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FREEDOM OF THE PRESS

Egypt

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Status change explanation: Egypt declined from Partly Free to Not Free due to officially tolerated campaigns to intimidate journalists, increased efforts to prosecute reporters and commentators for insulting the political leadership or defaming religion, and intensified polarization of the pro- and anti-Muslim Brotherhood press, which reduced the availability of balanced coverage.

Throughout 2012, the Egyptian press faced myriad challenges as the Egyptian courts, military, political establishment, and Islamist groups engaged in a power struggle over Egypt's political future. Following the forced resignation of longtime president Hosni Mubarak in February 2011, the country was ruled by a military council, the Supreme Council of the Armed Forces (SCAF), whose 18-month tenure featured openings in the legal, political, and economic environment for the media. The People's Assembly, Egypt's lower house of parliament, was elected in January 2012, with Islamist parties winning nearly 70 percent of the seats, but it was then dissolved by the SCAF in June after various electoral laws were deemed unconstitutional. Mohamed Morsi of the Muslim Brotherhood's Freedom and Justice Party (FJP) won the presidency in a June 16-17 runoff election, taking 51.7 percent of the vote, and executive power was formally transferred from the military to the new civilian leadership. The change led to several negative developments for the media during the latter half of 2012, including increased polarization between pro- and antigovernment outlets, a heightened use of defamation laws against the press, and physical harassment of journalists by nonstate actors with the tacit support of the authorities.

A provisional constitution adopted by the SCAF in March 2011 remained in effect until December 2012, when a new constitution was ratified. Article 12 of the provisional charter guaranteed freedom of expression and opinion "within the law." Article 13 provided for freedom of the press and outlawed censorship—including administrative actions such as stopping or preventing publication—with exceptions for threats to national security and during states of emergency and times of war. After winning the presidency, Morsi worked aggressively to push the new constitution through the approval process. The draft was met with protests and strikes by journalists and private media outlets, but it was adopted in a national referendum on December 15. The constitution addresses freedom of the press in contradictory terms. While enshrining press freedoms in its articles, it also leaves media professionals exposed to excessive punishments under the law, including prison sentences for "malpractice." In addition, it upholds preexisting laws pertaining to the sanctity of the president. The constitution's ambiguity regarding the media leaves significant room for censorship and paves the way for self-censorship on social, cultural, and political issues. While Article 45 states that "freedom of thought and opinion shall be guaranteed," several other articles appear to challenge this provision, including Article 44, which prohibits the "insulting of prophets." Article 48 gives courts the authority to shut down a media outlet if a judicial review finds that an employee of the outlet has not observed the vague provisions of the article, such as "respecting the sanctity of the private lives of citizens and the requirements of

2013 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

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LEGAL ENVIRONMENT

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national security.” Furthermore, Article 216 calls for the creation of the National Press and Media Association, a new agency to administer all state-owned media outlets. It is unclear how the association members would be selected or how guidelines would be enforced.

Neither of the constitutions in effect during 2012 replaced the Mubarak-era press laws or penal code, which include an array of articles that allow journalists to be prosecuted for their reporting. Egypt had been under a state of emergency since 1981, and one of the central demands of the 2011 revolution was the abolition of the Emergency Law, which allowed indefinite detention without charge or trial, among other abusive practices. The SCAF kept the law in place, even expanding it to include the offense of “spreading of false information harmful to national security,” before allowing it to expire in May 2012. Egypt also has laws against blasphemy, and a group of Islamist lawyers filed a complaint against media mogul Naguib Sawiris for posting a picture on his Twitter microblog in June 2011 that showed Disney cartoon characters dressed as fundamentalist Salafi Muslims. The case was dismissed by the courts in March 2012. The Morsi government placed a strong emphasis on public morality, leading to a dramatic increase in prosecutions for blasphemy, “insult to religion,” and offending public decency. The cases were disproportionately directed against non-Islamist citizens, journalists, and media personalities. Blogger Alber Saber was sentenced in December 2012 to three years in jail for insulting religion and the president after he allegedly posted a link to the trailer for a notorious anti-Islam film, *The Innocence of Muslims*.

Although the Morsi government issued a decree in August that banned the pretrial detention of journalists, it also repeatedly targeted its media critics for prosecution on defamation charges. Islam Afifi, the editor of *Al-Dustour*, was detained in August on charges of “publishing lies” about the president and endangering national stability and security after his newspaper ran stories that were critical of the FJP. Afifi’s trial was still pending at the end of the year. In October, television journalist Tawfik Okasha, an outspoken supporter of the military and the SCAF, was sentenced to four months in prison for defamation after he alleged that Morsi’s election was fraudulent. According to a report by the Arabic Network for Human Rights Information (ANHRI), at least 24 criminal cases were filed for insulting the president during the six months after Morsi’s election, significantly more than under the country’s previous presidents.

The independence of the judiciary was challenged in 2012 as the government and Islamist groups attempted to influence rulings on the constitution, election laws, and press freedom issues. This was more evident in court cases against journalists who were critical of the government than in connection with legal violations by progovernment media, which generally went uninvestigated and were rarely brought to trial. Multiple drafts of what would be Egypt’s first freedom of information law were written and debated throughout 2012, but no bill had been submitted for passage by year’s end.

Under Mubarak, the government controlled all media licensing, with the president leading the newspaper licensing body, the High Press Council. The Egyptian Radio and Television Union (ERTU), the government-operated public broadcaster, was under the control of the Information Ministry, and it granted radio and television licenses. In 2011, the SCAF licensed 16 new satellite television stations but later rescinded its decision and ordered that no new licenses be granted for satellite channels. It also threatened to “take legal measures against satellite television stations that jeopardize stability and security.” Decisions surrounding licensing and permission to publish and broadcast remained opaque under Morsi’s presidency. The government—through the Ministry of Information, ERTU, and the Shura Council, Egypt’s upper house of parliament—has been given authority to oversee licensing and determine what is appropriate for broadcast. Under the new constitution, the government and the judiciary have power to withdraw the licenses of stations that violate a wide range of social, cultural, religious, and political sanctities now protected by the charter. Under the provisional constitution, only legal entities, corporations, or political parties could own print media. These restrictions were lifted under the new constitution.

While in power, the SCAF warned editors and journalists against publishing anything critical of the armed forces without prior consultation and permission,

appointed a new information minister despite hopes that the ministry would be abolished, and appointed a military censor to supervise the press, prompting several popular writers to suspend their columns as an act of protest. Nonetheless, professional and citizen journalists made significant attempts to counter censorship and shoddy reporting by conducting in-depth investigative reports about instances of violence, and by setting up public screenings of news videos they produced. Two campaigns that began in December 2011, *Mosireen* (The Insistent) and *Askar Kazeboon* (Military Liars), organized video screenings aimed at publicizing SCAF abuses against protesters and civilians and dispelling the propaganda broadcast via state media. In January 2012, reporters, anchors, and editors at state media were punished for attempts to provide coverage that was critical of the military's rule. In one prominent incident, while reporting on the parliamentary elections, state television senior correspondent Ahmed Wageeh called for the attorney general to investigate how public funds are used in the broadcasting industry. He was later prohibited from appearing on camera. In May, major protests against military rule led to attacks on and detentions of 18 journalists who were covering the demonstrations. Also that month, authorities raided and confiscated equipment at the offices of the Iranian government television network *Al-Alam* and issued an arrest warrant for the bureau chief on the grounds that the station was operating without the necessary license. *Al-Alam* had been critical of the SCAF government.

After Morsi came to power, state and private media were increasingly driven into adversarial Islamist and non-Islamist camps, to the detriment of journalistic integrity and objectivity. Morsi gave the Islamist-led Shura Council the authority to appoint new executives and chief editors for the state publications—including Egypt's three largest newspapers, *Al-Ahram*, *Al-Akhbar*, and *Al-Gomhuria*—continuing a long tradition of politically appointing the administrative and editorial leadership of the government press. Rather than disbanding or restructuring the much-maligned Ministry of Information, Morsi and Prime Minister Hesham Qandil retained the body and appointed a minister from the Muslim Brotherhood who moved quickly to formalize the state media's progovernment bias. According to ANHRI, it became difficult to get articles critical of the government published in the state newspapers. For instance, *Al-Akhbar* eliminated its regular "Free Opinion" section and ceased publishing the writings of novelist Ibrahim Abdul Meguid because of his criticism of the Brotherhood. *Al-Akhbar* also refused to publish an article by writer Yusef al-Qaeed that criticized Islamist intimidation of opposition-aligned media. An article by Ghada Nabeel that denounced these publication bans was itself refused publication by *Al-Gomhuria*.

More state media employees were subjected to professional investigation under Morsi during the latter half of 2012 than in the entire 18 months of SCAF rule. Typically these investigations targeted those who departed from the script on air, gave airtime to highly vocal critics of the government, or covered the protests against the Muslim Brotherhood in sympathetic terms. Some state media professionals were reprimanded on charges of "indecent" for purportedly breaking social taboos.

The Brotherhood's party newspaper, *Freedom and Justice*, and its affiliated satellite television network, *Misr25*, both became platforms for the overt promotion of the Morsi government's policies and rarely offered any criticism of its performance. During volatile periods in Morsi's presidency—such as the aftermath of a November 22 decree in which he appeared to claim absolute power, or the rushing of the divisive constitutional draft to a referendum—the Brotherhood's media arms served as trusted supporters of the president's decisions. They also actively vilified the opposition as either disgruntled members of the old regime, thugs, or infidels. Also firmly in Morsi's camp during the year were several private Islamist satellite channels, such as *Al-Naas* and *Al-Hafeth*. Conversely, a large number of other private satellite networks, such as *ONTV*, *CBC*, *Al-Tahrir*, *Al-Nahar*, *Al-Balad*, and *Al-Kahera Wal-Naas*, became critical of the Muslim Brotherhood's conduct, Morsi's presidency, and Islamist politics in general.

There was also a marked decline in the government's commitment to providing access to officials and official sources under Morsi. The government selectively granted unfettered access to its media supporters while withholding information

from critical outlets.

Egypt does not filter internet content. Many bloggers and online activists freely criticize the government and debate contentious issues, although online news outlets are cautious when posting content covering the government or religion, and editors of official news websites practice self-censorship along similar lines.

Despite the trend of media polarization and editorial controls within politicized outlets, there has been a general easing of official censorship since 2011 and a reduction in obstacles for foreign journalists seeking to enter and report from the country. However, foreign journalists still encountered harassment and arrests during 2012. In February, Australian journalist Austin Mackell was arrested and detained in the city of Mahalla al-Kubra. He was charged with incitement to vandalize public property and government buildings and faced a travel ban until the charges were dropped in August. Both foreign and domestic female reporters were subject to sexual assault while covering demonstrations or in the custody of security forces. For example, in June 2012, British journalist Natasha Smith was sexually assaulted by a mob while covering postelection celebrations in Cairo's Tahrir Square.

The incidence of physical attacks and intimidation against members of the local press remained high in 2012. In May, over a dozen journalists were attacked by uniformed and plainclothes security personnel while covering demonstrations in Alexandria. In the latter half of the year, attacks on the media and threats to journalists were increasingly led by civilian groups aligned with the Muslim Brotherhood. Widespread violence, intimidation, and threats were directed at journalists who expressed criticism of the government's policies and conduct. December protests in response to Morsi's controversial constitutional declaration became violent and caused hundreds of injuries. On December 6, Al-Hosseiny Abou Deif, a reporter for the private newspaper *Al-Fagr*, was shot in the head with a rubber bullet at close range while covering clashes between Morsi supporters and opponents. He died a week later. Other journalists who were injured as they reported on these confrontations included Mohamed Azouz of *Al-Gomhuria*, Osama al-Shazzly of the private daily *Al-Badil*, Ahmed Abd al-Salam of the private daily *Al-Alam al-Yawm*, Sahar Talaat of Radio France Internationale, Ahmed Khair Eldeen of ONTV, and freelance journalist Mohamed Saad. Two foreign journalists were also attacked in the demonstrations: reporter Mehmet Akif Ersoy and cameraman Adil Ahmet from Turkey's TRT television. Also in December, Islamist groups attempted to silence criticism of the government by besieging Media Production City, a facility that houses all of Egypt's private satellite television studios. The assailants attacked journalists and threatened the lives of television network employees. Neither the security forces nor the prosecutor general took any measures to combat this intimidation.

Egypt has more than 500 newspapers, magazines, journals, and other periodicals, and during Mubarak's rule the vast majority were in the hands of the state, which owned 99 percent of newspaper retail outlets. Since the 2011 uprising, there has been significant ferment in the media sector as new outlets proliferate. Under Mubarak, all terrestrial television broadcasters—two national and six regional—were owned and operated by the government through the ERTU. However, there were four privately owned, independent satellite channels and several pan-Arab stations that attracted wide viewership. At least 16 new channels have emerged in the post-Mubarak era. Media ownership patterns, spending, revenues, and advertising remain beyond transparent scrutiny across the industry. The government supports state media directly and through advertising subsidies, although it is unclear what types of advertising subsidies exist. Independent media that criticized the Morsi government or the Muslim Brotherhood came under financial pressure in late 2012, as the government influences advertisers. Such pressure has been exacerbated by the economic turmoil in the country. Both government and private newspapers have been forced to slash their budgets to account for financial shortfalls, though no notable newspaper or station went out of business in 2012.

Some 44 percent of Egyptians accessed the internet regularly during 2012, and nearly 70 percent had access to mobile telephones. Social media, particularly Facebook and Twitter, play a key role in spreading news and information.

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