



**Toward a Media Regulatory Reform in Middle East and North Africa:
The Regulation of the Profession of Journalists**

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Background Paper

The “Arab Spring” uprisings that began in early 2011 and overthrew some of the worst despots gave rise to great hopes for democratic progress in the Arab region. To a large extent, these hopes have not been fulfilled and, despite some progress towards greater media freedom, serious obstacles to a free and independent media remain in almost every country. Many constitutions, and particularly those that have been adopted since 2011, include strong protections for freedom of expression and media freedom. However, legal frameworks across the region still fail to provide proper protection for media freedom.

There is considerable variation across the Arab world. In some States, virtually no independent press exists while in others a lively media is able to criticise the powers that be. However, even in those countries which are comparatively free, there are serious deficiencies in the legal framework. Lebanon’s media is generally regarded as the freest in the region and yet even there the main Press Law dates from 1962 – there have been no amendments to it since 1994 – and includes many repressive provisions.

These problems apply as much to the issue of the regulation of Journalists as to any other media sector. In many cases, archaic and overly stringent conditions on the practice of journalism, alongside an absence of effective protections for journalists, are stifling the development of a robust media sector. This Background Paper outlines international standards regarding the regulation of journalists, and examines the extent to which regulatory frameworks for this across the region comply with those standards.

Conditions on Practising Journalism

There is no question that good journalism is difficult to produce. It requires diligence, resourcefulness, strong interpersonal skills, a good work ethic and a keen eye for the newsworthy. However, while many professions require specialised skills

and talent to be successful, there is an important difference between journalism and, say, engineering or carpentry. There is no fundamental human right to build a bridge or a table. There is, however, a fundamental and universal right to express oneself through the media. The practice of journalism is distinct from most professions in that its exercise is guaranteed as a human right, and it must therefore be available to everyone, rather than just a limited or selected group.

This means that, as a well-recognised principle of international human rights law, schemes which prohibit people from practising journalism unless they are licensed violate the right to freedom of expression. Other conditions on who may practise journalism, such as a requirement to hold a university degree, to have attained a certain age or to belong to a particular professional association, are similarly illegitimate.

There is ample authoritative support under international law for this position. In their 2003 Joint Declaration, the (then) three special international mandates for protecting freedom of expression, the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, stated:

Individual journalists should not be required to be licensed or to register.

There should be no legal restrictions on who may practise journalism.¹

The UN Human Rights Committee has made it clear that journalism incorporates a diversity of participants, both professional and amateur, and that imposing licensing or even registration requirements on journalists is not legitimate:

Journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere, and general State systems of registration or licensing of journalists are incompatible with paragraph 3 [of Article 19 of the International Covenant on Civil and Political Rights, which protects freedom of expression].²

The rule extends beyond formal licensing or registration regimes and applies to any conditions on who may practise journalism. The *Inter-American Declaration of Principles on Freedom of Expression*, for example, rules out specific types of entry requirements for the profession of journalism:

¹ Adopted 18 December 2003. Available at: <http://www.osce.org/fom/66176>. The special international mandates, now four with the addition of the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, have adopted a Joint Declaration on a freedom of expression theme every year since 1999.

² General Comment No. 34, 12 September 2011, CCPR/C/GC/34, para. 44. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f34&Lang=en.

Every person has the right to communicate his/her views by any means and in any form. Compulsory membership or the requirement of a university degree for the practice of journalism constitute unlawful restrictions of freedom of expression.³

The issue was comprehensively addressed in a 1985 case decided by the Inter-American Court of Human Rights. The case was based on a request for an Advisory Opinion lodged by Costa Rica, which was seeking the Court's views of the legitimacy of a scheme whereby journalists were required to belong to a specific association and where conditions – for example as to age and education – were placed on them. The Court stated:

It follows from what has been said that a law licensing journalists, which does not allow those who are not members of the “colegio” to practice journalism and limits access to the “colegio” to university graduates who have specialized in certain fields, is not compatible with the Convention. Such a law would ... be in violation not only the right of each individual to seek and impart information and ideas through any means of his choice, but also the right of the public at large to receive information without any interference.⁴

Costa Rica argued that these restrictions were legitimate for three reasons. First, it was the ‘normal’ way to regulate professions. Second, it sought to promote higher professional and ethical standards, which would benefit society at large and ensure the right of the public to receive full and truthful information. Third, the licensing scheme would guarantee the independence of journalists in relation to their employers. All three grounds could be justified as necessary to protect public order, understood broadly as “the conditions that assure the normal and harmonious functioning of institutions based on a coherent system of values and principles.”

The Court remarked that the organisation of professions through associations could facilitate the development of a coherent system of values and principles, and so contribute to public order. However, it also observed that public order would benefit much more by protecting the free flow of information and ideas than by controlling access to journalism:

Freedom of expression constitutes the primary and basic element of the public order of a democratic society, which is not conceivable without free debate and the possibility that dissenting voices be fully heard ... It is also in the interest of the democratic public order inherent in the American Convention that the right of each individual to express himself freely and that of society as a whole to receive information be scrupulously respected.⁵

³ Adopted by the Inter-American Commission on Human Rights at its 108th Regular Session, 19 October 2000, available at: <http://www.iachr.org/declaration.htm>. Principle 6.

⁴ *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism*, Advisory Opinion OC-5/85 of 13 November 1985, Series A. No. 5, para. 81. Available in English at: http://www.corteidh.or.cr/serieapdf_ing/seriea_05_ing.pdf.

⁵ *Ibid.*, para. 69.

Examining the first argument, the Court distinguished between journalism and other professions, noting:

The profession of journalism – the thing journalists do – involves, precisely, the seeking, receiving and imparting of information. The practice of journalism consequently requires a person to engage in activities that define or embrace the freedom of expression which the Convention guarantees. ... This is not true of the practice of law or medicine, for example. Unlike journalism, the practice of law and medicine -that is to say, the things that lawyers or physicians do- is not an activity specifically guaranteed by the Convention. ... The Court concludes, therefore, that reasons of public order that may be valid to justify compulsory licensing of other professions cannot be invoked in the case of journalism because they would have the effect of permanently depriving those who are not members of the right to make full use of [the right to freedom of expression].⁶

The Court also dismissed the argument that licensing schemes are necessary to ensure the public's right to be informed, by screening out poor journalists and promoting professional standards, among other things because of the potential for abuse of such a system:

[G]eneral welfare requires the greatest possible amount of information, and it is the full exercise of the right of expression that benefits this general welfare ... A system that controls the right of expression in the name of a supposed guarantee of the correctness and truthfulness of the information that society receives can be the source of great abuse and, ultimately, violates the right to information that this same society has.⁷

The Court then turned to the argument that a licensing scheme would bolster the association and thereby strengthen the profession and help protect journalists defend their rights as against their employers. The Court found that this goal could be accomplished through less intrusive means and hence failed to meet the necessity test:

[I]t is not enough that the restriction be **useful** to achieve a goal, that is, that it can be achieved through it. Rather, it must be **necessary**, which means that it must be shown that it cannot reasonably be achieved through a means less restrictive of a right protected by the Convention. In this sense, the compulsory licensing of journalists does not comply with the requirements of Article 13(2) of the Convention [regarding restrictions on freedom of expression] because the establishment of a law that protects the freedom and independence of anyone who practices journalism is perfectly conceivable without the necessity of restricting that practice only to a limited group of the community.⁸

Implicit in the Court's reasoning was the idea that, in addition to the obvious problems associated with restricting people's ability to practise journalism, licensing or registering journalists is illegitimate because it is susceptible to abuse.

⁶ *Ibid.*, paras. 72-3.

⁷ *Ibid.*, para. 77.

⁸ *Ibid.*, para. 79.

The power to distribute licences lends itself to political manipulation. Although these schemes are often defended as being necessary to ensure that the profession of journalism is staffed by competent persons of high moral integrity, the Inter-American Court of Human Rights noted that other means were available for enhancing the professionalism of journalists which were not so open to abuse. In practice, formal conditions on journalists have not been effective in promoting more professional journalism where they are in place.

In a digital age, licensing or registration requirements, and other conditions on journalists, are even less legitimate. The proliferation of bloggers and other amateur newsgatherers has blurred the line between what is and is not journalism. On 2 May 2011, when the United States military launched its raid against Osama bin Laden in Abbottabad, Pakistan, the event was famously live-tweeted by a local resident named Sohaib Athar.⁹ Although he did not, of course, comprehend the full context of the operation at the time, Mr. Athar, an IT consultant who happened to be in the area, provided the world with its first reporting of the events. Bystanders and local observers have always been important to the journalistic process. However, the spread of digital media means that these voices no longer need to rely on the traditional media in order to get their story out. Bloggers and social media were key to informing the world about the uprisings in Cairo's Tahrir Square as events unfolded. These cases are good illustrations of why, with the spread of online media, it is highly problematic to try and restrict who can comment on events of public importance or report on their experiences.

Nearly all countries across the Arab world impose some conditions on who can practise journalism. Usually, the licensing process is centralised through the establishment of a syndicate or union, whose power over the profession is often legally entrenched. The legal framework often imposes stringent conditions on who can work as a journalist, or even call himself or herself a journalist.

In Lebanon, admission to the profession is administered by the Press Association Roll Committee, the Reporter of which is also the State Commissioner on the Superior Council of Press and the Head of the Department of Press and Legal Affairs of the Ministry of Information. Lebanon's Press Law mandates that journalists must be Lebanese citizens of at least 21 years of age who enjoy their civil, legal and political rights, who have not been convicted of any crime and who practise no other profession. To be a journalist, an individual must have at least a high school education, in which case he or she must have worked as trainee journalist for at least four years, while those with a university degree only require one year of trainee experience and those with a degree in journalism do not require trainee experience. There is no formal rule on how this work experience requirement must be met, and in practice many people working as journalists do not meet these

⁹ Mike Butcher, "Here's the guy who unwittingly live-tweeted the raid on Bin Laden", TechCrunch, 2 May 2011. Available at: www.techcrunch.com/2011/05/02/heres-the-guy-who-unwittingly-live-tweeted-the-raid-on-bin-laden-2/.

conditions. Despite this, it is a crime to pretend to be a journalist, with a mandatory minimum prison sentence of six months and a maximum sentence of up to one year.

The rules in Jordan are also strict and prohibit anyone from practising journalism or presenting themselves as a journalist unless they are members of the Jordanian Press Association (JPA), which operates under the Jordanian Press Association Law, No. 15 of 1998 (JPA Law). Article 2 of the Press and Publications Law, No. 8 of 1998, defines a journalist as: "Any member of the [Jordanian Press Association] who has been registered in its records, and practices journalism in accordance with the provisions of its law." Article 10, furthermore, prohibits anyone who is not a 'journalist' from practising journalism or from presenting him- or herself as a journalist (see also Articles 15 and 18 of the JPA Law). The JPA Law also includes a sliding scale of education and experience for qualification, with a higher education-level in the relevant field reducing the need for practical experience, along the same lines as the rules in Lebanon. Journalists are not allowed to engage in any other profession or belong to any other union.

In the Palestinian West Bank, the Jordanian Journalists' Syndicate Law No. 17 of 1952 still formally applies, and this imposes a roughly equivalent system, requiring journalists to be members of the Palestinian Journalists' Syndicate (PJS). However, this has presumably been superseded by Palestine's Press and Publications Law, No. 9 of 1995, Article 1 of which defines a journalist simply as someone who "undertakes Journalism as a profession or source of income, in accordance with the provisions of this Law". In any case, these rules are not strictly enforced and the PJS has defended journalists who are not members if they get into legal trouble.

In Syria, according to the law, a journalist does not have any right to work as such unless they are included in a list prepared by the official Journalists' Syndicate, which has to be ratified by the Minister of Information, in accordance with Legislative Decree No. 58 of 27 July 1974. To qualify, a candidate must have six years of training, four years of training and a secondary education, or two years of training and a higher degree. Syria's 2011 Media Law also sets out some rules for journalists, including that they are not allowed to receive financial support whether directly or indirectly through working to prepare or post advertisements.

Morocco's Dahir No. 1-95-9 of 22 February 1995 portant promulgation de la loi n° 21-94 relative au statut des journalistes professionnels (the journalists' law) makes it a crime for anyone without a press card to present himself or herself as a journalist (Article 11). To qualify for a press card, a person needs to work in journalism as their main paid profession, either as a journalist or in some ancillary role such as a translator. There is also a requirement of two years' experience, while those with less experience may be issued with trainee cards.

In Algeria, the registration requirement is not as onerous as in some other countries, and only requires that one third of the employees at a periodical should be card-

holding journalists, according to Loi organique n° 12-05 du 18 Safar 1433 correspondant au 12 janvier 2012 relative à l'information.

Tunisia is comparatively unusual for the region in that it does not impose any licensing requirement on journalists. However, the country's press law, Décret-loi n° 2011-115 du 2 novembre 2011, relatif à la liberté de la presse, de l'impression et de l'édition, sets conditions on who can obtain a press card, including having a degree or equivalent qualification and a requirement that the person's primary activity and source of income involves gathering information and ideas and publishing them via a media outlet. The law also defines a range of related working tasks, such as assistants, translators and cameramen, who may also qualify.

Some Arab States have seen shifts as a result of the regional uprisings. Since Libya's revolution, the constraints on forming journalists' organisations have effectively lapsed, and several new associations have been formed, including the General Union for Libyan Journalists and the Libyan National Media Union, along with a number of media centres and other organisations. Egypt's professional Syndicate has also been in something of a state of flux since the 25 January revolution. Technically, its head and board remain linked to the government of the day, though in practice these rules are not applied strictly. Law No. 76 of Year 1970 Regarding the Formation and Establishment of the Journalist Syndicate even refers to the role of the long defunct Arab Socialist Union in appointing Syndicate officials. As a result, the path forward for Egypt's Syndicate remains very unclear.

Professional Associations and the State

Among the main problems with mandatory licensing schemes noted by the Inter-American Court of Human Rights is the potential that legally mandatory associations of journalists will be subject to official influence. This can be problematical at best and, in the worst cases, can result in a situation in which these associations exercise official control over their members instead of standing up for their freedoms. Under international law, while it is prohibited to establish a mandatory journalists' association, journalists have the right to form their own voluntary private associations, which can often be a valuable tool for promoting professionalism and advocating for press rights.

In many cases in the Arab world, official influence over journalists' associations is, among other means, exercised through the vehicle of providing special State benefits to journalists. The problems with journalists receiving special benefits from the State, and the potential for these systems to undermine the ability of journalists to freely criticise public officials and of the associations to act as strong advocates for a free press, are clear and obvious. In May 2009, in his testimony before a United States Senate Committee on the future of newspapers, David Simon, a prominent screenwriter and former print journalist, responded to calls for government subsidies for the newspaper industry by saying: "High-end journalism can and

should bite any hand that tries to feed it, and it should bite a government hand most viciously".¹⁰

Experience in the Arab world with mandatory associations shows that they have been an important part of the often comprehensive system of control of the media in many countries in the region. In Jordan, for example, the Jordanian Press Association operates under the JPA Law. Breaches of the rules are handled by the JPA's Disciplinary Committee, which has the power to rescind membership, effectively meaning that a person loses their ability to work as a journalist in Jordan. In September 2000 the JPA expelled its Secretary General, Nidal Mansour, because of his involvement in founding an organization promoting free press, the Center for Defending Freedom of Journalists (CDFJ). The Disciplinary Committee's official rationale for this was because his work at the CDFJ meant that he was not working full-time as a journalist, and because he accepted foreign funding for the organisation.¹¹

In Syria, the official Syrian Journalists' Syndicate (SJS) is established by Legislative Decree No. 58 of 27 July 1974. The SJS' purpose is made clear in its Charter, Article 3 of which states that it is:

A professional syndicate believing in the goals of the Arab nation in unity, freedom and socialism and is committed to accomplish these goals according to the decisions and directions of the Socialist Arab Baath Party.

A less obviously repressive, but still problematical, situation can come where a syndicate or journalists' association is in a position to disburse State-supplied benefits to their membership. For example, in Iraq membership in the Journalists Syndicate is not formally required by law. However, the 2011 Journalists Rights Law provides important benefits to members of the Syndicate, notably through various payments and services, such as legal representation, health care and compensation for being wounded or killed in a terrorist attack. Membership also offers strong labour protections, as well as a right to access information from public bodies and protections against arrest and special procedural protections if arrested or questioned. As a result, it is difficult for a journalist simply to decide not to be a member or to join another (unrecognised) body.

Membership in Egypt's syndicate also provides a number of benefits, including certain protections in case of disciplinary actions and legal prosecutions, employment benefits and, importantly, access to a fund which pays a stipend to all practising journalists, although recent financial challenges have undermined the

¹⁰ Senate Committee on Commerce, Science, and Transportation Subcommittee on Communications, Technology, and the Internet Hearing on the Future of Journalism, May 6, 2009. The full testimony is available at: davidsimon.com/wire-creator-david-simon-testifies-on-the-future-of-journalism/.

¹¹ "HRW Concerns Regarding Jordan's Draft Law on Professional Associations", Human Rights Watch, 6 April 2005. Available at: www.hrw.org/news/2005/04/05/hrw-concerns-regarding-jordans-draft-law-professional-associations.

ability of the Syndicate to provide all of these benefits. These benefits, and their potential corrosive power, are particularly clear in the context of the inconsistency by which membership is offered. Journalists who are members of the statutory Lebanese Editors Association are also eligible to receive some financial and other forms of support, at least in theory.

While the current situation is clearly problematical, the benefits the various systems channel to journalists are an important part of their social safety net and benefits. Some solutions are relatively obvious. Comprehensive right to information legislation giving everyone, including journalists, a right to access information held by official bodies should be adopted in every country. Police across the Arab world should be better trained to recognise the role that journalists play in reporting on events of public significance, and they should receive specific training on the proper way to respect freedom of expression in fluid and challenging situations, such as during demonstrations. However, the question of how to replace the financial benefits offered to syndicate or association members is trickier, particularly in the context of financial challenges which are impacting journalism in many countries. Journalism as a profession needs to be financially viable, and a model needs to be developed which allows journalists to earn a respectable living which is not dependent on State largesse.

Protection of Sources

According to international law, journalists and others who provide the public with information should enjoy a strong protection against having to divulge their confidential sources of information. The right of journalists to refuse to reveal their sources is also recognised in democracies around the world. For example, the United Nations Human Rights Committee stated in its 2011 General Comment No. 34:

States parties should recognize and respect that element of the right of freedom of expression that embraces the limited journalistic privilege not to disclose information sources.¹²

The basic rationale for protection of sources was set out very clearly in a case before the European Court of Human Rights, *Goodwin v. United Kingdom*, as follows:

Protection of journalistic sources is one of the basic conditions for press freedom.... Without such protection, sources may be deterred from assisting the press in informing the public on matters of public interest. As a result the vital public-watchdog role of the press may be undermined and the ability of the press to provide accurate and reliable information may be adversely affected. Having regard to the

¹² General Comment No. 34, note 2, para. 45. See also Principle 8 of the *Inter-American Declaration of Principles on Freedom of Expression*, note 3, and Principle XV of the *Declaration of Principles on Freedom of Expression in Africa*, adopted by the African Commission on Human and Peoples' Rights at its 32nd Session, 17-23 October 2002, available at: <http://www1.umn.edu/humanrts/achpr/expressionfreedomdec.html>.

importance of the protection of journalistic sources for press freedom in a democratic society and the potentially chilling effect an order of source disclosure has on the exercise of that freedom, such a measure cannot be compatible with Article 10 of the Convention unless it is justified by an overriding requirement in the public interest.¹³

It is important to note that the jurisprudential basis for this is the right of the general public to receive information rather than a special right of journalists to access information. As a result, although the right to preserve the confidentiality of sources is often referred to as a right of journalists, it can be validly invoked by a much wider range of actors. For example, Recommendation No. R (2000) 7 of the Committee of Ministers of the Council of Europe to member states on the right of journalists not to disclose their sources of information, defines the scope of protection as covering anyone who is “regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication”.¹⁴

Across the region, many countries have strong legal provisions on the protection of journalists’ confidential sources of information, although implementation in practice varies. Article 6(D) of Jordan’s Press and Publications Law grants journalists the right to protect their confidential sources of information as part of freedom of the press, as does Article 4(d) Palestine’s Press and Publications Law, which states: “The right of a Press Publication, news agency, editor and journalist to keep confidential the sources of information or news obtained, unless the court, during the review of a criminal case, decides otherwise for the protection of the security of the State, the prevention of crime or the realisation of justice.” In both cases however, these do not appear to be systematically respected in practice.

In Egypt, some protection is provided by Article 7 of the Press Law, which rules out forced disclosures. However, there are exceptions based on criminal procedure and evidence rules, which significantly limit the protection offered in practice. Similarly, Syria’s Media Law provides some protection to journalists who refuse to reveal their confidential sources of information, although disclosure may be ordered by the judiciary.

In Tunisia, Article 11 of the press law protects the right of journalists not to reveal their confidential sources of information, which may not be undermined, directly or indirectly, for example by searches, investigations or interceptions of correspondence or communications, or even by putting pressure on journalists. However, subject to judicial control, journalists may be required to reveal their sources for urgent reasons of national security or where necessary to prevent or investigate offences involving a serious risk of physical harm to others, when the information cannot be obtained by other means.

¹³ 27 March 1996, Application No. 17488/90, para. 39.

¹⁴ Adopted 8 March 2000, Definitions. Available at:

[http://www.coe.int/t/dghl/standardsetting/media/Doc/CM/Rec\(2000\)007&ExpMem_en.asp#TopOfPage](http://www.coe.int/t/dghl/standardsetting/media/Doc/CM/Rec(2000)007&ExpMem_en.asp#TopOfPage).

Although Lebanese law does not contain a rule allowing journalists to refuse to disclose the identity of their confidential sources, there is a rule to this effect in Article 3 of the Lebanese Press Code, known as the Charter of Professional Honor, adopted in 1974 by the Lebanese Press Association (which is formed by the owners of periodicals).

Neither Morocco nor Algeria appears to provide for a right for journalists to protect confidential sources of information.

Accreditation

Although international human rights law rejects mandatory registration or licensing schemes for journalists, there will inevitably be situations where some form of accreditation is necessary. For example, it will sometimes be the case that legitimate operational or safety objectives require the police to limit physical access to sensitive locations, for example so that they can collect evidence. Press conferences, parliamentary sessions, or other limited space events also require often impose limitations on who can be admitted. It is important to note that freedom of expression includes a right to be informed. As the eyes and ears of the public, journalists play a key role in making this aspect of the right a reality. The rationale for this is not that journalists have special rights to freedom of expression or to access information but, rather, that such access is necessary to protect the right of the public as a whole to receive information. International guarantees of the right to freedom of expression include not only the right to 'impart', but also to 'seek' and 'receive' information.

The UN Human Rights Committee has recognised the legitimacy of accreditation schemes, stating:

Limited accreditation schemes are permissible only where necessary to provide journalists with privileged access to certain places and/or events. Such schemes should be applied in a manner that is non-discriminatory and compatible with article 19 and other provisions of the Covenant, based on objective criteria and taking into account that journalism is a function shared by a wide range of actors.¹⁵

It is important that these schemes should only be applied as necessary, and that accreditation should be awarded based on fair and impartial grounds that that it should never be abused as a means to influence the work of journalists. In their 2003 Joint Declaration, the special international mandates stated:

Accreditation schemes for journalists are appropriate only where necessary to provide them with privileged access to certain places and/or events; such schemes should be overseen by an independent body and accreditation decisions should be

¹⁵ General Comment No. 34, note 2, para. 44.

taken pursuant to a fair and transparent process, based on clear and non discriminatory criteria published in advance.

Accreditation should never be subject to withdrawal based only on the content of an individual journalist's work.¹⁶

The OSCE has stressed that journalists should not lose their accreditation based on the contents of their writings:

Recalling that the legitimate pursuit of journalists' professional activity will neither render them liable to expulsion nor otherwise penalize them, [member States] will refrain from taking restrictive measures such as withdrawing a journalist's accreditation or expelling him because of the content of the reporting of the journalist or of his information media.¹⁷

One measure to ensure that the schemes are operated responsibly is to have them overseen by an independent body. Accreditation schemes should also be open to digital journalists, again based on fair and objective criteria. In the case of *Gauthier v. Canada*, the United Nations Human Rights Committee also held that accreditation schemes which are biased against freelance journalists are not legitimate.¹⁸

Across the Arab world, we see major problems in how these schemes are administered. In Morocco, the government controls the issuance of press cards according to Article 5 of the journalists' law. Although this is done in consultation with a press card commission composed of four representatives of the journalists' association, four representatives of the Federation of Newspaper Publishers and one government representative, the government retains ultimate discretion over whether to issue a card. Cards can also be withdrawn for a number of vaguely defined offences, such as failing to observe the ethical rules of the profession and immoral behaviour. Journalists accused of these or other infractions have the right to lodge an appeal before the commission and to be assisted by legal counsel. In Jordan, the JPA provides the government with a list of journalists on its roll, and requests that non-members be excluded from press events, while press cards in Syria are issued by the Minister of Information to members of the Syndicate.

¹⁶ Note 1.

¹⁷ Conference for Security and Co-operation in Europe, Follow-up Meeting 1986-1989, Vienna, 4 November 1986 to 19 January 1989, Concluding Document, para. 39.

¹⁸ 7 April 1999, Communication N° 633/1995.