

Human Communication. A Publication of the Pacific and Asian Communication Association. Vol. 12, No. 3, pp.239-254.

Iran's Media Landscape: Law, policy and media freedom

Abbas Ghanbari Baghestan¹
Musa Abu Hassan²

¹ - PhD of Mass Communication from Iran, Department of Communication, University Putra Malaysia. Email: ghnbari.abbas@gmail.com.

² - Professor of Mass Communication, Department of Communication, University Putra Malaysia. Email: musa@putra.upm.edu.my.

Abstract

Iran as a very ancient country is experiencing a different kind of media policy that is based on freedom, religion and social responsibility. A general look at the media in Iran shows that during the period after the Islamic Revolution considerable development had taken place in the area of media freedom. A wide range of press media is currently available in Iran. Because of high attentions to the radio and TV as a national university, it remains the most popular medium. In terms of online media, Iran is one of few countries in the world where the new form of journalism - online journalism - and a new type of media – online only news organizations - have received serious attention and development in the last 9 years. Iran has the largest number of blogs in the world after China and the online internet media in Iran is going to be as a mass media. However, while the Iranian press has displayed great diversity and vibrancy, some basic legal safeguards for media freedom are still lacking. After 30 years of Islamic Revolution, the press remains vulnerable. In spite of a lot of improvement in media legislation, media freedom is still an issue and there are several intermixed legal and educational obstacles that directly or indirectly damage the development of the media freedom. These obstacles are includes; decreasing professional standards of journalism, the complexity of new media and the lack of updating media legislation, the limitation or monopoly of media publication, the independence of the Judiciary, the lack of clear definition of “Media offense” and “Media court” in the law, and unbalanced distribution of government subsidies to the press. For further development and toward desirable climate for media freedom in Iran, a lot of decisions need to be made to address these obstacles, specially in terms of legislation and Education of Journalists.

Key words: Iran, Media Legislation, Media Policy, Freedom, Online Journalism, Media Pluralistic, Independent media.

Biodata of Presenters

Abbas Ghanbari Baghestan is a PhD candidate in Mass Communication at Universiti Putra Malaysia (UPM). Prior to joining UPM, he was educated at Allameh Tabatabaee University, Iran in the field of Mass Communication Science. He also holds a Bachelor of Philosophy from Shahid Beheshti University, Iran. His research interests are mass media study, media policy, Islamization of Communication Theory, Information and Communication Technology (ICT) and Information Society.

Dr. Musa Bin Abu Hassan is Professor in Mass Communication, University Putra Malaysia, Kuala Lumpur, Malaysia. His research interests are Media study, media policy, Technology and Society and Mass Communication.

Introduction

Iran, as a very ancient country with more than 7000 years civilization, geographically placed in critical area of the world, Middle East, with a territory of 1,648,000 sq km. Its population is 70,472, 846. More than 84 percent of its population is literate and 50 percent of the population is under the age of thirty. There are many religious and ethnic groups in Iran. Of these, Persians constitute more than half of its population; other ethnic groups include the Kurds, Turks, Arabs, Lurs, Bakhtyari, and Balochi (The Population of Iran, 2007). Islam is official religion, but Parsi (Zoroastrian), Armenian, Christians and Jews are officially recognized non-Muslim minorities.

Iran's Media landscape

To fully understanding the Iran's Media Landscape: Law and policy, a brief review on present situation of media and the changes that occur during the post-revolutionary era is essential.

Press media

A wide range of press media is currently available in Iran. The total number of newspapers currently circulating in Iran, according to Ministry of culture and Islamic guidance (2007), is 3350 print media outlets³ which are officially registered. There are 181 daily newspapers⁴, 2028 weekly, 1011 monthly and 130 quarterly among these outlets. In term of the number of daily newspapers, during the last 10 years, the number of newspapers in Iran compared to the period before Islamic Revolution and even the first 2 decades after Islamic Revolution, has increased drastically. At the beginning of 1995, there were 25 daily newspapers with total circulation about 1.5 million copies. Now the number of daily newspapers is 181 and total circulation of all daily newspapers, according to government estimates, passed 3 million copies. The maximum circulation cited is 800,000 copies and the average real circulation for most popular newspapers is 50,000- 200,000 (The list of press media in Iran, 2007).

There is, however, a dominancy of about 40 national newspapers that publish in Tehran, the capital of Iran, others, especially regional and local media are weak and many of these outlets have very low circulation. The political changing and the increase in newspapers' prices have inevitably brought decline in circulation of media and even move to closed. The major reasons for this are the poor economic and the lack or absence of financial sustainability. In order to adjust themselves to the new consumption preferences of their readers, many of these media have moved from daily editions to weekly ones or have introduced a special weekly edition which has been practically unknown previously.

³ - These include 225 international, 1072 national, and 141 regional. others are local press. 572 of total press media are publishing with multiple languages (447 with Persian and English languages, 55 are Persian and Arabic languages, 12 are Persian and Kurdish languages, and 58 are Persian and Turkish languages), and 50 of them are publishing with special language (39 with English, 11 with Arabic and 1 with Turkish language) (The list of press media in Iran, 2007).

⁴ - From 181 daily newspapers, 46 newspapers are international, 79 are national, 19 are regional and 37 are local. Among them, there are 4 English dailies (Iran daily, Tehran Times, Kayhan International, Iran news), 2 Arabic daily (Alvefagh and Kayhan Al Arabi), 1 French daily (Journal de Tehran) and 1 Armenian daily (Alik). Also, of these, 124 daily newspapers (42 international, 64 national, 4 regional and 14 local) publish in Tehran (The list of press media in Iran, 2007).

Audiovisual Media

After Islamic Revolutionary in Iran, the number of TV and radio Channels has increased, and Iran has a highly developed network of television transmission. There are no private or commercial TV ⁵and radio stations. All TV channels are completely centralized and managed by the Islamic republic of Iran's broadcasting organization. Although, the Islamic Republic of Iran's broadcasting organization is largely financed from the state budget, but it is independent organization and directly controlled by religious supreme leader (Rahbar) and under surveillance of Council set up by the Islamic Republic of Iran's Government, legislature and Judiciary (Constitution of the Islamic Republic of Iran, preamble, article 175, 1979).

Television remains the most popular medium, which is viewed by more than 95 per cent of the population and is considered as their primary source of news, movies, music, entertainment, and son on. Its popularity has increased drastically since the 1988, the end of Iraq's war against I.R.Iran. This is resulted of high Iranian's leader attention to TV and Radio broadcasting as a national university. In Iran, television watching is much cheaper than newspaper reading. There is no fee which viewers have to pay to receive the national TV channels. The only costs involved are the costs of energy. Today, practically each Iranian household owns at least one TV set and receives at least 4 national and one local (at province level) TV channel (Ghanbari, 2003).

The first national channel –channel 1 - is the biggest TV channel in the country with total penetration of 100 per cent of the Iran territory. TV channel 2 and 3 are the second and third national channel with total penetration of 98 per cent of the territory. Among other major national and international TV channels in Iran are channel 4(for scientific manner), channel 5 (Tehran), channel khabar (news), Channel Alkawthar, Channel Amouzesh (Education), channel Quran, channel labbaik, channel Jam-e-Jam1, Jam-e-Jame 2, Jam-e-Jam 3 (International channel for foreign Persian languages), channel Alalam (International channel for Arabic languages) channel Sahar (International channels for English languages), and channel Payam (The list of Radio and TV channels, 2007).

There are also more than 100 radio stations officially broadcasting in the country. Radio Sarasari (Nation-wide Radio) and Radio Payam stations have great popularity in Iran. The leading Iran news analysis radio stations include Voice of Iran, Radio of Javan (Youth Radio), radio Farhang (Cultural Radio), radio Goftogo (Dialog) and radio World service 1, 2, 3, 4, 5, 6 (with 27 languages) (The list of Radio and TV channels, 2007). There are also several popular foreign radio stations which were already broadcasting from foreign countries for a long time: Voice of America, Radio Farda⁶, radio of Israel, radio of German, radio of France, radio Moscow, B.B.C (British Broadcasting Corporation) and radio Zamaneh (Netherlands) and so on. All of these channels broadcast with Persian language.

⁵ - However, there are more than 20 Iranian private TV stations in U.S that could be received (illegal) through satellite dish in Iran. These TV stations are full negative propaganda against the Islamic Republic of Iran, belong to opposition groups and strongly supported by CIA. Among them, the most famous are include; NITV, Pars TV, Iran TV, Mohajer TV, Azadi TV, Nefagh TV, Lahzeh TV, Tapes TV, Shoma TV, Rangarang TV, and so on (Ghanbari, 2003).

⁶ -Radio Farda started after 11 September 2001in U.S and directly broadcasting through CIA and White House. It's centralized on latest Iran & U.S news and also the latest version of U.S & Iranian pop music (www.radiofarda.com).

Online Media

Undoubtedly, Iran lags behind developed countries in certain internet parameters and primarily in accessibility of the internet to the Iranian population. According to NUA statistics, Iran had 4,800,000 internet users in the year 2005 (Internet World Stats, 2005). Now, it is estimated that more than one-tenth of Iran's 74 million people use the Internet and the figure is increasing very rapidly (Internet World Stats, 2008). This indicator, although, is smaller than the average for the development countries; however, the number of Iranian internet users has increased 19 times since 2000, when Iran had had only 250,000 users (Internet World Stats, 2005). A majority of the Iranian internet users are young people, political and social and cultural activities who predominantly have university education. The majority of Iranian users still have access to the internet from their places of work or study and house. In the geographical terms, the Iranian internet audience is predominantly concentrated in Tehran (capital) and other central cities of 30 provinces.

The online internet media in Iran is going to be as a mass media. Despite the difficulties in the internet technologies' development, growth of online media is progressing rapidly. Iran is one of few countries in the world where the new form of journalism - online journalism - and a new type of media - online-only news organizations - have received serious attention and development in the last 7 years. Online only journalism is journalism on the internet in which do not have print version (Motamednejad, 2003). Appearance of such papers and their fast evolution became possible due to the monopoly on TV and radio channels, difficulty limitations of license for print media, the problem of censorship, high costs of print media production and distribution as well as the big numbers of people with technical and journalistic education. Additional to all newspapers, news agency, TV and radio channels, political parties, that have officially news reporting on their websites, it is also well-known that every person, especially those who are politics interested, social activities, lectures, students and journalists have there own online news website. Because of this, "Iran has the largest number of blogs in the world after China." (IPS, 2007).

News Agencies

There are around 20 large-scale information and news agencies in Iran that more than 10 of them are private. Although, most of them are specialize exclusively in their organizations news, but a majority have broad coverage of ongoing political, social, cultural, economical and militaries issues. Practically each news agency has well-developed online services. These include: 1- *Irna*: Islamic republic of Iran's official news agency, 2- *Isna*: students's news agency of Iran, 3- *Fars* news agency, 4- *Iqna* news agency, 5- *Shabestan* news agency, 6- *Shahr* news agency, 7- *Ilina* news agency, 8- *Mehr* news agency, 9- *Ipna* news agency, 10- *Pana* news agency, 11- *Miras* news agency, 12- *Itina* news agency, 13- *Aftab* news agency, 14- *Qodsna* news agency, 15- *Iana* news agency, 16- *Syna* news agency, 17- *Sharif* news agency, 18- *Moje* news agency, 19- *Hajj* news agency, 20- *Vahede Markazi* news agency, 21- *Clubhouse* of young journalist, 22- *Student's* news agency (The list of Press Media and News Agency in Iran, 2007).

The Historical Background of Media Legislation in Iran

The condition of the media in Iran is a consequence of about 200 years of socio-political condition. "Unfortunately, the press in Iran started as superficial imitation of the west, ignoring Iran's independent development and cultural identity. In the third decade

of the past century, the Iranian Qajar dynasties, the Turkish Ottmani, and Egypt remained independent countries of the East. Their rulers turned to modernity to strengthen their power and established newspapers in their countries. In May 1837, the first official governmental authoritarian Iranian news paper was published⁷. During the same period, the press in Europe was passing through the authoritarian and revolutionary stages, and entering the liberal commercial stage which continues to present time.” (Motamednejad, 1995). In other words, the press in Iran started with the motivations of the revolutionary press in West at the time that the liberal and commercial press was prevailing.

The Impact of Iran’s Constitutional Revolution in 1906 on Mass Media

For 70 years, from the time of establishment of the first newspaper until the Constitutional Revolution 1906, the government-owned or government supervised press was the only press in Iran. But, following the Constitutional Revolution, in accordance with the first Iranian Constitution with its amendment and the first Iranian press law, freedom of press was officially recognized.

Freedom for press activities was mentioned in the first Iranian Constitution and its amendment, following the Constitutional Revolution (1906-1909). Under article13 of the 1906 Iranian Constitution: “newspaper can publish, without any distortion or change in meaning, all discussions of Majlis (parliament), so all people can be aware of all discussion and reports. Each person considered benevolent may write in a public newspaper so that no issues are kept fro the public eye. Hence, all useful matters, such as Majlis debates and the people’s reaction to the debates, may be published, provided that their publication does not contradict the essential interests of state and nation. Any person who publishes anything in the press with personal aspiration, libel, or contempt will be legally questioned and punished.” (Constitution of Iran, 1906).

Article 20 of the amendment of Constitution of Iranian Monarchy (1907) also stressed freedom of press. “All press, other than that which is misleading and indecent to the respected religion, is free, and any censorship in it is prohibited. Nevertheless, wherever anything is contrary to the press law, its publisher or writer will be punished according to that law. If the writer is famous and residing in Iran, the publisher, printer, and distributor are immune from any harm.” (Constitution of Iran, 1906).

Article 79 of the 1907 Amendment of the Constitution of Iranian Monarchy recognizes the need for trying press offenses before a jury ant provides that, in the case of political misdeeds and press, the jury will be present in the court (Amendment of Constitution of Iran, 1907).

The first Iranian press law was approved by the Majlis Shoraye Melli (National Assembly) in February 1908. The law was based on the July 29, 1881, French Press Law. The law stressed general press freedom and prohibition of the press censorship and restrained the need for obtaining permission for the publication of newspapers. It also set a foundation for press freedom by its treatment of press offenses and by abolishing the requirement that publishers obtain government permission for publication.

However, 10 years after Constitution Revolution, and in accordance with a decree approved in 1918 by council of minister, the principle of free press publication was limited again, and contingent upon permission obtained from the council. Later, after the 1921 coupd'etat by Reza khan and his attempt to capture the Iranian monarchy, the

⁷ - The first Iranian newspaper, Kaghaz-e-Akhbar, was published by Hajj Mirza salleh Shirazi in 1837(Mowlana, 1980).

pressure on the press was increased. Hence, in October 1923, the parliament approved the Law of Press Supervision, which provided censorship of newspaper content (Motamednejad, 2002).

During the reign of Reza Shah (1925-1941), because of severe government censorship, freedom of the press disappeared. After the Reza Shah fell from power, an appropriate climate for freedom of the press appeared, but it lasted only a short time. Following a public revolt in Tehran in the autumn of 1942, all newspapers were banned, and in accordance with the Revision of the part of the press law, approved in December 24, 1942, the 1908 Press Law was revised, and publishers were required to obtain permission for the publication of newspapers. In later press laws, approved in February 1952 and August 1955, this obligation was preserved. Therefore, during the 37 year reign of Mohammad Reza Pahlavi, the last king of Iran, from September 1941 to January 1979, with the exception of few short time periods in early 1940s and during the nationalization of the oil industry and national government of Dr. Mohammad Mossadeq between 1951 and 1953, there was intense government control of the press (Motamednejad, 2002).

Islamic Revolutionary in Iran: legislation and Media policy

After the victory of the 1978-1979 Islamic Republic, whose two main slogans were "freedom" and "independence", it was hoped for a desirable and an appropriate legal and institutional framework would prevail over press freedom. However, the first press law during the post-revolutionary era required publishers to obtain a license for the publication of newspapers and magazines from the Ministry of National Guidance. This law was approved by Revolutionary Council in August 1979, a few months before the approval of the Constitution of Islamic Republic of Iran. Based on this law, Later, with the approval of the Constitution of the Islamic Republic of Iran in December 1979, relatively positive principle regarding press freedom appeared. The preamble of the new Constitution provides that the mass media (radio/television) must follow the direction of evolutionary course of the Islamic Revolution in the service of spreading Islamic culture. In this way, they must bear fruit from the encounter of thoughts and prevent the dissemination of destructive, anti-Islamic characteristics (The Preamble of Constitution of the Islamic Republic of Iran, 1979).

The article 3, section 2 of the Constitution of the Islamic Republic of Iran (1979) provided that the government of Islamic Republic of Iran is responsible for the attainment of the aforementioned objectives for the realization of the following: "Raising the level of public consciousness in all areas by the correct use of press, mass media and other means of communication." (Constitution of the Islamic Republic of Iran, 1979).

Article 24 of 1979 Constitution of the Islamic Republic of Iran stresses freedom of the press by providing that publications and press are free to express matters unless they are injurious to the fundamental of Islam or public right (Constitution of the Islamic Republic of Iran, 1979).

Article 168 of the 1979 Constitution of Islamic Republic of Iran, regarding the prosecution of press offenses before a jury, provides that investigation of political and press offenses shall be held in open sessions of the court of justice in the presence of jury. The procedure for appointment of jury members, their legitimacy and jurisdiction and the definition of a political offense shall be determined by law in accordance with Islamic criteria (Constitution of the Islamic Republic of Iran, 1979).

The special Press law (1985) of I.R.Iran:

In 1985 the Iranian parliament passed a special press law which detailed the legal procedures for dealing with offenses by the press, defined to include all periodicals, including procedures to be followed in Press Courts. Based on this law, the purpose of the press are: 1- To enlighten public opinion and raise public knowledge and understanding., 2- To advance the objectives set forth in the Constitution of the Islamic Republic of Iran, 3- To strive to eliminate false and divisive social boundaries and to avoid setting different social groups and classes against each other by classifying them on the basis of ethnicity, language, mores, and local customs, 4- To fight against the manifestation of colonial culture (profligacy, love of luxury, rejection of religiosity, propagation of prostitution), and 5- To maintain and strengthen the policy of "neither east nor west." (Press law, article 2 and 6, 1985).

Article 34 of the Press Law requires that press offenses should be prosecuted in a general court before a specially constituted press jury. Under articles 12 and 36 of the Press Law, prosecutions are initiated by a council within the Ministry of Culture and Islamic Guidance, which is empowered to refer cases to the press court ⁸(Press Law, 1985).

Press courts are form of general court which also tries ordinary criminal and civil cases, although in such cases without the presence of a jury. The press courts are empowered to impose criminal penalties on individuals as well as to order closures of newspapers and periodicals (Press Law, 1985).

In terms of Press juries⁹, they have been made up of a mixture of clerics, government officials, and editors of government-controlled newspapers. The jury, after hearing a case, is empowered to make recommendations to the judge in two areas: on the guilt or innocence of the defendant and, if recommending a conviction, on the severity of the penalty to be imposed. The jury's advice is not binding on the court in either regard (Press Law, article 31, 1985).

Article 4 of Press Law forbids all types of censorship: "No official or unofficial authority has the right to exert pressure on the press for the publication of any material or article, or to attempt to censor or control the press." (Press Law, 1985).

However, article 6 of press law forbids, among other things, publishing material which "creates divisions among the different strata of society," or "harms the bases of the Islamic Republic." Such sweeping language is open to abuse (Press Law, 1985).
Theoretical foundation of press freedom and the situation of Iran

Theoretically the main basic principles of free media system, which is based on Western Liberal System, are freedom, independent and pluralistic (Christina, 2004). In Western countries, based on above dichotomy, there are a lot of researchers began

⁸ - According to article 10 of the Press Law, the council is composed of a senior judge appointed by the head of the judiciary, a representative of the Ministry of Culture and Islamic Guidance, a member of parliament selected by the parliament, a university professor selected by the minister of science and higher education, and a newspaper publisher selected by other newspaper publishers (Press Law, 1985).

⁹ A press jury of seven is chosen from a pool of fourteen individuals, selected every two years by the Head of the Judiciary and made up of representatives of the Ministry of Culture and Islamic Guidance and the city council in each locality where the court is convened. In any given trial, seven serve as the jury while the other seven remain in reserve. The law states that those who serve on a press jury must be at least thirty years of age, have no criminal record and be "known for trustworthiness and sincerity and have a good reputation" (Press law, article 31, 1985).

measuring the amount of press freedom in different countries. In 1960, Nixon published a study of press freedom in 85 countries. But his study was limited to print media only (Nixon, 1960).

In 1972, Lowenstein from University of Missouri undertook a worldwide survey of press freedom based on two factors: 1- "free" press and 2- "Controlled" press. He started with the following definitions of "free" and "Controlled" press: "A completely free press is one in which newspapers, periodicals, news agencies, books, radio and TV stations have absolute independence and critical ability. The press has no concentrated ownership, marginal economic unites or organized self-regulation. A completely controlled press is one will no independence or critical ability. Under it, newspapers, periodicals, books, news agencies, radio and television are completely controlled directly and indirectly by government, self-regulatory bodies or concentrated ownership." (Lowenstein, 1972, pp.131-133).

The above basic concepts of free media system, repetitiously emphasized in several Universal constitutions, such as UNESCO's constitution and Universal Declaration of Human Right, as well as in constitutions of most Western countries.

In Iran, historically, the foundation of press freedom and other media of mass communication were based on Western liberal press system, with an emphasis on UNESCO's Constitution and article 19 of the Universal Declaration of Human Rights, stressing the right to freedom of the press and information. For this reason, a look at Media situation in Iran, comparing with Western principles of media freedom, helps better understanding the media freedom in Iran.

1- Freedom of the Media and information

The first principle of free media system has its origin in the "Glorious Revolution" of 1688-1689 in England, the United States' Revolution of 1776, the French Revolution of 1789, and the abolition of prior press publication licensing and censorship of the press that was announced for the first time in England in 1695. Article 11 of the Declaration of Human Rights and Citizens of the Great French Revolution (1789), which referred to press freedom as the most valuable freedom for human beings, mentions legal limitation of this freedom, and the first amendment to the Constitution of the United State (1791) states that "Congress shall make no law... abridging the freedom of speech, or of the press".

In Iran, after the Constitutional Revolution of 1906-1909, in according with article 13 of the Constitution of the constitutional Monarchy, (approved in 1906) and article 20 of its amendment (approved in 1907), press freedom was recognized, and the censorship of publication was prohibited for the first time. Also, using the free press concept, at the first Iranian press law was approved in 1908, with no requirements for government permission for publication, with an emphasis on limitation for press offenses, and with a requirement for prosecution of press offenses in judicial court in the presence of a jury.

After the Islamic Revolution of 1978- 1979, within the first press law (1979) and also the second press law (1986), the Iranian press laws during the reign of the Pahlavi dynasty (1941-1979), with some improvements, was again approved. As a result, the need to obtain prior permission from the government for publication perpetuated again.

On the basis of article 24 of the Constitution of the Islamic Republic of Iran (approved in 1979), the primary elements of press freedom were anticipated, however, as

Professor Motamednejad (2002) stated, there are a few concerns over this article. The main one is that it mentions press freedom but does not guarantee this freedom. Usually democratic countries whose constitutions address press freedom have constitutional guarantees of press freedom that their governments do not feel free to ignore. Another concern is the failure to protect all aspect of press freedom, including the gathering, dissemination, publication, and receipt of news and information. This article only mentions “expression of matters”. As a result, only freedom of publication is protected.

On the other hand, while the freedom of media in democratic countries characterized by the absence of censorship (Nossek and Yehiel, 2001), in Iran after Islamic Revolutionary, although article 4 of Press Law (1985) forbids censorship, at the same time it also broadly establishes a basis for the harsh punishment of content deemed inappropriate. So failing to provide or guarantee all aspect of media freedom could limit the mentioned freedom and also led to all types of media censorship and prior restraint.

Also based on article 168 of the Constitution (1979) and article 31 of Press Law (1985), the need to prosecute press offense in judicial court in the presence of a jury was stressed. But a jury for a press offense did not occur until 1991. In addition, after that also some legal commentators argued that there is contradiction in the role of the press jury, created as a safeguard for press freedom but having only an advisory capacity. It is unclear from the law whether the press jury must also be convened for the appeal hearing (Motamednejad, 2002).

2- Independent of Media

The second fundamental principle of the free media is the independent of the press and other communication media, including the impartiality and objectivity of journalists. Independence of the press means political and economic independence of newspaper, magazines, and other communication media from the government and other private economic monopolies (Motamednejad, 1995)

The independence of print media is still an issue in Iran. The ability of media to serve as an independent media seesawed dramatically since Islamic revolution in 1979. It seems, only during the Khatami’s government, an independent press media plays an important role in Iran. And at that time, many newspapers have taken independent editorial positions and have become forums for the debate about the future direction of the Islamic republic.

However, the independence of press media is still questioned by some. Daily Newspapers continue to be controlled by government, political parties, and wealthy individuals. Generally, most newspapers fall into two camps: pro-government or opposition. Though progress has been made among some news media in responding to social needs, the majority remains closely linked to the political and power elite. Politically each has a sponsor, and this means that sponsors expect certain points of view to be expressed in publications. Due to the absence of a relevant media market, this situation often resulted to self-censorship by journalists and their news organization, which largely reflects the financial situation of newspapers and consequently the independence of media.

Only Radio and TV channels, comparing to print media, seem to be more independent. This is because they are out of government and other political party’s control. However, the Constitution of Islamic Republic of Iran relies on government

intervention in the form of budgets, subsidies, regulations and some other indirect control of TV and radio channels.

3- Media Pluralistic

The third principle of free media system is the plurality of the press and other communication media, and it is derived from the legal principle of free publication. This principle rejects authoritarian power and imposition of one thought and stress the plurality of the press and other mass media, with skeptical optimism about their activities. The importance of pluralistic mass media has been stressed clearly in the Constitution of the Islamic Republic of Iran. The Constitution's preamble refers to the role of mass media in the evolutionary course of the revolution. Its preamble also refers to the mass media's service in spreading Islamic culture, however, its stress the importance of encountering different thoughts (The Preamble of Constitution of the Islamic Republic of Iran, 1979).

In spite of the need for primary permission for publication is anticipated by article 24 of the constitution of I.R.Iran, however, a wide range of plural press media is currently available. But in term of Iran's broadcasting system, it couldn't be pluralistic system. This is because of the prohibition of private and commercial TV and radio station and also the monopoly of Islamic Republic of Iran's broadcasting Organization on all of radio and TV stations.

Internet; emerging new challenges

Internet as a new media expands new opportunities for freedom of expression and free exchange of information in the world. The interactive nature of the Internet and the World Wide Web makes it unique and powerful settings for democratic discourse. Unlike traditional media, the Internet has no central control point. Users of the internet can become both producers and receivers of information; anyone with content to publish or ideas to exchange can do so from any point on the network and with a variety of incentives. "The Internet is not a monolithic whole; it is a network of user-created networks. As individuals use new ICTs to communicate in on-line environments, they become participants in dialogues, expressions, celebrations, rituals, performances, campaigns, caucuses, commercial exchanges and information transactions. These participants jointly create settings where people can assemble to undertake a variety of shared endeavors, ranging from communication, to trade, to education, to adventure". (Holma, Joane, and Michael McGreor, 2005, p272).

Currently, the younger Iranian generation has found the internet blogs as new medium of expression, and the trend of media growth is going to change from print media to online news website. Especially, many now use the Web for political, social, cultural and other humanities information seeking and discussion.

Iran's government and rulers have been well aware of the influence of the Internet. But, it is not fully regulated yet. In other words, the current policy toward internet does not reflect the diverse range of communication activities that is made possible in cyberspace environment. A committee set up by the country's Supreme Cultural Revolution Council as well as a judiciary committee meticulously check and some time issue filtering orders. So, it seems control the broadband internet connection and some time filtering the illegal websites became the major law and policy toward internet and in order to control the cyber space.

Officially, Ministry of Telecommunications has claimed that Iran is among the freest countries in the flow of information. "None of the sites that provide information are filtered. The number of filtered sites other than immoral ones barely reaches ten and those are the ones that contain insults to the figures trusted in our country. Illegal use of broadband Internet was the reason for the ban. Filtering automatically applied to porn sites and proxy servers that provide access to banned sites. More than 10 million sites, 90 percent of them with immoral content, are filtered." (Filtering the Web in Iran, 2006).

Usually, each country defines its values differently from those in the West. Many countries in the world use filtering, because freedom (of speech) shouldn't violate the social, cultural and religious identity of the nations or turn into (freedom of) unethical issues (Motamednejad, 2004). In case of Iran, it is true too. The main reason for filtering such websites is to safe religious tenets and national identity and also prevents illegal use of broadband internet connection for adopting of western cultural products. In reality, the largest number of filtered sites contain pornographic or 'immoral' content.

But sometime, internet filtering also applies to sites with political, social and other humanities contents. Many of the blogs that are politically oriented are filtered and many cyber journalists and bloggers are intimidated, arrested and jailed from time to time. For example Emrouz, a reformist news portal, didn't include any immoral content but it has been filtered. So is Rooz, a Europe-based Internet newspaper. Depending on the circumstances, even conservative news sites can also be banned. Just in the last September, the Iranian authorities have closed down Baztab, A US-based internet news website (Filtering the Baztab news website, 2008).

Conclusion

A general look at the media situation in Iran shows that during the period after the Islamic Revolution considerable development had taken place in the area of media freedom. The number of the media, particularly newspapers, increased drastically. The increase during 1997-2005 was incredible. Several steps had taken to strengthen the media freedom and independence. In addition to a lot of improvements that taken place in Press law (1985) regarding to media freedom, during the president Khatami's government (1997-2005), as the most productive time for media development, also the important following developments were implemented regarding the development of media freedom:

1- The "Professional Association of Iranian journalists" was established in October 1997. During the winter and spring of 1998, the association made important efforts in creating better working conditions for journalists, to protect the free exercise of journalistic activities, to promote juries for press offenses, and to select the best journalists of the year during the press festivals.

2- The composition of juries for press trial was revised¹⁰. Unlike the past years, juries now have an independent view regarding press cases. In the press trial during the February and March 1998, there were more favorable decisions with respect to journalists criticizing the government than in past. Also, television channel 5 broadcast press trial before a jury on the same day as the trial (Motamednejad, 2002).

¹⁰ - Although an Amendment of the 1907 Iranian constitution stressed the presence of a jury in all press trials, and a jury was again suggested in article 168 of the new constitution (1976) and also article 31 of Press Law (1985), a jury for a press offense did not occur until 1991 (Motamednejad, 2003).

In spite of these positive changes, the Iranian media freedom is still far from ideal situation. Even now, they are not able to play a real role in society's development and progress. While the Iranian press has displayed great diversity and vibrancy, basic legal safeguards for freedom of expression, the right to which is enshrined in international law, are lacking. As a consequence, the press remains very vulnerable. In other words, as long as the right to freedom of expression remains unprotected in Iranian media law, the media will be also vulnerable.

As a conclusion, and with respect to the historical background of Iran, there are several intermixed obstacles that directly or indirectly damage the development of the media freedom. These obstacles are includes:

1- Decreasing professional standards of journalism

The lack of professional standards of journalism, especially social responsibility, is the biggest obstacle of media in Iran. The domain area of journalism is strongly mixed with political issues. Most of Iranian's media owner and also journalists are political and wealthy individuals who are/were a member of government or political parties. They didn't have any academic educations in term of communication science and are not familiar with standards of journalism. Historically, they just represented their own interests and use improperly the "freedom of expression" as an instrument in the wake of their own interests. This issue resulted to decrease of public trust towards media, which is hard to gain and easy to lose, day by day.

2- The complexity of new media and the lack of updating media legislation

Internet as a new media is intangible, geographically free and continually changing in its form and its application. Its also provide unique conditions for both media activities and policy making. While both of these aspects need for new and updating law and policy, it still has no full regulated. Regarding to the lack of law, the government adopted a very restrictive policy towards internet and filtering became the unique law in order to control the internet.

3- The limitation or monopoly of media publication

The continuation of policy on limitation on free publication and the need to obtain permission from the government for the establishment of any media is obviously violating the first principles of media freedom. This is also true about the monopoly Islamic Republic of Iran's broadcasting on TV and radio stations.

4- The independence of the Judiciary

According to the Islamic Republic of Iran's constitution, the Judiciary system is absolutely independent from government. So, the Judiciary has its own definition and interpretation of "Media law and policy. Thus, even thought a reformist government or legislature, such as Khatami's government takes power, they could not guarantee the freedom of media.

5- The lack of Clear definition of "Media offense" and "Media court" in the Law

Generally, the law of Press is open to broad interpretation and arbitrary application in its sweeping prohibition of "discourse harmful to the principles of Islam" or to "the public interest". In this regard, the terms of the Press Law give little meaningful guidance to journalists and editors, and sometime resulted to self-censorship, un-equal exerting of law

6- An unbalanced distribution of government subsidies to the press, particularly between right and left parties' media

All print media strongly are depended to the government subsidies. However, the price rates of some newspapers are unreasonably low while their circulations are quite high. This is due to the state system of media financing, in which the idea of media profitability for some newspapers did not play any significant role.

Based on above discussion, for further development and toward desirable climate for media freedom in Iran, a lot of decisions need to be made to address the obstacles of underdeveloped media freedom:

1- An advance development program for upgrading and promoting the high standards of professional journalism are strongly needed. It can be done through the development of professional associations.

2- Legal and administrative safeguards for all media activities and media practitioner are needed to instituted and strengthened.

3- A revise on article 24 and 68 of constitution (1979) and also on The Press Law (1985) is needed, so that they guarantee all aspect of media freedom, the maxim right of freedom of expression, acknowledged a clear definition of "Media Offense", and guaranteeing the present of jury in media court.

5- Limited the arbitrary administrative act or order of the judicial bodies for closing the media. The use of courts other than the press courts should be stopped.

6- The monopoly on TV and radio station and the need to obtain prior permission of the government for the establishment and publication of newspaper should be removed.

7- The new media policy and framework toward internet and only online media are strongly needed.

References

- Constitution of Iran, 1906.
- Constitution of Iran, Amendment of the Constitution of Iranian Monarchy, 1907.
- Constitution of the Islamic Republic of Iran, 1979.
- Constitution of the United States, amendment 1, 1791.
- Drale, C. S. (2004). Communication Media in Democratic society. *Journal of communication Law & Policy*, Volume 9 (213-235).
- Filtering the Baztab news website (September 10, 2007). Retrieved October 2, 2007. from <http://www.aftabnews.ir/> (Persian news website).
- Filtering the web in Iran (October 22, 2006) Retrieved October 10, 2007. from <http://www.ilna.ir>.
- Ghanbari, A. (2003, Winter). The position of communication in Iran's developing Programs. *Resane quarterly*, 4:89-97.
- Holma, J. & McGreor, M. (2005). The Internet as Commons: The issue of access. *Journal of Communication Law & Policy*, 10 (3): 267-289.
- Internet World Stats, 'Middle East Internet Usage and Marketing Report. (2005). Retrieved December 8, 2006. from <http://www.Internetworldstats.com/me/Reports.htm>
- Iranian Parliament commission member's defense (October 21, 2007) Retrieved October 22, 2007. From <http://www.tabnak.ir> (Persian news website).
- Lowenstein, R.L. (1972). Press freedom as a political indicator. New York, Hastings.
- Motamednejad, K. (1995). *Journalism in Iran*. Tehran, University of Allameh Tabatabayee.
- Motamednejad, K. (2002). *The Law of Press*. Tehran, the Center for Media Studies and Research.
- Motamednejad, K. (2004). *Electronic communication and the freedom of expression*. Retrieved October 19, 2007. From: www.Iranwsis.org.
- Motamednejad, R. (2003). *Freedom of expression and information society*. Retrieved October 18, 2007. From www.Iranwsis.org.
- Mowlana, H. (1980) *The history of Iranian Press*. Tehran, University of Allameh Tabatabayee.
- Nixon, R.B. (1960, winter). Factors related to freedom in national press system. *Journalism quarterly*, 37 (1):13-28.
- Nssek, H. and Llimor, Y.(2001). Fifty years in "Marriage of convenience" news media and military censorship in Israel. *Journal of Communication Law & policy*. Volume 6(1): 1-35.
- The list of Media practitioner in Iran (May 12, 2007). Retrieved October 10, 2007. from <http://www.rasaneh.org/persian/> (Center for Media Studies and Research)
- The list of press media and News Agency in Iran (September 8, 2007). Retrieved October 8, 2007. From <http://www.press.gov.ir>
- The list of Radio and TV Channels (October 12, 2007). Retrieved October 12, 2007, from <http://www.irib.ir/> (The Islamic republic of Iran broadcasting organization)
- The population of Iran (May 8, 2007). Retrieved October 12, 2007. From <http://www.sci.org.ir> (The center of Iranian Statistic).
- The Preamble of Constitution of the Islamic Republic of Iran, 1979.
- The Press Law of Islamic Republic of Iran, 1985.