UNESCO
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IPDC THE INTERNATIONAL PROGRAMME
FOR THE DEVELOPMENT OF COMMUNICATION

Assessment of Media Development
in Egypt

Based on UNESCO's Media Development Indicators

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FOREWORD

Following the publication of an Interim Assessment Report in June 2011, UNESCO Cairo Office is pleased to now present the completed in-depth Assessment of Media Development in Egypt.

The present report provides a comprehensive review of media development needs, based on a more complete data gathering process, and with far greater involvement of local experts and stakeholders.

Importantly, it must be noted that this report was prepared prior to the submission and approval of the Constitution in December 2012. Therefore, while it is published in the beginning of 2013, no reference is made in it to the new Constitution or the relevant constitutional provisions.

This Assessment Report is based on the Media Development Indicators (MDIs) of UNESCO's International Programme for the Development of Communication (IPDC). The MDIs are a flagship media development tool that has already been successfully applied in ten countries and lies at the very heart of the UNESCO's mandate to promote the development of free, pluralistic and independent media in accordance with international standards and best practices. They do not prescribe a fixed methodologic approach but rather offer a 'toolkit' approach in which indicators can be tailored to the particularities of the national context by the national actors.

The Assessment Report throws light on the key components that are relevant to the mass media landscape. We anticipate that it will provide local stakeholders – including civil society, state institutions and relevant professional communities – with a detailed mapping of key media development needs in the country, based on the internationally accepted and tested MDI methodology.

The Report was developed on behalf of UNESCO by a group of international and Egyptian media researchers. The lead author is Toby Mendel, Executive Director of the Centre for Law and Democracy. He was assisted by Yasser Abdel Aziz, prominent Egyptian media expert, and two junior researchers, Fatima Al-zahraa Abdel Fattah and Hany Ibrahim Mahmoud. Rasha Nabil Allam, Associate Professor at the American University in Cairo, significantly contributed to the Report, and was also an academic language editor for Arabic and English texts.

It is our hope that all stakeholders will take advantage of the possibilities offered by this assessment and that it will continue to be a useful reference for all those committed to building free, independent and pluralistic media.

Marius Lukošiūnas
Advisor for Communication and Information UNESCO Cairo Office
April 2013

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Acronyms

ADSL	Asymmetric Digital Subscriber Line
AFTE	Association for Freedom of Thought and Expression
ANHRI	Arabic Network for Human Rights Information
CAMPAS	Central Agency for Public Mobilization and Statistics
CIHRS	Cairo Institute for Human Rights Studies
CMA	Communication and Media Arts
CSO	Civil Society Organisations
EIPR	Egyptian Initiative for Personal Rights
ERTU	Egyptian Radio and Television Union
EUHR	Egyptian Organisation for Human Rights
GAFI	General Authority for Investment
GNI	Gross National Income
HDI	Human Development Index
HDR	Human Development Report
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
ICT	Information and Communication Technology
IDSC	Information and Decision Support Center
IFES	International Foundation for Electoral Systems
IMC	Integrated Marketing Communication
IPDC	International Programme for the Development of Communication
ISP	Internet Service Provider
ITU	International Telecommunication Union
MDI	Media Development Indicators
MENA	Middle East News Agency
MMJ	Multimedia Journalism
MSA	Modern Science and Arts
NCMF	National Coalition for Media Freedom
NGO	Non-governmental Organisation
NTRA	National Telecommunications Regulatory Authority
NTRA	National Telecom Regulatory Authority
OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
PPP	Purchasing Power Parity
PSB	Public Service Broadcasting
SCAF	Supreme Council of the Armed
UHF	Ultra High Frequency
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIC	United Nations Information Center of Cairo
USD	United States Dollar
VHF	Very High Frequency
VOIP	Voice over Internet Protocols

Introduction

On 25 January 2011 demonstrations started in Tahrir Square triggering a chain of events – a revolution – which in two and one-half weeks led to the downfall of the Mubarak regime. Mubarak resigned from the presidency on 11 February 2011 and handed over power to the Supreme Council of the Armed Forces (SCAF). He had ruled Egypt for 30 years: he first became President in 1981, when he was automatically elevated to the post from the position of Vice-President, after Anwar Sadat was assassinated.

The Mubarak period was characterised by severe repression of democratic rights. Perhaps the single most obvious evidence of this is the fact that the 1958 Emergency Law, which was reinstated as soon as President Sadat was assassinated, remained in force throughout the entire 30 years of Mubarak's rule. It remained in force until 31 May 2012, when the last Mubarak-era decree extending it, adopted in May 2010, finally expired. Freedom of expression was among those rights that were most restricted during Mubarak's rule.

It is thus not surprising that there were immediate calls by civil society for significant reform of the legal framework governing the media. The day after Mubarak's resignation, on 12 February 2011, a Statement issued by the Forum of Independent Human Rights Organizations titled "Roadmap for a nation of rights and the rule of law", included a significant section on media law reform[1]. This called, among other things, for the transformation of the State media into independent public service media, the establishment of an independent broadcast regulator, the adoption of right to information legislation and the repeal of penal sanctions for crimes of publication.

The National Coalition for Media Freedom (NCMF)[2] was established on 30 April 2011. A few days later, on 3 May 2011 (UNESCO-sponsored World Press Freedom Day), NCMF issued a Media Freedom Declaration Cairo[3], setting out ten main principles regarding media freedom, along with eleven priority tasks. These build and expand on the calls in the earlier Statement, and include more far-reaching institutional demands such as abolishing the Ministry of Information and the Supreme Press Council and replacing them with independent bodies.

In the early days of the revolution, a number of measures were taken to enhance media freedom. The Ministry of Information was effectively put into abeyance, and key figures in a number of ministries and other bodies, including the Journalist Syndicate and the Egyptian Radio and Television Union (ERTU), were replaced. Many rules limiting media freedom were also effectively suspended, while others were widely flouted. The (sometimes informal) rules, as well as the practices, regarding media licensing were significantly relaxed, and new

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1 See section IV(2)(e). Available at: http://www.cswatch.org/action/roadmap-for-a-nation-of-rights-and-the-rule-of-law-statement-by-the-forum-of-independent-huma. All URLs accessed on 27 September 2012.

2 See www.ncmf.info.

3 Available at: http://www.anhri.net/en/?p=2488.

media outlets were authorised to operate.

While the environment today remains considerably freer than during the Mubarak period, there have also been some rollbacks and there is uncertainty over whether and to what extent lasting reforms will be put in place. An early setback occurred when, on 9 July 2011, a new Minister of Information, Mr. Ossama Heikal, was appointed, to the great disappointment of Egyptian human rights groups, which had hoped that this Ministry had been permanently abolished.

The authorities have also reasserted a measure of control over ERTU and, in August, shortly after President Morsi was elected, the Shura Council, effectively the upper house of the Egyptian parliament, which is dominated by members of the Muslim Brotherhood, appointed several new editors to the State newspapers, a move which attracted a lot of criticism. In September, Morsi appointed members to the Supreme Press Council, and again there was strong criticism that political bias had informed the process. There has also been a steady rise in the number of legal cases against journalists and others exercising their right to freedom of expression.

There have also been some positive moves. Recently, the Council of Ministers has approved a proposal to establish a National Council for the Media, as a substitute for the Ministry of Information. It would consist of 30 leading media experts and personalities, including some representing and appointed by the government, and would develop rules for the media, including with a view to replacing custodial sentences with fines.

More generally, the struggle for control and competition for influence at the top of the Egyptian State stands in stark contrast to the highly centralised control structures under Mubarak. This has opened up some space for the media to engage in criticism and to fulfil its role of reporting in the public interest, although the general instability it creates also has implications for the media.

The political roadmap envisaged in the Constitutional Declaration promulgated by the Supreme Council of the Armed Forces (SCAF) on 23 March 2011, which continues to serve as Egypt's Constitution, has been rocked with challenges, leading to profound political uncertainty. Elections for the People's Assembly, held in late 2011 and early 2012, resulted in a strong showing for the Democratic Alliance for Egypt, led by the Muslim Brotherhood's Freedom and Justice Party, with the Islamist Bloc, representing the various Salafist parties, coming in second place, and the many other parties doing significantly less well (with a showing of about nine per cent each for the New Wafd Party and Egyptian Bloc, the largest of the other parties). The Muslim Brotherhood's candidate, Mohamed Morsi, won the Presidential run-off election on 24 June 2012.

On 14 June 2012, before Morsi was elected, the Supreme Constitutional Court ordered the People's Assembly to be dissolved for irregularities in the electoral process and the SCAF

duly executed this order. In his first decision after taking office, on 8 July, Morsi set this aside and ordered the legislature to reconvene. The Court, in turn, revoked Morsi's decision, leading to a stand off between the President and the Court. Morsi eventually backed down, and the People's Assembly remains dissolved.

Uncertainty has also dogged the Constituent Assembly charged with drafting the country's new constitution. The first Assembly to be appointed was dissolved by the courts and a second Assembly, currently engaged in a process of constitution drafting, is also the subject of a legal challenge to its legitimacy (more detail on this is provided below, under Key Indicator 1.1).

In this environment, it is extremely difficult to predict the future of freedom of expression, the direction of democratic and human rights reforms more generally, or even how the basic ongoing political disputes will be resolved. The situation remains extremely dynamic, with reform efforts proceeding at different levels, and being promoted by different sets of actors.

In June 2011, UNESCO published an Interim Assessment of Media Development in Egypt. That report provided a preliminary assessment of the status of media development in the country. The idea was to make an authoritative, if interim, international assessment of the situation available in short order to local stakeholders, in an effort to contribute to the ongoing process of media reform in the country. This current follow-up media development assessment provides an in-depth, comprehensive review of media development needs, based on a more complete data gathering process, and with far greater involvement of local experts and stakeholders.

Both publications are based on UNESCO's Media development indicators: a framework for assessing media development (MDIs)[4]. The MDIs provide a comprehensive structure for assessing media development needs in a country, using a methodology that is designed to provide a broad mapping of the overall media development strengths and weaknesses. MDI assessments do not set priorities; rather, they assess all of the media development needs in a country.

The aim of MDI assessments is to provide local stakeholders – including civil society groups, officials, leading decision-makers and legal professionals – with a mapping of the key media development needs in a country, based on the internationally accepted and tested MDI methodology. This, it is hoped, will provide local actors with an overview of the wider needs, thereby helping them to identify priorities and plan their programmes of action.

The Indicators are based on five main Media Development categories, broken down into more detailed Issues and Key Indicators. This Assessment follows the same format, providing key recommendations at the end of each of the five main categories. The assessment of Egypt relative to the indicators takes into account the special challenges facing the country, and in

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4 follow previous note

particular the context of revolutionary change that it is grappling with.

A number of methodologies were used in preparing this Assessment, which builds on the previous assessment and the work done at that time. A team of researchers and experts did the primary research for the report. This was based on a series of unstructured interviews with leading local experts and officials, with a particular focus on issues which had not received full coverage in the original assessment. This was supplemented by an extensive literature and legal review, including online sources.

Background Information

Egypt has a population of about 83 million, with a young median age of just 24 years[5]. In geographic terms, it occupies the most North Eastern part of the African continent, with some claiming that part of it, namely the Sinai Peninsula, actually lies within Asia. Although it is a relatively large country of over one million square kilometres, only about three per cent of the country is inhabited, and the population density in these areas is high.

Egypt has experienced high economic growth in recent years, with a Gross National Income (GNI) per capita of $5,889 in purchasing power parity (PPP) terms in 2008, according to the 2010 UNDP Human Development Report (HDR), up from $3,950 in 2003, an increase of nearly 50 per cent over a five-year period[6]. The growth appears to be reasonably well distributed, as the Gini Coefficient, an accepted measure of income distribution, dropped from 34.4 in 2005 to 32.1 in 2011. However, the 2011 HDR notes that 40.7 per cent of the population are underprivileged, 7.2 per cent are at risk of poverty, two per cent live below the poverty line and one per cent suffers from abject poverty.

According to the website Trading Economics:

> Egypt has one of the most developed and diversified economies in the Middle East. Agriculture (cotton, corn, sugarcane, fruit and vegetables, fodder, and rice), industry (textiles and clothing, chemicals, steel, consumer electronics and home appliances) and services (tourism) represent almost equal rates in national production[7].

There is no question that the revolution has taken a toll on the economy. By the time of the 2011 HDR, GNI per capita had dropped from $5,889 to $5,269, a decrease of over ten per cent. According to some interviewees, there was a 38 per cent drop in consumption from January to September 2011, which inevitably cast its shadow on the media. It would appear that the Egyptian banks have played a role in supporting the economy, as government coffers have faltered[8].

The official language of Egypt is Arabic and almost everyone speaks that language, although there are small Berber, Nubian, Bedouin, Greek and Armenian populations, amounting to about two per cent of the population[9]. About 90 per cent of the population is Muslim, predominantly Sunni, with most of the remaining ten per cent being Christian, mainly Coptic.

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5 2010 UNDP Human Development Report.
6 See the UNDP HDR Reports of 2009 and 2005.
7 Available at: http://www.tradingeconomics.com/egypt/households-with-television-percent-wb-data.html.
8 Statement by Mr Tarek Amer, Chairman of the Egyptian Banking Union, at the Arab Banker Conference 2012. Available at: http://www.almasryalyoum.com/node/767351.
9 See http://www.ejc.net/media_landscape/article/egypt/.

There are also very small Baha'i and Jewish communities in the country[10]. We were informed that there were no significant class, geographic or ethnic differences among these religions.

In terms of its Human Development Index (HDI) rank, Egypt places 113th out of 187 countries in the 2011 UNDP report. The HDR assessed the average life expectancy in Egypt at 73.3 years, and a rather low 6.4 mean years of schooling, substantially lower than other countries with a similar overall HDI rank. Despite its strong economic growth, Egypt gained only two spots in its HDI rank between 2005 and 2010, and remained level between 2009 and 2010. Between 2010 and 2011, it dropped 12 places.

According to a report published by the National Telecommunications Regulatory Authority (NTRA), the number of mobile phone users had reached 92 million by the first quarter of 2012, representing a teledensity rate of about 112 per cent, an increase of 12.2 per cent over the previous year. The largest provider is Vodafone, with a market share of 43.9 per cent, followed by Mobinil (39.4 per cent) and Etisalat (16.6 per cent)[11].

The NTRA also reports Internet usage at 29.5 million in January 2012, representing about 36 per cent of the population[12]. The 2010 UNDP HDR quotes figures of 94 per cent in terms of public access to radio, and 92 per cent for television. Trading Economics quotes a slightly higher figure of 96.5 per cent for television[13].

It is not clear how many Egyptians have access to private television, which has so far only been allowed to disseminate signals via satellite[14]. However, the rate is reportedly quite high, perhaps over 40 per cent in urban areas. The rate is much higher than official rates would suggest, with up to 75 per cent of overall access being obtained through the black market[15]. In terms of press freedom, Egypt was ranked 130th out of 196 countries globally by Freedom House in their Freedom of the Press 2010 report, which reflected its performance in 2009. It scored 60 out of 100 points (lower scores are better), just scraping into the "partly free" category (a score of 61 would be rated "not free")[16]. It declined to a score of 65 – not free and 146th out of 196 countries – in the 2011 report (i.e. in 2010)[17], and then climbed to

10 See http://looklex.com/e.o/egypt.religions.htm.

11 National Telecommunications Regulatory Authority, "First Quarter report: Jan-March 2012", 4 April 2012.

12 Ibid. The World Economic Forum's Global Information Technology Report 2012: Living in a Hyperconnected World, p. 360, put it at 26.7 per cent in 2010. Available at: http://www3.weforum.org/docs/Global_IT_ Report_2012.pdf.

13 See also the E-gate of the Ministry of Information and Communications Technology, ICT indicators, which quotes similar figures. Available at:
http://www.new.egyptictindicators.gov.eg/ara/_layouts/Viewer_ar.aspx?id=451.

14 Only State broadcasting services are available for free through terrestrial transmission.

15 This is mainly via local operators reselling subscription satellite services through local cable networks. See http://www.ameinfo.com/157522.html.

16 Available at: http://www.freedomhouse.org/report/freedom-press/2010/egypt.

17 See the statistical report at: http://www.freedomhouse.org/sites/default/files/FOTP%202011%20Tables%20 and%20Graphs_0.pdf.

57 in 2012[18]. As a result, it made it into the top 10 improving countries between 2007 and 2012, but still ranked significantly behind fellow North African reformer, Tunisia, which scored 51 in 2012.

The media environment in Egypt has historically been heavily dominated by the State media, which are active in all media sectors, including print, broadcasting and news agencies. The three erstwhile leading national newspaper houses – Al-Ahram (The Pyramids), Al-Akhbar (The News) and Dar Al-Tahrir (The Liberation House) – are all owned by the government and operate under significant government control. Each newspaper house publishes a large number of different titles (18, 12 and 12, respectively). There are four other State newspaper houses, as well as the Middle East News Agency, and collectively the State sector comprises some 54 newspapers, employing 27,500 individuals. The Shura Council controls the appointments to all of the key decision-making positions and bodies for these newspapers, including by appointing the editors-in-chief[19].

In former times, these newspapers, and Al-Ahram in particular, were very dominant. We were told of a saying to the effect that if your obituary was not published in Al-Ahram, you were not really dead. The State media has, not unexpectedly, lost ground since the revolution, in part because of the fact that the previous regime was widely discredited, and in part because of the newfound freedom and expansion of the private media.

Following on from a period of strong public control, private newspapers started to reappear in Egypt in the late 1970s, in the form of party newspapers, providing limited competition and alternatives to the State newspapers. Private newspapers run as businesses started appearing in the mid-1990s. According to information provided by the Supreme Press Council, as of 26 March 2012, there were 567 registered newspapers in Egypt, comprising 33 dailies, 141 weeklies and 393 monthlies. These are published by a range of different actors, including national (State) newspaper houses (56), political parties (62), government bodies (58), joint ventures (the main private newspapers, 68), social organisations (57), universities (131) and others. The number of titles has grown significantly since the revolution, from 142 in 2010 and 113 in 2009, with growth being particularly pronounced in the weekly newspaper sector[20].

Private newspapers have been growing stronger in recent years and, at least during the period of demonstrations in January and February 2011, Al-Masry Al-Youm (The Egyptian Today) appeared to have achieved higher circulation figures than Al-Ahram, historically

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18 See the 2012 Egypt report at: http://www.freedomhouse.org/sites/default/files/Egypt%20draft.pdf.
19 See Article 65 of Law No 96 of Year 1996 Concerning the Regulation and Organization of Journalism and Press Functions (Press Law). See also Article 62, regarding the appointment of the General Assemblies, Article 64, regarding the appointment of the Boards of Directors and Article 65, regarding the appointment of the Editorial Boards.
20 Central Agency for Public Mobilization and Statistics, statement published on the World Press Freedom Day, 3 May 2012.

the market leader. Other important private dailies include Al-Shorouk (The Sunrise) and El Dostour (The Constitution). Private dailies are increasingly achieving strong distribution figures, among other things because people are interested to compare what they are saying with the views circulated in the government newspapers.

The government runs the only local news agency, the Middle East News Agency (MENA) (Wakalet Inbaa alSharq alAwasat), although local newspapers also subscribe to international news agencies.

Terrestrial broadcasting remains almost entirely a State monopoly, with a vast network of stations operating under the structure of the Egyptian Radio and Television Union (ERTU), established by Law No 13 of Year 1979, last modified by Law 223 of 1989. The only private, terrestrial broadcasters are two private FM radio stations, both located in Cairo, namely Nogoom FM (FM Stars, in Arabic) and Nile FM (in English)[21]. There are also a number of private Internet radio stations.

In terms of television, ERTU operates two national terrestrial stations – Channels 1 and 2 – six local terrestrial channels covering the 27 different governorates of Egypt, and three satellite channels – Al-Masria (Egyptian) Satellite Channel, Nile News and Nile TV international. ERTU also provides more than ten specialised satellite channels through the Nile Television Network, including Nile News, Nile Life, Nile Sport, Nile for family and children, Nile culture, Nile Enlightenment, Nile for scientific research, Nile Educational, Nile for Higher education, and Nile Cinema, as well as the new Voice of the People channel, which in 2012 replaced the Nile Drama channel[22].

While there are no private terrestrial television stations in Egypt, the first private station – Dream Channel – was licensed in 2001 and a number of private television stations were already available via satellite or cable before the revolution. All of these stations are still available only via satellite or cable (i.e. as part of a bouquet of channels available over these distribution systems). These include Dream 1 and 2, ON TV, El Mahwar, Al Youm-Orbit and Al Hayaat. The ability of these stations to broadcast news was traditionally quite limited, although they sometimes found imaginative ways, such as using talk show format shows, to get around the restrictions in the years leading up to the revolution.

There has been an important growth in terms of new television outlets entering the market since the revolution (described by one interviewee as an 'explosion') with a reported 15 new channels having been licensed. These include channels such as CBC network, Al Nahar, 25th Channel, Tahrir Channel, Modern Horeya, Rotana Massreya, Misr 25, an organ of the Muslim Brotherhood, and Al-Masry, the mouthpiece of Al-Wafd. In addition to new media

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21 A joint venture between ERTU (50% ownership) and two businessmen (with 30% and 20% ownership, respectively) was launched in 2011, Nagham FM (Melody FM).
22 Ministry of Information, Egyptian Radio and Television Union (ERTU) (2009).

outlets linked to political parties, one reason for the strong growth in independent new media outlets is because those wishing to establish such outlets have rushed to do so now, in case the process becomes more difficult later on. Some interviewees suggested that some of these new outlets are being used more to promote the interests of their owners than in the public interest. There is, as might be expected, a vast range in terms of the experience and professionalism of these new outlets. Some interviewees suggested that there had been a growth in both ethical and financial corruption among the media since the revolution.

There was a lot of discussion in the immediate post-Mubarak period about the role played by social media in fomenting the revolution. There is no question that a variety of communications tools – including Facebook, Twitter and SMS – were widely used to help organise the demonstrations. However, the dissemination of news, current affairs and other sorts of public interest information over the Internet and other communications technologies was relatively under-developed in Egypt, although it is certainly strongly now. Traditional media, for example, only started to use the Internet as an alternative medium of distribution in the last few years.

There are a number of news portals which operate only online, such as Masrawy, El Dostor Al Asly and Akhbarak. According to the Alexa.com website, the most popular online news sources (including online versions of printed newspapers) are Al-Youm Al-Sabie (the Seventh Day), Masrawy, Al-Ahram, Akhbarak (Your News), Wafd, Shorouk, Al-Massry Al-Youm, Akhbar Massr, Al-Fagr and Al-Mougaz.

We heard very different views as to the role of bloggers and alternative media in Egypt in terms of provision of news and current affairs content. Some interviewees suggested that the Egyptian blogosphere is large and varied, while others suggested it was relatively nascent and just starting to break down social barriers and get around official measures of control. There is certainly a vast array of blogs operated by Egyptians, both in the country and from abroad, which includes a wide array of political blogs, as well as social and personal blogs. The role played by social media in ensuring the success of the revolution has caught the imagination of Egyptians, and this has significantly boosted the popularity and role of new forms of media. The second Arab Social Media Report suggests that the number of Facebook users in Egypt soared by two million in the first quarter of 2011, representing 10 per cent of all Internet users in the country[23]. Online data suggest a continued strong growth in Facebook users, to nearly 11.4 million users today. This represents over 14 per cent of the population and a growth rate of over 19 per cent in the last six months, placing Egypt 21st globally in terms of number of users[24]. Of these, 86 per cent are 34 years or younger, and 63 per cent are male.

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23 Produced by the Governance and Innovation Program at the Dubai School of Government.
See http://english.youm7.com/News.asp?NewsID=340774.
24 See http://www.socialbakers.com/facebook-statistics/?interval=last-6-months.

Egypt also has one of the Arab world's most developed filmmaking industries, producing 40 films in 2010, which declined to 22 in 2011, following the revolution. It is also a publishing powerhouse, with over 2600 books published in 2010[25].

The legal framework governing the media in Egypt is very complex, with overlapping rules set out in different pieces of legislation. The Penal Code contains a wide range of criminal content restrictions, supplemented by the Civil Code, which allows individuals to receive compensation for various 'wrongs' against them. The key pieces of legislation dealing directly with the media are Law No 96 of Year 1996 Concerning the Regulation and Organization of Journalism and Press Functions (Press Law), Law No. 76 of Year 1970 Regarding the Formation and Establishment of the Journalist Syndicate (Journalist Syndicate Law)[26], Law No 13 of Year 1979 on the Egyptian Radio and Television Union (ERTU Law) and Law No 10 of Year 2003 on Telecommunication Regulation (Telecommunications Law).

These laws are assessed in greater detail in the body of this Assessment. Historically, the rules were often not applied in their strict form, but were there to be relied upon should anyone step too far out of line. Thus, in practice the system relied largely on what might be termed 'co-censorship': self-censorship backed up by the possibility of direct (i.e. legal) censorship.

There has been a rise in the number of legal cases against the media and journalists since the revolution, which is problematic given the harsh nature of many of the legal rules. It can, however, also be seen as a positive sign inasmuch as it is emblematical of the disappearance of more direct measures of control. It may be noted that spikes in legal cases against the media are very common in post-revolutionary or rapid democratisation environments.

The legal framework, which formally remains almost entirely in place, establishes a strict regulatory regime for the media, which allocates a broad measure of control to the government. For example, the government formally exercises control over all of the institutional structures established by these laws, such as the Journalist Syndicate, the Supreme Press Council, the Egyptian Radio and Television Union (ERTU) and the National Telecommunications Regulatory Authority (NTRA).

It is, at the same time, important to distinguish the Syndicate from the other bodies mentioned above. It was originally founded in 1941 as an autonomous entity; indeed a meeting took place as early as 1900 to establish an association for journalists, although the idea was effectively quashed by the British authorities[27]. The Syndicate always had difficulty maintaining its independence and it was brought under a statutory regime through

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25 Central Authority for Public Mobilization and Statistics, Egypt in Numbers (2012), pp. 155-7.

26 An interesting historical recollection is that this was apparently the last law President Nasser signed before his sudden death on 28 September 1970. It was published in the Official Gazette on 17 September 1970.

27 See Anis, M. and Sakr, H., The six-decade balancing act, Special Issue No. 872 of Al-Ahram, 22-28 November 2007. Available at: http://weekly.ahram.org.eg/2007/872/special.htm.

the adoption of the Journalist Syndicate Law in 1970. At the same time, it has on many occasions defended journalists and in this way has distinguished itself from the other bodies noted above.

Key Recommendations

Detailed recommendations are provided at the end of each of the five main chapters of this report, based on the Media Development Categories of the MDIs. The key recommendations are as follows:

- The government should make a commitment to engage in widespread consultations with interested stakeholders before adopting or amending any law which relates to freedom of expression or of the media.

- The guarantee of freedom of expression in the new Egyptian constitution should be substantially stronger than was the case in the past, and should place strict limits on the power of the government to restrict this fundamental right, in line with international standards.

- A right to information law, giving individuals a right to access information held by public authorities, should be adopted and existing secrecy provisions in different laws should be reviewed and repealed or amended to bring them into line with international standards on openness.

- Restrictions on the content of what may be published or broadcast, including defamation laws, which are currently found in a number of different Egyptian laws, should be reviewed and amended as necessary to bring them into line with international standards, including through decriminalisation of relevant offences.

- The Supreme Press Council should be abolished and the system of licensing for the print media should be done away with.

- The legal framework should not allow the government to shut down the Internet.

- The current statutory system for regulating professionalism in the print media should be done away with and print media outlets should be encouraged to set up their own self-regulatory system.

- A consultation should be held with interested stakeholders to determine the future of the Journalist Syndicate. At a minimum, the special status afforded to members of the Syndicate should be done away with, along with any prohibition on individuals who are not members from working as journalists. If the Syndicate is maintained as a statutory body, it should be fully protected against political interference.

- An independent regulatory body should be established with the power to license and regulate private broadcasters. It should have a mandate to issue licences for commercial and community broadcasters, including to disseminate their signals via terrestrial frequencies, and to promote diversity in the broadcasting sector in the overall public interest.

- The ERTU should be transformed into an independent public service broadcaster, with a clear mandate to broadcast in the public interest, with strong protections for

its governance and editorial independence and with sufficient funding to allow it to discharge its mandate.

- Widespread consultations should be held to determine the future of the existing State print media. If these are retained as public bodies, their independence should be guaranteed, in an analogous way to public service broadcasters.

- The government should engage in widespread consultations with a view to adopting a comprehensive ICT policy, which should include promoting universal access to the Internet as one of its goals.
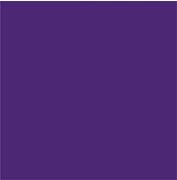
Category 1

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

KEY INDICATORS

A. LEGAL AND POLICY FRAMEWORK

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

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

1.3 Editorial independence is guaranteed in law and respected in practice

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

1.5 The public and civil society organisations (CSOs) participate in shaping public policy towards the media

B. REGULATORY SYSTEM FOR BROADCASTING

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

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

C. DEFAMATION LAWS AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS

1.8 The state does not place unwarranted legal restrictions on the media

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

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

D. CENSORSHIP

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

1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental

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

A. LEGAL AND POLICY FRAMEWORK

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

On 13 February 2011, just two days after Mubarak's resignation, the Supreme Council of the Armed Forces suspended the 1971 Constitution and set about preparing for a constitutional referendum, which was held on 19 March 2011. The referendum, which was on whether or not to add nine new articles to the 1971 Constitution, was overwhelmingly approved by 77 per cent of the approximately 18.5 million people who voted, representing just 41 per cent of the 45 million strong electorate.

These nine articles focus primarily on the structures of government, including who is eligible to run for president, the presidential term of office (which was limited to two four-year terms), the conduct of elections, the Shura Council and the Constituent Assembly, and process of preparing a new constitution. The referendum also struck former Article 179 from the Constitution, which had given the Public Prosecutor the power to take "measures which secure the people's rights, the safety of the society and its political regime, the preservation of the socialist achievements and commitment to socialist behaviour".

Significantly, the Constitutional Declaration which was proclaimed by the Supreme Council of the Armed Forces on 23 March 2011 included the nine articles which had been voted on[28], 49 'rump' articles from among the over 200 in the 1971 Constitution, and three additional articles, namely Articles 56, 57 and 61. The 49 rump articles mostly address human rights and the structures of the State, such as the parliament, judiciary and armed forces. The three new articles address the respective powers of the Supreme Council of the Armed Forces and the Council of Ministers, as well as the tenure of power of the former, which shall continue until such time as the "People's Assembly and Shura Councils assume their responsibilities and the president of the republic is elected and assumes his position" (Article 61).

It is not exactly clear how this happened but it seems likely that the Supreme Council of the Armed Forces did not feel that it could risk putting these fundamental articles to a referendum. It may be noted that had they been included and the referendum rejected, this would have created a huge power vacuum at the very top of the Egyptian State.

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28 There is some suggestion that one of the nine articles was later subtly changed, with powers destined for the president given to the Supreme Council of the Armed Forces. See In the footsteps of the Tunisian revolution: A Constitution first. Available at: http://www.guardian.co.uk/commentisfree/2011/jun/12/egypt-a-constitution-first.

Articles 12 and 13 of the Constitutional Declaration, which are taken verbatim from the 1971 Constitution, provide for the protection of freedom of expression and media freedom as follows:

(Article 12)*

Freedom of opinion is guaranteed, and every person has the right to express his opinion and publish it spoken, written, photographed, or other form of expression within the law. Personal criticism and constructive criticism are a guarantee for the safety of the national development.

(Article 13)*

Freedom of the press, printing, publication and media are guaranteed, and censorship is forbidden, as are giving ultimatums and stopping or cancelling publication from an administrative channel. Exception may be made in the case of emergency or time of war, allowing limited censorship of newspapers, publication and media on matters related to general safety or the purposes of national security, all according to law.

While useful, these are weak guarantees. The right to freedom of expression is only guaranteed "within the law", so the Constitution fails to place any conditions on laws which limit the right. This essentially means that legislators may pass any law at all restricting the right, largely negating the value of the constitutional guarantee, although it does at least require restrictions to be set out in law.

In this regard, the Constitution may be contrasted with international law, which provides two further limitations on the power to restrict freedom of expression. First, restrictions must serve to protect one of the private or public interests set out in international law which, in accordance with Article 19 of the International Covenant on Civil and Political Rights (ICCPR)[29], are the rights and reputations of others, national security, public order and public health and morals. Restrictions which serve other interests are not legitimate.

Second, under international law, restrictions must be 'necessary' to protect one of those interests. This is an extremely important limitation which serves to ensure that restrictions are proportionate, are carefully designed to protect the interest and are not overbroad, in the sense of going beyond simply prohibiting speech deemed harmful.

International law also includes a number of other features which are missing from the Egyptian constitutional guarantee. Under international law, freedom of expression protects not only the right to express oneself (the right to 'impart') but also the right to seek and receive information and ideas. This is an extremely important part of the guarantee, which

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29 Egypt ratified the ICCPR on 14 January 1982.

* Official English translation of the 1971 Constitution

protects citizens' right to access a diversity of information and ideas. International law also protects information and ideas "of all kinds", making it clear that unpopular or even offensive speech is also protected. Finally, international law protects the free flow of information and ideas "regardless of frontiers".

Article 13 is welcome, prohibiting, as it does, administrative censorship. However, in practice, this article has provided no protection for freedom of the press, since it may be waived whenever an emergency is proclaimed, which was the case throughout the whole period of the Mubarak regime. In practice, Article 13 has been undermined by Article 4 of the Press Law, which explicitly envisages the banning of news items which are "detrimental to the national integrity, independence or sovereignty".

Article 59 of the Constitutional Declaration, approved in the referendum, provides generally for declarations of emergencies. It requires the People's Assembly to ratify any declaration of an emergency and, importantly, it limits any emergency to six months, requiring any extension beyond this to be approved in a popular referendum. International law does allow for very limited restrictions on rights which are "strictly required by the exigencies of the situation" in case of an emergency "which threatens the life of the nation" (Article 4 of the ICCPR). Article 59 lacks these key protections on when an emergency may be declared.

Despite Article 59, the Emergency Law which was proclaimed in 1981, and which was continuously extended under the Mubarak regime, remained in force much longer than the six months envisaged in the Constitutional Declaration. The post-revolutionary period saw increasing demands to lift the state of emergency which had been in force since the assassination of Anwar Sadat in 1981. This finally happened on 31 May 2012, when the Supreme Council of the Armed Forces allowed the emergency rule that was in place at that time, which had been adopted two years earlier, in May 2010, when Mubarak was still in power, to lapse.

Article 60 of the Constitutional Declaration foresees the preparation of a new constitution, with members of the first People's Assembly and elected members of the Shura Council meeting within six months of their own elections to elect a Constituent Assembly of 100 members to prepare a new draft constitution, which task they must complete within another six months, after which the draft constitution shall be put to a referendum for approval.

A first Constituent Assembly was duly elected by the People's Assembly in March 2012. It was dominated by Islamist representatives and faced significant boycotts, including by representatives of the two main religious institutions in Egypt – the Coptic Orthodox Church of Egypt and Al-Azhar – who were concerned about the dominance of representatives from Islamic political parties. There was also significant public opposition to the composition of the Assembly. On 10 April, the Supreme Administrative Court dissolved the Constituent Assembly, less than three weeks after it had been created. The Court held that it was not legitimate for Members of the People's Assembly to sit as members of the Constituent

Assembly, and that the role of the People's Assembly was to elect, and not to be part of, the Constituent Assembly. The skewed composition of the Assembly was widely seen as being an important underlying reason for the decision.

An agreement on the election of a second, more representative, Constituent Assembly was reached on 7 June 2012, and the body was duly appointed. However, this second body still contains 39 Members of the People's Assembly and, for this reason, among others, its legal status has again been challenged. The Supreme Administrative Court has postponed a decision in the case, and there is some sentiment that if the Assembly completes the constitution drafting process by then, this will be allowed to go to a referendum. In the meantime, the Constituent Assembly has moved forward with its task of drafting a new constitution for Egypt.

On 22 November 2012, President Morsi issued a decree purporting to oust the jurisdiction of the courts to challenge any of his decisions, including those relating to the constitutional process. The constitutional referendum took place on 15 December 2012, amid severe clashes between liberal parties and the Islamic groups, and a clear divide between those opposing and those supporting the process by which the draft Constitution had been developed and its outcome.

Several actors have provided inputs on the new constitution's guarantees of freedom of expression and of the media, and the right to information. In terms of formal institutions, these include a review by the Information and Decision Support Center (IDSC) of a range of laws on access to information, which concludes that it is very important to have constitutional protection for this right. The Legislative and Constitutional Commission at the Shoura Council has also produced a set of draft constitutional human rights provisions, while both the Supreme Press Council and the Legislative Commission of the Journalist Syndicate have produced draft constitutional provisions on freedom of expression and of the media. A number of civil society groups have also produced constitutional proposals, including the National Coalition for Media Freedom (NCMF) and the Egyptian Initiative for Media Development, a group of 30 leading media professionals.

There appears to be consensus around some key points, including the need for strong guarantees of freedom of expression and of the media, and of the right to information, the need for provisions protecting the right to establish different types of media, and protection against the sort of State control that flourished under Mubarak. Beyond this, however, there are significant differences in the proposals, in particular in relation to restrictions on these key rights.

Constitutions in other countries variously include a number of other provisions on freedom of expression and of the media than are found in the Constitutional Declaration. It is common, for example, to include provisions on the right to access information held by public bodies (the right to information or freedom of information) in constitutions, and it is believed that

this will be reflected in the draft constitution being prepared by the Constituent Assembly. Many countries explicitly provide in their constitutions for the independence of bodies with regulatory powers over the media.

Other possible constitutional guarantees include the following:
- Protection for the right of journalists not to reveal their confidential sources of information.
- Prohibitions on licensing or registering journalists and/or print media outlets.
- A requirement to allocate the frequency spectrum in the public interest among all three types of broadcasters, namely public, commercial and community. In some countries, this also includes a specific reservation of a percentage of the frequency spectrum for community broadcasters.

Egypt has ratified most of the main international human rights conventions, including the key treaty guaranteeing the right to freedom of expression, the International Covenant on Civil and Political Rights (ICCPR). It has not, however, ratified the (first) Optional Protocol to the International Covenant on Civil and Political Rights, which would allow individuals to bring complaints to the oversight body, the UN Human Rights Committee, regarding a breach of rights.

1.2 The right to information is guaranteed in law and respected in practice
Egypt has not yet adopted a right to information or freedom of information law. Prior to the revolution, there had been some discussions about adopting such a law, although actual progress in this regard had been limited. The revolution brought about significant renewed impetus for the adoption of such a law. Shortly after the revolution, several senior officials, including ministers, made statements about the importance of such a measure, and some limited consultation with civil society on a draft right to information law took place in 2011. Enthusiasm in government appeared to wane, however, and consultations had come to an end by September 2011.
A coalition of civil society groups working under the umbrella of the National Coalition for Media Freedom moved forward to prepare their own draft right to information legislation[30]. Immediately after the parliamentary elections, this was presented to the Human Rights Committee of the People's Assembly. Shortly thereafter, the Ministry of Information also presented a draft to the Committee. It is unclear whether this was motivated by a desire to counter the civil society initiative or it was the natural outcome of an ongoing process inside government. In any case, progress on this legislation, like many legislative projects, is on hold since the dissolution of the Peoples' Assembly in June 2012.

Article 8 of the Press Law does purport to protect the right of journalists to access

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30 This draft was given a very high rating by the Centre for Law and Democracy, which assessed the draft using its RTI Rating methodology. See http://www.law-democracy.org/live/egypt-analysis-of-draft-civil-society-rti-law/.

information from both "public and/or government sources", "according to applicable laws". Article 9 prohibits the imposition of restrictions which impede the equal flow of information to newspapers, or which may undermine citizens' right to information, subject to rules on national security and "supreme interests". And Article 10 gives journalists the right to request information, except where it is deemed to be confidential. In practice, these provisions have done little to protect journalists' right to access information.

There is no whistleblower protection under existing Egyptian law. This is contrary to better international practice, and some international legal provisions[31]. The need for legislation extending protection to whistleblowers was stressed by several interviewees.

The Egyptian legal framework includes a rather comprehensive regime of secrecy provisions spread across a large number of laws. These include laws on the national archives, on intelligence, on auditing, on publishing military information, on publishing official documents, on the civil service, and on the Central Agency for Public Mobilization and Statistics (CAPMAS), as well as the Penal Code. Taken together, these provisions give the authorities wide discretion to refuse to disclose practically any information they please.

To give some concrete examples, Law No 12 of Year 1975 regarding the Preservation and Maintenance of State Official Documents authorises the president to set up a general system for the classification of information for up to 50 years. No one may publish classified information without the permission of the cabinet, and breach of these rules may lead to imprisonment and/or a fine. Law No 313 of Year 1956, as amended by Law No 14 of Year 1967, Prohibiting the Publishing of any News about the Armed Forces, very broadly prohibits the publication of any information about the armed forces, their structure, movements, personnel, supplies, military functions and so on, without authorisation from the director of the Military Intelligence Department. Breach of these rules can result in imprisonment of between six months and five years, and/or payment of a fine. Law No 100 of Year 1971 on State Intelligence and Secrecy Services is equally draconian, imposing obligations on both staff and private parties to maintain secrecy in perpetuity. This covers all activities, operations, approaches, staffing and functions of the security services. Breach of these rules leads to similar penalties as for disclosing military information. The Penal Code, No 57 of 1937, has a number of wide-ranging secrecy provisions, including in relation to national security (Article 85).

In practice, the government operated largely in secret prior to the revolution, although there has been a significant opening up since then, as the civil service is anxious to show that it supports and is reflecting the goals of the revolution. Proactive publication of information by government agencies has increased in recent years, but remains limited compared to most democracies. There are, however, some exceptions and the government procurement website (http://tenders.gov.eg) it is quite modern and user-friendly. The government has also

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31 See, for example, Article 32 of the UN Convention Against Corruption.

set up a central information gateway[32].

Egypt has ratified the Convention Against Corruption, Article 10 of which has been interpreted as placing an obligation on States Parties to adopt right to information legislation.

1.3 Editorial independence is guaranteed in law and respected in practice

In the past, editorial independence was signally abused in Egypt through a variety of informal and quasi-legal measures, applied by different actors, including the government, the military and security establishment, the National Democratic Party and the legislative organs of government. The variety of these measures – which were as extensive as those found anywhere in the world – reflects the enormous ingenuity and imagination of the repressive organs of the Mubarak regime.

An important purpose of the many legal restrictions on freedom of expression and of the media was to promote self-censorship rather than to set firm rules. In many cases, media outlets and/or workers were threatened with legal action, but this was not in fact acted on. Instead, this signalled a degree of displeasure on the part of the regime, and highlighted the vulnerability of the media outlet.

In other cases, financial measures were used. Threats or actual business measures might be taken against other businesses owned by the media owner. Given the all-pervasive presence of the Egyptian State in the business sector, this was a powerful and effective means of controlling the media. In some cases, interventions were made directly in the media business. For example, El Dostour newspaper was bought shortly before the revolution by a major businessman with close links to the Mubarak regime, who then changed the editorial line, resulting in the editor-in-chief, Ibrahim Eissa, leaving. Many commentators believe the government promoted this result because it felt that the newspaper had become too critical. Eissa and a dozen journalists retained control of the website, calling it the Original Dostour.

It was widely reported to us that the government had placed 'spies', i.e. people working for or reporting to the intelligence services, in all major media outlets. As evidence of this, we were informed that these services would be aware at a very early stage of information about proposed reporting or programming, which had not been shared externally. For example, the editor-in-chief might get a phone call asking why the media outlet was proposing to interview a certain person or carry a story on a particular issue.

We were also informed of the case of a broadcaster who, some months before the parliamentary elections of November/December 2010, had been told by the General Authority for Investment (GAFI), which licenses the private satellite broadcasters, to stop broadcasting news and current affairs programming. When the broadcaster persistently refused to do so, they were pointedly reminded by GAFI that their licence was up for renewal

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32 See http://www.eip.gov.eg/.

the following year.

Much more could be said on this issue, but the current situation has radically changed the environment for the media, and it remains unclear what will happen in the future. It seems almost certain that the most egregious pre-revolutionary practices will not return, although at the same time red lines certainly remain and in some ways the situation is more unstable. Thus, whereas before the revolution it was reasonably clear what was and was not allowed, this is far less clear now, with the scope of restrictions likely to be tested in the courts over time. Also, in addition to government pressure, the risk of pressure coming from religious and other groups has increased.

Formally, broadcasters are not required to carry government messages, although courts sometimes order them to carry messages as part of a criminal decision, and there were rules requiring them to carry party political broadcasts during elections, such as one finds in many democracies. In practice, however, most broadcasters did carry government messages, at least prior to the revolution. This was especially true of the ERTU stations, which operated largely as mouthpieces of government. According to information from several interviewees, these broadcasters would allocate significant amounts of time to government activities, even where these had little news value.

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

Article 7 of the Press Law protects journalists' right not to reveal their confidential sources of information, and prohibits them from being coerced to do so, although these protections are subject to "relevant laws". Thus, as with the general constitutional guarantees of freedom of expression, no constraints are placed on laws which may require journalists to reveal their sources. We were informed that, in practice, protection for sources is weak.

International law provides strong protection for confidential sources of information. This may be overridden only in accordance with the three-part test for all restrictions on freedom of expression, which, among other things, requires such restrictions to be necessary[33].

1.5 The public and civil society organisations (CSOs) participate in shaping public policy towards the media

In the past, the government consulted only sporadically on the development of laws and public policies regarding the media. For example, Law 147 of Year 2006 introduced various changes to the Penal Code, cancelling some articles criminalising publishing activities and replacing imprisonment with fines for certain other provisions[34]. We were informed that even

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33 The other parts of the test are that the restriction should be prescribed by law and should serve one of the legitimate aims listed in the ICCPR.

34 See Amira Abdel Fattah Hussein, Press Freedom In Egypt, June 2008, Chapter 2. Available at: http://www.anhri.net/en/reports/pressfredom/.

though this legislation improved the environment for the media, there was virtually no public consultation in advance of its adoption.

According to Article 70(1) of the Press Law, the Supreme Press Council, which includes some media representatives although it is largely government-controlled, has the duty of providing input into draft laws affecting the media. It is not clear whether this was respected in practice in the past. The Press Council was effectively disbanded in the post-revolutionary context, but it was restructured in October 2011 and is currently operational.

There are some indications that the practice of failing to consult even on key pieces of legislation has continued even in the post-revolutionary period. For example, in a press release issued on 9 June 2011, a number of leading human rights organisations stated:

> The political parties' law, the law on the exercise of political rights, and the law criminalizing strikes were all issued without the slightest consultation with society, political parties, and civil society[35].

On the other hand, we were informed that the Shura Council is consulting with the Journalist Syndicate around key media law and policy issues, and other initiatives to consult with the media community have been taken.

B. REGULATORY SYSTEM FOR BROADCASTING

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

There is no proper regulatory system for broadcasting in Egypt. The public (government-owned) broadcasters fall under a separate regime, governed by the ERTU Law. There are no private terrestrial broadcasters in Egypt, with the exception of two FM radio stations. Most of the private satellite television stations operate out of the Free Zones in Egypt, in particular the Media Public Free Zone. The Free Zones are located within the territory of Egypt, but are considered offshore areas for financial regulatory purposes. These Zones fall under the jurisdiction of the General Authority for Investment (GAFI)[36], although this happenstance is the only reason that GAFI has been given a role in regulating broadcasting.

To set up a business in the Free Zones, including in the area of satellite broadcasting, one must obtain a business licence from GAFI. It is not clear what exactly this involves, and there is no law setting out the rules that commonly apply to broadcasters in other countries. In particular, there is no law setting out the rules for applying for a broadcasting licence, or the criteria that a regulator should take into account in allocating such licences. While previously,

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35 In the footsteps of the Tunisian revolution: A Constitution first, note 28.
36 See: http://www.comesaria.org/site/en/article.php?chaine=general-authority-for-investment-and-free-zones-gafi&id_article=108.

applicants for a broadcasting licence needed security clearance, this has been waived since the revolution. The massive initial capital requirements that used to apply – a minimum of LE 25 million (approximately USD 4 million) – have also been waived.

In practice, although there was no specific rule prohibiting this, applications for a news channel were always refused, and stations operated under a general content licence[37]. When ON TV first applied for its licence, it applied for a news channel licence and was refused; it later obtained registration as a general channel. In the past, limited talk show content was tolerated, as long as it did not get too political. This constraint has now been relaxed, and more channels are providing what might be termed news summaries. The ability of broadcasters to produce original news is also somewhat constrained by their lack of strong networks of news correspondents. However, this has led to overlap between TV stations and newspapers, where newspaper correspondents are used by many private TV stations as their news correspondents.

In terms of independence, GAFI is a government body, which is subject to political control and direction. International law, on the other hand, requires bodies which exercise regulatory powers over the media to be protected against political interference. As the (then) three special international mandates for the protection of the right to freedom of expression at the UN, OSCE and OAS stated in a Joint Declaration on 18 December 2003:

> All public authorities which exercise formal regulatory powers over the media should be protected against interference, particularly of a political or economic nature, including by an appointments process for members which is transparent, allows for public input and is not controlled by any particular political party[38].

The reasons for this are pretty obvious. If the regulator is subject to political control or interference, its licensing and other decisions will serve the government of the day, rather than the wider public interest. As such, freedom of expression will be undermined.

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

The first sub-indicator here is about the accountability of the broadcast regulator to the public. This issue arises in the context of regulators which operate at arms-length from government (i.e. which are independent). Since GAFI is directly part of government, and is thereby at least in theory accountable to the public through the government, the issue does

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37 International Foundation for Electoral Systems (IFES), Arabs open to Democratic Reforms despite Setbacks (2007).
38 Available at: http://www.osce.org/fom/66176. There are now four special mandates, with the appointment of the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information in 2004.

not really arise.

The second sub-indicator here refers to the power of the regulator to ensure that broadcasting runs in a "fair, pluralistic and efficient manner". There is no dedicated statutory regime for the processing of broadcast licences. According to some interviewees, the process of applying for a licence was a matter of negotiating with the GAFI and of convincing them that the broadcaster would not threaten the government's interests. There is no evidence that GAFI took the values of fairness, pluralism or efficiency into account in the way it allocated licences.

C. DEFAMATION LAWS AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS

1.8 The state does not place unwarranted legal restrictions on the media

The system for registering/licensing journalists in Egypt is complex. Formally, according to Article 65 of the Journalist Syndicate Law, an individual needs to be a member of the Syndicate to practise as a journalist, although this only applies to the print media sector. That article states:

> Regular individuals may not engage in professional practices or perform press-related functions unless they are registered in the Syndicate rosters and upon an approval by the Arab Socialist Union.

Article 103 of the same law prohibits owners from hiring journalists who are not members of the Syndicate. According to Article 115, breach of these articles may result in a prison sentence for up to one year and/or a fine of up to 300 Egyptian pounds (approximately USD50).

This is implicitly supported by the Press Law, which suggests a close link between journalists and the Syndicate in many places. For example, Article 17 provides that the employment contract of a journalist may not be terminated without notifying the Syndicate. This suggests that one may only be a journalist if one is also a member of the Syndicate. On the other hand, Article 54 of the Press Law specifically provides that the editor-in-chief and editors of newspapers must be registered as employed journalists with the Syndicate, which might suggest that other journalists do not need to have this status. The Penal Code also establishes the crime of impersonating a journalist and we were informed that there have been prosecutions under these provisions in the past.

In practice, one may carry on the profession of a journalist in Egypt without being registered as a member of the Syndicate. Indeed, it was suggested to us that there were approximately 15,000 media professionals in Egypt, but the membership of the Syndicate only amounted to 6,300 people. It may well be that these apparently inconsistent rules were all part of the

complex system of control operated by the Egyptian authorities, whereby non-members of the Syndicate were always in a vulnerable position.

Membership in the Syndicate effectively, and through operation of the law, creates a two-tier status within the profession of journalism. This is because the Journalist Syndicate Law and the Press Law, taken together, afford members significant benefits, including in relation to:
- Disciplinary actions and prosecutions: see, for example, Article 43 of the Press Law, which allows the Chair of the Syndicate to attend investigations against journalists and obtain copies of such investigations free of charge, and Article 68 of the Journalist Syndicate Law, which requires permission from the public prosecutor before an investigation may be launched regarding a journalist.
- Employment agreements: see, for example, Articles 15 and 17 of the Press Law, which give the Syndicate the right to conclude employment agreements on behalf of their members and require media outlets to contact the Syndicate before terminating an employment contract with a member. Article 104 of the Journalist Syndicate Law requires contracts to be drawn up with members, and Article 113 requires employers to report to the Syndicate on all of the terms of the contracts they conclude with journalists.
- Pensions: Articles 89-102 of the Journalist Syndicate Law provide for the setting up of a pension scheme for members which is funded, among other things, by a percentage of newspaper advertising revenues.
- Other employment benefits: Article 106 of the Journalist Syndicate Law establishes rules on vacations, Article 107 addresses sick leave, Article 108 provides for notice upon termination of a contract, and Article 110 deals with severance pay.

The fund run by the Syndicate is made up of one per cent of the total advertising revenues for media houses. However, this is capped at LE 20,000 (approximately USD 3,300) for national newspapers and LE 10,000 (approximately USD 1,650) for private newspapers, so that revenues are a lot lower in practice than the one per cent levy might suggest. In 2011, for example, the Syndicate obtained about LE 549,000 (approximately USD 90,000) from this fund. The Syndicate also receives funds from its network of about 500 newspaper kiosks, rental of its venue and theatre, and membership subscription fees.

As noted, the rules on membership in the Journalist Syndicate establish a two-tier structure for the journalism profession. Under international law, it is not legitimate for this to be done through legislation. Individuals might, privately, try to establish a more elite journalists' association, but that would be a very different matter.

The Journalist Syndicate Law establishes four types of membership: employed journalists, unemployed journalists, affiliated journalists and apprentice journalists (Article 4). Article 5 sets out the conditions for membership, which include acting as a professional, not owning or holding shares in newspapers, holding a university degree, being of good repute, not having been convicted of a "dishonourable or notorious criminal act" and not having had

one's membership revoked for reasons "compromising their integrity". Article 6 appears to exclude freelance journalists from being registered as employed journalists. Individuals may, pursuant to Article 12 and at the discretion of the Registration Committee, be registered as affiliate members notwithstanding the fact that they do not meet all of the conditions of Article 5.

We were informed that, in practice, it is difficult to gain membership of the Syndicate even for individuals who meet the conditions, while there are a number of individuals who are members but who are not 'journalists' according to the definition. The names of applicants must be submitted to the "Arab Socialist Union" and the "Ministry of National Guidance"[39], which may provide "input and insight" into the application (Article 13). These bodies shall also be provided with a copy of the list of members (Articles 4 and 16).

Members may be excluded on various grounds, including non-fulfilment of any of the conditions of membership (Article 18), non-payment of fees (Article 23) and pursuant to a disciplinary action for breach of the law, the statutes of the Syndicate or the professional code of ethics (Article 76). We were informed, however, that journalists have rarely, if ever, been expelled. Members may also be moved to the unemployed journalists roster, including at the request of the Arab Socialist Union or Ministry of National Guidance (Article 20).

These rules are in clear breach of international guarantees of freedom of expression, as well as of association, which prohibit conditions being placed on who may work as a journalist, mandatory membership in a particular association, or measures which effectively ban individuals from working as journalists. This problem is significantly exacerbated by the involvement of government actors in the process of applying for membership.

The problem is further exacerbated by the fact that the Syndicate is, at least formally, subject to extensive government control, which extends to all of its organs. Pursuant to Article 36, candidates for the position of "Captain Journalist" (the head of the Syndicate) or membership of the Board must be "active members of the Arab Socialist Union". The outcome of elections to these posts, as well as decisions of the General Assembly, must be communicated to the Arab Socialist Union and Minister of National Guidance (Article 42).

The Minister of National Guidance may appeal against the membership of the Syndicate Board and General Assembly (Article 62). Where the Minister of National Guidance is of the view that the Board has failed to pursue its stipulated goals, objectives and responsibilities, or breached procedural rules, he or she may petition the President to issue a decree dissolving the Board, and replacing it with one largely under his or her control (Article 64).

Representatives of the Ministry of National Guidance sit on the investigation and disciplinary committees (Articles 80 and 81). The committee that reviews complaints regarding

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39 It is not clear which bodies in modern Egypt are currently deemed to represent these entities.

employment issues includes numerous government and official representatives (Article 113). It is well established in international law that any bodies which exercise regulatory powers over the media must be independent of government. The rules which establish the Journalist Syndicate signally fail to meet this standard.

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

Defamation is a criminal offence in Egypt and there are a number of provisions in the Penal Code relating to this. Article 179 makes it a crime to insult the President; Article 184 does the same in relation to the Majlis al-Shaab (People's Assembly), the army, the courts or any other public authority; Article 186 protects the judiciary against criticism; and Article 185 does the same in relation to public officials. The latter is mitigated somewhat by Article 302, which provides that it is not a crime to criticise the work of an official relating to their duties, if this is done in good faith, and by Law 147 of Year 2006, which removed the possibility of imprisonment for breach of Article 185.

In the past, these rules were applied sparingly and the people we interviewed referred to only a few defamation cases against the media. However, the number of cases is on the rise, although it remains too soon to predict what trend this is likely to follow. Under international law, defamation should not be criminal in nature, but should be dealt with as a civil matter. Certainly there should be no possibility of imprisonment for defamation[40].

One positive, albeit limited, development in relation to the legal framework for criminal defamation came on 23 August 2012, when President Morsi adopted a decree amending Article 41 of the Press Law, which had prohibited pre-trial detention of journalists, except in cases of defamation against the president. Islam Afifi, editor-in-chief of Al-Dostour newspaper, had been detained earlier that day under this provision. Morsi amended Article 41 so as to apply the rule on non-detention to all crimes against journalists, and Afifi was duly released. Pre-trial detention remains for non-journalists and following conviction for a crime of defamation.

International law establishes a number of limitations on civil defamation laws. There should, for example, be adequate defences against a charge of defamation, including that the statement was true, that is was an opinion or that it relates to a matter of public interest and was made with reasonable care. Under international law, contrary to the situation in Egypt, officials are required to tolerate a higher degree of criticism than ordinary citizens, among other things because such criticism is a central underpinning of democracy.

The Press Law provides for the rights of correction and reply. Article 24 requires editors to publish a correction upon request, presumably only where the information which was

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40 See UN Human Rights Committee, General Comment No. 34, 12 September 2011, CCPR/C/GC/34, para. 47.

published was incorrect, although this is not actually stipulated. Article 25 provides for a right of reply. Requests for corrections or replies may be rejected when they are made after 30 days, where the newspaper has already corrected the material or where the correction may involve a criminal act or contravene public order (Article 26). A failure to publish a correction may be reported to the Supreme Press Council and may be punished by a mandatory term of imprisonment of three years or a fine of between LE 1,000 and 4,000 (approximately USD 170-675) (Article 28).

These rules do not meet international standards. They are not subject to the necessary limitations in terms of scope; indeed their scope is simply not defined in the law. This allows anyone who has been identified in a media report to claim this right, whereas under international law it is only where a report breaches one's legal rights that a reply may be claimed. The rules are unduly limited in terms of the grounds for rejecting a reply, which should also include excessive length and going beyond the subject matter of the original article. And they impose significantly disproportionate sanctions, including imprisonment. As with defamation, any remedy for a failure to respect the rights of correction and reply should be civil in nature.

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

Legal experts informed us that there are as many as 186 laws which impose restrictions on freedom of expression and media freedom. Many interviewees made it quite clear that discussion about matters of national security was not tolerated under the previous regime, either in practice or in law. It is not clear whether or how far this particular 'red line' has moved since the revolution, and some bloggers have already been charged for criticising the military[41].

The Penal Code imposes a number of restrictions on content, including Article 80D, which prohibits the spreading of news or rumours abroad concerning the internal situation in the country, Article 174, which prohibits advocating changes to basic principles of the constitution through illegitimate means and incitement against the government, Articles 188 and 305, prohibiting the publication of false news, and Articles 189 and 190, limiting publication of information about ongoing court cases[42]. Several interviewees stressed that national security and related notions had been subject to extremely broad interpretation during the Mubarak regime and that there was a risk that this would continue.

There are also criminal restrictions on content in the Press Law. Pursuant to Article 20, journalists shall not publish information which is disrespectful of the cast, creed, nationality

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41 See, for example: http://www.itnewsafrica.com/2011/04/egypt-arrests-blogger-critical-of-military/.
42 See The Arabic Network for Human Rights Information (ANHRI), Freedom of Opinion & Expression in Egypt: Annual Report 2007. Available at: http://old.openarab.net/en/node/273.

or religion of any individual, or which demonstrates racial bias. Article 21 prohibits interfering in the private life of citizens, or addressing the "demeanour of a public servant" unless this is closely related to their public duties and is in the public interest. Breach of these rules may, pursuant to Article 22, lead to a term of imprisonment of up to one year and/or a fine of between 5,000 and 10,000 Egyptian pounds (approximately USD840-1,680).

These limitations, which are only a few of the content restrictions found in Egyptian law, are problematic. Some prohibitions, such as on advocating changes to the constitution or publishing false news, are simply not legitimate, and these types of expression are protected forms of speech under international law. In other cases, the prohibitions are cast in such vague terms that they might be abused to sanction a wide range of speech which is protected under international law.

Bloggers appear to have been particular targets of legal measures since the revolution. Thus, Alaa Abdel Fatah, a well-known Egyptian blogger, software developer and political activist, was charged with stealing weapons and disturbing the peace[43]. Another well-known blogger, Hossam al-Hamalawy, was summoned, along with some other journalists, to appear before a military court-martial on account of his participation in a talk show, where he made a criticism of alleged violations by the armed forces[44].

D. CENSORSHIP

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

As noted above, the Constitution formally prohibits prior censorship, although the exact scope of this remains unclear and, in particular, whether it applies only to administrative measures which constitute censorship or all forms of censorship. This lack of clarity is compounded by Article 5 of the Press Law, which states:

> No confiscation, suspension, and/ or termination of a newspaper, using the administrative proceedings, may be permitted.

In practice, actual forced closure of newspapers is rare and there have been no recent reported cases.

Pursuant to the Press Law, no one may publish a newspaper without first obtaining a license from the Supreme Press Council. Pursuant to Article 46, an application to this effect must include a range of information, including the name, language, periodicity, business sector and editorial structure of the publication, the nationality and place of residence of the proprietor, the budget structure and sources of funding, the name of the editor-in-chief and

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43 See http://www.guardian.co.uk/world/2011/oct/31/egyptian-junta-arrests-revolutionary-fattah.

44 See http://www.jadaliyya.com/pages/index/1734/details-of-military-prosecutors-summoning-of-egypt.

the address of the printing house that will print the publication.

The Supreme Press Council shall, pursuant to Article 47, decide on an application within 40 days and, in the event that the application is refused, it shall provide justified reasons to the applicant. In case of a refusal, the applicant may appeal to the Court of Administrative Adjudication.

The law does not stipulate what would constitute a justified reason to refuse to issue a licence. Article 49 makes it clear that it is a "special privilege" to receive a licence to publish a newspaper, and Article 50 prohibits anyone who is prohibited by law from exercising their political rights from owning or publishing a newspaper.

Although this is not explicitly set out in the law, we were informed by several interviewees that applications to establish a newspaper were, in the past, vetted by the security forces. Shortly after the revolution, the government announced that this practice would be stopped. We were also informed that in the past it was extremely difficult to obtain a licence to publish a newspaper and that even when licences were issued, this took a long time.

This has changed since the revolution, and more flexibility has been shown in issuing licences and permits for newspapers. To give just a few examples: Al-Youm Al-Sabie (the Seventh Day), has been transformed from a weekly into a daily newspaper; Al-Tahrir, a new publication founded by Ebrahim Eissa, formerly the editor-in-chief of El Dostour newspaper, has been transformed from an online to a printed newspaper; and various political parties have launched newspapers, including the Muslim Brotherhood's Freedom and Justice party, which publishes a daily of the same name, as well as the Misr 25th television channel.

The Press Law imposes stringent conditions on the structure and establishment of printed newspapers. Privately owned newspapers must take the form of co-operatives owned exclusively by Egyptians, with no one person owning more than ten per cent of the overall capital. Newspapers must, prior to publication, deposit in full in an Egyptian bank a sum of "paid-in or contributed capital". This is a substantial sum of money, at least one million Egyptian pounds for a daily (approximately USD 168,000) and smaller sums for weeklies and monthlies (Article 52).

These rules are in clear breach of international standards regarding the right to freedom of expression. Licensing of newspapers, unlike broadcasters, is not a justifiable restriction on freedom of expression. International standards even regard registration requirements for newspapers with suspicion and will approve them only if they are technical in nature, do not allow for any discretion to refuse registration and do not impose substantive burdens on newspapers. Essentially, a prospective newspaper publisher should just be able to inform the authorities about his or her intentions and then start publication.

The constraints on the structure and ownership of newspapers are also not legitimate. Absolute prohibitions on foreign involvement in newspapers cannot be justified by reference

to any legitimate national interest. While there is an interest in preventing excessive concentration of newspaper ownership, imposing a ten per cent limit on ownership in any particular newspaper is not necessary to achieve this goal. Finally, the capital deposit requirements also cannot be justified. They are not imposed in democracies and they are not necessary to protect the public, as widespread experience in other countries demonstrates.

There have been discussions, including by the Journalist Syndicate and Supreme Press Council, about changing these rules, in particular to allow for individuals to publish newspapers. To date, however, the old rules remain in place.

These problems are significantly exacerbated by the fact that the Supreme Press Council, which oversees the licensing process, is not independent. The chair is the Speaker of the Shura Council and many of the other members are appointed by the Shura Council (Article 68). The Supreme Press Council was effectively disbanded following the revolution. It has since, however, been revived and is currently operational. On 26 October 2011, amendments were adopted to Law No 96 of Year 1996 which limited the number of members on the Press Council from party political newspapers to ten, as selected by the Shura Council (as per the amended Article 68(4)). No doubt this was partly inspired by the rapid growth in both parties and party newspapers, which now total 62 newspapers from 27 different parties. This does nothing to render this body more independent.

Most major private newspapers are printed by printing presses belonging to the State-owned newspapers, and they also rely on the latter's distribution services. Exceptions include Nabaa Daily, which owns its own printing house, and Al-Masry Al-Youm, which prints partly at its own printing house and partly at that of Al-Ahram.

The large operations of the State-owned newspapers in these areas means that they have been able to offer these services at a competitive price. In general, this has not been a problem although in the past there were some instances of interference. For example, we were told that on occasion the headlines of El Dostour newspaper were changed. We were also informed of some cases of delay and problems with the quality of the printing.

There have also been some allegations of interference in the post revolutionary period. For example, we were informed that Al-Ahram interrupted the printing of the 24 September 2011 edition of Sout al-Omma newspaper (Voice of the Nation), and resumed printing only after revision of a feature on sovereign authority. The original copies that had been printed were destroyed. This led to a strike by members of the Journalist Syndicate on 1 November 2011, under the slogan 'No Military Censorship'. As part of the protests, some regular features were replaced with a blank space.

1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental

In general, prior to the revolution, there had only been a few cases of blocking of Internet

sites, mostly during elections. For example, a Facebook page relating to someone who had been tortured was taken down, and an administrative court banned a site carrying sexually explicit material, although this was never implemented. During the 2010 elections, some sites of the Muslim Brotherhood were blocked for a few days and one Twitter account was obstructed.

The shutdown, by the Egyptian authorities, of both the Internet and mobile phone services during the revolution is now legendary. As early as 25 or 26 January, three social networking websites – namely Facebook, Twitter and Bamboozle – were largely shut down in Egypt. On 28 January, all but one of the six main ISPs in the country were shut down, with the smallest provider, Noor, which services some of the main financial institutions, kept open. On 30 January, Noor was also closed down, along with the three mobile phone services. On 2 February, all of these services were allowed to resume service[45].

It is clear that these measures were a breach of the right to freedom of expression as protected under international law. They represent a completely untargeted response to the (almost entirely legal) activities that were taking place in the country, and deprived Egyptians of key communications platforms.

Furthermore, as is well known, these measures were ineffective. They did not stop either the successful organisation of the protests or the feeding of information and images from them to the outside world. This was partly due to innovative measures on the part of various parties, and partly to the existence of alternative means of transmission of data, such as satellite phones and direct satellite Internet connections.

There is some debate in the country about whether the possibility of a total shutdown of the Internet is legitimate, with some people in the country asserting that Egypt is required by the ITU to preserve this possibility, although we are not aware of any authority to this effect. A recent Joint Declaration by the four special international mandates on freedom of expression at the UN, OSCE, OAS and OSCE stated:

> Cutting off access to the Internet, or parts of the Internet, for whole populations or segments of the public (shutting down the Internet) can never be justified, including on public order or national security grounds. The same applies to slow-downs imposed on the Internet or parts of the Internet[46].

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45 See Radsch, C., Assessing Economic Implications of Egyptian Uprising – Arab Media and Society. Available at: http://www.arabmediasociety.com/?article=778.

46 Joint Declaration of 1 June 2011. Available at:
http://www.law-democracy.org/wp-content/uploads/2010/07/11.06.Joint-Declaration.Internet.pdf.

These measures by the government were possible in part because ISPs and mobile phone providers are required to register with the National Telecommunications Regulatory Authority (NTRA). It is not necessarily inappropriate to require top-level providers to register. The Telecommunications Law prohibits any form of non-licensed telecommunications service, and has an extremely wide definition of such a service, as follows: "Providing or operating telecommunication through whatsoever mean" (Article 1(4)). This would appear to cover services based on Voice over Internet Protocols (VoIP), such as skype, and even the running of any local wifi operation (such as are extremely common in homes and businesses everywhere).

There have been a number of discussions about amending the Telecommunications Law, and discussions on this have been held with civil society, legal experts, sector specialists and the government. A draft law was prepared, and submitted, to the Secretary General of the International Telecommunications Union as part of the process of consultation prior to presenting it to the People's Assembly. Among other things, the draft would have enhanced the independence of the NTRA and provided some procedural protections against interrupting or closing down communications or Internet services. With the dissolution of the Assembly, the future of this law remains unclear.

Recommendations

- The government should make a commitment to engage in widespread consultation with interested stakeholders before adopting or amending any law which relates to freedom of expression or of the media.

- The new Egyptian constitution should include strong guarantees for freedom of expression which protect the right to seek, receive and impart information and ideas of all kinds, and regardless of frontiers. Restrictions on this right should be permitted only where they are provided by law and are necessary to protect a limited set of interests, which are listed in the constitution.

- The constitution should place strict limits, of both a substantive and procedural nature, on the ability of the government to declare a state of emergency, and on its ability to restrict rights during emergencies.

- Consideration should be given to including in the constitution guarantees of the right to information, to protect confidential sources, of the independence of media regulators and to reserve frequencies for community broadcasters, as well as prohibitions on censorship of the media and on licensing newspapers or journalists.

- Egypt should ratify the (first) Optional Protocol to the ICCPR.

- A right to information law, in line with international standards, should be adopted.

- The various laws providing for secrecy should be reviewed and repealed or amended to bring them into line with the standards of the right to information law.

- The government should make a commitment to respect editorial independence and should put an immediate end to practices which interfere with this.

- The law should provide for a strong right to protect confidential sources, which may be limited only in light of overriding interests, in line with international standards.

- A law providing for the licensing of private terrestrial broadcasters should be adopted and licensing should be overseen by an independent regulatory body, which is accountable to the people through parliament, instead of by GAFI.

- A consultation should be held with interested stakeholders to determine the future of the Journalist Syndicate, with a view to bringing the system into line with international standards. At a minimum, the special status afforded to members of the Syndicate should be done away with, along with any prohibition on individuals who are not members from working as journalists, any conditions on who may be considered to be a journalist, and any limitations on media workers from forming their own unions and associations. If the Syndicate is maintained as a statutory body, it should be fully protected against political interference.

- If a percentage of the advertising revenues from newspapers continues to be allocated to journalists, this should be distributed through an independent body,

based on objective criteria, and shared among all journalists.

- The criminal defamation rules should be repealed and replaced by a set of civil rules that are in line with international standards in this area.

- The rules on the rights of correction and reply should be amended so as to limit the cases in which these rights may be claimed, to build in other protections for media outlets and to provide for civil sanctions for breach of these rights.

- The rules limiting the content of what may be published or broadcast, found in various different laws, should be reviewed and repealed or amended as necessary to bring them into line with international standards.

- The practice of using military tribunals to hear cases relating to crimes of publication should be stopped immediately.

- The Supreme Press Council should be abolished along with the system for licensing newspapers. If any system for registering newspapers is adopted, it should be purely technical in nature, and it should not allow for any discretion to refuse registration. Newspapers should not be required to provide start-up capital prior to commencing publication.

- The government should make a commitment never again to shut down the Internet or mobile phone services, and this should also be prohibited by law.

- The Telecommunications Law should be reviewed and the requirement to obtain a licence for offering telecommunications services should be limited to those larger players for which such a rule is necessary to achieve public policy goals.

Category 2

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

KEY INDICATORS

A. MEDIA CONCENTRATION
2.1 State takes positive measures to promote pluralist media
2.2 State ensures compliance with measures to promote pluralist media

B. DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA
2.3 State actively promotes a diverse mix of public, private and community media
2.4 Independent and transparent regulatory system
2.5 State and CSOs actively promote development of community media

C. LICENSING AND SPECTRUM ALLOCATION
2.6 State plan for spectrum allocation ensures optimal use for the public interest
2.7 State plan for spectrum allocation promotes diversity of ownership and content
2.8 Independent and transparent regulatory system

D. TAXATION AND BUSINESS REGULATION
2.9 State uses taxation and business regulation to encourage media development in a non-discriminatory manner

E. ADVERTISING
2.10 State does not discriminate through advertising policy
2.11 Effective regulation governing advertising in the media

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

A. MEDIA CONCENTRATION

2.1 State takes positive measures to promote pluralist media

There are no general anti-monopoly laws in Egypt. As noted above, the Press Law does strictly limit concentration of ownership in the print media sector (see Article 52). It is, however, unclear whether these rules are enforced in practice, as at least some major print media titles appear to be owned, or at least controlled, by individual businessmen. It is also not clear whether GAFI takes ownership issues into account when issuing licences to private satellite broadcasters, but in practice the main stations are all owned by different players.

Media ownership thus remains quite diverse at the moment, although some vertically integrated ownership structures are beginning to emerge, for example in the form of ownership of television, print media and online media. It may be noted that it is much easier to put in place rules limiting concentration of media ownership before concentrations start to emerge. Several interviewees stressed the need to put in place measures to prevent undue concentration of media ownership.

Newspapers have to disclose their ownership structures to the Supreme Press Council when applying for a licence, and inform the Council of any changes to this (Articles 46 and 51 of the Press Law). Similar rules presumably apply to broadcasters, through the licensing process overseen by GAFI. This information is not made public; the purpose is to ensure separation between the editor and journalists, on the one hand, and the owners, on the other (pursuant to the Journalist Syndicate Law, journalists may not own shares of newspapers). However, pursuant to Article 33 of the Press Law, newspapers must publish their budgets within the first six months and at the end of the fiscal year. This rule is not observed in practice. However, in interviews, representatives of the Journalist Syndicate suggested that they had received no information about newspaper ownership, including in response to a specific call from them to newspapers to provide this information.

2.2 State ensures compliance with measures to promote pluralist media

As noted above, there are no formal measures to ensure diversity of media ownership. It would appear that this is not an issue that actors in Egypt – whether official or civil society – have engaged in much advocacy on. It is important to address this before concentrations start to emerge as experience from other countries demonstrates that it is usually extremely difficult and controversial to try to deconstruct concentrated media empires once they are in place.

B. A DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA

2.3 State actively promotes a diverse mix of public, private and community media

There are no community media in Egypt (see Indicator 2.5). We were informed that there has traditionally been a significant bias towards the State media, both print and broadcast, in terms of gaining access to government information. In return, these media have largely, albeit to varying degrees, acted as mouthpieces of government[47]. An important vehicle for accessing government information is the Press Bureau, managed by the Ministry of Information, which involves highly systematised and bureaucratic procedures for releasing information, and these procedures allow for biases to be introduced[48]. With the changing power structure inside government now, this may change, although the new directions on this are not yet fully clear.

ERTU has ready access to digital frequencies and it is already broadcasting a number of channels in digital format.

In the print media sector, there are major legal constraints on setting up newspapers in Egypt, which again limits diversity in this sector. The capital deposit requirements, for example, essentially mean that only wealthy people can set up newspapers.

2.4 Independent and transparent regulatory system

The whole system of regulation of the media in Egypt is geared towards ensuring government control, with the result that it actively discourages media diversity. As noted above, there are almost no private terrestrial broadcasters, and no community broadcasters. There is, as a result, absolutely no equitable access to the frequency spectrum.

This is clearly contrary to both international standards and the practice of other States. The four special international mandates to promote freedom of expression at the UN, OSCE, OAS and African Commission stated in a Joint Declaration on Diversity in Broadcasting issued on 12 December 2007:

> Different types of broadcasters – commercial, public service and community – should be able to operate on, and have equitable access to, all available distribution platforms. Specific measures to promote diversity may include reservation of adequate frequencies for different types of broadcasters[49].

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47 We were informed, for example, that the State English language weekly newspaper is relatively more independent than the Arabic language newspapers. This may be due to the fact that it is mostly read by foreigners and local intellectuals, who can already be expected to have access to a diverse range of news sources.

48 See International Foundation for Electoral Systems (IFES), note 35.

49 Available at: http://www.osce.org/fom/66176.

In democracies, in practice, licences and frequency spectrum are allocated to all three types of broadcasters. In some countries, for example in Europe, there were historically only public broadcasters but these State monopolies were done away with decades ago. In a case decided in 1993, the European Court of Human Rights comprehensively rejected Austria's argument that a State broadcasting monopoly was the best way to promote diversity, stating:

> Of all the means of ensuring that [pluralism is] respected, a public monopoly is the one which imposes the greatest restrictions on the freedom of expression, namely the total impossibility of broadcasting otherwise than through a national station … It cannot be argued that there are no equivalent less restrictive solutions; it is sufficient by way of example to cite the practice of certain countries which either issue licences subject to specified conditions of variable content or make provision for forms of private participation in the activities of the national corporation[50].

The processes for licensing both newspapers, overseen by the Supreme Press Council, and private satellite broadcasters, overseen by GAFI, are conducted in secret and without any opportunity for public participation. As noted above, both the Council and GAFI lack structural guarantees of independence and in practice both have traditionally very much operated to serve the government's interests rather than the wider public interest.

These problems were seen in the 4 April 2012 renewal of the two private FM radio licences. These were granted to the same company which had held them since they were first granted in 2003, the Nile Company for Broadcasting Production. The renewal was done through a direct order, and without any public consultation or opportunity for other players to present bids for these exclusive licences. Concerns were also voiced about the value of the concession, which was granted at LE 40 million per year (approximately USD 6.6 million). Although this was a significant increase over the LE 2.5 million annually that the company paid previously, some commentators have claimed that the commercial value of the contract is significantly greater than the fee would suggest.

There is a measure of diversity in terms of the availability of a number of satellite television broadcasters. Some interviewees believe that this was part of the Mubarak regime's attempt to justify its claims that there was respect for freedom of expression while maintaining a significant degree of control over the broadcasting system. Most of the licences were issued to businessmen with other business interests. Concern for the welfare of those other businesses, in a State where an enormous amount of all economic activity was (and still is) linked to the government in one way or another, meant that owners would not allow highly critical material to be disseminated. Certainly they respected the government's redlines, both internal – for example relating to the army, Mubarak's family wealth and health, and the idea

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50 Informationsverein Lentia v. Austria, 24 November 1993, Application Nos. 13914/88, 15041/89, 15717/89, 15779/89, 17207/90, para. 39.

of Mubarak's son, Gamal, taking over power – and international – for example relating to Israel and Palestinian affairs.

2.5 State and CSOs actively promote development of community media

There are no community media, properly speaking, in Egypt, or even media that resemble community media, at least in the broadcasting sector, in part because there are (almost) no private radio stations. As noted above, international standards require States to allocate frequencies to all kinds of broadcasters, including community broadcasters. These broadcasters make a very significant contribution to diversity, including by providing local communities with a unique vehicle for both accessing information and being able to give voice to their views and concerns. The Joint Declaration by the special international mandates on freedom of expression noted above specifically recognised the importance of community broadcasting, stating:

> Community broadcasting should be explicitly recognised in law as a distinct form of broadcasting, should benefit from fair and simple licensing procedures, should not have to meet stringent technological or other licence criteria, should benefit from concessionary licence fees and should have access to advertising[51].

C. LICENSING AND SPECTRUM ALLOCATION

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

There is a State plan for the allocation of the frequency spectrum that is available online[52] and which meets ITU requirements. The plan was drafted by the National Frequency Management Commission, which is composed of representatives of NTRA, the Ministry of Telecommunications, the armed forces, the presidency and three independent experts. The plan was last updated in 2008 and was due to be updated again in 2012, although this has not yet happened.

There was no public consultation around or input into the development of this plan, apart from the involvement of the three independent experts. In terms of broadcasting, the plan allocates blocks of frequencies for broadcasting uses (such as the FM radio spectrum) but it does not sub-allocate frequencies to different types of broadcasters within those blocks. As a result, the plan does not realise its potential in terms of serving as a tool for equitable allocation of frequencies among the different types of broadcasters and thereby promoting diversity in broadcasting. In some countries, in contrast, parts of the broadcasting spectrum are reserved for community broadcasters, or to promote other public interests, such as local broadcasting.

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51 Available at: http://www.osce.org/fom/66176.
52 At: http://www.tra.gov.eg/EgyAllocChart.pdf.

2.7 State plan for spectrum allocation promotes diversity of ownership and content

As noted above, only the State broadcaster, ERTU, has access to terrestrial broadcasting frequencies, which is clearly not an equitable allocation of frequencies among different types of broadcasters.

It is not clear whether any frequencies apart from satellite frequencies have been reserved for private broadcasting uses. Some interviewees suggested that issuing licences for private broadcasters would involve technical, as well as political, challenges. The ERTU has claimed that there are no frequencies available for private broadcasters[53], but this would appear to be questionable. It does not seem to be technically possible that the ERTU is, for example, using all of the FM radio spectrum, which is centrally allocated by the ITU for this sort of broadcasting use. If it is, then it probably needs to either surrender some of these frequencies for private radio uses or upgrade its equipment to allow for more stations within the same band.

We were informed that there is a plan for the transition of television transmission from analogue to digital broadcasting, but it is unclear whether the plan has been fully developed. No one in civil society seemed to be aware of the plan, which has not been published. It is understandable that this is not a priority in the current political environment. However, the ITU has set June 2015 as the deadline for the switch-off of analogue broadcasting in the UHF band for some countries, although this is 2020 for some countries and the VHF band. According to some interviewees, there are also a number of other challenges to making the switchover, including the lack of investment in this area due to low potential for profit.

It is, as a result, unclear whether the so-called digital dividend has been planned for and, if so, what uses it will be allocated to. It is not possible, therefore, to assess whether or not part of the digital dividend will be allocated back to broadcasting uses[54].

Almost all of the private Egyptian satellite television broadcasters are carried by Egyptian government Nile Sat satellites, and this has been used as a lever of control in the past. Aghapy TV , for example, is carried by the US satellite Telstar, allegedly because the Egyptian government would not allow it to be disseminated over the Nile Sat system[55].

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53 See Anne Cooper-Chen, Global entertainment media: content, audiences, issues (2005: New Jersey, Lawrence Erlbaum Associates), p. 88. Available at: http://books.google.com/books?id=gb8Bkmq5254C&lpg =PA88&ots=KVh1ZYngdN&dq=ertu%20law%2013%201979&pg=PA88#v=onepage&q=ertu%20law%20 13%201979&f=false.

54 This is called for directly in the MDIs themselves and has also been stressed by other leading international commentators. See, for example, the 12 December 2007 Joint Declaration by the special international mandates for promoting freedom of expression.

55 See IREX, Media Sustainability Index (MSI, 2006).

2.8 Independent and transparent regulatory system

As noted above, the processes for allocating newspaper and broadcasting licences are neither independent nor transparent. Rather, they are designed to allow for strict government control over who has access to these licences. There are no broadcasting criteria for assessing applications and it is unclear how decisions are made or on what basis. It is unclear whether the regulator, NTRA, monitors frequency usage, but since only ERTU has access to terrestrial broadcasting frequencies, it could resolve any issues or conflicts relating to usage internally.

In democracies, licensing processes for the allocation of broadcasting licences are set out in primary legislation and often elaborated upon on secondary legislation. The rules, including the criteria for deciding between competing licence applications, are, as a result, set out very clearly in law. For more significant licences – such as television licences – the public are given an opportunity to comment on the applications. This ensures that the process is both fair and participatory.

D. TAXATION AND BUSINESS REGULATION

2.9 State uses taxation and business regulation to encourage media development in a non-discriminatory manner

There are no preferential taxation or other fee rules for the print media, which operate in the same manner in this regard as ordinary companies. Pursuant to Article 30 of the Press Law, newspapers may not receive any contributions or donations from foreign entities.

After lobbying by advertisers, on 8 June 2006 the government reduced the tax on advertisements from 36 per cent to 15 per cent, which was a significant tax benefit for media outlets. The Journalist Syndicate estimates the total advertising revenues for the Egyptian media in 2011 to be around LE 1.4 to 1.6 billion (approximately USD 230-263 million). A significant portion of this came from election advertising, most of which went to the private media in the 2011 parliamentary elections. Political advertising is often placed in party and other supportive media, rather than on a more commercial basis[56].

Private satellite broadcasters and internationally registered newspapers are registered in the Free Zones of Egypt, although the latter does not include most of the main newspapers. As a result, they do not pay tax on imported goods, although they do have to pay fees on revenues. This is certainly a significant benefit for these services. But it was not put in place with a view to promoting media development. Rather, it was simply part and parcel of a wider effort to promote economic development.

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56 See IPSOS, Political Marketing in Egypt". Published in Al-Masry Al-Youm, 2 February 2012. Available at: http://www.almasry-alyoum.com/article2.aspx?ArticleID=326850&IssueID=2399.

E. ADVERTISING

2.10 State does not discriminate through advertising policy

There is no formal code or policy governing the allocation of the very substantial State advertising budget. We are not aware of any studies or surveys that have measured the way in which this advertising is allocated. However, informal estimates suggest that around 80 per cent of these resources are allocated to the State media, with the remaining 20 per cent going to private media. Some interviewees suggested that at least some private media do not get any government advertising.

This would not appear to be justified based on objective considerations such as audience share. Certainly it does not comport with spending by political parties during the 2011 elections, when 88 per cent of broadcasting advertising spend went to the private channels, and only 12 per cent to ERTU channels. This was itself an almost complete reversal of the 2010 elections, when ERTU took 85 per cent of the broadcast advertising share[57].

Furthermore, anecdotal evidence suggests that where the government wants to reach out to the wider public, for example in its tax campaigns or taxi/truck renewal campaign, it directs more of its advertising effort towards the non-State media, on the basis that this will reach a wider overall audience. This supports the claim that the 'regular' allocation of public advertising, which goes disproportionately to the State media, is not based on proper considerations (i.e. reaching the desired population with the message contained in the advertisement).

2.11 Effective regulation governing advertising in the media

There are no formal limits on the amount of advertising that may be carried in the media, and at least some media outlets in both the print and television sectors carry very substantial proportions of advertisements. There are also no established codes of conduct regarding advertising, although we were informed that some media outlets do have internal guidelines on this.

Article 31 of the Press Law provides, very generally, that advertisements in newspapers may not contradict the shared values, ethics and ideas of society, or the "mission statement, goals and objectives of journalism", whatever these vague terms may be deemed to mean. Editorial content and news must be clearly separated from advertising. Pursuant to Article 30 of the same law, newspapers may not overcharge for advertising.

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57 Ibid.

Recommendations

- Rules should be put in place which limit concentration of media ownership both within and between media sectors, before such concentrations start to be a problem in Egypt. These rules should be accompanied by requirements of transparency in relation to the ownership of media outlets.

- The government should adopt and implement policies to ensure that it provides information on an equal basis to all media.

- A comprehensive system for licensing private terrestrial broadcasters should be put in place, overseen by an independent body, as recommended in the previous section. A key aim of the system should be to promote diversity in the broadcasting sector. To this end, the system should include specific rules on the licensing of community broadcasters, which involve simple application processes and are either free or very low cost. All licensing processes should be based on clear criteria and rules set out in advance, and should be open and allow for public participation.

- The updating of the radio frequency spectrum plan should be an open, consultative process, allowing for input by civil society and other interested stakeholders. The plan which emerges from this process should include indicative sub-allocations of frequency blocks (such as the FM spectrum) among different types of broadcasters. These sub-allocations should support the goal of promoting diversity in broadcasting. The system should be carefully designed to work in tandem with the licensing system described above.

- A plan for the transition from analogue to digital television broadcasting should be developed in an open and participatory manner, which is closely linked to the planning process described above. The plan should take into account the need to ensure that sufficient frequencies are available for broadcasting uses.

- Consideration should be given to removing the prohibition on newspapers receiving foreign support and, at a minimum, it should be made less absolute.

- A system should be put in place to ensure that State advertising is allocated according to objective criteria, such as market considerations, and in a manner that it is protected against political interference.

- The media should be encouraged to put in place a self-regulatory system for advertising, which includes overall limits on the amount of advertising that may be carried, in both the print and broadcasting sectors, as well as rules on the nature and content of that advertising.

Category 3

Media as a platform for democratic discourse

KEY INDICATORS

A. MEDIA REFLECTS DIVERSITY OF SOCIETY

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

3.2 Media organisations reflect social diversity through their employment practices

B. PUBLIC SERVICE BROADCASTING MODEL

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

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

3.5 Independent and transparent system of governance

3.6 PSBs engage with the public and CSOs

C. MEDIA SELF-REGULATION

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

3.8 Media displays culture of self-regulation

D. REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

3.9 Effective broadcasting code setting out requirements for fairness and impartiality

3.10 Effective enforcement of broadcasting code

E. LEVELS OF PUBLIC TRUST AND CONFIDENCE IN THE MEDIA

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

3.12 Media organisations are responsive to public perceptions of their work

F. SAFETY OF JOURNALISTS

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

3.14 Media practice is not harmed by a climate of insecurity

Category 3
Media as a platform for democratic discourse

A. MEDIA REFLECTS DIVERSITY OF SOCIETY

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

Arabic is the overwhelmingly dominant language in Egypt, although there are also pockets of Nubian and Berber speakers. The media is also largely in Arabic, although there is some English and French language media.

There has been a significant development of new media outlets in Egypt following on from the revolution, and these new outlets, along with positive changes in the output of pre-existing outlets, have led to far greater diversity in the media. This is most obviously true at a political level – with the introduction for the first time of Muslim Brotherhood and Salafist media, for example – but more attention is also being given to young people, and especially young revolutionaries, who have historically had very little opportunity to express themselves through the traditional media.

At the same time, some interviewees suggested that even the private broadcast media were not as diverse as they should be, including in terms of styles and formats, with many employing similar broadcasting approaches and undertaking very little investigative journalism, so that the only difference between stations is who serves as anchor. Others felt that there was diversity, but that quality standards were low.

We were informed that local media are underdeveloped in Egypt. ERTU operates six 'local' stations which cover different parts of the country, and which focus more on local news and events. However, the relatively large size of the sectors they cover – which is normally several Governorates or provinces – means that their coverage is not really very local in nature. In mid-2011, a reform brought these channels under a unified structure with the name Al Mahrousa. Reports suggest that they suffer from poor infrastructure and have low audience shares[58].

The State newspapers do not publish local versions, although there is some adaptation of content for the very big cities (such as Alexandria; this is also the case for some private newspapers). There are few local private newspapers in Egypt, and coverage by the main private newspapers of local affairs is limited. On the other hand, many municipalities produce their own newspapers, providing a form of local public news, albeit with a skew towards

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58 See Al-Masry Al-Youm, "Al Mahrousa television suffers poor infrastructure and absence of audience", 12 November 2011. Available in Arabic at: http://today.almasryalyoum.com/article2.aspx?ArticleID=317067&IssueID=2317.

government perspectives.

The Journalist Syndicate has made some efforts to address this problem, including by providing training to local journalists to help ensure that they can provide better (local) news feed to their national employers, in the hope that this will be more likely to be carried. It has also put more effort in recent months into fostering the establishment of sub-syndicates representing local journalists, along the lines of the existing sub-syndicate in Alexandria.

It was agreed by all interviewees that the State media have, at least in the past, demonstrated a strong bias towards the government in their coverage, although the degree of bias varied among these media. It was also widely agreed that bias has diminished since the revolution, although different views were expressed as to how far this was the case. There have been a number of changes in terms of senior personnel at ERTU, although recent trends are towards greater government control in this process, and most of the personnel remain the same. Experience in other countries that have promoted a transformation of State media into public service media suggests that this is not an easy task and that it is likely to take quite some time. The vast size of ERTU is likely to further complicate this effort.

3.2 Media organisations reflect social diversity through their employment practices

According to statistics maintained by the Journalist Syndicate, in 2011 just over one-third of their members were women. This represents an increase over previous years, from just 22 per cent in 1997 and 27 per cent in 2008. No information was available on the percentage of women among the wider community of journalists, estimated to be around 15,000. We were informed that some 90 per cent of mass communications students were women, although many pursue professions other than journalism.

These levels drop dramatically if one looks at the number of senior positions held by women. In 2011, according to the Supreme Press Council, there were only two female editors-in-chief, representing less than one-half of one per cent of the total. Only one of 40 members of the Supreme Press Council was female, and a woman occupies only one of eleven Board member positions at the Journalist Syndicate[59].

The Syndicate's statistics indicate some 250 Coptic members, or around four per cent, far less than their overall representation in Egyptian society of around ten per cent. There are also around ten members from each of the Evangelical and Catholic Christian denominations. There are no Copts on the boards of either the Journalist Syndicate or the Supreme Press Council. In recent months, the Syndicate has acknowledged a need to become more

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59 The International Women's Media Foundation's Global Report on the Status of Women in the News Media, 2011, states that the situation for women in the media is "relatively better in both Egypt and Israel, where women are well over half the journalism workforce in the companies surveyed", p. 10, but this does not address the hierarchical problem noted above. Available at: http://iwmf.org/pdfs/IWMF-Global-Report-Summary.pdf.

representative, in particular of the youth. It has, for example, considered setting up ad hoc committees to discuss issues of interest to the youth, and potentially to other groups.

Several interviewees recognised that, at least in practice, there is a significant religious divide in terms of employment within the media. It is not clear whether this is the result of active prejudice and discrimination, historical employment directions and tendencies, or wider social religious divisions.

B. PUBLIC SERVICE BROADCASTING MODEL

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

In Egypt, the public (government owned/national) media comprises broadcasters, print media outlets and the Middle East News Agency. The main government newspapers started out as private newspapers, but were nationalised in 1960. Pursuant to Articles 55 and 56 of the Press Law, the so-called 'national newspapers' (i.e. the ones owned by the State), are "free-standing and autonomous" and they are required to provide "a free national platform for all political voices and trends and key actors". The law does not otherwise, however, establishes a mandate for the national newspapers.

Despite the formal guarantee of autonomy, in practice the editorial independence of the national newspapers is not guaranteed and everyone we discussed this with –including interviewees who were working or had worked for these outlets – agreed that they were not impartial in their reporting. Some interviewees suggested that the journalists and other employees at these organisations have adopted the attitude of civil servants, and have lost their sense of being professional, independent journalists.

These organisations also lack structural guarantees of independence. Pursuant to Article 65 of the Press Law, the editorial board of these newspapers is chaired by the editor-in-chief, who is appointed by the Shura Council, while the other members are appointed by the board of directors (see below).

The national newspapers are funded primarily through advertising, which represents some 50-60 per cent of their revenues and at least some, such as Al-Ahram, appear to have been quite well endowed until recently. However, we were informed by some interviewees that a lucrative source of funding for these newspapers before the revolution was the paying of what essentially amounted to tributes to the government, and especially the President, through the placement of congratulatory advertisements. This source of funding has now dried up. It may be noted that the Supreme Press Council sets the rates for government advertising in the national newspapers. It also sets the number of copies they can produce and the price they may charge for them.

The Culture and Media Commission of the People's Assembly announced recently that

the cumulative debt load of the national newspapers had accumulated to LE 12 billion (approximately USD 2 billion)[60]. A report by the Central Audit Organization shows that by mid-2009 their operating losses had reached LE 2.4 billion (approximately USD 395 million)[61]. Several of these newspaper houses appear to be struggling to survive in the post revolution era, and we were informed that some were selling off their assets to survive. This would appear to be a result of both the changes engendered by the revolution, including increased competition and loss of favoured status, and poor economic management.

Article 2 of the Egyptian Radio and Television Union (ERTU) Law sets out a number of purposes for ERTU as a whole. These include delivering broadcasting services in an effective and efficient manner, for the benefit of the nation, consistently with the values of Egyptian society and the Constitution. ERTU is specifically given a wide range of tasks, including promoting knowledge and social values (unity, peace, human rights, the rule of law and the like), developing broadcasting, presenting current trends in public opinion, covering legislative bodies, expanding its coverage, fostering creative Egyptian talent, providing news coverage, and improving technical standards in broadcasting. No specific or tailored mandate is provided for the many different stations operating under the ERTU umbrella.

There is no mention of independence in the ERTU Law, except with respect to the budget, which shall be independent, "as decreed and mandated by the President" (Article 18 of the ERTU Law). In practice, most interviewees agreed that the broadcasters under ETRU were, on average, even less independent in their coverage than the national newspapers, especially the television outlets. The heavily top-down management model which is said to prevail within ERTU exacerbates its lack of independence. It is also characterised by a strongly vertically integrated economic structure, which leads to the creation of bottlenecks and control points.

The budget of ERTU is decreed by the President, upon presentation of a budget by the Board (Articles 16 and 18). According to the law, ERTU may raise funds from statutory fees, business activities, government budget allocations, grants and revenue generated by the companies it owns (Article 20). In practice, we were informed that funding for ERTU comes largely from the State budget, although ERTU stations do lease out some broadcasting time. Furthermore, ERTU has some significant business interests, including major shares in Nilesat. ERTU's funding must cover the salaries of its 43,000 employees, of whom only eight per cent are media professionals, as well as all of its other costs. Some interviewees suggested that salaries at ERTU are much lower than at the private media enterprises. There are no formal mechanisms to protect ERTU from government interference through control

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60 Based on press releases issued by the Commission. Available at: http://digital.ahram.org.eg/articles. aspx?Serial=898917&eid=1187.

61 Statement by Mamdooh Al-Wali, Chairman of the Journalists Syndicate, before the Culture and Media Commission of the People's Assembly. A press release on this is available at: http://www.almasryalyoum. com/node/751721.

over its funding.

At least since the revolution, ERTU has been experiencing financial difficulties, in part due to increasingly vigorous competition from the private channels, in part due to its bloated structure, and in part due to a natural shift in favour of the private channels, associated with the revolution and the political changes it engendered. ERTU received about LE 1.6 billion (approximately USD 263 million) in direct government subsidies in 2011. Despite this, the overall debt of the organisation is LE 13.5 billion (approximately USD 2.2 billion). This is in part due to losses at Nilesat, themselves the result of heavy capital investments (including the launch of several satellites around the same time) and a downturn in revenues[62].

As is clear from the structure of ERTU (see below), it is accountable to the government rather than to the people. Accountability systems, however, are fairly robust. An annual report was historically provided, through the Minister of Information, to the People's Assembly and the ERTU provided quarterly reports to the Prime Minister. There are also systems to ensure financial accountability[63].

Altogether, as noted in the Introduction, the public (government) media in Egypt constitutes a vast media empire, which naturally raises questions about whether all of these outlets should remain in public hands. There were a range of views among interviewees about this issue in relation to public newspapers, with some supporting a continued strong State presence in this sector, and others calling for many or all of these newspapers to be transformed into private enterprises, for example in the form of joint stock companies. Some interviewees suggested that loss-making publications should be terminated.

There was, on the other hand, a surprising degree of consensus that the ERTU, despite its vast size and historical role as a mouthpiece of government, should remain in public hands. Almost everyone, however, stressed the need for it to be transformed into an independent entity, serving the public rather than the government.

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

ERTU is a major shareholder in Nilesat, so its broadcasters have ready access to satellite forms of distribution. There is no negative discrimination against the State broadcaster in terms of carriage, although we did hear some allegations of discrimination against private broadcasters.

3.5 Independent and transparent system of governance

The Press Law sets out the governance structure for the national newspapers. For each

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62 Statement by Osama Haikal, former Minister of Information, in an interview published in Al Sharq Al-Awsat, 11 August 2011. Available at: http://www.aawsat.com/details.asp?section=4&issueno=11944&article=635244.

63 See, for example, Articles 21-22 of the ERTU Law regarding auditing of the accounts.

of these, the key body is the board, which appoints members of the editorial board and sets the overall policy framework for the organisation. The board chair is selected by the Shura Council, and the board also comprises six employees (two each elected from among journalists, administrators and labourers), and six others appointed by the Shura Council, of whom at least four must 'belong to' the newspaper (Article 64 of the Press Law).

There is also a general assembly for each newspaper, headed by the chair of the board and including 15 members elected from among journalists, administrators and labourers, along with 20 members (i.e. a majority) selected by the Shura Council (Article 62 of the Press Law).

For its part, pursuant to Article 196 of the 1971 Constitution, the Shura Council had two-thirds of its members elected and one-third appointed (this has been continued pursuant to Article 35 of the Constitutional Declaration). It is widely agreed that the old Shura Council was not an independent body.

It is clear that in both law and practice the national newspapers were not independent bodies in the past. Some interviewees noted that this impacted negatively on the professionalism of those occupying senior positions at these newspapers, and that there was a need to introduce open competitions for these positions to redress this problem. Options for these newspapers include transforming them into public service media, along the lines of public service broadcasters, or undertaking some form of privatisation programme. As noted above, there appears to be some support for both options and either could, if done properly, meet international standards. It is not appropriate, however, for these newspapers to remain under government control.

According to the ERTU Law, the ERTU governance structure comprises a General Assembly, Board of Trustees, and Board of Managing Directors or sector board (Article 4). According to the law, the General Assembly is chaired by the Minister of Information and also includes around 12 other ministers, the members of the Board of Trustees, representatives of various other official bodies (the Supreme Council for Youth and Sports and Al-Azhar), and other experts appointed by the Minister of Information (Article 28). This body approves the annual reports and financial reports, draft budgets and actual budgets, and other financial documents of ERTU (Article 29).

The Chair of the Board of Trustees is appointed by a presidential decree, upon the recommendation of the cabinet, and a deputy chair is designated by the Minister of Information. A number of public figures appointed by the Prime Minister, the managing directors of the main 'sectors' of ERTU (of which there are around ten) and the President of the General Authority for Information make up the other members. The Board of Trustees meets at least once a month and is the main management oversight body for ERTU. It sets the main policies for ERTU, approves the activity plans, develops the code of ethics, approves the internal by-laws and statutes, including pay scales, and monitors and assesses performance (Articles 5-10). However, decisions of the Board of Trustees need to be approved by the

Minister of Information (Article 8).

The Board of Managing Directors is convened under the chairmanship of the 'President of the Board of Trustees' (who is presumably the chair of that Board, appointed by the President of the Republic). The Board of Managing Directors also includes the directors of each ERTU sector, which are news, television, radio, engineering and so on. These directors are appointed by Presidential Decree (ERTU Law, Article 12).

After the revolution, the head of ERTU was removed, and Dr. Samy Sherif, formerly a media and communications professor, was appointed as Chair, alongside a military general. Dr. Sherif was, however, removed at the beginning of June 2011, and replaced by Tarek El-Mahdy, a general. With the reinstatement of the Minister of Information in July 2011, structural management of ERTU largely returned to the status quo ante. There are now some 18 managers and senior personnel with a military background at ERTU, many of them having the rank of general.

It is clear that the ERTU structures are not remotely independent. Amendments to the ERTU Law in 1989, in the form of Law No. 223 of Year 1989, increased the extent of government control (for example, providing that the Minister of Information, rather than the Chair of the Board of Trustees, shall chair the General Assembly, appoint the Deputy-Chair of the Board of Trustees and approve the decisions of the Board of Trustees). The appointments process has not been open in the past.

There have, however, been some positive developments in terms of the independence of ERTU stations. On 9 September 2012, for example, the Minister of Information, Salah Abdel-Maksoud, stated that no one would be formally barred from appearing on State television and, in practice, a number of figures who had been excluded have reappeared. Female presenters are now allowed to wear veils while being broadcast, and the Minister of Information also declared that he would not oppose Christians wearing crosses from appearing on television[64].

3.6 PSBs engage with the public and CSOs

There is, as noted above, no opportunity for civil society involvement in appointments to the governing bodies of ERTU, although some civil society experts might be appointed to the General Assembly or Board of Trustees (by, respectively, the Minister of Information or Prime Minister). There is also very little scope for civil society to be involved in the governance structures of the national newspapers, although there is a role for employees.

There are few formal mechanisms for citizen engagement in ERTU, although there is an informal complaints system (see below under Indicator 3.10). Audience call-in shows are aired on a daily basis. The websites of the various channels include interactive sections where

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64 It should be noted that Salah Abdel-Maksoud has also made statements which are less supportive of free speech. See, for example: http://gate.ahram.org.eg/News/248351.aspx.

the audience can vote on programmes, but these are comparatively poorly constructed and attract relatively little traffic.

C. MEDIA SELF-REGULATION

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

There is no real self-regulatory system for the print or broadcast media in Egypt. Instead, at least for the print media, the Press Law and Journalist Syndicate Law establish what might be termed a co-regulatory system. Pursuant to Article 34 of the Press Law, disciplinary actions may only be taken against journalists by the Journalist Syndicate. Articles 35 and 36 provide that, after deliberating, the Syndicate Board may refer a journalist to an investigation panel, made up of the Deputy Chair of the Syndicate, a judge from the State Council, selected by that Council, and the Secretary-General of the Syndicate (or a sub-syndicate, as warranted). The (older) Syndicate Law provides for a slightly different composition for this panel, namely the Deputy Chair, a legal advisor from the Ministry of National Guidance and the Secretary of the Syndicate (Article 80).

A case may be referred, presumably by an investigation panel, to the disciplinary board for acts "at variance with" the Journalist Syndicate Law, the internal statutes of the Syndicate, the code of ethics or "specified professional duties and responsibilities", or for any act that "may compromise the integrity of the Syndicate" (Article 75 of the Syndicate Law). The disciplinary board is described in Article 37 of the Press Law as comprising three members selected by the Syndicate Board from its members, one member from the Supreme Press Council also selected by the Syndicate Board, and one judge from the State Council. Article 81 of the Syndicate Law, on the other hand, describes the membership of the disciplinary board as being two members of the Syndicate Board and one member from the Ministry of National Guidance.

According to Article 38 of the Press Law, supported by Article 82 of the Syndicate Law, appeals from the verdicts of this body go to the Disciplinary Appeal Board, composed of the members of a judiciary circuit at the Cairo Appeal Court, a member of the Syndicate Board and a representative chosen by the journalist under investigation.

Article 77 of the Syndicate Law provides for a range of disciplinary sanctions, including a warning letter, a fine, a one-year suspension from the Syndicate and expulsion from the Syndicate.

Pursuant to Article 70(10) of the Press Law, the Supreme Press Council is tasked with "releasing the code of ethics developed by the Journalists Syndicate", which according to the Journalist Syndicate Law is developed by the Syndicate Board (Article 47) and approved by the General Assembly. A Press Code of Ethics was issued by Decree 4/1988 of the Supreme Press Council.

The Code includes many provisions that are commonly found in other such codes, along with a few that are not. An example of the latter is the stress on moral issues in the Code. Thus, clause II(1) calls for respect for the truth, but "in a manner that best secures the virtues and morals of the society", while clause II(3) is closer to what you would expect to find in such a code, simply calling for the honest presentation of information, without distortion. Another example of an unusual provision is the Code's inclusion of calls for solidarity among journalists, for example in clause II(12), which calls on journalists to "refrain from causing personal mutual harm". The Code also seeks to establish journalists' rights – for example to protect their sources (clause (1) under Rights)) and not to be blackmailed (clause (2) under Rights)) – although it is not clear who might be bound by these purported obligations (since the Code only binds journalists).

The statutory nature of this system means that it cannot be described as a self-regulatory system. Another problematic element of the system is its quasi-legal nature, for example with judges sitting on the disciplinary panels, with it having a mandate to enforce not only the Code but also the law, and with the power to impose fines being part of the system. As a result of this, journalists are subject not only to the law as applied by the courts but also a sort of parallel quasi-legal system of rules and enforcement.

It is also problematic that the two bodies which enforce the system – the Journalist Syndicate and the Supreme Press Council – are statutory bodies which lack independence from government. The Code is also problematic. It is not clear how it was developed, and what degree of input into it journalists had. But it goes beyond what are considered appropriate matters for inclusion in media codes of conduct. In practice, the Code is rarely applied and does not appear to be relied upon by the journalistic profession for guidance. There is also a statutory code for broadcasters (see Indicator 3.9).

Finally, it may be noted that this regime does not even provide for a system whereby members of the public may lodge complaints against the media for what they believe is unprofessional behaviour. Rather, cases are introduced into the system exclusively by the Syndicate Board.

Very recently, a committee with representatives of both the State and private media has been established, with the aim of developing a charter or code of ethics for the media, which might over time evolve into a version of a self-regulatory system.

3.8 Media displays culture of self-regulation

There are very few systems for recourse run by individual media outlets for individuals who believe that the media outlet has engaged in unprofessional reporting . We were informed by a number of interviewees that a small number of media outlets do publish replies on a quasi-voluntary basis (and this is also provided for by law; see Key Indicator 1.9) and/or receive public complaints. None of these have so far been developed into formal systems, although some media outlets were looking into the idea of readers' editors or ombudsmen.

D. REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

3.9 Effective broadcasting code setting out requirements for fairness and impartiality

There is no broadcast regulator and no dedicated system for the regulation of private broadcasters in Egypt. We were informed that private satellite television stations were often required, through their private contracts with Nilesat, to respect basic content obligations, such as to avoid sexual content or material which is insulting to Islam or other Abrahamic religions (i.e. Christianity and Judaism). They are also required, as part of the licence, to pledge to respect the Arab Media Code of Ethics, which was adopted by the Council of Arab Information (Media) ministers. Many private broadcasters have limited rights to broadcast news and current affairs programming, which has the effect of diminishing the relevance of requirements of fairness and impartiality.

The Board of Trustees of ERTU is tasked with developing a professional code of conduct for broadcasters (Article 6(1)). We were unable to obtain a copy of this code, but it applies to all broadcasters. The ERTU law does not refer to the ideas of balance, fairness or impartiality, or contain any reference to election coverage.

In terms of election coverage, there is some evidence that coverage by ERTU of the 2005 elections was more balanced than had hitherto been the case. During those elections, ERTU established a Media Monitoring Committee, composed of 17 members, primarily academic and professional media workers from the State media, but including some public figures and representatives of the private media. It set guidelines for media coverage of the elections and its activities did have some impact on ERTU election coverage[65]. Some interviewees suggested that coverage of the presidential campaigns was better than of the parliamentary elections.

The positive developments in 2005 were not, however, repeated during the 2010 elections. Groups who conducted monitoring of those elections suggested that political coverage was as biased as it had ever been in favour of the ruling party.

Monitoring suggests a significant improvement in the 2011 parliamentary elections, although these were still not without problems. Monitoring by the Cairo Institute for Human Rights Studies (CIHRS), for example, suggests that a bias towards the National Democratic Party was present not only in the official media, but also in the private media[66]. Another

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65 See Hussein Amin, Report on the State of the Media in Egypt, published by The Arab Center for the Development of the Rule of Law and Integrity. Available at: http://www.arabruleoflaw.org/Files/PDF/Media/ English/P2/Egypt_MediaReportP2_En.pdf.

66 Media and Parliamentary Elections in Egypt: Evaluation of Media Performance in the Parliamentary Elections. 28 October -15 December 2010 (Cairo Institute for Human Rights Studies). Human Rights Movement Issues (26).

study, conducted by the Egyptian Organisation for Human Rights (EOHR), covered a range of public and private media, print and broadcast. It suggests that the government newspaper Al Akhbar was very biased towards the SCAF and government, while Al Ahram, also a government newspaper, was more balanced. Several broadcasters also demonstrated a distinct government bias, while others, notably El Badeel, were more critical. However, despite these biases, a large majority of 90 per cent of all print media reports were neutral in nature, with a slightly lower but similar percentage being achieved in television talk shows[67].

3.10 Effective enforcement of broadcasting code

We were informed that there is little actual enforcement of the ERTU broadcasting code. The code does not incorporate a public complaints system. ERTU indicated that it has a number which members of the public can call to lodge complaints. However, ERTU also informed us that the system is not very formal, and that not every complaint is even responded to. Several interviewees suggested that there was no proper complaints system at ERTU, despite the existence of a complaints line.

We were also informed about an internal evaluation system in the form of a ten-person Media Performance Evaluation Committee, which operated from 2009 until the beginning of the revolution in January 2011. The Committee developed a set of 17 Principles and 53 Indicators which they used to assess the performance of the national (ERTU) stations, as well as the private and even international stations. Quarterly reports were issued, but they were in the form of internal advice to the Minister of Information, and were not made public.

E. LEVELS OF PUBLIC TRUST AND CONFIDENCE IN THE MEDIA

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

Prior to the revolution, several interviewees indicated that levels of trust in the State media were very low, even though they maintained readership, listenership and viewership shares. We are not aware of any studies which directly assessed this issue and we were not able to gauge with any degree of reliability the level of trust in the private media. However, IPSOS, a leading international polling company, conducted an audience share assessment for television in February 2012, which found low levels of viewership of the national channels, especially compared to the most popular private satellite channels, namely Al Hayaat, Dream TV and CBC.

Since the revolution, most media, and particularly the State media, have been trying to reposition themselves as being more independent. For example, Al-Ahram daily issued a supplement on the events in Tahrir Square during the period of the revolutionary demonstrations. According to different interviewees, the success of the various State media in terms of reporting in a more balanced fashion varies considerably. We were unable to

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67 Report on Media Coverage for the Political Scene and Elections during September 2011 (The Egyptian Organization for Human Rights, 10 October 2011).

assess objectively how successful the State media have been in this regard.

3.12 Media organisations are responsive to public perceptions of their work

We received only limited input on the issue of media responsiveness to its audience, but the evidence we did obtain suggests that there is a nascent but growing level of engagement by media outlets with their audiences, although overall this remains a weak area for the Egyptian media. It is significant that despite the now famous role played by so-called social media during the revolution, mainstream Egyptian media have lagged behind, considering how developed the media is otherwise, in terms of exploiting online opportunities to promote audience engagement. For example, most newspapers launched online versions only relatively recently, and that it is only in the last few years that these have been used to solicit audience engagement. Mainstream media are also starting to make greater use of social media, including Facebook and Twitter, to garner audience feedback.

Some interviewees claimed that the ERTU local stations were more oriented towards audience engagement. Others noted that the range of people that actually participate in media interviews and panels is very limited. Studies conducted before the revolution suggest that the range of people interviewed on private channels was greater than on public channels, as was the range of political issues covered[68].

F. SAFETY OF JOURNALISTS

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

Under Mubarak, journalists covering demonstrations were often physically attacked. Journalists and bloggers routinely had their equipment confiscated when travelling through the airport or destroyed during coverage of politically sensitive events, such as elections or protests[69]. In the post-Mubarak period, journalists have continued to face increased insecurity and violent physical attacks.

The Almasry Studies and Information Center, an independent media research centre run by the Almasry media corporation, conducted a major survey on this issue between 15 March and 10 April 2012, involving 312 journalists from 60 different media outlets, including State, private and party political media. The questions related to the working lifetime experience of the journalists, and were not broken down into pre- and post-revolution periods, or by who was responsible for perpetrating the wrongs recorded (such as officials, criminal groups,

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68 Taha, Amira, The role of the political programs and the social programs presented on the Egyptian local channel and the private channels to know their impact on promoting the idea of political participation. A Content Analysis study on the news programs presented on Channel one and Dream TV (2005: unpublished Masters Thesis, Journalism and Mass Communication Department, Cairo University).

69 See, for example, Committee to Protect Journalists, Attacks on the Press 2009: Egypt. Available at: http://cpj.org/2010/02/attacks-on-the-press-2009-egypt.php.

religious activists and so on).

The results are, by any measure, surprising. Fully 71.8 per cent of all journalists reported having been either verbally or physically assaulted. Even if one removes the verbal assault quotient, 20.8 per cent claimed to have been beaten, albeit not injured, and 9.3 per cent claimed to have been beaten to a level of severity that required medical treatment. Nearly 40 per cent of those subject to wrongful acts took no action afterwards, while the most common action among the other 60 per cent was to report the incident to the management of their newspaper. However, 18 per cent of those taking action reported the incident to the police, and 13 per cent to the public prosecutor. Similarly, 13 per cent claimed to have taken legal action against the wrongdoer. Fully 97 per cent of those surveyed felt that attacks prevented them, at least to some extent, from being able to perform their duties.

The attacks are of particular concern for female journalists, as their ability to access public spaces freely and to move about after dark has become increasingly limited. Female journalists and bloggers in Egypt face "gender-specific threats, sexual violence, including brutal beatings during protests, so-called 'virginity tests,' degrading and brutal treatment including torture during detainment, and character assassination that specifically exploits cultural taboos in which female victims are seen as having brought dishonour upon themselves"[70]. For example, France 3 reporter Caroline Sinz and her cameraman Salah Agrabi were attacked while filming protests in Cairo on 24 Nov 2011, the day after Egyptian-American journalist Mona Al-Tahtawy was repeatedly groped by policemen while being detained[71]. Egyptian women demonstrating on the occasion of International Women's Day, including several female journalists and bloggers who were covering the events on 8 and 9 March 2011, were assaulted by thugs and detained by the military, where they were beaten and subjected to virginity tests[72]. The targeting of female journalists is not new, and dates back to at least 2005, when there was a marked increase in this during demonstrations against a proposed constitutional amendment, with attacks on women journalists, including freelancers, stringers and bloggers like Nora Younis and Megan Stack of the Los Angeles Times.

The most common reason given by the respondents of the Almasry survey for the high

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70 Courtney Radsch, "Unveiling the Revolutionaries: Cyberactivism and the Role of Women in the Arab Uprisings", May 2012, James A. Baker III Institute for Public Policy, Rice University. Available at: http://bakerinstitute.org/news/the-arab-awakening-and-the-internet.

71 Reporters Without Borders, "More Media Personnel Arrested, Physically Attacked", 24 November 2011, available at: http://en.rsf.org/egypt-journalists-arrested-physically-23-11-2011,41439.html and "Media Urged to Prioritize Safety After Another Sexual Assault on Woman Reporter", 25 November 2011, available at: http://en.rsf.org/egypte-media-urged-to-prioritize-safety-after-another-sexual-assault-on-woman-reporter-25-11-2011,41465.html.

72 Kendra Heideman and Mona Youssef, "Reflections on women in the Arab spring: Women's voices from around the world", p. 12. Available at: http://www.wilsoncenter.org/sites/default/files/International%20Women%27s%20Day%202012_4.pdf.

prevalence of attacks, with a positive response rate of over 75 per cent, was the poor regulatory framework to protect journalists. This is interesting given that, in fact, the formal legal framework is relatively strong in this regard (see below). Nearly 60 per cent felt that a lack of understanding about the role of journalists and the media was a contributing factor, while more blamed the Syndicate than the security forces (56 per cent versus 54 per cent). Other commonly identified reasons were a lack of awareness among journalists about their rights (46 per cent), a lack of awareness among journalists about safety issues (30 per cent), and the poor performance of civil society groups (22 per cent).

The Journalist Syndicate maintains files on assaults on journalists that have been reported to the prosecutor. There were some 106 such reports between 1 January 2011 and 31 March 2012, with a peak of 34 in November 2011 based on the violent incidents that occurred in Mohammed Mahmoud Street. The Mohammed Mahmoud Street incidents involved violent clashes between protesters and security forces responsible for guarding the building housing the Ministry of the Interior, which continued from 19 to 25 November 2011. Several journalists were injured during these clashes, including Ahmad Abdel Fattah, a photographer for Al-Masry Al-Youm newspaper, who lost an eye. Other peaks occurred in January 2011 (16) (i.e. during the revolutionary uprising), in December 2011 (13), and February 2012 (11) (i.e. during the demonstrations that marked the anniversary of the end of Mubarak's rule). Nearly one-half of these (48) involved beatings, along with 24 arrests and detentions, 15 cases of equipment being destroyed, 13 threats and 11 cases of use of tear gas[73].

There is some at least formal legal protection against such attacks. Article 7 of the Press Law states that the safety of journalists shall not be compromised on account of their viewpoints or the true things that they write, while Article 12 provides that anyone involved in an insult, assault or other wrongdoing against a journalist for the performance of his or her duties shall be subject to the penalties in the Penal Code associated with insulting or assaulting a civil servant. These provisions have rarely been applied and have had little or no impact in terms of mitigating attacks against journalists. They do not apply to inaccurate statements published by journalists, suggesting that safety will not be assured should journalists make mistakes.

In terms of institutional protection, there is no established committee dealing with safety at the Journalist Syndicate, although some human rights groups and legal aid organisations do provide legal assistance to journalists and bloggers. The Syndicate does report such acts to the Attorney General, although action in response is rare and dependent on the political will of the prosecutor. During major instances of attacks on journalists, the Syndicate has established ad hoc operations rooms to receive complaints and provide assistance. The Syndicate has also provided safety training to journalists, including in cooperation with actors such as the International Committee of the Red Cross (ICRC), as have other domestic and international groups, particularly in the wake of the 2011 uprising. Digital security has

73 See, for example, information available at http://cpj.org/mideast/egypt/.

become a new focus of safety training amid revelations that Mubarak's security services conducted extensive surveillance of electronic communications, including journalists and bloggers[74].

3.14 Media practice is not harmed by a climate of insecurity

As noted under Key Indicator 1.3, in the past the government employed a wide range of legal threats, financial manipulation and informal measures to intimidate and harass journalists and to induce self-censorship. There is little question that these and other measures were effective in limiting freedom of expression – particularly reporting on sensitive topics – and in negatively impacting on the content of media output (i.e. in promoting self-censorship). There is also little question that in the post-revolutionary period the space for media freedom has opened up significantly, as many new media outlets have emerged and journalists have become bolder in their reporting. At the same time, journalists still struggle to maintain professional practices in a climate of insecurity and political instability.

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74 See http://www.freedomhouse.org/report/freedom-net/freedom-net-2012.

Recommendations

- Greater effort should be made to ensure that women media workers and minorities are represented fairly at all levels in the media and in media bodies.

- Widespread consultations should be held to determine the future of the existing State print media. If these are retained as public bodies, their independence should be guaranteed, in an analogous way to public service broadcasters. This will require structural changes to their governing legislation and institutional frameworks. If these are to be sold off, the process should be scrupulously fair, taking into account the real market value of these assets, and also the need to maintain diversity of media ownership.

- The rules governing ERTU should be completely revised so as to transform it into an independent public service broadcaster, including guarantees of editorial and budget independence. Public consultations should be held to ensure that its mandate is in line with the needs of all of the people of Egypt, and public engagement should be built into all aspects of its work, including the process for appointing the governing board. Given the vast size of ERTU, consideration should also be given to whether parts of it should be privatised.

- Individual media outlets should be encouraged to put in place their own systems for receiving public complaints and promoting professionalism.

- The current system of professional regulation of the print media, overseen by the Supreme Press Council and the Journalist Syndicate, should be abolished. The print media should be given an opportunity to establish a true self-regulatory system for promoting professionalism, which incorporates a public complaints system. If a statutory system for complaints is put in place, it should be protected against political and commercial interference, and should only have the power to impose limited sanctions on media outlets.

- Consideration should be given to encouraging self-regulation in the broadcast media sector as well. Any statutory system of content regulation should apply to all broadcasters – public and private – and should be overseen by an independent broadcast regulator (see the recommendations under Category I).

- All broadcasters, and public broadcasters in particular, should be required to be balanced and impartial in their news and current affairs reporting, at all times and especially during elections. Consideration should be given to putting in place special rules for the broadcast media, and public broadcasters in particular, during elections.

- The government should make a public commitment not to interfere with the editorial independence of the media, and it should respect that commitment in practice.

- Effective measures should be put in place to address the problem of attacks on media workers, with a specific focus on safety of women journalists, which should also include a training component for security personnel.

Category 4

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

KEY INDICATORS

A. AVAILABILITY OF PROFESSIONAL MEDIA TRAINING
4.1 Media professionals can access training appropriate to their needs
4.2 Media managers, including business managers can access training appropriate to their needs
4.3 Training equips media professionals to understand democracy and development

B. AVAILABILITY OF ACADEMIC COURSES IN MEDIA PRACTICE
4.4 Academic courses accessible to wide range of students
4.5 Academic courses equip students with skills and knowledge related to democratic development

C. PRESENCE OF TRADE UNIONS AND PROFESSIONAL ORGANISATIONS
4.6 Media workers have the right to join independent trade unions and exercise this right
4.7 Trade unions and professional associations provide advocacy on behalf of the profession

D. PRESENCE OF CIVIL SOCIETY ORGANISATIONS
4.8 CSOs monitor the media systematically
4.9 CSOs provide direct advocacy on issues of freedom of expression
4.10 CSOs help communities access information and get their voices heard

Category 4
Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

A. AVAILABILITY OF PROFESSIONAL MEDIA TRAINING

4.1 Media professionals can access training appropriate to their needs

There are numerous programmes to provide professional and/or upgrade training to journalists in Egypt. We were not able to canvas fully the range of available options, but they are extensive, provided by both international and local players. One reason for this is that this was one area of media support where international cooperation was relatively easy to provide before the revolution. One interviewee even suggested that the widespread availability of donor-funded training had led to market distortions, whereby participants received allowances to attend these programmes rather than having to pay for training, which was a more normal state of affairs. A wide variety of different types of programmes are available, including the concentrated provision of different types of training to a core set of journalists and broad programmes touching many journalists.

These training courses are provided through various bodies including universities, media outlets, civil society and the Journalist Syndicate. University training centres include the Communication Research Center at Al Ahram Canadian University and the Center of Training, Documenting, and Media Production at Cairo University. The Kamal Adham Center for Television and Digital Journalism also offers a range of training opportunities.

The Syndicate runs a fund, paid for through a contribution from the advertising revenues of newspapers, which supports training and social support for media workers. Their current focus is on trying to promote decentralisation, including by building the skills of journalists working outside of Cairo. Training facilities are also available at various media bodies, such as Al-Ahram (The Ahram Regional Press Institute), the Supreme Press Council and ERTU (The Broadcast Training Institute).

These training opportunities cover a wide range of skill-sets, including business, management and IT skills. Some interviewees suggested, however, that availability was largely concentrated in the main urban areas and that provision of training through distance-based systems was limited.

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

According to the information we received, training programmes directed at managers are available, and these cover a wide range of business skills, including marketing and financial

management. At the same time, some interviewees suggested that this was an area which needed more attention.

4.3 Training equips media professionals to understand democracy and development

It is unclear to what extent the training available to media workers in Egypt builds an understanding of the role of the media in a democracy. Some interviewees indicated that at least some training programmes do address these sorts of issues. But it was probably rather difficult to instil much of a sense of this in the pre-revolutionary period when, in practice, the ability of the media to fulfil this role was highly circumscribed. Training on investigative reporting is also available. Again, however, the prevailing environment prior to the revolution made it difficult for journalists to employ such investigative skills as they may have learnt during training.

B. AVAILABILITY OF ACADEMIC COURSES IN MEDIA PRACTICE

4.4 Academic courses accessible to wide range of students

Egypt has a very well developed system of public and private universities, at least 15 of which offer a range of courses relating to journalism. Cairo University is one of the more prestigious public universities, with a total of some 550 communications studies students are enrolled in the Faculty of Mass Communication at various levels, including PhD programmes. These are divided among three departments, namely journalism, broadcasting (radio and television), and public relations and advertising. These numbers do not include the many students who pursue distance-based programmes. Ain Shams University is another public university which offers similar communications specialisations as Cairo University.

The American University in Cairo, one of the more established private universities, offers three mass communication majors through its Journalism and Mass Communication Department, under the School of Global Affairs and Public Policy. These are Communication and Media Arts (CMA), Integrated Marketing Communication (IMC) and Multimedia Journalism (MMJ). It also offers masters programmes in Journalism and Mass Communication, Television and Digital Journalism. Other leading private universities offering journalism programmes include the Modern Science and Arts University (MSA), the Ahram Canadian University and the Modern University for Technology and Information, all of which offer three journalism majors, along the lines of those offered at the other universities.

According to the information we received, while a large number of textbooks exist in Arabic, English textbooks are used for some specialised subjects and to broaden the range of views and perspectives available to students. Cairo University provides a full programme of media studies in English.

4.5 Academic courses equip students with skills and knowledge related to democratic development

Taken together, the range of available courses in media appears to be very wide. For example,

Category 4

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

the American University in Cairo lists a large number of media courses that it offers[75]. As with training, it is not clear to what extent these cover issues such as the role of the media in a democracy, but the ability of students to apply this sort of knowledge was limited in the past. The various programmes also offer practical opportunities to their students. Many of the universities publish a student newspaper, and provide radio and television studios where students can get 'real' experience with broadcast production. So far, universities have not been allowed to engage in actual broadcasting, but this may change in the future.

C. PRESENCE OF TRADE UNIONS AND PROFESSIONAL ORGANISATIONS

4.6 Media workers have the right to join independent trade unions and exercise this right

As noted above, the Journalist Syndicate is effectively a mandatory, statutory union for journalists working in the print media sector. There is no syndicate for other journalists, such as broadcasters or online journalists. Legally, no one can work as a journalist who is not a member of the Syndicate, although there are up to 15,000 working print media journalists in the country, of which only around 6,300 are members of the Syndicate. Journalists may also join other unions, which are not specific to journalists, for purposes of protecting their labour rights and we understand that some of the more restrictive rules regarding unions have already been amended since the revolution. The Syndicate itself is not recognised in the Labour Law as a traditional union for journalists.

For those who are members of the Syndicate, the Press Law provides relatively strong labour protection. For example, Article 15 gives the Syndicate Board the right to negotiate collective agreements with newspaper owners, which it shall also sign as a party. Pursuant to Article 17, the employment contract of a member of the Syndicate cannot be terminated before the Syndicate is notified, and given an opportunity to try to mediate a solution. The Syndicate must also be notified of all contracts drawn up with its members (Article 113 of the Syndicate Law).

The right of journalists to form independent trade unions is not protected in Egypt. As noted above, the Syndicate is not independent. Furthermore, journalists have hitherto effectively been prevented from forming other associations and unions, although there have been moves to establish some new groups in the post-revolutionary environment, including groups representing broadcast and (separately) online journalists. Finally, the Syndicate does not represent journalists who are not from the print media sector, hitherto defined rather narrowly. Thus, broadcast journalists and those working for the new media, including bloggers and freelancers, were traditionally excluded from the Syndicate. This

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75 See: http://catalog.aucegypt.edu/content.php?filter%5B27%5D=-1&filter%5B29%5D=&filter%5Bcour se_type%5D=-1&filter%5Bkeyword%5D=media&filter%5B32%5D=1&cpage=1&cur_cat_oid=14&expand =&catoid=14&navoid=426&search_database=Filter&filter%5Bexact_match%5D=1.

policy continues to be followed until now, although there have been discussions within the Syndicate about changing.

Overall, working conditions for journalists in the country can only be described as poor. Wages are very low, and most of the better graduates from communications studies programmes go into more lucrative fields, such as advertising and public relations. At the same time, at least the more established media outlets do provide basic social support packages for their employees, such as medical insurance. We were also informed by several interviewees that, at least in the State media, it was as a matter of practice nearly impossible to fire journalists, although legally this is possible[76]. Indeed, this was presented to us as a barrier to the reform of these institutions.

The issue of vulnerability of journalists, particularly those that are not members of the Syndicate, remains a significant one in Egypt. One interviewee referred to the practice of "Egyptian slave journalists", whereby young journalists are hired without contracts, and offered very poor wages and little or no security. It was suggested that some journalists earn as little as LE 200-300 (approximately USD 33-50) per month. Many employment practices are not in line with either the law or better practice, and many journalists effectively work without a proper contract. This has, if anything, been exacerbated in the aftermath of the revolution, with the introduction of many new private media houses, and the expansion of others. While this does create employment in the sector, the climate of economic uncertainty has meant than many journalists receive substandard compensation for their work.

A significant element in the financial support system for journalists is the regular payments provided by the government, to members of the Syndicate, of LE 762.50 (approximately USD 125) per month. This is problematic because it inevitably leads to a certain degree of dependence on the government. On the other hand, it would be a harsh measure to remove this subsidy, which many journalists depend on.

4.7 Trade unions and professional associations provide advocacy on behalf of the profession

The Journalist Syndicate, although lacking in independence, defended individual journalists in the past and continues to do so, and it has also protested against measures which threaten freedom of expression, such as the introduction of repressive laws. At the same time, many interviewees suggested that an independent body could have done far more in this regard. It remains to be seen what role the Syndicate will play in the future. New organisations are starting to emerge which may play a more active role in defending the rights of journalists and freedom of expression more generally.

D. PRESENCE OF CIVIL SOCIETY ORGANISATIONS

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76 Law No 12 of 2003 addresses labour issues and allows journalists, and other sorts of employees, to be fired under certain conditions.

Category 4

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

4.8 CSOs monitor the media systematically

Egypt has a large, diverse and active civil society sector, and the vibrancy of this sector has increased significantly in the post-revolutionary context. According to a statement made in February 2012 by Fayza Abu-el-Naga, Minister of International Cooperation, there are more than 23,000 organisations in the country, of which 4,500 were established in 2011[77]. According to the Minister of Social Solidarity, Nagwa Khalil, the number was 37,000 in March 2012[78].

The vast majority of these groups are involved in the provision of social welfare and services. However, according to information provided by the Ministry of Social Solidarity[79], 265 organisations are registered as operating in the areas of human rights and democracy. A number of these are active in the area of media, including the Cairo Institute for Human Rights Studies (CIHRS)[80], the Arab Network for Human Rights Information (ANHRI)[81], the Egyptian Organization for Human Rights (EOHR)[82], the National Coalition for Media Freedom (NCMF)[83], the United Journalists Center[84], the Association for Freedom of Thought and Expression (AFTE)[85], the Hisham Mubarak Law Center[86], and the Egyptian Initiative for Personal Rights (EIPR)[87].

For the most part, these groups focus on three areas. First, they monitor the behaviour of the government, officials and other actors towards the media, with a view to protecting media freedom and protesting against abuses. Second, they monitor the performance of the media, with a view to ensuring that the media fulfils its role in a democratic society. Third, they provide training and other forms of capacity building to the media.

A number of human rights NGOs, including CIHRS, ANHRI and EOHR, monitored the media during the election campaigns in 2005, 2010 and 2011. There has also been some ongoing monitoring of and reporting on media output. These activities have, among other things, reported on the extensive government bias in the public media. A new group, the Association for Protection of Viewers, Listeners and Readers aims to monitor the performance of the media.

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77 Statement by the Minister of Social Solidarity, Nagwa Khalil, on March 25, 2012 – Al-Youm Al-Sabie (The 7th Day) Website, March 2012, referring to the previous statement by Minister Abu-el-Naga.

78 Statement of 25 March 2012 by Nagwa Khalil, Minister of Social Solidarity, carried by Al-Youm Al-Sabie (The 7th Day) newspaper. The Arab Network for Civil Organizations' 10th Report of Arab Non-governmental Organizations: Volunteering in the Arab Region, 2011 put the total at 31,000, of which 2,500 had been registered since the revolution. Available at: http://www.shabakaegypt.org/report.php?id=11.

79 See the website of the Ministry of Social Solidarity at: http://www.mss.gov.eg/isa.

80 See: http://www.cihrs.org.

81 See: http://www.anhri.net.

82 See: http://en.eohr.org.

83 See: http://ncmf.info/.

84 See: http://www.ujcenter.net.

85 See: http://afteegypt.org/aboutus.html.

86 See: http://hmlc-egy.org.

87 See: http://eipr.org.

4.9 CSOs provide direct advocacy on issues of freedom of expression

A number of Egyptian NGOs have historically provided some advocacy on freedom of expression and the right to information. They have, for example, produced publications on restrictions on this right, advocated against laws which would further restrict freedom of expression, advocated for law reform to repeal or amend repressive laws, and held public discussions and undertaken awareness raising activities.

At the same time, the repressive environment prior to the revolution made the work of these groups very difficult. They were frequently monitored by security agents and harassed in various ways if they 'went too far'. This has changed, and these groups are now very active in trying to promote positive reform of the repressive media environment in the country. The establishment of the National Coalition for Media Freedom is part of this effort.

In the past, it was very difficult for civil society organisations to engage directly with decision-makers on media policy issues because the space for this was simply not available (i.e. the government refused to consult on these issues). This is something that is changing, although it remains unclear what the future will bring. It may be noted that in several areas, including some key legislative initiatives regarding the upcoming elections, consultation has not met the expectations of at least some groups[88].

A number of new initiatives have sprung up since the revolution. These include:
- National Coalition for Media Freedom (NCMF): Established on 30 April 2011 and brings together many of the key human rights players that had been working on media freedom issues prior to the revolution. Has been active in advocating for media law reform and for the right to information.
- Egyptian Initiative for Media Development: a group of 30 leading media professionals operating under the slogan Freedom is Synonymous with Responsibility. Focuses mainly on broadcast media, including advocating for an independent regulator and transforming ERTU into an independent public service broadcaster.
- Maspero (ERTU) Reform Initiative: launched in March 2011 and originally coordinated by Adel Nur Al-Din, Chair of the local radio department at ERTU. The main focus is on professionalism and labour rights issues within ERTU, as well as ensuring it receives adequate resources.
- Association for Protection of Viewers, Listeners and Readers: launched in February 2012, and aims to monitor the performance of the media. They will receive public complaints about media performance and also undertake direct monitoring[89].
- The Egyptian State Media Development Initiative: launched by ERTU employees, working with civil society, and with a focus on reform of ERTU.
- Initiative on Elimination of Media Discrimination on the Basis of Religion: launched

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88 See In the footsteps of the Tunisian revolution: A Constitution first. Note 28.

89 See their Facebook page: http://www.facebook.com/pages/2041848/جمعية-حماية-المشاهدين-والمستمعين-والقراء
52937052?sk=info.

Category 4

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

by Said Shaib, Director of the Center for United Journalists, which monitors the performance of at least 18 media houses (as of April 2012). The main focus is to try to promote non-discriminatory or stereotypical reporting in the media.

4.10 CSOs help communities access information and get their voices heard

There is a vast network of civil society groups in Egypt, working in many different sectors. We were not able to assess the extent to which these groups are able to assist the various communities they work with and represent to access the media.

Recommendations

- The availability of training opportunities and more formal education in relation to the media should be reviewed to assess whether it is responding adequately to the needs of the media in the new environment in Egypt.

- Journalists should be free to establish unions and other associations to advocate on their behalf, including in relation to labour issues. The special status of the Journalist Syndicate in this area should not be maintained.

- A wide consultation should be held to assess what to do with the system of government payments to journalists through the Syndicate. Any system of allocating funds should be non-discriminatory, including on the basis of membership in a particular association, and should be protected against government interference.

- Support should be provided to civil society groups working in the areas of media, media monitoring, and freedom of expression and of the media, and the government should make a commitment not to harass these groups for their work.
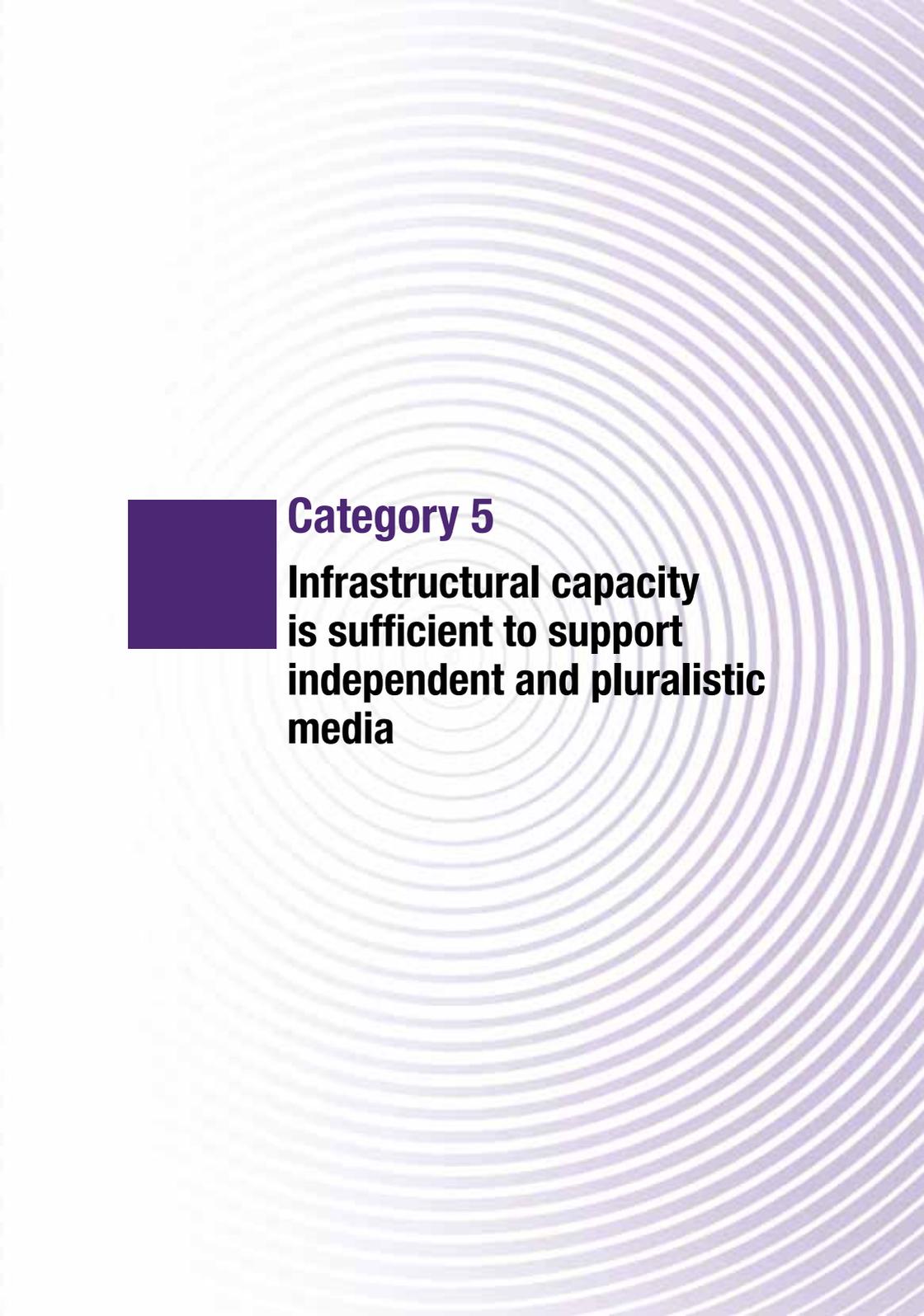
Category 5

**Infrastructural capacity
is sufficient to support
independent and pluralistic
media**

KEY INDICATORS

A. AVAILABILITY AND USE OF TECHNICAL RESOURCES BY THE MEDIA

5.1 Media organisations have access to modern technical facilities for news gathering, production and distribution

B. PRESS, BROADCASTING AND ICT PENETRATION

5.2 Marginalised groups have access to forms of communication they can use

5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

Category 5
Infrastructural capacity is sufficient to support independent and pluralistic media

A. AVAILABILITY AND USE OF TECHNICAL RESOURCES BY THE MEDIA

5.1 Media organisations have access to modern technical facilities for news gathering, production and distribution

Most media in Egypt now have online versions although, as noted above, this has been a relatively recent development. This includes the public as well as private media, and all ERTU stations now have interactive online versions, as well as being distributed terrestrially and via satellite. These online versions are now being used more extensively in interactive ways, including to allow citizens to provide feedback and otherwise engage with the media.

B. PRESS, BROADCASTING AND ICT PENETRATION

5.2 Marginalised groups have access to forms of communication they can use

According to the information available, ERTU stations, both radio and television, are technically available nationwide. No doubt the highly concentrated population density within just three per cent of the overall land area of Egypt facilitates this. According to a study conducted by the Information Decision Support Center (IDSC) in 2010, 88.3 per cent of households actually have access to television, with some 69.8 per cent having access to satellite television[90]. Other assessments put the percentage of households with access to television a bit higher (up to 96.5 per cent – see Introduction) and the penetration of satellite television substantially lower (at around 43 per cent).

As noted in the Introduction, there are now 92 million registered mobile phones in Egypt, a teledensity rate of about 112 per cent, although it is not clear how many discrete users this represents, as many people may have more than one phone, while others have none. A representative of NTRA put the number at approximately 85 per cent of all adults[91].

As noted above, there is no community broadcasting in Egypt, which significantly deprives local communities of opportunities for both voice and access to information of local relevance.

5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

There are three main international Internet gateways connecting Egypt to the global Internet backbone. Internet services are distributed through six main Internet service providers.

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90 IDSC, Egyptian TV – 50 Years of Achievements (July 2010).
91 The World Economic Forum's Global Information Technology Report 2012: Living in a Hyperconnected World, note 79, p. 360, puts it at 87.1 per cent.

According to the Ministry of Communications and Information Technology[92], as of January 2012, there were 29.5 million Internet users, representing 36 per cent of the population, an increase of 25 per cent over the previous year. The total Internet capacity of the country stood at just over 180 Gb/s, an increase of 38 per cent over the previous year.

Anyone who has a landline telephone connection can get ADSL broadband Internet delivered through that line. There are around 11 million landlines, representing something like 50 million people (on an estimate of four to five people per household). However, according to the Ministry of Communications and Information Technology, there were only 1.84 million fixed line broadband subscribers as of January 2012. At that time, there were also 10.7 million cell phone subscribers who had an Internet plan, representing nearly 13 per cent of all cell phone users and nearly 37 per cent of all Internet users. There were another 2.7 million USB modem users.

NTRA sets the rates for both Internet and mobile phones, for which there are three main providers. Egypt has the lowest mobile telephone and fixed broadband costs in the Arab world, and among the lowest in the whole world, with a one-half Mb connection via a phone line costing under USD 19 per month[93]. More generally, the Global Information Technology Report 2012: Living in a Hyperconnected World ranks Egypt 79th place globally in terms of its Networked Readiness Index, comparable to countries like Thailand, Moldova and Indonesia[94].

On 17 November 2011, the NTRA announced the launch of the National Plan on Increased Penetration of High-Speed Internet Services 'e-Misr'. This has been finalised and published[95]. Egypt's ICT Strategy (2012-2017) reflects the aim of the ICT sector to adapt to the goals of the revolution. It promotes investing in Egyptian potential, fostering effective social participation and good Internet penetration, and promoting digital citizenship through the use of innovative technology.

The government has introduced a number of initiatives to foster greater Internet usage and accessibility across the country[96]. Some of these are as follows:

The Free Internet Initiative
This was launched in 2002 with a view to bringing down the cost of Internet access. Through this programme, the government worked with the Egyptian Telecommunications Company, in partnership with service providers, to lower the cost of Internet services.

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92 Ministry of Communications and Information Technology, Communications and Information Technology Index Report, February 2012.

93 Note 79, p. 350-1.

94 World Economic Forum. Available at: http://www3.weforum.org/docs/Global_IT_Report_2012.pdf, p. 13.

95 Available (in Arabic) at: http://www.mcit.gov.eg/Publication/Publication_Summary/660/ICT_ Strategy_2012-2017.

96 See: http://www.egyptictindicators.gov.eg/en/Pages/default33.aspx.

National Connectivity and Infrastructure Programme

In the early days, Egypt relied heavily on satellites for Internet connectivity, giving way over time to fibre optic cables as usage increased. Fibre optics are not, however, cost-effective for extending coverage to more remote areas, due to their relatively high cost. This initiative seeks to promote the availability of 'last mile' services to rural communities via satellite, including by working with the NTRA to ensure availability of frequency spectrum for this purpose.

Bandwidth Technology Enhancement

This programme, rolled out in 2007, cut customs duties on ICT products, leading to a 30 per cent reduction over 2004 in the capital costs associated with the development of telecommunications infrastructure.

Information Technology Clubs (Internet Cafes)

This initiative, which started in 2000, is a collaborative partnership between the public sector, private sector and local communities, with the aim of developing a system of low-cost information technology clubs (cafes) in underserviced areas. An average of 300 Internet cafes have been established annually under this programme.

2010 Egypt Computers Initiative – People Connected with Knowledge

The initiative, launched in November 2002 under the title 'Computer for each Household', aims to provide low-cost computers to homes. The initiative was re-structured in November 2004, in collaboration with the Egyptian National Bank, and in 2006 it evolved into the current national programme.

Recommendation

- The government should engage in a broad consultation to develop a comprehensive ICT policy for the country, which should address issues such as promoting universal access to the Internet, pricing issues and telecommunications uses of the Internet.

Annex

	List of Interviewees*	
1	Hatem Zakaria	Under-Secretary for Legislative Affairs at the Egyptian Syndicate of Journalists
2	Mohamed Anwar Sadat	Chairman of the Human Rights Committee in the Egyptian People's Assembly
3	Talat Romeih	Chief editor of "Al-Fath" the first salafist newspaper that emerged in post-revolutionary Egypt
4	Dr. Emad Gad	Member of the Committee for Culture and Media in the Egyptian People's Assembly. He is Editor in Chief of "Mokhtarat Israeli" [Israeli Selections], a monthly journal published by the Al-Ahram Centre for Political and Strategic Studies, and Under-Secretary of the Al-Ahram Centre for Political and Strategic Studies. He is also Secretary General of the non-governmental organisation Arabs against Discrimination
5	Dr. Mahmoud Alam El Din	Professor of Journalism at the Faculty of Mass Communication, Cairo University. Member of the Supreme Council for Press in Egypt
6	Abeer Saady	Vice-Chair of the Egyptian Press Syndicate
7	Hazem Ghorab	Chairman of "Misr 25" channel, the media arm of the Muslim Brotherhood Group
8	Yahiya Qalash	Columnist and former Secretary General of the Journalist Syndicate
9	Hafez El-Merazy	Egyptian journalist, who has worked in a number of media organisations including "BBC", "CNN" and "Al-Jazeera"
10	Mamdouh Alwaly	Chairman of the Egyptian Syndicate of Journalists
11	Adel Nureddin	Head of ERTU Local Channel
12	Said Shuaib	Director of the Center for United Journalists. Launched initiative to stop religious discrimination in media
13	Dr Esam Farag	Professor of Mass Communication at the University of Egypt Science and Technology
14	Amro Nabeel	Under-Secretary of the Photographers Association at the Egyptian Syndicate of Journalists
15	Magdy Ibrahim	Co-Chairman of the Photography department at "Al Shorouk" newspaper
16	Mohammed Omar	Photographer for "Al-Watan" newspaper
17	Esam Al- Awamy	Photographer for "Al-Gomhoria" newspaper
18	Rafy Shaker	Photographer for "Al Shorouk" newspaper
19	Samah Abd-Alaty	Journalist for "Al-Watan" newspaper
20	Ahmad Ezzat	Legal Unit Officer at the Association for Freedom of Thought and Expression (AFTE)
21	Albert Shefik	Director of "ONTV"

22	Amr Badawi	Executive President of the National Telecommunication Regulatory Authority (NTRA)
23	Amr Khafagy	Editor in Chief at "Al Shorouk" newspaper
24	Assem El Kersh	Editor in Chief at "Al Ahram weekly" newspaper
25	Basyouni Hamada	Head of the Media Department at the Faculty of Mass Communication, Cairo University
26	Emad Mubarak	Executive Director of the Association for Freedom of Thought and Expression (AFTE)
27	Emad Sayed	Executive Director at "Masrawi"
28	Gamal Eid	Executive Director at the Arabic Network for Human Rights Information (ANHRI)
29	Ghada Mussa	Officer at the Governance and Corruption Center (Ministry of Administrative Development)
30	Hassan Bahey El Din	Director General at the Cairo Institute for Human Rights Studies (CIHRS)
31	Hassan Hussein	National Anti-Corruption Strategy Programme Coordinator of the Information and Decision Support Center (Egyptian Cabinet)
32	Hesham Kassem	President of the Egyptian Organization for Human Rights (EOHR)
33	Ibrahim El Sayad	Head of the News Sector at the Egyptian Radio and TV Union (ERTU)
34	Khawla Matta	Director at the United Nations Information Center of Cairo (UNIC)
35	Mahmoud Qandil	Independent lawyer
36	Mounir Megahed	Executive Officer at Al Misryoun Against Religious Discrimination
37	Petrus Schothorst	General Coordinator at "Free Voice"
38	Ragay Al Megrani	Managing Editor at the Middle East News Agency (MENA)
39	Ramy Raoof	Online Media Officer at the Egyptian Initiative for Personal Rights
40	Tarek Attia	Director of Egypt Media Development Programme
41	Wael Gamal	Managing Editor at "Al Shorouk" newspaper
42	Hala Hashish	Head of "Nile TV" at ERTU
43	Hussein El Kamel	International Cooperation Senior Advisor at IDSC

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* List includes interviewees from reports of 2011 and 2013

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