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IRAQ-KURDISTAN

Like the rest of Iraq, Kurdistan—the largely autonomous northern region that includes the Erbil, Sulaimaniya, and Duhok governorates—has witnessed continued media development in both quantity and quality. During last year, the number of private and partisan media outlets increased significantly, with new satellite and local television channels, radio stations, newspapers, magazines, and websites.

Passage of a media law by the Kurdistan regional parliament on November 20, 2008 marked one of the most important developments of the year. The law improves many aspects of freedom of expression and journalism, bringing Kurdistan closer to international standards by prohibiting detention of journalists, allowing establishment of a new newspaper or magazine simply by notifying the Kurdistan Journalists' Syndicate, and not requiring journalists to be members of the syndicate. Still, the law has some shortcomings, including not guaranteeing access to information.

Implementation and enforcement of the law have been problematic as well. After its passage, some journalists were detained in Erbil and Sulaimaniya. In 2008, the Kurdistan Institute for Human Rights recorded more than 75 violations of members of the media, with abuses ranging from humiliation and threats to forcible confiscation and destruction of equipment, detention, and killings. Though political and government officials consistently expressed commitment to media freedoms as an important element of Kurdish society, MSI panelists suggested that such words amount to little more than talk. The ongoing violations show that respect for journalists' rights and freedoms is not well developed in Kurdistan.

Media outlets in Kurdistan are also in a nascent period. Most are owned and directed by political parties and are more committed to the principles, policies, attitudes, and interests of their backers than to international standards of rights, freedom of expression, and professionalism. Very few could be productive on their own and self-sustaining.

The Kurdistan region of Iraq comprises integral territory of the Republic of Iraq; it has not been recognized as a sovereign country by any nation or international organization. However, the many differences between it and the rest of Iraq, including legal and regulatory regimes governing the media, warrant a separate study of media in the Kurdistan region.

IRAQ-KURDISTAN AT A GLANCE

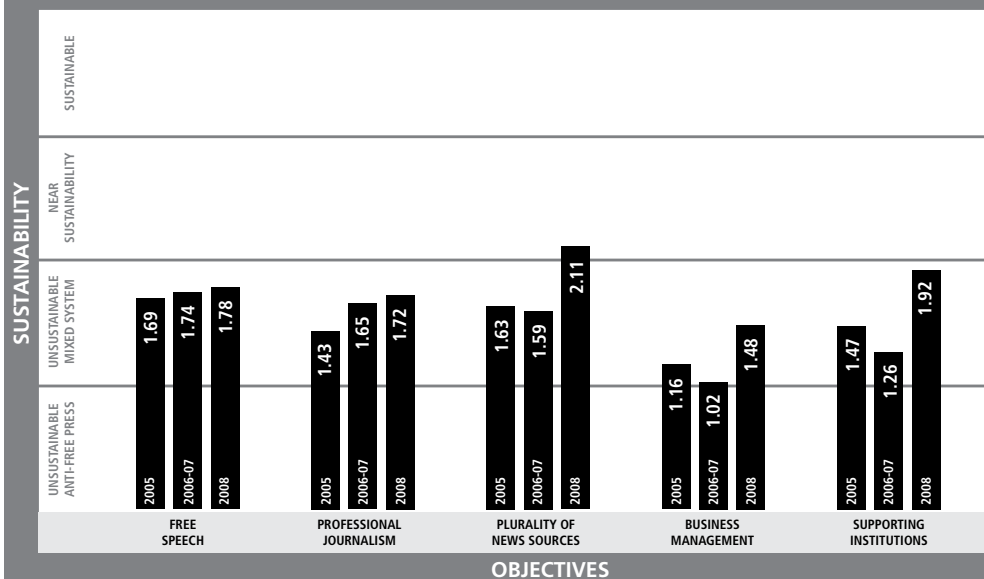
GENERAL

- > **Population:** 3,757,058 (Oil-for-Food Distribution Plan, approved by the UN, 2002)
- > **Capital city:** Erbil (known locally as Hawler)
- > **Ethnic groups:** Kurds, Turkmens, Arabs, Chaldeans, Assyrians, Ashourians, Armenians Yazidis, and Shabaks
- > **Religions:** Sunni Muslim, Christian, Yazidism
- > **Languages (% of population):** Mainly Kurdish; Turkmani, Arabic, Armenian, and Assyrian in some areas
- > **GNI (2008-Atlas):** N/A
- > **GNI per capita (2008-PPP):** N/A
- > **Literacy rate:** N/A
- > **President or top authority:** Prime Minister Nechirvan Barzani (since May 7, 2006)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** N/A
- > **Newspaper circulation statistics:** The best-selling newspaper does not exceed 25,000 copies, which go only to Erbil and Sulaimaniya, with a limited number going to Duhok because its residents speak a different dialect.
- > **Broadcast ratings:** N/A
- > **News agencies:** N/A
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** N/A

MEDIA SUSTAINABILITY INDEX: IRAQ-KURDISTAN



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Iraq-Kurdistan Objective Score: 1.78

In a significant step forward, in 2008 the regional parliament passed a media law guaranteeing journalists' rights and freedoms, consistent with international standards. An earlier version of the law, passed by parliament in 2007, contained many restrictions on freedoms. But under pressure from journalists and local and international organizations, Kurdistan President Massoud Barzani did not sign it, and the parliament subsequently approved an improved version.

Panelist Haval Abu Bakr, a professor of media at Sulaimaniya University and media consultant for Wusha Corporation, said that the new media law has some strengths but contains some obscure passages, does not guarantee the right to access information, and leaves publishing rights vague. Another drawback of the law is that it applies only to print and neglects other media, according to panelist Maghded Sapan, media professor at Salahaddin University in Erbil. Sapan said that the primary obstacles to a courageous, free, independent, and professional media are the partisan leanings of the majority of media outlets, lack of understanding between journalists and officials, and the chaotic nature of the media and politics.

Some elements of the new law are not being implemented, panelists said. "The law says that no journalist should be detained, but we see that many journalists are detained," said Haimen Mamend Hadi, correspondent for Nawa radio.

Panelist Saman Fawzi, a professor at Sulaimaniya University who specializes in journalism law, said that although progress in Kurdistan's media development has not yet attained international standards, the Kurdish people respect freedom of the media at all times.

Panelists pointed out that many avenues exist for issuing newspapers and magazines, but conditions for setting up a radio or television channel are difficult. This situation stems from old laws that are still being enforced. In addition, Fawzi said, "there is no [favorable] tax law in Kurdistan. Some media organizations depend on sales from their products."

As mentioned, Kurdistan's new media law does not guarantee access to information. "Not only is information not provided, but even if we get information through a personal contact with an official and publish it, we'll be fined severely through court tricks," said panelist Niaz Abdulla, a journalist with *Medya* newspaper.

Panelists disagreed on the extent of limitations to access. Some said that access is not granted equally among media

members. "Usually journalists from local and even satellite channels of Kurdistan do not get access to information, while foreign journalists have full access," said panelist Sirwa Abdulwahid, Iraq reporter for the U.S.-government-funded Al-Hurra radio network. Abdulla said, "The discrimination among journalists is based on gender, and daring female journalists are threatened with defamation." However, panelist Hazhar Mohamadamen, Erbil office manager for Gali Kurdistan Satellite television, said that he believes that independent, private, and politically affiliated media outlets all face similar problems in accessing information.

When laws protecting journalists are violated, no action results, particularly when the violations are committed by police or other security forces. The government routinely neglects to follow up on or investigate such violations.

In 2008, the Kurdistan Institute for Human Rights reported 75 violations against journalists in the Kurdistan region; Reporters Without Borders, Amnesty International, and UNAMI reported similar numbers for violations in the same year. Unfortunately, panelists said, courts have not stepped up to deter those violations. "Judges are not acting independently in announcing their sentences and fining journalists," said Nazar Zrar, Erbil office manager for *Awena* weekly newspaper. Dizar Hasan, from *Kurdistan Report*, said that he believes that courts are not independent because political leaders lack independence in decision-making.

The panelists said that the current fine structure for the local private media organization is overly punitive. In their

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

view, if the media are not receiving adequate support, they should not be fined so heavily. Similarly, Kurdistan has no law regulating online reporting, and eventually that will affect freedom of expression negatively.

Court procedures appear designed to intimidate journalists, especially independent private journalists. For example, *Hawlati* newspaper was fined NID 15 million (\$12,500) for defaming Iraqi President Jalal Talabani. This was a clear attempt to deter journalists from practicing journalism freely in Kurdistan. Such fines have had a chilling effect and have narrowed the scope of reporting.

Regarding free entry into the journalism profession, panelists reported no government interference or limitations with who may practice journalism.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Iraq-Kurdistan Objective Score: 1.72

Lack of compliance with ethical standards and the low level of professionalism are two major issues holding back the development of serious journalism in Kurdistan. Despite some attempts to build the capacity of local journalists, the problem remains. Sapan suggested that in some cases, threats against journalists could have been avoided with better standards of reporting.

Another issue is the passivity of news collection. Most media organizations do not seek out news, but instead wait for a telephone call or a political party telegram, or they use international news agencies without regard to copyright or other limitations, said panelist Hamad Amin Khidir of *Chrka*.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exists (investigative, economics/business, local, political).

Panelists cited a number of reasons for the low level of professionalism, including the lack of specialized training, the dominance of political parties over most media organizations, the elevated patriotic and nationalist sentiment among Kurds, inadequate legal awareness among journalists, and the increased number of media organizations in Kurdistan. "What is written here is not professional, but subjective," Abdulwahid said.

A few journalists comply with professional standards, despite the consequences. Abdulla said that she was threatened with rape and has been accused of sinful acts, yet she has adhered to standards of professionalism and ethics. Abdulla said that she did not report any of these violations to the journalists' syndicate because she considers the syndicate a political entity.

Lvin magazine is the only media organization in Kurdistan that has a code of conduct, and it also has transparent financial statements, according to panelist Halgurd Samad, a correspondent for the magazine. "We are a self-sufficient media organization, and we administer the organization from the revenues of the magazine's sale. We even turn a profit," Samad said.

The lack of strong training opportunities further explains deficiencies in professionalism. The media departments at Kurdistan's two universities and the one at Erbil Technical Institute are not sufficient to produce professional, technical, and academic staff for the many media outlets in Kurdistan, Fawzi said.

Finally, panelists also agreed that salaries and benefits for journalists are far below what is deserved. Furthermore, salaries are disparate between the political media organizations and private and independent companies. "Working for a political party media outlet counts as a government job, and journalists will receive a pension after being laid off," said Abu Bakr.

OBJECTIVE 3: PLURALITY OF NEWS

Iraq-Kurdistan Objective Score: 2.11

Throughout 2008, the number of the media organizations in Kurdistan increased notably. They included the creation of a number of media channels specializing in news in a variety of platforms, such as satellite, radio, newspapers, magazine, and websites. Panelists expressed hope that this will help create multiple-source news in Kurdistan.

Panelists said that although Kurdistan has many easily accessible news sources, outlets offer little variety in news, language, topics, and presentation. The editor-in-chief of *Al-Hiwar* magazine, Faris Mohammed Khaleel, said that the

media lack variety because most work in support of political agendas, not the community.

Hadi questioned the public accessibility of Kurdish media. "People generally are unaware of or do not use the Internet, or they do not have access," he said. "Most of the newspapers and magazines do not reach the remote areas, and there is a serious distribution problem with the remote areas, just like the limited television or radio channels' broadcasting coverage outside of the big cities. All of these news sources do not reach most people; thus, people have to depend on certain channels to get news."

Because local journalists are marginalized and have limited access to information, the people of Kurdistan tend not to view them as reliable, Abu Bakr said. Panelists said that citizens mostly turn to external Arabic media organizations such as Al-Jazeera and Al-Arabiya satellite channels, even for local news and events.

As for governmental media, panelists agreed that all are under the control of political parties, while minority-focused independent media organizations cater only to those minorities.

Independent news agencies cannot succeed in Kurdistan, Khaleel and Hasan both claimed, because of a climate that rewards political affiliations for media outlets. An independent media organization in Kurdistan likely could not generate revenue solely from its sales of news and information, as would a typical news agency.

During 2008, journalists of the Chaldean, Assyrian, and Turkmen minorities pursued their profession in Kurdistan, freely operating television and radio stations and websites

and publishing magazines and newspapers in their mother tongues. Some Kurdish channels have special spots and times allocated to programming for those minorities. Butrus Hurmuz Nabati, editor in chief of *Banibal* magazine and manager of the Assyrian Cultural Center, said: "We have several kinds of products and we publish them without obstacle, but we receive [outside] assistance."

OBJECTIVE 4: BUSINESS MANAGEMENT

Iraq-Kurdistan Objective Score: 1.48

Though Kurdistan authorities have marketed the region as ripe for investment, and several international companies have spurred noticeable development in the area, no international investment has been made in the media.

All panelists agreed that the Kurdish media market is limited. The best-selling newspaper does not exceed 25,000 copies and is distributed primarily to Erbil and Sulaimaniya, with only a limited number going to Duhok because its residents speak a different dialect. Publications from Kurdistan do not go to other Iraqi provinces because of poor security and unfavorable economic conditions, Abu Bakr said.

Although many media organizations, including those of political parties, are registered as companies, they are facades—political parties finance most of them. Panelists said that government support of media outlets is unfair and generally linked to party affiliation, and no external financial support is given to private, independent media. Fawzi said that government assistance goes only to one or two specific party media outlets, not to all. Also clear is that support for

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- > A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- > Citizens' access to domestic or international media is not restricted.
- > State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for print and broadcast media.
- > Independent broadcast media produce their own news programs.
- > Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- > Independent media do not receive government subsidies.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- > Broadcast ratings and circulation figures are reliably and independently produced.

journalism is not a government priority, noted Marmand. "The Ministry of Sport and Youth requests NID 2 billion [\$1,700,000] for *peşmerga* [militia] training—which is in their specialization—but nobody assists independent media," he said.

Niaz Abdulla, of *Medya* newspaper, said that government corruption is the primary explanation for the lack of financial support for independent media. Panelists agreed that while the Kurdistan government allows independent and private media, it does not develop them actively. As those outlets uncover corruption scandals and report deficiencies, they pose a threat to many high-level government officials.

Furthermore, party and private media alike lack financial transparency, which decreases their credibility, Mohamadamen said. Abu Bakir believes that the financial weakness of media organizations leads to continued losses, compounded by the fact that some newspapers and magazines are distributed for free. Dlzar Hasan believes that media organizations need to think more like businesses, attempting to market their products, develop niches, and become profitable. Sapan also said that one reason for the low investment in the media sector is the lack of awareness by Kurdistan's wealthy people.

In addition, panelists criticized the absence of market studies and research. Media managers, they said, do not grasp the cultural standards of their society. "Lack of psychological, legal, and social consultants has resulted in weak media in Kurdistan that is not influential compared with the number and the financial resources of the media organizations," Zrar said.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Iraq-Kurdistan Objective Score: 1.92

In Kurdistan, institutions that support the media are limited locally. "Media organizations are not supporting the civil society organizations in Kurdistan, and this is why they cannot support and protect each other," Khidir said. Some work in cooperation with international institutions, which take the lead in providing opportunities for technical and human resources development for the local media.

In the past year, the journalists' syndicate remained focused on the concept of alliance among the political parties. "There are several steps in the procedure of joining the journalists' syndicate for independent journalists, while there are none for the journalists affiliated with political parties," Samad said. "They gain membership with an endorsement from the political party." Panelists said that this creates a need for other institutions and syndicates to monitor and protect journalistic rights and freedoms and develop journalists' capacities and skills.

Many international organizations reported violations of journalists' rights in 2008. Local and international organizations published memoranda and strongly condemned murder, threats, and violations of rights, and have worked to develop journalist capacities and skills. Participation in the training courses is mostly free, and the supervising organizations usually cover all expenses.

Panelists indicated that available training, most of which is offered outside Iraq, is limited, and participation is further restricted by partisan affiliations. Independent journalists are nearly deprived of the opportunities, except for those offered by international organizations. Corruption, nepotism, and a lack of fairness mark the nomination process for journalists to attend trainings, and qualified candidates often do not benefit. Unfortunately, often a great deal of funding is spent on training courses that are not useful in the end, because the supervisors share benefits with party officials and focus less on the content and success of the training.

Yet these opportunities are important, panelists said, because that there are no government centers for training and educating the journalists about violations of law, plus there are no training workshops in the media departments of Kurdistan's institutes and universities, other than formal journalism education. Sapan and Hurmuz agreed that journalists in Kurdistan need to develop capacity and experience in line with the media culture of developed countries. Abdulla said that organizations offering training assistance should be aware of the conditions but remember the positive aspects of offering help to journalists in Kurdistan.

Kurdish media does show some encouraging signs. For example, publishing houses work independently and freely in the market and people can publish or broadcast anywhere they desire. Moreover, the Internet is not controlled or censored in Kurdistan.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of private media owners and provide member services.
- > Professional associations work to protect journalists' rights.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs that provide substantial practical experience exist.
- > Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- > Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Fars Mohammed Khalel, editor-in-chief, *Alhewar*, Mosel

Haval Abubakr, media consultant, Wusha Corporation, Sulaimaniya

Saman Fauzy, professor, Media Department, University of Sulaimaniya, Sulaimaniya

Halgord Samadm, correspondent, *Livn*, Erbil

Maqded Sapan, professor, Media Department, University of Sallahadden/Erbil, Erbil

Srwa Abdul Wahed, correspondent, Al-Hurra Iraq, Erbil

Amadamen Khdr, media consultant, *Chrka*, Sulaimaniya

Hazhar Mohamadamen, director of Erbil office, Gali Kurdistan Satellite, Erbil

Dizar Hasan, managing editor, *Kurdistan Report*, Erbil

Neaz Abdulla, managing editor, *Medya*, Erbil

Heamn Mamand, reporter, Radio Nawa, Erbil

Hanan Autesha, programmer, Radio Ashore, Duhok

Nzar Zrar Ahmad, director of Erbil office, *Awena*, Erbil

Moderator and Author

Ali Kareem, head, Kurdistan Institute for Human Rights, Erbil

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