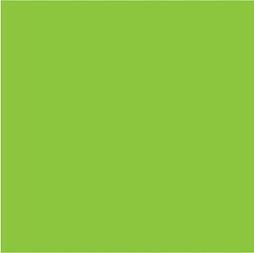




United Nations
Educational, Scientific and
Cultural Organization

IPDC THE INTERNATIONAL PROGRAMME
FOR THE DEVELOPMENT OF COMMUNICATION



Assessment of Media Development in **Palestine**

Based on UNESCO's Media Development Indicators



United Nations
Educational, Scientific and
Cultural Organization

IPDC THE INTERNATIONAL PROGRAMME
FOR THE DEVELOPMENT OF COMMUNICATION



Assessment of Media Development in **Palestine**

Based on UNESCO's Media Development Indicators

Published in 2014 by the United Nations Educational, Scientific and Cultural Organization, 7, place de Fontenoy,
75352 Paris 07 SP, France
and

UNESCO Ramallah Office

© UNESCO 2014

Prepared for UNESCO by the Birzeit University Media Development Center



ISBN 978-92-3-100021-8



This publication is available in Open Access under the Attribution-ShareAlike 3.0 IGO (CC-BY-SA 3.0 IGO) license (<http://creativecommons.org/licenses/by-sa/3.0/igo/>). By using the content of this publication, the users accept to be bound by the terms of use of the UNESCO Open Access Repository (<http://www.unesco.org/open-access/terms-use-ccbysa-en>).

The designations employed and the presentation of material throughout this publication do not imply the expression of any opinion whatsoever on the part of UNESCO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

The ideas and opinions expressed in this publication are those of the authors; they are not necessarily those of UNESCO and do not commit the Organization.

Graphic design: UNESCO

Cover design: Pierre Finot for UNESCO Publishing

Typeset: DEAL Advertising & Event Management

Printed by: DEAL Advertising & Event Management

Printed in Palestine

Dates of research: January 2013 - April 2014

This study was launched by UNESCO at the request of the Media Development Center of Birzeit University in view of providing a comprehensive overview of the state of the media in Palestine, within the context of ongoing discussions on the development of a National Media Strategy.

Research team:

Mohammed Hussein Abu Arqoub, Lead researcher
Donya al Amal Ismail, Omar Nazzal, Nazer Magally, Said Abu Moalla and Hedaya Shmun

Initial input: Abdelrahim Abdallah, Mohsen Alafranji and Khadija Barghouthi

Survey and interviews conducted by: Arab World for Research and Development (AWRAD)

Coordinated and edited by:

Saorla McCabe, UNESCO HQ, Paris

International expertise:

Toby Mendel

UNESCO Editorial and project support team:

Nadia Bonato, Mariona Sanz Cortell, Laura Schneider and Hala Tannous

Coordination at Birzeit University's Media Development Center:

Nibal Thawabteh, Abeer Ismail, Buthayna Al Semeiri and Emad Elasfar

Translated by: Sherin Adballah

English editing: Karen Maan

Peer review: Abdelrahim Abdallah, Daoud Kuttub, Marjut Helminen and Nour Odeh

Acknowledgement: The project to assess the Palestinian media landscape was made possible thanks to the generous support of Canal France International, the Government of Finland, the Swedish International Development Cooperation Agency (Sida) and UNESCO's International Programme for the Development of Communication (IPDC).

Revision: If readers wish to propose any corrections to this assessment of the media sector in Palestine, these may be taken into account in a second version of the report. Should there be a second version, it will be published in electronic format and made available on the website of UNESCO and of Birzeit University's Media Development Center.

The original version of the report will also be available on the websites of both organizations.

Foreword

This report aims to inform and support the development of Palestine's media sector through the conduct of a comprehensive assessment of the media environment, based on international legal standards and good practice.

This project is part of a wider UNESCO initiative to assess the strengths and weaknesses of national media sectors across the globe using a common analytical framework endorsed by a UNESCO intergovernmental Council – the UNESCO/IPDC Media Development Indicators. To date, 12 assessments have been completed and many more have been launched.

Right from its foundation, UNESCO has placed freedom of expression at the core of its mission. The Constitution of the Organization states that UNESCO Member States will “promote the free flow of ideas by word and by image.” Freedom of expression is not only a fundamental human right guaranteed by the Universal Declaration of Human Rights; it is a right that underpins all other human rights and democratic freedoms.

For UNESCO, freedom of expression encompasses free, independent and pluralistic media, and together these are regarded as essential components for the strengthening of democratic societies and to ensure inclusive development.

Through this study, UNESCO has sought to engage national stakeholders in a process of constructive dialogue and critical reflection in order to identify key media development priorities. Such a platform allowed discussion of the most appropriate ways of addressing the priorities in line with international standards.

UNESCO would like to express its appreciation to the Media Development Center of the Birzeit University and the six researchers who conducted this assessment. We thank all those who took part in the consultation process, including the interviewees, the participants in the workshops and national conferences, and the respondents to the survey. Their contributions have significantly enriched this report. I also wish to thank Canal France International, the Government of Finland and the Swedish International Development Cooperation Agency.

We hope that this report will constitute a useful reference for all stakeholders and effectively contribute to the further development of Palestine's media landscape.

Guy Berger

Director, Division for Freedom of Expression
and Media Development, UNESCO

Table of Contents

Acronyms	11
Executive Summary	13
Key recommendations	18
Introduction	19
1. A system of regulation conducive to freedom of expression, pluralism and diversity of the media.	25
A. Legal and policy framework	25
B. Regulatory system for broadcasting	33
C. Defamation laws and other legal restrictions on journalists	36
D. Censorship	41
2. Plurality and diversity of media, a level economic playing field and transparency of ownership	49
A. Media concentration	50
B. A diverse mix of public, private and community media	51
C. Licensing and spectrum allocation	55
D. Taxation and business regulation	56
E. Advertising	57
3. Media as a platform for democratic discourse	63
A. Media reflects diversity of society	63
B. Public service broadcasting model	68
C. Media self-regulation	72
D. Requirements for fairness and impartiality	75
E. Levels of public trust and confidence in the media	76
F. Safety of journalists	78
4. Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity	85
A. Availability of professional media training	85
B. Availability of academic courses in media practice	89
C. Presence of trade unions and professional organizations	93
D. Presence of civil society organizations	96
5. Infrastructural capacity is sufficient to support independent and pluralistic media	103
A. Availability and use of technical resources by the media	103
B. Press, broadcasting and ICT penetration	105
Selected Bibliography	111

Acronyms

AFP	Agence France Presse
AMIN	Arab Media Internet Network
AWRAD	Arab World for Research and Development
BDT	Telecommunication Development Bureau
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CFI	Civic Forum Institute
CPJ	Committee to Protect Journalists
CSO	Civil Society Organization
DCAF	Geneva Centre for the Democratic Control of Armed Forces
ICCPR	International Covenant on Civil and Political Rights
ICHR	Independent Commission for Human Rights
ICT	Information and Communication Technology
IFJ	International Federation of Journalists
ITU	International Telecommunication Union
MADA	Palestinian Center for Development and Media Freedoms
MDC	Media Development Center at Birzeit University
OMEC	Mediterranean Observatory of Communication
PA	Palestinian Authority
PalTrade	Palestine Trade Center
PASSIA	Palestinian Academic Society for the Study of International Affairs
PaITel	Palestine Telecommunication Company
PBC	Palestine Public Broadcasting Corporation
PCBS	Palestinian Central Bureau of Statistics
PCHR	Palestinian Center for Human Rights
PITA	Palestinian Information Technology Association of Companies
PJS	Palestinian Journalists' Syndicate
PLC	Palestinian Legislative Council
PLO	Palestine Liberation Organization
PNGO	Palestinian NGOs Network
PNN	Palestine News Network
PSB	Public Service Broadcasting
PTRA	Palestinian Telecommunications Regulatory Authority
PTV	Palestine TV
PWWSO	Palestinian Working Women's Society for Development
RCHRS	Ramallah Center for Human Rights Studies
UHF	Ultra High Frequency
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
WAFA	Palestine News and Information Agency
WATC	Women's Affairs Technical Committee
WCLAC	Women's Center for Legal Aid and Counselling
WSIS	World Summit on the Information Society

Executive Summary

Category 1: A system of regulation conducive to freedom of expression, pluralism and diversity of the media.

A. Legal Policy and Framework

In May 2014, Palestine joined five of the nine core international human rights treaties. As of 2 July, Palestine will be formally bound by two additional treaties, including the International Covenant on Civil and Political Rights (ICCPR), which acknowledges freedom of expression as a basic human right.

Article 19 of the Palestinian Basic Law, which serves in lieu of constitution, guarantees freedom of expression and opinion. However, this guarantee is weak as it is subject to the provisions of legislation which may override freedom of expression. There are many laws in force in both the West Bank and Gaza Strip that restrict freedom of expression and opinion. One example is the Press and Publications Law, which allows for sanctions including imprisonment.

There is currently no enforceable law on the right to information. A draft law was developed in 2005 and has recently undergone revision. However, its adoption has been put on hold due to the disruption of the Palestinian Legislative Council (PLC), following the political division that occurred in 2007 between the West Bank and the Gaza Strip.

Both the Palestinian Authority (PA) in the West Bank and the de facto authorities in Gaza exercise tight control over the information disseminated by the media. There have been cases of media content being censored and journalists being detained and persecuted for voicing political opinions and for reporting on human rights violations.

The Palestinian Press and Publications Law includes a clear guarantee of journalists' right to protect their sources. However, there have been reports of journalists being pressured to reveal them.

B. Regulatory System for Broadcasting

There is currently no independent system for regulating broadcasting in Palestine. In both the West Bank and the Gaza Strip, the authority to grant TV and radio licenses is entrusted to governmental bodies. This is contrary to international standards that emphasize the need for the independence of regulatory bodies in order to ensure fairness in the allocation of frequencies.

C. Defamation Law and Other Legal Restrictions of Journalists

Outdated laws, often originating from previous authorities, impose on journalists unwarranted restrictions, which are also defined in a vague manner and without clear definitions of scope. The current legislation treats libel and slander as criminal offenses that are punishable by imprisonment of up to three years.

D. Censorship

The Palestinian Basic Law includes a clear prohibition on censorship. There have been no formal complaints by Palestinian journalists or media institutions regarding pre-publication censorship. There have however been cases, in both the West Bank and the Gaza Strip, of broadcast outlets, newspapers and websites being banned or blocked. Moreover, the 2012 report of the UN Special Rapporteur on freedom of opinion and expression underlined tight control by the authorities over the licensing of print media.

Category 2: Plurality and diversity of media, a level economic playing field and transparency of ownership

A. Media Concentration

There is no evidence of media concentration in Palestine. The Palestinian Basic Law guarantees the right of every person to establish media outlets. However, it does not directly address the issue of concentration of ownership and no regulations exist to preclude this.

B. A Diverse Mix of Public, Private and Community Media

The authorities, whether in the West Bank or in Gaza, are not active in promoting a diverse mix of private, public and community media and there is no elaborated policy that relates to this. Both public service broadcasting and community media are largely absent from the country's media landscape. Public media appears to be favored in terms of access to information. There is however a small presence of publications and radio stations that cater to the needs of marginalized groups.

C. Licensing and Spectrum Allocation

The committee designated to allocate broadcast licenses and therefore to ensure diversity comprises only of representatives of three ministries and is also not subject to any oversight. In both the Gaza Strip and the West Bank the criteria for obtaining a license are ambiguous.

The conditions of Palestine's use of broadcasting frequencies were decided by the Oslo Accords of 1993 and 1995. Frequencies have been granted to Palestinian governmental radio and TV media outlets only and not formally to the private or community broadcast media. The PA has not, to date, devised a plan for spectrum allocation and management. The PA is now looking to develop a plan for digital transition to be implemented mid-2015 as per the road map set out by the International Telecommunication Union (ITU). The lack of a proper legal basis renders the Palestinian spectrum management unclear and unstable.

D. Taxation and business regulations

As per the 1993 and 1995 Oslo Accords, the PA is restricted from pursuing independent economic policies, including the determination of ratios for taxes, customs and excise tariffs. There is no preferential tax system for the media, for example as regards the import of radio and TV broadcasting equipment. In addition, there are no provisions in Palestinian law aimed at encouraging investment in the media.

E. Advertising

The size of the advertising market in Palestine is small. This can be in part attributed to the weakness of the Palestinian economy in general. The PA does not have a clear advertising policy and there is no oversight of the content of public advertising. Conditions concerning advertising content and duration can be found in the licensing procedures of the Ministry of Information and in the Press and Publications Law.

Category 3: Media as a Platform for Democratic Discourse

A. Media Reflect Diversity of Society

Media content in Palestine appears to be characterized by an overemphasis on political power issues, to the detriment of programmes dealing with education, health, economics or social issues. Women are reported to be poorly portrayed in media content and lack opportunities in obtaining decision-making positions in Palestinian media institutions. Some radio and TV programmes have emerged that are directed at specific sectors of Palestinian society, such as women, youth or refugees, but these initiatives remain limited.

A number of Palestinian media outlets tend to be biased towards one political orientation and are reported to design their programmes on the basis of their political leaning rather than the needs of their audiences.

B. Public Service Broadcasting Model

A Presidential Decree of 2010, amended in 2012, constituted a step forward towards the establishment of a public service broadcaster, making reference to a number of public service ideals including administrative and financial independence, public interest, diversity and informational and educational programming. However, it has not yet been implemented and Palestine is therefore without a fully-fledged public service broadcaster.

C. Media Self-Regulation

The Palestinian media does not have an established code of conduct or a self-regulation system. Despite several civil society-led initiatives between 2007 and 2010 to develop codes of conduct, these were not adopted by the editorial boards of media outlets. Questions of adherence to professional ethics principles are handled at the level of the individual media outlets, which overall do not demonstrate a strong culture of self-regulation.

Additionally, the print media is affected by government interference in the definition and application of rules of practice through statutory regulations. The Palestinian Press and Publications Law No. 9 of 1995 in particular provides mandatory guidelines on editorial policy for the press and professional lapses are criminalized, contrary to international standards.

D. Requirements for Fairness and Impartiality

A proposed Audio-Visual Law was drafted in 2011; however it has not yet been approved due to the disruption of the work of the Palestinian Legislative Council. The existing regulatory bodies in Palestine are mandated by governmental decisions. There are no requirements regarding fairness and impartiality when granting broadcasting licenses. Also, there is also no law requiring fair and balanced news coverage, even during election periods.

E. Levels of Public Trust and Confidence in the Media

Local radio stations allocate time to talk-back radio programmes. These receive a large volume of calls from members of the public, which could indicate a level of trust and confidence in the media. Some evidence, however, suggests that the level of trust in the Palestinian media is limited.

F. Safety of Journalists

Journalistic practice is impeded by an environment of insecurity. Human rights organizations have recorded a high number of violations against media workers, including arbitrary arrests and detention, physical attacks and raids of media outlets. This situation has led many media professionals to resort to self-censorship. Palestinian journalists also suffer from restrictions on their movement.

Category 4: Professional capacity building and support for institutions that underpin freedom of expression, pluralism and diversity

A. Availability of Professional Media Training

Media development institutions provide various training programs that support the development of the Palestinian media. Safety is a major topic of training sessions offered by both local and international organizations. However, the absence of an overall strategy for the provision of training leads to duplication and inadequacies in the delivery of courses. In addition, training opportunities addressing the needs of media managers are insufficient.

B. Availability of Academic Courses in Media Practice

Approximately 300 students graduate from journalism programmes each year at Palestinian universities, 50% of which are female. However, media courses lack resources and materials are often inadequate. Due to the political situation in Palestine and its context, it is difficult to access up-to-date information and textbooks. Institutions generally struggle to keep in line with the fast-changing media environment. There are discrepancies between universities in terms of quality of content and structure. There are no postgraduate academic programs in media studies in Palestinian universities, except at the Islamic University in the Gaza Strip.

C. Presence of Trade Unions and Professional Organizations

The right of Palestinians to form trade unions and hold elections is guaranteed by the Palestinian Basic Law. One union exists for media professionals, the Palestinian Journalists' Syndicate (PJS). Originally functioning as a single union, the PJS has become split into two, with one section in the West Bank and the other one in Gaza. This split has allegedly allowed for political interference in the Syndicate and dissuaded journalists from seeking membership. Consequently, there is low confidence in the Syndicate and its ability to support journalists.

D. Presence of Civil Society Organizations

No systematic monitoring of the performance of Palestinian media is carried out by CSOs. Those CSOs working in the media field focus their activities on providing support for media professionals, monitoring press freedom violations, seeking to promote freedom of expression, and organizing conferences and training workshops for journalists. Programmes also exist that target issues related to youth, women and marginalized groups in terms of their access to and visibility in the media. The sustainability of these initiatives is sometimes problematic as funding often comes from international donors and is only provided for a short time.

Category 5: Infrastructure Capacity is Sufficient to Support Independent and Pluralistic Media

A. Availability and use of technical resources by the media

Access to ICT infrastructure in Palestine is impeded by constraints that deprive Palestinians of fully independent decision-making in regard to ICT infrastructure and by the divide between the West Bank and Gaza Strip. The telecom network is owned and operated by Palestinian operators but interconnects to the outer world through Israeli operators. As regards Internet, the Palestinian telecommunications company PalTel must buy its bandwidth from Israel which results in relatively high connectivity costs. This being said, Palestinian media outlets are increasingly using the Internet to connect with the public via websites and social media.

B. Press, broadcasting and ICT penetration

Fifty-eight percent of the population in the West Bank, almost 20% more than the average rate for the Middle East region, has access to the Internet. This is mainly in the major cities as remote areas struggle to access the Internet. Local media such as community radio have an important role to play. The public communicates with local media through mobile phone and landlines. There is a need for better infrastructure to reach areas outside the cities. The Ministry of Telecommunications and Information Technology is devising a Strategic Plan for 2014-2016 aimed at addressing key issues related to ICT access, including bridging the digital divide. Within this framework, a National Plan for the transition to digital broadcasting is also being elaborated through a series of consultative meetings with the media.

KEY RECOMMENDATIONS:

The key recommendations are extracted from the more detailed recommendations at the end of each chapter.

1. Consideration should be given to amending Article 19 of the Palestinian Basic Law to guarantee the right to freedom of opinion and expression in line with international standards.
2. Drawing on extensive work already completed by civil society organizations, consideration should be given to adopting, as soon as possible, a law on the right to information which is in line with international standards in this area.
3. Consideration should be given to adopting and implementing a law to regulate the audio-visual media which is in line with international standards, including by creating an independent regulatory body, by recognizing and promoting community broadcasting and by ensuring the equitable allocation of frequencies to all three tiers of broadcasters.
4. All legal provisions which limit the right to practise journalism and which place restrictions on who may be an editor-in-chief should be repealed.
5. All legal provisions which restrict the content of what may be published or broadcast, including those relating to libel and slander, or insult related to state office, should be reviewed and revised to bring them into line with international standards.
6. The right to freedom of expression online should be protected both in law and in practice.
7. Fair and balanced portrayal of men and women should be promoted in media content, and equal employment opportunities in media, including in higher-level positions, should be ensured.
8. Palestinian Public Radio and Television Corporation, along with Palestine News and Info Agency (WAFA) and *Al-Hayat al-Jadeeda*, should be transformed into independent, public service media.
9. Interested stakeholders should work together to develop an effective self-regulatory system for the media.
10. Effective measures should be taken to prevent attacks on journalists and to address the culture of impunity.
11. A comprehensive review of media training should be conducted to identify gaps and shortcomings, and the results of this should then be used to develop a comprehensive long-term plan for media training.
12. University programmes on media should be modernized and consideration should be given to developing a Master's programme on media in the West Bank.
13. The Jordanian Journalists' Syndicate Law No. 17 of 1952 should be abolished along with the special legal status of the Palestinian Journalists' Syndicate (PJS) and replaced with a free and open approach to unionisation.
14. Broad consultations should be continued with a view to developing a new strategic ICT and digital transition plan so as to promote the availability of modern ICTs and the spread of Internet and media access throughout the whole of the territory of Palestine.
15. The international community should take measures to ensure that Palestine can access the international connections it needs to achieve its ICT goals.

Introduction

The UNESCO Media Development Indicators (MDIs) are an internationally recognized framework for assessing national media landscapes and identifying media development priorities. They were unanimously endorsed by the Intergovernmental Council of the International Programme for the Development of Communication (IPDC) in 2008. The IPDC Council called for the application of the MDIs in partnership with national stakeholders, with the objective of the MDIs serving as an analytical tool for all those seeking to develop an enabling environment for free, independent and pluralistic media. The MDI assessment in Palestine was conducted by UNESCO in partnership with the Media Development Center (MDC) at Birzeit University.

The report is the third in the Arab world after studies in Egypt and Tunisia.¹ It is the first study of its kind undertaken in Palestine in terms of its scope and number of participants involved. It is also the first comprehensive study of the national media landscape to be conducted in both the West Bank and the Gaza Strip, with balanced representation of experts from both parts of the country. In order to ensure accuracy and avoid bias, participants from the West Bank and the Gaza Strip were systematically involved throughout the study. This applied to the respondents surveyed and interviewed, the researchers conducting the MDI assessment and the attendees at discussion meetings and conferences related to the MDI report. Special attention was also given to gender balance in all of these areas.

Purpose and justification

The purpose of the study is to provide a reliable resource for policy makers, the media, civil society organizations, universities and training institutions to strengthen free, independent and pluralistic media in Palestine, with reference to key international standards. It is also intended to provide guidance to donors and media development partners on how to effectively target assistance based on objectively identified priorities and the needs expressed by national stakeholders.

The timing of this MDI study coincides with discussions taking place in Palestine on the development and implementation of a national media strategy. The initiative to develop a National Media Strategy was launched in 2012 by the Media Development Center at Birzeit University, with the official approval of the Prime Minister's Office. A national taskforce involving members representing the public authorities, the media and civil society was formed, and extensive consultations have been held. Findings of the MDI assessment process in Palestine have constituted a significant input into the discussions in this area and it is UNESCO's hope that they will continue to serve as a reference resource during the implementation phase of the Strategy.

Two months prior to the publication of this report, in April 2014, Palestine applied to join 15 international conventions and treaties, showing the government's commitment to be bound by the international human rights standards contained in them. Among them, importantly – the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to freedom of expression and which will enter into force in July 2014.²

¹ A partial assessment was also carried out in Jordan in 2011.

² See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=14556>; <http://www.unmultimedia.org/radio/english/2014/05/palestine-adopts-significant-human-rights-treaties/#.U3C-4E3eiUI>

Background Information

According to the Palestinian Central Bureau of Statistics, the estimated population of the Palestinian territory in 2013 was 4,4 million: 2,7 million in the West Bank and 1,7 million in the Gaza Strip.³ There is also a large diaspora of Palestinians, estimated at over six million, mainly residing in neighbouring Arab countries.⁴

In 1993, the Declaration of Principles of Interim Self-Government Arrangements – also known as the Oslo Accords – signed between the Palestinian Liberation Organization (PLO) and the government of Israel granted the PLO the ability to establish an autonomous Palestinian government.⁵

The Palestinian Legislative Council (PLC), which had been created following the Oslo Accords, has been affected since 2007 by the division between the Palestinian National Authority based in the West Bank, recognized by the United Nations as the official government of Palestine, and the de facto authorities in Gaza.⁶ Since 2007, the PLC has not convened, which has effectively prevented the possibility of any laws being passed by parliament. In the West Bank, laws can now be passed only through the issuance of “decrees of necessity” by the President of the Palestinian Authority, originally intended to be used only in cases of emergency. There are lengthy delays for many key pieces of legislation. In the Gaza Strip, the de facto authorities govern based on enactments by their Prime Minister, Council of Ministers, ministers, police and other official bodies.

This situation has seriously affected efforts aimed at reforming the Palestinian legal framework for media, which is a complex system that combines elements from a variety of media systems inherited from the different regimes that ruled the country throughout history. According to the Oslo Accords, Israel still exercises full security control and assumes responsibility for most administrative affairs in a large part of the West Bank (Area C).⁷

In April 2014, Fatah and Hamas announced an agreement for reconciliation and have begun negotiations to establish a government of national unity. This decision may have an effect on some aspects of this report.

Media in Palestine

Media in Palestine have faced unique challenges due to the particular environment in which they operate. In a polarized and volatile context, journalists and media professionals are confronted with restrictions on movement, threats to their safety and infringements against press freedom from diverse fronts.

Methodology

The MDI assessment in Palestine was nationally-driven and tailored to the specific national context. It was a participatory exercise, including a wide range of perspectives from media stakeholders, academics, public agencies, civil society organizations (CSOs), government and representatives of public, private and community media.

The project was launched in October 2012 following a request by the Birzeit University Media Development Center (MDC), which had been invited by the government to lead a consultative process aimed at the development of a National Media Strategy. A training workshop on the MDI methodology was organized by UNESCO in conjunction with MDC. The workshop was attended by members of the research team as well as members of the national taskforce responsible for the development of the National Media Strategy.

The MDI report that has resulted is based on a combination of desk-based research and field research, aimed at collecting both qualitative and quantitative data concerning the various aspects of Palestine’s media sector.

The desk-based research included an in-depth analysis of existing laws and regulations, and a review of existing reports and statistics produced by both local and international organizations.

3 The Palestinian Central Bureau of Statistics: <http://www.pcbs.gov.ps/site/881/default.aspx#Population>, 2013

4 See: <http://www.maannews.net/eng/ViewDetails.aspx?ID=552362>

5 To view the Declaration of Principles on Interim Self-Government Arrangements, visit: <http://www.minfo.ps/English/index.php?pagess=main&id=120&butt=5>

6 See for example : <http://www.un.org/sg/statements/?nid=4561>

7 See: <http://www.quartetrep.org/quartet/pages/area-c-development/>

The field research was structured around two major components: an opinion poll targeting Palestinian journalists and media workers, and a set of in-depth interviews with a large range of stakeholders.

The opinion poll, conducted on behalf of the Media Development Center at Birzeit University by the Arab World for Research and Development (AWRAD), was organized in April 2013. It used a representative sample of 555 journalists (60% from the West Bank and 40% from the Gaza Strip) and was carried out concurrently in both parts of the country. The breakdown of the sample was as follows:

Sample Distribution (%)

Region		Age		Gender	
West Bank	60.5	18-35	73.0	Male	71.5
Gaza	39.5	36-50	22.9	Female	28.5
		51+	4.1		
District		Marital status		Do you work in more than one organization?	
Jenin	3.2	Marital status		Yes	35.9
Tulkarem	2.2	Single	42.0	No	64.1
Qalqilya	2.7	Married	56.0	Are you fully employed or do you work as freelance journalist?	
Nablus	11.2	Other	2.0	Fully employed	62.1
Salfit	0.7	Education		Freelance	23.1
Tubas	0.4	12 years or less	2.0	Both	14.8
Ramallah	18.4	Diploma	14.4	What is your main field of work?	
Jerusalem	3.1	BA or more	83.6	Print	25.7
Jericho	0.4	Income		Radio	35.1
Bethlehem	9.5	Good	39.5	TV	15.9
Hebron	8.8	Average	55.2	New media	17.4
Jabalaya	2.2	Low	5.2	Education/training	6.0
Gaza	30.3	Work sector			
DeirBalah	0.9	Government	12.3		
Khanyounis	5.9	Private	76.6		
Rafah	0.2	CSOs	8.8		
		Political party	2.3		

AWRAD completed 400 questionnaires through face-to-face interviews. The remaining 155 questionnaires were completed either by phone or by email. The sample was chosen from a comprehensive list of journalists working in Palestine, taken from sources such as the Palestinian Journalists' Syndicate, the directory of the Palestinian Academic Society for the Study of International Affairs (PASSIA), CSOs and government institutions to ensure equal representation across the various sectors. Thirty-five AWRAD researchers and field work supervisors participated in the survey and two intensive training sessions were organized prior to its commencement. The questions for the opinion poll were formulated in accordance with the categories of the MDI framework.

To complement the results of the opinion poll, the research team carried out a total of 58 interviews in both the West Bank and the Gaza Strip. Interviewees included media experts, journalists, media managers, representatives of the Palestinian Journalists' Syndicate, civil society representatives and members of government.

A team of six researchers, guided by one lead researcher, compiled the primary data collected through these consultations and compared it to the information gathered through the review of previous studies and through the analysis of legal texts in order to accurately address the 50 key indicators of the MDI framework.

On the basis of the findings and in consultation with an international legal expert, the research team proposed a set of evidence-based recommendations aimed at addressing the media development gaps identified in the report.

The preliminary findings of the assessment as well as the draft recommendations were presented and discussed at two multi-stakeholder conferences organized on 7 July 2013 and 11 December 2013 respectively, each bringing together some 120 participants in the West Bank and Gaza (via video conference) and attended by senior-level government representatives. The national taskforce for the National Media Strategy played an advisory role throughout the assessment, providing input on the study to the researchers, in particular at the two major consultation events mentioned above.

The feedback received at these conferences guided the research team in the finalization of the report, including by signaling the areas in which additional research was necessary. These conferences also provided an opportunity for the recommendations of the report to be fine-tuned and validated by a wide range of participants involved in the Palestinian media sector.

Structure

The study is built around five categories of indicators that analyze various aspects of the current Palestinian media environment.

Category one is comprised of indicators that assess existing constitutional and legal guarantees for freedom of expression, pluralism and diversity of the media, and the compatibility of these guarantees with international conventions. It focuses on the legal and policy framework in which the media operate, looking at issues such as freedom of expression and restrictions thereto, the right to information, editorial independence, the right of journalists to protect their sources, and the role of civil society in shaping public policy.

Category two assesses the extent to which the authorities actively promote the development of the media sector in a manner which prevents undue concentration and ensures diversity and transparency of ownership and content across public, private and community media.

Category three analyzes a large range of topics related to the media's role in promoting democracy and dialogue, ranging from the media's ability to reflect social diversity and serve the needs of all members of society, to verifying the existence of a public service broadcasting model. It also covers media self-regulation, public trust in the media and the important topic of the safety of journalists.

Category four looks at the availability and accessibility of training opportunities for media professionals, focusing on both vocational training and academic courses related to media. It also analyzes the presence of trade unions and Civil Society Organizations (CSOs) dealing with media issues.

Category five analyzes the availability of modern infrastructure, facilities and equipment for media professionals, as well as the extent to which all of society, including marginalized groups, has access to modern forms of communication and ICT.

This study provides a snapshot of an evolving situation. It offers a baseline for both identifying gaps and for assessing changes. UNESCO encourages stakeholders to use it as an ongoing knowledge resource for individual, institutional and joint initiatives that can promote free, pluralistic and independent media in Palestine.



Category 1

A system of regulation conducive to freedom of expression, pluralism and diversity of the media

Key Indicators

A. Legal and Policy Framework

- 1.1 Freedom of expression is guaranteed in law and respected in practice
- 1.2 The right to information is guaranteed in law and respected in practice
- 1.3 Editorial independence is guaranteed in law and respected in practice
- 1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice
- 1.5 Public and civil society organizations (CSOs) participate in shaping public policy towards the media

B. Regulatory System for Broadcasting

- 1.6 Independence of the regulatory system is guaranteed by law and respected in practice
- 1.7 Regulatory system works to ensure media pluralism and freedom of expression

C. Defamation Laws and Other Legal Restrictions on Journalists

- 1.8 Unwarranted legal restrictions are not placed on the media
- 1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals
- 1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

D. Censorship

- 1.11 The media is not subject to prior censorship as a matter of both law and practice
- 1.12 Efforts are not sought to block or filter Internet content deemed sensitive or detrimental

Category 1

A system of regulation conducive to freedom of expression, pluralism and diversity of the media

Introduction

As defined by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), the concept of freedom of expression encompasses the following:

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.⁸

It is on this basis that the concepts of media pluralism and diversity have been recognized as important for UNESCO in terms of the provision of opportunity for “the expression of diverse opinions, cultures, languages and groups in any given society.”⁹

This chapter is based on the premise that setting up an appropriate legal framework for protecting the right to freedom of expression as well as regulatory safeguards for media pluralism are essential elements in fostering an enabling environment for free, diverse and independent media.

A. Legal and Policy Framework

Freedom of expression and the right to information require an enabling media environment with strong constitutional and legal guarantees that protect these rights.

1.1 Freedom of expression is guaranteed in law and respected in practice

The Palestinian Basic Law attests to the commitment of the Palestinian Authority (PA) to sign international treaties and conventions related to human rights and to abide by their provisions. Article 10 of the Basic Law stipulates: “The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights.”¹⁰ In a majority vote of the UN General Assembly, Palestine was accepted as a non-member observer state in the United Nations in 2012.¹¹ Following this decision, Palestine was able to apply, on 2 April 2014, to join a number of international treaties that protect the principles of human rights, including freedom of expression. These comprise seven of the nine core human rights treaties, including the International Covenant on Civil and Political Rights, and one substantive protocol.¹²

⁸ Adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of 16 December 1966 and entered into force on 23 March 1976.

⁹ UNESCO, 2006, *Memo on Media Pluralism*: http://www.unesco.org/bpi/pdf/memobpi46_mediapluralism_en.pdf

¹⁰ Article 10 of the Basic Law.

¹¹ UN General Assembly Resolution A/67/L.28 granting Palestine non-member observer state status in the United Nations, 2012.

¹² The seven human rights treaties and one protocol are :

- The International Covenant on Civil and Political Rights (ICCPR)

- The International Covenant on Economic, Social and Cultural Rights (ICESCR)

Five of these treaties entered into force in May 2014 (namely CAT, CERD, CEDAW, CRPD and CRC, and the Optional Protocol to this last Convention), while the two Covenants (ICCPR and ICESCR) will come into force on 2 July 2014.

As noted by the NGO working for freedom of expression, ARTICLE 19, Palestine has also undertaken specific human rights obligations in the context of its membership in the Euro-Mediterranean Partnership that was established by the European Union in November 1995 with the adoption of the Barcelona Declaration. The Declaration states that members shall “respect human rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms, including freedom of expression.”¹³

Furthermore, the Sana’a Declaration on Promoting Independent and Pluralistic Arab Media, endorsed by UNESCO’s General Conference in November 1997, establishes that:

Arab states should provide, and reinforce where they exist, constitutional and legal guarantees of freedom of expression and of press freedom and should abolish those laws and measures that limit the freedom of the press; government tendencies to draw limits/red lines outside the purview of the law restrict these freedoms and are unacceptable.¹⁴

The Palestinian Basic Law,¹⁵ the Press and Publications Law¹⁶ and the Palestinian Journalists’ Syndicate (PJS) Law,¹⁷ all applicable in the West Bank and Gaza Strip, espouse freedom of expression. The Basic Law is considered to be at the pinnacle of the Palestinian legal framework, acting in lieu of a constitution and, as such, may not be contradicted by any other legal provisions. The Basic Law includes a provision that guarantees freedom of expression and opinion. Article 19 stipulates:

Freedom of opinion may not be prejudiced. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law.¹⁸

The final section which states “with due consideration to the provisions of the law” serves to weaken the constitutional protection of freedom of expression the Article provides for. The Basic Law fails to impose constraints on any laws which may restrict freedom of expression. Rather than adhering to principles adopted by the international community that only allow for constraints on freedom of expression to protect fundamental interests like national security and reputation, subject to the principles of necessity and proportionality, the Basic Law effectively accepts that any law may override free speech. The government is therefore free to pass legislation which may impinge upon freedom of expression.

This is a significant shortcoming of the Basic Law, particularly given that many of the laws applicable in the West Bank and Gaza Strip severely and disproportionately restrict freedom of expression and opinion. Harsh penalties for offences

- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The Convention on the Rights of Persons with Disabilities (CRPD)
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- The Convention on the Rights of the Child (CRC)
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict (CRC-OPAC)

See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=14556>; <http://www.unmultimedia.org/radio/english/2014/05/palestine-adopts-significant-human-rights-treaties/#.U3C-4E3eiUI>

13 ARTICLE 19 & the International Center Against Censorship and the Center for media Freedom in the Middle East and North Africa, 1999, *Memorandum on the 1995 Press Law of the Palestinian Authority*, p.3: <http://www.article19.org/data/files/pdfs/analysis/palestine.prs.99.pdf>

14 The Sana’a Declaration on Promoting Independent and Pluralistic Arab Media, 1997, Resolution 34 adopted by the UNESCO General Conference at its twenty-ninth session: http://www.unesco.org/webworld/fed/temp/communication_democracy/sanaa.htm

15 A Palestinian law issued on 22 May, 2002. This law defines the Palestinian Authority, its legislative, executive and judicial branches, and the rights and freedoms of citizens. The Palestinian Basic Law functions as a temporary constitution for the Palestinian Authority.

16 The Press and Publications Law No. 9 of 1995 is a provisional law that regulates the printed media. The law was passed according to a presidential decision signed by the late President Yasser Arafat and has the force of law. It has not been submitted to the Palestinian Legislative Council for ratification as a permanent law.

17 A Jordanian law issued in 1953 to regulate journalism during the period of Jordanian rule over the West Bank. The law has not been amended or repealed to date. Although this law is legally in force in the West Bank and Gaza Strip, the Palestinian Journalists’ Syndicate adopts rules and regulations that are not based on its provisions.

18 Palestinian Basic Law, Article 19.

relating to publication and expression of opinion imposed by the old penal codes are still in force in the West Bank and the Gaza Strip and are examples of laws that breach the exercise of the right to freedom of expression.¹⁹

Following its inception in 1994, the Palestinian Authority (PA) endorsed the Press and Publications Law aimed at regulating the Palestinian media.²⁰ Article 2 of this Law guarantees freedom of press and of opinion. It stipulates: “Press and printing shall be free and freedom of opinion is guaranteed for every Palestinian, who may express his opinion freely in words, writing, illustration and drawing in the media.”²¹

However, according to the Palestinian Center for Human Rights (PCHR), the Press and Publications Law of 1995 and also the Presidential Decree No. 3 on the Consecration of National Unity and Prevention of Incitement issued in 1998 by the late President Yasser Arafat give “the concerned authorities wide-ranging powers to impose limitations that undermine the essence of the right to freedom of opinion and expression.”²² Similarly, the UN Special Rapporteur on freedom of opinion and expression, Frank La Rue, noted in a report submitted to the Human Rights Council in 2012 that the 1995 Press and Publications Law contains provisions that “unduly restrict the right to freedom of opinion and expression [...] and contravene the Palestinian Basic Law and international standards on the right to freedom of opinion and expression.” In addition, as the Special Rapporteur pointed out, the Press and Publications Law provides harsh sanctions including imprisonment for breach of its provisions.²³

The PCHR has therefore called for a review of the legislation that regulates the right to free expression and freedom of the press in order to ensure that “they conform to relevant international principles.”²⁴

Finally, the Jordanian Journalists’ Syndicate Law, which applies in the West Bank, states in its Article 4: “Freedom of press is sacred and it is the duty of the Syndicate to defend it and not to threaten the freedom of any member due to his political opinion.”²⁵

The political division lasting since 2007 in Palestine between the Palestinian National Authority in the West Bank and the de facto authorities in Gaza has had a significant effect on the exercise of freedom of opinion and expression, especially in Gaza. The phenomenon of detention for political affiliation or political opposition has occurred in both the West Bank and the Gaza Strip.²⁶ Instances such as the prosecution of journalists for voicing their political opinions or for the publication of particular information in the media demonstrate the limits of press freedom. (*More information under indicator 1.10.*) Media outlets in the Gaza Strip have been prohibited from criticizing the practices of the de facto authorities, particularly regarding the violation of the human rights of citizens. The situation is similar in the West Bank where the PA security agencies have tightened their hold over the media and journalists are restricted in publicising violations committed against West Bank citizens.

A report published in July 2013 by the Palestinian Center for Development and Media Freedoms (MADA), a civil society organization (CSO) active in promoting freedom of expression, reveals that other types of assaults against freedom of expression and opinion also continue in both parts of the country. (*See indicator 1.3 for examples.*)

¹⁹ Jordanian Criminal Law No. 16 of the year 1960 is in force in the West Bank while the British Mandate Criminal Code Ordinance No. 74 of 1936 remains in force in the Gaza Strip.

²⁰ The Press and Publications Law No. 9 of 1995 is a provisional law that regulates the printed media. The law was passed according to a presidential decision signed by the late President Yasser Arafat and has the force of law. It has not been discussed by the Palestinian Legislative Council for ratification as a permanent law.

²¹ Article 2 of the Press and Publications Law No. 9 of 1995.

²² The Palestinian Center for Human Rights, 2010, *Report on the Right to Freedom of Opinion and Expression and the Right to Peaceful Assembly under the Palestinian Authority*, p.5: <http://www.pchrgaza.org/files/2011/freedom%202010.pdf>

²³ Report of the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression, Frank La Rue, *Addendum - Mission to Israel and the occupied Palestinian territory*, 2012, p.13: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf

²⁴ The Palestinian Center for Human Rights, 2010, *Report on the Right to Freedom of Opinion and Expression and the Right to Peaceful Assembly under the Palestinian Authority*, p.29: <http://www.pchrgaza.org/files/2011/freedom%202010.pdf>

²⁵ Jordanian Journalists’ Syndicate Law No. 17 of 1952

²⁶ In the 18th Annual Report of 2013, the Independent Commission for Human Rights (ICHR) documented complaints against arbitrary detentions and detention on the grounds of political affiliations amounting to 789 complaints by the end of 12/2012 in the West Bank and the Gaza Strip (563 complaints in the West Bank and 226 in the Gaza Strip): <http://www.ichr.ps/ar/1/6/1040/3>

The UN Special Rapporteur on freedom of opinion and expression has further drawn attention to the restrictions imposed in East Jerusalem by the Government of Israel on “the right of Palestinians to seek, receive and impart ideas and opinions.”²⁷

1.2 The right to information is guaranteed in law and respected in practice

The right to access information does not enjoy adequate protection in Palestine. To date no law relating to the right to information exists. This is despite attempts in 2005 to introduce a CSOs-drafted law on the right to access information. This draft law passed discussions at the Palestinian Legislative Council’s (PLC) 10th session held in April 2005. It was approved in a general reading and referred to the specialized PLC committees for scrutiny and comments. However, the Palestinian political division in 2007 disrupted the work of the PLC and the passage of the law was put on hold.

According to ARTICLE 19, the draft law followed international best practice on the right to access information in allowing only “certain narrow exceptions on the basis of which access to information may be refused” and establishing “a Public Commissioner to supervise implementation.”²⁸ However, the NGO made recommendations for possible improvements, including guaranteeing the right of access to all, not just citizens and residents, and further limiting the exceptions regime to ensure that information may be withheld only if its disclosure would “cause significant harm to a legitimate public or private interest which outweighs the public interest in disclosure.”²⁹

In 2012, several CSOs and media organizations including the Palestinian Center for Development and Media Freedoms (MADA), Birzeit University’s Media Development Center (MDC) and Wattan TV called for the revival, improvement and ratification of the draft law on the right to access information. The Geneva Centre for the Democratic Control of Armed Forces (DCAF) and MADA launched a new detailed review of the draft law highlighting a number of missing elements needed to ensure effective access to information for citizens and media workers. These include: “a definition of the principle of freedom of information informed by best international practice, [...] a mention of those oversight bodies which have a statutory role in scrutinizing the government’s work and preventing practices of opacity and secrecy” and “articles reasserting the necessary commitment of public institutions to the principles of transparency, accountability and responsiveness.”³⁰

In 2013, the new draft Law proposed by DCAF and MADA was adopted with some amendments by the Palestinian Anti-Corruption Commission (PACC). A committee consisting of representatives from the PACC, the government, CSOs and media institutions was set up to review this new version of the draft law. The committee carried out its work between the end of 2013 and February 2014. It then published the new proposed draft law online for public discussion and feedback.³¹

The Press and Publications Law No. 9 of 1995 refers implicitly to the right to information. It does not address this right on the basis of existing international principles in this area and does not overtly state or reflect the concept of the right to information in its provisions. The concept of the right to information can, however, be inferred in a limited and indirect manner from Article 4 (a) which mentions that freedom of expression includes, “informing citizens of facts, ideas, trends and information from local, Arab, Islamic and international sources”³² and further in Article 4 (c): “freedom of the press also includes the search for information, news and statistics of interest to the public from different sources and their analysis, circulation, dissemination and commentary within the boundaries of the law.”³³

27 Report of the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression, Frank La Rue, *Addendum - Mission to Israel and the occupied Palestinian territory*, 2012, p.2: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf.

28 ARTICLE 19, 2005, *Memorandum on a proposal for a draft law on Access to Information in Palestine*, p. 3: <http://www.article19.org/resources.php/resource/324/en/palestine:-freedom-of-information-act>.

29 *Ibid.*

30 Geneva Centre for the Democratic Control of Armed Forces (DCAF) and Palestinian Center for Development and Media Freedoms (MADA), 2012, *Working Paper – Palestinian Media and Security: Promoting Palestinian Journalists’ Access to Information through Legislation*: <http://www.dcaf.ch/Publications/Working-Paper-Palestinian-Media-and-Security-Promoting-Palestinian-Journalists-Access-to-Information-through-Legislation>.

31 For more information about the draft law visit: <http://www.palestinecabinet.gov.ps/ar/Views/PageView.aspx?pid=1358>. [Text in Arabic]

32 The Palestinian Press and Publications Law No. 9 of 1995, Article 4 (a).

33 The Palestinian Press and Publications Law No. 9 of 1995, Article 4 (c).

According to the survey carried out among 555 journalists for this assessment, 56% of Palestinian journalists agree or agree to a certain extent that they have sufficient access to official information (59% in the West Bank and 53% in the Gaza Strip), while 44% disagree or disagree to a certain extent (41% in the West Bank and 47% in the Gaza Strip).³⁴

Table 1: “I believe that I have sufficient access to official information”

	Overall	West Bank	Gaza Strip
Agree	12.8%	12.2%	13.7%
Agree to a certain extent	44.0%	46.7%	39.7%
Disagree to a certain extent	16.9%	12.5%	23.7%
Disagree	26.1%	28.3%	22.8%
I do not know	0.2%	0.3%	

These results demonstrate that opinions differ among journalists regarding the extent to which their right to access information is protected. According to Hosam Ezzedin, journalist and chairman of the Committee on Ethics and Rules of the Profession in the Palestinian Journalists' Syndicate (PJS):

These differences in opinion may be partly explained by the fact that there is a poor understanding of the concept of the right to information and that many journalists associate this right with officials making media statements. Journalists are unaware of the full meaning of the concept, which implies the presence of a political and legal environment that protects the right to request and receive information from public bodies - a right that should be granted to journalists and citizens alike.³⁵

Lack of awareness or proper understanding of the right to information can be said to be common in Palestinian society generally.

There are no studies or reports that monitor and provide reliable data on the approval or rejection by government officials of requests submitted by journalists to disclose official documents or information. However, a number of journalists consulted for this study recounted that they were denied access to selected records and documents in the possession of ministries and official institutions on the grounds that the law or the regulations of those institutions did not grant access to these documents.

A review of the Palestinian laws that regulate the work of the Ministries of Health and National Economy shows that there is no defined provision on the right of journalists and citizens to access information, with the exception of the Consumer Protection Law No. 21 of 2005. Article 3 (6) of this Law gives citizens the right “to access accurate information about the products [they] purchas[e] or us[e] so that [they] can exercise [their] right to free and informed choice from among all the goods and services on the market.”³⁶

³⁴ Opinion poll conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

³⁵ Interview conducted for this study with journalist and chairman of the Committee on Ethics and Rules of the Profession in the Palestinian Journalists' Syndicate (PJS) in December 2013.

³⁶ Palestinian Consumer Protection Law No. 21 of 2005, Article 3 (6).

1.3 Editorial independence is guaranteed in law and respected in practice

Article 3 of the Press and Publications Law No. 9 of 1995 concerning the so-called ‘tasks of the press’ describes:

The press shall exercise its role in providing news, information and comments freely and shall contribute to the dissemination of thought, culture and science within the boundaries of the law and preservation of public freedoms, rights and duties, and with respect for the privacy and sanctity of others.³⁷

The law implicitly acknowledges the freedom of the Palestinian press to provide news and information, while noting that this should be done with due consideration to the provisions of the law. It cannot be concluded however that editorial independence in media institutions is protected under Palestinian law.

The opinions of Palestinian journalists surveyed with respect to editorial independence showed that 45% of respondents agree or agree to a certain extent that “external bodies/actors (outside of the editorial team) do not influence the editorial content of media” (42% in the West Bank and 48% in the Gaza Strip), while 54% disagree or disagree to a certain extent (58% in the West Bank and 50% in the Gaza Strip).³⁸

Table 2: “I believe that external bodies/actors (outside of the editorial team) do not influence the editorial content of media”

	Overall	West Bank	Gaza Strip
Agree	15.0%	13.7%	16.9%
Agree to a certain extent	29.9%	28.6%	32.0%
Disagree to a certain extent	20.7%	18.5%	24.2%
Disagree	33.9%	39.3%	25.6%
I do not know	0.5%		1.4%

More revealing perhaps is the fact that among these, only 15% of respondents *fully* “agree” with the statement “external bodies/actors do not influence the editorial content of media,” while 34% “disagree.”

Incidents of external interference or influence on editorial policies usually occur as a result of economic or political relationships between media institutions and external parties. Interference thus occurs indirectly and is therefore difficult to ascertain or prove.

However, there are reports from credible media institutions that suggest external influences have played a role in shaping media content. A 2013 report by the International Press Institute, for example, states that “political and economic pressures limit the time and space that media devote to covering voices from the other side of the conflict, and affect their ability to be critical of the authorities.”³⁹

Another report, by the Panos Paris Institute and the Mediterranean Observatory of Communication, looks at how human rights violations are reported in the programmes of the national broadcaster Palestine TV. It notes that while human rights issues are regularly featured in news programmes, a qualitative content analysis shows a focus “on denouncing human rights violations perpetrated by Israel whilst violations inside the country itself (by the government against its own people) [are] systematically ignored.”⁴⁰

³⁷ Article 3 of the Palestinian Press and Publications Law No. 9 of 1995.

³⁸ Opinion poll conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

³⁹ International Press Institute, 2013, *Patriotism, Pressure and Press Freedom: How do Israeli and Palestinian media cover the conflict from inside*. p.4: http://www.freemedia.at/fileadmin/media/Patriotism_Pressure_and_Press_Freedom_IPI_Report.pdf

⁴⁰ Panos Paris Institute and Mediterranean Observatory of Communication, 2012, *Public Service Broadcasting in the MENA region: potential for reform*. p.19: <http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>.

There are limits on editorial independence in practice. The Independent Commission for Human Rights (ICHR)⁴¹ in its Annual Report on the Status of Human Rights in Palestine revealed that in 2012:

Palestinian security agencies arrested at least 30 journalists in the West Bank and the Gaza Strip for voicing their opinions or for publishing specific press reports. In most of these cases, this took place in the absence of legally-based measures and investigations focused on the media activities of the journalists and their published information and opinions.⁴²

Calls by the Commission on the security services and the Ministry of Interior for the release of these journalists are usually faced with repeated responses by security officials alleging that the detentions are for reasons related to security and public order.

The Palestinian Center for Development and Media Freedoms (MADA) stated that in October 2013 the following violations took place. Majdi Taha, Director of the Sawt Al-Gad radio station, was detained by the Palestinian General Intelligence service in Salfit for writing a report on the disappearance of a girl in the village of Bidia. George Qanawati, Director of Bethlehem 2000 Radio, was arrested by police in connection with his weekly radio programme Amar ya Balad. (*See indicator 3.13 for details.*) The Presidential Security Force detained Wattan TV crew members (reporter Ibrahim Anqawi and cameraman Nael Rujub) while they were preparing a press report on shell companies in the vicinity of the presidential headquarters in Ramallah. In Gaza, Internal Security Police detained Yahia Hassouneh, photographer from the French news agency Agence France Presse (AFP), while he was working on a report on the ninth anniversary of the passing away of the late Palestinian President, Yasser Arafat.⁴³

An earlier report by the Palestinian Center for Development and Media Freedoms (MADA) in July 2013 revealed that the police of the de facto authorities in Gaza had prevented a Palestine TV crew (correspondent Safa Al Habeel and photographer Ayman Suweissi) from preparing a report on the drinking water crisis in Khan Yunis governorate. They were prohibited from taking photographs and conducting interviews with officials related to this issue. The MADA report further disclosed that in the West Bank the Palestinian Preventive Security Agency had summoned the independent journalist and writer, Khaled Maali, to its headquarters in Salfit, where he was interrogated about his articles and press reports and was detained for four and a half hours.⁴⁴

These cases in which alleged violations of freedom of expression, through both use of laws and without legal basis, occurred during 2012-2013 in the West Bank and the Gaza Strip suggest a level of disrespect for freedom of expression guarantees included in the Palestinian Basic Law and the Palestinian Press and Publications Law. Moreover, because usually no one is held accountable, this strengthens the possibility of such actions occurring again in the future.

1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice

The Palestinian Press and Publications Law of 1995, Article 4 (d), includes a guarantee for journalists' right to protect their sources, namely, "the right of the printed press, news agency, editor and journalist to keep sources of information and news confidential unless the court decides otherwise to protect national security or stop a crime or serve justice."⁴⁵

This provides Palestinian journalists with a clear legal recognition of their right. The article is not confined to journalists working in printed media alone but it applies to all journalists in the printed, audio-visual or Internet media. In the absence of an audio-visual law, the Ministry of Information applies the provisions of the Palestinian Press and Publications Law

⁴¹ The Independent Commission for Human Rights (ICHR) was established on 30/9/1993 by Presidential Decree No. 59 issued by the Late President Yasser Arafat. The Decree was subsequently published in the Official Gazette in 1995. ICHR enjoys full membership in the International Coordinating Committee of National Human Rights Institutions (ICC).

⁴² ICHR, *Annual Report 2012*: <http://www.ichr.ps/ar/1/6?d=2012>

⁴³ Palestinian Center for Development and Media Freedoms (MADA), *Monthly Report July 2013*: http://www.madacenter.org/report.php?lang=1&id=1328&category_id=13&year=2013

⁴⁴ Ibid.

⁴⁵ The Palestinian Press and Publications Law No. 9 of 1995, Article 4 (d).

that are relevant to media content, journalists' rights and media freedom to audio-visual media outlets as well, although the Law was originally aimed at the printed media and does not refer to other types of media.

According to the survey conducted for this study, only 12% of Palestinian journalists (9% in the West Bank and 17% in the Gaza Strip) fully agree with the statement: "I feel that I can protect my sources without fear of prosecution or harassment," while 34% disagree (35% in the West Bank and 31% in the Gaza Strip).⁴⁶

Table 3: "I feel that I can protect my sources without fear of prosecution or harassment"

	Overall	West Bank	Gaza Strip
Agree	12.4%	9.5%	16.9%
Agree to a certain extent	33.2%	37.8%	26.0%
Disagree to a certain extent	20.5%	17.3%	25.6%
Disagree	33.9%	35.4%	31.5%
I do not know			16.9%

Reports by institutions that defend press freedoms confirm that Palestinian journalists may be subjected to harassment by Palestinian security agencies in the West Bank and the Gaza Strip, and are often forced to reveal their sources of information and how they obtained the information they published in the media.

The Independent Commission for Human Rights (ICHR), for example, mentions in its annual report on violations of human rights in 2012 that it received numerous complaints from journalists working in the West Bank and the Gaza Strip.⁴⁷ Several of them reported that they had been interrogated by security services in the West Bank or Gaza Strip and put under pressure to reveal sources of information.⁴⁸ Similarly, journalist Yousef Al-Shayeb has described in various press statements how he was subjected to pressure by one of the security agencies to disclose his sources of information.⁴⁹ (*Details of his case under 1.10.*)

These cases demonstrate that relevant actors, in particular certain members of the security services, have not abided by the explicit legal provisions stipulated in the Palestinian Press and Publications Law of the right of a journalist to keep his or her sources of information confidential.

1.5 Public and civil society organizations (CSOs) participate in shaping public policy towards the media

CSOs sometimes have the opportunity to participate with the government in media policy making. This is more evident in the West Bank than in the Gaza Strip. In 2013 the Ministry of Telecommunications and Information Technology took a decision to establish a National Commission for Digital Conversion comprised of members of the government, media and civil society, intended to devise a national plan for the transition of radio and TV stations from terrestrial analogue broadcasting to digital transmission. This decision followed a series of consultative meetings held by the Ministry with media institutions and CSOs aimed at involving them in drafting the general guidelines for digital conversion in Palestine. (*For more details on this, please refer to indicator 5.3.*)

In 2011, the Palestinian government formed a committee of experts, representatives of CSOs and government members to draft laws on the Higher Council of Information and the audio-visual media. CSOs were well represented in the discussions which led to the development of draft laws in these two areas. However, due to the paralysis of the PLC caused by the political division these draft laws are yet to be adopted.

⁴⁶ Opinion poll conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

⁴⁷ The complaints are documented in the ICHR Annual Report of 2012.

⁴⁸ ICHR, *Annual Report 2012*: <http://www.ichr.ps/ar/1/6?d=2012>

⁴⁹ See: <http://www.dc4mf.org/ar/content/1174>.

The UN Special Rapporteur on freedom of opinion and expression welcomed in 2012 the “efforts made by the Ministry of Information” to amend the Press and Publications Law of 1995 “in consultation with civil society representatives,” with a view to removing its restrictive provisions. The UN Special Rapporteur was informed that the final version of the proposed amendments to the Press and Publications Law would be submitted to the President for approval.⁵⁰

Overall, the government and CSOs cooperate in discussions on media policies and laws. Officials and policy makers participate in meetings and conferences and are keen to invite CSOs to take part in their discussions on specific media-related policies.

At the same time, however, the government has routine stages in the formulation of its policies and can make fundamental changes to what was agreed upon with the media in these sessions. Although discussions took place in 2011 on the draft law for the regulation of audio-visual media, to date no practical steps have been taken to adopt this draft law, which still awaits the government’s endorsement, or to implement the findings of the joint committee.

In the case of the draft law for a Higher Council of Information, the government endorsed it 2013, addressing a number of concerns that had been made by journalists and other partners on the draft. It now awaits the signature of the President to be decreed into law in the absence of a functioning Legislative Council.

The table below shows that a combined total of 53% of the journalists surveyed believe, or believe to a certain extent, that opportunities are available for media institutions and CSOs to participate in devising media policies and laws (56% in the West Bank and 49% in the Gaza Strip), while 47% disagree or disagree to a certain extent (42% in the West Bank and 51% in the Gaza Strip).⁵¹

Table 4: “Relevant stakeholders have an opportunity to participate in the development of media laws and policies”

	Overall	West Bank	Gaza Strip
Agree	16.0%	16.1%	16.0%
Agree to a certain extent	37.5%	40.2%	33.3%
Disagree to a certain extent	18.9%	14.6%	25.6%
Disagree	26.5%	27.7%	24.7%
I do not know	1.1%	1.5%	0.5%

Many of the key demands of media institutions and CSOs are still pending as the official parties have not taken appropriate action to address them. One example is the approval of the law on the right to access information, the importance of which has been emphasized by many media and civil society institutions.

B. Regulatory System for Broadcasting

In Palestine there are 85 radio stations – 70 in the West Bank and 15 in the Gaza Strip – and 17 local TV stations, which broadcast from the West Bank.⁵² There are also four satellite channels: Ma’an and Al-Falastinia in the West Bank, and Al-Aqsa and Al-Kittab in Gaza. From 1994 when the first Palestinian radio stations emerged following the inception of the Palestinian Authority and up until 2004 there were no laws or regulations to manage broadcasting in Palestine. In 2004, the Palestinian government issued a decision to regulate the work of local Palestinian radio and TV stations.⁵³ A

⁵⁰ Report of the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression, Frank La Rue, *Addendum - Mission to Israel and the occupied Palestinian territory*, 2012, p.12: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf

⁵¹ Opinion poll conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

⁵² The figures relating to the West Bank were obtained from the Ministry of Information, Department of Audiovisual Information in Ramallah. The researchers did not manage to obtain confirmation from the Ministry of Information in Gaza regarding the figures relating to the Gaza Strip. These were therefore verified by directly contacting the radio stations and confirmed by media experts working in Gaza.

⁵³ Decision of the Council of Ministers No. 182 of 2004 Concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations.

law on audio-visual media was drafted in 2011 but has never been endorsed.⁵⁴ This draft law differs from the government decision currently in force by including a comprehensive view of the audio-visual media and taking into account some elements of media freedom. Although some flaws still exist in the draft law, it may be considered as advanced in nature, and a step forward.

1.6 Independence of the regulatory system is guaranteed by law and respected in practice

There is currently no independent body for regulating audio-visual media in Palestine. The 2004 Decision of the Council of Ministers on the licensing of radio and TV stations entrusts this responsibility to a Tripartite Committee comprising the Ministry of Interior, the Ministry of Information and the Ministry of Telecommunications and Information Technology.⁵⁵ The Committee is authorized to monitor and inspect the work of radio and TV stations and supervise the granting of broadcasting licenses. The Ministry of Interior is responsible for granting security approval, the Ministry of Information for approving media content, and the Ministry of Telecommunications and Information Technology for allocating frequencies. The Ministry of Information is therefore granted the right to intervene in the media content of radio and TV stations. The Committee launched its work following the issuance of the Decision of the Council in 2004 and has since held regular meetings.

After the political differences in 2007, the mandate to allocate and renew radio and TV stations' licenses in the Gaza Strip was entrusted to the General Administration for Press and Publication Department, affiliated to the Ministry of Information and the Governmental Media Office of the de facto authorities. This Department provides radio and TV licensing forms on its website which applicants should complete and which are then assessed and decided upon in cooperation with the three relevant ministries (Information, Telecommunications and Interior).⁵⁶

Thus, in both the West Bank and the Gaza Strip the authority to grant TV and radio licenses is entrusted to governmental bodies. This is contrary to international standards that emphasize the need for the independence of regulatory bodies, in order to ensure fairness in the allocation of frequencies. The Human Rights Committee of the United Nations, in its General Comment 34 on Article 19 of the International Covenant on Civil and Political Rights (ICCPR), underlines the need for an independent licensing body when it states: "It is recommended that State parties that have not already done so should establish an independent and public broadcasting licensing authority, with the power to examine broadcasting applications and to grant licenses."⁵⁷

As part of the attempts to regulate the telecommunications sector in the West Bank, the Ministry of Telecommunications and Information Technology drafted in 2010 the "National Policies for the Telecommunications Sector"⁵⁸ to improve "public benefit from telecom services and open the market for competition based on transparency and openness."⁵⁹ According to this document, one of the most important challenges facing the Palestinian telecommunications sector is the establishment of an independent body to regulate the sector. The Ministries of Telecommunications and Information Technology work separately in the West Bank and Gaza.

54 See: <http://www.wafa.ps/arabic/index.php?action=detail&id=114813>.

55 Decision of the Council of Ministers No. 182 of 2004 Concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations.

56 To view the tasks and authorities of the General Administration for Press and Publication department affiliated to the Ministry of Information and the Governmental Media Office in Gaza, visit: http://gmo.ps/ar/?page=menu_det&type=0&id=46.

57 General Comment 34 on Article 19 of the International Covenant on Civil and Political Rights (ICCPR), September, 2011: <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

58 See: <http://www.mtit.pna.ps/ar/cp/plugins/spaw/uploads/files/strategy%20final.pdf>. [Text in Arabic]

59 This document was issued by the decision of Mashhour Abu Daqa, Former Minister of Telecommunication, on 6 April 2010.

The National Policies for the Telecommunications Sector spell out the main purpose of an independent regulatory body:

1. To adhere to best international practices for the management of the telecommunications sector in an independent manner.
2. To apply principles of transparency, integrity and professionalism.
3. To attract investment in the Palestinian telecommunications sector.⁶⁰

The National Policies for the Telecommunications Sector appear to be an attempt to reform the regulations on Palestinian telecommunications, including radio and TV transmission. These may have positive effects on the local Palestinian media since the regulations currently in force, particularly the Decision of the Council of Ministers No. 182 of 2004 Concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations, inhibit the democratization of spectrum allocation, especially in view of the digital transition.

To quote the world's Special Rapporteurs for free expression in their Joint Declaration on the Protection of Freedom of Expression and Diversity in the Digital Terrestrial Transition:

Although key policy decisions regarding digital terrestrial transition need to be taken by the government, implementation is legitimate only if it is undertaken by a body protected from political, commercial and other forms of unwarranted interference in accordance with international human rights standards (i.e. an independent regulator).⁶¹

As stated in the National Policies for the Telecommunications Sector, the creation of an independent body is based on a presidential decree issued in June 2009 to ratify a new telecommunications law and establish the Palestinian Telecommunications Regulatory Authority (PTRA) to provide transparent and independent professional assistance to the telecommunications sector in Palestine. The PTRA would replace the Tripartite Committee and be responsible for regulating the airwaves for local radio and TV stations.

However, although the document on National Policies for the Telecommunications Sector stipulates a three-year time period from 2010 in which to implement its provisions, the PTRA had not been established by May 2014 and the majority of the objectives of the document have not been achieved.

1.7 Regulatory system works to ensure media pluralism and freedom of expression

The Decision of the Council of Ministers No. 182 of 2004 Concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations stipulates compliance with the following principles: "respect of the human person, freedom and rights of others, pluralist expression of thoughts, objective news broadcast, preservation of public decisions, and requirements of national security and public interest."⁶²

However, the Tripartite Committee is not subject to public scrutiny. There is no system to review or monitor its decisions or how it uses its powers. It is therefore difficult to assess the extent to which the Committee attempts to enhance media pluralism. No reports appear to have been published that evaluate the Committee's work or the extent to which it adheres to media pluralism and freedom of expression.

Media bodies and CSOs involved in the development of Palestinian media have intensified their criticism of the working mechanisms of the Tripartite Committee during the past five years, particularly the role of the Ministry of Interior in granting licenses to local stations. They have also called for reform of the legal environment for local radio and TV stations by the adoption of a law on audio-visual media, the abolition of the Ministry of Information, and the formation of an independent Higher Council of Information entrusted with granting and renewing licenses.

⁶⁰ See: <http://www.mtit.pna.ps/ar/cp/plugins/spaw/uploads/files/strategy%20final.pdf>

⁶¹ Joint Declaration on the Protection of Freedom of Expression and Diversity in the Digital Terrestrial Transition, May 2013, San Jose, Costa Rica.

⁶² Article 13, Item 3 of the Decision of the Council of Ministers No. 182 of 2004 Concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations.

Although freedom of opinion and freedom of expression are guaranteed under Article 19 of the Palestinian Basic Law, the regulations and decisions that regulate the audio-visual media make no special attempt to ensure that these principles are applied to audio-visual media institutions and their individual staff.

C. Defamation Laws and Other Legal Restrictions on Journalists

The legal liability to which journalists may be exposed in Palestine as a result of publication of their opinion or of information that has a negative impact on an individual or public or private party is a major source of concern for journalists and media workers. In addition to defamation, a number of other restrictions which are defined in a vague manner and without a clear definition of scope limit the exercise of freedom of expression in the country.

1.8 Unwarranted legal restrictions are not placed on the media

Some unwarranted legal restrictions can be found in the Jordanian Journalists' Syndicate Law, which defines those entitled to practice journalism in the following provision: "Only members of the syndicate shall have the right to bear the title of 'journalist' and to practice the profession of journalism in the Kingdom, with the exception of foreign correspondents who arrive in the country for temporary media activities."⁶³ This is originally a Jordanian Law that was applied to the Palestinian press during Jordanian rule of the West Bank prior to 1967. Although this law remains in force, it is not actually implemented. Thus, in practice, journalism is not a restricted profession in Palestine and is not subject to any special conditions.

Many journalists in Palestine have no academic qualifications in media, nor are they members of the PJS. These journalists are often granted equal opportunities in press coverage and in practicing the profession, and can enjoy PJS membership in the same way as those with relevant academic qualifications. In addition, the PJS defends journalists who are exposed to attempts to curb their freedom whether they are members of the PJS or not.

According to PJS rules of procedure⁶⁴ in the West Bank and the Gaza Strip, to become a member a journalist must prove that they are both practicing journalism and working as a journalist for a media institution.⁶⁵ However, it is not required to be a member of the PJS in order to work as a journalist and journalists who are not members still have the support of the PJS while working in the profession.

Therefore, the reality differs from the provisions of the Journalists' Syndicate Law which make membership of the PJS a precondition to work as a journalist and to obtain the Syndicate's support and services.

The Palestinian Press and Publications Law includes special requirements to act as an editor-in-chief. These are: "being a journalist who is competent in the language of the press, who takes no other job, who is not convicted of an offence or crime of honour or dishonesty, who has no legal immunity, and is a resident of Palestine."⁶⁶ Similar requirements apply to the responsible director and the owner of a publication. The director of a publication is also required to have the Palestinian nationality or if this is not the case, should have served in the Palestine Liberation Organization (PLO).⁶⁷ There are added conditions for Palestinian non-residents, most importantly, the need to obtain the approval of the Ministry of Interior.

While the above requirements apply to the written press only, the Council of Ministers' Decision on the licensing of radio and television stations sets out similar conditions for the editors-in-chief of audio-visual media outlets, namely: "being a

⁶³ Article 28 of the Jordanian Journalists' Syndicate Law No. 17 of 1952.

⁶⁴ The Palestinian Journalists' Syndicate (PJS) developed rules of procedures to guide its work and the decision making process, without referring to the Syndicate's Law No. 17 of 1952 since it is an outdated Jordanian law. For a full review of the PJS rules of procedures, visit: <http://pjs.ps/doc/in-low.pdf>. [Text in Arabic]

⁶⁵ For more information on requirements for PJS membership, please refer to indicator 4.6.

⁶⁶ Palestinian Press and Publications Law No. 9 of 1995, Article 11.

⁶⁷ Palestinian Press and Publications Law No. 9 of 1995, Article 16.

Palestinian who resides in Palestine, who holds a degree in media and has practical experience, and who has not been convicted of an offence or crime of honour or dishonesty.”⁶⁸

These conditions in principle exclude many from the opportunity to work as editors-in-chief, owners or directors, and are contrary to international standards on the right of individuals to establish and head their own media outlets.

1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

Defamation cases in Arab countries are usually filed under the Penal Code. Dating from the period of Jordanian rule, Jordanian Criminal Law No. 16 of 1960 is applied in the West Bank,⁶⁹ while the British Mandate Criminal Code Ordinance No. 74 of 1936 established during the British and Egyptian administrative rule of the Gaza Strip remains in force in the Gaza Strip.⁷⁰ Both laws include articles on defamation, found under the section “libel and slander” in the Jordanian Criminal Law and under “vilification, libel and slander” in the British Mandate Criminal Code. These laws are outdated but nevertheless remain in force in accordance with the first Palestinian decree issued by the late President Yasser Arafat in 1994 following the establishment of the Palestinian Authority and stating: “Laws, regulations and orders that were in force prior to 5/6/1967 in the West Bank and the Gaza Strip remain in effect.”⁷¹

The criminal laws in force in the West Bank and the Gaza Strip apply unwarranted restrictions on the media and journalists in relation to libel and slander. The current legislation treats these as criminal offences that are punishable by imprisonment of up to three years, rather than as civil offences. Journalists and activists have been prosecuted on charges of libel and slander for publishing their opinions or information on public affairs. Imposing prison sentences for press offenses is in conflict with international standards, according to which sanctions should be proportionate to the harm caused by the publication of defamatory statements.⁷² Defamation is predominantly a matter to be resolved between the individuals concerned, such as through civil actions in court or through media self-regulatory structures.

After his mission to Palestine, the UN Special Rapporteur on Freedom of Opinion and Expression, Frank La Rue, highlighted the need for Palestine to stop considering “defamation as a criminal offence, which is inherently harsh and encourages self-censorship.”⁷³ He further stressed that “all public figures are legitimately subject to criticism and should exercise a higher degree of tolerance, given their functions to serve the public.” He called on the Palestinian Authority to take measures to promote a culture that is tolerant of diverse views, opinions and criticism.⁷⁴

The Jordanian Criminal Law No. 16 of 1960 applied in the West Bank defines slander as: “The attribution of a specific statement about someone - even as a suspicion or a question - that may damage his honour or dignity or expose him to derision, whether the crime requires punishment or not.”⁷⁵ Despite using the term ‘false accusation,’ the British Mandate Criminal Code Ordinance No. 74 of 1936 in force in the Gaza Strip corresponds to a large extent in its definition of libel and slander with the meanings provided by the Jordanian Criminal Law. These are broad definitions that can easily be abused.

In 2012 and 2013 many charges of libel and slander were brought against journalists and members of the public. In May 2012, the Bethlehem magistrate’s court convicted journalist Mamdouh Hamamra of libel and slander, in accordance with the Jordanian Criminal Law No. 16 of 1960, for having placed a picture of President Mahmoud Abbas on his Facebook

⁶⁸ Article 12 of the Decision of the Council of Ministers No. 182 of 2004 Concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations.

⁶⁹ To view the provisions of the Law, visit: <http://library.pal-plc.ps/records/1/2943.aspx>. [Text in Arabic].

⁷⁰ To view the provisions of the Law, visit: http://www.dft.gov.ps/index.php?option=com_dataentry&pid=12&leg_id=%20107. [Text in Arabic].

⁷¹ Decision by former Palestinian President Yasser Arafat - Palestinian Gazette: No. 1, 20/11/1994.

⁷² See, for example, Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, on International Mechanisms for Promoting Freedom of Expression, 29-30 November 2000: <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=142&IID=1>

⁷³ Report of the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression, Frank La Rue, *Addendum - Mission to Israel and the occupied Palestinian territory*, 2012, p.12-13: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf

⁷⁴ Ibid.

⁷⁵ Jordanian Criminal Law No.16 of 1960, Article 188 (1).

page. The picture portrayed Abbas next to a well-known Syrian actor from the Bab al-Hara television series who plays the role of a character known for betrayal and treason during the French occupation of Syria. A comment below the picture suggested a resemblance of the two individuals in every aspect. Hamamra was sentenced to one year in prison for libel and slander.⁷⁶ However, following the announcement of the judgement, the Palestinian President issued a decision to pardon the journalist.

In a similar case, in March 2013 the Salfit magistrate's court sentenced a young man, Anas Ismail, to six months imprisonment on charges of libel and slander against former Minister of Telecommunications, Mashhour Abu Daqqa. Ismail had 'liked' a statement posted on Facebook calling for Abu Daqqa to be dismissed and put on trial. The Ministry claimed that Ismail had posted comments accusing the Minister of corruption and bribery.⁷⁷

According to the UN Special Rapporteur on the protection of freedom of opinion and expression:

Recent reports of detention and investigation of individuals who have expressed criticism of Palestinian officials, including unfavourable comments regarding President Mahmoud Abbas posted on Facebook [...] reveal a worrying trend of growing intolerance of criticism and monitoring of Palestinian users' Facebook accounts.⁷⁸

In this regard, he noted that even when individuals are not formally prosecuted and convicted, "arrests, questioning and investigation themselves constitute a form of intimidation and harassment that engender a climate of fear and discourage individuals from criticizing authorities."⁷⁹

In another case, journalist Yousef Al-Shayeb was summoned in March 2013 by the Palestinian security services for allegedly publishing an article on 30 January 2013 in the Jordanian daily newspaper *Al Gad* about corruption in the Palestinian diplomatic mission in France. He was kept in custody for further investigation by the public prosecution, after which he was transferred to court on charges of libel and slander. By April 2014, no judgement had yet been made by a court on this case.⁸⁰

1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

Although the Press and Publications Law drafted in 1995 under the Palestinian Authority (PA) guarantees freedom of expression, it also contains a number of prohibitions that restrict the exercise of this right. These are drafted in a vague manner without clear definitions of scope and purpose. They include, but are not limited to, prohibitions on newspapers and journalists in "the publication of articles that may encourage violence, grudges, hatred, dissension, animosity and sectarianism."⁸¹ The Law stipulates penalties, including imprisonment, for violation of these provisions.

⁷⁶ Decision by Bethlehem magistrate's court on 7 May 2012. The judgment was approved on 28 March 2013 following the rejection of an appeal by the Court of Appeal.

⁷⁷ Decision by Salfit magistrate's court on 28/3/2013.

⁷⁸ Report of the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression, Frank La Rue, *Addendum - Mission to Israel and the occupied Palestinian territory*, 2012, p.13: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf

⁷⁹ *Ibid.*

⁸⁰ For details of the case, visit: <http://www.dc4mf.org/en/node/1174>

⁸¹ Article 8, Item d of the Palestinian Press and Publications Law No. 9 of 1995.

Another provision of the Press and Publications Law states that:

The press must refrain from the publication of anything that contradicts the principles of freedom, national responsibility, human rights and respect for truth, and consider that freedom of thought and expression, and access to information, are [the] rights of the citizen as much as they are the rights of the press.⁸²

Under this provision, the publication of any material that contradicts “national responsibility” is prohibited. This term is open to various interpretations and may easily be used to prevent the publication of an article.

The full list of information prohibited from being published in terms of Article 37 of the Press and Publications Law is as follows:

- Any confidential information on the police and general security services, or their weapons, equipment, premises, movement or training.
- Articles and press materials that include contempt of religions and religious doctrines which are recognized by law.
- Articles that harm national unity, incite crimes, implant hatred, conflict and deviation, or provoke sectarianism among members of the community.
- Secret meetings of the Palestinian National Council and the PA Council of Ministers.
- Articles or news meant to undermine confidence in the national currency.
- Articles or news that would offend the dignity of individuals or harm their personal freedoms or reputation.
- News, reports, letters, articles and pictures that are contrary to public ethics and morals.
- Advertisements promoting medicines, pharmaceuticals, cigarettes and the like, except with prior approval of the Ministry of Health.

Article 37 B of the Press and Publication law specifies: “Entry of publications from abroad is prohibited if they contain any of the prohibitions for publication pursuant to the provisions of this law,” something that is in itself restricting.⁸³

It is also prohibited to publish the proceedings of courts in any case before the final verdict is issued and in any case related to a citizen under the age of 16 years unless the court approves its publication.⁸⁴

According to the Palestinian Center for Human Rights (PCHR):

The list of prohibitions includes the publication of everything that contradicts democratic principles and national responsibility, anything against morals, values and Palestinian traditions, and anything that can agitate violence, hatred and fanaticism. These concepts are elastic and vague and can be misused.⁸⁵

The Law also includes a long list of punishments such as imprisonment, fine or both, which has led the press to exercise self-censorship for fear of legal persecution.⁸⁶

For NGO ARTICLE 19, the Law allows for “sweeping restrictions on the content of what may be published, many of which are unacceptably broad and/or vague.”⁸⁷ Similarly, the 2012 Report by the UN Special Rapporteur on freedom of opinion and expression highlights the many “vague” restrictions on what it is permissible to publish.⁸⁸

⁸² Article 7. Item a of the Palestinian Press and Publications Law No. 9 of 1995.

⁸³ Article 37 of the Palestinian Press and Publications Law No. 9 of 1995.

⁸⁴ Article 39 of the Palestinian Press and Publications Law No. 9 of 1995.

⁸⁵ The Palestinian Center for Human Rights, 2010, *Report on the Right to Freedom of Opinion and Expression and the Right to Peaceful Assembly under the Palestinian Authority*, p.5: <http://www.pchrgaza.org/files/2011/freedom%202010.pdf>

⁸⁶ Ibid.

⁸⁷ ARTICLE 19, 2006, *The Legal Framework for Media in Palestine and under International Law*: <http://www.refworld.org/docid/475e4e453.html>

⁸⁸ Report of the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression, Frank La Rue, *Addendum - Mission to Israel and the occupied Palestinian territory*, 2012, p.7: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf

According to international law, any legislation which restricts the right to freedom of expression must comply with the conditions set out in Article 19, paragraph 3, of the International Covenant on Civil and Political Rights (ICCPR), which states that “the law must be narrowly defined and justified as being necessary, and the least restrictive means to serve a legitimate aim.”⁸⁹

Of the journalists surveyed for this study, a combined total of 62% believe, or believe to a certain extent, that the existing laws impose too many restrictions inhibiting their ability to report in the public interest (62% in the West Bank and 63% in the Gaza Strip), while only 37% disagree or disagree to a certain extent (38% in the West Bank and 37% in the Gaza Strip).⁹⁰

Table 5: “I feel that the laws impose too many restrictions inhibiting my ability to report in the public interest”

	Overall	West Bank	Gaza Strip
Agree	26.7%	24.7%	29.7%
Agree to a certain extent	35.5%	36.9%	33.3%
Disagree to a certain extent	16.0%	13.7%	19.6%
Disagree	21.1%	23.8%	16.9%
I do not know	0.7%	0.9%	0.5%

These results suggest that a clear majority of Palestinian journalists consider that the laws in force restrict rather than protect freedom of expression.

The criminal laws in effect in the West Bank and the Gaza Strip offer a wide scope for potential claims of libel and slander. The number of cases of journalists or activists accused of libel and slander has risen. Official bodies prosecute most often in response to published material that allegedly defames political figures, damages national security, incites hatred or includes inaccurate information.

Journalists have been prosecuted and convicted under these broad criminal laws, sometimes with prison sentences, while others have been freed following intervention and the issuing of an amnesty order by the President.

In February 2013, the Nablus magistrate’s court sentenced a young man, Anas Awwad from the village of Awarta, to one year in prison on the charge of “dividing national unity and disrespect for figures in authority” under Criminal Law No. 16 of 1960. The charges against him were that he had posted a picture on his Facebook page of President Mahmoud Abbas wearing the shirt of the Spanish Real Madrid team describing him as an ‘offensive player.’⁹¹

In another case, the Palestinian Preventive Security Service submitted a complaint against journalist Ismat Abdel Khaleq accusing her of disrespectful speech, publication of false news, and of inciting the disintegration of national unity. She was further accused of writing comments that called for the dissolution of the Palestinian Authority. Khaleq denied all charges arguing that all of the statements referred to had been posted on her website without her knowledge.⁹² She was nevertheless kept in custody for interrogation by a decision of the Public Prosecutor issued on 28 March 2013.

CSOs that support media freedoms have raised their voices to call for the decriminalization of press offences. In response to these calls, the Higher Judicial Council issued a decision in September 2012 to appoint 12 judges from regular courts to examine the cases of journalists accused of press offenses.⁹³ More than 1.5 years later, there are no concrete results arising from this decision.

⁸⁹ Ibid.

⁹⁰ Opinion poll conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

⁹¹ Decision by Nablus magistrate’s court on 5/2/2013.

⁹² Journalist Ismat Abdel Khaleq was kept in custody by a decision of the Public Prosecution issued on 28/3/2012.

⁹³ See: http://www.courts.gov.ps/details_ar.aspx?id=QZoSoBa386411718aQZoSoB.

The printed press is not the only type of media affected by the current laws. The Ministry of Information applies the Palestinian Press and Publications Law No. 9 of 1995 to the content of audio-visual media as well. Similarly, the criminal laws in force in the West Bank and the Gaza Strip are also applied to the content of audio-visual media.

The work of Palestinian journalists is also significantly affected by restrictions on movement, such as through security checkpoint systems and closed military zones.⁹⁴ The UN Special Rapporteur on freedom of opinion and expression has highlighted “the obstacles faced by journalists in undertaking their work, primarily as a result of restrictions to their freedom of movement imposed by the Government of Israel, and the internal division between the Palestinian Authority in the West Bank and the de facto authorities in Gaza.”⁹⁵

The ICCPR clearly states that it is not permitted to:

Restrict the freedom of journalists and others who seek to exercise their freedom of expression [...] to travel outside the State party, to restrict the entry into the State party of foreign journalists to those from specified countries or to restrict freedom of movement of journalists and human rights investigators within the State party. (Human Rights Committee, General Comment No. 34, para. 45).⁹⁶

D. Censorship

A distinction needs to be made between, on the one hand, censorship as a negative practice that restricts freedom of expression and, on the other hand, self-regulation as a positive practice based primarily on the journalist's voluntary adoption of ethical and professional standards without any external interference or fear in view of promoting professionalism in conveying information and opinions to the public.

1.11 The media is not subject to prior censorship as a matter of both law and practice

The Palestinian Basic Law clearly prohibits censorship of the media: “Censorship of the media shall be prohibited. No warning, suspension, confiscation, cancellation or restriction shall be imposed upon the media except by law and pursuant to a judicial ruling.”⁹⁷ In practice, the media are not subjected to any prior censorship on published, broadcast or advertised material. There are no formal complaints by Palestinian journalists, media workers or media institutions of being exposed to situations that may be considered as prior censorship.

However, the 2012 report of the UN special Rapporteur on freedom of opinion and expression criticized the “excessive Government control over the media, including the licensing of print media” in Palestine.⁹⁸ Articles 18-21 of the Press and Publications Law establish a licensing regime for the printed press, including high initial capital requirements, in breach of international law standards.⁹⁹

In addition, there have been cases of broadcast outlets and newspapers being banned in both the West Bank and the Gaza Strip. As described in the report of the UN Special Rapporteur, following the political divide between the Palestinian Authority (PA) and the de facto authorities in Gaza, certain newspapers perceived to be sympathetic towards either Fatah or Hamas have been banned in Gaza and the West Bank. As examples, the Rapporteur mentions *Al-Hayat al-Jadeeda* and *Al-Ayyam* in Gaza, and *Al-Risala* and *Filistin* in the West Bank. These restrictions, according to the Rapporteur, are not in

⁹⁴ Freedom House, Freedom of the Press 2013: <http://www.freedomhouse.org/report/freedom-press/2013/west-bank-and-gaza-strip>

⁹⁵ Report of the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression, Frank La Rue, Addendum - Mission to Israel and the occupied Palestinian territory, 2012, p.2: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf

⁹⁶ General Comment 34 on Article 19 of the International Covenant on Civil and Political Rights, Article 45, 2011: <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

⁹⁷ Palestinian Basic Law, Article 27 (3).

⁹⁸ Report of the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression, Frank La Rue, Addendum - Mission to Israel and the occupied Palestinian territory, 2012, p.12: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf

⁹⁹ ARTICLE 19, 2006, *The Legal Framework for Media in Palestine and Under International Law*, p.5: www.article19.org/data/files/pdfs/analysis/palestine-media-framework.pdf

line with international standards where, “any restriction on dissemination of information must be based on law and clearly justified as being necessary to pursue a legitimate aim.”¹⁰⁰

NGO Freedom House has also denounced the banning of publications and broadcasting media. It mentions in its 2013 Freedom of the Press report that the distribution of *Al-Hayat al-Jadeeda*, *Al-Ayyam* and *Al-Quds* in Gaza was alternately banned by Hamas or blocked by Israeli authorities between 2008 and end of 2012 when the latest Hamas-imposed ban was lifted. In the West Bank, the distribution of pro-Hamas newspapers *Al-Risala* and *Filistin* remained banned until April 2014. The PA has also closed down Al-Aqsa TV offices in Ramallah, Jenin, and Tulkarm. The Freedom House report states that Palestinian Broadcasting Corporation transmissions have been blocked in Gaza since 2007, while the Voice of the People radio station has been blocked occasionally.¹⁰¹ It also refers to alleged coercive tactics to restrict broadcasting by stations considered to be advocating terrorism or affiliated with Hamas.¹⁰²

There have been cases of broadcasters being closed down because of their content. One notable example involved the security services of Hamas in the Gaza Strip seizing the offices of the Ma’an Network and Al Arabia TV station in July 2013 and preventing their staff from entering. This incident occurred five days after a decision was issued by Ismail Jaber, the Attorney General, ordering the temporary closure of the offices of Ma’an Network, Al Arabia Satellite TV and Linse for Media Production. Jaber had then accused the media outlets of “fabricating news and disseminating false rumours and baseless reports that threaten civil peace and undermine the Palestinian people’s resistance.”¹⁰³ Ma’an’s offices stayed closed for four months until 19 November 2013, when Prime Minister Ismail Haniyeh of the de facto authorities issued a decision to reopen them.¹⁰⁴

The overall situation changed in April 2014 when Fatah and Hamas signed a reconciliation agreement labelled the Al Shate Agreement. Following this, the de facto authorities in the Gaza Strip authorized the circulation of the previously banned *Al-Hayat al-Jadeeda*, *Al-Ayyam* and *Al-Quds* newspapers in Gaza, while the PA in the West Bank reauthorized the distribution of the *Filistin* newspaper.¹⁰⁵

1.12. Efforts are not sought to block or filter Internet content deemed sensitive or detrimental

One of the most serious recent curbs of freedom of expression in the West Bank was the decision taken in June 2012 by former Attorney General Ahmad Al Mugni to close down a number of news websites including: Amad Media, Firas Press, Al Koufieh Press, Milad, Filistin Beitna and In Light Press. These were reinstated a month later following protests against the decision.¹⁰⁶

Eight other websites were also blocked in the West Bank in 2012. After conducting an investigation together with the Open Observatory of Network Interference, the Ma’an News Agency revealed that in April 2012 the Palestinian Authority (PA) had instructed Internet providers to block access to news websites critical of President Mahmoud Abbas. Eight news outlets were “rendered unavailable to many Internet users in the West Bank, after technicians at the Palestinian Telecommunications Company, or PaTel, tweaked an open source software called Squid to return error pages.”¹⁰⁷

100 Report of the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression, Frank La Rue, *Addendum - Mission to Israel and the occupied Palestinian territory*, 2012, p.12: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf

101 Freedom House, *Freedom of the Press 2013*: <http://www.freedomhouse.org/report/freedom-press/2013/west-bank-and-gaza-strip>.

102 Ibid

103 See: http://www.madacenter.org/report.php?lang=2&id=1327&category_id=13&year=2013

104 See: <http://maannews.net/eng/ViewDetails.aspx?ID=649055>

105 See: <http://www.alquds.com/news/article/view/id/503448>

106 To view the report, visit: <http://www.maannews.net/eng/ViewDetails.aspx?ID=478726>

107 Ma’an News Agency, “Palestinian media clampdown spreads to the web” (23 April 2012): <http://www.maannews.net/eng/ViewDetails.aspx?ID=478726>

The blocking, denounced by many press freedom organizations such as the Committee to Protect Journalists (CPJ),¹⁰⁸ resulted in the resignation of the PA Minister of Communications, Mashhour Abu Daqqa.¹⁰⁹ According to the Electronic Frontier Foundation, “prior to these [...] developments, Internet under the PA ha[d] been relatively unfettered, with only one site, Dounia al-Watan, a news site that was reporting on corruption within the PA, ever reported as blocked in the West Bank.”¹¹⁰ The bans were lifted in May 2012 under orders from President Mahmoud Abbas, according to Freedom House¹¹¹ and the Ma’an News Agency.¹¹²

Mashhour Abu Daqqa, the above-mentioned former Minister of Telecommunications, provided the following comments regarding the situation of online censorship: “officially, websites are not censored since there is no legal provision in this regard. Therefore, the imposed censorship is not official and is carried out by the security services while tracking political crime.”¹¹³

According to the Electronic Frontier Foundation, “Gaza’s Internet is considerably more restricted with websites such as those with sexually explicit content being blocked.”¹¹⁴

Osama Al-Esawi, Minister of Telecommunications in Gaza, explained the government’s approach to this issue as follows:

There are no special restrictions except as required by law and as stated in the license granted to Internet provider companies. At the top of the list of banned content are explicit pornography sites. Currently, there is no censorship of Internet blogs or social networks by the Ministry, but since these are open to the public, they should not breach the law.¹¹⁵

¹⁰⁸ Committee to Protect Journalists, “Palestinian Authority blocks critical websites” (24 April 2012): <http://www.cpj.org/2012/04/palestinian-authority-blocks-critical-websites.php>

¹⁰⁹ BBC News Middle East, “Palestinian Minister resigns over web censorship” (27 April 2012): <http://www.bbc.co.uk/news/world-middle-east-17868323>

¹¹⁰ Electronic Frontier Foundation, “Palestinian Authority Found to Block Critical News Site” (23 April 2012): <https://www.eff.org/deeplinks/2012/04/palestinian-authority-found-block-critical-news-sites>

¹¹¹ Freedom House, *Freedom of the Press*, 2013: <http://www.freedomhouse.org/report/freedom-press/2013/west-bank-and-gaza-strip>

¹¹² Ma’an, “Abbas lifts ban on critical websites” (5 May 2012): <http://www.maannews.net/eng/ViewDetails.aspx?ID=482586>

¹¹³ Interview conducted by the Arab World for Research and Development (AWRAD) with the former Minister of Telecommunications and Information Technology for this study in May 2013.

¹¹⁴ Electronic Frontier Foundation, “Palestinian Authority Found to Block Critical News Site” (23 April 2012): <https://www.eff.org/deeplinks/2012/04/palestinian-authority-found-block-critical-news-sites>

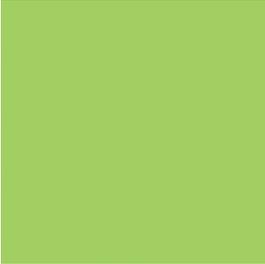
¹¹⁵ Interview conducted by the Arab World for Research and Development (AWRAD) with the Minister of Telecommunications and Information Technology of the de facto authorities in the Gaza Strip.

Recommendations

1. Consideration should be given to amending Article 19 of the Palestinian Basic Law to guarantee the right to freedom of opinion and expression in line with international standards, in particular by placing clear limitations of necessity and legitimate purpose for any laws which restrict freedom of expression. The guarantees of freedom of expression in the Press and Publications Law No. 9 of 1995, and Presidential Decree No. 3 of 1998 on the Consecration of National Unity and Prevention of Incitement should similarly be brought into line with international standards.
2. Drawing on extensive work already completed by civil society organizations, consideration should be given to adopting, as soon as possible, a law on the right to information which is in line with international standards in this area, and awareness-raising activities regarding this right should be conducted. In the meantime, the authorities could consider putting into place policies which ensure that individuals can access information held by public authorities.
3. Consideration should be given to putting in place effective measures to protect the media and journalists against being targeted for exercising their right to freedom of expression or being compelled to reveal their confidential sources. These measures should include training for police and security officials. A law prohibiting such targeting should also be considered. The authorities should consider making it clear that such illegitimate acts are contrary to democracy and will not be tolerated, and individuals who do engage in acts of harassment should be held accountable under the law. Palestinian authorities, and the security forces in particular, should ensure that their own officials respect the right of journalists and others to exercise freedom of expression, and refrain from engaging in acts of harassment or intimidation.
4. Consideration should be given by the authorities to examine seriously any input received during public consultations, and then amending legislative and policy proposals accordingly or making available the reasons where a different decision is taken.
5. A law to regulate the audio-visual media that is in line with international standards should be considered for adoption and implementation. The law should, among other things, create an independent oversight body with the power to regulate the audio-visual media (i.e. instead of this being undertaken by the Tripartite Committee of ministries as is currently the case). This law should replace the Decision on Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations, No. 182 of 2004, and other rules and regulations currently being used. Consideration should be given to creating a converged independent regulator with powers to regulate telecommunications as well as audio-visual media.
6. In the meantime, the Tripartite Committee should respect freedom of expression, media independence and the need to promote media pluralism when undertaking regulatory acts, especially in the licensing of broadcast stations.
7. Although they are not being strictly applied, consideration should be given to repealing the rules in the Jordanian Journalists' Syndicate Law, the Palestinian Journalists' Syndicate rules of procedure and the 2004 Council of Ministers' Decision on the licensing of radio and television stations as these limit the right to practise journalism to members of the Syndicate and place restrictions on who may be an editor-in-chief. This should be done in view of aligning them with international standards.
8. The offences of libel, slander and insult to the public office should be removed from the criminal laws in effect in the West Bank and Gaza Strip, in accordance with international law, and replaced by civil defamation rules, which provide an appropriate

balance between protecting reputations and respecting freedom of expression. In the meantime, consideration should be given by the authorities to exercising restraint in bringing defamation cases to court and courts should consider refraining from ordering imprisonment as a penalty for defamation.

9. All laws which place restrictions on the content of what may be published or broadcast, including the Penal Code and the Press and Publications Law, should be reviewed and revised to bring them into line with international standards. Attention should be given to removing vague, ambiguous and overbroad restrictions, and to generally removing imprisonment as a possible sanction, limiting it to extreme cases of violations such as incitement to violence.
10. The regime for licensing of newspapers set out in the Press and Publications Law merits revision. Ideally, these provisions should be removed but at a minimum they should be replaced by a system of technical registration which does not allow for the discretionary refusal of registration.
11. Practice concerning the banning of media outlets should be amended. The law should provide for clear limitations in line with international standards and sanctions that are more proportionate than bans.
12. The authorities should consider refraining from taking measures against online expression, and in particular from closing down online media or other content forums, except where such acts are undertaken pursuant to judicial process including a court order. The law should provide robust protection for online expression.



Category 2

Plurality and diversity of media, a level economic playing field and transparency of ownership

Key Indicators

A. Media Concentration

- 2.1 Positive measures are taken to promote pluralist media
- 2.2 Compliance with measures to promote pluralist media

B. A diverse mix of public, private and community media

- 2.3 A diverse mix of public, private and community media is actively promoted
- 2.4 Independent and transparent regulatory system
- 2.5 Development of community media is actively promoted

C. Licensing and spectrum allocation

- 2.6 Public plan for spectrum allocation ensures optimal use for the public interest
- 2.7 Plan for spectrum allocation promotes diversity of ownership and content
- 2.8 Independent and transparent regulatory system

D. Taxation and business regulations

- 2.9 Use of taxation and business regulations to encourage media development in a non-discriminatory manner

E. Advertising

- 2.10 Advertising policy for government advertising is non-discriminatory
- 2.11 Effective regulation governing advertising in the media

Category 2

Plurality and diversity of media, a level economic playing field and transparency of ownership

Introduction

Media pluralism can be described as “permit[ting] the expression of diverse opinions, cultures, languages and groups in any given society.” It is reflected “through a combination of public, private, commercial, mainstream, and alternative, national and community media with diverse content and possibilities for various segments of society to engage with different media.”¹¹⁶ Pluralism and diversity in media are based on a variety of both ownership and content, and distinct sectors of media (public, private and community).

With its inception in 1994, the Palestinian Authority (PA) launched its own media, which include Palestine TV, Voice of Palestine (the Palestinian national radio station), Palestine News and Information Agency (WAFA), the Central Photography Foundation, *Al-Hayat al-Jadeeda* newspaper and other governmental journals. There are also numerous privately owned media outlets, whether founded prior to the establishment of the PA or after, that maintain a role and status in the Palestinian media arena.

In the initial years following the formation of the PA, the number of Palestinian media outlets grew rapidly and by 1998 there were 35 local private TV stations. There were no radio stations in operation prior to the founding of the PA. Between 1994 and 1998, 12 radio stations were created and the number of magazines grew from three to 96. The government newspaper *Al-Hayat al-Jadeeda* and the first private newspaper, *Al-Ayyam*, were founded in 1995. *Al-Risala*, originally a daily newspaper, was established in the Gaza Strip in 1997 and turned into a bi-weekly newspaper in 2006. That same year, *Filistin* newspaper began circulating in the Gaza Strip. Both newspapers reportedly reflect the thought of Hamas. These new publications joined *Al-Quds* newspaper that was established in 1951 and reportedly follows the political line of the Palestine Liberation Organization, avoiding criticism of the PA.

The most recent IREX Media Sustainability Index report (2011) shows that the plurality of news sources has increased in recent years, with Palestine scoring 2.10 on IREX’s four-point scale, which places it in the category of “Near Sustainable” media systems as regards this aspect.¹¹⁷

The creation of such a large number of media outlets following the establishment of the PA, particularly in regard to geographically confined local radio and TV stations, was a deliberate step towards creating media pluralism for Palestinians, and end the reliance on Israeli media, which had been the major source of information and news following 1967.¹¹⁸ The rise in the number of stations also reflected the state of experimentation that accompanied the establishment of the PA. The majority, if not all of these stations, were created with limited resources and skills. They were generally dependent on self- or family employment. Significant investment in the media has been absent both before and after the establishment of the PA.

The analysis and discussion of media pluralism in this chapter will look at a range of interlinked issues, including the level of transparency in ownership, plurality in terms of ownership, content and media types, how the system of broadcasting

¹¹⁶ UNESCO Bureau of Public Information, 2006, *Media Pluralism*: http://www.unesco.org/bpi/pdf/memobpi46_mediapluralism_en.pdf.

¹¹⁷ IREX, *Media Sustainability Index 2010/2011*: http://www.irex.org/sites/default/files/u105/MENA_2010-2011_MSI_Score_Charts.pdf.

¹¹⁸ Satellite channels were only introduced in Palestine in 1996.

regulation works to ensure diversity of media, and finally, the role played by taxation, business incentives and advertising policies in promoting or impeding the development of the media sector.

A. Media Concentration

Media concentration undermines pluralism and diversity. It creates an environment that is not favourable to a multiplicity of ideas, languages and cultures in the media and that often does not provide opportunities for all sectors of a community to participate. When ownership is concentrated, the media becomes subject to the whims and wishes of the owner.

There is no evidence of concentration of media ownership in Palestine. This does not however relieve the PA of the task of protecting pluralism and preventing the risk of future concentration. There are two new draft media laws, namely the draft Audio-Visual Law and the draft Higher Council of Information Law, that await ratification but do not include specific provisions for the prevention of media concentration.

2.1 Positive measures are taken to promote pluralist media

When assessing pluralism and diversity in Palestine, the starting point is the amended Palestinian Basic Law of 2003, which in principle supports diversity by establishing the right of every person to set up media outlets.¹¹⁹ However, the Law fails to directly address the issue of concentration of ownership, lacking any specific reference to limitations aimed at preventing undue concentration of ownership.

In Palestine, the licensing of audio-visual media is regulated by the 2004 ministerial decision concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations, which established the Tripartite Committee and states the requirements and procedures for the licensing of radio and TV stations.¹²⁰ (*See indicator 1.6.*) This decision lacks any provision to prevent the concentration of ownership by a specific party, such as a businessperson, an institution, or a company. There is no indication in any aspect of the licensing process that the Tripartite Committee is authorized to refuse licensing on grounds of ownership, i.e. if the applicant, as either an individual or a party, owns or influences other media outlets. The monopolization and concentration of ownership in the future therefore remains a possibility. The same applies to licensing procedures for printed media such as newspapers and magazines that are regulated by the Palestinian Press and Publications Law.¹²¹

Overall, no legislation or regulations exist to preclude concentration of media ownership or monopolization by major players, whether individuals, companies or political powers. The draft Audio-Visual Law and the draft Higher Council of Information Law also fail to address this issue. Furthermore, no governmental or civil society bodies monitor for signs of emerging concentration or conduct periodic assessments of media performance.

Despite the lack of appropriate legal and regulatory measures in this area, there is no evidence of concentration of media ownership in Palestine. There are on the other hand clear indications of pluralism, with the government, the private sector, individuals, universities, civil society organizations and Palestinian political parties, regardless of their intellectual outlook, all owning media in both the West Bank and the Gaza Strip. These cover a wide range of media from commercial, educational, community to governmental.

Nevertheless, variations in the capabilities of media outlets are apparent depending on the owner or manager of the service. A number of local private radio stations broadcast on one locally-available and limited frequency, while the few stations owned by business people who have the resources to invest have access to multiple frequencies in different areas of Palestine and are therefore available to a larger audience.

¹¹⁹ Article 27, Item 1 of Palestinian Basic Law.

¹²⁰ Council of Ministers Decision No. 182 concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations, 2004.

¹²¹ The Provisional Palestinian Press and Publications Law No. 9 of 1995.

According to media professional Daoud Kuttab, “the media expansion was never properly regulated and as a result media have struggled from a lack of local support.”¹²² In particular, small local TV channels have suffered from the expansion of regional and international satellite television. Kuttab elaborates that “once a household installs a satellite dish and transmitter, it is unlikely to return to low-quality local TV unless there is a pressing local problem that only Palestinian television is covering.”¹²³

In this context and with the financial difficulties threatening the sustainability of private media, some local radio and TV stations have joined forces by forming coalitions. Stations that participate in these alliances are mainly those with limited broadcasting reach that covers only one Palestinian city. The objective is to ensure access to other cities through cooperation that involves no additional costs and increases opportunities for commercial advertisements to enhance income. These alliances cut costs, and allow for the exchange of programmes between media institutions and for broadcasting to a larger audience.

For example, the Palestine News Network is a network of radio stations in various cities in the West Bank.¹²⁴ It was established in an attempt to overcome financial obstacles and increase coverage to better enable competition with radio stations owned by business people. The Ma’an Network created an alliance of local radio and TV stations in which all members cooperate in news coverage and marketing activities.¹²⁵ Another collective entity of radio and TV stations was established and sponsored by the Internews Network under the name Jusour.¹²⁶

The transition of radio and TV stations from terrestrial analogue broadcasting to digital transmission as per the Geneva 2006 Digital Broadcasting Plan (GE06)¹²⁷ and the binding decision of the International Telecommunication Union (ITU) concerning Palestine should take place no later than 2015 for TV stations and 2020 for radio stations.¹²⁸ This may have a considerable impact on providing wider coverage for radio and TV broadcasting and contribute to enhancing media pluralism. The positive or negative impact of the conversion to digital transmission will depend on its organization and implementation and ensuring that digital broadcasting services are not monopolized by any particular actor.¹²⁹

2.2 Compliance with measures to promote pluralist media

In spite of the absence of laws specifically designed to enhance pluralism in the media and a lack of public activity in promoting this, no actor monopolizes media ownership in Palestine.

B. A diverse mix of public, private and community media

Palestinian legislation does not distinguish between various types of media and lacks a categorization of media into public, private or community. The only exceptions are publicly-owned media, which are not subject to the same rules and are exempt from fees. Private media of all types are subject to the same procedures and fees regardless of their goals and activities. The government does not take actions to strategically promote a diverse mix of private, public and community media.

However, some media outlets have sought to differentiate themselves in their role as a source of information. For example, there are a range of radio stations that present themselves as nationwide public service radio stations combined with

¹²² Daoud Kuttab, “Palestinians Launch Six New Radio Stations,” (6 September 2013) in Al Monitor Palestine Pulse: <http://www.al-monitor.com/pulse/originals/2013/09/palestinians-radio-stations-media.html#>.

¹²³ Ibid.

¹²⁴ See: <http://pnn.ps/index.php/home/pnn/services/pnn>. [Text in Arabic]

¹²⁵ See: <http://www.maannews.net/arb/Default.aspx>.

¹²⁶ Internews Network - Jusour was licensed by the Ministry of Information as an independent institution.

¹²⁷ For more details on the Geneva 2006 Digital Broadcasting Plan, visit: <http://www.itu.int/ITU-R/terrestrial/broadcast/plans/ge06/index.html>

¹²⁸ See: <https://itunews.itu.int/en/2346-Switching-from-analogue-to-digital-television.note.aspx>

¹²⁹ For details visit *Al-Hayat al-Jadeeda* newspaper at: <http://www.alhayat-j.com/pdf/2013/5/16/page15.pdf>. For further comment on this point, please refer to indicator 5.3.

profit-oriented objectives, such as Ajyal Radio Network,¹³⁰ or Al-Raya Media Network.¹³¹ There are also several local-level radio stations that portray themselves as community media. As concerns educational media, Al-Quds Educational Radio works in conjunction with Hona Al-Quds community radio under the umbrella of Al-Quds University.¹³² Alongside these stations there are numerous private media in governorates of the West Bank and the Gaza Strip that work purely on a profit basis.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) established in 2012 what is said to be the first curriculum-based educational satellite channel in the Middle East. In the first year of its establishment, UNRWA estimated that over 200,000 children were regularly tuning in with their families in Gaza. UNRWA TV provides 12 hours of lessons per day in subject areas such as Arabic, English and mathematics.¹³³

In print media, there are daily newspapers (*Al-Quds*, *Al-Ayyam*, *Al-Hayat al-Jadeeda* and *Filistin*) alongside other specialized newspapers such as *Sawt Al-Nissa* (Voice of Women) newspaper issued by the Women's Affairs Technical Committee, *Afaq Environment and Development* magazine published by Ma'an Development Center, *Al-Hal* newspaper issued by Birzeit University and other periodicals published monthly or bi-monthly. This reflects a certain level of diversity in the printed media sector despite the lack of public policies to actively promote diversity.

2.3 A diverse mix of public, private and community media is actively promoted

The PA has not taken any measures to promote a three-tier model of public service, private and community media, which is widely accepted as a good practice that promotes diversity and access to information for all.¹³⁴ Such a model can help avoid both private dominance and public monopoly and thus contribute to securing a plurality of mediums of communication. In Palestine, no distinction is made in law between the different types of media, and both public service broadcasting and community media are largely absent from the country's media sector. (*See indicators 3.3 and 2.5 respectively for details.*)

However, in practice there is a perceived discrimination between publicly-owned and private media in terms of being granted rapid access to information and its dissemination, priority in news coverage, or even exclusive right of access to certain events. Recognized by some as being to the detriment of the private media, this phenomenon is seen in both the West Bank and the Gaza Strip. Publicly-owned media has privileged access to information owned by the government and is able to publish it prior to other media outlets.

The perceived favouring of publicly-owned media affects the information available to the private media, which often has to rely on information and news from Wafa, the government-owned news agency, while private radio and TV stations resort to repeating the broadcasts of official speeches and activities from Palestine TV, the national public TV station.

2.4 Independent and transparent regulatory system

Licensing of broadcasters is necessary to avoid chaos in the airwaves and also to promote overall public interest, particularly by promoting diversity in the airwaves.¹³⁵ For media to flourish in a diverse fashion an independent and transparent regulatory system is needed.

¹³⁰ See: <http://www.arn.ps/>.

¹³¹ See: <http://www.raya.ps/>.

¹³² See: <http://www.honaalquds.net/?tpl=294>.

¹³³ For more information about UNRWA TV, visit: <http://www.unrwa.org/newsroom/press-releases/groundbreaking-un-tv-channel-brings-education-students-war-battered-gaza>

¹³⁴ The African Charter on Broadcasting, for example, approved in 2001, and designed to complement and expand the landmark Windhoek Declaration of 1991, states that the legal framework for broadcasting should promote a "three-tier system of broadcasting: public service, commercial and community": <http://www.misa.org/downloads/African%20Charter%20on%20Broadcasting.pdf>.

¹³⁵ Toby Mendel and Ali Khashan, 2005, *The Legal Framework for Media in Palestine and Under International Law*. ARTICLE 19, p. 2: <http://www.article19.org/data/files/pdfs/analysis/palestine-media-framework.pdf>

A review of the Council of Ministers Decision No. 182 concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations (2004) shows that it has no provisions related to promoting media pluralism and ensuring equitable access to the frequency spectrum to a variety of public, private and community broadcasters.

The Tripartite Committee responsible for the procedures of spectrum licensing in Palestine is a purely public body that is not independent of government and does not involve any participation by actors representing the community. It follows decisions by the government that are not legitimized by the Palestinian Legislative Council (PLC) and are not subject to any oversight, whether by the PLC or any other civil party. This violates the principles of independence and transparency necessary to ensure fairness in the allocation of frequencies.

The Joint Declaration on the Protection of Freedom of Expression and Diversity in the Digital Terrestrial Transition states that:

The airwaves are a public and freedom of expression resource, and [...] States are under an obligation to manage this resource, including the 'digital dividend,' carefully so as best to give effect to the wider public interest.¹³⁶

The structure and procedures of the Tripartite Committee are inconsistent with international trends that aim to open a broader space for the media and promote its best use in the public interest.

Due to the overcrowded airwaves in the West Bank and the limited number of frequencies available for local stations, the Tripartite Committee temporarily stopped accepting new applications for broadcasting licenses in 2008 and the situation has not changed since then. This was in order to take stock of the situation concerning local radio stations and examine the possibility of granting new licenses in the future. The Tripartite Committee in particular wanted to look at the Ramallah and Al Bireh governorates in the center of the West Bank and also in the Hebron governorate in the south, where radio and TV stations are concentrated.

No decisions have been recorded for the withdrawal or cancellation of radio or TV station licenses in the West Bank or the Gaza Strip on the grounds of political opinions or for being critical of the government or political officials. There have been temporary closures of radio and TV stations but these have been attributed to technical or legal breaches related to the scope of service and permissible transmissions or failure to pay licensing fees by the station. One example is the decision issued in 2010 by the Ministry of Telecommunications and Information Technology to close down 18 radio and TV stations on the grounds of not having the necessary broadcasting licenses and interfering with other broadcasting stations. Following the implementation of the decision and closure of two radio stations in Hebron and a TV station in Nablus, the PA decided to give these stations a deadline to rectify their legal status before resorting to their closure.

2.5 Development of community media is actively promoted

Palestinian law does not provide for any legal recognition of community media, although international standards require community broadcasting to be "explicitly recognized as a distinct form of broadcasting."¹³⁷ As the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Frank La Rue emphasizes:

The right to freedom of opinion and expression includes the freedom for minority and excluded groups to give, receive and transmit information. Community-based media are effective ways to accomplish that, and it is the duty of Governments to assist and support them in doing so and to ensure equitable access.¹³⁸

¹³⁶ Joint Declaration on the Protection of Freedom of Expression and Diversity in the Digital Terrestrial Transition, Pretoria, 15 April 2013.

¹³⁷ Joint Declaration by the four special international mandates to promote freedom of expression at the UN, OSCE, OAS and African Commission, 12 December 2007: <http://www.osce.org/fom/29825?download=true>

¹³⁸ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, to the UN General Assembly, A/HRC/14/23, 20 April 2010: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.23.pdf>

The media outlets in the country that can be described as community media face the same procedures and licensing fees as commercial media. Regardless of their mission or activities, the government deals with all types of media outlets as companies investing in the media sector.

The lack of an enabling environment for community media in Palestine is reflected in the small number of radio stations that may be classified as such. These are: Sawt An-Najah, affiliated with An-Najah National University,¹³⁹ Nissa FM Radio,¹⁴⁰ Fursan Al-Irada Radio that specializes in issues concerning the disabled,¹⁴¹ Hona Al-Quds Radio,¹⁴² Al-Dahriya Radio,¹⁴³ Birzeit University Radio,¹⁴⁴ and Alam Radio, affiliated with Hebron University.¹⁴⁵ These stations have a limited audience as they only have the ability to broadcast within small geographical areas. They also have limited financial and technical capabilities and inadequate support to ensure their survival.

Despite this, there have been some recent initiatives to promote the development of community media in Palestine. In September 2013 for example, the Palestine News Network (PNN) launched a programme to set up six new community radio stations broadcasting via the Internet, with a goal “to focus on important and marginalized issues such as Palestinian refugees, Jerusalem, rural areas, agriculture, and issues around youth and women in the Gaza Strip.”¹⁴⁶ According to the Director of the Community Media Network, Daoud Kuttab, “the six newly established online community stations reflect the Palestinian landscape and needs.”¹⁴⁷ Two of the stations will be based in the Bethlehem governorate – one in the Aida refugee camp, dedicated to refugees’ issues, and the other in a rural area east of Bethlehem. One station will focus on villages east of Jerusalem addressing difficulties relating to settlements. Another station will be based in Jenin and will be dedicated to farming issues. Finally, two stations will be located in Gaza – one in Rafah and one in Jabaliya – and will focus on women’s issues.¹⁴⁸

Another notable initiative was the creation in 2004 of the Palestinian Center for Media for Research and Development for the International Palestinian Youth League that is designed to provide a “community media development center focused on public access, sharing experiences and disseminating information.”¹⁴⁹ Since its inception the center has produced more than 75 audio and video documentaries by the Palestinian youth that tackle community problems.¹⁵⁰

Concerning community media, Abdallah Abu Ali, Director of Marketing and Advertising at Fursan Al-Irada radio, a community radio based in Gaza dedicated to people with disabilities, believes that there is a lack of developmental support by the government. In his view, “there is discrimination in sponsoring community media in the Gaza Strip” and he is unaware “of any support in policies or direction, although some stations have actually been sponsored by the government.”¹⁵¹

Regarding the print media sector, the ability of CSOs to produce publications is limited due to the modest funds available to them for these types of activities, be it financial support provided by international donors or other parties, or revenues generated through commercial advertising. A few notable exceptions are the *Sawt Al-Nissa* newspaper (Voice of Women) issued by the Women’s Affairs Technical Committee, *Afaq Environment and Development* magazine published online by the Ma’an Development Centre, and the *Al-Hal* newspaper issued by the Media Development Center (MDC) at Birzeit

139 See: <http://www.najah.edu/ar/fm/>. [Text in Arabic]

140 See: <http://www.radionisaa.ps/>. [Text in Arabic]

141 Community radio station in the Gaza Strip dealing with issues for the disabled and partially funded by UNRWA.

142 See: www.honaalquds.net/. [Text in Arabic]

143 See: <http://dahriya.com/>. [Text in Arabic]

144 See: <http://home.birzeit.edu/outloud/>.

145 See: <http://www.hebron.edu/radio-ar.html>. [Text in Arabic]

146 Palestine News Network, “PNN Launches Six New Community Radio Networks in Palestine” (5 September 2013): <http://english.pnn.ps/index.php/national/5607-pnn-launches-six-new-community-radio-networks-in-palestine>

147 Daoud Kuttab, “Palestinians Launch Six New Radio Stations” (6 September 2013) in Al Monitor Palestine Pulse: <http://www.al-monitor.com/pulse/originals/2013/09/palestinians-radio-stations-media.html#>

148 Ibid.

149 See: <http://www.ipyl.org/activities/community-media-center>.

150 Ibid.

151 Interview conducted by the Arab World for Research and Development (AWRAD) for this study in May 2013.

University. Despite the weakness of funding, these publications play a key role in community service and the empowerment of marginalized groups in society by highlighting issues neglected by the mainstream media.

C. Licensing and spectrum allocation

The right of Palestinians to own a radio and a TV network is provided for in the Oslo Accords, signed between the Palestine Liberation Organization (PLO) and the Government of Israel on 13 September 1993 and subsequently on 28 September 1995.¹⁵² Article 36 of Annex III (on telecommunications) of the Oslo Accords granted Palestinians a limited number of frequencies and bandwidths.¹⁵³ These were granted to the governmental Palestinian media outlets (radio and TV) and are being used by them today. The Agreement did not allocate any frequencies to the private media.

The resolution of the United Nations General Assembly to upgrade Palestine's status to a permanent non-member observer state and the amendment of resolution No. 99,¹⁵⁴ regarding the status of Palestine as a member of the International Telecommunication Union (ITU) in 2012, entails that Palestinians can now begin the process of switchover from analogue to digital transmission.¹⁵⁵ This will create many changes in the channels and frequencies allotted for use by the media. It may also bring about the development of new forms of digital communication such as the use of mobile phones to receive media broadcasts, which is not common in Palestine. The ITU has already allocated digital frequencies to Palestine that are independent and which no other country has the right to violate or control.¹⁵⁶

There is no modern law to regulate the broadcasting sector in Palestine. Licensing procedures are unclear and lack transparency, and thus remain subject to debate. The changes that will occur as a result of the digital transition will make it necessary for the government to devise new procedures for the licensing of TV and radio stations.

2.6 Public plan for spectrum allocation ensures optimal use for the public interest

The Ministry of Telecommunications and Information Technology approves the lease of frequencies to Palestinian applicants. Such frequencies have faced difficulties, being subject to alleged suspension, confiscation or disruption, due to the particular political context of Palestine.¹⁵⁷

The favouring of official media is apparent in the use of the spectrum, including in technical aspects relevant to the allocation of frequencies. Official media are granted the use of frequencies, according to the Oslo Accords signed with Israel. For example, publicly-owned Palestine TV occupies the UHF terrestrial airwave, the only one allocated to the Palestinians, while private TV stations need to search for other available frequencies. The PA has not yet devised a plan for spectrum allocation and management. The Government is now looking to develop a plan for digital transition to be implemented mid-2015 as per the instructions of the ITU. The lack of a proper legal basis renders the Palestinian spectrum management unclear and unstable.

2.7 Plan for spectrum allocation promotes diversity of ownership and content

The procedures related to spectrum allocation in Palestine do not refer to any specific ratios for public, private and community media or to any preferential fees for media that promote community development. However, public media is exempt from fees for operating the allocated frequencies.

¹⁵² The Oslo Accords were signed on 13 September 1993 between the PLO and Israel, and led to the establishment of the Palestinian Authority. They were followed in September 1995 by the Interim Agreement on the West Bank and Gaza, commonly known as Oslo 2. For the provisions of Article 36 of Annex III: <http://www.mtit.pna.ps/ar/cp/plugins/spaw/uploads/files/restrictions/ARTICLE%2036%20od%20Annex%20III%20of%20the%20Interim%20Agreement.pdf>.

¹⁵³ Ibid

¹⁵⁴ For the text of the resolution No. 99 on the status of Palestine in the ITU, visit: <http://www.itu.int/en/ITU-D/Conferences/WTDC/WTDC14/Pages/item.aspx?ItemID=516>.

¹⁵⁵ United Nations General Assembly Resolution 19/67 voted for at the GA 67th session on 29 November 2012 granting Palestine the title of non-member observer state in the UN.

¹⁵⁶ From a paper by Mamoun Matar, expert in digital transition: <http://www.slideshare.net/mamoun2/ss-25713851>

¹⁵⁷ Interview with Mohammad Abu Halawa, Director of Audiovisual Department at the Ministry of Information. July 2013, Ramallah.

A series of decisions published on the website of the Ministry of Telecommunications and Information Technology over the past three years do not address the right of the public to equal access to media services or give preferential treatment to marginalized areas and groups.¹⁵⁸ The Ministry does however publish its plans and policies on communications and technology to draw feedback and suggestions from all stakeholders in the sector. The extent to which the Ministry receives or pays attention to this feedback is not clear, with the exception of that which relates to the transition to digital broadcasting where the Ministry has shown interest in the participation of all sectors in the discussions of this issue.

2.8 Independent and transparent regulatory system

The Tripartite Committee is entrusted with granting licenses for local radio and TV stations in the West Bank. The Committee is formed of representatives of three ministries: the Ministries of Interior, Information, and Telecommunications and Information Technology. An applicant for a private station must submit an application to each ministry, which then examines and transfers the applications to the Tripartite Committee for a final decision. If approved, the Ministry of Telecommunications then issues the technical license, and the Ministry of Information issues the professional license. If the application is rejected, the reasons for refusal must be provided. The applicant can appeal against the decision in court.¹⁵⁹ Raed Othman, CEO of the Ma'an Network, criticizes the licensing process. He says, "there is a lot of confusion when the owner of a station has to go to four entities to acquire a license since these bodies do not employ consistent licensing standards."¹⁶⁰

In the Gaza Strip, the Ministry of Information and the Government Media Office are the competent authorities for granting radio and TV licenses. The decision to grant a license is made after the applicant completes all licensing requirements. The decision is made in cooperation with the relevant ministries: the Ministry of Interior for security aspects and the Ministry of Telecommunications and Information technology for media aspects.

However, in both the West Bank and the Gaza Strip, there is no evidence of clear criteria for granting broadcasting licences for audio-visual media outlets. In addition, the meetings of the Tripartite Committee are not open to the public.

The opinion poll organized for this study indicated that 47% of Palestinian journalists surveyed disagreed with the statement "Applicants for broadcasting licenses are treated equally," while another 19,5% disagreed to a certain extent. Significantly, less than 10% of those surveyed fully agreed with the statement, as illustrated in the following table:¹⁶¹

Table 6: "Applicants for broadcasting licenses are treated equally"

	Overall	West Bank	Gaza Strip
Agree	9.2%	7.5%	11.9%
Agree to a certain extent	14.6%	13.4%	16.4%
Disagree to a certain extent	19.5%	20.0%	18.7%
Disagree	46.8%	50.4%	41.1%
I do not know	9.9%	8.7%	11.9%

D. Taxation and business regulations

The tax laws and regulations in force in Palestine were devised in accordance with the 1993 Oslo Accords and their economic annex.¹⁶² The Oslo Accords place restrictions on the Palestinian Authority (PA) in pursuing independent economic policies and on making decisions in this area, including the determination of ratios for direct and indirect taxes

¹⁵⁸ See: <http://www.pmtit.ps/ar/cp/print.php/2013/06/04/1084.phtml?p=main> [Text in Arabic].

¹⁵⁹ Decision of the Council of Ministers No. 182 of 2004 Concerning Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations.

¹⁶⁰ Interview conducted by AWRAD with Raed Othman, CEO of the Ma'an Network for this study in May 2013.

¹⁶¹ Opinion poll conducted by the Arab World for Research and Development (AWRAD) for this study in May 2013.

¹⁶² To view the Paris Protocol on Economic Relations, annexed to the Oslo Accords, visit: <http://www.wafainfo.ps/atemplate.aspx?id=4890>. [Text in Arabic]

and customs and excise tariffs. Customs, borders and crossings are all under the control of Israel, which levies tariffs on behalf of the PA for subsequent transfer to the PA budget.

2.9 Use of taxation and business regulations to encourage media development in a non-discriminatory manner

In accordance with the Paris Economic Protocol annexed to the Oslo Accords, the PA is restricted from granting special facilities or preferences to the media relating to the taxes imposed on equipment for radio and TV broadcasting. Moreover, there are no provisions in Palestinian laws inferring that any facilities or any kind of investment promotion are encouraged or granted to the media.

At the same time, there is no indication of the imposition of any restrictions, customs tariffs or additional taxes on equipment and supplies for the media, whether for printing, for newspaper supplies, or for radio and TV production and broadcasting equipment.

The Palestinian legislator ratified in 1998 the Law on the Encouragement of Investment, which aims to “encourage investment to achieve the objectives and priorities for development in Palestine.”¹⁶³ Enterprises in many sectors enjoy various exemptions and incentives provided for in this Law. For example, facilities in remittances and some exemptions from customs duty fees and taxes, which apply to all fields of investment. However, this excludes communications and telecommunications services and radio and television, where investment requires approval from the Council of Ministers.¹⁶⁴ This exception could be interpreted as evidence that development of the media is not a priority for the Palestinian legislator. Investors in the media sector do not benefit from this law and the incentives and advantages it provides for.

Although economic establishments in refugee camps are exempt from VAT by law, media broadcasting from inside the camps faces taxes similar to those imposed on broadcasters in cities and other areas. In this regard, the Ministry of Telecommunications submitted a request to the Palestinian judiciary demanding the closure of Al Wehda radio station operating from Dheisheh refugee camp to the south of Bethlehem. The station was subsequently closed in May 2013 because it could not fulfil the financial requirements of the Ministry regarding licensing fees.¹⁶⁵

E. Advertising

To ensure their continuity and development most media outlets in Palestine are registered as profit-making companies and commercial advertising is their only source of income. The size of the advertising market in Palestine is small. This is partly due to the weakness of the Palestinian economy in general and because there is a lack of experience with advertising, especially among small and medium-sized enterprises that comprise the majority of private sector ventures.

According to IREX, media outlets, including newspapers, depend on advertising from international and civil institutions, commercial advertising, and condolence and congratulatory classified. However, “such sources are not deep enough to insulate media from pressure.”¹⁶⁶ In addition to the legal political, and social constraints that media outlets face, commercial advertisers may refuse to place advertising with media that have criticized them directly or indirectly.

2.10 Advertising policy for government advertising is non-discriminatory

The Declaration on Diversity of Broadcasting, co-signed by the UN Special Rapporteurs on freedom of opinion and expression, stipulates: “measures should be put in place to ensure that government advertising is not used as a vehicle

¹⁶³ Law on the Encouragement of Investment in Palestine No. 1 of 1998.

¹⁶⁴ Ibid, Article 4.

¹⁶⁵ See: <http://www.maannnews.net/arb/ViewDetails.aspx?ID=596392>

¹⁶⁶ IREX, *Media Sustainability Index 2009*, p.92: http://www.irex.org/system/files/MSIMENA08_Palestinian_Terr.pdf.

for political interference in the media.”¹⁶⁷ A State should not use advertising to favour certain media outlets over others, either for political or commercial purposes.

The government in Palestine does not have a clear advertising policy. The distribution of public advertisements is not subject to clear and declared criteria that may be evaluated and judged.

There are only a few studies and limited statistical data on the size of the advertising market in Palestine. One study, prepared by Zuheir Abdellatif Abed on advertising in the daily newspapers, published by the Islamic University Journal for Humanities Research, found that of the publications assessed the advertising market accounted for 38.8% of newspaper space.¹⁶⁸ The study also indicated that social advertisements such as obituaries and congratulations comprised 49% of overall advertisement space, while governmental advertisements ranked as low as sixth in the advertisement categories, and represented only 3.7% of overall advertising.¹⁶⁹ This data suggests that the public authorities are not a significant or important source of income in the advertising market.

The study detected a slight difference in the extent of official advertising in the daily newspapers. For example, government advertisements made up 10% of advertising in *Al-Ayyam* newspaper compared to only 2% in the *Al-Quds* newspaper over the same period.¹⁷⁰ Given that both newspapers are owned by the private sector, this could indicate inequitable distribution of government advertising in the media that is not proportionate to the size and demography of the audiences involved. As illustrated in the table below, a combined total of 57% of the journalists surveyed disagreed or disagreed to some extent that “the placement of official (government) advertising in the media is fair and non-discriminatory and based on objective commercial criteria.”¹⁷¹

Table 7: “The placement of official (government) advertising in the media is fair and non-discriminatory and based on objective commercial criteria”

	Overall	West Bank	Gaza Strip
Agree	10.3%	10.7%	9.6%
Agree to a certain extent	26.5%	30.7%	20.1%
Disagree to a certain extent	17.7%	16.1%	20.1%
Disagree	39.4%	36.7%	43.4%
I do not know	6.1%	5.7%	6.8%

However, Yousef Abdel Hadi, Director of Media at Al Nasher, an advertising, public relations and marketing agency, expressed in an interview that he does not believe the government is discriminatory in its advertisement policy.¹⁷² Suheir Farraj, Director of Ilam Tam Media, said that she was not aware of any systematic governmental advertising policy but felt that the large advertising companies were more competitive.¹⁷³

The number of official advertisements published in the media by the government is low. Most of these are published in publicly-owned media outlets. Therefore the potential of private media to compete for this source of revenue is minimal. This hinders the principle of fair opportunities as Palestine’s official media is entirely funded by the government and needs no additional revenues, while the private media is heavily dependent on revenue from advertisements to ensure sustainability. There is no oversight of the content of official government advertising by an independent party or monitoring of whether these advertisements reach all individuals in the community or target groups.

¹⁶⁷ Joint Declaration on Diversity of Broadcasting, Amsterdam, December 2007: <http://www.osce.org/fom/29825>.

¹⁶⁸ Zuheir Abdellatif Abed, 2013, Islamic University Journal for Humanities Research, Vol. 21, Number 1.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Opinion poll conducted by the Arab World for Research and Development (AWRAD) for this study in May 2013.

¹⁷² Interview conducted by the Arab World for Research and Development (AWRAD) for this study in May 2013.

¹⁷³ Ibid.

2.11 Effective regulation governing advertising in the media

Licensing procedures in place at the Ministry of Information limit the maximum period allowed for commercial advertising to eight minutes per hour of broadcasting. However, the Ministry does not specify procedures to monitor compliance by the broadcast media.

The Palestinian Press and Publications Law prohibits the media from carrying advertisements to promote medicines, pharmaceuticals and cigarettes.¹⁷⁴ It also obliges the printed press to distinguish between advertisements – including remunerated articles, which the Law treats as advertisements – and press materials.¹⁷⁵

The Consumer Protection Department at the Ministry of Economy monitors the content of commercial advertisements in the private sector for credibility and veracity of advertising campaigns. The Department also monitors for advertisements that are restricted or prohibited by law. The Public Prosecution service is responsible for undertaking appropriate legal action against those who breach the Law, which specifies the penalties for each violation.

With respect to advertising on the publicly-owned broadcaster, a 2012 report by the Panos Institute and the Mediterranean Observatory of Communication highlights that the presidential decree regulating the work of Palestine TV (PTV) does not contain any requirements concerning advertising. For example, specifying the number of minutes per hour or including mechanisms for the content control of ads.¹⁷⁶ In the absence of such rules and regulations, the directorate of PTV decides, at its own discretion, whether an advertisement is to be broadcast or not.¹⁷⁷

¹⁷⁴ Palestinian Press and Publications Law of 1995, Article 37.

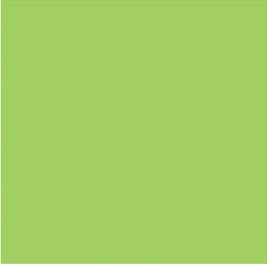
¹⁷⁵ Ibid, Article 40.

¹⁷⁶ Panos Paris Institute and Mediterranean Observatory of Communication, 2012, *Public Service Broadcasting in the MENA region: potential for reform*. p.75: <http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>.

¹⁷⁷ Ibid

Recommendations:

1. Clear rules prohibiting undue concentration of media ownership should be adopted and then applied before this phenomenon becomes a serious problem in Palestine.
2. The authorities should take steps to ensure that policy guidelines and their implementation mean that there cannot be practical discrimination between the media in terms of providing access to information, and that such access does not, in particular, especially favour the publicly-owned media.
3. Until it is replaced by an independent body, the Tripartite Committee and Licensing Board should operate in an open, participatory and politically impartial manner when issuing licences to audio-visual media outlets.
4. The broadcasting legislation noted in Recommendation 5 under Category 1 should clearly distinguish between the three tiers of broadcasters – namely public, commercial and community – and should put in place less onerous licensing rules for the latter, including in relation to both procedures and fees. Consideration should be given to providing support, including possibly financial support, to community media. Consideration should also be given to increasing the availability of community media over the Internet. Legislation should also ensure that publicly-owned media (print and broadcast) should follow public service principles and provide a diversity of content.
5. The Ministry of Telecommunications and Information Technology, in partnership with the Ministry of Information, should continue to develop the National Plan for Digital Transition in an open and consultative manner, with a view to ensuring that the final Plan promotes media pluralism and diversity through the digital transition, including by allocating spectrum on an equitable basis to public, commercial and community broadcasters.
6. The authorities should consider putting in place a special system of tax and other business incentives for the media, and especially those affiliated with CSOs and those that serve disadvantaged groups, with a view to supporting the commercial viability and strength of this sector.
7. The authorities should consider developing and adopting a clear policy on the allocation of public advertisements to the media on the basis of objective criteria and in a manner that is transparent and fair.
8. The media, in cooperation with the Palestinian Journalists' Syndicate, should devise a code of advertising that specifies best practice governing commercial advertisements.
9. The Ministry of Telecommunications and Information Technology should enforce a rule imposing limits on the number of minutes per hour of advertising in the audio-visual media.
10. Rules should be adopted to regulate advertising on the publicly-owned Palestine Television so as to ensure that the carrying of advertising is done in accordance with objective and fair criteria, rather than at the sole discretion of the Director.
11. Media development institutions in Palestine, in cooperation with university media faculties and media outlets, should take action to raise the awareness of Palestinian journalists and media owners about the importance of pluralism and diversity in the media and how to enhance it.



Category 3

**Media as a Platform for Democratic
Discourse**

Key Indicators

A. Media Reflect Diversity of Society

- 3.1 The media – public, private and community-based – serve the needs of all groups in society
- 3.2 Media organizations reflect social diversity through their employment practices

B. Public Service Broadcasting Model

- 3.3 The goals of public service broadcasting are legally defined and guaranteed
- 3.4 The operations of public service broadcasters do not experience discrimination in any field
- 3.5 Independent and transparent system of governance
- 3.6 PSBs engage with the public and CSOs

C. Media Self-Regulation

- 3.7 Print and broadcast media have effective mechanisms of self-regulation
- 3.8 Media displays culture of self-regulation

D. Requirements for Fairness and Impartiality

- 3.9 Effective broadcasting code setting out requirements for fairness and impartiality
- 3.10 Effective enforcement of broadcasting code

E. Levels of Public Trust and Confidence in the Media

- 3.11 The public displays high levels of trust and confidence in the media
- 3.12 Media organizations are responsive to public perceptions of their work

F. Safety of Journalists

- 3.13 Journalists, associated media personnel and media organizations can practice their profession in safety
- 3.14 Media practice is not harmed by a climate of insecurity

Category 3

Media as a Platform for Democratic Discourse

Free, independent and pluralistic media have strong potential to provide a platform for the exercise of democracy through the presentation of a variety of opinions that reflect the diversity of society. Democratic dialogue will be greatly enhanced if supported by the media. The media also exercise oversight over institutions in society, promoting good governance, transparency and accountability.

A. Media Reflect Diversity of Society

Palestinian society is characterized by political, social, cultural and religious diversity. It is situated on lands that are considered as sacred for the monotheistic religions. It includes a number of smaller religious communities such as the Druze and the Samaritans. It is important that the media, whether public, private or community-based, reflect this diversity, both in the content they produce and in the composition of their workforce.

3.1 The media – public, private and community-based – serve the needs of all groups in society

Arabic is the prevalent language in Palestine. Unlike other Arab countries where different languages may be used by tribes or ethnic groups, Palestinian society is not multilingual, with the exception of a few small communities such as the Armenians and the Samaritans that communicate in their own language. The Palestinian media, be they publicly-owned, private or community-based, use Arabic in their publications and broadcasting.

When asked about content broadcast by the media, a combined total of 68% of Palestinian journalists agreed or agreed to a certain extent that it serves various groups in the Palestinian community (71% in the West Bank and 65% in the Gaza Strip), while 32% did not (29% in the West Bank and 35% in the Gaza Strip).¹⁷⁸

Table 8: “I feel that the overall media output serves diverse audiences within society”

	Overall	West Bank	Gaza Strip
Agree	25.3%	25.4%	25.1%
Agree to a certain extent	43.0%	45.1%	39.7%
Disagree to a certain extent	14.6%	11.0%	20.1%
Disagree	17.0%	18.2%	15.1%
I do not know	0.2%	0.3%	

Although these results indicate that a relatively high percentage of media workers in Palestine believe that the media cater for all sectors in society, there is still a sentiment among some journalists that media coverage of specific sectors is inadequate.

According to journalist Imad Asfar, the Palestinian media does seek to serve all groups in the community but does not follow a strategic approach in achieving this objective. Groups that are more active and capable of putting forward their

¹⁷⁸ Survey conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

issues on the media agenda are thus advantaged. Moreover, geographic areas that are situated closer to the media outlets receive higher media attention. Asfar recommends that the media should devise plans that ensure the representation of all groups in the society. He also views education in media and information literacy as an effective way of empowering citizens to influence media decisions.¹⁷⁹

As regards the representation of women in media, local NGO TAM, which specializes in promoting women's rights in the media, has highlighted a number of flaws in the way women are portrayed in media content. According to TAM, women are often stereotypically presented as victims. They are also used as a promotional tool to sell goods and their bodies are exposed for this purpose.¹⁸⁰ A similar opinion is held by Nisreen Awwad, radio presenter on *Qahwa Mazboot* on Radio Nisaa 96 FM, the first women's radio in the Middle East. Awwad writes in an article on the role of women in the media that "Palestinian media institutions have not covered or discussed issues pertaining to the freedom and rights of women in depth. Rather, women's issues are often addressed for consumption purposes."¹⁸¹

Filastiniyat, another NGO centered on women's rights, also believes that women are poorly represented. A key focus of the organization's activities is challenging this representation.¹⁸² This issue was also addressed in the Cross-Sectorial National Strategy Booklet for Gender Equality in Palestine (2011-2013), wherein a recommendation was made for "developing and implementing a media strategy to address the negative cultural and social heritage regarding women's issues and roles in Palestinian society."¹⁸³ Media is acknowledged as a tool that can benefit the position of women as a misrepresented group in Palestinian society.

Journalist Nahed Abu Tu'aimah, specialist in gender and media, believes that there has been modest progress in media's approach to addressing women-related issues. As an example, she mentions that while in the past it was taboo to cover cases of "honour crimes" against women, today media outlets are more than willing to discuss this topic. Issues that were previously considered "unworthy of investigation" are now receiving media attention. However, Abu Tu'aimah believes that the important issue of femicide is still addressed in a superficial manner.¹⁸⁴

In the opinion of Palestinian women's rights activist and gender specialist Suheir Azzouni, women are influencing portrayals of gender issues through their participation in media, particularly through written publications. Some women's organizations have their own newspapers, such as *Sawt al-Nissa* (Voice of Women), published by the Women's Affairs Technical Committee (WATC) in Ramallah, *Al-Ghaida* (Beautiful Woman), published by the Women's Affairs Center in Gaza, and *Yanabee* (Fountain or Spring), published by the Palestinian Working Women's Society for Development (PWWSD). Some also have radio programmes such as the WATC *Did al-Samt* (Against Silence) and the PWWSD's *Bi-Ouyoon al-Nisa'* (Through the Eyes of Women). Azzouni underlines that despite these achievements, many media outlets continue to discriminate against women and promote traditional gender roles that are counter to gender equality. She refers to the example of *Al-Quds*, the most widely circulated newspaper in the Palestinian territories, which in her view portrays women in a stereotypical way and publishes religious articles on how women should behave.¹⁸⁵

In Azzouni's analysis, women journalists in the West Bank continue to enjoy a greater degree of freedom than those in Gaza. Although female media workers in Gaza experience no official form of censorship, they tend to self-censor in an effort to avoid antagonizing the group. For example, since the Hamas electoral victory in 2006, women's media outlets have consistently avoided discussing issues such as the veil or women's control over their own sexuality.¹⁸⁶

179 Interview conducted for this study with journalist Imad Asfar, Media Development Center at Birzeit University, February 2014.

180 See: <http://tam.ps/en/>

181 This Week in Palestine, "The Role of Palestinian Women in the Media" (7 June 2012): <http://www.thisweekinpalestine.com/details.php?id=3648&edid=204>

182 See: <http://filastiniyat.org/newsite/index.php/log-in#>

183 Palestinian National Authority Ministry of Women's Affairs & UN Women, 2013, *Cross-Sectorial National Strategy Booklet for Gender Equality in Palestine (2011-2013)*. <http://www.unwomen.org/~media/Headquarters/Media/Publications/en/UNWomenPtBookletPalestinianGenderStrategy2.pdf>.

184 Interview conducted for this study with journalist Nahed Abu Tu'aimah, Specialist in media and gender, February 2014.

185 Suheir Azzouni, 2010, "Palestine", chapter in *Women's rights in Middle East and North Africa: Progress Amid Resistance*, edited by Sanja Kelly and Julia Breslin, Freedom House: http://www.freedomhouse.org/sites/default/files/inline_images/Palestine%20%28Palestinian%20Authority%20and%20Israeli%20Occupied%20Territories%29.pdf

186 Ibid.

In an interview journalist Amal Jum'a, referring to her experience working for radio programme *Did al-Samt* (Against Silence), produced by the Women's Affairs Technical Committee (WATC), explained that getting the media to accept the use of specific terms which express violence committed against women such as rape, incest and domestic violence, was a long struggle but this objective has finally been achieved. Jum'a added that being overwhelmed with women affairs led the programme to ignore social issues faced by men. WATC became aware of this and decided to change the name of the programme from *Ma'al-Mar'a* (With Women – its original name) to *Did al-Samt* (Against Silence) to become a social programme targeting a wide audience, with a focus on youth. In Jum'a's account, the internal political divide that occurred in 2007 led to a difference in the women's rights agendas pursued by civil society organizations in the West Bank and in the Gaza Strip. She says "while we used to work under joint laws, we ended up with two authorities and sets of laws, and as a result, differing sets of priorities."¹⁸⁷

Lubna Al Ashqar, editor in chief of *Sawt al-Nissa* (Voice of Women) magazine, explained that "many groups such as youth, women and children are absent in media coverage in Palestine, due to the focus on politics at the expense of socio-economic aspects."¹⁸⁸ In her estimation, only about 10% of media coverage by the Palestinian private, publicly-owned and community-based media is allocated to socio-economic issues. While Al Ashqar referred to some successful initiatives by selected media outlets, such as Palestine TV and a number of local radio stations, to address socio-economic issues, she emphasized that these efforts remain limited.¹⁸⁹

Between 14 and 27 May 2010, the Panos Institute and the Mediterranean Observatory of Communication (OMEC) analyzed 23 information magazines on the publicly-owned national broadcaster, Palestine TV. The study confirmed that most of the programmes dealt with political issues while programmes about the economy, health, religion, and children or youth were "totally absent." According to the study, "political shows dealt predominantly with the Palestinian struggle against the Israeli occupation, at the expense of other pressing national issues of relevance to the daily lives of Palestinians."¹⁹⁰

Nibal Thawabteh, Director of the Media Development Center (MDC) at Birzeit University, agrees that Palestinian media fail to address community issues, prioritizing political topics while everyday concerns that may influence societal change such as those related to education or health are not addressed. In Thawabteh's view, the reason for this is that "these kinds of issues require research journalism and extensive interviews in which few Palestinian journalists are interested in investing efforts."¹⁹¹

Some radio and TV programmes directed at specific sectors of Palestinian society have appeared such as *Filistin al-Shabab* (Palestine Youth), broadcast by private radio station Raya, which addresses youth issues, targeting in particular young people in remote or marginalized areas. Another example is *Beit Byout* (House and Houses), a weekly programme on Palestine TV which aims to develop the talents of children and engage them in debates on major social issues. Private satellite TV station Ma'an runs a programme called *Filistin al-Kheir* (Good Palestine), which focuses on the life of Palestinians suffering from poverty in remote areas and deprived of minimal welfare. There are also occasional programmes directed at Palestinian refugees, such as the *Arzeh wa Zaitooneh* (Cedar and Olive) TV programme broadcast on Al-Falastinia (the Palestinian) satellite channel.

In the printed press, *Al-Hayat al-Jadeeda* newspaper has added a special supplement covering economic aspects of daily life. It deals with the realities of the markets, consumer goods and purchasing power of the Palestinian public, which are crucial issues of public concern.

In spite of these efforts, some sectors of the community remain marginalized from the media. One group in which the problem is particularly evident is farmers in the Gaza Strip, where agriculture represents a primary livelihood for a large part of the population. Muhsen Abu Ramadan from the Palestinian NGO Network in Gaza comments on this issue:

¹⁸⁷ Interview conducted for this study with journalist Amal Jum'a, specialist in women's affairs, February 2014

¹⁸⁸ Survey conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

¹⁸⁹ Ibid.

¹⁹⁰ Panos Paris Institute and Mediterranean Observatory of Communication, 2012, *Public Service Broadcasting in the MENA region: potential for reform*, p.157: <http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>

¹⁹¹ Interview conducted for this study with Nibal Thawabteh, Director of MDC at Birzeit University, February 2014.

We serve the category of small and medium-scale farmers. No Palestinian media, be they publicly-owned, private or community, cater to the needs of this category of the population. The only media programmes targeting farmers specifically are implemented by civil and non-governmental organizations.¹⁹²

Religious programmes occupy a prominent place in Palestinian media content. In particular, Islamic programmes of an educational nature are broadcast on Fridays. There is also Al-Qur'an al-Kareem (Holy Qur'an) radio, a special radio station dedicated to the Qur'an. In contrast, there is an absence of Christian religious programmes, except on well-known Christian holidays. At Christmas for example, Palestine TV and other local TV and radio stations in the Bethlehem area present a live transmission of the religious ceremony at the Church of the Nativity.

As regards political programmes, which take up the largest space in media coverage, news bulletins on publicly-owned and private local radio and TV stations focus on topics such as events related to the Israeli occupation, settlers' actions on the ground as well as diplomatic developments in the Palestinian-Israeli negotiations. Since 2011 Palestinian media have also been covering extensively the events linked to the political and social changes taking place in neighboring countries of the Arab region.

The political division between the West Bank and the Gaza Strip has had a substantial impact on media content. Increased control over the media by security agencies has restricted freedom of the press in both parts of the country. Additionally, certain Palestinian media outlets are biased towards one political party. This affects the content of the media and therefore the quality and plurality of information that Palestinians are receiving.

The Palestinian publicly-owned media for example is perceived by some as being biased towards the government and as supporting its position without reflecting the viewpoints of other parties in a balanced manner. For writer and researcher Mostafa Ibrahim: "Palestine TV covers the Palestinian Authority's perspective in the West Bank, while the Al-Aqsa satellite channel expresses the equally partisan views of Hamas in Gaza."¹⁹³

According to the Panos Paris Institute and the Mediterranean Observatory of Communication study on the programming content of Palestine TV, the national broadcaster "did not allow any views critical of [the] national government" in news programmes during the analyzed period (May 2010).¹⁹⁴ A qualitative analysis of Palestine TV's information magazines did however reveal that they generally hosted a variety of guests, many of them intellectuals and civil society members. Moreover, shows dealing with cultural issues tended to involve a greater diversity of views, including even some guests who "expressed ideas which were critical of and contradictory to the Palestinian Authority."¹⁹⁵

The media services of Hamas in the Gaza Strip, which include the Al Aqsa TV satellite station and Al Aqsa radio, confine their coverage to policies introduced by the de facto authorities in Gaza and the defense of Hamas. They do not present any groups with differing viewpoints in media coverage, particularly political opponents. Other local stations also design their programmes on the basis of their political orientation rather than to meet the needs of the audience.

3.2 Media organizations reflect social diversity through their employment practices

According to the AWRAD survey, the majority of Palestinian media workers find that media outlets do not sufficiently value competency as a criterion in the recruitment of their personnel. Some respondents cited this as a fundamental cause of the poor performance of Palestinian publicly-owned and private media. A combined total of 66% of those surveyed stated that they disagreed or disagreed to a certain extent with the statement: "Employment in media organizations is based on competence"(64% in the West Bank and 68% in the Gaza Strip).¹⁹⁶ Only 10% "fully agreed" with the statement, while 39% disagreed.

¹⁹² Interview conducted by the Arab World for Research and Development (AWRAD) for this study with Muhsen Abu Ramadan from the Palestinian NGO Network in Gaza, May 2013.

¹⁹³ Panos Paris Institute and Mediterranean Observatory of Communication, 2012, *Public Service Broadcasting in the MENA region: potential for reform*, p.172: <http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>.

¹⁹⁴ Ibid, p.129.

¹⁹⁵ Ibid, p. 157.

¹⁹⁶ Opinion poll conducted by the Arab World for Research and Development (AWRAD) for this study in May 2013.

Table 9: “Employment in media organizations is based on competence”

	Overall	West Bank	Gaza Strip
Agree	10.3%	9.2%	11.9%
Agree to a certain extent	22.5%	25.9%	17.4%
Disagree to a certain extent	26.1%	22.9%	31.1%
Disagree	39.5%	41.1%	37.0%
I do not know	1.6%	0.9%	2.7%

These results suggest that journalists believe other criteria influence recruitment decisions. If correct, this could have a negative impact on societal diversity and employment opportunities.

Among the journalists interviewed on this issue, opinions diverge regarding the extent to which media organizations reflect social diversity through their employment practices.

Journalist Imad Asfar considers that recruitment procedures of media outlets are largely based on competency and skills and include a competitive selection process. Quotas for specific categories of the population do not exist. According to Asfar, employment opportunities are available to Christians and Muslims, women and men alike, and recruitment processes are usually transparent and fair, with some exceptions. In media outlets linked to political parties, the selection of staff depends not only on competency but also on political affiliation, while recruitment in small private media outlets is often based on family connections.¹⁹⁷

Journalist Saleh Masharqa agrees with Asfar that there is no discrimination on the basis of religion in media employment practices. However, Masharqa believes there are social norms that impact negatively on work opportunities for women in the media field. For example, women are expected to be available for family duties in the evening, which is an important time for newspaper production. In Masharqa’s view, political affiliation is also an influence on the recruitment of media personnel. However, he believes that with the increase in private media there are greater opportunities for media recruitment based on professionalism rather than political affiliations.¹⁹⁸

Nibal Thawabteh, Director of the Media Development Center (MDC) at Birzeit University, considers that employment practices of media organizations do not reflect social diversity, and are more often based on connections, with frequent cases of nepotism, than on professional foundations.¹⁹⁹

Women lack opportunities in obtaining decision-making positions in Palestinian media institutions. According to a survey by the Palestinian Central Bureau of Statistics to mark International Women’s Day in 2012, only 10% of editors-in-chief of the media in the West Bank and Gaza Strip are women.²⁰⁰ Gender expert Suheir Azzouni noted that in 2010 the editor-in-chief of Birzeit University’s newspaper, *Al-Hal*, and the newspaper *Al-Bayader al-Siyasi* were women, as was the deputy director of the Palestinian Broadcasting Corporation.²⁰¹ Nevertheless, the positions of editor-in-chief and managing editor at Palestinian newspapers are predominantly held by men. In radio and TV stations as well, the majority of leadership positions are occupied by men, including in the governmental media.

Journalist and specialist in women’s rights, Amal Jum’a, explains that her team at the Women’s Affairs Technical Committee (WATC) consists only of women based on the belief that it is important to create opportunities for women who do not generally have the possibility of securing positions of editors-in-chief or managers in media institutions.²⁰² Overall,

¹⁹⁷ Interview conducted for this study with journalist Imad Asfar, February 2014.

¹⁹⁸ Interview conducted for this study with journalist Saleh Masharqa, February 2014.

¹⁹⁹ Interview conducted for this study with Nibal Thawabteh, Director of MDC at Birzeit University, February 2014.

²⁰⁰ See: http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/WomanDay2012A.pdf.

²⁰¹ Suheir Azzouni, 2010, “Palestine”, chapter in *Women’s rights in Middle East and North Africa: Progress Amid Resistance*, edited by Sanja Kelly and Julia Breslin, Freedom House, p.26:

http://www.freedomhouse.org/sites/default/files/inline_images/Palestine%20%28Palestinian%20Authority%20and%20Israeli%20occupied%20Territories%29.pdf.

²⁰² Interview conducted for this study with journalist Amal Jum’a, specialist in women’s affairs, February 2014.

opportunities for female journalists to occupy senior-level positions are higher in media-related civil society organizations (CSOs) than in media outlets.

Despite the scarcity of examples of women holding leadership positions in the Palestinian media, a combined total of 43% of the Palestinian journalists surveyed for this study agreed or agreed to a certain extent that female journalists are properly represented at decision-making level in media institutions and organizations, with a noticeable difference in responses between the West Bank and the Gaza Strip (46% in the former compared to only 38% in the latter). The opinions of male and female respondents to this question did not differ greatly: 43% of male respondents versus 42% of female respondents.²⁰³

Table 10: “Women journalists are properly represented in decision-making positions in the media”

	Overall	West Bank	Gaza Strip
Agree	15.1%	14.3%	16.4%
Agree to a certain extent	27.6%	31.5%	21.5%
Disagree to a certain extent	26.3%	26.5%	26.0%
Disagree	29.7%	27.1%	33.8%
I do not know	1.3%	0.6%	2.3%

As noted by the Panos Institute and the Mediterranean Observatory of Communication, women are also “rarely seen and heard as news speakers” and their opinions are rarely sought during the evening news programmes on the national broadcaster in Palestine. Content analysis carried out in May 2010 showed that women made up only 7.4 % of all guest speakers invited to appear on the evening news in Palestine TV.²⁰⁴

However, the presence of female media workers in the field can be noted with women often holding positions such as press reporters, editors and broadcasters. Morning programmes on the major Palestinian local radio stations, as well as on the official radio and TV stations, are presented by female and male broadcasters alike. In the past three years, an increase in the number of women working as press photographers or specialized in multimedia sound, image and lighting techniques has been noticed in terrestrial TV stations and local radio stations in the West Bank.

B. Public Service Broadcasting Model

The concept of public service broadcasting (PSB) should be understood as a service that is designed for, funded and owned by the public, and free from any political interference or pressure from commercial powers. Its sole purpose should be public service and its mission to provide the public with diversity of programming for the purposes of information, education and entertainment. Based on the principles of universality of service and provision for minority audiences, PSB should be the cornerstone of the media’s efforts to enhance democracy. In Palestine, this model of broadcasting has not yet been achieved.

3.3 The goals of public service broadcasting are legally defined and guaranteed

Presidential Decree No. 2 of 2010 stipulates the establishment of a public entity under the name of Palestine Public Broadcasting Corporation (PBC). According to the provisions of the decree, the PBC falls under the authority of the President and has a legal personality, and administrative and financial independence to take any action to achieve its objectives.²⁰⁵ This entity was designed to replace the Palestine Radio and TV Corporation which was founded by a

²⁰³ Opinion poll conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

²⁰⁴ Panos Paris Institute and Mediterranean Observatory of Communication, 2012, *Public Service Broadcasting in the MENA region: potential for reform*, p.129: <http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>.

²⁰⁵ Presidential Decree No. 2 of 2010 Concerning the Palestine Public Broadcasting Corporation issued in Ramallah on 9/3/2010.

Decision taken by the late President Yasser Arafat in 1993, and was affiliated to the government. In spite of the Decision to convert the Palestine Radio and TV Corporation into a public body, none of the provisions of the 2010 Presidential Decree (amended in 2012) have to date been implemented.

This means that the Palestinian media lacks fully-fledged public service broadcasting. The government has not taken any practical steps towards consolidating such a service.

Presidential Decree No. 2 (2010), referred to above, states that the Palestine Public Broadcasting Corporation shall, upon its formation and launch:

Seek to achieve the following objectives:

1. Provide efficient radio and TV broadcasting services and ensure that these are devoted to the service of the homeland and the public interest within the framework of the authentic values and traditions of the Palestinian people.
2. Support national unity and social peace, safeguard the dignity and freedoms of individuals, and work towards the dissemination of a democratic national culture.
3. Raise public awareness of Palestinian, Arab and world history and heritage.
4. Inform and educate the public, develop their knowledge and artistic taste, and provide purposeful entertainment to them through various types of television programming.
5. Address public issues, contribute to expressing the demands and problems of the public, and support their right to express opinions, participate and obtain information.²⁰⁶

For the Panos Institute and the Mediterranean Observatory of Communication (OMEC), although the Decree makes reference to a number of public service ideals with respect to content on Palestine TV, such as pluralism, professionalism and national production, “neither the decree itself nor related documents contain concrete steps and mechanisms which can help translate these ideals into actual programming that can fulfil a public service mission.”²⁰⁷

Moreover, the objectives stated above fail to include a number of key mandate priorities normally associated with public service broadcasting. These include ensuring the provision of balanced and impartial content, providing comprehensive news and current affairs programming, and offering programming which reflects the diversity of political, social, economic and cultural development in Palestinian society. As Panos and the OMEC note, emphasis is placed on national unity and preserving national culture, which they view as a reaction to years of Israeli occupation. In contrast, the “vague provisions” included in Decree No. 2 “fall short of adequately addressing the need to foster pluralism (political or religious).”²⁰⁸

Similarly, in Panos and the OMEC’s analysis, “there are no provisions (in any existing document) with respect to news bulletins and their independence and impartiality.”²⁰⁹ There are also no rules and regulations for ensuring diversity in programming. Panos and the OMEC view the scarcity of sports, economic, social and artistic shows, in comparison to the abundance of political programmes, as a clear indication of the need to introduce legislation or books of specifications for public broadcasters for an effective public service mission.²¹⁰ Central to promoting pluralism is the need to ensure the independence of the PBC and to guarantee that it is not subjected to political or governmental agendas.

²⁰⁶ Article 3 of Presidential Decree No. 2 of 2010, on the Palestine Public Broadcasting Corporation. [Translator’s Note: The text of the provisions of the Presidential Decree No. 2 of 2010 is taken from: *Compilation of Reference Texts, Palestinian Media Legislation and Security Sector Governance*. AMIN Media Network, AECID, and Geneva Centre for the Democratic Control of Armed Forces (DCAF), www.dcaf.ch/content/download/35976/527169/file/Palestinian%20Media.]

²⁰⁷ Panos Paris Institute and Mediterranean Observatory of Communication, 2012, *Public Service Broadcasting in the MENA region: potential for reform*, p.129: <http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>.

²⁰⁸ *Ibid.*, p.74-75.

²⁰⁹ *Ibid.*, p.76.

²¹⁰ *Ibid.*

Decree No.2 further states:

The assets of the Corporation [PBC] shall consist of the financial allocations designated thereto in the public budget, unconditional grants, wills and donations, and revenues accrued by its activities. The Corporation and its functions and activities shall be exempt from taxes, fees and revenues, including all the devices, tools, equipment, spare parts, raw materials, audio-visual programme materials and any other materials required by the Corporation to perform its activities.²¹¹

These are positive rules, although there are not additional measures to ensure that these funding modalities do not allow the PBC to be subjected to government control. For unknown reasons, these provisions are still awaiting implementation even though the decree was issued in 2010. Thus, the PBC still operates under the original regulations, which differ from the targeted goals of a public broadcasting service as stipulated by the Presidential Decree No. 2 of 2010 on the Palestine Public Broadcasting Corporation.

In his 2012 report, Frank La Rue, the Special Rapporteur on freedom of opinion and expression, recognized:

[T]he difficulties and challenges faced by PBC in transforming into an independent and autonomous body, including the political climate, paralysis of the Palestinian Legislative Council, and resistance from within PBC and from certain sectors of society who deem certain programmes to be contrary to cultural values and traditions.²¹²

3.4 The operations of public service broadcasters do not experience discrimination in any field

There is no evidence that the Palestine Public Broadcasting Corporation (PBC), which comprises Palestine TV (television) and the Voice of Palestine (radio), experiences discrimination in terms of access to satellite and cable carriers operating in Palestine. It also has privileged access to terrestrial broadcasting frequencies.

3.5 Independent and transparent system of governance

The Palestine Public Broadcasting Corporation is run by the Chairman of the Board of Trustees, who at the same time acts as the head of the Board of Directors and is therefore entrusted with decision-making. According to Presidential Decree No. 2 of 2010, the PBC:

Shall report to the President and enjoy a legal personality, financial and administrative independence and legal eligibility to implement all actions and dispositions to realize its purposes, including the possession of movable and immovable property in accordance with the law.²¹³

Even if this article acknowledges the financial and administrative independence of the PBC, the requirement that it report to the President raises concerns with respect to ensuring independence. Since the primary purpose of public service broadcasting organizations is that they serve the public interest, they should be accountable to the public, as is recommended in a number of international statements.²¹⁴ In countries with established public service broadcasting, the boards of public service broadcasters are often made formally accountable to the public through appointments by the legislature or parliament as the multi-party political body of elected representatives of citizens and in many cases are combined with representatives selected by civil society constituencies including staff of the public broadcaster.²¹⁵

²¹¹ Articles 12 and 13 of Presidential Decree No. 2 of 2010 on the Palestine Public Broadcasting Corporation.

²¹² Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, *Addendum - Mission to Israel and the occupied Palestinian territory*, 2012, p.13: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf.

²¹³ Article 2 of Presidential Decree No. 2 of 2010 on the Palestine Public Broadcasting Corporation.

²¹⁴ See, for example: Declaration of Principles on Freedom of Expression in Africa, p. 3, states, that "public service broadcasters should be accountable to the public through the legislature rather than the government.": http://www.achpr.org/files/sessions/32nd/resolutions/62/achpr32_freedom_of_expression_eng.pdf

²¹⁵ Toby Mendel, 2011, *Public Service Broadcasting: a Comparative Legal Survey*, p. 90: <http://unesdoc.unesco.org/images/0019/001924/192459e.pdf>

According to researcher Majed Arouri, a major weakness of the Presidential Decree No. 2 of 2010 is that by giving the Director General the authority to nominate the members of the Board of Directors, rather than entrusting this task to the Board of Trustees, it enhanced the role of the Director General and minimized the role of the Board of Trustees.²¹⁶ To amend this situation, a new Presidential Decree (No. 8 of 2012) was issued in October 2012 as an amendment to Decree No. 2 of 2010. It abolished the post of Director General, who was also the Chairman of the Board of Directors under the previous decree, and transferred “all functions and powers of the Board of Directors to the Board of Trustees for three years.”²¹⁷

The new Decree also amended the title from the Palestine Public Broadcasting Corporation to the Public Broadcasting Corporation.²¹⁸ According to the new Decree of 2012, the Board of Trustees shall be appointed by a decision of the Palestinian President and shall include:

Public personalities who effectively participate in intellectual, religious, artistic, scientific, cultural, journalistic, economic, engineering, financial and legal activities, as well as from those concerned with youth, women and children issues.²¹⁹

Upon the implementation of the Presidential Decree, the Board of Trustees shall be responsible for the following tasks:²²⁰

1. Offering consultation and advice to the Board of Directors to enable it to carry out its functions.²²¹
2. Exercising guidance and oversight over the functions of the Corporation.
3. Submitting recommendations to the President on the conclusions of its consultations in order for him to take appropriate measures.

The main tasks of the Board of Directors of the Public Broadcasting Corporation in the first three years will be to:

1. Manage all the affairs and activities of the Corporation.
2. Approve the general policies of the Corporation.
3. Prepare financial and administrative reports and submit them to the President.
4. Establish and submit to the President a financial and administrative system for the Corporation and its employees. The system should conform to the nature of the media, but not necessarily adhere to the regulations and rules pertinent to civil servants in the Palestinian Authority (PA).
5. Prepare the Corporation’s annual budget and the final account of the previous fiscal year for submission to the President.
6. Conclude a contract with one or more legally certified auditor(s) and define his salary.
7. Develop bylaws for the administration of the board’s sessions.
8. Develop the regulations necessary to govern and administer the affairs of the corporation.²²²

In practice, the above-mentioned provisions have to date not been implemented.

The approach taken in both the 2010 and 2012 Presidential Decrees is in any case incompatible with international standards regarding public service broadcasting, inasmuch as it fails to ensure the real independence of the PBC. Specifically, it vests enormous power in the President to appoint the leading governance figures for the Corporation. The

²¹⁶ Ma'an, article by researcher Majed Arouri (4 June 2012): <http://www.maannews.net/arb/ViewDetails.aspx?ID=492170>.

²¹⁷ Presidential Decree No. 8 of 2012, Articles 3 and 4, amending Presidential Decree No. 2 of 2010 on the Palestine Public Broadcasting Corporation.

²¹⁸ Ibid, Article 2.

²¹⁹ Presidential Decree No. 2 of 2012, on the Palestine Public Broadcasting Corporation, Article 5.

²²⁰ Ibid, Article 6.

²²¹ The Board of Trustees is currently carrying out the tasks of the Board of Directors which has not been yet formed.

²²² Presidential Decree No. 2 of 2012, on the Palestine Public Broadcasting Corporation, Article 10.

only constraints on the President's powers in this regard appear to be that the members of the Board of Trustees should be public personalities and represent various sectors of society.

3.6 PSBs engage with the public and CSOs

Although the content broadcast by the Public Broadcasting Corporation is perceived by some as biased in favor of the political position of the PA, Palestine TV has recently devoted more time to discussion of matters of concern to the community in an effort to reach out to new audiences, for example with special programmes that address issues affecting Palestinian youth. However, thus far no major change can be seen in radio and TV programming that indicates a transformation to a broadcaster fully dedicated to the public it serves.

While public service broadcasting has not yet been established, the Presidential Decree No. 2 of 2010 indicates that the members of the Board of Trustees should be personalities who reflect the diverse sectors within the community and who are active in all aspects of Palestinian society.²²³

Additionally, Panos and the Mediterranean Observatory of Communication note the absence of any mechanism to monitor content at Palestine TV, which in their view renders its work "more dependent on individual decisions by management than on any clearly stated policy with respect to public service ideals and requirements."²²⁴

C. Media Self-Regulation

Self-regulation is an effective practice for ensuring media independence, professionalism and ethical conduct. Based on a voluntary commitment by the media to certain principles and standards, self-regulation reflects the media's recognition of their share of the responsibility for the quality of public discourse in the nation, while fully preserving their editorial autonomy in shaping it.²²⁵

3.7 Print and broadcast media have effective mechanisms of self-regulation

Palestinian media lack an effective self-regulatory system. In neither the West Bank nor the Gaza Strip are codes of conduct observed by media institutions. This applies to the print and the audio-visual sectors alike. Newly recruited media workers do not generally receive any guidelines to clarify the rules of conduct and ethics of the profession as practiced by the individual institution.

In general, the Palestinian media do not attach great importance to codes of conduct. Rather, the application of professional standards is based on the vision of the editor-in-chief of each media outlet. This is evident in the significant changes that can take place in the professional standards of a media outlet when the editor-in-chief is replaced.

As Hasan Jaber, journalist at *Al-Ayyam* newspaper, explained: "there are no general guidelines or a unified policy that govern all media institutions."²²⁶ According to media expert Walid Batrawi, some individual media outlets have codes of conduct that have been developed by journalists and selected institutions, but these are frequently not applied.²²⁷

In the period between 2007 and 2010, initiatives were launched by the Media Development Center (MDC) at Birzeit University and by several CSOs, which led to the drafting of codes of conduct. In spite of these efforts, editorial boards of media outlets did not adopt these codes. Moreover, media owners often show more interest in investment-related matters than in raising ethical and professional standards.

²²³ Ibid, Article 5.

²²⁴ Panos Paris Institute and Mediterranean Observatory of Communication, 2012, *Public Service Broadcasting in the MENA region: potential for reform*, p.129: <http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>.

²²⁵ Miklos Haraszti, 2008, 'The Merits of Media Self-Regulation – Balancing Rights and Responsibilities', *The Media Self-Regulation Handbook*, Organization for Security and Co-operation in Europe, p. 9: <http://www.osce.org/fom/31497>

²²⁶ Interview with Hasan Jaber, journalist at *Al-Ayyam*, conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

²²⁷ Interview conducted with media expert Walid Batrawi for this study, February 2014.

With regard to the MDC initiative, Director Nibal Thawabteh explained that the codes of conduct were drawn up through a consultative process involving journalists from the West Bank and Gaza. Once finalized in 2007, MDC partnered with the Palestinian Journalists' Syndicate (PJS) to raise awareness about the codes. A large number of journalists signed the code and a poster was created, with 2000 copies distributed to the media. To accompany its dissemination, MDC issued a book on press ethics. However, Thawabteh mentioned that seven years after the finalizing of the code, its revival is important to enhance awareness about media ethics, in particular among new journalists.²²⁸

More recently, the PJS in the West Bank has formed a Committee on the Ethics of the Profession to assume the voluntary role of investigating complaints to do with ethical issues that are filed by the Palestinian public as well as the complaints by journalists themselves. Describing the results of the activities of the Committee, launched in 2012, Committee Chairman Hossam Ezzedin noted:

Journalists in Palestine do not fully understand the concept of professional ethics. In the first six months of our activities, we received only one complaint that could be considered relevant to journalistic ethics. The multiple other complaints received were outside the mandate of the Committee, and related to matters such as verbal arguments, and disagreements among journalists and colleagues. There were also only a few complaints from the public. This could be because they are not aware of the existence or work of the Committee.²²⁹

Media expert Walid Batrawi underlines that while the establishment by the PJS of a committee to receive complaints is a positive development, the committee itself runs the risk of committing professional errors in the absence of a code of conduct to guide its work.²³⁰

Regarding the situation in the Gaza Strip, Yaser Abu Hain, former head of the Gaza branch of the PJS said:

When the PJS in Gaza created a complaints' committee in 2011, we received complaints that we transferred to the relevant bodies, whether the judiciary or the police. Some have been cooperative and handled these complaints by reinstating the relevant rights.

This "postbox" role of the Syndicate provides some redress to members of the public who have complaints about coverage, although it is not as such a self-regulatory system operating with its own professional standards and capacity to mediate directly between a complainant and a specific media outlet. Abu Hain noted that while the development of a code of conduct by the Gaza branch of the PJS was proposed since the creation of the PJS in the Gaza Strip in 2007 and has been discussed for a long time, more time was needed to create a proper code of conduct that covers professionalism in the practice of all forms of media work.²³¹

The Palestinian media sector is thus characterized by a lack of established self-regulatory mechanisms. Additionally, the print media is affected by government interference in the definition and application of rules of practice through statutory regulations. The Palestinian Press and Publications Law No. 9 of 1995 provides general mandatory guidelines on editorial policy for the press. The Law specifies that a journalist and every person working in the press must fully adhere to the ethics and morals of the profession, including the following:

- a. Respect the constitutional rights and freedoms of individuals and not prejudice their right to privacy.
- b. Present press material in an objective, integrated and balanced manner.
- c. Maintain accuracy, impartiality and objectivity in commenting on news and events.
- d. Refrain from publishing anything that may incite violence, intolerance and hatred or that may promote racism and sectarianism.
- e. Not to exploit press material for the promotion of a commercial product or to depreciate its value.²³²

²²⁸ Interview conducted with MDC Director Nibal Thawabteh for this study in March 2014.

²²⁹ Interview with Hossam Ezzedin, PJS, conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013

²³⁰ Interview conducted with media expert Walid Batrawi for this study, February 2014.

²³¹ Interview with Yaser Abu Hain, Former Head of the Gaza branch of PJS, conducted by the Arab World for Research and Development (AWRAD) for this study in May 2013.

²³² Palestinian Press and Publications Law No. 9 of 1995, Article 8.

The Palestinian Press and Publications Law penalizes those who infringe the ethics and morals of the profession “with either a fine not exceeding one thousand dinars or confinement for one month, or both.”²³³ The criminalization of professional lapses is not in line with international standards, which distinguish these issues from violations of the law. Ethical, as distinct from legal, violations are normally located in self-regulatory systems, where penalties are voluntarily agreed upon by the members. Some legal violations, such as defamation, are normally also dealt with first by self-regulatory bodies, and only then by civil law procedures if they are not successfully resolved by the self-regulation mechanism, and issues such as this are not part of the criminal law.

The Law imposes on print media a number of other binding principles, in particular with respect to the publication of inaccurate news items. Article 25, for instance, deals with the right of reply. It states that in the case of the publishing of an inaccurate piece of information, the chief editor shall publish the response of the person affected by this error or an amendment free of charge in the issue that follows receipt of the response, and in the same place in which the news or article was originally published.²³⁴ A similar provision is included in Article 26 for the publication of inaccurate information harmful to the public interest.²³⁵ Article 28 specifies the cases in which a right of reply may be declined. These include cases where “the response or correction are signed using an alias or are written in a language other than that of the news to which it refers” and where “the content of the response or amendment is contrary to the law, public order or public ethics.”²³⁶

Furthermore, Article 32 prohibits the publication of any article under an alias unless the writer provides the editor-in-chief with his or her real name.²³⁷

These laws and the harsh penalties involved in cases of infringement remain a major impediment in the development of self-regulation of the press in Palestine.

3.8 Media displays culture of self-regulation

Alongside self-regulatory institutional mechanisms, the democratic role of the media also requires a broader culture of adherence to professional ethics by each individual media outlet and each employee. The Palestinian media in the West Bank and the Gaza Strip do not overall demonstrate a culture of self-regulation. In cases of professional misconduct, media outlets often fail to acknowledge their faults or offer an apology to their audiences. An example of such a professional error was the publication by local media of conflicting news regarding an accident which involved a kindergarten bus crashing and burning in the suburbs of Jerusalem in 2012. Some media outlets wrongly declared some of the children dead, and some broadcast graphic images showing the burned bodies of the children. No apology was issued.

Media outlets have also complained of their productions being copied and broadcast on other outlets with no reference to the original source. In cases of plagiarism, it is equally rare for an apology to be provided by the journalist or media outlet concerned.

Most Palestinian media outlets do not have a code of conduct and when they do it is seldom published on their websites. Daily newspapers observe the right of reply as this is a legal right of any individual affected by media coverage under the Palestinian Press and Publications Law. (*See indicator 3.7.*) However, the right of reply is absent in radio, TV and Internet-based media.

Journalist Saleh Masharqa who has been working in media institutions since 1996 says, “since I started my work with the local media and up till now, I found no Palestinian media institution that has an editorial policy or a code of conduct or rules of procedures.”²³⁸ He recalls that as young journalists, to find a methodology he and his peers would emulate how the more experienced journalists were working and the terminology they were using. Masharqa mentions that when he

²³³ Ibid, Article 48.

²³⁴ Ibid, Article 25.

²³⁵ Ibid, Article 26.

²³⁶ Ibid, Article 28.

²³⁷ Ibid, Article 32.

²³⁸ Interview conducted for this study with journalist Saleh Masharqa, February 2014.

worked at the daily newspaper *Al-Hayat al-Jadeeda* “the terminology was agreed upon among media staff but we never put this into writing as an editorial body or agreed on a specific editorial policy for the newspaper.”²³⁹

Recently, some steps have been taken to promote the development of ethical principles in journalism practice in Palestine. In March 2013, for example, the Civic Forum Institute (CFI) held a two-day Ethical Media forum in Jericho attended by forty-five senior media practitioners from both the West Bank and Gaza.²⁴⁰ The forum was focused on areas such as the creation of a system of media ethics, public trust in the media and political affiliations and their influence on reporting. An additional initiative by the CFI is a series of training workshops on Ethical Journalism and the Code of Conduct for Election Reporting with young journalists from the West Bank and Gaza.²⁴¹

Another recent development that may have a positive impact on promoting a culture of self-regulation in media is the 2013 agreement by representatives from three major media outlets, the publicly-owned broadcaster the Palestine Public Broadcasting Corporation, the national news agency (WAFA) and the daily newspaper *Al-Hayat al-Jadeeda*, to start a national dialogue, which includes among its objectives: “setting quality media as a central objective guided by the core ideals of the mission of journalism and the highest standards of professional ethics.”²⁴² A key desire of the programme is to nurture an environment of self-regulation within Palestinian media.

D. Requirements for Fairness and Impartiality

Because broadcasting is associated with airwaves which are a public good and the broadcasting spectrum is limited, in many countries rules requiring fairness and impartiality are set out in a broadcasting code. Broadcasters are thus required to treat matters of public interest, including political matters, in an objective and balanced way.

3.9 Effective broadcasting code setting out requirements for fairness and impartiality

Although Palestinian radio and TV broadcasting commenced operations in the Palestinian Territories in the mid-nineties, there is to date no audio-visual law regulating this sector. The proposed Audio-Visual Law drafted in 2011 by a committee of journalists, relevant CSOs and the government has not yet been approved due to the disruption of the work of the Palestinian legislative body. In the current circumstances, a law can only be passed by a Presidential Decree and the President’s office is hesitant to pass decrees on the grounds that they should be limited to urgent matters only.

In the absence of ratification of the draft Audio-Visual Law, radio broadcasting in Palestine remains governed by the Decision of the Council of Ministers No. 182 of 2004 Concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations. The Decision stipulates that licensed stations should:

Adhere to respect for the human person, the freedom and rights of others, the pluralistic nature of the expression of ideas and opinions, objective transmission of news, and safeguarding national unity, the needs of national security and the requirements of public interest.²⁴³

This provision underlines the need to enhance pluralism of thought through the licensing of local broadcasting stations, yet the decision restricts freedom of expression by listing prohibitions that must be observed by the media. These prohibitions are declared in ambiguous statements susceptible to different interpretations. For example, that the media should not “broadcast any racist ideas or opinions, whether associated with race, ethnicity, sex, religion, colour, and so forth.”²⁴⁴

The Decision does not however set out any specific requirements regarding the provision of fair and balanced broadcasting, even during election periods.

²³⁹ Ibid.

²⁴⁰ See: <http://www.cfip.org/p8.php>.

²⁴¹ Ibid.

²⁴² See: <http://www.ifj.org/en/articles/ifj-hails-momentous-agreement-between-palestinian-journalists-syndicate-and-employers>.

²⁴³ Decision of the Council of Ministers No. 182 of 2004 Concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations, Article 13, (3).

²⁴⁴ Ibid, Article 13, (5).

3.10 Effective enforcement of broadcasting code

The Decision of the Council of Ministers No. 182 of 2004 Concerning the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations authorizes a Tripartite Committee composed of the Ministries of Interior, Information, and Telecommunications and Information Technology to regulate radio broadcasting. The Decision is applied in the West Bank by the PA and the de facto authorities apply it separately in the Gaza Strip.

Neither the Tripartite Committee, responsible for regulating broadcasting in the West Bank, nor the licensing bodies of the Ministry of Information and the Government Media Office of the de facto authorities in the Gaza Strip, have a mandate for applying fairness and impartiality principles in granting broadcasting licenses. Both function according to governmental decisions.

With regard to the coverage of elections by the media, there is no law indicating requirements for fair and balanced coverage for all parties. However, during election periods the Central Elections Commission implements a code of conduct for media coverage wherein it asserts the right of all media outlets to cover the elections provided that they obtain a certification card from the Commission. It also highlights the right of the Commission to withdraw this certification from any journalist or media institution that violates the code of conduct.²⁴⁵

E. Levels of Public Trust and Confidence in the Media

The intrinsic value of media is as an information source. If media is to be a tool in strengthening democracy and good governance, the public needs to trust and believe in the media as an independent source of fair, balanced and accurate information. When the public has confidence in the media, the interaction between the two is enhanced, which in turn can guide the media in better addressing the needs of the public.

3.11 The public displays high levels of trust and confidence in the media

Local media in both the West Bank and the Gaza Strip attempt to gain the trust of their audiences through offering them a space to voice their opinions and freely express their daily concerns, looking for solutions to their social and economic problems. Gaining the public's confidence is especially important as it helps build lasting relationships between media outlets and their audiences, which can contribute to ensuring the sustainability of the former in an environment of strong competition.

There is evidence that local media engages with issues that are of real concern to Palestinian people. Most local radio stations allocate their morning programmes to interacting with their audience and listening to their comments or complaints. The radio station staff then responds immediately or the next day by contacting the relevant officials to address the issue of concern.

A large volume of calls are received on a daily basis from the public seeking to express their social, economic and living problems, to find solutions, and be heard by officials. This is an indication that the public sees local media, particularly radio stations, as a means for getting their point of view across. This also shows that at a local level the public trusts the media with their opinions and enough to interact with them. The growing relationship that can be observed between local radio morning programmes and their audiences may be attributed to the fact that Palestinians feel that these programmes can assist in raising the standards of services provided by the government and improving living conditions in Palestinian society. The *Al Majallah Al Munawaah* (Varied Journal) is an example of a popular programme that has been broadcast on Ajial Radio for over 12 years and which has a high number of listeners in Palestine. The programme allocates an hour and a half of broadcasting time to addressing the Palestinian public's daily concerns.

²⁴⁵ For more details on the code of conduct, visit the official site of the Central Elections Commission: <http://www.elections.ps/ar/tabid/672/language/en-US/Default.aspx>.
[Text in Arabic]

In the local printed press, newspapers such as the largely circulated *Al-Quds* publish letters from readers, while others publish letters addressed to the editor-in-chief that comment on the news published by the newspaper. News agencies and outlets that operate via the Internet offer their readers a larger space for interaction by publishing their comments online and receiving information on current events and suggestions from their readers.

Despite the success of local radio programmes, there does not necessarily appear to be much trust in media outlets overall. Khaled Abu Aker, General Director of Arab Media Internet Network (AMIN), believes that there is a challenge in finding ways to build such trust. One way he suggests is through journalistic investigations into problems of the community and achieving results from these for the benefit of the public. He considers that the absence of an investigative press in the country leads Palestinians to lack faith in the media and its ability to achieve any results in the public interest. In Abu Aker's view, marginalized villages and remote areas are especially difficult for the media to have any impact on. He does mention that on small-scale issues, such as assisting a poor family, the media might be able to have some influence.²⁴⁶ A final reason that Abu Aker provides for the perceived low levels of public trust in the media is the weakness of the media's watchdog role in holding accountable those in positions of power.²⁴⁷

Regarding the publicly-owned broadcaster, the Panos Institute and OMEC organized a series of interviews among 17 activists and members of civil society to gather their views of the performance of Palestine TV. Several respondents, such as Sha'wan Jabareen, director of the NGO Al-Haq, denounced Palestine TV's lack of impartiality in news coverage. The national broadcaster was further criticized for dealing with human rights violations in a one-sided manner, referring exclusively to Israeli violations and not to the ones perpetrated by Palestinian authorities.²⁴⁸ However, respondents praised Palestine TV's role in promoting local film production through cooperation with the private sector.²⁴⁹

3.12 Media organizations are responsive to public perceptions of their work

To date, there are no studies that assess the responsiveness of media outlets to feedback from their audience. The table below shows that a combined total of 63% of Palestinian journalists surveyed for this study agreed or agreed to a certain extent that the media responds to the opinions and comments of the public regarding their performance and output (65% in the West Bank and 59% in the Gaza Strip), while 37% disagreed completely or to a certain extent (35% in the West Bank and 40% in the Gaza Strip).²⁵⁰

Table 11: "The media is responsive to public input or comments on its performance and output."

	Overall	West Bank	Gaza Strip
Agree	17.7%	19.3%	15.1%
Agree to a certain extent	44.9%	45.2%	44.3%
Disagree to a certain extent	19.3%	15.8%	24.7%
Disagree	17.7%	19.3%	15.1%
I do not know	0.5%	0.3%	0.9%

The results of the survey indicate some awareness on the part of the media of the need for interaction with audiences and the need to take into account public feedback. However, the Palestinian media do not have a systematic approach for receiving the comments and feedback of the audience. These are mostly received by electronic mail or social media networks. Media outlets have not created listeners' clubs or associations that would make it easier for the public to provide feedback.

²⁴⁶ Interview conducted for this study with Khaled Abu Aker, General Director of Arab Media Internet Network (AMIN), February 2014.

²⁴⁷ Ibid.

²⁴⁸ Panos Paris Institute and Mediterranean Observatory of Communication, 2012, *Public Service Broadcasting in the MENA region: potential for reform*, p.129: <http://iisaw.lau.edu.lb/publications/documents/PSB-Book.pdf>.

²⁴⁹ Ibid, p.171.

²⁵⁰ Survey conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

An analysis of the programming content of public broadcaster Palestine TV conducted in May 2012 concluded that “the overwhelming majority of the 23 shows [analyzed], even those which were broadcast live, did not include callers-in.”²⁵¹ This suggests that the publicly-owned broadcaster is lacking in programmes that are participatory for viewers.

F. Safety of Journalists

Where there is an environment of fear the media cannot effectively carry out their role of disseminating information to the public and fostering democracy. Safety standards for journalists in Palestine are poor. Numerous assaults have been recorded by international and local institutions that monitor violations against Palestinian journalists.

3.13 Journalists, associated media personnel and media organizations can practice their profession in safety

As many human rights organizations’ reports have shown, Palestinian journalists face difficulties in undertaking their work as a result of restrictions to movement, arrests and detention, physical attacks, and raids of their offices by security personnel. In its 2013 Freedom of the Press Index, Freedom House highlighted problems relating to actions of the PA, the de facto authorities in Gaza and the Israeli military.²⁵²

Frank La Rue, the UN Special Rapporteur on freedom of opinion and expression, referred in his 2012 report to attacks against journalists, human rights defenders and bloggers committed by the security personnel of Israel, the PA in the West Bank and the de facto authorities in Gaza. He denounced the restrictions imposed by Israel “including arbitrary closure of radio and television stations, arbitrary arrests and detention” as well as “deliberate attacks against Palestinian, Israeli and foreign journalists covering demonstrations” by Israeli forces. Referring to Gaza, La Rue mentioned “attacks against journalists, such as confiscation of their cameras and equipment while covering demonstrations, which in some cases are followed by raids, arrests and beatings, including torture allegedly.”²⁵³

The Palestinian Center for Development and Media Freedoms (MADA) documented 238 press freedom violations in 2012²⁵⁴ and 229 such violations in 2013.²⁵⁵

In November 2012 two journalists – Al-Aqsa TV cameraman Mahmoud Alkoumi and Al-Aqsa TV photographer Hussam Salameh were reported by Reporters without Borders as killed by Israeli air strikes on the Gaza Strip. The fatal strike had followed a series of others during one week which had injured at least nine journalists and damaged news outlets.²⁵⁶

In January 2013, the International Federation of Journalists (IFJ) accused the de facto authorities in the Gaza Strip “of a major clampdown on journalists, targeting especially members of the Palestinian Journalists’ Syndicate (PJS)” and called for the “immediate release of six journalists who were arrested by Hamas security forces.”²⁵⁷ In July of 2013, the de facto authorities in Gaza ordered the closure of the offices of Ma’an News Agency and Al-Arabiya TV, which reopened four months later.²⁵⁸ (*See indicator 1.3 for further detail.*)

251 Panos Paris Institute and Mediterranean Observatory of Communication, 2012, *Public Service Broadcasting in the MENA region: potential for reform*, p.129: <http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>.

252 Freedom House, *Freedom of the Press 2013*: <http://www.freedomhouse.org/report/freedom-press/2013/west-bank-and-gaza-strip>

253 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, *Addendum - Mission to Israel and the occupied Palestinian territory*, 2012, p.15: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf.

254 Palestinian Center for Development and Media Freedoms (MADA), 2012, *Annual Report on Media Freedoms Violations in Palestine*: http://www.madacenter.org/images/text_editor/ar2012.pdf.

255 Palestinian Center for Development and Media Freedoms (MADA), 2013, *Annual Report on Media Freedoms Violations in Palestine*: http://www.madacenter.org/images/text_editor/MADA-annual-Report2013.pdf.

256 Reporters Without Borders, “Erratum. Two, not three, journalists killed on Israeli air strikes” (25 February 2013): http://en.rsf.org/three-journalists-killed-in-21-11-2012_43704.html.

257 International Federation of Journalists (IFJ) “IFJ Calls for End to Media Clampdown in Gaza” (24 January 2013): <http://mena.ifj.org/en/articles/ifj-calls-for-end-to-media-clampdown-in-gaza>

258 Bill Van Esverd for Human Rights Watch, “Palestinians’ rights abused from all sides” (31 July 2007): <http://www.hrw.org/news/2013/07/31/palestinians-rights-abused-all-sides>.

Also in Gaza, in November 2013 an armed group broke into the house of Sha'ban Memah, Al-Arabia TV photographer. The group held him at gunpoint, kidnapped him and confiscated his car.²⁵⁹ In July 2013, individuals claiming to be from the Al-Qassam Brigades threatened “to kill and cut the tongue” of Imad Dreimly, Director of the office of the China News Agency, and of the independent journalist Majed Abu Salameh if they continued to express their opinions on the events occurring in Egypt.²⁶⁰

In the West Bank, numerous attacks against journalists have also been reported. One recent incident involved the alleged assault and arbitrary detention in November 2013 of journalist George Qanawati following a complaint filed against him by the Bethlehem police.²⁶¹ The Superintendent alleged that he had been exposed to libel and slander in a radio programme presented by Qanawati. It is reported that Qanawati had criticized the Bethlehem Municipality for paying tribute to personalities who did not deserve to be honored. It is further claimed that a police squad raided Qanawati's house and was violent towards him and his mother. Medical reports confirmed that Qanawati had been beaten. Institutions defending human rights described the assault as an arbitrary act and a serious violation of media freedom.²⁶²

Palestinian journalists trying to cover clashes between Palestinians and Israeli troops during demonstrations against the occupation, settlements or the barriers have been directly affected by Israeli forces.²⁶³

An annual report by the Palestinian Center for Development and Media Freedoms (MADA) states that 151 assaults by the Israeli forces were recorded in 2013 against Palestinian journalists in the exercise of their duties. Seventy-eight assaults on journalists were committed by Palestinian parties during the same period, according to the organization.²⁶⁴ Reporters Without Borders has also drawn attention to experiences in 2013 of Mohamed Al-Azza, a Palestinian photographer working for the Palestine News Network.²⁶⁵

These figures explain why an overwhelming majority of the Palestinian journalists and media workers surveyed for this report believe that they do not work in a safe environment. A combined total of 81% disagree or disagree to a certain extent with the statement: “Journalists are not threatened by a climate of insecurity in performing their work” (83% in the West Bank and 77% in the Gaza Strip), while only 19% of Palestinian journalists agree or agree to a certain extent (17% in the West Bank and 22% in the Gaza Strip). The survey demonstrates that Palestinian journalists believe their work to be dangerous.²⁶⁶

259 Al-Mezan Center for Human Rights, “Al-Mezan Condemns Kidnapping of Al-Arabiya Photographer in Gaza” (11 November 2013): http://www.mezan.org/en/details.php?id=18075&ddname=state+of+insecurity&id_dept=9&p=center.

260 Palestinian Center for Development and Media Freedoms (MADA), *Monthly Report July 2013*: http://www.madacenter.org/report.php?lang=1&id=1328&category_id=13&year=2013.

261 Journalist and director of Radio Bethlehem 2000 and presenter of the interactive radio programme, “Prosperous Country” [Ammar Ya Balad].

262 Palestinian Center for Development and Media Freedoms (MADA), “MADA demands the immediate release of journalist Qanawati” (11 November 2013): http://www.madacenter.org/report.php?lang=1&id=1359&category_id=6&year=2013.

263 Interview conducted with journalist Abdel Kareem Samara, reporter of the Associated Press, in March 2014.

264 Palestinian Center for Development and Media Freedoms (MADA), 2013, *Annual Report on Media Freedoms Violations in Palestine*: http://www.madacenter.org/images/text_editor/MADA-annual-Report2013.pdf.

265 Reporters Without Borders, “IDF urged to punish soldier who deliberately shot, wounded photographer” (10 April 2013): <http://en.rsf.org/palestine-idf-urged-to-punish-soldier-who-10-04-2013,44356.html>. and Reporters Without Borders, “After conditional release, photographer could be detained again” (24 July 2013): <http://en.rsf.org/palestine-after-conditional-release-24-07-2013,44973.html>.

266 Survey conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

Table 12: “Journalists are not threatened by a climate of insecurity in performing their work.”

	Overall	West Bank	Gaza Strip
Agree	6.8%	5.7%	8.7%
Agree to a certain extent	12.3%	11.3%	13.7%
Disagree to a certain extent	18.4%	21.4%	13.7%
Disagree	62.2%	61.6%	63.0%
I do not know	0.4%		0.9%

It is in this context that the Palestinian Journalists' Syndicate in the West Bank, in collaboration with the International Federation of Journalists, has created a unit for occupational safety. The unit aims to raise awareness on how to deal with issues to do with professional safety, personal security and physical safety and the threats faced by journalists when reporting in dangerous locations or on sensitive issues.

It has been observed worldwide that in most cases assaults on media freedoms go unpunished. In an effort to raise awareness about this problem in Palestine, the Palestinian Center for Development and Media Freedoms (MADA) launched in November 2013, for the third year in a row, a campaign under the slogan: “Yes for holding perpetrators of assaults on media freedoms accountable.” The campaign, organized with the support of UNESCO, aims to highlight the importance of holding perpetrators accountable as an essential requirement for limiting crimes against freedom of expression and opinion.²⁶⁷

3.14 Media practice is not harmed by a climate of insecurity

According to a study conducted by the Palestinian Center for Development and Media Freedoms (MADA), self-censorship is practiced in the Palestinian media. Many factors in Palestine lead journalists to feel insecure in their work and to engage in self-censorship. These include the pressures of armed tensions and the pressures imposed by various authorities and security agencies present in the Palestinian political system, in particular since the internal political division in June 2007. Additional factors are the prevailing traditions and customs, legislation that restricts freedoms and the influence of sources of money. The most dangerous censorship, in MADA's view, is that imposed by media institutions themselves on their employees.²⁶⁸

A study conducted by the Ramallah Center for Human Rights Studies (RCHRS) stated: “incitements against journalists and accusations of bias by official parties have played a key role in enhancing self-censorship among Palestinian media workers and this reflects negatively on their performance.”²⁶⁹ Self-censorship has detrimental effects on the public's right to access credible and accurate information.

Although media censorship is prohibited under Palestinian law, it is practiced by certain parties who exert power and influence. Media workers are influenced by this problem and increasingly practice self-censorship. According to the table below, over 55% of Palestinian journalists surveyed were of the view that the statement: “Journalists do not practice self-censorship to avoid harassment, threats or legal censure” is fully or mostly incorrect (58% in the West Bank and 51% in the Gaza Strip).²⁷⁰

²⁶⁷ For more details on the campaign, visit: http://www.madacenter.org/report.php?lang=2&id=1361&category_id=6&year=

²⁶⁸ Mahmoud Fataftah, 2010, *The Impact of Violations on Self-Censorship by Palestinian Journalists*, p.59: <http://www.madacenter.org/doc/thestdy.pdf>.

²⁶⁹ Walid Al Omari, 2010, *Three Hammers and an Anvil*: <http://rchr.org/ar/images/stories/3matariq.pdf>.

²⁷⁰ Survey conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

Table 13: “Journalists do not practice self-censorship to avoid harassment, threats or legal censure.”

	Overall	West Bank	Gaza Strip
Agree	16.2%	14.9%	18.3%
Agree to a certain extent	27.0%	25.9%	28.8%
Disagree to a certain extent	20.7%	18.8%	23.7%
Disagree	34.4%	39.3%	26.9%
I do not know	1.6%	1.2%	2.3%

In his 2012 report, the UN Special Rapporteur on freedom of opinion and expression noted that journalists working for local news agencies in Gaza were at particular risk of harassment and therefore tended to avoid reporting on human rights violations by fear of having to answer to the Government Press Office of the de facto authorities or face punishment.²⁷¹ Furthermore, the report refers to a new practice adopted by the de facto authorities requiring foreign journalists to name a local contact in order to enter Gaza. According to the Rapporteur, this requirement “encourages visiting journalists to avoid reporting on sensitive issues and to apply self-censorship, as the named local may be placed at risk of reprisals.”²⁷²

²⁷¹ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, *Addendum - Mission to Israel and the occupied Palestinian territory*, 2012, p.17: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf.

²⁷² *Ibid.*

Recommendations:

1. Efforts should be made to try to increase the variety of content provided through the media in Palestine, in particular in the areas of socio-economic programming.
2. The authorities and CSOs should encourage the empowerment of women through training, and equal access for women in obtaining positions in the media, including at senior level, should be ensured.
3. A fair and balanced portrayal of men and women should be promoted in media content, including through the elimination of gender-based stereotypes.
4. The mandate of the Palestine Public Broadcasting Corporation should be broadened to include a focus on balanced and impartial news and current affairs programming, as well as on the need to provide a voice to and satisfy the information needs of all Palestinians, including marginalized groups.
5. The governance system for the Palestine Public Broadcasting Corporation should be fundamentally revised, and then the revisions implemented, in order to transform it into an independent public service broadcaster with a clear mandate to serve the wide public rather than specifically the government, including by having independent governing bodies. The management and staff of the Corporation should prioritize producing independent programming in the public interest. Palestine News and Information Agency (WAFA) and *Al-Hayat al-Jadeeda* should also be transformed into public media institutions.
6. The Palestine Public Broadcasting Corporation should make an effort to consult more broadly with Palestinians when developing both its overall programming schedule and specific programmes.
7. The rules in the Press and Publications Law imposing serious sanctions for ethical breaches should be removed and instead interested stakeholders should work together to try to put into place an effective self-regulatory system for the media, which includes a code of conduct developed after broad consultations with interested stakeholders. This should be accompanied by efforts to raise awareness among both journalists and the general public about the system and the main elements of ethical journalism.
8. The broadcasting legislation noted in Recommendation 5 under Category 1 should put in place clear rules on balance and impartiality in the broadcast media, along with an effective system for applying these rules.
9. The media should devote more attention to understanding the needs and opinions of its audience and to taking feedback from the public into consideration in its work.
10. The authorities should make it clear that attacks on journalists and media workers will not be tolerated. They should allocate adequate resources to investigating such attacks when they do occur and bringing those responsible to justice. The need for this is particularly acute where officials are involved in the abuses. CSOs should also play a role in opposing the culture of impunity. The ongoing efforts to train journalists about safety issues should be continued.
11. Media owners and editors should be encouraged to provide support to their journalists so as to reduce the risk of self-censorship. Training for journalists should also seek to strengthen their ability to combat self-censorship.



Category Four

Professional capacity building and support for institutions that underpin freedom of expression, pluralism and diversity

Key Indicators

A. Availability of professional media training

- 4.1 Media professionals can access training appropriate to their needs
- 4.2 Media managers, including business managers, can access training appropriate to their needs
- 4.3 Training equips media professionals to understand democracy and development

B. Availability of Academic Courses in Media Practice

- 4.4 Academic courses accessible to a wide range of students
- 4.5 Academic courses equip students with skills and knowledge related to democratic development

C. Presence of Trade Unions and Professional Organizations

- 4.6 Media workers have the right to join trade unions and exercise this right
- 4.7 Trade unions and professional associations advocate on behalf of the profession

D. Presence of Civil Society Organizations

- 4.8 CSOs monitor the media systematically
- 4.9 CSOs provide direct advocacy on issues of freedom of expression
- 4.10 CSOs help communities access information and get their voices heard

Category 4

Professional capacity building and support for institutions that underpin freedom of expression, pluralism and diversity

Introduction

UNESCO defines capacity building as “the enhancement of capabilities of people and institutions to improve their competence and problem-solving capacities in a sustainable manner.”²⁷³ Applied to the media, capacity building means the development of media and media personnel in terms of skills, working procedures and organizational structures, with a view of enabling the media to carry out its role more effectively and sustainably. It also includes improving the performance of academic institutions in providing courses and training that meet the needs of media institutions, and ensuring that they are up-to-date and supported by modern facilities.

Capacity building has a key role in supporting freedom of expression and pluralism in media institutions and in society through media and information literacy. It is also vital for the dissemination of diversified content and messages to the public.

A. Availability of professional media training

Training enhances the professional competency of journalists and media professionals. It also strengthens their understanding of freedom of expression and opinion, and the importance of pluralism and diversity. Once understood, these concepts can be applied by media professionals in their daily work to the benefit of society at large.

4.1 Media professionals can access training appropriate to their needs

Palestinian institutions that specialize in media development and training include the Media Development Center at Birzeit University, the Filastiniyat Institution, the Arab Media Internet Network (AMIN), the Palestinian Center for Development and Media Freedoms (MADA) and the Palestinian Journalists' Syndicate (PJS). These institutions have branches in the Gaza Strip and training programmes are implemented both there and in the West Bank. Among the most important programmes offered are those on media production, the use of social communication networks in the media, occupational safety, and technical skills such as photography, montage and information security. Some programmes have a long-term focus while others are more specific and have a shorter time frame. A number of training programmes and scholarships are also available in the Arab region and beyond to which Palestinian journalists can apply.

During the years 2012-2013, media training programmes focused on upgrading skills for written, audio-visual and online journalism. Following several corruption cases involving the misuse of public money, in 2013 a special emphasis was placed on the role of the media in exposing corruption. A joint short-term training programme on this topic was offered as a result of efforts by the Media Development Center at Birzeit University, the Anti-Corruption Commission, the Judicial Information Center at the Ministry of Justice and the PJS. Training courses were also organized on the art of dialogue

²⁷³ UNESCO Thesaurus: <http://databases.unesco.org/thesaurus/>

and on gender-sensitive reporting, including by the Women's Affairs Technical Committee (WATC) and the Filastiniyat Institution.

The Ma'an Development Center ran courses on reporting on specialized topics such as development and the environment, skills of dialogue, and the use of social networks by the media. The Arab Media Internet Network (AMIN) conducted training on media and security, while the Palestinian Center for Development and Media Freedoms (MADA) held training workshops on the right to access information and freedom of opinion and expression. These mainly targeted media students and media professionals. Media NGO Internews conducted courses on technical training for media outlets, on digital security and protection, on the digital transition and on the Palestinian legal environment.²⁷⁴

Although no precise data is available on the participation of women in these training programmes, gender balance is sought by the majority of organizations offering media training.

Several training programmes are addressed to young journalists specifically. For example, the United Nations General Assembly and the UN Department of Public Information organize an annual five-week training programme for Palestinian media practitioners aged between 23 and 33. More than 150 journalists have benefited from these training courses since 1995. In 2013, the focus was on digital journalism.²⁷⁵

Due to the particular context in which journalists operate in Palestine, safety has been a major topic of training sessions offered by both local and international organizations. In 2013, UNESCO, in partnership with the PJS, organized eight safety training courses that benefitted 175 media students in eight universities in the West Bank and Gaza (An-Najah, Al-Quds University in Abu Dis, Bethlehem, Birzeit, Hebron, Modern University College, Al Azhar and the University of Palestine in Gaza). The training courses were based on safety modules developed by the International Federation of Journalists (IFJ) and were carried out by IFJ-accredited local trainers. The training was in accordance with the strategic approach on safety created by IFJ for the Arab region. The project complemented the PJS and IFJ's existing efforts in this area and focused primarily on practicing media professionals, as part of an agreement between the two organizations announced in December 2012.²⁷⁶

UNESCO has also collaborated with Ma'an in 2011 and 2014 on several safety training activities addressed to Palestinian journalists, photographers and cameramen in both the West Bank and the Gaza Strip.

Other recent examples include three safety training workshops organized by the Doha Center for Media Freedom in April 2013 in Gaza, West Bank and Jerusalem.²⁷⁷

Training courses targeting citizen journalists and bloggers have also started to appear. One notable example is the joint effort between the Arab Media Internet Network (AMIN) and UNESCO, which ran from 2008 until 2011 and involved the organization of 80 workshops in various regions across the West Bank and Gaza and benefitted over 1100 people, including youth, students, women activists, refugees and civil society members.

Despite these examples, the survey conducted for this study shows that more than half of the Palestinian journalists questioned disagree or disagree to a certain extent with the statement that "educational and training opportunities available to journalists are varied and adequate" (52% in the West Bank and 58% in the Gaza Strip), while 44% of Palestinian journalists agree or agree to a certain extent with this statement (48% in the West Bank and 42% in the Gaza Strip).²⁷⁸ This could suggest that journalists are either unaware of the training programmes offered to them or that they find these insufficient.

²⁷⁴ See: www.internews.org

²⁷⁵ See: <http://unic.un.org/palestinemediatraining/>.

²⁷⁶ See: <http://mena.ifj.org/en/articles/palestinian-journalists-conclude-safety-training-in-jenin-west-bank>

²⁷⁷ See: <http://www.dc4mf.org/en/content/training-workshops-safety-journalists-palestine>.

²⁷⁸ Survey conducted by the Arab World for Research and Development (AWRAD) for this study in May 2013

Table 14: “The educational and training opportunities available to journalists are varied and adequate”

	Overall	West Bank	Gaza Strip
Agree	14.4%	14.3%	14.6%
Agree to a certain extent	31.0%	33.6%	26.9%
Disagree to a certain extent	21.1%	18.5%	25.1%
Disagree	33.0%	33.0%	32.9%
I do not know	0.5%	0.6%	0.5%

The results also demonstrate a slightly higher level of dissatisfaction among journalists in the Gaza Strip than in the West Bank: 58% versus 52%. This difference may be explained by the difficulties resulting from the blockade of the Gaza Strip as well as the concentration of training organizations in Ramallah as the political and economic hub of the Palestinian Authority.

The survey highlights that journalists holding a BA degree and above are the least satisfied, 55%, in comparison to 45% of those holding a secondary school certificate or lower qualification. Forty-seven percent of those in the 18-35 year age group find that educational and training opportunities are varied and sufficiently available to them, compared to only 41% in the 36-50 year age group. An explanation for this difference may be that training opportunities are more readily available and better address the needs of people new to the journalistic profession than those with many years of experience.

Research conducted by Mahmoud Makhluף found that “journalists do not use modern editorial methods because they have not received appropriate training in this area.”²⁷⁹ Further research, by Ahmad Turk, showed that 85% of Palestinian journalists were of the view that journalism requires a lengthy period of specialized and practical training and 91% believed that journalists need to engage in on-the-job training. Moreover, the Turk study claimed that very few journalists had received adequate and appropriate training to enable them to perform their work professionally and efficiently.²⁸⁰

A problem with media training is that ad hoc initiatives and courses by organizations often result in unsatisfactory delivery of programmes. Duplication of training topics is common in many workshops covering writing skills and audio-visual production, while other equally important topics are neglected, such as training on media professionalism and accuracy, media ethics, and specialized training on media law and investigative journalism.

Media researcher Abdel Rahim Abdallah writes:

The training of journalists in Palestine does not reflect a clear policy [...] and is confused in its vision. Training for journalists is not based on realistic and accurate studies of training needs but reflects opportunism by training institutions and complete surrender to donors’ agendas.²⁸¹

Another challenge, according to Nibal Thawabteh, Director of Birzeit University’s Media Development Centre, is that much of the progress made in the field of journalism education does not necessarily reach the Palestinian media. Due to the financial fragility of media outlets in the country and the inadequacy of the legal framework, “it is still difficult to carry [into the field] the lessons learned during journalism training.”²⁸²

Few vocational training courses target female journalists specifically, although several initiatives have been observed in this area in recent years. In 2011 for example, the Birzeit University Media Development Center, in cooperation with UNESCO, carried out a project entitled ‘Qaderat’ (Able – in Arabic). The project targeted 40 young female journalists in

²⁷⁹ Mahmoud Makhluף, 2010, *Factors Influencing Editorial Press in Palestinian Electronic Media: a Study of Editorial Practice Based on Information Technology and Communication*, Institute of Arab Research and Studies, the Arab League.

²⁸⁰ Ahmad Turk, 2009, *Impact of Occupational and Psycho-social Characteristics of Palestinian Journalists on their Attitude towards Professionalism*, Cairo University.

²⁸¹ Abdel Rahim Abdallah, “The Industry of Illusion: Training of Journalists as a Model”, journalist blog, see: http://www.paljournal.com/2011/11/blog-post_8232.html.

²⁸² Nibal Thawabteh, 2010, *Palestinian Media Map: Production Congestion and Consumption Dispersion*, Journalism Education in Countries with Limited Media Freedom, edited by Beate Josephi, p.92.

the West Bank and Gaza Strip who undertook a series of training sessions in editorial, economic and political writing, and TV presentation.

On the occasion of International Women's Day on 8 March 2013, a safety training workshop was organized in Cairo for Palestinian women journalists by the IFJ and the PJS. However, the de facto authorities in Gaza were criticized by the IFJ for allegedly preventing their trainer from travelling to Cairo to deliver the course.²⁸³

The Women's Center for Legal Aid and Counselling (WCLAC) established a Media Forum in 2005 to raise journalists' consciousness regarding women's rights and to present a more constructive discourse on women's issues.²⁸⁴ Together with the Institute of Modern Media and with funding from the European Commission, WCLAC between 2007 and 2008 trained 60 media professionals on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and its effects on the Personal Status Law.²⁸⁵ In 2012 and 2013, WCLAC organized several training sessions on women's rights and techniques for covering women's issues in the media, such as documenting femicide in Palestinian society and gender-sensitive reporting.²⁸⁶

4.2 Media managers, including business managers, can access training appropriate to their needs

The majority of private Palestinian media outlets are managed by their owners, who also perform the role of director. This is particularly the case in audio-visual media and it results in a considerable proportion of owners/directors being primarily businessmen and investors rather than journalists. Therefore, they often lack the skills needed to manage media institutions, which in several respects call for different management techniques than other commercial businesses. Media development institutions have begun to recognize the lack of media management skills and to seek ways of addressing this problem.

A number of workshops were held in recent years aimed at enhancing skills for managing media institutions. Some managers have had the opportunity to undertake training abroad. For example, in December 2012 BBC Media Action organized a training event for media managers and senior editors on professional and financial independence.²⁸⁷

Directors of media institutions find it difficult to access training in the field of marketing, public relations and financial management, which are important for the development of media institutions and in particular for ensuring their sustainability.

The inadequate training opportunities in management and marketing skills have had a clear impact on several Palestinian media institutions. Media outlets have closed due to financial difficulties caused by poor management and failure to put into effect financial and marketing policies that would ensure sustainability. The issue of sustainability is particularly relevant in Palestine where there are a large number of local and private media outlets and a narrow window for competition due to unstable political and economic conditions. The problem is compounded by the fact that many of these media institutions rely on international donors, who usually provide support for a limited period of time. In the section relating to business management of the IREX Media Sustainability Index, Palestine has a low score of 1.4 out of 4, placing it in the category of "unsustainable mixed systems."²⁸⁸

283 See: <http://mena.ifj.org/en/articles/ifj-slams-amas-travel-ban-on-safety-trainer-in-gaza>

284 Suheir Azzouni, 2010, "Palestine", chapter in *Women's rights in Middle East and North Africa: Progress Amid Resistance*, edited by Sanja Kelly and Julia Breslin, Freedom House, p.26:

http://www.freedomhouse.org/sites/default/files/inline_images/Palestine%20%28Palestinian%20Authority%20and%20Israeli%20Occupied%20Territories%29.pdf.

285 Women's Centre for Legal Aid and Counselling (WCLAC), 2012, *Annual Report 2012, Consolidating the past – shaping the future*:

[http://www.wclac.org/english/userfiles/WCLAC%20Narrative%20Report%20_Website_2012%20\(3\).pdf](http://www.wclac.org/english/userfiles/WCLAC%20Narrative%20Report%20_Website_2012%20(3).pdf)

& The Institute of Modern Media (IMM) see: <http://imm.ps/en/1/5/53/>

286 Women's Centre for Legal Aid and Counselling (WCLAC), 2013, *Semi-Annual Report 2013*, p.29: [http://www.wclac.org/english/userfiles/Semi%20Annual%20Narrative%20Report%202013\[2013102012612\].pdf](http://www.wclac.org/english/userfiles/Semi%20Annual%20Narrative%20Report%202013[2013102012612].pdf).

287 See: http://www.enpi-info.eu/mainmed.php?id_type=1&id=30553

288 IREX, *Media Sustainability Index 2010/2011*: http://www.irex.org/sites/default/files/u105/MENA_2010-2011_MSI_Score_Charts.pdf.

General management and marketing training is available at profit-making training centers but requires fees that media institutions are often reluctant to pay. The main issue is that these training programmes do not cover the management of media outlets specifically, in spite of the importance of this subject, as it involves developing skills in both economic investment and media work.

4.3 Training equips media professionals to understand democracy and development

Several civil society organizations are active in Palestine in the field of promoting democracy. NGO Muwatin provides training materials on the concept and practice of democracy and holds workshops to engage Palestinian journalists in democracy-related topics.²⁸⁹ The Aman Coalition has designed specialized training programmes for journalists and social networking activities on the right to freedom of expression as an essential component of democracy.²⁹⁰ Although some Palestinian journalists have received training related to understanding democracy and development, the focus on producing media content relevant to these concepts remains minimal.

Specialized training in investigative press reporting has been offered by the ARIJ Network, which works to spread a culture of investigative reporting in several Arab countries, including Palestine.²⁹¹ Such training assists journalists in identifying cases of corruption and abuse of authority and has contributed to the publication of a number of investigative reports that disclosed important information on issues of development and corruption in Palestine.

B. Availability of Academic Courses in Media Practice

A mapping of available media courses in Palestine shows that there are two media faculties in the Gaza Strip, at Al Aqsa University and at the Islamic University. In the West Bank there are four media departments, specifically Al-Quds University, Abu Dis University, An-Najah National University and Hebron University. Additionally, there are three faculties that award a double major in Arabic and Media: the Arab American, Al-Azhar and Bethlehem universities. There are also institutions that award a diploma in media or fields relevant to the media such as Dar Al-Kalima College in Bethlehem and the Modern University College in Ramallah. These universities and colleges are a mixture of public and private.²⁹²

One key challenge facing media faculties and departments remains the quality of media teaching, which fails to fully address the needs of the media industry. Media teaching must be based on practical skills and requires concerted efforts by university faculties and departments to train a generation of journalists capable of keeping pace with a rapidly developing media environment.

4.4 Academic courses accessible to a wide range of students

Annually, approximately 300 students, 50% of which are female, graduate from the faculties of journalism at Palestinian universities. Those who do not go on to work in the Palestinian media market become journalists for Arabic and international news organizations, work in administration in areas such as public relations, leave the profession to work in family businesses or return to their place of birth.²⁹³

According to the Palestinian Central Bureau of Statistics, the unemployment rate in 2012 among Palestinian graduates aged 20-29 years in the field of information and journalism was 52%: 38% among male graduates and a striking 82% among female graduates.²⁹⁴

²⁸⁹ See: <http://www.muwatin.org/>.

²⁹⁰ See: <http://www.aman-palestine.org/>.

²⁹¹ See: www.arij.net.

²⁹² Said Abu Mualla, 2012, *Media Education Circles: Stiff Competition versus a Wide Field*, MADA El-E'lam magazine, No. 5, p.16

²⁹³ Nibal Thawabteh, 2010, *Palestinian Media Map: Production Congestion and Consumption Dispersion*, edited by Beate Josephi, Journalism Education in Countries with Limited Media Freedom, p.89.

²⁹⁴ Palestinian Central Bureau of Statistics, "Press release on academic disciplines and relationships to the labor market" (7 July 2013): <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=842&mid=3171&wversion=Staging>.

Media faculties in Palestinian universities establish their curriculum individually in accordance with the regulations of the Ministry of Education and Higher Education. These regulations stipulate that the curriculum should define the content and objectives of a course as well as the method of teaching. The Ministry's role is confined to ensuring that academic plans are consistent with the accreditation standards for Palestinian universities.

Jawad Ragheb Al Dalewo of the Islamic University in Gaza finds that "there is remarkable disparity between the courses offered at Palestinian universities at graduate and undergraduate levels, with some following modern technological developments, while others fall far below the required standard."²⁹⁵

Textbooks require continuous revising to ensure that they are in line with on-going developments in the media. The current textbooks used in Palestinian media courses are out of date. There is consensus among Palestinian academics regarding the inadequacies of the approved textbooks used by most Palestinian universities to teach media. One major problem is that most universities are using the same textbooks. There are few Palestinian authors writing textbooks on media content. Therefore, new locally produced books are not readily available to students. In addition, the import of books from abroad is reportedly affected by the high taxes imposed by the Israeli government and the Palestinian Authority under the Paris Protocol.²⁹⁶ This makes books expensive and inaccessible to most students. For example, a book sold for \$5 in Jordan costs over \$10 in the West Bank. As a consequence of border controls, books may be subjected to security checks and customs en route to Palestine.

Abdel Kareem Sarhan, Dean of the Media Department at An-Najah National University, believes that the "creation of committees in media faculties and departments is important and necessary for the revision and development of textbooks and teaching plans to keep pace with the huge developments in the media."²⁹⁷ He adds that approved books should be those published after 2010 to ensure that they are up-to-date with the fast changing media environment.

Atef Salameh, Media Professor at An-Najah National University, does not believe in teaching based on approved textbooks at universities. He says: "students should be guided to a range of sources and references as a method of media teaching."²⁹⁸ Salameh observes that during the last 10 years, An-Najah University library has been enriched with many specialized media books but the lack of adequate sources and references in the field of media persists. Salameh finds that media professors do not have access to sufficient high quality academic resources. He believes they should "use books and references in English for at least twenty percent of the sources to ensure diversity and plurality of references."²⁹⁹

currently, The majority of books on media are mainly in Arabic, the language of teaching at Palestinian universities. There is less reliance on sources written in English. This may be attributed to the poor level of English proficiency among students as well as among many media professors. Therefore, universities have less incentive to use books in English and the use of textbooks in languages other than Arabic is rare in Palestinian universities.

A 2009 study by Ahmad Abu Al Saeed called upon media faculties at Palestinian universities to "increase the hours dedicated to English language teaching and the use of Internet in media education."³⁰⁰

There is an obvious disparity between media faculties in terms of providing modern technical equipment and studio facilities necessary for the practical application of media skills. The more established Palestinian universities, such as An-Najah, Birzeit and the Islamic University have sophisticated laboratories and studios equipped with communications facilities and Internet connections, while other universities and colleges lack these resources.

Many media faculties lack sufficient equipment for the practical teaching of media, particularly for radio and TV skills. These faculties have attempted to obtain assistance from donors to finance the establishment of studios and purchase

²⁹⁵ Jawad Ragheb Al Dalewo, Professor of Media at the Islamic University in Gaza in an interview conducted by AWRAD for this study, May 2013.

²⁹⁶ The Paris Economic Agreement is an Annex to the Oslo Accords between Palestinians and Israelis that establishes the details of economic relations between the two parties. The Agreement allows for the direct control of the Palestinian economy by Israel.

²⁹⁷ Interview conducted by AWRAD with Abdel Kareem Sarhan, Dean of the Media Department at An-Najah National University, May 2013.

²⁹⁸ Interview conducted by AWRAD with Atef Salameh, Professor of Media at An-Najah National University, May 2013.

²⁹⁹ *Ibid.*

³⁰⁰ Ahmad Abu Al Saeed, 2009, *The Reality of Media Education in View of the Application of the Principles of Comprehensive Quality Assurance on Media Departments at Universities in the Gaza Strip*, Arab Journal for Quality Assurance in Higher Education.

equipment. For instance, Hebron University successfully managed to set up modern media studios and laboratories for its newly established media department through a mixture of donor funding and a budget provided by the university.

Jawad Ragheb Al Dalewo from the Islamic University of Gaza underlines that TV is the most poorly equipped of media specializations. Radio equipment and facilities for the written press tend to be more available than studios, cameras and other TV equipment.³⁰¹

Students face several obstacles in utilizing the facilities available for practical training. According to Abdel Kareem Sarhan from An-Najah University, the first of these obstacles is the lack of practical media skills among teaching staff due to excessive reliance on academic skills to the detriment of practical application.³⁰² Another obstacle is the problematic relationships in certain Palestinian universities between media faculties and departments and media centers located at the university due to their differing visions. This may be attributed to the different methods adopted by each body in teaching media and journalism skills. As a result, some media students do not receive adequate support and training in the optimal use of the media facilities, studios and equipment available at these universities. Many students resort to training opportunities outside the university, even during their university education.

According to Atef Salameh, it is very important to “combine theoretical and practical media education in Palestine and adequate attention should be given to applied vocational experience that the student cannot learn in theory.”³⁰³

There are no postgraduate academic programmes in Palestinian universities, except at the Islamic University in the Gaza Strip. Students from the West Bank cannot enrol in this programme as Israeli security measures prevent movement between the West Bank and the Gaza Strip, with some very limited exceptions.³⁰⁴

As a result, many journalists who wish to continue their higher education in media and journalism are unable to do so. Several of the academics interviewed for this study, including Salameh, Sarhan and Al Dalewo, emphasized the urgent need for a postgraduate programme in media in the West Bank. However, Sarhan and Al Dalewo noted that there is a lack of competent teaching staff at postgraduate level. Sarhan and Salameh suggested a joint postgraduate programme between all universities in which qualified professors would participate. Al Dalewo also proposed coordination between media faculties to offer a Master’s degree, with each faculty offering a different sub-specialty to avoid duplication and enhance cooperation between universities.³⁰⁵

Al-Quds University in the West Bank submitted a proposal to the Ministry of Education and Higher Education in 2012 for a graduate programme in public relations, which has not yet been approved due to some obstacles regarding accreditation. Palestinian universities are considering the development of Master’s programmes in media and journalism, provided that they can overcome the lack of academic skills necessary for these programmes to be effectively run.

A study by researcher Ahmad Abu Al Saeed calls in the meantime for an increase in the number of scholarships available to enable students to study media abroad and the development of exchange programmes between universities.³⁰⁶

The absence of postgraduate programmes in media at Palestinian universities leads students who wish to continue education in this field to travel to other Arab countries where tuition fees are reasonable in comparison with their level of income. Some succeed in obtaining scholarships for graduate studies in Western countries where tuition fees are usually prohibitive for Arab students. However, most students are led to specialize in other fields related to media, such as political science, democracy and human rights, and cultural studies.

³⁰¹ Jawad Ragheb Al Dalewo, Professor of Media at the Islamic University in Gaza in an interview conducted by AWRAD for this study, May 2013.

³⁰² Interview conducted by AWRAD with Abdel Kareem Sarhan, Dean of the Media Department at An-Najah National University in May 2013.

³⁰³ Interview conducted by AWRAD with Atef Salameh, Media Professor at An-Najah National University in May 2013.

³⁰⁴ United Nations Office for the Coordination of Humanitarian Affairs, 2014, *Annual Humanitarian Overview of the Occupied Palestinian Territory*, pp. 49-52: http://www.ochaopt.org/documents/ocha_opt_annual_review_2014.pdf

³⁰⁵ Interview conducted by AWRAD with three academics: Atef Salameh, Abdel Kareem Sarhan and Ragheb Al Dalewo in May 2013.

³⁰⁶ Ahmad Abu Al Saeed, 2009, *The Reality of Media Education in View of the Application of the Principles of Comprehensive Quality Assurance on Media Departments at Universities in the Gaza Strip*.

4.5 Academic courses equip students with skills and knowledge related to democratic development

A major obstacle facing media students in Palestinian universities and colleges is acquiring an understanding of the complex Palestinian legal framework and how it relates to democratic development. There are contradictions within the Palestinian Basic Law on matters such as the guarantee of freedom of expression and the right to information, and between the Basic Law and other Palestinians laws, which impose further prohibitions on democratic practices and freedom of expression.

The courses taught to students in media disciplines provide information on democracy by studying relevant Palestinian, Arab, and international laws and regulations as well as the ethics of the media profession. They assist students in learning about the media's potential to promote democracy, human rights and development. However, the implementation of courses is disorganized and they differ greatly in content and structure from one university to another.

Abdel Kareem Sarhan confirmed that at An-Najah National University there is a core course for all media specializations on the ethics of the profession and policies related to the media. Reference is always made to media laws and ethics, and experts in these subject areas are invited to participate with faculty members in teaching this course.³⁰⁷ Jawad Ragheb Al Dalewo also confirmed the existence of courses at the Islamic University on professional ethics and media legislation at both undergraduate and Master's level. He added that "courses on human rights are a university prerequisite for all students, including those in the Media Faculty."³⁰⁸

Courses on democracy, human rights, independent thought and analysis, new media and specialized journalism are also available in Al-Quds, An-Najah, and Birzeit universities, either as elective courses for all university students or as courses offered specifically to media students.

According to Atef Salameh, the problem is not the absence of democratic and human rights values in the curriculum, although some could be further improved and developed, "but the shock received by the student when he or she is confronted by the realities of life." Salameh elaborates:

The Palestinian political divisions, the Israeli occupation and the attitude of the Palestinian Authority in dealing with journalists may in some cases conflict with the application of the values of democracy, human rights and freedom of expression. Also, conservative social norms and customs create a barrier to the journalist and his beliefs, and limit his freedom.³⁰⁹

Media curricula lack training on specialized types of reporting in which students are expected to work after graduation. Jawad Ragheb Al Dalewo criticizes the failure to include specialized press activities like covering social issues, sport and the economy in faculties in Palestine. Also, there is a global trend to teach online journalism as a discipline by itself, which has not been clearly reflected in journalism teaching at Palestinian universities.³¹⁰

Although Palestinian universities face several problems, including those related to facilities and access to materials, some positive steps have been taken by media faculties and departments. Many have updated course plans for media teaching and introduced new courses on topics such as social media and multimedia journalism.

³⁰⁷ Interview conducted by AWRAD with Abdel Kareem Sarhan, Dean of the Media Department at An-Najah National University, in May 2013.

³⁰⁸ Interview conducted by AWRAD with Jawad Ragheb Al Dalewo, Media Professor at the Islamic University in Gaza, in May 2013.

³⁰⁹ Interview conducted by AWRAD with Atef Salameh, Media Professor at An-Najah National University, in May 2013.

³¹⁰ Interview conducted by AWRAD with Jawad Ragheb Al Dalewo, Media Professor at the Islamic University in Gaza, in May 2013.

C. Presence of Trade Unions and Professional Organizations

International law protects the right of journalists to join a trade union of their choice, as part of their right to freedom of assembly and to protect their right to freedom of expression. This must be guaranteed by the provisions of the constitution and respected in practice. Furthermore, national trade unions should have the right to join relevant international trade unions.

4.6 Media workers have the right to join trade unions and exercise this right

Article 26 of the Palestinian Basic Law entitled “The right to participate in political life” stipulates the following rights:

1. To form and establish unions, associations, societies, clubs and popular institutions in accordance with the law;
2. To vote, to nominate candidates and to run as candidates for election in order to have representatives elected through universal suffrage in accordance with the law.³¹¹

Thus, the formation of trade unions and the holding of elections is a right guaranteed by law at the highest level as represented in the Palestinian Basic Law, which acts in lieu of a constitution.

Media workers and journalists who earn a living by working in the media have the right to join the Palestinian Journalists' Syndicate (PJS). The membership procedure requires an application that requests basic information such as the journalist's academic qualifications and details on the media institution they work for. The condition for submitting this application is that the applicant should work in a local or foreign media outlet and have media experience. The membership committee is elected by the PJS Secretariat and it examines the applications before deciding to accept or reject them. One year after being granted membership of the PJS, a journalist is entitled to join the International Federation of Journalists (IFJ), regardless of whether they are from the West Bank or the Gaza Strip. They can then obtain a membership card in coordination with the PJS.

Problems relating to the conditions and requirements for PJS membership in the West Bank prevented many media workers from joining the Syndicate between 2010 and 2011, although this was not the case in the Gaza Strip. The problem arose from the requirement that journalists provide salary slips of their earnings in the media, based on Article 1 of the Palestinian Press and Publications Law, which defines a journalist as “anyone who adopts media as his profession or livelihood according to the provisions of the law.”³¹² Journalists found this to be a violation of their privacy and felt that they should not be obliged to provide financial information to the PJS. Later in 2011, the PJS reconsidered this policy and no longer requests salary slips from established journalists, limiting this requirement to those new to the profession to ensure that membership of the Syndicate is confined to journalists.

The PJS is the only trade union related to the media that exists in Palestine. Although international law protects the pluralism of trade unions, allowing for all groups to become organized, and there is no provision within the Palestinian Basic Law which denies this right, the PJS maintains a monopoly in this area as many media workers and trade unionists fear the Syndicate would be weakened by competition.

While there is one official trade union for media workers, the PJS, it has effectively split into two trade unions – one based in the West Bank and the other based in the Gaza Strip. This happened following the political division that occurred in 2007 between the two largest Palestinian groups: Fatah and Hamas. Major disagreements on various organizational issues led to the split of the union. The PJS branch in the West Bank is headed by Abdel Naser Al Najjar and its General Secretariat includes representatives from the Gaza Strip. It has no working relationship with the PJS branch that was formed in the Gaza Strip in 2007, which was headed until July 2013 by Yasser Abu Heen and has since been without a director. The division within the Syndicate opened the door to political involvement in the trade union's affairs in both the

³¹¹ Article 26 of the Amended Palestinian Basic Law, 2003.

³¹² Article 1 of the Palestinian Press and Publications Law No. 9 of 1995.

West Bank and the Gaza Strip. A considerable number of Palestinian journalists are not members of the PJS in the West Bank or in the Gaza Strip for reasons related to the performance of the Syndicate and political interference in its affairs in both parts of the country.

In February 2010, concerns over risks of political interference led journalists to object to the participation of members of Palestinian political groups in the supervision of the PJS elections that were organized in the West Bank. In March 2012, a year in which there were profound disagreements among journalists in the West Bank and the Gaza Strip, a group of journalists expressed their dissatisfaction and boycotted the elections of the PJS in the West Bank. Each branch of the PJS has accused the other of lacking legitimacy or any legal authority.

The PJS General Secretariat in the West Bank is composed of 21 members: 7 from the Gaza Strip and 14 from the West Bank. Despite the spilt between the two Syndicates, many journalists from the Gaza Strip are still members in the PJS in the West Bank. However, there appear to be no journalists from the West Bank who are members of the PJS in the Gaza Strip. Hosam Ezzedin, member of the PJS General Secretariat in the West Bank says: “the number of journalists registered as members of the Syndicate amounted in 2013 to 800 in the West Bank and 400 in the Gaza Strip, with female members accounting for 25%.” In addition, 1000 media students, recent graduates and 200 male and female journalists are holders of temporary PJS membership cards (being new to the media profession), and 50 personalities are granted honorary membership. Ezzedin estimates that there are some 300 Palestinian journalists who are unwilling to register as members of the PJS for reasons related to its structure, approach and working conditions.³¹³

Women occupy three out of the 21 seats in the PJS General Secretariat, two from the Gaza Strip and one from the West Bank. This shows a weak representation of women in the General Secretariat of the Syndicate and highlights the lack of access women have to decision-making positions in Palestinian media institutions in general. These women, representing 14% of the governing body in 2013, have joined the PJS General Secretariat only recently. According to the IFJ report on Gender Equality in Journalism, no woman was a member of the PJS governing body until 2008.³¹⁴

The Jordanian Journalists’ Syndicate Law No. 17 of 1952, which is still in effect in the West Bank, stipulates that “only members of the Syndicate shall have the right to exercise the profession.”³¹⁵ However, Omar Nazzal, member of the General Secretariat of the Palestinian Journalists’ Syndicate in the West Bank, when interviewed for this study, stated that: “you must be a journalist to become a member of the Journalists’ Syndicate, but membership is not a prerequisite to work as a journalist.”³¹⁶ The same applies in the Gaza Strip where the bylaws of the Syndicate require that an applicant for membership should demonstrate that he is a journalist, but membership of the Syndicate is not a requirement to practice journalism.

Being a member of the Syndicate grants journalists the possibility of having their rights defended under law as well as being defended in cases of assault. Only journalists who are members of the PJS have the right to industrial actions.

4.7 Trade unions and professional associations advocate on behalf of the profession

The Palestinian Journalists Syndicate (PJS) signed an agreement in October 2013 with three publicly-owned media outlets, the Palestinian Broadcasting Corporation, the news agency Wafa and the daily newspaper *Al-Hayat al-Jadeeda*, to negotiate with employers the first collective trade union agreement in the country. According to the International Federation of Journalists (IFJ), with this agreement the three employers commit themselves to starting a national dialogue with journalists’ representatives on social and professional working conditions. They also aim to achieve by 3 May 2014 collective agreements on core internationally recognized labour standards. Furthermore, the agreement plans for

³¹³ Interview conducted for this study with Hosam Ezzedin, member of the PJS General Secretariat in December 2013.

³¹⁴ International Federation of Journalists (IFJ), 2009, *Getting the Balance Right: Gender Equality in Journalism*: http://portal.unesco.org/ci/fr/files/28397/12435929903gender_booklet_en.pdf/gender_booklet_en.pdf

³¹⁵ The Jordanian Journalists Syndicate law No. 17 of 1952.

³¹⁶ Interview conducted with Omar Nazzal, member of the PJS General Secretariat for this study in May 2013.

negotiations on the commitment to protect and advance editorial independence as the cornerstone of public service media.³¹⁷

The table below shows that 34% of Palestinian journalists (39% in the West Bank and 26% in the Gaza Strip) believe or believe to a certain extent that the PJS fully represents their interests, while 63.5% of journalists disagree or disagree to a certain extent with this (59% in the West Bank and 70% in the Gaza Strip).³¹⁸

Table 15: “As it stands, the Palestinian Journalists’ Syndicate is truly representative of the best interests of journalists”

	Overall	West Bank	Gaza Strip
Agree	7.6%	8.6%	5.9%
Agree to a certain extent	26.5%	30.1%	21.0%
Disagree to a certain extent	17.7%	18.2%	16.9%
Disagree	45.8%	41.1%	53.0%
I do not know	2.5%	2.1%	3.2%

These results indicate the low confidence of Palestinian journalists in both the West Bank and the Gaza Strip with regard to the ability of the PJS to fully represent their interests. This can be partly attributed to the split in the PJS, its subsequent organizational difficulties and concerns over political influence within the PJS.

According to a study by Ahmad Turk, both syndicates are preoccupied dealing with the disputes between them. A major disagreement is over who has the legitimacy of representing Palestinian journalists. This has a negative impact on the role of the Syndicate in providing services and supporting its members in areas such as fair salaries for journalists, health insurance, job security, protection of the right to strike, annual and sick leave, training and the development of rules of procedure and a code of conduct.³¹⁹

In many countries, trade unions have emerged to address the needs of online journalism, photojournalism and other emerging media specializations. In Palestine, many media workers, especially among the youth, photographers and those working in online media, consider that the PJS is incapable of dealing with the developments that have taken place in their fields of work. This is a disincentive to joining the Syndicate.

In general there is a weakness in advocacy efforts undertaken by both branches of the Syndicate in terms of wages, job security and work contracts. The PJS appears to be neither playing a role in securing its members social protection programmes or solidarity benefits, nor has it managed to develop a code of conduct that would contribute to the self-regulation of the press.

As for female journalists, it appears that the Syndicate has not achieved any significant steps to enhance the presence of women in the profession or to support them in attaining decision-making positions in the press and in Palestinian media institutions.

However, the administrative report of the PJS in the West Bank for the period following the PJS elections in February 2010 and until January 2013 does mention a number of accomplishments. The most important of these include resuming the issuance of international identity cards for Palestinian journalists, the participation of the PJS in a number of international

³¹⁷ International Federation of Journalists (IFJ), “IFJ Hails Momentous Agreement Between Palestinian Journalists’ Syndicate and Employers,” (7 October 2013); <http://www.ifj.org/en/articles/ifj-hails-momentous-agreement-between-palestinian-journalists-syndicate-and-employers>

³¹⁸ Survey conducted by the Arab World for Research and Development (AWRAD) on behalf of the Media Development Center at Birzeit University on a sample of 555 journalists in the West Bank and Gaza Strip, 2013.

³¹⁹ Ahmad Turk, 2009, *Impact of Occupational and Psycho-social Characteristics of Palestinian Journalists on their Attitude towards Professionalism*, unpublished PhD thesis, Cairo University.

conferences and the signing of an occupational safety agreement with the Ministry of Information as a prerequisite for the licensing of media outlets.³²⁰

In addition, the PJS in the West Bank formed in 2012 the Ethics and Rules of the Profession Committee, entrusted with receiving complaints from the public and institutions against journalists. The Committee is responsible for investigating complaints received and taking action by issuing reports using the results of its investigations and decisions.

With regard to freedom of movement for Palestinian journalists, in 2013 the PJS in the West Bank launched the 'Move Safely' campaign aimed at persuading Israel to allow Palestinian journalists full freedom of movement and entry to Jerusalem in order to cover events there. The PJS also published a document advocating human rights, freedom of expression and public freedoms that was signed by a large number of Palestinian journalists and then sent to international institutions and organizations. The Syndicate has carried out a series of sit-ins on the Qalandia checkpoint that separates Jerusalem from Ramallah.³²¹

In 2010, the 'Palestinian Media Rally'³²² in the Gaza Strip issued a statement in which it described the proclaimed accomplishments of the PJS, whether in the West Bank or in the Gaza Strip as "illusions," adding that the current trade union does not represent Palestinian journalists. The 'Media Rally' called upon the Federation of Arab Journalists and the IFJ to convene a meeting to look into the reality of the trade union situation in Palestine.³²³

D. Presence of Civil Society Organizations

Civil society organizations have an important role to play in raising professional standards in the media including by engaging in media monitoring activities. Media expert Sawsan Zaideh defines media monitoring as "the process of developing critical tools for the performance of the media through content analysis as part of the concept of self-regulation for the profession itself."³²⁴ Moreover, Zaideh believes that the objective of media self-regulation through monitoring and criticism is to avoid restrictions by the authorities, which often takes advantage of journalistic errors to impose unfair restrictions.³²⁵ Self-regulation improves the quality of journalists work practices and content. It therefore contributes to the right of citizens to receive unbiased and valid information. The local media in Palestine lacks what is known internationally as an internal regulator for media. Also missing is an intermediary between the media and the public that would act as an ombudsman to ensure that media content does not unjustifiably harm any party or person and that content is consistent with the standards of the profession.

4.8 CSOs monitor the media systematically

Media monitoring is largely absent in Palestine, although it has recently started to emerge in some Arab countries led by Egypt and Jordan. This may be attributed to a lack of training and knowledge by CSOs on how to conduct media monitoring.

No media monitoring reports based on international standards have been issued to date. This was confirmed by three Palestinian CSOs working on media issues, namely, the Palestinian Center for Development and Media Freedoms (MADA), the Filastiniyat Institution and the Palestinian NGOs Network (PNGO). The Media Coordinator at the Filastiniyat Institution noted that the organization had conducted a simple experiment with media monitoring to learn to what extent programmes

³²⁰ To view the PJS Administrative Report, visit: http://www.pjs.ps/index.php?option=com_content&view=article&id=711%3A2013-02-16-13-10-01&catid=37%3A2010-11-24-11-48-28&Itemid=37&lang=en

³²¹ To view the details on 'Move Safely' campaign, visit: https://secure.avaaz.org/en/petition/Freedom_of_Movement_for_Palestinian_Journalists/.

³²² Palestinian Media Rally is a forum for Palestinian youth established in Gaza in 2007. The Gathering includes a large number of Palestinian media workers from all trends. Most members are graduates of Palestinian universities and colleges. For more details, visit: <https://www.facebook.com/RMYP.PRESS>.

³²³ See: <http://maannews.net/arb/ViewDetails.aspx?ID=303110>.

³²⁴ Interview conducted by Jordan Media Monitor with Sawsan Zaideh, media expert, February 2012.

³²⁵ Ibid.

and news bulletins are sensitive to the concept of gender, but she pointed out that the study was never completed and no reports were published.³²⁶

The Women's Center for Legal Aid and Counselling (WCLAC) is archiving media coverage of violence against women in some of Palestine's main newspapers and printed a press archive on this issue for 2012.³²⁷

More systematic monitoring of the performance of the Palestinian media in both form and content is urgently needed to ascertain the independence and professionalism of journalistic performance as well as the plurality and diversity of the media. The prevailing political conditions in Palestine have a substantial impact on the media's ability to perform.

The absence of monitoring by CSOs working in media development does not encourage the development of self-regulation within the media profession. Self-regulation should be based on ethical and professional values to which journalists and media outlets adhere voluntarily. The absence of this leaves greater opportunity for interference by external forces such as the executive. The government could use an absence of self-regulation as an excuse to monitor the media itself, including through censorship and could impose restrictions that meet its own interests, which are generally incompatible with a free and professional media.

Some efforts have been made by CSOs to promote media and information literacy in society, for example by the Filastiniyat Institution, the Sharek Youth Forum, and Elamona for Media Research and Development.

4.9 CSOs provide direct advocacy on issues of freedom of expression³²⁸

CSOs have issued periodic reports on the status of freedom of expression and opinion in Palestine. For example, in the Gaza Strip, the Gaza Center for Media Freedom issues an annual report on the state of media freedom in Palestine. A range of advocacy activities for the media and media workers are also undertaken by CSOs such as the Palestinian Center for Development and Media Freedoms (MADA), which established a legal assistance unit to provide advice and support for journalists and media activists who are charged in cases related to freedom of opinion and expression. Mousa Rimawi, Director of MADA, considers "the commitment of the Palestinian Attorney General in 2012 to stopping the preventive detention of journalists" as one of the great achievements of the support and advocacy activities carried out by MADA.³²⁸

Through its Advocacy and Support Programme, MADA promotes awareness and creates pressure campaigns targeting local and national level decision-makers focusing on journalists' rights and in particular the right of freedom of expression. Among other activities, the MADA Network has organized events on World Press Freedom Day in the West Bank, Jerusalem and the Gaza Strip, and has initiated the establishment of the Coalition to Defend Freedom of Expression that includes 23 Palestinian CSO members.³²⁹

A number of CSOs monitor and document violations committed against journalists. CSOs issue official statements condemning assaults against freedom of opinion and expression and lobby decision-makers in favour of a more enabling environment for the media in Palestine. They also hold conferences and workshops to discuss issues related to press freedom. The Palestinian Center for Policies and Media Sources held a series of roundtable meetings in 2012 and 2013 attended by officials and decision makers to open debate on these issues and provide media workers with a platform to try and influence attitudes.³³⁰ However, CSOs have not conducted feedback studies to assess the effectiveness of these activities.

³²⁶ Interview conducted by AWRAD with Tarneem Al Sughayar, Media Coordinator in Filastiniyat, May 2013.

³²⁷ Women's Centre for Legal Aid and Counselling (WCLAC), 2013, *Semi-Annual Report 2013*, p.29: [http://www.wclac.org/english/userfiles/Semi%20Annual%20Narrative%20Report%202013\[2013102012612\].pdf](http://www.wclac.org/english/userfiles/Semi%20Annual%20Narrative%20Report%202013[2013102012612].pdf).

³²⁸ Interview conducted by AWRAD with Mousa Rimawi, General Director of the Palestinian Center for Development and Media Freedoms (MADA), May 2013.

³²⁹ See: <http://www.madacenter.org/programs.php?lang=1&id=5>

³³⁰ The Palestinian Center for Policies and Media Sources was founded in 2013 under the umbrella of a project for the enhancement of Palestinian independent media implemented by Internews Network.

The Independent Commission for Human Rights (ICHR), Deewan Al Mathalem, publishes monthly and annual reports on human rights and allocates a chapter to freedom of expression and freedom of the media.³³¹ It monitors only violations committed by the Palestinian Authority and not Israel. The Commission receives complaints from journalists who have been subjected to violations by security agencies or official institutions and investigates these complaints with the objective of protecting journalists from persecution. The ICHR usually handles a complaint by addressing the relevant authorities and conducting an investigation into the complaint before submitting a report to the President's office and the Palestinian Legislative Council with calls for accountability and punishment of offenders. Most often these authorities have reacted by issuing official statements or declarations underscoring their commitment to freedom of opinion and expression and freedom of media against any prejudice but no decisions or practical actions are taken.

The Palestinian Center for Human Rights (PCHR) called in 2010 for the further promotion of the relations between human rights organizations, journalists and mass media, underscoring the need for CSOs to defend the right to freedom of opinion and expression, focusing on the freedoms of press and media in particular.³³²

4.10 CSOs help communities access information and get their voices heard

CSOs have developed several innovative programmes targeting citizens in marginalized areas. The Coalition for Accountability and Integrity (Aman) created a network entitled 'Bloggers against Corruption' to which around 800 Palestinians concerned with issues of corruption are subscribed, most of them from outlying and marginalized areas such as villages in the Jordan Valley or in the south or north of the West Bank.³³³ Members can express their opinions on corruption and post stories on cases from their local communities. Aman works to convey public opinion to officials via social communication networks and to uncover cases of corruption.

Various organizations also work on empowering and raising the visibility of youth and women in the media. Tarneem Al Sughayar, Media Coordinator at NGO Filastiniyat, says "we train the youth on freedom of expression through social media. There are also programmes to promote freedoms for Palestinian female journalists."³³⁴

The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (Miftah) provides training for female candidates and young leaders on advocacy, communication skills and working with the media.³³⁵

Other institutions specialized in youth issues such as the Palestinian Youth Association for Leadership and Rights Activation (Pyalara) work to help youths to have their voices heard in the decision-making process. Pyalara also sponsors a TV programme called *Raise your Voice* produced and broadcast on Palestine TV by young people of various ages and from different cities to express their issues and concerns.³³⁶

Most of the activities provided by CSOs are dependent on the funding available from international donor institutions. As a result, they are often temporary and their implementation is contingent on the period of time during which finance is provided. Often, CSOs do not exert sufficient efforts to ensure the sustainability of activities once this funding ends.

³³¹ Deewan Al Mathalem was established by a presidential decree issued by the late President of the Palestinian Authority Yasser Arafat on 30 August 1993 and enjoys full membership of the International Coordinating Committee of the National Human Rights Bodies of the United Nations (ICC).

³³² Palestinian Center for Human Rights (PCHR), 2010, *Report on the Right to Freedom of Opinion and Expression and the Right to Peaceful Assembly under the Palestinian Authority*, p.29: <http://www.pchrgaza.org/files/2011/freedom%202010.pdf>

³³³ For more details on 'Bloggers against Corruption,' visit: <http://www.aman-palestine.org/ar/networks/Bloggers>.

³³⁴ Interview conducted by AWRAD with Tarneem Al Sughayar for this study in May 2013.

³³⁵ Suheir Azzouni. 2010, "Palestine", chapter in *Women's rights in Middle East and North Africa: Progress Amid Resistance*, edited by Sanja Kelly and Julia Breslin, Freedom House, p.26:

http://www.freedomhouse.org/sites/default/files/inline_images/Palestine%20%28Palestinian%20Authority%20and%20Israeli%20Occupied%20Territories%29.pdf

³³⁶ For more details on 'Raise your Voice' programme, visit: <http://www.pyalara.org/tv.php?id=7&lang=2>.

Recommendations

1. Media development institutions should carry out a comprehensive study on the media training currently being offered in Palestine with a view to identifying gaps and shortcomings, in particular in relation to whether training is appropriately tailored to the needs of media workers and managers.
2. Based on the above, media development institutions should devise a comprehensive long-term plan for media training programmes to ensure coordination, avoid unwarranted duplication and to fill in the gaps in training.
3. Training in media entrepreneurship should be introduced to help ensure the effective involvement of information and journalism graduates in contributing to a robust media sector.
4. Modern media curricula that provide an adequate balance between theoretical and practical teaching should be developed for university media faculties, including a focus on new media. The Ministry of Education and Higher Education should ensure that the relevant infrastructure in terms of studios, facilities and equipment is provided for the practical teaching of media and journalism in order for universities to offer media courses.
5. Universities in the West Bank should consider working together to provide a Master's programme in media.
6. University textbooks and reference books on media and journalism should be updated.
7. The outdated system whereby the Palestinian Journalists' Syndicate (PJS) is established by law and envisaged as a monopoly union for journalists should be abolished, including the repealing of the Jordanian Journalists' Syndicate Law No. 17 of 1952, and replaced with a free and open approach to unionisation.
8. The two branches of the PJS, operating in the West Bank and the Gaza Strip, should hold talks with a view to unifying the union, so that it can focus on providing support and services to its members. The PJS should also consider making efforts to broaden its appeal to the many journalists who have elected not to join it. It can also play a more active role in promoting press freedom and professionalism.
9. Efforts should be made to promote a more systematic monitoring of and reporting on the media by CSOs, with a view to enhancing the professional performance of the media.
10. CSOs should implement campaigns to raise public awareness about the importance of the media, citizens' right to have their voices heard, and the right to information. CSOs should also be encouraged to develop programmes targeting marginalized groups, with a view to assisting them to access information and to get their voices heard.



Category 5

**Infrastructure Capacity is Sufficient
to Support Independent and
Pluralistic Media**

Key Indicators

A. Availability and use of technical resources by the media

5.1 Media organizations have access to modern technical facilities for news gathering, production and distribution

B. Press, broadcasting and ICT penetration

5.2 Marginalized groups have access to forms of communication they can use

5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalized communities

Category 5

Infrastructural Capacity is Sufficient to Support Independent and Pluralistic Media

Introduction:

In the Geneva Declaration of Principles of 2003, the representatives of States participating in the first phase of the World Summit on the Information Society (WSIS) reaffirmed their commitment to “the principles of freedom of press and information, as well as those of the independence, pluralism and diversity of media, which are essential to the Information Society.” They emphasized that “ICT (Information and Communication Technology) should play a supportive role in this regard.” The Declaration also recognized the need to reduce “international balances affecting the media, especially in terms of infrastructure, technical and human resources.”³³⁷

The growth of the Palestinian ICT sector started in the 1980s and gained momentum after the inception of the PA in 1994. According to the Palestine Trade Center (PalTrade), this development was the result of the privatization of the telecommunication sector in 1997, which led to the creation of the Palestine Telecommunication Company (PalTel), the emergence of the first mobile operator in 1999 and the recent emergence of a second mobile operator.³³⁸ Several studies have stressed that the growing Palestinian ICT sector has the potential to make a strong contribution to balanced sustainable growth in a small economy with a young and well-educated population.³³⁹

However, Palestine faces particular challenges in this respect due to constraints that limit independent decision-making in regard to ICT infrastructure³⁴⁰ and also due to the political divide between the West Bank and Gaza. The combination of these two factors makes it more difficult for Palestine to create an information society in which the media and Palestinian society as a whole can benefit from ICTs. In addition, the absence of an independent telecommunications regulator is a constraint.

A. Availability and use of technical resources by the media

Palestine was one of the first Arab countries to witness rapid growth in Internet and mobile phone networks following the inception of the Palestinian Authority (PA) in 1994. In Palestine, modern technology is used by individual Palestinian journalists and by media outlets. Mamoun Matar, an expert in communications technology and transmission systems interviewed for this study, stated that many technologies began to be used in Palestine years ahead of other Arab countries because Israel had introduced them at an early stage. This provided an opportunity for Palestinians to get

³³⁷ Geneva Declaration, 2003: <http://www.itu.int/wsis/docs/geneva/official/dop.html>

³³⁸ Palestine Trade Center, 2010, *Challenges facing ICT in Palestine*, p.5: <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/ChallengesFacingICTPalestine.pdf>

³³⁹ The Portland Trust, 2012, *The ICT Sector in the Palestinian Territory*, p.1: http://www.portlandtrust.org/sites/default/files/pubs/ict_special_aug_2012.pdf
Palestinian Information Technology Association of Companies (PITA), 2012, *Palestinian ICT Market Penetration Study*, p.24: http://www.pita.ps/sites/default/files/studies/palestinian_ict_market_penetration_study_04092013_1.pdf
Palestine Economic Policy Research Institute (MAS), 2012, *The ICT Sector in Palestine: Current State and Potentials*, p.1: http://www.mas.ps/2012/sites/default/files/ICT%20English_0.pdf

³⁴⁰ See for example: Palestine Trade Center, 2010, *Challenges facing ICT in Palestine*: <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/ChallengesFacingICTPalestine.pdf>

exposed to these new technologies before other Arab countries. Matar also referred to obstacles that are caused by Israel and which prevent Palestinians from fully reaping the benefits of ICTs, including reportedly the use of 3G services.³⁴¹

5.1 Media organizations have access to modern technical facilities for news gathering, production and distribution

Modern technologies facilitate the work of media professionals and reduce media production costs. Consequently, Palestinian media organizations demonstrate a strong interest in making use of technology and technical facilities in order to access, produce and disseminate information. The table below demonstrates that a combined total of 77% of Palestinian journalists agree or agree to a certain extent that they can access the technologies they need to carry out their job as a journalist (81% in the West Bank and 70% in the Gaza Strip), while only 23% of them disagree or disagree to a certain extent.³⁴²

Table 16: “I can access the technologies I need to carry out my job as a journalist.”

	Overall	West Bank	Gaza
Agree	39.6%	43.8%	33.3%
Agree to a certain extent	37.1%	37.2%	37.0%
Disagree to a certain extent	10.5%	6.8%	16.0%
Disagree	12.6%	12.2%	13.2%
I do not know	0.2%		0.5%

The results of the opinion poll indicate that the availability of technologies to Palestinian journalists is greater in the West Bank than in the Gaza Strip. This may be linked to the Israeli restrictions on the entry of technological goods into the Gaza Strip.³⁴³ There are no significant differences in the availability of technology to Palestinian journalists by sex or age.³⁴⁴

Most Palestinian daily newspapers have launched their own websites. *Al-Quds* newspaper has imposed subscription fees for using certain services on their website. The majority of radio and TV stations also have their own websites. In addition, Palestinian media of all types are using social networks to achieve maximum interaction and communication with the public, especially in the major urban centers.

Ibrahim Melhem, Editor in Chief of *Al-Quds* website, said “we rely heavily on social networks such as Facebook and Twitter to expand the number of visitors to our news site.”³⁴⁵ In the West Bank at the end of 2012 Facebook had more than 967000 users.³⁴⁶ Palestine ranked 62nd in the world in terms of Facebook users with 37% of the population using the social networking site, while Jordan and Lebanon were ranked 68th and 69th with rates of 35%.³⁴⁷

The use of social networks by the media is more prevalent than the use of other services, such as SMS via mobile phones, due to the low cost of this form of communication. Melhem also mentioned that the *Al-Quds* site has halted its SMS service because “of its limited impact.”³⁴⁸ The public uses mobile phones to interact with the media by directly calling and participating in live programmes, such as morning talk shows dealing with everyday issues.

³⁴¹ Interview conducted with Mamoun Matar, expert in communications technology and transmission systems, for this study, May 2013. See also: Palestine Trade Center, 2010, *Challenges facing ICT in Palestine*, p.10: <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/ChallengesFacingICTPalestine.pdf>

³⁴² Opinion poll conducted by the Arab World for Research and Development (AWRAD) for this study, May 2013.

³⁴³ See for example: United Nations Office for the Coordination of Humanitarian Affairs, July 2013, *Fact Sheet on the Humanitarian Impact of Movement Restrictions on People and Goods in the Gaza Strip*, p.1: http://www.ochaopt.org/documents/ocha_opt_gaza_blockade_factsheet_july_2013_english.pdf

³⁴⁴ Ibid.

³⁴⁵ Interview with Ibrahim Melhem, Editor in Chief of *Al-Quds* news site for this study in November, 2013.

³⁴⁶ Internet World Stats. Middle East Internet Users, Population and Facebook Statistics: <http://www.internetworldstats.com/stats5.htm>; <http://www.internetworldstats.com/me/ps.htm>

³⁴⁷ The Portland Trust, 2012, *The ICT Sector in the Palestinian Territory*, p.2: http://www.portlandtrust.org/sites/default/files/pubs/ict_special_aug_2012.pdf

³⁴⁸ Interview with Ibrahim Melhem, Editor in Chief of *Al-Quds* news site for this study in November, 2013.

Walid Nassar, Director of Ajial Radio commented that “the use of ICTs to reach marginalized areas is of limited effect as what these areas actually need is a radio station before they can begin communicating via the Internet.”³⁴⁹

Muamar Orabi, Director of Wattan TV station, described their experience as a local TV station using new technology to reach out to the largest possible audience:

In 2009, we established an Internet-based television station, which coincided with growth in the use of the Internet in the West Bank and the Gaza Strip between 2010 and 2013. More than 40% of Palestinians are today using the Internet, especially young people.³⁵⁰

Many Palestinian journalists possess good technological skills to help them in their task of gathering, producing and disseminating information.

B. Press, broadcasting and ICT penetration

In 2012, the Internet penetration rate in the West Bank was 58%, with more than 1.5 million Internet users (no available data for Gaza). This is almost 20% higher than the average rate for the Middle Eastern region, which was 40% in 2012.³⁵¹ However, some remote villages in Palestine are still without access to the Internet. Walid Nassar, Director of Ajial Radio, said “although technological development is widespread in major cities, it has not fully reached remote areas, and rural areas suffer from weak infrastructure and lack of Internet penetration.”³⁵² Despite having limited access to the Internet, community media use the available ICTs to convey their message to the community and encourage public interaction through the existing means of communication, such as mobile phones and land lines.

5.2 Marginalized groups have access to forms of communication they can use

The Palestinian Central Bureau of Statistics (PCBS) indicated that in 2012, 51% of Palestinian households owned a computer (55% in the West Bank and 44% in the Gaza Strip), 32% of Palestinian households had an Internet connection (34% in the West Bank and 28% in the Gaza Strip) and 40% of Palestinian households had a fixed telephone line (43% in the West Bank and 35% in the Gaza Strip).³⁵³ Additionally, 94% of households had a satellite dish in 2011 (96% in the West Bank and 90% in Gaza).³⁵⁴ The PSBC survey results also indicate a widespread use of mobile phones compared to other means of communication with 96% of Palestinian households having a mobile telephone.³⁵⁵

As a result, the media (the audiovisual media in particular) concentrates on interaction with audiences via mobile phones and engagement in interactive programmes, such as morning talk shows that discuss daily affairs, interactive political talk shows and programmes that target youth. In these programmes, the public can express their views on issues concerning their community and voice their concerns.

Media outlets have also started transmitting media content via mobile phones, especially smart phones with an Internet connection. This is seen as an opportunity to communicate messages to marginalized areas that are not covered by broadcasting frequencies or newspaper distribution. For example, local radio stations such as Ajial and Raya announce that their audiences can download a special application to enable them to receive transmissions on their smart phones.

The establishment of community radio stations that broadcast via the Internet is another way Palestine is employing modern technologies to reach marginalized communities. The Institute of Modern Media established Hona Al-Quds community radio station in 2012, which transmits from the Old City of Jerusalem to target the Jerusalemite community.

³⁴⁹ Interview conducted with Walid Nassar, Director of Ajial Radio, for this study in November 2013.

³⁵⁰ Interview conducted with Muamar Orabi, Director of Wattan TV, for this study in November 2013.

³⁵¹ Internet World Stats. Middle East Internet Users, Population and Facebook Statistics: <http://www.internetworldstats.com/stats5.htm>

³⁵² Interview conducted with Walid Nassar, Director of Ajial Radio, for this study in November 2013.

³⁵³ For details of the PCBS report, see: <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=ar&ItemID=791&mid=3915&wversion=Staging>.

³⁵⁴ PCBS, Percentage of households that have ICT Equipment in Home by Region: http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/ICT_Households_Annual%2011_E.htm

³⁵⁵ See: <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=ar&ItemID=791&mid=3915&wversion=Staging>.

The Palestine News Network created Al-Dahriya Radio in the Al-Dahriya village to the south of Hebron as the first community Internet-based radio station broadcasting in the southern West Bank. These stations are directed towards a young audience, targeting in particular those using social networks.

Safa Naser Eldein, Minister of Telecommunications and Information Technology, believes that the special needs of marginalized groups in accessing different forms of communication must be met first by “working on infrastructure with the participation of private telecommunications companies that should invest in this area as part of the conditions required for obtaining a license.”³⁵⁶ The Minister indicated that the government has a role to play in the development of infrastructure in terms of paving roads and providing power lines but that this responsibility should be shared between the government and private companies. According to the Minister, there is no Internet access in approximately 30% of areas in Palestine. The Minister also underlined that private telecommunications companies have failed to sufficiently invest into the extension of coverage to reach marginalized areas (rural and outlying).³⁵⁷

The Palestinian Information Technology Association of Companies (PITA) argues that lack of regulation creates a negative environment for investment:

The ICT regulatory body which was envisaged by the Palestinian Legislative Council (PLC) is not yet formed, [and] the Ministry of Telecommunications and Information Technology is more involved in day to day operative issues instead of concentrating on the policies and the growth of the sector.³⁵⁸

5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalized communities

The Ministry of Telecommunications and Information Technology devised a National Strategy for ICT and postal services in Palestine for 2011-2013. The purpose was:

To create an information-based Palestinian community that harnesses the tools and methods of ICT and uses postal services by providing a conducive and appropriate legal and legislative environment and the application of transparent policies that support sustainable development and improve the quality of life of the Palestinian people.³⁵⁹

The Ministry’s Strategy elucidated the challenges of the conditions in Palestine, most importantly, “the lack of clear policies and budgets for research and development, a weakness in redressing the status of terrestrial and satellite radio stations, along with the absence of and deficiencies in laws and legislation.”³⁶⁰ Consequently, the Ministry of Telecommunications and Information Technology attempted to diagnose all aspects of the problems experienced by the communications sector and incorporate these in to its work strategy in order to address and overcome these problems when achieving future goals.

As Safa Naser Eldein, Minister of Telecommunications and Information Technology, explained:

The Strategy included many objectives, primarily the establishment of an independent regulatory board for telecommunications. The Ministry is currently performing this function pending formation of an independent body. Although efforts are ongoing to create the board, the President refuses to issue a decree since it does not fall under the remit of the emergency laws that the President is permitted to issue during the absence of the Palestinian Legislative Council.³⁶¹

³⁵⁶ Interview with Safa Naser Eldein, Minister of Telecommunications and Information Technology, for this study in November 2013.

³⁵⁷ Ibid.

³⁵⁸ Palestinian Information Technology Association of Companies (PITA), 2012, *Palestinian ICT Market Penetration Study*, p.33: http://www.pita.ps/sites/default/files/studies/palestinian_ict_market_penetration_study_04092013_1.pdf

³⁵⁹ See: <http://www.mtit.pna.ps/ar/cp/plugins/spaw/uploads/files/strategy%20final.pdf>.

³⁶⁰ Ibid.

³⁶¹ Interview with Safa Naser Eldein, Minister of Telecommunication and Information Technology, for this study in November 2013.

The Palestinian Information Technology Association of Companies (PITA) notes that a Palestinian Telecommunications Regulatory Authority (PTRA) was established in 2009 but it was never rendered operational.³⁶² According to PITA, this results in the Ministry of Telecommunications and Information Technology “being pressed for resources to improve the ICT infrastructure in Palestinian territories along with dealing with pricing, licensing and operational issues of the telecom sector.”³⁶³

The Minister of Telecommunications and Information Technology further elaborates that:

Large companies in the field of communications technology were not previously concerned about the creation of this body but conditions have now changed and there is an urgent need for a body to regulate the telecommunications sector.³⁶⁴

This change in opinion may be due to the pending transfer to digital broadcasting transmission that will require coordination and an independent party capable of making and implementing decisions regarding the management of communications and broadcasting in the digital era.

Despite the encouraging provisions included in the Ministry’s Strategy for 2011-2013, in practice there is a clear absence of public policies with respect to ICTs or to meeting the needs of marginalized groups in the community. Insufficient attention has been given by the state to harnessing the potential of ICTs to improve access to information for marginalized communities and create a more inclusive media environment.

According to Mamoun Matar, expert in communication technology and transmission systems:

The role of the Palestinian Authority lies in creating infrastructure in marginalized areas, such as the Jordan Valley, and to introduce the technological developments needed. For example, the Tubas governorate is one of the last areas where radio was introduced. This means that there is an obvious delay in Palestine with regard to keeping pace with technological developments in the world. Once the PA provides the appropriate infrastructure, it is important for telecommunication companies and other investors to invest in these areas and contribute to their development without consideration of profit, based on the idea of social responsibility.³⁶⁵

Minister of Telecommunications and Information Technology, Safa Naser Eldein, describes the new Strategic Plan for 2014-2016 as containing many ambitious objectives, such as bridging the digital divide and the conversion to digital transmission in Palestine. Naser Eldein confirmed that the Ministry had set up 24 policies, each with main and secondary goals to be accomplished. These policies include the liberalization of the market to create a competitive environment, investment in infrastructure, consideration of the legislative environment and the ratification of relevant laws and the licensing system. Another goal will be to supply high speed broadband Internet.³⁶⁶

The political and security conditions faced by Palestine as a result of the Israeli occupation have greatly hampered the ability of the Palestinian government to achieve significant progress in telecommunications technology.

According to the Palestinian Information Technology Association of Companies (PITA), the telecom network in Palestinian territories is owned and operated by Palestinian operators but interconnects to the outer world through Israeli telecommunication operators. PalTel owns and operates the Internet network but must buy its bandwidth from Israeli telecommunication operators, which results in expensive connectivity costs for Palestinians. Other major issues are restrictions on the import of telecommunication equipment by Palestinian telecom providers and Internet Service Providers, and that Palestinian mobile services companies, both Jawwal (a subsidiary of PalTel) and Wataniya have limited bandwidth. The reported fact that Wataniya, which has license to operate both 2G and 3G services, is only operating 2G

³⁶² Palestinian Information Technology Association of Companies (PITA), 2012, *Palestinian ICT Market Penetration Study*, p.33: http://www.pita.ps/sites/default/files/studies/palestinian_ict_market_penetration_study_04092013_1.pdf

³⁶³ Ibid.

³⁶⁴ Interview with Safa Naser Eldein, Minister of Telecommunication and Information Technology, for this study in November 2013.

³⁶⁵ Interview conducted with Mamoun Matar, expert in communications technology and transmission systems, for this study in November 2013.

³⁶⁶ Interview with Safa Naser Eldein, Minister of Telecommunication and Information Technology, for this study in November 2013.

services is said to be an illustration of this.³⁶⁷ According to the Palestine Trade Center (PalTrade), the Israeli Government's refusal to release additional frequencies "is driven by economic reasons," given that most Israeli operators use 3G and serve a large part of the West Bank.³⁶⁸

In addition, the Palestine Economic Policy Research Institute (MAS) finds that the weaknesses of the Palestinian ICT sector can also be explained by other factors such as "the low level of commitment to new ICT initiatives amongst most ministers" and "the underdeveloped legal and regulatory structures in telecommunications and IT markets." The same study emphasized that the "deteriorating political environment" and the "segregated relationships between the West Bank and Gaza" were threats to the development of the Palestinian ICT sector.³⁶⁹

In its Resolution 125 of October 2010, the International Telecommunication Union acknowledged that the Palestinian telecommunication network had been "significantly damaged in recent years" and that the international community had "an important role in assisting Palestine to develop a modern and reliable telecommunication network." In the same resolution, the Telecommunication Development Bureau (BDT) was called to "facilitate the establishment of international access networks, including terrestrial and satellite stations, submarine cables, optical fiber and microwave systems" in the country.³⁷⁰

To keep pace with technological developments in broadcasting, on 8 May 2013 the Ministry of Telecommunications and Information Technology began a series of consultative meetings with media outlets that broadcast using terrestrial waves with the aim to contribute to the development of a National Plan for Digital Transition. The Plan will act as a tool in the transition from analogue terrestrial radio and TV transmission to digital and is part of the 2014-2016 Strategic Plan of the Ministry of Telecommunications and Information Technology. Palestine is scheduled to complete the digital transition by mid-2015 for TV stations and by 2020 for radio stations.

Minister of Telecommunications Safa Naser Eldein explained:

The process towards TV digital transition started with awareness raising workshops and consultative meetings to elaborate with all relevant parties the Ministry's plan for the development of the broadcasting sector in a way that encourages technical advancement and the incorporation of radio stations to ensure economic viability, enhance the quality of media content and encourage the creation of specialized stations, whether those addressing gender issues, educational or other concerns, targeting in particular marginalized groups in society.³⁷¹

The consultative sessions held by the Ministry with other stakeholders in the period between May and August 2013 resulted in a decision to distribute a questionnaire that would allow local media outlets the opportunity to participate in the drafting of the National Plan for Digital Transformation by providing their suggestions and recommendations. The Ministry designed the questionnaire and distributed it in 2013 to all institutions related to the telecommunications and audio-visual sectors in the West Bank and Gaza Strip, as well as posting it on its website.³⁷²

So far, the features of the National Plan for Digital Transformation are unclear in terms of its procedures and how it will promote diversity of ownership and content. However, if it is well organized and implemented, and has a focus on professionalism and transparency, there will be a greater scope for Palestine to achieve diversity. The expansion of frequencies that may be acquired for use by various groups will enable the production of more pluralistic and diversified media content.

³⁶⁷ Palestinian Information Technology Association of Companies (PITA), 2012, *Palestinian ICT Market Penetration Study*, p.32: http://www.pita.ps/sites/default/files/studies/palestinian_ict_market_penetration_study_04092013_1.pdf

³⁶⁸ Palestine Trade Center, 2010, *Challenges facing ICT in Palestine*, p.10: <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/ChallengesFacingICTPalestine.pdf>

³⁶⁹ Palestine Economic Policy Research Institute (MAS), 2012, *The ICT Sector in Palestine: Current State and Potentials*, p.46-47: http://www.mas.ps/2012/sites/default/files/ICT%20English_0.pdf

³⁷⁰ Resolution 125 of the International Telecommunication Union on Assistance and Support to Palestine for Rebuilding its Telecommunication Networks (adopted 20 October 2010): <http://www.itu.int/osg/blog/2010/10/20/UpdatedResolutionsStatusOfPalestineAndAssistanceSupportForRebuildingItsTelecomsNetworks.aspx>.

³⁷¹ See: <http://wafa.ps/arabic/index.php?action=detail&id=154795>.

³⁷² See: <http://www.mtit.pna.ps/ar/index.php?p=main&id=1359>.

When referring to the risks of inequitable spectrum allocation during digital transition, the Special Rapporteurs, in their Joint Declaration on the Protection of Freedom of Expression and Diversity in the Digital Terrestrial Transition, state that:

A poorly managed digital transition process may result in diminished access to broadcasting services by less advantaged segments of the population (a form of digital divide) and/or in the inability of less well-resourced broadcasters, in particular local and community services, to continue to operate, undermining media pluralism and diversity.³⁷³

Comprehensive dialogue on digital transition in Palestine is, therefore, essential to achieve the goals of diversity and pluralism.

³⁷³ Joint Declaration on the Protection of Freedom of Expression and Diversity in the Digital Terrestrial Transition, Pretoria (adopted 15 April 2013): <https://www.osce.org/fom/101257>

Recommendations:

1. The Palestinian authorities should continue to hold open consultations to develop a new strategic ICT plan with a view to ensuring the availability of modern ICTs and the spread of Internet and media access throughout the whole of Palestine. The plan should envisage both public and private contributions to ensure its implementation. This should be linked to legislation on broadcasting and the establishment of an independent regulator (see Recommendation 5 under Category 1) as well as to the development of a plan for the allocation of spectrum and licenses to broadcasters and telecommunications companies (see Recommendations 4 and 5 under Category 2).
2. The international community should contribute to the achievement of the above objectives, including by taking measures to ensure that Palestine can access the international connections it needs to achieve its ICT goals.

Selected Bibliography

Declarations and Resolutions

Declaration of Principles on Interim Self-Government Arrangements (the 'Oslo I Accords,' signed 13 September 1993)
http://news.bbc.co.uk/2/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682727.stm

Declaration of Principles Building the Information Society: a global challenge in the new Millennium (adopted 12 December 2003)
<http://www.itu.int/wsis/docs/geneva/official/dop.html>.

Declaration of Principles on Freedom of Expression in Africa (adopted 23 October 2002)
http://www.achpr.org/files/sessions/32nd/resolutions/62/achpr32_freedom_of_expression_eng.pdf.

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976)
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

International Covenant on Civil and Political Rights. General Comment 34 on Article 19: Freedoms of opinion and expression. 2011.
<http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

Joint Declaration on the Protection of Freedom of Expression and Diversity in the Digital Terrestrial Transition (adopted 3 May 2013)
<http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/WPFD/Joint-Declaration-foe-rapporteurs-2013-en.pdf>.

Joint Declaration for International Mechanisms for Promoting Freedom of Expression (adopted 30 November 2000).
<http://www.oas.org/en/iachr/expression/showarticle.asp?artID=142&IID=1>.

Joint Declaration on Diversity of Broadcasting (adopted 12 December 2007)
<http://www.osce.org/fom/29825?download=true>.

Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip. ('the Oslo II Accords', signed 28 September 1995). Annex III - Protocol Concerning Civil Affairs. Article 36 on Telecommunications.
<http://www.mtit.pna.ps/ar/cp/plugins/spaw/uploads/files/restrictions/ARTICLE%2036%20od%20Annex%20III%20of%20the%20Interim%20Agreement.pdf>

Resolution 125 of the International Telecommunication Union on Assistance and Support to Palestine for Rebuilding its Telecommunication Networks (adopted 20 October 2010)
<http://www.itu.int/osg/blog/2010/10/20UpdatedResolutionsStatusOfPalestineAndAssistanceSupportForRebuildingItsTelecomsNetworks.aspx>.

Sana'a Declaration on Promoting Independent and Pluralistic Arab Media. Resolution 34 adopted by the UNESCO General Conference (adopted November 1997):
http://www.unesco.org/webworld/fed/temp/communication_democracy/sanaa.htm

United Nations Resolution 67/19 on the Status of Palestine in the United Nations (adopted 29 November 2012)
<http://unispal.un.org/UNISPAL.NSF/0/19862D03C564FA2C85257ACB004EE69B>.

Decisions and Laws – Palestine

- Decision of the Council of Ministers No. 182 of 2004 on the Regulation of the Licensing of Radio, Television, Satellite and Wireless Stations.
- Jordanian Criminal Law No. 16 of 1960.
- Journalists' Syndicate Law No. 17 of 1952.
- Law on the Encouragement of Investment in Palestine No. 1 of 1998.
- Palestinian Basic Law of 2002.
- Palestinian Consumer Protection Law No. 21 of 2005.
- Press and Publications Law No. 9 of 1995.
- Presidential Decree No. 2 of 2010 on the Palestine Public Broadcasting Corporation.
- Presidential Decree No. 8 of 2012, amending Presidential Decree No. 2 of 2010, on the Palestine Public Broadcasting Corporation.

Opinion Poll

- Arab World for Research and Development (AWRAD). 2013.

Studies and Reports

- Abdallah, Abdel Rahim. 2011. *The Industry of Illusion: Training of Journalists as a Model*.
http://www.paljournal.com/2011/11/blog-post_8232.html.
- Abdellatif, Zuheir. 2013. *Islamic University Journal for Humanities Research*, Vol. 21, Number 1.
- Abu Al Saeed, Ahmad. 2009. *The Reality of Media Education in View of the Application of the Principles of Comprehensive Quality Assurance on Media Departments at Universities in the Gaza Strip*. Arab Journal for Quality Assurance in Higher Education.
- Abu Mualla, Said. 2012. 'Media Education Circles: Stiff Competition versus a Wide Field.' MADA. El-E'lam.
- ARTICLE 19 & the International Center against Censorship & the Center for Media Freedom in the Middle East and North Africa. 1999. *Memorandum on the 1995 Press Law of the Palestinian Authority*.
<http://www.article19.org/data/files/pdfs/analysis/palestine.prs.99.pdf>.
- ARTICLE 19. 2005. *Memorandum on a proposal for a draft Law on Access to Information on Palestine*.
<http://www.article19.org/resources.php/resource/324/en/palestine:-freedom-of-information-act>.
- Azzouni, Suheir. 2010. 'Palestine,' chapter in *Women's rights in Middle East and North Africa: Progress Amid Resistance*. Freedom House.
[http://www.freedomhouse.org/sites/default/files/inline_images/Palestine%20\(Palestinian%20Authority%20and%20Israeli%20Occupied%20Territories\).pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Palestine%20(Palestinian%20Authority%20and%20Israeli%20Occupied%20Territories).pdf).
- Fatafah, Mahmoud. 2010. *The Impact of Violations on Self-Censorship by Palestinian Journalists*. Palestinian Center for Development and Media Freedoms (MADA).
<http://www.madacenter.org/doc/thestydy.pdf>.
- Freedom House. 2013. *Freedom of the Press*.
<http://www.freedomhouse.org/report/freedom-press/2013/west-bank-and-gaza-strip>.

Geneva Centre for the Democratic Control of Armed Forces & Palestinian Center for Development and Media Freedoms (MADA). 2012. *Working Paper – Palestinian Media and Security: Promoting Palestinian Journalists' Access to Information through Legislation*.

<http://www.dcaf.ch/Publications/Working-Paper-Palestinian-Media-and-Security-Promoting-Palestinian-Journalists-Access-to-Information-through-Legislation>.

Haraszti, Miklos. 2008. 'The Merits of Media Self-Regulation – Balancing Rights and Responsibilities,' *The Media Self-Regulation Handbook*. Organization for Security and Co-operation in Europe.

<http://www.osce.org/fom/31497>.

Independent Commission for Human Rights. 2013. *Annual Report*.

<http://www.ichr.ps/ar/1/6/1040/3>.

International Federation of Journalists (IFJ). 2009. *Getting the Balance Right: Gender Equality in Journalism*.

http://portal.unesco.org/ci/fr/files/28397/12435929903gender_booklet_en.pdf/gender_booklet_en.pdf

International Press Institute. 2012. *Patriotism, Pressure and Press Freedom: How do Israeli and Palestinian media cover the conflict from inside*.

http://www.freemedia.at/fileadmin/media/Patriotism_Pressure_and_Press_Freedom_IPI_Report.pdf

IREX. 2009. *Media Sustainability Index 2009*.

http://www.irex.org/system/files/MSIMENA08_Palestinian_Terr.pdf.

IREX. 2011. *Media Sustainability Index 2010/2011*.

http://www.irex.org/sites/default/files/u105/MENA_2010-2011_MSI_Score_Charts.pdf.

Khashan, Ali & Mendel, Toby. 2006. *The Legal Framework for Media in Palestine and Under International Law*.

www.article19.org/data/files/pdfs/analysis/palestine-media-framework.pdf.

La Rue, Frank. The Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression. 2012. *Addendum - Mission to Israel and the occupied Palestinian territory*.

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17-Add2_en.pdf.

Makhluף, Mahmoud. 2010. *Factors Influencing Editorial Press in Palestinian Electronic Media: a Study of Editorial Practice Based on Information Technology and Communication*. Institute of Arab Research and Studies, the Arab League.

Mendel, Toby. 2011. *Public Service Broadcasting: a Comparative Legal Survey*. UNESCO.

<http://unesdoc.unesco.org/images/0019/001924/192459e.pdf>.

Palestinian Center for Development and Media Freedoms (MADA). 2012. *Annual Report on Media Freedoms Violations in Palestine*.

http://www.madacenter.org/images/text_editor/ar2012.pdf.

Palestinian Center for Development and Media Freedoms (MADA). 2013. *Annual Report on Media Freedoms Violations in Palestine*.

http://www.madacenter.org/images/text_editor/MADA-annual-Report2013.pdf.

Palestinian Center for Development and Media Freedoms (MADA). 2013. *Monthly Report July 2013*.

http://www.madacenter.org/report.php?lang=1&id=1328&category_id=13&year=2013.

Palestinian Center for Human Rights. 2010. *Report on the Right to Freedom of Opinion and Expression and the Right to Peaceful Assembly under the Palestinian Authority*.

<http://www.pchrgaza.org/files/2011/freedom%202010.pdf>.

Palestine Economic Policy Research Institute (MAS). 2012. *The ICT Sector in Palestine: Current State and Potentials*.

http://www.mas.ps/2012/sites/default/files/ICT%20English_0.pdf.

- Palestinian Information Technology Association of Companies (PITA). 2013. *Palestinian ICT Market Penetration Study*.
http://www.pita.ps/sites/default/files/studies/international_market_penetration_study.pdf.
- Palestinian National Authority Ministry of Women's Affairs & UN Women. 2013. *Cross-Sectorial National Strategy Booklet for Gender Equality in Palestine (2011-2013)*.
<http://www.unwomen.org/~media/Headquarters/Media/Publications/en/UNWomenoPtBookletPalestinianGenderStrategy2.pdf>.
- Palestine Trade Center. 2010. *Challenges facing ICT in Palestine*.
<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/ChallengesFacingICTPalestine.pdf>.
- Panos Paris Institute and Mediterranean Observatory of Communication. 2012. *Public Service Broadcasting in the MENA region: potential for reform*.
<http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>.
- The Portland Trust. 2012. *The ICT Sector in the Palestinian Territory*.
http://www.portlandtrust.org/sites/default/files/pubs/ict_special_aug_2012.pdf.
- Thawabteh, Nibal. 2010. 'Palestinian Media Map: Production Congestion and Consumption Dispersion,' *Journalism Education in Countries with Limited Media Freedom*. Edited by Beate Josephi. Peter Lang Publishing, Inc. New York.
- Turk, Ahmad. 2009. *Impact of Occupational and Psycho-social Characteristics of Palestinian Journalists on their Attitude towards Professionalism*. Cairo University.
- UNESCO. 2006. *Memo on Media Pluralism*.
http://www.unesco.org/bpi/pdf/memobpi46_mediapluralism_en.pdf.
- United Nations Office for the Coordination of Humanitarian Affairs. 2014. *Annual Humanitarian Overview of the Occupied Palestinian Territory*.
http://www.ochaopt.org/documents/ocha_opt_annual_review_2014.pdf
- United Nations Office for the Coordination of Humanitarian Affairs. 2013. *Fact Sheet on the Humanitarian Impact of Movement Restrictions on People and Goods in the Gaza Strip*.
http://www.ochaopt.org/documents/ocha_opt_gaza_blockade_factsheet_july_2013_english.pdf
- Women's Centre for Legal Aid and Counselling (WCLAC). 2012. *Annual Report 2012. Consolidating the past – shaping the future*.
[http://www.wclac.org/english/userfiles/WCLAC%20Narrative%20Report%20_Website_2012%20\(3\).pdf](http://www.wclac.org/english/userfiles/WCLAC%20Narrative%20Report%20_Website_2012%20(3).pdf).



United Nations
Educational, Scientific and
Cultural Organization

IPDC THE INTERNATIONAL PROGRAMME
FOR THE DEVELOPMENT OF COMMUNICATION



9 789231 000218