



**THE ARAB CENTER FOR THE DEVELOPMENT OF THE RULE OF LAW
AND INTEGRITY**

**PROJECT TITLE: STRENGTHENING THE RULE OF LAW AND INTEGRITY IN THE
ARAB WORLD**

**REPORT ON THE STATUS OF THE MEDIA
ANNOTATED OUTLINE**

INDEX

I. <u>Introductory chapter</u>	p. 2
II. <u>Chapter one: contextual background</u>	p. 2
III. <u>Chapter two: analysis of the principles</u>	p.3-7
1. <u>Independence</u>	p.4
2. <u>Integrity</u>	p.6
3. <u>Competence</u>	p.7
IV. <u>Chapter three: In-depth profile</u>	p.7
V. <u>Chapter four: Policy recommendations</u>	p.8
VI. <u>Annexes</u>	p.8

I. INTRODUCTORY CHAPTER

Written by:	ACRLI
Page number:	2 to 3 pages
Draft by:	TBD

- 1) General objectives of the PRLI project
- 2) Objective of the report
- 3) Explanation of methodology

Note: The principles analyzed in this report are organized under three broad categories: independence, integrity, and competence. These categories and the affiliated principles are not intended to be a full, exhaustive list of the elements that could be used to assess all dimensions of the state of the media in a particular country. Rather, they reflect fundamental attributes of a sound and healthy media sector, and were developed through several years of research and consultations with scholars and practitioners around the world. Similarly, the approach adopted for this report does not preclude other approaches to assessing the state of the media, but represents an attempt to create a framework that could be used as a basis for ongoing monitoring.

II. CHAPTER ONE: CONTEXTUAL BACKGROUND

Written by:	Lead author who may request background papers/ specific sections from co-authors /contributors
Page number:	5 pages
Draft by:	TBD

- 1) Overview of the media sector – media landscape (description of number and type of outlets, audience/readership/market, etc.).
- 2) Relevant political, socioeconomic, and historical factors shaping the media landscape
- 3) Overview of reform in relation to the media – is the media sector a target of debate and policy reforms? How do different stakeholders view the reform of the media?
- 4) Research on the use of courts related to media – trends of cases, results, consequences, existence of specialized courts, specialized judges, who initiates cases?

III. CHAPTER TWO: ANALYSIS OF THE PRINCIPLES

Written by:	Lead author with the collaboration of the co-authors Background papers may also be requested from contributors
Page number:	30 pages
Draft by:	TBD

For each principle, the author will attempt to incorporate some of the following in order to assess the level of compliance with the principle:

- a. Review of the applicable laws, decrees, rules, procedures, etc.
- b. Review of the application of the relevant laws, decrees, rules, procedures, etc.
- c. Review of the impact of the legal, political and regulatory environment.
- d. Review of relevant past and present reform efforts (what? Why? How extensive? What impact? What lessons?)
- e. Data from in-depth interviews, roundtables, public opinion surveys, etc.

Levels of Analysis for Each Principle

For each principle, the analysis will be guided by the following questions:

1. **Are the legal texts including and not restricted to, the constitution, the laws, the implementing decrees, rules and procedures in place to guarantee the respect of this principle?**
2. **Are the legal texts including and not restricted to, the constitution, the laws, the implementing decrees, rules and procedures applied in practice in a manner that guarantees the respect of this principle in a fair manner for all?**
3. **Are there extra-legal/informal factors which impact the respect of this principle?**
4. **What is the perception of the media and the public about the respect of this principle?**

Note: The authors should cover all types of media outlined below, based on the level of impact they have on society. However, after consultation with ACRLI, authors may elect to cover only some of them (authors have the right to use the terms that they see fit). The types of media to be analyzed are:

- Written press (e.g. official, party, independent, informal, printed and online)
- Broadcast (e.g. official, party, independent, informal, broadcasted and online)
- Cyber based media

Note: The information included in bullets under numbered principles and sub-principles is intended to provide guidance to authors on the various issues to be covered or the scope of the principle. They do not constitute standalone principles.

1. Independence

1.1. Fundamental guarantees on the independence of the media (Constitutional, legal, decree or other types of official, non-official and custom provisions)

- 1.1.1. Freedom of expression
- 1.1.2. Freedom of the press
- 1.1.3. Freedom of association of journalists, media organizations and media watchdog groups
- 1.1.4. Access to information
 - Ability to access official and unofficial sources of information

1.2. Clear and fair regulatory system for media activities

- 1.2.1. No requirements of official permission for the establishment of media outlets
- 1.2.2. Impartial, transparent media oversight authority
 - Licensing ministry, separate or semi-independent council?
 - membership of the board
- 1.2.3. Specific and reasonable licensing requirements
 - absence of discriminatory or excessive requirements
 - reasonable cost for licensing
 - unlimited number of licenses
 - no limitations on where licensing capital can come from
 - government not to enforce a license to publish
 - fairness in allocating licenses
 - number of internet service providers (ISPs)
 - Can private companies obtain a license?
 - Can foreign companies obtain a license?
- 1.2.4. Explicit and reasonable laws on defamation
 - of individuals, national security, public interest, national economy, the state's reputation, religion, culture, values
 - naming other countries and leaders
 - clear definition of what constitutes defamation
 - fair and restrictive implementation of defamation laws
- 1.2.5. Reasonable reasons for suspension and seizing press cards
 - specific and reasonable standards
 - fair and restrictive implementation
- 1.2.6. Specific and reasonable laws on closure and seizure
 - specific and reasonable standards
 - fair and restrictive implementation
- 1.2.7. Specific and reasonable media laws in Arabic language and non Arabic language.
- 1.2.8. Clear and reasonable grounds for sanctions

1.3. Absence of Censorship

- 1.3.1. Absence of official censorship
 - Ministry of information?
 - Regulatory body?
 - Other state institutions?
 - Security agencies?
- 1.3.2. Specific and limited government directives on inappropriate content
 - directives on media content in general
 - restrictions on indecent material
 - publishing authorization requirements
 - ability to cover good governance issues (e.g. corruption, elections, scandals..etc)
 - regulation of reception of international media
 - restrictions on satellite dishes and other media material
 - restrictions on coded channels
 - restrictions on the internet website
 - Seizure of foreign publications; newspapers, books, magazines, mail, posters, leaflets and others.
- 1.3.3. Fair and responsible editorial control for media outlets
 - Self censorship? why? how?

1.4. The independence of media outlets from governmental and non governmental influences

- 1.4.1. Media's independence:
 - From government, domestic political groups, power elite, religious groups, unions, syndicates, tribes, public opinion, private sector, non governmental organizations, individuals, militias and armed groups and other pressures
 - fair allocation of equipment and other tools necessary for media (studios, air time , access to satellites , paper, ink, other)
 - absence of boycotts of media outlets
 - absence of obstacles on distribution
 - absence of government tax and import/export policies that may negatively influence media
- 1.4.2. Media's financial viability
 - The possibility of media outlets receiving funds from private sector
 - fair allocation of advertising
 - reasonable control over advertising agencies
 - sources of funding

1.5. Personal independence of journalists

- 1.5.1. Reasonable control over content
 - journalists' agendas/editorial stands influenced by the government or others
- 1.5.2. Free movement of journalists
 - Entry/exit visas
 - Easy travel movement in country and abroad
 - no/limited restrictions on foreign journalists
 - No geographical areas which are off-limits to journalists
- 1.5.3. Limited criminal prosecution of journalists
 - number of criminal prosecution cases against journalists and media institutions
 - do courts have the right to send reporters to jail for refusing to reveal a news source?
 - laws requiring the apprehension of journalists/reporters without a clear relevant justification
 - number of expulsions and/or incarcerations including detention without trial or court appearance
- 1.5.4. Physical and economical and social safety from:

- number of killings
 - number of searches of journalists' offices and houses
 - number of attacks or threats against journalists, their families and friends
 - number of kidnappings, hostage-takings
 - number of torture cases
 - frequency of surveillance
 - number of confiscation or destruction of property
 - number of delayed salary cases
- 1.5.5. The ability of civil society groups(Human rights defenders etc.)to protect journalists
- 1.5.6. no discrimination on all levels

2. Integrity

2.1 Clear standards and ethics for journalistic professionalism

(Discuss: Is there a code of ethics for press associations? Individual outlets? Who draws up the code? Who should draw up the code?)

- 2.1.1 Clear and enforced standards for journalistic professionalism
- maximum disclosure of information (disclosure takes precedence)
 - confidentiality of sources
 - protection for whistleblowers
 - honesty
 - objectivity
 - information is well sourced
 - presentation of differing opinions
 - accuracy of information
 - balance, fairness
 - respecting personal privacy
- 2.1.2 Specific and enforced anticorruption rules
- media companies, individuals susceptible to bribes?
- 2.1.3 Specific and enforced antidiscrimination rules
- employment of journalists
- 2.1.4 Specific and enforced criteria for selection and promotion of journalists
- meritocracy vs. nepotism(can u put it in simpler wording so it can be compared with the Arabic

2.2 Diversity of the Media

- 2.2.1 Diverse ownership for media outlets
- no preferential treatment between state and private media outlets
 - absence of monopoly in media
- 2.2.2 expression of pluralistic views by the media
- neutral, multiple and full media coverage
- 2.2.3 Access to media by all sections of society
- reasonable cost of access
 - does the state encourage computer use?
 - absence of unreasonable restrictions

3. Competence

3.1 Adequate qualifications of working journalists

- 3.1.1 Clear and objective criteria for becoming a journalist
- specialized degrees in journalism
 - diploma delivered based on merit
 - standards for competence

- number of graduates
- 3.1.2 The ability to have a specialized, periodic training
 - private/public training
 - continuous training (training in the workplace)
 - training on investigative or other specialized forms of journalism

3.2 Open access to the profession

- 3.2.1 No restrictions by the government or by media outlets as to who can become a journalist
 - obligatory training certificate
 - membership in the journalists' association or a press card is required
- 3.2.2 No discrimination
 - no favoritism
 - no discrimination based on gender, political views..

IV. CHAPTER THREE: INDEPTH PROFILE

This chapter will examine the relationship between the media and the rule of law from a qualitative perspective, specifically in terms of how the media covers issues related to the rule of law and how media professionals perceive their role in relation to the promotion of the rule of law and integrity. This will be explored through an assessment of how the media cover: parliamentary elections, the role of the judiciary in elections and the conduct of the elected parliament. To this end, the chapter will feature a brief and focused analysis of the coverage of selected media outlets on the most recent parliamentary elections. Also, looking at questions of impartiality, integrity and pluralism, and coverage of judicial issues related to elections (the role of the judiciary in the election process) and of the parliament's democratic conduct. It will also feature an assessment of selected media professionals' own perceptions of their role in covering elections and promoting rule of law, democracy and independent judiciary and in general: beyond reporting the story, do they seek to advocate for values relating to the rule of law. Do journalists covering elections have special skills and training? Do they see a role for themselves in governance checks and balances?

V. CHAPTER FOUR: POLICY RECOMMENDATIONS

<p>Written by: Lead author with the collaboration of the co-author Background papers may also be requested from contributors Page number: 10 pages Draft by: TBD</p>
--

Note: This section will summarize and organize priority issues and areas in which reforms should be carried out, and outline reform strategies. The reforms highlighted will be drawn from the research and the consensus of experts and practitioners surveyed, interviewed and participating in the national workshop.

The recommendation chapter will include a narrative action plan for reform which will highlight short and long term needs and strategies, suggest specific reforms, and, to the extent possible, direct specific recommendations to identified stakeholders. It will also point to existing barriers or opportunities for reform as well as strategies to overcome barriers or take advantage of opportunities.

The narrative section may be complemented by overview tables included in this chapter or in annex.

VI. ANNEXES

- 1) Summary report of the survey(s)
- 2) Best practice indicators for continued monitoring and table of principles
- 3) Bibliography