



Freedom of the Press 2016 - Israel

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2016 Scores

Press Freedom Status: Partly Free

Legal Environment: 7 / 30 (0 = best, 30 = worst)

Political Environment: 14 / 40 (0 = best, 40 = worst)

Economic Environment: 11 / 30 (↓2) (0 = best, 30 = worst)

Press Freedom Score: 32 / 100 (↓2) (0 = best, 100 = worst)

Quick Facts

Population: 8,375,384

Freedom in the World Status: Free

Internet Penetration Rate: 71.5%

Status change explanation: Israel declined from Free to Partly Free due to the growing impact of *Israel Hayom*, whose owner-subsidized business model endangered the stability of other media outlets, and the unchecked expansion of paid content – some of it government funded – whose nature was not clearly identified to the public.

Israel enjoys a lively, pluralistic media environment in which press freedom is generally respected. However, due to ongoing conflicts with Palestinian groups and neighboring countries, media outlets are subject to military censorship and gag orders, and journalists often face travel restrictions. Economic pressures have undermined the sustainability of key outlets in recent years, threatening long-term media pluralism.

Key Developments

- The financial viability of private print and broadcast outlets remained a concern in 2015, especially given the growing market share of the free paper *Israel Hayom*, the country's leading print outlet. It is owned and subsidized by American businessman Sheldon Adelson and strongly supports Israeli prime minister Benjamin Netanyahu.
- Another source of concern was the increasing use of unmarked advertising and branded content in major media outlets, including the most popular news website, Ynet.

- After national elections in March, Prime Minister Netanyahu decided to serve as communications minister himself, giving him control over the regulation of various segments of the market.

Legal Environment: 7 / 30

Legal protections for freedom of the press are robust. While the country's Basic Laws do not specifically address the issue, and the Knesset (parliament) consistently refuses to pass legislation that would incorporate it into the Basic Laws, the Supreme Court has affirmed that freedom of expression is an essential component of human dignity. The legal standing of press freedom has also been reinforced by court rulings that cite principles laid out in Israel's Declaration of Independence.

The country's legal framework is predominantly protective of media freedom, but it does include a number of restrictive elements that are sometimes used against journalists. Hate speech and publishing praise of violence are prohibited, and the 1948 Prevention of Terrorism Ordinance bans expressions of support for terrorist organizations or groups that call for the destruction of Israel.

While the courts tend to rule in favor of the rights of journalists, the media continue to face the threat of legal action, particularly on accusations of libel. In 2015, for example, Culture Minister Miri Regev sued the news department of the commercial broadcast station Channel 10, seeking financial compensation after it aired a report about her, and lawmaker Oren Hazan similarly sued Amit Segal, Channel 2's chief political commentator. Naftali Bennett, head of the Jewish Home party, sued journalist Dror Feuer in response to a post on Twitter, although that case was later dropped.

The confidentiality of journalistic sources is not explicitly protected under Israeli law, but it is recognized by the courts. In 2012, the Supreme Court ruled that journalistic privilege extends not only to the confidential source itself, but also to information that may reveal the identity of the source; the court directed the Knesset to codify the journalist-source relationship by means of legislation. Nevertheless, authorities have continued to conduct investigations and surveillance with the aim of uncovering journalists' sources, and in late 2015 the newspaper *Haaretz* sued under the Freedom of Information Law to obtain data on how often the police used wiretapping for the surveillance of journalists. The petition was pending at year's end.

Meanwhile, the courts continued to uphold journalists' rights. For example, a court in Tel Aviv ruled in November that a journalist employed by Channel 2 would not be required to give police the raw footage from an interview with a woman accused of tax evasion and running a prostitution ring. The Israeli Press Council went further, censuring reporter Aviram Zino of the newspaper *Maariv* for having revealed the name of a confidential source to the authorities. In addition, hearings continued in a civil suit brought by former soldier Anat Kamm against *Haaretz* and its reporter Uri Blau in 2013, after Blau's identification of Kamm as the source of leaked classified military documents led to her arrest, conviction, and incarceration.

Freedom of information has been protected by law since 1998, and the courts have gradually widened their interpretation of the public's right to know. The legal tools provided by the law are used by journalists and activist groups, and many newsworthy pieces of information were exposed during the course of the year. In December 2015, the Jerusalem District Court accepted a petition by

Channel 10 reporter Raviv Drucker, filed under the Freedom of Information Law, to require Prime Minister Netanyahu to reveal the dates and times of his conversations with Sheldon Adelson and the editor in chief of *Israel Hayom*; the conversations would ostensibly indicate that the Prime Minister's Office provides the newspaper with instructions regarding content. An appeal was pending at year's end.

According to the Press Ordinance of 1933, publishers are required to obtain a license from the Interior Ministry to operate a newspaper. In October 2015, the government decided, on the basis of counterterrorism legislation, to outlaw the northern branch of the Islamic Movement in Israel, an organization that is suspected of incitement and is seen as threatening Israel's national security. Injunctions were subsequently issued to order the closure of the newspaper *Sawt al-Haq wa al-Hurriya* and the website PLS48 because these media outlets were both published by a corporation owned by the Islamic Movement.

Netanyahu's decision in 2015 to keep the communications portfolio for himself, rather than appoint a communications minister, meant that he would oversee regulatory decisions regarding Israel's broadcast, internet, and telecommunications markets. After years of financial problems and debts to a regulatory agency that jeopardized its license, the commercial television station Channel 10, whose news coverage is often critical of the government, received a 15-year operating license in June. Among other important matters before Israeli media regulators, the Jewish heritage station Channel 20 was considering plans in 2015 to expand the terms of its license and produce news content, which would likely be aimed at audiences on the political and religious right.

The Government Press Office (GPO) requires journalists operating in Israel to have proper accreditation in order to attend official press conferences, gain permission to access government buildings, and pass through Israeli military checkpoints. Hundreds of foreign journalists are generally accredited. However, the GPO has occasionally refused to provide press cards – especially to Palestinians – on national security grounds, thus preventing the affected reporters from entering Israel.

During the last several years, journalists have been drawn into a series of legal battles to protect their labor rights, supported by a new union founded in 2012 to defend journalists' interests. In December 2015, the reporters of the financial newspaper *Globes* reached a collective agreement with the paper's management – a significant achievement for the Union of Journalists in Israel.

In November 2015, an Arab Israeli journalist sued his former employer for wrongful dismissal after the outlet, a local newspaper, fired him late in Operation Protective Edge, the conflict between Israel and the Gaza-based Hamas militant group in the summer of 2014. The journalist claimed he had been fired because of his political views. The Union of Journalists in Israel joined the lawsuit. Two other journalists brought wrongful dismissal suits against *Israel Hayom* after they were fired in the wake of a leaked speech given by the paper's editor in chief. Management conducted a comprehensive inquiry following the leak, including polygraph tests of employees; the two reporters were then dismissed.

The Israeli media collectively offer a diverse range of views, and they are generally free from overt political interference. However, some private outlets are highly partisan in their news coverage, and broadcast stations have regularly faced instances of political pressure in recent years.

The media became heavily involved in Israel's March 2015 general elections. Many observers characterized the elections as a contest between *Israel Hayom* and its owner, Sheldon Adelson, on the one hand, and *Yedioth Ahronoth* and its owner, Arnon Mozes, on the other. This view led to political demonstrations in front of the editorial offices of the newspapers. The *Seventh Eye*, a media watchdog website that analyzed the election coverage, showed how each of these two players made little effort to conceal its partisan stance. The resounding failure of public opinion polls to predict the actual election results reinforced the perception of media bias: The mistaken polls were seen not only as a professional error, but also as a deliberate distortion.

Under the 1948 Defense Act, softened by the 1996 Censorship Agreement between the media and the Israel Defense Forces (IDF), the military censor has the power to penalize, shut down, or halt the printing of a newspaper for national security reasons. In practice, however, the censor's role is quite limited and under strict judicial oversight. Journalists often evade restrictions by leaking a story to a foreign outlet and then republishing it. Digital media have added to the challenge of enforcing the 1996 agreement, and bloggers outside Israel publish concrete information that is barred from publication inside the country. The military censor has shown a growing interest in tracking information posted online, especially on social media.

To compensate for their inability to use the military censor, security officials have obtained court-issued gag orders to limit coverage of sensitive stories. In late 2015, for example, a sweeping gag order was imposed on information pertaining to the investigation of an alleged act of terrorism by Jewish perpetrators, in which three members of a Palestinian family in the West Bank village of Duma were killed.

A long-standing law forbidding Israeli citizens from traveling to "enemy states" such as Lebanon and Syria without permission from the Interior Ministry has, on occasion, been applied to journalists. Press freedom organizations have condemned the selective application of the law, as well as the potential effects of such travel restrictions on the diversity of news available to the Israeli public. Although Israeli journalists are generally barred from entering the Palestinian territories without explicit military approval, in practice the military frequently ignores the presence of Israeli journalists in the territories.

Deliberate violence against or harassment of journalists is relatively rare in Israel. The principal targets have traditionally been Arab journalists – both foreign and local, often in and around Jerusalem – though many incidents have also stemmed from private or commercial conflicts (such as within the ultra-Orthodox and Israeli Arabic-language media sectors) and police harassment of journalists who are reporting from demonstrations on social and economic matters.

In May 2015, on the holiday marking the unification of Jerusalem under Israeli control, the Israeli police used extraordinary means – including physical removal and containment – to prevent reporters from covering the day's traditional demonstrations as well as the way in which police handled violent clashes that took place in the Old City. In December 2015, a number of reporters and photographers were attacked and injured by police at a right-wing demonstration.

Economic Environment: 11 / 30 (↓2)

Israelis are active news consumers. Mainstream Hebrew newspapers garner an estimated one million daily readers out of a population of less than eight million. The pluralistic makeup of Israeli society is reflected in the press landscape, which includes more than a dozen daily newspapers and a wide range of weeklies and news websites serving readers from various religious, ethnic, and linguistic groups. The major newspapers are privately owned, and some freely criticize government policies and aggressively pursue cases of official corruption.

However, the popularity of the free newspaper *Israel Hayom*, which has risen to capture about 40 percent of the daily market since its launch in 2007, has placed financial pressure on other mainstream papers, as its owner-subsidized business model has forced them to slash advertising rates, thus threatening their sustainability. *Yedioth Ahronoth*, previously the leading paper, places second at about 35 percent. Other dailies' market shares are in the single digits. Due to the transfer of advertising budgets to digital media, the fact that Israel has a small advertising market overall, and the continued growth of *Israel Hayom*, print journalism in Israel is suffering losses. Dismissals of journalists and threats that newspapers will be forced to shut down have become a matter of routine, as has a trend of ownership consolidation.

In November 2014, the Knesset gave initial approval to a bill that would prohibit the free distribution of newspapers. The purpose of the legislation was to force *Israel Hayom* to charge readers at least half the price of its lowest-priced rival. The proposal, which was directly supported by *Yedioth Ahronoth*, stirred a heated debate. Senior political commentators claimed that the debate about the bill was what triggered the dissolution of the Knesset that December, leading to the March 2015 elections.

A diverse selection of broadcast media is available in Israel, although ownership concentration among private stations is a growing concern. Most Israelis subscribe to cable, satellite, or digital terrestrial television services that provide access to international stations. Cellcom TV, a competing service providing multichannel television over the internet, was launched in early 2015, but it did not penetrate the market significantly. Regulatory authorities have not yet decided which regulatory system will apply to businesses that offer television content to Israeli audiences online.

The prominence of the state-run Israel Broadcasting Authority (IBA) in the television market has declined significantly in recent years due to competition from private television and radio outlets, continuing political interference in the content of IBA programming, and poor management. In July 2014, the Knesset voted to close the IBA in 2015 and replace it with a new entity. The law offered sound guarantees to protect the new authority from political pressure and to ensure that it will operate more efficiently. Only a fraction of the IBA's staff would be employed by the new authority, drawing objections from labor unions. A professional manager was brought in to replace political appointees, and by 2015 the IBA was in the process of transitioning to its new structure. Although a large wave of dismissals was carried out in late 2015, the new authority was not yet able to function. This led to fears that public broadcasting, or parts of it, would be closed down in the future, at least for a certain period.

The IBA's radio station, Kol Israel, and the military-operated Galei Tzahal remain popular. A broad range of local radio stations also operate, serving the country's regional communities as well as ultra-Orthodox, Russian-speaking, and Arabic-speaking populations.

Israel has one of the region's highest rates of internet usage, at 71 percent as of 2014. More than half of all internet users take active part in social-media sites, and a number of online news and information websites have sprung up in recent years. The government generally does not restrict internet access, although blocking of certain data on applications like Google Maps, as well as surveillance of internet service providers and telecommunications services, is carried out, ostensibly for security purposes.

The use of branded content and unmarked "native advertising" – paid material that blends in with the surrounding content – is an increasingly important revenue stream, and sometimes even the main revenue stream, for major media outlets in Israel. The most-viewed news website in Israel, *Yedioth Ahronoth's* Ynet, is also the site that contains the most native advertising, and commercial firms even fund some of its journalists' salaries directly. Advertisers in Israel include not only private companies, but also government ministries, state agencies, and nonprofit organizations that pay millions of shekels to websites, newspapers, and commercial television channels to get their messages out, with the paid nature of the content often obscured. This takes place even though under existing law, branded content is forbidden on commercial television. A bill under consideration by the Knesset at year's end would amend the Consumer Protection Law to more strictly regulate all forms of paid content in all sectors of the media, including print and online, where the rules were both weak and poorly enforced.

Note: The scores and narrative for Israel do not reflect conditions in the West Bank and Gaza Strip, which are assessed in a separate report.

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