

Israel

Status: Partly Free

Legal Environment: 7

Political Environment: 15

Economic Environment: 9

Total Score: 31

| Survey Edition | 2008 | 2009 | 2010 | 2011 | 2012 |
|----------------------------|-------------|--------------|-------------|-------------|-------------|
| Total Score, Status | 28,F | 31,PF | 29,F | 29,F | 30,F |

Status change explanation: Israel declined from Free to Partly Free to reflect the indictment of journalist Uri Blau for possession of state secrets, the first time this law had been used against the press in several decades, as well as instances of politicized interference with the content of Israeli Broadcasting Authority radio programs and concerns surrounding the license renewal of television's Channel 10. In addition, the economic impact of *Israel Hayom*, an owner-subsidized free newspaper and now the largest-circulation daily, threatened the sustainability of other papers and contributed to the collapse and buyout of the daily *Maariv*.

Although Israel enjoys the freest press in the region, its vibrant media sector met with challenges in 2012, including a troubling legal case, evidence of increased interference in media content by both official actors and private owners, and concern over the economic viability of newspapers.

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

Two notable Supreme Court decisions favored press freedom during 2012. In February, the court upheld the appeal of journalist Ilana Dayan, overturning a lower court ruling that forced her to compensate and apologize to an Israel Defense Forces (IDF) officer who had been posted near the Gaza border and was involved in the death of a young Palestinian girl. The plaintiff claimed that Dayan had portrayed him as a "killing animal" in a report on the incident that aired on Channel 2 in 2005. The Supreme Court decision created a new and extensive defense claim for journalists in libel cases: If a reporter can show that she had a "journalistic responsibility" in a matter of public interest, she can be shielded from liability even if she cannot prove the truth of what was published. Another Supreme Court judgment in November dealt with confidentiality of journalistic sources, which is not explicitly protected under Israeli law, but is recognized and respected by the courts. The Supreme Court ruled that journalistic privilege extends not only to the confidential source itself but also to information that may reveal the identity of the source, and directed the Knesset to codify the journalist-source relationship by means of legislation.

While the country's legal framework is predominantly protective of press freedom, it does include a number of restrictive elements that are sometimes used against journalists. Hate speech and publishing praise of violence are prohibited, and the 1948 Prevention of Terrorism Ordinance bans expressions of support for terrorist organizations or groups that call for the destruction of Israel. The media continue to face the threat of libel suits. At the beginning of 2011, journalist Raviv Druker of Channel 10 revealed an investigation of alleged corruption

involving Prime Minister Benjamin Netanyahu's personal expense account. Shortly after the report appeared, Netanyahu and his wife initiated a \$700,000 libel suit against Channel 10. In October 2012 the suit was withdrawn following a mediation process in which the station agreed not to harm the prime minister's reputation in the future. The deal marked the second time within two years that Channel 10 was obliged to reach such an agreement. Separately, in May 2012, *Haaretz* reporter Uri Blau was indicted on charges of espionage—with a potential seven-year prison term—for holding thousands of classified military documents he had received from Anat Kam, who stole them in the course of her military service. The indictment represented the first time the law in question had been used against a journalist in several decades. Kam had already been convicted of leaking classified material and sentenced to four and a half years in prison in October 2011. In a July 2012 plea agreement, Blau admitted to holding classified documents without intention to harm national security, and was sentenced to four months of community service. The Supreme Court reduced Kam's prison term by one year in December.

Apart from the laws on the books, Knesset members have debated a series of proposals over the past two years that would challenge press freedom in Israel. These included measures that sought to forbid the use of Nazi references and symbols; prohibit the publication of defamatory, antigovernment content; and ban objections to Israel's existence as a Jewish and democratic state. There were also attempts to significantly raise compensation amounts in libel suits, with a proposed amendment to that end making some headway in the Knesset. However, none of the above initiatives developed into actual law in 2012.

Freedom of information has been protected by law since 1999, subject to exemptions for the security services or any other body that handles issues related to intelligence, national security, or foreign policy. The legal tools provided by the law are used by journalists and nongovernmental organizations to obtain official information, and the courts have given a widening interpretation of the public's right to know.

According to the British Mandate Press Ordinance of 1933, publishers are required to obtain a license from the Interior Ministry to operate a newspaper, while broadcasters are covered by a separate regulatory regime. The Government Press Office (GPO) requires journalists operating in Israel to have proper accreditation in order to attend official press conferences, gain permission to access government buildings, and pass through Israeli military checkpoints. Hundreds of foreign journalists are generally accredited. However, the GPO has occasionally refused to provide press cards—especially to Palestinians—citing national security concerns, thus preventing the affected reporters from entering Israel.

During 2012, journalists were drawn into a series of legal battles to protect their labor rights. In January, a new journalists' union was founded within the Histadrut labor federation, and hundreds of journalists soon joined. Among other cases, the union was involved in legal struggles to preserve the broadcasting license of Channel 10 and to protect employees' rights during an ownership change at the daily newspaper *Maariv*.

Due to Israel's unresolved conflicts with Palestinian groups and neighboring countries, media outlets are subject to military censorship and journalists can face travel restrictions. Under a 1996 Censorship Agreement between the media and the military, the censor has the power—on the grounds of national security—to penalize, shut down, or halt the printing of a newspaper. In practice, the censor's role is quite limited and subject to strict judicial oversight. Journalists often evade restrictions by leaking a story to a foreign outlet and then republishing it. However, Israeli security authorities have begun to combat leaks to foreign media by issuing gag orders that forbid quotations of foreign sources about the issue at hand. Digital media have added to the

challenge of enforcing the 1996 agreement, but in May 2012 the military censor announced a new surveillance tool aimed at tracking textual and visual information online, especially on social networks.

A long-standing law forbidding Israeli citizens from traveling to “enemy states” such as Lebanon and Syria without permission from the Interior Ministry has, on occasion, been applied to journalists. Press freedom organizations have condemned the selective application of the law, as well as the potential effects of such travel restrictions on the diversity of news available to the Israeli public. Although Israeli journalists are generally barred from entering the Palestinian territories without explicit military approval, in practice the military frequently ignores the presence of Israeli journalists in those territories. In November 2012, the IDF allowed foreign journalists to enter Gaza during its “Pillar of Defense” military operation there. The GPO has been known to impose obstacles, especially in airport security checks, for foreign journalists who are suspected of an anti-Israel political orientation.

Deliberate violence against or harassment of journalists is relatively rare in Israel, but it does occur. Although the principal targets have traditionally been Arab journalists—both foreign and local, often in and around Jerusalem—the year 2012 featured a higher rate of incidents stemming from private or commercial conflicts (such as within the ultra-Orthodox and Israeli-Arab media sectors) and police harassment of journalists reporting from demonstrations on social and economic matters. Due to ongoing protest-related violence, the police decided to issue identification tags to journalists covering such events.

Israelis are active news consumers. Mainstream Hebrew newspapers garner an estimated one million daily readers out of a population of less than eight million. The pluralistic makeup of Israeli society is reflected in the press landscape, which includes 12 daily newspapers and a wide range of weekly newspapers and internet news sites, most of which are divided along religious, ethnic, and language lines. The major newspapers are privately owned, and some freely criticize government policies and aggressively pursue cases of official corruption. However, the popularity of the free newspaper *Israel Hayom*, which has captured about 40 percent of the market and is now the largest-circulation daily, has placed financial pressure on other mainstream papers, as its business model has forced them to slash advertising rates, thus threatening their sustainability. *Israel Hayom* is owned and subsidized by Sheldon Adelson, a prominent American businessman who is openly aligned with Netanyahu and the conservative Likud Party. As a result of financial difficulties, the daily newspaper *Maariv* faced the threat of closure and was eventually sold in October 2012 to Shlomo Ben-Zvi, the owner of a smaller daily, *Makor Rishon*. The anticipated merger of the two outlets will increase ownership concentration and leave the market more politically polarized, with two left-wing and two right-wing daily newspapers representing the major print media.

A diverse selection of broadcast media is available, although ownership concentration among private stations is a growing concern. The dominance of the state-run Israel Broadcasting Authority (IBA) in the broadcast market has declined significantly in recent years due to more competition from private television and radio outlets, political interference, and poor management. In July 2012, political pressure resulted in the IBA placing a “balancing” journalist on every radio program hosted by Keren Neubach, a prominent journalist and outspoken critic of the government. Also during the year, the Knesset passed a significant reform plan that aims to make the IBA economically viable, but does not address the issue of political involvement in the network’s content. The IBA’s radio station, Kol Israel, and the military-operated Galei Tsahal remain popular throughout the country, and a broad range of local and commercial radio stations

also operate, serving regional audiences as well as the country's ultra-Orthodox, Russian-speaking, and Arabic-speaking communities. Most Israelis subscribe to cable, satellite, or digital terrestrial television services that provide access to international stations. During 2012, the issue of a license renewal for the financially troubled private television station Channel 10—whose coverage is often critical of the government and which faced possible closure at the end of 2011—was resolved. The station's losses and its inability to pay its debts to the government led regulators to refuse to reissue its broadcasting license. However, after the direct involvement of the prime minister's office in the protracted negotiations, repayment of the debt was spread over the next few years, and the station's license was renewed. Although Channel 10 avoided closure, the incident added to broader concerns about the ability of Israeli media outlets to maintain both financial and editorial independence.

Israel has the region's highest rate of internet usage, at 70 percent in 2012. More than half of all internet users are active on social-media sites. The government generally does not restrict internet access, although blocking of certain data on applications like Google Maps, as well as surveillance of internet service providers and telecommunications services, is carried out, ostensibly for security purposes.

[This rating and report reflect the state of press freedom within Israel proper. The West Bank and Gaza Strip are covered in a separate report.]