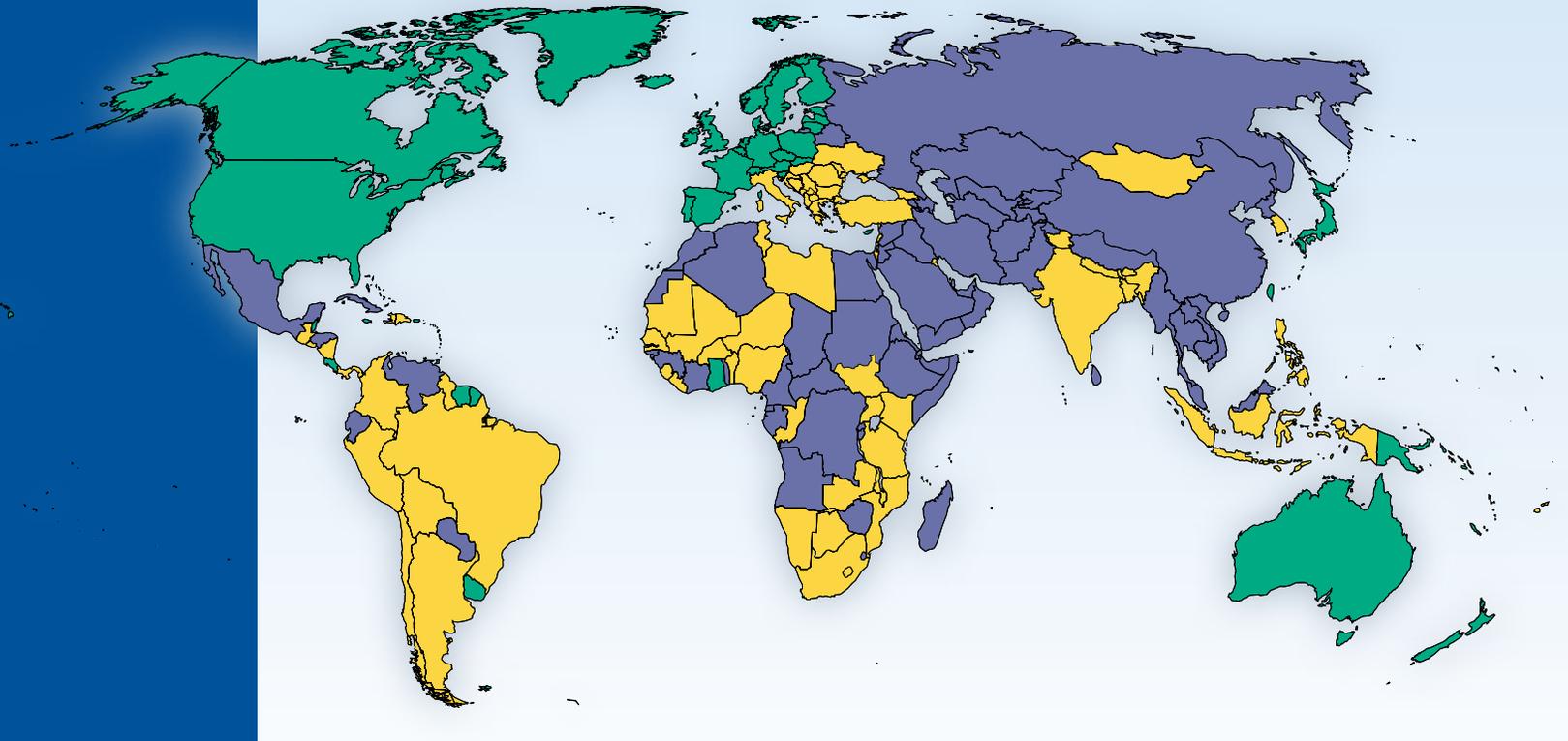




# Freedom of the Press 2013



## MIDDLE EAST VOLATILITY AMID GLOBAL DECLINE

SELECTED DATA FROM FREEDOM HOUSE'S  
ANNUAL PRESS FREEDOM INDEX

## Acknowledgements

*Freedom of the Press 2013* could not have been completed without the contributions of numerous Freedom House staff and consultants. The section entitled “Contributors” contains a detailed list of writers and advisers without whose efforts this project would not have been possible.

Karin Deutsch Karlekar served as the project director of *Freedom of the Press 2013*. Extensive research, editorial, analytical, and administrative assistance was provided by Jennifer Dunham and Bret Nelson, as well as by Tyler Royslance, Morgan Huston, Zselyke Csaky, and Andrew Rizzardi. Overall guidance for the project was provided by Arch Puddington, vice president for research, and Vanessa Tucker, vice president for analysis.

We are grateful for the insights provided by those who served on this year’s expert review teams. In addition, the ratings and narratives were reviewed by a number of Freedom House staff based in our Washington, D.C., and overseas offices, as well as by members of the International Freedom of Expression Exchange (IFEX) network. This report also reflects the findings of the Freedom House study *Freedom in the World 2013: The Annual Survey of Political Rights and Civil Liberties*. Except where noted, statistics on internet usage were taken from the International Telecommunications Union.

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# Methodology

The 2013 index, which provides analytical reports and numerical ratings for 197 countries and territories, continues a process conducted since 1980 by Freedom House. The findings are widely used by governments, international organizations, academics, activists, and the news media in many countries. Countries are given a total score from 0 (best) to 100 (worst) on the basis of a set of 23 methodology questions divided into three subcategories. Assigning numerical points allows for comparative analysis among the countries surveyed and facilitates an examination of trends over time. The degree to which each country permits the free flow of news and information determines the classification of its media as “Free,” “Partly Free,” or “Not Free.” Countries scoring 0 to 30 are regarded as having “Free” media; 31 to 60, “Partly Free” media; and 61 to 100, “Not Free” media. The criteria for such judgments and the arithmetic scheme for displaying the judgments are described in the following section. The ratings and reports included in *Freedom of the Press 2013* cover events that took place between January 1, 2012, and December 31, 2012.

## *Criteria*

This study is based on universal criteria. The starting point is the smallest, most universal unit of concern: the individual. We recognize cultural differences, diverse national interests, and varying levels of economic development. Yet Article 19 of the Universal Declaration of Human Rights states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers.

The operative word for this index is “everyone.” All states, from the most democratic to the most authoritarian, are committed to this doctrine through the UN system. To deny that doctrine is to deny the universality of information freedom—a basic human right. We recognize that cultural distinctions or economic underdevelopment may limit the volume of news flows within a country, but these and other arguments are not acceptable explanations for outright centralized control of the content of news and information. Some poor countries allow for the exchange of diverse views, while some economically developed countries restrict content diversity. We seek to recognize press freedom wherever it exists, in poor and rich countries as well as in countries of various ethnic, religious, and cultural backgrounds.

## *Research and Ratings Review Process*

The findings are reached after a multilayered process of analysis and evaluation by a team of regional experts and scholars. Although there is an element of subjectivity inherent in the index findings, the ratings process emphasizes intellectual rigor and balanced and unbiased judgments.

The research and ratings process involves several dozen analysts—including members of the core research team headquartered in New York, along with outside consultants—who prepared the draft ratings and country reports. Their conclusions are reached after gathering information from professional contacts in a variety of countries, staff and consultant travel, international visitors, the findings of human rights and press freedom organizations, specialists in geographic and geopolitical areas, the reports of governments and multilateral bodies, and a variety of domestic and international news media. We would particularly like to thank the other members of the International Freedom of Expression Exchange (IFEX) network for providing

detailed and timely analyses of press freedom violations in a variety of countries worldwide on which we rely to make our judgments.

The ratings are reviewed individually and on a comparative basis in a set of six regional meetings involving analysts, advisers, and Freedom House staff. The ratings are compared with the previous year's findings, and any major proposed numerical shifts or category changes are subjected to more intensive scrutiny. These reviews are followed by cross-regional assessments in which efforts are made to ensure comparability and consistency in the findings.

### *Methodology*

Through the years, we have refined and expanded our methodology. Recent changes are intended to simplify the presentation of information without altering the comparability of data for a given country over the 32-year span or the comparative ratings of all countries over that period.

Our examination of the level of press freedom in each country currently comprises 23 methodology questions and 109 indicators divided into three broad categories: the legal environment, the political environment, and the economic environment. For each methodology question, a lower number of points is allotted for a more free situation, while a higher number of points is allotted for a less free environment. Each country is rated in these three categories, with the higher numbers indicating less freedom. A country's final score is based on the total of the three categories: A score of 0 to 30 places the country in the Free press group; 31 to 60 in the Partly Free press group; and 61 to 100 in the Not Free press group.

The diverse nature of the methodology questions seeks to encompass the varied ways in which pressure can be placed upon the flow of information and the ability of print, broadcast, and internet-based media and journalists to operate freely and without fear of repercussions: In short, we seek to provide a picture of the entire "enabling environment" in which the media in each country operate. We also seek to assess the degree of news and information diversity available to the public in any given country, from either local or transnational sources.

The **legal environment** category encompasses an examination of both the laws and regulations that could influence media content and the government's inclination to use these laws and legal institutions to restrict the media's ability to operate. We assess the positive impact of legal and constitutional guarantees for freedom of expression; the potentially negative aspects of security legislation, the penal code, and other criminal statutes; penalties for libel and defamation; the existence of and ability to use freedom of information legislation; the independence of the judiciary and of official media regulatory bodies; registration requirements for both media outlets and journalists; and the ability of journalists' groups to operate freely.

Under the **political environment** category, we evaluate the degree of political control over the content of news media. Issues examined include the editorial independence of both state-owned and privately owned media; access to information and sources; official censorship and self-censorship; the vibrancy of the media and the diversity of news available within each country; the ability of both foreign and local reporters to cover the news freely and without harassment; and the intimidation of journalists by the state or other actors, including arbitrary detention and imprisonment, violent assaults, and other threats.

Our third category examines the **economic environment** for the media. This includes the structure of media ownership; transparency and concentration of ownership; the costs of establishing media as well as any impediments to news production and distribution; the selective withholding of advertising or subsidies by the state or other actors; the impact of corruption and bribery on content; and the extent to which the economic situation in a country impacts the development and sustainability of the media.

## CHECKLIST OF METHODOLOGY QUESTIONS 2013

- Each country is ranked on a scale of 0 to 100, with 0 being the best and 100 being the worst.
- A combined score of 0-30=Free, 31-60=Partly Free, 61-100=Not Free.
- Under each question, a lower number of points is allotted for a more free situation, while a higher number of points is allotted for a less free environment.
- The sub-questions listed are meant to provide guidance as to what issues are meant to be addressed under each methodology question; it is **not** intended that the author necessarily answer each one.
- As a general guideline, the index is focused on ability to access news and information (which predominantly means print and broadcast media but can also including blogs, social media, and other forms of digital news dissemination) and providers of news content, which predominantly means journalists but can also include citizen journalists and bloggers, where applicable.

### A. LEGAL ENVIRONMENT (0-30 POINTS)

#### **1. Do the constitution or other basic laws contain provisions designed to protect freedom of the press and of expression, and are they enforced? (0-6 points)**

- Does the constitution contain language that provides for freedom of speech and of the press?
- Do the Supreme Court, Attorney General, and other representatives of the higher judiciary support these rights?
- Does the judiciary obstruct the implementation of laws designed to uphold these freedoms?
- Do other high-ranking state or government representatives uphold protections for media freedom, or do they contribute to a hostile environment for the press?
- Are crimes that threaten press freedom prosecuted vigorously by authorities?
- Is there implicit impunity for those who commit crimes against journalists?

#### **2. Do the penal code, security laws, or any other laws restrict reporting and are journalists or bloggers punished under these laws? (0-6 points)**

- Are there restrictive press laws?
- Do laws restrict reporting on ethnic or religious issues, national security, or other sensitive topics?
- Are penalties for 'irresponsible journalism' applied widely?
- Are restrictions of media freedom closely defined, narrowly circumscribed, and proportional to the legitimate aim?
- Do the authorities restrict or otherwise impede legitimate press coverage in the name of national security interests?
- Are journalists regularly prosecuted or jailed as a result of what they write?
- Are writers, commentators, or bloggers subject to imprisonment or other legal sanction as a result of accessing or posting material on the internet?
- Is there excessive pressure on journalists to reveal sources, resulting in punishments such as jail sentences, fines, or contempt of court charges?

**3. Are there penalties for libeling officials or the state and are they enforced? (0-3 points)**

- Are public officials especially protected under insult or defamation laws?
- Are insult laws routinely used to shield officials' conduct from public scrutiny?
- Is truth a defense to libel?
- Is there a legally mandated 'right of reply' that overrides independent editorial control?
- Is libel made a criminal rather than a civil offense?
- Are journalists or bloggers regularly prosecuted and jailed for libel or defamation?
- Are fines routinely imposed on journalists or media outlets in civil libel cases in a partisan *or* prejudicial manner, with the intention of bankrupting the media outlet or deterring future criticism?

**4. Is the judiciary independent and do courts judge cases concerning the media impartially? (0-3 points)**

- Are members of the judiciary subject to excessive pressure from the executive branch?
- Are the rights to freedom of expression and information recognized as important among members of the judiciary?
- When judging cases concerning the media, do authorities act in a lawful and non-arbitrary manner on the basis of objective criteria?
- Is there improper use of legal action or summonses against journalists or media outlets (e.g. being subjected to false charges, arbitrary tax audits etc.)?

**5. Is Freedom of Information legislation in place and are journalists able to make use of it? (0-2 points)**

- Are there laws guaranteeing access to government records and information?
- Are restrictions to the right of access to information expressly and narrowly defined?
- Are journalists able to secure public records through clear administrative procedures in a timely manner and at a reasonable cost?
- Are public officials subject to prosecution if they illegally refuse to disclose state documents?

**6. Can individuals or business entities legally establish and operate private media outlets without undue interference? (0-4 points)**

- Are registration requirements to publish a newspaper or periodical unduly onerous or are they approved/rejected on partisan or prejudicial grounds?
- Is the process of licensing private broadcasters and assigning frequencies open, objective and fair?
- Is there an independent regulatory body responsible for awarding licenses and distributing frequencies or does the state control the allocations process?
- Does the state place extensive legal controls over the establishment of internet web sites and ISPs?
- Do state or publicly-funded media receive preferential legal treatment?
- Are non-profit community broadcasters given distinct legal status?
- Is there substantial media cross ownership and is cross-ownership of media encouraged by the absence of legal restrictions?
- Are laws regulating media ownership impartially implemented?

**7. Are media regulatory bodies, such as a broadcasting authority or national press or communications council, able to operate freely and independently? (0-2 points)**

- Are there explicit legal guarantees protecting the independence and autonomy of any regulatory body from either political or commercial interference?
- Does the state or any other interest exercise undue influence over regulatory bodies through appointments or financial pressure?
- Is the appointments process to such bodies transparent and representative of different interests, and do representatives from the media have an adequate presence on such bodies?
- Are decisions taken by the regulatory body seen to be fair and apolitical?
- Are efforts by journalists and media outlets to establish self-regulatory mechanisms permitted and encouraged, and viewed as a preferable alternative to state-imposed regulation?

**8. Is there freedom to become a journalist and to practice journalism, and can professional groups freely support journalists' rights and interests? (0-4 points)**

- Are journalists required by law to be licensed and if so, is the licensing process conducted fairly and at reasonable cost?
- Must a journalist become a member of a particular union or professional organization in order to work legally?
- Must journalists have attended a particular school or have certain qualifications in order to practice journalism?
- Are visas for journalists to travel abroad delayed or denied based on the individual's reporting or professional affiliation?
- May journalists and editors freely join associations to protect their interests and express their professional views?
- Are independent journalists' organizations able to operate freely and comment on threats to or violations of press freedom?

**B. POLITICAL ENVIRONMENT (0-40 POINTS)**

**1. To what extent are media outlets' news and information content determined by the government or a particular partisan interest? (0-10 points)**

- To what degree are print and broadcast journalists subject to editorial direction or pressure from the authorities or from private owners?
- Do media outlets—either print, broadcast, or internet-based—that express independent, balanced views exist?
- Is media coverage excessively partisan, with the majority of outlets consistently taking either a pro- or anti-government line?
- Is there government editorial control of state-run media outlets?
- Does the government attempt to influence or manipulate online content?
- Is there opposition access to state-owned media, particularly during elections campaigns? Do outlets reflect the views of the entire political spectrum or do they provide only an official point of view?
- Is hiring, promotion, and firing of journalists in the state-owned media done in a non-partisan and impartial manner?
- Is there provision for public-service broadcasting that enjoys editorial independence?

**2. Is access to official or unofficial sources generally controlled? (0-2 points)**

- Are the activities of government—courts, legislature, officials, records—open to the press?
- Is there a ‘culture of secrecy’ among public officials that limits their willingness to provide information to media?
- Do media outlets have a sufficient level of access to information and is this right equally enforced for all journalists regardless of their media outlet’s editorial line?
- Does the regime influence access to unofficial sources (parties, unions, religious groups, etc.), particularly those that provide opposition viewpoints?

**3. Is there official or unofficial censorship? (0-4 points)**

- Is there an official censorship body?
- Are print publications or broadcast programs subject to pre-or post-publication censorship?
- Are local print and broadcast outlets forcibly closed or taken off the air as a result of what they publish or broadcast?
- Are there shutdowns or blocking of internet sites or blogs?
- Is access to foreign newspapers, TV or radio broadcasts, websites, or blogs censored or otherwise restricted?
- Are certain contentious issues, such as official corruption, the role of the armed forces or the political opposition, human rights, religion, officially off-limits to the media?
- Do authorities issue official guidelines or directives on coverage to media outlets?

**4. Do journalists practice self-censorship? (0-4 points)**

- Is there widespread self-censorship in the state-owned media? In the privately owned media?
- Are there unspoken ‘rules’ that prevent a journalist from pursuing certain stories?
- Is there avoidance of subjects that can clearly lead to censorship or harm to the journalist or the institution?
- Is there censorship or excessive interference of journalists’ stories by editors or managers?
- Are there restrictions on coverage by ‘gentlemen’s agreement,’ club-like associations between journalists and officials, or traditions in the culture that restrict certain kinds of reporting?

**5. Do people have access to media coverage and a range of news and information that is robust and reflects a diversity of viewpoints? (0-4 points)**

- Does the public have access to a diverse selection of print, broadcast, and internet-based sources of information that represent a range of political and social viewpoints?
- Are people able to access a range of local and international news sources despite efforts to restrict the flow of information?
- Do media outlets represent diverse interests within society, for example through community radio or other locally-focused news content?
- Do providers of news content cover political developments and provide scrutiny of government policies or actions by other powerful societal actors?
- Is there a tradition of vibrant coverage of potentially sensitive issues?
- Do journalists or bloggers pursue investigative news stories on issues such as corruption by the government or other powerful societal actors?

**6. Are both local and foreign journalists able to cover the news freely in terms of harassment and physical access? (0-6 points)**

- Are journalists harassed while covering the news?
- Are certain geographical areas of the country off-limits to journalists?
- Does a war, insurgency, or similar situation in a country inhibit the operation of media?
- Is there surveillance of foreign journalists working in the country?
- Are foreign journalists inhibited or barred by the need to secure visas or permits to report or to travel within the country?
- Are foreign journalists deported for reporting that challenges the regime or other powerful interests?

**7. Are journalists, bloggers, or media outlets subject to extralegal intimidation or physical violence by state authorities or any other actor? (0-10 points)**

- Are journalists or bloggers subject to murder, injury, harassment, threats, abduction, expulsion, arbitrary arrest and illegal detention, or torture?
- Do armed militias, organized crime, insurgent groups, political or religious extremists, or other organizations regularly target journalists?
- Have journalists fled the country or gone into hiding to avoid such action?
- Have media companies been targeted for physical attack or for the confiscation or destruction of property?
- Are there technical attacks on news and information websites or key online outlets for information exchange?

**C. ECONOMIC ENVIRONMENT (0-30 POINTS)**

**1. To what extent are media owned or controlled by the government and does this influence their diversity of views? (0-6 points)**

- Does the state dominate the country's information system?
- Are there independent or opposition print media outlets?
- Does a state monopoly of TV or radio exist?
- Are there privately owned news radio stations that broadcast substantial, serious news reports?
- Do independent news agencies provide news for print and broadcast media?
- In the case of state-run or funded outlets, are they run with editorial independence and do they provide a range a diverse, non-partisan viewpoints?
- NOTE: This question is usually scored to provide 0-2 points each for print, radio and TV forms of news media.

**2. Is media ownership transparent, thus allowing consumers to judge the impartiality of the news? (0-3 points)**

- Is it possible to ascertain the ownership structure of private media outlets?
- Do media owners hold official positions in the government or in political parties, and are these links intentionally concealed from the public?
- Are privately owned media seen to promote principles of public interest, diversity and plurality?

**3. Is media ownership highly concentrated and does it influence diversity of content? (0-3 points)**

- Are publications or broadcast systems owned or controlled by industrial or commercial enterprises, or other powerful societal actors, whose influence and financial power lead to concentration of ownership of the media and/or narrow control of the content of the media?
- Is there an excessive concentration of media ownership in the hands of private interests who are linked to state patronage or that of other powerful societal actors?
- Are there media monopolies, significant vertical integration (control over all aspects of news production and distribution), or substantial cross-ownership?
- Does the state actively implement laws concerning concentration, monopolies, and cross-ownership?

**4. Are there restrictions on the means of news production and distribution? (0-4 points)**

- Is there a monopoly on the means of production, such as newsprint supplies, allocations of paper, film, or Internet service providers?
- Are there private and non-state printing presses?
- Are channels of news and information distribution (kiosks, transmitters, cable operators, Internet, mobile phones) able to operate freely?
- Does the government exert pressure on independent media through the control of distribution facilities?
- Is there seizure or destruction of copies of newspapers, film, or production equipment?
- Does geography or poor infrastructure (roads, electricity etc) limit dissemination of print, broadcast, or internet-based news sources throughout the country?

**5. Are there high costs associated with the establishment and operation of media outlets? (0-4 points)**

- Are there excessive fees associated with obtaining a radio frequency, registering a newspaper, or establishing an ISP?
- Are the costs of purchasing paper, newsprint, or broadcasting equipment subject to high additional duties?
- Are media outlets subject to excessive taxation or other levies compared to other industries?
- Are there restrictions on foreign investment or non-investment foreign support/funding in the media?

**6. Do the state or other actors try to control the media through allocation of advertising or subsidies? (0-3 points)**

- Are subsidies for privately run newspapers or broadcasters allocated fairly?
- Is government advertising allocated fairly and in an apolitical manner?
- Is there use of withdrawal of advertising (i.e. government stops buying ad space in some papers or pressures private firms to boycott media outlets) as a way of influencing editorial decisions?

**7. Do journalists, bloggers, or media outlets receive payment from private or public sources whose design is to influence their journalistic content? (0-3 points)**

- Do government officials or other actors pay journalists in order to cover or to avoid certain stories?
- Are journalists often bribed?

- Are pay levels for journalists and other media professionals sufficiently high to discourage bribery?
- Do journalists or media outlets request bribes or other incentives in order to cover or hold certain stories?

**8. Does the overall economic situation negatively impact media outlets' financial sustainability? (0-4 points)**

- Are media overly dependent on the state, political parties, big business, or other influential political actors for funding?
- Is the economy so depressed or so dominated by the state that a private entrepreneur would find it difficult to create a financially sustainable publication or broadcast outlet?
- Is it possible for independent publications or broadcast outlets to remain financially viable primarily by generating revenue from advertising or subscriptions?
- Do foreign investors or donors play a large role in helping to sustain media outlets?
- Are private owners subject to intense commercial pressures and competition, thus causing them to tailor or cut news coverage in order for them to compete in the market or remain financially viable?

## PRESS FREEDOM IN 2012: MIDDLE EAST VOLATILITY AMID GLOBAL DECLINE

by Karin Deutsch Karlekar and Jennifer Dunham

Ongoing political turmoil produced uneven conditions for press freedom in the Middle East in 2012, with Tunisia and Libya largely retaining their gains from 2011 even as Egypt slid backward into the Not Free category. The region as a whole experienced a net decline for the year, in keeping with a broader global pattern in which the percentage of people worldwide who enjoy a free media environment fell to its lowest point in more than a decade. Among the more disturbing developments in 2012 were dramatic declines for Mali, significant deterioration in Greece, and a further tightening of controls on press freedom in Latin America, punctuated by the decline of two countries, Ecuador and Paraguay, from Partly Free to Not Free status.

These were the most significant findings of *Freedom of the Press 2013: A Global Survey of Media Independence*, the latest edition of an annual index published by Freedom House since 1980. While there were positive developments in Burma, the Caucasus, parts of West Africa, and elsewhere, the dominant trends were reflected in setbacks in a range of political settings. Reasons for decline included the continued, increasingly sophisticated repression of independent journalism and new media by authoritarian regimes; the ripple effects of the European economic crisis and longer-term challenges to the financial sustainability of print media; and ongoing threats from nonstate actors such as radical Islamists and organized crime groups.

The trend of overall decline occurred, paradoxically, in a context of increasingly diverse news sources and ever-expanding means of political communication. The growth of these new media has triggered a repressive backlash by authoritarian regimes that have carefully controlled television and other mass media and are now alert to the dangers of unfettered political commentary online. Influential powers—such as China, Russia, Iran, and Venezuela—have long resorted to a variety of techniques to maintain a tight grip on the media, detaining some press critics, closing down or otherwise censoring media outlets and blogs, and bringing libel or defamation suits against journalists. Russia, which adopted additional restrictions on internet content in 2012, set a negative tone for the rest of Eurasia, where conditions remained largely grim. In China, the installation of a new Communist Party leadership did not produce any immediate relaxation of constraints on either traditional media or the internet. In fact, the Chinese regime, which boasts the world's most intricate and elaborate system of media repression, stepped up its drive to limit both old and new sources of information through arrests and censorship.

Authoritarian powers were joined in the Not Free camp by a total of five countries that had previously ranked as Partly Free: Ecuador, Egypt, Guinea-Bissau, Paraguay, and Thailand. The disheartening reversal in Egypt was driven by a constellation of factors, including officially tolerated campaigns to intimidate journalists, increased efforts to prosecute reporters and commentators for insulting the political leadership or defaming religion, and intensified polarization of the pro- and anti-Muslim Brotherhood press, which reduced the availability of balanced coverage.

Meanwhile, Ecuador's slide into the Not Free range capped one of the largest cumulative declines for any country in the index over the past five years. The latest setbacks stem from President Rafael Correa's ongoing and multifaceted assault on the press, which has included attempts to hinder the monitoring roles of local and regional freedom of expression watchdogs. Other notable declines occurred in the Maldives, which remained Partly Free, and Cambodia and Kazakhstan, which were already Not Free.

The past year also brought a series of declines in both established and young democracies. Mali, which had been Africa's freest media environment for a number of years, suffered the year's largest numerical slide, and a status change to Partly Free, due to media restrictions associated with a military coup and the capture of the northern half of the country by Islamist militants. Meanwhile, political unrest and financial pressures brought on by the European economic crisis took a toll on media freedom in Greece, which fell into the Partly Free category as well. A more modest deterioration was noted in Israel,

now rated Partly Free due to instances of political interference with content and financial pressure on independent print outlets.

As a result of declines in both authoritarian and democratic settings over the past several years, the proportion of the global population that enjoys a Free press has fallen to its lowest level in over a decade. The report found that less than 14 percent of the world's people—or roughly one in six—live in countries where coverage of political news is robust, the safety of journalists is guaranteed, state intrusion in media affairs is minimal, and the press is not subject to onerous legal or economic pressures. Moreover, in the most recent five-year period, significant country declines have far outnumbered gains, suggesting that attempts to restrict press freedom are widespread and challenges to expanding media diversity and access to information remain considerable.

There were some promising developments during the year to partially offset these worrisome trends. Positive movement occurred in a number of key countries in Asia (Afghanistan and Burma), Eurasia (Armenia and Georgia), and sub-Saharan Africa (Côte d'Ivoire, Liberia, Malawi, Mauritania, Senegal, and Zimbabwe), as well as in Yemen. Many advances occurred in the context of new governments that either rolled back restrictive legal and regulatory provisions or allowed greater space for vibrant and critical media to operate. Particularly noteworthy was the continued dramatic opening in Burma, which registered the survey's largest numerical improvement of the year due to people's increased ability to access information and the release of imprisoned bloggers and video journalists, among other factors.

## Key Trends in 2012

- **Heightened contestation over new media:** Citizen journalists and their use of new media tools—including microblogs, online social networks, mobile telephones, and other information and communication technologies (ICTs)—have made major contributions to revolutions in the Middle East and prevented authoritarian regimes in China, Russia, and elsewhere from gaining total domination of the information landscape. However, a range of governments intensified efforts to restrict new media. Repressive measures included the passage or heightened use of new cybercrime laws (Thailand, Russia); jailing of bloggers (Egypt, Gulf Arab states, Vietnam); and blocks on web-based content and text-messaging services during periods of political upheaval (India, Tajikistan).
- **Fair elections impossible without free press:** Political contests in a number of key countries in 2012 demonstrated that a level electoral playing field is impossible when the government, as in authoritarian settings like Russia or Venezuela, is able to use its control over broadcast media to skew coverage, and ultimately votes, in its favor. Among countries on an authoritarian trajectory, restrictive laws on coverage of candidates in Ecuador and biased coverage by state media in Ukraine were also used to the ruling party's advantage. By contrast, more balanced and open media coverage prior to electoral contests in Armenia and Georgia helped lead to gains for opposition parties and, in Georgia, a peaceful transfer of power.
- **Gains in West Africa:** Despite the notable declines in Mali and Guinea-Bissau, West Africa as a whole continued to secure improved environments for media in 2012. A number of the gains took place in countries—such as Côte d'Ivoire and Senegal—where new governments demonstrated greater respect for press freedom and engaged in less legal and physical harassment of journalists than their predecessors. Increased media diversity, including an array of private broadcasters that are able to express critical opinions, was apparent in Liberia and Mauritania. Coming in the wake of recent improvements in other countries, such as Niger and Sierra Leone, these changes made the subregion a relative bright spot during the year.
- **Declines due to Europe's economic crisis:** The European economic crisis weakened press freedom in several countries. Notable declines were seen in Southern Europe, including in Greece, which fell

into the Partly Free category, and Spain. Greek media suffered widespread staff cutbacks and some closures of press outlets, as well as heightened legal and physical harassment of journalists. This in turn led to a sense that the mainstream press was no longer able to perform its watchdog role and keep citizens adequately informed about election campaigns, austerity measures, corruption, and other critical issues. The problems that have emerged in Southern Europe come on top of financial pressures that are plaguing press outlets in the Baltic states and elsewhere in Europe.

## **The Global Picture in 2012**

Of the 197 countries and territories assessed during 2012, a total of 63 (32 percent) were rated Free, 70 (36 percent) were rated Partly Free, and 64 (32 percent) were rated Not Free. This balance marks a shift toward the Not Free category compared with the edition covering 2011, which featured 66 Free, 72 Partly Free, and 59 Not Free countries and territories.

The analysis found that less than 14 percent of the world's inhabitants lived in countries with a Free press, while 43 percent had a Partly Free press and 43 percent lived in Not Free environments. The population figures are significantly affected by two countries—China, with a Not Free status, and India, with a Partly Free status—that together account for over a third of the world's nearly seven billion people. The percentage of those enjoying Free media in 2012 declined by another half point to the lowest level since 1996, when Freedom House began incorporating population data into the findings of the survey. Meanwhile, the share living in Not Free countries jumped by 2.5 percentage points, reflecting the move by populous states such as Egypt and Thailand back into that category.

After years of decline in the global average score that was interrupted by an improvement in 2011, there was a decline of 0.23 points for 2012, bringing the figure to its lowest level since 2004. All regions except Asia-Pacific experienced declines of varying degrees. In terms of thematic categories, the drop in the global average score was almost equally driven by declines in the legal, political, and economic scores.

There were a total of eight status changes, with most representing deterioration from Partly Free to Not Free. For the first time in the survey's history, all the year's status changes were in a negative direction. In terms of significant numerical shifts of three or more points, the ratio was identical to that for 2010 and 2011, with declines (12 countries) only slightly outnumbering gains (11 countries).

## **Worst of the Worst**

The world's eight worst-rated countries, with scores of between 90 and 100 points, are Belarus, Cuba, Equatorial Guinea, Eritrea, Iran, North Korea, Turkmenistan, and Uzbekistan. In these states, independent media are either nonexistent or barely able to operate, the press acts as a mouthpiece for the regime, citizens' access to unbiased information is severely limited, and dissent is crushed through imprisonment, torture, and other forms of repression. In 2012, conditions worsened in Cuba, which fell from 91 to 92 points, due to an increase in the number of arbitrary detentions, sometimes violent, of independent journalists. Meanwhile, North Korea saw a slight improvement, from 97 to 96 points, as a result of increased attempts to circumvent stringent censorship and the use of technologies such as smuggled DVDs to spread news and information.

## **Regional Findings**

**Americas:** In the Americas, 15 countries (43 percent) were rated Free, 14 (40 percent) were rated Partly Free, and 6 (17 percent) were rated Not Free for 2012. In terms of the region's population, 38 percent lived in Free countries, and 42 percent could be found in Partly Free media environments, with the remaining 20 percent living in Not Free countries. These figures are significantly influenced by the open media environments of North America and much of the Caribbean, which tend to offset the less rosy picture in Central and South America. In Latin America, meaning the Spanish- and Portuguese-speaking parts of the region, only 15 percent of the countries were rated Free, and just 1 percent of the population lived in Free

media environments. The regional average score worsened, with gains in the political category overshadowed by declines in the legal and economic categories.

Press freedom remained extremely restricted in **Cuba**, which has one of the most repressive media environments worldwide, and to a somewhat lesser extent in **Venezuela**, where the government of President Hugo Chávez continued its efforts to control the press. Conditions in two other Not Free countries—**Honduras** and **Mexico**—also remained challenging due to high levels of violence and intimidation against the media. However, Mexico passed two positive measures during the year: a law to protect journalists and human rights defenders, and a constitutional amendment giving federal officials the authority to investigate and prosecute crimes against the press.

The number of Not Free countries in the region swelled to its highest level since 1989, as Ecuador and Paraguay fell out of the Partly Free camp. **Paraguay**'s status change required the loss of only one point, with the score shifting from 60 to 61 as an indirect result of the “parliamentary coup” that removed Fernando Lugo as president in June. The new administration of President Federico Franco oversaw an immediate purge in the state media; 27 journalists lost their jobs at TV Pública, and there were overt attempts to influence editorial content at the channel. After several years of sustained threats to freedom of expression, fresh setbacks pushed **Ecuador** into the Not Free category as its score declined from 58 to 61. A 2011 law that placed limitations on media coverage of electoral campaigns and candidates severely restricted the press's ability to report on politics ahead of the February 2013 presidential election, and the level of investigative reporting more generally also declined. In addition, an order by President Correa to withdraw official advertising from privately owned media that are critical of the government threatened to place financial pressure on these outlets. Because of a pattern of negative official rhetoric against the press, legal and regulatory harassment, and physical intimidation of journalists, Ecuador's score has slipped by 17 points over the past five years, one of the most dramatic declines in the world.

Moderate erosion was noted in **Argentina** due to executive pressure on judges regarding implementation of a 2009 law that aims to diversify media ownership, as well as increased physical attacks and verbal threats directed against journalists who are seen as critical of the government, particularly those affiliated with the Clarín media group. **Brazil** also suffered a two-point decline to reflect an increase in the number of journalists who were murdered during the year, coupled with the influence of political and business interests on media content. Legal action against bloggers and internet companies and proposed cybercrime laws also posed threats to freedom of expression.

The **United States** remains one of the stronger performers in the index, but it faces several challenges, including a threat to media diversity stemming from poor economic conditions for the news industry, and a lack of protection-of-sources legislation at the federal level. During 2012, the limited willingness of high-level government officials to provide access and information to members of the press was noted as a concern.

**Asia-Pacific:** The Asia-Pacific region as a whole exhibited a relatively high level of press freedom in 2012, with 15 countries and territories (37.5 percent) rated Free, 12 (30 percent) rated Partly Free, and 13 (32.5 percent) rated Not Free. Yet the regionwide figures disguise considerable subregional diversity. For example, the Pacific Islands, Australasia, and parts of East Asia have some of the best-ranked media environments in the world, while conditions in South Asia, Southeast Asia, and other parts of East Asia are significantly worse. The country breakdown also obscures the fact that only 5 percent of the region's population had access to Free media in 2012, while 47 percent lived in Partly Free and 48 percent in Not Free media environments. The regional average score improved slightly for the year, as negative movement in the legal category was outweighed by positive change in both the political and economic categories.

Asia includes one of the world's worst-rated countries, North Korea, as well as several other restrictive media environments, such as China, Laos, and Vietnam. All of these settings feature extensive state and party control of the press.

**China**, although still home to the world's most sophisticated censorship apparatus, registered a modest improvement as microblogs and other online tools enhanced Chinese citizens' ability to share and

access uncensored information, particularly regarding breaking news stories. Fewer cases of violence against professional journalists and high-profile social media activists were reported than in 2011. And several public outcries and online campaigns in 2012 were credited with driving the news agenda or forcing government concessions. The authorities responded to the challenges of controlling the news with information vacuums, heavy-handed propaganda pushes, and new restrictions on entertainment programming, social-media platforms, and online videos. Constraints on print media were especially tight during the year in advance of the sensitive Communist Party leadership transition in November. Journalists and internet users who disseminated information deemed undesirable by the party continued to face punishment, with dozens of cases of interrogation, dismissal, or imprisonment documented during the year. Conditions in Tibetan areas and for foreign journalists deteriorated. The promotion of a hard-line veteran of the censorship system to the Politburo Standing Committee and subsequent measures to reinforce internet censorship and surveillance indicated the Communist Party's commitment to retaining tight information controls even under the new leadership.

Only one country in the region experienced a status change in 2012. **Thailand**, whose designation has shifted several times over the past few years, moved from 60 to 62 points and back into the Not Free range due to a trend of aggressive enforcement of *lèse-majesté* laws that was already apparent in late 2011. Court decisions in 2012 found that the existing laws, which restrict speech deemed offensive to the monarchy, do not contradict the constitution's provisions for freedom of expression, and that third-party hosts may be held liable for online *lèse-majesté* violations. Harsh penalties continued to be handed down during the year, and even convictions coupled with relatively lenient sentences threatened to encourage self-censorship. In one case, Chiranuch Premchaiporn, the webmaster of the news site *Prachatai*, received probation and a suspended eight-month jail term for allowing 20 days to pass before she removed a comment deemed critical of the monarchy from the site's message board.

Negative trends were also apparent in **Cambodia**, whose score worsened from 63 to 66 due to an increase in the number of journalists behind bars—including the notable case of independent radio station owner Mam Sonando, who was convicted of sedition and sentenced to 20 years in prison for the outlet's coverage of land disputes—and a significant rise in threats and physical violence against the press, including the first murder of a reporter since 2008. Meanwhile, in the **Maldives**, general political turmoil in which the president was removed from office led to pressures on media freedom and a score decline from 51 to 55. Issues of concern included the passage of a Freedom of Peaceful Assembly Act that imposed new government accreditation requirements and other constraints on journalists; a significant increase in government pressure on the Maldives Broadcasting Commission (MBC) after it assumed control of all state-owned media; and an escalation in the intimidation, harassment, and violence directed toward journalists and media outlets.

Also in South Asia, **Nepal**'s score fell from 55 to 58 due to increased partisan influence on the media in the period surrounding the May expiration of the Constituent Assembly's mandate to write a new constitution; increased violence and threats against journalists across the country during the year, including the murder of a journalist and a media owner; and the failure of the courts to punish perpetrators of such violence. A smaller deterioration was noted in **Sri Lanka**, whose score moved from 72 to 74 to reflect an increase in verbal threats and intimidation against journalists by government officials, as well as the sale of the *Sunday Leader*, formerly one of the island's most independent newspapers, to an owner with close affiliation to the ruling party.

In East Asia, **Hong Kong**'s score declined by two points, to 35, to reflect growing government restrictions on journalists' access to information and several violent and technical attacks against reporters, websites, and media entities. In addition, Beijing's efforts to influence media production in the territory intensified and touched on internal Hong Kong politics, marking a departure from past trends in which the targets of Chinese pressure were primarily voices and topics regarded as politically sensitive on the mainland. Meanwhile, **Taiwan**'s score declined slightly as regulatory delays in approving a license for a new television station compelled the owner to declare that the project was no longer financially sustainable.

Other countries in the region experienced significant improvements in 2012. In **Afghanistan**, a continuing decrease in violence against journalists, the opening of a number of new private media outlets that are free to criticize the government, and a decline in official censorship and prosecutions of journalists caused the score to improve from 74 to 67. Even more impressive gains were recorded in **Burma**, which earned the year's largest numerical improvement worldwide, moving from 85 to 72 points. Building on openings in 2011, the country benefited from positive developments including the release of imprisoned bloggers and video journalists, an end to official prepublication censorship and dissolution of the censorship body, the establishment of several independent journalists' and publishers' associations, fewer cases of harassment and attacks against journalists, improved access for the foreign media, greater access to foreign radio broadcasts and the internet, and some progress toward a new media law. However, restrictions remained on ethnic minority journalists and coverage of ethnic violence in Rakhine State during the year. Among other issues of concern, efforts to repeal restrictive legislation and reconcile the new media law with international press freedom standards encountered official resistance.

**Central and Eastern Europe/Eurasia:** In the CEE/Eurasia region, 7 countries (24 percent) remained classified as Free, 13 (45 percent) were rated Partly Free, and 9 (31 percent) were rated Not Free. However, a majority of the people in this region (56 percent) lived in Not Free media environments, while 29 percent lived in Partly Free countries and only 15 percent had access to Free media—the smallest share in a decade. The regional average score underwent a modest decline, led by negative movement in the economic category. The average for the Eurasia subregion remained the worst in the world, at 75; meanwhile, deterioration in the typically better-performing subregion of Central and Eastern Europe continued in 2012, again especially in the economic category.

It is notable that three of the eight worst press freedom abusers in the entire survey—Belarus, Uzbekistan, and Turkmenistan—are found in Eurasia, with Turkmenistan now tied with North Korea for last place in the index at 96 points. Other countries of special concern include Russia, Azerbaijan, and Kazakhstan. The media environment in **Russia**, whose score declined by one point to 81, is characterized by the use of a pliant judiciary to prosecute independent journalists, impunity for the physical harassment and murder of journalists, and continued state control or influence over almost all traditional media outlets. Following Vladimir Putin's return to the presidency in May 2012, which was aided by an overwhelming media advantage ahead of the March election, the regime enacted a series of laws that could be used to further restrict media freedom, included a broadly worded measure allowing for the censorship of internet-based content that took effect in November. The situation in Russia is mitigated somewhat by a recent increase in use of the internet, social media, and satellite television to disseminate and access news and information. However, new media users have yet to achieve a real breakthrough in reaching the general public in Russia, and face an uphill battle against a range of political, economic, legal, and extralegal tools at the disposal of the authorities.

In **Kazakhstan**, which suffered a three-point decline from 81 to 84, the authorities narrowed the space for independent voices even further in 2012 by banning around 40 opposition media outlets and stepping up violence and legal persecution of the remaining independent and critical journalists. **Azerbaijan's** score declined by two points, to 82, due to an increase in violence against journalists and legal amendments that limited access to information.

**Ukraine** followed its three-point drop in 2011 with a decline from 59 to 60—just short of the Not Free range—due to the politicized nature of the digital licensing process, which resulted in a number of independent stations losing their licenses. The year 2012 also featured the abuse of state media to favor of the ruling Party of Regions during parliamentary elections, as well as an escalation in threats and attacks on journalists in the preelection period.

Conditions in **Hungary**, which was downgraded to Partly Free in 2011, remained steady in 2012, though there were persistent concerns regarding extensive legislative and regulatory changes that have tightened government control of the media. A series of rulings by Hungary's Constitutional Court and legal amendments adopted to meet objections from the European Commission in 2011 and 2012 have done little to curb the power of a new media authority controlled by the ruling Fidesz party. Meanwhile, the critical radio station Klubradio had yet to regain control of its main frequency at year's end.

The most significant numerical improvements in the region occurred in the Caucasus. **Georgia**, whose score moved from 52 to 49, benefited from increased political diversity in the television market, including through the return of Imedi TV to its previous private owners. **Armenia** improved from 65 to 61 points because media coverage of the parliamentary elections was generally more balanced than in previous election periods, opposition parties made greater use of online media, harassment and violence against journalists declined compared with the last election year, and there was a dramatic reduction in defamation or slander complaints against journalists.

**Middle East and North Africa:** The Middle East and North Africa region continued to have the world's poorest ratings in 2012, with no countries ranked in the Free category, 5 (26 percent) designated Partly Free, and 14 (74 percent) assessed as Not Free. Similarly, in terms of the breakdown by population, none of the region's people lived in Free media environments, 8 percent lived in Partly Free countries, and the vast majority, 92 percent, lived in countries or territories that were designated Not Free. Although new information platforms—including blogs, social media such as Twitter and Facebook, and smartphones—have had a positive impact, traditional media in much of the region were still constrained by emergency rule, state ownership and editorial directives, harsh blasphemy legislation, and laws against insulting monarchs and public figures. Moreover, ruling authorities have stepped up efforts to control new media using similar measures as well as censorship and surveillance. Following significant positive movement in the regional average score in 2011, particularly in the legal and political categories, there was some backsliding in 2012, with improvements in the legal and economic categories outweighed by declines in the political category.

In 2011, the Arab Spring uprisings led to extraordinary openings in Libya and Tunisia, and more modest improvements in Egypt. However, these gains were not yet supported by a broad array of institutional, legal, and regulatory structures in 2012, remaining tenuous in the first two countries and quickly eroding in the third. **Libya** saw positive developments in the legal sphere, with the transitional charter providing a measure of respect for freedom of expression and the constitutional court overruling government proposals that would have restricted media freedom. In addition, access to official information and government ministries has improved in practice. Nevertheless, the poor security situation in the country hindered the work of journalists, with unclear accreditation rules imposed by various militias and a number of reporters detained as they attempted to cover sensitive stories. Overall, Libya's score improved by one point, to 59, for 2012. **Tunisia** also presented a mixed picture. Access to information and official sources improved in practice. However, a new constitution had yet to be passed, and language added to the draft would allow restrictions on freedom of expression in the name of morality and decency. Increased polarization of the media landscape, in which both the government and the opposition influenced editorial content, coupled with intimidation and attacks against independent reporters by government supporters and hard-line Islamist groups, led to an overall score decline of one point, to 52.

**Egypt** underwent significant backsliding in 2012, with its score dropping from 57 to 62 points and its status reverting to Not Free. The new constitution, passed in December, enshrined the right to freedom of the press, but it allows for limitations based on social, cultural, and political grounds, and prescribes legal punishments for overstepping these limits. In addition, in a number of cases brought against the press during the year, the judiciary came under pressure from Islamist groups and issued rulings against the journalists involved. The level of violence and intimidation against journalists and media outlets remained high, with the death of a journalist covering a protest in December and numerous instances of physical harassment at the hands of police, political party supporters, and hard-line Islamist groups. Media polarization increased in the wake of the June election of the Muslim Brotherhood's Mohamed Morsi as president, with outlets aligned into pro- or anti-Islamist factions, government favoritism toward pro-Islamist outlets, and official pressure placed on state-owned media. Moreover, the explosion of new, independent outlets in 2011 proved difficult to sustain economically; a number of outlets were forced to close or cut back, contributing to the continued prominence of state-controlled media.

Across the Arabian Peninsula, governments systematically cracked down on the media to stifle growing political dissent. After its precipitous drop in 2011, the score for **Bahrain** continued to deteriorate in 2012, falling an additional two points to 86 as the government's censorship and intimidation of journalists intensified. **Kuwait**, long considered one of the freer media environments in the area, also declined by two points, to 59, as its ongoing political crisis led to the shutdown of multiple media outlets and widespread arrests of journalists who used Twitter to spread information on demonstrations. The authorities in the **United Arab Emirates** (UAE) also escalated their efforts to silence critics of the regime, arresting bloggers, blocking access to dissidents' Facebook and Twitter accounts, and passing a highly restrictive yet vaguely worded law to criminalize the online dissemination of news that could "endanger national security" or "harm the reputation of the regime." The UAE's score consequently declined by two points to 74.

The only country on the peninsula with a net improvement was **Yemen**, whose score rose from 83 to 79 because the government allowed private radio stations for the first time; this, combined with the rising number of television outlets, led to an increase in media diversity. In addition, the government passed a freedom of information act, and the level of violence against journalists decreased relative to the previous year. Yemen's improvement is the first in five years among the countries on the Arabian Peninsula.

In **Syria**, the worsening civil war has transformed the media landscape. The government continues to forcibly restrict coverage of the conflict and misreport events via state-run television stations, and journalists and bloggers operate in an environment of considerable fear and insecurity. However, the loss of centralized control in large swathes of the country has allowed a rise in citizen journalism, the opening of new media outlets, and a decline in self-censorship. This has been crucial for the dissemination of information about the conflict, including reports of atrocities, to an international audience, and led to a one-point improvement in Syria's score in 2012, to 88. At the same time, the new outlets are generally aligned with the opposition, leading to a highly polarized news environment.

**Israel**, an outlier in the region due to its traditionally free and diverse press, nevertheless experienced several challenges during 2012, resulting in an overall one-point decline for a score of 31 and a status downgrade to Partly Free. Although several Supreme Court rulings during the year were supportive of journalists' rights, reporter Uri Blau was indicted for possession of state secrets, marking the first time this law had been used against a journalist in several decades. Blau ultimately pleaded guilty and avoided prison time. Instances of interference with the content of Israeli Broadcasting Authority radio programs raised concern over political influence at the public broadcaster, as did the direct involvement of the prime minister's office in protracted negotiations over a license renewal for the private television station Channel 10. Finally, the newspaper industry suffered from the cumulative, multiyear impact of *Israel Hayom*, a free paper owned and subsidized by American businessman Sheldon Adelson that is openly aligned with Prime Minister Benjamin Netanyahu and has grown to become the largest-circulation daily. With advertising prices falling under pressure from *Israel Hayom*, the daily *Maariv* went bankrupt and was bought out by a rival newspaper owner toward the end of 2012; the handover was accompanied by significant layoffs.

**Sub-Saharan Africa:** Four (8 percent) of the 49 countries in sub-Saharan Africa were rated Free, 23 (47 percent) were rated Partly Free, and 22 (45 percent) were rated Not Free. In terms of population, 3 percent lived in Free media environments, while a majority (56 percent) lived with Partly Free media and 41 percent lived in Not Free settings. The regional average score underwent a modest decline, caused predominantly by a deterioration in the political category. Press freedom conditions remained dire in Equatorial Guinea and Eritrea, two of the world's eight worst performers. Their authoritarian governments continued to use legal pressure, imprisonment, and other forms of harassment to suppress independent reporting.

**Mali**, traditionally one of Africa's top performers, suffered the index's largest single-year decline in a decade, falling from 24 to 46 points and from Free to Partly Free due to repression of the media in the south as a result of the March military coup, and the near-complete suppression of press freedom in the north, which was seized by Islamist militants. Violations in the south included a temporary suspension of

the constitution, arbitrary arrests of journalists, the takeover of the state broadcaster, and restrictions on reporting on the coup. In the north, militants closed or took over nearly all outlets and imposed a crude imitation of Islamic law. Harassment and attacks on journalists were prevalent in both sections of the country. In **Guinea-Bissau**, the score dropped from 57 to 65 and the status fell from Partly Free to Not Free due to restrictions on coverage of an April 2012 coup and subsequent protests, as well as increased abuse and intimidation of journalists by the military.

Several gains in West Africa offset the two major declines in the subregion. **Côte d'Ivoire** jumped from 70 to 61 points—the largest numerical improvement of the year other than Burma's—due to the generally less restrictive legal and political environment for the press under the government of President Alassane Ouattara, including a decrease in harassment and attacks on foreign and local journalists, more space for critical reporting, and the opening up of radio and television airwaves to private broadcasters. In **Senegal**, the score improved from 55 to 52 due to an improved climate for the press under new president Macky Sall, including a reduction in the use of restrictive laws against the media and a decrease in harassment and attacks against journalists. **Liberia's** score improved from 60 to 56, a result of reduced pressure from libel and slander laws, an increased diversity of opinion in the media, and a reduction in violence against journalists. **Mauritania** moved from 52 to 47 points due to a decline in extralegal intimidation and libel suits against journalists, the licensing and launch of new radio stations, increased inclusion of women in the media sector, and moves toward a greater role for media professionals in the regulatory body.

In southern Africa, **Malawi** reversed its decline of 2011, registering a seven-point improvement, from 60 to 53, due to the repeal of a restrictive media law and a reduction in official censorship, intimidation, harassment, and violence against journalists after Joyce Banda took over as president in April. **Zimbabwe's** score improved from 80 to 77 due to a decline in serious cases of attacks on journalists as well as the increased influence of private and exile media, which led to a greater diversity of views. Meanwhile, in **Madagascar**, the ongoing political crisis sparked by a 2009 coup contributed to a three-point decline, from 63 to 66. The media sector suffered from an increase in defamation charges and convictions against high-profile journalists, the closure of a prominent opposition radio station as a result of prolonged intimidation and harassment by the de facto government, and the continued high concentration of media ownership in the hands of political elites.

**South Africa's** performance has steadily eroded in recent years due to state interference in the public broadcaster, an increasingly hostile climate for government critics, and progression through the legislature of the Protection of State Information Bill, which would allow government officials and state agencies to withhold a wide range of information in the national interest or on national security grounds. The country's score dropped another point, to 35, for 2012 due to de facto restrictions on media coverage of wildcat mining strikes in August and September.

**Western Europe:** Western Europe has consistently boasted the highest level of press freedom worldwide. In 2012, 22 countries (88 percent) were rated Free and 3 (12 percent) were rated Partly Free. In terms of population, 70 percent of the region's residents enjoyed a Free press, while 30 percent lived in Partly Free media environments. However, the regional average score declined considerably in 2012, led by erosion in the political and especially the economic categories. Norway and Sweden remained the world's top-performing countries, with overall scores of 10.

The region's largest numerical changes in 2012 were driven by the ongoing European economic crisis. **Greece** dropped from 30 to 41 points due to closures of, or cutbacks at, numerous print and broadcast outlets, and a related reduction in media diversity and effective reporting about the country's political and economic situation. Other side effects of the crisis included the case of journalist Kostas Vaxevanis, who was arrested and charged with violation of privacy for publishing a list of alleged tax evaders; politically motivated firings and suspensions at both state and private media; and physical attacks against journalists by the far-right Golden Dawn party.

**Spain's** media environment also suffered as a result of the economic crisis and a related series of austerity measures, with its score declining from 24 to 27 points. Media diversity was affected as the

advertising market contracted and a number of outlets closed, cut staff, or reduced salaries. Several journalists at RTVE, the state-owned broadcaster, were removed after voicing criticism of the government's controversial fiscal policies. Due in part to economic pressures, **Italy**'s score remained at 33, with a Partly Free status, despite a decrease in political influence over media content since Silvio Berlusconi's departure from the premiership in late 2011. **Cyprus** showed a three-point decline, from 22 to 25, owing to the closure of several television stations that were unable to afford the cost of new digital licenses, and the resulting decrease in local media diversity.

**Turkey** remained a regional outlier with a score of 56, deep inside the Partly Free range, as the government continued to crack down on journalists in 2012. Constitutional guarantees of freedom of the press and expression are only partially upheld in practice, undermined by restrictive provisions in the criminal code and the Anti-Terrorism Act. Thanks to detentions stemming from investigations into the alleged Ergenekon coup conspiracy and a crackdown on suspected Kurdish militants, Turkey remains among the nations with the most journalists behind bars in the world.

Improvements were seen in **France** due to laws and court rulings that enhanced protection of sources, and in the **Netherlands** because of the repeal of a blasphemy law, although certain restrictions are still in place. In the **United Kingdom**, a pending bill to reform the country's libel laws, which heavily favor the plaintiff, was seen as a positive step. However, media freedom advocates as well as Prime Minister David Cameron criticized a November 2012 report by Lord Justice Leveson—launched in the wake of the 2011 *News of the World* phone-hacking scandal—that recommended the establishment of statutory regulation for the British press.

## GLOBAL PRESS FREEDOM RANKINGS

<b>Rank 2013</b>	<b>Country</b>	<b>Rating</b>	<b>Status</b>
1	Norway	10	Free
	Sweden	10	Free
3	Belgium	11	Free
	Finland	11	Free
	Netherlands	11	Free
6	Denmark	12	Free
	Luxembourg	12	Free
	Switzerland	12	Free
9	Andorra	13	Free
10	Iceland	14	Free
	Liechtenstein	14	Free
12	St. Lucia	15	Free
13	Estonia	16	Free
	Ireland	16	Free
	Monaco	16	Free
	New Zealand	16	Free
	Palau	16	Free
	San Marino	16	Free
19	Germany	17	Free
	Marshall Islands	17	Free
	Portugal	17	Free
	St. Vincent and Grenadines	17	Free
23	Barbados	18	Free
	Costa Rica	18	Free
	Jamaica	18	Free
	United States of America	18	Free
27	Bahamas	19	Free
	Czech Republic	19	Free
29	Canada	20	Free
	St. Kitts and Nevis	20	Free
31	Australia	21	Free
	Austria	21	Free
	Micronesia	21	Free
	United Kingdom	21	Free
35	Belize	22	Free
	France	22	Free

<b>Rank 2013</b>	<b>Country</b>	<b>Rating</b>	<b>Status</b>
	<b>Malta</b>	22	Free
	<b>Slovakia</b>	22	Free
39	<b>Grenada</b>	23	Free
40	<b>Dominica</b>	24	Free
	<b>Japan</b>	24	Free
	<b>Lithuania</b>	24	Free
	<b>Slovenia</b>	24	Free
	<b>Suriname</b>	24	Free
45	<b>Cyprus</b>	25	Free
	<b>Vanuatu</b>	25	Free
47	<b>Poland</b>	26	Free
	<b>Taiwan</b>	26	Free
	<b>Trinidad and Tobago</b>	26	Free
	<b>Tuvalu</b>	26	Free
	<b>Uruguay</b>	26	Free
52	<b>Cape Verde</b>	27	Free
	<b>Kiribati</b>	27	Free
	<b>Spain</b>	27	Free
55	<b>Ghana</b>	28	Free
	<b>Latvia</b>	28	Free
	<b>Nauru</b>	28	Free
	<b>Papua New Guinea</b>	28	Free
	<b>São Tomé and Príncipe</b>	28	Free
	<b>Solomon Islands</b>	28	Free
61	<b>Samoa</b>	29	Free
	<b>Tonga</b>	29	Free
63	<b>Mauritius</b>	30	Free
64	<b>Chile</b>	31	Partly Free
	<b>Israel</b>	31	Partly Free
	<b>Namibia</b>	31	Partly Free
	<b>South Korea</b>	31	Partly Free
68	<b>Guyana</b>	33	Partly Free
	<b>Italy</b>	33	Partly Free
70	<b>Benin</b>	34	Partly Free
71	<b>East Timor</b>	35	Partly Free
	<b>Hong Kong</b>	35	Partly Free
	<b>South Africa</b>	35	Partly Free
74	<b>Hungary</b>	36	Partly Free
	<b>Montenegro</b>	36	Partly Free

<b>Rank 2013</b>	<b>Country</b>	<b>Rating</b>	<b>Status</b>
	<b>Serbia</b>	36	Partly Free
77	<b>Bulgaria</b>	37	Partly Free
	<b>Mongolia</b>	37	Partly Free
79	<b>Antigua and Barbuda</b>	38	Partly Free
	<b>India</b>	38	Partly Free
81	<b>Croatia</b>	40	Partly Free
	<b>Dominican Republic</b>	40	Partly Free
83	<b>Botswana</b>	41	Partly Free
	<b>El Salvador</b>	41	Partly Free
	<b>Greece</b>	41	Partly Free
86	<b>Burkina Faso</b>	42	Partly Free
	<b>Mozambique</b>	42	Partly Free
	<b>Romania</b>	42	Partly Free
89	<b>Peru</b>	43	Partly Free
	<b>Philippines</b>	43	Partly Free
91	<b>Brazil</b>	46	Partly Free
	<b>Mali</b>	46	Partly Free
93	<b>Mauritania</b>	47	Partly Free
94	<b>Bolivia</b>	48	Partly Free
	<b>Panama</b>	48	Partly Free
96	<b>Albania</b>	49	Partly Free
	<b>Bosnia and Herzegovina</b>	49	Partly Free
	<b>Comoros</b>	49	Partly Free
	<b>Georgia</b>	49	Partly Free
	<b>Haiti</b>	49	Partly Free
	<b>Indonesia</b>	49	Partly Free
	<b>Kosovo</b>	49	Partly Free
	<b>Lesotho</b>	49	Partly Free
<b>Sierra Leone</b>	49	Partly Free	
105	<b>Niger</b>	50	Partly Free
106	<b>Nicaragua</b>	51	Partly Free
	<b>Nigeria</b>	51	Partly Free
	<b>Tanzania</b>	51	Partly Free
109	<b>Argentina</b>	52	Partly Free
	<b>Senegal</b>	52	Partly Free
	<b>Tunisia</b>	52	Partly Free
112	<b>Bangladesh</b>	53	Partly Free
	<b>Colombia</b>	53	Partly Free
	<b>Kenya</b>	53	Partly Free

<b>Rank 2013</b>	<b>Country</b>	<b>Rating</b>	<b>Status</b>
	<b>Lebanon</b>	53	Partly Free
	<b>Malawi</b>	53	Partly Free
	<b>Moldova</b>	53	Partly Free
118	<b>Maldives</b>	55	Partly Free
	<b>Uganda</b>	55	Partly Free
120	<b>Congo (Brazzaville)</b>	56	Partly Free
	<b>Fiji</b>	56	Partly Free
	<b>Liberia</b>	56	Partly Free
	<b>Macedonia</b>	56	Partly Free
	<b>Seychelles</b>	56	Partly Free
	<b>Turkey</b>	56	Partly Free
126	<b>Bhutan</b>	58	Partly Free
	<b>Nepal</b>	58	Partly Free
128	<b>Guatemala</b>	59	Partly Free
	<b>Kuwait</b>	59	Partly Free
	<b>Libya</b>	59	Partly Free
131	<b>South Sudan</b>	60	Partly Free
	<b>Ukraine</b>	60	Partly Free
	<b>Zambia</b>	60	Partly Free
134	<b>Algeria</b>	61	Not Free
	<b>Armenia</b>	61	Not Free
	<b>Côte d'Ivoire</b>	61	Not Free
	<b>Ecuador</b>	61	Not Free
	<b>Mexico</b>	61	Not Free
	<b>Paraguay</b>	61	Not Free
140	<b>Central African Republic</b>	62	Not Free
	<b>Egypt</b>	62	Not Free
	<b>Guinea</b>	62	Not Free
	<b>Honduras</b>	62	Not Free
	<b>Thailand</b>	62	Not Free
145	<b>Jordan</b>	63	Not Free
146	<b>Malaysia</b>	64	Not Free
	<b>Pakistan</b>	64	Not Free
148	<b>Guinea-Bissau</b>	65	Not Free
149	<b>Cambodia</b>	66	Not Free
	<b>Cameroon</b>	66	Not Free
	<b>Madagascar</b>	66	Not Free
	<b>Morocco</b>	66	Not Free
153	<b>Afghanistan</b>	67	Not Free

<b>Rank 2013</b>	<b>Country</b>	<b>Rating</b>	<b>Status</b>
	<b>Iraq</b>	67	Not Free
	<b>Qatar</b>	67	Not Free
	<b>Singapore</b>	67	Not Free
157	<b>Angola</b>	68	Not Free
158	<b>Kyrgyzstan</b>	69	Not Free
159	<b>Togo</b>	70	Not Free
160	<b>Gabon</b>	71	Not Free
	<b>Oman</b>	71	Not Free
162	<b>Burma</b>	72	Not Free
	<b>Burundi</b>	72	Not Free
164	<b>Djibouti</b>	74	Not Free
	<b>Sri Lanka</b>	74	Not Free
	<b>United Arab Emirates</b>	74	Not Free
167	<b>Brunei</b>	75	Not Free
168	<b>Chad</b>	76	Not Free
	<b>Venezuela</b>	76	Not Free
170	<b>Swaziland</b>	77	Not Free
	<b>Zimbabwe</b>	77	Not Free
172	<b>Tajikistan</b>	79	Not Free
	<b>Yemen</b>	79	Not Free
174	<b>Rwanda</b>	80	Not Free
	<b>Sudan</b>	80	Not Free
176	<b>Russia</b>	81	Not Free
177	<b>Azerbaijan</b>	82	Not Free
	<b>Ethiopia</b>	82	Not Free
179	<b>China</b>	83	Not Free
	<b>Congo (Kinshasa)</b>	83	Not Free
	<b>The Gambia</b>	83	Not Free
182	<b>Kazakhstan</b>	84	Not Free
	<b>Laos</b>	84	Not Free
	<b>Saudi Arabia</b>	84	Not Free
	<b>Somalia</b>	84	Not Free
	<b>Vietnam</b>	84	Not Free
	<b>West Bank and Gaza Strip</b>	84	Not Free
188	<b>Bahrain</b>	86	Not Free
189	<b>Syria</b>	88	Not Free
190	<b>Equatorial Guinea</b>	91	Not Free
191	<b>Cuba</b>	92	Not Free
	<b>Iran</b>	92	Not Free

<b>Rank 2013</b>	<b>Country</b>	<b>Rating</b>	<b>Status</b>
193	<b>Belarus</b>	93	Not Free
194	<b>Eritrea</b>	94	Not Free
195	<b>Uzbekistan</b>	95	Not Free
196	<b>North Korea</b>	96	Not Free
	<b>Turkmenistan</b>	96	Not Free

<b>Status</b>	<b>Number of Countries</b>	<b>Percentage of Total</b>
<b>Free</b>	63	32
<b>Partly Free</b>	70	36
<b>Not Free</b>	64	32
<b>TOTAL</b>	<b>197</b>	<b>100</b>

## AMERICAS

Rank 2013	Country	Rating	Status
1	<b>St. Lucia</b>	15	Free
2	<b>St. Vincent and Grenadines</b>	17	Free
3	<b>Barbados</b>	18	Free
	<b>Costa Rica</b>	18	Free
	<b>Jamaica</b>	18	Free
	<b>United States of America</b>	18	Free
7	<b>Bahamas</b>	19	Free
8	<b>Canada</b>	20	Free
	<b>St. Kitts and Nevis</b>	20	Free
10	<b>Belize</b>	22	Free
11	<b>Grenada</b>	23	Free
12	<b>Dominica</b>	24	Free
	<b>Suriname</b>	24	Free
14	<b>Trinidad and Tobago</b>	26	Free
	<b>Uruguay</b>	26	Free
16	<b>Chile</b>	31	Partly Free
17	<b>Guyana</b>	33	Partly Free
18	<b>Antigua and Barbuda</b>	38	Partly Free
19	<b>Dominican Republic</b>	40	Partly Free
20	<b>El Salvador</b>	41	Partly Free
21	<b>Peru</b>	43	Partly Free
22	<b>Brazil</b>	46	Partly Free
23	<b>Bolivia</b>	48	Partly Free
	<b>Panama</b>	48	Partly Free
25	<b>Haiti</b>	49	Partly Free
26	<b>Nicaragua</b>	51	Partly Free
27	<b>Argentina</b>	52	Partly Free
28	<b>Colombia</b>	53	Partly Free
29	<b>Guatemala</b>	59	Partly Free
30	<b>Ecuador</b>	61	Not Free
	<b>Mexico</b>	61	Not Free
	<b>Paraguay</b>	61	Not Free
33	<b>Honduras</b>	62	Not Free
34	<b>Venezuela</b>	76	Not Free
35	<b>Cuba</b>	92	Not Free

<b>Status</b>	<b>Number of Countries</b>	<b>Percentage of Total</b>
<b>Free</b>	15	43
<b>Partly Free</b>	14	40
<b>Not Free</b>	6	17
<b>TOTAL</b>	<b>35</b>	<b>100</b>

**Subregion Comparison  
Americas**

<b>Status</b>	<b>Number of Countries</b>	<b>Average Press Freedom Score</b>
<b>Americas</b>	35	39
<b>Latin America</b>	20	50
<b>Non-Latin America</b>	15	24

## ASIA-PACIFIC

<b>Rank 2013</b>	<b>Country</b>	<b>Rating</b>	<b>Status</b>
1	<b>New Zealand</b>	16	Free
	<b>Palau</b>	16	Free
3	<b>Marshall Islands</b>	17	Free
4	<b>Australia</b>	21	Free
	<b>Micronesia</b>	21	Free
6	<b>Japan</b>	24	Free
7	<b>Vanuatu</b>	25	Free
8	<b>Taiwan (ROC)</b>	26	Free
	<b>Tuvalu</b>	26	Free
10	<b>Kiribati</b>	27	Free
11	<b>Nauru</b>	28	Free
	<b>Papua New Guinea</b>	28	Free
	<b>Solomon Islands</b>	28	Free
14	<b>Samoa</b>	29	Free
	<b>Tonga</b>	29	Free
16	<b>South Korea</b>	31	Partly Free
17	<b>East Timor</b>	35	Partly Free
	<b>Hong Kong</b>	35	Partly Free
19	<b>Mongolia</b>	37	Partly Free
20	<b>India</b>	38	Partly Free
21	<b>Philippines</b>	43	Partly Free
22	<b>Indonesia</b>	49	Partly Free
23	<b>Bangladesh</b>	53	Partly Free
24	<b>Maldives</b>	55	Partly Free
25	<b>Fiji</b>	56	Partly Free
26	<b>Bhutan</b>	58	Partly Free
	<b>Nepal</b>	58	Partly Free
28	<b>Thailand</b>	62	Not Free
29	<b>Malaysia</b>	64	Not Free
	<b>Pakistan</b>	64	Not Free
31	<b>Cambodia</b>	66	Not Free
32	<b>Afghanistan</b>	67	Not Free
	<b>Singapore</b>	67	Not Free
34	<b>Burma</b>	72	Not Free
35	<b>Sri Lanka</b>	74	Not Free
36	<b>Brunei</b>	75	Not Free

<b>Rank 2013</b>	<b>Country</b>	<b>Rating</b>	<b>Status</b>
37	<b>China (PRC)</b>	83	Not Free
38	<b>Laos</b>	84	Not Free
	<b>Vietnam</b>	84	Not Free
40	<b>North Korea</b>	96	Not Free

<b>Status</b>	<b>Number of Countries</b>	<b>Percentage of Total</b>
<b>Free</b>	15	37.5
<b>Partly Free</b>	13	30
<b>Not Free</b>	12	32.5
<b>TOTAL</b>	<b>40</b>	<b>100</b>

**Subregion Comparison  
Asia-Pacific**

<b>Status</b>	<b>Number of Countries</b>	<b>Average Press Freedom Score</b>
<b>Asia-Pacific</b>	40	47
<b>Asia Proper</b>	26	58
<b>Pacific Islands</b>	14	26

## CENTRAL AND EASTERN EUROPE / EURASIA

Rank 2013	Country	Rating	Status
1	Estonia	16	Free
2	Czech Republic	19	Free
3	Slovakia	22	Free
4	Lithuania	24	Free
	Slovenia	24	Free
6	Poland	26	Free
7	Latvia	28	Free
8	Hungary	36	Partly Free
	Montenegro	36	Partly Free
	Serbia	36	Partly Free
11	Bulgaria	37	Partly Free
12	Croatia	40	Partly Free
13	Romania	42	Partly Free
14	Albania	49	Partly Free
	Bosnia-Herzegovina	49	Partly Free
	Georgia	49	Partly Free
	Kosovo	49	Partly Free
18	Moldova	53	Partly Free
19	Macedonia	56	Partly Free
20	Ukraine	60	Partly Free
21	Armenia	61	Not Free
22	Kyrgyzstan	69	Not Free
23	Tajikistan	79	Not Free
24	Russia	81	Not Free
25	Azerbaijan	82	Not Free
26	Kazakhstan	84	Not Free
27	Belarus	93	Not Free
28	Uzbekistan	95	Not Free
29	Turkmenistan	96	Not Free

Status	Number of Countries	Percentage of Total
Free	7	24
Partly Free	13	45
Not Free	9	31
<b>TOTAL</b>	<b>29</b>	<b>100</b>

**Subregion Comparison**  
**Central and Eastern Europe/Eurasia**

<b>Status</b>	<b>Number of Countries</b>	<b>Average Press Freedom Score</b>
<b>CEE/Eurasia</b>	29	51
<b>Central and Eastern Europe</b>	17	35
<b>Eurasia</b>	12	75

## MIDDLE EAST AND NORTH AFRICA

Rank 2013	Country	Rating	Status
1	Israel	31	Partly Free
2	Tunisia	52	Partly Free
3	Lebanon	53	Partly Free
4	Kuwait	59	Partly Free
	Libya	59	Partly Free
6	Algeria	61	Not Free
7	Egypt	62	Not Free
8	Jordan	63	Not Free
9	Morocco	66	Not Free
10	Iraq	67	Not Free
	Qatar	67	Not Free
12	Oman	71	Not Free
13	United Arab Emirates	74	Not Free
14	Yemen	79	Not Free
15	Saudi Arabia	84	Not Free
	West Bank and Gaza Strip	84	Not Free
17	Bahrain	86	Not Free
18	Syria	88	Not Free
19	Iran	92	Not Free

Status	Number of Countries	Percentage of Total
Free	0	0
Partly Free	5	26
Not Free	14	74
<b>TOTAL</b>	<b>19</b>	<b>100</b>

## SUB-SAHARAN AFRICA

<b>Rank 2013</b>	<b>Country</b>	<b>Rating</b>	<b>Status</b>
1	<b>Cape Verde</b>	27	Free
2	<b>Ghana</b>	28	Free
	<b>São Tomé and Príncipe</b>	28	Free
4	<b>Mauritius</b>	30	Free
5	<b>Namibia</b>	31	Partly Free
6	<b>Benin</b>	34	Partly Free
7	<b>South Africa</b>	35	Partly Free
8	<b>Botswana</b>	41	Partly Free
9	<b>Burkina Faso</b>	42	Partly Free
	<b>Mozambique</b>	42	Partly Free
11	<b>Mali</b>	46	Partly Free
12	<b>Mauritania</b>	47	Partly Free
13	<b>Comoros</b>	49	Partly Free
	<b>Lesotho</b>	49	Partly Free
	<b>Sierra Leone</b>	49	Partly Free
16	<b>Niger</b>	50	Partly Free
17	<b>Nigeria</b>	51	Partly Free
	<b>Tanzania</b>	51	Partly Free
19	<b>Senegal</b>	52	Partly Free
20	<b>Kenya</b>	53	Partly Free
	<b>Malawi</b>	53	Partly Free
22	<b>Uganda</b>	55	Partly Free
23	<b>Congo (Brazzaville)</b>	56	Partly Free
	<b>Liberia</b>	56	Partly Free
	<b>Seychelles</b>	56	Partly Free
26	<b>South Sudan</b>	60	Partly Free
	<b>Zambia</b>	60	Partly Free
28	<b>Côte d'Ivoire</b>	61	Not Free
29	<b>Central African Republic</b>	62	Not Free
	<b>Guinea</b>	62	Not Free
31	<b>Guinea-Bissau</b>	65	Not Free
32	<b>Cameroon</b>	66	Not Free
	<b>Madagascar</b>	66	Not Free
34	<b>Angola</b>	68	Not Free
35	<b>Togo</b>	70	Not Free
36	<b>Gabon</b>	71	Not Free

<b>Rank 2013</b>	<b>Country</b>	<b>Rating</b>	<b>Status</b>
37	<b>Burundi</b>	72	Not Free
38	<b>Djibouti</b>	74	Not Free
39	<b>Chad</b>	76	Not Free
40	<b>Swaziland</b>	77	Not Free
	<b>Zimbabwe</b>	77	Not Free
42	<b>Rwanda</b>	80	Not Free
	<b>Sudan</b>	80	Not Free
44	<b>Ethiopia</b>	82	Not Free
45	<b>Congo (Kinshasa)</b>	83	Not Free
	<b>The Gambia</b>	83	Not Free
47	<b>Somalia</b>	84	Not Free
48	<b>Equatorial Guinea</b>	91	Not Free
49	<b>Eritrea</b>	94	Not Free

<b>Status</b>	<b>Number of Countries</b>	<b>Percentage of Total</b>
<b>Free</b>	4	8
<b>Partly Free</b>	23	47
<b>Not Free</b>	22	45
<b>TOTAL</b>	<b>49</b>	<b>100</b>

## WESTERN EUROPE

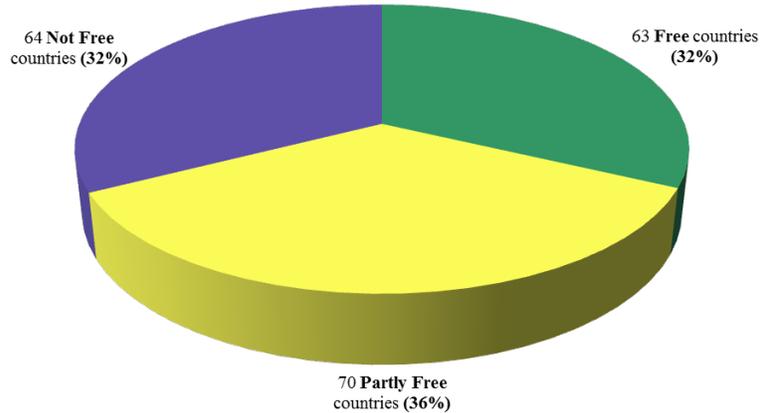
Rank 2013	Country	Rating	Status
1	Norway	10	Free
	Sweden	10	Free
3	Belgium	11	Free
	Finland	11	Free
	Netherlands	11	Free
6	Denmark	12	Free
	Luxembourg	12	Free
	Switzerland	12	Free
9	Andorra	13	Free
10	Iceland	14	Free
	Liechtenstein	14	Free
12	Ireland	16	Free
	Monaco	16	Free
	San Marino	16	Free
15	Germany	17	Free
	Portugal	17	Free
17	Austria	21	Free
	United Kingdom	21	Free
19	France	22	Free
	Malta	22	Free
21	Cyprus	25	Free
22	Spain	27	Free
23	Italy	33	Partly Free
24	Greece	41	Partly Free
25	Turkey	56	Partly Free

Status	Number of Countries	Percentage of Total
Free	22	88
Partly Free	3	12
Not Free	0	0
<b>TOTAL</b>	<b>25</b>	<b>100</b>

## Global Data

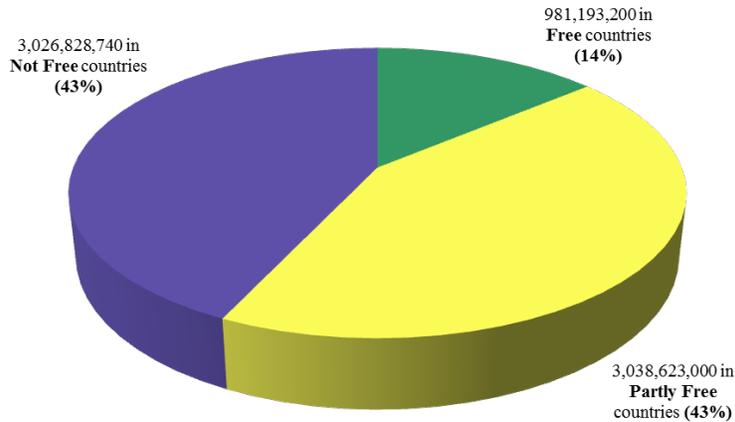
### Status by Country

■ Free ■ Partly Free ■ Not Free



### Status by Population

■ Free ■ Partly Free ■ Not Free



## Global Trends in Press Freedom

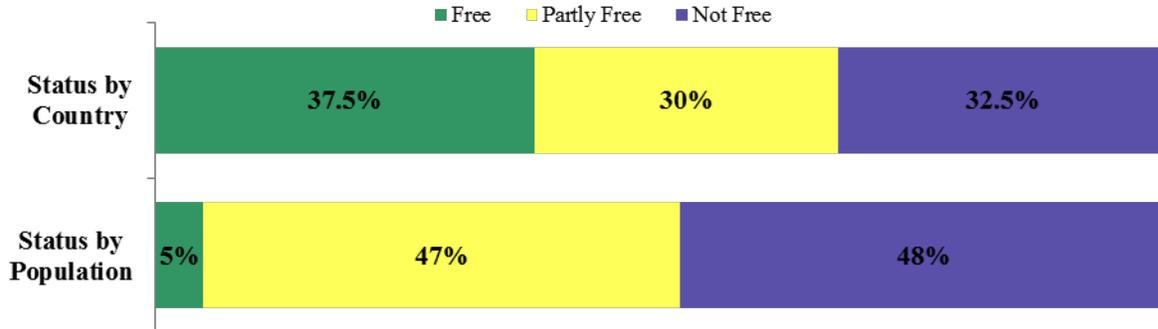
Year Under Review	Free Countries		Partly Free Countries		Not Free Countries	
	Number	Percentage	Number	Percentage	Number	Percentage
2012	63	32	70	36	64	32
2002	75	40	50	27	61	33
1992	67	38	50	28	60	34
1982	36	23	31	20	89	57

## Regional Data

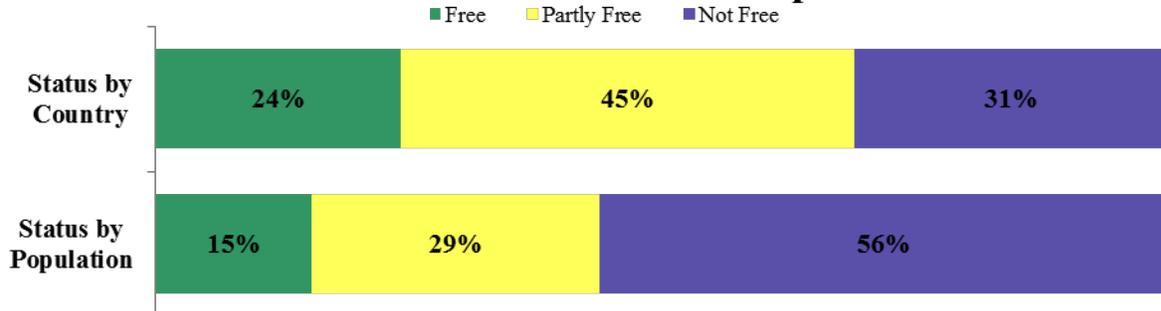
### Americas



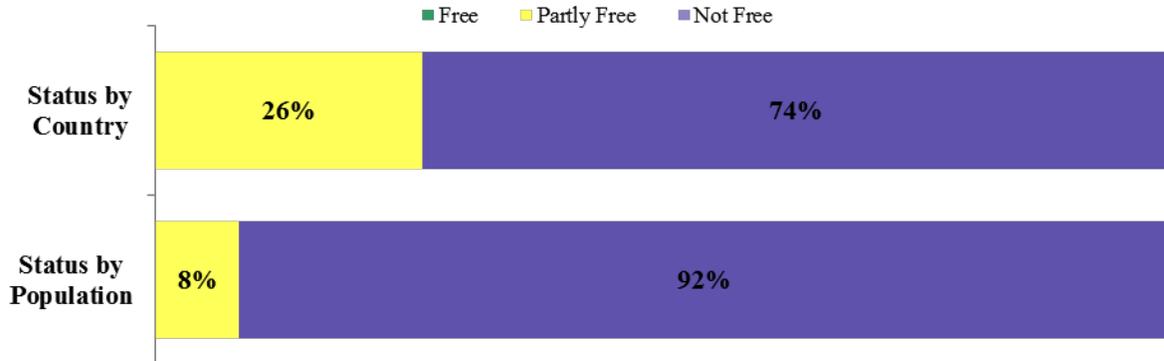
### Asia-Pacific



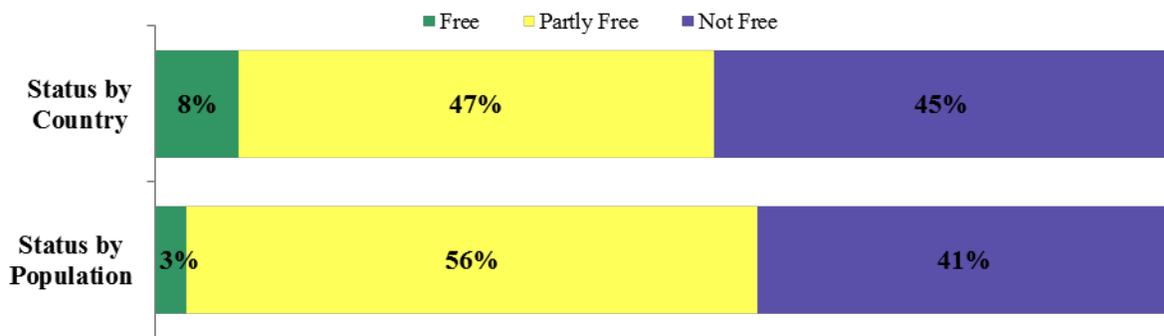
### Central and Eastern Europe/Eurasia



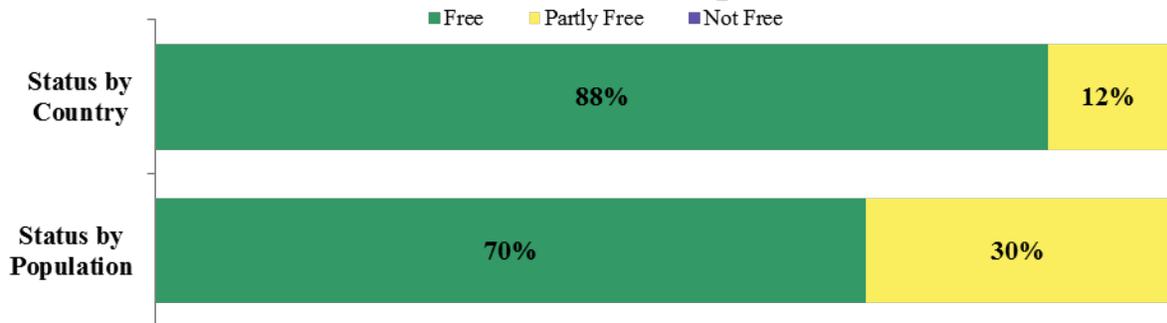
## Middle East and North Africa



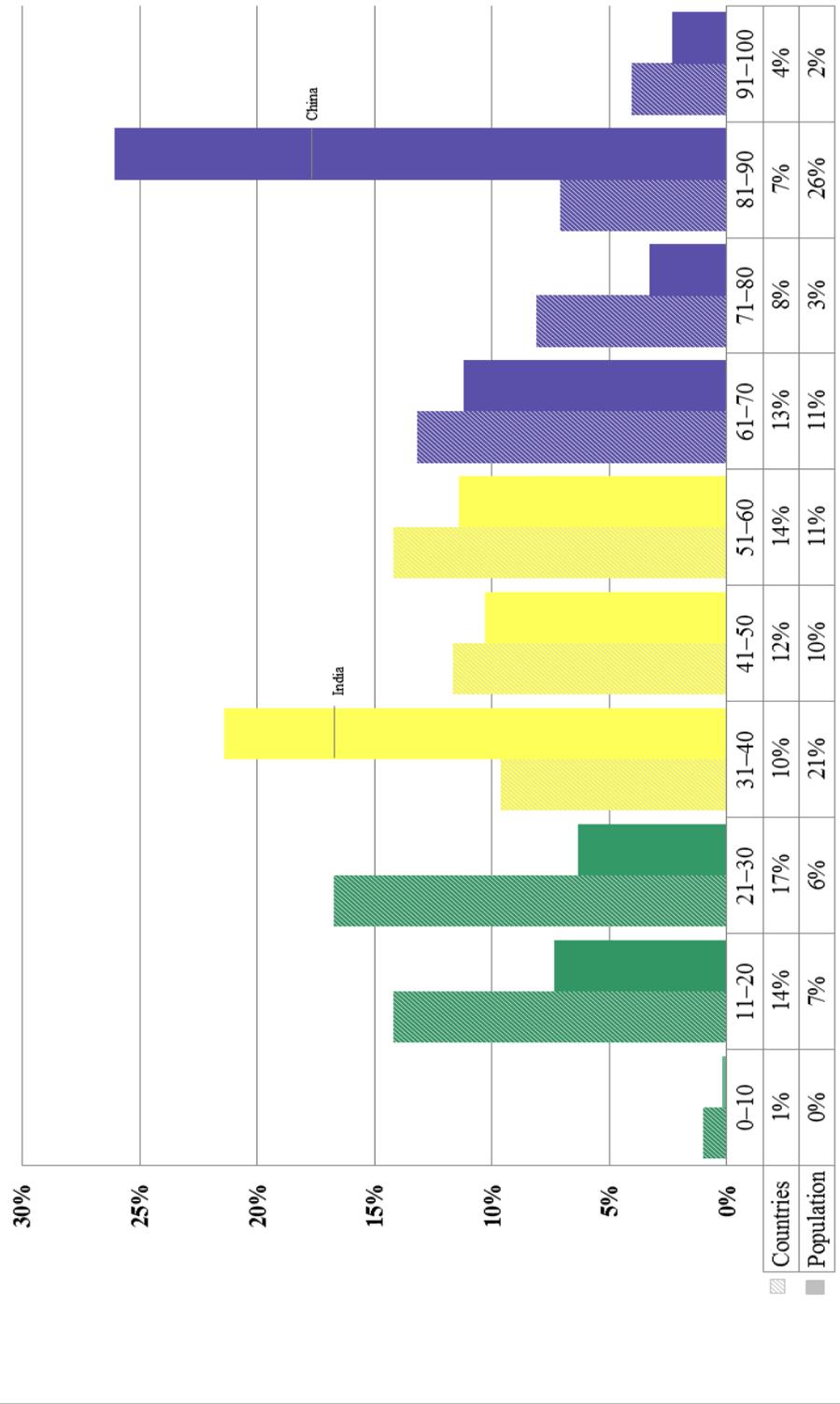
## Sub-Saharan Africa



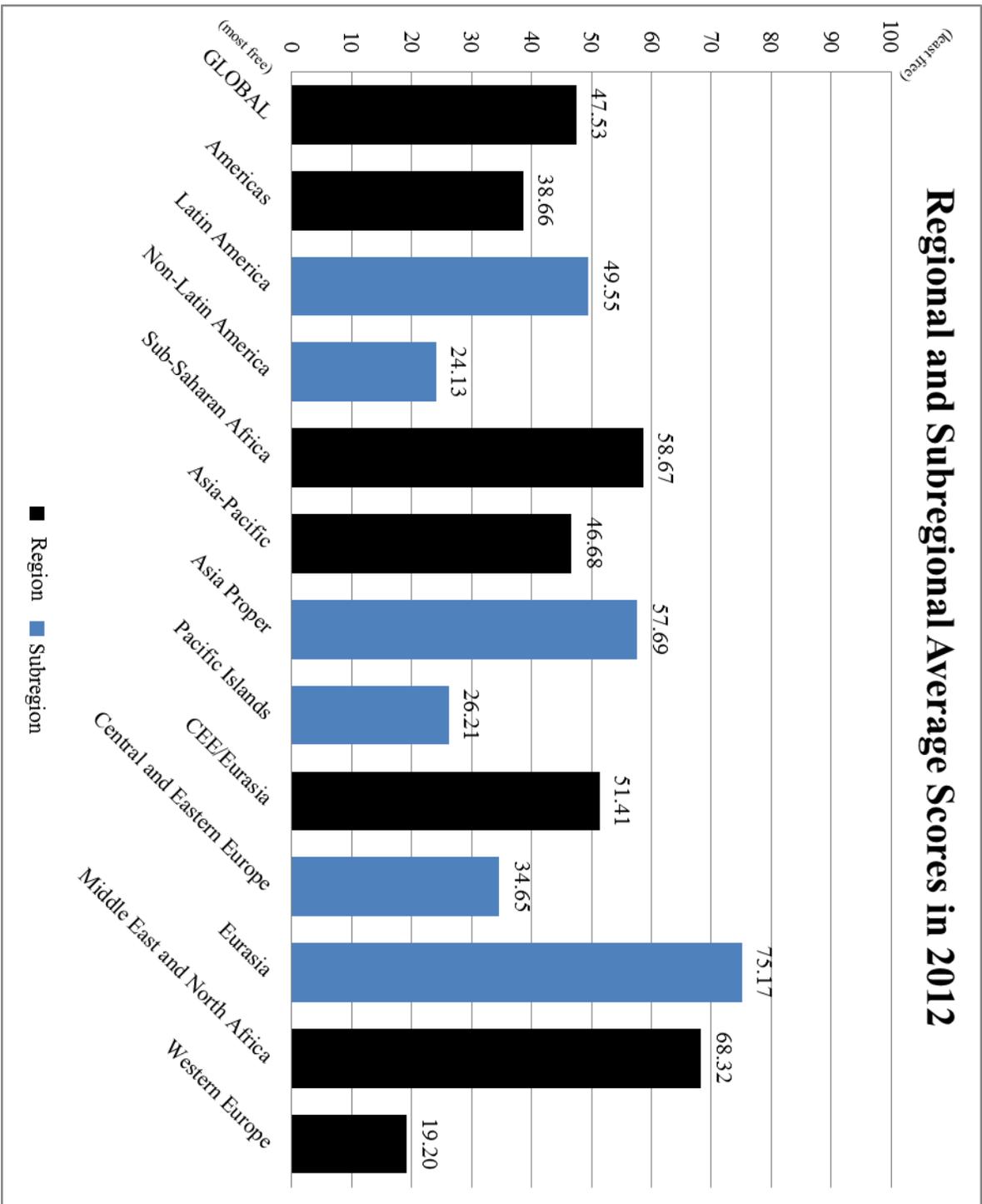
## Western Europe



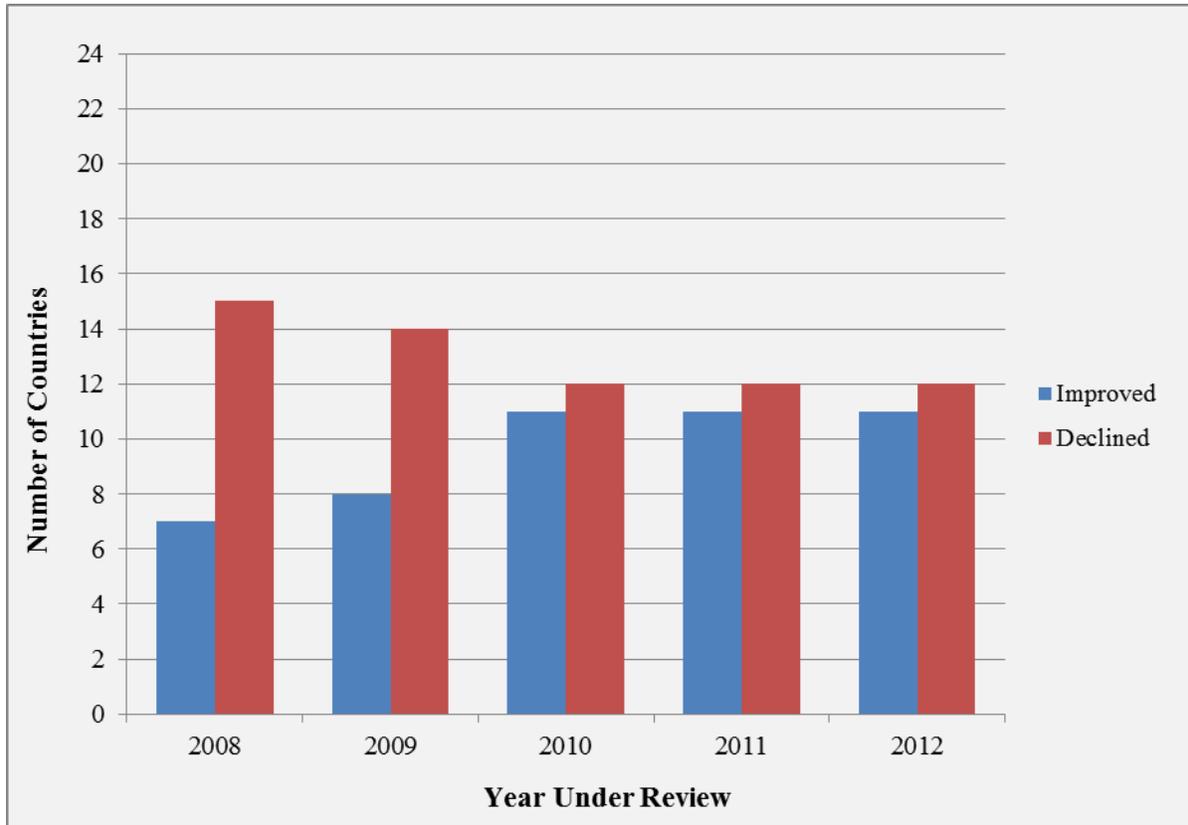
## Distribution of Scores in 2012 by Countries and Population



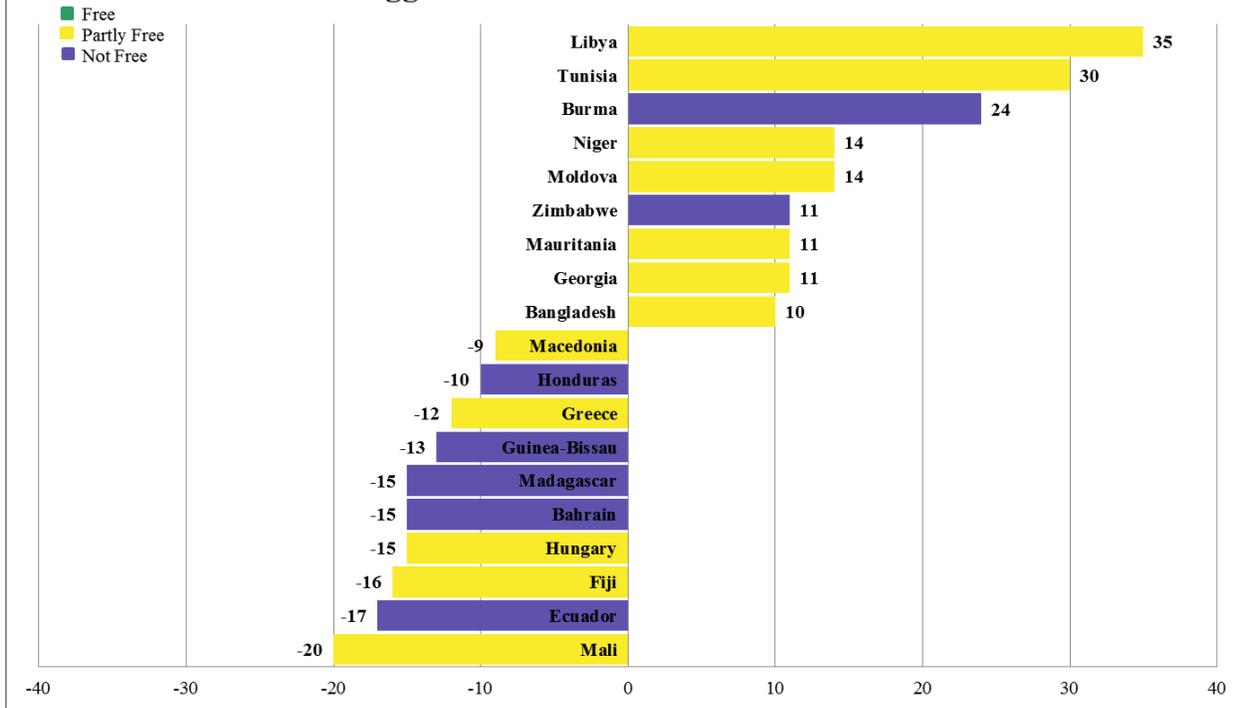
## Regional and Subregional Average Scores in 2012



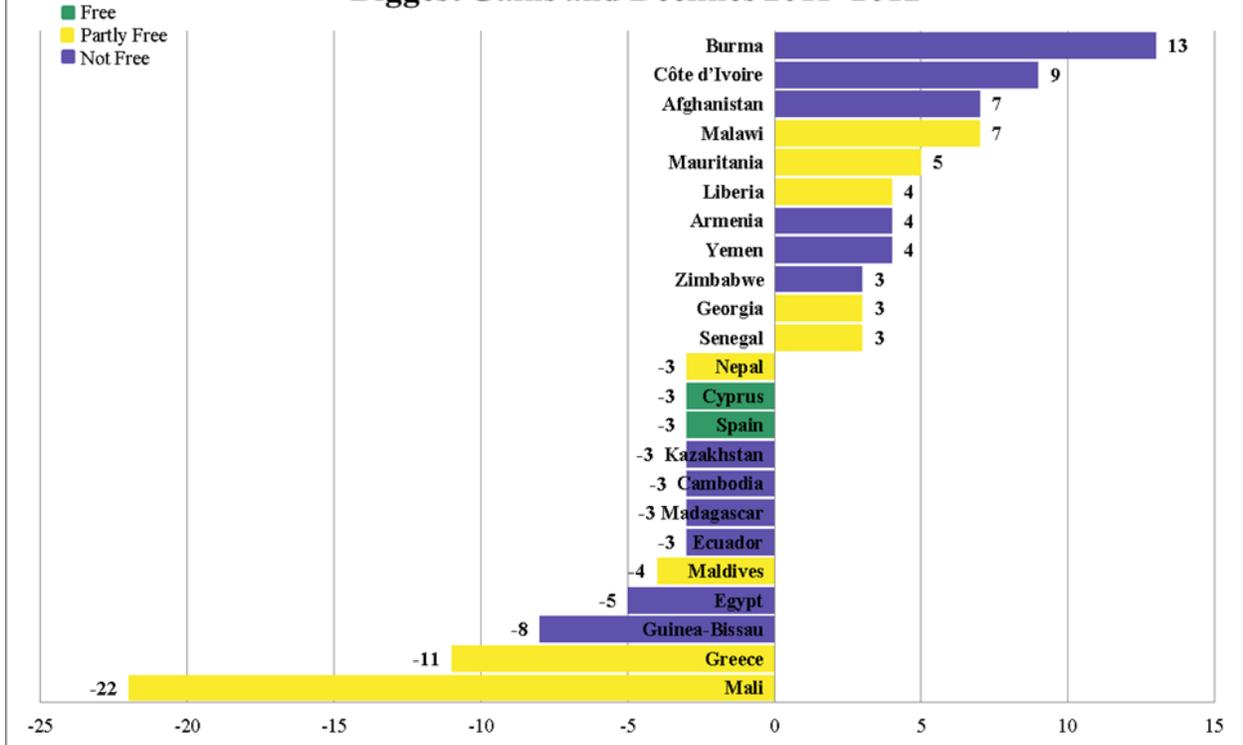
## Countries with a Net Annual Change of 3 or More Points



### Biggest Gains and Declines 2008–2012



### Biggest Gains and Declines 2011–2012



## Freedom of the Press 2013

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### Country Reports

#### Afghanistan

**Status: Not Free**

**Legal Environment: 20**

**Political Environment: 28**

**Economic Environment: 19**

**Total Score: 67**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	71,NF	74,NF	76,NF	75,NF	74,NF

Media freedom improved markedly due to a decline in attacks against journalists in 2012, coupled with an increasingly vibrant and diverse media landscape and a decrease in cases of legal harassment and censorship against journalists and media outlets. However, a number of challenges and potential risks, including some instances of censorship; violence, insecurity, and a lack of physical protection for journalists; and a proposed media law that could further restrict press freedom.

Article 34 of the constitution allows for freedom of the press and of expression, and the current Mass Media Law, which came into effect in 2009, guarantees the right of citizens to obtain information and prohibits censorship. However, there are broad restrictions on any content that is seen as “contrary to the principles of Islam or offensive to other religions and sects.” Four media laws have been approved since 2002, and many journalists are unsure as to which applies in different circumstances, resulting in self-censorship to avoid violating cultural norms or offending local sensitivities. Article 130 of the constitution stipulates that courts and Islamic jurists can rule on cases “in a way that attains justice in the best manner,” allowing for ambiguity and discriminatory rulings. Under Afghan law, cases involving journalists should be handled by the Media Commission, but this rule is not always observed in practice. In May 2012, authorities arrested and detained journalist Nasto Naderi for seven days for “false accusations” against government officials after broadcasting a program critical of the mayor of Kabul. In June, the attorney general launched a libel investigation against Pajhwok News Agency for an article alleging that legislators accepted bribes.

In 2012, the Afghan government drafted a new Mass Media Law, which would give the state increased control over the press. In addition, the proposed law would create civil sanctions for a long list of vaguely defined media violations, from changing bylaws to illegally broadcasting foreign programs. Media activists and rights groups complained that the government had not allowed time for their input before putting the bill in front of the legislature. The media community also voiced concern that the draft would undermine free expression, restricting the ability of the media to debate or report on areas such as national security and religion. The draft remained under debate during the year and had not been passed by year’s end.

Afghanistan has yet to pass a freedom of information bill. In 2012, local media and civil society organizations urged the government to consider such a law, which would ensure the right to access public information and provide a functional mechanism for obtaining it. However, the call was largely ignored by the government.

All proprietors of mass media must be registered by the government through the Ministry of Information and Culture and the licensing process, though potentially lengthy, is open with minimal regulations. In recent years, an oversaturated media market caused the Afghan Telecommunications Regulatory Authority (ATRA), the body responsible for frequency assignments, to run out of radio licenses for Kabul due to a lack of available frequencies.

In 2012, media were generally given more freedom to cover a number of cases of human rights abuses and corruption scandals, as well as taboo topics (such as rape), which in some cases involved officials. New and social media have been relatively open in Afghanistan, though the government still imposes online censorship. On September 12, the Ministry of Communications blocked the YouTube and Google websites to prevent people from watching a controversial U.S.-made video about the prophet Muhammad that had sparked demonstrations in the Muslim world. Google's website was unblocked later in September, but YouTube was blocked until December. The Afghan government also blacklists websites deemed to promote vices such as alcohol, gambling, pornography, and improper social relationships, and has at times put pressure on news sites as well.

The ongoing military conflict has entailed serious threats against journalists from various state and nonstate actors, and physical security remains an issue of great concern. However, according to Nai, an Afghan organization supporting free media, there was a 14 percent decline in violence against journalists compared to 2011, with 69 cases of violence against journalists reported in 2012, including two deaths. In February, unknown assailants stabbed and decapitated the manager of Radio Melma, a private radio station in Paktika province. Then in July, Abdul Hadi Hamdard, a presenter and producer for the state-owned Radio and Television of Afghanistan, was killed in a roadside bomb blast in the southern province of Helmand. Journalists in Afghanistan routinely face violence, threats, and intimidation by security forces, civilian officials, and the local elite, including some members of parliament. In May, journalist Mohamad Agaha Ghane was injured when a bomb destroyed the office of Dunya Radio. The station director had received prior threats. The Taliban appeared to be somewhat more hesitant in confronting the media, lessening their direct threats against media organizations and journalists, though at least one foreign journalist was kidnapped and the group did destroy a number of mobile telephone towers during the year. In 2012, the insurgent group also engaged more actively in the media sphere, regularly updating its website and issuing a number of "correcting statements" and "explanations" to deny or clarify reports that appeared about it in the media.

The media landscape is saturated, with more than 400 print media outlets (publishing in all of the languages in the country), around 150 radio stations, and more than 75 television stations operating in 2012. Radio is still the main source of news and information for most Afghans, especially in the rural areas, though television is making significant inroads as ownership of sets has risen. Newspaper readership is low, mainly due to the nation's poor literacy rate of around 30 percent. Other factors affecting readership of newspapers include distribution problems, competition from numerous broadcast choices and shrinking revenue. International radio broadcasts in Dari or Pashto—such as those from the British Broadcasting Corporation (BBC), Voice of America, and Radio Free Europe/Radio Liberty—remain key sources of news for many Afghans. The government owns some media outlets, but most are in

private hands. However, private ownership and funding of media reflects the disparate political and cultural forces present in Afghanistan, leading to a highly partisan media environment. Major sources of support for media outlets include political parties, ethnic groups, the military, international donors, and foreign governments such as those in Iran and Pakistan, all of which are seeking influence in the country. Private broadcasters, particularly those that are commercially viable, such as Tolo TV, are able to exercise the greatest amount of independence in their reporting.

International and local media organizations have for the past decade been promoting training programs aimed at developing a genuinely independent media sector, and have been fairly successful in this regard. However, a number of analysts have raised concern about the possible negative impact on media freedom with the gradual withdrawal of foreign forces from Afghanistan, due to be completed by the end of 2014, noting that the country’s vibrant press will face a crisis of survival if it does not continue to receive international funding, which launched and has kept alive many of the country’s media organizations. In 2012, some smaller outlets had already begun cutting staffing and programming to make up for the expected financial shortfall, with an estimated 700 journalists losing their jobs by mid-year. However, financial constraints do not seem to pose as severe a threat to the successful commercial channels, as they have more diverse sources of income.

Illiteracy and infrastructural obstacles have hampered internet penetration, with 5 percent of the population regularly accessing the medium in 2012. There are thousands of blogs in the country, and social media use is growing, especially among young people in urban areas. Mobile phones are Afghanistan’s principal means of communication, with more than approximately 45 percent of Afghans owning mobile phones. People are increasingly receiving news headlines on their mobile phones, and also participate in call-in radio and television shows via this medium. The recent launch of 3G mobile phone services and relatively cheaper and faster internet access has further empowered citizen journalism.

## Albania

**Status: Partly Free**

**Legal Environment: 15**

**Political Environment: 17**

**Economic Environment: 17**

**Total Score: 49**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	50,PF	50,PF	50,PF	50,PF	51,PF

The constitution guarantees freedom of the press, and the media are vigorous and fairly diverse. However, outlets often display a strong political bias, and their reporting is influenced by the economic or political interests of their owners. Libel remains a criminal offense, though legal reforms enacted in March 2012 eliminated prison terms as a punishment, leaving only fines. The first criminal libel case against a reporter in several years, brought by a cabinet official against journalist Lindita Çela of the daily *Shekulli* in February, was quickly dismissed. Civil defamation suits, including among politicians, remain common. Changes to the civil code enacted in

February set limits on financial penalties for defamation in order to protect the survival of media outlets. The government of Prime Minister Sali Berisha has in the past used administrative mechanisms, including tax investigations and arbitrary evictions from state-owned buildings, to disrupt the operations of media outlets it perceives as hostile. Freedom of information legislation is poorly implemented, and regulatory bodies are seen as highly politicized.

The media have played an important role in exposing political corruption, though the implicated officials are rarely punished by the courts. In January 2011, an investigative program on Top Channel aired a video recording—acquired from former economy minister Dritan Prifti—that appeared to show Deputy Prime Minister Ilir Meta discussing corrupt activities. Meta resigned after the video was aired, but the broadcast nevertheless touched off violent opposition protests and a major political crisis that included government pressure on key journalists. However, in January 2012 the Supreme Court dismissed the case against Meta, citing a lack of evidence. Prosecutors in September dropped a related case against Prifti for similar reasons. Separately, in July 2012, a high-ranking army officer resigned after the media reported a conflict of interest involving his wife’s business activities.

Journalists are sometimes physically obstructed from covering specific events or assaulted in the course of their work. In June 2012, the bodyguards of a cement factory executive beat journalist Dashmir Biçaku of *Shekulli*, who was photographing the man as he left a police station after being questioned in a murder case. In October, police in Tirana restricted journalists’ access to an encampment of former political prisoners who were on hunger strike to demand reparations from the government.

There is a variety of daily and weekly newspapers, but circulation is low, and rural distribution is limited. The public broadcaster, RTSh, is financially dependent on the state and typically shows a strong progovernment bias. Three private television stations have national reach, and dozens of smaller television and radio outlets also operate in a poorly regulated environment. Media outlets typically rely on financial support from owners and a few major advertisers, and self-censorship to suit their interests is common. Most media are considered to be aligned with a political faction, leaving few genuinely independent domestic outlets. In September 2012, an opposition lawmaker criticized the government for directing the bulk of government advertising purchases to politically friendly outlets, including the newspaper of the ruling Democratic Party. Few foreign media companies have invested in the Albanian market. Germany’s WAZ group sold its majority stake in the Vizion Plus television station in August 2012 as part of a broader withdrawal from the region. Journalists often work without contracts, increasing their dependence on managers and owners. Albania’s Union of Journalists reported in November 2012 that employees at most print and broadcast outlets routinely experience delays in their pay for weeks or months at a time. Albanians have access to satellite television, foreign radio content, and television broadcasts from neighboring Greece and Italy.

There are no government restrictions on the internet, which was accessed by 55 percent of the population in 2012. Penetration has been increasing in recent years, but access in rural areas remains limited. Leaders of the opposition Socialist Party have reportedly turned to online social media with increasing frequency to communicate with the public at low cost and help mitigate the government’s growing advantage in traditional media.

## **Algeria**

**Status: Not Free**  
**Legal Environment: 21**  
**Political Environment: 23**  
**Economic Environment: 17**  
**Total Score: 61**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	62,NF	62,NF	64,NF	62,NF	62,NF

The Algerian constitution guarantees freedom of expression. However, a legal state of emergency was in effect from 1992 until February 2011, allowing the government to penalize any speech deemed threatening to the state or public order. Even after the state of emergency was lifted, there remained substantial restrictions on press freedom. The constant threat of criminal defamation and other legal charges hinder the press’s ability to cover the news.

A 2001 amendment to the information code criminalizes writing, speech, and cartoons that insult or offend the president, the parliament, the judiciary, or the armed forces. In 2009, Algeria adopted a cybercrime law that gives the authorities the right to block websites deemed “contrary to the public order or decency.” The country does not have a law providing for the right of access to official information.

A media law that went into effect in January 2012 was hailed by its proponents as an important reform that would enhance media freedom by nominally abolishing prison sentences for press offenses and opening up key media sectors to private ownership, but little improvement was evident over the course of 2012. For example, at least two journalists were sentenced to prison for libel during the year, though one sentence was overturned on appeal. The law establishes limitations on media coverage of a variety of subjects—including criminal investigations and state security—and steep fines of up to \$6,700 for press-related offenses. Journalists who fail to pay the fines are subject to jail time. Furthermore, the law contains strict new eligibility requirements for media ownership, including a minimum of 10 years of media-related experience.

Bloggers, like traditional journalists, are subject to defamation suits, and several have been fined for posting “defamatory material.” In June 2012, blogger Tarek Mameri was given a suspended sentence of eight months in jail and fined roughly \$1,200 after he called for a boycott of legislative elections.

State agencies regularly engage in both direct and indirect censorship. Self-censorship also remains widespread, motivated largely by a fear of defamation accusations or other forms of government retaliation. Reporters occasionally suffer physical attacks or harassment in the course of their work. In March 2012, police assaulted photographer Mohamed Kadri as he attempted to cover an unauthorized protest. In the same month, a police officer attacked journalist Hanane Driss as she reported on a similar protest. In June, supporters of a local governor threatened journalist Illiés Benabdeslam after he reported on allegations that the governor and his sons had attacked a local businessman. Zouheir Ait Mouhoub, an investigative journalist for *El-Watan*, was subjected to harassment by internal security personnel during the year, having conducted research on organized crime in the country.

Algeria has a vibrant but vulnerable independent press. There are currently more than 80 newspapers available in the capital, though many are owned by private business interests closely affiliated with the government or the intelligence services. Domestic television and radio, both of

which are entirely state owned, broadcast biased information, display favoritism toward the president, and generally refrain from covering dissenting views. The new media law potentially opens these sectors to private ownership, but the regulatory body required to implement such liberalization has not been created. More than 60 percent of households have satellite dishes that provide access to alternate sources of information. The government has tremendous economic influence over print media, as most papers are printed on state-owned presses. In 2008, the government placed six state-owned printing presses under the direct control of the Communications Ministry, threatening the editorial autonomy of half of Algeria’s privately owned newspapers. The state-owned advertising agency favors content with a progovernment bias by controlling the placement of ads for state entities and companies, which form the largest source of income for most papers.

Foreign media outlets continue to face barriers to free reporting. Officials block distribution of foreign papers when they carry content deemed subversive. In particular, foreign media coverage of issues related to national security and terrorism is restricted. The Algeria office of Qatar’s Al-Jazeera satellite television network remained closed in 2012.

About 15 percent of the population accessed the internet in 2012. The government monitors e-mail and online chat rooms, and internet service providers are legally liable for the content they host.

## Andorra

**Status: Free**

**Legal Environment: 1**

**Political Environment: 4**

**Economic Environment: 8**

**Total Score: 13**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	13,F	13,F	13,F	13,F	13,F

## Angola

**Status: Not Free**

**Legal Environment: 19**

**Political Environment: 28**

**Economic Environment: 21**

**Total Score: 68**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	63,NF	61,NF	62,NF	64,NF	67,NF

Despite constitutional guarantees that protect freedom of expression and the press, media in Angola operate in a restrictive environment, and conditions deteriorated during 2012. State-run media continued to be the principal source of information, as the government maintained tight

control over private media outlets through legal, political, and security-related means.

Laws regarding state security and insult hamper the free activities of the media. In 2010, the parliament passed a new state security law to replace a 1978 law, known as Article 26, which the government often used to imprison opposition journalists and activists. While the new law represents an improvement, it still allows for the detention of persons who “insult” the Republic of Angola or the president in “public meetings or by disseminating words, images, writings, or sound.” Defamation and libel continue to be crimes punishable by imprisonment, and politicians enjoy immunity from any reporting deemed to be “offensive.” In June 2011, William Tonet, editor and owner of the newspaper *Folha 8*, was sued for libel by three prominent army generals after he accused senior military officials close to President José Eduardo dos Santos of corruption. In October of that year, he was given a one-year prison sentence and fined the equivalent of \$105,000—an amount greater than the fine imposed for murder. The presiding judge threatened to punish journalists if they recorded the trial. Tonet’s appeal was still pending at the end of 2012. In November 2012, nine generals sued journalist and activist Rafael Marques and his publisher, Tinta da China, for libel over his 2011 book *Diamantes de Sangue—Corrupção e Tortura em Angola*, in which he accused several military officers of engaging in torture and other human rights violations in collusion with private mining companies. Marques had also attempted to bring a criminal complaint against the generals, but the case was thrown out by the attorney general.

In March 2011, the government introduced a cybercrime bill that would have expanded the authorities’ ability to seize citizens’ personal data and prosecute those who make antigovernment statements online. The bill won initial approval in the parliament, but in the face international pressure and objections from civil society, the government later withdrew it.

Angola became one of the first African countries to enact a freedom of information law in 2006, granting citizens access to government-generated documents. However, accessing information remains extremely difficult in practice.

Since gaining independence in 1975, Angola has been dominated by two political parties, dos Santos’s Popular Movement for the Liberation of Angola (MPLA) and the opposition National Union for the Total Independence of Angola (UNITA). The ruling MPLA continues to give preferential treatment to state-owned media and has been known to bar access to journalists covering opposition events. Interviews with top politicians and state officials, as well as access to information related to the government, are usually only granted to progovernment or state-run outlets, and state media often demand payment to cover opposition politics. The president and certain ministries also have the right to censor media content.

Self-censorship by journalists at both state-run and private outlets is commonplace in the coercive environment created by the government and security forces. Two prominent incidents of self-censorship occurred in 2012: the Portuguese public broadcaster Rádio e Televisão de Portugal (RTP) canceled a radio program in January after it discussed corruption among the Angolan elite, and in late October the government-connected owners of the weekly *Seminário Angolense* halted publication of an issue containing the full text of a speech by the leader of UNITA.

Journalists continued to be harassed, intimidated, attacked, and imprisoned in 2012. In March, journalist Coque Mukuta of the privately owned Rádio Despertar received written threats at his home, which was then attacked on multiple occasions in late April by unknown individuals. In the restive northern exclave of Cabinda—where press restrictions are more severe and a secessionist movement has been active for years—computers, hard drives, and reporting

documents were stolen in June from the home of Voice of America reporter and human rights lawyer José Manuel Gimbi, one of the only independent journalists in the region. Gimbi had been targeted in the past, including in an October 2011 incident in which his children were threatened by armed men, but police have refused to comprehensively investigate the cases. No journalists were known to have been murdered in 2012, though Guinea-Bissau journalist Milocas Pereira, who was based in Luanda, disappeared in May after reporting on possible Angolan military involvement in a coup and related crises in Guinea-Bissau in April. Pereira had reportedly told a friend that she feared for her life after being attacked by a group of unknown people in early May, and that she was planning to leave the country.

Reporters also faced harassment and difficulties in covering sensitive news stories, particularly the antigovernment protests that occurred repeatedly during the year. In March, three journalists were forced to hide in nearby houses after plainclothes police attacked a demonstration they were covering in the Cazenga neighborhood of Luanda, while in Benguela, human rights activist Jesse Lufendo was arrested for taking photographs as police dispersed a peaceful protest; he was sentenced to 45 days in prison for resisting police officers. In July, while arresting participants at a youth protest against dos Santos in Luanda, police detained Mukuta, who was reporting for Voice of America at the time, and Isaac Manuel, a journalist for RTP. Human Rights Watch reported that in several instances, the government also forced protesters to issue false proclamations on state television, blaming opposition parties for the demonstrations.

The government continued to persecute *Tonet* and *Folha 8* in 2012, raiding the paper's offices and confiscating computers in March. Seven staff members, including editor in chief Fernando Baxe, were called in for questioning in June by police from the National Directorate of Criminal Investigations as part of a campaign of harassment following the December 2011 publication of a satirical photo montage suggesting that the president and other high government officials were criminals. In October, a judge held *Tonet* in contempt for practicing law after his license was revoked by the Angolan bar association, at the behest of military officials.

The government both owns and keeps tight control over the largest media outlets in the country. The state-owned newspaper, *Jornal de Angola*, and television channel, Televisão Publica de Angola (TPA), remain the most widely accessed media sources in the country, and together with state-owned Radio Nacional de Angola (RNA), they are the only outlets with a truly national reach. While more than a dozen privately owned newspapers operate, most are owned by individuals with connections to the government or ruling party, and are distributed primarily in urban areas. Nevertheless, several independent weeklies are critical of the government, with *Folha 8*, *Agora*, and *Jornal Angolense* being the most prominent. Privately owned radio stations are not allowed to use repeaters to extend their broadcast signals outside their home province; they must instead open a new station in every province in which they wish to broadcast, making private radio penetration outside Luanda extremely limited.

Denial of state and private advertising as a method of pressuring independent news outlets continues to be a problem. Some newspapers have reported sudden losses of revenue when multiple advertisers, presumably under government coercion, collectively stopped purchasing ad space. Authorities and private owners occasionally seize and destroy entire editions of newspapers that carry stories critical of the government.

Internet penetration in Angola is rather low, at 17 percent of the population in 2012. Although the medium remains less restricted than radio, television, or print outlets, it is generally only accessible to a small part of the population in Luanda.

## Antigua and Barbuda

**Status: Partly Free**

**Legal Environment: 9**

**Political Environment: 16**

**Economic Environment: 13**

**Total Score: 38**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	39,PF	38,PF	38,PF	38,PF	38,PF

The constitution provides for freedoms of speech and of the press, but the government enforces those rights somewhat selectively. Defamation remains a criminal offense, punishable by up to three years in prison. Cases are occasionally brought against journalists, and politicians often file libel suits against opposing party members. In February 2012, a court ruled in favor of opposition Antigua Labour Party (ALP) leader Lester Bird in a defamation case against Prime Minister Baldwin Spencer and Crusader Radio, owned by the ruling United Progressive Party (UPP), for statements Spencer made during a 2008 campaign rally that were aired by the station. The judge awarded EC\$75,000 (US\$28,000) in damages to Bird, and declared that radio stations would be held responsible for defamatory comments made during live broadcasts without a time delay. In August, a controversial song to be played during the annual Carnival, which some claimed celebrated violence against women, led to calls for the establishment of a broadcast commission to monitor the country's airwaves. The proposal received government support, but a commission had yet to be created by year's end.

The 2004 Freedom of Information Act grants citizens the right to access official government documents and established a commissioner to oversee compliance, though Antiguan have complained of difficulties in obtaining information. In November 2012, local and regional media associations, along with Bird and a group of prominent attorneys in the country, condemned a clause in legislation governing the Citizens by Investment program that prohibits the media from publishing or disseminating information on the initiative, with potential fines of up to EC\$10,000 (US\$3,700). The program allows Antiguan passports to be issued to foreign investors.

The islands have one daily newspaper, one biweekly paper, and more than 10 radio stations. These include the state-owned Antigua and Barbuda Network (ABN), the UPP's Crusader Radio, the pro-ALP ZDK Liberty Radio, and the independent Observer Radio. The ALP has complained that the government-run media do not offer equal access to the opposition. In October 2012, radio journalist Percival Simon was banned from ZDK, which is owned by the Bird family, for openly supporting Bird's opponent in an ALP leadership contest, Gaston Browne. ABN runs the islands' only freely available television service, and there is one cable television company. Most private media outlets are owned by firms affiliated with either the current government or its predecessor. Antigua and Barbuda also receives broadcasts from a pan-Caribbean radio network, the Caribbean SuperStation (CSS), based in Trinidad.

The global financial crisis has negatively affected the country's media. Due to an increase in the price of paper, the *Observer* daily raised its advertising rates in December 2010, but did not change its newsstand price. A number of businesses have since been unwilling to advertise

with the *Observer*, and the company has suffered. Also in 2010, Antigua and Barbuda’s only other daily newspaper, *Antigua Sun*, was forced to close down because of financial constraints.

There are no government restrictions on the internet, which was accessed by 84 percent of the population in 2012.

## Argentina

**Status: Partly Free**

**Legal Environment: 13**

**Political Environment: 23**

**Economic Environment: 16**

**Total Score: 52**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>47,PF</b>	<b>49,PF</b>	<b>49,PF</b>	<b>51,PF</b>	<b>50,PF</b>

In 2012, tensions increased between the government of President Cristina Fernández de Kirchner and critical media outlets, particularly those belonging to Clarín Group, Argentina’s main media conglomerate. This hostility has increased media polarization and hampered the public’s ability to access unbiased information.

The constitution provides for freedom of the media and of expression. In a positive step, libel and slander offenses for journalists were decriminalized in 2009 and are no longer punishable by imprisonment. Fines can still be issued in civil cases. In December 2012, the head of the Federal Revenue Administration (AFIP), Ricardo Echegaray, sued journalists Matías Longoni and Luis Majul for almost \$275,000 each in separate cases, claiming that they had sullied his reputation. Longoni’s reporting on irregularities in the awarding of subsidies by a state office Echegaray previously headed had formed the subject of a 2011 book, while Majul had accused the AFIP of exerting financial pressure on his production company. The press freedom group Argentine Journalism Forum (FOPEA) denounced Echegaray’s suits as abuses of the judicial system.

In 2009, the legislature passed the Law on Audiovisual Communication Services, also known as the Ley de Medios (Media Law), which aimed to diversify ownership in the heavily concentrated broadcast sector. Many press analysts agree with its basic goals, but allegations that the law would be used against the government’s media opponents spurred lawsuits that initially hindered its implementation. The overall legislation took effect in September 2010, but Article 161, which would force certain media companies—most notably Clarín Group—to relinquish licenses and sell off assets, remained suspended pending a Supreme Court ruling on a challenge filed by Clarín that year. In December 2012, the company won a last-minute ruling that again delayed application of the article. Critics have also raised concerns over the law’s provisions with regard to appointments to the broadcast regulatory body, which are heavily weighted in the president’s favor.

In December 2011, Congress passed two contentious pieces of legislation affecting the media. The first, an amendment to the antiterrorism law, increased penalties for terrorist acts. An interpretation of the law by the head of Argentina’s Financial Investigations Unit stated that news outlets could be held accountable under the expanded clauses if they published material

that “terrorizes” the public. Although the government has stated that the law is not intended for use against the media—and it has not been used against a media outlet or journalist to date—it nevertheless remains a concern. The second law designated newsprint as a commodity of public interest, making it subject to government regulation. The only manufacturer of newsprint in Argentina is Papel Prensa, jointly owned by the state (with a stake of about 27.5 percent) and the media companies Clarín and La Nación, both of which are often critical of the government. Under the new law, the government can increase its stake in the company if it fails to produce enough newsprint to satisfy the demand of all newspapers in the country, which could lead to eventual government control of the newsprint supply. A government-appointed commission, which includes representatives from every newspaper except *Clarín* and *La Nación*, is tasked with overseeing the law’s implementation.

Argentina does not have a federal access to information law, but some provinces and municipalities do have such legislation in place. President Fernández has held few official press conferences; instead, she has made use of *cadena*s—nationwide presidential addresses that preempt programming on all radio and television stations—in some cases to attack journalists. By law, *cadena*s are to be used only to communicate with the public in times of crisis.

Local media outlets and press freedom groups denounced increasing reports of politicized editorial pressure in 2012. For example, FOPEA highlighted the case of 100 journalists from Grupo Uno, a pro-Fernández media group, who in December signed a letter to the group’s owner that urged greater editorial independence after a series of ethically questionable changes were allegedly made to their work by editors and the owner, businessman Daniel Vila. In response to the reporters’ charge that the revisions were designed to advance Vila’s broader business interests, he reportedly stated that those who did not like the practice could leave. In another case in March, television channel C5N reportedly received government orders to suspend a program mid-broadcast, as the host was interviewing a former government minister who was critical of Fernández.

Extreme violence against members of the press is very rare in Argentina, and no journalists were murdered in 2012. However, FOPEA registered 172 attacks against the media—including threats, assaults, attacks on media facilities, confiscation of equipment, and obstruction of coverage—for the year, a jump of more than 40 percent from 2011. In May, an unidentified gunman walked into the offices of the Cadena Nueve radio station in Buenos Aires Province and threatened program host Gustavo Tinetti with death, warning him not to publish “the rest of the information that we know you have.” According to the Committee to Protect Journalists, the threats were in response to Tinetti’s coverage on Cadena Nueve’s website of an investigation into tax evasion by a local mayor. In June, several journalists in the Malvinas Argentinas district of Buenos Aires were attacked by supporters of the district mayor, Jesús Cariglino, while they were covering a demonstration outside a hospital. In a December incident in Bariloche, Río Negro Province, the car of Rodrigo Saliva, a street reporter for cable news channel Todo Noticias, was destroyed by a mob while he was reporting on looting at a supermarket.

Argentina has a large private media sector, with more than 150 daily newspapers, hundreds of commercial radio stations, and dozens of television stations. However, private ownership is concentrated, with Clarín Group commanding a significant share of the print, broadcast, and internet service markets. Meanwhile, many radio stations operate on temporary licenses pending regulatory reform. The internet is widely available, with 56 percent of Argentines accessing the medium in 2012. There are no government restrictions on the internet.

As in past years, the government was accused in 2012 of manipulating the distribution of

official advertising to limit free speech, a practice termed “soft censorship” that had been institutionalized under the administration of former president Néstor Kirchner, the current president’s late husband. For example, *Clarín* and *La Nación*, the two newspapers with the largest circulation in the capital, account for 60 percent of the readership but receive just 2.5 percent of government advertising, while other newspapers with a small fraction of the circulation receive significantly more official advertising. The problem has persisted despite a 2007 Supreme Court ruling that “the government may not manipulate advertising by giving it to or taking it away from media outlets on the basis of discriminatory criteria.” According to the Inter American Press Association (IAPA), in the first eight months of 2012, the government spent 70 percent more in advertising than during the same period of the previous year. Meanwhile, the state’s purchase of the broadcast rights to top-league soccer matches has cost the government \$800 million over three years and given it a large audience for its advertisements. As in 2011, the distribution of *Clarín* and *La Nación* was blocked twice in 2012 by members of the newspaper vendors’ union in Buenos Aires. The IAPA denounced the moves as an attack on freedom of the press and criticized the “passive conduct” of the government toward these actions.

## Armenia

**Status: Not Free**

**Legal Environment: 19**

**Political Environment: 22**

**Economic Environment: 20**

**Total Score: 61**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>66,NF</b>	<b>68,NF</b>	<b>66,NF</b>	<b>65,NF</b>	<b>65,NF</b>

Despite constitutional and legal protections, press freedom is restricted, and the media environment remains dominated by political influence. However, improvements since the flawed 2008 presidential election were apparent in 2012, with media coverage of the May parliamentary elections proving more balanced than in previous election years.

Although the government decriminalized libel in May 2010, eliminating imprisonment as a punishment, the move was followed by a rise in civil libel cases. The plaintiffs in most cases were politicians, and the compensation sought was out of proportion to the damage allegedly inflicted. However, the Constitutional Court ruled in November 2011 that media outlets cannot be held liable for “critical assessment of facts” and “evaluation judgments,” and that courts should avoid imposing hefty fines on media outlets, suggesting an apology or other nonmaterial compensation as an alternative. The ruling stemmed from a case filed by Armenia’s human rights ombudsman, who argued that Article 1087.1 of the civil code, establishing monetary fines in libel cases, was unconstitutional. The court stopped short of such an absolute finding.

In accordance with the Constitutional Court ruling, the number of defamation cases dropped in 2012, with 16 complaints submitted to the courts, compared with 36 in 2011. Monetary fines were also reduced significantly, and pending cases that were initiated in 2011 were resolved. In March 2012, a Yerevan court rejected a lawsuit filed against the newspaper

*Hraparak*, whose property had been seized in November 2011 pending a decision regarding allegedly libelous readers' comments posted on its website. The court found that the newspaper was not responsible for the comments, and that the individuals who had written them could not be identified. The decision was upheld after several subsequent appeals by the plaintiff. In July, in a separate civil suit against *Hraparak*, the plaintiff—an employee of the local nongovernmental organization (NGO) *Zinvor*—accepted a public apology from the newspaper and reduced the compensation claim from 2 million drams (\$4,900) to 14,000 drams (\$35).

After freedom of information legislation was enacted in 2003, the government stalled in the adoption of a number of regulations needed to implement the law. However, authorities were more responsive to freedom of information requests in 2012. On numerous occasions, courts upheld the right of access to information, even in cases against major political parties during an election campaign. In October, after an NGO asked a court to rule on the unresponsiveness of the Prosperous Armenia party—the country's second-largest political party and a former member of the ruling coalition—to its request for information on its preelection finances, the party supplied the information before the first court hearing. In another case, the Democratic Party was fined 100,000 drams (\$250) by a court in December for refusing to supply similar information on its preelection campaign finances. Several NGOs have played an active role in educating the public on the law. By 2012, the Freedom of Information Center in Armenia had placed 246 bulletin boards in 53 urban and rural communities to inform the public on which information the authorities are obliged to disclose.

The licensing and regulatory framework has been used to limit media freedom and diversity. Armenia officially began its transition to digital broadcasting with 2010 amendments to the *Law on Television and Radio* that were criticized by local and international groups for further restricting media pluralism. However, in 2012 the government announced that analogue frequencies would continue to operate until 95 percent of Armenian households had switched over to digital broadcasting. The license of broadcaster A1+ remains suspended, despite a 2008 ruling by the European Court of Human Rights that the government had improperly revoked the license in 2002. In September 2012, A1+ returned to the airwaves after reaching an agreement with Armnews to broadcast a 20-minute news program five days a week on the latter's frequency. The contract with Armnews is for one year with the possibility of renewal. Meanwhile, A1+ continues the legal battle for its own license. Separately, the local television station Gala, based in Gyumri, has been under government pressure since it broadcast speeches by an opposition presidential candidate in 2007. In July 2011, the Court of Cassation upheld a lower court's decision ordering Gala to stop using the Gyumri television tower and to dismantle its transmitter. The station had to relocate its transmitter to another site. Gala has so far been denied a digital license and could be forced off the air when analogue broadcasting ends.

During the May 2012 parliamentary elections, substantial coverage was given to the six major parties, including via interviews and televised debates. The public broadcaster offered the most neutral coverage, while private stations exhibited some political divisions. Campaign material was at times improperly broadcast as news content, particularly favoring the ruling Republican Party and Prosperous Armenia. Political parties—especially from the opposition—and election monitoring groups actively used the internet and new media to disseminate campaign materials and record electoral violations, respectively. Media watchdogs played an important role in demanding that the Central Electoral Commission adhere to human rights standards, successfully blocking a regulation that would have barred journalists who had been convicted of a premeditated criminal offense, including libel, from covering the elections. The

voting took place under a new electoral code that included improved regulations on campaign coverage, free airtime, and paid advertisements, resulting in lower advertising rates.

Armenia’s perceived lack of judicial independence, climate of impunity, and violence and harassment against the media all contribute to widespread self-censorship, particularly in the broadcast sector. The Committee to Protect Freedom of Expression (CPFE) observed a decline in violence against journalists, with only four incidents in 2012, as well as a drop in pressure on media workers. There were a total of seven incidents of interference in journalistic activities during the election period, compared with 18 in 2008. However, in contrast to 2011, there was an increase in violations of the right to receive and impart information. Many of these incidents involved authorities seizing or destroying cameras and other equipment, and in some cases physically attacking journalists while they were attempting to cover events on election day. Journalist Naira Nalbandyan and her cameraman, Tigran Gasabyan, were reportedly beaten by the chairman of the electoral commission after being denied entry to the commission’s office on election day. Nalbandyan reported the incident to police, who refused to pursue a criminal case due to the “absence of evidence of crime.” CPFE noted that authorities had made no effort to identify or charge the perpetrators of any of the reported crimes against journalists by year’s end.

Most of the dominant media are controlled by the government or government-friendly individuals. Print media are available mostly in Yerevan and larger cities. Although most print outlets are privately owned, they tend to reflect the political and ideological leanings of their owners and do not provide balanced views. Television is the country’s leading medium, and one of the only stations with a national reach—Public TV of Armenia—is state owned, though almost 100 other private stations operate. Russian and minority-language media are widely available. State and public media receive preferential treatment, with primary access to official news and the lion’s share of government advertising. Small state subsidies are available for private print media, but due to high distribution and licensing costs, the vast majority of newspapers are not profitable. Most media are dependent on narrow advertising resources and have little guarantee of editorial independence.

The internet penetration rate was 39 percent in 2012. Online news media and bloggers have played an important role in recent years in providing diverse and alternative political information. The government does not require registration to access the internet or satellite television, and these are freely available.

## Australia

**Status: Free**

**Legal Environment: 4**

**Political Environment: 10**

**Economic Environment: 7**

**Total Score: 21**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>21,F</b>	<b>22,F</b>	<b>22,F</b>	<b>21,F</b>	<b>21,F</b>

Press freedom in Australia is upheld by convention rather than by constitutional guarantees, except in the state of Victoria, where it is protected under the Charter of Human Rights and

Responsibilities. In 2006, Australia consolidated varying state-level defamation regulations under the Uniform Defamation Laws Reform Act, which allows only individuals, nonprofits, and corporations with fewer than 10 employees to sue over defamation. Although rarely invoked, criminal defamation laws are still on the books in Australia. Civil cases, which are more common, can result in heavy fines. In May 2012, the News Corporation media group was ordered to pay A\$325,000 (US\$339,000) for an article in the *Sunday Telegraph* that labeled a former police detective as “corrupt.”

The 2011 Evidence Amendment Act protects the identity of journalists’ sources and extends this protection to include bloggers, citizen journalists, independent media organizations, and anyone “active in the publication of news in any medium.” Journalists are only compelled to reveal sources when it is proven that the public interest outweighs any potential harm to the source or the public caused by divulging the source’s identity. While the Evidence Amendment Act can only be applied in federal cases, states such as Victoria and Western Australia enacted similar legislation in 2012.

The Freedom of Information (FOI) Act of 1982 provides for access to government documents. Reforms passed in 2010 revised the fees charged for FOI requests, making them more accessible; allowed for fewer FOI exemptions; and created a new, single public-interest test weighted in favor of disclosure. In October 2012, the government announced that the 1982 FOI Act would be reviewed to determine whether it and related laws still provide an adequate framework for accessing official information.

Following the 2011 *News of the World* telephone-hacking scandal in Britain, the Australian government commissioned an inquiry to evaluate the regulatory environment surrounding the media. In February 2012, the Independent Media Inquiry (IMI) found that self-regulation could no longer ensure media accountability and transparency, and recommended the creation of a government-funded, statutory News Media Council to set and enforce certain standards for all Australian media outlets. This council would have the power to compel retractions, apologies, and corrections, as well as the ability to make binding judgments on journalistic ethics. The IMI’s recommendations remained under consideration by the Australian government at year’s end, but consensus in favor of accepting them seemed increasingly unlikely.

The Australian Communications and Media Authority (ACMA) has the power to censor internet content hosted within Australia and maintains a “blacklist” of overseas websites. Since 2008, the federal government had proposed a mandatory filtering system that would require internet service providers to block access to banned material and other objectionable content hosted on overseas servers. In November 2012, however, the government abandoned its plan to make the filtering of foreign websites compulsory and narrowed the focus to child pornography websites, specifically. Internet service providers will now voluntarily block only child pornography websites that are listed on an Interpol database.

Attempts to exert control over media content occur occasionally. In November 2012, the government continued to defend its extensive restrictions on media coverage at immigration detention centers. According to these restrictions, journalists must sign a “deed of agreement” that requires them to be accompanied by an immigration official and comply with all rules set by the immigration department throughout the duration of their visit. Communication with detainees remains considerably limited, and any photographs, video footage, or audio recordings are subject to review by department officials for possible censorship or deletion. In August 2012, the Australian Press Council issued a letter to the Department of Immigration and Citizenship

requesting that journalists be granted greater access to detainees. The department had not responded to the council’s request by year’s end. Attacks and physical harassment targeting journalists are rare, and no cases were reported in 2012.

While most media are privately owned, ownership is highly concentrated, with the print media dominated by the Fairfax Group and News Corporation. In 2012, the Broadcasting Services Amendment (Public Interest Test) Bill was proposed as a means of limiting future ownership concentration. If passed, the legislation would allow ACMA to assess mergers of media companies to ensure that they would not diminish the “diversity of unique owners providing general content services.” Australia also has a strong tradition of public broadcasting. The Australian Broadcasting Corporation (ABC), although state owned and entirely funded by the government, remains editorially independent.

In 2012, the internet was accessed by almost 82 percent of the population. Internet access is affordable for most Australians, and the government subsidizes satellite telephones and internet connections in rural areas.

## **Austria**

**Status: Free**

**Legal Environment: 8**

**Political Environment: 8**

**Economic Environment: 5**

**Total Score: 21**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>21,F</b>	<b>21,F</b>	<b>21,F</b>	<b>21,F</b>	<b>21,F</b>

The federal constitution and the Media Law of 1981 provide the basis for free media in Austria. Many press freedom advocates urge the Austrian government to revise its stringent civil and criminal libel laws, which serve to protect politicians and government officials. In 2010, the government passed a Terrorism Prevention Law that penalized the preparation and organization of terrorist acts as well as training for terrorist purposes. Critics argued that the law impinges on freedom of expression by stipulating that individuals who incite hatred or contempt against any group will face up to two years in prison.

A contentious amendment to the Security Police Act, which enables state authorities to monitor, wiretap, film, and locate individuals, was passed by the upper house of parliament in February 2012. Press freedom advocates argued that the new law could deter journalistic work and intimidate investigative reporters. An amendment to the code of criminal procedure that would have undermined the protection of journalistic sources was blocked in March. However, a much-debated data retention law took effect in April. Based on a European Union directive, the law requires telecommunications companies and internet service providers to store user data for up to six months. Due to numerous constitutional complaints at the end of the year, the Austrian Constitutional Court decided to ask for the opinion of the European Court of Justice.

There is no official censorship, although any form of Nazi propaganda or anti-Semitism is prohibited by law. The controversial case of Ed Moschitz, a journalist working for the Austrian Public Broadcasting Corporation (ORF), continued throughout the year. Moschitz was

accused by Heinz-Christian Strache, leader of the right-wing Austrian Freedom Party, of encouraging two men to give a Nazi salute during the filming of a documentary in 2010. A regional court, seeking evidence of such incitement, ordered ORF to release all recordings for the documentary in 2010, but this decision was reversed by the Supreme Court in early 2011. As the legal proceedings against Moschitz wore on, he filed a complaint with the European Court of Human Rights in April 2012, alleging a violation of his right to a fair trial.

Freedom of information legislation is in place. However, the constitution includes a provision on official secrecy, and the country's legal framework on access to information has been rated the worst among 93 countries evaluated in a study by Access Info Europe and the Centre for Law and Democracy. In 2012, an online campaign started by journalist and transparency activist Josef Barth was collecting signatures to support passage of a new law on the issue.

The Austrian Communications Authority (KommAustria) regulates broadcast licenses and manages frequencies. Since 2010 it has also been responsible for the legal supervision of audiovisual services and the public broadcaster. Its five members are appointed for six years by the head of state on the recommendation of the federal government. After its breakup in 2002, the self-regulatory Austrian Press Council was reestablished in 2010 and resumed work in 2011. Its responsibilities include handling complaints regarding content in newspapers, magazines, and their websites. However, membership in the council is not obligatory for such outlets.

Political influence at the ORF remained an important topic in 2012. At the end of the year, a controversy arose about staff decisions at ORF Radio that critics said were influenced by the ruling Social Democratic Party (SPÖ). Physical attacks against or harassment of journalists are rare.

While daily national newspapers are fiercely competitive, the print sector is characterized by single regional newspapers that dominate up to 90 percent of their respective markets. Following amendments to the Broadcasting Law in 2004, Austria's public broadcasting network has faced growing competition from private outlets. Cable and satellite services are widely available and offer content from both Austrian and German stations, with some of the latter tailoring programming for the Austrian audience. Media ownership is highly concentrated. The largest newspaper also owns the only private radio station available in many regions of Austria, despite the fact that the Cartel Court has the authority to monitor the media environment to ensure media diversity.

A new Media Transparency Law, which took effect in July 2012, forces public offices, like governmental departments, to disclose their media advertisements for the first time. In June the upper house of parliament approved a new law on corruption that will take effect in January 2013. It defines ORF journalists as public-service employees and sets strict rules regarding the acceptance of benefits.

The government has provided all daily and weekly newspapers with annual direct payments since 1974, with larger amounts of money going to newspapers that are considered especially important contributors to the diversity of opinion. A 2003 law reformed this press subsidy scheme in order to promote regional diversity, professional development of journalists, and special projects. In recent times, the economic subsidies have helped newspapers to survive and to contribute to media pluralism. Receiving these subsidies does not entail any obligation regarding content.

Internet access is unrestricted, and 81 percent of the population accessed the internet in 2012.

## Azerbaijan

**Status: Not Free**

**Legal Environment: 27**

**Political Environment: 33**

**Economic Environment: 22**

**Total Score: 82**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	77,NF	78,NF	79,NF	79,NF	80,NF

Conditions for freedom of expression in Azerbaijan deteriorated further in 2012, as authorities continued to imprison journalists and bloggers and placed additional limits on access to information. Violence against journalists has not abated, and the media are harassed with impunity.

Although the 2000 Law on Mass Media guarantees freedom of speech and access to information, these rights are not protected in practice. The government's 2011 National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan called for the decriminalization of libel in 2012. Hoping to influence the process, several nongovernmental organizations (NGOs) prepared draft laws, and the government opened a public discussion on the topic in October. However, no legal changes were enacted during the year, leaving defamation as a criminal offense punishable by up to three years in prison and hefty fines. The number of defamation suits—and the amount of compensation demanded—significantly increased in 2012; the nonprofit Media Rights Institute (MRI) registered at least 35 cases during the year. In June, the independent newspaper *Azadliq* was ordered to pay \$38,000 for allegedly defaming the head of Baku's rapid transit system, Tagi Ahmadov, who had originally sought \$255,000 in damages. In July, the opposition newspaper *Yeni Musavat* was ordered to pay \$64,000 in damages for allegedly insulting a cannery company, Gilan Gabala. The decision was subsequently upheld on appeal.

Various other criminal laws, including those pertaining to terrorism, hooliganism, narcotics possession, inciting hatred, and tax evasion, are used by the authorities to suppress and punish critical reporting. At year's end there were several applications pending at the European Court of Human Rights from imprisoned Azerbaijani journalists who claimed violations of freedom of expression. During 2012, a total of 11 journalists were sentenced to imprisonment on politically motivated charges such as treason, hooliganism, or violation of public order. Executive director Vugar Gonagov and editor in chief Zaur Guliyev of Khayal TV were charged with abuse of office and organizing mass disorder for uploading a video in March that sparked mass protests. The video depicted the mayor of Quba insulting his constituents. Gonagov and Guliyev remained in pretrial detention through the end of the year; they faced 10 years in prison if convicted. In August, journalist Faramaz Novruzoglu was sentenced to four and a half years in prison for allegedly using an alias in 2011 to organize an event on the social-networking site Facebook that called for riots, and for crossing the border with Turkey illegally in 2010. Novruzoglu denied the charges and claimed he was prosecuted because he had written articles that were critical of the government. The case of Avaz Zeynalli, editor in chief of the weekly *Khural*, continued throughout 2012. He was arrested in late 2011, not long after court officers raided *Khural's* newsroom and confiscated all of its equipment, alleging that Zeynalli had failed

to pay court-ordered damages in a 2010 defamation case. He was charged with bribery and extortion stemming from a separate complaint filed by parliament member Gular Ahmadova and placed in pretrial detention. The trial was ongoing at the end of 2012, and Zeynalli remained in detention in restrictive conditions, even though Ahmadova had been discredited and charged with embezzlement. *Khural's* website remained accessible, but the print edition stopped publishing after the 2011 raid. The paper had been critical of President Ilham Aliyev's policies toward journalists and the political opposition.

The government has failed to appoint a special information ombudsman as required by 2005 freedom of information legislation, instead transferring the role to an existing ombudsman's office. Authorities at all levels systematically refuse to respond to information requests. Lawsuits filed by media outlets and civil society representatives over state agencies' failure to act on information inquiries generally do not yield any results. After Radio Free Europe/Radio Liberty (RFE/RL) published a series of investigative reports implicating President Aliyev and his family in corruption, the parliament in June 2012 passed several amendments to the Law on the Right to Obtain Information, the Law on the State Registration of Legal Entities, and the Law on Commercial Secrets. The changes, which took effect in October, allow commercial enterprises to withhold information about their registration, ownership, and structure, severely limiting the ability of investigative journalists to uncover corruption in the corporate sector and identify the private assets of public figures.

The government nominates all nine members of the National Television and Radio Council (NTRC), the country's media regulator. According to a report by the International Partnership Group for Azerbaijan (IGPA), the council is fully financed by the state and shows a clear bias toward state-owned broadcasters in licensing procedures. The process of broadcast licensing is opaque; the NTRC has not published the list of available television and radio frequencies in the past 10 years, contrary to its obligation to do so annually. The British Broadcasting Corporation, RFE/RL, and Voice of America have been off the air since January 2009, when NTRC regulations banned foreign broadcasters from accessing national frequencies. The council also interferes with the editorial policies of domestic media outlets. In May 2012, it banned all foreign television shows from Azerbaijani channels, supposedly to limit excessive foreign influence. The authorities use various other methods to censor the media, even though official censorship has been banned since 1998. For example, legal amendments adopted in 2009 restrict the ability of journalists to film or photograph individuals without their consent, even at public events.

The political environment is dominated by the president and the ruling party. In spring 2012, demonstrations broke out in Baku before and during the Eurovision Song Contest, which the country hosted in May. Journalists and activists launched the Sing for Democracy Campaign, using the contest as an opportunity to bring international attention to rights abuses in Azerbaijan. Authorities attempted to prevent media workers from documenting the protests, and several journalists were detained and charged with serious offenses as a result of their efforts. In April, Idrak Abbasov, a journalist for the independent newspapers *Ayna* and *Zerkalo*, was severely beaten by employees of the state oil company SOCAR while filming the demolition of residential buildings on the outskirts of Baku. Human rights groups had warned that property rights were being violated in connection with the massive preparations for Eurovision and other construction projects. Police began an investigation into the beating, but failed to identify suspects by year's end. In another case, multimedia journalist Mehman Huseynov was charged with hooliganism, which carries up to five years in prison, for getting into an argument with a

police officer who was blocking him from photographing a protest in Baku in May. An eyewitness reported that police officers destroyed Huseynov's camera after he swore at them. Prison conditions remained dire for journalists, with routine ill-treatment and denial of medical care, leading the Council of Europe to adopt a resolution calling for the release of political prisoners in June. Editor in chief Hilal Mammadov of the minority-language newspaper *Tolishi Sedo*, who was arrested in June on charges of high treason and inciting hatred, reported inhuman treatment and torture in custody, but his complaint was rejected. While no journalists were murdered in Azerbaijan in 2012, impunity for past cases of murder or serious physical attacks remained the norm.

In recent years, the government has significantly increased its monitoring of internet activity and its harassment of social-media activists and online journalists and bloggers. Social-media platforms such as Facebook and Twitter are often used to air critical opinions of the government, and Azerbaijan's vibrant blogosphere has become a forum for government critics to voice their opposition and illuminate subjects that are often ignored in the mainstream media. As the country prepared to host the 7th Internet Governance Forum in November 2012, President Aliyev claimed publicly that the internet in Azerbaijan is "free" because the government does not engage in censorship of content, as in some other countries. While content blocking is relatively rare in Azerbaijan, authorities frequently use other methods to intimidate activists and journalists who express criticism online. In March 2012, Khadija Ismayilova, an independent journalist and contributor to RFE/RL's Azeri service, became a victim of attempted blackmail when she received an anonymous letter threatening the release of a video of her having sex with her boyfriend if she did not stop her investigative reporting on the president's family. Ismayilova exposed the blackmail attempt on her social media accounts, and one week later the video was posted to a fake news site whose web address falsely indicated a connection to the opposition Musavat party. The police launched an investigation that—according to the journalist—focused more on her private life than a genuine search for the perpetrators. In April, the prosecutor's office issued a statement that revealed little progress on the case, but provided the names and personal information of those who were interviewed during the investigation, mostly Ismayilova's close friends and family. Through her own investigation, Ismayilova discovered that the video had been filmed with hidden cameras that were installed inside her apartment with the help of a telephone company.

Journalists are regularly harassed in the autonomous exclave of Nakhchivan, which is separated from the rest of the country by Armenia. The media have also suffered as a result of Azerbaijan's conflict with Armenia over the disputed territory of Nagorno-Karabakh. In August 2012, former military officer Ramil Safarov, who had been convicted of murdering an Armenian officer at an international training camp in Hungary in 2004, was allowed to return to Azerbaijan, where Aliyev granted him a pardon. State media initially celebrated the hero's welcome he received with extensive coverage of his appearances at official events. However, the coverage halted abruptly due to international and domestic criticism of the fanfare, and Safarov disappeared from the public spotlight. Foreign reporters have faced abuses in the country. In May 2012, a group of Norwegian journalists were held at the airport in Baku and harassed in connection with a series they recorded during the Eurovision Song Contest that the Azerbaijani authorities found offensive.

State dominance of the media continues to harm diversity and pluralism. Ownership of print outlets is reserved mainly for government officials or the ruling party, although several opposition parties operate newspapers as well. The broadcast media are almost entirely in the

hands of the government and its allies, sometimes through nominal intermediaries; no verifiable information is available on the real owners. The authorities use economic pressure on distribution, printing, and advertising to control the print, broadcast, and online media industries. In early 2012, newspaper kiosks owned by the Qasid and Qaya distribution companies were suddenly removed from the center of Baku and replaced with booths that offered other types of consumer goods and only small stands for newspapers. The owners of the new booths are unknown. Restrictions on distribution have negatively affected some independent publications with high circulation, such as *Yeni Musavat* and *Azdaliq*. There is no effective method of distribution outside major cities. Opposition outlets are also subject to economic pressure related to the enforcement of libel judgments. In November 2012, a court decision linked to one of several libel cases against *Azdaliq* froze the paper's bank accounts despite its filing of an appeal, which usually suspends implementation of such actions. The owners of *Azdaliq* claimed that the payment of hefty fines and damages in defamation cases had left it in a precarious financial situation. State advertising and state subsidies are not allocated transparently. Most journalists work without employment security or contracts, and receive irregular salaries.

Online media, including internet-based television, have grown in recent years, as has internet penetration, which reached 54 percent of the population in 2012, according to government statistics. However, internet access is mostly limited to Baku and several other major cities.

## Bahamas

**Status: Free**

**Legal Environment: 3**

**Political Environment: 9**

**Economic Environment: 7**

**Total Score: 19**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	20,F	20,F	20,F	20,F	20,F

## Bahrain

**Status: Not Free**

**Legal Environment: 28**

**Political Environment: 37**

**Economic Environment: 21**

**Total Score: 86**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	71,NF	71,NF	71,NF	72,NF	84,NF

The media in Bahrain continued to face violent repression during 2012, as journalists, photographers, and bloggers covering ongoing antigovernment demonstrations faced beatings, arrest, and torture. Widespread, peaceful prodemocracy protests, led mainly by members of the economically and politically disadvantaged Shiite Muslim majority, had begun in February 2011, but the government cracked down brutally on the protesters and journalists, and Bahrain became one of the harshest media environments in the Middle East. Despite the government's pledge to respect human rights in response to a November 2011 report by the Bahrain Independent Commission of Inquiry on the abuses earlier that year, authorities in 2012 continued to repress the media. The domestic press suffered ongoing censorship and persecution, and many foreign journalists were denied access to the kingdom to cover the first anniversary of the protests and the annual Formula One Grand Prix competition in April.

Despite constitutional protections guaranteeing freedom of expression and of the press, the government continued to use the 2002 Press Law to restrict the rights of the media in 2012. The Press Law allows up to five years' imprisonment for publishing criticism of Islam or the king, inciting actions that undermine state security, or advocating a change in government. Journalists may be fined up to 2,000 dinars (\$5,300) for a list of 14 other offenses. Libel, slander, and "divulging secrets" are criminal offenses punishable by terms of no more than two years in prison or a fine of no more than 200 dinars (\$530). In 2008, the appointed upper chamber of the National Assembly proposed amendments to reform the harshest provisions of the Press Law, but conservatives in the elected lower chamber have thus far refused to consider the changes. In addition to press and defamation laws, the government frequently uses counterterrorism legislation to curtail the activities of opposition groups and restrict freedom of expression.

In July 2012, writer Nabil Rajab—head of the Bahrain Center for Human Rights (BCHR), the main domestic human rights group—was sentenced to three months in prison for libel after he posted comments on a Twitter microblog accusing the prime minister of corruption and calling for his resignation. In August, Rajab was sentenced to three years in prison for participating in demonstrations against the government. Abduljalil al-Singace, a blogger and online journalist, was sentenced to life in prison in 2011 for plotting to overthrow the regime after he wrote about the prodemocracy demonstrations. His sentence was upheld in September 2012 after an appeal. In November, Sayed Yousif al-Muhafdhah, vice president of the BCHR, was arrested while investigating an injury sustained by a bystander when security forces attacked a protest in Duraz. One month earlier, al-Muhafdhah had provided information to the UN Human Rights Council on alleged rights violations by the Bahraini government.

There is no law guaranteeing freedom of information. The Information Affairs Authority (IAA) has the power to censor and prevent the distribution of local and foreign publications, close newspapers through court proceedings, ban books and films, block websites, and prosecute individuals. Under the 2002 Telecommunications Law, the government has considerable authority to regulate internet activity. All websites are required to register with the IAA, and religious and political content is heavily censored. Website administrators are responsible for all content posted on their sites and are subject to the same libel laws as print journalists.

After inviting a group of nongovernmental organizations to assess the state of freedom of expression in Bahrain in April 2012, the government reneged and denied access to these groups later in the month. The government attributed the denial to a shift in policy that would only grant one group per week entry into the country.

Prior to the protests of 2011, the Bahraini media's coverage of news and politics was more critical and independent than reporting in most other Gulf countries. Nonetheless,

newspapers tended to avoid covering “sensitive” issues such as sectarian tensions, relations with surrounding countries, government corruption, demonstrations, and human rights violations. As the protests erupted in early 2011, media outlets and individual journalists came under increased pressure from the government. Media workers have reported being contacted directly by government representatives and warned not to report on subjects related to the prodemocracy demonstrations or other sensitive issues. Most domestic opposition publications have been shut down, and while some, such as *Al-Wasat*, were eventually reopened, they remain the targets of legal harassment and public intimidation.

The only alternative space for public expression in Bahrain is online. However, the internet is heavily monitored, with the government spending tens of millions of dollars on surveillance and cybersecurity. Various opposition publications have survived on the web but are forced to operate clandestinely from outside the country. The government is a major shareholder in Batelco, the country’s principal telecommunications company, which monitors e-mail and filters internet content by routing traffic through proxy or cache servers. The government blocks thousands of websites under the pretense of protecting citizens from pornography and other offensive material, though many of the filtered sites were reportedly targeted for their politically sensitive content. Internet platforms used for video streaming or for holding online seminars are blocked, as are the sites of human rights groups operating within Bahrain.

In 2012, the authorities continued efforts to control the country’s image by severely restricting international media. Ahead of the one-year anniversary of the February 14, 2011, demonstrations, several foreign journalists were denied entry visas, including reporters from the *New York Times*, the *Wall Street Journal*, the *Christian Science Monitor*, the British Broadcasting Corporation (BBC), and Al-Jazeera. Others, including journalists from Japan and Australia, were turned back at Bahrain International Airport. Furthermore, foreign journalists wishing to cover April’s Formula One Grand Prix—Bahrain’s most prestigious international event—were vetted before admission and denied entry if they had any background in covering political topics. When demonstrations coincided with the race, foreign journalists who reported on them were detained, had their permissions to report from within Bahrain revoked, and were expelled from the country.

Throughout 2011, the government of Bahrain had used killings, targeted attacks, and harassment to silence the local press. These tactics continued to be employed in 2012, but were rarely necessary, as many journalists practiced self-censorship. In March 2012, Ahmed Ismael Hassan al-Samadi, a citizen journalist, was fatally shot by plainclothes security forces while filming the violent crackdown on a peaceful protest in Salmabad. In May, Ahmed Radhi, a freelance journalist who had worked for the progovernment newspaper *Al-Ayyam*, was arrested and detained for four months after making comments during an interview with the Arabic service of the BBC that were critical of a hypothetical union between Bahrain and Saudi Arabia. He had also posted his comments on social media. In October, a Manama court acquitted a police officer of the torture and mistreatment of Nazeeha Saeed, a Bahraini journalist with France 24 and Radio Monte Carlo Doualiya, in May 2011 as she was questioned by authorities after reporting on the demonstrations. She was accused of being a spy for foreign governments.

There are six privately owned daily newspapers, four in Arabic and two in English. While some of these papers are critical of the government, only *Al-Wasat* is considered truly independent of government influence. Although the government does not own any newspapers, the IAA maintains significant control over private publications. Newspapers rely heavily on advertising revenue to sustain their operations and often practice self-censorship to avoid

offending advertisers that do not want their businesses associated with critical reporting. The government maintains a monopoly on broadcast media, allowing the regime to shape public perceptions of the prodemocracy movement and characterize it as sectarian extremism. Private operating licenses are not awarded despite continued interest from media owners. However, there is some room for free expression on television call-in shows. Foreign radio and television broadcasts are generally received without interference, and the majority of households have access to satellite stations; Qatar’s Al-Jazeera and Saudi-owned Al-Arabiya, based in the United Arab Emirates, remain Bahraini citizens’ main sources of news. In addition, around 88 percent of Bahrain’s population accessed the internet in 2012.

## Bangladesh

**Status: Partly Free**

**Legal Environment: 15**

**Political Environment: 22**

**Economic Environment: 16**

**Total Score: 53**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>68,NF</b>	<b>63,NF</b>	<b>56,PF</b>	<b>54,PF</b>	<b>52,PF</b>

Bangladesh’s media environment remained relatively open in 2012, despite some worrying signs of intolerance by the government and an increase in physical harassment against the press. Although the constitution provides for freedom of expression subject to “reasonable restrictions,” the press can be constrained by national security legislation as well as by sedition and criminal libel laws. The punishment for sedition ranges from three years to life in prison. The 15th amendment to the constitution, passed in July 2011, includes language that equates criticism of the constitution with sedition. Journalists can also be arrested under the 1974 Special Powers Act—which allows detentions of up to 90 days without trial—for stories that are critical of government officials or policies, or they can be charged with contempt of court. Arrests stemming from defamation charges continued to occur in 2012. In January, a university lecturer was given a six-month jail sentence for comments made in 2011 on Facebook about Prime Minister Sheikh Hasina. The opposition-oriented daily *Amar Desh* has faced a barrage of legal and regulatory threats over the past several years. Acting editor and majority owner Mahmudur Rahman, who spent 10 months in jail in 2010–11 on charges of harming the country’s reputation, was charged with sedition in December 2012, following the publication of a story regarding leaked conversations between a judge and a lawyer/activist based in Brussels.

Since its passage, the 2009 Right to Information Act has improved transparency and accountability. It applies to all information held by public bodies, simplifies the fees required to access information, overrides existing secrecy legislation, and grants greater independence to the Information Commission (IC) tasked with overseeing and promoting the law, according to the press freedom group Article 19. The law has been used primarily for investigative journalism. In February 2012, the high court upheld a fine levied by the IC on an official who refused to provide information under the law.

The Ministry of Information controls broadcast licensing and issues licenses for both commercial and community outlets. Television stations have occasionally been closed ostensibly for being in breach of broadcasting regulations. A comprehensive broadcast policy, intended to simplify the existing patchwork of laws and regulations, has been under discussion for several years by government and industry representatives and other stakeholders. In November 2012, the government formed a committee comprising a range of official and industry stakeholders to draft a National Broadcasting Policy. In September 2012, concern was raised over a proposed regulation calling for the registration of online news portals, including the imposition of steep registration fees (an initial fee of around \$6,100, plus annual renewal fees of around \$610), limits on eligibility of applicants, and broad restrictions on content.

The print media are generally allowed more leeway than broadcasters and new media, with private television channels that provide 24-hour news coverage facing particular scrutiny. Authorities reportedly drafted unofficial guidelines for media houses regarding television talk shows in 2009, noting that “provocative statements” could lead to the banning of a show. In March 2012, the transmissions of several television stations were suspended shortly before a planned opposition rally. Attempts to censor internet-based content occasionally occur; in September the government blocked access to YouTube following a global uproar over a video produced in the U.S. of the prophet Muhammad. Some journalists practice self-censorship when reporting on sensitive topics like the military and judiciary. Sensitivity regarding reporting on the proceedings of the International War Crimes Tribunal heightened during the year. Coverage of labor disputes has also become more slanted as garment factory owners have moved into the media sector, buying up both print and broadcast outlets; as a result, stories often highlight violence or work disruptions initiated by workers rather than labor rights issues.

Journalists continue to be threatened and attacked with impunity by organized crime groups, party activists, and Islamist groups. Three journalists were killed in 2012, according to the Committee to Protect Journalists—the first journalist deaths in the country in seven years. In February, Sagar Sarwar, editor with the private channel Maasranga TV, and his wife Meherun Runi, reporter from the ATN Bangla channel, were murdered in their home in Dhaka. No arrests were made and the motive is unknown. In June, reporter Jamal Uddin of the daily *Gramer Kagoj* was stabbed to death, possibly as a result of his reporting on a local drug-smuggling syndicate. Three arrests were made in the case. Physical harassment of the press also increased. In May 2012, nine journalists were injured when armed men attacked the newsroom of the bdnews24.com news website, and several other violent attacks on individual journalists occurred that same month. The local rights group Odhikar reported that dozens of cases of threats and physical harassment leading to injury had taken place during the year. Impunity is the norm for those who perpetrate crimes against journalists, with at least 24 murders since 1998 remaining unpunished, according to the International Press Institute. Investigations of such crimes generally proceed slowly, if at all.

A primary threat to journalists’ physical safety comes from security forces, including the police and military intelligence. Police brutality toward reporters and photographers attempting to document political protests or other sensitive events remains a concern, as do occasional cases of arrest, detention, or custodial torture of journalists. In May 2012, three photojournalists from the daily *Prothom Alo* were beaten badly by police while attempting to cover a story. In December, two more photojournalists endured similar police abuse while photographing arson at an opposition rally. Some journalists continued to receive threatening telephone calls from

intelligence agencies seeking to prevent negative coverage. Criminal gangs and business owners also attempt to influence coverage through coercion or threats.

With hundreds of daily and weekly publications, the privately owned print media continue to present an array of views, although political coverage at many newspapers is highly partisan. Private broadcasting has expanded in recent years, with more than 20 satellite and cable television stations and a number of private radio stations now operating, including 3 private FM stations and a dozen community stations. A number of private broadcast outlets are owned by individuals with close political or official affiliations. The state owns or influences several broadcast outlets, including the public BTV, which remains the sole national terrestrial channel. Private outlets are required to air selected government-produced news segments and official speeches. Political considerations influence the distribution of government advertising revenue and subsidized newsprint, on which many publications depend. Private media owners and corporate interests are also able to influence content through allocation of advertising. A directive issued in 2012 to government institutions limited their list of newspaper subscriptions to a small range of dailies that supported the governing Awami League.

Access to the internet is generally unrestricted, but the penetration rate was just 6 percent of the population in 2012. During the last few years, the number of online news outlets, including news websites and internet-based radio stations, has increased dramatically, as has use of major social-networking sites such as Facebook. The government continues to monitor internet activity. Some journalists' e-mail correspondence is reportedly watched by police, and those brought in for questioning have been asked to supply personal internet passwords to intelligence officers.

## Barbados

**Status: Free**

**Legal Environment: 3**

**Political Environment: 9**

**Economic Environment: 6**

**Total Score: 18**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>19,F</b>	<b>19,F</b>	<b>19,F</b>	<b>19,F</b>	<b>19,F</b>

## Belarus

**Status: Not Free**

**Legal Environment: 29**

**Political Environment: 36**

**Economic Environment: 28**

**Total Score: 93**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>91,NF</b>	<b>91,NF</b>	<b>92,NF</b>	<b>93,NF</b>	<b>93,NF</b>

Belarus's media environment remained extremely restrictive in 2012, as the government continued to aggressively suppress independent voices ahead of deeply flawed September parliamentary elections in which progovernment parties won all of the seats. The authorities sustained their crackdown on opposition activists, protesters, and journalists while attempting to stave off economic deterioration, the influence of the Arab Spring uprisings, pressure to move toward European integration, political meddling by the Kremlin, and the growing influence of social media among younger Belarusians.

Despite constitutional provisions for freedom of the press, criticism of the president and the government is considered a criminal offense, and libel convictions can result in prison sentences or high fines. Judges, prosecutors, police officers, tax officials, and bureaucrats from the Information Ministry regularly used politicized court rulings and obscure regulations to harass independent newspapers and websites during the year, especially those reporting on postelection demonstrations. In February, the independent newspaper *Nasha Niva*, charged with defamation by a state television journalist, was ordered by a court in Minsk to pay 5 million rubles (\$600) for causing "moral damage." In June, Andrzej Poczobut, a correspondent for the Warsaw daily *Gazeta Wyborcza* based in the western city of Hrodna, was arrested, held for nine days, and charged with libeling the president in a series of articles he published in the independent media. The charges carry a sentence of up to five years' imprisonment. As a condition of his bail, Poczobut was required to remain in Hrodna pending trial.

A draconian new media law took effect in 2009, forcing all outlets to register with the Information Ministry, including domestic and international websites, which face blockage for failure to comply. The stipulation has forced many independent publications to switch to domain names based in neighboring countries. It has also made it easier for the government to deny required accreditation and shutter outlets for coverage that does not "correspond to reality" or that "threatens the interests of the state." The law even allows penalties against outlets for reporting statements by others—for example, by political parties or nongovernmental organizations (NGOs)—that "discredit the Republic of Belarus."

Over the course of 2012, the police detained at least 60 journalists, newspaper distributors, and social-media activists in retaliation for their work. In June, European Radio for Belarus correspondent Pavel Sverdlov was arrested in Minsk and sentenced to 15 days in prison on hooliganism charges after he exposed security lapses in the city's mass transit system. In November, Valery Bulhakau, editor of the Hrodna-based monthly cultural magazine *ARCHE*, fled Belarus after months of harassment that included charges of engaging in "illegal business activities" for selling books at a book fair without receipts and an audit by the Department of Financial Investigations that resulted in the freezing of the magazine's bank accounts. State television reported that Bulhakau had been charged with "distributing extremist literature."

Internet penetration has increased in recent years, reaching 47 percent of the population in 2012, and the government has responded by restricting and monitoring use of the medium. The state-owned telecommunications company Beltelekom, the sole internet service provider (ISP), already controls all international data transfers and blocks some critical websites, while the State Security Committee (KGB) reportedly monitors internet communications and is believed to be behind the use of Trojan viruses to steal passwords from critical website editors. During the parliamentary elections, journalists accused Beltelekom of increasing internet restrictions as the government sought to rein in the country's few remaining independent bloggers and news websites. Government attempts to reduce the readership of independent news

websites like Charter97.org and BelarusPartizan.org resulted in a 2011 resolution requiring ISPs to block access to these two and dozens of other sites from all state, cultural, and educational institutions. During politically sensitive events throughout the year, such as antigovernment protests, independent news websites and social-networking platforms were subject to cyberattacks from unknown sources. Authorities continued to censor criticism of President Alyaksandr Lukashenka in news programs on Russian television stations.

The government and its supporters subjected both independent and foreign media, as well as press freedom activists, to systematic intimidation for reporting on human rights abuses and unauthorized demonstrations in 2012, especially in the months ahead of the parliamentary elections. Officials harassed the Belarusian Association of Journalists (BAJ) in retaliation for its work defending media personnel, and state television aired several programs at the start of the year that used anonymous letters and surveillance footage to smear the organization and its leaders. In March, border guards prevented BAJ chairperson Zhanna Litvina and two other journalists from boarding a flight to neighboring Poland. Another reporter had been prevented from traveling to Lithuania a few days earlier. In June, Iryna Khalip, a correspondent for the Moscow newspaper *Novaya Gazeta* who had been under partial house arrest in Belarus since May 2011, found a chicken head in her mailbox. She interpreted it as a death threat in retaliation for her criticism of the government. In September, plainclothes officers assaulted and detained at least seven journalists—including members of the foreign press—as they covered a protest in Minsk by opposition groups calling for a boycott of the parliamentary elections. Associated Press photographer Sergei Grits was punched in the face and had his pictures deleted during the detention.

At least 12 independent journalists received warnings during 2012 for working for a foreign outlet without a permit. Foreign correspondents were regularly harassed and deported in reprisal for reporting on opposition activities or human rights and election abuses. In September, during the parliamentary election campaign, customs officials at the airport in Minsk confiscated technical equipment from reporter Amos Roberts of Australia's SBS television as he was leaving the country.

Authorities responded to the growing influence of internet news sources by escalating harassment of online journalists. In July, Anton Suryapin, a blogger in the city of Slutsk, was detained for a month after being the first to post photographs of teddy bears dropped from an airplane into Belarus. The airdrop, prepared by the Swedish advertising company Studio Total, was aimed at promoting freedom of expression. The hundreds of teddy bears held placards with slogans such as "We support the Belarusian struggle for free speech." Following his release, Suryapin was placed under house arrest for the remainder of the year, facing up to seven years in prison for alleged complicity in an illegal border crossing. In August, *Komsomolskaya Pravda* journalist Iryna Kozlik and photojournalist Yuliya Darashkevich held a protest in support of Suryapin; they were arrested by Minsk police and fined 3 million rubles (\$360) each for "carrying out an unsanctioned protest."

The government maintains a virtual monopoly on domestic broadcast media, which consistently glorify Lukashenka and the benefits of a "stronger state" while vilifying the opposition. In a December 2012 report on the parliamentary elections, monitors from the Organization for Security and Cooperation in Europe stated, "Media coverage of the campaign did not provide a wide range of views, focusing overwhelmingly on the President and government activities with minimal attention given to candidates." State television channels censored candidate speeches that called for a boycott of the elections. Only state media broadcast

nationwide, and the content of smaller television and radio stations is tightly restricted, partly through highly secretive and politicized licensing procedures. Three independent broadcasters transmit their programming from neighboring Poland—BelSat television, Radio Racyja, and European Radio for Belarus—but authorities actively obstruct the work of their journalists. Most local independent outlets regularly practice self-censorship, especially when reporting on the family and business interests of Lukashenka and his closest allies. In January 2012, the Minsk-based television channel MTIS stopped rebroadcasting news from the pan-European television channel Euronews, citing an increase in fees charged by the latter’s owners. Lukashenka had been highly critical of Euronews coverage in the past, leading some experts to question whether the move was due to political rather than financial pressure.

Tax exemptions for state media give them a considerable advantage over private outlets. In the print sector, the government has barred most independent and opposition newspapers from being distributed by the state-owned postal and kiosk systems, from being printed by the state printer, and from any access to state advertising contracts or media subsidies. Independent papers are forced to sell directly from their newsrooms and use volunteers to deliver copies, but regional authorities sometimes harass and arrest the private distributors. Due to the country’s deepening economic crisis, independent media have struggled with rising costs and declining advertising revenue, and even the state media faced a 20 percent budget decrease in 2012.

## Belgium

**Status: Free**

**Legal Environment: 2**

**Political Environment: 4**

**Economic Environment: 5**

**Total Score: 11**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>11,F</b>	<b>12,F</b>	<b>12,F</b>	<b>12,F</b>	<b>11,F</b>

Freedom of the press is safeguarded under Articles 19 and 25 of the Belgian constitution, and the rights of the media are generally respected in practice. The law prohibits hate speech, including Holocaust denial, which carries a maximum sentence of one year in prison. Journalistic sources are protected under a 2005 law, which also protects journalists from search and seizure. A 1994 law allows individuals to obtain access to official documents held by executive and judicial authorities, and stipulates that public authorities must offer an explanation of the document if requested. The print media are self-regulated by the Federation of Editors, an industry body in which all major newspapers are represented.

There are no government restrictions on use of the internet, though the authorities continue to block The Pirate Bay and other file-sharing websites on the grounds that they promote copyright violations. In 2011, the Belgian courts had ruled that the U.S. technology firm Google had breached Belgian copyright and database laws by posting articles without authorization on its Google News service. In reaction, Google blocked several Belgian Francophone newspapers from its web search results for a few days in July 2011. The six-year-long dispute ended in December 2012, when Google and Belgium’s French-language publishers

finally reached a deal regarding use of their content. Cases of harassment and physical attacks on journalists are rare.

Media ownership is highly concentrated, and a small number of media groups own the main newspapers. Ownership and distribution are distinct in Belgium’s two linguistic regions, Flanders and Wallonia. Three major companies dominate newspaper distribution in Flanders, and two in Wallonia. The two regions have completely autonomous public broadcasters, with one broadcasting in French and the other in Flemish over both radio and television channels; each also has its own private broadcasting networks. Access to cable-based and foreign television channels is widespread. The Belgian media industry has suffered severely from the economic downturn that began in 2008, as outlets are largely dependent on advertising revenues. Most media companies have sought to reduce staff, by up to a third in some cases. In 2012, 82 percent of the population had access to the internet.

## Belize

**Status: Free**

**Legal Environment: 8**

**Political Environment: 9**

**Economic Environment: 5**

**Total Score: 22**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>22,F</b>	<b>21,F</b>	<b>21,F</b>	<b>23,F</b>	<b>21,F</b>

The constitution protects freedom of expression, and that right is generally respected in practice. However, it is subject to several legal limitations. Individuals who question the financial disclosures of public officials risk a fine of up to BZ\$5,000 (US\$2,500) and a prison term of up to three years. Newspapers are subject to criminal defamation laws, but the laws have not been invoked in recent years.

A Freedom of Information Act was adopted in 1994, but it exempts documents related to national security, defense, and cabinet proceedings. The Belize Broadcasting Authority (BBA) is empowered to preview broadcasts with political content and remove material it deems libelous. The rising incidence of violent crime in Belize, stemming from the international drug trade, led to calls in 2012 for the BBA to begin regulating the portrayal of violence in the media. The authority was considering new restrictions on media content at year’s end.

There have been some reports of intimidation of journalists from media outlets aligned with the opposition. In October 2012, the cars of two journalists who were critical of the government were vandalized in what opposition media deemed attacks on media freedom. In one case, the nuts securing the tires to a journalist’s car were removed. Nevertheless, the motives for the incidents remained unclear.

While there are no daily newspapers in Belize, there is a vibrant market for weeklies, which are privately owned. In general, reporting covers a wide range of opinions. Government-operated radio was privatized in 1998, and today there are eight television stations and 33 licensed radio stations. The ruling United Democratic Party (UDP) and the opposition People’s United Party (PUP) are both affiliated with specific newspapers and radio stations, and many

other media outlets display a partisan bent. There are concerns about increasing government intervention in the media, particularly with regard to ownership of distribution channels. In 2009, the government renationalized Belize Telemedia, the country's leading private telecommunications provider, and its owners, the Ashcroft Group, were allegedly offered no compensation. The PUP branded the action an expropriation. In June 2011, Belize's Court of Appeal ruled that the nationalization of Telemedia was unconstitutional and returned the company to its original owners. However, the government amended the country's constitution in order to renationalize Telemedia a second time in July 2011. In June 2012, the Supreme Court nullified that amendment and declared the second renationalization unconstitutional, but stopped short of returning control of the company to its former owners. At year's end the case was awaiting a judgment from the Court of Appeal.

While the government does not restrict internet access or use, lack of infrastructure and high costs limited penetration to 25 percent of the population in 2012. A 2012 survey showed that Belize had the slowest and most expensive internet in the Caribbean region.

## Benin

**Status: Partly Free**

**Legal Environment: 11**

**Political Environment: 12**

**Economic Environment: 11**

**Total Score: 34**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>31,PF</b>	<b>31,PF</b>	<b>33,PF</b>	<b>33,PF</b>	<b>34,PF</b>

Benin has traditionally been ranked among the best-performing African countries for press freedom, with freedom of speech protected by the constitution and largely respected by the government in practice. However, a number of disturbing trends have persisted since the 2006 election of current president Thomas Boni Yayi, including the use of legal and regulatory structures to restrict media freedom.

The 1997 Press Law criminalizes libel and defamation, and although some judges are hesitant to pursue prosecution, journalists continue to face charges. Berthe Cakpossa, director of the private television station Canal 3, was charged with criminal defamation in September 2012 for authorizing the broadcast of comments considered defamatory toward the president; the case was ongoing at the end of the year. The trend of state interference in media content has been particularly evident in the behavior of the official regulatory body, the High Authority for Audio-Visual Media and Communications (HAAC). The HAAC requires all broadcasters to submit weekly lists of their planned programming, and publishers to submit copies of all their publications, though most outlets did not comply with this regulation during the year. The daily *Le Potentiel* was suspended for three months in March 2012 for a column alleging wrongdoing by a former public prosecutor. The HAAC also suspended two shows on Canal 3 in November on the recommendation of the president, who accused the station of undermining national unity by covering a corruption scandal involving the president's aides. One program was suspended for three months, a debate segment on a daily news show was suspended for two weeks, and as

noted above, the station's director was charged with defamation by the officials implicated in the coverage. The station appealed the action in court, but no decision had been taken by the end of the year. An independent media ethics commission also censured some journalists during the year for unethical conduct.

Journalists typically have difficulty accessing information from the government. The constitution and other laws provide for freedom of information, but no specific procedures have been created for releasing or obtaining public documents. The penal code prohibits civil servants from divulging professional secrets.

The private press carries a wide variety of opinions and criticism of the government, and the government does not censor content on the internet. However, several types of potential restrictions on coverage are in place. For example, the law bars both citizens and the press from declaring or predicting election results. Political influence over media content is also an issue, particularly at state-controlled broadcast outlets. Opposition political parties continue to have little or no access to the state-run media, and the government is known to engage in editorial oversight at the state broadcaster.

While physical harassment of journalists is unusual in Benin, a number of such incidents have occurred in recent years, particularly in 2011 ahead of the presidential election. However, no overt harassment was reported in 2012.

Print media outlets are predominantly private, while the broadcast sector has a mixture of state-run and private radio and television stations. The many radio stations, roughly 78 of which are privately owned, remain the primary source of news and information, though the state broadcaster, which lacks independence in its coverage, is the only one with national reach. The government controls broadcast ranges, and the HAAC awards limited ranges to private stations. Benin's numerous, well-established print outlets have a history of providing aggressive reporting and robust scrutiny of both government and opposition leaders. However, the media market became especially saturated in 2006 due to the large number of politicized publications that emerged in the month preceding that year's highly contentious presidential election. These newspapers, many of which have continued to publish, are little more than propaganda vehicles for political parties or particular politicians, and they frequently rely on direct funding from their backers. Indeed, most media outlets are dependent on their owners or other financial supporters, as they lack sufficient revenue from subscriptions and advertising. The lack of transparency in the system of media ownership is an area of concern. Many journalists are also susceptible to bribes from politicians and other influential actors. Subsidies and advertising contracts from the government are both used to influence media content. The government gave approximately 350 million CFA francs (\$700,000) in financial assistance to private media outlets during the year.

With a penetration rate of 3.8 percent in 2012, the internet cannot yet be considered a primary way for citizens of Benin to access news and information. The internet is mainly available via slow dial-up connections at cybercafés, but a new undersea fiber-optic cable landing in Ghana is expected to improve connectivity.

## **Bhutan**

**Status: Partly Free**

**Legal Environment: 18**

**Political Environment: 20**

**Economic Environment: 20****Total Score: 58**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	61,NF	61,NF	57,PF	57,PF	58,PF

The media environment in Bhutan remained somewhat restricted in 2012, and the government continued to influence content published by private media. The constitution of the Kingdom of Bhutan, adopted in July 2008, guarantees the right to free speech, opinion, and expression. However, the 1992 National Security Act prohibits criticism of the king and has strict provisions on “words either spoken or written that undermine or attempt to undermine the security and sovereignty of Bhutan by creating or attempting to create hatred and disaffection among the people.” Defamation can be treated as either a civil or criminal offense. There were no reported legal cases brought against journalists in 2012.

The constitution guarantees the right to information, but a Right to Information Bill discussed by Parliament during 2012 was shelved indefinitely. Government officials cited caution against “acting in haste,” given the importance of the bill, but media workers expressed concern that the government was not committed to passing the legislation.

The Bhutan InfoCom and Media Authority, the national regulator, sometimes restricts the publication of or otherwise censors media outlets. The Journalists’ Association of Bhutan (JAB) was revived in February 2012, having been dissolved in 2006 due to a lack of funding and poor coordination. The organization’s mission is to uphold the interests of journalists across the country and protect free expression in the media. However, the JAB is not independent, as it relies on the government-run Bhutan Media Foundation for funding and support.

There were no reports of threats or intimidation directed at journalists in 2012, but there is a high level of self-censorship. Criticism of the royal family and the Buddhist clergy is not published, and topics that are considered sensitive, such as the expulsion of Nepali-speaking residents in the 1990s, are not covered. The government occasionally restricts certain websites that are deemed offensive to the state or pornographic.

Bhutan currently has 12 newspapers, six radio stations, and two television channels, both of which are hosted by Bhutan Broadcasting Service (BBS), the state broadcaster. Internet penetration remained at 25 percent of the population in 2012. Bhutan’s main print outlet, the state-owned, biweekly *Kuensel*, generally portrays the kingdom in a favorable light, but it has increasingly been addressing societal problems and carrying stories that are critical of the government. There are four Dzongkha-language newspapers; the remaining print media are English-language publications that carry mandatory Dzongkha-language supplementary inserts. Bhutan’s first broadsheet, *The Bhutanese*, was launched in February 2012 with a stated intent to focus on investigative journalism and providing independent views. There are no private television broadcasters. While the BBS was permitted to start an additional channel in 2012, at least four applications to launch private television stations remain pending. Cable television services carry foreign programming, albeit with bans on channels that provide “controversial content” as well as high sales taxes and regulatory obstacles that render access costs prohibitive for many citizens. In January 2012, the government decided to streamline the licensing process for media outlets by requiring them to pay only one license fee rather than two.

Almost all media outlets are based in Thimpu, the capital. The weak economic climate in Bhutan remains a major challenge for media companies, and most are dependent on advertising

revenue distributed by state bodies, which accounts for an estimated 80 percent of the market. Most outlets have cut staff in recent years, and some have even had to suspend or cut back on publication because of financial concerns. The situation grew even worse when the government announced in June 2012 that all election-related advertising would be withdrawn from private media and exclusively published through state-owned media. Journalists speculated that the new policy was the government’s way of retaliating against *The Bhutanese* for articles that alleged abuse of power and corruption by public officials.

## **Bolivia**

**Status: Partly Free**

**Legal Environment: 14**

**Political Environment: 22**

**Economic Environment: 12**

**Total Score: 48**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>39,PF</b>	<b>42,PF</b>	<b>43,PF</b>	<b>46,PF</b>	<b>47,PF</b>

Press freedom in Bolivia deteriorated in 2012 as the government of President Evo Morales used the 2010 Law against Racism and All Forms of Discrimination to intimidate and stifle the media. In addition, the number of threats and physical attacks against journalists and media outlets rose during the year.

Bolivia’s 2009 constitution protects freedom of speech and of the press, but also allows for some limitations. While Article 21 lays out an expansive right to communicate freely, Article 107 imposes a duty to communicate with “truth and responsibility.” Article 107 also clears the way for content-based restrictions by stipulating that the media must contribute to the promotion of the ethical, moral, and civic values of the nation’s multiple cultures. Defamation remains a criminal offense. In March 2012, Rogelio Peláez of the monthly news journal *Larga Vista* was sentenced by a criminal court in La Paz to 30 months in prison for defaming lawyer Waldo Molina in a 2010 article that accused him of improper receipt of government funds linked to a corruption case. In October 2012, the Constitutional Tribunal struck down Article 162 of the penal code, which criminalized libel of public officials, though the scope and overall effect of the ruling remained unclear at year’s end. An electoral law enacted in 2010 also curtails press freedom. Article 82 of the law restricts coverage of judicial elections, forbidding the publication or broadcasting of any information about the candidates that is not released by the electoral authorities. In February 2012, the government announced that it would not move forward with a controversial new press bill proposed by the Morales administration in 2011. The country’s three main journalist organizations had opposed the legislation, which would have replaced Bolivia’s existing press law, enacted in 1925. Under that law, media organizations are supposed to practice self-regulation and enforce their own code of ethics.

The Law against Racism and All Forms of Discrimination, which falls under the penal code, attempts to address degrading portrayals of indigenous people in the media and their limited access to media outlets. The law grants authorities the power to fine or shut down news outlets and arrest journalists for published material that is deemed to be racist. Media

organizations can face sanctions even if a supposedly racist remark is uttered by a source or interviewee and is not the position of the media organization. By applying the penal code to journalists, the law also seeks to do away with journalists' right to appeal to self-regulating press bodies, as called for in the country's press law. In August 2012, Morales's government used the law against the media for the first time, filing charges against three outlets: the news agency Fides (ANF) and the newspapers *El Diario* and *Página Siete*. The government alleged that they had distorted the president's words in a speech blaming hunger in eastern Bolivia on lazy people. The case remained under investigation at year's end.

Bolivia has no specific law on access to public information, and a draft bill released in 2011 fell short of international standards, according to the press freedom group Article 19. The Ministry of Institutional Transparency and the Fight against Corruption is responsible for the implementation and execution of the National Policy on Transparency for all national government entities. However, officials of the National Press Association (ANP) has noted that the ministry "does not fulfill its role" and instead complicates access to information for journalists. Exacerbating the problem is the lack of a requirement for the government to archive official documents.

The country's regulatory framework is increasingly being used to limit media freedom. In August 2011, a new telecommunications law went into effect, establishing rules for the distribution of television and radio frequencies, the broadcasting of presidential messages, and wiretapping in certain extreme cases. The measure allots 33 percent of the frequencies to the government, 33 percent to the private sector, 17 percent to social and community-based groups, and 17 percent to "peasant and indigenous groups." The law also stipulates that presidential addresses must be broadcast free of charge, twice a year, on national television. Local journalist advocacy organizations and press groups denounced the new rules, claiming that they would cripple Bolivians' freedom of expression and information. In December 2012, some journalist unions and the ANP criticized the newly enacted Life and Disability Insurance Law for Press Workers because the insurance would be funded by a tax on media companies' revenue, and the fund would be managed by a government-controlled board.

Journalists work in a polarized political environment, with strong rivalries between pro- and antigovernment outlets and sporadic threats against government critics by elected officials. Government officials regularly use negative rhetoric against the news media, particularly against commentators who are critical of the president's policies. In October 2012, Vice President Álvaro García Linera declared that the government keeps track of the names of people who insult the president via social media. Opposition journalists often engage in self-censorship to avoid being persecuted or harassed by the authorities or government supporters. In February, almost 47 percent of the journalists surveyed in an ANP poll admitted practicing some form of self-censorship.

Bolivian journalists continued to experience threats and physical attacks in 2012. The ANP counted 10 physical and 27 verbal attacks during the year, most of which remained unsolved at year's end. The most serious attack, in October, was directed at local station Radio Popular in Yacuiba, near the border with Argentina. Four intruders poured gasoline on the station manager, Fernando Vidal, and then set him on fire. Vidal had recently reported on alleged corruption among local customs agents. Vidal and a technician, Karen Arce, were hospitalized with serious burns. Among other incidents, two community radio stations in the mining town of Colquiri were attacked with explosives in June and forced to suspend broadcasts during labor violence that shook the region. In September, Percy Fernández, the politically independent

mayor of the eastern city of Santa Cruz, engaged in repeated verbal attacks against journalists and threatened the lives of the editor and staff of the daily *El Deber*. In October, two executives of a local newspaper briefly fled to Brazil because they feared arrest after reporting on government corruption in the northern department of Pando. In November, journalists' advocate and *El Diario* editor Ghilka Sanabria was severely beaten in La Paz. The circumstances of the beating led to suspicions that it was related to her work as a journalist.

Newspaper readership is limited due to low literacy rates, and radio is often the principal news medium, with community radio stations playing a major role. In addition to the state-owned television station, the government operates a news agency, a weekly newspaper, and a growing network of community radio stations. Civil society groups have expressed concern over the significant expansion of state-run channels and the conversion of all public media into vehicles for government influence. The government news agency, the Bolivian Information Agency, provides a free news service via the internet to both public and private channels nationwide. Bolivia's television stations and eight national and numerous local newspapers are for the most part privately owned, but many owners are tied to political parties or linked to the government. Private media ownership is highly concentrated. Internet penetration is limited but expanding, with 34 percent of Bolivians accessing the medium in 2012.

## **Bosnia and Herzegovina**

**Status: Partly Free**

**Legal Environment: 9**

**Political Environment: 23**

**Economic Environment: 17**

**Total Score: 49**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>45,PF</b>	<b>47,PF</b>	<b>48,PF</b>	<b>48,PF</b>	<b>48,PF</b>

The constitution of Bosnia and Herzegovina (BiH) guarantees freedom of the press, but politicians exert considerable pressure on journalists, and media outlets tend to be aligned with political parties. Since the signing of the 1995 Dayton Accords, which ended the country's civil war, BiH has been split into two semi-independent constituent entities: the Federation of BiH, populated mostly by Bosnian Muslims (Bosniaks) and Croats, and the Republika Srpska, whose population consists mostly of Serbs. Each entity has its own public broadcaster, private media, and political parties. Intimidation of the press is especially common in the Republika Srpska.

Libel was decriminalized in 2003, but journalists can face civil penalties over libel complaints, and the burden of proof in such cases is placed on defendants. Municipal courts are often biased, and suits can drag on for years. The process for obtaining information through the country's freedom of information law can be cumbersome, and the law is not always heeded by government bodies. These complications discourage journalists from requesting official information.

Under the 2003 Law on Communications, broadcast media are licensed and monitored by the Communications Regulatory Agency (CRA), which has executive powers to enforce regulations. Although it is often exposed to political pressure, the agency is financially

independent, and its licensing decisions are generally seen as fair and impartial. However, since the government is ultimately responsible for approving the appointment of the CRA's director general and council members, political interference in this process is not uncommon. The print media and internet media outlets are self-regulated by the Press Council of BiH, which handles complaints about the press from the public, but has no power to fine, suspend, or close down media outlets. Instead, it mediates between the complainant and the outlet, often resulting in a retraction or the publication of a response or denial from the complainant. The Press Council is one of only a few centralized institutions in BiH that serve both the Federation and the Republika Srpska.

Journalists and media outlets frequently face pressure from political parties in both constituent entities. Their respective public broadcasters, Federation Television and Radio-Television of Republika Srpska, the largest public broadcasters in the country, tend to behave as rivals and are generally organized along ethnic lines. In June 2012, in a clear display of political interference, the House of Representatives of the Federation appointed three individuals to a "provisional steering board" at Federation Television, despite the fact that no provisional board is established by law and only one member of the public broadcaster's steering board is supposed to be appointed annually. The countrywide public broadcasting service, Radio-Television of Bosnia and Herzegovina (BHRT), also faces considerable pressure from political parties and leaders across BiH, and recent internal changes have greatly undermined its editorial independence. In 2011, its statute was amended to give its steering committee, comprising four appointed members, full editorial and managerial control, including the authority to appoint editors and approve programming.

The Free Media Helpline, a program run by the Bosnia and Herzegovina Journalists' Association, recorded 39 violations of journalists' rights between January 1 and September 10, 2012, and noted an increase since 2011 in threats and pressure by politicians against journalists. In June, Republika Srpska president Milorad Dodik demanded that Ljiljana Kovačević, a correspondent for Serbia's Beta News Agency, leave a press conference, calling her a liar and using other disrespectful language. Two days later, Dodik publicly asserted that press freedom was guaranteed in the Republika Srpska. Journalists in BiH also remain susceptible to physical attacks. In July, Štefica Galić, a filmmaker and editor of the web portal Tacno.net, was beaten by a group of people in the southwestern town of Ljubuški. The attack took place two days after the debut of her documentary film, *Neđo of Ljubuški*, about her late husband's efforts to help Bosnian Muslims escape Ljubuški during the civil war. Despite appeals from the Organization for Security and Cooperation in Europe's representative on freedom of the media, the United States, and the European Union to thoroughly investigate the beating, local police deemed the incident a minor offense against peace and order, and said the media had exaggerated its severity.

According to IREX's Media Sustainability Index, BiH has 9 daily newspapers (most of which are privately owned), 101 weekly and monthly newspapers and periodical magazines, 147 radio stations, 48 television stations, and 6 news agencies, of which 2 are state owned and 4 are privately owned. The public television and radio stations in the two constituent entities are the most influential broadcasters in the country, although there are also several private television stations with near-national reach. BiH's media outlets are strongly divided along ethnic lines and many are openly affiliated with political parties. The difficult economic situation faced by the sector, made worse by recent withdrawals of international funding for media outlets, has resulted in diminished independence of the media from political and commercial influences. Due to

shrinking advertising revenue and major advertisers' affiliations with political parties, many media outlets practice self-censorship to protect the commercial and political interests of their advertisers, upon whom they are financially dependent.

Corruption and the use of subsidies also influence media content. In March 2012, the Center for Humane Politics, a Bosnian watchdog group, reported the Republika Srpska prime minister and several members of his cabinet to the public prosecutor's office, claiming that they had approved the payment of several million convertible marks, BiH's currency, from the state budget to media outlets in return for favorable coverage. In November, Croatian journalist Domagoj Margetić, who authored a series of articles on a Croatian corruption case involving Austria's Hypo Alpe-Adria-Bank, claimed that Dodik had threatened him and offered him money not to link him and his son to controversies at the bank.

The internet is unrestricted, and 65 percent of the population had access in 2012.

## Botswana

**Status: Partly Free**

**Legal Environment: 11**

**Political Environment: 17**

**Economic Environment: 13**

**Total Score: 41**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>36,PF</b>	<b>37,PF</b>	<b>39,PF</b>	<b>40,PF</b>	<b>40,PF</b>

While press freedom is not explicitly guaranteed in the constitution, clauses safeguarding freedoms of speech and expression undergird extensive legal protections for media outlets, and the government generally respects these freedoms in practice. However, the constitution contains a number of provisions concerning national security, public order, and public morality that can be used to limit press freedom. In August 2012, the ruling Botswana Democratic Party (BDP) stifled a vote on a proposed freedom of information bill, and access to public information remains a major problem for journalists.

The 2008 Media Practitioners Act called for the establishment of a statutory regulatory body and mandated the registration of all media workers and outlets—including websites and blogs—with violations punishable by either a fine or prison time. The minister of communication would be able to exert significant influence over the new Media Council envisioned by the law through control of key committees. Although passed by the legislature, the act has not entered into force due to legal challenges by opponents, including a 2010 lawsuit by a group of 32 individuals and groups representing media outlets, nongovernmental organizations (NGOs), and trade unions. A final ruling on the law's constitutionality was still pending at the end of 2012.

Journalists increasingly face defamation charges from public officials. In March 2012, BDP legislator Phillip Makgalemele won a defamation case against the private Yarona FM radio station over a 2008 report alleging that he was willing to take bribes to orchestrate losses by the national soccer team while serving as head of the Botswana Football Association. Yarona FM was ordered to pay over \$31,500 in damages. In July, Dikgang Publishing Company won an

appeal that reversed a prior defamation judgment for an article regarding the divorce of a local official.

In 2012, lawmakers passed the Communications Regulatory Authority Act, which merges regulation and licensing under the Botswana Communications Regulatory Authority (BOCRA). Critics expressed fear that the legislation favors state-owned media and may be used to monitor communications and social networks.

The government occasionally censors or otherwise restricts news sources or stories that it finds undesirable. In 2010, coverage of a split in the BDP and the resulting formation of the Botswana Movement for Democracy (BMD) party was conspicuously absent from state-run radio and television broadcasts, and journalists were discouraged from interviewing BMD leaders. Under President Ian Khama, government relations with the press relations have worsened significantly, and Khama has not held a domestic press conference since taking office in 2008. Fear of reprisals for coverage that is critical of the government has reportedly led to increased self-censorship in recent years.

Journalists can generally cover the news freely and are seldom the targets of attacks, though instances of harassment have increased in recent years. In September 2012, journalists were assaulted by defendants at a local courthouse as the police looked on.

State-owned outlets dominate the broadcast media, which reach far more residents than the print media, and provide inadequate access to the opposition and government critics. The private Gaborone Broadcasting Corporation television system and two private radio stations have limited reach, though Botswana easily receives broadcasts from neighboring South Africa. The country does not have licensed independent community radio. A free and vigorous print sector thrives in cities and towns, with several independent newspapers and magazines published in the capital. The widest-circulation newspaper, the state-owned *Daily News*, is free to readers and is generally the only newspaper available in rural areas. There are currently 13 private newspapers, but they are mainly limited to Gaborone. High printing costs and limited distribution networks mean that independent papers usually have modest press runs. As of 2012, there was only one broadsheet printer in the country, Printing and Publishing Company Botswana, which is reportedly owned in part by senior BDP officials. The media rely heavily on advertising, and editorial accommodations are made for major buyers. The government has restricted state advertising in private newspapers that are deemed too critical of the government, and has even made unsuccessful efforts to ban private advertising in the daily *Mmegi* and the *Sunday Standard*.

The government does not restrict internet access, though such access is rare outside cities, with 11.5 percent of the population using the medium in 2012. Penetration is limited mostly by the high cost of connections and equipment. According to the 2012 World Economic Forum's *Global Information Technology Report*, only 4.9 percent of people in Botswana live in a household with a computer.

## **Brazil**

**Status: Partly Free**

**Legal Environment: 13**

**Political Environment: 22**

**Economic Environment: 11**

**Total Score: 46**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	42,PF	42,PF	43,PF	44,PF	44,PF

Brazil has a vibrant democracy with strong constitutional guarantees of freedom of expression. In a positive step, a public information access law went into effect in 2012. However, journalists also experienced frequent violence, harassment, and censorship during the year. Incidents of judicial censorship were particularly troubling.

Various forms of libel and defamation remain criminalized in Brazil, although most of the numerous lawsuits that arise each year are filed under civil statutes. Bloggers frequently are forced to pay fines following defamation suits over their online reporting, and a 2012 report by the freedom of expression group Article 19 noted that the threat of lawsuits and court orders leads many bloggers and online journalists—who lack the resources of journalists backed by traditional media companies—to practice self-censorship. In November, a judge rejected the appeal of award-winning journalist Lúcio Flávio Pinto and ordered him to pay about \$205,000 in libel damages to businessman Romulo Maiorana Júnior and his family’s company, Delta Publicidade. Pinto, who runs the blog *Jornal Pessoal*, has faced more than 30 criminal and civil lawsuits for his work since 1990.

Judicial censorship and harassment of journalists and media outlets remained common in 2012, with many episodes linked to municipal elections held in October. Courts issued fines and prison sentences, and on several occasions blocked publication of certain names and images. For example, numerous newspapers, radio and television stations, and websites were ordered not to mention the name of the mayor-elect of the city of Campo Mourão in Paraná State when discussing an investigation of alleged vote buying. In another case, an electoral judge ordered an embargo on an edition of the newspaper *Correio do Estado* in the state of Mato Grosso do Sul in August because it was going to release the results of a voter poll.

The internet, including both small news sites and blogs and web giants such as Google, has been particularly hard-hit by judicial censorship. Google was forced to remove or modify more than 300 online items related to the municipal elections in 2012, and the website *Jornal Oeste* was prohibited by an electoral court from publishing information regarding the elections in Cáceres, Mato Grosso State, because its coverage allegedly favored a specific mayoral candidate. In September, a video that appeared on Google’s YouTube video-sharing site and supposedly mocked a mayoral candidate in Paraíba State led a judge to order the arrest of the director of Google Brazil, Edmundo Luiz Pinto Balthazar. Although he was temporarily detained, the order was overturned two days later. The daily newspaper *O Estado de São Paulo* has faced more than 1,000 days of censorship stemming from a 2009 court order that banned the newspaper from reporting on the business dealings of former president José Sarney’s son, Fernando Sarney. The problem of judicial censorship seemingly came to a head in November with the creation of a government commission, the National Forum of Judicial Authority and Freedom, tasked with monitoring court cases involving press freedom.

Brazil’s new freedom of information law, signed by President Dilma Rousseff in November 2011, went into effect in May 2012. The law guarantees public access to documents from the executive, legislative, and judicial branches of government at the federal, state, and municipal levels. It also provides for access to information about private entities that receive public funding. Furthermore, the law stipulates that information about human rights violations is

not exempt from disclosure. However, the statute lacks an independent body to monitor enforcement. By the end of 2012, the federal government had received more than 50,000 information requests, of which roughly 95 percent were approved. Implementation of the law proceeded more slowly at the state and municipal levels. At year's end, only 11 of Brazil's 26 states conformed to the law's requirements.

In August, a controversial constitutional amendment that would require a degree to practice journalism moved forward following approval in the Senate. If it also passes the Chamber of Deputies, the measure will go into effect, overturning a 2009 Supreme Federal Court ruling that declared such degree requirements unconstitutional. Critics contend that the rule would limit constitutional guarantees of free expression and free speech.

While the government does not restrict access to the internet, press freedom groups expressed concern over two proposed cybercrime laws—approved by the legislature in November and awaiting the president's signature at year's end—that could limit user privacy and restrict freedom of expression online. In addition, at the end of 2012 Congress was considering an Internet Bill of Rights, known as the “Marco Civil.” While initially aimed at protecting freedom of expression, the bill was changed to include language that advocacy groups contend would make internet service providers act as judge and jury in cases of copyright infringement.

Four journalists were killed in Brazil in 2012, according to the Committee to Protect Journalists (CPJ)—the highest number in a decade. In February, Mario Randolfo Marques Lopes of the news website *Vassouras na Net* was abducted and murdered. He frequently accused local authorities of corruption, including the police and judiciary. In April, Décio Sá of *O Estado do Maranhão* and *Blog do Décio* was murdered by contract killers. He had extensively covered politics and corruption on his blog. In July, Radio Jornal sports reporter Valério Luiz de Oliveira—a critic of the local soccer team—was shot and killed. In November, a gunman killed Eduardo Carvalho of news website *Última Hora News* outside his home. He regularly reported on corruption and had survived a previous assassination attempt. According to CPJ, three of the four murders in 2012 remained unsolved; seven individuals, including one suspect who confessed to the shooting, were arrested in connection with Sá's murder. In a potentially positive step toward combating impunity, the National Journalists' Federation in November announced the creation of a commission, to be launched in 2013, aimed at investigating crimes against the press during the 1964–85 military dictatorship.

Beyond the killings, journalists in 2012 remained exposed to threats and physical violence, much of it linked to the municipal elections. In September, at the height of campaign season, a bomb attack at Radio Farol in União dos Palmares, Alagoas State, forced the station, known for its criticism of the outgoing mayor, off the air. In October, a reporting team from the Gazeta television network in Espírito Santo State was attacked by supporters of a defeated mayoral candidate in Vila Velha. In another case in October, journalist Oscar Filho of the Bandeirantes television network program *CQC* was beaten by militants from the ruling Workers' Party. In December, Mauri König, director of the Brazilian Association of Investigative Journalism and a reporter for the newspaper *Gazeta do Povo*, was forced to flee his home and take refuge in a secure location after receiving death threats for denouncing police corruption. Similarly, reporter André Caramante of the newspaper *Folha de São Paulo* spent several months in exile after writing articles about the police and a city councilman in São Paulo. In recognition of the alarming levels of violence against journalists, the government—after initially helping to block a UN initiative on journalists' safety—changed course in September and cosponsored a resolution that was adopted at the UN Human Rights Council (UNHRC) in Geneva.

Brazil is South America’s largest media market, with thousands of radio stations, hundreds of television channels, and a variety of major newspapers. In addition, about 50 percent of the population had access to the internet in 2012. Ownership of mass media continues to be highly concentrated among a few large companies. An estimated 10 business groups control most of the country’s outlets. The Globo Organizations conglomerate enjoys a dominant position, with Brazil’s principal television, cable, and satellite networks as well as several radio stations and print outlets. Another company, Editora Abril, leads Brazil’s magazine market. Hundreds of politicians nationwide are either directors or partners in roughly 300 media companies, most of them radio and television stations, according to the independent media monitoring group Media Owners (Donos da Midia). A Reporters Without Borders report cited the cozy relationship between media companies and politicians as one of the greatest obstacles to media diversity in Brazil. It also warned that high levels of government advertising create dependency and “financial servitude” on the part of the media.

Media diversity is hampered in part by the difficulty of obtaining community radio licenses. It can take up to 10 years in some cases to get a license, and only those stations transmitting at less than 25 watts qualify as “community” stations, meaning stations transmitting at 25 to 100 watts are often forced to operate illegally. In a 2012 submission to the UNHRC, Article 19 documented 326 legal cases—roughly half of them criminal—against community radio stations. For example, José Eduardo Rocha Santos, owner of a station in Sergipe State, faced a 30-month prison sentence for operating without a license until the verdict was overturned on appeal in July.

## Brunei

**Status: Not Free**

**Legal Environment: 28**

**Political Environment: 25**

**Economic Environment: 22**

**Total Score: 75**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>75,NF</b>	<b>75,NF</b>	<b>75,NF</b>	<b>75,NF</b>	<b>75,NF</b>

The absolute monarchy of Sultan Hassanal Bolkiah, as well as emergency laws that have been in place for nearly half a century, continue to restrict journalists and limit the diversity of media content in Brunei. Journalists face up to three years of imprisonment if found guilty of reporting “false and malicious” news. Passage of the 2005 Seditious Act worsened the state of press freedom in Brunei by expanding the list of punishable offenses to include criticism of the sultan, the royal family, and the national Malay Islamic Monarchy ideology, which promotes Islam as the state religion and the idea that monarchical rule is the only acceptable form of governance. Under the amended law, persons found in violation of these offenses, or any publishers, editors, or proprietors of a newspaper publishing items with seditious intent, face fines of up to BN\$5,000 (US\$4,000). There is no legislation establishing the right to access official information.

Under current press legislation, newspapers are required to apply for annual publishing permits, and foreign journalists must obtain government approval prior to working in the country. The government retains the authority to arbitrarily shut down any media outlet and bar distribution of foreign publications, with no possibility of appeal by the affected outlet. An Internet Code of Practice, included in a 2001 press law, makes individuals as well as content and service providers liable for publishing anything that is “against the public interest or national harmony or which offends against good taste or decency.” It also requires all sites that carry content or discuss issues of a religious or political nature to register with the Broadcasting Authority. Failure to register is punishable by up to three years of imprisonment and a fine of up to US\$200,000.

While no incidents of attacks on or harassment of journalists have been reported in recent years, authorities have previously warned the media to exercise caution when reporting on the sultanate. Consequently, media are generally not able to convey a diversity of viewpoints and opinions, and criticism of the government is exceedingly rare.

The private press, including the country’s main English-language daily, the *Borneo Bulletin*, is mostly owned or controlled by the sultan’s family and practices self-censorship on political and religious issues to avoid confrontation with the government. In 2006, after receiving permission from the sultan, an independent media company run by a group of prominent businessmen launched a second English-language daily, the *Brunei Times*. The paper’s global focus is intended to help foster international investment, thus promoting government priorities. It also offers a wider range of international, finance, and opinion pieces, as well as online polls on government policies. A smaller Malay-language newspaper and several Chinese-language newspapers are also published in Brunei. Foreign newspapers are available but require government approval before distribution. The only local broadcast outlets, including the country’s one television station, are operated by the government-controlled Radio Television Brunei, and programming typically focuses on religion and government activities. Residents are able to receive Malaysian broadcasts, and international news is also available via satellite services.

In 2012, roughly 60 percent of the population accessed the internet. The primary internet service provider is state owned, giving the government a considerable amount of control over content. In 2006, the government called on internet cafés to install firewalls to prevent users from viewing immoral content. According to the U.S. State Department, the government continues to monitor the private e-mail and internet chat-room exchanges of citizens who are suspected of subversive behavior. It is believed that fear of government retribution has reduced the number of chat-room visitors.

**Bulgaria**

**Status: Partly Free**  
**Legal Environment: 11**  
**Political Environment: 15**  
**Economic Environment: 11**  
**Total Score: 37**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
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<b>Total Score, Status</b>	<b>33,PF</b>	<b>36,PF</b>	<b>34,PF</b>	<b>35,PF</b>	<b>36,PF</b>
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The constitution protects freedom of speech and of the press, and the government generally respects these rights in practice. Defamation is punishable by large fines, and government officials have filed suits against journalists, but the courts tend to favor press freedom in such cases. In an unusual incident, after the news site Bivol.bg reported on suspected corrupt banking practices in June 2012, a group of banks filed a complaint under a statute that allows the Bulgarian National Bank to impose fines for disseminating false or harmful information about banking institutions. However, at the end of the year, the national bank had not pursued the complaint further. A 2011 law prescribes up to four years in prison for the instigation of hatred, discrimination, or violence based on race, ethnicity, nationality, religion, sexual orientation, marital or social status, or disability. It was criticized by press freedom advocates for failing to define terms like “discrimination,” and for criminalizing speech that does not intentionally incite violence.

The law on freedom of information is considered fairly robust, though state institutions sometimes improperly deny information requests. Legislation passed in 2011 reduced journalists’ access to an important official registry of private companies’ contracts and activities. The broadcasting regulatory body is subject to pressure from the government, politicians, and large corporate interests.

Media outlets convey a range of political views, in most cases without government interference. However, political leaders sometimes display an intolerance for media criticism, and a number of outlets show a strong progovernment bias. In July 2012, Prime Minister Boyko Borisov declared that media scrutiny of the Interior Ministry’s work served the interests of organized crime. Reporters continue to face pressure and intimidation aimed at protecting economic, political, and criminal interests. Impunity for crimes against journalists remains the norm, encouraging self-censorship. In May, the vehicle of investigative journalist Lidia Pavlova of the Blagoevgrad daily *Struma* was set on fire. She and her family had received multiple threats in the past, and her car had been repeatedly attacked. In July, Varna-based journalist Spas Spasov received a threatening message at his home address, apparently in connection with his reporting on a construction project.

A number of private newspapers publish daily, and most are owned by two rival companies. Two of the three leading national television stations, bTV and Nova TV, are owned by foreign companies. The third is state-owned Bulgarian National Television (BNT). Like Bulgarian National Radio, BNT generally provides news coverage without a clear political bias, but the legal structure leaves public media vulnerable to potential government interference. Foreign firms have also played an important role in the print and radio sectors. Key outlets continued to change hands in 2012 as a result of difficult economic conditions and the shifting business or political interests of the owners. The New Bulgarian Media Group, which takes a staunchly progovernment line, continued to acquire outlets during the year, raising concerns about concentration. The government has been accused of indirectly subsidizing the conglomerate through deposits by state entities in an affiliated bank. Commercial media frequently tailor their coverage to suit the interests of key financial backers, including corporations and national or local government bodies. The shrinking private advertising market has increased the importance of state advertising and other subsidies, especially for local outlets. Individual journalists continue to suffer from decreasing salaries and job insecurity, leading to unethical practices and acquiescence to editorial pressure.

Many traditional media outlets have established a presence on the internet, which is not restricted by the government and was accessed by about 55 percent of the population in 2012. Some newspapers have switched to an online-only format for economic reasons.

## Burkina Faso

**Status: Partly Free**

**Legal Environment: 13**

**Political Environment: 16**

**Economic Environment: 13**

**Total Score: 42**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	41,PF	41,PF	41,PF	41,PF	42,PF

Article 8 of the constitution and the 1993 Information Code guarantee the freedoms of expression, information, and the press. However, media outlets are prohibited from insulting the head of state and publishing or broadcasting graphic images. Libel is a criminal offense, and the burden of proof is on the defendant. Although few journalists have been charged in recent years, in October 2012 two journalists for the private weekly *L'Ouragan* were sentenced to 12 months in prison, a fine of 1.5 million CFA francs (\$2,900), to pay total damages of 4 million CFA francs (\$7,800), and a six-month newspaper suspension for criminal defamation of the state prosecutor.

Article 49 of the Information Code grants every journalist free access to sources of information, with exceptions for information pertaining to the internal or external security of the state, military secrets, strategic economic interests, ongoing investigations or legal proceedings, and anything that threatens the dignity and privacy of Burkinabés. In practice, these exceptions are used frequently by officials, and accessing government information remains difficult.

Burkina Faso's media regulatory body, the High Council of Communication (CSC), consists of 12 members appointed by the government and has been criticized for inconsistent and mismanaged licensing procedures. A constitutional amendment in June 2012 institutionalized the CSC. The body has the power to summon journalists to hearings about their work and monitors media content for compliance with ethical standards and the law. The publication of graphic images of victims of ethnic clashes by *Le Quotidien* in December led the CSC to impose a one-week ban on the paper. There are no specific government restrictions on internet access or content, though the CSC does monitor websites along with other media. In May, the council issued a warning to a website on which criticism of the president had appeared.

To avoid aggravating public authorities, state-run outlets generally refrain from covering controversial subjects, though programming allows for coverage of the opposition. Conversely, the private media are generally free of overt censorship, do criticize the government, and investigate more sensitive topics. Indigenous programming that broadcasts in local languages and addresses issues such as gender equality, reproductive health, and domestic violence has contributed to diversity of content. Journalists occasionally face harassment by public authorities for coverage that is deemed unfavourable, leading some to practice self-censorship. However, no cases of serious physical attacks were reported in 2012.

More than 200 radio and television stations operate in the country, and there are at least five national dailies. Government-owned media demonstrate a progovernment bias, but the opposition has significant access to state-run media such as the official daily, *Sidwaya*. Although the private print media are growing, including through newsmagazines, ownership still lacks transparency. The print sector's struggles with interrupted production, low literacy rates, and poor economic conditions make the broadcast media the preferred choice for news and entertainment. Radiodiffusion Télévision du Burkina (RTB) was established as the national broadcaster in 1963 and remained the only television channel for many years. A handful of private television stations now compete with RTB. Radio is still the country's most popular medium and source of information. Community radio stations are prevalent throughout the country and play a significant role in local development and community building. Foreign radio stations are able to broadcast freely. While the CSC has approved a growing number of private radio stations, newspapers, and television channels, as well as requests for radio frequency spectrum, critics argue that it should focus additional efforts on addressing the economic sustainability of media outlets. Low levels of training and expertise, as well as low salaries, affect the integrity of journalism as a profession. Infrastructural deficiencies and poverty limited internet penetration to 3.7 percent of the population in 2012.

## Burma (Myanmar)

**Status: Not Free**

**Legal Environment: 23**

**Political Environment: 24**

**Economic Environment: 25**

**Total Score: 72**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	97,NF	96,NF	95,NF	94,NF	85,NF

Significant changes in Burma's media landscape in 2012 were driven in part by continued openings in the general political environment, most notably increased space for political parties to operate and parliamentary by-elections in April that led to the opposition National League for Democracy (NLD) rejoining the political process and winning 43 of the 44 seats it competed for. Positive developments for press freedom during the year included the release of a number of imprisoned bloggers and journalists, an end to official prepublication censorship, the lifting of bans on coverage of certain topics, the establishment of several independent journalists' and publishers' associations, fewer reports of harassment and attacks against journalists, the removal of several foreign journalists from the government's blacklist, and despite a rocky start, progress toward a new media law. In addition, exile media groups continued to return to the country, with several opening offices and a few obtaining publishing licenses. But even after these rapid changes, Burma remained one of the more repressive countries in Asia, featuring significant state control over the domestic media sector, low penetration rates for electronic media, and a number of restrictive laws still on the books.

The 2008 constitution provides for freedom of expression and of the press, but it also contains restrictive language that contravenes international standards. Moreover, these rights are not respected in practice, as the court system lacks the independence to try cases impartially, and many draconian laws still stand. For example, the 1950 Emergency Provisions Act bans content that would “affect the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order.” The 2004 Electronics Transactions Law prohibits any individual or group from electronically sending information regarding government issues or national security, or messages of a cultural or economic nature. The criminal code, the Official Secrets Act, and other laws can also be used to restrict media freedom. The parliament continues to resist efforts to repeal such statutes. Several lawsuits were brought against privately owned weeklies in 2012, primarily by government officials, raising the prospect that defamation cases could become an important new means of curbing the media in the absence of direct censorship.

In early 2012, the government began drafting a new media law that would replace the 1962 Printers and Publishers Registration Act. Local media associations such as the Myanmar Journalists Network (MJN), the Myanmar Journalists Association (MJA), and the Myanmar Journalists Union (MJU) were not consulted in the drafting process, and passage of the bill was delayed after a leaked version showed that it would not guarantee press freedoms. An interim press council staffed by government officials, the Myanmar Core Press Council (MCPC), was formed in August to monitor journalists until a new media law could be enacted. Following protests by domestic journalists calling for more influence in the council, the MCPC was replaced with the more inclusive Myanmar Press Council (MPC) in September. In November, the MPC drafted a code of ethics for journalists. A revised media law was expected to be introduced in the parliament in 2013.

Foreign embassies, international media development organizations, and the newly formed journalists’ associations hosted many training sessions, seminars, and forums to discuss the development of the media during the year. In addition, the government enlisted the assistance of some of the newly returned exile media in assessing state-run outlets, training personnel, and providing advice on the changing media landscape. The formerly banned exile station Democratic Voice of Burma (DVB) jointly organized a conference on public-service broadcasting with the Information Ministry in September, and in October the government announced its intention to transform the country’s state-run newspapers into public-service media. Also that month, President Thein Sein began holding official press conferences; other government officials and departments continued to make themselves more accessible than in the past.

Official censorship significantly decreased in 2012, and prepublication censorship was eliminated, though the resulting uncertainty about what constituted grounds for postpublication suspension of licenses led to an increase in self-censorship by journalists and editors. Prior restraint was lifted for those publications still subject to such restrictions, specifically for educational publications in March, for literary publications in May, and for all other publications in August, ending a 48-year-old practice. In July, publications were granted permission for the first time to place images of NLD leader Aung San Suu Kyi on their front pages. In December, it was announced that privately owned daily newspapers would be able to resume production in the country starting in April 2013. While government control and legal restrictions remain in place for domestic internet service providers, the government has recently begun to open up access to previously censored online content. Formerly blocked websites have recently become accessible,

such as those with content relating to human rights and political reform, as well as independent and foreign news sites.

Burmese journalists in many instances took action to assert their rights in 2012, including by organizing protests against license suspensions imposed on the private press. In August, prior to the lifting of prepublication censorship, journalists from MJN took to the streets to protest the July suspension of *The Voice Weekly* and *The Envoy*, after the journals failed to submit their articles for prepublication scrutiny. The MJN, MJA, and MJU formed a Press Freedom Committee to seek a reversal of the suspensions by the government's censorship board. In addition, despite rising concerns about self-censorship, media outlets continued to expand their coverage of political news, addressing topics that had in the past been considered off limits and engaging in more scrutiny of the activities of the government and legislature. Yangon-based journalists were able for the first time in 2012 to cover events in some ethnic minority areas, such as the fighting between government forces and minority guerrillas in Kachin State. However, interethnic tension remained a sensitive topic, especially in Rakhine State, where violence between Buddhists and ethnic Rohingya Muslims broke out in June and again in October. The government issued directives against coverage of the situation and maintained a close watch on journalists traveling to the region.

Exile media organizations continued to explore options for returning to the country. Several set up offices in Burma either officially or unofficially, but many retained their offices abroad given the potential for backsliding in the reform process. Media organizations whose affiliation with an ethnic minority was apparent in their names faced obstacles in their attempts to register or obtain licenses. In addition, minority journalists remained marginalized at media conferences and in the newly established press council. Although several prominent foreign journalists were removed from the government's blacklist, most foreign reporters still found it difficult to obtain visas to cover events within the country.

No attacks on journalists were reported in 2012, and harassment dropped significantly, with only a few reports of threats in restive Rakhine State. According to the Committee to Protect Journalists, by the end of 2012, no journalists were being held in any of the country's prisons. Nine journalists had been released in January as part of a mass amnesty for political prisoners, including five from DVB. Additional journalists were released over the course of the year.

Media concentration remains high, even though a number of formerly exiled media organizations have begun opening outlets in the country. The government owns or controls all domestic broadcast media and the main daily newspapers, but that is expected to change starting in 2013. Authorities no longer restrict the importation of foreign news periodicals, yet due to high levels of poverty and illiteracy, as well as poor infrastructure and distribution networks, print media are accessible mainly in urban areas, and broadcast outlets are the main source of news for most citizens. Six public television stations are available, of which five are controlled by the Information Ministry and one by the armed forces. The eight domestic FM radio channels are controlled by the government or its allies. However, radio programs transmitted from abroad by Voice of America, Radio Free Asia, and DVB are accessible and remain very popular. Because of high monthly subscription fees to access satellite television, most Burmese viewers install the receivers illegally.

Internet connections are expensive, and in 2012 only 1 percent of the population accessed the medium. The government owns all internet service providers. Nevertheless, for those with access, a range of e-mail, blog, and social-media platforms—including Gmail, Facebook, and

YouTube—have grown in popularity. In some cases the services have been used to disseminate misinformation and hate speech, as exemplified by vitriolic responses to the Rohingya issue. Starting in mid-2012, fabricated news and falsified photographs associated with the violence in Rakhine State were posted on several Facebook accounts anonymously. Also in 2012, the government reduced the price of SIM cards for mobile telephones, though they remained among the most expensive in Asia. Complicated payment schemes for short-message service (SMS) make it either too costly or politically risky for Burmese seeking to use text messages as another platform for news, information, or civic mobilization.

## Burundi

**Status: Not Free**

**Legal Environment: 23**

**Political Environment: 28**

**Economic Environment: 21**

**Total Score: 72**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>74,NF</b>	<b>75,NF</b>	<b>73,NF</b>	<b>74,NF</b>	<b>72,NF</b>

There was no easing of the existing clampdown on the media in Burundi during 2012, as journalists who reported critically on President Pierre Nkurunziza’s government were generally treated as part of the political opposition and harassed by the security forces and ruling party functionaries. Meanwhile, judicial authorities continued to face criticism for serving the ruling party’s interests, to the detriment of independent media and civil society.

The constitution guarantees freedom of speech and of the press, but the country’s laws impose criminal penalties on journalists for defamation, discrediting the state, insulting the head of state, and “threatening state security.” The 1997 Press Law forbids dissemination of “information inciting civil disobedience or serving as propaganda for enemies of the Burundian nation during a time of war.” The 2003 Media Law allows harsh fines and prison terms of up to five years for the dissemination of information that insults the president or is defamatory toward other individuals. In June 2012, journalist Hassan Ruvakuki, a correspondent for Bonesha FM and Radio France Internationale, was sentenced to life in prison for “participating in acts of terrorism,” amid claims that the government had pressured the court to convict. He had been arrested in November 2011 over an interview he conducted with the alleged leader of a rebel group that carried out deadly attacks near the Burundi-Tanzania border. An appeal was pending at year’s end.

During 2012, the government introduced a bill to decriminalize media offenses, but journalists said it would also compel them to reveal their sources in cases deemed to threaten state security or public order. Another provision requires journalists to broadcast or publish only “balanced information from sources that have been rigorously verified.” Offenses would not be punishable by imprisonment, but heavy fines are prescribed for certain violations, which could place a serious financial burden on media organizations. The bill had yet to be passed at the end of 2012.

The National Communications Council (CNC), a state agency that oversees the enforcement of media laws, in June 2012 suspended Radio Rema for airing allegedly libelous criticism of civil society figures. Also in June, the CNC referred the case of Radio Publique Africaine to the public prosecutor after the independent station allegedly accused the president of corruption. Neither case was resolved during the year.

Journalists continued to face harassment and attacks during 2012, and the threatening climate fostered a high degree of self-censorship. In June, Eloge Niyonzima, a reporter for Radio Publique Africaine, was attacked overnight by members of the ruling party's youth wing, which reportedly had been carrying out nightly patrols. The government had accused the station of having links with the opposition.

Independent media worked together to demonstrate against state harassment in 2012. Four independent radio stations in June asked the public to honk their car horns simultaneously at a designated time to protest the harassment of journalists. During another campaign in August, six private and two public radio stations produced a shared broadcast denouncing the press bill under consideration by a parliamentary committee.

The government dominates Burundi's media industry. It runs Radio Télévision Nationale du Burundi (RTNB), the sole television and radio stations with national reach, and *Le Renouveau*, the only newspaper that publishes regularly. There are approximately 20 privately owned radio stations, as well as telecommunications and internet service providers. The law prohibits political parties, labor unions, or foreign nongovernmental organizations from owning media outlets in the country. Internet penetration remains very low, at 1.2 percent, due to the high cost of service. However, the number of mobile-telephone subscribers increased by 17 percent in 2012, to 2.24 million of the nation's 8 million people, according to the telecommunications regulator. Online publishing remains minimal, mainly due to low literacy rates and poor internet access. There are no government restrictions on internet access or content.

## Cambodia

**Status: Not Free**

**Legal Environment: 23**

**Political Environment: 24**

**Economic Environment: 19**

**Total Score: 66**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>60,PF</b>	<b>61,NF</b>	<b>61,NF</b>	<b>63,NF</b>	<b>63,NF</b>

Cambodia's government tightened its grip on press freedom in 2012 as the authorities stepped up the use of legal pressure and physical violence to silence journalists. In particular, the 20-year prison sentence imposed on 71-year-old radio station owner Mam Sonando in connection with the station's coverage of land disputes signaled a downturn in media freedom. International radio broadcasters also faced increasing challenges during the year.

Laws regulating the media are vaguely written and unevenly applied. The 1993 constitution guarantees the right to free expression and a free press. However, media personnel are often prosecuted under provisions of the 1995 press law that prohibit reports deemed

threatening to political stability. The 2010 penal code, which replaced an older version established by the UN Transitional Authority in Cambodia (UNTAC), criminalizes defamation and bars written criticism of public officials or institutions. Those convicted of defamation face a potential fine of 10 million riel (\$2,500). The government uses defamation and other criminal charges to intimidate journalists, and the courts lack independence, as most judges are closely tied to the ruling Cambodian People's Party (CPP). Cases sometimes linger for years, and individuals are often charged arbitrarily or through the retroactive application of new laws. In July 2012, police arrested Mam Sonando, owner of the independent Beehive Radio, for his outlet's coverage of politically sensitive topics. The station had reported extensively on the military's fatal shooting of a 14-year-old girl during a crackdown on land disputes in Kratie Province. Prime Minister Hun Sen publicly called for Mam Sonando's arrest after the station reported that the U.S.-based Khmer People Power Movement had filed a case against the government at the International Criminal Court (ICC) over the attack. On October 1, a Cambodian court found the station owner guilty of "insurrection" against the state under the penal code and sentenced him to 20 years in prison.

In late 2011, the government delayed passage of the highly criticized Law on Associations and Nongovernmental Organizations (LANGO), which was expected to fetter the work of grassroots organizations and media outlets. Officials said they would complete the legislation after parliamentary elections that were expected in 2013. Progress on a proposed Access to Information Act remained stalled in 2012. Meanwhile, the National Information Communications Technology Development Authority (NiDA) was drafting a law that, according to activists, could limit internet freedom under the pretense of national security concerns.

Licenses are required for broadcast media, and opposition outlets are often denied radio and television frequencies. Access to international broadcasts like Radio Free Asia (RFA) and Voice of America (VOA), and local independent radio services such as Voice of Democracy, is generally unrestricted. However, on June 1 the Ministry of Information (MOI) ordered RFA- and VOA-affiliated stations to stop broadcasting the evening before and on the day of the June 3 communal elections. In October, government officials summoned representatives of RFA and VOA to a closed-door meeting and reprimanded them for a lack of "professionalism" and cultural sensitivity in their reporting. The meeting was allegedly held in response to the stations' coverage of politically sensitive topics, and RFA declared the reprimand an intimidation tactic. Censorship of online content is also a growing concern. Despite low internet penetration rates, the government has become concerned with the internet's potential as a medium for opposition voices. The Ministry of Post and Telecommunications (MPTC) has on occasion blocked access to opposition websites.

Physical attacks on journalists increased in 2012. On April 26, a military officer shot and killed Chut Wutty, an environmentalist who was guiding two *Cambodia Daily* journalists as they investigated illegal logging in Koh Kong Province. Hang Serei Odom, a journalist with *Virakchun Khmer Daily*, was found murdered on September 11 in Ratanakiri Province, in the first such case in several years. He had published a story the previous week in which he accused the son of a military commander of timber smuggling. Impunity for past attacks is a concern: the cases of the other 10 journalists murdered since 1993 all remain unsolved.

In Cambodia's highly politicized media environment, most outlets are openly aligned with a political faction, leaving little space for balanced views and journalism conducted in the public interest. The majority of the approximately 20 Khmer-language newspapers in operation are owned by individuals associated with or sympathetic to the ruling party. Editors and owners

of opposition-aligned outlets are often pressured financially or legally to close their publications. Only two active opposition newspapers remain. A few English-language publications such as the *Phnom Penh Post* exist, but the French-language *Cambodge Soir* shut down in 2010 due to financial difficulties.

Most television and radio stations—the main sources of information for the two-thirds of the population who are functionally illiterate—are owned or controlled by either the CPP or Hun Sen’s family and associates. Cambodia’s poor economy presents further financial challenges to opening and operating independent media institutions. Due to the low literacy rate, print media are often unable to attract enough advertising to be financially sustainable. Journalists’ pay is very low, and accepting bribes to run or withhold particular stories is not uncommon.

Owing to infrastructural and economic constraints, only 5 percent of the population accessed the internet in 2012. In February 2012 the government issued a circular requiring internet cafés to register users and maintain surveillance on internet activity. The MPTC issued a second circular in November that restricted the permissible locations for internet cafés and the activities of café patrons.

## Cameroon

**Status: Not Free**

**Legal Environment: 21**

**Political Environment: 24**

**Economic Environment: 21**

**Total Score: 66**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>65,NF</b>	<b>65,NF</b>	<b>66,NF</b>	<b>67,NF</b>	<b>68,NF</b>

Press freedom in 2012 remained constrained by the use of both laws and extralegal detention to harass journalists. The 1996 constitution guarantees the freedoms of expression and the press, though libel and defamation are criminalized. The burden of proof rests with the defendant in libel cases, and a guilty verdict can carry prison terms and heavy fines. The 1990 “Liberty Laws” include nominal safeguards for independent print and audiovisual media, and the protection of sources is guaranteed by the Social Communication Law, though judges can compel journalists to reveal their sources in closed sessions. The 2010 Cybersecurity and Cybercriminality Law, which allows criminal investigators to access user data without any constraints on time or justification, does not include sufficient protections against the abuse of power and invasion of privacy.

State authorities were active in attempting to silence critical journalists through legal means in 2012. In October, Nigerian national Baature Edua Mvochou, editor of a Nigerian magazine, and Martin Yembe Fon, editor of the local *Frontier Telegraph*, were arrested and charged with unlawful assembly while reporting on a secessionist gathering. They remained free on bail pending trial at year’s end, and faced a fine of up to 100,000 CFA francs (\$200) and six months in jail if convicted. In December, three journalists were convicted of forgery for their investigation into alleged corruption in the management of a state oil company. Two of the journalists were fined and given suspended prison terms, while a third was sentenced in absentia

to 15 years in prison. These journalists had originally been arrested and detained for 10 months in 2010 along with another editor, Germain Cyrille Ngota Ngota, who died in April 2010 due to inadequate medical care while in detention. No arrests have been made in that case. Also in December, a state prosecutor threatened to charge Aaron Kah, editor of the bimonthly *Kilum 24*, with defamation if he continued to refuse to reveal his sources for a series of articles.

There is no law granting citizens access to government information, and the government does not generally make documents or statistics available to the public or the media. Representatives of privately owned media are not accredited with the president or the prime minister and do not accompany the president on official trips. The communications minister is a political appointee and issues directives that regulate the activities of the press. In January 2012, the National Communication Council (NCC) was reorganized and given sanction powers by presidential decree. These sanctions can range from warnings to bans of media outlets. In June, the prosecutor general issued a reminder to the NCC that under a 1990 law, all newspapers are required to submit editions to the prosecutor for review two hours before they are published.

Print media licensing ended in 1990, but new publications must submit a declaration to authorities and have it approved in order to begin publishing. Radio and television stations must be licensed, and both the application process and annual fees can be burdensome. Rural nonprofit radio stations are exempt from licensing fees but barred from discussing politics. The first private broadcast licenses were granted in 2007. However, the government is largely tolerant of media operating without licenses. The media environment demonstrates a widespread lack of professionalism and ethical standards, and there is no independent body to provide self-regulation for the media or to encourage the use of codes of conduct. Numerous journalist associations exist, but they are often redundant and disorganized.

Although much of the independent press reports critically about the government, the threat of prosecution leads many journalists, particularly within the broadcast media, to self-censor. Radio call-in shows and television debate programs in particular carry strong criticisms of the government and individual officials, but they operate under the threat of repercussions for exceeding the limits of “administrative tolerance,” as public officials are empowered to shut down a publication or broadcaster and arrest citizens for comments judged to be threats to public order.

There were fewer reported attacks on journalists in 2012 than in previous years, though a publishing house in the capital was attacked with explosive devices in November. Reporters are also occasionally harassed or detained by security forces while attempting to cover sensitive stories, and some have faced ill-treatment in detention.

Cameroon has only one national newspaper, which is state owned, and over 50 privately owned regional newspapers. The state-owned broadcaster, Cameroon Radio and Television (CRTV), is widely considered to be biased in favor of the government in its news and current-affairs reporting, and the owners of mainstream private media have also been reported to influence content. Radio is the most important medium for most of the population, though about 75 percent of the country’s 375 privately owned stations are in large urban areas. The state monopoly on television ended in 2001, and there are currently 19 independent television stations. Television has a high level of influence in cities and towns, while more remote parts of the country can go weeks or months without a television or radio signal due to malfunctioning and outdated infrastructure. Foreign broadcasters are permitted to operate within Cameroon and are widely accessible to those who can afford the necessary equipment. However, such services are required to partner with a Cameroonian station in order to broadcast. A single private newspaper

distribution company has a near-monopoly in the industry, which has kept prices high and circulation limited largely to urban areas. The government is the largest advertiser, and it has been accused of using this financial heft to influence content. Official funding to support private media outlets is also disbursed selectively. Corruption is pervasive, due in large part to low wages for journalists.

Internet usage was limited to less than 6 percent of the population in 2012. There are generally no official restrictions on access to the internet, though there are reports that some content has been censored or blocked by officials. Structural barriers, brought about in part by the government’s control of infrastructure and its strict regulations, present significant obstacles to affordable and reliable access to the internet. Nevertheless, new media are experiencing rapid growth in the country, particularly among the increasing number of people who access the internet from their mobile telephones. Users continue to endure slow connections and high fees at internet cafés. Cameroon is burdened with some of the highest bandwidth charges in West and Central Africa, despite its access to a submarine cable, SAT3, that links the region to Europe. Connection to the West Africa Cable System (WACS) was completed in May 2012, which could enhance the speed and quality of internet service in the future.

## Canada

**Status: Free**

**Legal Environment: 5**

**Political Environment: 9**

**Economic Environment: 6**

**Total Score: 20**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>18,F</b>	<b>19,F</b>	<b>19,F</b>	<b>19,F</b>	<b>19,F</b>

Canada’s 1982 constitution guarantees freedom of expression and freedom of the press. The government may legally restrict free speech with the aim of ending discrimination, ensuring social harmony, or promoting gender equality, but the definition of hate speech, which is punishable by law, remains vague. In November 2010, the Supreme Court began hearing the case *Saskatchewan Human Rights Commission v. William Whatcott*, in which a local human rights tribunal found Christian activist William Whatcott’s flyers and messages against homosexuality to be in violation of the Saskatchewan Human Rights Code. Whatcott’s lawyer has argued that defining “hate” is extremely difficult. The Supreme Court continued to review the issue in 2012, and the case was ongoing at year’s end. In previous cases, the Supreme Court has ruled that inciting hatred is a criminal offense, but the threshold for guilt is high: It must be proven that the person engaged in hate speech willfully and publicly.

In 2009, the Supreme Court attempted to strike a balance between freedom of expression and protection of reputation, allowing journalists to avoid liability for alleged defamation if they are able to show that they acted responsibly in reporting a matter of public interest, even if the statements were untrue. Despite this rule, in April 2011 a criminal libel complaint was filed against three Canadian Broadcasting Corporation (CBC) journalists over an allegedly defamatory documentary about fashion mogul Peter Nygard that aired in April 2010. If found guilty, the

journalists could face prison sentences. In April 2012, Nygard filed a civil defamation suit against CBC employees related to the documentary. These cases, along with a string of additional civil suits by Nygard against the CBC, were ongoing at year's end.

The right of journalists to protect the confidentiality of their sources continued to be tested in 2012. There are no specific laws that protect confidential sources, and the courts often decide whether or not to respect source confidentiality on a case-by-case basis. In February, Maurice Giroux, a journalist with the online newspaper *MediaSud*, was ordered by a judge to reveal his sources for a story on the leak of a confidential report by the president of Max Aviation and Cargair. In March, Éric-Yvan Lemay, a journalist with *Le Journal de Montréal*, had his home raided by police, who took forensic samples and confiscated his computer in response to claims by Honoré-Mercier Hospital that he had stolen medical documents while conducting an investigation into medical confidentiality in Montreal-area hospitals. That case was dropped in April.

In February 2012, the government introduced Bill C-30, which would permit law enforcement agencies to monitor the digital activity of internet users via their service providers without a warrant. In response to heavy backlash, the bill was sent to the Committee on Justice and Human Rights for revision and appeared to be permanently shelved at year's end.

Canada's 1983 Access to Information (ATI) Act is in serious need of reform and falls far short of international standards. Efforts to obtain information from the federal government typically involve long waits, and requests are hampered by the federal bureaucracy as well as the governing party. In September 2012, the Centre for Law and Democracy ranked Canada's ATI law 56th among access to information laws in 93 countries, based on criteria such as right of access, scope, request procedures, refusals, appeals, and sanctions and protections. The Canadian Journalists for Free Expression (CJFE) reported in 2012 that only half of the requests for official information were being fulfilled within the statutory 30-day deadline. Canada's information commissioner initiated a consultation in September to solicit national input on how to update the ATI Act, and this process was ongoing at year's end. In a separate hindrance on access to official information, the Supreme Court in 2011 upheld Quebec court rules that prohibit media outlets from broadcasting the audio recordings of court proceedings or using cameras and recording equipment beyond designated areas of courthouses.

Journalists in Canada are generally free from violence or harassment. However, *Toronto Star* reporter Daniel Dale accused the mayor of Toronto, Rob Ford, of physically threatening him and taking his telephone and video recorder as he photographed a piece of land next to the mayor's home in May 2012. In response, the mayor requested that the police bring charges against Dale and that he be removed from the city hall beat. However, no charges were filed against the reporter. Also in May, the Office of the Independent Police Review Director released a report that heavily criticized police conduct during protests surrounding the Group of 20 summit meeting in Toronto in 2010, including police treatment of the media. Journalists had reported having their possessions searched and equipment damaged, and being detained, arrested, and physically assaulted. There were also instances of police abuse during student protests against proposed tuition hikes in Quebec in the spring of 2012. Journalists reported being arrested, subjected to excessive force, or hit with rubber bullets. Some were told to stop filming or had their equipment confiscated or damaged.

Both print and broadcast media, including the public broadcaster CBC, are free to express diverse views. The CBC broadcasts in French and English. Broadcasting rules stipulate that 30 to 35 percent of programming must be Canadian. Concentration of media ownership remains an

issue, with around half of the network media market owned by four corporations: Bell, Shaw, Rogers, and Quebecor Media Inc. Bell Canada, the country’s largest telecommunications company, has important stakes in many sectors, including television and radio broadcasting, wireless internet, and mobile service. In March 2012, Astral Media agreed to a C\$3.38 billion (US\$3.38 billion) takeover offer by Bell, which would have thereby acquired control over 42 percent of the English-language television market and 33 percent of the French. However, the Canadian Radio-television and Telecommunications Commission (CRTC) rejected the proposed deal in October based on concerns related to competition, ownership concentration, and vertical integration. Bell and Astral Media submitted a revised proposal in November that would give Bell control of 35 percent of the English-language television viewership and 23 percent of the French. The proposal was still being considered at year’s end.

Internet use is widespread and unrestricted in general, with 87 percent of the population accessing the internet in 2012.

## Cape Verde

**Status: Free**

**Legal Environment: 6**

**Political Environment: 9**

**Economic Environment: 12**

**Total Score: 27**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>28,F</b>	<b>28,F</b>	<b>28,F</b>	<b>27,F</b>	<b>27,F</b>

Cape Verde has historically been among the freest media environments in both Africa and the broader Lusophone world, and it maintained this status in 2012. The constitution directly provides for freedom of the press as well as confidentiality of sources, access to information, and freedom from arbitrary arrest. A 1999 constitutional amendment excludes the use of freedom of expression as a defense in defamation cases, but no such cases have been brought against journalists since 2002. The law requires broadcasters to obtain operating licenses, and government approval is needed to establish new newspapers and other publications. In October 2011, the parliament approved the creation of a Regulatory Authority for the Media, whose goal is to protect press freedom and ensure that a diversity of opinions can be expressed.

The government consistently demonstrates its commitment to respect and protect media freedom. Prime Minister José Maria Neves proclaimed in 2011, with no visible dissent, that when it comes to freedom of the press, “Cape Verde is a first-world country.” The government does not generally restrict access to or content on the media that it controls. Intimidation of journalists in Cape Verde is rare. In 2012 there were no attacks on journalists nor any reports of intimidation. Self-censorship, a somewhat underdeveloped journalistic cadre, and an incomplete incorporation of local Creole dialects into the country’s media prevent Cape Verde from further improving the freedom and diversity of its media environment.

Many media outlets are state operated, although there are a growing number of private publications and broadcast outlets. The state runs the primary television channel, TCV, and a radio station, Radio Nacional de Cabo Verde. About a dozen independent and community-run

FM radio stations broadcast regularly, and there are two private television channels. Print media include a government publication that appears twice weekly and a handful of independent weeklies—including *A Semana*, the largest paper, as well as *Expresso das Ilhas* and *A Nação*—and monthlies, such as *Artiletra*. Portuguese and Brazilian newspapers are also readily available. Geographic barriers in the country, which is made up of several islands, constitute impediments to the distribution of newspapers and other media products. This has contributed to the importance of the community radio sector. Difficulties raising funds and a lack of specific regulations governing community radio have been identified as major issues for the sustainability of this sector, and community radio advocates have called for government help with operating costs and new legislation.

Internet usage has risen dramatically over the last few years, from 8 percent of the population in 2007 to 35 percent in 2012. The cities have numerous cybercafés, giving residents regular access to the medium. There were no reports that the government restricted internet access or monitored e-mail messages.

## Central African Republic

**Status: Not Free**

**Legal Environment: 20**

**Political Environment: 23**

**Economic Environment: 19**

**Total Score: 62**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>61,NF</b>	<b>61,NF</b>	<b>61,NF</b>	<b>61,NF</b>	<b>62,NF</b>

In late 2012, the Séléka rebel coalition began its march on the capital in an attempt to overthrow the government of President François Bozizé. The media freedom situation had not been dramatically affected by year's end, though there were reports of pressure being placed on community radio stations and their staff as the rebels advanced.

The 2005 constitution of the Central African Republic (CAR) provides for freedom of the press, though authorities have used intimidation, the suspension of media outlets, and legal harassment to limit reporting, particularly on sensitive topics such as official corruption and rebel activity. A press law that went into effect in 2005 abolished imprisonment for many press offenses, such as libel and slander, but criminal penalties remain for some defamation charges, incitement of ethnic or religious hatred, and the publication or broadcast of false information that could “disturb the peace.” In January 2012, Ferdinand Samba, an editor of the weekly *Le Démocrate*, was sentenced to 10 months in prison on charges of incitement to hatred, defamation, and insult to Finance Minister Sylvain Ndoutingai, who is President Bozizé's nephew. Samba was also fined one million CFA francs (\$2,000) and ordered to pay 10 million CFA francs (\$20,000) in damages, and his publication was suspended for a year. Many CAR journalists and international groups called for Samba's release, as the sentence contravened the press law. Private newspapers organized a news blackout on January 19 and 20 to protest the sentence. Bozizé ultimately pardoned Samba on World Press Freedom Day in May. Also in

January, the editor of the progovernment newspaper *La Plume* was convicted in absentia on charges similar to Samba's after fleeing the country.

In the absence of a legal framework, access to official information remains challenging for journalists. The High Council for Communications, tasked with granting licenses and promoting press freedom, is nominally independent, but in practice it seems to be controlled by the government.

Many newspapers published articles that were critical of the government during the year without reprisal, but journalists continue to face harassment and threats from the authorities, and some, particularly those who work for state-owned media outlets, practice self-censorship to avoid retaliation. Complaints filed against authorities regarding press freedom violations are often ignored. In October 2012, a reporter was arrested and briefly detained after photographing an altercation between the police and a taxi driver; his camera and photographs were confiscated upon his release. Journalists cannot always operate safely outside the capital due in part to increased activity by the Lord's Resistance Army (LRA), a Ugandan rebel group. The LRA, which does not have popular support, is primarily active in the southeast, near the borders of Uganda and the Democratic Republic of the Congo.

Several private newspapers offer competing views, including five dailies published in French. However, even papers that provide political coverage have limited influence as a result of low literacy levels, high poverty rates, and the lack of a functioning postal service to deliver periodicals outside the capital. Radio continues to be the most important medium for the dissemination of information. The state owns Radio Centrafrique and a television broadcaster, and both outlets reflect predominantly progovernment views. However, there are alternatives to Radio Centrafrique, including Radio Ndeke Luka (funded by the United Nations), international broadcasters such as Radio France Internationale and Voice of America, and a number of community radio stations. Due to technical deterioration, the reach and broadcast capacity of even state-owned outlets have decreased dramatically. Financial problems and the lack of an organized advertising market plague many newspapers, and some journalists are motivated by poverty to accept bribes to cover certain stories, as many are not paid regularly for their work. Most journalists are poorly trained, although a journalism department was established at the University of Bangui in 2009.

Due to infrastructural constraints, only 3 percent of the population was able to access the internet in 2012. Access is otherwise unrestricted, and there are no reports that the government monitors e-mail.

## Chad

**Status: Not Free**

**Legal Environment: 23**

**Political Environment: 31**

**Economic Environment: 22**

**Total Score: 76**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	74,NF	76,NF	77,NF	75,NF	75,NF

Chad's constitution allows for freedom of expression and of the press, but authorities routinely use threats and legal provisions to censor critical reporting. A 2008 press law, Decree No. 5, increased the maximum penalty for false news and defamation to three years in prison, and the maximum penalty for insulting the president to five years. Also in 2008, the High Council of Communication (HCC), Chad's media regulatory body, banned reporting on the activities of rebels and any other information that could harm national unity. Law No. 17 of 2010 removed Decree No. 5's prison sentences for defamation, but introduced sentences of six months to a year in prison and fines for inciting racial or ethnic hatred and "condoning violence." A proposed revision to existing media laws that was introduced in 2012 contained more draconian restrictions, including requirements that journalists possess certain educational credentials and that newspaper printers be headquartered inside Chad, placing a financial burden on papers that print at lower rates in neighboring countries. The draft law would also require copies of each newspaper edition to be submitted to the HCC and other authorities, raising concerns about prepublication censorship, and would broaden the definitions and increase the penalties for a variety of press offenses, including "insult." The proposed legislation had not been passed by year's end.

Defendants bear the burden of proof in defamation cases and face a biased judicial process. In September 2012, Jean-Claude Nékim, editor of the opposition-oriented newspaper *N'Djamena Bi-Hebdo*, was convicted of defamation and inciting racial hatred for publishing a petition that was critical of the president's ethnic group. He was given a one-year suspended jail sentence and fined 1 million CFA francs (\$2,000), and his newspaper was suspended for three months. Nékim published a caricature of the judge who sentenced him a week later, and was charged with contempt of court. At the end of 2012, Nékim was awaiting trial for the contempt charge as well as the outcome of his appeal of the first conviction.

Chad has no law establishing the right to access official information, and access remains difficult in practice.

Permission from the prosecutor's office, the HCC, and the Ministry of Commerce is required to establish a newspaper. Radio licenses are granted by the HCC, which is considered to be greatly influenced by the government and is also said to monitor and control radio content. The licensing fee for commercial radio stations remains prohibitively high at 5 million CFA francs (\$9,800) per year. Officials periodically threaten to shut down media outlets or fine journalists for "irresponsible" reporting. In July 2012, the authorities denied reports that they were considering measures to shut down *Le blog de Makaila*, which is run by a Chadian living abroad and carries criticism of the government. In October, the community radio station La Voix du Paysan in the town of Doba was served with a formal warning for allegedly inciting insurrection by broadcasting the sermon of a bishop who criticized the government's use of oil wealth.

There were several incidents of threats and violence against critical journalists in 2012. Some reporters and editors practiced self-censorship to avoid reprisals, and impunity remained the norm for perpetrators of harassment against journalists. Eloi Miandadji and Déli Sainzoumi Nestor, both former employees of the newspaper *La Voix*, allegedly received threats in the first half of 2012 from Land Affairs Minister Jean-Bernard Padaré, who is part owner of *La Voix*, for working at a rival publication. Another former *La Voix* employee, Ahmadou Bouba Bondaba, was attacked and beaten and had his phone and motorcycle stolen in July, shortly after he was allegedly threatened by Padaré in a telephone call. In September, La Voix du Paysan broadcast a series of reports that were critical of Doba's mayor, and three journalists from the station were

subsequently threatened by the mayor and his family; one reporter was assaulted, with no resulting arrests.

The state-run Chad Press Agency is country's only news agency, and the government subsidizes the only daily newspaper, *Le Progrès*, in exchange for its support. While private newspapers circulate freely in the capital, they have little impact on the largely rural and illiterate population. Some newspapers use printing facilities outside the country for financial reasons, and distribution is difficult due to poor infrastructure. The only television station is state owned, but the government does not interfere with the reception of foreign channels. Radio is the primary means of mass communication, and there are over a dozen private and community-run stations on the air, many of which are owned by religious organizations. Internews recently built three community radio stations in the east of the country, which has been flooded by refugees from Sudan's Darfur region and displaced Chadians, in order to address topics such as gender-based violence, security, water distribution, and food rations. Ownership of community radio outlets was under threat in 2012. In March, presidential decree No. 410 ordered the transfer of three community stations to the state-owned broadcaster ONRTV. Advertising is scarce, but it is the main source of revenue for media outlets, as government subsidies and other alternatives are even less reliable. In 2012, just 2 percent of Chadians accessed the internet. There are no reports that the government restricts access, but the internet infrastructure remains government owned.

## Chile

**Status: Partly Free**

**Legal Environment: 8**

**Political Environment: 14**

**Economic Environment: 9**

**Total Score: 31**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>30,F</b>	<b>29,F</b>	<b>30,F</b>	<b>29,F</b>	<b>31,PF</b>

Freedoms of speech and of the press are guaranteed in Chile's constitution. However, criminal defamation and *desacato* (insult) laws have been used to silence journalists sporadically since the country's return to democracy, often leading to public outcry and, in some cases, the abrogation of laws. In addition, Chile has a number of latent structural, legal, and public security policy weaknesses that can result in press restrictions. These conditions result from incomplete media law reforms after the Pinochet dictatorship (1973–90). In January 2012, a legal provision proposed by Interior Minister Rodrigo Hinzpeter that would have empowered the police to demand video and other electronic media from journalists was withdrawn following public objections and protests in Santiago. Chile enacted a freedom of information law in 2008, and advocates consider its implementation generally satisfactory.

Amendments in 2010 to a 1994 community radio law allowed community broadcasters to increase their minimal signal strength and carry advertising from companies not physically present in the areas they cover. The law also created a path to licensing for noncommercial stations linked to community organizations. However, President Sebastián Piñera, a conservative businessman and former television network owner, has not promulgated the law, generating legal

and financial uncertainty. Further, the new law does not abrogate Article 36B of the General Telecommunications Law, which calls for criminal penalties and high fines for outlets that broadcast without a license.

Journalists continued to face harassment by police in 2012, even as the previous year's mass political protests against the Piñera government's educational and environmental policies subsided somewhat. As in 2011, photojournalists were especially targeted, with incidents spiking in late February and early March. In February, the militarized *carabinero* police force assaulted a photographer and arrested Jason Suder, an American photojournalist for the English-language *Santiago Times*, while they covered protests in Santiago. Police also attempted to confiscate the Suder's footage of the protests. In Aysén, an isolated region of Patagonia where a hydroelectric project has spurred widespread protests, a cameraman for television station Canal 3 was arrested during a police crackdown on demonstrators in March. In April, a provincial court refused to issue an order protecting Canal 40 TV Aysén's video of the protest from police confiscation. The station's director, Samuel Chong Rivera, asked for the order after police came to his home demanding the recordings. During the March protests in Aysén, the website of Radio Santa María, an affiliate of Canal 3, was repeatedly disrupted and one of its reporters, Rodrigo Labarca, was roughed up during coverage of a protest.

Journalists covering marginalized communities for community radio stations and indigenous Mapuche media outlets continued to be harassed in 2012. In August, police in the Araucanía region used Section 36B of the General Law on Telecommunications to confiscate broadcasting equipment from community radio station Radio Vecina and temporarily detain employee Victor Díaz. Reporters Without Borders reported that indigenous stations Kimche Mapu in Araucanía, Radio Lógica in greater Santiago, and Radio Galáctica near Valparaíso have faced similar threats under Section 36B.

In November, police detained Pedro Cayuqueo Millaqueo, editor of the periodicals *Azkintuwe* and the *Mapuche Times*, soon after he published a book on clashes between the Mapuches and the government over land disputes. Cayuqueo was stopped by carabineros on the highway and detained on an arrest warrant from 1999. The warrant stemmed from a case that had been decided years earlier, and for which Cayuqueo had already served time in prison. Cayuqueo was released several hours after being stopped, but Reporters Without Borders alleged that his detention was political and intended to serve as a warning to others reporting on the land disputes.

Journalists were also harassed as a result of their reporting on the Pinochet dictatorship. In December 2012, unidentified thieves stole recordings and other files from four investigative reporters who had written or were writing books on abuses during the dictatorship. Those targeted were Mauricio Weibel, Javier Rebolledo, Juan Cristóbal Peña, and Pascale Bonnefoy, each of whom had computer equipment stolen. All are high-profile journalists, and Weibel is the correspondent for the German agency DPA and a leader of the South American Union of Correspondent Associations.

There had been no arrests in the November 2011 homemade bomb attack on the installations of offices of media company Copesa.

Copesa, one of Chile's two main media companies, publishes mainstream daily *La Tercera*. The other main media conglomerate is El Mercurio; together the two companies own over 90 percent of the country's newspapers. These organizations consolidated their positions during the Pinochet dictatorship and continue to receive government subsidies estimated at \$5 million annually. Media groups are tied to financial and advertising interests, and control

distribution channels throughout the country, creating high barriers to entry for new publications. The editorial positions of outlets owned by both El Mercurio and Copesa are considered center-right to right-wing in orientation. Advocates of media pluralism worried that the government’s decision in September 2012 to close the online publication *La Nación*, in which the state held a 70 percent share, would further concentrate media ownership. Its print edition had already been closed in 2010. Chile’s broadcast television landscape is more diversified, with seven nationwide free-to-air channels, though rumors that the state television network Televisión Nacional would soon be privatized sparked concern about increased concentration in that sector as well. In Chile, state-owned media have a higher degree of editorial independence than elsewhere in Latin America, and offer a contrast to commercial news media output.

In radio, implementation of a 2010 law facilitating the reallocation of frequencies to community radio broadcasters has been hindered by Spanish-owned market giant Iberoamericana Radio Chile, which in August 2012 resisted signing an agreement with the state to rationalize frequencies, thereby leaving the matter to the courts.

There are no government restrictions on the internet, which was accessed by more than 61 percent of the population in 2012, and there were no verified reports of the government monitoring journalists’ electronic communications without judicial oversight.

## China

**Status: Not Free**

**Legal Environment: 29**

**Political Environment: 32**

**Economic Environment: 22**

**Total Score: 83**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>84,NF</b>	<b>85,NF</b>	<b>84,NF</b>	<b>85,NF</b>	<b>85,NF</b>

China’s media environment remained one of the world’s most restrictive in 2012. Constraints on print media were especially tight in advance of a sensitive leadership transition in November, and several journalists were dismissed or demoted for violating censorship discipline. Internet users who disseminated information deemed undesirable by the ruling Chinese Communist Party (CCP) continued to face punishment, with dozens of cases of harassment, detention, or imprisonment documented during the year. Meanwhile, conditions in Tibetan areas and for foreign journalists deteriorated. The promotion of a hard-liner formerly responsible for the regime’s system of information controls to the top party leadership body, combined with measures to reinforce internet censorship and surveillance toward the end of the year, indicated the new CCP hierarchy’s commitment to retaining a tight grip on the information landscape.

Nevertheless, with more people gaining access to microblogs and other online tools, Chinese citizens’ ability to share and access uncensored information, particularly about breaking news, continued to grow. Several public outcries and online campaigns in 2012 were credited with driving the news agenda—including on the sensitive topic of elite politics—or forcing isolated government concessions. In addition, fewer cases of violence against professional journalists and high-profile online activists were reported compared with 2011, and no

journalists were killed. The authorities responded to the increasing challenge of controlling information with prolonged silence about important news events, intrusive propaganda drives, and new regulatory restrictions on entertainment programming, social media, and online videos.

Article 35 of the constitution guarantees freedoms of speech, assembly, association, and publication, but such rights are subordinated to the discretion of the CCP and its status as the ruling power. Moreover, the constitution cannot, in most cases, be invoked in court as a legal basis for asserting individual rights. Judges are appointed by the CCP and generally follow its directives, particularly in politically sensitive cases. There is no press law that governs the protection of journalists or the punishment of their attackers. Instead, vague provisions in the penal code and state secrets legislation are routinely used to imprison Chinese citizens for the peaceful expression of views that the CCP considers objectionable. Criminal defamation provisions are also occasionally used to similar effect. Amendments to the Criminal Procedure Law passed in March 2012 permit suspects accused of “endangering state security”—a charge that is often employed to punish nonviolent activism and political expression—to be detained for up to six months in an unofficial location, prompting concerns that the rule effectively legalizes enforced disappearances. Since open-government regulations took effect in 2008, many agencies have become more forthcoming in publishing official documents, but courts have largely hesitated to enforce information requests, and government bodies routinely withhold information, even regarding matters of vital public concern. Journalists and other media workers are required to hold government-issued press cards in order to be considered legitimate. Those who violate content restrictions risk having their press-card renewals delayed or rejected, being blacklisted outright, or facing criminal charges.

The CCP maintains direct control over news media coverage through its Central Propaganda Department (CPD) and corresponding branches at lower administrative levels that determine the boundaries of permissible reporting. A number of additional government agencies are involved in overall regulation of the media sector. Routinely forbidden topics include calls for greater autonomy in Tibet and Xinjiang, relations with Taiwan, the persecution and activism of the Falun Gong spiritual group, the writings of prominent dissidents, and unfavorable coverage of CCP leaders. In addition to these standing taboos, the CPD and provincial censors issue secret directives on other subjects that are communicated almost daily to website administrators and periodically to traditional media editors. Forbidden or restricted topics during 2012 included reporting on blind activist Chen Guangcheng’s escape from extralegal house arrest, the anniversary of a fatal 2011 train crash, and foreign media reports on the extraordinary wealth of members of Premier Wen Jiabao’s family. Many directives also limited coverage and expression on topics whose political sensitivity was less immediately evident, or resulted in seemingly absurd online censorship of everyday words like “tomato,” which users had begun to employ as a coded reference to purged Chongqing CCP secretary Bo Xilai. This spurred growing resentment of censorship practices and contributed to an atmosphere of uncertainty regarding the boundaries of permissible reporting. In an illustration of the breadth of topics that can be subject to restrictions, a series of leaked media directives from the CPD dated November 2012 included bans on independent reporting about allegations of sexual assault against a delegate to the National People’s Congress, a mine explosion in Guizhou Province, newly appointed CPD chief Liu Qibao, Vietnam’s passage of an anticorruption bill, and a Hong Kong professor’s critical analysis of the Chinese economy.

Censorship patterns earlier in 2012 were somewhat erratic, revealing internal CCP power struggles and uncertainty about how to handle emerging scandals. There were information

vacuums on major events, fleeting openings on sensitive topics, and heavy-handed propaganda campaigns surrounding the political downfall of Bo Xilai. The CCP infighting fueled speculation, online rumors, and increased use of circumvention tools by internet users seeking independent reporting from foreign media. In addition, following Bo's ouster in the spring, neo-Maoist programming initiatives piloted under his leadership in Chongqing were reversed, a prominent website that vocally supported him was shut down, and three men who had been sent to labor camps for mocking Bo or criticizing his policies online secured early releases or judicial acknowledgement of their mistreatment—rare occurrences in China's politicized legal system.

CCP leaders use control of the media to propagate positive views of the party and government, while vilifying those deemed to be their enemies. During 2012, the authorities continued to employ more subtle means to “guide” news coverage. These included proactively setting the agenda by allowing key state-run outlets to cover potentially damaging news in a timely but selective manner, then requiring other media to restrict their reporting to the established narrative. The aim is to preempt less favorable coverage by bloggers, foreign journalists, and the more aggressive commercial news outlets. This strategy was evident in the tightly scripted coverage of the trials of Bo Xilai's wife, Gu Kailai, and former Chongqing police chief Wang Lijun in connection with the murder of a British businessman. Only journalists from state-run outlets like Xinhua News Agency or China Central Television (CCTV) were permitted inside the courtroom, leaving foreign media to rely on their accounts and forcing domestic media to relay the official version of events. Online comments questioning the credibility of the official narrative, including one by a forensic scientist, were quickly deleted.

Restrictions on print media were especially tight during the year, with journalists reporting progressively more intrusive interventions by propaganda officials in newsroom decisions. In April, propaganda authorities instructed daily newspapers across China to publish an editorial on the Bo Xilai scandal by the party mouthpiece *People's Daily* on their front pages, a highly unusual request. In May, authorities announced that a former provincial propaganda official would take over as CCP representative at the Guangzhou-based Southern Daily Media Group, which owns some of China's most influential and outspoken news publications. The appointment was widely interpreted as a bid to tighten party control over the media conglomerate. Journalists at one of the group's publications, *Southern Weekly*, later reported that story ideas increasingly had to receive approval in advance and that over 1,000 news stories were censored during 2012, including a special feature on deadly floods in Beijing in July that was cut at the last minute.

The government has developed the world's most sophisticated and multilayered apparatus for censoring, monitoring, and manipulating online content. Nationwide technical filtering restricts users' access to uncensored information hosted outside of China. One of the most important functions of the filtering system has been to permanently block international social-media applications like the video-sharing site YouTube, the social-networking site Facebook, and the microblogging platform Twitter. With such services out of reach, domestic equivalents have gained popularity, but they are legally liable for content posted by users and risk losing their business licenses if politically sensitive information is circulated widely. The firms consequently employ automated programs and thousands of human censors to screen user-generated content and delete relevant posts per CCP directives. One academic study of censorship across nearly 1,400 blog-hosting and bulletin-board platforms estimated that 13 percent of posts were deleted. Some foreign internet companies whose websites are accessible in China have also cooperated with the Chinese government on censorship enforcement.

However, this robust censorship system was unable to completely stop the circulation of unfavorable news in 2012, as technological advancements and the dedication of domestic and overseas activists have made the suppression of information more difficult. Chinese internet users routinely employ homonyms, homophones, and other creative tactics to defy censorship on domestic microblogging sites, and information sometimes spreads among users before censors are able to deem it “sensitive” and intervene. On multiple occasions in 2012, cumulative pressure from microblog users prompted mainstream media to address sensitive stories or compelled the government to offer concessions, such as the release of a petitioner from a labor camp, the dismissal of corrupt officials, and upgrades to air-quality monitoring.

Throughout the year, authorities responded to this challenge by stepping up pressure on microblogging services to tighten existing controls. At the beginning of 2012, the CPD reportedly ordered the establishment of CCP branches in leading microblogging firms. For three days in late March and early April, amid official silence and unofficial online discussion of party infighting following the March 15 ouster of Bo Xilai as Chongqing party secretary, the two leading services—Sina Weibo and Tencent—were forced to shut down their popular commenting functions, which enable users to post comments responding to previously posted messages, thereby creating a discussion thread. In May, Sina launched a new points-based system of demerits and rewards to encourage users to self-censor. Throughout the year, the government also pressured microblogging firms to implement real-name registration for their users. Directives on the matter were initially issued in five major cities, with a March 16 deadline. After enforcement of the rules proved inadequate, the National People’s Congress Standing Committee passed national regulations in December that required microblog platforms and other service providers to implement real-name registration and strengthen “the management of information.” The authorities have also taken steps to actively guide online discussion. Since 2004, CCP and government officials at all levels have recruited and trained an army of paid web commentators, known informally as the Fifty Cent Party. Their tasks include posting progovernment remarks, tracking public opinion, disrupting or diverting criticism, and participating in public online chats with officials to provide the appearance of state-citizen interaction.

Journalists who attempt to investigate or report on controversial issues, question CCP rule, or present a perspective that conflicts with state propaganda directives face harassment, dismissal, and abuse. During 2012, several media personnel were dismissed, demoted, suspended, or forced to resign from publications across China. Other prominent reporters—including Jian Guangzhou of the *Oriental Daily*, who became widely known for his 2008 report on tainted milk powder—voluntarily left their positions while voicing concerns that the space for investigative journalism was shrinking. In several instances, journalists and outlets were punished by local authorities for actions that would normally be considered acceptable at the national level, such as exposing the use of luxury cigarettes among local officials, republishing profiles of Chinese leaders from an official party publication, or reporting the results of a public survey in which residents expressed dissatisfaction with local officials. This strengthened the sense of arbitrary and ever-changing “red lines,” a feature of official restrictions that encourages self-censorship.

In order to circumvent the more rigid restrictions on their formal outlets, journalists have increasingly turned to microblogs to share sensitive information that might otherwise go unreported. At least three journalists were suspended or dismissed in 2012 for comments made on microblogs, the first such cases to be documented. In one high-profile example, CCTV anchor

Zhao Pu was suspended for six months after he posted a message on his microblog warning readers that yogurt in China contained ingredients that were not safe to eat; CCTV would not confirm that his suspension was related to the message.

The tightened institutional controls over print and broadcast media mean that fewer journalists at established news outlets have been jailed in recent years. However, freelance journalists, writers, online activists, and a range of other Chinese citizens continue to be sentenced to prison or labor camps, particularly for disseminating information online or sending it to contacts outside China. According to international media freedom watchdogs, no less than 32 journalists were in jail in China in 2012, including many Uighurs and Tibetans. At least 69 online activists remained behind bars at year's end for disseminating proscribed information. That estimate is likely to be low, given the difficulty of collecting accurate and comprehensive data on each reported case of arrest. In 2012, three men—Li Tie from Hubei Province, Cao Haibo from Yunnan Province, and Zhu Yufu from Zhejiang Province—were sentenced to between seven and 10 years in prison for online writings that advocated democratic reforms. An incomplete list of over 20 other incidents compiled by Freedom House during 2012 included several cases of microblog users who were arrested or sentenced to labor camps for spreading “rumors” about public health, political infighting, or a reported coup attempt; grassroots activists who were detained and facing potential prosecution for distributing leaflets and DVDs that were critical of CCP rule or related to Falun Gong; and a microblogger who was given a two-year term in labor camp after issuing calls online for official asset declarations and a transparent investigation into the suspicious death of a labor rights activist. The final outcomes of the cases were not all known at year's end.

Security agents also use a range of measures short of formal incarceration to punish dissemination of independent news and intimidate those voicing dissenting opinions. Authorities continued to harass prominent artist and blogger Ai Weiwei, who was abducted and detained for 81 days in 2011. During 2012, Ai was barred from traveling abroad, his appeal in a politically fraught tax case was rejected, and the license of his art company was revoked. His several attempts to register a new microblog account were quickly suppressed. In other examples, Beijing businessman Zhai Xiaobing was detained in November over a microblog posting that mocked the 18th Party Congress, freelance journalist Li Yuanlong was forcibly taken in November to an unidentified location after his posting about the death of five boys in Guizhou sparked an outcry, and former official Liu Futang received a three-year suspended sentence in December for “illegal business activities” after he published a series of microblog posts and other writings about environmental issues in Hainan. In the latter half of the year, human rights groups recorded dozens of other cases of bloggers, petitioners, and free expression activists being displaced or briefly detained in the run-up to the 18th Party Congress in November. However, this use of extralegal tactics to silence dissenting voices was not as severe as in 2011 amid the Arab Spring uprisings, and key commentators were more vocal in 2012 than in the previous year.

Members of religious and ethnic minorities are subject to particularly harsh treatment for their online activities, writings, or efforts to disseminate information that departs from the CCP line. Several of the journalists serving the longest prison terms in China are Uighurs and Tibetans. Hada, the founder of the pro-Mongol newspaper *Voice of Southern Mongolia*, remained in extralegal detention at year's end; authorities have harassed his family and continued to hold him in custody since December 2010, when he completed a 15-year prison sentence related to his work. In addition to journalists, ordinary Tibetans, Uighurs, and Falun

Gong practitioners have been imprisoned for accessing, possessing, or transmitting banned information. On several occasions during the year, local authorities completely shut down communications networks in Tibetan areas of Sichuan and Gansu Provinces, where self-immolations to protest CCP repression had occurred. As the number of self-immolations continued to grow, authorities resorted to more draconian measures to curb the protests and restrict the transmission of information about them, including to foreign media. In March, press watchdogs and Tibetan rights groups reported that authorities had posted public notices in eight counties in Gansu Province that threatened “violent beating/torture” for those found distributing written documents, online messages, or audio files containing “ideas of splitting the nation.” The notice offered a reward of at least 5,000 yuan (\$730) to members of the public who report instances of the proscribed actions to the Public Security Bureau. Similar monetary rewards of 5,000 to 10,000 yuan were recorded in Shandong Province for those reporting underground Falun Gong printing sites.

Conditions for foreign media in the country remained highly restrictive, and harassment and violent assaults against foreign reporters escalated during the year. The websites of both Bloomberg News and the *New York Times* were blocked indefinitely after they published detailed investigative reports on the family wealth of incoming CCP general secretary Xi Jinping and Premier Wen Jiabao, respectively. Two foreign correspondents—Melissa Chan of Al-Jazeera English and Chris Buckley of the *New York Times*—were forced to leave the country after the government refused to renew their visas, the first such de facto expulsions in 14 years. According to the Foreign Correspondents Club of China, over the past two years, 27 foreign journalists reported unusual delays in the processing of visas, and six said they had been explicitly told by the Foreign Ministry that their applications had been rejected or put on hold because of the content of their reporting. Also in 2012, police or security agents assaulted at least 11 foreign correspondents who were trying to cover newsworthy events, with some beatings proving unusually violent. Since 2007, foreign journalists have been free of internal travel restrictions in most areas and allowed to conduct interviews with private individuals without prior government consent. However, the looser rules do not apply to correspondents from Hong Kong, Macau, or Taiwan. In addition, travel to Tibet and other politically sensitive regions still requires prior approval and close supervision by authorities. During the year, access for foreign journalists to Tibet and Tibetan-populated regions of neighboring provinces was especially restricted.

Media outlets are abundant in China and included approximately 2,000 newspapers and hundreds of radio and television stations in 2012. Reforms in recent decades have allowed the commercialization of outlets without the privatization of ownership. Some publications have private investors, but the government is required by law to retain a majority stake. The state-run CCTV remains the only licensed national broadcaster, and all local stations are required to air its evening news programs. Most cities feature at least one official newspaper published by the local government or CCP branch, as well as more commercialized subsidiaries. Although the Chinese authorities continue to jam radio broadcasts by U.S. government-funded services such as Radio Free Asia and Voice of America, dedicated listeners access them online with the use of circumvention tools. Meanwhile, the Hong Kong-based independent station iSun TV and the New York-based New Tang Dynasty Television, which is run by Falun Gong practitioners, broadcast uncensored news into China via satellite.

Most media revenue comes from advertising and subscriptions rather than government subsidies, even for many party papers. Some observers argue that commercialization has shifted

the media's loyalty from the party to the consumer, leading to tabloid-style and sometimes more daring reporting. Others note that the reforms have opened the door for economic incentives that serve to reinforce political pressure and self-censorship, as publications fear the financial costs of being shut down by the authorities or losing advertising should they run afoul of powerful societal actors. During 2012, the regime remained alert to technological, economic, and social changes that are weakening CCTV's influence. As internet use spreads and provincial television stations gain viewers, fewer young people in particular turn to CCTV as their primary news source. Regulators have responded with a string of new rules in recent years that restricted entertainment programming during prime time and extended controls to online video platforms. In February 2012, the State Administration of Radio, Film, and Television (SARFT) announced that foreign television series—including popular Korean and Japanese dramas—would be banned during prime time. In July, regulators reportedly issued a joint notice to strengthen rules for online videos, which have emerged as a vehicle for short documentaries about breaking news events and other topics. The notice instructed official agencies to reward or demerit online video providers based on their implementation of the controls. Separately, the market distortions stemming from the unusual combination of political control and partial commercialization at the CCP's flagship outlets gained attention in April 2012, when the website of the party's mouthpiece, the People's Daily Online, was listed on the Shanghai stock exchange in an initial public offering (IPO). The authorities were quickly forced to suspend trading on the website's shares after soaring prices valued the company at over \$800 million, a sum that was inconsistent with its actual popularity among readers. Some analysts said the jump partly reflected speculation by investors, who were betting that the company's direct ties to the CCP would essentially guarantee profits and growth in China's state-controlled media environment.

The prevailing salary arrangements generally pay journalists only after their stories are published or broadcast. When a journalist writes an article that is considered too controversial, payment is withheld, and in some cases the journalist must pay for the reporting costs out of pocket. A small number of elite media outlets combat such deterrents to aggressive reporting by paying journalists even for reports that are subjected to censorship. Corruption among Chinese journalists persisted in 2012, and it remained common for public relations firms to pay reporters for attending press conferences. As the internet's influence grows, such bribery has spread to the online sphere, reportedly producing a multimillion-dollar industry of web-deletion services that cater to private firms and government officials. In September 2012, authorities arrested two people, including an employee of the search-engine giant Baidu, for accepting payment to illegally delete posts on the company's Tieba online forum.

China is home to the largest number of internet users in the world, with the figure surpassing 560 million, or approximately 42 percent of the population, in 2012. Over 400 million accounts had been opened on domestic microblogging services by the end of the year, though the number of regularly active users is smaller, estimated to range in the tens of millions. The prevalence of microblogs, online circumvention tools, and overseas Chinese news outlets has grown in recent years, dramatically expanding Chinese citizens' ability to access and share information about events occurring in different parts of the country and even within the top echelons of the CCP. A growing number of Chinese use proxy servers to evade internet restrictions and receive illegal satellite transmissions. Although Twitter remains blocked in China and domestic microblogging services engage in government-directed censorship, the latter have rapidly grown in influence as a source of news and an outlet for public opinion, in part because the rapid sharing of information among microblog users sometimes outpaces censors'

deletions. The role of online sources in the media landscape has become especially important with regard to breaking news. A 2012 study of Chinese public opinion and crisis management reported that online sources accounted for nearly 65 percent of breaking news reports in 2011, versus just over 30 percent for traditional media.

## Colombia

**Status: Partly Free**

**Legal Environment: 11**

**Political Environment: 26**

**Economic Environment: 16**

**Total Score: 53**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>59,PF</b>	<b>59,PF</b>	<b>60,PF</b>	<b>56,PF</b>	<b>55,PF</b>

Colombia's 1991 constitution guarantees the rights to freedom of expression and freedom of information. However, attacks and threats against reporters persisted in 2012, and the government continues to restrict the independence of journalists through criminal defamation charges and legislation.

Defamation remains a criminal offense, and there were two major cases in 2012. In February, an appeals court in the department of Cundinamarca upheld a lower court's libel conviction of Luis Agustín González, editor of the newspaper *Cundinamarca Democrática*, while annulling a defamation charge. González had written an editorial in 2008 that criticized a former governor of Cundinamarca. His punishment was slightly reduced, to 18 months of jail time and a financial penalty of 17 months' wages. Colombia's Supreme Court heard appeals in the case in October but had not rendered a decision by year's end. Separately, in August the Supreme Court's Criminal Tribunal announced that it would file defamation charges against Cecilia Orozco of the Bogotá daily *El Espectador* for an opinion piece in which she criticized the court. Several days later, after an outcry from Colombian and international press organizations, the Supreme Court announced that it would drop the charges.

Several laws or pending legislation in 2012 attracted concern from press freedom advocates due to their potential to restrict the media. A consumer statute that took effect in April assigns the media partial liability in cases of grossly misleading advertising. A decree passed in August forces telecommunications companies, including internet service providers, to create back doors that will facilitate government monitoring of citizens' online activity. Throughout the year, Congress continued to debate changes to the electoral code that many media experts believed would place unconstitutional limits on political communication during campaign periods.

In June 2012, Congress passed a new Access to Public Information Law intended to buttress existing rights guaranteed by the constitution and the 1985 Law Ordering the Publicity of Official Acts and Documents. The new law requires government agencies to make documents related to public contracts, budgets, and personnel available to the public. It reduces the maximum period that such information can be kept confidential from 30 to 15 years, though the government may extend that period for an additional 15 years under certain conditions. The law

states that the government may not withhold an entire document if only portions of it have been classified, and mandates the creation of an index of reserved or classified documents. Though generally seen as an improvement on existing laws, the new legislation has generated criticism from media groups in Colombia, particularly for the broad power it grants the government to withhold information from the public and for its failure to designate a single agency to implement the law. The Constitutional Court must ratify the measure before it takes effect.

Two official bodies are responsible for regulating and licensing the broadcast media. The Ministry of Information Technologies and Communications regulates the licensing of radio outlets. In 2012, the nominally independent National Television Authority (ANTV) replaced the National Commission on Television (CNTV) as the television regulator. The CNTV was regarded as highly politicized in practice, with the process of licensing a third private television station drawing particular criticism in recent years. No licensing is necessary for print media.

Death threats, kidnappings, and physical attacks against journalists remain a serious concern in Colombia. The Committee to Protect Journalists (CPJ) reported 92 threats against journalists as of early December 2012, the same number as in 2011. Consequently, self-censorship is a problem, particularly in rural settings and during election periods. In April 2012, CPJ reported on three radio journalists who were forced to flee their home regions because of intimidation. Topics considered sensitive include corruption, organized crime, drug trafficking, and extrajudicial executions.

There were two kidnappings of journalists in 2012. In April, Romeo Langlois of France 24 television was kidnapped by the rebel Revolutionary Armed Forces of Colombia (FARC) during a battle between the leftist guerrillas and government troops. The FARC held Langlois for more than a month, claiming he was a prisoner of war, before releasing him on May 30. In July, a reporter for the radio station Sarare Estéreo was kidnapped and held for three weeks by the National Liberation Army (ELN), another rebel group, and the station was hit by a grenade attack in early August.

One journalist was killed in 2012 for reasons related to his work, while the motive behind another murder remained unconfirmed. Freelance journalist Guillermo Quiroz Delgado died in November from injuries he suffered at the hands of the police. He was covering a protest in the department of Sucre when he was detained and allegedly beaten and thrown off the back of a police truck. Quiroz had previously angered local officials with his reports on police brutality and corruption in local government. Three police officers were suspended pending an investigation. In March, Argemiro Cárdenas Agudelo, a radio journalist and former politician, was shot dead in the western department of Risaralda, though the motive remained unclear at year's end. In May, Fernando Londoño, a radio talk-show host, newspaper columnist, and former interior minister, was injured in a bombing in Bogotá that was believed to have been carried out by the FARC.

There was some progress in combating impunity in 2012, though it continues to be a major problem. A 2010 reform extended the statute of limitations for violent crimes against journalists and human rights defenders committed after 2000 from 20 to 30 years, though the previous limit still applies to older crimes. No statute of limitations applies to acts that are designated as crimes against humanity. In 2012, the Senate was considering a law that would eliminate the statute of limitations in cases of homicide, torture, or forced disappearance when the victim is a journalist, human rights defender, or member of a labor union. In another positive development, in February, Edgar Ariel Córdoba Trujillo was sentenced to 24 years in prison for the 2001 murder of journalist Álvaro Alonso Escobar. There were further delays, however, in the

trial of Ferney Tabasco, a former congressman accused of masterminding the 2002 murder of the managing editor of the newspaper *La Patria*, Orlando Sierra. The government operates an extensive program that provided protection to scores of journalists in 2012, although reporters have criticized the program’s effectiveness and occasionally accused the bodyguards of spying.

Media ownership is highly concentrated among a few groups of private investors, and television is the dominant news medium. Independent and privately owned print and broadcast media are generally free to express a variety of opinions and cover sensitive issues without official restrictions. All print media in Colombia are privately owned. The government operates three public television stations, but the two private free-to-air networks dominate the ratings. The pattern in radio is similar, with the two public national radio stations attracting a small audience share. There are hundreds of community radio stations, which sometimes face pressure from the government and armed groups. Local media depend heavily on advertising by regional and municipal government agencies to stay in business, encouraging collusion among media owners, journalists, and officials. A 2012 bill mandating a 30 percent reduction in official advertising, intended to combat corruption, could affect the economic viability of some local media outlets.

There are few government restrictions on access to the internet, and 49 percent of the population had regular access in 2012. An increasing share of the public is using social-networking websites such as Facebook, and digital communication is proving an effective tool against censorship, corruption, and organized crime for many journalists.

## Comoros

**Status: Partly Free**

**Legal Environment: 14**

**Political Environment: 20**

**Economic Environment: 15**

**Total Score: 49**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>54,PF</b>	<b>50,PF</b>	<b>50,PF</b>	<b>48,PF</b>	<b>48,PF</b>

The 2001 constitution protects freedom of speech and of the press, but the Comoran government partially restricts these freedoms in practice. Journalists are subject to harsh defamation laws, and self-censorship is reportedly widespread. In April 2012, police detained journalist Mmadi Moindjie for 24 hours on libel charges, after the newspaper he worked for, the private daily *Al-Balad*, published a picture of presidential adviser Issa Soule without his consent.

The authorities in past years had arrested journalists, seized newspapers, and silenced broadcast outlets for reports that were found to be objectionable, although these practices have become less common in recent years. However, in April 2012, Interior Minister Hamada Abdallah withdrew the monthly supplement from the state daily *Al-Watwan* and suspended managing editor Pétan Mouignihazi. The supplement included a special report on government corruption and waste. In March 2011, two journalists had been charged with “publishing false news” by a public prosecutor in the capital Moroni, located on Grand Comore. The charges stemmed from reports that then vice president Ikililou Dhoinine’s inauguration as President Ahmed Abdallah Sambi’s successor might be delayed. The prosecutor alleged that these reports,

which were politically sensitive due to allegations by the opposition that the presidential transition was being dragged out in order to extend Sambi’s term in office, were “of a nature to trouble public order.”

Comoros has six independent newspapers and one state-owned weekly, *Al-Watwan*. In addition to the state-owned Radio Comoros and Television Nationale Comorienne, several other regional and private stations have proliferated in recent years and are funded predominantly by donations from locals as well as from citizens living abroad. The Anjouan regional government operates its own stations under Radio-Television Anjouanaise. Public radio from the French island of Mayotte, as well as metropolitan France’s Radio France Internationale, are also available in some areas. In February 2012, economic restructuring forced *Al-Balad* to eliminate its Arabic language editorial department.

The internet is available and unrestricted by the government. However, poverty, illiteracy, and a poor telecommunications infrastructure limited access to just 6 percent of the population in 2012.

## Congo, Republic of (Brazzaville)

**Status: Partly Free**

**Legal Environment: 16**

**Political Environment: 23**

**Economic Environment: 17**

**Total Score: 56**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	51,PF	53,PF	54,PF	54,PF	55,PF

The Republic of Congo’s constitution and laws recognize freedom of the press, but certain types of speech, such as incitement of violence or ethnic hatred, are criminalized and carry monetary penalties. The law allows the accreditation of journalists at government and foreign-owned media outlets to be revoked if their reporting reflects adversely on the government’s image, although there have been no reports of such revocations in recent years. Since May 2010, when the High Council on Freedom of Communication (CSLC) issued new censorship orders, several newspapers and broadcasters have run afoul of the regulatory body. In September 2012, the CSLC banned the newspaper *La Voix du Peuple* from publishing for nine months, ruling that it had violated an existing six-month ban imposed for inciting hatred and ethnic division. Also in September, the CSLC banned *Le Glaive* for six months after the paper allegedly printed “seditious articles that included lies and defamation of private citizens.” A new CSLC president, Philippe Mwouo, began his term in June and continued the regulatory body’s record of working against the interests of a free and vibrant press by issuing threats of sanctions against critical print media.

Independent print publications are critical of the government, occasionally publishing letters from opposition leaders and covering corruption allegations, though their readership is low. Self-censorship has been reported at the state print media and in the broadcast media, which have a broader reach. Political pressures, as well as a lack of professional training and reliable funding, play a significant role in limiting the scope of the media’s reporting and access to information. On March 4, 2012, an arms depot in a densely populated Brazzaville neighborhood

exploded, killing at least 150 people. The media encountered difficulties in fully investigating the incident and assessing responsibility in its aftermath, due in part to a lack of transparency from the government about the causes and ramifications of the explosion.

Physical attacks against journalists are rare, but reporters often face threats and intimidation. In September 2012, security agents allegedly assaulted a video journalist and briefly detained a reporter for the private broadcaster MNTV while dispersing a crowd gathered in front of an office in the National Assembly building. The 2009 death of journalist and activist Bruno Jacquet Ossébi, who had reported on corruption in the management of Congo’s oil wealth, remains unsolved.

Most Congolese get their news from television and radio. There are 23 television stations in Congo, of which 15 are privately owned. State-run Télé-Congo generally expresses the government’s views, and a number of private channels are controlled by government officials and their relatives. However, some of the other private channels have reportedly been more critical of the government in recent years. Of the country’s 39 radio stations, 35 are privately owned. Congo’s first community radio station, Radio Biso na Biso, began operating in 2009, serving predominantly rural communities in the Congo Basin with content in 12 indigenous languages. While print media are more independent and critical than broadcast outlets, they are heavily concentrated in Brazzaville and do not reach far into rural parts of the country.

The internet and satellite television are unrestricted but not widely used, with only 6 percent of the population having access to the internet in 2012. Prospects for increased internet penetration improved in 2012 with the introduction of broadband in May as part of the submarine fiber-optic West Africa Cable System project.

## Congo, Democratic Republic of (Kinshasa)

**Status: Not Free**

**Legal Environment: 26**

**Political Environment: 33**

**Economic Environment: 24**

**Total Score: 83**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>81,NF</b>	<b>81,NF</b>	<b>81,NF</b>	<b>81,NF</b>	<b>83,NF</b>

Press freedom conditions in the Democratic Republic of Congo (DRC) remained deplorable in 2012, with unrest related to the rebel insurgency in eastern Congo posing continued threats to the general media environment. The 2005 constitution and the country’s laws provide for freedom of speech, information, and the press, but these rights are limited in practice by President Joseph Kabila’s government and various nonstate actors. Criminal defamation and libel laws are regularly used to detain and intimidate journalists and to shut down media outlets. In April, two journalists with *Kisangani News* were detained after publishing an article critical of a national deputy. The publisher of the Kinshasa-based newspaper *Le Fax* was held for three days in November for alleging that the minister of youth, sports, and recreation had embezzled funds. Also in November, Dadou Etiom of Nzondo TV and Guy Ngiaba of Télé 50 were jailed for nine days in the southwestern province of Bandundu after criticizing the president of the provincial

assembly. The DRC does not have an access to information law.

Local media outlets are subject to regulation by the High Authority on Media (HAM). The agency's mandate is to ensure freedom of expression, but it has the power to temporarily suspend outlets for hate speech and other serious ethical transgressions, and its decisions have at times been criticized as politically biased. In 2009, the National Assembly passed a bill establishing the High Council for Broadcasting and Communication (CSAC), another regulatory agency mandated to guarantee the freedom and protection of the press. Kabila appointed the CSAC's 15 members in 2011, but the body's work was paralyzed in March 2012 when its members expressed deep concerns about the leadership of its president, who they accused of embezzlement, incompetence, tribalism, and corruption. Journalists' rights groups have long criticized the CSAC for its vulnerability to political manipulation and apathy toward the prosecution of crimes against journalists. In March, two local journalists' rights organizations, *Journaliste en Danger* (JED) and *Freedom for Journalists* (FFJ), demanded that yet another state agency, the Ministry for Media and Communication, be shut down, calling it a "media tormenter," not an impartial body.

Journalists and media outlets face censorship and harassment from multiple sources, including national and local government officials, members of the security forces, and nonstate actors. Reporters and outlets perceived as sympathetic to opposition parties faced the worst treatment. The suspension of broadcasts and closure of outlets by government officials was also common. In September, *Radio Lisanga Télévision* (RLTV), which is owned by prominent opposition politician Roger Lumbala, had its service suspended without explanation. Authorities closed down *Radio Télévision Autonome du Sud Kasai* (RTAS), in the south central town of Miabi, in August on suspicions that its owner was conspiring to overthrow the Kabila government, and in November a local mayor shut down *Radio Ngoma FM*, in the volatile east, after the station aired comments by the leader of a local armed group. Censorship also affects international media outlets. The government banned transmission of *Radio France Internationale* (RFI) in January for its coverage of the controversial November 2011 presidential elections, and in July refused entry to Belgian journalist Thierry Michel, who had produced a documentary profiling the murder of a prominent Congolese human rights activist.

No journalists were killed or disappeared during the year, but reporters were particularly susceptible to intimidation and censorship amid the conflict in eastern Congo between the March 23 (M23) rebel group and the Congolese army. In May, the governor of eastern North Kivu province threatened a journalist from United Nations–sponsored *Radio Okapi*, accusing her of biased reporting on clashes between Congolese soldiers and army defectors taking place in the area. The private daily *Le Journal* was banned in June by the communications minister following the publication of an editorial accusing Congolese of Rwandan ancestry of colluding with Rwanda in its military involvement in the conflict, an accusation the minister said incited racism and tribalism. In August, the CSAC made it illegal for radio programs and television talk shows to discuss the conflict in the east, and shut down numerous stations for failure to comply. *Radio Liberté* was ordered off the air for three months in May, before the CSAC ban, for airing interviews with a militia leader and a mutineer, and a presenter for the station was imprisoned without charge for 13 days. In August, *Radio Soleil* was taken off the air for three months for airing an interview with an M23 spokesman, and *Ngoma FM* was suspended indefinitely in October for its interview with a spokesman for a group of mutineers. In December, authorities from the CSAC shut down *Radio Okapi*, which was highly popular in the region, for four days, citing administrative noncompliance. Observers believed the closure was due to the station's

interview with Jean-Marie Runiga, an M23 leader. In addition to governmental restrictions on press freedom, the emergence of the M23 rebel group has accelerated the deterioration of the media environment in the region. At least three journalists went into hiding between August and September after being threatened for their critical reporting by the M23. The M23 also claimed responsibility for attacks on Radio Solidarité in December.

Among other violent incidents, in March masked arsonists set fire to the antenna of Radio Télévision Kindu Maniema (RTKM) in east central Maniema province. The station was known to be critical of the provincial governor, who had previously demanded that it cease its call-in broadcasts. One of the RTKM’s hosts went into hiding for fear that he would be arrested. In the eastern city of Goma, radio host Tuver Wundi reported receiving multiple death threats in March; his home had been attacked by armed men in January.

Given low literacy rates and deep poverty, the population of the DRC relies largely on radio broadcasts to receive news reports. Many private newspapers are nevertheless published, particularly in Kinshasa, and although they are not always objective, they are often highly critical of the government. There are several hundred privately owned radio and television stations, in addition to three state-owned radio stations and a state-owned television station. The state broadcasters reportedly favor Kabila’s party, though other political parties represented in the government are occasionally given airtime. The only nationwide independent radio network, Radio Okapi, has set new standards for reporting and media objectivity in a volatile political environment. Most media outlets are reportedly owned by public figures and businessmen, and are used for political propaganda rather than objective reporting. Journalists at major outlets are usually poorly paid and lack sufficient training, leaving them vulnerable to bribery and political manipulation.

While internet access has spread in urban areas thanks to the proliferation of private, affordable internet cafés, only about 1.7 percent of the population accessed the internet in 2012. The government does not restrict access to the internet or monitor its content.

## Costa Rica

**Status: Free**

**Legal Environment: 5**

**Political Environment: 7**

**Economic Environment: 6**

**Total Score: 18**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>19,F</b>	<b>19,F</b>	<b>19,F</b>	<b>18,F</b>	<b>19,F</b>

Costa Rica continues to enjoy a vibrant free press backed by strong legal and political institutions. However, an information crimes law promulgated in November 2012 sparked widespread concern by imposing jail terms on any person convicted of publishing “secret political information.” The Supreme Court subsequently suspended the relevant article of the law pending constitutional review.

The constitution guarantees press freedom, and this right is generally upheld. However, punitive press laws, particularly concerning defamation, are occasionally used to restrict the

operations of the media. Provisions from the country's 1902 printing press law that imposed prison sentences for defamation were in effect until the Supreme Court struck them down in 2010. And in December 2011, the Costa Rican courts created an appeals process for overturning criminal libel sentences. However, despite these advances and calls for further reform, journalists remain vulnerable to criminal charges for defamation, with punishments including excessive fines and the placing of one's name on a national list of convicted criminals. The constitution reserves for readers the right of reply to newspapers in response to information that the readers deem incorrect or egregious. In 2012, the parliament continued to postpone discussion of a bill that would expand the scope of the right of reply from information to opinions. The Inter American Press Association (IAPA) has warned that the bill could reduce press freedom and freedom of expression.

Accessing government information continues to be difficult. The Freedom of Expression and Press Freedom Bill, originally introduced in 2002, has been repeatedly postponed, leaving Costa Rica as a regional laggard on implementing comprehensive access to information legislation. President Laura Chinchilla's administration has failed to prioritize passage of the bill. In July 2012, the Legislative Assembly passed an information crimes bill, known informally as the gag law, which would lengthen jail terms for acts of "political espionage." Article 288 of the new law calls for jail terms ranging from four to eight years for journalists and other citizens convicted of "improperly obtaining secret political information or information related to public security," according to the IAPA. Journalists and press freedom organizations denounced the bill's passage and warned that the law would seriously impede the public's ability to scrutinize their government. In November, the government announced that the legislation would not apply to journalists, but Reporters Without Borders pressed for the entire article to be scrapped so it could not be used against alternative information providers such as bloggers and other citizen journalists. In late November the Supreme Court temporarily suspended implementation of Article 288 pending a broader examination of the law's constitutionality.

Although fear of legal reprisals promotes some self-censorship, media outlets are generally free to cover a range of sensitive political and social issues and to openly criticize the government. Some news organizations have developed strong investigative reporting teams. An in-depth investigation of tax evasion by the daily *La Nación* prompted the resignation of Finance Minister Fernando Herrero in April 2012 after it came to light that he had consistently underreported property values in order to minimize his family's tax burden. Journalists are rarely victims of physical threats or violence in Costa Rica. In 2012, there were no reports of such attacks.

Costa Rica has a vibrant media scene, with numerous public and privately owned newspapers, television outlets, and radio stations. There are nine major newspapers, and cable television is widely available. Radio is the most popular outlet for news dissemination. Private media ownership is highly concentrated, however, and tends to be politically conservative. The internet served as an additional source of unrestricted information and was accessed by more than 48 percent of the population in 2012.

## **Côte d'Ivoire**

**Status: Not Free**

**Legal Environment: 17**  
**Political Environment: 25**  
**Economic Environment: 19**  
**Total Score: 61**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	66,NF	67,NF	66,NF	68,NF	70,NF

The media environment in Côte d’Ivoire showed marked improvements in 2012 as the country continued to recover from the previous year’s violence in the wake of a disputed presidential election. During new president Alassane Ouattara’s first full year in office, the press enjoyed a generally less restrictive legal and political environment, including a decrease in harassment and attacks on foreign and local journalists, more space for critical reporting, and the opening up of radio and television airwaves to private broadcasters.

Freedoms of speech and of the press are protected in the constitution and the country’s laws, although there are prohibitions on speech that incites violence, ethnic hatred, or rebellion. Imprisonment for defamation was abolished in 2004, but the offense carries a fine of up to 15 million CFA francs (\$30,000), and libel of the head of state or other state institutions is punishable by fines of up to 20 million CFA francs (\$40,000). Côte d’Ivoire does not have a freedom of information law.

While the number of journalists arrested and imprisoned decreased markedly in 2012, two journalists with the progovernment daily *Le Patriote*, including the managing editor, were detained by security forces in February on the grounds that they had published confidential information and refused to reveal their sources for a story about the Constitutional Council’s decision to annul the results of the December 2011 parliamentary elections in 11 districts. However, the detention lasted less than a day, and the journalists were released without charge. Separately, the chief executive of Cyclone Media Group—the parent company of many newspapers that supported former president Laurent Gbagbo, including *Le Temps*—was arrested upon his return to Côte d’Ivoire in March on accusations of endangering state security. He remained in prison awaiting trial at year’s end.

Under Gbagbo, media regulatory bodies such as the National Press Council (CNP) were frequently used to control critical journalism. The pattern persisted under Ouattara in 2011, with the CNP largely working on behalf of the government and targeting *Le Temps* in particular for inciting hatred. Pro-Gbagbo papers continued to face regulatory pressure in 2012, though it was somewhat less aggressive. In August, the CNP suspended *Le Temps* for 20 editions due to an article published in July that allegedly defamed Ouattara. The paper’s editor in chief, Simplicie Allard, was suspended for one month. Also that month, the CNP suspended a satirical paper, *Bôl’ Kotch*, for eight editions after it published cartoons and articles that allegedly defamed Ouattara and promoted tribalism. In September, the CNP suspended *Notre Voie*, a pro-Gbagbo paper, for publishing articles and photo captions that continued to refer to former members of Gbagbo’s government as “minister.” When five other pro-Gbagbo papers reprinted the articles following *Notre Voie*’s suspension, the CNP suspended them as well, for at least six editions each. Less than two weeks later, however, the CNP lifted all six suspensions after the papers threatened to take their case to the Supreme Court. While the authorities continued to monitor the pro-Gbagbo press and other critical outlets, the retraction suggested that the government was becoming more tolerant of unfavorable reporting.

One particularly important legal improvement in 2012 was the government's decision to open up the television and radio sectors to private broadcasters after more than two decades of unfulfilled promises to liberalize the airwaves. On February 29, two decrees formally allowing applications for private audiovisual licenses were signed by Ouattara, approved by the parliament, and presented to the public. The licenses will permit private radio and television broadcasters to air political news content for the first time. Under the previous 2004 law, the few private radio stations that existed were limited to entertainment and cultural programming, and no private television stations were permitted. A nine-member panel to review applications for these new licenses was formed in July under the auspices of the High Commission for Audiovisual Communication (HACA), the broadcast regulator, and it soon began reviewing applications. However, the fees remained high—up to about \$2 million for commercial television stations—and the number of private television licenses to be issued was capped at five. The commission had not released a list of new licensees by year's end.

There were indications during the year that press freedom organizations and journalists' unions were increasingly able to operate effectively and without intimidation. Ivoirian journalists, in collaboration with the regional press freedom group Media Foundation for West Africa (MFWA), adopted a new code of ethics in February. This step was not taken under pressure from the government, but was instead a journalist-led endeavor intended to support ethical standards and encourage reporting that would bolster the fragile peace in the country.

The severe restrictions on access to news seen during the postelection crisis were largely lifted in 2012. International media—including Radio France Internationale and the UN radio station Onuci FM, both of which were banned by Gbagbo—operated freely during the year, and the local press resumed its critical vibrancy amid a reduction in acts of intimidation. In December, the Senegal-based African Press Agency opened its first office in Côte d'Ivoire, with vocal support from the Ouattara administration. Also that month, the government announced that it would give approximately \$740,000 to press organizations to support the development of independent newspapers. However, while conditions improved in the south, particularly in Abidjan, reports from the north indicated that access to news and information remained very limited in districts now largely controlled by local warlords.

In a departure from the widespread and sometimes deadly violence against journalists in early 2011, there were only a few reports of physical attacks on journalists in 2012, none of which were fatal. In the most grievous of these incidents, armed men attacked and set fire to the headquarters of Cyclone Media Group in August, stealing or destroying much of the equipment. The police immediately began an investigation, but no perpetrators had been brought to trial by year's end. Separately, reporter Anderson Diédri of the private daily *Le Nouveau Courrier* was assaulted by a government security detail in September while he was covering the eviction of a woman and her children from their home in Abidjan; the woman was reportedly the estranged wife of a government minister. In November, the Abidjan head office of progovernment media group Nord Sud, which published the daily *Nord-Sud*, was raided by armed men. The attackers took a hard drive that belonged to a journalist specializing in security and defense issues.

The state controls the largest radio stations—including the only one with national reach and political content—as well as *Fraternité Matin*, the largest-circulation daily newspaper; a news agency; and the national television broadcaster, Radiodiffusion Télévision Ivoirienne (RTI). During the 2011 crisis, the United Nations and other international organizations had heavily criticized the Gbagbo government for its use of RTI and *Fraternité Matin* in a calculated campaign of disinformation about the opposition and the UN-led peacekeeping force. Pro-

Ouattara forces' eventual success in blocking the dissemination of pro-Gbagbo media represented a significant turning point in the conflict. However, since Ouattara took office, the state media have continued to show a largely progovernment slant. Most private media outlets are openly aligned with the government or the opposition.

Approximately 2.4 percent of Ivoirians accessed the internet in 2012. Blogs and the online versions of major newspapers are increasingly popular.

## Croatia

**Status: Partly Free**

**Legal Environment: 9**

**Political Environment: 16**

**Economic Environment: 15**

**Total Score: 40**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	36,PF	38,PF	40,PF	41,PF	40,PF

After six years of accession negotiations with the European Union (EU), Croatia was expected to become the 28th EU member state on July 1, 2013. The accession process was successful in exerting some pressure on the Croatian government to fight corruption and create the conditions necessary for independent media to flourish. As amended in June 2010, the constitution recognizes freedom of the press as well as the right to information. Nevertheless, the state has often tolerated harassment of journalists and taken legal action against critical media outlets. There was improvement in this area in March 2012, when a judge in Zagreb, the capital, ruled against former Croatian president Stjepan Mesić, who in 2009 had sued political analyst and publicist Darko Petričić for defamation. Mesić claimed that Petričić had defamed him by stating that the Albanian mafia funded his first presidential campaign. The court found that Petričić had made a serious critique of a politician, which did not amount to defamation. Libel remains a criminal offense, but is punishable only with fines. Hate speech, however, carries a maximum prison sentence of five years.

Due to inadequate implementation and understanding of Croatia's Act on the Right of Access to Information, journalists continue to find it difficult to request and obtain information from the government. Amendments that expanded the definition of classified information in late 2010 raised further concerns about the law's efficacy.

Media analysts have criticized the Council for Electronic Media, an independent regulator that licenses broadcast outlets, for its lack of transparency and its licensing criteria. There is particular concern regarding the allocation of frequencies and the use of funds meant for the promotion of commercial television and radio productions. There is no licensing requirement for media that do not use the broadcast frequency spectrum. Outlets launched on other electronic communication platforms are only required to register with the media council and pay a nominal fee. Print media must register with the Chamber of Commerce.

The Croatian Journalists' Association (CJA), representing more than 90 percent of the country's active journalists, is considered a model for the region. The majority of Croatian journalists adhere to the CJA's code of ethics, and its Council of Honor is responsible for

reviewing complaints from individuals, institutions, and companies. Membership in the CJA is currently declining, however, reflecting dissatisfaction with the association's responses to the worsening conditions faced by journalists. Nearly 400 journalists have been fired in the past two years, and hundreds more are working on a part-time basis without benefits. Furthermore, journalists, especially those covering corruption and organized crime, continue to face harassment and attacks as a result of their work.

The state-owned public broadcaster, Croatia Radio-Television (HRT), is funded through advertising revenue and licensing fees. HRT is often seen as representing political interests and has been criticized for censoring and suspending programs without explanation, politicizing personnel decisions, lacking transparency, and failing to respect professional standards. In January 2012, the CJA and 26 other nongovernmental organizations and associations signed an appeal demanding that HRT address these issues. Amendments to the Croatian Radio-Television Law, adopted by the parliament in July, allow the parliament to appoint HRT's director general, its 11-member Program Council, and the members of its Monitoring Committee, effectively institutionalizing political control over the broadcaster. In October, the parliament appointed Goran Radman as HRT's director general for a term of five years.

In addition to serious concerns regarding political interference with HRT's management, the public broadcaster came under fire in 2012 for numerous attempts to censor journalists. On April 22, Maja Server, editor of the show *Croatia Life*, was warned that she could lose her job over her allegedly unbalanced selection of guests for the show. On May 4, journalist Elizabeta Gojan was also warned that she could be dismissed from her job for criticizing HRT in interviews with Deutsche Welle, in the Croatian daily *Slobodna Dalmacija*, and in a speech she gave on World Press Freedom Day. On December 30, journalist Karolina Vidović-Krišto was publicly sanctioned by HRT and suspended from her job after running a television program that was critical of the government's new policy on sex education. Her show, *Pictures of Croatia*, was taken off the air.

There are dozens of private television and radio stations, both local and national, and cable and satellite television access is common. While private media owners must be registered, this information is not easily accessible to the public and often does not clearly indicate who or what entity is behind the registered company names. Many private media owners allegedly hold interests in nonmedia businesses, creating commercial and political pressure that can reduce critical news coverage of the government and influential companies. German-owned Europa Press Holdings and Austria's Styria control most of the print media market, raising concerns about ownership concentration. A decline in advertising revenue due to the global economic crisis, as well as rapidly dwindling newspaper circulations, have left many media outlets financially weak, leading to a blurring of the lines between journalism, advertising, and public relations. Not only are media outlets unable to publish articles that criticize their advertisers, but now it is possible to find advertising pieces disguised as news articles. The government does not restrict access to the internet, which was used by 63 percent of the population during 2012. Given the growth of online news media and the 24-hour news cycle, journalists are pressured to produce more articles in a shorter time frame, hurting the overall quality of reporting. Journalists often publish unchecked data and copy articles found online.

## **Cuba**

**Status: Not Free**  
**Legal Environment: 29**  
**Political Environment: 35**  
**Economic Environment: 28**  
**Total Score: 92**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>94,NF</b>	<b>94,NF</b>	<b>93,NF</b>	<b>92,NF</b>	<b>91,NF</b>

Cuba has the most restrictive laws on free speech and press freedom in the Americas. The constitution prohibits private ownership of media outlets and allows free speech and journalism only if they “conform to the aims of a socialist society.” Article 91 of the penal code prescribes lengthy prison sentences or death for those who act against “the independence or the territorial integrity of the state,” and Law 88 for the Protection of Cuba’s National Independence and Economy imposes up to 20 years in prison for acts “aimed at subverting the internal order of the nation and destroying its political, economic, and social system.” Cuba’s legal and institutional structures are firmly under the control of the executive branch. Laws criminalizing “enemy propaganda” and the dissemination of “unauthorized news” are used to restrict freedom of speech under the guise of protecting state security. Insult laws carry penalties of three months to one year in prison, with sentences of up to three years if the president or members of the Council of State or National Assembly are the objects of criticism. The 1997 Law of National Dignity, which provides for prison sentences of three to ten years for “anyone who, in a direct or indirect form, collaborates with the enemy’s media,” is aimed at independent news agencies that send their material abroad.

State measures to control the press were especially harsh during the March 2012 visit of Pope Benedict XVI to Cuba. A number of independent journalists and bloggers were temporarily detained and prevented from attending the pope’s open masses in the cities of Santiago de Cuba and Havana. Such tactics were also used during the October trial of Ángel Carromero, a Spanish political activist charged with manslaughter after a car he was driving crashed in July, causing the death of prominent Cuban dissident Oswaldo Payá. Well-known dissident blogger Yoani Sánchez was temporarily detained along with her husband, also a blogger, en route to cover the Carromero trial in the city of Bayamo. In February, the Cuban government had denied Sánchez permission to travel to Brazil—the 19th time the government had rejected her efforts to obtain an exit visa.

The government controls coverage by foreign media through the selective granting of visas to correspondents. Foreign journalists or news outlets that present a consistently negative view of Cuba to the outside world have been denied visas. In 2012, Spanish-language media outlets from the U.S. state of Florida, which cater to the largely anti-Castro Cuban American community there, were universally denied visas to cover the pope’s visit even as journalists from over 300 other print and broadcast organizations were granted entry.

In 2012, independent or critical Cuban journalists continued to be subject to harassment for their reporting on topics deemed sensitive by the government. Such harassment took the form of arbitrary short-term detentions, internal deportations, house arrest, and the blocking of individuals’ mobile-telephone service by the state telecommunications company, ETECSA. In July, José Antonio Torres, a former journalist with the Communist Party newspaper *Granma*, was sentenced to 14 years in prison for spying after he published articles about the

mismanagement of a construction project in Santiago and a fiber-optic cable laid between Cuba and Venezuela in 2011. In September, Calixto Martínez Arias, a journalist for the independent news agency Hablemos Press, was arrested for reporting on cholera and dengue fever outbreaks that plagued the island during the summer and went largely unreported by state media. Martínez, who had frequently been harassed by state authorities over the years, was charged with insulting the president and faced a possible prison sentence of up to three years. Also that month, Roberto de Jesús Guerra, editor of Hablemos Press, was detained and beaten by state security forces. In November, the government charged journalist Yaremis Flores with “disseminating false information against international peace” after she published articles that criticized the government for its harassment of journalists and its response to Hurricane Sandy. When a number of journalists and activists, including Yoani Sánchez, went to a police station in Havana to obtain information about Flores’s status, they too were arrested and temporarily detained.

The government owns all traditional media except for a number of underground newsletters. It operates three national newspapers, four national television stations, six national radio stations, and one international radio station, in addition to numerous local print and broadcast outlets. All content is determined by the government, and there is no editorial independence. Cubans do not have the right to possess or distribute foreign publications, although some international papers are sold in tourist hotels. Private ownership of electronic media is also prohibited. The Roman Catholic Church is permitted to publish two magazines in Cuba, *Espacio Laical* and *Palabra Nueva*, which are occasionally critical of the government.

Approximately 26 percent of Cubans had access to the internet in 2012. However, the majority of users can reach only a closely monitored Cuban intranet, consisting of an encyclopedia, e-mail addresses ending in “.cu” that are used by universities and government officials, and a few government news websites. For the average Cuban, access to the global internet comes through outdated dial-up technology and is often limited to international e-mail. In 2012, the Cuban government set rates for access to the World Wide Web at \$6.50 an hour, and \$1.65 an hour for international e-mail, in a country where the average monthly salary is \$20. Faster connections are available at tourist hotels and foreign embassies, which many independent journalists take advantage of, though this is technically illegal. The regime threatens anyone connecting to the internet illegally with five years in prison, while the sentence for writing “counterrevolutionary” articles for foreign websites is 20 years. However, the authorities do not have the means to engage in systematic filtering.

It had been hoped that a \$70 million fiber-optic cable project between Cuba and Venezuela would improve internet access, particularly by increasing connection speeds. However, the fate of the cable remains unknown, with no increased internet speed noted within Cuba by year’s end. Despite the difficulties in gaining unfettered internet access, there is a small but vibrant blogging community, with more than 70 independent bloggers working in the country. Bloggers in Cuba have yet to be sentenced to prison for their work, but they often face harassment and intimidation.

## Cyprus

**Status: Free**

**Legal Environment: 6**

**Political Environment: 10**

**Economic Environment: 9****Total Score: 25**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>22,F</b>	<b>22,F</b>	<b>22,F</b>	<b>22,F</b>	<b>22,F</b>

Freedom of speech and expression are guaranteed under Article 19 of the constitution of the Republic of Cyprus, which controls the largely Greek-speaking southern side of the divided island. These rights are generally respected in the south, where the independent press is vibrant and frequently criticizes authorities. The 1989 Press Law protects the circulation of newspapers, journalists' right not to reveal sources, and access to official information. The internet is not subject to any known government restrictions. Because there is no formal press council, journalists must use self-regulation to deal with complaints or professional lapses.

There are some press freedom laws in the separatist Turkish Republic of Northern Cyprus, but authorities there are hostile to the independent press, and journalists can be arrested, put on trial, and sentenced under the "unjust actions" section of the criminal code.

Reports of physical attacks or harassment aimed at journalists in the south are rare. However, the Northern Cyprus government has frequently targeted independent newspapers and journalists who choose to cover controversial issues. Many journalists working in the north are subject to regular press freedom violations, though there were fewer such incidents in 2012 than in 2011. Media in Northern Cyprus can also display certain societal biases. In January 2012, using a reportedly derogatory tone, the Turkish Cypriot newspaper *Kıbrıs* revealed the identities of two men arrested under Section 171 of the penal code, which bans homosexual activity.

Cypriots have access to Greek- and Turkish-language broadcasts throughout the island, and several channels are transmitted from nearby Greece and Turkey. The broadcast sector consists of a mix of state and private outlets. The state-funded Cyprus Broadcasting Corporation operates three television channels and four radio stations in the south. Following the end of analog television transmission in 2011 and a requirement that all television stations broadcast nationally with a digital signal, several local television stations have shut down, unable to afford the cost of nationwide transmission. There are 7 daily newspapers, many of which are closely linked to political parties, as well as 31 weeklies and several monthly and other occasional publications. Northern Cyprus has its own press and broadcasters. Several daily newspapers are available, although mainland Turkish papers are generally preferred. The government-operated Bayrak Radio-TV offers two television channels—BRT 1 and BRT 2—as well as four radio stations. About 61 percent of the Cypriot population accessed the internet in 2012.

*[Although the narrative covers both Greek and Turkish Cyprus, the numerical rating for Cyprus is based on conditions on the Greek side of the island only.]*

**Czech Republic****Status: Free****Legal Environment: 4****Political Environment: 8****Economic Environment: 7**

**Total Score: 19**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>18,F</b>	<b>18,F</b>	<b>18,F</b>	<b>19,F</b>	<b>19,F</b>

Freedom of the press is constitutionally guaranteed, though the Charter of Fundamental Rights and Freedoms prohibits speech that might infringe on national security, individual rights, public health, or morality, or that may evoke hatred based on race, ethnicity, or national origin. Libel remains a criminal offense, but prosecutions are rare. The Press Law provides a sound basis for independent journalism, and media protections have been bolstered by Constitutional Court and other institutional rulings. In August 2012, a district court reversed fines imposed by police on the weekly *Respekt* for refusing to divulge the source of a document related to a corruption scandal. The court found that the information was not necessary to the police investigation. In March, however, the Constitutional Court rejected a complaint by the Prima television station. The owners claimed that their right to freedom of expression was violated by the Council for Radio and Television Broadcasting, which had fined the station 3 million koruny (\$153,000) for airing a report during daytime hours about the risk-taking prank group Jackass Praha that was capable of “endangering the physical, mental, and moral development of minors.” According to the Institute for the Protection of Journalists, members of the Czech Syndicate of Journalists—the largest professional organization of journalists in the country—are “often consulted on media matters by judges.”

In 2011 the legislature amended the controversial 2009 “muzzle law,” which banned the publication of information—particularly the names of individuals—obtained from police wiretaps, as well as information about individuals involved in criminal acts (both victims and perpetrators). Violators were subject to exorbitant fines and up to five years’ imprisonment. Critics complained that the law hindered reporting on corruption cases. The amendment makes an exception for information considered to be of “public interest,” though courts retain the authority to determine whether the level of public interest outweighs the privacy rights of those involved. In 2010, legislators had already softened the law to allow journalists to publish the names of politicians or other state officials involved in criminal proceedings related to corruption, and reduced the severity of the prescribed punishments.

Physical attacks and harassment aimed at journalists or media outlets are rare. Freedom of expression advocates were shocked by an unusual March 2011 raid on the offices of Czech Television, the public broadcaster, by 10 armed military police officers in masks. In searching for an allegedly classified version of a declassified military report that had been shown on the air, the officers confiscated newsroom computers, lists of sources, personal items, and papers unrelated to the military document. The television station lodged a formal complaint of abuse of office, leading Defense Minister Alexandr Vondra to immediately suspend three officers responsible for the raid. In September 2012 the Constitutional Court ruled that the search warrant was unconstitutional.

National print media consist of a variety of daily newspapers, weeklies, and magazines representing diverse points of view, though the economic crisis that began in late 2008 has had a lasting effect on the media market, leading to four consecutive years of decline. German and Swiss corporations own 80 percent of newspapers and magazines. However, in recent years a few wealthy Czech business tycoons have entered the market, a development that could signal an unhealthy concentration of ownership and influence. There are three broadcasting companies

operating at the national level: one public—Czech Television, with four channels—and two private—TV Nova and Prima TV. The switchover to digital broadcasting in June 2012 resulted in a more diverse media sector, featuring the launch of several new television channels.

Most electronic media outlets are privately owned, and they generally convey diverse views without fear of government or partisan pressure. Media-related legislation includes minimal ownership restrictions, and none on foreign ownership. Media advocates have expressed concern, however, that while public media are widely respected, their financial sustainability is being undermined by tighter control of public funds and increasing restrictions on advertising. Observers also point to a decline in the depth and quality of reporting in Czech news media, with weak accountability among the tabloids in particular, which have gained popularity at the expense of the traditional press. This problem is most acute in the media’s portrayal of the Romany minority, who are often depicted as criminals or “unadaptables.”

The internet continues to develop rapidly, with 75 percent of the population enjoying regular and unrestricted access in 2012.

## Denmark

**Status: Free**

**Legal Environment: 2**

**Political Environment: 5**

**Economic Environment: 5**

**Total Score: 12**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>10,F</b>	<b>11,F</b>	<b>11,F</b>	<b>13,F</b>	<b>12,F</b>

Freedom of speech is protected in Section 77 of the constitution, and the government generally respects this right in practice. However, legal restrictions exist for libel, blasphemy, and hate speech. In April 2012, the Supreme Court acquitted free speech advocate and former newspaper editor Lars Hedegaard of making “insulting or degrading” statements about the treatment of women in Muslim societies. The statements were made on a private video that had been published on a blog without his knowledge. The judgment stressed that Hedegaard was only acquitted because he was unaware that the offensive statements would be made public. According to the public prosecutor’s office, more than 50 people have been found guilty of violating the hate speech clause of the criminal code since 2000.

The 1985 Access to Public Administration Files Act permits any person to request public documents located in an administrative file and requires authorities to respond to requests in a timely manner. If the request is expected to take longer than 10 days to process, they must explain the reason for the delay and provide an estimated response time. In 2012, a proposed revision to the act came under fire from journalists and freedom of speech advocates. It would introduce disclosure exemptions for documents prepared to advise ministers as well as documents exchanged between ministers and members of parliament in connection with laws or political processes. Critics said this could cloak much of the country’s top-level decision making in secrecy.

Print, online, and broadcast media are regulated by the Danish Press Council, whose eight members are jointly appointed by the president of the Supreme Court and journalists' associations. Participation is mandatory for broadcast media and print outlets that publish at least twice a year; online media that choose to register receive the legal protections afforded to traditional journalists. If an outlet is found to have committed an ethical violation, the council can order it to publish the ruling; failure to do so can result in a fine or up to four months in jail, though these sanctions are rarely used. The current system has been undergoing a revision process in the past few years, with politicians and victims of violations calling for stricter controls.

In January 2012, the companies operating Roj TV, a Copenhagen-based international Kurdish satellite television station, were found guilty of “promoting terrorism” and received a large fine. The court established that Roj TV is financed and controlled by the Kurdistan Workers' Party (PKK), a separatist militant group operating in southeastern Turkey that is designated as a terrorist organization by the European Union and other entities. However, because the court had no legal authority to revoke its license, the station continued broadcasting. A subsequent investigation resulted in the September arrest of eight individuals suspected of financing the PKK, and a two-month suspension of Roj TV's broadcast license, as it had failed to comply with a request from the Radio and Television Board (RTB). In addition, the government began work on a revision of the law regulating the RTB, weighing proposals that would empower the board to close outlets for promoting terrorism.

The government does not in general restrict use of the internet. However, a growing number of sites are being blocked by court order, including file-sharing sites like Pirate Bay, for violating copyright rules, and sites believed to contain child pornography. A controversial new law that came into effect in January 2012 requires both Danish and non-Danish online gambling sites to register and pay taxes in Denmark. While the law in general liberalized previous gambling laws, it also led to the blocking of a number of foreign gambling sites. Separately, in June 2011, the Ministry of Justice had put forward a proposal that would require public internet locations—such as internet cafés—to verify potential users' identities before giving them access. The draft was still before the parliament at the end of 2012.

The aftermath of the 2005 controversy over cartoons of the prophet Muhammad still affects the Danish media, both in terms of direct threats against journalists and media houses and through a considerable chilling effect on coverage of related issues. The Danish Security and Intelligence Service (PET) found that the number of attempted or planned attacks was higher in the years 2010–12 than at the height of the cartoon crisis. In June 2012, four Muslim men based in Sweden were sentenced to 12 years in prison in Denmark for planning an attack on *Jyllands-Posten*, the Danish newspaper that originally published the cartoons. In October, a court in Norway found two Muslim residents guilty of planning a bomb attack on *Jyllands-Posten*. The decision was appealed at year's end. The cartoonist at the center of the controversy, Kurt Westergaard, continues to receive round-the-clock protection from the authorities after an assassination attempt in 2010.

The private print media are vibrant, although many papers have clear political sympathies. Two of the three largest daily newspapers, *Politiken* and *Jyllands-Posten*, are owned by the same company, but they have separate editorial boards and journalistic staff. The third, *Berlingske*, also runs the state-funded, public-service radio channel 24syv, which first went on the air in 2011. Government subsidies and a value-added tax (VAT) exemption are vital for the press; state support is available for struggling newspapers. The public broadcaster Danmarks

Radio (DR), which operates two general-interest television channels, a 24-hour news channel, and four national radio channels, is dominant in both radio and television and is financed by a license fee. TV2 is a privately run but government-owned television network, while the private station TV3 broadcasts from Britain because of advertising regulations. Satellite and cable television are also available, as is a variety of internet-based news outlets. In 2012, 93 percent of the population had access to the internet.

## Djibouti

**Status: Not Free**

**Legal Environment: 24**

**Political Environment: 27**

**Economic Environment: 23**

**Total Score: 74**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>72,NF</b>	<b>73,NF</b>	<b>73,NF</b>	<b>73,NF</b>	<b>74,NF</b>

The media environment in Djibouti is among the more restrictive in Africa, featuring government dominance of print and broadcast media, very low levels of internet access, severe limitations on free speech, and frequent harassment of journalists. Djibouti's laws and constitution provide for freedoms of speech and the press, but in practice the government imposes serious curbs on independent media. Journalism is limited in part by prohibitions on libel and distributing false information. The 1992 Freedom of Communication Law prescribes prison sentences for media offenses and imposes age and nationality requirements on anyone establishing a private news outlet. Djibouti does not have a law guaranteeing access to public information. The National Communication Commission, charged with issuing private radio and television broadcasting licenses, accepted its first application in 2012, though it remained pending at year's end.

The official media, which account for almost all of the country's outlets, do not criticize the government and practice widespread self-censorship. Journalists generally avoid covering sensitive issues, including human rights, the army, the rebel Front for the Restoration of Unity and Democracy (FRUD), and relations with Ethiopia. The U.S. military presence in Djibouti creates additional pressures for self-censorship, as journalists are encouraged to refrain from reporting on soldiers' activities. Although there are no reports that the government limits access to the internet, social media are closely monitored for plans of demonstrations or critical views of the government. The Association for Respect of Human Rights in Djibouti and the opposition radio station and news website *La Voix de Djibouti* claim that their sites—the main sources for independent views in the country—are regularly blocked. In August 2012, authorities blocked access to five Somali news websites that had posted confidential documents about the transfer of money between Djibouti's intelligence services and officials in Somaliland, a separatist Somalian territory bordering Djibouti.

Journalists are subject to detention without charge, intimidation, and violence, further contributing to self-censorship. Prodemocracy demonstrations in February 2011 brought a crackdown on the media, including a near-total news blackout on the Arab Spring in state-

controlled outlets. In addition, opposition media faced severe restrictions, arrests, and closures, which continued into 2012. In February 2012, Farah Abadid Hildid, a contributor to *La Voix de Djibouti*, was abducted and detained by the police for 24 hours, during which he allegedly suffered physical and psychological torture. In August, another reporter for *La Voix de Djibouti*, Houssein Ahmed Farah, was arrested on allegations that he had been distributing membership cards for a banned opposition party, though he was known for his critical reporting against the government. He spent more than three months in jail and was repeatedly denied bail before his release in November. No charges were lodged against Farah, who had also been arrested in 2004 and 2011.

The domestic media sector is very limited. Because of high poverty levels, radio is the most popular news medium. The government owns the principal newspaper, *La Nation*, as well as Radio-Television Djibouti, which operates the national radio and television stations. Community radio, which has gained great popularity across Africa, is nonexistent, and Djibouti is one of the few countries on the continent without any independent or privately owned newspapers. Djiboutian law technically permits all registered political parties to publish a newspaper. Only one newsletter run by an opposition party, the National Democratic Party (PND), still publishes regularly, although other opposition groups and civil society activists are able to distribute written materials that are critical of the government. Printing facilities for mass media are government owned, making it difficult to print criticism of the government for wide circulation.

There are no private radio or television stations in the country, though foreign radio broadcasts are available from the British Broadcasting Corporation, Voice of America, and Radio France Internationale, offering alternative sources of information to the public. *La Voix de Djibouti* started broadcasting in 2010 as a clandestine independent radio station operating from abroad. Its website cannot be accessed within the country, though Reporters Without Borders has created a mirror site to bypass this censorship. Approximately 8 percent of the population was able to access the internet in 2012. The only internet service provider is owned by the government.

## Dominica

**Status: Free**

**Legal Environment: 6**

**Political Environment: 11**

**Economic Environment: 7**

**Total Score: 24**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>22,F</b>	<b>22,F</b>	<b>23,F</b>	<b>23,F</b>	<b>23,F</b>

## Dominican Republic

**Status: Partly Free**

**Legal Environment: 7**

**Political Environment: 20**  
**Economic Environment: 13**  
**Total Score: 40**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	39,PF	40,PF	39,PF	40,PF	41,PF

Although the 2010 constitution guarantees freedom of expression and access to public information, authorities often disregard or undermine these guarantees. Defamation is a criminal offense punishable by fines and jail time, and libel lawsuits against journalists by government officials and business executives are common when reporting threatens their political or economic interests. Two journalists—Melton Pineda and Johnny Alberto Salazar—were sentenced to jail for defamation during 2012, though Salazar’s conviction was eventually overturned. Two other journalists, Robert Vargas and Genris García, settled out of court with Canadian clothing manufacturer Gildan Activewear after the company brought criminal defamation charges against them. The case stemmed from articles the journalists posted on their websites claiming that an assassination attempt on another journalist, Diego Torres, had occurred while he was investigating possible environmental contamination by the company at its factory in Santo Domingo Province.

Fierce debate occurred throughout the year over proposed legal amendments that would impose harsher penalties for defamation, including longer prison sentences. While the amendments would also specifically prohibit cases against journalists, domestic and international press groups urged full decriminalization instead. Due in part to advocacy efforts by the International Press Institute, a group of legislators in November expressed their intention to seek such decriminalization, but neither proposal had been enacted at year’s end.

Attacks and intimidation against the press by both state and private actors continued to be problems in 2012, especially for reporters investigating corruption. Members of the media experience episodic police brutality, arbitrary detentions and inspections, equipment confiscations, threats, and verbal and physical harassment in both urban and provincial areas. According to the Inter American Press Association, journalists were subject to more than 25 cases of physical or verbal attacks by the police and military between April and October 2012, a slight decrease from the previous six-month period. There were no murders of journalists in the Dominican Republic in 2012. However, impunity for past attacks is common. The three men accused of murdering cameraman Normando García in 2008 were acquitted in March 2012, and there have been no arrests of those who ordered the 2011 murder of José Agustín Silvestre de los Santos, the host of a political program on the regional television station Caña TV.

The run-up to May 2012 elections proved especially tense. In February, the attorney general ordered an elite police unit to inspect the home and offices of journalist Guillermo Gómez, who produces a television show and owns the digital newspaper *El Siglo 21*, after Gómez uncovered alleged corruption involving first lady and vice presidential candidate Margarita Cedeño de Fernández. The government alleged that the e-mail accounts of Cedeño and several government officials were hacked. In April, investigative journalist Nuria Piera accused state security agents of raiding her sources’ homes and offices after she reported that a senator from the ruling Dominican Liberation Party had secretly donated more than \$2.5 million to Haitian president Michel Martelly’s presidential campaign. On election night, the Central Electoral Board closed down television channels Telesistema, Canal 11, and Supercanal 33 for

allegedly broadcasting unofficial electoral results. The stations returned to the air the next day. In addition, several reporters and cameramen reported being roughed up by candidates' security guards at events during the campaign season.

The Dominican Republic has five daily newspapers, more than 300 radio stations, and over 40 terrestrial and cable television stations. Ownership of many of these stations and the country's newspapers is concentrated in the hands of a few powerful individuals and companies, leading to self-censorship by journalists to avoid damaging the owners' political or business interests. There are two state-owned television stations and one state-owned radio station. Community radio and television stations, as well as websites, are also becoming increasingly active.

Approximately 45 percent of the population accessed the internet during 2012, and there were no reports of online censorship. Several online news sources produce content in English and Spanish, and usage of social-networking websites is increasing rapidly.

## East Timor

**Status: Partly Free**

**Legal Environment: 11**

**Political Environment: 11**

**Economic Environment: 13**

**Total Score: 35**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>38,PF</b>	<b>37,PF</b>	<b>35,PF</b>	<b>35,PF</b>	<b>35,PF</b>

The media environment in East Timor remained stable in 2012. Freedom of the press and expression are protected under Articles 40 and 41 of the constitution. The debate over five draft media laws proposed by the UN Development Programme remained at an impasse, as Timorese and regional press organizations argued that the laws would place new restrictions on journalists. One of the issues under discussion was the creation of a media council, which would resolve press disputes outside of the court system. At the end of the year, however, details about the composition, operation, and funding of such a council remained unclear and the draft laws had not yet been approved by either the Council of Ministers or passed by the National Parliament. Where domestic laws currently do not exist, the 1999 Indonesian Press Law governs media issues.

The implementation of East Timor's new penal code in 2009 decriminalized defamation. However, misuse of the "defamatory false information" clause still threatens journalists. In March 2012, the national police commissioner, Longinhos Monteiro, said the police would arrest journalists who published news stories considered to be inaccurate. In October, the public prosecutor in Dili, the capital, placed two reporters, Raimundo Oki and Oscar Salsinha, under house arrest on criminal charges for an article critical of the judicial process following a fatal traffic accident.

A culture of deference and respect for hierarchy continues to pervade journalism in East Timor, and most news reported out of Dili features verbatim accounts recorded during organized press conferences. While most public officials pay lip service to freedom of the press, not all are

comfortable with its actual practice, and there is a sense among many—including some international advisers—that journalism should ideally be linked with the process of nation-building. However, journalists are able to cover the news freely, and there are few cases of reporters being harassed or attacked. In August 2012, radio broadcaster Leoneto da Cruz Goncalves of Radio Rakambia was stabbed by two unidentified individuals riding on motorcycles in front of East Timor’s Anti-Corruption Commission office; police were still investigating at year’s end if the attack was connected to his work as a journalist.

Four weekly and four daily newspapers operate on a regular schedule in East Timor, and several more appear sporadically. Circulations are very small, and are hampered by the high price of papers relative to low consumer purchasing power, illiteracy, and a lack of distribution outside Dili. After the country gained independence in 2002, broadcast media became dominated by public radio and television outlets, but community radio stations—many with international funding—also play an important role in the media landscape. According to a 2009 Southeast Asian Press Alliance fact-finding mission, there are more than 15 community radio stations across the country, along with one national and three commercial stations. There is one national and one private television station. However, technical difficulties limit the reach of many broadcast media outlets in rural areas, leaving an estimated 16 percent without access to any media. A 2011 nationwide media survey commissioned by the UN Integrated Mission in Timor-Leste found that radio still has the highest reach of any communication medium (a weekly reach of 55 percent), with television trailing not far behind (a weekly reach of 48 percent).

The presence of internationally funded media-assistance organizations has had mixed effects on journalism in East Timor. These organizations have made significant financial contributions, thereby decreasing the importance of funding from the state and arguably increasing journalistic independence. At the same time, evidence suggests that their presence has contributed to what some Timorese journalists call a “project mentality,” in which news organizations become dependent on grants from nonstate actors and find it difficult to be independently sustainable.

Internet access was limited to just 0.91 percent of the population in 2012 due to poverty and inadequate infrastructure. Nonetheless, the government does not censor websites or restrict users’ access to diverse content. More households have mobile phones, and they are becoming an important communication tool, especially in Dili, where 90 percent of the households surveyed owned a mobile phone.

## Ecuador

**Status: Not Free**

**Legal Environment: 21**

**Political Environment: 25**

**Economic Environment: 15**

**Total Score: 61**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	41,PF	44,PF	47,PF	52,PF	58,PF

**Status change explanation:** Ecuador declined from Partly Free to Not Free due to government-sponsored regulations that severely restricted media coverage of electoral campaigns, President Rafael Correa’s directive to withdraw government advertising from privately owned media that are critical of the government, and a general reduction in political and investigative reporting due to an increasingly hostile environment for the press created by the Correa government.

The media environment in Ecuador became more polarized in 2012, as President Rafael Correa and his administration continued to openly disparage and attack private and critical media. While the constitution provides for freedoms of speech and the press, these rights are restricted in practice. Libel and defamation are criminal offenses, and Correa has filed several criminal and civil cases against critical journalists in recent years. However, during the UN Human Rights Council’s Universal Periodic Review process for Ecuador in 2012, the government denied the existence of laws criminalizing opinion and rejected the legal standards recommended by the Inter-American Commission on Human Rights (IACHR). The most high-profile recent libel case was an \$80 million lawsuit filed by Correa against *El Universo* opinion editor and columnist Emilio Palacio and the newspaper’s directors. The president filed the suit in May 2011 in response to an opinion piece by Palacio that criticized Correa’s handling of a police uprising in September 2010, which the government characterized as an attempted coup d’état. The article accused Correa of ordering police to open fire without warning on a hospital full of civilians, a charge Correa denied. In July 2011, a court ruled in favor of the president, but reduced the financial award to \$40 million. Palacio and the directors of the paper—brothers Carlos, César, and Nicolás Pérez—were each sentenced to three years in prison. The defendants appealed the sentences, but they were upheld by the National Court of Justice in February 2012. Correa subsequently pardoned the accused, and the case was closed. In August, Palacio was granted asylum in the United States. In a separate case, journalists Juan Carlos Calderón and Christian Zurita had been ordered in November 2011 to pay \$1 million each in moral damages to Correa for revealing in their book *Big Brother* that Fabricio Correa, the president’s brother, had received some \$600 million in government contracts. In February 2012, Correa also pardoned Calderón and Zurita, and announced that he would withdraw the complaint.

In another lawsuit, the newspaper *La Hora* was compelled by a court to print—on the front page of its November 14, 2012, edition—a correction and an apology for having published “inexact or unproven information” about government spending on advertising. The dispute began on October 10, when *La Hora* published data, which had been supplied by the nongovernmental organization Citizen Participation, stating that the government had spent more than \$71 million on official advertising since the beginning of 2012. The government, claiming that the data were incorrect, sought to exercise the right of reply, and *La Hora* published a correction a few days later. However, the correction was in a different space than the original article, prompting the government to bring the case to the courts. On November 12, the judge ordered *La Hora* to publish the government’s correction in the same space as the original article, along with an apology. Press freedom groups noted that Citizen Participation’s figures were already publicly available, and that forcing the paper to publish the correction and apology on its front page could be seen as interfering with its editorial independence. Furthermore, the judge prohibited *La Hora* from publishing information related to the dispute while it was ongoing, an act that brought a rebuke by the Inter American Press Association.

The government has also threatened to use criminal defamation laws to punish views expressed through social media. In September 2012, Correa’s communications secretary warned

the newspaper *El Comercio* that some reader comments on its website were offensive to the president and others, and could therefore be considered criminal offenses. In response, the newspaper temporarily suspended online comments. In August, Correa requested, via his Twitter microblog, that the intelligence agency investigate and prosecute a Twitter user who had called him immoral and a thief.

The government employed other legal mechanisms to harass critical media outlets during the year. In July, after a labor inspection and for the second time in two years, police confiscated computers and other equipment from *Vanguardia* magazine. *Vanguardia* had recently published articles on alleged corruption in the public sector.

Access to information is guaranteed in the constitution and by the 2004 Transparency and Access to Public Information Law, but a 2011 report found uneven compliance and confusion over the law on the part of government officials.

In January 2012, using his line-item veto power, Correa made modifications to a December 2011 electoral reform law that served to limit the media's ability to provide full coverage of election campaigns. Among other controversial changes, Correa included a provision that prohibited the media from directly or indirectly promoting any candidate or political position. In effect, the law restricted the publication or transmission of any type of information—including photographs, special interviews, and opinion pieces—about the electoral process that could be interpreted as favoring or discrediting a candidate. In response to lawsuits over the constitutionality of the ban, the Constitutional Court upheld it, but removed language referring to “any type of message or special interview,” on the grounds that this would interfere with the journalistic duty to inform and disseminate ideas. After a request for further clarification, on December 20 the court determined that “indirect promotion” of a candidate may take two forms: granting unequal space or air time to candidates, and not responding to a candidate's right of reply or requests for space or airtime in a timely fashion. The court tasked the electoral authority with writing rules for implementing these provisions, which would govern the electoral campaign due to start in January 2013. The rules were not publicly available at year's end.

In September 2012, an electoral court fined *Vistazo* magazine \$80,000 for violating an existing ban on political propaganda during the 48-hour blackout period leading up to an election. The magazine had published an editorial arguing in favor of a “No” vote in a May 7, 2011, referendum, which included two questions relating to increased government control over media regulation and content. In a statement after the ruling, *Vistazo* noted that its piece was an editorial, not propaganda, and that the progovernment paper *El Telégrafo* had published an editorial in favor of the referendum the day before the vote.

A controversial communications bill, under consideration for over three years, had still not been approved by the legislature at year's end. The bill would create a powerful Council for the Regulation and Development of Communication, a majority of whose members would be nominated by the government or its allies. According to a study by the human rights organization Article 19, the bill equally distributes broadcasting licenses between private, community, and public broadcasters, but there are no guarantees for the independence of public broadcasters from government influence. Among other provisions, the bill would grant considerable government access to public-service airtime, impose content regulations that could limit free speech, and restrict—with a few exceptions—the practice of journalism to those who possess certain professional qualifications.

Meanwhile, the National Communications Council (CONATEL) continued to operate as the broadcast licensing body. CONATEL is considered to be highly dependent on the government, with four of seven members answering directly to the president, and thus often subject to government influence. In May 2012, CONATEL canceled the licence of Telesangay TV, owned by a member of the opposition. In July, 30 police officers entered the offices of Radio Morena to close it down, using tear gas against employees who resisted the action. The owner of Morena, a member of the opposition in the National Assembly, filed a case on the closure with the IACHR.

The Correa government has extended its assault on the press beyond Ecuador's borders. In December 2011, a working group of the Organization of American States (OAS) studying the operations of the IACHR presented a report that included recommendations, advocated by Ecuador and Venezuela, that would drastically reduce the effectiveness of the commission's special rapporteur for freedom of expression. The special rapporteur issues alerts calling attention to infringements of press freedom throughout the Americas, including several in Ecuador during Correa's presidency. The recommendations called for limiting the special rapporteur's budget and reducing the size and scope of the office's reports, which traditionally examine countries in depth. Correa continued to push for these changes throughout 2012, and they were headed for a debate and vote in the OAS general assembly in early 2013.

Intimidation, harassment, and attacks on journalists and media outlets continue to rise. In 2012, local press freedom group Fundamedios cited 173 incidents of verbal, physical, or legal harassment of the media by authorities and ordinary citizens—the largest number since 2008. Correa reacted by saying the report was politicized and aimed at attacking the government during the election period. According to the Committee to Protect Journalists, one reporter was killed in connection with his work in 2012. Byron Baldeón, a 31-year-old freelance photographer, was shot and killed in front of his home in El Triunfo, Guayas Province. He had been set to serve as a witness in a case involving alleged police corruption. In an instance of intimidation, Orlando Pérez, director of the state-owned newspaper *El Telégrafo*, declared in March that he had received death threats after publishing an opinion piece that was critical of a member of the conservative opposition. In September, journalist Janet Hinojosa temporarily left her television program after allegedly receiving threats related to a corruption investigation she was conducting that involved a relative of Correa's.

The majority of media outlets, both print and broadcast, are privately owned. However, the government controls—directly or indirectly—19 outlets, including six television and cable stations, five radio stations, three newspapers, four magazines, and a news agency. Twelve of the outlets under government control had been private until 2008, when the state took ownership of them to settle their parent company's bankruptcy. By law, the government was required to promptly divest itself of the companies, but after more than four years, it has not done so. Those private media outlets not under government influence tend to have combative relationships with the administration. Privately owned stations are encouraged but not required to air Correa's weekly television and radio broadcast, in which he regularly denounces critical journalists and media outlets. Private television and radio stations are obliged by law to disseminate official statements and programs—called *cadena*—for up to one hour a day, often interrupting news programming. These statements are used extensively by the government to promote its own agenda and occasionally target specific journalists. For example, in September a cadena interrupted journalist María Josefa Coronel's program on Teleamazonas to clarify what the president had eaten for breakfast on a particular day. A few days later, another cadena

interrupted her program to criticize her and question her objectivity. In a three-hour-long radio cadena in December, Correa accused *El Universo* and *El Comercio*, among others, of attempting to manipulate the public to prevent his party from winning the 2013 elections.

According to an August 2012 Fundamedios report, most public advertising goes to media outlets controlled by the state. In June, Correa prohibited his ministers from giving interviews to privately owned media; in September, a judge upheld Correa’s order after its legality was challenged. In July, Correa directed his press secretary to withdraw public advertising from what he called “mercantilist” media outlets, including the newspapers *Hoy*, *El Comercio*, *El Universo*, and *La Hora*, and the television stations Teleamazonas and Ecuavisa.

An antimonopoly law passed in July 2011 threatens to further weaken private media organizations. It required individuals who owned a 6 percent or larger stake in a national media company or financial institution to divest assets they held in other companies by July 13, 2012. The ban on simultaneously owning stock in the communications sector and other sectors was first introduced in the May 2011 referendum. In October 2011, the Quito Chamber of Commerce challenged the constitutionality of the law, but the suit made little progress in 2012. As the July 2012 deadline approached, there was confusion as to which media outlets were affected, since a definition of private national media had not been provided. In November, the Office of the Superintendent of Companies issued a definition of national private print media, along with new deadline of early 2014 to transfer assets.

The internet was accessed by about 35 percent of the population in 2012, with most users living in urban areas. There are no reported restrictions on access.

## Egypt

**Status: Not Free**

**Legal Environment: 22**

**Political Environment: 24**

**Economic Environment: 16**

**Total Score: 62**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>59,PF</b>	<b>60,PF</b>	<b>60,PF</b>	<b>65,NF</b>	<b>57,PF</b>

**Status change explanation:** Egypt declined from Partly Free to Not Free due to officially tolerated campaigns to intimidate journalists, increased efforts to prosecute reporters and commentators for insulting the political leadership or defaming religion, and intensified polarization of the pro– and anti–Muslim Brotherhood press, which reduced the availability of balanced coverage.

Throughout 2012, the Egyptian press faced myriad challenges as the Egyptian courts, military, political establishment, and Islamist groups engaged in a power struggle over Egypt’s political future. Following the forced resignation of longtime president Hosni Mubarak in February 2011, the country was ruled by a military council, the Supreme Council of the Armed Forces (SCAF), whose 18-month tenure featured openings in the legal, political, and economic environment for the media. The People’s Assembly, Egypt’s lower house of parliament, was elected in January

2012, with Islamist parties winning nearly 70 percent of the seats, but it was then dissolved by the SCAF in June after various electoral laws were deemed unconstitutional. Mohamed Morsi of the Muslim Brotherhood's Freedom and Justice Party (FJP) won the presidency in a June 16–17 runoff election, taking 51.7 percent of the vote, and executive power was formally transferred from the military to the new civilian leadership. The change led to several negative developments for the media during the latter half of 2012, including increased polarization between pro- and antigovernment outlets, a heightened use of defamation laws against the press, and physical harassment of journalists by nonstate actors with the tacit support of the authorities.

A provisional constitution adopted by the SCAF in March 2011 remained in effect until December 2012, when a new constitution was ratified. Article 12 of the provisional charter guaranteed freedom of expression and opinion “within the law.” Article 13 provided for freedom of the press and outlawed censorship—including administrative actions such as stopping or preventing publication—with exceptions for threats to national security and during states of emergency and times of war. After winning the presidency, Morsi worked aggressively to push the new constitution through the approval process. The draft was met with protests and strikes by journalists and private media outlets, but it was adopted in a national referendum on December 15. The constitution addresses freedom of the press in contradictory terms. While enshrining press freedoms in its articles, it also leaves media professionals exposed to excessive punishments under the law, including prison sentences for “malpractice.” In addition, it upholds preexisting laws pertaining to the sanctity of the president. The constitution's ambiguity regarding the media leaves significant room for censorship and paves the way for self-censorship on social, cultural, and political issues. While Article 45 states that “freedom of thought and opinion shall be guaranteed,” several other articles appear to challenge this provision, including Article 44, which prohibits the “insulting of prophets.” Article 48 gives courts the authority to shut down a media outlet if a judicial review finds that an employee of the outlet has not observed the vague provisions of the article, such as “respecting the sanctity of the private lives of citizens and the requirements of national security.” Furthermore, Article 216 calls for the creation of the National Press and Media Association, a new agency to administer all state-owned media outlets. It is unclear how the association members would be selected or how guidelines would be enforced.

Neither of the constitutions in effect during 2012 replaced the Mubarak-era press laws or penal code, which include an array of articles that allow journalists to be prosecuted for their reporting. Egypt had been under a state of emergency since 1981, and one of the central demands of the 2011 revolution was the abolition of the Emergency Law, which allowed indefinite detention without charge or trial, among other abusive practices. The SCAF kept the law in place, even expanding it to include the offense of “spreading of false information harmful to national security,” before allowing it to expire in May 2012. Egypt also has laws against blasphemy, and a group of Islamist lawyers filed a complaint against media mogul Naguib Sawiris for posting a picture on his Twitter microblog in June 2011 that showed Disney cartoon characters dressed as fundamentalist Salafi Muslims. The case was dismissed by the courts in March 2012. The Morsi government placed a strong emphasis on public morality, leading to a dramatic increase in prosecutions for blasphemy, “insult to religion,” and offending public decency. The cases were disproportionately directed against non-Islamist citizens, journalists, and media personalities. Blogger Alber Saber was sentenced in December 2012 to three years in jail for insulting religion and the president after he allegedly posted a link to the trailer for a notorious anti-Islam film, *The Innocence of Muslims*.

Although the Morsi government issued a decree in August that banned the pretrial detention of journalists, it also repeatedly targeted its media critics for prosecution on defamation charges. Islam Afifi, the editor of *Al-Dustour*, was detained in August on charges of “publishing lies” about the president and endangering national stability and security after his newspaper ran stories that were critical of the FJP. Afifi’s trial was still pending at the end of the year. In October, television journalist Tawfik Okasha, an outspoken supporter of the military and the SCAF, was sentenced to four months in prison for defamation after he alleged that Morsi’s election was fraudulent. According to a report by the Arabic Network for Human Rights Information (ANHRI), at least 24 criminal cases were filed for insulting the president during the six months after Morsi’s election, significantly more than under the country’s previous presidents.

The independence of the judiciary was challenged in 2012 as the government and Islamist groups attempted to influence rulings on the constitution, election laws, and press freedom issues. This was more evident in court cases against journalists who were critical of the government than in connection with legal violations by progovernment media, which generally went uninvestigated and were rarely brought to trial. Multiple drafts of what would be Egypt’s first freedom of information law were written and debated throughout 2012, but no bill had been submitted for passage by year’s end.

Under Mubarak, the government controlled all media licensing, with the president leading the newspaper licensing body, the High Press Council. The Egyptian Radio and Television Union (ERTU), the government-operated public broadcaster, was under the control of the Information Ministry, and it granted radio and television licenses. In 2011, the SCAF licensed 16 new satellite television stations but later rescinded its decision and ordered that no new licenses be granted for satellite channels. It also threatened to “take legal measures against satellite television stations that jeopardize stability and security.” Decisions surrounding licensing and permission to publish and broadcast remained opaque under Morsi’s presidency. The government—through the Ministry of Information, ERTU, and the Shura Council, Egypt’s upper house of parliament—has been given authority to oversee licensing and determine what is appropriate for broadcast. Under the new constitution, the government and the judiciary have power to withdraw the licenses of stations that violate a wide range of social, cultural, religious, and political sanctities now protected by the charter. Under the provisional constitution, only legal entities, corporations, or political parties could own print media. These restrictions were lifted under the new constitution.

While in power, the SCAF warned editors and journalists against publishing anything critical of the armed forces without prior consultation and permission, appointed a new information minister despite hopes that the ministry would be abolished, and appointed a military censor to supervise the press, prompting several popular writers to suspend their columns as an act of protest. Nonetheless, professional and citizen journalists made significant attempts to counter censorship and shoddy reporting by conducting in-depth investigative reports about instances of violence, and by setting up public screenings of news videos they produced. Two campaigns that began in December 2011, *Mosireen* (The Insistent) and *Askar Kazeboon* (Military Liars), organized video screenings aimed at publicizing SCAF abuses against protesters and civilians and dispelling the propaganda broadcast via state media. In January 2012, reporters, anchors, and editors at state media were punished for attempts to provide coverage that was critical of the military’s rule. In one prominent incident, while reporting on the parliamentary elections, state television senior correspondent Ahmed Wageeh called for the attorney general to

investigate how public funds are used in the broadcasting industry. He was later prohibited from appearing on camera. In May, major protests against military rule led to attacks on and detentions of 18 journalists who were covering the demonstrations. Also that month, authorities raided and confiscated equipment at the offices of the Iranian government television network Al-Alam and issued an arrest warrant for the bureau chief on the grounds that the station was operating without the necessary license. Al-Alam had been critical of the SCAF government.

After Morsi came to power, state and private media were increasingly driven into adversarial Islamist and non-Islamist camps, to the detriment of journalistic integrity and objectivity. Morsi gave the Islamist-led Shura Council the authority to appoint new executives and chief editors for the state publications—including Egypt’s three largest newspapers, *Al-Ahram*, *Al-Akhbar*, and *Al-Gomhuria*—continuing a long tradition of politically appointing the administrative and editorial leadership of the government press. Rather than disbanding or restructuring the much-maligned Ministry of Information, Morsi and Prime Minister Hesham Qandil retained the body and appointed a minister from the Muslim Brotherhood who moved quickly to formalize the state media’s progovernment bias. According to ANHRI, it became difficult to get articles critical of the government published in the state newspapers. For instance, *Al-Akhbar* eliminated its regular “Free Opinion” section and ceased publishing the writings of novelist Ibrahim Abdul Meguid because of his criticism of the Brotherhood. *Al-Akhbar* also refused to publish an article by writer Yusef al-Qaeed that criticized Islamist intimidation of opposition-aligned media. An article by Ghada Nabeel that denounced these publication bans was itself refused publication by *Al-Gomhuria*.

More state media employees were subjected to professional investigation under Morsi during the latter half of 2012 than in the entire 18 months of SCAF rule. Typically these investigations targeted those who departed from the script on air, gave airtime to highly vocal critics of the government, or covered the protests against the Muslim Brotherhood in sympathetic terms. Some state media professionals were reprimanded on charges of “indecent” for purportedly breaking social taboos.

The Brotherhood’s party newspaper, *Freedom and Justice*, and its affiliated satellite television network, Misr25, both became platforms for the overt promotion of the Morsi government’s policies and rarely offered any criticism of its performance. During volatile periods in Morsi’s presidency—such as the aftermath of a November 22 decree in which he appeared to claim absolute power, or the rushing of the divisive constitutional draft to a referendum—the Brotherhood’s media arms served as trusted supporters of the president’s decisions. They also actively vilified the opposition as either disgruntled members of the old regime, thugs, or infidels. Also firmly in Morsi’s camp during the year were several private Islamist satellite channels, such as Al-Naas and Al-Hafeth. Conversely, a large number of other private satellite networks, such as ONTV, CBC, Al-Tahrir, Al-Nahar, Al-Balad, and Al-Kahera Wal-Naas, became critical of the Muslim Brotherhood’s conduct, Morsi’s presidency, and Islamist politics in general.

There was also a marked decline in the government’s commitment to providing access to officials and official sources under Morsi. The government selectively granted unfettered access to its media supporters while withholding information from critical outlets.

Egypt does not filter internet content. Many bloggers and online activists freely criticize the government and debate contentious issues, although online news outlets are cautious when posting content covering the government or religion, and editors of official news websites practice self-censorship along similar lines.

Despite the trend of media polarization and editorial controls within politicized outlets, there has been a general easing of official censorship since 2011 and a reduction in obstacles for foreign journalists seeking to enter and report from the country. However, foreign journalists still encountered harassment and arrests during 2012. In February, Australian journalist Austin Mackell was arrested and detained in the city of Mahalla al-Kubra. He was charged with incitement to vandalize public property and government buildings and faced a travel ban until the charges were dropped in August. Both foreign and domestic female reporters were subject to sexual assault while covering demonstrations or in the custody of security forces. For example, in June 2012, British journalist Natasha Smith was sexually assaulted by a mob while covering postelection celebrations in Cairo's Tahrir Square.

The incidence of physical attacks and intimidation against members of the local press remained high in 2012. In May, over a dozen journalists were attacked by uniformed and plainclothes security personnel while covering demonstrations in Alexandria. In the latter half of the year, attacks on the media and threats to journalists were increasingly led by civilian groups aligned with the Muslim Brotherhood. Widespread violence, intimidation, and threats were directed at journalists who expressed criticism of the government's policies and conduct. December protests in response to Morsi's controversial constitutional declaration became violent and caused hundreds of injuries. On December 6, Al-Hosseiny Abou Deif, a reporter for the private newspaper *Al-Fagr*, was shot in the head with a rubber bullet at close range while covering clashes between Morsi supporters and opponents. He died a week later. Other journalists who were injured as they reported on these confrontations included Mohamed Azouz of *Al-Gomhuria*, Osama al-Shazzly of the private daily *Al-Badil*, Ahmed Abd al-Salam of the private daily *Al-Alam al-Yawm*, Sahar Talaat of Radio France Internationale, Ahmed Khair Eldeen of ONTV, and freelance journalist Mohamed Saad. Two foreign journalists were also attacked in the demonstrations: reporter Mehmet Akif Ersoy and cameraman Adil Ahmet from Turkey's TRT television. Also in December, Islamist groups attempted to silence criticism of the government by besieging Media Production City, a facility that houses all of Egypt's private satellite television studios. The assailants attacked journalists and threatened the lives of television network employees. Neither the security forces nor the prosecutor general took any measures to combat this intimidation.

Egypt has more than 500 newspapers, magazines, journals, and other periodicals, and during Mubarak's rule the vast majority were in the hands of the state, which owned 99 percent of newspaper retail outlets. Since the 2011 uprising, there has been significant ferment in the media sector as new outlets proliferate. Under Mubarak, all terrestrial television broadcasters—two national and six regional—were owned and operated by the government through the ERTU. However, there were four privately owned, independent satellite channels and several pan-Arab stations that attracted wide viewership. At least 16 new channels have emerged in the post-Mubarak era. Media ownership patterns, spending, revenues, and advertising remain beyond transparent scrutiny across the industry. The government supports state media directly and through advertising subsidies, although it is unclear what types of advertising subsidies exist. Independent media that criticized the Morsi government or the Muslim Brotherhood came under financial pressure in late 2012, as the government influences advertisers. Such pressure has been exacerbated by the economic turmoil in the country. Both government and private newspapers have been forced to slash their budgets to account for financial shortfalls, though no notable newspaper or station went out of business in 2012.

Some 44 percent of Egyptians accessed the internet regularly during 2012, and nearly 70 percent had access to mobile telephones. Social media, particularly Facebook and Twitter, play a key role in spreading news and information.

## El Salvador

**Status: Partly Free**

**Legal Environment: 10**

**Political Environment: 17**

**Economic Environment: 14**

**Total Score: 41**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	42,PF	42,PF	43,PF	42,PF	40,PF

Freedom of the press is protected under El Salvador's constitution, and Salvadoran journalists are generally able to report freely. Critical reporting on the government and opposition parties is for the most part permitted, and slander, libel, and defamation were decriminalized in 2011. However, there were setbacks in the implementation of a new access to information law during 2012, and the year was also marked by occasional threats and armed attacks against media outlets.

The Access to Public Information Law, approved by the legislature in March 2011, went into effect in May 2012. But in February, President Mauricio Funes had vetoed all candidates for the Access to Public Information Institute (IAIP), stalling the creation of the body intended to oversee compliance with information requests. The Supreme Court ruled in December that Funes did not have the right to block IAIP candidates, and that the president could not restrict access to information that had not been declared classified (*reservada*) by the legislature, as he had attempted to do in a regulation issued in September 2011. Also in December, the digital newspaper *El Faro* reported that two of its information requests had been denied because the government claimed that the law did not apply to documents produced before May 2012. Legal experts argued that documents produced since May 2011 should in fact be available.

Although El Salvador is generally a safe place to practice journalism, there are still sporadic threats and acts of violence against media workers, especially in provincial areas. In January 2012, journalists with Radio Victoria, a community station in the northern department of Cabañas, received death threats after supporting environmental activists in their opposition to a Canadian company's gold-mining operations. In March, journalists at *El Faro* were threatened and harassed after reporting on a truce the government was secretly brokering between two major criminal gangs, Mara Salvatrucha 13 (MS-13) and Barrio 18. The gangs reportedly sent death threats to *El Faro* owner Carlos Dada. International press freedom groups called on the government to protect *El Faro* workers, which Funes pledged to do in April. In September, gunmen attacked the installations of Radio Sonora, assaulting two employees and stealing radio equipment. Various other impediments to journalistic activity were reported in 2012, including an incident in July in which Rafael Mendoza, an experienced congressional reporter for the newspaper *El Diario de Hoy*, was prohibited from entering the Legislative Assembly after allegedly insulting the chamber's president.

In a victory over impunity for past crimes against journalists, a judge in May sentenced Jonathan Martínez Castro to 30 years in prison for the murder of Channel 33 cameraman Alfredo Hurtado in April 2011. The defendant and another man indicted in the case, Marlon Abrego Rivas, who was still at large in 2012, are both members of MS-13. Hurtado had been covering police operations against local gangs when he was shot to death. Citing Hurtado’s murder and the intimidation aimed at *El Faro*, the Committee to Protect Journalists noted that the country’s widespread gang violence was posing a growing threat to Salvadoran journalists.

There are four daily newspapers, but most of the country depends on privately owned television and radio networks for news. Limited resources prevent many media outlets from producing to their full capacity, and reporters often exercise self-censorship to avoid offending media owners, editors, and government officials. Community radio has been stifled by the 1997 Telecommunications Law, which does not recognize community media outlets. The law has made it all but impossible for such stations to obtain operating licenses. In a positive step, in May 2012 the Association of Participatory Radio and Programming of El Salvador (ARPAS) signed a cooperation agreement with the Funes government that formally recognized the importance of community radio to Salvadoran society and arranged for state-owned outlets to carry community programming.

Nearly 26 percent of the population accessed the internet in 2012, and there were no reported government restrictions on the medium. Online newspapers such as *El Faro* and *ContraPunto* are known for their independent, investigative journalism.

## Equatorial Guinea

**Status: Not Free**

**Legal Environment: 27**

**Political Environment: 37**

**Economic Environment: 27**

**Total Score: 91**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>89,NF</b>	<b>90,NF</b>	<b>90,NF</b>	<b>90,NF</b>	<b>91,NF</b>

The regime of longtime president Teodoro Obiang Nguema Mbasogo continued to clamp down on the media during 2012. Freedoms of expression and the press are legally guaranteed and assured in public declarations by Obiang, but these rights are ignored in practice. As in past years, the government relied on its extensive powers under the Law on the Press, Publishing, and Audiovisual Media to severely restrict journalistic activity. By law, the government has prepublication access to press materials, which encourages self-censorship. There are no laws guaranteeing freedom of information. Local journalists and private publications are required to register with the government through a prohibitively complex and bureaucratic process.

Almost all local coverage is orchestrated or tightly controlled by the government, and state-controlled media do not cover international news unless the president or another senior official travels abroad. Journalists in recent years have been permitted to voice mild or vague criticism of government institutions, but criticism of the president, his family, other high-ranking officials, or the security forces is not tolerated. The media have been unable to report on the

multiple international criminal investigations into alleged money laundering by the president's son. Several acts of international news censorship emerged in 2012. Just as in 2011, when news of the Arab Spring uprisings was blacked out, the state radio and television broadcaster RTVGE was instructed not to report on the political unrest in Mali or on the ongoing civil conflict in Syria. Few international journalists are granted access to the country, and those who are face routine censorship, particularly on coverage of poverty and the oil sector.

Journalists who cross the line into impermissible reporting typically suffer reprisals. In May 2012, the director general of RTVGE barred independent journalist Samuel Obiang Mbanja from participating in a televised debate on press freedom because he was deemed "problematic." In October, state officials canceled the RTVGE radio program *Cultura en Casa* after a guest criticized a Supreme Court judge for his involvement in the demolition of homes in the city of Bata.

The most influential medium in the country is radio, and all domestic radio and television stations are operated by the government or members of the president's family. The top two radio stations are the state-run Radio Nacional de Guinea Ecuatorial and the private Radio Asonga, owned by the president's son. Applications to open private radio stations have been pending for several years but remain unapproved. Uncensored satellite broadcasts are increasingly available to those who can afford the service. The government operates at least two newspapers, while a handful are published by nominally independent figures or members of the small political opposition. *El Lector*, which claims to be an independent newspaper, was launched at the National University of Equatorial Guinea in 2012. However, the paper's articles tend to praise the Obiang government. The country has little of the infrastructure necessary for independent media to operate, such as printing presses and newspaper retailers, and the lack of a well-developed local private sector hinders the ability of media outlets to raise revenues through advertisements. There are no national journalist unions or press freedom organizations registered in the country, and the only publishing facility for print media is located at the Ministry of Information. Print media are generally unavailable in rural areas.

An estimated 14 percent of the population accessed the internet in 2012. The government does not overtly restrict internet access, due in part to a lack of basic internet and mobile-telephone infrastructure. However, in 2011 a large drop in online visits by Equatoguineans to Afrol News, an African online news service that is often critical of the Obiang regime, has fueled speculation that the government was attempting to block this site. There were no credible reports that the authorities monitored e-mail or internet chat rooms in 2012. According to the U.S. State Department, the internet has replaced broadcast media as the primary medium for opposition views.

## Eritrea

**Status: Not Free**

**Legal Environment: 30**

**Political Environment: 40**

**Economic Environment: 24**

**Total Score: 94**

Survey Edition	2008	2009	2010	2011	2012
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<b>Total Score, Status</b>	<b>94,NF</b>	<b>94,NF</b>	<b>94,NF</b>	<b>94,NF</b>	<b>94,NF</b>
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Eritrea continued to rank among the worst media environments in the world in 2012. It has lacked any form of privately owned media since 2001, when the government banned the once-vibrant private press. Key editors and journalists were imprisoned, and the crackdown later extended to state-employed journalists.

The constitution guarantees freedoms of speech and of the press, but these rights are ignored in practice. The 1996 Press Proclamation Law mandates that all newspapers and journalists be licensed. It also stipulates that publications must be submitted for government approval prior to release, and prohibits reprinting articles from banned publications.

According to the Committee to Protect Journalists, 28 journalists were imprisoned in Eritrea as of December 2012, the fourth largest number in the world after Iran, Turkey, and China. Nine have been in prison since 2001, and almost all are being held incommunicado. There is little information on the condition of those imprisoned, though unconfirmed reports indicate that several jailed journalists are in very poor health or have died in detention. In February and March 2011, four journalists working for the government radio and television station, Dimtsi Hafash, were arrested and imprisoned; the government has yet to disclose the charges against them. Journalist Tesfalidet Mebrahtu, also with Dimtsi Hafash, was arrested at the same time for allegedly planning to flee the country, but was released in 2012.

Most independent or critical journalists have left the country due to intimidation and arbitrary imprisonment, and those who remain engage in self-censorship. The minister of information, Ali Abdu, reportedly fled into exile in late 2012 while on a trip in Europe. Individuals who seek refuge abroad have come under continued pressure. In December 2012, Eritrean journalists Abdalal Mahmoud Hiabu and Haroun Adam of the Sudan-based Eritrean Centre for Media Services were detained without charge by Sudanese authorities. They remained in custody at year's end.

Foreign journalists are not able to freely enter the country and are generally not welcome unless they agree to report favorably about the regime. There have been occasional reports from journalists operating undercover, and President Isaias Afwerki has granted interviews to foreign broadcasters such as Sweden's TV4 and the Qatar-based Al-Jazeera. However, it remained almost impossible for foreign journalists to report from within the country in 2012.

The three newspapers, two television stations, and three radio stations that operate in the country remain under state control. Individuals are allowed to purchase satellite dishes and subscribe to international media, though the importation of foreign publications without prior approval is not permitted. Several radio stations run by Eritreans abroad are attempting to reach listeners in Eritrea, including opposition-aligned stations broadcasting from Ethiopia and Radio Erena, which broadcasts via satellite and over the radio from Paris. In mid-2012 there were reports that Radio Erena's signal was being jammed, and as of the end of the year the station was still not accessible on satellite, although it was streaming on the internet.

The government requires all internet service providers to use state-controlled internet infrastructure. Many websites managed by Eritrean exiles are blocked, as is the video-sharing website YouTube. Authorities are believed to monitor e-mail communications, although internet use is limited, with just 0.8 percent of the population able to access the medium in 2012.

## **Estonia**

**Status: Free**  
**Legal Environment: 5**  
**Political Environment: 4**  
**Economic Environment: 7**  
**Total Score: 16**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>16,F</b>	<b>15,F</b>	<b>17,F</b>	<b>18,F</b>	<b>18,F</b>

The constitution provides for freedoms of speech and the press, and the government respects these rights in practice. Libel is not a criminal offense, but journalists can be sued for civil defamation, and several such cases were filed in 2012. Legal amendments enacted in 2010 contained provisions that many observers regarded as threats to freedom of speech, including a measure that would allow courts to jail journalists for refusing to disclose their sources in cases involving major crimes. While the amendments have drawn criticism from rights groups, no one has been prosecuted under them to date. In June 2009, the Supreme Court ruled that web portals and online news outlets could be held responsible for reader comments posted on their sites. The case was pending before the European Court of Human Rights at year’s end.

The Public Information Act, the primary law governing freedom of information, obliges the authorities to assist citizens in accessing public documents. Estonia is among 14 countries that signed the Council of Europe’s Convention on Access to Official Documents, which establishes the right of anyone to request information held by public authorities at no charge.

There are two press councils in the country, and public-service broadcasting is supervised by the Estonian Broadcasting Council (RHN). The RHN has nine members—five politicians and four professionals—who are elected by Parliament. In May 2012, after the terms of the four independent experts expired, the ruling coalition replaced them with its own appointees without a public debate. The country’s numerous media outlets express a wide variety of views, generally without government interference. In December 2012, however, Prime Minister Andrus Ansip questioned the integrity of some journalists as he responded to media criticism of his environment minister. Several politicians in 2012 also criticized the public broadcaster, Eesti Rahvusringhääling (Estonian Public Broadcasting, or ERR), calling for the regulation of journalistic activities.

Political tensions between Estonia and Russia sometimes affect media freedom. In May 2012, the Russian Foreign Ministry expressed concern over Estonia’s move to annul the visa of a Russian journalist, Igor Korotchenko, who had been scheduled to participate in a conference in Estonia covering the politically sensitive subject of World War II. Estonian authorities claimed that Korotchenko had been turned away because he had “filed inaccurate information on his visa application about the purpose of his stay.”

ERR operates two television stations (ETV and ETV2) and five radio stations. There are two primary national commercial television stations—Kanal 2 and TV3—and a large number of private radio stations and cable and satellite services. In November 2012, Parliament amended a law that obliges cable operators to retransmit all free-to-air television channels, clarifying that the broadcasters can charge “reasonable” fees to cable services for their content. Many commercial broadcasters have been struggling financially even as cable operators continue to earn profits. Media ownership has become increasingly concentrated over the years, with

Scandinavian business interests taking a sizable share, particularly in the television sector. The Estonian-language print media landscape includes four national dailies as well as regional, municipal, and weekly papers. For the country’s sizable Russian-speaking population, there are television and radio programs in Russian (including on ERR), Russian-language newspapers, and access to broadcast and print media from Russia. As a result of the country’s 2009 economic crisis, a number of print outlets ceased publishing, or cut staff and salaries and reduced their output. The recession also led to significant declines in the advertising market. However, the country recovered quickly, and the decline in advertising revenues has since slowed or reversed, particularly in the internet sector.

Estonia remains among the leading countries in the world regarding internet penetration, with approximately 79 percent of the population active online in 2012. Several newspapers have gone online in the past few years, and online-only news portals have an extensive readership.

## Ethiopia

**Status: Not Free**

**Legal Environment: 28**

**Political Environment: 35**

**Economic Environment: 19**

**Total Score: 82**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>76,NF</b>	<b>76,NF</b>	<b>78,NF</b>	<b>78,NF</b>	<b>81,NF</b>

Despite the death in August of longtime prime minister Meles Zenawi, the political and media environment in Ethiopia remained highly repressive in 2012. The new prime minister, Hailemariam Desalegn, appeared set to continue many of his predecessor’s policies. The government continued making extensive use of a 2009 antiterrorism law to stifle dissent during the year. It also stepped up control of the internet, passing a new telecommunications law, launching initiatives to hamper online debate, and blocking access to critical websites. According to the Committee to Protect Journalists (CPJ), Ethiopia was the second-leading jailer of journalists in Africa in 2012, after Eritrea.

While the constitution guarantees freedom of the press, the 2005 criminal code contains many provisions that limit this right, including restrictions on “obscene” communication, criminal defamation, and criticism of public officials. In August 2012, the government filed criminal charges of defamation and “inciting the public through false rumors” against Temesgen Desalegn, editor in chief of the independent weekly *Feteh*, who had written articles that criticized Meles’s rule. Although the charges were later dropped, *Feteh* was unable to continue publishing due to government pressure.

Private media and press freedom groups criticized the 2008 Freedom of the Mass Media and Access to Information Proclamation for imposing restrictions on the practice of journalism and harsh sanctions for violations. In 2012, the parliament expanded on the theme of the 2009 antiterrorism law by passing the Telecom Fraud Offences Proclamation, which prescribes significant fines and up to eight years in prison for those convicted of using the telecommunications network to disseminate a “terrorizing message.” The law also appears to

criminalize the use of popular voice-over-IP (VoIP) communications software such as Skype, among other provisions.

The 2009 antiterrorism law, supposedly designed to confront the challenges posed by armed insurgencies, has been used extensively against politicians and journalists. They have been accused of varied collaborations with groups labeled as terrorist organizations by the parliament. Most journalists affected by the law were arrested simply for publishing information about these groups or for conducting interviews with their leaders. In January 2012, a court sentenced two journalists—editor Woubshet Taye of the now-defunct weekly *Awramba Times* and columnist Reeyot Alemu of *Feteh*—to 14 years in prison, ostensibly for plotting terrorist attacks. The charges were widely regarded as a response to their critical coverage of the government. Reeyot’s sentence was reduced to five years on appeal in August. Both had been in detention since June 2011. In July 2012, independent journalist and blogger Eskinder Nega was sentenced to 18 years in prison on terrorism charges, having been arrested in September 2011 for criticizing the similar arrests of other journalists. Five journalists living in exile received harsh prison sentences in absentia in the same court ruling. In September, the government pardoned two Swedish journalists, Johan Persson and Martin Schibbye, who had been arrested by Ethiopian forces after entering the restive Ogaden region in 2011 and charged under the antiterrorism law.

The selective approach taken by the government in implementing laws and the lack of an independent judiciary continues to be of grave concern. Journalists have few guarantees that they will receive a fair trial, and charges are often filed arbitrarily in response to personal disputes. Court cases can continue for years, and many journalists have multiple charges pending against them.

Ethiopia has one of the continent’s most progressive freedom of information laws, although access to public information is largely restricted in practice, and the government has traditionally allowed only state-owned media outlets to cover official events. The 2009 Proclamation for the Registration and Regulation of Charities and Societies has crippled the ability of nongovernmental organizations to monitor and advocate media freedom and other human rights issues, in part by restricting foreign funding and imposing rigid and intrusive spending rules.

Censorship and self-censorship are routinely practiced. Many private newspapers report that officials attempt to control content through article placement requests and telephone calls to editors about stories that are critical of the government. In April 2012, the state-run Berhanena Selam Printing Press, which has a near monopoly, introduced a revised “standard contract” that allows it to refuse distribution of content deemed to be contrary to state interests. Publishers must submit to the contract or risk losing their printing privileges. The printer voided agreements with *Feteh* and the opposition daily *Finote Netsanet*, effectively putting them out of business. By giving the state enterprise the power to vet and review articles before printing them, the new contract essentially reestablished official republication censorship in Ethiopia.

The government restricts access to numerous websites, including news sites, opposition websites, and the sites of groups designated as terrorist organizations. Controversial political blogs, many of which are based abroad, are blocked, preventing important voices from contributing to the local political debate. In 2012, Tor, a software package that allows users to circumvent internet filtering and browse the web anonymously, was blocked when the Ethiopian Telecommunications Corporation started to use deep packet inspection (DPI). According to tests carried out by the OpenNet Initiative in 2012, dozens of web addresses were reportedly blocked,

including online news portals such as Nazret.com and groups such as the Oromo Liberation Front, which has been designated a terrorist organization by the government. Two international news sites, Al-Jazeera and Al-Arabiya, were also reported to be inaccessible.

There were no reports of physical attacks on journalists during the year, though harassment, intimidation, and arbitrary arrest were common. Ethiopian authorities detained two Voice of America (VOA) journalists, Peter Heinlein and Marthe Van Der Wolf, in May and October, respectively, for their coverage of protests by members of the Muslim community. Such protests were common in 2012, and the government acted to restrict coverage of them, orchestrating raids on media outlets and the homes of journalists. The editor of the Muslim-oriented paper *Ye Muslimoch Guday*, Yusuf Getachew, was arrested in July and charged with terrorism in October, while at least two of his colleagues went into hiding and the paper was forced to stop publishing. Such crackdowns have contributed to a trend of journalists fleeing into exile for fear of arrest in recent years. The increasing number of departures has significantly weakened the media sector and hampered its ability to challenge government restrictions.

The number of print outlets covering politics decreased significantly after 2005, while weekly papers and magazines on business and lifestyle topics—catering to the growing urban middle class—are proliferating. The state operates the only national television station and owns almost all radio outlets, the primary sources of information for Ethiopians. State-controlled media are biased toward the government and the ruling party. Broadcasting law prohibits any political, religious, or foreign entities from owning stations. In 2007, a new broadcasting authority was created, and the first licenses were awarded to private FM stations in the capital owned by individuals seen as friendly to the ruling party. The signals of international broadcasters Deutsche Welle and VOA have occasionally been jammed, reportedly with technical support from the Chinese government. The authorities continued this practice in 2012, claiming that the jammed broadcasts were destabilizing the country. Fear of prosecution and heavy taxes on the publishing process have effectively concentrated the printing industry in the hands of the largest state printer, Berhanena Selam.

Due to an extremely poor telecommunications infrastructure, only about 1.5 percent of Ethiopians had access to the internet in 2012. The government has resisted liberalizing telecommunications, maintaining a monopoly and keeping prices artificially high. In recent years, important changes were introduced regarding mobile and internet services, including an increase in capacity for mobile services and the introduction of mobile internet—albeit at expensive rates—in major cities. The government has invested massive resources in new communication technologies that permit it to maintain close contact with the periphery of the country. It has set up a satellite-based videoconferencing system known as WoredaNet to allow the prime minister, cabinet members, and high-level civil servants to regularly communicate with local officials.

## **Fiji**

**Status: Partly Free**

**Legal Environment: 18**

**Political Environment: 26**

**Economic Environment: 12**

**Total Score: 56**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	37,PF	40,PF	54,PF	57,PF	58,PF

The constitution, suspended since April 2009, guarantees press freedom and freedom of expression, but the military government led by Prime Minister Josaia Voreqe Bainimarama does not respect these rights in practice. In late December 2012, the head of the constitutional commission, Kenyan constitutional lawyer Yash Ghai, presented a draft constitution to the president. However, the following day police seized and destroyed all additional copies. The fate of the draft was still uncertain at year's end.

Media outlets and journalists faced instances of legal and official harassment in 2012. In October, the Fiji High Court ruled that the leading daily newspaper, the *Fiji Times*, was in contempt of court over an article republished from a New Zealand newspaper in November 2011 that questioned judicial independence in Fiji. Chief editor Fred Wesley and former publisher Brian O'Flaherty were found guilty and faced possible imprisonment. The prosecutor accused the newspaper of being "reckless" and demanded a six-month jail sentence for the editor, three months for the publisher, and a FJ\$500,000 (US\$280,000) good-behavior bond for the daily. The ruling was widely criticized as harsh and politically driven. At year's end the sentences had not yet been issued. In a similar contempt case in 2009, the *Fiji Times* had been fined FJ\$100,000 (US\$56,000).

Fiji does not have a freedom of information law, and access to government information can be difficult. In January 2012, the government ended official censorship and opened wider public debate by lifting the Public Emergency Regulations (PER), which had been imposed in 2009 and allowed authorities to decide what constituted balanced and quality journalism and to directly censor news content. Nevertheless, a continuing pattern of self-censorship was apparent due to the chilling effect of the harsh 2010 Media Industry Development Decree (MIDD). The tough penalties under the decree have deterred most media from criticizing the regime. The decree established the Fiji Media Industry Development Authority, which has the power to enforce the MIDD and investigate possible violations, sidelining the self-regulatory Fiji Media Council. The MIDD also established a separate media tribunal to hear cases referred by the authority, and to impose penalties on journalists whose work is deemed to be against the "public interest or public order." Violations of these vaguely worded provisions are punishable by a fine of up to FJ\$1,000 (US\$560) or imprisonment of up to two years for journalists; the penalty for any media company that breaches the decree may be as high as FJ\$100,000 (US\$56,000). In addition, the MIDD overrides traditional checks and balances by forbidding the judiciary from challenging the decree itself or the institutions it established.

The Telecommunications Regulatory Unit within the Department of Communications is responsible for granting broadcast licenses and regulating Fiji's telecommunications sector. In June 2012, the government passed the Television Amendment Decree, which requires all television broadcast licenses to comply with the code of ethics established under the MIDD. The same month, the government threatened to discontinue Fiji TV's license if it broadcast antigovernment programming, after the station aired interviews with former prime ministers Laisenia Qarase and Mahendra Chaudhry.

Despite the end of official media censorship that accompanied the lifting of the PER, the government continued to monitor internet traffic, especially to control criticism on antiregime blogs such as *Coupfourpointfive*, *Fijileaks*, and *Fiji Today*. There was also evidence that the

government monitored private e-mail. Cases of physical attacks or harassment aimed at journalists or media outlets are rare, in part because of the substantial roles already played by legal restrictions and self-censorship in limiting controversial coverage.

Fiji’s media landscape consists of both public and private outlets. The private radio network Communications Fiji Limited operates several multilingual stations and competes with the public broadcaster, Fiji Broadcasting Corporation, which launched a television channel in 2012. An independent station, Mai Television, also competes with the long-established private outlet Fiji TV. The internet was accessed by about 34 percent of the population in 2012.

Under the MIDD, foreign owners can hold no more than a 10 percent stake in media outlets. This clause was reportedly designed to make critical sections of the news media more pliant. It led to the sale of the *Fiji Times*, the country’s oldest and most influential newspaper, founded in 1869 and previously wholly owned by the Australian branch of Rupert Murdoch’s U.S.-based News Corporation. Since the 2006 coup, the newspaper had been the most critical media opponent of the regime and the strongest voice for a return to democracy. In 2010, Murdoch was forced to sell the *Fiji Times* to a local trading company, the Motibhai Group. Meanwhile, the rival daily *Fiji Sun*, which supports the regime, has benefitted from a virtual monopoly on state advertising. Despite overall economic improvement, media outlets continue to rely in large part on government advertising revenue.

## Finland

**Status: Free**

**Legal Environment: 4**

**Political Environment: 3**

**Economic Environment: 4**

**Total Score: 11**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>9,F</b>	<b>10,F</b>	<b>10,F</b>	<b>10,F</b>	<b>10,F</b>

Finland continued to rank among the most free media environments in the world in 2012. Freedom of expression and access to information are guaranteed under Article 12 of the constitution. Although journalists and media outlets are generally allowed to operate freely, defamation is considered a crime, and the government actively pursues cases involving defamation of religion or ethnicity. Finnish law gives every citizen the right of reply and the right to have false information corrected in both internet-based and traditional publications.

In June 2012, the Supreme Court ruled that Jussi Kristian Halla-aho, a member of parliament with the True Finns party, was guilty of “inciting hatred against an ethnic group” for a 2008 blog post that compared Islam to pedophilia and implied that Somalian immigrants are prone to theft and dependence on welfare. Halla-aho had deliberately written the post to provoke the state prosecutor after a court sentenced nationalist activist Seppo Lehto to two years in prison for racism and blasphemy.

The self-regulatory Council for Mass Media (CMM) is responsible for upholding ethical standards across print, broadcast, and online media. The CMM is primarily made up of media representatives, but it also includes members of academia and the public. The council accepts

and adjudicates complaints from the public, and the maximum sanction is a reprimand that must be published or broadcast immediately. Participation in the CMM is voluntary, but all major media outlets have signed on. State assistance accounts for up to 30 percent of the CMM's total funding; annual fees make up the remainder.

Physical harassment of or threats against journalists are extremely rare.

While print circulation numbers are down due to the transition to digital media, Finland still boasts a large newspaper readership, and subscriptions remain the norm. Media ownership is concentrated, with Alma Media and Sanoma controlling most newspaper distribution. Public broadcaster Yleisradio OY (YLE) and commercial channel MTV3 dominate television broadcasting. The radio sector includes four public-service channels and the commercial channel Radio Nova, as well as a large number of regional and local stations. Public radio offers broadcasts in the minority languages Swedish and Sami (Lapp).

The internet is open and unrestricted, and around 91 percent of citizens had regular access in 2012. Critics have raised concerns regarding the precision of Finland's system for filtering child pornography, which has been found to block many legal sites. In 2010 it became a legal right for every Finn to have a 1 Mbps broadband internet connection.

## France

**Status: Free**

**Legal Environment: 5**

**Political Environment: 10**

**Economic Environment: 7**

**Total Score: 22**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>22,F</b>	<b>22,F</b>	<b>23,F</b>	<b>23,F</b>	<b>24,F</b>

The constitution and governing institutions in France support an open press environment, although certain laws limit aspects of press freedom in practice. Freedom of information legislation is in place, but there are exceptions to protect the reputation or rights of a third party, and requests for information are often denied.

A law that took effect in January 2010 strengthened protection of sources in France, holding that journalists can only be compelled to reveal sources when the information is required for the investigation of a serious crime. In March 2012, the Paris Court of Appeals, citing a procedural technicality, rejected a case in which former prosecutor Philippe Courroye was accused of illegally obtaining the telephone documents of journalists at *Le Monde* in 2010. The prosecutor was investigating the so-called Bettencourt affair, in which then president Nicolas Sarkozy and labor minister Éric Woerth were accused of receiving illegal funding from L'Oréal cosmetics heiress Liliane Bettencourt. In February, the same court had rejected a suit against the journalist Romain Bolzinger, in which the Paris police accountability organization tried to force him to reveal the identity of officers who had sold confidential information to journalists. Bolzinger aired a story on Canal+ television in 2010 that showed journalists obtaining information by bribing policemen. In March 2012, he filed a complaint on the grounds that his phone records had been obtained illegally in an attempt to discover the identity of the corrupt

officers. In another case, the European Court of Human Rights in June ruled in favor of five journalists from *L'Equipe* and *Le Point* who asserted that the French authorities had illegally searched their offices in 2005 for information about their sources for a 2004 sports doping article.

While the government generally does not restrict the use of internet, laws against copyright infringement, terrorism, and other abuses give the authorities some power to limit online activity. In September 2010, the High Authority for the Dissemination of Creative Works and Protection of Rights on the Internet (HADOPI) began operation. Under the 2009 law that created it, three warnings are issued to users who illegally download copyrighted material before their access is suspended for up to one year; they can also face fines or jail time for violations. However, in December 2012, high-level officials announced plans to defund HADOPI because the multimillion-dollar project had only resulted in one €150 (\$200) fine and two cases that were dismissed.

A 2006 antiterrorism law allows security agencies to monitor the internet for suspected terrorist activity. During a speech in March 2012, in the wake of terrorist violence in Toulouse, Sarkozy announced a proposal under which any person frequenting websites that advocate terrorism would face criminal charges. The 2011 Law on Guidelines and Programming for the Performance of Internal Security (LOPSSI 2) allows sites suspected of containing child pornography to be blocked without a court order. It also allows police to install or remove spyware under judicial control.

There are strict defamation laws with fines for those found guilty; the law also punishes efforts to justify war crimes and crimes against humanity, as well as incitement to discrimination and violence. In 2011, the Constitutional Council amended Article 35 of the 1881 press law, removing a rule that parties accused of defamation could only use truth as a defense if the allegedly defamatory statement was made within the last 10 years. Holocaust denial is a crime under the 1990 Gayssot Act, which makes it illegal to question crimes against humanity as defined by the Charter of the Nuremberg Tribunal. In February 2012, the Constitutional Council struck down a recently approved law that banned denial of the Armenian genocide and prescribed up to a year in prison and fines of up to €45,000 (\$58,000) for violations. Also in February, the parliament declared that the defamation of Harkis—Muslim Algerian loyalists who served as auxiliaries to the French army during the Algerian war of independence—is punishable by fines.

Defamation laws are often used to pressure journalists. In January 2012, a court in Lille required documentary filmmaker Sophie Robert to remove three interviews from her film on autism because the interviewees claimed that she had misrepresented their views. Robert was also ordered to pay between €5,000 (\$6,400) and €7,000 (\$9,000) to each of the three plaintiffs. In March, a Paris court cleared Michel Gaillard, director of the satirical *Le Canard Enchaîné*, of libel after the publication alleged that France's second-largest builder, Bouygues, was under investigation for corruption. In April, blogger and Puteaux municipal councilor Christophe Grébert was found guilty by a court in Nanterre for writing that the head of the mayor's office was improperly living in student housing, though he was ordered to pay only nominal damages. Separately, defamation suits related to the Bettencourt affair continued throughout the year. In March, director Franz-Olivier Giesbert and editor Hervé Gattegno of the weekly *Le Point* were indicted for publishing recordings taken at the home of Liliane Bettencourt by her butler. Three other journalists, Fabrice Lhomme of *Le Monde* and Edwy Plenel and Fabrice Arfi of *Mediapart*, were indicted in April for the same reason. In October, Courroye, the former prosecutor in the

case, filed charges against *Le Monde* for printing a transcript of his testimony as a witness. Meanwhile, in December, President François Hollande came under fire for allegedly attempting to sway the outcome of a defamation case that his partner, Valérie Trierweiler, had brought against two biographers.

Access to sources and editorial independence suffered some setbacks surrounding the 2012 presidential and legislative elections. In February, two reporters from *Mediapart* were denied access to the right-wing National Front party's presidential convention. The party said the online journal had not given enough visibility to its candidate, Marine Le Pen. In addition, France's immigrant detention centers—a recurrent subject of debate during the campaign—often denied access to journalists trying to cover the issue. In May, television journalist Joseph Tual was suspended without pay and brought before a disciplinary board at France 3 for writing on his microblog that the channel's directors should step down in light of Hollande's victory.

Media outlets and journalists are occasionally subject to raids and attacks. In February 2012, the office of a Turkish weekly, *Zaman France*, was attacked by 15 people wearing hoods who threatened journalists, destroyed equipment, and damaged the premises. The attack was claimed by the Euphrates Revolutionary Revenge Brigade, which said it was allied with the Turkey-based Kurdistan Workers' Party (PKK) guerrilla group. Earlier, in January, the Paris-based satellite operator Eutelsat had urged its distributors to stop carrying broadcasts from Roj TV after a Danish court found the station guilty of supporting the PKK, a designated terrorist organization. In July, French authorities raided the headquarters of the television station TF1 after it broadcast recordings of Toulouse gunman Mohammed Merah's conversation with the police before he was shot. In September, police raided the offices of the magazine *Closer* in an attempt to discover the identity of a photographer who had taken surreptitious photos of the Duchess of Cambridge sunbathing in Provence.

The independent media are robust and express a wide range of opinions largely without restriction, and most of France's more than 100 newspapers are privately owned. There are over 1,200 radio stations, and since the state monopoly on radio ended in 1982, private stations have flourished, although public broadcaster Radio France continues to be popular. In 2012, approximately 83 percent of the population accessed the internet.

Many private media outlets—print as well as broadcast—are owned by companies with close ties to prominent politicians and defense contractors. In 2009, advertisements were eliminated on the five public channels during prime time, and the channels were expected to become completely ad-free by 2013. The lost income was to be made up through higher taxes and licensing fees. However, since these revenue increases have not raised as much as expected, there were talks in 2012 on repealing the ban. In November, French tax authorities reportedly started an investigation against Google France that could ultimately force the company to pay €1 billion (\$1.3 billion) for tax noncompliance. Earlier, Google had threatened to stop linking to French news sites amid an ongoing dispute with French media on whether the search giant should pay news outlets for content.

## **Gabon**

**Status: Not Free**

**Legal Environment: 24**

**Political Environment: 25**

**Economic Environment: 22****Total Score: 71**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	69,NF	69,NF	71,NF	69,NF	70,NF

The constitution guarantees freedom of expression and of the press, but authorities continued to employ legal harassment, threats, and financial pressure to curb critical reporting in 2012.

Libel can be treated as either a civil or a criminal offense, and the government is permitted to criminalize civil suits and initiate criminal cases in response to the alleged libel of public officials. Publications can also be suspended for libel and other offenses. The justice system was used to curtail press freedom on numerous occasions during 2012. In March, six journalists were summoned for questioning on their connections to a story that accused President Ali Bongo Ondimba's chief of staff, Maixent Accrombessi, of smuggling drugs, money, and women on the presidential plane during an unofficial trip to Benin, which was widely reported in the Beninese press. Two of the journalists fled the country for fear of being jailed, though none of the six were formally charged. In October, the General Directorate for Investigation interrogated Olivier Ndembi, a reporter for the progovernment daily *L'Union*, for failing to disclose the names of several Gabonese politicians who were alleged to be involved in ritual killings, a taboo subject in the country.

There is no freedom of information law, and access to official information remains difficult in practice.

In 2012, the government continued to use its main media regulatory body, the National Communications Council (CNC), to restrict critical journalism. Since all nine members of the CNC are appointed by Bongo and the presidents of the two chambers of parliament (both from Bongo's Gabonese Democratic Party), the body has been accused of being subject to considerable political interference. In May, Guy Bertrand Mapangou, Bongo's former presidential spokesman, was named to chair the CNC, with local observers anticipating that he would impose increased sanctions on journalists. In January, the CNC had suspended TV+ for three months and the private weekly *Échos du Nord* for two months for disseminating a New Year's address by TV+ owner and opposition leader André Mba Obame. The move followed a three-month suspension of TV+ in 2011 for broadcasting Obame's mock presidential inauguration, meant to question the legitimacy of Bongo's 2009 election. In August, the CNC suspended two newspapers, *Ezombolo* and *La Une*, for six months for allegedly disrespecting public institutions. Two progovernment newspapers, *Le Scribouillard* and *Le Gri Gri de la Griffé*, were suspended for two months in September for publishing an unflattering cartoon of a prominent politician.

Most media outlets occasionally voiced criticism of the government and ruling party, but self-censorship persisted, especially when it came to the president. There were no reports of physical attacks on journalists during 2012, though intimidation of opposition affiliates did occur. In August, more than a dozen gunmen raided TV+ and burned its transmitters, marking the second attack on the building since 2009.

The two government-affiliated newspapers, *L'Union* and *Gabon Matin*, are the only dailies in the country. Twenty-three private weeklies and monthlies print sporadically due to financial constraints and government-ordered suspensions. Foreign publications are readily available. Gabon has seven private radio stations and four private television stations. The

government owns two radio stations and two television stations that broadcast nationwide. Satellite television is also available to those who can afford it, and foreign radio broadcasts are widely accessible. Government officials and other powerful figures use financial pressure to control the press, and ownership of media outlets is opaque.

Nearly 9 percent of the population accessed the internet in 2012. There were no reports of internet censorship, but until 2011, access to the sole fiber-optic submarine cable was monopolized by Gabon Telecom, and broadband internet penetration was limited by high costs and lack of availability outside the capital. The arrival of a second cable in 2011, part of the Africa Coast to Europe (ACE) project, improved the prospects for lower prices, wider connectivity, and increasing internet use.

## The Gambia

**Status: Not Free**

**Legal Environment: 28**

**Political Environment: 35**

**Economic Environment: 20**

**Total Score: 83**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	79,NF	79,NF	81,NF	81,NF	81,NF

Conditions for press freedom and freedom of expression deteriorated slightly in 2012. The press continued to operate in a climate of fear due to legal and extralegal pressure, while the government of President Yahya Jammeh ignored calls for accountability regarding past cases of murder and abuse targeting journalists.

Although Article 34 of the constitution provides for freedom of the press and freedom of expression, the government does not respect these rights in practice. Constitutional protections are undermined by other legislation, primarily the 2004 Newspaper Amendment Act, which established a newspaper registration process that extracts excessive bonds from media institutions, as well as a 2004 criminal law that mandates stiff penalties for offenses including publication of false information, sedition, and libel. Journalists are regularly arrested and detained on flimsy, superficial charges. In January 2012, reporter Mamadou S. Jallow of the private *Daily News* was arrested, detained, and charged with defamation for a story alleging that a local chief gave a state-sponsored travel voucher to his lover. Three journalists covering judicial decisions faced arrest and detention on contempt-of-court charges during the year. In June, a lower court ordered the arrest of Abdul Hamid Adiamoh, the managing editor of the newspaper *Today*, for an article that allegedly misrepresented a cross-examination in a criminal trial. He was later convicted and ordered to pay a fine of 100,000 dalasi (\$3,200) or serve six months in prison with hard labor. Also in June, the deputy editor of the *Daily News*, Lamin Njie, was arrested and held for three days for a story about the court proceedings in a case regarding economic crimes. In July, journalist Sidiq Asemota of the *Daily Observer* was arrested on the orders of the presiding judge of the Banjul High Court and detained for a day for allegedly misreporting the facts of a forgery case.

Despite a 2005 press law that guarantees the right of citizens to obtain information and prohibits censorship, reporters from news outlets that are perceived to be critical of the government are routinely denied access to public information and excluded from official events. There are broad restrictions on any content that is considered contrary to the principles of Islam or offensive to other religions. Media outlets are sometimes fined and journalists are occasionally arrested for disseminating “un-Islamic material,” leading to self-censorship.

Several instances of overt censorship of media outlets occurred in 2012. In August, officers of the National Intelligence Agency (NIA) shut down the radio station Taranga FM, citing “directives from above.” The station ran a weekly talk show that interviewed prominent opposition figures. In September, two independent newspapers, the *Standard* and the *Daily News*, were ordered closed by the NIA, which claimed authority from the office of the president. Both newspapers had extensively covered Jammeh’s decision the previous month to execute every prisoner on death row. The *Standard* had been shut down eight times between 2010 and 2011. In October, security forces imposed a ban on coverage of a Supreme Court case involving seven prisoners on death row. The authorities have also periodically blocked the online news sites *Freedom* and *The Gambia Echo*, both based in the United States.

Extralegal intimidation of journalists did not ease in 2012. In September, British Broadcasting Corporation (BBC) correspondent Thomas Fessy was detained and ordered to leave the country, despite having the proper entry visa. The reporter had flown into the Gambia from Senegal to report on the execution of the country’s condemned inmates in August. Later in the year, journalists Abubacarr Saidykhan and Baboucarr Ceesay received written and verbal death threats from unknown men for their ongoing coverage of the death-row controversy. Saidykhan later fled the country due to the threats. In December, security forces entered his residence and arrested and temporarily detained his younger brother in an effort to ascertain his location. A number of other journalists continue to live in exile following earlier threats to their lives.

Efforts by the Economic Community of West African States (ECOWAS) Court of Justice in Abuja to hold the government accountable for past mistreatment of journalists have borne little fruit. In February 2012, the court rejected the Gambian government’s appeal against a judgment awarding \$200,000 in damages for the 2006 imprisonment of now exiled journalist Musa Saidykhan. At the time of his arrest, Saidykhan was editor in chief of the *Independent*, a weekly that has since been banned. The government has so far ignored the court’s ruling. In another ongoing case, in 2008 the ECOWAS court had ordered the Gambian government to release and compensate “Chief” Ebrimah Manneh, who was arrested in 2007 by state security agents and has been missing since. The government rejected the decision in 2009, with the attorney general and justice minister formally declaring that Manneh was not in government custody. In October 2011, Justice Minister Edward Gomez claimed in an interview with the *Daily News* that Manneh was alive, though he revealed no more information regarding his whereabouts. In February 2012, the Gambian government asked for UN assistance in Manneh’s disappearance, but no further developments in the case were reported by year’s end.

The government owns *The Gambia Info* newspaper, a national radio station, and the only national television station. Political news coverage at these outlets generally toes the official line. There are eight private newspapers and nine private radio stations. Private media outlets are subject to official pressure, and many have toned down coverage of the opposition. Most businesses avoid advertising with private media outlets for fear of government reprisals. A premium television network operates as a locally based satellite station. Foreign news services

are rebroadcast on several local radio stations. Although the government rarely interferes with foreign cable or satellite television news broadcasts, most Gambians do not have practical access to the requisite technology for viewing them. About 12 percent of the population had access to the internet in 2012.

## Georgia

**Status: Partly Free**

**Legal Environment: 12**

**Political Environment: 20**

**Economic Environment: 17**

**Total Score: 49**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>60,PF</b>	<b>60,PF</b>	<b>59,PF</b>	<b>55,PF</b>	<b>52,PF</b>

The constitution protects press freedom, and Georgia has some of the most progressive media legislation in its region. Government influence over private media, particularly broadcast outlets, persisted during 2012 in the run-up to October parliamentary elections. However, there was some progress during the year on loosening media regulations and increasing access to a diversity of viewpoints, especially in the immediate preelection period. The balloting resulted in a victory for the opposition Georgian Dream party and Georgia's first peaceful transfer of power through elections. President Mikheil Saakashvili's United National Movement (UNM), which had been in power since 2004, conceded defeat, and the Georgian Dream leader, billionaire businessman Bidzina Ivanishvili, was appointed prime minister.

Article 19 of the 1995 constitution and the Law on Freedom of Speech and Expression contain safeguards against censorship. Legal cases are rarely brought against journalists, and the internet is not currently subject to government regulation. However, legislation is at times slowly implemented, and enforcement is often determined by political concerns. The government decriminalized libel in 2004 as part of an effort to bring Georgian media laws into line with European standards. Although the country adopted freedom of information legislation in 1999, journalists reported that government officials, particularly local authorities, continued to limit or delay access to information. In the last few months of 2012, the new government appeared more responsive to freedom of information requests than its predecessor. New restrictions on journalists were introduced just five days before the parliamentary elections, when the Central Electoral Commission approved a regulation that limited media coverage at polling stations.

The Georgian National Communications Commission (GNCC) regulates and licenses the country's telecommunications and broadcast media and has been accused of lacking independence from political influence, as its members are nominated by the president. The commission's chairman has been criticized for holding a stake in a wholesale television airtime business during previous years of his tenure, and for continuing to hold a stake in a company that produces and places advertising, including in broadcast media. Progovernment outlets have at times been allowed to operate without licenses, while enforcement was often rigorous for opposition outlets. In 2011, the GNCC renewed the issuance of broadcast licenses, which it had delayed for the past three years, and the Constitutional Court ruled in April 2012 that television

stations would no longer require a license to broadcast via cable networks. However, licenses are still required for satellite uplinks. The Georgian Charter of Journalistic Ethics, a self-regulatory body, held discussions throughout the year on improving media accountability and urging greater journalistic integrity. Though a 2011 proposal had envisioned expanding the organization's mandate to include ethics violations by nonmembers, the body failed for a second time to pass a revised charter in 2012.

Georgia has the freest and most diverse media landscape in its region. Despite the recent political changes, however, media remain politically polarized, and neutral and objective news is only available from a few sources. After Ivanishvili formed his new opposition party in April 2012, sharply intensifying political competition, the traditionally pro-UNM broadcast media took advantage of their dominant positions in the market to propagate negative coverage of Ivanishvili. In May, he bought TV9—originally Igrika TV—as a means of countering such coverage. With no terrestrial license, TV9 was broadcast to satellite receivers via the television distributor Global TV, which functions like a cable provider and is owned by Ivanishvili's brother. Global TV was then subjected to harassment from the authorities, including the interrogation of one of its owners, property damage, and the seizure of its equipment. At one point, five stations affiliated with the UNM government, led by the highly popular Rustavi-2 and Imedi TV, withdrew permissions for Global TV to carry their signals.

In June and July, stockpiles of satellite dishes owned by Global TV and the opposition-leaning Maestro TV were impounded by the state. Authorities accused the companies of attempting to buy votes for the opposition by distributing the receivers free of charge. The legal justification for the seizures was questioned by civil society groups, but the charges were not dropped until after the elections. Harassment of opposition-oriented media—coupled with a significant consumer demand for these outlets—motivated civil society to launch a campaign for legislation requiring cable operators to carry all television stations, a proposal which lawmakers initially rejected. However, on June 29, the parliament reversed its position and approved a “must carry and must offer” rule for a limited 60-day period before election day. On September 18, Maestro TV and TV9 aired graphic footage of the physical and sexual abuse of inmates at a Tbilisi prison, causing public outrage. Pro-UNM stations covered the scandal without questioning the official government position, and the public broadcaster initially refused to cover it at all. Given the timing and the fact that the new legislation had broadened the audience of the two opposition stations, the leaked videos are believed to have dramatically diminished support for the UNM in the October elections.

Despite the change in leadership after the vote, political influence over broadcast media remains a concern. Members of the board of the state-run Georgian Public Broadcaster (GPB), which operates television and radio stations, are approved by the president, and its main television channel, 1TV, has been widely perceived as biased in favor of the former government. Under the UNM, the GPB retained a significant advantage over other media due to the state subsidies it received. Shortly after the elections, it canceled some of its current affairs programming and cut its staff. In November, the new government ordered the revenue service to conduct a financial audit and investigate the broadcaster's 3.8 million lari (\$2.3 million) tax debt. The next month, GPB director Giorgi Chanturia resigned, claiming that his departure was unrelated to the tax probe. On December 26, a new director was elected through secret ballot. Although the 143 applicants presented the board with an opportunity to choose an external candidate, they opted for someone from the previous management structure, technical director Giorgi Baratashvili. In mid-October, staff of the GPB's Russian-language channel—First

Information Caucasus (PIK), launched in 2011—staged a silent broadcast to protest the GPB’s withholding of wages and failure to pay the station’s bills. Five days later, the station was taken off the air. The GPB explained that the closure was a result of the unsanctioned protest, but some of PIK’s former employees speculated that the new government opposed prolonging its funding because of its allegedly pro-UNM, anti-Kremlin bias.

The level of violence and harassment aimed at journalists increased in the summer prior to the parliamentary elections. Pressure came in the form of physical attacks, blackmail, and aggressive interference, mostly directed at opposition-oriented media. Stern warnings issued by international and domestic monitoring groups concerning the use of violence against the media helped curb such incidents by the end of the summer. During the official preelection period, running from August until October, local monitors documented fewer cases of harassment, though some incidents still occurred.

A large number of private print outlets operate in the country and typically enjoy editorial independence, but they have very limited circulation. Magazine readership is on the rise, boosted by a newfound interest in serious, analytical reporting. There are 49 radio stations, providing generally free and independent coverage. Most of the more than 60 television stations support either the UNM or Georgian Dream, both editorially and through the selection and treatment of news. Georgia’s broadcast media ownership underwent some reorganization after the elections, though political allegiances remained largely unchanged. An exception was Imedi TV, one of the two privately owned television broadcasters with nationwide coverage. Prior to the elections, Imedi had been subject to government editorial control through close links between its owners and the UNM. Two weeks after the elections, however, the owners returned it to the family of the late former owner, billionaire businessman and Saakashvili critic Badri Patarkatsishvili, from whom it had been controversially seized in 2007. The station has since taken on a generally pro-Georgian Dream orientation. The owners of the other private television station with nationwide coverage, Rustavi-2, were reshuffled after the elections, but the station remains in the hands of UNM loyalists and maintains its pro-UNM coverage. TV9 is technically owned by Ivanishvili’s wife and another close relative, but it receives its funding from the billionaire. Following his election as prime minister, media monitors urged Ivanishvili to distance himself from the media, and he has stated plans to do so on numerous occasions, but no changes to TV9’s ownership structure had occurred by year’s end. A number of smaller stations, such as Kavkasia TV and Maestro TV, operate without national reach.

The lack of transparency in media ownership and property rights, especially for television stations, was partially resolved in April 2011 with the adoption of amendments to the Law on Broadcasting that require the full disclosure of ownership structures, including all owners and financial sources. The Coalition for Media Advocacy, established by local journalism and human rights organizations, had been actively involved in negotiating the amendments. They also include a ban on the ownership of broadcast media by offshore companies, forcing several television stations to alter their opaque ownership structures. However, concerns regarding media concentration remain unresolved. Though the law stipulates that individuals or entities are prohibited from owning more than one television or radio license in any one area, no explicit mechanisms are in place to prevent individuals from owning shares in companies that in turn own the broadcast licenses. The state continues to own and support Ajara TV, a major station in Georgia’s Ajara Autonomous Republic, even though legislators have long made plans for its reorganization. A draft law submitted to the parliament in December 2012 would apparently transform the station into one of the channels of the public broadcaster.

The media do not have a high degree of financial independence. Until October 2012, all nationwide television stations were owned and subsidized by large businesses with close links to the state. State subsidies in the form of tax amnesties in 2010 and 2012 unfairly benefited stations loyal to the outgoing government, allowing Rustavi-2 and Imedi TV to write off tax debts of approximately 40 million lari (\$25 million). The advertising market remains highly politicized. Advertisers favor progovernment media, with critical outlets struggling to sell advertising space and airtime. Print media are especially challenged by a lack of advertising income and financial resources—problems that particularly affect their distribution capacity. Distribution in the capital, Tbilisi, has been hampered by an October 2011 city government initiative to dismantle existing press kiosks and auction off the rights to install and operate new kiosks. The program is open to participation by any company, whereas in the past the kiosks were operated by press distributors. The Georgian Press Association, which represents leading Tbilisi dailies, joined forces with print media distributors in an effort to ensure fair and unimpeded distribution.

Approximately 46 percent of Georgians accessed the internet in 2012. While most Tbilisi-based newspapers are not active on the web, regional newspapers have been steadily expanding their online presence, and web publications, such as the independent *NetGazeti*, *Civil.ge*, and *Media.ge*, are recognized for providing balanced news coverage. In addition, several television stations operate parallel websites. The web portals of news agencies, such as *Interpressnews.ge*, are widely used for fact-based news. Blogs and social-networking sites like Facebook are also playing a growing role in spreading news and information.

The separatist territories of Abkhazia and South Ossetia are effectively under Russian control. There is little local media activity in tiny South Ossetia. The separatist authorities operate a television station, although most programming is rebroadcast from Russia. There is almost no independent print sector. In Abkhazia, a larger and more ethnically mixed region, the media environment is more diverse. The local population has access to both Russian and Abkhaz television content; Georgian stations are typically only available via satellite. Abkhazia's residents also have access to Georgian and Turkish radio, and the territory is home to several private print media outlets. Overall, media ownership and coverage is dominated by local authorities.

*[The scores for Georgia do not reflect conditions for the media in South Ossetia and Abkhazia, although these separatist territories are covered in the narrative report.]*

## Germany

**Status: Free**

**Legal Environment: 6**

**Political Environment: 7**

**Economic Environment: 4**

**Total Score: 17**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	16,F	16,F	17,F	17,F	17,F

The German constitution and basic laws guarantee freedoms of expression and the press, but there are provisions banning hate speech, Holocaust denial, and Nazi propaganda. The media in Germany remained free and vibrant in 2012. No journalists were convicted on criminal libel charges during the year, and in a positive step, journalists Arndt Ginzel and Thomas Datt, who were convicted in 2010 in a Dresden court for libeling two judges, were acquitted on appeal in December 2012. Ginzel and Datt had been investigating a corruption scandal involving high-ranking members of the judiciary in Saxony.

An antiterrorism law that gives the police greater power to conduct covert surveillance took effect in 2009. It permits remote and secret searches of computers, telephone lines, and homes of suspected terrorists. Journalists remain concerned that the law will limit their ability to keep sources confidential, but it was not known to have been used against the media as of the end of 2012. Separately, the parliament in 2012 finally passed legislation introduced in 2010 that prohibits the prosecution of journalists for reporting classified information obtained from government informants. It also tightens the circumstances in which a journalist's materials can be confiscated.

Germany's controversial 2008 data retention law was overturned by the Federal Constitutional Court (FCC) in 2010. Based on a European Union directive, the law had required telecommunications companies and internet service providers to store user data for up to six months. It also permitted the wiretapping of journalists under certain conditions. Despite rising pressure from the European Commission, the Ministry of Justice declared in 2012 that a new law would only be introduced after the revision of the European Union directive, which was expected in 2013.

Freedom of information legislation that took effect in 2006 established that information held by public authorities should be open and available, but it contains numerous exceptions and requires the payment of high fees for every request.

There is a legal ban on accessing online child pornography and Nazi propaganda. Although there are no prepublication censorship regulations, the German courts and other authorities have sought the removal of specific web content for reasons including defamation, privacy or security issues, and hate speech, according to Google's Transparency Report.

The German media generally enjoy editorial independence. In 2012 there were few public cases of journalists and media outlets being intimidated by political or economic actors with the aim of interfering in news coverage. In October, Christian Social Union (CSU) party spokesperson Michael Strepp called the editorial office of the national public television network Zweites Deutsches Fernsehen (ZDF) in an attempt to stop it from airing a report on a gathering of the rival Social Democratic Party (SPD). Strepp later resigned over the incident. Violence against journalists is rare, and there were no reported attacks in 2012.

There are almost 350 daily and more than 20 weekly newspapers in Germany. While local and regional newspapers have the greatest influence, there are 10 nationally distributed titles. Financial strains have fueled a trend of merging editorial departments, leading to diminished media plurality and a reduced diversity of views. In 2012, several German media companies announced cost-saving measures, and important outlets like the newspaper *Frankfurter Rundschau* and the news agency dapd became insolvent. The financial newspaper *Financial Times Deutschland* was closed in December. Meanwhile, in October, the parliament passed an amendment to the Act against Restraints on Competition that facilitates the merger of print outlets. Advocacy groups argue that the new rules could harm media diversity. However,

other provisions of the law are designed to strengthen diversity at the wholesale level, ensuring that a range of newspapers are distributed to retailers.

Germany’s television market is among the most competitive in Europe, and more than 90 percent of households have cable or satellite television. There are nine regional public-service broadcasters for the country’s 16 states, plus ZDF and two national public radio stations. All are financed primarily by license fees and managed by independent bodies. In addition, a number of private broadcast outlets operate throughout the country. Germany is home to some of the world’s largest media conglomerates.

Approximately 84 percent of Germans accessed the internet in 2012.

## Ghana

**Status: Free**

**Legal Environment: 8**

**Political Environment: 10**

**Economic Environment: 10**

**Total Score: 28**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>27,F</b>	<b>26,F</b>	<b>26,F</b>	<b>26,F</b>	<b>28,F</b>

The environment for freedom of expression and the press in Ghana remained generally healthy in 2012, despite the potential for political turmoil surrounding the death of President John Atta Mills and the succession and subsequent election of his vice president, John Dramani Mahama of the National Democratic Congress (NDC), as the new head of state. Freedom of the press is legally guaranteed, and the government typically respects this right in practice. Criminal libel and sedition laws were repealed in 2001, but Section 208 of the 1960 criminal code, which bans “publishing false news with intent to cause fear or harm to the public or to disturb the public peace,” remains on the books and is occasionally used against journalists. Moreover, current and former public officials and private citizens sometimes bring civil libel cases that seek crippling amounts in compensation from media outlets, which can encourage self-censorship. In November 2012, the general secretary of the NDC, Johnson Asiedu-Nketia, sued the private *Daily Guide* newspaper over a story alleging that he had purchased multiple properties in Accra and Kumasi.

The cabinet approved a Right to Information Bill in November 2009 that would reinforce the constitution’s guarantee of freedom of information. However, at the end of 2012, the parliament had yet to pass the measure. The Ghana Right to Information Coalition (GRIC), an advocacy group, has lamented the delay, but the Ghana Trades Union Congress (TUC) vowed to oppose any version of the bill that does not provide for an independent information commission. The TUC also argues that too many public and government entities would be exempt from supplying information under the current draft.

While the state-run Ghana Broadcasting Corporation (GBC) is protected from government interference by the 1992 constitution, political parties attempt to influence coverage. Private media face a degree of editorial pressure from their owners, particularly those with political connections, and some journalists practice self-censorship for political or commercial

reasons. Government offices and political parties occasionally boycott media outlets or programs that they perceive as biased. In one such case, industry groups brokered a truce in March 2012 between the government and Multimedia Group Limited, which runs a number of radio stations.

There was no spike in harassment of journalists associated with the 2012 elections. However, journalists and photographers continued to face intimidation and physical attacks on the job, with a number of incidents reported during the year. In January, Gifty Lawson, a photographer for the *Daily Guide*, was attacked by state security agents while attempting to cover a story about a police official involved in a drug-smuggling case. In June, Victor Kwawukume, a reporter for the state-owned *Daily Graphic*, was assaulted by police officers while observing a raid on suspected drug traffickers in the Volta Region. In December, attacks were reported against journalists from Joy FM, TV3, and Metro TV who were covering the aftermath of the presidential election. The victims were all assaulted by supporters of the opposition New Patriotic Party (NPP). The NPP later apologized and condemned the attacks.

Dozens of newspapers, including two state-owned and two private dailies, publish regularly, and there are 28 television stations in operation, of which 20 are free-to-air. Radio is the most popular medium, with more than 240 FM stations nationwide, of which 33 are state-run and over 150 are commercial. The first community radio station, Radio Ada, was launched in 1999 and became a founding member of the Ghana Community Radio Network. By September 2012, 27 of the 41 community radio stations granted licenses by the National Communications Authority (NCA) were functioning. Community radio stations have effectively informed citizens in marginalized communities throughout the country, contributing to stronger public involvement in local politics. However, the NCA has been criticized for slow licensing procedures and bias. Poor pay and unprofessional conduct, including the fabrication of highly sensationalist news stories, remain problems in the media sector. Economic sustainability is a challenge for both public and private media. The GBC receives inadequate funding from the government and must sell advertising slots to remain afloat, leaving it dependent on the large corporations that can afford its rates.

Use of the internet is growing and remains unrestricted, but the level of penetration is still low, at 17 percent of the population in 2012. Active blogging and usage of social media have increased in urban centers, most notably in Accra.

## Greece

**Status: Partly Free**

**Legal Environment: 12**

**Political Environment: 19**

**Economic Environment: 10**

**Total Score: 41**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	27,F	29,F	29,F	30,F	30,F

**Status change explanation:** Greece declined from Free to Partly Free due to an increasingly hostile legal, political, and economic environment for the press; a rise in intimidation of and attacks against journalists; closures of, or cutbacks at, numerous print and broadcast outlets as a

result of the economic crisis; and a consequent reduction in media diversity and in comprehensive and accurate reporting about the country's political and economic situation.

In 2012, Greece's economy worsened as the government adopted additional austerity measures, leading to protests and social unrest throughout the year. Parliamentary elections held in May and again in June led to victory for the conservative New Democracy party, which formed a coalition government that continued to push through the unpopular austerity program. Meanwhile, the far-right party Golden Dawn, which captured seats in the parliament for the first time, embarked on a campaign of intimidation aimed at groups including immigrants and the political left. These factors contributed to a significant decline in the legal, political, and economic environment for press freedom in 2012.

The constitution and Greek law include provisions for freedom of speech and the press, as well as the right to access to information. However, there are some limits on speech that incites discrimination, violence, and public disharmony, as well as on publications that are obscene, offend religious beliefs, or advocate the violent overthrow of the political system. In 2012, the enforcement of these laws increased, and there were several instances in which the government threatened journalists with legal action. In the most prominent case, journalist Kostas Vaxevanis was arrested in October and charged with violation of privacy for publishing, in his investigative magazine *Hot Doc*, the so-called Lagarde List of prominent Greek citizens who had transferred funds to Swiss bank accounts, allegedly to avoid paying taxes in Greece. The list had been given to the Greek government by then French finance minister Christine Lagarde in 2010, but Greek officials had taken no action. Though Vaxevanis was initially acquitted, in November prosecutors announced that he would face a retrial because the original verdict had "lacked credibility."

Among other cases, in February the National Council for Radio and Television (NCRTV)—an independent agency that oversees broadcast media—fined radio station Real FM €25,000 (\$32,600) for comments made on the air by journalist Giorgos Tragas about German chancellor Angela Merkel that were deemed to be defamatory. In September, a blogger using the pseudonym "Geron Pastitsios" was arrested on charges of malicious blasphemy for maintaining a satirical Facebook page for Elder Paisios, a deceased religious figure who remains popular with segments of the Greek populace. In October, television journalist Spiros Karatzaferis was arrested a day before he was to broadcast potentially damning allegations regarding the government's alteration of economic data. Karatzaferis was arrested on an unrelated warrant that had not previously been acted upon. Also in October, Public Order Minister Nikos Dendias threatened to file a lawsuit against Britain's *Guardian* newspaper for alleging in an article that detained Greek protesters were tortured and beaten at police headquarters in Athens. The story was initially not widely reported by Greek media. Dendias backed down after a medical examiner's report confirmed that the protesters had been abused.

The regulatory environment for broadcasting remains murky. The most recent licenses for radio stations were issued in 2002, and for television stations in the late 1990s. The original terms of all extant licenses have since expired. The government has passed successive one-year extensions of all broadcast licenses, and this practice continues even though a 2011 decision by the Council of State declared it unconstitutional. Many radio and television stations are operating with a permit, which can be revoked at any time, while others function without any kind of license. Since no new licenses have been issued in several years, the only way to enter the broadcast market is by purchasing an existing station. Moreover, a policy that has recently been

enforced by the NCRTV requires stations to classify their programming as either news oriented or non-news oriented. Stations in the latter category are not permitted to air any news-related programming, and have been fined for doing so. It is difficult for stations to change classifications once they have been set, though enforcement of the rule is uneven, with more politically and economically influential stations often avoiding punishment.

A 2007 media law mandates that the main transmission language of radio stations be Greek. The law also requires radio stations to keep a certain amount of money in reserve and hire a minimum number of full-time staff, placing a disproportionate burden on small, municipal, and minority-owned stations. The same law permits broadcast stations owned by political parties to operate without a license. In October 2012, the Council of State ruled in favor of Hristianismos FM, a radio station belonging to the Free Apostolic Church of Pentecost. The station had been shut down in 2001 after it was unable to acquire a license. Based on the new decision, the NCRTV issued a license to the station, but it failed to allocate a frequency, and the outlet remained off the air at year's end. In December, Euronews—a pan-European news channel of which the public broadcaster Hellenic Broadcasting Corporation (ERT) is a founding member—launched its Greek-language version. Within a few days, however, its terrestrial broadcast was temporarily halted by ERT, which cited potential “harmful consequences” for ERT's own newscasts and the public interest.

Both public and private media are largely free from government restrictions, but state-owned stations tend to report with a progovernment bias. There are several independent newspapers and magazines, including some that portray the incumbent government unfavorably. However, many media owners have a close relationship with the government, and this is often reflected in a lack of critical commentary on key issues, including the debate surrounding the financial crisis. In February, economist and journalist Dimitris Kazakis was fired by radio station Alpha 98.9 as a result of his antiausterity views. In October, ERT, allegedly under political pressure, suspended television presenters Kostas Arvanitis and Marilena Katsimi for comments they made on the air about the public order minister's reaction to the *Guardian* article noted above. The two were later reinstated. Also in October, the general manager of the state-owned Athens-Macedonian News Agency (AMNA) was ousted for the agency's publication of two purportedly inaccurate wire-service reports, one of which pertained to the Lagarde List. In December, journalist Thanos Dimadis resigned from national station Skai TV, claiming that he could no longer work under the pressure of maintaining Skai's proausterity editorial line.

A trend of growing violence against journalists continued in 2012. A number of journalists were attacked and in some instances injured during protests against the country's austerity plan. In March, correspondent Anthee Carassava was attacked by police and taken to a police station after covering an independence day military parade in Athens. In April, Manos Lolos, an accredited photographer covering a protest in Athens, was hospitalized with severe injuries after being beaten by police. Journalists were also attacked by individuals affiliated with Golden Dawn during the year, including Xenia Kounalaki, who was threatened in April after publishing a critical article on the party. In November, journalist Michael Tezari was beaten by members of Golden Dawn at an anti-immigrant demonstration. Separately, Konstantinos Bogdanos, a radio presenter and journalist for Skai TV, was violently assaulted by three men in Athens in May. And in September, an attempt was made on the life of Vaxevanis outside his home in Athens. No suspects were arrested by year's end in either attack.

The contracting economy, and the resulting decline in circulation and advertising, continued to adversely affect the media sector in 2012, weakening its ability to cover the crisis

and the corresponding political turmoil. Numerous media outlets have either closed, cut back staff and salaries, scaled down or eliminated their news departments, or failed to pay wages. Since the onset of the country’s financial woes in 2010, an estimated 30 percent of journalists have lost their jobs. During 2012, a number of radio and television stations went off the air, including the national station 902 TV and the municipal radio station Xenios FM. In September, prominent news radio station Antenna FM switched to a music format to cut costs. Newspapers such as *Apogevmatini*, *Eleftherotypia*, *Avriani*, *Adesmeytos Typos*, the weekly financial paper *Kosmos tou Ependyti*, and the English-language *Athens News* suspended printing in 2012. Employee strikes at media outlets, most often due to unpaid wages, were frequent, causing repeated interruptions in their operations.

Approximately 56 percent of the population accessed the internet on a regular basis in 2012, and access is not restricted. With the cutbacks at traditional outlets, many journalists and citizens are using new and social media to disseminate independent or alternative viewpoints.

## Grenada

**Status: Free**

**Legal Environment: 7**

**Political Environment: 11**

**Economic Environment: 5**

**Total Score: 23**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	24,F	24,F	24,F	24,F	24,F

## Guatemala

**Status: Partly Free**

**Legal Environment: 16**

**Political Environment: 25**

**Economic Environment: 18**

**Total Score: 59**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	58,PF	60,PF	60,PF	59,PF	60,PF

Guatemalan journalists continued to work under difficult conditions in 2012. Article 35 of the constitution ensures freedom of expression, which is generally respected by the government. However, the Guatemalan press is subject to several legal restrictions, including Article 41 of the Radio Communications Law, which prohibits transmissions “offensive to civic values and the national symbols,” “vulgar comedy and offensive sounds,” and programs “contrary to morals and good etiquette.” No legal cases were known to have been brought against journalists or outlets during 2012. Libel and defamation, however, remain part of the criminal code, with penalties of up to five years’ imprisonment, and business and political leaders regularly threaten to sue

journalists under these provisions. Repeating another person's defamatory statement is also a crime, with similar penalties.

Despite the 2008 Law for Free Access to Public Information, obtaining information remains difficult in practice, especially for journalists covering corruption in regions outside the capital. Under proposed modifications to the 2008 law, introduced in February 2012, diplomatic and military records would become confidential, and time restrictions on holding classified information would be eliminated. Separately, legislators approved a measure in February blocking press access to certain closed-door sessions. This step was ostensibly taken to restrain attention-seeking congressional members and preserve the prestige of the body.

There is no independent media regulation or licensing body, and the government controls the allocation of airwaves through public auctions that require bidders to meet technical and financial benchmarks. As such, community radio stations are at a particular disadvantage, and are not even recognized as broadcasters under the law. At the end of 2012, the General Telecommunications Law went into effect, further restricting community radio. The new law, which was strongly opposed by the UN Office of the High Commissioner for Human Rights in Guatemala and various press freedom groups, was criticized for offering existing commercial radio frequency holders a simple process for 25-year frequency renewals—five years more than the previous law. This in turn restricted indigenous communities' access to radio frequencies. Opponents argue that the new law allows unrestricted ownership and constitutes a blow to media pluralism. Under both the previous law and the new one, dozens of community radio stations that had yet to be assigned frequencies were forced to operate without a license and, therefore, were vulnerable to the threat of closure and confiscation of equipment. The 1996 Peace Accords that ended the Guatemalan civil war gave indigenous groups the right to their own media, but the licensing restrictions of the new law ensure that those guarantees will remain unimplemented. In May, police raided two community stations—which were technically operating illegally—in the city of San Miguel Chicaj, Radio Uqul Tinamit and Jun Toj, and arrested radio journalist Bryan Espinoza.

In 2012, there were cases in which government officials pressured the media or censored content. In May, six local television stations in Mazatenango were shut down after local mayor Roberto Lemus proclaimed that criticism of his administration would not be tolerated and pressured the stations' parent company, Cable DX, to close the stations. Similarly, in August the television program *Free Expression*, led by journalist Evaristo García in the town of Nueva Concepción, was cancelled after the local mayor complained to the station's owner that the show criticized his administration. Sporadic cases of violence against the press by drug traffickers and other criminal organizations continued in 2012 and were rarely prosecuted, encouraging self-censorship. A report from the Center for Informative Reports on Guatemala (CERIGUA) attributed self-censorship among the Guatemalan press to intimidation by criminal gangs, including the country's infamous *maras*. As one example, CERIGUA reported on the suppression of media coverage of protests against criminal extortion in the Chimaltenango market following gang intimidation.

A number of journalists received death threats or were assaulted during 2012. Media rights groups reported a number of cases of extralegal intimidation and violence aimed at journalists, often in connection with stories that exposed corruption, criticized government officials, or described the increasing activities of drug cartels. While no journalists were killed in 2012, CERIGUA noted 35 instances of aggression against journalists during the year—two more than in 2011—and 53 complaints were filed with the special prosecutor for crimes against

journalists. In July, photojournalist Luis Soto of *El Periódico* was hit in the head with a rock while covering a student protest in Guatemala City. In February, Víctor Espino, a radio and newspaper reporter in the department of Jalapa, filed a complaint stating that he had been threatened by police while trying to cover a vehicle accident. In October, newspaper columnist Carolina Vásquez Araya received death threats after denouncing sexual abuse against girls on a cotton plantation. In November, members of the Independent Media Center journalist network were threatened with lynching and maiming by employees of the mining company Exmingua.

In a stride against impunity, in August a judge sentenced Juan Manuel Ralón, the vice president of the Safety Commission of Panajachel, to nearly four years in prison for threatening journalist Lucía Escobar. In 2011, death threats had forced Escobar into hiding after she wrote about the commission’s abuses of authority and extralegal activities.

Newspaper ownership is in the hands of business elites who maintain centrist or conservative editorial stances. There are four major daily papers, all privately owned. Electronic media ownership is concentrated in the hands of Ángel González, a politically connected Mexican entrepreneur who favors conservative perspectives and controls Guatemala’s four main private television stations. One state-owned radio station competes with numerous private stations. Some media owners allege that the government allocates advertising unevenly in favor of supportive outlets. Bribery of journalists remains a concern. In August, newspaper reporter Enrique García accused congressman Estuardo Galdámez of trying to bribe him by “gifting” him a bag of cash. There were no reports of government restrictions on internet usage, and the web was accessed by about 16 percent of the population in 2012.

## Guinea

**Status: Not Free**

**Legal Environment: 18**

**Political Environment: 27**

**Economic Environment: 17**

**Total Score: 62**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>66,NF</b>	<b>66,NF</b>	<b>71,NF</b>	<b>59,PF</b>	<b>62,NF</b>

Throughout 2012, President Alpha Condé continued to oversee uneven progress on serious governance and human rights issues. Constitutional and legislative reforms enacted in 2010 that improved the legal environment for press freedom remained unimplemented, and members of the media continued to be subject to censorship, suspension, detention, threats, and assaults by the government and security forces.

The transitional government promulgated a new constitution by decree in March 2010 that guarantees press freedom, and in June of that year it passed two new media laws that were viewed as significant improvements by international press freedom groups. The first removed prison penalties for press offenses and narrowed the previously vague definition of defamation. The second called for the creation of a new media regulatory agency with 5 of the 11 members selected by media organizations, as opposed to being appointed by the president, as in the past. However, libel against the head of state, slander, and false reporting remain offenses under the

new law and can be subject to high fines. In late 2010, a law on access to information was adopted. By the end of 2012, none of these laws had been effectively implemented. The lack of implementation is reportedly a result of bureaucratic delays, procedural errors, and—in the view of critics and Guinean media members—disinterest or resistance on the part of government officials.

Various incidents in 2012 demonstrated the government's willingness, particularly through its media regulatory body, the National Communication Council (CNC), to restrict reporting on political issues as well as critical commentary of government action. In August, private radio station Liberté FM was shut down by the government, without explanation, in advance of a public protest scheduled for the following day to demand that delayed legislative elections be held. As a result, the station was unable to report live on the protests. The station was allowed to resume broadcasting the day after the protests. In December, the CNC suspended a popular radio show on privately owned Planète FM for five weeks and its host for a week after the show received a defamation complaint from a presidential adviser over critical commentary aired early in the month. Later in December, the CNC issued a formal warning to another private station, Espace FM, over its commentary on a fatal political demonstration, and questioned the host of a Planète FM show for criticizing the previous sanctions imposed on the station. In general, there were no government restrictions on access to the internet or reports that the government monitored internet activities, and the internet is gaining importance as a platform for voicing antigovernment criticism, with the most popular sites managed by the diaspora community.

Media practitioners continued to operate in a politically polarized and occasionally dangerous environment in 2012, particularly when reporting on antigovernment protests. In May, several journalists were assaulted while reporting on a protest in Conakry, the capital, including a reporter for the newspaper *Aminata*, who was beaten with batons by six police officers despite the fact that he had identified himself as a reporter. In August, while on their way to report on the barring of opposition members from antigovernment demonstrations, six journalists from Espace FM and Renaissance FM were severely beaten by a group of men believed to be connected to the Rally of the Guinean People, Condé's political party. Also in August, reporters for Soleil FM and Espace FM were harassed by riot police while covering protests against police brutality and violence. In September, a trainee journalist for the privately owned newspaper *Lynx-Lance* was attacked and robbed by progovernment militants while reporting on a political riot. On the same day, the premises of Conakry-based Sabari FM were vandalized by unknown persons, leading to significant destruction of reporting equipment.

The new media laws passed in 2010 guarantee the freedom to open a newspaper. A number of private publications, mostly weeklies, are published in Conakry, though distribution in the interior is irregular. The only daily newspaper is state-owned and avoids criticism of the government. Advertising revenue is insufficient to cover the costs of operating a newspaper, but since 1996 the government has provided increasing subsidies for both print and online media, regardless of their political allegiances. Low pay for journalists has led to ethical compromises, such as accepting bribes to suppress unflattering stories.

In a country with high illiteracy rates, radio is by far the most influential medium. Radio Télévision Guinéenne (RTG) operates radio and television stations with programming in French, English, and a number of vernacular languages. Numerous private radio stations operate throughout Guinea. Some local newspapers and broadcast outlets are thought to be controlled by political or business interests. Many citizens listen regularly to foreign radio programs on FM

and shortwave radio. The government did not restrict access to or distribution of foreign television programming via satellite or cable, though few citizens could afford these services. Although access to the internet has expanded through the growing number of privately run internet cafés in the capital and a few large towns, only about 1.5 percent of the population used the medium in 2012.

## Guinea-Bissau

**Status: Not Free**

**Legal Environment: 19**

**Political Environment: 29**

**Economic Environment: 17**

**Total Score: 65**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	53,PF	52,PF	54,PF	57,PF	57,PF

**Status change explanation:** Guinea-Bissau’s status declined from Partly Free to Not Free due to restrictions on coverage of the April 2012 coup and subsequent protests, as well as increased abuse, intimidation, and threatening of journalists by the military in the aftermath of the coup.

The latest episode in Guinea-Bissau’s history of political instability—an April 12, 2012, coup in which the prime minister and interim president were arrested by the military—led to a sharp deterioration in press freedom. The military authorities imposed restrictions on coverage and harassed, attacked, and threatened journalists.

Freedoms of expression and the press are guaranteed in the 1993 constitution and a 2005 law. However, these rights are restricted in practice due to the existence of criminal laws banning libel, abuse of press freedom, and violation of state secrets. There is no legislation guaranteeing the right to access information.

The April coup was followed by a news blackout. The military shuttered all radio and television stations, using only the state-owned Rádio Nacional to broadcast music and directives to the population. After four days, the military allowed media executives to resume broadcasting on the condition that they did not cover ongoing protests in Bissau, the capital, or criticize the coup. While there were no reports that any outlets were permanently shut down in 2012, authorities in the past have threatened to close the main opposition radio station, and other outlets have been temporarily shuttered during periods of political turmoil.

In the aftermath of the coup, journalists found themselves under threat from the military. António Aly Silva, who publishes the well-known blog *Ditadura do Consenso*, was reportedly detained and beaten on April 13 after photographing troops surrounding the prime minister’s residence. He was released after nine hours, but according to some reports, his photographic equipment was confiscated. On the same day, soldiers restricted access to the offices of Rádio e Televisão de Portugal (RTP), Portugal’s state broadcaster and the only television station in the country that is not owned by the Bissau government, threatening journalists at gunpoint and stealing cameras and other equipment.

Threats against the media eased somewhat when a transitional civilian government was installed in late May. However, an attack on military barracks in late October resulted in renewed tensions. The transitional government, which accused former colonial power Portugal of masterminding what it called an attempted coup, ordered the expulsion of RTP's Bissau bureau chief, Fernando Teixeira Gomes; the deportation order was later reversed. In another incident, the armed forces' chief of staff directly threatened reporters at a press conference, saying, "Any journalist who asks questions about former president Nino Vieira's [2009] assassination will not leave this barracks alive. I will kill him. We are at war." Silva reported receiving death threats in late October from soldiers who came to his home, and the blogger was forced to go into hiding.

In addition to the coup-related repression, media workers in recent years have experienced increasingly harsh treatment at the hands of government and military officials, as well as private citizens, who have close connections to South American drug traffickers. Since 2009, at least three journalists have fled into exile due to threats related to their reporting on drug trafficking in the country. The resulting climate of fear has led to a significant amount of self-censorship, with many journalists afraid to cover drug-related issues at all. Impunity is the norm for public officials and members of the armed forces who abuse members of the press.

A government-owned newspaper, *Nô Pintcha*, operates alongside several privately owned print outlets. The state-run Rádio Televisão de Guinea-Bissau and RTP's Africa service operate the country's two television networks. A number of private radio stations compete with the state-run radio broadcaster. The press in Guinea-Bissau, one of the world's poorest countries, is plagued by financial instability. With only one state-owned printing press, publications struggle with high costs, slow production, and limited supplies. Broadcast outlets face unreliable electricity that hinders steady operations. Although many young people continue to pursue careers in journalism, the lack of resources hampers growth.

Around 2.9 percent of the population had access to the internet in 2012. No governmental restrictions are apparent, though a lack of equipment and infrastructure drastically limits access to the internet in practice.

## Guyana

**Status: Partly Free**

**Legal Environment: 9**

**Political Environment: 14**

**Economic Environment: 10**

**Total Score: 33**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>31,PF</b>	<b>30,F</b>	<b>30,F</b>	<b>30,F</b>	<b>33,PF</b>

Guyana's constitution provides for freedom of speech and of the press, but relations between the People's Progressive Party (PPP) government and some media outlets have deteriorated in recent years. While defamation is not a criminal offense, public officials have utilized civil libel suits to stifle criticism. In 2010, then president Bharrat Jagdeo sued journalist and political activist Freddie Kissoon as well as the editor in chief and publishers of *Kaieteur News* for libel over a

critical article, and obtained a preliminary injunction barring the newspaper from printing similar content. Hearings in the case took place in late 2012, and the courts had not rendered a final decision by year's end.

The 2011 Access to Information Act guarantees the right of access to information, requires government bodies to publish documents, and creates a commissioner of information to regulate data requests and releases. However, the government had not implemented the law by the end of 2012, and critics objected to the inclusion of a clause that made the president exempt from the legislation's provisions.

A new Broadcasting Act went into effect in 2012. Although initially seen as an opportunity to extend media freedom and reduce government influence, the act has been widely criticized for its failure to advance either of those goals. The law gives the president the power to appoint six of the seven members of the new National Broadcasting Authority (NBA). President Donald Ramotar stacked the body with PPP insiders who had little or no broadcasting experience. In addition, a clause in the Broadcasting Act states that all programs must be "fair and balanced," which could be used to control content. The law allows the NBA to issue licenses for private television and radio operators, but none of the radio stations that received licenses have begun operating, and licenses have been denied to television stations operating in opposition strongholds. In late 2011, then president Jagdeo controversially used executive power to grant radio licenses to friends and political allies before the new broadcasting regulations took effect.

Guyana has a vibrant, though threatened, opposition press. Cases of censorship aimed at opposition-leaning media were reported in the run-up to the November 2011 general elections. In October 2011, Jagdeo ordered a four-month suspension of CNS Channel Six, a privately owned television station, due to a comment made on the air by an opposition lawmaker earlier in the year. After local and international media rights groups condemned the move, which would have silenced the station during the election period, Jagdeo postponed the ban until December 2011. In November 2012, CNS Channel Six reported signal interference that it characterized as an intentional attack.

There are occasional cases of attacks and harassment against journalists and media outlets. In August 2012, Kisson was assaulted after publishing a column in which he claimed that he had been "a victim of state oppression." Earlier in the year, he was dismissed from his lecturer position at the state-run University of Guyana, which he had held for 26 years. In November, police began an investigation to determine how reporters received information about the country's Central Intelligence Agency, a move the Guyana Press Association called a form of intimidation.

The government owns and controls the country's only two radio stations, run by the National Communications Network, though licenses for private stations have been issued. There are 23 television stations, most of which are in private hands. Including the government-owned daily, the *Chronicle*, Guyana has seven national newspapers and six other periodicals. The majority of paid advertising appears in progovernment newspapers, including the *Guyana Times*, which is owned by a friend of Jagdeo's, and this affects the economic viability of opposition papers. *Kaieteur News* has opted to place government advertisements free of charge, and it is believed that this loss of revenue accounts for the paper's December 2010 decision to charge for access to its website.

Use of the internet is not restricted by the government, and approximately 34 percent of the population accessed this medium in 2012.

## Haiti

**Status: Partly Free**

**Legal Environment: 14**

**Political Environment: 17**

**Economic Environment: 18**

**Total Score: 49**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	56,PF	53,PF	49,PF	49,PF	50,PF

In 2012, press freedom in Haiti experienced a modest improvement despite countrywide social, political, and economic instability—longstanding conditions that have only intensified in the aftermath of the catastrophic January 2010 earthquake. Since taking office in May 2011, President Michel Martelly has been praised for his willingness to hold press conferences and his use of social media to communicate to the public. At the same time, Martelly has been criticized for his open hostility and occasional derogatory comments toward journalists, as well as for his frequent refusal to speak with representatives of media outlets critical of the government, though press organizations noted slight improvements in 2012.

Haiti's constitution guarantees freedom of the press and freedom of expression, and forbids censorship except in the case of war. In recent years, the government has increasingly upheld these provisions. Nonetheless, journalists in Haiti continue to face widespread and entrenched poverty, lack of institutional support, difficulty accessing information, and a tradition of excessively biased media. Defamation remains a criminal offense in Haiti, though only a few cases in recent years have advanced beyond the initial charge. In January 2012, *Defend Haiti*, a U.S.-based online news website, received a cease and desist letter from a lawyer representing the Haitian government. The website was accused of orchestrating a smear campaign against the government in relation to money allegedly missing from an education fund. Although the paper was not subject to any additional threats or sanctions, it limited its subsequent coverage of the issue. In February, Haiti's first lady, Sophia Martelly, sued the newspaper *Haiti Liberté* for defamation after it reported on a clash between university students and President Martelly's security team; no further action was reported following the newspaper's response to the initial summons. In September, *Haiti-Observateur*, a Haitian-American weekly newspaper, was sued in a U.S. court by Haitian prime minister Laurent Lamothe for defamation over its claim that he had orchestrated and profited from the sale of a telecommunications company to the Haitian government; the case was pending at year's end. The state-owned Télévision Nationale d'Haïti (TNH) has been enmeshed in legal controversy since April 2011, when five journalists were fired for unprofessional conduct involving coverage of Martelly, then a presidential candidate. In April 2012, the TNH director sued two of the fired reporters for criminal defamation in a case that remained active in the Court of Appeals at year's end.

Article 40 of the constitution stipulates that the government must publicize all laws, international agreements, decrees, treaties, and contracts; in practice, however, the government makes it difficult for local journalists to access public information. The state-run National Telecommunications Council (CONATEL) issues licenses to radio stations and does not regulate content. In December 2011, media associations and journalists in Haiti signed their first journalistic code of ethics, which includes clauses pertaining to respect for individual dignity and

privacy, prohibition of discrimination in journalistic work, and encouragement of an unbiased and balanced treatment of information. In February 2012, journalists protested a meeting held by the first lady to explore the possibility of creating a law to regulate the press, alleging that the government was attempting to control the media, according to the Institute for Justice & Democracy in Haiti (IJDH). Since the meeting, no further action has been taken on the issue.

Despite improvements from the recent past, journalists in Haiti occasionally face harassment, intimidation, and violence. In March 2012, Wendy Phele, a journalist for Radio Télé Zénith, was shot by a local mayor’s bodyguard while attending one of his public speeches. The mayor, who refused to allow the arrest of his bodyguard, was removed from office by the interior minister in June, a move applauded by the media community. In September, three journalists from the newspaper *Le Nouvelliste* were arrested and temporarily detained after resisting police efforts to seize their video and photographic equipment following a traffic accident.

Radio is by far the dominant news medium, with more than 90 percent of the population enjoying radio access. Over 290 FM stations operate without a license, and there are more than 70 community stations scattered across the country. Many of these stations are affiliated with political organizations or parties. In addition to the state-owned TNH, there are several private television stations, though audiences remain small due to lack of electricity and resources. Newspaper distribution also remains limited due to high rates of illiteracy. Haiti has several weekly and two daily newspapers—*Le Nouvelliste* and *Le Matin*—all of which are privately owned and published in French, which is spoken by only about 20 percent of the population. There are no government restrictions on the internet, which was accessed by nearly 11 percent of Haitians in 2012.

The concentration of wealth among a small number of Haitians and the effects of the 2010 earthquake have negatively affected media outlets’ ability to obtain advertising revenue and sustain themselves financially. Journalists also struggle with low salaries, and some media outlets and journalists accept bribes due to economic hardship. However, new communications minister Ady Jean Gardy pledged his support for media workers after he took office in May 2012, and has said he plans to offer journalists health and life insurance.

## Honduras

**Status: Not Free**

**Legal Environment: 17**

**Political Environment: 30**

**Economic Environment: 15**

**Total Score: 62**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>51,PF</b>	<b>52,PF</b>	<b>59,PF</b>	<b>61,NF</b>	<b>62,NF</b>

Freedoms of speech and of the press are constitutionally protected in Honduras, but the killing and intimidation of journalists limited press freedom in practice during 2012. The ongoing lack of accountability since the 2009 coup d’état continues to have a negative effect on freedom of expression. Despite President Porfirio Lobo’s stated determination to bring perpetrators of violent crimes against journalists to justice, no more than a handful of cases have been

investigated. Given this culture of impunity, many journalists fear that the killings are carried out on the orders of, or with the concealed approval of, the police, the military, and other governmental authorities. However, in September 2012, a court handed down a rare conviction and 28-year prison sentence for the 2010 killing of journalist Jorge Alberto Orellana. In another positive step against impunity, 10 arrests were made in relation to the May 2012 murder of a prominent radio journalist, Ángel Alfredo Villatoro.

Despite the 2005 abolition of the penal code's *desacato* (disrespect) provision, which was aimed at protecting the honor of public officials, other restrictive press laws remain on the books and can be used to subpoena and punish journalists who report on sensitive issues such as government corruption, drug trafficking, and human rights abuses. A freedom of information law was passed in 2007, but access to public information continues to be problematic in practice.

The government indicated early in 2012 that it was considering a law to “regulate” news media activity, and the National Telecommunications Commission (CONATEL) took initial steps to introduce a bill that would give it oversight of national broadcast networks. Critics claim the proposal would permit major restrictions on media independence. The plan had not moved forward by the end of 2012.

Community radio stations are not clearly recognized by law, meaning they operate under threat of closure. Such stations, particularly those that carry opposition views, are regularly harassed and persecuted on dubious legal grounds. In February 2012, the electricity was disconnected at community stations La Voz Lenca and Radio Guarajambala FM by unknown men dressed in utility uniforms. At the time of the incident, the outlets were voicing support for a protest by local indigenous people against the construction of a power plant in Intibucá. In November, CONATEL ordered Radio Guarajambala FM to change frequencies and lower the strength of its broadcasts based on a five-year-old complaint that had already been rejected by CONATEL legal experts.

Government pressure and censorship continue to threaten press freedom. In October, the mayor of Talanga ordered the suspension of cable television channel Telecentro's broadcast signal, attempted to obstruct the circulation of the newspaper *El Herald* by buying up copies, and prohibited media outlets from selling advertising space to his political opponents. Also that month, the online newspaper *Hondudiar* was disabled for 48 hours following a cyberattack. The owners stated that the attack was a reprisal for the outlet's investigation into a large debt accrued through the superfluous use of government helicopters.

Self-censorship has been exacerbated by an increase in intimidation and regular reports of death threats against journalists and their families, largely by criminal groups. In August, two men on a motorcycle fired gunshots at the home of journalist José Encarnación Chinchilla López of Radio Cadena Voces in El Progreso. Chinchilla's 24-year-old son was injured. In November, three armed men threatened the son of prominent journalist Renato Alvarez outside his home. Local press freedom advocates have also faced threats. In February, Danilo Osmaro Castellanos, the vice president of the Committee for Free Expression (C-Libre), received telephone calls and text messages threatening his life and the lives of his family members.

High levels of violence have made Honduras one of the world's most dangerous countries for journalists. According to C-Libre, nine reporters were killed in 2012, although in some cases it was unclear whether the murders were directly tied to their work. In March, journalist Fausto Elio Valle Hernández Arteaga of Radio Alegre de Colón was found hacked to death in Sabá, Colón Department. The May murder of Villatoro, the news director of Radio HRN, led to large protests by journalists and human rights activists calling for justice and better

protection for media personnel. Villatoro was found shot to death on a Tegucigalpa sidewalk a week after he was kidnapped. The country’s human rights commissioner made a number of arrests, including that of a police officer, in connection with the murder, and investigations into the crime were ongoing at year’s end. In July, Adonis Felipe Bueso Gutiérrez, a reporter with Radio Stereo Naranja, was kidnapped and murdered along with two of his cousins in Villanueva, Cortés Department. In August, journalist José Noel Canales of *Hondudiarario* was shot to death on his way to work. Many attacks occur in retaliation for journalists’ coverage of organized crime, drug trafficking, corruption, or other sensitive issues.

Honduras has at least nine daily newspapers, six private television stations, and five radio stations that broadcast nationally, as well as a large number of community radio stations. Most of the major outlets are owned by a small group of business magnates who have political and commercial interests and exercise considerable control over content. Corruption among journalists and government manipulation of state advertising purchases remain common. According to a 2008 report by the Open Society Institute, journalists often entered into contracts with government officials and received payments in return for favorable reporting.

About 18 percent of the population had access to the internet in 2012, but poor infrastructure in rural areas limits penetration.

## Hong Kong

**Status: Partly Free**

**Legal Environment: 11**

**Political Environment: 15**

**Economic Environment: 9**

**Total Score: 35**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>30,F</b>	<b>33,PF</b>	<b>33,PF</b>	<b>32,PF</b>	<b>33,PF</b>

Freedom of expression is protected by law, and Hong Kong media remain lively in their criticism of the territory’s government and to a lesser extent the Chinese central government. However, political and economic pressures have narrowed the space for free expression. According to a poll published in June 2012 by the Hong Kong Journalists Association (HKJA), 87 percent of the journalists surveyed believed that press freedom had eroded during the seven-year tenure of Chief Executive Donald Tsang, who stepped down in July. Over the course of the year, growing government restrictions on access to information, violent attacks on the offices of two media entities, and heightened intrusiveness by Beijing’s Liaison Office further threatened press freedom in the territory.

Under Article 27 of the Basic Law, Hong Kong residents enjoy freedoms of speech, press, and publication, and these rights are generally upheld by the territory’s independent courts. However, they risk being undermined by the power of the National People’s Congress (NPC), China’s rubber-stamp parliament, to make final interpretations of the Basic Law; Chinese surveillance in the territory; and the mainland economic interests of local media owners. Hong Kong has no freedom of information law. An administrative code is intended to ensure open access to government information, but official adherence is inconsistent, prompting local

journalists and watchdog groups to urge the government to give freedom of information requirements the force of law. A number of legislative items proposed by the Hong Kong government during 2012 could threaten free expression, though none had passed by year's end. The HKJA expressed concern that proposed antistalking legislation could be used to limit reporters' movements by classifying legitimate journalistic activity as stalking. Critics also argued that draft amendments to the Copyright Ordinance could be used to penalize political parodies, including those circulated online.

Press freedom advocates continue to question the selective application of the Broadcasting Ordinance and the constitutionality of existing procedures for granting licenses to new media outlets. Decisions to grant or refuse licenses are made by the executive branch rather than an independent body. To date, only two broadcast companies, Television Broadcasts Limited (TVB) and Asia Television Limited (ATV), have licenses to compete in the free-to-air television market. The lack of competition has led to doubt about the diversity of news coverage and unfair advantages in attracting advertising. In early 2012, the government appeared ready to issue more free-to-air television licenses. No new licenses had been issued by year's end, although three prospective broadcasters had received initial approval from the Broadcasting Authority. Some observers speculated that the delay stemmed from the Chinese central government's hesitation to expand public access to new stations beyond its control. The prodemocracy station Citizens' Radio, having operated for years without a license, has faced repeated raids and prosecutions on charges of illegal broadcasting. The activists who run the outlet argue that the prosecutions are illegitimate because the licensing procedure is unconstitutional. A magistrate dismissed charges against the station on those grounds in January, but an appellate court reversed the ruling in April. The activists planned a final appeal, and the station continued broadcasting during the year. Separately, in November, five lawmakers from Hong Kong's Democratic Party won a final appeal against their conviction for speaking on the radio station. The defendants had each been fined HK\$1,000 (US\$129) in 2009 for participating in a 2008 Citizens' Radio forum. In a case that raised questions about Chinese journalists' ability to work in the territory, the Hong Kong immigration department continued to delay a 2011 work visa application by outspoken mainland journalist Zhang Ping (pen name Chang Ping), who had been hired as editor of the online magazine *iSun Affairs*. Observers reported that replies are typically obtained within four weeks.

In recent years, Beijing's efforts to influence the news, publishing, and film industries have increased. This trend intensified in 2012, particularly in the run-up to the chief executive election in March, during which the central government shifted its support from candidate Henry Tang to the eventual winner, Leung Chun-ying, prompting an unusual split in the pro-China camp. Press freedom groups reported that staff from the Liaison Office of the Central People's Government, mainland China's representative agency in Hong Kong, contacted newspaper publishers, owners, and even editors by telephone or in person to castigate them for articles that were critical of Leung or pressure them to report favorably on the office itself. In most cases, the targeted outlets appeared to stave off the pressure, at least in the immediate term. However, in what was perceived as a serious infringement on press freedom, *Sing Pao* altered an opinion column by commentator Johnny Lau that had rejected both Tang and Leung, reframing it as a virtual endorsement of Leung. Although the paper's chief editor initially apologized, it later discontinued Lau's column after he submitted a piece about the death of prominent U.S.-based Chinese democracy advocate Fang Lizhi. These incidents represented a change from the past, when the targets of Chinese pressure were primarily voices and topics perceived as politically

sensitive on the mainland, rather than related to internal Hong Kong politics. In April and May 2012, the newly elected Leung sent four letters to the *Hong Kong Economic Journal* and *Apple Daily*, complaining about their critical reporting. In a positive development, however, he signed a pledge presented to him by the HKJA, promising to defend press freedom and not enact laws banning treason, sedition, and other such offenses—as called for in Article 23 of the Basic Law—without first reaching public consensus.

Media self-censorship continues to pose a serious threat to free expression. Among the respondents to the June 2012 HKJA survey, nearly 36 percent admitted to self-censorship, citing the following practices in order of most to least common: downplaying information unfavorable to conglomerates that wield strong influence over advertising, downplaying information unfavorable to the central government, downplaying information detrimental to the media owners or their interests, slanting news in favor of a chief executive candidate, and downplaying information unfavorable to the Hong Kong government or slanting news in its favor. Some self-censorship stems from the close relationship between local media owners and the central government. Several owners sit on the Chinese People's Political Consultative Conference (CPPCC), an advisory body that has little real influence over government policy but is used by China's ruling Communist Party to co-opt powerful members of society. A number of Hong Kong media owners are also current or former members of the NPC, and many have significant business interests in mainland China. The appointment of editors with ties to China has also prompted accusations of self-censorship, even in otherwise well-respected outlets. In January 2012, Wang Xiangwei, a mainlander who had once worked for the state-run *China Daily*, was hired as chief editor of the influential English-language *South China Morning Post*. Controversy surrounded Wang after he reportedly downplayed an article on the suspicious death of mainland activist Li Wangyang, prompting a backlash from senior staff, and discontinued the contract of award-winning journalist Paul Mooney, who had been responsible for many of the paper's hardest-hitting stories on human rights violations in China.

The Hong Kong government has tightened control over journalists' access to information in recent years. Indeed, in the HKJA survey, an overwhelming majority of journalists said this had contributed to a decline in press freedom. Over the past two years, officials have increasingly shifted to off-the-record briefings to announce policies and released official footage for news events rather than opening them to the press. In addition, the police and fire departments have released less detailed and timely information about newsworthy incidents. One example of withheld information that provoked particular criticism in 2012 was the government's concealment of a trip to Beijing by the education minister at the height of a controversy over a proposed national education curriculum. Separately, after the Legislative Council moved to a new complex in 2011, the government issued new security rules that restricted journalists' ability to interact with lawmakers; these regulations remained in place throughout 2012.

Violence against journalists is rare in Hong Kong. However, several attacks against journalists and their property occurred in 2012. In August, four masked men entered the offices of the citizen journalism and commentary website In-Media, destroying computers and other equipment. The Sing Tao media group suffered two attacks: a stolen car rammed into its headquarters in Shau Kei Wan in August, and in September men wielding axes attacked the company's offices in southern Kowloon. The motives remained unclear, though organized crime involvement was suspected in the Sing Tao attacks. On December 30, at a pro-Hong Kong government rally, several participants attacked two journalists, leading to minor injuries. One of

the perpetrators was arrested and later fined based on video footage of the assault. During a visit by Chinese president Hu Jintao in June, a journalist from *Apple Daily* was briefly detained after yelling out a question regarding the 1989 Tiananmen Square massacre. Although restrictions on media access were more stringent than during past visits by Hu, they were not as heavy-handed as those imposed during Vice Premier Li Keqiang's trip in 2011, which had sparked a large public outcry.

Online media are sometimes disrupted by attackers with apparent political motives. Two days before the chief executive election in March 2012, administrators of an online election poll organized by Hong Kong University reported that the website was brought down by a massive denial-of-service attack. The poll aimed to gauge the general public's opinion of the candidates, as only the 1,200 members of an elite electoral committee are able to participate in the official vote.

Hong Kong journalists face restrictions and intimidation when covering events on the mainland, limiting their ability to provide national news to the local population. Chinese authorities require journalists to obtain temporary press cards from the Liaison Office in Hong Kong prior to each reporting visit to the mainland, and to obtain the prior consent of interviewees. Even with accreditation, journalists from the territory have repeatedly been subjected to surveillance, threats, beatings, and occasional jailing when reporting on the mainland. In September 2012, Felix Wong Chi-keung of the *South China Morning Post* sustained severe bruises to his face and legs after police in Shenzhen beat him as he tried to photograph anti-Japanese protesters, despite the fact that he identified himself as a journalist.

Hong Kong's media are outspoken. There is a high degree of professionalism, and political debate is vigorous. Dozens of daily newspapers are published in Chinese and English, and residents have access to satellite television and international radio broadcasts from services like the British Broadcasting Corporation. Radio Television Hong Kong (RTHK) operates as an independent department in the government and earns high public-approval ratings for its critical coverage of the authorities. After rejecting proposals to turn RTHK into an independent public broadcaster in 2009, the government issued a new charter in 2011 that redefined its mission to include promotion of the official "one country, two systems" policy on Hong Kong's autonomy within China, among other changes. Also that year, Roy Tang Yun-kwong, previously the deputy secretary of the Labour and Welfare Bureau, was appointed as the new director of broadcasting. The choice marked the first time since the 1930s that an outside civil servant was "parachuted in" to lead RTHK; directors were typically appointed from within the station. Some feared this could threaten the station's editorial independence. RTHK was also criticized in November 2011 for discontinuing the contracts of two popular current affairs talk-show hosts. Such criticism eased somewhat in 2012 after the station introduced a new television program, *Face to Face*, featuring a young host who aggressively questioned government representatives. Publications known for their criticism of the Chinese central government, such as *Apple Daily* and the *Epoch Times*, have reported difficulties in attracting advertisers in recent years because of fears among private business owners that the association would damage their economic interests on the mainland.

There are no restrictions on internet access in Hong Kong. The territory has one of the highest internet usage rates in Asia, with nearly 73 percent of the population accessing the medium during 2012.

## Hungary

**Status: Partly Free**

**Legal Environment: 12**

**Political Environment: 13**

**Economic Environment: 11**

**Total Score: 36**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	21,F	21,F	23,F	30,F	36,PF

Hungary's constitution protects freedom of speech and of the press, but complex and extensive media legislation adopted in 2010 is widely seen as undermining these guarantees. A ruling by the Constitutional Court in December 2011 and amendments adopted during 2011 and 2012 to meet objections from the European Commission did little to limit the power of a new media regulation authority, which is currently controlled by the ruling Fidesz party.

In 2010, Prime Minister Viktor Orbán's Fidesz party used its parliamentary supermajority to pass numerous mutually reinforcing legislative changes, tightening government control of the broadcast sector and extending regulation to print and online media. In July of that year, it amended the constitution, removing a passage on the government's obligation to prevent media monopolies. It then consolidated media regulation under the supervision of a single entity, the National Media and Infocommunications Authority (NMHH), whose members are elected by a two-thirds majority in the parliament and whose leader also chairs a five-person Media Council tasked with content regulation. The law gives the head of the NMHH the right to nominate the executive directors of all public media. The first president of the NMHH, Annamária Szalai, a former Fidesz politician, was appointed by Orbán for a nine-year term, initially without limits on reelection. The structure and broadly defined competencies of the new regulatory bodies were outlined in subsequent legislation, including the Press and Media Act of November 2010 and the so-called Hungarian Media Law, which was adopted in December 2010 and came into effect on January 1, 2011. Though they share a leader and consist entirely of Fidesz nominees, the NMHH and Media Council are theoretically autonomous, both from the government and from each other.

The composition of the two bodies raised significant concerns among Hungarian media employees, opposition parties, and civil society activists. The expansion of regulatory oversight from broadcast to print and internet-based media also drew a wave of criticism from the international community, including the Council of Europe, the European Parliament, the media representative of the Organization for Security and Cooperation in Europe (OSCE), the UN special rapporteur on freedom of expression, and various press freedom and human rights organizations.

By late February 2011, negotiations between Hungarian government officials, European Union (EU) media monitoring bodies, and Hungarian media experts had yielded amendments to a number of provisions identified by the European Commission as violations of EU law. Rules on registration and authorization of media service providers were amended to comply with the EU's Audiovisual Media Services (AVMS) Directive, allowing print, ancillary, and on-demand media to register with the NMHH within 60 days of launching their services, rather than prior to doing so. However, all media outlets, including online services, still must register. An additional

amendment protects audiovisual media service providers based in other EU member states from being fined for breaching certain provisions of the Hungarian Media Law, such as a ban on incitement of hatred. In general, the amendments resulted in a few improvements, but also yielded a new restriction: Media service providers can be fined for failing to register with the NMHH.

On December 19, 2011, Hungary's Constitutional Court annulled several pieces of legislation from 2010 and 2011, including provisions of the Press and Media Act and some sections of the Media Law. The ruling excluded print and online media from the scope of the sanctioning powers of the NMHH; revoked the media authority's right to demand data from media service providers, publishers, and program distributors; deleted a provision limiting the confidentiality of journalists' sources to stories serving the public interest; and eliminated the position of media commissioner, an appointee of the NMHH president with the authority to initiate proceedings that do not involve violations of the law and whose decisions can be enforced by NMHH-issued fines and sanctions. The revisions were approved by the parliament in May 2012. However, in an interview published on June 7 in the Budapest weekly *Figyelő*, Neelie Kroes, the EU commissioner for the digital agenda and vice president of the European Commission, said the recent changes "failed to address the concerns of the EU and of the Council of Europe." Kroes called the Media Law "embarrassing," noting that the revisions addressed just 11 of 66 recommendations made by the Council of Europe.

The unamended provisions of the law still allow the Media Council to fine the media for "inciting hatred" against individuals, nations, communities, minorities, or even majorities. If found to be in violation of the law, radio and television stations may receive fines proportional to the "market power" of the outlet in question. These fines must then be paid before an appeals process can be initiated. Under the Media Law, the NMHH can initiate a regulatory procedure in the case of "unbalanced reporting" and, ultimately, it can also suspend the right to broadcast. Another controversial component of the Media Law is the system of co-regulation. In July 2011, the NMHH concluded public administration agreements on media co-regulation with four Hungarian media self-regulatory bodies: the Association of Hungarian Content Providers (MTE), the Advertising Self-Regulatory Body (ÖRT), the Association of Hungarian Publishers (MLE), and the Association of Hungarian Electronic Broadcasters (MEME). These formerly independent bodies are now responsible for ensuring compliance with NMHH content rules and risk becoming instruments of censorship.

As was the case under the previous media regulation authorities, broadcasters with expiring licenses are required to enter a new bid with the NMHH. Even as several radio stations have been forced to stop broadcasting due to a lack of advertising revenue, license fees for Budapest-based frequencies more than doubled in 2011. Klubrádió, a popular station known for its bold, antigovernment political commentary, has been waiting for the renewal of its broadcasting license since it expired in February 2011. It has been granted a series of two-month extensions of its previous license, making it extremely difficult to attract advertisers. The station was denied renewal of eight local frequencies in 2011, and that December it lost the bid for its main frequency to the newly established station Autórádió, which met the new NMHH tender's requirements by featuring mostly music rather than commentary. The new laws governing broadcast media content are detailed in terms of what type of programming may be played and when. Radio broadcasters must devote at least 25 percent of their airtime to Hungarian music, while 50 percent of television programming must be devoted to European productions. Critics of the Klubrádió frequency tender say it was designed to evict the station from its home of over 10

years. After Autórádió's bid was disqualified by a court decision in March 2012, several courts ruled in favor of Klubrádió, but the station had yet to regain control of its main frequency at year's end.

In June 2012, the European Commission referred Hungary to the European Court of Justice over the questionable independence of its new data protection authority, created by a new constitution enacted in April 2011 and in operation since January 2012. The commissioner of the previous data protection body was removed before the end of his term, and the leader of the new authority is appointed by the president on the recommendation of the prime minister. Originally, this official was subject to dismissal by the prime minister or president on arbitrary grounds, but that provision was revoked by the parliament in April 2012.

The government has made some specific attempts to regulate online media. Under an amendment to the criminal code proposed at the end of 2012, websites deemed by the NMHH to contain criminal content—such as child pornography—or content that incites criminal activity would be placed on a blacklist via court order, and internet service providers (ISPs) would be compelled to block the sites. The amendment allows the government to take action if ISPs fail to heed the blocking orders.

Hungary enjoys a broad array of print, broadcast, and online media. Most outlets appear to identify with one or the other side of the political spectrum. The media landscape is dominated by private companies, with high levels of foreign investment in national and local newspapers. Privately held newspapers include 10 national and 24 local dailies. Hungary has five national public radio stations and two main private stations. Thanks to the activities of a small number of affluent Fidesz-aligned businesspeople, there has been a significant growth in the number of conservative or right-wing media in recent years. With a portfolio that includes print and broadcast elements as well as Hungary's biggest outdoor advertisement company, four such individuals owning 15 companies saw the aggregate profits of their media empire increase sevenfold in 2011 compared with 2009.

The tabloidization of Hungarian broadcast media remains a major concern and has sometimes been used by the government to justify new restrictions on content. The nongovernmental organization Nyilvánosság Klub (Openness Club) monitored several public and private television and radio stations between November 7 and December 16, 2011, finding that just 23 percent of coverage in this period was devoted to international news, compared with 32 percent in 2007. The study also found that serious political coverage on public television had decreased by 30 percent since 2007. During the six weeks that Nyilvánosság Klub monitored the state-run Hungarian Television (MTV) and Hungarian Radio (MR), they aired only two mentions of foreign criticism of the government. Among all the stations monitored, the only broadcasters that were regularly critical of Fidesz were ATV, a commercial cable television station, and the embattled Klubrádió.

In 2011, the government-funded news agency MTI became the official source for all public media news content. It publishes nearly all of its news and photographs online for free, and offers media service providers the ability to download and republish them. Paid-subscription news agencies and smaller media outlets with limited resources cannot compete with MTI, and the incentive to practice "copy-and-paste journalism" is high. The accuracy and objectivity of MTI reporting has come under criticism since the Orbán government came to power in 2010. State and state-dependent advertisers usually buy space in progovernment media, and many private companies have followed suit.

Under the Media Law, the funding for all public media is centralized under one body, the Media Service Support and Asset Management Fund (MTVA), supervised by the Media Council. By creating a central property management and production fund, the government deprived three previously independent institutions—MTV, MR, and Danube Television (Duna Televízió)—of their financial and organizational autonomy.

In December 2011, a group of Hungarian journalists, led by then MTV1 foreign news producer Balazs Nagy Navarro, went on a hunger strike to protest alleged manipulation of the state media by the Orbán government. Both Nagy Navarro and another leading figure in the hunger strike, Aranka Szavuly, were dismissed from their jobs at MTV1 late that month for causing a “provocation.” The strike continued throughout 2012. By the end of 2011, MTVA had laid off nearly 1,000 employees as part of a long-anticipated streamlining of the public media. The government claims this was due to budgetary concerns, though the public media received a 10 percent budget increase in 2011 and an increase of approximately 2 percent in 2012. Throughout the year, employees of the public and private media spoke to international media and press freedom watchdog organizations about growing self-censorship by journalists and editors in the face of fines or unemployment.

Diversity is on the rise in online media. Most notably, there has been an increase in domestically owned internet-based outlets. At approximately 72 percent, Hungary’s internet penetration is just below the European average, according to the International Telecommunication Union. Data published by the U.S. State Department show that as of January 2011, there was a significant gap between the usage rates in Budapest and the rest of the country.

## Iceland

**Status: Free**

**Legal Environment: 3**

**Political Environment: 5**

**Economic Environment: 6**

**Total Score: 14**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>9,F</b>	<b>9,F</b>	<b>10,F</b>	<b>12,F</b>	<b>14,F</b>

Freedom of expression is protected under Article 73 of the constitution, and the government generally does not interfere in the independent media’s presentation of a wide variety of views. However, there are limitations on free speech, including fines or imprisonment for those who belittle the doctrines of officially recognized religious groups or deliver verbal assaults based on race, religion, nationality, or sexual orientation.

A new media control law passed in 2011 was intended enhance press freedom through comprehensive regulation of broadcast, print, and web-based media. However, press freedom organizations opposed several components of the legislation, particularly the creation of the State Media Committee, a state-run body with sweeping powers to impose fines on media outlets that do not comply with the law. Another provision requires outlets to register and detail their “editorial strategy.” Nonregistration can result in fines of approximately \$1,600 per day. An outlet may also be fined for not adhering to its stated editorial strategy. The new law includes a

ban on reporting that might encourage hate speech based on “race, gender, sexual orientation, religious belief, nationality, opinion or cultural, economic, social or other standing in society.” Journalists fear that the economic and social standing portion of this clause could be used by powerful interests to incriminate journalists if any negative information is published about them. Two positive safeguards afforded by the law are editorial independence from owners and the protection of journalists’ sources.

Iceland’s libel laws have been a concern in recent years. The courts’ handling of libel cases is seen by journalists as too rigid, leading to frivolous lawsuits that aim to silence critical press. In July 2012, the European Court of Human Rights (ECHR) ordered the Icelandic government to pay damages to journalists Erla Hlynisdóttir and Björk Eiðsdóttir, who had been found guilty of defamation under the old media law because they had quoted sources that made defamatory statements. The ECHR found that quoting a source who makes possibly defamatory comments could not in itself be seen as defamatory, and that the correct journalistic ethical practices were in place. Under Article 51 of the new media law, journalists can no longer be held responsible for potentially libelous quotes from sources. Nevertheless, libel cases continued to be adjudicated in 2012, and some were decided under the old law. In November, the Supreme Court overturned a prior ruling and convicted journalist Svavar Halldórsson of the National Broadcasting Service of defaming a business tycoon by accusing him of financial illegalities. Halldórsson was ordered to pay 300,000 kronur (\$2,400) in damages.

The Freedom of Information Act of 1996 guarantees access to government information for all individuals without requiring a reason for the request. An ambitious legislative proposal known as the Icelandic Modern Media Initiative (IMMI) was approved by the parliament in 2010. IMMI is intended to create a global safe haven with unprecedented transparency and legal protection for the press, bloggers, and whistle-blowers. The proposed reforms were still under way at the end of 2012, with the Icelandic lobby organization International Modern Media Institute spearheading the process, but the project was progressing slowly. Although the 2011 media law provides source protection—a pillar of IMMI—many other aspects of the new law are considered setbacks to IMMI’s reform goals.

The country’s wide range of publications includes both independent and party-affiliated newspapers, but the financial crisis that began in 2008 has led to cutbacks in both broadcast and print media. The Icelandic National Broadcasting Service (RUV) runs radio and television stations funded by license fees as well as advertising revenue. RUV was reestablished as a public corporation in 2007, having previously operated as a state-owned institution; it has public-service obligations, and holds a market share of around 50 percent. Media concentration is a concern in Iceland, as the company 365 controls much of the country’s private television and radio broadcasting, one of the major national newspapers, and several magazines. In 2012, around 96 percent of the population accessed the internet, and 72 percent were reported to be on the social-networking site Facebook. The internet is not restricted by the government.

## **India**

**Status: Partly Free**

**Legal Environment: 10**

**Political Environment: 19**

**Economic Environment: 9**

**Total Score: 38**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>35,PF</b>	<b>36,PF</b>	<b>33,PF</b>	<b>35,PF</b>	<b>37,PF</b>

India’s vibrant media are the freest in South Asia, but journalists, particularly those in rural areas and certain conflict-racked states, faced a number of challenges in 2012, including legal actions, occasional violence, and the expansion of internet censorship.

The constitution provides for freedoms of speech and expression, subject to some legal limitations, though these rights are not consistently upheld. The 1923 Official Secrets Act gives authorities the power to censor security-related articles and prosecute members of the press. State and national authorities, along with the courts, have on occasion used other security laws, sedition statutes, criminal defamation legislation, bans on blasphemy and hate speech, and contempt-of-court charges to curb sensitive reporting. Two journalists who were arrested in 2011 and charged under the Unlawful Activities Prevention Act (UAPA) and the sedition law—Sudhir Dhawale of the Marathi-language monthly *Vidrohi* and freelance journalist Lingaram Kodopi—remained in custody in 2012. In November, Naveen Soorinje, a reporter for a local-language television news channel, was arrested and charged with participating in an attack on women by a right-wing Hindu group in Karnataka State, although he had merely filmed the assault. He remained in jail at year’s end after repeated requests for bail were denied.

Legal restrictions on internet content have been increasing. The 2008 Information Technology (IT) Act gives the Ministry of Communications and Information Technology the authority to block material that endangers public order or national security. The law also enables the prosecution of cybercafés, search engines, and internet service providers (ISPs). In 2011, the government introduced rules under the IT Act that would compel companies to remove objectionable content within 36 hours of receiving an official notice and oblige cybercafés to install surveillance cameras and submit records of their users’ online activity to the government. A lawsuit filed in 2012 against several global internet companies with the government’s approval would penalize the firms for failing to remove content deemed offensive and likely to incite religious conflict; the case was still pending at year’s end. In the meantime, official content-removal requests dramatically increased during the year. In September, freelance cartoonist Aseem Trivedi was arrested and charged with sedition for publishing cartoons on his website that ostensibly mocked national symbols and criticized corruption, prompting government ministers to initiate a review of the sedition law. While the sedition charge was eventually dropped, other charges against Trivedi were still pending.

Implementation of the landmark Right to Information (RTI) Act of 2005 has been mixed, with the majority of requests blocked due to the law’s broad categorical restrictions on the release of information. The RTI Act’s success has also been hindered by an overall lack of awareness of the rights it guarantees, a large backlog of appeals and requests, and widespread inefficiency within state and local governing bodies. In July 2012, the government issued new RTI rules, imposing a word limit on requests and making appeals more cumbersome. In September, the Supreme Court ruled that all chief information commissioners should be retired judges, raising concerns among activists that the change would cause additional delays in adjudicating RTI requests. While some state governments are making an effort to disseminate information about the law, especially in rural and isolated areas, others are employing various

means to make requests more onerous. A number of activists who have attempted to use the RTI Act to uncover abuses, particularly official corruption, have been killed in recent years.

The Press Council of India (PCI), an independent self-regulatory body for the print media that is composed of journalists, publishers, and politicians, investigates complaints of misconduct or irresponsible reporting, but does not have punitive powers. The regulatory framework for the rapidly expanding broadcast sector does not at present feature an independent agency that is free from political influence. The News Broadcasters' Association, an industry body that primarily represents the television sector, issued a new set of self-regulatory guidelines in February 2009, covering topics including crime, violence, and national security. The move was part of a bid to forestall official regulation of news coverage in the wake of the 2008 Mumbai terrorist attacks, including proposals by the Ministry of Information and Broadcasting (MIB) to increase controls on television news feeds in times of crisis. Media critics continued to call for greater regulatory curbs on unethical journalism in 2012. While access to the profession of journalism is open, an accreditation mechanism for online journalists has not yet been developed. Media industry groups and local press freedom advocacy organizations remain fairly weak.

Despite increasing diversity in the print and online media landscapes, outlets have difficulty accessing official information, and some self-censor to avoid losing state government advertising, which is a key source of revenue. Foreign journalists occasionally have trouble obtaining visas to report from within the country, particularly if their prior reporting has been critical.

Physical intimidation of journalists by a variety of actors continued to be a problem in 2012, and media offices were also targeted during the year. Journalists were attacked, threatened, abducted, or detained by police, political activists, right-wing groups, insurgents, local officials, or criminals. Four journalists were killed in 2012, according to the Committee to Protect Journalists (CPJ), although in two of the cases it remained unclear whether the crimes were motivated by the reporters' work. Two of the victims were beaten to death in Madhya Pradesh in February and March, a third died after opening a parcel bomb in West Bengal in September, and the fourth was killed by police while covering protests in Imphal, the capital of Manipur State, in December. In July, Tongam Rina, a journalist with the *Arunachal Times*, narrowly survived a shooting attack. The paper's offices and staff were also attacked by unidentified men in March, April, and September. A prevailing climate of impunity encourages such violence, with many past murders remaining unsolved, according to CPJ.

Members of the press are particularly vulnerable in rural areas and insurgency-racked states such as Chhattisgarh, Jammu and Kashmir, Assam, and Manipur, where reporters face pressure from both the government and insurgents. Those suspected of Maoist or other insurgent sympathies were sometimes threatened with sedition charges or detained by the authorities in 2012, while others were pressured to reveal their sources for sensitive stories or were blocked from covering the news. Kashmiri journalists continued to encounter physical harassment and verbal suggestions or written directives from the government or militant groups to slant coverage a certain way.

India is one of the few countries in the world where print media remain a vibrant and financially sustainable growth industry, and there are rising numbers of print and broadcast outlets that cater to national or various regional or linguistic audiences. Most print outlets, particularly in the national and English-language press, are privately owned, provide diverse coverage, and frequently scrutinize the government. The low cost of newspapers—which are sold at prices far below the cost of production—ensures wider access to print media than in most

low-income countries. The broadcast media are predominantly in private hands, and diversity in the television sector has expanded exponentially. More than 800 television channels are in operation, with a significant proportion focused on news and current events. India's state-controlled television station, Doordarshan, has been accused of manipulating the news to favor the government, and some private satellite television channels provide coverage that reflects the political affiliations of their owners, according to the U.S. State Department. The state retains a monopoly on AM radio broadcasting, and private FM radio stations are not allowed to air news content. Under a 2006 policy that provided guidelines for the ownership and operation of community radio stations by civil society groups, there has been a modest increase in such stations, leading to a greater diversity of coverage. As of late 2012, the MIB reported that more than 140 community stations were functioning, while several hundred applications were still being processed. There are no restrictions on cross-ownership or vertical integration of media, and growing consolidation and corporatization in the industry has resulted in potential threats to editorial independence and plurality. In 2012, a number of complex mergers, including plans for the Reliance industrial conglomerate to fund a major acquisition by the Network 18 media group, prompted the MIB to initiate a review of the cross-ownership issue.

Access to foreign media, with the exception of some outlets based in Pakistan, is generally unrestricted. However, authorities sometimes block distribution of certain foreign print editions due to content such as maps of the disputed Kashmir region. In recent years, intelligence agencies have also objected to broadcasts from neighboring countries that contain "anti-India" content, and the government has attempted to block service providers from carrying them and increase the penalties for doing so. Some impediments to production and distribution of domestic media, such as blockades of newspapers or official instructions not to carry certain cable channels, also occasionally arise.

The placement or withdrawal of advertisements is used by both the national and state-level governments to reward favored news outlets or punish those that produce critical stories. Bribery is also a major concern, as is the erosion of barriers between the editorial and advertising departments at many outlets, sometimes through the use of "private treaties" with major companies. Despite investigations by India's election commissioner and the PCI, the practice of "cash for coverage"—in which payments are made to secure favorable news coverage for candidates and parties, particularly during election cycles—remains deeply entrenched.

The internet was accessed by about 13 percent of the population in 2012. Mobile telephones are increasingly being used as a means of gathering and disseminating news and information, particularly in rural communities and areas with high rates of illiteracy. However, the government retains the power to obstruct online communications. In August 2012, the government blocked several hundred websites and social-media accounts and temporarily restricted mobile-phone text messaging, ostensibly to combat serious outbreaks of communal violence in several states. In September, the government temporarily blocked some internet services and telecommunications in response to protests in Kashmir.

## **Indonesia**

**Status: Partly Free**

**Legal Environment: 16**

**Political Environment: 18**

**Economic Environment: 15****Total Score: 49**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>54,PF</b>	<b>54,PF</b>	<b>52,PF</b>	<b>53,PF</b>	<b>49,PF</b>

Indonesia's media environment continues to rank among the most vibrant and open in the region. Constitutional and legal provisions allow for freedom of speech and freedom of the press. However, both the government and private actors sometimes use their power to obstruct these rights. Defamation is an offense covered by more than 40 provisions of the country's criminal code. Although the independent Indonesian Press Council, created by the 1999 Law on the Press, is supposed to adjudicate all media disputes according to a 2005 Supreme Court ruling, authorities continue to undermine the council's mandate by bringing defamation charges to the courts. However, there were fewer court cases involving media freedom in 2012 than in previous years, perhaps indicating that the police were beginning to comply with a memorandum of understanding (MoU) they had signed with the press council in February 2011. Under the MoU, the police agreed to pursue cases involving news reporting by applying the press law from the outset, and consulting with the press council when they receive a press-related complaint.

A 2011 Constitutional Court decision to uphold a law prohibiting blasphemy (Article 156a of the criminal code) continued to have negative implications for media freedom in 2012, as did the judges' apparent endorsement of the government's argument that prohibition of blasphemy is vital to protecting religious harmony. The charge carries a punishment of up to five years in prison. In January 2012, Alexander Aan, a civil servant in West Sumatra Province, was arrested and charged with blasphemy over a posting on his Facebook page declaring that "God doesn't exist," as well as other statements and images that a local council of Muslim clerics deemed insulting to Islam. Aan was also charged with "disseminating information aimed at inciting religious hatred or hostility" under the 2008 Electronic Information and Transactions Law. He was convicted in June and sentenced to 30 months in jail and a fine of 100 million rupiah (\$10,300). Also in June, Hasan Suwandi, a guardian at a mosque in Cianjur, West Java Province, was tried for criminal defamation under Article 310 of the criminal code, which carries up to two years' imprisonment. The police brought the charges after Hasan allegedly told a local newspaper that the district police chief had given permission for an Ahmadiyya mosque to be reopened. Hasan was found guilty and sentenced to six months' probation. Ahmadiyya is a heterodox Islamic sect with approximately 400,000 Indonesian followers. In early 2011, the government of East Java had banned Ahmadi from using any form of media to spread their beliefs, and from displaying the name Ahmadiyya in public and in mosques.

The 2008 Law on Public Information Transparency provides for the right to freedom of information. It took effect in 2010, but implementation remains flawed. The State Intelligence Law (SIL), which was passed in October 2011, has been criticized as a serious threat to civil liberties and journalistic freedom. Article 32 authorizes intelligence agencies to intercept communications without prior court approval, while Article 26 prohibits individuals or legal entities from revealing or communicating state secrets, with penalties of up to 10 years in prison and fees exceeding 100 million rupiah (\$10,300). This article is open to misinterpretation and abuse by state officials, as state secrets are not clearly defined and can easily conflict with the Law on Public Information Transparency. The Alliance of Independent Journalists (AJI) joined a number of other nongovernmental organizations and individuals in filing a challenge to the SIL

before the Supreme Court in January 2012. The group has raised concerns that the law could be used to rein in journalists and organizations that seek to disseminate information to the wider public, but there was no evidence of this during the year.

Print media are regulated through the press council, while broadcast media must be licensed by the Ministry of Communication and Information Technology and the Indonesian Broadcasting Commission (KPI). Both of these bodies appear to operate independently for the most part. However, under the 2002 Broadcast Act, local stations are prohibited from disseminating foreign broadcasts, and foreign ownership of broadcast media is banned. The act has drawn criticism for its limits on content and severe penalties for violations, and the government has occasionally used it to restrict broadcasting. Although there are hundreds of community radio stations in Indonesia, the World Association of Community Radio Broadcasters (AMARC) has called for legal reform and equitable distribution of frequencies to promote the growth of community radio in the country, pointing to the slow process of licensing, the lack of proper enabling legislation, and a lack of transparency and fairness in licensing decisions as the major obstacles to the sector's development.

Journalists remain subject to attacks and physical harassment from both the authorities and nonstate actors. AJI reported that violence against the press in Indonesia increased in 2012, with the total number of incidents rising to 56, from 49 in 2011. Two journalists were killed during the year. In April, Leiron Kogoya, a journalist for *Papua Pos Nabire* and the *Pasifik Pos* daily, was killed when a small passenger plane he was travelling on was shot at by an unidentified armed group as it was about to land in the eastern Papua region. Leiron was planning to cover local elections in Jayapura, according to AJI. In November, *Metro Manado* journalist Aryono Linggotu, known as Ryo, was stabbed to death in Manado, North Sulawesi Province. AJI reported that police were reluctant to investigate the possibility that the killing was related to his work; Ryo had been critical of the Manado police in the past and had covered criminal cases under the department's purview. Most murders or serious attacks against journalists are not adequately investigated or prosecuted, leading to a climate of impunity.

Journalists also face physical harassment while attempting to cover sensitive news stories. In October, six journalists were roughed up when they tried to cover the crash of a military jet in Riau Province. Military personnel assaulted and seized a video camera from a tvOne journalist as he sought to film the wreckage. A photographer for the *Riau Pos* newspaper and a reporter for the Antara News Agency were similarly targeted.

The province of West Papua continues to be an especially dangerous place for journalists, and few foreign reporters can enter without being closely monitored by authorities. In February 2012, Indonesian officials detained Czech journalist Petr Zamecnik and then deported him for reporting without official permission in the West Papuan town of Manokwari. Zamecnik had entered the country on a tourist visa and was arrested after photographing a Papuan independence rally. Coverage of the sensitive issue of Papuan separatism and the associated insurgency by both local and foreign media tends to draw special scrutiny and restrictions from the government.

In general, the Indonesian public has access to a variety of news sources and perspectives provided by a significant number of private print and broadcast outlets. Television is the most popular medium, and the sector is competitive, with 10 national commercial networks in addition to the state-owned Televisi Republik Indonesia. However, there is ongoing concern about the ability of political parties, large corporations, and powerful individuals to control media content, either indirectly through the threat of lawsuits or directly through ownership, with many major

media outlets openly reflecting the political or business interests of their proprietors. As the country prepared for the 2014 presidential election, wealthy politicians and businessmen further consolidated their press empires in 2012. Although many Indonesians remained hopeful that these media moguls would continue to compete with one another, the possibility remained that various political interests could form alliances and create monopolies that would limit media independence in ways not seen since the Suharto dictatorship. A study conducted in late 2011 by the nonprofit groups Hivos Southeast Asia and the Center for Innovation, Policy, and Governance found that nearly all of the 12 most prominent media companies had ties to political parties in some respect. For example, Aburizal Bakrie, a powerful business magnate and chairman of the Golkar party, owns tvOne and ANTV. The rival Media Group, owned by Surya Paloh, founder and patron of the National Democratic Party, includes Metro TV and the newspaper *Media Indonesia*.

Advertising remains a robust source of income for newspapers and television companies, and the shift to online news sources has been slow. Working conditions for Indonesian journalists remain poor. According to AJI, media companies do not pay competitive salaries to their employees, which can lead some journalists to take second jobs with corporate sponsors or request bribes for coverage.

In 2012, the internet was accessed by 15 percent of the population. There are no government restrictions on access, but the lack of high-speed infrastructure outside the major cities limits the medium's use as a news source. Social-media sites such as YouTube, Twitter, and Facebook have become extremely prominent in Indonesia, and they are generally accessed without interference.

## Iran

**Status: Not Free**

**Legal Environment: 30**

**Political Environment: 38**

**Economic Environment: 24**

**Total Score: 92**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>85,NF</b>	<b>85,NF</b>	<b>89,NF</b>	<b>91,NF</b>	<b>92,NF</b>

The government sustained its crackdown on the media in 2012, as scores of journalists were threatened, beaten, arrested, subjected to unfair trials, and imprisoned, particularly in the run-up to parliamentary elections in March. The authorities extended the use of intimidation and harassment to journalists' family members. The media environment in Iran, which remained one of the most repressive in the world, was also affected by further outlet closures and systematic internet censorship.

Constitutional provisions and laws restrict what can be covered in the press and fail to provide protections for the media. The government regularly invokes vaguely worded laws to criminalize dissenting opinions. Article 24 of the constitution guarantees freedom of the press, but with a broad exception for content that is deemed "detrimental to the fundamental principles of Islam or the rights of the public." The Press Law, first drafted in 1986 and amended in 2000,

states that “publications and news media shall enjoy freedom of expression provided what they publish does not violate Islamic principles of the civil code.” Article 3 of the law states, “The press have the right to publish the opinions, constructive criticisms, suggestions and explanations of individuals and government officials for public information while duly observing the Islamic teachings and the best interest of the community.” Article 500 of the penal code states that anyone who undertakes any form of propaganda against the state will be sentenced to between three months and a year in prison, but the code leaves “propaganda” undefined. Under Article 513, certain offenses deemed to be an “insult to religion” are punishable by death, or prison terms of one to five years for lesser offenses, with “insult” similarly undefined. In 2010, the government broadened the definition of the crime of *moharebeh*, or “enmity against God,” in order to convict activists and journalists. Iranian law also provides for sentences of up to two years in prison, up to 74 lashes, or fines for those convicted of intentionally creating “anxiety and unease in the public’s mind,” spreading “false rumors,” writing about “acts that are not true,” and criticizing state officials; however, many prison sentences have been arbitrarily harsh, ranging from 6 to 10 years or more. A government decree issued in April 2012 made it mandatory for news outlets to reveal their sources for any information they publish. Furthermore, news agencies are prohibited from quoting content from blocked websites or suspended newspapers.

The judiciary frequently denies accused journalists due process by referring their cases to the Islamic Revolutionary Court (IRC), an emergency venue intended for those suspected of seeking to overthrow the regime. Cases against journalists before the IRC have featured closed-door hearings and denial of access to an attorney or a fair jury. In 2010, Ayatollah Mohammad Emami Kashani, a member of the powerful Assembly of Experts, forbade lawyers from defending political suspects, making it difficult for members of the legal profession to assist arrested journalists. Several prominent human rights lawyers who have defended journalists and others in political cases have themselves been prosecuted in recent years.

Amid strict censorship rules, more than 40 newspapers and other publications have been forced to close for various lengths of time since 2009, and officials continued to shut down publications throughout 2012. *Shahrvand-e Emrooz*, a weekly reformist newsmagazine that was shut down in 2011 for violating press laws after printing articles critical of President Mahmoud Ahmadinejad’s policies, remained closed during 2012. In February, leading reformist daily *Rouzegar* was temporarily closed for the second time in six months for allegedly publishing antiregime propaganda. *Etemad*, another reformist newspaper, was banned for two months in November 2011 after publishing an interview with Ahmadinejad’s press adviser, Ali Akbar Javanfekr. In the interview, Javanfekr criticized hard-liners within the regime who opposed the president. The authorities said the paper had been shut down for “publishing falsehoods and insulting public officials.” *Etemad* was allowed to resume publishing in 2012, but access to its website has been blocked within Iran. Javanfekr was taken into custody in September 2011 to serve a six-month prison sentence stemming from separate charges of “publishing materials contrary to Islamic norms”; he had written an article in August 2011 that challenged Iran’s dress code for women. The reformist newspaper *Shargh* was shut down in September 2012 after publishing a cartoon that allegedly mocked veterans of the Iran-Iraq war. *Shargh*’s editor, Mehdi Rahmani, was arrested and released on bail. In December, a court acquitted both *Shargh* and Rahmani. In order to remain in business, many news outlets and journalists practice self-censorship and attempt to abide by official restrictions.

In addition to the print media, blogs and news websites—particularly those in the Persian language—were increasingly targeted for censorship during 2012. The regime imposes

systematic controls on the internet and other digital technologies. According to the OpenNet Initiative, the Iranian government has become one of the most sophisticated and pervasive filterers of online content in the world, and it has the technological capability to produce its own monitoring and filtering software. Connection speeds were slowed or internet service cut off entirely during critical moments throughout the year, such as the February anniversary of the 1979 revolution or the run-up to the March parliamentary elections. The government has forbidden any reporting on the economic sanctions imposed on Iran by the international community in response to its nuclear program, and it has blocked websites that monitor currency exchange rates. Furthermore, the government routinely blocks social-media websites including YouTube, Twitter, and Facebook, and carefully monitors the activities of Iranians who manage to reach such platforms.

The government has targeted journalists' associations and civil society organizations that support freedom of expression. The authorities also use official or loyalist media outlets to propagate false claims about activists. The semiofficial Fars News Agency often publishes fabricated confessions or resignations, while the official Islamic Republic News Agency (IRNA) continues to monitor articles produced by Fars prior to publication to ensure that they do not violate its rules or contain prohibited information.

Foreign media are unable to operate freely in Iran. They have been accused by the authorities of fomenting the unrest that followed the disputed 2009 presidential election, and they are often punished for airing criticism of the government. The government requires all foreign correspondents to provide detailed itineraries and proposed stories before visas are granted, and visas are regularly denied to foreign reporters who have previously been critical of the regime. Furthermore, foreign media are forbidden from shooting film or photography within Iran. In March 2012, the government suspended the accreditation of journalists affiliated with Reuters after the international news agency erroneously identified participants in an Iranian women's martial arts class as "female ninja assassins" in the headline of an article.

According to a December 2012 report by the Committee to Protect Journalists, Iran has the second-largest number of incarcerated journalists in the world, after Turkey. Of the 232 writers, editors, bloggers, and photojournalists imprisoned worldwide at the time of the report, 45 were in Iran, and 15 were put behind bars in 2012 alone. Prison sentences are often lengthy and accompanied by professional bans. The crackdown has prompted an exodus of journalists from the country. In February 2012, Mehdi Khazali, editor of the news website *Baran* and an outspoken critic of the government's human rights abuses, received a sentence of 14 years in prison, 10 years of internal exile, and 70 lashes. Khazali is the son of Ayatollah Abolghasem Khazali, a prominent member of the powerful Council of Guardians. Kouhyar Goudarzi, a veteran journalist with the Committee of Human Rights Reporters (CHRR) who had previously been imprisoned in 2009, was arrested in July 2011 and spent six months in solitary confinement in Evin Prison, which is notorious for its harsh conditions. He was sentenced to five years in prison in March 2012, but was released on bail in April. Also in March 2012, reformist journalist Nazanin Khosravani, who had been sentenced to six years in prison in 2011 for "assembly and colluding to act against national security" and "propaganda against the regime," began serving her sentence in Evin Prison. However, she received clemency in August in connection with the holy month of Ramadan. In September, blogger Shiva Nazar Ahari, a founder of the CHRR, began serving her sentence for *moharebeh*, "propaganda against the regime," and "acting against national security" at Evin Prison. She had originally been sentenced to six years in prison in 2010, but the sentence was reportedly reduced by an appeals court in 2011 to four years and 74

lashes. The cases of four reformist journalists—Medhi Afsharnik, Ali Akrami, Mohamed Heydari, and Mohsen Hakim—who were arrested in 2011 and released on bail were still pending at the end of 2012.

Numerous accounts of abuse in custody have been recorded, and many prisoners are said to have been tortured to extract confessions. Blogger and political activist Hossein Ronaghi Maleki, who was arrested in December 2009 and sentenced to 15 years in prison, has reportedly been subjected to severe abuse in prison. Reformist journalist Issa Saharkhiz, who has been in prison since 2009 and received a three-year sentence in 2010 for “insulting the supreme leader” and “propaganda against the regime,” was reportedly attacked by plainclothes agents in a hospital in March 2012, where he was receiving treatment for a heart condition. Moreover, authorities added 18 months to his sentence as his original term was expiring, despite a doctor’s determination that his poor health left him unable to endure more time in prison.

Given the limited distribution of print media outside large cities, radio and television serve as the principal sources of news for many citizens, with more than 80 percent of residents receiving their news from television. Article 175 of the constitution forbids private broadcasting. The government maintains a monopoly on all domestic broadcast media and presents only the official political and religious viewpoints. The newspapers with the widest circulation and influence adhere to a conservative editorial position or are directly operated by the government. A state-run English-language satellite station, Press TV, was launched in 2007. The powerful Islamic Revolutionary Guard Corps (IRGC) largely controls the Fars News Agency. An increasing number of people own satellite dishes and access international news sources, though this is technically forbidden. Since the 2009 presidential election, the government has tightened its control over illicit satellite dishes, making a greater effort to confiscate them and fine their owners. The IRGC reportedly has a budget of \$10 million dedicated to jamming foreign satellite signals for viewers in Tehran and other cities. Iran has repeatedly jammed the Persian television service of the British Broadcasting Corporation (BBC) since it was founded in 2009. The channel is considered such a threat that a website identical in design to that of BBC Persian has been created to spread allegations against BBC employees. The fake site has a .ir domain name, which cannot be used without government permission. Reporting on BBC Persian has challenged government portrayals of both the domestic political scene and Iran’s foreign relations. Iranian officials often cite the work of the channel as evidence of a foreign plot against the regime. Throughout 2012, Iran-based relatives of BBC Persian employees were subjected to intimidation, harassment, and detention by authorities.

According to a parliamentary commission investigating Iran’s privatization process, a private corporation linked to the IRGC bought 51 percent of the Telecommunications Company of Iran in October 2009 with little outside competition. The government retains direct ownership of the remaining portion. The transaction gave the IRGC control over Iran’s telephone systems—both the fixed-line network and the two mobile-phone carriers—as well as internet service providers.

Although subject to a range of threats and restrictions, the internet remains an important source of diverse news coverage and analysis. In an acknowledgment of its inability to completely silence online dissent, the regime has stepped up its efforts to hack sites—including those based abroad—that it cannot disable by other means, and to foster the large-scale creation of progovernment blogs, commentary, and news content. Approximately 26 percent of the population had regular access to the internet in 2012.

Throughout 2012, the government made progress toward launching a national intranet service known as Halal Internet. According to the deputy minister for economic affairs, Ali Agha Mohammadi, the Halal Internet would be extensively censored and monitored by the Iranian authorities. Watchdog groups have expressed concern that the project is intended to cut off Iranians from the global internet.

## Iraq

**Status: Not Free**

**Legal Environment: 23**

**Political Environment: 28**

**Economic Environment: 16**

**Total Score: 67**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>69,NF</b>	<b>67,NF</b>	<b>65,NF</b>	<b>68,NF</b>	<b>69,NF</b>

Journalists in Iraq continued to face myriad challenges in 2012, the country’s first year without a U.S. troop presence since the 2003 invasion. While no reporters were killed on the job—a major milestone after years in which the journalist death count had been among the world’s worst—four media workers were killed under suspicious circumstances, and journalists continued to suffer threats and harassment amid poor legal protections for media freedom.

Iraq’s constitution protects freedoms of speech and expression, but authorities continue to use the 1969 penal code to prosecute journalists for a variety of offenses, including libel and defamation. In 2010, the Supreme Judicial Council created a special court to prosecute journalists, despite a ban on the creation of special courts in Article 95 of the constitution. A new law passed in August 2011 established safeguards for free speech and provided benefits to journalists who are killed or injured. The legislation also eliminated a stipulation that media workers must belong to the journalists’ union to be entitled to legal protections. While the law represented a positive step, media watchdog organizations criticized it for failing to include concrete penalties for authorities who violate its provisions. Throughout 2012, the parliament debated a draft cybercrime bill that would severely restrict media freedom. If passed, the Information Technology Crimes Bill would impose harsh penalties, including life imprisonment and large fines, for use of the internet to commit crimes that “affect ... the unity of the country” or “its high economic, or political, or military, or security interests,” among other vaguely defined offenses. A second draft bill under consideration at year’s end, the Law on Freedom of Expression, Assembly, and Peaceful Protest, fails to protect the right to freedom of information, according to media watchdog groups.

The Iraqi media environment is heavily politicized. Since political factions and ethnic groups control many of the country’s news outlets, coverage of political events is often slanted toward a particular group’s agenda or beliefs. Self-censorship is also common, as many journalists fear repercussions for publishing critical remarks, especially those related to the government or political parties. In April 2012, the Communications and Media Commission—which oversees licensing of media outlets and may bar coverage deemed to be “an incitement to violence”—ordered security forces to shut down 44 local and foreign news outlets. The order

was not immediately enforced, but two outlets—Al-Baghdadiya TV and Radio Al-Mahaba—were forced to close in December amid allegations that they had violated unspecified transmission rules and had not paid broadcasting fees. It was unclear whether those forced closures were related to the earlier order.

While no journalists were murdered as a result of their work in 2012, four media personnel were killed under circumstances that are still under investigation. In April, Kamiran Salaheddin, a news presenter on an Iraqi current-affairs program and the head of a local journalists' union, was killed when a bomb hidden in his car exploded. Ghazwan Anas, also a news presenter for a local Iraqi television station, was shot to death in his home in July. In September, veteran journalist Farqad Husseini, the editor in chief of *Al-Adwa* newspaper, was killed in a car bomb explosion. In November, Samir al-Sheikh Ali, editor in chief of the daily *Al-Jamahir al-Baghdadiya*, was shot and killed by unidentified gunmen. Iraq topped the Committee to Protect Journalists' Impunity Index for the fifth year in a row, with more than 90 murders of journalists remaining unsolved. Journalists continued to face arbitrary arrest by security forces, detention without trial, beatings, and confiscation of equipment during the year.

Security forces in the semiautonomous Kurdistan region arrested at least 50 journalists and political rights activists in 2012. Many of the journalists were detained while covering the first anniversary of protests that erupted in the region in March 2011, or for criticizing regional government officials, and at least seven have been prosecuted for criminal defamation or insult. Authorities in the region do not always respect the Kurdistan Press Law, which protects the right of journalists to obtain information “of importance to citizens” and “relevant to the public interest,” and requires officials to investigate and punish anyone who insults or injures a journalist as a result of his work. In 2012, no members of Asayish, the region's internal security agency, were prosecuted for beating and detaining journalists. In October, independent journalist Karzam Karim was sentenced to two years in prison for reporting on suspected corruption in Kurdistan's security forces; he had allegedly been tortured and beaten in detention. In September, a vaguely worded draft “Law to Protect Sanctities” was rejected by both the legal and the human rights committees in the regional parliament. The legislation had threatened to punish insults against religion or national symbols with up to 10 years in prison for individuals and the shutdown of offending media outlets. However, soon after the law was rejected, the top prosecutor reportedly asked officials to monitor media outlets for insults to religious or political leaders, and to report violations.

Hundreds of privately owned television, radio, and print media outlets have opened since 2003, producing content in Arabic, Kurdish, Syriac, Turkmen, and other languages. However, media are usually split along sectarian, ethnic, and political lines. Political parties and ethnic groups fund most outlets, and journalists often blur the distinction between news and opinion. The government controls the Iraqi Media Network, which includes Al-Iraqiya television and the newspaper *Al-Sabah*. The government also shapes the editorial content of some outlets by manipulating public advertising or pressuring private advertisers. Advertising with no editorial demands attached makes up only a small fraction of media outlets' revenues. Satellite dishes are legal, and a majority of Iraqis have access to satellite news channels, including Al-Sharqiya, an Iraqi-owned station that broadcasts from Dubai; Qatar-based Al-Jazeera; and the Saudi-owned Al-Arabiya.

Just 7 percent of the Iraqi population had access to the internet in 2012. The internet operates without government restriction, and usage has steadily increased since 2003, but poor infrastructure and sporadic access to electricity have made Iraq's penetration rate for terrestrial

internet access one of the lowest in the region. Instead, the majority of Iraqis who use the internet access it through wireless technology.

## Ireland

**Status: Free**

**Legal Environment: 5**

**Political Environment: 6**

**Economic Environment: 5**

**Total Score: 16**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>15,F</b>	<b>15,F</b>	<b>15,F</b>	<b>16,F</b>	<b>16,F</b>

Press freedom is guaranteed in Ireland’s 1937 constitution and is generally respected in practice. However, archaic defamation laws continue to place the burden of proof on defendants. The 2009 Defamation Act reduced the time frame for bringing legal action after a defamatory statement is made from six years to one, and included the option for media outlets to issue an apology without admitting to libel. In a November 2012 settlement, the *Irish Sun* agreed to pay €500,000 (\$640,000) in damages plus legal fees of some €175,000 (\$225,000) for defaming Louis Walsh, a judge on the television show *X Factor*. During the case, Walsh’s lawyers alleged that Joanne McElgunn, a crime writer for the *Irish Sun*, had paid an unemployed dance teacher €700 (\$900) to falsely claim that Walsh had sexually assaulted him. The defamation case of former cabinet minister Michael Lowry continued in 2012. In 2010, Lowry had accused investigative journalist Sam Smyth of defamation, saying that Smyth’s assertions “portrayed him as corrupt, dishonest, and untrustworthy.” In October 2011, Smyth successfully defended himself against the charge, with a judge ruling that Lowry should pay tens of thousands of euros in legal costs to Smyth. In February 2012, Lowry lost an appeal to the High Court.

New copyright legislation was passed into law in March 2012, despite significant opposition from internet freedom groups, which argued that it could result in injunctions against social-media platforms like YouTube and Facebook if copyrighted materials are posted by users. The change was enacted through a ministerial order, not by the parliament, limiting public debate on the matter.

The 1997 Freedom of Information Act and a 2003 amendment established fees for accessing information held by public bodies. Records indicate that the 2003 amendment, which introduced fees for submitting the request itself, has led to a significant reduction in the use of the act by journalists. The government in 2012 announced that proposed reforms to the law would not be addressed until April 2013. The reforms would set a maximum fee of €500 (\$640) for requests and expand the number of state agencies that must release information. Ireland is the only country in Europe where the police are completely exempt from opening up files to the public, and the proposed legal changes would compel police to turn over administrative records, with some security exemptions.

Under Ireland’s 2005 Garda Síochána Act, police can face fines of up to €75,000 (\$96,400), lose their jobs, or receive up to seven years in prison for speaking with the media without prior authorization. Investigative journalists claim to be routinely questioned by police

when breaking stories that indicate use of a police source. In 2012, journalists reported that their investigative work was compromised due to police queries about sources and police contacts, as well as threats of arrest for failing to reveal sources. Journalists also reported that their mobile-telephone conversations were being intercepted and monitored.

Blasphemy is considered a criminal act under the 1937 constitution, but until 2009 there were no legal means for prosecuting blasphemers. The 2009 Defamation Act established blasphemy as a punishable offense, with fines of up to €25,000 (\$32,100). Article 36 of the statute states that “a person publishes or utters blasphemous matter if he or she publishes or utters matter that is grossly abusive or insulting in relation to matter held sacred by any religion, thereby causing outrage among a substantial amount of the adherents of that religion, and he or she intends, by the publication or utterance of the matter concerned, to cause such outrage.” In early December 2012, a constitutional convention was opened to discuss political reforms, including the removal of the blasphemy ban, but the statute remained on the books at year’s end.

The Broadcasting Act of 2009 established the Broadcasting Authority of Ireland, which is mandated to oversee the public-service broadcasters, allocate public funding, and promote accountability. This act expanded the role of the former Broadcasting Commission of Ireland, which had no responsibility for public-service broadcasting. In 2008, the Press Council of Ireland and the Office of the Press Ombudsman were set up to safeguard and promote professional and ethical standards of newspapers and other periodicals, including through the establishment of a mandatory Code of Practice for member organizations. The public can bring complaints against member publications to the Office of the Press Ombudsman, and appeals of the ombudsman’s decisions are adjudicated by the Press Council, which may also hear significant or complicated cases directly. Ireland’s Press Council is recognized by law under the Defamation Act of 2009, meaning those newspapers and magazines that choose to be regulated by the Press Council have certain legal advantages. This statutory underpinning was established following a consultative process between the National Union of Journalists, representatives of newspapers owners, and others within the media industry. Media organizations that opt out could face difficulties in dealing with legal complaints, as they must satisfy the courts that they operate by the same standards.

Journalists can generally report freely without harassment and without having to exercise self-censorship. Physical attacks or harassment directed at journalists are rare. Eugene Moloney, a freelance journalist and former *Irish News* reporter who covered events in Northern Ireland at the height of the ethnonationalist conflict in the 1970s and 1980s, was assaulted by two men in June 2012 in Dublin and eventually died from his injuries. However, the attack was reported to be unrelated to Moloney’s work.

Ireland has strong and competitive print news media, led by the privately owned *Irish Independent* and *Irish Times*. The public-service broadcaster RTÉ (Raidió Teilifís Éireann) dominates the radio and television sectors, but provides a comprehensive and balanced news service. RTÉ receives competition from both private and public British television. Ireland also has more than 50 licensed radio stations. Cross-ownership is allowed within certain limits, with publishers allowed to own up to 25 percent of a broadcast outlet. The debate over the concentration of media ownership and a lack of content diversity continued in 2012. The O’Reilly family had directly controlled Ireland’s largest media company—Independent News and Media (INM)—for 39 years, until Gavin O’Reilly resigned as chief executive in 2012. Denis O’Brien, who owns Ireland’s two national commercial radio stations and is INM’s largest single shareholder, was seeking control over the company. As he is Ireland’s richest man and has

business interests in other industries, there were significant concerns that O'Brien would exert undue influence over content. A new bill to regulate media mergers was scheduled to be put forward by Communications Minister Pat Rabbitte, in an effort to introduce more public-interest criteria and address the anticipated effect the merger would have on media plurality in terms of both content and ownership. The bill was still being drafted at year's end.

Approximately 96 percent of the Irish population accessed the internet in 2012, and internet use is not restricted by the government.

## Israel

**Status: Partly Free**

**Legal Environment: 7**

**Political Environment: 15**

**Economic Environment: 9**

**Total Score: 31**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>28,F</b>	<b>31,PF</b>	<b>29,F</b>	<b>29,F</b>	<b>30,F</b>

**Status change explanation:** Israel declined from Free to Partly Free to reflect the indictment of journalist Uri Blau for possession of state secrets, the first time this law had been used against the press in several decades, as well as instances of politicized interference with the content of Israeli Broadcasting Authority radio programs and concerns surrounding the license renewal of television's Channel 10. In addition, the economic impact of *Israel Hayom*, an owner-subsidized free newspaper and now the largest-circulation daily, threatened the sustainability of other papers and contributed to the collapse and buyout of the daily *Maariv*.

Although Israel enjoys the freest press in the region, its vibrant media sector met with challenges in 2012, including a troubling legal case, evidence of increased interference in media content by both official actors and private owners, and concern over the economic viability of newspapers.

Legal protections for freedom of the press are robust, and the rights of journalists are generally respected in practice. The country's Basic Law does not specifically address the issue, but the Supreme Court has affirmed that freedom of expression is an essential component of human dignity. The legal standing of press freedom has also been reinforced by court rulings citing principles laid out in Israel's Declaration of Independence.

Two notable Supreme Court decisions favored press freedom during 2012. In February, the court upheld the appeal of journalist Ilana Dayan, overturning a lower court ruling that forced her to compensate and apologize to an Israel Defense Forces (IDF) officer who had been posted near the Gaza border and was involved in the death of a young Palestinian girl. The plaintiff claimed that Dayan had portrayed him as a "killing animal" in a report on the incident that aired on Channel 2 in 2005. The Supreme Court decision created a new and extensive defense claim for journalists in libel cases: If a reporter can show that she had a "journalistic responsibility" in a matter of public interest, she can be shielded from liability even if she cannot prove the truth of what was published. Another Supreme Court judgment in November dealt with confidentiality of journalistic sources, which is not explicitly protected under Israeli law, but is recognized and

respected by the courts. The Supreme Court ruled that journalistic privilege extends not only to the confidential source itself but also to information that may reveal the identity of the source, and directed the Knesset to codify the journalist-source relationship by means of legislation.

While the country's legal framework is predominantly protective of press freedom, it does include a number of restrictive elements that are sometimes used against journalists. Hate speech and publishing praise of violence are prohibited, and the 1948 Prevention of Terrorism Ordinance bans expressions of support for terrorist organizations or groups that call for the destruction of Israel. The media continue to face the threat of libel suits. At the beginning of 2011, journalist Raviv Druker of Channel 10 revealed an investigation of alleged corruption involving Prime Minister Benjamin Netanyahu's personal expense account. Shortly after the report appeared, Netanyahu and his wife initiated a \$700,000 libel suit against Channel 10. In October 2012 the suit was withdrawn following a mediation process in which the station agreed not to harm the prime minister's reputation in the future. The deal marked the second time within two years that Channel 10 was obliged to reach such an agreement. Separately, in May 2012, *Haaretz* reporter Uri Blau was indicted on charges of espionage—with a potential seven-year prison term—for holding thousands of classified military documents he had received from Anat Kam, who stole them in the course of her military service. The indictment represented the first time the law in question had been used against a journalist in several decades. Kam had already been convicted of leaking classified material and sentenced to four and a half years in prison in October 2011. In a July 2012 plea agreement, Blau admitted to holding classified documents without intention to harm national security, and was sentenced to four months of community service. The Supreme Court reduced Kam's prison term by one year in December.

Apart from the laws on the books, Knesset members have debated a series of proposals over the past two years that would challenge press freedom in Israel. These included measures that sought to forbid the use of Nazi references and symbols; prohibit the publication of defamatory, antigovernment content; and ban objections to Israel's existence as a Jewish and democratic state. There were also attempts to significantly raise compensation amounts in libel suits, with a proposed amendment to that end making some headway in the Knesset. However, none of the above initiatives developed into actual law in 2012.

Freedom of information has been protected by law since 1999, subject to exemptions for the security services or any other body that handles issues related to intelligence, national security, or foreign policy. The legal tools provided by the law are used by journalists and nongovernmental organizations to obtain official information, and the courts have given a widening interpretation of the public's right to know.

According to the British Mandate Press Ordinance of 1933, publishers are required to obtain a license from the Interior Ministry to operate a newspaper, while broadcasters are covered by a separate regulatory regime. The Government Press Office (GPO) requires journalists operating in Israel to have proper accreditation in order to attend official press conferences, gain permission to access government buildings, and pass through Israeli military checkpoints. Hundreds of foreign journalists are generally accredited. However, the GPO has occasionally refused to provide press cards—especially to Palestinians—citing national security concerns, thus preventing the affected reporters from entering Israel.

During 2012, journalists were drawn into a series of legal battles to protect their labor rights. In January, a new journalists' union was founded within the Histadrut labor federation, and hundreds of journalists soon joined. Among other cases, the union was involved in legal

struggles to preserve the broadcasting license of Channel 10 and to protect employees' rights during an ownership change at the daily newspaper *Maariv*.

Due to Israel's unresolved conflicts with Palestinian groups and neighboring countries, media outlets are subject to military censorship and journalists can face travel restrictions. Under a 1996 Censorship Agreement between the media and the military, the censor has the power—on the grounds of national security—to penalize, shut down, or halt the printing of a newspaper. In practice, the censor's role is quite limited and subject to strict judicial oversight. Journalists often evade restrictions by leaking a story to a foreign outlet and then republishing it. However, Israeli security authorities have begun to combat leaks to foreign media by issuing gag orders that forbid quotations of foreign sources about the issue at hand. Digital media have added to the challenge of enforcing the 1996 agreement, but in May 2012 the military censor announced a new surveillance tool aimed at tracking textual and visual information online, especially on social networks.

A long-standing law forbidding Israeli citizens from traveling to “enemy states” such as Lebanon and Syria without permission from the Interior Ministry has, on occasion, been applied to journalists. Press freedom organizations have condemned the selective application of the law, as well as the potential effects of such travel restrictions on the diversity of news available to the Israeli public. Although Israeli journalists are generally barred from entering the Palestinian territories without explicit military approval, in practice the military frequently ignores the presence of Israeli journalists in those territories. In November 2012, the IDF allowed foreign journalists to enter Gaza during its “Pillar of Defense” military operation there. The GPO has been known to impose obstacles, especially in airport security checks, for foreign journalists who are suspected of an anti-Israel political orientation.

Deliberate violence against or harassment of journalists is relatively rare in Israel, but it does occur. Although the principal targets have traditionally been Arab journalists—both foreign and local, often in and around Jerusalem—the year 2012 featured a higher rate of incidents stemming from private or commercial conflicts (such as within the ultra-Orthodox and Israeli-Arab media sectors) and police harassment of journalists reporting from demonstrations on social and economic matters. Due to ongoing protest-related violence, the police decided to issue identification tags to journalists covering such events.

Israelis are active news consumers. Mainstream Hebrew newspapers garner an estimated one million daily readers out of a population of less than eight million. The pluralistic makeup of Israeli society is reflected in the press landscape, which includes 12 daily newspapers and a wide range of weekly newspapers and internet news sites, most of which are divided along religious, ethnic, and language lines. The major newspapers are privately owned, and some freely criticize government policies and aggressively pursue cases of official corruption. However, the popularity of the free newspaper *Israel Hayom*, which has captured about 40 percent of the market and is now the largest-circulation daily, has placed financial pressure on other mainstream papers, as its business model has forced them to slash advertising rates, thus threatening their sustainability. *Israel Hayom* is owned and subsidized by Sheldon Adelson, a prominent American businessman who is openly aligned with Netanyahu and the conservative Likud Party. As a result of financial difficulties, the daily newspaper *Maariv* faced the threat of closure and was eventually sold in October 2012 to Shlomo Ben-Zvi, the owner of a smaller daily, *Makor Rishon*. The anticipated merger of the two outlets will increase ownership concentration and leave the market more politically polarized, with two left-wing and two right-wing daily newspapers representing the major print media.

A diverse selection of broadcast media is available, although ownership concentration among private stations is a growing concern. The dominance of the state-run Israel Broadcasting Authority (IBA) in the broadcast market has declined significantly in recent years due to more competition from private television and radio outlets, political interference, and poor management. In July 2012, political pressure resulted in the IBA placing a “balancing” journalist on every radio program hosted by Keren Neubach, a prominent journalist and outspoken critic of the government. Also during the year, the Knesset passed a significant reform plan that aims to make the IBA economically viable, but does not address the issue of political involvement in the network’s content. The IBA’s radio station, Kol Israel, and the military-operated Galei Tsahal remain popular throughout the country, and a broad range of local and commercial radio stations also operate, serving regional audiences as well as the country’s ultra-Orthodox, Russian-speaking, and Arabic-speaking communities. Most Israelis subscribe to cable, satellite, or digital terrestrial television services that provide access to international stations. During 2012, the issue of a license renewal for the financially troubled private television station Channel 10—whose coverage is often critical of the government and which faced possible closure at the end of 2011—was resolved. The station’s losses and its inability to pay its debts to the government led regulators to refuse to reissue its broadcasting license. However, after the direct involvement of the prime minister’s office in the protracted negotiations, repayment of the debt was spread over the next few years, and the station’s license was renewed. Although Channel 10 avoided closure, the incident added to broader concerns about the ability of Israeli media outlets to maintain both financial and editorial independence.

Israel has the region’s highest rate of internet usage, at 73 percent in 2012. More than half of all internet users are active on social-media sites. The government generally does not restrict internet access, although blocking of certain data on applications like Google Maps, as well as surveillance of internet service providers and telecommunications services, is carried out, ostensibly for security purposes.

*[This rating and report reflect the state of press freedom within Israel proper. The West Bank and Gaza Strip are covered in a separate report.]*

## Italy

**Status: Partly Free**

**Legal Environment: 12**

**Political Environment: 11**

**Economic Environment: 10**

**Total Score: 33**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>29,F</b>	<b>32,PF</b>	<b>33,PF</b>	<b>34,PF</b>	<b>33,PF</b>

Freedoms of speech and of the press are constitutionally guaranteed and generally respected in practice, despite ongoing concerns regarding concentration of media ownership. The 2004 Gasparri Law on broadcasting has been heavily criticized for provisions that had enabled former

prime minister Silvio Berlusconi to maintain control of the private media market, largely through his ownership of the Mediaset Group, though Berlusconi's resignation from the premiership in November 2011 curtailed his parallel influence over state media. In February 2011, the Constitutional Court struck down a law that effectively guaranteed Berlusconi immunity from prosecution by allowing the prime minister to postpone any trial for up to 18 months. The ruling paved the way for a number of court cases against him to proceed, including a tax fraud case involving Mediaset. The former prime minister was sentenced to four years in prison over the case in October 2012, but the decision was under appeal at the end of the year.

In October 2011, the lower house of Parliament resumed discussion of a bill that would limit the media's use of information from law enforcement agencies' wiretaps and force websites to publish corrections automatically. The legislation prescribes heavy fines and up to 30 days in jail for journalists who publish content from official wiretap recordings before the implicated suspect goes to trial. The bill was seen primarily as an effort to keep embarrassing information about politicians out of the news, and it was opposed by all of the major newspapers in Italy. Critics of the measure mounted a demonstration against it in October 2011, and the Italian site of the online encyclopedia Wikipedia temporarily hid all its pages by way of protest. The bill remained on hold at the end of 2012.

Although the internet is generally unrestricted, the government regulates certain websites, especially those offering gambling or child pornography. An antiterrorism law passed after the 2005 bombings in London requires internet cafés to obtain a government license, allows internet surveillance, and obliges internet café users to show photographic identification. Italy's media regulator, AGCOM, was in the process in 2011 of reviewing a proposal that would give it more power to block and remove websites determined to have violated copyright laws. The plan was criticized for infringing on the freedom to receive and provide information, and critics also raised the possibility that internet operators would practice preventive self-censorship. The regulatory body proposed the adoption of a modified version at the end of 2012.

Defamation is a criminal offense in Italy, punishable by fines and imprisonment. In June 2012, journalist Orfeo Donatini and his former director at the Bolzano newspaper *Alto Adige*, Tiziano Marson, were sentenced to four months in prison and a fine of €15,000 (\$19,200) for defamation. The journalist wrote in 2008 that a member of the provincial council had participated in a neo-Nazi summit and had been investigated for possible ties to neo-Nazi groups. The information came from a confidential police report. The council member's decision to lodge a criminal complaint was heavily criticized by the National Federation of the Italian Press (FNPI) for its potential chilling effect on the media. Separately, in September 2012, a court upheld a 14-month prison sentence for Alessandro Sallusti, former editor of the right-wing paper *Liberio*, who had originally been convicted in 2011 for allowing the publication of a pseudonymously written comment that called for the death of the doctor, the parents, and the judge involved in authorizing an abortion procedure for a 13-year-old girl. The court's decision, which came shortly after a representative of Berlusconi's party admitted to writing the comment, prompted the country's president and justice minister to issue a joint statement pledging bring Italian libel laws into line with decisions by the European Court of Human Rights. In November 2012, the Italian Senate rejected a legal amendment that would have allowed journalists convicted of defamation to be imprisoned for up to a year, while their editors would have faced fines of up to €50,000 (\$64,000). Civil libel cases against journalists are also common in Italy.

The right to access information is not included in the constitution, and Italy does not have a freedom of information law, relying instead on a patchwork of provisions scattered across

different statutes. Implementation of these provisions is problematic, and journalists often have to wait several years to obtain the requested documents. In 2012, an online initiative called FOIA.it campaigned for the adoption of a comprehensive law on freedom of information.

A 2010 report released by the Vienna-based International Press Institute noted a number of other legal impediments to press freedom, including the lack of a proper law to deal with conflicts of interest, particularly between media ownership and holding political office, as well as licensing procedures for journalists that can lead to official influence and limit opportunities for foreign-born and freelance reporters. Journalists do not need a license to practice in general, but they do need one to work as a full-time professional with one of the major media outlets. Getting the license from the journalists' association Ordine dei Giornalisti (ODG) is a lengthy and costly procedure. Working conditions have become difficult in recent years; those with a full-time contract constitute only 19 percent of the workforce, and there is a significant pay gap between salaried and freelance journalists.

In a push for greater regulatory transparency, the lower house of Parliament, the Chamber of Deputies, delayed a vote on the membership of AGCOM in May 2012. The president of the chamber, Gianfranco Fini, along with UN Special Rapporteur on Freedom of Expression Frank La Rue, called for a merit-based process for selecting AGCOM members, as opposed to the existing system of political deal-making. The regulator has been severely criticized in the past for favoring Berlusconi's media empire and other politically connected conglomerates. However, the newly appointed head, who was finally chosen in June, had been an aide to Prime Minister Mario Monti, while the other board members were nominated by parliamentary parties. The selection procedure was denounced by Open Media Coalition, an Italian press freedom group, which had initiated a lawsuit over the process.

The appointment procedure for the state broadcaster RAI—under which Parliament has direct control over the selection of most directors and some key staff positions, and political parties share out appointment privileges in a system known as *lottizzazione*, or dividing the spoils—has resulted in significant political control over the organization since the 1980s. When Berlusconi was prime minister, political interference was a key issue of concern, with instances in which RAI journalists seen as critical of the government were removed from their positions, and RAI channels were barred from airing political discussions prior to elections. In 2012, as with AGCOM, there were proposals to reform the appointment procedure for RAI. The plans called for removing the Ministry of Economy as the majority public-service broadcasting shareholder and for the creation of a council to appoint RAI board members. However, in July, the old procedure was used to appoint Anna Maria Tarantola, former deputy director general at the Bank of Italy, as president, and Luigi Gubitosi, a Bank of America executive, as general manager of RAI.

Journalists occasionally face physical threats or attacks from organized crime networks and other political or social groups. Several journalists live under police protection due to their writing on organized crime, including Roberto Saviano, who wrote the best-selling 2006 book *Gomorra* about the Neapolitan mafia, or Camorra. In 2012, an advocacy campaign called “My Name Is Giovanni Tizian” was launched. The initiative is named after a journalist and novelist whose life is threatened by the Calabrian mafia, or 'Ndrangheta; it supports investigative journalism and the fight against corruption.

There are several newspapers and news magazines, most of them with regional bases. Newspapers are primarily run by political parties or owned by large media groups, but they continue to provide a range of political opinions, including those that are critical of the

government. Direct and indirect subsidies for print media outlets, which had been high even by European standards, were significantly cut by the new government that took power in late 2011. Newspaper owners claimed that the announced cutback from €170 million (\$220 million) to €56 million (\$72 million) could lead to the eventual closure of up to 100 titles. While the print sector is more diverse in both ownership and content, most Italians receive news and information through the broadcast media. RAI, which consists of three analogue, 13 digital, and seven satellite channels, also fell victim to the austerity efforts of the Monti government and had to push through significant cutbacks and layoffs in 2012.

Italy suffers from an unusually high concentration of media ownership for its region. Berlusconi's departure from office late in 2011 helped to reduce this concentration in de facto terms in 2012; when in power, he had indirect control over up to 90 percent of the country's broadcast media through the state-owned outlets and his own private media holdings. Berlusconi still controls a significant stake in the private media, as he is the main shareholder of Mediaset, which owns several television channels; the country's largest magazine publisher, Mondadori; and Publitalia, Italy's largest advertising company. Publitalia controls 65 percent of the television advertising market, giving Berlusconi's channels an advantage in attracting ads. In addition, one of the country's major nationwide daily newspapers, *Il Giornale*, is owned by Berlusconi's brother. Nevertheless, these outlets suffered considerable losses after Berlusconi left office. Mediaset's profits were down 85 percent in the first quarter of 2012 compared with the previous year.

Approximately 58 percent of the population accessed the internet regularly in 2012. Blogs and social media have played a growing role in political debates and news dissemination. In May 2012, prominent blogger and comedian Beppe Grillo's 5 Star Movement won the mayoral elections in the town of Parma and a number of other smaller towns, running on an anticorruption platform that was disseminated largely through social-media tools like Facebook and Twitter.

## Jamaica

**Status: Free**

**Legal Environment: 4**

**Political Environment: 8**

**Economic Environment: 6**

**Total Score: 18**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	15,F	15,F	16,F	18,F	18,F

The constitution provides for freedoms of speech and the press, and the government generally respects these rights. In 2012, Jamaica maintained its free media environment and continued to make progress toward reforming its criminal defamation laws. A committee was first appointed to review the laws in 2007, and a bill to repeal the Defamation Act and the Libel and Slander Act was presented in the House of Representatives in November 2011, but it stalled due to a change in government. The bill was awaiting a final series of negotiations at the end of 2012. A parliamentary committee also submitted recommendations in March 2011 to repeal the Official

Secrets Act, which has served as an obstacle to the implementation of the 2002 Access to Information Act and the 2011 Protected Disclosures Act, which protects whistle-blowers. Nevertheless, the Official Secrets Act remained on the books at the end of 2012. While the criminal defamation laws have not been enforced in recent years, civil defamation cases often result in excessive damages.

Journalists and media outlets face occasional threats from both state and nonstate actors, and some practice self-censorship on sensitive topics, due in part to concerns over defamation suits. There were a number of incidents in the lead-up to the December 2011 elections in which members of the then ruling Jamaica Labour Party (JLP) allegedly criticized media workers during election rallies and used veiled threats to intimidate them.

Jamaica has two national daily newspapers and a daily afternoon tabloid. There are a number of national and regional periodicals serving a variety of sectors and interests, as well as more than 20 radio stations, 3 terrestrial television stations, and multiple cable channels. The majority of media outlets are privately owned and provide a range of news and commentary. In a 2012 report, the International Press Institute noted that Jamaican journalists are poorly paid and have limited training in investigative reporting, leaving them overly reliant on government press releases.

The authorities imposed no restrictions on the internet, which was accessed by nearly 47 percent of the population in 2012. The December 2011 election campaign was notable for the increased use of social media, such as Facebook and Twitter, by the main political parties.

## Japan

**Status: Free**

**Legal Environment: 4**

**Political Environment: 14**

**Economic Environment: 6**

**Total Score: 24**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>21,F</b>	<b>21,F</b>	<b>21,F</b>	<b>21,F</b>	<b>22,F</b>

Press freedom in Japan is constitutionally guaranteed and generally respected in practice. However, in December 2010, the Tokyo Metropolitan Assembly approved Bill 156 to amend the Youth Healthy Development Ordinance, which authors and fans of Japan’s popular *manga* (comic books) criticized for limiting freedom of expression. Originally passed in 1964, the ordinance aims to promote the healthy development of minors by restricting their access to harmful published material. The amendment allows for the expansion of the definition of “harmful publications” and authorizes the government to regulate images that are “considered to be excessively disrupting of social order.” Japan has a freedom of information law, but it does not apply to the parliament or the judiciary.

Some weaknesses in the country’s media environment have been highlighted in the aftermath of the March 2011 earthquake and tsunami, which caused serious damage and radiation leaks at the Fukushima Daiichi nuclear power plant north of Tokyo. In an unusual use of Japan’s defamation laws, nuclear industry entrepreneur Shiro Shirakawa filed a libel suit in

May 2012 against a freelance investigative journalist, Minoru Tanaka, for an article in the weekly magazine *Shukan Kinyobi* on alleged connections between Shirakawa, nuclear plant construction companies, and the Tokyo Electric Power Company (TEPCO), which runs the Fukushima Daiichi plant. Shirakawa demanded 67 million yen (\$840,000) in damages and attorney fees from Tanaka. The case, which was ongoing at year's end, marked the first time that a journalist, rather than the publisher, has been sued over an article. Despite its landmark status, the Tanaka case received little coverage or support from major media outlets, which critics have attributed to the strength of the *kisha kurabu* (press clubs) system.

The role of the *kisha kurabu*, combined with the financial clout of the power-supply industry, has greatly discouraged investigative reporting on the nuclear disaster. The press clubs have long been at the center of concerns regarding the lack of diversity and independence in Japanese news media, as they foster cozy relationships with bureaucrats and politicians in which journalists are granted access in exchange for refraining from writing critical stories. Meanwhile, freelance and foreign journalists face routine discrimination. Following the 2011 catastrophe, a group of independent journalists who were fed up with the system launched the Free Press Association of Japan. It remains to be seen whether this group will have any influence.

Members of *kisha kurabu* were among the few journalists admitted to official press conferences in the wake of the 2011 tsunami, and they often avoided tough questions regarding the situation at the crippled power plant. Freelance journalists and foreign and online media were excluded from reporting on the nuclear threat and were not allowed into official press conferences. Only two independent reporters from Japan were included among the 40 journalists invited on the third media visit to the Fukushima Daiichi plant in May 2012, and they were not allowed to use still cameras or video equipment. In October, three freelance journalists—Yu Terasawa, Michiyoshi Hatakeyama, and Yuichi Sato—filed a legal complaint stating that they had been trying unsuccessfully to enter the building of the parliamentary press club since June. Separately, in August 2012, Japanese authorities briefly detained two Chinese journalists from Hong Kong-based Phoenix TV who were reporting on a bid by protesters to reach the Senkaku (Diaoyu) Islands, which are claimed by both Japan and China.

There were accusations of official censorship in the aftermath of the 2011 disaster, but the Japanese government denied that it had attempted to withhold negative information. In March 2012, a year after the tsunami, Fukushima residents still lacked basic data and clear answers regarding the level of radiation in their food and environment. Human Rights Watch reported that residents did not know whether their food was safe or their children had been exposed to dangerous levels of radiation. In addition, mainstream media outlets have greatly misrepresented disaster clean-up expenses, reporting figures that underestimated the actual costs.

Japan has one of the highest print readerships in the world. Print outlets were hurt in the immediate aftermath of the disaster, but the major news outlets recovered quickly. More than half of the national newspaper market is controlled by three major papers: the *Yomiuri Shimbun*, the *Asahi Shimbun*, and the *Mainichi Shimbun*. There is considerable homogeneity in reports, which relate the news in a factual and neutral manner. Television news content, once dominated by the public broadcaster NHK, has diversified considerably with the rising popularity of TV Asahi, Fuji TV, the Tokyo Broadcasting System, and satellite television. Japan also has roughly 273 community radio stations. The internet remained a major source of news, and around 79 percent of the population accessed the medium in 2012.

The 2011 disaster highlighted the influence of TEPCO on Japan's advertising industry. The company reportedly spends 24.4 billion yen (\$306 million) a year on advertising, a factor that

likely contributed to the media’s conservative reporting on its handling of the nuclear crisis. In May 2012, the Japanese government approved plans to take a controlling stake in TEPCO as part of a 1 trillion yen (\$12.5 billion) taxpayer bailout. Moreover, many journalists have economic links to the nuclear industry. Reporters with the *Nikkei* and *Mainichi Shimbun* newspapers have reportedly gone on to work for pro-nuclear organizations and publications.

## Jordan

**Status: Not Free**

**Legal Environment: 21**

**Political Environment: 23**

**Economic Environment: 19**

**Total Score: 63**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>63,NF</b>	<b>64,NF</b>	<b>63,NF</b>	<b>63,NF</b>	<b>63,NF</b>

The constitution guarantees freedoms of speech and expression, but press laws contain vague clauses that restrict media activity in practice. Journalists can be prosecuted under the penal code or tried by the State Security Court (SSC) for offenses involving speech and association. A 2011 law criminalized reporting on corruption, including news that defames someone or “impacts his dignity.” The 1998 Press and Publications Law prescribes fines of almost \$40,000 for speech that denigrates the government or religion. A 2010 amendment to the law established specialized courts to prosecute press violations.

Further changes to the Press and Publications Law were approved in September 2012, imposing restrictions on online news content and requiring news websites to obtain licenses to operate. The amendments apply the law’s existing provisions to websites, making it unlawful for online outlets to insult the royal family, harm “Arab-Islamic values,” or incite sectarian strife, among other prohibitions. Site owners are also responsible for patrolling reader comments to ensure that they do not violate the law. The government can block foreign and domestic websites that fail to comply with the law without a court order. Some website owners have already refused to obey the requirement to register and obtain a license. Media watchdog groups criticized the legislation, which would impact about 400 websites, as a major step in the wrong direction for a country that has maintained a freer press than many of its neighbors. Journalists and activists held a protest against the new amendments, carrying a coffin marked “internet freedom” through the streets in front of the parliament building.

Criminal charges against journalists are often withdrawn before they get to trial, but the government routinely uses the justice system to stifle dissent. In April 2012, journalist Jamal al-Muhtaseb was detained after publishing an article on the website Gerasa News in which he alleged misconduct by the royal court. He was charged in the SSC with “opposing the ruling system,” according to news reports. The article had quoted an unidentified parliament member who said that the palace had directed the parliament not to refer a former minister for trial on corruption charges.

In September 2012, the Council of Ministers approved a draft law that would modify the 2007 Right to Access Information Act. The proposed amendments, if passed by the parliament,

would extend the right of access to foreigners, require officials to provide or refuse information within 15 days, and grant the requester the right to appeal refusals. The amendments also stipulate that the president of the press association will become a member of the Council of Information, currently staffed by government officials. According to the Amman-based Center for Defending Freedom of Journalists, implementation of the current law suffers from arbitrary classification and distribution of information by the different ministries and state institutions. Journalists complain that while the outlets for news have increased, they are often blocked from obtaining information on government policies and officials. The amendments had not passed by year's end.

Print outlets must obtain licenses to operate, and journalists must belong to the Jordan Press Association (JPA) to work legally. Those who are critical of the government have sometimes been excluded from JPA membership, and the organization does not admit journalists who work for internet-based news outlets, leaving them with limited legal protections. Licensing responsibilities for television and radio are shared between the Council of Ministers, the Audio Visual Commission (AVC), and the Telecommunications Regulatory Commission (TRC). The Council of Ministers is responsible for granting, revoking, and renewing licenses, but does so based on the recommendations of the AVC. The AVC also handles disputes between broadcasters, issues directions on programming, and takes punitive action against broadcasters who violate their licensing conditions. The TRC is responsible for allocating frequencies to broadcasters, issuing telecommunications licenses, and managing information technology services.

The government tolerates some level of criticism of officials and policies, and allows some room for Islamist movements and other elements of the opposition to express their ideas. However, government attempts to influence editorial content occur regularly, with top officials and security operatives contacting editors and warning them not to publish stories on politically sensitive issues. Journalists routinely practice self-censorship and know which “red lines” not to cross, including that pertaining to negative reporting about the royal family.

Journalists faced harassment, intimidation, and violence in 2012. In January, reporters were assaulted while covering a protest in downtown Amman. In February, a masked assailant stabbed blogger Enass Musallam after she published criticism of recent remarks by Prince Hassan, the uncle of King Abdullah II. The assailant reportedly said his actions were “in the name of his royal majesty and the prince.” After she was released from the hospital, Musallam was questioned by police for six hours. In April, member of parliament Yahya Saud cornered journalist Eman Jaradat after she took his picture, then verbally abused her and forcibly deleted photographs from her mobile telephone. In November, unidentified assailants attacked a crew from Sky News as they covered a protest, inflicting injuries and damaging equipment. Journalists frequently received verbal threats, in some cases from government officials.

While some Jordanian news outlets are independent, the government has a majority stake in *Al-Rai*, a major daily, and a minority stake in *Al-Dustour*, a second large national newspaper. Bribery threatens independent reporting, and in 2012 dozens of media professionals were accused of accepting payments from the former director of the General Intelligence Department. The 2003 Audio Visual Law ended the government monopoly on terrestrial broadcasting, and there has been an increase in the number of private radio stations in recent years—mainly regional outlets that cater to a specific demographic, such as women or students. However, terrestrial television stations remain under state control; the country's first privately owned television channel, launched as a pilot project in 2007, has since stalled. Satellite dishes are

allowed, and pan-Arab news channels remain popular. About 41 percent of the population had access to the internet in 2012. Jordanian blogs continued to flourish, and some became focal points for the organization of popular protests during the year.

## **Kazakhstan**

**Status: Not Free**

**Legal Environment: 29**

**Political Environment: 32**

**Economic Environment: 23**

**Total Score: 84**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>78,NF</b>	<b>78,NF</b>	<b>78,NF</b>	<b>80,NF</b>	<b>81,NF</b>

The Kazakh government’s media crackdown intensified in 2012, as nearly 40 opposition outlets were banned in December, and violent attacks on journalists increased. Throughout the year, journalists and media outlets remained subject to legal restrictions, prohibitive libel and defamation judgments, self-censorship, and harassment.

The constitution guarantees freedoms of speech and of the press, but the government severely restricts these rights in practice. Despite authorities’ pledges during the year to work toward decriminalization, libel remained a criminal offense, with higher penalties for defaming the president, members of Parliament, and other state officials. Libel laws are regularly used against independent and critical journalists; according to the press advocacy group Adil Soz, there were 16 criminal and 86 civil charges initiated in the first 10 months of 2012. Damages in civil libel suits can be substantial, potentially leading to self-censorship. Truth is not a defense in libel cases, there is no statute of limitations, and the law automatically targets both the writer and the newspaper in which the article was published. Ramazan Yesergepov, editor of the independent newspaper *Alma-Ata Info*, was released from jail in January 2012 after completing his three-year prison term for collecting and disseminating classified information—a charge that was widely believed to have been politically motivated. In July, a court in the western city of Uralsk ordered journalist Lukpan Akhmedyarov, who had founded the opposition newspaper *Uralskaya Nedelya*, to pay a local official 5 million tenge (\$33,000) in damages for defaming him in an article about his connections to the family of former prime minister Imangali Tasmagambetov, the current mayor of Astana. The fine was upheld by an appeals court in October. In April, Akhmedyarov had been the victim of a brutal attack, during which he was shot and stabbed outside his home in Uralsk. At least two other journalists, Janbolat Mamai and Igor Vinyavsky, were jailed briefly and released in 2012.

Kazakhstan is one of the few member states of the Organization for Security and Cooperation in Europe (OSCE) without a freedom of information law. Such a measure was proposed in 2010, and it received the endorsement of the London-based freedom of expression group Article 19. However, little progress on the bill had been made by the end of 2012. Rules for the accreditation of foreign journalists include vaguely worded restrictions barring hate speech and speech that undermines national security and the constitutional order.

In January 2012, President Nursultan Nazarbayev signed a law that requires foreign broadcast media to register with the government, and all television and radio providers to broadcast in digital format by 2015. In December, the upper house of Parliament adopted a controversial new television and radio broadcast bill, despite warnings by OSCE media freedom representative Dunja Mijatović that the bill would further extend government control over electronic media and threaten broadcast pluralism.

A 2009 law classified websites as mass media outlets, giving the authorities greater latitude to arbitrarily shut them down under vaguely worded extremism statutes or in the interests of state security. A law that took effect in January 2012 required owners of internet cafés to obtain users' names and monitor and record their activity, and to share their information with the security services if requested. The blog-hosting platform LiveJournal was blocked by authorities in 2011 for allegedly containing “terrorism and religious extremism propaganda”; it was unblocked for a short period in late 2011, but was inaccessible through most of 2012. Internet users also experienced accessibility problems with other sites, such as Google or Facebook, throughout the year.

In September 2012, Information Minister Darkhan Mynbai announced measures to revamp the ministry's public alert system by 2015—efforts that officials described as an attempt to reduce “rumors.” The proposed measures would restrict the flow of information in “emergencies,” broadly defined as all exceptional events threatening public safety, from transport accidents to natural disasters. Journalists would be allowed to disseminate only official information, and questioning or criticizing the government's version of events would be prohibited. The measures were criticized for potentially limiting the flow of information about sensitive topics, such as the deadly December 2011 crackdown on striking oil workers and protesters in Aktau and Zhanaozen. Following the episode, the government declared a state of emergency and sealed the affected area for weeks. Authorities tightened their control over the media, and journalists were obliged to obtain special permission to enter the region; independent reporters were generally denied permission, searched, and harassed.

In March 2012, the first Zhanaozen trial was opened as 37 defendants accused of “participating in mass riots” appeared before the court; 34 of the 37 were convicted in June. Allegations of torture and forced confessions marred the proceedings, which were widely condemned by human rights groups as unfair. During the trial, the prosecutor general referred to foreign correspondents as “evil” and alleged that they had helped incite the violence.

In November, the Almaty city prosecutor sued key independent media outlets and opposition groups that had reported on the Zhanaozen protests, charging them with extremism. One month later, an Almaty court banned a number of major opposition media outlets in a legal proceeding described as a sham by media monitoring organizations. The banned outlets included *Respublika* (8 different versions as well as 23 websites and social-networking sites that published the newspaper's content), *Vsglyad*, the Stan TV news website, and the satellite television station K+. The prosecution said the media outlets had incited extremism during the trial of leading opposition figure Vladimir Kozlov. However, the banned outlets were not invited to cover the trial. The government also sued Google, Facebook, Twitter, and LiveJournal, demanding that the sites stop posting material from the opposition media. In December, the government suspended the opposition news website Guljan.org for three months.

In addition to the cases related to Zhanaozen, journalists and media outlets that criticized the government continued to face harassment, physical attacks, and various other obstacles to reporting in 2012. At least 15 journalists who were known for covering sensitive issues were

violently assaulted during the year. In August, opposition journalist Ularbek Baitailak was attacked outside his home near Astana. After beating him, his assailants left him for dead and covered his body with stones in a symbolic burial. A few days earlier, Maksim Kartashov, the editor in chief of the sports magazine *Hockey Kazakhstan*, was attacked at the entrance of his apartment. He said the incident could have been connected to his reporting on corruption in Kazakhstan's ice hockey federation.

Major broadcast media, especially national television networks, are partly or wholly owned by the state or by members or associates of the president's family. According to the government, there are 250 television and radio stations in the country. The president's daughter Dariga and her husband own the influential Khabar Agency, which runs several television channels. Government oversight extends to the country's broadcast transmission facilities. Kazakh law limits rebroadcasts of foreign-produced programming to 20 percent of a station's total airtime, overburdening smaller stations that are unable to develop their own programs. There are well over a thousand daily and weekly newspapers in Kazakhstan. As with the broadcast media, many of them are either run by the government or controlled by groups or individuals associated with the president, and do not carry critical content. The government controls all of the country's printing presses, and with advertising revenue in short supply, private print media are often forced to rely on state subsidies.

The internet was accessed by 53 percent of the population in 2012. The government has adopted the internet and social media for its own use, while moving to restrict internet freedom for independent outlets. The government holds a majority stake in the largest service provider, Kazakhtelecom, which controls 70 percent of the internet market.

## Kenya

**Status: Partly Free**

**Legal Environment: 16**

**Political Environment: 20**

**Economic Environment: 17**

**Total Score: 53**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>60,PF</b>	<b>60,PF</b>	<b>57,PF</b>	<b>54,PF</b>	<b>52,PF</b>

In 2012, the Kenyan media continued to live up to their traditional reputation for vibrant and critical reporting, despite cases of threats and intimidation outside the capital, Nairobi. Articles 33 and 34 of the 2010 constitution have been widely praised for expanding freedoms of expression and of the press, specifically by prohibiting the state from interfering with the editorial independence of individual journalists as well as both state-owned and private media outlets. The constitution binds Kenya to a series of international and regional legal instruments regarding free expression, including the Universal Declaration of Human Rights and the African Charter on Human and People's Rights. While the constitution does contain potential curbs on press freedom with regard to privacy, incitement, hate speech, and antigovernment propaganda in times of war, they are not as severe as those in the previous constitution.

Despite the adoption of the 2010 constitution, several anachronistic laws that curtail press

freedom remain on the books. The 1967 Preservation of Public Security Act gives the president sweeping powers to censor, control, or prohibit information that is deemed a security risk. The penal code criminalizes defamation, although the majority of libel and defamation cases are tried under civil law. Overall, the use of court injunctions and legal suits to silence the press decreased in 2012. In one case filed during the year, Deputy Prime Minister Uhuru Kenyatta sued the *Star* newspaper for defamation in February over an article that compared his potential victory in the upcoming presidential election to the rise of Nazi leader Adolf Hitler in Germany. The case remained pending at the end of 2012.

The Information Ministry's 2007 draft freedom of information bill has yet to be presented to the parliament, but access to information improved with the passage of the 2010 constitution. New rights guaranteed to the media effectively weakened laws such as the Official Secrets Act, which prevented the release of information on national security grounds.

The 2007 Kenya Media Act established a statutory media regulatory body, the Media Council of Kenya. The council is set up to ensure that neither the government nor media owners enjoy full control over the body, although some journalists and media personalities have expressed doubts about the impartiality of any state-funded regulator.

The Communications Commission of Kenya (CCK) is responsible for broadcast media licensing and regulation. It also oversees and regulates the telecommunications sector, including the licensing of internet service providers (ISPs). In compliance with the new constitution, a bill was introduced in 2010 to establish an independent regulatory and oversight body for the broadcasting sector, which would replace the existing commission. The legislation had not passed by year's end.

Kenya's leading media outlets, especially in the print sector, are often critical of politicians and government actions. They remain pluralistic, rigorous, and bold in their reporting, although they also frequently pander to the interests of major advertisers and influential politicians. As the March 2013 general elections—the first since disputed polls in 2007 led to deadly ethnic and political violence—drew closer, indications that media owners were aligning themselves with certain political personalities became apparent. The concentration of media ownership in a small number of hands, often with strong political affiliations, contributed to this partisan reporting trend. Many local journalists admitted that their election coverage required self-censorship to accommodate the interests of their respective media houses. The government launched an initiative in 2012 to counter hate speech and incitement of ethnic violence as part of the preelection preparations.

At least 28 journalists were threatened or attacked during the year, largely by local officials and police in connection with coverage of corruption. Nearly half of all cases were reported in the western region of the country. In February, *Standard* reporter Sammy Jakaa received death threats via mobile-telephone text message after exposing graft by Kenyan security agents in the Ugandan-Kenyan border town of Malaba. In March, two journalists, Lucas Ngasike from the *Standard* and Rashid Ekeno from its sister broadcaster KTN, received death threats for exposing a food-aid scandal perpetrated by local officials in the western, drought-ridden Turkana district. In September, guards at the Machakos courthouse assaulted cameraman Jonathan Mutiso of the state-controlled Kenya Broadcasting Corporation (KBC) for filming their attack on an escaped suspect. Mutiso was forced to erase his footage.

Ethnic Somali journalists faced continued threats and intimidation in 2012 emanating from Islamist militias based in neighboring Somalia as well as Kenyan security agents. Both sides accused the journalists of supporting their opponents. Text and e-mail threats became

particularly acute for some of these journalists after the Kenyan army invaded the town of Kismayo in southern Somalia in late September 2011 as part of a campaign to secure Kenya's borders from attacks by the Somali Islamist militia Al-Shabaab.

There are four daily newspapers, one business daily, and several regional weekly newspapers. In addition, a number of independent tabloids that are highly critical of the government publish irregularly. The KBC remains dominant outside major urban centers, and its coverage tends to favor the government. There are six private television broadcasters along with a myriad of private and community radio stations. There has been a significant expansion of FM radio in recent years, particularly ethnic stations, and their call-in shows have fostered increasing public participation as well as commentary that is critical of the government. Two private companies, the Standard Media Group and the Nation Media Group, run independent television networks and respected newspapers. International news media, including the British Broadcasting Corporation and Radio France Internationale, are widely available in Kenya, along with new international media investors such as the Chinese government's China Central Television (CCTV).

About 32 percent of Kenyans accessed the internet in 2012. Kenya is the leader in usage in East Africa, with more than twice as many users as any other country. Due to lack of infrastructure and electricity, internet availability is still limited in rural areas, though expanding mobile-phone usage has increased access.

## **Kiribati**

**Status: Free**

**Legal Environment: 6**

**Political Environment: 9**

**Economic Environment: 12**

**Total Score: 27**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>26,F</b>	<b>27,F</b>	<b>27,F</b>	<b>27,F</b>	<b>27,F</b>

## **Kosovo**

**Status: Partly Free**

**Legal Environment: 14**

**Political Environment: 18**

**Economic Environment: 17**

**Total Score: 49**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>NA</b>	<b>NA</b>	<b>53,PF</b>	<b>51,PF</b>	<b>49,PF</b>

While Kosovo's constitution and legal framework provide for freedom of expression and freedom of the press, the media environment continues to be affected by political interference,

corruption, and financial pressure. A weak judiciary that is not considered to be fully independent and an underdeveloped civil society present further obstacles to media freedom. Defamation remained an offense in the provisional criminal code in 2012, though the penalties did not include imprisonment and journalists have been infrequently targeted for prosecution. A draft criminal code, initially passed in April 2012, would have held journalists liable for defamation and other offenses “committed through the publication of information” in any medium and for refusing to reveal their sources. In May, President Atifete Jahjaga rejected the bill, sending it back to the Assembly for revisions, but lawmakers adopted it without changes on June 22. Immediately after the vote, Justice Minister Hajredin Kuçi announced his resignation in protest. The resignation, however, was not accepted by the prime minister, and the contested articles were ultimately deleted from the criminal code in October. The new code, which apparently did not include defamation as a criminal offense after the deletions, was set to take effect in 2013. There is a law on access to information, but journalists report that they are often denied access to public sources in practice.

The media are governed by two independent regulators: the Independent Media Commission (IMC), which handles broadcast licenses and promotes ethical, technical, and professional standards, and the Press Council of Kosovo, which is focused on print media and advocates freedom of speech. While the IMC is considered to be largely independent, it does not enjoy full financial autonomy. The public broadcaster, Radio Television of Kosovo (RTK), also lacks adequate financing and continues to draw funds directly from the state. The Law on the Independent Media Commission and Broadcasting and the Law on Radio Television of Kosovo, adopted in March 2012, changed the way the two institutions appoint their board members and allowed RTK to receive 0.7 percent of the state budget—close to € million (\$11.6 million) a year—and establish a second channel in the Serbian language. While the changes were welcomed by the international community, especially the European Union, the establishment of the second channel was criticized by several Serbian journalists. They claimed that the law placed decisions regarding the channel’s leadership and finances in the hands of the ethnic Albanian majority.

Political interference, direct and indirect, is a concern for both the public and private media. In 2012, the Association of Professional Journalists of Kosovo (APJK) reported 24 instances of government officials, business interests, or media owners abusing press freedom, including through verbal threats against journalists and their employers, pressure on outlets not to publish stories, and obstruction of reporters’ work. Journalists who criticize public officials are often denounced, and at times accused of being traitors or Serbian sympathizers. Editors frequently bar their reporters from publishing or broadcasting stories that are critical of the government or particular officials due to the outlets’ connections to, or preferences for, certain leaders. In some cases, editors have allegedly threatened to fire reporters if they continued to produce such stories. Newspapers that are not aligned with the government or ruling parties are subject to intimidation through tax investigations or blocked from accessing public information.

Although there were no fatal crimes against journalists in 2012, a number of media personnel were threatened and beaten. It remains difficult for both Kosovo-based and Serbia-based media outlets to report in contested border areas, particularly in periods of heightened tension and violence. In January, a Kosovo freelance photojournalist was allegedly struck by the police while covering clashes between the police and demonstrators near the Merdare border crossing into Serbia. The municipal authorities filed charges against a police officer in June, but the case had not been prosecuted by year’s end. In March, several journalists from the Pristina-

based daily *Express* began receiving threats via telephone after the paper published an article on fuel quality and distribution. Also that month, the television crew of *Justice in Kosovo*, a program dealing with corruption and other legal topics, were allegedly threatened by the mayor of Prizren while trying to get an official statement from him regarding irregular financing of political parties and the apparent misuse of public tenders. In September, the APJK released a statement condemning threats against Adem Meta, a journalist working for the Kosovo daily *Koha Ditore*. Meta and his family had allegedly been threatened several times by Skënderaj (Srbica) mayor Sami Lushtaku. In December, an employee of *Kosovo 2.0* magazine was beaten when a group of 30 protesters entered and damaged property in the building where the magazine was planning to hold a launch party for its latest issue, which focused on the LGBT (lesbian, gay, bisexual, and transgender) community. One person was arrested in connection with the incident, but police released him later that evening.

Kosovo has a large number of media outlets, both in Pristina and in other parts of the country. There are around 10 daily newspapers, approximately 90 radio stations, and 22 television stations. Newspaper readership is low, with about 35,000 copies sold daily. There are three television broadcasters with national reach. Television remains overwhelmingly the top source of information. About 21 percent of the population accessed the internet during 2012, according to Internet World Stats. Ownership structures, particularly for print media, remain unclear. Kosovo lacks a strong and private advertising industry that could support the growth of private media. As a result, private broadcasters have been dependent on international donors. While some outlets have started to rely more on their own revenues from advertising, most remain financially unstable, and very few are able to operate without support from the government or businesses associated with public officials. Indirect economic pressure is hard to avoid given that the government is the country's largest employer and public entities provide the largest amount of advertising revenue. Cases of advertising being withdrawn from certain media outlets have been noted in the recent past. Journalists have few professional rights, earn low wages, and often work without contracts, leaving them vulnerable to corruption and prone to self-censorship.

## Kuwait

**Status: Partly Free**

**Legal Environment: 20**

**Political Environment: 23**

**Economic Environment: 16**

**Total Score: 59**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>54,PF</b>	<b>55,PF</b>	<b>55,PF</b>	<b>57,PF</b>	<b>57,PF</b>

Throughout 2012, political crises and demonstrations led to government shutdowns of opposition media outlets and Twitter microblog accounts, constraining Kuwait's relatively open media environment. Freedoms of speech and the press are protected under Articles 36 and 37 of the constitution, but only "in accordance with the conditions and in the circumstances defined by law." Although the Press and Publications Law, revised in 2006, extends some important

protections to the media, it prohibits the publication of material that insults God, the prophets, or Islam. It also forbids criticism of the emir, the disclosure of secret or private information, and statements calling for the overthrow of the regime. Penalties for criticizing Islam were increased under the 2006 amendments, and the offense now draws up to one year in prison and fines of up to 20,000 dinars (\$71,000). Violations are reported frequently, as any citizen may initiate criminal charges against an individual who they believe has committed an offense under the press law.

The government actively enforced the press law during 2012, including for internet-related offenses, and often in conjunction with other criminal charges. In February and March, during campaigning for parliamentary elections, the Shiite-oriented newspaper *Al-Dar* was repeatedly suspended for allegedly inciting sectarianism. The paper's editor, Abdul Hussein al-Sultan, was fined and given a suspended six-month prison sentence. In April, Scope TV was fined 500,000 dinars (\$1.8 million) for airing content that was offensive to the ruling family. Defamation charges also continue to be used against journalists. Among other cases during the year, writer Mohamed al-Melify was sentenced to seven years in prison for spreading false news about sectarian strife in Kuwait and for libeling member of parliament Ahmed Lari via Twitter, though an appellate court reduced the prison term to six months in May.

Amendments to the press law proposed in 2011 would prescribe harsher penalties and implement a tighter monitoring system for violations. The draft changes included a ban on attributing any act or statement to the emir or the crown prince without prior written permission. Under another provision, those engaged in broadcasting activities without permission would be subject to two-year prison sentences and possible fines of 100,000 to 300,000 dinars (\$360,000 to \$1.1 million). In addition, the equipment used for broadcasting would be confiscated, and the broadcasting facility would be shut down. Jail time and fines would also be imposed for incitement, undermining national unity, and causing internal strife. The draft amendments had yet to be enacted at the end of 2012. Kuwait does not have any provisions guaranteeing the right to access official information.

All publishers are required to obtain an operating license from the Ministry of Information (MOI) to launch a daily newspaper. However, the MOI must issue the license or provide an explanation for its refusal within 90 days of application, and refusals can be appealed in court. Media licenses may not be revoked without a court order. Despite the fact that the 2006 press law requires capital of at least 250,000 dinars (\$893,000) to establish a paper, the government licensed six new daily Arabic-language newspapers in 2007. In September 2012, the new opposition-affiliated television station El-Nahg was shut down 24 hours after its launch. In December, another opposition-affiliated television station, Al-Youm, was shut down and had its broadcasting permits revoked for "failing to meet administrative conditions." Some activists asserted that the shutdown was a result of the station's coverage of corruption.

The authorities monitor internet communications for defamation and security threats, and the Ministry of Communications (MOC) blocks websites that are suspected of "inciting terrorism and instability." In March 2012, the website for the nonpartisan weekly *Al-Watan* was blocked. An ongoing crackdown on Twitter users escalated further in 2012, with some reports indicating that over 600 users had been detained and over 150 charged with insulting the emir on their Twitter accounts.

The MOI can censor all books, films, and periodicals it deems morally offensive. However, in practice, it does not regularly interfere with or restrict access to news, and the Kuwaiti media sector is considered more critical and outspoken than many in the rest of the

region. More in-depth reporting and a greater diversity of opinions appear in newspapers than in broadcast media. Nevertheless, given the restrictions in the press law and an atmosphere of increased governmental intolerance toward critical reporting, journalists continue to practice self-censorship, as failure to do so often results in reprisals. In addition to legal and regulatory penalties, journalists and media outlets occasionally face physical harassment.

International news is widely available, and a number of foreign media outlets maintain bureaus in Kuwait. News sources originating outside Kuwait must be reviewed by the MOI before circulation. The MOI screens all imported media for morally offensive content, and controls the publication and distribution of all materials classified as informational. The government closed the Kuwait City bureau of Al-Jazeera, the Qatar-based satellite television channel, in 2010. The closure was in reprisal for the station's coverage of police brutality at an unauthorized demonstration against proposed amendments to the constitution, and for its airing of an interview with an opposition lawmaker. However, the bureau reopened in January 2012.

Fourteen Arabic and three English-language newspapers circulate in Kuwait, all of which are privately owned, largely independent, and diverse in their reporting. Private media have relatively transparent ownership and their own presses, and they are free to set their own prices. The state owns nine local radio stations and five television stations. However, there are now 16 privately owned television stations, and satellite dishes are common. Although the advertising market remains limited, it continues to grow, thanks in part to an increase in advertising agencies. Wage levels for journalists at both state and private media are not high enough to discourage occasional bribery to influence coverage. Relatively low salaries have also dissuaded Kuwaiti nationals from pursuing journalism as a profession, meaning many local media workers are noncitizens.

About 79 percent of the population used the internet in 2012, and the government continued to debate how best to regulate this growing medium. The state requires all internet service providers to install and operate systems to block websites carrying material that is deemed anti-Islamic, extremist, or pornographic, as well as certain types of political websites. However, the blocking policies are not always clear or consistent. Internet café owners are required to record the identities of customers and turn over the information if requested by the MOC.

## Kyrgyzstan

**Status: Not Free**

**Legal Environment: 20**

**Political Environment: 29**

**Economic Environment: 20**

**Total Score: 69**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	70,NF	72,NF	73,NF	70,NF	69,NF

In 2012, the Kyrgyz media environment featured both positive developments and setbacks as the country continued to recover from the violent overthrow of President Kurmanbek Bakiyev and ethnic clashes in the southern region of Osh in 2010. Freedoms of speech and of the press are

guaranteed in the Kyrgyz constitution and in the nation's laws, but observance of those rights is inconsistent. Although libel was decriminalized in 2011, insult of public officials remains a criminal offense. In March 2012, legislator Irina Karamushkina used the insult law to file a case against journalist Makhinur Niyazova of the 24.kg news agency. The case was pending as of the end of the year.

In February 2012, ethnic Russian blogger and independent journalist Vladimir Farafonov was charged with inciting ethnic hatred through the media—an offense that carries up to three years in jail. In his articles, Farafonov had criticized the state of Kyrgyz politics and the spread of ethnic nationalism in the Kyrgyz-language media. He was convicted in July of “humiliation” of the Kyrgyz nation and spreading propaganda for ethnic discord, though the penalty was limited to a fine of 50,000 som (\$1,050). There have been allegations that prosecutions on charges such as inciting hatred have focused almost exclusively on ethnic minority writers, despite the widespread appearance of inflammatory articles in Kyrgyz-language media.

Access to public information is guaranteed by law. In 2012, Access Info Europe and the Centre for Law and Democracy rated Kyrgyzstan's access to information law as relatively strong. According to the organizations, the law's weaknesses include overly broad exceptions to the access regime and the lack of a public-interest override.

In September 2012, a draft bill was introduced in the parliament that proposed restricting access to certain “offensive content” online, ostensibly to protect children. According to the legislation, images promoting violence as well as other “unhealthy lifestyles” and “nonstandard moral values” could be targeted. Critics warned that the overly broad wording of the bill could lead to widespread censorship and closing of websites. However, lawmakers were said to be working with members of civil society to revise the measure.

All media outlets must register with the Ministry of Justice to operate. The approval process entails background checks on outlets' owners and funding sources, including whether they receive funding from international donor organizations. In September 2012, Kyrgyzstan began a program to transition to digital broadcasting, and it stopped issuing licenses for analog television stations.

A law passed by the parliament under Bakiyev and implemented by the interim government in 2010 converted the state television channel into a public-service broadcaster. Independent journalists and civil society representatives were appointed to a supervisory board for the station. However, in June 2011 the parliament empowered itself to dissolve the independent board and name new board members. Nevertheless, the broadcaster was reported to have aired some politically sensitive content during 2012. Separately, in September 2011 the parliament voted to override a presidential veto on legislation that converted Channel Five into a parliamentary television channel. The channel had previously been controlled by Maksim Bakiyev, son of the former president.

Access to a diversity of news sources, and particularly to minority-language media, continues to be a challenge in Kyrgyzstan, although there were openings in 2012. According to a June report by the Bishkek-based Association of Journalists, before the 2010 violence there were three Uzbek television stations and two Uzbek newspapers in the south, all owned by ethnic Uzbeks. One station never reopened, while ethnic Kyrgyz took over the other four outlets. In 2012, two government-owned Uzbek-language newspapers, *Alam* and *Osh Shami*, began publishing. In June, an ethnic Uzbek journalist started the Uzbek-language weekly *Digest*, which primarily published news articles translated from Kyrgyz, Russian, and English sources. In August, Yntymak Public Radio, started by the American nongovernmental organization

Internews with U.S. government funding, began full-time broadcasts in Kyrgyz, Russian, and Uzbek—the three main languages in the south. Finding qualified Uzbek-speaking journalists remains a challenge for the station, however, as many Uzbeks fled the region after the 2010 violence. Employees of Yntymak and the newspapers reportedly received threats during the year.

Some cases of government censorship and interference in the media were reported in 2012. Most significantly, state-controlled Kyrgyztelecom, the main internet service provider (ISP) in the country, blocked access to the popular Russian-language news website Ferghana in February, acting on an earlier resolution from the parliament aimed at censoring allegedly critical accounts of the 2010 violence. Despite appeals by the site, Ferghana remained blocked by the ISP at year's end, though it was still accessible through other providers.

In April 2012, the State Committee of National Security (GKNB) announced that it planned to launch a new system in spring 2013 to monitor websites in the Kyrgyz language or with the .kg country code for “hate speech.” Observers expressed concern that the measure would lead to increased internet censorship and questioned the GKNB's neutrality and suitability to the task, given its reputation for muzzling government critics.

No journalists were killed in 2012. However, as in previous years, some cases of intimidation, harassment, and assault were reported. Supporters of the opposition Ata-Jurt party attacked journalists on several occasions during protests in September and October. In a number of cases, police failed to intervene. Also in October, reporter Meerim Mambetova and a cameraman from the NBT television channel were assaulted by GKNB personnel while filming other officers storming a government building; their camera was destroyed. A brutal 2011 assault on Shokhrukh Saipov—a well-known ethnic Uzbek journalist, editor of the UzPress news website, and brother of slain journalist Alisher Saipov—remains unsolved. Journalists reported receiving threats for covering sensitive topics such as ethnic tensions and the June 2010 violence in the south. Many also admitted practicing self-censorship on these issues.

In a positive step, Kyrgyzstan's highest court overturned what was widely regarded as a wrongful murder conviction in the case of Alisher Saipov, who was shot to death outside his office in 2007. In 2009, authorities announced that they had caught Saipov's killer, but a local court dismissed the evidence as insubstantial, and the alleged culprit insisted that he did not know Saipov and had no reason to kill him. The victim's father conducted his own investigation and told the Committee to Protect Journalists (CPJ) that the imprisoned man was innocent. Many activists and analysts believe that Saipov, an ethnic Uzbek who was critical of Uzbekistan's authoritarian government, was killed by that country's security services.

Azimjon Askarov, an ethnic Uzbek independent journalist and human rights defender, remained in prison serving a life sentence on charges of inciting ethnic hatred and complicity in the murder of an ethnic Kyrgyz police officer during the June 2010 violence. Askarov's investigative reports had overturned convictions and cost several officials their jobs, and he was widely believed to have been prosecuted in retribution for his reporting. Among those challenging his imprisonment was Kyrgyzstan's human rights ombudsman. In June 2012, the Kyrgyz ambassador to the United States agreed to present evidence of Askarov's innocence compiled by CPJ to the Kyrgyz government, with no apparent result by year's end.

Nearly 50 newspapers and magazines publish regularly with varying degrees of independence. Approximately 50 state-owned and private television stations and 50 radio stations operate in the country, with two television stations run by state-owned KTRK broadcasting nationwide. An independent printing press run by the local nongovernmental organization Media Support Center surpassed the state-run printing house, Uchkun, as the

country’s leading newspaper publisher several years ago. State-owned media outlets benefit from government subsidies. However, the ability of authorities to use advertising to influence media content has receded as more private sources of advertising revenue become available.

Approximately 22 percent of the population accessed the internet in 2012. Internet news sites such as Barakelde.org, Akipress.org, 24.kg, and Kloop.kg; blogging platforms such as LiveJournal and Twitter; and forums such as Diesel.kg provide lively alternative news sources for those with access. However, internet access outside towns and cities remains limited. Around half of users reached the internet through the state-controlled Kyrgyztelecom, creating the potential for government influence over the medium. A growing number of Kyrgyz citizens access the internet through their mobile telephones, and the new outlet Kush Kabar provides free news via short-message service (SMS) on mobile phones.

## Laos

**Status: Not Free**

**Legal Environment: 26**

**Political Environment: 33**

**Economic Environment: 25**

**Total Score: 84**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	83,NF	86,NF	84,NF	85,NF	84,NF

Press freedom in Laos remains highly restricted. Despite advances in telecommunications infrastructure, government control of nearly all print and broadcast news prevents the development of a vibrant, independent press. Article 44 of the 1991 constitution guarantees freedom of the press. In collaboration with international donors, the country passed a new press law in 2008, but it has had little practical effect on conditions for journalists. Under the criminal code, individuals may be jailed for up to one year for reporting news that “weakens the state” or importing a publication that is “contrary to national culture.” Defamation and misinformation are criminal offenses, carrying lengthy prison terms and even the possibility of execution. However, due to high levels of official censorship and self-censorship, legal cases against media personnel are extremely rare.

The country’s media remain under the tight control of the ruling Lao People’s Revolutionary Party (LPRP). Media personnel are appointed mostly from within the LPRP, and publications must be approved by the Ministry of Information, Culture, and Tourism (MICT). Officials review content in private publications, and have the power to censure outlets. As a result, journalists write primarily about uncontroversial topics, though stories on social issues previously not broached have begun to appear in newspapers. On January 27, the MICT ordered Ounkeo Souksavanh, host of the country’s first call-in radio show, “Wao Kao,” to cancel his program. Ounkeo had discussed sensitive topics with callers to the show, including government land seizures. The program remained off the air at year’s end. Physical attacks and extralegal intimidation aimed at journalists are rare, as reporters avoid covering politically sensitive topics. Foreign journalists are usually permitted to enter and travel to cover specific stories, though they face significant barriers in establishing a permanent presence in the country. However, in

October the government denied several international journalists entrance to the country, ahead of the ninth Asia-Europe People’s Forum, and others reported intimidation and harassment for their coverage of the event.

The number of media outlets continues to grow. There are around 24 regularly printed newspapers, all government-affiliated. Privately owned magazines, primarily from Chinese-backed companies, covering general interest, health, and other nonpolitical issues, have emerged in recent years. Newspaper and other print media circulation figures remain extremely weak due to low literacy rates and an insufficient distribution infrastructure outside the capital, Vientiane. The government is eager to boost Laos’s information and communication technology capabilities, and advancements in this sector have resulted in an increase in television and radio stations. Nearly all 32 television stations and 44 radio stations are government run, though companies are increasingly permitted to buy airtime and run privately produced content. China and Vietnam have provided much of the investment in the broadcast infrastructure. A few community radio programs, covering mostly local interest stories, have sprung up with the help of international development organizations. Foreign television and radio services, such as Voice of America and Radio Free Asia, broadcast in Laos without disruptions. A number of citizens watch Thai television and radio, and wealthier individuals have access to satellite television.

Nearly 11 percent of the population accessed the internet in 2012, and Lao-language content, though minimal, is growing. Young Laotians are increasingly taking to social media to discuss social issues. The state controls all internet service providers. The government’s technical ability to monitor the internet is limited, though sporadic reports of blocking web activity have surfaced. However, the government’s efforts to consolidate internet infrastructure to a single gateway, as well as other initiatives, signal interest in adopting the censorship policies and technologies of its neighbors, Vietnam and China.

## Latvia

**Status: Free**

**Legal Environment: 6**

**Political Environment: 12**

**Economic Environment: 10**

**Total Score: 28**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>22,F</b>	<b>23,F</b>	<b>26,F</b>	<b>26,F</b>	<b>27,F</b>

Latvia’s constitution protects freedoms of speech and the press, and the government generally upholds these rights in practice. Libel remains a criminal offense. While in previous years journalists rarely faced criminal prosecution, European Parliament member Aleksandrs Mirskis accused journalist Gunta Sloga of libel for publishing a 2009 report that questioned the merit of his military experience. After a lengthy legal process, Sloga was acquitted in July 2011, but Mirskis appealed the judgment, and at the end of 2012 the case was pending before the Supreme Court. Incitement to racial and ethnic hatred, as well as anti-Semitic speech, is prohibited. In April 2012, the National Electronic Media Council (NEPLP) initiated an administrative procedure against Radio NABA over anti-Semitic comments that aired on one of its weekly

shows. The program was temporarily suspended, and proceedings were ongoing at year's end. Tolerance for varying opinions on controversial issues related to the Second World War is still a challenge.

Although access to the internet is generally not restricted, in February 2011 the Ministry of Defense introduced amendments to a draft law on states of emergency that would allow the government to block the internet and other data-transfer systems, including television and radio broadcasts and postal correspondence, during declared states of emergency. The draft was endorsed by the cabinet in July of that year, but Parliament had yet to pass it at the end of 2012.

The Law on Freedom of Information provides detailed rules on access to public information. A 2010 law on electronic mass media requires at least 65 percent of broadcast programming to be in Latvian, which is the country's only official language despite the presence of a large Russian-speaking minority. Beginning in 2012, members of the NEPLP are to be appointed by Parliament in consultation with various nongovernmental organizations. Most current NEPLP members, however, have links to the government. There is no self-regulatory organization, such as a press council, for journalists in Latvia.

Political parties have been known to exert influence over the media. In June 2012, an NEPLP member threatened to restrict guests on state-run Latvijas Radio after several former political advisers appearing on one of its talk programs criticized the ruling party.

Journalists and media outlets have occasionally been harassed or attacked. In March 2012, two assailants severely beat Leonīds Jākobsons, owner of the online news outlet *Kompromat*, which covers organized crime and government corruption. The attackers have not been identified. In December 2011, Jākobsons had been detained without charge for two days after he published e-mail correspondence between Riga mayor Nils Ušakovs of the Harmony Center party and Aleksandr Hapilov of the Russian embassy, suggesting that the former was engaging in corrupt activities and espionage. The 2010 murder of investigative journalist Grigorijs Nēmcovs, widely believed to have been a contract killing, remained unsolved at year's end.

Latvian media are relatively diverse and competitive, offering a wide range of political viewpoints. The main national television stations include two public channels—LTV 1 and LTV 7—and the commercial channels TV3 and LNT. A third major commercial channel, PBK, broadcasts programs in Russian. A number of privately owned radio and television outlets operate on a regional basis. Programming for the country's large Russian-speaking population is available on traditional and cable television networks. The print media, which include a large number of both Latvian- and Russian-language newspapers, are independent and privately owned. Many people in eastern Latvia cannot access Latvian television channels and primarily watch broadcasts from Russia and Belarus. Those stations generally do not carry much news about events in Latvia. In April 2012, the NEPLP approved a government proposal to create a new public broadcaster; the existing entity continues to struggle with inadequate funding, which affects the quality of its programming and personnel. The plan is subject to approval by the cabinet. Parliament in October approved the temporary suspension of some of the country's must-carry rules—which require cable operators to retransmit the content of free-to-air broadcast stations—because they had resulted in an unfair market situation for commercial broadcasters. In 2012, approximately 74 percent of the population had access to the internet.

Media ownership is becoming increasingly concentrated, raising concerns about the sector's ability to act as an effective watchdog. Foreign companies, including Scandinavian firms, own or control a considerable portion of Latvia's print and broadcast media. Following a

series of ownership changes, in 2012 Latvia’s three major Russian-language newspapers were merged into a single publication. In June, TV3, which is controlled by Sweden’s Modern Times Group (MTG), took over LNT, which had seen a decline in market share in recent years. MTG now holds more than 60 percent of the Latvian television advertising market. In response to recent scandals that have exposed Latvia’s inadequate legislation on media ownership transparency, in September 2011 Parliament had adopted an amendment to the Law on the Press and Other Mass Media that requires full disclosure of the beneficiaries of media enterprises, including websites. Outlets must now list their beneficiaries in the Register of Enterprises.

The media environment suffered from the effects of the economic downturn that started in 2008, but it is beginning to recover, along with Latvia’s overall economy. Although television advertising takes up almost half of the advertising market, the recovery in 2012 was driven mostly by the internet.

## Lebanon

**Status: Partly Free**

**Legal Environment: 18**

**Political Environment: 21**

**Economic Environment: 14**

**Total Score: 53**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>55,PF</b>	<b>56,PF</b>	<b>55,PF</b>	<b>53,PF</b>	<b>51,PF</b>

Lebanon’s media environment remained freer than those of most other Middle Eastern countries in 2012, but there were several incidents in which officials attempted to curb freedoms of speech and expression. Attacks against journalists also increased as the conflict in Syria spilled over into Lebanon, heightening political and sectarian tensions.

The constitution provides for freedom of the press, but vague laws prohibiting the publication of news deemed to contravene “national ethics” or trample “religious feelings” remain on the books. Journalists are also prohibited from insulting the head of state or foreign leaders, and those charged with press offenses may be prosecuted in a special publications court. Lebanese journalists complain that the media laws are chaotic, contradictory, and broadly worded. Provisions concerning the media can be found in the penal code, the Publications Law, the 1994 Audiovisual Media Law, and the military justice code, giving the government considerable leeway to prosecute journalists at will, though it rarely does so. The Audiovisual Media Law prohibits broadcasting of political or religious gatherings that have not been previously authorized. It also bans “commentary seeking to affect directly or indirectly the well-being of the nation’s economy and finances, material that is propagandistic or promotional, or promotes a relationship with Israel.” A Lebanese media watchdog group has crafted legal amendments that would abolish prison sentences for crimes related to publishing, loosen restrictions on electronic media, provide for greater transparency of media ownership and financing, and halt requirements for prior licensing of political publications. The proposals were pending at the end of 2012. Early in the year, the Ministry of Information (MOI) proposed the

Lebanon Internet Regulation Act (LIRA), which would have allowed the government to restrict online expression. The bill was scrapped after major public outcry.

A draft law on access to information that was proposed in 2009 would allow citizens to request documents and data held by public bodies. It was debated in the parliament in October 2012, but was still awaiting approval at year's end.

The licensing of print media outlets is subject to quotas for different types of publications and restrictions on the number of days an outlet can publish. Broadcast licenses are allocated to ensure that each of the country's sectarian groups is represented in the media landscape. The Audiovisual Media Law granted six new licenses to political and sectarian groups, and several additional television outlets with partisan and sectarian affiliations have been granted licenses since then. The MOI and the National Council for Audiovisual Media have the right not to renew licenses for radio and television, and also require foreign publications to register for a license prior to distribution in the country. In 2012, the Audiovisual Workers' Union was established, and the Journalists' Union membership expanded, strengthening the professional support network for the media sector.

The media environment in Lebanon is both vibrant and diverse, and outlets are able to express many different viewpoints and cover important events. However, most media outlets are affiliated with political groups, which can impede those outlets' ability to report from areas controlled by rival factions.

The Directorate of General Security (SG) is authorized to censor all foreign magazines, books, and films before they are distributed, as well as pornography and political or religious material that is deemed a threat to the national security of either Lebanon or Syria. The government sporadically investigated and detained journalists and attempted to censor news and information during 2012. In August, the Lebanese Broadcasting Corporation International (LBCI) and the television station Al-Jadeed were accused by the MOI of provoking instability with their coverage of kidnappings taking place in Lebanon and Syria as a result of the Syrian conflict. Local coverage of Syria-related events has also prompted cyberattacks on the websites of journalists and media outlets. In January 2012, hackers struck the Facebook pages of Future News TV host Paula Yacoubian and the magazine *Al-Jaras*, as well as the Now Lebanon news website. In September, the Lebanese civil society organization MARCH launched the Virtual Museum of Censorship, an online database of censorship cases in the country since the 1940s. According to the database, there were at least 23 instances of censorship or attempted censorship of books, movies, the press, and art in Lebanon in 2012. Cases included the banning of several movies and the book *A Brief History of the Middle East*, censorship of "immoral content" on Al-Jadeed, and the arrest of graffiti artists.

Journalists in Lebanon continue to face violence, harassment, and intimidation due to tensions inside the country as well as spillover from the worsening conflict in Syria. These threats have led to increasing self-censorship. In April 2012, Ali Shaaban, a cameraman for Al-Jadeed, was killed by Syrian security forces while covering the conflict from a Lebanese town near the border. According to the Committee to Protect Journalists, nine journalists were attacked in May and June while reporting on demonstrations and street violence, including clashes between supporters and opponents of the Syrian government. In June, the Beirut headquarters of Al-Jadeed was attacked by gunmen after it aired an interview with Ahmed al-Assir, a controversial Sunni cleric. In September, members of the Shiite militant group Hezbollah seized Rami Aysha, a Lebanese-Palestinian journalist reporting on arms smuggling

into Syria, and handed him over to state security forces, which detained him for nearly a month. He reported being beaten by both the Hezbollah agents and military police officers.

Lebanon was the first country in the Middle East to authorize private ownership of radio and television stations. It boasts a vibrant media industry that includes more than a dozen privately owned daily newspapers in English, Arabic, and French, and more than 1,500 weekly and monthly periodicals. The two largest Arabic-language dailies are *As-Safir* and *An-Nahar*, owned by Shiite Muslim and Maronite Christian families, respectively. There are nine television stations, two digital cable companies, and about 40 radio stations that are similarly linked to confessional groups. News content typically reflects the political viewpoint of a given outlet’s affiliated ethnic or religious group. Politicians and influential families own most media companies, and politicians also frequently sit on their boards.

Access to satellite television has grown substantially over the last decade. In 2012, the MOI and the Telecommunications Ministry said they were preparing plans to launch a “Smart Media City” project that would improve the telecommunications infrastructure and allow additional satellite television stations and production studios to be set up.

In 2012, 61 percent of the population had access to the internet. The Telecommunications Ministry controls the international gateway for internet traffic. The country lacks the infrastructure necessary for high-quality broadband connections, and does not have a special network to transmit data, relying instead on existing landline telephone networks. Social-media platforms including Twitter and Facebook are popular among Lebanon’s internet users.

The advertising market in Lebanon is extremely limited, and is not able to sustain the breadth of media outlets operating in the country. The Choueiri Group, one of the largest media brokerage firms in the Middle East, has long dominated the small market that does exist. According to the local business magazine *Executive*, it controls an estimated 70 percent of Lebanon’s ad spending.

Financial setbacks and regional developments in 2012 affected employment for journalists in Lebanon. LBCI TV laid off almost 400 of its staff. AWI, which owns *Al-Balad*, *Al-Waseet*, and the *Layaleena* magazine, laid off 50 employees. Saudi prince Al-Waleed bin Talal—after winning a lengthy court battle in 2011 that allowed him to increase his holdings in LBC SAT, the satellite channel previously affiliated with LCBI, and its production arm, the Production and Acquisition Company (PAC)—later liquidated PAC, leading to significant layoffs in 2012.

## Lesotho

**Status: Partly Free**

**Legal Environment: 14**

**Political Environment: 19**

**Economic Environment: 16**

**Total Score: 49**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>46,PF</b>	<b>48,PF</b>	<b>48,PF</b>	<b>48,PF</b>	<b>49,PF</b>

The government generally respects freedoms of speech and the press. Although press freedom is not directly mentioned, the constitution guarantees freedom of expression and informational exchange. However, multiple laws, including the Sedition Proclamation (No. 44 of 1938) and the Internal Security (General) Act of 1984, prohibit criticism of the government, provide penalties for seditious libel, and endanger reporters' ability to protect the confidentiality of their sources. The 1967 Official Secrets Act and the 2005 Public Service Act prohibit civil servants from disclosing information, limiting the transparency of government institutions and making it difficult for journalists to conduct investigations. The government has recently improved its disclosure practices, but access to information remains impeded, and the procedure for requesting it is unclear. After 13 years of discussions between the government and media professionals, a package of media reforms came close to passing in 2010, but the cabinet decided to refer the proposed policies back to the Ministry of Communications rather than send them to Parliament for approval. The reforms would depoliticize government-owned media outlets, eliminate "national security" statutes that allow government censorship, and move many slander and libel cases from the courts to an arbitration system. Despite three drafts by the ministry, the reforms had not been sent back to Parliament by the end of 2012. There were no reports that the government used the restrictive laws to control the media during the year.

Despite the existence of an active independent media, journalists often self-censor because of a history of punitive lawsuits lodged against critical media outlets by government officials and private citizens. In recent years, the courts have handed down extremely high fines in libel cases against publications and radio stations known for criticizing the government, forcing some to the verge of closure. In September 2011, High Court judge 'Maseforo Mahase initiated an 8 million maloti (\$980,000) defamation lawsuit against the radio station Harvest FM over comments on a talk show that accused her of taking a bribe to impose a prison sentence on a sibling of two Harvest FM presenters; the case remained pending at the end of 2012. There were no reported lawsuits brought against press outlets by government officials in 2012. However, Harvest FM was sued in August by a school rector for damages of 900,000 maloti (\$110,000) in response to a radio program featuring a staff member who was critical of the school's leadership.

Media coverage of the May 2012 parliamentary elections was more professional and expansive than reporting on previous elections. Nonetheless, the state-run Lesotho Broadcasting Service allocated more radio and television airtime to the incumbent Democratic Congress (DC) party of Prime Minister Pakalitha Mosisili, while private broadcast coverage generally favored opposition parties. Although the DC won the most seats in the elections, it was unable to form a government, and in June the former opposition All Basotho Congress (ABC) party formed a governing coalition. In July, after Mosisili claimed that his party had won the May vote, the new government barred the state media from covering DC rallies.

In past years, journalists were occasionally assaulted, and more often threatened with assault, as a result of their work. There were no reports in 2012 of government authorities using arrest, imprisonment, or physical attacks to stifle press freedom.

There was no repeat in 2012 of a 2011 incident in which the broadcasts of four private radio stations were interrupted after they provided live coverage of economic protests. The day before the outage, Harvest FM and at least one other station had allegedly been warned by a Ministry of Communications official and the head of the Lesotho Communication Authority to broadcast "respectfully."

Several independent newspapers, none of them dailies, operate freely and routinely criticize the government, while state-owned print and broadcast media mostly reflect the views

of the ruling party. Although Lesotho has a printing press, many local newspapers are printed in South Africa and transported into the country to avoid the high cost of printing domestically. Because of high distribution costs and low literacy rates, especially in rural areas, radio is the most popular news medium. There are eight private and two state-run radio stations, and many South African and other foreign broadcasts reach Lesotho. The country's only television station is state run. Media development is constrained by inadequate funding and resources. The private media are increasingly turning to private advertising to generate income, but many outlets, both print and broadcast, continue to rely heavily on state advertising, which allows the government to tacitly reward those that provide more favorable coverage.

The government did not restrict access to the internet in 2012, but due to a lack of infrastructure and high costs, the medium was used by just 5 percent of the population.

## Liberia

**Status: Partly Free**

**Legal Environment: 15**

**Political Environment: 21**

**Economic Environment: 20**

**Total Score: 56**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>65,NF</b>	<b>63,NF</b>	<b>61,NF</b>	<b>59,PF</b>	<b>60,PF</b>

The Liberian media environment improved in 2012 due to a decrease in libel cases, efforts to repeal defamation laws, and a reduction in violence against journalists. The constitution provides for freedoms of speech and the press, and the government largely respected these rights. In July 2012, President Ellen Johnson-Sirleaf became the second African head of state to endorse the Declaration of Table Mountain, which calls on African governments to abolish criminal defamation laws. The Press Union of Liberia submitted a draft bill to the parliament in late November that would carry out such an abolition, but it had not been enacted at year's end, and some libel charges continued to be leveled against media houses during the year. In addition, the compensation sought and imposed in civil cases is often excessive, leading to severe financial difficulties for journalists and their outlets, and encouraging self-censorship in the media. In February, former senator Nathaniel J. Williams filed a libel suit against the *Independent* newspaper for an article alleging that he had been evicted from his rented home. Williams claimed damages of US\$5 million. In March, Robert Sirleaf, the chairman of the board of directors at the National Oil Company of Liberia and the president's son, threatened a libel suit against the *Independent* if it did not retract an article claiming that he had seized national oil holdings for commercial use. Corruption and bribery in the judicial sector also contribute to a largely unfavorable environment for journalists. In February, three newspaper publishers were ordered to appear before the Supreme Court on possible charges of contempt following the publication of an article that accused the judges of embezzling funds. At the hearing, representatives of two of the papers apologized to the court.

In 2010, Liberia enacted West Africa's first freedom of information law. Both journalists and the general public have the right to access any public document, with exemptions for those

related to national security. However, implementation of the law, as well as public awareness regarding how to use it, has remained weak.

According to the Center for Media Studies and Peace Building (CEMESP), there are very few legal provisions to help guide media policy or offer protections to journalists in Liberia. Existing regulatory bodies are largely ineffective at implementing laws and regulations governing the media, and self-regulatory mechanisms have not yet been developed. A 2008 bill that would establish an independent broadcast regulator with safeguards against government intervention is still waiting to be passed by the Senate. A draft law seeking to convert the state broadcaster into a public-service broadcaster was also still pending at the end of 2012.

Although Liberia's media environment is not heavily polarized, outlets did openly exhibit political loyalties—to either the incumbent Unity Party or the opposition Congress for Democratic Change—in the period surrounding the 2011 presidential election. Many outlets were criticized for “yellow journalism,” politically biased reporting, and lack of accountability. In November 2011, four radio stations and three television stations were found guilty of propagating hate messages before the election. While an order to close the stations was quickly rescinded, the argument presented in the case—that the government had the authority to shut down media outlets based on their news content—has the potential to set a negative precedent regarding censorship. Radio Veritas, a Catholic-run station with critical news programming, closed indefinitely in October 2012, raising suspicions of political pressure from the government.

The level of violence decreased in 2012, but journalists still faced threats and intimidation in the course of their work. In February, police attacked and threatened journalist Edwin Genoway of *New Dawn* after he attempted to photograph officers harassing motorists. In March, the acting mayor of Monrovia, Mary Broh, allegedly ordered the beating of journalists Francis Nyan and Charles Yates. The same month, Mae Azango, a journalist for *FrontPage Africa*, received threats after publishing a story on Liberian tribes practicing female genital mutilation (FGM) in rural areas. Azango went into hiding, saying she was not receiving adequate protection from the police.

The media sector includes both state-owned and private outlets. Although about a dozen newspapers publish with varying regularity, including the government-owned *New Liberian*, distribution is limited largely to the capital. Low literacy rates and the high price of newspapers and transportation make radio the primary source of information for most Liberians. Monrovia is home to over 15 independent radio stations, at least two of which broadcast nationwide. Community radio has expanded to over 50 stations across the country, and television has grown to at least six stations. There were no reported cases in 2012 of the government or other parties attempting to influence editorial content through the withholding of advertising. However, reporters commonly accept payment from individuals covered in their stories, and the placement of a story in a paper or radio show can often be bought or influenced by outside interests. Most media outlets are not self-sustaining and rely heavily on financial support from politicians or international donors. According to the Liberia Media Center, most newspapers are owned and operated by journalists, who are rarely trained in business management. Journalism training is also limited, with CEMESP providing one of the only venues for training in journalistic ethics. Both the Press Union of Liberia and CEMESP offer assistance to journalists.

In 2012, an estimated 4 percent of Liberians accessed the internet. There are no official restrictions on internet use, and there were no reports during the year of the government monitoring online communications.

## Libya

**Status: Partly Free**

**Legal Environment: 15**

**Political Environment: 27**

**Economic Environment: 17**

**Total Score: 59**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	94,NF	94,NF	94,NF	94,NF	60,PF

Following the civil war and a dramatic opening in the political and media environments in 2011, conditions for press freedom remained stable in 2012. The National Transitional Council (NTC), formed soon after the start of the armed conflict in February 2011, steered the country to its first democratic elections in July 2012. In August, the NTC disbanded after handing power to the new legislative assembly, or General National Council (GNC). The GNC then selected a prime minister and cabinet. However, these accomplishments were marred by the failure of the new authorities to establish security and rule of law in the country. Various semiautonomous militias controlled different parts of the country, and while some either disbanded or attached themselves to the nascent national army, others became less formal proxies for the government or acted without any official oversight, contributing to an unstable operating environment for journalists.

The GNC had yet to begin appointing a committee to draft a permanent constitution by year's end. The governing legal document during 2012 remained the Draft Constitutional Charter for the Transitional Stage, adopted during the 2011 conflict, which guarantees several fundamental human rights. For example, Article 13 stipulates "freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of press, printing, publication and mass media." While these provisions are a positive start, they do not fully reflect international standards for freedom of expression. The charter does not explicitly abolish censorship or include the right to seek, receive, and impart information and ideas. It does not cover all types of expression and methods of communication, nor does it grant the rights in question to every person.

In May 2012, the NTC introduced Law 37, which criminalized "false news and information" and "propaganda" that "endanger(s) national security, terrorize(s) the public or undermine(s) public morale." Any comments counter to the 2011 revolution became criminal offenses, including remarks glorifying ousted dictator Mu'ammarr al-Qadhafi, his sons, or his regime. Insults against the Libyan people, their flag, or Islam were also criminalized. Offenses under the new law could be punished with a maximum sentence of life in prison. Law 37 caused public outrage and mobilized national human rights organizations to campaign for its repeal. In its first review of a law passed by the NTC, the Supreme Court ruled in June that Law 37 violated the Draft Constitutional Charter, and it was consequently nullified.

Journalists face uncertainty regarding defamation charges, as there is no new legal framework for libel or slander. In the first high-profile defamation case involving a journalist since the fall of the Qadhafi regime, Amara Abdallah al-Khitabi, editor of the newspaper *Al-Umma*, was detained in December 2012 for publishing a list of 84 judges who were allegedly involved in corruption. He was still being held in Hudba Prison in Tripoli at year's end.

In the absence of clear rules regarding media licensing and regulation, responsibility for state media passed through the hands of multiple institutions during the year. Supervision of state media assets was first transferred from the Ministry of Culture and Civil Society to a newly formed body called the High Media Council. However, by the end of 2012, the GNC had dissolved both institutions and reestablished the Ministry of Information. Meanwhile, the Agency for Support and Encouragement of the Press was tasked with organizing and “supporting” state-owned media.

Libyan journalists have organized a number of competing associations and unions, such as the General Union for Libyan Journalists, which aims to become the main umbrella group for all media professionals, and the Libyan National Media Union, a Misrata-based organization founded in May 2012 with more than 140 members. Journalists who entered the profession during or after the conflict complained that they were being treated unequally and excluded by those who worked under the previous regime, and some new journalists were allegedly barred from joining the unions.

Under the Qadhafi regime, journalists worked in a climate of fear and self-censorship. After the revolution, Libyan media experienced unprecedented freedom, without clear regulations or set “red lines.” The NTC declared that it would not attempt to control content—including criticism of its own performance—and access to officials has been less restricted than under the old system. There was pressure to self-censor and show a united front during the civil war, but local media have since been free to produce more critical content.

Although journalists are able to cover the news much more freely than under the Qadhafi regime, they still faced many challenges in 2012. There were restrictions on reporting of particular events and in sensitive locations, such as Bab al-Aziziya, the former compound of Mu’ammar al-Qadhafi in Tripoli. Many local journalists claimed that militias physically stopped them from filming or accessing certain areas, often without an official explanation. Journalists were prevented by security forces from reporting on the destruction of Al-Sha’ab, one of the oldest mosques in Tripoli, during a campaign by a conservative Salafi Muslim group to destroy Sufi Muslim religious monuments that they deemed heretical. At least three journalists from the independent television channel Al-Asema were detained. Meanwhile, international journalists attempting to report in Libya complained about the unpredictable, cumbersome visa process, which often entailed long delays. Once inside the country, foreign journalists reported being followed and observing security agents loitering in the lobby areas of their hotels.

In contrast to 2011, no journalists were killed in Libya in 2012, according to the Committee to Protect Journalists. However, there were several reported incidents of threats, intimidation, and extrajudicial detentions of reporters, both local and international. In February 2012, two British freelance journalists working for Iran’s Press TV were detained in Tripoli by a militia from Misrata. They were accused of being spies for either the Iranian or Israeli governments. After much negotiation between the British government, the NTC (which repeatedly called for the journalists to be released), and the militia, the journalists were finally repatriated, having spent a month in captivity. In July, a British freelance filmmaker and journalist was held for almost a week by Libya’s Supreme Security Committee after being arrested while filming in a displacement camp for former residents of Tawergha. The inhabitants of the town were driven out of their homes in 2011 as retribution for their purported support of the Qadhafi regime, and their forced displacement has been one of the main human rights abuses in post-Qadhafi Libya that the new authorities have failed to address.

There was a proliferation of new print outlets in the wake of the revolution. As Libya does not have a recent history of independent media, the quality of the journalism has frequently been criticized, and few newspapers have enough content to establish a daily edition. Many of the publications founded in 2011 have closed, mostly because wartime activists have returned to their normal lives or their enterprises lacked equipment, funding, and experience in the media industry. Nevertheless, a large number were still functioning in 2012. There are two public dailies—the official state paper *February* and the state-sponsored *Libya*—along with nearly a dozen prominent private weeklies and monthlies covering news and current events, published in Tripoli, Benghazi, and Misrata. Over 50 smaller publications, including outlets focused on news and special interests, were reportedly in print in 2012.

Libyan Radio and Television operates the three main public radio stations, including Radio Libya. Local councils fund various other radio stations, and there are over a dozen private stations, including Egypt-based Libya FM. The state operates four television stations, one of which, Libya al-Wataniyah, regularly broadcasts current events, news, and discussion shows as well as GNC sessions and press conferences. There are five main private television news stations and a number of smaller special-interest channels. In some cases, the ownership of these outlets remains unclear. One of the leading private stations, Libya al-Hurrah, was founded as a web-based channel during the 2011 revolution by Mohammed Nabbous, a citizen journalist who live-streamed the beginning of the uprising in Benghazi before being killed while filming in March 2011. After his death, Libya al-Hurrah expanded and now broadcasts live from several locations in the country. Libya al-Ahrar, known as Libya TV, was launched in April 2011 with support from the Qatari government and Libyan businessmen. Although it is a private channel, it is increasingly seen as a mouthpiece of the government.

The internet penetration rate remains relatively low, with about 20 percent of the population accessing the medium in 2012. The telecommunications infrastructure inherited from the previous regime has yet to be refurbished, and internet users struggle to secure a reliable, high-speed connection. According to Akamai, a U.S.-based internet content delivery network, Libya touts the world’s lowest average connection speed at 0.5 megabits per second. Despite this obstacle, social media have experienced constant growth. Libyans’ use of online social networks, microblogs, and video- and photo-sharing sites was instrumental in the dissemination of information about the 2011 protests and ensuing conflict, and these platforms continue to be a key source of news for many residents. According to Social Bakers, which provides usage statistics for social media, the number of Libyan users of the social-networking site Facebook reached 802,500 in 2012, or around 13 percent of the population. There were no reports in 2012 of the resumption of internet filtering, which had been prevalent during the Qadhafi era.

## Liechtenstein

**Status: Free**

**Legal Environment: 1**

**Political Environment: 5**

**Economic Environment: 8**

**Total Score: 14**

Survey Edition	2008	2009	2010	2011	2012
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<b>Total Score, Status</b>	<b>14,F</b>	<b>14,F</b>	<b>14,F</b>	<b>14,F</b>	<b>14,F</b>
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## Lithuania

**Status: Free**

**Legal Environment: 6**

**Political Environment: 8**

**Economic Environment: 10**

**Total Score: 24**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>18,F</b>	<b>18,F</b>	<b>21,F</b>	<b>22,F</b>	<b>23,F</b>

Lithuania's constitution provides for freedoms of speech and the press, and those guarantees are respected by the government. Libel and defamation are punishable by fines or imprisonment. While it is more common for lawmakers and business leaders to pursue cases against individuals who make allegedly defamatory statements than to target the news outlets that carry them, journalists are sometimes affected. In 2011, online journalist Gintaras Visockas was convicted of libel and fined \$12,400 for an article in which he suggested that a former presidential candidate was controlled by the state security service during the Soviet period. He failed to pay the fine and was sentenced to 40 days in jail. Visockas subsequently filed an appeal at the European Court of Human Rights (ECHR), which was still pending at the end of 2012. Separately, Algirdas Butkevičius, who became prime minister following October elections, pursued a defamation case against a political opponent who insulted him in the media in March. A verdict was pending at year's end.

Lithuanian law prohibits some categories of speech, including incitement to hatred and denial of Soviet or Nazi crimes. In June 2012, a court in Vilnius, the capital, found journalist and Socialist People's Front leader Algirdas Paleckis guilty of denying Soviet aggression against Lithuania, overturning an earlier acquittal. Paleckis's supporters paid the \$4,000 fine. He has appealed both the fine and the conviction to the Supreme Court. Prosecutors appealed the verdict as well, calling for Paleckis to serve a year in jail. Online hate speech aimed at Jews and Roma has reportedly proliferated in recent years. However, according to the European Journalism Centre, inaction by law enforcement agencies has left local nongovernmental organizations—specifically the Tolerant Youth Association—with the task of referring online hate speech to officials, who have prosecuted a number of cases.

A freedom of information law obliges the government to help citizens access public documents, but state authorities do not always respect it. The law was amended in April 2012 to improve assistance for those requesting information. Media freedom advocates remain concerned about a 2009 law that limits or bans a wide range of content considered harmful to young people. No prosecutions under the law have been reported.

In November 2012, the private television station TV3 fired Ruta Janutiene after canceling her documentary on the life of President Dalia Grybauskaitė. Janutiene criticized the move as an act of censorship, but TV3 officials said the program was inconsistent with the network's code of ethics. There were no reports of attacks or threats against journalists in 2012.

*Kurier Wileński*, a newspaper serving the ethnic Polish community, lost crucial public funding in 2008 after printing inflammatory statements about Lithuania in a 2007 article that the country's journalism ethics ombudsman said represented an ethics violation. Officials from the state-run Lithuanian Media, Radio, and TV Fund (LMRTF) have denied that the funding cutoff was politically motivated. *Kurier Wileński* lost its domestic appeals of the decision, and in 2011 took its case to the European Court of Human Rights, where a ruling was still pending at the end of 2012.

Lithuania's media freely criticize the government and express a wide variety of views. In addition to the public broadcast media, dozens of independent television and radio stations are available, including the main commercial television stations LNK, TV1, and BTV. More than 300 privately owned newspapers publish in Lithuanian, Russian, and a few other languages. About 68 percent of Lithuanians used the internet in 2012, and the government does not limit access.

Media ownership has undergone increased concentration over the last several years, with purchases of outlets by both domestic firms and foreign companies, mainly from Scandinavia. Moreover, ownership is often less than transparent. Banks are barred by law from owning media outlets, but many institutions work around those restrictions by maintaining media holdings through intermediaries. Newspapers controlled by financial institutions demonstrate bias toward their owners. Amendments designed to keep banks from purchasing shares of media outlets indirectly were introduced in Parliament in November 2011, but they were not passed during 2012. A number of politicians also maintain ownership stakes in media outlets, some of which demonstrate similar biases.

The rapid decline in advertising revenues that followed the global financial crisis of late 2008 has slowed, as the country's economy slowly recovers. A U.S. diplomatic cable released by the antisecrecy organization WikiLeaks in 2011 revealed new information on the extent of corruption in media advertising in Lithuania. Major newspapers such as *Respublika* and *Lietuvos Rytas* had allegedly threatened politicians with negative coverage to obtain advertising revenue, according to the document. The cable also indicated the ease with which politicians could buy positive press coverage. *Respublika* owner Vitas Tomkus sued Lithuanian Union of Journalists chairman Dainius Radzevičius for defamation in October 2011 after Radzevičius discussed the WikiLeaks cable on his blog. In June 2012, a court ordered that Radzevičius pay a \$980 fine and nearly \$3,800 in damages to Tomkus, but a higher court overturned the ruling in October.

## Luxembourg

**Status:** Free

**Legal Environment:** 2

**Political Environment:** 4

**Economic Environment:** 6

**Total Score:** 12

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	12,F	12,F	12,F	12,F	12,F

## Macedonia

**Status: Partly Free**

**Legal Environment: 17**

**Political Environment: 22**

**Economic Environment: 17**

**Total Score: 56**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	47,PF	47,PF	46,PF	48,PF	54,PF

The Macedonian constitution includes basic protections for freedom of the press and of expression, but government representatives do not uphold them impartially. The government continued to clash with the Constitutional Court in 2012 over the country's lustration law, which was originally intended to identify public officials who had worked with the communist-era secret police. In March, the court struck down a dozen provisions in the law, including one that required journalists and variety of other professionals to swear that they had never served as police informants. However, a new version of the law, approved by the parliament in June, would effectively still allow investigations of journalists and other professionals by means of individual requests. The parliament voted in November to remove defamation from the penal code, but a parallel change to the civil defamation law authorized fines of up to €7,000 (\$34,000)—€2,000 for the reporter, €10,000 for the editor, and €15,000 for the outlet owner. Journalists were typically punished with fines rather than imprisonment under the old criminal law, and the large number of cases has hindered freedom of expression and encouraged self-censorship. Also in November, lawmakers enacted new rules for the accreditation of foreign journalists, shifting responsibility for issuing permits from a low-level government press office to the Foreign Ministry; the new law tightened the requirements for such permits and instituted penalties for foreign journalists who worked without valid permits. For a foreign outlet to operate a bureau in the country, its home government now must sign an agreement with Macedonian authorities.

The law on open access to public information is unevenly and selectively enforced. Collection of fees used to finance the Broadcasting Council, which regulates television and radio outlets, and Macedonian Radio and Television (MRTV), the public broadcaster, has improved in recent years, but the two entities lack independence from the government in practice. A 2011 legal change allowed government-controlled bodies to appoint six new members to the Broadcasting Council. Enforcement of media regulations is weak, and the licensing process is subject to undue political and economic influence. However, the Broadcasting Council in 2012 set a September 30 deadline for compliance with a long-unenforced rule that bars public officials and their immediate families from owning broadcast outlets, affecting Macedonia's two top television stations and a radio network. The individuals in question renounced their public positions or media assets, but the outlets reportedly remained in the hands of proxy owners.

Most private media outlets are tied to political or business interests that influence their content, and state-owned media tend to support government positions. The government of Prime Minister Nikola Gruevski and its media allies have shown growing hostility toward critical news outlets. The media landscape was drastically altered in the government's favor by the 2011 closure of four opposition-oriented outlets owned by Velija Ramkovski: A1 TV, then the

country's leading television station, and the popular newspapers *Špic*, *Vreme*, and *Koha e Re*. Their assets had been frozen in connection with a criminal case against Ramkovski, who was sentenced in March 2012 to 13 years in prison for tax evasion and money laundering. As many as 18 codefendants received jail terms ranging from two years and three months to seven years. In June, the Broadcasting Council withdrew the license of A1's sister channel, A2, on the grounds that it did not air enough news content. In 2011, the station had been forced to switch to more cost-effective music and entertainment programming after the accounts of Ramkovski's media outlets were frozen. In May 2012, A2 had announced plans to resume news content, leading press freedom organizations to criticize the regulator's decision as unfair and politicized. Both A1 and A2 continued to operate as news websites, and a cable channel announced plans in September to relaunch as A3, hiring a number of former A1 journalists.

Journalists do not enjoy equal access to government officials, who typically speak only to friendly outlets. In late December 2012, as the ruling coalition sought to pass budgetary legislation over the vocal objections of the opposition, security personnel forcibly removed opposition lawmakers and journalists from the chamber, ostensibly to restore order. The Macedonian Journalists' Association later called on members to boycott government press conferences. There have been occasional cases of physical harassment of journalists and media outlets. Some reporters had their equipment damaged, received threats, or were slightly injured during anti-Albanian protests triggered by the murder of five ethnic Macedonian men in April. Past death threats and other forms of intimidation have not been prosecuted.

Macedonia has a large number of broadcast and print outlets for its population, but the closure of Ramkovski's media group gave progovernment media—including the public MRTV and several private television stations and newspapers—a dominant position in the market. In January 2012, the only significant foreign media investor in the country, Germany's WAZ Media Group, sold its three dailies to local businessman Orce Kamcev, who has been described as close to the government. Kamcev in turn sold 50 percent stakes in the papers to a Serbian online media company in August. The former WAZ unit in Macedonia included the country's largest printing facility and distribution network, which enjoyed a virtual monopoly after the dismantling of Ramkovski's media assets. Foreign media content is not restricted.

The government is regularly criticized for its liberal use of promotional advertising, which increases the media's financial dependence and allegedly favors progovernment outlets; the government is among the country's largest advertisers. Journalists face low salaries, poor job security and working conditions, and editorial pressure from owners. In May 2012, the Broadcasting Council canceled the operating permit of the Serbian-owned Pink 15 TV after workers went eight months without wages.

Access to the internet is restricted only by cost and infrastructural obstacles, with around 57 percent of the population accessing the medium in 2012, according to Internet World Stats. Use of online social media is increasing, and news sites and blogs have expanded, but most news content reportedly originates in traditional media.

## **Madagascar**

**Status: Not Free**

**Legal Environment: 20**

**Political Environment: 30**

## Economic Environment: 16

Total Score: 66

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	48,PF	51,PF	61,NF	64,NF	63,NF

After a coup swept Andry Nirina Rajoelina, the former mayor of the capital, Antananarivo, to power in 2009, the ensuing dismissal of the parliament, a virtual suspension of the constitution, and the end of any semblance of judicial independence ushered in a repressive and violent period for the media. The press environment remained extremely volatile in 2012, with high levels of government censorship and intimidation of journalists and media outlets, as political instability continued throughout the year.

With the breakdown of democracy and constitutional governance since 2009, the laws protecting freedom of the press have been routinely ignored or selectively applied by the High Authority of the Transition (HAT), Rajoelina’s interim government. A number of prominent defamation cases occurred in 2012. In May, two editors from the prominent opposition radio station Free FM—Laladiana Rakotondrazafy and Fidel Razara Pierre—were charged with defamation after broadcasting reports that implicated media mogul and Rajoelina supporter Mamy Ravatomanga in involvement in the illegal trafficking of precious woods. The editors were released after 24 hours in custody. In November, the government prosecuted four journalists—Rocco Rasoanaivo of *The Nation*, Zo Rakotoseheno of *Midi Madagasikara*, and Fidy Robson and Herivonjy Rajaonah of *Gazetiko*—for “defamation” and “complicity in spreading false news.” The case was also the result of a complaint filed by Ravatomanga.

The increased corruption of the judiciary, and the lack of an elected parliament or any independent media regulatory bodies, has allowed the HAT to effectively rule by decree without checks and balances. Attempts to strengthen constitutional and legal protections for journalists have been delayed pending resolution of the political crisis. Despite attempts by several members of the media to formally draft a code of ethics, no such code exists. The HAT’s Communication Ministry established an ethics commission for the media in late 2011, but it quickly collapsed without gains. In some cases, media bodies administer their own ethics criteria in lieu of national standards. In January, a number of leading journalists launched an open membership union for the protection of the profession and journalists’ interests.

Censorship, harassment, and intimidation throughout the media sector continued in 2012. None of the approximately 80 radio and TV stations closed after the coup have reopened. Several other media outlets either owned by or sympathetic to the opposition walked a tightrope between self-censorship and closure. Many television and radio stations have altered their formats, airing live call-in shows to avoid editorial responsibility for the content. In July, Free FM was forced to shut down due to intimidation from the transitional government, after it had aired a message from mutinying soldiers earlier that month. In response, officials and soldiers threatened the stations’ journalists and equipment. After suffering continued harassment from the government, Rakotondrazafy and Pierre, as well as a station technician, sought refuge at the South African embassy in August, and emerged in October after an agreement was reached between the South African and Malagasy governments. In November, the two editors were sentenced to a suspended three-month prison sentence, but a few days later, the court added a three-year sentence without the defendants being present. By year’s end, the sentences were being appealed and Free FM remained closed.

More than 300 radio and television stations operated in 2012. The government retains a monopoly on nationwide broadcasting, and radio and television licenses are often suspended arbitrarily. The government commonly justifies these suspensions, as well as arrests of journalists, by “national security” concerns. Thirteen private daily newspapers, and many more that appear less frequently, are published throughout the country, but the number fluctuates due to suspensions. Widespread poverty and illiteracy severely limit the penetration of television, print media, and the internet, making radio by far the most important medium in the country. Major political figures own several of the private media outlets. Ousted president Marc Ravalomanana owns the Malagasy Broadcasting System, which operates television and radio stations, and Rajoelina owns the Viva television and radio networks. The state-owned media include Television Malagasy and Malagasy National Radio.

Only about 2 percent of the population used the internet in 2012, and access was limited mainly to urban areas. There were no reports that the government restricted internet usage or monitored e-mail in 2012. Given the extremely chaotic and restrictive media environment within the country, access to information from abroad via the internet took on added importance. Because many internet servers are located outside of the country and beyond the reach of the regime, the internet is seen as one of the most reliable sources of information. Political groups and parties use the internet to share opinions and to criticize opposing parties.

Prospects for rapid expansion of internet access from these low levels improved greatly with the November 2009 inauguration of the Lower Indian Ocean Network (LION) submarine cable, a fiber-optic network connecting Madagascar and the nearby islands of Reunion and Mauritius. The project, financed by a consortium made up of Orange Madagascar, Mauritius Telecom, and France Telecom S.A., made it possible for Madagascar to access broadband internet for the first time.

## Malawi

**Status: Partly Free**

**Legal Environment: 17**

**Political Environment: 19**

**Economic Environment: 17**

**Total Score: 53**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>55,PF</b>	<b>56,PF</b>	<b>56,PF</b>	<b>55,PF</b>	<b>60,PF</b>

The transfer of power to Vice President Joyce Banda after the sudden death of President Bingu wa Mutharika in April 2012 resulted in the reversal of setbacks for media freedom that had occurred in the preceding year. However, the full impact of the Banda administration’s agenda on the media environment remained to be seen as of the end of 2012.

Malawi has strong constitutional guarantees for freedom of the press, but there are several laws that restrict this freedom in practice, such as the 1967 Protected Flag, Emblems, and Names Act and the 1947 Printed Publications Act. In May 2012, the National Assembly voted almost unanimously to repeal an amended version of Section 46 of the penal code that had allowed the information minister to ban publications deemed “contrary to the public interest.”

The amendment had been signed into law by Mutharika in January 2011. Although no publications were banned while the measure was in effect, self-censorship reportedly increased, and the repeal was widely praised by journalists and press freedom groups.

In October 2012, the Banda government introduced a bill setting out a legal framework for regulating information and communication technologies (ICTs) that was criticized for potentially limiting online freedom of expression. Among other provisions, the “E-Bill” would compel editors of online public communication services to make available their names, addresses, and telephone and registration numbers. It would also allow the government to appoint so-called cyberinspectors to “monitor and inspect” websites and report “unlawful activity” to the regulator.

The constitution guarantees access to information, but a draft bill to implement this right has been stalled in the parliament since 2003. Access to government information remains a considerable challenge for reporters. Powerful individuals have also used court injunctions to prevent newspapers from publishing damaging articles about them. Libel is considered both a criminal and a civil offense. If prosecuted as a criminal violation, it is punishable with up to two years’ imprisonment. However, many libel cases are processed as civil matters or settled out of court. In October 2012, Justice Mponda, a correspondent for the online publication *Malawi Voice*, was arrested in the southern city of Blantyre for allegedly insulting the president, publishing false information, and criminal libel. During his arrest, the authorities seized computers and other equipment said to belong to the publication. He was released on bail a day after his arrest, having been formally charged with “publishing false news likely to cause public fear.” Separately, *Sunday Times* journalist Clement Chinoko was arrested in May for writing a story about two women who had become engaged; same-sex relationships are illegal in Malawi. Chinoko was held without a court hearing for more than the lawful 48-hour period. Police said that he was arrested for “conduct likely to cause breach of peace,” and that the two women had actually been shooting a film, not participating in an engagement ceremony. The case remained pending at year’s end.

The broadcast media are licensed by the Malawi Communications Regulatory Authority (MACRA), which is funded by the government and led by a presidential appointee. In August 2012, Banda made new appointments to the board, including a chair who was a health rights activist with little experience in broadcasting.

Under Mutharika, MACRA faced accusations of political bias in its operations. In July 2011, it ordered two stations to halt coverage of widespread antigovernment protests. In November 2011, MACRA issued eight new broadcast licenses after an extended period of accepting applications; two of these went to Mutharika allies. Other applicants, most notably a religious group seen as hostile to the president, had their applications denied without explanation. However, in July 2012, MACRA issued 15 new licenses to private and community radio and television stations, drawing praise from the Malawi chapter of the Media Institute for Southern Africa (MISA).

In 2011, MACRA had attempted to implement a new “Consolidated ICT Regulatory Management System,” ostensibly to more effectively monitor the performance of mobile-telephone companies. The move generated privacy concerns given the capacity of the system to access the call records of users, and media professionals warned that their ability to keep sources confidential could be compromised. Implementation of the system was temporarily suspended by the courts in mid-2011, and in September 2012 the High Court issued a ruling that halted implementation.

The Media Council of Malawi, a self-regulatory body, has been relatively dormant for about two years due to funding problems.

Violence and harassment of journalists had increased markedly in 2011, bringing condemnation from international rights groups and foreign donors. By conservative estimates, at least seven journalists were assaulted during antigovernment protests in July 2011, while several others were detained. The Mutharika government's campaign of harassment continued into early 2012. In March, the president's office released a harshly worded statement that accused the media and civil society of "inciting anarchy in the country." The statement said journalists had deliberately insulted the president, and warned that the government was monitoring social-networking websites for "hostile" and "demeaning" comments about him. Days after the statement was released, the head of MISA's Malawi chapter, which had issued a strong condemnation of the remarks, began receiving threatening text messages.

After Banda took office in April 2012, these types of threats were significantly reduced, and the climate of fear lifted. The new president took steps to engage with MISA and other groups on press freedom issues, including the establishment of a commission of inquiry to investigate the mysterious September 2011 death of Robert Chasowa, a political activist and blogger who had criticized Mutharika. In October 2012, the commission found that Chasowa had not committed suicide, as the authorities had originally claimed, but had been murdered. Two weeks after the commission released its report, six suspects were arrested, including a police officer and a former aide to Mutharika.

Malawi's print sector consists mainly of eight independent newspapers, including two dailies and six weeklies. However, print readership is quite low. Most newspapers and magazines remain inaccessible due to their relatively high costs and their publication in English, which is read by only around 1 percent of the population. The majority of the population speaks Chichewa, the official language. The biweekly *Fuko Nation* is published in Chichewa and Tumbuka and targets rural readers. While there are numerous private and community radio stations that air a diverse array of opinions, government-controlled outlets continue to dominate the broadcast market. Radio remains the primary source of information for most people, and the state-controlled Malawi Broadcast Corporation (MBC) is the only station with national reach. Most privately owned stations are located in large urban centers in the south and do not broadcast to more rural sections of the country, while the 14 active community radio stations—which broadcast in local languages—lack financial security. Although there are four television stations, only MBC broadcasts nationally. State-run outlets are strongly biased in favor of the government and have been accused of serving as little more than propaganda tools.

Advertising revenue, including government advertising, is critical to the survival of Malawi's press, which operates under tenuous economic conditions. A ban on advertising in one of the most reputable dailies, the *Nation*, was lifted by Banda soon after she took office in April. In June, the Banda government also removed the 16.5 percent value-added tax on newsprint and newspapers that had been imposed by Mutharika the previous year.

There are no government restrictions on the internet, although only 4 percent of the population used the medium in 2012 due to lack of access to computers and high subscription costs. The majority of Malawians who access the internet do so through their mobile phones; about a quarter of the population had a mobile-phone subscription in 2012.

## Malaysia

**Status: Not Free**  
**Legal Environment: 24**  
**Political Environment: 23**  
**Economic Environment: 17**  
**Total Score: 64**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>65,NF</b>	<b>65,NF</b>	<b>64,NF</b>	<b>64,NF</b>	<b>63,NF</b>

Press freedom remained restricted in Malaysia in 2012, with both positive and negative developments in the legal sphere and a number of attacks on journalists who attempted to document large protests. The ruling Barisan Nasional (BN) coalition made minor improvements to two existing laws affecting the press, but it also passed an amendment to another law that expanded liability for illegal internet content.

The constitution guarantees freedom of expression under Article 10, but allows for a host of limitations to this right. The Sedition Act and harsh criminal defamation laws are regularly used to impose restrictions on the press and other critics of the government. Violations of these laws are punishable by several years in prison. In August 2012, a blogger and opposition politician was sentenced to three months in jail for contempt of court in connection with articles that were deemed to have defamed a government minister. An amendment (114A) to the Evidence Act that took effect in July drew particular criticism from media freedom activists, as it made those who own, host, edit, or administer websites, blogs, and online forums liable for content published through their services, including seditious comments. Opposition to the amendment led to the designation of August 14, 2012, as “Internet Blackout Day,” in which a host of news websites, bloggers, and civil society organizations, including the highly respected Malaysian Bar Council, pledged to either take down their websites for the day or support a pop-up window to promote the Stop 114A campaign.

In July 2012, Prime Minister Najib Razak kept a promise made in the wake of a July 2011 rally for free and fair elections to repeal the Internal Security Act (ISA), which allowed detention without trial and had been used in the past against members of the press and opposition figures. However, the ruling BN replaced the ISA with the new Security Offenses (Special Measures) Act (SOSMA). The new law grants suspects the right to a fair trial, but it nevertheless permits 28 days of initial police detention, after which the attorney general must decide whether to prosecute.

Although the opposition-controlled states of Selangor and Penang passed freedom of information laws in 2011, Malaysia has no federal law with such guarantees, and officials remain reluctant to share even innocuous information with journalists—including the content of bills to be tabled—for fear of being charged under the Official Secrets Act (OSA). In July 2012, blogger Syed Abdullah Hussein al-Attas was detained under the OSA after a group of 30 people complained about his controversial posts on the sultan of Johor. Some of the posts included documents supporting the blogger’s claim that part of the fortune left by the late Sultan Iskandar, who died in 2010, was embezzled.

In keeping with another promise by the prime minister, the BN reviewed existing media licensing and censorship laws in 2012. An amendment to the 1984 Printing Presses and Publications Act (PPPA) that took effect in July repealed a provision that had required all

publishers and printing firms to obtain an annual operating permit. However, the revision left all other restrictions in place, including the government's authority to grant or deny license applications and to revoke the required licenses at any time without judicial review. The Home Affairs Ministry may likewise continue to issue "show cause" letters, which require newspapers to explain certain articles or face suspension or revocation of their permits. In February, the ministry issued such a letter to the *Star*, an English-language daily, for publishing a photograph of singer Erykah Badu that included a tattoo of the Arabic word Allah. The letter was issued despite the fact that the paper had already removed the photograph from its website and apologized. Two editors were indefinitely suspended as a result, and the singer's concert was canceled. The 1988 Broadcasting Act allows the Information Ministry to decide who can own a broadcast station and what type of television service is suitable for the Malaysian public, leading to considerable self-censorship among broadcast journalists.

In October, a Malaysian High Court ruled against the Home Affairs Ministry's refusal to issue a publishing license to the news website Malaysiakini, in effect giving the outlet permission to publish a daily print edition. The ministry had argued that the license was "a privilege," not a right, but High Court judge Abang Iskandar ruled that the ministry's decision was "improper and irrational" and exceeded the limits of its jurisdiction. The judge also noted that the right to a permit was a freedom of expression issue and as such was "a fundamental liberty enshrined in the constitution." Malaysiakini's attorney called the decision "very, very significant," adding that the ruling will make it more difficult for the government to refuse license applications, as officials will be required to show that a proposed publication would be immoral or a threat to public order or national security. The ministry appealed the ruling.

Physical harassment and intimidation are usually less of a danger for journalists in Malaysia than arbitrary arrest or threats of legal action. However, several instances of physical harassment were noted in 2012, including attacks on two journalists in Penang who were covering a public protest against the construction of a rare-earth-metals plant in the state of Pahang by Australian mining company Lynas Corporation. Adam Chew and Lee Hong Chun of the local Chinese-language daily *Kwong Wah Yit Poh* were both injured in anti-Lynas demonstrations held in February. Another journalist was attacked while covering a protest on the same issue in November. The Center for Independent Journalism (CIJ) noted that during an April 28 rally by Bersih, the opposition-backed coalition calling for clean and fair elections, journalists appeared to be targeted by the police, and counted 12 cases of assault. One of these, an attack on Radzi Razak of the *Sun* newspaper, resulted in hospitalization. Wong Onn Kin, a photographer for the Chinese-language newspaper *Guang Ming Daily*, had his camera confiscated and was beaten and briefly arrested by security forces. Also during the Bersih protest, Harry Fawcett of Qatar's Al-Jazeera television network reported that police assaulted his camera crew and damaged its equipment, while Koh Jun Lin, a photojournalist with Malaysiakini, was temporarily detained.

Although the media industry is for the most part not under outright state control, the majority of both print and broadcast outlets are controlled either by political parties in the ruling coalition or by businesses with political connections. The largest media conglomerate, Media Prima, which owns half of the Malay and English-language newspapers as well as many television channels, is believed to be closely linked to the United Malays National Organization (UMNO), the leading party of the BN. Huaren Management, which is associated with another BN member, the Malaysian Chinese Association, monopolizes Chinese-language newspapers. Despite the BN's insistence that mainstream newspapers are impartial, owners' political and

business interests often lead to self-censorship by journalists. Foreign print media are occasionally censored or banned.

The internet remains a bright spot in the media landscape, with the government formally committed to a policy of refraining from direct online censorship, through Section 3(3) of the Communications and Multimedia Act (CMA) and the Multimedia Bill of Guarantees. With around 66 percent of the population accessing the internet in 2012, Malaysia is home to many news websites and blogs that offer competing points of view. Although not all of these internet news organizations are politically independent—many have suspected affiliations with politicians from either the opposition or the ruling coalition—they nevertheless offer an array of political opinions that cannot be found in the traditional media, and play a growing role in the media landscape. Social-networking sites such as Facebook continued to flourish in 2012, hosting vigorous debates on political issues and government policies. The internet has also been a place to challenge corruption and other human rights concerns, though existing laws require bloggers to tread carefully.

## Maldives

**Status: Partly Free**

**Legal Environment: 18**

**Political Environment: 21**

**Economic Environment: 16**

**Total Score: 55**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>66,NF</b>	<b>56,PF</b>	<b>50,PF</b>	<b>50,PF</b>	<b>51,PF</b>

The media environment deteriorated in 2012, due in part to severe political and social unrest resulting from the forcible removal of President Mohamed Nasheed in February and the succession of his vice president, Mohammed Waheed Hassan Manik. Harassment and violence against journalists increased considerably, and media outlets faced attacks and closures.

The 2008 constitution protects freedom of expression, but it also places restrictions on speech deemed “contrary to the tenets of Islam.” The overall legal framework protecting free expression remained weak in 2012, with many proposed reform bills still awaiting passage. In November 2011, the Maldives Broadcasting Commission (MBC), the legal entity assigned to regulate broadcast media, drafted new regulations that would curtail the power and reach of the country’s broadcasters through high licensing fees and ownership rules favoring international companies over locally owned stations. While these changes have yet to be implemented, they pose a potential threat to Maldivian media. In December 2012, the parliament passed the Freedom of Peaceful Assembly Act, which set out a number of limitations on journalists, including a requirement for accreditation by the MBC. Freedom of information (FOI) has been regulated by presidential decree since 2009. An FOI bill was submitted to the parliament that year, but it has been stalled in committee since then.

A 2008 law called for the establishment of the Maldives Media Council (MMC), an independent body consisting of eight media workers and seven members of the public, tasked with developing a code of conduct for journalists and investigating complaints from the public

against both print and broadcast outlets. While advocacy groups warned about the potential for government influence (the minister of information nominates the public candidates) and noted that self-regulation was preferable to statutory regulation, they cautiously welcomed the formation of the council and an end to formal control over media content by the Information Ministry. After a considerable delay, elections to the council were held in 2010. The election process was criticized for not being sufficiently transparent, and former members of political parties were nominated as candidates to the council.

The Maldives Journalist Association (MJA), formed in 2009, regularly made statements regarding media freedom issues and journalists' rights during the year, accusing the government and political leaders of interference with the private media in a number of cases. Following reports of corruption within the MMC, the MJA joined other media watchdog organizations in calling for the creation of a separate and independent regulatory body.

Over the previous few years, greater media diversity had led to improved coverage of major political events and issues, such as the May 2009 parliamentary elections. However, throughout 2012 the media faced limitations on accessing official information and resistance to coverage of certain topics, such as religious freedom. While there is legal protection for journalists to maintain confidentiality of sources, it has become regular practice for the police to summon journalists for interrogation about their sources and the authenticity of news reports.

Censorship of web-based content is a growing concern. Opposition websites remained accessible in 2012, though sites considered to be anti-Islamic or pornographic are often blocked by the Communication Authority of the Maldives (CAM) at the request of the Ministry of Islamic Affairs. In December, a criminal court granted police a warrant to obtain the e-mail and internet protocol (IP) addresses of a user accused of "violating Islamic principles" on the comment board of Minivan News, an independent English-language news website. The individual's username, "Maai Allah" (Holy Allah), provoked the charges. This marked the first time police have sought out the identity of an internet user on religious grounds.

Journalists and media outlets endured a sharp increase in violence in 2012, including assaults, raids, arrests, and harassment. The most prominent case involved blogger Ismail "Hilath" Rasheed, one of the country's best-known journalists. In January, Rasheed was released from prison for his involvement in a "silent protest" to promote religious tolerance. The arrest followed the blocking of his blog by the CAM on the grounds that it contained anti-Islamic material. In June, unidentified men stabbed Rasheed in the neck outside his home. Fearing for his safety, he fled the country in July. Journalists faced numerous assaults by demonstrators and arrests while covering political protests during the year. In February, riot police stormed the offices of the Maldives National Broadcasting Corporation (MNBC), taking over the station hours before the coerced resignation of President Nasheed. The raid was reportedly ordered by Vice President Waheed. Assailants attacked three additional media outlets—DhiTV, VTV, and Raajje TV—in 2012, injuring journalists and destroying equipment. In August, Raajje TV sued the police for targeting and harassing its reporters.

Private print media present a fairly wide diversity of viewpoints. However, some publications are owned by allies of former president Maumoon Abdul Gayoom or other political actors, who exercise considerable control over content. Following the transfer of power in February 2012, a parliament-created state broadcaster assumed control of all government-owned media in accordance with a prior court order. Opponents have been critical of the move, arguing that the ostensibly autonomous entity violates its mandate as a public-service broadcaster by ignoring opposition voices and favoring the ruling party. The number of private radio stations

has increased to at least six in recent years, while the country’s first private television channels, DhiTV and VTV, began operating in 2008 and compete with the state-run broadcaster. Private outlets are authorized through individual agreements with the government rather than new broadcasting legislation, limiting their legal protections. Moreover, broadcasters remain subject to high annual licensing fees and must be relicensed every year. Most newspapers are not profitable and rely on financial backing from businessmen with strong political interests. Private media have been under significant financial pressure since 2009, when the government began publishing its advertisements in the weekly official gazette instead of private outlets.

The internet was accessed by about 39 percent of the population in 2012, and the number of web-based news outlets has greatly expanded.

## Mali

**Status: Partly Free**

**Legal Environment: 13**

**Political Environment: 21**

**Economic Environment: 12**

**Total Score: 46**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>27,F</b>	<b>26,F</b>	<b>25,F</b>	<b>24,F</b>	<b>24,F</b>

**Status change explanation:** Mali declined from Free to Partly Free due to the repression of the media in the south as a result of the March military coup, and the near-complete suppression of freedom of the press in the north, which was taken over by Islamist militants for most of 2012. This included a temporary suspension of the constitution, arbitrary arrests of journalists, the takeover of the state broadcaster, and restrictions on reporting on the coup in the south; the closure or takeover of nearly all outlets and the imposition of Islamic law in the north; and harassment and attacks on journalists in both regions.

Mali’s political and media environments have long been among the freest in Africa. This status was severely damaged in 2012 due to the combined effects of a militant takeover of the north of the country beginning in January, followed two months later by a military coup that overthrew its democratically elected government based in the south. In January, a predominantly Tuareg rebel group, the National Movement for the Liberation of the Azawad (NMLA), and local and foreign Islamist groups—Ansar Dine and the Movement for Unity and Jihad in West Africa (MUJAO), respectively—took control of the towns in the north and declared the region’s independence from the government in the capital, Bamako. In March, soldiers led by Captain Amadou Sanogo, accusing President Amadou Toumani Touré of mishandling the northern rebellion, led a coup deposing the president just one month before the next scheduled election. Meanwhile, the Islamist groups gained the upper hand in the north and imposed Sharia (Islamic law). These events had a devastating impact on Mali’s traditionally free press, bringing reporting restrictions, intimidation and arrests of journalists, and the closure of several outlets. By the end of 2012, the 10 percent of Mali’s population living in the north remained under a severely restricted media

environment, while the ability of journalists to practice freely in the rest of the country was gradually returning to pre-coup levels, although some problems remained.

The right to free speech is guaranteed under Article 4 of Mali's 1992 constitution. Despite severe criminal punishments for libel that still exist under a 1993 law, no journalists have been prosecuted under the law since 2007. Sanogo temporarily suspended the constitution following the coup in March; however, in response to local and regional pressure, he reinstated it a few weeks later. Sanogo pledged that the move would make way for democratic elections, but no vote had been held by the end of 2012. In the north, the constitution remained suspended at year's end.

Mali has never had legislation guaranteeing access to information. In the months following the coup, information was particularly difficult to obtain in the south, as Sanogo and his supporters maintained restrictions on news and banned interviews with the deposed president. Despite Mali's low level of internet penetration, these restrictions prompted Bamako residents, as well as local and international journalists, to turn to Twitter, particularly in the first few days after the coup, to post and obtain updates on the political situation.

The two existing bodies tasked with regulating the media—the High Communications Council (HCC) and the Committee for Equal Access to the State Media—have long lacked the capacity to mediate press affairs due to insufficient funding. In 2009, the government invested in building a *Maison de la Presse*, an umbrella for existing press unions, providing journalists with facilities to work, training centers, and a body to help centralize the protection of journalists' rights. Journalism training, led mainly by regional and international nongovernmental organizations such as the Media Foundation for West Africa (MFWA) and International Media Support (IMS), was stepped up in 2011 to help journalists prepare for the planned election in 2012. However, the coup in March destabilized the delicate new *Maison de la Presse*, resulting in a leadership crisis as heads of the various smaller journalism unions vied for power. This led to stagnation in the agency's activities and restrictions in its ability to represent the interests of journalists. There were also reported increases in unprofessional behavior among journalists in the south, with some inciting hatred against Tuareg ethnic groups in Bamako.

One of the first targets of the coup leaders was the office of the state broadcaster, the Malian Office of Radio and Television Broadcasting (ORTM), which was seriously damaged on the day of the coup and, for three months, transformed into the headquarters of the military. During the coup itself, on March 22, it was taken off the air, and allowed to play only music when it resumed broadcasting a few hours later. Sanogo and his supporters used the station to broadcast their first post-coup messages. ORTM employees were permitted to return to work three weeks later, but operations remained under the authority of the military.

From 2008 to 2011, there had been virtually no reports of journalists being harassed in the course of their work in Mali. After the March 2012 coup, a number of journalists, particularly newspaper editors, were arrested, detained, and abused by security officials in Bamako. In June, Habi Baby, the editor of the weekly *Caravane*, was detained for nearly two weeks after he was accused of links to the separatist rebels in the north. In July, publisher Saouti Labass Haïdara of *L'Indépendant* newspaper, was seized by gunman who had stormed the paper's offices in Bamako; he was later treated for injuries at a local hospital. The paper had recently printed stories critical of the interim government's handling of the situation in the north. Numerous such incidents, frequently involving physical abuse and confiscation of equipment and materials, occurred in Bamako in the first half of 2012; however, all were eventually released without charge and no such incidents were reported after August. Local journalists alleged that such

incidents indicated an intentional effort on the part of the military to monitor the operations of journalists, including wiretapping, in the months directly following the coup. Entry visas to Mali were hard to come by, though this was primarily due to the breakdown of the bureaucratic system of the state.

The state of the media in the north was drastically different from the rest of the country in 2012 following the rebellion in January. The media were directly targeted by the NMLA and the Islamists throughout the year, leading to a near-complete shutdown of all independent outlets in the region. Radio—the most important medium of information in the region due to its isolation and high illiteracy rate—was specifically targeted, with both private stations in the cities and local community radio stations destroyed, forcibly closed, or co-opted by the militants. In April, there was only one privately owned radio station in the north's largest town, Timbuktu, that was operating with a semblance of independence. The state broadcaster, the most widely listened to radio station in the region, came under the complete control of the militants, though it had previously functioned primarily as a government mouthpiece. The few cybercafés that existed in the north were shut down, and terrestrial TV was largely inaccessible. Those journalists who did not flee were either physically harassed and intimidated into silence or co-opted by bribes—allegedly as high as one year's salary for a month's work—to become part of the movement's propaganda network. In one example, MUJAO militants in August attacked radio journalist Malick Aliou Maïga and ordered that his station, Radio Adar Khoïma, be taken off the air in the town of Gao. While the north has long been difficult to access due to the poor state of the roads, travel to and from the region was further restricted in 2012 by both the militants and the military leadership in the south, making mobile phones the only reliable way of getting information about the situation in the region. In December, a reporter and a cameraman from Qatari-based satellite network Al-Jazeera were detained while attempting to cross into the north. At the end of 2012, the region's media remained under severe restrictions, with limited freedom of speech and access to information.

Mali has long boasted a diverse media environment, and at the beginning of 2012 there were some 300 FM radio stations operating throughout the country, as well as 40 newspapers and magazines that published on a regular basis, though few other than the state-owned *L'Essor* boasted circulations that exceeded 1,000 copies. Following the coup, numerous newspapers in the capital ceased distribution, largely due to poor infrastructure and a lack of access to newsprint; by the end of the year, only 30 dailies and weeklies were reportedly in operation. The only domestic television station with national reach is the state broadcaster, ORTM, which normally broadcasts progovernment programming. ORTM remained under the control of the military in the south and closed in the north at the end of the year. Plans announced in 2011 to launch a new public channel targeting youth were curtailed and the station was never launched. Radio stations in the south were largely able to operate as usual by the end of 2012, though with increased self-censorship due to the military's increased monitoring and harassment.

Only 2 percent of Malians were able to access the internet in 2012, one of the lowest levels in West Africa. However, with the attention that Twitter received in the wake of the coup and the reliance on mobile phones for transmitting information in the north, new technologies are increasingly shaping the media environment in Mali.

## Malta

**Status: Free**

**Legal Environment: 4**

**Political Environment: 9**

**Economic Environment: 9**

**Total Score: 22**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	20,F	22,F	22,F	22,F	22,F

Malta's constitution guarantees freedoms of speech and of the press, but it limits these rights under a variety of circumstances. Laws against "vilification" of or "giving offense" to the Roman Catholic faith, the country's official religion, have led to restrictions on expression. Maltese law strongly defends public morality by criminalizing obscene speech, acts, and gestures. In June 2012, the criminal code and the Press Act were amended to include gender identity and sexual orientation, in addition to race, as prohibited grounds for hate speech.

Defamation is a criminal offense, and perceived victims have a legal right to reply. Civil libel cases are also common, with news outlets occasionally ordered to pay exorbitant damages. In July 2012, a court instructed *Malta Today* to pay €18,000 (\$23,100) for a series of articles on the business dealings of Peter Fenech, a lawyer and chairman of the government-owned Mediterranean Conference Center. The court found that Fenech could not be considered a public figure in the case. In October, the *Times of Malta* was ordered to pay €1,500 (\$14,790) to the Malta Union of Midwives and Nurses for a 2010 article. Both newspapers were appealing the decisions, but no further rulings had been issued by year's end. There were also victories for defendants during the year. In February, a writer and an editor of the university publication *Realtà* were acquitted of publishing lewd material in 2009, while in October, editor of the opposition Labour Party paper *Kullhadd*, Felix Agius, was cleared of libeling the director general of the Malta Communications and Consumer Affairs Authority.

In September, Malta's 2008 Freedom of Information Act went into full effect, allowing any resident of the country or citizen of the European Union to submit a request for public information. The government website states that requests will receive a response within approximately one month.

The Broadcasting Authority regulates and monitors all radio and television broadcasts. Its members are appointed by the president on the advice of the prime minister. However, the process has been criticized in the past for being overly political. In February 2012, a court ruled that the Broadcasting Authority had not been acting impartially when it imposed sanctions, because the institution is responsible for both charging alleged violators and adjudicating their cases. The authority appealed the decision. In October, Malta's Public Broadcasting Services (PBS) objected to the Broadcasting Authority's ruling that the Labour Party could decide which party member would be sent to appear on programs rather than allowing stations to invite their own guests. Conversely, PBS came under fire in September for forcing out popular talk-show host Claudette Pace after she announced her intention to run for office on the Nationalist Party ticket.

The government does not restrict the internet. In October 2012, a proposal was submitted to entrench digital rights in the Maltese constitution. Malta is a physically safe environment for journalists, with no reported cases of threats or harassment in 2012.

The active independent media sector is free to convey a variety of opinions, with at least five daily and two weekly newspapers publishing in both Maltese and English. Political parties, private businesses, and the Catholic Church all have direct investments in broadcasting and print media, and these outlets openly express partisan views. The only national television broadcaster is PBS's TVM, though the country also has access to Italian television, which many Maltese watch. The internet was regularly accessed by 70 percent of the population in 2012.

## Marshall Islands

**Status: Free**

**Legal Environment: 2**

**Political Environment: 6**

**Economic Environment: 9**

**Total Score: 17**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	17,F	17,F	17,F	17,F	17,F

## Mauritania

**Status: Partly Free**

**Legal Environment: 14**

**Political Environment: 17**

**Economic Environment: 16**

**Total Score: 47**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	56,PF	58,PF	56,PF	53,PF	52,PF

Mauritania's media environment continued to open in 2012, despite a history of dictatorship and the 2008 ouster of the first democratically elected president by an army general, Mohammed Ould Abdel Aziz. Abdel Aziz subsequently contested and won elections held in 2009. Since then, his administration has passed a number of reforms to improve media freedom in the country.

Article 10 of the 1991 constitution guarantees freedom of opinion, of thought, and of expression. Legal and regulatory reforms enacted in 2006 eliminated prepublication government approval for newspapers, established journalists' legal right to protect sources, and created the High Authority for the Press and Audiovisual Sector (HAPA). The authority's board members are appointed in consultation with media associations and journalist groups, a departure from the previous practice of presidential appointments. In addition to its regulatory role, HAPA is responsible for nominating the heads of public media outlets and the Mauritanian News Agency. The appointment of Salka Mint Sneid, the president of the association of women journalists, as chair of an advisory board created by HAPA in September 2012 reflected the increasing presence of practicing female journalists. In 2011, the parliament had approved amendments to the 2006

Press Freedom Law that abolished prison sentences for slander and defamation, including of heads of state, though fines can still be imposed for these offenses. Mauritania has no legislation guaranteeing access to information. A growing focus on the promotion and empowerment of female journalists led to over 60 women benefiting from various types of journalistic training during 2012.

Though the media express a variety of views, journalists practice a degree of self-censorship in their coverage of issues such as the military, foreign diplomatic missions, corruption, and Sharia (Islamic law). Nevertheless, journalists were able to report freely on 2012 events such as the accidental shooting of the president in October and political turmoil in Libya. Extralegal violence and intimidation toward journalists has decreased over the past several years, but there were reports in 2012 of security forces attacking and detaining reporters for their coverage of sensitive topics, including antigovernment protests and slavery, and journalists were assaulted by both police and protesters while covering student demonstrations early in the year. In April, authorities arrested journalist and activist Obeid Ould Amegn for his participation in a news program on the Dubai-based satellite station Al-Arabiya that addressed the controversial burning of religious books. Also in April, police assaulted and arrested the editor of the French version of the online news site *Al-Akhbar*, Abou Ould Abdoul Kader, as he attempted to cover a youth demonstration. In August, members of the presidential guard attacked and confiscated the equipment of two journalists covering youth protests that erupted during a speech by President Abdel Aziz in the northwestern city of Atar. In December, police detained two journalists from the television station El-Sahal who were covering a sit-in protest by teachers. Both journalists were released without charge.

The print sector features both state-run and private outlets. The government owns two daily newspapers, the French-language *Horizons* and the Arabic *Chaab*, and dozens of independent print outlets are active. HAPA provides subsidies to several independent newspapers, and most papers have access to the state's printing press. Mauritania has one public and at least two private television stations, as well as one public and at least one private radio station. A public television station that began broadcasting in 2008 carries programs in the country's minority languages—Pular, Soninke, and Wolof. The number of private outlets applying for licenses has been growing since November 2011, when HAPA announced that two new independent television stations and five independent radio stations would be allowed to begin operating, ending the government's monopoly on domestic broadcast media. In November 2012, Sahara Media FM became one of the first new stations to go on air. Some opposition members maintained that the allocation of permits favored progovernment interests. Radio France Internationale rebroadcasts locally, and Mauritians have access to international satellite television. In October, the government distributed 40 million ouguiyas (\$135,000) to 62 independent press institutions to cover journalists' salaries, internal training, and printing subsidies. In December, the Mauritanian Union of Journalists (LSU), in collaboration with the U.S. embassy in Nouakchott, distributed media vests and photography and recording equipment to journalists in national press institutions.

Internet access is not generally restricted by the government, but penetration was just over 5 percent in 2012. Mobile-telephone subscriptions are within the reach of more than 93 percent of the population. The impact of online media has grown in recent years, but existing legislation does not address the emergence of internet-based journalism.

## Mauritius

**Status: Free**

**Legal Environment: 7**

**Political Environment: 10**

**Economic Environment: 13**

**Total Score: 30**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	26,F	26,F	27,F	28,F	29,F

## Mexico

**Status: Not Free**

**Legal Environment: 16**

**Political Environment: 31**

**Economic Environment: 14**

**Total Score: 61**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	51,PF	55,PF	60,PF	62,NF	62,NF

Mexico continued to be one of the most dangerous places in the world for journalists in 2012, with widespread violence and impunity plaguing the media environment. Experts lauded the June passage of a constitutional amendment making crimes against journalists a federal offense, but urged Congress to pass enacting statutes in order to ensure successful implementation.

Freedom of expression in Mexico is established in Articles 6 and 7 of the constitution. Mexico decriminalized defamation on the federal level in 2007, and a number of states have eliminated their own criminal defamation statutes, including, in 2012, the state of Mexico—the country’s most populous. Nevertheless, state criminal and civil codes continue to be used to intimidate journalists. In October, the government of Puebla state sued two journalists for opinions that the government claimed “morally damaged” the reputation of public officials. The suits were filed hours after a list of 19 journalists who were being monitored by the authorities was leaked. State Governor Rafael Moreno Valle’s press agent wrote on Twitter that other lawsuits would follow, and that all press “excesses” were under review.

In 2011, two journalists were arrested on terrorism charges in Veracruz after transmitting unconfirmed information about a school attack on Twitter. Although charges were dropped after an outcry, the state passed a law criminalizing the dissemination of rumors that resulted in a “disturbance of public order.” Activists took the case to the Supreme Court, which had not issued a decision as of the end of 2012; in November, the Veracruz state legislature altered the law to specify that penalties would target those who “knowingly” spread false rumors.

In 2002, Mexico passed a Freedom of Information Law, and a 2007 amendment to Article 6 of the constitution stated that all levels of government would be required to make their information public. However, that information can be temporarily withheld if it is in the public interest to do so, and accessing information is often a time-consuming and difficult process.

Mexico is among the most unsafe environments in the world for journalists due to the expansion of Mexican drug cartels, the government's decision to fight the cartels with the armed forces, criminal organizations' turf battles, and the weaknesses of Mexico's public security institutions. As in previous years, journalists faced threats from several actors. Political authorities and police forces—mostly local, but also state and federal—were responsible for the largest share of attacks, but criminal organizations were primarily behind the most chilling incidents.

The National Center of Social Communication (Cencos), a Mexican nongovernmental organization, reported that eight journalists or news company employees were killed in 2012, while four disappeared and nine media installations were attacked with incendiary devices. The Committee to Protect Journalists (CPJ) reported that one journalist was killed as a result of his work in 2012, and five others were killed but the motive could not be confirmed. The reported death tolls varied in large part due to doubts about the integrity of police investigations, making it difficult to document which reporters were targeted as a result of their work. Advocacy group Article 19 recorded a 20 percent increase in attacks against journalists from the previous year, with acts of violence occurring in 25 of the 32 Mexican states. The organization reported that violent acts against journalists in Mexico City rose an alarming 64 percent in 2012.

The state of Veracruz, disputed territory among the cartels, was a highly dangerous place for journalists in 2012. According to Cencos, coverage of public security, organized crime, and corruption was behind the May murders of Veracruz photojournalists Gabriel Hugué Córdoba, Guillermo Luna Varela, Esteban Rodríguez Rodríguez, and Víctor Manuel Báez Chino, as well as newspaper advertising department employee Ana Irasema Becerra. The dismembered bodies of Córdoba, Luna, Rodríguez, and Becerra were found near the town of Boca del Río; Báez was kidnapped, killed, and his body dumped the next day in the state capital, Xalapa. Veracruz authorities claimed that members of a cartel had confessed to the murders. However, federal authorities told CPJ that they had serious concerns about the state's evidence in the case. Veracruz was also the site of the April beating and strangulation of Regina Martínez Pérez, a respected political correspondent for the national newsmagazine *Proceso*. State authorities initially said Martínez had been killed in a "crime of passion," but changed the motive to theft after arresting two suspects. Press organizations, however, cast doubt on the state's case and called on federal authorities to take control of all investigations of attacks on journalists in Veracruz.

Other deaths and disappearances in 2012 included the May murder of Marco Antonio Ávila García, a police reporter with the newspapers *El Regional de Sonora* and *El Diario de Sonora*, who was found strangled near Guaymas, Sonora. The state attorney general said a written note linking the death to organized crime had been left with the body, although colleagues stated that Ávila had not reported on drug trafficking in depth. Also in May, freelance crime photographer Zane Alejandro Plemmons Rosales, a dual U.S.-Mexican citizen working for *El Debate de Mazatlán*, disappeared in Nuevo Laredo, Tamaulipas, after leaving his hotel to cover a shootout. In November, local freelance crime reporter Adrián Silva Moreno was shot and killed in Tehuacán, Puebla. Silva had been collecting evidence related to a gasoline theft from a government petroleum company, and reportedly had witnessed a confrontation between soldiers and gunmen just prior to his murder.

Broader pressures on the press were also documented in 2012. One was "forced displacement," involving journalists who fled their home states, primarily to Mexico City, due to intimidation or threats. The newspaper *El Universal* reported that 18 journalists had sought aid

from the Mexico City Human Rights Commission in 2012, up from 5 in 2010 and 10 in 2011. Officials estimate that the total number of journalists who have relocated to the capital is higher, since not all journalists register with city authorities. In addition, some journalists have gone abroad to escape threats.

Journalists covering certain sensitive issues—such as the drug war, and ties between politicians, the police, and organized crime—routinely practice self-censorship, depriving citizens of basic information about the country’s endemic violence and corruption, as well as the extent of criminal penetration of state institutions. Research also emerged in 2012 documenting the psychological toll of violence on Mexican journalists as well as the gendered dynamic of attacks. A study by researchers at the National Autonomous University of Mexico (UNAM) found that 35 percent of Mexico’s press corps experienced the symptoms of posttraumatic stress disorder, with the level significantly higher for those who directly covered the drug war. The Women’s Communication and Information Association (CIMAC) found that while female journalists were killed and disappeared like their male coworkers, they also faced threats directed toward their children and personal smear attacks based on traditional moral and gender codes.

Social media has become an alternative means for journalists and citizens to discuss issues related to drug violence. However, bloggers and social-media users have themselves become targets of criminal organizations. In August, Luis Gustavo Hernández Bocanegra, the administrator of the popular “narcoblog” Mundo Narco, was shot to death in his home in Culiacán, Sinaloa. Drug gangs have sought to exert control over the content of online message boards, engaging in verbal sniping at their adversaries and threatening both users who post sensitive information as well as reporters and editors who delete comments related to the gangs’ online sparring.

Impunity is pervasive in Mexico, with little progress in the prosecution of cases of murders and intimidation of media workers. In 2006, a special prosecutor’s office was established to combat crimes against journalists, but it has been largely ineffective, achieving only one conviction since its inception. The office is hampered by jurisdictional weaknesses, an insufficient number of investigators, the need to draw upon the resources of several rival agencies, and a lack of transparency. A unit for the protection of journalists has been similarly criticized as being underfunded and underutilized. Journalists may be unwilling to use the program because of their distrust of the government: politicians and police officers are often among those threatening them. Article 19 reported that agents of the state were responsible for a startling 44 percent of crimes against journalists in 2012. In 2012, however, the federal government took steps toward providing better protection for journalists. After several years of discussion, in June the Congress and a majority of state legislatures passed a constitutional amendment giving federal prosecutors the authority to take charge of investigations and prosecutions of attacks on journalists and media installations. Press advocates considered the law an advance, but were awaiting the passage of enacting legislation and final implementation before declaring the new initiative a success.

Coverage of the July 2012 presidential election—which was won by Enrique Peña Nieto of the Institutional Revolutionary Party (PRI)—was relatively free. In general, political reporting is much more pluralistic and balanced than it was in the past, with widespread coverage of the competing political parties, which also have direct access to significant broadcast time. In June, less than a month before the election, Britain’s *Guardian* newspaper published a report claiming that Peña Nieto had purchased favorable news coverage from Televisa, the country’s dominant broadcaster. Televisa denied the accusation, questioning the authenticity of the documents the

*Guardian* had offered as proof. In August, Mexico’s Federal Electoral Institute (IFE) rejected a complaint by the opposition Party of the Democratic Revolution (PRD) that included charges of political bias by Televisa stemming from the *Guardian*’s investigation. During Peña Nieto’s inauguration in December, two photographers were roughed up, arrested, and held incommunicado for eight days while taking pictures of protests. The photographers were arrested along with 69 other people, 56 of whom were later released.

The Televisa controversy, and the protests it had ignited among university students over the network’s perceived support of Peña Nieto, helped to place broadcast ownership concentration on the campaign agenda. After winning, Peña Nieto promised to license two more open-air networks during his term and improve broadband access by opening the market to increased competition. Mexico’s broadcasting system is highly concentrated, especially in television, where two networks—Televisa and TV Azteca—control 85 percent of the stations. These stations are the only networks with national reach, while about a dozen family-owned companies control radio. There was no movement in 2012 by the Mexican Congress or executive-based regulatory bodies to legalize and support community broadcasters or act on demands to diversify ownership of the broadcast spectrum, and only a handful of community radio operators have been awarded licenses. There are numerous privately owned newspapers, and diversity is fairly broad in the urban print media.

In 2012, 38 percent of the Mexican population accessed the internet. Though content is not limited by the state, telecommunications ownership is also concentrated, resulting in poor infrastructure and high access costs.

## Micronesia

**Status: Free**

**Legal Environment: 2**

**Political Environment: 8**

**Economic Environment: 11**

**Total Score: 21**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>21,F</b>	<b>21,F</b>	<b>21,F</b>	<b>21,F</b>	<b>21,F</b>

## Moldova

**Status: Partly Free**

**Legal Environment: 16**

**Political Environment: 18**

**Economic Environment: 19**

**Total Score: 53**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>66,NF</b>	<b>67,NF</b>	<b>65,NF</b>	<b>55,PF</b>	<b>54,PF</b>

Press freedom remained stable in 2012 as the center-right ruling coalition, the Alliance for European Integration (AIE), was hampered by internal disagreements and devoted less attention to media reforms. In March, Parliament broke a nearly three-year deadlock and elected a new president—63-year-old judge Nicolae Timofti—after three lawmakers defected from the opposition Communist Party and voted for the nominee. The election stabilized the government, but politics remained highly polarized, with 70,000 Communist Party supporters protesting Timofti’s inauguration and refusing to recognize him as the head of state. Throughout the year, the government made limited efforts to continue reforming the public broadcaster, Teleradio Moldova (TRM); struggled to implement defamation reforms; and was lenient in prosecuting corrupt media regulators. However, the ruling coalition did invite media freedom groups to testify in Parliament for the first time and made some improvements in the regulation of broadcast media, and physical attacks against journalists continued to decline.

The constitution and laws provide for freedom of expression and of the press, but these rights are often limited by other laws and in practice. Moldova decriminalized defamation in 2009, but various groups continued to file civil defamation cases against media outlets in the courts, which have a reputation for being extremely corrupt. Many judges in 2012 were not implementing the defamation-related reforms of the 2010 Law on Freedom of Expression, which had strengthened the position of journalists, and in May the Supreme Court issued a draft document for judges to clarify how the legal changes should be applied. In July, two former convicts filed defamation cases against the Chisinau newspaper *Ziarul de Gardă*, seeking 100,000 lei (\$8,200) and 300,000 lei (\$24,800), respectively, after the newspaper published an article questioning why the country’s acting president in 2011 had pardoned two women who had engaged in multiple fraud schemes. Both cases were pending at the end of the year. Local press freedom groups could not assess how many defamation cases were filed against the media because some courts either refuse to provide the information or lack qualified personnel to respond to the requests.

The AIE-led Parliament passed two notable legislative measures during the year. In July, it amended the Law on Freedom of Expression to ban Communist symbols and the promotion of totalitarian ideologies. The Communist Party, which still uses the hammer-and-sickle emblem, said it would not comply with the law. In November, Parliament also amended the criminal code to forbid censoring public media and punish those who obstruct, threaten, or assault journalists with a fine of up to 2,000 lei (\$165). Anyone exploiting an official position to commit such offenses can lose their right to hold that position for up to five years.

Reporters in the capital were able to obtain a greater amount of public information due to increased compliance with the Access to Information Law, but compliance remained poor in smaller cities and towns, according to a study conducted by Access-Info, a local nongovernmental organization. Some politicians continued to blame the media for exposing credible allegations of government corruption. In November 2012, two senior Democratic Party officials strongly criticized *Ziarul de Gardă* after it published an investigative story on the personal wealth of an anticorruption official.

The Audiovisual Coordinating Council (CCA) has been criticized in the past for its politicized, nontransparent decision making, but in 2012 the agency was commended by the Independent Journalism Center (IJC) for making more professional and transparent judgments. In April, the CCA shuttered the pro-Communist television station NIT after it exhausted other options to reprimand the station for its propagandistic programming, leaving journalists and media advocacy groups divided about the propriety of the decision. NIT appealed the ruling in

court, and the case was pending at the end of the year. Authorities were lenient with two senior CCA officials being prosecuted for bribery: the junior official was convicted in April and sentenced to four years' probation, while the charges against the senior official were dropped in August after he retired and became seriously ill. The Electronic Broadcasters' Association (APEL) had prepared a draft broadcast law in 2011 that would limit media concentration and improve transparency regarding media ownership, but in 2012 Parliament passed only three narrow amendments to the old broadcast law that primarily focused on strengthening advertising-related regulations.

Media pluralism and the volume of locally produced programming continued to expand in 2012 in response to the improved legal and political environment that the AIE began fostering in 2010. The CCA issued new licenses to eight television stations and five radio stations, while 10 new magazines and newspapers were registered with the Ministry of Justice. However, the growing number of bloggers on websites like Blogosfera.md and Voxreport.unimedia.md remain excluded from reporting on the government because they are not officially recognized as journalists and cannot receive accreditation.

Intimidation of journalists continued to decline during 2012, in part due to aggressive reporting by media outlets like Publika TV, and local media freedom organizations reported no serious physical attacks. Government officials generally interacted more carefully with reporters, but remained sensitive to reporting on allegations of government corruption, leaving journalists and media outlets vulnerable to threats and attacks. In April, the broadcasting equipment of a television network in central Moldova, Rezina-based Elita TV, was largely destroyed or stolen after the station's owners refused to sell it to a group of local politicians and continued reporting on a politically sensitive lawsuit. In August, Jurnal TV reporter Victoria Ocară was hospitalized with a head injury after being struck by stones while covering confrontations in the northern city of Bălți between advocates and opponents of union with Romania. Police officers often fail to properly investigate attacks in such cases, but were reported to have identified suspects in both incidents.

In the separatist Transnistria region, media outlets are highly restricted and politicized. Most of the local broadcast media are controlled by the Transnistrian authorities in the self-declared capital of Tiraspol, or by companies like Sheriff Enterprises that are linked to the separatist regime. Print media are required to register with the separatist Ministry of Information in Tiraspol rather than the internationally recognized Moldovan government in Chișinău. Media pluralism is extremely limited, as any critical information regarding the authorities is promptly suppressed and the journalists responsible harassed, resulting in pervasive self-censorship. Residents increasingly use social-networking websites to anonymously discuss politically sensitive issues with their counterparts in the rest of Moldova, but users were often unable to access websites reporting on Transnistria in 2012—including Dniester.ru, Tiras.ru, and Safronovpmr.com—because they were blocked by authorities in Tiraspol or experienced frequent cyberattacks. The election of Yevgeny Shevchuk to the separatist presidency in December 2011 polarized the local media, leading to the creation of more websites and press services for separatist agencies, as well as reduced access to public information as agencies required that all requests be made in writing.

There is a mix of private and public media in Moldova, but ownership transparency is still lacking, with many outlets employed to advance the business or political interests of their secretive owners. TRM managers appointed by the AIE government have been commended for the broadcaster's balanced news coverage, but the departure of two senior executives in early

2012 and the nine-month search to replace them, along with a two-year delay in appointing three members to the TRM Supervisory Board, effectively stalled the public broadcaster's internal reforms during the year. The AIE made limited progress in reorganizing, privatizing, or shuttering some 40 state-owned local newspapers. Due to the global economic downturn, private media remained highly dependent on financial subsidies and advertising revenue from affiliated businesses and political groups, rather than market-driven advertising and circulation revenue. Economic pressures continued to force media outlets to cut costs and intensified the shift from print to online operations.

An underdeveloped telecommunications infrastructure, coupled with high fees for internet connections, has resulted in limited internet usage, though access is generally not restricted by the authorities. Approximately 43 percent of the population had access to the internet in 2012. News portals and social-networking sites have become popular, with some one million users registered on the Russian site Odnoklassniki and some 200,000 on Facebook, according to the IJC.

## Monaco

**Status: Free**

**Legal Environment: 3**

**Political Environment: 7**

**Economic Environment: 6**

**Total Score: 16**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>16,F</b>	<b>16,F</b>	<b>16,F</b>	<b>16,F</b>	<b>16,F</b>

## Mongolia

**Status: Partly Free**

**Legal Environment: 13**

**Political Environment: 12**

**Economic Environment: 12**

**Total Score: 37**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>38,PF</b>	<b>41,PF</b>	<b>39,PF</b>	<b>39,PF</b>	<b>37,PF</b>

Freedom of speech and freedom of the press are protected under Mongolian law, and the government generally respects both of these rights in practice. However, press freedom continued to be compromised in 2012 by legal harassment of journalists, political influence over news outlets, and financial difficulties faced by media workers.

Officials frequently file criminal and civil defamation suits in response to critical articles, with a quarter of journalists reportedly affected. In July 2012, criminal defamation charges were filed against a reporter from the *Uls Turiin Toim* daily newspaper over an article claiming the

existence of a secret election plan by a member of the Mongolian government. The journalist was ordered to pay \$7,350 in compensation. In August 2011, criminal defamation charges were dismissed against reporter D. Bolormaa of the *Zuunii Medee* daily newspaper over articles that implicated a notable businessman in the trafficking of virgin teenagers. However, following an appeal by the claimant, the journalist was ordered to pay \$6,200 in compensation in October 2012. To avoid being sued for libel, many independent publications are forced to practice some form of self-censorship.

Journalists are also susceptible to other forms of legal intimidation. In an unusual case, Dolgor Chuluunbaatar, editor in chief of the *Ulaanbaatar Times*, was jailed in 2011 on charges of illegally privatizing a newspaper. During his imprisonment, Chuluunbaatar faced intimidation and threats by investigators seeking to determine who else was involved in his alleged actions. In August 2012, Chuluunbaatar was convicted of causing “huge damage” to state property and the illegal purchasing of a newspaper and its offices, and was sentenced to a five-year prison term; he will have to spend two years in jail.

Censorship of public information is banned under the 1998 Media Freedom Law, but a 1995 state secrets law severely limits access to government information, as many archived records have been given classified status and can retain such status for an indefinite amount of time. After an eight-year campaign by activists, the parliament passed the Law on Information Transparency and Right to Information in June 2011, with the legislation taking effect in December 2011. The government routinely monitors broadcast and print media for compliance with restrictions on violent, pornographic, and alcohol-related content. Internet users remain concerned about a February 2011 regulation by the Communications Regulatory Commission (CRC) that restricts obscene and inappropriate content without explicitly defining it and requires popular websites to make their users’ IP addresses publicly visible.

There is no official censorship by the government. However, journalists frequently complain of harassment and intimidation as well as pressure from the authorities to reveal confidential sources. According to a local media freedom organization, Globe International, many journalists continue to face verbal threats or pressure against either themselves or their family members. In January 2012, a local television reporter and cameraman were assaulted while attempting to cover a dispute at a mining company in the province of Bayankhongor. In July, several journalists were beaten at the office of Sky Television while airing parliamentary election results. The attacks were carried out by a disgruntled investor in the company, B. Ganzorig, and six others upset that the station’s coverage was detrimental to Ganzorig’s political campaign. The assailants were convicted in December and Ganzorig was sentenced to a prison term of three and half years.

Although independent print media outlets are common and popular in cities, the main source of news in the vast countryside is Radio Mongolia. Under the 2005 Law on the Public Radio and Television, state-run radio and television broadcasting outlets like Radio Mongolia are transforming into public service broadcasters, but progress remains slow. Both state and public media still frequently experience political pressure, and most provincial media outlets continue to be controlled by local authorities. Low wages for journalists have created a secondary market for purchasing coverage. Mongolians have access to local, privately owned television stations, English-language broadcasts of the British Broadcasting Corporation and Voice of America on private FM stations, and, in Ulaanbaatar, foreign television programming via cable and satellite systems. In October 2012, Bloomberg television launched Bloomberg TV Mongolia, the first international broadcast news organization headquartered in Mongolia, which intends to deliver

international business and finance news alongside coverage of local Mongolian news. The launch of Bloomberg TV Mongolia coincides with a growing trend of more robust and diverse news coverage. Owing to widespread poverty in Mongolia, the internet has yet to serve as a significant source of news and information; only about 16 percent of the population accessed the medium in 2012.

## Montenegro

**Status: Partly Free**

**Legal Environment: 9**

**Political Environment: 17**

**Economic Environment: 10**

**Total Score: 36**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	38,PF	37,PF	37,PF	37,PF	35,PF

Freedom of the press is guaranteed by the constitution and generally respected in practice, though the media environment is affected by problems including editorial bias and the physical intimidation of journalists. The threat of legal pressure was reduced in 2011, when Montenegro fully decriminalized defamation, relegating it to civil suits with monetary compensation as the only possible sanction. In addition, the Supreme Court has adopted guidelines regulating the level of compensation in cases filed against the media. Despite the reforms, a court in April 2012 reinstated a four-month jail sentence against journalist Petar Komnenić, who had been convicted of criminal libel in 2011 over a 2007 article in the independent *Monitor* magazine, in which he alleged that the government had been improperly monitoring top judges. Press freedom organizations and the European Union harshly criticized the ruling. Consequently, on May 23, the parliament adopted a law that granted amnesty to those convicted of defamation, and the judiciary formally pardoned Komnenić based on the law in December. The European Commission reported a decrease in the number of defamation cases after decriminalization; the amount of damages awarded also declined slightly. Nevertheless, as of May 2012 there were a reported 15 open court cases against Montenegrin journalists.

The right to access information is guaranteed in the constitution, and journalists can request public information via a 2005 freedom of information law. However, implementation of the law has been problematic, resulting in dozens of court cases over the years. In July 2012, the parliament passed a law requiring government agencies to proactively publish some information.

The country's media regulators are not financially independent and have inadequate monitoring capacity. Licensing and registration are handled by two agencies, the Agency for Electronic Media and the Agency for Electronic Communications and Postal Services (EKIP). A code of ethics for journalists was adopted in 2003, but Montenegrin journalists have struggled to establish a common self-regulatory body since then. In March 2012, the existing self-regulatory body was reconstituted, with 19 news outlets participating. Some independent media outlets declined to join the process and established two separate press councils instead.

Independent journalists continue to face pressure from business leaders and the government. Reporting by both private and state-owned media outlets frequently lacks

objectivity. The public broadcaster is accused of favoring the government in its news coverage, and in the absence of strong opposition parties, some private media play the role of political opposition. While the 2010–12 government of Prime Minister Igor Lukšić made some efforts to increase protections for media freedom and independence, Lukšić was replaced in October 2012 by Milo Đukanović, who had served as prime minister or president for most of the previous two decades. In April, Đukanović had criticized independent media outlets and civil society organizations, suggesting that they receive a disproportionately large amount of foreign funds invested in Montenegro. He added that the arrest of “media tycoons” could speed up Montenegro’s European integration. His remarks prompted the independent *Vijesti* daily newspaper to compare Đukanović’s rule to that of the late Yugoslav leader Slobodan Milošević.

There were a number of attacks against journalists in Montenegro in 2012. In February, an editor and a photographer for the daily *Dan* were assaulted; legal proceedings have since begun against the suspected attackers. In October, a journalist from *Vijesti* and another from *Dan* were assaulted at a preelection rally. The most serious case of violence occurred in March, when *Vijesti* journalist Olivera Lakić was beaten near her home. She had previously received several threats because of her articles detailing the alleged involvement of police officials in the illegal cigarette trade. A court in July found 29-year-old Ivan Bušković guilty of carrying out the attack and sentenced him to nine months in jail; however, authorities were still investigating whether he was acting under someone else’s orders. Also in July, a Podgorica court handed down a six-month suspended jail sentence to the son of the city’s mayor for a 2009 attack on two *Vijesti* employees. Rights groups criticized the sentence as too lenient. Many previous cases of violence against journalists remained unsolved at year’s end.

The media environment is diverse for such a small country, with about 23 television stations, 53 radio stations, 4 daily print outlets, 3 weeklies, and 30 monthlies operating. Access to the internet is not restricted, and approximately 57 percent of the population had access in 2012. Content is significantly influenced by the business and political interests of media owners, and media ownership is not transparent. In the print sector, major private newspapers such as *Vijesti* and *Dan* compete with *Pobjeda*, a state-owned newspaper with national circulation. At the end of 2012, the state still held a majority stake in *Pobjeda*, despite a 2002 law requiring the government to sell its shares. Fahrudin Radončić, a Montenegrin-born Bosnian politician with close links to Đukanović, offered to buy the paper in late 2011, but abandoned the bid in April 2012. Private media outlets allege that *Pobjeda* carries the most advertisements by state-owned companies and organizations, even though it has the lowest circulation of Montenegro’s major dailies.

The global financial crisis exacerbated the financial problems of Montenegro’s media environment, in which a large number of broadcast and print media compete for a small advertising pool. The weekly *Monitor* reported that two new daily newspapers with cut-rate issue prices were launched in 2012, and suggested that investors were seeking to drive down Montenegrin newspaper prices in an effort to undermine independent dailies. Journalists are not highly paid, and combined with poor training and political and business influence, this often leads to biased coverage.

## **Morocco**

**Status: Not Free**

**Legal Environment: 24**  
**Political Environment: 24**  
**Economic Environment: 18**  
**Total Score: 66**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	64,NF	64,NF	66,NF	68,NF	68,NF

The Moroccan government promised a campaign to improve press freedom in 2012 as part of its post-Arab Spring political reform agenda. These pledges were not fulfilled in practice, however, as unofficial but clear restrictions remained in place during the year, discouraging coverage of politically and socially sensitive subjects.

Morocco’s new constitution, passed in 2011, guarantees freedom of the press, but its vague language enables great latitude for interpretation and hinders enforcement of media protections. The press law prohibits criticism of the monarchy and Islam and effectively bars independent coverage of certain taboo subjects, including the royal family and the status of Western Sahara. Libel remains a criminal offense that can result in prison terms and exorbitant fines. Legal cases are a primary method of repressing critical expression. In February 2012, Walid Bahomane, a teenage student, was sentenced to 18 months in prison after posting a caricature of the king on the social-networking site Facebook. Also that month, Abdul-Samad al-Haidour was sentenced to three years in prison for criticizing royal policies and calling the king a “dog” in a recording posted on the video-sharing site YouTube.

Journalists are sometimes imprisoned on trumped-up criminal charges, as opposed to explicitly press-related offenses. For example, blogger Mohamed Sokrate was arrested in May 2012 and later sentenced to two years in prison on drug possession and trafficking charges. Press freedom advocates alleged that Sokrate was in fact imprisoned because of his reporting on the king and other sensitive topics. Mohamed al-Dawas, a freelance journalist who reported critically on the government, had been similarly imprisoned in 2011 on charges of drug trafficking. He remained in jail in 2012.

King Mohamed VI and his government wield considerable control over the editorial content of domestic broadcast media. Government oversight includes the authority to appoint the heads of all public radio and television stations. The government also appoints the president and four of eight board members at the High Authority for Audio-Visual Communication, which issues broadcast licenses and monitors content to ensure compliance with licensing requirements. The prime minister appoints two additional board members, and the presidents of the two chambers of parliament each appoint one of the remaining members.

The government sporadically blocks certain websites and online tools, including news sites, Google Earth, and blogging platforms. In 2012, the government began developing guidelines to regulate online content. The authorities monitor blogs and other websites, and there has been an increase in progovernment activism online, which some claim is instigated by government agents. The state occasionally cracks down on those who produce critical online content. This practice intensified with the rise of the February 20 protest movement following the eruption of prodemocracy uprisings across the Middle East and North Africa in early 2011.

Self-censorship is widespread, and journalists tend to stay within unofficial red lines to avoid heavy fines, prison sentences, or extralegal intimidation and physical violence in retribution for their stories. Some journalists continue to push the boundaries of permissible

coverage and report on sensitive subjects such as the military, national security, religion, and sexuality, but many have moved outside Morocco to escape government harassment and surveillance.

Foreign publications are widely available in Morocco, but the foreign media are not immune from government repression. Authorities rescinded accreditation for all journalists working in Morocco for Qatar’s Al-Jazeera satellite television network in 2010, effectively suspending the network’s reporting in the country. The government was in talks with Al-Jazeera in 2012, but its Moroccan bureau remained closed during the year. Foreign publications are also occasionally banned or censored. The Spanish daily *El País* was banned twice in 2012, first for publishing a cartoon of the king and later for coverage of a book that was critical of the monarch.

Physical attacks on journalists are less common than legal actions, though there were reports of harassment and intimidation in 2012. Ali Lmrabet, who runs an online news portal, was beaten and robbed by unidentified men in August. He alleged that the assailants were plainclothes policemen and said some of them had also broken into his house earlier in the month. In August, police attacked Agence France-Presse journalist Omar Brouksy while he was reporting on demonstrations outside the parliament building. Brouksy was targeted again in October, after describing a candidate as “close to the king” in an article about legislative elections. The government characterized the article as “an unprofessional dispatch” because it implied that that king was not politically neutral, and rescinded Brouksy’s press accreditation.

According to the constitution, the press in Moroccan-occupied Western Sahara is free, but this is not the case in practice. There is little in the way of independent Sahrawi media. Moroccan authorities are sensitive to any reporting that is not in line with the state’s official position on the territory’s status, and they continue to expel, detain, or harass Sahrawi, Moroccan, and foreign reporters who write critically on the issue. Alternative viewpoints and resources such as online media or independent broadcasts from abroad are not easily accessible to the population.

There are almost 20 daily and more than 80 weekly publications in circulation in Morocco, and it is estimated that more than 70 percent of these are privately owned. Broadcast media are still dominated by the state, and FM radio stations are largely prohibited from airing programs of a political nature. However, residents can access critical reports through pan-Arab and other satellite television channels. The regime uses advertising and subsidies, as well as aggressive financial harassment, to repress critical media coverage. Approximately 55 percent of the population regularly accessed the internet in 2012, the highest penetration rate on the African continent.

## Mozambique

**Status: Partly Free**

**Legal Environment: 13**

**Political Environment: 14**

**Economic Environment: 15**

**Total Score: 42**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>40,PF</b>	<b>41,PF</b>	<b>42,PF</b>	<b>44,PF</b>	<b>43,PF</b>

Mozambique's revised 2004 constitution guarantees freedom of the press, explicitly protecting journalists and granting them the right not to reveal their sources. However, the 1991 Press Law contains some limitations on these rights, particularly on national security grounds. In addition, defamation of the president or other high-ranking officials is illegal, and general criminal libel and defamation laws deter journalists from writing freely. Libel and defamation cases, which are common, can lead to fines, prison terms of up to two years, and suspension of the media outlet in question. In July 2012, Falume Chabane, a former editor of the online newspaper *O Autarca*, was convicted of libel after a closed-door trial for publishing a series of articles in 2011 on the alleged mistreatment of a disabled student by the Beira International Primary School. Chabane was given a suspended 16-month prison sentence and ordered to pay a fine of 150,000 meticaís (\$5,280), though an appeal was pending at year's end. Bloggers and community radio or newspaper journalists, who often work on a voluntary or part-time basis, may not be equally protected under Mozambican press laws, though this has yet to be tested in a court case.

Journalists face difficulties accessing public information and official documents. The local chapter of the Media Institute of Southern Africa (MISA) presented a draft freedom of information bill to the parliament in 2005, but despite moves in recent years to debate the measure, no further legislative action was taken in 2012. The current regulatory framework for media, administered by the Government Information Bureau (GABINFO), is in need of updating and vulnerable to political influence. According to MISA, radio stations were subjected to overly bureaucratic procedures to obtain operating licenses. However, there is also an independent media regulatory body, the Supreme Mass Media Council, that is tasked with guaranteeing press freedom and the public's right to information.

A number of websites have posted criticisms of the government without encountering censorship, but there have been reports of government intelligence agents monitoring the e-mail of members of opposition political parties. Self-censorship by journalists is pervasive, especially in rural areas outside the capital. Independent media often release potentially sensitive stories at the same time in an effort to counter self-censorship and deter reprisals from the government. This strategy was successful during a 2011 corruption scandal implicating the president of the constitutional court, Luis Mondlane, who eventually resigned because of wide-ranging media coverage of his case.

There were few reports of physical attacks, harassment, or intimidation of journalists in 2012, an improvement over previous years. In September, a journalist was forced by police officers to delete photographs he took of the attempted lynching of an alleged thief; the reporter was taken to the police station and then released. A police spokesperson later announced that the two officers involved would be subject to disciplinary action.

Although progress has been made in the development of a strong and free press in Mozambique, the country continues to be dominated by state-controlled media outlets. Independent media are often underfunded and are generally found only in major cities. The state-run television station, Televisão de Moçambique (TVM), is still the only domestic television channel with national reach and has the largest audience. The state provides about 70 percent of the station's operating budget, and news reporting from TVM is often biased in favor of the government, offering little opportunity for the political opposition to weigh in. The private channel Soico TV, Portuguese state television's African service (RTP Africa), and Brazilian-owned TV Miramar also have large audiences.

Radio continues to be a key source of information for the majority of Mozambicans. Compared with television, there is far more opportunity for private radio stations to open and operate. Numerous private FM stations are based in rural areas and broadcast to small audiences. Many of the 70 community stations currently operating were started by and receive their funding from the UN Educational, Scientific, and Cultural Organization (UNESCO) or other international aid organizations, but they face serious problems of management and sustainability, as they rely on volunteers. Despite the prevalence of privately owned radio stations, state-run Rádio Moçambique has the largest audience and is by far the most influential media outlet in the country, offering programming in at least 18 languages. Rádio Moçambique receives about 50 percent of its operating budget from the government. While the station is known for presenting critical political debates and policy issues on its broadcasts, it most frequently invites guests who are sympathetic to the government. Community radio stations may also be vulnerable to local political pressures. In November 2012, a district administrator and his staff forced Furancungo Plateau Community Radio to shut down due to alleged mismanagement. The station's coordinator refuted the allegations and argued that its critical reporting on the local government had made it a target.

Newspapers and print media in general have a far smaller audience than both radio and television. This is mainly because the print media are published only in Portuguese, which is spoken by about 11 percent of the population. The high cost of newspapers relative to total income, as well as poor distribution networks and a 44 percent illiteracy rate, also contribute to low readership. The government has a majority stake in *Notícias*, the most-read daily newspaper in the country, which rarely prints stories critical of the government, while *O País* is the leading privately owned daily. Import taxes on newsprint remain high, leading to high production costs for newspapers. The largest source of advertising revenue for local media comes from government ministries and businesses under state control, and some journalists have accused the government and ruling party of allocating advertising according to political concerns and of favoring friendly outlets.

Internet access is unrestricted, but penetration is extremely low. Less than 5 percent of the population had access to the internet in 2012, and most usage is confined to major cities.

## Namibia

**Status: Partly Free**

**Legal Environment: 9**

**Political Environment: 12**

**Economic Environment: 10**

**Total Score: 31**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>30,F</b>	<b>30,F</b>	<b>34,PF</b>	<b>34,PF</b>	<b>32,PF</b>

The constitution guarantees freedom of the media, and Namibia's press has enjoyed a relatively open environment. However, constitutional provisions relating to the protection of national security, public order, and public morality provide legal mechanisms for restricting media freedom. There is no law to ensure access to information, and the 1982 Protection of Information

Act serves to limit the information that can be disclosed by government officials. In August 2012, Information Minister Joel Kaapanda gave encouraging signals that the government was moving toward adopting an access to information law. His statement coincided with the launch of a civil society campaign to push for the passage of such legislation.

Defamation is a criminal offense under common law. In April 2012, a High Court judge awarded compensatory damages to investigative journalist John Grobler in a civil defamation suit filed against the ruling party, the South West Africa People's Organization (SWAPO), over an article on the SWAPO website that accused him of once belonging to a notorious South African military unit. It was the first time that SWAPO, rather than one of its officials, had been held legally responsible for defamatory statements, as well as the first time that content posted online led to a defamation finding in a Namibian court. In November, a Windhoek High Court judge dismissed a N\$300,000 (US\$38,000) defamation suit filed by former Walvis Bay municipal chief executive Augustinus Katiti against the *Namibian*, the leading independent daily, for an article published in 2007.

Self-regulation of the media sector has developed slowly, with a media ombudsman established in 2009 to hear complaints against media practitioners. This ombudsman continues to act independently of the government and resolved 10 of 14 total complaints in 2012. There are no restrictions on internet content, and many publications and organizations have websites that are critical of the government. However, the 2009 Communication Act includes a clause that allows for the interception of e-mail, text messages, internet banking transactions, and telephone calls without a warrant.

In previous years, government and party leaders issued harsh criticism and even threats against the independent press, and called for the establishment of an official council to regulate the activities and operations of the media. Fewer such incidents were reported in 2012. In January, Youth Minister Kazenambo Kazenambo hurled racial insults and threatened to assault journalist Tileni Mongudhi during an interview (Mongudhi is a member of Namibia's ethnic Owambo majority, while Kazenambo is a minority Herero). In the case of a violent attack in 2010 against Grobler, allegedly by four prominent businessmen with ties to SWAPO (including a son-in-law of former president Sam Nujoma), the charges against two of the men were dropped due to lack of evidence in March 2012, while the trial of the other two was ongoing at year's end. Some journalists and editors, especially at the state-run media, practice a degree of self-censorship.

Namibia features five daily national newspapers—including the state-owned *New Era*—as well as five independent weeklies, one biweekly, and about a dozen monthly magazines. There are more than 20 private and community radio stations and three television stations. Private broadcasters and independent newspapers usually operate without official interference. The state-owned National Broadcasting Corporation (NBC) is the dominant player in the broadcast sector and has come under increasing political pressure in recent years. In April 2012, prominent SWAPO members, including Kaapanda and party secretary general Pendukeni Iivula-Ithana, threatened to delay or halt funding for the NBC and *New Era*, claiming that the outlets were not adequately supporting the government's agenda. Community radio remains underdeveloped, and high costs for television licenses limit the expansion of that medium. Meanwhile, printing and distribution costs for print media also remain relatively high. In a positive development in 2011, the government lifted its 10-year ban on advertising in the *Namibian*, which had been put in effect because of the paper's alleged bias against the government. Approximately 13 percent of the population accessed the internet in 2012.

## Nauru

**Status: Free**

**Legal Environment: 4**

**Political Environment: 11**

**Economic Environment: 13**

**Total Score: 28**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	28,F	28,F	28,F	28,F	28,F

## Nepal

**Status: Partly Free**

**Legal Environment: 16**

**Political Environment: 27**

**Economic Environment: 15**

**Total Score: 58**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	57,PF	57,PF	59,PF	59,PF	55,PF

The Nepali media environment deteriorated in 2012, with increased violence and threats being issued against journalists across the country. The 2007 interim constitution guarantees freedom of the press, opinion, and expression. However, it has been criticized for failing to meet international standards, and the government has struggled to uphold freedom of the press in practice. According to the constitution, freedom of expression can be restricted in cases of defamation and incitement, as well as in the interest of promoting sovereignty, public decency or morality, and harmonious relations between different communities. Nepal's draft permanent constitution contains clauses with opaque and malleable language. For example, Clause 2a within Article 2 grants every citizen freedom of opinion and expression, but goes on to state that authorities have the right to place "reasonable restrictions" on free speech. Article 12 promises citizens the right to access information, but stipulates that "any matter about which confidentiality is to be maintained according to law" shall be excluded from this provision. Article 4, on the other hand, could prove to be a positive addition, as it provides a special charter of rights specifically for the mass media. However, the Constituent Assembly failed to promulgate the new constitution on time, after being given a final deadline of May 28, 2012. Prime Minister Baburam Bhattarai dissolved the assembly the same day, leaving the country in a legal vacuum at year's end. Although defamation can be treated as a criminal offense, the charge is rarely employed against journalists.

The right to information in Nepal came under threat when the government issued a directive listing 140 categories of information that should not be made available to the public. This was a drastic increase over the 2007 Right to Information Act, which listed only five categories. New categories added to the list included political party financing, development

projects, and parliamentary decisions. After a widespread public outcry, the Supreme Court issued a stay order temporarily halting implementation of the new directive. The Right to Information Act, though generally welcomed by press freedom groups, has itself been criticized for its requirement that applicants furnish reasons for their requests.

The Nepali media are not generally subject to direct censorship. The Nepal Press Council and the Federation of Nepali Journalists (FNJ) have a code of ethical conduct, but it lacks effective enforcement mechanisms and support from media stakeholders. There is no independent regulatory body to oversee the broadcasting sector. Under the current arrangement, the government is the official licensing organization—a point of contention among independent and community broadcasters. In January 2012, the Ministry of Information and Communications published a draft Media Policy on its website. The ministry was criticized for failing to involve key players—including the FNJ—in the process, as well as for substantive content gaps in the policy, including the failure to address the need for independent regulation of broadcasting and freedom on the internet. Despite the criticisms, the government was poised to adopt the policy as of December 2012.

Nepal continues to be a dangerous country for journalists, and in 2012 the country saw the death of one journalist and one media owner, as well as the disappearance of a radio journalist. In April, Yadav Poudel was killed in the Jhapa district of Nepal. Poudel was an editor for the *Mechi Times* regional daily, and covered eastern Nepal for the Kathmandu-based Avenues Television and *Rajdhani* national daily. In July, Santosh Gupta, managing director of the Birganj-based Bindas FM, was found dead in Musouriya village in Bihar, a state in neighboring India. In both cases, the murders were investigated but it remained unclear if they were a result of the victims' work. Finally, Madan Poudel, a journalist with Radio Tamor in Taplejung, Eastern Region, went missing in September 2012. A high-level taskforce comprising police officers from Nepal's Eastern Regional Police Office and Central Investigation Bureau (CIB) was formed to search for him, but no concrete leads had emerged by year's end. Impunity for attacks on journalists has long been a problem in Nepal, and little action was taken in 2012 to punish perpetrators of past crimes, including the cases of Dekendra Thapa, a journalist killed in 2004 by Maoists, and of Prakash Thakuri, killed in 2007. Bhattarai stated in 2011 that "politically motivated cases" would be pardoned, which could lead to the release of individuals convicted of human rights violations. The remarks have prompted serious concern from media groups.

In addition, journalists were subject to a greater number of attacks by both state and nonstate actors, including political parties, government employees, and police and security forces, compared to 2011. Journalists also faced frequent death threats as a result of their reporting. Many were threatened or had their equipment seized or burned as they attempted to cover street protests and other events, or as a consequence of their work. In January 2012, journalists were threatened by a member of the Constituent Assembly, Bal Krishna Dhungel. In May, one week before the deadline for the promulgation of the new constitution, there were widespread attacks on reporters and cases of vandalism. Ethnic and religious groups staged protests to press for their demands in the new constitution and attacked approximately 50 journalists over the span of two weeks, in a bid to pressure them to write favorable reports. In June, Bhattarai personally questioned the state-run Nepal Television (NTV) management for broadcasting live a program involving 22 opposition parties. In December, members of the Shiva Sena Nepal political party broke into and vandalized the offices of Nepal Republic Media in Kathmandu.

The government owns several of the major English-language and Nepali dailies, as well as the influential Radio Nepal and Nepal Television Corporation. There are several hundred dailies, many of which are based in the central regions of Nepal and the Kathmandu Valley, according to the Nepal Press Council. An increasing share of newspapers are owned by political parties, specifically the ruling Communist Party of Nepal/United Marxist-Leninist (CPN-UML). The party has started to publish newspapers in almost every region and district of Nepal, and the outlets are often heavily influenced by the CPN-UML's political views. Media ownership often lacks sufficient transparency, and it is not unusual for the selection of editors at national newspapers to be governed by dubious political deals and bargaining.

Because there are few barriers to market entry, radio remains the most popular news medium. At least 350 FM radio stations and 19 television channels were operating in 2012, and many more had acquired licenses. Community radio stations have become more common, partly as a means of protecting local cultures and languages from the dominance of Nepali-language media. However, community radio stations have difficulty competing with commercial stations for resources while paying the same fees and royalties. In July 2012, the government announced its intention to increase broadcast royalties to 2 percent of a station's income, or 10 percent of its net profit, sparking concerns that community radio stations would be the worst affected. Despite the large number of outlets, the Nepali mainstream media lack effective cultural diversity and often either ignore or are heavily biased against the interests of Dalits, Madhesis, indigenous peoples, and Muslims, who collectively form around 70 percent of the population.

Many workers at Nepal's news outlets do not receive professional training, are informally employed, and are paid well below prescribed minimum wages. Since the government is a major source of advertising, journalists are often forced to self-censor their reporting in order to avoid conflict with the ruling party.

There are some government restrictions on the internet, to which 11 percent of the population had access in 2012. Conditions of operation for internet service providers include the filtering of pornographic content and of any material that "incites racial and religious hatred and is against the national interest."

## Netherlands

**Status: Free**

**Legal Environment: 1**

**Political Environment: 6**

**Economic Environment: 4**

**Total Score: 11**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>13,F</b>	<b>13,F</b>	<b>14,F</b>	<b>14,F</b>	<b>12,F</b>

Freedom of expression is safeguarded under Article 7 of the constitution, and free and independent media operate throughout the country. The Netherlands still lacks specific national legislation ensuring the right of journalists to protect their sources, despite a landmark 2010 European Court of Human Rights (ECHR) ruling that media premises are exempt from police searches, and that police may not seize journalistic materials unless they obtain a warrant. In

November 2012, the ECHR reinforced this principle with a ruling that the Netherlands had violated the European Convention on Human Rights when police used coercion to force two journalists to surrender documents in 2006. Also in November, the parliament voted to repeal the country's blasphemy laws, though insulting the police and the monarch remain illegal. Criminal defamation laws have seldom been used in recent years.

Article 110 of the constitution stipulates that the government must observe the principle of transparency and requires government agencies to publish information. Under the 1991 Government Information (Public Access) Act, any person is allowed to demand information pertaining to an administrative matter. If the information is located in documents belonging to a public body or a private company conducting work for a public entity, the authorities must respond within a period of two weeks.

The internet is not censored or restricted by the government. In 2012, despite public outrage and a parliamentary motion denouncing a racist website run by the radical right-wing Party for Freedom (PVV), the site remained online throughout the year. In May, a district court ordered internet providers to block the illegal downloading site Pirate Bay or pay a fine of €10,000 (\$13,000) per day. The government pushed for legislation that would ban unauthorized downloads of copyrighted material, but the proposal was rejected by the parliament in December.

Journalists in the Netherlands practice some degree of self-censorship, particularly on sensitive issues such as immigration and religion. This has increased since the 2004 murder of the controversial filmmaker Theo van Gogh by a Muslim extremist. Physical attacks and intimidation directed against journalists are rare. In March 2012, the Rotterdam offices of the Turkish newspaper *Zaman* were attacked by five disguised men. The attack was still under investigation at year's end.

Newspaper ownership is highly concentrated in the Netherlands, with three companies owning more than 90 percent of paid newspapers. A decreasing number of independent regional newspapers are available. Moreover, three public broadcasters—NPS, Teleac, and RVU—merged in 2010. Despite high ownership concentration, a variety of opinions are expressed in the media. The state allocates public radio and television programming to political, religious, and social groups according to their size. While every province has at least one public television channel, public broadcasting has faced stiff competition from commercial stations since they became legal in 1988.

The internet was used by 93 percent of the population in 2012. In 2011, the parliament adopted the first “net neutrality” law in Europe and only the second in the world after Chile, barring telecommunications companies from obstructing or charging users extra for certain data-intensive online services, such as Skype.

## **New Zealand**

**Status: Free**

**Legal Environment: 3**

**Political Environment: 7**

**Economic Environment: 6**

**Total Score: 16**

Survey Edition	2007	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>13,F</b>	<b>14,F</b>	<b>14,F</b>	<b>15,F</b>	<b>17,F</b>

Press freedom in New Zealand is guaranteed by convention and statute rather than constitutional right, and it is supplemented by freedom of information legislation passed in 1982. Sedition legislation was abolished in 2007. The media are generally regarded as free and independent, and concerns about press freedom in the country eased during 2012 after a relatively troubled 2011. However, in March 2012 the parliament passed the controversial Search and Surveillance Act, which forces journalists to answer police questions, identify sources, and hand over notes and other documents. Breaches of the law carry penalties of up to one year in jail. While Justice Minister Judith Collins insisted that the law was necessary to bring “order, certainty, clarity, and consistency” to outdated laws, opponents derided it as a step toward a police state. The opposition Labor Party said it would seek to repeal provisions in the law that allowed the police’s Serious Fraud Office to raid media offices without a warrant.

The New Zealand Law Commission released two reports in December 2011 and June 2012 that made preliminary suggestions for reform of the regulatory environment for the media, including extending the legal rights and responsibilities of news media to online outlets. The commission proposed replacing the statutory Broadcasting Standards Authority (BSA), which currently regulates all traditional broadcasters, and the industry-based Press Council (NZPC), which regulates print media, with a new regulator that would cover all forms of media, including online outlets, and would be independent of both the government and the media industry. At the end of 2012, New Zealand media were preparing to preempt the recommendations by establishing an online media self-regulator, the Online Media Standards Authority (OMSA).

Journalists are generally able to cover the news freely, and physical attacks or threats against the media are rare. There were no reports of physical harassment or assault against journalists during 2012. However, several incidents in 2011 had raised concerns about political interference with media content, including searches at multiple media offices for a controversial recording of a meeting involving Prime Minister John Key, considerable political pressure on an investigative reporter for his work on New Zealand troops handing over prisoners to U.S. forces in Afghanistan, and a 10-day ban on a newspaper’s use of its press office in the parliamentary complex after it published a photograph of a protester in the public gallery, in violation of standing parliamentary rules.

New Zealand has two state-owned broadcasting corporations, Television New Zealand (TVNZ) and Radio New Zealand, but the vast majority of print and broadcast media ownership is private. Australian-owned companies control a substantial portion of the print sector. Fairfax Media Limited boasts almost 48 percent of daily newspaper circulation. The country’s largest and most influential daily newspaper, the *New Zealand Herald*, and a string of smaller provincial and suburban newspapers are owned by another Australian firm, APN News & Media. TVNZ has promoted increasing collaboration with the subscription network Sky TV and its free-to-air channel, Prime TV. Another rival, the MediaWorks group, which owns TV3, was given a controversial preferential payment arrangement in 2011 for NZ\$43 million (US\$34.9 million) in radio frequency fees. Meanwhile, the government-funded Māori Television continues to develop strongly, with its second channel, Te Reo, broadcasting in the indigenous Māori language. In 2011, the New Zealand Press Association cooperative closed after 132 years as the national news agency. However, publishers such as APN and Fairfax have launched a number of new services

in an attempt to fill the gap. There are no government restrictions on the internet, which was accessed by nearly 90 percent of the population in 2012.

## Nicaragua

**Status: Partly Free**

**Legal Environment: 14**

**Political Environment: 20**

**Economic Environment: 17**

**Total Score: 51**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>43,PF</b>	<b>45,PF</b>	<b>47,PF</b>	<b>47,PF</b>	<b>49,PF</b>

The constitution provides for freedom of the press, but in practice the government places notable restrictions on the media's ability to inform the public. In 2012, President Daniel Ortega and his Sandinista National Liberation Front (FSLN) continued policies that have been in place since they took power in 2007, including preferential treatment for the progovernment media and denial of official advertising to the independent and opposition press.

Defamation and libel remain criminalized, with violations punishable by substantial fines. While the number of legal cases against the press has decreased, the drop has largely stemmed from self-censorship among journalists as independent voices avoid confronting the authorities. Cases of judicial intimidation have also been reported; judges are often aligned with political parties, and some have barred journalists from covering certain stories. In March 2012, according to local news reports, pro-Sandinista government officials in the municipality of Somoto, in the north of the country, ordered the Telecommunications and Mail Institute (TELCOR) to shut down Channel 13, which was carried by Concas, the local cable company. Juan Carlos Pineda, director of the shuttered station, said the request to TELCOR was made because the station had accused the local Sandinista government of corruption.

A 2007 law established the right to access public information. However, the Ortega administration is highly secretive, and the president has given no press conferences since taking office in 2007, according to local reports. Journalists who are loyal to the ruling party receive favorable treatment, including exclusive access to official press briefings—at which no questions are generally taken by administration officials—and government events. In addition, the administration makes near-daily use of a law, intended to facilitate the delivery of emergency messages, that allows the government to interrupt regular programming to broadcast official statements.

In 2012, media organizations continued to report occasional incidents of threats, harassment, and physical violence against their employees and installations, carried out by both governmental and private actors. *La Prensa*, a leading independent newspaper, claimed that its journalists were repeatedly intimidated by government officials and supporters. In March, Luis Eduardo Martínez, a correspondent for *La Prensa* in Matagalpa, suffered a smear campaign aired on a local television station owned by Nelson Artola, a high-ranking government official. The campaign followed publication of a *La Prensa* story that scrutinized Artola's political career. Separately, Silvia Gonzáles, a correspondent for the daily *El Nuevo Día* in Jinotega, remained in

exile due to death threats she received in 2011 from a government sympathizer, which the police have failed to investigate.

There are more than 100 radio stations in the country, which serve as the population’s main source of news. Print media represent diverse political opinions, with several daily papers presenting both progovernment and critical perspectives. Newspaper ownership was traditionally concentrated in the hands of various factions of the politically influential Chamorro family. However, in May 2011, *El Nuevo Diario*, the second-largest newspaper in Nicaragua, underwent an ownership change that led to the ouster of its news director, Francisco Chamorro, over editorial differences, raising doubts about the future of its previously critical editorial stance. Nicaraguan television is dominated by two ownership groups that control eight of the nine free-to-air stations in the country. Mexican media mogul Ángel González controls channels 2, 9, 10, and 11, which garner high ratings by prioritizing entertainment and light news over public debate or investigative journalism. González, who also owns media outlets in several other Latin American countries, is considered to be on friendly terms with Ortega. The other television conglomerate is controlled by the president’s family, which owns channels 4, 8, and 13, while the public Channel 6 is used to broadcast government propaganda. In addition, at year’s end the ruling party owned Radio Ya, Radio Sandino, Radio La Primerísima, and Radio Nicaragua. The president or the FSLN also control news websites such as El 19 Digital and Nicaragua Triunfa.

Newspaper owners and press freedom organizations have repeatedly decried enforcement of the “Arce Law,” which imposes high tariffs on necessary imported printing materials including ink and paper, stifling independent journalism. The administration also influences media content by steering its substantial official publicity budget toward the Ortega family’s holdings or compliant independent outlets.

There are no government restrictions on the internet, which was accessed by approximately 14 percent of the population in 2012. Although the penetration rate remains relatively low, the internet has had a significant impact on the Nicaraguan media landscape. The number of users of the social-networking site Facebook increased from 150,000 to over 700,000 between 2011 and 2012, and many Nicaraguans are now using the internet as a primary source for their news.

## Niger

**Status: Partly Free**

**Legal Environment: 15**

**Political Environment: 18**

**Economic Environment: 17**

**Total Score: 50**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	63,NF	64,NF	68,NF	59,PF	49,PF

Media freedom, which improved dramatically in 2011, remained stable in 2012 under the government of President Mahamadou Issoufou. Article 23 of the Nigerien constitution guarantees the right to freedom of thought, opinion, and expression, and these rights are generally upheld. In 2010, the transitional government decriminalized media offenses and

replaced prison sentences with fines as punishments for libel and publication of false information. In 2011, Issoufou became the first head of state to sign the Declaration of Table Mountain, which calls for the repeal of criminal defamation and insult laws, as well as a press environment in Africa that is free from government, political, and economic control. However, legal actions against journalists still occasionally take place. In July 2012, Marcus Issaka Lawson, the director of *Jeunesse Infos*, was sentenced to nine months in prison for forgery after publishing an article falsely attributed to a judge and former general secretary.

In 2011, the transitional government approved the Charter on Access to Public Information and Administrative Documents, which aimed to improve transparency and the public's access to information. However, implementation of the law remains inadequate, and in practice access remains somewhat difficult.

The National Observatory on Communication (ONC), the state-run media regulatory body, and the Niger Independent Monitoring Center for Media Ethics and Conduct monitor broadcasts and publications, and occasionally censure outlets as a result of their content. The ONC played a critical role in ensuring media fairness during the 2011 election campaign, passing two resolutions that standardized the production and distribution of messages from candidates and parties and overseeing a code of conduct. In July 2012, the newspaper *Le Mandat* was banned indefinitely by the ONC for publishing false information, privacy violations, and ignoring an earlier warning to correct its editorial policy. *Le Visionnaire* newspaper was issued a warning by the ONC in the same month for publishing an article containing false information.

Although other types of content censorship were not reported in either the traditional or online media, some journalists, particularly those working for public media outlets, do practice self-censorship. Physical attacks against members of the media were very rare in 2012. A reporter with the British Broadcasting Corporation was allegedly attacked in August by supporters of the ruling coalition for her reporting on the high cost of living in Niger; the perpetrators were not pursued. There were no reports that the government inhibited the work of foreign journalists, including while they were covering politically sensitive events in the north of the country.

Several dozen private newspapers compete with a state-run daily in the print media market and provide some criticism of the government. The state continues to dominate the broadcasting landscape, though there are a number of private radio stations that broadcast in French and local languages. Some stations air programming from foreign services, including Voice of America and Deutsche Welle. Radio is the most widely accessible source of news. Three private television stations operate alongside two state-run stations. A heavy tax on private media outlets continues to hinder the development of the private media sector, and public media also receive the bulk of advertising from state-owned companies. In addition, considerable economic uncertainty has contributed to corruption within the media sector, leading to unethical behavior by journalists that can affect the quality and accuracy of news content. However, the government has doubled official press subsidies to 200 million CFA francs (\$400,000), with the stated aim of encouraging the public service and democracy promotion functions of the press. Only 1 percent of the population accessed the internet in 2012. There are no official restrictions on access.

## **Nigeria**

**Status: Partly Free**  
**Legal Environment: 13**  
**Political Environment: 23**  
**Economic Environment: 15**  
**Total Score: 51**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>53,PF</b>	<b>54,PF</b>	<b>54,PF</b>	<b>52,PF</b>	<b>50,PF</b>

In 2012, Nigeria’s vibrant and active media sector continued to face numerous attempts by state and nonstate actors to stifle political criticism and intimidate journalists into silence. The 1999 constitution guarantees freedom of expression and of the press, but other legal provisions create various press and speech offenses, including sedition, criminal defamation, and publication of false news. Several journalists have been charged with criminal defamation in recent years. In September 2012, the Ogun State governor, Ibikunle Amosun, filed a libel case against the *Nigerian Compass* newspaper for an article that accused him of “frivolous spending.” In a separate case in April, a court threw out a 1 billion naira (\$6.4 million) defamation suit filed by former Ekiti State governor Ayo Fayose against *TheNews* magazine. Sharia (Islamic law) courts, which operate in 12 northern states, demonstrate antagonism toward free expression, and Sharia statutes impose severe penalties for alleged press offenses. However, federal courts have attempted to extend legal protections for journalists. In October 2012, a high court ruled that police had violated the fundamental human rights of Desmond Utomwen, a correspondent for *TheNews* and *PM News*, when they assaulted and detained him as he attempted to cover a peaceful protest outside a private bank in Abuja in 2009. The court awarded Utomwen 100 million naira (\$638,000), the largest legal settlement in any Nigerian case involving a journalist.

The 2011 Freedom of Information (FOI) Act guarantees citizens’ right to public information and has put pressure on government agencies to release records in response to petitions by media and activist groups. Some state governors have balked at complying with the law, arguing that the federal legislation has no impact on state compliance. Until the passage of the law, access to official information remained restricted by provisions in the 1962 Official Secrets Act and the criminal code.

The National Broadcasting Commission (NBC) is responsible for licensing broadcast media and upholding the broadcast code. Some critics allege that the commission’s processes and decisions can be opaque and politically biased. In 2010, President Goodluck Jonathan announced that the government was giving the NBC full authority to consider and issue licenses, including those for community radio, without obtaining final approval from the presidency, provided applications “have met all the conditions stipulated by law.” Despite the announcement, there has been no indication that an amendment to the law establishing the NBC and its charter, to support the change in the commission’s mandate, is pending before the National Assembly. In August 2012, the federal cabinet approved the merger of the NBC with the Nigerian Communications Commission (NCC), the independent telecommunications regulatory body. In principle, the unification would create a more powerful information and communication technologies (ICT) agency, but new legislation is still required for the move to be implemented.

The Nigerian Press Council was created by a military government in 1992 to regulate a wide range of media policy, including ownership, registration, and journalistic practice. A 1998 amendment to the decree retained provisions that prescribed fines and possible jail sentences for

noncompliant journalists. The council's board consisted of 19 appointed members with few media representatives, as industry groups refused to cooperate in the nomination process. With the return to civilian rule in 1999, local media advocacy groups challenged the constitutionality of the repressive decree, and in 2010 a federal high court duly nullified key sections of the Nigerian Press Council Act as unconstitutional, rendering it powerless.

There were no reports that the government restricted internet access or monitored e-mail during the year. The influence of social-media platforms such as Twitter, Facebook, and YouTube proved critical in providing alternative sources of news, information, and viewpoints during the massive nationwide protests sparked by Jonathan's January 2012 announcement that the government was withdrawing a key fuel subsidy, leading to historic price hikes. Civil society activists used social media and mobile-telephone text messaging to counter government propaganda that was designed to justify the subsidy decision. The protesters also used social media to mobilize supporters to occupy state-owned television outlets, forcing the stations to broadcast the demands of the protesters live.

Nigeria remains a dangerous place to practice journalism. In two separate incidents, the body of murdered editor Nansoh Sallah of Highland FM was found on a roadside in January 2012, and journalist Chuks Ogu of Independent TV was killed by unidentified gunmen in April. The assailants remained at large during the year, and no motive was known in either case. The escalation of a violent campaign by the militant Islamist sect Boko Haram, which has claimed hundreds of lives during the past two years, has only heightened the feeling of vulnerability among news practitioners. During 2012, the group was responsible for numerous incidents of intimidation toward journalists and media outlets, as well as the January assassination of reporter Enenche Godwin Akogwu of Channels TV in the northern city of Kano. In April, Boko Haram simultaneously bombed the offices of three media outlets in Abuja and Kaduna—the *Daily Sun*, *ThisDay*, and the *Moment*—killing at least eight people. The recent spike in unsolved killings of journalists earned Nigeria a place on the Committee to Protect Journalists' Impunity Index for the first time in 2012.

Security forces also engaged in acts of obstruction, intimidation, and violence against journalists during the year. Among a number of other cases, in February authorities locked over 60 journalists out of the press center at the Lagos airport and withheld their equipment as a matter of "national security." In October, journalist Bamigbola Gbolagunte of the *Daily Sun* was arrested on the orders of a local police commissioner, who demanded the retraction of an allegedly offensive report. In December, state security service agents invaded the homes of reporters Musa Mohamed Awwal and Aliyu Saleh of the Hausa-language *Al-Mizan* newspaper. They were assaulted, detained, and had their mobile phones and laptops confiscated. Also in December, security officials prevented reporter Ozioma Ubabukoh of the *Punch* from writing about the status of a governor who had not been seen in public for several months.

There are more than 100 national and local publications, the most influential of which are privately owned. However, a number of state and local governments own print and broadcast media, as do individuals directly involved in politics. The print sector is generally vibrant and outspoken in its criticism of unpopular government policies. There are 15 major privately owned daily newspapers, one government-owned daily with national reach, and a number of other state-owned dailies that tend to be poorly produced and require large advertising subsidies.

Radio tends to be the main source of information for Nigerians, while television is used mostly in urban areas and by more affluent citizens. Private television stations must ensure that 60 percent of their programming is produced locally, while private radio must ensure that 80

percent is produced locally. The state’s history of monopolizing broadcast communications has prevented the development of community radio, although an advocacy movement begun in 2003 has resulted in signs of support from the government. Licensing fees and taxes for broadcast media remain high, and many outlets experience financial difficulties, limiting their viability. The only two nationwide broadcast networks are state-owned: the Federal Radio Corporation of Nigeria and the Nigerian Television Authority (NTA). However, in 2010 the NBC awarded the first private radio and television network license to Silverbird Communications, which had outbid two other private competitors for the licenses. A 2004 NBC ban on the live broadcast of foreign programs, including news, on domestic stations remains in force. Nevertheless, foreign broadcasters, particularly Voice of America and the British Broadcasting Corporation (BBC), are key providers of news in the country.

The internet has also become an increasingly important news source in recent years, and approximately 33 percent of the population accessed the medium in 2012.

Bribery and corruption remain problems in the media industry, particularly in the form of “brown envelopes,” or small cash gifts that sources give journalists. A 2009 survey of 184 media professionals in Lagos found that 61 percent of them habitually received brown envelopes while on reporting assignments. However, 74 percent of the respondents disagreed that the gifts led to biased coverage, perhaps because the practice is so common.

## North Korea

**Status: Not Free**

**Legal Environment: 30**

**Political Environment: 37**

**Economic Environment: 29**

**Total Score: 96**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>98,NF</b>	<b>98,NF</b>	<b>99,NF</b>	<b>97,NF</b>	<b>97,NF</b>

North Korea remained one of the most repressive media environments in the world in 2012. The one-party regime owns all domestic news outlets, attempts to regulate all communication, and rigorously limits the ability of the North Korean people to access outside information. Although the constitution theoretically guarantees freedom of speech, constitutional provisions calling for adherence to a “collective spirit” restrict in practice all reporting that is not sanctioned by the government. All domestic journalists are members of the ruling party, and all media outlets serve as mouthpieces for the regime. The North Korean media have continued to focus their attention on consolidating national unity around Kim Jong-un, who assumed the country’s leadership after the death of his father and predecessor, Kim Jong-il, in December 2011.

Under the penal code, listening to unauthorized foreign broadcasts and possessing dissident publications are considered “crimes against the state” that carry serious punishments, including hard labor, prison sentences, and the death penalty. North Koreans have been arrested for possessing or watching television programs acquired on the black market. Nevertheless, in recent years there has been an increase in the flow of news and information into the country via foreign radio stations and nongovernmental organizations that send multimedia content across

the border. Since 2009, Reporters Without Borders has been supporting Seoul-based radio stations such as Free North Korea Radio, Radio Free Chosun, and Open Radio for North Korea. Operating since the mid-2000s, these are the first radio stations run by North Korean refugees to broadcast to the population in the North, where they serve as the main available sources of independent news and information. With the growing popularity of DVD players in the country, smuggled foreign DVDs have become an important source for information about life outside North Korea. Although televisions are required to be fixed to official channels, nearly one-third of the population—mainly those living along the Chinese and South Korean borders—reported accessing foreign television broadcasts, according to a May 2012 report by InterMedia.

In 2007, a Japanese journalist and several North Korean refugees launched *Rimjingang*, the first newsmagazine to be based on independent reporting from inside the country. The reporting is conducted by specially trained North Koreans—most of them refugees along the border with China—who have agreed to go back into the country and operate as undercover journalists using hidden cameras. A number of other news outlets based outside the country, including *Daily NK*, also provide reporting about North Korea and rely to some extent on sources based inside the country. Although reports from these outlets are easily accessible for people outside North Korea, within the country most citizens still rely primarily on state-owned broadcasting agencies for news.

Official North Korean media portray all dissidents and foreign journalists as liars attempting to destabilize the government, and authorities sharply curtail the ability of foreign journalists to gather information by seizing their mobile telephones upon arrival, preventing them from talking to people on the street, and constantly monitoring their movements. In March 2009, two U.S. journalists, Euna Lee and Laura Ling, were arrested at the Chinese border and incarcerated in North Korea for committing “hostile acts.” They were sentenced in June 2009 to 12 years in a labor camp but were freed in early August 2009 after former U.S. president Bill Clinton traveled to Pyongyang to negotiate their release. The regime does on occasion invite the foreign press, both individually and as a group, to cover festivals, parades, or other events that shed a favorable light on the state. In April 2012, foreign correspondents were invited to observe the launch of what officials said was a weather satellite timed to celebrate the centenary of the deceased North Korean founder Kim Il-sung.

State-owned outlets dominate the media landscape. They include the Korea Central News Agency (KCNA); *Rodong Sinmun*, the newspaper of the ruling Workers’ Party; the party’s Korean Central TV; and, on the radio, the Korean Central Broadcasting Station. In a recent opening for Western media, North Korea agreed to allow the Associated Press (AP) to establish its first full-time and all-format news bureau in the country. The AP bureau officially opened in January 2012 after weeks of delay following the death of Kim Jong-il. It is located inside the headquarters of the KCNA in Pyongyang. Although AP had maintained a video bureau in North Korea since 2006, the new full-time news bureau allowed its photographers and journalists to work in the country on a regular basis, albeit under heavy restrictions.

There are currently no accurate statistics measuring the rate of internet penetration in the country. However, the online presence of North Korean official media has increased in recent years. *Rodong Sinmun* launched a new website in February 2011, while the KCNA website has improved since debuting in 2010. The website of the Korean Friendship Association, a major channel for promoting propaganda abroad, offers multimedia content, including videos. North Korea maintains YouTube and Twitter accounts under the name Uriminzokkiri (Our Nation). These new connections, however, have little significance for most citizens. Global internet

access is still restricted to a handful of high-level officials who have received state approval, and to foreigners living in Pyongyang. Increasing numbers of academic scientists and students are also permitted limited internet access. Ordinary citizens are granted access only to a national intranet that does not link to foreign sites. The Korea Computer Center, a government information-technology research center, controls the information that can be downloaded from the intranet. As personal computers are highly uncommon in homes, most access occurs via terminals in libraries or offices. However, the use of USB flash drives smuggled from China has improved the flow of outside information into North Korea.

## Norway

**Status: Free**

**Legal Environment: 3**

**Political Environment: 3**

**Economic Environment: 4**

**Total Score: 10**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>10,F</b>	<b>10,F</b>	<b>10,F</b>	<b>11,F</b>	<b>10,F</b>

Freedom of expression, media freedom, and the right to access government information are guaranteed under Article 100 of Norway's constitution. There are laws that prohibit hateful expression, but no related court cases were reported during 2012. In 2011, several media outlets brought a joint suit against the government in order to gain access to newly surfaced documents and recordings related to a famous 1985 espionage case against Norwegian diplomat Arne Treholt. The Norwegian Police Security Service had refused to release the documents, citing national security concerns. The case went to the Supreme Court, with a final ruling expected in 2013.

Threats against journalists and media outlets are rare. In July 2010, three Muslim immigrants were arrested in Norway for planning to attack the Danish paper *Jyllands-Posten*, which in 2005 had published cartoons of the prophet Muhammad that sparked a controversy across Europe and the Muslim world. Their trial began in November 2011, and in January 2012 two of the men were convicted on terrorism charges and sentenced to seven years and three and a half years in prison, respectively. An appeals court upheld the sentences in September.

The public broadcaster NRK, financed by license fees, is dominant in both radio and television, but there is considerable competition from private broadcasters such as the television station TV2. The public-access television channel Frikanalen lost its government funding in 2012 on the grounds that the internet provided many readily available alternatives. Frikanalen had been launched in 2008 as a channel for nonprofit organizations, partly as a response to a ruling by the European Court of Human Rights that a government ban on political commercials, designed to ensure equal access to the media for all electoral candidates regardless of varying resources, violated the freedom of expression clause in the European Convention on Human Rights.

Norway has one of the highest newspaper readership rates in the world, with more than 200 newspapers that express a diversity of opinions. Media concentration is a concern, with three

major companies dominating the print sector. Many of the leading papers, including *VG*, *Aftenposten*, *Bergens Tidende*, *Stavanger Aftenblad*, and *Fædrelandsvennen*, are owned by Schibsted Norge. Competition is still strong, even though the global economic downturn has hurt the advertising market. The government does not restrict use of the internet, which is accessed by nearly 95 percent of the population.

## Oman

**Status: Not Free**

**Legal Environment: 25**

**Political Environment: 27**

**Economic Environment: 19**

**Total Score: 71**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	71,NF	71,NF	71,NF	71,NF	71,NF

Oman’s 1984 Press and Publications Law is one of the most restrictive statutes of its kind in the Arab world, and serves to create a highly censored and subdued media environment. Articles 29, 30, and 31 of the 1996 Basic Law guarantee freedom of expression and freedom of the press, but these rights are abridged in practice. Libel is treated as a criminal offense, and journalists can be fined or imprisoned for voicing criticism of the sultan or printing material that leads to “public discord, violates the security of the state, or abuses a person’s dignity or rights.” Youssef al-Haj and Ibrahim Ma’ mari, two journalists for the newspaper *Al-Zaman*, were convicted of defamation in 2011 after writing a story that alleged corruption in the Ministry of Justice. In January 2012, their five-month prison sentences were upheld but suspended by an appellate court. A one-month suspension of *Al-Zaman* was also upheld.

The Telecommunications Act allows the authorities to prosecute individuals for any message—sent through any means of communication—that violates public order and morals. The already repressive media environment was further constrained in June 2012 when, in response to growing criticism of the government’s lack of progress in fulfilling promised economic and political reforms, Oman’s Department of Public Prosecution issued a statement saying that it would take all appropriate legal action against those who publish any content in the media or online that was found to be “offensive” or “inciting others to actions.” In 2012, 32 activists and bloggers were fined and sentenced to at least six months in prison for insulting the sultan or other public officials, often in online forums.

Journalists are required to obtain licenses to practice, and since 2005 they have been obliged to reapply each year as an employee of a specific media outlet, effectively excluding the practice of freelance journalism. Journalists may have their licenses revoked at any time for violating press laws. The government also retains the right to close down any media outlet at any time.

The Ministry of Information may legally censor any material regarded as politically, culturally, or sexually offensive in both domestic and foreign media, and it has blacklisted several authors and specific books that were deemed controversial. While information and news are widely available, there is a basic lack of coverage of local topics, such as the economy,

unemployment, and minority and migrant issues. Reporters have been jailed in the past for coverage of colleagues' arrests, and self-censorship is widespread. As a result, physical attacks and intimidation directed at journalists are rare. However, since the Arab Spring uprisings of 2011, the government has cracked down forcefully against public demonstrations and other expressions of dissent. During 2012, 12 activists, writers, and bloggers were sentenced to one year in prison and fined roughly \$2,600 for participating in peaceful protests against libel and insult convictions. In an unprecedented move in July, the Oman News Agency published the unaltered photographs and names of six activists in prison uniforms as they were being sentenced for insulting the sultan.

The government exercises considerable control over the internet. The Internet Service Manual stipulates a lengthy list of prohibited content, including defamation of the ruling family and the spread of false data or rumors. The government routinely blocks websites deemed sexually offensive or politically controversial. Some bloggers have been able to use virtual private networks (VPNs) to bypass the censorship of local internet service providers, but in 2010 the Telecommunications Regulatory Authority (TRA) proposed a new law that would ban the use of VPNs and subject violators to fines of 500 rials (\$1,300). The proposed law has yet to be enacted, but VPN access has been widely blocked. Popular web forums for voicing dissent, such as Farrq, Al-Harah, and Al-Sabla, have also been subject to temporary shutdowns. Private communications including mobile-telephone calls, e-mail, and exchanges in internet chat rooms are monitored.

In addition to the two major state-owned newspapers, the government owns four radio stations and two television stations. There are eight privately run newspapers currently operating in Oman. Private newspapers are able to sustain themselves largely on local and international advertising revenues rather than sales, and many no longer need state subsidies. There is one privately owned satellite network that refrains from broadcasting politically controversial content. Foreign broadcasts are accessible via satellite in urban areas. About 60 percent of the population used the internet in 2012. Oman's internet and telecommunications sector was monopolized by the state-run Oman Telecommunications Company until 2008, when the government allowed a privately owned competitor, Nawras, to begin providing internet service.

## Pakistan

**Status: Not Free**

**Legal Environment: 19**

**Political Environment: 29**

**Economic Environment: 16**

**Total Score: 64**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>66,NF</b>	<b>62,NF</b>	<b>61,NF</b>	<b>61,NF</b>	<b>63,NF</b>

Media freedoms remained restricted in 2012 as journalists continued to face a high level of violence and threats from a range of sources, including the military, intelligence services, and militant groups. The constitution and other legislation, such as the Official Secrets Act, authorize the government to curb freedom of speech on subjects including the constitution itself, the armed

forces, the judiciary, and religion. Harsh blasphemy laws have occasionally been used to suppress the media. There were some calls to reform the blasphemy laws in early 2011, but several prominent politicians who spoke out in favor of reform were threatened or killed by extremists, which had a major chilling effect on discussion of the issue. Under the 2004 Defamation Act, offenders can face minimum fines of 100,000 rupees (\$1,100) and prison sentences of up to five years, but the legislation has not yet been used to convict journalists. The 2008 Prevention of Electronic Crimes Ordinance criminalized cyberterrorism—broadly defined as using or accessing a computer, network, or electronic device for the purposes of frightening, harming, or carrying out an act of violence against any segment of the population or the government—and provided for harsh penalties in cases resulting in a death. Since 2010, broadly defined contempt laws have increasingly been used by the judiciary to curb reporting on particular cases or judges, and a number of print and television outlets were threatened or charged with contempt during 2012. In November, a Lahore court charged chief executive Haji Jan Mohammad of the private television channel ARY with contempt following the broadcast of a program that was critical of the judiciary. The court went on to issue stay orders banning all programming deemed “antijudiciary” or “intended to scandalize” the judiciary.

Accessing official information remains difficult, and existing provisions for access to information are ineffective. In 2011, the government directed public employees to refrain from giving “embarrassing” information to the media. In July 2012, the Senate formed a subcommittee tasked with developing new freedom of information (FOI) legislation alongside the Information Ministry. In December, it was announced that a draft FOI bill would soon be presented to the parliament. If passed, it would replace the 2002 Ordinance on Freedom of Information with the aim of disclosing more information to the public. The provincial government of Punjab also prepared a draft FOI bill, but it faced criticism for its large number of exemptions. Neither bill had been approved at year’s end.

After almost a decade, the Press Council of Pakistan (PCP), officially established through a 2002 ordinance and comprising a mix of industry representatives and nominated members from various societal groups, started functioning in late 2011, with the mission of hearing complaints against the media and promoting journalistic ethics. In December 2012, the PCP approved a journalistic code of ethics for coverage of the 2013 general elections. Broadcast media are regulated by the Pakistan Electronic Media Regulatory Authority (PEMRA). Officials continued to engage in sporadic efforts to temporarily suspend certain broadcasts or programs under other media regulations, including an official code of conduct, or through the ad hoc banning of broadcast rights or blockage of transmissions around sensitive events. In May 2012, PEMRA issued final notices to television stations deemed to be involved in character assassination through the airing of “derogatory, humiliating programmes” disguised as satire. PEMRA also warned stations not to exceed the limit on foreign broadcasting, set at 10 percent of total airtime in a 24-hour period. The same month, PEMRA issued a media advisory to all broadcasters that banned coverage of 40 organizations. While the vast majority were militant groups, a number of religious groups were also included on the list.

Political actors, government officials, and military and intelligence officers regularly complain about critical coverage, and some have attempted to exert control over media content through unofficial “guidance” to newspaper editors on placement of front-page stories and permissible topics of coverage. Fear of reprisals has caused some journalists to refrain from being overly critical or overstepping unspoken boundaries, particularly concerning military or intelligence operations. Self-censorship also occurs with regard to coverage of sensitive social or

religious issues and certain militant groups and political parties. Cable operators occasionally pressure media outlets to censor views that could conflict with their business interests.

Censorship of digital content is a growing concern. While websites and blogs addressing sensitive subjects, particularly Balochi separatism, are routinely blocked, the government moved to block “blasphemous” material as well beginning in 2010. This trend continued in 2012, with attempts to censor websites and mobile-telephone content. On three separate occasions, the government temporarily shut down mobile service in Balochistan, ostensibly in the interest of national security. In February, the government called for proposals for a filtering and blocking system with the ability to block up to 50 million URLs simultaneously. A global network of nongovernmental organizations (NGOs) campaigned against the creation of such censorship infrastructure, and as a result, a number of prominent international corporations publicly agreed not to pursue the contract. In March it was reported that the project had been abandoned, and in April Pakistan’s High Court ruled that such site blocking must desist as it was in violation of due process and constitutional protections for free expression. Nevertheless, the government briefly blocked the microblogging service Twitter in May due to user messages that were considered “offensive to Islam.” In September, the government blocked the video-sharing site YouTube in response to unrest surrounding a controversial anti-Islam film; it remained blocked at year’s end. Separately, a cyberattack shut down the website of the *Friday Times* weekly in April, following critical articles on the role of the military and its Inter-Services Intelligence (ISI) agency in politics. The e-mail accounts of some journalists are reportedly monitored.

The physical safety of journalists remains a key concern. Intimidation by intelligence agencies and the security forces—including physical attacks and arbitrary, incommunicado detention—continues to take place. In 2011, Syed Saleem Shahzad, an investigative reporter and author whose work focused on Islamist militancy, was abducted, tortured, and killed, allegedly by the ISI; Shahzad had previously received threats from the agency. Amid an outcry following his death, an official commission was established to investigate the murder. In its January 2012 final report, the panel failed to identify those responsible and acknowledged that police did not even question members of the ISI. No arrests were made in the case.

Radical Islamists, mercenaries hired by feudal landlords or local politicians, party activists, security forces, and police have been known to harass journalists and attack media offices. Reporters regularly face physical and verbal intimidation. In response to scathing coverage of an October 2012 attack on teenage education activist Malala Yousafzai by Taliban militants, Taliban leaders called for the targeting of media organizations and journalists across the country. In June, gunmen fired on the offices of the private Urdu-language television outlet Aaj TV, inflicting injuries on security personnel. In November, a bomb was discovered under the car of news anchor Hamid Mir. According to the Committee to Protect Journalists (CPJ), at least seven journalists were murdered in connection with their work in 2012, making Pakistan one of the world’s deadliest countries for members of the press. While some of these reporters were deliberately assassinated, others were killed as they attempted to cover unfolding political events or bombings. In January, two Taliban gunmen killed journalist Mukarram Khan Aatif of Voice of America’s Pashto-language service at a mosque north of Peshawar in retaliation for his anti-Taliban reporting. In May, the senior editor and head of magazines at Dawn Media Group, Murtaza Razvi, was found strangled to death in a wealthy area of Karachi. In October, journalist Mushtaq Khand of Dharti Television Network was one of six people killed when gunmen opened fire on a political rally. In November, photographer Saqib Khan of the Urdu-language paper *Ummat* was killed in Karachi by a remote-detonated bomb while covering a prior explosion that

targeted Shiite Muslims. No arrests were made in any of these cases. Impunity is the norm for such crimes, with many murder cases from previous years remaining unsolved. In November, gunmen killed the last surviving witness set to testify in the case of the 2011 murder of Geo News TV reporter Wali Khan. All six witnesses who agreed to testify have been killed.

Conditions for reporters covering the ongoing conflict in the Federally Administered Tribal Areas (FATA) and parts of Khyber Pakhtunkhwa Province remained difficult in 2012, as a number of correspondents were detained, threatened, expelled, kidnapped, or otherwise prevented from working, either by Taliban militants and local tribal groups or by the army and intelligence services. Journalists' ability to cover military operations in these areas is hampered, as they can gain access only if they agree to become "embedded" with military units, which means that any reporting is subject to potential censorship. Media remain much more tightly restricted in the FATA than elsewhere in Pakistan. Independent radio is allowed only with permission from the FATA secretariat, and no newspapers are published there. In Pakistani-administered Kashmir, publications need special permission from the regional government to operate, and publications that support independence for Kashmir are generally prohibited. Increasing civil conflict in Karachi in the last several years has made reporting in that city more hazardous. In all of these regions, threats to journalists limited the news and information that was available to the general public.

Reporters in the restive Balochistan Province face pressure and harassment from Balochi nationalists, Islamist groups, and the government. In 2012, conditions for journalists in Balochistan remained extremely dangerous, and several were killed or fled into exile after receiving repeated threats. In May, the Baloch Liberation Front (BLF), an armed separatist group, killed journalist Abdul Qadir Hajizai, claiming he was a government informant. The same month, local reporter Razaq Gul of Express News TV was abducted, tortured, and murdered. In September, Abdul Haq Baloch, the secretary general of the Khuzdar press club and a correspondent for ARY, was also killed in Balochistan, leading to the closure of the press club. He had received prior threats from a progovernment militant group, the Baloch Musalah Difa Army. In November, reporter Rehmatullah Abid of the Urdu-language television channel Dunya News was shot dead by gunmen on a motorcycle in Panjgur district. Separately, in August, British Broadcasting Corporation (BBC) correspondent Ayub Tareen fled Balochistan after receiving threats from the BLF for what they deemed partisan reporting. Concerns with safety have led many newspapers in Balochistan to stop publishing editorials or opinion articles.

A wide range of privately owned daily and weekly newspapers and magazines provide diverse and critical coverage of national affairs. Pakistan has 252 daily, 130 weekly, and 279 monthly news publications. The government continues to control Pakistan Television and Radio Pakistan, the only free-to-air broadcast outlets with a national reach; their staff receive directives from the Information Ministry, and their coverage supports official viewpoints. Private radio stations operate in some major cities but are prohibited from carrying news programming, and PEMRA imposes a maximum broadcast radius of 50 kilometers on private FM transmitters. In rural regions such as the FATA, illegal extremist radio is prominent, with radical Islamists broadcasting unchallenged propaganda. However, in a dramatic opening of the media landscape in recent years, Pakistan now boasts several dozen all-news cable and satellite television channels—some of which broadcast from outside the country—that provide live domestic news coverage, commentary, and call-in talk shows, informing viewers and shaping public opinion on current events. International television and radio broadcasts are usually available, with the exception of news channels based in India. In November 2011, cable operators blocked access to

the BBC in response to the airing of a documentary, but the BBC's World News channel was back on the air by March 2012. The internet is not widely used, with about 10 percent of the population accessing the medium in 2012. However, blogs are growing in popularity, and many traditional news outlets provide content over the internet.

Provincial and national authorities have used advertising and other types of boycotts to put economic pressure on media outlets that fail to heed unofficial directives. A ban on official advertisements with the Jang Group, whose Geo television station and various newspapers are known for their increasingly antigovernment editorial line, remained in effect in 2012. Both state and private interests, including the powerful intelligence agencies, reportedly pay for favorable press coverage, a practice that is exacerbated by the low salary levels of many journalists.

## Palau

**Status: Free**

**Legal Environment: 1**

**Political Environment: 6**

**Economic Environment: 9**

**Total Score: 16**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>14,F</b>	<b>14,F</b>	<b>14,F</b>	<b>14,F</b>	<b>16,F</b>

## Panama

**Status: Partly Free**

**Legal Environment: 17**

**Political Environment: 19**

**Economic Environment: 12**

**Total Score: 48**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>44,PF</b>	<b>44,PF</b>	<b>44,PF</b>	<b>44,PF</b>	<b>46,PF</b>

Panamanian press freedom continued to be threatened in 2012 by both the judicial branch and state agencies under the direct supervision of President Ricardo Martinelli, with the risk of legal repercussions encouraging self-censorship among journalists. Freedoms of speech and of the press are protected by the constitution, but the law allows for the prosecution of journalists for vaguely defined offenses related to the exposure of private information, and prescribes severe penalties for leaking government information to the press. A copyright law passed in September 2012 could threaten internet freedom by providing financial incentives for officials in a new General Copyright Directorate to levy fines against individuals, including those who share content online, with minimal safeguards for due process.

Although there has been discussion about repeal, journalists are still subject to *desacato* (disrespect) laws that are meant to protect government officials from public criticism. Since

2008, libel and slander against high-ranking public officials have not been subject to penal sanctions, but they remain criminal offenses. Cases occur regularly—at least nine remained in process at the end of 2012—and often take years to move through the legal system. In July, a criminal circuit court acquitted TVN television journalists Siria Miranda, Kelyneth Pérez, and Eduardo Lim Yueng of defamation charges. The three had been sued for their 2009 broadcast of images from a security camera that allegedly showed a police officer accepting a bribe.

In September 2012, another court upheld a 2009 decision in a civil suit brought by Winston Spadafora, a former judge on the Supreme Court of Justice, against the Editora Panamá América (EPASA) media group and two of its journalists. EPASA was deemed culpable for “moral damages” caused by a 2001 article that revealed the financial windfall Spadafora had collected from a highway project while he was minister of government and justice. The court awarded him a total of \$25,000 in compensation and legal costs.

Despite the existence of transparency legislation, access to public information remains limited, and government officials sometimes refuse to release information, especially in cases involving corruption.

The press encountered instances of censorship during 2012. In a particularly egregious case, the Public Utilities Authority, under instructions from the National Security Council, assisted police efforts to suppress February protests by the Ngobe Bugle indigenous group by cutting off mobile-telephone and internet services in Veraguas and Chiriquí Provinces for five days. The media also encountered harassment and attempts at censorship from the private sector. In Panama City in August, about 30 trucks from Transcribe Trading (TCT), a local construction company, surrounded the facilities of the daily *La Prensa* during the night, preventing the paper’s trucks from leaving the premises. The move was presumed to be retaliation for *La Prensa*’s investigative reporting on favorable contracts between TCT and the Ministry of Public Works. Despite a police presence, the blockade continued for several hours, until Martinelli himself arrived at the scene and called for the trucks to leave.

Journalists in Panama remain fairly safe compared with colleagues in some neighboring countries. However, an increase in the number of verbal and physical attacks against independent news outlets and journalists in 2012 continued a trend from the previous two years. The Journalists’ Union of Panama reported 60 press freedom violations in 2012, a sharp rise from 16 cases in 2011 and 12 in 2010. Government officials in particular have exhibited hostility toward the media, and according to a poll by the Journalists’ Forum, 82 percent of journalists in Panama believe that press freedom has been curtailed by the Martinelli administration’s behavior. No arrests were made during the year for the November 2011 murder of Darío Fernández Jaén, the owner and program director of Radio Mi Favorita, who was critical of the Martinelli administration and had reported on corrupt links between land speculators and government officials.

During the opening of a session of the National Assembly in January 2012, Martinelli alleged that the media “only like bad news” and accused owners of using their outlets “to blackmail and scare presidents and ministers.” In April, hundreds of journalists and civil society leaders marched in the streets to demand respect and freedom of expression after Martinelli, in a press conference, verbally harassed reporter Hugo Enrique Famanía, who was investigating a corruption scandal involving preferential treatment of Italian firms in the construction of Panamanian prisons. During a series of protests in Panama City in June, journalist Milagro Córdova and cameraman Jermaine Cumberbatch of the Telemetro television network were detained by police officers who seized their phones and reporting equipment. In August, agents

of the Institutional Protection Service detained journalist Rafaela Sánchez and a cameraman with the RPC television network while they were reporting a story about a water purification plant.

All Panamanian media outlets are privately owned, with the exception of one state-owned television network and one radio station. There are at least five daily papers, around 100 radio stations, and several national television networks. Cross-ownership between print and broadcast media is prohibited. The government has been accused of distributing official advertising according to political criteria. There are no government restrictions on the internet, which was accessed by 45 percent of the population in 2012.

## Papua New Guinea

**Status: Free**

**Legal Environment: 6**

**Political Environment: 12**

**Economic Environment: 10**

**Total Score: 28**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>28,F</b>	<b>26,F</b>	<b>24,F</b>	<b>25,F</b>	<b>27,F</b>

News media in Papua New Guinea (PNG) have traditionally been among the strongest and most independent in the South Pacific, but press freedoms eroded following political turmoil in 2011 that left the country with two prime ministers and two administrations. The crisis was resolved in 2012 with the reelection of Peter O’Neill as prime minister. He pledged to protect and enhance media freedom, but critics argued that the media environment continued to deteriorate.

Freedoms of speech, the press, and information are guaranteed under Section 46 of the constitution. Journalists can be sued for defamation in civil cases, but it is not a criminal offense. In November 2011, the Malaysian timber company Rimbunan Hijau, which runs the single largest logging operator in PNG and owns the country’s top-selling daily newspaper, the *National*, filed a major defamation suit against that paper’s rival, the *Post-Courier*, over its coverage of an official investigation into the company’s logging interests in the Pomio District of East New Britain Province. In November 2012, the *Post-Courier* ran an apology that retracted its “incorrect accusation” that the logging operation in the area was in violation of a court order.

PNG does not have an access to information law. The Media Council of Papua New Guinea (MCPNG) serves as a buffer against government pressure by lobbying for media freedom, managing a complaints process, and undertaking media research. The council also has a well-developed code of ethics, which member journalists follow. However, the MCPNG’s executive director, Nimo Kama, was suspended in June 2011 after an independent audit of Australian government funding to the organization found evidence of fraud. The future of the council remained in limbo in 2012.

Threats and harassment against journalists and attempts to interfere with their work occur occasionally, particularly in reprisal for investigative reporting on corruption issues. At least four major assaults on journalists were reported in 2012, some of which were committed by security forces with apparent impunity. In January, soldiers threatened to shoot journalist Tauna George

of PNGFM radio when he requested an interview at the Murray Military Barracks in Port Moresby after hearing shots fired inside. In March, Patrick Talu, the business editor of the *Post-Courier*, was threatened with a grenade by an armed policeman and ordered to leave a park in a suburb of Port Moresby where angry landowners were meeting politicians to discuss a controversial gas pipeline project. In April, police officers attacked and broke the nose of Mark Kayok, a police reporter with the National Broadcasting Corporation (NBC), over “negative” reporting. In October, another *Post-Courier* reporter, Michael Koma, was cornered by four men at the home of a relative and assaulted over a news story that questioned the appointment of several district administrators in the province of Chimbu. The *Post-Courier* later identified the attackers as supporters of newly appointed administrator Francis Aiwa and his deputy.

Both of the country’s daily newspapers are foreign owned. The *Post-Courier* is owned by an Australian subsidiary of the U.S.-based News Corporation, while the *National*, which now has a larger circulation than its older rival, is owned by Rimbunan Hijau. Broadcast media consist of the main public broadcaster, the NBC; several major commercial radio networks, such as Nau FM and FM 100; and the main private television station, EMTV. A number of private outlets are owned by Fiji-based companies. Radio is an important source of news due to the country’s isolated settlements and low literacy rates. According to a media monitoring website, radio news services in PNG are seen as leading the fight against endemic corruption, whereas newspapers are alleged to have been compromised by corporate interests. The government does not restrict access to the internet, but lack of infrastructure limited penetration to just over 2 percent of the population in 2012.

## Paraguay

**Status: Not Free**

**Legal Environment: 18**

**Political Environment: 25**

**Economic Environment: 18**

**Total Score: 61**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>60,PF</b>	<b>59,PF</b>	<b>59,PF</b>	<b>60,PF</b>	<b>60,PF</b>

**Status change explanation:** Paraguay’s status declined from Partly Free to Not Free due to negative effects on the media environment after the parliament’s controversial ouster of President Fernando Lugo in June 2012. Under new president Federico Franco, a number of journalists lost their jobs at state-owned outlets, and there were attempts to influence certain outlets’ editorial content.

In 2012, incidents of media intimidation increased along with the general level of tension in the country following President Fernando Lugo’s controversial impeachment by the legislature in June. Paraguay’s constitution and other laws guarantee freedom of the press. As in the previous year, legal developments for the media in 2012 centered on threats of lawsuits against journalists, renewed demands for an access to information law, and the impact of the controversial new Telecommunications Law. Defamation is a criminal offense. In September, Nilza Ferreira, a

reporter with the daily *La Nación*, was threatened with a lawsuit by new president Federico Franco's brother, Senator Julio César Franco, when she questioned him about his maid's presence on a superior court payroll. In October, President Franco threatened legal action against newspaper *ABC Color* following a series of articles that linked his wife, lower house member Emilia Alfaro, to irregularities in the awarding of transportation contracts.

The constitution is vague with respect to the right of access to information, and the country is one of the few in the Americas that still lack statutory legislation guaranteeing such access. A right to information bill failed to pass the Senate in 2006, but two courts of appeal have recognized the right, and an ongoing Supreme Court case, *Vargas Telles v. City of San Lorenzo*, provides the first opportunity for the high court to apply jurisprudence by the Inter-American Court of Human Rights and set a binding precedent on the issue. In the absence of an access to information law, the Senate approved Resolution 519 in December 2011, which requires prior authorization from the chamber's president before any Senate documents can be turned over to the press. Organizations such as the Access to Information Advocacy Group (GIAI) criticized the resolution, calling it arbitrary and an attack on fundamental human rights. *ABC Color* reported that month that when it tried to obtain a copy of a bill, authorities said the resolution prevented them from handing it over. In defense of the resolution, Senate president Jorge Oviedo Matto contended that the body is not a "neighborhood grocery store" where just anyone can request information.

Congress ratified the Telecommunications Law in March 2011, overriding Lugo's November 2010 veto. The law limits community radio stations' broadcasting power to 50 watts and prohibits them from carrying advertising. It also recognizes the National Telecommunications Commission (CONATEL) as an independent entity empowered to grant or deny licenses, but fails to guarantee the agency's autonomy. Freedom of expression advocacy organizations like the World Association of Community Radio Broadcasters and the Organization of American States' Office of the Special Rapporteur for Freedom of Expression have argued that the law violates international standards for freedom of expression and is a step backward for human rights.

After Lugo's removal, relations between the new Franco government and the media deteriorated, and journalists faced ongoing harassment by public officials through the end of the year. Immediately after Lugo's ouster, there were reports that representatives of the new government attempted to censor state-owned TV Pública's reporting on the events, prompting the station's director, Marcelo Martinessi, to resign. In July, eight media workers were dismissed from state outlets and the government-owned news agency, and in September an additional 27 TV Pública journalists who had openly opposed Lugo's removal from office were dismissed. The information minister cited the expiration of an agreement with funders for the dismissals, while the journalists alleged that the move was politically motivated. Later in September, the Radio Nacional program *Redpública* was suspended and journalist Carlos Goncalves's contract terminated; Radio Nacional's *Ape ha Pepe* and TV Pública's *Micrófono Abierto* were suspended as well.

Paraguayan journalists continued to confront physical threats and attacks in 2012, and several media workers have been under police protection for years. According to the Paraguayan Union of Journalists (SPP), the situation worsened with the approach of the 2013 elections. In February, unknown attackers damaged the antenna of radio station Babilonia in Paso Yobai, Guariá Department, temporarily forcing the station off the air. A similar attack in November 2011 had cost the station 20 million guarani (\$4,400). In October 2012, two bombs left by the

Paraguayan People’s Army (EPP) guerrilla group exploded in a radio station in Concepción Department. The attackers cited the station’s critical coverage of EPP activities; press advocacy groups stated that the incident illustrated the need for greater protection for media workers reporting from unstable parts of the country. The “tri-border” area where Paraguay meets Brazil and Argentina remains a region of particular concern regarding journalists’ safety and ability to report without violence and pressure from organized crime or politicians. The region’s drug trafficking, organized crime, official corruption, and impunity mean that journalists often engage in self-censorship to avoid reprisals. In addition, journalists in the regional hub of Ciudad del Este are occasionally censored, threatened, or fired as a result of pressure from government officials.

The government owns and operates Radio Nacional and TV Pública, both launched in August 2011 following a campaign pledge by Lugo to create public media. TV Pública is the first public-service television station of its kind in Paraguay and had developed, according to Reporters Without Borders, “an independent and pluralistic editorial line” in its first year of operation, prior to the resignation of its director and the dismissal of many of its journalists. Radio remains the dominant medium, and the vast majority of the radio spectrum is controlled by either commercial or state-owned stations, despite attempts by community stations to increase their presence. Although some progress was made in 2011, with the creation of numerous indigenous community radio stations in the Western Chaco region, much remains to be done to diversify the airwaves.

Paraguay does not place legal limits on media concentration, and three privately owned media groups have significant market share: Editorial Azeta S.A., which publishes the influential daily *ABC Color*; Grupo Vierci, whose holdings include the newspaper *Ultima Hora*, television’s Telefuturo (Canal 4), and TV and Radio Monumental; and the Holding de Radio company, which owns the popular Radio Ñandutí, among others. According to a 2012 report by Transparency International, these outlets tend to set the national media agenda.

Approximately 27 percent of the population used the internet in 2012, and there were no reports of government restrictions on access. Ease of access has dramatically increased over the past several years. While use of social media is growing, only about 7 percent of Paraguayans were active on such platforms in 2012.

## Peru

**Status: Partly Free**

**Legal Environment: 14**

**Political Environment: 18**

**Economic Environment: 11**

**Total Score: 43**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	44,PF	44,PF	44,PF	43,PF	44,PF

Freedom of the press is guaranteed by the 1993 constitution, but local and international media organizations continued to express concern about the harassment of reporters by both state and nonstate actors in 2012.

Politicians frequently react to criticism, particularly corruption allegations, by suing journalists, press outlets, and activists. Defamation remains a criminal offense that can result in imprisonment, though suspended sentences are more common. In response to pressure from national and international media freedom organizations, Peru's Congress passed a bill in July 2011 that would eliminate jail terms for defamation and impose only fines and community service. While President Ollanta Humala expressed support for the decriminalization of libel before he was elected in 2011, as of the end of 2012 his administration had yet to take concrete steps to finalize the law. In June 2012, a court in Lima convicted *Diario 16* editor Juan Carlos Tafur and reporter Roberto More Chávez of defaming a retired general by linking him to drug traffickers in a 2011 article. Each journalist received a two-year suspended sentence and a fine of \$22,200. In a positive development in March, an appeals court overturned a defamation verdict against radio journalist Teobaldo Meléndez Fachín for a 2011 story about local government corruption in the town of Yurimaguas.

Several laws passed or under consideration in 2012 could limit freedom of expression in Peru. A modification of the penal code that Humala signed into law in January criminalizes the dissemination of information obtained from the illegal interception of communications, a tactic that journalists have historically used to expose official corruption. In August, Humala proposed the "Law on Denialism" (*negacionismo*), which would criminalize the expression of opinions that "approve, justify, deny, or minimize crimes committed by members of terrorist organizations," and make them punishable by four to eight years in prison. In addition, a proposed Cybercrime Law under consideration in Congress during 2012 has alarmed activists because it would allow police to access users' personal information without a court order.

Despite the existence of access to information laws, adherence to transparency norms is inconsistent, particularly at the regional and local levels. Peru suffered a serious setback in its freedom of information laws in December 2012, when the government published a legislative decree denying the public access to any information related to national security and defense. Any person who reveals such information could be charged with a criminal offense and punished with up to 15 years in prison.

There is no independent media regulatory body in Peru; under the 2004 Radio and Television Law, broadcast licensing is the responsibility of the Ministry of Transport and Communications.

Physical attacks and threats against media workers continue to create a hostile climate for the press, though there was a decrease in the number of attacks in 2012, and no reporters were murdered. The National Association of Peruvian Journalists registered 132 press freedom violations in 2012, including physical and verbal attacks, threats and harassment, administrative and judicial pressure, and impediments to practicing journalism. Topics such as corruption and misuse of state resources, drug trafficking, and mining-related social conflict are considered particularly dangerous to cover. Tensions related to the country's most controversial mining project, in the Cajamarca region of northern Peru, were linked to over a dozen episodes of beatings or threats in 2012 alone. In April, a radio journalist was kidnapped and briefly held by members of a rural self-defense group in Cajamarca, and five journalists were beaten by police during antimining demonstrations in the region in July. In June, television journalist Jaime Alfredo Núñez del Prado was attacked and seriously injured while airing a report on alleged corruption involving the mayor of Calca in the Cuzco region.

Impunity for perpetrators of attacks on journalists continues to be a problem. In April 2012, the prosecutor leading the investigation of the 2011 murder of journalist Pedro Flores Silva

was himself murdered. In May, a court in Lima ended eight years of trials and retrials by acquitting a former mayor and his municipal administrator of the 2004 murder of journalist Alberto Rivera Fernández, citing insufficient evidence.

The government owns one television network and two radio stations, and operates the print news agency Andina. However, private outlets dominate the media industry, and the audience for state-run media is relatively small. Radio is an important news medium, especially in the countryside, and many incidents of harassment, intimidation, and censorship by media owners are related to coverage of local issues on the radio. The media corruption that was endemic during Alberto Fujimori’s presidency in the 1990s continues to some extent, with journalists occasionally accepting bribes in exchange for slanted coverage. Media outlets often experience pressure from both political officials and business interests to censor or limit coverage of sensitive topics.

In 2012, 38 percent of Peruvians had access to the internet, with no reported government restrictions on users’ activity.

## Philippines

**Status: Partly Free**

**Legal Environment: 13**

**Political Environment: 20**

**Economic Environment: 10**

**Total Score: 43**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>45,PF</b>	<b>45,PF</b>	<b>48,PF</b>	<b>46,PF</b>	<b>42,PF</b>

The environment for media freedom in the Philippines remained largely stable in 2012, despite continued inertia in dealing with the ongoing issue of impunity in cases of violence against journalists, as well as the introduction of potentially restrictive internet legislation.

The constitution guarantees freedom of speech and of expression. There are no restrictive licensing requirements for newspapers or journalists, and few legal limitations such as privacy or obscenity laws. National security legislation introduced in 2007 can be used to limit journalists’ traditional rights and access to sources. Also that year, then president Gloria Macapagal Arroyo issued Executive Order 608 creating the National Security Clearance System, which was designed to “protect and ensure the integrity and sanctity” of classified information against “enemies of the state,” and national security discourse is regularly employed in obstructing the public’s access to government information.

The country’s penal code makes libel a criminal offense punishable by a prison term and, in some cases, large fines. In late 2011, the UN Human Rights Committee (UNHRC) released a declaration stating that the criminal sanction for libel in the Philippines is “excessive” and in violation of the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a signatory. Nevertheless, defamation and libel suits continued in 2012 against those who criticized authorities. In April 2012, the mayor of Lal-lo in Cagayan province filed a libel case against broadcaster Rogelio Sending Jr. for an interview that linked the mayor to the suppression of anti-mining demonstrations. The same month, two journalists from *The News*

*Today*—Junep Ocampo and Manuel “Boy” Mejorada—were arrested after the mayor of Iloilo City filed a defamation suit following the publication of an article accusing him of corruption.

A troubling development during the year was the introduction of the Cybercrime Prevention Act of 2012, enacted without any input from journalists or journalist organizations, which would have extended criminal libel to the web, with penalties surpassing those for print and broadcast. The act came into effect on October 3; six days later, the Supreme Court suspended the law’s implementation for 120 days following public demonstrations. In protest of the law, activists popularized the hashtag #NoToCyberCrimeLaw on Twitter, blackened their profile pictures on Facebook and Twitter, and questioned the constitutionality of the law in 15 separate petitions to the Supreme Court. An analyst with the advocacy group the Center for Media Freedom and Responsibility (CMFR) called the law “the worst assault on free expression since Ferdinand Marcos declared martial law 40 years ago.” At year’s end, the law remained temporarily suspended.

In February 2012, the government for the first time forwarded a draft Freedom of Information (FOI) bill to the House of Representatives for discussion and possible enactment. But throughout the year, President Benigno Aquino failed to prioritize the passage of the FOI bill, despite his vaunted platform to end corruption and promote greater transparency in government. Legislators and politicians reportedly lobbied to include provisions that would limit any FOI law’s retroactivity, while Aquino himself reportedly favored a national security exemption. In addition, some congressmen have tried to pass a separate right of reply (ROR) bill or include an ROR rider in the FOI bill. Nevertheless, civil society advocates see the bill as a genuine step forward and continue to lobby for its passage, which had not occurred by year’s end.

Although a censorship board has the power to edit or ban content for both television and film, government censorship does not typically affect political material. Both the private media and the country’s many publicly owned television and radio stations address numerous controversial topics, including alleged election fraud, ongoing counterinsurgency campaigns, and high-level corruption cases.

The year 2012 saw an increase in killings of journalists compared to 2011, but a continued improvement from 2009, when the Philippines was the world’s most deadly environment. That year, 29 journalists and three media workers were killed in the Ampatuan massacre. However, violence and threats against journalists continue. The numbers vary, depending on how advocacy groups define whether attacks are related to journalistic duties. According to CMFR, four journalists were killed in 2012: Aldion Layao, a host for DXRP Radio in Davao City, and Rommel Palma of DXMC-Bombo Radyo of Koronadal City were killed in April; announcer Nestor Libaton of DXHM Radio in Davao-Oriental was killed in May; and radio host and commentator Julius Cauzo of DWJJ in Cabanatuan City was killed in November. Journalists are also frequently subject to violence and harassment. During the year, 6 journalists were assaulted, and 12 were threatened.

Impunity remains a serious issue. In 2012, the Committee to Protect Journalists (CPJ) again ranked the Philippines third, after Iraq and Somalia, in its impunity index, which tracks the worst records for solving murders of journalists. Those advocating for an end to impunity have called for a strengthening of the country’s witness protection program, enhancement of the police’s ability to investigate cases, and the reformation of the antiquated court rules that have delayed trials in the Ampatuan massacre and other cases. The Arroyo administration had made some efforts to address impunity, such as establishing in 2006 Task Force USIG, a special police

unit, as well as the Melo Commission to Investigate Media and Activist Killings. The law on the writ of amparo, instituted in October 2007, protects the right to “life, liberty and security” in cases pertaining to extralegal killings, enforced disappearances, or threats of such acts. In 2008, the Supreme Court granted the first writ of amparo, which ordered the protection of a journalist who was targeted in a murder plot. The government and judiciary hoped the new tool would help stem the rise in journalist killings; while a positive measure, it has proven limited in effect. In May 2010, Aquino pledged to end the killings and impunity, asserting that justice would be achieved and that half of the cases of extrajudicial killings were on their way to being resolved.

Nevertheless, while the trials in the Ampatuan massacre continued during 2012, they were bogged down by judicial technicalities and a slow-moving court process, as well as by stalling tactics such as motions and petitions used by some defendants to stonewall the process. In March, the mutilated body of a key witness to the massacre, Esmail Amil Enog, was discovered; he was the third witness in the case to have been murdered since the beginning of the trial. In November, the Philippine Supreme Court upheld the indictments of two primary suspects in the massacre—Anwar Ampatuan Sr. and Zaldy Ampatuan, former governor of the Autonomous Region of Muslim Mindanao.

Most print and internet-based media outlets in the country are privately owned, and while the government owns some television and radio stations, they present a wide variety of views. The Philippine media scene is characterized by large, elite, and often family-owned conglomerates with interests in media and other large sectors of the economy. The elite who own media often use them to further their business or political interests. While the private press includes hundreds of newspaper titles, television ownership is more concentrated, with the two largest broadcast networks (ABS-CBN and GMA-7) controlled by wealthy families who own other media and non-media holdings and whose major TV networks dominate audience share and advertising. Often criticized for lacking journalistic ethics, media outlets tend to reflect the political or economic orientations of their owners and patrons. The practice of using bribes or strategic “favors” to elicit positive coverage is widespread but also openly debated and challenged by journalist ethics trainings conducted by media groups and reform advocates. News reports are often rooted in sensationalism and innuendo in order to boost circulation. The nature of advertising and the prevalence in radio broadcasting of “block timing”—buying airtime for political or partisan purposes—contribute to sensational reporting and violence against its practitioners.

In 2012, 36 percent of the population accessed the internet. Internet use in the Philippines is not restricted, and social-media sites such as YouTube, Facebook, and Twitter, as well as international blog-hosting services, have remained openly available, with penetration rates for these sites among the highest in the region. Mobile phones remain the most widely used technology in the country, with nearly 95 million subscribers in 2012, many of whom access the internet through their mobile phones.

## **Poland**

**Status: Free**

**Legal Environment: 9**

**Political Environment: 10**

**Economic Environment: 7**

**Total Score: 26**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	24,F	24,F	24,F	25,F	25,F

Although the constitution protects freedom of speech and the press, libel and some forms of insult—including defamation of public officials or the state, and statements that offend religious beliefs—are criminal offenses punishable by fines and prison sentences. In January 2012, pop star Dorota “Doda” Rabczewska received a fine of 5,000 zloty (\$1,500) for violating Poland’s blasphemy law during a 2009 interview. Adam Darski, a musician accused of offending religious feelings during a concert in 2007, was acquitted in August 2011. However, the acquittal was appealed and brought before the Supreme Court, which ruled in October 2012 that a person may be found guilty of offending religious sensibilities even if the defendant did not “directly” intend to do so. Darski’s case was returned to a district court for reexamination.

In September 2012, Robert Frycz, the creator of a website dedicated to satirizing President Bronisław Komorowski, was sentenced to 15 months of restricted liberty and 600 hours of community service under an article of the penal code that forbids defamation of the president. The website includes several versions of a game in which players throw objects, including darts and feces, at the president. The sentence, which Frycz said he would appeal, had not been imposed at the end of 2012. In the meantime, the court’s ruling was criticized by the Organization for Security and Cooperation in Europe, the Polish branch of the Helsinki Foundation for Human Rights, and the Polish Association of Free Speech.

Defamation suits brought by public officials and others against the news media remain common. In October 2012, the European Court of Human Rights ruled that Polish authorities had infringed on the right to free speech in two cases by penalizing journalists for alleged defamation. In one case, two journalists had been fined after a court found them guilty of defaming a local official in a series of articles published in the *TEMI* weekly newspaper. In the second, a journalist had been ordered to publish an apology and pay court costs after a prominent architect claimed defamation in a critical article published by the daily newspaper *Gazeta Wyborcza*.

In an attempt to harmonize Polish legislation with European Union rules, the Polish parliament revised a law regulating public access to information in September 2011. One element of the bill drew extensive criticism from nongovernmental organizations and opposition legislators for giving state bodies the right to limit or deny access to information when protecting “important state interests.” The provision was removed from the original bill by the Sejm (lower house of parliament), then reinserted by Senator Marek Rocki as it made its way through the upper house. Shortly after signing the bill, Komorowski responded to public criticism of the so-called Rocki amendment by submitting it to the Constitutional Tribunal (TK) for review. The court ruled in April 2012 that the manner in which the provision had been added was unconstitutional, repealing that section of the law, though it did not offer an opinion on the content of the provision.

The National Broadcasting Council (KRRiT), whose members are selected by the president, the Sejm, and the Senate, has the power to regulate programming, allocate subscription revenues to public media, distribute broadcasting frequencies and licenses, and impose financial penalties on broadcasters. Although KRRiT members are required to suspend their membership in political parties, the council has always been a highly politicized body. In

January 2012, the KRRiT refused to grant a digital broadcasting license to TV Trwam, an ultraconservative television station linked to the opposition Law and Justice (PiS) party, citing concerns about the transparency of its funding. Polish ombudsman Irena Lipowicz declared that the decision was arbitrary and based on unconstitutional regulations, and she subsequently asked the TK to assess the case. The TK had not ruled on the matter at year’s end.

Standards accepted by professional associations emphasize objectivity in reporting, but the culture of journalism in Poland remains highly partisan. In October 2012, the well-known conservative daily *Rzeczpospolita* published a front-page article on the 2010 plane crash that killed President Lech Kaczyński and scores of Polish dignitaries near Smolensk, Russia. The article was titled “TNT in the Wreckage of the Tupolev.” Though military prosecutors shortly after the article’s publication reaffirmed their previous finding that no explosive material had been discovered at the scene of the crash, and that the crash had not been an assassination, the story nonetheless provoked an immediate and widespread reaction; opposition leader Jarosław Kaczyński, the late president’s brother, called for the resignation of the government. In the days that followed, *Rzeczpospolita*’s owner, Grzegorz Hajdarowicz, fired the paper’s editor in chief, its internal affairs editor, and the author of the article. This move was criticized by the European Federation of Journalists as a violation of the rights of media workers. Hajdarowicz is also an owner of *Uważam Rze*, a popular right-wing weekly. That paper’s editor in chief was also fired after he criticized Hajdarowicz for politicizing *Rzeczpospolita* and refused to ban the *Rzeczpospolita* article’s author, Cezary Gmyz, from contributing to *Uważam Rze*. As a result, a number of journalists left both *Uważam Rze* and *Rzeczpospolita* to form a new weekly, called *W Sieci*.

Polish print media and radio outlets are predominantly private and highly diversified. According to the European Journalism Centre, German and other foreign owners control approximately 80 percent of the Polish media market. The only major domestic competitor is Agora SA. The public television broadcaster TVP, which runs a number of terrestrial and satellite channels, remains an important source of information for most citizens. It has been reported that only one in three households actually pays the mandatory subscription fee collected from radio and television owners to support public broadcasting. Following the emergence of the European sovereign-debt crisis in 2009, many media companies were forced to cut spending and lay off employees due to financial constraints. Poland’s television advertising market remained weak in 2012, but digital advertising continued to grow and bring income to media companies. Roughly 65 percent of the population had regular internet access in 2012, and the medium is not restricted by the government.

## Portugal

**Status: Free**

**Legal Environment: 5**

**Political Environment: 6**

**Economic Environment: 6**

**Total Score: 17**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>16,F</b>	<b>16,F</b>	<b>16,F</b>	<b>17,F</b>	<b>17,F</b>

Freedom of the press is guaranteed by the constitution, and laws against insulting the government or the armed forces are rarely used against journalists. A 2007 revision of the Journalist Statute allows courts investigating criminal cases to order journalists to divulge their confidential sources. Lawmakers argued that the identity of sources would, in many instances, be too difficult to procure through other means, but journalists asserted that the revision would effectively allow judges to make them carry out police work. The rule has not been used to date.

Portugal passed an access to information law in 2003, adding to the 1993 Law of Access to Administrative Documents. Much government information is freely accessible in practice, although laws prohibit news coverage or commentary on ongoing judicial investigations and trials.

The media are generally free from political interference. However, in late January 2012 *Este Tempo*, a morning current-affairs program on the public radio station Antena 1, was unexpectedly taken off the air. The show's editors claimed the decision was linked to a report broadcast earlier in January that had criticized the portrayal of Portuguese-Angolan relations in a program on the public television channel RTP1.

Cases of physical harassment or intimidation of journalists are rare. In March 2012, while covering street protests against austerity measures in Lisbon, Agence France-Presse (AFP) photojournalist Patricia Melo was struck by a police officer. In June, a court in Lisbon fined member of parliament Ricardo Rodrigues €4,950 (\$6,400) for stealing the recording devices of two journalists during an interview in 2010.

Portugal has six main national newspapers: four dailies and two weeklies. State-run and state-financed media outlets are considered to be editorially independent. There are around 300 local and regional private radio stations; Rádio Renascença, which is run by the Roman Catholic Church, commands a wide audience. Commercial television has been making gains in recent years, providing serious competition for the underfunded public broadcasting channels. The internet in Portugal is unrestricted, and about 64 percent of the population accessed it in 2012. Many prominent journalists and politicians contribute to social media and blogs.

As in many countries, the media in Portugal have felt the impact of the ongoing economic crisis, suffering from advertising losses and shrinking print circulation. There has also been a significant influx of Angolan money into the media sector, raising concerns over ownership and independence. The lack of job security for many younger journalists makes them more vulnerable to self-censorship and pressure regarding content. In October 2012, workers at Portugal's national news agency, Lusa, went on strike—causing a news blackout for four days—after the government announced a plan to cut its state funding by 30 percent. In its 2013 budget proposal, the government also released plans to privatize Rádio e Televisão de Portugal (RTP), the country's public broadcaster, causing an outcry from media advocacy organizations. It also proposed drastically cutting RTP's budget and reducing services.

## **Qatar**

**Status: Not Free**

**Legal Environment: 20**

**Political Environment: 25**

**Economic Environment: 22**

**Total Score: 67**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	64,NF	65,NF	66,NF	66,NF	67,NF

While Qatar’s flagship satellite television channel, Al-Jazeera, is permitted to air critical reports on foreign countries and leaders, journalists are subject to prosecution for criticizing the Qatari government, the ruling family, or Islam. Article 47 of the constitution “assures” freedom of expression “according to circumstances and conditions” prescribed by law. The 1979 Press and Publications Law is administered by the criminal courts and assigns jail sentences for libel. Broadly framed antiterrorism legislation can also be used to restrict freedom of expression.

The Advisory Council, Qatar’s appointed legislative body, drafted a new press law in 2011 that would eliminate the jailing of journalists for defamation, prohibit officials from questioning journalists without a court order, and permit journalists to keep their sources confidential unless instructed otherwise by a court. Multiple provisions would regulate online media. A revised version of the draft was approved by the Advisory Council in June 2012. The added provisions would abolish criminal charges for media law offenses and criticism of the Qatari rulers. However, stiff financial penalties would be imposed for the broadcasting or publication of any news or information that criticizes the Qatari government or its allies, harms national interests, or offends the ruling family. The revised draft law had not yet been approved by the emir, Sheikh Hamad bin Khalifa al-Thani, at year’s end.

All publications are subject to government licensing. The government, the Qatar Radio and Television Corporation, and customs officers are authorized to censor domestic and foreign publications and broadcast media for religious, political, and sexual content prior to distribution. Online content is censored through the country’s sole internet service provider, which is state owned. Users are directed to a proxy server that maintains a list of banned websites and blocks material deemed inconsistent with the religious, cultural, political, and moral values of the country.

Self-censorship is also reportedly widespread. The Qatari media largely ignored a May 2012 fire in the popular Villaggio shopping center in Doha that killed 19 people, including 13 children. Local outlets were reportedly ordered by a court to refrain from covering the trial of those held responsible for the blaze; the accused included a member of the ruling family, Sheikh Ali bin Jassim al-Thani, who owned the day care center where many victims became trapped, and his wife, who managed the center. Cases of physical harassment of journalists and bloggers are rare, and although some have been subject to detention without charge as a consequence of their work, no such cases occurred in 2012.

Foreigners make up a majority of the media workers in the country, and there is a disparity in the authorities’ treatment of Qatari and non-Qatari journalists. While local reporters often receive warnings and threats when they push the limits of permissible coverage, noncitizens employed by Qatari media outlets risk harsher repercussions, including termination, deportation, and imprisonment. All foreign journalists working in the country must be accredited by the Qatar Foreign Information Agency and sponsored by a local institution or the Information Ministry. However, journalists in compliance with these rules can still be barred from entering the country, and on occasion they have been subject to harassment and arrest after engaging in journalistic activities within Qatar, although no cases of this were reported in 2012.

Qatar has seven newspapers that publish in either Arabic or English, all of which are owned by members of the ruling family or their business associates. The state owns and operates all broadcast media, and there are only two television networks in the country, Qatar TV and Al-Jazeera. While Qatar TV broadcasts mostly official news and progovernment perspectives, Al-Jazeera focuses its coverage on regional and global news, providing only sparse and uncritical reports on local issues. Programming on local radio stations is more accommodating to criticism of government services and operations. The concentration of media ownership within the ruling family and the high financial costs and citizenship requirements for obtaining media licenses continue to hinder the expansion and freedom of the press. Approximately 88 percent of the population used the internet in 2012, with 70 percent of users relying on the web as their primary source of news and information.

## Romania

**Status: Partly Free**

**Legal Environment: 12**

**Political Environment: 16**

**Economic Environment: 14**

**Total Score: 42**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>44,PF</b>	<b>44,PF</b>	<b>43,PF</b>	<b>42,PF</b>	<b>41,PF</b>

Press freedom is protected by the constitution but weakened in practice by financial insecurity and overriding political and business interests. A series of political crises during 2012 placed additional pressures on journalists and media outlets. After a lengthy period of legal ambiguity, libel was effectively decriminalized by a 2010 Supreme Court ruling. No major civil cases were reported in 2012. Journalists use Romania's freedom of information law with decreasing frequency as cash-strapped outlets' commitment to investigative journalism dwindles, and officials sometimes obstruct access to information on corruption or other sensitive topics. Appointments to the National Audiovisual Council (CNA) are politicized, and its capacity is inadequate, resulting in biased decision-making and ineffective regulation. The current council is seen as leaning toward the center-right opposition Democratic Liberal Party (PDL) and President Traian Băsescu. An emergency decree by the government two weeks before the December 2012 elections hampered the CNA's ability to punish media violations, suspending its rulings until they could be confirmed by the courts.

The public television broadcaster, Televiziunea Română (TVR), continued to suffer from political contestation and financial trouble in 2012. In May, shortly after a PDL-led government collapsed and Victor Ponta of the Social Liberal Union (USL) was named prime minister, a USL-backed TVR board member led a vote to fire the station's editorial director, Dan Radu. Parliament approved a new board in June that did not include any representatives of the PDL; journalist Claudiu Săftoiu, a former intelligence chief, was appointed to lead the station. The National Liberal Party, part of the USL coalition, had nominated him for the post. TVR was deep in debt and announced plans in August to fire nearly a third of its staff, raising concerns about politicized dismissals.

The private media sector is dominated by powerful Romanian businessmen with political interests and holdings in other industries. Most major outlets display a strong bias toward one of the country's main political blocs. During July and August 2012, as Ponta and the USL sought unsuccessfully to oust Bănescu in a contentious impeachment referendum, government officials and their media allies publicly smeared a number of journalists who worked for foreign outlets. The correspondents, who included both foreign citizens and Romanians, were accused of spreading negative misinformation about Romania abroad and of being paid agents of Bănescu. Senate leader Crin Antonescu, serving as interim president during the impeachment process, threatened to use the external intelligence service to investigate what he described as an organized effort to damage the country's image through the media.

Reporters sometimes face physical altercations in the course of their work. Many professional and citizen journalists were threatened or assaulted by both police and protesters during antigovernment demonstrations in January 2012. Separately, investigative reporter Dan Bucura of Realitatea TV was beaten by two assailants outside his home in May, with one of the attackers allegedly indicating that the attack was linked to Bucura's work.

In addition to the public broadcaster, a large number of private broadcast and print outlets operate in Romania. While the print sector has suffered severely since the economic downturn of late 2008, television news channels have continued to expand as political leaders and their business allies jockey for influence in the dominant medium. Romania's leading television stations include Pro TV, owned by the Bermuda-based Central European Media Enterprises (CME), and Antena 1, owned by politician Dan Voiculescu. Another notable politician and business magnate, Dan Diaconescu, controls the controversial tabloid-style station OTV. Some of the larger private media conglomerates have been shaken by the perennial legal and financial difficulties of their owners in recent years. For example, although tycoon Dinu Patriciu was cleared of fraud and money-laundering charges in August 2012, his insolvent Adevărul group was sold to businessman Cristian Burci a few weeks later. The *Adevărul* newspaper had helped drive many other papers out of business thanks to heavy subsidies from its owner, but it shrank rapidly after the financial support from Patriciu ended in 2011. Foreign media conglomerates maintain a presence in the country, though some have withdrawn due to the difficult economic environment. Individual journalists suffer from low pay and are susceptible to various forms of financial and editorial pressure from owners and advertisers.

Close to 50 percent of the population used the internet in 2012. Access is widely available, with no reports of government interference. However, online news outlets often lack the revenue needed to conduct original reporting.

## Russia

**Status: Not Free**

**Legal Environment: 25**

**Political Environment: 32**

**Economic Environment: 24**

**Total Score: 81**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	78,NF	80,NF	81,NF	81,NF	80,NF

The already repressive press freedom environment in Russia declined even further with Vladimir Putin's return to the presidency in 2012, as authorities relied on both crude and sophisticated forms of media management to distract the public from terrorist attacks, economic troubles, and antigovernment protests. The government maintained its grip on key television outlets and tightened controls over the internet during the year, and most state and privately owned mass media engaged in blatant propaganda that glorified the country's national leaders and fostered an image of political pluralism—especially in the months ahead of Putin's victory in the March presidential election.

Although the constitution provides for freedom of speech and of the press, officials have used the country's politicized and corrupt court system to harass the few remaining independent journalists who dare to criticize widespread abuses by the authorities. The constitution and a 2009 law provide for freedom of information, but accessing information related to government bodies, the judiciary, or via government websites is extremely difficult in practice. Russian law contains a broad definition of extremism that authorities frequently use to silence government critics, including journalists; the enforcement of this and other restrictive legal provisions has encouraged self-censorship.

In the summer and fall of 2012, Putin and the parliament—controlled by his United Russia party—approved a series of repressive, vaguely worded measures that significantly expanded the array of regulatory tools available to stifle legitimate news reporting on politically embarrassing issues and limit the work of nongovernmental organizations (NGOs) on media matters. A law passed in July reintroduced criminal defamation, with fines of up to five million rubles (\$153,000) or up to 12 weeks of forced correctional labor. The year's other new measures included a law that increased fines for participation in unsanctioned rallies from a maximum of 300 rubles (\$9.15) to 300,000 rubles (\$9,150); a law requiring NGOs with foreign funding to register with the Justice Ministry as "foreign agents"; an expansion of the legal definition of treason to include cooperating with international organizations "against the security of Russia"; and the expulsion of the U.S. Agency for International Development (USAID) from Russia.

In addition, a vague, restrictive law that came into force in November granted the state telecommunications regulator Roskomnadzor broad authority to shutter websites, ostensibly to protect children from harmful information. In the first month of the law's implementation, Roskomnadzor blocked 4,640 websites for allegedly containing "offensive content" related to drugs and pornography. Internet service providers were already required to block content on a government-maintained list of "extremist materials." Critics of the restrictions alleged that the growing role of the internet as an alternative source of news had prompted the authorities to expand their control over web-based content.

Prosecutors in 2012 charged a number of government critics—including journalists, media outlets, ordinary citizens, and whistle-blowing civil servants—with defamation, extremism, and other trumped-up offenses in an effort to limit their activities. In a major ongoing case, Aleksey Navalny, one of Russia's most prominent bloggers, posted embarrassing allegations of corrupt financial practices among senior government officials on his blog. In retaliation, he was detained, smeared in the pro-Kremlin media, and had three criminal fraud investigations launched against him by the end of the year. Separately, in April a court in Kemerovo convicted blogger Dmitry Shipilov of "insulting a state official in public" for two posts that had mocked the region's governor, Aman Tuleyev. Shipilov was sentenced to 11 months of community service, with 10 percent of his earnings garnished. In May, Maksim

Yefimov, a blogger and opposition activist from the northwestern Karelia region, fled to Estonia after being charged with “inciting religious hatred” for criticizing the Russian Orthodox Church’s close ties to the Kremlin.

A wave of antigovernment protests in response to widespread fraud in the December 2011 parliamentary elections led authorities to intensify verbal and legal harassment of media outlets covering the demonstrations in the months ahead of the March 2012 presidential vote. In January, Putin publically accused Moscow-based liberal radio station Ekho Moskvyy of continually “pouring diarrhea” on him. The next month, prosecutors briefly subpoenaed Ekho Moskvyy’s editor in chief, Aleksey Venediktov, for an alleged labor code violation, while the radio station’s owner—Gazprom-Media, an arm of the state-owned natural gas monopoly Gazprom—abruptly announced a change in the board of directors that included the removal of two independent members. In response, Venediktov resigned from the board, but remained editor in chief. Also in February, police and security officers, as well as more than 100 financial auditors, raided the headquarters and 19 branches of National Reserve Bank, whose owner, Aleksandr Lebedev, partly owns the prominent independent newspaper *Novaya Gazeta*. Separately during the year, the authorities used legal technicalities to harass foreign correspondents whose reporting embarrassed the Kremlin. In February, Federal Migration Service officials in Vladimir, east of Moscow, detained French journalist Anne Nivat, interrogated her for four hours, canceled her business visa, and expelled her from the country in retaliation for her interviews with opposition activists.

According to media monitoring by the Organization for Security and Cooperation in Europe (OSCE), more than 25 documentaries praising Putin were aired in the weeks ahead of the March presidential election, while private broadcasters virtually disregarded the campaign activities of other candidates. The media were largely filled with either apolitical entertainment or pro-Kremlin propaganda, avoiding coverage of protests by members of a rising urban middle class who demanded better public services and less corruption. In March and October, Gazprom’s national television channel, NTV, broadcast a two-part pseudodocumentary, *Anatomy of a Protest*, in an effort to smear increasingly popular activists such as Navalny and Sergey Udaltsov, a leftist opposition leader.

Although the internet remains freer than other media and provides a wider diversity of news and opinion, the authorities are aware that its growing popularity is undermining the dominance of state-controlled outlets and have been responding with more aggressive intimidation of independent-minded bloggers, content removal, and manipulation of online expression. Kremlin allies have purchased several independent online newspapers or created their own progovernment news websites, and they are reportedly cultivating a network of bloggers and computer hackers who are paid to produce pro-Kremlin propaganda and disable independent news and blogging sites. The websites of prominent independent media including the newspapers *Novaya Gazeta* and *Kommersant*, Ekho Moskvyy, the internet-based television station Dozhd, and the news aggregator Slon.ru all experienced denial-of-service attacks in 2012, especially surrounding the presidential election and anti-Putin protests in Moscow in June. The Federal Security Service (FSB) and the Interior Ministry engage in widespread surveillance of e-mail, blogs, online bulletin boards, and websites. Using upgraded technology, the FSB has expanded its ability to monitor all telephone and internet communications of perceived political opponents. Roskomnadzor developed an automated monitoring system that was activated in time for the December 2011 and March 2012 elections to improve its detection of “extremist” content on the web.

Journalists in 2012 faced the threat of intimidation or physical attack when covering sensitive topics such as the situation in the restive North Caucasus, government corruption, organized crime, police torture, electoral violations, and opposition activities and protests. Widespread lawlessness allows politicians, security agents, and criminals to silence journalists with impunity. During postelection protests in Lubyanka Square in Moscow in March, police officers used violence to arrest three journalists. An officer struck Kommersant FM radio reporter Ulyana Malashenko on the head with a baton, causing injuries that required hospitalization. In addition, police arrested two journalists and a leading opposition blogger at a demonstration in Moscow's Pushkin Square on the same day. In April, Elena Milashina, a special correspondent for *Novaya Gazeta* covering rights abuses in the North Caucasus region, was repeatedly beaten by two men in the Moscow suburb of Balashikha. In June, Russia's chief federal investigator, Aleksandr Bastrykin, took *Novaya Gazeta* deputy editor Sergey Sokolov by car to a forest outside of Moscow, asked his guards to leave them, and allegedly threatened the editor with death, after Sokolov refused to apologize for the content of an article documenting alleged misconduct by Bastrykin and other law enforcement officers in a criminal case. Bastrykin reportedly apologized the next day. In July, the Elektron radio and television station in the southwestern city of Krymsk was besieged by a variety of government inspectors after it aired complaints about the abysmal assistance that flood victims were receiving from local authorities.

According to the Committee to Protect Journalists, one journalist was killed in retaliation for his work in 2012. Kazbek Gekkiyev, a 28-year-old news anchor for a local affiliate of the state broadcaster VGTRK in Nalchik, capital of the North Caucasus republic of Kabardino-Balkaria, was shot in the head and killed in December after Muslim separatist fighters in the region had posted death threats online against journalists working for state media. Investigators said the assailants had asked Gekkiyev if he was a news anchor before shooting him. The authorities have failed to investigate or solve the vast majority of crimes against journalists in recent years. Suspects who are identified rarely receive serious punishments and are often low-level criminals involved in attacks ordered by others. In December, relatives and colleagues of Anna Politkovskaya, a prominent *Novaya Gazeta* journalist who was murdered in Moscow in 2006, denounced a closed two-day trial of former police officer Dmitry Pavlyuchenkov, who was originally charged with organizing her murder. Pavlyuchenkov had struck a plea deal with prosecutors that resulted in him being charged only as an accomplice in the killing, receiving an 11-year sentence, and paying three million rubles (\$99,000) in compensation to Politkovskaya's family; he was not compelled to publicly identify the mastermind of the killing.

The authorities exert significant influence over the information landscape through a vast state-owned media empire. The state owns, either directly or through proxies, all six of the national television networks, two national radio networks, two of the 14 national newspapers, more than 60 percent of the roughly 45,000 registered local newspapers and periodicals, and two national news agencies. Government-controlled television is still the primary source of news for most Russians. Media diversity continued to decline in 2012 as private companies loyal to the Kremlin and regional authorities purchased additional outlets, and most other media outlets remained dependent on state subsidies as well as on government printing, distribution, and transmission facilities. Lively if cautious political debate was mostly limited to glossy weekly magazines, news websites, and Ekho Moskvyy, all of whose audiences were composed largely of urban, educated, and affluent Russians. The country's ongoing economic crisis has led to a decline in advertising revenue for the few remaining independent media outlets, forcing some to

tone down their news coverage in pursuit of advertising contracts from government agencies. In August, a state-run television channel led by a council of pro-Kremlin Muslim clerics began broadcasting progovernment programs on Islamic themes.

International radio and television broadcasting is restricted. Most private FM radio stations have been pressured to stop rebroadcasting news programs from the British Broadcasting Corporation, Radio Free Europe/Radio Liberty (RFE/RL), and Voice of America, relegating those services to less accessible short- and medium-wave frequencies. In November 2012, RFE/RL lost its medium-wave local broadcasting license due to the implementation of a 2011 law prohibiting foreign ownership of broadcast media.

Online media have developed rapidly, and an estimated 53 percent of the population accessed the internet in 2012. In one sign of the changing environment, the market research firm TNS reported that in April 2012, Russia’s leading search engine, Yandex, drew more visitors per day—19 million—than the popular state-controlled Channel One television station attracted viewers. Also during the year, journalists widely utilized online news sites, blogs, social media, and smartphone images and videos from citizens to expose election violations and other government abuses.

## Rwanda

**Status: Not Free**

**Legal Environment: 24**

**Political Environment: 32**

**Economic Environment: 24**

**Total Score: 80**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>84,NF</b>	<b>85,NF</b>	<b>83,NF</b>	<b>84,NF</b>	<b>82,NF</b>

Article 34 of Rwanda’s constitution stipulates that “freedom of the press and freedom of information are recognized and guaranteed by the state,” but other clauses broadly define circumstances under which these rights can be restricted, and in practice the media remain under the tight control of the government. The country’s 2009 media law sets out strict regulations, accreditation requirements, and licensing procedures, as well as requirements for journalists to reveal their sources to the government for the purposes of criminal investigations and proceedings. The law prohibits the propagation of ideas based on “ethnic, regional, racial, religious, language, or other divisive characteristics.” Public incitement to “divisionism” is punishable by up to five years in prison and fines of up to 5 million Rwandan francs (\$8,100). Statutes in the penal code forbid defamation of the head of state or other public officials, which can carry up to five years in prison and fines of up to 10,000 Rwandan francs (\$16). These laws are generally seen as vague and sweeping in breadth. In August 2012, Parliament passed amendments to the 2008 Law Relating to the Interception of Communications that empower the police, army, and intelligence services to listen to and read private communications, both online and offline, in order to protect “public security.” The law requires all communications service providers to have the technical capability to enable interception upon request.

Continuing arrests and prosecution of journalists during 2012 helped to make self-censorship pervasive. In April, Huguka community radio presenter Epaphrodite Habarugira was detained on a charge of “minimizing” the 1994 genocide and “spreading genocide ideology.” He was arrested for mixing up the Kinyarwanda words for “victims” and “survivors” while reading a report about ceremonies marking the 18th anniversary of the genocide on a news broadcast. His employers fired him, and he was arrested the next day, though his colleagues said his error was just a slip of the tongue. The Muhanga district court ruled that the charges against him were without foundation, and he was released after spending three months in jail. In July, Idriss Gasana Byiringiro, a journalism student and reporter for *Chronicles* newspaper, was held by police for more than 72 hours on charges of trying to “deceive the intelligence services” and fabricating lies in an article that alleged he was kidnapped by armed men. Byiringiro was arrested when he went to the police station to make a statement. After being held for three days he issued a statement to certain news media in which he confessed to fabricating the abduction story. He was then released pending trial, whereupon he maintained that he had indeed been kidnapped. He was later detained for 30 days on the orders of the public prosecutor to allow time to prepare a case against him. In November, Stanley Gatera, editor of the newspaper *Umusingi*, was sentenced to one year in jail and a fine of 30,000 Rwandan francs (\$50) for “inciting divisionism and gender discrimination” in an opinion column he wrote in June. The state prosecutor claimed that the article broke Rwanda’s laws about referring to ethnic identities.

Despite such cases, the judiciary showed somewhat more independence than in the past. In April 2012, for example, the Supreme Court reduced the long jail sentences being served by Agnes Uwimana Nkusi, editor of the bimonthly *Umurabyo*, and Saidati Mukakibibi, a reporter with the same newspaper. Nkusi’s combined 17-year sentence on charges of “attacking state security” and defaming President Paul Kagame was cut to four years. Mukakibibi’s seven-year sentence for “attacking state security” was cut to three years. In addition, both women’s convictions on charges of “minimizing the genocide” and “inciting divisions” were quashed. The pair had been convicted in 2011 for opinion pieces published in 2010 that criticized government officials and challenged the official interpretation of the 1994 genocide. Prosecutors had requested a 33-year sentence for Nkusi and 12 years for Mukakibibi.

The state introduced progressive amendments to the 2009 media law during the year, though some problematic clauses were left unchanged. The state would retain its control over the media by determining rules for their operation and defining journalists’ professional standards. Furthermore, the minister in charge of information and communication technologies (ICTs) would have unlimited powers to set the requirements for establishing media outlets and conditions for allowing foreign audiovisual media companies to operate in Rwanda. However, the proposed amendments would remove the requirement for journalists to hold particular academic qualifications, ease the process for acquiring press cards, and reduce the grounds on which authorities can refuse to provide information. Other restrictions on journalists would also be lifted, including bans on the use of “unlawful methods to obtain or to disseminate information” and “distorting ideas contained in an information or a text.”

A revised Access to Information bill, initially drafted by the Media High Council in 2009 to set new standards for public access to information and to protect whistleblowers, was adopted by the cabinet in June 2011. However, the bill had yet to be enacted at the end of 2012.

Although access to internet content is generally unobstructed, government censorship has increased in recent years. Since 2010, the independent newspaper *Umuwugizi* has frequently faced website blackouts, and opposition parties have also reported instances of online censorship.

No murders were reported during 2012, but more than a dozen journalists have fled the country over the past several years to escape prosecution or extralegal threats, and a number remain in exile. Reporters also face violence and harassment when attempting to cover news stories. In June 2012, police assaulted journalist Norbert Niyuzurugero of *Kigali Today* while he was photographing long lines that resulted from a lack of minibuses. The same month, police beat Radio Flash journalist Anonciata Tumusiime unconscious outside of Parliament, ostensibly for breaching security, though other reports claimed that the reporter was attacked for allegedly disrespecting the police commissioner.

The Rwandan media, which disseminate information in English, French, and Kinyarwanda, are dominated by progovernment newspapers and radio stations. There were several dozen print publications registered with the government in 2012, though only about 10 of them published regularly. Six of the country's 25 radio stations are government owned. In addition to the main government-run television station, two private stations opened in July 2012, the first private television channels to operate since 1994. However, the state-owned media reach the largest audience, and most private outlets do not engage in overly confrontational coverage, although some criticism of government policies can be found on the call-in shows of private radio stations. Market entry remains expensive, but the government has eliminated taxes on imported media equipment and removed the sales tax on domestic media materials in order to decrease costs and spur future investment. The only affordable printing facility is owned by the government, and it frequently denies service to critical newspapers. Low pay for journalists, especially in the private media, can lead to corruption, and journalists often suppress damaging stories in exchange for money and gifts. Media outlets face pressure to provide favorable coverage to large investors, and the government withholds state advertising from outlets that are considered critical of the regime.

Approximately 8 percent of the population had access to the internet in 2012, and the vast majority of users reach the medium via mobile devices. The government has made ICTs a priority and invested heavily in their development, including the expansion of broadband access. There are 10 internet service providers and three telephone operators, with mobile penetration at 52 percent in December 2012. Despite increased government pressure, the online atmosphere remains generally open, and the websites of most news outlets are freely available. Social media platforms such as Facebook and Twitter can also be accessed without interference.

## St. Kitts and Nevis

**Status: Free**

**Legal Environment: 4**

**Political Environment: 9**

**Economic Environment: 7**

**Total Score: 20**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	19,F	19,F	20,F	20,F	20,F

## St. Lucia

**Status: Free**  
**Legal Environment: 3**  
**Political Environment: 8**  
**Economic Environment: 4**  
**Total Score: 15**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>16,F</b>	<b>15,F</b>	<b>15,F</b>	<b>15,F</b>	<b>15,F</b>

## **St. Vincent and the Grenadines**

**Status: Free**  
**Legal Environment: 4**  
**Political Environment: 7**  
**Economic Environment: 6**  
**Total Score: 17**

<b>Survey Edition</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Total Score, Status</b>	<b>17,F</b>	<b>17,F</b>	<b>17,F</b>	<b>17,F</b>	<b>17,F</b>

## **Samoa**

**Status: Free**  
**Legal Environment: 7**  
**Political Environment: 13**  
**Economic Environment: 9**  
**Total Score: 29**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>29,F</b>	<b>29,F</b>	<b>29,F</b>	<b>30,F</b>	<b>29,F</b>

## **San Marino**

**Status: Free**  
**Legal Environment: 4**  
**Political Environment: 5**  
**Economic Environment: 7**  
**Total Score: 16**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>17,F</b>	<b>17,F</b>	<b>17,F</b>	<b>17,F</b>	<b>17,F</b>

## Sao Tome and Principe

**Status: Free**

**Legal Environment: 4**

**Political Environment: 11**

**Economic Environment: 13**

**Total Score: 28**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	28,F	28,F	28,F	29,F	29,F

## Saudi Arabia

**Status: Not Free**

**Legal Environment: 29**

**Political Environment: 30**

**Economic Environment: 25**

**Total Score: 84**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	81,NF	82,NF	83,NF	83,NF	84,NF

The media environment in Saudi Arabia remained among the most repressive in the world in 2012. Article 39 of the Basic Law of 1992 does not guarantee freedom of the press, and certain provisions of the law allow authorities to exercise broad powers to prevent any act that may lead to disunity or sedition. It also prohibits publishing materials that harm national security or that “detract from a man’s dignity.” The 2000 Press and Publications Act governs the establishment of media outlets and stipulates penalties for press violations, such as fines and imprisonment. Under Royal Decree 1700/Mim Ba, issued in March 2005, jurisdiction over the media was transferred from the court system to the Ministry of Culture and Information, which is authorized to shut down any media outlet that it finds to have violated the press law. In April 2011, as uprisings across the Middle East and North Africa gained momentum, the monarchy issued a decree banning the reporting of news that contradicts Sharia (Islamic law), undermines national security, promotes foreign interests, or slanders religious leaders. The decree also amended several articles of the 2000 press law, allowing authorities to impose lifetime professional bans on journalists and levy fines of up to \$133,000 for violations of the law. Other amendments barred publication of anything harmful to the state or covering trials without first obtaining permission from judicial authorities. An antiterrorism bill proposed in July 2011 included a minimum 10-year prison sentence for “questioning the integrity” of the king or crown prince. The bill was still pending at the end of 2012.

Defamation is a criminal offense. Furthermore, any form of expression that insults or blasphemes Islam is punishable by death, as is the crime of apostasy. In February 2012, 23-year-old Saudi journalist and blogger Hamza Kashgari was deported to Saudi Arabia from Malaysia to face trial and a potential death sentence over microblog posts that allegedly insulted the prophet Muhammad. Kashgari remained in prison and his case was still pending at year’s end.

According to the official media policy, the press should be a tool to educate the masses, propagate government views, and promote national unity. The government has been known to directly censor both local and international media, and journalists routinely practice self-censorship and avoid criticism of the royal family, Islam, or religious authorities. Nevertheless, journalists have increasingly tested the boundaries of permissible reporting.

Many Saudis have turned to the internet to express political opinions and expose government corruption. However, the government is able to monitor and block websites with relative ease, since all internet traffic is routed through a proxy located in the state-run King Abdulaziz City for Science & Technology. The government aggressively blocks websites it considers “immoral,” the majority of which are pornographic, as well as sites deemed critical of the government by the Interior Ministry. Other politically sensitive websites are routinely blocked, including those associated with the country’s disadvantaged Shiite Muslim minority. Several websites sympathetic to Shiites were shut down in February 2012. Habib Ali al-Maatiq and Hussein Malik al-Salam were arrested and held without charge after the news website they managed, Al-Fajr Cultural Network, covered protests by demonstrators calling for reform in the predominantly Shiite Eastern Province. The website was shut down by the authorities. Al-Awamia, another news site that provided coverage of demonstrations in Eastern Province, was similarly shut down, and its editor, Jalal Mohamed al-Jamal, was arrested without charge. Also in February, Saudi Arabia blocked the official website of Iran’s supreme leader, Ayatollah Ali Khamenei. The government routinely censors online expression that it views as blasphemous. In September, following regionwide protests against the anti-Islam film *The Innocence of Muslims*, the U.S.-based video-sharing site YouTube granted a request by the Saudi government to block access to the film in the kingdom.

In October, the Saudi government petitioned the UN World Telecommunications Policy Forum to create a new international body tasked with regulating the internet, stating, “There is a crying need for international collaboration to address ‘freedom of expression’ which clearly disregards public order.” At year’s end, the United Nations had not responded to the Saudi request.

There were relatively few cases of physical harassment of journalists in 2012. However, reporters frequently face difficulty covering the news, especially when trying to access Eastern Province, where protests and arrests are frequent and no local or foreign journalists are allowed to enter. In April, human rights activist and writer Mikhilif bin Daham al-Shammari was banned from leaving the country for 10 years after publishing an article that criticized what he asserted was prejudice by Sunni Muslim religious scholars against members of the Shiite minority and their beliefs. At year’s end, al-Shammari was still on trial for a range of charges, including attempting to harm the reputation of the kingdom in international media, communicating with suspect organizations, and accusing state organs of corruption.

There are 13 daily newspapers in Saudi Arabia. All are privately owned but controlled by individuals affiliated with the royal family. Members of the royal family also control two popular London-based dailies, *Asharq al-Aswat* and *Al-Hayat*, that serve a wider Arab audience. Broadcast media are controlled by the government, which owns and operates all terrestrial television and radio stations. Since 2011, the government has required all online newspapers and bloggers to obtain a special license from the Ministry of Culture and Information. Although satellite dishes are illegal, satellite television has become widespread and is an important source of foreign news. However, key regional satellite channels, including the popular Al-Arabiya news channel, are controlled by Saudi investors and adhere to local media norms.

Internet penetration in Saudi Arabia was about 54 percent in 2012. The country was ranked first globally in the proportion of mobile telephone users, with a phone-to-population ratio of 188 percent, according to a report by the UN Conference on Trade and Development. Saudi Arabia also ranked first in the total number of daily YouTube views, according to Google, the site’s owner.

## Senegal

**Status: Partly Free**

**Legal Environment: 20**

**Political Environment: 18**

**Economic Environment: 14**

**Total Score: 52**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	49,PF	53,PF	57,PF	54,PF	55,PF

Political tensions rose in Senegal in the run-up to the February 2012 presidential election, in which incumbent Abdoulaye Wade ran for a constitutionally questionable third term. Wade’s attempt to remain in power beyond a two-term limit gave rise to a rejuvenated opposition movement led by civil society groups, journalists, and popular musicians. The government responded with increased attempts to silence criticism, ranging from clampdowns on protests to arrests and harassment of activists and journalists. Despite this unrest, the February election was deemed free and fair, and Wade unexpectedly and quickly conceded defeat to opposition candidate Macky Sall, leading to some improvements in the media environment by year’s end.

Article 8 of the 2001 constitution ostensibly protects freedoms of expression and the press, and Article 10 guarantees the “right to express opinions freely, in words, in writing, in images, [and] by peaceful marching.” However, these freedoms have been limited in practice, particularly under the Wade administration, which used provisions of the 1977 penal code—including Article 80, which criminalizes vaguely defined threats to national security—to harass, prosecute, fine, and incarcerate critical journalists. Defamation, libel, and insult are criminal offenses, and such charges are occasionally brought against journalists to block or punish critical reporting or commentary. Fewer cases were brought against journalists in 2012 than in previous years. In January, editor Mamadou Biaye and reporter Mamadou Ticko Diatta of the private daily *Le Quotidien* were convicted of criminal libel and received suspended three-month prison terms for alleging that a deputy mayor in the south had ties to armed insurgents in the region. At the annual African Media Leaders Forum in November, President Sall expressed his support for an independent and pluralistic press, as well as his intention to decriminalize defamation. Nevertheless, El Malick Seck, editor of the weekly newsmagazine *L’Exclusif*, was convicted in December of criminal defamation for a story that was critical of Sidy Lamine Niasse, head of the Walfadjri media group. Seck was sentenced to a suspended six-month prison term and ordered to pay 100 million CFA francs (\$196,000) in damages, while publication of *L’Exclusif* was suspended. The threat of legal action has led to an increase in self-censorship among some journalists in recent years. Still, many media outlets continue to publish and broadcast strident antigovernment views and reports.

Following a seminar with civil society leaders and journalists in June 2011, legislators and the minister of communication made a commitment to adopt access to information legislation. However, no such law was passed by the end of 2012.

Journalists occasionally face harassment, detention, and assault, mainly by the authorities. These problems increased in late 2011 and early 2012 in the run-up to the February election. The Committee to Protect Journalists documented at least 12 incidents in which journalists reporting on the presidential campaign or its results were either threatened or harmed. In January, one reporter for Agence France-Presse and two from the Senegalese daily *Le Populaire* were beaten by police officers while reporting on protests in Dakar, despite identifying themselves as journalists. Several other journalists were threatened or assaulted by security officers or ruling party members for their coverage of election-related events outside the capital. Following the election, attacks and harassment aimed at journalists began to wane in the more open media environment fostered by Sall.

Many private, independent print publications and three government-affiliated newspapers publish regularly in the capital, though their distribution in rural areas is irregular at best. Radio is the most important source of news due to high illiteracy rates, and a number of community, private, and public radio stations operate across the country, with more than 80 radio frequencies allocated to date. The five private television channels that now operate carry mostly entertainment programming. The only national television station, state-owned Radiodiffusion Télévision Sénégalaise (RTS), generally favors the government in its news coverage. Under Wade, the government had also been accused of selectively granting or withholding state subsidies to influence media outlets; it remains to be seen whether these practices will continue under Sall. Foreign satellite television and radio stations, including Radio France Internationale and the British Broadcasting Corporation, are available and unrestricted. The internet is also unrestricted, and access continues to grow, with 19 percent of the population using the medium in 2012.

## Serbia

**Status: Partly Free**

**Legal Environment: 9**

**Political Environment: 16**

**Economic Environment: 11**

**Total Score: 36**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	39,PF	39,PF	35,PF	33,PF	35,PF

Freedom of the press is protected under Serbia's constitution and legal system. However, the media operate in a highly politicized environment, and journalists continue to face physical and verbal attacks. Following presidential, parliamentary, and local elections in May 2012, a new government led by Prime Minister Ivica Dačić did little to reform the Serbian media landscape, which remains constrained by pervasive corruption, regulatory setbacks, and economic difficulties. Some laws pose a threat to media freedom. Journalists are subject to prosecution under the Data Secrecy Act, which protects information of interest to national security, public

safety, and foreign affairs, among other categories. Although the internet remains unrestricted, the 2010 Law on Electronic Communications requires telecommunications providers to keep records on the source and destination of all electronic communications for one year for potential government use.

In 2011, the government adopted a long-awaited media strategy, which aims to increase the independence of media outlets and protect them from improper influences. The strategy is the first step toward the passage of legislative changes to that effect. However, despite ongoing legislative reforms, mostly under European Union guidance, implementation of the media strategy has lagged. A working group was formed by the new Ministry of Culture, Media, and Information in 2012, though it is unclear whether the group will focus on revising the media strategy or implementing the key media laws proposed in the document. In December, the parliament adopted an amendment to the Law on Copyright and Related Rights, but it did not solve the problem of high fees that are threatening to cripple the country's broadcasters. Also in December, the parliament adopted the Law on Public Companies, which—contrary to the media strategy—would create the possibility of establishing new state-owned companies in the field of information. Amendments to the criminal code passed in the same month established more stringent protections for journalists who are threatened in the course of their work, though the maximum punishment was lowered from eight years to five years in prison.

The criminal code amendments also eliminated defamation as a criminal offense, but it had been punishable only by fines since 2006, and articles criminalizing similar reputation-related offenses like insult apparently remained in force. Earlier, in July, press freedom organizations harshly criticized Serbia for imprisoning journalist László Sas after he was unable to pay a 150,000 dinar (\$1,700) fine for insulting a far-right politician. Two weeks into his 150-day prison sentence, however, President Tomislav Nikolić pardoned him, allowing his release. Civil defamation is also an issue in the country. In May, Nikolić—then running as a presidential candidate—filed lawsuits against the dailies *Kurir* and *Blic*, demanding 200 million dinars (\$2.3 million) from each. Other journalists and outlets have faced lawsuits and civil damages for allegedly publishing false information.

Media outlets and journalists continue to face partisan and government pressure over editorial policies. Information of public importance is often withheld, and public officials have been known to grant interviews or give statements only to select journalists. According to a report by the Association of Independent Electronic Media (ANEM), a watchdog organization, journalists encountered increased political coercion during the campaign for presidential and parliamentary elections in May 2012. A media survey conducted by the Social Research Bureau showed that media coverage during the campaign lacked critical analysis and in some cases even amounted to political advertising. In March, the Timočka television and radio station in Zaječar was harassed by the authorities. It received a subpoena for an alleged illegally installed transmitter, which had been in the same location for 17 years. The editorial team was also instructed to vacate their business premises. A week later, the station's signal was removed from the package offered by a cable provider. According to ANEM, activists from a political party had been petitioning against Timočka, and the decisions against it were politically motivated.

Threats and physical attacks against journalists were a significant concern in 2012. In February, a Studio B television crew was attacked by a man in downtown Belgrade while reporting about public transportation in the city. The man was arrested and later faced charges. In March, a city councilor from Sremska Mitrovica insulted a journalist who had inquired as to whether or not the councilor was resigning. In a separate incident a day later, the president of

Žagubica's city council allegedly struck the camera of a local television broadcaster and barred it from filming at a municipal gathering. In May, the director of a weekly magazine, *Bačkopalanački Nedeljnik*, was threatened by the mayor of Bačka Palanka, who allegedly told him that if his publication were to write anything more about him, he would throw a bomb into the journalist's house and the magazine's offices. In June, the owner of *Kurir* received a threatening text message from the president of the United Regions of Serbia political party.

Several journalists were targets of explosive devices during the year, although at year's end it was unclear whether the incidents were linked to their work. Tanja Janković, a B92 journalist in Vranje, had an explosive device planted in her backyard in October. A month earlier, she had been attacked at a relative's wedding, reportedly with the involvement of a police inspector. Also in October, Molotov cocktails were thrown at the houses of Biljana Vujović, a presenter with TV Kopernikus, and Damir Dragić, the director of the Belgrade-based tabloid *Informer*. No one was injured in the attacks, and police were investigating them at year's end.

A number of investigative journalists in Serbia live under 24-hour police protection, as they face threats from mafia-like organizations. Traveling abroad has been a concern for these journalists, as their police guards cannot travel armed, whereas criminal organizations operate beyond Serbia's borders. Local press organizations argue that when police and the courts identify the perpetrators of crimes against the media, they often fail to investigate the motives. The murder cases of three journalists remain unsolved. However, in December 2012 the government announced the establishment of a commission to investigate unsolved killings of journalists. Judicial and political treatment of attacks on journalists did not improve in 2012, with culprits generally receiving mild punishments when their cases were brought to court.

The broadcast market is dominated by the public RTS1, but print media are numerous and highly diverse. There are more than 500 print outlets, including around 20 dailies. In addition, some 48 percent of Serbians accessed the internet in 2012. In total, Serbia has more than 1,000 media organizations for just 7.2 million people, meaning most outlets are not financially sustainable. Ownership of the print media remains problematic and in some cases unclear, particularly for daily tabloids. Prior to his arrest on embezzlement charges in December 2012, it was discovered that businessman Miroslav Mišković, the owner of Serbia's largest privately held company, Delta Holding, owned 50 percent—the largest individual stake—in the daily newspaper *Press*. The government still has major stakes in the dailies *Politika* and *Večernje Novosti*, and in Belgrade's municipal broadcaster, RTV Studio B. Under the recently adopted media strategy, the government committed itself to selling its stakes in media organizations by March 2015 at the latest, but no such steps had been taken by the end of 2012. Like the media market in general, the television market is oversaturated, and high broadcasting fees pose a challenge to the viability of many stations. The switchover from analog to digital broadcasting, originally scheduled for April 2012, was postponed until June 2015.

The economic environment remains a significant constraint in Serbia. The media are now more heavily dependent on advertising contracts and government subsidies to survive financially, and every year millions of euros are allocated to state and progovernment media at the expense of other media. A number of outlets have faced closure over the past several years. In 2012, nearly 15 percent of electronic media with valid broadcasting licenses were facing shutdown because of nonpayment of regulatory fees. In September and October, the regulatory body for broadcasting, the Republic Broadcasting Agency (RBA), initiated 67 procedures to revoke licenses for failure to pay broadcasting fees. In November, RTV 5, a top-rated regional media company, stopped broadcasting after 18 years of operation due to financial difficulties that

resulted in its license being revoked over unpaid fees. Other economic pressures on journalists and the media include payment defaults, termination of cooperation and contracts, changes to business contracts, unreasonably high fees for copyrights and related rights, and financial inspections. The economic crisis has exacerbated self-censorship, with media organizations reporting a significant decrease in investigative journalism.

## Seychelles

**Status: Partly Free**

**Legal Environment: 17**

**Political Environment: 20**

**Economic Environment: 19**

**Total Score: 56**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	59,PF	59,PF	58,PF	56,PF	56,PF

The media environment in Seychelles over the past decade has been characterized by government monopolization of radio and television, draconian libel laws that have been used liberally against opposition newspapers, occasional attacks against and harassment of media workers, and extensive self-censorship. The constitution provides for freedom of speech, but also restricts this right by protecting the reputation, rights, and privacy of citizens as well as the “interest of defense, public safety, public order, public morality, or public health.” It grants the minister of information the power to prohibit the broadcast of any material deemed contradictory to “national interest.” Since the court of appeals in 2007 overturned a libel conviction against the opposition weekly *Regar*, which had forced it to close temporarily, the filing of libel charges, as well as libel convictions, has diminished. Nevertheless, civil libel suits can still be used against journalists. In October 2012, the editor of opposition newspaper *Le Nouveau Seychelles Weekly*, Ralph Volcere, was found guilty of contempt of court under section 114 (1) of the penal code for an article challenging the neutrality of a sitting judge. Volcere was required to either publish an apology or pay a fine of 10,000 rupees (\$730). Volcere planned to appeal the case.

The state has a *de facto* monopoly over the widely consumed broadcast media (both radio and television), and private broadcasters have been slow to develop because of restrictive licensing fees of more than 800,000 rupees (\$60,000) per year. Following one opposition party’s efforts to raise enough money for a radio license, the National Assembly in 2006 passed an amendment to the Broadcasting and Telecommunications Act prohibiting politically affiliated groups from obtaining a license. Two licenses for independent radio stations were granted in 2012. In 2009, a report by two independent consultants recommended the formation of a media council, media association, and joint consultation committee, as well as the amendment of the libel laws. In late 2009, the Seychelles Media Association, a grouping of media professionals, was reconstituted after a 10-year hiatus. In 2010, the National Assembly approved the Seychelles Media Commission Act 2010, setting up an independent media arbitration body; however, questions have been raised about its neutrality.

A new Seychelles Broadcasting Corporation Act was passed in 2011, replacing legislation from 1992. The act was intended to make the Seychelles Broadcasting Corporation

(SBC), which runs the nation’s only television station and two radio stations, more independent. However, the period surrounding the campaign for the May 2011 presidential election highlighted the continued bias of the SBC in favor of the ruling Parti Lepep and its candidate, President James Michel, who won reelection. SBC media coverage is still overwhelmingly dominated by the government, giving opposition parties only limited access.

There have been reports of the government monitoring e-mail, chat rooms, and blogs, and opposition activists alleged that access to their party websites have been blocked by authorities. Individuals are commonly detained, arrested, and eventually released for critical comments about government officials posted on social-networking websites. In September, police arrested and detained blogger Michael Sabadin after he posted on Facebook a picture of a soldier who had been beaten by security personal hired on police contract; Sabadin was later released without charge.

Incidents involving attacks or harassment of journalists are uncommon. However, in July 2012 police confiscated a camera from the editor of the critical weekly *Le Seychellois Hebdo* while he was covering an antinarcotics operation, and deleted the photos he had taken. In November 2012, police restricted journalists from interviewing demonstrators taking part in a construction strike.

The three daily newspapers, including the state-owned *Seychelles Nation*, rarely publish stories critical of the government. The weekly *Le Seychellois Hebdo*, which began publishing in 2011, has taken a more critical stance toward the government. Three other weekly newspapers—*Regar*, the *People*, and *Le Nouveau Seychelles Weekly*—are affiliated with political parties. Along with operating the government-owned television and radio stations, the SBC also relays foreign stations. In 2012, Seychelles was connected to the Eastern Africa Submarine Cable System, providing the country with higher bandwidth. About 47 percent of the population accessed the internet in 2012. Telecommunications companies must submit subscriber information to the government, though the law was not enforced in 2012.

## Sierra Leone

**Status: Partly Free**

**Legal Environment: 14**

**Political Environment: 19**

**Economic Environment: 16**

**Total Score: 49**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	59,PF	56,PF	55,PF	53,PF	49,PF

Sierra Leone’s constitution guarantees freedom of speech and of the press, and respect for press freedom and tolerance of opposition criticism appear to be gaining a foothold under President Ernest Bai Koroma. However, despite improvements in the general climate, the Public Order Act of 1965 still assigns prison terms of three to seven years for criminal libel and up to one year for the separate crime of publishing false news. Criminal libel charges apply in some cases even when the defendant can prove the published information to be true, and defendants charged with publication of false news must prove that they took reasonable measures to verify the

information's accuracy. The Sierra Leone Association of Journalists (SLAJ) challenged the constitutionality of the act in 2009, but the Supreme Court upheld it. SLAJ has nevertheless continued to lobby against criminal libel.

Discussions on a freedom of information bill have been ongoing for several years. In 2009, Koroma and other government figures pledged their support for draft legislation. In June 2010, after slightly weakening the draft, the cabinet approved the bill, and by October 2011 it had gone through several parliamentary and committee readings. However, progress on the measure has since stalled.

The media in Sierra Leone are regulated by the Independent Media Commission (IMC), whose members are appointed by the president "acting on the advice of SLAJ and subject to the approval of parliament," according to the Independent Media Commission (Amendment) Act of 2006. The IMC provides an alternative to pressing charges under the Public Order Act; aggrieved parties can register complaints with the commission, which grants them a hearing. If the IMC agrees that a complaint of libel, defamation, or falsehood is valid, it can request that the offending media outlet publish a retraction and an apology, or it can levy a fine on the outlet. The IMC can also summon editors at its own discretion. The body has generally demonstrated independence from the government. In September 2012, the IMC imposed one-month suspensions and fines of 2 million leones (\$460) each against three privately owned newspapers—the *Independent Observer*, the *Senator*, and *Awareness Times*—for violating the media code of practice. However, the *Senator* and the *Awareness Times* refused to comply with the ruling.

Koroma has generally refused to let ruling party supporters crack down on the press and stifle opposition criticism. However, journalists are occasionally subject to attacks or intimidation. In January 2012, police assaulted and briefly detained Allieu Sesay of Radio Democracy while he was covering the arrest of an opposition politician. In March, cameraman Jerry Cole of the public-service Sierra Leone Broadcasting Corporation (SLBC) was attacked by opposition supporters while recording an interview with leading opposition figures. Also that month, the community radio station Radio Wanjei, in the southern town of Pujehun, was temporarily forced off the air by a local politician who stormed the station and seized equipment because he felt the staff had treated him unprofessionally. In July, the independent community radio station Radio Gbath was similarly attacked by a local politician and his supporters in retaliation for the station's alleged disrespect of the politician. In addition to physical violence toward the moderators, equipment was stolen and vandalized. In August, soldiers in uniform attacked reporter Poindexter Sama and graphic designer Alie Turay of the daily *Awoko Newspaper* outside their offices in Freetown after the journalists photographed the soldiers traveling to a protest rally. The soldiers assaulted the journalists and confiscated their mobile telephones and memory sticks. At the end of 2012, the murder trial for eight suspects in the brutal 2011 killing of journalist Ibrahim Foday of the daily *Exclusive* was still ongoing. The crime was the first murder of a journalist in Sierra Leone since 2005.

Sierra Leone has 58 newspapers, about 40 radio stations, and 13 television stations. Most newspapers are independent, though some are associated with political parties, and the print media routinely criticize both the government and opposition parties. All Sierra Leonean newspapers are printed in English, a language spoken by only about a third of the population. A low literacy rate coupled with the high cost of newspapers and televisions make radio the most important and widely available medium for obtaining information. Poverty and illiteracy are also factors behind the low internet penetration rate, which stood at just over 1 percent in 2012,

though the government imposes no restrictions on access. The SLBC operates a television service and a radio network. Television and radio programming is available in both English and local languages. The number of community radio stations has proliferated in recent years, but many are not sustainable due to their dependence on foreign grants and the difficulty of meeting high operational expenses, including for electricity, especially in rural areas. International media operate freely, though foreign outlets are required to register with the government.

Due to Sierra Leone’s poverty, advertising rates are among the lowest in the world, and the business management and operational structures of media outlets are not always efficient. Few news providers can afford to station reporters outside the capital, and printing presses and other materials are scarce and unreliable. Journalists’ pay is generally very low, and many work without pay, taking second jobs that can cause conflicts of interest. Economic insecurity leaves journalists more vulnerable to editorial pressure from owners, advertisers, and other businesses.

## Singapore

**Status: Not Free**

**Legal Environment: 24**

**Political Environment: 22**

**Economic Environment: 21**

**Total Score: 67**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>69,NF</b>	<b>68,NF</b>	<b>68,NF</b>	<b>68,NF</b>	<b>67,NF</b>

The media environment in Singapore remained unchanged in 2012, with few developments in the areas of freedom of the press or expression that attracted international attention. Social media sites and other internet-based sources of news continued to grow but also drew scrutiny from government authorities, with several bloggers forced to retract postings and one jailed for inciting violence.

Freedoms of speech and expression are guaranteed by Article 14 of the constitution, but there are restrictions on these rights. The Newspapers and Printing Presses Act, the Defamation Act, the Internal Security Act (ISA), and articles in the penal code allow the authorities to block the circulation of news deemed to incite violence, arouse racial or religious tensions, interfere in domestic politics, or threaten public order, the national interest, or national security. The Sedition Act, in effect since the colonial period, outlaws seditious speech, the distribution of seditious materials, and acts with “seditious tendency.” In September 2012, 36-year-old Gary Yue Mun Yew was sentenced to two months’ imprisonment for inciting violence under article 267C of the penal code—the first time this article had been used—for a comment posted on the Facebook wall of the Temasek Review blog in connection with 2010 National Day celebrations.

Singapore’s Parliament has been dominated by the People’s Action Party (PAP) since 1959, and ruling party members are quick to use harsh civil and criminal defamation laws to silence and bankrupt political opponents and critical media outlets. With bloggers and discussion groups increasingly offering alternative views and a virtual channel for expressing dissent, the government has begun to crack down on postings it deems offensive. A comment made on the Temasek Review website led three members of Singapore’s ruling Lee family (Prime Minister

Lee Hsien Loong, his wife, Ho Ching, and his brother, Lee Hsien Yang) to demand an apology for allegations that they had filled top government positions with family members. In February 2012, Temasek Review took down the posting and apologized, but on February 17, Singapore media outlets reported that Parliament had pushed through an amendment to the Evidence Act allowing courts to admit deleted online posts as evidence. The amendment, according to the *New Paper*, gives the courts “the discretion to consider relevant evidence by widening the admissibility of several categories. Among them are changes to the computer output evidence—which means computer printouts and sound and video recordings can be treated just like other evidence in Singapore courts.”

The judiciary lacks independence and systematically returns verdicts in the government’s favor. Journalists and other commentators who raise questions regarding judicial impartiality are subject to being charged with contempt of court. Singapore has no freedom of information law and attempts by opposition legislators to introduce legislation have not been well-received.

Annual licensing requirements for all media outlets and internet service providers have been used to inhibit criticism of the government. Websites offering political or religious content are required to register with the Media Development Authority, and a website’s owners and editors are criminally liable for any content that the government finds objectionable. In August 2012, a proposed Code of Conduct for bloggers was discarded by the government in favor of a Media Literacy Council, which was tasked with promoting public education on media literacy and cyber wellness. Critics questioned the lack of transparency in appointing council members, expressing concern that it might become just another internet censorship tool. Foreign media are also subject to pressures and restrictive laws such as the Newspaper and Printing Presses Act, and are required by the Ministry of Information, Communications, and the Arts to post bond and appoint a local legal representative if they wish to publish in Singapore.

Films, television programs, music, books, and magazines are sometimes censored; all films with a political purpose are banned unless sponsored by the government. The majority of print and broadcast journalists practice self-censorship to avoid defamation charges or other legal repercussions. A recently published book, *OB Markers: My Straits Times Story*, by Cheong Yip Seng, the former editor in chief of Singapore Press Holdings, documents some of these practices, as well as the ever-shifting markers of what is “OB” or “Out of Bounds.” However, coverage of sensitive socioeconomic and political topics is more widespread on the internet. Journalists can generally gather news freely and without harassment. Cases of physical attacks against members of the press are extremely rare, and none were reported in 2012.

Nearly all print and broadcast media outlets, internet service providers, and cable television services are owned or controlled by the state or by companies with close ties to the PAP. The British Broadcasting Corporation (BBC) World Service is the only completely independent radio station available in the country. Satellite television is forbidden. A substantial variety of foreign newspapers and magazines are distributed uncensored, but the government is authorized to limit the circulation of print editions.

Internet use is widespread in Singapore, accessed by about 74 percent of the population in 2012. It is believed to have played a significant role in informing voters ahead of the 2011 parliamentary elections, in which the ruling PAP received its lowest vote share since the country’s independence, as well as providing a space for alternative or dissenting views.

## **Slovakia**

**Status: Free**  
**Legal Environment: 6**  
**Political Environment: 9**  
**Economic Environment: 7**  
**Total Score: 22**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	22,F	23,F	23,F	22,F	21,F

Press freedom in Slovakia is constitutionally guaranteed and generally respected, and independent media outlets freely disseminate diverse views. Defamation is not a criminal offense, though some types of expression—such as Holocaust denial—are subject to criminal prosecution. Civil defamation suits brought by members of the judiciary and political and business elites, many of which claim exorbitant damages, remain a concern. The 2006–10 administration of Prime Minister Robert Fico, head of the center-left Smer–Social Democracy party (Smer-SD), was widely considered hostile to the media. A short-lived coalition headed by Iveta Radičová, which took power in 2010, rolled back some constraints on the media before it collapsed in October 2011. Smer-SD won an overwhelming victory in snap elections held in March 2012, and Fico returned as prime minister. In September, Fico dropped his libel suit against the weekly *Plus 7 Dni* after reaching an out-of-court settlement, and gave his first cordial interview to the newspaper in years. Separately, at year’s end he was still pursuing a suit over a critical 2009 political cartoon by Martin Šútovec, known as Shooty, having filed an appeal with the Supreme Court after losing in the district and regional courts. Fico and controversial Supreme Court chairman Štefan Harabin have each collected hundreds of thousands of dollars from successful libel lawsuits over the past several years.

In September 2012, reports emerged that Harabin had threatened to sue the public broadcaster, Radio and Television of Slovakia (RTVS), and a psychiatrist who had criticized him on the air for as much as €400,000 (\$514,000) in damages. The psychiatrist had claimed that two judges had died—one of a heart attack and another of suicide—as a result of persecution by Harabin. Also in September, the Constitutional Court overturned a ruling that had awarded Harabin €16,666 (\$21,400) in another libel lawsuit. In what could prove to be a curb on Harabin’s litigious practices, Jana Dubovcová, a former judge and a vocal critic of the Supreme Court chairman, was sworn in as Slovakia’s new ombudswoman in March 2012. The post came with the power to file disciplinary complaints against judges, and Dubovcová signaled in November that she was prepared to do so. Separately, it was reported in November that Helena Kožíková, the former head of a district court in Bratislava, the capital, had filed a case against Zuzana Piussi, the director of a documentary that was critical of the judiciary, over allegations that Piussi had violated her privacy. Piussi faces up to two years in prison if convicted. Kožíková also sued RTVS for €30,000 (\$39,000) in damages for airing Piussi’s documentary.

The 2000 Act on Free Access to Information allows anyone to request information from state agencies and receive an answer within 10 days, with noncompliant officials subject to potential fines. In October 2012, the government amended the act with the aim of bringing it into line with European Union (EU) regulations.

In late 2011, it was revealed that the military counterintelligence service had installed wiretaps on telephones belonging to several journalists. Deputy prosecutor general Dobroslav

Trnka announced in February 2012 that a number of unidentified officials, including top military intelligence officers, would face charges of abuse of power and violating citizens' rights in connection with the wiretaps. Another scandal that came to light at the end of 2011, nicknamed "Gorilla," centered on the leak of several files purportedly documenting recordings taken by the Slovak Intelligence Service (SIS) in 2005–06. According to the files, the recordings had revealed corrupt behavior by associates of the country's largest private equity firm, Penta, and senior politicians during former prime minister Mikuláš Dzurinda's second term. In early 2012, Jaroslav Haščák, a co-owner of Penta, unsuccessfully sought court injunctions against several websites that published the files, including the social-networking website Facebook. Haščák also sought an injunction against a book about the scandal, written by the Canadian-Slovakian investigative journalist Tom Nicholson. In February, a preliminary injunction against the book was granted, prompting complaints from rights organizations. A Bratislava court in June ruled that the book could be published, and stores began stocking it shortly thereafter. Haščák appealed that decision to the Supreme Court in August. It was reported in November that former economy minister Jirko Malchárek, who was also implicated in the Gorilla files, had sued Nicholson for libel. Both that case and Haščák's appeal remained open at year's end.

Following Smer-SD's victory in the March 2012 elections, a proposal to dismiss RTVS head Miloslava Zemková before the end of her term was introduced in the parliament. The measure claimed that Zemková, who had been elected to the position in 2011 under Radičová's government, had mishandled a public tender. The move drew complaints from press freedom organizations and the European Broadcasting Union (EBU), whose director called the proposal "alarming" and a clear sign of political interference. The parliament nonetheless passed the measure in late June in a vote boycotted by the opposition. Zemková then filed a complaint with the Constitutional Court, saying her dismissal had been politically motivated. Meanwhile, the parliament in August elected a new director, with opposition lawmakers again boycotting the vote. The Constitutional Court in December dismissed Zemková's complaint, finding that it was unsubstantiated and that the court lacked jurisdiction to rule on the issue.

Most Slovak media outlets, including all major print outlets, are privately owned. Lack of transparency in media ownership remains a concern, as does inadequate enforcement of regulations on cross-ownership of outlets. Print media ownership is concentrated in three major houses: Ringier Axel Springer, based in Switzerland, and Spoločnosť 7 Plus and Petit Press, both based in Bratislava. Slovakia's leading financial group, J&T, in recent years has acquired the country's second-most-popular daily newspaper, *Pravda*, as well as TV Joj, Slovakia's second-largest television network. In December 2011, the national transmission company Towercom was awarded an 18-year license to operate Slovakia's fourth digital terrestrial television multiplex—the only such broadcasting system it did not already control. The main operators in the radio market are Radio Expres, which is privately owned, and the public Slovak Radio. Slovaks enjoy growing access to the internet, which the government does not restrict; approximately 80 percent of the population had access in 2012.

The economic outlook of RTVS remained uncertain in 2012. The broadcaster came into being at the start of 2011, after the dire financial position and dwindling audience of the existing public-service broadcasters prompted the government in 2010 to approve legislation outlining the merger of public television and radio networks into a single entity. The two-year merger process—which was designed to rescue both broadcasters from financial collapse, but did not relieve them of their massive debts—generally went according to schedule in 2012, though the organization had yet to establish a shared headquarters. To counter its financial difficulties, the

newly elected RTVS director in October announced plans to lay off at least a fifth of the broadcaster's employees. Private media outlets have also faced increasing financial pressure in recent years.

## Slovenia

**Status: Free**

**Legal Environment: 6**

**Political Environment: 11**

**Economic Environment: 7**

**Total Score: 24**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	23,F	24,F	25,F	25,F	25,F

Slovenia's constitution and legal system guarantee freedom of speech and of the press. However, the law bars hate speech and incitement to intolerance or violence, and defamation remains a criminal offense that can result in imprisonment. Media outlets for the most part operate without political interference. At times, however, they have faced lawsuits after reporting on controversies involving powerful political figures.

In December 2012, the Ljubljana Higher Court annulled the Ljubljana District Court's 2011 order that Finnish journalist Magnus Berglund and the Finnish public broadcaster, YLE, pay €15,000 (\$19,300) in damages to Janez Janša, Slovenia's prime minister and the head of the Slovenian Democratic Party (SDS). Janša had sued Berglund, YLE, and several other individuals for defamation in 2010 over a 2008 YLE documentary, produced by Berglund, that accused Janša of receiving kickbacks from arms deals between Slovenia and the Finnish defense contractor Patria. Separately, in November 2012, the Ljubljana District Court ordered the newspaper *Delo* to pay €10,000 (\$13,000) in damages and publicly apologize to the SDS for damaging its reputation in a 2009 article. Citing Finnish investigators, the report claimed that the SDS had improperly accepted money from Patria. In July 2012, the same court threw out a libel suit brought by Ljubljana mayor Zoran Janković of the opposition Positive Slovenia party. He had sought €30,000 (\$39,000) in damages from the business daily *Finance* over a series of 2010 articles that had implicated him and members of his family in illicit real-estate transactions.

The 2003 Access to Information of Public Character Act ensures free access to information. The Office of the Information Commissioner, an independent body established in 2005, is tasked with handling freedom of information requests and supervising the protection of personal data. The commissioner is nominated by the president and subject to approval by the National Assembly, Slovenia's lower house of parliament. The current director enjoys a high level of public trust.

The Mass Media Act of 2006 established the "right of correction," according to which anyone offended or insulted by information published in the media, even truthful information, can demand a "correction" published in the same space as the offending article. The government and large companies have utilized this law to demand corrections that in some cases have been longer than the original article. The texts hinder editorial independence and journalists' freedom to publish critical articles. The Ministry of Culture is the main regulatory body for the print

media and supervises the implementation of the Mass Media Act. It also handles complaints against the media from the public. Electronic media are regulated by the Post and Electronic Communications Agency. The agency's responsibilities include monitoring the content of radio and television broadcasts and stimulating competition within the broadcasting industry.

Janša, who had previously served as prime minister from 2004 to 2008, returned to power in 2012 following December 2011 elections. Events since then have signaled the new Janša government's growing influence over the media. In July, four members of the supervisory board of the public broadcaster, Radio-Television Slovenia (RTV Slovenia), who had been appointed in January 2010 by the previous government were dismissed before the end of their four-year terms, prompting criticism from media advocacy groups. The dismissed members filed a lawsuit alleging that their ouster had been illegal, but Slovenia's Administrative Court rejected the case in September. Later that month, Janša's government removed an additional five members from the board, leaving it with just two supervisors out of the usual eleven. In November, Planet TV, a new commercial television station owned by the state-run Telekom Slovenije, made its debut. Critics noted that the launch was contrary to Slovenian law, according to which a telecommunications company cannot own a television station, and claimed that Janša's administration had established the channel in order to promote progovernment views.

There are very few cases of threats and physical harassment against journalists, and reporters are generally able to cover the news without fear of violence.

A wide variety of media outlets operate in Slovenia. There are eight daily and a number of weekly newspapers; many of the weeklies report on local and regional issues and enjoy significant readership within the communities they cover. The country's major newspapers are privately owned, while the broadcasting sector includes both public and private stations. RTV Slovenia is required by law to air radio and television broadcasts that cater to the country's Italian and Hungarian ethnic minorities. The government-operated Slovene Press Agency (STA) publishes news in Slovenian and English and has permanent offices in several European cities as well as in the United States. Internet penetration reached approximately 70 percent of the population in 2012. The government does not restrict access to the internet.

A transition to digital broadcasting has proceeded rapidly, and Slovenia now boasts the second-highest internet protocol television (IPTV) penetration rate in Europe. The digitization of media has resulted in substantial declines in print media readership and revenues, and outlets have sought to cope by experimenting with online pay walls. At the beginning of 2012, a project from Slovakia, called Piano, united eight major Slovenian publishers behind a pay wall. The financial situation of print media was also threatened in late 2012 by a government proposal to raise the value-added tax (VAT) on certain items, including periodicals, from 8.5 to 20 percent. However, the bill was withdrawn from the parliament in November. In a highly criticized move in August, the Janša government announced plans to reduce the public broadcaster's funding from license fees by 10 percent. The cut was halved to 5 percent after RTV Slovenia publicly campaigned against the move.

Media concentration is high, and ownership of media outlets changes often, making the market unstable and difficult to monitor. Two foreign companies decided to leave the Slovenian broadcasting market in 2012, arguing that it was uncompetitive and inadequately regulated. Newspapers that are critical of the government sometimes face difficulty securing advertisers, and self-censorship is reportedly common among journalists who want to avoid problems with their employers.

## Solomon Islands

**Status: Free**

**Legal Environment: 6**

**Political Environment: 11**

**Economic Environment: 11**

**Total Score: 28**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	30,F	30,F	29,F	29,F	28,F

Article 12 of the Solomon Islands' constitution guarantees freedom of expression and freedom of information, and the government generally respects these rights. However, defamation is a criminal offense, and authorities have in the past filed or threatened charges or civil suits against the press. In 2011, the *Island Sun* newspaper was threatened with a SI\$75,000 (US\$10,000) compensation demand by supporters of legislator Namson Tram, following a front-page report about Tram's alleged purchase and private registration of his government vehicle. No defamation cases against journalists were reported in 2012. There is currently no freedom of information law in the Solomon Islands. In an unfortunate rebuff to access to government officials, former parliamentarian and cabinet minister Jimmy Lusibaea banned his wife Vika, who was successfully elected for the North Malaita seat in August 2012 and who became the only woman in the National Parliament, from speaking to the foreign news media.

While the political and news media environment remained fairly stable and diverse, pressure from politicians trying to limit public debate is still a problem, especially for some fledgling news outlets that are attempting to contribute to a plurality of voices. Due to the country's volatile history, some journalists are prone to self-censorship. However, as the country has recovered from the 1998–2003 ethnic conflict, journalists have generally been able to cover the news more freely, without harassment. In 2008, the multinational assistance mission to the country launched the Solomon Islands Media Strengthening Scheme, which continues to train journalists and give them technical support. Attacks against media workers are rare, and none were reported in 2012.

The *Solomon Star* daily dominates the print sector, but there are a number of weekly papers. The Solomon Islands Broadcasting Corporation operates the national public station Radio Happy Isles as well as Wantok FM and the provincial stations Radio Happy Lagoon and Radio Temotu. Paoa FM leads the commercial radio sector. One Television, a relatively recent addition to the media landscape, has proven to be an innovative broadcaster, adding a competitive and challenging edge to the industry. Due to low literacy levels, broadcast media reach a much broader swathe of the population than print outlets. There are no restrictions on internet access, but high costs and a lack of infrastructure limited internet penetration to 7 percent of the population in 2012.

## Somalia

**Status: Not Free**

**Legal Environment: 27**

**Political Environment: 35**  
**Economic Environment: 22**  
**Total Score: 84**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	84,NF	84,NF	84,NF	84,NF	84,NF

The media environment in Somalia varies significantly from region to region, with different conditions in unstable south-central Somalia, semiautonomous Puntland in the northeast, and the breakaway territory of Somaliland in the northwest. The year 2012 was one of the deadliest on record for journalists in Somalia, with 12 killed across the country, according to the Committee to Protect Journalists (CPJ). This is a significant increase from 2011, when two journalists were killed. The security situation remains challenging despite political progress in south-central Somalia. A draft constitution was passed in August, and a new president, Hassan Sheikh Mohamud, was elected in September. Nevertheless, the Transitional Federal Government (TFG) and the new government that succeeded it, both backed by African Union (AU) troops, continued to battle with the Shabaab, a militant Islamist group, and other local militias for control of areas outside Mogadishu.

Somalia's new provisional federal constitution, adopted by the National Constituent Assembly in August 2012, provides for freedoms of speech and of the press. However, due to pervasive violence across much of the country, journalists continue to face restrictions on their reporting in practice. There is no freedom of information law to guarantee access to public information, and defamation is a criminal offense, although many cases are resolved outside the formal court system, either according to *xeer* (customary law) or in Sharia (Islamic law) courts. At the end of the year the government was debating new legislative initiatives, including a telecommunications bill, a revised media law approved by the Transitional Federal Assembly (TFA) in late 2007, and a Communications Act. There was significant international support for media law reform, and an intensive effort to undertake such changes was expected in early 2013. However, given the government's inability to impose its authority over much of Somalia, the practical implications of any new laws remained unclear.

The ongoing violence has dramatically affected the media environment in south-central Somalia. Numerous journalists have been killed in recent years, either for their perceived political affiliations or as accidental casualties in armed clashes. Media outlets have aligned themselves with political factions as a means of survival, making neutral or objective reporting a rarity. In October 2012, Jamal Osman wrote an article in Britain's *Guardian* newspaper in which he noted that Somali journalists were "dying from corruption as much as conflict." The article sparked a broad debate and was met with protest and condemnation by the media, despite the fact that such corruption had been documented before by journalist groups, including the National Union for Somali Journalists (NUSOJ). While there is self-censorship, it is often along political or clan lines. Concerns about safety also make journalists who gain access to militant leaders reluctant to conduct critical interviews or edit the resulting products. Direct censorship also remained a problem in 2012, as armed factions took over some broadcast stations and forced others to close.

Somalia remains one of the most dangerous countries in the world for journalists and other media workers. Several journalists from the Shabelle Media Network were killed during the year. In January, the director, Hassan Osman Abdi, was shot dead as he was entering his

home in Mogadishu. This was followed by the April murder of correspondent Mahad Salad Adan in Beledweyne, central Somalia, after he reported on a conflict between the Shabaab and the progovernment militia Ahlu Sunnah Waljamaa; the May murder of presenter Ahmed Addow Anshur; and the October murder of Shabelle’s web editor, Mohamed Mohamud Turyare. Shabelle was one of south-central Somalia’s most important media outlets, and the repeated attacks on its journalists have seriously degraded its operations. In addition, three journalists—Abdirahman Yasin Ali, director of Radio Hamar (“Voice of Democracy”); Abdisatar Daher Sabriye, head of news for Radio Mogadishu; and Liban Ali Nur, head of news for Somali National TV—were killed in a September suicide bombing at a Mogadishu café frequented by media workers and civil servants.

Despite the violence, dozens of radio stations continued to broadcast in Mogadishu and other parts of the country. The government supports Radio Mogadishu, which carries official news and information and provides space for a variety of groups and individuals to voice their opinions. The joint UN-AU radio station Radio Bar Kulan began shifting its operations from Nairobi, Kenya, to Mogadishu in 2012, reflecting both the improved environment in Somalia and a planned transformation into a public-service broadcaster. Like Radio Mogadishu, the station has sought to offer a platform for voices that may be critical of the extremists and more sympathetic to the government and AU forces. Many Somalis also access news via foreign radio transmissions, including the Somali services of the British Broadcasting Corporation (BBC) and Voice of America.

The advertising sector is weak, and advertising revenue is often not enough to sustain media houses. This leads some outlets to depend on financial support from wealthy owners or politicians, which compromises editorial independence. Journalists in all regions of Somalia receive low or even no pay and rely on trainings, corruption, or blackmail for additional income. Many media outlets also prefer to hire cheaper, less-skilled workers or even relatives over more experienced journalists. Because there is an abundance of journalists, those who complain about low wages usually face threats of dismissal and replacement.

The status of press freedom is somewhat better in Puntland, a self-declared semiautonomous region. Puntland’s interim constitution provides for press freedom as long as journalists demonstrate “respect” for the law, but the region recognizes the Somali federal government. A 2010 Puntland counterterrorism law includes a provision that prohibits media outlets from reporting on the Shabaab. In 2012, journalists also faced threats, attacks, and harassment from security forces and militias, who usually enjoyed impunity for their actions. Despite Puntland president Abdirahman Mohamud Farole’s stated commitment to greater openness, restrictions remained harsh, and coverage of political and security issues continued to be particularly dangerous for journalists. Two journalists in the city of Galkayo were killed in 2012: Farhan Jeemis Abdulle, who worked for Simba Radio and Radio Daljir and was shot by unidentified gunmen in May, and Ali Ahmed Abdi, a freelance journalist who was gunned down by Shabaab militants for supporting the Puntland government. The government also put pressure on the media, forcing the private radio station Horseed FM to close and allegedly blocking its website in some cities, according to Reporters Without Borders.

In 2012, the autonomous government of Somaliland—whose claims of independence have not been internationally recognized—continued to tolerate a relatively free media sector compared with the rest of Somalia, although the relationship between the government and the media was tense. The Somaliland constitution guarantees freedoms of speech and of the press. Defamation is not a criminal offense, and libel cases are sometimes settled through the clan

system of arbitration, although judges are inclined to use criminal law in media cases. There is no access to information law in Somaliland, and public officials often choose not to divulge information unless it is favorable to the government.

In a pattern that began in the run-up to the 2010 elections, many journalists and media outlets are aligned with or financially supported by political parties. The Somaliland government under President Ahmed Mohamed Mahamoud Silanyo has been accused of dealing harshly with the media, often summoning journalists for questioning at the Central Investigations Department, closing media outlets, or arresting journalists. The government has a history of suspending broadcasts by the satellite television stations Universal TV and Horn Cable TV. In early 2012, the president called Horn Cable TV a “nation destructor” and ordered it closed. Eight of the station’s journalists were arrested while protesting the closure; when 13 of their colleagues from various outlets protested the detentions, they too were arrested. In December, editor Mohamud Abdi Jama of the newspaper *Waheen* was arrested after he quoted a report by a participant in a human rights conference that alleged corruption by the president’s son-in-law. Also in December, the editor of the weekly newspaper *Yool* went into hiding due to fears of arrest after he reported his predictions regarding the outcome of local elections held the previous month. As in years past, several Somaliland journalists received threatening text messages and harassment from the Shabaab. In October, Ahmed Saakin Farah Ilyas, a journalist with Universal TV, was killed in the northern Sool region by unidentified gunmen. Fearing retaliation, some outlets have refrained from openly reporting and condemning the activities of the Shabaab.

There are about 10 newspapers in Somaliland, although this number fluctuates, as some publish intermittently. Most local outlets are not economically sustainable and are heavily subsidized by the diaspora as well as by political parties and businesses. While they tend to be aligned with particular political or individual interests, Somaliland media largely share a proindependence agenda. Newspaper reporting is often critical of the government but has limited reach due to the relatively high cost of papers and low levels of literacy.

Radio remains the most accessible and widespread medium for news in Somaliland. The establishment of independent radio stations is banned, and the region’s government has been reluctant to liberalize the sector, citing the danger that stations could instigate clan violence; some Somalilanders support this argument. Government-owned Radio Hargeisa remains the only FM station, although the BBC is available in the capital. There has been a small but notable growth in internet-based radio stations operating both within Somaliland and from the diaspora. There is one government-owned television station, Somaliland National Television. A number of Somali-language satellite stations, such as Horn Cable TV and Universal TV, broadcast from the Middle East and London, and they are accessible and highly influential. The advertising sector is gradually growing but remains small.

The Somali diaspora in Europe, North America, and the Persian Gulf states has established a rich internet presence. Internet service is available in large cities in Somalia, and users enjoy a relatively fast and inexpensive connection, including through mobile devices. Around 7 percent of Somalis owned a mobile phone, and 1.4 percent accessed the internet in 2012. Although there were no reports of consistent government restrictions on the internet, some factions reportedly monitored internet activity.

## **South Africa**

**Status: Partly Free**  
**Legal Environment: 10**  
**Political Environment: 15**  
**Economic Environment: 10**  
**Total Score: 35**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>28,F</b>	<b>30,F</b>	<b>32,PF</b>	<b>33,PF</b>	<b>34,PF</b>

Freedoms of expression and of the press are protected in the constitution and generally respected in practice, and South Africa is home to vibrant journalists’ and press freedom advocacy organizations that regularly and effectively push back against government encroachments. However, several apartheid-era laws and a 2004 Law on Antiterrorism permit authorities to restrict reporting on the security forces, prisons, and mental institutions. In September 2012, the Constitutional Court upheld a 2011 Gauteng High Court judgment that the controversial 2009 Film and Publications Amendment Act was unconstitutional. The legislation, ostensibly passed to protect against child pornography and hate speech, was widely criticized by press freedom advocates as a potential means of prepublication censorship. It required any publisher not recognized by the press ombudsman to submit potentially “pornographic” or “violence-inciting” materials to a government board for approval, and imposed criminal penalties for noncompliance.

Journalists and media houses are occasionally threatened with legal action or charged as a result of their work. In November 2011, lawyers for presidential spokesman and African National Congress (ANC) party stalwart Mac Maharaj threatened the independent weekly and online daily *Mail & Guardian* with criminal prosecution for alleging that Maharaj lied to the anticorruption agency regarding his involvement in an arms-deal scandal from the late 1990s, leading the newspaper to censor most of the article in question. Maharaj later filed criminal complaints against the two reporters responsible for the story, accusing them of stealing records from the government’s investigation. An inquiry into that claim was ongoing at the end of 2012. In November, the current police minister conceded that journalist Mzilikazi wa Afrika had been wrongfully arrested in 2010 for stories alleging corruption by former police chief Bheki Cele. Wa Afrika won personal damages and compensation for the *Sunday Times*, which published the articles. Libel is not criminalized in South Africa, but civil cases, sometimes involving large fines, continue to be brought against members of the press. President Jacob Zuma has himself sued local media outlets 11 times for defamation. However, in November 2012 he dropped a R5 million (\$610,000) defamation lawsuit against *Sunday Times* cartoonist Jonathan Shapiro—also known as “Zapiro”—over a controversial 2008 political cartoon.

The constitution protects the right of access to information, and the Promotion of Access to Information Act (PAIA) is designed to implement this guarantee. However, there has been a stark increase in the use of court interdictions and gag orders by both governmental and nongovernmental actors in recent years, and enforcement of existing disclosure rules is sometimes less than adequate.

In late 2011, the National Assembly (NA), the lower house of Parliament, passed the controversial Protection of State Information Bill, which would allow state agencies to classify a wide range of information—including “all matters relating to the advancement of the public good” and “the survival and security of the state”—as being in the “national interest” and thus

subject to significant restrictions on publication and potential prison terms for violations. Vociferous objections from civic groups and opposition parties forced the government to amend the legislation. In November 2012, the National Council of Provinces, the upper house of Parliament, passed a revised version that marginally narrowed the definition of national security, included a limited public-interest exception, maintained the integrity of PAIA and constitutionally mandated oversight commissions, and removed most commercial information from the bill's purview, among other changes. Nevertheless, the bill still criminalized the possession and disclosure of classified information, with potential prison sentences ranging from 5 to 25 years. Opponents vowed to challenge the bill before the Constitutional Court on the grounds of its incompatibility with PAIA, as well as its lack of a public-domain defense and its limited public-interest defense. At year's end, the amended bill was awaiting passage by the NA.

The ANC in 2010 revived a plan to replace the self-regulating Press Council (PCSA) and press ombudsman with a state-run media tribunal that would hear complaints against the press, hand out stiff punishments for violating privacy and for defamation, and force the media to issue retractions and apologies. In July 2011, responding to the ANC's proposal, the South African National Editors' Forum (SANEF) and Print Media South Africa (PMSA) established an independent body of individuals, the Press Freedom Commission (PFC), to identify the most efficient and effective regulatory system for South African media. In April 2012, the PFC rejected the idea of a statutory media tribunal, recommending instead a system of "independent co-regulation" between the public and the press, but without government representation. Additional recommendations included the expansion of the definition of complainant to include not just those directly affected by a story, but also public advocates; a clearer hierarchy of sanctions for violations; and a ban on hate speech and "harmful" coverage of children. In October, the PCSA announced a comprehensive set of reforms, embracing independent co-regulation and restructuring itself to include equal public and media representation under the chairmanship of a retired judge. The overhaul also provides the public greater legal redress, such as the ability to appeal directly to ordinary courts. The ANC voiced its approval of the new provisions, and no further steps were taken toward the establishment of the proposed media tribunal during the year.

Journalists are occasionally harassed and threatened by both government officials and nongovernmental actors over the content of their reporting. In addition, reporters sometimes face physical attacks when attempting to cover sensitive news stories. For example, journalists' coverage of wildcat mining strikes in August and September 2012 were inhibited by security forces. Journalists are also unable to access areas deemed of interest to national security under the apartheid-era National Key Points Act, and in recent years there has been an increase in the number of locations thus designated under the act. In 2012, the government invoked the legislation to prevent admittance to or disclosure of information regarding Zuma's Nkandla homestead during a controversial remodeling that was estimated to cost over \$200 million.

A number of private newspapers and magazines—including the *Mail & Guardian*, the *Cape Times*, and the *Sunday Times*—are sharply critical of the government, political parties, and other societal actors. The print media continue to be dominated by four groups: Ayusa, Independent Newspapers, Media24m, and Caxton/CTP. Access to print media is also concentrated among more urban, wealthier South Africans. As a result, the majority of South Africans receive news via radio and television outlets. The state-run South African Broadcasting Corporation (SABC) is the prevailing force in both sectors, though there is a greater diversity of radio outlets in urban areas. While officially editorially independent, the SABC has come under

fire for displaying a pro-ANC bias, reflecting internal ANC rifts in its management struggles, financial maladministration, and practicing self-censorship. In December 2012, editors at the SABC radio station Metro FM quashed an interview about the ANC national conference with three political journalists because no ANC representative was present.

The Independent Communications Authority of South Africa (ICASA) is involved in efforts to expand the number and broadcasting range of community radio stations. However, the process is slowed by lack of bandwidth and bureaucratic delays. The SABC's three stations claim most of the television market, but the country's two commercial television stations, e.tv and M-Net, are reaching growing proportions of the population. International broadcasts are unrestricted.

In 2011, the Zuma government announced a R1 million (\$122,000), cabinet-approved advertising budget that will be directed toward newspapers that "assist the government in getting its message across"; the government's media advertising operations were also consolidated within the Ministry of Communications. *New Age*, a daily newspaper launched in late 2010, is owned by interests with close ties to Zuma and has been explicitly endorsed by the government as a "supportive" publication. The paper has hosted a growing number of high-priced "business breakfasts" with senior ANC officials and business leaders, drawing accusations of a conflict of interest.

Internet access is unrestricted, although state monitoring of telecommunications systems is authorized. In 2012, 41 percent of the South African population had access to the internet. Access is expanding rapidly, and more people are able to reach the medium from mobile devices than from computers. However, the majority of the population is unable to benefit from internet access due to high costs and the fact that most content is in English, an obstacle for those who speak one of the country's 10 other official languages. There is some content in local languages, especially on social-networking platforms.

## South Korea

**Status: Partly Free**

**Legal Environment: 9**

**Political Environment: 13**

**Economic Environment: 9**

**Total Score: 31**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>30,F</b>	<b>30,F</b>	<b>30,F</b>	<b>32,PF</b>	<b>32,PF</b>

South Korea's media environment has experienced some setbacks since President Lee Myung-bak took office in 2008, and the Lee administration's attempts to censor online content and restrict access to news from North Korea under its strict interpretation of the 1948 National Security Law continued to raise concerns among domestic and international media advocacy groups during 2012. However, these issues drew increased attention during the run-up to the December 2012 presidential election, with political parties and candidates proposing new initiatives to strengthen press freedom. Park Geun-hye of the conservative Saenuri Party won the contest, becoming the first female president in the country's history.

While freedom of the press is guaranteed by the constitution and generally respected in practice, Article 7 of the National Security Law prescribes imprisonment for praising or expressing sympathy for North Korea. Defamation is a criminal offense, and charges are occasionally threatened or brought against reporters or commentators who criticize the government. Chung Bong-ju, one of South Korea's most popular political commentators, served a one-year jail term after being convicted in late 2011 of spreading false rumors about Lee's connection to alleged stock fraud.

Due to rising political tensions with North Korea, as well as the death of North Korean leader Kim Jong-il in December 2011, the Lee administration appeared to grow more concerned about the expression of pro-North Korean sentiment, particularly online. According to the Korea Communications Standards Commission (KCSC), an official body responsible for monitoring online content, the number of South Korean websites or social media accounts shut down for pro-North Korean content rose from 10 in 2009 to 304 in 2011, and then decreased slightly to 267 in 2012. About 14,430 web posts were deleted by the police in 2009 for "threatening national security by praising North Korea, and denouncing the U.S. and the (South Korean) government." That number increased to over 67,000 in 2011, and then decreased to 12,921 in 2012. In January 2012, Park Jung-geun, a 24-year-old photographer and blogger who reposted messages from the North Korean government's Twitter account, was arrested on charges of violating the National Security Law. While Park said his Twitter posts were meant to lampoon the North Korean regime, prosecutors charged that, regardless of his intention, his account had served as a vehicle for spreading the North's propaganda. Park was given a 10-month suspended jail sentence in November 2012.

The Lee government was accused of inappropriately seeking to extend its influence over several state-controlled broadcast media companies. Former presidential aides and advisers were also appointed to key positions at a number of private media companies during Lee's tenure, despite the objections of journalists seeking to maintain the broadcasters' editorial independence. More than 180 journalists have been penalized since 2008 for writing critical reports about government policies, as well as for advocating press freedom. At the end of January 2012, over 700 employees from the privately owned Munhwa Broadcasting Corporation (MBC) went on strike, claiming that the network president had interfered with fair reporting. The strike expanded to other networks with similar management concerns, including approximately 650 employees at South Korea's largest station, the public Korea Broadcasting System (KBS). The strike officially ended in July, though journalists at both MBC and KBS remained in talks regarding management's political interference in reporting.

South Korea has a vibrant and diverse media sector, with numerous cable, terrestrial, and satellite television stations and more than 100 daily newspapers in Korean and English. Many newspapers are controlled by large industrial conglomerates and depend on major corporations for their advertising revenue. The television and radio sectors feature both public and private outlets, including an American Forces Network for the U.S. military. Five new cable television channels—four general-programming stations and one all-news channel—were launched in December 2011, two and a half years after the government revised a set of media laws to allow investment by conglomerates and newspaper companies in the broadcasting sector. These new channels are expected to affect the market dominance of KBS, MBC, and Seoul Broadcasting System (SBS), all of which had previously held exclusive rights to offer general programming, ranging from news and documentaries to sports and entertainment shows.

Approximately 84 percent of the population accessed the internet in 2012, and a significant number of young people get their news exclusively from online sources. South Korean online media are especially vigorous and innovative. Aside from pro-North Korean content, the internet is generally unrestricted, but the government requires all website operators to indicate whether their sites might be harmful to youth.

## South Sudan

**Status: Partly Free**

**Legal Environment: 16**

**Political Environment: 27**

**Economic Environment: 17**

**Total Score: 60**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	NA	NA	NA	NA	<b>59</b>

Hopes for improvements in the media environment in South Sudan in 2012 were subdued after auspicious media bills, first introduced in 2007, were not passed during the year. Working in a legal vacuum, many South Sudanese journalists describe an increasingly intolerant stance by authorities toward the media.

The new constitution, ratified upon independence and considered one of the most progressive charters in Africa, guarantees press freedom and ensures that all levels of government uphold this principle. Three progressive media bills were introduced in 2007 but had not been enacted by the end of 2012, leaving journalists without comprehensive legal protections and the media sector without a regulatory framework. The bills were designed to facilitate access to information, set up a public broadcaster, and establish an independent press ombudsman. While Information Minister Barnaba Marial Benjamin claimed that the delay in the bills' passage was due to a glut of legislation in the parliament, local journalists voiced suspicions that individuals within the government opposed their adoption. Local journalists and editors also fear that the draft media bills have been altered in ways detrimental to press freedom and without consultation with the local press during the nearly six-year interval. For instance, the latest version of the draft Broadcasting Corporation Bill, designed to create a public broadcaster, differed from its original draft by giving the executive branch, rather than the legislature, power over board appointments.

Legal measures were rarely used against the press, although a handful of high-profile defamation cases did occur. In March 2012, Pagan Amum, secretary general of the ruling Sudan Peoples' Liberation Movement (SPLM), was acquitted in court on corruption charges linked to an alleged \$30 million payment in 2006. Amum then successfully sued two newspapers, *The Citizen* and *Al-Masir*, for \$37,000 each in a libel suit; the papers were also required to publish an apology. A draft freedom of information bill was under consideration by the Council of Ministers in 2012, but no legislation had been introduced by year's end. Access to interviews and official information largely depends on journalists' personal connections.

It is relatively easy to acquire accreditation and licenses to work as a journalist in South Sudan. Although there is no official censorship, journalists have no effective legal protection

from harassment by state officials, and many self-censor to avoid repercussions for their reporting. In certain cases, authorities have visited media outlets and ordered publishers to stop publishing stories about sensitive issues. In June 2012, publishers were warned about printing stories on corruption, while an alleged military coup attempt in August prompted more visits. Also in June, authorities suspended the Arabic-language newspaper *Al-Khabar* for an article criticizing the government's capacity to rule effectively.

Security officials and individuals within the government rely on extrajudicial means to silence the private media, and journalists and media outlets were regularly subjected to intimidation and physical attacks. Police and security personnel physically assaulted and arbitrarily detained journalists without charges throughout the year. As media outlets expanded their reach from Juba to regions further afield, more cases of security personnel harassing journalists trickled in from around the country. In December, security agents arrested Radio Tamazuj journalist Assad Al Tahir in Wau without explanation, releasing him only on condition that he not report on political and ethnic tensions in the town. Also in December, threats against the hosts of two political programs on Bakhita Radio forced suspension of the programs, which remained off the air at year's end. The most tragic event of 2012 occurred when unidentified men shot dead Isaiah Diing Abraham Chan Awuol, a prominent columnist and blogger, in Juba in December. Relatives and colleagues linked his death directly to his reporting. Notably, an article Abraham published calling for President Salva Kiir's resignation had resulted in his interrogation by security forces a few weeks prior to his death. Investigation into the murder led to the arrest of two suspects late in the year.

As border disputes between Sudan and South Sudan continued in 2012, journalists were often caught in the middle. Soldiers detained *Sudan Tribune* correspondent Bonifacio Taban for three days in June and questioned him repeatedly over a story concerning 500 soldiers' widows who complained of poor compensation. In addition to the story's main subject, the sheer number of widows implicitly challenged the lower casualty figures reported by the military. Foreign correspondents also faced harassment. In August, McClatchy reporter Alan Boswell was publicly accused of being a spy for Sudan after publishing a story suggesting U.S.–South Sudan relations were under strain due to false statements made by Kiir to U.S. President Barack Obama. In October, Al-Jazeera correspondent Anna Cavell's camera was seized by a group of men who also threatened her with arrest while she filmed in Juba's Custom Market area. Officials do not permit photography in many urban areas, and occasionally also restrict the movement of reporters.

Print media in South Sudan are burdened with small staffs and budgets, low advertising revenue, and a national illiteracy rate of 74 percent. Newspapers are largely concentrated in urban areas because of the high cost of transportation and a lack of reliable infrastructure. Newsprint is very expensive, and because the country has only one printing press, a majority of the printing is done in Uganda or Sudan. A number of private dailies and weeklies publish regularly, though individuals within the SPLM own the majority of titles. There is a general lack of diversity of viewpoints, as reporters are either employed by progovernment media owners or fear reprisals from state authorities. Papers allied with the ruling party are favored in terms of winning advertising revenue. Government-owned Southern Sudan Television is the sole television station operating in the country. Journalists working at the station complain of self-censorship and lack of professional integrity among their superiors. Radio remains the main source of news for most citizens, with several dozen stations in operation across the country; however, many remote areas remain outside the reach of FM broadcasts. There are no reliable

statistics regarding internet use in South Sudan during 2012. Penetration is low, as most of the country lacks online access because of a lack of electricity and infrastructure. However, there are no reports of the government restricting access to or the content of the internet, and the lack of official restrictions on online news has allowed several professional, critical websites to emerge, including *Sudan Tribune*, *Sudan Votes*, and *Gurtong*.

## Spain

**Status: Free**

**Legal Environment: 5**

**Political Environment: 14**

**Economic Environment: 8**

**Total Score: 27**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>23,F</b>	<b>24,F</b>	<b>24,F</b>	<b>23,F</b>	<b>24,F</b>

Press freedom in Spain suffered in 2012 due to the effects of the European economic crisis. Media outlets were forced to close or cut staff as the advertising market contracted, leading to a decline in media diversity. Also during the year, journalists who challenged the austerity policies of the ruling Popular Party were removed from their positions at the state-owned broadcaster.

Freedom of expression is guaranteed in Section 20 of the constitution, and press freedom is generally respected in practice, though the media face legal threats including defamation suits. The country launched a first-of-its-kind “Right To Be Forgotten” campaign against the search-engine giant Google in 2011. The effort began as a libel suit in January, when the Spanish Data Protection Agency ordered Google to remove articles on roughly 90 citizens who wanted old personal information to be deleted. In March 2012, Spain referred the case to the European Court of Justice to clarify whether European or U.S. data protection standards apply, and whether Google could be instructed to remove content from its search engine, even if it was not the creator of that content. The case remained pending at year’s end.

In October 2012, two journalists were found guilty of defamation and ordered to pay €10,000 (\$12,800) in damages for accusing a health official of theft in a video that was posted on YouTube. The video discussed corruption in the region’s health care industry. The authorities monitor websites that publish hate speech and advocate anti-Semitism. In addition, the government in March 2012 began enforcing the so-called Sinde Law, a new measure that allows for the blocking of websites containing copyrighted content that has been used without permission. According to reports from the Ministry of Culture, the law resulted in more than 300 complaints, including 79 website takedown requests, in its first month.

Spain does not have freedom of information legislation. However, broad concerns over corruption and mismanagement of the country’s finances have led to a popular push for greater government transparency. In March 2012, the cabinet presented the parliament with a draft Transparency, Access to Information, and Governance Law, which would provide information about the salaries of civil servants and government contracts and create a process for requesting additional data. However, the bill was heavily criticized by civil society and the Organization for

Security and Cooperation in Europe's representative on freedom of the media for not meeting international standards. It had not been passed by year's end.

In April 2012, Pilar Velasco, a journalist with the Madrid-based radio station SER, was charged with violating privacy because she refused to reveal the source of a video that she had posted on YouTube three years earlier. The footage, which showed a Madrid official on a trip to Colombia, was allegedly recorded with hidden cameras as part of a spying effort by rival Spanish politicians. In October, Access Info Europe, an organization that campaigns for government transparency, was fined €3,000 (\$3,850) for requesting information from the Spanish government about anticorruption measures. The fine was reportedly levied because the request was a demand for "explanations" and not just data.

Since 2006, the head of state-run Radio y Televisión Española (RTVE) has been elected by a two-thirds majority vote in the parliament. This process was originally developed to ensure the institution's independence, but it often resulted in political standoffs. The government of Prime Minister Mariano Rajoy and the ruling Popular Party reformed the process in May 2012 and introduced an absolute majority vote. They also reduced the number of management board members, allocated seats on the board according to each party's parliamentary representation, and appointed Leopoldo González-Echenique as RTVE president. According to critics, these developments resulted in growing government influence at the outlet. In July and August 2012, RTVE removed several journalists who had questioned the Rajoy government's austerity program.

Unlike in 2011, when several media workers were assaulted while covering protests, there were no reports of attacks against journalists in 2012. However, journalists continued to complain that political leaders were limiting or banning questions during press conferences, and organized a social-media campaign against the practice.

Spain has a free and diverse media sector, including both public and private print and broadcast outlets. The country's more than 100 newspapers cover a wide range of perspectives, although their ownership is concentrated in the hands of a few large companies. RTVE runs public radio and television channels, and regional and local stations operate throughout the country. The government relaxed media ownership rules in 2009, allowing a single entity to own a stake in more than one major broadcaster. However, safeguards include a mandate for the market to include at least three distinct broadcasting companies, and a ban on mergers between the two leading companies.

The economic crisis, coupled with a series of government austerity measures, has severely affected the media industry. Since 2008, 57 outlets have closed, around one-sixth of the country's journalists have lost their jobs, and those who remain receive only about half of their precrisis salary. *Público*, a left-leaning daily aimed at younger readers, stopped printing and became an online-only publication in February 2012. This left the market with only one left-wing national newspaper, *El País*, compared with four right-wing dailies. Newspaper advertising plummeted by 50 percent between 2007 and 2011, and total advertising spending also dropped, registering a 12 percent fall in 2012. In June 2012, the government lifted a ban on advertising sexual services in print due to the downturn in the economy. The explicit advertisements bring in over €40 million (\$51 million) annually for the newspaper industry. Many papers receive large government subsidies, which can encourage self-censorship.

Approximately 72 percent of the population had access to the internet in 2012. In the wake of the decline of traditional media, Spain has experienced a rapid increase in the use of

digital media, which has benefited social minorities and supported political pluralism and digital activism.

## Sri Lanka

**Status: Not Free**

**Legal Environment: 23**

**Political Environment: 32**

**Economic Environment: 19**

**Total Score: 74**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>67,NF</b>	<b>70,NF</b>	<b>72,NF</b>	<b>71,NF</b>	<b>72,NF</b>

Media freedom remained restricted in Sri Lanka in 2012, with journalists subject to myriad forms of legal harassment and physical intimidation. Although the government included several items related to media freedom in its July 2012 National Action Plan on national reconciliation—including the passage of freedom of information legislation, enhanced efforts to investigate and prosecute past cases of attacks on journalists, and increased physical access for reporters to the north and east of the country—little progress was made on any of these recommendations by year’s end.

The constitution provides for freedom of expression, but it and other laws and regulations place significant limits on the exercise of this right. The 1979 Prevention of Terrorism Act contains extremely broad restrictions, such as a prohibition on bringing the government into contempt. The decades-old Official Secrets Act bans reporting on classified information, and those convicted of gathering secret information can be sentenced to up to 14 years in prison. Although no journalists have ever been charged under the law, it is used as a threat. Journalists are also occasionally threatened with contempt-of-court charges or questioned regarding their sources.

The 1973 Press Council Act, which prohibits disclosure of certain fiscal, defense, and security information, was revived in 2009, having not been enforced in more than a decade. The government nominates all seven council members under the act, and violations of its provisions can draw prison terms and other punitive measures. In July 2012, the government announced its intention to extend the act’s application to electronic and web-based media, and to introduce registration fees of 100,000 rupees (\$780), with annual renewal fees of 50,000 rupees for websites. These figures were revised downward in August to 25,000 rupees and 10,000 rupees respectively. In 2006, unofficial prepublication censorship on issues of “national security and defense” was imposed by a new Media Center for National Security (MCNS), which assumed the authority to disseminate all information related to these issues to the media and the public. In March 2012, the MCNS issued a directive extending this provision to news services distributed via mobile-telephone text messaging.

There is no enforceable right to information in the constitution or separate legislation. In fact, the Establishments Code, the formal administrative code governing civil servants, actively discourages access to information even on public-interest grounds. An attempt by the opposition to introduce a right to information bill in Parliament in 2011 was defeated by the governing

majority, in violation of its previous campaign promises, and an additional attempt in May 2012 was also stymied by the speaker of Parliament.

The broadcasting authority is not independent, and licensing decisions sometimes appear to be arbitrary and politically influenced. Under new rules announced in November 2011 regarding licensing for any websites that host news content related to Sri Lanka, only 27 of the 80 websites that attempted to register were successful, according to international advocacy watchdog Article 19.

Local press freedom advocacy groups, such as the Free Media Movement and the Sri Lanka Journalists' Association, face smear campaigns in state-controlled media, and their staff operate under considerable threat.

In response to the greater role of web-based media, the government has stepped up efforts to censor the internet, imposing blocks on access to a number of independent news websites, including some based overseas. A petition challenging this practice was rejected by the Supreme Court in May 2012. Levels of self-censorship in the broader news media are high, with the vast majority of journalists avoiding coverage that is critical of President Mahinda Rajapaksa's family or administration. Journalists also tend to abstain from coverage of the alleged war crimes surrounding the defeat of the Tamil Tiger rebel movement in 2009. Many journalists assume that their phone calls and online communications are monitored.

Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, face regular intimidation and pressure from government officials at all levels. Official rhetoric is markedly hostile toward critical or "unpatriotic" journalists and media outlets, with prominent leaders, including Defense Secretary Gotabhaya Rajapaksa, often making statements that equate any form of criticism with treason. State-controlled media and the Defense Ministry website have been used to smear and threaten individual journalists, activists, and media freedom organizations. These attacks increased in 2012, including harsh denunciations of journalists who appeared before the UN Human Rights Council or supported its move in March to press for an investigation of alleged war crimes.

In addition to verbal and physical attacks from official sources, journalists and press advocacy groups that are perceived as supportive of ethnic Tamil interests have drawn the ire of Sinhalese nationalist vigilante groups. While Tamil journalists no longer face the tight restrictions imposed by the Tamil Tigers, they generally refrain from strident criticism of the government, the military, or progovernment Tamil political factions. A number of journalists received death threats during 2012, and others were subject to attempted or actual kidnapping and assaults. In July, journalist Shantha Wijesooriya was the target of an attempted abduction in Colombo. Management at the *Sunday Leader* continued to face harassment and verbal attacks. Editor Frederica Jansz received a torrent of verbal abuse and threats to her life from Gotabhaya Rajapaksa in July, when she called to get his response to an investigative story. Jansz fled into exile with her family later in the year, after being ousted as editor. Following attacks in 2011, key personnel at the independent *Uthayan* newspaper in Jaffna also fled the country in 2012. Dozens of journalists and media freedom activists have gone into exile over the past several years, leaving the sector without many of its most experienced professionals. Even exiled journalists were subject to official threats in 2012. On a number of occasions during the year, reporters attempting to cover sensitive news stories were roughed up by police in the course of their work. In June, police raided the offices of two news websites linked to the opposition United National Party, detaining staff and impounding equipment. Reporters continued to encounter difficulties accessing former war zones and internment camps and in covering the

resettlement process in the north and east.

Past attacks on journalists and media outlets, such as the 2009 murder of Lasantha Wickrematunga, then editor of the *Sunday Leader*, and the January 2010 disappearance of cartoonist Prageeth Eknaligoda, have not been adequately investigated, leading to a climate of complete impunity. In January 2012, a trial concerning the 2005 murder of journalist Dharmaratnam Sivaram was postponed after a number of key witnesses failed to appear in court.

A shrinking number of privately owned newspapers and broadcasters continue to scrutinize government policies and provide diverse views, but most do not engage in overt criticism or investigative reporting. Media outlets have also become extremely polarized, shrinking the space for balanced coverage. The Free Media Movement has noted that state-run media—including Sri Lanka’s largest newspaper chain, two major television stations, and a radio station—are heavily influenced by the government, citing cases of pressure on editors, several unwarranted dismissals of high-level staff, and biased coverage. In recent years, ownership has grown more concentrated, with many private outlets now held by government officials or their close associates as part of an overall strategy to further tame the press. Ownership changes at the *Sunday Leader*, where a business investor who is close to the ruling family assumed a majority stake, led to the removal of Jansz as the paper’s editor in September 2012 after she refused to alter her critical style. Business and political interests exercise some control over media content through selective advertising and bribery, and the government’s share of the advertising market is expanding. Those publishing opposition print media occasionally face difficulties in printing and distribution. While the government has built a new transmission tower in the north of the country, it has restricted the construction of towers by private companies. Access to the internet and to foreign media has occasionally been restricted.

Approximately 18 percent of the population accessed the internet in 2012, with many residents deterred by the high costs involved, although mobile-phone usage continued to increase rapidly. Web-based media and blogs have taken on a growing role in the overall media environment, with outlets such as Groundviews and Vikalpa providing news and a range of commentary, even on sensitive stories and events that are barely covered by the mainstream media.

## Sudan

**Status: Not Free**

**Legal Environment: 26**

**Political Environment: 32**

**Economic Environment: 22**

**Total Score: 80**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	78,NF	78,NF	76,NF	78,NF	78,NF

Sudanese authorities tightened their grip on the media in 2012, in the wake of an outbreak of violence between Sudan and South Sudan over a disputed border region in April and widespread antigovernment protests in June. Freedom of the press and expression are nominally protected under Article 39 of the 2005 Interim National Constitution—adopted as part of the 2005

Comprehensive Peace Agreement (CPA) between the Khartoum government and the then insurgent Sudan People's Liberation Movement (SPLM)—though a permanent constitution is currently being drafted following the independence of South Sudan in 2011. While the CPA created somewhat greater space for journalists to report more freely and initially reduced the common practice of censoring newspapers prior to publication, the legal environment for media has remained largely unfavorable. In 2009, the government replaced the highly restrictive 2004 Press and Printed Press Materials Law with a revised version, which media freedom organizations criticized as falling far short of international standards. The 2009 law allows for restrictions on the press in the interests of national security and public order, contains loosely defined provisions related to bans on the encouragement of ethnic and religious disturbances and the incitement of violence, and holds editors in chief criminally liable for all content published in their newspapers. The law also gives the National Council for Press and Publications (NCP) the authority to shut down newspapers for three days without a court order. Several other laws are also regularly used against the press, including elements of the 1991 penal code, the 2010 National Security Forces Act, and the emergency law applied in the western region of Darfur.

Defamation is a criminal offense under the penal code, and there is no freedom of information law, making access to public information difficult. The Ministry of Information manages broadcast licensing in a highly politicized manner, allowing progovernment stations to acquire licenses more easily than independent outlets. The NCP, a large proportion of whose members are appointed by the president, regulates the journalism profession and entry into the field. Journalists are required to pass a test prior to receiving accreditation and a license.

Throughout 2012, authorities in Khartoum maintained a tight grip on the media sector. While direct prepublication censorship was officially lifted in 2009, the practice continued to occur in 2012, particularly on issues related to the April border conflict. In addition to prior censorship, the National Intelligence and Security Services (NISS) gave daily instructions to newspaper editors on prohibited topics, frequently called editors to deliver censorship directives, and insisted that certain journalists be banned from writing, with suspension of publication the penalty for noncompliant outlets.

Monitoring and censorship of online content intensified in 2012. The government monitors the internet, including e-mail correspondence, through the National Telecommunications Corporation (NTC). Websites and proxy servers judged to have violated norms of public morality are blocked, while YouTube and the popular forum Sudanese-Online were obstructed for various periods in 2012. In response to the June protests, the NTC also blocked online newspapers known for their coverage of the events, including *Al-Rakoba* and *Hurriyat Sudan*. Furthermore, the NISS deployed a “cyber jihad” unit to proactively monitor online activities and hack into activists’ social media accounts.

Journalists were regularly harassed, attacked, arrested, detained, and reportedly tortured throughout the year. In May, prominent opposition journalist Faisal Mohamed Saleh was arrested after several weeks of persistent harassment by security agents. After 11 consecutive days of questioning at the NISS office about an interview Saleh gave on Al-Jazeera in which he criticized Sudanese president Omar al-Bashir, he was arrested for failing to appear at the NISS office on the 12th day, charged with refusing to cooperate with the authorities, and held for 6 days before being released on bail. However, he was quickly acquitted, due in part to his mistreatment at the hands of the NISS. In October, a serious case of abuse was documented after journalist Somaia Ibrahim Ismail was detained and subjected to torture by NISS officers as punishment for supposedly opposing Bashir’s government. Ismail then fled the country to Egypt,

though she continued to receive warnings and threats after her release for her alleged involvement with a group called the Armed Movement of Darfur.

Harassment and arrests of journalists increased during the border conflict between Sudan and South Sudan in April, and again during the antigovernment demonstrations launched by University of Khartoum students in protest of the country's deteriorating economic situation in June. According to human rights organizations, at least seven reporters were detained for covering the demonstrations, several of whom were held without charge until late August. Foreign media organizations were also targeted, including Agence-France Presse (AFP), whose offices were raided in June after one of its reporters photographed a protest in Omdurman, and Bloomberg, which had a correspondent deported in June for covering the demonstrations. Deportations of foreign journalists also included a British correspondent for AFP and an editor for a private Egyptian daily. Many other journalists and photographers had their equipment confiscated, while bloggers and online journalists were targeted for their coverage of the protests on social-media sites and online news outlets. The repression against press freedom in Sudan has led many journalists to actively self-censor.

Despite constraints on journalists, media outlets have proliferated in recent years. There are nearly 20 political dailies operating in the country, plus dozens of sports and social affairs publications. However, experts have argued that there is little difference between private and state-run media, as all are subject to serious government intrusion, ranging from interference in management decisions to censorship of content. Newspapers are generally too expensive for most citizens. The state dominates the broadcast media, which are the main source of information for much of the population. Television programming continues to be formally censored, and radio content largely reflects the government's views. There are approximately 60 private radio stations broadcasting on FM frequencies, in addition to the state radio network. As the licensing of radio stations remains firmly under government control, private stations avoid reporting on political affairs and focus instead on entertainment and music. Internet penetration in Sudan is relatively high for sub-Saharan Africa, with 21 percent of the population accessing the web in 2012.

Ownership of media outlets is generally not transparent. There are no laws requiring the release of ownership information. Moreover, many owners refrain from acknowledging their status in order to evade taxes and avoid possible attacks. Journalists work for low pay, and many freelancers do not earn enough to cover the cost of living. Some analysts believe this has encouraged corruption within the media, with journalists and editors selling coverage to politicians. Independent media do not receive public subsidies, but do benefit from secret financial support if their coverage is deemed friendly to the government. The authorities also withhold state advertising from newspapers that are critical of the government.

As a complement to other coercive tools, the authorities stepped up the practice of confiscating the entire press runs of newspapers as a deliberate strategy to intimidate and financially cripple critical publications in 2012. Each confiscated edition resulted in thousands of dollars in losses for economically fragile outlets, and in many cases no official reason for the confiscation was given. In response to widespread press coverage of the June antigovernment protests, the government reportedly raised taxes on all printing-related expenses, dealing another financial blow to news outlets and causing at least five newspapers to close down in 2012. Other publications had their operations suspended for extended periods.

## Suriname

**Status: Free**

**Legal Environment: 6**

**Political Environment: 12**

**Economic Environment: 6**

**Total Score: 24**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	23,F	23,F	23,F	23,F	23,F

The government generally respects freedom of expression and of the press, as provided for in the country's constitution. Suriname has some of the most severe criminal defamation laws in the Caribbean, with prison sentences of up to seven years for "public expression of enmity, hatred, or contempt" toward the government, and up to five years imprisonment for insulting the head of state. However, these laws have not been used against members of the press in recent years. The country continued to lack freedom of information legislation.

While there have been instances of threats and physical harassment directed at journalists in the past, no major incidents were reported in 2012. However, little investigative journalism takes place, and some journalists practice self-censorship due to pressure and intimidation from government officials. Coverage of certain issues, such as drug trafficking and the human rights abuses that took place under the Desi Bouterse dictatorship in the 1980s, are also discouraged. In 2010, Bouterse returned to office after winning Suriname's democratic presidential elections, despite being on trial since 2007 for the 1982 murders of 15 political opponents, including five journalists. On April 4, 2012, the National Assembly voted to extend the country's 1992 amnesty law to include "crimes committed in the context of the defense of the state" between April 1, 1980, and August 19, 1992, effectively granting immunity to Bouterse and the 24 other suspects in the murders and entrenching a climate of impunity for those who have committed crimes against journalists. According to the Association of Surinamese Journalists (SVJ), communication between the Bouterse government and the independent media has been poor, and the government has occasionally restricted the work of journalists. In 2012, government officials launched verbal attacks and threats toward individual journalists, particularly for their reporting on the passage of the amnesty law. The president's official spokesman publicly intimidated journalists who reported on negative reactions to the law, and the government also used a state-owned radio station to criticize independent journalists.

Suriname has a robust media, with numerous print publications. The two daily newspapers, *De Ware Tijd* and *De West*, are both privately owned, publish in either Dutch or English, and maintain independent websites. Suriname has about 30 radio stations, including the government-owned Stichting Radio Omroep Suriname (SRS), two state-owned television stations, and one privately owned television station. Many media outlets are affiliated with particular political parties, which sometimes exert influence over news coverage. Chinese investment has recently surged in Suriname, resulting in an upgrade of a state television network. Additionally, the growing Chinese community has created two daily newspapers and a new television station that operates in Mandarin. The SVJ has reported that low salaries and poor training lead to unprofessional conduct and hurt the profession.

The country has two internet service providers, and approximately 35 percent of the population accessed the internet in 2012. Access is readily available in urban areas but much more limited in interior sections of the country. While there are no official restrictions on the internet, journalists have complained of government monitoring of their e-mail and social media accounts.

## Swaziland

**Status: Not Free**

**Legal Environment: 24**

**Political Environment: 28**

**Economic Environment: 25**

**Total Score: 77**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>76,NF</b>	<b>76,NF</b>	<b>76,NF</b>	<b>76,NF</b>	<b>76,NF</b>

Swaziland’s absolute monarchy continued to exert strict control over the media in 2012. King Mswati III has the power to suspend the constitutional rights to freedom of expression and freedom of the press at his discretion, and these rights are severely restricted in practice, especially with respect to speech on political issues or the royal family. Of six media bills proposed along with a new constitution in 2007—including a Public Broadcasting Corporation Bill, a general Broadcasting Bill, and an Information and Privacy Bill—none was enacted by the end of 2012, and only the press-regulating Media Commission Bill was opened to parliamentary debate. According to the African Media Barometer, there are approximately 30 laws that restrict media freedom in Swaziland, including harsh defamation laws and a Suppression of Terrorism Act that the government has threatened to apply to critical journalists. There is no law specifically banning criticism of the monarchy, though authorities warn that such criticism could be considered seditious or treasonous, and in March 2012 the government proposed a law that would ban criticism of the king on social-media sites. In recent years, however, the courts have dismissed a number of defamation cases and overturned attempts to limit media coverage of politically or culturally sensitive issues. A case of contempt of court brought against the *Nation* magazine in 2009 for an article that was critical of the judiciary remained unresolved at the end of 2012.

Swaziland does not have a freedom of information law, and accessing government information is difficult. On a positive note, the Swaziland Media Complaints Commission, a self-regulatory body of journalists and other media workers, was officially registered in 2011 following a 14-year effort by local media organizations.

Swazi media content is marked by a high level of both official censorship and self-censorship on political and royal matters, often encouraged by hostile rhetoric and threats from senior government and royal officials. The authorities have restricted media coverage of recent prodemocracy protests and public-sector strikes, among other controversial stories. In January 2012, newspaper editors were told by the minister of information, communication, and technology to publish only positive reports of a visit by the president of Equatorial Guinea and to suppress international media stories on corruption and repression in that country; this directive

was generally observed. Also in January, Musa Ndlangamandla, the chief editor of the private but royally owned *Swazi Observer*, was fired after publishing interviews with opposition leaders and writing about corruption among prominent politicians. Police later searched his office and took away his computer, prompting him to flee to South Africa in February. In March, a senator proposed an investigation to identify and prosecute the author of an anonymous *Times of Swaziland* editorial, published in 2011, that was critical of the parliament. In July, two senior editors—Alec Lushaba and Thulani Thwala—and the chief financial officer at the *Swazi Observer* were suspended for reporting negatively on the king. The editors remained suspended at year’s end.

Journalists are subject to harassment and assault by both state and nonstate actors, though such incidents have declined in recent years. In April 2012, two South African reporters from eTV were detained at a roadblock in Mbabane for lacking accreditation to cover ongoing protest marches.

The country’s two newspapers—the independent *Times of Swaziland* and the *Swazi Observer*—are read almost exclusively in urban areas. Despite restrictions on political reporting, both papers do criticize government corruption and inefficiency. The Swaziland Television Authority dominates the airwaves and generally favors the government in its coverage. Most Swazis get their news from the radio, and there is one government-owned radio station and one independent station, Voice of the Church, which focuses on religious programming. State broadcasters are prohibited from reporting on the activities of labor unions—which led antigovernment protests in 2012—and private citizens cannot express opinions on these outlets without prior approval of their comments. No new broadcast licenses were granted in 2012. Swazis with sufficient funds can freely purchase and use satellite dishes to receive signals from independent South African and international news media. In April 2011, the government banned state radio from airing the British Broadcasting Corporation (BBC) program *Focus on Africa* after it carried criticism of the government. The government does not restrict internet-based media, though there were reports of the government monitoring e-mail, social-media sites, and chat rooms. Few Swazis can afford access to the internet; only 21 percent of the population used the medium in 2012.

Advertisers, including the government, regularly deter negative coverage by employing financial pressure, and their influence is significant in Swaziland’s small economy. Low pay and insufficient training at times affect the quality of reporting. Many journalists have left the industry to work for the government or elsewhere in the private sector. However, journalists and media houses are not considered prone to corruption.

## Sweden

**Status: Free**

**Legal Environment: 2**

**Political Environment: 4**

**Economic Environment: 4**

**Total Score: 10**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>11,F</b>	<b>11,F</b>	<b>10,F</b>	<b>11,F</b>	<b>10,F</b>

Sweden has strong legal protections for press freedom under the constitution, a Freedom of the Press Law dating back to 1766, and the 1991 Fundamental Law of Freedom of Expression. However, the country's laws criminalize expression that is deemed to be hate speech. In September 2012, the editor of Nordfront, a website for the extremist Swedish Resistance Movement, was sentenced to a month in jail for a comment posted by a reader that portrayed Jews as capitalist parasites. A month later, another editor for Nordfront was questioned by the police about hate speech in the site's articles. There is considerable debate in Swedish media on the limits of free speech regarding the issue of immigration and Islam. Right-wing nationalists decry what they see as self-censorship in the Swedish media, but most of the mainstream media view criticism of immigration and Islam as a form of hate speech. In December, the tabloid *Aftonbladet* launched a campaign against nationalist blogs in order to test the limits of the hate speech law. It also directly called for a government intervention to shut down a number of the right-wing blogs. However, the initiative was criticized by other newspapers as an assault on free speech.

Separately, in May, the editor in chief and a news editor of the tabloid *Expressen* were fined up to 30,000 kroners (\$4,400) for inciting a journalist to purchase illegal firearms as part of a story on how easy it is to obtain such weapons in Malmö. Leading journalists saw the case as government harassment and a blow to investigative reporting.

Journalists' sources are protected by law, as is access to information for all citizens. In December 2012, the government finished a revision of a controversial law that will prohibit intrusive photography and video that has been obtained without the subject's knowledge. Critics had complained that the original draft could restrict photojournalism and violate press freedom.

The self-regulatory Swedish Press Council was established in 1916 and has jurisdiction over print and online content. It consists of a judicial board as well as industry and independent members. Complaints are investigated by an appointed ombudsman who can choose to dismiss them for lack of merit or forward them to the council with a recommendation to uphold. The council ultimately rules on complaints and can impose a tiered administrative fee, often referred to as a fine, of up to 30,000 kroners. Although the council does not have authority over broadcast media, it does operate an ethical code across all platforms. The code is applied to broadcast media by the Swedish Radio and Television Authority.

Public broadcasting has a strong presence in Sweden, consisting of Sveriges Television (SVT) and Sveriges Radio (SR), both funded through a license fee. SVT has considerable competition from private stations, led by TV4. Private broadcasting ownership is highly concentrated under the media companies Bonnier and the Modern Times Group. The government offers subsidies to newspapers in order to encourage competition, and media content in immigrant languages is supported by the state. Sweden's newspaper market is very diverse, with many local and regional outlets, though it is threatened by dwindling advertising. Access to the internet is not restricted by the government, and the medium was used by about 94 percent of the population in 2012.

## **Switzerland**

**Status: Free**

**Legal Environment: 4**

**Political Environment: 3**  
**Economic Environment: 5**  
**Total Score: 12**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>13,F</b>	<b>13,F</b>	<b>13,F</b>	<b>13,F</b>	<b>12,F</b>

Freedom of expression is guaranteed under Article 16 of the constitution, while Article 93 explicitly guarantees the independence of broadcast media. The penal code prohibits public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. The law does not specifically prohibit anti-Semitic speech or Holocaust denial, though there have been convictions for such expression in the recent past. The European Court of Human Rights (ECHR) ruled in June 2012 that Swiss prison officials' 2004 refusal to allow a television station to air an interview with an inmate serving time for murder violated freedom of expression because the authorities "failed to establish that the ban on filming met a pressing social need."

It is a crime to publish information based on leaked "secret official discussions," particularly regarding banking information. In January 2011, Swiss authorities arrested a former banker after he gave information on wealthy tax evaders to the antisecrecy organization WikiLeaks. In 2012, the media continued to report on similar whistle-blower scandals. A 2006 transparency law has not been used extensively due to a lack of awareness of its existence and provisions.

Members of the press rarely suffer attacks or physical harassment in the course of their work.

Large publishing houses control most of the print sector, and such concentration of ownership has forced many stand-alone newspapers to merge or shut down. Broadcast media are dominated by the public-service Swiss Broadcasting Corporation (SRG SSR), which is obliged to carry content in each of Switzerland's four official languages—French, German, Italian, and Romansh. There are 3 German, 2 French (also broadcasting in Romansch), and 1 Italian television channels, and 17 radio stations. Radio has maintained its popularity, though because of the country's linguistic divisions, most private stations are local or regional. Swiss television viewers also have extensive access to cable services and foreign channels. To accommodate multiplatform access, consultations started in May 2012 on a reform that would substitute the radio and television reception fee with a universal fee paid by every household. The internet, which is generally unrestricted, was accessed by approximately 85 percent of the population in 2012.

## **Syria**

**Status: Not Free**  
**Legal Environment: 29**  
**Political Environment: 37**  
**Economic Environment: 22**  
**Total Score: 88**

<b>Survey Edition</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Total Score, Status</b>	<b>83,NF</b>	<b>83,NF</b>	<b>83,NF</b>	<b>84,NF</b>	<b>89,NF</b>

The uprisings that swept across the Middle East and North Africa in 2011 reached Syria in March of that year, when antigovernment protests erupted in the southern city of Daraa. The regime of President Bashar al-Assad used deadly force in a bid to crush the popular uprising, which soon spread to other cities and developed an armed component. In December 2012 the United Nations estimated that more than 40,000 people had died in what was by that point a civil war. Journalists have been targeted in violent attacks, and 30 were killed during 2012 by either the regime or the opposition. However, the regime’s loss of control in large parts of the country resulted in the emergence of new media outlets and a de facto reduction in censorship, leading to a slight improvement in Syria’s overall media environment.

Although Article 38 of Syria’s constitution provides for freedoms of speech and of the press, these rights are severely restricted in practice. The 1963 State of Emergency law, in place until 2011, allowed the authorities to arrest journalists under ambiguous charges of threatening “national security,” which in effect nullified the constitution protections. The 2001 Press Law allows for broad state control over all print media and forbids reporting on topics that are deemed sensitive by the government, such as issues of national security or national unity; it also forbids the publication of inaccurate information. Individuals found guilty of violating the Press Law face one to three years in prison and fines ranging from 500,000 to 1 million Syrian pounds (\$7,700 to \$15,500). The law also stipulates that the prime minister grants licenses to journalists, which can be rejected for reasons concerning the public interest. Under Articles 9 and 10, the Ministry of Information must approve all foreign publications. The ministry also has the power to ban these publications if they are found to challenge national sovereignty and security or offend public morality.

A new media law issued in 2011 prohibits a “monopoly on the media,” guarantees the “right to access information about public affairs,” and bans “the arrest, questioning, or searching of journalists.” However, it bars the media from publishing content that affects “national unity and national security” or inciting sectarian strife or “hate crimes.” The law also forbids the publication of any information about the armed forces. It holds editors in chief, journalists, and spokespeople accountable for violations and prescribes fines of up to 1 million Syrian pounds (\$15,500). Article 3 states that the law “upholds freedom of expression guaranteed in the Syrian constitution” and in the Universal Declaration of Human Rights, but Article 4 says the media must “respect this freedom of expression” by “practicing it with awareness and responsibility.” There is no clear definition of this phrase, leaving room for authorities to use the law to crack down on journalists and reporters. Consequently, despite the lifting of the 1963 State of Emergency law in late 2011, there has been little change in the treatment of journalists in practice. The government continued to arrest reporters under the ambiguous charge of threatening “national security” in 2012.

The worsening conflict has transformed the media landscape in the country. Syrian authorities continued to forcibly restrict coverage of the unrest during the year, and state-run television stations misreported the events of the uprising. False statements and propaganda are common on state-run outlets, whose journalists routinely refer to the opposition as “terrorists” or “radicals.” In addition, since the beginning of the conflict, al-Assad has imposed a foreign media blackout, barring most foreign journalists from entering and reporting in the country. The regime offered 70 visas to foreign journalists in 2012, but they were required to be escorted by state

representatives who determined what they could cover. At the same time, the government lost effective control over large portions of the country, meaning its laws and restrictions could not be enforced in those areas. Self-censorship is therefore less pervasive, and red lines are increasingly being crossed. Media outlets such as Sham FM, a privately owned radio station that previously did not cover politics, have started to report on political issues and become key sources of news to Syrians. Opposition-oriented newspapers such as *Suryitna*, *Oxygen*, *Hurriyat*, and *Enab Baladi* have also sprung up, though they tend to circulate either underground or mostly online. Citizen journalists continue to be critical in providing foreign outlets with video recordings of protests and atrocities, but the authenticity of these recordings is difficult to verify, and they have routinely been labeled “fake” by the regime.

As a result of this more complex environment, a propaganda war has emerged in the country, in which both the regime and armed rebels try to restrict or control information by attacking journalists and media organizations. In February 2012, government forces raided the Syrian Center for Media and Freedom of Expression, a Damascus-based nongovernmental organization, and arrested its head, Mazen Darwish, and 13 others. In May, security forces harassed a Sky News camera crew that was filming a demonstration in Damascus and detained two journalists, even though the government had given them credentials to work in the city. In July, government forces destroyed a radio tower in Aleppo that was carrying a station established by university students and staff. Meanwhile, state-run media also suffered attacks. In June, an unidentified group of gunmen attacked a progovernment television station, killing seven employees and destroying its studios.

According to the Committee to Protect Journalists (CPJ), 30 journalists were killed in Syria in 2012, making the country by far the deadliest place in the world to practice journalism. Those targeted included foreign, state, and citizen journalists. Shukri Abu al-Burghul, host of state-owned Radio Damascus and editor of state-owned *Al-Thawra*, died in January after being shot by unidentified gunmen in December 2011. Also in January, Gilles Jacquier, a French television reporter, became the first foreign journalist to be killed in Syria. He died as a result of shelling while covering a progovernment rally. The next month, foreign journalists Marie Colvin and Rémi Ochlik were killed in the shelling of a building that was being used as a makeshift media center. In April, in a sign of the war’s growing impact on neighboring countries, Syrian forces killed Lebanese cameraman Ali Shaaban in the northern Lebanese region of Wadi Khaled, near the Syrian border. Abductions have also been a serious problem. U.S. freelance journalist Austin Tice has been held in captivity since August, presumably by progovernment forces. Meanwhile, rebel fighters kidnapped three journalists working for progovernment media in August; two were freed by the Syrian army, but the third was killed along with two rebels. Rebel forces also kidnapped a reporter for the Lebanese Broadcasting Corporation in October. Attacks on journalists at their homes have increased. In September, Syrian security forces killed a journalist from Sham News Network and three of his friends by burning his house. Basel Tawfiq Youssef, a reporter for Syrian state television, and Naji Assad, editor of state-run *Tishreen*, were shot outside their homes in separate incidents. Arrests and torture of citizen journalists and freelancers continued throughout the year.

Although the authorities unblocked access to the social-media sites Facebook and Twitter in February 2011, they continued their crackdown on citizen journalists’ use of social media and the internet to disseminate information about regime abuses. The so-called Syrian Electronic Army (SEA), which emerged in 2011, continued to hack opposition websites, block them, or flood them with progovernment messages—with the tacit approval of the regime. In 2012, the

SEA hacked into the Twitter accounts and websites of prominent foreign media outlets such as Reuters, Al-Jazeera, and Al-Arabiya. The regime and the SEA also continued their harassment of bloggers and online activists. The government used surveillance equipment to intercept communications, block text messages, and track mobile telephones. Recently it has acquired technology to track satellite phones, and by extension, journalists. The SEA used spyware to infiltrate journalists' personal computers and get access to passwords and information on their sources, as well as to disseminate false information. Beyond harassment, the regime tortured activists, bloggers, and citizen journalists to obtain the passwords to their social-media accounts.

The government and allied businessmen own most newspaper publishing houses and heavily control the media. The Ministry of Information and the Ministry of Culture and National Guidance censor domestic and foreign news, and have banned all Kurdish-language publications. Although the government opened up space for private print media in 2001, the owners of most private outlets—including *Al-Watan*, *Al-Iqtisad*, and *Al-Khabar*—have close ties to the regime. As a result, genuinely independent media are virtually nonexistent. Only the government controls and disseminates domestic and foreign political news and analysis, especially through television networks and FM radio. Television and radio broadcasting is, in general, controlled by the state. The private Shams TV tried to extend its programming beyond entertainment by covering news in 2012, but its journalists were targeted throughout the year. A National Council of Information was established under the new media law to regulate the information sector. Among other duties, it will set up conditions for licenses, issue them to private media outlets, and specify rules on funding. There was little evidence that the council had begun enforcing such rules in 2012, but it did set advertising limits that will further strain economic support for independent outlets.

Approximately 24 percent of Syrians accessed the internet in 2012, and social-media websites and communication tools such as Skype are increasingly used to transmit information. The government shut down the internet across the country for three days in November. Though this was not the first time the government had enforced an internet blackout, previous instances had been restricted to certain parts of the country. The November blackout was the first to affect nationwide access to the internet and, in some cases, mobile networks.

## Taiwan

**Status: Free**

**Legal Environment: 9**

**Political Environment: 9**

**Economic Environment: 8**

**Total Score: 26**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>20,F</b>	<b>23,F</b>	<b>24,F</b>	<b>25,F</b>	<b>25,F</b>

Taiwan's media environment is one of the freest in Asia, with a vigorous and diverse press that reports aggressively on government policies and alleged official wrongdoing. However, political polarization, self-censorship, and indirect Chinese influence limit the diversity of opinions represented in mainstream media. In 2012, attempts by tycoons with significant business interests in Taiwan and China to gain greater control of the media market sparked protests from

students, journalists, and social activists who argued that press pluralism was under serious threat.

The constitution provides for freedoms of speech and of the press, and the government and independent courts generally respect these rights in practice. Publication of defamatory words or pictures can be punished with a maximum of two years in prison. Media freedom advocates continued to urge the government to decriminalize defamation in 2012. In July, the Taipei district prosecutor's office issued a final decision in favor of a reporter who was charged with criminal defamation by a lawmaker from the ruling Kuomintang (KMT) in 2011, after the journalist wrote an article implying that the lawmaker had pressured the National Communications Commission (NCC) to expedite its review of a cable merger.

Taiwan's Freedom of Government Information Law, enacted in 2005, enables public access to information held by government agencies, including financial audit reports and documents about administrative guidance.

Print media are free of state control, and following reforms in recent years, broadcast media are no longer subject to licensing and programming reviews by the Government Information Office (GIO), which was formally dissolved in May 2012. The NCC is the main regulatory body tasked with awarding licenses. In December 2011, the Legislative Yuan, or parliament, amended the law governing the NCC, changing the process for appointing its chair from internal selection by the commissioners to appointment by the premier and approval by the parliament. Critics of the change argued that it would undermine the commission's independence. The new rule was implemented for the first time in mid-2012, when a new NCC chairperson was chosen.

Two proposed transactions were at the center of the NCC's attention in 2012, both of which involved the Want Want Group conglomerate. In July, the NCC conditionally approved a bid by Want Want Broadband, a Want Want Group subsidiary, to purchase China Network Systems (CNS), Taiwan's second-largest cable television provider, for NT\$76 billion (US\$2.57 billion). The preconditions imposed by the commission included having the owners disassociate themselves from the news operations of CtiTV, a Want Want television network, and establishing a system for ensuring the editorial independence of another television holding. The multibillion-dollar deal would allow Want Want—which already owned newspapers, a magazine, television channels, and a radio station—to secure 23 percent of Taiwan's cable subscribers and roughly one-third of the overall media market. International media watchdogs and local academics raised concerns that the merger would give Want Want the ability to interfere with other media outlets and the power to decide which channels—including rival television stations—may be broadcast via its cable system. As of the end of 2012, the NCC was withholding final approval of the deal until its conditions could be fulfilled.

In the year's second major transaction, Hong Kong entrepreneur Jimmy Lai, founder and chairman of Next Media, announced a tentative agreement to sell his Taiwan print and television assets for NT\$17.5 billion (US\$590 million) in November. The media group includes *Apple Daily*, one of Taiwan's most popular newspapers, known for its nonpartisan and investigative—though at times salacious—reporting. Since August 2009, the NCC had repeatedly denied requests by Next Media to launch a cable television station. Having lost more than US\$200 million on its television venture after the regulatory delays, Next Media said its Taiwanese operations had become economically unviable. The consortium bidding for the assets included Tsai Shao-tsung, the son of Want Want Group owner Tsai Eng-meng, who maintains friendly ties to the Chinese government. Critics have raised fears that the buyers could impose a new

editorial line at the Next Media outlets, either openly favoring Beijing or limiting coverage of topics deemed sensitive by the Chinese government. Analysts have estimated that the Tsai family would control between one-third and one-half of Taiwan's media market if the proposed deal were to go through. The transaction requires prior approval from three regulatory agencies and remained under review at year's end.

Media coverage is often critical of the government, though the sector is politically polarized; most outlets are sympathetic to either the KMT or the opposition Democratic Progressive Party (DPP). There was little state interference in reporting on the January 2012 presidential and legislative elections, but strong party affiliations were evident in media outlets' preferential treatment of candidates. Separately during the year, analysts accused Want Want Group of using its media assets to intimidate opponents of the CNS merger. In July, Want Want's *China Times*, *China Times Weekly*, and CtiTV ran stories with pictures that allegedly showed students taking money after protesting against the proposed deal. The three outlets claimed that a media scholar, Huang Kuo-chang, had paid students to attend the protest. Following public pressure, the outlets apologized to Huang in August for making false accusations, but they denied fabricating the story. The incident prompted several *China Times* editors and reporters to quit. Three advisers on the ethics committee at CtiTV also resigned, stating that their opinion had little bearing on the network's news coverage. On New Year's Eve, the lead singer of the popular Taiwanese band Sodagreen had his remarks against media monopolization removed from a broadcast by CTV, another Want Want outlet. Also in December, Want Want announced plans to launch a new magazine in early 2013 in cooperation with the Fujian Daily Group, which is affiliated with the Chinese Communist Party.

As commercial ties between Taiwan and China deepen, press freedom advocates have warned that media owners and some journalists are self-censoring news about China to protect their financial interests. There is growing concern that the Chinese government has been able to exert greater influence on Taiwan-based media, including outlets seen as pro-DPP and relatively critical of Beijing in their programming. In May 2012, popular political talk-show host Cheng Hung-yi, who is known for his pro-Taiwanese views, resigned from his position at Sanlih E-Television (SET-TV). In December, the host of the show that replaced Cheng's program also resigned, though she eventually decided to stay on at a different timeslot. The station had recently sought approval to distribute its television dramas in China, a highly lucrative opportunity, adding to concerns that the resignations were linked to SET-TV efforts to curry favor with Chinese officials. SET-TV denied those claims, stressing that both hosts had made their decisions for "family reasons."

Physical violence against journalists in Taiwan is rare, and both local and foreign reporters in general are able to cover the news freely. No attacks on journalists were reported in 2012.

Taiwan is home to more than 360 privately owned newspapers and numerous radio stations. Satellite television systems carry more than 280 channels. Legislation approved in 2003 barred the government and political party officials from holding positions in broadcast media companies, and required government entities and political parties to divest themselves of all broadcasting assets. Controversies plagued the Public Television Service (PTS) in 2009 and 2010, including over the unfair dismissal of the president and vice president, as well as the composition of the board of directors. The current PTS board's term expired in 2011, but KMT and DPP legislators were not able to agree on a proposed new list in 2012. In June, the Taiwan High Court handed down a final ruling in favor of the service's former president. She had sued

the PTS after she was removed by its board three months before her term expired in 2010, challenging the station’s assertion that her removal was due to poor performance.

A 2011 amendment to the Budget Law prohibited Taiwanese government agencies and government-funded enterprises from using public funds for paid news. The measure also prohibited embedded marketing—advertising cloaked as news—for political purposes or for the promotion of a particular high-ranking official. Since then, there has reportedly been a notable reduction in such cases. Nevertheless, a report released by the National Audit Office in August 2012 found that more than one-third of the government bodies responsible for carrying out publicly funded projects had violated the law in some instances in 2011 by failing to adequately label their campaigns as advertisements. The finding drew criticism from legislators across party lines, as did the audit office’s passage in June of a clause that exempts government agencies from identifying their ads if the act would damage their credibility or harm “state security” and “social order.”

There have also been concerns about the Chinese government influencing media content through embedded marketing. Such practices by foreign governments were excluded from the 2011 legal amendment, but Chinese official advertising in Taiwanese media is generally banned under a 1992 law. In November 2011, the Control Yuan, a government watchdog body, published a report warning that some Taiwanese media had carried embedded ads from China in a possible attempt to circumvent the restrictions. In May 2012, the Ministry of Economic Affairs fined *China Times* NT\$400,000 (US\$13,500) after it ran a series of articles promoting business cooperation with China’s Fujian Province during a visit by the province’s governor. Other outlets had reported a recorded telephone conversation indicating that the feature was produced in coordination with—and likely with payment from—Chinese government officials.

The government refrains from restricting the internet, which was accessed by 76 percent of the population in 2012.

## Tajikistan

**Status: Not Free**

**Legal Environment: 25**

**Political Environment: 29**

**Economic Environment: 25**

**Total Score: 79**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>77,NF</b>	<b>78,NF</b>	<b>78,NF</b>	<b>78,NF</b>	<b>79,NF</b>

Freedom of speech is guaranteed by the constitution, but President Emomali Rahmon’s administration has maintained intense pressure on the country’s independent media. In 2010, a draft Law on Mass Media of Tajikistan was proposed to replace the 1990 Law on Press and Other Mass Media. The proposal was met with criticism from international rights organizations, which argued that it did not meet international standards. After more than two years of discussion by government officials, members of parliament, and nongovernmental organization (NGO) representatives, Tajikistan’s lower house of parliament passed the bill in December 2012. It contains language assuring media freedom, bans censorship, and obliges public officials to

respond to inquiries posed by journalists within three days. At year's end the legislation was awaiting approval by the upper house of parliament and Rahmon. In July, Rahmon had approved a new law that decriminalized libel. However, journalists can still face criminal penalties including fines and jail time for insulting Rahmon or other public officials. Also in July, authorities announced plans to create a volunteer organization tasked with monitoring the internet for insults against Tajik officials. The government itself already monitors internet activity, particularly on social-networking websites. Tajikistan has had a freedom of information law since 2002, but many journalists are unaware of it, officials do not respect it, and costs associated with requests for information are unregulated.

The country's licensing committee routinely denies licenses to independent media outlets or otherwise obstructs the licensing process. No member of an independent media outlet has ever become a member of the licensing committee. However, the media bill approved by the lower house in December would require all Tajik media outlets to be registered as legally operating entities, potentially easing licensing complications. Foreign media outlets have been denied Tajik broadcasting licenses, and Radio Free Europe/Radio Liberty (RFE/RL) reported in September that Tajik authorities had arbitrarily denied accreditation to two of its journalists. Reporters from international media outlets are not invited to official events and press conferences.

The government blocked domestic access to various social-networking and news websites on a number of occasions during 2012, with some sites remaining inaccessible for up to three months. In March, officials blocked access to the independent news websites *Polyarnaya Zvezda*, *Maxala*, *CentrAsia*, and *TjkNews*, and the social-networking website Facebook, blaming technical problems. The blockage came after three of the four news sites published a commentary about a meeting at which Rahmon was said to have ordered increased surveillance of several religious groups; the minutes of the meeting were posted on Facebook. During the summer, as clashes between militants and government forces were taking place in the eastern region of Gorno-Badakhshan, the authorities again blocked access to Facebook, as well as to several independent regional news websites, Russia's RIA Novosti news agency, and the Russian-language version of the British Broadcasting Corporation (BBC) news service. YouTube was blocked after videos of demonstrations in the region were posted to the site. Access to Facebook was blocked once again in late November; the government's director of communications services, Beg Zuhurov, called the website a "hotbed of slander" and said it had been blocked in response to citizen complaints about insults against Rahmon. Access to Facebook and several independent news sites was then restored in early December without explanation. Later that month, Rahmon's administration blocked more than 100 news and social-networking websites in what an official reportedly described as a dry run for an expected crackdown on online dissent ahead of a presidential election set for November 2013. Tajik journalists report that the government's repeated blocking of Facebook has increased public interest in the site, where robust political debates and criticism of Rahmon's administration can be found. However, only about 15 percent of Tajikistan's population regularly used the internet in 2012.

Investigative reporting is rare in Tajikistan given the difficult conditions faced by journalists. Independent journalists are particularly hampered by a lack of legislation allowing them to protect their sources. Authorities frequently prevent independent reporters from covering the news, for example by blocking access to official events or barring journalists from taking photographs. However, the Danish NGO International Media Support (IMS) reported in September that with the help of an IMS-affiliated investigative network, an investigative reporter

had published a piece on corruption within the national motor vehicles department, prompting a government probe into the matter.

Journalists reporting on sensitive issues face threats and attacks. In May 2012, state television journalist Daler Sharifov, who also heads an unregistered NGO aimed at defusing regional tensions among young Tajiks, was beaten badly by two unidentified attackers. Two other journalists—Ravshan Yormakhmadov and Salim Shamsiddinov—were beaten that month, apparently as a result of their work. In September, police attacked several journalists who were trying to cover a fire that destroyed a market in Dushanbe, the capital.

According to the government, there are more than 350 registered print publications, about 200 of which are privately owned. Roughly half of all print publications are issued on an irregular schedule. The broadcast sector is dominated by state-controlled national television stations that praise Rahmon and deny coverage to independent or opposition points of view. Tajik journalists claim that state-run media outlets often publicize letters from fabricated entities in which independent journalists and opposition figures are smeared. Several regions in Tajikistan lack access to independent television and radio stations. Meanwhile, international television broadcasts are becoming increasingly available through satellite services. Electricity shortages limit overall access to electronic media, and government control over distribution limits the reach of print media. In addition, widespread poverty, a small advertising market, and the concentration of wealth in the hands of political leaders and their associates hamper the emergence of financially robust and independent media outlets.

## Tanzania

**Status: Partly Free**

**Legal Environment: 18**

**Political Environment: 18**

**Economic Environment: 15**

**Total Score: 51**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>48,PF</b>	<b>50,PF</b>	<b>50,PF</b>	<b>48,PF</b>	<b>49,PF</b>

Although the constitution of Tanzania provides for freedom of speech, numerous other laws encourage self-censorship and limit the ability of the media to function effectively. Perhaps the most notorious and widely used of these laws is the 1976 Newspaper Registration Act, which empowers authorities to register or ban publications “in the interest of peace and good order.” In July 2012, the Information Ministry banned the Swahili-language weekly *MwanaHalisi* indefinitely on vague charges of sedition and false reporting for unspecified articles. The paper’s chief editor, Jabir Idrissa, said he suspected the publication was targeted for its coverage of a physicians’ strike and the abduction and torture of the protesters’ spokesperson, Steven Ulimboka. Reports from *MwanaHalisi* had suggested that authorities were involved in the attack on Ulimboka, but the government denied the allegations. The paper remained banned at year’s end. In 2011, state prosecutors had accused two journalists from *Tanzania Daima*, editor Absalom Kibanda and columnist Samson Mwigamba, of incitement for the publication of an article claiming that the government misused police for political purposes. In March 2012,

authorities charged Theophil Makunga, the managing editor of Mwananchi Communications Limited, the company that prints *Tanzania Daima*, with “intent to excite disaffection” for the same article. All three cases remained pending at year’s end.

Among other restrictive laws, the National Security Act allows the government to take action against any piece of investigative journalism that touches on information it considers classified. Libel is a civil offense, and officials have used libel suits to weaken cash-strapped media houses. In 2011, a court ordered a local Swahili newspaper, *RAI*, to pay 15 million shillings (\$9,500) in damages and publish apologies to former minister of good governance Wilson Masilingi for a column that accused him of soliciting funds from his voters to buy an apartment. Such fines can cripple media companies, which often operate on a tight budget; the average journalist’s salary has been estimated at between \$58 and \$72 per month. Nevertheless, most cases are settled out of court by arbitration or simply abandoned.

A number of laws, such as the Civil Service Act and the Public Leadership Code of Ethics Act, block access to information for journalists. Many public officials face legal restrictions on providing information to the media. Progress on enacting freedom of information legislation has been slow, with continued consultations on a draft bill. Despite claims by Information Minister Fenella Mukangara that the Right to Information Bill would be moved through the parliament in 2012, it had not been introduced by the end of the year.

The 1993 Broadcasting Services Act provides for state regulation of electronic media and allows the Tanzania Communications Regulatory Authority (TCRA), a nominally independent agency, to close stations at will. There is concern that the TCRA is subject to government influence, as its board chairman and director general are both appointed by the president. Media advocacy groups are generally able to operate freely. In 1995, an independent self-regulatory body, the Media Council of Tanzania (MCT), was established to help promote a more free and open media sphere. Since its inception, the MCT has helped to settle defamation lawsuits, worked toward preserving media freedom and journalistic ethics, and encouraged new media policies and legislation.

The brutal killing of television reporter Daudi Mwangosi in September 2012 marked the first work-related fatality of a journalist in Tanzania in the last 20 years. Mwangosi, a reporter for the private station Channel Ten and chairman of the local press club in Iringa, had confronted police officers over the arrest of another journalist during a demonstration by supporters of the opposition party Chama cha Demokrasia na Maendeleo (CHADEMA). Mwangosi was shot at point-blank range with a tear-gas canister and died at the scene. The authorities arrested a junior officer in connection with the killing, but they did not pursue at least six other officers thought to have been involved, according to the MCT.

Conditions in the semiautonomous Zanzibar archipelago remain more restrictive than on the mainland. There are indications that the Zanzibar government is interested in reform, as the MCT now has a branch on the islands, new press clubs are operating, and an editors’ forum was created in 2009. However, the Zanzibar government largely controls the content of radio and television broadcasts, and it publishes the only daily paper, *Zanzibar Leo*. *Zanzibar Wiki Hii* is the only private weekly, though it generally avoids critical coverage of the leadership, as implicating Zanzibar lawmakers in criminal activities can result in a minimum fine of approximately \$200 or three years’ imprisonment. There are four private radio stations, although none are critical of the government; two are owned by ruling party supporters, and the others predominantly focus on religious issues. Residents can receive private broadcasts from the mainland, and opposition politicians have access to the state media outlets. In September 2012,

Channel Ten reporter Munir Zakaria was attacked by a mob outside a party branch office of the ruling Chama Cha Mapinduzi (CCM) during a by-election in Zanzibar. The group beat him in his car and destroyed his equipment.

There are numerous media outlets in Tanzania as a whole, including dozens of daily and weekly newspapers. The government controls two daily newspapers, and the two main political parties own one each. According to the TCRA, there are 85 licensed radio stations and 26 licensed television stations, but only a small percentage of the population has access to television due to high costs. Private individuals and nongovernmental organizations are the main media owners, but control is concentrated in the hands of a few proprietors. Only five radio stations have a national reach—state-run Radio Tanzania and privately owned Radio One, Radio Free Africa, Radio Uhuru, and the youth-oriented Cloud FM—and all are viewed as sympathetic to the ruling party. Foreign media content is freely available. The government reportedly continues to withhold advertising from critical newspapers and websites, especially those that favor the opposition. Private firms that are keen to remain on good terms with the government allegedly follow suit, making it difficult for critical media outlets to remain financially viable. The problem is exacerbated by the influence advertisers have over editorial content and media houses' dependence on advertising revenue.

Internet penetration in Tanzania has steadily increased over the past few years, with a usage rate of about 13 percent in 2012. The medium is not explicitly restricted, but there were reports during the year that officials monitored internet content or activity.

## Thailand

**Status: Not Free**

**Legal Environment: 21**

**Political Environment: 25**

**Economic Environment: 16**

**Total Score: 62**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>56,PF</b>	<b>57,PF</b>	<b>58,PF</b>	<b>62,NF</b>	<b>60,PF</b>

**Status change explanation:** Thailand moved from Partly Free to Not Free due to court rulings that the *lèse-majesté* law does not contradict constitutional provisions for freedom of expression and that third-party hosts are liable for *lèse-majesté* content posted online. In addition, both the government of Prime Minister Yingluck Shinawatra and the parliament explicitly indicated that they were unwilling to address the chilling effects of the *lèse-majesté* law. Thailand's online monitoring agency expanded its use of the *lèse-majesté* law to silence dissent, and journalists faced mounting difficulty in writing about *lèse-majesté* cases and press freedom issues, with self-censorship increasing as a result.

Against a backdrop of ongoing political conflict between the red-shirted backers of the United Front for Democracy Against Dictatorship and the yellow-shirted supporters of the People's Alliance for Democracy, the authorities enhanced their monitoring of electronic media and continued their crackdown on and harassment of journalists. Landmark prosecutions of *lèse-*

majesté cases highlighted the courts' lack of independence, the government's unwillingness to address the sensitive issue of the monarchy, and the threat posed by the lèse-majesté law to freedom of expression in the country.

The 2007 constitution restored and extended freedom of expression guarantees, replacing an interim charter imposed by a military government in 2006. Also in 2007, the legislature replaced the 1941 Printing and Publishing Act, though various pieces of legislation enacted by the military government remain a threat to press freedom. For example, the 2007 Internal Security Act grants the government sweeping powers in the event of vaguely defined security threats, including the authority to detain suspects for 30 days without charge. Defamation is a criminal offense and can be punished with fines and prison terms of up to two years. On several occasions during 2012, journalists were threatened with defamation suits by government officials; the deputy prime minister threatened to sue four newspapers in February, while in August the army chief ordered that a defamation suit be filed against critics who accused the army of involvement in the political violence of 2010.

The lèse-majesté law, Article 112 of the criminal code, assigns penalties of up to 15 years in prison for anyone who “defames, insults or threatens the King, Queen, the Heir-apparent or the Regent.” Prosecutors have been able to increase sentences beyond this threshold using the 2007 Computer Crimes Act (CCA), which assigns prison terms of up to five years for the online publication of forged or false content that endangers individuals, the public, or national security, as well as for the use of proxy servers to access restricted material. Article 112 complaints can be brought by one citizen against another, and authorities are required to investigate such allegations, which have increased in recent years alongside the state's use of the law to stifle dissent. In early 2012, a group of university academics and activists set up the Campaign Committee for the Amendment of Article 112, and were joined by international supporters in their effort to increase popular pressure for reform of the law. In response, both the parliament and the Yingluck administration vowed that they would not address concerns about Article 112 and went out of their way to express support for the protection of the monarchy. Also during the year, two defendants petitioned the Constitutional Court to rule on whether Article 112 violated sections 3, 8, 29, and 45 of the constitution. In October, the court unanimously decided that criminal penalties for lèse-majesté offenses did not contradict constitutional protections for human rights, including freedom of expression, since lèse-majesté violations were considered national security threats.

Over the course of 2012, several high-profile lèse-majesté cases resulted in harsh punishments or consequences for the defendants. On April 11, police detained the editor of the now-defunct *Voice of Taksin* magazine, Somyot Pruksakasemsuk, ostensibly for defaming the monarchy in two articles published in 2010. His arrest came less than a week after he introduced a petition demanding a review of the lèse-majesté law. He remained behind bars at year's end. On May 10, Ampon Tangnoppakul, a 62-year-old man who had been sentenced to 20 years in prison in November 2011 for allegedly sending four text messages that insulted the monarchy, passed away in prison. On May 16, the police ordered online news site *Prachatai* to remove seven articles by journalist Pravit Rojanaphruk for possible infringement of lèse-majesté legislation. On May 30, after a lengthy trial with several delays, *Prachatai* webmaster Chiranuch Premchaiporn was found guilty under the CCA of allowing 20 days to pass before removing a comment posted on the website's discussion forum that was deemed critical of the monarchy. A Bangkok criminal court judge sentenced Chiranuch to a suspended eight-month jail term and a fine of 20,000 baht (\$700). The judge ruled that 20 days was “too long” for the offensive post to

have remained on the website, despite the lack of any specified time limit under the CCA. The verdict represented the first time the law was used to criminally convict a Thai journalist for an offense related to freedom of expression. It was widely criticized for making managers of user-generated content platforms legally responsible for any material posted to their sites and thereby encouraging self-censorship. This and other lèse-majesté cases during the year prompted a renewed campaign against the CCA by groups such as the Thai Netizen Network. Major internet companies such as Google, Yahoo, and Microsoft, all part of the Asia Internet Coalition, also stood in support of Chiranuch, fearing that they and other “intermediaries” could be found criminally liable in similar cases in Thailand.

The National Broadcasting and Telecommunications Commission (NBTC), established in December 2010 as a single regulator for the telecommunications and broadcast sectors, continued to develop its work in 2012. This included the challenging task of wresting control of the two industries from powerful businesses with close ties to the government and the military. The NBTC is composed of 11 commissioners, including a high-ranking police officer and five top military officials. Some critics have raised concerns regarding the body’s independence, considering the significant military representation, as well as its efficacy, given the current political impasse. Nevertheless, the NBTC is working to establish regulatory control as existing allocations of broadcast and telecommunications spectrum reach or approach their expiry dates. The NBTC’s spectrum, telecommunications, and broadcasting master plans were approved and published in the *Royal Gazette*, making them legally binding. Unfortunately, the schedule set for the return of all media licenses (radio, television, and telecommunications) resulted in terms that extend beyond the current NBTC commissioners’ mandates. Critics argue that this makes for a lack of stability, as new commissioners with new agendas could take over before the current plan takes full effect. One of the biggest issues facing the NBTC is the reallocation of broadcast licenses in the next few years. New regulations have been drafted for radio, and the NBTC is determining how many licenses there will be for commercial, public-service, and community-based outlets. In May 2012 the commission approved a draft regulation that would allow the issuing of one-year “trial” licenses to more than 7,000 community radio stations in anticipation of a more permanent licensing scheme still to be developed.

Government censorship of the internet continued in 2012, and it is increasingly used against potentially disruptive political messages and sites that are considered a threat to national security, including those of Muslim separatist groups in southern Thailand. The founding of the Cyber Security Operations Center (CSOC) in late 2011 and the expansion of its work in 2012 enabled the Ministry of Information and Communication Technology to shut down and block online content more quickly, without the need for a court order. The CSOC extends control and surveillance over online media and has aided the large-scale shutdown of websites and individual webpages. The center works with internet service providers and website owners to block not only Thai-based content, but also material that is available globally, affecting thousands of sites. Their efforts are particularly focused on social-networking sites such as Twitter and Facebook, both of which have gained significant ground in Thailand recently; Facebook was used by approximately 20 percent of Thais in 2012. In January, the government was the first to express public approval of U.S.-based Twitter’s move to allow censorship of microblog postings. Users of social media in Thailand can face jail time if they click “like” or “share” for any content deemed offensive to the monarchy.

Although self-censorship on topics involving the monarchy remains the rule, newspapers provide a diversity of news and opinion, and even feisty commentary and analysis of domestic

politics. In addition to some state limitations on what can or cannot be published, owners of news outlets have become increasingly polarized in recent years, advocating a hard line on their respective sides of the political divide. Few major cases of physical intimidation and violence against journalists were reported in 2012. However, freelance investigative journalist and red-shirt activist Wisut Tangwittayaporn was shot and killed in January by two men on a motorcycle on the southwestern resort island of Phuket, possibly due to his coverage of local land disputes. Arrest warrants were issued for three individuals. There is still a sense of impunity surrounding acts of violence against journalists, and lingering distrust between the public and the press. An ongoing state of emergency in the country's four troubled southern provinces also continues to restrict the media's ability to operate.

Large conglomerates and prominent families, some with political ties, own the majority of print outlets. Radio and television have remained under the direct or indirect control of the state, although this is now beginning to change with the establishment of the NBTC. Ownership of Thailand's six free-to-air television stations is divided among four government bodies; the Public Relations Department and the Thai Public Broadcasting Service each administer one station, while the state-controlled Mass Communication Organization of Thailand (MCOT) and the Thai Royal Army oversee two channels apiece. Satellite television is also widely available. The government and security forces own more than 700 radio stations registered with the NBTC, and thousands of community stations also broadcast. Allegations that journalists accept bribes from politicians and business elites in exchange for favorable coverage persisted in 2012. The internet was accessed by approximately 27 percent of the Thai population during the year. Although the internet and social-networking sites contain a greater diversity of content and debate than traditional media, the government and military have recently undertaken a much more focused effort to control commentary and information that is deemed incendiary, divisive, or subversive, leading to a greater degree of self-censorship online than in previous years.

## Togo

**Status: Not Free**

**Legal Environment: 22**

**Political Environment: 27**

**Economic Environment: 21**

**Total Score: 70**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>74,NF</b>	<b>72,NF</b>	<b>74,NF</b>	<b>73,NF</b>	<b>69,NF</b>

Freedom of speech and freedom of the press are guaranteed by the constitution and other laws in Togo, but these rights are often ignored by the government and there is an atmosphere of pervasive impunity for crimes against journalists. The protection of confidential sources is explicitly provided for in the Press and Communication Code, but security forces at times disregarded this in 2012. In February, a reporter with *Tribune d'Afrique*—a Benin-based paper that has repeatedly been targeted by the Togolese authorities over the years—was questioned for six hours by police about his sources for a story about the president of the National Assembly.

While imprisonment for defamation was abolished in August 2004 with an amendment to the Press and Communications Law, journalists can still receive a criminal fine of up to 5 million CFA francs (\$10,000) under Article 104 of the media code or Article 58 of the penal code. Such punishment for libel has typically been infrequent, but 2010 featured a startling increase in the number of libel cases and convictions, particularly those concerning President Faure Gnassingbé and his family. However, there was only one noteworthy libel case in 2011 and no such cases reported in 2012, signaling an improvement from previous years.

Togo does not have a law guaranteeing access to information, and in practice access to official information remains difficult, particularly for private media outlets.

Print media are not required to obtain permission from state authorities before publishing, and there is no law restricting the practice of journalism to those with a certain academic background. However, the High Authority of Broadcasting and Communications (HAAC) is used by the government to intimidate the press. While originally intended to be an independent regulatory body that would allocate frequencies to private broadcasters, protect the media, and ensure ethical standards, the HAAC now serves primarily as the government's censorship arm, a role that was formalized further in 2011 when the National Assembly passed a new law empowering the HAAC to revoke or suspend licenses for media outlets that it believes are dangerous to national security or unity, or that have published anything containing serious errors. In 2009, the National Assembly had already given the HAAC the ability to seize equipment, impose sanctions, and withdraw press cards. In July 2012, the HAAC permanently revoked the printing license of *La Nouvelle* for publishing articles regarding the ethnic makeup of the government and the president's mistresses, citing it for defamation and inciting racial hatred. In August, the HAAC suspended call-in shows on the popular private radio station Légende FM for allegedly inciting racial and ethnic hatred. The station's director believed they were being punished for a June show in which callers criticized the government's crackdown on antigovernment protests in Lomé, the capital. The station was suspended indefinitely, without the possibility of appealing the decision in court. Several other stations that had been closed in 2011 remained shuttered throughout 2012 while their appeals were pending. There is no known government censorship of web-based news content.

Although media outlets cover an increasingly wide range of topics and provide a range of pro- and antigovernment views, journalists in Togo have traditionally operated in fear of violent attacks and harassment for their reporting, and some engage in self-censorship as a result, particularly on issues concerning corruption, the military, and national security issues. Incidents of direct attacks on journalists have fluctuated over the last few years, with an increase reported around the 2010 presidential election. While few incidents were reported in 2011, the situation deteriorated in 2012, linked typically with coverage of the police crackdown of anti-Gnassingbé demonstrations in the spring and late summer. In April, for example, two journalists filming a protest were attacked and severely beaten by police. The police also took their equipment; the damaged equipment was returned two days later. While authorities admitted to the incident, only a few of the individuals responsible were implicated and the government refused to make public exactly how they were being disciplined. A number of equally violent incidents occurred throughout the year, most frequently carried out by members of the security forces.

Despite the rapid growth of private media since the late 1990s, the government still owns the outlets with the greatest reach in each medium, including the only television station with a nationwide broadcast. The size of the private media sector is impressive for a relatively small country, and its content is often highly politicized. There are approximately 30 privately owned

newspapers that publish with some regularity, including 2 dailies, about 100 radio stations—most of which are private—and 8 independent television stations. Many media outlets suffer from precarious finances due to a small pool of private advertisers and a low degree of professionalism. Journalists regularly take bribes and self-censor often as a result of pressure from editors or external actors. Over 4 percent of the population was able to access the internet in 2012, a relatively high penetration rate by regional standards, and there are no state-imposed restrictions on access. While internet access has been both very slow and expensive, the introduction in May 2012 of broadband internet through underwater fiber optic cables may eventually provide a solution. In June, the state telecommunications company, Togo Telecom, began offering data packages for mobile phone subscribers at twice the speed with no increase in the cost.

## Tonga

**Status: Free**

**Legal Environment: 10**

**Political Environment: 9**

**Economic Environment: 10**

**Total Score: 29**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>31,PF</b>	<b>32,PF</b>	<b>32,PF</b>	<b>31,PF</b>	<b>29,PF</b>

Tonga’s media landscape has matured in recent years, with the constitutional kingdom’s democratic government strengthening press freedoms. The kingdom held elections under new rules in 2010, with the parliament, rather than the king, empowered to choose the prime minister. The election campaign reflected a more robust and open media climate than in the past, and a clearer commitment by the government to uphold Clause 7 of the constitution, which guarantees a free press.

Journalists found guilty of criminal libel and defamation are usually punished with fines. In 2011, cabinet minister Clive Edwards won a defamation lawsuit against the newspaper *Kele’a* for a story published the day before the 2010 elections that accused him and other candidates of forming a “secret” political party backed by the government. Edwards claimed that the front-page story was false and played a key role in the loss of his seat in the parliament. The newspaper was fined 14,275 pa’anga (\$8,300). In October 2012, the prime minister and six cabinet members sued *Kele’a* for an editorial asserting that some members of parliament were above the law. The case was pending at year’s end.

Tonga does not have a freedom of information (FOI) law, but in early 2012 the government stressed its commitment to a more open administration and held national consultations on future FOI legislation.

A longtime publishing foe of the monarchy, Kalafi Moala, now heads an independent newspaper, *Taimi ‘o Tonga*, and the Taimi Media Network website. He had also been contracted to revive the state-owned *Tongan Chronicle* as a weekly English-language newspaper beginning in 2009, but the paper ceased publication in 2011 after a struggle to keep it afloat, and its assets were returned to the government in March 2012. The government subsequently announced that it

planned to restart a weekly English-language newspaper, which would bring the number of newspapers in the kingdom to five, along with *Taimi*, *Talaki*, *Kele'a*, and *Ita*. The independent monthly magazine and news website *Matangi Tonga* is an important media provider and independent book publisher. The state-owned Tonga Broadcasting Commission owns one AM and two FM radio stations as well as the free-to-air station Television Tonga. There are three independent FM radio stations. The government does not restrict access to the internet, which was used by about 35 percent of the population during 2012.

## Trinidad and Tobago

**Status: Free**

**Legal Environment: 6**

**Political Environment: 12**

**Economic Environment: 8**

**Total Score: 26**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>23,F</b>	<b>23,F</b>	<b>23,F</b>	<b>24,F</b>	<b>25,F</b>

Freedom of the press is enshrined in the constitution and is generally respected in practice. However, there were a number of cases in 2012 in which government officials intimidated critical journalists and media outlets.

Defamation and libel remain criminal offenses. In May 2012, Jack Warner, the national security minister and former vice president of the Fédération Internationale de Football Association (FIFA), soccer's world governing body, sued Trinidadian journalist Lasana Liburd for libel after he wrote online articles linking Warner to missing emergency aid that FIFA had donated for earthquake relief in Haiti. Warner was seeking damages and an injunction to forbid Liburd from publishing further defamatory statements against him. In June, Prime Minister Kamla Persad-Bissessar announced the government's intention to decriminalize defamation, but no such reform was enacted by year's end. In April, Ian Alleyne, director of the TV6 program *Crime Watch*, was charged under the Sexual Offences Act for an October 2011 episode that showed a recording of the sexual assault of a teenage girl with the intention of identifying the perpetrator. Alleyne, who could face up to five years in prison, was awaiting trial at year's end. Executives at the Caribbean Communications Network (CCN), the parent company of TV6, were also charged.

While freedom of information legislation is in place, the government has been criticized for gradually narrowing the categories of public information that are available under the law. Warner announced in October 2012 that the media would be denied access to the government's crime statistics so that news outlets and the opposition could not sensationalize the data, which, he argued, could lead to more crime. In December, the Trinidad and Tobago Publishers and Broadcasters Association announced that it had reached an agreement with the attorney general to amend the 2011 Data Protection Act, a privacy law that partially came into force in 2012, to create an exemption for investigative journalism.

While there were no reports of physical attacks on the press in 2012, there were a number of cases in which the government intimidated journalists and interfered in the work of media

outlets. In February, police raided the offices of the daily *Newsday* and the home of journalist Andre Badoo after he refused to reveal his sources for a story on a dispute between members of the government's Integrity Commission. Police confiscated Badoo's computers, documents, and mobile telephones. In late December 2011, the police had raided the newsroom of TV6 in connection with the probe into the controversial October *Crime Watch* episode.

Among other incidents, in response to an article published in September 2012 by *Trinidad Guardian* reporter Anika Gumbs-Sandiford on the efforts of Planning Minister Bhoewarie to disband the board of the Chaguaramas Development Authority (CDA), the CDA obtained the journalist's confidential phone records to uncover her sources. The government and its supporters allegedly led a smear campaign against two journalists in October, after their investigative reports criticized legislative measures taken by Warner to protect two donors to the ruling United National Congress party from charges of money laundering. The Media Association of Trinidad & Tobago specifically cited public statements and anonymous e-mail messages that contained personal attacks on Denyse Renne of the *Trinidad Guardian* and Asha Javeed of *Trinidad Express*. Also in October, Communications Minister Jamal Mohammed sent an e-mail to TV6 that accused the station, and *Trinidad Express*, of bias against the ruling party and criticized what he viewed as their efforts to embarrass government officials.

There are three daily newspapers—*Trinidad Express*, *Newsday*, and the *Trinidad Guardian*—and three political weeklies, all of which are privately owned. Four television stations are in operation, including the state-owned Caribbean New Media Group (CNMG), though TV6 dominates ratings. There are about a dozen radio stations, including three operated by CNMG. The government and state-owned businesses disproportionately place their advertising with state-owned media and private outlets that favor the government. In 2012, there were reports that at least two critical media outlets had faced attempted advertising boycotts by the government. In October, Mohammed announced a new rule that will require all privately owned radio and television broadcasters to air up to one hour per day of government messaging with no financial compensation, a move that was condemned by press freedom advocates.

There were no government restrictions on the internet, which was accessed by nearly 60 percent of the population in 2012.

## Tunisia

**Status: Partly Free**

**Legal Environment: 18**

**Political Environment: 18**

**Economic Environment: 16**

**Total Score: 52**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>81,NF</b>	<b>82,NF</b>	<b>85,NF</b>	<b>85,NF</b>	<b>51,PF</b>

The Tunisian media environment remained in transition in 2012 following the overthrow of President Zine el-Abidine Ben Ali in early 2011. The National Constituent Assembly (ANC), elected in 2011 as the interim legislature and tasked with drafting a new constitution, is led by Ennahda, a moderate Islamist party that was banned during the Ben Ali era. The space for media

freedom opened considerably under the transitional government, which released jailed journalists, bloggers, and activists and passed a number of measures to promote press freedom during its first year in office. In 2012, however, both government and opposition forces exerted increased pressure on news content, and journalists faced an uptick in violence.

The ANC continued working on a new constitution in 2012. However, proposed clauses that make exceptions to freedom of expression on the grounds of morality and decency could be used to censor free speech or media content. The assembly is considering whether a higher religious council will be involved in interpreting laws, a mechanism that could also be used to curb press freedom. There is a genuine concern that the constitution will articulate media rules in rigid and excessive detail rather than guaranteeing broad rights to freedom of opinion, expression, and the press. On a positive note, in October 2012 the government dropped a controversial clause outlawing blasphemy from the draft constitution, and the ANC announced that defamation would not be criminalized. Nevertheless, defamation cases continued to be filed against members of the press during the year. In February, journalist Ghazi Mabrouk was charged with “defamation and publishing false news” for an article that revealed poor working conditions in a clothing factory. He faced up to two years in prison if convicted. Also that month, the director of two daily newspapers, Abdel Aziz al-Jaridi, was sentenced to four months in jail following his June 2011 conviction for defaming a news anchor with Qatar’s Al-Jazeera television network.

In November 2011, the transitional government passed Decrees 115 and 116, which were intended to replace the restrictive 1975 press code and create an independent audiovisual regulatory authority. The new press code enabled journalists to freely access information and removed a requirement for prior authorization from the Interior Ministry for the publication of certain stories. The code also included a reduction in the protections and privileges enjoyed by public authorities, including those related to defamation and information pertaining to state security. After a significant delay, the government announced that it would begin implementation of the new regulatory framework in October 2012, though the independent audiovisual regulatory authority had not been launched by year’s end. While the 2011 decrees are widely regarded as a step toward increased press freedom, the ambiguity of the language still poses potential risks to the work of journalists and media outlets. The National Authority to Reform Information and Communication (INRIC), a body created to overhaul the media sector following the revolution, ended its work in July 2012, citing the government’s engagement in censorship and its disregard for the authority’s recommendations. Another reason for the INRIC’s closure was the government’s slowness to implement Decrees 115 and 116. Separately, newly established media outlets are able to begin work quickly, as the registration process has been expedited considerably. Press freedom groups and journalists alike are able to operate more openly in the new environment.

The judiciary functions with legal uncertainty regarding press freedom, enforcing both the new press code established under Decree 115 and the repressive Ben Ali-era penal code. Some observers have expressed concern that the judiciary will be used to harass and intimidate journalists, who continue to face legal action for allegedly offending Islamic morals and committing acts of indecency. In February 2012, the publisher of the Arabic-language daily *Attounissia*, Nasreddine Ben Saida, became the first media executive to be jailed in the post-Ben Ali era following the paper’s publication of a photograph of a scantily clad model. He was released after seven days and fined approximately \$650. In May, Nabil Karoui, director of the private station Nessma TV, was fined \$1,500 after the channel broadcast the Franco-Iranian

animated film *Persepolis*, which includes a depiction of God. Despite these rulings, the judiciary has at times demonstrated independence and upheld freedom of expression. In February, Tunisia's highest court overturned a lower court's ban on pornographic websites, which many feared would be applied broadly and lead to tighter internet restrictions. However, the court referred the case back for reconsideration, leaving open the possibility of internet censorship. In March, whistleblower and former Interior Ministry official Samir Feriani was acquitted of "spreading false information" for his criticism of personnel and practices within the ministry.

Access to information and sources has improved, but remains difficult. In 2011, the transitional government adopted Decree 41, which provided greater access to administrative documents. In May 2012, the government issued a directive detailing the information that government offices must make public and the procedures for doing so. While the adoption of the decree was welcomed by press freedom groups, it was criticized for its broad exceptions and the absence of a public-interest override clause, as well as the fact that no independent body has been created to oversee implementation. Activists continued working in 2012 to include a formal right to freedom of information in the new constitution.

Increased polarization of the media landscape has left news organizations divided by ideology, political affiliation, and economic interests. Media outlets tend to favor either progovernment or opposition voices, and adopt Islamist or secularist outlooks. However, state media have displayed growing independence and covered the government in a considerably nonpartisan manner, creating tension with the ruling party. In April 2012, discussion of the privatization of state broadcasting caused an uproar that led to clashes outside the state media headquarters.

There is no longer official censorship, and self-censorship has decreased since the fall of Ben Ali. However, the ruling coalition has increased pressure on the state media, which it views as a platform for the opposition. On several occasions in 2012, officials and reporters with the state-owned broadcasters were dismissed in what appeared to be politically motivated firings. In June, the director of the national news channel Wataniya 1 was dismissed for inviting a Ben Ali-era politician to participate in a panel discussion. The government nominated new officials to managerial positions within the state media outlets, a process reserved in theory for the planned broadcast regulatory body. Private media that were critical of the government also endured repressive treatment. In August, authorities detained television producer Sami Fehri of Attounissia TV for alleged misappropriation of public funds and refused to comply with a November court order calling for his release. He remained in detention at year's end.

While the environment for online free expression improved significantly after the fall of Ben Ali, there have been instances of internet censorship under the transitional government. In March 2012, two bloggers—Ghazi Ben Mohamed Beji and Jaber Ben Abdallah Majri—received seven-year prison sentences for publishing items deemed offensive to Islam. The former fled to Europe and was convicted in absentia. Although the government in September announced its intention to lift all internet censorship, activists remained concerned by the continued existence of the censorship infrastructure. Tunisia subsequently joined the Freedom Online Coalition, a partnership of 19 countries that have declared a commitment to work in support of internet freedoms.

Physical assaults on journalists, while not systematic, have become a standard practice among police during demonstrations. In February 2012, at least seven journalists were harassed and attacked by police while reporting on security forces' use of violence to disperse a union protest. In April, some 14 journalists were similarly beaten by police while covering a

demonstration in defiance of a ban on protests on Tunis's central thoroughfare. Journalists were also targeted by party supporters based on the political affiliation of their outlets, and by hard-line Salafi Muslim groups. In March, Lotfi Hajji, director of Al-Jazeera's Tunisia office, accepted an invitation to cover a political meeting only to be assaulted by participants. In May, assailants ransacked the privately owned television station El-Hiwar Ettounsi, causing over \$130,000 in damage. Impunity for violence against the media remains an issue, as most cases have resulted in inconclusive investigations.

There was a spike in the number of independent media outlets immediately following the revolution. However, many of these outlets dissolved shortly thereafter, leading to major fluctuations in the number of operational independent media outlets since 2011. The print sector now contains a mix of state-owned and private dailies. There are two public television stations and nine radio stations, four of which are national in reach. Two radio stations formerly owned by Ben Ali's children are now counted among these public stations. While the cost of establishing media outlets has decreased in general, independent radio stations formed after the fall of Ben Ali's government are now threatened with closure as a result of the exorbitant license-renewal fees requested by the National Broadcasting Office (ONT). Community radio stations do not receive special status under current laws, and they cannot secure necessary equipment without facing severe penalties. Critics of the government's slow progress on this issue accuse it of intentionally hindering community radio in order to centralize broadcasting in the commercial sector. There is no longer a state intermediary between advertisers and the media, and the debilitating limits on advertising that existed under Ben Ali are no longer a factor for privately owned outlets. However, the country's weak economy has made it difficult for media companies to sustain themselves financially without backing from wealthy, politically connected investors. Even state media are not immune from these economic problems.

Approximately 41 percent of the population had internet access in 2012. More people than ever used social-media platforms such as Facebook and Twitter during the year, and a growing number of online services and websites are contributing to the news and information environment. However, access continues to be inhibited by high prices and underdeveloped infrastructure. Despite the popularity of mobile telephones, with over 12.8 million subscriptions countrywide, mobile internet service is beyond the financial reach of most Tunisians.

## Turkey

**Status: Partly Free**

**Legal Environment: 21**

**Political Environment: 24**

**Economic Environment: 11**

**Total Score: 56**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	51,PF	50,PF	51,PF	54,PF	55,PF

The Turkish authorities continued to use the penal code and an antiterrorism law to crack down on journalists and media outlets in 2012, leading Turkey to imprison more journalists than any

other country in the world. According to the Committee to Protect Journalists (CPJ), 49 were behind bars as of December.

Constitutional guarantees of press freedom and freedom of expression are only partially upheld in practice. They are generally undermined by provisions in the penal code and the criminal procedure code, and by the country's strict, broadly worded antiterrorism law, which effectively makes many types of investigative or critical journalism tantamount to terrorist activity. The restrictive penal code continues to overshadow positive reforms that had been implemented as part of the country's bid for European Union (EU) membership, including a 2004 press law that replaced prison sentences with fines for media violations. A 2011 amendment to the press law allows for television broadcasts to be suspended and stations to be fined or closed by Prime Minister Recep Tayyip Erdoğan or other designated ministers in cases of emergency or threats to national security. Also in 2011, the Constitutional Court approved the removal of Article 26 from the press law. The provision had restricted the amount of time prosecutors had to file a complaint against publications or journalists to two months in the case of dailies and up to four months for other publications. Defamation remains a criminal offense and can result in fines or prison terms. In December 2012, Erdoğan won compensation in a libel suit against Ahmet Altan, the former editor in chief of the daily *Taraf*, for a column that called the prime minister "arrogant, uninformed, and uninterested." Altan was found to have violated Erdoğan's personal rights and was forced to pay 15,000 lira (\$8,400).

Application of a range of restrictive laws has led to the imprisonment of dozens of journalists and writers in recent years. Article 301 of the penal code, which prescribes prison terms of six months to two years for "denigration of the Turkish nation," has been used to punish journalists who state that genocide was committed against the Armenians in 1915, discuss the division of Cyprus, or criticize the security forces. A set of 2008 amendments to the article were largely cosmetic, substituting "Turkish nation" for "Turkishness" and "State of the Turkish Republic" for "Turkish Republic," and reducing the maximum prison sentence from three years to two. Very few of those prosecuted under Article 301 receive convictions, but the trials are time consuming and expensive. Article 216 of the penal code, which bans "inflaming hatred and hostility among peoples" and carries a prison term of six months to three years, continues to be used against journalists and other commentators who write about the Kurdish population or allegedly denigrate the armed forces.

Many journalists currently in prison are charged with being a member of a criminal organization under Article 314 of the penal code. Convictions under Article 314 carry a minimum sentence of seven and a half years in prison. In January 2012, 11 employees of Ozan Publishing Company and *Yürüyüş* magazine who had been arrested in a December 2010 raid had their first court hearing, 13 months after their arrest. By July, eight of them had been released pending trial on charges of "publishing propaganda for a terrorist organization," specifically an illegal leftist group. In October, editor in chief Hatice Duman of the leftist weekly *Atılım*, who has been serving a life sentence since 2003 for allegedly being the leader of a terrorist organization, had her appeal rejected by the Supreme Court of Appeals. However, in the same case, the court overturned *Atılım* journalist and editor Necati Abay's sentence of 18 years and nine months, on the grounds that he was just a member—not a leader—of a terrorist organization.

Amendments to the antiterrorism law, officially called the Law on the Fight against Terrorism, that were passed in 2006 allow journalists to be imprisoned for up to three years for the dissemination of statements and propaganda by terrorist organizations, and five years for

creating propaganda on behalf of a terrorist organization. The legislation has raised concerns about arbitrary prosecutions, since members of the pro-Kurdish press are sometimes accused of collaborating with the separatist Kurdistan Workers' Party (PKK) militant group, a designated terrorist organization. According to a report by the independent Turkish press agency Bianet, the majority of the reporters in detention at the end of 2012 were from Kurdish media outlets. In October 2011, the Council of Europe's commissioner for human rights voiced concern over the broad wording and application of both the antiterrorism law and Article 220 of the penal code, which assigns one to three years in prison to those found guilty of creating propaganda in support of a criminal organization or its objectives. Such cases are tried in special courts that limit the defendant's access to evidence and to legal counsel. In July 2012, the parliament passed the Third Judicial Reform Package, including Law 6352, which allows the suspension or dismissal of cases brought against journalists charged with spreading propaganda for terrorist organizations prior to December 31, 2011. The reform package also mandates that judges provide written justification for the pretrial incarceration of suspects accused of being affiliated with "outlawed" organizations. However, that same month, the ruling Justice and Development Party (AKP) introduced a constitutional amendment that would restrict reporting on the judicial system and security issues. The amendment had yet to be adopted at the end of 2012.

The extensive ongoing investigations surrounding Ergenekon, a broad and vaguely defined alleged coup conspiracy, have led to the arrests of multiple journalists. In 2011, police raided a number of homes of journalists and professors. Ten people affiliated with OdaTV, a nationalist news website that is critical of the Erdoğan government, were arrested and charged with offenses including "aiding an armed terrorist organization" and "inciting hatred and hostility." Among those charged were prominent journalists Nedim Şener and Ahmet Şık, who faced up to 15 years in prison. Neither journalist was able to access the evidence against him, drawing criticism from the Council of Europe's commissioner for human rights. The government and the chief prosecutor in the Ergenekon case have maintained that journalists arrested during the investigation were held not because of their writing, but due to evidence tying them to an illegal organization, though this evidence has not been presented publicly. All 10 journalists arrested in the 2011 sweep were released in 2012, including Şener and Şık. Their trial was ongoing at the end of 2012. The OdaTV staff members were apparently targeted for their critical reporting on the Ergenekon case, while Şık was reportedly detained because of his book on the religious movement founded by Fethullah Gülen, and Şener for his book on ethnic Armenian journalist Hrant Dink's assassination in 2007. Separately, Mustafa Balbay, a bureau chief of the daily *Cumhuriyet* who was arrested in connection with Ergenekon, had been held in prison without charge for nearly four years as of the end of 2012.

Throughout 2012, the government also continued to detain and prosecute individuals suspected of having links to the Union of Communities in Kurdistan (KCK), a wing of the PKK, as part of a crackdown launched in April 2009. Approximately 7,000 people—mostly members of the pro-Kurdish Peace and Democracy Party—had been arrested as of November 2012 on charges of undermining the state and assisting an illegal organization. In late 2011, nearly 200 people were arrested for alleged ties to the KCK, including some 30 journalists and the owner of Belge Publishing House, Ragıp Zarakolu. Zarakolu was released in April 2012 pending trial. In September, a trial began for 44 journalists employed by *Özgür Gündem* and the DİHA news agency, both pro-Kurdish media outlets. Thirty-six of the journalists had been held in pretrial detention since December 2011. The Ergenekon and KCK cases have further encouraged editors and journalists to practice self-censorship to avoid violating legal restrictions.

Turkey adopted a freedom of information law in 2003. However, state secrets that may harm national security, economic interests, state investigations, or intelligence activity, or that “violate the private life of the individual,” are exempt from requests.

The Supreme Council of Radio and Television, whose members are elected by the parliament, has the authority to sanction broadcasters if they are not in compliance with the law or the council’s expansive broadcasting principles. The body is frequently subject to political pressure. Print outlets can also be closed if they violate laws restricting media freedom. In addition to arrests of Kurdish journalists, several Kurdish newspapers have been suspended. In March 2012, *Özgür Gündem* was suspended for one month by the High Criminal Court after it ran a headline about Kurds that read “Revolt Speaks.” Police raided the publisher of the paper, the Gün Printing Company, and confiscated copies with the banned headline. The editor in chief of *Özgür Gündem*, Reyhan Çapan, was sentenced to one year and three months in prison for printing the headline. In May, a court suspended *Demokratik Vatan* for one month for allegedly spreading terrorist propaganda through the publication of pro-Kurdish stories. During a televised debate in August, Erdoğan stated that journalists must ignore the conflict between the Turkish army and the PKK, especially regarding the number of Turkish casualties, on the grounds that such coverage amounted to propaganda for terrorism.

Ten books were newly banned in 2012, adding to a list of around 400, while 12 newspapers were among 46 publications that were confiscated during the year. Publications were banned under orders from a variety of different ministries and offices. Restricted topics included Kurdish issues, the Armenian genocide, or any subject deemed offensive to Islam or the Turkish state. As part of the Third Judicial Reform Package, all bans on publications will be void unless renewed by court order prior to a January 5, 2013, deadline.

Law 5651 allows the authorities to block websites that insult Turkish Republic founder Mustafa Kemal Atatürk or contain content that “incites suicide, pedophilia, drug abuse, obscenity, or prostitution,” among other criteria. After being blocked for more than two years for carrying videos that were deemed insulting to Atatürk, the video-sharing website YouTube was unblocked in October 2010. As of December 2012, the Turkish Telecommunications Directorate had reportedly blocked more than 6,600 websites that year and more than 22,000 overall, 47 percent of which allegedly contained pornography, according to the Information Technologies Institute. Many websites that published content on Kurdish-related issues were blocked in 2012, including news sites such as *Özgürlük.org* and *Firatnews.org*.

Media outlets are sometimes denied access to events and information for political reasons. In September 2012, seven publications—*Cumhuriyet*, *Sözcü*, *Birgün*, *Evrensel*, *Aydınlık*, *Özgür Gündem*, and *Yeniçağ*—were denied the accreditation needed to cover the AKP’s fourth party congress.

Threats against and harassment of the press remain much more common than acts of violence. Journalists are rarely killed—none were murdered in 2012—and their work is not regularly compromised by the fear of physical attacks, although instability in the southeastern part of the country does infringe on journalists’ ability to work. The European Court of Human Rights (ECHR) ruled in 2010 that the Turkish government had failed to respond to ultranationalist hostility toward Hrant Dink, the editor in chief of the Armenian Turkish weekly *Agos* who was assassinated in 2007. Prior to his murder, Dink had twice been prosecuted under Article 301 for insulting Turkishness. In 2011, a juvenile criminal court convicted Ogün Samast, who was 17 at the time of the killing, of premeditated murder and sentenced him to more than 22 years in prison. In January 2012, the High Criminal Court issued rulings in the cases of an

additional 19 individuals charged in relation to Dink’s murder. Three were given prison sentences ranging from 12 years to life. However, the remaining 16 were acquitted, and the court rejected any allegations of a state-level conspiracy to assassinate Dink.

There are approximately 370 newspapers operating in Turkey, including 38 daily national papers. Independent domestic and foreign print media are able to provide diverse views, including criticism of the government and its policies, though Turkish print outlets tend to focus on columns and opinion articles rather than pure news. The country’s broadcast media are also well developed, with hundreds of private television channels, including cable and satellite, and more than 1,000 commercial radio stations. State television and radio provide limited broadcasting in minority languages, including several local radio and television stations that broadcast in Kurdish. The introduction of Kurdish-language stations in recent years marked a major step forward for freedom of expression, although critics say that the broadcasts are too restricted and their quality is poor. An Armenian-language radio outlet, Nor Radio, began broadcasting over the internet in 2009. Media ownership is highly concentrated, with a few major private holding companies subtly applying pressure on editors and journalists at their outlets to refrain from coverage that could harm their broader business interests, including criticism of the government or potential advertisers. In 2011, the parliament passed legislation that allows foreigners to own up to 50 percent of a Turkish broadcaster, an increase from the existing 25 percent cap. The new law also reduced the amount in advertising revenues that channels are required to turn over to the Radio and Television Supervision Agency.

A politicized case against one of the country’s major media companies, the Doğan Group, for purported tax evasion worth some \$3 billion was resolved in 2011. The Doğan Group had consistently reported on the ruling party’s shortcomings and its involvement in an Islamic charity scandal in 2008. In February 2011, the courts overturned approximately \$1.1 billion in fines and interest allegedly owed by Doğan. The company subsequently sold two of its major papers, *Milliyet* and *Vatan*, and one of its television stations, Star TV, in order to raise funds to pay the remaining back taxes and fines. Doğan settled with the Finance Ministry in May 2011, agreeing to pay \$590 million. Doğan employees have reported practicing self-censorship to avoid further trouble with the law.

An estimated 45 percent of the population accessed the internet in 2012. There are reportedly 28,000 internet cafés in Turkey, and they require a license from the local government in order to operate.

## Turkmenistan

**Status: Not Free**

**Legal Environment: 30**

**Political Environment: 37**

**Economic Environment: 29**

**Total Score: 96**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	96,NF	96,NF	95,NF	96,NF	96,NF

President Gurbanguly Berdymukhammedov's autocratic government continued to maintain near-total control over the media in 2012, despite his pledges to take steps such as providing increased internet access. The constitution's nominal protections for press freedom and freedom of expression are not observed in practice. Libel is a criminal offense, but it is rarely invoked due to the intensity of official media control and self-censorship and the extreme scarcity of independent and critical reporting. A new media regulation law was enacted in December 2012. Drafted in consultation with the Organization for Security and Cooperation in Europe, the legislation defined procedures for gathering and disseminating news and was the first of its kind to be approved in Turkmenistan since independence in 1991. However, in light of the country's dismal record on media freedom to date, the law was not expected to result in a significant relaxation of current restrictions. In March, the UN Human Rights Committee had reported for the first time on the government's compliance with the International Covenant on Civil and Political Rights. With regard to the media in particular, the committee noted repression of free speech, harassment and intimidation of journalists, and monitoring and censorship of the internet.

The government retained a monopoly on the national media in 2012. Berdymukhammedov appoints the editors of authorized outlets, and independent news websites are blocked. Journalists who are critical of the government are blacklisted and prevented from traveling within the country or abroad. A journalist from the state newspaper *Neutrally Turkmenistan*, the only Russian-language newspaper in the country, told the Institute for War and Peace Reporting in March that multiple agencies impose censorship on media outlets, and everything journalists write must comply with requirements set by the president's office. In February, just before a tightly controlled presidential election in which the incumbent supposedly took more than 97 percent of the vote, human rights defender Nataliya Shabunts criticized the government in a radio interview. The next day, a bloody sheep's head was found at her door in what some observers interpreted as a warning from the state security services.

The government closely supervises television content. In June 2012, for the first time since Turkmenistan became independent, state television aired a live broadcast of a major sporting event—the European football championships. Previously, state-run television outlets had only shown prerecorded programs. During all aired matches, Ashgabat-based commentators repeatedly thanked the president for making the live broadcast possible.

The government controls the dominant internet service provider, Turkmen Telecom, and restricts access to critical sites, including regional news sources based outside Turkmenistan and opposition websites run by Turkmens living abroad. Leading independent news site Chronicles of Turkmenistan ([Chrono-tm.org](http://Chrono-tm.org)), run by human rights activists in exile, was subjected to several cyberattacks in 2012, including three instances of hacking that rendered the site temporarily inaccessible. Other foreign-based news sites that cover Turkmenistan, [Gundogar.org](http://Gundogar.org) and [Ferghana.ru](http://Ferghana.ru), were blocked. Popular youth site [Ertir.com](http://Ertir.com) was blocked for most of June. Online social-media sites such as Facebook, Twitter, LiveJournal, and YouTube are often unavailable, and the authorities interfere with electronic correspondence such as Gmail. Continued government restrictions and high costs kept the internet penetration rate extremely low in 2012, with only 7 percent of the population using the medium.

Two journalists, Sapardurdy Khadjiyev and Annakurban Amanklychev, have been imprisoned since 2006. The two men were originally arrested with a colleague, Ogulsapar Muradova, after helping a French television station with a report on Turkmenistan; Muradova died several months after her arrest as a result of severe beatings in prison. Switzerland's public

television broadcaster was permitted to make a documentary about the country in September 2012, but the film was to avoid controversial topics.

A privately published magazine, *Rysgal*, opened with great presidential fanfare in 2010, but it became clear that the magazine was produced by the government-controlled Union of Industrialists and Entrepreneurs and did not stray from the official line. In 2012, *Rysgal* owner Aleksander Dadayev, who is close to Berdymukhammedov, helped to establish the new Party of Industrialists and Entrepreneurs, nominally ending the political monopoly of the ruling Democratic Party of Turkmenistan. Berdymukhammedov had approved its establishment, and in practice the new party is loyal to the regime. Months before the party's first congress in August, *Rysgal* began publishing announcements encouraging entrepreneurs to join it.

State-run newspapers are used to disseminate government propaganda and ignore issues relevant to Turkmen citizens. The paper with the largest circulation is *Turkmen Dili*, with 117,500 subscribers. Employees of state institutions are required to pay high subscription fees out of their own pockets to state newspapers that focus on their field of work, often imposing a considerable financial burden on employees with low salaries. The authorities maintained a ban on almost all foreign newspapers and periodical subscriptions—notably including Russian newspapers—and confiscate books and periodicals from travelers. Despite an absence of independent domestic media, many citizens have some access to international media through satellite dishes. Repeated government attempts to crack down on such receivers have been largely unsuccessful, but cost barriers continue to limit access. Turkmenistan's government in recent years has indicated that it plans to launch its own satellite to control broadcasting more comprehensively, but there was little progress on the project by the end of 2012.

One positive event in 2012 was the return of Russian mobile-telephone service provider Mobile TeleSystems (MTS). The Turkmen government reissued MTS's license in July, having expelled the provider in 2010 and cut off service to 2.4 million people—or 80 percent of the country's mobile users. MTS provides a faster connection speed than the government-owned carrier and allows users to access banned social media. On the first day it became operational again, MTS reactivated over 500,000 subscribers.

## Tuvalu

**Status: Free**

**Legal Environment: 3**

**Political Environment: 11**

**Economic Environment: 12**

**Total Score: 26**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	26,F	26,F	26,F	26,F	26,F

## Uganda

**Status: Partly Free**

**Legal Environment: 19**  
**Political Environment: 22**  
**Economic Environment: 14**  
**Total Score: 55**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	53,PF	53,PF	54,PF	54,PF	57,PF

The Ugandan press freedom environment did not undergo any significant changes in 2012, as journalists continued to face intimidation and harassment from state and nonstate actors. The media operated in a tense atmosphere as the government sought to rein in protests demanding financial accountability. Government officials often accused media houses of helping to incite violence by giving airtime to voices of dissent. Verbal threats from officials, including the president, engendered self-censorship, especially among less prominent rural media outlets. Despite these obstacles, the independent media remained vibrant, and many continued to thrive commercially. Moreover, Ugandan courts exercised a degree of independence, throwing out criminal cases brought against journalists by the state.

The country's constitution provides for freedoms of expression and of the press. However, several laws undermine these guarantees, and the government has continued to crack down on critical journalists and media houses using a variety of methods. Although the Constitutional Court declared the law on sedition unconstitutional in August 2010, the government has employed other provisions of the penal code, including those on criminal libel and treason, against journalists. In March 2012, a local official in Kalangala brought criminal defamation charges against Central Broadcasting Service (CBS) journalist Ronald Ssemuusi for a report linking the official to the disappearance of a number of solar panels donated by the African Development Bank. The case remained pending at year's end. In a positive step in December, a Kampala court dismissed a criminal libel case against two *Daily Monitor* journalists, Henry Ochieng and Angelo Izama, who had been accused of defaming President Yoweri Museveni.

In April 2011, after a delay of nearly six years, the government finally promulgated implementing regulations for the 2005 Access to Information Act. Uganda is among a handful of African countries with a freedom of information law, but without the regulations in place, the act had existed only on paper. Even after the release of the regulations, many government departments still deny requests for information. Moreover, the parliament has yet to enforce the law's requirement that each ministry submit annual reports on the status of implementation. In 2012, Information Minister Mary Karoro Okurut conceded to lawmakers that her ministry had not done enough to enforce the regulations. Other laws related to national security and confidentiality continue to impede open access to information in practice.

Media groups had expressed fear that the Press and Journalist Amendment Bill, proposed in 2010, would enable the government to manipulate the licensing and registration of media outlets and introduce new publication offenses, but the amendments had not been tabled before the parliament by the end of 2012. The 2000 Press and Journalist Act requires journalists to register with the government-affiliated National Institute of Journalists of Uganda (NIJU) and obtain a license from the Media Council, which has been criticized for lacking independence. Journalists must also meet certain standards, including possession of a university degree, to be full members of the NIJU. Although journalists are required to renew their licenses annually, this

provision is frequently overlooked in practice. In 2012, Karoro Okurut reiterated a previous threat that the government might enforce the licensing requirement, citing growing unprofessionalism.

The regulatory structure is not always transparent and grants broad discretionary powers to the regulator. In September 2012, the parliament passed legislation that consolidated the 1997 Uganda Communications Act and the 2000 Electronic Media Act, effectively merging two regulators, the Uganda Broadcasting Council (UBC) and the Uganda Communications Commission (UCC), under the name of the latter. The new law completed a move initiated by the government in 2010. The regulatory bodies' licensing procedures have been criticized as arbitrary and opaque, and they are susceptible to influence and manipulation by the executive. The authorities have continued to interfere in private radio broadcasting, suspending a number of stations in recent years. Radio stations that have faced suspension in the past often engage in self-censorship to avoid renewed conflict with authorities. There were new reports in 2012 that rural radio stations that aired criticism of the government on talk shows had been forced to suspend or fire the hosts and presenters. In October 2012, the UCC directed radio stations not to air a song by a local musician that was critical of the executive director of the Kampala City Capital Authority. Although the regulator has not followed up on its 2011 warning to television and radio stations against covering political protests live, fears of repercussions for such coverage remain, especially at the state broadcaster. In December 2012, Museveni once again threatened to close radio stations that hosted critics of his government. The threat came after a controversy surrounding the mysterious death of Cerinah Nebanda, a ruling party legislator who was very critical of the administration.

Censorship and interference by authorities reportedly continued to hamper news coverage, particularly in rural areas. In July 2012, police questioned prominent talk-show host Meddie Nsereko Ssebuliba for more than three hours after he moderated a program featuring critical politicians. He was summoned on allegations that he "failed to moderate" the show, but no charges were filed. In the countryside, government officials and security agents continued to intimidate journalists and attempt to influence content by forbidding certain guests to appear on live radio programs. The several radio stations owned by members of the ruling National Resistance Movement (NRM) avoid news that is deemed harmful to the government and deny opposition politicians access to the airwaves, particularly in rural areas.

Journalists face harassment, occasional violence, and various other obstacles while attempting to cover the news. Security agencies, especially the police, once again topped the list of press freedom offenders in 2012, with many cases of brutality against journalists. In January, plainclothes police in Kampala reportedly shot at *Daily Monitor* photographer Isaac Kasamani as he observed officers throwing a tear gas canister at opposition leader Kizza Besigye, according to local press freedom group Human Rights Network for Journalists–Uganda (HRNJ-Uganda). A police investigation found no evidence that the journalist had been shot at. Kasamani was again assaulted by police officers in October, along with two other journalists who had gone to cover Besigye's arrest outside police headquarters in Kampala. Kasamani and reporter William Ntege suffered minor injuries, and both had their cameras destroyed in the incident, according to HRNJ-Uganda and the Committee to Protect Journalists. A third reporter was punched in the face. On December 24, officers from a police antiterrorism unit assaulted journalist Mulindwa Mukasa of the Associated Press and WBS Television as he was covering the arrest of an NRM member of parliament. Another journalist reporting on the arrest, Radio Simba's Nasser Kayanja, had his mobile telephone confiscated and smashed. There were several other reports of

journalists being injured by police during demonstrations in 2012, though it was not always clear whether these cases were deliberate or accidental.

There are more than two dozen daily and weekly newspapers and more than 180 private radio stations. The daily *New Vision*, in which the government holds a controlling stake, generally shows some editorial independence, though it tends to side with the government during elections and political protests. Other print outlets, such as the *Monitor*, the *Observer*, and the *Independent*, are more critical of the government and offer a range of opposition views. There is unrestricted access to foreign news sources, and domestic outlets draw on and reference these sources in their reporting. Radio remains the most widely accessed news medium, though very few stations dedicate sufficient time to news and public affairs programming. In recent years, the number of community stations has grown across the country. Although technically a public broadcaster, the Ugandan Broadcasting Corporation (UBC) remains subservient to the interests of the ruling party and the government. Four private television stations also operate.

To safeguard their investments, private media owners reportedly comply with government requests, including onerous instructions as to which journalists they may employ. Declining circulation rates have compromised the sustainability of newspapers in recent years. Threatened or actual advertising boycotts by corporations and the government, which are especially problematic for smaller media outlets, further limit media diversity and pluralism.

About 15 percent of Ugandans accessed the internet in 2012. Internet access through either computers or mobile phones is not officially restricted, though it is effectively limited by high costs and a lack of infrastructure, especially in rural areas. In the last decade, the mobile-phone industry has experienced substantial expansion, and there are now more than 14 million subscribers in Uganda, making it one of the top 10 African countries in terms of mobile subscriptions. Social-media sites such as Facebook, Twitter, and YouTube are gaining popularity as a means of disseminating news and information.

## Ukraine

**Status: Partly Free**

**Legal Environment: 19**

**Political Environment: 21**

**Economic Environment: 20**

**Total Score: 60**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>53,PF</b>	<b>55,PF</b>	<b>53,PF</b>	<b>56,PF</b>	<b>59,PF</b>

Press freedom eroded further in 2012 as President Viktor Yanukovich continued curtailing the country's recent democratic gains through his authoritarian style of rule. The president and his Party of Regions cracked down on the opposition, stalled legal reforms, consolidated their influence over the national broadcast media, and manipulated the results of October parliamentary elections—all while rhetorically promoting media freedom abroad as Ukraine prepared to assume the 2013 chairmanship of the Organization for Security and Cooperation in Europe (OSCE). A highly politicized judicial system ensured that Yanukovich's main political rival, former prime minister Yuliya Tymoshenko, remained in prison under a seven-year

sentence that was imposed in 2011 for her alleged mishandling of natural gas negotiations with Russia in 2009. Journalists endured an escalation in attacks in the months ahead of the parliamentary elections, while Yanukovich's relatives and allies continued to use their positions to dramatically increase their personal wealth.

The constitution and legal framework generally provide for media freedom and are among the most progressive in Eastern Europe. Libel was decriminalized in 2001, and in February 2009 the Supreme Court instructed judges to follow the civil libel standards of the Strasbourg-based European Court of Human Rights, which granted lower levels of protection to public officials and clearly distinguished between value judgments and factual information. Nonetheless, officials continue to use libel lawsuits filed in the country's politicized court system to deter critical news reporting. Respect for other media-related laws has diminished in recent years.

The Party of Regions proposed various new laws and initiatives during 2012 in an effort to muzzle independent reporting on widespread corruption and nepotism among the ruling elite. In January, the party ousted media lawyer and lawmaker Andriy Shevchenko from his post as head of the parliamentary committee on free speech and information. In July, the Party of Regions proposed a bill that would recriminalize libel and insult, allowing up to five years' imprisonment for convicted offenders. The parliament initially passed the proposed law in September, but withdrew it in October amid intense domestic and international criticism. Politicized courts, weakened by legal reforms introduced under Yanukovich, consistently ruled in favor of progovernment media owners and against outlets that criticized politicians and the government during 2012. In August, for example, a Kyiv court found *Hromadskyy Zakhyst Kyivshchyny* reporter Andriy Kachor guilty of petty hooliganism and fined him 102 hryvnyas (\$13) for allegedly forcing his way into the office of a Party of Regions parliamentary candidate. Kachor had accused the candidate of misusing public funds in an interview on the independent television station TVi.

The National Television and Radio Broadcasting Council remains unreformed and has applied regulations in a secretive and highly partisan manner. The council used the transition from analog to digital television broadcasting in 2011 to deny licenses to editorially independent television stations such as TVi, TRC Chernomorskaya, and Rivne 1. Meanwhile, it awarded digital licenses to progovernment stations or new outlets that were registered offshore to unknown owners. Other government officials, like tax inspectors, continued to enforce regulations in a selective and politicized manner in 2012. In July, tax police and prosecutors raided the offices and froze the bank accounts of TVi—the last remaining national television station that criticized the Yanukovich administration—while some 80 cable operators were reported to have dropped the channel. In September, a Kyiv court threatened the station with insolvency by ordering it to pay 4 million hryvnyas (\$500,000) in alleged back taxes. The timing of the financial pressure suggested that the authorities were attempting to control the media environment ahead of the October parliamentary elections.

Government officials routinely took steps to limit journalists' access to information during the year. In January, presidential security officers prevented journalists from filming Yanukovich's entourage leaving his mansion in the northern Kyiv suburb of Mezhyhirya. In February, *Korrespondent* reporter Iryna Solomko filed a lawsuit against the parliament after she was denied information about civil servants working as assistants to lawmakers. A Kyiv court ruled against Solomko in March, despite a provision of the Law on Access to Information that prohibits the withholding of such information about officials receiving state salaries. An

appellate court confirmed the ruling in June. In September, guards protecting Yanukovich as he spoke at a World Press Congress in Kyiv confiscated several “Stop Censorship” posters that journalists held up in protest. In addition to imposing restrictions on professional journalists, the government limits the ability of bloggers and citizen journalists to report on public affairs by refusing to grant them accreditation.

Although media coverage—including on electoral campaigns—remains more pluralistic than in Russia and other authoritarian states in the region, the politicization of private media has increased under the Yanukovich administration. Wealthy media tycoon Valeriy Khoroshkovskyy has used his Inter Media Group to advance his political interests, serving first as head of the National Security Service (SBU) and later as first deputy prime minister from 2010 to 2012. Two days before the parliamentary elections in October, a group of editors at the UNIAN news agency, owned by Yanukovich loyalist Ihor Kolomoyskyy, issued a public statement protesting that they had been instructed not to publish stories that criticized Yanukovich. Meanwhile, the country’s state media remained unreformed and continued to serve the interests of senior politicians and the bureaucracy. Politically loyal managers have been appointed to the state-run outlets, and those who failed to ensure favorable coverage have been illegally dismissed. OSCE election monitors indicated that “due to the lack of political will, the transformation of the National Television Company of Ukraine from a state to a public-service broadcaster has not progressed; two laws on the reform ... are pending in the parliament.” State television has no editorial statute or editorial board, as required by law. The election monitors also reported “abuse of regional state-owned broadcasters or newspapers in favor of the Party of Regions, in particular through obvious political advertising not declared as such.” Additionally, independent news websites like LB.ua endured harassment throughout the year as well as hacking attacks that escalated during and after the parliamentary election campaign.

A steady stream of threats and harassment against the media continued in 2012, as the country’s weak and politicized criminal justice system failed to protect journalists from abuse by politicians, businessmen, and criminal groups. Several correspondents for the popular Roadcontrol.org.ua website were harassed and assaulted during 2012 in retaliation for exposing abuses committed by corrupt traffic police officers. In June, Maksym Kasyanov, a correspondent for Korrdon.info in the southeastern city of Donetsk, was filming the car of a senior politician when he was assaulted by several tax-service officers, arrested by the police, and then forced by an investigator to write a statement that he was planning to assassinate the politician. Prosecutors declined to punish the police investigator.

Attacks against journalists escalated significantly in the months ahead of the October parliamentary elections, with the Kyiv-based Institute of Mass Information registering some 60 cases in September. Prosecutors and police regularly failed to take action against suspects identified in past attacks, leading to a culture of impunity. In April, prosecutors in the southeastern city of Donetsk declined to open a criminal inquiry after a group of Ukrainian nationalists assaulted four journalists at a ceremony in January to commemorate Ukrainian resistance to Bolshevik forces in 1918. In August, police investigators reported that they had identified a former Kharkiv police officer as a suspect in the August 2010 disappearance of *Novyy Styl* editor Vasyl Klymentyev, but the suspect had not been apprehended by the end of the year. Klymentyev had disappeared shortly after reporting on police corruption.

The authorities have made limited progress in solving an older such crime, the abduction and murder of journalist Heorhiy Gongadze in 2000. Former Interior Ministry official Oleksiy Pukach remained on trial at year’s end for allegedly carrying out the killing, though the case was

marred by procedural violations and closed to the public. In June, a Kyiv appellate court upheld a lower court’s ruling that prosecutors could not investigate credible evidence that former president Leonid Kuchma had ordered the killing. Journalists, press freedom advocates, and Gongadze’s family have asserted that Yanukovych used the courts to clear Kuchma’s name by dismissing key evidence and pinning all of the blame on Yuriy Kravchenko, a deceased former interior minister.

With hundreds of state and private television and radio stations and numerous print outlets, Ukraine’s media sector is diverse compared with those of most other former Soviet republics, but it faces growing challenges, including declining pluralism and an increasing emphasis on entertainment over news reporting. Four pro-Yanukovych media magnates—Viktor Pinchuk, Ihor Kolomoyskyy, Valeriy Khoroshkovskyy, and Renat Akmetov—dominate the national television channels, while most regional broadcasters are dependent on progovernment business magnates and state subsidies, encouraging self-censorship and bias in favor of specific economic or political interests. Transparency of media ownership remains poor, as businessmen and politicians often prefer to hide their influence over news programs. Thanks to the ties between business and politics, the top eight television channels avoid politically sensitive topics such as government corruption, the president’s use of state resources to support his and his family’s lifestyle, human rights abuses, persecution of the political opposition, and growing unemployment. The global economic crisis has led to a decline in advertising revenue, leaving media outlets, particularly newspapers, even more financially dependent on politicized owners. Hidden political advertising is widespread in the media and weakens the credibility of journalists, particularly during elections.

The government does not restrict access to the internet, which was used by about 38 percent of the population in 2012. A growing number of citizens are relying on the web and social-networking sites such as Odnoklassniki and VKontakte to exchange information. Although internet publications are not required to register with the authorities, the SBU has increased its monitoring of government criticism on the internet in recent years.

## United Arab Emirates

**Status: Not Free**

**Legal Environment: 24**

**Political Environment: 27**

**Economic Environment: 23**

**Total Score: 74**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>68,NF</b>	<b>69,NF</b>	<b>71,NF</b>	<b>71,NF</b>	<b>72,NF</b>

The government of the United Arab Emirates (UAE) significantly increased its efforts to silence dissent in 2012, arresting scores of activists and bloggers and further limiting an already constrained media environment. While the constitution provides for freedom of speech, the government uses its judicial, legislative, and executive powers to limit those rights in practice. UAE Federal Law No. 15 of 1980 for Printed Matter and Publications regulates all aspects of the media and is considered one of the most restrictive press laws in the Arab world. It authorizes the

state to censor both domestic and foreign publications prior to distribution, and prohibits criticism of the government, rulers and ruling families, and friendly foreign governments. The law also bans publication of information that “causes damage to the national economy.” Violations of the law can result in fines and prison sentences. Journalists can also be prosecuted under the penal code. In early 2009, the Federal National Council (FNC), the UAE’s legislative advisory body, adopted a draft “regulation of media activities” bill that would replace the 1980 law, though after more than three years it has not been enacted. The proposed legislation would impose fines of more than \$1 million for disparaging the head of state or his deputies, and fines of several thousand dollars for publishing “misleading” articles “in a manner that harms the country’s reputation, foreign relations or obligations or defaces its national identity,” or that “harms the country’s national economy.”

Defamation is a criminal offense. In a major case in 2011, blogger Ahmed Mansoor and four other Emirati activists were arrested and charged under Articles 8 and 176 of the penal code for allegedly insulting the leaders of the UAE in posts on the internet forum UAEHewar. In November 2011, Mansoor received a three-year prison sentence, while the others received sentences of two years each. The trial was widely criticized by international human rights groups, which cited a lack of evidence and failure to adhere to proper court procedures. The day after their conviction, the five men were pardoned by the president and released. During 2012, in their ongoing crackdown on political reform advocates, the authorities rounded up several dozen activists and bloggers affiliated with the Islamist group Al-Islah and detained them without charge. Many were arrested for using social media to call for reform, and have had their Facebook and Twitter accounts blocked. In a massive security sweep on July 16 and 17, bloggers Khalid al-Nuaimi, Rashid Omran al-Shamsi, Omran al-Radhwan, Salah al-Dhufairi, and Abdullah al-Hajri were among many others arrested for posting comments that were critical of the regime and for being affiliated with Al-Islah. Most of those arrested were still being held without formal charges and with their whereabouts unknown at the end of 2012.

The 2006 Information and Privacy Cybercrime Law criminalizes the use of the internet to commit a range of offenses—including violating political, social, and religious norms—and subjects perpetrators to prison terms and fines. In November 2012, a highly restrictive cybercrime law was instituted through a presidential decree. Although the law centers on information technology, it has detrimental implications for citizen journalism. Article 28 of the decree states that the publication or dissemination of information, news, or images deemed “liable to endanger security and its higher interests or infringe on the public order” could be punished with imprisonment and a fine of up to 1 million dirhams (\$270,000). Under Article 29, “deriding or harming the reputation, stature, or status of the state, any of its institutions, its president or vice president, the rulers of the emirates, their crown princes or their deputies,” as well as a number of national symbols, is also punishable with imprisonment and a fine of the same amount. Beginning in early December, several bloggers and activists were arrested under the law.

The National Media Council (NMC), created in 2006, is responsible for licensing all publications and issuing press credentials to editors. Members of the council are all appointed by the president. The UAE has three media free zones (MFZ)—areas in which foreign media outlets produce print and broadcast material intended for foreign audiences—located in Dubai, Abu Dhabi, and Ras al-Khaimah. Although these areas are subject to UAE media laws, the press operates with relative freedom. The Dubai and Abu Dhabi MFZs house bureaus of high-profile media outlets such as the U.S.-based Cable News Network (CNN), the British Broadcasting

Corporation (BBC), and Agence France-Presse. Broadcast media outlets based in the MFZs are regulated by the Technology and Media Free Zone Authority, but are also subject to the 1980 press law and the penal code. All free zones must obtain approval from the NMC before licensing any print or broadcast activities.

Journalists, especially foreign journalists working for UAE-based media outlets, have reported having their stories censored by their editors, particularly if they are covering sensitive issues such as religion, politics, or foreign allies of the UAE. Online censorship is extensive, although the government claims that it only censors pornographic sites. Users are directed to a proxy server that maintains a list of banned websites and blocks material deemed inconsistent with the “religious, cultural, political, and moral values of the country.” The OpenNet Initiative has reported a marked increase in the number of political sites blocked since 2007 and categorizes filtering on social issues as “pervasive.” Websites that are considered indecent include those featuring pornography, dating or personal advertisements, and LGBT (lesbian, gay, bisexual, and transgender) content. Some websites based in Israel or covering religions other than Islam, notably the Baha’i faith, are also blocked. The authorities have threatened to restrict use of encrypted e-mail and messaging services, which could facilitate government surveillance of journalists.

Due to vaguely defined red lines on permissible speech, extreme forms of self-censorship are widely practiced, particularly regarding issues such as local politics, culture, religion, or any other subject the government may deem sensitive.

Although there were few reported physical attacks against journalists in 2012, reporters in the UAE suffered multiple forms of intimidation and harassment. Emirati journalists often face warnings and threats if they push the limits of permissible media coverage. However, noncitizen journalists account for the overwhelming majority of those working in the UAE, and they face harsher measures, including dismissal and deportation. In June 2012, Ahmed Abd al-Khaleq, a blogger documenting the plight of his fellow stateless residents, or *bidoon*, was deported to Thailand after his residency documents were confiscated by UAE authorities. Ahmed Mansoor, the blogger who was released and pardoned by the president at the end of 2011, faced physical attacks by unknown assailants in late 2012. He also reported that his computer was hacked.

There are about a dozen newspapers printed in Arabic and English in the UAE, as well as several radio stations and terrestrial television stations. Most media outlets are either government owned or have close government affiliations. The Arab Media Group and Dubai Media Incorporated operate as the Dubai government’s media arm, publishing several newspapers and operating television and radio stations. Privately owned newspapers such as the Arabic daily *Al-Khaleej* and its English-language sister paper, *Gulf Today*, are heavily influenced by the government. Almost all Arabic-language broadcast media that target the domestic audience are state owned and provide only the official view on local issues. However, satellite television service is widespread and provides uncensored access to international broadcasts.

Most major papers receive government subsidies and rely predominantly on the official Emirates News Agency (WAM) for content and guidance on whether or how to cover sensitive local news. Several publishers have opposed free dailies such as *7DAYS*, arguing that they violate a legal provision requiring papers to print their price on the front page. In 2010, the editors of several papers adopted an initiative to expand the number of local citizens in the workplace, despite concerns that the process, known as Emiratisation, was leading to arbitrary dismissals and insecurity among non-Emirati staff. According to one estimate, only about 10

percent of working journalists in 2010 were native Emiratis. The NMC-supported Journalist Association allocated 1 million dirhams (\$270,000) for training and developing Emiratis' capacity in the field.

About 85 percent of the UAE population had regular access to the internet in 2012. There are two internet service providers, Etisalat and Du, both of which are owned and operated by state corporations. Despite broad restrictions, a majority of news consumers in Dubai rely on the internet, including blogs and news forums, to obtain information, according to the Dubai Press Club's *Arab Media Outlook 2009–2013 report*. The UAE has an extremely high mobile-telephone penetration rate, making such devices one of the most popular ways to receive news content.

## United Kingdom

**Status: Free**

**Legal Environment: 7**

**Political Environment: 9**

**Economic Environment: 5**

**Total Score: 21**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>18,F</b>	<b>19,F</b>	<b>19,F</b>	<b>19,F</b>	<b>21,F</b>

With a history of aggressive reporting and an editorially independent public broadcaster, the United Kingdom maintained its open media environment in 2012, though positive developments regarding libel law reform were balanced by the possibility of increased newspaper regulation.

The laws provide for freedom of the press, and the government generally respects this right in practice. While antiquated legal provisions that criminalized blasphemy and blasphemous libel were abolished in 2008, several laws that weaken press freedom remain in place. The media can be required to turn over reporting materials to the police under the 1984 Police and Criminal Evidence Act. This happened on several occasions during the 2011 London riots, as well as during separate riots in Northern Ireland. In the aftermath of the July 2005 terrorist bombings on London's mass transit system, the government passed the 2006 Prevention of Terrorism Act. Certain provisions of the law criminalize speech that is considered to encourage terrorism, even in the absence of a direct, proven link to a specific terrorist act. The 2006 Racial and Religious Hatred Act criminalized incitement of religious hatred or violence, and using threatening words or behavior or displaying any threatening written material is considered an offense if the intended purpose is inciting religious hatred. The same is true for material that is broadcast. In the first conviction under this legislation, blogger Bilal Zaheer Ahmad was sentenced in July 2011 to 12 years in prison for encouraging Muslims to murder members of Parliament who had supported the war in Iraq. His website was also shut down.

Libel laws in effect in England and Wales heavily favor the plaintiff, placing the burden of proof on the defendant. As a result, the country has become an increasingly popular destination for "libel tourism," in which foreign plaintiffs bring libel actions against foreign defendants in English courts. However, a campaign led by the free speech organizations Sense about Science, English PEN, and Index on Censorship launched a libel reform petition in

Parliament in December 2009, attracting greater attention to the issue and resulting in a promise in 2010 by the new coalition government to reform libel laws. A bill introduced in Parliament by the Ministry of Justice in May 2012 was designed to limit lengthy and expensive proceedings, making it easier to dismiss frivolous cases quickly. Under the proposed law, claimants would have to demonstrate that the published material in question caused them “serious,” not just possible, harm. The measure is also expected to limit the use of English courts by foreign claimants by excluding those who live outside the European Union (EU), except for cases in which “England and Wales is clearly the most appropriate place to bring an action.” Campaigners are still calling for a stronger “public interest” defense—currently journalists would first need to prove that they have been “responsible” in their writing—and better protections for internet service providers. As of the end of 2012, the bill had made it through its third reading in the House of Commons and was pending in the House of Lords.

The 2003 Communications Act prohibits any message from being sent through a public electronic communications network that is “grossly offensive or of an indecent, obscene, or menacing character.” In July 2012, the High Court overturned a 2010 conviction against a man who had written a microblog comment about “blowing the airport sky high.” The presiding judge ruled that the statement was not menacing and had been written out of frustration over flight cancellations. In October, 19-year-old Matthew Woods was sentenced to three months in prison for posting allegedly offensive statements on the social-networking site Facebook related to a missing 5-year-old girl. The director of public prosecutors announced in December that guidelines on prosecuting offensive comments on the internet would be established to rein in the growing number of legal cases in recent years.

In keeping with EU policy, a 2009 law requires communications service providers to retain certain limited usage records for one year. Intelligence, law enforcement, and other agencies may access such data—which do not include the content of communications—without judicial permission for a variety of reasons, including crime detection, national security, and the “economic well-being” of the country. However, the system includes procedural and institutional safeguards against abuse, and there are departments in place to handle public complaints. A draft communications data bill under consideration in 2012 would require internet and telephone companies to retain a much greater range of information about online communications, including on social media, e-mail, mobile phone calls, and voice calls placed over the internet. The proposed law, which has been defended as necessary for crime prevention and detection, would allow public authorities to access the identity of communication participants, their location, and the duration of contact, among other information. Accessing the content of communications would still require a warrant. In December, Parliament’s Joint Committee on the Communications Data Bill released a report that was critical of the draft, deeming it too sweeping and calling for consultations before redrafting. The prime minister announced at year’s end that the bill would be rewritten.

On rare occasions, the courts impose so-called superinjunctions, which forbid the media from reporting certain information and even from reporting on the existence of the injunction itself. The media have criticized the increasing use of these “gag orders,” claiming that they allow the rich and powerful to be legally exempt from journalistic investigation. However, such mechanisms have been undermined by the ease of spreading information via the internet and social media. In a recent superinjunction revelation, a Channel Islands businessman claimed that he was gagged by the former wife of an unnamed Asian head of state in 2009. The businessman, Mark Burby, stated in a submission to Parliament’s Joint Committee on Privacy and Injunctions,

published in February 2012, that the Asian head of state was a “substantial” supporter of Al-Qaeda and had “advanced knowledge” of the 2005 London bombings. Lawyers for the former wife threatened “diplomatic repercussions” against the parliamentary committee, requesting that the submission—which revealed the existence of the 2009 superinjunction to the public—be removed from its website. The committee did not comply.

In March 2012, the same committee released a report calling for internet companies, like Google, Facebook, and Twitter, to establish ways to limit online posts that breach court orders. The committee also concluded that the introduction of a privacy statute would be more harmful than the current regulation because no definition of privacy could be exhaustive, potentially resulting in new litigation over interpretation. Earlier, in January, Twitter had unveiled a new censorship system whereby microblog posts could be blocked on a country-by-country basis if they broke local laws. The new system served to address, among other things, breaches of British superinjunctions. Upon receiving notice from an authorized entity, posts that violate a superinjunction can be blocked in the United Kingdom, but will remain accessible outside the country. Twitter has pledged to be as transparent as possible, logging blocked posts and alerting the author of the action.

The right to information is not constitutionally guaranteed, and while a 2000 Freedom of Information Act came into force in 2005, it contains a number of broad exceptions. “Absolute” exemptions act as unconditional barriers to the disclosure of information. With “qualified” exemptions, a determination is made as to whether the public interest is better served by withholding or disclosing the information; also, a ruling is made on whether to reveal what particular information has been withheld. Although the law includes 24 such exemptions, the Information Commissioner’s Office—established in 2000 to address freedom of information complaints—has been praised by civil society groups.

Broadcast media are regulated by the Office of Communications (Ofcom), while the print sector operates under a voluntary, self-regulating mechanism. The Press Complaints Commission, whose rulings have no legal force, is made up of representatives of the newspaper industry. In response to the 2011 *News of the World* phone-hacking scandal, the prime minister launched a public inquiry, led by Lord Justice Leveson, into the ethical lapses at the tabloid and the general regulatory framework of the British media. The resulting Leveson report, released in November 2012, recommended the establishment of an independent regulatory body with statutory underpinnings. Press freedom advocates, who claim that any kind of statutory regulation would undermine freedom of expression, criticized the proposal. Prime Minister David Cameron also disagreed with the concept of a statutory solution and recommended stronger self-regulation instead. In December, the government suggested the alternative of using a royal charter—such as the one used to set up the public-service British Broadcasting Corporation (BBC)—to establish an independent regulatory body. Proponents of this model argued that it would provide a press regulator that is free of interference from both the political sphere and the newspaper industry. Under a royal charter, a governing committee of five to nine independent figures would be established and charged with appointing and overseeing members of the new regulatory body, which in turn would be responsible for drafting a new press code. However, opponents of the charter plan and victims of privacy invasion continued to call for statutory regulation.

Physical attacks on the media are rare in the United Kingdom. However, there were a number of incidents of harassment and assaults on journalists in Northern Ireland in 2012. In August, the National Union of Journalists reported that a Belfast-based journalist had received a

death threat from the Ulster Defence Association (UDA)—Northern Ireland’s largest loyalist paramilitary group—though the UDA denied involvement. In early December, an Associated Press photographer was injured in clashes between police and rioters during demonstrations against a Belfast council vote to limit the display of the union flag at the city hall. Two weeks later, a reporter for the *Daily Telegraph*, Adrian Rutherford, was attacked in East Belfast while covering loyalist protests over the flag decision; he was chased by a gang of masked men, who stole his mobile phone. A few days earlier, a pipe bomb was left outside the home of news photographer Mark Pearce in County Down; army bomb-disposal officers deactivated the device, and no one was injured. As of the end of 2012, no one had been brought to justice for the 2001 murder of journalist Martin O’Hagan, who is believed to have been killed for his investigations into cooperation among Northern Ireland police, military intelligence officials, illegal armed groups, and drug gangs.

The United Kingdom has a strong tradition of public broadcasting, and the BBC, which is publicly funded, is editorially independent. Ownership of private media outlets is concentrated in the hands of a few large companies, including News Corporation, and many of the national newspapers remain aligned with political parties. Following the *News of the World* scandal, critics of the existing media structure, including Lord Justice Leveson, argued for stricter ownership rules. The broadcast regulator Ofcom, however, argued against absolute limits on ownership and concluded in its regular review, published in November 2012, that the current system did not need any immediate changes. Few commercial news radio stations exist, and the handful in operation are reportedly struggling financially. The BBC offers a wide range of regional and local radio stations. There are a number of independent television news channels, including ITV and BSkyB. In 2012, about 87 percent of households in the United Kingdom had internet access.

## United States

**Status: Free**

**Legal Environment: 3**

**Political Environment: 10**

**Economic Environment: 5**

**Total Score: 18**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>17,F</b>	<b>18,F</b>	<b>18,F</b>	<b>17,F</b>	<b>18,F</b>

Media freedom remained robust in 2012, a year marked by vibrant if polarized coverage of elections for president and Congress as well as continuing struggles over journalistic access to information related to America’s counterterrorism policies.

The United States has one of the world’s strongest systems of legal protection for media independence. The First Amendment of the U.S. constitution provides the core guarantee of press freedom and freedom of speech. While those rights have come under pressure at various times in the country’s history, the independent court system has repeatedly issued rulings that uphold and expand the right of journalists to be free of state control. The courts have also given the press broad protection from libel and defamation suits that involve commentary on public

figures, though libel formally remains a criminal offense in a number of states. The state of Colorado repealed its criminal libel law in 2012.

Some 39 states have shield laws that give journalists limited protection from revealing sources or other information gathered in the course of their work. The federal government, however, offers no such protection, and an effort to adopt a federal shield law has effectively been shelved by a combination of congressional inaction and executive opposition. Over the past decade, a series of controversies have emerged over efforts by federal prosecutors to obtain testimony from journalists in high-profile cases, including some in which government workers have been charged with leaking information to the media or lobbyists. Until recently, judges have tended to side with prosecutors and have on occasion held journalists in contempt of court for refusing to identify sources. While many of the cases were initiated by the Justice Department under President George W. Bush, the administration of President Barack Obama has proven equally zealous in pursuing government secrecy cases and issuing demands for information from reporters. The best-known case during 2012 involved James Risen, a prize-winning *New York Times* reporter and author of several books on national security themes. The Justice Department has sought on three occasions to compel Risen to testify about information he may have received from Jeffrey Sterling, a former Central Intelligence Agency (CIA) employee, in the course of researching a book about American efforts to disrupt Iran's nuclear program. While the Justice Department continued to seek to compel Risen to testify in 2012, its efforts were restricted by a 2011 federal court ruling that reporters are not to be called before grand juries if the government has not already exhausted other means to gather the information in question, or if enough material for indictment has already been obtained. Separately, the Justice Department announced in July 2012 that it would not seek testimony by journalists in the prosecution of John C. Kiriakou, a former intelligence officer accused of leaking classified information.

Another case during the year centered on efforts by award-winning Irish journalist Ed Moloney and researcher Anthony McIntyre to keep their sources secret. Moloney and McIntyre had conducted interviews with former members of the Irish Republican Army militant group for an oral history project at Boston College and promised the interviewees that their contributions would only be published after their deaths. Nevertheless, the U.S. Court of Appeals in Boston ruled in July 2012 that the interviews must be surrendered to the police. Moloney and McIntyre were petitioning the Supreme Court to intervene at year's end.

Although it has not yet ensnared journalists, the case of Army private Bradley Manning, who is alleged to have provided hundreds of thousands of classified documents to the antisecrecy organization WikiLeaks, has drawn considerable attention from civil libertarians, both because of the nature of the charges and because of the harsh detention conditions Manning has reportedly endured while awaiting trial since his 2010 arrest. It remained unclear in 2012 whether individuals associated with WikiLeaks would be charged despite the group's claim to be the equivalent of a media organization.

In November 2012, proposed antileak measures were dropped from an intelligence authorization bill after protests from press freedom organizations and civil libertarians. Among other provisions, the bill would have forced many former government employees to wait one year before providing analysis or commentary for the media, prohibited intelligence community officials from speaking to the media about unclassified issues, and given intelligence agencies the authority to strip pension benefits from any employee or former employee that they determine to have been responsible for an unauthorized disclosure.

The United States adopted the Freedom of Information Act (FOIA) in 1966. While the administration of President George W. Bush had a somewhat restrictive attitude toward the release of classified documents, the Obama administration announced a more expansive interpretation of the law in 2009, when the attorney general declared that records should be released to the public unless doing so would violate another law or cause foreseeable harm to protected interests, including personal privacy and national security. Critics have complained that approximately half of federal government agencies have yet to comply with Obama's executive order and that fulfillment of FOIA requests can take months or even years. The Obama administration has also drawn criticism for policies that discourage journalistic access to federal officials. The president holds fewer press conferences than his predecessors and often uses interviews with friendly media to present his perspective to the public. Journalists have also complained of an environment in which officials are less likely to discuss policy issues with reporters than during previous administrations.

Since the terrorist attacks of 2001, the courts have been asked to adjudicate a number of requests by journalists or civil liberties organizations who seek access to information related to counterterrorism. In April 2012, a federal court denied a request by Judicial Watch for access to photographs that showed terrorist leader Osama bin Laden's body after he was killed during a 2011 raid by American special forces. The federal judiciary has also been asked to rule on reporters' access to the military detention facility at Guantanamo Bay, where over 100 detainees associated with counterterrorism efforts or the war in Afghanistan are held.

Official regulation of media content in the United States is minimal, and there are no industry-wide self-regulatory bodies. By law, radio and television airwaves are considered public property and are leased to private stations, which determine content. The Federal Communications Commission (FCC) is charged with administering licenses and reviewing content to ensure that it complies with federal limits on indecent or offensive material in terrestrial broadcasts. While the judiciary has declined to issue a broad ruling on the FCC's authority to regulate indecency on the airwaves, recent decisions have chipped away at the agency's power. The Supreme Court ruled against FCC restrictions in two cases in 2012, one involving fleeting expletives during awards shows and another involving partial nudity in a police drama.

Although the government does not restrict political or social engagement over the internet, there are laws banning or regulating promulgation of child-abuse images, exposure of minors to indecent content, dissemination of confidential information, online gambling, and the use of copyrighted material. The search-engine giant Google reported that requests from government entities at the local, state, and federal levels for removal of content had risen steadily in recent years, including in 2012. Two proposed laws—the Stop Online Piracy Act (SOPA) and the PROTECT IP Act (PIPA)—that would have allowed the government to order the blocking of entire websites if they contained copyrighted material without authorization were withdrawn in January after internet companies and advocates of internet freedom staged a series of virtual protests, including blackouts by a number of frequently-used sites.

Controversy has emerged in recent years over cases involving bloggers and other new media workers who claim the status, protections, and rights of journalists. Police departments in New York City and elsewhere denied formal journalist status to some new media practitioners who applied for accreditation to cover the Occupy protests in 2011. The debate continued in January 2012, when several journalists were arrested while covering the clashes between police and Occupy protesters in Oakland, California. Those without what the police accepted as official

accreditation were briefly held in custody. In another case in February, filmmaker Josh Fox was arrested on Capitol Hill for covering a congressional subcommittee hearing without accreditation. The hearing was open to the public, and congressional aides were able to record images without repercussions.

Media coverage of political affairs is aggressive and increasingly partisan. The press itself is frequently a source of contention, with conservatives and liberals alike accusing the media of bias. The appearance of enhanced polarization is driven to some degree by the growing influence of all-news cable television channels and blogs, many of which are aggressively partisan. The popularity of talk-radio shows, whose hosts are primarily conservative, has also played an important role in media polarization. Nonetheless, most U.S. newspapers make a serious effort to keep a wall of separation between news reporting, commentary, and editorials. The trend toward fewer family-owned newspapers and more newspapers under corporate control has contributed to a less partisan, if blander, editorial tone. In December 2012, a noteworthy controversy emerged after a newspaper in suburban New York published the names and addresses of area residents who held permits to own handguns. The paper was subsequently inundated by protests and complaints, including some threats of violence. In recent years, there have been few physical attacks on reporters in reprisal for their work, although journalists covering the Occupy protests were repeatedly subject to arrest and detention in 2011 and early 2012.

Media in the United States are overwhelmingly under private ownership. Nevertheless, National Public Radio (NPR) and television's Public Broadcasting Service (PBS), which are funded by a combination of government allocations and private contributions, enjoy substantial audiences. Public broadcasting is periodically criticized by conservative Republican Party legislators for an alleged liberal bias, and there have been efforts to eliminate or greatly reduce government funding for NPR and PBS. Meanwhile, Qatar's internationally popular satellite television network Al-Jazeera English (AJE), which previously had difficulty breaking into the U.S. market due to a political stigma dating to the Bush administration, has found a growing number of cable television companies willing to offer the channel to U.S. viewers.

Media ownership concentration is an ongoing concern in the United States. The problem has intensified in recent years following the purchase of media entities by large corporations with no previous experience in journalism. In 2011, the FCC approved the acquisition of NBC Universal, including the NBC television network, by Comcast, a major cable provider. Among the terms of approval, the FCC stipulated that Comcast's cable offerings could not favor content generated by its own media entities over that produced by other companies. The FCC regularly considers policies that would ease restrictions on a single corporation's ownership of both television stations and newspapers in a single local market, and in recent years the trend in FCC rulings has been toward a loosening of such restrictions.

Traditional media, including print and broadcast outlets, have suffered financially from the increasing popularity of the internet as a news source. The newspaper industry in the United States is undergoing a period of profound decline and readjustment. There are an estimated 1,400 daily newspapers geared primarily toward local readerships, but even the largest and most prestigious papers have faced falling circulations and advertising revenues and been forced to cut staff over the past decade. A few newspapers have dropped print editions entirely, and others publish only a few times a week, concentrating their resources on online editions. Financial weakness has particularly affected outlets' ability to conduct investigative reporting and cover foreign news. More recently, coverage of local news by television stations in some medium-

sized cities has been affected by economic problems. The result in some areas has been a sharing of resources, including journalistic staff, among competing stations.

The decline in coverage offered by traditional media has been partly offset by the growth of cable television and internet journalism. Approximately 81 percent of Americans used the internet in 2012. In 2010, for the first time, Americans who identified their primary source of news as the internet outnumbered those who relied most on newspapers. The number and influence of websites and blogs have grown rapidly over the past decade, and more recently, social-media platforms such as Twitter and Facebook have gained prominence as a means of breaking news and mobilizing public opinion on political and policy issues. Indeed, a survey by the Pew Research Center found that the internet was the third most frequently used source for news about the 2012 presidential campaign, trailing only cable news networks and local television news, and far exceeding newspapers.

## Uruguay

**Status: Free**

**Legal Environment: 8**

**Political Environment: 10**

**Economic Environment: 8**

**Total Score: 26**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>30,F</b>	<b>26,F</b>	<b>25,F</b>	<b>25,F</b>	<b>26,F</b>

The 1967 constitution provides for press freedom and freedom of expression, and the government generally respects these rights. Uruguay’s legal framework for the media is considered one of the best in the Americas, with effective community media regulations and laws protecting access to information. However, some statutes continue to present obstacles to journalists.

Laws protecting the privacy of children may be overzealously applied. In September 2012, the Institute for Children and Adolescents (INAU), an executive branch agency, placed a lien on the facilities of the newspaper *El Heraldo* in the city of Florida and fined it \$5,300 for violating the Childhood and Adolescence Code. The code purports to protect minors’ right to privacy and, as of 2006, moved sanctioning power for infractions from the courts to INAU itself, meaning penalties can be imposed without judicial review, according to the Inter American Press Association. At issue in the *El Heraldo* case was a 2008 article that mentioned the nickname of a minor who had been charged with murder and several armed robberies. Officials at INAU claimed that the article identified the youth, who allegedly had been involved in gang activity. The newspaper’s editor said it would no longer write about minors and accused the government of seeking to quash negative news.

An initiative to decriminalize defamation in 2009 was left incomplete, and reporters remain vulnerable to prosecution. Articles about “dirty war” crimes by officials during Uruguay’s right-wing dictatorship (1973–1985) still occasionally prompt reprisals against journalists. In March 2012, lawyers for Juan Carlos Larcebeau, a naval officer charged with human rights violations from that period, petitioned to bring criminal defamation charges against

investigative journalist Roger Rodríguez of the newsmagazine *Caras y Caretas*. Rodríguez had received anonymous threats via social media in 2011 for his reporting on dictatorship-era human rights abuse accusations against armed forces members. The 2012 case involved an article in which Rodríguez allegedly misidentified one of the defendant’s lawyers and misrepresented the defense’s legal strategy. The defamation petition remained unresolved at year’s end.

The Ministry of Interior has classified nearly all of its work under a national security exemption contained in the Access to Public Information Law. Several other ministries also declare portions of their work to be exempt from disclosure obligations, though to a lesser extent.

Thirty-one journalists were killed or disappeared during the Uruguayan dirty war, and in 2012 the courts made some progress on investigations into the crimes. In March, former police officer Juan Ricardo Zabala was tried on charges that he acted as an accomplice in the military-ordered murder of journalist and labor activist Julio Castro, whose remains were discovered on military property in 2011. Zabala admitted kidnapping Castro in 1977 and said his jailers decided to execute the journalist after his health declined rapidly during torture. The discovery of Castro’s remains had convinced President José Mujica to revoke a controversial amnesty law, allowing the case to be investigated and charges to be filed. Zabala faces 15 to 30 years in prison if convicted.

The press is privately owned, and Uruguay hosts more than 100 daily and weekly newspapers. There are no government restrictions on internet use, and penetration is high relative to the rest of Latin America, with about 55 percent of the population accessing the medium in 2012. The broadcast sector is mostly private, with the exceptions of the state-owned television station and radio outlet. Ownership of commercial free-to-air and subscription television stations is concentrated in three companies, but community media and nongovernmental advocates of media diversity are highly organized in Uruguay and have put ownership concentration on the political agenda. In March, Mujica issued a preliminary decree that will allot the country’s digital television spectrum in a pluralistic manner. Commercial, public, and community broadcasters will each receive about a third of the frequencies. The initial decree stated that while current commercial operators would keep analog channels and be awarded a digital channel, their proposals would be discussed in public hearings and subject to review by a government board made up of government, commercial, and nonprofit representatives. However, in the final decree published in December, the president rejected the recommendations of his nongovernmental advisers and removed incumbent commercial operators from the public hearing and review requirements. The World Association of Community Radio Operators (AMARC) also accused the president of effectively extending commercial concessions to 25 years, since only a cursory review would be held to renew the concessions after 15 years.

## Uzbekistan

**Status: Not Free**

**Legal Environment: 30**

**Political Environment: 37**

**Economic Environment: 28**

**Total Score: 95**

Survey Edition	2008	2009	2010	2011	2012
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<b>Total Score, Status</b>	<b>92,NF</b>	<b>93,NF</b>	<b>92,NF</b>	<b>94,NF</b>	<b>95,NF</b>
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Uzbekistan’s legal framework ostensibly prohibits censorship and guarantees freedom of speech and the right to independent information. In practice, such protections are systematically ignored by President Islam Karimov’s autocratic government, which exerts near-total control over the media. Convictions for libel and defamation can result in fines and jail time, and public insult of the president is punishable by up to five years in prison. Journalists can also face legal penalties for “interference in internal affairs” and “insulting the dignity of citizens.” Uzbekistan has an access to information law on the books, but it is not enforced. The parliament, the Organization for Security and Cooperation in Europe (OSCE), and the Uzbek National Association of Electronic Media held a conference in Samarkand in October 2012 to discuss several proposed media laws, including one regarding freedom of information and another on broadcasting. However, no legislative action was taken on those proposals during 2012. Journalists working for unaccredited foreign outlets or unregistered domestic outlets are not legally recognized as journalists and risk persecution by the government.

The few remaining independent journalists in Uzbekistan continue to face pressure from Karimov’s regime. In March 2012, investigative journalist Viktor Krymzalov was convicted of defamation and fined \$1,350 over an article concerning a pensioner’s eviction that had been published without a byline on the independent Russian-language news website Centrasia.ru. Krymzalov, who had previously written critically about Uzbekistan’s judiciary, denied writing the Centrasia.ru article. Yelena Bondar, another independent journalist, was found guilty in April of “promoting national, racial, ethnic, or religious hatred” and ordered to pay a fine of more than \$2,000. She was punished despite having decided not to publish the article in question, which involved alleged government harassment of ethnic Russians at a university. She subsequently fled to Kyrgyzstan, where she has sought asylum. In July, independent journalists Sid Yanyshv and Pavel Kravets were arrested as they were taking photographs of a market in Tashkent, the capital, and were interrogated by police before being released hours later. The prosecutor’s office in Tashkent in September called for an investigation into the incident, but no further details about such a probe have been reported.

Virtually all local media outlets are linked directly or indirectly to the state, and the National Security Service actively manipulates reports to present a carefully constructed image of the country, with occasional forays into limited criticism of local corruption. Widespread self-censorship is a serious problem, as investigative journalists fear reprisals in the form of harassment, loss of employment, or jail time.

The state-run Center for Monitoring Mass Communications monitors internet usage in Uzbekistan, reporting to a government committee with the authority to block websites that are deemed inappropriate. In May 2012, an investigation by a Swedish news program found that the Swedish telecommunications giant TeliaSonera had sold sophisticated surveillance equipment to Uzbek authorities, as well as to authorities in several other Central Asian and Eastern European nations. According to the report, the equipment allowed those governments to monitor online and telephone communications and had been used against journalists and political dissidents. Radio Free Europe/Radio Liberty (RFE/RL) reported in February that a clone website had been set up to mirror its Uzbek service, in what analysts said might have been a scheme to identify and monitor the service’s users. The cloned site was shut down after RFE/RL reported on its existence. The 2012 launch of YouFace, an Uzbek alternative to the social-networking website Facebook, also raised concerns about government surveillance.

In July 2012, Uzbek state television aired a documentary that portrayed social-networking websites including Facebook and Russia’s Odnoklassniki as “weapons of outside forces.” The Uzbek-language version of Wikipedia was blocked by Uzbek authorities early in the year. The blogging website LiveJournal was temporarily blocked twice in the spring, while WordPress, a similar blogging platform used by a number of Uzbek dissidents living abroad, remains inaccessible in Uzbekistan. Several foreign-based news services, including the Uzbek versions of the British Broadcasting Corporation (BBC), RFE/RL, and Voice of America, are also blocked by authorities. In October, Uztelecom, the national internet service provider, blocked certain circumvention tools that had allowed users in Uzbekistan to bypass state censorship. Approximately 37 percent of the population used the internet in 2012.

Foreign media have been gradually expelled since the 2005 Andijon massacre, in which government troops killed hundreds of demonstrators, straining Uzbekistan’s relations with democratic countries. In separate incidents in March 2012, authorities deported two journalists—BBC correspondent Natalya Antelava and Russian photojournalist Viktoriya Ivleva—without explanation following their arrival at the airport in Tashkent.

Uzbekistan is among the world’s most prolific jailers of journalists. In 2012, Uzbek authorities continued to detain four journalists for political reasons: Muhammad Bekjanov and Yusuf Ruzimuradov of the opposition newspaper *Erk*, imprisoned since March 1999; Salijon Abdurakhmanov of the independent news website *Uznews*, imprisoned since June 2008; and freelance journalist Dilmurod Saiid, imprisoned since February 2009. Bekjanov was due to be released in January 2012, but a court sentenced him to an additional five years in prison based on questionable allegations that he had broken prison rules. *Erk* has been banned in Uzbekistan, and while *Uznews* remains active, its editor now operates from Germany. Separately, independent journalist Jamshid Karimov, who is the president’s nephew, went missing in mid-January. He had been held against his will in a psychiatric clinic between 2007 and 2011, and his disappearance prompted concerns that he might have been detained again.

According to the government, there are 663 active newspapers in Uzbekistan, as well as 195 magazines, 13 periodical bulletins, 35 radio stations, and 53 television stations. Ownership of nonstate media outlets is opaque, though journalists report that there is not a great public demand to know who owns various private outlets, as they all generally report the same version of the news. The government controls most publishing houses and printing presses. A number of regional and local television and radio stations are privately owned, and a few private printing presses produce independent publications that avoid politically sensitive topics and have limited circulation. Low pay within Uzbekistan’s media industry encourages journalists to accept bribes.

## Vanuatu

**Status: Free**

**Legal Environment: 6**

**Political Environment: 11**

**Economic Environment: 8**

**Total Score: 25**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>23,F</b>	<b>23,F</b>	<b>23,F</b>	<b>25,F</b>	<b>26,F</b>

## Venezuela

**Status: Not Free**

**Legal Environment: 27**

**Political Environment: 29**

**Economic Environment: 20**

**Total Score: 76**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	74,NF	73,NF	75,NF	76,NF	76,NF

Press freedom in Venezuela continued to be undermined by the policies of President Hugo Chávez's government in 2012. His administration has hampered opposition-oriented media outlets by restricting the content of reporting, enforcing arbitrary licensing requirements, and excluding private media from access to public information. Journalists are routinely intimidated and harassed by government officials. While Venezuelans continue to have exposure to a variety of opinions and a lively debate on public affairs—most notably through cable television, social media, and newspapers—the availability and impartiality of such information has been under threat.

Article 57 of Venezuela's 1999 Constitution guarantees freedom of expression and expressly prohibits censorship of any kind. However, the legal environment for the press remains poor. The 2004 Law on Social Responsibility in Radio, Television, and Electronic Media (Resorte Law), amended in 2010, contains vaguely worded restrictions that can be used to severely limit freedom of expression. For example, the law bans content that could "incite or promote hatred," "foment citizens' anxiety or alter public order," "disrespect authorities," "encourage assassination," or "constitute war propaganda." It also restricts content that the government deems to be of an adult nature—including news stories that cover sexual or violent topics, in a country with one of the world's highest homicide rates—to the hours between 11 p.m. and 5 a.m. Consequently, many broadcasters are forced to present a watered-down version of national and international news during the hours when most viewers tune in. In addition, the law requires all broadcasters to air live government broadcasts (known as *cadenas*), which can come at random and supersede regular programming. The law empowers the Venezuelan National Telecommunications Commission (CONATEL) to oversee enforcement and permits it to impose heavy fines or disrupt service at its discretion. In 2011, CONATEL levied a \$2.16 million fine against Globovisión, Venezuela's last remaining opposition television network, over what CONATEL deemed to be "excessive" coverage of a prison riot "that promoted hatred and intolerance for political reasons." The fine, which was ratified by the Supreme Court in June 2012, represented 7.5 percent of the company's gross 2010 income. Globovisión paid the fine after the Supreme Court ordered the company's assets seized. Separately, in March, after Chávez accused the press of "media terrorism" in reporting on possible water contamination in the center of the country, courts barred the media from covering the story unless they could base it on a "truthful technical report backed by a competent institution."

Other legal statutes remain problematic for Venezuela's press. Article 58 of the constitution guarantees Venezuelans' right to "timely, truthful, and impartial information," and Article 51 confirms their right to obtain public information by petition. However, there is no comprehensive statutory law facilitating information requests, and a study by the Venezuelan

press watchdog Espacio Público in 2009 found that nearly 70 percent of such requests went unanswered by the authorities, a situation that has reportedly not improved in recent years. Reforms to the country's penal code in 2005 extended the scope of defamation as a criminal offense; when directed at the president it can result in a prison term of up to 30 months.

The Venezuelan judicial system remains highly politicized at all levels, and judges may face reprisals for ruling against the government. As a result, journalists and opposition-oriented media outlets cannot count on impartial adjudication of their cases. It is expected that Venezuela's announced withdrawal from the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights, to be completed by 2013, will have a negative effect on journalists' rights. The commission and court were often a last resort for reporters facing attacks or censorship.

CONATEL retains broad powers to suspend or revoke licenses at its discretion. In recent years, this authority has largely been levied against opposition broadcasters. In addition to the large fine against Globovisión, CONATEL has opened seven separate investigations into the outlet since 2010, all of which remained in arbitration as of the end of 2012. The most notorious case of abuse by CONATEL was that of RCTV, once Venezuela's most popular anti-Chávez broadcaster, which had its free-to-air license suspended in 2007. After moving to cable television as RCTV International, the station was once again pulled from the airwaves by CONATEL in 2010 for alleged problems with its certification. The agency also refused to renew the licenses of 32 radio stations, largely aligned with the opposition, in 2009.

These actions by CONATEL are reported to have encouraged self-censorship in the media. According to a source cited in a July 2012 Human Rights Watch report, fear of government reprisals leads to "journalists thinking two, three, five times [about] what will be said, who will be interviewed, and how the interview will be conducted." As a result, critical news and policy issues such as crime, inflation, the economy, prison conditions, and Chávez's health went underreported during 2012.

In the face of government harassment, many critical voices have migrated from traditional media to social media to avoid censorship. Although a 2010 amendment to the Resorte Law permitted CONATEL to monitor internet activity, the body has so far not utilized this provision.

Politicization of the press is an ongoing issue in the country, with both state media and opposition-aligned outlets frequently offering highly partisan content. In addition to its legal attacks, the government has restricted the opposition media's access to presidential events, press conferences, and public figures. Journalists from Globovisión have reported being shut out of official press conferences and are only able to access certain information through colleagues or the foreign press. Politicization proved especially sharp in 2012 due to the October presidential election, in which Chávez faced his strongest challenge since 1999 from a young and charismatic opposition governor, Henrique Capriles Radonski. However, the government fully exploited its influence over press conditions in order to muster support for the Chávez campaign. This included a large increase in government propaganda in state media, a boost in spending on state advertising in the press, and abuse of the *cadena*s on television, including one that preempted television coverage of an opposition rally.

Murders of journalists are relatively rare in Venezuela, and no journalists were killed in the country in 2012. However, according to Espacio Público, attacks that threatened freedom of expression increased by 22 percent compared with 2011. Such attacks included harassment, assault, equipment confiscation, forced deletion of coverage, and death threats. Espacio Público

found that 61 percent of these incidents were perpetrated by the government. In an especially egregious episode in March, armed members of Chávez's United Socialist Party of Venezuela (PSUV) attacked a Globovisión camera crew at a Capriles rally after firing at Capriles and his supporters. The PSUV partisans forced the reporters to surrender footage that had captured the shooting. Opposition supporters, for their part, were involved in several attacks on journalists from state-run media outlets during the campaign. The election period was also marked by attacks on media offices, with at least five regional newspaper offices suffering drive-by shootings or bombings. In a bizarre episode in May, officials accused a crossword-puzzle writer of plotting to assassinate Chávez's brother Adán after one of his puzzles included the words "kill," "bursts of gunfire," and "Adán."

In recent years, journalists have experienced an increasing number of cyberattacks. The Venezuelan hacker group N33, which penetrated the e-mail and social-media accounts of various government critics in 2011, remained active in 2012, even as the group denied that it took orders from the government. Journalists report that the hackers hijack their social-media accounts to post progovernment messages and use the personal information they obtain to make threats. Journalists who criticize the government also report experiencing online harassment after being singled out by figures in state-run media. In March, cartoonist Rayma Suprani faced insults and death threats on the Twitter microblogging platform after being accused of "spreading hatred" by Mario Silva, the host of a talk show on state-run television.

The Venezuelan government officially controls six television networks, four radio stations, a news agency, three newspapers, and a magazine. The government's presence in the media has grown over the years, and outlets that are owned or financially supported by the state serve as reliable advocates for its official agenda. The government-run outlets operate alongside a number of privately owned and often opposition-oriented television and radio broadcasters. Venezuela's leading newspapers are privately owned, and although some avoid critical coverage or politically sensitive topics, many openly air their opposition to the government. However, their distribution remains limited, with the three largest papers having a total circulation of around 600,000 in a country of 29 million. Critical private media have little access to state advertising, and the government has also used state enterprises to weaken companies that advertise in opposition media. Other forms of state pressure include increases in the price of newsprint, distribution blockages, and lengthy investigations or audits of critical media.

Community media, bolstered by significant government support, are flourishing across the country, bringing increased participation to segments of the population that traditionally did not have access to the dominant private media outlets. In 2012 there were 265 community media outlets in operation. However, they lack sufficient autonomy to determine content and are often dependent on state funding to stay afloat, meaning they generally carry messages that are favorable to the government. Authorities have discouraged international support for community media through nongovernmental organizations. An investigation by Espacio Público found that 50 percent of all Venezuelan media outlets are progovernment, while 25 percent identify with the opposition.

In 2012, 44 percent of the Venezuelan population had access to the internet. The number of users of social media sites such as Facebook and Twitter continues to grow rapidly, and Venezuelans are among the most active users of social-networking sites in Latin America.

## **Vietnam**

**Status: Not Free**

**Legal Environment: 29**

**Political Environment: 33**

**Economic Environment: 22**

**Total Score: 84**

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	82,NF	83,NF	82,NF	83,NF	84,NF

Vietnam remained one of Asia's harshest environments for the press in 2012. Authorities continued to employ both legal attacks and physical harassment to punish and intimidate journalists critical of the government, led by the Communist Party of Vietnam (CPV). The internet remains one of the few spaces for dissent, though crackdowns on both high-profile and more obscure outlets have sent a chill through the blogosphere. However, the presence of some public discussion in state-owned media and online blogs on constitutional and land reform is promising.

Although the 1992 constitution recognizes freedom of expression, the criminal code prohibits speech that is critical of the government. The definition of such speech is vaguely worded and broadly interpreted. The propaganda and training departments of the CPV control all media and set press guidelines. The government frequently levies charges under Article 88 of the criminal code, which prohibits the dissemination of "antigovernment propaganda," as well as Article 79, a broad ban on activities aimed at "overthrowing the state." Reacting to increasingly vibrant reporting by both the traditional and internet-based news media, the government issued a decree in 2006 that defined over 2,000 additional violations of the law in the areas of culture and information, with a particular focus on protecting "national security." In January 2011, Prime Minister Nguyễn Tấn Dũng signed Decree No. 2, Sanctions for Administrative Violations in Journalism and Publishing, restricting the use of pseudonyms and anonymous sources and excluding bloggers from press freedom protections. During 2012, the government was reportedly drafting a Decree on the Management, Provision, Use of Internet Services and Internet Content Online. Designed to prohibit anonymity and "abuse" of the internet, it prompted concerns over increased legal mechanisms to criminalize dissent.

The judiciary is not independent. Individuals are held for months or longer in pretrial detention and are sometimes not released after completing their sentences. Many trials related to free expression last only a few hours. In August 2012, a Đắk Nông provincial court sentenced netizen Đinh Đăng Định to six years in prison for articles critical of corruption and bauxite mining. Also that month, Lê Thanh Tùng of the activist group Bloc 8406 was sentenced in a one-hour trial in Hanoi to five years imprisonment for articles calling for multiparty democracy. In September, a Ho Chi Minh City court convicted popular bloggers and founders of the Free Journalists Club Nguyễn Văn Hải, Tạ Phong Tần, and Phan Thanh Hải of antigovernment propaganda. Nguyễn Văn Hải, who writes under the name "Điều Cây," was sentenced to 12 years in prison for reporting on anti-Chinese protests. He has remained in prison, held largely incommunicado, since completing a previous sentence in October 2010 for trumped-up charges of tax evasion. Tạ Phong Tần was sentenced to 10 years and Phan Thanh Hải to 4. With 14 netizens imprisoned at year's end, Vietnam has one of the largest numbers of bloggers behind bars worldwide.

The CPV generally views the media as a tool for the dissemination of party and state policy. Calls for democratic reform and religious freedom, land rights, and criticism of relations with China are the issues most commonly targeted for official censorship or retribution. Provincial-level media enjoy slightly more room to report on local issues and have recently provided increased coverage of land laws and constitutional reforms. In the past, journalists have occasionally been permitted to report on corruption at the local level, as it serves the interests of the party's national anticorruption platform. However, in September a Ho Chi Minh City court sentenced well-known *Tuổi Trẻ* corruption reporter Nguyễn Văn Khương to four years in prison for bribing a police officer as part of an undercover investigation.

Censorship of online content is increasingly common. Internet service providers (ISPs) are legally required to block access to websites that are considered politically unacceptable, and in 2008, the Ministry of Information and Communications (MIC) formed an agency to monitor the internet and blogosphere. In September 2012, Prime Minister Dũng issued an executive order to investigate antigovernment blog Dân Làm Báo and two other online outlets. Though the government has denied using cyberattacks to monitor and prevent dissident activity, malicious programs attached to downloadable Vietnamese-language software and distributed denial-of-service (DDoS) attacks, which overwhelm servers and websites with traffic, frequently target politically sensitive websites.

Police often use violence, intimidation, and raids of homes and offices to silence journalists who report on sensitive topics. Police severely beat state-run Voice of Vietnam (VOV) journalists Nguyễn Ngọc Năm and Hán Phi Long in April 2012 while the two were covering protests of mass evictions in Hưng Yên province. Numerous reports of plainclothes police harassing the families of imprisoned journalists and preventing bloggers' family members from attending trials surfaced throughout the year. Several bloggers were detained at, or prevented from accessing, anti-China protests in July and December. Foreign reporters have been denied entry into the country after reporting on politically sensitive topics. The government did pass a promising decree on October 23, however, which expands visa permissions for foreign journalists and allows for the first time foreign press agencies to establish a presence outside Hanoi, the capital.

Almost all print media outlets are owned or controlled by the CPV, government institutions, or the army. Several of these newspapers—including *Thanh Niên*, *Người Lao Động*, and *Tuổi Trẻ* (owned by the CPV Youth Union)—have attempted to become financially self-sustaining. Along with the popular online news site VietnamNet, they have a fair degree of editorial independence, though ultimately they are subject to the CPV's supervision. Several underground publications have been launched in recent years, including *Tổ Quốc*, which continues to circulate despite harassment of staff members, and *Tự Do Ngôn Luận*, whose editor, Father Nguyễn Văn Lý, is currently serving an eight-year prison sentence. Radio is controlled by the VOV or other state entities. State-owned Vietnam Television (VTV) is the only national television provider, although cable services do carry some foreign channels. Many homes and local businesses in urban areas have satellite dishes, allowing them to access foreign programming. In 2011, Decision 20/2011 came into effect, requiring all foreign news, education, and information television content to be translated into Vietnamese and censored by the MIC before airing. International periodicals, though widely available, are sometimes censored. The Vietnamese-language services of the British Broadcasting Corporation, Voice of America, and Radio Free Asia are also blocked intermittently.

Approximately 40 percent of the population accessed the internet in 2012, with the vast majority utilizing internet cafés and other public providers. Website operators continue to use ISPs that are either wholly or partly state-owned. The largest is Vietnam Data Communications, which is controlled by the state-owned Vietnam Posts and Telecommunications Group and serves nearly a third of all internet users. Rising internet penetration has created opportunities for discussion and debate about salient public issues, including land rights and environmental concerns. This has posed problems for the CPV, which seeks to promote new technology while restricting online criticism.

## West Bank and Gaza

**Status: Not Free**

**Legal Environment: 28**

**Political Environment: 34**

**Economic Environment: 22**

**Total Score: 84**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>84,NF</b>	<b>86,NF</b>	<b>84,NF</b>	<b>83,NF</b>	<b>83,NF</b>

Press freedom in the Palestinian territories continues to be restricted by ongoing violence and by abuses at the hands of three different governing authorities: the Fatah-controlled Palestinian Authority (PA) in the West Bank, the Hamas-led government in the Gaza Strip, and the Israel Defense Forces (IDF), which occupy parts of the West Bank and engage in intermittent hostilities with Hamas. Three media workers were killed in November 2012 by Israeli airstrikes—making 2012 the deadliest for journalists in the Palestinian territories since 2009—and scores more faced harassment, detentions, assaults, and restrictions on their freedom to report throughout the year.

The Palestinian basic law and the 1995 Press and Publication Law provide for freedom of the press and freedom to establish media outlets, and state that there should be no censorship. However, restrictions are allowed if press activity threatens “national unity” and “Palestinian values.” This vague terminology gives authorities ample leeway to impede journalistic activity through legal means, including by bringing criminal libel charges. In the West Bank, the PA Ministry of Information regulates all television and radio licenses. Following its 2007 takeover of Gaza, Hamas introduced a new system of accreditation under which all outlets and journalists are required to register with the authorities.

West Bank and Gaza authorities have banned broadcast outlets and newspapers associated with Hamas and Fatah, respectively. In early 2012, eight websites critical of the PA and its president, Mahmoud Abbas, were blocked in the West Bank; however, the bans were lifted in May under orders from Abbas. There were some reported instances of the PA, Hamas, and Israeli authorities monitoring e-mail activity and internet chat rooms.

According to a 2012 report by the Palestinian Center for Development and Media Freedoms (MADA), physical attacks, arrests, detentions, and confiscation of equipment by both Palestinian governments accounted for 31 percent of all press freedom violations in 2012, with Israeli forces accounting for the remainder. The cumulative pressure has driven many journalists

to practice self-censorship. Security services from both Palestinian authorities cracked down on journalists covering street demonstrations in 2012, with the situation somewhat worse in Gaza than in the West Bank. In June, several journalists were attacked by PA security personnel while attempting to cover a demonstration in Ramallah to protest a meeting between Israeli Deputy Prime Minister Shaul Mofaz and Abbas.

In 2012, MADA reported multiple instances of journalists in Gaza being beaten, threatened, and detained during Hamas crackdowns on demonstrations in support of Palestinian national unity. Security forces continued to intimidate bloggers and other social-media activists who were critical of the Hamas government. In February, Saher al-Aqraa, editor of the news website *Al-Shoa'lah*, was arrested and reportedly interrogated and tortured for allegedly collaborating with the West Bank PA. Al-Aqraa was again assaulted, detained, and tortured in August by Hamas security officials. He was forced to shut down his website after Hamas began to intimidate his family. In March, Hamas security forces beat journalist Yousef Basher Hammad while he attempted to cover a police assault on youths near Beit Hanoun. In September, Ismail al-Badah, a cameraman for the television news channel Palestine Today, was assaulted by Hamas security officials while filming a house fire. Although al-Badah complied with the officials' request to stop filming, he was nonetheless beaten and subsequently interrogated.

Israeli security policies and military activities also continued to restrict Palestinian media freedom in 2012. Israeli forces harassed and detained reporters during the year, and were repeatedly accused by local and international media advocacy organizations of targeting journalists with assaults and arbitrary detentions. Soldiers routinely fired tear gas, rubber bullets, and stun grenades at journalists covering events throughout the West Bank, and occasionally fired live ammunition as well. Soldiers confiscated journalists' equipment on a number of occasions in 2012. As with the PA in the West Bank, Israeli troops often target Hamas-affiliated press outlets and journalists. In February, the IDF raided the headquarters of two television stations in Ramallah: Watan and Al-Quds Educational. They seized broadcasting and technical equipment, halting the operations of both stations. Israeli officials claimed that the two outlets were using unauthorized broadcasting frequencies. In November, during an eight-day military offensive in Gaza named Operation Pillar of Defense, the IDF bombed the Al-Shawa Wa Hassri Tower and other buildings in Gaza City where media outlets associated with or sympathetic to Hamas were housed. At least three journalists were killed and several more were injured in the strikes.

Freedom of movement for journalists is restricted by the Israeli checkpoint system, which requires military permission for passage into Israeli territory and often hinders travel within the West Bank. In addition, the IDF has increasingly curbed coverage of regular protests near the Israeli security barrier in the West Bank by declaring such areas "closed military zones." In December 2012, four Palestinian journalists, including two working for Reuters, were stopped at a checkpoint in Hebron, physically assaulted, and forced to strip and kneel on the ground. After confiscating their gas masks and a video camera, the IDF members allegedly fired tear gas at the journalists.

There are three daily West Bank Palestinian newspapers: *Al-Hayat al-Jadidah*, which is completely funded by the Fatah-controlled PA; *Al-Ayyam*, which is partially funded by the PA; and *Al-Quds*, a privately owned paper based in Jerusalem that is subject to Israeli military censorship. Distribution of these papers in Gaza was alternately banned by the Hamas government or blocked by Israeli authorities beginning in 2008, but the latest ban, by Hamas,

was lifted in January 2012. Distribution of pro-Hamas newspapers *Al-Risala* and *Filistin* in the West Bank remained banned.

There are approximately 45 privately owned television stations, and the PA funds the official Palestinian Broadcasting Corporation (PBC), which is under the direct control of Abbas. The PA has closed down Al-Aqsa TV offices in the West Bank towns of Ramallah, Jenin, and Tulkarm. PBC transmissions have been blocked in Gaza since the Hamas takeover in 2007, while the Voice of the People radio station, run by the Popular Front for the Liberation of Palestine, is generally allowed to operate but occasionally blocked. The Israeli military has utilized coercive tactics to restrict broadcasting by stations deemed to be advocating terrorism or affiliated with Hamas. Foreign broadcasts are generally available.

About 58 percent of the population in the Palestinian territories accessed the internet in 2012, according to Internet World Stats, and its use is generally not subject to restriction.

## Yemen

**Status: Not Free**

**Legal Environment: 25**

**Political Environment: 31**

**Economic Environment: 23**

**Total Score: 79**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>78,NF</b>	<b>79,NF</b>	<b>80,NF</b>	<b>83,NF</b>	<b>83,NF</b>

While the 33-year rule of President Ali Abdullah Saleh ended in February 2012, many of the repressive actions against journalists that were perpetrated under his regime continued throughout the year. Journalists and media workers faced attacks, intimidation, and harassment by government security forces, tribal groups, and loyalists of the outgoing president. Laws circumscribing press freedoms and special courts designed to prosecute journalists remained in place under the new president, Abdu Rabu Mansur Hadi. However, Yemen took a step toward greater media freedom in April, when the parliament approved a freedom of information law.

The constitution allows for freedom of expression “within the limits of the law,” and the relevant laws are restrictive. The Press and Publications Law of 1990 requires journalists to uphold “national unity” and adhere to the “goals of the Yemeni revolution.” Article 103 bans criticism of the head of state and defamation of “the image of Yemeni, Arab, or Islamic heritage.” Article 104 prescribes fines and up to one year in prison for violations. Calls to repeal problematic portions of the 1990 law have so far been ignored by the new government.

A new draft Press and Publications Law and a repressive draft Audiovisual and Electronic Media Law remained pending in the parliament in 2012. The former would expand the prohibition on insults to the president to include leaders of allied states, among other restrictions. The latter would subject electronic media and online news sources to the same constraints as in the Press and Publications Law. It would also impose prohibitive licensing fees on private broadcasters and internet media outlets.

Two specialized courts, established in direct contravention of the constitution, are regularly employed to prosecute journalists. The Specialized Criminal Court, established in 1999

to handle cases of national security, targets both the government's political opponents and journalists, while the Specialized Press and Publications Court (SPPC), established in 2009, tries cases related to the media. Judges at the SPPC may choose from a variety of laws, including the penal code, to punish journalists, and the prosecutor can refer cases to the court at his discretion. Charges against *Al-Ayyam* editor Hisham Bashraheel were dropped after his death from an illness in June 2012. The trial of several other *Al-Ayyam* journalists, including Bashraheel's two sons, Hani and Mohammed, continued in the specialized tribunal. The proceedings, derided as a "farce" by media watchdog organizations, stem from a 2009 government raid on the Aden-based newspaper, which authorities subsequently shut down. The charges against Bashraheel and his codefendants included "inciting violence," "instigating separatism," and "forming an armed gang." Prior to its closure, *Al-Ayyam* was Yemen's largest-circulation daily and was often critical of the president; it had been reporting on the secessionist movement in the south of the country. In 2011, the Specialized Criminal Court convicted journalist Abdulelah Haider Shaye of terrorism and sentenced him to five years in prison. His case underscored the dangers Yemeni journalists face when covering sensitive topics such as corruption and terrorism. Shaye was convicted after reporting on U.S. responsibility for military strikes that killed civilians. His arrest also came after he conducted an interview with Anwar al-Awlaki, a well-known Al-Qaeda operative in Yemen, for Qatar's Al-Jazeera television network in 2009. Although Saleh was reportedly prepared to pardon Shaye shortly after his conviction, he remained in prison at the end of 2012 due to pressure from the U.S. government.

In a related development, the trial of two Yemeni journalists working for Al-Jazeera continued in 2012. Ahmed al-Shalafi and Hamdi al-Bukari were charged with "operating outside the bounds of the law," having covered antigovernment demonstrations in 2011 after Al-Jazeera's accreditation had been revoked. The Ministry of Information had decided to drop the charges in 2011, but the SPPC later opted to proceed with the case.

In June 2012, Yemen finalized a freedom of information law that had been passed by the parliament in April, becoming just the second Arab country, after Jordan, to enact such legislation. Freedom of information advocacy groups rated the law highly, although the quality of implementation had yet to be seen.

Yemeni news outlets and journalists must obtain licenses annually from the Ministry of Information, and printing houses must maintain a registry of printed materials and submit copies to the ministry. New television stations and news websites have sprung up in the wake of the 2011 uprising. Most offer news that is slanted to match the views of the person or organization that owns them, and employees feel pressure to adhere to specific editorial agendas. According to the Freedom Foundation, a Sanaa-based media and human rights organization, at least nine newspapers' press runs were confiscated for some period of time in 2012. Not all of the confiscations were conducted by government agencies; some were carried out by local political groups. Self-censorship is common, and journalists know not to cover "red-line" topics such as rebel movements in the north and south of the country. The government controls editorial policy on these issues at state-owned outlets, but Yemenis who can afford it have access to satellite news channels, which have covered both conflicts with greater freedom.

The authorities sometimes interfere with internet access. In 2011, for example, the government blocked access to Skype, the popular online telecommunications tool, after it discovered that journalists were using the service to conduct interviews; the site continued to be blocked in 2012. *Al-Hawyah*, an online opposition newspaper that was shut down in 2009 for allegedly supporting terrorism, was able to resume publishing in early 2012. Despite such

incidents, individuals are free to create websites, and a growing number of blogs carry diverse and independent views.

No journalists were murdered in 2012, an improvement over 2011, when two were killed. However, media workers continued to be harassed, beaten, and detained during the year. The Freedom Foundation documented 263 violations against media personnel, including attacks, arrests, abductions, confiscation of newspapers, and attempted murder. Mohamed al-Maqaleh, a prominent investigative journalist who writes frequently about Yemen's tribal factions, was attacked in April by armed tribesmen while visiting the defense minister's house in Sanaa. Also in April, Anwar al-Bahri, an editor for the state-run news agency Saba, was beaten in his home in Sanaa by men identified as members of an influential tribe, and Wael al-Absi, a photographer covering a protest in Taiz for the news website Al-Eshtraki, was beaten by security forces. In May, Hissam Ashour, a journalist with *Al-Nada* who had previously written about corruption, survived an attempt on his life.

The government controls most news outlets, including the country's 4 terrestrial television stations and 12 radio stations, which are operated by the Yemen General Corporation for Radio and Television. Two new private radio stations, the first ever in Yemen, were established in 2012. At least 10 private television stations broadcast into Yemen from outside the country, increasing the diversity of news coverage available to residents. Only a handful of newspapers provide independent views. The state also controls distribution outlets and advertising, undermining the ability of the press to operate without economic pressure.

Due to low literacy rates, most Yemenis still get their news from television and radio, but social-networking sites have been gaining popularity, according to a 2012 report issued by the Doha Centre for Media Freedom. In 2012, more than 17 percent of the population had access to the internet, though poor infrastructure makes connections unreliable. The government owns the country's two internet service providers. While news websites often operate with a small budget, the internet has also given some newspapers greater reach. The English weekly *Yemen Post* has reported receiving more than 60,000 visits to its website per day, far exceeding its print circulation.

## Zambia

**Status: Partly Free**

**Legal Environment: 17**

**Political Environment: 24**

**Economic Environment: 19**

**Total Score: 60**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>64,NF</b>	<b>65,NF</b>	<b>64,NF</b>	<b>61,NF</b>	<b>60,PF</b>

After several years of threats to press freedom under President Rupiah Banda and the long-ruling Movement for Multiparty Democracy (MMD), the September 2011 presidential election victory of opposition Patriotic Front (PF) leader Michael Sata prompted hope for openings in the media environment. However, the PF government has generally failed to fulfill its promises to advance

press freedom, and has targeted critical journalists and outlets with numerous legal and other actions.

The constitution guarantees freedom of speech, but the relevant language can be broadly interpreted. Journalists and media outlets face restrictions under criminal and civil defamation laws, sedition and obscenity laws, and provisions of the penal code such as the Official Secrets Act and the State Security Act. In 2012, Sata demonstrated intolerance of criticism and sought redress through the courts. In one prominent case, the president in May filed a defamation of character lawsuit against the leader of the opposition United Party for National Development (UPND), Hakainde Hichilema, for issuing a press release that accused Sata of corruption. The defamation suit also included editors of two critical publications, Lloyd Himaambo of the online newspaper *Zambian Watchdog* and Richard Sakala of the newspaper *Daily Nation*, for printing stories about the press release. The two outlets faced several similar lawsuits during the year.

A freedom of information bill that had been shelved by previous administrations received support from the new government in 2011. Although the government continued to pledge that it would pass such legislation in 2012, no bill had been put forward by year's end. In a separate setback for media access to government information, Sata held no official press conferences during 2012.

The 2010 Zambia National Broadcasting Corporation (Amendment) Act allows the information minister to select the corporation's board without first receiving nominations from an appointments committee. However, the selections must be ratified by the parliament. The board is tasked with choosing the head of the state-owned Zambia National Broadcasting Corporation (ZNBC). The new government has vowed to reintroduce the appointments committee. Nevertheless, Information Minister Fackson Shamenda unilaterally named economist Chibamba Kanyama as the director general of ZNBC in March 2012, four months before the parliament received a list of board members for approval. The 2002 Independent Broadcasting Authority (IBA) Act was modified in 2010, granting the information minister similar powers of direct appointment for the IBA, the broadcast media regulator. However, by the end of 2012 the IBA had yet to be established, and no new board members had been appointed.

In October 2012, Zambia's registrar of societies threatened to deregister the *Zambian Watchdog*, which is hosted outside Zambia, for allegedly failing to submit a postal address and pay required fees.

The issue of media regulation had been contentious under the Banda government, as the MMD made repeated threats to impose statutory regulation. A consortium of groups within the industry made progress on self-regulation in 2010, agreeing to establish a voluntary, independent Zambia Media Ethics Council (ZAMEC) and drafting a code of ethics that the proposed council would enforce. However, under Banda, ZAMEC's launch was repeatedly postponed, and the participation of public media workers was prohibited. In a positive step under the new administration, ZAMEC was officially launched in July 2012 with the full participation of the public media, which employ an estimated two-thirds of Zambia's media workers.

Upon taking power, the Sata government pledged to free the public media—consisting of the ZNBC and the widely circulated dailies *Zambia Daily Mail* and *Times of Zambia*—from government control. Throughout 2012, the government made pronouncements that the public media had been depoliticized. However, according to reports by media monitoring groups, these outlets have generally continued to report along progovernment lines, and their journalists continued to practice self-censorship. The only other major daily is the privately owned *Post*,

which has long been a vocal supporter of the PF and a critic of the MMD. As a result, all major print publications now favor the government.

Intimidation and physical harassment of journalists occurs occasionally, and perpetrators include members and supporters of both the ruling party and the opposition. In April 2012, three MMD supporters received three-year prison sentences with hard labor for assaulting a crew from independent Muvi TV and stealing their equipment in 2011. In May, the *Zambian Watchdog* claimed that its website was the target of distributed denial-of-service (DDoS) attacks. In July, Defense Minister Godfrey Mwamba said the PF government would “sort out” the *Zambian Watchdog* in response to its highly critical reporting. In August, UPND politician William Banda attempted to strangle Muvi TV cameraman Lloyd Kapusa outside a police station in Lusaka. The case was later settled out of court. In September, a group of PF supporters attacked a photojournalist from the *Post* who attempted to photograph them while they were helping police break up an opposition rally in Lusaka. In October, party cadres from the UPND attacked a ZNBC reporter and camera operator who were at Lusaka’s police headquarters to conduct an interview with a police official. The cadres, who accused the journalists of bias against the UPND, threw stones and bricks at them and issued death threats until they took refuge inside police headquarters.

Political actors’ intolerance of independent voices also extended to civil society. In September, the PF youth chairman for Copperbelt Province, Kabwe Chanda, accused the Zambia chapter of the Media Institute of Southern Africa (MISA) of becoming politicized. MISA denied the accusation, noting that it had supported the PF’s efforts to disseminate its views while in opposition.

In 2011, the Banda government had cracked down on media coverage of a growing separatist movement in Barotseland, in western Zambia. In one incident, security forces closed local station Radio Lyambai and confiscated its equipment after it aired an advertisement for a banned secessionist meeting. Radio Lyambai was subsequently allowed to reopen. However, in April 2012, authorities warned that its coverage of a March separatist council meeting was treasonous.

There are three daily newspapers with wide circulation: the *Zambia Daily Mail*, the *Times of Zambia*, and the *Post*. Several smaller independent papers, such as the *Daily Nation*, also publish. The ZNBC is the primary broadcast outlet covering domestic news. A growing number of private radio stations, including dozens of community radio stations, operate freely, as do four private television stations. International broadcast services are not restricted. Some local private stations, including Radio Phoenix and SkyFM, carry call-in shows that express diverse and critical viewpoints. In August 2012, the government issued 10 full licenses and 16 construction licenses to new radio and television stations.

Also in August, the permanent secretary for information and broadcasting, Amos Malupenga, threatened to revoke the licenses of outlets that attacked the government’s reputation. In September, the Zambia Information and Communication Technology Authority reduced the transmission strength of University of Zambia (UNZA) Radio from 1,000 watts to 260 watts, effectively limiting its reach to the campus itself. The station had previously aired interviews with opposition figures. The move sparked protests by university students.

Radio remains the medium of choice in most of the country because of its relatively low cost of access, but many stations face financial difficulties due to their dependence on sponsored programming and the small advertising market. Reception of both state and private television signals throughout the country remains poor. The costs of newsprint and ink (including high

import duties and taxes), printing, and distribution remain very high, hampering print outlets' ability to increase their readership. The government sometimes uses advertising as a tool to influence media content and coverage. Only 13 percent of the population accessed the internet in 2012 due to high costs.

## Zimbabwe

**Status: Not Free**

**Legal Environment: 25**

**Political Environment: 26**

**Economic Environment: 26**

**Total Score: 77**

Survey Edition	2008	2009	2010	2011	2012
<b>Total Score, Status</b>	<b>89,NF</b>	<b>88,NF</b>	<b>84,NF</b>	<b>81,NF</b>	<b>80,NF</b>

Press freedom in Zimbabwe remained restricted in 2012, as promised reforms to liberalize the legal and regulatory environment after years of authoritarian abuse were stalled by President Robert Mugabe's Zimbabwe African National Union–Patriotic Front (ZANU-PF) party, which was entrenched in the executive branch and continued to exercise control over the nominally inclusive government of national unity formed in 2009. Legal harassment and attempts to extend regulatory controls over journalists, particularly those who work for the few independent print media outlets, were still primary concerns. Nevertheless, positive changes during the year included a decline in physical attacks and a modest increase in media diversity and viewpoints as a result of new private radio stations.

Despite constitutional provisions for freedom of expression, a draconian legal framework continues to inhibit the activities of journalists and media outlets. The 2002 Access to Information and Protection of Privacy Act (AIPPA) requires all journalists and media companies to register and gives the information minister sweeping powers to decide which publications can operate legally and who is able to work as a journalist. Unlicensed journalists can face criminal charges and a sentence of up to two years in prison. In addition, the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act severely limit what journalists may publish and mandate harsh penalties—including long prison sentences—for violators. The 2007 Interception of Communications Act allows officials to intercept telephonic and electronic communications and to monitor their content to prevent a “serious offense” or a “threat to national security.”

Authorities continued to exploit these laws to harass and punish journalists in 2012. Criminal defamation charges filed in July 2011 against Nevanji Madanhire, editor of the weekly *Standard*, and two other staff members at the paper remained in limbo throughout 2012, pending a Supreme Court decision on the case. Meanwhile, a number of politicians from all parties and other prominent figures continued to file defamation cases against journalists, under either the criminal code or civil laws, demanding exorbitant amounts in damages. Although many cases are dismissed by the courts, charges can remain pending for months, leading to hardships for the journalists involved.

In a positive development, the draft constitution currently under consideration contains explicit provisions for media freedom and access to information, as well as source protection, but it had not been adopted by year's end. Other proposed legislation to reform the media sector was criticized by local stakeholders as an insufficient improvement on the extremely restrictive legal framework currently in place.

The new Zimbabwe Media Commission (ZMC), mandated in 2008 as part of the power-sharing Global Political Agreement (GPA) between ZANU-PF and the two factions of the opposition Movement for Democratic Change (MDC), is tasked with regulating the licensing of publications and journalists. It was finally formed in February 2010 and proceeded to license five new publications in May of that year, including several independent dailies. In September 2012, the ZMC announced the creation of the 13-member Zimbabwe Media Council as provided for under AIPPA. The council is to develop codes of conduct for print media and has the power to impose punishments on media houses that transgress the codes. Meanwhile, the independent Voluntary Media Council of Zimbabwe (VMCZ), a self-regulatory body covering all types of media that is supported by a majority of print outlets, continued to develop its scope of activities, hearing several dozen formal complaints throughout the year and adjudicating a number of other disputes regarding media content. The potential for competition between these dual regulatory frameworks raised concern among local analysts.

Broadcasting licenses have been consistently denied to independent and community radio stations, despite the fact that liberalization of the airwaves was also mandated by the GPA. Critics allege that the board of the Broadcasting Authority of Zimbabwe (BAZ), which is responsible for granting radio and television licenses, was illegally appointed in 2009 by the information minister and stacked with ZANU-PF loyalists. Calls for the BAZ to be reconstituted had not been resolved by the end of 2012. Meanwhile, after issuing an invitation for radio license applications and receiving 15 submissions, the BAZ awarded two national commercial licenses to companies aligned with the ruling party in November 2011, in a process that was deemed opaque and politically biased. The decision faced a legal challenge in 2012 by two of the rejected applicants.

Journalists faced verbal intimidation, physical attacks, arbitrary arrest and detention, interception of communications, and financial pressure at the hands of the police, government officials, and supporters of ZANU-PF during the year. Many were harassed while attempting to cover news events or sensitive political issues such as the constitutional reform process, parliamentary hearings, or abuses at diamond mines. In March 2012, four journalists were arrested in Mutare while attempting to cover a story on local pollution, and in October, the editor of the *Daily News* and his deputy were temporarily detained after publishing a story concerning a prominent businessman. Media offices were also targeted during the year. The offices of Afromedia, a Harare-based news production company, were raided by police in September; at least 10 staff members were temporarily detained, and equipment was confiscated. Professional and media-monitoring organizations such as the Zimbabwe Union of Journalists, the Media Monitoring Project of Zimbabwe (MMPZ), and the local chapter of the Media Institute of Southern Africa (MISA) are also subject to official harassment. Legal charges that were filed against three MMPZ employees in December 2011, stemming from their distribution of DVDs, were reduced in January 2012.

Faced with legal restrictions as well as the threat of extralegal intimidation, many journalists practice extensive self-censorship, particularly regarding stories on corruption or factional fighting within ZANU-PF. During the past decade, dozens of Zimbabwean journalists

have fled the country, mostly to South Africa and Britain. According to the Committee to Protect Journalists, Zimbabwe has one of the largest numbers of exiled journalists in the world.

Foreign journalists can encounter restrictions on residing full-time in the country and are sometimes denied visas to file stories from Zimbabwe. Locally based correspondents for foreign publications have also been refused accreditation or threatened with lawsuits and deportation. Steep accreditation fees introduced in January 2011 for foreign media bureaus and their local correspondents remain in place. In April 2012, police detained and then deported freelance photojournalist Robin Hammond after he tried to cover the issue of Zimbabwean migration to South Africa.

The government, through the Mass Media Trust holding company, controls the two main daily newspapers, the *Chronicle* and the *Herald*, whose propagandistic coverage favors Mugabe and ZANU-PF. The private Alpha Media Holdings group publishes a number of the country's independent papers, including *NewsDay*, the *Standard*, and the *Zimbabwe Independent*. The *Daily News*, published by Associated Newspapers of Zimbabwe, resumed operations in 2011 after being shuttered in 2003 and is generally aligned with MDC viewpoints. The *Zimbabwean* is produced in South Africa for the Zimbabwean market, and some foreign newspapers, most of them also from South Africa, are available. However, in early 2012, the ZMC issued a directive banning distribution of unregistered foreign newspapers.

Newspapers typically have poor distribution networks outside urban areas, and they have been buffeted by soaring prices for newsprint in recent years. Vendors and distributors of independent newspapers are occasionally harassed by soldiers or ruling party supporters. In March 2012, the *Daily News* was “banned” from circulating in parts of Mashonaland East Province. According to MISA's African Media Barometer, state-run companies do not advertise in private papers, and state-run media outlets do not accept advertising from companies thought to be aligned with the opposition. Owing to poor economic conditions and salaries that do not keep pace with inflation, journalistic corruption and cash incentives for coverage have become rampant.

The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs the vast majority of broadcast media, which are subject to overt political interference and censorship. ZBC coverage, particularly before and during elections, overwhelmingly favors ZANU-PF. During 2012, two new privately run radio stations, Star FM and ZiFM, commenced operation. Despite concerns over their owners' close ties with ZANU-PF, local analysts noted that the stations' news and talk-radio content initially presented a diversity of views. The Broadcasting Services Act bans foreign funding and investment in this capital-intensive sector, making it very difficult for private players to enter the market. Radio broadcasts are currently the predominant source of information in rural areas. However, access to broadcast media in these districts is hampered by deteriorating equipment and a lack of transmission sites, although the government has reached an agreement with China to help upgrade transmission infrastructure. Official attempts to broadly jam the signals of popular foreign-based radio stations that broadcast into Zimbabwe—including SW Radio Africa, a station run by exiled Zimbabwean journalists in London; the Voice of America's Studio 7 service; and the Voice of the People—have decreased in recent years, although local authorities have on occasion raided homes in rural areas and confiscated the shortwave radios used to access these broadcasts. Satellite television services that provide international and regional news programming remain largely uncensored and are being accessed by a rapidly growing share of the population thanks to new technology such as free-to-air

decoders. It is estimated that approximately 60 percent of the population now have satellite dishes.

Access to the internet is limited by the high costs at internet cafés and service disruptions caused by frequent power outages. Nonetheless, Zimbabwe has a relatively high rate of internet penetration for Africa, at 17 percent of the population in 2012. Online newspapers, news portals, and blogs run by Zimbabweans living abroad are popular among those with internet access, and diaspora media also distribute news and information via mobile-telephone text messaging.