



# **The Arab Center for the Development of the Rule of Law and Integrity**

## **Project Title: Strengthening the Rule of Law and Integrity in the Arab World**

### **Report on the State of the Media in Egypt**

#### **Second Draft**

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## **I- Chapter one: General Status**

Egypt has historically been the region's leader in media, politics, and culture. As the most populous and the most politically influential country in the Arab world, Egypt has also led the region in the development of a strong, vibrant, and relatively open print and broadcast media. Historically, Egyptian print and broadcast media have attracted large audiences, transmitting Egyptian culture, dialect and political messages throughout the region (Amin 2002).

Arabic is the official language, although English and French are widely spoken among the educated classes. Islam is the religion of the state; more than 94% of the population is Muslim, with a religious minority of Coptic Christians and a smaller number of Catholic and Protestant Christians. Cairo is the capital city and also the largest city in the country. There are numerous smaller cities and villages scattered along both sides of the Nile River and in the Delta and Suez Canal with the population mostly engaged in agriculture. Egypt is one of the most densely populated countries in the Middle East. In 2005, the population was estimated at 73.5 million, with most of the population living in the metropolitan areas along the Nile. Egypt's total arable and inhabitable area is 3% of the country. The government makes all efforts to develop Egypt's infrastructure to face the high population density that Egypt suffers from, mainly caused by the massive migration to Cairo and Alexandria, as well as other urban centers, increasing burden on the development of the services and infrastructure (CIA 2006). (See Annex 6.1)

During the past decade, the Egyptian government has been committed to apply structural adjustment. Despite the fact that many parts of the Egyptian economy is still under government control, Egypt is moving towards a more decentralized, deregulated and market-oriented economy (where a number of its relevant laws and regulations are being subject to amendment by the People's Assembly). It was not until 1996, however, that the government demonstrated a sense of urgency about the implementation of economic reform. With the appointment of Ahmed Nazif as Prime Minister in 2004, the pace and success of Egypt's efforts to streamline and strengthen the economy have rapidly

increased. Egypt is maintaining an average annual growth rate of nearly five percent over the past ten years (CIA 2006). With only 58% of the population being literate, Egypt possesses a moderate literacy rate in comparison to other Arab countries, and the government has dedicated thirty percent of its budget to develop the governmentally controlled educational system (CIA 2006).

The political system of the State is a presidential republic, under the Permanent Constitution of 1971, declaring Egypt as democratic socialist State and guaranteeing the rights of individuals. The Constitution defines the structure and functions of the State, the Egyptian society, public freedoms, rights and obligations, the supremacy of the law, and the system of government (Napoli et al, 1995). However, Emergency Law No. 162 of 1958 was in full implementation almost continuously since 1967. The law gives the authorities broad powers to suspend freedoms guaranteed by the Constitution, including:

- arresting and detaining suspects without trial for prolonged periods;
- referring civilians to military or State Security courts, of which procedures do not meet international standards for fair trial;
- prohibiting strikes, demonstrations and public meetings,
- censoring or closing down newspapers in the name of national security (Human Rights Watch 2003).

In 1993, the Supreme Constitutional Court ruled that, under the Emergency Law, the President may refer any crime to a military court (Korff 2000). This use of military and State Security courts, particularly since 1993, has deprived hundreds of civilian defendants of their constitutional right to be tried by a civilian judge. The President may change or invalidate a decision of a State Security court, including a decision to release a defendant (Jurist 2006).

Egypt has made steady progress towards becoming a multi-party democracy that surmounted years of the one-party ruling system ever since the 1952 Revolution. The legislature is bi-cameral, consisting of an advisory body, the Shura Council which is partly elected and partly appointed - this second part appoints the High Press Council - and the People's Assembly. While the President determines the main policy of the State, the council of ministers supervises its implementation, and ministerial responsibility to

the legislature is constitutionally established. The four main political parties are the ruling National Democratic Party (NDP), the Socialist Workers Party, the Liberal Socialist Party and the Unionist Progressive Party (Napoli and Amin, 1997).

Under the international pressure and that of the Egyptian nongovernmental organizations (NGOs), and fierce competition from the Arab and Egyptian Private Media, in addition to the pressure of businessmen and opposition leaders to expand democracy and freedom of the press, the Egyptian government has recently taken serious steps to privatize the historically state-controlled media. Following the Egyptian revolution, Gamal Abdel Nasser, President of Egypt from 1954-1970, nationalized the Egyptian press, including all privately owned press organizations. These organizations had to hand over their ownership to the country's only legal political organization, the National Union, later renamed the Arab Socialist Union (Nasser 1990). Other major changes were designed by Nasser to permit the government to mobilize the press behind his socialist policies, as was already the case with the State broadcasting system (Nasser 1990).

Nasser's successor, Anwar el Sadat, President of Egypt from 1970-1981, innovatively adopted a more open attitude towards the press, but in practice, his policies with regard to the press were ambivalent (Amin 2001). Sadat removed some aspects of censorship, and retained the government's control of the media. President Hosni Mubarak – unlike his two predecessors – has moved towards more press freedom and lifted many of the restrictions and censorship. Today, the Egyptian press under Mubarak operates far more freely than the media in the majority of Arab and African countries (Napoli and Amin 1996). The government has been patient of both criticism in the media and political protests and demonstrations but has sometimes wavered in its commitment, jailing protesters and dissidents and displaying overwhelming police presence at demonstrations (Rugh 2004).

## 1- Print Media

The Egyptian government owns controlling shares in the three main daily newspapers in Egypt, *Al Ahrām*, *Al Akhbar* and *Al Gomhuriya*. The editors-in-chief of these dailies are appointed by the President through the Higher Press Council which is headed by the Shura Council Speaker, and the employees are chosen from the members of the ruling National Democratic Party (NDP) through the parliamentary advisory body, the Shura Council (Hafez 1993). The papers follow the government's political line and criticize the government within limits avoiding certain taboos; they therefore are rarely censored (Rugh 2004). The largest of these newspapers, *Al Ahrām* (daily circulation 750,000) and *Al Akhbar* (daily circulation 750,000) are also the largest papers in the Arab world. Both papers make up more than 80 percent of the daily newspaper circulation in Egypt. These and other government papers, which can take advantage of substantial financial and technical resources from the State, maintain a virtual monopoly on the press (Nawar 2000). The government not only owns the principal publishing houses but also owns the only Egyptian news service, the Middle East News Agency (MENA). The regime still counts on the government print media as a tool for public mobilization of popular support for its political programs (Amin 2002).

The number of opposition and independent newspapers has grown rapidly over the past decade, and, despite being controlled by the government, they are enjoying greater freedom. Opposition papers like the weekly *Al Arabi*, as well as some government-owned publications, such as *Rose El-Youssef*, frequently criticize the government. Furthermore, the opposition newspapers generally devote more space to issues of corruption and human rights abuses than the state-owned newspapers. The opposition press is still, however, dependent on the government for newsprint and distribution as most of them have poor facilities and limited financial resources, in part because of a lack of advertising and small circulations. The opposition press is denied access to government information sources and many of the requested interviews with the governmental officials are declined, which, along with a perceived lack of objective in factual reporting standards, has eroded its credibility with the public (Rugh 2004).

Although all Egyptian opposition parties have the right to publish their own newspaper, only 14 do so. Until recently, the only competitors of government-owned media were the party presses who enjoy limited censorship from the government; however they are sometimes vulnerable to government pressure if they overstep certain boundaries, like the case of *Al Shaab* newspaper which was suspended by the government for publishing false accusations libeling the government. However, *Al Shaab* newspaper still publishes the paper in an online version, taking advantage of the freedom of the Internet (Napoli and Amin 1996).

## **2- Broadcast media**

### **2-1 Radio**

Radio broadcasting systems in Egypt are absolute monopolies under direct government supervision. Egypt has a centralized model of broadcasting for radio and television that was introduced after the Egyptian Revolution in 1952 and whose control is invested in the Egyptian Radio and Television Union (ERTU), located in the country's capital, Cairo. The predominant reason for centralized broadcasting in Egypt was the desire of the government to preserve national unity. The Egyptian government uses the broadcast media as a powerful political tool, given particular importance in a country whose high rate of illiteracy guarantees audiences for the spoken word, and is keenly interested in keeping these technologies out of hostile hands. Since radio and television have the ability to overcome or bypass the problem of illiteracy, they are frequently used as an arm of the government to guide and mobilize the public (Boyd 1998).

As an example of this use of radio to achieve the government's aims, Egyptian Radio successfully used a combination of propaganda, culture, and entertainment in the 1950s and 1960s to promote pan-Arabism and Nasserism and in the '70s, '80s and '90s to promote and support the causes of Palestinian rights, peace and regional cooperation. In addition, the Egyptian government used the *Qu'ran* station and the overseas network to attract listeners and build a bridge with Islamic and non-Islamic countries, emphasizing

Egypt's role as host to *Al Azhar*, the center of Islamic learning and jurisprudence and the region's first university (Amin 1997).

Egypt has the largest and most reputable radio broadcasting system in the Arab region. Radio as a medium comes second in terms of popularity after television, and there are an estimated 18,000,000 radio sets in the country. Egyptian radio operates under short-wave and medium wave transmitters scattered throughout the country, providing broadcast programs by means of cable and a microwave network system transmitting 42 AM broadcast stations, 14 FM stations, and 3 shortwave stations (Amin, 1996). The radio broadcasting complex houses production, engineering and administration for all radio stations (Amin, et al. 1998).

With the launch of Nilesat 101 in April 1998, Egyptian Radio expanded into nine national radio networks, with transmission covering all Arab countries, most of Africa and Europe, and some Asian countries, as well as the United States – more than 250 stations with a total broadcast capacity of 12,583 kilowatts. Radio Cairo broadcasts in 35 languages on shortwave and an Arabic-language service, Voice of the Arabs, broadcasts to Europe and the Middle East. Egyptian Radio provides large amounts of radio programming to countries outside of Egypt, averaging 550 hours daily overseas in 35 languages (Sabra 2003).

As the government moves to privatize its radio networks and open up the FM spectrum for privately-owned channels, it is unlikely, for national security reasons, to relinquish the rural, illiterate, and low-income strata targeted by the Local Network (*Al Mahaleyat*) to foreign media influences. The promise of privatization will most likely be available for the Egyptian literate middle and upper middle class strata and non-Egyptians. In May 2003, two new stations, Nejoum 100.6 FM, an all Arabic music format, and Nile 104.2 FM, an all Western music station broadcasting in English 24 hours a day, were launched. Both of these popular stations actively seek advertising and have given a tremendous boost to the radio advertising industry. According to a report released by the Arab Advisors Group in 2005, Egypt has the highest average peak rate for FM radio advertising compared to other Arab countries (Arab Advisors Group 2005). In spite of

this move to privatize radio, the government is retaining some control; the stations may not broadcast news or commentary programming and are received only in the greater Cairo metropolitan area.

## **2-2 Terrestrial Television Broadcasting**

The Egyptian Radio and Television Union (ERTU) works in affiliation with the Ministry of Information to market its programs throughout the Arab world. It acts as an advisory body that oversees and monitors the media functioning of the governmentally controlled media conduits. Egypt has two national terrestrial channels, six regional channels, and a network of satellite channels (Internews 2004). ERTU operates under Law 13 of 1979, last modified by Law 223 of 1989 (ERTU Files 2001).

Although Egyptian terrestrial broadcasting is government-owned and controlled, it relies heavily on advertising revenues from national and international products' commercials aired on the Egyptian channels. The main channel, Channel 1, provides the government's flagship programming, offering news, soap operas, films, sports, and other general-interest programming through the day. The second channel provides more entertainment-oriented programs and devotes more broadcast time to music, arts and cultural programming. Local stations, from channels 3 to 8, provide news, religion, cultural, and entertainment programs; these stations broadcast informational and instructional programs to face the local problems and issues (Boyd 1999).

Like radio and print media, Egypt's television officials are appointed by the Minister of Information and their systems are subsidized by the government. Broadcasts are tightly regulated and must adhere to ERTU principles (see annex 6.4). As in print and radio, there is a great deal of self-censorship that occurs, in addition to official control of news and programming (Amin, 1998). Television news coverage remains primarily focused on protocol news, reporting on the President's activities as well as some international coverage while leaving coverage of most domestic news, particularly news that would reflect critically on the State, to the print media and the satellite channels. In recent

months, the government has permitted greater freedom in broadcasting criticism of the State and coverage of controversial issues, primarily through the medium of television talk shows and others. In addition, the production quality of many of the most popular shows has increased, following the launch of the huge Egyptian Media Production City. Most of the change in Egypt's broadcasting sector, however, has been occurring in the satellite sector, with the launch of two Nilesat satellites, the debut of the Nilesat satellite television package, and the government's decision to open the door to private radio and satellite television broadcasting networks (Amin 2005).

### **2-3 Cable / Satellite Broadcasting**

The first cable channel in Egypt was launched in October 1990, with the establishment of Cable News Egypt (CNE) in a 25-year cooperative arrangement with CNN. The main purpose of CNE was to re-transmit CNN International in Egypt. The initial investment was LE 1.6 million, later increased to LE 25 million (US \$7 million). Approval was granted from the government, with substantial control remaining vested in the national broadcasting organization. The chairman of ERTU, Egyptian television's governing body, was also chairman of CNE, and ERTU also controlled CNE's ultra high frequency channel (UHF) (Foote and Amin 1993).

Realizing the importance of transnational broadcasting in the new millennium and the potential of digital satellite broadcasting technology, Egypt launched its new Nilesat satellite from Kourou, French Guyana on April 28, 1998. Nilesat-101 is a state of the art digital satellite, carrying 12 transponders, each with a capability of transmitting a minimum of eight television channels. It transmits, along with Nilesat, launched in August 2000, more than 200 television stations and more than 60 radio stations (Amin 2004). Nilesat is a successful project that is playing a major role in Arab broadcasting in general and Egyptian broadcasting in particular as a free platform providing satellite households with a variety of choices.

With the successful launch of the new Arab satellite networks, audiences in the region are increasingly turning to channels such as MBC, *Al Jazeera*, Nile News, and *Al Arabiya*, among others, for news and entertainment programming. The lack of credibility and dissatisfaction with the local government controlled and operated services contributed to the move away from local terrestrial broadcasting (Amin 2005).

Today, the most popular satellite packages are the Nilesat package, which offers more than 200 channels of programming from the US, Europe, Asia, Egypt, and the Gulf, including the large Showtime, Dream TV, MBC, and ART bouquets; and the Orbit package. Al Jazeera will also be expanding its offerings to include an International Channel in English language and a Documentary Channel, which will add to its current; sports channels, Al Jazeera Mobasher (Live Channel) and Al Jazeera Kids (Amin 2005).

## **II- Chapter 2: Analysis of Principles**

### **1- Independence**

#### **1-1 Fundamental Guarantees on the Independence of the Media**

For more than two centuries, representing the history of Egyptian media, Egyptian governments have been asserting their control over the media. 186 laws have been issued creating or removing press restrictions, with an average of one new article every 13 months.

In 1923, Egypt became an independent state, despite the British occupation that was present since the year 1882. The first Egyptian Constitution was formulated in the same year. The Constitution assured the freedom of the press, and Egyptian print media enjoyed a relatively free press until the 1952 revolution (Ibrahim, 1999). The Revolutionary Command Council (RCC) understood the powerful role of the media in shaping the opinion of the masses. Between 1953 and 1960, different measures were taken to limit freedom of the press and expression and to control the media. In 1954, the press syndicate was taken over by a Committee formed by the Minister of National Guidance, Salah Salem, run by RCC officers. A new Constitution was formed in 1956 that assured the freedom of the press. The Ministry of National Guidance and an office of censorship were established in 1957 to ensure that the media adhered to cultural and political standards (Dabbous, 1993). In 1960, President Gamal Abdel Nasser nationalized the press. Under the 1960 law, the newspaper industry in Egypt became a propaganda tool for the government, extolling the president's achievements and the success of the socialist system. The law turned journalists into government employees. Nasser used the press as an instrument for national mobilization and development; he also reaffirmed the authoritarian ideal that information should be a government monopoly (Nasser, 1990).

During Sadat's rule, in the early 1970s, press control was relaxed and news sources were made available and open to reporters, although censorship was still in practice. The Press Syndicate demanded the lifting of censorship, but it was not until 1974 that Sadat lifted

ensorship and eased press restrictions. On March 11, 1975, Sadat issued a decree establishing the Supreme Press Council, which would grant licenses to journalists and newspapers and would create a code of ethics to insure freedom of the press, plan for press expansion, and arbitrate disputes. The decree's first article stressed that the Egyptian press was an independent national institution whose function was to watch over the government. In 1976, Sadat announced a multi-party system and authorized the publication of weekly opposition newspapers for those parties that started with three parties including the National Democratic Party (NDP). In 1978, he proposed a draft press law under which the freedom of the press would again be restricted. Articles 12, 13, 14 and 18 of the law interfered in the internal policy of newspapers, which would transfer Egyptian newspapers to government companies. In 1980, Sadat imposed a new law, "The Law of Shame" that still exists till the current date. The law was passed to protect the basic values of society from shameful conduct. It made antisocial behavior an indictable offense and imposed harsh punishment for violators and more power to the Socialist public prosecutor (Napoli, et al. 1997).

President Husni Mubarak has given the press a greater margin for freedom; however, any paper "can be banned if it does not abide by Egyptian social values and seeks to step up sectarian rift" (Napoli, et al. 1997). Mubarak replaced his repressive 1995 media law with a more flexible law in 1996, which grants the freedom of the press (once again) although leaving in place penalties for journalists who cross the boundaries of acceptable reporting which is a flexible term that leaves its definition for the governmental authorities (Amin, et al. 1998).

Egypt's Constitution clearly provides for freedom of expression for its citizens. Article 48 states that:

The law shall protect the inviolability of the private life of citizens. Correspondence, wires, telephone calls and other means of communication shall have their own sanctity and their secrecy shall be guaranteed. They may not be confiscated or monitored except by a causal judicial warrant, for a definite period and according to the provisions of the law.

Article 47 stipulates that:

Freedom of opinion shall be guaranteed. Every individual shall have the right to express his opinion and to publicize it verbally, in writing, by photography or by other means of expression within the limits of the law. Self-criticism and constructive criticism shall guarantee the safety of the national structure.

In article 48, the Constitution clearly states that “Freedom of the press, printing, publication and mass media shall be guaranteed.” (See annex 6.3). This contradicts the opinion of the experts that the great majority deem that the media is highly affected by the government and is not totally independent (See annex 1).

Freedom of the press is also clearly provided for in the Constitution. Article 207 states that:

The Press shall exercise its vocation freely and independently in the service of society through all the means of expression. It shall thus interpret the trend of public opinion, while contributing to its information and orientation within the framework of the basic components of society, the safeguard of freedoms, rights and public duties and the respect of the sanctity of the private lives of the citizens, as stipulated in the Constitution and defined by the law. This also contradicts the opinion of the experts stating that official supervision hinders the independence of media in a noticeable manner (See annex1).

Other relevant guarantees are found in article 208:

The freedom of the press is guaranteed and press censorship is forbidden. It is also forbidden to threaten, confiscate or cancel a newspaper through administrative measures, as stipulated in the Constitution and defined by the law.

According to article 210 of the Constitution, “journalists have the right to obtain news and information according to the regulations set by law. Their activities are not subject to any authority other than the law.” (See annex 6.3) In addition, according to the new penal code, introduced by Mubarak, a journalist has the right to obtain and publish non-confidential information, statistics, or news, and it is forbidden to impose any restrictions

that hinder the flow of information (Internews 2003). This law contradicts the opinion of the experts because the great majority of experts deem that the capacity of obtaining government documents is very weak (See Annex 1).

In practice, however, there are bureaucratic barriers to accessing information. Most journalists rely on one source – the government – for their information. A press bureau connected with the Ministry of Information conveys information and suggested guidelines to editors in the national press on a regular basis, and even opposition editors in the national press, who are kept in close contact with the government's priorities (Serour 2004).

### **1-2 Explicit and Fair regulatory Framework for Media Activity**

Media activity in Egypt is governed by numerous regulations, from the Constitution to press legislation, penal codes and the emergency law. In addition, the Higher Council for the Press, the Press Syndicate, the Egyptian Radio and Television Union, the courts and the Ministry of Information each regulate and govern different aspects of the media (Abdel Mageed 2001).

Article 209 of the Egyptian Constitution states that:

The freedom of legal persons whether public or private, or political parties to publish or own newspapers is safeguarded in accordance with the law. The financing and ownership of newspapers and the funds belonging to them come under the supervision of the people, as stipulated in the Constitution and defined by law.

Article 211 of the Egyptian Constitution states that:

The Supreme Press Council shall deal with matters concerning the press. The law shall define its formation, competences and its relationship with the State authorities. The Supreme Press Council shall exercise its competences with a view to consolidating the freedom of the press and its independence, to uphold the basic foundations of society, and

to guarantee the soundness of national unity and social peace as stipulated in the Constitution and defined by law (See annex 6.3)

The rules, policies, and regulations for all media activity in Egypt are clearly detailed; however, the breadth of power given to the authorities through the press laws and the emergency law provides mechanisms with which the basic freedoms outlined in the Constitution can be suspended, with little or no recourse to appeal which contradicts with the March 26<sup>th</sup> 1998 Code of Ethics.

The Egyptian Radio and Television Union (ERTU), the governing body for broadcasting that was established in 1971, was reconfirmed by law no.13 of 1979 and law no.223 of 1989 as the sole authority over all radio and television operations in Egypt. It also has the sole monopoly to establish and own radio and television stations in Egypt. ERTU is a government owned union affiliated to the Ministry of Information. The main purpose of the union is to exercise complete control over radio and television in Egypt (Boyd 1999).

Applicants for licenses to publish newspaper have to be cleared by all of Egypt's security and intelligence agencies, making the licenses very difficult to obtain. Until 1996, a license could only be obtained through a private shareholding company, with no shareholder having the right to hold more than 0.2 percent of the capital. The company also had to obtain approval of at least eight government authorities. It was and still is difficult to obtain a license to own and operate a newspaper in Egypt. To overcome many of these government restrictions, many independent publishers register their papers as foreign publications and then either import printed copies or have them printed inside the Media Free Zone in Nasr City. In 1998, the government moved to discourage this by legally requiring the approval of the Cabinet for any new license. Newspapers and magazines published under a foreign license may be distributed, once the government permission is obtained. In addition, the Foreign Publications Censor in the Ministry of Information still has the authority to censor or halt distribution of these publications irrespective of where they were printed (Internews 2004). In practice, however, many new licenses have been given to new opposition papers.

### **1-3 Absence of Censorship**

Egypt's 1971 Constitution clearly prohibits censorship as well as suspending newspapers, except in time of war and under exceptional circumstances. Article 48 of the Constitution states that:

“Freedoms of the press, printing, publication and media are guaranteed. Censorship on newspapers shall be forbidden as well as notifying, suspending or canceling them by administrative methods. In a state of emergency or in time of war, a limited censorship may be imposed on the newspapers, publications and mass media in matters related to public safety or for purposes of national security in accordance with the law.” This contradicts the opinion of the experts as most of them deem that the capacity of media to handle political and religious issues as well as corruption, is very weak. (See annex 1).

In practice, however, there is significant censorship, both official censorship and the self-censorship of editors, broadcasters, and journalists. The government exercises strict control over the media, and broadcasting and legal constraints prevent journalists from reporting freely on domestic issues or deviating from official policy when reporting on international affairs. While citizens are generally able to speak their views without fear on a wide range of political and social issues, and opposition papers frequently criticize both government officials and policies, journalists often practice self-censorship on sensitive issues, avoiding direct criticism of the President, the army, security forces and human rights abuses. In addition to self-censorship, journalists are also subject to formal restrictions (Ibrahim, et al. 2003). The State's power to censor and impose fines and prison sentences means that media professionals must live with the threat that serious governmental action may be taken against them. These laws give the government the opportunity to respond to media coverage it dislikes, with dismissal, closures of papers, fines, and imprisonment.

The first law defining the function of the Office of Censorship was issued in 1975. The law stated that every cinematic, theatrical or musical work must pass through the censor for licensing prior to being broadcasted, banning anything conflicting with religion,

national security or government officials and policies. Under the law, the censor could order the removal of any scene that conflicts with religion, national security or official government positions on issues, such as economic policy, foreign relations, social ethics, and traditional norms. On August 17, 1983, the Board of Trustees of the Egyptian Radio and Television Union (ERTU) issued a number of rules and regulations defining the role of the Central Administration for Revision and Scripts. ERTU stated that all materials and programs must be revised by the censors before they broadcast, thereby ensuring compliance with the country's general policies and national goals. It also stated that the censors could revise the artistic, moral, and social content of scripts, as well as the form of narration and the broadcast content and that scripts must be revised by the censorship authority to ensure conformity to the general order, general ethics, and the society religious and spiritual values, to protect youth from deviation and to prevent negative statements about religions and religious beliefs. ERTU also asserted that broadcasting of any material that encourages the use of violence, aids in spreading crime or is sexually provocative must be avoided. These rules were altered later to form the ERTU code of ethics. (See annex 6.4) The government press softly criticizes the performance and policies of the government; however, it does not criticize the leader of the state or his family, the head of the Army or Army officers and/or policies. Also, any decisions by the head of Al-Azhar or the main religious figures are never attacked.

With the renewal of the emergency law in May 2006, the constitutional bans on censorship have been attenuated. As demonstrations grew against the impending US-British war on Iraq, the government ordered the media to avoid coverage that might inflame an already angry Egyptian public or harm relations with the United States. One of the strongest reactions to these guidelines came from a group of intellectuals, including some popular columnists from the daily *Al-Ahram*, who publicly disagreed with the guidelines. Many papers took an anti-US line and harshly criticized the US president. The Press Syndicate called on the media to boycott the US ambassador to Egypt, David Welsh, by refusing to interview him and publish any news that involves him, after he accused the local press of biased coverage of Israel.

All papers censor themselves on matters involving the President and his assistants, the judicial system, the armed forces and religion. Journalists keep to this unwritten rule partly through fear of being denounced by their colleagues, partly out of fear of the secret police or else because they believe it is right. The Government tends to look critically at anything that is a threat to the government's interests, including negative statements about religions or beliefs, Arab nationalism and its struggle, values, and national traditions. A further strain on morale is that Egyptian journalists tend to repress or censor information perceived as damaging to government officials (Abdel Mageed 2001), although this restriction has been attenuated in recent days as the government launches a high-profile anti-corruption campaign.

One dilemma of freedom of expression in Egypt is, since the rise of political Islam, that journalists fear both prosecution by the government and religious fundamentalists, who are ready to execute those who dare to report unfavorably on their groups, like the assassination of the writer Faraj Fawda in the early 1990s of the last century (Essoulami, 2001). Some journalists say they feel more comfortable reporting to the foreign press because they can speak their mind since the article will be published abroad and in a foreign language.

This pervasive fear of the political system enhances self-censorship, yet there is another factor involved, as well. Journalists seldom take full advantage of the marginal freedom provided by democratic change and the increasing tolerance of the government. This almost cultural norm of protecting the government and the public through withholding information has contributed to a near inability of journalists to formulate a sustained political critique or opinion even if they wanted to.

The Egyptian government maintains influence on newspapers through economic pressure, as well. Government-run newspapers own the large printing press operations that most opposition papers rely on. In addition, the government controls the availability of newsprint and provides subsidies to the opposition papers, the consequent dampening effect on the paper's independence (Ragab 2006).

It is hard to state that there is a fair and liable writing control of the media for the difference of orientations of the written media, government, opposition, private and independent press, but there is a full control over the print and broadcasted media that is still owned by the State and run by the government. In the beginning of the millennium, the independent Constitution and People newspapers, mouthpieces of the Labor Party, were closed, along with the appearance of the “Cypriot Press” issue, which is concerning these different papers that referred to Cyprus in order to obtain a registration license of the Media Company and the license to issue a newspaper entering the country and published in its free zone (as a foreign newspaper), not subject to the Press Law but subject to the Print Law with the control and authority of the Egyptian Minister of Information (Abou Zeid, 2006).

The absence of fair writing control was made clear to everyone in the dissimilarity between the national press outlets owned by the State Council on behalf of the State and those issued by various parties, even if it is now more liberated than earlier. With the appearance of independent press and its competition with the government press, such as Al-Masri Al-Yom (Egyptian Today) and Nahdat Masr (Egypt Renaissance) newspapers, there is more respect to independent press even if the trial is still in its first steps but a bright future is awaiting if they disable the restrictions imposed on the content of the press and the freedom of issuing newspapers, in addition to the non-conviction of the freedom of expression (Abou Zeid, 2006).

Independent press became an important support of the Egyptian press and its absence marks the absence of a real policy in the democratic and reform operations. We should mention that the failures of the opposition newspapers and the politicization of the national newspapers paved the way to a limited appearance and prosperity of the independent newspapers. Printed and broadcasted media is subject to restructuring operations even if its independence from the government is still currently out of question. In general, there will be no independent and free press unless the government attenuates its control and use of the press and media as control tools, removes the emergency law, Penal Code and Press Code (Abou Zeid, 2006).

Talking about the capacity of the government media to proceed economically is repeated over and over again after the financial deficiency of the press outlets exceeded Egyptian Pounds six billion, i.e. more than USD 1 billion. It is the same for the ERTU that is monopolizing the radio and television operations, with a deficiency equivalent to that of the press outlets and publication houses. The matter has become dangerous under an intense competition by the private and independent media, printed or on satellite, and the government is working on the restructuring of these sectors so that they do not collapse (Abou Zeid, 2006).

#### **1-4 Personal Independence of Journalists**

Egyptian journalists, who have the potential to promote change and influence public reaction to change, still face many problems and challenge that, influence their performance. Equally important in analyzing freedom as a value is the political, cultural and economic environment where the media function and perform. Despite the fact that the world has witnessed unprecedented mobility with the new millennium which has been marked so strongly by the effects of technological change, journalists, publishers and other media practitioners in the Arab World continue to be victims of harassment and political pressures, including dismissal, censorship, restraints on travel, physical assault, threats, arrest, detention, torture, abduction, passport withdrawals and exile (Essoulami 2001). Journalists, in general, value their privacy but they are convinced that authorities use the new monitoring and surveillance technologies to invade their privacy and personal lives. In his 1993 study, Salaheddin Hafiz found that most journalists were monitored and were aware that they are being monitored, increasing self-censorship (Hafiz 1993).

The law 96/96 imposes heavy fines and prison sentences from five to fifteen years for journalists for a range of vaguely worded crimes. The law prohibits the preventive detention of journalists for press offenses except for those accused of breaking the penal code on insulting or libeling the President and reaffirms the prohibition on criticism of public officials, especially the Head of the State. The law outlawed news stories that

abuse public officials, insult the parliament, army courts, authorities, or public agencies, vilify foreign heads of states, damage the nation's reputation or insult the President. The bill also allowed for journalists to be tried in military courts and for newspapers and magazines to be banned without any form of due process. After protests from the journalist' syndicate and even the complaints of the government press, President Mubarak rescinded some onerous provisions, but left many others in place, including criminal penalties for insulting the President, his family and foreign Heads of State. The law and its legitimacy were debated for more than a year after its passing through different institutions, such as the Egyptian Press Syndicate, the Cabinet, the People's Assembly and the Shura Council (Amin 2001).

The Egyptian penal law for the media specifically bans publishing certain kinds of information. These include:

- Secrets of the State (Article 80 A of the penal law)
- Juvenile trials
- Private affairs of citizens (Article 309 repeated A of the penal law)
- Writings, editions, documents, drawings, maps, designs, pictures, and other things that are to be kept confidential, for the interest of defending the state
- News and information concerning the armed forces, their formations, movements, arms, logistics, individuals, and, generally, everything that touches the military or strategic affairs without written permission from the commander-in-chief of the armed forces (punishable by confinement for a period of not less than six months and not more than five years, and by a fine of not less than a hundred L.E and not more than 500 L.E; the penalty should be confinement if the crime occurred in wartime). Most experts agree that the armed forces exercise a lot of pressure on the media and that the financial pressures are the most common pressures imposed on journalists (See Annex 1).
- Modern interpretations of the *Quran* or of Islam without the approval of Al Azhar
- Instigation of hatred or contempt of any sect or groups, if that damages the public peace
- Unauthorized images of persons in a private location without their prior consent

- News pertaining to ongoing criminal investigations, divorce, separation, and fornication lawsuits (Article 193, with a penalty of confinement for a period of not more than six months and/or a fine of not less than five thousand L.E and not more than ten thousand L.E)
- Judicial pleadings and sentences and details of secret jury deliberations
- Details of secret meetings of the people's assembly.

In addition, the penal code includes penalties for transgressing public morals. After being amended by the law 1996, article 178 prescribes penalties that "everyone who made or possessed prints, manuscripts, drawings, posters, engraved or inscribed pictures, hand-made or photographic pictures, symbols, or other things for the purpose of sale, distribution, rent or show, if those disagree with public morals is to be punished by, at most, two years of confinement, and a fine of five thousand pounds at least, and ten thousand pounds at most, or by either of them." (Abdel Hamid 2004). Through an opinion poll of the experts, the great majority think that the journalists do not enjoy a sufficient legal protection to perform their tasks (See Annex 1).

The penal code also prohibits publishing details of secret hearings of courts and of lawsuits pertaining to particular crimes. Article 189 of the penal law prescribes the penalty of confinement for a period of not more than six months, and/or a fine of not less than five thousand L.E and not more than ten thousand L.E, or either of them, for anyone who publishes:

1. Details of civil or criminal lawsuits, for which courts ordered a secret hearing
2. Details of lawsuits pertaining to press or media crimes
3. Details of lawsuits pertaining to libel or defamation and revealing secrets

In cases related to these points, the journalist is considered liable for the crime; in many cases, however, there is a criminal liability against the editor-in-chief or the editor in charge of the newspaper. The reasons for breaking the general laws of liability are the negligence of the editor-in-chief or the editor in charge of carrying out their job duties and therefore, their direct contribution in the crime. The journalist is considered a

principle perpetrator of the crime, whereby he/she is to be punished according to the general rules of criminal liability. The editor-in-chief or the editor in charge has a suppositional criminal liability as a result of his/her position and job in the newspaper. For the criminal charge, his or her knowledge of the published material, and the intention of its publishing must be proved. On the civil side, the owner is always responsible, as well as the editor-in-chief, on the basis of the responsibility of the management for the actions of subordinates (Serour 2000).

Penalties for press crimes range from the extreme of execution and permanent or temporary hard labor to imprisonment, confinement, fine, removal, and dismissal. In the case of libel, only the victim may file a complaint and only for a period of three months after the alleged crime. The Minister of Justice may file a request for a complaint of defamation for defaming a President of a foreign state or his/her representative accredited to Egypt, the people's assembly, or the army (Abdel Aal 1998).

The majority of journalists and organizations considered the law 93/95 a drawback to the freedom of the press, and, following several discussions in the People's Assembly, a new press law was passed on June 18, 1996. The law 96/96 is a modified version of the law 148/80. The law prohibited the preventive detention of journalists for press offenses except for those accused of breaking the penal code on insulting or libeling the President. Former laws were reaffirmed prohibiting criticism of public officials, especially the Head of the State. The new law outlawed news stories that abuse public officials, insult the People's Assembly, military courts, authorities, or public agencies, vilify foreign Heads of States, damage the nation's reputation or insult the President. The law also allowed for journalists to be tried in military courts and for newspapers and magazines to be banned without any form of due process. After protests from the Press Syndicate, President Mubarak rescinded some onerous provisions, but left many others in place, including criminal penalties for insulting the President, his family and foreign Heads of State. The law and its legitimacy were debated for more than a year after its passing through different institutions, such as the Egyptian Press Syndicate, the Cabinet, the People's Assembly and the Shura Council (Abdel Mageed 2001).

In 2004, President Mubarak vowed to overturn the article in the 1996 law that allowed imprisonment of journalists for insulting the President. Although the State still operates under the emergency law, this call planted hope for improvement in the amount of Egyptian press freedom. As of spring 2006, however, journalists were still being imprisoned. Two recent libel cases in which journalists were sentenced to prison terms has heightened tensions between the press and the government over the prosecution of journalists. Amira Malsh was found guilty in March 2006 of libeling a judge in a story published in the independent weekly Al-Fagr, sentencing her to a year in prison with hard labor. Less than a month earlier, Abdel-Nasser Al-Zuheiry of the independent daily Al-Masri Al-Youm was also found guilty of libeling the former Minister of Housing and Urban Development, Dr. Mohamed Ibrahim Soleiman, and was sentenced to a year in prison and a LE10,000 fine. At the request of the Supreme Press Council, the former Minister dropped the charges against 37 other publications.

### **1-5 Social and Cultural Obstacles**

There are many social and cultural obstacles hindering the fact that Egyptian women become journalists. The most important obstacle originates from the Egyptian culture and the point of view of the society, which considers that journalism is not convenient for the woman's nature and it is a male field.

The nature of the journalist's work necessitates late working hours and sometimes travel, which is considered impossible for women in the Egyptian society. The International Women Media Association declared that the main obstacle for the Egyptian and Arab women is to match the family requirements with their time schedule in case of covering urgent news.

There are other obstacles, such as sexual harassment, control and other political obstacles. Despite the fact that the women journalists represent 40% of the total

journalists, they only represent 2% of the Parliament and less than 10% of Egyptian women are registered in the right of vote.

Journalists have been seeking to repeal or amend many of the articles in the current press law. These include the articles relating to libel and its penalties, preventive detention of journalists, restructuring the Court of Cassation, penalties for damaging Egypt's reputation abroad, joining illegal associations, publishing rumors, the right to strike, incitement to crime, the organizing law of the press, and other articles. (See annex 6.8)

One of the articles the journalists seek to repeal is Article 80(d), which calls for a minimum six-month penalty and maximum five-year penalty and/or a fine for any Egyptian who intentionally broadcasts abroad news, data, or false or "hideous" rumors on the internal situation of the country, weakening financial confidence in the country or damaging its prestige. This article can potentially be applied on all journalists corresponding with the foreign press, satellite channels, academics and experts, politicians, or intellectuals. The charge of information or news that damages the prestige of the country is vague and unspecified and can be used to mute any criticism of the government or of the political or social conditions of the country. The journalists are also calling for the repeal of Article 86(d), which similarly bans false or "hideous" rumors about the country. Article 178, also on the list for repeal, imposes penalties for making or possessing pictures that would damage the prestige of the country. This could include journalistic photos of slum areas, garbage pits in the street, poverty, or smokestacks belching out pollution.

The Article 86, which calls for the imprisonment of any person organizing or managing an organization whose purpose is to obstruct the Constitution, laws, the work of any state institution or public authority, or encroaches on the personal freedom of any citizen, or endangers national unity or social peace. The law applies to those providing financial or moral assistance to the organization, as well as anyone who promotes the organization in writing or through possession of the organization's materials. The journalists are calling for a repeal of the "advocacy in writing or speaking" paragraph (Ragab 2006).

The journalists are also calling for repeal of the provisions prohibiting journalists from the freedom of association. Article 124 requires penalties or detention and / or fines for “three or more employees who agree to leave their job, even in the form of resignation or suspended their work under agreement to achieve some common interest.” This clause is against the World Covenant of Social and Economic Rights, of which Egypt is a signatory. Any person promoting or encouraging these actions is subject to a double penalty (Abu Zaid 2005).

The capacity of the social society and its organizations in Egypt is almost absent regarding the issue of protection of journalists, if it was not for the reports of the Journalists Protection Committee (CRJ), Reporters Without Borders (RSF) and the International Journalists Center (ICFJ) that provided the network service of international journalists in Arabic, as well as the Press Freedom Center in the Middle East and Northern Africa (CMF MENA) and the Arab Organization for the Freedom of the Press (APFW). Most of these reports are issued by foreign civil organizations and there is no Egyptian organization operating on the basis of protection of journalists outside the Syndicate, unless we consider that the Egyptian Human Rights Organization dealing with the affairs of rights for all activities and fields is one of these organizations (Abou Zaid, 2006).

There are a number of nongovernmental organizations, both international and local, that serve as media watchdogs in Egypt and strive to promote freedom of the press and the rights of journalists. These include Human Rights Watch, the Egyptian Organization for Human Rights, the Committee to Protect Journalists, and others. Egyptian NGOs must register with the Ministry of Social Affairs and are subject to restrictions on their funding sources and activities, so much of the pressure to expand press freedoms and monitor human rights violations (Ibrahim, et al. 2003). In addition, the Press Syndicate works within its limits to promote press freedom. Its loyalties are divided somewhat, by its close ties with the State.

Article 148 of the Egyptian Constitution still stipulates that the President has the right to announce emergency status and the emergency law is still reigning on the press for more than two decades of time, through which media supervision will become a legal matter. Many publications were prohibited and several journalists were imprisoned under many pretexts, for example Majdi Ahmad Hussein from Al-Shaab newspaper, Mustapha Baqri, editor-in-chief of Al-Ushbu' newspaper and Ibrahim Essa from Al-Dustur newspaper. Some of them incurred physical attacks, such as Abdul Haleem Qandil from Al-Qarama newspaper and Hussein Abdul Ghani from Al-Jazeera channel. Many journalists are waiting for trial because of their opinions and the freedom of expression. Penal cases and violations against journalists were found and the role of the Syndicate is still incapable of physical, economic and social protection of these until present (Abou Zeid, 2006).

As per the economic press in itself, concerning the guarantee of a suitable level of income for journalists and organizing their financial and professional rights, there are undoubtedly many violations and exceptions, particularly concerning the salaries, commissions, working hours, leaves and others in addition to the prior notice before termination of service in most of the times. There may be obstacles concerning the rights of salaries, end-of-service benefit or transport from one place to another despite the will, persecution and discrimination by the editors-in-chief or even direct superiors. Concerning the social guarantees, there are some concomitants related to the respect of human rights and violations of privacy and dignity (Abou Zeid, 2006).

Many journalists agree that the Syndicate still lacks convenient services for journalists and there is a decline in the syndicate work even if others state that the role of the Syndicate is now stronger than the beginning of its association (Abou Zeid, 2006).

The abuse of press outlets towards their workers and the absence of the role of the Syndicate in addition to the absolute powers of the editors-in-chief for long periods of time, is one of the most important factors affecting this field (Abou Zeid, 2006).

## **2-Integrity**

### **2-1 Clear Standards and Ethics for Journalistic Professionalism**

Article 18 of the 1996 Press Law requires that a journalist should abide, in what he/she publishes, by the principles and values of the Constitution and the provisions of the law, and keeping in all his/her work to the commitments of honor, trust, truthfulness, code and traditions of practice in a way that preserves the social ideals and values and does not violate the rights of citizens or impinge on their freedom. After taking the opinion poll of experts, it was found that 33.9% only of the experts see that the media persons accept services and bribes and 42.1% see that such acts are very rare (See Annex 1).

In addition, both the Press Syndicate and the Egyptian Radio and Television Union have promulgated explicit codes of ethics. (See annexes 6.4 and 6.5 for the full texts of these codes).

### **2-2 Diversity of the Media**

The diversity of media ownership is increasing, providing an increasing number of outlets to voice the multiplicity of opinions in the country. With the growing number of private opposition and other papers -- from business dailies, newspapers not related to a political party, independent papers and others -- along with two new private FM stations, the expected privatization of additional FM frequencies, the much-talked-of impending privatization of local television channels, and the explosion in the number of satellite channels received in Egypt, ownership of the media is becoming much more diverse (Labib 2006). In today's Egypt, all legal opposition parties publish their own newspapers. Foreign papers and both foreign and local newsmagazines are permanently available. Hundreds of satellite channels are received through Egypt's Nilesat. Even on the government-run terrestrial broadcasts, which are seeking to compete for viewers with popular and often controversial programming on satellite networks, Egyptians can watch opposition leaders, academics, business leaders and others criticize the government and aspects of society formerly considered off-limits (Amin 2005).

While newspaper readership is limited to literate Egyptians, there is a substantial pass-around factor, allowing the poorest segments to access newspapers. Radio and television – by far the more influential media – is available to all segments of society (Amin 2004). Those unable to afford televisions or satellite packages share viewership in cafes, coffee shops and village televisions. The government is also making an extensive effort to provide not only free Internet access and low-cost personal computers but also to provide community centers throughout the country where citizens can use PCs and the Internet at no cost (Al Gody 2006). We should highlight the fact that the political and religious issues are not highly diversified, which is contrary to the diversification available in the cultural and gender subjects (See Annex 1).

In the time where the multiplicity of newspapers is very common in Egypt, accuracy, honesty and trust in transferring information from the source became faint as objectivity, integrity, honesty in the news and respect of morals and press Honesty Convention are decreasing daily against corruption in the press society that is increasing from the first editor-in-chief to the smallest journalist. This occurs often in all the media means and the use of press for personal interest has become natural in addition to self-promotion and exaggeration in favor of others for the groups of businessmen, impartiality and clear mixture between advertising and media. This leads to the forgery of several facts which creates a strange atmosphere in the profession of journalism and to its reflection on the press facing corruption in the society in a negative manner (Abou eid, 2006)

### **3- Competence**

#### **3-1 Adequate Qualifications of Working Journalists**

Egyptian journalists, who have the potential to promote change and influence public reaction to change, still face many problems and challenges, affecting their performance. Equally important in analyzing freedom as a value is the political, cultural and economic environment where the media function and perform. Like journalists elsewhere in the world, Egyptian journalists find themselves in the midst of an information and communication revolution where they must perform and compete not only for their

survival but also in order for their media to move ahead. Egyptian journalists remain handicapped by constraining political systems, inferior media structures and performance, and lack of the freedoms needed to generally advance their media (Amin 2000). This conforms to the opinion of the experts as the poll proved that the great majority of experts deem that the political opinions and belongings are the most important standards used by the government in choosing employees at the media in addition to the competence standard (See Annex 1).

Egypt has 14 academic journalism and mass communication programs in national universities and 4 programs in private universities. In addition, there are two academic programs that belong to the Ministry of Higher Education. There is some disagreement as to whether these programs are sufficient in number and in quality to supply the Egyptian media market with trained journalists. The knowledge age requires a different set of skills and experience than traditional journalism (Amin 2005).

The development and growth of journalism education within the framework of political systems in Egypt is problematic at best. Some experts have stated that most of journalism and mass communication programs have one thing in common: that all are official programs and their primary purpose is to prepare generations after generations of semi-educated journalists that communicate to the country and the world the achievements of the public sectors of the State. Regional/ rural journalism programs face many difficulties in areas such as finance, personnel, and facilities. In addition to these difficulties, censorship and denial of freedom of expression in the classroom has been applied in many forms. Many of the local programs in the country integrate little practical training into their programs; the shortage of financial resources and trained production staff is a barrier to hands-on training. In addition, there is little emphasis on the values and responsibilities of press freedom, ethical journalism, the role of the media as watchdog, and the rights of journalists both internationally and within the context of Egypt's press laws (Dabbous 2004). Furthermore, there is a lack of training on new media technologies, including Internet journalism (Amin 1996). Private universities such as the American University of Cairo and other private universities recently established in Egypt provide a

more comprehensive education in modern journalism, with more adequate resources and funding (Amin 1999).

### **3-2 Open Access to the Profession of Journalism**

All journalists must be registered with the Press Syndicate. Accessing the profession through the Press Syndicate became very difficult as all newspapers issued in Egypt are contented with their employees and it is quasi impossible to work in such newspapers.

Although there is a Press syndicate but there is no Broadcast syndicate. The government opposed any movement to establish a Broadcast Syndicate for no clear reasons. Recent efforts in the past years to make the broadcasters join the Press syndicate had failed (Rogab 2006). In February 2006, there was a movement to establish a syndicate for broadcasters and a new project is being formed to establish a syndicate similar to that of Journalists.

### **III- Chapter 3: In-Depth Profile: Media Coverage of the 2005 Presidential Elections in Egypt**

#### **1- Ensuring Free and Fair Access to Broadcast Networks**

The 2005 presidential election in Egypt was historic not only for being the first election with multiple candidates from opposition parties but also for the freedom given to the press in its coverage of the candidates and the electoral process.

The Egyptian Radio and Television Union (ERTU) initiated and formed the Egyptian Media Monitoring Committee in July 11, 2005, by decree # 604/2005. Its mission was to monitor media coverage of the election and to certify whether or not the political parties and presidential candidates standing for election received both unhindered access to broadcast media and fair coverage in the campaign period. The mission of the Committee also included ensuring that the broadcast media coverage provided voters with the opportunity to make an informed and studied choice. The Media Monitoring Committee was composed of 17 members, primarily drawn from academic and professional media spheres but also included several public figures as well as representatives from both the national and opposition media. The committee was given a media monitoring center on the 9<sup>th</sup> floor of the Egyptian Radio and Television building in Maspero, Cairo. The center was equipped with television monitors covering all television channels as well as radio sets in the meeting room, where members of the committee held 36 meetings during 21-day presidential campaign.

The center was designed to assist the committee members in their charge to examine the way in which local and international media report on the elections and related issues and to closely assess whether or not the obligations of balance and impartiality were being respected throughout the election campaign.

As one of its first activities, the Media Monitoring Committee set a guideline for the codes, rules and principals that would guide ERTU broadcast media performance during

the presidential elections. This agreement represented a major shift in broadcast policy and a step away from the historic authoritarian model of Egyptian broadcasting. For the first time, the Egyptian broadcast media, a government-run operation, funded out of public money and subsidized by the Egyptian government, would be required to give fair coverage and equitable access to opposition party candidates, who would, in the nature of elections, openly criticize both the government and the President (Amin 2006).

Some of the questions facing the committee included whether direct access by political parties would be provided free of charge, at a cost, or, as usual, a mixture of the two. The committee recommended that all parties be given an allocation of free direct access provided that this allocation is supported by paid advertising. The content of the advertisements was reviewed by members of the committee prior to broadcast, to ensure that the messages would abide by the standards set for the coverage of the campaign. These standards and regulations included the following:

1. Messages must provide information on presidential candidates and their programs in an urgent, equal and neutral manner.
2. Candidates may undertake a political and electoral campaign for voters with a view to encouraging informed participation.
3. Coverage should prevent pressure groups, regardless of their activities and/or resources from affecting coverage or equal access for all candidates.
4. The broadcast of any information that would constitute libel or trespass on the sanctity of the private lives of the characters is prohibited.
5. Coverage should guarantee respect for national unity and the values of Egyptian society.
6. Coverage should differentiate between opinion and accurate and referenced facts.
7. There must be a separation between coverage and paid advertising and assuring transparency and equitable access for paid advertising.
8. Coverage must respect the dates specified for the electoral campaign outlined in Law 174/2005 for the election advertising on radio and television.
9. Coverage must provide full disclosure, when broadcasting public opinion polls, of the parties who conducted and financed the poll, the questions that were included in the poll, the size and location of the sample, the method by which the poll was conducted, the means by which the data was collected, the date on which it was conducted and the margin of error in the results.
10. All candidates must be informed of these standards and principles, so that they

may abide by them.

- 11.** ERTU will establish a committee to compile all relevant data regarding all campaign related broadcast in order to ensure that they abide by the aforementioned principles and standards and to respond to any breach of the said regulations (Amin 2006).

ERTU also developed a campaign to build awareness and to encourage voter participation in the election. Since all prior presidential elections had been referendums rather than multi-party elections, voters needed to be educated about the importance of participation, the platforms of the different candidates, and the process of the election itself. The committee also developed principles and guidelines for creating programs related to the elections. These included:

- 1.** Guaranteeing neutrality and transparency in the ERTU program grid to prevent the broadcast of normal programming which could be construed as an endorsement and/or critique of any particular candidate.
- 2.** Separating coverage of the President in his official tasks and the president's election campaign.
- 3.** Separating coverage of Ministers in their official role, activities and statements which may be construed as endorsements or campaigning for any candidate. This applies as well to coverage of statements and activities of the family of any candidate.
- 4.** Providing these principles and regulations to privately-owned Egyptian television broadcasters.
- 5.** Permitting electoral candidates to air short documentaries with a maximum duration of 15 minutes advertising their campaign, with special broadcast fees. In addition, the committee would set broadcast times and announce clearly that these documentaries are political advertisements.
- 6.** All candidates would be obliged to abide by the ethical guidelines set by ERTU when using any creative material in their political advertisements.
- 7.** Political advertisements would not be aired during news bulletins, programs, or any live coverage on all television and radio channels.
- 8.** Candidates could request coverage of segments on his/her campaign, with the maximum length set at 3 minutes at rates determined by ERTU (Amin 2006).

The work of the subcommittee set up to monitor ERTU coverage of the elections consisted primarily of the following activities:

- Receive audio and videotapes and review them to ensure that they meet the general codes and principals established by committee.
- Monitor the performance of ERTU regarding the broadcast allocations given to the presidential candidates and follow their activities on Egyptian radio and television channels in order to ensure fairness and impartiality.
- Monitor the performance of ERTU networks in general, on times other than those given to the presidential candidates to make sure that no non-election program content supported any of the candidates.
- Receive and investigate complaints and resolve disputes (Amin 2006).

The subcommittee relied on qualitative analysis of the broadcasts and its task consists of ensuring that coverage not only adhered to the codes and guidelines set by the committee but also followed international standards of election coverage (Bassiouni 2006).

## **2- Assessment of the Media Coverage**

In the 2005 presidential elections, there were ten presidential candidates, each representing a political party. The extensive broadcast coverage of the election focused on the election itself and on the various candidates' platforms. Most of the programs featuring candidates were in an interview or talk show format as well as a news format that provided coverage of the activities of the presidential candidates (Amin, 2006).

As a first time effort, the media coverage of the election must be evaluated as the start of a learning process. One of the most prominent successes of the coverage was the unprecedented discourse in the media criticizing the current administration. Government-run television channels hosted members of the opposition group "Enough (*Kifaya*)", as well as the banned Muslim Brotherhood, who appeared on various programs and criticized government policies in live broadcasting. A reporter from the Seattle Post-Intelligencer wrote that, "It wasn't odd that an opposition figure should slam President Hosni Mubarak's campaign promises to battle unemployment. The surprise was where it happened: on Egypt's state-run television" (Micheal 2005), A report in Liberation stated that, "... the political debate is open from now on. The President was seen criticized, with more or less of virulence, in all media, including public television, and each candidate

was able to make a statement on his program” (Guibal 2005).

The performance of government-run TV channels received more favorable reports than the government-run print media. While newspapers made efforts to list the party platforms, provide information on candidates, and print party advertisements, the majority of governmental newspapers supported the ruling party's (NDP) candidate, President Mubarak, sometimes to the extent of challenging the main opposition candidates. According to independent studies, the government-run print media devoted much more space to the president than all other candidates. However, in all media, the administration was criticized, with more or less virulence, and each candidate was able to make a statement on his or her platform (Guidal 2005).

This new openness was well-received by the public. However, there were some structural weaknesses in the design of the campaign and several complaints by candidates. At the point of announcement of the upcoming election and the possibility of multiparty candidates, there was little organized opposition to the government, and therefore little public recognition of candidates, parties, and platforms. The campaign period lasted only 21 days; while it is maybe sufficient in a mature democracy with known parties, candidates, and platforms, and an established electoral process with the majority of the voting population aware of the process and registered to vote, it was insufficient to achieve the goals of having an informed electorate. Many parties fielded unknown candidates and had poorly prepared platforms. Candidates lacked well-planned media strategies and sometimes neglected the use of the free media allocations given to them by ERTU (Gamaie 2006).

Another structural problem was the assignment of responsibility to monitor media coverage to a committee established by the national media organization and controlled by the current administration. This highly politicized process could lead to undue privileges for established political forces. The committee set broadcast allocations and broadcast times, leaving itself open for accusations of bias. In addition, allocation of equal time to all candidates standing election and the prohibition on other programming to discuss the elections hinders the informative value of the program or a debate and reduces the

likelihood of it being watched by voters. The prohibition of debates constrained efforts to help voters make informed decisions, and citizens who had no interest in politics and elections for more than 50 years are not motivated to become involved (Gamaiee 2006).

Although the format of political advertising carried by the broadcast media met all the criteria that were set by the committee, even the monitoring team members found the interpretation of this adherence confusing and vague. The fact that staff writers were allocated to cover political parties' activities as part of the advertising contract undermines the credibility and independence of journalists (Bassiouni 2006).

Most of the opinion columns and editorials that appeared in national and international newspapers reported that the Egyptian state owned television was neutral in its coverage and abided by the rules and regulations set by ERTU. A report released on August 25 by the Cairo Institute for Human Rights Studies, which monitored four state-owned TV channels and two independent ones, stated that their assessment of the coverage of the presidential candidates was generally positive, taking into consideration that this was the first time Egypt had experienced multi-candidate elections (Bassiouni 2006).

While it is not considered as a violation of the rules set by the committee, one of the most common criticisms of the campaign coverage was that Egyptian Television, in its standard use of protocol coverage of presidential activities, gave President Mubarak an advantage over other candidates. Medhat Khafagi, spokesman of the Liberal Social Constitutional party, argued in an article at the *Boston Globe* that the government was trying to work around campaigning rules by claiming that coverage of the President's official activities was not to be included in the president's media allocation. The Cairo Institute for Human Rights Studies (CIHRS) report indicated that the time allocated for Mubarak on TV1 was 20%, whereas coverage of Ayman Nour, the main opposition candidate, was 9%, and Noman Gomaa 13%. On TV2, Mubarak's coverage reached 40%, with Noman Gomaa at 11% and Ayman Nour at 7%. The report also found the media eager to avoid presenting an overly critical view of any of the presidential candidates, resulting in diluted coverage of all of the presidential candidates, including

the President. According to the report, this lack of critical coverage undermined the media's opportunity to open a critical and enlightened discourse about public issues. As a result, coverage was highly repetitive, and the electoral campaign failed to raise Egyptian citizens' interest in elections (CIHRS, 2006).

Some leaders of opposition parties said that ERTU refused to run the campaign for their party's presidential candidates that included the slogan of "Enough". They claimed that ERTU also refused to run campaigns describing the social, political and economic situation in Egypt unless they eliminated two sentences: "Corruption Rules" and "The People are Depressed", these sentences clearly fall outside the guidelines set by the committee (Ragab 2006).

The broadcast media during the next six years should try and raise public awareness of the most topical political issues in the country, the different political parties and their platforms, the legislative actions of the different parties, the voter registration process and the importance of nationwide participation in the democratic process. In addition, in its role as watchdog, the media should use this opportunity to highlight constraints to universal suffrage, barriers to participation and to free and fair elections, and to weaknesses in the media structure itself that hinder the democratic process (Bassiouni, 2006).

## **IV- Chapter 4: Politics Recommendations**

Press freedom in Egypt still faces many challenges, including political, social, economic, and technological challenges. The political, legal and administrative constraints, including how the political structure continues to exercise its authority in order to maintain control over the press, censorship departments and intelligence agencies continue to inhibit the exercise of press freedoms.

The recommendations of this report focus on the main themes of the study: independence, integrity and competence.

### **1- Independence**

One of the most important recommendations to increase the independence of the media is to create an independent regulatory body to organize broadcasting in the country and to support this independent regulatory framework to promote the growth of a strong, free and diverse broadcasting sector that serves the public interest. Regulations in the area of broadcasting need to balance promoting local content with protecting the broadcasting sector against excessively onerous requirements which individual broadcasters may find impossible to fulfill. Furthermore, regulations must not give regulatory bodies undue discretionary powers. The Government is currently reviewing a draft bill to create an Egyptian regulatory authority that will offer increased transparency and independence to broadcasting in Egypt. (See annex 6.9 for the full text of the draft legislation) This new legislation serves to enhance competition, build community and public service broadcasting, remove the concentration of control over broadcasting, and expand responsible freedom of the press.

The other imperative is for the Government to revoke the emergency law and assure that the terrorism law that will replace the current emergency law should not be used to curtail the freedom of the press. In addition, it is imperative that the Government takes all necessary measures to repeal constitutional articles and press laws that permit the detention and imprisonment of journalists and otherwise limit freedom of the press.

Other recommendations include the following:

1. Ensure diversity in terms of plurality of ownership – public, private and common – and of a plurality of voices in the press as a whole.
2. Protect community broadcasting against interference, particularly by the government.
3. Guarantee the right to publish and own newspapers, radio and television stations.
4. Transform state and government broadcasters into true public service broadcasting institutions that are protected against interference, exercise editorial independence, provide programming in the public interest and have adequate resources to fulfill their mandate.
5. Encourage and facilitate the development of a strong community broadcasting sector, by ensuring frequencies available for community broadcasting, by setting reasonable license fees and conditions and by providing other forms of public support for community broadcasters.
6. Promote local content as an essential aspect of the public's right to diversity in broadcasting, including the implementation of appropriate minimum local content quotas.
7. Privatize the Egyptian government publishing houses and abolish all governmental bureaucratic obstacles that bans citizens from owning newspaper, broadcast, and other media outlets.
8. Put in place independent regulatory frameworks to promote the growth of a strong, free and diverse press that serves the public interest.
9. Eliminate all government involvement in the appointment of editors and the licensing requirement for newspapers.
10. Dissolve the Supreme Press Council or guarantee its independence and effectiveness.
11. Remove legislation that gives government officials immunity against criticism.
12. Establish a syndicate for broadcast media professionals.
13. Create a convenient environment for broadcasting, including promoting universal, affordable access to services such as electricity and telephone, and by introducing preferential levies, for example in the areas of import duties and general taxes.
14. Free the Internet from all governmental supervision and interference by blocking information sources and closing news websites.
15. The absolute implementation of the “right of knowledge” clearly stated as the free flow of information.
16. The public must be clearly informed of the legislatives on an ongoing basis.
17. A clear definition of the boundaries of freedom and speech must be set.

## **2- Integrity**

Removal of the emergency law and repealing those articles that permit the detention of journalists and otherwise limit press freedom will be the most important move to improve the integrity of the press. Other recommendations include:

- 1.** Eliminate all forms of government human rights violations with specific reference to journalists.
- 2.** Revoke legislation that automatically imposes criminal responsibility on the editor in chief for everything published by his/her newspaper.
- 3.** Issue a new press law that will protect journalists.
- 4.** Improve journalists' salaries and benefits packages and provide clear career paths through the press organization. Call on the syndicate to negotiate with the Supreme Press Council to establish a pension fund for journalists from media advertising revenues.
- 5.** Prohibit employees from holding salaried positions at more than one news organization.
- 6.** Apply pressure on the Egyptian government for the immediate release of all journalists in detention.
- 7.** Encourage the abolishment in media discourse in general and press language in particular of the tendencies to incite and provoke and use accusations of apostasy or unbelief.
- 8.** Request the Press Syndicate to enforce the syndicate's code of ethics on all media outlets without discrimination.
- 9.** Condemn the practices of some governmental offices (departments) in bribing journalists or press institutions to buy their loyalty and use their services to publish less than the truth. Enforce the condemnations with penalties and fines for bribery.
- 10.** Reorganize the Press Syndicate as a professional organization independent of government. Media outlets should set up committees in all media organizations to formulate a new ethical charter for Egyptian media practitioners.
- 11.** Unite in forming a specialized committee for the media, supervised by the Press Syndicate, of legal experts to review press and media legislation, to pinpoint those aspects of the laws which the committee finds to be restrictive of the freedom of expression and the press and to suggest alternative articles to the government.
- 12.** Establish a local center for protection of journalists to balance the role of the Press Syndicate.

### **3- Competence**

Journalists must be held to a high standard of professionalism and journalistic competence if the media is to assume its rightful role in civil society in Egypt. Responsible journalism, which puts a low value on inflammatory rhetoric, requires the differentiation between fact and opinion, and requires that statements be backed by solid proof, will go a long way to building trust with the government, the business community, the public opinion and with the international community.

Journalists and broadcasters must receive training in ethical, responsible journalism as well as in modern media technologies, the role of the media, the rights and responsibilities of journalists, ethical reporting, and the importance of an impartial and trusted media as the watchdog of human rights, democracy and freedom.

Some of the most important measures to take to improve competence are to:

1. Pass freedom of information legislation, making most official documents available for public scrutiny in a timely manner. Adopt legal measures to punish public agencies and organizations which withhold public information and ensure that the implementation of these laws measures up to democratic standards
2. Educate and require journalists to respect the difference between information and publicity.
3. Require journalists to verify and attribute their sources of information.
4. Respect individuals' rights of privacy.
5. Encourage objective dialogue, tolerance and respect for other points of view as the essence of the press mission.
6. Inaugurate an annual prestigious award for journalistic excellence, based on the judgments of a jury of experts independent of a news media organization.
7. Initiate and institutionalize the practice of media criticism through journalism reviews, ombudsmen and/or an independent press council.
8. Improve and utilize journalism and communication programs and academics at Egyptian universities to enhance the quality of the professional media.
9. Eradicate all forms of censorship, confiscation and administrative interference in the free flow of expression.

- 10.** Strengthen and help internationalize media education through nongovernmental, and media organizations.
- 11.** Develop new training programs that focus on media management, production, new media and training in ethical and professional standards and encourage all media organizations to require ongoing training.
- 12.** Provide adequate access to media and information technology.
- 13.** Identify and train the next Media generation of leaders by working together with universities, nongovernmental organizations, foundations, governments and corporations. Organize a series of conferences dealing with media laws, regulations and media practice
- 14.** Create partnerships between community broadcasters and civil society to ensure more sustainable technology transfer.

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