

FREEDOM  
OF THE  
PRESS 2006

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# FREEDOM OF THE PRESS 2006

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A Global Survey of Media Independence

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EDITED BY  
KARIN DEUTSCH KARLEKAR

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# Table of Contents

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Acknowledgments, *vii*

The Survey Team, *ix*

Survey Methodology, *xix*

Press Freedom in 2005, *1*  
*Karin Deutsch Karlekar*

Global and Regional Tables, *11*

Freedom of Expression after the “Cartoon Wars,” *19*  
*Arch Puddington*

Country Reports and Ratings, *29*

Freedom House Board of Trustees, *269*

About Freedom House, *270*



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Karin Deutsch Karlekar, a senior researcher at Freedom House, served as managing editor of this year’s survey. Eleanor Marchant served as assistant editor and was involved in all stages of the research, writing, and editing process. Extensive research, editorial, proofreading, and administrative assistance was provided by Astrid Larson, Thomas Webb, Sarah Cussen, Genevieve LaForge, and Raffael Himmelsbach. Anne Green, of Greenways Graphic Design, was responsible for the design and layout of the book, while Sona Vogel served as the principal copy editor. Overall guidance for the project was provided by Arch Puddington, director of research, and by Christopher Walker, director of studies.

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## Survey Methodology

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The 2006 survey, which provides analytical reports and numerical ratings for 194 countries and territories, expands a process conducted since 1980 by Freedom House. The findings are widely used by governments, international organizations, academics, and the news media in many countries. Countries are given a total score from 0 (best) to 100 (worst) on the basis of a set of 23 methodology questions divided into three subcategories. Assigning numerical points allows for comparative analysis among the countries surveyed and facilitates an examination of trends over time. The degree to which each country permits the free flow of news and information determines the classification of its media as “Free,” “Partly Free,” or “Not Free.” Countries scoring 0 to 30 are regarded as having “Free” media; 31 to 60, “Partly Free” media; and 61 to 100, “Not Free” media. The criteria for such judgments and the arithmetic scheme for displaying the judgments are described in the following section. The ratings and reports included in *Freedom of the Press 2006* cover events that took place between January 1, 2005, and December 31, 2005.

### Criteria

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

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without

interference and to seek, receive, and impart information and ideas through any media regardless of frontiers.

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

This survey does not assess the degree to which the press in any country serves responsibly, reflecting a high ethical standard. The issue of “press responsibility” is often raised to defend governmental control of the press. Indeed, a truly irresponsible press does a disservice to its public and diminishes its own credibility. However, governmental efforts to rein in the press on the pretext of making the press “responsible” have far worse results in most cases. This issue is reflected in the degree of freedom in the flow of information as assessed in the survey.

## Sources

Our data come from correspondents overseas, staff and consultant travel, international visitors, the findings of human rights and press freedom organizations, specialists in geographic and geopolitical areas, the reports of governments and multilateral bodies, and a variety of domestic and international news media. We would particularly like to thank other members of the International Freedom of Expression Exchange (IFEX) network for providing detailed and timely analyses of press freedom violations in a variety of countries worldwide.

## Methodology

Through the years, we have refined and expanded our methodology. Recent changes are intended to simplify the presentation of information without altering the comparability of data for a given country over the 26-year span or the comparative ratings of all countries over that period.

Our examination of the level of press freedom in each country currently comprises 23 methodology questions divided into three broad categories:

the legal environment, the political environment, and the economic environment. For each methodology question, a lower number of points is allotted for a more free situation, while a higher number of points is allotted for a less free environment. The diverse nature of the questions seeks to encompass the varied ways in which pressure can be placed upon the flow of information and the ability of print, broadcast, and internet-based media to operate freely: In short, we seek to provide a picture of the entire “enabling environment” in which the media in each country operate. Each country is rated in these three categories, with the higher numbers indicating less freedom. A country’s final score is based on the total of the three categories: a score of 0 to 30 places the country in the Free press group; 31 to 60 in the Partly Free press group; and 61 to 100 in the Not Free press group.

- The **legal environment** category encompasses an examination of both the laws and regulations that could influence media content and the government’s inclination to use these laws and legal institutions to restrict the media’s ability to operate. We assess the positive impact of legal and constitutional guarantees for freedom of expression; the potentially negative aspects of security legislation, the penal code, and other criminal statutes; penalties for libel and defamation; the existence of and ability to use freedom of information legislation; the independence of the judiciary and of official media regulatory bodies; registration requirements for both media outlets and journalists; and the ability of journalists’ groups to operate freely.
- Under the **political environment** category, we evaluate the degree of political control over the content of news media. Issues examined include the editorial independence of both state-owned and privately owned media; access to information and sources; official censorship and self-censorship; the vibrancy of the media; the ability of both foreign and local reporters to cover the news freely and without harassment; and the intimidation of journalists by the state or other actors, including arbitrary detention and imprisonment, violent assaults, and other threats.
- Our third category examines the **economic environment** for the media. This includes the structure of media ownership;

transparency and concentration of ownership; the costs of establishing media as well as of production and distribution; the selective withholding of advertising or subsidies by the state or other actors; the impact of corruption and bribery on content; and the extent to which the economic situation in a country impacts the development of the media.

## Checklist of Methodology Questions for 2006

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

1. Do the constitution or other basic laws contain provisions designed to protect freedom of the press and of expression and are they enforced? (0–6 points)
2. Do the penal code, security laws, or any other laws restrict reporting and are journalists punished under these laws? (0–6 points)
3. Are there penalties for libeling officials or the state and are they enforced? (0–3 points)
4. Is the judiciary independent and do courts judge cases concerning the media impartially? (0–3 points)
5. Is freedom of information legislation in place and are journalists able to make use of it? (0–2 points)
6. Can individuals or business entities legally establish and operate private media outlets without undue interference? (0–4 points)
7. Are media regulatory bodies, such as a broadcasting authority or national press or communications council, able to operate freely and independently? (0–2 points)
8. Is there freedom to become a journalist and to practice journalism? (0–4 points)

### B. POLITICAL ENVIRONMENT (0–40 POINTS)

1. To what extent are media outlets' news and information content determined by the government or a particular partisan interest? (0–10 points)
2. Is access to official or unofficial sources generally controlled? (0–2 points)
3. Is there official censorship? (0–4 points)
4. Do journalists practice self-censorship? (0–4 points)
5. Is media coverage robust and does it reflect a diversity of viewpoints? (0–4 points)

6. Are both local and foreign journalists able to cover the news freely? (0–6 points)
7. Are journalists or media outlets subject to extralegal intimidation or physical violence by state authorities or any other actor? (0–10 points)

C. ECONOMIC ENVIRONMENT (0–30 POINTS)

1. To what extent are media owned or controlled by the government and does this influence their diversity of views? (0–6 points)
2. Is private media ownership transparent, thus allowing consumers to judge the impartiality of the news? (0–3 points)
3. Is private media ownership highly concentrated and does it influence diversity of content? (0–3 points)
4. Are there restrictions on the means of journalistic production and distribution? (0–4 points)
5. Does the state place prohibitively high costs on the establishment and operation of media outlets? (0–4 points)
6. Do the state or other actors try to control the media through allocation of advertising or subsidies? (0–3 points)
7. Do journalists receive payment from private or public sources whose design is to influence their journalistic content? (0–3 points)
8. Does the economic situation in a country accentuate media dependency on the state, political parties, big business, or other influential political actors for funding? (0–4 points)

Legend

Country

Status: Free (0–30)

Partly Free (31–60)

Not Free (61–100)

LEGAL ENVIRONMENT: 0–30 POINTS

POLITICAL ENVIRONMENT: 0–40 POINTS

ECONOMIC ENVIRONMENT: 0–30 POINTS

TOTAL SCORE: 0–100 POINTS





## Press Freedom in 2005

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Karin Deutsch Karlekar

Conditions for press freedom showed mixed results in 2005, as a combination of positive and negative trends left the overall global level of media independence registering only a slight decline from the previous year. Improvements in press freedom due to politically driven change were noted in countries in the former Soviet Union such as Kyrgyzstan and Ukraine, as well as in a number of countries in West Africa, including Liberia and Mauritania. A positive regional trend continued in the Middle East and North Africa, although this was seen as a result primarily of the impact of pan-Arab electronic media, rather than specific actions taken by the governments of the region to liberalize the environment for the press. However, these gains were outweighed by setbacks in a number of key countries in Africa and Asia, including some that had previously registered improvements and had been seen to be moving on a positive trend line. The most significant declines of 2005 occurred in the Asian countries of East Timor, Nepal, the Philippines, and Thailand and the Sub-Saharan African countries of Botswana, Ethiopia, and Uganda. This deterioration in press freedom, particularly in countries that had made overall democratic progress (including in press freedom) in the past, underscored the need to remain vigilant about the erosion of press freedom in countries with democratically elected governments.

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The annual *Freedom of the Press* survey assesses the degree of print, broadcast, and internet freedom in every country in the world, analyzing events that take place during each calendar year. Ratings are determined on the basis of an examination of three broad categories: the legal environment in which media operate; political influences on reporting and access to information; and economic pressures on content and the dissemination of news. Under the legal category, we assess the laws and regulations that could influence media content as well as the government's inclination to use these laws and legal institutions to restrict the media's ability to operate. The political category encompasses a variety of issues, including editorial pressure by the government or other actors; censorship and self-censorship; the ability of reporters to cover the news; and the extralegal intimidation of and violence against journalists. Finally, under the economic category we examine issues such as the structure, transparency, and concentration of media ownership; costs of production and distribution; and the impact of advertising, subsidies, and bribery on content. Ratings reflect not just government actions and policies, but the behavior of the press itself in testing boundaries, even in more restrictive environments. The survey provides a numerical rating from 0 (the most free) to 100 (the least free) for each country and categorizes the level of press freedom as "Free," "Partly Free," or "Not Free" based on each country's numerical rating.

In 2005, out of 194 countries and territories surveyed, 73 countries (38 percent) were rated Free, 54 (28 percent) were rated Partly Free, and 67 (34 percent) were rated Not Free (comparable numbers for the previous survey were 75 Free countries, 50 Partly Free countries, and 69 Not Free countries). Category shifts in 2005 suggested a trend of convergence toward the middle Partly Free category. Overall, 2 countries, East Timor and Botswana, moved from Free to Partly Free, while 2 countries, Kenya and Mauritania, improved from Not Free to Partly Free.

In terms of population, the survey found that 17 percent of the world's inhabitants live in countries that enjoy a Free press, while 40 percent have a Partly Free press and 43 percent have a Not Free press. The relatively negative picture painted by examining population figures can be explained by the fact that China, with its large population, is rated Not Free, and the almost equally populous country of India is rated Partly Free, thus vastly limiting the percentage of people worldwide who have access to Free media. Over the past year, the percentage of those enjoying Free media has declined slightly, while the percentage of people who live in countries with a Not Free media environment has decreased by two percentage points,

which indicates that more countries are moving into the “gray zone” of partial media freedom.

The overall level of press freedom worldwide, as measured by the global average score, worsened slightly in 2005 to 46.05, continuing a four-year downward trend. Both the overall global average score and the global averages for the legal and political environment categories worsened, with the political environment category showing a particular decline.

The five worst-rated countries in 2005 continue to be Burma, Cuba, Libya, North Korea, and Turkmenistan. In these states, independent media are either nonexistent or barely able to operate, the role of the press is to act as a mouthpiece for the ruling regime, and citizens’ access to unbiased information is severely limited. The numerical scores for these five countries have barely changed in relation to the previous year, reflecting a level of extreme repression and stagnation for the media.

## Regional Trends

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**Americas:** In the Americas, 17 countries (49 percent) were rated Free, 14 (40 percent) were rated Partly Free, and 4 (11 percent) were rated Not Free in 2005. Just under half the countries in the region have media that remain classified as Free, although this includes the Caribbean, whose countries generally have very open media environments, which offsets the less rosy picture in Central and South America. During the past four years, the percentage of countries whose media are classified as Free has slipped from 60 percent to 49 percent. More worrisome, in a pattern of continued decline in media freedom in the Americas over the past 15 years, the number of Free countries has dropped from 23 in 1990 to 17 in 2005, the most significant decline for any region. Countries of particular concern continue to be Cuba, which has one of the most repressive media environments worldwide; Venezuela, where the government of President Hugo Chavez has continued its efforts to control the press; Colombia, where high levels of violence and intimidation against journalists have led to increased self-censorship; and Haiti, where media freedom remains tested by political polarization and instability.

No category shifts occurred in the Americas in 2005. However, a number of countries, most notably Mexico and Argentina, showed negative trends. A continuing high level of attacks against journalists—as well as official apathy toward prosecuting the perpetrators—negatively impacted Mexico’s numerical rating. In addition, the passage of a new law in the

lower house in December may heighten concentration of ownership in the television sector, which is already dominated by the Televisa network. Economic pressures against media also worsened in Argentina, where the use of official advertising at both national and state levels to influence media coverage by rewarding supportive outlets and punishing critical ones reached new heights.

Although the United States continues to be one of the better performers in the survey, media freedom was tested in 2005 by several cases in which legal authorities tried to compel journalists to reveal confidential sources or provide access to research material in the course of criminal investigations. As a result of the ongoing investigation into the leaking of a CIA officer's name to the press, journalist Judith Miller spent several months in jail after she refused to cooperate with prosecutors and reveal her sources. Also during the year, the administration of President George W. Bush was found to have violated federal law by providing monetary grants to journalists in return for favorable coverage of domestic policy initiatives.

**Asia-Pacific:** The Asia-Pacific region as a whole exhibited a relatively high level of freedom, with 17 countries (42.5 percent) rated Free, 8 (20 percent) rated Partly Free, and 15 (37.5 percent) rated Not Free. When one examines the figures in terms of population, the outlook is less positive: Only 7 percent of the region's population had access to Free media in 2004. However, this is due primarily to the fact that China, with its large population, continues to be ranked Not Free, while India is rated Partly Free. The regionwide figures also disguise considerable sub-regional diversity; for example, the Pacific islands and Australasia continue to have among the best ranked media environments worldwide, while conditions in South and Southeast Asia are significantly poorer. Asia is home to two of the worst-rated countries in the world, Burma and North Korea, which have extremely repressive media environments, as well as several other bad performers such as China, Laos, and Vietnam, all of which use state or party control of the press as the primary tool to restrict media freedom.

In 2005, East Timor's rating was lowered from Free to Partly Free, and several other countries exhibited negative numerical trends, including Nepal, the Philippines, and Thailand. Nevertheless, modest positive improvements were seen in Tonga. East Timor, which has been ranked as Free since its transition to independence, saw backsliding in the media environment during 2005 and was downgraded to Partly Free, primarily because of the passage of a new penal code that contained severe

punishments, including prison sentences, for defamation. In addition, authorities engaged in sustained harassment of the *Suara Timor Lorosae*, a leading independent newspaper.

Two other important Southeast Asian countries also saw numerical declines. A continued high level of physical violence directed against reporters in the Philippines, coupled with increasing official intolerance toward members of the press who practice investigative journalism, negatively impacted press freedom during the year. In Thailand, sustained attempts to intimidate and control the media through the use of exorbitant libel suits against individual journalists, as well as economic means such as buying shares in newspapers, led to a more restricted environment in 2005.

Conditions for the Nepali media, which had already declined substantially as a result of a heightened state of conflict in which journalists were caught between government forces and Maoist insurgents, worsened further in 2005. In addition to intimidation and attacks carried out by both sides, media faced considerable pressures as part of a broader crackdown on civil liberties that followed a February 2005 “palace coup” in which King Gyanendra assumed executive powers and imposed a state of emergency. Censorship was instituted at major media outlets, journalists were subject to arrest and detention, and the government pushed through restrictive amendments to the media laws and attempted to shut down independent radio stations.

**Central and Eastern Europe/Former Soviet Union:** In Central and Eastern Europe and the former Soviet Union, the downward trend noted in the past several years has stabilized, with no category shifts occurring in 2005. In this year’s survey, 8 countries (30 percent) remain classified as Free, 9 (33 percent) as Partly Free, and 10 (37 percent) as Not Free. The countries of Central and Eastern Europe, many of which have joined the European Union, have established open media environments and continued to perform well in period under review, in contrast with conditions in the former Soviet Union, in which further declines were apparent, particularly in Russia and Uzbekistan. The situation for the press in Central Asia, and to a lesser extent the Caucasus, remains deeply troubled, while the authoritarian governments of Belarus and Turkmenistan continue to provide extremely repressive environments for the media.

Russia remained in the Not Free category after being downgraded in 2003 in the wake of government consolidation of broadcast media and the use of myriad forms of pressure to restrict critical coverage. These trends

continued in 2005, as authorities used a combination of legal and economic pressures, coupled with outright physical threats, to prevent reportage on sensitive topics such as the war in Chechnya. Uzbekistan also registered a noticeable worsening of its media environment in 2005 as part of a broader crackdown following the May uprising in the city of Andijon. Aside from a news blackout surrounding the events themselves, authorities took steps during the year to shutter the few remaining Western-funded media outlets and training centers, such as the Institute for War and Peace Reporting, Internews, Radio Free Europe/Radio Liberty, and the BBC.

However, bright spots were noted in the case of Ukraine, which was upgraded from Not Free to Partly Free in 2004 and saw further positive numerical movement during 2005. Despite continuing concerns over more subtle forms of pressure exerted by media owners and a seeming unwillingness by authorities to vigorously pursue cases such as the Gongadze murder, media freedom has improved considerably and there is a much lower level of direct official interference with press content. Kyrgyzstan similarly saw an opening of its media environment following the fall of the Akayev government in March 2005, but the ensuing political turmoil and the new government's failure to follow through on pledges to reform the media laws and privatize state-owned media meant that these openings remain tenuous.

**Middle East and North Africa:** The Middle East and North Africa region continued to show the lowest regionwide ratings, with 1 country (5 percent) rated Free, 2 (11 percent) rated Partly Free, and 16 (84 percent) rated Not Free in 2005. Generally, media in the region remain constrained by extremely restrictive legal environments, in which laws concerning libel and defamation, the insult of monarchs and public figures, and emergency legislation continue to hamper the ability of journalists to write freely. Of particular concern continue to be Libya, Syria, Tunisia, and the Israeli-Occupied Territories/Palestinian Authority, where media freedom remained extremely restricted during the year. Conditions in Iran deteriorated further as authorities cracked down on independent media outlets and journalists, increasingly targeting internet-based sources of information.

Despite a sharp increase in violence directly targeting journalists in Lebanon, the country remained in the Partly Free category in 2005, largely because of the sustained openings seen in the Lebanese press, which continued to express diverse and critical views. In contrast, a similar increase

in violent attacks on reporters in Yemen during the year led to further difficulties in covering the news and a heightened feeling of self-censorship among journalists. The volatile political situation in Iraq remained highly dangerous for media workers, with more than 20 journalists and media workers, mostly Iraqis, killed during the year.

Nevertheless, during the last several years there have been overall improvements in press freedom in the region as a whole as measured by the average regionwide numerical score. The continued spread and influence of pan-Arab satellite television networks has led to greater openness in the media environment throughout the entire region, particularly in countries such as Egypt and the United Arab Emirates. Mostly government-controlled domestic broadcast outlets have been forced to compete with channels such as Al-Jazeera and Al-Arabiya, which provide citizens with alternative and uncensored sources of information. Although the internet is censored to varying degrees in many countries in the region, the growth of internet-based sources of information such as websites and blogs that discuss political and social issues has also contributed to this expansion of freedom. Print media have also become more critical and, in Egypt, have benefited from the fact that during 2005 they operated in a somewhat freer political environment in which scrutiny of the government was tolerated by the authorities. Journalists in several countries have in fact taken the lead in pushing the boundaries of acceptable coverage, even when faced with violence or, more commonly, legal reprisals.

**Sub-Saharan Africa:** The greatest movement in this year's survey took place in sub-Saharan Africa, where 1 country declined in category while 2 countries registered positive category shifts. Overall, 7 countries (14.5 percent) were rated Free, 19 (39.5 percent) were rated Partly Free, and 22 (46 percent) remain rated Not Free. Press freedom conditions continue to be dire in Equatorial Guinea, Eritrea, and Zimbabwe, where authoritarian governments use legal pressure, imprisonment, and other forms of harassment to sharply curtail the ability of independent media outlets to report freely. During the year, the Zimbabwean government passed legislation that further restricted journalists' right to operate freely, as well as curtailing foreign and local journalists' ability to report on important events such as the March parliamentary elections and a controversial urban housing demolition drive that began in May. Conditions in The Gambia, which had seen a substantial numerical decline in 2004, remained extremely troubled, with the independent print press all but unable to operate.

In 2005, Botswana was downgraded from Free to Partly Free, while Kenya and Mauritania were upgraded from Not Free to Partly Free. Botswana, whose numerical score already placed it at the bottom of the Free category, was downgraded to Partly Free in 2005 following the expulsion of two journalists, allegedly as a result of their reporting. The expulsions took place in a more general climate of official intolerance for critical views, as exemplified by the expulsion of an academic who also irked authorities by his critical stance.

In Mauritania, dramatic political changes that occurred after a bloodless coup also ushered in positive changes for the media environment. Mauritania's press freedom rating was upgraded to Partly Free as a result of the relaxation of draconian press laws and an opening of state-run media to more diverse opinions under the new transition government. Kenya, which had been downgraded in 2004, saw its numerical score improve slightly and its rating improve from Not Free to Partly Free as a result of a decrease in the number of cases of extralegal intimidation of journalists. Over the past several years, there has also been a promising opening of the broadcast sector in Kenya, seen most notably in the growth of independent and community-based radio stations.

Positive numerical trends were noted in several West African countries during the year, mostly as a result of political changes that led to improvements in the media environment. Following the election of a new government in Guinea-Bissau, legal guarantees for freedom of expression were largely upheld and there were few instances of harassment of the press. Similarly, in Liberia, under both the transition government and the new government elected in November, harassment of journalists and media outlets has declined significantly, and reporters were allowed to freely cover political events, including the elections. Meanwhile, conditions for the media improved in neighboring Guinea, largely as a result of positive steps taken by President Lansana Conte, who approved the opening of the broadcast sector to private outlets, as well as personally intervening to reverse instances of harassment of journalists.

However, these gains were outweighed by declines in a number of key countries, many of which had hitherto been on a more positive trajectory in terms of both expanded democratic openings in general and press freedom in particular. In both Ethiopia and Uganda, governmental fear of potential opposition gains in elections led to broad political crackdowns that encompassed the press. Following the disputed May 2005 national elections and renewed violence between opposition supporters and troops



in November, Ethiopian authorities targeted those media outlets that they felt were overly allied with the opposition, jailing and charging many journalists and shutting down the majority of the Amharic-language print press. Pressures on the media also increased in Uganda in the run-up to the February 2006 presidential election, when a number of outlets were instructed to refrain from reporting on key political developments such as the trial of opposition leader Kizza Besigye or the civil war; several journalists currently face serious legal charges. In Senegal, watchdog groups expressed concern regarding the growing number of threats against media outlets that discuss sensitive topics such as the separatist Casamance region or criticize local governments; a number of newspapers and radio stations faced shutdown orders or other forms of harassment during 2005. Togo's score also slipped backward during the year owing to increased violence targeting journalists in the wake of the February coup and to a media blackout imposed during the April elections.

**Western Europe:** Western Europe continued to boast the highest level of press freedom worldwide; in 2005, 23 countries (92 percent) were rated Free and 2 (8 percent) were rated Partly Free. In 2003, Italy joined Turkey as the only countries in the region to be rated Partly Free, which was the first time since 1988 that media in a European Union member state have been rated by the survey as Partly Free. In 2005, media freedom in Italy remained constrained by the dominant influence of Prime Minister Silvio Berlusconi's media holdings. Although not leading to any significant changes in numerical score in the countries under review, press freedom principles were tested in Europe during the year by the controversy that emerged following the publication of the Muhammad cartoons in Denmark in September 2005. For a more detailed discussion of this issue, an essay on the impact of the "cartoon wars" on freedom of expression has been included in this volume.



# GLOBAL AND REGIONAL TABLES

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# Freedom of the Press 2006

Rank	Country	Rating	Status
1	Finland	9	F
	Iceland	9	F
3	Denmark	10	F
	Norway	10	F
	Sweden	10	F
6	Belgium	11	F
	Luxembourg	11	F
	Netherlands	11	F
	Switzerland	11	F
10	Liechtenstein	13	F
	New Zealand	13	F
12	Andorra	14	F
	Palau	14	F
	Portugal	14	F
15	Ireland	15	F
	Marshall Islands	15	F
17	Bahamas	16	F
	Estonia	16	F
	Germany	16	F
	Monaco	16	F
	St. Vincent & Grenadines	16	F
	United States	16	F
23	Barbados	17	F
	Jamaica	17	F
	San Marino	17	F
26	Canada	18	F
	Costa Rica	18	F
	Lithuania	18	F
	Malta	18	F
	St. Lucia	18	F
31	Australia	19	F
	Dominica	19	F
	Latvia	19	F
	United Kingdom	19	F
35	Czech Republic	20	F
	Japan	20	F
	Micronesia	20	F
	Slovakia	20	F
	Slovenia	20	F
	Taiwan	20	F
41	Austria	21	F
	Belize	21	F
	France	21	F
	Hungary	21	F
	Poland	21	F
	Spain	21	F
	St. Kitts & Nevis	21	F
48	Cyprus	22	F
49	Grenada	23	F
	Suriname	23	F
51	Mali	24	F
52	Vanuatu	25	F
53	Chile	26	F

Rank	Country	Rating	Status
	Mauritius	26	F
	Trinidad & Tobago	26	F
	Tuvalu	26	F
57	Guyana	27	F
	South Africa	27	F
59	Fiji	28	F
	Ghana	28	F
	Greece	28	F
	Israel	28	F
	Kiribati	28	F
	Uruguay	28	F
65	Hong Kong	29	F
	Papua New Guinea	29	F
	Samoa	29	F
	Sao Tome & Principe	29	F
69	Benin	30	F
	Namibia	30	F
	Nauru	30	F
	Solomon Islands	30	F
	South Korea	30	F
74	Cape Verde	32	PF
	Tonga	32	PF
76	Bolivia	33	PF
77	Bulgaria	34	PF
	Mongolia	34	PF
79	Botswana	35	PF
	Italy	35	PF
81	Dominican Republic	37	PF
	India	37	PF
83	Antigua & Barbuda	38	PF
	Burkina Faso	38	PF
85	Brazil	39	PF
	Croatia	39	PF
	East Timor	39	PF
	Peru	39	PF
89	Philippines	40	PF
	Serbia & Montenegro	40	PF
91	Ecuador	41	PF
92	Lesotho	42	PF
93	El Salvador	43	PF
	Mozambique	43	PF
	Panama	43	PF
96	Nicaragua	44	PF
	Senegal	44	PF
	Romania	44	PF
99	Argentina	45	PF
	Bosnia-Herzegovina	45	PF
101	Comoros	47	PF
	Guinea-Bissau	47	PF
103	Mexico	48	PF
	Turkey	48	PF
105	Macedonia	49	PF
	Madagascar	49	PF

# Table of Global Press Freedom Rankings

Rank	Country	Rating	Status	Rank	Country	Rating	Status
107	Albania	50	PF	151	Bangladesh	68	NF
	Tanzania	50	PF		Haiti	68	NF
	Thailand	50	PF	153	Afghanistan	69	NF
110	Congo (Brazzaville)	51	PF		Djibouti	69	NF
111	Honduras	52	PF	155	Maldives	70	NF
	Uganda	52	PF		Oman	70	NF
113	Ukraine	53	PF	157	Iraq	71	NF
114	Nigeria	54	PF	158	Bahrain	72	NF
115	Malawi	55	PF		Russia	72	NF
116	Kuwait	56	PF		Venezuela	72	NF
	Niger	56	PF	161	Azerbaijan	73	NF
118	Georgia	57	PF		Chad	73	NF
	Mauritania	57	PF		The Gambia	73	NF
	Paraguay	57	PF	164	Burundi	74	NF
121	Guatemala	58	PF	165	Ethiopia	75	NF
	Kenya	58	PF		Kazakhstan	75	NF
	Indonesia	58	PF	167	Tajikistan	76	NF
	Sri Lanka	58	PF	168	Brunei	77	NF
125	Sierra Leone	59	PF		Nepal	77	NF
126	Lebanon	60	PF		Swaziland	77	NF
	Seychelles	60	PF	171	Togo	78	NF
128	Algeria	61	NF	172	Saudi Arabia	79	NF
	Cambodia	61	NF		Vietnam	79	NF
	Central African Republic	61	NF	174	Congo (Kinshasa)	81	NF
	Colombia	61	NF		Laos	81	NF
	Egypt	61	NF		Yemen	81	NF
	Jordan	61	NF	177	China	83	NF
	Morocco	61	NF		Somalia	83	NF
	Pakistan	61	NF		Tunisia	83	NF
	Qatar	61	NF	180	Iran	84	NF
137	Armenia	64	NF		Syria	84	NF
	Kyrgyzstan	64	NF	182	Rwanda	85	NF
	Liberia	64	NF		Sudan	85	NF
	Zambia	64	NF	184	IOT/PA*	86	NF
141	Angola	65	NF	185	Belarus	88	NF
	Bhutan	65	NF		Equatorial Guinea	88	NF
	Cameroon	65	NF	187	Uzbekistan	90	NF
	Cote d'Ivoire	65	NF		Zimbabwe	90	NF
	Malaysia	65	NF	189	Eritrea	91	NF
	Moldova	65	NF	190	Burma	96	NF
	United Arab Emirates	65	NF		Cuba	96	NF
148	Singapore	66	NF		Libya	96	NF
149	Gabon	67	NF		Turkmenistan	96	NF
	Guinea	67	NF	194	North Korea	97	NF

\*Israeli-Occupied Territories/Palestinian Authority

Status	Number of Countries	Percent of Total
Free	73	38%
Partly Free	54	28%
Not Free	67	34%
TOTAL	194	100%

# Press Freedom Rankings by Region

## Sub-Saharan Africa

Rank	Country	Rating	Status	Rank	Country	Rating	Status
1	Mali	24	F	25	Sierra Leone	59	PF
2	Mauritius	26	F	26	Seychelles	60	PF
3	South Africa	27	F	27	Central African Republic	61	NF
4	Ghana	28	F	28	Liberia	64	NF
5	Sao Tome & Principe	29	F		Zambia	64	NF
6	Benin	30	F	30	Angola	65	NF
	Namibia	30	F		Cameroon	65	NF
8	Cape Verde	32	PF		Cote d'Ivoire	65	NF
9	Botswana	35	PF	33	Gabon	67	NF
10	Burkina Faso	38	PF		Guinea	67	NF
11	Lesotho	42	PF	35	Djibouti	69	NF
12	Mozambique	43	PF	36	Chad	73	NF
13	Senegal	44	PF		The Gambia	73	NF
14	Comoros	47	PF	38	Burundi	74	NF
	Guinea-Bissau	47	PF	39	Ethiopia	75	NF
16	Madagascar	49	PF	40	Swaziland	77	NF
17	Tanzania	50	PF	41	Togo	78	NF
18	Congo (Brazzaville)	51	PF	42	Congo (Kinshasa)	81	NF
19	Uganda	52	PF	43	Somalia	83	NF
20	Nigeria	54	PF	44	Rwanda	85	NF
21	Malawi	55	PF		Sudan	85	NF
22	Niger	56	PF	46	Equatorial Guinea	88	NF
23	Mauritania	57	PF	47	Zimbabwe	90	NF
24	Kenya	58	PF	48	Eritrea	91	NF

Status	Number of Countries	Percent of Total
Free	7	14%
Partly Free	19	40%
Not Free	22	46%
TOTAL	48	100%

## The Americas

Rank	Country	Rating	Status	Rank	Country	Rating	Status
1	Bahamas	16	F	19	Dominican Republic	37	PF
	St. Vincent & Grenadines	16	F	20	Antigua & Barbuda	38	PF
	United States	16	F	21	Brazil	39	PF
4	Barbados	17	F		Peru	39	PF
	Jamaica	17	F	23	Ecuador	41	PF
6	Canada	18	F	24	El Salvador	43	PF
	Costa Rica	18	F		Panama	43	PF
	St. Lucia	18	F	26	Nicaragua	44	PF
9	Dominica	19	F	27	Argentina	45	PF
10	Belize	21	F	28	Mexico	48	PF
	St. Kitts & Nevis	21	F	29	Honduras	52	PF
12	Grenada	23	F	30	Paraguay	57	PF
	Suriname	23	F	31	Guatemala	58	PF
14	Chile	26	F	32	Colombia	61	NF
	Trinidad & Tobago	26	F	33	Haiti	68	NF
16	Guyana	27	F	34	Venezuela	72	NF
17	Uruguay	28	F	35	Cuba	96	NF
18	Bolivia	33	PF				

Status	Number of Countries	Percent of Total
Free	17	49%
Partly Free	14	40%
Not Free	4	11%
TOTAL	35	100%

## Middle East & North Africa

Rank	Country	Rating	Status	Rank	Country	Rating	Status
1	Israel	28	F	11	Iraq	71	NF
2	Kuwait	56	PF	12	Bahrain	72	NF
3	Lebanon	60	PF	13	Saudi Arabia	79	NF
4	Algeria	61	NF	14	Yemen	81	NF
	Egypt	61	NF	15	Tunisia	83	NF
	Jordan	61	NF	16	Iran	84	NF
	Morocco	61	NF		Syria	84	NF
	Qatar	61	NF	18	IOT/PA*	86	NF
9	UAE	65	NF	19	Libya	96	NF
10	Oman	70	NF				

\*Israeli-Occupied Territories/Palestinian Authority

Status	Number of Countries	Percent of Total
Free	1	5%
Partly Free	2	11%
Not Free	16	84%
TOTAL	19	100%

## Press Freedom Rankings by Region, continued

### Asia-Pacific

Rank	Country	Rating	Status	Rank	Country	Rating	Status
1	New Zealand	13	F	21	East Timor	39	PF
2	Palau	14	F	22	Philippines	40	PF
3	Marshall Islands	15	F	23	Thailand	50	PF
4	Australia	19	F	24	Indonesia	58	PF
5	Japan	20	F		Sri Lanka	58	PF
	Micronesia	20	F	26	Cambodia	61	NF
	Taiwan	20	F		Pakistan	61	NF
8	Vanuatu	25	F	28	Bhutan	65	NF
9	Tuvalu	26	F		Malaysia	65	NF
10	Fiji	28	F	30	Singapore	66	NF
	Kiribati	28	F	31	Bangladesh	68	NF
12	Hong Kong	29	F	32	Afghanistan	69	NF
	Papua New Guinea	29	F	33	Maldives	70	NF
	Samoa	29	F	34	Brunei	77	NF
15	Nauru	30	F		Nepal	77	NF
	Solomon Islands	30	F	36	Vietnam	79	NF
	South Korea	30	F	37	Laos	81	NF
18	Tonga	32	PF	38	China	83	NF
19	Mongolia	34	PF	39	Burma	96	NF
20	India	37	PF	40	North Korea	97	NF

Status	Number of Countries	Percent of Total
Free	17	43%
Partly Free	8	20%
Not Free	15	38%
TOTAL	40	100%



## Western Europe

Rank	Country	Rating	Status	Rank	Country	Rating	Status
1	Finland	9	F	14	Germany	16	F
	Iceland	9	F		Monaco	16	F
3	Denmark	10	F		San Marino	17	F
	Norway	10	F	17	Malta	18	F
	Sweden	10	F	18	United Kingdom	19	F
6	Belgium	11	F	19	Austria	21	F
	Luxembourg	11	F		France	21	F
	Netherlands	11	F		Spain	21	F
	Switzerland	11	F	22	Cyprus	22	F
10	Liechtenstein	13	F	23	Greece	28	F
11	Andorra	14	F	24	Italy	35	PF
	Portugal	14	F	25	Turkey	48	PF
13	Ireland	15	F				

Status	Number of Countries	Percent of Total
Free	23	92%
Partly Free	2	8%
Not Free	0	0%
<b>TOTAL</b>	<b>25</b>	<b>100%</b>

## Central and Eastern Europe / Former Soviet Union

Rank	Country	Rating	Status	Rank	Country	Rating	Status
1	Estonia	16	F	15	Albania	50	PF
2	Lithuania	18	F	16	Ukraine	53	PF
3	Latvia	19	F	17	Georgia	57	PF
4	Czech Republic	20	F	18	Armenia	64	NF
	Slovakia	20	F		Kyrgyzstan	64	NF
	Slovenia	20	F	20	Moldova	65	NF
7	Hungary	21	F	21	Russia	72	NF
	Poland	21	F	22	Azerbaijan	73	NF
9	Bulgaria	34	PF	23	Kazakhstan	75	NF
10	Croatia	39	PF	24	Tajikistan	76	NF
11	Serbia & Montenegro	40	PF	25	Belarus	88	NF
12	Romania	44	PF	26	Uzbekistan	90	NF
13	Bosnia-Herzegovina	45	PF	27	Turkmenistan	96	NF
14	Macedonia	49	PF				

Status	Number of Countries	Percent of Total
Free	8	30%
Partly Free	9	33%
Not Free	10	37%
<b>TOTAL</b>	<b>27</b>	<b>100%</b>

## Summary of Results

### Regional Press Freedom Breakdown

Region	Free	Partly Free	Not Free	Number of Countries
Americas	17 (49%)	14 (40%)	4 (11%)	35
Asia-Pacific	17 (42.5%)	8 (20%)	15 (37.5%)	40
CEE/FSU	8 (30%)	9 (33%)	10 (37%)	27
Middle East & North Africa	1 (5%)	2 (11%)	16 (84%)	19
Sub-Saharan Africa	7 (14.5%)	19 (39.5%)	22 (46%)	48
Western Europe	23 (92%)	2 (8%)	0 (0%)	25
<b>TOTAL</b>	<b>73 (38%)</b>	<b>54 (28%)</b>	<b>67 (34%)</b>	<b>194</b>

### Press Freedom by Population

Status	By Country	By Population (millions)
Free	73 (38%)	1,113 (17%)
Partly Free	54 (28%)	2,565 (40%)
Not Free	67 (34%)	2,790 (43%)
<b>TOTAL</b>	<b>194 (100%)</b>	<b>6,468 (100%)</b>

## Freedom of Expression after the “Cartoon Wars”

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Arch Puddington

The world’s democracies have faced two crucial challenges to the ideal of freedom of expression in recent years: the fatwa calling for the death of novelist Salman Rushdie and the more recent controversy over the publication by a Danish newspaper of cartoons deemed offensive to Muslims. In both instances, the response of the democratic world’s political and, in the case of the cartoons, cultural leaders fell well short of a ringing affirmation of the values of a free society.

The Rushdie episode originated with the 1988 publication of *The Satanic Verses*, a novel that took an irreverent view of the Prophet Muhammad. Within a month the book was banned by the Indian government, followed by bannings in South Africa, Pakistan, and a number of Middle Eastern countries. By January 1989, Muslims in the British city of Bradford had carried out a book burning. Shortly thereafter, the police shot and killed five rioters who were protesting against the book in Islamabad, Pakistan.

Then, in February, a fatwa calling for Rushdie’s death was issued by Iran’s spiritual leader, Ayatollah Khomeini, who called *The Satanic Verses* “blasphemous against Islam.” Khomeini also declared Rushdie guilty of apostasy and asserted that it was the responsibility of all “zealous Muslims” to kill Rushdie and his publishers. Khomeini offered a \$3 million reward to anyone who would carry out the fatwa.

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The violence then escalated. Book burnings took place throughout the Muslim world. Five people were killed by police during a demonstration outside the British consulate in Bombay. There were fire bombings at a bookstore that carried *The Satanic Verses* in Berkeley, California, and at a New York newspaper that supported Rushdie. Rushdie's Japanese translator was stabbed to death and his Italian translator stabbed and seriously wounded. Several years later, his Norwegian publisher was shot and severely injured, and 37 people were killed when a Turkish hotel was burned by protesters demonstrating against Rushdie's Turkish translator.

Measured by the sheer level of mayhem and bloodshed, this was a serious toll—more deadly by far than the upheavals that followed on the heels of the Danish cartoons. Yet far from responding with a resolute and unqualified defense of Rushdie and the value of free expression, many democratic political leaders adopted a stance of evenhandedness, distancing themselves from Rushdie while giving pro forma affirmations of artistic freedom and criticisms of the fatwa.

Sir Geoffrey Howe, Great Britain's foreign secretary at the time, summed up his country's stance on the matter by stating that "I do emphasize that we are not upholding the right of freedom to speak because we like this book...we are not in line with or in sympathy with, or in support of the book." Former U.S. president Jimmy Carter wrote an opinion piece in which a boilerplate denunciation of the fatwa was followed by a lengthy disquisition on Rushdie's lack of sensitivity and the West's overemphasis of the author's First Amendment rights.

To be sure, Great Britain gave Rushdie, a naturalized citizen of the United Kingdom, ample security protection, and a number of European governments took the important step of withdrawing their diplomats from Tehran in the aftermath of the fatwa declaration. Furthermore, writers, journalists, freedom of expression advocates, and anticensorship organizations responded with impressive solidarity in their unqualified support of Rushdie. The affair burnished Rushdie's artistic reputation while reinforcing Iran's image as a clerical dictatorship.

The recent controversy over the publication of a series of cartoons that depicted and lampooned Muhammad likewise posed a serious challenge to the core democratic value of freedom of expression. Once again, the response of the political leaders in the United States and Europe was notable for its confusion, indecisiveness, and limp support for a fundamental principle of freedom.

As in the Rushdie episode, the cartoon controversy involved claims of insensitivity, riots, violence, and death threats. Likewise, both cases to some degree were ignited by actions taken by those in positions of authority. In the Rushdie example, the all-powerful spiritual leader of revolutionary Iran issued the death sentence. In the case of the cartoons, the Organization of the Islamic Conference convened several months after the cartoons were published and put together a strategy for a campaign of protests in the Islamic world. Some of the ensuing protests were thus not acts of spontaneous rage, but rather manifestations that were instigated, and perhaps even organized, by political parties and governments.

If the response of democratic countries to the Rushdie death threat was inadequate, much worse can be said about their response to the tempest over the cartoons. Confronted by demands for censorship, the sacking of Western embassies in Muslim countries, a boycott of Danish export goods, and the persecution of Arab intellectuals who defended the cartoons' publication, officials in Washington and European capitals often spoke as if the fundamental problem lay in the cartoons' publication and not the frenzied reaction. Although government officials did not employ the mordant vocabulary of Sir Geoffrey Howe, most preferred to emphasize the cartoons' lack of sensitivity rather than the threat to freedom of the press posed by the critics. Notable among the weaker responders was the Bush administration, which seemed to find solace in a controversy in which Europe, rather than the United States, was the principal target.

If the tepid reaction of diplomats was to be anticipated, the absence of straightforward support from the press and the advocacy community was a dismaying surprise. When Salman Rushdie was threatened, writers and advocates responded with a flurry of initiatives of solidarity, including protest forums, manifestos, opinion pieces, and petitions. By contrast, *Jyllands-Posten*, the newspaper that first published the cartoons, found itself isolated once the violent response in the Muslim world began. Although a few press freedom groups issued strong statements in defense of freedom of expression, others issued declarations that were weak and grudging in their support of the beleaguered journalists. Many often betrayed more resentment toward the editors who had approved the cartoons' publication than toward those who were calling for what amounted to censorship and threats of violence against those responsible for the cartoons. Likewise, newspapers that had defended Rushdie without reservation published editorials that seemed to skate a fine line between a defense of freedom of the press and the apparent requirements of sensitivity in an era of globalization

and multiculturalism. Also disturbing was the attitude of United Nations human rights officials, whose mission includes the protection of press freedoms. The High Commissioner for Human Rights responded not with a defense of freedom of expression, but with an announcement of planned investigations into racism and Islamophobia, while the Special Rapporteur on Racism denounced the cartoons and spoke of the “grave offense they caused to members of the Muslim community.”

In the wake of the cartoon controversy and the earlier Rushdie case, the question for democratic societies is the degree to which they can be counted on to stand up for freedom of the press and expression in the future. The answer to this question is disturbingly unclear.

To be sure, in the United States and Europe, political debates on the key issues of war and peace, economic policy, elections, and other critical topics remain sharp, robust, and, in some instances, polarized. At the same time, there is a tension between the right to express unconventional ideas and a body of laws, policies, and attitudes motivated by a perceived need to limit such expression. Although the problem is more apparent in Europe—with its hate speech laws and libel prosecutions—it is not unknown in the United States, despite America’s commitment to the First Amendment of the U.S. Constitution, which guarantees free speech.

Practically every European country, along with other English-speaking countries like Canada, has embraced some form of hate speech legislation. Norway’s law is typical. It forbids “publicly stirring one part of the population against another” and any utterance that “threatens, insults, or subjects to hatred, persecution, or contempt any person or group of persons because of their creed, color, race, or national origins...or homosexual bent.” In Canada, hate speech principles are enshrined in several statutes. The criminal code includes a section that makes it a criminal act to advocate genocide, publicly incite hatred, or “willfully promote hatred.” The Canadian human rights law outlaws the spreading of hate through telecommunications, including the internet. This policy applies to a lengthy list of categories: race, ethnicity, national origin, color, religion, age, sex, sexual orientation, marital status, family status, disability, or pardoned criminals. Furthermore, legislation banning hate speech is incorporated into Canada’s broadcasting regulation laws. These laws have been invoked on a number of occasions. To take two examples, a newspaper was fined for publishing biblical citations—not the actual text—condemning homosexuality, and a teacher was suspended for writing a letter to the editor contending that homosexuality is not a fixed condition, but something that can be changed over time.

Denmark also has a broadly worded hate speech statute as well as a law that criminalizes blasphemy. Section 140 of the Criminal Code can be used to punish anyone who mocks or scorns the doctrines of an established religion, and provides for jail terms of up to four months for offenders. The Danish prosecutor’s office actually discussed indicting *Jyllands-Posten* for publishing the cartoons, but ultimately decided against bringing charges. Earlier, a television station was convicted under Denmark’s hate speech code for producing a documentary in which three young men expressed strongly racist views about dark skinned immigrants. In so doing, the court rejected the journalist’s argument that he was simply bringing to the public’s attention the fact that racist attitudes existed in Danish society. His conviction was later overturned by the European Court of Human Rights.

In addition to hate speech laws, legislation that explicitly outlaws Holocaust denial has been adopted by a number of European countries. Germany and Austria are most notable here, but similar laws also exist in France and 11 other countries. Austria invoked its Holocaust denial law in its prosecution of David Irving, a British historian and icon of the Holocaust denial circuit, for remarks he made in the country in 1989. Although there is little sympathy for Irving, advocates of freedom of expression were disturbed by his conviction and the sentence of three years’ imprisonment handed down by the Austrian court.

As these examples suggest, many of the hate expression incidents that have reached the level of criminal prosecution or other types of formal action involve statements that are deemed anti-Semitic or pro-Nazi or deny or belittle the Holocaust experience. Muslims in Europe have been known to complain that hate speech codes are applied unfairly, with prosecutions brought in cases of anti-Semitic statements while anti-Muslim remarks are ignored. In fact, the past few years have brought several high-profile cases in which prominent European writers were accused of making statements that slandered Muslims or their faith. A noted French author was the defendant in a case brought by four Muslim organizations for having declared that Islam is the “stupidest religion.” He was acquitted; had he been convicted, he faced a sentence of up to eighteen months in prison and a fine of over US\$70,000. A similar case has been brought against Oriana Fallaci, the Italian journalist, for a book that, in polemical fashion, criticizes Muslim culture and warns of the dangers of the Islamization of Europe. As Europe becomes more racially diverse, demands for the implementation of hate speech legislation can be expected to increase. Once a state adopts laws regulating speech or expression, it creates an

expectation among the public that it will intervene on behalf of groups that regard themselves as aggrieved.

It is true, however, that the initial rationale for Europe's hate speech regimen derives from the continent's experience in World War II, when the Nazis set the stage for genocide through virulent campaigns of demonization that sought to blame the country's troubles on the Jews.

This helps explain the laws that specifically outlaw Holocaust denial, a wedge issue for anti-Semites. Beyond the question of anti-Semitism, hate speech laws are part of a mosaic of agreements and understandings that Europeans have woven together to discourage the rise of the kind of extreme nationalism that led to two catastrophic world wars during the twentieth century. These laws also reflect the European attitude that gives priority to collective rights over individual rights.

More recently, a new hate speech justification has been added: multiculturalism. The multiculturalists contend that in an increasingly diverse Europe, it is incumbent on governments to regulate the content of the press, works of art, and the internet. Furthermore, multiculturalists believe that either certain sensitive subjects should be out of bounds for public discourse or that debate on subjects such as race, religion, nationality, or gender should be carefully moderated.

While freedom of expression remains alive and well throughout Europe, the demands of multiculturalists for restrictions on certain kinds of expression have intensified in recent years. One argument is that international law calls on governments to outlaw, as one group put it, "any advocacy of national, religious, or racial hatred that constitutes incitement to violence, discrimination, or hostility." Although most would agree that incitement to violence should be criminalized, "hostility" is a vague and potentially sweeping concept that could, depending on one's political orientation, refer to strident critics of liberal asylum policies as easily as to those with neo-Nazi views.

If the cartoon wars forced to the surface tensions between certain international institutions and freedom of expression advocates, they also reminded us of the different attitudes toward press freedom and freedom of expression in the United States and Europe. The guarantee of freedom of expression enshrined in the First Amendment of the U.S. Constitution is viewed by many Europeans as a distinctly American peculiarity, like the death penalty. In addition to adopting hate speech laws, most European countries have enacted legislation making it far easier to bring charges of libel, slander, or defamation against critics of public figures than is the case



in the United States. Likewise, Europeans find incomprehensible American court rulings that permit neo-Nazis to march through Jewish neighborhoods or racist organizations to parade through black districts. European irritation with America’s libertarian policies has actually increased with the growth of the internet. Europeans speak of the “commercialization of the First Amendment,” by which they mean the circulation of hate speech through the internet for profit. Europeans also complain that most of the hate speech that filters through the internet has its origins in the United States, which prohibits child pornography but not hate material. Indeed, some racist organizations whose principal audience lies in Europe locate their sites in the United States precisely to avoid criminal prosecution by European authorities.

The European claim that some regulation of the press and speech is essential to curbing the rise of xenophobic or ultranationalistic parties or movements is based on dubious evidence. Despite its First Amendment guarantees of near absolute free speech and its freewheeling public debate, the United States has not experienced a political movement based on racial or religious division—on hate or resentment, in other words—since George Wallace’s 1968 presidential campaign. By contrast, ultranationalist parties have gained a measure of popularity and influence in a number of European countries, including France, Austria, Italy, Germany, Belgium, and Denmark. Indeed, parties whose primary appeal is to the electorate’s anti-immigrant prejudices have gained a disturbing staying power throughout Europe, winning seats in municipal and regional bodies and occasionally participating in governing coalitions.

If the experience of Western Europe demonstrates that attempts to control speech have failed to control the spread of ultranationalist political movements, developments in the new democracies of Central Europe suggest that a policy of tolerance toward extremists can be more effective than censorship in checking their influence. Romanians were initially alarmed when *Romana Mare*, an ultranationalist newspaper, built up a large circulation through a relentless campaign of mockery and slander directed at minority groups. However, the newspaper fell out of favor when Romanians realized that it had nothing relevant to add to the debate over the country’s future. Other post-Communist countries experienced a similar pattern in which ultranationalist parties or movements gained support by blaming minority groups for economic disruption, only to fall into decline after people came to understand the irrelevance of their message.

Just as the Central European countries did not need censorship to cope with political extremists, the United States did not require laws curbing

speech to prevent anti-Muslim hatred in the wake of the events of 9/11. While there have been heated debates over America's Middle East policy, the Iraq war, the Patriot Act, the treatment of detainees, terrorist renditions, and other issues tied to the war on terrorism, political leaders, public figures, and mainstream journalists have been careful to avoid statements that could be interpreted as vilifying Muslims. Public opinion has been quick to respond to those who issued sweeping attacks on Muslims or their religion. But there have been no censorship or defamation suits. And far from being marginalized, Muslims have actually deepened their involvement in the American political process in the years since 9/11.

But the fact that citizens of the United States have been able to carry out a vigorous political debate over controversial issues of race, immigration, and similar issues without the need for regulations on speech is no cause for self-satisfaction. Americans' attitudes might well be different if their country had been ravaged by two calamitous wars in which religious and ethnic hatred and totalitarian ideologies drove events forward. Furthermore, some Americans share with Europeans the mind-set that finds a measure of speech regulation or even forms of censorship acceptable. It is, after all, American universities that adopted ambitious limitations on speech in the name of "political correctness" during the 1990s. At the same time, textbooks for literature and social science courses in American public schools were subjected to a corrosive form of censorship as the result of intense lobbying from a collection of constituencies ranging from feminists to racial minorities to conservative religious groups. That university administrators and publishing executives—the very people who would be expected to take a stand for freedom of expression—have collaborated in censorship projects renders the problem all the more disturbing. Indeed, the kinds of speech controls one encounters in the United States, in which the policies are made quietly by private institutions rather than openly through government action, can have a more insidious effect in the long run than the openly adopted legislation on hate speech found in Europe.

What does distinguish the United States from many other democracies is the First Amendment tradition—that is, the enshrining of press freedom in the Constitution, the long history of press freedom as fundamental to American democracy, and the many court decisions that have reinforced First Amendment rights. The result is to give press freedom and freedom of speech a degree of legal and political legitimacy that exists in few other societies. With the First Amendment, there is the expectation

that infringements on these freedoms, including those stemming from presidential actions, will be rectified.

Those who fret that the contentious language that defines American political discourse poses a threat in a multicultural environment have things exactly backward. While the voicing of extremist opinions often offends or infuriates, it also contributes to the resolution of important disagreements by making it possible for all sides to have their say in the debates of the day. Without access to a free press or the protection of free speech, groups that were denied full democratic representation would never have succeeded in bringing their case to the public. The black civil rights revolution in particular was predicated on the right to express controversial ideas and the crusading spirit of an uncensored press. Contrary to the belief of multiculturalists, open public debate is more important in societies that are racially or religiously heterogeneous—that is, as long as speech is not manipulated in the service of violence. Freedom of speech is not a contentious subject in societies where all are in agreement. It is where there are differences that the ability to freely express dissenting or heretical ideas is crucial. George Orwell once wrote, “If liberty means anything, it means the right to tell people what they don’t want to hear.” His words should be committed to memory by those who will be called on to uphold basic freedoms when the next writer, or even the next cartoonist, is threatened for expressing inconvenient ideas.



# COUNTRY REPORTS AND RATINGS

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## Afghanistan

Status: Not Free

LEGAL ENVIRONMENT: 21  
 POLITICAL ENVIRONMENT: 28  
 ECONOMIC ENVIRONMENT: 20  
 TOTAL SCORE: 69

The environment for Afghanistan's fledgling media worsened slightly in 2005 as journalists faced an increase in attacks and legal harassment during the year. Article 34 of the new constitution, passed in January 2004, provides for freedom of the press and of expression. The May 2004 Press Law guarantees the right of citizens to obtain information and prohibits censorship. However, it retains broad restrictions on content that is "contrary to the principles of Islam or offensive to other religions and sects" and "matters leading to dishonoring and defaming individuals." The legislation also establishes a government-appointed commission with the power to decide if journalists who contravene the law should face court prosecution or a fine. Critics of the law have alleged that its prohibition of "anti-Islamic" writings is overly vague and has led to considerable confusion within the journalistic community on what constitutes permissible content.

Media diversity and freedom are markedly higher in Kabul, and some warlords display limited tolerance for independent media in the areas under their control. A number of journalists were threatened or harassed by government ministers, politicians, and others in positions of power as a result of their reporting. In one of several cases, two reporters working for Radio Free Europe/Radio Liberty were arrested in July by intelligence services in Konar province and were detained for a week without charge. Many avoid writing about sensitive issues such as Islam, national unity, or crimes committed by specific warlords. In a high-profile case that was criticized extensively by both local and Western groups, Ali Mohaqiq Nasab, editor of the monthly women's rights magazine *Haqooq-i-Zan*, was ordered arrested by the high court for publishing articles deemed to be "anti-Islamic." Despite the fact that the government-appointed Media Commission cleared him of blasphemy charges, he was sentenced by the high court to two years' imprisonment in October and also faced the threat of a court-issued fatwa that could have increased his sentence. Nasab was released in December, but the case is considered to have had a chilling effect on press freedom, with an accompanying rise in self-censorship. Religious conservatives also targeted the progressive Tolo TV, which had been criticized by clerics for airing programs that "oppose Islam and national values." In May, a popular female television presenter who had worked at

Tolo was murdered, possibly by family members who did not approve of her job, and other program hosts received threats or were forced off the air, according to the Committee to Protect Journalists.

Although registration requirements remain in place, authorities have granted more than 250 publication licenses, and several dozen private radio stations and eight television stations are now broadcasting, with the expansion of independent print and broadcast outlets continuing in 2005. National and local governments own or control several dozen newspapers and almost all of the electronic media, but reporting at these news outlets is generally balanced. International radio broadcasts in Dari or Pashto, such as the BBC, Voice of America, Radio Liberty, and Radio Free Afghanistan, remain a key source of information for many Afghans. In the country's underdeveloped economic environment, the majority of media outlets remain dependent on the state, political parties, or international donors for financial support. However, in September 2004 the first independent radio station supported entirely by private sector funds was inaugurated in Ghazni province. Access to the internet and to satellite TV dishes remains largely unrestricted, although their use is confined predominantly to Kabul and other major cities; less than one tenth of 1 percent of the population was recorded as having internet access in 2005.

LEGAL ENVIRONMENT: 17

POLITICAL ENVIRONMENT: 17

ECONOMIC ENVIRONMENT: 16

## Albania

Status: Partly Free

TOTAL SCORE: 50

The legal system protects freedom of the press, and the government generally respects this right. There was a movement in 2005, involving both media organizations and members of the government, to amend defamation laws under which libel is punishable by up to two years in prison. In February, a bipartisan group of 23 members of Parliament introduced amendments to Albania's criminal and civil codes, but these did not pass before the July general elections. Still, there were several positive developments in the legal sphere. In January, a Tirana appeals court reversed the 2004 libel conviction of opposition MP and journalist Nikolle Lesi, whose articles in *Koha Jone* had implicated former Prime Minister Fatos Nano in corrupt activities. In October, Prime Minister Sali Berisha issued



an order requiring that government officials use the right of reply rather than civil or criminal defamation suits against the media. Media owners continued to criticize the Parliament-appointed broadcast regulator, the seven-member National Council of Radio and Television (NCRT), alleging that the council was unable to perform its duties. The agency is perceived to be politically influenced and inefficient owing to a lack of funds. In March, a Tirana court reversed the NCRT's 2004 suspension of TV Shijak's license because of the council's failure to take preliminary measures before the suspension over copyright violations.

Independent media continued to be active and were generally able to criticize the government. However, coverage at most broadcast stations was one-sided and significantly politicized, a situation that deteriorated in the run-up to the July elections. The state-owned Albanian Radio and Television, which operates the national television and radio channels, focused most of its election coverage on the government. Nevertheless, in May the main opposition Democratic Party restored the accreditation of TV station News24, which was banned in 2004 from covering the party's activities. Physical intimidation continued in parts of the country. In May, two journalists and a cameraman from Korca were prohibited from filming the activities of the local police, and the chief of the Korca police physically assaulted one of the journalists. In July, the mayor of Korca, Robert Damo, beat up a journalist when she filmed Damo's debate with an election opponent that escalated into a heated argument. The relative of a senior socialist party official allegedly beat two journalists during the election rerun in the southern city of Gjirokaster in August. In December, unknown persons threw explosives into the Tirana editorial office of the highest-circulating daily, *Shekulli*. None of the 15 staff members working were injured.

There are 66 private television stations, 45 private radio stations, and approximately 200 publications in circulation. Much of the independent media was constrained owing to lack of finances. Publishers and media owners tend to dictate editorial policy based on political and economic interests, which, together with the employment insecurity journalists face, nurtures a culture of self-censorship. The internet is a relatively unimportant source of information as access is limited because of a weak telecommunications infrastructure outside major urban areas. The government does not control internet access but less than 3 percent of the population is able to gain access to the internet on a regular basis.

## Algeria

Status: Not Free

LEGAL ENVIRONMENT: 22

POLITICAL ENVIRONMENT: 22

ECONOMIC ENVIRONMENT: 17

TOTAL SCORE: 61

Like many countries in the region, Algeria has adopted a constitution that protects freedom of expression. But repressive laws, which are used regularly to intimidate and in some cases imprison journalists, are evidence that practice does not reflect the constitutional guarantees. Penal code amendments passed in 2001 make it a crime to defame the president, judiciary, armed forces, and Parliament. Nevertheless, the private print press, which has existed since 1990, is opinionated, feisty, and often critical of the government and its policies. Algeria's judiciary is not independent, and in cases brought by government officials or allies against journalists, the courts almost routinely rule against the latter.

In 2005, few independent publications escaped legal and administrative harassment. In what was almost a weekly ritual, journalists and editors who crossed certain lines in their coverage were summoned to court to face defamation charges. Unlike in 2004, when three journalists were actually imprisoned, in 2005 no journalists went to jail for their work (though several were sentenced to jail and are free on appeal). However, Mohammed Benchicou, publisher of the now defunct French-language daily *Le Matin* who was sentenced to two years in prison in June 2004 for violating currency laws, remained in prison. Journalists contend that the real reason behind Benchicou's imprisonment was his criticism of President Abdelaziz Bouteflika. Since Bouteflika's reelection in 2004, journalists and editors who oppose him have been under considerable legal pressure. In 2005, two former employees of *Le Matin*, Youssef Rezzouj and Yasmine Ferroukh, were sentenced to three months in jail for an article published two years earlier that accused a minister of financial mismanagement. Fouad Boughanem and Ridha Belhajouja, two journalists at *Le Soir D'Algerie*, another French-language daily that was often critical of Bouteflika's government, were sentenced to two months in prison for articles published two years earlier that criticized Bouteflika's reelection campaign. All four journalists (and others who were sentenced over the course of the year) are free pending appeal. Foreign journalists were harassed during the year, and the France-based monthly *Jeune Afrique* and weekly *L'Express* were banned by authorities after reports critical of the government.

Authorities maintain tight control over domestic radio and television, which are the major sources of information for much of the public, and it does not appear that the government plans to relinquish that control in the immediate future. Many Algerians watch pan-Arab or France-based channels if they wish to get a more critical view of Algerian affairs. But the ministry of information has yet to accredit journalists from Al-Jazeera and Al-Arabiya, the most popular pan-Arab channels. Another weapon in the arsenal of the authorities is the state-run printing press. Few private newspapers own their own press, and authorities have on several occasions punished critical newspapers by suddenly demanding payment for debts owed to the state printer. The internet remains unrestricted by authorities in Algeria, but it does not yet have wide penetration. Only 2.6 percent of the population was able to access the internet in 2005—the lowest percentage of any country in North Africa.

## Andorra

Status: Free

LEGAL ENVIRONMENT: 1

POLITICAL ENVIRONMENT: 5

ECONOMIC ENVIRONMENT: 8

TOTAL SCORE: 14

Freedom of expression is protected under Article 12 of the Andorran constitution, which also allows for laws that regulate the right of reply, correction, and professional confidentiality. In addition, press freedom is protected under the Universal Declaration of Human Rights, which is binding in Andorra. In 2005, however, a media website alleged that a representative of the radio station R7P was threatened with a two-year jail sentence for criticizing the president of the nationally owned broadcasting network Radio I Televisio D'Andorra, after he cut political programming. Because of Andorra's proximity to France and Spain, its media landscape is partially shaped by foreign media. Domestically, there are two daily papers, *Diari d'Andorra* and *El Periodic*, as well as several weeklies. There are approximately 15 radio and 6 television stations. The government also releases a daily news bulletin. The internet is open and unrestricted to the 35 percent of the population with access.

## Angola

Status: Not Free

LEGAL ENVIRONMENT: 19

POLITICAL ENVIRONMENT: 25

ECONOMIC ENVIRONMENT: 21

TOTAL SCORE: 65

Media restrictions have become less stringent following the 2002 cease-fire between the Popular Movement for the Liberation of Angola (MPLA)-led government and UNITA rebels. However, despite constitutional guarantees of freedom of the press, the press law restricts that freedom, and government pledges to reform media legislation have not yet been realized. Libel of the president or his representatives is a criminal offense punishable by high fines or imprisonment. Authorities can suspend a publication for up to a year if it has published three articles that lead to defamation convictions within a three-year period. Particularly in the interior of the country, the judicial system has little independence to enforce legislation guaranteeing press freedom. However, in February the Supreme Court in Luanda overturned the 2004 defamation conviction of the editor of the independent weekly *Semanario Angolense*. The Law on State Secrecy permits the government to classify information, at times unnecessarily, and those who publish classified information are prosecuted. Private media are often denied access to official information or events. A special committee has policy and censorship authority over the media.

Although the government generally tolerates criticism from private media, 2005 saw several high-ranking government officials pressure independent media to cover the government in a more favorable light. In April, Deputy Minister of Communications Miguel de Carvalho warned journalists at the state-run newspaper *Jornal de Angola* (the country's only daily) not to criticize the government or give equal coverage to opposition parties; although he was later repudiated by the minister of communications, the Media Institute of Southern Africa found that positive coverage of the government and the ruling MPLA in *Jornal de Angola* increased significantly in the following months. In October, National Assembly president Roberto de Almeida—the second most powerful person in Angolan politics—accused independent media of fomenting a return to civil war. Although less common than in previous years, arbitrary detention, harassment, and attacks on journalists continued to take place. For fear of reprisals, many journalists practice self-censorship. Foreign media are able to operate with fewer government restrictions. However, journalists must first secure work visas to enter the country and then must receive authorization from the Ministry of the Interior to meet government officials or travel within Angola.

The government continues to dominate both print and broadcast media. The largest media sources are state run and allow very little criticism of government officials. The official Radio Nacional de Angola (RNA) is the only radio station with national coverage; the state also controls the only non-satellite television station. In March, RNA suspended a popular news program after one of the program's hosts voiced severe criticism of the government's appeal for support from international donors. In July, journalist Celso Amaral was found guilty of mismanaging approximately \$42,500 in state funds while running RNA in the province of Huila and was sentenced to 10 years in prison; Amaral's lawyers claimed the sentence was politically motivated. Four private radio stations operate under government license from Luanda, the capital. The Catholic Church's Radio Ecclesia, a source of independent news, is frequently harassed by the government; in 2005, the station continued to be barred from extending its broadcasts to other areas of the country. The country's seven private weeklies have low circulation and face financial constraints as well as high costs of production and distribution. Few outside the capital can afford private newspapers. Internet access is unrestricted and is only available to those who can afford it in several provincial capitals.

## Antigua and Barbuda

Status: Partly Free

LEGAL ENVIRONMENT: 10

POLITICAL ENVIRONMENT: 14

ECONOMIC ENVIRONMENT: 14

TOTAL SCORE: 38

The constitution of the twin-island state of Antigua and Barbuda explicitly protects freedom of speech and of the press. Although the United Progressive Party (UPP) government, elected in 2004, has carried out its promise to pass freedom of information legislation, the appointment of the information commissioner was delayed. The media environment remains politicized. A major source of concern during 2005 was the ongoing legal action initiated by Director of Public Prosecutions Gene Pestaina against Lennox Linton, Observer Radio's station manager. Linton is accused of making a defamatory statement about Pestaina on his morning radio show. His defense attorney has rejected the charges as an attempt to stifle criticism of the administration that amounts to political censorship.

The government's relations with some employees at the state-owned Antigua Broadcasting Service (ABS) continued to be tense. In January, the new minister of information and broadcasting, Dr. Edmund Mansoor,

alleged that members of the news and current affairs department of ABS displayed a lack of interest in promoting the policies of the UPP government. The following month, the head of news and current affairs was transferred and replaced by a known government supporter. Critics interpreted the move as further evidence of the ruling party's continued perception of ABS as a public relations tool. On numerous occasions, government officials alluded to or made direct reference to a need to regulate the media in the context of what they termed "hate" radio—talk shows likely to incite prejudice or violence. Media rights activists expressed concerns that such regulation might be used against media critical of the current administration.

There are 2 daily newspapers, 1 weekly paper, and 10 radio stations, including the state-owned ABS, which also runs the islands' only freely available television service; there is one cable television company. In 2005, the government announced that ABS Television and Radio would be merged into a single entity, the Antigua and Barbuda Network. Envisaged changes would include a minimum of 30 percent local programming and the creation of a government information channel to promote tourism-related services. There are no government restrictions on the internet and the number of people with access has increased by over 300 percent in the last 5 years.

LEGAL ENVIRONMENT: 12

POLITICAL ENVIRONMENT: 17

ECONOMIC ENVIRONMENT: 16

TOTAL SCORE: 45

## Argentina

Status: Partly Free

Argentina's relative political stability has brought with it a climate in which the press has been able to operate freely, although not without some sustained official pressure. Freedom of speech and of the press is protected by law, and the government has usually respected this in practice. Libel is still considered a criminal offense and, though suits are rarely brought, remains a threat that encourages journalists to engage in self-censorship. The relationship between the press and President Nestor Kirchner continued to be tense, and access to public information remained severely limited; since 2003, the president has refused even to hold a press conference. In 2004, the Argentine Senate debated legislation allowing unfettered access to public information; but amendments made to this

bill in 2005 were so extensive that if implemented, it would have defeated the intention behind the original legislation. The bill eventually died in Congress and was never enacted.

Journalists—particularly those who report on corruption, irregular business dealings, and human rights abuses—also continue to be subjected to threats and physical harassment by police and non-state actors. A correspondent for the regional daily *El Liberal* was physically abused by demonstrators while covering their protest rally at a polling station in February. In addition to numerous other arbitrary attacks, Leandro Lopez, a reporter with the local *El Sol*, was heavily beaten by police in the eastern city of Concordia while attempting to take pictures of a car accident that had taken place just outside the central police station. He was accused by the police of verbal assaults and resisting arrest.

There are more than 150 daily newspapers, hundreds of radio stations, and dozens of television channels in Argentina. The country's print media are entirely privately owned, while the numerous privately owned radio and television stations are able to broadcast without restrictions. All private media enterprises suffered during the four-year-long recession that culminated in economic collapse in late 2001, but recovery is under way. Although there are laws to govern distribution of media advertising, state advertising is widely known to be used by the government to silence critics and reward supporters. In a study conducted by the nongovernmental organization Poder Ciudadano, *Página/12*, a tabloid known for its critical journalism during the Carlos Menem administration, was found to be receiving almost as much government advertising as *Clarín*, the largest daily in the country, and 17 percent more than the second largest, *La Nación*, known for its outspoken criticism of the government. The situation in the countryside, where state-level governments control up to 75 percent of the media's advertising revenue, is even more conducive to the propagation of pro-government viewpoints. This type of "soft censorship" has been used to pressure owners to remove unfriendly coverage or critical journalists from the airwaves and news pages. For example, Jose "Pepe" Eliashev, a radio host and outspoken critic of the government, was fired by the state-controlled broadcaster, Radio Nacional, after the station's director told him that an order had "come from above" to drop his program, "Esto Que Pasa," which had been on the air for 20 years. Foreign news broadcasts are available in Argentina and there are no government restrictions on the internet for the 26 percent of the population with access in 2005.

## Armenia

Status: Not Free

LEGAL ENVIRONMENT: 20

POLITICAL ENVIRONMENT: 26

ECONOMIC ENVIRONMENT: 18

TOTAL SCORE: 64

Throughout the year, the government sometimes limited constitutional protections for freedom of the press. In April, President Robert Kocharian approved legislation restricting media coverage of terrorism issues, citing ongoing terrorist threats. The Yerevan Press Club maintains that the legislation is vague and open to abuse. The government has yet to decriminalize libel offenses, and the criminal code allows authorities to impose high fines and up to five years' imprisonment for slandering political officials. However, no libel cases were brought against journalists during 2005. Despite local pressure and Council of Europe recommendations to renew broadcasting rights for the independent television station A1+, which was taken off the air in 2002, the government rejected its tender bid for a new license for the seventh time.

Although there is a good amount of media diversity and pluralism, some major broadcast media maintain a pro-government bias, and there is no independent public broadcaster. There is no official censorship; however, the president's office provides policy guidance, particularly for Public Television Armenia. Expressing political opposition often results in prosecution, harassment, and intimidation. Although a man was sentenced in late 2004 to six months in prison for assaulting a journalist, he was released from custody and by the end of the year had yet to serve his sentence. Most journalists resort to self-censorship rather than cover controversial topics such as corruption or issues involving the mostly ethnically Armenian Nagorno-Karabakh region of Azerbaijan. In April, the car of Samuel Aleksanian, editor of the state-operated weekly *Syunyats Yerkir*, was set on fire. According to the journalist, the arson attack followed the newspaper's criticism of a local official. The Ministry of the Interior closed its investigation into the 2004 arson attack on a car owned by the editor of the independent daily *Haikakan Zhamanak* with no arrests made. The newspaper reported that the politician suspected of being responsible was never investigated.

Most newspapers are privately owned but are dependent on support from business conglomerates or political interests. Moreover, most printing presses are located in Yerevan, making it difficult for regional distribution networks to function effectively. Because of low print circulation, television is the main provider of news and information. There is a wide variety of independent broadcast media, including more than 20 radio and 40



television stations, most of which are based in Yerevan. Local communities outside the capital experience far less media diversity, primarily as a result of a very poor economy. Russian television channels are also available. Economic pressures, such as the use of official advertising to influence coverage, were more common than direct political pressure. Radio Free Europe/Radio Liberty broadcasts were suspended for several days around the time of the constitutional referendum. As with a similar suspension in 2004, the official explanation was that it was due to “technical problems.” Internet access remains low thanks to high connection costs, but there have been no reports of official restrictions imposed on its use.

## Australia

Status: Free

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 19

Press freedom operates by convention rather than by constitutional guarantees. The Australian Press Council (APC) continued its efforts to include freedom of expression either in the constitution or in a Bill of Rights based on Article 19 of the Universal Declaration of Human Rights. Journalists’ freedom to report and access information is monitored by the APC and the Media, Entertainment, and Arts Alliance (MEAA). In a November submission to the Senate Inquiry into the Provisions of the Antiterrorism Bill 2005, the MEAA called for a relaxation of the secrecy provisions that imposed a blanket ban against reporting on people detained under the antiterrorism legislation. The provisions allow that journalists may be charged with sedition if they report against the actions of the government, police, or judiciary. However, in response to such pressure, the Parliament added a protective “shield” offering immunity from prosecution to those journalists who report “in good faith.” The MEAA submission also urged the adoption of professional privilege for journalists where notice to produce provisions could force journalists to hand over information, including the identity of confidential sources. In October, contempt of court charges were filed against two reporters from the Melbourne-based *Herald Sun* who refused to divulge the source for a February story on government plans to cut war veteran benefits.

Australia has a strong tradition of public broadcasting, but privately-owned networks retain the majority of television viewers and depend highly upon advertising revenues for profit. Media ownership concentration

continues to be of concern, with 75 percent of the market owned by Rupert Murdoch's News Ltd., and the remaining market share held by the Fairfax Group. In 2005, the Parliament abandoned media reforms, including needed adjustments to foreign and cross-ownership laws. Internet use is robust and unrestricted, with an estimated 68 percent of the population able to access it regularly in 2005.

LEGAL ENVIRONMENT: 8

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 5

## Austria

Status: Free

TOTAL SCORE: 21

The federal constitution and the Media Law of 1981 provide the basis for free media in Austria. The Freedom of Information Act provides for full public access to government information, and the government generally respects these provisions in practice. Seldom-used legal restrictions are in place that forbid reporting deemed detrimental to morality or national security. Libel and slander laws protect politicians and other government officials and in some cases lead to self-censorship. The law prohibits any form of pro-Nazism or anti-Semitism, and the government strictly enforces the law against pro-Nazi statements or activity. During the year, authorities indicted and arrested British author David Irving and indicted John Gudenus, a former member of the upper house of Parliament, for statements concerning events during the Holocaust. Irving remained in custody at year's end. Under the law, both Gudenus and Irving could be sentenced to up to 10 years in prison if convicted.

The broadcast media remain dominated by Austria's public broadcaster, Österreichischer Rundfunk (ORF), which operates two television stations and four radio channels that provide balanced news coverage. Since amendments to the Private Television Act entered into force in August 2004, ORF faces growing competition for audiences from private broadcasters. For the first time, nationwide private broadcasters were allowed to function. Local commercial radio went on air in the 1990s. Cable and satellite are available in some 75 percent of Austrian homes and are often used to watch widely available German stations, some of which tailor their output for the Austrian audience. Daily newspapers, both national and regional, are very popular and contest fiercely for readers. The print market in Austria is mainly privately owned. Foreign investors have a solid presence in the market, and ownership concentration is high;

many radio stations have ties to print outlets in addition to ownership links between daily papers and weeklies. Press subsidies help newspapers survive and are designed to encourage pluralism. Internet access is unrestricted and widely available.

## Azerbaijan

Status: Not Free

LEGAL ENVIRONMENT: 23

POLITICAL ENVIRONMENT: 28

ECONOMIC ENVIRONMENT: 22

TOTAL SCORE: 73

Press freedom continued to deteriorate in Azerbaijan as police violence against journalists intensified and the government clamped down on independent media ahead of the November parliamentary elections, which the international community reported were neither free nor fair. Constitutional protections for freedom of the press and a specific prohibition on censorship are not always respected. Libel is a criminal offense, punishable by high fines or up to three years' imprisonment. The number of libel suits declined in 2005, but courts continued to rule against the media. The opposition paper *Yeni Musavat* was forced to cease publication in early 2005 for several months after it was ordered to pay \$160,000 in libel charges from various defamation lawsuits and the court froze its assets. In April, the Supreme Court upheld the 2004 conviction of Rauf Arifoglu, editor of *Yeni Musavat*, on charges of inciting antigovernment riots, even though President Ilham Aliyev pardoned Arifoglu and other political prisoners in March. As a result, Arifoglu was unable to run in the elections. A draft Freedom of Information Act was not fully adopted by the end of the year, although President Aliyev demanded more transparency at government institutions. The National Television and Radio Council (NTRC), whose nine members are appointed by the president, has been criticized for its lack of independence and transparency in issuing licenses and monitoring media. The NTRC revoked private channel ANS TV's radio license for its Sheki affiliate six weeks prior to the election, and the NTRC chairman threatened to revoke ANS TV's nationwide license. Obtaining a broadcast license requires applying for certification with the Ministry of Justice, which is a major obstacle for independent and opposition media.

Several journalists and media workers who were covering political demonstrations and campaigns were beaten, arrested, and prevented from filming debates or entering polling stations. In February, a journalist with the independent magazine *The Monitor* was reportedly abducted by military

officials, detained for five hours, and forced to sign an apology for articles he wrote about the military. A building in Baku where several opposition media outlets are located was attacked by policemen and members of the youth wing of the Yeni Azerbaijani Party. In March, Elmar Huseinov, the well-known founder and editor of *The Monitor*, was shot in front of his Baku apartment. In the past, Huseinov had been fined and threatened for his work. The government called the murder an “act of terrorism,” although Huseinov’s colleagues maintain the motive was Huseinov’s journalistic work. The investigation was ongoing at the end of the year.

The Organization for Security and Cooperation in Europe representative on media freedom issued a report in July commending the degree of pluralism in the print media, which enjoyed greater freedom than did the broadcast media. Although some broadcast outlets presented diverse views, their reach was restricted to major cities. President Aliyev issued a decree in May stating that all candidates would have equal media access, but most broadcast outlets maintained a strong pro-government bias. Local authorities, or executive committees, frequently closed down stations, hijacked supplies, and directed editorial content. In August, in an effort to comply with Council of Europe regulations, the government launched Azerbaijan’s first public television station by transforming former state channel AzTV2 into Ictimai Televiziya (ITV). Although the channel was able to provide a level of impartiality, ITV is funded by the state, and most of its coverage is devoted to the ruling party. Foreign news sources are readily available, but at least three foreign news agencies were prohibited from broadcasting live coverage during the elections and at other points during the year. In general, access to news outside of Baku was limited. The Nagorno-Karabakh conflict remains a sensitive topic, and journalists have been repeatedly intimidated while trying to conduct interviews in the disputed region.

Most private broadcast outlets are owned by ruling party supporters. The government at times prohibited the printing, sales, and distribution process of independent and opposition media. The main printing press is in Baku, and the two main press distribution agencies are controlled by the government. In August, police confiscated copies of the opposition daily *Azadliq* and arrested a subway vendor for selling copies, even though the government had lifted the ban on the sale of opposition papers in the subway system in March. State libraries could not subscribe to opposition newspapers, and those employed by the government were pressured to purchase pro-government publications. In addition, state-owned companies and most private firms were pressured to advertise with pro-government media outlets. Most independent newspapers are in debt and would be

unable to survive without occasional government aid or support from international organizations. The government did not restrict internet access, but it did require internet service providers to be formally licensed with the Ministry of Communications and Information Technologies. Although the internet is still not a significant news media in Azerbaijan (only 5 percent of the population was able to access it in 2005) the number of users has increased by 3,000 percent in the last 5 years.

## Bahamas

Status: Free

LEGAL ENVIRONMENT: 2

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 16

The constitution guarantees freedom of speech and of the press, and media are generally free to criticize the government and its policies. The government supports the right of access to public information and does not restrict access to the foreign press or the internet. Some opposition parties, however, claim that their viewpoints do not receive as much coverage as those of the ruling Progressive Liberal Party (PLP) on the one television and four radio stations run by the state-owned Broadcasting Corporation of the Bahamas (BCB). In September, PLP chairman Raynard Rigby demanded an apology from the *Nassau Guardian*, one of the four dailies, after it reported his statement on a local radio talk show voicing his concerns about Prime Minister Perry Christie's health. The newspaper, however, stood by its story, and Rigby, an attorney, did not threaten legal action. Apart from the BCB's ZNS Radio Bahamas network, there are numerous privately owned radio stations.

## Bahrain

Status: Not Free

LEGAL ENVIRONMENT: 24

POLITICAL ENVIRONMENT: 26

ECONOMIC ENVIRONMENT: 22

TOTAL SCORE: 72

The constitution allows for the right to press freedom, excluding opinions that undermine the fundamental beliefs of Islam or those that promote discord or sectarianism. In addition, the 2002 Press Law catalogs a variety of press crimes, severely curtailing the range of topics the press is permitted to cover and imposing harsh penalties, including prison sentences, for those

found violating the law. Though suspended soon after its promulgation, this law continues to be enforced at the government's discretion. Nonetheless, in recent years the press has grown bolder in its criticism of government policies and other controversial issues. In May, the Chamber of Deputies proposed a draft law to create an Information Council that would increase transparency and access to information. As of December, the draft had not yet been approved.

The internet has increasingly become an important news media and a forum for political discussion and dissent, with over 20 percent of the population recorded as having internet access in 2005. However, internet freedom came under increased pressure in Bahrain this year. Despite boasting a liberal telecommunications environment, the Bahraini government does filter some content, monitoring e-mails and blocking access to several political opposition websites. In February, the government arrested Ali Abdul Imam, moderator of the weblog *bahrainonline.com*, along with two web technicians for disseminating defamatory material through the site's discussion forum. Although Abdul Imam was released after several weeks amid protest, his arrest was quickly followed by a decree from the Ministry of Information requiring all Bahraini website moderators to register with the ministry within three months; the move was decried by human rights advocates as a means to monitor and stifle freedom of expression. The government is not the only threat to press freedom. For example, a Muslim cleric threatened the editor-in-chief of the daily *Al-Ayam* and led a massive protest after the paper published political cartoons negatively depicting the Iranian leader Ayatollah Khomeini, offending many Shiites in Bahrain.

Print media are privately owned, and many local media outlets are able to cover international and economic issues without restriction. At the same time, most journalists usually exercise self-censorship in articles covering sensitive political topics and are often issued government directives on how to report certain stories. The government continues to own and operate almost all domestic radio and television stations in the country, and these outlets largely conform to the government's position. In October, the first private radio station began broadcasting music and entertainment but does not cover news or current affairs. Broadcast media from neighboring countries are available, however, and the number of households with access to satellite channels continues to grow. The Saudi-owned entertainment satellite channel MBC2 has broadcast from Bahrain since 2003, and in 2004 the government lifted a two-year ban on correspondents from the Qatar-based satellite channel Al-Jazeera.

# Bangladesh

Status: Not Free

LEGAL ENVIRONMENT: 20

POLITICAL ENVIRONMENT: 31

ECONOMIC ENVIRONMENT: 17

TOTAL SCORE: 68

Media continued to face a number of pressures in 2005, the most striking of which is the high level of violence directed against members of the press and the impunity enjoyed by those who attack them. Although the constitution provides for freedom of expression subject to “reasonable restrictions,” the press is constrained by national security legislation as well as sedition and criminal libel laws. Journalists continue to be slapped with contempt of court and defamation charges or arrested under the 1974 Special Powers Act (which allows detentions of up to 90 days without trial) in reprisal for filing stories that are critical of government officials or policies. Editor and publisher Salah Uddin Shoaib Choudhury, who was arrested in November 2003 as he was about to depart the country to participate at a conference in Israel, was charged with sedition in February 2004 and spent 17 months in prison before being released in April 2005; however, the charges against him are still pending and his passport remains confiscated. Authorities also have reportedly limited official access to journalists from certain publications. The government remained sensitive to international scrutiny; foreign publications are subject to censorship, while foreign journalists and press freedom advocates have encountered increasing difficulties in obtaining visas to enter Bangladesh and are put under surveillance while in the country.

Journalists are regularly harassed and violently attacked by organized crime groups, political parties and their supporters, government authorities, and leftist and Islamist militant groups. Most commonly, they are subjected to such attacks as a result of their coverage of corruption, criminal activity, political violence, the rise of Islamic fundamentalism, or human rights abuses. Police brutality towards photographers attempting to document protests or other political events also remained a concern. Two journalists were killed and over 140 injured during the year, while numerous others received death threats or were physically assaulted. In several instances, the offices of news outlets were attacked by unknown assailants. Impunity for those who perpetrate crimes against journalists is the norm, and investigations into the cases of reporters killed in previous years have not thus far yielded any convictions. As a result, many journalists practice some level of self-censorship.

With hundreds of daily and weekly publications, the privately owned print media continue to present an array of views, although political coverage at a number of newspapers is highly partisan. The state owns or influences a number of broadcast media outlets, whose coverage sometimes favors the ruling party. Private broadcast outlets are required to air government-produced news segments as a condition of their operation, and the new broadcast licenses that were issued in 2005 were allegedly given to those with close political connections, according to the U.S. State Department. Political considerations influence the distribution of government advertising revenue and subsidized newsprint, upon which many publications are dependent. Access to the internet is generally unrestricted. However its use is limited to less than 0.1 percent of the population and some journalists' e-mail is reportedly monitored by police.

## Barbados

Status: Free

LEGAL ENVIRONMENT: 3

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 17

Freedom of the press is constitutionally guaranteed, and media are generally able to operate without restriction. However, Barbados has not yet passed freedom of information legislation. During the year, representatives of the ruling Barbados Labour Party criticized popular radio call-in programs for failing to educate listeners and for spreading ill-informed criticism of the government. In August, the new regional Caribbean Court of Justice allowed the Starcom Network radio company to challenge the Barbados Court of Appeal's 1999 ruling in favor of a poultry farmer who had won a long-running libel and defamation suit against a radio station regarding allegations that diseased chickens had been supplied to the island's restaurants. There are two daily newspapers and two weeklies, all privately owned. There are nine radio stations, three run by the state-owned Caribbean Broadcasting Corporation, which also operates the only television station. There are no government restrictions on internet access.



## Belarus

Status: Not Free

LEGAL ENVIRONMENT: 27

POLITICAL ENVIRONMENT: 33

ECONOMIC ENVIRONMENT: 28

TOTAL SCORE: 88

Belarus is one of the few countries in Europe where the state maintains a virtual monopoly over the media; in 2005, the limited level of press freedom that did exist deteriorated further as President Alexander Lukashenko's government tightened its control over the media leading up to the March 2006 presidential elections. Disregarding constitutional provisions for freedom of the press, in December 2005 both houses of Parliament passed, and Lukashenko signed into law, amendments to the penal code making criticism of the president and his government a criminal offense punishable by up to three years in prison. These amendments also permit the imprisonment of individuals who present "false information" about Belarusian policies to international entities. In May 2005, Lukashenko issued a decree banning all privately owned, non-state media from using the words "national" or "Belarus" in their names, forcing them to reregister within a few months. Furthermore, the courts frequently sentenced local and foreign journalists who reported on opposition events—like Belarusian journalists Andrei Pochobut and Andrzej Pisalnik, who covered rallies demanding rights for the Union of Poles of Belarus in July—to one to two weeks in jail for "participating in an unauthorized gathering." The courts continued to restrict government criticism by broadly interpreting Belarus's libel laws and demanding high fines in libel damages from independent newspapers like the twice weekly *Belorusskaya Delovaya Gazeta*, which was fined \$22,800 in April for questioning another publication's article about the president. In July, the leading independent newspaper, *Narodnaja Volja*, was found guilty on three counts of defamation and was ordered to pay approximately \$53,500 in libel damages.

Government harassment of the independent press is systematic, and in 2005 members of the Belarusian KGB and local police raided the homes of numerous editors and journalists who were found to be critical of the president. Additionally, journalist Vasil Hrodnikau was found dead with a head wound in his locked apartment in October; authorities excluded homicide and closed the case. The inquiry into the murder of Veronika Cherkasova, a journalist investigating Belarus's alleged arms sales to Iraq,

was shelved in December 2005 when the court declared it to be a case of domestic violence in which the police would be incapable of identifying the assailant. However, in April, immediately before the United Nations was due to comment on Belarus's human rights record, prosecutors reopened the inquiry into the July 2000 abduction of cameraman Dmitry Zavadsky. Many independent journalists practice self-censorship in the face of such frequent government attacks. As political relations between Poland and Belarus worsened in 2005, Polish reporters in Belarus faced greater difficulties, with Polish journalists Adam Tuchinski and Agnieszka Romaszewska being deported and Marcin Smialowski being refused admission to the country.

The state, which maintains a monopoly over the broadcast media and controls the content of television broadcasts, used a range of economic pressures to harass independent media outlets. Circulation of the independent press is low. Authorities routinely put pressure on managers of state enterprises to advertise only in state media and on distributors and printing presses to restrict printing access for independent media. The state-owned printing press, Chyrvonaya Zorka, was pressured into canceling its contracts with *Narodnaja Volja* in October. The government frequently used this tactic of manipulating the production and distribution system to shut down independent newspapers. Belarusian courts ordered the liquidation of the independent publishing companies Press-Servis and Denpress in August, and such state-owned newspaper distribution companies as Belposhta decided to cease distribution of numerous privately owned papers, including *Tovarisch*, *Brestkii Kurier*, and *Solidarnost*. In May, police seized thousands of copies of the independent weekly *Den*, which had been off the stands for a year and had been forced to print in Russia. The government claimed that this was because of problems with transportation documents, but *Den* journalists had been the victims of repeated harassment that spring. Beltelecom, the national telecommunications agency, is the only internet service provider, making it easy for the government to screen internet usage and block sensitive content, as when they shut down the Grodnensky Forum in March for its criticisms of the government. Official claims that the internet has a negative influence on state ideology and would incite public disorder seem not to have deterred the 25 percent of the population that have continued to access the internet in 2005.

## Belgium

Status: Free

LEGAL ENVIRONMENT: 2

POLITICAL ENVIRONMENT: 4

ECONOMIC ENVIRONMENT: 5

TOTAL SCORE: 11

Freedom of speech and of the press are guaranteed by the constitution and generally respected by the government. The protection of journalists' sources has been a contentious issue in the country for several years, and journalists have been pressing for change. In a positive step, in March 2005 the Belgian Chamber of Deputies voted unanimously to approve a law providing for the protection of sources. The vote came after the 2004 police raids on the home and office of a Brussels reporter, which shocked the community of international journalists. Similarly, in January 2005 a newspaper reporter and editor of the Flemish-language newspaper *De Morgen* were interrogated by police about their sources for a May 2004 article highlighting police fears about a terrorist attack in Antwerp. The paper reported that police had been listening in on the phone calls of one of its correspondents. The new law protects journalists from home searches, seizures, and phone tapping and gives them the right to remain silent if called as a witness. However, journalists can be forced to reveal sources in order to "prevent crimes that represent a serious attack on the physical integrity of one or several third parties."

The climate was strained regarding foreign journalists working in Belgium, particularly for those of Muslim descent. During a political conference in Mol in September, three Moroccan journalists were barred from the conference premises and assaulted by conference participants, though other journalists were not prevented from attending. In addition, a Mongolian journalist and her 10-year-old son were confined to a temporary holding center for foreigners without papers after they fled Mongolia following a number of attacks resulting from a series of articles she had written outlining corruption within the Mongolian government. The Belgian Ministry of the Interior ordered her expelled despite the prison sentences she could potentially face for defamation if she returned to Mongolia, and she was reportedly deported from Belgium.

Newspapers have gone through increased concentration in ownership since the 1960s as corporations have been steadily buying up papers. As a result, today a handful of corporations run most of the country's newspapers. As for the broadcasting sector, unlike most other European nations, Belgium has two separate public broadcasting organizations (one operating in French and the other in Flemish), each with its own domestic

and international broadcasting networks. The government does not limit access to the internet.

## Belize

Status: Free

LEGAL ENVIRONMENT: 8

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 5

TOTAL SCORE: 21

The constitution of Belize protects the right to freedom of expression, although there are several legal limitations to that right. The government may fine (up to US\$2,500) and imprison (up to three years) those who question the financial disclosures of public officials, though there were no reports of this law being exercised in 2005. Newspapers are subject to libel laws, which were implemented this year in June when a court ordered *The Guardian* to issue a public apology for criticizing Prime Minister Said Musa in 2003. Furthermore, the Belize Broadcasting Authority (BBA) holds the right to preview broadcasts with political content and remove libelous material. In July 2005, the BBA stated that it would temporarily suspend issuing new licenses because of the high number of existing broadcasters, which are comprised of 8 television stations and 33 licensed radio stations, including 1 station affiliated directly with the United Democratic Party. No daily newspapers are printed in Belize, though there is a vibrant market for weeklies. Papers are privately owned, with two weeklies directly affiliated with political parties. In general, reporting covers a wide range of opinions. Belize has approximately 35,000 registered internet users, and the internet is unrestricted by the government.

## Benin

Status: Free

LEGAL ENVIRONMENT: 11

POLITICAL ENVIRONMENT: 9

ECONOMIC ENVIRONMENT: 10

TOTAL SCORE: 30

A country with one of the freest press environments in Africa, Benin has a constitution guaranteeing freedom of the press, and those provisions are largely respected in practice. Nonetheless, a 1997 press code that considers libel a crime is still in place, and in 2004 it was enforced when four journalists were prosecuted for defamation and two were imprisoned. However, 2005 saw an improvement in the treatment of journalists, with

no reported cases of imprisonment or abuse. In December, the High Council for Audiovisual Media and Communications (HAAC) used the libel provision in the press code to condemn four daily newspapers and a radio station, although none have received a punishment more severe than a warning. In November, the HAAC also passed a provision limiting press freedom in the period prior to the March 2006 presidential election. This decision restricts the amount of time a media outlet can devote to political parties, presidential candidates, or even governmental institutions in the months leading up to the election. At the same time, it protects the president's right to "permanent and limitless access" to organs of the public press and forbids opinion pieces concerning political candidates that might jeopardize "national unity." Nonetheless, this decree will cease to apply after the 2006 election.

Benin is home to more than 30 daily newspapers, 5 television channels (of which 2 are privately owned), and countless national and local radio stations. Since the country's democratization in 1990, these independent press outlets have provided robust scrutiny of both government and opposition leaders. Radio stations like Golfe FM broadcast press reviews and daily reports in three of the country's main languages—French, Fon, and Yorouba—enabling greater access to the media, particularly in remote rural communities. However, owing to Benin's high level of poverty and the concentration of finances within the government, many of these independent newspapers originally began as tools of politicians intending to use them as propaganda machines. The inability of most of Benin's media operators to garner a consistent profit further limits accuracy and fairness in reporting by making poorly paid reporters susceptible to bribery and blackmail. Internet access is available primarily through dial-up internet cafés that remain unhindered by government censorship, although the high level of poverty in Benin severely limits the percentage of the population with access to this new media.

LEGAL ENVIRONMENT: 19

POLITICAL ENVIRONMENT: 24

ECONOMIC ENVIRONMENT: 22

TOTAL SCORE: 65

## Bhutan

Status: Not Free

Freedom of expression and of the press, as well as media diversity, continue to be somewhat restricted in Bhutan. In the absence of a constitution or clearly defined legislation concerning the operation of the media, the

legal environment for the press remains opaque. Under the 1992 National Security Act any criticism of King Jigme Singye Wangchuk and Bhutan's political system is prohibited.

Bhutan's only regular publication, *Kuensel*—funded in 2005 entirely by independent advertising and subscription revenues—generally reports news that puts the kingdom in a favorable light but has increasingly been highlighting societal problems and carrying stories that are critical of the government. In February, *Kuensel* switched to a biweekly format and plans to open another printing press in Tashingang so that it can improve its distribution network.

The broadcast media, which consist of a radio and a television station, both owned and operated by the state-run Bhutan Broadcasting Service, do not carry opposition positions and statements. Cable television services carry uncensored foreign programming and thrive in some areas but are hampered by a high sales tax and the absence of broadcasting legislation. In March, in response to concerns voiced by authorities as well as by members of the public, the Association of Private Cable Operators resolved to limit cable access to 30 channels, with a complete ban on 12 music and other channels that provided “controversial” content such as wrestling. Internet access is growing and is unrestricted—two new internet service providers were licensed during the year and the number of internet users has increased by almost 4,000 percent in the last 5 years. The online edition of *Kuensel* also provides a somewhat livelier forum for discussion and debate.

LEGAL ENVIRONMENT: 10

POLITICAL ENVIRONMENT: 13

ECONOMIC ENVIRONMENT: 10

## Bolivia

Status: Partly Free

TOTAL SCORE: 33

Freedom of the press remains compromised by inadequate legal guarantees. The constitution provides for freedom of speech and of the press, but Bolivia's penal code stipulates that journalists can be jailed for one month to two years if found guilty of slandering, insulting, or defaming public officials. When the infractions involve the president, vice president, or a minister, the sentence may be doubled. In a significant advance, a new Freedom of Information law was enacted in March. The decree mandates that public institutions must respond to information requests within a

maximum of 15 days. Whether or not public institutions will comply with the new law remains an open question, especially after a journalist was denied access to information on a corruption case in the department of Tarija by the Presidential Anticorruption Delegation.

Bolivia's journalists continued to face the challenges of reporting on their country's volatile politics. Mass demonstrations forced the resignation of President Carlos Mesa in June, and in December the presidential election produced a victory for the leftist indigenous leader Evo Morales. The Inter American Press Association (IAPA) reported that journalists were free to cover the street protests, and international election monitors did not observe any barriers to press coverage of either the campaigns or the election. Physical attacks on journalists were not great in number but included an assault on a television news crew by protesters in Santa Cruz and the beating of camera operators on two separate occasions by both smugglers in Oruro and military policemen. The IAPA called on the Bolivian government to renew efforts to investigate and prosecute the 2001 murder of a journalist killed by gang members.

Print media are privately owned and diverse in their editorial views. The television industry is privately owned except for one government-owned TV network. Broadcast outlets express a variety of political views, but stations have been criticized for their overt partisanship in news coverage. An international monitoring mission noted that television coverage tilted heavily against Morales; those outlets from the eastern department of Santa Cruz were found to be among the most hostile to the new president. The powerful Civic Committee of Santa Cruz and the Association of Industries, Commerce, Services, and Tourism of Santa Cruz declared the talk show host Guido Guardia to be "dead in a civil sense" for his criticisms and support for Morales, and Guardia's TV show was subsequently canceled. With the exception of one government-run outlet, radio stations are also privately owned. Radio is the major news disseminator in the countryside, with an estimated 480 stations nationwide. One of the largest networks is Radio Erbol, operated by a consortium of 70 churches. In recent years, Bolivia has experienced a growth in alternative media that includes radio along with new internet news operations. Nonetheless, only 3.8 percent of the population was able to access the new internet media in 2005 even though the government refrained from imposing restrictions or censoring site content.

## Bosnia-Herzegovina

Status: Partly Free

LEGAL ENVIRONMENT: 8

POLITICAL ENVIRONMENT: 21

ECONOMIC ENVIRONMENT: 16

TOTAL SCORE: 45

Freedom of the press in Bosnia-Herzegovina is guaranteed by the constitution as well as the human rights annex to the Dayton Peace Accords. Bosnia has one of the most liberal legal environments in the world for media freedom, but effective enforcement of these laws is largely absent owing to an overburdened and weak judiciary. Libel and defamation were decriminalized in 2003; however, individuals and institutions can still bring civil suits for such claims. Over 300 civil defamation cases that have accumulated in the last several years are currently pending in the Sarajevo courts, but the number of new suits decreased in 2005. A new law creating the Public Broadcasting System for Bosnia-Herzegovina was passed by the Parliamentary Assembly in October. The main obstacle to this reform came from Herzegovinian Croats, who demanded a separate channel in Croatian; however, the Constitutional Court rejected their request. The new public broadcasting system will retain its divided nature: Republika Srpska and the Bosniak-Croat Federation will each have its own public television with head offices in Sarajevo, Banja Luka, and Mostar. The three services are to belong to a single corporation and will be regulated through legislation.

Journalism in both state entities—the Bosnian-Croat Federation and Republika Srpska—continues to be plagued by a relatively low standard of professional ethics and the fact that most media outlets appeal only to narrow ethnic constituencies. Public officials frequently exert pressure on the media through the use of critical public statements and threatening phone calls to journalists. In September, for instance, deputies of the Serbian Democratic Party (SDS) in Gacko announced that a reporter was unwelcome in the town after she published an article about the corruption of local SDS officials. In addition, journalists occasionally face intimidation and attacks by the police. In June, a *Dnevni List* journalist was physically assaulted by a police officer while trying to record a clash between local soccer fans and police. In August, two police officers interrogated a journalist without orders in Tuzla after he wrote an article alleging the involvement of Tuzla police in human trafficking.

Numerous independent electronic and print media organizations operate in Bosnia-Herzegovina; however, most are closely aligned to either economic or political interests. Some media owners perceive that their economic well-



being depends on their good relationships with various political figures, and the government also strongly influences media coverage through its advertising subsidies. This most likely explains the lack of editorials critical of influential politicians among certain media holdings. Moreover, overtly critical media outlets tend to have difficulties attracting advertising revenue and are subjected to unannounced inspections by the financial police. Many journalists are inadequately paid and face a challenging economic situation. In November, employees of the state television stations Radio Television of Republika Srpska and Federation Television organized a 20-minute strike because of four-month arrears on their salaries. Internet access is open and unrestricted and the number of internet users in Bosnia has increased dramatically in the last 5 years from just over 7,000 in 2000 to close to 225,000 in 2005.

LEGAL ENVIRONMENT: 8

POLITICAL ENVIRONMENT: 16

ECONOMIC ENVIRONMENT: 11

## Botswana

Status: Partly Free

TOTAL SCORE: 35

**Status change explanation:** Botswana's rating moved from Free to Partly Free in 2005 following the expulsion of two journalists amid a more general climate of official intolerance for critical views.

Freedom of speech and of the press are provided for in the constitution; although the government generally respects these rights in practice, 2005 saw a marked deterioration in freedom of expression in Botswana. Libel is a civil offense, and in past years publications have been charged with defamation and have had to pay large amounts of money in court-ordered damages or as part of a settlement. The National Security Act (NSA), enacted in 1986 during Botswana's conflict with apartheid South Africa, remains on the books and has been used to restrict reporting on government activities. Journalists are occasionally threatened, harassed, or attacked in retaliation for their reporting. In August 2005, the government employed immigration legislation to deport two Zimbabwean journalists, Rodrick Mukumbira and Charles Chirinda, who had criticized state policies; both were not given specific reasons for their expulsion. In a similar indication that the government was becoming less tolerant of those expressing critical views, Kenneth Good, an Australian-born academic who criticized as undemocratic certain elements of Botswana's political system, was charged

under the NSA and deported in May 2005, a move that was roundly condemned by freedom of expression advocates.

Independent print media and radio stations provide vigorous scrutiny of the government and air a wide range of opinions, mostly without government interference. However, the state-owned Botswana Press Agency dominates the media landscape via its *Daily News* newspaper and two nationally broadcast FM radio stations; radio remains the chief source of news for the majority of the population. Botswana Television, also owned by the state, is the country's only source of local television news. Government-controlled media outlets generally confine themselves to coverage that is supportive of official policies and do not adequately cover the activities or viewpoints of opposition parties and other critics. The government sometimes censors or otherwise restricts news sources or stories that it finds undesirable, and editorial interference in the state-owned media from the Ministry of Communication, Science, and Technology has increased in recent years. The November 2003 suspension of Radio Botswana's popular call-in segment of the morning show *Masa-a-sele* remained in effect at year's end; in July 2004, the ministry announced the cancellation of the same station's daily newspaper review segment. Privately owned radio stations and the sole private television station have a limited reach, particularly within the rural districts. The financial viability of Botswana's independent newspapers is undermined by the fact that the *Daily News* is distributed nationwide at no cost. Internet access is unrestricted, though limited to just over 3 percent of the population because of financial constraints.

LEGAL ENVIRONMENT: 13

POLITICAL ENVIRONMENT: 15

ECONOMIC ENVIRONMENT: 11

TOTAL SCORE: 39

## Brazil

Status: Partly Free

The 1988 constitution provides for freedom of speech and of the press, and these rights are usually respected in practice. Despite the generally open legal environment, broadcasting services operate under the 1962 telecommunications code, and the draconian Press Law—in place since it was imposed by the military dictatorship in 1967—is still on the books. However, a 2004 constitutional amendment that places crimes against human rights under federal jurisdiction has marginally improved the environment in which journalists operate. Press freedom continues to be hampered by civil and criminal defamation lawsuits that have numbered in

the thousands in the last five years and are frequently used by politicians, public officials, and businessmen as tools of intimidation against journalists and the news media. Lower court judges have often interpreted articles of the civil and penal codes to rule against the press in cases of “moral damages,” imposing disproportionately high fines and granting injunctions against the press. In April, for example, a judge in the state of Goias accepted legislator Ronaldo Caiado’s request to seize copies of the book *In the Lions’ Den* by Fernando de Moraes under the argument that the book contained “libelous references” to the politician. In May, Justice Gabriel Marques prohibited broadcast in the state of Rondonia of an investigative report produced on the television program “Fantastico” that included a videotape showing legislators asking for money from Governor Ivo Cassol.

Brazilian journalists are usually able to report the news freely, including coverage of cases of corruption and irregularities involving the main public authorities. In 2005, the news media played an active role in uncovering the details of a scandal involving monthly payments to representatives of Congress by members of President Luiz Inacio Lula da Silva’s administration and high-ranking officials of his party. Investigations by Congress and the press revealed that some legislators received about \$12,000 per month in exchange for voting in favor of bills sponsored by the government. Cases of intimidation and violence against journalists continue to take place, especially in the less developed northern and northeastern regions of the country. On July 1, four unidentified men riding two motorcycles shot and killed Jose Candido Amorim Pinto, a journalist in the city of Carpina. The journalist, who was also a city councilman, had been reporting on corrupt practices in the mayor’s office on his program at a local community radio station. Thanks to inefficiencies in the justice system, crimes against journalists often go unpunished. A positive development in this regard in 2005 was the conviction of the murderers of *TV Globo* journalist Tim Lopes, who was tortured and killed in 2002 by drug dealers in Rio de Janeiro.

As South America’s largest media market, Brazil boasts dynamic and diverse media able to provide a lively array of views, including investigative reporting published through privately owned newspapers, magazines, and online periodicals. However, despite the pluralism of Brazil’s media, ownership is highly concentrated, particularly within the broadcast sector. Globo Organizations, a large media conglomerate, continues to enjoy a dominant position, maintaining ownership of Brazil’s primary television network, radio stations, print media, and cable television distribution. Several new community radio stations requested broadcast licenses in 2005, but the process for approval currently takes several years to complete.

Nonetheless, in February the government appointed a group of officials tasked with finding a way to expedite the licensing process. The importance of the internet as an information resource is increasing because of the large number of internet subscribers. Brazil is now home to just under 26 million internet users—the largest number of any country in South America. Access to this media is generally unrestricted, but in July Reginaldo de Lima, who operated a website devoted to Nazism, was arrested in Sao Paulo City on charges of Nazi sympathy; he is still awaiting trial.

LEGAL ENVIRONMENT: 28

POLITICAL ENVIRONMENT: 27

ECONOMIC ENVIRONMENT: 22

## Brunei

Status: Not Free

TOTAL SCORE: 77

Emergency laws—in effect for nearly half a century—and the absolute monarchy of Sultan Hassanal Bolkiah continue to ensure that media in Brunei are unable to be either free or diverse. Since 2001, harsh press legislation has required that newspapers apply for annual publishing permits and that noncitizens obtain government approval to work as journalists. The government has the authority to arbitrarily shut down media outlets and to bar distribution of foreign publications. Journalists can be jailed for up to three years for reporting “false and malicious” news. The May 2005 Seditious Act further restricted press freedom this year by expanding the list of punishable offenses to include criticisms of the sultan, the royal family, or the prominence of the national philosophy, the Malay Islamic monarchy concept. Under the amended act, persons convicted of such crimes, or any publishers, editors, or proprietors of a newspaper publishing matters with seditious intention, face fines of up to B\$5,000 (US\$2,965).

Media are not able to convey a diversity of viewpoints and opinions, and criticism of the government is rare. The private press is either owned or controlled by the sultan’s family or practices self-censorship on political and religious matters. The country has only one main daily newspaper, the *Borneo Bulletin*; although letters to the editor at times criticize government policies, the newspaper more generally self-censors to avoid angering the government. A second but smaller Malay newspaper and several Chinese newspapers are also published within Brunei. The only local broadcast outlets are operated by the government-controlled Radio Television Brunei, but foreign channels are available via a cable network. Internet access is reportedly unrestricted and growing, although the primary internet service

provider is state owned and several Bruneians were detained in 2005 for publishing or distributing antigovernment materials online.

## Bulgaria

Status: Partly Free

LEGAL ENVIRONMENT: 10

POLITICAL ENVIRONMENT: 12

ECONOMIC ENVIRONMENT: 12

TOTAL SCORE: 34

The law provides for freedom of speech and of the press, and the government generally respects these rights in practice. However, the government's manipulation of media and the judiciary's lack of independence are cause for concern. Defamation is a criminal offense punishable by high fines. The number of defamation suits against journalists increased slightly in 2005; most of these were filed in response to published reports detailing corruption of high-level officials. Although most did not result in fines, the threat of legal action led some to practice self-censorship. In 2005, the Parliament adopted a strategy for developing broadcast radio and television, which aims to increase media pluralism and transform Bulgarian National Radio (BNR) and Bulgarian National Television (BNT) into public operators. The strategy also envisions strengthening the government-appointed media watchdog, the Council for Electronic Media (CEM). Because the strategy was not adopted until September, the CEM was unable to disseminate new licenses in 2005, although it was still able to regulate programming. The CEM is frequently criticized for its lack of independence in appointing the directors of both BNT and BNR. In February, the Supreme Administrative Court confirmed the 2004 CEM dismissal of the BNT director.

Media outlets express a diverse range of public and political views, in most cases without government interference. Although BNT, BNR, and the country's state-owned news bureau, the Bulgarian Telegraph Agency, were often very critical of the government's actions, inefficient legislation leaves the state-owned media vulnerable to government influence. Local media organizations reported that politicized intimidation from local authorities and organized crime and dismissals from media managers were the biggest obstacles to press freedom. In September, unidentified persons set on fire the Vratsa office of the highest-circulating national daily, *Trud*. The attack followed a threat against a local correspondent whose article revealed that a local businessman had links to organized crime.

There are a large number of private media outlets as well as publications disseminated by political parties and interest groups. However, BNT and

BNR have yet to be fully transformed into public service broadcasters, and as such, they continue to depend on state funds as the transformation process lengthens. Owing to unreformed finances, both are also often vulnerable to corporate interests. Finding and maintaining sources of financing continue to be major problems for most of the independent Bulgarian media, which are forced to rely heavily on advertising subsidies. The internet is not restricted by the government and 28 percent of the population was able to access this news media in 2005.

LEGAL ENVIRONMENT: 11

POLITICAL ENVIRONMENT: 14

ECONOMIC ENVIRONMENT: 13

## Burkina Faso

Status: Partly Free

TOTAL SCORE: 38

Freedom of speech is protected by the constitution, and this right is usually respected by the government in practice. However, under the 1993 information code, media outlets may be summarily banned if they are accused of distributing false information or endangering national security. No law exists to guarantee equal access to information. The Ministry of Information provides administrative and technical supervision to all media outlets, and the Supreme Council of Communication—which operates with significant presidential pressure—acts as the regulatory body for the media.

Investigations into the December 1998 politically motivated murder of prominent newspaper journalist Norbert Zongo have produced few results because of political interference in the trial, despite an appeal by the Press and Democracy network for such impediments to cease. The leading suspect in the case, President Blaise Compaore's brother, has yet to be charged and has been questioned only once by the police. It was reported that in February, journalist Urbain Kabore was beaten by six policemen over a dispute concerning press access to Hajj pilgrims returning to Burkina Faso. By year's end, no punitive action had been taken against the police.

State-operated media outlets function with a significant pro-government bias, but private media, including several daily newspapers and more than 50 radio stations, operate with little governmental interference and are often highly critical of the government, particularly on issues such as corruption and human rights violations. At the same time, the administration continues to be sensitive to such scrutiny, pressuring many journalists into self-censorship through periodic police harassment. Access to international

print and broadcast media and the internet remains unrestricted, though only 53,000 internet users have been recorded out of a population of 12 million.

## Burma (Myanmar)

Status: Not Free

LEGAL ENVIRONMENT: 30

POLITICAL ENVIRONMENT: 38

ECONOMIC ENVIRONMENT: 28

TOTAL SCORE: 96

The Burmese media remained among the most tightly restricted in the world in 2005. The ruling military junta zealously implements a 1996 decree banning speech or statements that “undermine national stability,” and those who publicly express or disseminate views that are critical of the regime are subject to strict penalties, including lengthy prison terms. Although several journalists and writers were released from jail throughout the year, others were arrested and a number continue to serve lengthy sentences as a result of expressing dissident views. Other laws require private publications to apply for annual licenses and criminalize the use of unregistered telecommunications equipment, satellite dishes, computers, and software.

Private periodicals are subject to prepublication censorship, with coverage being limited to a small range of permissible topics. The junta’s leadership took control of the censorship bureau after the October 2004 purge of Prime Minister Khin Nyunt, and a new Press Scrutiny and Registration Division (PSRD), under the control of the Ministry of Information, was established in April 2005. All publications were then required to reregister with the PSRD, with each periodical expected to provide detailed information about staff, ownership, and financial backing. Under new censorship rules that came into effect in July, media are ostensibly allowed to offer criticism of government projects as long as it is deemed “constructive” and are allowed to report on natural disasters and poverty as long as it does not affect the national interest. Meanwhile, critical coverage of regional allies such as India and China was banned outright, as were op-ed pieces. Ironically, however, the junta forbade the *Myanmar Times* from publishing a Burmese translation of the new regulations, according to the Southeast Asian Press Alliance. During the year, authorities imposed blackouts on news related to the impact of the December 2004 tsunami and on the May 2005 Rangoon bombings. Several publications were banned temporarily from distributing editions that aroused the ire of censorship authorities.

Both local and foreign journalists' ability to cover the news is restricted. A few foreign reporters are allowed to enter Burma only on special visas; they are generally subjected to intense scrutiny while in the country and in past years have occasionally been deported. However, some foreign correspondents were invited to cover the February and December sessions of the National Convention.

The government owns all broadcast media and daily newspapers and exercises tight control over a growing number of privately owned weekly and monthly publications. While official media outlets serve as mouthpieces of the state, private media generally avoid covering domestic political news, and many journalists practice self-censorship. A stagnant economy, increased prices for newsprint, and a limited market for advertising revenue (following a 2002 ban on advertising Thai products) have further threatened the financial viability of the private press. Authorities restrict the importation of foreign news periodicals, and although some people have access to international shortwave radio or satellite television (the main sources of uncensored information), those caught accessing foreign broadcasts can be arrested, according to the Committee to Protect Journalists. The internet, which operates in a limited fashion in the cities, is expensive, tightly regulated, and censored, restricting the number of people with access to less than 0.1 percent of the population. Bagan Cybertech, the main internet service provider formerly owned by Khin Nyunt's son, was taken over by the government in November 2004; in 2005, authorities moved to deactivate e-mail addresses run by Bagan and block access to websites run by Burmese exile groups.

LEGAL ENVIRONMENT: 21

POLITICAL ENVIRONMENT: 29

ECONOMIC ENVIRONMENT: 24

TOTAL SCORE: 74

## Burundi

Status: Not Free

Although the transitional constitution provides for freedom of expression, the 1997 Press Law forbids the dissemination of "information inciting civil disobedience or serving as propaganda for enemies of the Burundian nation during a time of war." In addition, the November 2003 Media Law provides for fines and prison terms of up to five years for the dissemination of information that insults the president or is defamatory or injurious to



any public or private individual. In June 2005, radio and online journalist Etienne Ndikuriyo was detained and charged under this law, after he reported that the president was depressed following the election results. However, the law also abolished the requirement that newspapers submit articles to the authorities for prepublication review and provides for the protection of sources. The state-run National Communication Council (NCC), which is charged with regulating the media, occasionally bans or suspends independent publications and restricts permissible reporting. In February, *NetPress*, a private news sheet, was banned for a week under accusations of libel concerning an article in which the paper charged the head of the National Commission for Rehabilitation of War Victims with diverting food aid from people in need.

The political situation for the media stabilized somewhat in 2005 with the demobilization and disarmament of thousands of soldiers and former rebels in late 2004. Although a variety of political views are tolerated and the opposition press does function sporadically, reporters remain vulnerable to official harassment, detention, and violence, and many practice self-censorship. Because of the elections, 2005 appeared to be a particularly sensitive year. Radio Publique Africaine (RPA) was prevented from reporting regionally when the NCC ordered it to close for two days, accusing it of “offending public morals” and threatening public security by reporting on the rape of an eight-year-old girl. In July, the station was shut down again for several days because of allegedly biased coverage of the June municipal and parliamentary elections.

Burundi’s only daily newspaper, *Le Renouveau*, is controlled by the government, while six private publications operate on a weekly basis. Readership of the print press is limited by low literacy levels, making radio the primary source of information for many Burundians. The government owns and operates the main broadcast media, including the nation’s sole television station and the only radio station that broadcasts nationwide. Political coverage at these outlets remains strongly pro-government. Private radio stations operate irregularly, but some like RPA manage to present diverse and balanced views. The BBC, Radio France Internationale, and Voice of America are all available in Bujumbura. No restrictions to internet access are apparent, though the NCC bans websites from “posting documents or other statements by political organizations that disseminate hate or violence.”

## Cambodia

Status: Not Free

LEGAL ENVIRONMENT: 20

POLITICAL ENVIRONMENT: 23

ECONOMIC ENVIRONMENT: 18

TOTAL SCORE: 61

Although local journalists generally see the government as being relatively tolerant of the media when compared with Cambodia's neighbors, restrictive legislation and a highly politicized media environment continue to hamper the Cambodian press. The constitution guarantees the right to free expression and a free press, and while the 1995 Press Law also theoretically protects press freedom, the government has used it to censor stories deemed to undermine political stability. Under Article 12, the employer, editor, or author of an article may be subject to a fine of 5 million to 15 million riels (US\$1,282 to US\$ 3,846). The law also gives the Ministries of Information and the Interior the right to confiscate or suspend a publication for 30 days and transfer the case to court. Article 13 states that the press shall not publish or reproduce false information that humiliates or is in contempt of national institutions. A continuing concern is the number of defamation cases filed during the year against journalists. On August 31, the Supreme Court upheld a guilty verdict against *Cambodian Daily* reporter Kay Kimsong, charging him for writing a "defamatory" article about Foreign Affairs Minister Hor Namhong. In October, Prime Minister Hun Sen filed defamation charges against radio journalist Mam Sonando and seven human rights activists who criticized him for signing a special border treaty with Vietnam. Other journalists had fled the country for fear of being charged.

Although the threat of arrest has reportedly led to a slight increase in self-censorship, press coverage in Cambodia remains vigorous, and journalists regularly expose official corruption and scrutinize the government. However, on several occasions during the year, the government attempted to fetter journalistic coverage and access. In October, according to the Committee to Protect Journalists, authorities imposed restrictions on reporters' ability to cover news from law courts in the capital, Phnom Penh. On November 23, the Ministry of Information ordered all radio and television stations to cease reading and editorializing the contents of newspapers over the air. The ministry said the commentaries were "in addition to the contexts of those stories, contrasting the ethical code of the journalistic profession and affecting Khmer tradition and social order." Journalists remain subject to some intimidation and harassment at the hands of authorities, and reporters in the provinces, particularly those who cover

issues like illegal logging, face additional dangers such as physical attacks; several instances of assault were noted during 2005.

Journalists from more than 20 publications aligned with or subsidized by various political factions are unbridled in criticizing their adversaries and public officials but generally do not criticize the king. The ruling Cambodian People's Party, its coalition partner the Royalist Party (Funcinpec), and the opposition Sam Rainsy Party each has its own newspaper. However, the government dominates both radio and TV, the main media sources for the two-thirds of the population that are functionally illiterate, and broadcast programming generally reflects official viewpoints. Independent broadcast outlets' operations are constrained by the refusal to allocate radio and television frequencies to stations that are aligned with the opposition. In addition, the economy is not strong enough to generate sufficient advertising revenues to support truly neutral or independent media. Access to foreign broadcasts and to the internet is generally unrestricted.

LEGAL ENVIRONMENT: 19

POLITICAL ENVIRONMENT: 24

ECONOMIC ENVIRONMENT: 22

TOTAL SCORE: 65

## Cameroon

Status: Not Free

The constitution provides for freedom of the press, but this right is not respected by the government. Criminal libel laws are widely invoked by the authorities to silence critics of President Paul Biya's regime. In lawsuits brought against the press, the courts usually side with the plaintiffs, sometimes in violation of due process. 2005 witnessed numerous court cases in which this took place, including the case of the publisher and reporter for the weekly *L'Oeil du Sahel* who were sentenced to five months in prison and steep fines for criminal defamation of a military officer. According to the Committee to Protect Journalists, army officers had brought at least 12 court cases against *L'Oeil du Sahel* during the course of the year, threatening its financial survival.

Cameroonian journalists are forced to work in an adverse and unpredictable political environment, and repression of the media remains a serious problem. Police and army officials settled scores with journalists outside the court system, resorting to intimidation or violence, and as a result journalists often practice self-censorship. Nonetheless, local journalists have observed that overt government-sponsored harassment is

beginning to decrease as officials realize the negative attention such action can attract from the international community.

Cameroon has a lively private and independent press, with at least 20 private newspapers publishing on a regular basis and 3 publishing daily, each portraying diverse views and criticism of the government. The broadcast sector also has at least 20 privately owned radio stations; however, the government has yet to grant formal licenses to private radio stations, making them vulnerable to arbitrary closures. Press freedom groups have accused the authorities of taking advantage of this state of affairs to influence the editorial freedom of the broadcast media. The government itself owns one daily newspaper, the *Cameroon Tribune*, and exercises tight editorial control over the state-run broadcast media, which consistently portray official policies in a positive light. Another serious obstacle to press freedom is the pervasiveness of corruption, among both officials and journalists themselves; for example, journalists often receive bribes from government officials to attend press conferences. Dependence on these bribes is reinforced by media owners, who often do not pay employees sufficiently in the belief that the government officials they cover will provide payment. Press freedom on the internet is markedly better than in either the print or broadcast media. Half a dozen private internet service providers are able to operate regularly without government interference, although given the level of poverty and lack of infrastructure, less than 1 percent of the population has access to the internet.

LEGAL ENVIRONMENT: 4

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 18

## Canada

Status: Free

Canada's constitution of 1982 provides protection for freedom of expression, including freedom of the press. Defamatory or blasphemous libel remains a criminal offense under the federal criminal code. In 2001, as part of its new antiterror bill, the government adopted the Security of Information Act, which forbids unauthorized possession or communication of sensitive government documents. Among other things, this act prevents current or former employees of the Canadian Security Intelligence Service from divulging to the press information concerning national security. In March 2005, the government proposed an extension of those subject to this law to include the Privy Council Office, the Justice Department, and

the Department of National Defense, among others. Those found revealing such information may face up to 14 years in prison. Canada's Access to Information Act was once emblematic of how to uphold press freedom through law. Now it is restricted by so much bureaucracy and antiterror legislation that journalists have accused the government of violating press freedom outright. In January, Stephen Williams became the first Canadian journalist ever to receive a criminal record for his writing. He received three years' probation and community service after pleading guilty to a single charge of breaking a publication ban on two of his books critical of police investigations into the serial killings of young women in the 1990s. In June, the Montreal suburb of Cote-St.-Luc restricted freedom of expression by banning a posthumous exhibition of photographs taken by Zahra Kazemi, a Canadian journalist murdered in an Iranian prison. The ban began as a result of complaints over the pro-Palestinian nature of some of the photographs and continued because the local government considered the images to be too "politically charged" for the community.

Both print and broadcast media, which include the public Canadian Broadcasting Corporation, are generally free to express diverse views. Nonetheless, the extent of media concentration and the influence of powerful media conglomerates such as CanWest Global Communications continue to limit media pluralism. Internet freedom came under scrutiny when a Canadian court agreed to hear a libel case brought against the U.S.-based *Washington Post* by Cheickh Bangoura, a former UN official, for a report published on the internet accusing Bangoura of improprieties while serving with the UN in Kenya.

LEGAL ENVIRONMENT: 7

POLITICAL ENVIRONMENT: 12

ECONOMIC ENVIRONMENT: 13

TOTAL SCORE: 32

## Cape Verde

Status: Partly Free

The constitution of Cape Verde directly protects freedom of speech as well as confidentiality of sources, access to information, and freedom from arbitrary arrest and detention. The government generally respects these rights and does not tolerate their abuse by others. There were no major reported cases of extralegal intimidation or violence against the media in 2005. However, reports of self-censorship among journalists, particularly those who work for state-owned media outlets, are common, and there is a need for improvement in journalism training.

Much of the media is state operated, although there are a growing number of private publications and broadcast outlets, including cable television and foreign stations, that operate mostly out of Praia, the capital. Owing to the expense and restrictive licensing laws, establishing a broadcast outlet is often difficult and time-consuming. A television or radio station requires government authorization before it can begin broadcasting. The production and distribution of newspapers is also very expensive because of the high cost of printing and the need for air transportation for paper delivery in an archipelago. Access to the internet is unrestricted but limited due to financial constraints.

	LEGAL ENVIRONMENT: 21
	POLITICAL ENVIRONMENT: 22
<b>Central African Republic</b>	ECONOMIC ENVIRONMENT: 18
Status: Not Free	TOTAL SCORE: 61

In December 2005, an overwhelming majority of voters approved a new constitution. The new document recognizes the freedom to inform and express opinions as fundamental rights of the country's citizens. Following intense lobbying by journalists and media associations, in December Parliament also passed a law decriminalizing press offenses. It will replace the controversial 1998 Press Law, which included provisions for prison terms with no parole for defamation and the "publication of false news." This bill still awaits a presidential seal of approval, and political leaders, state officials, and influential businesspeople continue to use criminal libel laws to prosecute journalists.

In May, parliamentary and presidential elections solidified the authority of President Francois Bozize, who seized power in a 2003 coup and had promised to improve press freedoms. The turbulent transition ending with the May elections forced a dozen reporters to flee abroad, some of whom still remain in exile. In the past, major political events have been linked to surges in violence against journalists. But despite street campaigning, rallies, and demonstrations through the year, there were fewer reported cases of attacks on the press than in previous years. However, the government still targeted those in the media industry who criticized the government, particularly in the months immediately preceding the election. In December, Communications Minister Fidel Gouandjika told media owners that he would take firm action against news organizations that ran unflattering stories about the country. Radio Ndeke Luka, the leading

private FM station with programming on human rights and peace building, was a consistent target of cabinet members and other state representatives. In May, two of its reporters were threatened with death by members of the presidential guard.

More than 30 newspapers published, with varying degrees of regularity, in 2005. Many of these were privately owned, and most were able to report on political issues such as government corruption and economic policies. Nonetheless, meager salaries and real or self-imposed censorship in a less than dynamic media market continue to hamper the editorial freedom of news organizations. The state remains dominant in the broadcast sector, and private radio stations, reined in by legal and financial restrictions, are often intimidated by the powerful. Internet access is open and unrestricted to the general public, though on occasion the government was reported to have limited internet access for journalists who were believed to be critical of the government.

LEGAL ENVIRONMENT: 23

POLITICAL ENVIRONMENT: 29

ECONOMIC ENVIRONMENT: 21

TOTAL SCORE: 73

## Chad

Status: Not Free

The constitution allows for freedom of expression, but the government has routinely restricted this right in practice with frequent harassment and detention of journalists. Libel is criminalized by law, and a dozen members of the small private press corps served jail time in 2005 or paid hefty fines under the libel laws. In such a conservative, ethnically polarized society, many subjects are considered off-limits for the press, including the armed rebellion on the border with Sudan and recurring tensions between tribal clans. The High Council of Communication (HCC), the official media regulatory body, has the authority to suspend publications and broadcast outlets for defamation or excessive criticism of the government, particularly President Idriss Deby. In recent years, the HCC has increasingly made use of this authority. In May, the government continued its intimidation of Radio Brakos, a small private radio station in the south of the country, with an HCC suspension of the station's broadcasting license, allegedly because of "recurring conflicts between Radio Brakos and administrative and military authorities."

Throughout the year, four journalists were arbitrarily detained. Among them was Tchanguis Vatankeh, the director of Radio Brakos, who was held

for more than two months without charge and threatened with forced exile (Vatankah is an Iranian citizen and political refugee who has resided in Chad for many years). Garonde Djarma and Ngaradoumbe Samory, respectively a columnist and the editor of the private daily *L'Observateur*, were also jailed for three months for publishing a letter critical of the administration's treatment of ethnic minorities. In July, Djarma was sentenced to three years in prison for defamation of the president and "inciting hatred" for criticizing a controversial constitutional amendment allowing the president to stay in office for a third term. In August, Djarma was sentenced to an additional year in prison for "inciting hatred" in an interview that ran in *L'Observateur* in which he blamed the charges against him on a conspiracy by Arab members of the government. The paper's publication director, Sy Koumbo Singa Gali, who conducted the interview, was also sentenced to a year in jail. In August, members of Chad's Union of Private Radio Stations were so outraged by the number of arbitrary detentions that they organized demonstrations and a weeklong strike, during which all private print publications and radio broadcasts were replaced with bulletins on the state of press freedom in the country. As a result, in late August the HCC's ban on Radio Brakos was lifted, but only on the condition that Tchanguis, the imprisoned director, no longer be associated with the station. Soon after, an appeals court overturned the sentences on Djarma, Samory, and Gali and they were released immediately.

Newspapers that criticize the government circulate freely but have little impact on the largely rural and illiterate population. According to the BBC, radio is the primary medium of mass communication, but state control over broadcast media allows few dissenting views. The only television station, Teletchad, is state owned, and its coverage favors the government. Despite high licensing fees for commercial radio stations, there are 13 privately owned stations on the air, some operated by nonprofit groups (including human rights groups and the Roman Catholic Church). These broadcasters are subject to close official scrutiny, and those that fail to pay annual fees to the state are threatened with closure. Access to the internet is limited to 0.7 percent of the population by the high level of poverty in Chad, but the government refrains from restricting access to those who can afford it. Nonetheless, according to the U.S. State Department, the government does occasionally engage in monitoring e-mail through the main post office server.



## Chile

Status: Free

LEGAL ENVIRONMENT: 8

POLITICAL ENVIRONMENT: 11

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 26

The Chilean constitution provides for freedom of speech, and post-Pinochet governments have had a reputation for respecting this right in practice. In August 2005, after three years of delays and lobbying by free speech advocates, the government of President Ricardo Lagos enacted measures that eliminated *desacato* (disrespect) laws from the penal code, which had impeded reporting on the government and military. In September, Congress also reformed the constitution to eliminate defamation as an offense against public persons, a move that was praised by press freedom organizations, including the Inter American Press Association. Nonetheless, there continue to be worries about the classification of some public documents.

In general, the media are independent and freely criticize the government in an atmosphere largely safe from physical threats or intimidation. However, in May Paola Briceno Verdina, a reporter for Radio Bio-Bio, was arrested and beaten by police while covering a student protest in Santiago. She was allowed to leave without charge when a commanding officer, appalled at her treatment, intervened and ordered her immediate release. Investigative reporting continues to be a difficult undertaking, particularly for those journalists working for mainstream publications who are forced to function within the boundaries set by media owners. In early 2005, *Plan B*, a magazine made up of investigative journalists who left the quasi-governmental *La Nacion* after alleged censorship, closed because of financial pressures. In June, indigenous journalist Pedro Cayuqueo Millaqueo, director of the Mapuche magazine *Azkintuwe*, was imprisoned for failing to pay a fine related to his presence at a land occupation in 2003. At the time of his arrest, Millaqueo was trying to obtain an exit visa to participate in a conference of First Nations journalists in Canada.

Press ownership is highly concentrated in the hands of two companies that received preferential treatment during the conservative military dictatorship that left power in 1989. Left-oriented, investigative publications have trouble surviving financially and receive little or no government advertising. Chile's television system, formed before the Pinochet dictatorship, is a mixed public-private system and is considered among the most diverse in the Americas; even those stations owned by the state are considered to be independent of government influence. However, indigenous voices are

not fairly represented in the mainstream Chilean press, and no political move has been made to improve this situation. There were no reported government restrictions on the internet in 2005.

## China

Status: Not Free

LEGAL ENVIRONMENT: 27

POLITICAL ENVIRONMENT: 34

ECONOMIC ENVIRONMENT: 22

TOTAL SCORE: 83

China's authoritarian regime continues to place widespread restrictions on freedom of the press; the constitution, although usually not enforced, affords little protection for members of the media and ensures that the Communist Party (CP) is at the apex of political power. Article 35 guarantees freedom of speech, assembly, and publication. However, other articles subordinate these rights to the national interest, which is defined by party-appointed courts. Primarily through its Central Propaganda Department (CPD), the CP maintains direct control over the news media, especially concerning topic areas deemed by the party to be politically sensitive. This control is reinforced by an elaborate web of legal restrictions. The 1990 Rule on Strengthening Management over Publications Concerning Important Party and National Leaders, for example, makes it illegal to report on any aspect of the lives of top leaders without permission from the CPD and other central government ministries. Statutes in the criminal code, such as the Protection of National Secrets Law, can also make reporting on governmental affairs an offense punishable by prison sentences. Regulations and laws are vaguely worded and interpreted according to the wishes of the central party leadership.

In a move to counter criticism that access to information in China is insufficiently transparent, the central government mouthpiece, Xinhua News Agency, announced in September that the death toll in natural disasters would no longer be regarded as a state secret. However, news of infectious diseases and man-made disasters continue to be treated as state secrets and are subject to censorship, as are a number of other topics. As a general rule, any information can be classified as a state secret if its release is believed to have harmed state interests or state security. In March, the new Regulations on the Administration of Book Quality came into effect, requiring publishers to refrain from reprinting books of questionable political correctness and authorizing the government to confiscate banned books that had already been sold. In August 2005, the CPD issued a new

order restricting popular access to foreign films and television programs. Nonetheless, with vigorous foreign media operating in China, the regime's task of suppressing information has become more difficult; for Chinese with foreign language ability, foreign news reports present an "alternate" truth to that available in the official media. A growing number of Chinese travel abroad, telephone friends or relatives overseas, and watch a plethora of pirated media products available in urban areas.

In 2005, journalists who reported on controversial issues, criticized the CP, or presented a perspective contrary to state propaganda continued to suffer harassment, abuse, and detention. The Committee to Protect Journalists reported that for the seventh year in a row, China had jailed more journalists than any other country in the world, with 32 in prison, half of whom were there on account of internet-related cases. For example, Zhang Lin was arrested in January and found guilty of "inciting subversion" after publishing six articles on the internet criticizing the CP. Foreign correspondents were also not immune from government intimidation. *New York Times* reporter Zhao Yan remains in prison after his arrest in 2004 for releasing state secrets following an article predicting the retirement of Jiang Zemin. In April 2005, Ching Cheong, a Hong Kong correspondent for the Singapore-based *Straits Times*, was detained in Guangzhou on suspicion of harming state security by working as a spy for Taiwan. According to Ching's wife, he was working on a story involving Zhao Ziyang, the purged general secretary of the CP.

Media reforms have allowed the commercialization of media operations without the privatization of media ownership. All Chinese media are owned by the state, but the majority no longer receive state subsidies and now rely on income from advertisement revenue, which some argue has shifted the media's loyalty from the party to the consumer. The CPD disseminates directives to media nationwide concerning mandatory use of state propaganda and indicating topics to be barred from reports. To avoid the risk of running afoul of the CPD, journalists often engage in self-censorship, a practice reinforced by frequent ideological indoctrination and by a salary scheme that pays journalists only after their reports are published or broadcast. When a journalist writes a report considered too controversial, payment is withheld, and in some cases the journalist must pay for the cost of news gathering out of pocket. A small number of elite media combat such deterrents to aggressive reporting by paying journalists for reports that are subject to censorship. This has resulted in a few media outlets championing popular causes and printing embarrassing exposures of official malfeasance. Nevertheless, media personnel who do so are too often fired or arrested.

The China Internet Network Information Center estimates the number of internet users at 111 million, large in absolute terms but calculated to be less than 10 percent of the country's population. The Chinese government regularly blocks or shuts down websites it deems politically threatening, such as those that report on incidents of rural unrest. In July 2005, government agencies shut down over a quarter of China's 573,755 websites after their operators failed to register with the Ministry of Information Industry. In September, new regulations were issued that increased the ability of the government to restrict internet news sites, web logs, and cell phone text messaging, which is also subject to monitoring by the government. The same content restrictions applied to print and broadcast media also apply to internet content. Foreign internet companies have largely cooperated with the Chinese government on censorship enforcement. A prominent example of this was the role played by Yahoo! in providing information leading to the conviction of Hunan journalist Shi Tao for leaking "state secrets," which resulted in a 10-year prison sentence.

## Colombia

Status: Not Free

LEGAL ENVIRONMENT: 13

POLITICAL ENVIRONMENT: 32

ECONOMIC ENVIRONMENT: 16

TOTAL SCORE: 61

Freedom of the press is guaranteed by the 1991 constitution, but journalists have trouble exercising their rights in a country racked by a complex armed conflict involving left-wing guerrilla organizations, drug traffickers, paramilitary groups, and government security forces. Human rights organizations expressed concern about comments made by high-ranking government officials, including President Alvaro Uribe, who have chastised journalists for their reporting on the war. Journalists believe that such commentary stigmatizes them and puts them at risk for retribution. The Inter American Press Association noted a significant increase in the number of criminal complaints and civil lawsuits being filed against media outlets and reporters, predominantly by retired military officers, government ministers, and public officials as well as private citizens. Journalists from the Bogota-based newspaper *El Tiempo* and the magazines *Cambio* and *Semana* were the targets of libel actions, as were journalists from many provincial media outlets, including Cartagena's *El Universal*. Colombia's penal code does not contain provisions allowing journalists to be charged with contempt, but it does allow for slander and libel to be

filed as criminal charges. A recent addition to the criminal procedure code allows prosecutors to execute searches in advance of securing a warrant; this provision could make it easier for prosecutors to seize notes or information kept by journalists.

Colombia remains the most dangerous country for journalists in continental South America, and violence and harassment of journalists by state and nonstate actors are the primary impediments to a free media. Incidents of physical violence continued to decline in 2005, but journalists still work in an extremely hostile environment. Domestic and international press organizations have attributed some of the decline in violence against journalists to an increase in practices of self-censorship. The Bogota-based watchdog *Fundacion para la Libertad de Prensa (FLIP)* reported the murder of two journalists by unknown assailants. In one case, radio news host Julio Hernando Palacios Sanchez was shot and killed by unidentified men in the northeastern city of Cucuta for a program he hosted on Radio Lemas that focused on local corruption. At least 25 other journalists reported receiving death threats, causing 5 of them to leave their homes and 3 to flee the country. One of the most notable cases was the harassment of three journalists from Bogota's Canal Uno television station. One of them, Daniel Coronell, left Colombia with his wife, anchorwoman Maria Cristina Uribe, and their daughter after they received death threats that included an anonymous delivery of funeral wreaths. Coronell reported that e-mail threats had been traced back to the residence of former congressman Carlos Nader Simmonds.

Paramilitary groups threatened journalists in the departments of Putumayo, Tolima, and Santander, and attacks on radio and television transmission stations in Putumayo and Caqueta were attributed to the FARC guerrilla organization. The Putumayo offices of RCN Radio and Television were the target of a car bomb, while a fragmentation grenade heavily damaged the office of the newspaper *El Informador* in Magdalena. Since the revelation of a paramilitary "blacklist" of journalists in the Arauca region in 2003, journalists have been reticent to report on sensitive topics. Arauca and Norte de Santander are considered among the most dangerous areas in the country for reporters.

Government investigations and prosecutions for crimes against journalists have been slow and inconclusive, contributing to an atmosphere of impunity. According to the Organization of American States' special rapporteur for freedom of expression, 31 journalists were murdered between 1998 and 2005, and only 6 of those cases had reached a trial phase by 2005. The government established a special unit in the Office of the Public

Prosecutor to deal specifically with cases involving the assassination of journalists, but the unit has been hamstrung by insufficient personnel and budgetary resources. Since 2000, the Ministries of Justice and the Interior have operated the Journalist Protection Program to assist journalists who become targets with security, transportation, financial aid, and assistance to leave the country if necessary.

Most of the country's media outlets are controlled by groups of private investors. The government operates two commercial and one educational television station along with a national radio network. The Ministry of Communications has been active in promoting the development of community radio stations, and 415 stations are currently in operation. Government advertising is an important source of revenue since local media depend heavily on advertising by provincial and municipal agencies in order to stay in business. This financial dependence creates a powerful incentive for collusion among media owners, journalists, and officials that affects editorial views and news coverage. There were no reported cases of government monitoring or censorship of the internet, though less than 10 percent of the population was able to gain access in 2005.

## Comoros

Status: Partly Free

LEGAL ENVIRONMENT: 12

POLITICAL ENVIRONMENT: 20

ECONOMIC ENVIRONMENT: 15

TOTAL SCORE: 47

Freedom of speech and of the press received legal protection for the first time with the adoption of a new constitution in 2001. Since then, these rights have generally been respected in practice by the government, but journalists are still regularly subject to harsh defamation laws and harassment. Comoros has several independent newspapers and one semi-official weekly, *Al-Watwan*. Of the two national radio stations, one (Radio Comoros) is run by the government, and the other (Radio Tropique) is run by the opposition. Private local radio and television stations have proliferated in the last few years and are funded predominantly by donations from locals as well as citizens living abroad. In January, the government suspended the broadcasts of Radio Dzialandze Mutsamudu, one of these local radio stations, for a period of three weeks owing to the station's decision to permit striking doctors to voice their complaints on the air. This most recent press freedom violation has increased the incentive for self-censorship among a press that has routinely been reluctant to criticize

the government. Nonetheless, the largest impediment to a free-flowing press is not government interference, but a lack of resources in a severely impoverished society. Such poverty also severely limits the number of citizens who have access to the internet; no more than 1.5 percent of the population was able to access the internet in 2005. At the same time, the government was not reported to have intentionally censored or restricted internet access.

## Congo, Republic of (Brazzaville)

Status: Partly Free

LEGAL ENVIRONMENT: 17  
POLITICAL ENVIRONMENT: 17  
ECONOMIC ENVIRONMENT: 17  
TOTAL SCORE: 51

The constitution provides for freedom of the press, but many types of speech are considered to be criminal offenses, including incitement to ethnic hatred and violence, for which the government has been known to hand down harsh prison sentences. Libel is generally punishable only by monetary fines, following legal improvements made by the government in 2001. Nonetheless, these fines are often excessive and quickly handed down to publications critical of the government. Local stringers for international media outlets, as well as those employed by the state-run media, sometimes have their accreditation revoked if their reporting was perceived to portray the government in a bad light.

In 2005, over 15 private weekly newspapers published in Brazzaville and provided scrutiny of the government, though few were readily available in rural areas. There were no reported incidents of interference by authorities with the work of the private press, although government journalists are not independent and are expected to report positively on government activities and priorities. Officially, the state does not publish its own newspapers, but a number of publications are believed to be allied with the regime of President Denis Sassou-Nguesso. Radio remains the best means of reaching large audiences nationwide. The government has been slow to loosen its grip on the broadcast sector and continues to run three radio stations, Radio Congo, Radio Brazzaville, and Radio FM, and one television station, Tele Congo. Political parties are not permitted to own radio stations or television channels, and though several private radio and television stations have won permission to broadcast in recent years, they all present pro-government views. Nevertheless, a wide range of satellite television connections is freely available. In the most recent census taken in 2003, there were 46 registered

internet hosts and 15,000 registered users in Congo; the government is not known to restrict online traffic or content.

## Congo, Democratic Republic of (Kinshasa)

Status: Not Free

LEGAL ENVIRONMENT: 25  
POLITICAL ENVIRONMENT: 31  
ECONOMIC ENVIRONMENT: 25  
TOTAL SCORE: 81

The law provides for freedom of speech and of the press, but President Joseph Kabila's transitional government restricted press freedom in practice. Officials used an array of prohibitive licensing and criminal libel laws to restrict free speech and suppress political criticism by shutting down broadcast operations and seizing copies of newspapers critical of the authorities. In January, broadcasts at two private television stations and a radio station owned by Vice President Jean-Pierre Bemba, leader of the former rebel Mouvement de Liberation du Congo party, were suspended after the stations aired a press conference critical of President Kabila. Also in January, the government banned all religious and specialty radio and television stations from broadcasting political and news programming and from running any phone-in programs. The ban was lifted a month later, but the pervasive atmosphere of censorship still prevails. In June, President Kabila declared that the planned elections would be postponed, causing a wave of furious opposition rallies and an intensification of abuse and censorship of the media. Armed police closed a television station and two radio stations belonging to the private RAGA group and briefly detained its director. The High Media Authority (HAM), the official regulatory body, ordered RAGA's broadcasts suspended for 10 days, charging that its reporting was "blatantly partial." Again in December, HAM suspended eight television stations for discussing the constitutional referendum without permission. HAM had earlier authorized only a small number of stations to air content related to the referendum, citing frequent professional lapses by those it had excluded.

For most of 2005, Congolese journalists worked in a tense preelectoral climate, enduring physical abuse, threats, and harassment from all parties to the country's debilitating internal strife. Worst among these incidents, on November 3 unknown gunmen killed a political affairs journalist with the independent daily *La Reference Plus*. He was shot dead along with his wife in the capital, Kinshasa, in an execution-style murder believed to be connected to his work. At year's end, three army officers remained in



police custody on suspicion of committing the killings. At least one suspect maintains he confessed to the crime only under police torture. Instances of harassment and physical intimidation of journalists were particularly severe in the eastern Ituri, Kivu, and Kasai provinces, where the transition government in Kinshasa exercises little control and armed groups continue to terrorize journalists. According to *Journaliste En Danger*, a national press freedom advocacy group, self-censorship among the press in these regions worsened around the July murder of a prominent human rights activist. In late April, Mai-Mai militiamen in Katanga province took five local journalists hostage, reportedly to protest the arrest of their leader, before they released the journalists five days later in exchange for 270 bicycles from MONUC, the United Nations peacekeeping mission.

The people of the Democratic Republic of Congo are largely illiterate and depend upon radio broadcasts for the news. Nonetheless, many private newspapers exist, and although not always objective, they are often able to be highly critical of the government. Multiple privately owned radio and television stations also operate in tandem with two state-owned radio stations as well as a state-owned television station. The state-owned broadcasters operate with a pro-government bias but permit other major political parties represented in the government to gain access to airtime. Together with the Swiss-funded Fondation Hironnelle, MONUC operates an independent countrywide radio network, Radio Okapi, which has set new standards for reporting and media objectivity in a volatile political scene. Journalists in all major media outlets are usually poorly paid and lack sufficient training, making them vulnerable to bribery and political manipulation. The government refrains from any overt internet censorship. However, less than 1 percent of the population was able to access the internet in 2005 due to the volatility of the political situation, which made internet access difficult, if not impossible, to obtain.

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 6

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 18

## Costa Rica

Status: Free

Costa Rica's press environment is considered to be among the freest in Latin America. Freedom of communication is guaranteed under Article 24 of the constitution, which also reserves the government's right to seize private documents. However, Costa Rica continues to have strict libel laws

that provide for penalties of up to three years' imprisonment in cases of insult of a public official, though these have been under review since 2004, when the Inter-American Court of Human Rights struck down the 1999 defamation conviction of *La Nacion's* Mauricio Herrera Ulloa. In separate cases, the convictions of two journalists charged with press infractions in 2004 were overturned, while a third conviction remains on appeal. In a positive step, in December the trial began of nine men accused in the 2001 murder of Parmenio Medina, radio host of the controversial program "La Patada." On June 8, 2005, a new press freedom group, the Instituto de Prensa y Libertad de Expresion, was created in an attempt to limit the effects of defamation laws and to promote and facilitate freedom of expression. Costa Rica has a vibrant media scene, although private media ownership is highly concentrated and generally conservative. The Inter American Press Association has criticized an unofficial government ban on advertising in *La Nacion*. Radio is the most popular outlet for news dissemination, though several daily newspapers are widely circulated. There are approximately 1 million internet users, and access to the internet is unrestricted.

## Cote d'Ivoire

Status: Not Free

LEGAL ENVIRONMENT: 18

POLITICAL ENVIRONMENT: 28

ECONOMIC ENVIRONMENT: 19

TOTAL SCORE: 65

The constitution provides for freedom of the press, but since the 2002 rebellion that divided the country into government and rebel-held portions, the government has reduced press freedoms in the name of patriotism and national unity. Parliament scrapped criminal libel and other punitive laws for press offenses in December 2004, and no journalist has reportedly been jailed for his or her work since. However, in July 2005 President Laurent Gbagbo himself filed a defamation suit against a fellow government minister who had accused him of orchestrating the 2002 rebellion.

Journalists remain vulnerable to physical and other abuse by police and influence peddling by powerful politicians and state officials. In the course of 2005, at least three well-known members of the local press told Reporters Sans Frontieres that they had received death threats in connection with their work. Media facilities were also targeted by the parties to the conflict. On July 26, following the violence in and around

Abidjan, unidentified persons attacked the headquarters of Edipresse, the national newspaper distribution company, and destroyed copies of opposition newspapers. On July 27, in retaliation, opposition supporters destroyed copies of pro-government dailies and magazines. The crisis has also triggered self-censorship in state media and vitriolic opinions in the private press. International concern about xenophobia and hate language in the Ivoirian media remains acute. In fact, in June and July the media openly fanned the flames of violent anti-UN demonstrations by the pro-Gbagbo Young Patriots militia. The Young Patriots also harassed and beat half a dozen reporters during the riots. Since the killing of Radio France Internationale (RFI) reporter and French citizen Jean Helene in 2003 and the disappearance of French-Canadian reporter Guy-Andre Kieffer in 2004, many foreign correspondents fled Abidjan, once a thriving hub for international media, for other West African capitals.

The situation for press freedom improved in rebel-held territory, with only one incident of media harassment reported in 2005, in which rebels held a state television crew for several hours before releasing them unharmed. The rebel authorities, known as Forces Nouvelles, continue to operate at least one television and two radio stations in their zone. There were no reports of rebel forces interfering with the circulation of pro-government newspapers in their territory.

Ivoirian media remain key players in the enduring political strife. The government controls two major radio stations, one of which is the only national station and key source of news in the country. Private print and community radio stations do present diverse views and frequently scrutinize the government, but they are regularly harassed for these reports. Since 2002, pro-government media, such as the ruling party's daily *Notre Voie*, have led an ultranationalistic campaign against France, which they accuse of backing the rebellion. A prime target of Ivoirian fury has been the French government-owned RFI, whose broadcasts are regularly restricted or cut off during periods of heightened political tension. On July 15, the National Audiovisual Communication Council again banned RFI from the FM band, allegedly because the station had been "unprofessional" in its coverage of the country. The station remained banned at year's end but could still be heard on shortwave. However, four major private international radio stations continue to be available in Cote d'Ivoire, and internet access, though used infrequently (less than 2 percent of the population have access), is unrestricted by the government.

## Croatia

Status: Partly Free

LEGAL ENVIRONMENT: 10

POLITICAL ENVIRONMENT: 15

ECONOMIC ENVIRONMENT: 14

TOTAL SCORE: 39

Freedom of the press is enshrined in the constitution; however, media outlets are still occasionally influenced by various political and economic interests. Last year's changes to the criminal code eased the threat of prosecution by decriminalizing defamation except in cases when expression is used with intent to harm someone's reputation. Yet according to the Croatian justice minister, these reforms have not been fully implemented, as some judges have a problem accepting them, and libel remains punishable by fines and, in some cases, imprisonment. In November 2005, Rijeka's municipal court sentenced a reporter from *Novi List* to two months in prison and one year of probation for publishing a satirical article about the chief of staff at the local mayoral office. The same month, the municipal court in Zagreb handed down a five-month suspended sentence to Croatian writer Predrag Matvejevic for publishing an article in 2001 accusing several journalists of spreading ethnic hatred during the presidency of Franjo Tudjman. The case was brought to court by one of the journalists singled out in Mr. Matvejevic's article.

The issue of war crimes remains a sensitive topic in Croatia, and journalists face pressure and intimidation if their reporting challenges the virtue of Croatia's role in the Balkans conflict. In December, Drago Heidi, editor of the satirical weekly *Feral Tribune*, received death threats linked to an article the paper had published about a former Croatian soldier who admitted torturing and killing Serbian civilians during the war. Later that month, a popular TV show on state television, *Latinica*, which in one of its weekly episodes discussed the legacy of late president Franjo Tudjman and allowed critical views of the Croat's role to be expressed, was in the center of heated debate in the Parliament. The show's anchor, Denis Laitin, was dismissed after the episode; he was reappointed only after a public campaign. Another issue involved the surveillance by the Counterintelligence Agency of five journalists amid allegations that they were conspiring with foreign intelligence services. A parliamentary working group started an investigation and acquitted the journalists on March 15, condemning the violation of their human rights.

Approximately 150 radio stations and 15 television channels operate in Croatia, and 2 out of 3 national television stations are private. However,

state-owned Croatian Radio and Television is the market leader at the national level, and the state remains the single largest media owner. The press has increasingly been used as a tool by media owners to promote their business and political interests. Some media owners believe that “doing favors” for government officials and fostering a good relationship with the government is good for their business; they then exert pressure on journalists working at their media houses. A number of journalists alleged in 2005 to have received pay cuts after they published articles out of line with the political views of their higher-ups. The state does not restrict the foreign press or internet use, but relatively few Croats are able to afford these sources of information.

## Cuba

Status: Not Free

LEGAL ENVIRONMENT: 30

POLITICAL ENVIRONMENT: 39

ECONOMIC ENVIRONMENT: 27

TOTAL SCORE: 96

Cuba continues to have the most restrictive laws on free speech and press freedom in the hemisphere. The constitution prohibits private ownership of media and allows free speech and press only if they “conform to the aims of a Socialist society.” Cuba’s legal and institutional structures are firmly under the control of the executive. The country’s criminal code provides the legal basis for the repression of dissent, and under the guise of protecting state security, laws criminalizing “enemy propaganda” and the dissemination of “unauthorized news” are used to restrict freedom of speech. Insult laws carry penalties of three months to one year in prison, with sentences of up to three years if the president or members of the Council of State or National Assembly are the objects of criticism. The 1997 Law of National Dignity, which provides for jail sentences of 3 to 10 years for “anyone who, in a direct or indirect form, collaborates with the enemy’s media,” is aimed at the independent news agencies that send their material abroad.

The few journalists who do work for independent news agencies, write articles for foreign websites, or publish underground newsletters are routinely monitored, harassed, detained, interrogated, or imprisoned. At best they are accused of giving the Cuban revolution a “bad name,” at worst of working as counterrevolutionaries for the United States government or Cuban exiles. Most of the 28 journalists arrested in March 2003—as

part of a group of 75 dissidents accused of collaborating with the United States—remain in detention, many of them suffering from chronic diseases or ailments acquired in prison. One of them, Mario Enrique Mayo Hernandez, who wounded himself and waged repeated hunger strikes to call attention to his plight, was released on medical parole in December. Two other journalists were arrested and imprisoned during 2005. Oscar Mario Gonzalez, a journalist with the independent news agency Grupo de Trabajo Decoro, and Albert Santiago Du Bouchet Hernandez, director of the independent news agency Havana Press, are both believed to have been jailed as a result of their coverage of a May congress that brought together 200 opposition activists and observers. The authorities also detained and expelled five foreign journalists who had traveled to Cuba to cover the same meeting.

The Communist Party controls all national media, including all print and electronic media outlets, apart from one or two unauthorized Catholic Church newsletters. Cubans do not have access to foreign media, although some international papers are for sale in hotels. The government continues to jam transmissions of the U.S. government–sponsored Radio and Television Marti. Although thousands of students receive training in the new technologies, and Telecommunications Minister Ignacio Gonzalez Planas has repeatedly stated that the internet is essential for the country’s development, the government does its best to restrict access to the internet. The sale of computer equipment is strictly regulated, internet access is controlled, and e-mail is closely monitored for the 1.3 percent of the population that was able to gain access in 2005.

## Cyprus

Status: Free

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 9

ECONOMIC ENVIRONMENT: 8

TOTAL SCORE: 22

Freedom of the press is generally respected in law and practice in the Greek part of Cyprus, where the independent press is vibrant and frequently criticizes authorities. However, media came under extralegal intimidation in 2005, when violent exchanges erupted between journalists and police during a truckers’ strike in July. The incident escalated when police turned on television crews to prevent coverage of the event; the Cyprus Media Complaints Commission accused the police of using excessive force in the arrest of a cameraman connected with the incident. Although Turkish Cypriot journalists can enter the south, Turkish journalists based in the

North are often denied entry across the border. Also in July, all Turkish national journalists from the North were refused entry to cover a football match between the Greek and Turkish Cypriot teams. However, Turkish Cypriot journalists were able to cover the match since they are not subject to the same restrictions.

Cypriots have access to Greek and Turkish broadcasts. There are seven major dailies, one weekly newspaper, and six major magazines. However, most daily newspapers belong to or are linked to political parties or other groups. A few private television and radio stations compete effectively with government-controlled stations, but only the state broadcaster has sufficient funds to produce its own programming. Ownership is highly concentrated. Over 300,000 Cypriots are able to access the internet on a regular basis and are not subject to any known government restrictions on internet use.

In the North, laws are in place for freedom of the press, but authorities are overtly hostile to the independent press. Several local daily newspapers are available, but the broadcasting service is controlled exclusively by the Turkish Cypriot administration. Independent newspapers, in particular the outspoken daily *Afrika*, have frequently been targeted by the government, and cases brought by the government against *Afrika* are ongoing; however, no new cases of intimidation were reported in 2005.

[The numerical rating for Cyprus is based on conditions on the Greek side of the island.]

## Czech Republic

Status: Free

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 20

Freedom of the press is constitutionally guaranteed, though the Charter of Fundamental Rights and Freedoms prohibits speech that might infringe on national security, individual rights, public health, and morality. The law also bans publishing information that evokes hatred based on race, ethnicity, or national origin. Libel remains a criminal offense, and journalists can face prison terms if convicted. In addition, an amendment tightens restrictions on the use of a hidden camera. Investigative journalism received a boost in 2005 with a Constitutional Court ruling that journalists do not have to disclose their sources; this constitutes a considerable strengthening of provisions of the 2000 Press Law.

No major media are state owned, and private media are able to represent diverse views and are largely independent of government or partisan pressure. The dynamic electronic media sector has seen both new TV programs and online publications, as well as increased quality and balance in media reporting. Allegations of pressure from both business and political interests were raised in 2005, and media advocates most frequently point to problems of journalistic standards and a tendency to sensationalize. Commercial pressures have not disappeared entirely, and media scholars believe that journalists have shied away from important stories that place top advertisers in a poor light. Examples include the lack of criticism of Czech Telecom's monopolistic practices and several cases where TV stations neglected to report stories perceived to undermine the financial interests of their parent companies. The canceling of "Bez Obalu," one of the best-rated public affairs programs, stood out as a possible attempt by government authorities to influence the content of state-owned media. While explained as a cost-cutting measure, the removal of this program came after public statements by a politician questioned the objectivity of the program. The internet continues to develop rapidly, with almost 50 percent of the population able to afford access, and the government does not restrict access in any manner.

LEGAL ENVIRONMENT: 2

POLITICAL ENVIRONMENT: 3

ECONOMIC ENVIRONMENT: 5

## Denmark

Status: Free

TOTAL SCORE: 10

The constitution guarantees freedom of expression, and media reflect a wide variety of political opinions and are frequently critical of the government. Denmark has strict antiracism laws, and a radio station in Copenhagen had its broadcasting license taken away for three months after it called for the extermination of Muslim extremists. Kaj Wilhelmsen, the radio presenter who made the statements, was also charged with breaking the country's antiracism laws.

The most important issue of 2005 was the furor that emerged after 12 cartoons depicting the prophet Muhammad were published in the conservative Copenhagen daily *Jyllands-Posten* at the end of September. One of the cartoons depicted Muhammad wearing a turban in the form of a bomb with the fuse lit. Death threats were made against two cartoonists and bomb threats were made against the newspaper, and protests spread



worldwide. Turkish Prime Minister Recep Tayyip Erdogan condemned the drawings during a visit to Denmark in November. Despite the criticism, the newspaper refused to apologize for the cartoons. The controversy sparked discussions over freedom of the press in Denmark and all over the world. In October, Prime Minister Anders Fogh Rasmussen refused to intervene, arguing that, as prime minister, he has “no tool whatsoever to take actions against the media” and, furthermore, does not “want that kind of tool.”

The state finances radio and television broadcasting, but state-owned television companies have independent editorial boards. Several private cable and satellite television channels also exist, as do private radio stations, which are tightly regulated. The government does not limit access to the internet and 69 percent of the population was recorded accessing the internet in 2005.

LEGAL ENVIRONMENT: 23

POLITICAL ENVIRONMENT: 25

ECONOMIC ENVIRONMENT: 21

## Djibouti

Status: Not Free

TOTAL SCORE: 69

The 1992 constitution affords a measure of protection to the media, but the government has often been prepared to strip away this protection in its efforts to censor the independent press. Free speech is further restricted under the law, particularly through prohibitions on slander and the dissemination of “false information.” Djibouti’s only television and radio stations remain under the control of the government and provide little information other than pro-government propaganda. The government also owns the only internet service provider as well as *La Nation*, one of the principal national newspapers. The only criticism of the government originates from two weekly newspapers, *Le Renouveau* and *Le Republique*—Djibouti’s sole privately owned domestic media outlets, both owned by opposition political parties. Nonetheless, reporters for these newspapers often practice self-censorship, particularly on sensitive issues such as human rights, the army, the Front for the Restoration of Unity and Democracy party, and French financial aid. Daher Ahmed Farah, the editor in chief of *Le Renouveau*, has repeatedly been tried and jailed for articles addressing many of these issues. International broadcasting networks, including the BBC, Radio France Internationale (RFI), and Voice of America, began both AM and FM radio transmissions in 2002. However, RFI’s broadcasts have been cut since January 2005 owing to its reports on the ongoing

legal investigation into the death of a French judge in Djibouti. Barely 1 percent of the population is able to access the internet on a regular basis, but the government places no known restrictions on the access for those who can afford it.

## Dominica

Status: Free

LEGAL ENVIRONMENT: 3

POLITICAL ENVIRONMENT: 10

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 19

The constitution guarantees freedom of the press. Media operate without restrictions and are often critical of the government. Relations between journalists and the ruling Dominica Freedom Party (DFP) deteriorated during the early part of the year when the government canceled two news conferences without apology and Prime Minister Roosevelt Skerrit shunned a Media Workers Association of Dominica (MWAD) invitation to a debate with other party leaders. In April, the MWAD demanded an apology from the government after the foreign minister, Osborne Riviere, refused to answer a question and labeled journalists “damn stupid.” Following the DFP’s reelection in May, Prime Minister Skerrit said he had no intention of stifling press freedom but stated his objective to introduce legislation to prevent radio talk shows from damaging the country’s image. There is no daily newspaper, but there are several weekly publications. Dominica has four radio stations, including the state-owned Dominica Broadcasting Corporation and two television stations. The internet is neither restricted nor censored by the government for the 25 percent of the population that can afford regular access.

## Dominican Republic

Status: Partly Free

LEGAL ENVIRONMENT: 7

POLITICAL ENVIRONMENT: 16

ECONOMIC ENVIRONMENT: 14

TOTAL SCORE: 37

The law provides for freedom of speech and of the press, and the government generally respects these rights in practice. In March, President Leonel Fernandez signed a ruling providing the mechanisms to implement a freedom of information law passed in 2004. In May, a governmental decree introducing restrictive measures against the media provoked an outcry from

journalists who accused the government of paving the way for censorship. The decree banned the media from reporting on natural catastrophes without prior agreement from the authorities, under the guise of avoiding public panic. The decree also functioned as intimidation for those who would show “lack of respect for authorities and public institutions.” Less than two weeks later, in response to the strong reaction against it, the president withdrew the decree. The president’s legal adviser stated that a team of experts would use 2006 to prepare an alternative decree to regulate television and radio broadcasts.

There was a welcome decrease in the number of attacks on journalists in 2005. One of the only incidents of note occurred in February, when two photojournalists from the *Listin Diario* and *El Caribe* newspapers were beaten by officers of the Santo Domingo Metropolitan Transportation Authority (AMET) as they covered a protest by car and motorcycle drivers against AMET’s policy of towing away defective vehicles. Both newspapers lodged complaints against the AMET.

There are five national daily newspapers and a large number of local publications. The state-owned Radio Television Dominicana operates radio and television services. Private owners operate over 300 AM and FM radio stations and more than 40 television stations, most of them small, regional broadcasters. Overall, media remain subject to some government influence, particularly through the denial of advertising revenues for controversial publications and the implementation of taxes on imported newsprint. Media generally avoid serious reportage on some subjects, such as the army and the Catholic Church, as well as topics that might adversely affect the economic or political interests of a particular outlet’s owners. No government restrictions on internet access were reported in 2005 though only 8 percent of the population was able to take advantage of this due to the high costs involved.

LEGAL ENVIRONMENT: 11

POLITICAL ENVIRONMENT: 16

ECONOMIC ENVIRONMENT: 12

TOTAL SCORE: 39

## East Timor

Status: Partly Free

**Status change explanation:** East Timor’s status declined from Free to Partly Free owing to the enactment of a new penal code that contains strict penalties for defamation as well as sustained official harassment of a major newspaper.

Although the 2002 constitution protects freedom of expression and media and guarantees that the state shall protect “the freedom and independence of the public mass media from political and economic powers,” Section 40 states that the right to freedom of speech and information “shall be regulated by law.” In September 2005, the Parliament voted to give the prime minister executive powers to enact a new penal code. On December 6, a government spokesman stated that the penal code, drafted by the Ministry of Justice and endorsed by the Council of Ministers, had been signed by the prime minister and would become law at the start of 2006. The new penal code includes sections on criminal defamation and contains severe penalties for defamation of public figures. Under Article 173, anyone can be jailed for up to three years and fined for publishing comments seen to be defamatory to public officials. The code sets no limits on fines or other penalties for defamation. As the 2007 national elections approach, there is concern that government officials will not be willing to tolerate news stories critical of their performance and that the new penal code will stifle debate and violate the right of citizens to be informed.

As Timorese journalists have practiced a more independent and critical brand of reporting since independence in 2002, there has been a rise in threats of defamation as well as a number of incidents in which government officials have harassed and otherwise tried to interfere with the press. In April, *Suara Timor Lorosae*, the oldest of East Timor’s four daily newspapers, received an eviction notice from the Land and Property Office stating that the government would not extend the paper’s use of the building. The action apparently stemmed from a report on famine deaths in remote villages and underscored long-running tensions between Prime Minister Mari Alkatiri and the newspaper, which is known for its critical reporting. The prime minister ordered all government departments to boycott the paper, withdrew all government advertising, and banned officials from giving statements to journalists from *Suara Timor Lorosae*. Fifty East Timorese journalists signed a petition as a result of the action, asserting that the prime minister’s restrictive actions violated constitutional provisions for press freedom.

A small number of privately owned daily and weekly newspapers publish in a variety of languages and provide some diversity of views. The Public Broadcast Service owns and operates a radio station that reaches most of the population, as well as a television station that has a limited geographic range. Radio remains the primary means of news dissemination, and 18 community radio stations are currently operating in addition to the state broadcaster. Internet access is unrestricted by the government but is not

widely available (less than 0.1 percent of the population was able to access it in 2005). Lack of journalism training and education, high illiteracy, widespread poverty, and a poor communications infrastructure continue to hamper the development of professional media practices and standards.

## Ecuador

Status: Partly Free

LEGAL ENVIRONMENT: 13

POLITICAL ENVIRONMENT: 18

ECONOMIC ENVIRONMENT: 10

TOTAL SCORE: 41

The constitution guarantees freedom of the press. However, given that defamation and slander remain criminal offenses punishable by up to three years in prison, these guarantees are often weak in practice. Concern about the implementation of such restrictive libel laws often results in self-censorship, affecting reporting on public officials and the armed forces. In a positive legal development, President Alfredo Palacio approved steps to begin implementing the new Freedom of Information Act that had been passed in 2004. Congress passed an amendment to the criminal code in November that stipulated jail sentences of up to nine years for journalists who broadcast or publish the contents of telephone conversations without permission of the participants. However, in a move that was hailed by press organizations, Palacio vetoed the legislation in December.

Ecuadorian journalists were subject to government harassment and other types of extralegal intimidation in 2005. In the face of mass street protests against the government in Quito, then President Lucio Gutierrez declared a state of emergency in April whose provisions allowed for the suspension of the rights to freedom of expression, association, and movement. The measures were rescinded a few days later, after which Congress elected to oust Gutierrez and replace him with the vice president, Alfredo Palacio. Nonetheless, protests continued during which supporters of the deposed president attacked journalists. Numerous television crews and reporters were harassed in order to obtain pro-Gutierrez media coverage or to punish those who criticized the former president. In one instance, reporters from the television stations Gamavision and Ecuavisa were abducted and released only after they agreed to broadcast their support for Gutierrez. To quell the demonstrations, police used tear gas on crowds, inadvertently killing Julio Garcia Romero, a freelance photojournalist, who subsequently died of a heart attack from the effects of the gas.

Prior to the ousting of Gutierrez, relations between the government and media had been particularly strained, especially for journalists critical of the administration. Numerous print media outlets and radio stations known for criticizing the Gutierrez administration were reported to have received death threats. In addition, a radio station in Macas with a reputation for accusing the government of corruption was the victim of a bomb attack and the subsequent blackout of its transmissions by the authorities. Under President Palacio, a second state of emergency was declared in the northern provinces of Orrellana and Sucumbios in August, during which time the government censored 10 separate radio stations in the region. The majority of these stations were supportive of a local civic strike protesting government policies and the transnational petroleum companies operating in the area.

Except for one government-owned radio station, broadcast and print media outlets are privately owned and express a broad range of editorial viewpoints. Most media outlets are heavily influenced by their financiers and often reflect the political perspectives of their sponsors. The broadcast media are required to give the government free airtime; thus stations can be forced to show programs featuring the president and other officials. Access to the internet is not restricted by the government but is only used by 5.2 percent of the population.

LEGAL ENVIRONMENT: 22

POLITICAL ENVIRONMENT: 21

ECONOMIC ENVIRONMENT: 18

## Egypt

Status: Not Free

TOTAL SCORE: 61

Though journalists increasingly cross the “red lines” that previously constrained the media, press freedom in Egypt continues to suffer from repressive laws and extralegal intimidation of journalists. The Emergency Law, Press Law, Publications Law, and penal code regulate the press. The penal code provides for fines and imprisonment for criticism of the president, members of government, or foreign heads of state or for diffusing news “liable...to cause harm and damage to public security.” According to the 1996 Press Law, which was written after the opposition newspaper *Al-Sha’ab* published articles on official corruption, the government can impose fines and prison terms on journalists convicted of libel. On April 17, a Cairo criminal court sentenced three journalists for the independent

daily *Al-Misry al-Youm*—Alaa' al-Ghatrifi, Youssef al-Oumi, and Abd al-Nasser al-Zuhairi—to a year in prison and imposed fines of LE 10,000 (US\$1,740) each for “defaming a public employee” in connection with a story claiming that authorities had searched the housing minister’s office. The journalists appealed the sentence, and the case was still open at the end of 2005. No substantive progress has been made on President Hosni Mubarak’s 2004 promises to review existing legislation affecting the press, a hollow promise repeated this year in December. Indeed, in June 2005 the Parliament amended the 1956 Law on Political Rights to impose prison sentences and fines on journalists who published “false information” about the elections or the behavior or morals of the candidates—five were sentenced to imprisonment during the year.

Journalists are frequently subject to violence and harassment. On May 13, security forces arrested nine journalists and technicians for Al-Jazeera as they covered a special meeting of the Judges’ Club, which was then in a confrontation with the ruling National Democratic Party over the conditions under which they would monitor the September presidential elections. Later that month, security officers and armed men apparently acting under the direction of the security forces assaulted 15 journalists covering protests against a constitutional amendment governing the conduct of the presidential elections. Female reporters were sexually assaulted. Journalists who filed complaints said security officers attempted to intimidate them into dropping the complaints. No charges had been filed for the assaults by the end of 2005.

More than 50 journalists complained that security and police officers beat them, detained them briefly, or confiscated their cameras as they attempted to cover voting irregularities in the November parliamentary elections. In the eastern Al-Sharqiya governorate, photographer Ahmed Shaker was doused in gasoline and told he would be set on fire if he did not leave immediately. On November 17, as polls closed in the first round of voting, two men beat Al-Jazeera talk show host Ahmed Mansour as he left his office. Mansour had recently interviewed a judge about allegations of electoral fraud and discussed the rise of Egypt’s banned Muslim Brotherhood on his program, “Without Borders,” and was about to interview Noaman Gomaa, then leader of the opposition party Wafd. Mansour appeared on the show, bruised and ruffled from the attack, and called on the interior minister to bring the assailants to justice. However, his attackers were never charged.

There are more than 500 newspapers, magazines, journals, and other periodicals in Egypt, but this apparent diversity disguises the government's role as media owner and sponsor. The government owns shares in Egypt's three largest newspapers, whose editors are appointed by the president. Opposition parties may form their own newspapers, and in recent years the Shura Council—one-third of whose members are appointed by the president—has granted licenses to the Al-Ghad and Al-Karama parties to publish eponymous weekly newspapers. The council likewise allowed controversial newsmen and former colleagues Ibrahim Eissa and Adel Hammouda to register the independent weeklies *Ad-Dostour* and *Al-Fajr*, respectively. *Ad-Dostour* in particular, whose license was previously revoked in 1998, quickly gained a large following for boldly crossing the old "red lines." The Ministry of Information controls content in the state-owned broadcast media. Privately owned domestic broadcasters are not allowed to air news bulletins and so focus on music and entertainment. However, Egypt permits the establishment of locally based private satellite television stations, and the government does not block foreign satellite channels. As local, government-controlled channels have lost ground to pan-Arab satellite networks such as Al-Jazeera and Al-Arabiya, they have improved their production values, hired journalists away from the satellite networks, and begun featuring talk shows that deal with more sensitive topics.

Thanks in large part to governmental efforts to aggressively promote internet use, the number of Egyptians with access to the internet has more than quadrupled over the past five years but still remains at less than 6 percent of the population. The Egyptian government does not engage in widespread online censorship, and online writers regularly criticize the government and launch concerted campaigns for political change. The censorship of websites associated with the Muslim Brotherhood was lifted in November 2005. However, bloggers were arrested, detained without charge, and harassed by state security agents. On October 26, plainclothes security agents arrested Alexandrian student of Islamic law and blogger Abd al-Karim Suleiman and detained him without charge for 18 days. In December, more than 50 soldiers and plainclothes security agents raided online editor Ahmad Abd-Allah's house, arrested him, and confiscated his papers, books, and hard drives. Abd-Allah said that during his interrogation, he was repeatedly pressured to close his website. He was released without charge several weeks later on condition that he maintain regular contact with state security.



## El Salvador

Status: Partly Free

LEGAL ENVIRONMENT: 11

POLITICAL ENVIRONMENT: 17

ECONOMIC ENVIRONMENT: 15

TOTAL SCORE: 43

Freedom of the press is protected through the constitution, and Salvadoran journalists are generally able to report freely on the news, including reports critical of the government and opposition parties. At the same time, press freedom is hindered by a lack of public transparency, reflected in the absence of freedom of information legislation. Judges have the right to restrict media access to legal proceedings for cases they deem to be in the public interest or of national security. Despite reforms made in 2004 to the code of criminal procedure, defamation remains a criminal offense, and journalists are frequently prosecuted under this law.

Although El Salvador is generally a safe place to practice journalism, 2005 saw an increase in the number of journalists who suffered physical attacks because of their work. More than 10 journalists were assaulted by protesters or the National Civil Police while covering riots on the streets. In February, Mauricio Funes, the host of a television program, was taken off the air after he spoke live about the dismissal of a number of his fellow staff members at TV Doce. A day later, he was informed that the station's parent company, Television Azteca, had decided to terminate his contract.

Under President Elias Antonio Saca's administration, both print and broadcast media are able to function freely and are largely privately owned, though Saca himself owns at least one radio network. There are five daily newspapers that each have a circulation of approximately 250,000, but most of the country depends on television and radio networks for the news. Limited resources prevent many media outlets from producing to their full capacity, and self-censorship is often exercised to avoid offending media owners and directors. There were no reported government restrictions on the internet in 2005 and access has grown by more than 1,000 percent in the last 5 years to just under 9 percent of the population.

## Equatorial Guinea

Status: Not Free

LEGAL ENVIRONMENT: 27

POLITICAL ENVIRONMENT: 34

ECONOMIC ENVIRONMENT: 27

TOTAL SCORE: 88

Freedom of expression and freedom of the press are guaranteed through the constitution, but these rights are widely restricted in practice. The 1992 Press Law gives the government unusually extensive authority to restrict press activities through official prepublication censorship. All domestic journalists are required to register with the Ministry of Information, and equally strict accreditation procedures are in place for foreign correspondents.

As in previous years, journalists were subject to systematic harassment, though in an improvement from last year, no journalists were deported in 2005. Mild criticism of infrastructure and public institutions is allowed, but nothing disparaging about the president or security forces is tolerated. If deemed to be undeserved, such criticisms carry harsh penalties, including arbitrary detention and censorship. In April, a presidential spokesman threatened Pablo Gracia Saez, a Bata-based editor for the pan-African news agency Afrol News, accusing the journalist of “waging a campaign against Equatorial Guinea,” and warning of severe reprisals. At year’s end, no official action had been taken against Saez. In June, police seized 200 copies of *La Verdad*, a small newspaper run by the opposition Convergence for Social Democracy party. *La Verdad* has functioned as one of the rare alternative voices in a tightly controlled media environment, and the seizure is believed to be linked to the paper’s frequent criticisms of politicians.

Coupled with a reputation for repeatedly violating human rights, Equatorial Guinea is one of the few African countries to have virtually no independent media. Given the high level of poverty and illiteracy throughout the country, the most influential form of media is radio, but all domestic radio and television stations are owned directly by the government or by the president’s family. Applications to open private radio stations have been pending for several years but have thus far not been approved. One opposition newspaper continued to appear regularly throughout the year but often practiced self-censorship because of government intimidation. A dozen other private newspapers are licensed to publish but function primarily as opposition mouthpieces and are therefore tied to the political fortunes of their sponsors. Foreign publications have become more widely available, but those that offend the government are banned without explanation. Foreign broadcasts are allowed, and the BBC, Radio France

Internationale, and Radio Exterior (the international shortwave service from Spain) can all be heard. Through its interviews with opposition politicians, Radio Exterior operates as the only means by which opposition voices can reach rural populations. Internet access is limited to less than 0.5 percent of the population by the level of poverty in Equatorial Guinea but is not directly restricted by the government. Nonetheless, government operatives are believed to monitor citizens' e-mail and internet use.

LEGAL ENVIRONMENT: 28

POLITICAL ENVIRONMENT: 39

ECONOMIC ENVIRONMENT: 24

## Eritrea

Status: Not Free

TOTAL SCORE: 91

Eritrean law guarantees freedom of speech and of the press. However, since a government ban on independent and private media was imposed in September 2001, Eritrea remains one of the harshest environments worldwide for the press and is a leading jailer of journalists in Africa. Following the official ban, an unknown number of government critics were detained, including many journalists. According to the Committee to Protect Journalists, 15 journalists are still in prison, and many are being held incommunicado in undisclosed locations. However, one local stringer for the Voice of America was released this year after having spent 18 months in prison. Most of those who remain in jail have been incarcerated for over three years, and despite Eritrean legal guarantees, they were never formally charged. In 2005, the president and senior government officials continued to accuse these jailed journalists of espionage and acting as “agents of the enemy” during Eritrea’s war with Ethiopia from 1998 to 2000.

The 1996 Press Law prohibits the establishment of private broadcast media outlets and foreign ownership of media and requires all newspapers and journalists to be licensed. It also stipulates that publications be submitted for government approval prior to release and prohibits reprinting articles from banned publications. Local and foreign independent journalists who continue to operate in the country are constantly harassed, detained, and threatened. In 2005, three foreign reporters were permitted to operate within the country. A Swedish reporter of Eritrean origin, held by the Eritrean government for nearly four years, was released in November, only to be detained again a few days later without charge. He remained in custody at year’s end, and officials deny that a decision to release him had ever been taken.

There is currently no independent or privately owned press. Only three newspapers, one television station, and one radio station operate, and they all remain under state control. The importation of foreign periodicals is forbidden. Authorities continued to attempt to restrict even the limited internet use that exists in the country (only 1.2 percent of the population) by threatening to close all internet cafés and confine internet access to libraries and schools.

## Estonia

Status: Free

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 5

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 16

The government respects freedom of speech and the press. Numerous media outlets operate in Estonia, and legal protections for press freedom are enforced. Libel has been removed from the penal code, but it is still treated as a criminal offense. A proposed defamation bill, drafted by the Justice Ministry in 2005, would enable punishment of individuals who post defamatory comments on the web and would make media owners responsible for the content on their sites, arguably prompting some sites to close down if they do not have adequate monitoring mechanisms.

Three national television stations, including two privately owned, broadcast both Estonian- and Russian-language programs. However, considering the size of the Russian population in Estonia, the proportion of programs in the Russian language remains small. Newspapers in Estonia claim complete independence from political parties and the government; in an overwhelming majority of situations this appears to be the case. The private media sector in Estonia is largely controlled by Scandinavian companies and is able to operate profitably. However, the public broadcaster, Eesti Television, has suffered some financial difficulties since it stopped selling advertising in 2000. Estonia still does not have a developed legal framework that would ensure stable funding of the state public broadcaster. The government allows free access to the internet, and the country has an unusually high rate of internet usage (at roughly 50 percent of the population), facilitated by numerous public internet access points and free wireless access zones.

## Ethiopia

Status: Not Free

LEGAL ENVIRONMENT: 27

POLITICAL ENVIRONMENT: 28

ECONOMIC ENVIRONMENT: 20

TOTAL SCORE: 75

Media freedom deteriorated significantly in 2005 as part of a broader crackdown following the disputed May national elections, in which the government accused journalists and other prominent civil society actors of acting as “mouthpieces” for the opposition Coalition for Unity and Democracy party. The constitution guarantees freedom of the press; however, the government often restricts this right. Authorities frequently invoke the 1992 Law on the Press regarding publication of false and offensive information, incitement of ethnic hatred, or libel in order to justify the arrest and detainment of journalists, with dozens of such cases being reported during the year, particularly after the May elections. Court cases can drag on for years, and journalists often have multiple charges pending against them. A 2003 draft press law was widely criticized by press freedom groups as further chilling the press environment; it was not enacted in 2005, although certain provisions of the law were included in the penal code that took effect in May. Issues of concern include restrictions on who may practice journalism; government-controlled licensing and registration systems; restrictions on print and broadcast cross-ownership; harsh sanctions for violations of the law, including up to five years’ imprisonment; excessively broad exceptions to the right of access to information held by public authorities; and the establishment of a government-controlled press council with powers to engage in prior censorship. The Ethiopian Free Press Journalists Association (EFJA), one of the most vocal opponents of the draft press law, continued to struggle against the government. Authorities had suspended the organization in November 2003 for failing to submit a certified audit; in December 2004, a federal court declared the ban to be null and void, and this ruling was upheld in March 2005. However, the EFJA continued to face harassment during the year from the authorities, and EFJA president Kifle Mulat had gone into exile by year’s end.

Foreign journalists have generally operated with fewer restrictions than their local counterparts. However, they also faced official pressure during the year; in June, the Ministry of Information revoked the accreditation of five local journalists working for foreign media outlets, accusing them of writing “unbalanced reports” following the May elections. The prime minister’s office denies access to the independent press, limiting coverage of official events to state-owned media outlets. Authorities occasionally

detain, beat, or otherwise harass journalists; as a result, an increasing number practice self-censorship. During the year, reporters were also pressured to reveal sources of information. In August, two editors were found guilty of contempt of court for refusing to reveal their sources, and one was sentenced to jail time while the other was fined.

As part of a broader political crackdown following antigovernment demonstrations in November in which over 40 protesters were killed, the government issued a “wanted list” of 58 persons—including a number of editors and journalists—accused of involvement in the protests; arrested several dozen journalists; charged the accused (including 12 journalists) with treason, genocide, and attempts to subvert the constitution, all charges that carry prison terms and the possibility of a death penalty; and shut down more than a dozen Amharic-language newspapers, which together accounted for more than 80 percent of total Amharic circulation. Foreign media outlets such as the Voice of America (VOA) and Deutsche Welle were also accused of fomenting the disturbances, and correspondents working for these outlets were charged. Many journalists fled the country to avoid arrest, and more than 50 remained in exile at year’s end.

The state controls all broadcast media and operates the only television station. A 1999 law permits private radio stations, but to date no licenses have been issued. There are approximately 150 print outlets that publish regularly and provide diverse views, although many are firmly aligned with either the government or the opposition. Following the November crackdown, only a limited number of newspapers, including those English-language papers that are viewed as being relatively unbiased such as the *Reporter* and *Fortune*, were allowed to remain publishing. The private press continues to criticize the government but is constrained by low circulation figures and financial struggles. The Ministry of Information requires newspapers to have a minimum bank balance in order to renew their annual publishing licenses. Printing presses are all government owned and periodically refuse to print private publications; this occurred after the November disturbances. Prominent newspaper distributor Fikre Gudu was arrested several times during the year. Access to foreign broadcasts is sometimes restricted, with VOA signals being jammed at year’s end. Owing to a poor telecommunications infrastructure, internet access is limited primarily to the major urban areas (less than 0.5 percent of the population) and did not appear to be restricted by the government.

## Fiji

Status: Free

LEGAL ENVIRONMENT: 7

POLITICAL ENVIRONMENT: 11

ECONOMIC ENVIRONMENT: 10

TOTAL SCORE: 28

The vibrant local press and broadcast media are generally free but face sporadic pressure from a racially biased “indigenous” government as well as political and cultural interests. Fiji’s constitution provides for freedom of the press and of expression. Existing legislation empowers the minister of information to order newspapers to publish “correcting statements” and allows authorities to arrest individuals who have published false or “malicious” material; however, these provisions have not been used against the press. A Freedom of Information law is in place, but individuals have reported some difficulty in gaining access to official information. Newspapers are required to register before commencing publication.

Unresolved stresses from the attempted coup in 2000 and an impending general election in 2006 have also put pressure on the media. In April 2005, police pressured journalists working for the country’s sole commercial television broadcaster, Fiji Television, to reveal the source of leaked documents relating to police investigations of the coup. Fiji’s laws do not recognize protection of sources, and journalists may be held in contempt if they do not disclose sources in a court or law. The International Federation of Journalists, the Pacific Islands News Association, and other media groups condemned the police action. Controversy continued over foreign broadcasters and programming, and a former journalist organized a petition against *Desperate Housewives* on the basis of a one-off sex scene in a promotional clip before the series was even broadcast by Fiji TV.

The state-run Fiji Broadcasting Corporation operates three main radio stations in English, Fijian, and Hindustani; the state also runs three national newspapers. These compete with two private national newspapers, the *Fiji Times* and the *Fiji Sun*, as well as a privately owned FM broadcaster, Communications Fiji Ltd. The Fijian investment group Yasana Holdings holds a controlling 51 percent stake in Fiji TV, while the government owns 14 percent but plans to sell its stake. According to the U.S. State Department, the government has been known to direct advertising to media outlets in which it has a stake. Approximately 7 percent of the population was able to access the internet in 2005, and it remains open and unrestricted.

## Finland

Status: *Free*

LEGAL ENVIRONMENT: 2

POLITICAL ENVIRONMENT: 3

ECONOMIC ENVIRONMENT: 4

TOTAL SCORE: 9

Finland maintained its position as one of the most democratic countries in the world, with strong freedom of the press. Since 2004, internet traffic logging is no longer required, and online discussion groups are beyond the scope of the law. However, web publications must name a responsible editor in chief and archive published materials for at least 21 days. In addition, Finnish law, which gives every citizen the right of reply and to have false published information corrected, includes internet publications.

Finland has vibrant independent media that express a wide variety of opinions without government restriction. More than 200 newspapers are published. Newspapers are privately owned; however, some are owned or controlled by political parties and their affiliates and support a particular party line. In the broadcast sector, the government operates four of the five national radio stations and two of the four national terrestrial television stations but has a much smaller presence in cable and satellite television. New broadcasters have emerged in a market that was once dominated by the public broadcaster Yleisradio OY (YLE) and the established broadcaster MTV. YLE was forced to shut down during an industrial action and shed several hundred jobs; other broadcasters have felt the economic effects of these actions.

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 9

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 21

## France

Status: *Free*

The constitution and governing institutions support an open press environment. The law provides for freedom of speech and of the press and for public access to government information, and prohibits arbitrary interference with privacy. The government generally respects these rights in practice. Although the right to freedom of information exists, it can be restricted to protect the reputation or rights of a third party. The continued increase of formal questioning of journalists, searches of media premises, seizure of documents, and the introduction of legislation establishing new press offenses have caused concern. Further “powers of requisition”



have been granted to police, state prosecutors, and examining magistrates. Although prison terms for most press offenses have been abolished, new rules (punishable by prison sentences) against defaming or insulting people because of their sex or sexual orientation were introduced in addition to the pre-existing crimes of incitement to racism and anti-Semitism, for which foreigners can be deported. The ruling in the appeal case of *Le Monde* journalists who were found guilty of “racial defamation” for anti-Semitic content is expected in early 2006. The authors had been ordered to pay the nominal sum of \$1.20 each in damages for publishing an article entitled “Israel-Palestine: The Cancer.”

Although confidentiality of journalists’ sources is recognized by Article 109-2 of the code of criminal procedure, the courts tend to put pressure on journalists to reveal their sources. In May 2005, without prior notification, plainclothes police officers in Orleans interrogated two journalists from the daily *Le Berry Republicain* in an attempt to get them to reveal their sources for their reports about a murder investigation. In October, five journalists with *Le Point* and *L’Equipe* were placed under investigation. The Paris offices of the weekly *Le Point* were searched in a probe into the “violation of the confidentiality of an investigation” involving an alleged cycling doping scandal, while a virtually simultaneous search was carried out at the offices of the sports daily *L’Equipe*.

In November, concerns about restrictions on press coverage arose when a 12-day state of emergency and nighttime curfews to curb street violence were imposed in major cities. Three weeks of social unrest that began in the poor immigrant suburbs of Paris spread to nearly 300 communities across the country. A number of French and foreign journalists were injured while covering the riots. Following the riots, a High Council for Integration was set up to monitor integration issues and suggested not mentioning the ethnic origin of individuals in the news when it is not pertinent information. Publications have long been associated with causes and political parties; however, the blatant support for a “yes” on the European Constitution across the French press raised questions about whether publications are delivering unbiased information to readers.

Most of France’s over 100 newspapers are privately owned and are not linked to political parties. Serge Dassault’s 2004 move to buy majority shares in the media group Socpresse, which includes the national newspaper *Le Figaro*, further consolidated the media market. It also raised concerns about the independence of the publications, given that Dassault is an elected member of the president’s ruling party and that the company’s defense arm depends on government contracts. The government controls

many of the firms that provide advertising revenue to media groups; it also provides direct and indirect subsidies, particularly to regional papers. Newspaper circulation has been declining, and many papers are struggling as a result.

The French broadcasting system is unique because of channel TFI's dominant position, although the growth of satellite and cable and the launch of digital terrestrial television in March have led to a proliferation of channels. France strictly enforces guidelines requiring 60 percent of broadcast content to be of European Union origin. On December 7, 2005, France's highest administrative court was to review an appeal by Lebanese television station Al-Manar contesting the cancellation of its broadcast agreement with the country's broadcast regulator. Al-Manar had been prohibited from broadcasting on the Eutelsat satellite for a year owing to anti-Semitic remarks made on the Lebanese station. The controversial digital economy bill passed in 2004 includes a provision requiring internet service providers to guarantee that the sites they host contain no "illegal content," a vague term that could lead to preventive censorship. In June, a Paris court ordered internet service providers to block from French users the website of the revisionist Holocaust-denying organization the Association of Former Connoisseurs of War and Holocaust Stories. Internet access is otherwise unrestricted for the 43 percent of the population with access in 2005.

LEGAL ENVIRONMENT: 24

POLITICAL ENVIRONMENT: 23

ECONOMIC ENVIRONMENT: 20

TOTAL SCORE: 67

## Gabon

Status: Not Free

The constitution guarantees freedom of expression and of the press, but authorities have routinely sought legal redress for alleged press offenses. While the imprisonment of journalists by the state is rare, local media professionals still face repressive press laws that allow for prison penalties for defamation, particularly when filed by the president, his relatives, or members of his cabinet. A dozen lawsuits against journalists and news outlets continued to make their way through the court system at year's end. A national commission on press professionalism has been created that has wide powers to decide who qualifies for accreditation as a professional journalist. A separate government agency charged with upholding journalistic standards, the National Communications Council (CNC),

has a history of using intimidation tactics against the independent press and has forcibly shut down more than half a dozen publications in the last two years. In August, the CNC banned the bimonthly newspaper *Nku'u Le Messenger* for three weeks over an editorial it found insulting to its nine appointed members. At least three news outlets remain banned since 2003 for defamation of the president and his family. Much of the staff of these papers has elected to live abroad for fear of imprisonment at home, but this year President Omar Bongo threatened to revoke the passports of citizens who live overseas and engage in criticism of the Gabonese government.

In the months leading to the December reelection of President Bongo, journalists faced more physical attacks and unwarranted detention. In November, *Gabonews* journalist Achille Ngoma was beaten by police officers in the capital, Libreville, while trying to interview them. In December, two journalists were detained for taking photographs of a riot police unit at an opposition rally. Later that month, two reporters from the private station Tele Africa were beaten by police while covering another opposition demonstration in Libreville.

A government daily and a dozen independent newspapers are available in the capital, but much of the private press appears irregularly because of financial constraints and frequent government censorship. Almost all Gabonese private newspapers are printed in Cameroon because of the high cost at the only local printing company, and publications printed outside the country are subject to review before distribution. The government owns two radio stations that are able to broadcast nationwide. The number of independent broadcasting outlets has increased in recent years, though the future of many of these is uncertain and most of their programming is nonpolitical. The government does not restrict access to, or use of, the internet for the 3 percent of the population wealthy enough to have access, and foreign publications and broadcasts are widely available.

LEGAL ENVIRONMENT: 24

POLITICAL ENVIRONMENT: 30

ECONOMIC ENVIRONMENT: 19

TOTAL SCORE: 73

## The Gambia

Status: Not Free

Despite a 1997 constitution that, in theory, guarantees freedom of expression, President Yahya Jammeh maintained an iron grip on the media that tightened ahead of elections planned for 2006. At the end of 2004, the Parliament passed two bills intended to impose harsh penalties on

the media, including mandatory prison sentences of at least six months, for media owners or journalists convicted of publishing or broadcasting defamatory or seditious material or “false news.” Jammeh signed these bills into law at the end of 2005. In December, the Parliament disbanded the media commission that for the past several years has regulated the media and been closely controlled by the government. Nonetheless, the following day the Parliament added to the mound of oppressive media laws by passing two additional gag laws making all press offenses punishable by imprisonment.

The Gambia’s history of raids, harassment, detentions, and exorbitant licensing fees has created a tense media environment that causes many journalists to practice self-censorship and others to flee the country. Alagi Yorro Jallow, managing editor of *The Independent* newspaper, left the country in December 2004 after threats had been made against him and remained abroad at year’s end, as did several other journalists. Nonetheless, there were no reported cases of journalists being killed, attacked, or injured during 2005. The 2004 murder of Deyda Hydera, managing editor of the private weekly *The Point* and a correspondent for both Reporters Sans Frontieres and Agence France-Presse, remained unsolved and virtually uninvestigated one year on. In 2005, the National Intelligence Agency took over the investigation from the police and released a report that attempted to smear the reputation of Hydera and his family. Police also barred journalists from gathering at the site of the murder to mark the anniversary of his death. Musa Saïdykhan, editor of *The Independent*, was detained and interrogated for raising questions about the unsolved murder. In October, the Gambian branch of the Senegalese private broadcasting station Sud FM was shut down under accusations of “inciting trouble” between The Gambia and Senegal. The shutdown followed coverage of border trade disputes between the two countries, and Sud FM remained closed at year’s end.

The government owns a daily newspaper, a national radio station, and the only national television station. Political news coverage at these outlets favors the official line. The few privately owned newspapers and radio stations that provide independent or opposition views have been subject to considerable pressure and could operate only sporadically during the year. Access to foreign publications and broadcasts is available, and the internet remains unrestricted by the government, though only 3.3 percent of the population was able to gain access in 2005.

## Georgia

Status: Partly Free

LEGAL ENVIRONMENT: 13

POLITICAL ENVIRONMENT: 27

ECONOMIC ENVIRONMENT: 17

TOTAL SCORE: 57

In 2005, two years after the Rose Revolution, the new government's centralization of power led to a slight setback in media freedom, despite stated commitments to democracy. Georgia's constitution and new Law on Freedom of Speech and Expression provide for press freedom, and the president and Parliament improved legislation concerning media by adopting a new Law on Broadcasting in early 2005. Libel has also been decriminalized. However, the lack of independence of the judiciary still causes journalists to doubt whether courts can implement the laws fairly. Media watchdogs point to the particular need to implement laws guaranteeing access to information, which authorities are generally slow or unwilling to provide, regardless of the country's Freedom of Information Act. In April, a presidential decree changed the structure of the courts in Georgia's capital, Tbilisi, but the arbitrary process for deciding which judges were dismissed supported the argument that the executive controls the judiciary. Journalists generally lack professionalism but took steps in 2005 to unite various media associations within a media council that will promote a journalistic code of ethics.

Concern exists that media were more pro-governmental and less critical in 2005 than before the revolution, because of subtle government repression. This change is attributed to the purchase of broadcasting channels, like the television station Rustavi-2, by individuals connected to the current ruling elite. While newspapers remain relatively free of official influence, the government applied pressure on owners of television channels in order to control media content. For example, in April Imedi TV owner Badri Patarkatsishvili allegedly ordered the station not to broadcast a story on police corruption on one of its weekly television programs. Also, the independent station TV Mze, owned by two members of Parliament, canceled a talk show immediately after commentators criticized authorities' dispersal of a July protest in Tbilisi. Additionally, in August, two executives of Channel 202, Shalva Ramishvili and David Kokheridze, were arrested for extorting approximately \$30,000 from a parliamentarian, Koba Bekauri, in exchange for not airing an investigative report about his business transactions. Journalists worried that the incident was selective and a reaction to Channel 202's critical coverage.

Self-censorship continues to be a problem, as Georgia's television channels slant their news coverage in favor of government allies. In regions such as the Ajaria Autonomous Republic, mass media also seem to reflect and conform to the views of the regional leadership, while media freedom in the separatist regions of South Ossetia and Abkhazia remained tightly restricted. Furthermore, harassment by public officials and attacks against journalists continued to occur in 2005, including the physical abuse by police of reporters covering the July protests in Tbilisi; beatings in September of Channel 202 anchor Irakli Kakabadze and of investigative journalist Saba Tsitsikashvili of the local daily *Saxalxo Gazeti*; and the throwing of a hand grenade into the home of Gela Mtvlishvili, editor of the weekly *Imedi*.

The poor shape of Georgia's economy is an additional obstacle to its media development. Pluralism of news sources remained unchanged in 2005, as three major private television stations (TV Imedi, TV Mze, and Rustavi-2) competed in the national broadcast market. Because the owners of these private stations have ties to government, concerns exist that they focus on their own political agendas rather than the public interest. In 2005, the Law on Broadcasting transformed Georgia's state television and radio into public broadcasters, but there is widespread belief that the government retains control over them as well. Meanwhile, the country has no state-owned newspapers officially registered among its approximately 300 papers, and the state grants small subsidies to only 2 minority newspapers. Several Tbilisi-based newspapers are distributed nationwide, but smaller newspapers outside the capital struggle to survive financially. Printing houses are mostly private and independent, while Georgia's distribution system remains underdeveloped, and the only distribution company with nationwide reach is the state-owned Sakpressa. Online media are being developed, although the percentage of people with access to the internet is still small. However, there were no reported restrictions on foreign media or internet use for the 4 percent of the population with the means to access it.

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 6

ECONOMIC ENVIRONMENT: 5

TOTAL SCORE: 16

## Germany

Status: Free

The constitution guarantees freedom of expression and of the press, although there are exceptions for hate speech, Holocaust denial, and Nazi

propaganda as well as for obscene, violent, or “dangerous” material on the internet. Since a 2003 Constitutional Court ruling, police can trace journalists’ phone calls in “serious” cases, where “serious” is not clearly defined. German privacy laws at times restrict press freedom. A 2004 European Court of Human Rights ruling in *Princess Caroline of Monaco v. Germany* extended a public figure’s right to privacy to include public places, overturning a long-standing Constitutional Court practice. In July 2005, after nearly seven years of political conflict and protracted delays, the German Parliament voted to pass a federal Freedom of Information Act, which will take effect at the start of 2006. Despite guaranteeing a general right of access to government information, the act also contains several strong exceptions.

Nevertheless, some worrying developments for press freedom and freedom of expression have emerged in relation to heightened awareness of terrorism issues. In November 2005, the Federal Intelligence Agency (BND) confirmed that it spied on journalists in 1993 and 1994. The announcement came just weeks after Interior Minister Otto Schily came under pressure for authorizing a raid on the newsroom of *Cicero* magazine after it had published information from a secret Federal Criminal Investigation Office (BKA) report. The writ accused *Cicero* journalist Bruno Schirra of “betraying state secrets” after he had written an article exposing an Iraqi insurgent who used extensive quotes from a BKA document. Police raided not only *Cicero*’s editorial offices, but also Schirra’s home; however, the BKA document was never found. Allegations have also been made that BND officers spied on investigative journalist Erich Schmidt-Eenboom (who in 2003 published a book on the secret services), his colleagues at the Weilheim Institute, and members of his family.

The 10 Muhammad cartoons published by a Danish newspaper in September 2005 triggered a vivid and ongoing discussion about the proper balance between the constitutionally guaranteed rights of press freedom, freedom of the arts, and freedom of religion. Most of the big dailies in Germany reprinted at least one of the offending cartoons. The restrictions on media coverage of the 2006 World Cup, to be held in Germany, started to cause concern among journalists. The German Journalists Union criticized security plans that would reportedly require the federal criminal police office, the BKA, and the internal secret service to run clearance checks on journalists before they could be accredited to report on matches from stadiums.

The private media are diverse and independent. Each of the 16 regions is in charge of its own public radio and television broadcasters, and there

are many private stations as well. The print press is dominated by numerous regional papers, but only a handful of national papers are published. In the past two decades, financial pressures have consolidated the private media sector; today, a small number of centralized editorial offices control most content, and only a few commercial groups, which are some of the largest in the world, dominate the media market. Internet access is open and largely unrestricted to more than half of the population with access. However, German law bans internet access to the aforementioned prohibited material, and the government has issued numerous ordinances against internet providers.

## Ghana

Status: Free

LEGAL ENVIRONMENT: 9

POLITICAL ENVIRONMENT: 10

ECONOMIC ENVIRONMENT: 9

TOTAL SCORE: 28

Freedom of the press is guaranteed by law, and the Ghanaian government has a reputation within the region for respecting it in practice. In recent years, President John Kufuor's administration has demonstrated its desire to expand freedom of expression by repealing the criminal libel laws. Nonetheless, this achievement has been accompanied by a remarkable increase in the number of civil libel cases brought by former public officials and private citizens against media outlets. In cases too numerous to list, the courts have imposed fines often in excess of \$100,000, prompting press unions like the Ghana Journalists Association to warn that the fines will chill the climate for free expression and lead to increased self-censorship. In one such case, the weekly *Ghana Palaver* was ordered by the high court in Accra to pay \$165,000 in damages to Ghana's minister of state of works and housing for an article it published in November 2004 accusing the minister of corruption.

The media are independent, and debates about public policy, including scrutiny of the president, are vigorous and robust. In August, President Kufuor met with the press in an open question-and-answer session for only the third time since 2001. During the session, which lasted more than two hours, the president answered questions about controversial issues, including allegations of impropriety in the sale of a private hotel complex; the status of the Freedom of Information Bill; and charges of nepotism in appointments to political offices. Nonetheless, in 2005 journalists experienced a number of assaults and arrests while trying to cover the



news. In July, a television crew was detained at the president's residence for filming a neighboring property that was allegedly purchased by the president in his son's name using illegally obtained funds. In November, a journalist was assaulted by unidentified assailants, possibly in response to his investigation of presidential corruption.

As of September 2005, the national media commission reported that more than 90 newspapers, 27 television stations, and over 140 radio stations were registered in Ghana. At least 11 of the radio stations are owned by the state, while most of the newspapers with national distribution are government controlled as well. Opponents of the government complain of biased coverage in the state-owned press, but independent and critical reporting is pervasive in the private sector. In particular, private radio stations have opened the airwaves to robust and often intense criticism of government officials. Poorly paid journalists frequently engage in unprofessional conduct, as is the case with many newspapers that invent highly sensationalist news stories. Although these practices are condemned by professional media bodies, ethical lapses on the part of the press undermine media credibility. Also, limited revenue from advertising and reader subscriptions threatens the financial viability of private media outlets. Foreign media presence is highly visible, most notably through broadcasts from the BBC, Radio France Internationale, and the Voice of America. Access to the internet is available primarily through internet cafés and remains unrestricted by the government.

LEGAL ENVIRONMENT: 8

POLITICAL ENVIRONMENT: 14

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 28

## Greece

Status: Free

The constitution includes provisions for freedom of speech and of the press. There are, however, some limits on speech that incites fear, violence, or disharmony among the population, as well as on publications that offend religious beliefs, are obscene, or advocate the violent overthrow of the political system. Libel of the president is a criminal offense, but defendants are generally released on bail and do not serve time in jail. In December, three journalists were found guilty of revilement, a lesser charge of libel, for writing an anonymous article that was critical of a well-known activist for minority languages in Greece. In April, Austrian author Gerhard Haderer was acquitted of blasphemy charges lodged against him by a

Greek court for his satirical depiction of Christ in his book *The Life of Jesus*. In October, a radio station was ordered to shut down for its supposedly vulgar and poor-quality programs, a first in Greece and in Europe. The station decided to defy the order, arguing that the program in question is hosted by an experienced journalist who uses slang and wordplay to focus on the daily problems of ordinary life. Also in October, the defense minister filed charges against three journalists for a story they wrote about military procurements from the United States that criticized the minister for irregular political activities.

Journalists face an unsafe working environment, as many have been the target of violent attacks in recent years. In December, a television journalist and his cameraman were attacked while covering a labor protest, and since October 2004, three sports journalists have been attacked in unrelated incidents. Macedonian journalists have often reported facing restrictions while covering the news in Greece. In October, authorities refused accreditation to three journalists working for a Macedonian television station who wanted to travel to northern Greece to meet members of the Rainbow Party (a small political party that represents the Macedonian community living in northern Greece) and the Greek section of the European Bureau for Lesser Used Languages. Although they were granted visas to travel, they were not given permission to conduct interviews on Greek territory.

There are many independent newspapers and magazines, including those that are critical of the government, and many broadcasters are privately owned. Greek law places limits on ownership of media frequencies. The media, both public and private, are largely independent from government restrictions, but state-owned stations tend to report along the official line. However, politically sensitive issues, such as the status of Macedonians and other ethnic minorities in the country, still provoke government pressure and lead to self-censorship. Broadcasting is largely unregulated, and many broadcast stations are not licensed. Almost 4 million people in Greece regularly access the internet, which remains unrestricted by government interference.

## Grenada

Status: Free

LEGAL ENVIRONMENT: 7  
 POLITICAL ENVIRONMENT: 10  
 ECONOMIC ENVIRONMENT: 6  
 TOTAL SCORE: 23

Freedom of the press is guaranteed under Grenadian law. However, the government has been known to prosecute journalists under slander and libel laws, and relations between the government and the media, which had deteriorated in 2004, continued to be fractious. A main source of tension in 2005 was media coverage of the inquiry into the allegation that Prime Minister Keith Mitchell had received an improper payment. In May, the prime minister and Cable & Wireless PLC reached a settlement in a libel suit brought against the company in 2004 after users of its website posted remarks about the alleged bribe. Libel suits against several journalists remain pending. The Media Workers Association of Grenada expressed concern about pressure exerted on radio stations by the government to discourage unfavorable reports. Of particular concern is the lack of transparency in the process by which the government grants broadcast licenses. In September, the prime minister's press secretary stirred controversy when he told the state-owned Grenada Broadcasting Network radio that he found Grenada's media to be "too political" and expressed doubts about the merits of a Freedom of Information Act. Grenada has 5 television stations, 11 radio stations, 4 newspapers, and 5 periodicals. Though less than 10 percent of the population has the means to access the internet, the government does not place restrictions on access for those who can.

## Guatemala

Status: Partly Free

LEGAL ENVIRONMENT: 17  
 POLITICAL ENVIRONMENT: 25  
 ECONOMIC ENVIRONMENT: 16  
 TOTAL SCORE: 58

Although cracks surfaced, press freedom conditions remained improved during the second year of President Oscar Berger's administration. In an important step, the nation's highest court suspended enforcement of criminal *desacato* (disrespect) laws on June 14 while it reviewed the constitutionality of articles criminalizing expression deemed offensive to public officials and state institutions. However, a number of other developments limited optimism. The executive branch passed regulations for access to government information that were vague and subject to abuse

instead of embracing broader proposals from civil society. In addition, noncommercial radio outlets complained that the state has failed to fulfill its promise in the 1996 post-civil war peace accords to legalize low-power community radio stations. The stations are usually run by volunteers, are able to reach only about 2.5 miles, and are the main source of information for millions of indigenous Guatemalans. Current rules require a \$27,000 licensing fee for them to legalize their status, out of range for all but religious broadcasters with outside funding. Additionally, in December authorities ordered the closure of Stereo Samala in southwest Guatemala and fined it \$10,000 for failure to legalize, although hundreds of stations are in a similar situation. Stereo Samala covers human rights and was one of the few stations to emphasize the devastation of indigenous villages during Hurricane Stan.

In 2005, occasional violence against journalists, especially from former paramilitary officers, continued to cast a pall over free expression, and the traditional culture of self-censorship established during Guatemala's violent past continued. The resolution of the case of the June 2003 attack on Jose Ruben Zamora, publisher of the critical daily *elPeriodico*, was also disappointing. A Guatemala City court sentenced a former armed forces member to 16 years in prison for his part in the attack, which occurred during a three-hour home invasion, but acquitted another ex-soldier for lack of evidence. Eleven gunmen took part in the raid, and Zamora himself identified four attackers, all members of the elite presidential guard, disbanded under Berger, who had been accused of human right abuses.

Electronic media ownership remained concentrated in the hands of Mexican Angel Gonzalez, a politically connected entrepreneur who favors conservative perspectives and holds a monopoly on national television. Gonzalez uses holding companies to mask his ownership and to skirt laws designed to prevent foreign ownership and monopoly control. Newspaper ownership is concentrated in the hands of business elites with centrist or conservative editorial stances. Indigenous languages are rarely heard in national media. Some journalists rely on bribery to survive in this impoverished country. There are no government restrictions on the internet, although less than 6 percent of the population can afford regular access.

## Guinea

Status: Not Free

LEGAL ENVIRONMENT: 23

POLITICAL ENVIRONMENT: 28

ECONOMIC ENVIRONMENT: 16

TOTAL SCORE: 67

The constitution guarantees freedom of the press, but this right is not respected in practice and has been widely abused in the past. The government enforces restrictive press legislation that considers defamation and slander criminal offenses and permits the authorities to censor publications. Nonetheless, 2005 saw a marked improvement in the media environment as a result of new legislation signed by President Lansana Conte, and there were no reports that the National Communications Commission (CNC) had suspended newspaper activities. In August, Conte signed a media liberalization decree that finally permits the establishment of private radio and television broadcasting. The decree limits ownership by political parties and religious institutions but does not restrict programming on these subjects. Conte also appointed Boubacar Yaccine Diallo, an independent journalist and respected newspaper editor, as chairman of the CNC. The commission is expected to play a pivotal role in registering new privately owned broadcast media outlets, but by year's end no applications for private ownership had been submitted. Following his appointment, Diallo initiated programs to increase professionalism in the practice of journalism and implemented a requirement that journalists must meet higher professional standards to obtain press credentials.

During the year, journalists were frequently detained or arrested for covering sensitive issues such as the president's failing health and government corruption in their publications or broadcasts, but at the same time, far fewer journalists were injured or harassed than in 2004. The personal intervention of President Conte led in some instances to the reversal of extrajudicial actions against the media. In April, the Ministry of Security prevented *Jeune Afrique L'Intelligent* from publishing a weekly edition that featured a story reporting on Conte's ill health. The ban was lifted 24 hours later by order of the president, and the magazine resumed its regular distribution. President Conte also ordered the release of the editor of *La Guinée Actuelle* a day after police detained him for publishing an article that was critical of the prime minister. In February, Mohammed Lamine Diallo, a reporter with *La Lance*, was arrested and released three days later without charge in response to an article he wrote comparing the situation in Guinea with that of Togo, where the military installed Faure Gnassingbe as president following the death of his father.

The government controls all television and radio broadcasting and publishes the daily *Horoya*. State-owned media provide extensive, mostly favorable coverage of the government but also criticize local-level officials and increasingly report on opposition activities. Within the private print media, newspapers openly criticize the president and the government. Ten private weekly newspapers publish in the capital, Conakry, while a dozen others publish sporadically. In September, the government gave financial subsidies of around \$100,000 to private newspapers through the Guinea Association of Independent Editors, which divided the money among various press organizations. The government does not directly restrict access to the internet, but in July a journalist for *Guinee-News* was arrested in response to an article he had published online about economic corruption.

LEGAL ENVIRONMENT: 13

POLITICAL ENVIRONMENT: 17

ECONOMIC ENVIRONMENT: 17

TOTAL SCORE: 47

## Guinea-Bissau

Status: Partly Free

Guinea-Bissau made the transition from “Not Free” to “Partly Free” in 2004 following the ousting of President Kumba Yala, and improvements that were made in the legal and political environment of the media that year were further consolidated in 2005. The law provides for freedom of speech and freedom of the press, and for the second consecutive year, the government largely respected these rights in practice. The transitional administration of Henrique Rosa relaxed many of the former legal restrictions on freedom of expression that had existed under Yala, and overt media censorship has largely ceased. Successful multiparty elections in September—judged to be free and fair by international observers—brought to power Joao Bernardo “Nino” Vieira, the former military ruler and recent exile. Soon after the elections, while the transitional government was still in power, the directors of the national radio and television stations were dismissed by the government in a move that is believed to be linked to their positive coverage of Vieira’s candidacy over Rosa’s. They were replaced by Ricardo Semedo—a single director for both offices—following the government’s claim that the former directors “lacked direction.”

As in the previous year, there were no reports of journalists being harassed or arrested and no reports of the government shuttering media outlets. However, in December the police entered the studios of Radio Kasumai, a community radio station in the turbulent northern town of Sao

Domingos on the border with Senegal's Casamance region, and ordered the station closed because callers to the station's on-air programs had complained of police extortion. The station resumed broadcasting several days later after it received police assurances of noninterference following a meeting between the police and local community leaders.

While the country's only television station remains state run, three private radio stations, Bombolom FM, Radio Pindjiguiti, and Voice of Quelele, once again compete with the state-run radio broadcaster, Radio Nacional, as well as the Portuguese-owned public broadcaster, RTP Africa. Three privately run newspapers—*Correio de Bissau*, *Fraskera*, and *Banobero*—operate alongside the state-owned weekly *No Pintcha*. Owing to considerable financial constraints and government control of the sole functioning printing house, newspapers publish only sporadically, a problem that this year led to inadequate election coverage of the candidates. The impact of such financial constraints has been particularly severe for the state-owned media because of a lack of government ability to earmark adequate operational funding, as well as the fact that private advertising funds are directed primarily toward the private media sector. There were no reports in 2005 of government interference with access to the internet, though usage is lower than 2 percent nationwide.

## Guyana

Status: Free

LEGAL ENVIRONMENT: 6

POLITICAL ENVIRONMENT: 12

ECONOMIC ENVIRONMENT: 9

TOTAL SCORE: 27

The constitution provides for freedom of speech and of the press, and media are generally allowed to operate without interference. Legislation to facilitate the distribution of private radio licenses has been promised but has not yet been introduced. A high court judge has been asked to rule on the constitutionality of the block on granting private radio licenses but has yet to hand down his ruling. Private media outlets experience great difficulty in persuading government officials to comment on issues. Interviews are not granted, and instead answers to queries are given in the form of press releases from the Government Information Agency. There is no Freedom of Information Act.

In January, the government claimed that the CNS Channel 6 television station's persistent criticism of government flood relief efforts would encourage public disorder and suspended its broadcasting license for one

month. The station briefly resumed broadcasting in defiance of the ban, and the next day the police seized its transmitting equipment. The suspension was upheld by the courts. The owner of CNS, Chandra Narine Sharma, is also the leader of a small opposition political party, Justice for All. In August, following a series of assaults on journalists and the firing of shots at a vehicle transporting media workers, the Association of Caribbean Media Workers called on the government to do more to protect journalists from acts of violence by people implicated in their reports.

The government maintains a long-established radio monopoly and operates the country's only 2 radio stations. There are 23 television stations, 6 national newspapers (including the government-owned daily, the *Guyana Chronicle*), and 6 periodicals, all of which are generally allowed to operate freely. There are 145,000 internet users in Guyana, and the government does not place any restrictions on their access.

## Haiti

Status: Not Free

LEGAL ENVIRONMENT: 19

POLITICAL ENVIRONMENT: 30

ECONOMIC ENVIRONMENT: 19

TOTAL SCORE: 68

Although freedom of expression is protected by the constitution, it is not upheld in practice, and media freedom continues to be threatened by a volatile and often violent political environment in which journalists are intentionally targeted by combatants. Members of the media, whether politically engaged or not, were frequently drawn into the conflict, and politically biased news continued to be the norm. Information supplied by the police and comments made by party leaders frequently were easy to obtain and therefore took priority over independent news gathering. Government efforts to limit journalists' access to emergency rooms, morgues, and the Statistics Office were interpreted as an attempt to obstruct media coverage of the mounting casualties from the continuing violence in the city shantytowns.

Throughout the year, both police spokespeople and government representatives denounced radio stations and journalists that broadcast views deemed favorable to the armed gangs in the capital city's slums, many of whom claim allegiance to ousted president Jean-Bertrande Aristide. Although the authorities claimed they were concerned primarily with the incitement of further violence and disorder, their words have led to allegations of intended censorship, and a number of incidents have occurred



in which journalists had their equipment taken or were manhandled or detained by police. In July, the government's council of ministers threatened to impose sanctions on media outlets and journalists promoting "hatred" or interviewing "outlaws." The 15 member organizations of the newly formed Haitian Independent Media Association canceled all news broadcasts and releases for a day in protest.

Despite the interim government's earlier pledges to reopen the cases of Jean Dominique and Brignol Lindor, journalists murdered in recent years, no progress in the judicial process for either case has been made. In 2005, three journalists lost their lives as a direct consequence of politically motivated violence. In January, Abdias Jean, a correspondent for a Miami-based radio station, was shot dead, allegedly by police, after he witnessed a police raid on the capital's Village de Dieu shantytown. In April, Laraque Robenson, a reporter for Tele Contact radio in southwestern Petit-Goave, died two weeks after being hit by crossfire as he covered a clash between United Nations peacekeepers and a group of former soldiers. In July, Jacques Roche, a well-known journalist and political activist, was kidnapped and four days later was found dead. The threat of violence led some journalists to practice self-censorship.

There are two newspapers published several times a week and four weeklies, all privately owned. Television Nationale d'Haiti is government owned, and there are several private stations. The illiteracy rate is well over 50 percent, making radio by far the most popular medium. There are more than 30 stations broadcasting to the capital and surrounding areas and scores more in different regions of the country. Radio ownership lies in the hands of the government by law, though it leases broadcast rights to private companies. Despite the large number of stations, news coverage is heavily reliant on foreign news agencies and a handful of the more powerful Port-au-Prince-based media outlets. There were no government restrictions on internet access, though the illiteracy rate and the extent of poverty prevent the internet from being a widespread source of information.

LEGAL ENVIRONMENT: 16

POLITICAL ENVIRONMENT: 22

ECONOMIC ENVIRONMENT: 14

TOTAL SCORE: 52

## Honduras

Status: Partly Free

Freedom of speech and of the press are constitutionally protected, and the government generally does not restrict these rights. In 2005, there were

some positive legal developments for press freedom, with various defamation lawsuits resolved in favor of journalists, as in the cases of Frank Mejia, Sandra Maribel Sanchez, Rossana Guevara, and Carlos and Suyapa Banegas. Also, the editors of the daily *La Prensa* reached a conciliatory arrangement with the Supreme Court. In May, in an unprecedented decision, the Supreme Court banned the *desacato* (disrespect), or criminal defamation laws that mandated a two- to four-year jail term for defamation, slander, or insult of a public official. The constitutional guarantee of the “habeas data” principle was advanced by establishing the right of individuals to access information concerning themselves or their property in public or private records. Still, restrictive press laws are often used to subpoena journalists for revealing public information, particularly about official corruption, drug trafficking, and human rights abuses. Broadcast journalists Eduardo Maldonado and Esdras Amado Lopez were accused of revealing trade secrets after reporting on a business transaction between the Institute of Retired Public Employees and a financial company where a government adviser was a shareholder.

Although threats and attacks against journalists have decreased, incidents do occur following reports on organized crime or official corruption. In July, unidentified individuals in San Marcos de Ocotepeque tried to kill radio journalist Jose Aleman by firing several shots at him as he was returning home from the station. Aleman revealed that he had received death threats after reporting on problems with the water supply for the community. Politically motivated attacks against the press were common as well. On November 5, Liberal Party supporters forced the temporary closure of Virtud Stereo radio and made death threats against its manager, Jaime Diaz, as a result of party rivalry during the election.

Although both print and broadcast outlets are predominantly privately owned, media ownership is concentrated in the hands of a few powerful business conglomerates with intersecting political and economic ties, and this has led to self-censorship. Corruption among journalists also had an unfavorable impact on reporting. In addition, the government influenced media coverage through bribes, the granting or denial of access to government officials, and selective placement of official advertisements. The government did not restrict access to the internet.

# Hong Kong

Status: Free

LEGAL ENVIRONMENT: 11

POLITICAL ENVIRONMENT: 10

ECONOMIC ENVIRONMENT: 8

TOTAL SCORE: 29

Formerly a British colony with rule of law and limited democratization, Hong Kong has seen freedom of speech challenged after retrocession to Chinese rule. A strong reaction by a population committed to enjoying freedom of information has helped ward off attempts to muzzle a media far freer than that on the Chinese mainland. In July 2003, more than 500,000 people demonstrated against a national security bill, proposed under Article 23 of Hong Kong's post-1997 constitution, which threatened political, religious, and media freedoms. The demonstrations led to the resignation of two ministers and forced chief executive Tung Chee-hwa to table the controversial legislation.

In June 2005, Donald Tsang, a career civil servant popular with the public and with Beijing, was sworn in as the new chief executive of the Hong Kong Special Administrative Region (the unpopular Tung Chee-hwa had resigned in March). From the perspective of many in the Hong Kong media, this was a step in the wrong direction for media freedom, since Tsang had previously made headlines for criticizing a political satire program and expressing distaste over live coverage of horse racing, preferring to promote programs that explained government policies. In July 2004, the anticorruption agency had conducted raids on seven of Hong Kong's most influential newspapers after the newspapers published the name of a protected witness who claimed she had been detained against her will. Although a subsequent governmental review of the agency's tactics found no wrongdoing, in 2005 a legislative subcommittee reviewed the law governing the search and seizure of journalists' notes and has pushed for clarifying legislation to improve judicial oversight. Thus far, the administration has decided against improving judicial oversight in such cases. Outright attacks on the press are rare; however, the Committee to Protect Journalists reported in November that a small bomb was detonated at the offices of the independent weekly *Ming Pao*, injuring one staff member.

Hong Kong has 16 privately owned newspapers; 4 of them are funded by pro-Beijing interests and follow the Chinese Communist Party's lead on political and social issues. Despite cases of intimidation and beatings that led to the resignation of two radio show hosts in 2004 and widespread self-censorship, newspapers, magazines, and radio and television channels remain outspoken, and political debate can be vigorous. However, a survey

of the program staff at Radio Television Hong Kong revealed that 70 percent of the staff members polled believed that government pressure compromised editorial independence. International media organizations operate freely in Hong Kong, and foreign reporters do not need government-issued identification to operate. Internet use per capita is high at 69 percent of the population, and there are no restrictions on internet content.

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 8

## Hungary

Status: Free

TOTAL SCORE: 21

The constitution guarantees freedom of expression and of the press. Libel is criminalized under the criminal code, which holds journalists responsible not only for their own words, but for publicizing statements made by others. The persistently high number of court cases brought against journalists raised concerns in 2005. Antonia Radai of the weekly *Heti Vilaggazdasag* was prosecuted after publishing information about relationships between alleged Mafia figures and civil servants, though since the indictment is classified it is impossible to learn the details of the charges. Laszlo Torok, a journalist at the daily *Magyar Nemzet*, was handed down a suspended libel sentence for quoting comments that the deputy head of the opposition FIDESZ-HCU party had made about Prime Minister Ferenc Gyurcsany in 2003. The case against *Nepszava* journalist Rita Csik for violating state secrecy laws ended with an acquittal of the journalist by a lower court, but this decision has been appealed to another court. The high court annulled last year's 10-month suspended jail sentence for libel given to Andras Bencsik of the weekly *Magyar Demokrata*.

Efforts are under way to replace the 1996 Law on the Media, which introduced commercial broadcasting and broke up the monopoly of the state-controlled public service channels. According to media advocates, however, drafts to date focused excessively on stringent regulation of electronic media, including the internet. The crisis in appointing a new head of public radio underscored the need for a new law to depoliticize public media and improve the functioning of the National Radio and Television Commission, to avoid overshadowing the public interest with party politics.

The media landscape is dominated by private companies, with high levels of foreign investment in both national and local newspapers. Independent media operate freely in Hungary, though they clearly reflect the divisions of the national political scene. Diversity is on the rise in both print and electronic media, including several new private television and cable channels launched during the year. The internet is used widely; in 2005, there was a 92.5 percent increase in the number of broadband subscribers. To date, the internet has been governed by a voluntary code of conduct introduced by a professional association of internet content and service providers.

## Iceland

Status: Free

LEGAL ENVIRONMENT: 1

POLITICAL ENVIRONMENT: 4

ECONOMIC ENVIRONMENT: 4

TOTAL SCORE: 9

The constitution provides for freedom of speech and of the press, and the government generally does not interfere in the independent media's expression of a wide variety of views. The offices of *Frettabladid*, the largest daily newspaper in Iceland, were raided by police in October 2005 after an injunction was issued banning the newspaper from publishing e-mails and documents related to fraud charges that were lodged by an Icelandic court against the retail investment firm Baugur. Baugur owns a controlling share of the Nordurljos (Northern Lights) Corporation, which owns *Frettabladid*. The International Federation of Journalists warned the Icelandic government that the raid endangered press freedom in the country.

A wide range of publications includes both independent and party-affiliated newspapers. An autonomous board of directors oversees the Icelandic National Broadcasting Service, which operates a number of transmitting and relay stations. There are both private and public television stations. However, media ownership is concentrated, with Nordurljos controlling much of the private television network, most radio stations, and two out of three of the country's national newspapers. A proposed law to restrict media ownership was vetoed in the summer of 2004 and was the cause of one of the country's most severe political crises. The BBC reported that in 2005 the two main parties urged the national Parliament to pass legislation to reduce media concentration. Internet usage is high at 78 percent of the population and access is unrestricted by the government.

## India

Status: Partly Free

LEGAL ENVIRONMENT: 10

POLITICAL ENVIRONMENT: 16

ECONOMIC ENVIRONMENT: 11

TOTAL SCORE: 37

India's media continue to be vigorous and are by far the freest in South Asia, although journalists face a number of constraints. The constitution provides for freedom of expression and of the press, and although there are some legal limitations, these rights are generally upheld. In recent years, the government has occasionally used its power under the Official Secrets Act (OSA) to censor security-related articles or prosecute members of the press, but no cases were reported during 2005. State and national governments have also on occasion used other security laws, contempt of court charges, and criminal defamation legislation to curb the media and other critical voices. In May, the International Federation of Journalists welcomed the passing of a Right to Information Bill and called for the scrapping of the OSA. The Press Council of India, an independent body composed of journalists, publishers, and politicians, serves as a self-regulatory mechanism for the print press through its investigations of complaints of misconduct or irresponsible reporting.

Intimidation of journalists by a variety of actors continues; on a number of occasions during the year, reporters were arrested and detained under false charges or were subject to other threats. In addition, police occasionally beat, detain, or otherwise harass journalists as they attempt to cover the news. Reporters in several states face pressure from separatist militant groups or from local or state-level authorities. Local journalists in Shillong protested in July over several instances of intimidation by police after the *Meghalaya Guardian* published a story alleging that security forces had burned down tribal houses. Conditions are particularly difficult in the insurgency-racked state of Jammu and Kashmir, where the fact that militants routinely issue death threats against local media personnel has led to significant levels of self-censorship. Pressure to self-censor has also been reported at smaller media outlets that rely on state government advertising for the majority of their revenue. In July, eight journalists were injured in Srinagar during a grenade attack by Islamist militants and subsequent crossfire by security forces.

Most print media, particularly the national and English-language press, are privately owned, provide diverse coverage, and frequently criticize the government. The broadcast media are predominantly in private hands, but the state retains a monopoly on AM radio broadcasting, and private FM

radio stations are not allowed to broadcast news content. Doordarshan, the state-controlled television station, has been accused of manipulating the news to favor the government, and some private satellite TV channels also provide slanted coverage that reflects the political affiliation of their owners, according to the U.S. State Department. Internet access is unrestricted, although some states have proposed legislation that would require the registration of customers at internet cafés.

LEGAL ENVIRONMENT: 21

POLITICAL ENVIRONMENT: 23

ECONOMIC ENVIRONMENT: 14

## Indonesia

Status: Partly Free

TOTAL SCORE: 58

The Indonesian press was at a critical junction in 2005, as media analysts and lawmakers feared that the new administration of President Susilo Bambang Yudhoyono was tightening government control over broadcast media through a series of administrative regulations that threaten to undermine the Indonesian Broadcasting Commission (KPI). Under current law, the KPI has the right to issue and revoke the licenses of broadcasters, but new regulations on foreign, private, community, and subscription-based broadcasters would grant this power to the state. The Ministry of Communications and Information claims the Constitutional Court has ruled that the government has the power to regulate broadcasting issues. In December, after a contentious hearing, the government and the House of Representatives agreed to postpone for two months the implementation of the new regulations and to amend the articles that have been blamed for the controversy.

Journalists continued to be prosecuted in 2005 for criminal defamation under the criminal code. In May, two journalists from the weekly newspaper *Koridor* in Lampung were sentenced to prison. *Tempo* magazine chief editor Bambang Harymurti was still awaiting a ruling from the Supreme Court over his appeal of the one-year prison sentence that resulted from an article published in 2003. Appeals in civil cases resulting from the story, which linked millionaire businessman Tomy Winata to a fire in the Tanah Abang textile market, were still ongoing. Although the Parliament has been considering revisions to the criminal code, the revised code contains articles that are even more restrictive than the original. The number of such provisions has increased from 35 articles to 49 in the latest draft version. Nine of these articles carry clauses that can impose a lifelong ban on a

person from working as a journalist. The insult of public officials continues to carry harsh penalties in Indonesia.

Journalists continued to face intimidation and threats of physical violence from the public. In June, the management of *Radar Sulweg*, the largest newspaper in central Sulawesi, halted publication for three days following protests over an article entitled “Islam: A Failed Religion.” After questioning witnesses from the newspaper as well as from the local branch of the Indonesian Ulema Council, police charged the writer with “insulting Islam.” In December, supporters of a gang leader named Hercules took over the Jakarta office of the newspaper *Indo Pos* and injured two reporters—one of whom suffered a broken nose—because of an article they didn’t like. The group claimed they had never been interviewed by the reporter who wrote the story. Finally, the Film Censor Agency banned two films about East Timor from appearing at the Jakarta International Film Festival in December. Authorities stated that the films would “open up old wounds” and potentially disturb the bilateral relationship between the two countries.

Indonesia is home to a large independent media that is generally able to provide a wide variety of opinions and perspectives. The broadcast market includes some 60 private radio stations in the Jakarta area alone and 10 private television networks nationwide that operate in competition with the public Televisi Republik Indonesia. Strict licensing laws have created more than 2,000 illegal television and radio stations that operate on a regular basis without a license. Internet use is on the rise with over 10 million users and no reported government restrictions on its access.

LEGAL ENVIRONMENT: 28

POLITICAL ENVIRONMENT: 36

ECONOMIC ENVIRONMENT: 20

TOTAL SCORE: 84

## Iran

Status: Not Free

Press freedom in Iran deteriorated in 2005 as conservative leaders in the regime continued to crack down on reformist publications and journalists through arrests, detentions, harassment, and closures focused increasingly on internet-based media. While the constitution provides for freedom of opinion and of the press, in practice the government severely restricts these rights. Iran’s vaguely worded 2000 Press Law forbids the publication of ideas contrary to Islamic principles or detrimental to public rights, and violators are punished harshly. Article 500 of the penal code states that



“anyone who undertakes any form of propaganda against the state...will be sentenced to between three months and one year in prison” and leaves “propaganda” undefined. Under Article 513, offenses deemed to be an “insult to religion” can be punished by death or imprisonment for up to five years, and “insult” is similarly undefined. Other articles provide sentences of up to two years in prison, up to 74 lashes, or a fine for those convicted of intentionally creating “anxiety and unease in the public’s mind,” spreading “false rumors,” writing about “acts that are not true,” or criticizing state officials. As a result, self-censorship is common. Iran’s judiciary frequently denies accused journalists due process by referring their cases to closed-door revolutionary courts, and the Preventive Restraint Act is used regularly to temporarily ban publications without legal proceedings.

The Office of the Supreme Leader and the Iranian judiciary, led by Saeed Mortazavi, Tehran’s chief prosecutor, continued in 2005 to crack down on critical voices, ordering the arrest of dozens of journalists and writers and closing numerous publications. Imprisoned journalists have complained of solitary confinement and torture. Akbar Ganji—a well-known writer sentenced in 2001 to six years in prison for “spreading propaganda” and “collecting confidential state documents to jeopardize state security”—engaged in a hunger strike to protest his lack of medical treatment while in prison. In May, Iranian newspapers published Ganji’s account of the physical and mental torture he had experienced. As a result, judicial authorities released Ganji for one week so he could seek treatment for back pain and asthma. Ganji returned to prison in June, three days after Mortazavi signed an arrest warrant claiming Ganji was a fugitive for overstaying his furlough. In August, officials detained Abolfazl Fateh, director of the Iranian Students News Agency (ISNA), and asked him to explain why the ISNA had published remarks by Ganji’s wife. The week before, Mortazavi had summoned Fateh because the ISNA had reported human rights lawyer and Nobel laureate Shirin Ebadi’s criticism of the judiciary for barring her from visiting Ganji, who is her client. Fateh was eventually freed on bail.

Since 2000, the Iranian government has forcibly closed or banned more than 100 publications. With the current conservative domination of government, this tactic has continued, focusing primarily on pro-reformist media outlets. In March, the judiciary closed the monthly magazine *Jame-e-No* because it missed an issue; its license had required it to publish monthly. Fatemeh Kamal, the magazine’s license holder, told the Committee to Protect Journalists she believed the real reason for the closure was her marriage to human rights activist and journalist Emadoddin

Baghi. In June, Mortazavi banned the newspapers *Aftab*, *Eqbal*, *Etemaad*, and *Hayat-e-No* for publishing an open letter from reformist cleric Mehdi Karoubi in which he charged military organizations with intervening illegally in support of Mahmoud Ahmadinejad in the presidential election. *Aftab*, *Etemaad*, and *Hayat-e-No* resumed publication the following day, but Mortazavi indefinitely suspended *Eqbal's* publication license.

In a country where ethnic Arabs make up less than 3 percent and Kurds constitute less than 7 percent of the roughly 67 million citizens, government intimidation and harassment of journalists who cover minority issues continued to be a problem. In April, Iranian authorities closed Al-Jazeera's Tehran bureau after the satellite station reported that three ethnic Arabs from Iran's southwestern province had died in clashes with security forces. Yossef Azizi-Banitorouf, a prominent reformist Arab Iranian author, was arrested in April for holding a press conference for foreign journalists on ethnic Arab unrest. He was released without charge on June 28. Authorities detained several Kurdish-Iranian journalists and human rights activists following August 2 demonstrations in Sanandaj, the capital of Iran's Kurdistan province. The following day, the Ministry of Culture and Islamic Guidance closed *Ashti*, a Kurdish-language daily, and *Asou*, a bilingual (Kurdish and Persian) weekly.

Over the past several years, the ongoing media crackdown has led many journalists and dissidents to turn to the internet to circumvent official control of print media. However, starting in 2004, the judiciary (relying on unaccountable intelligence and security forces) began to target online journalists, bloggers, and technical support staff in an effort to quash this flourishing new medium. By the end of 2005, all the online writers detained in the 2004 group had been released except Mojtaba Saminejad, who was arrested in October 2004 and sentenced to two years in prison. All the prisoners had been held in solitary confinement in a secret detention center, subjected to torture, and denied access to lawyers or medical care. In January, Arash Sigarchi, former editor of *Gilan-e Emrouz* and a blogger who frequently criticized the government and protested the detention of fellow internet writers, was arrested from his home in northern Iran. He had given interviews to the BBC World Service and the U.S.-based Radio Farda days earlier. In February, he was sentenced to 14 years in prison on charges of espionage, "aiding and abetting hostile governments and opposition groups," endangering national security, and insulting the supreme leader. Authorities released him on bail in March, pending the resolution of his appeal. In February, following a secret trial held without his lawyer, Mohammad Reza Nasab Abdullahi, a university student, human

rights activist, editor of a student newspaper, and blogger, was sentenced to six months in prison for posting a blog entry criticizing the government's repression of "civil and personal rights and liberties." On March 2, his wife, 26-year-old university student Najmeh Oumidparvar, was arrested after posting messages from her husband on her own blog and giving an interview to a German radio station. She was four months pregnant. Oumidparvar was freed on bail 24 days later.

Iran is home to more than 20 daily newspapers, though most Iranians do not read newspapers on a regular basis. Instead, more than 80 percent of the population receives their news from television. The government directly maintains a monopoly over all broadcast media, which present only official political and religious viewpoints. Although satellite dishes that receive foreign broadcasts are forbidden, an increasing number of people own them. More than 7 million Iranians were able to access the internet in 2005. Despite considerable efforts on the part of the government to control the content of, and access to, the internet, Iranian websites continue to express opinions that the country's print media would never carry. The government has blocked thousands of websites, including sites that criticize government policies or report stories the government does not wish to see published. It has also sought to limit the spread of blogs by blocking popular websites that offer free publishing tools for blogs.

LEGAL ENVIRONMENT: 22

POLITICAL ENVIRONMENT: 33

ECONOMIC ENVIRONMENT: 16

## Iraq

Status: Not Free

TOTAL SCORE: 71

While Iraqis continued to benefit from a wide diversity of media sources resulting from a media boom that began with the ouster of Saddam Hussein's regime in 2003, press freedom suffered some serious blows in 2005. The legal framework for guaranteeing press freedom and regulating the media remained unclear. For most of the year, the Law for the Administration of the State of Iraq for the Transitional Period, adopted by the UN-recognized Iraqi interim administration, remained in force, as did orders regulating the media issued in 2004 by the Coalition Provisional Authority. Iraq's interim prime minister renewed a "state of emergency" (declared in November 2004 and numerous times throughout the year) that applied to all areas of Iraq except the northern Kurdish governorates. On October 15, Iraqis voted to adopt a permanent constitution, which included

provisions guaranteeing freedom of press and expression “in a way that does not violate public order or morality,” according to Article 38. In addition, Articles 101 and 102 outline a financially and administratively independent National Communications and Media Commission. However, like many other articles in the constitution, they do not specify the commission’s mandate or define its implementing regulations and legislation. Legal analysts have noted that some archaic laws dating from Saddam Hussein’s rule remain on the books, including restrictive insult, antidefamation, and state secrets laws. In addition, Iraqi officials used restrictive press legislation enacted by regional government authorities to curtail press freedom. In December, a Kurdish court in Erbil convicted Kamal Karim on defamation charges and sentenced him to 30 years in prison. Karim had published articles on an independent Kurdish website critical of the Kurdistan Democratic Party and its leader Massoud Barzani. Despite appeals from international press freedom advocates, Karim remained in jail at year’s end. In the southern city of Kut, two journalists faced charges of defaming the police and judiciary after writing an article critical of provincial officials. The case was still pending by the end of the year.

The ongoing instability and violence remain the biggest threats to press freedom, with terrorists and Iraqi insurgent groups conducting targeted kidnappings and attacks on the media. Iraq continued to be one of the most dangerous places in the world to work as a journalist, with 23 journalists and media professionals killed in 2005. By the end of the year, more journalists had been killed in Iraq since 2003 than were killed in 20 years of the Vietnam conflict. Iraqi and coalition forces also detained and arrested numerous journalists, and several media workers were killed by military forces in the country. Though most journalists operated without legal or bureaucratic restrictions, the pervasive climate of violence severely restricted the scope of media coverage of events in Iraq. Self-censorship increased as a result of intimidation from violent groups including sectarian militias throughout the country.

Iraq has more than 100 daily and weekly publications, and dozens of new private television and radio channels emerged throughout the country. Nearly all media outlets are privately owned and operated, but most of these outlets are affiliated with ethnic, sectarian, or partisan groups. The most watched television channel in Iraq, the state-funded Al-Iraqiya, was accused of sectarian bias. Modeled after the Public Broadcasting Service in the United States, Al-Iraqiya was accused of becoming a propaganda tool for the country’s top Shiite politicians. Access to foreign satellite television, previously banned in all of Iraq under Saddam Hussein (except in the

northern Kurdish regions since 1991), grew in 2005. However, authorities continued to ban the regional satellite channel Al-Jazeera from operating in the country because of allegations that it was inciting violence. Although the independent press has grown tremendously, economic hardship has hindered the ability of independent publications to sustain themselves. Access to the internet grew during the year, with many internet cafés opening up in Iraqi cities and no direct government restriction on access to, or operation of, the internet.

## Ireland

Status: Free

LEGAL ENVIRONMENT: 3

POLITICAL ENVIRONMENT: 7

ECONOMIC ENVIRONMENT: 5

TOTAL SCORE: 15

Press freedom is constitutionally guaranteed and generally respected in practice. There is a growing movement to enact legislation to regulate the media, particularly in the context of concerns over terrorism and after the unrest following the publication of cartoons depicting the Muslim prophet Muhammad in a Danish newspaper. The National Union of Journalists has called on media publishers to establish self-regulation. Archaic libel and defamation legislation still exists under which journalists remain guilty until proven innocent, causing some journalists to practice self-censorship. For years, the government has promised to reform this law but until recently has lacked the political will to do so. In order to bolster the political drive to reform the defamation law, print media stakeholders compromised with the government over a controversial Press Council—a body intended to regulate media conduct and protect an “ethical standard” of journalism. The controversy surrounding the proposed creation of this Press Council has gained new force after the *Sunday Independent* published a lurid story that turned out to be false concerning the circumstances of the death of Liam Lawlor, a member of the Irish Parliament jailed three times for defying a public tribunal. The government is more determined than ever to establish a body to prohibit these kinds of stories. The national public broadcaster, Radio Telefis Eireann, dominates the radio and television sectors, but the growth of cable and satellite has begun to weaken the state broadcaster’s monopoly over the industry. Internet access is unrestricted by the government, and Ireland is home to over 2 million internet users.

## Israel

Status: Free

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 13

ECONOMIC ENVIRONMENT: 10

TOTAL SCORE: 28

Press freedom is generally respected in Israel, and the country features a vibrant media landscape. Journalists are occasionally subject to official restrictions; however, an independent judiciary and active civil society adequately protect the free media. Hate speech and publishing praise of violence is prohibited, and the 1948 Prevention of Terrorism Ordinance prohibits expressions of support for terrorist organizations or groups that call for the destruction of Israel. In 2004, the Supreme Court denied a government appeal to uphold a ban on granting press credentials to Palestinians. Israel's Government Press Office (GPO) earlier ceased issuing press cards to Palestinians on security grounds, claiming some Palestinians posing as journalists used the cards to gain entry into Israel to carry out or abet terrorist attacks. In July, pressure from press and civil rights groups led the GPO to reinstate the credentials of Yishai Carmeli-Polak, a reporter highly critical of government policies.

While newspaper and magazine articles on security matters are subject to a military censor, the scope of permissible reporting is wide and there is a broad range of published material. Editors may appeal a censorship decision to a three-member tribunal that includes two civilians, and publications cannot be shuttered because of censorship violations. Arabic-language publications are censored more frequently than are Hebrew-language ones, and Arab-Israeli journalists are subject to greater restrictions than their Jewish counterparts. In March, the daily *Ha'aretz* and the Channel 2 television station were both made to apologize for failing to submit to the censor reports on the sale of military technology to China. That same month, BBC News similarly apologized to the government for not submitting for review an interview with Mordechai Vanunu, an Israeli citizen imprisoned for 18 years for espionage and disclosing information about Israel's nuclear weapons program; the government demanded the apology before renewing the visa of the BBC Jerusalem deputy bureau chief. Vanunu's release from prison in 2004 was conditioned on a series of restrictions on his speech and movement. In March, the government warned Vanunu he would be brought to trial if he continued to speak to foreign media (among other prohibitions), a move condemned by the International Federation of Journalists.

A wide variety of newspapers, reflecting a broad range of political viewpoints and religious outlooks, is available in Israel. All newspapers are privately owned and freely criticize government policy. Newspapers must be licensed by the locality in which they are published. A diverse range of broadcast media is also available. The Israel Broadcasting Authority (IBA) operates public radio and television services, including the popular Kol Yisrael radio station. In October, press freedom advocates voiced concern over plans to establish an IBA governing board made up of political appointees. There are also commercial television networks and radio stations, and most Israelis subscribe to cable or satellite television. Internet access is widespread with over 3 million users and remains unrestricted by the government.

[This rating and report reflect the state of press freedom within Israel proper, not in the West Bank and Gaza Strip, which are covered in the following report on the Israeli-Occupied Territories and Palestinian Authority.]

## Israeli-Occupied Territories and Palestinian Authority

Status: Not Free

LEGAL ENVIRONMENT: 28  
POLITICAL ENVIRONMENT: 36  
ECONOMIC ENVIRONMENT: 22  
TOTAL SCORE: 86

The West Bank and Gaza Strip remain two of the areas most covered by the media, but Israel and the Palestinian Authority (PA) severely restrict press freedom and often impede journalists' ability to report safely and accurately. The Palestinian Basic Law provides for freedom of the press, and although a 1995 Press Law calls for free and independent media, it also stipulates that journalists may be punished and newspapers closed for publishing material deemed harmful to national unity or that might incite violence. In May, the Palestinian Legislative Council began deliberations on a draft law on access to information that if passed could increase transparency and accountability.

Israel's army and security services continued to commit a range of press abuses in 2005. Journalists can face gunfire, physical abuse, and arrest in addition to sharp limits on their freedom of movement. Israel denies that it deliberately targets journalists and maintains that reporters covering the conflict risk placing themselves in danger. In January, Majdi al Arabid, a Palestinian cameraman for Israeli television, was shot while filming an

Israeli incursion in the Gaza Strip. An Al-Jazeera cameraman was beaten and detained by Israeli soldiers in November while filming a demonstration near Ramallah. In December, a Palestinian journalist working for Al-Jazeera was arrested by Israeli authorities, though they claimed that the arrest was not related to his work. The Israeli army also announced that it would not press criminal charges against a soldier for the 2003 shooting death of British filmmaker James Miller in Gaza. International press groups criticized the decision as one that promoted impunity.

The Palestinian media also face pressure from the PA to provide positive coverage or forgo reporting on certain stories. Journalists who file stories considered unfavorable often are harassed by the PA. Threats, arrests, and abuse of journalists deemed critical of the PA and/or Fatah have become routine. Palestinian reporting of the presidential elections carried disproportionate coverage of Fatah's candidate, Mahmoud Abbas. The Palestinian Journalists' Syndicate, a group affiliated with the PA, reportedly directed journalists not to report on clashes among Palestinian factions following the Gaza withdrawal, and in August the Ministry of the Interior issued a directive requiring journalists to inform the ministry of any stories relating to security forces. The PA also refused to invite Palestinian journalists to cover the Abbas-Sharon summit held in February in Egypt.

Increased political instability followed the Israeli withdrawal from Gaza. Lack of security in combination with renegade political factions created dangerous conditions for journalists. In August, gunmen held a cameraman for France 3 TV for nine days. An Italian journalist was abducted in Gaza in September, and two Knight Ridder journalists were kidnapped in October; all were released unhurt after several hours. Some foreign news crews have left Gaza in the wake of these abductions, which are believed to have been carried out by groups linked to Fatah and upset with the PA. International organizations have criticized the PA for failing to provide the security that would prevent such lawlessness. Also during the Gaza withdrawal, the Israeli military permitted select journalists to be embedded with military units and strictly limited press access to certain areas. Journalists reporting from the Israeli-Occupied Territories (IOT) are required to carry Israeli-issued press cards, which are extremely difficult for Palestinian journalists to obtain, and many Palestinian journalists were prevented from traveling to Gaza to cover the story. The Israeli military continues to restrict media access, denying entry visas to at least two foreign journalists in 2005.

There are three Palestinian dailies in addition to several weekly and monthly periodicals. There are roughly 30 independently owned television stations and 9 radio stations. The two television stations and one



radio station run by the PA function as government mouthpieces. Most independent media outlets exercise cautious self-censorship, particularly on the issue of internal Palestinian politics. Israeli checkpoints often prevent newspaper distribution in the IOT. Access to satellite television is increasing, and unrestricted internet access is available to about one-third of the population.

LEGAL ENVIRONMENT: 9

POLITICAL ENVIRONMENT: 13

ECONOMIC ENVIRONMENT: 13

TOTAL SCORE: 35

## Italy

Status: Partly Free

Freedom of speech and of the press are constitutionally guaranteed. However, media freedom remained constrained in 2005 by the continued concentration of media power in the hands of Prime Minister Silvio Berlusconi, who controlled 90 percent of the country's broadcast media through his private media holdings and political power over the state television networks. In April 2004, the Senate adopted the Gasparri Law on Broadcasting, which to its credit introduced a number of reforms that will prepare the country for the planned 2006 switchover from analogue to digital broadcasting and the partial privatization of the Italian public broadcasting network, RAI. The reforms potentially make the country's broadcast media more independent of state control. However, the law has been heavily criticized for not providing effective demonopolization measures and thus doing very little to break up the "duopoly" of RAI and Mediaset in broadcasting media. This would allow Berlusconi, in his unique position, to continue his domination of private broadcast media. In July 2004, the Parliament passed the Frattini Law, which addresses the conflict of interest between the prime minister's public office and his media holdings. The law stipulates that persons holding government office cannot "occupy posts, hold office, or perform managerial tasks or any other duties in profit-making companies or other business undertakings." Although this prevents the prime minister from running his own businesses, it does not prevent him from choosing his own proxy, including a family member. However, shortly after Berlusconi's poor showing in the April 2005 elections, Fininvest, the company at the apex of his business empire, reduced its stake in media giant Mediaset from 50.9 to 34.3 percent. The move, according to *The Guardian*, was intended to boost Berlusconi's image for elections scheduled for spring 2006.

In January 2005, a court in Rome condemned RAI for the removal of a TV journalist, Michele Santoro, in 2002. Santoro was one of three journalists critical of the government who were removed from RAI for alleged “criminal use of public television.” The Parliament has still not passed a proposed bill that will abolish prison sentences for libel. In May 2005, the Milan offices of *Corriere della Sera* were searched following approval by the public prosecutor. Local authorities were searching for sources related to a story in the paper the same month about the use of Italian-made Beretta guns in Iraq by al-Qaeda fighters.

Most press outlets are privately owned but are often linked to political parties or run by large media conglomerates that exercise some editorial influence. The print media, which consist of several national newspapers (two of which are controlled by the Berlusconi family), continue to provide diverse political opinions, including those critical of the government. However, Berlusconi controls or influences 6 of the 14 national surface-frequency channels. Mediaset, a company in which he has a major interest and the largest private broadcaster in the country, owns three leading national channels, while RAI, traditionally subject to political pressure, controls three. Mediaset further monopolizes broadcast advertising revenues. In 2004, Mediaset received 58 percent of all advertisement revenues, while RAI received 28 percent. The other commercial nationwide networks receive less than 2 percent of revenues, and the hundreds of local/regional television stations combined receive only 9 percent. In late 2003, the government enacted a temporary waiver that removed a previous restriction on one person owning more than two national broadcasting stations, allowing Retequattro, one of three television stations owned by the Berlusconi-dominated Mediaset group, to continue terrestrial broadcasting. The government generally does not restrict access to the internet; however, the government can block foreign-based internet sites if they contravene national laws. After the London bombings in July 2005 by Islamic extremists, Italy’s Parliament approved a new antiterror law that includes surveillance of the internet and requires a license to operate an internet café.

## Jamaica

Status: Free

LEGAL ENVIRONMENT: 3  
 POLITICAL ENVIRONMENT: 7  
 ECONOMIC ENVIRONMENT: 7  
 TOTAL SCORE: 17

The constitution protects freedom of expression but does not explicitly mention the press. Most people are satisfied that the broad protection for freedom of speech covers the media. There is an Access to Information Act in place. Media are largely free to express critical views without significant restrictions. However, some media outlets expressed the need for reform of the country's libel laws, particularly the courts' ability to award high damages in defamation cases, which causes some journalists to practice self-censorship. There is also concern about the position of some large private firms, which often threaten to withdraw advertising to protest what they regard as negative coverage. The country has two national daily newspapers and a daily afternoon tabloid. There are a number of national and regional periodicals serving a variety of sectors and interests. The state broadcasting service was largely privatized in 1997, although the Kool FM radio station is still government owned. In December, it was announced that the new Public Broadcasting Corporation of Jamaica will begin radio and television operations next year. The government's Jamaica Information Service produces radio programs that are guaranteed airtime on all 16 national radio stations and also produces a 30-minute program about government projects and policies that is aired daily on the 3 national television stations. There are over 1 million internet users in Jamaica whose access is unrestricted by the government.

## Japan

Status: Free

LEGAL ENVIRONMENT: 2  
 POLITICAL ENVIRONMENT: 12  
 ECONOMIC ENVIRONMENT: 6  
 TOTAL SCORE: 20

Press freedom is constitutionally guaranteed and generally respected in practice. In 2005, the right of journalists to refuse to reveal anonymous sources was upheld by the Niigata District Court in a case in which a U.S. health food company asserted that inflammatory news reports dating from 1997 were based on a leak about the company's investigation for tax evasion. Lawsuits concerning reports filed by journalists with the television station NHK and *Daily Yomiuri* have been appealed to the Tokyo high court.

Central among the threats to press freedom in Japan is the lack of diversity and independence in reporting, especially in political news. This is facilitated in part by a system of *kisha kurabu*, or journalist clubs, in which major media outlets have cozy relationships with bureaucrats and politicians. Exposés by media outlets that belong to journalist clubs are frowned upon and can result in the banning of members from press club briefings. Smaller media organizations and foreigners are excluded from journalist clubs. Japanese journalist clubs have been criticized by Reporters Sans Frontieres and the European Union because the government gives club members exclusive access to political information. In return, journalists tend to avoid writing critical stories about the government, thereby reducing the media's ability to pressure politicians for greater transparency and accountability. Most of Japan's investigative journalism is conducted by reporters outside the press club system. In recent years, the rising number of journalists who do not participate in press clubs has slightly eroded their power to act as gatekeepers for news concerning government ministries and political parties.

Japan has a vigorous and free media and boasts the highest daily newspaper circulation per capita in the world. Many national dailies have circulations topping 1 million and often produce afternoon and evening editions as well. More than half of the national newspaper market share is controlled by "the big three": Yomiuri, Asahi, and Mainichi. There is considerable homogeneity in reports, which relate the news in a factual and neutral manner. Television news content, once dominated by the public station NHK, has diversified considerably with the rising popularity of Asahi, Fuji, TBS, and satellite television. Japan boasts over 47 million registered internet users, representing almost 70 percent of the population. No government restrictions on access to the internet were reported in 2005.

LEGAL ENVIRONMENT: 21

POLITICAL ENVIRONMENT: 22

ECONOMIC ENVIRONMENT: 18

## Jordan

Status: Not Free

TOTAL SCORE: 61

The constitution upholds Jordanians' right to freedom of expression and holds that "freedom of the press and publications shall be ensured within the limits of the law." Though senior politicians have said that these provisions will no longer be enforced, articles of the penal and press codes restrict criticism of the royal family, the National Assembly, public

officials, and the armed forces, as well as speech that might harm Jordan's foreign relations. Within limits, criticism of the Jordanian government and its allies is tolerated in practice, as is speech in favor of Islamist movements, though criticism of the royal family is still taboo. According to the law that governs the Jordan Press Association (JPA), journalists must be members of the JPA to work legally. In the past, critical journalists have been excluded from the JPA and thereby prevented from practicing their profession. In February, King Abdullah II established a National Agenda Committee to review and reform legislation. Among the committee's proposals was the striking of the requirement that journalists belong to the JPA. A draft law on access to information was introduced in 2005, the first of its kind in the region, though the law has been criticized for its many loopholes. In July, the cabinet proposed a new press law that would abolish prepublication censorship and the arrest of journalists who had been performing their work. Journalists would be protected from having to reveal their sources, and banning a publication would require a court ruling. However, the Parliament had not enacted either reform by the end of 2005.

Editors and journalists report that they have received official warnings to refrain from publishing certain articles or to avoid certain topics, and that security officials have pressured printers to hold publications until editors agree to remove sensitive stories. In April, authorities delayed the publication of *Al-Wihda*, a private weekly newspaper, until editors removed an article by Muwaffaq Mahadin—who had run afoul of the authorities before—claiming that Prime Minister Adnan Badran's new government had been formed undemocratically. In June, security officials delayed publication of *Al-Majd*, a weekly newspaper that focuses on political issues, because they objected to an interview with a member of parliament who supported the Iraqi insurgency. And in March, authorities detained and questioned a journalist and two editors for the daily *Al-Ghad* on suspicion that a story published in the paper was fabricated.

The government owns substantial shares in Jordan's two leading Arabic daily newspapers and must license all publications. There are high taxes on the media industry and tariffs on paper, and the government has been criticized for advertising primarily in newspapers in which it has ownership. In 2003, the government officially gave up its monopoly on domestic television and radio broadcast media by creating a new Audiovisual Licensing Authority, which in 2004 began to license and regulate private radio and television broadcasters. Licenses have been issued for one new radio and one satellite television station, but neither has started broadcasting

yet. No restrictions are placed on satellite broadcasts, and satellite dishes continue to proliferate. The Jordanian government is actively seeking to promote access to the internet and says that it places no restrictions on access to information online for its 600,000 users. However, according to the Center for Defending Freedom of Journalists, a local media rights organization, 42.7 percent of media workers believe that internet sites were censored in 2005, up from 23 percent who believed so in 2004.

LEGAL ENVIRONMENT: 25

POLITICAL ENVIRONMENT: 28

ECONOMIC ENVIRONMENT: 22

## Kazakhstan

Status: Not Free

TOTAL SCORE: 75

Kazakhstan's constitution guarantees freedom of the press while at the same time providing special protection for the president. In practice, the authorities allow limited press freedom but take action against perceived threats to the existing power structure. The media environment in 2005 saw neither significant deterioration nor significant improvement. Media provisions in a new national security law that was passed after the revolutions in neighboring Georgia, Ukraine, and Kyrgyzstan and the unrest in Uzbekistan prohibit the glorification of "extremism" but do not provide a precise definition of "extremism." The Parliament, however, struck provisions from the draft law that would have given prosecutors expanded powers to close media outlets. Libel suits continued to take a toll on the independent press. In March, the National Security Committee won a \$38,000 libel judgment against the independent newspaper *Soz*, leading a local media watchdog group to charge in June that the committee's aim was "to ruin the newspaper financially and destroy it." Independent and opposition media outlets faced continued legal harassment and a targeted crackdown in the lead-up to the December presidential election, while the new national security law gave the authorities additional legal mechanisms to control information. State-controlled media as well as nominally independent media with ties to the state through subsidies or holding companies shied away from aggressive coverage of sensitive issues, in particular allegations of improper conduct by President Nursultan Abishuly Nazarbayev and members of his family.

The opposition weekly *Respublika*, successor to the *Assandi Times*, was the target of numerous punitive actions. In May, a court liquidated Bastau, the company that owned *Respublika*, after the newspaper published

an interview with Russian politician Vladimir Zhirinovskii that the court deemed insulting to Kazakhstan. In April, *Respublika* editor in chief Irina Petrusheva had been detained briefly in Russia on a tax evasion warrant issued by Kazakh authorities. When *Respublika* began to appear online as Set.kz, the authorities charged that it lacked proper registration. Many in the independent media encountered difficulties in the run-up to the December 4 presidential election. In September, the printing company Vremya terminated contracts with seven newspapers. Some of the contracts were later assumed by Daur, a printing company controlled by a relative of President Nazarbayev. Police seized multiple print runs of the independent newspaper *Svoboda Slova* for one article that allegedly defamed the president and another that provided details of the business interests of President Nazarbayev's daughter Aliya. Police also seized print runs of the independent newspaper *Juma Times* in October and November.

As in previous years, prominent broadcast media were either state run or controlled by members of the president's family or individuals with ties to the president's family; President Nazarbayev's daughter ran several television channels and controlled two of the nation's leading newspapers. President Nazarbayev won a crushing 91 percent victory in the December election; independent observers noted significant media bias during the election, particularly in coverage by nationwide broadcast media. The printing presses and most radio transmission facilities were also under government control. The internet increasingly attracted the attention of Kazakh authorities, who continued to block access to a number of opposition sites, despite the fact that less than 3 percent of the population has internet access. In October, a state-controlled internet service provider stripped the online opposition newspaper *Navigator* of its .kz address, forcing the site to move to the .net domain. In November, the government said that it would deny a .kz address to sites hosted abroad.

LEGAL ENVIRONMENT: 20

POLITICAL ENVIRONMENT: 20

ECONOMIC ENVIRONMENT: 18

TOTAL SCORE: 58

## Kenya

Status: Partly Free

**Status change explanation:** Kenya's rating improved from Not Free to Partly Free owing to a decrease in the number of reported cases of extralegal intimidation against journalists and a gradual opening of the broadcast sector to private radio outlets.

Kenya's constitution does not explicitly guarantee press freedom. It was hoped that the administration-backed proposed draft constitution, which contained specific protections for the media, would change this situation, but it was rejected in the November 2005 referendum. The Kenyan media continue to operate under Section 79 of the constitution, which guarantees citizens freedom of expression. Nevertheless, the government routinely restricts this right by broadly interpreting several laws, including the Official Secrets Act, the penal code, and criminal libel legislation. The Miscellaneous Amendment Act of 2002, which raised publishers' mandatory insurance bond to 1 million Kenyan shillings (about US\$13,100), has had a negative impact on numerous independent newspapers that cannot afford to pay the increased fees. A freedom of information bill is currently pending before the Parliament.

Reporters continue to face some harassment from the government, whose attitude toward press freedom oscillated throughout the year. On the one hand, the Kenyan press is more critical than ever before, and there has been a decrease in the number of reported cases of extralegal intimidation. However, journalists are still subject to some government intimidation, arbitrary arrests, and legal action, particularly when reporting on political scandals. In January, a journalist with the *East African Standard*, Kamau Ngotho, was charged with criminal defamation after publishing a report on the link between Kenya's economic elite and the government. It was the first time a journalist had been charged with criminal defamation since the country gained independence in 1963. The government later dropped the charges after the attorney general granted Ngotho leave to challenge them in the high court on constitutional grounds and declared that the archaic law would no longer be used to suppress freedom of expression. In late September, *Kenya Times* journalist David Ochami was arrested and detained by police as a result of a column suggesting that a coup in Kenya was both desirable and possible. In May, the court case against David Makali, editor of the *East African Standard*, for the alleged theft of a police tape containing the confession of suspects in a murder case was dismissed by the judge for lack of evidence. Also in May, Kenya's First Lady, Lucy Kibaki, showed up at the offices of *The Nation* accompanied by the Nairobi police chief and spent five hours insulting journalists and complaining about the "unfair" coverage of her family. Before leaving, Mrs. Kibaki slapped Clifford Derrick, a cameraman from the Kenya Television Network who had been filming the scene. He later filed assault charges against her, but the attorney general terminated the proceedings.



In the run-up to the country's first constitutional referendum in November, local journalists were concerned about the occurrence of government and nongovernmental censorship. Both supporters and opponents of the draft constitution at separate times "banned" independent journalists from attending their rallies, believing they would "misrepresent facts." In November, the Communications Commission of Kenya suspended the privately owned ethnic-language radio station KASS FM for seven days because the station was "inciting ethnic hatred and violence." Several people had already been killed, and tensions were high in the run-up to the vote. However, some local journalists felt that the closure was politically motivated. While anecdotal evidence suggests that some ethnic radio stations did broadcast incendiary statements during the campaign period, only KASS FM was targeted, and no warning or official evidence accompanied the two-day suspension.

Although the number of private media outlets is rising, the government-controlled public broadcaster, Kenya Broadcasting Corporation, remains dominant outside the major urban centers, and its coverage still favors the ruling party. The private media are generally outspoken and critical of government policies. There has been a significant expansion of FM radio, particularly ethnic FM radio stations, increasing public participation as well as commentary unfavorable to the government through call-in shows. However, official pressure and bribery leads some journalists to practice self-censorship. Foreign media are widely available, including FM radio broadcasts of the BBC, Voice of America, and Radio France Internationale. Access to the internet is unrestricted; however, less than 5 percent of Kenyans are able to access the internet owing to the high costs involved.

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 9

ECONOMIC ENVIRONMENT: 14

TOTAL SCORE: 28

## Kiribati

Status: Free

Freedom of speech and of the press are protected by law and generally respected in practice. In July, the media freely reported on calls for President Anote Tong's resignation over his failure to resolve a scandal involving Korean fishermen who engaged in sexual relations with young Kiribati girls. Radio Kiribati, the country's only state-run radio station, also broadcast stories that openly accused government officials of overspending.

However, on December 6 Radio Kiribati fired journalist Taberannang Korauaba for not revealing his sources for a report on a case of corruption involving Kiribati's auditor general. A number of government ministers, including Information Minister Natan Tewe, publicly accused Kiribati journalists—even those working for the state-run media—of irresponsible reporting. The Kiribati Islands Media Association has yet to finalize its proposed new constitution and code of ethics. Owing to a weak economy, Kiribati's population has limited access to diverse sources of information. The state-run newspaper, *Te Uekera*, and the privately owned *Kiribati New Star* operate on a weekly basis and offer diverse viewpoints. Newsletters from the Catholic and Protestant churches provide alternative sources of information. Newair FM 101, a small independent radio station located in South Tarawa, reaches about half the population. Kiribati is home to no more than 2,000 internet users (roughly 2 percent of the population), and the government does not restrict their access.

LEGAL ENVIRONMENT: 20

POLITICAL ENVIRONMENT: 20

ECONOMIC ENVIRONMENT: 16

TOTAL SCORE: 56

## Kuwait

Status: Partly Free

Kuwaiti journalists are among the freest and most outspoken in the region, with a constitution that provides for freedom of the press under Articles 36 and 37 and a government that respects these principles in practice, with some important exceptions. The Printing and Publications Law and the penal code restrict criticism of the emir and articles that might harm relations with other states, jeopardize the value of the Kuwaiti dinar, or offend moral sensibilities. In addition, the law restricts material deemed offensive to religion or an incitement to hatred or violence. The government arbitrarily enforces these laws, and as a result many journalists practice self-censorship. The Kuwaiti government introduced a new draft Press Law in 2003 that would limit the government monopoly on newspaper licensing, lessen prison sentences, and ban the closure of media without a court order; but by the end of 2005, the National Assembly still had not finished its debate over the proposed legislation. In January, an appeals court sentenced Ahmed al-Baghdadi to a one-year suspended sentence, a fine, and three years of probation for publishing an article in 2004 that criticized the Ministry of Education for increasing Islamic education lessons and cutting music classes.

Incidents involving Islamist militants and Kuwaiti security forces in January and February contributed to tensions involving press freedom in Kuwait in 2005. In January, Kuwaiti authorities detained Adel Aidan, a correspondent working for the Arabic satellite news channel Al-Arabiya, after it aired a report about clashes between Kuwaiti security services and suspected terrorists. He was charged with “undermining Kuwait’s position internally and abroad” but was released several days later on bail and was acquitted in May. In February, Prime Minister Sheikh Sabah al-Ahmed al-Sabah threatened to suspend or close newspapers that published information about the government’s operations against suspected terrorists.

Most print media are privately owned and among the more vibrant in the region. There are five Arabic- and two English-language newspapers in Kuwait, but a new newspaper has not been launched in 30 years. Publishers must obtain a license from the Ministry of Information to start a newspaper, and there is no formal process to appeal if a license is not granted. In May, the government allowed Al-Jazeera, the regional satellite television channel, to reopen its offices, ending a nearly three-year hiatus after the government closed the channel’s operations, ostensibly for security reasons. Kuwaitis have free access to the internet, although the government requires internet cafés to reveal customer identities on request, and in February the Ministry of Communication, in cooperation with some internet service providers, blocked websites it believed were inciting terrorism and instability.

LEGAL ENVIRONMENT: 22

POLITICAL ENVIRONMENT: 22

ECONOMIC ENVIRONMENT: 20

TOTAL SCORE: 64

## Kyrgyzstan

Status: Not Free

Kyrgyzstan experienced major political upheaval in 2005 with the fall of President Askar Akayev on March 24. However, initial gains for press freedom have not seen sufficient follow-through, and the new authorities have squandered time on infighting. Worrying signs of instability, including high-profile contract killings, continue to pose a threat to media freedom. Freedom of speech is protected by law in Kyrgyzstan, and censorship is strictly prohibited, though frequently engaged in. Libel is considered a criminal offense and is often punished with crippling fines, but many of the 37 “honor” suits that were filed before March have since been dropped, including 4 lawsuits pending since 2004 that were brought against the private daily *Vecherniy Bishkek* by the ombudsman.

In the period before March, Kyrgyzstan's media environment witnessed abuses similar to those in years past, with selective enforcement of laws and various forms of state control over the media that undermined constitutional guarantees of press freedom. Negative tendencies accelerated in the lead-up to the February 27 parliamentary elections. President Akayev threatened a lawsuit against the independent newspaper *Moya Stolitsa Novosti* after it published an article on his family's business interests. The state and structures close to the presidential family maintained control over nationwide broadcast media, which provided biased coverage in the run-up to elections. In the week before first-round voting in February, the authorities cut off power to the country's only independent printing house, which published a number of opposition newspapers. When police broke up a protest in Bishkek in March, they attacked Azamat Kalman, head of a journalists union, who had been covering the incident. As demonstrations raged in central Bishkek on March 24, state television (KTR) showed nature documentaries instead of covering events, and it was only after Akayev and KTR management had ceded political control that opposition leaders were able to appear on KTR.

Incoming president Kurmanbek Bakiyev and the group of former opposition figures who formed the new government—many of whom, it should be noted, at one time occupied official posts under Akayev—pledged far-ranging media reforms, including the privatization of state-owned media, the conversion of state television to public television, and a new media law. In a symbolic move, Zamira Sydykova, one of the country's most famous independent journalists, was appointed ambassador to the United States. But while overt harassment of opposition and independent media diminished after the fall of the Akayev regime, reforms moved ahead slowly and little progress was made on the legislative reform plans, while political tensions continued to penetrate the media. In May and June, officials reportedly denied media access to Uzbek refugees in southern Kyrgyzstan. On at least two occasions after Akayev's fall, national television canceled talk shows because of content, including one show in July featuring then prosecutor general Azimbek Beknazarov, who joined the opposition to the new government after he was dismissed in September. In November, the new prosecutor general, Kambaraly Kongantiev, called for government action against media outlets that “destabilize the situation in the country.” In December, privately owned Pyramid TV was the target of a forcible takeover attempt amid allegations that officials from both former and current governments may have been behind the bid.

There are approximately 40 to 50 regularly printed newspapers and magazines, most of them private but not all independent. The president maintained control over most television stations, which provided biased coverage in the run-up to the election. The chairman of the state-owned Kyrgyz National Television and Radio Broadcast Corporation was appointed by the president, and his son-in-law owned Kyrgyz Public Educational Radio and Television. After the transition, the new government made plans to privatize the state-owned media and is currently in the process of restructuring two public newspapers but has yet to implement the promised reforms in the broadcast media. Personnel policy at media outlets sparked protests under the new government. In one incident, staff at KOORT, a public radio and television company, went on strike in October over pressures from the new management to praise the Bakiyev regime. Uchkun, the state-owned printing house, continued to be the primary method of publication in the country throughout the year, but in 2004 a U.S.-sponsored printing house (operated by Freedom House) broke the monopoly and began to provide publishers with an alternative printing option. Foreign media are allowed to operate freely within the country; however, foreign ownership of domestic media outlets is prohibited. The internet is available in just a few places in the country, and only 5 percent of the Kyrgyz population accesses the internet on a regular basis. During the elections, several opposition websites were blocked or attacked, and opposition leaders and journalists were harassed with spam e-mail attempting to discredit journalists.

LEGAL ENVIRONMENT: 26

POLITICAL ENVIRONMENT: 31

ECONOMIC ENVIRONMENT: 24

TOTAL SCORE: 81

## Laos

Status: Not Free

There were no major events in 2005 that impacted press freedom in Laos. Article 6 of the 1991 constitution guarantees press freedom and civil liberties, but only in theory. Few citizens actually feel free to exercise these rights because there are no legal safeguards for voicing dissent in public. Article 7 requires the mass media, particularly Lao-language papers such as *Vientiane Mai* and *Pasason* and the national news agency, Khaosan Pathet Lao, to “unite and mobilize” the diverse ethnic groups to support the ruling Lao People’s Revolutionary Party. Although central censorship

is no longer directly imposed on the press, the Ministry of Information and Culture continues to oversee media coverage and academic publishing. Editors are government appointees assigned to ensure that media function as links between the party and the people.

Military abuses against the Lao-Hmong people, as well as arrests of Christians for practicing their faith, go unreported in the Lao-language papers. To date, there are no international media agencies or journalism schools in Laos, except for UN development organizations. Thus, Lao journalists whose salaries are paid by the government are officiously guided by the editors' promulgation of the media as an instrument of the government. The media's role is to link the people to the party, deliver party policy messages, and disseminate political ideology. All editors are members of the Lao Journalists Association, presided over by Bouabane Vorakhoun, minister of information and culture.

Most print and electronic media are state owned. Two papers that occasionally report on social and economic problems are the French weekly *Le Renovateur* and the English daily *Vientiane Times*, which are subsidized by the Ministry of Information and Culture and frame their content primarily to attract tourists, expatriates, and investors to the country. Tourism has led to the proliferation of internet kiosks with unrestricted access to foreign news sites. However, language barriers and high monthly connection fees (approximately \$300 to \$400 compared with the average monthly salary of \$20 to \$30) limit regular internet use for all but wealthy individuals, expatriates, and business organizations. Internet service providers must submit quarterly reports to the government to facilitate monitoring.

## Latvia

Status: Free

LEGAL ENVIRONMENT: 6

POLITICAL ENVIRONMENT: 7

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 19

The constitution protects freedom of speech and of the press, and the government respects these rights in practice. In 2004, criminal liability for the defamation of government officials effectively ended. Libel, however, remains a criminal offense. In March 2005, the government brought a criminal legal action against *Chas*, an influential Russian-language paper and strong supporter of Russian minority rights, for allegedly inciting ethnic hatred by publishing articles of Waffen-SS crimes and calling for a

halt to the annual SS veteran marches. Several sources have hinted that this proceeding might be part of a government harassment campaign against *Chas*, as the paper and its publishing house, Petits, have also undergone 20 questionable tax and financial inspections in a 10-month period. Alexander Kirshteins, a member of parliament who has made a number of comments perceived to be anti-Russian, has tried to start several criminal cases against the newspaper for inciting ethnic hatred; the newspaper believes this is because it has published articles critical of him.

Latvian media are diverse and competitive and offer a wide range of political viewpoints. The print media are independent and privately owned. However, media concentration is high, with six companies owning 60 percent of printed media. The main broadcasting regulator, the National Radio and Television Council, has allegedly been subject to the influence of political parties and various private interests. One report claims that the council has purposely delayed licensing a second commercial broadcaster for several years. There are two state-run television channels, of which one broadcasts exclusively in Latvian and another that reserves 20 percent of airtime for Russian-language programming. Because of the limited options, the Russian population (about 30 percent of Latvia's citizens) often turns to cable television, which offers a wide array of Russian broadcasts. The government does not restrict access to the internet's 800,000 domestic users.

LEGAL ENVIRONMENT: 21

POLITICAL ENVIRONMENT: 24

ECONOMIC ENVIRONMENT: 15

## Lebanon

Status: Partly Free

TOTAL SCORE: 60

Lebanon's press freedom score remained relatively unchanged in 2005, as the greater press openness that followed the assassination of Rafik Hariri in February was offset by a series of violent attacks against journalists critical of Syrian involvement in Lebanon. The constitution provides for freedom of the press, though the government restricts this right in practice. A 1991 security agreement bans all media activity that might harm Syria, and strict defamation and security laws prohibit criticism of top leaders; however, political events in 2005 encouraged Lebanese media to challenge these restrictions. Journalists and publications accused of press offenses may be prosecuted in a special publications court. Security services are authorized to censor all foreign magazines, books, and films before they are distributed in Lebanon. The government continues to take steps to limit journalists,

though with less impact than before, as the diversity of media outlets and the momentum of political events have made it increasingly difficult to restrict press coverage.

The press became bolder in its criticism of the government following the resignation of Prime Minister Rafik Hariri in 2004. Hariri's assassination in February 2005 sent shock waves through Lebanese society and galvanized the media to challenge further long-standing taboos against criticizing Syrian involvement in Lebanon. The media played an important role in mobilizing mass participation in the pro- and anti-Syrian demonstrations and expediting the Syrian withdrawal. Media outlets continue to provide in-depth coverage of the UN's investigation into the assassination and Syrian-Lebanese relations.

This opening in the Lebanese media environment was quickly followed by a crackdown with serious consequences for some journalists in the latter half of the year. In June, anti-Syrian *Al-Nahar* columnist Samir Qassir was killed in a car bomb. In September, May Chidiac, a host of a political talk show and an outspoken critic of Syrian involvement in Lebanon, survived an attack but lost an arm and a leg when explosives detonated beneath her car. Also in September, journalist Ali Ramez Tohme, who had recently published a book on Hariri, escaped an assassination attempt. Charles Ayoub, pro-Syrian owner and editor of *Al-Diyar*, an Arabic daily, faced government scrutiny as well as official and unofficial harassment after publishing details related to Hariri's assassination and could serve up to two years in prison. Finally, in December Gebran Tueni, managing director of the independent daily *Al-Nahar* and an opposition member of parliament, was killed along with three others in an explosion that targeted his vehicle.

A degree of economic freedom exists in the media, though licensing of new print and broadcast media is highly politicized and prohibitively expensive. Lebanon features dozens of newspapers and hundreds of periodicals, many of which publish criticism of the government. All national daily newspapers are privately owned, as are most television and radio stations, including six independent television and satellite stations and nearly three dozen independent radio stations. In August, the Parliament passed a bill that would allow Murr TV to resume broadcasting after a three-year ban. However, many media outlets are linked to political and/or confessional interests that exert significant influence over content. Election monitors criticized press coverage of the 2005 parliamentary elections for imbalanced reporting, with media outlets generally favoring candidates



who shared their political outlook. Access to satellite television has grown substantially over the last decade, and unrestricted internet access is widely available.

## Lesotho

Status: Partly Free

LEGAL ENVIRONMENT: 13

POLITICAL ENVIRONMENT: 15

ECONOMIC ENVIRONMENT: 14

TOTAL SCORE: 42

The government generally respects freedom of speech and of the press, both of which are provided for in the constitution. However, a 1938 proclamation prohibits criticism of the government and provides for penalties for seditious libel. Extremely high fines have been handed down by the courts in libel cases against publications and radio stations known for criticizing the government, forcing some to the verge of closure. In November, the English-language weekly *Public Eye* was ordered to pay a private businessman, Lebohang Thotanyana, 1.5 million maloti (about US\$220,000) for alleged defamation (and the resulting damage to Thotanyana's business); the ruling was issued in the absence of the newspaper's legal representatives. Other libel and defamation proceedings occurred in 2005, some of which were settled out of court. Journalism groups have urged the government to create a media council or other regulatory body empowered to mediate defamation disputes before they end up in court.

The government periodically attempts to pressure the independent press, and journalists have suffered occasional harassment or attack. In March, two officials of the Lesotho Catholic Bishop's Conference threatened the editor of the tabloid *Moeletsi oa Basotho* with physical violence and harassment; hosts of the radio talk show *Lijo'a Ke Baeti* on Catholic Radio were similarly threatened by anonymous callers in July. Several independent newspapers operate freely and routinely criticize the government, while state-owned print and broadcast media mostly reflect the views of the ruling party. There are four private radio stations, and extensive South African radio and television broadcasts reach Lesotho. Journalists reportedly have trouble gaining free access to official information, and media development is constrained by inadequate funding and resources. In 2005, 1.8 percent of the population accessed the internet, which remains unrestricted by the government.

LEGAL ENVIRONMENT: 19

POLITICAL ENVIRONMENT: 23

ECONOMIC ENVIRONMENT: 22

## Liberia

Status: Not Free

TOTAL SCORE: 64

Liberia's 1986 constitution guarantees that citizens enjoy freedom of expression, "being fully responsible for the abuse thereof." This opaque clause helped the Charles Taylor regime harass the media with a semblance of legitimacy. However, the clause has not been implemented in 2005 by either the transition government or the elected government of Ellen Johnson-Sirleaf with the intent to abuse the rights of journalists. In October 2004, Liberia held a National Conference on Media Law and Policy Reform, during which the participants recommended that the government create an independent regulatory body and adopt more progressive freedom of information legislation. Unfortunately, by year's end neither of these legal reforms had been implemented, but a freedom of information bill adhering to the recommendations of the conference is currently being drafted in the legislature. Nonetheless, access to government information, particularly budget and financial issues, remains difficult owing in large part to the persistence of a disorganized government infrastructure. Strict libel laws also remain an issue, illustrated by an episode in March when a Monrovia court ordered the closure of the private weekly *Forum Newspaper*, a \$200 fine, and the arrest of the newspaper's entire editorial staff for ignoring several court summonses in a libel case.

Wide and relatively unhindered reporting was permitted for both international and local journalists during the November presidential elections, although the ability of local journalists to report accurately and fairly is still restricted by a lack of journalistic training and their inexperience to date with free and fair elections. Nonetheless, in preparation for the election, the minister of information announced in September that all foreign journalists not employed by the United Nations Mission in Liberia (UNMIL) would be required to register with the ministry, particularly during the course of the election. Attacks on and harassment of journalists have decreased significantly from 2004, and no journalist has been jailed in Liberia since 2003. The only significant incidents of physical intimidation were carried out by disappointed pro-George Weah supporters in the wake of the presidential election.

Independent print media have grown significantly since the removal of Taylor, and there are now more than 30 newspapers operating in Monrovia that publish with varying degrees of regularity and provide diverse political

perspectives. A handful of private printing presses opened for the first time in 2005, but owing to the lack of significant private funding, most print media still publish through the state-owned and operated printing facility in Monrovia. Most Liberians rely on radio broadcasts to receive news, and radio currently plays an important role in promoting and consolidating a culture of participation in political life. Over 33 community radio stations now operate throughout the country without government interference, in addition to 1 government-owned station, but most are still hindered by the irregular power supply. Access to foreign broadcasts and the internet is unrestricted by the government but is severely limited by the dire financial situation of most Liberians.

## Libya

Status: Not Free

LEGAL ENVIRONMENT: 29

POLITICAL ENVIRONMENT: 38

ECONOMIC ENVIRONMENT: 29

TOTAL SCORE: 96

Moves by the government of Colonel Muammar Qaddafi to improve its diplomatic standing in the world meant little for the country's long beleaguered press. Libyan journalists continue to operate under some of the most restrictive laws in the world and in an extremely repressive climate. Press freedom, like all other public political activity, is illegal, and harsh laws impose life imprisonment and even death sentences on those who dare cross the regime. A public opponent can face a firing squad if he commits vaguely defined violations such as tarnishing Libya's image abroad or disseminating information that opposes the principles of the constitution. In addition to the existence of such laws, Libya's judiciary does not operate independently.

In June 2005, the body of journalist Dayf al-Ghazal al-Shuhaibi—who had been missing for weeks—was found in a Benghazi suburb. The former reporter for the government-owned *Azahf al-Akhdar* had been shot in the head. After leaving *Azahf al-Akhdar*, al-Ghazal had published material critical of the authorities on London-based websites dedicated to covering Libya, including Libya Alyoum and Libya Jeel. To date, authorities have yet to find the person or persons responsible for al-Ghazal's murder. Abd al-Raziq al-Mansuri, another journalist who wrote critical articles for a London-based website, was found guilty of unlawfully possessing a weapon and sentenced to a year and a half in prison in October (al-Mansuri had been in detention since January). According to the family of the journalist, cited

by Human Rights Watch (HRW), the real reason behind his imprisonment was his critical writing. For the first time, a team from HRW conducted a mission to Libya in May 2005 (Amnesty International was given permission to visit Libya in 2004). HRW concluded that Libya continued to repress and imprison political opponents, even though minor steps have been taken to improve its human rights record.

Libya's print and broadcast media are government owned and publish material in support of the regime and its programs. The use of secret police and informants intimidates journalists and regular citizens alike and has created a pervasive climate of self-censorship. Few have access to news and information from outside the country, but more people are turning to the internet for information, to which authorities have responded by cracking down on online dissent.

## Liechtenstein

Status: Free

LEGAL ENVIRONMENT: 1

POLITICAL ENVIRONMENT: 5

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 13

Freedom of expression is guaranteed under Article 40 of the 1921 constitution. No major press freedom violations were reported in 2005. Liechtenstein has two publicly owned daily newspapers, *Liechtensteiner Vaterland* and *Liechtensteiner Volksblatt*, as well as one Sunday paper, *Liewo*. There is one government-owned radio station, Radio Liechtenstein, which was privately owned until January 2004, when it encountered financial troubles. No local television stations are documented, though satellite television is widely viewed. Because of its small size and shared language, Liechtenstein relies heavily on media from neighboring Austria, Germany, and Switzerland. Internet access is open and unrestricted.

## Lithuania

Status: Free

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 7

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 18

The government generally respects freedom of speech and of the press. Libel remains a crime in Lithuania, and judicial authorities may order a journalist to reveal confidential sources if such disclosure is necessary to

protect other constitutional values. Any form of speech that promotes national or religious hatred is prohibited. In July, the independent daily *Respublika* was fined for publishing a cartoon deemed offensive by the Jewish community. However, Lithuania's supreme administrative court decided in September to throw out the case against *Respublika's* publisher for a different, arguably anti-Semitic and homophobic article published in 2004. The media in Lithuania freely criticize the government, as was evidenced by the coverage of the corruption scandals throughout 2004 and 2005. Prime Minister Algirdas Brazauskas attempted to try television journalist Ruta Grineviciute for slander, but the case was thrown out for lack of evidence. There is a wide variety of privately owned newspapers, and several independent and public television and radio stations broadcast throughout the country. Foreign companies, mainly from Norway and Sweden, invest greatly in the audiovisual media and, to a smaller degree, in the printed press. The government does not limit access to the internet; however, the country's highest court confirmed in September the state's decision to ban an internet site operated by a group of Chechen rebels who claimed responsibility for the 2004 Beslan massacre.

## Luxembourg

Status: Free

LEGAL ENVIRONMENT: 1

POLITICAL ENVIRONMENT: 3

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 11

Freedom of speech and of the press are safeguarded under Article 24 of the constitution; however, Luxembourg does not have freedom of information legislation. In April 2005, the Luxembourg Association of Journalists held a conference on copyright issues to discuss further expanding freedoms that were introduced with the passage of the 2004 Press Protection Law. For a country of its size, Luxembourg has a rich and diverse media whose influence goes beyond its borders. Dailies are printed in Luxembourgish, German, and French, and one weekly publishes in Portuguese. Newspapers represent diverse viewpoints and are privately owned, though state subsidies protect presses from closing. Broadcast media are highly concentrated, dominated by the local group RTL. Luxembourg is also home to the largest European satellite operator. There is one public broadcasting station, CLT. Many broadcasters operate only a few hours a day. There are two national and four regional broadcasters as well as several local radio stations. The internet is open and unrestricted.

## Macedonia

Status: Partly Free

LEGAL ENVIRONMENT: 13

POLITICAL ENVIRONMENT: 20

ECONOMIC ENVIRONMENT: 16

TOTAL SCORE: 49

The Macedonian legal framework contains most of the basic laws protecting freedom of the press and of expression, and government representatives generally respect these rights. That said, libel is a criminal offense, and in 2005 courts revealed they were still willing to apply such laws. In November, Zoran Bozinovski, the editor of Radio Tumba, was found guilty of criminal libel and sentenced to one three-month prison term as well as two six-month suspended prison terms for articles published in *Bulevar* magazine. Television journalist Ira Protuger was sentenced to a three-month suspended prison term for libel. Albanian journalist Rajmonda Malecka was sentenced to five years in prison for her alleged participation in terrorist activities after she interviewed the leader of a paramilitary group. The court of appeals, however, annulled the Skopje court's decision in October. Macedonia remains one of the only countries in the region without freedom of information legislation, although a draft law was proposed in December. In 2005, the Parliament approved a new broadcasting law, covering public service television and radio broadcasting, which stipulates standards and licensing procedures for commercial broadcasters and establishes an independent broadcast council. It remains to be seen how well the government will implement the new law, as authorities have had mixed results implementing other media legislation, such as the Copyright Law, the Telecommunications Law, and licensing regulations.

While the number of libel and defamation cases are of particular concern to press freedom advocates, Macedonian journalists have been relatively free from physical harassment and abuse since 2001. Nonetheless, ethnic tensions sometimes cause problems for the media. For example, in June the Macedonian National Unity, an opposition political party with a Christian Democratic orientation, appealed to television and radio station owners to ban the broadcasting of Serbian music because of the continuous wrangling between the two countries' churches.

The media are becoming increasingly independent and diverse and frequently criticize the government; even so, they are at times constrained by political and commercial pressure. Some observers question the high number of media outlets for a small country—over 150 exist, largely because there is no registration process—which has led to a fragile media

environment with low economic sustainability. Financial constraints hindered pluralism in 2005 when two newspapers—the weekly *Lobi* and the daily *Koha Ditore*—suspended publication, leaving only one Albanian-language newspaper, the daily *Fakti*. Although the newspapers ceased publishing for economic reasons, the government pledged under the 2001 Ohrid peace agreement to provide greater rights for ethnic minorities. Minority-language media have relied primarily on foreign aid, which has not proven to be sustainable. The television and print media are not monopolies, but Macedonian Radio and Television is the only public broadcaster in the country and usually favors the government in its reporting. There are no major state-controlled print media, but private ownership is concentrated, with the German group WAZ owning the three major dailies. Even though the government does not place any restrictions on access to the internet, its usage remains relatively low, at just under 20 percent of the population, owing to lack of access and high prices.

LEGAL ENVIRONMENT: 15

POLITICAL ENVIRONMENT: 19

ECONOMIC ENVIRONMENT: 15

TOTAL SCORE: 49

## Madagascar

Status: Partly Free

Freedom of speech and of the press are protected by the constitution, but strict libel laws are often used against private media outlets unresponsive of the government. In March, Lola Rasoamaharo, publication director of the private daily *La Gazette de la Grande Ile*, was prosecuted under these laws on three separate charges of defamation, including an indictment in response to an article he published investigating corruption by the deputy Speaker of the National Assembly. In total, Rasoamaharo received five months in prison and a \$1,550 fine. Also, James Ramarosaona, editor of *La Gazette*, was sentenced to a month in prison for publishing an audit report accusing a state-owned real estate agency of embezzlement. In May, a correspondent for Radio France Internationale was forced to leave the country when his work permit renewal was refused. No reason was given by the government for this action.

Madagascar has six daily newspapers and a number of weeklies and monthlies; however, because of the low literacy rate, print media are aimed primarily at the French-educated urban elite. The majority of the population receives news through the broadcast media, which the

government continues to monopolize nationwide. Nonetheless, more than 120 privately owned local radio stations and 12 privately owned local television stations have emerged throughout the country, trying to offer a critical voice on political issues. Three radio stations were allowed to reopen this year after being shut down in 2004. Journalists are, on average, poorly paid and subject to bribery from both the government and the opposition. Occasionally, the government also employs strong-arm tactics—including arbitrary censure—to pressure private media outlets to curb their coverage of political issues, causing many journalists to practice self-censorship. The internet is unrestricted by the government, but in 2005 less than 1 percent of the population had access.

## Malawi

Status: Partly Free

LEGAL ENVIRONMENT: 16

POLITICAL ENVIRONMENT: 22

ECONOMIC ENVIRONMENT: 17

TOTAL SCORE: 55

Freedom of speech and of the press are constitutionally guaranteed, although these rights are occasionally restricted in practice. The government does not exercise overt censorship, but freedom of expression in Malawi is threatened in more subtle ways, resulting in some self-censorship. The Protected Emblems and Names Act prohibits insulting the president and threatens violators with fines and prison terms. In March, two journalists—*The Nation's* Mabvuto Banda and Raphael Tenthani of the BBC—were arrested under the Act after writing articles reporting that President Bingu wa Mutharika was not sleeping at the presidential statehouse because it was haunted by ghosts; both were released on bail shortly afterward. In September, Capitol Radio petitioned the high court to declare the Act unconstitutional; the case was pending at the end of 2005. Journalists are also subject to occasional restrictions and harassment, and there have been a number of attacks on the press in recent years, allegedly committed by members of the Young Democrats, a group linked to the ruling United Democratic Front coalition. In January, *Daily Times* reporter Collins Mitka was beaten by Alliance for Democracy (AFORD) supporters while covering an AFORD press conference; AFORD was then a member of the ruling coalition.

The print media represent a broad spectrum of opinion; 10 independent newspapers are available, and of the 8 major papers in circulation, 6 are privately owned and most are editorially independent. However,



the independent media have come under substantial political pressure. In December, the Office of the President and the Cabinet accused five journalists working for independent newspapers of being hired to write articles to discredit President Mutharika and other high-ranking government officials. The state-owned Malawi Broadcasting Corporation (MBC) operates the country's 2 largest radio stations, and there are approximately 15 private radio stations with more limited coverage. State-owned Television Malawi is the country's only television station. State-run media generally adhere to a pro-government editorial line and grant opposition parties more limited access. In December, the MBC did not air an opposition Malawi Congress Party press conference despite the fact that the party had paid for the airtime. Independent radio broadcasters receive no support from the state in terms of advertising revenue, and all equipment must be imported and paid for in dollars. Import duties and high taxes imposed by the state threaten the economic viability of independent commercial broadcasters. There are no restrictions on access to the internet, although with access at less than 1 percent of the population, it is not widely used.

LEGAL ENVIRONMENT: 23

POLITICAL ENVIRONMENT: 24

ECONOMIC ENVIRONMENT: 18

TOTAL SCORE: 65

## Malaysia

Status: Not Free

Malaysian media continue to be constrained by significant legal restrictions and other forms of intimidation. The constitution permits limitations on freedom of expression, and the government imposes them in practice, ostensibly to protect national security and public order. The Printing Presses and Publications Act (PPPA) requires all publishers and printing firms to obtain an annual operations permit, which can be withdrawn without judicial review. Authorities have shut down or otherwise circumscribed the distribution of some pro-opposition media outlets under the PPPA. With respect to electronic media, the information minister decides who can own a broadcast station and the type of television service suitable for the Malaysian public via the 1988 Broadcasting Act. The Official Secrets Act, Sedition Act, and harsh criminal defamation legislation continue to impose restrictions on the press and other critics. Local media watchdog groups such as Charter 2000 continue to campaign for the repeal of these and other laws that repress freedom of expression, including the Internal Security Act, the Emergency (Public Order and Prevention of Crime) Ordinance, the

Essential (Security Cases) Regulations, and the Universities and University Colleges Act. The latter law was invoked in December to punish journalism student Ali Bukhari Amir, whose stories on campus politics were published in the Islamic opposition party's newspaper, *Harakah*.

Self-censorship in the Malaysian media is entrenched through a history of political interference in media coverage of issues considered by the government to be "sensitive" and against the national interest. Thus the real threat for journalists does not come so much from professional sanctions as from a learned caution against expensive defamation suits, sackings, media closures, media bans, and unannounced interrogation by the Ministry of Internal Security for any "mishandling" of information. Two editors from *China Press*, the second-highest circulated Chinese daily in the country, were forced to resign after publishing a leaked video clip of police abuse of a woman, alleged to be a Chinese national, who was forced to squat in the nude. The woman was later ascertained to be a Malaysian. The story compelled Malaysia to apologize to China, and in December the new Ministry of Internal Security, which has powers to issue, revoke, or change the terms of printing and publishing licenses, ordered *China Press* to show cause for its false reporting. The U.S.-based *Epoch Times*, a pro-Falun Gong Chinese-language weekly printed in Indonesia, was banned in June and July for what the National Security Bureau said presented a negative view of China at a time when Malaysia was improving bilateral ties with China. The case of Screenshots blogger Jeff Ooi, who was threatened with prosecution in 2004 for allowing a reader's post on his website that was critical of the moderate vision of Islam promoted by the ruling party, remains under investigation, and Ooi was questioned again by police in February.

Political parties and businesspeople or companies close to the ruling coalition own or control all eight major daily newspapers. This type of patronage of the media via editors' affiliation with government and corporate leaders continues to hamper investigative reporting of public affairs and also contributes to self-censorship. Both the print and broadcast media's news coverage and editorials generally support the government line, although there has been somewhat greater criticism of official policy in the mainstream print press in recent years. Foreign publications are subject to censorship, and the distribution of issues containing critical articles is frequently delayed. The internet has minimized the government's monopoly of information and bolstered the average Malaysian's access to alternative information sources. Highly critical blogs by Malaysian standards, such as Screenshots and Sangkancil, online news sites like Malaysiakini, and media

watchdogs such as Aliran and the Center for Independent Journalism have so far been able to operate since Abdullah Badawi took over as prime minister in 2003, although they are subject to repeated instances of harassment at the hands of authorities.

## Maldives

Status: Not Free

LEGAL ENVIRONMENT: 24

POLITICAL ENVIRONMENT: 27

ECONOMIC ENVIRONMENT: 19

TOTAL SCORE: 70

Freedom of expression and of the press are not provided for in the constitution and are generally not respected by the government in practice. The penal code bans speech and publications that threaten national security, insult Islam, or could “arouse people against the government,” while other regulations make editors criminally responsible for the content of the material they publish. The press council, which is composed of lawyers, media representatives, and government officials, is mandated with reviewing lapses of journalistic conduct. The law allows authorities to shut newspapers and sanction journalists for articles containing unfounded criticism of the government. Of the four employees of the internet magazine *Sandhaanu*, who were arrested in 2002 and sentenced to lengthy prison terms, one escaped from prison and remains in exile, two were released into house arrest, and one was pardoned and released in May.

Employees of the independent pro-opposition news organization *Minivan News* faced repeated harassment from authorities during 2005. Journalists affiliated with the group were arrested while they attempted to cover news stories and by year’s end seven of a total of fifteen staff had been investigated or detained on a variety of alleged charges including incitement, drugs possession, seditious activity, arms trafficking, and ties to Islamist extremism. In addition, a number of journalists were arrested and imprisoned during and after the August civil protests. In this environment, many journalists practice self-censorship and remain reluctant to overtly criticize official policies.

All broadcast media are government owned and operated, while relatives or close associates of the president control three of the four main daily newspapers, and these media outlets generally provide pro-government views. An online opposition publication, *Minivan News*, was allowed to begin publishing a print version in the Maldives in July, but after the August protests, the printing house refused to continue publishing it under pressure

from the authorities. Groups of Maldivian exiles run independent news outlets in the U.K. and Sri Lanka and attempt to transmit news into the Maldives via short-wave radio stations and websites. Although the country's sole internet service provider is state-owned, internet access is generally not restricted. However, the websites of the opposition Maldivian Democratic Party and other news websites have been blocked by the government and are inaccessible from internet cafés in Male, and internet connectivity has on occasion been suspended.

LEGAL ENVIRONMENT: 6

POLITICAL ENVIRONMENT: 10

ECONOMIC ENVIRONMENT: 8

## Mali

Status: Free

TOTAL SCORE: 24

Despite its status as one of the poorest nations in the world, Mali is home to a press that is among the freest in Africa. The constitution protects the right to free speech, and the government generally respects this right in practice. Nonetheless, severe punishments for libel still exist under a 1993 law that criminalized slander. Legislation passed in 2000 reduced the maximum penalty for those convicted, but the accused still remains guilty until proven innocent. Journalists are occasionally subject to harassment, particularly when covering cases of government corruption. In July of this year, Hamidou Diarra, a journalist with Radio Keledou, was abducted and severely beaten by a group of unknown assailants. It is suspected that the attack was linked to Diarra's frequent criticisms of Malian politicians on his national radio program, but no charges had been filed by the end of the year.

In general, the government strives to guarantee both an open environment for the media and universal access to information. It has funded the establishment of community radio stations that broadcast in local languages for the benefit of Mali's sizable illiterate population. Today, there are more than 100 private radio stations and over 50 independent newspapers, many of which openly criticize the government. The country's only television station remains under the control of the government but provides balanced political coverage. Access to foreign media and to the internet is unrestricted by the government, though in practice both are accessible only to the very wealthy or well connected.

## Malta

Status: Free

LEGAL ENVIRONMENT: 2  
 POLITICAL ENVIRONMENT: 7  
 ECONOMIC ENVIRONMENT: 9  
 TOTAL SCORE: 18

The constitution guarantees freedom of speech and of the press but also restricts those rights under a variety of circumstances. Malta bases its laws on the European model but is one of only three European Union members not to have freedom of information legislation. There are at least five daily and two weekly newspapers operating in both Maltese and English. Political parties, private investors, and the Catholic Church all have direct investments in broadcasting and print media that openly express partisan views. In 2004, the broadcasting authority fined an independent television station for broadcasting an interview with an independent candidate for the European Parliament on the grounds that his statements could have incited racial hatred. The station sought judicial review of the authority's decision, and the case was still ongoing at the end of 2005. In September, the Institute of Maltese Journalists alleged that photographers and camera operators were censored when they were stripped of their equipment during a riot at the Maltese National Stadium of Ta' Qali. Local and international television and radio stations are widely viewed. The internet is unrestricted and is used by more than 75 percent of the population.

## Marshall Islands

Status: Free

LEGAL ENVIRONMENT: 1  
 POLITICAL ENVIRONMENT: 6  
 ECONOMIC ENVIRONMENT: 8  
 TOTAL SCORE: 15

The Bill of Rights in the constitution provides for freedom of speech and of the media, and the government generally respects these rights in practice. The Marshall Islands do not have freedom of information legislation, however, and the government has proven uncooperative in granting access to state information. During the year, the government reversed its prior decision to deny a local nongovernmental organization, Women United Together in the Marshall Islands, the right to broadcast outreach programs on violence against women on the state-run radio station. Although the government does not often actively restrict the media, the lack of both an integrated communications infrastructure and government funding serves to limit the dissemination of information. The

Marshallese receive most of their news from the only weekly newspaper, the independent *Marshall Islands Journal*, and the national radio station, V7AB, both of which offer diverse viewpoints. However, independent media outlets seem to be growing with the birth of new privately owned radio and television stations. The Marshall Islands have a little over 2,000 internet users, and the government does not place any restrictions on their access.

LEGAL ENVIRONMENT: 19

POLITICAL ENVIRONMENT: 20

ECONOMIC ENVIRONMENT: 18

## Mauritania

Status: Partly Free

TOTAL SCORE: 57

**Status change explanation:** Mauritania's rating improved from Not Free to Partly Free to reflect a relaxation of draconian press laws as well as an opening of the state and private media under the transition government.

Since its inception in 1991, the constitution of Mauritania has provided for freedom of speech and of the press. However, the protection that this has afforded journalists was severely limited by a highly restrictive press code and its famous Article 11, under which the Ministry of the Interior was able to ban and censor newspapers for articles that violated public security, threatened national unity, or contradicted Islam. These restrictive laws were invoked regularly by President Maaouiya Ould Sid Ahmed Taya's administration, and journalists were frequently subject to arbitrary arrest and detentions. However, in August 2005 a group of military officers overthrew the presidency in a bloodless coup while President Taya was out of the country and formed a military council to govern the country in a two-year transition to democracy.

Led by Colonel Ely Ould Mohammed Vall, the new regime has promised a number of reforms to both the draconian press laws and the environment in which journalists must practice. The military council has established the National Commission for Press Reform to address these issues, but the newly formed body has yet to produce any concrete results. Among the reforms promised are the opening of the radio and television sectors, which to date have been monopolized by the government, and the opening of the state-owned media to opposition leaders and a variety of other political opinions. Colonel Vall has followed through on some of these promises by declaring Article 11 obsolete and permitting Radio

France Internationale (RFI) to resume its FM broadcasts in December of this year. RFI had been banned from broadcasting in Mauritania since October 2000 by Taya's administration.

Several journalists were arrested this year. Since the coup Moulaye Nalim, director of the weekly newspaper *Points Chauds*, and his assistant were both arrested under the penal code for allegedly publishing pornographic images taken at the Nouakchott Civilian Prison. The new government has not expressed any intention of reforming this penal code, under which journalists are subject to one to three years in prison for such publications.

The government continues to own 2 daily newspapers, and approximately 24 privately owned newspapers were able to publish on a regular basis. However, the government owns and operates all broadcast media, including radio, which is the most important source of information for the public. Internet access is available and has been unrestricted by either the former or the transition government, but less than .5 percent of the population has the means to access it. Significant improvements—particularly in the legal and political environment for the media—have been made since August, and more are promised, but we have yet to see whether the new regime understands the real implications of a genuinely free press.

LEGAL ENVIRONMENT: 6

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 12

TOTAL SCORE: 26

## Mauritius

Status: Free

Press freedom is guaranteed by the constitution and is respected in practice. Strict libel laws exist but have not been used by the government to inhibit the media, though private libel suits are common. A dozen private daily and weekly newspapers publish throughout the country in a variety of languages. Some of these papers—among them *L'Express*—have long been respected for their unbiased coverage and critical eye. The government maintains a monopoly over local broadcasting stations that generally reflect the party line, but private national radio stations have begun to emerge since their legalization in 2002. In preparation for the elections in July of this year, the Independent Broadcasting Authority took measures to ensure equal media coverage for all political parties and candidates. Several international broadcast news stations are available, and the internet is unrestricted and widely used for an African nation at 14 percent of the population, but access is controlled by a single service provider.

## Mexico

Status: Partly Free

LEGAL ENVIRONMENT: 13

POLITICAL ENVIRONMENT: 22

ECONOMIC ENVIRONMENT: 13

TOTAL SCORE: 48

The law provides for freedom of the press, but there were few positive developments in 2005. The Senate approved a law to protect the confidentiality of sources, and journalists fought for the right to access public records. In Mexico City, legislators extended the types of government records available to the public under local access to information legislation. However, the state's failure to reestablish democratic authority eroded press freedom more than any year since the Institutional Revolutionary Party regime left power in 2000. Concerns stemmed from the inability to control drug trafficking, powerful broadcasters' attempts to capture state regulatory capacity, and the selective enforcement of authoritarian press legislation.

State-level politicians used weak judiciaries and criminal defamation cases to punish journalists whose work irked them. The most infamous case involved journalist and human rights activist Lydia Cacho. Cacho, who published a book alleging the involvement of important businessmen in a child prostitution ring, was detained December 16 in Cancun and driven incommunicado for 680 miles to Puebla to face defamation charges. She was held for 30 hours before being brought before a judge and faces up to four years in prison. Broadcast recordings of conversations between a businessman and Puebla's governor indicate they plotted to harass the journalist. In another conversation, the businessman suggested to an associate that Cacho be assaulted in prison. In a separate case, columnist Isabel Arvide awaited sentencing on a criminal defamation conviction in Chihuahua state.

The year proved as lethal as 2004, with 54 complaints of violence against the media being filed to the Comision Nacional de los Derechos Humanos by July. On July 18, 31 staff members from the newspaper *Noticias* were forced to evacuate their building as attackers destroyed their equipment under police observation. In a spate of attacks in April, newspaper reporter Alfredo Jimenez Mota disappeared in Sonora and is feared dead. Radio reporter Guadalupe Garcia Escamilla was fatally shot in Tamaulipas, while Veracruz newspaper owner Raul Gibb was murdered several days later. The first two cases were related to drug reporting, and the third may also have been. Journalists in the most conflict-ridden areas said they received both bribe offers and threats from traffickers. In zones along the U.S. border, journalists regularly censored themselves as a result of intimidation, even about high-level crime and corruption. On the other hand, journalists organized like never before,



demanding federal investigations during marches throughout the country. Newspaper executives pledged to publish joint investigations of the crimes. President Vicente Fox promised to create a federal prosecutor for crimes against journalists, given the ineffectiveness of state-level officials.

Lack of competition is most notable in the broadcast television industry, where the state has failed to promote diversity. The major networks, Televisa and TV Azteca, together control about 95 percent of the viewing audience and 99 percent of the television advertising market. Televisa is the dominant player with about 75 percent of the market share for advertisements. The network flexed its muscles in December when the lower house of Congress unanimously passed a law that critics say squeezes smaller players from the broadcast and cable markets, allows the government to award free digital concessions to current broadcast concession holders, extends concessions 40 years, fixes the regulatory body so that the incoming president cannot appoint new members, and weakens noncommercial radio. The initiative was stopped in the Senate by a coalition of academics, those who hoped to enter expanding markets, and noncommercial broadcasters, but taped conversations between Televisa lobbyists and key senators suggested incentives and arm-twisting might overcome resistance. None of the major presidential candidates, all of whom need Televisa coverage to win the July election, have criticized the network. Little independent local television production exists, and interference in state-owned local television is relatively high. Although radio is more diverse and competitive than television, the major chains led by Televisa moved to crowd out smaller competitors. Diversity in the print media is robust in Mexico City, and most state capitals have at least one newspaper that has taken steps to separate commercial and editorial interests. Owners' interests influence news depending upon their business model and journalistic philosophy, and some reporters complain that press assertiveness on political corruption has waned. The internet is open and unrestricted by the government, with approximately 17 million users documented in 2005.

LEGAL ENVIRONMENT: 1

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 11

TOTAL SCORE: 20

## Micronesia

Status: Free

Article 4, section 1 of the constitution guarantees that no law may deny or impair the right to freedom of expression, peaceable association, or petition.

Although the government generally respects these rights in practice, a weak economy, considerable distance among Micronesia's four island states, and a small advertising base have resulted in limited media ownership. The newspaper with the broadest reach is the state-run *Kaselehlie Press*, which is published biweekly and is available throughout the country. While often distributed irregularly, independent weekly and monthly newspapers and bulletins are also published in the states of Yap, Kosrae, and Pohnpei. Each of the four state governments has radio stations that often include news and sessions of the state legislatures in the local language. However, harsh weather conditions and technical difficulties interfered with government radio broadcasting in both Yap and Chuuk for most of the year. Media from outside the country are more prevalent than internal sources of news and information, and access to international satellite broadcasts continues to grow. The government places no restrictions on access to the internet, and over 10 percent of Micronesians were reported to have had access in 2005.

LEGAL ENVIRONMENT: 20

POLITICAL ENVIRONMENT: 25

ECONOMIC ENVIRONMENT: 20

TOTAL SCORE: 65

## Moldova

Status: Not Free

Despite legal provisions protecting freedom of the press, the government often restricts these rights. Although libel is no longer punishable with imprisonment, courts can impose unlimited fines for libel convictions, promoting self-censorship. In July, the Russian-language newspaper *Moldavskie Vedomosti* was convicted of libeling the head of a state-owned company and ordered to pay \$2,000. The newspaper appealed the ruling with the European Court for Human Rights, where it remained pending at year's end along with other similar cases. The Association for Independent Press filed lawsuits against the State Chancellery and the Ministry of Foreign Affairs for being denied access to information and won. The Audiovisual Coordinating Council in October suspended the license of a media group to rebroadcast a Russian news channel. In February, independent television TV-26 and radio station Vocea Basarabiei filed a complaint against the council for violating broadcasting rules after it prohibited a planned merger to create a nationwide independent radio. The council is often criticized for its lack of independence.

During the run-up to the March elections, President Vladimir Voronin and the ruling Communist Party manipulated the media to ensure

Voronin's reelection. The council increased the range of pro-government stations, and public broadcasters were biased in their coverage, while the Justice Ministry refused registration to opposition-run newspapers. Local organizations reported that state-financed institutions were told to subscribe to state-influenced publications. Following international pressure, the Central Election Commission revised the electoral regulations and increased public airtime for opposition members. However, the new regulations were approved only two weeks before the elections.

In the separatist Transnistria region, media are restricted and politicized. There are few independent outlets; most are controlled, owned, or funded by the Transnistrian authorities. In February, Moldovan authorities on the border stopped newspaper deliveries going in and out of Transnistria. Print media are required to register with the local Ministry of Information instead of the Moldovan authorities.

Print media were able to express diverse political and public views throughout the year. Broadcast media were weaker, as there is little private local broadcasting and most programs are rebroadcast from either Romania or Russia. Most private media are dependent on government subsidies since foreign funding is prohibited. However, publications were able to receive funds through foundations created by foreign governments. The government frequently used financial measures to harass the media. In June, financial police officers ransacked the offices of a Russian-language weekly. The government-owned Teleradio Moldova continued its transformation into a public broadcaster. There were reports of politically motivated dismissals, and the broadcaster maintained a bias toward the government. Foreign publications were available in low circulation. Authorities do not control internet access, although internet services are limited owing to an underdeveloped telecommunications infrastructure.

LEGAL ENVIRONMENT: 3

POLITICAL ENVIRONMENT: 7

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 16

## Monaco

Status: Free

Freedom of expression is guaranteed under Article 23 of the 1962 Monegasque constitution. However, it is prohibited by law to publicly denounce the ruling family. This exception is generally observed by the media. Monaco has two weekly newspapers, the government-produced *Journal de Monaco* and *Monaco Hebdo*. Because of its close ties to France,

French dailies are available, as are French television and radio broadcasts. Monaco has one government-run television station, one privately owned English-language radio station, Riviera Radio, and the government-run Radio Monte-Carlo, which broadcasts in several languages both in and outside of Monaco. The internet is available and unrestricted.

## Mongolia

Status: Partly Free

LEGAL ENVIRONMENT: 11

POLITICAL ENVIRONMENT: 12

ECONOMIC ENVIRONMENT: 11

TOTAL SCORE: 34

Freedom of speech and of the press are protected by law in Mongolia, and the government generally respects these rights in practice. Censorship of public information is banned under the 1998 Media Law, which also prohibits the government from owning or financing media outlets. The State Secrets Law limits access to government information to a degree, as many archived historical records have been given a classified status. Government officials have at times filed libel suits against media or launched tax audits against publications in the wake of critical articles. Libel charges are hard to defend against, because Mongolian law places the burden on the defendant to prove the truth of the statement at issue. To avoid being sued for libel, many independent publications practice a degree of self-censorship.

The government monitors media content for compliance with antiviolence, antipornography, and antialcohol content restrictions as well as compliance with tax laws. While no direct government censorship exists, journalists complain of indirect forms of censorship such as harassment and intimidation. In preparation for the 2005 presidential elections, the Mongolian Journalists Confederation issued ethical guidelines on election coverage, including the need to provide balanced coverage of the candidates and to refrain from accepting bribes for coverage.

Although independent print media outlets are common and popular in cities, the main source of news in the vast countryside is the state-owned Radio Mongolia. However, state-owned media are generally free of political control. The government is slowly implementing a 1999 law requiring state broadcast media to be transformed into public corporations. In October 2005, the coalition government announced plans to convert Mongol TV and Radio into a public broadcasting entity. Mongolians have access to local, privately owned television stations, English-language broadcasts of

the BBC and Voice of America on private FM stations, and, in the capital city of Ulan Bator, foreign television programming via cable and commercial satellite systems. In this country of 2.5 million, only 220,000 people are internet users, a number calculated at less than 10 percent of the population. Owing to widespread poverty in Mongolia, the internet has yet to serve as a significant source of information.

LEGAL ENVIRONMENT: 22

POLITICAL ENVIRONMENT: 22

ECONOMIC ENVIRONMENT: 17

## MOROCCO

Status: Not Free

TOTAL SCORE: 61

While Morocco's young independent press has been bold and aggressive in its coverage of issues once considered taboo, authorities have fought back zealously to punish journalists deemed enemies. Ostensibly, Moroccans are afforded freedom of expression by the constitution, but the Press Law, which was amended in 2002, defies that guarantee. It is illegal to criticize Islam, the king, and the royal family. It is also illegal to publish anything that challenges Morocco's "territorial integrity," which is an indirect reference to the Western Sahara, which Morocco has controlled for three decades. Those who violate the law are subject to heavy fines and lengthy prison sentences. The Antiterrorism Law passed after the 2003 Casablanca terror attacks also has serious implications for the press, as it contains broad language criminalizing the dissemination of material deemed to support terrorism. Several journalists have been prosecuted under this law.

In March 2005, Nabil Benabdallah, Morocco's minister of information, announced that the harsh press legislation used to harass and prosecute journalists would be amended to ensure that journalists were no longer imprisoned for press offenses. But at year's end, not only had the laws not been changed, but several journalists had been prosecuted under them. In April, independent journalist Ali Lmrabet, who has for years been a thorn in the side of Moroccan authorities, was sentenced by a criminal court to a 10-year ban on practicing journalism. The journalist had written an article published in the Spanish daily *El Mundo* in November 2004 that referred to the Sahrawi people in Tindouf, Algeria, as refugees (the Moroccan government holds the position that the Sahrawis of Tindouf are held against their will by the Polisario, the Western Sahara independence movement). The case was a glaring reminder that Morocco's judiciary does not operate independently and is subject to government pressure.

Other journalists who were prosecuted by authorities include Ahmed Benchemsi and Karim Boukhari, managing director and editor, respectively, of the independent French-language weekly *Tel Quel*. In August, Benchemsi and Boukhari were given two-month suspended prison sentences and ordered to pay damages of \$110,000 to a member of parliament who sued the magazine for defamation. Two months later, a criminal court levied another heavy financial punishment against the magazine (\$96,000) when it found Benchemsi, as director of the publication, guilty of defaming a Moroccan child relief agency after the magazine published a story about a police investigation into financial mismanagement at the agency. These heavy financial penalties, meant to put independent publications out of business, are the main economic means used by authorities to control the press.

Foreign journalists can work with relative freedom in Morocco, but authorities are as sensitive with the foreign press as they are with local journalists when it comes to covering the Western Sahara issue. Authorities accompany foreign reporters covering the Western Sahara, and over the years journalists who have reported from the region independently or angered authorities by interviewing people calling for the independence of the Western Sahara have been thrown out of the country. Though it is technically legal to establish private television or radio stations, there has been little movement to do so. Local broadcast media are overwhelmingly state owned and supportive of the government. Although the internet is not tightly monitored or controlled, its penetration in Morocco is low.

LEGAL ENVIRONMENT: 12

POLITICAL ENVIRONMENT: 17

ECONOMIC ENVIRONMENT: 14

TOTAL SCORE: 43

## Mozambique

Status: Partly Free

The 1990 constitution provides for press freedom but restricts this right according to respect for the constitution, human dignity, the imperatives of foreign policy, and national defense. Some journalists have alleged that the Higher Council of Social Communication, a press legislation enforcement body dominated by the ruling party, has attempted to promote self-censorship among members of the press. Criminal libel laws are sometimes used to prosecute media outlets for defamation; seven suits for defamation and libel were brought against newspapers in 2005. While defamation of the president is illegal, no journalists were charged with this violation during the year. In August, the government presented a draft Freedom of

Information law, the product of five years of consultations with journalists and press freedom advocates.

Journalists continue to be subject to threats, harassment, and detention at the hands of officials and nonstate actors. In January, television journalist Jeremias Langa was kidnapped and threatened with death by unidentified assailants for his political reporting. Police were also complicit in other instances of harassment: in February two journalists from the Beira daily *Diário de Mocambique* were detained after photographing a police operation; and in June, Luis Muianga, a photojournalist with *Zambeze*, was beaten by police in Maputo. Developments concerning the 2000 murder of prominent journalist Carlos Cardoso continued in 2005. Anibal Antonio dos Santos Jr., convicted of Cardoso's murder, returned to Mozambique after being apprehended in Canada in January following his escape from a Maputo prison in 2004; dos Santos's retrial began in December. In March, journalists were barred from covering a libel trial connected to the murder. The Media Institute of Southern Africa condemned the barring.

The private media have enjoyed moderate growth in recent years, and independent newspapers routinely provide scrutiny of the government. However, publications in Maputo have little influence on the largely illiterate rural population. The state owns or influences all of the largest newspapers and also controls nearly all broadcast media. While state-owned media—including broadcast outlets Radio Mozambique and Televisao de Mozambique and the national daily *Noticias*—have displayed greater editorial independence, the opposition still receives inadequate coverage. Internet access is unrestricted, though only a fraction of the population has access because of a scarcity of electricity and computers.

LEGAL ENVIRONMENT: 8

POLITICAL ENVIRONMENT: 10

ECONOMIC ENVIRONMENT: 12

TOTAL SCORE: 30

## Namibia

Status: Free

Namibia's constitution guarantees freedom of speech and of the press, and the government generally respects these rights in practice. The country's press is considered one of the freest on the continent. Independent media routinely criticize the government, though government pressure and sensitivity to negative coverage have led to some self-censorship. The Freedom of Information Act, introduced in 1999 as a fundamental component of the government's anticorruption initiative, remained

ineffectual until 2005. According to local journalists, the legislation, which was intended to improve access to information in both the public and private sectors, may soon begin to play a more active role in combating the corruption that it was originally designed to address.

The most serious media restrictions in Namibia have been isolated incidents in which the government has canceled advertisements in a few newspapers for their supposedly critical coverage. In addition, some restrictions have been sought in media coverage of the mass trials of accused secessionists from the Caprivi region. In December, the youth league of the ruling SWAPO party called for restrictions on “cancerous, racist, and parasitic media operators” after some newspapers reported critically on former president Sam Nujoma’s role in a 1989 battle with South African forces.

Eight newspapers are in circulation, six of which are privately owned. There are at least 11 private radio stations and 2 private television stations that broadcast in English and German. A subscription satellite television service broadcasts CNN, BBC, and a range of South African and international news and entertainment programs. In October, the Katutura Community Radio station—the country’s “foremost grassroots outlet,” according to the International Press Institute—began to broadcast again after being forced to shut down because of financial issues. Private radio stations and newspapers usually operate without official interference, but reporters for state-run media have been subjected to indirect and direct pressure to avoid reporting on controversial topics. While many journalists insist that the state-run Namibia Broadcasting Corporation enjoys complete freedom to criticize the government, others believe that it is biased toward the ruling party. Although Nujoma appointed himself minister of information and broadcasting for a period in 2004, no significant problems were experienced during his tenure. There are no government restrictions on the internet, and several print publications have popular websites.

LEGAL ENVIRONMENT: 4

POLITICAL ENVIRONMENT: 13

ECONOMIC ENVIRONMENT: 13

TOTAL SCORE: 30

## Nauru

Status: Free

Freedom of the press is guaranteed in the constitution and is generally respected by the government. There is no freedom of information legislation, however, and the authorities were not cooperative in providing public access to government information. In 2005, the government



continued to deny entry visas to foreign journalists and representatives of foreign nongovernmental organizations wishing to gain access to the island's Australian-run refugee processing and detention center. Environmental challenges, a poor communications infrastructure, and a failing economy have limited the country's media scene. There are no daily news publications or privately owned newspapers. The government publishes the weekly *Nauru Bulletin*, the fortnightly *Central Star News*, and the *Nauru Chronicle*, while the opposition publishes a newsletter, the *People's Voice*. The government operates the only television and radio stations, which carry broadcasts from Radio Australia, the BBC, and New Zealand television. Internet access remains limited owing to incomplete satellite service but is unrestricted by the government.

LEGAL ENVIRONMENT: 23

POLITICAL ENVIRONMENT: 35

ECONOMIC ENVIRONMENT: 19

TOTAL SCORE: 77

## Nepal

Status: Not Free

Conditions for the Nepali media, which had already been poor as a result of the escalation of the Maoist insurgency in 2001, deteriorated sharply after a “palace coup” on February 1, 2005 in which King Gyanendra Bir Bikram Shah Dev dismissed the government, assumed executive powers, and imposed a state of emergency. In the crackdown that followed, hundreds of political leaders and activists were arrested and detained, while rights to freedom of expression, movement, and assembly were severely curtailed. The ability of journalists, human rights defenders, and other civil society actors to work effectively was particularly compromised.

The 1990 constitution provides for freedom of expression and specifically prohibits censorship and the closure of media outlets. However, both the constitution and the Press and Publications Act allow for restrictions on speech and writing that could undermine the monarchy, national security, public order, or interethnic or intercaste relations, and antiterrorism legislation permits authorities to detain for renewable six-month periods individuals suspected of supporting the Maoists. Journalist Maheshwar Pahari, who had been arrested in January 2004 under this legislation, died in custody in October 2005 after authorities refused to provide him with the necessary medical treatment for tuberculosis.

As part of the state of emergency, censorship was imposed (including the posting of army personnel in media premises and prepublication

vetting of news articles), private radio stations were banned outright from broadcasting any news, and other media outlets were banned from reporting critically on government activities or the insurgency. In addition, a number of prominent editors were arrested and detained during the crackdown. According to the 2005 report by the Kathmandu-based Center for Human Rights and Democratic Studies (CEHURDES), dozens of journalists were arrested, detained, and subjected to threats or interrogation in the months following, while media outlets suffered raids and other extralegal action. A restrictive press ordinance announced in October gave the government the power to revoke journalists' press accreditation and to impose high fines for publishing banned items; permanently barred private radio stations from broadcasting news; criminalized criticism of the royal family; and restricted media cross-ownership. In November, the Supreme Court refused to block the media ordinance despite the petitions of a number of local groups asking that it be suspended.

Although self-censorship is a growing concern, journalists and local press freedom organizations and workers groups have been at the forefront of resisting the king's assault on freedom of expression and other democratic rights more generally. These groups organized a number of demonstrations demanding the restitution of their rights in addition to pressing the Supreme Court to uphold media freedom in several legal challenges to official ordinances and threats against journalists and specific media outlets such as Kantipur FM.

Apart from the additional restrictions imposed during and after the crackdown, the ability of the Nepali press to operate freely, particularly in rural areas, remains seriously constrained by both government forces and the Maoists. Journalists suspected of pro-Maoist leanings or who produce material critical of the government are regularly arrested and detained by police and security forces, and a number have reportedly been subjected to harassment, torture, and occasionally subjected to death. Reporters trying to cover events such as antigovernment demonstrations have also been victims of beatings or other harassment by the police. Media professionals are also under constant pressure from the Maoists; reporters are regularly abducted and threatened and often expelled from rebel-held areas. In November 2004, the Maoists imposed a reporting ban in five western districts and put into place provisions that required journalists to obtain permission from local Maoist leaders before reporting from the area. Suspected Maoists shot Khagendra Shrestha in March; the editor of the *Dharaan Today* daily died of his injuries two weeks later.

The government owns several of the major English-language and vernacular dailies; these news outlets generally provide pro-government coverage. A range of private publications, some of which have traditionally covered sensitive issues such as the role of the monarchy, human rights violations, the insurgency, and corruption, continue to operate, but their ability to provide critical reports has been severely compromised by the range of factors noted earlier. The government owns both the influential Radio Nepal, whose political coverage is supportive of official policies, and NTV, Nepal's main television station. Private radio stations, which flourished prior to the coup, have come under severe strain, as has the privately owned print press. Although the internet is generally unrestricted, after the February coup access to both the internet and other forms of communication (including telephone lines) were shut down across Nepal, and access to satellite television and foreign broadcasts was restricted or censored—although some (but not all) Indian stations were allowed to resume broadcasting in June. Under government instructions, privately run internet service providers have blocked access to the Maoists' website since February 2004. In an already difficult economic environment, the viability of media outlets was threatened by the March decision to cut official advertising from all private media outlets. Meanwhile, as a result of the blanket censorship and news bans, more than 2,000 journalists were estimated to have lost their jobs during the year, thus adding to workers' hardship. In contrast, pro-palace journalists have been rewarded by government handouts.

## Netherlands

Status: Free

LEGAL ENVIRONMENT: 1

POLITICAL ENVIRONMENT: 6

ECONOMIC ENVIRONMENT: 4

TOTAL SCORE: 11

The country's media are free and independent. Restrictions against insulting the monarch and royal family exist but are rarely enforced. At times, journalists protested against authorities' actions that they claimed hindered press freedom, such as police restricting access when they arrested a local television camera crew for allegedly filming in prohibited areas. In July 2005, Mohammed Bouyeri, the radical Islamist who killed controversial filmmaker Theo van Gogh in 2004, was sentenced to life imprisonment. Following the murder, authorities criticized the media for inciting racial

intolerance, and Dutch leaders contemplated invoking a seldom-used law banning blasphemy. Van Gogh's collaborator, Dutch Liberal Party parliamentarian Ayaan Hirsi Ali, continued to work on films examining discrimination in Muslim societies despite threats to her life. Owing to security concerns, the names of the actors are not being divulged and will be obscured when the films are released. Despite a high concentration of newspaper ownership, a wide variety of opinion is expressed in the print media. In a remnant of the traditional "pillar" system, the state allocates public radio and television programming to political, religious, and social groups according to their membership size. The television market is competitive, and viewers have access to diverse domestic and foreign broadcasts. Internet access is not restricted.

## New Zealand

Status: Free

LEGAL ENVIRONMENT: 2

POLITICAL ENVIRONMENT: 5

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 13

The news media in New Zealand generally enjoy a level of freedom shared by few other Commonwealth countries. Although democratic traditions have been strengthened in recent years by reforms such as the Official Information Act and Bill of Rights Act, there are still concerns that these rights remain relatively fragile. Early in 2005, members of parliament attempted to banish TV cameras from the legislature in a blatant attack on public rights. Investigative reports in the *Sunday Star-Times* and the independent Scoop website claiming that the country's Security Intelligence Service had spied on indigenous Maori groups and individuals for political purposes were dismissed by an official inquiry. During the 2005 general election campaign, leading current affairs host Sean Plunker was suspended after a "confrontational" interview with a minority opposition Green Party leader, Jeanette Fitzsimons. A controversial court ruling at the start of the election campaign forced a television network to open up an election policy debate that excluded two party leaders; a court later ruled that the network had to accommodate the two leaders. In spite of a culture of more open government established since the Official Information Law was enacted in 1982, critics have concerns about a perceived bias against disclosure of archives to the media.

Four companies, all foreign owned, continue to control a significant portion of the country's print media sector. Australia's John Fairfax

Holdings owns almost 48 percent of New Zealand's daily newspaper circulation. The country's largest daily, the *New Zealand Herald*, and a significant slice of smaller provincial and suburban newspapers are owned by the rival Australian Provincial Newspapers group, while the Australian Consolidated Press dominates New Zealand magazines. The state-owned corporation Television New Zealand dominates television with two free-to-air channels and was increasingly at the center of controversy over management issues. Maori Television Service, a bilingual second public broadcaster, had a successful debut broadcasting in English and Maori. As of December 2005, there were a reported 3.2 million internet users, or roughly 75 percent of the population. The internet is open and unrestricted.

## Nicaragua

Status: Partly Free

LEGAL ENVIRONMENT: 14

POLITICAL ENVIRONMENT: 18

ECONOMIC ENVIRONMENT: 12

TOTAL SCORE: 44

The administration of President Enrique Bolanos, who took office in 2002, tolerates criticism and diverse views expressed by the media. The constitution from the Sandinista era, which provides for freedom of the press, allows some forms of censorship. Although presidents have not used those powers since the 1980s, no efforts have been made to reform this legal framework. Judges are often aligned with political parties and some have restricted reporters from covering certain stories; cases of judicial intimidation have also been reported. New initiatives to promote access to information were discussed, but the political will needed to approve a law was lacking. At the end of the year, a Supreme Court ruling on an appeal on constitutional grounds against Law 372, which requires all journalists to register with the Colegio de Periodistas, was still pending.

The safety of journalists continued to be a major issue this year after one journalist was murdered, the third to be killed in the last two years. In August, Rony Adolfo Olivas, a reporter for the daily *La Prensa* who had recently written articles on drug trafficking, was shot twice by a taxi driver, who fled the scene of the crime. Santos Roberto Osegueda surrendered himself to the police three days later and was arrested after confessing to the murder of the journalist. Earlier in the year, a judge found a local politician guilty of the November 2004 murder in Juigalpa of journalist Maria Jose Bravo, a reporter for *La Prensa*. Although two of the recent killings were linked directly to the polarized political scene, threats against journalists

from narcotics traffickers and corrupt police hindered press freedom in some of the more isolated regions of the country.

There are 10 Managua-based television stations, some of which carry obviously partisan content, as well as more than 100 radio stations, which serve as the main source of news. Nicaragua is one of the poorest countries in the hemisphere, and its media rely on government advertising. There are still complaints about the political manipulation of government propaganda. Newspaper ownership is concentrated in the hands of various factions of the Chamorro family. The prominent Sacasa family similarly dominates the television industry. Angel Gonzalez, noted for his holdings in Guatemala and Costa Rica, also owns significant electronic media interests. In May, the Acre Law, which reduces tax exonerations that benefit the media on equipment and supply imports, was ratified, and thus far has caused interference in obtaining new materials. The poor economic climate leaves journalists vulnerable to bribery. A new generation of journalists in Nicaragua is rejecting the old ways of self-censorship and bribery, but this process has been slow. There are no government restrictions on the internet, which is used by only 2.2 percent of the population.

LEGAL ENVIRONMENT: 21

POLITICAL ENVIRONMENT: 19

ECONOMIC ENVIRONMENT: 16

TOTAL SCORE: 56

## Niger

Status: Partly Free

The rights to freedom of speech and of the press are protected by the constitution in Niger, but in practice they are often ignored. The life of a journalist is made particularly difficult by a government that frequently implements a law criminalizing defamation and a judiciary ready to enforce it. The year 2005 saw an increase in the number of press freedom violations, particularly those executed under this law. Journalists were subject to fines and imprisonment for reporting on such issues as the persistence of the slave trade, corruption in business and within government, and the ongoing struggle with rebel Tuareg factions. The government was particularly determined to conceal the existence of the famine that hit Niger this year. Tchirgni Maimouna, editor in chief of the government-owned weekly *Sahel Dimanche*, was relieved of her duties after the paper became the first to report on the existence of the famine. In addition, Hammed Assaleh Raliou, director of Sahara FM and a local correspondent for Radio France Internationale, was charged with two counts of defamation and sentenced

to eight months in prison for reporting on government corruption in the distribution of food aid. In a separate incident, the private radio station Alternative FM was forcibly closed by police in March, while its director, Moussa Tchangari, was arrested and detained in a maximum security prison. Tchangari and Alternative FM were charged with undermining the authority of the state by leading a nonviolent protest over a new government tax on basic foodstuffs (including water and flour). Other cases included that of Abdoulaye Harouna, publisher of an Agadez paper, and independent journalist Abdoukarim Salifou, who were imprisoned for four and two months respectively on separate libel charges.

The state-owned media consistently reflect the government line, while private publications have been very critical of government action. The broadcast media have a greater influence than the newspaper industry owing to the nation's low literacy level. The state continues to dominate the broadcasting landscape. Nonetheless, at least six private radio stations broadcast reports critical of the government in French and local languages. Restrictive press licensing legislation and a heavy tax on private media outlets continue to prohibit the growth of a vibrant and dynamic press. Internet access is hard to acquire for most, but this is a result more of the country's high level of poverty than direct government interference.

LEGAL ENVIRONMENT: 15

POLITICAL ENVIRONMENT: 21

ECONOMIC ENVIRONMENT: 18

## Nigeria

Status: Partly Free

TOTAL SCORE: 54

Even though the 1999 constitution guarantees the rights of freedom of expression and of assembly, the state uses arbitrary actions and extralegal measures to suppress political criticism and expression in the press. The access to information bill that was introduced in December 1999 and approved in August 2004 by the lower house of Nigeria's bicameral legislature is still awaiting approval in the Senate. Libel is criminalized, with penalties ranging from one to seven years in prison, and is used to intimidate the press. In September, the vice president, Atiku Abubakar, and his wife, Titi, dragged *Newswatch* magazine and five of its top employees to court in a multimillion-dollar libel suit that has yet to be adjudicated.

Although the press is vibrant and generally vocal against government policies and official wrongdoings, a number of government actions stifled freedom of the press, encouraged self-censorship, and promoted

an atmosphere of violence and fear. A number of media personnel were arbitrarily arrested, detained, and brutalized by the state police and other security agents. For example, Owei Kobina Sikpi, publisher of the *Weekly Star*, was jailed for a month without charge and the entire print run of the *Weekly Star* was confiscated after the paper published an article accusing a local official of money laundering. It was only later that Sikpi was charged with publishing false information. Other journalists who faced similar extrajudicial harassment in 2005 included Orobosa Omo-Ojo, publisher of *Midwest Herald*, a Lagos-based publication; Jerry Needam, publisher of a Port Harcourt-based weekly tabloid, *National Network*; and Haruna Acheneje, the Akwa Ibom state correspondent of *The Punch*. In April, two Australian Broadcasting Corporation journalists were arrested and questioned in Port Harcourt while they were attempting to film the demolition of a shantytown. They were released without charge a few hours later. In January, police in Abuja brutalized journalists covering the National Executive Council meeting of the ruling People's Democratic Party, hospitalizing 1 and injuring 10 others—allegedly on the orders of the party, which did not want the event covered by the press.

In 2005, the State Security Services (SSS), Nigeria's intelligence service, arbitrarily raided and shut down media houses with increased frequency. SSS agents raided the offices of *The Exclusive*, a Lagos-based weekly, and confiscated over 200 copies of the publication in response to an article on Igbo secession movements. In November, Rhythm FM, a private radio station in Port Harcourt, was shut down by a team of soldiers and police officers working for the SSS. In October, another agency of the state, the National Broadcast Commission (NBC), the broadcast industry's watchdog, closed down the country's leading independent broadcast network, African Independent Television, and its radio network, RayPower FM, for several hours following its report on the crash of an airliner that killed 117 people. However, President Olusegun Obasanjo criticized the NBC for its actions and instead commended the broadcaster for its integrity in reporting.

There are about 100 national and local publications, the most influential of which are privately owned. Nevertheless, the federal and state governments as well as prominent politicians do continue to own or influence the editorial content at some media outlets. The broadcast industry has been liberalized, and by 2005, about 280 radio and television licenses had been granted by the NBC. However, most of the stations have yet to go on air owing to financial difficulties. Radio tends to be the main source of information for Nigerians, while TV is used mostly in urban areas and by the affluent. Foreign broadcasters, particularly the Voice of America



and the BBC, were an important source of news in the country, although in April 2004 the NBC banned live broadcasts of foreign news and programs. Over 1.5 million Nigerians were reported to have had access to the internet in 2005, but that is only about 1 percent of a population of nearly 160 million. There are no government restrictions on the internet.

LEGAL ENVIRONMENT: 30

POLITICAL ENVIRONMENT: 38

ECONOMIC ENVIRONMENT: 29

## North Korea

Status: Not Free

TOTAL SCORE: 97

Second-generation dictator Kim Jong-il rules this one-party state with military force and places severe restrictions on media freedom and the ability of North Koreans to access information. All journalists are members of the ruling party, and all media are mouthpieces for the regime. The government runs a propaganda system under which all journalism is dedicated to exalting Kim Il-sung and his son Kim Jong-il. Journalists are punished harshly for even the smallest of errors. According to Reporters Sans Frontieres, in 2005 a journalist was sentenced to a “revolutionization” camp for several months for mistakenly referring to a deputy minister as simply a minister. The North Korean media portray all dissidents and the foreign media as liars attempting to “destabilize the government” and the government severely restricts the ability of foreign journalists to access information by claiming their cell phone upon arrival and preventing them from talking to people in the street, all the while monitoring their movements. North Koreans face harsh punishments, including prison sentences and hard labor, for accessing foreign media. Televisions and radios are permanently fixed to state channels, and all publications are subject to strict republication censorship.

Newspaper, television, and radio reports typically consist of praise of Kim Jong-il, often focusing on his daily activities. In February 2005, the *Pyongyang Shimun*, a four-page newspaper published in the capital of Pyongyang, began running the first experimental commercial advertisements. Radios must be registered with the police and are preset to government frequencies. Some North Koreans purchase a second radio set that is not registered with the police, enabling them to listen to broadcasts by Radio Free Asia and the South Korean public radio station KBS. Free North Korea (FNK), the first radio station run by North Korean refugees living in South Korea, began broadcasting in February 2004. In 2005,

FNK signed a contract with the Voice of America to broadcast daily 30-minute segments about the lives of North Koreans living in the south. Internet access is restricted to a small number of elites who have received state approval and to 200 or so foreigners living in Pyongyang; all foreign websites are blocked by the state. For most North Koreans with computer access, web surfing takes place only on the state-run intranet.

LEGAL ENVIRONMENT: 3

POLITICAL ENVIRONMENT: 3

ECONOMIC ENVIRONMENT: 4

## Norway

Status: Free

TOTAL SCORE: 10

Freedom of the press is constitutionally guaranteed. A government ban on political commercials, designed to ensure equal opportunity to the media for all candidates regardless of varying resources, violates the European Convention on Human Rights, which Norway has signed. In April 2005, a Tamil journalist living in Norway received a death threat from an unknown source accusing him of belonging to the Liberation Tigers of Tamil Eelam, a Sri Lankan separatist rebel group. A nation of about 4.6 million people, Norway maintains over 200 newspapers that express a wide variety of opinions. At the same time, three large companies dominate the country's print media. The state subsidizes many newspapers, the majority of which are privately owned and openly partisan, in order to promote political pluralism. However, subsidies have been cut in recent years, and there are fears that some special interest publications will be forced to close. The internet is unrestricted and widely used by over 65 percent of the population.

LEGAL ENVIRONMENT: 22

POLITICAL ENVIRONMENT: 26

ECONOMIC ENVIRONMENT: 22

## Oman

Status: Not Free

TOTAL SCORE: 70

Although Oman's basic charter provides for freedom of the press, government laws and actions tightly restrict this freedom in practice. Article 61 of the Press Law prohibits criticism of longtime ruler Sultan Qaboos and provides for criminal punishment for abuses of this law. The Ministry of Information may censor any material regarded as politically, culturally, or sexually offensive in both domestic and foreign media. As a

result, journalists frequently practice self-censorship, and most editorials were in line with government opinion. The authorities tolerated some degree of criticism, however, particularly on the internet. The internet chat room Al-sablah, for example, occasionally contained messages critical of the government.

In 2005, former parliamentarian and journalist Taybah Am-Ma'wali was charged with violating the Press Law after she sent mobile phone messages criticizing the government. She was sentenced to six months in prison in July after refusing to sign an acknowledgement of wrongdoing. Also in July, the government detained columnist and poet Abd-Allah Ryami, who had criticized an official crackdown (begun in December 2004) against members of the Ibadi sect and had also protested the government's prosecution of Am-Ma'wali. Ryami spent a week in jail, during which time he was denied access to legal representation and was not permitted to contact his family. He was later released without charge. Ryami and fellow writer Mohamed Harthi had already been banned from writing columns in 2004, after they criticized the slow pace of the democratic reform process and Oman's press law.

In October, the Ministry of Information licensed one private television station and three private radio stations, raising hopes that Oman's broadcast media might soon air more diverse views. But at year's end, the government still owned and controlled all broadcast media with the largest viewership in Oman, despite the growing reach of satellite television. Private print publications are permissible under the law, but many currently accept government subsidies. Omanis can access the internet through the national telecommunications company, but the company blocked sites considered politically sensitive or pornographic and placed warnings of probable censorship and police questioning on others. There were 245,000 internet users in Oman as of September 2005.

LEGAL ENVIRONMENT: 18

POLITICAL ENVIRONMENT: 25

ECONOMIC ENVIRONMENT: 18

TOTAL SCORE: 61

## Pakistan

Status: Not Free

Although the already outspoken Pakistani media have grown more diverse, they continue to face a range of pressures and harassment from both the government and other sources. The constitution and other laws authorize the government to curb freedom of speech on subjects

including the constitution, the armed forces, the judiciary, and religion, and harsh blasphemy laws have also been used in past years to suppress the media. In August 2004, the lower house of Parliament passed the controversial Defamation (Amendment) Act, which expanded the definition of defamation and increased the punishment for offenders to minimum fines of Rs.100,000 (approximately US\$1,700) and/or prison sentences of up to five years; however, this legislation has not yet been used against the press. A bill that would allow the Pakistan Electronic Media Regulatory Authority (PEMRA) to ban broadcast news outlets in the name of “vulgarity” or “national security” and provides for large fines or prison terms for violators passed in the lower house of Parliament in May, but lapsed before being brought before the Senate and was not enacted by year’s end. On several occasions, General Pervez Musharraf and other members of his administration contributed to an atmosphere inimical to free speech by making public threats against or derogatory comments about specific members of the press.

Over the past several years, military authorities have used increasingly aggressive tactics to silence critical or investigative voices in the media. A number of journalists have been pressured to resign from prominent publications, charged with sedition, or arrested and intimidated by intelligence officials while in custody, while media outlets have been shut down. On numerous occasions, police, security forces, and military intelligence subjected journalists to physical attacks, intimidation, or arbitrary arrest and incommunicado detention. Attacks occurred even on journalists who had gathered to march in support of media freedom on World Press Freedom Day in May. In July, following the London train bombings that were carried out by several British men of Pakistani descent, police raided the offices of several publications and arrested vendors selling newspapers deemed to be promoting religious hatred and disharmony; in August, the publication licenses of three of these periodicals were revoked. Islamic fundamentalists and thugs hired by feudal landlords or local politicians continue to harass journalists and attack newspaper offices.

During 2005, conditions for reporters covering the ongoing unrest in the tribal areas bordering Afghanistan became particularly difficult. In February, gunmen fired on a vehicle carrying reporters in South Waziristan, killing two journalists and injuring two others. Later in the year, reporter Hayatullah Khan was kidnapped in the semi-autonomous North Waziristan tribal region and remained missing at year’s end. Both foreign and local correspondents were prevented from covering the Pakistan army’s offensive against militants in the South Waziristan region at various

times throughout the year. In general, foreign journalists experience visa and travel restrictions that can inhibit their scope of reporting and are subject to arrest and deportation if found in areas not specifically covered by the terms of their visas; a number of such cases have been reported in the past several years.

While some journalists practice self-censorship, many privately owned daily and weekly newspapers and magazines provide diverse and critical coverage of national affairs. Nevertheless, authorities wield some control over content by reportedly providing unofficial “guidance” to newspaper editors on suggested placement of front-page stories or permissible topics of coverage. Restrictions on the ownership of broadcast media were eased in late 2002 and media cross-ownership was allowed in July 2003, but most locally-based electronic media are state owned and follow the government line, and private radio stations are prohibited from broadcasting news programming. However, a growing number of new private cable or satellite television channels and radio channels, all of which broadcast from outside the country, provide live news coverage and a much wider variety of viewpoints than was previously available. Authorities wield some economic influence over the media through the selective allocation of advertising, and both official and private interests reportedly pay for favorable press coverage. State and national officials use advertising boycotts to put economic pressure on publications that do not heed unofficial directives on coverage. In 2005, the most prominent example of this occurred in May, when a ban on official advertising was placed on two newspapers in the Nation group of publications, but also occurred at the provincial level in Sindh with papers in the Dawn group. The internet is not widely used, with less than 5 percent of the population able to gain access in 2005. Despite this, the government did take measures to curb online privacy by reportedly monitoring the e-mail accounts of numerous journalists. The website of an online newspaper established abroad by exiled editor Shaheen Sehbai was also blocked sporadically by Pakistani telecommunications authorities.

## Palau

Status: Free

LEGAL ENVIRONMENT: 1

POLITICAL ENVIRONMENT: 5

ECONOMIC ENVIRONMENT: 8

TOTAL SCORE: 14

The constitution guarantees press freedom, and the government respects this right in practice. Censorship is rare, and the press is free to report on a

diversity of issues, including official corruption. Although there have been no reports of physical harm to journalists, local radio personality Alfonso Diaz has reported having three cars burned. Palau has a relatively diverse media considering its small population. The weekly *Tia Belau News* and the biweekly *Palau Horizon* both actively report on the news and offer diverse perspectives, alongside the Palauan weekly, *Roureur Belau*. In addition to Eco-Paradise, a government-owned radio station, there are two private radio stations and two church radio stations. The government's television station broadcasts sessions of the National Congress, and every Wednesday President Tommy Esang Remengesau Jr. meets with the press on Eco-Paradise for questions. There are no private television stations that broadcast from Palau, but citizens increasingly have access to satellite and cable television, giving them access to programming from all over the world. The internet is not a significant source of information in Palau as less than 1 percent of the population is able to gain access.

LEGAL ENVIRONMENT: 17

POLITICAL ENVIRONMENT: 16

ECONOMIC ENVIRONMENT: 10

TOTAL SCORE: 43

## Panama

Status: Partly Free

Panama is notable for its harsh legal environment for journalists. But in July, President Martin Torrijos ratified the repeal of the country's "gag laws," enacted under military rule more than 30 years ago, which included harsh penalties for criminal defamation. The *desacato* (disrespect) provisions in the criminal and administrative codes, protecting most government authorities from criticism, were struck down. President Torrijos approved the reform when, on May 16, Panama's Legislative Assembly unanimously passed Law No. 73, which prohibits prosecution for contempt and sets out provisions governing the right to clarification and reply. The measure also repealed Law No. 11, passed in 1978, which contained provisions concerning the news media and publication of printed matter, and Law No. 67 (of that same year), which regulated the practice of journalism.

Although the legal reforms promoted more freedom, there is still concern about other provisions, Articles 307 and 308 of the criminal code, which contain two insult laws with similar language to the *desacato* laws. In July, a court ordered the confiscation of property and salary of *La Prensa* reporter Jean Marcel Chery at a value of \$18,753, in payment for libel damages to Supreme Court judge Winston Spadafora. Chery had

written that a Supreme Court decision canceled Spadafora's \$2 million debt to a government canal agency known as the InterOceanic Regional Authority. In another case, Spadafora filed a civil lawsuit that sought \$2 million in damages from Editora El Panama America, publisher of the daily *El Panama America*, for a 2001 story that allegedly "insulted" him when he was minister of government and justice. The suit also named the story's authors, Gustavo Aparicio and Chery, who was reporting for *El Panama America* at the time. Aparicio and Chery were initially sentenced to a year in prison in 2004, but in August of that year, outgoing president Mireya Moscoso pardoned them. Because of the poor legal environment, journalists often practice self-censorship.

Independent media are very active in Panama and express diverse views. Media often reflect the polarized political scene, with different outlets openly supporting various factions. All of Panama's media outlets are privately owned with the exception of one state-owned television network. The law prohibits cross-ownership, but there is considerable concentration of media ownership by relatives and associates of former president Ernesto Perez Balladares, whose party President Torrijos now leads. A bill to standardize government advertising and reduce official abuse of the practice was under consideration, but no major change has occurred. Poor salaries encourage corruption among some journalists. There are no government restrictions on the internet, accessed in 2005 by nearly 10 percent of the population.

LEGAL ENVIRONMENT: 4

POLITICAL ENVIRONMENT: 13

ECONOMIC ENVIRONMENT: 12

TOTAL SCORE: 29

## Papua New Guinea

Status: Free

The media are robust and enjoy a constitutional guarantee of freedom of the media and of expression. However, some politicians ignore press freedoms and use their power to threaten and intimidate journalists. The country has the highest level of training for journalists in the South Pacific. A \$13.9 million five-year Australian-funded Media Development Initiative project has been established with support from the Papua New Guinea Media Council and state-run National Broadcasting Corporation (NBC) to strengthen national media and governance institutions. Prime Minister Sir Michael Somare, the country's "founding father" and himself a former broadcaster, has at times enjoyed a frosty relationship with both

the local media and media from the former colonial power, Australia. Reporting of the deployment of Fiji “mercenaries” by cultist and pyramid scheme conman Noah Musingku in the province of Bougainville after a 10-year-long civil war during the 1990s provoked criticism of the media. There were concerns about restrictions on access to information when an Australian journalist was escorted from a room where Prime Minister Somare was on an airport stopover.

Both daily newspapers are foreign owned and provide a variety of editorial viewpoints. The long established *Post-Courier* is owned by a subsidiary of Rupert Murdoch’s News Corporation with a minority local shareholding, and its rival *The National* is owned by the Malaysian logging company Rimbunan Hijau. Fiji Television took over Papua New Guinea’s 17-year-old sole free-to-air television channel EM TV at the beginning of the year, amid controversy. Another Fijian company, Communications Fiji, had already become the owner and operator of the major privately owned PNG FM radio broadcaster. The state-run NBC operates a network of national and provincial public broadcasting stations. There were a reported 170,000 internet users in 2005, and the internet is open and unrestricted by the government.

LEGAL ENVIRONMENT: 18

POLITICAL ENVIRONMENT: 20

ECONOMIC ENVIRONMENT: 19

## Paraguay

Status: Partly Free

TOTAL SCORE: 57

The 1992 constitution guarantees freedom of the press and prohibits censorship. Nevertheless, press freedom continues to be hampered by the harassment and intimidation of journalists, widespread corruption, repressive libel and defamation laws, and a concentrated media ownership structure. Journalists are regularly prosecuted or jailed as a result of restrictive press laws, particularly libel and defamation legislation, which has led to self-censorship. In December, the Supreme Court ordered Aldo Zuccolillo, director of the daily *ABC Color*, to pay a US\$200,000 fine for defamation of Senator Juan Carlos Galaverna of the ruling Colorado Party, which has governed the country since 1947. The paper had published reports that linked the senator to corruption and power abuse in 1997 and 1998. Although the constitution establishes the right to access information, including data from public sources, the Congress has not yet passed a law to regulate this right. In April, a group of 23 civic



organizations presented a freedom of information bill, but the Congress failed to approve any legislation. Worryingly, the House of Representatives did revive debate on a bill that would require journalists to become members of a *colegio*, or trade association, which violates the American Convention on Human Rights.

Along the border with Brazil, groups that control the illegal trafficking of goods, weapons, and drugs frequently harass journalists. The Paraguayan Journalists' Union reported an increase in insecurity for journalists in 2005, especially in the border areas. In August, unidentified attackers set fire to the studios of the Catholic community radio station Quebracho Poty in Puerto Casado. No one was hurt in the attack, but broadcasts were temporarily suspended. In October, Aldo Lepretti, local mayor for San Juan del Parana, entered the offices of FM San Juan, a community radio station, and attacked and threatened Nicolas Sotelo, the station's director, allegedly because of the station's critical approach to reporting. There were also several cases of threats and attacks on journalists working in the border city of Ciudad del Este.

A number of private television and radio stations exist, as do several independent newspapers. There is only one state-owned media outlet, Radio Nacional, which has a limited audience, and many independent radio stations operate without licenses, particularly in the areas bordering Brazil and Argentina. The media are free to criticize the government and regularly discuss opposition perspectives. However, media ownership is highly concentrated and heavily tied to the interlocking Colorado Party and business elite. There are no government restrictions on the internet, which was used by only 2.7 percent of the population in 2005.

LEGAL ENVIRONMENT: 11

POLITICAL ENVIRONMENT: 17

ECONOMIC ENVIRONMENT: 11

## Peru

Status: Partly Free

TOTAL SCORE: 39

Freedom of the press is guaranteed in the 1993 constitution, but local and international media organizations continued to express concern about the state of press freedom in Peru. In 2002, the government of President Alejandro Toledo passed a Freedom of Information Law, and in 2003, this legislation was consolidated into the Law of Transparency and Access to Public Information. However, in July 2005, the Congress passed a new National Intelligence Law that tightened restrictions on access to

information in certain categories and extended the timelines for release of classified information. *Desacato* (disrespect) laws continue to be a problem in Peru. A number of journalists were entangled in court cases, charged with defamation by public officials and private citizens. One notable case was that of two freelance journalists from the United States and the United Kingdom who were charged with criminal defamation for a single-sentence reference to an alleged drug trafficker, Francisco Zevallos. The court found in favor of the plaintiff, ordering fines and probation for the journalists; a higher court reversed the decision, but a final ruling was pending at year's end. In another high-profile case, Zevallos threatened journalists from the Lima-based daily newspaper, *El Comercio*, with multimillion-dollar legal suits and criminal complaints, but in June a Lima judge acquitted the publisher. In a case that set an unwelcome precedent, a superior court upheld a lower court decision that barred a radio journalist from Madre de Dios from working for a year because he did not belong to the legally mandated professional association or hold a college degree. The journalist, who was also convicted of libel and received a two-year jail sentence, reported regularly on cases of local government corruption.

In addition to judicial harassment, the hostile climate for the press is evidenced by numerous instances of physical attack and verbal threats. Journalists working in the country's interior provinces are especially vulnerable. Reporters covering crime stories and scandals were targeted with intimidation and threats, largely after reporting on corruption. In March, Jose Antonio Simons, director of *El Huinsho* magazine, was attacked by local government officials, including the mayor in the Alto Amazonas province in Loreto. During the incident, officials confiscated a videotape Simons had made of a meeting between government officials and a public prosecutor. Public officials were not the only actors targeting journalists; protesters and individuals accused of wrongdoing were also implicated in attacks and harassment. This is a significant change from the climate of primarily government-sponsored harassment that dominated the Alberto Fujimori era. There were a number of incidents in which journalists also came under attack in the course of covering protests.

Although most of the abuses of journalists by public officials and private citizens go unpunished, at least some progress was made in two important cases. A superior court found the former mayor of Yungay, Amaro Leon, guilty of ordering the 2004 assassination of Antonio de la Torre. De la Torre, a radio journalist, was a harsh critic of the mayor. The ex-mayor was sentenced to 17 years in prison and a US\$6,000 fine. Perpetrators of

the 2004 murder of radio journalist Alberto Rivera in the city of Pulcallpa were apprehended and made confessions that implicated the mayor and a former judge as masterminds of the plot.

Private investors dominate the media industry, and in comparison the audience for state-run media is relatively small. The government owns two television networks and one radio station and operates the print news agency Andina. Radio is an important medium, especially in the countryside. Peru's media are diverse and express a broad range of viewpoints. The media corruption that was endemic in the Fujimori era continues to an extent today, contributing to a long-standing lack of confidence in the press as a credible institution. The internet is open and unrestricted by the government, with approximately 4.57 million users in 2005.

## Philippines

Status: Partly Free

LEGAL ENVIRONMENT: 8

POLITICAL ENVIRONMENT: 21

ECONOMIC ENVIRONMENT: 11

TOTAL SCORE: 40

The Philippine press has historically ranked among the freest, most vibrant, and outspoken—if often sensationalized—in Southeast Asia. The constitution guarantees that “no law shall be passed abridging freedom of speech, of expression, or of the people peaceably to assemble and petition the government for redress of grievances.” Legally, press freedom has few limitations (for instance, libel, national security, privacy, or obscenity laws). There are no restrictive licensing requirements for newspapers or journalists.

Although a censorship board broadly has the power to edit or ban content, government censorship does not generally enforce political orientation. In June, the Philippines Center for Investigative Journalism published the wiretapped conversation that would confirm electoral fraud, launching the presidential impeachment campaign that dominated Philippine politics for the remainder of the year. Press coverage of the impeachment trial, the controversial Executive Order 464, and President Gloria Arroyo's “cha-cha” (charter change) campaign was wide-ranging and extensive. Online media were particularly active, allowing the public to comment directly on trial developments. Controversy surrounded the president's June 27 “I'm sorry” press conference, where only 10 “preselected” reporters were allowed to ask questions and representatives of international news organizations were barred from the event.

Journalist-targeted violence remains the greatest threat to press freedom in the country. According to the National Union of Journalists of the Philippines (NUJP), 10 journalists were killed in 2005 in addition to numerous assassination attempts and death threats. The general escalation in violence aimed at journalists over the last several years has earned the Philippines the reputation of being one of the most dangerous places in the world to work as a journalist. Several cases involved journalists well-known for exposing corruption scandals or as being regularly critical of the government, army, or police, with some watchdog groups alleging that the “unknown gunmen” were hired by government officials. The case of Marlene Esperat—shot by two gunmen in her home in March—was among the most prominent. Esperat was a columnist in Mindanao, known for her corruption reporting and especially harsh criticism of the Department of Agriculture. The judge dropped the murder charges in September because of conflicting evidence. In a separate incident in early May, Klein Cantoneros, whose radio program frequently featured the alleged corruption of Mindanao local officials and illegal gambling, was shot seven times. A midyear investigation by the Committee to Protect Journalists attributed the recent spike in murders to a culture of corruption, guns, and lawlessness.

Despite the Arroyo administration’s launch of a US\$92,000 Press Freedom Fund to curb violence against the media, a general culture of impunity continues to predominate. Claiming that more journalists have been killed since 2001 under the Arroyo administration than during Ferdinand Marcos’s martial law regime, the NUJP has criticized the government for not doing more to prevent the murders. However, in November former police officer Guillermo Wapile was convicted of the murder of Edgar Damalerio and sentenced to life imprisonment, marking the first conviction among 38 cases of murdered journalists since 1999. The verdict came after the Supreme Court ordered the transfer of the case from the island of Mindanao to the central city of Cebu, citing the excessive influence of a local Mindanao official (who has been accused of masterminding the murder) on court proceedings. The Committee to Protect Journalists heralded the court’s decision as a “blow to the culture of impunity in the Philippines.” Yet less than two weeks later, three more journalists were murdered, including George Benjoan, a radio and newspaper journalist known for his aggressive reporting on official corruption in the same city where the Damalerio trial had just come to such a promising conclusion.

Most print and electronic media are privately owned, while many television and radio stations are government owned, although they too present a wide variety of views. Since 1986, however, there has been a

general trend toward concentration of ownership, with two broadcast networks (ABS-CBN and GMA), owned by companies of wealthy families, dominant among audiences and advertising. Often criticized for lacking journalistic ethics, the press is likely to reflect the political or economic orientations of owners and patrons, and special interests reportedly use inducements to solicit coverage and stories favorable to their positions. Fewer than 10 percent of the population in the Philippines (close to 8 million people) made use of the internet in 2005, and the government did not restrict their access.

## Poland

Status: Free

LEGAL ENVIRONMENT: 6

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 21

Generally, media operate freely in an environment not dominated by overbearing political or economic interests. The Polish constitution forbids censorship and guarantees freedom of the press. However, some old Communist-era regulations remaining on the books can be abused to harass investigative journalists. A new and much discussed Media Law remains in draft form. Critics of the proposed legislation argue that it is motivated by successive governments' desire to strengthen control over public media and to rein in private sector media through constraints on ownership. Public officials already exert considerable pressure on public and state-owned media; seats on regulatory agencies and directorships of state-owned media are effectively political appointments. Late 2005 saw a reorganization of the State Committee on Radio and Television, with a new law ending the term of the committee members, reducing the number of members, and reappointing an entirely new committee. Media advocates criticized these changes for the accelerated manner in which they were conducted, the lack of public consultations, and an unclear vision for the future of the media.

Libel and some forms of insult are criminal offenses subject to fines or imprisonment. In 2005, prosecutions for libel or the threat thereof were used to intimidate some media outlets and investigative journalists, which may lead to increased self-censorship. Legal actions included attempts to introduce a gag order, criminal slander charges, and demands of \$1.5 million in damages brought against several leading publications by the Polish National Council of Credit Unions. In a case brought by the

PZU Insurance Company and its former director, who is currently under investigation for mismanagement and financial improprieties, all of these actions were used, though one of the gag orders imposed was later struck down by a higher court. Investigative coverage on legal issues surrounding the J&S Group's monopoly on supplying oil and alleged commissions paid to public officials also resulted in legal action against a weekly publication, including demands of \$3 million in damages. A long-standing criminal insult case concerning an article that denigrated Pope John Paul II was resolved with the conviction of Jerzy Urban, publisher of the *Nie* weekly magazine, a suspended sentence, and a fine of \$6,500. At the close of 2005, Andrzej Marek, editor of the weekly *Wiesci Polickie*, was slated to serve a three-month sentence following a conviction for libeling a local official.

Print media are highly diversified. The government-owned Polish Television and its five channels remain the major source of information, but the country also sustains a number of private television stations, among them TVN and PolSat, which have gained a considerable share of viewers. About a third of the population accesses the internet, and there have been no reports of the government restricting internet use.

LEGAL ENVIRONMENT: 2

POLITICAL ENVIRONMENT: 6

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 14

## Portugal

Status: Free

Freedom of the press is guaranteed by the constitution, and laws against insulting the government or the armed forces are rarely enforced. A draft bill for the creation of a government media watchdog group, which has caused concern among the European Federation of Journalists, was expected to be approved during the summer of 2005. Confidentiality of sources is typically recognized as a journalist's right in Portugal, except in cases where the journalist's knowledge could prevent a crime. Continuing a trend from the previous year, journalists contend that their right to protect their sources was not respected in 2005. In December 2004, a journalist was given an 11-month prison sentence for refusing to give up his source as evidence in a drug case.

Commercial television has been making gains in recent years, providing serious competition for the public broadcasting channels that lack funds. The future of public broadcasting in Portugal came under debate in April, when journalists and media workers waged a three-day strike against the

management of Portugal's public broadcaster—Radio and Television of Portugal—which is blocking talks on a new collective labor agreement. In July, the European Federation of Journalists criticized the Spanish company Prensa Iberica, owner of the Portuguese newspapers *A Capital* and *O Comercio*, when it announced the closure of the two publications. Both were among the oldest and most reputable papers in the country. There are some 300 local and regional private radio stations, and internet access is unrestricted with nearly 60 percent of the population able to access it regularly.

LEGAL ENVIRONMENT: 18

POLITICAL ENVIRONMENT: 23

ECONOMIC ENVIRONMENT: 20

TOTAL SCORE: 61

## Qatar

Status: Not Free

Qatar's new constitution provides for freedom of the press, though there are criminal penalties for libel. This right is restricted further in practice. The 1979 Press and Publications Law that currently regulates media licensing, production, and distribution is in the process of being updated and amended. Qatar ended formal government censorship of the media in 1995. However, a censorship office within the Qatar Radio and Television Corporation reviews domestic broadcast media and foreign media for sexually explicit material and material deemed hostile to Islam. Furthermore, social and political constraints make self-censorship common, especially when reporting on government policies, the ruling family, and relations with neighboring countries.

Although the five leading daily newspapers are privately held, owners and board members of these newspapers include royal family members and other notables who exert significant influence over content. As a consequence, direct criticism of the government is rare. With the exception of the satellite channel Al-Jazeera, broadcast media are state run. Al-Jazeera, one of the most popular television channels in the region, was launched from Qatar in 1997. It has gained international recognition for addressing sensitive regional topics but shies away from covering Qatari politics. Though the government subsidizes Al-Jazeera's operating costs, both the station and the government attest to its editorial independence. In April, there were reports that the Qatari government was considering privatizing the station, raising concerns about its future editorial direction. Approximately 21 percent of Qataris were able to access the internet through private internet service

providers in 2005, but the government censors content and blocks access to certain sites it considers pornographic or politically sensitive.

## Romania

Status: Partly Free

LEGAL ENVIRONMENT: 13

POLITICAL ENVIRONMENT: 16

ECONOMIC ENVIRONMENT: 15

TOTAL SCORE: 44

The constitution protects freedom of the press, and the government is increasingly respectful of these rights. The Parliament adopted a new criminal code in June, under which libel is no longer a felony and slander is still considered a criminal offense but is no longer punishable with imprisonment. However, the new code has yet to be enacted. In October, the justice minister proposed further amendments to completely decriminalize slander. Meanwhile, in June an opposition party member sued a journalist for his article alleging that the official had engaged in corrupt activities. Although a lower court ordered the journalist to pay a fine, a higher court reversed the ruling. Progress toward implementing freedom of information legislation has been difficult. In a positive transformation, the government has adopted reforms to make its process of distributing advertising more transparent. Nonetheless, the Law on Public Radio and Television remains unreformed—the government still appoints the boards of the public operators, and in July changes were unexpectedly adopted without consultation with media groups that reinforced government control over public broadcasting. In February, media organizations criticized President Traian Basescu for attempting to replace the director of TVR, the state-run television broadcaster.

The political environment for media improved drastically during 2005. President Basescu, elected in late 2004, pledged greater respect for press freedom and has proven to be less controlling and manipulative of the media. Self-censorship also appears to have decreased. Nevertheless, local organizations reported several instances of journalists being verbally and physically assaulted while trying to carry out their work. Although violence and intimidation of journalists has decreased substantially, there were few developments regarding the prosecution of cases from previous years. Despite positive changes in government attitude, a culture of secrecy prevails over many Romanian institutions. In January, following media criticism, the government acknowledged having tapped the phones of Romanian journalists working for foreign media. In February, a Targu Mures



court withdrew the accreditation of a journalist with the daily newspaper *Romania Liberia* because of articles criticizing local courts. The court was forced to reverse its decision following protests from media organizations. In August, the mayor of Ploiesti withdrew the accreditation of a journalist with *Informatia Prahovei* after the journalist criticized the mayor. Media observers remained skeptical about the independence of the licensing process enforced by the national Council of Broadcasting, 11 of whose members are appointed by the government.

The number of media outlets and news sources increased in 2005, and media are becoming more active and self-sufficient. But media still face significant economic pressure thanks to ownership concentration, lack of revenue, and a limited advertising market. Most media rely on government-funded advertising. In May, in consultation with media groups, the government adopted reforms to make advertising allocation more transparent, a move intended to prevent officials from distributing advertising to favored media outlets. Concentration and lack of transparency of media ownership remain serious concerns. Western European media groups Ringier and WAZ own the three highest-circulating dailies, and journalists report that the owners are increasingly toning down critical coverage. According to a 2005 European Union study, media outlets are frequently registering under out-of-country jurisdiction to avoid disclosing ownership structures. Funding remains a problem and most newspapers are highly dependent on sales. The situation is worse for smaller newspapers outside of Bucharest, where the advertising market is less developed and local officials own many media outlets. In October, an *Evenimentul Zilei* journalist reported that a businessman attempted to bribe him not to write about his corrupt activities. Usage of the internet is increasing; 25 percent of the population was able to gain access in 2005 with no reported government interference.

LEGAL ENVIRONMENT: 16

POLITICAL ENVIRONMENT: 32

ECONOMIC ENVIRONMENT: 24

TOTAL SCORE: 72

## Russia

Status: Not Free

Press freedom was further constricted in 2005 as President Vladimir Putin's government obstructed journalists from reporting on sensitive topics and tightened control over news sources. Although the Russian constitution provides for freedom of speech and of the press, authorities

are able to use the judicial system to harass and prosecute journalists for independent reporting. In 2005, courts charged several journalists with criminal defamation for printing and broadcasting statements public officials found unfavorable—among them Eduard Abrosimov for writing about the sexual orientation of the State Duma deputy speaker, and Nikolai Goshko for accusing top Smolensk officials of organizing the killing of the former owner of Radio Vesna. Authorities also took advantage of legislation like the Law Against Extremist Activities, which prohibits the dissemination of information supporting “extremist activities” and allows authorities to shut down media outlets after three warnings. Such legislation would restrict coverage of contentious areas like Chechnya where the Kremlin wants the public to believe it maintains control. At the end of the year, Russia’s Parliament considered a new bill requiring stricter registration of nongovernmental organizations (NGOs), thus asserting greater government control over civil society and potentially clamping down on the freedom of speech of NGOs.

Authorities continued to exert direct influence on media outlets and determine news content, as the state owns or controls the country’s three main national television networks—Channel One, RTR, and NTV. The authorities waged a campaign against both local and foreign journalists to bar them from accessing and publishing contentious information, namely regarding Chechnya. During the course of 2005, the Office of the Prosecutor criminally charged Stanislav Dmitriyevsky, editor in chief of the monthly newspaper *Pravo-Zaschchita*, for publishing statements by Chechen rebels; a warning was issued to the independent Moscow daily *Kommersant* for publishing an interview with Chechen rebel leader Aslan Maskhadov; the Foreign Ministry criticized an independent Swedish news agency for publishing an interview with Chechen rebel leader Shamil Basayev; police and secret service agents detained three journalists from the Polish state television station TVP who were producing a documentary about Chechnya and pressured them to leave Russia; and authorities denied access to government officials and renewal of accreditation to reporters from the American network ABC after it broadcast an interview with Basayev. In addition, television networks all but ignored the wave of pensioners’ protests that took place all over the country in January. Leveling massive damages against newspapers, including *Kommersant* for its reporting on the banking crisis in Russia, was another tactic used to intimidate independent press outlets.

In 2005, there were numerous cases of journalists being detained or attacked, likely related to stories they had covered on topics such as corruption or anti-government protests. Such abuses have led to increased

self-censorship. Official censorship also persists in Russia, as in the case of the privately owned Ren-TV news anchor Olga Romanova, who was taken off the air at the end of 2005 because of her critical comments related to the defense minister. Several journalists were killed during the year. After filming an illegal drag race competition, cameraman Pavel Makeev was found dead, as was journalist Magomedzarid Varisov after sharply criticizing the opposition. Other murders remained unsolved: The authorities reopened their investigation into the 2003 murder of journalist Alexei Sidorov; the Military Collegium of Russia's Supreme Court upheld a 2004 acquittal of six military officers accused of murdering Dmitry Kholodov in 1994; and a trial against two Chechens accused of killing *Forbes* editor Paul Klebnikov in 2004 and extradited to Russia began behind closed doors at the end of 2005.

Much print media at the national level are privately owned, so some diversity of viewpoints exists. Ownership of regional print media is less diverse and is often concentrated in the hands of local authorities. Private owners of print and electronic media outlets are generally oligarchs and large businesses—such as the energy company Gazprom, which has a majority of shares in the newspaper *Izvestia* and uses them to advance personal and political interests. The law requires little transparency in media ownership. *Russia Today*, an English-language satellite news channel funded by the Kremlin, was launched in late 2005. The number of independent voices in media decreased for financial reasons in 2005, as privately owned newspapers like *Russky Kurier* were closed and the self-exiled Boris Berezovsky's *Nezavisimaya Gazeta* was restructured. Furthermore, the government continued to disadvantage private media by allocating subsidies to state-controlled outlets and controlling the means of production and distribution. Online media, an area not yet regulated by the government, are also developing. Although the government generally does not restrict internet access for the 16 percent of the population able to afford it, internet service providers must make it possible for police to monitor traffic.

LEGAL ENVIRONMENT: 24

POLITICAL ENVIRONMENT: 35

ECONOMIC ENVIRONMENT: 26

TOTAL SCORE: 85

## Rwanda

Status: Not Free

The constitution provides for freedom of the press “in conditions prescribed by the law.” However, the government sharply restricts the ability of media

to operate, citing the role that certain media outlets played in provoking violence during the 1994 genocide. The law now prohibits “any propaganda of ethnic, regional, racial, or divisive character or based on any other form of divisionism”; inciting “divisionism” is punishable by up to five years in prison. President Paul Kagame vetoed a new media bill passed by the Parliament in September 2001 that prescribed the death penalty for journalists found guilty of inciting genocide and would have compelled reporters to reveal confidential sources. A media law passed in 2003 paved the way for the licensing of private radio and television stations; however, the growth of independent media has been restricted owing to fear of official reprisals. Journalists doubt the independence of the High Council of the Press, which was established in 2003 to regulate the media.

Attacks on journalists critical of the government did not diminish in 2005, and the legacy of the 1994 genocide is still used to silence critical journalists. Since September 2005, Bonaventure Bizumureymi, editor of the independent newspaper *Umuco*, has been arrested and interrogated several times for writing articles critical of the Rwandan Patriotic Front. His colleague, Jean Leonard Rugabage, was detained in September, 10 days after writing an article alleging that judges in the *gacaca* tribunals—popular courts originally set up to try genocide suspects, in which defendants are judged by peers without access to a defense lawyer—are using their positions to settle personal feuds. He was later accused of being a murderer during the genocide and in November was charged with contempt of court and sentenced to one year in prison after contesting the impartiality of the *gacaca* court appointed to try him.

Both private and state-owned newspapers operate in Rwanda, though financial constraints make it impossible for them to publish on a daily basis. The government influences the printed press through its purchase of advertising space, upon which many private publications are financially dependent. Authorities also maintain control over both radio and television broadcast media, causing many journalists to practice self-censorship and regularly follow the government line. Nonetheless, a number of private radio stations have been established since the 2003 elections—including commercial, community, and religious stations—though most focus primarily on musical broadcasts instead of political news. The economic challenges facing the independent media are compounded by the existence of only one government-run printing press available to nonreligious media, forcing Rwandan print media to publish abroad to avoid direct government control of their content. Foreign media like the BBC, Deutsche Welle, and Voice of America are able to broadcast from Rwanda and are one of the few

sources of independent media in the country. Internet access appears to be unrestricted but is available to less than 1 percent of the population.

## St. Kitts and Nevis

Status: Free

LEGAL ENVIRONMENT: 4  
POLITICAL ENVIRONMENT: 9  
ECONOMIC ENVIRONMENT: 8  
TOTAL SCORE: 21

Freedom of the press is enshrined in the constitution. While the independent media were active and expressed a wide variety of views, the opposition People's Action Movement (PAM) party alleged that the ruling Saint Kitts and Nevis Labour Party (SKNLP) blocked the PAM's access to government-controlled media. The PAM acknowledged, however, that it had access to independent media outlets. Clive Bacchus, a Guyanese national and manager of the private WINN FM radio station whose work permit renewal had been delayed in December 2004, finally received a new permit in mid-February. The delay had been criticized as an attempt to intimidate the independent media. Both the ruling SKNLP and the main opposition PAM publish weekly newspapers. There are three other nonaligned weekly newspapers. ZIZ Broadcasting Corporation, a company in which the government is a majority shareholder, operates both radio and television services. Additionally, there are seven private radio stations and a multichannel cable TV service that offers a range of local and international television stations. There are no government restrictions on the internet and similar to many other Caribbean nations, approximately 25 percent of the population was able to gain access to this medium in 2005.

## St. Lucia

Status: Free

LEGAL ENVIRONMENT: 6  
POLITICAL ENVIRONMENT: 7  
ECONOMIC ENVIRONMENT: 5  
TOTAL SCORE: 18

During 2005, a certain cooling of relations between the media and the government, noted in 2004, continued. Press freedom advocates in St. Lucia voiced concern about Article 361 of the newly amended criminal code. The article makes the publishing of news that endangers the "public good" an offense punishable by a prison sentence. In April, Prime Minister Dr. Kenny Anthony accused media personalities of engaging in a disinformation

campaign designed to undermine his ruling St. Lucia Labour Party. In November, Anthony Astaphan, a Dominican lawyer who represents Dr. Anthony and in recent years has been highly critical of the media in the subregion, attacked the media, denouncing them as hypocrites. St. Lucia has three television and seven radio stations, all of them private apart from the state-owned Radio St. Lucia. There are three weekly newspapers and two that are published three times a week. There are no government restrictions on the internet, which was accessible to over 30 percent of the population in 2005.

## St. Vincent and the Grenadines

Status: Free

LEGAL ENVIRONMENT: 3  
POLITICAL ENVIRONMENT: 6  
ECONOMIC ENVIRONMENT: 7  
TOTAL SCORE: 16

The constitution guarantees a free press, and publications openly criticize government policies. The main newspaper, the daily *Herald*, and the weeklies, *Searchlight* and *The Vincentian*, are all privately owned. The state-run St. Vincent and the Grenadines Broadcasting Corporation operates SVG Television and the Hitz FM music radio station. NBC is a partly government-funded national FM radio service, and there are numerous other private radio stations. Concerns have been expressed about a possible conflict between the government and Elwardo Lynch, host of a talk show sponsored by the opposition New Democratic Party. In May, a court found Lynch guilty on two counts of making false statements likely to cause alarm. A survey confirmed it is the most widely listened-to radio program in St. Vincent and the Grenadines. There are no government restrictions on the internet, but it is not a significant source of information since little more than 6 percent of the population was able to gain access in 2005.

## Samoa

Status: Free

LEGAL ENVIRONMENT: 6  
POLITICAL ENVIRONMENT: 12  
ECONOMIC ENVIRONMENT: 11  
TOTAL SCORE: 29

The constitution protects freedom of the press, though Samoan law mandates imprisonment for the refusal to reveal a confidential source.

Moves were under way late in the year to establish a self-regulating Samoan media council. A consultant from the U.K.-based Thomson Foundation training agency assisted with the development of a new national media code of conduct.

Samoa has three English-language and several Samoan-language newspapers. It also has five private radio stations, the state-run Samoa Broadcasting Corporation, and some access to local and foreign satellite television. The *Samoa Observer*, owned by entrepreneurial Samoan poet and editor in chief Savea Sano Malifa, continued to dominate the local private newspaper market and provide a vanguard for the country's media freedom efforts. It extended its influence to New Zealand, where there resides a large Samoan community. A third printing press and an edition named the *American Samoa Tribune* were also established across the border in American Samoa. The paper has had a long struggle in recent years dealing with issues such as censorship, denial of government advertising, and harassment. There were 6,000 recorded internet users in 2005, and the internet is unrestricted by the government.

## San Marino

Status: Free

LEGAL ENVIRONMENT: 4

POLITICAL ENVIRONMENT: 6

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 17

The right to freedom of expression is safeguarded under the 1974 San Marino Constitutional Order, and Article 183 of the criminal code protects against libel and slander. However, there are restrictions when expression comes into conflict with the right to confidentiality and the right to secrecy. The media operate freely, and no major impediments were reported in 2005. By law, radio and television broadcasting is monopolized by the San Marino Broadcasting Company, whose responsibility it is to grant concessions to private broadcasters. State-owned San Marino RTV runs both a radio and a television station. Italian radio and television are also available. There are two daily papers, *La Tribuna Sammarinese* and *San Marino Oggi*. Two Italian newspapers that contain news about San Marino are also distributed. The internet is available, unrestricted and used by almost 50 percent of the population.

## Sao Tome and Principe

Status: Free

LEGAL ENVIRONMENT: 4

POLITICAL ENVIRONMENT: 11

ECONOMIC ENVIRONMENT: 14

TOTAL SCORE: 29

The constitution of Sao Tome guarantees freedom of the press, and the government has an exemplary history of respecting these rights in practice. Publications that criticize official policies circulate freely without journalists being arrested, jailed, tortured, or harassed in reprisal. However, journalists do practice a degree of self-censorship, and their reports often depend on official news releases, which inhibits the growth of investigative journalism. Poor salaries and lack of advertising revenue, technology, and media training also constitute major handicaps for journalists.

There are six privately owned newspapers and one state-run paper. Although no law forbids independent broadcasting, the government controls a local press agency and the country's only television and radio broadcast stations—Radio Nacional de Sao Tome e Principe, and Televisao Saotomense. These stations provide opposition political parties with unlimited free airtime. Internet access is unrestricted by the government for the 11.7 percent of the population able to afford it, but the high level of poverty in Sao Tome and Principe severely limits the impact of this medium.

LEGAL ENVIRONMENT: 28

POLITICAL ENVIRONMENT: 28

ECONOMIC ENVIRONMENT: 23

TOTAL SCORE: 79

## Saudi Arabia

Status: Not Free

Saudi Arabia has few safeguards to protect press freedom. Article 39 of the Basic Law exhorts the media to promote unity and bans material that “may compromise the security of the State and its public image.” While the 1982 Royal Decree for Printed Material and Publications upholds freedom of expression, it restricts press freedom by limiting the range of topics permitted to be covered. Criticism of the royal family and the religious authorities is forbidden. Violations are considered criminal offenses, punishable with imprisonment and/or fines. In January, Saudi authorities detained Mohammed al Oushan, editor of the weekly *Al-Mohayed*, following his criticism of the government's attitude toward Saudi prisoners held at Guantanamo. Authorities then refused to confirm his



arrest. Created in 2003 with the stipulation that its decisions are subject to veto by the Ministry of Information, the Saudi Journalists Association has been largely ineffective. All journalists must register with the Ministry of Information, and although restrictions have eased in recent years, visas for foreign journalists are difficult to obtain. Once in the country, journalists must be accompanied by a government chaperone.

The print media are privately owned but publicly subsidized and often closely associated with members of the royal family. Newspapers are created by royal decree, and the government appoints or approves editors and publishers. Government authorities can fire journalists and editors who publish articles deemed offensive. Official censorship is common, as is self-censorship. There are 10 daily newspapers, and they generally follow the editorial line of the state-owned and -controlled Saudi Press Agency. Two Saudi-owned London-based dailies, *Al-Sharq al-Awsat* and *Al-Hayat*, are read widely, though they also tend to comply with government proscriptions on sensitive subjects. Nevertheless, recent years have seen newspapers report without prior authorization on previously taboo issues, including domestic crime, corruption, women's rights, religious extremism, terrorism, minority rights, and elections. Saudi newspapers featured extensive coverage of the 2005 municipal elections.

The government controls broadcast media. There is no private radio or television broadcasting from Saudi Arabia except for MBC-FM, a radio station owned by the late king's brother-in-law; however, there are reports that the government plans to privatize other radio stations. Satellite television has become widespread despite its illegal status and is an important source of foreign news. In January 2004, the government launched an all-news satellite channel, Al-Ikhbariya, to compete with Al-Jazeera, which has been barred since 2003 from establishing a local office and covering the annual pilgrimage to Mecca. Like print media, broadcast media face significant restrictions and exercise self-censorship. In an example of editorial censorship exceeding official bounds, in August TV talk show host Abdel Rahman al-Hussein was fired by his director following a show in which guests criticized the Saudi religious police; however, the minister of information then intervened to have him reinstated. The government continues to censor foreign publications and broadcasts, removing objectionable material, including references to politics, pork, alcohol, sex, and religions other than Islam.

The internet is widely available, but the government has employed a sophisticated filtering system to block access to websites deemed morally or politically inappropriate. The Saudi authorities acknowledge blocking

more than 400,000 websites. Some users circumvent these controls by accessing servers based in other Gulf States. In October, the government blocked access to blogger.com, a popular blog creation and hosting service. The site was unblocked after two days.

## Senegal

Status: Partly Free

LEGAL ENVIRONMENT: 12

POLITICAL ENVIRONMENT: 20

ECONOMIC ENVIRONMENT: 12

TOTAL SCORE: 44

Worrying trends emerged in Senegal in 2005, particularly concerning government censorship of the media. Although the constitution guarantees freedom of expression and of the press, the government restricts these rights in practice. Despite continued promises by President Abdoulaye Wade to decriminalize several press offenses, there have been no changes to Article 80 of the penal code and other laws that impose criminal penalties for defamation and the publication of materials that compromise national security. Press freedom was further endangered by a controversial broadcasting bill that was passed by a vote of 11 to 2 in the 120-seat Parliament in December. The bill now awaits the signature of President Wade, and if approved, will create a National Council for the Regulation of Broadcasting (CNRA). The new body would be made up of the president's appointees on a nine-member panel, only one of whom would be a professional with broadcasting credentials. The CNRA would function as a supreme tribunal with the power to monitor media behavior and impose punishments ranging from temporary closures to exorbitant fines of up to US\$18,000. The new bill also strips the media profession's self-regulatory body—the Council for the Respect of Professional Ethics and Conduct—of its authority to monitor and sanction members of the media who act unprofessionally.

The year 2005 also witnessed a wave of bans and seizures of media outlets that discussed or interviewed the Casamance separatist rebel group or criticized local governments. In October, police shuttered and suspended broadcasts of the private radio station Sud FM for a day, while dozens of its staff members were detained for several hours. These actions were taken after the station aired an interview with Salif Sadio, a radical rebel leader. The distribution of the October 17 issue of *Sud Quotidien*, a newspaper distributed by the same independent media group that owns Sud FM, was also seized for publishing the transcript of the radio interview with Salif

Sadio. In September, Chief Caliph Serigue Saliou Mbacke, a prominent local cleric, ordered the closure of three FM radio stations in the Muslim holy city of Touba. The shutdown order targeted the private station Disso, the local branch of the state-owned Radio Television Senegalaise, and the community radio station Hizbut Tarquiyah. The ban against the broadcasters was likely related to Disso's broadcast of phone-in programs, during which several callers criticized Touba's elected governing council. Local scholars, journalists, and civil society leaders condemned the ban, saying it symbolized the growing number of threats to press freedom in Senegal. Aside from overt threats and direct actions against the media, many journalists continue to practice self-censorship. There is pressure on the media not to report on certain issues, and the government often uses financial subsidies or more direct means to shape media coverage of public issues.

Senegal has many private, independent publications and a string of private and community radio stations. By the end of the year, more than 70 radio frequencies had been assigned to community, private, and public radio stations all over the country. Nevertheless, the Wade administration refuses to accept private participation in the television sector except for entertainment channels. The state owns and controls the only national television station, which broadcasts generally favorable coverage of the government. In the past, Senegal's media watchdog, the High Audiovisual Council, criticized the government-run television station for not reflecting diverse viewpoints and not allowing equal coverage of opposition members and religious groups. Foreign satellite television and radio stations that originate primarily from France and South Africa are available, as is unrestricted internet access for the 4.4 percent of the population with the means to afford it in 2005.

LEGAL ENVIRONMENT: 12

POLITICAL ENVIRONMENT: 17

ECONOMIC ENVIRONMENT: 11

## Serbia and Montenegro

Status: Partly Free

TOTAL SCORE: 40

The government is increasingly respectful of constitutionally protected press freedom rights, but impunity for crimes against the media and frequent prosecutions of journalists persist. The Serbian Parliament adopted a new criminal code in September, under which libel is no longer punishable by imprisonment but remains a criminal offense punishable by high fines or

up to six months in jail when the individual cannot pay the fine. Before the new code came into effect, an editor received a one-year suspended prison sentence for libeling a businessman. Media organizations were critical of government efforts to implement the Access to Public Information Act in Serbia. In Montenegro, where progress has been slow, a draft Freedom of Information law was proposed in May. In August, a Serbian parliamentary committee adopted amendments to the Broadcast Act, giving greater voting power to Members of Parliament. The amendments also extend the privatization deadline for local government-operated media until 2008 and delay the privatization of Radio Television Serbia.

Media are diverse and active and publish freely despite pressures. However, some journalists, often those at local media outlets, do resort to self-censorship and choose not to express critical views or investigate issues such as war crimes. In Montenegro, many outlets have close ties to either the ruling coalition parties or the opposition. In December, the Montenegro Radio and Television Council dismissed the director of public broadcaster TV Montenegro (TVCG). The TVCG editorial staff resigned in protest, alleging that the dismissal was politically motivated. In July, the municipal assembly in the town of Valjevo replaced the editor in chief of a local weekly with a member of the Socialist Party. The mayor of Vranje threatened independent journalists and reportedly refused to give them official information. In October, the offices of a local Vranje weekly were ransacked; it was their third such break-in in recent years. In Belgrade, the independent broadcaster B92 was frequently criticized for being anti-Serb. In July, a bomb threat forced the evacuation of B92 premises; and in November, the car of a B92 journalist was destroyed. In June, the editor in chief of the independent daily *Danas* received death threats after the newspaper identified an area where an indicted war criminal was reported to be hiding. In September, unknown assailants beat a local correspondent for the Belgrade daily *Vecernje Novosti*. Media organizations protested the lack of progress in the investigations into the 2001 and 1999 murders of Serbian journalists Milan Pantic and Slavko Curuvija. In Montenegro, one suspect is still on trial, and a second suspect was arrested a year after the 2004 murder of Dusko Jovanovic, editor of the opposition daily *Dan*.

Although there is a good amount of media diversity and pluralism, press freedom is limited in the UN-administered province of Kosovo owing to unreformed legislation and a politicized environment. The UN Interim Administration Mission in Kosovo, the Organization for Security and Cooperation in Europe, and the Office of the Temporary Media

Commissioner regulate the media. The current criminal code allows for three-month-long prison terms for libel. The Association of Professional Journalists of Kosovo (APJK) reported that media are frequently harassed and that authorities often do little to protect journalists. In June, Bardhyl Ajeti, a journalist for *Bota Sot*, Kosovo's leading Albanian language daily, was shot from a passing car. Ajeti, who was frequently criticized for his articles, died three weeks later. This was the second shooting of a Kosovo journalist in eight months. Most media rely on international aid. The Serbian minority is often underrepresented in the media. The APJK reported that the Kosovo Protection Corps blocked media from filming a visit by Serbian president Boris Tadic.

There are numerous private media outlets in both Serbia and Montenegro, although the large number makes them highly dependent on advertising and some newspapers have resorted to "tabloidization" to sell more copies. Despite ongoing legal reforms, ownership transparency is weak and privatization has slowed. The Serbian government continues to publish a popular daily, *Borba*, as well as owning one of the main printing houses. In Montenegro, few newspapers have been privatized. There are a large number of public, state-owned, and private broadcast outlets, including 16 private television and 39 private radio stations. Although local media are generally diverse, they often rebroadcast Belgrade-produced and foreign programs. Internet access is unrestricted, but authorities selectively monitor e-mail conversations for the 14 percent of the population that had internet access in 2005.

LEGAL ENVIRONMENT: 20

POLITICAL ENVIRONMENT: 21

ECONOMIC ENVIRONMENT: 19

TOTAL SCORE: 60

## Seychelles

Status: Partly Free

The constitution provides for freedom of speech but also restricts this right by protecting the reputation, rights, and privacy of citizens as well as the "interest of defense, public safety, public order, public morality, or public health." These restrictions have limited freedom of the press, particularly because libel charges can easily be filed to penalize journalists. The law also allows the minister of information to prohibit the broadcast of any material that is against the "national interest." The Seychelles Broadcasting Corporation, the state-controlled media regulation body, continued to ban a local singer's music on the grounds that it was seditious.

The only significant opposition newspaper, the weekly *Regar*, has been repeatedly brought to court on libel charges carrying steep monetary penalties, though no new libel suits were filed in 2005. However, on December 8, the paper was the target of an arson attack that seriously damaged its printing press. The editor of *Regar*, Roger Mancienne, claimed that the attack was “an attempt to censor us that clearly had a political motive” in the run-up to the presidential elections scheduled for 2006.

The government owns the country’s only daily newspaper, the *Nation*, which adheres closely to official policy. The state also has a de facto monopoly over the widely consumed broadcast media, and private broadcasters have been slow to develop because of restrictive licensing fees of more than \$185,000 per year. Telecommunications companies must submit subscriber information to the government, and the internet is available and unrestricted in Seychelles for the quarter of the population that had internet access in 2005.

## Sierra Leone

Status: Partly Free

LEGAL ENVIRONMENT: 19

POLITICAL ENVIRONMENT: 22

ECONOMIC ENVIRONMENT: 18

TOTAL SCORE: 59

The constitution guarantees freedom of expression in Sierra Leone, but enjoyment of this right in practice is illusory. The 1965 Public Order Act criminalizes libel and holds accountable not only journalists, but vendors, printers, and publishers. By year’s end, President Ahmad Tejan Kabbah had pledged his support for the decriminalization of libel, but no official legislation has yet been passed, and the government continues to implement these laws to intimidate investigative journalists. In May, the managing editor and a reporter with *The Trumpet* weekly were jailed and charged with seditious libel, but were acquitted the following month. Targeting uncooperative reporters through laws and using the judicial power of the courts to ambush correspondents has been a growing strategy of the government in recent years, and 2005 was no exception. However, in November, Paul Kamara, founder and editor of *For di People*, was released from prison after serving 14 months of a 2-year sentence for seditious libel concerning a published piece linking the president with corruption. An appellate court overturned the original sentence and concluded that Kamara’s actions did not amount to sedition.

Journalists who persist in investigating high-level corruption often become victims of violence and harassment. In May, Harry Yansaneh, acting editor of the independent newspaper *For di People*, was the victim of a violent attack allegedly ordered by Fatmata Komeh, a ruling party member of Parliament; Yansaneh died of complications from the attack two months later. In August, Komeh and her accomplices were arrested on charges of manslaughter but were released on bail only a few days later. The police investigation has since refused to press further charges. Other incidents of government intimidation of the media were widespread, including the detaining of newspaper editors and reporters for the publication of articles criticizing the president.

Despite such extensive media harassments, newspapers openly and routinely criticize the government, its officials, opposition political parties, and former rebel forces. The diverse and lively media, particularly the growing print press, have been a strong voice against corruption. Nonetheless, poor journalistic skills, insufficient resources, and a lack of professional ethics all pose enduring problems for the quality of the press. More than 25 newspapers, catering to a wide spectrum of interests and political opinions, were published in 2005. Most of these were privately owned, but several were affiliated with political parties. Consequently, the media are highly politicized, and there is widespread corruption among journalists. Several government and private radio stations, as well as international stations like the United Nations Radio, all provide coverage of domestic news and political commentary. The radio remains the medium of choice for most Sierra Leoneans, who for economic reasons have limited access to television, newspapers, and the internet. Less than 0.5 percent of the population was able to access the internet in 2005, though the government did not place any explicit restrictions on internet use.

LEGAL ENVIRONMENT: 23

POLITICAL ENVIRONMENT: 24

ECONOMIC ENVIRONMENT: 19

TOTAL SCORE: 66

## Singapore

Status: Not Free

Media freedom in Singapore is legally and economically constrained to such a degree that in 2005 the vast majority of journalists practiced self-censorship rather than risk being charged with defamation or breaking the country's criminal laws on permissible speech. The constitution provides for freedom of speech and of expression in Article 14 but permits

restrictions on these rights. Legal constraints include strict censorship legislation, including the Newspaper and Printing Presses Act, which allows authorities to restrict the circulation of any foreign periodical for publishing news that interferes in domestic politics, and the Internal Security Act, which gives officials the power to restrict publications that incite violence, arouse racial or religious tension, or threaten national interests, national security, or public order. Given the government's record of successfully suing critics under harsh criminal defamation laws, journalists most often refrain from publishing critical stories about corruption or nepotism. In September, the regional magazine *FinanceAsia* was forced to offer an apology and pay undisclosed sums of money to several national political leaders after it published an allegedly slanderous article. The limits to political speech were reflected in the arts as well. In August, police ordered a 36-year-old filmmaker to surrender equipment used to make a documentary on opposition figure Chee Soon Juan. Chee himself was sued for defamation in 2001 and is now facing bankruptcy proceedings.

The vast majority of print and broadcast media outlets, as well as internet service providers and cable television services, are either owned or controlled by the state or by companies such as Singapore Press Holdings or Media Corp. that have close ties to the ruling party. Moreover, annual licensing requirements cause media outlets to limit or moderate their criticism of the government. By law, the circulation of foreign news periodicals can be limited or barred, and foreign broadcasters are also subject to potential restrictions if they are deemed to be "engaging in domestic politics," according to the U.S. State Department.

Internet use is widespread in Singapore, but political and religious websites are required to register with the government's Media Development Authority. In recent months, the threat of defamation lawsuits has been used to inhibit criticism of the government in cyberspace, much as it has in Singapore's traditional media. In April, Jiahao Chen, a Singaporean student studying in the United States, was forced to shut down his blog for fear of libel action by a government agency that grants research scholarships. In October, two men were jailed for posting racist comments on the internet aimed at the country's ethnic Malay community, which is mainly Muslim.



## Slovakia

Status: Free

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 8

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 20

Press freedom is constitutionally guaranteed and generally respected. Independent media outlets freely publish and disseminate diverse views. Although defamation was decriminalized in 2003, some media outlets and individuals continue to be beleaguered with civil defamation suits. In April, Prime Minister Mikulas Dzurinda filed a libel suit against the publisher of the daily *Pravda*, demanding approximately 125,000 euros (US\$156,500) in damages and an apology for a series of articles that appeared in the paper in autumn 2003. In December, *Pravda* was ordered to pay approximately 75,000 euros (US\$93,900) in damages to former Supreme Court president Stefan Harabin for a series of articles published about him between summer 2002 and February 2003. Media watchdogs believe there is some measure of self-censorship. A draft of a new Media Law was prepared in 2005 and was generally well received, though there was criticism of provisions requiring the accreditation of freelance journalists and introducing constraints on recording and reporting on confidential conversations.

Most important Slovak media are privately owned, with the exception of TASR, the state-run press agency, and public service broadcasters. Following legislative changes in 2004, the heads of state-owned media enterprises are no longer political appointees, and journalists have increasing editorial independence. A lack of transparency in media ownership in the private sector remains an issue. Electronic media became more diverse this year thanks to new and stronger players in the television sector and the growing market share of private radio broadcasters. Local broadcast media are often affiliated with local governments and at times act more as mouthpieces of local authorities and less as independent sources of information. Print media are dominated by two large dailies and a broad network of regional publications; the landscape is diverse, but there is a disturbing trend away from fact-based public interest journalism and toward sensationalism. Access to the internet is unconstrained, and the number of regular users, currently at 42 percent of the population, continues to grow.

## Slovenia

Status: Free

LEGAL ENVIRONMENT: 4

POLITICAL ENVIRONMENT: 9

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 20

The constitution provides for freedom of expression and of the press, and the government generally respects these rights in practice. Nevertheless, both unreformed and recently adopted laws have the potential to hinder press freedom. Although libel is not punishable with prison terms, it remains a criminal offense. In November, a controversial new law on the public broadcaster RTV Slovenia entered into force. International and local media organizations criticized the legislation for its vague language and potential adverse effects on media freedom and editorial independence. The law was first published in April without debate or input from local media organizations, and was approved by a national referendum with an extremely narrow margin in September. The law, prepared by the Ministry of Culture, stipulates that the Parliament will appoint 16 members of the 29-member Programming Council, including the director general, who now has more authority over high-level editorial jobs. The new law also establishes a special national television program to broadcast sessions of the Parliament. The government of Prime Minister Janez Jansa maintains it introduced the law to ensure the independence of board members, while opposition and media groups contend the law will allow the government to influence the council's decisions.

In June, the weekly *Mladina* reported that the government's public relations officers had restricted communication with the prestigious newspaper under orders from the main governmental spokesperson, Jernej Pavlin, following a series of articles criticizing the government. Pavlin quickly took full responsibility for the affair and handed in his resignation, but the scandal had already brought into question the integrity and transparency of the Jansa administration. In spring, POP TV reporter Damjana Seme was under unjustified police surveillance because Franc Kangler, head of the parliamentary intelligence oversight commission, wondered how the reporter acquired information on pretrial proceedings of a case involving a politician. An investigation was opened later, and the transgression of the police's power was condemned.

Slovenian media are active, diverse, and largely independent. However, investigative journalism is scarce, and media do not go out of their way to express a wide range of political opinions. Most large media outlets are

privately financed, but the government holds partial ownership in several companies that own major media houses, and reports indicate that indirect government influence led to a degree of self-censorship. In a controversial move, Slovenia's main news publishing group, Delo, bought the small right-leaning weekly *Mag*, which then took over Delo's main newspaper. Media organizations criticized the publisher's purely economic goals, which they say threatened media diversity. In October, after more than 60 years, the BBC closed its Slovenia section as well as 11 other European sections, owing to financial expenses and expansion into Arabic countries. Three of the six national television channels were part of the government-subsidized RTV Slovenia network. Internet usage is high and unrestricted.

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 14

ECONOMIC ENVIRONMENT: 11

TOTAL SCORE: 30

## Solomon Islands

Status: Free

The law provides for protection of free speech and freedom of the press. The media climate has continued to improve since the establishment of the Australian-led Regional Assistance Mission in the Solomon Islands (RAMSI). The pattern of ethnic violence of the previous few years has ended and led to a safer environment for journalists and media outlets in 2005. However, the country lacks diversity in the media, and political figures continue to occasionally harass journalists. In April, police ordered Sue Ahearn, an Australian broadcaster acting as an adviser to the SIBC, to leave a room in which Prime Minister Sir Michael Somare of Papua New Guinea and his delegation were waiting during a flight stopover. Health and Medical Services Minister Benjamin Una lambasted the media in the Parliament in February after the Solomon Islands Broadcasting Corporation (SIBC) reported a heated exchange between the minister and hospital staff in the capital of Honiara after he had been drinking.

Just one daily newspaper, the *Solomon Star*, dominates the media scene, with two weekly papers and two monthly newsletters also published. Low literacy rates mean that broadcasts are heavily relied on for news. The SIBC operates the national public station Radio Hapi Isles, Wantok FM, and the provincial stations Radio Hapi Lagun and Radio Temotu. One private commercial station broadcasts, Paoa FM. There are no television stations, although Australia's state-run ABC Asia Pacific, BBC World, and other

satellite channels can be received. In 2005, 1.7 percent of the population was reported to have accessed the internet, which is unrestricted by the government.

## Somalia

Status: Not Free

LEGAL ENVIRONMENT: 26

POLITICAL ENVIRONMENT: 33

ECONOMIC ENVIRONMENT: 24

TOTAL SCORE: 83

The Transitional Federal Government (TFG) was intended to oversee disarmament, demobilization, and a reunification of Somalia under a loose federal arrangement, but instead the central government has collapsed and political rivalries have turned violent, leaving the country divided and anarchic. Legislation adopted by the TFG, including the unimplemented constitution, provides for freedom of speech and of the press but also requires all media outlets to register with the Ministry of Information and imposes penalties for false reporting.

Lethal attacks on the press increased in 2005 as the TFG split and clan rivalries sparked violence, especially in the capital of Mogadishu, where Kate Peyton, an international correspondent for the BBC, was shot dead in February while covering the peace process early in the year. Allegedly, the murder was intended to portray Mogadishu as unsafe and to discourage international support for peace. Domestic Somali journalists have also paid a heavy toll for their coverage of the conflict. In June, a radio journalist for Capital Voice—a local radio station owned by the HornAfrik media company—was shot and killed while covering a protest in Afgoye. Also in June, a reporter with the popular HornAfrik radio station was shot and killed while covering the dismantling of a militia checkpoint in Mogadishu. During its annual general assembly meeting in September, two leaders of the National Union of Somali Journalists (NUSOJ) received anonymous death threats. According to the NUSOJ, attacks on the press in Somalia originate from all rivaling factions, including warlords, regional administrators, independent militias, armed business groups, and others.

Owing in large part to the weakness of the central government, private media outlets are able to operate freely, and some 20 private newspapers, a dozen radio and television stations, and several internet news sites exist in the country. Despite the absence of government restrictions on the internet, less than 1 percent of the population has been able to access this

new media source due to the lack of infrastructure and the pervasiveness of poverty. Photocopied dailies and low-grade radio stations have proliferated in Mogadishu and elsewhere since 1991, but journalists struggle to shake off accusations of bias and cover issues that span the ethnic rivalries. Most of the independent newspapers or newsletters that circulate in Mogadishu are linked to one faction or another, and the majority are dependent on these factions for protection.

In the two self-proclaimed autonomous regions of Puntland and Somaliland, press freedom is very limited and coverage of political and security issues is particularly perilous. The Puntland charter provides for freedom of the press “as long as they respect the law.” In April, security forces raided the offices of the Puntland weekly *Shacab* and detained two staff members for articles deemed unfairly critical of local authorities. In Somaliland, liberal decrees nominally guaranteeing press freedom do not prevent the local administration from continuing to harass and detain journalists. In March, the Somaliland administration dismissed two reporters working for the state-owned Radio Hargeisa on the accusation that they were also working for a pro-opposition station based in London.

LEGAL ENVIRONMENT: 7

POLITICAL ENVIRONMENT: 11

ECONOMIC ENVIRONMENT: 9

## South Africa

Status: Free

TOTAL SCORE: 27

Freedom of expression and of the press, protected in principle by the constitution, are generally respected in practice. Nevertheless, several apartheid-era laws remain in effect that permit authorities to restrict the publication of information about the police, national defense forces, prisons, and mental institutions and to compel journalists to reveal sources. In May, the Johannesburg high court issued a gag order against an article on the “Oilgate” corruption scandal set to appear in the independent *Mail and Guardian* newspaper. The article—following up on an earlier report alleging the misappropriation of R15 million (about US\$2.5 million) by the ruling African National Congress—was gagged because the newspaper refused to reveal its sources of information for the story (which was allegedly illegally obtained). The gag order was lifted in June; however, in September the government issued a subpoena to the *Mail and Guardian’s* online host,

requiring the M-Web company to deliver records of a bank statement related to “Oilgate,” published on the *Mail and Guardian* website.

South Africa features vibrant press freedom advocacy and journalists organizations, and a number of private newspapers and magazines are sharply critical of the government, political parties, and other societal actors. In addition, in 2005 the government continued to reveal a heightened sensitivity to media criticism—including accusing critical journalists of racism and betraying the state. In May, then minerals and energy minister Phumzile Mlambo-Ngcuka (later appointed deputy president) proposed introducing legislation that would compel journalists and civil society groups to “speak responsibly” on sensitive matters and would charge violators with incitement; the proposal was forcibly condemned by both the Freedom of Expression Institute and the Media Institute of Southern Africa. Reporters are occasionally subject to threats and harassment and are sometimes forcibly denied access to official proceedings. In May, officials in Limpopo province barred South African Broadcasting Corporation (SABC) journalists from entering the provincial legislature; two weeks earlier, an adviser to Limpopo’s premier accosted SABC employees following the broadcaster’s coverage of local politicians. In December, police used force to prevent journalists from *The Star* newspaper from covering former deputy president Jacob Zuma’s rape trial.

For primarily socioeconomic reasons, most South Africans receive the news via radio outlets, a majority of which are owned and controlled by the state broadcaster, the SABC. However, a number of independent community radio stations operate throughout the country, though some stations report difficulty in attaining the appropriate license. The SABC also dominates the television market with three stations; still, the country’s two commercial television stations, e.tv and M-net, are reaching ever greater proportions of the population. Although editorially independent from the government, the SABC has come under fire for displaying pro-government and pro-African National Congress biases and for encouraging self-censorship. Internet access is unrestricted and growing rapidly, although many South Africans cannot afford the service fee and only 7.4 percent of the population was able to access it in 2005.

## South Korea

Status: Free

LEGAL ENVIRONMENT: 9

POLITICAL ENVIRONMENT: 11

ECONOMIC ENVIRONMENT: 10

TOTAL SCORE: 30

President Roh Moo-hyun's tenure as head of the liberal Uri Party government has been marked by disputes with conservative media outlets and allegations that the government has acted to reduce the media's influence through two new media reform laws that were passed in January. The Law Governing the Guarantee of Freedom and Functions of Newspapers Etc. (also known as the Newspaper Law) requires all newspapers, including those with internet sites, to register with the government and designates newspapers with a market share of more than 30 percent, or a combined total of 60 percent for three dailies, as "dominant market players." In the event that a dominant player engages in unfair trade practices, it may be subject to a cease-and-desist order or suffer financial penalties. The law also allows for the creation of a newspaper distribution agency. Despite local and international opposition, the law went into effect in July; however, the newspapers *Chosun Ilbo* (whose market share exceeds 30 percent) and *Dong-a Ilbo* have challenged its constitutionality. A second piece of legislation, the Law Governing Press Arbitration and Damage Relief (also known as the Press Arbitration Law), empowers the Press Arbitration Commission to examine infringements by media of the interests of the state and individual citizens; third-party petitions concerning infringements are also permitted in the absence of a direct petition from a victim. In July, the new powers of the Press Arbitration Commission allowed the Roh administration to appeal for corrections in an editorial piece published in *Chosun Ilbo* about President Roh's coalition government. Censorship of the media is against the law in South Korea, though some websites have been blocked for posting pro-North Korean content and the government requires all website operators to indicate if their site might be harmful to youths. It was confirmed in 2005 that the secret service uses wire and phone taps for journalist surveillance. Reporters Sans Frontieres reported that the daily *Munhwa Ilbo* had its phones tapped after publishing an investigation into corruption in the secret services.

South Korea has a vibrant and diverse media, with numerous cable, terrestrial, and satellite television stations and over 100 daily newspapers in Korean and English across the nation. Many newspapers depend financially on large corporations for their advertising revenue. There are both public and privately owned radio and television broadcast stations, including an

American Forces Network for the U.S. military. The South Korean online media are especially vigorous and innovative. For example, in 2000 Oh Yeon Ho started an interactive internet news site called OhMyNews where citizens can submit their own news articles which are often published immediately on the site. An estimated 67 percent of South Koreans have access to the internet and a significant number of young people get their news exclusively via electronic media.

## Spain

Status: Free

LEGAL ENVIRONMENT: 4

POLITICAL ENVIRONMENT: 12

ECONOMIC ENVIRONMENT: 5

TOTAL SCORE: 21

Freedom of speech is protected by law and is generally respected in practice. However, concerns for press freedom include antiterror legislation and high awards in defamation suits against journalists. In November 2005, the national court began hearing appeals by journalists of the Basque-language daily *Euskalunon Egunkaria* who were charged in December 2004 by lower court judge Juan Del Olmo with creating an “illegal association” and some of them with “membership of a terrorist group” as well. In 2003, the newspaper was shut down under suspicion of collaborating with the Basque separatist group Euskadi Ta Askatasuna (ETA, or Basque Fatherland and Freedom). The journalists, who are all free on bail, face prison terms ranging from 1 to 14 years. According to Reporters Sans Frontieres, the same judge had the *Egunkaria* group’s accounts frozen and demanded that the company be liquidated. In October 2005, more than 60 members of the Spanish Parliament called on the government to drop the entire case against *Egunkaria*. In the past, the ETA has waged a campaign of fear targeted against journalists who oppose its separatist views in the disputed region, but there were no known attacks on journalists in the country by the ETA in 2005.

Media run into difficulties after reporting on certain taboo subjects, especially terrorism. In fact, the year was dominated by disputes between the media and the government over this subject. In a high-profile case, Spain jailed Tayseer Alouni, a former Al-Jazeera journalist, for collaborating with a terrorist organization. Alouni, a Syrian-born Spanish citizen and former prominent and popular correspondent for the Qatar-based news network, was sentenced in September 2005 to seven years in prison for acting as a financial courier to al-Qaeda. Alouni has denied the charges. Spain has a free



and lively press, with more than 100 newspapers that cover a wide range of perspectives and are active in investigating high-level corruption. However, daily newspaper ownership is concentrated within large media groups like Prisa and Zeta. The internet is unrestricted by the government, but the percentage of the population that accessed the internet in 2005 was one of the lowest in Western Europe at only 38 percent of the population.

LEGAL ENVIRONMENT: 15

POLITICAL ENVIRONMENT: 26

ECONOMIC ENVIRONMENT: 17

## Sri Lanka

Status: Partly Free

TOTAL SCORE: 58

Although freedom of expression is provided for in the constitution, an increasingly unstable cease-fire between government forces and the Liberation Tigers of Tamil Eelam (LTTE) separatist rebel group, coupled with heightened political uncertainty and tensions among the main political parties, led to a worsening of conditions for Sri Lankan media in 2005. Emergency regulations enacted in August following the assassination of the foreign minister allowed the government to bar the publication, distribution, performance, or airing of any print or broadcast material deemed likely to cause public disorder; however, it did not use these provisions during the remainder of the year. The Official Secrets Act (OSA) bans reporting on information designated “secret”; those convicted of gathering secret information can be sentenced to 14 years in prison. Although no journalist has ever been charged under the Act, in August President Chandrika Kumaratunga stood in front of a gathering of military personnel and threatened to charge senior defense correspondent Iqbal Athas under the OSA. Contempt of court laws have been used in the past to punish reporters who investigate judicial misconduct, but during 2005 authorities generally did not use legal means to harass the media.

The LTTE does not permit free expression in the areas under its control and continues to terrorize a number of Tamil journalists and other critics. Increasing tension and violence during the year—both between the government and the LTTE, and between the LTTE and a breakaway rebel faction led by Colonel Karuna—negatively impacted journalists’ ability to cover the news freely, particularly in the troubled North and East. A number of journalists and media outlets faced intimidation (including death threats) during the year, two Tamil journalists were killed, and distributors and Tamil media outlets were also attacked. Journalists, particularly those

who cover human rights issues or official misconduct, continued to face intimidation and threats from the police and security forces and from government officials; the critical English-language newspaper *Sunday Leader* and its editor Lasantha Wikramatunga were particularly singled out by authorities in this regard during the year. In a growing trend, those perceived as being supportive of Tamil interests have drawn ire from Sinhalese nationalist groups; in May, the Free Media Movement (FMM) received death threats from one such extremist group, while other journalists and media outlets, such as *Sudaroli*—a Tamil-language newspaper based in Colombo—have also been targeted. In several other instances, police or security forces manhandled reporters as they attempted to cover the news. The environment for media workers worsened especially prior to the November presidential election campaign.

While some journalists, particularly those covering the LTTE-controlled areas, practice self-censorship, numerous privately owned newspapers and broadcasters scrutinize government policies and provide diverse views. However, the FMM has noted that state-run media—including Sri Lanka's largest newspaper chain, two major television stations, and a radio station—have been used by the ruling party for political ends, including pressure on editors and biased election coverage prior to the November presidential elections. Business and political interests wield some control over content in the form of selective advertising and bribery. Access to the internet and to foreign broadcasts is not restricted, but only 1.4 percent of the population was able to access the internet in 2005 due to the high costs involved.

LEGAL ENVIRONMENT: 27

POLITICAL ENVIRONMENT: 32

ECONOMIC ENVIRONMENT: 26

TOTAL SCORE: 85

## Sudan

Status: Not Free

Despite the lifting of the 1989 state of emergency and the signing of a new, less restrictive constitution, the government continued to severely hinder the ability of media to operate freely. In July, President Omar al-Bashir and then vice president John Garang (the former leader of the southern rebel separatist group, Sudan People's Liberation Army) signed into law a new constitution that did not explicitly subordinate press freedom to the imperatives of public order, security, or morality. The following day, the state of emergency was lifted, formally ending censorship in Sudan.

Nevertheless, throughout 2005 the government—via the National Security Office—engaged in prepublication censorship, confiscated and banned publications, and detained journalists. As a result, many journalists practice self-censorship. The quasi-official National Press Council (NPC) is responsible for applying the Press Law and has the power to license and suspend newspapers and journalists—a power that was employed numerous times in 2005.

During the year, authorities cracked down on independent media and journalists were often subject to verbal and physical harassment by security forces and other armed groups. After the editor of the daily *Al-Wafaq* was arrested on criminal blasphemy charges in May, the NPC suspended the newspaper's publishing license for three days and the criminal court subsequently fined the daily about SDD732,000 (approximately US\$3,200) and suspended the publication for three months. Later that month, security forces raided the offices of the English-language daily *Khartoum Monitor* and banned publication of the May 21 issue because of a report and an editorial covering violent riots in the Soba Aradi displaced peoples' camp. One month later, the *Khartoum Monitor* was ordered to close by the Supreme Court, in a special court proceeding to which the newspaper had not been invited, for publishing an interview accusing the government of practicing slavery. The ban was revoked in July after the lifting of the state of emergency. However, in August police stopped the publication of two opposition Arabic-language dailies—*Al-Watan* and *Al-Wan*—after raiding the printing press that served both newspapers. Although no explanation was given, *Al-Watan* editor Tahir Sati attributed the raid to critical reporting of the government's handling of riots following the death of Garang in a plane crash. *Al-Wan* had previously faced injustice from the government when, in 2004, editor Hussein Khogali was arrested and held for more than a month in secret detention without charge (permissible under the National Security Act). He was released without explanation in early January 2005.

While foreign journalists were allowed to cover events in war-torn Darfur during the year, domestic journalists were prohibited from reporting independently from the region. Several journalists, including American photographer Brad Clift, were detained for lacking the proper licenses to work in Darfur; however, all were later released.

There are several daily newspapers and a wide variety of Arabic- and English-language publications. Although all of these are subject to scrutiny and harassment, some do criticize the government. Domestic broadcast media are directly controlled by the government and are required to reflect

official views, though some foreign programs are available. In spite of license requirements and high costs, satellite usage continued to rise. Access to the internet is not restricted by the government but is limited to 3 percent of the population by economic and social constraints.

## Suriname

Status: Free

LEGAL ENVIRONMENT: 4

POLITICAL ENVIRONMENT: 12

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 23

The government of Suriname generally respects freedom of expression and of the press, as provided for in the country's constitution. However, little investigative journalism takes place, and some journalists practice self-censorship on certain issues, particularly drug trafficking and the human rights abuses that took place under the Desi Bouterse dictatorship. In December, a judicial ruling increased concerns about censorship. The national independent newspaper, *De West*, lost a libel suit brought against it by the Foreign Exchange Commission for an article that alleged corruption within the Commission; soon after, *De West* voluntarily published a retraction of the original article. However, in an unprecedented move, a judge ordered *De West* to publish another correction and apology in *De Ware Tijd*, the nation's only other daily newspaper and the publication with the highest circulation in the country. In addition, the Foreign Exchange Commission asked *De West*'s editor to sign a memorandum of understanding that the paper would not publish further stories about the commission without prior approval. As a mark of protest against what was perceived as attempted censorship, *De Ware Tijd* refused to publish the retraction, and *De West*'s editor declined to sign the memorandum. The Association of Surinamese Journalists reported that although the media are much freer than under the Bouterse dictatorship in the 1980s, poor salaries and lack of training for journalists are undermining the profession. There are seven radio stations and a number of community radio stations. Both television stations and one of the radio stations are state owned. There are no government restrictions on the internet though only 6 percent of the population was able to access it in 2005.

## Swaziland

Status: Not Free

LEGAL ENVIRONMENT: 25

POLITICAL ENVIRONMENT: 27

ECONOMIC ENVIRONMENT: 25

TOTAL SCORE: 77

Freedom of expression is severely restricted, especially regarding political issues or matters concerning the royal family. There are no de facto legal protections for journalists and media workers in Swaziland. While a new constitution—enacted in July 2005—provides for limited freedom of speech, the king may waive these rights at his discretion. The 1938 Sedition and Subversive Activities Act bans publication of any criticism of the monarchy, and self-censorship is widespread, particularly regarding the king’s lavish lifestyle. The Proscribed Publications Act (1968) also empowers the government to ban publications if they are deemed “prejudicial or potentially prejudicial to the interests of defense, public safety, public order, public morality, or public health.” The law has been used several times in recent years to punish newspapers that criticized or embarrassed the monarchy. Harsh defamation laws are also used to stifle the press; in July, the *Times of Swaziland* was ordered to pay Deputy Prime Minister Albert Shabangu a staggering fine of approximately \$116,000 for alleging in a 2001 article that Shabangu belonged to a banned political party.

The government warned against negative news coverage throughout 2005. Prime Minister Absalom Themba Dlamini on several occasions stressed the importance of “positive” media coverage and threatened to monitor the press if it continued to cover the government in a sensationalist manner. In addition, journalists are subject to harassment and assault by both state and nonstate actors. In October, *Times of Swaziland* photojournalist Mkhulisi Magongo was threatened with violence and professional retribution by parliamentarian Maqhawe Mavuso for covering Mavuso’s fraud trial. That same month, reporter Douglas Dlamini was slapped by a local football player.

The two major newspapers in circulation are the *Times of Swaziland* and the *Swazi Observer*. The *Times*, founded in 1897, is the oldest newspaper in the kingdom and the only major news source free of government control. Generally, the government withheld its advertising, a crucial source of revenue, from the *Times*. Despite being owned by a royal conglomerate, the *Swazi Observer* was shut down temporarily in 2002 because its editorial direction was viewed as too liberal; both newspapers criticized government corruption and inefficiency in 2005 but steered clear of taking on the royal

family. The Swaziland Television Authority is both the state broadcaster and the industry regulatory agency and dominates the airwaves. There is one independent radio station, Voice of the Church, which focuses on religious programming. A member of the royal family owns the country's lone private television station. However, broadcast and print media from South Africa are received in the country, and state broadcasters retransmitted Voice of America and BBC programs without censorship. The government does not restrict internet-based media, though less than 5 percent of the population had access in 2005.

LEGAL ENVIRONMENT: 2

POLITICAL ENVIRONMENT: 4

ECONOMIC ENVIRONMENT: 4

TOTAL SCORE: 10

## Sweden

Status: Free

Sweden's media are independent. Legal protections for press freedom date back to the 1766 Freedom of the Press Act. Sweden has one of the most robust Freedom of Information laws in the world. According to the BBC, the country's law aims to ensure that all actions by public authorities that concern the people are open to scrutiny. In spite of repeated demands from Russian authorities and reprisals against Swedish media in Russia, Sweden has refused to shut down the server that hosts the Chechen separatist website KavkazCenter. In August 2005, the *Norrkopings Tidningar*, a daily newspaper, received a note threatening to bomb the newspaper's offices if it did not cease carrying reports about organized crime. Journalists who investigate extreme right-wing groups are sometimes threatened and even physically attacked by neo-Nazi militants. All print media are privately owned, and the government subsidizes daily newspapers regardless of their political affiliation. Media ownership is highly concentrated, particularly under regional media conglomerates Bonnier and the Modern Times Group. The Swedish Broadcasting Corporation and Swedish Television Company broadcast weekly radio and television programs in several immigrant languages. The ethnic press is entitled to the same subsidies as the Swedish-language press. The internet is unrestricted and roughly 74 percent of the population was able to access it in 2005.

## Switzerland

Status: Free

LEGAL ENVIRONMENT: 3

POLITICAL ENVIRONMENT: 3

ECONOMIC ENVIRONMENT: 5

TOTAL SCORE: 11

Swiss media are free from editorial and government interference but operate mainly along linguistic-regional divisions. Media freedom is guaranteed in the constitution, although the penal code prohibits racist or anti-Semitic speech. Government information is available freely to all persons living in the country, including foreign media. In December 2004, the Parliament adopted new transparency legislation providing for public access to government documents, but the law had not been implemented by year's end. The 10 Muhammad cartoons published by a Danish newspaper in September 2005 triggered a nationwide discussion about freedom of expression and religious freedom. Swiss newspapers published the cartoons.

Broadcast media are dominated by the Swiss Broadcasting Corporation (SBC), which operates 7 television networks and 18 radio stations and is a public service association subject to private law. The corporation is mandated to provide radio and television programs in all four national languages (in order of population size, German, French, Italian, and Romansch) and to promote mutual understanding and exchange among all Swiss communities. It is dependent on the government for financing, although its news reporting is politically neutral. Revenue from licensing fees is distributed from the dominant German-speaking region to the others in order for all to be able to produce their own programming. Some private broadcasters are beginning to emerge but have not significantly challenged the SBC. Owing to market forces and the multilingual nature of the country, most private stations are limited to local and regional broadcasts. Nearly all homes are connected to cable networks, all of which provide access to international commercial stations. Daily newspapers are owned by large multimedia conglomerates, which have steadily pushed smaller publications out of the market. Ownership is concentrated, and advertising has been declining. Newspaper readership levels are high, while internet access is open, unrestricted, and widespread at 66 percent of the population.

## Syria

Status: Not Free

LEGAL ENVIRONMENT: 29

POLITICAL ENVIRONMENT: 33

ECONOMIC ENVIRONMENT: 22

TOTAL SCORE: 84

Syria's regime continued to severely restrict press freedom in 2005. Although the constitution provides for freedom of speech and of the press, a constellation of repressive laws together restrict Syrians' rights to freedom of expression and of information. First among them is the Emergency Law, in place without interruption since December 1962, which broadly mandates the censorship of letters, publications, broadcasts, and other forms of communication. The 2001 Press Law sets out sweeping controls over newspapers, magazines, and other periodicals, as well as virtually anything else printed in Syria. Provisions apply to any writer or anyone with the means to print a document. The decree forbids writing on a wide variety of topics, including reports that touch on what authorities consider to be "national security" or "national unity." Neither term is defined. The publication of "falsehoods" and fabricated reports can be punished by up to three years in prison and fines of between \$10,000 and \$20,000. Articles 286 and 287 of the penal code criminalize spreading news abroad. Decree No. 6 of 1965 criminalizes "publishing news aimed at shaking the people's confidence in the revolution." Other laws criminalize "opposition to the revolution, its goals, or socialism." At the June 2005 conference of the ruling Baath Party, the Ministry of Information announced that it would issue a new press law. It had not been introduced by the end of the year.

Private and party newspapers sometimes publish mild criticism of the government. Syria's first independent media union was created in May by journalists and human rights activists hoping to liberalize the media. The union, called Hurriyat (Freedom), has been working to get recognition from the state. That same month, authorities confiscated thousands of copies of the business magazine *Al-Mal* for publishing an interview with a prominent Syrian businessman who criticized the government's economic policies. In June, the Ministry of Information canceled the license of *Al-Mubki*, a satirical newspaper that criticized the government.

Dozens of people who had spoken out against or were suspected of opposition to the government were detained throughout the course of the year. In March, the Ministry of Information revoked *Al-Hurrah* correspondent Ammar Mussareh's accreditation because of his coverage of a March 10 protest in Damascus. In the same month, security forces threatened Assif Ibrahim, a journalist for the mouthpiece of the Baath Party,



because of an article he had written alleging corruption in a Damascus building project. In May, military intelligence officers arrested civil society activist Habib Saleh—who had been released from prison in September 2004 after serving a three-year sentence for participating in civil society forums in the spring of 2001—for detailing his prison experiences in open letters and articles published online and for the Lebanese newspaper *Al-Nahar*. In June, the Arabic Network for Human Rights in Syria reported the disappearance of journalist Anwar Saat Asfari. No further information about his whereabouts was available by the end of the year.

Except for a handful of radio stations that do not broadcast news and do not report on political issues, radio and television outlets are all state owned. Satellite dishes are common, and the government made no attempt to interfere with satellite broadcasts. The government censors the internet and monitors its use, but Syrians employ a range of technical tricks to circumvent censorship, and a handful of blocked domestic Syrian websites and e-mail lists openly criticize the government. However, persistent financial constraints mean that less than 5 percent of the population was able to access the internet in 2005.

## Taiwan

Status: Free

LEGAL ENVIRONMENT: 7

POLITICAL ENVIRONMENT: 7

ECONOMIC ENVIRONMENT: 6

TOTAL SCORE: 20

A consolidated democracy, Taiwan is known for having one of the freest media environments in East Asia because of its firm commitment to judicial independence and economic freedom. President Chen Shui-bian and Vice President Lu Hsiu-lien were themselves victims of political repression in the 1980s and have been eager to champion freedom of speech since taking office in 2000. Nevertheless, in 2005 President Chen's administration was criticized by Reporters Sans Frontieres and the Committee to Protect Journalists for ordering the abrupt closure of cable television news station ETTV-S because of "irresponsible" reporting. In October 2005, the Parliament passed a law establishing the National Communications Commission (NCC) to replace the Government Information Office (GIO) in overseeing the operations of the broadcast media. The NCC is an independent body under the Executive Yuan. However, in late October, the GIO, while still in operation, threatened to close the popular television station TVBS, which the GIO asserted

was in violation of a law barring foreign ownership of the media. In April, Chen's cabinet spokesman announced a temporary ban on Chinese media outlets Xinhua News Agency and the *People's Daily* newspaper from posting journalists in Taiwan, because the two media "continuously publish unfriendly, biased, and distorted or outrageous reports about Taiwan." The banned media are the official mouthpieces of the Chinese Communist Party in Beijing.

The Taiwanese press is "vigorous and active," according to the human rights report issued by the U.S. State Department. Print media are completely independent, but electronic media have been subject to government influence through the GIO's authority to regulate broadcast programming and the radio and television licensing process. Taiwan has over 350 privately owned newspapers, 150 radio stations, and widespread availability of cable and satellite television. Given that most Taiwanese can access approximately 100 cable television stations, the state's influence on the media is, on balance, minimal. Legislation approved in 2003 barred the government, political parties, and political party officials from owning or running media organizations and led to the establishment of eight new public television channels. Members of the Nationalist and Democratic Progressive parties have given up considerable television and radio holdings. In December 2005, the Nationalist Party divested itself of holdings in the China Broadcasting Corporation, Chinese Television Company, and China Motion Picture Corporation. The government refrains from restricting internet access which is currently accessible to more than 60 percent of the population.

LEGAL ENVIRONMENT: 24

POLITICAL ENVIRONMENT: 28

ECONOMIC ENVIRONMENT: 24

TOTAL SCORE: 76

## Tajikistan

Status: Not Free

Tajikistan's media environment registered a slight but perceptible deterioration in 2005, as mounting government attempts to strengthen control eroded constitutional guarantees of free speech. With parliamentary elections looming on February 27, police closed the Kayhon printing company in January 2005, seizing the print run of the independent newspaper *Nerui Sukhan*. Immediately before the elections, the authorities shut down the nongovernment television stations Somoniyon and Guli Bodom. The government kept up the pressure after the elections and Somoniyon remained closed at year's end. *Nerui Sukhan* was briefly allowed to publish in July

before its publication was once again suspended. In August, the independent weekly *Ruzi Nav*, which had been effectively shut down in 2004, managed to print 99 copies of one issue. The same month, independent newspaper *Odamu Olam* reappeared in print after an 11-month hiatus. For all practical purposes, the independent press was sidelined in 2005.

Two high-profile cases of jailed journalists dominated the news in 2005. Jumaboi Tolibov, a journalist and government official in Soghd province, received a two-year jail term after publishing articles critical of a local prosecutor. Tolibov was freed only in December—the country’s Supreme Court had earlier ordered his release, but prosecutors initially overruled that order on dubious legal grounds. Mukhtor Boqizoda, editor in chief of *Nerui Sukhan*, was sentenced to two years of partial wage garnishment for “stealing” electricity for his printing press from a streetlight. President Emomali Rakhmonov signed a decree in March ordering officials to hold regular press conferences, but independent observers charged that officials avoided tough questions and used these as forums primarily for touting their own achievements.

The country sustains numerous print media outlets and private television and radio stations, as well as six government television stations. However, the government also maintained a near freeze on the registration of new media outlets; in 2005, the Justice Ministry registered only one newspaper, *Millat*, which published materials on political issues, and two new radio stations. In September, a second national governmental television station, Safina, began broadcasting. Coverage on state-controlled broadcast media provided a favorable backdrop to authorities’ actions. The state maintained a strong presence on the media landscape through direct and indirect ownership, licensing requirements, control of printing facilities, and subsidies. International media were allowed to operate freely, even to the extent of offering rebroadcasts of Russian television and radio programs. Internet services are limited to less than 1 percent of the population, and websites with political content experienced attacks by hackers.

LEGAL ENVIRONMENT: 16

POLITICAL ENVIRONMENT: 19

ECONOMIC ENVIRONMENT: 15

TOTAL SCORE: 50

## Tanzania

Status: Partly Free

Although the constitution provides for freedom of speech, several other laws limit the ability of media to function effectively. Authorities are empowered

to register and ban newspapers under the Newspaper Registration Act “in the interest of peace and good order,” while the Broadcasting Services Act provides for state regulation of electronic media, and the National Security Act allows the government to control the dissemination of information to the public. In December, two newspapers were suspended for violating the 1976 Newspaper Registration Act. *Tanzania Daima*, the Swahili-language paper owned by a member of the opposition, was suspended for three days for publishing a satirical picture and caption “injurious” to President Benjamin Mkapa. The weekly tabloid *Amani* was also suspended for 28 days for alleged ethical violations. Libel is a criminal offense, and the threats of jail time as well as of exorbitant, politically motivated fines are sometimes used to intimidate the media. In late 2003, the government adopted a new information and broadcasting policy that has yet to be fully implemented. Even though it includes provisions protecting press freedom, it fails to put an end to the registration requirement for newspapers and contains broad content restrictions.

Independent media outlets as well as the state-owned newspapers regularly criticize official policies, although the government occasionally pressures outlets to suppress unfavorable stories. On September 10, a photojournalist with the *Sunday Citizen* was beaten and injured by a group of prison wardens after covering an eviction that had been declared off-limits by the government. In the run-up to the 2005 elections, the major ruling party, Chama Cha Mapinduzi, was accused of using state-owned media to campaign for its candidates. Lack of access to government and public information is a major problem for the media.

The situation in Zanzibar remained more restrictive, particularly in the run-up to the 2005 elections. Journalists in Zanzibar must be licensed, and the state tightly controls the broadcast media. Locals can receive broadcasts and reports from the mainland. Zanzibar’s first independent private newspaper, *Dira*, remains banned, and there are no private broadcasters on the island. There has been a slight improvement in terms of diversity of media outlets, including the licensing of 13 new publications in 2005. However, according to Assah Mwambene, a reporter for the state-owned *Daily News*, most of the newspapers serve as government mouthpieces. Reporters continue to face harassment at the hands of authorities. In June, a leading newspaper columnist, Jabir Idrissa, was banned from working in Zanzibar. He had written a series of columns criticizing the government for human rights violations and bad governance.

Economic liberalization has brought a wide variety of media outlets, including dozens of FM radio stations, 350 registered newspapers, and a

dozen television stations. Only four radio stations have a national reach—state-run Radio Tanzania, as well as the privately owned Radio One, Radio Free Africa, and Radio Uhuru—and all are viewed as sympathetic to the ruling party. With most of the population unable to afford the 25 cents to buy a newspaper, radio remains the most popular means of mass communication. The government reportedly withholds advertising from critical newspapers and newspapers that report favorably on the opposition. Private firms that are keen to remain on good terms with the government allegedly follow suit, thus making it difficult for critical media outlets to remain financially sustainable. There are no reports of government restriction to the internet, though less than 1 percent of the population had the financial means to access it in 2005.

LEGAL ENVIRONMENT: 15

POLITICAL ENVIRONMENT: 21

ECONOMIC ENVIRONMENT: 14

TOTAL SCORE: 50

## Thailand

Status: Partly Free

Thaksin Shinawatra and his Thai Rak Thai party's landslide reelection in February 2005 rightfully alarmed press freedom and democracy watchdog groups. The year brought the prime minister's escalating intolerance for criticism in the media to new heights with the use of emergency national security legislation and several lawsuits and business acquisitions to limit criticism in and increase state control of the Thai press.

The 1997 constitution includes strong protections for freedom of expression, yet several older laws still in force reserve the government's right to restrict the media to preserve national security or public order, and limit criticism of the royal family or Buddhism. In July 2005, Thaksin took full advantage of such provisions when, in response to mounting violence in the southern provinces, he issued the Executive Decree on Public Administration in Emergency Situations. The decree, passed without parliamentary approval (despite the party's overwhelming parliamentary majority), allows for the prohibition of media considered a threat to national security or to be "distorting the facts." Justified as an improvement upon martial law, the decree was renewed for three months in October. Access to information, also constitutionally guaranteed, has essentially been reversed under Thaksin, with the number of disclosures steadily declining as compared with the first four years after the Access to Information Law was passed in 1997. The 1941 Printing Act reserves the government's right

to shut down media outlets, but this legislation has typically been reserved for blocking pornographic or separatist content. However, government concern about a surge of community radio stations prompted the abrupt cancellation of the popular “Muang Thai Rai Sapda” television program because the show “promoted misunderstanding among the public”; and in August, the Public Relations Department and police closed down a popular community radio station notoriously critical of the government.

The number of criminal and civil defamation suits filed by government officials or business affiliates against members of the press increased significantly in 2005. Several politically connected corporations filed legal charges to curb disparaging reporting on their activities and, in certain cases, suspend the careers of critical editors and journalists for many years. This tendency was largely encouraged by the landmark criminal defamation suit in July filed against media activist Supinya Klangnarong and three *Thai Post* senior editors (charged with suggesting a conflict of interest between Thaksin’s public office and his family’s private businesses) by the Shin Corporation, a Thaksin-founded conglomerate of which his family is a major shareholder. Although later pressured to drop them, Thaksin himself filed a series of charges against Sondhi Limthongkul, a prominent journalist and fierce Thaksin critic, for alleging that he was disloyal to the Thai monarch, and against the daily *Manager* for reporting a Buddhist monk’s criticism of the government. According to the Committee to Protect Journalists, monetary damages sought in civil cases alone included some of the largest figures ever requested for libel anywhere in the world. The country’s growing culture of legal intimidation and a general fear of economic repercussions have sparked a rise in self-censorship and, in certain cases, caused newspaper managers to take punitive action against critical reporters. The murders of two press members who had reported negatively on local police and officials mark an additional decline for press freedom in Thailand, where violence against journalists has typically been rare.

Radio and television remain primarily under the control of the state or state-affiliated private businesses; stations are required to renew licenses annually and to feature government-produced newscasts daily. Media ownership became even more problematic toward the end of the year with the prime minister’s use of business cronies to purchase greater shares in or orchestrate financial takeovers of media organizations. Examples include the secretary-general of the Thai Rak Thai party, who increased his family’s stakes in the Nation Group (an independent media company), and the controlling stakes that GMM Grammy PLC (a large media conglomerate dealing with both news and entertainment) maintains in *Matichon* (an

independent Bangkok-based daily) as well as the publishing company of the *Bangkok Post*. The National Broadcast Commission, established in October 2005 to redistribute the country's frequencies from the state to the private sector as constitutionally mandated, was nullified just a month later for irregularities in its selection process. The government has censored the internet since 2003 and has successfully blocked more than 4,000 websites; since violence erupted in the south, it has ramped up efforts to block sites considered a threat to national security, including those of Muslim separatist groups.

LEGAL ENVIRONMENT: 23

POLITICAL ENVIRONMENT: 34

ECONOMIC ENVIRONMENT: 21

TOTAL SCORE: 78

## Togo

Status: Not Free

Freedom of speech is legally guarded by both the constitution and new press laws adopted in 2004. President Gnassingbe Eyadema, Africa's longest-ruling dictator, had been listed in 2002 as one of Reporters Sans Frontieres' "Predators of the Press," but in 2004 initiated legal improvements to the status of press freedom and democracy in his country as the result of negotiations with the European Union intended to lift trade sanctions. These improvements included amendments to Togo's harsh 2000 Press and Communications Law that abolished the law's restrictive provisions, including prison sentences for offenses such as defamation and insult. The amended law also prohibited the government from seizing and closing media outlets without judicial approval. However, with the death of President Eyadema in February 2005 and the installation of his son, Faure Gnassingbe, as the new head of state in an unconstitutional, military-led coup, the political upheaval that followed made a mockery of these laws. Nonetheless, Gnassingbe soon bowed to international and regional pressure and agreed to prepare the country for a legitimate presidential election on April 24. Gnassingbe was declared the winner amid allegations of fraud and political violence that, according to a UN report, left between 400 and 500 people dead, caused 40,000 people to flee the country, and resulted in mob attacks on both pro-opposition and pro-government media outlets.

During the initial period of upheaval in February, seven private media outlets, comprising four radio stations and three minor television channels, were censored by security forces working for the High Audiovisual and Communications Authority (HAAC)—Togo's media regulation body,

which has traditionally resided in the breast pocket of the government—for allegedly provoking “civil disobedience and racial hatred” on the air and because of unpaid broadcasting fees. Three of these stations, including Kanal FM, were suspended for as long as two weeks. On February 10, broadcasting equipment was stolen from Radio Lumiere by the military, forcing them to close through the end of the year. Also in February, FM broadcasts by Radio France Internationale (RFI) were jammed to block programs the government considered to be “calling for revolution and destabilization,” while one of RFI’s France-based reporters was denied a visa to enter the country. The ban on RFI was not lifted until November on the opening day of an international media summit held in Lome.

In preparation for the election itself, the HAAC issued a statement in early April forbidding coverage of the election campaign by private broadcasters. Under this new decree, Kanal FM was again forcibly shut because of a program it aired entitled “Autopsy of an Electoral Campaign.” Internet access, telephone networks, and broadcast transmissions were cut off on election day and remained obstructed in subsequent months.

By year’s end, tension between the new government and private media outlets had abated but not disappeared. Gnassingbe made promises to continue the political reforms begun by his father. As part of these reforms, the government has agreed to institute a financial aid program for the private media, including tax relief for media suppliers. Many private journalists remain skeptical about the intentions behind this proposed funding and fear that it is simply another way in which the government intends to control content. In September, Philippe Evegno, publisher for an independent opposition magazine, was appointed the new head of the HAAC—Togo’s first ever press representative in the media regulatory body. Nonetheless, it remains to be seen how much impact Evegno can have with eight of the nine members of the HAAC still loyal to the executive. In October, Jean-Baptiste Dzilan, editor of a weekly opposition paper, was brutally beaten. In response, over 100 journalists and rights activists demonstrated in front of the office of the communications minister without government reprisal. Marginal improvements had been registered at year’s end, but it remains to be seen whether Gnassingbe will distance himself from his father’s 37-year legacy of oppression.

Throughout the crisis, Togo’s only major television station continued to be the government-owned Television Togolaise, and the only uninterrupted daily newspaper, *Togo Presse*, also remained controlled by the state. Many private radio stations continue to exist but most either focused on music



and entertainment broadcasts or were restricted in their capacity for political commentary due to highly restrictive government censorship. Access to the internet outside of the election was available to less than 5 percent of the population, primarily through internet cafés that were heavily monitored by the government. Proprietors of internet cafés were required to provide records of clientele activity if asked to do so by a state official.

## Tonga

Status: Partly Free

LEGAL ENVIRONMENT: 10

POLITICAL ENVIRONMENT: 11

ECONOMIC ENVIRONMENT: 11

TOTAL SCORE: 32

Tonga's media freedom climate improved significantly during the year following a Nuku'alofa Supreme Court ruling late in 2004 that reinstated the press freedom clause of the constitution and invalidated the controversial 2003 media operators and newspaper acts. Two publications, *Taimi 'o Tonga* and *Ko'e Kele'a*, had faced persistent harassment under this legislation. A long-standing ban on the New Zealand-based Pacific affairs journalist and author, Michael Field, was lifted in May. The political demise of Clive Edwards, a former police minister who had frequent clashes with news media, contributed to a more liberal climate for the press. Also, an international media conference in November led to a more relaxed atmosphere for media and journalists. The government was reluctant to provoke negative publicity in the months before the conference, and there is a growing mood in favor of democracy in this authoritarian but constitutional Pacific monarchy. However, in August there were allegations that a monopoly power company partially owned by the crown prince interfered with a planned broadcast covering a nationwide civil servants strike and made threats to the airing station if it continued to broadcast antigovernment views.

Tonga has a remarkably diverse range of media considering the nation's small population and economy. Besides *Taimi 'o Tonga*, which has the largest circulation of the country's private newspapers (as well as editions in Australia, the United States, and New Zealand), other publications include the weekly government newspaper *Tonga Chronicle* and the independent monthly magazine and news website *Matangi Tonga*. The state-owned Tongan Broadcasting Commission owns one AM and one FM station and the free-to-air Television Tonga station. There are also

two privately owned television stations and three private radio stations. There are 3,000 reported internet users as of September 2005, and the internet is open and unrestricted.

	LEGAL ENVIRONMENT: 6
	POLITICAL ENVIRONMENT: 12
	ECONOMIC ENVIRONMENT: 8
<b>Trinidad and Tobago</b>	<b>TOTAL SCORE: 26</b>
Status: <i>Free</i>	

Freedom of the press is enshrined in the constitution, and the media are generally free to express independent views, even if they are highly critical of the government. A major issue of contention was the government's release of a draft national broadcasting code, designed to deter talk radio stations from aggravating simmering ethnic tensions. In addition, the process of licensing and assigning frequencies was a source of friction on several occasions. In February, the CCN TV6 television station publicly complained about the lack of transparency in the Telecommunications Authority's decision to turn down its applications for additional frequencies. In September, the Telecommunications Authority blocked the launch of a new cable television station, CNC3, citing a breach of the licensing process. National newspapers, the Trinidad and Tobago Publishers and Broadcasters Association, and the Association of Caribbean Media Workers all criticized the draft code, saying it restricted freedom of speech. There were also protests against a series of alleged assaults on journalists by police officers, although the incidents appeared to stem from pressures on the police as they faced an increase in crime rather than a predetermined policy against journalists.

There are 3 daily newspapers and 3 political weeklies. The 3 television stations and over 30 radio stations are all privately owned. The state-owned National Broadcasting Network closed down in mid-January after 48 years on the air. A new state-owned company, the Caribbean News Media Network, which will operate a television station and radio frequencies, was expected to launch during 2005, but it was not until October that the government announced to the Parliament that it had at last allocated money for the purchase of broadcasting equipment. There are no government restrictions on the internet for the 12 percent of the population that was able to gain access in 2005.

## Tunisia

Status: Not Free

LEGAL ENVIRONMENT: 28

POLITICAL ENVIRONMENT: 31

ECONOMIC ENVIRONMENT: 24

TOTAL SCORE: 83

Tunisia's constitutional guarantees and public pronouncements of freedom of the press are a sham, as the state tightly controls all forms of public expression and severely punishes those who do not toe the government line. The constitution guarantees freedom of the press except under "conditions laid down by the law." The Press Law criminalizes defamation, and those who violate it can be imprisoned and fined. Local and foreign publications must be vetted by authorities before distribution, and publications carrying material critical of the authorities can be summarily barred. The Tunisian judiciary is not independent, causing legal proceedings against journalists to result in biased outcomes.

Ever since President Zine al-Abidine Ben Ali took power in 1987, the few brave journalists and dissidents who have crossed his government have been imprisoned, beaten, harassed, threatened, or removed from their jobs. Considering this, it is ironic that Tunisia played host to the UN-sponsored World Summit on the Information Society, a gathering aimed at establishing international regulations for the internet. Even though world attention was on Tunisia, authorities did not change their modus operandi. A French journalist working for the daily *Liberation*, Christophe Boltanski, was beaten, stabbed, and robbed near his Tunis hotel. The reporter had written a piece about the situation in Tunisia leading up to the summit, focusing in particular on abuses against human rights activists by government agents. Other journalists and press freedom advocates faced harassment and restrictions on their activities during the summit. When Ambeyi Ligabo, special rapporteur on the promotion and protection of the right to freedom of opinion and expression for the UN Commission on Human Rights, criticized Tunisia's record with regard to press freedom in October, his findings were dismissed by Tunisian authorities, who claimed that Tunisians are not imprisoned for expressing their opinions.

When independent voices are critical of authorities on the internet or in foreign publications, the government not only uses overt harassment to punish them, but also sponsors smear campaigns in the pro-government publications. In 2005, both Sihem Bensedrine, a human rights activist and independent journalist who runs the website Kalima, and M'Hamed

Krichene, an anchor at the Qatar-based satellite television station Al-Jazeera, were on the receiving end of a campaign of character assassination in the local press because of their public criticisms of the regime.

According to the Committee to Protect Journalists, three journalists went on hunger strikes over the course of the year. Hamadi Jebali, who until his 1991 imprisonment was editor of the Islamist Al-Nahda party weekly *Al-Fajr*, went on a hunger strike twice this year to protest his harsh prison conditions during his 16-year imprisonment for “defamation.” Abdullah Zouari, another former *Al-Fajr* journalist, went on hunger strikes in February and September to protest the authorities’ control of his movements since his 2002 release from prison. He is currently confined to a city several hundred miles away from his family and is denied access to public internet cafés. Finally, Lotfi Hajji, head of the independent Tunisian Journalists Syndicate (SJT), began a hunger strike in October along with other activists to protest continued denial of political freedoms by authorities. Tunisian police have on more than one occasion this year summoned Hajji for questioning and forbidden the SJT from continuing its activities. Hajji has also been denied accreditation to work as Al-Jazeera’s correspondent in Tunisia.

Tunisia’s print media comprise several private pro-government and government-owned newspapers. Editors of the private media are close associates of Ben Ali’s government and typically heap praise on the leadership and its policies, while the government withholds advertising funds from publications that do not provide sufficiently favorable coverage. A few small independent newspapers, including *Al-Mawqif*, attempt to cover human rights issues and to publish mild criticisms of the government despite the difficult conditions, but their circulation is small owing to financial constraints. Many foreign satellite stations can be viewed in Tunisia, although the government blocks France 2 and has blocked Al-Jazeera for their negative coverage of Ben Ali. Roughly 800,000 Tunisians are able to access the internet on a regular basis, but the government blocks access to a number of sites, particularly those belonging to domestic human rights organizations, opposition groups, and Islamist associations. In November, a collaborative university study found that the government blocked roughly 10 percent of the 2,000 websites it tested.

## Turkey

Status: Partly Free

LEGAL ENVIRONMENT: 17

POLITICAL ENVIRONMENT: 20

ECONOMIC ENVIRONMENT: 11

TOTAL SCORE: 48

Constitutional provisions for freedom of the press and of expression exist but are only partially upheld in practice. Although many positive reforms have been passed in recent years in preparation for membership in the European Union—most significantly a new press code in 2004, which mandates heavy fines instead of prison sentences for some press crimes, permits noncitizens to own periodicals and serve as editors, protects against disclosure of sources, and prevents authorities from closing publications or hindering distribution—implementation appeared to lag in 2005 in favor of more restrictive measures. The revised penal code passed in September 2004 was scheduled to enter into force on April 1, 2005. However, implementation was delayed in response to protests by journalists in March over provisions that were too broad and that singled out journalists for more severe punishment than others committing the same crime. The code ultimately went into force in June after some revisions. Press groups continued to denounce the new code because provisions remained that could send journalists to prison, in contradiction of the 2004 press code, for crimes such as stating that genocide was committed against the Armenians in 1915, instigating hatred in one part of the population against another (used against journalists who write about the Kurdish population), or calling for the removal of Turkish troops from Cyprus. Media also can face large fines. Today, prosecutions and in particular convictions are less common than previously but still can drag on for months.

The Supreme Council of Radio and Television (RTUK), whose members are elected by the Parliament, has the authority to sanction broadcasters if they are not in compliance with the law or its expansive broadcasting principles. It is frequently subject to political pressure. Censorship is not explicit, but self-censorship occurs among editors and journalists, who are concerned about violating the many legal restrictions. Often, the courts rule against journalists, who continue to be jailed and face huge fines for various press offenses. Rights groups estimated that 60 Turkish writers, publishers, and journalists were facing prosecution or incarceration in 2005. In February, an Austrian journalist who has covered the cases of political prisoners was jailed temporarily for belonging to a terrorist organization that she had often reported on; she was ultimately acquitted for lack of evidence. Prime Minister Recep Tayyip Erdogan launched defamation

suits against several members of the media in 2005, including cartoonists who depicted him. Most prominently, Orhan Pamuk, an internationally renowned Turkish author, went before a court in December for comments he made to a Swiss newspaper earlier in the year; the judge postponed the trial until 2006. Pamuk's views on the mass killings of Armenians by Turks in 1915 have resulted in death threats and protests against him.

Turkey's broadcast media are well developed, with hundreds of private television channels, including cable and satellite, as well as commercial radio stations. State television and radio provide limited broadcasting in minority languages, including Kurdish. This is a major step forward for freedom of expression, although critics say that the broadcasts are too restricted and quality is poor. Media are highly concentrated in a few private conglomerates, which subtly pressure their editors and journalists to refrain from reporting that will harm their business interests. This could include avoiding criticism of the government or potential advertisers, both of which could have contracts with other arms of the companies. The quality of Turkish media is low, but independent domestic and foreign print media are able to provide diverse views, including criticism of the government and its policies. An estimated 13 percent of the Turkish population was able to access the internet in 2005, and the government refrains from restricting the internet beyond the same censorship policies that it applies to other media.

LEGAL ENVIRONMENT: 30

POLITICAL ENVIRONMENT: 37

ECONOMIC ENVIRONMENT: 29

TOTAL SCORE: 96

## Turkmenistan

Status: Not Free

Turkmenistan experienced no significant changes in 2005, maintaining one of the most repressive media environments in the world. The keynote of the media environment remained the same as in previous years—an exercise in near total control in order to glorify a single individual and isolate an entire nation. The state continued to control all domestic media, using them to paint an idealized picture of life in Turkmenistan and further the personality cult of President Saparmurat Niyazov. Any news that might mar this idyll went unreported. The only exceptions to this rule came with the personal approval of the head of state, as was the case when the president ordered journalists to report on lagging progress on harvesting the cotton crop. Similarly, the president himself was virtually the sole source of critical information in state-controlled newspapers and television, which he

used to explain and justify frequent personnel shake-ups. State-controlled media provided extremely limited reporting on important international and regional events in 2005, such as the ouster of Kyrgyz president Askar Akayev and the violent unrest in Uzbekistan.

The government continued its campaign of arrests, harassment, intimidation, and violence against journalists during the year. In May, the government proclaimed that local journalists were prohibited from contacting foreigners unless specifically permitted and were threatened with dismissal if they did not comply. In April, Niyazov reportedly ordered the closure of libraries and forbade the import and dissemination of foreign publications, further limiting access to information. However, a Turkmen exile site reported in June that subscriptions to Russian periodicals theoretically remained possible, although they could be purchased only with difficult-to-obtain hard currency and at arbitrarily announced times. Viktor Panov, a correspondent for the Russian news agency *RIA Novosti*, was detained and deported on allegations of spying in March. Russia's Radio Mayak, which was taken off the air in 2004, remained shut in 2005.

The government operates an absolute monopoly over all media (print, television, and radio), directly controlling not only media outlets, but also the printing presses on which they depend. State television rebroadcast some Russian entertainment programming. Satellite dishes remained available to citizens who could afford them. Turkmen opposition groups in exile maintain a number of websites that are harshly critical of Niyazov's regime and provide original and translated materials in Turkmen and Russian. It is unclear whether these are at all accessible from within Turkmenistan, where the government controls and monitors the internet, although some reports indicate that individual access can be arranged for payment. Nonetheless, the cost is prohibitive for the vast bulk of the population, and less than 1 percent of citizens are regularly able to access the internet.

LEGAL ENVIRONMENT: 3

POLITICAL ENVIRONMENT: 11

ECONOMIC ENVIRONMENT: 12

TOTAL SCORE: 26

## Tuvalu

Status: Free

While freedom of the press is guaranteed in the constitution, government regulation of print and broadcast content and a monopoly on the small media market occasionally limit these rights in practice. The Tuvalu Media Corporation (TMC), established in 1999, is a public corporation

that receives a majority of its funding from the state and is chaired by the secretary to the government. There are no independent media, and the TMC controls the country's only newspaper and radio station, censoring content considered to be in opposition to the government. Local broadcast news is limited, but BBC programs are rebroadcast, and international television broadcasts are available by satellite. The Tuvaluan government continues to profit from selling its internet suffix (.tv) to a California company, which in turn has allowed the government to invest in building roads and schools and has funded its UN membership.

LEGAL ENVIRONMENT: 19

POLITICAL ENVIRONMENT: 20

ECONOMIC ENVIRONMENT: 13

TOTAL SCORE: 52

## Uganda

Status: Partly Free

Although the constitution provides for freedom of expression, laws enacted in the name of national security, along with the harassment of journalists who cover “sensitive” issues such as the country's civil war and the arrest of opposition leader and presidential candidate Kizza Besigye, have negated the constitutional provisions in practice. Several statutes require journalists to be licensed and meet certain standards, and a Sedition Law remains in force and has been used to prosecute journalists.

While the Ugandan press is widely reputed to be independent, the atmosphere for journalists worsened considerably in the run-up to the February 2006 elections, leading to concerns of a chilling effect among independent media. At least three journalists faced serious criminal charges for their reporting. In addition, the president has on several occasions instructed the media not to comment on matters of public interest. After the controversial arrest of Kizza Besigye on November 14, President Yoweri Museveni banned privately owned radio stations from commenting on or debating Besigye's upcoming trials for treason and rape charges. In August, talk show host Andrew Mwenda was arrested and charged with several criminal violations, including sedition and “promoting sectarianism,” in connection with a call-in show on the privately owned KFM radio station that discussed the helicopter crash that killed southern Sudanese leader John Garang. The arrest occurred days after President Museveni ordered the media not to speculate on the cause of the crash. KFM was also shut down for a week as a result of Mwenda's remarks. The government defended its actions by stating that Mwenda's comments “compromised



national and regional security” and could have “sparked a genocide.” Mwenda subsequently appealed to the Constitutional Court, challenging the constitutionality of the Sedition Law on the grounds that it violates freedom of expression; his case was awaiting a decision at year’s end.

In November, the privately owned newspaper *Daily Monitor* had its premises raided after publishing an advertisement appealing for donations for the legal defense of Besigye. The paper, a frequent target of harassment by the government, had earlier been threatened with closure after publishing a report on the president’s first choice for the head of the armed forces. On December 13, editor James Tumusiime and reporter Semujju Ibrahim Nganda of the privately owned *Weekly Observer* were arrested and charged with “promoting sectarianism” after Nganda wrote a report stating that the opposition Forum for Democratic Change party had accused President Museveni and three top military officials of persecuting Besigye on ethnic grounds. No trial date has been set, but the two face up to five years in prison. In January, Mohammed Abdullah Ould Memmine, a special envoy for the Arabic-language Iranian television news station Al-Alam, was arrested and detained when he tried to enter Uganda to cover the visit of Mohammad Khatami, then president of Iran. Media organizations believe that prejudice against Arabs may have been the motivation for his arrest.

Independent media outlets, including more than two dozen daily and weekly newspapers as well as about 100 private radio and television stations, have mushroomed since the government loosened control in 1993, and they are often highly critical of the government and offer a range of opposition views. However, high annual licensing fees for radio and television stations place some financial restraints on the broadcast media. The state broadcasters, including Radio Uganda, the only national radio station, wield considerable clout and are generally viewed as sympathetic to the government. There is no restriction on internet access, but less than 1 percent of the population had the means to access it in 2005.

LEGAL ENVIRONMENT: 13

POLITICAL ENVIRONMENT: 19

ECONOMIC ENVIRONMENT: 21

TOTAL SCORE: 53

## Ukraine

Status: Partly Free

Immediately following the Orange Revolution late in 2004, newly elected Ukrainian president Viktor Yushchenko promised to cease state manipulation of the media and promote freedom of the press. At the

beginning of 2005, optimism about greater media freedom was high, and throughout the year Ukraine's media environment was lauded as a bright spot for the government and more independent and balanced in its coverage than under previous administrations. An overall decrease in political interference with the press and several important advancements occurred in 2005. Nonetheless, progress was incremental, and various violations of media rights continue to be reported.

Ukraine's legal framework, considered satisfactory and moving toward international standards, includes a constitution that provides for freedom of speech and of the press and other laws that guarantee citizens' access to information and protect the professional activities of journalists. However, the Ministry of Transport and Communication put forth a new website registration decree, effective in May 2005, that both required an administrator to regulate the registration of websites and prohibited internet posts that call for a violent change of government, damage an individual's honor or reputation, or include foul language and pornography. The decree, criticized by international media watchdog organizations as vague and restrictive of freedom of speech, was then rescinded by the ministry in October. At the end of 2005, groups such as the International Federation of Journalists and the Independent Media Trade Union of Ukraine protested against the current law governing the March 2006 parliamentary elections, which they said could stifle and threaten the media because it contained articles requiring journalists to report on political candidates equally and without commentary and permitting the closure of media outlets without court order in some circumstances (for instance, if false information about a party is knowingly disseminated).

The harassment and abuse of journalists for reporting on stories sensitive to government officials has not completely ended, as evidenced by the May 2005 attack on Mykhailo Kucherak, editor of the independent weekly *Oberih*, in Pereyaslav-Khmelnytski for publishing articles about the mayor's alleged embezzlement of funds and an opposition party member's links with organized crime, or the beating of Kanal 34 journalist Natalia Vlassova in Dnipropetrovsk in October for her investigation of corruption within the regional branch of the Batkivschina Party. The reporting of the celebrity magazine *Paparazzi* on President Yushchenko's teenage son's extravagant spending habits also caused a stir when the president himself admonished the reporter during a press conference.

Yushchenko promised to make the high-profile case of murdered journalist Heorhiy Gongadze a priority of his administration and

quickly announced three months into his presidency, on March 1, that Gongadze's killers had been identified and the murder solved. Three policemen—Valery Kostenko, Mikola Protsov, and Oleksandr Popovych—were eventually accused by the Office of the Prosecutor General and arrested for kidnapping Gongadze outside his home and murdering him by strangulation, while an international arrest warrant was put out for a fourth suspect who fled the country, senior police official General Olexi Pukach. Meanwhile, an unidentified assailant threw a hand grenade at one key witness in the case, Yuri Nesterov, while another key witness, former minister of internal affairs Yuri Kravchenko, was found dead next to a suicide note. The death is considered suspicious because of the two bullets in Kravchenko's temple. In September, an inquiry by a Ukrainian parliamentary commission accused former president Leonid Kuchma and other high-level officials of ordering Gongadze's murder, but besides questioning the former president, no action has been taken based on the findings of the commission, which has no judicial authority. Myroslava Gongadze, the victim's wife, also filed a complaint with the European Court of Human Rights (ECHR) in Strasbourg, despite a settlement of Euro 100,000 (US\$127,789) offered by President Yushchenko in exchange for withdrawing the claim. In November, the ECHR condemned the Ukrainian authorities for having "failed to protect the life of the applicant's husband," treating Mrs. Gongadze in a degrading manner, and denying her right to an effective remedy, and ordered the Ukrainian government to pay her Euro 100,000 (US\$127,789) in damages. The court proceeding of the three arrested police officers was set to begin at the end of 2005.

With hundreds of state and private television and radio stations and numerous print and electronic news outlets, Ukraine's media remain diverse. Radio Free Europe has resumed broadcasting in the country after being shut down by President Kuchma in 2004. However, because many major media outlets are owned by oligarchs and individuals with close ties to the government, coverage can often be slanted or can favor specific economic or political interests. Additionally, Ukraine's distribution system remains problematic and dependent on the national postal service. After the Orange Revolution, additional printing facilities became available as more publishers began to establish their own presses. The government did not restrict access to the internet, but it had the ability to monitor all internet publications and e-mail for the 11.4 percent of the population with internet access.

LEGAL ENVIRONMENT: 23

POLITICAL ENVIRONMENT: 22

ECONOMIC ENVIRONMENT: 20

## United Arab Emirates

Status: Not Free

TOTAL SCORE: 65

Though the constitution provides for freedom of the press, there are laws that prohibit criticism of the government, ruling families, and friendly governments, and outlaw other statements considered a threat to social or economic stability. However, these laws rarely need to be enforced as journalists often practice self-censorship. The Ministry of Information licenses all publications and must approve the appointment of editors.

The press in Dubai's Media City, a tax-free zone established in 2001 to draw in foreign investment and an emerging area of media freedom in the UAE, faced increased restrictions in 2005. In February, Basma Al-Jandaly, a reporter for Dubai's leading English daily, *Gulf News*, was harassed by police after she reported on a series of attacks on women in Sharjah, Dubai's neighboring province. The police maintained that she had interfered in their investigation. On June 15, Jandaly was briefly held at the Dubai airport as police informed her she was banned from traveling due to her reporting in Sharjah. She was released after Minister of the Interior Sheikh Seif Zayed al-Nahyan intervened, but now removes her name from police stories that could be seen as problematic. Also in June, the publishers of *FO*, a Dubai-based men's magazine, had their license revoked after publishing a revealing picture of singer Kylie Minogue. The United Arab Emirates Journalists' Association reported there had been at least 10 lawsuits filed against journalists in Dubai in 2005, a record number. After the release of Al-Jandaly in June, the Dubai Court of Cassation passed a ruling that granted journalism the same right of protection enjoyed by other intellectual work. It has yet to be seen what impact the ruling will have on media freedom. Outside of Media City, most television and radio stations are government owned and conform to unpublished government reporting guidelines. Self-censorship is pervasive in local reporting outside of Dubai and media outlets frequently publish government statements without criticism or comment.

Despite restrictions on the media in 2005, there have been reports that print media outlets have become bolder in criticizing government performance and even the system of government. While the main pan-Arab dailies are available and uncensored, other foreign newspapers, magazines, and periodicals are vetted by censors at the Ministry of Information. Though domestic broadcast media are almost entirely state owned and

offer only official viewpoints, satellite dishes are common and international broadcasts are not explicitly censored. Internet access is widespread, although access is provided via a state-owned monopoly that censors sites pertaining to pornography, gambling, religious conversion, dating, gay and lesbian sites, and illegal drugs. For a brief period last year the website of the *New York Times* was blocked by the Dubai Telephone Company. More than 35 percent of the population had access to the internet in 2005.

## United Kingdom

Status: Free

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 7

ECONOMIC ENVIRONMENT: 7

TOTAL SCORE: 19

The law provides for freedom of the press, and the government generally respects this right in practice. Nonetheless, in the aftermath of the July 7 bombings on the London Underground, the government proposed a new Terrorism Bill, which among other things includes provisions for the criminalization of forms of free speech considered by the government to be “encouragements of terrorism,” even without proof of a direct link to a terrorist act. In addition, stringent libel laws remain in effect in the United Kingdom, under which the burden of proof remains with the defending publisher—in other words, guilty until proven innocent. Coupled with a judiciary that has traditionally taken a sympathetic stance toward libel claimants, this poses a threat to press freedom in the United Kingdom owing to its encouragement of self-censorship. In 2005, the European Court of Human Rights (ECHR) ruled in favor of the plaintiff in a libel suit originally brought by McDonald’s against two British activists who had criticized McDonald’s social and environmental practices. The ECHR’s decision that the libel suit had violated the campaigners’ right to freedom of expression came after more than nine years spent in court proceedings in Britain and a British high court ruling in favor of McDonald’s.

In Northern Ireland, journalists routinely face intimidation, especially while investigating sensitive political issues. In 2005, the *Sunday World* was subject to paramilitary intimidation for reports that it published on the lavish lifestyle of certain Protestant armed groups, and vendors selling the *Sunday World* were also targeted. Investigations into the 2001 murder of journalist Martin O’Hagan have produced few results, with eight separate suspects having been arrested and released owing to lack

of evidence. It is believed that O'Hagan was killed for his investigations into the cooperation among Northern Irish police, military intelligence, armed groups, and drug gangs.

British media are free and largely independent from government interference. The United Kingdom has a strong tradition of public broadcasting, and the British Broadcasting Corporation, although funded by the government, is editorially independent. Ownership of independent media outlets is concentrated in the hands of a few large companies, including those headed by Rupert Murdoch, and many of the private national papers remain aligned with political parties. Authorities may monitor internet messages and e-mail without judicial permission in the name of national security and "well-being." An estimated 63 percent of the population was able to access the internet without restriction in 2005.

## United States

Status: Free

LEGAL ENVIRONMENT: 6

POLITICAL ENVIRONMENT: 6

ECONOMIC ENVIRONMENT: 4

TOTAL SCORE: 16

The United States continued to grapple in 2005 with the question of the right of legal authorities to compel journalists to reveal confidential sources or provide access to research material in the course of criminal investigations. At the same time, the administration of President George W. Bush was found to have violated federal law by providing monetary grants to journalists in return for favorable coverage of domestic policy initiatives. Freedom of the press has long been a core value of America's democratic system. Both the U.S. Constitution and laws adopted by individual states protect journalistic freedom. Through the years, several decisions by the Supreme Court have reinforced press freedom and have, in particular, made it difficult for public officials to bring libel suits against journalists. In addition, the standard for bringing prosecution against a publication or website for hate speech is much higher in the United States than in Europe or other societies.

During 2005, the controversy over demands by prosecutors that reporters turn over their notes or audiotapes in the course of criminal cases came to a head with the jailing of Judith Miller, a *New York Times* reporter. Miller had refused to testify before a federal grand jury in a case involving the possibly illegal leaking of the identity of a Central Intelligence Agency employee, Valerie Plame Wilson (usually referred to as Valerie Plame).

Miller, who was not covering the story about Ms. Plame, served 85 days in jail before agreeing to testify after being released from a confidentiality agreement by her source, Lewis “Scooter” Libby, chief of staff to Vice President Dick Cheney. In the same case, *Time* magazine correspondent Matthew Cooper was threatened with jail time for initially refusing to testify about his source. He eventually testified after his source, Libby, granted him a waiver.

The Miller case provoked members of Congress to propose legislation that would shield reporters from being compelled to reveal confidential sources. Although there was considerable bipartisan support for the legislation, little progress toward adoption was made. Thirty-two states have enacted “shield laws” that grant journalists the right to withhold information in some cases at the state level. The debate over the need for protection of journalists from prosecution intensified after a federal judge held Walter Pincus, a reporter for *The Washington Post*, in contempt for refusing to reveal his sources in a lawsuit brought against the government by Wen Ho Lee. Lee is a former nuclear scientist who was charged with espionage, a case that was later dropped. Lee accused government officials of leaking his personnel files to the press. Four other reporters were also cited for contempt in the Lee case.

Reporters who have sought information from government officials have usually won the support of the courts, especially at the federal level. After September 11, 2001, the legal environment shifted somewhat when the administration increased the volume of classified information. Nonetheless, the press and civil liberties organizations have obtained access to a number of government documents in covering stories about the abuse of detained terrorism suspects, counterterrorism policy, and Iraq war strategy. In 2005, *The New York Times* obtained a number of sensitive internal government memos in preparing a series of exposés about the administration’s program of eavesdropping without warrants on telephone and internet messages between terrorist suspects in the United States and their contacts abroad.

The Bush administration itself drew sharp criticism for having paid several political commentators who supported certain domestic policy initiatives through grants from agencies of the federal government. A report by federal auditors concluded that the administration had disseminated “covert propaganda” by paying columnist Armstrong Williams through grants from the Department of Education for columns that praised Bush’s education policies. It was also revealed that the Department of Defense had hired a public relations firm to place stories with media outlets in Iraq

that were written by U.S. military officers and depicted conditions in the country in a favorable light.

Media coverage of political affairs is aggressive and often polarized. The press itself is frequently a source of controversy, with conservatives and supporters of the Bush administration accusing the media of antiadministration bias and liberals accusing the press of timidity in coverage of administration misdeeds. One such episode involved coverage of Hurricane Katrina, a storm that devastated the city of New Orleans and sections of several southern states. In a change from the post-9/11 media environment, initial press accounts were sharply critical of the administration's response and spoke of widespread crime, looting, and mayhem in New Orleans. Conservatives contended that many of the more lurid stories were exaggerated or based on false information. In the aftermath of the hurricane, the Federal Emergency Management Agency, the agency responsible for dealing with the effects of the disaster, sought to restrict coverage by instructing journalists and news outlets to refrain from publishing photographs of dead bodies. Journalists were also reportedly harassed by local law enforcement authorities, particularly while trying to cover the police's own abuse of criminal suspects.

In another ideologically tinged controversy, the chairman of the Corporation for Public Broadcasting (CPB) stepped down amid charges that he had attempted to politicize the agency. A report by the CPB's inspector general charged that former chairman Kenneth Tomlinson had violated the agency's code of nonpartisanship through personnel and program decisions. Specifically, the inspector general's report accused Tomlinson of steering a conservative-oriented talk show on to the CPB's schedule and had used a political test in the hiring of a former Republican Party official as the agency's president. Under U.S. law, radio and television airwaves are considered public property and are leased to private stations, which determine content. The Federal Communications Commission (FCC) is charged with administering licenses and reviewing content to ensure that it complies with federal limits on indecent or offensive materials. On several occasions, the FCC has issued fines against radio and television outlets for what the agency deemed acts of indecency. Legislation to expand the FCC's power to cover private cable and satellite stations and to increase maximum fines for indecent broadcasts was still under review at year's end but is expected to pass in 2006.

The United States is home to more than 1,500 daily newspapers geared primarily toward local readerships. However, the primary form of news dissemination in the country is through television news networks both cable



and satellite, like CNN, Fox News, and CBS. Media concentration is an ongoing concern in the United States. This controversy has intensified in recent years following the purchase of media entities, especially television networks, by large corporations with no previous experience in journalism. At the same time, diversity of the U.S. media has expanded substantially with the mushrooming of cable television and, especially, the internet. The number and influence of internet sites and blogs have expanded greatly in recent years, and blogs have proven to be an important source of information in certain political controversies. Blogs devoted to public policy questions often lean to the highly partisan, and while their proliferation adds to the richness of press diversity, it also contributes to ideological polarization. On two occasions, the U.S. Congress has tried to impose censorship legislation on internet content, but both attempts were ruled unconstitutional by the courts. According to the Center for Democracy and Technology, proposals are pending to make internet service providers liable for removing allegedly illegal or improper content. Nearly 69 percent of the population was documented as having internet access at year's end.

LEGAL ENVIRONMENT: 8

POLITICAL ENVIRONMENT: 9

ECONOMIC ENVIRONMENT: 11

TOTAL SCORE: 28

## Uruguay

Status: Free

The constitution guarantees free expression and freedom of the press, and these principles are generally enforced. The new government of President Tabare Vazquez has respected these guarantees, although members of his administration have verbally harassed some journalists. Press freedom continues to be hampered by laws that define defamation, contempt, and libel as offenses punishable by up to three years' imprisonment. In 2005, several reporters and media outlets were criminally prosecuted by lower court judges, but higher courts have overturned most of these rulings, establishing stronger legal grounds for a free press.

Journalists are generally able to cover the news freely, although several of them were subjected to intimidation and violence. On October 17, reporter Marcelo Borrat was abducted, beaten, and threatened with death by unidentified assailants. The journalist had been investigating irregularities in the public health system. In March, Pablo Fernandez, a print and radio reporter, received death threats allegedly on orders of a jailed civil servant. Uruguayans have access to a wide range of political views, but some media

outlets have imposed restrictions on journalists' independence. In May, the private television station Channel 12 took off the air the weekly program hosted by Argentinean journalist Jorge Lanata. Although the station claimed that the decision was exclusively economic, the Uruguayan Press Association denounced the case as political censorship.

Uruguay has more than 100 privately owned papers, though some are linked directly to political parties. There are over 100 radio stations and at least 20 television stations, including state-owned radio and television services that are regulated by official broadcasting service, SODRE. Advertising is often used by the government to either reward or punish media outlets. There are no government restrictions on the internet, which is used by over 20 percent of the population.

## Uzbekistan

Status: Not Free

LEGAL ENVIRONMENT: 28

POLITICAL ENVIRONMENT: 37

ECONOMIC ENVIRONMENT: 25

TOTAL SCORE: 90

Although the law provides for freedom of speech and of the press, the government generally does not respect these rights in practice. The law limits criticism of the president, and public insult to the president is a crime punishable by up to five years in prison. Citizens did not criticize the president or the government on television or in the print press. The law also specifically prohibits articles that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order.

In 2005, after a bout of domestic unrest, Uzbekistan began an unprecedented attack on Western-funded media. The unrest began on the night of May 12, when armed men seized a prison in Andijon, freed inmates, and took over a government building in the city center. On May 13, several thousand residents gathered in the city center for a demonstration to protest social and economic problems. The government used massive force to quell the protest and retake the city. Eyewitness accounts of independent journalists and international organizations indicated that the indiscriminate use of force killed hundreds. The government claimed a death toll of 187 in a clash with religious extremists and took harsh action against any media outlet that contradicted the official version of events. President Islam Karimov set the tone in the wake of Andijon, alleging that Uzbekistan was under "information attack" by hostile foreign powers. Uzbek authorities imposed a news blackout on Andijon during the unrest,

detaining and expelling local and foreign correspondents from the city, cutting off broadcasts by foreign media within Uzbekistan, and blocking internet sites. Virtually all local media are controlled either directly or indirectly by the state, and the government used them to promote its version of events and smear independent outlets.

Physical attacks took place as well. On May 28, an Andijon resident led Radio Free Europe/Radio Liberty (RFE/RL) correspondent Gofurjon Yoldoshev to a mass grave in Andijon; the next day, Yoldoshev's guide was found stabbed to death. In June, Tolqin Qorayev, a correspondent for the London-based Institute for War and Peace Reporting (IWPR), was attacked and detained; he fled Uzbekistan in July. His colleague, Galima Bukharbayeva, was also forced to flee the country, and IWPR shut down its offices in Uzbekistan. Lobar Qaynarova, an RFE/RL correspondent in the third trimester of her pregnancy, was brutally beaten in July. In August, Igor Rotar, a Russian correspondent for the Norway-based religious freedom organization Forum 18, was detained upon arrival at the airport in Tashkent and expelled from Uzbekistan. The same month, a court convicted two Uzbek employees of Internews, a U.S.-based media training organization; and in September, another court decision closed Internews altogether. Nosir Zokir, an RFE/RL correspondent in Namangan, received a six-month prison sentence in August for allegedly insulting a member of the security services. In October, citing government harassment, the BBC closed its Tashkent bureau and evacuated six of its local employees. In December, the Justice Ministry stripped RFE/RL of its accreditation, effectively closing its Tashkent bureau.

There are no private publishing houses or printing presses, and the establishment of a new newspaper is subject to political approval. The government continued to control national dailies and television stations, which carried a constant stream of materials denouncing Western-funded media as aggressors in an "information war" against Uzbekistan. In the September trial of 15 men accused of active involvement in the Andijon unrest, prosecutors charged that the BBC, IWPR, and RFE/RL had advance knowledge that violence would break out in the city. State-controlled media gave prominent coverage to these unsubstantiated charges. With foreign-funded broadcast media under attack in Uzbekistan, the internet became a critical source of information. However, the total number of internet users is still below 1 million (in a country of over 26 million), and consistent reports indicate that the authorities try to block news sites with critical information as well as opposition sites, although some of these are available through proxy servers.

## Vanuatu

Status: Free

LEGAL ENVIRONMENT: 5

POLITICAL ENVIRONMENT: 10

ECONOMIC ENVIRONMENT: 10

TOTAL SCORE: 25

Freedom of expression is protected under Article 5.1.g of the constitution, and this right is generally respected in practice. The media are relatively lively and provide diverse opinions; however, it is the country's weak infrastructure that continues to prevent full access to information. Prime Minister Ham Lini criticized the government-controlled Vanuatu Broadcasting and Television Corporation in February for failing to provide radio services to 80 percent of the rural population as a result of an inoperative shortwave transmitter. While officials do not actively interfere with media critical of the government, journalists have been intimidated and threatened in the past by politicians and their supporters. The country was still in the process of adopting a media ethics and accountability system at year's end. The government owns the country's two radio stations and a limited-service television station. Print media are more diverse. Vanuatu's first indigenously owned newspaper, *ni-Vanuatu*, was launched in 2004, joining the private *Vanuatu Daily Post* and the *Independent*. There were 7,500 registered internet users (3.4 percent of the population) in Vanuatu in 2005, and no reported restrictions on access by the government.

LEGAL ENVIRONMENT: 25

POLITICAL ENVIRONMENT: 30

ECONOMIC ENVIRONMENT: 17

TOTAL SCORE: 72

## Venezuela

Status: Not Free

A hostile political atmosphere under the government of President Hugo Chavez has continued to affect the largely pro-opposition private media. One result has been a steady decline in press freedom over the past several years—a trend that continued in 2005—reflected in the government's enactment of legislation prohibiting the broadcast of certain material, its intimidation toward and denial of access to private media, and the continued harassment of journalists, directed primarily at those employed by private media outlets.

The legal environment for the press deteriorated in 2005 owing to two new restrictive laws that have increased the severity of punishments for *desacato* (disrespect) and expanded the "social responsibility" constraints

for radio and television. The Law of Social Responsibility in Radio and Television, signed into law in December 2004, contains vaguely worded restrictions that could be applied to severely restrict freedom of expression. For example, the law forbids graphic depictions of violence between 5 am and 11 pm on both television and radio. Another worrying development occurred on March 16, when the so-called overhaul of the penal code took effect. The revised code makes insulting the president punishable by 6 to 30 months in prison and makes comments that could “expose another person to contempt or public hatred” subject to one to three years in prison on top of a severe fine. In July, the Office of the Attorney General invoked the new *desacato* provisions to investigate the Caracas-based daily *El Universal* for an article that allegedly criticized his office and the judiciary.

Government *cadenas* (announcements) require that broadcasters cease regular programming to transmit official messages; 171 such *cadenas* were issued in 2005, several during the December National Assembly elections. Journalists complained that a lack of access impeded their reporting, including denial of entry to the presidential palace and other official events. In 2005, journalists were barred from reporting on the military, hospitals and stadiums, and the judiciary. On November 1, David Ludovic, writer of the *El Nacional* newspaper column “A Las Puertas de Palacio” (“At the Palace’s Door”), was pressured by the president’s security personnel into handing over a tape of interviews done adjacent to the Palacio Blanco, a building in front of the Miraflores presidential palace in downtown Caracas.

Direct assaults against media declined compared with 2004, but journalists still decried authorities’ efforts to prevent free reporting, including the forced closure of media outlets. On October 24, officials of the national customs and taxation office (SENIAT) temporarily shut down the operations of the daily *El Impulso* in the city of Barquisimeto, evicting the administrative and editorial staff. SENIAT also imposed a US\$13,900 fine on *El Impulso*, reportedly in connection with “flaws in the paper’s 2002 tax return.” Several press freedom advocacy groups protested after a police raid on the home of Venezuelan journalist Patricia Poleo. Poleo’s house was raided on January 28 in a search for information that could reveal the identity of her news sources for a story on alleged corruption involving public prosecutor Danilo Anderson, who was murdered in an explosion in November 2004.

The government controls two national television stations, a national radio network, and a wire service. The president has a weekly radio show and exercises his power to preempt programming to ensure extensive

broadcasting of government announcements in private media. In July, the government launched Telesur, an international television network, in an attempt to “promote Latin American stories.” But when Chavez appointed his minister of communications and information, Andres Izarra, as the network’s president, the TV network was perceived as another tool for government propaganda. Izarra later resigned from the ministry to work full-time for the network. There are no government restrictions on the internet, which had 3 million users (12 percent of the population) by March 2005.

LEGAL ENVIRONMENT: 27

POLITICAL ENVIRONMENT: 29

ECONOMIC ENVIRONMENT: 23

TOTAL SCORE: 79

## Vietnam

Status: Not Free

Although the 1992 constitution recognizes the rights to freedom of opinion, expression, and association for all citizens, the propaganda and training departments of the ruling Communist Party of Vietnam (CPV) control all media and set press guidelines. In addition, a 1999 law requires journalists to pay damages to individuals or groups found to have been harmed by press articles, even if they are true. Reporting considered to be against the national interest can be charged under the criminal code and antidefamation provisions. In January, Nguyen Thi Lan Anh, a staff reporter of *Tuoi Tre*, was indicted on the charge of “appropriating state secrets” after her investigations into leaked allegations of manipulations of the drug market by the multinational pharmaceutical company Zuellig Pharma, which had a contract with the Ministry of Health. However, after Lan Anh received unprecedented support from major media outlets, the charges against her were dropped in April.

The party’s general secretary, Nong Duc Manh, called on the media to help fight corruption and facilitate economic reforms during the party’s Ninth Congress in January. However, on January 10 the government closed down *Tintucvietnam.com*, a website dealing primarily with economic and cultural issues, for publishing readers’ letters that alleged corruption among high officials. Instances of harassment or assaults against reporters attempting to cover the news by police or other assailants have increased in recent years. Trang Dung, a reporter for *An Ninh The Gioi*, was beaten by security guards and had his camera destroyed even after he displayed his

press credentials. The story of the incident along with a photograph of his wounds was later published in the paper to call attention to the brutality and systematic nature of violence toward the media. Although journalists cannot cover sensitive political or economic matters or openly question the CPV's single-party rule without fear of such violent reprisals, they are allowed to report on crime and official corruption, and such reports have become increasingly common. Foreign journalists based in Vietnam are monitored closely, and their movements within the country are restricted. Internet dissidents such as Pham Hong Son and Nguyen Vu Binh continue to remain in jail on charges of espionage. Although authorities did release prominent writer Nguyen Dan Que in February, he remained under strict surveillance and was subject to some harassment.

All print and broadcast media outlets are owned by or are under the effective control of the CPV, government organs, or the army. As in other Communist systems, the party and the government fund most of the publications in Vietnam, although several newspapers, including *Thanh Nien*, *Nguoai Lao Dong*, and *Tuoi Tre* (owned by the Youth Union under the CPV), have attempted to become financially sustainable and to stop relying on state subsidies. Local journalists are generally optimistic that private ownership of the media will improve sooner rather than later, particularly with regard to the internet, though competition for advertising among the more than 500 newspapers and 200 digital news sites remains stiff. Foreign periodicals, although widely available, are sometimes censored, and the broadcasts of stations such as Radio Free Asia are periodically jammed. However, access to satellite television broadcasts and the internet is growing. The first online news site, vietnamnet.vn, publishes in Vietnamese and English, while vietnamjournalism.com, a blog run by a local journalist, discusses professional and ethical issues. Use of the internet has grown sharply, with more than 5 million new users in the last five years. Website operators continue to go through internet service providers that are either public or part public owned, like Vietnam Data Communications, which is controlled by the Ministry of Post and Telecommunications and caters to nearly a third of all internet users. It is required by law that service providers block access to designated websites that the government considers politically unacceptable. Radio Free Asia reported in December that Tieng Noi Dan Chu, a website founded by dissident writer Tran Khue to lobby for democratic reform in Vietnam, was hacked into 19 days after it launched.

## Yemen

Status: Not Free

LEGAL ENVIRONMENT: 28

POLITICAL ENVIRONMENT: 33

ECONOMIC ENVIRONMENT: 20

TOTAL SCORE: 81

Freedom of the press continued to backslide in Yemen, with an alarming series of attacks on journalists in 2005. The constitution provides for freedom of the press, but the overall legal framework regulating the press is weak. Article 103 of the Press and Publications Law prohibits direct personal criticism of the head of state, and the penal code provides for fines and imprisonment for publishing “false information” that “threatens public order or the public interest.” The weakness of Yemen’s judiciary and lack of clarity about who has the power to interpret the meaning of vague laws affecting the press create an environment in which journalists do not feel secure in their freedom to criticize the government and freely debate issues, resulting in self-censorship. By the end of the year, the Ministry of Information presented a draft Press Law to the Parliament. The Yemeni Journalists’ Syndicate objected to the draft law, saying that it aimed to further restrict press freedom.

The situation confronting journalists—threats of violence and death, as well as arbitrary arrest by police and security forces—worsened during the year. In the spring of 2005, security forces in the Taiz and Al-Dale governorates beat up several journalists, including Mohammad Abdu Sufian, editor of *Taiz* newspaper, and Mohammad Mohsen al-Hadad, general manager of Taiz Radio and Television. In August, Jamal Amer, editor of *Al-Wasat* newspaper, was abducted and beaten by armed men who said they were acting on behalf of military officers intending to warn him against future criticism of the government. Government security forces ransacked the office of Associated Press journalist Ahmed Alhaj, taking files and a computer. In October, police beat a television crew from the Arab satellite channel Al-Arabiya that was covering a strike by textile workers in Sanaa. *Al-Thawra*, the government-run daily newspaper, ran several editorials in 2005 accusing reporters critical of the government of being foreign intelligence agents. However, in November *Al-Thawra* itself was fined over US\$5,000 and had two of its reporters banned for six months for defamation of a government official. President Ali Abdullah Saleh’s decision in March to pardon Abdel Kareem al-Khawaini—an opposition paper editor who had been jailed in 2004 for publishing articles criticizing the government’s handling of rebellion in northern Saada—was a positive development in an otherwise violent and repressive year.



The Ministry of Information controls most of the printing presses in the country and provides subsidies to many newspapers. The state enjoys a monopoly on domestic broadcast media, which has a wider impact than print media because of the high rates of illiteracy in Yemen, and generally prevents reporting critical of the government. Satellite television, with access to regional satellite channels that face far fewer restrictions, is becoming increasingly accessible to the population. Use of the internet is not widespread, with little more than 1 percent of the population able to gain regular access, and the government reportedly blocks websites it deems offensive.

## Zambia

Status: Not Free

LEGAL ENVIRONMENT: 19

POLITICAL ENVIRONMENT: 24

ECONOMIC ENVIRONMENT: 21

TOTAL SCORE: 64

Freedom of speech is constitutionally guaranteed, but the government often restricts this right in practice. In October, citing concerns about state security, the government rejected a proposed clause in Zambia's new constitution guaranteeing access to information. It also rejected provisions protecting media from state interference and the confidentiality of journalists' sources. The Public Order Act, among other statutes, has at times been used to harass journalists. Other tools of harassment have included criminal libel and defamation suits brought by ruling party leaders. Under Section 69 of the penal code, it is a criminal offense for any media outlet to defame the president. In November, police arrested (and later released) Fred M'membe—editor in chief of *The Post*, Zambia's only private daily—after accusing him of criminally defaming President Levy Mwanawasa in a series of vitriolic editorials; M'membe had been formally warned in July. In June, Anthony Mukwita was harassed by police and warned of potential sedition charges after he read a fax critical of the government during his talk show on the independent Radio Phoenix. Mukwita was later fired by the radio station's management.

In addition to fears of legal defamation suits, journalists and media workers faced threats and physical assaults at the hands of officials and ruling party supporters during the year. In April, Zambia Information Service reporter Jonathan Mukuka was beaten by police and forced to flee to Tanzania for one week because of his reporting on the release of murder and witchcraft suspects in the Nakonde district. In June, newspaper vendors

selling copies of Zambia's foremost independent daily, *The Post*, were attacked by supporters of the ruling Movement for Multi-Party Democracy (MMD) party; the newspaper had accused high-ranking government officials, including President Mwanawasa, of shielding a colleague from prosecution on corruption charges.

The government controls two widely circulated newspapers, and the state-owned, pro-government Zambia National Broadcasting Corporation dominates the broadcast media. As a result of prepublication review at government-controlled newspapers, journalists commonly practice self-censorship. Opposition political parties and nongovernmental organizations complained of inadequate access to mass media resources. However, a group of independent newspapers widely criticize the government, and an independent radio station, Radio Phoenix, presented nongovernmental views. The government continued to prevent Breeze FM from relaying BBC broadcasts during the year. Internet access is not restricted by the government, though its use is hindered by socioeconomic conditions and only 2 percent of the population was able to regularly access it in 2005.

## Zimbabwe

Status: Not Free

LEGAL ENVIRONMENT: 30

POLITICAL ENVIRONMENT: 35

ECONOMIC ENVIRONMENT: 25

TOTAL SCORE: 90

The situation for Zimbabwean media remained extremely poor in 2005, as Robert Mugabe's government made attempts to further restrict the already severely limited amount of unfiltered news and information that is able to circulate inside the country. Despite constitutional provisions for freedom of expression, an otherwise draconian legislative framework continues to inhibit the free operation of journalists and media outlets. Legal restrictions were tightened in January with the enactment of an amendment to the 2002 Access to Information and Protection of Privacy Act (AIPPA) and in June by a new Criminal Law (Codification and Reform) Bill. Whereas the original AIPPA required all journalists and media companies to register with the government-controlled Media and Information Commission (MIC) and gave the information minister sweeping powers to decide who could work as a journalist, the amended version introduced prison sentences of up to two years for journalists working without accreditation. The *Daily News*—the country's only independent daily, shuttered in 2003 for not adhering to the AIPPA—continued to be denied a license by the

MIC in 2005. Constitutional challenges to the AIPPA by affiliates of the *Daily News* have proven unsuccessful; the Supreme Court upheld the law for the second time in March. A Harare magistrate acquitted former *Daily News* journalist Kelvin Jakachira of working without accreditation. At least eight of his colleagues continue to face similar charges, although (somewhat encouragingly) none of those charged thus far under the AIPPA have been convicted. The MIC ordered the closure of the independent *Weekly Times* in March 2005 for violating the AIPPA after only eight weeks of publication and denied Africa Tribune Newspapers—publishers of the previously shuttered weekly *Tribune*—a license to resume publication in July. Authorities continue to use a range of restrictive legislation—including the Official Secrets Act, the AIPPA, the Public Order and Security Act (POSA), and criminal defamation laws—to harass journalists. Section 15 of the POSA and Section 80 of the AIPPA criminalize the publication of “inaccurate” information, and both laws have been used to intimidate, arrest, and prosecute journalists. The new Criminal Law (Codification and Reform) Bill increases prison sentences for similar violations to a maximum of 20 years.

Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure at the hands of the police, authorities, and supporters of the ruling party. Instances of arbitrary arrest and detention occur primarily when reporters are trying to cover politically-charged stories such as the controversial housing demolitions that began in May. Cornelius Nduna was forced into hiding in February and hunted by the Central Intelligence Organization (CIO) for possessing video footage of paramilitary activities at youth training camps. During the past several years, dozens of Zimbabwean journalists have fled the country, and according to a report by the Committee to Protect Journalists, over 90 currently live in exile, predominantly in South Africa and the United Kingdom.

Foreign journalists are regularly denied visas to file stories from Zimbabwe, and local correspondents for foreign publications, particularly those whose reporting has portrayed the regime in an unfavorable light, have been refused accreditation or threatened with lawsuits and deportation. In February, three such correspondents—Angus Shaw, Brian Latham, and Jan Raath—fled the country after extensive harassment by the authorities, although Raath and Shaw eventually returned. The passport of publisher Trevor Ncube was seized temporarily by Zimbabwean airport authorities in December on his return from South Africa. Two reporters for the London-based *Sunday Telegraph* were arrested for reporting on the March

parliamentary elections without proper accreditation and spent two weeks in prison before being deported.

The government, through the Mass Media Trust holding company, controls several major daily newspapers, including the *Chronicle* and the *Herald*; coverage in these news outlets consists of favorable portrayals of Mugabe and the ruling ZANU-PF party and attacks on perceived critics of the regime such as opposition parties, other antigovernment groups, and foreign governments. Several independent weeklies such as *The Standard* and the *Zimbabwe Independent* continue to publish, although many journalists practice extensive self-censorship. During the year, there were reports that the CIO was attempting to increase its influence over media outlets such as the *Daily Mirror* through buying ownership shares and placing spies within the newsroom. The state-controlled Zimbabwe Broadcasting Corporation runs all broadcast media, which are seen as mouthpieces of the regime. While the opposition Movement for Democratic Change (MDC) party was granted relatively greater access to these media in the run-up to the March 2005 elections, that month the government—using Chinese technology—began jamming the shortwave signal of the London-based radio station SW Radio Africa, forcing it to switch frequencies. A similar fate befell the independent radio station Voice of the People in September. Broadcasting licenses have been denied to independently owned radio stations, and although satellite television services that provide international news programming remain largely uncensored, their prohibitive cost places them out of reach for most Zimbabweans. Access to the internet is unrestricted, although the law allows the government to monitor the e-mail content of the 6.7 percent of the population with internet access.

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