Media Development Indicators:
A framework for assessing media development

Endorsed by the Intergovernmental Council of the International Programme for the Development of Communication (IPDC) at its 26th session (26-28 March 2008)



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Preface

The media's contribution to the creation and sustaining of functioning democracies and their potential to serve as a catalyst for human development provide the justification for UNESCO's media development efforts. Free, independent and pluralistic media empower citizens with information that enables them to make informed choices and actively participate in democratic processes. They can help enhance transparency and accountability, by facilitating dialogue between decision-makers and the rest of society and by exposing abuse of power. They also play a crucial role in improving the public's understanding of current or emerging issues, events, priorities, and policy pronouncements and options.

However, what conditions are necessary to take full advantage of the democratic potential of the media and enhance their contribution to development? What policies should be elaborated in this respect? And how should media development assistance be targeted?

It is with these questions in mind that UNESCO's International Programme for the Development of Communication (IPDC) launched an initiative to develop a set of indicators for evaluating national media landscapes. Following a two-year consultation process involving a variety of experts and organizations from all over the world, the set of indicators was finalized and unanimously endorsed by the IPDC Intergovernmental Council at its 26th session in 2008.

The Windhoek Declaration and subsequent regional declarations on Promoting Independent and Pluralistic Media adopted in Almaty, Santiago, Sana'a and Sofia served as the theoretical framework for the elaboration of the indicators. Convinced that media development calls for a holistic approach, UNESCO made sure that the indicators looked at all aspects of the media sector. Indeed, while fostering an enabling environment in which free and independent media can flourish is vital, it is also important to ensure the plurality and diversity of sources of information, the participation of all sectors of society in the media, a high level of professional standards among journalists, and adequate infrastructures and technical resources. Each of these aspects is dealt with in detail in the five chapters included in the present publication.

Since 2008, the Media Development Indicators (MDIs), which are now available in nine languages, have gained widespread recognition among UN agencies, development partners, intergovernmental bodies, media professionals and civil society groups. The number of countries concerned by their application is steadily increasing, with studies having been launched or completed in Bhutan, Brazil, Croatia, Ecuador, the Maldives, Mauritania, Mozambique and Nepal. The United Nations is using the MDIs as a basis for the elaboration of a common approach in the fields of communication development and good governance. Collaboration is ongoing with the UNESCO Institute for Statistics (UIS) to develop and apply a new set of internationally standardized media statistics, that will help address gaps in available country-specific data.

We hope that the reprinting of this publication in a smaller, more user-friendly format, will help sustain this momentum and encourage a wide range of stakeholders to make use of this unique tool, to improve the conditions needed for people to enjoy their fundamental right to express, seek, receive and impart information and ideas.

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Introduction

"To encourage the free flow of information, at international as well as national levels, to promote the wider and better balanced dissemination of information, without any obstacle to freedom of expression, and to strengthen communication capacities in the developing countries in order to increase their participation in the communication process"

UNESCO General Conference Resolution 25C/104

Introduction

MEDIA, DEMOCRACY AND DEVELOPMENT

Freedom of expression is a fundamental element of the Universal Declaration of Human Rights, and is widely seen as underpinning democratic freedoms such as the right to form political parties, share political ideas, query the actions of public officials, and so on.

Media outlets are crucial to the exercise of freedom of expression because they provide the public platform through which the right is effectively exercised. The idea of media as a platform for democratic debate embraces a variety of overlapping functions. Media, in this context, refers to all those channels that carry news and public information. The media may be seen as:[1]

- a channel of information and education through which citizens can communicate with each other
- a disseminator of stories, ideas and information
- a corrective to the "natural asymmetry of information" (Islam 2002:1) between governors and governed and between competing private agents
- a facilitator of informed debate between diverse social actors, encouraging the resolution of disputes by democratic means
- a means by which a society learns about itself and builds a sense of community, and which shapes the understanding of values, customs and tradition
- a vehicle for cultural expression and cultural cohesion within and between nations
- a watchdog of government in all its forms, promoting transparency in public life and public scrutiny of those with power through exposing corruption, maladministration and corporate wrongdoing

1. What follows is a synthesis of various reports on the media and democratic development, including: Article 19 (undated); Islam (2002); Global Forum for Media Development (2006); Norris and Zinnbauer (2002); UNESCO-CPHS (2006).

- a tool to enhance economic efficiency
- an essential facilitator of the democratic process and one of the guarantors of free and fair elections
- an advocate and social actor in its own right while respecting pluralistic values

It is equally apparent that sometimes the media may serve to reinforce the power of vested interests and exacerbate social inequalities by excluding critical or marginalised voices. The media may even promote conflict and social divisiveness.

The key question for those concerned with issues of free expression, good governance and human development, then, is how to nurture a media framework and practice which contributes to these overarching goals. This is a particularly acute concern in new or restored democracies, whose media systems have been warped or shattered by oppression, corruption or the effects of war and under-development.

Even in more established democracies, the role of the media is a live issue because of the increasingly converged world of modern communications. The combination of cheap electronic devices linked to digital communications networks opens new opportunities for citizens to exercise their right to freedom of expression. However, the advance of this communications revolution is uneven within and between countries, and new communications platforms can be used to oppress as well as to liberate.

Many commentators argue that independent journalism is a necessary but not sufficient means of strengthening good governance and promoting human development. They suggest that these goals are achieved most effectively under two conditions:

- In societies where channels of mass communications are free and independent of established interests; *and* in addition
- Where there is widespread access to these media

This suggests that any attempt to measure media development must embrace issues of both ***independence*** and ***access***. It is not just the absence of restrictions on the media that matters, but the extent to which all sectors of society, especially the most marginalised, can access the media to gain information and make their voices heard. Limited access to – or lack of

engagement with – the media is a function of poverty and poor education. It may also be caused or exacerbated by language, gender, age, ethnicity or the urban-rural divide. There is also a need to promote information and media literacy.

The corollary of this analysis is the need for state intervention to promote a media environment characterised by freedom of expression, ***pluralism*** and ***diversity***, with laws restricting media freedom narrowly defined and limited to those necessary in a democracy, and with legal provisions that ensure a level economic playing field. This requires provisions for public and community-based media as well as private media.

Also vital is investment in human resources, specifically in building the ***professional capacity of media workers***, both journalists and media managers, through academic and vocational training and the development of professional associations.

Infrastructural capacity is also crucial: promoting a diverse media environment requires investment in the means of communication, including the reception of broadcasts, the provision of electricity supplies and access to telephones and the Internet.

Within these categories of analysis there may be tensions and paradoxes. For example, low technical capacity may co-exist with a positive legal and policy framework, as in Mali (Norris and Zinnbauer 2002:12). Elsewhere, media may evolve into a driver for greater openness even in an adverse political environment.

Finally, any analysis of the media's contribution to human development must also be situated in the context of rapid and far reaching changes in the platforms for communication (see UNDP 2006:15–20 for a useful summary). The dizzying growth in some regions of new technologies (Internet, SMS, mobile telephony) presents positive opportunities for democratisation, but also challenges in the form of fragmentation and (potentially) decreased opportunities to disseminate development messages to a large population through a limited number of media channels.

Assessment tools, if they are to be meaningful, must incorporate these new communications platforms, and embrace the dynamism and adaptability of the media sector itself.

ABOUT THIS PAPER

Within the United Nations system, UNESCO's mandate to promote media development is unequivocal. The UNESCO Constitution commits the Organization "to promote the free flow of ideas by word and image". UNESCO's New Communication Strategy (adopted in 1989) sets out the Organization's objectives in the area of Communication and Information: "To encourage the free flow of information, at international as well as national levels, to promote the wider and better balanced dissemination of information, without any obstacle to freedom of expression, and to strengthen communication capacities in the developing countries in order to increase their participation in the communication process." The purpose of the International Programme for the Development of Communication (IPDC) is "to contribute to sustainable development, democracy and good governance by fostering universal access to and distribution of information and knowledge through strengthening the capacities of developing countries and countries in transition in the field of electronic media and print press".[2]

This paper has been prepared in order to define indicators of media development in line with the priority areas of the IPDC:

- promotion of freedom of expression and media pluralism
- development of community media
- human resource development (capacity building of media professionals and institutional capacity building)

The paper is firmly located in the framework established by the five UNESCO declarations on Promoting Independent and Pluralistic Media (Windhoek Declaration and those of Almaty, Santiago, Sana'a and Sofia[3]), endorsed by the Organization's General Conferences, which provide the overarching set of principles from which these outcomes and indicators are derived.

2. Resolution no. 32 C/75, adopted by UNESCO at its 32nd General Conference in October 2003, available at http://portal.unesco.org/ci/en/files/20810/11351773301ipdc_statutes_amendments_en.pdf/ipdc_statutes_amendments_en.pdf

3. (http://unesdoc.unesco.org/images/0010/001091/109197eo.pdf), contains a copy of a UNESCO publication containing the basic texts in communication that have been adopted between 1989 and 1995. The Sofia declaration is at http://unesdoc.unesco.org/images/0010/001095/109559eo.pdf. The Sana'a final declaration is at http://portal.unesco.org/ci/en/ev.php-URL_ID=1622&URL_DO=DO_TOPIC&URL_SECTION=201.html

It should also be clear that in the spirit of these declarations, UNESCO is not calling for further regulation of the news media – to the contrary – but rather for an overdue emphasis on the overall enabling environment within which independent journalism can flourish. Training journalists in reporting skills is a worthy enterprise, but of little ultimate impact if the journalists are not empowered to practice their trade and the enabling environment conducive to the free exercise of their profession.

The paper suggests five major categories of indicators that can be used to analyse the media development of a country. Each category is broken down into a number of component issues which in turn contain a series of broad indicators. Finally there are means of verification and potential data sources identified.

It should be noted that these indicators are not designed to provide a longitudinal analysis over time, or a means for comparing different countries; they are an analytic tool designed to help stakeholders assess the state of the media and measure the impact of media development programmes. As indicators they are diagnostic tools, not commandments – conceptualised with the purpose of assisting media development programmes, not imposing conditionality.

And finally, it should be clear that this is intended as a living document that will be tested and adjusted on the ground by its ultimate intended users – the journalists and news organizations and citizens' groups working to strengthen media on the local level.

SPECIFIC METHODOLOGY

This paper builds upon a previous analysis of existing initiatives to measure media development which employed a diverse range of methodologies.[4] This paper does not prescribe a fixed methodological approach, preferring a 'toolkit' approach in which indicators can be tailored to the particularities of the national context.

4. UNESCO (2007), *Defining Indicators of Media Development – Background Paper*, http://portal.unesco.org/ci/en/files/24288/11743196661media_development_indicators_background_paper.pdf/media_development_indicators_background_paper.pdf

Some generic considerations in selecting media development indicators have been adopted in this paper:

- using quantitative measurements whenever possible
- choosing indicators where measurement data is sufficiently reliable in quality to permit confident decision-making
- disaggregating indicators by gender or other population characteristics
- ensuring that indicators are separated out to address one key issue at a time
- considering the practical implications of cost and time for collecting measurement data

However, at this point it is necessary to add a cautionary note. There is a lack of data at the global level and this document alone cannot therefore provide all the information required to use its approach as a diagnostic tool. There is a need for further work to identify the data needed for measuring the suggested indicators. It might be useful to draw upon the experiences of others in establishing reliable national data sources, e.g. in the health field and sentinel surveillance centres for monitoring HIV etc.

Data that is available will change over time, and the durability of data will affect the extent to which it can be relied upon. Judgement will have to be exercised in using available data that may be several years out of date, particularly given the dynamic nature of the communications environment. There is also a risk that there will be an unconscious weighting towards indicators that do offer a more solid means of verification, at the expense of those which may be equally important but less measurable.

Finally, many of the indicators will inevitably be based upon qualitative or subjective assessments, notwithstanding the desire to find those which are quantitative and measurable where possible. Any comprehensive assessment of media will require such judgements and the indicators in this document recognise this. What is important is for subjective or qualitative indicators to be arrived at transparently, with a supporting narrative that explains how they have been designed.

MAKING INDICATORS GENDER-SENSITIVE AND PRO-POOR

The UNDP *Guide to Measuring the Impact of Right to Information Programmes* outlines key considerations for making right to information indicators gender-sensitive and pro-poor (UNDP 2006:11-12). The guide notes that:

- formal equality of men and women before the law may conceal differences in actual equality
- Information systems geared to traditionally defined citizenship rights may exclude women, especially in societies where women's access to the public sphere is restricted
- women's voices must be integrated from the start of developing a system of monitoring and evaluation
- similar considerations apply to making indicators pro-poor: much attention needs to be focused on how the poor access information, especially in rural areas where communication systems may be inoperative and illiteracy levels are high

These insights are instructive to any initiative to define indicators of media development. For example, the availability of newspapers or other printed media may be of little relevance to democratic development in a rural area with widespread illiteracy.

An awareness of gender inequality may also extend into the terrain of media ownership.[5] Some initiatives have usefully extended this awareness of gender and economic inequality into the sphere of ICT.[6]

5. UNESCO has promoted the idea of community radio stations owned and managed by women, such as the Women's Media Centre in Cambodia (www.wmc-cambodia.org).

6. The South African-based NGO bridges.org assesses existing measurement tools according to their sensitivity to gender and pro-poor indicators (see www.bridges.org).

Proposed categories of indicators

This section sets out the categories of indicators which are developed in more detail below.

The selection of categories aims to capture and build upon the consensus across the existing initiatives about how the media can best contribute to, and benefit from, good governance and democratic development.

It will be noted that the proposed framework is geared to assessing media development at the national level, not at the level of the individual media organisation.[7]

Following the toolkit approach, this section offers an inclusive list of indicators from which selections can be made according to specific requirements. The list is not intended to be prescriptive, but rather to offer an organising framework which can be adapted to the needs of media development initiatives in any given national context.

- This paper is structured around five principal ***media development categories***
- Each category is sub-divided into a number of ***issues***
- For each category, the ***context and main issues*** are briefly outlined
- Under each category a range of ***key indicators*** are given (in turquoise caps); each of these has a set of sub-indicators to flesh out what the 'headline' indicator looks like in concrete terms
- For each indicator, various ***means of verification*** are suggested
- For each category, a guide to ***data sources*** available at an international level is offered; this guidance is not exhaustive but offers pointers towards available online and offline sources. The data sources do not include all the different kinds of data

7. The ISAS standards for broadcasters and the press provide individual media organisations with a robust methodology to improve their contribution to social development and to make their progress measurable and transparent.

available at national level, or in other languages, which should be used to supplement those offered here.

The structure can be conceptualised as a process of "drilling down" from the desired media development outcome to the specific means of verifying how far this outcome is achieved in practice.

The five principal media development categories are:

- **CATEGORY 1: A system of regulation conducive to freedom of expression, pluralism and diversity of the media:** existence of a legal, policy and regulatory framework which protects and promotes freedom of expression and information, based on international best practice standards and developed in participation with civil society.
- **CATEGORY 2: plurality and diversity of media, a level economic playing field and transparency of ownership:** the state actively promotes the development of the media sector in a manner which prevents undue concentration and ensures plurality and transparency of ownership and content across public, private and community media.
- **CATEGORY 3: media as a platform for democratic discourse:** the media, within a prevailing climate of self-regulation and respect for the journalistic profession, reflects and represents the diversity of views and interests in society, including those of marginalised groups. There is a high level of information and media literacy.
- **CATEGORY *4*: professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity:** media workers have access to professional training and development, both vocational and academic, at all stages of their career, and the media sector as a whole is both monitored and supported by professional associations and civil society organisations.
- **CATEGORY 5: infrastructural capacity is sufficient to support independent and pluralistic media:** the media sector is characterised by high or rising levels of public access, including among marginalised groups, and efficient use of technology to gather and distribute news and information, appropriate to the local context.

It is an integral part of this analysis that the categories are taken together to create a holistic picture of the media environment. No one category is more important than the other and it is the working assumption of this paper that each is important. Inevitably the indicators taken as a whole are an aspirational picture but an analysis based upon these categories will enable a comprehensive map of the media ecology to be constructed.

1

A system of regulation conducive to freedom of expression, pluralism and diversity of the media

KEY INDICATORS

A LEGAL AND POLICY FRAMEWORK

1.1 Freedom of expression is guaranteed in law and respected in practice

1.2 The right to information is guaranteed in law and respected in practice

1.3 Editorial independence is guaranteed in law and respected in practice

1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice

1.5 The public and civil society organisations (CSOs) participate in shaping public policy towards the media

B REGULATORY SYSTEM FOR BROADCASTING

1.6 Independence of the regulatory system is guaranteed by law and respected in practice

1.7 Regulatory system works to ensure media pluralism and freedom of expression and information

C DEFAMATION LAWS AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS

1.8 The state does not place unwarranted legal restrictions on the media

1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

D CENSORSHIP

1.11 The media is not subject to prior censorship as a matter of both law and practice

1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental

Category

1 A system of regulation conducive to freedom of expression, pluralism and diversity of the media

A . LEGAL AND POLICY FRAMEWORK

CONTEXT AND MAIN ISSUES

Legal and policy frameworks relating to the media are a matter of both form and substance. A country may have good laws relating to freedom of expression and the right to information, but they may not be implemented or enforced. Their function may be hampered by a culture of secrecy or corruption, institutional resistance, or a lack of technical and institutional capacity in the public administration.

In addition, constitutional guarantees may be eroded by exceptions and derogations from international treaty obligations or by contradictory laws covering, for example, state secrecy or criminal defamation. The "war on terror" has seen the introduction of laws and regulations relating to national security which infringe the right to freedom of expression and erode the assumption of information access.

Citizens' awareness and empowerment is also vital: there may be inhibitions against seeking information or a reluctance to assert the right to free expression, either in the public at large or among marginalised groups. Laws need to be backed up by systematic measures to make citizens aware of their rights, and to make officials aware of their obligations. Where resources allow, public bodies should create mechanisms to share official information pro-actively and on demand. The state should also provide genuine opportunities for civil society organisations (CSOs), media organisations and the wider public to influence public policy on the media.

The principle of non-discrimination is paramount. For example, the right to information must apply equally to all sectors of society and to all media organisations – including community-based media – and not just to certain privileged groups.

The legal protection of editorial independence is a key pillar of the right to free expression. Editorial decisions should be made by media organisations on the basis of professional criteria

and the public's right to know, without interference from government, regulatory bodies or commercial entities. Journalists should also have effective legal guarantees for the protection of their sources (see also Category 3 – F. Safety of journalists)

Where a country has no legal guarantees of media freedoms and none in draft, there needs to be a clear public policy on the media that complies with the relevant international standards.

Any system of regulation will also include self-regulatory mechanisms which promote freedom of expression including codes of conduct, press councils and standard-setting bodies operated by the press communities themselves. These are dealt with more substantively under Category 3 but also play a role in the overall system of regulation. It is necessary to distinguish between broadcast media, for which some regulation is acceptable in the public interest, for example to ensure balance where there is a limited spectrum, and print media which can be treated as the expression of views and therefore treated as any other act of free expression.

KEY INDICATORS

1.1 FREEDOM OF EXPRESSION IS GUARANTEED IN LAW AND RESPECTED IN PRACTICE

- **national law or constitutional guarantee on freedom of expression**
- **country has signed and ratified relevant treaty obligations, with no significant exemptions**
- **public is aware of and exercises its right to free expression, and there are tools and bodies which guarantee the concrete application of this right**

Means of verification

- Any law or policy on right to free expression that accords with international standards and accepted international practice
- Reports from credible agencies about freedom of expression
- Reports in national media about freedom of expression issues
- Legal cases concerning freedom of expression
- Evidence of an independent and functioning judicial system with clear rights of appeal

1.2 THE RIGHT TO INFORMATION IS GUARANTEED IN LAW AND RESPECTED IN PRACTICE

- **national law or constitutional guarantee on the right to information**
- **country has signed and ratified relevant treaty obligations, with no significant exemptions**
- **public is aware of and exercises right to access official information**
- **public bodies release information both pro-actively and on demand**
- **effective and efficient appeals mechanism via independent administrative body e.g. information commissioner or ombudsman**
- **any restriction on grounds of protection of personal privacy is narrowly defined so as to exclude information in which there is no justifiable public interest.**

Means of verification

- Any law or policy on right to information that accords with international standards
- Reports from credible agencies about right to information guarantees
- Policies of public bodies concerning release of information
- Evidence of state commitment to open government e.g. publication and dissemination of court decisions, parliamentary proceedings, spending programmes
- Statistical information about public requests for official information and their fulfilment or rejection
- Statistical information about appeals or complaints over information requests that have been refused

1.3 EDITORIAL INDEPENDENCE IS GUARANTEED IN LAW AND RESPECTED IN PRACTICE

- **broadcasters are not required to allocate broadcasting time to, or carry specific broadcasts on behalf of the government (aside from obligatory direct access political broadcasts during elections)**
- **government, regulatory bodies or commercial interests do not influence, or seek to influence, editorial content of broadcasters or press**
- **law does not allow state actors to seize control of broadcasters in an emergency**

Means of verification

- Any law or policy on editorial independence that accords with international standards
- Evidence of interference in editorial decision making by state or private actors
- Reports by credible agencies about editorial independence issues

1.4 JOURNALISTS' RIGHT TO PROTECT THEIR SOURCES IS GUARANTEED IN LAW AND RESPECTED IN PRACTICE

- **journalists can protect confidentiality of their sources without fear of prosecution or harassment**

Means of verification

- Documented cases of journalists being forced to disclose sources
- Any legal guarantee concerning confidentiality of sources that accords with international standards
- Evidence of media organisations or professional associations actively defending right to protect sources

1.5 THE PUBLIC AND CIVIL SOCIETY ORGANISATIONS (CSOs) PARTICIPATE IN SHAPING PUBLIC POLICY TOWARDS THE MEDIA

- **state creates genuine opportunities for consultation with non-state actors about legislation and public policy towards the media**

Means of verification

- Evidence of government commitment to work with civil society to develop law and policy on the media (e.g. conferences, seminars, public fora, official engagement in debates on the airwaves or in print)

DATA SOURCES

African Commission on Human and Peoples' Rights, Special Rapporteur on Freedom of Expression: www.achpr.org/english/_info/index_free_exp_en.html

Article 19, *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation*, March 2002: www.article19.org/pdfs/standards/accessairwaves.pdf

Council of Europe recommendation (2000) 7 on the right of journalists not to disclose their sources of information: www.humanrights.coe.int/media/index.htm

Freedominfo.org – online network of freedom of information advocates: *Freedom of Information Around the World 2006: a global survey of access to government records laws:* www.freedominfo.org/documents/global_survey2006.pdf

International Federation of Journalists campaign on the protection of sources: www.ifj-europe.org/default.asp?Issue=EFJsources&Language=EN

International Journalists' Network – survey of media laws worldwide: www.ijnet.org/Director.aspx?P=MediaLaws

International Journalists' Network – international directory of constitutional provisions on the media: www.ijnet.org/Director.aspx?P=MediaLaws&cat=2

Media Sustainability Index: www.irex.org/msi

Organisation of American States Special Rapporteur for Freedom of Expression: www.cidh.org/Relatoria/index.asp?lID=1

Organisation for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media: www.osce.org/fom

UNDP, *The Right to Information – Practical Guidance Note*, 2004, by Andrew Puddephatt: www.undp.org/oslocentre/docs04/Right%20to%20Information.pdf

UNESCO, *Freedom of Information: a comparative legal survey* by Toby Mendel, 2003: www.article19.org/docimages/1707.pdf

United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: www.ohchr.org/english/issues/opinion/index.htm

World Press Freedom Committee: www.wpfc.org

The best sources on **treaty obligations** are the websites of international organisations – the UN or relevant regional bodies. These carry details of each treaty, including countries that have signed, ratified or registered any exemptions to their obligations, together with the treaty bodies' general comments on implementation.

In addition, the various international and regional **rapporteurs** on freedom of expression issue country-specific reports.

The main international instruments dealing with freedom of expression and information are:

African Charter on Human and Peoples' Rights, Article 9:
www.achpr.org/english/_info/charter_en.html

American Convention on Human Rights, Article 13:
www.oas.org/juridico/english/Treaties/b-32.htm

European Convention for the Protection of Human Rights and Fundamental Freedoms:
http://conventions.coe.int/treaty/Commun/QueVoulezVous.asp?CL=ENG&NT=005

International Covenant on Civil and Political Rights (ICCPR), Article 19:
www.unhchr.ch/html/menu3/b/a_ccpr.htm

Universal Declaration of Human Rights, Article 19: www.un.org/Overview/rights.html

For data on **national laws** and **constitutional guarantees**, sources include: national libraries, law commissions, official records of parliament and government records.

B . REGULATORY SYSTEM FOR BROADCASTING

CONTEXT AND MAIN ISSUES

There are a number of guiding principles that apply to all public bodies which exercise powers in the areas of broadcast and/or telecommunications regulation, including bodies which issue licenses and handle public complaints. These principles are articulated in the five UNESCO declarations on Promoting Independent and Pluralistic Media endorsed by the Organization's General Conferences as well as in texts adopted by other intergovernmental bodies and independent professional associations. (Article 19's *Access to the Airwaves* provides an excellent summary.)

The regulatory system exists to serve the public interest. Regulatory bodies should have autonomy and independence from political or commercial interference and their members should be chosen through a transparent and democratic process. Their powers and responsibilities should be set out in law, including explicit legal requirements to promote freedom of expression, diversity, impartiality and the free flow of information. The regulatory authority should have the necessary funding to fulfil this role. It should also be accountable to the public, normally via the legislature.

There should be evidence of the regulator exercising its powers and responsibilities e.g. applying proportionate sanctions to protect the public interest.

KEY INDICATORS

1.6 INDEPENDENCE OF THE REGULATORY SYSTEM IS GUARANTEED BY LAW AND RESPECTED IN PRACTICE

- **explicit legal guarantees of autonomy and independence from partisan or commercial interference**
- **legal guarantees of the independence of the regulatory body**
- **powers and responsibilities of the regulator clearly set out in law**
- **members of the regulatory body chosen through a transparent and democratic process designed to minimise the risk of partisan or commercial inteference (for instance, setting up rules on incompatibility and eligibility)**
- **adequate and consistent funding for the regulator is guaranteed by law to safeguard its independence and/or protect it from coercive budgetary pressures**

Means of verification

- Any relevant law on the role, membership and funding of the regulatory authority
- Any relevant constitutional provision on the independence of the regulator
- Reports from credible agencies about the effective institutional autonomy of the regulatory body

1.7 REGULATORY SYSTEM WORKS TO ENSURE MEDIA PLURALISM AND FREEDOM OF EXPRESSION AND INFORMATION

- **regulatory body formally accountable to the public**
- **regulator has scope to ensure that the broadcasting sector runs in a fair, pluralistic and efficient manner and is empowered by law to promote fairness, freedom of expression, of views and ownership, public service programming and accessibility of broadcasting services to the general public**

Means of verification

– Any relevant law requiring regulator to promote media pluralism and freedom of expression and information

– Reports from credible agencies about the effectiveness of the regulator in meeting these goals

– Evidence of regulatory intervention to ensure free and pluralistic media

DATA SOURCES

African Communication Regulation Authorities' Network: www.acran.org/index.en.php

Article 19, *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation*, March 2002: www.article19.org/pdfs/standards/accessairwaves.pdf

Article 19, *Broadcasting Pluralism and Diversity: Training Manual for African Regulators*, 2006: www.article19.org/pdfs/tools/broadcasting-manual.pdf

European Platform of Regulatory Authorities (EPRA): www.epra.org/content/english/index2.html

EPRA – directory of broadcasting regulation entities worldwide: www.epra.org/content/english/authorities/regulation.html

UNESCO and Commonwealth Broadcasting Association: *Guidelines for Broadcasting Regulation* by Eve Salomon, 2006: http://portal.unesco.org/ci/en/ev.php-URL_ID=21345&URL_DO=DO_TOPIC&URL_SECTION=201.html

C . DEFAMATION LAWS AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS

CONTEXT AND MAIN ISSUES

Defamation laws and other restrictions vary widely from country to country. In some countries, there is a specific defamation code; more commonly, articles dealing with defamation are found in general laws such as the civil or criminal code. Civil courts are the appropriate venue for dealing with unfair, inaccurate, or damaging media reports, especially regarding injury to the reputations and livelihoods of ordinary citizens.

Defamation laws exist to protect individuals from false allegations of fact which damage their reputation. However, Article 19's *Defamation ABC* notes that in many countries the defamation law presents "unnecessarily and unjustifiably broad restrictions on freedom of expression". Article 19 notes that defamation laws may be too broad in their definition; fail to provide for adequate legal defences; be prohibitively costly to defend, or impose excessive punishments for breach, such as criminal sanctions or crushing fines.

Heavy-handed or ill-defined laws can inhibit citizens from expressing their views and can lead to self-censorship in the media. Criminal defamation laws are viewed by UN rapporteurs as unwarranted since civil codes are adequate to protect individuals' reputations.
Defamation laws may be used to inhibit public debate or criticism of public bodies or the head of state. In some countries the punishment for defaming these powerful social actors – or, for example, flags or other national symbols – may be higher than for other cases, or these actors may be excessively litigious as a means to evade proper public scrutiny.

Other unwarranted legal restrictions on the media may include barriers on who can become a journalist and burdensome accreditation, registration or licensing schemes.
In addition, laws may exist which allow ministers wide discretion to restrict media activity in areas which are open to shifting and subjective definition, such as public order, public morals, blasphemy, official secrecy, insult or sedition. Indeed, such articles may sometimes – erroneously – come under the law of defamation, causing confusion and offering further scope for official abuse. In recent years concerns about national security have come to the fore and have produced undue restrictions upon freedom of expression and the freedom of the media. Contentious issues such as blasphemy and restrictions to protect religious sensibilities are also increasing.

In general, any legal restrictions on the media should be that which is regarded by the courts as necessary in a democratic society: they should be a response to a pressing matter of public interest, be defined as narrowly as possible to meet that public interest, impair freedom of expression as little as possible and be proportionate in their scope and available sanctions. These guiding principles allow for justifiable restrictions on the media such as laws banning hate speech or protecting individual privacy.

KEY INDICATORS

1.8 THE STATE DOES NOT PLACE UNWARRANTED LEGAL RESTRICTIONS ON THE MEDIA

- **no legal provisions dictating who may practice journalism or requiring the licensing or registration of journalists**
- **fair and transparently implemented accreditation procedures for coverage of official functions and bodies**

Means of verification

- Evidence of registration or licensing schemes or other obstacles to entering the journalistic profession
- Rules governing accreditation schemes and transparency thereof
- Libel and defamation treated in the legal system as a civil and not a criminal matter

1.9 DEFAMATION LAWS IMPOSE THE NARROWEST RESTRICTIONS NECESSARY TO PROTECT THE REPUTATION OF INDIVIDUALS

- **defamation laws do not inhibit public debate about the conduct of officials or official entities**
- **defamation laws provide for sufficient legal defences e.g. that the disputed statement was an opinion, not an allegation of fact; that publication or broadcasting of the disputed fact was reasonable or in the public interest, or that it occurred during a live transmission and/or before a court or elected body**
- **defamation laws provide for a regime of remedies that allow for proportionate responses to the publication or broadcasting of defamatory statements**

- **the scope of defamation laws is defined as narrowly as possible, including as to who may sue**
- **defamation suits cannot be brought by public bodies whether legislative, executive or judicial**
- **the burden of proof falls upon the plaintiff in cases involving the conduct of public officials and other matters of public interest**
- **there is a reasonable cut-off date after which plaintiffs can no longer sue for an alleged defamation**

1.10 OTHER RESTRICTIONS UPON FREEDOM OF EXPRESSION, WHETHER BASED ON NATIONAL SECURITY, HATE SPEECH, PRIVACY, CONTEMPT OF COURT LAWS AND OBSCENITY SHOULD BE CLEAR AND NARROWLY DEFINED IN LAW AND JUSTIFIABLE AS NECESSARY IN A DEMOCRATIC SOCIETY, IN ACCORDANCE WITH INTERNATIONAL LAW

- **national security and other restrictive laws do not inhibit public debate about issues of public concern**
- **any restrictions are narrowly defined in law, rather than be subject to executive discretion**
- **such laws should be subject to a public interest override where appropriate**

Means of verification

- Any relevant defamation law that accords with international best practice standards
- Evidence of debate within the journalistic profession, and between the profession and wider civil society, concerning defamation laws
- Documented extent to which media able in practice to criticise public officials or bodies without legal penalty
- Legal proceedings relating to defamation
- Any relevant law that restricts freedom of expression for reasons of national security, hate speech etc.
- Any legal cases that demonstrate an effective oversight of restrictive laws

DATA SOURCES

Article 19 – *Defamation ABC: a Simple Guide to Key Concepts of Defamation Law*: www.article19.org/pdfs/tools/defamation-abc.pdf

Article 19 – other resources relating to defamation, including country reports: www.article19.org/publications/global-issues/defamation.html

Council of Europe Defamation Guide: http://i-policy.typepad.com/informationpolicy/2006/03 council_of_euro.html

Inter-American Press Association – press laws database: www.sipiapa.org/projects/chapul-presslaws.cfm

International Federation of Journalists – resources and links relating to defamation: www.ifj-asia.org/page/resources.html

International Freedom of Expression eXchange: Campaign on Insult and Criminal Defamation Laws: http://campaigns.ifex.org/def/index.html
International Journalists' Network – survey of media laws worldwide: www.ijnet.org/Director.aspx?P=MediaLaws

Media Institute of Southern Africa and UNESCO, 2004: *Undue Restriction: Laws impacting on media freedom in the SADC:* www.misa.org/documents/undue.pdf

D. CENSORSHIP

CONTEXT AND MAIN ISSUES

International law permits prior censorship only in exceptional circumstances such as an imminent and specific threat to a key national interest. Any restriction on freedom of expression must be the least restrictive means possible to protect a justifiable public interest, and must be narrowly defined and proportionate to protect that interest. Some countries which have signed and ratified international treaties on free expression nevertheless continue to impose prior censorship in violation of their own law or constitution.

As news is a perishable commodity, any delay in the release of content by the news media represents a serious affront to free expression.

Laws are especially inimical to free speech when they are extensive or ill-defined e.g. banning publications which might damage public order, morality or security, or harm relations with a foreign country. Excessive punishments such as heavy fines or the closure or threatened closure of media organisations risk encouraging a climate of self-censorship. By contrast, an effective system of media self-regulation (see Section 3.C Media self-regulation) makes state intrusion unnecessary.

The Internet is a relatively new arena for official efforts to censor the free flow of information, and one which CSOs and media freedom organisations are striving to safeguard in the public interest. Guiding principles include the need for filtering systems to be controlled by the end user, not a commercial service provider or the state.

KEY INDICATORS

1.11 THE MEDIA IS NOT SUBJECT TO PRIOR CENSORSHIP AS A MATTER OF BOTH LAW AND PRACTICE

- **broadcasting or print content is not subject to prior censorship, either by government or by regulatory bodies**
- **sanctions for breaches of regulatory rules relating to content are applied only after the material has been broadcast or published**
- **broadcasters and print publications are not required to register with or obtain permission from a public body**
- **broadcasters or print publications are not closed or threatened with closure because of their content**
- **there are no explicit or concealed restrictions upon access to newsprint, to distribution networks or printing houses**
- **Fines for breaches of rules are not excessive or disproportionate so as to function as a form of censorship**

Means of verification

– Any regulation or official mechanism which permits or requires censorship of the media

– Reports by credible agencies and the media about censorship of the media

– Forced closures of newspapers, periodicals or broadcasters, number of books or publications banned

1.12 THE STATE DOES NOT SEEK TO BLOCK OR FILTER INTERNET CONTENT DEEMED SENSITIVE OR DETRIMENTAL

- **Internet content is not blocked or filtered by the state because of its content or source**
- **Internet users are not subject to sanctions for accessing or publishing content on the Internet deemed sensitive or detrimental**
- **Internet service providers, websites, blogs or Internet broadcasters are not required to register with or obtain permission from a public body**

Means of verification

– Documented cases of Internet users being subject to sanction for accessing or publishing content deemed sensitive or detrimental

– Documented cases of forced closures or threatened closures of websites

– Internet users subject to sanction for accessing or posting news items or opinions deemed objectionable

– Evidence of state activity in blocking or filtering websites

DATA SOURCES

Amnesty International – campaign on censorship: http://irrepressible.info/Article 19 – resources and links relating to censorship: www.article19.org/publications/global-issues/censorship.html

Committee to Protect Journalists: www.cpj.org

Freedom House: www.freedomhouse.org

Freedom of Expression Institute (South Africa) – anti-censorship programme: www.fxi.org.za/Main%20Pages/anti_censorship.html

Gus Hosein, *Politics in the information society: the bordering and restraining of global data flows*, UNESCO 2005: http://portal.unesco.org/ci/en/ev.php-URL_ID=17659&URL_DO=DO_TOPIC&URL_SECTION=201.html

Human Rights Watch – country reports including information on censorship of the media: http://hrw.org/

Index on Censorship: www.indexonline.org
International Freedom of Expression exchange: information and activities on Internet censorship: www.ifex.org/en/content/view/full/235/

Internet Free Expression Alliance – links and resources relating to Internet censorship: www.ifea.net

Internet Governance Forum – supports UN Secretary-General to carry out mandate of World Summit on the Information Society: www.intgovforum.org

Internet Governance Project – international consortium of academics and practitioners on Internet governance and policy: www.internetgovernance.org

Journalism Net – news on censorship: www.journalismnet.com/media/censorship.htm

Libertus.net – international links relating to Internet censorship laws: http://libertus.net/censor/resources.html#Global Reporters sans Frontières: www.rsf.org

2

Plurality and diversity of media, a level economic playing field and transparency of ownership

KEY INDICATORS

A MEDIA CONCENTRATION

2.1 State takes positive measures to promote pluralist media

2.2 State ensures compliance with measures to promote pluralist media

B A DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA

2.3 State actively promotes a diverse mix of public, private and community media

2.4 Independent and transparent regulatory system

2.5 State and CSOs actively promote development of community media

C LICENSING AND SPECTRUM ALLOCATION

2.6 State plan for spectrum allocation ensures optimal use for the public interest

2.7 State plan for spectrum allocation promotes diversity of ownership and content

2.8 Independent and transparent regulatory system

D TAXATION AND BUSINESS REGULATION

2.9 State uses taxation and business regulation to encourage media development in a non-discriminatory manner

E ADVERTISING

2.10 State does not discriminate through advertising policy

2.11 Effective regulation governing advertising in the media

Category

2

Plurality and diversity of media, a level economic playing field and transparency of ownership

A. MEDIA CONCENTRATION

CONTEXT AND MAIN ISSUES

Undue concentration of ownership may be prevented in various ways. Governments may adopt rules aimed at limiting the influence which a single person, a family, company or group may have in one or more media sectors, as well as ensuring a sufficient number of diverse media outlets.

Such rules may include thresholds based on objective criteria, such as audience share, circulation, turnover/revenue, distribution of share capital or voting rights.

Such rules may, in addition, take into account both horizontal integration (mergers within the same branch of activity) and vertical integration (control by a single person, company or group of key elements of the production and distribution processes, and related activities such as advertising).

The exact form that regulation takes may depend on the size and the level of development of the national, regional or local media market to which they apply.

Where relevant laws do not exist, it should be investigated whether legislation is in draft, whether there is a realistic timetable for implementing it and whether the draft law complies with international standards.

Additionally, the law should have teeth. The authorities responsible for implementing laws must be vested with sufficient powers to accomplish their role, be independent and operate free from political pressure. In particular, they must have the power to divest media operations where plurality is threatened or unacceptable levels of concentration are reached, and to impose sanctions where required. There should be evidence of these powers being appropriately exercised.

International and regional best practice standards offer a yardstick by which to assess national measures. See especially the Council of Europe's 2007 recommendations on media pluralism and diversity of media content.

The existence of anti-concentration laws and regulations, and evidence of their implementation, is a matter of factual record. Content analysis linking editorial decision-making to ownership may contain both quantitative and qualitative elements. For example, it can be measured how much airtime is given to a particular political party, whilst qualitative judgments may come into play when assessing whether the media is biased in a particular direction because of who owns it.

KEY INDICATORS

2.1 STATE TAKES POSITIVE MEASURES TO PROMOTE PLURALIST MEDIA

- **effective regulations to prevent undue ownership concentration and promote plurality**
- **specific legislation on cross-ownership within broadcasting and between broadcasting and other media sectors to prevent market dominance**
- **regulations recognise the distinction between small and large players in the media market**
- **transparency and disclosure provisions for media companies with regard to ownership, investment and revenue sources**
- **licensing process for the allocation of specific frequencies to individual broadcasters promotes diversity of media ownership and programming content**
- **compliance with international standards**
- **authorities responsible for implementing anti-monopoly laws have sufficient powers e.g. power to refuse license requests and to divest existing media operations where plurality is threatened or where unacceptable levels of ownership concentration are reached**
- **government actively monitors and evaluates the consequences of media concentration**

2.2 STATE ENSURES COMPLIANCE WITH MEASURES TO PROMOTE PLURALIST MEDIA

- **anti-monopoly laws used by regulators to refuse license requests or force divestment of existing media operations in order to avoid excessive concentrations of media ownership**
- **civil society groups and citizens at large actively participate in the promotion and enforcement of measures to foster media pluralism**
- **regulators allocate digital licenses to a diverse range of commercial and non commercial operators**

Means of verification

- Official statements and websites of national communications regulatory authorities setting out media ownership regulations and detailing their activities and responsibilities
- Reports by credible agencies (national and international bodies, NGOs/CSOs, trade unions) on enforcement of measures to prevent undue concentration of ownership
- Content analysis by credible agencies linking editorial content of media to ownership (e.g. International Federation of Journalists Media Quality Project)
- Reporting on media concentration issues within the national media
- Any relevant law regulating allocation of digital licenses and evidence of its enforcement
- Official statements and websites of national communications regulatory authorities setting out regulations in relation to digital broadcasting
- Reports by CSOs about media concentration and state measures to promote diversity of ownership
- Evidence of government engagement with civil society through genuine avenues for consultation

DATA SOURCES

Article 19 – country-specific analyses of legislation governing media concentration: www.article19.org

Columbia Journalism Review – *Who Owns What*: online guide to what major media companies own: www.cjr.org/tools/owners

Council of Europe; *Recommendation CM/Rec (2007) 2 of the Committee of Ministers to member states on media pluralism and diversity of media content* (adopted 31 Jan 2007): https://wcd.coe.int/ViewDoc.jsp?id=1089699&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75

European Platform of Regulatory Authorities (EPRA): www.epra.org/content/english/index2.html

EPRA – international directory with web links to national regulatory authorities: www.epra.org/content/english/authorities/regulation.html

International Federation of Journalists – Media Quality Project on Increasing Concentration of Media Ownership: www.ifj.org/default.asp?Index=3901&Language=EN

International Federation of Journalists, *Media Power in Europe: The Big Picture of Ownership* (2006): www.ifj.org/default.asp?Index=3671&Language=EN

International Federation of Journalists, *Who's in Control: a primer for the roundtable discussion on global media – threats to free expression*; contains directory of organisations and networks campaigning on the issue of media concentration: www.ifj.org/pdfs/whosincontrol.pdf

International Freedom of Expression exchange – information on media concentration: www.ifex.org/en/content/view/full/238/

Media & Society Foundation, International Standard, Quality Management Systems – Requirements for the press, ISAS P 9001:2005: www.media-society.org/download/ISAS%20P%209001%20Standard%20English-French.pdf

Media & Society Foundation, International Standard, Quality Management Systems – Requirements for Radio, TV Broadcasters and Internet Content Producers, ISAS BC 9001:2003: www.media-society.org/download/-ISAS%20BC%209001%20Standard%20English.pdf

Media Institute of Southern Africa – Broadcasting Diversity and ICTs: www.misa.org/broadcasting.html

Media Sustainability Index www.irex.org/msi

Media Watch Global: www.mwglobal.org

Open Society Institute – Media program: www.soros.org/initiatives/media

Open Society Institute, *Television across Europe: regulation, policy and independence* (2005); www.eumap.org/topics/media/television_europe

B. A DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA

CONTEXT AND MAIN ISSUES

State measures to ensure a diverse mix of public, private and community broadcasters and print media present a chequered picture internationally. By community media is meant, independent, community owned and run media.

In some countries, there are neither specific standards relating to community broadcasting, nor any legal recognition of the service where it exists. Not-for-profit community broadcasters are then forced to operate within the legal framework of private stations, subject to market forces. In some countries, not even this level of recognition is awarded, and the state may penalise community broadcasters who are unauthorised due to the lack of appropriate legislation.

In other cases, there is no law regulating broadcasting in general, or the law may be antiquated. In these cases, evidence of how frequencies are allocated may be sought in administrative or policy guidelines.

The BBC World Service Trust's *African Media Development Initiative* (2006) demonstrates this diversity of legal frameworks. Of 17 countries surveyed, only one (South Africa) had

legislation in place for the independent licensing of community radio and television. One other (Democratic Republic of Congo) was working towards such legal provision. Five others had no such legal provision in place, while another 10 had piecemeal policy provisions or legal recognition for community stations but with little or no support for community-based media.

Specific practices for awarding radio frequencies may also vary from country to country. Licenses may be awarded on a tender basis, possibly according to the applicant's ability to meet certain requirements, or may be auctioned to the highest bidder, or even be drawn by lot. Auctions are inimical to the development of a pluralist media because they tend to favour applicants with the greatest financial resources.

Where community radio enjoys legal status, the state may encourage the allocation of frequencies to community broadcasters that are controlled by and serve the needs of marginalised groups e.g. women or a specific minority community. This may be achieved through setting specific targets or quotas.

Community print media also form a key part of a healthy media ecology. The state and CSOs can help the community press flourish by providing support for capacity building and indirect support from state utilities or financial organisations (see for example the remit of the Media Development and Diversity Agency in South Africa – www.mdda.org.za). Conversely, community print media can be discouraged by, for example, the imposition of prohibitive start-up fees for new titles or the withholding of government advertising revenue.

In general, a diverse mix of public, community and private media is best achieved through legal, financial and administrative measures, with specific provisions to encourage community media and, in the broadcasting sector, a fair and equitable allocation of the spectrum.

The institutional framework relating to a balanced media environment is a matter of factual record; national frequency plans are easily searchable on the Internet or through the websites of national regulators.

However, data on how the institutional framework is applied may be harder to come by. Assessments may also be clouded by problems of definition. For example, media described as "community-based" may in some countries prove to be owned or operated by the state or commercial interests. Conversely, media surveys may exclude unauthorised community media outlets even where they fulfil a useful social purpose.

KEY INDICATORS

2.3 STATE ACTIVELY PROMOTES A DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA

- **state does not discriminate between public, private and community media in the granting of access to information**
- **where broadcasting regulation covers digital broadcasting, public service stations are automatically granted licenses for digital broadcasting**
- **state does not impose start-up fees or other restrictions on new print titles aside from standard business registration requirements**

Means of verification

- Official statements and websites of regulatory bodies, setting out procedures for allocating frequencies between public, private and community broadcasters (including, where relevant, quotas or targets for community broadcasters)
- Published national plans for allocation of radio frequencies, channels and bandwidth
- Reports by credible agencies about legal or other provisions to ensure a balanced media ecology, including measures to promote community-based media, both print and broadcast
- Evidence of implementation of those provisions through e.g. monitoring of how licenses are awarded, how state resources such as paid advertising are allocated, how right to information is respected in practice

2.4 INDEPENDENT AND TRANSPARENT REGULATORY SYSTEM

- **regulatory system ensures equitable access to the frequency spectrum to a plurality of media, including community broadcasters**
- **decision-making processes about the allocation of frequencies between public, private and community broadcasters are open and participatory**
- **decision-making processes about the allocation of frequencies between public, private and community broadcasters are overseen by a body that is free from political or commercial interference or control by any vested interest**

Means of verification

- Published national plans for allocation of radio frequencies, channels and bandwidth
- Official statements and websites of regulatory bodies, setting out procedures for allocating frequencies between public, private and community broadcasters (including, where relevant, quotas or targets for community broadcasters)
- Reports by credible agencies about independence and transparency of regulatory function

2.5 STATE AND CSOs ACTIVELY PROMOTE DEVELOPMENT OF COMMUNITY MEDIA

- **pricing structure for broadcasting licenses not prohibitive for community media**
- **specific quotas or targets for the reservation of parts of the radio-frequency spectrum to community broadcasters**
- **mechanisms such as public hearings for communities to give their mandate to a community broadcaster and to renew that mandate at regular intervals**
- **a proportion of revenues raised from the sale of spectrum and cable and telecommunications licenses is reinvested in community media**
- **positive state measures to support community print and broadcast media e.g. preferential pricing, discounted tariffs**
- **CSOs assist community print and broadcast media through e.g. capacity building, seed funding, emergency bridging finance, advocacy (see for example the Association of Independent Publishers in South Africa – www.independentpublisher.org)**

Means of verification

- Evidence of the flourishing or otherwise of community-based media e.g. data showing whether newly-created community media outlets have a high failure rate, whether the number of community-based media outlets is increasing or decreasing, number and reach of community print media
- Levels of public investment in community media and whether rising or decreasing
- Existence of quotas or targets for allocation of frequencies to community broadcasters

DATA SOURCES

Article 19, *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation*, March 2002: www.article19.org/pdfs/standards/accessairwaves.pdf

BBC World Service Trust, *African Media Development Initiative* (2006): www.bbc.co.uk/worldservice/trust/specials/1552_trust_amdi/index.shtml

Commonwealth Press Union (CPU): www.cpu.org.uk

European Platform of Regulatory Authorities (EPRA): www.epra.org/content/english/index2.html

EPRA – international directory of regulatory authorities: www.epra.org/content/english/authorities/regulation.html

European Telecommunications Standards Institute: www.etsi.org/regulateonline.org: World Dialogue on Regulation for Network Economies – information and resources on regulatory reform, including pro-poor initiatives: www.regulateonline.org/index.php

UNESCO and the Commonwealth Broadcasting Association, *Guidelines for Broadcasting Regulation*, by Eve Salomon, 2006: http://portal.unesco.org/ci/en/files/21345/11399384219Guidelines_for_Broadcasting_Regulation.pdf/Guidelines+for+Broadcasting+Regulation.pdf

UNESCO, *Legislation on Community Radio Broadcasting: comparative study of the legislation of 13 countries*, 2003: http://unesdoc.unesco.org/images/0013/001309/130970e.pdf

World Association of Community Radio Broadcasters (AMARC): http://www.amarc.org
World Summit on the Information Society: www.itu.int/wsis/search/index.html

C. LICENSING AND SPECTRUM ALLOCATION

CONTEXT AND MAIN ISSUES

The area of licensing and spectrum allocation overlaps with the section above on ensuring a diverse mix of public, private and community media, since the awarding of licenses and frequencies is a major determinant of the overall media ecology. Therefore, the context set out above is also applicable to this category. Licensing is a way of achieving diversity – there is a need to take diversity into account when licensing broadcast outlets. It is also important not only to ensure the equitable allocation of licences between the different types of broadcasters but also a sufficient allocation of frequencies to broadcasting in the first place (as compared to competing uses, particularly telecommunications). Given that the latter is capable of generating huge profits, they can usually outbid broadcasters so that in a market distribution, broadcasting will suffer.

The International Telecommunications Union (ITU) establishes a global framework for the optimal use of the radio-frequency spectrum. It sets standards for the management of spectrum allocation and manages the global system of allocation. National plans should follow ITU rules to ensure optimal use of the spectrum for the country.

Article 19's *Access to the Airwaves* offers a useful summary of best practice in relation to the awarding of licenses. In addition, Article 19's *Broadcasting Pluralism and Diversity: Training Manual for African Regulators* usefully sets out the arguments relating to digitalisation and the convergence of broadcasting and telecommunications. These related phenomena – the development of new digital formats for packaging information and the potential for one item to be transmitted in a multitude of ways – challenge traditional forms of broadcasting regulation dating from the analogue age. However, it should be noted that digitalisation is far from established in many parts of the world, where most broadcasting still uses analogue or "terrestrial" signals. Even where digitalisation creates an effectively larger spectrum, broadcasting regulation is still necessary to assure equitable public access to information and diversity of ownership and content.

As with other categories, there is a distinction to be made between institutional frameworks and prevailing political culture. In some countries, even where legislation, licensing procedures and regulatory bodies exist, they do not operate in the manner they were conceived, either because of political or commercial interference, lack of political will, institutional incapacity or a mixture of these factors.

KEY INDICATORS

2.6 STATE PLAN FOR SPECTRUM ALLOCATION ENSURES OPTIMAL USE FOR THE PUBLIC INTEREST

- **regulatory authority has a plan for spectrum allocation that meets ITU rules and UNESCO recommendations on provisions for public service broadcasting**
- **plan is drawn up in consultation with CSOs and the media sector**
- **plan is published and widely disseminated**

Means of verification

– Published national plans for allocation of radio frequencies, channels and bandwidth

– Legislative provisions for awarding broadcast licenses, including conditions, time limits for decision-making and published information about fees

– Evidence from credible agencies about the implementation of licensing and frequency allocation

2.7 STATE PLAN FOR SPECTRUM ALLOCATION PROMOTES DIVERSITY OF OWNERSHIP AND CONTENT

- **plan ensures that broadcasting frequencies are shared equitably among public, private and community broadcasters and among national, regional and local broadcasters**
- **frequencies are not required to be auctioned off to the highest bidder if the public interest is better served by other bidders**
- **part of any digital dividend should be allocated back into broadcasting (i.e. that not all freed up frequencies are sold to the highest bidder)**
- **there should be some 'must-carry' obligations on satellite and cable carriers, at a minimum, to carry PSB channels among the choices they offer as well as the possibility of must-carry obligations to promote diversity (e.g. in favour of minority channels)**

Means of verification

- Published national plans for allocation of radio frequencies, channels and bandwidth
- Evidence from credible agencies about the implementation of licensing and frequency allocation
- Evidence of discrimination in the awarding of licenses e.g. formal or de facto exclusion of certain groups on the basis of religion, language or ethnicity
- Evidence of the flourishing or otherwise of community-based media e.g. data showing whether newly-created community media outlets have a high failure rate, whether unlicensed community-based media are subject to punitive sanctions

2.8 INDEPENDENT AND TRANSPARENT REGULATORY SYSTEM

- **broadcast licensing processes and decisions are overseen by an independent regulatory authority, which meets international standards (see Section 1.B Regulatory system)**
- **broadcast license applications are assessed according to transparent and objective criteria set out in law**
- **fees for different types of licenses are transparent and set out in advance**
- **regulators actively monitor frequency use to ensure that actual usage conforms to license conditions**

Means of verification

- Reports by credible agencies about the status of regulatory bodies and their independence from government or commercial interests
- Legislative provisions for awarding broadcast licenses, including conditions, time limits for decision-making and published information about fees
- Reports by credible agencies about the implementation of licensing and frequency allocation

DATA SOURCES

Article 19, *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation*, March 2002: www.article19.org/pdfs/standards/accessairwaves.pdf

Article 19, *Broadcasting Pluralism and Diversity: Training Manual for African Regulators*, June 2006: www.article19.org/pdfs/tools/broadcasting-manual.pdf

Article 19, *Broadcasting Policy and Practice in Africa*, 2003: www.article19.org/pdfs/publications/africa-broadcasting-policy.pdf

European Platform of Regulatory Authorities – international directory of regulatory authorities: www.epra.org/content/english/authorities/regulation.html

International Telecommunications Union – Radiocommunications Sector: www.itu.int/ITU-R/

Media Institute of Southern Africa: *Licensing and Accreditation – the threat to media freedom in the SADC* region: www.misa.org/publications/Protocol%20Sadc.pdf

World Association of Community Radio Broadcasters (AMARC): http://www.amarc.org

D. TAXATION AND BUSINESS REGULATION

CONTEXT AND MAIN ISSUES

This section looks at taxation and business regulation insofar as they inhibit or encourage media development. Private media companies as well as community media should be treated equally and equitably under all national business laws and regulations, including rules and practices affecting taxation, import duties, legal registration fees and procedures, and workplace standards.

Certain tax regimes may inhibit the overall growth of the media, for example prohibitive taxes on media-related equipment such as printing presses or consumables such as paper, and sales taxes on printed media. Taxes and dues imposed selectively by states can distort the media market and favour sympathetic or state controlled media outlets.

Equally, the state may help the media flourish by putting in place preferential tax, import duty and tariff regimes for media outlets and for the purchase of receiving equipment (radios, televisions, computers, portable devices). The state may also avoid or reduce direct levies on broadcasters.

The principle of non-discrimination is key: the state should not use taxation or business regulation as a way of preferring some media outlets over others, for either political or commercial gain.

KEY INDICATORS

2.9 STATE USES TAXATION AND BUSINESS REGULATION TO ENCOURAGE MEDIA DEVELOPMENT IN A NON-DISCRIMINATORY MANNER

- **preferential tax, import duty and tariff regimes to encourage the development of broadcasting and print media**
- **state does not impose prohibitive taxes or levies on media organisations**
- **state tax policy and practice does not discriminate against the media nor favour specific private media outlets over others**

Means of verification

- Official reports or websites of national regulatory authorities and revenue services
- Evidence from credible agencies about the implementation of taxation regimes in relation to encouragement of media development
- Evidence from credible agencies about the implementation of taxation regimes, particularly in relation to non-discrimination between media outlets and the existence of prohibitive taxes which disadvantage sectors of the media

E. ADVERTISING

The placement of government advertising can also inhibit or encourage media pluralism and development. It is beyond the scope of this section to look in detail at regulation concerning advertising content. State-funded advertising may be a crucial source of revenue in countries with a poorly developed commercial advertising market. The principle of non-discrimination is key: the state should not use advertising as a tool to favour certain media outlets over others, for either political or commercial gain. Nor should public broadcasters gain an unfair advantage over their commercial rivals by offering advertising at below market rates.

The state may restrict the overall amount of advertising in the interests of programme quality; however, limits should not be so strict as to stifle the growth of the media sector, nor should one sector of the media be unfairly disadvantaged. Regionally agreed limits may act as a guide e.g. the European Convention on Transfrontier Television.

2.10 STATE DOES NOT DISCRIMINATE THROUGH ADVERTISING POLICY

- **state places advertising in a fair, transparent and non-discriminatory manner e.g. through a code of conduct**
- **allocation of government advertising is strictly monitored to ensure fair access by all media**
- **public service broadcasters are subject to fair competition rules in respect of advertising they carry**
- **Codes of conduct or other guidelines for the allocation of state-funded advertising implementation**

2.11 EFFECTIVE REGULATION GOVERNING ADVERTISING IN THE MEDIA

- **broadcasters and print media adhere to nationally- or regionally-agreed limits on advertising content, where applicable**
- **broadcasters and print media adhere to nationally- or regionally-agreed guidelines for the separation of advertising and programming, where applicable**
- **existence of a code of advertising, established by an independent professional body, to prevent misleading advertising**

Means of verification

– Code of advertising exists and is implemented

– Guidelines for amount of advertising content and separation of advertising and programming exist and are implemented

DATA SOURCES

Article 19, *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation*, March 2002:
www.article19.org/pdfs/standards/accessairwaves.pdf

Article 19, *Broadcasting Policy and Practice in Africa*, 2003:
www.article19.org/pdfs/publications/africa-broadcasting-policy.pdf

BBC World Service Trust, *African Media Development Initiative* (2006):
www.bbc.co.uk/worldservice/trust/specials/1552_trust_amdi/index.shtml

EPRA – international directory of regulatory authorities:
www.epra.org/content/english/authorities/regulation.html

European Convention of Transfrontier Television:
http://conventions.coe.int/Treaty/EN/treaties/Html/132.htm

UNESCO and the Commonwealth Broadcasting Association, *Guidelines for Broadcasting Regulation*, by Eve Salomon, 2006: http://portal.unesco.org/ci/en/files/21345/11399384219Guidelines_for_Broadcasting_Regulation.pdf/Guidelines+for+Broadcasting+Regulation.pdf

3

Media as a platform for democratic discourse

KEY INDICATORS

A MEDIA REFLECTS DIVERSITY OF SOCIETY

3.1 The media – public, private and community-based – serve the needs of all groups in society

3.2 Media organisations reflect social diversity through their employment practices

B PUBLIC SERVICE BROADCASTING MODEL

3.3 The goals of public service broadcasting are legally defined and guaranteed

3.4 The operations of public service broadcasters do not experience discrimination in any field

3.5 Independent and transparent system of governance

3.6 PSBs engage with the public and CSOs

C MEDIA SELF-REGULATION

3.7 Print and broadcast media have effective mechanisms of self-regulation

3.8 Media displays culture of self-regulation

D REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

3.9 Effective broadcasting code setting out requirements for fairness and impartiality

3.10 Effective enforcement of broadcasting code

E LEVELS OF PUBLIC TRUST AND CONFIDENCE IN THE MEDIA

3.11 The public displays high levels of trust and confidence in the media

3.12 Media organisations are responsive to public perceptions of their work

F SAFETY OF JOURNALISTS

3.13 Journalists, associated media personnel and media organisations can practice their profession in safety

3.14 Media practice is not harmed by a climate of insecurity

Category 3

Media as a platform for democratic discourse

A. MEDIA REFLECTS DIVERSITY OF SOCIETY

CONTEXT AND MAIN ISSUES

There is widespread recognition that the media has an important role in sustaining and nurturing democracy, good governance and human rights but little consensus about how this is to be done. Part of the tension around this problem is that the media has two overlapping but distinct roles. It is a place where democratic debate happens, where information is exchanged and where cultural expression manifests. But it is also a social actor in its own right, acting as a watchdog over powerful institutions (both public and private) and holding government to account. As a social actor it can also be a partisan force and an instrument of conflict. In this capacity, logic suggests that the media should be accountable for its actions, like any other social actor; but as a site where debate happens, it is crucial that the media is allowed to carry debate and information without control of any party or government. This is why there is such resistance from the media community to attempts to regulate the media to ensure that it behaves responsibly and why instead, regulatory regimes distinguish between the responsibilities of print and broadcast media, and allocate a specific democratic role to public broadcasters.

However it is a reasonable requirement that the media, in order to fulfil its democratic potential, reflects the diversity of society. Social diversity has many facets: gender, age, race, ethnicity, caste, language, religious belief, physical ability, sexual orientation, income and social class, and so on. Media organisations have considerable power to shape a society's experience of diversity. The media can report upon the concerns of every group in society and enable diverse groups to access information and entertainment. The media can provide a platform for every group in society to gain visibility and be heard. Yet the media can also engender suspicion, fear, discrimination and violence by strengthening stereotypes, fostering inter-group tension and excluding certain groups from public discourse.

A pluralist media is one (but arguably not the only) pre-requisite for obtaining diversity. Community-based media have an especially important role in serving minority or marginalised

groups, and state and civil society support for community media is thus vital to ensuring that the media represents social diversity (see also Category 2). However it is also important that minority group issues be reflected in mainstream media as well.

Media conduct in relation to social diversity is also a matter of formal regulation e.g. requirements on public service broadcast media to serve all sectors of society and to give fair access to political parties. Media conduct may also be regulated by laws in the civil or criminal code, such as those against hate speech.

Regulation is especially important in societies where commercial broadcasters are overwhelmingly concerned to target urban audiences of interest to advertisers. In these cases, it is crucial that public and community media meet the information needs of the poor or those living in remote or rural areas.

Media diversity is further rooted in an institutional culture of self-regulation, peer scrutiny and responsiveness to the audience. Increasingly, through the spread of new technology, social diversity can find expression in blogs, citizen reporting, user-generated content and other forms of direct audience engagement with the media.

The media's capacity to represent social diversity is also dependent on the make-up of its workforce e.g. the balance of journalists and media executives who are women or who come from minority groups.

KEY INDICATORS

3.1 THE MEDIA – PUBLIC, PRIVATE AND COMMUNITY-BASED – SERVE THE NEEDS OF ALL GROUPS IN SOCIETY

- **media use language/s which reflect the linguistic diversity of the target area**
- **media use language/s relied upon by marginalised groups**
- **community media (print or broadcast) is produced for specific groups e.g. indigenous and tribal peoples, refugees**
- **state or public media in practice represent the views of the entire political spectrum and a wide spectrum of social interests, including the weakest sections of society**

- **information presented by the media is accessible to women and marginalised groups (e.g. takes account of how these groups access information, including levels of literacy)**

Means of verification

– Proportion of content on public broadcaster aimed at minority language or marginalised groups

– Number and estimated reach of community media outlets serving minority language or marginalised groups

– Independent monitoring of the media by credible agencies, including content analysis of diversity

3.2 MEDIA ORGANISATIONS REFLECT SOCIAL DIVERSITY THROUGH THEIR EMPLOYMENT PRACTICES

- **female journalists are fairly represented across the media industry or sector, including at senior levels**
- **journalists from minority ethnic, linguistic or religious groups are fairly represented across the media industry or sector, including at senior levels**

Means of verification

– Proportion of female journalists and media executives

– Proportion of journalists and media executives from minority ethnic, linguistic or religious groups

DATA SOURCES

Article 19, *Broadcasting Pluralism and Diversity: Training Manual for African Regulators*, 2006: www.article19.org/pdfs/tools/broadcasting-manual.pdf

Commonwealth Broadcasting Association (CBA) with support from UNESCO, *CBA Editorial Guidelines*, 2005 (http://unesdoc.unesco.org/images/0013/001356/135672e.pdf)

European Monitoring Centre on Racism and Xenophobia: www.eumc.eu.int/eumc/index.php

Global Media Monitoring Project – relating to portrayal and involvement of women in the media: www.whomakesthenews.org

International Federation of Journalists – EU-India gender project: www.ifj.org/default.asp?Issue=Gender%20india&Language=EN

International Media Working Group against Racism and Xenophobia – diversity-online project: www.diversity-online.org/

Media Diversity Institute: www.media-diversity.org/ and its Reporting Diversity Network: www.media diversity.org/links/rdn.htm

Media Sustainability Index www.irex.org/msi

MediaWise – activities on diversity in the media: www.presswise.org.uk/display_page.php?id=73

UNESCO Institute for Statistics – Questionnaire on Newspaper Statistics: www.uis.unesco.org/ev.php?ID=5831_201&ID2=DO_TOPIC

UNESCO Institute for Statistics – Questionnaire on Radio and Television Broadcasting Statistics: www.uis.unesco.org/ev.php?ID=6554_201&ID2=DO_TOPIC

World Association of Community Radio Broadcasters: www.amarc.org

B. PUBLIC SERVICE BROADCASTING MODEL

CONTEXT AND MAIN ISSUES

An accepted definition of public service broadcasting is as follows: "Public Service Broadcasting (PSB) is broadcasting made, financed and controlled by the public, for the public. It is neither commercial nor state-owned, free from political interference and pressure from commercial forces. Through PSB, citizens are informed, educated and also entertained. When guaranteed with pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency, public service broadcasting can serve as a cornerstone of democracy." (For a detailed elaboration of this function, see the African Charter of Broadcasting, adopted in the UNESCO-sponsored 'Windhoek Plus 10' forum in 2001.) The key element is that

a public service broadcaster, even if state-owned, should be non-partisan, non-profit, with a public-interest remit and, usually national coverage and a national mandate. Often nationwide services are complemented by regional public service broadcasting services, and particularly in federal states or states with autonomous regions or different language services.

Public Service Broadcasters (PSBs) are generally funded through public funds sometimes raised through a general charge on users. PSBs may also additionally attract some commercial funding. Privately-owned broadcasters may also have certain public service functions.

Public service broadcasting is premised on the assumption that the market cannot meet all the nation's broadcasting needs. The defining characteristic of PSBs is that they are protected from interference, particularly of a commercial or political nature, in respect of their governance, budget and editorial decision-making. Their public service remit usually includes obligations to ensure that the public receives politically balanced information, especially at election times.

In addition, they typically strive to ensure that their transmission system covers the whole territory of a country, and that they serve all regions, cultures and linguistic groups. Clearly this requires people to be able to access the means of communication (reception of broadcasts, electricity supplies, access to telecommunications).

PSBs typically carry limited amounts of advertising, or none at all. They should be either free at the point of delivery or available at a cost that the vast majority of the population can afford. Their remit may also include requirements to provide comprehensive and balanced news coverage; a forum for public debate; a minimum amount of locally-generated content (possibly through the use of quotas) and creative, diverse and original programming.

Some PSBs may have some, but not all of these characteristics e.g. community-based stations may have a largely public service remit without having national coverage.

Public service broadcasters will have a key role in the modernisation of the technological environment of the media of their countries and may need to put in place proper tools to fight against the digital divide caused by geographical location, age, education and wealth.

Public service obligations may be placed upon all broadcasters e.g. through the regulatory authority that issues licenses.

KEY INDICATORS

3.3 THE GOALS OF PUBLIC SERVICE BROADCASTING ARE LEGALLY DEFINED AND GUARANTEED

- **the public service remit of the PSB is clearly defined in law**
- **the PSB has specific guarantees on editorial independence and appropriate and secure funding arrangements to protect it from arbitrary interference**
- **the PSB has adequate technical resources**
- **the PSB is publicly accountable, through its governing body**

Means of verification

– Any relevant law defining the remit of public broadcaster

– Any relevant public service obligations placed on one or more broadcasters

– Any relevant regulation guaranteeing editorial independence and establishing funding arrangements

3.4 THE OPERATIONS OF PUBLIC SERVICE BROADCASTERS DO NOT EXPERIENCE DISCRIMINATION IN ANY FIELD

- **satellite and cable carriers do not refuse to carry PSB stations or content**

Means of verification

– Evidence of clear rules preventing discrimination by content carriers

3.5 INDEPENDENT AND TRANSPARENT SYSTEM OF GOVERNANCE

- **the PSB is overseen by an independent governing body whose autonomy is legally guaranteed**
- **appointments to the governing body are open, transparent and free from direct government interference or control by any political or economic vested interests**
- **the governing body ensures that the PSB fulfils its public service remit and protects its independence**

Means of verification

- Any relevant regulation concerning status and appointment of governing body
- Evidence of governing body exercising its authority

3.6 PSBs ENGAGE WITH THE PUBLIC AND CSOs

- **the PSB has a proven commitment to consultation and engagement with the public and CSOs, including a complaints system**
- **public involvement in appointments to the governing body**

Means of verification

- Evidence of consultation between PSB and civil society e.g. forums for audience feedback
- Evidence of PSB responding to public complaints systematically

DATA SOURCES

Article 19 International Standards series – A Model Public Service Broadcasting Law, June 2005: www.article19.org/pdfs/standards/modelpsblaw.pdf

Council of Europe, Committee of Ministers, and Recommendation No R (96) 10 of the Committee of Ministers to Member States on the Guarantee of the Independence of Public Service Broadcasting, Sept 11 1996: www.ebu.ch/CMSimages/en/leg_ref_coe_r96_10_psb_110996_tcm6-4322.pdfInternational Federation of Journalists – Public Broadcasting for All campaign and related resources: www.ifj.org/default.asp?Issue=pubbroad&Language=EN

International Federation of Journalists – international directory of public broadcasters: www.ifj.org/default.asp?Issue=pubroadlinks&Language=EN

Public Service Broadcasting Trust – India: www.psbt.org/index2.htm

Recommendation CM/Rec (2007)3 of the Council of Europe on the remit of public service media in the information society

UNESCO, *Public Service Broadcasting. A Best Practices Source Book*, 2005: http://portal.unesco.org/ci/en/ev.phpURL_ID=20394&URL_DO=DO_TOPIC&URL_SECTION=201.html

UNESCO, Asia-Pacific Institute for Broadcasting Development: *Public Service Broadcasting – a comparative legal survey*, by Toby Mendel, 2000: www.unesco.org/webworld/publications/mendel/jaya_index.html

Sample websites for national and regional regulators:
Asia-Pacific: www.abu.org.my
Bosnia-Herzegovina: www.cra.ba
Canada: www.crtc.gc.ca/eng/welcome.htm
Czech Republic: http://www.rrtv.cz/en/
Estonia: www.rhn.ee/e_main.htm
Europe: www.epra.org/content/english/index2.html
Europe: www.ebu.ch/en/index.php
Jamaica: www.broadcastingcommission.org
Kenya: www.cck.go.ke/home/index.asp
Kosovo: www.imc-ko.org/index.php?lang=en&pag=home
Nigeria: www.nbc.gov.ng
North America: http://www.nabanet.com/
South Africa: www.icasa.org.za/Default.aspx?Page=2
United Kingdom: www.ofcom.org.uk/

C. MEDIA SELF-REGULATION

CONTEXT AND MAIN ISSUES

The best guarantee for ensuring high ethical and professional standards in journalism is voluntary self-regulation within and among news organizations.

Effective self-regulation is a matter of both form and culture. National media cultures may have the apparatus of self-regulation – codes of ethics, ombudsmen, complaints commissions, the printing or broadcasting of retractions and corrections, etc – but these may be ineffective without a prevailing culture of public and peer scrutiny. Conversely, self-regulation can

sometimes be effectively achieved without formal national structures or bodies but by local and internal vigilance, responsiveness and transparency on questions of news ethics and accuracy. Self-regulation is most successful where it properly engages all stakeholders within the media industry – publishers and owners, editors and journalists – and also involves the broader public. Media organisations should develop ethical and professional codes of conduct, which should form part of day to day practice.

Where media self-regulation is undeveloped, efforts can concentrate on core issues such as complaints and ethical guidelines. Fragile states pose a particular dilemma in relation to regulation. In conflict-ridden states, the media can exacerbate conflict and hatred but attempts to respond to this should not be permitted to lead to censorship by governments for partisan political purposes. Self-regulation with international support for ethics training and media monitoring is preferable where possible. No single model is suitable for all contexts.

KEY INDICATORS

3.7 PRINT AND BROADCAST MEDIA HAVE EFFECTIVE MECHANISMS OF SELF-REGULATION

- **media organisations have clear codes of ethics, and sound editorial guidelines**
- **codes are actively disseminated to journalists and regularly debated and reviewed**
- **at the industry level, systems exist for hearing public complaints about alleged violations of ethical standards**
- **self-regulatory bodies and news ombudsmen are independent of government and commercial interests**

Means of verification

- Evidence of activity by independent press council or journalist association
- Codes of ethics and evidence of their active use and dissemination by independent press councils and journalists associations
- Number of public complaints about media conduct and evidence of media responsiveness

3.8 MEDIA DISPLAYS CULTURE OF SELF-REGULATION

- **independent journalist associations exist and disseminate good practice**
- **media organisations are responsive to their audience e.g. channels for public complaints, right of reply**
- **self-regulatory bodies engage with CSOs and wider public and have socially diverse membership**
- **journalists or media organisations do not routinely practice self-censorship**

Means of verification

– Evidence of debate among journalistic community and wider public sphere about ethics and standards

– Evidence of activity by independent journalist association in relation to ethics and standards

DATA SOURCES

Article 19, *Freedom of Accountability – Conference Report on Media Self-Regulation in South-East Europe*, Sarajevo, June 2005: www.article19.org/pdfs/conferences/sarajevo-conference-report.pdf

Al-Jazeera Code of Ethics: http://english.aljazeera.net/news/archive/archive?ArchiveId=5190

British Broadcasting Corporation Editorial Guidelines: www.bbc.co.uk/guidelines/editorialguidelines/

Independent Press Councils – international listing of press councils and related resources: www.media-accountability.org/html/frameset.php?page=directory

Independent Press Councils – international listing of codes of ethics: www.media-accountability.org/html/frameset.php?page=library2

International Federation of Journalists – Declaration of Principles on the Conduct of Journalists: www.ifj.org/default.asp?Issue=ETHICS&Language=EN

International Freedom of Expression exchange – information on journalism ethics: www.ifex.org/en/content/view/full/51725/

International Journalists' Network – international directory of codes of ethics: www.ijnet.org/Director.aspx?P=Ethics

MediaWise – international listing of journalistic codes of conduct: www.presswise.org.uk/display_page.php?id=40

MediaWise – resources relating to regulation and self-regulation: www.presswise.org.uk/display_page.php?id=708

Organization of News Ombudsmen: www.newsombudsmen.org/what.htm
Society of Professional Journalists (US) – international listing of journalistic codes of ethics: www.spj.org/ethicscode-other.asp

D. REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

CONTEXT AND MAIN ISSUES

Legal requirements for fair and impartial reporting vary greatly between countries. UNESCO declarations and other international normative guidelines reject any such content oversight for news and opinion in print or internet media. However, regulations stressing impartiality and ethics are commonly incorporated in radio and television licensing regimes. UK law requires all broadcast news and other programmes dealing with controversial issues to be impartial.

Broadcasting code should set out rules by which each political party can obtain equitable coverage in election periods. Models for election coverage may vary from country to country. Broadcasting codes should not, however, compromise the editorial independence of the media by becoming a cloak for censorship or interference. A number of model codes are available (see links below).

KEY INDICATORS

3.9 EFFECTIVE BROADCASTING CODE SETTING OUT REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

- **broadcasting codes sets out requirements of both public broadcasters and private broadcasters (e.g. as a condition of retaining private broadcasting license)**
- **regulation to ensure respect for the principles of fairness, balance and impartiality during elections e.g. allocation of air time to candidates, reporting of opinion polls, quotas for political advertising, party election broadcasts, prevention of undue coverage to public authorities as prescribed in the national electoral code**
- **code does not compromise the editorial independence of the media e.g. by imposing prior system of censorship**
- **compliance with international standards**

Means of verification

- Any relevant law regulating broadcasting content in relation to fairness and impartiality
- Reports by credible agencies about the effectiveness of broadcasting codes
- Any relevant regulation concerning the conduct of reporting at election times
- Evidence of public broadcaster providing fair and balanced coverage of parliamentary proceedings

3.10 EFFECTIVE ENFORCEMENT OF BROADCASTING CODE

- **breaches of code investigated and proportionate sanctions applied**
- **proper system for dealing with public complaints**
- **regulation enforced with due regard to editorial freedom and independence**

Means of verification

- Examples of enforcement of broadcasting codes by independent regulator

DATA SOURCES

Article 19 – country-specific analyses of media laws relating to fairness and impartiality: www.article19.org

Article 19, Guidelines for Election Broadcasting in Transitional Democracies: www.article19.org/pdfs/tools/electionbroadcastingtrans.pdf

Article 19, *Broadcasting Pluralism and Diversity: Training Manual for African Regulators*, 2006: www.article19.org/pdfs/tools/broadcasting-manual.pdf

Commonwealth Broadcasting Association and UNESCO, *Guidelines for Broadcasting Regulation*: http://portal.unesco.org/ci/en/files/21345/11399384219Guidelines_for_Broadcasting_Regulation.pdf/Guidelines+for+Broadcasting+Regulation.pdf

Recommendation CM/Rec (2007) 15 of the Council of Europe on measures concerning media coverage of election campaigns

USAID, Office of Democracy and Governance, *The Enabling Environment for Free and Independent Media: Contribution to Transparent and Accountable Governance*, 2002: www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnacm006.pdf

E. LEVELS OF PUBLIC TRUST AND CONFIDENCE IN THE MEDIA

CONTEXT AND MAIN ISSUES

Levels of public trust and confidence in the media are hard to quantify. Assessments are often subjective or dependent upon inadequate data. In addition polls often show declining trust in the media precisely when the media are taking on powerful and popular national icons or beliefs.

Community-based media offer particular opportunities for gauging public confidence. For example, communities may be involved in evaluating and renewing the mandate for community broadcasters.

Where resources allow, media organisations can undertake their own audience research or make efforts to be responsive to audience needs. Indeed, the media is itself a key forum for debate about public confidence in journalism.

The rise of blogging and citizen journalism is fundamentally affecting the public's relationship with media. In many countries, the public is no longer a passive recipient, but is actively engaging with the media, generating content, tailoring consumption to meet personal interests and passing comment on the work of professional journalists.

However, communities that lack Internet access may find themselves excluded from this trend, and media organisations must not neglect the needs of this sector of the audience. Similarly, where possible it is important to gauge differential levels of trust among women and marginalised groups who may be the most information-starved and the least able to make their views heard.

KEY INDICATORS

3.11 THE PUBLIC DISPLAYS HIGH LEVELS OF TRUST AND CONFIDENCE IN THE MEDIA

- **perception that the media reports on issues of real concern to people**
- **satisfaction with the balance of local and national news and information**
- **perception that journalists and media organisations have integrity and are not corrupt**
- **perception that news reporting is fair and impartial**
- **a high level of citizen participation in media as shown by: the level of participation of audiences in talk-back programmes, space devoted to readers' comments in newspapers, etc.**

Means of verification

- Public opinion polls relating to trust and confidence in the media
- Assessment of media by e.g. radio listening clubs
- Household surveys and other fieldwork relating to perceptions of the media
- Interviews with samples of listeners/viewers/readers on their perceptions of the media
- Evidence of community involvement in evaluating community broadcasters

3.12 MEDIA ORGANISATIONS ARE RESPONSIVE TO PUBLIC PERCEPTIONS OF THEIR WORK

- **media organisations make efforts to know more about their audience and the perceptions of the quality and the cultural diversity of their programmes and their news**
- **media organisations offer channels for audience engagement – phone-ins, debates, citizen reporting**
- **media organisations establish internal audit mechanisms to guarantee transparency and accountability**
- **community-based mechanisms for evaluating community media**

Means of verification

– Evidence of audience research activity by media organisations

– Evidence of media organisations responding to public criticism or lack of trust

– Evidence of media organisations offering channels for audience engagement

– Evidence provided by civil society groups such as ombudsman, consumers associations etc

DATA SOURCES

BBC World Service Trust – research and learning: http://www.bbc.co.uk/worldservice/trust/researchlearning/Annual Edelman Annual Trust Barometer 2006: www.edelman.co.uk/insights/trust/Edelman%20Trust%20Barometer%202006.pdf

Globescan 2006, BBC/Reuters/Media Center Poll: Trust in the Media: www.globescan.com/news_archives/bbcreut.html

International Institute for Democracy and Electoral Assistance – works with organisations worldwide to support the compilation of four major regional democracy barometers. Links to all four barometers at: www.idea.int/democracy/global-barometers.cfm

MediaWise – project on public trust in the media:
www.mediawise.org.uk/display_page.php?id=72

Pew Global Attitudes Project – a series of worldwide public opinion surveys:
http://pewglobal.org/

Pew Global Attitudes Project: Truly a World Wide Web – Globe Going Digital:
http://pewglobal.org/reports/display.php?ReportID=251

Telecom Express 2006, Television is as Trustworthy as Friends: Survey:
www.predicaments.com/telecomexpress/fullarticle.php?id=41

Transparency International – Corruption Perceptions Index:
www.transparency.org/policy_research/ surveys_indices/global/cpi

F. SAFETY OF JOURNALISTS

CONTEXT AND MAIN ISSUES

Freedom of expression guarantees are of little value if journalists cannot exercise this right in safety. Where individual journalists or media organisations are routinely subject to surveillance, threats, harassment or physical attack, media cannot exercise its role as a platform for democratic discourse. The most vulnerable members of the media community are freelance staff and temporary employees. Poor working conditions and corrupt practices can also lead to forms of self-censorship.

Crimes against journalists may be committed by the state or by extra-legal forces. In either case, it is imperative that such crimes are prosecuted to prevent a climate of impunity developing.

In addition, journalists' sources must be protected from forced disclosure; the confidentiality of sources is one of the cornerstones of professional journalism and is protected under international law.

KEY INDICATORS

3.13 JOURNALISTS, ASSOCIATED MEDIA PERSONNEL AND MEDIA ORGANISATIONS CAN PRACTICE THEIR PROFESSION IN SAFETY

- **Journalists and associated media personnel are not subject to threats, harassment or surveillance**
- **journalists, and associated media personnel are not physically attacked, unlawfully detained or killed as a result of pursuing their legitimate activities**
- **media organisations are not forced to close down as a result of pursuing their legitimate activities, or threatened with closure**
- **crimes against journalists are prosecuted and there is no climate of impunity**
- **media organisations have policies for protecting the health and safety of their staff**
- **measures of social protection are available to all staff, including temporary and freelance employees**

Means of verification

- Statistics on confirmed instances of threats, harassment, physical attacks, killings, unlawful detentions
- Documented cases of forced closures or threatened closures of media outlets
- Evidence of investigations and prosecutions, or the failure to investigate or prosecute crimes against journalists

3.14 MEDIA PRACTICE IS NOT HARMED BY A CLIMATE OF INSECURITY

- **journalists do not routinely self-censor because of fear of punishment, harassment or attack**
- **confidentiality of sources is protected in law and respected in practice**

Means of verification

- Evidence of debate among the journalistic community and in the wider public sphere about the safety of media workers
- Surveys of journalists and media managers about the climate in which they work
- Content analysis of media by credible agencies to detect degree of self-censorship by journalists
- Documented cases of journalists being forced to disclose sources

DATA SOURCES

UNESCO Medellin Report "Press Freedom: Safety of Journalists and Impunity", 2007: http://unesdoc.unesco.org/images/0015/001567/156773e.pdf

Committee to Protect Journalists: Journalists Killed Statistics: www.cpj.org/killed/killed_archives/stats.html

Freedom House – *Freedom of the press survey* – indicators relating to political environment: www.freedomhouse.org/uploads/PFS/PFSMethodology2006.pdf

www.freedomhouse.org/uploads/PFS/PFSGlobalTables2006.pdf

International Federation of Journalists – annual reports on journalists and media staff killed: www.ifj.org/default.asp?Issue=KILL&Language=EN

International Freedom of Expression exchange – information on safety of journalists: www.ifex.org/en/content/view/full/240/

International Freedom of Expression exchange – information on impunity: www.ifex.org/en/content/view/full/237/

International News Safety Institute: www.newssafety.com

International Research and Exchanges Board – *Media Sustainability Index*: www.irex.org/msi/index.asp

Reporters sans Frontières – *Worldwide Press Freedom Index*: www.rsf.org/rubrique.php3?id_rubrique=554

4

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

KEY INDICATORS

A AVAILABILITY OF PROFESSIONAL MEDIA TRAINING

4.1 Media professionals can access training appropriate to their needs

4.2 Media managers, including business managers can access training appropriate to their needs

4.3 Training equips media professionals to understand democracy and development

B AVAILABILITY OF ACADEMIC COURSES IN MEDIA PRACTICE

4.4 Academic courses accessible to wide range of students

4.5 Academic courses equip students with skills and knowledge related to democratic development

C PRESENCE OF TRADE UNIONS AND PROFESSIONAL ORGANISATIONS

4.6 Media workers have the right to join independent trade unions and exercise this right

4.7 Trade unions and professional associations provide advocacy on behalf of the profession

D PRESENCE OF CIVIL SOCIETY ORGANISATIONS

4.8 CSOs monitor the media systematically

4.9 CSOs provide direct advocacy on issues of freedom of expression

4.10 CSOs help communities access information and get their voices heard

Category 4

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

A. AVAILABILITY OF PROFESSIONAL MEDIA TRAINING

CONTEXT AND MAIN ISSUES

Media training covers a wide range of activities, from structured courses and qualification programmes for media professionals to on-the job coaching, internships and distance learning. Training may be provided by: employers, media training institutions, university departments, professional associations or international organisations, whose work is often described as media assistance or media development.

Some countries have a media centre – a professional base in which journalists can work and receive training and support. Cross-industry or cross-sector training councils, grouping employers and academic institutions can also help to disseminate good practice.

While there are general, professional features of journalism training that are universal, training is likely to have greatest impact where it is driven by local information needs and preferably with the involvement of local media and non-media partners – in other words, information created by and for the local community. It is particularly important that training programmes are developed that suit the needs of the local media market. Ideally the spectrum of training available should cover not only journalism, production and management but also areas such as media law, media policy and regulation and how to run an effective business. In addition, through collaboration with local advocacy groups and CSOs, training should equip media professionals to report the perspectives of marginalised groups. Journalism ethics and the techniques of investigative reporting and election coverage are especially crucial to disseminate in environments where media has been controlled or repressed.

It is vital that training activities are geared to sustainable long-term activity: external media assistance runs the risk of creating an artificially inflated market for news and advertising or setting up media outlets which founder once assistance is withdrawn. Organisations providing training – especially those external to the target country – should co-ordinate their activities to prevent duplication.

UNESCO has developed model curricula for journalism education (see data sources) that set out the elements of a holistic journalism education. UNESCO emphasises the importance of opportunities for journalists – especially those in mid-career – to acquire disciplinary knowledge on the subjects they cover as well as technical and professional skills.

KEY INDICATORS

4.1 MEDIA PROFESSIONALS CAN ACCESS TRAINING APPROPRIATE TO THEIR NEEDS

- **qualification programmes for journalists exist**
- **training programmes offered by a spectrum of providers – domestic and external**
- **opportunities for qualified journalists at all levels to upgrade their skills and essential disciplinary knowledge**
- **opportunities for regional and international ex-changes and programmes**
- **support for journalists who need to specialise in specific subject areas**
- **training in IT skills**
- **opportunities for journalists to access distance learning**
- **training physically accessible to all journalists (e.g. not solely concentrated in urban centres)**
- **training courses that combine production and training**
- **training uses local languages and appropriate technology**
- **training material is accessible and available in local languages**
- **training accessible to women and marginalised groups**
- **training programmes are adequately evaluated by the participants**
- **training covers building awareness of the need for good systems of management, transparency and dialogue between management and staff**

Means of verification

- Number of journalists trained in educational institutions
- Number of journalists trained via other channels (e.g. professional associations, external NGOs)
- Surveys of journalists: percentage of respondents satisfied with their training and measured levels of awareness about ethical standards
- Reports from credible agencies about the accessibility and quality of journalism training available
- Journalism training strategy and curricula
- Media organisations' policies and in-house activities for human resource development
- Existence of cross-industry or cross-sector training councils, grouping employers and academic institutions
- Training evaluations by trainees

4.2 MEDIA MANAGERS, INCLUDING BUSINESS MANAGERS, CAN ACCESS TRAINING APPROPRIATE TO THEIR NEEDS

- **training for managers of media companies**
- **training in appropriate business skills including marketing, financial management**
- **training programmes accessible to women and marginalised groups**

Means of verification

- Number of managers and business staff trained in formal qualification programmes
- Number of managers and business staff trained via other channels (e.g. professional associations, external NGOs)
- Surveys of managers and business staff: percentage of respondents satisfied with their training and measured levels of awareness about ethical standards

4.3 TRAINING EQUIPS MEDIA PROFESSIONALS TO UNDERSTAND DEMOCRACY AND DEVELOPMENT

- **training helps build awareness of media's potential in fostering democracy and human rights**
- **training equips journalists to report the perspectives of marginalised groups**
- **training equips journalists with investigative reporting skills and related disciplinary knowledge**
- **training covers journalism ethics, risk awareness and first aid**

Means of verification

– Content of journalism training curricula

– Evaluation of training by trainees

– Reports by credible agencies about the effectiveness of media training in relation to democratic and human rights goals

– Measured levels of journalistic awareness about ethics, human rights, perspective of marginalised groups

– Surveys of journalistic output in relation to specialist areas (e.g. HIV-AIDS)

DATA SOURCES

BBC World Service Trust: www.bbc.co.uk/worldservice/trust/mediadevelopment

Commonwealth Press Union: www.cpu.org.uk/tr_courses.html

Communication for Social Change Consortium: www.communicationforsocialchange.org

European Federation of Journalists Questionnaire on Quality in Journalism: www.ifj-europe.org/default.asp?index=4347&Language=EN

Global Forum for Media Development: http://70.87.64.34/~intint/gfmd_info/index.php

Global Media Monitoring Project – advocacy training workshops on gender: www.whomakesthenews.org/events/workshops

Institute of War and Peace Reporting: www.iwpr.net/index.php?apc_state=henotop_programmes_new.html&s=o&o=training_index1.html

International Federation of Journalists, *IFJ research findings on reporting HIV/AIDS in six countries in Africa and Asia*: www.ifj.org/pdfs/IFJ%20HIV%20RESEARCH%20REPORT.pdf

International Federation of Journalists ReportStag-e virtual training centre for journalists: www.ifj.org/default.asp?Issue=RStage&Language=EN

International Federation of Journalists – Europe-India gender project: www.ifj.org/default.asp?Issue=Gender%20india&Language=EN

International Journalists' Network – international directory of media assistance initiatives: www.ijnet.org/Director.aspx?P=MediaAssistance

International News Safety Institute: www.newssafety.com

Internews: www.internews.org/activity/training/default.shtm

Media Institute of South Africa: www.whomakesthenews.org/events/workshops

MediaWise – directory of journalism training and degree courses worldwide: www.presswise.org.uk/display_page.php?id=41

Panos Institute: www.panos.org

Reuters foundation: www.foundation.reuters.com

Southern Africa Media Training Trust: www.nsjtraining.org

Thomson foundation: www.thomsonfoundation.co.uk

UK Broadcast Journalism Training Council: www.bjtc.org.uk/about.aspx

UK National Council for the Training of Journalists: www.nctj.com

UNESCO, *Criteria and indicators for quality journalism training institutions & identifying potential centres of excellence in journalism training in Africa*, 2007: http://unesdoc.unesco.org/images/0015/001514/151496E.pdf

UNESCO, *Model Curricula for Journalism Education for Developing Countries and Emerging Democracies*, 2007: http://unesdoc.unesco.org/images/0015/001512/151209E.pdf

UNESCO – media development activities: http://portal.unesco.org/ci/en/ev.php-URL_ID=4625&URL_DO=DO_TOPIC&URL_SECTION=201.html

Union Network International http://www.union-network.org

World Association of Newspapers: www.wan-press.org/article37.html

Specific media organisations: documentation relating to training strategy, human resource development, editorial guidelines, training curricula etc.

B. AVAILABILITY OF ACADEMIC COURSES IN MEDIA PRACTICE

CONTEXT AND MAIN ISSUES

Academic courses in journalism and other aspects of media practice are a means of disseminating both practical, craft-based skills and of encouraging critical thought about media policy and the role of media in society. Academic institutions can provide a forum for public debate about the media, and build links with media organisations and CSOs to develop curricula and foster good practice (e.g. through cross-industry training councils).

Crucially, academic courses should equip media professionals with the skills required for independent thought and analysis – a necessary attribute for professional journalism, including essential disciplinary knowledge in the fields they are likely to cover.

Courses should be affordable and accessible, and should be considered a priority for public investment and not solely the preserve of commercial providers. There should also be constant revision of the curricula. In the fast changing world of modern communications it is very easy for courses to become out of date and irrelevant to needs of the media sector.

Media literacy is an important element of academic courses. This is particularly so when communication is changing so that citizen interaction is playing an increasingly important role in reshaping the "business model" of communications with the increasing use of blogs, mobile phones and other forms of two-way communication between media and citizens

KEY INDICATORS

4.4 ACADEMIC COURSES ACCESSIBLE TO WIDE RANGE OF STUDENTS

- **universities and colleges offer undergraduate and postgraduate courses in journalism and other aspects of media**
- **Training materials and textbooks available in local languages**
- **Necessary training equipment/technical facilities, including access to ICTs, available in media training institutions**

Means of verification

- Number of courses available
- Level of publicly-funded provision compared to courses offered by commercial concerns
- Existence of cross-industry or cross-sector training councils
- Active links between academic institutions and employers in the industry/sector
- Reports from credible agencies about the accessibility and quality of journalism courses.

4.5 ACADEMIC COURSES EQUIP STUDENTS WITH SKILLS AND KNOWLEDGE RELATED TO DEMOCRATIC DEVELOPMENT

- **courses cover issues of media law, ethics, regulation and public policy**
- **courses help build awareness of the potential of media in promoting democracy and human rights**
- **courses equip students with the skills needed for independent thought and analysis**
- **courses contain essential disciplinary knowledge in the subject areas journalists are expected to cover**
- **courses on media literacy geared to the modern communications environment are provided**

Means of verification

- Evaluation of course curricula by credible agencies
- Evidence of academic institutions working with media organisations, CSOs and research institutes to build relevant curricula and act as a forum for public debate

DATA SOURCES

Global Network for Professional Education and Training in Media: http://portal.unesco.org/ci/en/ev.php-URL_ID=13496&URL_DO=DO_TOPIC&URL_SECTION=201.html

International Journalists' Network: www.ijnet.org

UK Broadcast Journalism Training Council: www.bjtc.org.uk/about.aspx

UNESCO, *Communication Training in Africa: Model Curricula, Non-degree and Degree programmes* – offers model curricula to train and prepare communication practitioners: www.unesco.org/webworld/publications/com_training_en.pdf

UNESCO, *Criteria and indicators for quality journalism training institutions & identifying potential centres of excellence in journalism training in Africa*, 2007: http://unesdoc.unesco.org/images/0015/001514/151496E.pdf

C. PRESENCE OF TRADE UNIONS AND PROFESSIONAL ORGANISATIONS

CONTEXT AND MAIN ISSUES

Media workers should be able to exercise their internationally-protected right to form trade unions, without fear of reprisal.

Trade unions and professional associations can provide direct advocacy on behalf of the profession in relation to unfair dismissal, pay, conditions, protection of sources and free speech. They can also raise professional standards through the provision of training, codes of ethics and forums for debate.

It is also important that media workers receive adequate compensation/remuneration in comparison with other professions.

KEY INDICATORS

4.6 MEDIA WORKERS HAVE THE RIGHT TO JOIN INDEPENDENT TRADE UNIONS AND EXERCISE THIS RIGHT

- **right to form unions is respected in law and in practice**
- **right to take industrial action is respected in law and in practice**
- **national journalism associations can exercise the right to affiliate with appropriate Global Union Federations and international professional associations**

Means of verification

- Percentage of journalists who are trade union members or members of professional associations
- International affiliations of trade unions and professional or employers' organisations
- Documented incidence of industrial action being taken
- Evidence of journalists being punished or victimized for being part of an independent trade union

4.7 TRADE UNIONS AND PROFESSIONAL ASSOCIATIONS PROVIDE ADVOCACY ON BEHALF OF THE PROFESSION

- **trade unions recognized as negotiating partners by employers' groups, both on labour and professional issues**
- **professional journalism associations (specialist networks, press clubs etc) actively debate media ethics and standards**
- **employers' associations set standards and actively defend freedom of expression**
- **trade unions and professional associations disseminate codes of ethics and actively defend freedom of expression**
- **trade unions defend the interests of women media professionals**

Means of verification

- Evidence of journalism associations providing advocacy on behalf of the profession
- Evidence of trade union advocacy on issues of media policy, freedom of expression

DATA SOURCES

Association for Independent Broadcasting: www.aib.org.uk/index.asp?node_id=8,95
Communication for Social Change Consortium:
www.communicationforsocialchange.org

International Federation of Journalists – list of members:
www.ifj.org/pdfs/MembersList2006.pdf

International Journalists' Network: www.ijnet.org

Union Network International: www.union-network.org

World Association of Newspapers: www.wan-press.org

World Editors' Forum: www.wan-press.org/wef/articles.php?id=2

D. PRESENCE OF CIVIL SOCIETY ORGANISATIONS

CONTEXT AND MAIN ISSUES

Civil society organisations are a vital part of a healthy media ecology, providing both support and scrutiny. CSOs can play a role in: monitoring media content and ownership; providing direct advocacy on freedom of expression, journalism safety and media policy and regulation; capacity building; and helping communities to access information and make their voices heard.

CSOs can engage with media professionals and policy makers to ensure that media meets the information needs of all sectors of society. Through their expertise and community base, they can also inform reporting on issues such as HIV-AIDS and ensure that the media avoids stereotyping or excluding the voices of marginalised groups. The advent of citizen journalism and user-generated content creates new avenues for CSO advocacy and engagement with the media.

CSOs also offer a source of critical, independent thinking about the media which can help evolve and disseminate good practice.

KEY INDICATORS

4.8 CSOs MONITOR THE MEDIA SYSTEMATICALLY

- **CSOs monitor media content and ownership in the interests of promoting pluralism and diversity**
- **CSOs provide critical analysis of media, especially in relation to representation of marginalised groups**
- **CSOs play a role in promoting media literacy**

Means of verification

– Media monitoring studies by CSOs

– Lobbying and advocacy activity by CSOs

– Existence of e.g. radio listening clubs to provide feedback and assessment

4.9 CSOs PROVIDE DIRECT ADVOCACY ON ISSUES OF FREEDOM OF EXPRESSION

- **CSOs actively promote freedom of expression, right to information, journalism safety**
- **CSOs engage with policy makers on the issue of public policy towards the media**

Means of verification

– Participation by CSOs in international civil society networks concerned with freedom of information and expression

– Public events at which CSOs, media and policy makers debate issues of media policy

4.10 CSOs HELP COMMUNITIES ACCESS INFORMATION AND GET THEIR VOICES HEARD

- **CSOs provide advice and assistance to people wishing to access the media**
- **CSOs involved in training journalists and capacity building**

Means of verification

- Evidence of media and CSOs collaborating on advocacy programmes, media literacy programmes
- Media development activity by CSOs

DATA SOURCES

Article 19 – directory of partner organisations worldwide: www.article19.org/work/regions/index.html

Civicus – Worldwide Alliance for Citizen Participation; produces a qualitative civil society index across 35 countries: www.civicus.org

The Communication Initiative: www.comminit.com

Communication for Social Change Consortium: www.communicationforsocialchange.org

Cyberjournalist.net: www.cyberjournalist.net

Independent Media Center – network of collectively run media outlets: www.indymedia.org/en/static/about.shtml

Index on Censorship: www.indexonline.org

International Freedom of Expression Exchange: www.ifex.org

International Press Institute: www.freemedia.at/cms/ipi/

Freedom of Information Advocates network: www.foiadvocates.net/index_eng.html

Media Institute of Southern Africa: www.misa.org

One World Radio: http://radioafrica.oneworld.net

Panos Council – eight worldwide Panos institutes: www.panosparis.org/gb/monde.php

South Asian Free Media Association: www.southasianmedia.net

South East Europe Media Organisation: www.seemo.at

World Association of Community Radio Broadcasters: www.amarc.org

Infrastructural capacity is sufficient to support independent and pluralistic media

KEY INDICATORS

A AVAILABILITY AND USE OF TECHNICAL RESOURCES BY THE MEDIA

5.1 Media organisations have access to modern technical facilities for news gathering, production and distribution

B PRESS, BROADCASTING AND ICT PENETRATION

5.2 Marginalised groups have access to forms of communication they can use

5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

Category 5

Infrastructural capacity is sufficient to support independent and pluralistic media

A. AVAILABILITY AND USE OF TECHNICAL RESOURCES BY THE MEDIA

CONTEXT AND MAIN ISSUES

Meeting the information needs of marginalised groups may require diverse types of infrastructural and technical support in any given country. These may include the provision of digital media technology, production equipment, satellite technology or independent printing presses to allow for efficient news gathering, production and distribution. They may also include lower-tech interventions, such as the means for community-based media to produce and distribute cassette tapes.

At the level of individual media organisations, ICT development may be gauged by indicators such as: the use or absence of multi-platform delivery systems (e.g. making newspapers, radio or TV available online); the capacity for storing and archiving content; the use of ICTs to give citizens a greater voice in the media, and the proportion of journalists with safe, reliable and affordable access to ICTs.

ICT use may also be compared between public, private and community media to ensure there is an appropriate level of development in all sectors, with no one sector lagging behind.

As well as being affordable and accessible, the content of ICTs should be geared to meeting local information needs regarding education, health, agriculture etc, and to democratising access to information and learning for current and future generations.

KEY INDICATORS

5.1 MEDIA ORGANISATIONS HAVE ACCESS TO MODERN TECHNICAL FACILITIES FOR NEWS GATHERING, PRODUCTION AND DISTRIBUTION

- **journalists have secure, reliable and affordable access to ICTs, and are trained to use them effectively**

- **journalists have access to a wide range of reference and archival material**
- **community media are equipped with appropriate technical facilities to reach marginalised communities**
- **adequate printing and distribution facilities are available to print media**
- **media organisations make use of multi-platform delivery systems**
- **public, private and community media use ICTs to generate citizens' engagement with the media**

Means of verification

– Extent to which media use multi-platform delivery systems e.g. percentage of newspapers online, number of broadcasting stations providing streaming feeds online

– Donor reports or reports by other credible agencies on technical capacity of media

– Surveys of journalists on satisfaction with their production tools

– Evidence of archiving: selection criteria for long-term preservation, accessibility to the public

– Evidence of ICTs being used to give citizens a greater voice in the media (debate forums, blogs, citizen reporting, user-generated content)

DATA SOURCES

African Media Development Initiative: www.bbc.co.uk/worldservice/trust/specials/1552_trust_amdi/index.shtml

BBC World Service Trust: www.bbc.co.uk/worldservice/trust

Internews: www.internews.org

International Research and Exchanges Board, IREX – Media Sustainability Index, indicators relating to professional journalism: www.irex.org

UNESCO – Communication and Information Activities – capacity building: http://portal.unesco.org/ci/en/ev.php-URL_ID=19487&URL_DO=DO_TOPIC&URL_SECTION=201.html

B. PRESS, BROADCASTING AND ICT PENETRATION

CONTEXT AND MAIN ISSUES

Quantitative measures are available to determine what proportion of the population has access to newspapers, radio, television, Internet, and fixed and mobile telephony. These may be aggregated to provide composite measures, such as the ITU's *Digital Opportunity Index*.

National data also needs to be disaggregated – where data permits – to determine whether marginalised groups are able to access forms of communication and types of information sources they can use. For example, how do media access and usage patterns vary between men and women? Are marginalised groups effectively prevented from accessing any of the communications platforms? Are communities with high levels of illiteracy well served by non-print media? What are the relative levels of penetration of media in different languages, including on the Internet?

A dynamic approach is essential: where radio is the main source of news and information for marginalised communities, is its reach growing or declining? Is the penetration of public or community-based broadcasters rising or stagnating in comparison to commercial media?

The development of a national ICT policy which encompasses the needs of marginalised groups is crucial. There is no single blueprint for success in overcoming the digital divide between and within urban and rural communities. However, the experience of media development organisations and other international agencies offer some general principles.

A piecemeal approach is far less likely to succeed than one which involves civil society, the media, government and the private sector working in alliance to democratise access to ICTs.

A coherent national ICT strategy requires the involvement of telecommunications operators and Internet service providers to implement it and put in place a pricing policy that takes into account the needs of marginalised communities. It also requires CSOs to mobilise around common aims and help build capacity through professional training and public sensitisation. In addition, judicial or institutional reform may be necessary to ensure coherent ICT regulation. All stakeholders should be involved in developing infrastructure appropriate to local conditions, with the aim of providing lower network costs at higher bandwidth to all communities and especially the most marginalised.

The Multi Sector ICT Dynamic (DMTIC) in the Democratic Republic of Congo provides an innovative example of this collaborative approach to meeting ICT deficiency: http://downloads.bbc.co.uk/worldservice/trust/pdf/AMDI/drc/amdi_drc_full_report.pdf.

KEY INDICATORS

5.2 MARGINALISED GROUPS HAVE ACCESS TO FORMS OF COMMUNICATION THEY CAN USE

- **the public broadcaster is technically accessible nationwide**
- **the state takes positive steps to ensure maximum geographical reach of all broadcasters**
- **non-print media is accessible in communities with high levels of illiteracy**
- **community-based broadcasters or publications have high or growing levels of penetration in their target area**

Means of verification

– Disaggregated statistical and polling data on access to and usage of broadcast and print media

– Levels of state and commercial investment in forms of communication that can be utilised by marginalised groups

– Reports by credible agencies about reach of communications platforms including community media

5.3 THE COUNTRY HAS A COHERENT ICT POLICY WHICH AIMS TO MEET THE INFORMATION NEEDS OF MARGINALISED COMMUNITIES

- **CSOs, media, government and commercial entities work together to make ICTs accessible**
- **pricing policy does not exclude marginalised communities**
- **existence of a digital migration policy and strategy**

Means of verification

- Disaggregated statistical and polling data on access to and usage of ICTs
- Evidence of state collaboration with private and civil society actors to deliver national ICT strategy that meets needs of marginalised groups
- Comparative assessments of pricing policy and structure

DATA SOURCES

African Media Development Initiative: www.bbc.co.uk/worldservice/trust/specials/1552_trust_amdi/index.shtml

CIA World Factbook – country data on communications: www.cia.gov/cia/publications/factbook/index.html

Globescan – global public opinion and stakeholder research: www.globescan.com

International Telecommunications Union: *ICT and Telecommunications in Least Developed Countries: mid-term review for the decade 2001–2010*: www.itu.int/ITU-D/ldc/pdf/ICTand%20TELinLDC-e.pdf

International Telecommunications Union – *World Information Society Report* 2006 (includes the *Digital Opportunity Index*): www.itu.int/osg/spu/publications/worldinformationsociety/2006/wisr-summary.pdf

Media Sustainability Index www.irex.org/msi

Organisation for Economic Co-operation and Development – Measuring the Information Economy: www.oecd.org/document/23/0,2340,en_2649_34449_33987543_1_1_1_1,00.html

Pew Research Center for the People and the Press: http://people-press.org/

Steadman Group (covers sub-Saharan Africa): www.steadman-group.com/research_index.php

UNESCO Institute for Statistics – Questionnaire on Newspaper Statistics: www.uis.unesco.org/ev.php?ID=5831_201&ID2=DO_TOPIC

UNESCO Institute for Statistics – Questionnaire on Radio and Television Broadcasting Statistics: www.uis.unesco.org/ev.php?ID=6554_201&ID2=DO_TOPIC

Wealth of Nations Triangle Index: www.ghfund.com/WNIOverview.php

World Association of Community Radio Broadcasters: www.amarc.org

World Bank: World Development Indicators – The Information Age: http://devdata.worldbank.org/wdi2006/contents/Section5.htm

World Economic Forum – Global Information Technology Report: www.weforum.org/en/initiatives/gcp/Global%20Information%20Technology%20Report/index.htm

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Annex

Decision

26th session of the IPDC Intergovernmental Council

(26-28 March 2008)

Annex

Decision adopted by the IPDC Intergovernmental Council at its 26th session

The Intergovernmental Council,

Having considered and discussed item 8 on the agenda of the 26th session of the Council "Follow-up to the World Summit on the Information Society: Action Line 9: Media", particularly the report on Media Development Indicators elaborated by the Expert Group,

Recalling Article 19 of the Universal Declaration of Human Rights, which states "that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'",

Recalling Resolution 4.6 on the "Promotion of independent and pluralist media" adopted by the General Conference of UNESCO at its 28th session in 1995, as well as Resolutions 34 and 35 adopted by the General Conference of UNESCO at its 29th session in 1997 which "stressed the outstanding importance of and endorsed the declarations" of regional seminars to promote press freedom, and independent and pluralistic media (Windhoek, Almaty, Santiago, Sana'a and Sofia) and invited the members of the Intergovernmental Council of the International Programme for the Development of Communication to take the Declarations into account when selecting the projects that will be financed by this programme,

Recalling also the Geneva Plan of Action and the Tunis Commitment and Agenda for the Information Society, as well as the unanimous decision taken by the participants of the first joint meeting on WSIS Action Line C9: Media convened at UNESCO on 19 October 2006 to designate UNESCO as official Facilitator of this Action Line and to establish two sub-groups: one – "to promote the freedom of expression, press freedom and legislation that guarantees the independence and plurality of the media" and, the second – "to contribute to media development and capacity building",

Stressing the continued relevance of the New Communication Strategy, unanimously adopted by the General Conference of UNESCO at its twenty-fifth session in 1989, which requested the Organization "to encourage the free flow of information, at international as well as national levels, to promote its wider and better balanced dissemination, without any

obstacle to the freedom of expression, and to strengthen communication capacities in the developing countries in order to increase their participation in the communication process",

Stressing that the objective of the International Programme for the Development of Communication (IPDC), as stated in Resolution 75, adopted at the 32nd General Conference in October 2003, is to contribute to sustainable development, democracy and good governance by fostering universal access to and distribution of information and knowledge through strengthening the capacities of the developing countries and countries in transition in the field of electronic media and print press, and in particular to provide support in the following areas:

- Promotion of freedom of expression and media pluralism,
- Development of community media,
- Human resource development,
- Promotion of international partnership,

Noting with satisfaction that the UN General Assembly in its resolution A/62/205 "Information in the service of humanity" adopted on 17 December 2007 reiterated its request "to provide full support for the International Programme for the Development of Communication of the United Nations Educational, Scientific and Cultural Organization, which should support both public and private media",

Endorses in this connection the Media Development Indicators elaborated by the Expert Group and submitted to this Council as an important diagnostic tool for all stakeholders to assess the level of media development in a given country and to thereby determine the areas in which assistance is most needed,

Invites the Bureau of the Intergovernmental Council and other stakeholders working in the area of media development to take these indicators into account when determining support for communication development strategies within the overall context of national development,

Invites the Director-General to share the Media Development Indicators with other UN agencies as an important contribution to define the United Nations' unified approach towards Common Country Assessments (CCA) and the United Nations Development Assistance Framework (UNDAF) in the fields of media development and good governance,

Calls upon all Member States and professional organizations to inform the International Programme for the Development of Communication on their action in the field of media development and in the implementation of the Geneva Plan of Action and the Tunis Commitment and Agenda for the Information Society (Action Line 9: Media).