MEDIA ACCOUNTABILITY IN THE MENA REGION

Pilot Study

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INTRODUCTION

Media accountability in the MENA region, a new perspective
by Monika Lengauer

Media accountability is an emerging framework to research media self-regulation in the MENA region. It relates to analyses on how to "regain or preserve trust in journalism" (Eberwein, Fengler, & Karmasin, 2018, p. 3). The framework investigates the "process of setting, implementing and sanctioning rules by the members of the profession itself" (Puppis, 2009, p. 36, p. 57, cited in Eberwein, Fengler, & Karmasin, 2018, p. 2). Following Bertrand (2000), media accountability not only considers media professionals themselves but it also includes media users following which he defines media accountability as "any non-State means of making media responsible towards the public (Bertrand, 2000, p. 107, cited in Eberwein, Fengler, & Karmasin, 2018, pp. 2-3).

While media accountability instruments and mass communication studies thereof have been well established for Western democracies (Eberwein, Fengler, & Karmasin, 2018, p. 2), the countries of the Middle East and North Africa (MENA) are widely under-researched. Based upon a decade of work on global media accountability (Eberwein, Fengler, Lauk, & Leppik-Bork, 2011) with attention to selected media actors (Fengler, Eberwein, Mazzoleni, & Porlezza, 2014) and various regional foci (Eberwein, Fengler, & Karmasin, 2018), time is rife to contribute to the still rather exclusive scholarly work on media accountability instruments (MAI) in the MENA region.

Few selected aspects of media accountability instruments in MENA have been investigated during the past decades. Vogt (2002), for instance, looked into regulation and self-regulation instruments by media commissions and other professional bodies. He lamented that the "Muslim countries have yet to develop their own models for restructuring the changing media sector and for creating a viable system of checks and balances that would control the media in a democratic way" (Vogt, 2002, p. 211). He outlined twelve areas that require democratic improvement including media legislation, safeguarding press freedom and free access to information, settling complaints through ombudspeople, issuing press cards, and journalism education (Vogt, 2002, p. 214). In the same year as Vogt, Hafez (2002) compared ethical codes in the MENA region and Muslim countries in Asia - "where open ethical debates among journalists and the public have only just begun" (Hafez, 2002, p. 226) - with those in Europe. He differentiates between restrictions on freedoms imposed by governments and social actors (e.g. "Islamist censorship", p. 226), and posits that "many limits to public debates ... are rooted in social values and professional norms" (2002, p. 226). Freedom of the media, freedom of expression - which are in many MENA countries restricted by governments or cultural, religious or other actors - is a central vantage point guiding the research of both authors.

Yet, the 2000s brought some new developments, for instance the first satirical weekly in Syria (Vogt, 2002, p. 212). Press councils were established in several countries - often with very aspirational mission statements (EJN, 2020). The then young monarch in Jordan promised to release "the country's sole broadcaster from the clutches of the Ministry of Information" (Sakr, 2001). The launch of the pan-Arab broadcasters - Al Jazeera in 1996 and Al-Arabiya in 2003 - kindled high hopes of accountability. Yet, these hopes were not sustained. Kraidy (2008) observed that Al Jazeera channel's policy nurtured a system of "program hosts [who] become guardians of fiefdoms that have direct connections to the Qatari political elite, and therefore are not accountable to the institution itself. Repeated pressures on the channel to rein in its editorial line have also had their effect, and its journalists have recently wondered to what extent free speech would be tolerated" (Kraidy, 2008, p. 29). Al-Najjar (2020) points out that the pan-Arab broadcasters introduced "the practices of accountability and the notion of responsibility to Arab politics, although modest in scope" (Al-Najjar, 2020, p. 7). In past years, several MENA countries have introduced statutory press or media councils, but in many instances they seem to serve as a new tool of "competitive authoritarian governments" (Levitsky & Ward, 2002) to disguise state control of journalism and media; Tunisia is probably the only country in the MENA region which has made substantial progress in media deregulation in past years, along with the creation of independent regulation authorities and efforts to promote self-regulation (Fengler, Eberwein, & Karmasin, forthcoming).

At the time of writing this report, Covid-19 increasingly added new challenges to media accountability across the MENA region where the pandemic "is a huge ally of corrupt and oppressive authorities" (Sabbagh, 2020). Some governments such as those of Algeria, Jordan, Morocco, Oman, Saudi Arabia, the UAE and Yemen went so far as to ban the distribution of newspapers on the pretext to curb the spread of the virus (O'Toole, 2020; Saoussen, 2020). The UN Secretary-General described the need for heightened accountability in response to the pandemic when "democracy is crucial in ensuring the free flow of information, participation in decision-making and accountability …. Yet, since the beginning of the crisis, we have seen the emergency used in a range of countries to restrict democratic processes and civic space. This is especially dangerous in places where democracy's roots are shallow and institutional checks and balances are weak" (UN, 2020b) - the MENA region is part of those "countries with limited democratic processes and civic space". In its MENA-report on Covid-19, the UN advocates to "[s]eize the opportunity to reform institutions" (UN, 2020a, p. 5). Misinformation is particularly concerning regarding life-threatening topics like the Covid-19 pandemic. For the MENA region, Alimardani and Elswah (2020) found that religious misinformation about Covid-19 on social media platforms has been "causing fear, confusion, and polluting the Middle East and North Africa (MENA) region's online sphere" (Alimardani & Elswah, 2020, p.1). Al-Najjar (2020) also highlights that the "media environment is increasingly fertile for political and religious manipulation as well as misinformation and disinformation" (Al-Najjar, 2020, p. 6).

Using the crisis as an opportunity to reform the media sector is an option Ayman Mhanna of the Lebanese media NGO Samir Kassir Foundation describes, referencing the new Media Recovery Fund (https://www.skeyesmedia.org/en/Media-Recovery-Fund). He explains in a seminar at the EBI on 18 December 2020 that the new independent online media is not only growing but reaching out to ever more people, and teaching the traditional media a lesson of independent news story telling "to the

extend where traditional media outlets feel the heat, feel the competition coming from the new outlets". As the traditional media's funding through political parties crumpled, they may be encouraged to embark upon "investigation, accountability journalism, on fact checking because *we* will be funding them, and other initiatives from international donors dedicated to media quality might be funding them" (Mhanna, 2020). Hopes have been high before, particularly after the so-called Arab Spring. For Egypt - in the very brief era of transition after long-term president Hosni Mubarak was successfully ousted from power in 2011 - Elmasry and El-Nawawy (2016) devised a structure to build "a culture of professionalism" for the press with an independent media regulatory body at the core and starting with the abolishment of the Ministry of Information. Today, however, the reality is dire, as the authors of this report reveal. The country case studies indicate that the MENA region generally lacks independent media accountability instruments.

This study focuses on researching applied media accountability instruments in existing institutions in the MENA region, including press councils, trade journals, ethic codes, newsroom blogs, ombudspeople in newsrooms, ethic codes of specific media outlets, media observatories as well as the social media and NGOs and new media accountability systems emerging on the internet (e.g. media criticism in blogs). The institute's early work investigated Media Accountability and Transparency in Europe (2010-2013, funded by the EU) comprised two Arab countries - Jordan and Tunisia (MediaAct, n.d.). Ensuing projects included the European Handbook for Media Accountability (Eberwein et al., 2018) and at the time of writing this volume, a Global Handbook of Media Accountability is forthcoming (Karmasin, Eberwein, & Fengler). This study on Media Accountability in MENA is also based on the project Media Accountability in Transition that was implemented between 2014 and 2017 with funding from the German Foreign Ministry. Following two explorative conferences in Cairo and Tunis in the transition phase of 2013-2014 after the so-called Arab Spring, an ombudspeople-project was implemented in Tunis which has been sustained (Dvorkin, 2020; Leihs & Nedjaa, 2015). An Arab Media Observatory (AJO) was established with the objective to critically appreciate media journalism in the Arab World just as the European Journalism Observatory (EJO) critically appraises media journalism in Europe (Arab Journalism Observatory [AJO]; EJO, 2016, EJO, 2020). The ombudspeople-project, also funded by the German Foreign Ministry, connects the dots to the previous research and project implementation. A more detailed examination of individual media accountability systems in the MENA region now sheds light on the status quo, for the first time in this precision for many of the nine countries - Algeria, Egypt, Iraq, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia (the Kurdish regions in Iraq and Syria have not been researched independently but are addressed in both country reports).

To this end, desk studies, complemented by qualitative surveys, were conducted in these countries. The authors of this study mostly originate in the countries they analyse or they have been researching media accountability in the country they present from abroad for many years. The semi-structured interviews were conducted in June and July 2020 in the aforementioned nine MENA countries with around 100 representatives of the countries' media sectors, covering print, broadcast and online media. The respondents - practitioners, media executives, representatives of journalism associations, and of NGOs, parliamentary commissions, and bloggers among others - were asked about their perception of media accountability factors, instruments, practices, challenges and prospects. The survey is not representative.

Acknowledging these limitations, this report does not intend an inclusive scholarly analysis of MAIs in MENA but it has the strength to offer first insight that is meant to stimulate the discussions and to lay the grounds for further research.

The regional lessons learned from the country studies can briefly be summarized as follows:

• First and foremost, the safety and protection of journalists has been emphasized as the main threat to media accountability particularly in countries with protracted emergencies like Iraq, Syria or Libya. This lack of safety was also tangible in the survey: One media expert declined the invitation to participate in the survey, revealing that "for me to participate in such an activity cost me to visit the [secret service]".

• Restrictive media systems that lack developed MAIs represent the majority of countries involved in this survey. Gulam concludes for Libya "the absence of legislation regulating this sector" altogether. Syria is one of the most restrictive media systems in the world, and the respondents to the Syrian survey agree that "the government, parliament and the courts are [not] open to the media in a fair and equal way under the current situation" (Pies & Madanat). Bouzegaou describes a "rather harsh ... system [with] lots of restrictions, fairly tight censorship" in Algeria. These situations are often the backdrop for journalistic practice in the MENA countries. Lacking clear and transparent media legislation, broadcast regulation and established media accountability institutions makes journalistic practice more difficult ... in [an] unfavourable environment" (Bouzegaou). In Iraq, the power of political parties and militias have been identified as major challenges which dominate the media scene and impede the implementation of laws (Ibrahim). Accordingly, the political environment is as much a supporting factor for establishing MAIs as it is a liability, and this applies to enabling systems like Tunisia in both ways (Hizaoui); in restrictive systems the political factors are mainly seen as hinderance of media accountability (Leihs, Figure 2.4). MAIs "cannot thrive in a stifled political climate", Leihs posits.

• Media NGOs show a diverse picture: At the high end, in Jordan, Madanat & Pies emphasize that they "evoke at least a certain optimism of impacting media to be accountable in Jordan", receiving four times a "rather high" efficiency evaluation (Figure 4.3). In Lebanon, interviewees were split between "high" and "low" in their assessment of international media NGOs whereas Mhanna & Safieddine posit that they "compensate for syndicate weakness". In Algeria, NGOs are seen between "very weak" to "fairly weak".

• The respondents to the survey did not endow the traditional MAIs with much trust as media accountability instruments. In Lebanon, the official bodies of media accountability in the country "hardly resonate with journalists nowadays" (Mhanna & Safieddine). In Algeria, the Press Council is seen as "very weak" or "weak" or assumed to not exist at all (Bouzegaou). Egypt's Press Council "invokes the idea of independence and rule of law but is controlled by the executive" (Leihs). For Jordan, Madanat & Pies deduce a lack of a self-regulatory culture from a lack of freedom, "which also has hindered the establishment of a robust and independent syndicate or a real self-regulatory press council". In Lebanon, respondents gave "press councils" either a "very low" or "rather low" rating. In Morocco, respondents think that two years after its creation, the Press Council is too new to judge but there is concern about the representation of the government in its board (Ibahrine, Zaid, & El Kadoussi). In Tunisia, the creation of the Press Council is still pending, and there-

fore respondents considered it non-applicable just as other instruments like the Audience and Listener Council, Media Lawyer Associations and media observatories.

• Journalism education was perceived as influential by respondents in several countries: Pies (2012) concludes from her earlier study that journalism education is among those MAI noted "as influential by more than a third of the respondents" (Madanat & Pies). In this line of thought, Bouzegaou advocates for media curricula that teach "a neutral, explanatory, descriptive discourse and above all very far from sensational, hateful or racist discourse". Leihs recommends an inclusive approach to media education on MAIs, including "all media workers of all experience levels on a range of issues … such as audience research, web marketing, social media use, verification practices, or data journalism and crowdsourcing". The needs highlighted by the respondents from the nine countries point to the development of an innovative curriculum on media accountability in MENA which would be conceptualized as theoretical and practical, comprising best practices and in cooperation with Arab media outlets ready to experiment with implementation. A less ambitious conclusion from this report is to integrate aspects of MAI into existing curricula, for instance to teach first-year students how to verify information (Madanat & Pies). The "little-to-no culture of fact-checking" in Lebanon (Mhanna & Safieddine, Figure 5.1, Conditions inhibiting media accountability) suggests that fact checking should be on the agenda of every training and curriculum in MENA.

• Media literacy has become popular in Arab curricula, and several reports put the topic on the agenda of media accountability, for instance Algeria and Lebanon. It may be worth to consider cooperation with media literacy experts in MENA to incorporate aspects of the ever increasing field into MAI theorizing.

• The youth is a major force in the youthful societies of MENA, often referred to as a "dividend or disaster" (World Bank, 2012). Even though only one of nine country reports - Lebanon - recalls "little-to-no influence for junior journalists" (Mhanna & Safieddine, Figure 5.1), the bigger global picture of the active youth inclusion in policy making suggests that special ways should be identified to address young journalists in particular.

• Social media turns out to be a preferred instrument of media accountability in MENA - including countries like Libya that lack most MAIs. In Syria, where the efficiency of MAI is very low, 10 of 17 respondents answered that social media was partly important. In Tunisia, the majority of respondents "agree" or "partly agree" to the claim that social media are important as a forum for debate on quality or misconduct of the news media. They argue by saying that "media quality" was improved through discussion groups moderated by senior journalists (Hizaoui). Social media, Madanat & Pies conclude (Table 8.2), allows citizens to practice some freedom of speech.

• Overall, a severe lack of financial sustainability has been identified as a major challenge for media accountability in MENA; several authors highlight this as a threat for the country they analyzed including Iraq (where only government media benefit from the government's advertising funds), Egypt, Jordan, Lebanon, Morocco and Tunisia. Some recommend solutions, for instance by providing research on hard facts and making it available to media owners (see Pies & Madanat) or by offering training on best international practices on innovative models and building the entrepreneurial capacity of media owners and managers (Mhanna & Safieddine). Even in Morocco,

with its comparatively enabling backdrop for MAI, the business model of media organisations is vulnerable - dependent on advertising and governmental subsidies - and thereby prone to official patronage (Ibrahine, Zaid, & El Kadioussi).

• Ombudspeople are not traditionally known in MENA (see for instance reports on Algeria, Iraq, Libya) and at first sight, respondents believe that the position of an ombudsperson would be an additional burden for independent newsrooms that "already suffer from a lack of revenues due to the scarcity of advertisements and funding source". Precedent exists, however, in Tunisia, where ombudspeople positions were established with the support of an EBI project; a 'mediateur' was first created in 2013 and has since snowballed but, as Hizaoui explains, ombudspeople are not the result of a process intrinsic to the Arab media and rather initiated by international partners. In Morocco, ombudspeople as well as letters to the editors, publishing of corrections, media NGOs and donors may exist, but their effect is limited (Ibrahine, Zaid, & El Kadioussi).

Solutions to the challenging environment of media accountability in MENA infer a variety of capacity building activities and the establishment of networks to share lessons learned and best practices; certainly, donor support of independent media outlets and their quality reporting is seen as a number one push factor for media accountability ∎

ALGERIA

MAI IN ALGERIA:

By Nor El Houda Bouzegaou

I

EXISTING MEDIA ACCOUNTABILITY INSTITUTIONS AND ORGANIZATIONS

1. Press Council/Media Council

"The High Council of Information" was the first media accountability institution created in Algeria in 1984. Its mission is to strengthen and coordinate the action of the public authorities in the field of the media (Mostefaoui, 2013, p. 107). The structure, within the framework of the monopoly of a single party system, had the responsibility "to guarantee the equality of the right to information to all the citizens and in all the regions of the country and to protect the various components of the social group and in particular the youth against any attack on national identity and values".

However, broadcasting media continue to be managed by the supervisory authority without having recourse to these regulatory authorities (Boudjema & Bouzegaou, 2018).

Under the aegis of this same regulatory authority, a specific broadcasting accountability structure was created by decree of 19 January 1985. It is mainly responsible for "guidance, planning and coordination in matters of programmes and film and television distribution" (art. 1). Its mission is also "to study and pronounce on the annual production and co-production programmes of fictional films and telefilms, to issue recommendations and guidelines on the content of films to be produced in accordance with national values, the country's priorities and aesthetic requirements, to determine the general guidelines for the acquisition and export of films and telefilms and other television programmes while ensuring respect for the values, principles and orientations of the country"(art. 2).

We had to wait for the year 1990 which marked a turning point in the entire political history of independent Algeria.

In order to regulate this media openness, the Superior Council of Information (CSI) was established by Law No. 90-07 of 3 April 1990, relating to information as a regulatory mechanism. The CSI's missions were towards the television sector, as defined in article 59 of the 1990 Information Code:

- Guarantee the independence and impartiality of public sector bodies of audio broadcasting and television as well as the respective autonomy of the professions in the sector,

- Ensure a margin of autonomy in terms of programming and production.

This phase marks the beginning of the abolition of laws and methods inherited from the one party-system.

This CSI was frozen by the state of emergency decree of 9 February 1992 because of the security situation that Algeria experienced during this period. However, it marks a break with previous regulatory mechanisms which favoured the monopoly of the single party.

As part of the reform of laws relating to information, in particular the 2012 information law, two press and information regulatory authorities were to be established:

- A Higher Council of Ethics and Deontology of Journalism whose mission is to ensure "the transparency of the economic rules of operation of publishing companies" and "the prohibition of the concentration of titles and organs under the financial, political or ideological influence from the same owner".

- The regulatory authority for the written press, which is required to "lay down the rules and conditions for aid granted by the State to the media and to ensure their distribution".

The deadline for establishing these institutions was scheduled for 2013. However, their implementation is still not on the agenda.

2. Ombudsperson:

At the media level, in Algeria, there is no ombudsperson service. Those responsible for examining complaints or comments from readers are the switchboard operators who communicate the messages directly to those concerned, if not to the heads of the various departments concerned.

The use of ombudspersons (despite their capital importance) which has not taken place until now is probably due to internet technology and social networks which allow the audience in general to come into direct contact with the author's media content. This is generally responsible for responding and communicating with the public.

3. Professional Journalists Associations and Unions:

Professional associations and unions of journalists, such as the Algerian Journalists, Interpreters and Writers Union (UJIE) which depended on the National Liberation Front (FLN), or the Algerian Journalists Movement (MJA), have existed for 80 years. Their main objectives are to fight for freedom of the press and the defence of socio-professional interests. However, "the potential of their fighting spirit has not seen any serious twists (Mostefaoui, 2016). This led to their disappearance.

It was not until 1998 to see the birth of the National Union of Journalists (SNJ), due to the precarious conditions in which journalists worked during this period as well as the threat under which they lived, because of the security conditions experienced by the country during this decade.

The national federation of Algerian journalists was created on May 28, 2009. It is placed under the aegis of the General Union of Algerian Workers (UGTA). The main mission of the federation is to improve the socio-professional conditions of journalists.

Established on May 2, 2019, the Autonomous National Council of Algerian Journalists (CNJA) adds to the initiatives launched in favour of the press to offer it a regulatory framework for the defence of the profession and ethics. The CNJA brings together journalists from different media for the defence of socio-professional rights.

4. Broadcast Regulator:

The audiovisual regulatory authority (ARAV) was installed in September 2014. It exercises its essential mission with complete independence; that of ensuring the free exercise of audiovisual activity under the conditions defined by the law relating to the audiovisual sector, the legislation and regulations in force. ARAV has the power to regulate any audiovisual activity in Algeria, regardless of the mode of broadcasting of audiovisual services.

Its missions ensure autonomy, in particular, in the liberation of journalistic activity and ensure that this freedom is real. They also and above all aim to establish the principles of journalism and guarantee the impartiality of information with all its components.

5. NGOs and Media related organizations:

There are no real journalistic associative movements in Algeria organized as such. However, certain events, which occurred sporadically in exceptional circumstances, gave rise to initiatives to create legal defence collectives.

Thus, after February 22, 2019, a date that refers to the Algerian popular uprising rejecting the current political, economic and social landscape, the situation of arrests and legal proceedings against demonstrators and journalists gave birth to two groups: The collective of lawyers for prisoners of opinion and more specifically the collective of Independent Algerian journalists (COJAA). These groups are working to establish freedom of the press and freedom of expression as well as the defence of journalists arrested or imprisoned by the public authorities.

More broadly, the Algerian League for the Defence of Human Rights (LADDH) is a national non-profit association subject to the provisions of Law 12/06 of January 12, 2012 relating to associations. It was created in 1985 by a group of activists headed by Maître Ali Yahia Abdenour, its first president, currently honorary president. Officially recognized by the authorities on July 26, 1989 (LADDH, 2009).

6. Media Legislation:

Since independence, on July 5, 1962, the audiovisual landscape in Algeria was marked,

until 1986, by the monopoly of a single audiovisual media company: Algerian radio and television (RTA).

However, in terms of legislation, this sector did not benefit from a fully-fledged information code after independence. It was governed by laws, often inspired by French information codes, until February 6, 1982, when the first information code was promulgated. Several reforms have been made to this code, while consolidating the missions of dissemination and promulgation of State guidelines.

In 1990, a brief phase of democracy was established and generated positive effects on journalistic activity. Thus, Law 90-07 of April 3, 1990 defined a media opening in its articles 2 and 3 which open the right to freedom of expression. As for article 04 of the same law, it declares the media sectors (written press, radio and television) open to private investment. However, for security reasons, the audiovisual sector has remained under the state monopoly.

This law was not revised until 2012 in a context defined by the authorities as "reforms to deepen the democratic process". This organic law establishes the decriminalization of press offenses. It abolishes the jail of journalists but still maintains the payment of fines.

Article 83 of the 2012 information law confirms the journalist in his quest for information, affirming that "all authorities, administrations and institutions are required to provide the journalist with all the information and data he requests. so as to guarantee the citizen the right to information within the framework of this organic law and the legislation in force ".

However, article 84 of this same law poses some restrictions inherited from the 1990 code: "The right of access to information sources is recognized for professional journalists except when: the information concerns national defense secrets, such as defined by the legislation in force; the information clearly undermines state security and / or national sovereignty; the information relates to the secrecy of the investigation and the judicial investigation; the information concerns strategic economic secrecy; the information is likely to harm the foreign policy and economic interests of the country ".

The information law 2012 in its 5th chapter entitled "Electronic Press" recognizes for the first time "the Electronic Press" as journalistic activity. Thus, the electronic press was officially recognized by its explicit registration. Article 67 designates it as "any online written communication service". In addition, article 73 underlines that the profession of journalist also applies to those who work on behalf of "electronic media". However, the legal framework governing this activity does not evoke the professional and legal identity of the web journalist.

This organic law was revised in 2014. It advocates opening up the audiovisual sector to private investment and puts an end to the state's monopoly in this sector. It also mentions a set of laws that govern audiovisual activity relating in particular to the terms and conditions of authorization to broadcast information programs according to the times defined in the operating license (art. 18). As for article 47, it refers to the definition of the specifications after a favourable opinion from the audiovisual regulatory authority (ARAV), or the operating period defined at 06 years of authorization (art. 27).

II

SURVEY: MEDIA ACCOUNTABILITY

The following paragraphs indicate the results of the survey which was established in July and August 2020. The questionnaire was sent by email to 15 journalists. 10 responses have been entered. The list of people who responded represents different media including public television, public radio, print and electronic media.

1. The Factors governing the Media

The respondents come together in the responses to the question regarding the contextual factors that support media. 70% of respondents only mentioned factors that slow down this dynamic: deregulation, sensational content. Indeed, the Algerian private press, in particular, pours in hateful, discriminatory and defamatory content in order to create the "buzz" and gain in audience.

30%, or 03 out of 10 respondents, cited the popular uprising of February 22, 2019 as well as social networks as determining factors that had a large role in determining the responsibility of the media. Indeed, since February 22, 2019, the date on which the popular uprising against a fifth term of the former president of the Republic, Abdelaziz Bouteflika, was triggered, great pressure has been exerted on the press. We could read slogans, hoisted by the demonstrators, calling on the press from all sectors to cover the protests of the great people on Friday and those of the students on Tuesday. This mobilization, against / for the press, allowed the public and private media which, in the aftermath of the popular uprising (apart few private dailies), did not mention a word about these demonstrations, to proceed, a few days later, coverage of events that took place every Friday and Tuesday with press articles or live video broadcasts of demonstrations accompanied by debates.

100% of respondents agree that the political factor is the first obstacle to media accountability. In fact, the monopoly, exercised over the heavy public broadcasting media and promulgated by the various laws relating to information (see the media law chapter), means that there is a certain withholding of information. Also, certain financial and legal pressures exerted on the private media make it difficult for them to carry out their information missions.

03 out of 10 respondents also listed the vague legal framework that governs journalistic activity. Followed by the factor linked to the lack of professional journalistic training, cited by 02 respondents. Each speaker cited, according to their vision, other factors:

- Lack of means,

- Conflicts of interest,

- Difficulties in accessing information due, in particular, to the restrictions cited in the Information Act 2012.

- Advertising rent. It should be noted that a significant number of newspapers are struggling to maintain their financial balance. Many of them ended up disappearing. Advertising is for most newspapers a very important financial resource if not the main one. However, access to advertising in Algeria is opened by the National Publishing and Advertising Agency (ANEP) which "does not obey any economic logic: newspapers with low circulation benefit from advertising revenues almost equivalent to those of newspapers with significantly higher print runs. Others have been strangled" (Cheurfi, 2010)

The social factor, not cited by the respondents, can also be a major factor hindering media accountability. It should be noted that in Algerian society, stereotypes and received ideas reign. A journalist cannot bring up certain subjects considered taboo by society, such as religious beliefs, sexuality or feminism, which risk giving rise to severe intolerance.

2. The Censorship is considered to be very high

The overwhelming majority of respondents (9/10 or 90% of responses) rated the self-censorship applied to journalists as very high. Only 10% (1/10 respondents) evaluated it as rather high and thus justifies its answer: "No study has been made on this aspect, nevertheless, the absence of a clear editorial policy defining the choices and prioritizing the priorities ensure that the journalist and even the editorial managers make efforts of "jurisprudence" to be able to exercise their profession and at times they miss several events for lack of light and orientation".

Also, if we refer to the annual report on freedom of the press in the world, published in 2020 by the non-governmental organization (NGO) Reporters Without Borders (RSF), Algeria is ranked 146th out of a total from 180 countries. Recall that in 2019, Algeria achieved the same performance, falling 5 places, compared to 2018.

3. Media Organization... very weak

The activities of the various NGOs in the field of the media are very weak in Algeria. It must be said that journalistic organizations are temporary and unofficial. Media workers only meet during a particular event, such as the various pressures exerted on the journalistic profession since the popular uprising on February 22, 2019.

The following survey arouses some pessimism about the effectiveness of these organizations:

Figure 1.1 Efficiency of Media Accountability Instruments in Algeria
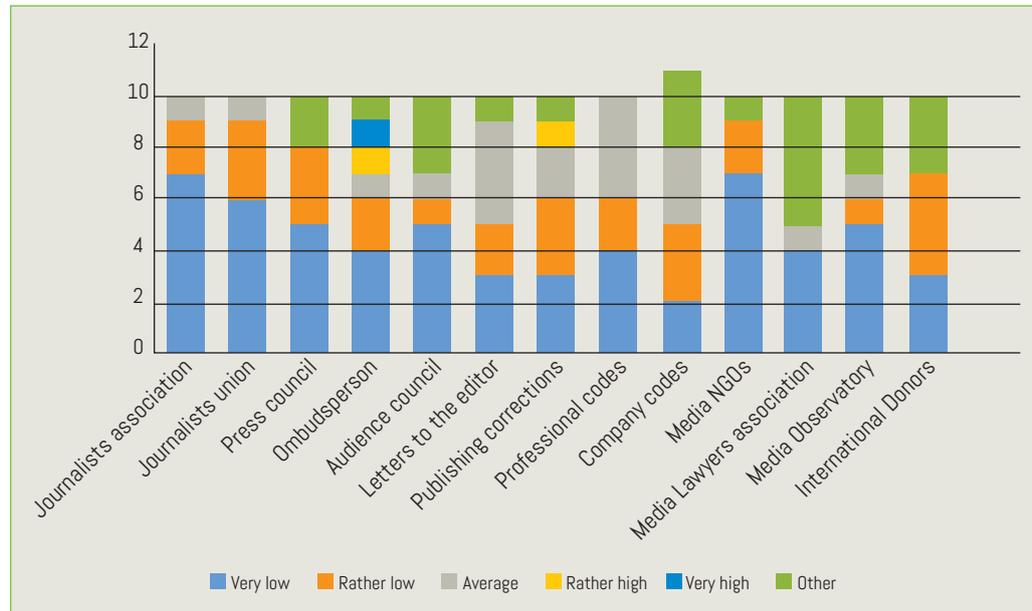
The answers of the respondents on the associations of journalists in Algeria are very similar. 70% of those interviewed agree that the activities of journalists' associations are very weak in Algeria. While 20% find it to be quite low, only 10% rate it as average.

The journalists' union / syndicates are rated very low by 60% of respondents. Indeed, unions are special media institutions. They do not necessarily work in collaboration with each other. This is how their actions are weak. 30% of the speakers considered that the actions of unions / unions are rather weak. While only one reviewer rated them as averages.

The press council is assessed as very weak by 5 respondents. 03 rated it quite low. 02 respondents assumed it does not exist.

The ombudspersons were evaluated in a very varied way, given that 04 found them very weak, quite weak for 02 respondents, while the other choices were checked once for each choice. As for the audience council, it was also not rated well, as 05 respondents rated it as very weak, 01 quite weak and 01 average, while 03 answered non-existent.

Letters from readers were evaluated in a balanced way between very low and medium (respectively 03, 02, 04). As for the publications of the corrections, they were evaluated as very weak by 04 respondents, 02 rather weak, 2 average and 01 rather high. This brings us to (Q12b) where 6/10 respondents answered by the media partially comments to readers, while 3 answered yes, 01 only respondent answered no.

The codes, whether of professional ethics for professional journalists or of busi-

ness ethics vary from very low to medium, depending on the nature of the medium (written, audiovisual, electronic press) or even on its membership (public or private). Which takes us to question 11 where 05 respondents judged that the accountability practices between public and private media are the same while 03 said they are not[1].

NGOs, depending on their nature, were evaluated from very weak to fairly weak in the majority of cases (respectively 7 very weak, 2 fairly weak, 2 inexistent).

4. Media Accountability Instruments... very low

As the press council, although provided for in the Information Act 2012, has still not been created. Respondents therefore did not respond to this section.

Asked about the most important media instruments in Algeria, the respondents all (10/10 respondents) cited the audiovisual regulatory authority (ARAV), followed by the ministry of communication and the press regulatory agency (still in the draft stage), cited by 02 speakers.

Indeed, ARAV is the only regulatory institution that currently operates to regulate the broadcasting media only. The ministry also interferes in the regulation of the media and the written press, particularly through reminders to order, when the latter deems to be exceeded. We can cite the case of the daily "liberté" which on July 11, 2020 published an article deemed alarmist; he devotes its first page and three pages to support the upsurge in Covid19 cases. The newspaper itself draws an assessment of total and final failure, even though the specialists, who are the best placed, and therefore the most credible, had not yet announced the final assessment of the national strategy to fight against Corona virus

A respondent also listed in addition to the ARAV, the internal regulations of each media. Indeed, the media all have internal regulations necessarily inspired by the information law with adaptations to the specificities of each media. This brings us to question 10, where the responses were balanced between "no" and "partially" 04 and 06 respectively. One respondent excluded electronic press which benefits greater editorial independence.

However, regarding the evaluation of ARAV actions, 05 respondents rated them as very weak, 03 rather weak, 01 rated them medium. It must be said that ARAV does not often intervene in the regulation of the media.

Often, ARAV's action comes after pressure exerted, first, by social media to denounce an anomaly. This is how a delay in intervention was observed during the organization of a grandiose evening by a private television channel, when the health situation linked to COVID 19 did not allow it. It took social media to make noise for the ARAV to take the initiative to sanction the channel in question for this violation.

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1. Missing 02 votes, "No answer"

This is why (Q13), 4 respondents rated the effectiveness of media self-regulation rather low, while 03 rated it very low, 01 medium.

5. Social Media... an alternative?

Indeed, faced with the difficulties of traditional public and private media in meeting the information needs of citizens, the newly created electronic newspapers represent one of the main sources of information and provide spaces for expression and political debate. As pointed out by 06 of the respondents. The latter even recalled the important role that social media played in organizing the "HARAK(1)" protests as well as raising awareness in the criticism of political speeches. 04 evaluated this importance of partial.

It should be remembered that social media is an alternative type of media that escapes all constraints, since this sector is not legally regulated.

6. Media Release... one of the biggest challenges!

04 respondents deplored the situation of media accountability over the last 03 years and described it as strongly deteriorated. 02 respondents consider it rather deteriorated. Others, more or less optimistic, qualified it between stable, highs and lows, and rather improved (02 and 1 respectively)

Several challenges of media accountability were noted by respondents. Note that their opinions converge:

- 30% of respondents insisted on the importance of access to information, which is first and foremost a right stipulated by the 2012 information law.

- Support for journalists in terms of training was also listed by 30% of respondents. Followed by the independence of the media from advertising lobbying.

- The reform of the public service. This sector remains in fact the prerogative of the public authorities because it is the instrument of promulgation of the orientations of the State par excellence. As we can read from one of answers "Free journalists from any dependence and be the voice of the society, by reporting the truths, just the truths"

- Establish accountability institutions that were listed by 20% of respondents, while one respondent listed the clarity of editorial approaches. Another saw source protection as another challenge, and finally one respondent listed the decriminalization of the press. The latter, unlike the 1990 Information Code, the 2012 Organic Infor-

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1. Harak is Arabic word which means movement. It refers in this context to Algerian popular uprising on February 22,2019

mation Law, enshrines the decriminalization of press offenses. Journalists were delighted that they were no longer summoned by the security services or the courts to answer for their writings.

RESULTS

We can deduct from the present survey that we are in the presence of a rather harsh information system for media responsibility; lots of restrictions, fairly tight censorship. In addition, planned mechanisms and media accountability institutions have not yet been established, which makes journalistic practice more difficult in a legally uncertain environment.

However, journalists and practitioners in this field are aware of this unfavourable environment and try, as best they can, to provide solutions through subtle reflections in order to better regulate journalistic practice.

The press is a sensitive and strategic sector which helps to ensure a reliable democratic process. Decriminalization of the press, liberation of the media, and guarantee of sources of information are interesting resolutions capable of strengthening the responsibility of the media and establishing a fruitful professional journalistic activity.

In order for these resolutions to be implemented on the ground, it is essential to reform the legal framework that governs journalistic activity. This framework, due to the legal loopholes with which it is characterized, adds opacity to the field of media activity. It would therefore be wise to revalue the code of ethics of the journalist's activity and adapt it to the political, economic, social and technological situation of the day.

The Algerian media need structural organizational and regulatory mechanisms that promote the conditions for a professional and ethical exercise of the journalistic profession. This is why the establishment of media regulatory bodies is essential such as: the press council, the ethics and professional conduct council, the competition regulatory authority, the advertising council.

These are the instruments that enjoy the widest possible representativeness because they are credible. They are important mediators to form an interesting self-regulatory interactivity which can examine the different points of view on the one hand but also ensure the moralization of the press and put an end to disinformation, hateful and discriminatory speech, in Algeria, and establishing free markets paving the way for fair competition among media companies.

Other challenges are related to training. It is urgent to take serious care of journalists from the university, with appropriate training programs, rich in practice with internships in media institutions of long duration (minimum 06 months). Introduce important teaching modules such as investigative journalism.

Media literacy is also an important element in promoting media accountability, especially with the emergence of new media and fake news as a consequence. How should journalists behave in the face of this new world characterized by disinformation?

Media education also requires taking charge of teaching the forms of media discourse that must be used: a neutral, explanatory, descriptive discourse and above all very far from sensational, hateful or racist discourse.

It would also be important to facilitate the creation of NGOs or journalists' unions in order to better defend the rights of journalists and remind them of their duties. Trade unions will have an important added value, particularly in the management and defense of common rights.

Of course, these are urgent proposals to be taken into consideration in order to better develop the effectiveness of media accountability. There are certainly other approaches and proposals that can better enhance this responsibility ■

EGYPT

MAI IN EGYPT:

By Nadia Leihs

EGYPT : RESTRICTIONS FOR INDEPENDENT MEDIA ACCOUNTABILITY IN EGYPT: CHALLENGES AND FUTURE DIRECTIONS

The Egyptian media system shows a stark paradox: Despite its long history and pioneering position in the Arab media landscape, under the current authoritarian rule the media system has extremely blocked potentials which stifles independent media and journalism. The political and legal framework has been dominated by mainly illiberal phases, with brief intermittent phases of liberalization that led to short-lived flourished media landscapes. The state engages in methods that apply legal authoritarianism (Hamzawy, 2017) to convey an impression of observing the rule of law. However, in fact it restricts freedoms and controls the political economy through indirect state capitalism, where media ownership stays within the state or the loyalist business elite, in particularly the popular audio-visual media. Amid the global journalism crisis, Egypt's media system struggles for its financial survival, professional quality, and recognition among young generations. Experts speak openly of the "death of journalism" (Shuman, 2017).

I

EXISTING MEDIA ACCOUNTABILITY INSTITUTIONS AND ORGANIZATIONS

1. Press Councils/Media Councils

The media landscape after the 25th January Revolution in 2011 was a contested field: abolishing the Ministry for Information in 2011 echoed journalists' aspirations to change the dominant centralized state structures towards more independence, public service and professionalism. After numerous experts' and stakeholders' deliberations from 2011 until 2016 three new media councils were established. On December 26, 2016, the Egyptian President ratified a new media law, introducing three new regulatory bodies that oversee print, broadcast, and electronic media. The new law, which was approved by parliament, implements three main Articles of the Egyptian Constitution: Article 211 for the establishment of the Supreme Council for Media Regulation, Article 212 for the National Press Authority and finally Article 213 for the National Media Authority. Later in 2019, the Ministry of Information was also reinstated to control the "chaotic media scene" as stated by the Minister for Information Osama Heikal in a BBC interview (BBC Arabic Youtube Channel).

The Supreme Council for Media Regulation (scm.gov.eg) as an entity is the broadest umbrella in scope, as it is responsible for managing all media sectors (print, broadcast, online) including private and public ownership. It oversees the two other authorities: National Press Authority and National Media Authority. Different from voluntarily self-regulative bodies like the German Press Council for instance, the ethical standards are not intrinsically developed by journalists, but set from above. Examples include the Ramadan Drama Monitor that counts ethical violations, i.e. the use of rogue language, or drug abuse scenes. While this tool emulates liberal normative guidelines that aim to protect youth, they can be abused to ban certain narratives and actors from appearing on TV. A novel extra-judicial route is granting the public the right to submit complaints. Possible legal sanctions include warning, monetary compensation or even revoking the licensing.

The National Press Authority oversees and manages the state-owned print media organizations. It relies on the heritage of its predecessor Supreme Press Council (SPC) that was established in 1975 under President Anwar el-Sadat. Working closely with the Shura Council, SPC monitored the print media, recorded their circulation numbers, or set the rates for government advertising in the national newspapers. It also set the number of copies publishers could produce and the price they may charge for them (UNESCO 2013, 57). Its membership consisted of editors-in-chief of state-managed newspapers. Since the passing of the privatization laws of print media in 1996, its responsibilities expanded to issue licenses for private newspapers. Its most relevant task for media accountability was issuing the monthly journalism practice monitor that would quantitatively monitor the ethical misconduct in the print media.

The establishment of the new National Press Authority was heavily criticized by the Journalists' Syndicate, the only professional association for print journalists. Its former head Yehia Qallash commented that these councils only show the authorities' "rooted inclination" to expand their domination and will reflect in the law regulating the journalism and media sectors expected to be passed later (MadaMasr, 2016).

The National Media Authority (maspero.eg) oversees and manages the state-administered audio-visual broadcasting services. It is the successor of Maspero referring to the TV and radio building. Its scope is limited to state TV and radio stations, managing the complex financial situation and the employees' affairs, and thus functions as main broadcast regulator (discussed in detail in section 4, below).

Membership and composition of the councils/authorities are set by the 2014 Constitution. The regulations include a mix of appointed heads of key institutions and experts appointed by the President. The new policies seek to invoke an image of transparency through publications in a top-down approach, using websites and social media. The tenor uses themes of modernization, stability, ethics and technological innovation to boost credibility of the new regulatory bodies. The search for societal relevance is shaped by two priorities: 1) rejuvenating the human resources through training initiatives and 2) managing the major financial crisis that causes an annual drain for the broadcast and state-owned print journalism. Installing multiple regulative actors could have led to the desired and long overdue decentralization in the media sector, to a renewal of the media landscape and practices. Instead, rivalry and friction among its heads occurred due to lack of clarity over jurisdiction and executive reach.

Finally, the State Information Service (SIS) systematically monitors foreign media and issues feedback on their reports to ensure a favourable Egypt coverage.

2. Ombudsman

As of 2020, no Egyptian media employs ombudsmen. This concept of mediating complaints and making the working processes and standards of journalism transparent as well as involving the audience in the news production is widely unknown to journalists and media managers. The introduction of ombudsmen to Egyptian newsrooms might be hindered by the high rate of self-censorship among journalists as well as a lack of a culture of constructive criticism and a deeply ingrained patronage system in newsrooms of the state media.

3. Professional Journalists Associations and Unions

The Syndicate of Egyptian Journalists founded in 1941 (UNESCO, 2013, 15) is the sole representative professional association tasked with print journalists' protection. It has a rich history despite its paradoxical politics. Depending on its leadership, the Egyptian Journalists' Syndicate has oscillated between defending freedom of speech or offering socio-economic benefits and services. Candidates, especially

those close to the state, instrumentalize the financial bonus in Syndicate elections, because they rely on state compliance in funding it (Yehia 2011). Therefore, only loyalist heads of the Syndicate can accumulate social capital and votes. The dependent political economy weakens the Syndicate's independence.

Despite positioning itself as journalists' home, and occasionally a stronghold for freedom of expression, the Syndicate's membership regulations exclude many journalists (young, freelance, digital). Even progressive leaders in office have failed to include the young and digital journalists because the General Assembly is reluctant to embrace inclusive reforms out of fear to risk losing or sharing their benefits (Badr, 2020b). To become a formally recognized journalist candidates among other things need a portfolio, while not being accredited with the Syndicate journalists means to work under conditions of uncertainty.

Current laws prevent the establishment of an alternative association. All efforts to found independent and inclusive journalists' unions during the transition period after 2011 were not fruitful but were described by Sakr as "unionization in [legal] limbo" (2013, 76). On the other hand, a Syndicate for media workers in audio-visual broadcast exists but it focuses on social and leisure activities.

4. Broadcast Regulator

Multiple state actors act as broadcast regulators. Since 2017, the Supreme Council for Media Regulation and the National Media Authority in addition to the reinstated Ministry of Information co-regulate the broadcasting sector. They licence the private channels and radio stations, they monitor the contents for ethics and moral values. This strategy seeks to tighten executive control through overlapping jurisdiction, but it also leads to structured conflict due to actors' rivalry and lack of clear boundaries of action. Working closely with the Media Production City, Maspero has had prominent productions in drama, a role that had diminished since 2011. Due to the financial crisis, the state-owned productions put severe caps on finances which led to an increased privatization of drama productions. The Supreme Council for Media Regulations issues a drama monitoring report, esp. during Ramadan, counting scenes with smoking, drug abuse and profanity. Critics see it as imposing moral rules over fiction content.

5. NGOs and media related organizations

With the Arabic Network for Human Rights Information (ANHRI), founded in 2003, and the Arab Freedom of Thought and Expression (AFTE), founded in 2006, two well-established NGOs regularly monitor the Egyptian media scene. Both organizations however focus their work on a broader array of issues related to human rights. As such they monitor press and broadcast publications – usually focused on specific issues such as women's rights or events such as elections –, publish reports, involve themselves in social and political debates, and lobby for the rights of journalists. ANHRI regularly raises awareness about the situation of imprisoned journalists and

supports them and their families. With its current "Consciences and memory program" AFTE builds an archive documenting political events since 2011, thus trying to prevent the loss of knowledge and to document perspectives which challenge the official narratives about the events in Egypt since the Arab Spring often found in mainstream media. Both organisations are linked to international NGOs that work for media freedom and human rights such as Reporters Without Borders or the Committee to Protect Journalists (CPJ).

Founded in 2011, the Egyptian Media Development Program (EMDP) was the first Egyptian NGO offering training programs for journalists and media managers. Previously, training opportunities were only available from international players such as Deutsche Welle Akademie, in-house training or schools for mid-career training were and still are rarities in the Arab speaking world (Mellor 2007, 61). EMDP offered training all over Egypt as well as in other parts of the Middle East, and with the foundation of the "Egyptian Editors Forum" offered a room for debate on best practices in journalism and media management. In cooperation with the Ethical Journalism Network and the American University in Cairo (AUC), in 2017, EMDP launched a glossary on hate speech that aims to help journalists to avoid the use of hateful language and provides guidance for journalists as well as members of the audience on how to detect hate speech (EMDP, EJN & HUC, 2017). However, as of 2020, EMDP has stopped its activities without further explanation. This only became public as former employees shared the information through social media (see for example Hamed, 2020)

Main challenges for such organizations and initiatives comprise a lack of financial stability, a dependency on international funding as well as harsh policies towards NGOs through a revision of the NGO law in 2014 (Heiss 2018).

6. Media Legislation

Legal provisions have long been used as a tool to control the Egyptian media scene and punish journalists and outlets who crossed the lines. While the Constitution formally guarantees freedom of expression (namely articles 65 and 68), more than 180 laws from the civil penal code as well as other regulations have since long been used to silence journalists (UNESCO 2013, 35; ANHRI 2012). One way of controlling the media is the process of licensing: Private ownership of daily newspapers and television channels has only been possible since 1996, but is still under the obligation of a plethora of restrictions such as approval by the security apparatus, limitations on shares or registration fees from 100,000 Egyptian pounds for online newspapers to up to six million Egyptian pounds for daily newspapers. During the transition period of 2011 to 2013, the market mushroomed as license restrictions were lifted, but after the change of power in 2013, many outlets were closed with the justification of lacking a license (Richter 2015, 137), namely those affiliated with the Muslim Brotherhood. Other legal provisions such as harsh sentences for "spreading false information" or "harming national security" have been used over and over again to silence journalists and stop unwanted reporting. Although NGOs, media experts and the profession itself have repeatedly demanded to change the plethora of laws that obstruct freedom of opinion, none of them has been dropped yet.

During the past years, more laws and regulations have been introduced which serve to tighten the grip on outspoken journalists as well as citizens such as the 2015 Counter-Terrorism Law. In 2016, three highly controversial media laws were passed by the parliament to replace former media regulations. The laws were criticized for giving the Supreme Council for Media Regulation "sweeping, unsanctioned powers" (Mamdouh 2018). The new laws require even non-journalists with a followership of more than 5,000 people to register their online presence but fail to provide an exact definition of the term "website". The Cybercrime law similarly was criticized during its drafting process for its vague wording and judged by experts as "a total ban on internet use" (Hamama 2016). The law, which was passed in 2018, was recently used to sentence several women for violating "family values" through their TikTok channels (El-Mahdawy 2020).

II

SURVEY: MEDIA ACCOUNTABILITY AS PERCEIVED BY EGYPTIAN JOURNALISTS

The empirical basis for this report rests on the responses of 9 journalists who come from diverse backgrounds in terms of media type (print, online, broadcast) and ownership (state, private). However, the sample is not representative. The procedures included reaching out to 16 journalists, out of whom 9 journalists responded. The results serve to generate an overall trend in assessing the status quo of media accountability in Egypt. We need to contextualize the limited response rate within a highly restrictive field for empirical surveys and freedom of expression due to the current political climate. A central limitation certainly lies in proficiency in English language (language of the questionnaire) of potential respondents. An Arabic questionnaire could have widened the circle of possible participation. Data collection was in the time frame June/July 2020. Trends confirm results from previous publications.

1. Lack of freedom of speech inhibits media accountability

The respondents agree on the lack of freedom of expression under the current political-legal framework. All nine respondents estimate the practice of self-censorship (Q3) among their colleagues as either "very high" (7) or "rather high" (2). This indicates the tight margins for freedom of speech and journalists' protection. Pertinent examples on how issue selection and tone of coverage pose limitations on journalists can be seen in the repercussions on independent coverage of protests in the provinces either due to socio-economic reasons or violence by security forces, and reporting Covid-19 (MadaMasr, 2020).

Figure 2.1 Journalists' application of self-censorship in Egypt

Legend: ■ Rather high ■ Very high
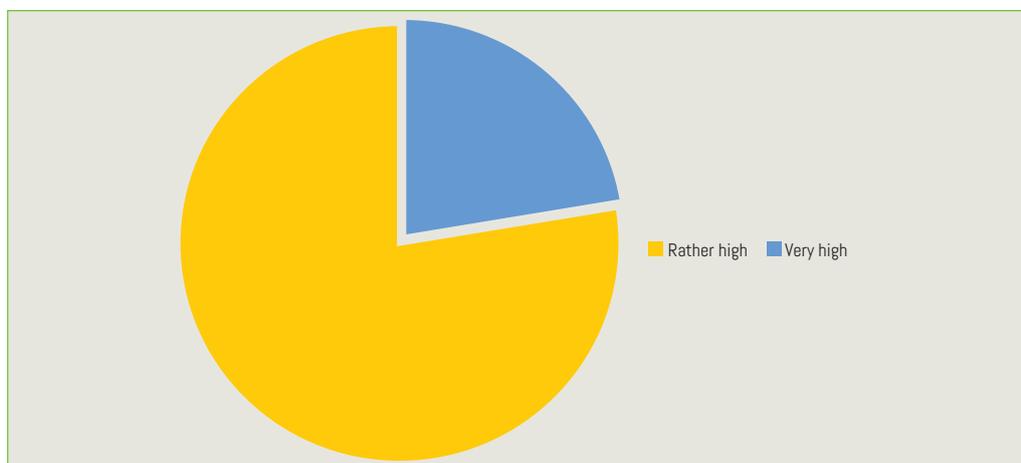
7 out of 9 of the journalists assess that there is no editorial independence in media outlets, while the rest sees itis only partly so (Q10). 7 out of 9 think that in the past three years the accountability of news media has "strongly deteriorated", while one journalist states it "rather deteriorated", and another respondent states it "remained stable" and one journalist prefers not to give an answer (Q15a). 6 out of 9 of respondents see that the media-related laws "fully inhibit" the news media to behave in an accountable way. One response each assesses that Egyptian media laws "rather inhibit" accountability, "neither support nor inhibit", and "rather support" (Q9).

When asked about the government-maintained media accountability instruments (Q6a), journalists name five central institutions (Fig. 2.2).

Figure 2.2 Journalists' awareness of media regulatory instruments initiated/maintained by government
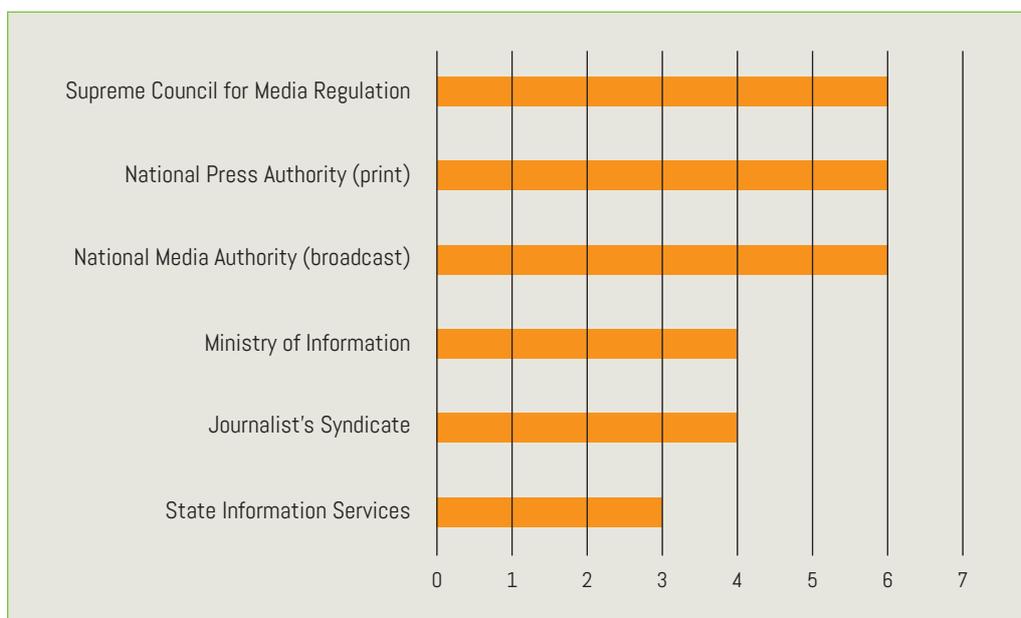
The journalists agree on the same actors maintained by the government but diverge on its actual role and influence. 6 out of 9 of journalists perceive its role as "very low", one estimates it as "average", and another journalist as "rather high", while one journalist does not give an answer (Q6b). Almost all journalists, 8 out of 9, reject the statement that the Press/Media Council is a self-regulatory and independent body (Q5a). No respondent assesses the Press/Media Council as an actor that has increased the ethical standards in Egyptian journalism (Q5b). The interviewed journalists are aware that those bodies are not independent as numerous comments show: "Those bodies work in collaboration to implement regulatory instruments and laws to control the media" (J3). "Members of councils/authorities are appointed by the government and are used as a tool to restrict media freedom; even independent bodies fall under the governmental scrutiny" (J7). One longer statement clarifies the current state of limited freedom of speech and its influence on media and journalism: "State censorship and military dominance remain the biggest challenges. There

can be no independent press, or media accountability without an overall change in the system. As it stands today, the military and the security services micromanage the media, both private and public." (J2)

In congruence with these responses, most journalists (7 out of 9) agree to the statement that Egypt provides a regulatory framework for audio-visual sector (Q7). One respondent does not know, and another does not provide an answer.

2. Status quo of Media Accountability instruments and its efficiency

The evaluation of media accountability efficiency by our respondents varies according to the different instruments (Q4). Figure 2.3 shows that several media accountability instruments are judged as minimally effective in the Egyptian context. Self-regulative instruments like media NGOs, publishing corrections, journalists' code of ethics or a media company's internal code of ethics seem to be only minimally effective in Egypt. The state-regulated Media Councils and Journalists' Unions are assessed as more efficient.

Figure 2.3 Journalists' evaluations of Media Accountability efficiency in Egypt (based on Q4)
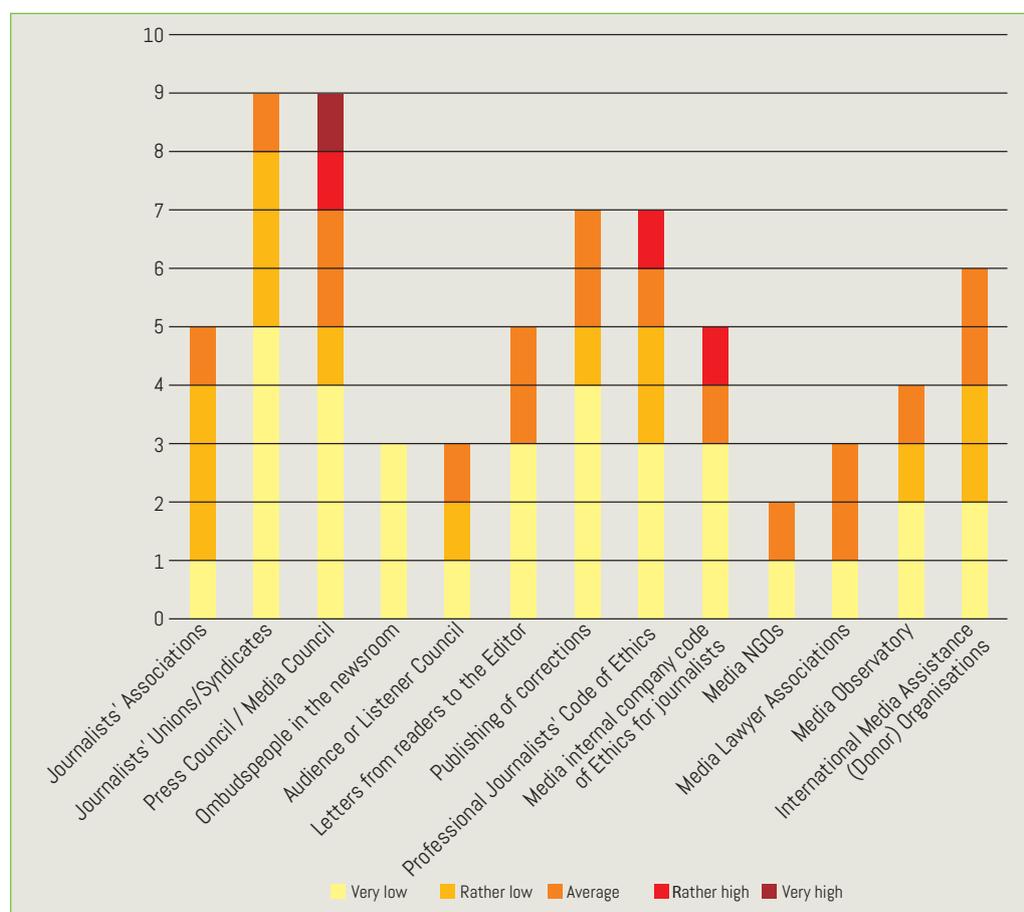
The statement on self-regulation, or mediation procedures against incorrect media reporting that are settled without court or governmental interference, and performed by a Press/Media Council divides the interviewed journalists (Q13): while four respondents assess the existence of said self-regulation as "rather weak", one judges it as "very weak", and three respondents see this kind of self-regulation as "average". It is important to note that the term Press/Media Council is not equivalent to the same idea of independent councils in Europe. As explained in Part I, Egypt's media council invokes the idea of independence and rule of law but is controlled by the executive. Previous research shows that journalists wish to practice more self-regulation, but from within their profession, without clashing with the political regime (AbdelAziz, 2018). The attribution of the journalism crisis differs according to the political orientation: some view that media accountability and credibility are only a byproduct of freedom; others see that journalists' misconduct is the reason for lack of professionalism (Badr, 2020b). Respondents' ratings of the importance of media accountability within Egyptian journalists' set of values and professional culture vary across the spectrum: 3 respondents agree to the statement that it is "very important", while one journalist views it is as "rather important". 3 journalists maintain that media accountability in Egypt was "not important". 2 journalists do not give an answer (Q12a). Only one journalist confirms that his media outlet regularly provides feedback to readers/audience/users related to published journalistic pieces (Q12b). The other respondents are divided, as 3 say there were no responses to the audience from their newsrooms and 3 report that it happened only partly. 2 journalists do not give an answer.

The absolute majority, 8 of 9 respondents, claim that there are no big differences in accountability practices between the state-owned media and mainstream private media. Only one journalist perceives a difference (Q11). This can be understood against the background of 'media capture' acquisitions by state security organizations, as mentioned by some journalists and described in Figure 2.4 (see RSF, 2019).

Almost all interviewed journalists, 7 out of 9, estimate that the government, parliament, and the courts are not open to the media in fair and equal way under the current situation (Q8). One respondent perceives those institutions as "partly open"; one evaluates them as "open". To understand this evaluation of state institutions, one needs to take into account not only harsh legislations and frequent imprisonments of outspoken journalists, but also the fact that whole parliament sessions have not been aired, which does not fit the transparency doctrine that is established in the Constitution.

3. Social media rising and confusing new actors

A clear majority of the interviewed journalists (7 out of 9) agrees to the statement that social media are "important" as a forum for debate on quality/misconduct of the news media, while the remaining two journalists see that it is only "partly important" (Q14). It is noteworthy that respondents claim that social media is slowly eroding the credibility of the mainstream professional media. Examples include angry social media campaigns against media coverage by launching media-critical hashtags. The audience is an ambivalent but rising power in Egypt: While sometimes successful campaigns take

place on social media to push for accountable media coverage, it also fosters hate speech and mob attacks on journalists. Sometimes it also is being abused by the state to limit press freedom.

However, the Internet and social media have increasingly been monitored and regulated through surveillance techniques and court orders. Examples include regulating accounts on TikTok, Facebook and Twitter by applying real-life consequences on deviant forms of communication (Badr & Leihs, 2021).

Social media also poses as a serious and free-of-charge challenge for journalism that Egyptian journalists cannot compete with. As the economics of the press market are weak, and certainly not as strong as in established media markets, newspapers struggle hard with an economic crisis. "The business models of all media outlets are failing" (J3) captures the essence of the fear of economic hardship on news media.

4. Challenges and needs for media accountability

Despite the massive political challenges for strengthening media accountability (as shown in Table 2.4), the interviewed journalists are also aware of the need to strengthen it. Respondents reveal a dire need for political and economic independence, where freedom of expression and freedom of the press are prevalent values in society respected by the ruling regime.

Figure 2.4 Enabling and hindering factors for establishing Media Accountability (Q15)

Supporting factors mentioned by respondents	Hindering factors mentioned by respondents
• Legal factors and media regulating laws • Freedom of information • Political environment • Social and cultural norms • Media accountability organizations, like the Journalists' Syndicate • Audience interaction • Growing digital media sphere and strong social media campaigns • Professional editing before publishing • Technological development	• Political restrictions and limited sphere of accountability (two responses) • Absence of freedoms • Legal system • Government by military regime that tolerates no dissident media or free flow of information / Media ownership either by state or security apparatus (intelligence agencies) / Media capture • Political polarization • Economic and political factors • Self-censorship • Journalists' bias, lack of professionalism and accuracy, lack of fact-checking in newsrooms / Conflict of interest (due to working in more than one medium because of low wages) • Low credibility • Lack of audience research

One journalist makes a reflective statement and points out that the Egyptian government relies on a competing normative media accountability system that does not adhere to liberal values: "accountability refers to professional standards, the

question is to whom. For the state, their perceived national interest dictates the normative value that control the news media" (J4). This intersects with the concept "constructive journalism" (Allam, 2019) indicating that some journalists want to reassure the public after times of political contestations and turmoil. In this vision, journalists need to be independent actors of media accountability that truly push for self-regulation.

Further needs are located on the professional and day-to-day routines level of media and journalism:

• a written code of ethics in all media organizations, known to journalists and binding to them (J1)

• an accountability committee in the Journalists' Syndicate to enable it to have a supportive role in case of complaints (J1)

• legal changes, for example to eliminate the lack of free information (J9)

• a political will to comply with the constitutional provisions protecting freedom of the press (J9)

• editorial and financial independence (J8)

• strengthening the people/audience through Syndicates, Media Councils/Authorities and regulations (J7)

• training on knowledge and skills in media accountability (J7).

CONCLUSION AND FUTURE RECOMMENDATIONS

The status quo of Media Accountability Instruments confirms the paradoxical state of contained media pluralism and crushed independence in Egypt (Richter, 2015): media accountability instruments cannot thrive in a stifled political climate. While the interviewed journalists are mainly preoccupied with the political and legal challenges, they do not overlook the valid economic concerns that overshadow the whole media system. Looking into Egypt's sustainable media outlets shows us that those are either state-owned and therefore subsidized, or dependent on media assistance programs and foreign donors' support. Economic viability beyond both actors is extremely hard to reach as the credibility of Egyptian media is waning, and the relevance and future of its journalism and mass communication programs are being questioned (AbdelAziz, 2020).

Despite the current grim challenges that make independent media accountability difficult, some respondents mentioned the word "shift" several times, as a possible game changer for the future directions: a shift is multi-layered, and refers to changes in the media practice and journalists' commitment towards the audience amid the fluid media ecosystems and volatile situation in the MENA region. The shift is a by-product of the technological advances and rise of peripheral actors who co-shape the media ecosystem. The era of uncertainty can lead to new dynamics in the mid- to long-term future. Meanwhile, journalists must work in their confined parameters within the media boundaries but cannot dream of making great political breakthroughs. Supporting them means encouraging initiatives from within the profession that do not blatantly confront the political regime but rather support the enclaves of professional journalists in their survival amid constrained times.

As political activities, among other types of cultural and social activities are closely monitored, especially those in collaboration with foreign institutions, by the Egyptian security apparatus, supporting Egyptian journalists eager to advance their profession is a delicate intent. Any media development project needs to make sure not to put its participants to risk and should adhere to responsible safety precautions for journalists in constrained fields. The author suggests the following ideas for the road ahead:

• involve journalists from different countries of the Arabic speaking world to create trainings, support and networks for media accountability in the region;

• create (real and digital) spaces for small and big networks of media workers;

• collect best-practice examples of media accountability initiatives from the Arab world and publish the collection in Arabic, e.g. in form of directories, handbooks, digital learning courses;

• focus on best-practice examples that might be implemented by single journalists,

small newsrooms or single sections of a media outlet as this enables journalists to experiment and prove in a cost-efficient way that media accountability pays off and allows for a gradual advance of whole media organisations from within;

• offer training for media workers of all experience levels on a range of issues touching on media accountability such as audience research, web marketing, social media use, verification practices, or data journalism and crowdsourcing;

• address seemingly non-political issues like health communication or other topics from the science and service sections as venues for experimentation with tools of media accountability;

• persuade media managers that editorial transparency, journalistic professionalism and knowledge about one's audience help to foster trust and loyalty among the audience and as such to create a financially stable and sustainable media outlet;

• and last, but certainly not least: support media outlets and journalists who already push the limits of the regime's censorship, be it by financial means, foreign policy or moral support ■

IRAQ

MAI IN IRAQ:

By Habeeb Ibrahim

I

EXISTING MEDIA ACCOUNTABILITY INSTITUTIONS AND ORGANIZATIONS

1. Press Council / Media Council

Iraq lacks a media or press council that regulates media affairs and issues regulations to improve media work and contribute to shaping the foundations that responsible media require. Iraq's lack of media or press council has two reasons. First, the lack of awareness of the importance of the media or press council in organizing media affairs and media accountability. Second, Iraq's lack of media or press council is the result of media chaos that resulted from political crises, economic crises, and the education crisis. There have been no serious attempts by previous governments to address these crises, for many reasons, including the control of armed militias and the interference of neighboring countries in Iraqi affairs.

In 2011 a group of professors (I was among them) of the Media Department– Salahaddin University (Erbil) submitted a project to establish a Media Council in the Kurdistan Region - Iraq, and an expanded conference was held in the presence of the American and British consuls, but the provincial government did not pay any attention to the project.

2. Ombudsperson

Ombudsperson help media organizations improve the quality of their news stories and monitor the news that is published in the public domain. The concept is new to most journalists, and they have no clear idea about the Ombudsperson, its functions, and its importance. The job of an ombudsman will be an additional burden for an independent media that already suffers from a lack of revenue due to the scarcity of advertisements and funding sources, unlike government and party media. Most of the Iraqi media receive complaints and suggestions from the public directly through an email designated for this purpose, and the institution's office has the right to view them.

3. Professional Journalists Associations and Unions

The Iraqi Journalists Syndicate: According to the law of the syndicate, the media are optionally registered with the syndicate, whereby being registered means paying annual fees. Article 7 states the reason for the enactment of this law: "Iraqi journalists syndicate aims to improve ethics, artistic, cultural, social and economic level of journalists and enable them to perform their press message" (Amended Iraqi Journalists Syndicate Law, 1969).

Journalists belong to the Iraqi journalist's syndicate to obtain the privileges provided by the Syndicate, including a pension and a grant to journalists. After the fall of the Ba'ath Party regime in 2003, the parliament amended the Journalists Syndicate Law, instead of repealing the law and giving journalists the right to establish syndicates.

Iraqi parties control the Journalists Syndicate. During elections, political parties have candidates to be represented in the syndicate. In the Kurdistan region of Iraq, the matter is not very different. The parties have a share in the syndicate's positions, and agreement is reached in advance of the elections on who receives these positions, as well as granting plots of land belonging to the journalist syndicate.

The syndicate law refers to a set of goals that a journalist should aim for, such as working to support human and social ties in society. In Article Three of the Law, an explicit text is presented that reflects the syndicate's goal of "promoting the spirit of solidarity among all citizens of all ethnicities, religions and beliefs, and respecting their rights" (Amended Iraqi Journalists Syndicate Law, 1969).

In the first article of the Syndicate Law - the fourth amendment grants the syndicate the right to enable journalists to perform their press message freely (ibid), but is conditioned by the phrase "within the framework of moral and national responsibility" (ibid). This condition is vague and inaccurate and does not specify the nature of this responsibility in cases where the media establishment ignores this proposition.

Article 25 of the law indicates the supervisory role of the syndicate in "practicing the profession in Iraq, including not threatening citizens or the statement and hinting that would benefit an enemy party at the expense of the country, or undermining the citizen's trust or exploiting the written word or the harmful exploitation or misleading of the public" (ibid).

If a journalist violates what is stated in Article 25, she or he exposes herself or himself to professional penalties proposed by the (disciplinary committee) in the syndicate according to the breach by the journalist as (a warning) or (the prevention of practicing of the profession for six months) or (dismissal from the syndicate). "It is clear that these sanctions were not adopted against any journalist, comparing with the serious results and repercussions the journalist publishes sometimes" (AlDaghestani, 2020). These punishments only extend to those affiliated with the syndicate and therefore those who are not affiliated will be immune from punishment.

The National Syndicate of Iraqi Journalists was established in 2014 and has an internal system, but it does not have a legislative framework, as it did not legislate a law in the Iraqi parliament. For this reason, it has faced many challenges due to lack of support from the government and the number of members affiliated with it remained limited, as the Iraqi Journalists Syndicate considered itself to be the only organization that journalists belong to.

4. Broadcast Regulator

The National Center for the Iraqi Media was established in 2003 and was affiliated

with the Iraqi Council of Ministers. It was entrusted with the responsibility of monitoring and evaluating the performance of radio station programs, TV channels, and newspapers. The center's mission was also to improve the performance of government media. The center failed to be an institution for regulating government media affairs. In 2011, the then Prime Minister issued a decision to dissolve the center and distribute its functions to the media advisor and government spokesperson.

Media and Communications Commission (MCC) established in 2004 with the order No. 65 issued by the Coalition Authority for Granting Broadcast Licenses, the order referred to the freedom to publish newspapers without the need to obtain a license to do so. It is linked to the Iraqi parliament. One of the goals of the Commission is to allocate frequencies to radio and television channels, in exchange for spectrum fees. The MCC is also assigned to "regulate broadcasts and communications, also planning, coordinating, distributing and determining the use of broadcast frequencies" (Law of the National Authority of Media and Communications, 2017).

The Media and Communications Commission has an institution called "Regulating Radio and TV Work" whose mission is: "organizing media designs and developing the mechanisms of the press, setting, developing and strengthening media rules for the elections, supporting and encouraging vocational training and adopting professional behavior directives on media issues, in addition to responsibility for developing and publishing communication and media policies and proposing laws in this regard" (ibid).

The Commission issued a list that includes media broadcasting rules that define the general standards for audio and TV programs, to ensure the prevention of incitement to violence and hatred, "the maintenance of civil peace and national security, and the non-broadcasting of articles that violate decency and morals" (ibid).

Iraqi journalists consider that the commission uses its authority to close the offices of radio stations and television channels that publish reports talking about government corruption and crimes committed by armed militia groups affiliated with political parties. In the wake of the demonstrations in Iraq in October 2019, which are still ongoing (in which more than 600 Iraqi civilians were killed by armed militias), the commission closed the offices of many local and international channels, such as the office of Al-Dijla satellite channel, the office of the Al Jazeera satellite channel and the office of the American satellite channel in Arabic (Alhurra), under the pretext of publishing Reports encouraging demonstrations and violence.

5. NGOs and Media related organizations

There are many organizations concerned with the media and the press in Iraq. Their activities are limited to developing the skills of journalists in the areas of news writing, interviews, photojournalism and reporting issues such as child rights, and the role of the media in peaceful coexistence and other subject matters.

NGOs receive financial support, either from the government or political parties or from international organizations, in the event of a joint project with an international

organization. Most NGOs have turned to the arms of political parties to spread their ideology and have been able to establish magazines, and radio stations, through the revenues received from them.

The most important media organizations in Iraq:

Metro Centre for the Defense of Journalists- in short: Metro Centre - "has been established in 2009, by a group of journalists and human rights advocates. It aims to monitor free press situation in Kurdistan Region of Iraq with the support of "the Institute for Peace and War Journalism (IWPR), the Norwegian People's Organization (NPA), and the Danish International Media Support IMS. It has representatives in various Iraqi provinces and in some capitals of European countries" (International Media Support, n.d., para 1).

Metro Center monitors the implementation of Media Code number (35) and the Code number (11) of the rights of Access to Information, and also monitors the way the government deals with the international regulations pertaining to the protection of the rights of freedom of speech and journalistic freedoms, working with the government and the NGOs to put those rights in action and to spread them out (ibid, para 2).

The center issues a report, which includes the violations that journalists are exposed to, and this is done through a press conference attended by political, cultural, media figures and civil activists. The center also prepares some studies, which are related to variety of the journalistic work.

Defense of Freedom of the Press Association "is responsible for defending freedom of opinion, monitoring violations against journalists and media workers, and working to develop journalistic and media work" (Press Freedom Advocacy Association in Iraq, n.d., para 1). It also defends journalists who are imprisoned, arrested or charged with the pretext of defaming or insulting public morals or any other charge that limits the freedom of access to information through the appointment of lawyers and the use of all legal means to acquit them.

The Iraqi Association for Defending the Rights of Journalists is an independent organization that monitors violations of the rights of journalists and writers in Iraq. It works to provide legal aid to those subject to legal accountability due to publication, and also works to establish a culture of human rights in Iraqi society (Arab.org, n.d.).

Journalists Freedom Observatory "is an independent, nonprofit organization that promotes press freedom based in Baghdad now active in the US founded since 2004 to support - at the very first mission- the local journalist's countrywide including Iraqi Kurdistan throw its active network committed to denouncing and documenting press freedom conditions" (Journalists Freedom Observatory, n.d.).

The Zang Media Organization "was founded in 2010 and is interested in conducting workshops in several areas" (Kakai, 2020), the most prominent of which are: freedom of the press, government media, media and religion, civil society and religion, religious television channels, journalists and the police, and economic media to mention a few.

6. Media Legislation

Immediately after the American-British invasion of Iraq in 2003, coalition authorities issued resolution No. (14) to dissolve the Ministry of Culture and Media and stop newspapers, magazines, and Radio and Television organizations that were issued at the time of Saddam Hussein's regime. They then set general controls for the media, as the decision stated, "Preventing the media from broadcasting or publishing any material that incites violence, disturbs the regime or calls to cause riots and damages property" (Republic of Iraq Supreme Judicial Council, 2003).

This resolution gave the authority to the coalition authority to punish the media that "incites violence or is working to create confusion and stir up discord". It also gave them "the ability to search them and confiscate their equipment and disable it" (Republic of Iraq Supreme Judicial Council, 2003). The coalition authority issued resolution No. (6) in 2003, which stipulated the establishment of the Iraqi Media Network (IMN) in accordance with Article (108) of the Iraqi Constitution as an independent body that replaces the Ministry of Culture and Media.

These two decisions represent the basic foundations that have been relied upon in organizing the work of the official media issued by the coalition authority and then the government of Iraq. Accountability of journalists is dealt with through a set of legal materials, the most important of which are:

The Iraqi Penal Code No. 111 of 1969: was modified after the year 2003, because it contained articles "that allow the execution of anyone who publishes statements that insult or slander the President of the Republic" (Iraqi Penal Code, 1969).

The Supreme Judicial Council of Iraq formed in 2010 (the Publication and Media Court) and its formation decision stated: "In appreciation of the journalists of the fourth estate, the Supreme Judicial Council decided to allocate a court in Baghdad that handles complaints and lawsuits related to media and publishing in its civil and penal sides" (Abdul Sattar Muhammad Ramadhan Ruzbeani, 2010). The Supreme Judicial Council announced in the end of 2016 the formation of new courts specialized in publishing and media issues in the governorates of Basra, Babel, and Kirkuk. Also, in (2016) the Supreme Judicial Council abolished the Publication and Media Court and assigned jurisdiction to consider media accountability lawsuit to other courts.

Journalists Rights Law No. 21 of 2011: the law refers to the rights enjoyed by a journalist. Article 8 stipulates, "It is not permissible to hold the journalist accountable for his opinion or reporting news" (Journalists Rights Law No. 21, 2011, Article 8). Article 10 first indicates that "a journalist may not be questioned or interrogated about a crime attributed to him related to the practice of the work of a journalist except by a judicial decision" (Al-Waqa'i Iraqi Newspaper No. 4206, 2011). The same article indicates secondly that "the court must inform the Journalists Syndicate or the institution in which the journalist works about any complaint against him related to the practice of his work" (ibid).

Accordingly, journalists who are affiliated with the Press Syndicate will be investigated with the presence of a representative of the syndicate.

Law of Right to obtain Information: although the Iraqi parliament has completed several

readings of the draft law, it has not been put to a vote. This law, upon its issuance, would contribute to increasing the information obtained by journalists. Despite the issuance of the Law on the Right to Information in the Kurdistan Region, in accordance with the Kurdistan Parliament - Iraq session, in its regular session number 28, held on 06/05/2013, the law was not implemented.

SURVEY RESULTS

1. Survey:

1. Survey respondents 14

2. Representatives from "The Journalists Syndicates, NGOs, journalists" defense centers, an academic in the field of media, the Media Directorate of the Ministry of Culture and Youth, as well as journalists)

3. Survey conducted in July 2020 (Interviewed online)

4. Non – representative sample.

5. The survey was conducted in Iraq and the Kurdistan region of Iraq: Baghdad, Kirkuk, Erbil, Sulaymaniyah and Duhok.

6. Context factors that support/enable news media to act in an accountable way
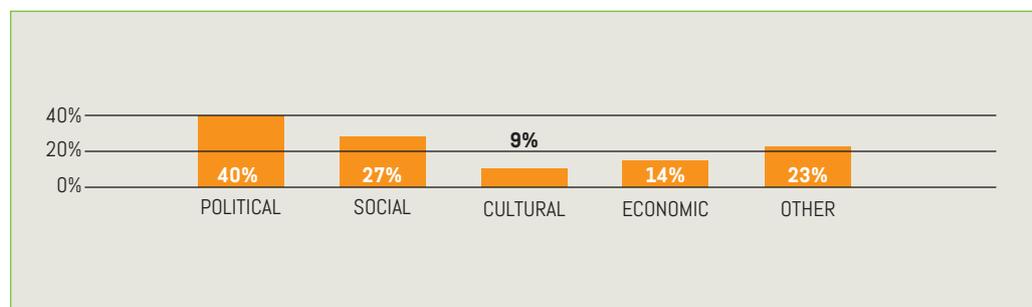
Figure 3.1 Context factors that support/enable news media to act in an accountable way in Iraq

7. Context factors that inhibit/limit the news media to act in an accountable way
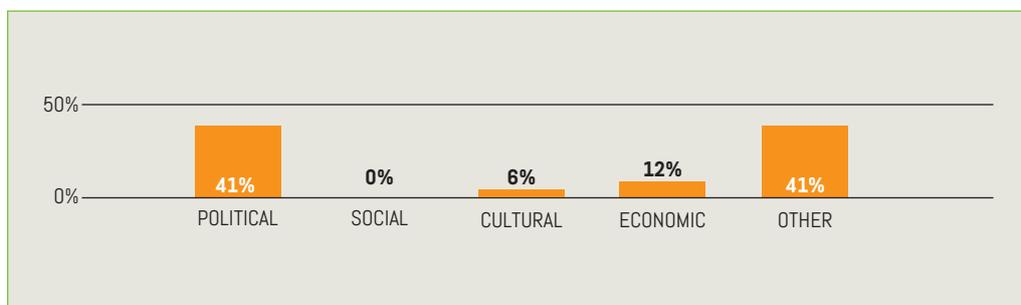
Figure 3.2 Context factors that inhibit/limit the news media to act in an accountable way in Iraq

8. How would you evaluate applied self-censorship of journalists in your country?
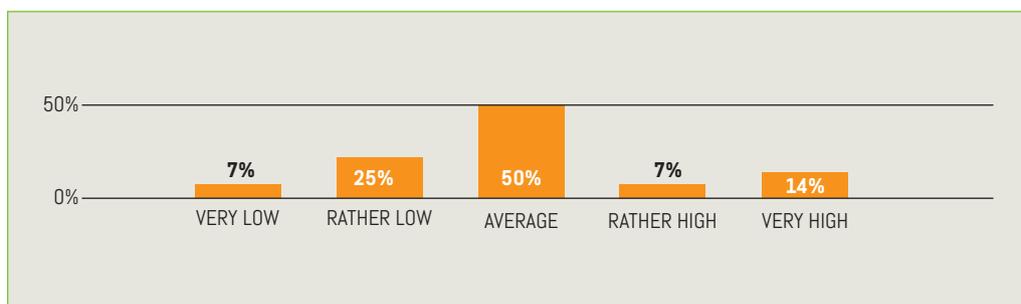
Figure 3.3 Evaluation of application of self-censorship of journalists in Iraq

9. Which media accountability instruments exist in your country and how would you rate the efficiency of these instruments in holding the media to account?

A. Journalists Associations
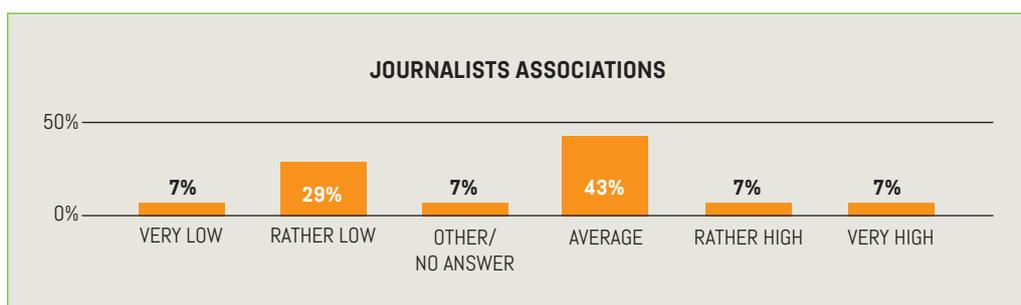
Figure 3.4 Rated efficiency of Journalists Associations in Iraq

B. Journalists Unions/Syndicates

JOURNALISTS UNIONS / SYNDICATES

VERY LOW	RATHER LOW	OTHER/ NO ANSWER	AVERAGE	RATHER HIGH	VERY HIGH
14%	21%	0%	57%	7%	0%

Figure 3.5 Rated efficiency of Journalists Unions/Syndicates in Iraq

C. Press Council/Media Council Iraq lacks a media or press council.

D. Ombudspeople in the newsroom: Iraq lacks ombudspeople in the newsroom.

E. Audience or Listener Council: Iraq lacks an Audience or Listener Council

F. Letters from readers to the Editor:

LETTERS FROM READERS TO THE EDITOR

VERY LOW	RATHER LOW	OTHER/ NO ANSWER	AVERAGE	RATHER HIGH	VERY HIGH
14%	14%	7%	57%	7%	0%
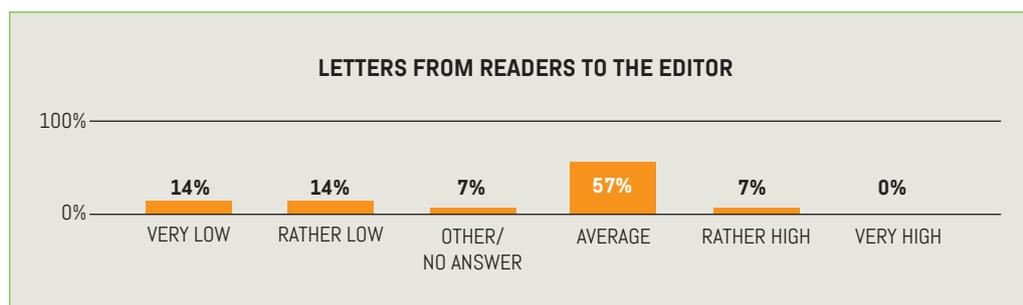
Figure 3.6 Efficiency of letters from readers to editors in Iraq

G. Publishing of corrections

PUBLISHING OF CORRECTIONS

VERY LOW	RATHER LOW	OTHER/ NO ANSWER	AVERAGE	RATHER HIGH	VERY HIGH
29%	29%	0%	35%	7%	0%
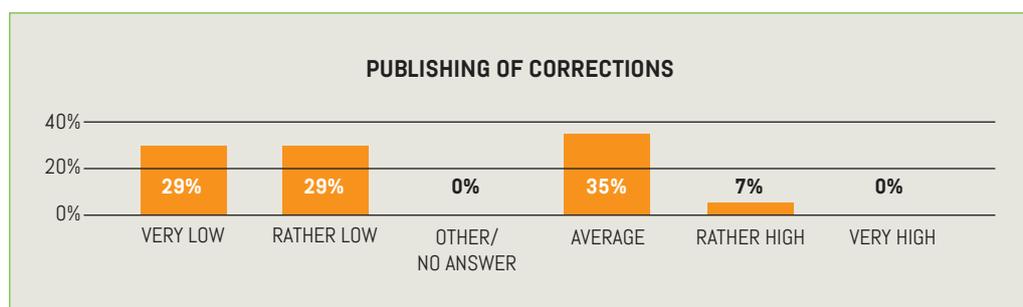
Figure 3.7 Efficiency of publishing of corrections in Iraq

H. Professional Journalists Code of Ethics:

PROFESSIONAL JOURNALISTS CODE OF ETHICS

Category	Value
VERY LOW	0%
RATHER LOW	7%
OTHER/NO ANSWER	35%
AVERAGE	57%
RATHER HIGH	0%
VERY HIGH	0%
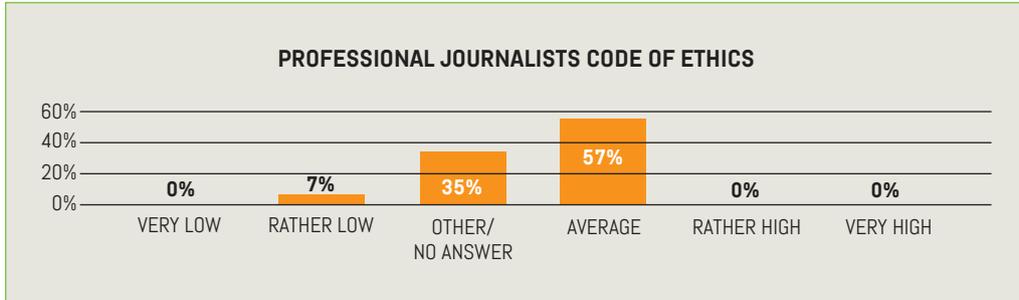
Figure 3.8 Efficiency of professional journalists code of ethics in Iraq

I. Media internal Company Code of Ethics for journalists

MEDIA INTERNAL COMPANY CODE OF ETHICS FOR JOURNALISTS

Category	Value
VERY LOW	14%
RATHER LOW	14%
OTHER/NO ANSWER	14%
AVERAGE	21%
RATHER HIGH	29%
VERY HIGH	7%

Figure 3.9 Efficiency of media internal company codes of ethics for journalists in Iraq

J. Media NGOs:

MEDIA NGOs

Category	Value
VERY LOW	21%
RATHER LOW	7%
OTHER/NO ANSWER	0%
AVERAGE	64%
RATHER HIGH	7%
VERY HIGH	0%
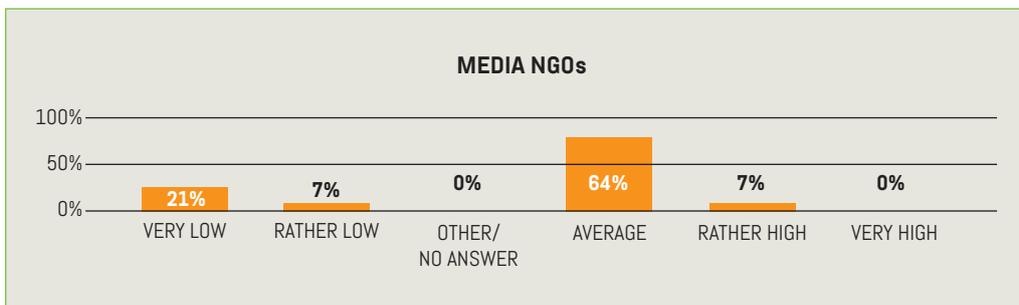
Figure 3.10 Efficiency of media NGOs in Iraq

K. Media Lawyer Associations: Iraq lacks Media Lawyer Associations.

L. Media Observatory:

MEDIA OBSERVATORY

	VERY LOW	RATHER LOW	OTHER/ NO ANSWER	AVERAGE	RATHER HIGH	VERY HIGH
	7%	7%	36%	36%	7%	7%
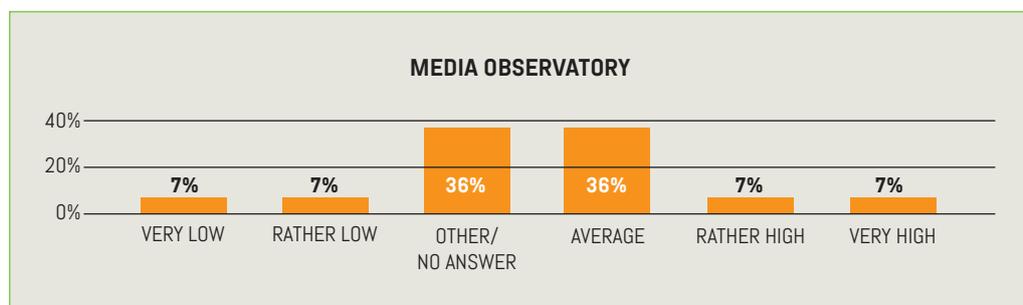
Figure 3.11 Efficiency of Media Observatory in Iraq

M. International Media Assistance (Donor) Organizations

INTERNATIONAL MEDIA ASSISTANCE (DONOR) ORGANISATIONS

	VERY LOW	RATHER LOW	OTHER/ NO ANSWER	AVERAGE	RATHER HIGH	VERY HIGH
	14%	14%	0%	64%	7%	0%
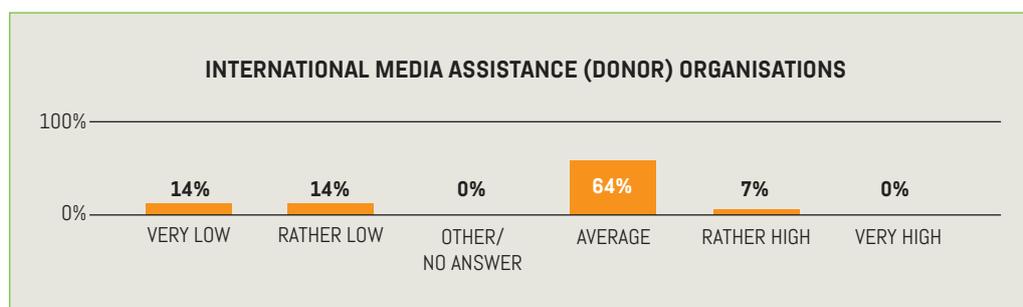
Figure 3.12 Efficiency of international media assistance (donor) organizations

10. Is the Press or Media Council in your country a self-regulatory and independent body?

	NO	YES	I DON'T KNOW	OTHER/ NO ANSWER
	0%	0%	0%	100%
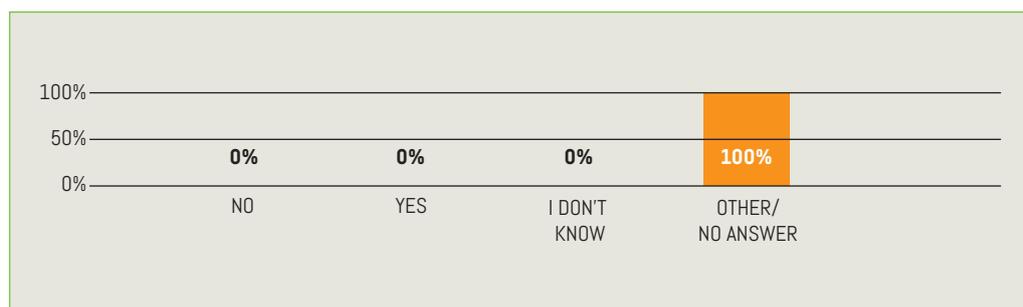
Figure 3.13 Is the Press or Media Council in your country a self-regulatory and independent body?

11. Has the work of the Press or Media Council, in your opinion, increased ethical standards amongst journalists?
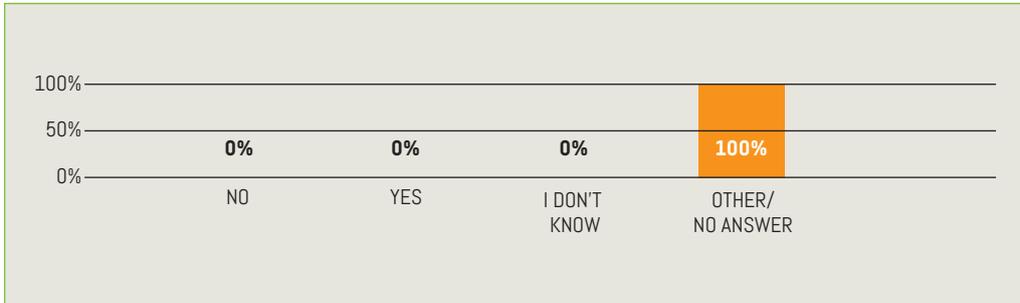
Figure 3.14 Has the work of the Press or Media Council, in your opinion, increased ethical standards amongst journalists?

12. Which media regulatory instruments exist in your country that are initiated/maintained largely by the government?
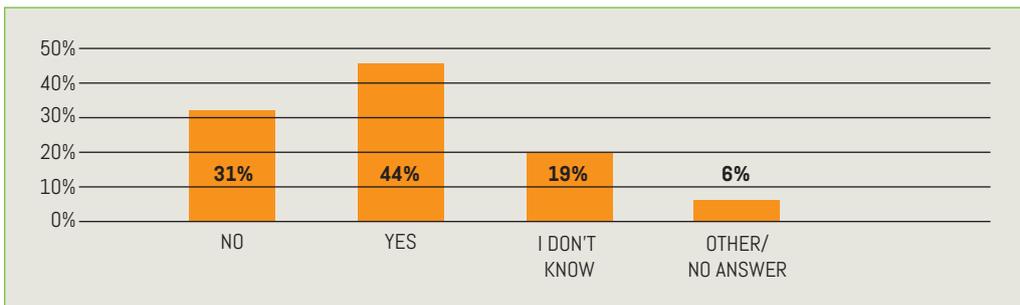
Figure 3.15 Which media regulatory instruments exist in your country that are initiated/maintained largely by the government?

13. How would you rate the efficiency of these instruments in holding the media to account?
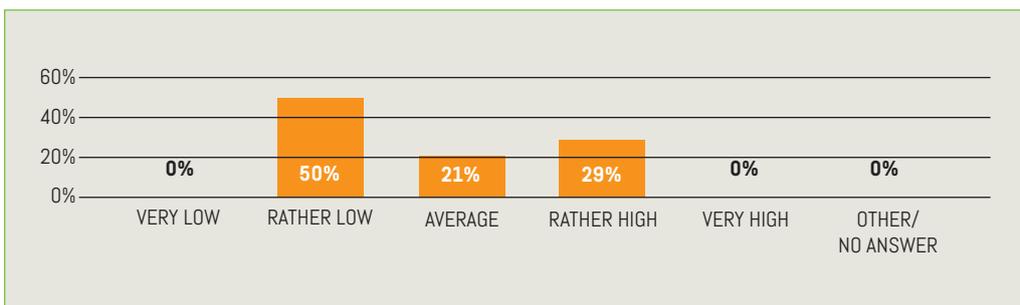
Figure 3.16 How would you rate the efficiency of these instruments in holding the media to account?

61

14. Is your country providing a regulatory framework for the Audio-Visual sector, like a Broadcasting Council or Regulatory Authority as a regulatory institution?
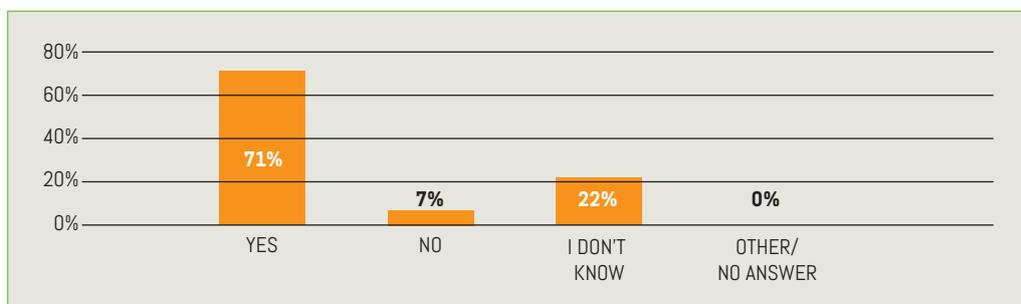
Figure 3.17 Is your country providing a regulatory framework for the Audio-Visual sector, like a Broadcasting Council or Regulatory Authority as a regulatory institution?

15. Do you estimate that the government, parliament and the courts are open to the media in a fair and equal way under the current situation?
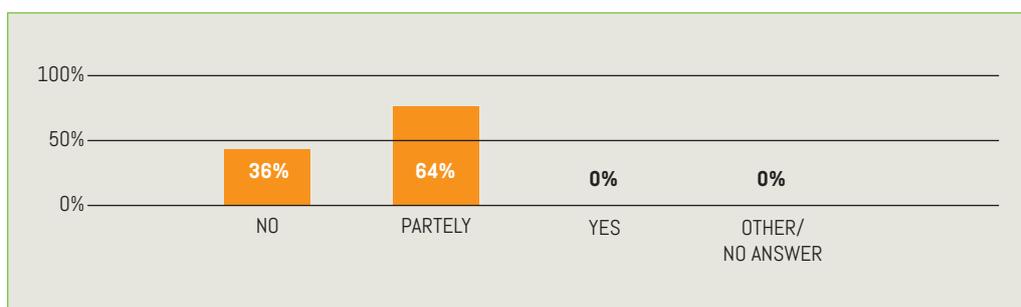
Figure 3.18 Do you estimate that the government, parliament and the courts are open to the media in a fair and equal way under the current situation?

16. Do you think that the existing media-related laws in your country rather support or rather inhibit the news media to behave in an accountable way?
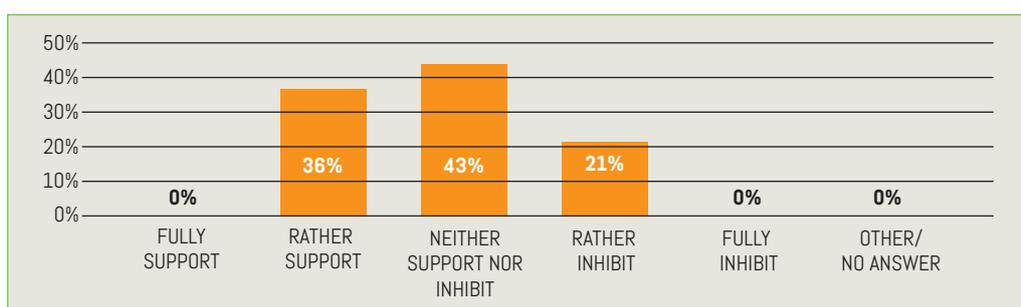
Figure 3.19 Do you think that the existing media-related laws in your country rather support or rather inhibit the news media to behave in an accountable way?

17. Do media outlets have editorial independence?
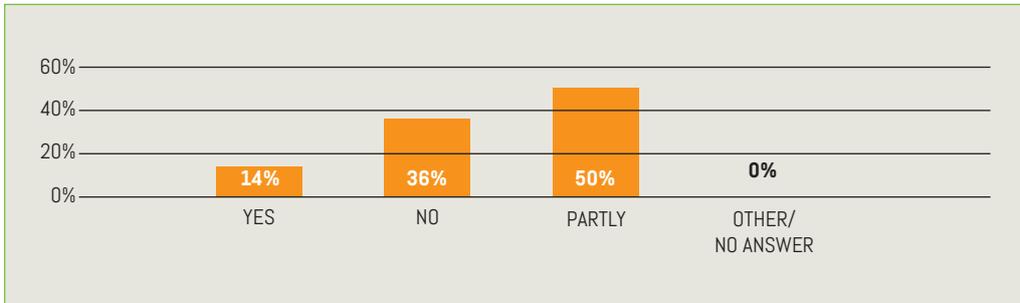
Figure 3.20 Do media outlets have editorial independence?

18. Do you think there are big differences in accountability practices between the state-owned media and mainstream private media?
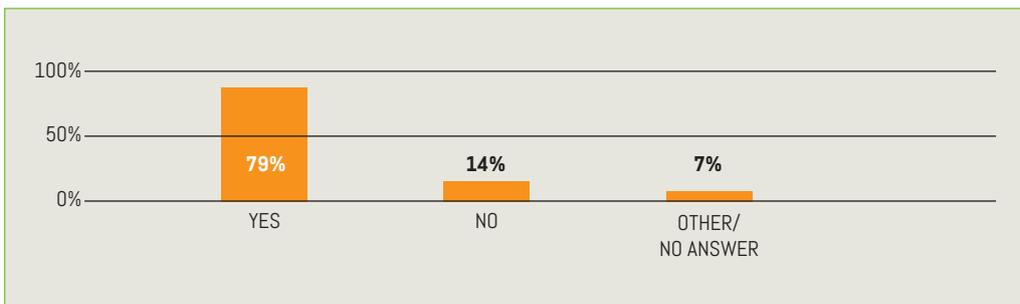
Figure 3.21 Do you think there are big differences in accountability practices between the state-owned media and mainstream private media?

19. How would you rate the importance of media accountability within your countries´ journalists' set of values and professional culture?
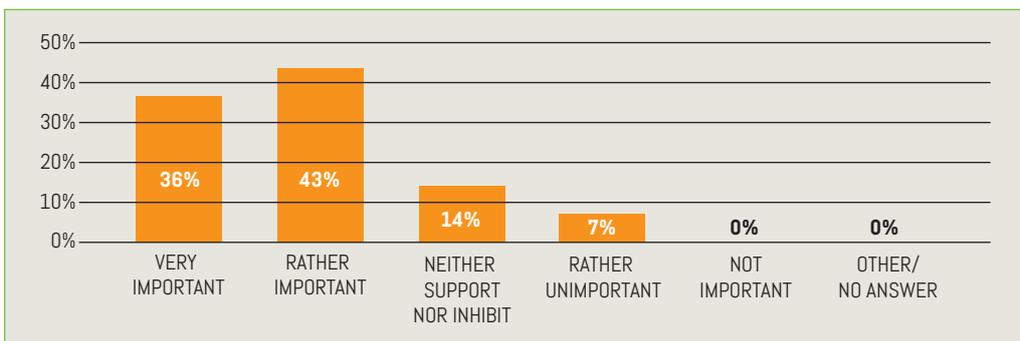
Figure 3.22 How would you rate the importance of Media Accountability within your countries´ journalists' set of values and professional culture?

20. Do you or your media outlet regularly provide a feedback to your readers/audience/users on social media related to published journalistic pieces?
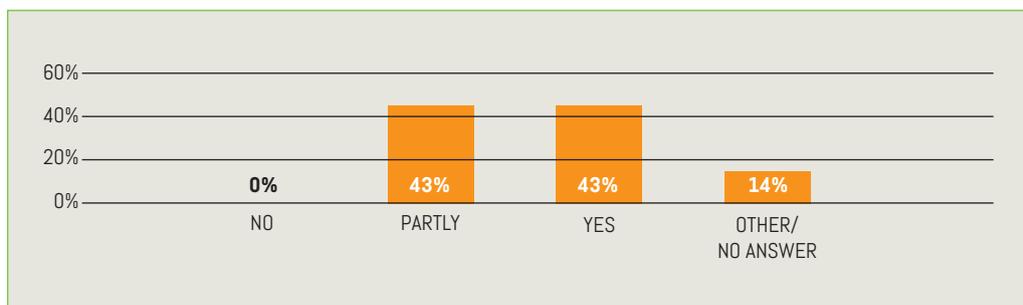
Figure 3.23 Do you or your media outlet regularly provide a feedback to your readers/audience/users on social media related to published journalistic pieces?

21. In how far is media self-regulation (mediation procedures against incorrect media reporting to be settled without court or governmental interference) performed in your country by a Press or Media Council?
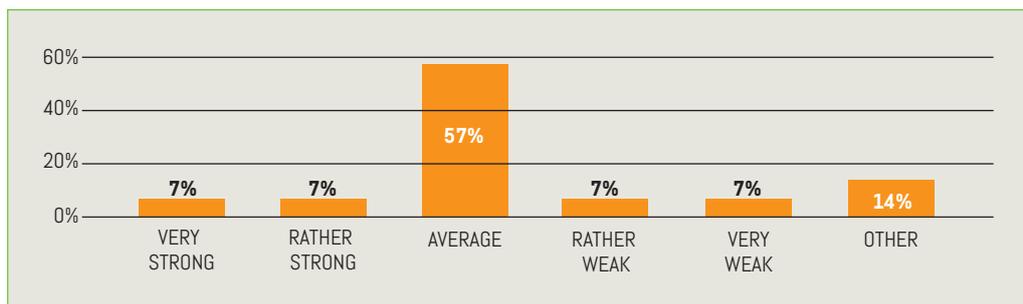
Figure 3.24 In how far is media self-regulation (mediation procedures against incorrect media reporting to be settled without court or governmental interference) performed in your country by a Press or Media Council?

22. Do you think that social media are important in your country as a forum for debate on quality/misconduct of the news media?
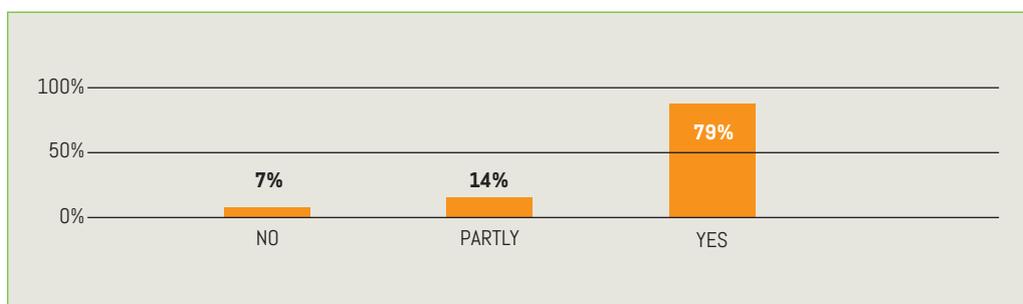
Figure 3.25 Do you think that social media are important in your country as a forum for debate on quality/misconduct of the news media?

23. Reflecting the past three years, would you say that the accountability of news media has rather remained stable, rather improved or rather deteriorated?
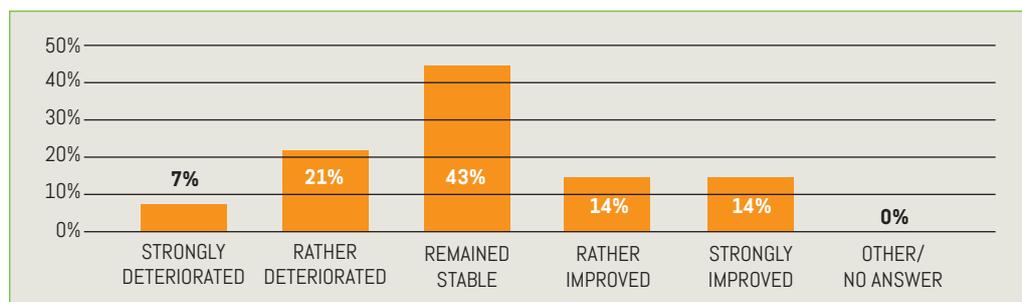
Figure 3.26 Reflecting the past three years, would you say that the accountability of news media has rather remained stable, rather improved or rather deteriorated?

24. What are, in your opinion, the biggest challenges for media accountability in your country as of today? What is needed most in your opinion to uphold media accountability in a proper way?

A. «Political parties dominate the media scene».

B. «Military militias impede the implementation of laws, including media laws».

C. «The crisis between political parties hinders media accountability because hundreds of journalists belong to the political parties».

D. "Political chaos in Iraq hinders media accountability, Iraqi institutions are unable to implement laws because of their weakness".

25. What is needed most in your opinion to uphold media accountability in a proper way?

A. "Not to allow political parties and military militias to interfere in the media landscape and impose their policies".

B. "Establishment of an Audience Council".

C. "Adoption of the Media internal Company Code of Ethics system in media organizations".

RESULTS

Due to the absence of the Media Council, and the lack of institutions to evaluate the content of Iraqi news media organisations, the Media and Communications Commission that follow the Iraqi Parliament is responsible for media accountability. State institutions and political parties that are being criticized by the media organizations file lawsuits against journalists according to the articles of the Iraqi Penal Code.

Political parties control the media landscape and media accountability instruments: The Media and Communications Commission, the Iraqi Journalists Syndicate, and the Kurdistan Region Journalists Syndicate. When the security forces and armed militias use violence against journalists or close the offices of media organizations, the Syndicate of Journalists does nothing to protect journalists except condemn what the security forces and armed militias do, and government and party media organizations refrain from covering demonstrations, while the Media and Communications Commission cuts off the Internet to prevent activists from circulating video clips documenting the security forces' assault on citizens and journalists.

We recommend to prepare an impartial study on the media landscape in Iraq on many issues, the most important of which are: Iraqi journalists' confidence in the fairness of media accountability tools, to find out the reality of the challenges facing journalists and to contribute by improving the environment in which journalists work. There are some measures that can be taken such as:

1. Finding media accountability instruments (Media Council, Ombudspeople, Journalists Defense Lawyer Organization) and stopping all forms of interference by political parties and armed militias in the work of the Media and Communications Commission, the Iraqi Journalists Syndicate and the Kurdistan Journalists Syndicate.

2. There is a problem related to advertising: a government order, which was issued to the ministries requested that they should just publish their advertisements in government media outlets. This procedure caused a lack of funding income through advertising for private media that do not have sufficient financial means to sustain and are therefore in some cases subjected to political parties and armed militias funding.

3. Restructuring the legal system to ensure that political parties and armed militias do not interfere in the work of the courts in preventing accountability for their media.

4. The increasing assassination of journalists to be considered by international organizations as an important topic for future discussions, negotiations and projects, because there is an increase of journalists who are assassinated by the security forces and armed militias, while the Iraqi government currently does not have ade-

quate solutions to this issue.

5. To hold media affiliated with political parties and armed militias accountable for their sources of funding. There are two prevailing assumptions: Either the media gets its finance from the Iraqi government or neighbouring countries.

6. Establishing a new Charter of Professional Honor that prevents journalists from spreading hate speech in the media.

7. Making changes to the structure of government media organizations that promote government discourse and neglect to cover the demands of the Iraqi people ■

JORDAN

MAI IN JORDAN:

**By Philip Madanat
and Judith Pies**

I

EXISTING MEDIA ACCOUNTABILITY INSTITUTIONS AND ORGANIZATIONS

1. Press Council/Media Council

The Jordan Press Association (JPA) runs the JPA Complaints Committee, through which people complain about JPA members. The Jordan Press Association Law (JPA Law) stipulates that Jordanians with education and/or relevant experience (including teaching experience in journalism or media, or relevant work in the public sector) are entitled to join the JPA as members. Though staffed mostly with media professionals and legal practitioners, this quasi-self-regulatory body still decides on the basis of law: The normative reference, the JPA code of ethics, is part of the JPA Law. The Committee's decisions have the force of law, too, and can apply sanctions against JPA members, such as withdrawing their membership. The decisions of the Complaint Committee may inflict non-pecuniary gradual sanctions such as warning, reproof, temporary suspension from practicing the profession, or permanent suspension in case of major violations. Journalists can appeal against the rulings at the Administrative Court, which has the power to hear governmental and government related decisions and overturn them (Madanat & Pies, in press).

As a reaction to the liberalized TV market, another complaints committee was established in 2015 through article 4 of the Audio-Visual Media Law. The Media Commission (MC) was to form an experts committee to deal with people's complaints against private broadcast content. The head of the MC Complaints Committee is elected by the Committee members in his personal capacity. Yet, the Committee members (nine experts) are appointed by the MC director. There are also legal means available for sanctions. The audio-visual licensing agreement set by the Audio-Visual Media Law allows for banning programmes.

Instruments like the JPA's and the MC' Complaints Committee are an extra-juridical route for complaints meant to help in the avoidance of legal actions against journalists. The appointment of their members is not an independent professional decision nor are their sanctions. Therefore, it cannot be called a self-regulatory body. Yet, experts point out, that wisely appointed people may serve as a kind of ombudsperson between the public and media professionals as well as between media professionals.

2. Ombudspeople

Radio Al-Balad established a Listeners' Club, that is involved in the programming cycle, the production and engaging the audience. It runs a program produced and presented by Mohammad Abu Safieh and a group of other taxi drivers. People are

perceived as partners in making the news. The Listeners' Club functions as a balancing institution between Radio Balad's newsroom and its audience. Therefore, it takes over ombudsperson-specific tasks (Madanat & Pies, in press).

Many media offer their audience a way of complaining, e.g. through a correction box underneath the page or an e-mail for complaints. In most cases, the chief editor is responsible for proceeding with the complaints. But no media organization has yet established the position of an ombudsperson. (UNESCO, 2015a; Madanat & Pies, in press). This is despite the concept was suggested to Jordanian media owners. Experts, familiar with the process, mention several reasons for the failure of implementing: One is, that the majority of the media is either owned directly or indirectly by the government or by business people close to the government. "This has meant that the proper and healthy independence of media has been absent in most media outlets. Media owners rather than editors make the final decision and as a result, editors and journalists start to practice self-censorship as they see that higher powers often interfere with their editorial work." Another reason mentioned is the lack of freedom and hence a lack of a self-regulatory culture, which also has hindered the establishment of a robust and independent syndicate or a real self-regulatory press council. Finally, an ombudsperson is considered to cause "incalculable situations", which media organizations in authoritarian context rather try to avoid[1].

3. Professional Journalists Associations and Unions

The Jordan Press Association is the only body representing Jordanian journalists. It was established in 1953 by law in order to improve professional standards and to support the social security of its members. Therefore, it functions as a professional association and a union at the same time. The JPA is rather apolitical compared to other professional associations that sometime have taken over extra-parliamentary oppositional roles. There traditionally has been an inconsistency in the membership rules. Defining who is a journalist is one issue, with which the JPA has been struggling to solve in recent years. Another is related to attempts for freeing itself from the image of being an extended arm of the government and whether it is the right body to impose instruments of media accountability (Pies, 2015a; Madanat & Pies, in press).

4. Broadcast Regulator

Broadcast regulation has been restructured several times since the opening of the broadcasting sector in 2002 by the Audio-Visual Media Law and its bylaw. While the state broadcaster Jordan Television (JTV) is still directly controlled by the government and Al-Mamlaka TV established by royal decree, the private audio-visual sec-

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1. E-mail communication to the authors in July 2020 with Daoud Kuttab, General Manager of the Community Media Network and Yahia Shukkeir, Head of the Audio-visual Complaints Committee.

tor is ruled by regulations and instructions that also gave the base for establishing the Jordan Media Commission (MC).

According to the Audio-Visual Law, the MC is not independent from the government, neither financially nor structural (Article 3(b)). The MC "Director shall be appointed by virtue of the Council of Ministers" (Article 6(b)) and "shall be responsible before the Minister for the progress of the Commission's works" (Article 8). Yet, interviewees noted that interference has been rare[1] and the MC has been able to play an "informal role in resolving conflicts between the public and the licensed outlets", mainly through "the moral authority of the former MC Director [Mohammad Qteishat]".[2] According to Article 4 of the Audio-Visual Media Law the MC is responsible for:

A) Developing and regulating the audio-visual media sector in the kingdom, as well as working on the creation of an investment atmosphere therein.

B) Studying the license applications.

C) Monitoring the works of the licensees.

D) Approving the Recorded Materials and granting the licenses required for their display and circulation places according to the provisions of this law and the bylaws emanated from.

E) Approving the offices for the correspondents of Radio and TV Stations under a special bylaw issued for this purpose.

F) Licensing the technical equipment and means used for Radio and TV broadcasting works in coordination with the Telecommunications Regulatory Commission (TRC).

Getting a private broadcasting license is bound to several conditions including the content of programming. Licenses for political news are extremely expensive and acquisition and renewal depends a lot on the "well-behaviour" of the respective outlet (Pies, 2015b).

Electronic and print media licenses are not bound to any content-wise regulations, but only to financial and organizational requirements.

5. NGOs and Media Related Organizations

Actors from the centre of political power have a strong say in holding the media to account in Jordan not only through formal or legally bound media accountability institutions. Within the political power system there are actors with differing interests, e.g. royal court, government, security apparatus, economic elites, tribal lea-

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1. Interviews in December 2019 with Yahia Shukkeir and Mohammad Qtaishat, former Head of the MC.

2. Interview in December 2019 with Daoud Kuttab.

ders, oppositional politicians, who also use informal ways of holding the media to account: State media are internally held to account by politicians from the respective governments; some previous MPs owned media organizations and used them for their own political interests; individual politicians practice soft containment, go to court or complain about the coverage mostly to the chief editor (Al-Quds Centre 2012; 2009). Media monitoring initiatives initiated by actors from the political power centre, such as Akeed and Haggak Tiraf, underline that assessment. Akeed is run by the Jordan Media Institute, which was found by HRH Rym Ali and receives funding from the Hashemite Court and the Ministry of Planning and International Cooperation. Its aim is to pinpoint to "the wrong news" instead of claiming "the right news".[1] Haggak Tiraf was established by the former Minister of Information to fight rumours and is now run by the Prime Ministry.[2] Both institutions are directly or indirectly related to important political players and have come under criticism for their selectivity in monitoring and the ways of verifying news.[3] Therefore, it is important to have a close look at the independence of organizations and initiatives that claim to hold the media to account to live-up with the criteria of media accountability instruments as Bertrand (2000, p. 107) has defined them as "any non-state means of holding the media to account". We have identified the following examples, that mainly aim at contributing to a journalistic professional development or act "on behalf" of their audience.

7iber.com

7iber.com is an organization that started as citizen blog in 2007. Since 2009 it is registered as an online media magazine that seeks to promote "an open society that upholds values of accountability, rule of law, human rights, and pluralism". 7iber.com conducts in-depth multimedia journalism, critical analysis and public conversation. The magazine has a strong focus on responsive practices involving users to comment and contribute to the media landscape in Jordan. Its initial aim was to hold the media to account for what they don't cover. https://www.7iber.com/

Al Hudood

Al Hudood is an Arabic website based in London with the purpose of "creating a certain amount of media literacy". Established in Jordan in 2013 it first mocked Jordanian news before it spread to other countries of the Middle East, too. They invite their audience to grant the Al Hudood Price for news that are worth making fun of. Then, they present the news and wish it were fake but the news proves factual. Thus, they contribute to the media accountability landscape in Jordan by criticizing the media with satire. https://alhudood.net/

1. See https://akeed.jo/en/home and https://jmi.edu.jo/; Interview in December 2019 with Taha Darwish, Managing Editor of Akeed.

2. See https://haggak.jo/website/Default.aspx and http://www.jordantimes.com/news/local/govt-launches-%E2%80%98right-know%E2%80%99-app-bid-combat-rumours.

3. Interviews in December 2019 with Lina Ejeilat, Co-Founder/Editor of 7iber.com; Yahia Shukkeir, Head of Freedoms Committee of Jordan Press Association and Head of Audiovisual Complaints Committee of Media Commission; Daoud Kuttab.

Arab Reporters for Investigative Journalism (ARIJ)

Arab Reporters for Investigative Journalists (ARIJ) was founded in 2005 and is based in Amman. Its aim is to support "independent, quality and professional journalism, by offering training, media coaching, mentoring, funding and networking opportunities with local and international media outlets." With their activities ARIJ enables investigative reporting, which is not widespread in most Arab countries including Jordan. Thus, it contributes to the media accountability landscape in Jordan by holding the media to account for what they otherwise would not cover. https://arij.net/

Centre for Defending the Freedom of Journalists (CDFJ)

The Centre for Defending the Freedom of Journalists (CDFJ) was established in 1998. Since 2005 it publishes an annual status of media freedom in Jordan, the CDFJ Media Monitor, which focuses on hate speech by analysing the four daily newspapers and ten electronic news websites. Besides, it supports journalists through its Legal Aid Unit in media law issues. The CDFJ is also involved in projects and activities concerning media governance and self-regulation. In 2007, it was among the first organizations working out a code of ethics for media professionals for election campaign coverage. https://english.cdfj.org/

Radio Al Balad

Radio Al-Balad, run by the Community Media Network (CMN), established a Listeners' Club, that is involved in the programming cycle, the production and engaging the audience. It runs a program produced and presented by Mohammad Abu Safieh and a group of other taxi drivers. People are perceived as partners in making the news. Furthermore, the radio focuses on a hyperlocal level, and contributes news that would otherwise been left aside. https://ammannet.net/

Sahafi.jo

The website sahafi.jo was established in 2009. It is almost exclusively dedicated to reporting and analysing issues related to the media scene in Jordan and the Arab world. Sahafi.jo provides a resource about journalism and media issues in Jordan. Its key aims are to build up knowledge of the media profession and to keep track of developments and changes in the field of journalism. Thus, it paves the way for well-grounded media analysis and criticism. http://www.sahafi.jo/aboutus.php

6. Media Legislation

Thirteen laws and their amendments[1] directly or indirectly regulate the media in Jordan (UNESCO, 2015a; Pies, 2015a):

1. The years given here, refer to their first enactment. Many have been amended since then several times. All laws can be found in the official search engine for Jordanian laws http://www.lob.jo/?v=1.9&url=en/Jordanian-Legislation.

1) Press and Publications Law (1998) and amendments

2) Penal Code (1960) and amendments

3) Protection of State Secrets and Documents Law (1971)

4) Access to Information Law (2007)

5) Contempt of Courts Law (1959)

6) State Security Code Law (1959)

7) Jordan Press Association Law (1998) and amendments

8) Jordan Television Corporation Law (2000)

9) Provisional Law for Audio-Visual Media (2002)

10) Prevention of Terrorism Law (2006) and amendments

11) Jordan News Agency Law (2009)

12) Cyber Crimes Law (2010)

13) Telecommunications Law (1995) and amendments

Freedom of opinion, expression and the press are guaranteed by the Constitution, however, these positive pledges fall short of international guarantees (UNESCO, 2015a). International press freedom indices rank Jordan as in "difficult situation", and net freedom status as "partly free" with 49 points out of 100 (Repucci, 2019; RSF, 2020; Freedom House, 2020).

Three laws have given consecutive governments teeth to directly control media content, the Press and Publication Law (PPL), the Penal Code and the Protection of State Secrets and Documents Law. All have been revised at least once since 1989, when the late King Hussein of Jordan had started a tentative process of political reform. A tradition of taboos to cover – even on social media – are the royal family, the army, the security apparatus and the judiciary. Jordanian youth also pinpoint to the government and parliament as immune to criticism in the media as well as on social media (UNESCO, 2015b). The PPL and the Access to Information Law guarantee the right to access information. The former applies to Jordanian journalists, and the latter for everyone. Though this guarantee cannot be taken for granted (e.g. other countries in the region don't have it), journalists identify the laws specifying this right as a main hurdle in their work (UNESCO, 2015a).

Since 2012, the amendment of the PPL and the introduction of the Cyber Crime Law evoked harsh critique from local and international organizations, NGOs and net activists. The PPL was amended in 2012 to consider published comments as part of the newsroom content, therefore subject to legal accountability. It also ruled that all publications – including private blogs – which publish articles on political and social issues in Jordan fall under the legislation of the PPL. As a consequence, blogs need to name a chief editor being a member of the Jordan Press Association and present financial reserves (Alasmari, 2015; Pies, 2018). The Cybercrime Law of 2015 is one of the tools to further limit the freedom of expression.

II

SURVEY RESULTS

The following paragraph outlines the results of a survey conducted on behalf of the Erich Brost Institute in July 2020. We sent out the pre-designed questionnaire via e-mail to 21 people, of whom 10 answered. The list of potential respondents included journalists, representatives from different media organizations and NGOs as well as bloggers who are all involved in practices of media accountability. The sample is not representative. The authors of this report have been studying media accountability practices in Jordan for more than 10 years and have published extensively on the issue (Madanat & Pies, in press, Pies, 2015a, Pies, 2015b, Pies, 2014; Pies & Madanat, 2011a, Pies & Hawatmeh, 2011). We had interviewed the most important actors in the field of media accountability in Jordan in semi-structured face-to-face interviews already in December 2019 for a research project. This is probably the reason why we witnessed a certain "survey fatigue" among potential respondents for the recent project. Despite that, those answers we received mostly underline tendencies we had found already in December 2019.

1. Self-Censorship is considered high

One crucial result refers to self-censorship among journalists (Q3), which is perceived high by most respondents. 6 out of 10 said the impact of self-censorship is very high, 2 said it is rather high and only 2 consider it to be average (see Figure 4.1).

Figure 4.1 Perceived impact of self-censorship among media professionals in Jordan
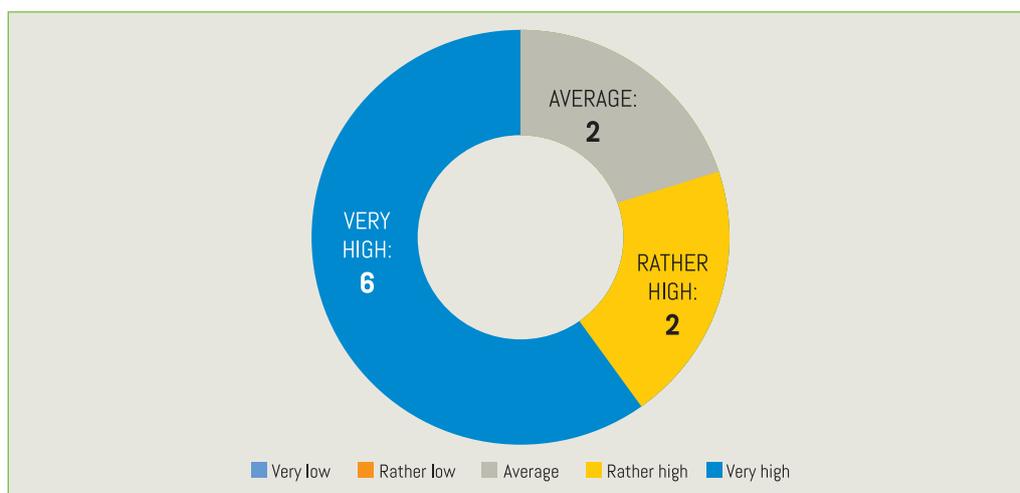
As main reasons for that, respondents mentioned harassment, prosecutions and imprisonment of journalists and media workers as well as "censorship imposed by the editorial departments". The culture of fear and legal uncertainty (particularly in terms of vague terminology of laws)[1] is therefore mentioned by all respondents as an important factor limiting the news media to act freely (Q2). Only one respondent confirmed that media outlets have editorial independence (Q10), 4 rejected and 5 said it was partly available.

While 9 out of 10 respondents see a difference in media accountability practice between private and official media[2], the questionnaire did not ask in which way. From earlier research we know, that the main actors holding the media to account differ: while different powers within the political system (e.g. security apparatus, government, royal court) directly hold official media to account, economic actors intervene much more into private commercial media. Yet, we cannot draw a clear line between official and private media in terms of media accountability practices tackling the interests of the audience or citizens. Only the private non-profit media are being held to account by their audiences to a great extent.

2. Efficiency of media accountability instruments is evaluated low

The "fatigue" does obviously not only refer to the survey on media accountability but on media accountability instruments itself. In a representative survey among journalists in Jordan on media accountability in 2010, the following media accountability practices were evaluated as having a high or a rather high impact on journalists' behaviour: laws regulating the media (58%) and company editorial guidelines (72%). Further MA instruments such as regulatory rules, journalism education, criticism on Twitter or Facebook, professional codes of ethics and journalists' blogs were perceived influential by more than a third of the respondents (Pies, 2012).

In our recent survey we find only one instrument, Media NGOs, that evokes at least a certain optimism of impacting media to be accountable in Jordan. Media NGOs received 4 times a "rather high" efficiency evaluation, once "average" and 5 times very or rather low efficiency (see Figure 4.2)[3].

1. Freedom House (2020) criticizes in its latest report on Jordan: "Laws governing access to government information are vague, lack procedural detail, and contain sweeping exceptions."

2. We changed the term "state-owned media" in the original questionnaire to "official media" because it is the locally used term that better describes the differences in media ownership in Jordan.

3. Missing votes to 9 are "No answer"

Figure 4.2 Evaluated efficiency of Media Accountability Instruments in Jordan
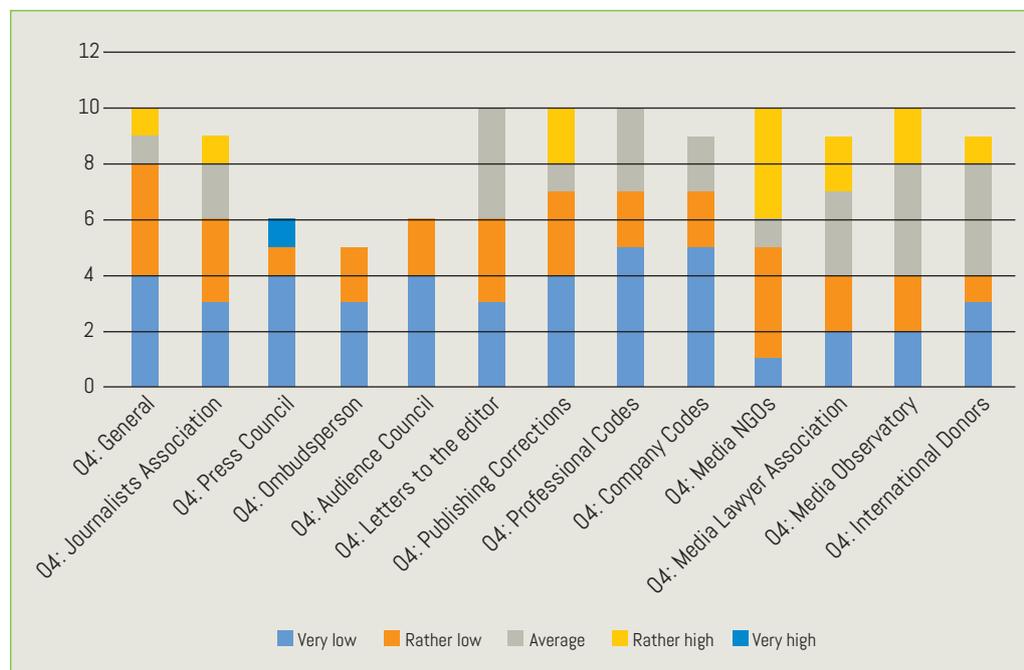
Media Lawyer Associations', Media Observatory's and Correction Publishing's efficiency were evaluated "rather high" by only 2 out of 10 respondents, and received average evaluation by 3, 4 and 2 respectively. The "very high" efficiency rating of Press Councils by one respondent refers to the non-independent Media Commission (MC), which cannot be considered a self-regulatory body (see Chapter on Press Council). All in all, the evaluated efficiency of media accountability instruments is very low or rather low.

This might be related to a generally low evaluation of already established self-regulatory procedures in the country (Q13): 3 respondents evaluate them very weak, 4 rather weak and 2 average. But that does not mean that future initiatives for strengthening media accountability are in vain. In contrast to the low evaluation of yet established self-regulatory procedures, most respondents certify Jordanian journalists having a mind-set and professional culture, in which media accountability plays a very important (6) or rather important (2) role. Only two respondents doubt that (rather unimportant = 1, unimportant = 1). The traditionally responsible culture of journalism in Jordan is also mentioned as an enabling factor for media accountability practices.

3. Social Media: An important enabling factor for media accountability

8 respondents out of 10 affirm the statement that "Social media are important as a forum for debate on quality or misconduct of the news media", only one disagrees and another says they are "partly" important. This underlines the outlook from our

research in December 2019, in which we write: "As Social Media use is becoming increasingly relevant for news consumption and public communication in general, [...] future research should focus on individual citizens' activities on Social Media and community-based media instead of institutionalized practices of media accountability. It should analyze cases and conditions, under which calls for media accountability succeed in Jordan." (Madanat & Pies, in press)

Social media is also explicitly mentioned as an enabling factor for a media accountability culture in Jordan. One respondent writes: "Social media is a tool for citizens to practice freedom of speech". Facebook is used to criticize media content, media policy and editorial decision, for example (Madanat & Pies, in press). A generally high literacy rate and wide internet accessibility support this optimistic view. Social media is mentioned as an open space for displaying the diversity of Jordanian society, which is neither reflected in news media content nor valued.

A generally well-functioning fundamental journalism training is another enabling factor mentioned by the respondents. Yet, a culture of lifelong learning and training is still missing.

4. Restrictive and vague laws are the most limiting factor for media accountability

More than ten laws directly affect the performance of news media in Jordan. Although the constitution guarantees freedom of the press, it falls short of international standards (see Chapter on Media Legislation). Laws are restrictive and use vague terminologies causing uncertainties and anxieties among journalists. This is why respondents mentioned laws as the most effective instrument of holding the media to account to the political system and at the same time the most limiting factor for any practices of holding the media to account to citizens or the audience (see Chapter on Media Legislation on the Cyber Crime Law). Harassment and prosecution of journalists by security forces, politicians and tribesmen intensify the culture of fear, which goes along with a mostly restrictive editorial culture. One respondent called it the "editorial censorship" in contrast to the "state censorship". As a consequence, respondents strongly call for a reform of laws effecting the media.

Another important factor mentioned by the interviewees that still limits professional and hence ethical reporting is the problem of accessing information. Despite an access of information law, state institutions still practice a culture of hiding information instead of making them transparent to the public. Therefore, the spread of rumours and false information – particularly via social media - is a problem for journalists as their means of investigating such information are limited, too[1].

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1. The CDFJ reported a decline in media freedom violations from 2017 and attributed it primarily to self-censorship and the government's denial of access to journalists in covering sit-ins and protests during the year https://english.cdfj.org/resource/road-map-for-reforming-the-regulatory-environment-of-journalism-and-the-media-protecting-the-publics-right-to-know-and-encourage-media-self-regulation-in-their-relations-with-the-public.

Laws do not only have an effect on the media content (see Chapter on Media Legislation), they also cause a structural marginalization of non-official, i.e. private media. Interviewees see that a law regulating a fair and open competition is missing. This is why funding of private media organizations is another important obstacle for media accountability practices in Jordan. One idea mentioned in the survey to improve the situation is to convince media outlets to take audience feedback seriously. Furthermore, a strong journalists association – that could press for true reforms – is missing. The existing Jordan Press Association rather increases imbalances instead of levelling them out. This is why one respondent suggests to form a second "powerful" journalists' organization.

On the journalists' side, some respondents criticize a lack of intellectual and professional qualification. This is why some of the ideas how to improve media accountability practices in Jordan refer to the individual level of journalists, such as promoting professional ethics or rising awareness of ethical issues. Establishing a true self-regulatory media council could be of help for that as one respondent suggested. It should not only be independent but should also be staffed with professionally experienced and widely respected members.

Finally, one respondent pleaded for cultural awareness of accountability within the Jordanian society as a whole. He criticizes the hypocrisy of people who demand powerful people be held accountable but assault the government when one of his own relatives is apprehended.

Figure 4.3: Overview of Enabling and Limiting Factors for Media Accountability

Enabling Factors Mentioned by Respondents	Limiting Factors Mentioned by Respondents
• The tradition of journalism to operate in a responsible manner. • High literacy rate. • Wide internet accessibility. • Fundamental journalism training, but missing culture of lifelong learning. • Diversity in society, though it is neither reflected in media content nor valued. • Social media as a tool to practice freedom for citizens.	• Laws do not respect media freedoms and use vague terminology • Harassment and prosecution by the security apparatus, politicians and tribesmen • Imprisonment • Restrictive editorial culture ("editorial censorship") • Marginalization of non-official media • Lack of continuous funding that allows for a certain margin of editorial independence • Lack of intellectual and professional qualification of journalists • Information monopolies by state institutions despite the access to information law • Weak professional organization (the Jordan Press Association) • Lack of accountability culture in Jordan

CONCLUSIONS AND IDEAS

Our research draws a rather hostile environment for media accountability practices that aim at media accountability mechanisms beyond non-state means. Restrictive legislation, excessive harassment and prosecution as well as other limiting factors prompt our media accountability experts to call for media freedom in the first place. Media accountability is rather seen as an accompanying process thereof.

Nevertheless, future activities for strengthening media accountability practices may build on journalists that support the idea and a variety of experts and organizations that have been active in holding the media to account – some already for more than ten years (see Chapter on NGOs and Media Related Organizations).

We recommend to focus on the organizational level of private media (commercial and non- profit), on social media initiatives (either by media experts or citizens) or on media NGOs to promote or coordinate media accountability issues in Jordan. Some practical measures that could be taken are:

1. Strengthen financial sustainability of private media organizations by providing research on "hard facts" and making it available to media owners, e.g. by answering the following questions:

● Why do MA practices pay off for media organizations in an authoritarian context like Jordan? (e.g. less prosecutions, less harassment, more satisfied staff, more trust of audience, higher visibility, better chance to get funding from international donors …)

● How do you learn about your audience quantitatively as well as qualitatively? e.g. habits, reactions and preferences, trust etc. all with regard to media accountability practices) And how do you transfer these data into a strategy that increases responsiveness and economic sustainability?

2. Sustain and develop coordinated media accountability activities on social media by individual influencers or by expert groups, for example. This includes content analysis, statistics, studies, polling and surveys of social media activities.

3. Work out strategies how to do responsible reporting under conditions of information uncertainties and fake news, e.g. by:

● Establishing local or regional information verification units open for editorial departments because many private media organizations do not have the money to pay for their own unit.

● Supporting universities to prepare first-year-students in media colleges to verify information and not only to teach the laws or the basics of the profession.

● Enhancing the role of NGOs that monitor the media itself or NGOs offering training for citizens to monitor the media.

● Providing trainings for private media outlets on researching local information and coping with powerful people.

4. Improve networking among journalists and media workers from different media organizations (members and non-members of the JPA) as well as among columnists and media owners from different organizations.

There are many more ideas around and we will be happy to discuss them with other media accountability enthusiasts ■

LEBANON

MAI IN LEBANON:

By Ayman Georges Mhanna
and Karim Safieddine

I

EXISTING MEDIA ACCOUNTABILITY INSTITUTIONS AND ORGANIZATIONS

This section aims to expand on a relatively comprehensive (yet not necessarily exhaustive) mapping of organizations, syndicates, associations, and official bodies involved in the question of media accountability, press freedom, and the institutional framework of official/non-official instruments for media regulation in Lebanon. The purpose of this first section is to outline the actors and groups whose actions and positions are analyzed in the following sections, based on interviews and primary data collected for the purposes of this study.

1. Press Councils/Media Councils

A press council is universally understood as an official institution constructed primarily to promote a particular journalistic ethical code of conduct amongst networks, journalists, authors, and several other media workers. This ethical code generally revolves around a responsible and reliable form of journalism through which workers can practice the profession in a truthful, inclusive, and pluralistic setting. The power held by these councils is contingent on the context in which they were created and the form of governance with which they are associated. In liberal democracies, these powers conventionally include fines, broadcasting regulations, and public accountability/condemnation (UNESCO, 2013).

In the context of Lebanon, regardless of whether official functions generally result in a concrete application, the primary objectives generally sought by press councils universally are officially attributed to the National Media Council. Created in 1994, the Council's consultative roles generally revolve around distributing licenses, regulating media coverage/content, and setting the criteria for the establishment of new radio and television companies. Nevertheless, considering that the Council is made up of ten members appointed based on sectarian and political alignment, and that it lacks any effective powers, many have grown skeptical about its actual utility (Ayoub, n.d.). The general lacking of democratic structure and consistent follow up renders the Council incapable of pursuing the role of an effective press or media council.

2. Ombudsman

An "ombudsman in the newsroom" is universally understood as a body aimed at gathering complaints of readers and viewers and forwarding them to the institution/state in order to reassess journalistic content and hold media workers accountable

for what is displayed on particular platforms (an example would be the Swedish Pressombudsmannen). Nevertheless, virtually no primary or secondary data indicated the presence of an ombudsman in the Lebanese context, particularly with the little-to-no transparency and participatory connection between citizens and the state (Elliot, 2015; Hilligoss, 2014).

3. Professional journalists associations and unions

Journalists' associations and trade associations are understood as bodies through which media workers can negotiate and bargain with either the state and its official bodies, or media owners, businesspeople, and investors with regards to issues pertaining to wages, finances, editorial independence, and common journalistic ethics.

- *Lebanese Press Order:* Created in 1941, the Order exclusively represents owners of a variety of print publications within its membership and executive board, primarily distributed amongst political partisans. In addition to monitoring the accountability mechanisms applied to journalists and giving out press cards, the Order pursues negotiated settlements between the state and newspapers with regards to particular cases or financial liabilities (Media Landscapes, n.d.; Chehayeb 2019; Accountable Journalism, 2017).

- *Press Editors' Syndicate:* Created in 1962, it is primarily composed of print press editors, particularly non-owners supposedly given a space to bargain for their rights. Nevertheless, the Press Editors' Syndicate regularly coordinates with the Lebanese Press Order and is henceforth incapable of pursuing any direct and/or contentious action. Even membership of the Press Editors' Syndicate is dependent on an approval from the Lebanese Press Order (Trombetta et al., n.d.).

- *Club de la Presse:* Created in 1993, the association is registered as a non-governmental organization that first aimed to compensate the weaknesses of the Press Editors' Syndicate. Its influence has been decreasing over time, jeopardizing its ability to inform transformative change in the media sector. It has however attracted funds from wealthy donors and opened up a space for regular press conferences and media training in order to raise awareness about journalists' rights and ethical and professional concerns (Trombetta & Pinto, 2018).

- *Alternative Media Syndicate:* Created in 2019, it was established as an alternative association for journalists coming from a variety of subfields. While still new and with few resources, the Syndicate aims to create a parallel structure that challenges the status quo of the aforementioned Lebanese Press Order and Press Editors' Syndicate, both seen as ineffective and incapable of liberating themselves from sectarian associations and protecting the rights of journalists and press workers (Chehayeb, 2020; Azhari, 2020).

4. Broadcast regulator

With airwaves being a finite resource, broadcast regulators become crucial to monitor and allocate what stations air on television or radio; this becomes particularly important to avoid stations with power transmitters flooding the space. Regulating this space is one of the main functions of the Telecommunications Regulatory Authority (TRA). Created in 2002, its role is to liberalize and regulate a plethora of telecommunication networks (The Electoral Knowledge Network, n.d.; Republic of Lebanon Telecommunications Regulatory Authority, n.d.-a).

With its duties outlined by Law 431 enacted in 2002, the official primary functions of the TRA include facilitating competition within the telecommunications industry, amplifying transparency with the market, regulating any form of non-competitive behavior, mediating disputes regarding license distribution, and signifying a complaints procedure through which these regulations can be pursued normally (Republic of Lebanon Telecommunication Regulatory Authority, n.d. -b). However, the TRA has de facto been suspended since 2011 following disputes between the Authority and the Ministry of Telecommunications, in which the latter prevailed (The Samir Kassir Foundation & Reporters Without Borders, n.d.).

5. NGOs and media-related organizations

Like many other domains and sectors, Lebanon is home for several media-oriented civil society organizations that have produced several documents listing journalists' rights and duties. Groups have also been advocating for the establishment of standardized journalist codes and amplifying the wider political, socio-economic, and security conditions with which such an agenda can be pursued. This particular NGO sector significantly flourished following the withdrawal of Syrian forces from Lebanon in 2005 (Geha, 2016, p. 80).

- Maharat Foundation: Created in 2004 and recognized as an NGO in 2006, Maharat has worked on a variety of social, political, and legal functions. On the one hand, Maharat provides training programs in order to develop the skill set of young journalists hoping to acquire media standards that are rarely shared in academic set-ups. On the other hand, it recurrently challenges the legal and political limitations on media transparency and freedom of expression by contributing to bills in parliamentary committees and monitoring state and/or non-state violations vis-à-vis the press (Daleel Madani, 2018).

- Samir Kassir Eyes Center for Media and Cultural Freedom (SKeyes): Created in November 2007 as part of an initiative within the Samir Kassir Foundation, it primarily focuses on monitoring violations against media and culture professionals and holding the perpetrators accountable. These violations are documented by its social media pages and website. In addition, SKeyes also concerns itself with the professional rights of media professionals in relation to the platforms they work for, and provides technical and financial support to independent media and journalists in distress (SKEyes Center for Media and Cultural Freedom, n.d.).

- Social Media Exchange (SMEX): Created in 2008, the organization is primarily concer-

ned with creating an autonomous regulation of information societies in Lebanon, particularly with the growing influence of social media. This function includes access to information and internet services, free expression on multiple platforms, and critically assessing and monitoring acts of violation of online freedoms and digital rights (such as surveillance) (SMEX, n.d.).

- *Media Association for Peace (MAP):* Created in 2011, MAP is an NGO primary concerned with advocating for peacebuilding strategies within the journalistic domain. The organization primarily fixates on the concept of "peace journalism" defined as a news standard, discourse, and ethic suggested to be conducive to aspects of peacebuilding and liberal human rights (Media Association for Peace, n.d.).

- *May Chidiac Foundation - Media Institute:* Created in 2009, the Foundation was named after journalist, former LBCI TV anchor and former Minister May Chidiac, who survived an assassination attempt in 2005. The foundation primarily focuses on developing and enhancing the skills of Lebanon's media organizations to catch up with the progress taking place on a global level, with a special focus on maintaining democratic and free channels of expression (Daleel Madani, 2019).

- *AFEJ (Association Francophone de Journalisme):* Created in 2012, the association pursues a variety of activities and set goals, representing hundreds of French-speaking Lebanese journalists in Lebanon. On the one hand, it proclaims an associative role, i.e. it concerns itself with the rights and duties of journalists as professional employees. On the other hand, it calls for amplifying the values of free speech and professional ethics via critical assessments of authority and training workshops (Association Francophone de Journalisme, 2013).

6. Relevant media laws

Media laws are an essential focus point when assessing the relevance of accountability in the country; this primarily relates to the spirit and wording of the law and the extent to which it is applied in specific contexts. A number of laws pertinent to the media include but aren't limited to the 1962 Press Law, the 1994 Audio-Visual Law (Law 382), the 1994 Satellite Broadcast Law (Law 531), and the 1947 Cinema Law (Sciacchitano, 2015, p. 16). The three laws scrutinized in this subsection are the Audiovisual Media Law, the Broadcast Law, and the Press Law.

- *Audiovisual Media Law:* Finalized in 1994, the purpose of Law 382/94 is to regulate the ownership, licensing, and categorization of a variety of radio and TV channels. On the level of ownership, the law officially stipulates that one individual or legal person cannot own more than 10% of shares for a media channel. On the level of licensing, the licensing categories of the law are primarily divided into political and non-political content (Category 1 for the former and Category 2 for the latter) (Sciacchitano, 2015, p. 16).

- *The Satellite Broadcast Law:* Passed in 1994, Law 531 differs from Law 382 in its focus; while the latter concerns itself with ownership and licensing for local broadcast, the former focuses on technical conditions required for satellite broadcast, including

the need for media channels to maintain the "good relations" their country has with other countries. Law 531 also stresses the extensive authority of the Council of Ministers to pre-censor certain networks, with no mention of judicial methods to counter this authorization (Dabbous-Sensenig, 2007, p. 56)

- *The Press Law:* First put forth in 1962 (Internet Legislation Atlas, n.d.), the Press Law was amended on several instances (including legislative decrees number 104 of 30/6/1977, number 330 18/5/1994, and number 382 4/11/1994). Whilst the law proclaims the protection of freedom of expression, there remain restrictions on licensing of publication platforms and publishing of content it deems inappropriate with regards to issues concerned with moral public ethics and ideas pertaining to "national unity." Considering that these restrictions may push for criminal sentences in certain events, some have raised questions about the productive role the law provides in terms of amplifying journalistic accountability (El Meouchi et al., n.d.). In addition to amendments and restrictions, the law has organized particular bodies such as the Higher Council of the Press and the Disciplinary Council, the Lebanese Press Order, the Lebanese Editors' Syndicate, and the Lebanese Press Union (Trombetta & Pinto, 2018), most of which only exist on paper.

7. Judicial bodies

For the purposes of this project, judicial bodies are particularly imperative as they implement rulings with a function supplemented by state force and executory power. Such powers are not relevant to the advisory role performed by the councils elaborated above.

- Publications Court: The Court is a chamber within the Criminal Appeals Court. Its role has officially revolved around issues of libel, defamation, and slander when concerned with print publications. The court's jurisdiction has first been expanded to include audiovisual media and news websites. Later, while some rulings also expanded the jurisdiction to social media posts and other forms of online expression, the Cassation Court ruled otherwise later on. The court has rarely issued imprisonments, focusing instead on fines and other disciplinary measures (Human Rights Watch, 2019; Saghieh et al., 2010, p. 73). Nevertheless, recent reports have generally noted the hefty fines imposed by the court on journalists attempting to investigate corrupt files or express certain derogatory terms to describe high-rank state officials (SMEX, 2019, p.11).

- The Single Criminal Judge: This court generally intervenes on the level of social media. In recent times, this has increasingly become relevant as media platforms invest heavily in the social media sphere. Contrary to the Publications Court, the Single Criminal Judge has not only issued fines, but also prison sentences to counter defamation. In the past few years, journalists formed a large portion of the defendants (SMEX, 2019, p.13).

- Judges Sitting for Urgent Affairs: This body of judges, formally made in the pursuit of taking "interim or precautionary measures to preserve rights and prevent damages," has recently been known for monitoring and censoring "offensive material" published online. Nevertheless, little is said to delimit or specify what "offensiveness" entails in this context (SMEX, 2019, p.13).

II

SURVEY RESULTS

The survey utilized for the key informant interviews and data-gathering process primarily took place over the month of July 2020. It is crucial to highlight the context in which the interviewees are speaking. Subjective perceptions of this context revolve around high feelings of social and economic insecurity, amid an unprecedented economic crisis and purchasing power collapse in Lebanon, which generally disfavor media freedoms and conventional standards. A total of 10 offline and online interviews were conducted; these constituted the testimony and opinions of newspaper and TV editors, heads of syndicates, syndicate rank and file members, and different forms of associations and NGOs' leaders and members. It would be quite far-fetched to suggest that the interviewee pool reflected a representative or generalizable sample. Nevertheless, it is rather reasonable to suggest that the research process was robust enough to help locate the parameters and dimensions of the issue under study.

With regards to the content of the questionnaire, participant feedback includes open-ended answers to questions, multiple-choice ranking schemes, and yes/no answers. Ranking schemes, for instance, can be defined by a set of options including: very low, rather low, average, rather high, and very high.

Overall assessment: Enabling factors versus inhibiting factors according to respondents

Figure 5.1 Enabling and inhibiting factors according to interviewees followed by number of participants reiterating a factor

Conditions supporting media accountability	Conditions inhibiting media accountability
1. Larger margin of freedom of speech relative to neighboring countries (7)	1. Financially and administratively co-optation of media by prime political forces within the country (ex: bribes, political financing) (7)
2. Great deal of accountability resulting from contradictions between Lebanese political elites (2)	2. Occasional repression and exploitation of inconsistent "accountability" rhetoric to further repressive measures (2)
3. Relatively high degree of "social accountability culture" (especially on the level of activists) (4)	3. Deactivation of vibrant regulatory institutions (similar to OfCom in the UK) (4)

4. Relatively high degree of "inter-connected journalistic solidarity" (1)	4. Little-to-no culture of fact-checking (1)
5. Media competition induces popular critical response amongst viewers (2)	5. Lack of sustainable business models (3)
6. Decent degree of self-censorship on a cultural level (1)	6. Low levels of media literacy (2)
	7. Absence of a unified law for media regulation and standards (3)
	8. Little-to-no influence for junior journalists (1)

1. Different types of media outlets respond differently to accountability

8 of 10 respondents (80%) particularly suggested that there are large differences between the ethical standards of private and public media outlets. For instance, the National News Agency (NNA) is a press medium owned by the government and is suggested to be generally directed towards propping the narrative and rhetoric of the state apparatus. One interviewee suggests that the overwhelming neutrality of official state-owned media is not allowing it to effectively produce sustainable and creative journalism. Meanwhile, another interviewee highlights that the competitive aspect prevalent among private media channels within the country allow them to develop their capacity.

Nevertheless, in terms of ethical and journalistic standards, one interviewee posits that the competitive and overly investigative nature of private media seemingly misses the more formal and "textbook" application prevalent in the public media. In other words, racing towards news, scandals, and exclusive information incentivizes little-to-no application of formal journalistic standards within the private media sphere. However, another interviewee disputes this "textbook" application by referring to his personal experiences revolving around deliberate censorship by state-owned media.

2. Media accountability instruments: NGOs compensate for syndicate weakness

A significant and noticeable finding within this study is that there is no significant contestation amongst media experts, professionals, and syndicate organizers with regards to the generally poor quality of official bodies of media accountability in the country. There is also a virtual consensus that these official bodies hardly resonate with journalists nowadays. On the other hand, 5 interviewees gave NGOs at least a "rather high" score as media accountability instruments with another 2 framing them as "average". Moreover, media lawyer associations were given a "rather

high" score by 8. It is however worth noting that such associations do not exist in the country; participants may have a subjective understanding of what these associations may entail, referencing the increasingly popular activist-leaning think tank and civil society organization "Legal Agenda".

While taking note of the unclear definition of what a "media lawyer association" entails, these categories are generally understood as bodies which compensate for the poor quality of the country's official bodies. A decent amount of attention also seems to be given to user engagement, with 5 giving "letters from readers" a "rather high" score. Assessments of international media organizations were far more nuanced and complex, with interviewees equally split between "high" and "low" scores. Items like the standardized code of ethics of journalists and organizations also remain disputed, with 6 interviewees giving them a "rather low" effect. On the opposite pole, 8 and 9 interviewees gave journalistic associations and journalistic unions respectively a "rather low" score at most. Moreover, all interviewees gave "press councils" either a "very low" or "rather low" rating.
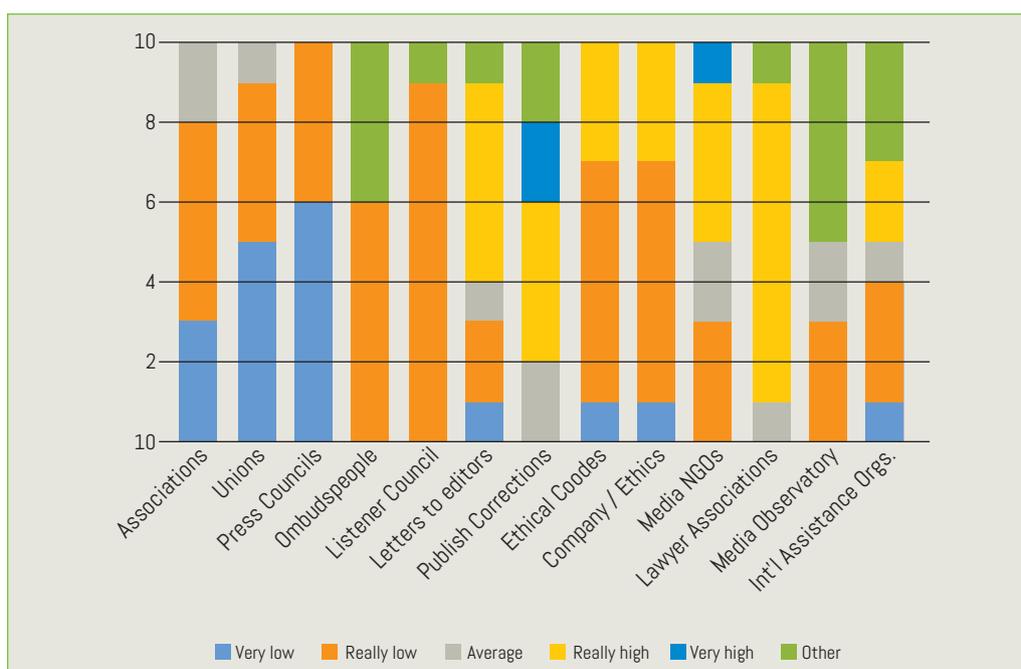
Figure 5.2 Participant evaluation of Media Accountability instruments in Lebanon.

3. Role of the press council: Inactive and co-opted

In the case of Lebanon, the press council is called the National Media Council, and its role supposedly revolves around monitoring the media for violations against journalistic standards and other formal settings; for more information, refer to the mapping presented in the prior section. In addition to the extensively low score attributed to the National Media Council, there is a consensus amongst participants that

the body is hardly an independent one. In other words, many have referred to the immense influence exerted on the council by the wider political context, particularly as it was created at a time when the Syrian regime controlled most aspects of Lebanese political life.

Consequently, 8 participants concluded that the council's lack of autonomy further induced a lack of interest in implementing a standardized and clear ethical code of conduct on media outlets, journalists, media workers, and syndicate members. On the contrary, many referred to ways in which the council was utilized to further particular political interests in the name of maintaining Lebanon's consociational and accommodating discourse, particularly by censoring voices accused of "inciteful" rhetoric.

4. Digital (non)accountability: Social media as a contested force

The growing role of social media is exemplified by its ability to mobilize certain tools and tricks in favor of explosive political and social phenomena in the country for the past few years. Participants had mixed feelings about ways in which social media platforms can forward the cause of media accountability, especially as 6 participants evaluated social media as "partly" important for debates on journalistic misconduct (as opposed to 3 interviewees stressing the immense importance of social media with regards to these debates).

One participant referred to the absence of a moderator capable of coordinating the debate on these issues; "freedom on social media is generally uncontrollable: this is primarily due to the prevalence of harassers and immense amount of insults." Alongside these statements, the attitude towards social media's role vis-à-vis media accountability has been rather negative due to the prevalence of chaotic criticism, bullying, and little-to-no capacity to orient criticism into something tangible. Meanwhile, another participant argued that despite the ability of sectarian forces to utilize these platforms for their own purposes, a massive amount of critical and hard-hitting input was directed at conventional local media networks' supposedly unethical coverage of the 2019 popular protests via their personal and public social media pages.

5. Other key findings

Self-censorship

First and foremost, it's important to clarify that self-censorship was interpreted differently amongst participants. While most gave it a negative connotation (relating it to the idea of journalistic fear of repression and assault), others understood it quite positively (relating it to journalistic self-control, sober judgement, and objective, incitement-free reporting). Taking into account these variations, 6 interviewees gave "self-censorship" at least a "really high" mark.

In condemnation, one participant stressed that "this is primarily an issue due to the censorship imposed by political and community-based forces." However, another participant dissociated self-censorship from the political context and "individualized" the way it functions from one media outlet to another. Despite these discrepancies, it is unambiguously clear that subjective participant evaluation of self-censorship is relatively high, given the statistics displayed in the table below.
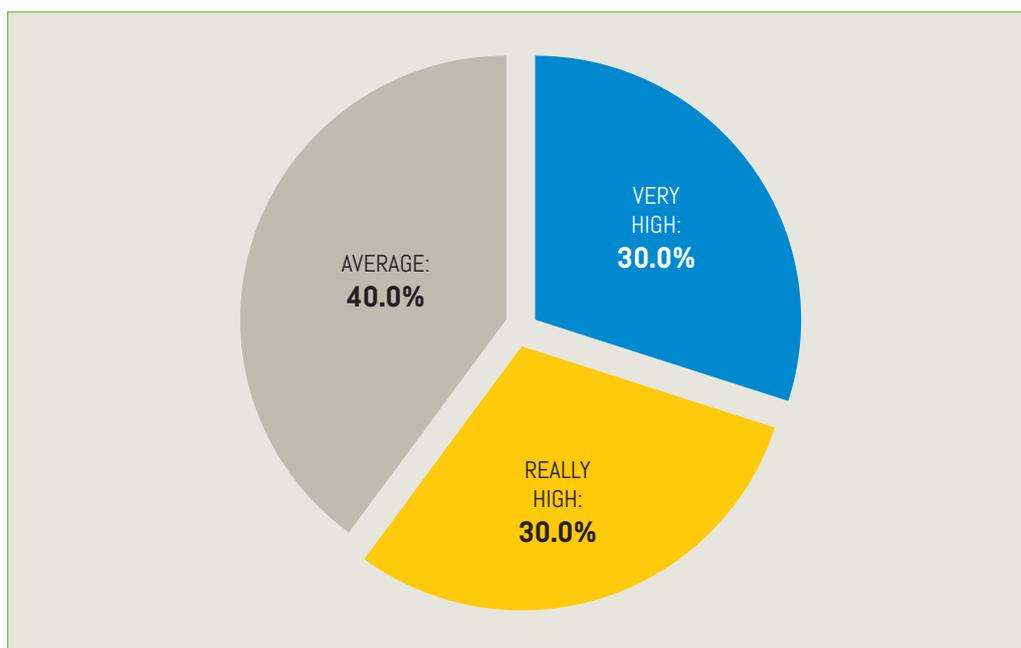
Figure 5.3 Participant evaluation of applied self-censorship of journalists in Lebanon

Editorial independence

The question of editorial independence is extensively linked to media accountability, particularly taking into account the concessions made by media outlets on an ethical level in exchange for cash flow and sustainability. Most participants were highly sceptical of editorial independence in Lebanon, with 6 interviewees suggesting that most media outlets had "partial" independence, and another two claiming they had absolutely no independence.

Authority's openness to media

The openness of the government, parliament, and courts to the media is essential when determining the extent to which journalism in Lebanon is investigative. In a very clear choice, 9 participants suggested that these pillars of authority are not whatsoever open to the media in a fair manner. When explaining this reality, the interviewees elaborated on issues of double standards (ex: preference for one media outlet over another when holding press conferences and answering questions) and almost nonexistent access to public files.

6. The biggest challenge to media accountability: No financial sustainability

When commenting on the biggest challenges, 7 interviewees believed that the lack of a sustainable financial plan for the vast majority of outlets paved the way for editors and journalists prioritizing urgent cash flow at the expense of sustaining their ethical standards. This is primarily due to the fact that media funding may as well be conditioned on demonstrating half-truths or hiding truths crucial to public knowledge. Moreover, 8 participants took note of the very weak "culture of accountability" and few applicable standards with which a journalist or media outlet can be held accountable. Even if written standards exist, 6 participants attribute limited to no role to ombudspersons in the newsrooms, meanwhile the other 4 hardly are aware of any such regulatory systems. This was accompanied by 7 participants giving "internal company Code of Ethics" at most a "really low" rank.

Meanwhile, one interviewee particularly stressed the lack of state protection, especially as journalists risk their lives in turbulent areas. "The primary issue is the lack of protection; in other words, the state is dysfunctional in terms of making sure the lives of journalists are safeguarded," said the participant. On a separate note, one participant condemned the prevalence of "critical demagoguery," in which social media bullying and destructive criticism do not add to the conversation on journalistic accountability, but instead enforce a chaotic atmosphere of debate.

The next step: Sustainable business models, protection, and standardization

With regards to what could be done to shift the aforementioned reality, 3 participants went ahead to specify the need for sustainable business models constituting ads, subscriptions, consultancy, and other means to keep their outlets standing. In the Lebanese context, this idea of financial independence relates to this idea of liberating institutions from the polarized political reality of the country. On another note, 8 participants highlighted the need for a standardized and strictly applied code of ethics. It is however unclear whether they believe that these measures ought to be enforced by the state or the market for media outlets.

For one participant, there is a great need to reinvest in journalistic education and media literacy, i.e. using our school and university system as a way to train journalists to build a sense of self-responsibility, and regular citizens to have more critical consumption of media content. The interviewee further emphasized the need to link this educational process to the concept of citizenship; only then could journalists dissociate themselves from sectarian politics. For others, the prior points revolve around an innovative reform or overhaul of the system, which should commence with state support: "The Ministry of Information needs to have a new law, alongside providing necessary subsidies to media channels and journalists, in addition to supplying them with material/equipment. This could also be done by relieving taxation in the pursuit of incentivizing the creation of new media."

Two interviewees stressed on the need to maintain a space for journalistic freedom in the country. "As for the solutions facing us, they generally involve preserving the small margin of freedoms; this ought to be accompanied by a collaborative struggle with all journalists to make sure we maintain our freedoms. Basic rules of the game need to be retained," said one of these participants.

RESULTS

When carefully and cautiously scrutinizing the results provided by the survey, it is first and foremost important to reiterate issues relevant to sampling, representativeness, and bias when approaching a sample of 10 interviewees. Nevertheless, this does not negate the power and direction that may be provided by these in-depth conversations with regards to the fate of media accountability instruments in Lebanon. This direction revolves around the following points:

1. Official media accountability instruments in the country are likely to be institutionally weak and incapable of accommodating the needs of conventional professional standards espoused by a subset of journalists and the media community. This has been primarily attributed to aspects of clientelism and corruption and their direct ramifications on the shape of these institutions and/or instruments.

- *Recommendation:* Strengthen initiatives to overcome passive syndicate bodies by supporting and amplifying independent associational and syndicate campaigns detached from wider political and confessional considerations.

2. The contradictions induced by the nature of Lebanon's consociational political system has allowed for a larger margin of freedom for activists to engage in a critical debate concerned with the state's lack of capacity to implement adequate accountability measures and/or co-optation of media outlets. This is often articulated on online platforms (such as social media networks), whose role and utility is still contested, especially when little-to-no constructive criticism has reportedly been used to tackle this situation on these platforms.

- *Recommendation:* Instead of regulating social media, civil society organizations and media related NGOs are encouraged to launch coordinated online and offline fora that specialize on issues concerned with media freedom, journalistic accountability, media workers' rights, and journalistic ethical codes and standards.

3. Non-official media accountability instruments spawning from the NGO/CSO sector and other alternative communities have attempted to compensate for the absence or weakness of state-sanctioned syndicates, regulatory institutions, and judicial bodies in terms of assessing the role of the media and standardized journalistic rules.

- *Recommendation:* On the one hand, supporting initiatives to strengthen and embolden official state-related accountability instruments by providing technical and research-related support is crucial to put forward a sustainable approach to maintaining these instruments. On another hand, on the short-term, there is an urgency to strengthen ties with local NGOs so that they proceed with their evaluative re-

search, advocacy, and awareness-spreading activities.

4. Little-to-no financial sustainability has paved the way for political capture of media outlets, subsequently forcing editors into conceding on basic journalistic standards in favor of satisfying their financiers and restrictive support base.

- Recommendation: While participants have encouraged government subsidization of media outlets, other alternatives include training programs focusing on adapting innovative models of media financial sustainability inspired by international best practices and stronger financial and entrepreneurial capacity building of media owners/managers.

5. Issues of repression, self-censorship, lack of editorial independence, and lack of authority openness have most likely impacted the degree of media accountability in a downwards sense, henceforth obstructing the role of potential of instruments.

- Recommendation: There is a need to internationally and domestically hold Lebanese authorities accountable for repressive and/or authoritarian tactics imposed on media outlets as the political and social situation grows increasingly turbulent. This is exemplified by the recent emergency law approved by the Lebanese parliament on 13 August 2020; the law granted the military exceptional powers vis-aà-vis authorized media outlets around Beirut and its wider vicinity following the 4 August 2020 blasts in the port of Beirut (Asharq Al-Awsat, 2020).

It is far-fetched to proclaim that these findings and recommendations are ultimately conclusive. Regardless, this study provides an opportunity for researchers to observe and examine media accountability outside the official guise of authority in countries where such authorities' weak legitimacy or short-sighted policies deplete the public capacity to hold the media accountable ■

LIBYA

MAI IN LIBYA:

By Khaled Gulam

INTRODUCTION

Media accountability is a tool that works on monitoring media performance. Media accountability is crucial in the sector due to its role in improving media services to the public and restoring the prestige of the media in the eyes of the recipient (Eberwein et al., 2011). However, we must take into account that setting certain standards for media accountability requires stable democratic societies in which there are legislative or autonomous oversight institutions for the profession of journalism. Such legislations are almost non-existent in Libya due to the dramatic changes Libya has undergone in its recent history, where many political, economic, cultural and social characteristics and circumstances have contributed to shape the media policies. In fact, each stage of the recent Libyan history has adopted a different concept of freedom of opinion, expression and access to information - or the lack thereof (Al-Asfar, 2016). The first stage began with the independence of Libya in 1951, when the press was established. The reader, at the time, was committed to professionalism, and audiences of that historical period could participate in the political, social, and cultural mobility of the Libyan society. The then media was able to deal with the issues at hand and connect with the Libyan street and its concerns, with a sense of responsibility that the press today lacks (Gulam, 2015).

However, this situation did not last in the light of the political change that occurred in 1969, when Muammar Qaddafi came to power. The media was turned into a one-person-system. The criterion of accountability here is the extent to which the media discourse is consistent with serving the ruling regime to the extent that Qaddafi's speeches became binding obligations.

As for the phase that followed the February 17, 2011 revolution, which ended Qaddafi's rule in Libya, the media witnessed a movement through the issuance and establishment of dozens of newspapers, magazines, radio and television stations all over Libya. Those media outlets took advantage of the absence of any kind of restrictions on freedom of the press or any imposed licenses. This is because what was forbidden yesterday became available to everyone without control or supervision. Instead, the Libyan citizens could see limited, single-view newspapers that served a certain ideology and received their news sources from one agency devoted to the activities of a single leader. In the post-Gaddafi media, people have a choice of newspapers, magazines, radio stations and various new television stations (Gulam, 2015).

This diversity created a kind of chaos in Libya and was used to serve different political ideologies and military organizations, which led to the absence of media accountability as the media shifted from one view of serving one individual to serving several political and military bodies fighting over the seizure of power. Further, Fhelboom (2019) mentions that most of the public and private media have been drawn into the spread of a culture of violence and hatred in the Libyan society. This of course

is based on their affiliation with one of the parties involved in the conflict, political tensions and wars in the country during the past five years. Some of these media outlets are financed and supported by regional and international stakeholders who fuelled the ongoing conflict, like the rest of the Arab countries that witness political conflicts and wars such as Yemen and Syria. (Alnajjar, 2020).

Perhaps the biggest challenge facing media accountability today is that there is no governmental body that can set legislations and standards for media accountability and implement them. Libya over the past five years was divided into two governments, each claiming legitimacy. The internationally recognized Government of National Accord GNA is in Tripoli and the other which is led by the elected parliament is in the east of the country. The reality of the media in Libya has become completely directed to serve one of these two conflicting forces. Latest cases like the arrests of the director of Al-Jawhara Radio Sami Al-Sharif in August 2020 after his news coverage of the demonstrations calling for improvement of living conditions in the country (Al-Wasat, 2020), or the sentencing to 15 years imprisonment of journalist Ismail Bouzriba Al-Zwi in Benghazi in August 2020 (Othman, n.d.), let journalists apply self-censorship due to fear of imprisonment and bare possible risk for their life.

Legislation and Laws of Media Accountability in Libya

Publications Law No. (76) of 1972

This law was issued during Qaddafi rule, and it is the only law related to media accountability under Qaddafi's rule; it lasted for 40 years. This law consists of 51 articles, including 28 deterrent, disciplinary and punitive articles for journalists and media institutions (Al-Asfar, 2014). According to this law, breach of media accountability could result in up to life imprisonment and the death penalty. For example, anyone who dares to defend theories or principles aimed at changing the basic principles of the national constitution or the basic structures of the social system, or overthrowing the political, social, or economic structures of the state would encounter punishment (cited in Fhelboom, 2019). This law includes several positive articles in line with media accountability laws and according to international standards, such as investigating objectivity and truthfulness in media, work to verify the correctness of the information before publishing it and correct what was found to be wrong in its publication. However, Al-Asfar (2016) argues that these materials were used mostly in the interest of the Qaddafi's regime.

I

EXISTING MEDIA ACCOUNTABILITY INSTITUTIONS AND ORGANIZATIONS

Several attempts have been made during the past eight years to lay down state-level legislations, laws and decisions related to media accountability, whether at the government level or self-directed attempts from the media institutions and journalists. The National Transitional Council issued Resolution No. (44) of 2012 regarding the establishment of the Supreme Council for Media and the appointment of its members. This was followed by Resolution No. (43) of 2012 related to the establishment of the National Press Foundation and the Libya Radio and Television Corporation by Resolution No. (37) of 2012.

The Supreme Media Council mandated the reorganization of the media industry in Libya. It includes setting regulations and draft laws regulating media work, adopting a code of conduct, granting the necessary licenses for various media outlets. It also takes the necessary administrative decisions that contribute to the running of all media facilities of the Media Supreme Council and looking into individual complaints against media organizations (Fhelboom, 2019).

This decision caused widespread controversy in the media circles, especially about the mechanism for selecting the members of this council, which led to the election of another council by the journalists themselves in June 2012. The elected council consists of 21 members who oversee the regulation of the Libyan media and its institutions and define its responsibilities, as well as the election of the Journalists' General Syndicate in a meeting held on June 26, 2012. The National Transitional Council approved the election of members of the Supreme Council for Media and members of the Libyan Journalists' General Syndicate and issued decisions giving the elected Supreme Council the right to supervise the Libyan media in general in Resolution No. (58) of 2012. However, Asbita (2013) argues that a legal problem emerged related to the cancellation of the Resolution No. 44 of 2012, which led to the existence of two conflicting media councils, each claiming legitimacy. The result is inactivity of both councils.

The Government of National Accord also issued Decision No. (1625) of 2018 to establish the National Observatory of the Audiovisual Space, which is related to media accountability, including the preparation of codes of conduct regulating media work, and taking action against violators. However, this decision has not been executed until now. Further, Parliament in eastern Libya has not put in place any legal legislation regarding media accountability.

On September 8, 2020, the Government of National Accord issued Decision No. (597) of 2020 to establish the Libyan Media Foundation. The Libyan Media Foundation implements the plans and general policy of the field of media. Among other missions, the foundation is responsible for proposing draft laws, regulations related to the

national media work, establishing and implementing standards and regulations governing media work in all its aspects and taking all necessary steps to raise its level of efficiency and performance and issuing the necessary licenses and permissions to practice media work.

In light of the chaotic and confusing situation that the media sector has been experiencing since 2011 and the absence of legislation regulating this sector, some media voices, whether from professionals or academics, have risen in an attempt to organize and frame the Libyan media accountability. This has been done through many attempts, including the meeting of journalists in several Libyan cities to formulate a professional code of honor for the media, and establishment of a journalists' union during the past few years (Gulam, 2015). However, in light of the current political division and civil wars, this has led to the failure of all these attempts, similar to the endeavors of the various governments that appeared in Libya recently.

Other efforts for establishing media accountability instruments have also emerged by civil society institutions through the coordination of some meetings between journalists, legal and media experts under the coordination of the United Nations and some international organizations. These efforts were planned to come up with a code of conduct or a media charter that organizes responsible media. For example, UNESCO organized a meeting in Madrid in 2015-2016 to create a code of conduct for Libyan journalists in times of crisis (Fahail Al-Boom, 2019).

1. NGOs and media-related Organisation

The Libyan Centre for Defending Freedom of Journalists (Hesan): Affiliated to the Libyan Center for the Support of Democracy and Human Rights (LCDHR) is a Libyan non-profit organization that was established in 2011 in order to provide a voice for the marginalized and those without a voice, and to promote civil society expression, journalism and human rights in Libya. (https://lcdhr.org/hesn).

H2O is a Libyan youth non profit organization founded in 2011, that communicates the ideas, views and aspirations of Libyan youth, translating them into clear suggestions and demands which are then presented to the authorities by using all means of the media. H2O focuses also on the response of Libyan youth towards policies and programs the Government presents to them ... H2O ensures Libyan youth opinion reaches a wide audience and is influential at the state and government decision-making level. (info@h20.ly.org)

Libyan Centre for Freedom of the Press: Created in 2014, providing support and assistance to journalists, training them and developing their skills, in addition to submitting proposals to enact new legal legislations that enhance freedoms and ensure the independence of the media. As well as, monitoring and documenting the attacks and violations against journalists and the media, as well as those issued by them towards the public. (https://lcfp.org.ly)

Libyan Organization for Independent Media: Registered in 2018 as an NGO in the Civil Society Commission in Tripoli and began implementing several activities, including

training workshops entitled "Basics of Professional Media and its Role in Combating Misinformation and Hate Speech. The organization also implemented a symposium on the constitutionality of the procedures required for journalistic work in Libya and the extent of its approval of the constitutional declaration and international cove-nants in December 2018. The organization prepared a media professional code of conduct, which was reviewed by a number of local and international experts and legal advisors to be a basic reference that directs media workers and guides them to their role, rights and duties and how to better perform their jobs. (www.lofim.org.ly)

Step-by-Step organization for the rule of law that raises awareness was established in Jan 2019. Step-by-Step has conducted several training and awareness-raising workshops addressing law students, lawyers and judges aimed at spreading legal awareness and confirm the principles of the rule of law, justice and human rights.

Finally, we do not forget the role of social media, especially Facebook, as a new tool for media accountability, whether from the public or journalists themselves, and it has become a participant in the criticism and monitoring of various media outlets.

II

SURVEY

- Survey respondents: 10

- Survey conducted in July and August 2020

- Distributed online in July

- Libyan journalists

The researcher conducted the survey in English between July and August 2020 with 10 Libyan journalists from different cities in Libya.

1. Data Analysis

This section shows journalists' views and comments about the state of media accountability and its instruments.

Q1. Factors Support/Enable Media Accountability

As for today, many respondents believe that there are no factors in Libya that would support/enable news media to act in an accountable way. One respondent says that "there are no such factors in Libya as there is no media code of conduct". Another respondent writes "it appears that creating a new news media to act in an accountable way in Libya, which takes into consideration that freedom of expression after 42 years of authoritarian rule in the country, is a difficult task. This is understandable given that Libya is in the midst of abrupt economic, political, and social transitions. It will take significant time to create a unique news media to act in an accountable way. In summary, there are no professional unions that have as yet developed clear policies and legal bases in order to determine the relations among journalists, owners and the government."

Respondents list about 15 factors that would support the accountability of media in Libya. These factors are "political stability", "activating media laws and developing legislation", "reducing hate speech in the media", "monitoring the mass media in order to limit fake news", "activating the supreme authority for audiovisual communication, similar to HAIKA in Tunisia", "creating real public or private media organizations", "lifting the hands of state agencies such as the General Intelligence Service from journalists", "training of journalists", "new media feedback to readers", "raising media accountability awareness in the community", "understanding the principle of social responsibility", and "establishing the principle of citizenship in media discourse".

Q2. Factors Inhibit/limit Media Accountability

On the other hand, respondents see that "the lack of or absence of new media legislations and regulations" are the main issue that inhibit/limit the news media accountability. One participant points out that "the only existing media law was issued in 1972, which is very rarely applied (few cases)." He continues to say that "there is no kind of punishments, sanctions, or fines posed on those who violate the law by committing crimes like slander, libel, defamation and incitement to hatred or violence, or by breaching media law".

Similarly, another respondent states that "hate speech increased in several private media outlets". In the same vein, a respondent adds that "the media bias towards others, many media institutions adopt hate speech, the security agencies are not familiar with the media work". This was also an opinion that was expressed by another survey participants who states that "unfortunately, no regulations or legal provisions exist to assure the provision of financial support for both the public and private media sectors. The legal protection and political support of free speech and public access to information are not yet in place in any consistent way. For example, Libyan journalists operate without protection under any special press law. The regulatory framework is not yet developed, and society has not yet fully accepted or recognized the role of the independent media in the transition to democracy. This lack of regulation affects the news media in Libya to act in an accountable way. It is also an antithetical to the survival and thriving of a balanced, free press in Libya.

Q3. The Applied Self-Censorship of Journalists

40% of respondents see the applied self-censorship of journalists in Libya is "very low", 30% "average", whereas 20% said it is "rather low". One respondent believes that it is "very high".

Q4. Existence of Media Accountability Instruments and their Effectiveness

The percentage of respondents regarding the existence of media accountability instruments and their effectiveness are as shown in the following table:

Figure 6.1 The existence of Media Accountability instruments and their effectiveness

THE EXISTENCE OF MEDIA ACCOUNTABILITY INSTRUMENTS AND THEIR EFFECTIVENESS

Legend: Very low, Rather low, Average, Rather high, Very high, Other
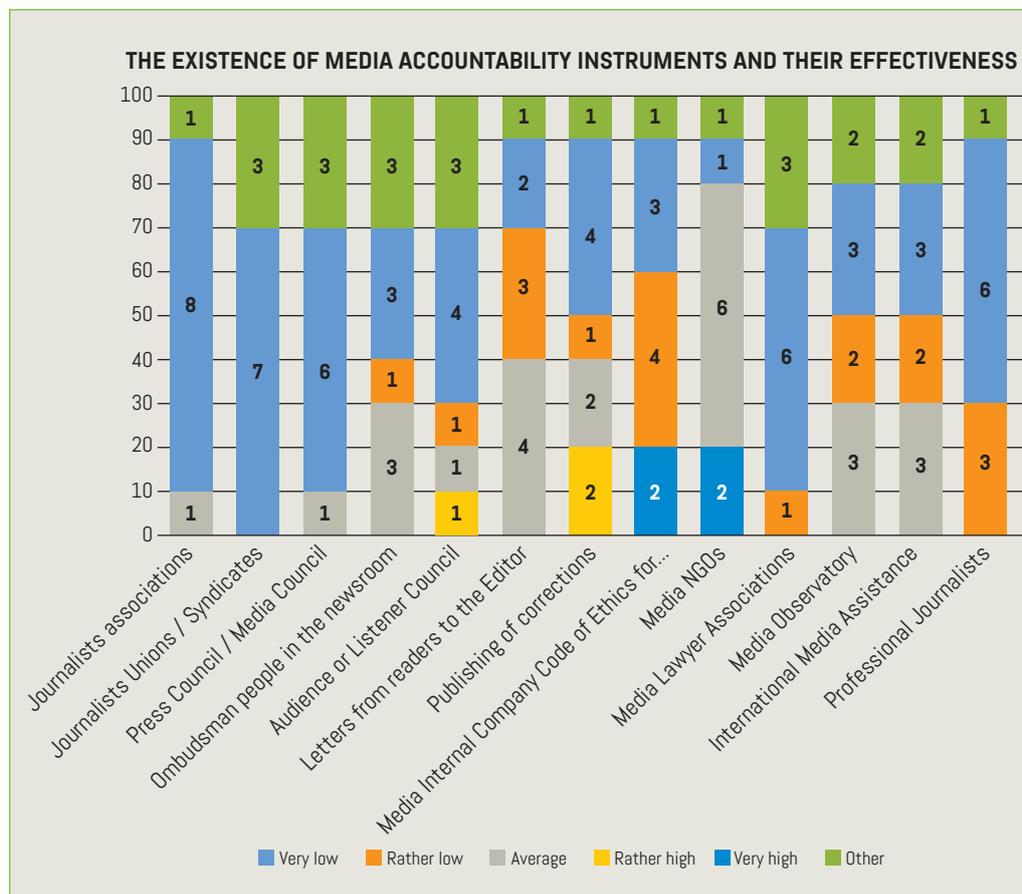
Q5A. Independence of the Media Council

Asked about whether the Press/Media Council is a self-regulatory and independent body, 90% of respondents say "no". One participant comments: "[There is] no press council in my country".

Q5B. Has the Media Council Increased Journalists' Ethical Standards?

Six of ten respondents believe that the Press/Media Council did not increase ethical standards amongst journalists. One of these participants highlighted that "every government in Libya has a media authority, one in the Eastern region, and the other is belonging to the GNA. Neither of these two authorities have been interested in increasing ethical standards amongst journalists although each body has a good budget. The only time that the General Press Authority of the GNA organized a workshop on professional ethics was through an initiative of the Libyan Organization for Independent Media (NGO organization)". Another participant says that "the existing journalistic bodies, such as the Libyan press authority, are not serious about contributing to establishing and enhancing ethical standards among journalists".

Q6A. The Existence Government Media Accountability Instruments

A few participants think that media regulatory instruments as initiated/maintained largely by the government "do not exist". One respondent notes that "there are no regulatory instruments in Libya in the true sense, as all state institutions are suspended. I could describe the situation in these points: Since the GNA entered Tripoli, no director of the General Authority for Media has been appointed".

Another respondent adds "in short, there were no serious efforts to set up a self-regulatory body such as a union for Libyan journalists or a center for independent journalism in order to improve the professional standards of journalism and to draft an ethical code for the Libyan press". However, one respondent says that "there is a media foreign office at the foreign ministry in GNA that issues licenses for foreign media outlets. The media authority at GNA has stopped issuing licenses to any Libyan media outlets since 2017. In the Eastern government, there is a public institution for radio and TV that issues licenses to radio and TV channels. There are no systems of receiving complaints or issuing fines. The situation has been very chaotic since 1969". Another participant comments that there are only a few "satellite channels, newspapers, and government-controlled websites".

Q6B. The Efficiency of Government Media Accountability Instruments

6 of 10 of the participants think that the initiated/maintained media regulatory instruments have "very low" efficiency on media accountability in Libya. Three respondents select Other/no answer and one say "average".

Q7. Regulatory Framework for the Audio-Visual Sector

Half of the respondents think that Libya "does not" provide a regulatory framework for the audio-visual sector, and 30% "do not know". Two respondents say "yes", Libya provides a regulatory framework for the audio-visual sector.

Q8. Are the Legislative Institutions open to the media in a fair and equal way under the current situation?

80% of respondents think that the Legislative Institutions are 'not' open to the media in a fair and equal way. While 20% of respondents think that Legislative Institutions are 'partly' open to the media.

Q9. The Effectiveness of the Existing Media Laws in the Media Accountability

40% of the respondents believe that the existing media-related laws in Libya "inhibit" or "rather inhibit" the news media to behave in an accountable way while 30% select "neither support nor inhibit" and 20% "fully or partly support". One respondent "did not know".

Q10. The Editorial Independence in the Libyan Media

Respondents think that the Libyan media outlets "have no" (70%) or only "partly" (30%) editorial independence.

Q11. The difference between Government and Self-Accountability

5 out of 10 respondents think that there are no big differences between the two main branches of the Libyan media system (state-owned media, mainstream private media) with regard to media accountability practices.

Q12A. The Importance of Media Accountability

Most respondents (80%) think that media accountability is important or rather important (10%) for Libyan journalists' set of value and professional culture.

Q12B. Communication between the Public and the Media

90% of respondents think that the media outlets regularly "do not" or "rather partly" provide a feedback to the readers/audience/users on social media related to publishing journalistic pieces. One respondent selects 'yes'.

Q13. Media Self-Regulation Performance

About 40% of the respondents argue that media self-regulation is "very week" in dealing with incorrect media reporting that are settled without court or governmental interference, while 40% selected "other/no answer". One participant says media self-regulation is 'rather strong' and one participant ranks it "average". One respondent highlights that "there is no such thing as self-regulation of the media in Libya, because all media are subject to capital policy, and the media in Libya are of three types - government media institutions, media institutions supported by foreign countries based inside Libya, and media institutions supported by foreign institutions and based outside Libya. All these media outlets do not adhere to any professional values.

Q14. The importance of Social Media in Media Accountability

The percentage of respondents regarding the role of social media in media accountability is as shown in the following chart.

Figure 6.2 The importance of Social Media in the Media Accountability

THE IMPORTANCE OF SOCIAL MEDIA IN THE MEDIA ACCOUNTABILTY

Yes Partly Other/No answer No
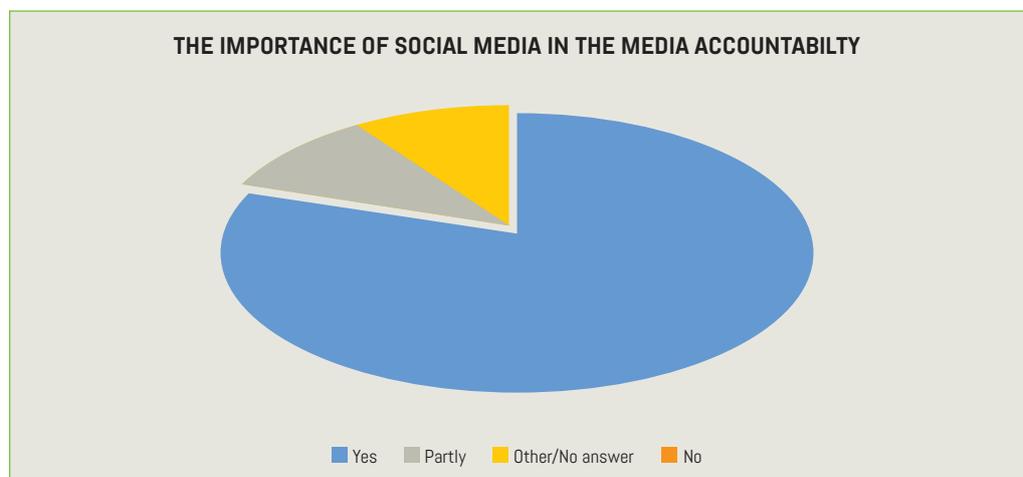
Q15A. The State of Media Accountability in the Past Three Years

80% of the participants think that the accountability of news media in the past three years has "deteriorated" and 20% select "rather deteriorated".

Q15B. The Biggest Challenges and Most Needed for Media Accountability

● The Biggest Challenges for Media Accountability in Libya

As this question was close to the first and second questions related to factors affecting media accountability, the answers of the respondents were almost the same, with different use of some expressions.

Asked about the main challenges and needs for \ media accountability to act in proper ways, respondents answer that "political stability" and "the absence of media law and legislations" are considered the main challenges for media accountability. One participant comments: "Stability in our country - as the war continues -is lacking. The media strongly amplifies war, violence and hate speech". He adds that "safety for journalists is endangered as some armed groups are acting outside the law by attacking independent journalists and media outlets and silencing critical voices."

Another respondent sees that "the biggest challenges to Libyan media accountability are the political division and the ongoing war in the country, because it has created an appropriate environment for media chaos". Another participant notes that "the challenge is the unresolved insecurity and the political confusion that has been going on for 9 years by now. There are no laws regulating the journalism so far. In addition, there is an absence of media legislations that protects journalists. Some journalists have no access to information".

The lack of "financial sustainability of many private media outlets", "the lack of free access to information from the government", and "the lack of freedom of expression, free press, civil liberties and political pluralism" are other challenges expressed in the survey. Participants also state that "journalists and audiences lack an understanding of the role of the media as a news source in the democratic transition in Libya." These are other crucial challenges for media accountability.

● The Most Needed for Media Accountability in Libya

Participants see that "the need for new media laws and legislation", "an independent media council and union/syndicate", "a code of conduct" are the most important factors needed to uphold media accountability in a proper way. Participants also demonstrate that there is a need for "new legislation to regulate media (audio-visual, print and electronic) as the existing law only regulates print media and violates the international convention for media freedom." The need to establish an independent council that regulates all media and punishes those who violate the media code of conduct is essential. There is a need to activate the journalism syndicate to defend and protect journalist's rights. Another respondent adds that "there must be an active union, and the development of legislation and laws that contribute to the development of the organizational structure of the media and raise the professional

level of all kinds of media." Participants also argue that there is a need to "push the parliament to enact laws that reduce hate speech, violence, and punish those who are involved in fuelling armed conflicts".

Other respondents focus on "the need for promoting a culture of the right to accountability, especially with regard to public money, public affairs and matters affecting society" as well as "imposing the adoption of transparency and integrity during the presentation and circulation of information and presenting it to the citizen, with absolute impartiality".

Several comments in the survey raise the need to "strict funding control" on the media outlets,. Some respondents ask for "the support of the international community to impose sanctions on media institutions supported by foreign countries, which contribute to the instability of the country". In addition, they also ask to "support civil society institutions working in the field of media" as well as to freelancing journalists who are "basically the only ones able to deliver the truth", one respondent claims.

2. Results

Analyzing the result of the questionnaires, the following points are important:

1. Most of the respondents' answers were negative about media accountability and its instruments, reflecting that the media sector in Libya is deteriorating because it operates under an unstable political system.

2. The confusion of decisions in the charters and legislations related to the media regarding legal accountability, led to a conflict of opinions in answering questions such as whether or not the Media Council exists.

3. In the absence of effective media accountability instruments, some respondents found it difficult to answer some questions, such as the fourth question, which is related to the existence and effective media accountability instruments in Libya.

4. The presence of a very high percentage of respondents who that there is no self-media accountability for various media outlets due to the lack of media freedom, that enable this sector to establish or develop legislations and charters related to the media profession.

5. The lack of media responses on issues of media accountability greatly affects the process of communication between the media and the public.

6. Social media has an important role in legal accountability, as indicated by the opinions of the majority of the respondents. It is the only effective means that guarantees media freedom in relation to media accountability.

7. Some of the respondents provided solutions to improve the performance of media accountability, such as updating or issuing new legislation, and establishing an in-

dependent media body to regulate the media system and to hold the media accountable.

Recommendations

Given the major problems that the media sector experiences in relation to media accountability in Libya, the researcher recommends the following:

Designing a media accountability website to collect and organize the opinions of bloggers, whether from the public or journalists, to benefit in developing laws and charters for media accountability.

Developing regular surveys to have relevant views of journalists in Libya.

Cooperation with universities and international organizations to train Libyan media professionals on media accountability and to go beyond the political conflicts and divisions in the society.

RESULTS

The lack of political stability, and the chaos and confusion in the various media institutions has resulted in the absence of effective and independent instruments for media accountability in Libya.

Today there is only one set of moral and ethical factors that is relevant to media accountability in the Libyan society - the customs and traditions recognized by the society. This includes barring the publication of sexual or pornographic material which are prohibited in both governmental and private media outlets.

In case of political and ethical media issues that require accountability, lawyers and judges use the Law No. 76 of 1972. A case in point is the sentencing of journalist Omara Al-Khattabi, editor-in-chief of Al-Ummah newspaper who was imprisoned under this law in December 2012 for "insulting" judicial officials (Human Rights Watch, 2014).

This is the reality of the media accountability in Libya, although it is a painful reality ■

MOROCCO

MAI IN MOROCCO:

By Mohammed Ibahrine,
Bouziane Zaid
and Abdelmalek El Kadoussi

I

EXISTING MEDIA ACCOUNTABILITY INSTITUTIONS AND ORGANIZATIONS

Since the early 1960s, many initiatives have taken place to promote media accountability. Morocco's authoritarian culture pushed media professionals to focus more on press freedom and less on media ethics and accountability.

1. Press Council/Media Council: Description of the organizations or why they do not exist

In 2018, a self-regulatory institution, the National Press Council (NPC), was set up to oversee media performance and protect the journalistic profession. Its self-proclaimed mission is to contribute to the development of the journalistic profession, to defend freedom of expression, and to promote journalism ethics.

The NPC mediates in case of professional disputes within the industry and monitors media organizations for complying with journalistic ethics. More significantly, it issues press cards for professional journalists in compliance with the requirements stated in the Decree-Law on the Status of Professional Journalists.

One of the first actions of the NCP was to draft and ratify the Code of Ethics. The Code of Ethics provides a framework for respecting the ethics of the profession of journalism. It includes the best practices that underpin the profession's honor, and it represents a binding legal document that contains the rules of professional conduct. It serves as a mechanism that monitors inconsistencies that can be detrimental to the image and reputation of the profession of journalists.

The Code of Ethics is built on four axes: professional responsibility, societal responsibility, independence and integrity, protection, and rights. The focus of professional responsibility is divided into the following points: "truth-seeking, news processing, false news, misinformation, falsifying data, directing and acting, freedom of opinion, news sources, access to information, news and commentary, burglary, pluralism, and balance."

2. Ombudsperson: Description where the ombudsperson is placed or why it does not exist

The 2005 Audiovisual Communication Law stipulates the establishment of an ombudsperson in public service broadcast media organizations. The Licensing Obligations Documents also require the establishment of internal ethics commissions. The

ombudsperson's role consists of mediating between the broadcast company and their public by listening to the suggestions and forward complaints and criticism of the audiences to the responsible entities and convey the solutions proposed by media executives (El Mouraille, 2017).

The two public service broadcast companies sought other ways of responding to the public by creating TV programs devoted to discussing the public's feedback. The main public service TV stations, both 2M and Al Oula channels, air a monthly program called El Wassit (the mediator) that addresses the public's comments and suggestions regarding the TV programs. The show cannot be interrupted by advertising and cannot endorse any sponsored media content. One of the show's objectives is to trigger a debate about the quality of TV programs (The Mediator).

3. Professional Journalists Associations and Unions: Description of the organizations or why they do not exist

In 1963, the Moroccan National Press Syndicate (le Syndicat National de la Presse Marocaine, SNPM) was founded as an independent professional association. The SNPM provided the institutional framework to address media accountability, but given its history, its focus remained limited to defending the right to free speech during the colonial period (1912-1956) and after Morocco's independence. The founding members of the SNPM contributed to the national struggle for independence. The media served as a site of political tension between the liberation movement and the French colonialists, and later between the monarchy and the opposing political parties.

The 1990s witnessed the beginning of Morocco's political liberalization. In this context, the SNPM started to address journalism ethics. Under the leadership of Mohamed Larbi Massari, the former Secretary-General of the SNPM, journalism ethics became one of the most acute and central concerns. In 1996, the SNPM took serious initiatives to promote media ethics, improve the conditions of journalists, and advance print media.

In July 2002, the National Commission for Press Ethics and Freedom of Expression was established and mandated to create a code of ethics. This commission consisted of 23 members from the SNPM, the Federation of Publishers, civil society organizations, and media professionals. The National Commission is an autonomous body and was not affiliated with any political party or any governmental entity. Its primary function is to monitor professional performance, evaluate professional output, and promote free and responsible journalism. The National Commission's recommendations and decisions are not legally binding, so its impact on the profession remains limited.

Following the legislative elections of November 2011, the Communication Minister promised to reform the legal framework by introducing three Decree Laws: a) the Press and Publication Law, b) Law on the Status of Professional Journalists, and c) Law on the Creation of the National Press Council. The laws were approved in Parliament in 2016. In 2018, the NPC was effectively established as a self-regulatory body

with the self-proclaimed aims to contribute to the development of the journalistic profession, to defend freedom of expression, and to promote journalism ethics. It considered ethical conduct and freedom of speech to be two sides of the same coin.

4. Broadcast Regulator: Description of the organization or why it does not exist

The High Authority for Audiovisual Communication (HACA) was established on August 31, 2002, as an administrative body regulating the audio-visual communication sector. A close look at this organization creates doubt about its self-proclaimed independence from the government. HACA consists of the Higher Council of Audio-Visual Communication. It is a nine-member council, five of whom are appointed by the King – including the President. The Prime Minister appoints two members, and the remaining two are named by the respective presidents of the two chambers of the Parliament. HACA's legal authority lies in its presumed independence. But the appointment process for the Higher Council and the criteria for the nomination of members for Audio-Visual Communication are flawed. This is the highest authority within HACA and the organ that makes final decisions on licensing and every legal action. Given the appointment process, it is clear that the state holds all the power within HACA's highest decision-making apparatus.

5. NGOs and Media related organizations: Name and description of the organizations

Many international organizations carry out projects to improve the quality of journalism by conducting country reports, media mappings, and professional workshops. The Open Society published the "Mapping Digital Media in Morocco" report in 2011 (Zaid & Ibahrine, 2011). Drawing on the organization's transdisciplinary competencies, UNESCO has recently launched some programs and workshops to train and empower journalists to leverage the influential role of media accountability. These ethical implications in the journalism profession are critical to an objective, unbiased and transparent transmission of news and information. In 2014, UNESCO launched its Media Development Indicators report; the report has not yet been published. In 2017, Reporters Without Borders collaborated with Le Desk, a news website, to map media ownership in Morocco (Le Desk & Reporters Without Borders, 2017). Other organizations, such as the Moroccan Association for Investigative Journalism, Centre Culturel Francais, British Council, Goethe Institute (Germany) and NDI (US), organize capacity building professional workshops for journalists and media organizations. These initiatives add value to the media scene especially in terms of providing data for researchers, but do not seem to materialize into institutional instruments to maintain media accountability.

6. Media Legislation Name and short description of the relevant law

The 2011 Constitution entails provisions that guarantee freedom of expression as well as caveats limiting this freedom. Article 25 guarantees Moroccan citizen's "freedoms of thought, opinion, and expression in all their forms." Article 28 states that "freedom of the press is guaranteed and may not be limited by any form of prior censorship." Article 19 of the Constitution limits Morocco's adherence to international conventions on human rights, which has direct implications for the media by introducing two constraining phrases "with respect for the provisions of the constitution's permanent characteristics and laws of the kingdom." Although the 2011 Constitution strengthened the judiciary as a separate branch of government, it is far from independent in Morocco, leaving the media without adequate protection of the law (Zaid, 2018).

The 2016 Press and Publication Law made many positive advances, but a close look at the text shows that the legal environment's oppressive nature has not significantly changed. The positive adjustments include the establishment of a self-regulatory body, the National Press Council. However, the three taboo topics – monarchy, Western Sahara, and Islam – were preserved in the new code, and steep fines replaced jail sentences, and failure to pay the fines can lead to jail term.

The Audio-Visual Communication Law contains provisions that allow the state to interfere with program contents and to put limits on private ownership. Article 9 states that TV and radio shows must not question Morocco's dogma, Islam, the monarchy, and Western Sahara – the three red lines that remain a standard to which all published discourse must be held. Yet, the law does not stipulate prison sentences for infractions. Article 21 stipulates that any broadcasting company or shareholder can own shares in another broadcasting company for 30% of its holdings. This is intended to prevent any individual or company from controlling more than one media outlet.

The Anti-Terrorism Law was passed in 2003 after the 16 May terrorist attacks in Casablanca. This law gave the government sweeping legal powers to control the media content that is deemed to 'disrupt public order by intimidation, force, violence, fear, or terror'. The law broadly defines terrorism and considers it as 'the involvement in organized groups or congregations with the intent of committing an act of terrorism,' and critically, 'the promulgation and dissemination of propaganda or advertisement in support of the above-mentioned acts' (Zaid, 2017).

II
SURVEY RESULTS

In June and July 2020, the research team conducted in-depth, semi-structured interviews with 10 prominent media practitioners in Morocco on their perception of media accountability factors, instruments, practices, challenges and prospects as outlined in the Ericht Brost Institute MAI survey. The list of interviewees included two media executives, six directors of publication and chief editors of leading print, broadcast and online media, a head of a professional association, and a member of a parliamentary committee responsible for public communication. Most interviews were conducted using audio or video calls through telephone, Skype or WhatsApp and lasted about one hour each in average. In accordance with the confidentiality assured to all participants, the participants' names were anonymized in the text, except the co-founder of Hespress. Only one partner preferred to fill in the survey and return it through email. After all the interviews were conducted, the researchers each conducted a close reading of the texts to understand the interviewees' perspectives better, and then met online to compare notes, discuss patterns, and to develop themes for the findings. Following are the most important findings and predominant themes of the interviews.

1. Inhibiting context factors of media accountability outnumber the supporting context factors:

Overall, Morocco nowadays is experiencing a dynamic process of transition in politics, economy, society, human rights, and freedoms. The enabling factors of media accountability in Morocco include the following:

a. A less oppressive legal framework: The current Moroccan media legal framework is anchored in the constitution (2011) and media law (2016). This legal framework encourages media accountability. The overwhelming majority of respondents highlighted the importance of the legal framework to support media accountability.

b. Professional culture within the press institutions: With distinct functions and responsibilities and organizational hierarchies, newsrooms cultivate considerations and routines that render practitioners accountable towards their peers and superiors. The interviewees recognize the benefits of the existence of professional structure and culture, and the risks of not respecting professional ethics.

c. Sophisticated and critical audiences: The media organizations, including owners, editors, and journalists, have become aware of the value and importance of trust of the readers, viewers, and users. To build strong and lasting relationships with their audiences, they must provide accurate and reliable news content. Additionally, digital

platforms have pushed for the rise of personalized news tailored to satisfy the specific needs and wants of micro audiences across their preferred platforms and devices.

d. Diverse and competitive media landscape: To mark their territory in the midst of the exponential growth of digital platforms, traditional media practitioners are urged to rethink their old ways of doing business and of running a media organization when it comes to the production and delivery of their media content, using social media such as Facebook and Twitter and news aggregators such RSS (Really Simple Syndication) and Google News (Ibahrine, 2019). The co-founder of Hespress, a leading news website, described the dominance of this emerging news ecosystem by social media as "Facebook news". Hassane El Guennouni said that one of his objectives is to distinguish his news website by providing accurate information and integrating multimodal formats and news 'platformization.'

e. Unprecedented institutional dynamism: One of the most recent and most critical institutional developments is the establishment of the NPC in 2018. For the first time in Moroccan media history, this institution introduced the experience of self-regulation to Moroccan media. Another institutional dynamism concerns the creation of professional associations. Regardless of their conflicting financial and ideological motivations, these professional associations will likely create a debate about the sustainability and viability of business models, quality journalism, and media accountability.

On the other hand, media accountability is curtailed by more downbeat factors. Despite their diverse affiliations and editorial orientations, the interviewees have anonymously underscored the following inhibiting factors:

a. Vulnerability of the business model: Moroccan media organizations depend on advertising (not transparently and equitably allocated) and governmental subsidies. Both resources encourage official patronage and defer surveillance and criticism. In this sense, media accountability is seriously undermined since media organizations cannot 'bite the hands that feed them.' Besides, a business model that is contingent of government subsidies, vested economic interests, and corporations' control can weaken editorial independence –a primordial prerequisite of media accountability.

b. An unstable political regime: At times, the margins of freedom seem broad and permissible. More often, however, journalists are confronted with heavy censorship, administrative maneuvering, and expanded redlines.

c. Constraints on investigative journalism: It is not always easy for Moroccan journalists to access information in executive institutions and administrative departments; especially after the Law of Access to Information (2014), which contains 13 types of official proscriptions. Additionally, not all Moroccan media organizations possess adequate tools, technologies, and logistics of investigation. More importantly, investigative journalists are viewed by the authorities with suspicion, mainly when they scrutinize politically sensitive issues or events (the case of Hamid El Mehdaoui, who was recently released after spending three years in jail and the still-unraveling case of Omar Radi).

d. Inadequate professional qualification: Over 600 of the licensed news websites' owners, for example, do not have formal training and professional qualifications. Some schools and institutes of journalism still teach with outdated programs, curricula, and pedagogies.

e. Low readership: With severely declining reach and revenues, many legacy newspapers have been compelled to adopt digital-first publishing strategies or disappear. Low readership does not mean low interest in the consumption of news content. Inversely, Moroccans are increasingly more connected and more informed than ever. They have moved to online venues, digital platforms, and social networking websites in masses. They do not look for news; news reaches them wherever they are. For traditional media, this mutation in reading habits poses serious challenges for them to cope with.

f. Side effects of news digitalization: The exponential growth of news websites (between 2500 and 3000 in Morocco) has negatively affected media accountability. One of the most acute problems is the spread of fake news, misinformation, and sensationalism. The race for 'views' and 'likes' pushes several sources to pay minimal attention to ethics in journalistic practice. As a result, public opinion, which is more and more influenced by unsubstantiated and unauthenticated news, becomes a negative factor for professional media practitioners.

g. Low social image of professional journalists: Over the last few years, the image of professional journalists has witnessed a decline for several reasons. A few respondents have pointed out that journalism has become fluid in Morocco and pseudo-professionalism has become a serious concern. Anyone may call herself or himself a 'journalist.' Consequently, errors in reporting, discourse, and mechanics have become alarming in their frequency and intensity. Plain and dry news delivery has taken over depth of analysis and eloquence in aesthetics and style. Few names are known and followed these days for their analytical and rhetorical competencies.

2. The practice of self-censorship is considerably high

Self-censorship entails journalists' full consciousness of the limits of critical and investigative reporting in a challenging socio-political environment (El Kadoussi, 2020). Out of fear of retribution, journalists deliberately avoid sensitive issues or proceed by glossing or maneuvering over them. While eight out of 10 evaluated self-censorship "rather high," one respondent said that it is "average." Only one interviewee considered it "very high." Most respondents confirmed that they self-muzzle, albeit rather out of compulsion, not out of choice. This confirmation bears two serious implications for media accountability in Morocco. First, self-censorship and accountability are mutually exclusive. Whereas self-censorship is about avoiding investigative and critical reporting, media accountability is about ensuring that reporting is well investigated and well-grounded. Second, media accountability implies bearing in mind the likelihood of being questioned by diverse publics and institutions. In contrast, media self-censorship suggests taking into account the likelihood of being penalized by the censor. Self-censorship reigns in an atmosphere of repression, fear, and anxiety, but accountability reigns in an atmosphere of freedom, courage, and certainty.

3. Most media accountability instruments exist but are inefficient

a. Associations of journalism exist but for reasons other than an instrument for the promotion of media accountability. Lately, there has been an important dynamism in journalists' associations and civil society organisms: the revamping of an already established federation and the creation of a new association. Contradicting the over-ambitious objectives, they set in their charters are their genuine motivations to compete over the recent government subsidies (200 Million Moroccan Dirham, the equivalent of 180.000 Euros) to support the media sector severely damaged by the COVID 19 pandemic.

b. Unions of Journalists fail to protect journalists. First, they fail to unify all journalists under one institutional umbrella with a clear and well-defined mission. Second, what they do best is write annual quantitative reports on problematic instances and abuses against journalists. They are very often inefficient even in preserving the livelihood of journalists who get dismissed unjustly by their superiors. Above all, they are utterly unreliable in protecting critical journalists from administrative harassment (the case of Hamid El Mahdaoui is an example).

c. The National Press Council is too new to judge. Though professional partners consider it an all-encompassing organic authority that initiates significant projects such as self-regulation and professional advancement, the interviewees state that two years are not enough to gauge the efficacy of the National Press Council. A few interviewees seem less enthused by the advent of the new institution since its composition includes a representative of the government, and its leadership was also the leadership of the National Union of the Moroccan Press.

d. Ombudspeople, letters/emails to the editors, publishing of corrections, media NGOs, and donors may exist, but their effect is limited.

e. Most respondents claim they publish corrections to mistakes and inaccuracies after double-checking. Still, they consider the impact of publishing corrections on media accountability strictly minimal.

f. Relatively more important are professional journalists' code of ethics and media organization's internal code of ethics. Most of the interviewees insist that these instruments are likely to bring about more media accountability in Morocco if respected.

4. Social media remain by far the most efficient media accountability instrument

To the 12 instruments listed in the survey, all partners add social media as a more efficient media accountability instrument. With the rise of social media activism, blogging, and 'citizen' journalism, citizens are playing an active role in the process of making the media more accountable to the public. Facebook, WhatsApp, and YouTube remain the three most predominantly used social networking websites in Morocco. Online users serve as watchdogs to media professionals, and most unpro-

fessional or unethical actions by the media are reported and commented on. When it comes to the continuous monitoring of media content quality, social media criticism seems to have a higher impact than traditional instruments, as suggested by most interviewees. Empowered by digital platforms built on user engagement, these new instruments are likely to further develop and thus enhance media accountability in Morocco.

The 2M "Sabahiyat" show and an Al Ayam news article are two cases in point. In November 2016 and on the occasion of the International Day for the Elimination of Violence Against Women, the 2M TV show "Sabahiyat" featured a tutorial to show women how to cover facial bruises of domestic violence with makeup. This episode triggered a wave of criticism and protest from social media users and led to the TV station issuing a statement of apology. HACA, the media accountability instrument for the broadcast sector, did not issue a statement to criticize the show. It was the public empowered by social media that did.

In January 2019, a journalist at Al Ayam interviewed an orphaned 7-year-old girl about her experience of her mother's murder. The event triggered a vast wave of criticism from social media users and activists who have denounced the unethical practices of the journalist. This is another example that shows the power of digital platforms in providing the public with mechanisms for oversight over journalists' transgressions.

Two very recent cases were Maroc Hebdo's publication of an image insinuating that Sub-Saharan immigrants have brought Covid-19 to Morocco and the release of the government's intention to issue a law restricting citizens' use of social media. These cases instigated massive reactions of indignation and criticism on social media, after which respective media sources had to issue formal apologies and even sanctioned those held responsible.

5. The government remains the principal source of media regulation

On the one hand, regardless of their diverse structures and formats, all media organizations have to respond, for licensing, creation and operation, to technical requirements and bureaucratic prerequisites underlined by different governmental departments like Home Affairs, Communication, Commerce and Industry, Justice, HACA, and Cinematographic Center. On the other hand, legal charters like the Penal Law, the Press and Publication Law, and the Law Regulating Access to Information set strict guidelines for 'correct' journalistic practice for media organizations. According to all contributors, these governmental media regulatory instruments do not foster media accountability as much as they restrain it; they neither support nor inhibit it. Complex bureaucratic procedures and binding laws, unalterably overwhelming as they are, exert pressure and censorship on journalists and compel them to self-censor (El Kadoussi, 2018); they do not serve accountable journalism.

6. Access to information is limited, unfair, and inequitable

The Law Regulating Access to Information issued in 2014 underscores 13 intransigent restrictions on diverse types of 'national security' information. However, most interviewees confirmed, state-controlled broadcast media are always more privileged than print media or news websites. Pro-regime print media, commercial radio stations, and news websites have more access to information than others.

7. Editorial independence is partial and questionable

All interviewees confirm that the conditions favoring media independence have not yet been achieved. Editorial independence cannot hold without financial autonomy and real constitutional guarantees of free speech (El Kadoussi, 2016). Media organizations in non-democratic contexts perpetuate a culture of dependence, partiality, amateurish, and anti-professional journalism. We cannot hold journalists accountable for the quality of their reporting when the existing laws prevent them from doing so. The lack of ethics-based journalism in Morocco is a consequence of the old habits of the regime.

8. Media self-regulation is not operational yet

Although media self-regulation is a project underway, at least for the last two years, very often, resorting to general prosecutors and courts is still the norm. Two years after the National Press Council's creation, many journalists are still being taken to court, and some are currently in prison. The state has adopted a new strategy to silence the most critical voice without triggering criticism from international human rights organizations. The state charges journalists with crimes related to their personal lives, such as rape, extramarital sex, or even abortion. This scandalization of the journalists' private lives has been a systematic strategy implemented by the authorities to silence 'annoying' and 'insolent' journalists ever since the hard-won Media Law of 2016. The law is considered more progressive than that of 2002 because it replaced prison sentences with fines.

‖ SUMMARY

For media accountability to improve and consolidate, the interviewees recommend a multi-stakeholder approach. All stakeholders, media organizations, media accountability institutions, and the journalists have a share of responsibility:

For media organizations:

- Sustainability of media business models

- Investment in digital technologies

- Restoring the social responsibility functions of media organizations

- Restoring the watch-dog functions of the news media

- Improving the socioeconomic conditions of journalists

For media accountability institutions:

- Genuine self-regulation

- The elaboration of a comprehensive code of professional ethics

- Ensure the editorial independence of journalists

- Independence from political influence and economic interests

For journalists:

- Continuous professional training and upskilling

- Responding to the audiences' sophisticated needs and expectations

- Restoring the image of journalists as reliable and trusted source of news

- Capacity-building to overcome the disruptive nature of digital technologies

1. Analytical view on the status quo of media accountability instruments in Morocco

The main obstacle to media accountability in Morocco is the non-democratic culture of the country. The state uses democratic institutions to reform its media system while entrenching these institutions in a multilayered architecture of control, namely the unrepresentative appointment process of its decision-making bodies and the repressive media laws. The struggle in journalism has focused for many years on the fundamental issues of press freedom. Journalists needed to feel safe to do their work, so the questions of ethics and accountability became secondary. Self-censorship for Moroccan journalists is a far more urgent concern than self-regulation.

The challenges facing digital media today are far more serious. The type of journalism most Moroccan news websites produce consists primarily of a mix of PR and sponsored content, fabricated content, and poor journalism (Zaid, Ibahrine & Fedtke, 2020). This dismal picture is the result of several factors, including the fierce competition over audience attention, the logic of algorithm-driven platforms, and the integration of the editorial, marketing, and analytics functions in the digital news industry. The impact of platformization elevated the importance of audience preferences in defining news quality. The value of news stories is no longer based on the standard quality but a range of metrics, including the number of visits, hits, and views. More sophisticated instruments of media accountability must be in place to provide further protection to the public.

2. What might be needed for future endeavours

Disruptive technologies aggravate the fragility of the Moroccan media's business models, despite the government subsidies. Moroccan news websites depend on revenue streams built on the commercialization of media platforms such as Google, Apple, Facebook, and Amazon (GAFA). Reliance on social media platforms has created a major structural shift in news production, distribution, and monetization. The tech giants deprive local news websites of vital revenue streams and sources. A local business in Casablanca will achieve a higher yield return on investment when it advertises with Google and Facebook than with a local news organization. The former will deliver local customers to the local business in a more efficient way than a local news organization serving the local news needs of the same local customers. This situation has had severe consequences for the revenue streams of news websites. Digitalization has been making the profession of a journalist in Morocco more volatile and insecure.

In conclusion, compared to other Arab countries, the Moroccan media landscape is characterized by some MAIs, including the NPC, HACA, and dynamic digital media activism. HACA and the NPC currently represent two serious initiatives to establish a culture of accountability in the country. While HACA has proven to be an instrument serving the state more than the public, it is too early to judge whether the NPC will bring about the desired changes to the profession. Empowered with digital technologies, participatory audiences seem to be, for the time being, the most effective instrument of media accountability ■

SYRIA

MAI IN SYRIA:

**By Judith Pies
and Philip Madanat**

PREFACE

The war in Syria is in its tenth's year in August 2020 and violence is still prevailing. The Assad regime and its allies control more than two third of the Syrian territories again. Yet, a few parts remain under the Kurdish control (North-East), and the jihadist Nusra control (Idlib area). In addition to a multitude of internal and external militias, five regional and international powers show military presence in Syria: Iran, Israel, Russia, Turkey and the US (Asseburg, 2020).

While the media in the contested areas have been constantly working under war conditions, the media in the Assad-controlled territories face the stiff authoritarian harassment and violence well known from the 2010 pre-war era. Even journalists working for the pro-governmental media organizations have been harassed frequently in recent times, particularly for touching issues of corruption within the Assad-held regions or the rising of fuel prices. The regime cuts off Facebook-pages, arrests journalists and even forces them to delete posts on these issues that were published already a while ago. Journalists are more critical on Facebook but have started to delete articles fast after publication (RSF, 2019a).

In the Kurdish self-administered area in North-Eastern Syria conditions have been relatively stable for a few years apart from inner-Kurdish rivalry. How this will continue after the Turkish military intervention in late 2019 is not yet clear. As many Syrian journalists and media activists had to flee from Syria in the last ten years, a Syrian exile media landscape has emerged in the neighboring countries particularly Turkey and in Europe. According to a recent media map by the Syrian Center for Media and Freedom of Expression (SCM) exile media make up 34% of all Syrian media organizations (SCM, 2020)(1).

Flight and territorial separation have also left its mark on media use. Audience research from international organizations have found different media usage patterns related to the place and structural conditions under which people live. The German organization Media in Conflict and Transition (MICT) for example, divides audiences into seven areas in and outside Syria, that in some points make a difference for media use (Fiedler et al., 2014, 2016)(2).

1. For more details on the media landscape in the Kurdish-held areas of Syria see De Angelis & Badran, 2019a; 2019b; 2019c; 2019d.

2. They are: government held areas, contested areas, rebel held areas, refugee camps in Lebanon and Jordan, refugee camps in Turkey, people living outside refugee camps in Turkey (Fiedler et al., 2016). One could add Syrians living outside neighboring countries.

The different and sometimes fast changing working conditions for the Syrian media as well as divided audiences have to be taken into account when analyzing the status quo of media accountability practices in the different 'Syrias'. As the authors have researched media accountability in Syria already before the war (Pies & Madanat, 2011), we take these earlier findings as a starting point to see how ten years of war has changed the situation in terms of holding the media to account.

I

EXISTING MEDIA ACCOUNTABILITY INSTITUTIONS AND ORGANIZATIONS

Several contextual factors have hindered a sound development of media accountability practices off- and online in Syria before the war: State regulation and laws were so strong that independent media accountability practices were impossible. The commanded social function of journalism to be regime advocates did not allow for a stakeholder concept, e.g. the public, in which the media have to be accountable to more actors than those representing the center of political power. Ownership structures and the lack of a competitive offline market prevented most media outlets from establishing media accountability tools for economic reasons (Pies & Madanat, 2011).

Yet, some online activities in late 2010 already signaled that a younger generation of Syrians was ready to contest the old socialist-Ba'athist concept of journalism. Given the orchestrated monologic news agenda in the Syrian news media, some actors started to hold the official, state-owned media accountable to what they do NOT publish. They created an alternative agenda and introduced instruments of responsiveness such as readers' comments or user generated content and thus contributed to challenge the existing definition of journalism. Individual actors outside the media have triggered cases, in which activists forced the official media via Facebook to follow on topics they previously ignored (ibid.).

After 2011 there has been a true explosion of media platforms promoting a "break-with-the-past attitude", which often goes hand in hand with a political party affiliation (Trombetta & Pinto, 2018). The turmoil of war has been hindering media activists and journalists to focus on stronger professionalization and institutionalization until today. A study by SCM shows that most media outlets that existed by the end of 2019 have developed "institutional visions, missions and goals of their work" on an administrative and organizational level, but were suffering from a lack of financial resources (SCM, 2020, p. 61). This is another important precondition which needs consideration when analyzing the media accountability practices in Syria of today.

1. Press Council/Media Council

In 2011 President Bashar Al-Assad approved a new media law, which established a National Media Council (NMC). It set conditions for private media licenses, issued them and specified rules for financing. Monitoring its rules was also among its duties. It was not independent and served as a mouthpiece for the government including the spread of propaganda (Trombetta & Pinto, 2018). It was dissolved again in 2016 (see chapter I.6). An independent self-regulatory media council does not yet exist.

But there is Mithaq Sharaf (Arabic for: Code of Ethics) – also translated as Al-Methaq, a Syrian network that currently encompasses 32 Syrian media institutions, which commit themselves to the Ethical Charter for Syrian Media. Mithaq Sharaf supports member organizations in ethical issues and non-members to join the network. The Charter Commission aspires to consolidate the principles of the Ethical Charter in the Syrian media scene. Among its duties is "receiving, studying and handling public complaints regarding the media content of member institutions."(1) Whether this can be called a media council in a self-regulatory sense needs further observation in the future.

2. Ombudspeople

The concept of ombudspeople as an accountability instrument on the organizational level, requires an advanced process of institutionalization of media organizations. In Syria, this process is still in its early stages as an analysis of the post-2011 media organizations by SCM illustrates. Legal certainty and financial sustainability are among the main obstacles to the establishment of media accountability practices on an organization level. At least, 90% of media outlets established after 2011 have "clear visions, missions and goals" available to their employees as well as the public. And most offer a communication channel for the audience (SCM, 2020, p.61). But no outlet employs an ombudsperson or works with a listeners' or audience' council as in Jordan, for example.

3. Professional Journalists Associations and Unions

The Union of Journalists in Syria (UJS) was established in 1974 as part of the General Federation of Trade Unions. All these nominal independent unions are controlled by the Arab Socialist Ba'ath Party. In its charter it states 16 aims among them traditional trade union issues but also settling professional disputes. Instead of being an instrument of media accountability the Union of Journalists has been providing the government another tool of state control. Working in Syria as a journalist requires the membership of the UJS, for example (Trombetta & Pinto, 2018).

After the beginning of the Uprising in 2011, Syrian journalists opposing the Assad regime established the Syrian Journalists Association (SJA) in 2012. It is registered in France and intends to oppose the Assad regime-controlled UJS. The founding principles state that the association promotes multi-ethnic routes to journalism, i.e. membership is open to all minorities (Trombetta & Pinto, 2018). Their mission is to "enable the professional and ethical journalism and to create an independent environment for the Syrian media sector through continuous training, the abolition of laws that restrict the press and affect the performance of Syrian journalists with a view to developing social dialogue and enhancing awareness of the press as a fourth

1. Al-Methaq Website https://almethaq-sy.org/ar

authority responsible for development without hindrances."[1] The association is mostly run by journalists in exile. The newly established SJA has initiated the Ethical Charter for Syrian Media. By October 2020, 32 media outlets (out of 162 according to a study by SCM in November 2019) have joined and accepted this code according to the website that promotes the issue of compromising on a joint codex[2] .

In 2013, the Erbil-based Kurdistan Journalist Syndicate (KJS) established a branch in the Kurdish-controlled area of Northern Syria intending to represent journalists from the Iraqi Kurdish and the Syrian Kurdish territories. Its acceptance among Syrian journalists is unclear as is its future after the Turkish military intervention in 2019. The Facebook-Page is still active unlike its website[3].

4. Broadcast Regulator

In 2001, the Publication Law gave way for the licensing of private media. First private broadcasting started on 2006 with a satellite channel. Broadcasters were allowed to broadcast entertainment only, no news. Private owners were businessmen close to the political power center, among them at first place Rami Makhlouf, the cousin of the president Bashar Al-Assad (now ostracized by his former supporters). In 2011, president Bashar Al-Assad approved the new media law, which established a National Media Council (NMC). It sets conditions for private media licenses, issued them and specified rules for financing. Monitoring its rules was also among its duties. It was not independent and served as a mouthpiece for the government including the spread of propaganda (SCM, 2020, Trombetta & Pinto, 2018, Nötzold, 2015). It was abolished five years later in 2016 and regulative authority relegated back to the Ministry of Information.

In the Kurdish-ruled area, the Kurdish Supreme Committee (the governing institution for the Kurdish majority area in Syria) commissioned the Union of Free Media (UFM) to facilitate media operations. It is the only body overseeing media organizations that want to work in that area. Some reports refer to it as a kind of "Information Ministry" (RSF, 2016; Trombetta & Pinto, 2018), though the UFM strongly rejects such a categorization and stresses its independence[4].

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1. Website of the SJA: https://www.syja.org/en/home/about-us/31/advance-contents/30507/association-goals

2. Website of the Charter https://almethaq-sy.org/en publishes the names of organizations that have signed the charter and publish the charter itself https://almethaq-sy.org/ar/ethicalcharter

3. Facebook-Page of the Kurdistan Journalists Syndicate in Syria: https://www.facebook.com/SRKurdistane/

4. For a detailed answer by the UFM to a RSF report accusing the UFM to be a "Ministry of Information" see the UFM Facebook-Page https://www.facebook.com/YRA.FreeMedia/posts/a-clarification-by-union-of-free-media-regarding-the-report-of-the-organization-/553899831383081/

5. NGOs and Media Related Organizations

Since 2011, several initiatives to monitor the media have come into existence to track the media's adherence to professional standards such as transparency, conflict sensitivity, representation of women's issues, xenophobia etc. They also monitor violations perpetrated against media freedom and the freedom of expression. The Lebanon based organization SKeyes tries to bring them together by reposting violations against journalists[1].

None of the non-governmental organizations has specialized in media accountability practices, but many have missions and activities relevant for such. Most are registered outside Syria or are branches of international organizations such as the Journalists for Human Rights. Among them are:

◖ Accuracy Press Syria

Accuracy Press Syria monitors the state of the Syrian media and the role they play in supporting or hindering the development of peace and a democratic society. It offers training to experienced and non-experienced Syrian journalists in Syria and abroad, provides training materials and has established a national award for Syrian journalists. https://www.accuracypress.org/en/

◖ Mithaq Sharaf (Ethical Charter for Syrian Media)

Mithaq Sharaf (Arabic for: Code of Ethics) is a Syrian network that currently encompasses 32 Syrian media institutions including newspapers, printed magazines, radio stations, a television channel, news websites and news agencies. It aims to "enhance the ethical and professional dimension of the cadres of member practices, with the aim of producing media content free of hate speech, rich in the values of gender equality, accuracy, credibility, integrity, and fairness." The Charter Commission is currently licensed in Turkey and supports member organizations in ethical issues and non-members to join the network. https://almethaq-sy.org/ar

◖ ASML/Syria

ASML/Syria is a French-Syrian organization that supports the development of independent journalism and media in Syria. Among its aims is to support journalists to become "the backbone of the Syrian progressive civil society". Their activities include capacity building projects for media organizations, research on media audiences and community, or support programs for women's carriers in journalism. www.asmlsyria.com

◖ Journalists for Human Rights

Journalists for Human Rights is a Canadian-based organization that has been working with Syrian media organizations in the Middle East since 2017. Its mission states: "improve the skills and capacity of Syrian journalists and independent Syrian

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1. Samir Kassir Foundation Website: https://www.skeyesmedia.org/en/News/News

media to cover human rights issues." JHR offers capacity building activities for journalists, training and networking to bring the issue of human rights onto the media agenda. https://jhr.ca/our-work/syria

● Syria Justice and Accountability Center (SJAC)

The Syria Justice and Accountability Center is a human rights watch organization. It monitors and documents human rights violations and makes data available for journalists. It also trains on human rights including media freedom and freedom of expression. https://syriaaccountability.org/

● Syrian Center for Media and Freedom of Expression (SCM)

The Syrian Center for Media Freedom of Expression is one of the few organizations that was already active in media accountability practices before 2011 (Pies & Madanat, 2011). Established in 2004 and registered in France its mission is "to defend oppressed individuals due to their beliefs or opinions, as well as promoting human rights and supporting and developing independent, critical and professional media." SCM monitors freedom of the media and is also engaged in combatting hate speech and incitement to violence. It provides research on the media situation in Syria and draws recommendations from it for legislation and practical media work. https://scm.bz/en/

● Syrian Female Journalists Network (SFJN)

The Syrian Female Journalists Network is registered in The Netherlands since 2013. It seeks "to build bridges between media and the Syrian women's movement" and "to realize a positive social change in thinking and behavior with respect to matters surrounding gender justice and equality." Their activities strive to empower particularly women working in the field of media and raise awareness for gender equality and women's issues in the media. http://www.sfjn.org/

● Syrian Journalists Association (SJA)

Syrian journalists opposing the Assad regime established the Syrian Journalists Association (SJA) in 2012. It is registered in France and based in Paris and Istanbul. Its aim is to "enable the professional and ethical journalism and to create an independent environment for the Syrian media sector". It publishes members' articles, initiated the Ethical Charter for Syrian Media, provides annual monitoring reports and supports members. https://www.syja.org/en/home

● Media Legislation

Syrian media legislation is one of the most restrictive in the world. International press freedom reports such as Freedom House[1] categorize Syria as "not free", and

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1. Freedom House's Freedom in the Word 2020 report ranks Syria's Global Freedom Score at 0/100, and Internet Freedom Score at 17/100 see https://freedomhouse.org/country/syria/freedom-world/2020.

Reporters without Borders maps Syria as in "very serious situation" ranking it at 174 out of 180 countries (Freedom House, 2019, RSF, 2019b).

When the Ba'ath Party took over power in Syria in 1963, it developed a new constitution that was enacted ten years later in 1973. Therein the media are defined as mobilization and propaganda tools for the ruling Ba'ath-Party. Journalists are obliged to show absolute loyalty to the state and the Ba'ath Party. Until 2001, only state media were allowed (Nötzold, 2015).

When Bashar Al-Assad followed his father, Hafez Al-Assad, as president in 2000 he initiated some halfhearted reforms. Among them were the Publications Law No.50, which modified Law No. 35 of 1949 and allowed private ownership of the media. Although it succeeded in licensing more (online) media outlets than ever before, it did not allow for independent or free media. Too many old and new restrictions remained. Among them provisions of the 1949 Penal Law that directly restricts media content or the newly introduced duty for journalists to reveal their sources, a dangerous endeavor for all people talking to journalists in an authoritarian context such as Syria. When the first private, commercial television and radio were allowed, only businessmen close to the regime received licenses and broadcasters were only allowed to publish entertainment and advertisement, but no political content or news. Three years later, the regime decided to apply the Publications Law on online media, too, for having a closer control on online-content. In addition, social media such as Facebook and YouTube were blocked until a few months before the Uprising (Trombetta & Pinto, 2018, Internet Legislation Atlas, 2015, Taki, 2012).

After having come under pressure in 2011, Bashar Al-Assad issued a new constitution and a new media law. While the media law granted in article 35 the right to establish a media outlet for everyone, it also established the National Media Council (NMC) that worked as a restrict license and censorship system. It was abolished five years later in 2016 and regulative authority relegated back to the Ministry of Information (see section on Broadcast Regulator).

Internet legislation comprises nine different laws, of which the Cyber Crime Law is of particular relevance (Internet Legislation Atlas, 2015, SCM, 2020). The law was issued in 2016 and amended in 2018 by designating specialized courts of first instance for cybercrime-related cases. Watchdogs contend that "the law thus unfairly criminalizes online freedom of expression and opinion; and the creation of specialized courts further threatens the status of online freedoms in Syria."[1] It provides a legal basis for website filtering and blocking as well as collecting traffic data on private internet use (Internet Legislation Atlas, 2015).

1. See for example the critique by the Gulf Center for Human Rights https://www.gc4hr.org/news/view/1861

II

SURVEY RESULTS

The following paragraph outlines the results of a survey conducted on behalf of the Erich Brost Institute in July 2020. The authors of this report sent out the pre-designed questionnaire via E-Mail to 25 people, of whom 17 answered. The list of potential respondents included journalists, representatives from different media organizations and NGOs as well as bloggers who are involved in practices of media accountability. We translated the questionnaire into Arabic to reach out for a wider sample.

The final sample is not representative. According to the outlined conditional differences, we aimed at reaching out for potential respondents from all areas relevant for Syria's media landscapes. For safety reasons, journalists and activists inside the Syrian territories were much more hesitant to answer than those outside Syria. One potential respondent wrote back: "I am in Syria and for me to participate in such an activity [the survey] cost me to visit the Mukhabarat [secret service]". Due to such safety risks, we decided to cite all interviewees anonymously.

As the sample of respondents is not big enough for considering all conditions, we only differentiated between respondents

a) inside the Assad regime-controlled Syrian territories (4 respondents),

b) outside the Assad regime-controlled Syrian territories including the Kurdish-ruled North-East and the Idlib area (2 respondents),

c) outside the Syrian territory, i.e. exile media including exiled outlets in Turkish refugee camps, in Turkey and other European countries (11 respondents)

Whenever answers differ along the three groups, we consider that in our analysis.

1. Different Media Realities – Differing Perceptions of Media Accountability

It is obvious that the different media realities evoke differing perceptions of media accountability. In some cases, data is hard to interpret because it is not clear to which reality the respondents refer to. Although there is a regulatory framework for audio-visual media (Q7) in the Assad regime-controlled territories, which 10 respondents confirm, 4 say there isn't, 3 choose "no answer". There are two ways of interpreting: Either the respondents don't know about it, because they live abroad or in non-Assad-regime-controlled areas or they refer the "no" to their working conditions, e.g. in the Idlib area.

Other responses differ but not along the different 'Syrias'. Why do 4 respondents say that the media council is a self-regulatory body, while 12 say it is not and 1 picked "no answer"? Respondents differ in their rating of whether media accountability is important in the journalists' mindset in Syria. 4 say yes, it is important, 5 say it isn't and 6 say it is partly important. They don't agree on the evaluation of differences between private and state-owned media either: 10 say, yes, there are differences, 7 say there are not. They are not even united on the rating of whether media-related laws support or inhibit the news media to behave in an accountable way. 8 say the laws fully or rather support media accountability, 2 say they don't and 7 say they neither support nor inhibit it.

There is one question on which almost all (16 out of 17) agree: They don't think that "the government, parliament and the courts are open to the media in a fair and equal way under the current situation" (Q8). This corresponds with what media observatories regularly report. Violence, prosecution, harassment and threats are practiced by the Assad regime to control media outlets – even with those in favor of the regime (see Preface).

The evaluation of editorial independence is also quite similar. Out of the 17 respondents 10 think, there is no editorial independence and 6 say it exists only partly and only one thinks there is something like editorial independence.

Pies interprets such differing perceptions on media accountability as an indicator for a change in the normative basis of journalism (Pies, 2014). This would support the conclusion that the authors draw in 2011, when they researched media accountability in Syria for the first time: "Media Accountability in Syria is more a question of re-defining the role of media in society than working on transparency practices or establishing self-regulation. This is due to strong state control and the mobilization role mass media has been playing in Syria for decades." (Pies & Madanat, 2011, p. 2) Yet, one should be cautious as the questionnaire was not sensitive enough towards the current context to justify such an argument statistically.

2. First Experiences with Media Accountability are Promising

All in all, the efficiency of media accountability instruments in Syria is evaluated low, that means the majority of respondents says the respective instrument's efficiency in holding the media to account is very low or rather low (see Figure 8.1). The only exception are company codes. Only 7 respondents rate them rather or very low, while 8 think their efficiency is average and one says it is rather high. In addition, there are a few instruments that 2 or more respondents evaluate rather high or very high: professional codes, media NGOs, lawyer associations, media observatories and international donors. All these instruments have been partly practiced in the last years particularly in the non-Assad-regime-controlled areas. Therefore, we suppose that those respondents who have experienced such initiatives rather evaluated these media accountability instruments in the survey as having a "high" efficiency.

Figure 8.1 Evaluated efficiency of Media Accountability instruments in Syria
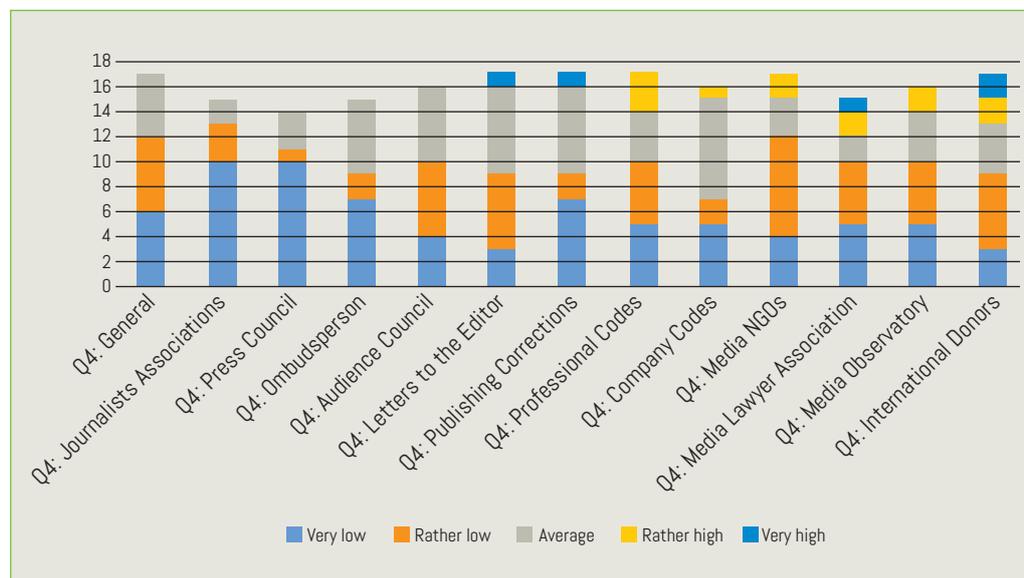
This interpretation is supported by the answers on question 1: "What are factors that support media accountability in Syrian news media?" (see Figure 8.2) Respondents mention among others, that partnerships with international organizations and donors' conditions for funding, e.g. to avoid hate speech or to respect gender issues, enabled the media to act more accountable. Furthermore, the initiation of a process for working out a professional code of conduct during the last ten years is mentioned as a fruitful way towards more media accountability.

3. Social Media and the Relation to the Audience

According to the SCM study, 90% of media outlets established after 2011 have "clear visions, missions and goals" available to their employees as well as the public (SCM, 2020, p. 61). This is a clear sign that a majority of outlets feels obliged to spell out their mission to their audience.

In our survey, 5 respondents said, their outlet provides feedback options for the audience and ten said they would partly. Only one said, that the outlet he/she is working for doesn't provide a feedback channel and one said "no answer" (Q12b). The same answer pattern can be found for the perception of social media. 5 respondents say yes, when they are asked: "Do you think that social media are important in your country as a forum for debate on quality/misconduct of the news media?" 10 respondents answered social media was partly important and only one said, it wasn't at all (Q14). The findings allow to conclude that a certain awareness for responsive practices does exists against all odds.

4. Limiting Factors are Overwhelmingly High, Though Enabling Factors Exist

Not surprisingly, the respondents rank the ongoing war and violence paired with a lack of political stability as the most important factor limiting media accountability in Syria. Daily work isn't safe and the economic situation of journalists and media organizations alike is scarce. The fight for survival limits the priority of media accountability practices.

In those areas controlled by the Assad regime, the restrict legislation for the media is still a problem. In the other areas the missing legislation causes insecurity and limits the institutionalization of media outlets and hence, the development of media accountability measures. Respondents point out that missing freedoms on all levels, such as freedom of expression, freedom of information, freedom of move hinder them to work professionally.

Although the Uprising and the anarchy that has followed opened the way for the establishment of many media outlets, the respondents point out that it rather supported partisan media than objective reporting. One respondent said: "Partisanship among media outlets, journalists and its audiences and a lack of acceptance of independent reporting limit the establishment of media accountability in all parts of Syria". Financial shortage and a lack of technical equipment is another heavy burden for journalistic work.

Respondents' perceptions of the enabling factors seem reflective to their liminal state following a decade of conflict, and more generally to the resulting weltanschauung. These factors can best be understood vis-a-vis the limiting factors – the belligerent situation in Syria is both a challenge and an opportunity. The enabling factors are the telltale of what a situation of 'creative anarchy' [to avert the politically-laden 'creative chaos'] begets when the boat is being rocked. Not simply because journalists are ipso facto in their liminality, but also because of their awareness of the people's appetite for factual information. Apparently, the factors (see Figure 8.2) speak of a need for a 'third party' such as international organizations as a scaffold for more awareness and empowerment to reach a more media accountability responsive culture.

Figure 8.2: Overview of enabling and limiting factors for Media Accountability

Enabling Factors Mentioned by Respondents	Limiting Factors Mentioned by Respondents
• Partnership with other (international) organizations • Development of professional capacities (in exile) • The huge number of media outlets that came up after the revolution in 2011 • Experience of freedoms during periods of absence of Assad regime-control • Initiation of working out a professional code of conduct during the past ten years • Winning back trust and respect for objective reporting from people after decades of state-orchestrated media • Awareness for people's information desire among journalists • Increased sensitivity among the audience for true and false information • European funding bound to accountability issues, e.g. avoidance of hate speech and gender respect.	• Chaos in the shadow of war and revolution. • Political and ideological power over media. • Financial uncertainty on an individual and organizational level. • Lack of political stability and peace. • Lack of laws and regulation and legal certainty (rule of law). • Lack of safety in daily work. • Lack of technical equipment. • Lack of freedom on all levels (to move, to speak out, to publish, to access information). • A dominant culture of fear. • Poverty and the poor national economic situation. • Dependency on foreign relations, money and conditions. • Lack of "follow-up" initiatives for developing professionalism. • Lack of experience of professional journalism. • Partisanship among media outlets, journalists and its audiences and a lack of acceptance of independent reporting. • Diversity of potential audiences and competition (mission and audience). • Lack of support for Syrian journalists in their asylum countries. • Political fanatism and racism. • Corruption.

CONCLUSIONS AND IDEAS

The questionnaires' outcomes are limited in representation (also given the reportedly rampant Corona epidemic in Syria-main). Yet, they validate findings from our study in 2011: perceptions of media accountability reflect a controversial re-definition process of the media's role in society. This is all the more so given the respondents' focus on the normative needs, such as agreeing on professional norms in a code of conduct. Several organizations, that are active in such a process and have started to practice media accountability, operate from outside Syria. They might be qualified enough to transfer their experience in reflecting and practicing media accountability to those inland.

Focus for further activities should be where efficiency is average (see the grey pillars in Figure 8.1), namely ombudspersons, audience council, letters to the editor, publishing corrections, company codes. Before taking concrete measures, we recommend more in-depth study on questions such as:

● the negotiation process of working out a code of conduct, or

● the feasibility of media accountability instruments on the organizational level, such as the above mentioned

Responsive practices and intensive social media communication are already on the agenda of media outlets striving for further institutionalization. Media observatories that currently campaign for media freedom and against violence and harassment of media workers, may play a stronger role in the process of negotiation professional norms in the future. We again recommend a deeper analysis for both aspects, responsive practices from inside newsrooms as well as media accountability activities from outside, to base measures on well-grounded data ■

TUNISIA

MAI IN TUNISIA:

By Abdelkrim Hizaoui
Media Accountability in Tunisia

I

EXISTING MEDIA ACCOUNTABILITY INSTITUTIONS AND ORGANIZATIONS

Inaugurating the "Arab Spring" on January 2011, the Tunisian revolution dismantled the mechanisms of government control of the media and abolished the Ministry of Communication. During the ongoing "transition to democracy" era, Tunisia adopted a liberal legal framework for the freedom of expression and press. In the 2020 RSF Word Press Freedom Index, Tunisia is ranking first in the Arab World and 72 world-wide[1].

However, as many observers have noted, "the media was still seen (by political rulers) as a weapon in a political struggle, rather than as an essential vehicle of public participation in the construction of a new political order" (Joffé, 2014)

The democratic transition context has changed the practice of journalism in Tunisia: Wild competition for audience ratings between private channels, populism and anarchy on the public media, emergence of new private masters, business influencers and many kinds of lobbyists, proliferation of disinformation, fake news, hate speeches ...all these breaches of good journalistic practices have made media accountability more necessary than ever.

Regarding the institutional framework, public and professional stakeholders agreed that the broadcast outlets will be regulated by an independent public authority (HAICA) while print and online media should be under self-regulation. For the first time, the terrain is favorable to the establishment of media accountability in Tunisia.

Media accountability and self-regulation of the Tunisian media emerged as public issues just after the fall of the autocratic regime in January 2011. The disappearance of government censorship freed citizens' expression and the media accompanied this movement by turning into free expression platforms. Public media did not take advantage of this freedom as much as private media.

Private radios Mosaïque FM, Shems FM and private TVs Nessma TV and Al Hiwar Ettounsi are audience leaders. The most popular and influential debate programs are those of the private TV channels, which have shown more or less professionalism and attractiveness.

Despite obvious progress, the Tunisian media still have room for improvement in terms of professionalism and respect for ethics. Moreover, several violations of ethical standards are due to columnists, who do not consider themselves bound by the rules of journalistic work.

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1. https://rsf.org/en/ranking

Awareness of the need to set up a media accountability mechanism was worn in 2011 by the actors involved in media reform led by INRIC[1].

At the beginning, there were some ad hoc media monitoring experiences held by the journalists' union SNJT with the support of international cooperation.

On January 26, 2011, an Observatory of Journalism Ethics was created within the National Union of Tunisian Journalists (SNJT). This self-regulation body is expected to report media shortcomings in accordance with the code of ethics and international charters and to release "monthly and annual reports". But it was not until 2013 that an observatory of ethics was really installed within SNJT.

The Observatory's first report released in January 2014, draws up an exhaustive assessment of the violations committed in the print press. The Report recorded around twenty moral and journalistic offenses relating, in particular to "veiled advertising", "the promotion of magic and witchcraft", "the creation and dissemination of false information", as well as "the non-conformity of the title with the content of the text", "the procrastination for not publishing the right of reply to false information or defamation", "the non-apology following false information or defamation of persons or institutions, following technical errors" and " the publication of information without indicating the source".

Among the offenses noted by the report, there is also "the dissemination and publication of false advertising including messages harmful to health, the merger between information and commentary, as well as smear campaigns against journalists or professional organizations that represent them" and finally "the use of filthy language and invasion of privacy".

When presenting the report, the president of SNJT at this date, the late Nejiba Hamrouni, noted that by this work, "the Union thus poses the first milestone of a process of self-regulation". But upon publication, the report was the subject of a fierce hostile campaign by newspaper editors. Obviously, some members of the SNJT board themselves were uncomfortable with the conclusions of this report, which denounces their own newspapers. This is why the report was only disseminated for a short period and disappeared after that.

For the Union of Journalists, the lesson of this experience is that monitoring ethical compliance cannot be done against publishers; they need to have them on board in the self-regulation process. The tripartite Press Council (journalists, publishers and media users) has therefore emerged as the suitable structure for media accountability in Tunisia.

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1. National Authority for the Reform of Information and Communication (INRIC)

1. Press Council

Therefore, the process of creating a PC in Tunisia was mainly carried out by the National Union of journalists (SNJT) and the Tunisian Federation of Newspapers Directors (FTDJ) with the active support of the international organization ARTICLE 19. During the preliminary debates, journalists and publishers has developed two different visions of the role and missions of the PC.

At a conference organized on February 12, 2014, speakers and guests did not reach a compromise on the missions allocated to the Press Council. "Unfortunately, we have not yet reached the stage of self-regulation because we do not even accept self-criticism. We want to create a Mediation Council between the public and the media and not a Council which defends the interests of certain media", said late Nejiba Hamrouni, president of the National Union of Tunisian journalists (SNJT).

On their side, newspaper directors agreed to be co-founders of PC, but with different intentions from journalists and other media accountability actors. Taïeb Zahar, President of the Tunisian Federation of Newspaper Directors (FTDJ), believes that the missions of the Press Council "should not be limited to the ethical question … Well beyond ethics, the Press Council should also be responsible for promoting the sector and regulating it".

In these conditions it was quite complicated to find the appropriate legal form to the projected PC. After discussions, stakeholders agreed to adopt the Belgian model of the Conseil de Déontologie Journalistique, a mix of NGO and public body. Based on that, the following article on the PC was inserted in the draft law of the expected new press code:

"Professional organizations of journalists and owners of press companies as well as representatives of the public create an independent structure called the Press Council, to be responsible for self-regulation and journalism ethics".

The challenge was to create a body with more power than an NGO without being a public entity; a body efficient and able enough to take responsibility for self-regulation and to establish a system for monitoring ethics throughout the media, including broadcasting (Hizaoui, 2016).

The Tunisian Association to Support the Press Council was legally established on February 2016. On October 2016, were selected the five members of its provisional committee and the team of writers in charge of drafting the ethical charter and the Council statute.

On March 20, 2017: Stakeholders announced the creation of the PC, but without effect so far.

Three years later, on March 2020, SNJT called for nominations for membership of the Press Council board. The Press Council Support Association will have to select seven board members according to the principle of gender equity, provided that within the composition there are obligatory specialists in law, gender, written journalism, and audiovisual communication.

According to its provisional statute, the board of the PC is composed of seven members distributed as follows: 2 representative of journalists appointed by the union of journalists SNJT, 3 members appointed by the media owners (print and broadcast media), 2 members representing the public appointed by the Tunisian Human Rights League (LTDH).

These board members are appointed for a 3 years term, which can be renewed only once.

The missions attributed to the PC by its statute are very broad and go beyond the sole prerogatives of ethics monitoring: Help media companies to practice quality journalism, defend freedom and independence of the media, enhance citizens' right to information, provide its advice on draft laws relating to the information and media sector and propose any measure likely to strengthen the press sector, modernize it and develop it.

The lockdown started by mid-march 2020 due to COVID 19 pandemic has slowed the setting of the Press Council, which should be operational before the end of 2020.

2. The Ombudspeople

Before 2011, the ombudspeople did not exist in the Tunisian journalistic tradition.

The first newsroom ombudspeople (called Médiateur) was created in November 18, 2013within the leading private radio station Mosaïque FM. Since then, some other public and private media outlets have launched their Mediator.

A Forum of Tunisian Press Mediators has recently emerged, as part of a project operated by the Erich Brost Institute[1]. A manual of mediators has been produced to accompany the birth of this forum in partnership with Mena Media Monitoring, the High Independent Authority for Audiovisual Communication (HAICA) and the African Center for the Improvement of Journalists and Communicators (CAPJC)[2].

This forum, set up as an association, is currently chaired by the mediator of the national public television. It brings together the mediators of ten press organizations, namely: Radio Mosaïque FM, Radio 6, Radio Twenssa, Radio Regueb(3R), Radio Gafsa, Tunisian Television (Wataniya 1 and Wataniya 2), Radio Djerid, Radio Nefzawa, Radio Kasserine and Radio Jawhara FM.

Thus, these media mediators were largely inspired and implemented by internatio-

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1.http://menamediamonitoring.com/fr/2016/09/08/le-mediateur-un-nouveau-pas-vers-lauto-regulation-des-medias-tunisiens/

2. This manual is edited by Prof. Dr Susanne Fengler, coordinated by Nadia Leihs and Amirouche Nedjaa.
https://ajo-fr.org/journalisme-specialise/naissance-du-forum-des-mediateurs-de-presse-tunisiens-un-nouvel-acquis-mediatique

nal cooperation partners and there is poor information about their performance, given that there is no relevant data released by the media companies.

3. Professional Associations and Unions of journalists and publishers

Tunisian journalists are represented by a single national union, the National Union of Tunisian Journalists (SNJT), created in January 2008 to succeed the Association of Tunisian journalists (AJT). SNJT is a structured, independent and influential organization.

It includes an Ethics Commission which monitors breaches of its ethics charter and investigates complaints from the public.

The journalists' union is the initiator and the main actor of the project to create the Press Council. Therefore, it bears the heavy responsibility of bringing the project to completion, a mission not yet accomplished.

The Tunisian Federation of Newspapers Publishers (FTDJ) created on 27 February 2013, is the second professional actor involved in the creation of the Press Council. This organization does not include the owners of private radio and TV companies and is not as influential as the Union of Journalists. As recorded above, the newspapers publishers are supporting the Press Council project more for its prerogatives in terms of state aid to newspapers than for the monitoring of ethics. As mentioned above, this publishers' union vigorously protested against the study on ethical violations conducted by the SNJT in 2014.

4. Broadcast Regulator

From 2011, Tunisia decides to end government control of the audiovisual sector and to create an independent audiovisual regulatory body. The High Independent Authority for Audiovisual Communication, called HAICA, was created by Decree-law 116 issued on November 2nd, 2011.

The appointment of the nine members of the HAICA Council took place on May 3, 2013, but its activity did not start until January 2014. At the same time, the drafters of the new constitution of post-revolutionary Tunisia have decided to give the regulator of broadcasting constitutional status. Article 127 of the constitution of January 27, 2014 provides for the creation of the" Audiovisual Communication Authority". However, this constitutional body has not yet been created to date (September 2020) and the HAICA continues its mission.

HAICA has total independence from the government, but its statute does not grant it monitoring of ethics, which explains its powerlessness in this regard. For this reason, the PC being set up will have to consider extending its jurisdiction to the ethical issues raised by audiovisual programs.

5. NGOs and Media related organizations

There is not yet in Tunisia a media observatory or an association representing the media users or monitoring ethics breaches.

After 2011, some NGOs were created to defend freedom of the press or to protect journalists, but none to enhance good practices in journalism and only few are relevant for media accountability.

Among them we can mention:

● The Tunisian League for the Defense of Human Rights (LTDH)[1], which manifests itself when a media violates a right or a freedom guaranteed by law. For example, in July 2013 the LTDH asked to stop the broadcasting of a satirical TV program (hidden camera) which consisted in frightening its victims. The LTDH has also often denounced the hate speech broadcast by certain media outlets.

● The Tunisian Association of Democratic Women (ATFD)[2], one of the few independent associations that were tolerated during the dictatorship, has often protested against media that undermine the rights and dignity of women. In January 2015, the ATFD organized a series of workshops in the regions devoted to the image of women in society and in the media. The participants then denounced the very reductive image of women on television, especially in certain television programs supposed to deal with social problems.

● Organizations dedicated to the defense of children's rights: Many Tunisian NGOs are working on children's rights, alongside with a public body called the Observatory of Children's Rights[3]. These organizations call on the media whenever a program or advertisement seems dangerous for children. In 2015, after a series of child suicides, the Observatory called on the media to be vigilant in dealing with subjects related to child suicide and to no longer disseminate photos of children who have committed suicide or of their families.

Let us add that the audiovisual regulatory body (HAICA) has incorporated an addendum devoted to respect for children's rights in specifications that channels must respect.

1. https://www.facebook.com/ltdh.tn/

2. https://www.facebook.com/femmesdemocrates/

3. http://observatoire-enfance.tn/FR/Home

6. Media Legislation related to Media Accountability

Three texts were adopted in the first months after the revolution form the basis of media law in Tunisia: Decree Law 41 on access to information, Decree Law 115 on freedom of speech and press and Decree Law 116 on the Freedom of Audiovisual Communication and the Creation of the Independent Authority of Audiovisual Communication (HAICA). However, this legal framework did not provide a self-regulatory mechanism for the print and online press. As noted above, the Press Council has been incorporated into the draft law on freedom of expression, press and publication, which is still pending.

Furthermore, the Tunisian Constitution of January 27, 2014, guarantees the right to freedom of opinion and expression: "The freedoms of opinion, thought, expression, information and publication are guaranteed. No prior control can be exercised on these freedoms." (Article 31)

Article 32 of the Constitution stipulates that "The State guarantees the right of information and the right of access to information…"

All texts adopted before the 2014 Constitution need to be revised in order to be consistent with the Constitution. But to date, Decree Law 115 and Decree Law 116 are still unchanged. Only Decree Law 41 was replaced by Organic Law of March 24, 2016, on the right of access to information.

Similarly, the independent authority provided for in the constitution to regulate the audiovisual media has not yet been created. This is why the mandate of HAICA has been extended beyond its legal term (May 3, 2019).

Public media, which previously operated as a mouthpiece for the government, ended with spreading state propaganda and declared that they started their transformation into "public service media". But "Failure to reform state media left intact a powerful weapon that old elites could seize in order to defend their threatened status" (Lynch, 2016).

Private media, on the other hand, have finally and formally become free. However, "the media was still seen (by political rulers) as a weapon in a political struggle, rather than as an essential vehicle of public participation in the construction of a new political order" (Joffé, 2014).

II
SURVEY RESULTS

Survey conducted for Media Accountability in the MENA Region

The survey

● Survey respondents: 10

● Survey conducted online from July 7 to 10, 2020

● Non-representative sample: journalists (print, press agency, broadcast and on-line), trainers, ombudsman, former Press-Council project coordinator.

1. Which are context factors that support/enable in your country news media to act in an accountable way?
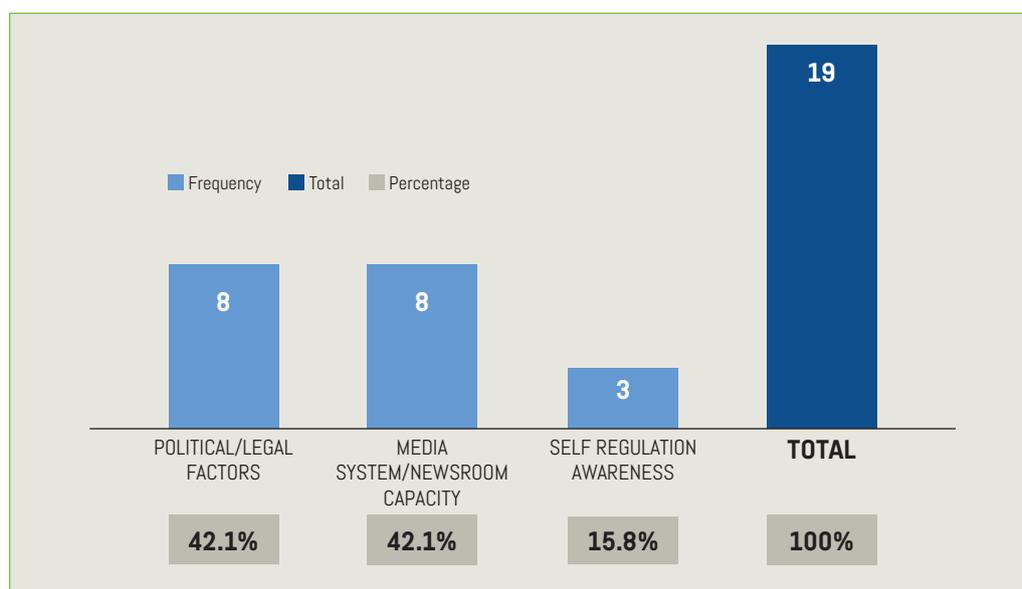

Figure 9.1 Which are context factors that support/enable in your country news media to act in an accountable way?

Regarding the supporting factors of media accountability (MA) in Tunisia, most of the responses cite first the political and legal factors (8 of 10). These responses are

in line with the new environment of freedom resulting from the fall of the autocratic regime in January 2011 which opened the way to a democratic transition and to the holding of many free presidential, legislative and local elections. Similarly, the old repressive laws have been repealed and replaced by texts guaranteeing freedom of expression and independent broadcasting regulation. "Regained freedom made journalists more responsible", stated one of the respondents. Another estimated that "media reform launched after January 2011, mainly the adoption of a new legal framework" paved the way for media self-regulation.

The same number of responses (8 of 10) highlighted internal media factors, such us "favorable work environment, good training, professionalism and respect of ethical standards," One respondent mentioned "the existence of strong regional public media channels", in reference to the five regional radio channels which could keep their audience shares in their respective broadcasting areas.

The third factor cited by 3 respondents relates to "self-regulation" and to "the setting of the launching of the independent broadcast regulator (HAICA).

2. Which are context factors that inhibit/limit the news media in your country to act in an accountable way?
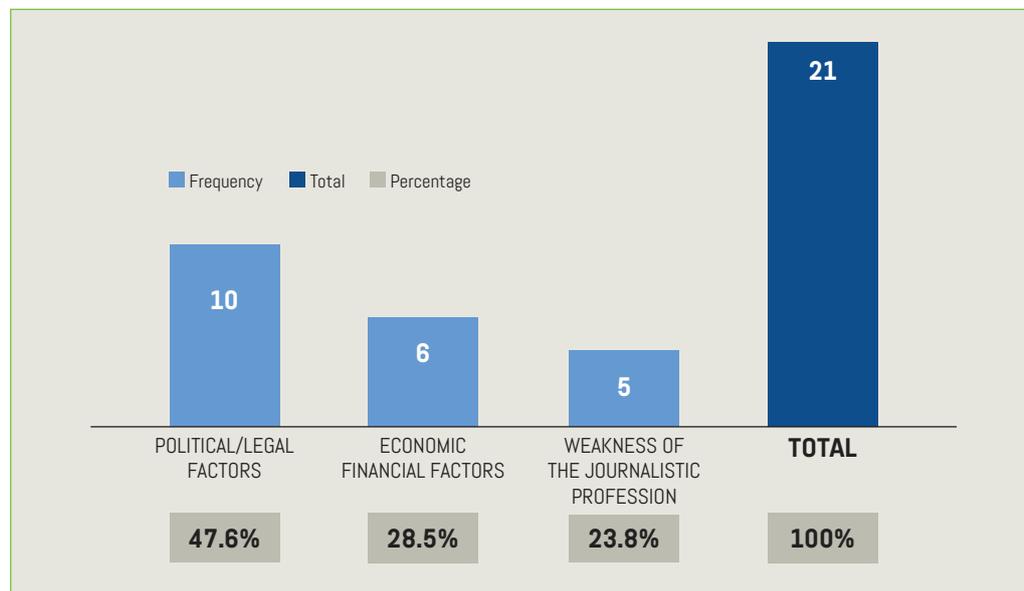

Figure 9.2 Which are context factors that inhibit/limit the news media in your country to act in an accountable way?

Paradoxically, political factors are also cited first as the causes hindering the media from acting in an accountable way. Ten (10) responses highlighted "the interference by political parties and unions in journalistic work, political instability, political and ideological bi-polarization (right-left, secular - Islamist)". Responses include also "impunity for media channels ignoring HAICA (broadcast regulator) decisions", "media values scrambled by Revolution" and "owners control over reporters".

The Economic/Financial factor is ranking second with six (6) mentions. These responses include "the financial dependence of media outlets", their A clear majority of respondents believe that there is a political and professional environment favourable to MA. One respondent mentioned "the blurring of lines between journalism and advertising" due to "partnership with commercial companies which impact editorial contents".

Factors located in the media system are mentioned five (5) times. These responses underlined "the precarious situation of the journalists", their "lack of supervision" and the "recruitments of non-journalist writers".

When asked about how they would evaluate applied self-censorship of journalists in Tunisia, a majority (6) of respondents find it "average" (6) or "rather high" (3), which seems to indicate that freedom is not enough complete to get rid of self-censorship.

Asked about how they would rate the efficiency of media accountability instruments existing in Tunisia, a majority of respondents (6 of 10) ranked the Union of journalists at the top of the instruments that can hold the media to account. These responses were predictable. As the creation of the Press Council is still pending, the national union of journalists (SNJT) is the structure which took charge of the ethics monitoring and carried the self-regulation project in Tunisia. For this reason, the "Press Council/Media Council" option is considered by most of the respondents (7 of 10) as non-applicable. The 3 remaining respondents ticked the "very low" and the "rather low" cases.

The efficiency of the remaining media accountability instruments listed in the questionnaire is considered "average" for the Journalist code of ethics (6 of 10), "average" and "very high" for Media NGOs (6 of 10).

Regarding the efficiency of Media internal code of ethics, responses are balanced insofar as half of the interviewees consider it "very low - rather low" and the other half find it "average - rather high". Similar responses are given for International media assistance organisations (5 "average - rather high" and 3 "rather low") and for "Publishing corrections" (5 "very low – rather low" and 5 "average – rather high").

The less efficient MA instrument according to respondents is "The ombudspeople in the newsroom" considered "rather low-very low" by 8 respondents, mainly because he/she doesn't exist in many newsrooms and has poor influence in the others.

As for the Press Council, the respondents considered that certain instruments are not applicable in Tunisia, like Audience and Listener Council, Media Lawyer Associations and Media Observatory. These responses reflect the reality of the lack of citizen media monitoring in Tunisia.

When asked to name additional MA instruments, many respondents mentioned HAICA, the regulatory body for the broadcast and one respondent mentioned "Media owners".

The questions about the Press or Media Council are not applicable in Tunisia as explained above. Regarding the "Media regulatory instruments that are initiated/ maintained largely by the government" in Tunisia, 8 responses mentioned HAICA, the independent regulatory authority for broadcast, as most of the interviewees do not pay attention to the difference between what is "public" and what is "governmental". 2 respondents mentioned the national union of journalists SNJT and one named the "newsroom conference".

Regarding the efficiency rate of these instruments in holding media to account, 4 respondents considered them "average" and 3 others "very low".

Asked whether Tunisia is providing a regulatory framework for the audio-visual sector, all the interviewees responded "Yes", since the independent authority in charge of regulating the broadcast (HAICA) is established and active since 2013.

3. Do you estimate that the government, parliament and the courts are open to the media in a fair and equal way under the current situation?

|	PARTLY	FULLY SUPPORT	NO ANSWER	TOTAL
Frequency	7	2	1	10
Percentage	70%	20%	10%	100%
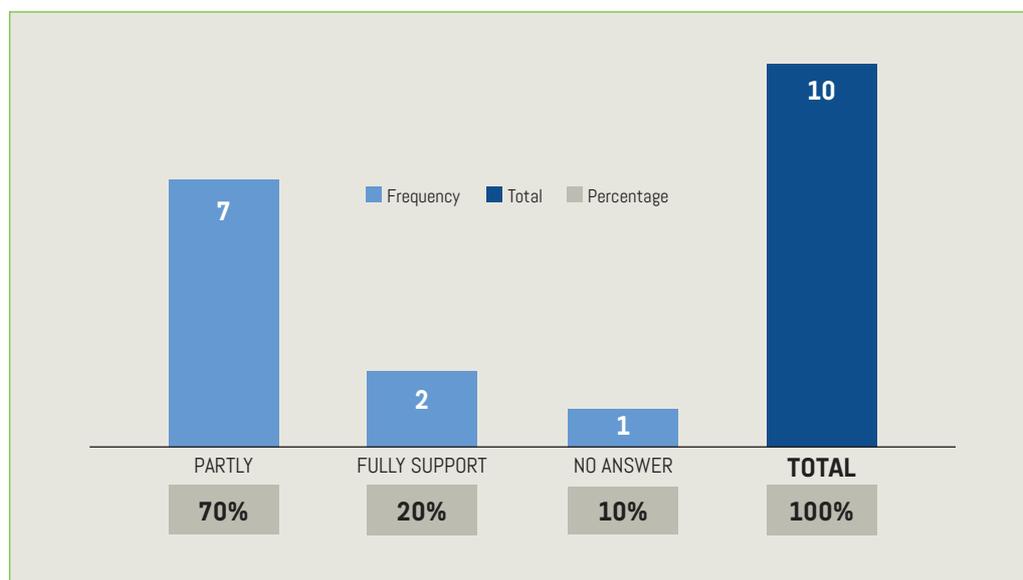
Figure 9.3 Do you estimate that the government, parliament and the courts are open to the media in a fair and equal way under the current situation?

When it comes to their estimate on the openness of the government, the parliament and the courts towards the press, 7 responded "partly" and 2 "no".

4. Do you think that the existing media-related laws in your country rather support or rather inhibit the news media to behave in an accountable way?
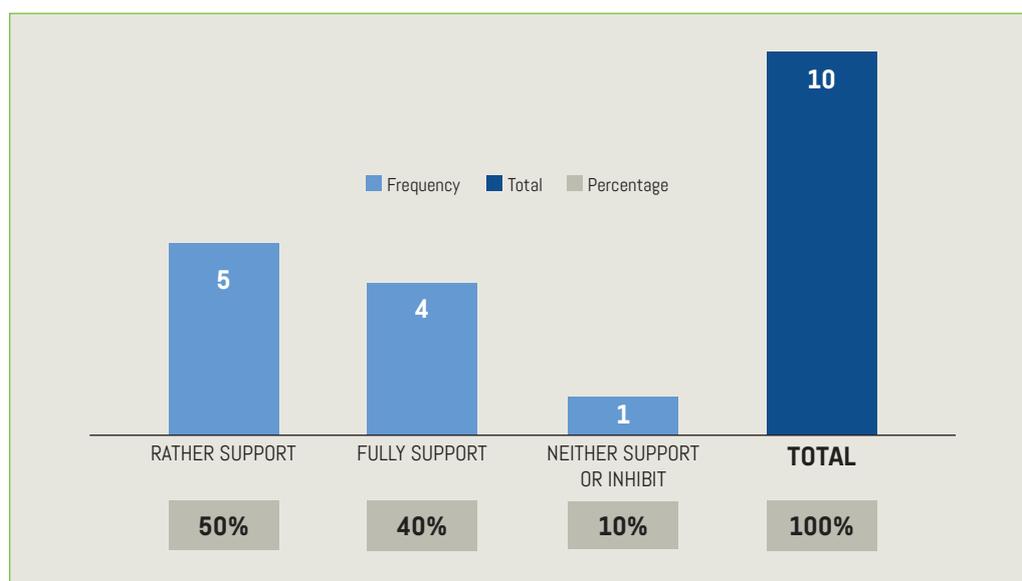
Figure 9.4 Do you think that the existing media-related laws in your country rather support or rather inhibit the news media to behave in an accountable way?

National laws are considered by nine respondents of 10 "fully supporting" or "rather supporting" the news media to behave in an accountable way. Nine respondents also find that media outlets have "partly" editorial independence.

When asked about the existence of "big differences in accountability practices between the state owned media and the mainstream private media", 90% of the respondents answered "yes", presumably because they believe that private media are audience-dependent and therefore more commercial than ethical oriented.

5. How would you rate the importance of media accountability within your countries 'journalists' set of values and professional culture?
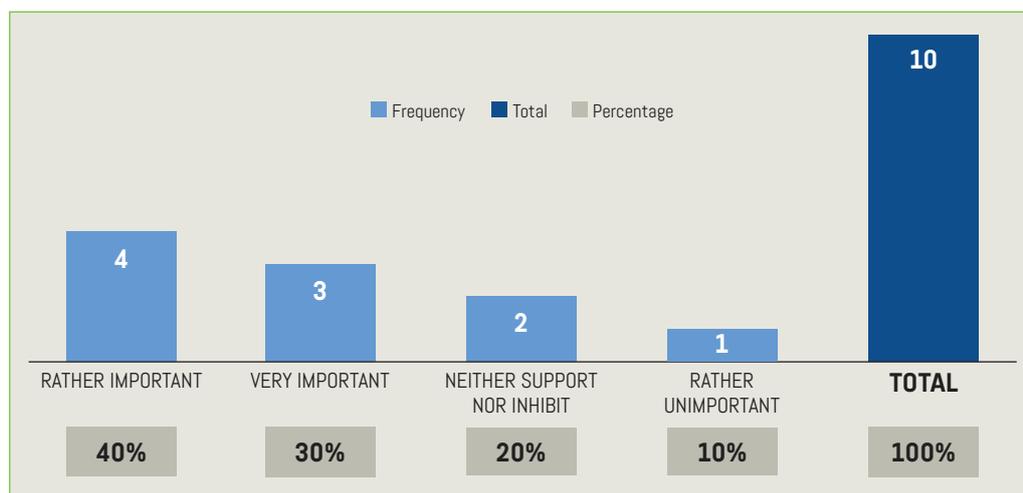
Figure 9.5 How would you rate the importance of Media Accountability within your countries 'journalists' set of values and professional culture?

Regarding "the importance of media accountability within journalist's set of values and professional culture", 7 of 10 responded by "very important" and "rather important", which seems to indicate that there is room for media accountability to take roots in the Tunisian practice of journalism.

For 7 respondents, interaction with readers/audience through social media about a journalistic piece is established. As most of the Tunisian media have their Facebook pages, this leading social media is a perfect platform for interactivity between the media and their audiences.

The question about how far media self-regulation is performed by a press or Media Council got 5 responses "average" and 3 "very week". In the absence of a Press Council, the responses therefore concern the audiovisual regulatory body HAICA. "HAICA frequently draw media attention on ethical/professional breaches" stated one interviewee. Another mentioned to "the right of reply".   For example, said one respondent, "HAICA sanctioned a private TV channel which sent its reporter to shoot people quarantined in a hotel without their permission".

6. Do you think that social media are important in your country as a forum for debate on quality/misconduct of the news media?
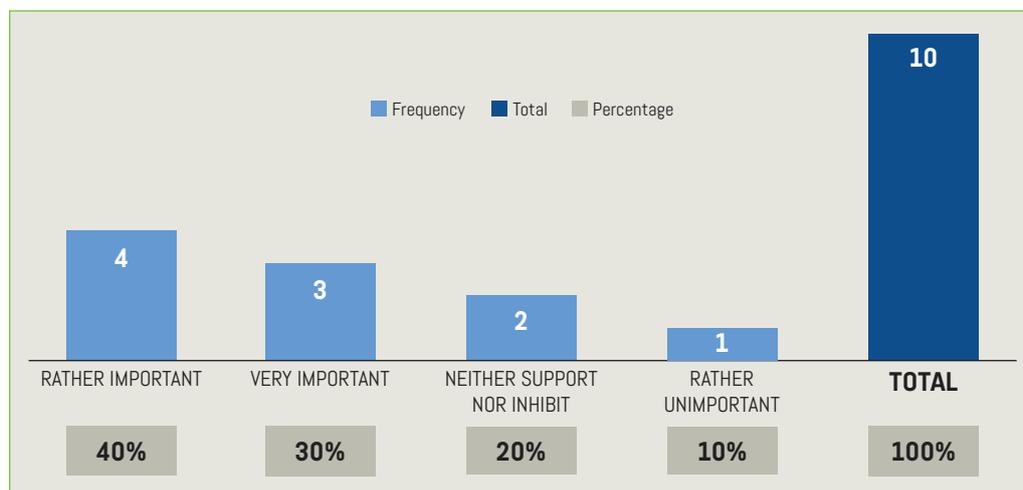
Figure 9.6 Do you think that social media are important in your country as a forum for debate on quality/misconduct of the news media?

Concerning the importance of social media as "a forum for debate on quality/misconduct of the news media", a clear majority (8 of 10) responded "partly" and "yes". To support their choice, the interviewees gave these examples: "Several media were forced to remove or modify their content after online campaign", "readers' comments posted on media pages", "groups of discussion on professional/ethical issues moderated by senior journalist improved media quality". Only one respondent found that "social media are more a tool of defamation and fake news".

7. Reflecting the past three years, would you say that the accountability of news media has rather remained stable, rather improved or rather deteriorated?
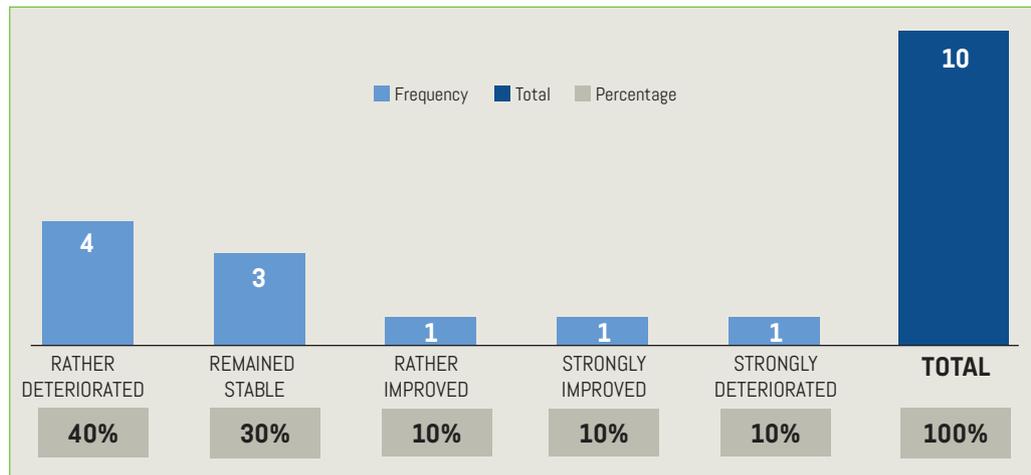
Figure 9.7 Reflecting the past three years, would you say that the accountability of news media has rather remained stable, rather improved or rather deteriorated?

Asked whether "the accountability of news media remained stable, improved of deteriorated" during the past 3 years, opinions differ: 5 consider that it has "rather deteriorated/strongly deteriorated", 3 that it remained stable and 2 that it has "rather" or "strongly improved".

## 8. What are, in your opinion, the biggest challenges for media accountability in your country as of today? What is needed most in your opinion to uphold media accountability in a proper way?
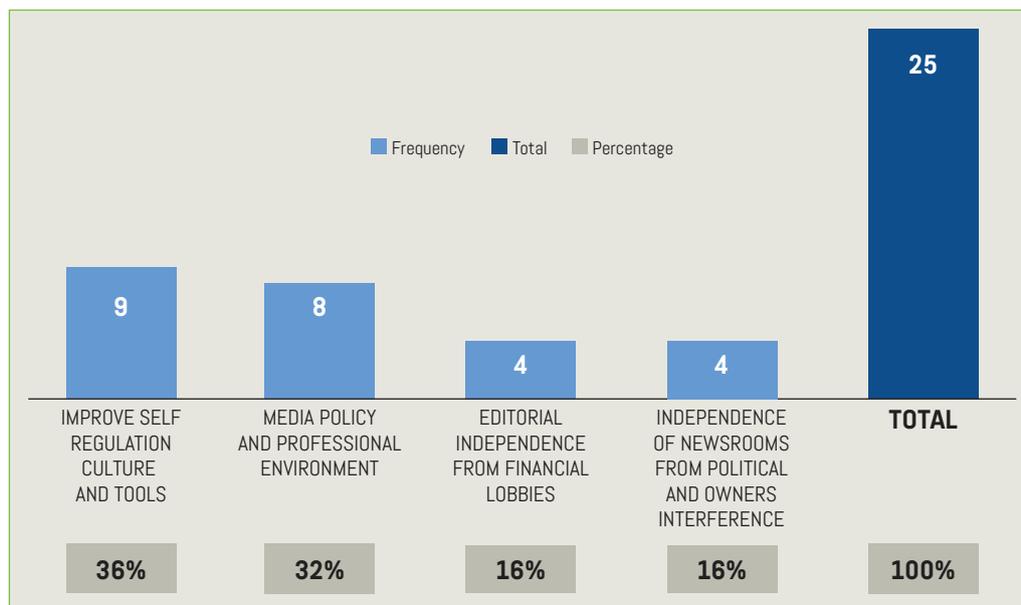

Figure 9.8 What are, in your opinion, the biggest challenges for Media Accountability in your country as of today? What is needed most in your opinion to uphold Media Accountability in a proper way?

Coming to the last question on the opinion of respondents about "the biggest challenges for MA in Tunisia as of today" and "what is most needed to uphold MA in a proper way", the survey recorded 25 opinions and suggestions that we have classified into 4 categories:

- 9 responses are related to self-regulation and media accountability issues such as "speed up the creation of the Press Council, strengthen prerogatives of HAICA, impose ombudspeople in each newsroom, improve social responsibility of media outlets, strengthen regulatory bodies and empower them";

- 8 responses name media policy and framework: "Implementation of a general policy for media development and quality press, generalize editorial councils, improve quality journalism and interactivity with audience, set up a sustainable legal framework instead of temporary rules, put an end to the impunity of the aggressors of freedom of the press, apply the law against offending media outlets".

- The financial factor appears in 4 answers as follows: "Independence from financial lobbies, separate editorial activity from economic and financial management, improve financial independence and stability of media companies".

- Freedom of the press and independence of media are cited 4 times: "Force the owners by the law to respect independence of the newsroom from the top management, there is no room for media responsibility without full independence, stop political interference with media and guarantee independence of journalists".

III
RESULTS

The 2011 Tunisian revolution has changed the practice of journalism in Tunisia. The disappearance of government censorship and the proliferation of private radio and television channels have given the media landscape the pluralism and diversity it lacked under the dictatorship.

Like everywhere else, freedom has not been sufficient to generate quality and ethical journalism. The many abuses and breaches of professional and ethical rules made it necessary to set up a self-regulatory system. Fortunately, self-regulation, ethics and media responsibility are on the agenda of several international cooperation organizations that supported the development of Tunisian media after the revolution[1].

Historically, journalists have been the promoters of professional ethics in Tunisia. The Ethics Commission of the Union of Journalists (SNJT) tries somehow to monitor compliance with the ethics charter adopted in 1983. After 2011, the SNJT installed its Observatory of Journalism Ethics, which released its first report on January 2014. However, print papers publishers were strongly dissatisfied with the publication of this report, which points out the breaches of their newspapers to professional and ethical rules. Journalists and press publishers were thus obliged to find a common ground on self-regulation issue.

It is therefore from 2014 that the Press Council project was jointly supported by the two professional organizations of journalists and publishers. However, the two organizations do not have an identical vision of the missions of the PC. While the journalists above all want a self-regulatory body, the owners want its mission to be broader and include the management of state aid and the distribution of public advertising among newspapers.

According to its provisional statute, the board of the PC is composed of seven members representing journalists, publishers and the media users through the Tunisian League of Human Rights. The actual launching of the PC seems linked to the publication of the new press code which should give the Council legal recognition.

Regarding the ombudsman, it is clear that this mechanism is unknown in the Tunisian journalistic tradition. Since the creation of the first newsroom ombudspeople (called Médiateur) in November 18, 2013 within Radio Mosaïque FM, many other public and private media outlets have launched their mediator. These mediators were inspired and initiated by international partners and are therefore not the result of a

1. Such as Danish IMS, British ARTICLE 19 , French CFI, German Deutsche Welle Akademie, Friedrich Naumann Stiftung, Erich Brost Institute …

process intrinsic to the Tunisian media.

The journalists' union (SNJT) is the leading organization of the PC creation. The Tunisian Federation of Newspapers Publishers (FTDJ) has joined the initiative with the idea that the Council will serve above all to obtain state aid for the press.

As for the legal framework related to media accountability, texts guaranteeing freedom of expression and information were adopted after the 2011 revolution. It is therefore a favorable framework for the establishment of a MA system.

The survey carried out among a sample of ten interviewees clearly reveals their interest in setting MA in Tunisia.

A strong majority of respondents believe that there is a political and professional environment favorable to M.A. But most of them pointed out factors hindering the media from acting in an accountable way, such as "the financial dependence of media outlets" and "the interference by political parties and unions in journalistic work" or the "the precarious situation of the journalists".

Regarding the efficiency of media accountability instruments existing in Tunisia, a majority of respondents ranked the Union of journalists at the top of the instruments that can hold the media to account. The ombudspeople in the newsroom is considered as the less effective MA instrument, as it doesn't exist in most of the newsrooms.

Asked about the "Media regulatory instruments that are initiated/maintained largely by the government" in Tunisia, most of the respondents mentioned HAICA, the independent regulatory authority for broadcast. National laws are considered "fully supporting" or "rather supporting" the news media to behave in an accountable way.

One of the most significant results of this survey is that the respondents confirm "the importance of media accountability within journalist's set of values and professional culture".

When asked about "the biggest challenges for MA in Tunisia as of today", the interviewees stated the following priorities: "speed up the creation of the Press Council, strengthen prerogatives of HAICA, impose ombudspeople in each newsroom, improve social responsibility of media outlets, strengthen regulatory bodies and empower them".

Concerning the importance of social media as "a forum for debate on quality/misconduct of the news media", a clear majority responded "partly" and "yes". In the absence of a PC, social media are considered by the majority of respondents as the instrument of civil society to question the media and hold them to account.

IV

FINAL RECOMMENDATIONS

absence of a PC, social media are considered by the majority of respondents as the instrument of civil society to question the media and hold them to account.

Post-revolutionary Tunisia has reached a turning point in the practice of poor self-regulated journalism. From now on, for the media to maintain the public's trust, it will be necessary to go beyond simple self-regulation and aim for media accountability.

All media actors should consider MA as the key to quality journalism in the context of freedom.

Journalism training institutions must integrate MA into their curricula.

Civil society and professionals stakeholders should be aware that Media and Information Literacy is the best way to improve MA by upgrading the understanding of the media system by the public ◼

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