on a country-by-country basis. Government officials and civil society groups should work hand in hand to make these reforms a reality as a first fundamental step towards promoting both integrity and the rule of law.



## Chapter 1: Background and Context

### I. General Information on the Media Sector

This sector includes television and radio as well as print and electronic media.

#### 1. Television Media

Broadcast journalists in the region are generally subservient to the government, with the exception of those working in Lebanon, where a few private channels have existed since 1975. For a short time in 2005, Jordan also had a private channel, but it was closed shortly after it was given permission to operate.

The government's monopoly on visual media across the region clearly demonstrates their view of it as a political tool that can control public opinion. Television reaches the most people in all four countries and is very influential in shaping public opinion.

Television media consist of terrestrial and satellite channels. All broadcast in Arabic but some use other foreign and local languages, such as French, English, Spanish, Amazighian and Armenian.

The number of channels differs from country to country. For instance, in Egypt, there are two terrestrial channels that cover the whole country, six terrestrial channels that cover specific local areas and a network of satellite channels. Morocco has nine channels, and Lebanon has five, four of which represent a mainstream sectarian group.

#### 2. Radio Media

Most radio licenses are owned by the government, though some are privately owned by foreign parties, such as Morocco's International Mediterranean Radio and Radio Sawa. In general, local private stations that broadcast on the FM band have no right to broadcast news or political talk shows. In Jordan, only one station of the 14 that exist has this right. In Egypt, the government forbids local stations from broadcasting any news or analytical/political programs, and their programming can only be received within Cairo and its suburbs.

However, in Lebanon, the civil war (1975–1991) resulted in the creation of a number of private stations controlled by political parties and sectarian groups. The Broadcast Law in 1994 restructured the media so that it better represented the range of religious groups in Lebanese society. Egypt has the largest and oldest radio broadcasting system in the Arab world. However, its stations work under direct governmental control.

Across the four countries, the number of radio stations each has varies depending on the country's size, population density, political system and exposure to international media. In Egypt, there are 42 radio stations on medium wave, three on short wave and 14 on FM bands. Since launching NileSAT 101 in 1998, Egyptian radio broadcasting has grown to include nine



radio networks that transmit to the whole country. Radio Cairo transmit its programs in 35 languages, and “the Voice of the Arabs” (*Sawt Al-Arab*) station broadcasts in Arabic all over Europe and the Middle East. Jordan has 14 FM radio stations and three licensed international stations—BBC Radio, Radio Monte Carlo and Radio Sawa. Morocco has 14 local stations.

### 3. Print Media

The print media is generally controlled by the government through one or more means, including government ownership, various laws, government censorship, as the result of links between media owners/editors and government officials or government appointments/funding.

In Egypt, the government owns the largest share of the three largest newspapers: (1) *Al-Ahram*; (2) *Al-Gomhuria* and (3) *Al-Akhbar*. The president of the republic appoints the editors-in-chief through the High Council for Media. The staff working in these newspapers are selected from the members of the ruling National Party, through the State Council. Over time, the number of independent newspapers in Egypt has increased, particularly under the former regime. For example, the weekly *Al-Arabi* newspaper criticizes the government and raises issues related to corruption and human rights’ abuses. In addition, Egyptian political parties are entitled to issue their own publications.

As for **Lebanon**, its press is well established and independent, with deep historical roots. Its first newspaper was published in 1875.

In Morocco, the number of independent and factional newspapers has grown considerably during the reign of King Mohammad V (who gained the crown in 1999). During this time, Moroccan newspapers have broken longstanding taboos against making any negative comments related to the royal family, religion or corruption.

In Jordan, the press generally is under the control of the government and supports its interests. There are seven daily newspapers (one in English) and 23 political periodicals.

### 4. Electronic Media

Electronic media is relatively new to all four countries. For example, in **Morocco**, Internet service was not available until 1995. Despite the rapid growth of Internet users, the importance of electronic media as an information source remains limited. However, it has raised the question of citizens’ rights to access information.

## II. Factors that Influence the Media

Political, economic, social and historical factors (alone or in concert) have all affected media independence in both recent history and the present. For example, the year 1989 was considered a transformational one for democracy in Jordan This transformation symbolizes pluralism through the adoption of the Printing and Press Law, n° 10/1993, and the multiplicity of parties through the adoption of the Political Parties’ Law n° 32/1993. In Morocco in 1998, opposition



parties gained seats in the Moroccan legislature, which gave independent media outlets the opportunity (and support) to report on the role opposition parties play in a well-governed society.

Lebanon's political and cultural system has a history of promoting the development of democracy, civil liberties and human rights. The country has long provided support for print media and has policies that have facilitated or at least not retarded the media's democratic development.

In Egypt, which does not have a similar democratic history, did allow a certain degree of media coverage during the 2005 elections that demonstrated the government's willingness to accept some criticism.

In Jordan, the Ministry of Information was abolished in 2001, and its responsibilities were given to the High Council for the Media, the Jordanian Center for the Media, the Printing and Press Department, the Radio and Television Corporation, media advisers and embassy press attaches. More than 24 laws and regulations (as well as several unwritten rules) regulate Jordan's media. Except for laws like the 1993 Press Law many of these laws, such as the Visual and Audio Media Law, are aimed at limited the media's freedom. That law gives the cabinet the power to reject media licenses.

In Lebanon, in 1994 the parliament passed the Broadcast Law, which was considered a compromise between those who wanted to promote a democratic climate and mainstream capitalists/politicians with their business interests. However, in practice, its application proved to be arbitrary, usually favoring the government.

In Egypt, the Emergency Law of 1958 gives the authorities wide powers to restrict civil liberties and order censorship or closure of the print media. Egypt's Minister of Information appoints television staff himself.

The common denominator among these four countries is that their constitutions do not consider the media an independent institution and that they apply existing media laws arbitrarily according to the current interest of the government.

### **III. Overview of Media Reform Efforts in the Region**

The four Arab countries discussed in this report have approved the Arab Charter of Human Rights, which ensures the right to an independent media, freedom of expression and opinion, and the right to obtain news and thoughts and to disseminate them. However, for the most part, these governments have not permitted the print media, including Arabic outlets, to function without serious censorship. As a result, meaningful information about political reforms does not exist in practice.

In some instances, media reform has been undertaken in the name of freedom of speech, but in reality it is not intended to produce fundamental reform. Even these "principled" reforms allow governments to monitor and censor the media. For example, in Jordan, the High Council for the



Media drew up a bill to reform the Printing and Press Law, and another to ensure public access to information.

In Morocco, the government says it has begun three efforts to reform the media by ending the monopoly on television and radio ownership and by restructuring the private and public print media (“public media” is government owned).

#### **IV. Governmental Use of the Judiciary in Media Matters**

All four countries investigate and bring lawsuits against journalists based on criminal codes, print and press laws, media laws, codes of honor, emergency laws and the theory of national security and exceptional circumstances. From 1993 to 2004, there were 300 cases against journalists recorded. The government of Jordan initiated half of these cases, although it was unsuccessful in 90 percent of them. Indeed, the civil courts have not sent one journalist to prison. These statistics are a strong indicator that the government of Jordan is abusing its powers and arbitrarily using the media laws for its own political purposes, including censorship. They also suggest that the courts are trying to uphold the rule of law. However, the same can not be said for the courts in the other three countries. For example, in Lebanon, the courts supported the government’s decision to close MTV.



## Chapter 2: Analysis of Principles

### I. Independence

#### 1. Fundamental Guarantees of Media Independence

All four countries have constitutional, legal, conventional and customary guarantees of media independence. However, the government effectively violates these guarantees through various means.

All four constitutions also guarantee the right to free expression, unless it breaks the law. However, the government uses various laws, regulations, proceedings and decisions to effectively vitiate this constitutional right, which negatively impacts the media's independence.

In **Lebanon**, for example, the right to free expression is in the constitution but, in practice, it is restricted by a 1962 press law, a 1994 broadcast law and the criminal code. A similar situation exists in **Jordan**.

In **Egypt**, at last count, 186 laws have been issued that directly or indirectly restrict the independence of the media. In short, the law is used to impose government censorship and create the media's financial dependence on government.

In addition to these legal restrictions, government authorities encourage the media, in the interest of national security and integrity, to adopt professional criteria that effectively self imposes restrictions on the media. These government officials are in regular contact with the media to ensure that these professional standards are followed.

#### *A. Freedom of Expression*

In principle, the constitutions of all four countries also guarantee the right to free expression, in all of its forms, including the right to a free press and the right to express an opinion. However, in practice the reality is that this right is effectively vitiated by various laws, regulations and government practices that make the exercise of this right the exception rather than the rule.

- The Egyptian constitution protects freedom of opinion (including any constructive criticism), assures freedom of the press, and prohibits newspaper censorship and administrative closures of the media.
- The Moroccan constitution protects freedom of opinion and expression in all its forms and states that “putting an end to the practice of these liberties can only possibly occur by means of law.” However, since passage of the terrorism law in 2003, the government has frequently violated laws related to personal liberties.





- The Jordanian constitution protects freedom of opinion and its publication, but only within the margins of the law. However, the 1998/1999 Printing and Press Law effectively restricts these constitutional guarantees.
- The Lebanese constitution protects freedom of expression, but it is restricted by the Press Law (1962), the Broadcast Law (1994) and the Criminal Code.

### ***B. Freedom of the Press***

The right to freedom of the press is linked to freedom of opinion and expression and to the freedom of the media in general. It pertains mainly to public liberties.

In Morocco, the first law related to freedom of the press—the Patron of Public Liberties—was issued in 1958. No law guaranteeing freedom of the press exists *per se*. Instead, there are several separate laws that are used to control and restrict the media. One example is the law giving the Minister of Internal Affairs the right to permanently or temporarily any newspaper that harms the public order, religion or the monarchy. In practice, the Moroccan press has experienced various difficulties, including harassment, government-mandated immediate closure and revocation of media licenses.

In Jordan, the freedom of the press and freedom of opinion are referenced in one article in the constitution.

In Lebanon, the Press Law and the Broadcast Law both guarantee the freedom of the press and the media.

In Egypt, the constitution guarantees the right to freedom of the press and their ownership and states that the High Council for the Press supports freedom of the press. In addition, the Code of Journalistic Honor states that freedom of the press is one of the most fundamental liberties in the constitution.

In summary, whether or not media laws exist, they are written in a general manner so that government authorities can use them as a weapon to restrict the freedom of the press.

### ***C. The Freedom of Association for Journalists, Media Organizations and Media Watchdog Groups***

This freedom is not as clearly defined, or even expressed, in the constitutions or laws of any of the four countries under discussion. For example, in Morocco, no law gives journalists the right to associate. However, despite the absence of such a law, Moroccan journalists have organized themselves in a national association, and media organizations have created the Moroccan Federation for Publishers. In Jordan, the 1998 Law for the Journalists Association requires journalists to join the Press Association, but membership is restricted to Jordanian citizens.





The Lebanese constitution assures the freedom of association subject to a previous consent, but there is no law related to this freedom.

There is also no law related to the right of media watchdog groups to associate. Nevertheless, a number of groups—such as Human Rights Watch, the Egyptian Human Rights Organization and the Committee of Journalists—state in their materials that this right does exist.

#### ***D. Ability to Access Information***

The right to access information is completely subject to the political whims of government authorities in all four countries, whether a law exists to protect that right or not. In Egypt—despite the fact that the Egyptian constitution assures journalists' rights to access information and the fact that the Penal Code prohibits any restrictions that may hinder the flow of non-confidential information—the bureaucracy ignores the law or delays making information available. Since the government is the only source of official information, this is often done through the Press Bureau, which is under the control of the Ministry of Information.

In contrast, the Lebanese law does not acknowledge the right to access information. In Jordan, the National Convention for the Reinforcement of Democracy Law states that access is the right of any citizen and of the press. At the same time, there are laws protecting the right of the media to disseminate information, and the Press Law itself gives journalists the right to access information. In spite of all of these laws, access to official government information is typically only achieved if the government authority decides to provide it rather than through the legal enforcement of this right.

In Morocco, although the 2002 amendment to the Press and Publication Law gave media outlets the right to reach any news source and access information (unless it was confidential), the application of this law is hampered by several contradictory laws and regulations, including the ambiguity of the Press Law and other laws related to civil defense, personal information and the confidentiality of the profession (a fundamental rule for public employment).

In short, a culture of government secrecy dominates the regional landscape. They all use a classification system (which includes a favored category related to terrorism) to distinguish public from private information. Government authorities use these categories to justify either withholding information or bringing lawsuits in special tribunals to prosecute those who disseminate it. For example, in Jordan, there is a law related to the protection of government secrets and files (which dates back to 1970). The only court that can investigate and prosecute crimes under this law is the Government Security Tribunal. These four countries also share the concept of “government solemnity,” which may be used to prevent the press from accessing information.



## 2. Clear and Fair System for Media Activities

### *A. Licensing Processes to Establish Media Organizations*

In all four countries, no media outlet may be established without receiving a license (there are some differences among countries). For example, in Morocco, the Press Law states that there is a right to publish provided that a declaration is filed with the authorities.

### *B. Impartial, Transparent Media Oversight Authority*

In each of the four countries, the licensing agencies vary under the law, although each generally requires approval from the intelligence and security agencies as part of the process.

Lebanon basically has two types of licenses. One is for the political media and the other for nonpolitical outlets. Licensing it is controlled by the executive power or the national security departments as well as the National Council for Visual and Audible Media. The latter is not an independent licensing authority, rather provides a cover to give legitimacy to government licensing regulations, which are often issued in an arbitrary, poorly planned, non-transparent manner that is not objective. Generally, these regulations are written for those in positions of power, those with sectarian interests or capitalists.

In Egypt, until 1996, unless you were a private-joint stock company, and had the consent of eight different government authorities, you could not obtain a media license. Since 1998, obtaining a media license has required the consent of the Egyptian Cabinet.

In Jordan, under the Press Law, the Minister of Information refers recommendations for media licenses to the Cabinet, which must also approve them.

In Morocco, three authorities control licensing:

- the National Print Media, which is under the supervision of the court of first instance;
- the Foreign Printed Media, which is under the supervision of the Ministry of Communications; and
- The Visual/Audio Media, which is under the supervision of the High Council for Visual and Audible Communication (an advisory body to the King).

### *C. Specific Licensing Requirements*

In all four countries, the first (and primary) condition for obtaining a media license is citizenship. In Morocco, for newspapers to be licensed, the owner, financier and shareholder must all be Moroccan citizens. In Jordan, it is illegal for non-Jordanians to even invest in the press. In Lebanon, to own a newspaper, both the owner and all stockholders of a joint-stock company must be Lebanese citizens. Sectarian pluralism is also a criterion for granting a



private radio license in Lebanon, although in practice the sectarian identities of various shareholders has not had any significant effect on content.

Each country has different rules regarding the capital an applicant must have to qualify for a television or radio license. The rules vary for several reasons, including (1) a government's policies related to restrictions on the media, (2) the diversity and degree of free speech that exists in each country and (3) the degree to which media advertising is controlled by the government.

In Jordan, to obtain a newspaper license, an applicant must have US\$500,000 in initial capital. To acquire a periodical license requires US\$50,000.

In Morocco, if the majority of the capital for a newspaper license is owned by one person, that person must be the publisher. This may be an attempt to decrease the independence of editors and investors.

In Lebanon, a newspaper license requires 500,000 LBP, plus additional sums to guarantee payment of any legal liabilities and employee retirement. A local television license costs 250 LBP plus an annual leasing fee of 100 million LBP. In addition, another 20 billion LBP (approximately US\$13.5 million) is required in initial capital to cover any expenses incurred for five years. The cost of a cable television license is determined solely by the government of Lebanon. It should be noted that none of the other three countries allow cable television.

In practice, none of the four countries observe their official licensing criteria. For example, in Lebanon, a review of license applications for 1996 revealed that double standards were often applied, contrary to article 12 of the 1994 Broadcast Law. The criteria prohibiting "indirect ownership" has also served to monopolize the media. In Jordan, in 1988, the government used the licensing criteria to force newspaper owners to sell the government a majority stake in their organizations. What occurred in both Lebanon and Jordan aimed at influencing advertising policies for political purposes.

#### ***D. Laws Against Defamation***

The governments of the four countries under discussion use anti-defamation laws to address false claims against the president, the heads of foreign states, the integrity of the country, loyalty to the government, the government's finances, the courts, the parliament, religious authorities and the flag. Each country defines and uses these laws somewhat differently.

For example, in Jordan, defamation includes the verbal abuse of the king, the courts or judges.

Each country has unique anti-defamation laws with their own historical background. For example, the Lebanese and Jordanian criminal laws prohibit defamation whereas in Morocco the Press and Printing Law does so.



In all four countries, the sanctions for defamation appear to be harsh, and given that the laws are vaguely written, they are subject to interpretation. This makes them potentially powerful legal tools to stifle the independence and free expression of the press. The harsh sanctions in these laws protect officials against criticism and questions and thereby inhibit the media's ability to report on government mistakes or corruption. Surveys of the media and the public indicate opposition to these kinds of legal sanctions.

The application of these laws varies from country to country according to the political circumstances of each country, although they have a negative effect on freedom of the press in all instances.

For example, in Morocco, Article 191 of the Penal Code is used by the government as a legal weapon to discourage criticism from the media. The net effect is self-censorship. In Lebanon, there are similar laws with the same negative effect; they include a special law called the Kings and Heads of State Law. It was issued in 1965 after other Arab leaders registered their displeasure with the Lebanese media.

However, in Jordan, the legal prohibitions against defamation have an exception that protects journalists from prosecution if their reporting relates to the poor job performance of a public official or civil servant.

#### ***E. Reasons for Suspension and Seizing Press Cards***

In all four countries, the suspension of the press and the confiscation of journalists' press cards are for similar reasons, including (1) a breach of ethics, (2) disrespect for national sovereignty, (3) the publication of false information or confidential communication, (4) the defamation of heads of states, (5) placing national integrity in jeopardy and (6) threats to national security.

In each country, different authorities have the power to suspend press operations or confiscate press cards, depending on the law being used. In Morocco, the judiciary has this power. In Jordan, it is the Association Board.

However, in all four countries, these laws are applied arbitrarily. For example, in Morocco, press cards have been seized for political reasons in some instances, when it supports the interests of the government.

#### ***F. Laws on Press Closures and Seizure of Assets***

In all four countries, actions that have resulted in press closures or asset seizures are similar to those that led to the revocation of press licenses or the confiscation of press cards. For instance, in Morocco, actions that can result in press closures include showing disrespect towards the king, causing harm to the monarchy's regime or challenging religion.



The authorities who can order closure and asset seizure vary. For example, in Lebanon, the public prosecutor has no effective power to close any newspaper; he or she can only seize the relevant newspaper's publication and then refer the matter to the competent authorities. However, the minister of information can close any television channel. In Jordan, the government has no power to close any newspaper or seize its assets without court permission. In Morocco, the minister of internal affairs can seize newspaper assets, and the judicial police (under the authority of the public prosecutor) can seize any publication's assets for ethical violations. In addition, the judiciary has the power to close newspapers for a definite or indefinite period of time and to destroy seized publications. The minister of communication has the authority to ban foreign newspapers.

In all four countries, the application of these laws has been politically motivated, arbitrary and an abuse of power, such as the decision to close the MTV channel and Mount Lebanon radio station.

In none of the countries do these laws mandate sanctions based on clear and reasonable criteria. Their clauses are uniformly extensive and ambiguous. In short, the laws in these countries are legal minefields that are impossible to cross without fear of detonation.

### **3. Absence of Censorship**

#### ***A. Absence of Official Censorship***

In all four countries, media censorship is routine and familiar. The only difference is found in the degree and method and which government authority has the legal power to impose it. Constitutional and legal theory on censorship is one matter; their application in practice is another.

In Egypt, the 1971 Constitution forbids any censorship except in time of war or in the interest of national security and public safety. However, in fact, government monitoring and censorship is carried out on daily basis. In Morocco, while the Press and Publication Law does not contain a single section that allows media censorship, the security agencies nonetheless undertake it. In Jordan, the constitution allows limited censorship only during declared emergencies or when necessary to defend the country, but it is undertaken for other reasons as well.

In the four countries, the official organizations entitled to censor the media vary. In Egypt, the first law defining the functions of the Censorship Bureau was issued in 1975. In Lebanon, the public prosecutor has the right to censor the print media, and the Cabinet is entitled to pre-publication censorship in exceptional circumstances. The minister of information has the right to censor television and radio. In Jordan, as there is no Ministry of Information, the security agencies assume this role.



### ***B. Specific Government Directives on Inappropriate Content***

In all four countries, the political authorities generally control media content, either as the result of regulations or informal suggestion. While state-owned media functions according to clear government directives, the private media also has an interest in observing these same mandates (and cannot risk evading them). In addition, some countries' laws contain specific prohibitions against certain kinds of media content, which inhibit freedom of expression.

For example, in Morocco, the law prohibits commentary on certain issues, such as the rule of the monarchy, the royal court budget, and sex or homosexuality. At the same time, the official media is often mandated to broadcast royal speeches/activities, parliamentary sessions and government announcements. It is also encouraged to allow certain VIPs to make media appearances and discouraged from allowing certain other people the same opportunity.

In Jordan, it is routine for the people in power to contact journalists to “update” them on different matters. Journalists understand when they are to make this information public and when they are to withhold it. The restrictions on the media are similar to those in Morocco. The media is not to comment on the armed forces, the security agencies, religion or sex.

Lebanon has similar restrictions, which prohibit media content that threatens national security, provokes sectarian conflict, criticizes religion, reveals criminal investigations, breaches court secrecy or violates the secrecy of communication from the cabinet or parliament.

In Egypt, any activities that harm religion, national security, officials or government policies as well as matters that lead to violence, crime and sexual provocation are prohibited.

In all four countries, these restrictions are broad and ambiguous in scope and thereby enable the government to inhibit the press and the public's right to free expression.

### ***C. Fair and Responsible Editorial Control: Self-censorship—Why and How***

In all four countries, editors engage in self-censorship, mainly in response to various laws (such as those related to criminal defamation) or the rising religious pressure from Islamist groups. In many ways, self-censorship is worse than censorship imposed by the government, although its roots are essentially the same.

The forms of self-censorship differ from country to country. In Jordan, one finds both “hidden” censorship and self-censorship. “Hidden” censorship occurs as the result of strict government controls on advertising or government pressure on distributors and printing companies.

In Morocco, independent newspapers struggle to overcome self-censorship but the government media accepts it and readily follows a “tolerations manual” that defines what is allowed and what is not. However, in Egypt, most newspapers more readily accept self-





ensorship, which is widespread due to fears of retribution from religious, government and military officials. These forces (alone and together) prevent the media from criticizing the president (and his family), the military and the formal decisions of Sheikh Al-Azhar. Egyptian editors have little political space to express their own opinions as the private print media has only limited independence. There is no space at all for television and radio editors, whose stations are owned and controlled by the government.

#### **4. Official and Unofficial Influences That Impact Media Independence**

##### ***A. Factors that Limit Independence***

In all four countries, both internal and external factors limit the independence of the media. Internal factors include actions of various authorities and rising political, social and religious groups that seek to control the free speech rights of both civil society and the media. External factors include pressures from neighboring ruling elites.

In all four countries, those who work in the media are subject to political, physical, psychological, financial and legal pressures (or abuses). Although the methods used to intimidate media employees vary, their shared goal is to inhibit the right to free speech and to limit the media's independence.

For example, in Morocco, the government imposes large fines, while Islamic groups conduct advertising and media boycotts against journalists who refuse to communicate their views. At the same time, the King's entourage often seeks to constrain journalists that hinder the "democratic movement."

In Lebanon, in 1998 the government declared that satellite television could not broadcast news or political programs under the pretext that such an action would harm Lebanon's reputation, trade and investments.

In Jordan, the methods used to inhibit independence include government interference with the media's general activities or its press coverage of certain public figures, opposition politicians or certain viewpoints. The government justifies its actions by saying that the security of Jordan requires them, because the media could cause trouble or internal riots.

##### ***B. The Media's Financial Viability***

In all four countries, the public (or official) media is financed by the government, unlike the private media, which is financially dependent on advertising, subscriptions or sales.

The profitability of advertising differs from country to country. In Morocco, newspapers that support the crown have the largest share of the advertising market. Here, the government uses advertising as a political weapon. Morocco's ad market is split between large media organizations (who hold 21 percent of it) and Arabic print media (who hold 30 percent).





In Jordan, the advertising market is booming, growing at an annual rate of 20 percent. However, the government is the largest newspaper advertiser, which gives it the financial leverage to reward or punish the media.

In Lebanon, big business interests affect the independence of media outlets. Although the Broadcast Law forbids monopolistic control of media advertising, one media group monopolizes the Lebanese market through its control of many small advertising agencies. This group controls 92 percent of ads in the local media market, and 72 percent of the satellite television advertising market.

In Lebanon, the 1962 Press Law theoretically enables the government to control the media's finances (because it mandates Lebanese ownership and Lebanese financial support). However, in practice, the law is often subverted by foreigners who buy stocks under Lebanese names. The result is that a number of Lebanese newspapers depend on foreign funding. In Jordan, journalists are forbidden to receive any financial help from any Jordanian or non-Jordanian source.

In Morocco, the independent press, like the partisan press, receives government funding. However, the partisan press also receives support from political-party financing.

In Egypt, government-owned television, radio and publications all have financial deficits that exceed US\$1 billion, which makes them financially dependent on government support.

## **5. Journalists' Personal Independence**

### ***A. Control over Content***

In all four countries, journalists can work in the official, independent or partisan media sector for print, television or radio outlets. Each of these groups has its own characteristics. Journalists in the official media work under governmental directives, and journalists in the partisan media work under their party's directives. In contrast, journalists in the independent press enjoy a certain degree of freedom, although some effectively work for the interests of parties or the government, depending on their motivations.

### ***B. Freedom of Movement***

In general, journalists in all four countries can exercise freedom of movement, except in designated military areas. They also have access to government office buildings, which all allocate office space to them for their press-related activities. In Morocco, no restrictions have been imposed on their movements, and there are no incidents to indicate this right has been abridged. While Jordan has not restricted journalists' freedom of movement, this does not necessarily mean they are not harassed by those countries' security forces.

The status of foreign journalists varies from country to country. In Jordan, they are generally welcomed and receive media privileges. But in Morocco, some journalists have been



harassed, others have been prevented from entering the country and others have been deported.

### ***C. Arbitrary Criminal Prosecutions***

In all four countries, journalists commonly appear before civil and military courts, as they work under various restrictions, laws and regulations, including those that should be restricted to the military. Cases before military courts are almost always resolved against the journalists, and serve to cast the integrity and credibility of the media in a dim public light. The list of provisions in the criminal code that the government uses as legal weapons is indeed lengthy.

For example, in Egypt, the Press Law imposes both high fines and up to 15 years imprisonment on journalists who commit certain felonies, which are all vaguely defined in the criminal code and subject to arbitrary interpretation.

In Morocco, 28 lawsuits were brought against journalists in 2005, 33 in 2004 and 49 in 2003. In Jordan in 2006, six lawsuits were brought against journalists. In 2005, the Department of Press and Publication brought five lawsuits against newspapers (four daily and one weekly).

### ***D. Physical, Social and Economic Safety***

In all four countries, journalists are subject to varying forms of abuse, including (1) physical abuse, (2) the destruction of television footage, (3) harassment by security forces, (4) humiliation, (5) verbal abuse, (6) kidnapping, (7) censorship, (8) house inspections and (9) property seizure.

For example, in Morocco, journalists have not been assassinated or kidnapped since the formation of the “new monarchic regime” under the current king. However, in Lebanon, two journalists were assassinated, and one suffered an attempted assassination.

In Jordan, while journalists rarely suffer physical abuse, many fear official humiliation and receive threats from the security agencies. Referring journalists to the investigative courts is another widely used method to terrorize them.

In Egypt, the authorities sometimes use advanced methods to intimidate journalists, including overt and covert surveillance. Egyptian law also allows journalists to be tried before military courts that issue various degrees of sanctions.

In none of the four countries is journalists’ economic safety guaranteed, and their salaries are generally very low. Since they have no social safety network, some journalists sacrifice their professional ethics to survive by seeking a better position. A number of journalists have also become corrupt or effectively work on behalf of politicians or wealthy people.



### *E. Protection by Civil Society Groups*

Civil society groups in all four countries constantly criticize the abuse of journalists. These groups usually use the same techniques to protect journalists as human rights groups, public defenders, associations and unions, including documenting abuse and making public statements (although their success is too limited).

## **II. Integrity**

### **1. Clear Standards and Ethics for Professional Journalists**

Journalistic standards vary in form, content and application from country to country, although they are generally determined by codes of honor, the law and each country's general ethical principles. Journalists try to apply these standards while exercising their right to free speech.

Morocco had no legal code of ethics for journalists until the Moroccan Press Law was amended in 2002, following a multiyear effort by the National Association for Moroccan Journalism.

In Jordan, the Journalists' Association issued the Code of Journalistic Honor under government pressure in 2003. The code is more analogous to a criminal code rather than a code of ethics.

In Egypt, the Press Law prescribes the professional standards and ethics for journalists. The law states, "In regard to what is published, the journalist has to respect the standards and ethics provided for by the constitution and the provisions, keeping in all his activities to the necessities of honor, loyalty, honesty and the ethics of profession and its traditions to preserve society's ideals and values, without violating any of the citizens' rights or harming any of their liberties."

In Lebanon, the law states that the role of the newspaper is "The mobilization of public opinion to defend the country, the laws, justice, and to resist abuse and aggressive forces." The country's Honor of Professions Code is ambiguously worded with regard to various positive or negative standards, including privacy, secrecy, confidential sources, accuracy, blackmail and public excitement. The tension between an individual's or official's right to privacy and journalists' right to freedom of speech is often complicated and problematic, just as it is in many democratic countries. However, under Lebanese law, government officials are generally protected from even careful journalistic examination, which is a weakness in the law. Another weakness is the law's inability to address various professional issues, such as those related to ethical violations, financial pressures, ideological biases and plagiarism.



### ***A. Standards for Enforcing Journalistic Integrity and Professionalism***

Journalists' adherence to ethical standards is enforced through the laws of their associations and their codes of honor. The majority of these standards are the same in all four countries, examples include (1) the search for the truth, (2) honesty, (3) loyalty, (4) accuracy, (5) objectivity, (6) respect for news sources, (7) the avoidance of defamation, (8) the refusal of bribes—either in the form of money or gifts, (9) the fight against corruption, (10) the refusal to submit to others' views, (11) respect for pluralistic views, (12) separating advertising and editorial matters, (13) respect for privacy, (14) high quality work, (15) professional solidarity and collective assistance, (16) protection of the profession's dignity and members, (17) rejection of external interference and enticement, (18) protection of journalistic independence, (19) no plagiarism or stealing of articles and (20) not to provoke malice, vice or crime.

### ***B. Anti-corruption Laws***

In all four countries, corruption within the media is prevalent and deeply rooted. No country has a specific law that fights corruption within the media, although the Moroccan Press and Publication Law and the Law of the Journalists' Association forbids journalists from accepting any kind of support from both internal and external sources. However, financial corruption is just one of the ways in which media corruption occurs in the region.

For example, in 2002 Moroccan newspapers published a list of journalists in one city who accepted favors from local authorities. In 2005, a Moroccan weekly magazine published a report on bribes journalists accepted from the Collective Agreement for Professional Journalists. One of the underlying causes of corruption within the media is their low salaries, which opens the door to financial temptation, dishonesty and inefficiency.

### ***C. Anti-discrimination Laws***

Within government-owned media, employment discrimination based upon ethnicity, religion, gender or sexual practice does not appear to be a major problem in any of the countries examined. Media owners assume responsibility for employing journalists within their organizations and generally appear to consider applicants on the basis of their professional qualifications and experience, although this is an area where more research may be needed before any firm conclusions can be reached.

For example, in Morocco, there are 468 female journalists, including many working in the television sector. In Jordan, employment in official media is based on competitive rules, whereas employment in private media outlets is based on the market and is at the discretion of media owners.

However, in Lebanon, the Broadcast Law includes some discriminatory provisions that require media executives to have been Lebanese citizens for 10 years or more.



#### ***D. Criteria for Hiring and Promoting Journalists***

None of the four countries had objective criteria for hiring or promoting journalists, and favoritism—instead of professional qualifications—seems to be the guiding force behind such decisions. They also appear to be based on established practices within each media organization.

For example, in Morocco, some institutions only employ journalists with college degrees in journalism. Others require a special examination, and still others appear to hire based on family or ethnic relationships. However, the journalists' association and the Moroccan Federation of Newspaper Publishers have agreed that promotions will be based upon a list of objective criteria, including an evaluation of the journalist's professional commitment, efficiency, profitability, merits and qualifications.

## **2. Media Diversity**

A diverse media sector is one in which all groups, peoples and organizations have the opportunity to own media organizations and have access to the media. In addition, in a diverse media, journalists offer a range of information (from different viewpoints) on a variety of topics of public interest.

### ***A. Diverse Media Ownership***

In three of the four countries examined, the government owns the television and radio stations, as well as a large number of the newspapers. (Lebanon is the exception.) For example, in Jordan, the government monopolizes the television and radio airwaves. In the last few years, it has granted 15 licenses to FM stations, but only one has the right to transmit news and political programs. The government also controls 53 percent of shares in *Al-Rai* (a daily newspaper) and 35 percent of shares in *Al-Dustur* (another daily newspaper).

In Morocco, media ownership varies, but the government has a monopoly on television and radio. The private sector—including political parties, vocational syndicates and a number of associations and wealthy individuals—has a great deal of control over the print media. In Egypt, media ownership is diverse, and there are an increasing number of opposition newspapers.

In Lebanon, the Press Law does not require diverse media ownership, nor does it include any provisions that prohibit giving media licenses to organizations owned by individuals from different political backgrounds or those publishing in a foreign language. This law and the political, sectarian and linguistic diversity that results from it distinguishes the Lebanese media from that in the other three countries. For example, the Broadcast Law clearly requires diverse media ownership. On this basis, four television stations representing each of the four sectarian groups in Lebanon were granted operating licenses.



### ***B. Diverse Media Content***

Laws that promote the pluralistic expression viewpoints exist in the region, such as Morocco's Electoral Law and Lebanon's Broadcast Law (1994). In fact, a comparison of pluralism as described in the 1997 Treaty of Amsterdam and in Lebanese law reveals that the Lebanese concept of pluralism is broader in scope, including gender, ethnicity, language, age and sexual tendencies. Thus, it is clearly incorporates and broadly defines political and sectarian pluralism.

In Jordan, the amount of broadcast time the Jordanian Press Agency (PETRA) gave to anti-government views represented approximately 1 percent of their total broadcast time. In addition, the broadcast time allocated to local political affairs was less than that allocated to international or Arabic affairs (24 percent for local, 38 percent for Arabic and 37 percent for international).

In Morocco, private or independent print media (including newspapers) offer more diverse viewpoints than do government-owned media, even though the latter operates under a special commission whose mandate is to "ensure respect for pluralistic views on different thoughts and opinions especially in regard to political media on the part of both the public and the private sectors."

### ***C. Equal Access to Media***

Reasonable access to the media is not a major issue in any of the four countries examined. For example, in Egypt, there are numerous satellite channels available in homes, cafes and village squares, and it is generally considered to be inexpensive.

In Lebanon, the Broadcast Law requires media owners to provide nationwide media coverage. In addition, the Press Law promotes access to the media by giving everyone the right to respond to television and radio reports.

In Morocco, national media coverage is increasing. Television and radio now cover 98 percent of the country. In addition, because there is no law regulating satellite television, sales of satellite dishes are quickly increasing. At the same time, it may be worth noting that there has been little growth in the print media. However, this is thought to be mainly attributable to cultural factors.





### III. Competence

#### 1. Professional Qualifications

##### *A. Clear and Objective Criteria to Practice Journalism*

The criteria used to qualify as a journalist varies from country to country. In Lebanon, the Press Law states that a journalist must be over 21 years of age must have a high school diploma, its equivalent or a university degree; and must have practiced journalism from one to four years since joining the journalists' association. The Media Law, which regulates radio journalists, does not require particular qualifications.

In some countries, the requirement that journalists be members of a journalist association is not always enforced. For example, in Jordan, 300 journalists practice and report for outside media organizations and are not members of any professional association. The Law of the Journalists' Association states that journalists must be Jordanian citizens, must have no criminal record and must have legal and professional journalistic experience and abilities.

In Morocco, the Professional Journalist Law does not require journalists to have any professional qualifications. In television and radio, approximately four in ten journalists have a journalism background, and one in ten is a college graduate. In print media, the number of journalists with journalism backgrounds or college degrees is much lower.

The number of colleges and universities with journalism programs varies from country to country. In Egypt, there are 14 national programs in public universities, four in private universities and two in the Ministry of Higher Education. The most important program is widely believed to be the one at the American University in Cairo. In Morocco, there is a program at the High Institute for Media.

##### *B. Opportunities for Periodic Training*

In all four countries, journalists have few opportunities for professional training. In Jordan, journalistic professionalism is suffering due to a lack of training, which is needed to both enhance professional competence and increase legal awareness. The Jordan Press Association offers no training courses, though the Higher Council for the Media began offering training in 2005.

In Morocco, specialized training sessions are virtually nonexistent. To the extent they exist, they are supported by non-governmental organizations that do not have the capacity to meet the needs of the profession. More than 54 percent of Moroccan journalists have received no training, and more than 92 percent have expressed interest in being trained. In Egypt, university programs face problems such as insufficient funding, equipment and teachers. The programs that are offered rarely include practical training or instruction in how to utilize modern technology.





In Lebanon, training is virtually non-existent, due mainly to a lack of funding and experienced trainers. While international organizations sponsor a few workshops, participation in them is limited, which is an indication that media organizations do not believe training for journalists is very important.

## **2. Open Access to the Profession**

### ***A. Unfair Restrictions***

Restrictions barring people from the practice of journalism vary from country to country, as do qualifications to become a journalist. In Jordan, the Press Association Law states that journalists must train at a specialized college and be employed by a media organization. In Morocco, the only requirement is obtaining a professional card from the Ministry of Information after consulting the Committee for Press Cards. Recently, the Ministry of Information has made obtaining this card more difficult, in the name of improving the quality of journalists who enter the profession. In Egypt, membership in the journalists' association is required to practice journalism. In Lebanon, no one has the right to practice journalism unless he/she becomes a member of the Editors' Association. This is seen by some as a restrictive legal condition since the Press Law (1962) considers journalists who are not members of their association similar to "impersonators."

### ***B. Absence of Discrimination***

There is no discrimination in journalistic activities based on gender, political views or sexual tendencies in any of the four countries examined.

In Egypt, women in this field face many social and cultural barriers, including society's perception of journalism as a male profession, cultural pressure for women not to work outside the house (or to travel) and the threat of sexual harassment. Despite these disadvantages, however, it is noteworthy that approximately 40 percent of Egyptian journalists are women.

In Jordan, women represent one-quarter of the members of the Jordan Press Association.

In Lebanon, the only discriminatory policy that exists is the requirement that journalists be a member of the Editors' Association, whose president also has the discretionary power to decide who is a journalist and who is not.



## Chapter 3: Elections Study

### I. The Role of the Media During the Election Process

This section offers an evaluation of the media's performance and evaluates the extent of their contribution to the enforcement of the rule of law. A practical way to evaluate media performance and its promotion of the rule of law in the region is to analyze media coverage during elections. Below, media coverage during the presidential elections in Egypt and the parliamentary elections in Morocco, Lebanon and Jordan is examined.

#### 1. Free and Fair Access to the Elections Process

In Egypt, for the first time in its modern history, a government-owned media organization was officially asked by the Egyptian government to provide fair media coverage during the 2006 elections process (including fair access for opposition candidates). Government-owned television channels hosted members from the Kifaya ("Enough!") movement and the Muslim Brotherhood (which is banned in Egypt) to discuss their respective platforms.

In Morocco, the 2002 elections are likewise considered the first elections in which the Ministry of the Interior encouraged the media to provide fair coverage during the elections.

In Jordan, recent elections were given similar media coverage. There, the media made efforts to provide a range of political parties and candidates with equal media coverage and equal access to the media.

In Lebanon, media coverage during recent elections was seen by many as unprofessional and biased. In general, the TV channel owners were clearly promoting one candidate or party over another and did not provide all of the candidates with equal access or fair coverage. This is explained, at least in part, by the fact that Lebanon has no law to ensure equal access or fair coverage during the elections process.

In Jordan, newspapers published supplements that covered the candidates' activities and platforms during the 2003 parliamentary elections.

During the Egyptian elections, the official television channels were generally seen as providing more impartial and more frequent media coverage to more candidates and political parties than newspapers. Newspapers owned by the government mainly provided coverage of the ruling party's candidates.

In Jordan, the media law mandates that the media not discriminate among candidates during elections. This law is seen to enhance, but not always to guarantee, candidates' freedom of expression during elections. However, media organizations owned by the government often provide ruling party candidates more coverage than others.



In Lebanon, two well-respected recent studies on the media's role in the 2005 elections both concluded that the majority of Lebanese media organizations lacked objectivity and were biased in their coverage (the EU Election Monitoring Committee report and the Lebanese Organization for the Democracy of Elections/Middle Eastern Bureau of the Paul Heinrich Foundation report). However, the reports also noted that the government's television station, Tele Liban, was less biased than some of the private television stations.

In Morocco, the official media appeared to be both more commercial and more partisan than in other countries. For example, it showed partiality towards some political parties during broadcasts that were billed as voter education programs. The government-owned media also did cover the full range of political views equally, and it did not declare the election results in a timely manner. Further, it failed to mention any of the violations that occurred on election day. The partisan media generally followed its commercial interests and did not report any problems with the elections. While some considered independent media coverage to be unprofessional, the independent media did report on the various party platforms and noted that there were electoral abuses. Moreover, it openly expressed doubt regarding the integrity of the elections and noted that the election investigations took a year to resolve.

In Jordan, the *Al Arab Alyawm* newspaper noted a number of election violations in the 2003 elections, such as people voting more than once through voter card manipulation and vote buying. In 1997, the same newspaper revealed that a number of voters had more than one electoral card: one they used on election day and others they had from people who are no longer alive.

We believe the elections story described above illustrates that the role the media has played during elections is far from perfect. In many cases, it fell short of the laws of each country and their international obligations. In general, the media did not seem concerned with the need to inform and educate voters, to report on election law violations or to offer equal coverage to a range of political parties (including opposition candidates). In some cases, it also failed to differentiate between news and paid advertising or to report or investigate citizen complaints.



## Chapter 4: Public Policy Recommendations

Recommendations from the four country reports reveal agreement on many of the reforms needed. The reports all highlight three common sets of issues: (1) the need to eliminate legal restrictions on the media's independence, integrity, free expression, and freedom of professional association, (2) the need to strengthen media organizations as institutions and (3) the need to promote competence, independence and integrity.

The reports all recommend that these ideas be turned into country action plans immediately so they can be implemented as soon as possible (as time is of the essence).

### I. End Legal Restrictions on Media Freedom, Independence and Integrity

Creating the enabling legal environment necessary to promote media independence, integrity and free expression will require constitutional/legal amendments in some countries and the passage of new laws in others. Any overarching analysis and action in this regard should begin by determining whether existing laws conflict with either a country's international treaty obligations or other accepted standards and norms related to the independence and freedom of the press.

Specific recommendations drawn from the country reports include:

- Enact and implement a law that guarantees access to government information, including information related to cases and investigations involving privacy violations.
- Amend the government's secrecy laws to limit the kind of information that can be classified as secret (and therefore withheld from the public).
- Amend the laws that prohibit criticism of religion, kings, heads of state and the military.
- Amend the laws that evaluate and prohibit media coverage according to criteria like (1) disturbing public order, (2) impugning the nation's reputation or integrity, (3) causing harm to government security, (4) causing harm to relations between countries, (5) causing harm to the country's economic situation and (6) harming someone's chastity and morals.
- Develop and implement a modern code of ethics for journalists.
- Enact and implement a law to fight media corruption.
- Amend the membership rules of media associations so that membership is based on merit.
- Enact laws that create special media tribunals and decriminalize judicial actions against the media.
- Enact and enforce laws/policies that protect the independence of media associations and councils from interference from the Ministries of Interior and Information.
- Enact and implement laws that allow media associations to provide journalists with benefits/protection under national labor laws and healthcare, social welfare, cooperative fund retirement systems.



- Repeal all laws that permit or promote pre-publication or pre-broadcast censorship and self-censorship.
- Repeal all regulations (including seizure and censorship laws) that restrict foreign media.
- Reform the anti-defamation laws that permit high-level government officials and wealthy individuals to bring unwarranted criminal charges against journalists.
- Review and amend the laws that give legal immunity to high-level government officials.
- Enact and implement legislation that gives advisory journalist associations and media councils the legal authority to manage and resolve issues related to licensing, censorship, media contracts and media financing.
- Enact and implement legislation that gives the parliament (instead of the executive) the power to appoint the majority or all members of journalist associations and media councils.
- Enact a law covering the election process that includes clear criteria for promoting political pluralism and equal access to the media.
- Review and reform the journalism schools' curricula and professionalize the faculty.
- Enact and implement special laws to operate/distribute cable and regulate the Internet.
- Enact and implement laws preventing a monopoly on advertising and the indirect ownership of advertising agencies.
- Repeal all emergency laws used to suppress a free media.
- Repeal constitutional provisions and laws that allow for the pre-trial detention of journalists.
- Enact and implement a law that clearly states that the media is an independent power that practices its mission freely, independently, efficiently and reliably.
- Enact and implement a law that gives individuals, associations, political parties and foreigners the right to own private broadcasting stations as long as the majority of the shares are owned by citizens.
- Enact and implement a law that reforms government broadcasting institutions, shaping them into institutions that serve the public interest and observe journalistic freedoms.
- Enact and implement a law that prohibits government ownership of newspapers.

## II. Institution Building

Enhancing the institutional capacity of both the official and independent media is an urgent need and key challenge for the region. Some of the recommendations in the country reports include:

- Support the full use of modern communication and production technologies and electronic software for media training programs.
- Support the development of training programs (in marketing and other issues).
- Support the development of national and international media partnerships.



- Support the development of a national forum to promote the democratization of the media.

### **III. Promoting Competence, Integrity and Independence**

Enhancing the professional competence, integrity and independence of the media is another urgent need and key challenge for the region. The country report recommendations include:

- Support professional training in the use of modern technology.
- Support the development of training programs that focus on key media management and production issues.
- Support the acquisition of modern information technology and media.
- Support training in professional ethics, advertising and the right to privacy.
- Support training in verifying sources of confidential and public information.
- Support training in developing/presenting objective, balanced reporting.
- Support reform of journalism curricula and education that is consistent with international best practices.
- Support new training programs through governmental and non-governmental organizations and media institutions.

These recommendations for reform are a subset of complete political, economic and administrative reform. However, real reform must be all inclusive. It must offer democratic reforms in a field where pluralism, participation, accountability, justice and equal opportunity exist. These cognitive, social, economic and political changes in Arab countries require the development of new constitutions and laws that are grounded in the concept of citizenship. In a bid to ensure that these recommendations do not remain mere ink on paper, we recommend they be transformed into action plans that can be implemented by Arab organizations within a framework of a regional alliance based on agreement on the needs of Arab countries.