



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

**“Promoting the Rule of Law and Integrity in the Arab  
Countries” Project**

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

**Draft**

**Prepared by  
Dr. Sassin Assaf**



## CONTENTS

### **Introduction:**

1. In the descriptive aspect
2. In the reforming aspect/ the recommendations

### **I. Chapter One: Background and Context**

1. General information on the media sector
  - \* Visual media
  - \* Audible media
  - \* Printed media
  - \* Electronic media
2. Political, economic, social and historical factors linked to the media
3. General information on the media reform
4. Resorting to the judicial power in media matters

### **II. Chapter Two: Principles Analysis**

#### **1. Independence**

##### **1.1. Fundamental guarantees on the independence of the media**

- 1.1.1. Freedom of expression
- 1.1.2. Freedom of the press
- 1.1.3. Freedom of association of journalists, media organizations and media watchdog groups
- 1.1.4. Access to information

##### **2.1. Clear and fair regulatory system for media activities**

- 1.2.1. No requirement of official permission for the establishment of media outlets
- 1.2.2. Impartial, transparent media oversight authority
- 1.2.3. Specific and reasonable licensing requirements
- 1.2.4. Explicit and reasonable laws on defamation



- 1.2.5. Reasonable reasons for suspension and seizing press cards
- 1.2.6. Specific and reasonable laws on closure and seizure
- 1.3. Absence of censorship**
  - 1.3.1. Absence of official censorship
  - 1.3.2. Specific and limited government directives on inappropriate content
  - 1.3.3. Fair and responsible editorial control for media outlets, self censorship? Why? How?
- 1.4. The independence of media outlets from governmental and non governmental influences**
  - 1.4.1. Media's independence
  - 1.4.2. Media's financial viability
- 1.5. Personal independence of journalists**
  - 1.5.1. Reasonable control over content
  - 1.5.2. Free movements of journalists
  - 1.5.3. Limited criminal prosecution of journalists
  - 1.5.4. Physical, economic and social safety
  - 1.5.5. The ability of civil society groups to protect journalists
- 2. Integrity**
  - 2.1. Clear standards and ethics for journalistic professionalism**
    - 2.1.1. Clear and enforced standards for journalistic professionalism
    - 2.1.2. Specific and enforced anticorruption rules
    - 2.1.3. Specific and enforced antidiscrimination rules
    - 2.1.4. Specific and enforced criteria for selection and promotion of journalists
  - 2.2. Diversity of the media**
    - 2.2.1. Diverse ownership for media outlets
    - 2.2.2. Expression of pluralistic views
    - 2.2.3. Access to media by all sections of society



### **3. Competence**

#### **3.1. Adequate qualifications of working journalists**

3.1.1. Clear and objective criteria for becoming a journalist

3.1.2. The ability to have a specialized periodic training

#### **3.2. Open access to the profession**

3.2.1. Unfair restrictions by the government or by media outlets as to who can become a journalist

3.2.2. No discrimination

### **III. Chapter Three: Thorough Description/ In-depth Study**

The role of media outlets during the elections

Performance evaluation and the extent of their contribution in supporting the rule of law

### **VI. Chapter Four: Recommendations on public policies**

**First:** Freeing the media from legal restrictions which hinder its freedom, independence and integrity

**Second:** Media institutions' development

**Third:** Journalists' formation to reinforce competence, integrity and independence



## **Introduction**

In the light of the sets of principles for reliable media built on integrity, independence and competence forming the essential elements of efficient media which contribute to reinforcing the rule of law and its development,

Considering the articles of the constitutions, the laws and proceedings issued by the official organizations and associations entitled to operate in Morocco, Egypt, Jordan and Lebanon, the disclosure of their application's extent, the different narrowing aspects on media's freedoms and their real implications on the reforms for the development of the rule of law and integrity.

Considering the study conducted on the role of the media in the election campaigns taking place in the four abovementioned countries, and considering the information drawn from in-depth interviews, national workshops,

And pursuant to national reports drawn up by experts from these countries, and covering all the points mentioned previously, this general report on the media status in the four concerned countries was prepared using a summarized descriptive and comparative method.

The preparation of these national reports was accompanied with a double- heading survey: employees in the profession and from the public opinion. Experts in the center prepared and elaborated the questions and included in them the principles of the rule of law and integrity distributed among three dimensions: independence, integrity and competence, along with a list of vital reforms according to the priorities defined by the participants in this survey which formed a fundamental issue in the four concerned countries to prepare a general analytical report on its findings, which formed in its turn a special annex attached to this comparative report. Some of the main points dealt with are the following:

### **I- In the descriptive aspect**

- The public media sector under governmental control is used by these governments for political mobilization, and it reproduces what the authorities produce. This sector seeks ways to exploit the news or items commercially. As a result, the media becomes promotional or marketable and informative, and the broadcaster becomes a propagandist. The official Arabic media is generally controlled by the ideology of unity, the state and religion.



- The private independent media sector is the media of facts and realities. It seeks and transmits them with complete objectivity, transparency, integrity and reliability. It appears to be relatively present in the four countries.
- The private media sector under the control of individuals or parties is similar to the public media sector in its content, performance and function. It is present in the four countries especially the printed media.
- This sector with its three types is subject to two kinds of censorship: government censorship and self censorship. And it is subject as well in the four countries to different provisions of which some are related to the constitution and the laws such as the Penal Code, the Emergency Law, and the Media Law; others are related to associations, unions, ministries of information and higher councils. And consequently, this sector is subject to a number of “illicit” or “sacred usages” related to two areas, official and religious, and a number of restrictions characterized by generality which makes it subject to inference. In the four countries, there are constitutional, legal, customary and conventional guarantees for media’s independence and freedom. Nevertheless, they remain restricted to the provisions and government proceedings which weaken its practical utility.
- This sector cannot easily access governmental and non governmental information. One of the main factors which contribute to this problem is government’s secrets. And some of these factors are the public employment laws which prohibit the public worker from revealing any information or leaking any documents or disclosing any private matters... as well as the monopolization of information sources for the interest of some media broadcasters or specific media institutions.
- The political, economic and social transformation in the four countries had its positive implication on the media. More democracy meant more free media. Pluralistic views meant pluralistic voices, pictures and words. The intensification of the opposition against governments and systems has reinforced critical and observational content in the media. The abolishment of the ministries of information and roles’ distribution among professionals are an important step towards free media.

Political and social awareness were apparent in the media, especially the printed one...

The economic development allowed media outlets to be modernized and equipped with the techniques of electronic telecommunications. The social development led to an increase in the number of female broadcasters. Rights’ awareness, especially cultural and political rights, helped the media system to develop these rights.



- Agencies granting licenses to political media institutions vary according to the laws in each of these four countries. The common denominator is the role of all the security and intelligence agencies in influencing the process of decision making in these organizations. The second crucial factor in decision making is the monopoly of the commercial market by the ruling political class. As for objective and technical criteria, if any, they would come last in the ladder of ruling considerations as to licensing.
- Entities protected by defamation laws in the four countries are similar: the president of the country, the military institution and intelligence agencies, the flag, the religious authorities, the ministries and parliamentary bodies, the legal and judicial authorities, the heads of foreign nations...
- Internal factors affecting media's independence and its integrity are distributed among governments and rising political forces which control society and its general working order, citizens' liberties and the independence of its institutions. The political, psychological, religious, tangible, legal, and financial pressures as well as the threats to cause harm, killing and banning are the same ones practiced in the four nations for the purposes of taming, annexation and the giving up of independence.
- Judicial pursuits and the appearance of media reporters before the civil and military authorities have become a daily routine in the four countries since most of them work under emergency laws, the theory of exceptional circumstances, the case of external breaches, the logic of government solemnity and confidentiality of information, and since the list of restrictions in the Penal Code is long and made of headings ready to be used as a winning advantage for the governments, and since traditions, customs and values' standards draw the line between what is accepted and prohibited in the matters of expression and publication.
- The media's profession is ruled by systems, codes of honor, laws, ethics of the profession and its traditions. Despite the differences in the provisions of each country, specific responsibilities are imposed on broadcasters, which they practice generally on the basis of finding a mediator between freedom and responsibility. The winning token of media activities in the four countries concerned in the report is the presence of the codes of the professional honor on one side, and their partial breach on the other. The provisions are not always respected. Bribery, for example, is a widespread phenomenon in the media circle and existent in each of the four countries.



- The broadcasters' selection is based on nepotism and favoritism; and competence in an exception. This is due to the absence of impartiality, objectivity and professionalism. The final decision in selecting, promoting, determining the salaries and delegating is subject to many considerations not necessarily related to the profession, is for the media's bosses. This has had its negative implications on the possibility of developing some of these media institutions, especially the public ones. The criteria of competence have been breached in the four countries, in addition to the drawbacks that selection, promotion, and delegation within official media institutions have left. The lack of training specifically worsens the level of professional performance.
- In-depth studies on the media outlets' performance during the elections and their support to the application of the law suggest that not all candidates had a fair and free go, the principle of equal opportunities was absent, and chaos ruled, while some candidates were given better chances at the expense of other candidates, and some political parties appeared at the expense of others. Therefore, the principle of pluralistic views, impartiality and transparency lost ground.

The poor performance shows that the media outlets had a limited role in the development of the electoral operation and the reinforcement of the rule of law and integrity. Pluralism has not been respected, nor has it fulfilled its educational role, or revealed governmental contraventions and loud interferences. The element of criticism was disproportionate in each of the four countries.

## **2. In the reforming aspect/the recommendations**

National reports have insisted on the need to schematize alternative policies for media reforms based on a political vision which enlarges the horizons of free media and is inspired by the spirit of the liberal world's constitutions and accompanies or tied itself to the criteria, and the international agreements for free media ... This reinforces the sense of positive criticism and helps the media fulfill its responsibilities for monitoring, calling to account, rectifying, enlightening, revealing the truth and covering the facts; and hence the media is saved from any threat. The real application of this vision starts when the constitutions and the laws are freed from restrictive articles. The task of political governments is not to place the media under any governmental influence. Therefore, political reform is the natural gateway and the essential path to any other reform, let alone media reform, since there is an innate link between politics and media?!

Based on this fact, it would be impossible to anticipate the success of any political reform, thus, all the four reports encompassed a number of recommendations which are divided into three categories:



- 1- The first category is entitled: the liberalization of media activities from all the legal restrictions which hinder its freedom, independence, integrity and competence. And this requires some modifications in the current legal or constitutional provisions and the creation of new ones. The following are some of the recommendations in this category:
  - Ensure the right to access any information
  - Modify the Protecting Government’s Secrets Law
  - Eliminate what is considered “sacred usages”
  - Eliminate any expressions which refer to general concepts
  - Form a modern code of ethics
  - Implement a law to fight media corruption
  - Alter the conditions of the associations’ memberships
  - Place the media outlets under the control of the legal authorities and form a new judicial system
  - Protect the broadcasters’ right in accordance with the labor laws
  - Include the “conscience requirement” in the media legislations
  - Abolish censorship
  - Modify the defamation laws
  - Implement a law related to electoral media
  - Implement a law prohibiting advertising’s monopolization.
  
- 2- The second category is entitled: the development of media institutions.  
The following are some of its recommendations:
  - Apply new techniques, communication and information technologies
  - Improve marketing competences
  - Encourage national and international partnerships
  - Create a special media forum to transform the media institutions into democratic ones
  - Consolidate the financial status through transparent advertising policies
  
- 3- The third category is entitled: the formation of broadcasters as to reinforce competence, integrity and independence. The following are some of its recommendations:



- Training to use modern media technology and developing programs in management and production.
- Formation in the code of ethics
- Deepening of media teaching

These reforming recommendations need reformers from the media and politics, opinion holders, experts and professionals, and from civil forces. This requires the development of a wide allied network between those reform seekers, and consequently, needs the ability of those who are able to transform these recommendations into practical programs and a striving constituent, and the ability of those who implement them with determination and eagerness to persuade people in power that the natural development of any society is the right path which shields it against violence, and bloody civil conflicts.

This report, with other national reports used as references in this report, highlights, objectively and impartially, the weaknesses and gaps existing in the journalistic activities' laws and their practices, and provides specific recommendations for a needed solution to move towards natural development.

These recommendations ought to be symbolized in a feasible plan of action according to a specific timetable placed and executed by governmental and non governmental experts in extensive reform as a fundamental step towards restoring a country of law, integrity and adequate rule.



## Chapter One

### BACKGROUND AND CONTEXT

#### 1. General information on the media sector

This sector includes the mass media: visual, audible, printed and electronic media.

\* **Visual media:** it is influenced by the government except for its status in Lebanon where a few private channels have started to appear since 1975. Jordan had a single experience in private visual media field after it gave permission in 2005 for “mannou3” (Prohibited) channel to broadcast via satellite, which soon closed down in sealing wax.

Governmental monopolization of visual media shows the real intentions of the government to use it as a political weapon for the control of public opinion and its mobilization, since it has the widest coverage and is the most influential and the closest to reaching the moods and minds of people.

This kind of media depends on advertising of local and international products for its survival.

It consists of local or cable channels. They all use Arabic and foreign languages (French and English) and other local languages such as Amazighian in Morocco and Armenian in Lebanon, and a number of languages which are imposed on by the geographical neighborhood and cultural relations such as the Spanish language in Morocco.

The number of channels differs from one country to another. In Egypt, for instance, there are two local channels, whereas in Morocco the number increases to nine. In Lebanon, there are five channels each representing a sectarian group from the mainstream, in addition to Télé Liban which was fully owned by the government in 1994 and OTV which was granted a license to operate some months ago outside sectarian allotment.

\* **Audible media:** Most of it is influenced by the government except for some stations which are privately owned by foreign parties such as the International Mediterranean Radio and radio “SWA” in Morocco. Private local stations which broadcast on FM band have no right in general to broadcast news and political talk shows. In Jordan, for example, out of fourteen FM stations, only one reserves this right. In Egypt, the government forbids local stations from broadcasting any news or analytical/political programs, and its transmission can only be received within Cairo and its suburbs.



However, in Lebanon, which is always the exception among these countries, the war media which lasted from 1975 to 1991, created a number of private stations controlled by parties and sectarian groups which imposed themselves upon them during the political crisis, before the Broadcast Law n° 94/382 put them in order for the sake of multi-democratic and multi-religious climates. In Egypt, which has the largest and oldest radio broadcasting system in the Arab world, stations work under immediate governmental control to sustain national integrity.

The number of radio stations varies between each of these four countries, depending on its area, population density, political systems, and rootage in the media world. In Egypt, there are 42 radio stations on medium wave and 3 on short wave and 14 FM bands. And with the launch of NileSAT 101 in 1998, Egyptian radio broadcasting has developed to encompass 9 radio networks transmitting around the whole country. The Cairo radio transmits its programs in 35 languages. “The Voice of the Arabs” broadcast all over Europe and the Middle East in Arabic. In Jordan, in addition to 14 FM radio stations, three other ones from abroad are licensed to rebroadcast inside Jordan which are: the BBC radio, Radio Monte Carlo, and Radio SWA. In Morocco, fourteen local destined stations operate.

**\*Printed Media:** the press was generally controlled by the government either through ownership, laws, censorship, loyalty of its owners or people in charge of it, or through appointment and funding.

In Egypt, the government holds the lion’s share of the three newspapers: ‘the Ahram’, ‘Al Joumhouria’ and ‘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. And the government relies on them for general mobilization. However, in the former regime the number of adversary and independent newspapers increased. The weekly “Al Arabi” newspaper criticizes the government and raises issues related to corruption and human rights’ abuses. The Egyptian political parties are entitled to issue their own publications.

As for the press in Lebanon, it is well established and independent. The first newspaper was published in 1875, because of the cultural and historical uniqueness of Lebanon and the nature of the Lebanese government.

In Morocco, there is a widespread increase in the local national printed press (628 titles between independent and factional) and the number of journalists in printed media is 802. During the reign of King Mohammad the 5<sup>th</sup> (... 1999), the press in Morocco became critical. It penetrated taboos (by infiltrating into the private life of the king and his family, the religious side, corruption, political crimes committed during the regime of the former king). And in Jordan, the press works in the interest of the official stance. Seven daily newspapers are published (of which one is in English) and 23 political periodic.



\* **Electronic media:** this media has recently appeared in these four countries. In Morocco, for example, the internet service started in 1995. The number of users has reached four million today. Its characteristic is that it has a wide margin of freedom. But its media importance remains limited. One of the main problems which it has raised is the freedom and the right to access information.

## **2. Political, economic, social and historical influential factors linked to the media**

These factors, whether separate or joined, affect the media. In Jordan for instance, year 1989 was considered the year of transformation towards democracy. This transformation symbolizes pluralism through the adoption of the Printing and Press Law, n° 1993/10, and the multiplicity of parties through the adoption of the Political Parties' Law n° 1993/32. The participation of the opposing parties in the Moroccan government since 1998 has helped independent media to play the role of the single opposition.

The political and cultural system in Lebanon, which is unique in the region, has helped in the development of democracy, liberties and human rights. Lebanon's rootage in printing (since 1610 AD) has helped the printed media to thrive. Political censorship practiced by the Turkish regime on the printed media unified the political stances calling upon independence and freedom. As for the war media in Lebanon, it has geographically restricted the newspapers, divided them and attracted radical views.

In Egypt, the 2005 elections have proved an unprecedented government will to accept criticism, which has been an important leap on the way to free media. Some of the factors influencing the media are the laws and the authorities regulating its outlets:

In Jordan, the Ministry of Information was abolished in 2001, and the roles 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, press attaches in embassies ... And except for the Press Law (1993), and the Printing and Press Law (1998) and its modifications in (1999), the rest of the laws attempted somehow to reduce the margin of free media such as the Visual and Audible Media Law which gives the cabinet the power to reject licensing unless justified. There are about 24 laws and rules in Jordan related to the media, in addition to some illicit non-written matters affecting them.

In Lebanon, the parliament passed the Broadcast Law n° 94/382 which was considered a compromise to protect its multi-democratic climate, and the business interests of capitalists and politicians belonging to the mainstream. Its application was discretionary and showed governmental partiality, which was considered a major phenomenon in the implementation of democracy in Lebanon.

In Egypt, the Emergency Law n° 1958/162 gives the authorities wide powers to restrict liberties and order censorship on the printed media or its closure. And the Egyptian Minister of Information appoints television staff.



The common denominator between these four countries is that first, their constitutions do not consider the media an authority, and second, the practical application of free media does not necessarily mean the execution of the laws but rather reflects the mood of the executive powers, armed with the law, to tolerate or not tolerate.

### **3. General view on media reform**

The four Arab countries concerned in this report have approved the Arab Charter of Human Rights which ensures the right of media and freedom of opinion and speech, the right to obtain news and thoughts and receive them or convey them without any concern for geographical borders. In fact, these governments have not permitted the presence of the printing press, including the Arabic ones, without in advance censorship ... This means that a reforming speech exists without any feasible interpretation. These governments with their democratic reforming speeches have encircled the real reform, whose guidelines are: media reform or its restructuring, and the construction of a modern media system which contributes to political and cultural development. Some of its headings are: the development of a modern vision for the media, the encouragement of pluralism, the respect of the other's opinion, media empowerment which would allow it to watch over government policies, investment in the media, and the development of human resources in the media sector.

In Jordan for instance, for the sake of reform, the High Council for the Media drew up a bill to modify the Printing and Press Law, and another bill to ensure access to information so as to widen the margin of free media.

In Morocco, and in order to reform the media sector, the government has embarked upon 3 dimensions: the freeing of visual and audible media from government monopoly, the restructuring of public media, the restructuring of printed press, as to deal with problems such as: the equilibrium between freedom and responsibility, the confrontation with the laws which restrict liberties, the reinforcement of the ethics of profession, media competition in the era of globalization, schematization of the appropriate practice related to the "illicit trinity" (ownership, integrity of national soil, Islamic religion).

### **4. Resorting to the judicial power in media matters**

The Penal code, the Printing and Press Law, the Media Law, the Code of Honor, the Emergency Law, the theory of national security and the exceptional circumstances are the authoritative sources relied on by the governments of these four countries to bring suit against media outlets. From 1993 till the end of 2004, 300 cases against journalists were summoned. The Jordanian authorities instituted lawsuits in half of these cases, and lost 90% of the ruling related to them. Not one decision to imprison a journalist has been taken before a civil court. This implies that the governments were abusing their right in suing the media outlets. Thus this deduction cannot be generalized and is not valid for all



situations since the judiciary in the four countries does not always offer a guarantee on the freedom of the press. The Lebanese judicial power, for instance, is the one to order the closure of MTV.

## Chapter Two

### PRINCIPLES ANALYSIS

#### I- Independence

##### 1. 1- Fundamental guarantees on the Independence of the media

In the four countries, constitutional, legal, conventional and sous seing privé guarantees for media independence exist. However these guarantees are restricted by the provisions and government proceedings which underrate its practical value and efficiency.

All the constitutions secure the freedom of expression unless it exceeds the law. The real authority is not provided by the constitution but by the laws, provisions, proceedings and decisions issued by the authorities and concerned departments.

In Lebanon for instance, the freedom of expression is sustained in the constitution but restricted by the laws (Press Law 1962 AD, Broadcast Law 1994, Penal Code ...).

In Morocco, the concept of independence faced legal complications since the provisions comprised incompatibility between restriction and freedom.

In Egypt, 186 laws have been issued so far for the formation or elimination of media restrictions. While in Jordan, the media is free in accordance with the constitution but remains restricted in accordance with the law. The rules of law are the arbitrator in the matter of freedom. The law imposes censorship and controls the style of this censorship carried out on newspapers and their resources.

In addition to this legal restriction imposed on the media's independence, the existent authorities in these countries encourage the people of the media to control their performance by calling upon them to adopt professional criteria, preserve national integrity and not harm in any way national security. And as a result, these authorities make direct calls with the media outlets to make sure they understand what needs to be understood.

##### 1.1.1: Freedom of expression



In principle, the constitutions of the four countries sustain the freedom of expression for all citizens, and in all its forms, including the freedom of opinion, the freedom of the press, printing and publications, although reality is totally different from the constitutions.

- The Egyptian constitution protects the freedom of opinion including any constructive criticism, assures the freedom of press and its independence in expressing the trends of public opinion, and prohibits censorship on newspapers, its closure or administrative abolishment.
- As for the Moroccan constitution, it assures “the freedom of opinion and expression in all its forms”, and affirms that “putting an end to the practice of these liberties can only possibly occur by means of law”. This concludes that the law is the arbitrator in this matter, and that legal provisions do exist in Morocco to control the exercise of liberties ... these laws, protective of the liberties, were most of the time breached ... after issuing the Fighting Terrorism Law in 2003, public and personal liberties were constricted.
- The Jordanian constitution gives the people the freedom to express their opinions and to publish them, but within the margins of the law. Here the Printing and Press Law of the year 1998, amended in 1999, defines the permissions. The freedom of opinion is sustained in the constitution but restricted by the law.
- The Lebanese constitution secures the freedom of expression. Nevertheless, this freedom remains restricted by the laws, and specifically the Press Law (1962), the Broadcast Law (1994), the Penal Code ...

Following what was stipulated in these constitutions concerning the freedom of expression, this deduces that restriction is the foundation or the basis, and freedom is the branch or the exception.

### **1.1.2: Freedom of the press**

The freedom of the press is linked to the freedom of opinion and expression and to the freedom of the media in general. It is pertained to public liberties. In consequence, in a country such as Morocco, the first disposition concerning the freedom of the press was issued in 1958 through the law known as the Patron of Public Liberties. No law for the media exists in Morocco. There are a number of separate legal provisions controlling some of the media outlets, as the legal arsenal controlling the media field suppresses the freedom of the press and out of it builds up restrictions, such as ordering the newspaper director to reveal the trade-secret, and giving the Minister of Internal Affairs the right to order a sequestration against any newspaper that causes damages to the public system, religion, or the monarchic regime ...



In the matter of practice, the Moroccan press experienced difficulties in the following: the immediate interdiction, the provisions issued against the press and journalists, the harassments, and the seizure of the press card.

Furthermore, the constitution in Jordan conjoins the freedom of opinion and the freedom of the press in one article. Whereas in Lebanon, both the Press Law (1962 AD) and the Broadcast Law (1994 AD) clearly stipulate the freedom of the press and the media.

In Egypt, the constitution (article 209) provides for the freedom of publishing newspapers and their ownership, and stipulates that the High Council for the Press (article 211) supports the freedom of the press .... And the Code of Journalistic Honor considers the freedom of the press one of the most fundamental liberties sustained by the constitution ...

The common denominator between these laws controlling the freedom of the press in the four countries is that the laws comprise restrictions characterized by generality which makes it subject to inference. And thus they become a weapon in the hands of the authorities to be used against the freedom of the press.

### **1.1.3: The freedom of association of journalists, media organizations and media watchdog groups**

This freedom seems disparate in each of the four countries. In Morocco for example, no law gives the journalists the right to associate. Despite the absence of the law, Moroccan journalists are organized in the frame of the National Association, and the media organizations in the frame of the Moroccan Federation for Publishers while the Law of the Journalism's Association (n°1998/15) in Jordan stipulates obligatory membership in it, and the Jordanian citizenship as a condition to practice this profession, and not before taking the oath.

The Lebanese constitution (article 13) assures the freedom of association subject to a previous consent (article 2 of the Law of Associations). There is no law in Lebanon in relation to this freedom.

As for the freedom of media watchdog groups, it seems that the constitutions and the laws of these four countries do not single out any law in relation to that matter. However, a number of national and international organizations that list it on their agenda as is the case in Egypt where the Human Rights Watch and the Egyptian Human Rights Organization and the Committee of Journalists' Protection favors media independence and the protection of the freedom of the press and journalists' rights.

### **1.1.4: Ability to access information**



This is subject to the nature of the political system and the existent authorities in any of these four countries concerned in the following report. In Egypt, and despite the fact that the Egyptian constitution assures the journalist's right to access information, and that the Penal Code prohibits any restrictions which may hinder the flow of non-confidential information, bureaucratic hindrances prevent the fast and easy flow of it, in addition to the fact that the government is the only information source, and the Press Bureau, which is under the control of the Ministry of Information, provides the official information.

On the contrary, the Lebanese laws fail to acknowledge the right to access information. While in Jordan, the National Convention for the Reinforcement of Democracy stipulates that access is any citizen's right, and is the press's right too. And the freedom to circulate information is integrated in the freedom of the press and the media, and the authorities secure the free flow of information. As for the Press Law, it gives the journalist the right to access information, except that the flow of information from government sources to media outlets is achieved rather by way of tolerance and not through the application of a legal right.

In Morocco, although the fundamental rule for vocational journalists, and the Press and Publication Law following its amendment in 2002 gave media outlets the right to reach any news source and access information unless it is confidential, this right is still hindered by legal complications related to confidentiality of the profession (the fundamental rule for public employment), the ambiguity of the Press Law, the secrets of civil defense and personal information.

The common factor between these four countries is the classification of information between public and confidential, (the confidentiality of official information related to government's secrets and lawsuits especially those related to terrorism). In Jordan for example, there is a law for protecting government secrets and their files, which dates back to 1970 and the Government Security Tribunal is the only competent authority to examine crimes committed against its provisions.

Another common factor between these four countries is the concept of "Government Solemnity" which may be used to prevent the press from accessing information. The culture of confidentiality is dominant in the four countries.

## **1.2- Clear and fair regulatory system for media activities**

### **1.2.1- No requirements of official permission for the establishment of media outlets**

No media outlet may be established without being granted a license. This is the general procedure within the four countries, with some slight differences. In Morocco for instance, the Press Law gives the right for publishing provided that a declaration is made.



As for the visual and audible media, having a permission in advance is an essential requirement.

Unlike publications in Morocco, their printing requires a license in advance.

### **1.2.2: Impartial, transparent media oversight authority**

- Licensing agencies vary according to the laws stipulated in each of the four countries. The common factor may be all the intelligence and security agencies, with the contentedness of each country's privacies. For example in Lebanon, there are two types of licenses: ones for political media and others for non political media. As for licensing, it is controlled by the executive power or the national security departments and the National Council for Visual and Audible Media which is a non independent licensing authority and a cover to grant legitimacy to government provisions which issued arbitrary, discretionary and carelessly thought out licenses not in accordance with the technical and objective criteria. Hence, those who profited from them were the people in power, those with sectarian interests, and capitalists.

In Egypt, up until 1996, it was impossible to get a license unless through a private joint-stock company which had to get the consent of 8 government authorities. In 1998, the consent of the Egyptian cabinet became a requirement to get a license.

And in Jordan, pursuant to the Press Law, the cabinet issues its decision to grant a license under the Minister of Information's recommendation.

And in Morocco, three authorities control licensing:

- The National Printed Media under the supervision of the court of first instance.
- The Foreign Printed Media under the supervision of the Ministry of Communications.
- Visual / Audible Media under the supervision of the High Council for Visual and Audible Communication which is of a non-independent administrative and advisory nature before the king.

### **1.2.3: Specific licensing requirements**

- The first and main requirement to get a license is to have the citizenship required by all of the four countries. In Morocco, any newspaper wishing to be granted a license, the owner, the financier, and the contributor must have the Moroccan citizenship. In Jordan, it is prohibited for non Jordanians to invest in the press. And in Lebanon, to own a newspaper, the requirement is clear since the person has to be a Lebanese citizen and the owner a joint-stock Lebanese company and all the shareholders of the Lebanese



citizenship. Besides, sectarian pluralism is a criterion for granting licenses to privately owned radio stations to protect them against sectarian inclinations. This is in principle, but in reality the multi- sectarian identities of the shareholders had no real implication on the programs' content or their sectarian characteristic. In fact, the pluralism of sectarian identities had not affected the contents. Consequently, this requirement in force in Lebanon is controversial!

- The capital required for any visual or audible media outlet to get a license is not the same in the four countries in view of the governments' policies to impose restrictions on licenses or not to impose them, the pluralism of opinions, the margin of freedoms and the competition to control the advertising market. In Jordan, the capital for running a daily newspaper is half a million dinars and fifty thousand dinars for a periodic. In Morocco, in the case when the majority of the capital on a newspaper deal is owned by one person, it is necessary for that person to be the publisher. This may be an attempt to influence independent editing and to make it conditional upon capitalists and investors. In Lebanon though, the requirement for a newspaper license is the amount of 500,000L.L. in addition to a financial security for indemnities and retirement expenses. A local television license costs 250 million L.L. in addition to an annual leasing fee of 100 million L.L. whereas the requirement on the capital is 20 billion L.L. (or 13,500,000 USD), to cover any expenses for the next five years of the license. The cost of a cable TV license is defined by the government to secure the competitive advantage in Lebanon. This is a Lebanese privilege since the governments monopolize the ownership of television channels in the other three countries.
- In practice, it seems that the licensing criteria have not been respected in the four countries. In Lebanon for instance, when the applications for licenses in 1996 were looked into, double criteria were applied contrary to article 12 of the law no. 382/94. "The indirect ownership" prohibited by the law formed in fact a turning against ownership's monopoly. In Jordan of August 1998, the government forced the newspapers' owners to sell their biggest share to the government. What occurred in both Lebanon and Jordan aimed at influencing advertising policies for political purposes.

#### **1.2.4: Laws in defamation**

The entities which are protected by legal provisions provided for defamation or false accusation in the four countries are: the president, the security agencies, the army, the parliament, the tribunals, the flag, the heads of foreign states, the religious authorities, government solemnity, and national integrity standing the financial government. Each country has its characteristics. In Jordan for example, defamation and humiliation crimes



include the verbal abuse of the king, those that abuse the dignity of Jordanians or contest a judge or doubt the course of justice.

- The background of these laws differs from one country to another. The Lebanese Criminal Law is the competent authority, since the Press Law (1962) and the Broadcast Law (1994) have not defined defamation. In Jordan, the Penal Code (1960) is the authority. Whereas in Morocco, the Press and Printing Law singles out a special section on the felony of defamation against people.
- The nature of the sanctions seems harsh in the four countries, and could hinder independent and transparent press free activities, since the entities protected by laws in defamation are only expandable words which encompass abstract and vague concepts subject to more than one interpretation. The harsh sanctions protect the officials against questioning and calling to account and thus diminish the role of the media in pointing out mistakes and fighting corruption. These sanctions are criticized by the media people and the public opinion favors their objections.
- The application of these laws is subject to political circumstances and leaves bad implications on the freedom of the press. Article 191 of the Penal Code in Morocco for instance, is a weapon in the hands of the government used to deal with any criticism by the media, which forces self censorship upon the media in the end. This in itself confines the freedom of expression and opinion. Furthermore, the Lebanese legal provisions provided for false accusation restrict the freedom of expression as to the criticism of officials or their calling to account. In Lebanon, there is a law called “the kings and Heads of States’ Law” stipulated in accordance with a special decree in 1965 by pressures from Arab leaders who expressed their anger towards Lebanese media outlets’ criticism.
- There are exceptions as to the application of these laws which protect the freedom of the press and reinforce its monitoring role on bad performance. The Penal Code in Jordan, for instance, excludes the act of defamation by media from sanction if this deed targets a public worker on one condition that it has to be related to the duties of his work. Then the defaming person is acquitted.

#### **1.2.5: Reasons for suspension and seizing press cards**

- The cases of suspension and seizing press cards are similar in the four countries, and they include: breaching ethics, disrespecting national sovereignty, publishing false information and confidential talks, defaming heads of states, jeopardizing national integrity, threatening national security and safety ...



- The authorities who are entitled to suspend and seize differ from one country to another. In Morocco, the judicial authority has this power. The journalist is convicted when ruling is delivered. In Jordan, the journalist's membership is legally canceled and registration removed by the Association Board.
- The application of the laws of suspension and seizing press cards was arbitrary. In Morocco for example, cards were seized from some journalists for political reasons. This application in these concerned countries helped to support government interests...

#### **1.2.6: Laws on closure and seizure**

- The cases which lead to the closure and seizure, stipulated by the laws in the four countries, are similar: the suspension of press activities, the seizure of press cards, in addition to the provocation on crime and violation of public order. There are some exceptions stipulated by the laws of these countries. In Morocco for instance, the cases that summon closure are: showing disrespect towards the king, causing harm to the monarchic regime, challenging religion... These same reasons may lead to the complete closure of the newspaper.
- The authorities which are entitled to order closure and seizure differ from one country to another. In Lebanon for instance, the Public Prosecutor has no effective power for closing any newspaper. He can only seize the copies complained of and refer the matter to the competent authorities. Lebanon has the only privilege to close any television channel following the Lebanese laws which gave the Minister of Information the power of closure. While in Jordan, the government has no power to close or seize any newspaper unless given by the court. In Morocco, the Minister of Internal Affairs can order impounding by justification. And the judicial police have the power to impound any publication which violates the ethics, under the supervision of the Public Prosecutor. In addition, the judicial authorities have the power to close newspapers for a definite or indefinite period of time, the Minister of Communication can ban the entrance of foreign newspapers, and the court is entitled to destroy any publications seized by the judicial police.
- The application of the laws of closure and seizure was arbitrary and resulted from power abuse. The decision to close MTV channel and Mount Lebanon radio station is political. Politics interfered in the matters of the judiciary (the Press Court) and thus came the closure. In Jordan, politics interfered in the press matters and the authorities along with their agencies pressurized the judicial power to institute legal proceedings against the press.
- Sanctions imposed by these laws are not based on clear and reasonable grounds. Their clauses are extensive and ambiguous, and the media legislations are minefields which are impossible to cross without the fear of falling in their traps.



### **1.3- Absence of censorship**

#### **1.3.1- Absence of official censorship**

Censorship imposed on the media is common knowledge existent in the four countries concerned in this report. The difference lies in the degree, the method used, and the competent authorities exercising it. The constitutional and legal dispositions in regard to it are one matter, and reality is another.

In Egypt, the constitution issued in 1971 forbids any censorship unless in war times when a restrictive censorship is enforced in matters related to public safety and national security. Whereas in fact, censorship is being carried out on a daily basis since the government monitors the media very closely. And in Morocco, the Press and Printing Law does not single out any section which may hint at the presence of any censorship on the media, though the security agencies exercise it. And in Jordan, the constitution enforced a limited censorship in advance only in the cases of declaration of emergency and the enforcement of the law of defense. Nevertheless, censorship is existent beyond these two situations.

The official organizations which are entitled to censorship differ from one country to another. In Lebanon, the Public Prosecutor is given the right for censoring written media outlets, and the cabinet is entitled to enforce a censorship in advance on publications, in exceptional circumstances. The Minister of Information has the right for censoring television and radio broadcast outlets. In Jordan, there is no existence for any Ministry of Information. The security agencies still interfere in the press activities. And in Egypt, the first law defining the functions of the Censorship Bureau was issued in 1975.

#### **1.3.2: Specific and Limited government directives on inappropriate content**

Government Directives given to media outlets concerning the content are, in general, carried out by the political systems and the official authorities in control in the four countries. This has become a custom in effect, sometimes by means of enforcement and sometimes by insinuation and suggestion. The media owned by the government functions according to clear policies, restrictions and directives, whereas the media owned by institutions, individuals or a group of shareholders, has interests with the governments and, in consequence, cannot risk ignoring government directives. In addition, some directives, rather permissions stipulated by the laws exist. In Morocco, the legal dispositions define the “established” and the “sacred” usages which restrict the margin of freedom. As a result, it would inappropriate to talk about these, such as the monarchic regime, the royal court budget, sex matters and homosexuality ... On the other



hand, public media outlets are forced to broadcast royal speeches and activities. Some of the official directives imposed on the Moroccan media are to forbid some people from appearing on talk shows, and a list of governmental VIP's is passed onto the media in order to host them in these shows.

In Jordan, “the people in power” contact journalists to update them on different matters and events, and the journalists usually understand that these particular pieces of information are to be made public or subdued. Other media restrictions are: opposition to armed forces and security agencies, abuse of religions, bringing up sexual issues ...

While in Lebanon, there are common restrictions enforced on all media outlets such as the threat to national integrity, sectarian provocation, criticism of religious rites, publishing of criminal investigations, of secret courts, talks, and secret sessions held by the cabinet and the parliament ...

And in Egypt, any activities that harm religion, national security, officials, government policies and matters that lead to violence, crime and sexual provocation should be left out.

These inappropriate significations in the four countries have a wide and ambiguous scope which may result in abuse and oppression on the freedom of expression exercised by these governments.

### **1.3.3: Fair and responsible editorial control for media outlets, self censorship?** **Why? How?**

- This type of censorship is carried out by the media outlets in the four countries, and results from the presence of restrictive laws which reduce the margin of free media, while the aspects of justice and responsibility within the laws differ from one country to another, and the common denominator is the fact that they leave their negative implications on the role of the media to come close to the truth with objectivity and transparency.
- In the light of what is occurring in the four countries, and to avoid sanctions stipulated by restrictive laws, specifically in relation to imprisonment and closure, and by pressure from the vigorously rising political Islam groups in these countries, journalists and media outlets tend to exercise self censorship which is worse than the government- imposed one.
- This kind of censorship exercise differs in its methods from one country to another. In Jordan, there is a distinction between “thin censorship” or “hidden” and self censorship. The application of “thin censorship” is based upon the withdrawal of advertisements and the pressures applied on distributors and owners of printing companies. And in Morocco, the distinction is clear between independent newspapers which try to get rid off self censorship and public media outlets which keep placing themselves under a “tolerations’ manual” which defines what is allowed or restricted.



And in Egypt, newspapers place themselves under self censorship which is one of the hindrances of the freedom of expression. The double fear of spiritual and temporal authorities prevent the press from criticizing the president and his family, the army commander and his officers, and the formal opinions of Al Azher sheikh and his decisions. This fear increases the rate of self censorship. In Egypt, there is no place for fair and responsible editorial control due to the differences in opinions in written media, from governmental press to opposition, and from private press to independent. Editorial control is carried out on visual and audible media owned and controlled by the government.

#### **1.4- The independence of media outlets from governmental and non-governmental influences**

##### **1.4.1: Media's independence**

- There are internal and external factors which prevent the independence of the media outlets in the four countries. The internal factors are distributed among authorities, rising political, social or religious groups controlling the progress of society and the liberties of its citizens and institutions, especially the media institution.
- Workers in the field of the media, individuals or institutions, in the four countries, still suffer from political, psychological, financial and legal pressures (seizure, closure, fining, imprisonment, detention, censorship, interdiction ...) as well as sexual abuses, threat, assassination and kidnapping ... to achieve their taming, annexation, and the abandonment of independence.
- The methods used to end independence and its causes differ in each country. The goal is the common factor. In Morocco, the government imposes economic sanctions and high fines while Islamic groups exercise reverse advertising and ask to boycott pro-government newspapers and protest against media institutions refusing to submit to their jurisprudence or political views. The king's entourage, in its turn, constricts any media outlets which perturb the "new era" and hinder the course of the "Democratic move" ... In Lebanon, the government issued in 1998 a provision to forbid the broadcast of news and political programs on satellite dishes under the pretext that this would harm Lebanon's reputation and reduce the opportunity of investment. Whereas in Jordan, the methods used to end independence vary, such as: the immediate interference in press activities, interdiction on the presence of public figures, the pressures exercised to prevent tolerance of other views, and this is the result of a



pressure applied by a certain security theory existent in Jordan which states that the media may cause troubles and internal riots, so it must be placed under control ...

#### **1.4.2: Media's financial viability**

The public or official media outlets are financed by the concerned governments, unlike the private media outlets (press) which depend on advertising, subscriptions, daily or periodic sales for their funding. These two issues form a common factor in the four countries.

The profitability from the advertising market differs from one country to another. Here advertising turns into a political weapon for the government. The incomes from the advertising market in Morocco are distributed as follow: large media outlets receive 21%, Arabic written media receive 30%. In Jordan, the advertising market amounted to 160 million USD in 2005, and this market is thriving at the rate of 20% annually. The government and their institutions are the biggest advertisers in Jordanian newspapers, and this applies a sort of pressure on the freedom of the press. These governments loosen their grips on advertisements or tighten them to penalize newspapers or to reward them. And in Lebanon, big business interests affect the independence of media outlets. Although the Broadcast Law no. 382/94 forbids the monopoly of advertising, one single media group monopolizes the Lebanese market via the control of a number of small agencies. This group controls 92% of advertisements on the local market, and 72% of the advertising market via satellite in the Arab Gulf.

In Lebanon, the Press Law for 1962 controls the media's finances through the implementation of two mechanisms which are: the Lebanese ownership and income control, in order to ensure the financial and editorial independence of the press from Arabic and foreign governments and systems ... This is in principal, but the fact suggests that foreigners and Arabs buy their stocks under Lebanese names, and as a result, a number of Lebanese newspapers depend on foreign funding to secure their permanence. And in Jordan, the journalist is forbidden from receiving any help or financial aid from any Jordanian or non Jordanian source.

And in Morocco, independent press, like factional press, receives government funding. However, factional press benefits from another type of support which is their parties'. And in Egypt, governmental media has no real intention of persevering economically considering the financial deficit in the media institutions, which exceeded one billion dollars. Similarly for the visual and audible media, the deficit is almost the same or exceeds it a little ...

#### **1.5- Personal independence of journalists**



### **1.5.1: Reasonable control over content**

Journalists working in the four concerned countries are distributed among the public and private media, all the written, visual and audible media outlets, independent and factional media ... and each one of these groups has a personal characteristic. Workers in the public media have to fulfill governmental directives. And workers in the factional media have to fulfill the party's directives, unlike workers in independent press who enjoy a wide margin of freedom.

Within the common factor existent in these four countries, there are exceptions and characteristics. Among those who work in independent media for example, some seek government gains so they support the government; others work for the interest of more than one party and end up in a situation known as the conflict of interests.

### **1.5.2: Free movements of journalists**

Journalists in the four countries benefit from free movements nationwide except in military areas. They also have their constant presence in official headquarters where rooms have been allocated to them to cover their activities. In Morocco, there are no restrictions imposed on their movements, nor any incidents to prove the opposite. And in Jordan, there are no restrictions on their free movements. But this does not prove that they don't get hassled by security forces. The case of the Moroccan journalist, Ali Al Mourabet, is similar to the case of the Lebanese journalist, Samir Kassir, before his assassination.

As for foreign journalists, their statuses differ from one country to another. While they benefit from all the necessary facilities in Jordan, they experience harassments in Morocco: some are forbidden from entering the country, which is the case of the French journalist, Jean-Pierre Tokoi, while others were banished which is the case of the French journalist, Claude Juvenelle

### **1.5.3: Limited non-arbitrary criminal prosecution of journalists**

The appearance of journalists before civil and military courts and their judicial pursuit are common things in the four countries considering that most of them work



under the protection of the Emergency Law, the logic of government's solemnity, and confidentiality of information. And the list of restrictions stipulated in the Penal Code is long and comprises headings subject to be used as a weapon in the hands of the governments, in addition to the press regulations. In Egypt for example, Press Law n° 96/96 imposes high fines and five to fifteen years' imprisonment on journalists who commit a number of felonies which remain unspecific and subject to interpretation. This same law forbids journalists' detention and allows, at the same time, the detention of those accused of breaching the Penal Code.

In fact, in 2005, 28 press lawsuits were brought before the Moroccan tribunals. In 2004, the number of journalists judicially pursued reached 33, and in 2003 the number was 49. And in Jordan, the Department of Press and Publication (2005) instituted five lawsuits against four daily and weekly newspapers. And in 2006, the government also instituted six lawsuits against journalists.

These judicial proceedings, in general, place the credibility and integrity of the judiciary authorities under scrutiny and in the dock.

#### **1.5.4: Physical, social and economic safety**

The physical abuse of journalists, the destruction of films capturing specific events, the harassment by the security forces, the humiliation, the verbal abuse, the kidnapping, the censorship, the houses' inspections and the seizure of properties are abuses and violations whose degrees of practice differ from one country to another. In Morocco for example, journalists have not been subject to any assassinations since the formation of "The New Monarchic Regime", nor kidnapping operations. Whereas in Lebanon, Joubran Twaini and Samir Kassir were assassinated, and May Chidiac witnessed an attempted assassination. In Jordan, physical abuse rarely occurs but the fear from security agencies and their summons remain, since these agencies summon journalists in a nice manner hinting at pressure and threat. And if the journalist does not comply, he is referred to the competent authorities on malicious charges for the purpose of humiliation. Courts referrals are considered in Jordan among the most widely used methods of terrorizing journalists. However, in Egypt, and besides other abuses, the authorities use advanced methods to surveil them and listen to them secretly. The Egyptian law also allows the trial of journalists before military courts which make the journalists obsessed with the military judiciary stringent in the degrees of its sanctions.

On the other side, economic safety is neither present nor guaranteed for journalists working in these four concerned countries. Their poor salaries are a prevalent situation



except those working for the biggest media outlets, specifically the visual ones. The social safety network is not available, which lead some of them to sacrifice the ethics of the profession to survive or seek a good position, while others become “laborers” for wealthy politicians or wealthy people seeking to enter politics. A large number of journalists are subject to enticement and corruption.

### **1.5.5: The ability of civil society groups to protect journalists**

Abuses and violations facing journalists in the four countries are constantly criticized, disapproved, incriminated and condemned by the civil society. These groups with their forces have often issued statements and supported journalists or media outlets. The usual stances taken by Human Rights defenders, legal organizations, associations and unions in an attempt to protect journalists are all common practice and documented.

Despite this fact, the efficiency of these stances remains limited.

## **2- Integrity**

### **2.1- Clear standards and ethics for journalistic professionalism**

Journalism is determined by the systems, the codes of honor, the laws of each designated country, and the general principles of ethics. The journalist tries to accord between these provisions and the criteria of free media. Their provisions impose on him specific responsibilities which help him to responsibly carry out his freedom.

Legal stipulations and prevailing codes which clearly specify the standards and clear ethics for journalistic practice differ from one country to another by means of formation, content and application.

In Morocco, up until the nineties, no legal disposition concerning the ethics of the profession existed. The National Association for Moroccan Journalism took the initiative in 1993 to form a committee for the ethics of profession which drew up a Code of Honor whose provision appeared on the membership card, and membership became necessary to respect this code. In 1996, the association formed a special committee to ensure the ethics of profession, then tried later to prepare a stipulation related to the formation of “the National Independent Organization for the Ethics of Profession and the Freedom of Expression”, in addition to the preparation of the Code of the Ethics of Profession. The Moroccan Press Law, amended in 2002, stipulated the necessity for the freedom of the press to be carried out within the frame of the ethics of profession. One of these ethics is to refuse bribery.

In Jordan, the Journalists’ Association issued the Code of Journalistic Honor under government pressure in 2003, when it was adopted in a session for the general assembly



attended by only 35 journalists, out of the total of 600. This code was almost similar to the Penal Code not to a code of journalistic honor.

In Egypt, the Press Law n° 96/96 stipulates the standards of the profession and its ethics: “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 “Honor of Profession’s Code” is ambiguous and general, in relation to the violation of privacies or intimacies and the protection of information sources, despite its call to publish accurate and reliable information, and avoid blackmail and incitement. In this regard, a complication exists between the right of an official or a general individual to protect his privacies and the right of the journalist to meticulously examine them as is the case in democratic countries. The Lebanese law protects the privacy of the official from close and careful examination. This is the first weakness in the Lebanese law. As for the second weakness, it lies in the inability to deal with the complexities of journalistic activities, which leave their implications on the principle of integrity such as the financial pressures and the ideological directions.

The third weakness in the Lebanese law lies in its disregard towards important matters in relation to the profession’s integrity: avoid plagiarism, avoid premature opinions formed on individuals or groups, refuse gifts, convey the voices of the under privileged... The Code of the Ethics of Profession is characterized by initiating national roles to newspapers. As stipulated, the role of the newspaper is defined as follow: “The mobilization of public opinion to defend the country, the laws, justice, and to resist abuse and aggressive forces”.

### **2.1.1: Clear and enforced standards for journalistic professionalism**

The laws of the associations and the codes of honor enforced ethical standards for journalism. The majority of these standards are the same in the four countries. Some of these examples are: the search for the truth, honesty, loyalty, accuracy and objectivity, respect of the news sources, non defamation and falsehood, bribery decline, either in the form of gifts, financial or specimen donations, fighting of corruption, refusal of subjection, respect of pluralistic views, non mixing between advertising and editorial matters, between advertising and media, respect of privacies, publishing of highly professional work, colleagues’ solidarity in case of pursuit, protection of the profession’s dignity and its people, rejection of interferences and enticements, protection of journalistic independence, plagiarism and stealing of news and articles, non provocation of malice, vice or crime.



These standards are not always respected and their contradictions are known and indicative of the people concerned.

### **2.1.2: Specific and enforced anticorruption rules**

There is no specific rule or system to fight corruption in media outlets in the four concerned countries. The Press Law in Morocco does not single out any provision to fight bribery around the media circle. And in Lebanon, there are no specific rules to fight corruption in the media sector. In Jordan, the Press and Printing Law and the Law of the Journalists' Association forbid the journalist from accepting any type of support from any source, whether internal or external. But corruption is a wider phenomenon than the concept of support even if it was financial.

Moreover, the corruption phenomenon is more deeply-rooted and larger than any bribes which are considered by the “Collective Agreement for Vocational Journalists” in Morocco, serious errors requiring retribution.

The phenomenon of bribery is widespread around the media circle and in all of the four countries. For example, the Moroccan newspapers published in 2002 a list of newspapers reporters accepting favors from the local authorities in one of the Moroccan cities. And in 2005, a weekly newspaper published a report on bribes offered by the Public Cooperative for Public Workers to some journalists. In addition, a number of journalists in Morocco revealed the names of the people offering them bribes. Similarly, in Lebanon, bribery is widespread among journalists. One of its main reasons is the salary earned by the journalist, which does not protect him from financial temptations nor offers him initiatives to work honestly and efficiently.

### **2.1.3: Specific and enforced antidiscrimination rules**

The media outlets' rules in the four countries do not have any discriminatory bases or anti-discriminatory ones in regard to ethnicity, gender, religion, or sexual tendencies. The field of activity is the responsibility of the owners of the media institutions and is available to all the people in this profession and expertise.

In Morocco, no discriminatory incidents between males and females journalists (468 female journalists work in this field and their presence is intense in visual media) have been reported. And in Jordan, employment in the public media sector is legally subject to competition on the ground of competence, whereas the private media sector is subject to the market needs and the appraisal of mass media owners.

In Lebanon, the Broadcast Law no. 382/94 stipulated some discriminatory provisions in regard to the nomination of the executives and heads of departments in the media institution, and who must be holding the Lebanese citizenship for over ten years.



#### **2.1.4: Specific and enforced criteria for selection and promotion of journalists**

It seems that the common factor between the four countries in regard to these criteria is that favoritism is the basis, and competence is the exception, due to the absence of the rules and systems which define the objective criteria needed for selection and promotion. The decision is contingent on the media institutions which may have their own established practices and systems, depending on each institution, and in each of the four countries.

Some of these institutions, as is the case in Morocco, request qualifications acquired from colleges specialized in media as their criteria, while others organize a special examination for selection. And while some seek new young abilities, others choose private family or factional relations as their criteria.

The exception in Morocco, in relation to this matter, is the agreement signed between the Journalists' Association and the Moroccan Federation for Newspapers Publishers, which requests, in regard to promoting, the drawing up of a classification list for vocational journalists to allow promotion within the ladders of the institution, and in accordance with objective criteria specified beforehand, and an objective evaluation of vocational commitment, efficiency, profitability, merit and qualifications.

### **2.2- Diversity of the media**

This diversity begins with the following: diverse ownership, pluralistic views, and diverse access to coverage.

#### **2.2.1: Diverse ownership for media outlets**

In three of the four countries, except Lebanon, the government owns the visual and audible media, as well as a number of newspapers. The Jordanian government monopolizes television and radio broadcast. In the past few years, it has granted fifteen licenses to FM stations, of which one only has the right to transmit news and political programs. The government controls 53% of “opinion” shares, and 35% of “constitutional” shares.

In Morocco, media outlets' ownerships vary but visual and audible media is monopolized by the government. The private sector is powerfully present in printed media, and it consists of political parties, vocational syndicates, and a number of associations and individuals...

And in Egypt, media ownership is diverse with the increase in the number of opposition newspapers. In Lebanon, the Press Law does not stipulate diverse ownership,



nor any provisions to forbid licenses issued to publications owned by individuals from different political backgrounds or published in different languages.

This has made the Lebanese media distinctive in its political, sectarian and lingual diversity. And the Broadcast Law (1994) clearly stipulated diverse ownership, and on its basis four television stations were granted licenses whose ownerships reflect the main sectarian groups, in addition to religious televisions and radio stations owned by these groups.

### **2.2.2: Diverse media**

In legal terms, laws exist providing for the respect of pluralistic views such as the Electoral Law in Morocco and the Broadcast Law (1994) in Lebanon which consented to the need for programs reflecting the characteristics of “pluralism of expression and views”. And law no. 7997 asked the licensed to broadcast one weekly political program based on objectivity and rejecting the monism of views. But pluralism in the Lebanese legal concept is far from the concept of diversity or pluralism provided for in the Treaty of Amsterdam (1997), regarding gender, ethnicity, language, age, and sexual tendencies .... It is clearly political/sectarian pluralism. Lebanon’s characteristic in this regard is based on the following equation: diverse ownership leads to pluralistic views.

In Jordan, anti-governmental views broadcast on the Jordanian Press Agency (PETRA) reached 1%. Local political affairs had a lower percentage of broadcast than both Arabic and international affairs (24, 40% for local, 38,65 Arabic, 36,93 international)...

In Morocco, the receptiveness of different views is exercised by independent written media, and a little less by the public media. As for the television and radio media, they operate under a high body whose function is to “ensure the respect of pluralistic views on different thoughts and opinions especially in regard to political media on the part of both the public and the private sectors.”

### **2.2.3: Access to media by all sections of society**

This possibility is a reasonable and existent issue in the four countries since it is inexpensive. In Egypt, hundreds of cable channels broadcast via Nile SAT ... Poor people can access news via visual and audible media outlets at different degrees. Those who cannot access it in their homes can do so in cafes and villages’ squares.

And in Lebanon, the Broadcast Law (1994) ordered the license holders to provide ‘a nationwide coverage’. And the Press Law (1962) whose requirements are also



enforced on audible media gives people the right to reply which means having fair opportunities to access media.

Whereas in Morocco, the spread the of media outlets in on the increase. Televisions and radios cover 98% of the Moroccan territories. And in the absence of a law controlling the reception of foreign channels, dishes are spreading fast. What is noticeable in Morocco is that the increase in written media is limited due to cultural factors, and the powerful spread of visual media and electronic media. The latter is available in 190 thousand Moroccan homes, in addition to its spread in internet cafes around different cities.

### **3- Competence**

#### **3.1- Adequate qualifications of working journalists**

##### **3.1.1: Clear and objective criteria for becoming a journalist**

These criteria are similar in any of the four countries concerned in this report. In Lebanon, the Press Law (1962) stipulated the necessity for a Lebanese journalist to be over 21 years of age, to have a high school diploma or its equivalent or a university degree, and to have practiced journalism from one to four years after his membership in the Journalists' Association. As for the journalist working in audible media, the Media Law (1994) does not define any of these requirements.

And in Jordan, the Law of the Journalists' Association stated a condition that the journalist must hold the Jordanian citizenship, have a clean record, and the legal capacity, in addition to having the right qualifications in press and media and being fully engaged in journalistic activities; whereas in Morocco, the Law of the Vocational Journalist does not require any qualification to practice this profession. Out of 10 journalists, 4 had a background in media, 39,1% of Moroccan journalists are graduates from the faculties of literature, law, and humanities, and as for the written media, the percentage is much less.

These criteria are breached in more than one country out of the four. In Jordan for example, three hundred journalists practice this profession and report for outside media outlets without being members in the association.

As for the preparation of journalists, colleges, universities and the number of graduates differ from one country to another. In national universities in Egypt, there are 14 programs for teaching journalism, and in private universities there are four, and in the Ministry of Higher Education there are two. The most important one is available in the



American University of Cairo, due to its funding massiveness. And in Morocco, there is a high college for media whose number of graduates reached 800.

### **3.1.2: The ability to have a specialized periodic training**

The lack of training, or its absence, is the common denominator among the four countries. In Jordan, the percentage of journalistic professionalism is decreasing due to the lack of training, and 80% of the needs for it are to scale up vocational competence, and 75% of it is to generate legal awareness for journalists.

The Journalists' Association does not make any attempt in this regard while the High Council for Media has started to offer training courses since 2005.

In Morocco, specialized training sessions are almost non-existent. And if any, they would be the work of national or international non-governmental organizations, and the sessions do not fulfill the need. A percentage of 54, 3% of Moroccan journalists have not profited from any training. The percentage of training seekers reached 92, 1%. While in Egypt, academic programs around the country face difficulties in funding, and finding teachers and equipment. These programs rarely include practical training especially as to how to use modern technology.

And in Lebanon, training in general is non-existent, due to the lack of funding and experience. Although specialized international organizations run some workshops, the benefit is limited as well as participation, which proves that the media outlets do not give training any importance or necessary care.

## **3.2- Open access to the profession**

### **3.2.1: Unfair restrictions by the governments or by media outlets as to who can become a journalist**

These restrictions are not similar in the four countries. Each country has its requirements as to who are the most suitable to practice the media profession. In Jordan, the Law of the Journalists' Association stipulates requirements of which some are: the actual employment in a media outlet and the training in any specialized college. In Morocco, the only requirement is getting a vocational card from the Ministry of Information after consulting "the Committee of Press Card". The ease in granting the



card has started to tighten so that only those who have the quality of journalists can enter. In Egypt, membership is a condition for practicing journalism. And in Lebanon, no one has the right to practice journalism unless he becomes a member in the Editors' Association. This is a restrictive legal condition since the Press Law (1962) states that journalism is similar to medicine and engineering, and considers journalists who are not members of their association, similar to "impersonators" and therefore must be penalized.

### **3.2.2: No discrimination**

There is no discrimination in journalistic activities based on gender or political views or sexual tendencies. This is the standard used in the four countries except Egypt where the female in the field of media has a special status.

In Jordan for example, women form a quarter of the members of the Journalists' Association, and there is no discrimination based on gender when joining the association.

Only in Lebanon, a different discriminatory policy exists, and it is carried out by the Editors' Association to accept or reject membership's applications. Journalists who are not members of the association are at the mercy of the association and its president who has a discretionary power as to define who is a journalist and who is not.

In Egypt, social and cultural barriers face women in the media field, including the society's perception of journalism (male profession) and the nature of the work outside the house or the travel, or the sexual harassment. Despite these disadvantages, female journalists represent 40% of the journalists' total.

## **Chapter Three**



## THOROUGH DESCRIPTION/IN-DEPTH STUDY

### **The role of media outlets during the elections**

### **Performance evaluation and the extent of their contribution in the enforcement of the Rule of Law**

Media coverage during presidential elections in Egypt and the parliamentary elections in Morocco, Lebanon and Jordan are the practical approach in evaluating the media outlets' performance, and the extent of their contributions in supporting the rule of law and reinforcing it.

The disincentives of this approach are as follow:

- Free and fair access for media outlets: In Egypt, and for the first time, a media outlet owned by the government was officially asked to provide a fair coverage and a fair access for opposing candidates. Therefore, television channels owned by the government hosted members from “Kifaya” movement and the “Moslem Brothers” banned group and each candidate was able to declare his platform. And in Morocco, the 27<sup>th</sup> September 2002 elections are considered the first elections in which the Internal Affairs Ministry urged the media outlets to take care of the electoral operation. Similarly in Jordan, the media outlets had commitments such as giving the parties and candidates equal opportunities to access, and equal amounts of time to state their points of view. And in Lebanon, media coverage in the elections did not take into account professionalism or professional awareness by media outlets. Chaos took place and each channel favored its candidates depending on its political stance. Channels did not respect pluralistic views. On the contrary, they reflected the views of their owners. And not everybody had a free access to all the media outlets, due to the absence of a law that organizes electoral media and provides for equal opportunities. And in Jordan, newspapers published supplements to cover the parliamentary elections in 2003 and their candidates' activities.



- Impartiality and transparency: the official television channels in Egypt received better feedbacks on a number of reports than official written media. Newspapers owned by the government backed up the candidate of the ruling party, while Egyptian television remained impartial in its coverage since candidates appeared in the majority of talk shows or special interviews or the news. And in Jordan, one of the duties which secure the freedom of expression in the elections is anti-discriminatory coverage. However, government ownership to media outlets often affects coverage. In Lebanon, based on a couple of studies on media's performance during the elections of 2005, one prepared by the Election Monitoring Committee in the European Union, and another prepared in collaboration with two organizations: the Lebanese Organization for the Democracy of Elections, and the Middle Eastern Bureau for Paul Heinrich-German institution, it became evident that the majority of the media outlets lacked objectivity and expressed the views of their owners and financial supporters, and the news programs turned into a commercial substance for immediate impact on voters' will. Nevertheless, Tele Liban, the government's station, was less biased than other private television stations. Whereas newspapers in general published in-depth analyses at limited partiality. This partiality is the result of the absence of a law which organizes electoral media...
  
- In Morocco, the public media was more commercial and directive. It showed partiality in backing up some political parties (the appearance of a rose, the symbol of the Socialist Union Party). During shows which taught citizens how to vote, the freedom of the citizen to select his candidates was violated. It did not reflect all the political views, especially those asking to boycott. It failed to declare the results soon enough. It failed to mention any of the violations on Election Day. Factional media relatively respected its commercial role. It failed to show any interest in transgressions. It failed to mention the tardiness in declaring or not declaring the detailed results in the official journal. Independent media lacked professional abilities; however, it succeeded in discussing the parties' platforms and presenting socio-vocational images for the candidate and exposing electoral practices. It freely doubted the integrity of the elections. And investigations into the results were finalized a year after the ballot, which proves that the freedom of independent media is diminishing or being avoided which may be a disadvantage for the government and a number of parties. This shows the shortage of human and financial resources as well.
  
- In Jordan, "the Arabs Today" newspaper exposed the electoral violations in 2003, such as casting a vote more than once after tampering with the electoral card. And in 1997, the same newspaper revealed that a number of voters



possessed more than one electoral card, one they used on election day and other cards for people who are no longer alive ... Jordanian newspapers during the elections of 2003, disclosed the existence of tampering or the purchasing of votes by some candidates. And some newspapers published statements issued by opposition parties condemning the government for hindering the course of the elections through administrative leaders who were placing pressures on some residents or clans or preventing them from getting their deeds which allow them to vote.

Nevertheless, we understand that the role of the media outlets in the four concerned countries remained limited as to the course of the electoral operation and the reinforcement of the rule of law and integrity. Pluralism was not in any way respected. The media was not concerned about educating voters; it did not reveal the government's violations and its interferences, daringly and competently. It failed to offer the voters any balanced and reasonable choices. It failed to differentiate between media and paid advertising. It failed to report citizens' complaints and to check them. And the level of criticism was disproportionate in each of the four countries.



## Chapter Four

### RECOMMENDATIONS ON PUBLIC POLICIES

The four reports on the media status in Egypt, Morocco, Jordan and Lebanon have agreed on the need to schematize media reform policies based on a clear future vision whose aim is to free journalistic activities from legal restrictions imposed on them which prevent their freedom, independence and integrity, to develop media institutions in order to face any competition in this global era, and to form journalists who have better professionalism and expertise.

**First: freeing the media from legal restrictions which prevent its freedom, independence and integrity**

This requires amendments in the current legal and constitutional provisions, and the formation of new ones. The amendments in the constitutional provisions are based on the respect of the laws and international agreements on the laws, as well as national and local agreements. Consequently, each local provision, constitutional or legal, conflicting with the international and conventional provision in relation to the freedom of the press and its independence, should be eliminated or amended. This is the basis of appropriate public reforms in the four countries to plan their media policies. The following are some common recommendations:

- Indication to ensure the right to access information and detailed description of the cases related to privacy's violations.
- Amendment in the law of protection of government's secrets and files.
- Omission of all that is considered sacred usages (kings, heads of states, religions, military institutions, national units).
- Omission of all expandable expressions which are related to public concepts such as: public order, national integrity, causing harm to government security, and to relations between countries ... government solemnity and its reputation ... causing harm to the economic and financial situation, chastity and morals.



- Creation of a modern and advanced law of ethics in all media outlets.
- Creation of a law to fight media corruption.
  
- Amendment of the rules to join media associations on the basis of re-examination of the media profession's concept as to increase memberships on the basis of merit and abundance in media production.
  
- Placement of media outlets under the power of tribunals. This requires the creation of a judiciary specialized in media matters serving instead of the need to resort to the application of the Penal Code or the Criminal Law in matters concerning the media.
  
- The right given to media associations to protect journalists in accordance with labor laws: health care, social welfare, the Mutual Fund, the Retirement Fund, unfair dismissal, wages...
  
- Surety of the independence of media associations and their high bodies from the government represented by the Ministers of Internal Affairs and Information.
  
- Insertion of the “conscience requirement” in media legislatives.
  
- Abolishment of all provisions related to in advance censorship and self censorship and media production all over its outlets.
  
- Abolishment of restrictions enforced on the entrance of foreign media and non submission of foreign publications to in advance censorship and their non seizure by administrative or cabinet decision.
  
- Amendment of defamation laws against high-income earners and those in high government positions' officials.
  
- The transformation of organizations and high councils for media from advisory bodies to decisive ones, especially in relation to licensing and censorship on media content, media institutions' finances and their autonomy away from any illegal source of funding.



- Assigning the appointment of members of these organizations and councils, or the majority of them, to legislative institutions.
- Creation of a law for electoral media to control the criteria of pluralism and equal opportunity.
- Reexamination of journalists' formation at universities' faculties and their preparation in regard to the curricula and methods for journalist's excellence and professionalism.
- Creation of a special law to operate and distribute the cable, and a second law to regulate the internet (Law of Electronic Media).
- Creation of laws preventing the monopoly of advertising (promulgation) and the indirect ownership of its agencies.
- Abolishment of emergency laws used to suppress free media.
- Abolishment of constitutional and legal articles stipulating the detention of journalists or their imprisonment before referring them to the competent authorities.
- Indication in the laws concerned that the media is a power which practices its mission freely, independently, efficiently and reliably.
- Right given to native people, associations, parties and associations to own private broadcasting outlets, and allowance of foreigners to own media outlets as long as the majority of the shares are owned by native people (ownership pluralism), and transformation of government broadcasting channels into broadcasting institutions, to serve the national interest, and to ensure that journalistic freedom is exercised.
- Reference to end government ownership, or the public sector's ownership, of newspapers' shares so that government focused interest in the media field is eliminated and the freedom of the press and its autonomy are encouraged.



## **Second: Media institutions' development**

- The use of modern technologies for media and the application of electronic software especially in production.
- The development of marketing competences.
- The development of national and international partnerships.
- The formation of a forum to democratize media institutions.

## **Third: Journalists' formation to reinforce competence, integrity and independence**

- Training on the use of modern media technology.
- Development of training programs in media management and production.
- Providing adequate penetration of information technology and media.
- Training in vocational ethics and teaching the importance of impartial and reliable media, and respect for the distinction between news and advertising and respect of privacies.
- Training on the verification of information sources and its naming.
- Practice in objective dialogue and respect of others' opinions.
  
- Deepening of media education to make it international through governmental and non governmental organizations and media institutions.

These reforming policies are part of complete political, economic and administrative reforms. However, real reform has to be all-inclusive. It must symbolize democratic reforms in the entire field where pluralism, participation, bringing to account, justice and equal opportunity exist. The cognitive, social, economic and political growth requires the jurisprudence of new laws and constitutions in the Arabic countries based upon the concept of nationality which opens the horizons to extensive reforms. And in a bid to ensure that these



recommendations don't remain mere ink on paper, they ought to be interpreted into plans of actions accompanied by implementing programs carried out by Arabic organizations within a framework of a broadened alliance brought together by a code of synergy whose principles enclose a feasible reforming vision based upon an endorsement of mutual needs among Arabic countries.