



Freedom of the Press 2015 - Israel

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2015 Scores

Press Status : Free

Press Freedom Score (0 = best, 100 = worst): 30

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

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

Economic Environment (0 = best, 30 = worst): 9

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. The financial viability of private print and broadcast outlets also remains a concern.

Legal Environment

Legal protections for freedom of the press are robust. While the country's Basic Law does not specifically address the issue, the Supreme Court has affirmed that freedom of expression is an essential component of human dignity. The legal standing of press freedom has also been reinforced by court rulings citing principles laid out in Israel's Declaration of Independence.

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.

Operation Protective Edge, an Israeli military campaign in the Gaza Strip during the summer of 2014, inflamed public discourse in Israel, particularly on social media, leading to a variety of proposals for new legal or regulatory restrictions. In July, Communications Minister Gilad Erdan called on regulators to remove Qatar's Al-Jazeera television network from the lineup of channels available in Israel, accusing it of broadcasting unlawful incitement. The regulatory agency rejected this demand, citing concerns about press freedom and freedom of expression. In November, Justice Minister Tzipi Livni initiated a change in the definition of incitement to violence or terrorism in order to make it easier to file criminal charges. Due to a policy of restraint by the State Attorney's Office, few indictments for incitement have been issued in Israel in recent years. Livni's initiative was aborted when the ruling coalition collapsed in early December, clearing the way for elections in early 2015.

While the media continue to face the threat of legal action, particularly on accusations of libel, the courts tend to rule in favor of the rights of journalists. In September 2014, a nine-judge panel of the Supreme Court largely upheld a 2012 ruling by a smaller panel, again finding that journalist Ilana Dayan was protected from libel claims by a former military officer who objected to his portrayal in an investigative television program on the 2004 killing of a Palestinian girl near the Gaza border.

The confidentiality of journalistic sources is not explicitly protected under Israeli law, although it is recognized by the courts. In November 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 continued to conduct investigations and surveillance with the aim of uncovering journalists' sources.

Twice in 2014, police or other investigative authorities entered the offices of the investigative television program *Uvda* (Fact) with a court order instructing staff to hand over materials that had been collected during investigations of economic and criminal matters. The program's staff refused in both cases. In the first incident, a court ruling in January 2014 confirmed that the program had to hand over documents related to interviews of witnesses in a serial murder case. In March, *Uvda* was ordered by a court to provide authorities with "full copies of all of the raw materials used" to prepare an investigation of private medicine in Israel, and the journalists refused. In this case, the authorities reached an agreement with the program and did not demand any item that might violate journalistic privilege.

In October, the Supreme Court ruled on a case involving a senior prosecutor, Liora Glatt-Berkowitz, who was fired after police identified her as a journalist's source for leaked documents. Glatt-Berkowitz sued the journalist, Baruch Kra of *Haaretz*, for compensation, arguing that he had failed to protect her confidentiality. The Supreme Court upheld a lower court's conclusion that Kra had not been negligent in his handling of the matter, finding that although a journalist has a duty of care vis-à-vis his source, if he acts responsibly and in accordance with the rules of journalistic ethics, he will not be held liable for compensation.

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. In September 2014, the Supreme Court upheld a 2009 freedom of information request by *Haaretz* in which the newspaper sought data on the number of open cases before each judge in the Israeli justice system.

According to the Press Ordinance of 1933, publishers are required to obtain a license from the Interior Ministry to operate a newspaper; broadcasters are covered by separate regulatory authorities. 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 March 2014, the National Labor Court issued an important ruling recognizing the union as the representative organization of journalists at *Yedioth Ahronoth*, its affiliated website Ynet, and its sister newspaper *Calcalist*.

Separately, a final ruling was still pending in the case of journalist Haggai Matar, who had been fired by the new owners of the newspaper *Maariv* after it changed hands in 2012. Matar had served as chairman of the union committee at the paper, and the union filed a petition on his behalf, asserting that he had been fired illegally. Management then claimed that he had been dismissed because his political views diverged from the paper's editorial line, prompting further legal arguments.

Political Environment

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 faced instances of political pressure in recent years.

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, but in May 2012 the military censor announced a new surveillance tool aimed at tracking textual and visual information online, especially on social networks.

During Operation Protective Edge in Gaza in the summer of 2014, the military censor grew more active, particularly when an IDF officer, Lieutenant Hadar Goldin, was declared missing. That day, the censor asked reporters, including foreign media, to submit all related content for review prior to publication. The IDF was apparently attempting to prevent publication of the fact that the missing officer was related to the Israeli defense minister. The *New York Times*, which communicated with the censor but declined to submit articles for prepublication review, said the demand was the first censorship notification it had received in over six years. The restriction related to Goldin was lifted within two days, after the officer was declared killed in action.

A huge oil spill in December drew public attention to the fact that the state-owned company responsible for the breached pipeline had for years been protected from media scrutiny by the military censor. The judiciary at times has imposed bans on coverage of certain stories – including quotation of foreign sources – as an alternative to military censorship. The most controversial instances of such gag orders in recent years have involved secret detainees.

Self-censorship was also concern in 2014, particularly in the context of Operation Protective Edge. A journalist was reportedly fired by a local newspaper in southern Israel after publishing an article about the lack of protection from militant rockets in Israeli Bedouin communities.

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 Operation Protective Edge, Israeli journalists were forbidden to enter the Gaza Strip for their own safety, except in a few cases in which IDF escorts were provided. As a result, Israeli media had to rely on military sources and the foreign press in their coverage of the fighting.

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-Arab media sectors) and police harassment of journalists who are reporting from demonstrations on social and economic matters. In August 2014, it was reported that a legal correspondent for one of Israel's major news sites was arrested while recording police officers who, according to her account, used excessive force during a demonstration. The story was widely covered in the media, and the police came under harsh criticism.

Economic Environment

Israelis are active news consumers. Mainstream Hebrew newspapers garner an estimated one million daily readers out of a population of less than eight million. The pluralistic makeup of Israeli society is reflected in the press landscape, which includes 12 daily newspapers and a wide range of 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 daily newspaper *Israel Hayom*, which has captured about 40 percent of the market, has placed financial pressure on other mainstream papers, as its business model has forced them to slash advertising rates, thus threatening their sustainability. *Israel Hayom* is owned and subsidized by Sheldon Adelson, a wealthy American businessman who is openly aligned with Prime Minister Benjamin Netanyahu and his conservative Likud Party.

As a result of financial difficulties, the mainstream daily newspaper *Maariv* faced the threat of closure and was eventually sold in 2012 to Shlomo Ben-Zvi, the owner of a small right-wing paper, *Makor Rishon*. The merger of the two outlets increased ownership concentration, but their financial problems continued. The corporation controlled by Ben-Zvi collapsed in early 2014, leaving the two newspapers and the affiliated news website NRG in danger of immediate closure. *Maariv* was sold to businessman Eli Azur, who has holdings in a number of media outlets, including the *Jerusalem Post*. Sheldon Adelson acquired NRG and *Makor Rishon*. The antitrust commissioner approved the sales in April.

In November, the Knesset gave initial approval to a bill that would prohibit the free distribution of newspapers. If it won final passage, the legislation would force *Israel Hayom* to charge readers at least half the price of its lowest-priced rival. The proposed law, which was directly supported by the free paper's main competitor, *Yedioth Ahronoth*, stirred a heated debate. Supporters said Adelson's role in the newspaper market constituted a threat to freedom of expression and freedom of the press, while opponents criticized the use of legislation to essentially target a specific media outlet. The bill was stymied by the dissolution of the Knesset in December.

A diverse selection of broadcast media is available, 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. The dominance 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 pressures 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 year's end the IBA was in the process of transitioning to its new structure.

The IBA's radio station, Kol Israel, and the military-operated Galei Tsahal remain popular throughout the country, and 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.

At the end of 2014, after years of financial problems and debts to a regulatory agency that jeopardized its license, the private television station Channel 10 had yet to find new investors and was again on the brink of shutting down. Extensive media pressure led to another temporary fix that would carry the channel, whose coverage is often critical of the government, through the elections scheduled for March 2015. Separately, a new current events outlet, Channel 20, began operating during the year, targeting audiences on the political and religious right.

Israel has one of the region's highest rates of internet usage, at 71 percent as of 2013. 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.

Branded content, product placement, and paid news items have become common in the Israeli media. Such practices gained greater exposure in 2014, generating public calls to clearly identify content that has been paid for by advertisers and other parties. For example, the Seventh Eye, a Hebrew media monitoring site, reported in May that the Economy and Trade Ministry had paid nearly \$100,000 to *Yedioth Ahronoth* in exchange for positive coverage in 2012-13. The Mako news and entertainment portal announced at the end of the year that it would be the first site to clearly identify reports and video clips that contain branded content.

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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