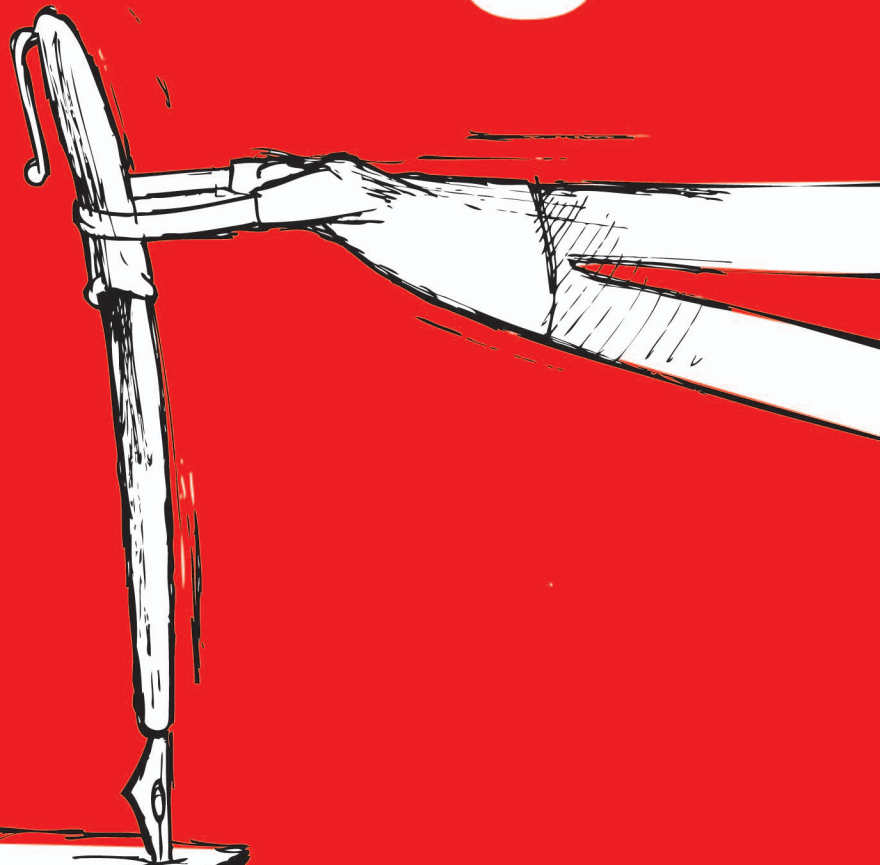


Media Freedom Status in Jordan

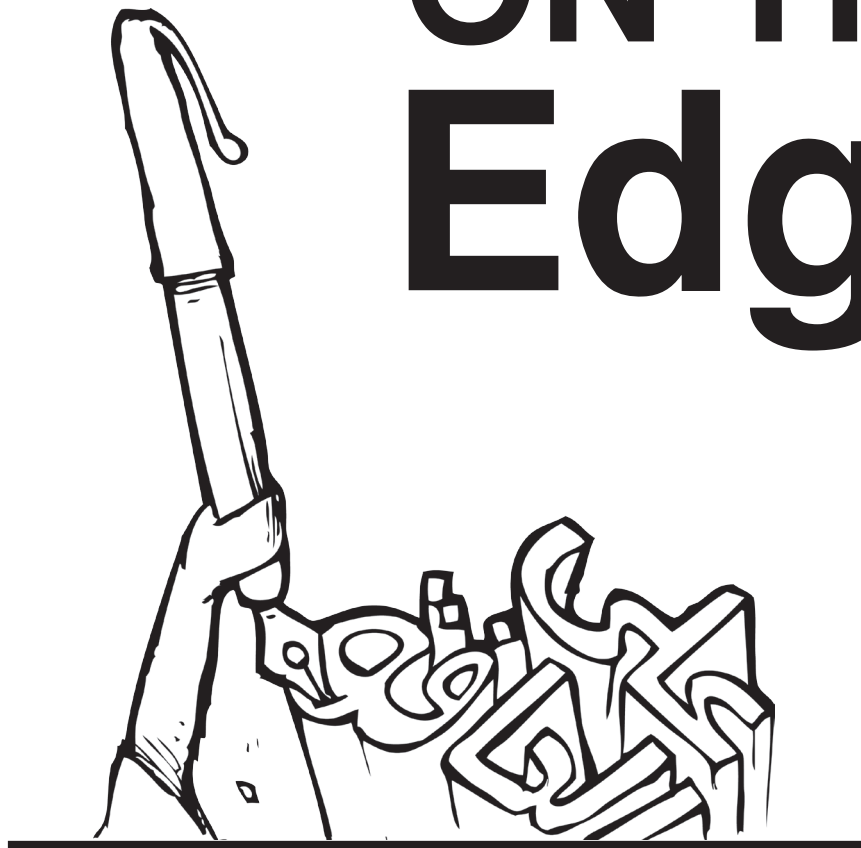
ON The Edge



مركز حماية وحرية الصحفيين
Center for Defending Freedom of Journalists

2010

ON The Edge



Media Freedom Status in 2010

Annual Report

Media Freedom in 2010 Standing at the Edge!

Here we stand at the crossroads, two decades after the talk about the freedom of the media that was not accompanied by actual practices and applications. The slogans of media freedoms continued to elude the journalists and evade any impact on their daily lives.

The media scene in 2010 is bleaker than it ever was. A state of frustration prevails among the journalists as they feel that government interventions have not subsided and that the withdrawal of the security apparatus from the direct media scene has not stopped or ended their role. That role was rather replaced by more ruthless roles exercised by media organizations in terms of censorship and banning the flow of information and the truth to the people.

Nothing has changed. Indeed, indicators confirm that violations against media practitioners have increased, although journalists do not often disclose this information and keep quiet about it. The position of media practitioners regarding the details of what is happening around them does not give cause for optimism. They believe that freedom of the media is in recession, that legislation imposes restrictions, that access to information is an absent right, that threats, detentions, and restricting freedom are still ongoing practices, and that blocking websites is a new method that has entered the dictionary of media freedoms' oppression.

Nothing has changed. The sweet talk continues, and does the ugly actions, and between them lingers the government's maneuvering and the procrastination of dealing with the issue of media freedoms.

The issue of media freedoms was always present on the governments' agendas, in their programs and speeches. At the same time, the issue was absent from their actions and applications, so much so that the Egyptian popular proverb has become applicable: "I hear your words, I believe you; I see your actions, I wonder."

Jordan's image in the area of media freedom did not improve in the international reports. In the

Freedom House's report, Jordan became a "not free" country, and in the report of Reporters Without Borders, Jordan ranked 112. Moreover, through our own experiences and daily monitoring of the state of the freedoms, the government and its security apparatus would turn its back on its pledges



● Nidal Mansour

to protect the media's independence and stop interfering in it. These are the pledges that should become positive commitments for the government and its apparatus, and should be translated into contributions that protect those rights to which Jordan committed when it signed and ratified international conventions and charters that take precedence over national laws. This, however, did not happen.

The time has run out, or is about to. We do not have the luxury anymore to reproduce the promises of media reform. The journalists do not have much confidence any longer in the government's machine for promoting the story about freedoms. They have come to realize that there are always surprises around the corner that do not increase and improve the level of freedoms, but rather reduce it and make it worse.

The issue of media reform is not separate from the issue of political reforms. If reforms in general are obstructed and continue to mark time, then the media is on the same path and will continue on the same path.

Today, as the Arab world is awakened by the calls of the defenders of freedom, dignity, and justice, the echo of all that is happening is pounding on Jordan's doors. What was taboo in the past years has now become on everybody's lips. Maneuvers, deception, and the resonant slogans about the promised freedom are no longer acceptable.

In the 2009 Media Freedoms Report, we said: "In



order for us to get out of the bottleneck and move on with the march towards media freedom, being freedom for the community, we must be armed with a decisive political will that does not accept postponement and apologies and that is tough and solid in confirming that the freedom of the media is an inherent right of man, not to be abandoned or disregarded.”

We had said that, but nothing happened. Today, we are standing at the edge; we either realize what happened and what is happening and address such a structural crisis that gone out of hand, or we fail once again in the test of democracy. Meanwhile, the hands of time are moving forward, and only in the direction of change.

We are standing at the edge. We need to open all our files, including those that we are quiet about. No voices shall be afraid of getting caught or getting suffocated if they demand the freedoms that have been usurped for decades, and no implicit or explicit security intervention shall eat away at the media’s freedom, directing its path to wherever it wants and controlling the media practitioners, and no government shall exercise control over the media and shall not accept it as the eyes and ears of the society and as a partner in the achievement of sustainable development.

King Abdullah II speaks about media and reform, and we listen, and then we wait for the promise

to become a reality. We, the journalists, do not accept to bargain over the slogan that he launched more than a decade ago when he assumed his constitutional duties: “Freedom of the Media: As High as the sky.” We go further than that and ask His Majesty to stop and hold accountable anyone who does not fulfill his will.

This report is not different from the reality of social freedoms in Jordan, which has suffered at the hands of the adversaries of democracy for decades, but rather a mirror of what is happening in the cornerstone of freedoms, namely the freedom of the media.

The State of Freedoms Report cannot alone open a window for the light to come in. This requires the efforts of all those who believe in freedoms, so that we may begin the million mile path. We believe that the freedom of the media cannot flourish except in a society that believes in it and embraces it, and this is what we are striving for.

2011 is the year of change and it is our last change. Let it be that the situation revealed by the figures and indicators of the report on the Status of Media Freedom for 2010 is the last of the painful and worrisome stages in our country’s history. We hope and look forward to the future days when our will and determination for freedom becomes a reality on the ground.

● Executive President

Center for Defending Freedom of Journalists
CDFJ

Introduction

On the Edge:

The Media Freedom Status Report that the Center for Defending Freedom of Journalists (CDFJ) has been issuing for the past nine years is considered the most prominent indicator of the reality of media freedoms in Jordan. It is an effort that encompasses the “mosaic” and repercussion of the state of the media in Jordan.

The Media Freedom Status Report for 2010 marks the continuation of efforts of the past years. It also highlights the development of mechanisms and methodologies adopted in monitoring the media scene and attempts to uncover the real picture of our media reality.

The opinion poll this year continues to examine the journalists’ position vis-à-vis developments in the media scene and their assessment of it.

CDFJ has reviewed all the questions of the poll to develop it and add to it that which is necessary to reflect the changes that the world of journalism and media had experienced.

Since the launch of its program “SANAD” [Arabic for support] to monitor and document violations against the media, CDFJ established a new methodology in the area of following up on complaints and transgressions.

The new approach to monitoring and documenting violations has been based on a legal and human rights approach that correlate with international standards on human rights.

The study, which addressed the applications of the Right of Access to Information Law, examined the journalists’ suffering in accessing information, as well as the negligence by the state and its institutions in effecting the law, despite the fact that the study has noted that the Law does not guarantee the right of access to information, but rather legitimizes the

secrecy of information.

First: Polling Journalists

The poll, in which a total of 505 male and female media practitioners took part, included a questionnaire with 298 questions that were designed scientifically and accurately to identify the following:

- The level of satisfaction of journalists and media practitioners with the status of media freedoms in Jordan.
- The impact of media legislation and professional codes of conduct on media freedom.
- The effects of online media on the Jordanian media scene.
- The journalists and media practitioners’ opinion about Al-Ihtewa’ Al-Na’em [translates into “soft containment”] and Al-Khutout Al-Hamra’ [translates into “red lines” and refers to taboos or censored topics by government or social pressures].
- The journalists and media practitioners’ opinion about violations and transgressions that occurred during 2010.
- The impact of advertising companies and government interference on media freedoms.
- The concept of self-censorship and the level of practicing it by journalists and media practitioners.
- The journalists and media practitioners’ opinion about and knowledge of the first national conference that was organized by the Jordan Press Association.
- The journalists’ and media practitioners’ knowledge of the content of the Right of Access to Information Law, and the impact of this Law on media freedoms in Jordan.
- The changes that were experienced by the media scene in general.



Second: Complaints and Violations

In 2010, CDFJ sought to update and develop the mechanism and methodology used in the past years to monitor and document violations of media freedoms.

CDFJ noted in its previous report that monitoring violations faced by media practitioners is not an easy matter; it is rather very difficult and complicated. Regardless of the reasons and causes that render this effort a difficult one, CDFJ realized two main issues: The need to encourage media practitioners to abandon the no-disclosure policy, behind which they hide to conceal violations committed against them because of their practice of their media jobs, and the importance of adopting a new mechanism to monitor media freedom violations in scientific, methodological, and visionary manner, as well as categorizing these violations in relation to internationally recognized rights and freedoms.

In 2010, CDFJ launched the SANAD program to monitor and document violations against the media in an endeavor to enhance CDFJ's role in this field and to develop the mechanisms of its work. This project was funded by Middle East partnership Initiative MEPI.

The SANAD program adopted a process of multiple steps to gather information about violations. The process begins with self-monitoring by a team trained for this purpose, followed by the distribution of a questionnaire about information related to problems and violations to a large number of journalists, as well as observing & monitoring everything that is published in the media about violations committed against media practitioners, in addition to direct notifications received by the SANAD program from journalists who claim to have been subjected to violations, and finally a poll that includes a questionnaire that examines and discovers all types of violations.

Third: Studies and Researches

The Wall of Secrecy (the debate about disclosure and secrecy in the applications of the Right of Access to Information Law).

This study aims to go beyond the repeated argument that the Right of Access to Information Law, since its application four years ago, has not supported the journalists' right to knowledge and to easy access to information from state departments and institutions. The study endeavors to uncover in detail what had happened since the Law's endorsement. Did the government undertake what is required of it in line with the Law? Did it categorize the information? Did it establish mechanisms that ensure this information's safe-keeping as well as its flow within the official establishments?

Researcher and journalist Walid Husni Zahra did not only read the text of this Law and the international approaches to similar laws, but also undertook a field trip to put the Law to the test. He knocked on the doors of ministries and official institutions, asking about the forms that were prepared for requesting information, about the work mechanisms of official spokespersons, and about whether there is an information officer in every ministry in accordance with the provisions of the Law?

This study continues to explore the practical reality of the Law by referring to the Information Council to find out the truth about their follow-up on the work mechanisms of the Law at the various official departments and how much has been accomplished in terms of collecting, categorizing, and safe-keeping the information. It was no surprise that the study concluded that the Information Council has no authority and is not informed about the status of information in Jordan.

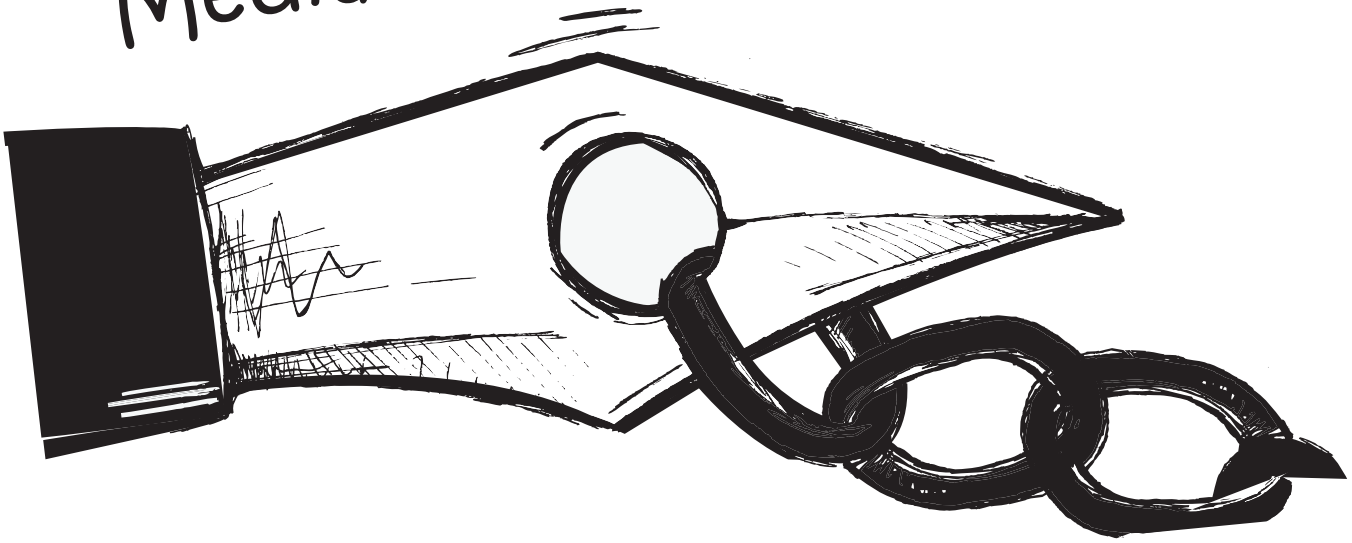
It is expected that the study makes a recommendation for a new law that ensures the right of access to

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information that takes into consideration the international standards. Yet, it is far more important that we have established the proof that the right of access to information is mere words that are neither applied nor respected in the field in Jordan.

No For Restrictions on
Media Freedom



Media Freedom Status in Jordan 2010



مركز حماية وحرية الصحفيين

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Center for Defending Freedom of Journalists

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First :Journalists 'Opinion Poll:

The poll that was conducted by CDFJ about the Media Freedom Status Report for 2010, in which 505 male and female journalists participated, concluded the presence of a severe rise in the number of journalists who believe that the status of media freedoms has receded when compared with 2009.

The results of the poll, which CDFJ has been conducting for nine consecutive years, showed that 40.1% of polled journalists believe that the level of freedoms experienced a decrease, given that the median for the decrease's measure is "high, medium, low", while 41.4% said that freedoms remained the same and did not change. Additionally, 18.4% of polled journalists said that freedoms experienced progress, given that the median for the progress' measure is "high, medium, low."

When comparing the status of freedoms during the period from 2006 to 2010, 50% of those polled in 2010 found that the freedom of the media is below the required level, and describe it as low or acceptable. This reflects the state of dissatisfaction among the majority of journalists with regard to the reality of the media in Jordan.

The difference appears more clearly when the poll shows that the percentage of those who describe media freedom as excellent does not exceed 3.2%, while 18.4% consider it good.

The curve related to governments' interference in media outlets continued to increase, scoring 83% despite the government's promises to support the media's independence and despite all the royal directives in this regard. In this context, the indicator related to government interference increased in the past seven years of the freedoms' poll, whereby the level of this interference increased by 23 points between 2004 and 2010.

This has made 83% of media practitioners believe that such interference has contributed to lowering the

ceiling of freedoms.

Government interferences do not seem to be separate from the pressures and harassments that journalists suffer. The poll showed that 266 male and female journalists were subjected to a variety of pressures and harassments, constituting 53%. This is a much higher percentage than indicated by the journalists in 2009, which was 39%.

This increase appears despite the fact that the SANAD program for monitoring and documenting violations against the media, launched by CDFJ in 2010, had stressed that media practitioners in Jordan do not often report the violations they suffer from, and that the level of their awareness of their rights and knowledge of violations remains limited.

In 2010, CDFJ developed a specialized form for monitoring and documenting violations. The most significant indicators of this form are presented in this Report's section on complaints and violations.

Looking closely at incidents that journalists face in terms of pressures and harassments, the results showed that 35% of journalists suffer from denial of information, which is a violation of the rights of media practitioners, but is difficult to document, because the majority of journalists do not abide by the legal mechanisms for requesting information.

To address this issue, the questionnaire added special questions about the right of access to information. Figures showed that 29% of journalists did not read the Right of Access to Information Law, but more seriously and more importantly that 47% of media practitioners have not submitted requests to access information in any shape or form throughout 2010.

Only 7% of journalists submitted a written request, using the form that is prepared for this purpose, to a ministry or an organization, and 3% used the electronic form provided on the website.

50% of those journalists indicated that they did not receive responses to their questions, while the other half said they have received a response.



The poll showed that the refusal in the case of 51% of journalists, whose requests for information were denied, was given verbally, and that 47% of them did not receive any response, while 3% of them received the refusal of information in writing. This renders the matter of holding accountable the official parties and prosecuting them a difficult matter to realize.

Referring back to pressures and harassments, the poll indicated that 16% of media practitioners experienced the cancellation of news items, articles, and reports, which constitutes a contradiction of professional standards and a type of prior censorship that has expanded in the past few years. Media institutions, through the chief editor, the editors, and the desk editors, exercise prior censorship and prevent the flow of information from the journalists, not because it violates professional standards, but rather due to observing undocumented and commonly known red lines in compliance with governmental and security directives. The problem with such cases is the fact that it is difficult to prove their occurrence as being a violation of journalists' rights and a practice of prior censorship, since the editorial management could easily claim professional standards and editorial policies as the being the reason.

Results also showed that 10% were subjected to defamation and to news items and comments offensive to them, while 9% were subjected to threats, 4% of whom filed complaints. Moreover, 4% of media practitioners faced summoning by the security apparatus for investigation, as well as bans from writing and satellite and television broadcasting, restrictions on their freedom, beating and physical assault, in addition to blocking websites.

The opinion poll of 2010 was thoroughly reviewed and checked. Some questions related to issues overtaken by events were removed, and others more related to the prevalent media scene were added. Questions related to the online media were intensified and developed so as to reflect the phenomenon of establishing news websites. The issue of the right of access to information was also given due importance, since this issue was proven to be, from all the previous polls that were conducted, one

of the leading constraints on media freedoms. The role of the Media Department and communication with the Prime Minister was also highlighted, given that it is the media arm of the government and a replacement for the Ministry of Information, in addition to the first national conference of the Jordan Press Association, which was received with great controversy.

The poll's methodology was based on the design of a questionnaire that included 299 questions aimed at measuring the journalists and media practitioners' evaluation of the different aspects of the freedom of the media and press in Jordan, as well as measuring their level of satisfaction with media related legislation and laws and their impact on the reality of media freedoms, in addition to learning about the problems and pressures they suffer from.

Moreover, the problems and difficulties faced by the research team last year, and especially in relation to the open-ended questions, were taken into consideration in order to avoid them. The number of open-ended questions that were included in the questionnaire in previous years was limited, and more focus was placed on definite questions in order to obtain data on the basis of the most important responses stated in previous years.

The questionnaire was submitted for review by a technical committee, and its comments were taken into consideration and were reflected in the questionnaire. Additionally, the questionnaire was pre-tested to verify that the questions are clear to respondents, and observations resulting from this test were taken into consideration to arrive at the final form of the questionnaire.

The sample of this survey included 1472 male and female journalists, inclusive of members registered in the Jordan Press Association and others in CDFJ's database up until the date of commencing the survey, which was conducted from 8/1/2011 until 18/1/2011. Journalists and media practitioners working in the private sector comprised 78.2% of the total number of the polled sample. The sample was also divided according to gender, whereby the male population accounted for 77.2% of the total sample. Additionally, the sample

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was divided into two categories. The first category comprised the journalists and media practitioners working in the public sector, and the second category comprised those working in media institutions in the private sector. The design of the survey's sample relied on the stratified random sampling, whereby the sample was divided into the two categories in manner that reflects the size of each category of journalists.

Some adjustments were made to the weights of the survey, due to the lack of response by some journalists, as well as some other problems, such as incorrect or disconnected telephone numbers.

The positive attitude that had been prevalent among the journalists in 2008 and 2009 vis-à-vis media legislation and laws receded. The curve indicative of the journalists who believed that legislation and laws constitute a constraint on the freedom of the media increased, scoring 42%, while the percentage of those who believed that legislation and laws contributed to the progress of freedoms did not exceed 16%. Meanwhile, 42% believed they had no impact on the freedom of the media.

Comparing these results with those concluded in 2006, 2007, 2008, and 2009, one finds a difference from one year to the next. The percentage of journalists and media practitioners who believed that media laws and legislation constitute a restraint on the freedom of the media decreased from 62% in 2006 to 39% in 2007, and continued to decrease in 2008 to 27%. However, the percentage increased to 34% in 2009, and even more in 2010, reaching 42%. This is indicative that the journalists' viewpoint of the role of legislation is regaining its negative curve. As for the respondents who considered legislation as a contributing factor to the progress of the freedom of the media, it maintained the same percentage in 2009 and 2010 after a significant decrease in 2008 and 2009. Meanwhile, a decrease in the percentage of those who believe that legislation has no impact on the freedom of the media is noticed in 2009 and 2010.

The State Security Court Law took the lead as being the most restrictive to the freedom of the media, with 92%, followed by the Penal Code, with 86%, and the

Criminal Courts Law, with 83%. Meanwhile, 77-78% of respondents stated that the Press and Publications Law and the State Documents and Secrets Law are restrictive to the freedom of the media.

Reviewing the questionnaire of the survey over the past years, it is noticeable that the viewpoint has not changed to a large extent. The journalists' legal awareness remains limited, and their majority is still unfamiliar with media regulatory laws.

The journalists' rejection of the government's Code of Conduct for its relationship with the media continued for the second consecutive year. Examining the journalists' viewpoint about the extent of the government's compliance with and implementation of the content of the Code of Conduct, journalists said that the government succeeded in its compliance with the following: not subscribing in any of the newspapers, with 56%, caring and following up the media's reporting, as well as adopting positive aspects in it, clarifying facts, and responding to inaccurate information, with 50%. On the other hand, the government did not succeed in the following: Stopping the practice of appeasement and conciliation for fear of blackmail or in search of popularity, with 42%, dispensing with and stopping the hiring of media consultants from among the journalists, with 42%, the government's adoption of clear professional standards for media advertisements, with 41%, the adoption of measures to ensure freedom of expression and the independent and free work of media outlets, with 38%.

Reviewing the journalists' responses, it was noticeable that their majority believe that the government had seriously moved to stop newspaper subscriptions, with 56%, which is a negative measure, while they believed that its position regarding their right to guarantee media freedom was limited, with 38%.

The Jordan News Agency, Petra, continued to lead the public media organizations in the area of media freedoms available within it. 43% of polled journalists considered Petra to have the most freedom of the media, followed by Radio Jordan, with 37%, and Jordan Television, with 36%. No other government media outlet exceeded the 50% mark, which is indicative of



the major effort that needs to be exerted in order to push forward the status of freedoms in these organizations.

On a different note, the contribution by privately owned television stations to raising the level of media freedom registered 63%, given that the median is "high, medium, and low." Nearly 45% of those journalists and media practitioners believed that these stations have contributed to increasing the media freedoms to a medium extent, while 27% believed that their contribution was to a high extent, and around 16% said their contribution was low. Meanwhile, around 10% of journalists and media practitioners believed that these stations have not contributed at all to increasing the level of media freedoms.

As for privately owned radio stations, their contribution to raising the level of media freedom registered 67%, as the median for all the levels. It was noted that 44% of journalists and media practitioners believed that these stations have contributed to increasing the media freedoms to a medium extent, while 31% believed that their contribution was to a high extent, and around 15% said their contribution was low. Meanwhile, around 8% believed that they did not contribute at all to increasing the level of media freedoms.

37% of polled journalists indicated that the Media and Communications Department at the Prime Ministry did not contribute to supporting the freedom of the media, while 31% believed that it did contribute in varying degrees (high with 4.2%, medium with 22.4%, low with 30.1%).

Reviewing the tasks undertaken by the Department, 48% of journalists said that it promotes Jordan and presents a positive image of it through the local, Arab and international media. 43% of journalists said that it ensures the flow of information to journalists and media practitioners, and 40% said that it helps journalists obtain information quickly and accurately.

Online websites retained a positive indicator on the issue of supporting media freedoms and its role in developing dialogue. The survey, however, noted reservations and a negative viewpoint about the websites' contribution to giving offense to individuals

and to spreading rumors. 81% of respondents indicated that they contribute to raising the level of media freedom, while around 77% said that they contribute to defending media freedom, and around 69% said they contribute to developing dialogue, 61% indicated their contribution to the flow of credible information, and 60% referred to their contribution to the advancement of the status of the media profession. In turn, media practitioners were less positive in their evaluation of the websites' contribution in the following: mitigating the level of offense to people and their dignity, with around 41%, mitigating the state of chaos in the media, with around 39%, and mitigating the spread of rumors, with around 37%.

Questions related to the online media underwent a methodological development, whereby two questions about the submitting comments to the management's monitoring and its professional responsibility for them were cancelled, as these issues were considered a given. New choices were added in relation to the role of the online media in freedoms, such as developing dialogue, mitigating the spread of rumors, and mitigating offense to individual's reputation and dignity. One question about the extent of the websites' commitment to standards for comments was added, in addition to two other questions about the position on the recently introduced Information Systems Crimes Law and on banning state employees from seeing news websites.

With regard to the free space that websites provide to people to express their opinions and post their comments about news items on those websites, the results of the survey showed that around 91% of journalists and media practitioners believe that news websites did provide that to people, while 9% said that they did not think that those websites allow freedom of expression and commentary.

With regard to the websites' commitment to a set of standards related to publishing comments on those websites, the results of the survey showed that journalists believe that those websites adhere to those standards as follows: not accepting comments that are aggressive in nature or contain threats or include sexual connotations or offense to any race, with around 57% and varying degrees (high with 23.8%, medium

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with 37%, low with 24.8%, does not commit at all with 13%); giving priority to comments that are respectful of criticism and the other opinion, with around 56% and varying degrees (high with 22.6%, medium with 40.2%, low with 20.4%, does not commit at all with 26%); publishing the comments that do not violate other people's rights and offend them and does not publish any remarks or words that encompass foul language, libel, and slander, with 55% and varying degrees (high with 19.2%, medium with 43%, low with 20.2%, does not commit at all with 16.8%); publishing clarifications and corrections in their entirety for each concerned person, with around 55% and varying degrees (high with 13.9%, medium with 47.1%, low with 24.4%, does not commit at all with 12.3%); not publishing comments and opinions that are not related to the subject-matter or any personal information about the user or others, with 51% and varying degrees (high with 13.1%, medium with 43.4%, low with 24.2%, does not commit at all with 17.2%); not publishing comments of advertisement or promotional nature, with around 51% and varying degrees (high with 14.3%, medium with 38.8%, low with 24.8%, does not commit at all with 17.4%); giving priority of participation to people whom publish under their own name and e-mail, with around 47% and varying degrees (high with 15.6%, medium with 35%, low with 20.4%, does not commit at all with 26.1%); not publishing fictitious comments and responses written by the website's management, with 45% and varying degrees (high with 9.7%, medium with 31.7%, low with 29.1%, does not commit at all with 19.4%).

The survey continued to examine developments on the online scene. It examined the viewpoint regarding the Information Systems Crimes Law that was issued last year and was the subject of much controversy. The poll's results showed that 67% of respondents believe that this Law is restrictive of the freedom of the online media, while around 59% said that it protects citizens against electronic crimes that could be committed against them. Meanwhile, 49% of respondents indicated that the Law contributes to regulating the online media, and 41% said that it protects websites from hacking activities.

The poll also examined the decision of the Samir Al-Rifa'i government to block access to news websites

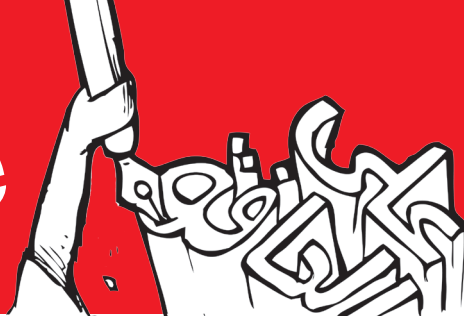
from state employees, which is a decision that was rescinded by the Ma'ruf Al-Bakhit government upon its designation. In this regard, around 30% of journalists expressed their belief that the state is entitled to ban its employees from accessing those websites in order to ensure their full-time dedication to their jobs, while around 70% said that it is not entitled to do so. Around 74% of respondents indicated that this procedure constitutes a restriction on the freedom of the media, while 26% believed the opposite. Nearly 75% said that this issue constitutes a restriction on citizens' right to knowledge and access to information, while 24% did not think so. Additionally, around 72% stated that the Law constitutes a violation of international standards on media freedom, while 26% thought the opposite.

Containment attempts that journalists are subjected to have not receded, despite the fact that the government's Code of Conduct on its relations with the media had stated, as one of its objectives, the halt of policies of appeasement and conciliation. In this regard, 19% of journalists admitted to being subjected to containment attempts during their exercise of their journalism work, while 46% said they heard about journalists who were subjected to that. This brings the percentage up to 51%.

Journalists who were subjected to containment attempts said that 29% of the attempts were by government parties, 23% by businessmen, and 9% by civil society institutions, while semi-government institutions, commercial and advertising companies registered 8%, political parties 7%, the security apparatus 4%, unions 3%, and members of parliament 2%. According to these figures, containment attempts undertaken by government and semi-government entities are 37%.

With regard to the spread of some negative phenomena in the media scene, in terms of "wasta" [Arabic for nepotism], bribery, extortion, writing paid-for news items and investigations, and gifts, the results of the survey showed that journalists and media practitioners believe that these phenomena are spread in the media scene as follows: "wasta" with 86%; gifts with around 72%, writing paid-for news and investigations with 61%, extortion to obtain financial gains with around 59%, bribery with around 56%.





With regard to the impact of the spread of these phenomena in the media scene on the freedom of the media, the results showed that 92% of journalists and media practitioners believe that the spread of these phenomena has an effect on the freedom of the media and in varying degrees (high with 83%, medium with 12.3%, low with 2.8%), while around 2% did not believe that these phenomena have an effect on media freedom.

Violations against the media have not stopped. Arrests of journalists continued in 2010 despite the amendment of the Press and Publications Law and the candid royal speech about the need to stop arresting journalists. Five journalists or 1% of respondents indicated that they have been arrested.

The survey showed that 6% of journalists were subjected to a trial in media related cases. According to information available to CDFJ's Media Legal Aid Unit (MELAD), lawsuits and cases against the media are going to increase, especially against the online media, in the upcoming years.

The issue of self-censorship that journalists themselves exercise dominated the attention of the observers of Jordanian media issues, and the high indicators have raised a widespread controversy between those who believed it and those who did not. The percentages on this issue, however, were the same and for the third consecutive year. In this regard, 94% of journalists confirmed their exercise of self-censorship while they are on the job.

As for the concept of self-censorship for journalists and media practitioners, around 84% indicated that self-censorship means that the journalist would avoid publishing or broadcasting everything that s/he thinks is in contradiction with religions; 76% indicated that it is not publishing or broadcasting everything that s/he believes is in violation of the law; 73% it is not publishing or broadcasting everything that s/he believes is in violation of customs and traditions; 66% believed that it is not publishing or broadcasting everything that is believed to relate to sexual content, while around 56% believed that it involves the journalist envisioning what he could publish or broadcast regardless of

commitment to professional limits.

The subject-matters that journalists tended to avoid remain the same as follows: criticism of the armed forces with around 97%, criticism of the judicial authority with around 90%, criticism of the security apparatus with around 87%, criticism of the tribal leaders and tribal sheikhs with 85%, discussion of religious issues with 81%, criticism of men of religion with around 80%, criticism of leaders of Arab countries around 79%, discussion of issues related to sec with 76%.

The survey also examined the first national conference that was organized by the Jordan Press Association under the title "the Jordanian Media ... national freedom and responsibility. The conference was the Association's first since its establishment in 1952. In this regard, 78% of respondents said that they have heard about it, and from those who have heard about it, only 15% participated in it. Moreover, 53% of those who have heard about it indicated that they are not aware of its recommendations.

With regard to the influence of the conference's recommendations on the Jordanian media reality, the results showed that 44% of journalists, who have heard about it, believe that the conference's recommendation contribute to supporting the freedom of the media and in varying degrees (high with 18.3%, medium with 29.6%, low with 17.2%). Meanwhile, 34% of respondents believe that the conference's recommendations have not contributed at all to supporting media freedom. Moreover, 42% indicated that the recommendations have contributed to the development of professional codes of conduct and the ethics of journalists and in varying degrees (high with 15.6%, medium with 29.6%, low with 17.7%), while 35% believed that the recommendations have not contributed at all to the development the professional codes of conduct. Meanwhile, 40% indicated that the conference's recommendations contributed to the development of the profession and in varying degrees (high with 14%, medium with 29.6%, low with 17.7%), while around 38% believed that the recommendations have not contributed at all to the development of the profession.

Second: Complaints and Violations

It is a given fact that the prevention of assault on media freedoms will only be possible after creating an appropriate environment that guarantees media rights and freedom on one hand, and developing ways of monitoring and documenting violations of freedoms on the other. It is not expected to attain and guarantee media freedoms without achieving effective mechanisms that provide access to reliable information that can be relied upon to prosecute those charged with violations that target journalists and media freedom.

Henceforth, the Center for Defending Freedom of Journalists (CDFJ) launched an integrated program in 2010 under the name of SANAD (Arabic for support). The program aims at monitoring violations of human and professional rights violations of journalists on the basis of a methodological and scientific approach. Through this process, CDFJ seeks to monitor the full and effective implementation of media freedoms and human rights as accredited in the national and international law. These rights should be protected, ensured and, respected by the public authority within the state while the journalists are practicing their activities.

In addition to the previously mentioned main goal, CDFJ - through SANAD - aims to achieve a set of goals and objectives in the field of journalists' human rights and media freedoms. These are:

1. To verify Jordan's commitment to its legal obligations arising from the ratification of or accession to, and publication in the Official Gazette of various human rights conventions, inclusive of obligations related to freedom of speech and the media. This goal includes the verification of the three Legislative, Executive, and Judicial Authorities' guarantee of these commitments.
2. To provide various forms and types of assistance to victims of media freedom violations, including

the disclosure of persons involved in these violations and the recourse to the courts.

3. To mobilize public opinion in order to prevent future media freedom violations, and to exercise pressure on the public authorities to stop them in case of their occurrence.
4. To prosecute perpetrators of violations and to bring justice to victims, which is a method known as legal intervention in the field of human rights.
5. To identify the obstacles and challenges that prevent the creation of a system that prevents violations of media freedoms.
6. To recognize the different patterns of violations, and to identify the motivating and causal factors, which will facilitate the eradication of other causes leading to it.

The Chapter on Violations and Complaints in 2010 addressed several principles that can be summarized as follows:

1. Monitoring and Documenting Violations of Journalists' Human Rights and Media Freedoms

With regard to this field, the report encompassed several theoretical and cognitive approaches that form the basic foundation for the SANAD program and for the process of media freedom monitoring implemented by CDFJ. This field addressed a number of issues, including:

1.1 Concept of monitoring and documentation: Monitoring in the field of journalists' rights and media freedom means to measure the extent of respect that the three authorities and other players in media process have for human rights and media freedom related provisions stipulated in human rights conventions. The documentation process aims to record and tabulate the information and evidence obtained through investigation and monitoring in a manner that allows for easy use and retrieval.

1.2 Sources of information and methods of



monitoring: The success of monitoring is largely dependent on the resources used and referred to in the fact-finding and information collection process. Monitoring uses various methods and means, such as field visits, interviews, the creation of investigative teams to gather evidence, and following up on media reporting and official state statements, in addition to victims' testimonies, as well as the examination of the extent to which witnesses' testimonies and documents agree and connect to one another.

1.3 Challenges and obstacles: It is common for the monitoring process of media freedom violations to face a number of difficulties and obstacles, most important of which are: The journalists' non-disclosure policy, delay in filing complaints, and the journalists' limited awareness of the human rights system and methods of violations.

1.4 SANAD program for monitoring and documenting violations against the media: CDFJ launched SANAD program in May 2010 to monitor and document violations against the media. This project was funded by Middle East partnership Initiative MEPI. The launch was followed by a media campaign and regular meetings to introduce the program and raise the awareness about media freedom violations and the mechanism of monitoring and documenting them. A combination of reasons pushed CDFJ to launch this campaign, in addition to CDFJ's belief that the legal, political, and social environment in Jordan includes elements that allow for the success of the program.

1.4.1 Reasons behind launching the project:

Many reasons and motives urged CDFJ to launch SANAD program. These are:

- Raising journalists' awareness of violations that affect their media freedom and rights, particularly since the reality on the ground has shown their limited knowledge of human rights conventions and of the provisions of Jordanian laws.
- The non-disclosure policy that journalists practice vis-à-vis the violations they face in their media work.
- Finding a significant scientific and methodological mechanism to deal with journalists' complaints

and monitoring cases involving media freedom violations.

- Measuring the extent of compliance with journalists' rights and media freedom in Jordan, particularly since the scarce occurrence of violations is one of the most important measurement tools in this field. SANAD program is a scientific step designed to measure the level of compliance and respect of both the public and private sectors with the journalists' rights and freedom.
- Lacking human rights awareness on the part of journalists and their disregard for the need to document violations of media freedoms.
- Deterring and prosecuting perpetrators of violations and providing legal aid.

1.4.2 The compatibility of the legal and political environment for SANAD:

Based on realistic data, CDFJ believes that the legal, political, and social environment agrees with SANAD's objectives and goals. This environment includes various elements that prove this belief:

- Jordan has been publishing human rights conventions in the Official Gazette for years. This means, practically and legally, that these conventions, inclusive of their provisions on media rights and freedom, became part of the Jordanian law in effect. Moreover, and upon the independent discretion of the Court of Cassation, these conventions surpass domestic laws conflicting with them.
- The Jordanian judiciary system based its decision in a number of cases on human rights conventions, be that in cases related to the media or not. This means that the Jordanian courts applied these conventions practically, which provides the appropriate legal environment to SANAD and facilitates its fulfillment to its goals.
- The existence of independent oversight bodies and non-governmental human rights organizations, such as the National Center for Human Rights, the Office of the Ombudsman and Information Council. This provides the program with a supportive monitoring and political environment.
- The sense of the importance of democracy in the management of public affairs and in building a

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free and stable country. It will not be possible to establish genuine democracy in Jordan without respect for media freedom and the promotion of freedom of opinion and expression.

1.4.3 Major rights and freedoms monitored by SANAD:

SANAD program covers the human rights recognized internationally for all individuals including journalists and media freedom. It does not target at all the monitoring of the violations of these rights and freedom, unless they stem or caused by working in the media field. SANAD aims to monitor and document violations of the following rights and freedoms:

A. Right to life:

It is one of the rights guaranteed in Article (6) of the International Covenant on Civil and Political Rights. The prejudice against any individual's life, including that of a journalist, due to the practice of professional activities, is not permissible. It is one of the rights that cannot be compromised and may not be subjected to violation for any professional reason. Furthermore, journalists shall not be subjected to any threat of murder due to their jobs.

B. The right not to be subjected to torture or other cruel, inhumane, or degrading treatment or punishment:

“Torture” refers to any conduct, whether positive or negative, that causes severe physical, mental, or psychological pain to the victim, and that is committed, allowed, or prompted by a public official or any other person acting in an official capacity, for the purpose of obtaining information or admission, or of punishing the victim for what s/he has committed, or intimidating or coercing or discriminating against him/her.

With regard to cruel or inhumane treatment or punishment, it means being subjected to a conduct, which causes severe physical, mental, or psychological pain and which is committed by a public official or any other person working for him or in agreement with him/her. This includes cruel or inhumane treatment or punishment, threats, detention for unknown reasons,

or interventions and pressures that might harm the journalist.

The degrading treatment or punishment means inflicting physical, mental or psychological pain for the purpose of undermining the journalist, or affecting his/her reputation or dignity before himself/herself or before others.

C. The right to liberty and personal security

The international human rights conventions ensure the right to liberty and personal security for each human being. It is considered as one of the fundamental rights, of which a person cannot be deprived except for legal reasons or in a non-arbitrary approach. Deprivation of liberty appears in many forms and shapes, such as arrests, detentions, or imprisonments. It could also be a sequestration of freedom without having any of the afore-mentioned descriptions. Deprivation of liberty is an exceptional measure, and must not be resorted to except in its narrowest limits, and under very accurate and highly defined conditions and criteria. Any restrictions on personal liberty or the detention of a person in cases other those mentioned, inclusive of health quarantine or deprivation of liberty due to mental and nervous illness, must occur under certain conditions, and is otherwise considered illegal deprivation of liberty by the international human rights standards.

Illegal deprivation of liberty is the restriction of liberty for reasons not stated in the law, while arbitrary deprivation of liberty is the restriction of liberty due to the absence of the conditions of necessity and appropriateness. In both cases, the deprivation of liberty is forbidden under the International Human Rights Law.

D. Freedom of opinion and expression

Freedom of opinion and expression in the context of media means the freedom of all workers in the media sector, with all its types and means, to express their opinion and to disclose the available information freely and without any negative consequences. It also covers their right to seek various forms of information, and to transfer, to confer, and to publish the information freely and smoothly. Freedom of opinion and expression



protects the information owned by the journalists, its sources, and other means of expressions.

Some of the common forms of violations of the freedom of opinion and expression are: imposing prior censorship, preventing the publication, broadcast, or display of information, blocking websites, confiscating materials after printing, mistreatment or being subjected to cruel and inhumane treatment due to published material, inequality between journalists themselves or among organizations, exposure to threats and attacks for publishing informative material, and subjecting the media work to prior authorization and rejection.

E. Right to access information

The right to access information is one of the key components of the right of freedom of opinion and expression. The idea of the right to obtain information is based on each person's right to obtain the information held by public authorities, being the party entrusted with it. This information is not the property of the state or its public authorities, but rather the state and its authorities have obtained it by virtue of its activities, its tasks, and functions. Freedom of opinion and expression, freedom of the media, and democracy require that this information must be publicly available in accordance with the principle of maximum and public disclosure of it. Access to information should be guaranteed in law and practice.

F. Right to a fair trial

It is one of the fundamental rights that must be respected and secured for journalists as for others. This right states that a set of rights and guarantees must be ensured for any journalist, whether plaintiff or defendant, complainant or accused, or charged. One of the most important guarantees is for a journalist's lawsuit to be entitled to a fair hearing by an impartial and independent tribunal established by law and to respect his/her right to defense and the presumption of innocence.

G. Right to privacy

Journalists' houses and places of work might be subjected to raids for the purpose of inspection or any other reason related to the practice of media work. Their reputation and their family's reputation might

also be targeted, and they might be subjected to threats of disclosing their private lives or family secrets. As an example, the public authority could reveal the private secrets for one of the journalists and threaten him/her to prevent the publication of certain information. In addition to involving mistreatment, as previously defined, it also constitutes an assault on the sanctity of private life. The perpetrators of such an assault can also be ordinary people, and not just public authorities.

2. The Updated Methodology for Monitoring and Documenting Violations

In 2010, CDFJ updated and developed the mechanism and methodology that have been used in past years to monitor and document violations of media freedom. This process included the analytical and conceptual frames for the complaints and the cases. The most significant aspects of this update can be summarized as follows:

2.1 The concept of the complaint and method of filing:

The concept of complaint in the context of monitoring media violations refers to a claim submitted by a person working in media regardless of his/her union situation. This person states that his/her human rights and/or his/her media freedoms were violated in a certain situation, regardless of the source of this violation or the responsible party.

The complaint, for CDFJ, might be a request, an appeal, a correspondence, a phone call, an email, or filling out a previously prepared form by CDFJ. Complaints may not be in writing, since CDFJ receives different forms of written, verbal, and electronic complaints. In all cases, the complaint must include fundamental data to be studied and analyzed.

CDFJ's resources for monitoring violations are varied and numerous. The monitoring process can be conducted using the information in the form filled out by a journalist about the problems s/he faced. CDFJ usually contacts the journalists to inquire about the problems they face and ask them to fill the form

through a phone call. CDFJ has also distributed leaflets introducing SANAD program and its objectives. Journalists may also, upon their own initiative, file a complaint related to problems and violations of their human rights and media freedom resulting from their practice of their media activities. The monitoring process and data collection can be conducted by following up on different visual, audio, printed and electronic media means, monitoring the information or reports that are published about problems facing journalists. Finally, CDFJ has distributed a questionnaire related to violations of media freedoms designed to identify the problems that face the journalists and the trends of these problems.

CDFJ found that the variation in the techniques used to monitor violations and collect related data is a fundamental matter and should be maintained in the coming years. Some of the most important means that CDFJ believes it should continue using are the information form, the media freedom violations questionnaire, and the monitoring of the different media. CDFJ also believes in the importance of distributing the violations questionnaire on a regular basis, since it constitutes a main source of information and contributes to the sustainability of the process of monitoring and data collection.

The complaint itself is not an evidence of the occurrence of the violation unless it is based on proofs and analysis that prove its claim. CDFJ also created a new mechanism for checking and analyzing the complaint, which is very different from the old mechanism.

2.2 Considering and analyzing the claim:

In 2010, CDFJ endeavored to have complaints examined, checked, and analyzed on a scientific, systematic and perceptive base, since the main objective of SANAD program is to monitor violations in their exact technical term, and to document them in line with the human rights and freedoms principles recognized by international human rights international documents.

The new mechanism of examining, checking and analyzing complaints is based on multiple phases. It begins with a legal review by a professional legal team,

and is followed by a comprehensive scientific review. In both cases, the complaint is checked for eligibility and soundness. If the complaint proves to be acceptable and sound in terms of the format, it is checked on the basis of the subject. As a result, the complaint might encompass an actual violation of media freedom or not. An international human rights expert carries out a scientific review, while the legal review is carried out by professional lawyers in media issues.

2.3 Facts about the 2010 complaints:

In 2010, CDFJ received higher number of complaints compared with previous years. This year, 117 cases were received directly or by contacting the journalists or by asking them to fill out the complaint form. This number is considered a quantum leap compared to previous years.

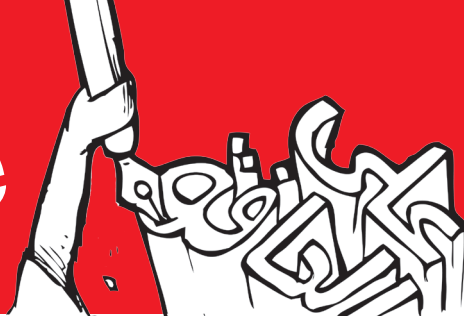
The complaints received in 2010 reflect a number of issues:

- Journalists' initiative to reveal problems and violations they faced during their work. It is not easy to conclude from the number of the complaints whether the journalists have become more aware of the importance of the complaints in protecting and defending their freedoms, but this number reflects the journalists' initiative to disclose violations they faced, compared with previous years.

- The diversity and expanded range of problems covered in the complaints. Journalists' complaints included the following issues: prior monitoring, withholding of information, harassment, threats, insulting and inhumane treatment, physical assault, freedom restrictions, and banning news coverage and or publication of articles.

- The lack of awareness about human rights and basic legal concepts pertaining to media work among different media sectors. CDFJ has made this conclusion from the repeated mistakes in describing problems and violations and the mix-up between what is considered a professional reason that would allow for banning the publication of a media material and what is not, in addition to the fact that the majority of complained lacked basic information describing the nature and the type of the violation.

- The lack of awareness regarding the necessity



of documenting the problems by journalists. The complaints received in 2010 showed that the journalists lack awareness about the necessity of documenting violations and methods of doing so.

- Some journalists used complaints as a means to disclose general problems, particularly those who are working in public media. In other words, they used the complaints to present general problems without stating a specific problem or incident that the complainant faced. These complaints specifically addressed the issue of prior monitoring.

2.4 Presenting and analyzing examples of complaints:

CDFJ found that it is important to present a number of complaints that were received in 2010 and analyze them. The report actually included an analysis for 37 complaints discussing various problems and subjects. The analysis demonstrated CDFJ's previously mentioned remarks about the complaints. The analysis also supported CDFJ's conclusions about the complaints, most significantly the following:

- SANAD program is a quantum leap in understanding journalists' complaints and revealing the violations they face.
- Reflection of the Jordanian journalists' limited knowledge about human rights issues on their positions and attitudes towards the violations they face.
- The insufficiency of the time that CDFJ had allocated in 2010 for receiving complaints. SANAD program was launched in May 2010, but only commenced its work after August, as the training period had to be considered. This means that the actual time allocated for receiving, reviewing, finalizing the complaints, and collecting missing information and evidence did not exceed four months.
- There is a direct link between the independence of the media institution that the complainant works in and his/her disclosure of the problems and violations related to media freedoms. The complaints where journalists refused to be named were, in their majority, from those working in public media institutions.
- The importance of conducting regular awareness

campaigns for journalists in order to raise their level of awareness and sensitivity about violations of human rights and media freedoms, as well as the legal mechanisms and frames available for their protection.

- The process of linking complaints with Jordan international commitments to human rights and freedom of speech and media led to a wide range of opportunities to measure the compliance of Jordan's public and private institutions and entities with these commitments. More importantly, it extended the coverage of the process of monitoring violations compared to what it used to be in previous years.

3. The Questionnaire on Violations against the Media

In 2010 and with the aim of rendering the process of documenting and monitoring violations a professional process that covers everyone, CDFJ designed a special questionnaire, other than the opinion survey. The questionnaire targets violations against journalists and includes general and detailed questions. It was designed in such a way as to begin with a general view of the violation, gradually moving towards discussing the details about the nature and type of violation. The study included 505 journalists.

3.1 Reasons for distributing the questionnaire

The questionnaire on media freedom violations is considered an essential tool to motivate the journalists to disclose the violations that impact their rights and media freedom. This is particularly true since the annual media freedom opinion poll conducted by CDFJ is closer to a comprehensive survey, covering 505 journalists chosen stratified random selection. As such, it is more of a general survey that explores journalists' opinions and attitudes towards media freedom. Moreover, the poll's questionnaire includes a question about violations against journalists and media freedoms, and it is therefore a survey of the reality of violations and their trends.

Another reason for distributing the questionnaire is CDFJ's desire to expand the circle of individuals

included in its efforts to monitor and document violations of media freedoms. In other words, it provides for finalizing the monitoring process by using a method other than filing a complaint, which is a method that might lack disclosure of the problems faced by the complainant, or even s/he may not use at all.

Another justification is to verify the correctness and credibility of CDFJ's observations and conclusions regarding the facts and trends of journalists' complaints, as well as supporting these conclusions or analyzing them in light of the results of the questionnaire. The questionnaire has indeed supported a large number of CDFJ's conclusions and remarks.

3.2 The content of the questionnaire and its fundamental aspects:

The content and the fundamental aspects of the questionnaire were defined in the light of topics in the opinion poll questionnaire regarding violations. The questionnaire includes threats, summoning by the security, detention, freedom deprivation, security investigation, writing, blocking websites, broadcast banning, withholding information, prior censorship, and dismissal resulting from the practice of media work and media freedom.

CDFJ excluded from the topics in the violations questionnaire issues related to withholding information, prior censorship, and interventions by chief and executive editors contrary to professional standards. The questionnaire was thus limited to eight topics found in the question related to violations in the opinion poll questionnaire. The main reason for excluding the issues of withholding information and prior censorship or non-professional interventions is the difficulty of proving these violations in the light of the journalists' actual practice. The vast majority of journalists has no idea about the existence of the Right of Access to Information Law, and does not have sufficient knowledge about the mechanism that should be followed in accordance with this Law to request information. Journalists' practices and statements, provided in the complaints and questionnaires, showed that journalists believe that the information was withheld as soon as they verbally asked the concerned

authority for it and received a negative response. Rarely have any of them submitted a formal request as appropriate. For this reason, including an item in the questionnaire about withholding information will not be useful for the monitoring and documenting process, given that the journalists have most likely not inquired about the information properly. In addition, we decided to conduct a professional study on the right of journalists to access information as part of the report on media freedoms this year.

With regard to prior censorship or non-professional intervention, they were excluded from the violations questionnaire because of the difficulty of proving the occurrence of prior censorship. Experience has shown that prior censorship is usually practiced by the administrations of media institutions in a verbal or internal manner, making it indeed difficult to verify its occurrence. Moreover journalists do not try to find evidence of prior censorship, so they accept the verbal prevention and do not seek to obtain a written refusal. Sometimes they do not even resist prior censorship, which takes the form of advice for various reasons addressed before. It is important to emphasize that non-professional intervention by chief editors is considered a form of prior censorship, which is a violation against freedom of speech and expression.

For these reasons, CDFJ limited the violations questionnaire to the following:

1. Threats
2. Summoning by the security
3. Detention or restriction of freedom
4. Security investigation
5. Blocking websites
6. Ban on writing
7. Ban on broadcast
8. Dismissal resulting from the practice of media work
9. Physical harassment

Despite the various and numerous topics or violations included in the questionnaire, questions related to these topics were similar and common. These questions asked to identify the problem that the journalist faced, how it occurred, its causes, the responsible party, its date, time, and place, whether a complaint was filed to



any party about it, the response of that party, whether the journalist filed a complaint with CDFJ and the motive for it if yes or the reason for not referring to CDFJ, in addition to the journalist's name, type of work, and the institution s/he is affiliated with.

3.3 Analysis of the most important aspects of the journalists' responses on the questionnaire

In addition to the facts and indicators shown by the tables and digital data, CDFJ was able to make other remarks and conclusions following the analysis of the journalists' responses to the questionnaire. The most significant of these remarks and conclusions can be summarized as follows:

3.3.1 Journalists' refrain from filing complaints about problems they face:

It noteworthy that the vast majority of journalists who answered the questionnaire stated that they have not filed any complaint about the violations they faced. This means that they have not filed a complaint with any official or non-official body, such as CDFJ. The reasons for not filing complaints can be summarized as follows:

- The problem does not merit filing a complaint.
- Fear of consequences, such as losing the job.
- Reconciliation and reaching an amicable solution.
- The threat is not carried out or refrain from accepting the summons.
- The journalist relies on himself/herself to solve the problem.

In this regard, CDFJ noted that the journalists consider amicable solution as an alternative for filing complaints. This indicates that they consider the process of filing complaints as a means to solve their problems, and not to prosecute the perpetrators and prevent them from repeating their actions in the future. It also means that journalists lack awareness about their rights, which enable them to defend and protect their human rights and media freedoms. These observations comply with CDFJ's remarks and conclusions noted in the report about the status of complaints. CDFJ came to realize, through these complaints that journalists lack the legal

awareness about their rights and media freedoms, as well as the mechanisms and guarantees of defending them.

3.3.2 Media institutions' failure to monitor violations seriously:

CDFJ clearly noticed, through the analysis of the questionnaire and journalists' answers, as well as their complaints, that the media institutions, which employ the journalists who are exposed to problems and violations affecting their rights and media freedoms, do not take any initiative to follow up on these violations, to put an end to them, or to mitigate their impact. Some journalists stated that they informed the institutions where they work about the problems they faced, but their institutions have not taken any action. In rare cases, the institutions sought to find an amicable solution, or redress the violation or problem without attempting to give justice to the journalists by using available legal mechanisms.

3.3.3 The confusion about human rights concepts is a major issue that caught CDFJ's attention:

The journalists' answers in the questionnaire revealed this confusion. Some journalists stated that they do not consider themselves victims of violations of human rights and media freedoms unless such a violation is severe, or if it had actually been implemented, or if a reconciliation has not been achieved. This understanding contradicts the legal definition of the violation of rights and freedoms. The threat in itself, even if it was not carried out by the perpetrator, is considered a violation of rights and freedoms, so long as the evidence of its occurrence is available.

3.3.4 Considering CDFJ a point of reference for documenting violations:

The questionnaire on violations revealed an important issue about CDFJ's role, namely that it is a body concerned with documenting the violations experienced by journalists. A large number of journalists stated in the questionnaire that they had filed complained with CDFJ about violations they faced, and that the main reason for referring to CDFJ is to document the violation.

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3.3.5 Disclosing problems that are not addressed in the complaints:

This is a noteworthy phenomenon. Several journalists covered by the violations questionnaire had filed complaints with CDFJ before, but had not mentioned in their complaints the violations they faced, although they referred to them in the violations questionnaire. This is a matter that requires CDFJ's attention in the coming years.

3.3.6 Multiple sources of media threats, and the telephone is one of its basic means:

The questionnaire showed that the sources of threats are wide-ranging, varied, and diversified. The most prominent among these sources come from the private sector, such as companies, businessmen, private academic bodies, individuals belonging to specific tribes and families. Threats were also made, according to the questionnaire, by public authorities, most likely security agencies, such as the intelligence department. Journalists answering the question about threats confirmed that most of the threatening cases came through the phone, using anonymous or unknown numbers, particularly when the threat is from security agencies.

3.3.7 The absence of the role of local human rights monitoring bodies:

None of the questionnaires filled by journalists indicated that journalists who suffered violations of their human rights and media freedoms have resorted to any human rights monitoring foundations and bodies, such as the National Center for Human Rights (NCHR), Ombudsman Office, or Ombudsman and Human Rights Council which belongs to the police. The absence of such bodies from the process of monitoring and following up on violations of media freedoms, and bringing justice to victims is an issue that must be addressed and resolved at the core. It is essential for the journalists to become fully aware of the role that these bodies should play in their protection. It is also important for this role to be clear in journalists' minds and in practice, especially since these bodies have the legal authority to find fair solutions to violations of media freedoms, and

to address the specialized authorities in some attempts to prosecute the perpetrators.

4. The Status of Violations of Media Freedoms and Journalists Rights in 2010

In 2010, CDFJ was able to verify the occurrence of a number of different violations of media freedoms and journalists' rights. CDFJ had attained this information through complaints filed with it and cases monitored by CDFJ without a complaint. In both cases, the issue underwent the mechanism of examination, investigation, and analysis presented in the chapter on complaints. Out of 117 complaints and 31 cases monitored by CDFJ in 2010, CDFJ found that 37 of them involved a violation of one or more of journalists' rights and media freedoms. As for the source of violations, CDFJ treated violations committed by the public sector and the private sector on equal basis. This is because the international agreements that constitute the main point of reference in the area of protecting journalists' rights and media freedoms commit state parties to ensure the protection and respect of these rights in the both private and public fields.

Violations of media freedoms and journalists' rights affected more than one right, particularly since violations of human rights by nature, and the fact that rights are interconnected, are characterized by being multi-faceted. The violations that CDFJ verified in 2010 cover a wide range of rights and included: right to life, cruel or inhumane or degrading punishment, right to personal liberty and security, freedom of expression and the media, right of access to information, and right to peaceful assembly.

4.1 Violations related to threaten the right to life

Among the violations monitored and documented by CDFJ in 2010 are two violations related to threats to the right to life. It is noteworthy that these violations came in the form of death threats from regular people to two journalists for publishing an article each in the newspaper he works in. Other than these two violations, CDFJ did not monitor any other violations



related to this right, although there were complaints about the same subject, but these were the only two violations that CDFJ had available evidence to prove their occurrence. The two violations are:

- Death threat to the journalist Mowafaq Mohammad Kamal from Al-Ghad Newspaper.
- Death threat to the journalist Helmi Al-Asmar from Al-Dustour Newspaper.

4.2 Violations related to the right not to be subjected to torture or other forms of cruel, inhumane or degrading punishment or treatment

One of the phenomena that CDFJ noticed in 2010 was the many complaints related to claims made by complainants of being subjected to various forms and types of ill-treatment, including deprivation of freedom, arbitrary or illegal detention, verbal abuse, threats, and summoning by the security for practicing media work. CDFJ was able to verify the occurrence of violations of this type in eight of the received complaints. These are:

- Verbal abuse against the journalist Hazem Al-Sayahin from Al-Dustour Newspaper.
- The frequent summoning by the security of Najat Shanaah from Al-Sabeel Newspaper.
- Ill-treatment and security detention of the journalist Khalil Qandeel from Al-Sabeel Newspaper.
- Ill-treatment of the journalist Eyad Al-Jaghbeer from AmmonNews and Al-Ghad Newspaper.
- Physical assault against the journalist Islam Al-Ayasra by unknown persons.
- Inhumane treatment of the journalist Ahmad Naamnah, editor and reporter in Al-Sharqeya Satellite Channel.
- Verbal abuse by Mr. Hazem Malhas, former Minister of Environment, against the journalist Hani Al-Amareen from Jordan Radio and Television.
- Assault against the journalist Shadi Samhan by security and police forces after the soccer game between two national football teams, Wehdat vs Faysali.

4.3 Violations of personal freedom

In addition to the two cases of journalists Khalil Qandeel

and Eyad Al-Jaghbeer, which are mentioned in the context of ill-treatment, and which included violation of personal freedom and deprivation of freedom. CDFJ was able, in 2010, to document violations of journalists' personal freedoms and arbitrary and illegal deprivation of freedom. These cases can be summarized as follows:

- The State Security Court's arrest of the journalist Mowafaq Mahadeen from Al-Arab Al-Youm Newspaper.
- The detention of the journalist Osama Al-Ramini from Al-Balad News Agency by the Office of Military Security at the State Security Court.

4.4 Freedom of expression and the media

In 2010, CDFJ received a number of complaints and monitored several cases linked directly to right of freedom of expression, speech and the media. CDFJ proved that some of them did include serious violation of this freedom. The violation came in the form of a ban on publication, a ban on printing, prior censorship, and suspension of the media institution's license, in addition to the previously mentioned ill-treatment and threats. While cases that are referred to as involving ill-treatment and deprivation of freedom, do include by necessity the violation of freedom of expression and the media, the cases that will be discussed here are exclusively related to the violation of freedom of expression and the media, and are not linked to any other assault that led to the violations of this freedom, as is the case in the previously-mentioned violations. These violations are:

- The police prevented the journalist Mohammad Badawi, Al-Hayat Newspaper, from taking photos in Sweileh Circle.
- Banning the printing of one edition to Al-Majd weekly Newspaper.
- The Directorate of Morale Guidance's decision to ban the publication of a news item about the armed forces.
- The State Security Court's decision to ban the publication of any information or commentary about the Petroleum Refinery case.
- The Council of Ministers' decision to revoke the license of Watan Radio.
- The Jordan Media Institute's condition for

students not to write in newspapers except prior permission.

- The request by a security agency (the General Intelligence Department) to remove an advertisement from the website of Amman Net.
- Banning the publication of articles by the journalist Yousef Ghaishan in Al-Dustour Newspaper.
- Hacking the website (All of Jordan) and blocking it more than once.
- Banning the publication of articles by the journalist Mohammad Khair Al-Rawashdah in Al-Ghad Newspaper.
- The various ministries' circular to their heads of departments and employees on banning information leaks to the media.
- Banning the journalist Ala'a Ghanem Darweesh, Al-Arabia Satellite Channel, from covering the sentence hearing of the Petroleum Refinery case.
- Refusing the request for approval by the journalist Fo'ad Hussein to film a TV program.
- Banning an article by the journalist Saqar Twaiqat from Al-Dustour Newspaper.
- Banning the journalist Ma'moun Shunaikat, Jordan TV and Radio, from completing the filming of a television episode and stopping the broadcast of several episodes on the hygienic conditions in Sweilieh by the public security.
- Banning the publication of articles by the journalist Bater Wardem in Al-Dustour Newspaper.
- Banning the photojournalist Osama Al-Rifa'i, Al-Ghad Newspaper, from taking photos of voters lists in Jabal Amman's Office of Civil Status.

4.5 Right to access information

The right to access information is a major component of freedom of speech, and expression, and the media. CDFJ noticed that a high percentage of complaints received in 2010 were related to withholding information and access to information violations. There were 34 complaints out of a total of 177 received complaints, or 24.5% of the total number of complaints. However, CDFJ was not able to verify the occurrence of violations in the majority of these complaints, due to the journalists' lack of required legal awareness about the

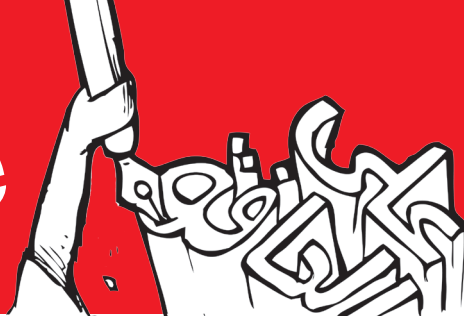
method of exercising this right. Some of them have not read the Right of Access to Information Law for 2007, while others had no idea about the Law's mechanism for asking for information and about submitting the relevant form.

In any case, CDFJ will work to remedy the stated points of weakness in the coming years. Although CDFJ received many complaints in 2010 regarding withholding information, it was not able to verify the occurrence of a single violation in any of them, not because the violation did not occur in reality, but because the information request was not done according to standards. The status of the journalists' complaints indicated the fact that journalists believe that merely making a request for information verbally or by telephone would oblige the concerned party to provide them with the required information.

CDFJ almost asserts that right to access information was subject to violations in 2010, but journalists' lack of awareness regarding the required procedures has prevented the ability to prove and document such violations. The journalist Tareq Noaimat, Al-Sabeel Newspaper, stated in his filed complaint that the spokesperson of the government, in September 2010, refused to provide him with information, despite Mr. Noaimat's insistence. The journalist pointed out that there was no explanation for the refusal of Minister of State for Media Affairs and Communication, the spokesperson of the government, to answer the telephone and reply to the questions.

Another complaint filed by the journalist Adnan Mahmoud Bareya, Al-Arab Al-Youm Newspaper, stated that different governmental bodies refused to provide him with information and that his request for information was refused throughout the year. Bareya said that other journalists also did not obtain the required information, although it is related to media work and coverage. Bareya added that he does not believe there is a reason for withholding information.

The afore-mentioned excerpts from complaints about withholding information were recurrent in this type of complaints. This encompasses an indication of the lack of seriousness on the part of governmental bodies to



provide journalists with information necessary for the practice of media work and media freedom. CDFJ has made specific reference to this issue in the Chapter on Violations, and not only in the Chapter on Complaints, because it believes that the related public authorities are deficient in fulfilling their legal and national commitments relevant to ensuring the right of access to information. This is obvious from the large number of relevant complaints.

In view of the importance of the right to access information, the high number of related violations, and the difficulty of proving them, CDFJ allocated part of the questionnaire's questions to this essential issue. It also conducted an in-depth study on the status of the right to access information from the theoretical, practical, and implementations viewpoints. The reader can find the results of the survey and the study in other parts of this report.

In spite of the above-mentioned observations, CDFJ was able to prove the occurrence of one violation against the right to information access in the following complaint:

- The Public Security Directorate rejected a request for information by the journalist Mohammad Shama on individuals with security records.

4.6 Right to peaceful assembly

In 2010, CDFJ was able to prove the occurrence of one violation of the right to peaceful assembly, which is one of the human rights that must be respected and guaranteed to journalists. It is also an essential right in the field of media, and media freedoms would not be sound without guaranteeing and respecting this right. The following is the only documented case in this regard:

- The Zarqa Governorate's rejection of a request by Al-Balad Radio to organize debates among the parliamentary candidates.

4.7 Right to work

CDFJ has also received several complaints related to journalists' right to work, and the inadmissibility of

forcing them to leave their jobs because of the practice of their media work. CDFJ found that a number of these complaints encompassed serious violation of this right. CDFJ was able to verify the occurrence of the following violations:

- Forcing the journalist Hanan Fadel Khalaf to leave her work in Al-Arab Al-Youm Newspaper.
- Forcing the journalist Maan Abu Dalo to resign from Normina satellite channel.

4.8 Conclusions related to monitored and documented violations

In view of the data and facts that CDFJ presented in relation to violations against the journalists' rights and media freedom in 2010, CDFJ concluded that violations are of diverse backgrounds and appear in different forms. They are not limited to a single right, but rather encompassed a wide range of rights and media freedoms. CDFJ also concluded, from that violations that it managed to monitor and document, a set of facts and findings that can be summarized as follows:

First: The large number of violations that included ill-treatment, whether in the form of threats, harassment, arbitrary deprivation of freedom, beatings, or any other form. This is indicative of the fact that some public and private parties continue to see violence as a good means of hindering the practice of media freedom and of settling disputes and scores with journalists or media institutions.

Second: The use of prior censorship as a restriction on freedom of expression and speech is mainly practiced by the media institutions themselves and their owners, a role they perform on behalf of public and security bodies.

Third: In a significant number of the complaints, CDFJ was not able to verify claims made, particularly those related to threats. This was due to the shortage of the time period allocated for reviewing the complaints, and because the threat occurred a long time ago in comparison with the date of submitting the complaint, in addition to the fact that it occurred using the telephone and from private numbers that CDFJ was unable to reach their owners in short period time.

Fourth: The majority of the violations occurred against political and civil rights and freedoms, and some included impact on the journalists' dignity, such as cruel, inhumane, or degrading treatment or punishment, or arbitrary or illegal deprivation of freedom.

Fifth: The concept of withholding information is not clear for journalists. This was reflected clearly in their understanding of violations related to the right of access to information, and in the difficulty, if not impossibility, of proving their occurrence. This has made the listing of violations related to withholding information in 2010 a very difficult task.

Sixth: It is noteworthy that, in the context of committed violations in 2010, the parties that initiated the imposition of constraints or restrictive measures on some of the journalists' rights, such as freedom of expression and the media and personal liberty, did not take into consideration the issues involved in these measures and their appropriateness to the desired objective of the restriction.

Seventh: It is clear that the public authorities lack the sufficient awareness about their legal obligation towards journalists' human rights and media freedoms. They believe that their commitments are limited to ensuring that they do not violate these rights and freedoms (commitment to respect). They are not very much concerned about ensuring and protecting these rights in private relations. One would not find that they did take the required measures to stop violations against journalists' rights and freedoms by business institutions, ordinary people, private bodies, and the media institutions they work in.

Eighth: Regardless of the forms and shapes of the violations that were committed against journalists in 2010, at the end of day they lead to restricting the freedom and practice of the media.

5. Recommendations

CDFJ believes that the step it took in 2010, namely the launch of SANAD Program for monitoring and documenting violations of media freedoms, is a quantum leap and a qualitative development for CDFJ's field of work in general, and for the protection of media rights and freedoms in specific. CDFJ was able, through this short-term experience in 2010, to identify a number of initial features, challenges, and future steps to be undertaken in order to achieve the desired effectiveness and comprehensiveness with regard to violations of media freedoms in Jordan.

The following recommendations include a summary of the most important measures, procedures, and perceptions that CDFJ believes should be completed and achieved in the next year in order to arrive at an effective scientific mechanism for monitoring violations of media freedoms:

First: It is clear that the idea of monitoring and documenting violations of media freedoms is compatible to a large extent with the social, political, and legal environment in Jordan. This provides CDFJ with an opportunity to succeed in SANAD program and to attain the desired goals. CDFJ, however, believes that it is very important to activate this element and gain the maximum possible benefit from it. Consequently, CDFJ will endeavor in 2011 to target activists in the arena of political, legislative, and social work in order to familiarize them with the program, its components, goals and objectives.

Second: CDFJ also hopes to seek in earnest to network with various civil society organizations working in the field of human rights, including national institutions for human rights, and particularly the organizations and institutions that provide legal assistance and receive complaints of violations of human rights and freedoms. CDFJ believes that this networking is an essential and indispensable effort in order to accommodate the largest possible number of complaints, and perhaps violations, given that it is possible for some victims of violations of media freedoms to appeal to organizations and institutions working in the field of human rights other than the CDFJ, which has come to have a specialized



program in this field, and as such is in a position that compels it to have access to as many as possible of the complaints and cases of violation.

Third: It is necessary for CDFJ to continue in 2011 its vigorous and tireless work to raise the level of journalists' awareness of their human rights and media freedoms. This is especially true since the few months of 2010 during which CDFJ worked on the issue of monitoring violations and accustoming journalists to the program, have demonstrated a lack of journalists' awareness of their human rights and the international and national legal system that ensures their rights and freedoms, including the protection mechanisms provided by the system for their benefit. CDFJ should develop an integrated plan for this year to accomplish this task, which would give SANAD program great support, and more importantly, it will lead to the expansion of the scope of complaints quantitatively and qualitatively.

Fourth: In the next few years, CDFJ should strive to institutionalize SANAD program by converting it into a permanent unit affiliated with it. This is an important step for rendering the process of monitoring and documenting violations of media freedoms sustainable and daily. In this context, CDFJ will provide the necessary training to monitors and workers in the unit on monitoring processes, receiving complaints, collecting evidences, analyzing data, and documenting violations in accordance with international standards applicable in the field of human rights. This is a necessary task, and CDFJ believes it should continue to develop it this year.

Fifth: One of the other issues that should be developed in the context of the program of monitoring and documenting violations of media freedoms is the provision of the most suitable ways of sustaining communication among the journalists and building their confidence in the program. This constitutes a major concern for CDFJ, because of its importance in encouraging journalists to disclose problems and abuses they face while practicing their jobs, and to file complaints with CDFJ. CDFJ will seek to maintain the ease of communication with them, including activating the idea of the "hotline". CDFJ also hopes to establish contacts in this field with journalists working outside

the capital, Amman, especially since they often face many problems and challenges, as well as the fact that they, because of their distance from the capital, may not be able to file complaints about the violations they face.

Sixth: There is an urgent need for raising journalists' awareness about the difference between the opinion poll on the status of media freedoms, which CDFJ has been conducting annually to identify journalists' views and attitudes towards the status freedoms, on one hand, and the forms related to the problems and violations they face, and which CDFJ provides to them as part of SANAD program for monitoring and documenting violations of media freedoms. This is an important distinction that journalists' must be fully aware of, since the status of freedom's form does not replace complaint form, in addition to the fact that the complaint form is designed in essence for violations occurring in a specific situation, and not for the problems and abuses that journalists face in general, which belong to the status of freedoms form and not the complaint form.

Seventh: CDFJ hopes in the coming years to reach out to universities and colleges related to press and media, in order to develop material for teaching human rights and media freedoms in the study plans. In this context, CDFJ would seek to have the study plan include a special section on documenting violations of media freedoms and human rights and protection mechanisms.

Eighth: CDFJ, through the experience of 2010 in the area of monitoring violations of journalists' rights and media freedoms, found that it is essential to prepare a manual pertaining to media and journalists' rights and freedoms guaranteed to them under national and international law. The manual would include simplified definitions for these rights and freedoms and the mechanisms and remedies available at the international and national levels. CDFJ considers this task as one of the main tasks that will be accomplished during this year.

Ninth: CDFJ is keen to emphasize that SANAD program for monitoring and documenting violations of media freedoms is an arm of CDFJ's, used to develop its mechanisms for preventing and deterring violations of media freedoms, and that the program's primary

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purpose is to prosecute perpetrators of violations monitored and documented by CDFJ. Starting this year, CDFJ is expected to use the intervention method to deter any party from thinking about committing violations of media freedoms in the future. In this context, it is useful for CDFJ to distribute the results that it achieves in this area to all those concerned, including the journalists, because any positive results achieved by CDFJ will enhance the confidence of journalists in the program, and will actually motivate them to abandon the policy of non-disclosure and the take initiative to detect violations that undermine the rights and freedoms.

Tenth: It is recommended that CDFJ develops, in the coming years, the part on the state of media freedoms in its annual report, in order to reflect the reality of the complaints and violations in a more comprehensive and accurate way. While CDFJ had done a number of major changes in this area in 2010, the actual depiction of this part is not yet complete, particularly in relation to the institutionalization of the process of monitoring and documenting in CDFJ.

Perhaps the most important thing that can be developed in this field this year, is achieving a more comprehensive and accurate documentation of violations in light of the evidence available about them, as well as the inclusion of quantitative and qualitative indicators that reflect the realities of complaints and violations, and most importantly to measure the extent of the impact of SANAD program on the level of respect for media freedoms and the prevention of violations and assaults.

Eleventh: CDFJ believes that all other media institutions should take the initiative to protect journalists who are working in or affiliated with it, to document abuses against them, and to follow up on their journalists' complaints with the sources of the violation, inclusive of prosecuting the perpetrators in cases where the violation involves criminal penalty, or adopting requests to bring justice to the journalists, the victims of these violations and to compensate them, as a form of deterrence against the repetition of such violations.

Media Freedom .. is our Freedom





Third: Media Studies & Researches

The Wall of Secrecy (the debate about disclosure and secrecy in the applications of the Right of Access to Information Law).

Nearly four years since its introduction into the State's public administration, the applications of the text of the Right of Access to Information Law do not appear to be going in the right direction. This study has revealed that the government's official slackness in applying the Law continues to dominate and control the way the government and its various ministries and departments handle the Law.

This study reveals in meticulous details the extent of the slackness in applying the Law, as well as the extent of the negative impact that this Law has on fulfilling the humane principle of the freedom to exchange, publish, and receive information for the general public.

Since its endorsement by the 14th Lower House of Parliament in 2007, the Law has received much local and international criticism. This is despite the fact that Jordan was the first country in the Arab world to pass such a Law, a positive and pioneering action that ultimately ensured Jordan's progress in the international ranking of democratic countries that enjoy freedom of information exchange.

The issue of the State's guarantee of the freedom of information exchange is considered one of the most important foundations for its standing in ensuring freedom of opinion and expression, leading to the achievement of a more advanced position in international surveys that decide countries' rankings in fighting corruption. This is based on the golden rule that maintains that the higher the ceiling of freedom of expression and information exchange is, the higher the state's position is in achieving transparency, which is the antithesis of the spread of corruption in the state.

This dialectic approach might have been an objective by those who formulated the legislation, whose applications on the ground were not as had been expected. Therefore, Article 19 had been quick to issue an early statement as soon as the Lower House passed the Law, clearly expressing its fears of this Law's negative effects on the freedom of expression, publication, and the flow of information, as well as its most negative impact with regard to the spread of corruption.

This study, which seriously attempted to clarify the practical applications of the Law, has endeavored to examine the international legislative map that forms an important foundation and experience for democratically transforming countries in the issuance of such a law, as well as examining the local legislative environment that has formed a legal premise for the Right of Access to Information Law, starting with the Constitution and ending with the Law itself, and including other laws that seemed to have constituted the harshest basis from which the Right of Access to Information Law acquired its texts, such as the State Secrets and Documents Protection Law and the Penal Code.

The study shows clearly the extent of indifference with which the State's institutions deal with the Law. Before the formation of his government, Prime Minister Dr. Ma'ruf Al-Bakhit said in remarks to the media that his government will amend this Law as being an integral part of the package of laws related to political reform.

This study expects the government to quickly introduce core amendments to the Right of Access to Information Law, since it became apparent that the Law is one of the obstructive legislations to political reform and one of the prominent laws that negatively impact the climate of press and media freedoms and public freedoms in the State.

The study also shows some of the many mistakes that had accompanied the application of the Law in the State's apparatus. The study focuses on three main examples, namely the Finance Ministry, the Interior Ministry, and the Public Security Directorate, with the aim of exploring the extent of the Law's application and the level of its soundness.

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A set of negative aspects became apparent from these applications, and these aspects could be summarized in the following:

One: Not appointing an information officer in those institutions.

Two: The overlap between the task of the official spokesperson and that of the information officer.

Three: Limiting information possession to senior staff, such as the minister or the secretary general.

Four: Lack of clear and specific scale and instructions for classifying information.

Five: The unavailability of a special location for keeping documents that are classified as top secret and as confidential.

Six: The employees' subjective estimation in classifying the documents and information.

Seven: The unavailability of an application form for requesting information, with the exception of the Finance Ministry, but it was never used.

Eight: The Information Council's harsh requirements for requesting information, to the point that conditions and pledges are imposed on the applicant.

Nine: The unavailability of statistics in those ministries and departments regarding the number of documents that have been classified.

Ten: The unavailability of official statistics regarding the number of people who used the Law to access information in each ministry and department.

Eleven: The obvious and clear mix-up between requesting information in line with the Right of Access to Information Law and regular everyday requests made by citizens inquiring about the status of their transactions.

Twelve: The fact that media spokespersons sometimes

withhold information from journalists solely at their discretion.

The study endeavored to test the level of the Information Council's commitment to the text of the Law. For this purpose, it posed a set of ordinary questions which could only be classified as request of ordinary information and which should be available to the Information Council in the first place. The result was as very shocking. The majority of the responses arrived without information, and the Information Council appeared as if it did not have any information indeed.

The shocking results did not end there. I have posed questions to the Interior Ministry, and particularly the Secretary General, on a regular piece of paper and not the application form for requesting information that is adopted by the Information Council, because the Ministry did not have a form. The shock was major. The Secretary General's response was conveyed by telephone, and it was not addressed to me personally, being the applicant for the piece of information, but rather another colleague received it. The response included very interesting answers, and it referred me to the information officer at the Information Council to obtain the information I need about the Interior Ministry from him, while the response of the President of the Information Council was completely void of any information.

The study examines other examples of the Law's application, through which the extent of its application was tested. This is represented by the lawsuit that was filed by Majdouline Khleifat before the Higher Court of Justice to contest the Land and Survey Department's refusal to give her information about the sale and leasing of state lands. The result was that the Court supported the decision of the Land and Survey Department not to disclose the required information.

The study also examines the impact of external, internal, and self-censorship undertaken by the media organizations' monitoring of the journalistic product and of published information, since this censorship is considered one of the most prominently negative obstructions to freedom of disclosing and publishing information.



The study looked at another example that constitutes a violation of the Constitution and laws in effect, namely the circulars that governments issue warning state employees of the consequences of disclosing any information that end up published in the newspapers and various media outlets.

The study concluded several results and evaluations, most significant of which is that the Right of Access to Information Law has kept the door open for the official to select the classification s/he wants for documents owned by his/her ministry or institution. The Law has not provided anything new and has not pushed towards strengthening the requirement of disclosure and free handling of information. The Law came opposite to the typical scale of such types of laws that tend to strengthen the freedom of handling and disclosing information in the fight against corruption and to achieve the humane principle of the right of citizens to access information.

Some of the important results and recommendations concluded by the study include:

- This Law did not entirely adhere to the main principles adopted for such legislation. When approving the Law, the legislator ignored a set of recommendations provided by Article 19 to the Higher Media Council before it was dissolved, since the Council was at the time supervising the law's prototype.
- The Law a rigid position on the issue of disclosing information and facilitating its flow to applicants. In turn, the Law became one that prohibits the right of access to information. This became apparent soon after the Lower House approved the Law, as it was severely criticized by the Jordanian media, which soon turned into international criticism conveyed by Article 19. The Law also contributed to decreasing Jordan's rank vis-à-vis public freedoms, as well as its commitment to ensure the freedom of access to information.
- All the ministries and the government departments are void of a specialized information officer who would handle the disclosure of information. Examining the Law's application, it is noticed that the person who handles this task does so informally and indirectly, and it is done by employees in public relations or by the secretary general or even the minister or director personally. There are also no clear points of reference within the state's public administration to undertake the task of information officer.
- The legislator entirely disregarded the need for consultations and dialogue with concerned civil society institutions as is expected in legislation related to public freedoms, transparency, and fighting corruption. These parties were not involved in discussing the Law before it was presented to the Lower House in 2007 or even during discussions by the House's specialized committees.
- This Law remains besieged by another more rigid temporary law, namely the State Secrets and Documents Protection Law for 1971, which has not been presented to the Lower House for 40 years to amend it.
- The Information Council was rigid in formulating the application form for requesting information, unlike what the Law stipulates.
- The Law itself does not commit the party that refuses to disclose information to reveal any information required even by the law. Through the modest and very limited experiments, this issue proved to be one of the Law's major legislative flaws.
- The time period provided by the Law for the organization to respond to the applicant for information, which is 30 days, is considered a very long period. Moreover, the Law itself gives the official the absolute right not to respond to the request, considering the lack of response legally means rejecting the request. This indicates that the legislator wanted to spare the official the task of justifying the rejection.
- The government has not exerted much effort to promote the Law among the media practitioners and the citizens, which essentially left it without activation despite the fact that it has been four years since its application.
- The Law was void of any text that commits the Information Council to disclose its annual report, which is submitted to the Prime Minister, regarding the status of the right of access to information. It also does not commit the Council to make annual disclosures about the number of applications for information.
- The clear laxness by the ministries and many government institutions in enforcing the Law through speeding the indexing of their documents within three months from the Law's validity date. This has forced

the Prime Minister to issue three circulars to those ministries and institutions stressing the need to speed the indexing of the documents that each ministry and institution has.

- Official institutions and department disregard the need to formulate statistics about the type and number of applications that are submitted by applicants for information, with the aim of forming a reference to understand and evaluate the Law through its applications.

- The Law's applications proved the lack of a clear scale for ministries and official departments to classify their documents. This has maintained the employee's subjective authority of estimation as the only dominant factor on the process of information classification.

- There is not clear mechanism for saving documents regardless of their classification. There are also no clear and specific locations for saving documents that are classified as top secret or confidential. Most of these documents are kept in open areas with easy access to employees, but when they are formally requested, they become inaccessible.

- The Law has entirely disregarded the need to set a time period for changing the classification of top secret or confidential documents to make them accessible to the public. This is unlike the common practice in other countries in the world and it has essentially maintained these documents as completely secret, although there were proposals made during the preparation of the draft law for adding text specifying the time period for cancelling the secret classification of documents.

- The state of the Law and its applications are still in need of a comprehensive review. Such a review would be done through specialized workshops, in which civil society institutions concerned with the Law, as well as experts and stakeholders would participate to re-evaluate the Law's applications four years after its enforcement and would make suggestions and comments about the Law's articles that need to be addressed and amended.

- That workshop would yield a law amending the Right of Access to Information Law in cooperation with the government and it would then be presented to the Lower House.

- The Right of Access to Information Law is

considered one of the most important reform laws in any democratic country or in democratically transforming countries, such as Jordan. Therefore, it is important to work on strengthening the demand for amending the Law and rendering more suitable for the required political reform.

- It is evident that the political climate is entirely suitable for calling for the Law's amendment, particularly since Prime Minister Ma'ruf Al-Bakhit had clearly spoken on 2/2/2011, during his discussions with parliamentary blocs prior to forming his government, about his wish to amend the Right of Access to Information Law.

These are some of the recommendations concluded by the study with regard to the applications of the Right of Access to Information Law by the public management, the government and its executive institutions. Meanwhile, confessions and testimonies given by the journalists for the purpose of this study show their dissatisfaction with the Law, to the point that it is considered a law that withholds information and not one that facilitates access to it.

It is clear that the Law was essentially put in place for non-journalists, since journalists have sufficient ability to access the information they need in their own way and by resorting to their contacts and sources. This, however, would not prevent them from using the Law sometimes, had the Law been flexible and positive and had it ensured and facilitated access to information in a short period of time, instead of waiting 30 days to receive a response to an application for information.

The study reveals that, in some cases where the Right of Access to Information Law was used by journalists, it was done for a single purpose only, namely to test the Law's flexibility and to uncover its positive and negative aspects. This has truly been uncovered, and it was confirmed that, in all practicality, it is a law against the freedom of handling and publishing information.

The study examined an opinion poll conducted by CDFJ for the benefit of this study, which had yielded results that are considered shocking in themselves. The poll, which included 505 male and female media practitioners, concluded that 71% of polled media



practitioners know and have read the Right of Access to Information Law, while 29% stated that they have not.

The results also showed that around 59% of media practitioners believe that the Law supports the freedom of the media, in return for around 18% who said that it does not support media freedoms at all.

Around 53% of the polled sample stated that they have submitted applications for information, while 47% said they did not.

With regard to the extent of the media practitioners' support for amending the Right of Access to Information Law so that it would serve its purpose of ensuring the media practitioners and the society's access to information, the results showed support by around 81% compared with 9% who rejected such an amendment, while around 9% refused to respond to this question.

The study revealed that the Right of Access to Information Law continues to constitute a real burden to the freedom of accessing information. Moreover, the great majority of citizens does not know about the Law, despite the fact that it is not only relevant to journalists, but is also applicable to all citizens.

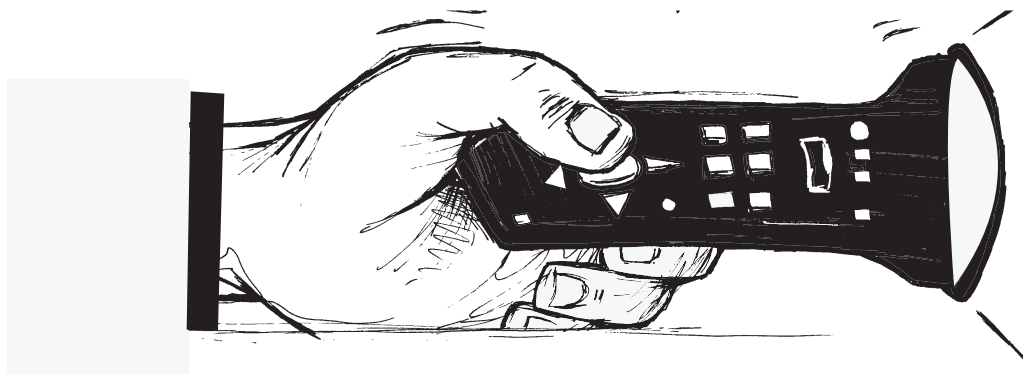
The study also focused on the international legislative climate in Chapter One, and dedicated Chapter Two to examining and studying the local legislative

environment as related to the Law, to public freedoms, and to the culture of information disclosure.

In Chapter Three, the study presented a clarification of the positive and negative aspects of the Law, followed by Chapter Four that presented journalists' testimonies, as well as a reading of the Law's applications through an interview with the Information Officer, in addition to the presentation of other local studies in this regard.

Chapter Five of the study was dedicated to a reading of the opinion poll that was conducted by CDFJ for this study. The study also referred to another opinion poll conducted by the Al-Urdun Al-Jadid Research Center two years after the Law's enforcement in order to compare the two polls and find out the extent of change in the journalists' position vis-à-vis the Law.

The study concluded with the results and recommendations that aim at raising the level of the Law. The study made a recommendation for holding a dialogue in which all civil society institutions participate to prepare a draft law that amends the Right of Access to Information Law, as well as taking the opportunity of the atmosphere of reform that is prevalent in Jordan and Prime Minister Ma'ruf Al-Bakhit's earlier remarks pledging to amend the Right of Access to Information Law.



Media is the eye that monitors
and holds accountable

Executive Summary

Continues Efforts in the Defense of Media Practitioners

MELAD handled 78 lawsuits and attended 794 court sessions with journalists in 2010

The Media Legal Aid Unit (MELAD) continued to provide professional and efficient legal assistance and defense to journalists before various courts. MELAD handled a total of 78 lawsuits in 2010.

MELAD took 44 new cases during this year. With this, the total number of lawsuits handled by MELAD since its establishment is 143 cases. (its worth mentioning that the individual case usually passes through several judicial level and court; first degree and appeal, and sometimes goes back to first degree. This makes the total number of cases, MELAD lawyers handled in courts, increase to more than 300 hundred cases)

During 2010, the lawyers affiliated with MELAD attended 794 court sessions in the various courts with journalists. There were 19 rulings issued in the cases that were followed by the lawyers. Twelve rulings concluded innocence and no responsibility, while seven rulings rendered a guilty sentence for violation of the provisions of Articles (5) and (7) of the Press and Publications Law.

By the end of 2010, 59 cases were still pending before the courts, and 19 cases that were sentenced went to the Court of Appeals.

MELAD exerted efforts to follow up on the lawsuits filed against journalists and media practitioners before investigative departments (Public Prosecution Service), first degree courts, and second degree courts (Court of Appeals) on a daily basis. MELAD's lawyers submitted (25) written defense arguments, in addition to (45) written memos that included defenses and objections, whether related to the filed complaints or the evidence.

During the cases, MELAD's lawyers cross-examined (86) witnesses for the prosecution and claims of personal rights.

In order to ensure the provision of the best legal defense for the journalists, MELAD's lawyers held (52) meetings to discuss lawsuits filed against media practitioners. At the same time, they held (34) meetings with journalists and media practitioners to discuss the lawsuits filed against them.

The majority of lawsuits filed against journalists were based on violations of Articles (5) and (7) of the Press and Publications Law, in addition to violations of provisions related to defamation, slander, and libel in the articles of the Penal Code.

Some of the most prominent charges filed against the journalists that MELAD is defending included disrespect private life, violation of the sanctity of the courts, stirring sectarian strike, violation of the Communication Law, and the practice of journalism by non-journalists.



MELAD continued to network with the lawyers it had trained on the defense mechanisms for journalists. The establishment of the Media Lawyers Network in Jordan was announced and will function under the umbrella of CDFJ.

During 2010, MELAD focused its efforts on developing the relationship with the judicial authority. It worked with diligence within the Media and the Judiciary Program, which included training workshops for judges, in addition to the completion of a specialized training guide on the media related legal cases. This is in addition to the documentation of lawsuits filed against journalists between 2006 and 2008 with the aim of issuing the Final Say 2 that indicates the judges' trends and approaches in dealing with media cases.

MELAD was established in 2001 with the following objectives:

1. To assign lawyers to defend journalists who are subjected to detention and/or trial while performing their duties.
2. To provide preventive legal consultations to journalists and media practitioners without increasing restrictions or self-censorship.
3. To raise the level of the legal knowledge of journalists and media practitioners in order to help them exercise their constitutional right of free expression and of defending the society's right of knowledge without violating laws in any democratic society.
4. To encourage lawyers to be involved in the defense of media freedoms and to develop their legal skills in this regard.
5. To propose draft laws to the parliament and the government in order to improve the legal framework that governs the freedom of the media in Jordan and to ensure that these laws are in line with the international standards.
6. To communicate with the judicial authority in order to ensure the promotion of media freedoms and the creation of understanding of the international standards related to media freedoms.



مركز حماية وحرية الصحفيين

Center for Defending Freedom of Journalists

Vision

To contribute towards creating an environment that protects freedom of press & expression, and enhances society's right to knowledge through professional capacity building of journalists, and affirming their commitment to international standards of independent and free media.

Mission

CDFJ is a nongovernmental organization committed to defending the freedom and security of journalists; by addressing rights violations, building sustainable professional capacities, enabling journalists to have free access to information, and actively developing and reforming media related legislation.

CDFJ Objectives:

- To defend the freedom and safety of journalists.
- To protect Journalist from rights violations.
- To improve Journalists skills
- To empower Journalists <access to information
- To increase Journalists <participation in defending human rights and democracy
- To contribute to developing change and update media legal frame work and legislations.
- To contribute to the amendment and development of legislations related to freedom of media and expression.
- To create communication channels between Arab and World journalists

Note:

The executive summary in English & the full report in Arabic are available at our website: www.cdfj.org, For more information or remarks you may contact us at tel. 06-5160820, email: ghaith@cdfj.org.



وحدة المساعدة القانونية للإعلاميين
Media Legal Aid Unit

Objectives:

1. Assigning lawyers to defend journalists who are detained or prosecuted for carrying out their duties.
2. Providing legal consultation to journalists without increasing restrictions or self-censorship.
3. Enhancing the legal awareness of the journalists and helping them exercise their constitutional rights of expression and defending the society's right to knowledge without violating the law.
4. Exhorting lawyers to give attention to journalism and media freedom issues, and developing their legal skills in this field.
5. Presenting draft laws to the parliament and government to improve the legal structure governing the freedom of media in Jordan in harmony with the international standards.
6. Establishing streams of communication with the judicial authority to enhance press freedoms and create an understanding of the international standards for the freedom of media.

Mechanism of work:

1. Rebuilding the media legal aid unit by recruiting specialized qualified lawyers, organizing the unit's mechanisms of work and activating the voluntary efforts of lawyers.
2. Organizing advanced and specialized training for a number of lawyers who took part in previous training workshops with CDFJ, and involving new lawyers who are already engaged in defending newspapers, radio and TV stations to enrich their experience and encourage them to support the efforts of media legal aid unit
3. Re-distributing and restructuring the work of media legal aid unit MELAD along three lines:
 - Defending journalists before juridical authorities and extending legal advice through building a network of lawyers which can provide legal protection for the journalists in a proper and professional manner.
 - Documenting the lawsuits filed against journalists and institutions in Jordanian courts.
 - Studying and analyzing verdicts issued in press and publication cases to determine their compatibility with international standards and to identify the Jordanian judiciary trends in dealing with media-related cases.
4. establishing a forum for exchanging expertise on the freedom of media between judges, lawyers, and journalists
5. providing legal advice to journalists through the following website: www.cdfj.org/look/law.tpl
6. Activating the hotline service and providing journalists with the names and telephone numbers of lawyers working with the media legal aid unit to seek their assistance in urgent cases.

**Vision:**

Reduction of violations committed against journalists and media institutions in order to promote freedom and independence of the media.

Mission:

Monitoring and documenting the problems and abuses and violations against journalists and media institutions in the exercise of their jobs.

Goals:

- Forming a national team of journalists, lawyers, and researchers to monitor and document violations against journalists and media outlets.
- Encouraging journalists to disclose problems and violations they are subject during their jobs and the mechanisms of reporting them.
- Encouraging journalists to disclose the reasons that lead them to practice self-censorship and assisting them to overcome this habit.
- Developing and institutionalizing the mechanisms of monitoring the violations committed against journalists.
- Raising awareness of journalists on their rights and definitions of international standards of freedom of media, definitions and characteristics of violations they are subject to.
- Calling for the government to consider measurements to reduce and limit the violations against media and hold accountable the violators.
- Urging the parliament to develop legislations that guarantee the freedom of media and limit the violations committed against it and hold accountable the violators.
- Offering assistance and legal support to journalists who are subject to violations.