Freedom of the Press 2017 - Israel

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Press Freedom Status: Partly Free
Total Score: 33/100 (↓1) (0 = Most Free, 100 = Least Free)
Legal Environment: 8/30 (↓1)
Political Environment: 14/40
Economic Environment: 11/30

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.

Quick Facts

Population: 8,200,000
Freedom in the World Status: Free
Internet Penetration Rate: 78.9%

Key Developments in 2016:

- Prime Minister Benyamin Netanyahu issued statements to denounce journalists in unusually hostile terms during the year, with especially harsh and personalized attacks directed at senior reporters Ilana Dayan of Channel 2 and Raviv Drucker of Channel 10 in November.
- Journalists continued to face defamation suits by prominent politicians, with Netanyahu and Defense Minister Avigdor Lieberman filing new claims for financial damages in March and May, respectively.
- In February, it was reported that the military censor had instructed dozens of bloggers and administrators of major social media accounts to submit security-related items for prepublication review, expanding a practice previously in place for traditional media.

Executive Summary

Israel hosts 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.

Political interference is also a growing concern. Prime Minister Netanyahu retained the role of communications minister in 2016, supervising the regulation of broadcast and online media and raising concerns about conflicts of interest. His government postponed the opening of a new public broadcasting corporation, stoked uncertainty about the future of public radio and the parliamentary television channel, and weighed possible changes to the commercial broadcast sector that could threaten existing outlets.

The financial viability of private print and broadcast outlets remained in doubt in 2016, especially given the considerable 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 Netanyahu, who has been accused of colluding with the paper and other friendly news outlets to ensure favorable coverage.

Legal Environment: 8 / 30 (↓1)

Legal protections for freedom of the press are robust. While the country's Basic Laws do not specifically address the issue, and the Knesset 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.

However, official respect for the media's legal protections was undermined during 2016 by a series of statements in which the prime minister excoriated leading journalists who had investigated him, particularly Dayan and Drucker in November. Using terms like "desperate," "pathetic," and "left-wing extremist," Netanyahu accused the reporters of pursuing a malicious agenda against him and misleading the public with propaganda and lies. The statements, some of which were posted on the prime minister's Facebook page, were considered unusually aggressive for an Israeli leader. In response, dozens of senior journalists signed a joint letter objecting to such efforts to discredit the media and warning that they could encourage physical violence.

The country's legal framework includes a number of restrictive elements that are sometimes used against journalists. Hate speech and publishing praise of violence are prohibited. In June 2016, the Knesset passed a comprehensive antiterrorism law that combined, replaced, and expanded on a number of older measures, some of which had been in place since the 1940s. The new law criminalized expressions of sympathy for or encouragement of terrorist acts, among other broadly defined offenses, raising concerns that it could affect the work of journalists. However, there were no reports of the law being used against journalists during the year.

In addition, the government introduced a bill that empowers judges, at the state's request, to order social media platforms to remove inflammatory content that constitutes a criminal offense and poses a risk to personal, public, or national security. Critics of the bill argued that its vague terminology could be used to restrict legitimate speech. However, the government approved the legislation and submitted it to the Knesset, which was preparing for a first reading at year's end.

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. Nevertheless, authorities have continued to conduct investigations and surveillance with the aim of uncovering journalists' sources. In 2016, the lower courts issued some problematic decisions on the topic. In a libel case brought by Knesset member Oren Hazan against journalist Amit Segal regarding a 2015 investigative report about Hazan's past, the court in June 2016 refused Segal's request to have his sources testify in a closed session to protect their confidentiality. Separately in September, a district court ruled that Channel 2 had to give police the raw footage from an interview with a criminal suspect that was later edited and broadcast,

overturning a lower court's 2015 decision and finding that the interviewee did not enjoy the same protections as a confidential source. The decision was being appealed to the Supreme Court at year's end.

The media continue to face the threat of lawsuits for libel and defamation. In Hazan's case against Segal, the court in October rejected the majority of the plaintiff's claim and generally upheld Segal's reporting, but awarded Hazan 40,000 shekels ($10,000) in compensation for certain inaccuracies in the coverage. Meanwhile, Netanyahu and his wife filed a case in March seeking 280,000 shekels ($73,000) in compensation for journalist Igal Sarna's Facebook post about an alleged argument between the couple. In May, Defense Minister Lieberman sued a journalist from Channel 10 for 140,000 shekels ($36,000), claiming that the journalist falsely accused him of leaking the state comptroller's report about operational failures during Israel's 2014 military offensive against the militant group Hamas in Gaza. Also during the year, a real estate company linked to a convicted trafficker in women was pursuing a lawsuit against investigative journalist Sharon Shpurer, seeking 1.68 million shekels ($436,000) after Shpurer publicly identified the trafficker as an owner of the company in a Facebook post and urged the public not to do business with it.

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 tools provided by the law are used by journalists and activist groups, and many newsworthy pieces of information have been exposed. In a high-profile case involving the prime minister, a district court ruled in July 2016 that Netanyahu did not have to release 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. The court, reversing its initial 2015 ruling in favor of Drucker and Channel 10, found that releasing the information would violate the privacy rights of both the prime minister and Adelson. Drucker appealed the case to the Supreme Court in October.

According to the Press Ordinance of 1933, publishers are required to obtain a license from the Interior Ministry to operate a newspaper, and the ministry is empowered to refuse or revoke licenses on various grounds. However, a separate regulation that had allowed the Interior Ministry to close newspapers without providing justification was revoked under the 2016 antiterrorism law, and the government was preparing legislation at year's end to cancel the 1933 Press Ordinance as well.

Netanyahu has served as communications minister since late 2014, having decided to retain the vacant portfolio for himself after the March 2015 elections, meaning he oversees regulatory decisions regarding Israel's broadcast, internet, and telecommunications markets. In an example of the conflicts of interest raised by this arrangement, the attorney general said in June 2016 that Netanyahu would be barred from involvement in any regulatory matters affecting the companies of his personal friend Shaul Elovitch, whose Bezeq telecommunications conglomerate owns the satellite television provider Yes and the web portal and news site Walla, among other units. Separately that month, a committee headed by the director general of the Communications Ministry, a close political ally of the prime minister, released its recommendations on reforms to the commercial television sector. Though designed to encourage competition, the proposed changes would give new enterprises an advantage and threaten the viability of established outlets such as Channel 2 and Channel 10, whose reporters have clashed with Netanyahu in recent years.

Also during the year, the government was working on plans to close the military-operated Galei Tzahal (Army Radio) or shift it to the Defense Ministry, and to merge the Second Authority for Television and Radio – an independent regulator of broadcast media – with the Cable and Satellite Council, placing the unified agency under the Communications Ministry's control. In August, the

Knesset passed legislation that changed the rules governing an upcoming tender for management of the Knesset Channel, currently operated by Channel 2, and included a controversial clause barring the Knesset Channel from airing content that violates the dignity of the legislature unless it has news or educational value. Concerns that the law was meant to favor a progovernment bidder in the tender were underscored in December, when the Cable and Satellite Council granted permission for Channel 20, the right-leaning Jewish heritage station, to broadcast news content.

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.

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.

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 2016, *Globes* employees successfully blocked a management plan to print a free daily produced by the Walla news website, arguing that it could harm their interests.

Political Environment: 14 / 40

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 in particular have regularly faced instances of political pressure in recent years. In 2016, Netanyahu initiated a series of meetings with Israeli media executives and senior journalists from multiple outlets, during which he reprimanded them for their coverage of his government and him personally. Separately, in addition to explicit denunciations, the prime minister and a number of other politicians showed their displeasure with particular journalists by blocking the reporters from their social-media accounts.

The *Israel Hayom* newspaper, which enjoys the largest distribution in Israel, consistently supports Prime Minister Netanyahu, and Walla is also thought to favor Netanyahu due to his friendship with Elovitch, the owner of its parent company. *Israel Hayom*'s major competitor, the Hebrew daily *Yedioth Ahronoth* and its website Ynet, are known for criticizing the prime minister and supporting other politicians. The main television broadcasters, both commercial and public, are largely free of specific political biases, though the repeated delays in the launch of a new public broadcaster during 2016 raised concerns about future politicization.

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 production of a publication 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. In February 2016, it was reported that the censor had instructed about 30 bloggers and administrators of social media accounts with large followings to submit security-related items for prepublication review, expanding a practice previously in place for traditional media. The censor also sought to place observers in WhatsApp groups used by reporters and spokespeople to exchange information for pending stories. Following harsh public criticism, the censor was compelled to clarify its operational guidelines.

To compensate for their limited ability to use the military censor, security officials have obtained court-issued gag orders to block coverage of sensitive stories. Research published in July 2016 showed a sharp increase in the use of gag orders over the past 15 years, with 231 issued in 2015 alone.

In addition to such direct censorship, journalists are thought to practice some degree of self-censorship, largely to conform to the editorial line of their outlets, whether it is pro- or antigovernment in orientation.

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. A similarly diverse selection of broadcast media is also available in Israel, including local radio stations that cater to the country's regional communities as well as ultra-Orthodox, Russian-speaking, and Arabic-speaking populations.

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 and harassment of journalists who are reporting from social demonstrations or contentious court hearings. In October 2016, during the trial of an Israeli soldier charged with killing a wounded and disarmed Palestinian assailant, well-known journalist and political commentator Amnon Abramovich was assaulted both verbally and physically by supporters of the accused.

Economic Environment: 11 / 30

Israel's major newspapers are privately owned, and some freely criticize government policies and aggressively pursue cases of official corruption. However, the popularity of the free, progovernment newspaper *Israel Hayom*, which has risen to capture nearly 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. The financial daily *Globes* faced a likely sale after the assets of its owner, debt-laden businessman Eliezer Fishman, were placed in receivership in December 2016.

A diverse selection of television and radio outlets are available in Israel, although ownership concentration among private stations is a growing concern. The consumer base for unique, Hebrew-language outlets is relatively small, which contributes to unusually high barriers to entry for new outlets. 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 has not yet penetrated 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. The IBA's radio station, Kol Israel, and the military-operated Galei Tzahal remain popular. 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, leaving the diminished IBA in place.

During 2016, the government further delayed the start date for the new Israel Broadcasting Corporation (IBC). While Netanyahu claimed that the IBC simply was not ready for launch, several investigations – as well as the prime minister's and his supporters' own statements on the matter – indicated that the delays were politically motivated. These developments fueled concerns about the future of public broadcasting in Israel.

Israel has one of the region's highest rates of internet usage, at 79 percent as of 2015. Most internet users are active on social media, 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 transparency of ownership at various media outlets is greater than in the past, but this is largely due to scrutiny by rival outlets and efforts organized on social media. Some members of the media have failed to comply with Israel Press Council ethical guidelines that require them to disclose the full range of interests behind their respective outlets.

While the allocation of state advertising and announcements to newspapers is guided in part by circulation figures, other considerations also play a role, and there is room for discretion in practice. Some research in recent years has suggested that government ministries tend to favor outlets whose owners are considered to be friendly to the administration.

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, 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 intended to address the problem failed to become law in 2016. It would have amended 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 are both weak and poorly enforced. Prime Minister Netanyahu decided to support the bill, which presented a potential threat to the critical *Yedioth Ahronoth*, politicizing the debate and leading the opposition to derail the legislation.

Countries

- Israel

Topics

- Freedom of expression
- Freedom of information