



Assessment of Media Development in Palestine

Based on UNESCO's Media Development Indicators

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.

A. 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Outdated laws, often originating from previous authorities, impose on journalists unwarranted restrictions, which are also defined in a vague manner and without clear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

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 PaTel 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 (VVAFA) 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.