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IRAQ-KURDISTAN

A series of important political changes, including the results of the presidential and parliamentary elections in 2009, swept Kurdistan in 2009. A viable opposition emerged through the elections, with three opposition parties gaining 35 seats. The elections also revealed waning public support for Sulaimania and Dahuk, the two dominant parties in the Kurdish capital of Erbil.

The parliamentary changes affected all aspects of society, and journalism in particular, in 2009. Media in Kurdistan has advanced in some respects, yet it still suffers from many obstacles. Most media outlets maintain ties to political parties. Investment and technical and human resources are limited and primitive in Kurdistan's media institutions. Interestingly, the number of newspapers, magazines, and websites increased in the course of 2009, to both positive and negative effect. More than 280 newspapers and magazines and 85 radio and television stations launched between September 2009 and April 2010. But apparently, the increase in quantity was not accompanied by core development in the media industry's legal underpinnings, access to information, or programming innovation.

Violations of journalists' rights have increased, particularly among private and independent media outlets, and private and independent media outlets have suffered different types of attacks and violations. The Kurdistan Institute of Human Rights (KIHR) recorded 25 violations surrounding the 2009 election season. Moreover, in its 2009 annual report on the Kurdistan journalism environment, KIHR reported 95 different violations, including threats, beatings, confiscation of cameras, and arrests of journalists performing their jobs. These violations took place despite intensive national and international criticism of the conditions of Kurdistan journalists in 2009. The government did not intervene to halt the impositions on journalists' rights; only private and independent media and NGOs reacted. The Kurdistan region's governmental institutions have conducted no serious legal follow-up or investigations of violators, and this remains a major concern.

Although article 35 of the journalism law is in place to protect the freedom of the press, most judges and some security institutions fail to uphold its principles—leading many in the media community to call for a stronger law. At the same time, others complained that the fines and censorship imposed on journalists are too weak.

Given all these realities, media conditions have stagnated in the unsustainable, mixed system range—as reflected in the MSI's score that is nearly identical to last year. The MSI panelists called for the government to adopt a clear, long-term strategy to develop media in Kurdistan, drawing on the expertise of the media community, universities, and NGOs in the media field.

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

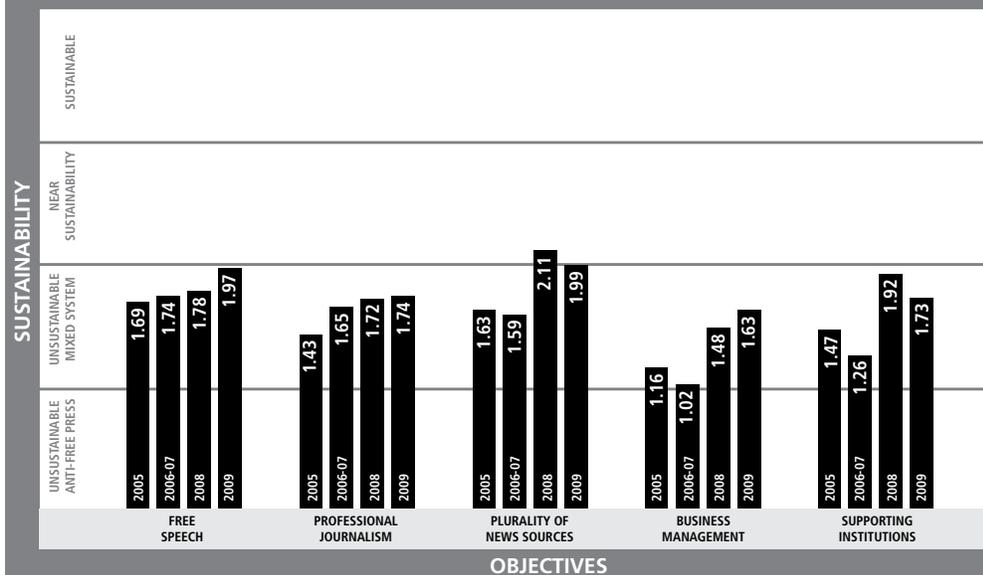
GENERAL

- > **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:** Mainly Kurdish; Turkmani, Arabic, Armenian, and Assyrian in some areas
- > **GNI (2009-Atlas):** N/A
- > **GNI per capita (2009-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:** 50
- > **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:** 3
- > **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: 1.97

Article 35 of Kurdistan's journalism law can be considered an element of protection and a step toward the development of the freedom of speech. For example, Kurdistan law places few restrictions on launching a publication. Additionally, journalists are protected from arrest and are supposed to be subject to fines only. Yet 2009 saw many cases in which the security institutions and courts did not enforce the law.

Anwar Hussein Saeed, head of the journalists' rights commission in the Kurdistan Journalists' Syndicate, confirmed that most courts do not enforce the law, and noted that journalist arrests persist even when such arrests are prohibited by law. However, some panelists reported that although many journalists were arrested in 2009, the government and the presidency of the region are aware of the problem and are attempting to find solutions.

Haval Abu Bakr, a media professor at the University of Sulaimaniyah, argues that at its core, Kurdistan law needs many amendments to guarantee greater openness and secure the freedom of journalism. In his view, the law should secure the right of access to information for the journalists before anything else.

Kurdistan's journalism law covers the written media only, and does not involve other types of media. Chiman Salih, editor-in-chief of Kurdistan Online website, underlined the law's failure to regulate electronic media activities in the country.

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.

Fareed Hnna Putres, of Ishtar Satellite channel, believes that the absence of independent courts is behind the carelessness in enforcing the law; he said that courts do not protect the rights of journalists, nor punish the violators. According to him, not a single violator went to court on the regional or national (i.e., all of Iraq) level.

The panelists said that violations affect private media the most, although sometimes media of political parties are affected as well. The lack of concern that authorities in the parliament, government, and courts display toward violations of journalists' rights turned out to be a major question in 2009 for most of the international and national institutions working in the fields of media and freedom of expression.

In terms of obtaining licenses, the authorities allow for some flexibility in access, as indicated by the 243 local newspapers and magazines and 85 local radio and television stations registered in 2009, in addition to websites and satellite channels. However, Mariwan Hama Saeed, director of Metro Center to Defend Journalists, said that some radio and television stations bypass registration because of their political affiliations.

As for the ease of entry into the media market, the capital invested in Kurdistan media is still in the early stages, and is not comparable to other industries—yet there is no tax on media institutions in Kurdistan. Most media outlets are politically affiliated and financed by their political parties.

MSI panelists stated that there is no such thing as state television in Kurdistan, and Abu Bakr said that although some government-financed media outlets operate at the regional level, they are accustomed to serving the interests of the dominant power. For example, Hawler media (newspaper, radio, and television), which the governorate of Erbil finances, served the ruling political party in the elections.

Regarding the treatment of defamation under the law, the burden of proof rests with the accused journalist. Although the law on journalism addresses defamation, judges execute the old Iraqi Criminal Law, which the panelists said is too severe for this type of case.

Niyaz Abdulla, program director of Radio Nawa, Erbil governorate, and Nazr Zrar Ahmad, director of the Erbil office of *Awena*, said that private and party media are subject to clear discrimination in access to information—even very basic information. Panelists agreed that there is no culture of granting access to information in Kurdistan, and no law exists that regulates access—although some administrative instructions expressly prohibit media outlets from accessing certain information.

Nasr Ali Abdullah, from Zagro Radio, argued that the authorities' poor awareness of the right to access information is the main reason behind this situation. Panelists also

noted that the last parliament broadcasted its sessions through Nawroz satellite channel—a state outlet—but the current parliament prohibits the practice. Salih said that the parliament stopped the broadcasts after opposition voices took over seats.

Access to international sources of information is provided adequately through satellite channels and the Internet. Even though villages and remote areas have no Internet services, service is available in most Kurdistan cities and towns, and journalists and citizens utilize it without any censoring. However, the journalism law stipulates strict punishments for publication of certain restricted, translated topics from foreign sources.

Finally, panelists agreed that authorities do not interfere with starting a career in journalism. On the other hand, there are no professional prerequisites to become a journalist, and the panelists said that this often leads to concern for professionalism in the field.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Iraq-Kurdistan Objective Score: 1.74

MSI scores assessing the quality of professional journalism in 2009 did not change significantly from 2008. In 2009, the Kurdistan media's low level of professionalism in all aspects—ethics, science, art, law—remained a serious problem.

The panelists said that many people become journalists with no scientific or academic background. This is true especially of the party media, which employs unqualified people solely for their ties to the party, calls them journalists, and registers them as journalists in the Kurdistan Journalists' Syndicate.

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).

The panelists said that they see widespread failure to comply with journalism code of ethics. Neither media institutions nor the syndicate work to develop and build capacities in a professional manner. Abu Bakr said that the sector has no one definition for a journalist, and anyone who wants to become a journalist can do so. At the same time, Anwar Hussein Saeed said, sometimes journalists hurt the image of the profession when they fail to comply with its rules and ethics.

Most of the time, the panelists said, journalists are neither fair nor objective in their reports, and rarely use dependable, adequate sources. Instead, often reports are filled with rumors and conjecture. The use of research to support journalism is weak, and all reports and news are designed in a similar way. Many journalists do not tackle significant issues, intentionally neglecting to cover potentially controversial topics to save their jobs. However, the panelists pointed to a big difference between the heads of media institutions and the journalists that work for them, as well as between private and party media institutions.

As for salaries, Ahmed said that the standard of living is very poor for independent and private media journalists. Salih added that some journalists in the party media enjoy more than one salary, plus incentives. Abdullah commented that the media sector has no single salary scale or standard for media institutions. Salary level does not depend on the qualifications of the journalists or their innovations, but on the personal relationships with their managers, Abdullah said.

The panelists agreed that entertainment programs outnumber news and information programs among Kurdistan's media. As for the state of facilities and equipment, the devices that outlets use in the data collection process and news production are very elementary, and most staff members suffer from low technical proficiency. Hama Saeed added that local television channels copy their products from the satellite channels.

The panelists concluded that the professionalism of journalists in Kurdistan must be addressed, and all academic centers and media and freedom of speech organizations should participate in the process.

OBJECTIVE 3: PLURALITY OF NEWS

Iraq-Kurdistan Objective Score: 1.99

The number of print, broadcast, and electronic news offerings continued to grow in 2009, enhancing choices for citizens and adding to the options from international media. Panelists' scores for this objective were slightly lower than last year, however. Although the panelists agreed that Kurdish news and media sources have increased, the points of view

available have not. As news is distributed mostly for free, rather than sold, it is produced in very basic quality, and much of the news looks alike in content and design.

The panelists said that the Kurdistan region has no public media yet, although there are a few government media outlets that are affiliated with dominant political parties. Moreover, the news agencies in Kurdistan are weak, and cannot yet be considered independent or objective sources of news or information. In fact, local media institutions rely on international news agencies for their news and information—even for local stories. Salih said that most of Kurdistan’s leaders are not willing to talk to local media, yet they happily speak to international outlets.

Participants had little praise for Kurdistan media’s efforts to produce their own news; they reiterated that much of the news sounds alike.

Regarding transparency of ownership of Kurdistan’s media institutions, panelists said that apart from the party media, it can be quite difficult to ascertain an outlet’s true owners. Many media enterprises not owned directly by political parties nonetheless receive support indirectly, and although they adopt an independent posture, they do not provide independent or reliable information. In addition, the panelists expressed the opinion that it is still early in Kurdistan’s development for companies and big investors to own media institutions hence for now conglomerate ownership is not an issue.

Panelists agreed that minority media have been free to operate in Kurdistan. In 2009, Chaldean, Assyrian, and Turkmen media ran radio and television programs and websites in Kurdistan in their mother languages, with no

censorship. They have also published print media and aired shows and programs in Kurdish media outlets. According to Akrawi, all minority media exercise their rights and freedoms in Kurdistan, and his satellite channel, Ishtar, proudly dedicates time for minorities to air their own special shows.

OBJECTIVE 4: BUSINESS MANAGEMENT

Iraq-Kurdistan Objective Score: 1.63

Capital investment in Kurdistan’s media did show a little progress in 2009, compared to 2008. The overall MSI scores for this objective reflect a modest improvement over the 2008 score but remains solidly within the “unsustainable, mixed system” score category, underscoring the great deal of work that remains to put media on a more solid path to sustainability.

The media industry suffers from a scarcity of financial resources and strategic projects, a lack of initiatives from investors, and little transparency in the financial systems of many media houses. Businesses use media only for certain advertisements, and, in rare cases, a limited amount of support to some outlets. Hamadamin Khidir, editor-in-chief of *Sarnj*, said that this reflects a lack of trust in the media among businesspeople and investors; they feel more comfortable going after profits elsewhere. Akrawi noted that the lack of original news content hurts the possibility that media will become profitable. These shortcomings force media institutions to preserve their ties with political parties, since other sources of financial support are so slim.

In the Kurdistan region, the major financial sources for media institutions include the Kurdistan Regional Government (only

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.

for the media institutions that are close to the government or the dominant political parties), and political parties (each political party finances its media outlets from its budget, either directly or indirectly, according to its capabilities).

According to Khidir, the government and political party media receive all the institutional support, while the independent media continuously seek unconditional and non-political financial resources—but such outlets are very rare in Kurdistan, placing independent media in a very precarious position. Some media institutions provide services for other projects as well, such as feature films or documentary films. In addition, some international NGOs from Europe and the United States support independent media through grant projects. In fact, independent media have relied solely on NGOs to secure financial resources; all the other resources that they pull in are minor at best.

Support from advertisements and media products is still very weak and unreliable as a steady income, considering that the best-selling magazine and newspaper do not distribute more than 20,000 copies in the entire region. Abdullah said that no media institution can survive on selling advertisements, and the financial resources of most outlets remain unclear—causing the media to lose people's trust. Abu Bakr argued that the costs of newspapers overwhelm sales, and media outlets need to go and learn how to sell advertisements to businesses. Yet, as much as the panelists emphasized that media outlets need to strengthen their soliciting skills, they noted that the whole advertising segment of the media sector needs to become more professional, as the advertising market is very new in Kurdistan and advertisements are not well designed. Hama Saeed, on the other hand, blamed the unprofessionalism in many media outlets for their failure to generate profits.

The practice of distributing newspapers for free also hurts the sale of private newspapers. Other hindering factors include the relatively small population, a declining interest in newspapers, and the nature of Kurdistan's linguistic composition and the difference in its dialects. It is rare to sell Erbil and Sulaimanyiah publications in Dahuk, and the opposite is true as well, since people in Dahuk speak Badini, while in Erbil and Sulaimanyiah, people speak Sorani. Furthermore, the start-up of television and the rapid progress of electronic media in Kurdistan region—like other regions in the world—has affected the sale of newspapers negatively.

Anwar Hussein Saeed said that simply no capital is invested in Kurdistan media, and what little is spent tends to be political leaders' local projects, such as local private television stations. Some panelists said that political party ties, and the manipulation of the dominant political parties for their funds, are the main reasons why not enough capital is invested in the media, and why the media do not engage in transparent

or honest competition. For example, some panelists said that political parties pressure most advertisers to favor political media. On the other hand, some panelists said that a media outlet's ability to sell advertising is decided not by political parties, but by its apparent success and its connections.

Anwar Hussein Saeed argued that the government wastes too much money publishing magazines and newspapers, and said that it needs to regulate the subsidy process with a transparent, fair law. The panelists said that they do not trust that the government supports all media outlets equally, and expressed the belief that distribution of funds is unfair and leaves out independent media.

Media institutions in the Kurdistan region lack strategic plans for business development, and no media institution has yet carried out surveys or scientific research on the market to inform their content. Moreover, panelists said that they rarely see any innovative planning in Kurdistan's media outlets, which paralyzes them from securing a steady income and gaining enough footing financially to maintain their independence.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Iraq-Kurdistan Objective Score: 1.73

Aside from the Kurdistan Journalists' Syndicate, the country has only a handful of other national and international groups that specialize in the media industry, work to protect the rights and freedoms of journalists, and build media capacity.

In 2009, the Kurdistan Journalists' Syndicate continued to operate on the system that was built and coordinated according to the agreement of the political parties. Although

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.

the independent media recognize the syndicate as their representative, panelists said they would like to see an additional institution or association that will protect them in deed and be more active, as well as help build the media's professional skills. For example, some panelists feel that the Kurdistan Journalists' Syndicate is not active enough in supporting the claims made by media professionals against the authorities. According to some panelists, at times journalists are prevented from filing claims against the police after being held unlawfully or are pressured to give up a case; the Kurdistan Journalists' Syndicate could better follow-up and publicize these instances.

Anwar Hussein Saeed said that the government does not show any motivation in solving cases related to journalists' grievances, and having 5,000 members in the syndicate is a big issue—there are simply too many cases to address them all adequately. Ibrahim said that the syndicate's roots in political parties and the government reflects its inability to serve journalism. The syndicate is supposed to be independent and free, yet it stands against some newspapers and magazines, he said. He gave the example of a memorandum that the syndicate released against *Livin*. Furthermore, the syndicate has reported few violations, and most of the panelists had the opinion that the syndicate is very slow and bureaucratic, and does not work to build the professional capacities of journalists.

One NGO that supports the media is the Kurdistan Institute for Human Rights. Its free media program includes monitoring, protecting, and developing journalists' rights, freedoms, and professional skills. KHR has carried out more than 106 seminars, training courses, conferences, media monitoring projects, reports, and research projects on the media in Kurdistan.

According to the panelists, media support from international NGOs and centers has fallen back in comparison to last year. A handful did work on building capacities of local journalists through workshops and training courses. However, the panelists had several critiques of the programs. Several said that these training courses are not enough, and are too focused on the big cities, so journalists in the districts and sub-districts are not getting a fair opportunity. Furthermore, Ali Abdullah said that most of the training courses are too simplistic and do not concentrate on positive or useful topics. Another shortcoming is that media outlets do not send editors-in-chief or managing editors to participate in training courses. Hazhar Sadiq, from the Gali Kurdistan satellite channel, said that media outlets should carry out their own training courses to build the capacities of their staff—but that is rare.

Academic centers, universities, and institutes do not have capacity-building courses for journalists outside their regular curriculum.

Printing houses function freely, and they experience no censorship in that respect. However, high-ranking officials from the political parties manipulate Internet service providers. Although the Internet is available to everyone, service is very weak, and limited for the media organizations.

Some companies exist that specialize in printing, publishing, and distribution, but their capacities are still limited and they are expensive, so they are not considered supportive to media institutions. These media companies have not helped outlets to improve their sales, raise their income, cover broader stretches of territory, or reach remote regions.

List of Panel Participants

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Nasr Ali Abdullah, director, Dahuk office, Radio Zagros, Dahuk

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

Fareed Hnna Putres, director of programs and production, Ashtar Satellite, Erbil

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Nazhad Jalal Mohammed, editor-in-chief, Sbey.com, Sulaimaniya

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The Iraq-Kurdistan study was coordinated by, and conducted in partnership with, Kurdistan Institute for Human Rights, Erbil.

Disclaimer: the views and opinions expressed in the Iraq-Kurdistan chapter are those of the panelists and do not necessarily reflect the views and opinions of the Kurdistan Institute for Human Rights.