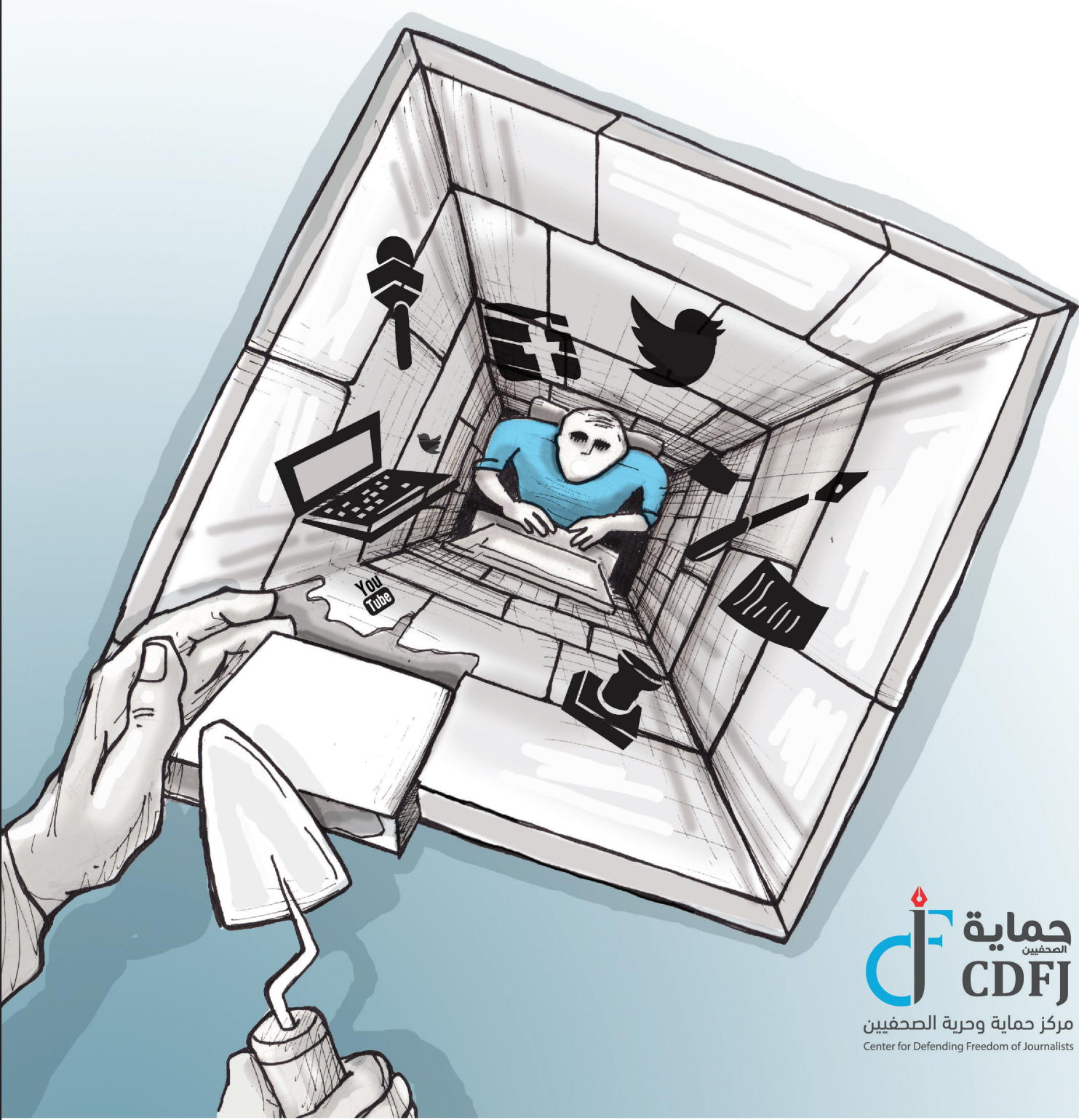


Threatened

The State of Media Freedoms in the Arab World in 2021

Jordan – Palestine – Lebanon – Tunisia – Morocco



Abstract and Recommendations

This report is issued after almost ten years of the “Arab Spring”, which began in December 2010, and whose slogans were “live, freedom, human dignity, social justice”, and if an intellectual like Noah Feldman has written in his important book entitled “The Arab Winter”¹, which was published in 2020, “continued dictatorship is the most probable result”, what we see here is that the people of this region still need a long time until they can smell the breeze of freedom. However, this does not negate that the fight for democracy, human rights and freedom will continue, and the media will continue to resist, threatened, a description of the reality of its current state.

The aim of this report is to reveal the state of the media in general, its practitioners, the political, economic, and legal environments in which it works, and the extent of these environments’ impact on the media freedom in five Arab countries, namely: Jordan, Palestine, Lebanon, Tunisia and Morocco.

The report includes V main chapters as follows:

Chapter I: Ten Years Since the Arab Protests for Freedom.

Chapter II: The Environment in which the Media Works in the Countries Under Study.

Chapter III: The Media and Journalists in the Hashemite Kingdom of Jordan.

Chapter IV: The Media and Journalists in Palestine.

Chapter V: The Media and Journalists in the Republic of Lebanon.

Chapter VI: The Media and Journalists in the Republic of Tunisia.

Chapter VII: The Media and Journalists in the Kingdom of Morocco.

The methodology for developing the report was based on three sources:

First source: A thorough desk review, various press sources and published studies that shed light on the state of the media and the environments in which the media works, or the conditions surrounding journalists in the five countries were consulted.

Second source: Focus group discussions and in-depth interviews. Five focus group discussions were conducted for the purpose of this report with journalists and media professionals, members of journalists’ syndicates, and others in order to identify the challenges facing the media in their countries, the difficulties the journalists and media professionals encounter, and the impact of the political, economic and legal environments on media practitioners in each country². A number of in-depth interviews were also conducted with journalists and media professionals, human rights activists, and others interested in the media in the five countries to elicit their opinions on the state of media freedoms in their countries³.

Third source: Field research; a survey form that included a number of questions has been created and disseminated. Journalists’ syndicates in Palestine, Morocco and Tunisia, and Maharat Foundation and AlNakaba AlBadila, Alternative Press Syndicate, in Lebanon were asked to disseminate it to ensure diversity. The answers to the survey were analyzed to determine their alignment with the outcomes of the desk review and the focus group discussions⁴.

In the first chapter, the report presents the state of democracy and freedom including freedom of expression in the Arab region in general. This chapter ends with two phrases that sum up its main idea. The first is a paragraph in an article by the Political

² Details of focus group discussions Annex no. (1) in the report.

³ Details of in-depth interviews Annex no. (2) in the report.

⁴ Survey form Annex no. (3) in the report.

¹ Overview of Feldman’s book The Arab Winter, <https://bit.ly/3LrV5mQ>

Science Professor and Advisor to The Al-Ahram Centre for Political and Strategic Studies, Waheed AbdelMageed, who said that “not two years have passed since the outbreak of the Arab Spring, with its revolutions erupting one after the other, until it started declining and witnessing a position some observers would see as hostile to democracy, and it has adapted it, revolutionarily or progressively, and regimes that led the battle against political Islam have supported it, and other regimes’ attitudes varied towards it, and the regimes that were against the Arab Spring began to connect it to the democratic issue by reproducing an old speech from before this Spring. If democracy brings political Islamic parties to power, any development towards that must come from greater authority, this was the speech before this Arab Spring, and if it turns out that these parties are the beneficiaries of democracy, then there is no need for them in all cases. Within this linkage, the position against democracy is no longer due to fear of the rise of Islamic parties, as can be inferred from the dealings of many Arab regimes with the Sudanese revolution, which originally erupted against a regime that was affiliated with political Islam. There are preliminary evidences that this position has been expanding until it covered the map of the Arab region, after the second Arab Spring wave in Algeria and Sudan showed that no Arab regime will be secure as long as others are in danger⁵, which can be summed up in what the Law Professor Noah Feldman said in his book

“The Arab Winter”, which was published in 2020, “Continued dictatorship is the most probable result; yet the struggle to do better still carries profound meaning”.

⁵ 11 Years since the Arab Spring, article by Professor Waheed AbdelMageed – Daraj website: <https://bit.ly/3vtaMK>

Main Conclusions:

From thorough reading of studies and reports issued on the state of media freedoms in the Arab world in general, and the five countries in particular, we can draw a number of conclusions that help to say that “media freedoms in the Arab region in general, and in the five countries covered by this report in particular, are missing in some countries, and seriously threatened in others”.

First conclusion: Arab countries are characterized by relatively similar factors, and by monitoring and evaluating one country of the five, it becomes possible to understand the situation in the rest of the countries this report covers. Therefore, this report uses the term “Arab countries” not “Middle East and North Africa”, as the first term includes countries with political and social characteristics that are similar to a great extent; countries may differ only in the economic conditions but they would meet in the nature of violations committed in a way or another.

The executive authorities widely control the judicial and legislative authorities, and although there are constitutions in the “Arab countries”, their articles have been rarely respected. As for the second term, “Middle East and North Africa”, it includes countries such as Israel, Iran, and Turkey into the region, which are three countries completely different from the “Arab countries”; not only from a social point of view, but also economically and politically. However, this does not negate the differences between the “Arab” countries on which this report has worked, as the challenges facing the media and journalists in Palestine are, in fact, more severe and dangerous than those faced in Jordan or Lebanon for example.

In Palestine, journalists are subjected to violations and abuses by three authorities, the Israeli occupation

authority, the Palestinian National Authority in the West Bank, and the government established by Hamas in the Gaza Strip. However, despite the illegitimacy of the occupation authority and its divergence from the Palestinian National Authority and Hamas's government, the violations that occur against journalists differ in their severity sometimes, and are similar at other times, and the losers are male and female media professionals.

Although Jordan and Morocco are monarchies, and the media in both countries faces economic challenges, the economic challenges faced in Morocco differ in nature from those faced in Jordan; as well as the nature of violations committed.

Although Tunisia, which is considered a success story of the Arab revolutions, differs socially, politically and economically from Lebanon, the failure of the multi-party system in the two countries, the parties' control of the media, the corruption of the elites, as well as the similar economic conditions made the challenges facing the media in both countries similar to the extent that some media professionals in Tunisia stated that the state of the media in their country is suffering from "Lebanonization".

Second conclusion: The five countries covered by this report are characterized by similar governance conditions despite the different forms of governments. According to Freedom in the World Report issued by Freedom House Organization, Palestine and Jordan are rated as "not free" countries, while the rest of the five countries are rated as "partially free", and some of the countries witnessed a decline in the index for the year 2021.

Jordan's rating declined from "partially free" to "not free", as did Tunisia from "free" to "partially free". In addition, there are two countries of the five, namely

Palestine and Tunisia, are ruled by a "single ruler", that is, the president governs without the presence of a parliament. In Palestine, President Mahmoud Abbas has ruled since the year 2005 until today without any elections held, as he was elected for a term of 4 years in 2005, and has been in office for more than 16 years. Furthermore, the parliament in Palestine has expired without holding elections, and the Palestinian President Abbas has postponed the presidential and parliamentary elections indefinitely.

In Tunisia, President Kais Saied, a Professor of Constitutional Law and a former President of the Tunisian Association for Constitutional Law, and who was elected by the vast majority in 2019, has suspended the work of the parliament, dismissed the government, and dissolved the Supreme Judicial Council, and since 25 July 2020 he has been ruling alone, and by presidential decrees; he ultimately dissolved the country's parliament⁶.

In general, all countries, except for Lebanon which enjoys a sectarian balance, are distinguished by the fact that the executive authority in them is the strongest and the most influential; regardless of the articles of the constitutions in Jordan and Morocco, the kings enjoy wide ranging powers, and the expression "Makhzan" in Morocco is the "Royal Hashemite Court" in Jordan, which represent a powerful political force without a known constitution status. Additionally, the judiciary in the five countries is sometimes subjected to "soft" interventions, in Jordan and Morocco for example, and "rough" interventions as sometimes in Tunisia, as well as sectarian pressures in Lebanon for example, either due to weakness in parliament, or to sectarian balances, or regionalism that governs its work.

Third conclusion: The economic conditions in the five countries are similar with only minor differences; Jordan's real GDP growth for the year 2021 did not exceed 1.8% following a contraction of 1.6% in 2020,

6 <https://bit.ly/30riAOW>

and the country's unemployment rate has reached 23%, and among the youth has risen to 48%.

In the Palestinian National Authority, the treasury has decreased by 1\$ billion as a result of the withdrawal of the American and Arab support, and the delay in the European support, in addition to the deductions of the Israeli side from the resources of the Authority that are collected for its account by way of clearing. Due to that, the debt of the government of the Palestinian National Authority exceeds 6.5\$ billion, equivalent to %50-45 of the Palestinian GDP; which led the government to pay only %70 of the workers' salaries.

As for Lebanon, it is undergoing what the World Bank described in June 2021 as "most severe crisis episodes globally since the mid-nineteenth century". The poverty rate has increased from %42 in 2019 to 82% of the total population in 2021, with nearly 4 million people living in multidimensional poverty.

The Tunisian economy shrank more than 3% in 2021, and the GDP contracted by 1.7%. The country must repay assets and interests on debts of about 4.5 billion euros in 2020, and needs 5.7 billion euros to complete its 2021 budget; even Morocco, which has experienced stable economic growth, its GDP shrank by 7% as a result of the Coronavirus crisis.

Fourth conclusion: The legislative environment in the five countries is closely similar. In general, the penal laws are full of freedom-depriving penalties in opinion cases, whether it is on charges of libel, slander, disturbing the peace of the public, or other loose charges. Anti-terrorism laws came to add fuel to the fire by adding new and heavier penalties to the long list of penalties. Although the countries under study have special laws for publications, some of them were free of freedom-

depriving penalties. However, the diversity of the legal structures and the expansion of discretion makes it always possible to sentence the journalist to imprisonment; that is instead of subjecting it to the Publications Law, it can be subjected to the Penal Code, or the Terrorism Law, ...etc.

Fifth conclusion: Four out of the five countries: Jordan, Morocco, Tunisia and Lebanon have laws that allow access to information, however, the enforcement of this law differs in each country; while it faces difficulties in Jordan and Tunisia, it seems that it is soon to judge how this law is enforced in Lebanon and Morocco since the law there is relatively recent, ranging between 2017 and 2021. In general, there is a «lack of transparency» in declaring the rules for accessing information, which makes the overall benefit from those laws, whatever they are, incomplete.

Palestine is using the Israeli occupation as an excuse to evade its responsibility to issue a law that enables easy access to information, which is incomprehensible.

Sixth conclusion: Spying on cellphones, beating, prevention of coverage, and intimidation are common violations committed in the five countries. However, each country has a certain type of violation that keeps increasing. For example, in the Palestinian Authority, it was found that the authority seizes the cellphones of journalists, female journalists in particular, and threatens them to use their private pictures and conversations against them. In Morocco, according to the allegations of some journalists, which have not been proven, journalists and media professionals who oppose the government are charged with sexual assault or harassment. In Lebanon, violations related to the revocation

of passports of journalists with different opinions increased, and orders to prevent publication, and prior censorship are expanding in Jordan.

Seventh conclusion: Impunity is a rampant phenomenon in the five countries covered by this report; to varying degrees. It is rare for a person who belongs to the government authorities to be brought to trial on charges related to attacks against journalists or media professionals in the course of their work.

Eighth conclusion: As a result of the executive authorities' control of the judicial authorities in a crude covert manner, or the judicial authorities being subject to political or sectarian balances in the five countries, broadly worded legislation is applied in an inequitable manner, which confirms that it is not possible to speak of media freedoms without ensuring the complete independence of judiciary.

Ninth conclusion: The five countries this report covers are besieging digital media, whether by enacting legislation, or by applying unjust legal provisions to journalists and bloggers, or by lessening the opportunities for creating websites, and other means and methods that make the use of websites and social media platforms an unsafe adventure.

Tenth conclusion: The governments in the five countries under study view the media as a security file that they work to control not to preserve; with the exception of Morocco, for example, no country has come forward to support the media in facing the repercussions of the Covid19- pandemic, while all countries seek to besiege the media, control it, and use it in the propaganda of their policies, even if they are unsuccessful.

Eleventh conclusion: Journalists must develop their knowledge of the laws that govern or affect their profession. It was found from the survey study conducted by Center for Defending Freedom of Journalists for the purposes of this report, that many journalists do not know the laws that govern them, and some of them do not even know that there are laws that would facilitate their work. Also, some journalists' professional capabilities must be developed to become more capable of facing the challenges of working in a political, and social environment that rejects, besieges, and suppresses different opinions.

Twelfth conclusion: Trade-union pluralism is limited in some countries, and prohibited in others. Journalists' syndicates have difficult requirements to meet in order for the journalists to join them. Also, there is a lack of conceptualization of the shifts in the media, and the potential role of social media platforms in the near future.

Thirteenth conclusion: According to the results of the survey study conducted by Center for Defending Freedom of Journalists on a sample of journalists in the five countries in cooperation with the journalists' syndicates in Palestine, Morocco, and Tunisia, and Maharat Foundation and AlNakaba AlBadila (Alternative Press Syndicate) in Lebanon, it concluded that:

- In Jordan, government and security interventions come at the top of the challenges journalists face by up to 90%, and 96.6% of respondents believe that the government is not preserving the independence of the media. 96.6% of journalists believe that laws permit the imprisonment of journalists. Therefore, self-censorship in Jordan was found higher than in other countries this report covers, with a percentage of 93.3% of the sample.

- In Palestine, 69% of respondents believe that there are no clear and transparent declared standards for classifying information in public institutions, which confirms that the right to access information is at the top of the list of journalists' concerns there, as there is no law for the right to access information. Moreover, a high percentage of 72% believe that the government practices censorship on the Internet, while the vast majority of journalists, a percentage of 84.4%, admitted that the government deliberately blocks websites that post news, data or information; this confirms that Internet censorship and blocking of websites are related to the availability of information to the public, and are among the main challenges there.

- In Lebanon, 95.5% of respondents complain that the government does not provide support to the media. The same percentage, 95.5% of journalists, believe that the government is not keen on preserving the independence of media outlets. In addition, 77.3% of respondents admit that the security services attack journalists during coverage. These matters seem intertwined and connected; the lack of support for the media is a kind of disregard for its independence, leaving it at the mercy of political money. Moreover, the attack on journalists also confirms that the media does not receive any attention from the government, neither economically nor security.

- In Tunisia, the situation is remarkable for a country that was the success story of the Arab Spring. 100% of the sample admitted that there were cases of physical or verbal assault on journalists in 2021, and 80% of journalists believe that there is a delay in identifying those responsible in cases of assaults on journalists and referring them to the court. Additionally, 80% of journalists do not believe that laws support investment in the media,

which confirms that the media in the country is in need for support on the financial and security levels.

- In Morocco, 70% of respondents believe that laws permit the imprisonment of journalists, and 75% of the sample believe that journalists are subjected to violations by the Public Prosecution and/or judges, which is more dangerous. Despite the existence of the Access to Information Law in Morocco, 95% of the respondents say that there are legislations that protect the authority's right to withhold information.

All this led the world to see the state of media freedoms in the five countries similar and at a low level, with the exception of Tunisia, which ranked 73 out of 180 countries in the World Press Freedom Index, the rest of the five countries came in low rankings. For instance, Lebanon ranked 107, followed by Jordan, which ranked 129, and finally, Morocco ranked 136 out of 180 countries.

In Tunisia, Fears are increasing with regards to media freedoms declining after the issuance of the decisions of President Kais Saied in September 2021. Consequently, Tunisia's ranking in the World Press Freedom Index and Freedoms Index in general is expected to decline with the release of the new indicators.

Recommendations

To whom does the report direct its recommendations? Or does the situation need recommendations? And what happened to the hundreds of recommendations that have already concluded with many reports issued on human rights, freedom of expression, or the rights of journalists a decade ago, and before that? Is there

any point in repeating these recommendations again? Did the situation change?

These are questions in the minds of this report's authors, and confirm that today such recommendations are perhaps necessary more than any previous time. Experience has proven that the lack of interest in the reform process continuously and quietly, in cooperation with the elected institutions and civil society organizations, and in accordance to a specific plan often leads to unexpected outcomes that lead to severe setbacks in the economic, social, and political conditions, and does not help to move things forward.

These recommendations attempt to search for points of convergence between rulers and elected institutions, and civil society organizations in order to obtain real media freedoms in the five country this report covers, and perhaps in the rest of the Arab countries.

The recommendations take into account that two of the five countries do not have an elected legislative authority. In the Palestinian Authority, legislative and presidential elections were not held, and were postponed indefinitely. In Tunisia, the president suspended the work of the Parliament, then issued a decision to dissolve it and the Supreme Judicial Council.

The recommendations take into account that the economic conditions in the five countries are "difficult", which does not allow providing "significant" support to the troubled newspapers. They also take into account the constant conflict between journalists and other workers in new media platforms; there is always an attempt to remove the title "journalist" from many of those working on websites, and here we quote from the

President of the Palestinian Journalists' Syndicate, Nasser Abu Baker, who said in an interview with him for the purposes of this report "To be clear, the International Federation of Journalists does not define social media platforms as media outlets, and doesn't see activists on social media platforms as journalists, and that social media platforms pose a threat to the profession of journalism. However, freedom of expression is indivisible and we follow up on violations that occur on the Internet".

This report refers to the recommendations that were included in the previously issued reports on media freedoms in the Arab world by Center for Defending Freedom of Journalists in: 2013 ,2012, and 2018 as they are easy to apply to ensure media freedoms if the will exists. This report presents its recommendations to those it believes may be willing to listen to the voice of reason, or to receive advice.

First recommendation is directed to the Palestinian government to expedite taking appropriate steps to hold legislative and presidential elections as soon as possible.

Second recommendation is directed to the Tunisian government to implement the road map announced by President Kais Saied to restore democracy to Tunisia, and hold legislative elections, and form a government the Parliament trusts, and relinquishes the Public Prosecutor Authority the president has he conferred on himself. Moreover, to return the Supreme Judicial Council, which was dissolved by a decision of the President with the same formation to work with all the decrees and measures taken by the president before the parliament that will be elected to see its opinion on them.

Third recommendation is directed to the executive and legislative authorities in the five countries to strengthen relations between them and the media in their countries by appointing professional media speakers who are able to communicate effectively with journalists, and provide them with information that help them to perform their tasks and facilitate their work as governments' use of social media platforms to promote their policies and decisions does not replace institutional contact with professional media outlets, and build bridges of credibility and trust with them.

Fourth recommendation is directed to civil society organizations, which includes associations and centers interested in media freedom, and journalists' and lawyers' syndicates in the five countries, to form a coalition of legal experts, journalists and media professionals, and members of parliaments -in countries with legislative powers- to act as follows:

- Develop alternative texts for crimes of opinion that are included in the penal codes, publication laws, anti-terrorism laws, cybercrime laws, and any other effective law dealing with crimes related to reporting news or stating opinions, or commenting on them by any means of conveying opinions and news, provided that these texts are clear in their legislative formulations, allowing the addressees to know the limits of what is permissible and what is prohibited, and to be guided when drafting the texts of the constitution by the best legislations in the democratic countries, and the best court rulings issued in them.
- Review the laws on access to information in Jordan, Lebanon, Tunisia and Morocco to clarify concepts and reduce exceptions, and to shorten

response time to requests for information and make it at a lower cost, and establish independent courts to hear this type of disputes, with simplified rules for obtaining and republishing information with standards for the classification of information.

■ As for Palestine, this coalition shall draft Palestinian legislation for the circulation of information that considers the best legislative applications on the one hand, and takes into account the situation in Palestine, and the challenges it faces on the other hand.

■ Launch a media campaign that includes news coverage, investigative news, and television interviews. Moreover, organize awareness events on the dangers of the phenomenon of impunity, its definition, its impact on societies, and the importance of ending it. In addition, list all the complaints that has been filed and not dealt with, their contents and dates, and publish them widely, in order to be investigated and acted upon.

■ Establish a clear legislation to punish assaults on journalists during performing their job, and because of their profession, such as legislation related to assaulting a public employee, while authorizing the assaulted worker or the institution affiliated to it to file a case directly before the judiciary against the assailant, whoever he is, without the need to submit a report to the Public Prosecution or the prosecution authorities, and to adopt digital evidence taken from the site of the attack, such as photos and video clips, as acceptable evidence to prove this assault.

■ Establish a principal of trade-union pluralism, and voluntary affiliation with unions, and redefining the journalist in a way that clearly guarantees attention to those who provide information on a regular

basis to the public, and accept the professional standards of the media regulating their work.

Fifth recommendation is directed to journalists' and lawyers' syndicates, and institutions interested in supporting the media in the Pve countries; to begin the establishment of specialized centers to provide legal assistance to journalists, and raise their professional competence, and also raise the efficiency of lawyers working in those centers, and train them according to specialized and continuous training programs to ensure professional follow-up of complaints Pled by journalists against those who violate their rights, assault them, or prevent them from practicing their work, with the development of code of conducts for the centers and for their employees, along with a financial system that would allow them to self-finance.

Sixth recommendation is directed to civil society organization interested in media freedoms, and concerned with the independence of judges, and the legal profession in the five countries; the necessity of developing theoretical training manuals for judges and lawyers that contain the most important case law in democratic countries related to media freedoms, while providing more tolerant interpretations of the effective laws in each country regarding crimes of opinion, and modern legal interpretations of terms such as: public order, public peace, disturbing the public peace, and other loose expressions that judges can use them in their rulings, and lawyers can also put them up for discussion in their legal theses. It is important to establish specialized centers to monitor and document violations committed against journalists, in accordance with the best international standards in monitoring operations.

Seventh recommendation is directed to legislatures that must discuss the means to support independent media outlets, on the grounds that they are mediums that guarantee pluralism in society and diversity of knowledge. Furthermore, legislatures must present draft laws that create independent funds to support the media and improve journalistic content according to high professional standards and regulations.

Eighth recommendation: Begin a study on the means to support financially distressed newspapers as a result of the Coronavirus crisis or the economic conditions. The study should include the measures that governments should take, whether by exempting newspapers and news websites from taxes and fees, and providing specialized technical support in newspaper economics to Pnancially troubled newspapers to help them overcome their Pnancial crisis, or by studying mergers and acquisitions of newspapers on some troubled small institutions, after conducting in-depth discussions and feasibility studies that are agreed upon by the journalists' syndicates, conducting dialogues about them, submitting them to the responsible government agencies, and ensuring the implementation of what is stated in them.