

PRIORITY CHECKLISTS
STANDARDS AND INSTRUMENTS
TOOLS GUIDES MANUALS
GOOD PRACTICES
REVIEW MECHANISMS
MEASURING EFFECTIVENESS

CleanGovBiz
Integrity in practice

Investigative media

April 2013 (DRAFT)

The CleanGovBiz Initiative supports governments, business and civil society in their efforts to build integrity and fight corruption. The Initiative draws together existing instruments, reinforces their implementation, improves co-ordination among relevant players and monitors progress towards integrity.

The CleanGovBiz toolkit provides guidance on how corruption can best be tackled in different policy areas and offers access to relevant standards and instruments.

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Investigative media

The role of the media is critical in raising public awareness, promoting integrity and detecting and reporting on corruption. Successful action against corruption is dependent on knowledge and information which can be delivered by media. First, media raise public awareness about corruption, its causes, consequences and possible remedies and thus can foster a culture of integrity. Second, media can investigate, detect and report incidences of corruption, bringing corruption cases into the public and provoking judicial judgment on them.

The effectiveness of the media, in turn, depends on access to information and freedom of expression, as well as a professional and ethical cadre of investigative journalists. Governments, media owner and journalists have a shared responsibility to ensure that media can and do effectively contribute to strengthen accountability and curb corruption.

The following questions address what governments can do to provide the adequate legal framework to provide the space for investigative media. The questions are largely inspired from Transparency International's Sourcebook.¹

Within an OECD Integrity Scan, this questionnaire should be addressed to

- the government body or official dealing with the media; and,
- civil society (e. g. a think tank).

¹ Transparency International (2000), TI Sourcebook. Confronting Corruption: The Elements of a National Integrity System, Chapter 14, available at <http://archive.transparency.org/publications/sourcebook>.

Priority checklist

Legal Framework

1. Are freedom of information laws and procedures in place to ensure that members of the public can obtain information from public authorities?
2. If an “Official Secrets Act” or similar legislation is in place, is it only used in exceptional situations, such as those menacing national security, and not as a means to secure censorship of the media by government? What is the procedure for determining whether a specific piece of information may be kept secret?
3. Is freedom of expression ensured and are libel laws used only in adequate cases and not to censor media and curb the dissemination on corruption cases?

Media Ownership

4. Is there a mix of privately-owned and publicly-owned media and is the latter independent from government control as to editorial control? If so, how is editorial independence ensured?
5. Is there competition within the (a) print media, (b) television, (c) radio, (d) web? Do antimonopoly laws exist to secure competition and, if so, are they enforced?
6. Do laws or procedures exist that oblige media owners to reveal their business interests (and business that such owners may have with government) to the public?
7. Do the foreign media have the same rights as the domestic media to cover and report stories?

Investigative Journalism

8. Do laws protect the safety of individual journalists who expose corruption or investigate the interests of powerful private and public sector leaders?
9. Are journalists guaranteed to keep their information sources private? If so, how is this ensured?
10. Have the media put in place any form of self-regulation (e. g. codes of conduct, press councils) to ensure media ethics and accountability?

Implementation guidance

Legal Framework

1. Are freedom of information laws and procedures in place to ensure that members of the public can obtain information from public authorities?

A democracy can only function if the public is informed about the activities of the government and the administration. Likewise, the media can only fulfil its function as watchdog over the government if information from and about public authorities is accessible to the public. Access upon request should be accompanied by unsolicited, routine dissemination of information by the government in order to ensure a minimum level of information. This normally takes the form of publishing, for example, annual reports, budgets, and mandates of government agencies.

Freedom of information laws give the public the right to access information held by public authorities. These laws define the scope of the access rights, i.e. which public bodies fall under the law and which types of documents are accessible, any exceptions (see Question 2 below), and who decides whether a specific case may be classified as such an exception. They should be as comprehensive as possible, with each exception clearly defined.

Freedom of information laws should also state the procedures for accessing information. Access should be granted in a straightforward manner, either via inspection of records or by producing copies. Within a reasonable limit, access should be free of charge to permit all citizens to make use of their 'right to know'. More comprehensive requests may be charged on a cost-recovery basis. Clear timelines should be set, requiring the public authority to comply with requests. Any disputes concerning timely access and release of documents should be handled by an independent body. The boxes below provide further information on what freedom of information laws should address and give an example of how public access can be organised.

Recommendations for Transparent Governance

In 2004, the Commonwealth Parliamentary Association and the World Bank Institute produced 15 recommendations on what freedom of information laws and policies should address.

(1) Right of Access

(1.1) Parliaments should pass as a priority effective access to information legislation, in accordance with these Recommendations, giving everyone a right to access information held by public authorities.

(2) Scope of Application

(2.1) The obligations set out in access to information legislation should apply to all bodies that carry out public functions, regardless of their form or designation. In particular, bodies that provide public services under public contracts should, to that extent, be covered by the legislation. [...]

(3) Routine Publication

(3.1) Public bodies should be required by law to publish and disseminate widely a range of key information in a manner that is easily accessible to the public. Over time, the amount of information subject to such disclosure should be increased.

[...]

The remaining recommendations concern processes to facilitate access, costs, exceptions, inconsistent legislation, records management, new information technologies, addressing the culture of secrecy, publicizing the right to information, role of the independent administrative body, parliamentary oversight of access to information, parliamentary openness, as well as promotional measures.

Source:

www.humanrightsinitiative.org/programs/ai/rti/international/cw_standards/recommendations_for_transparent_governance.pdf

The UK Information Commissioner's Office

In the UK, the Freedom of Information Act and other regulations allow the public to access documents held by public authorities. If a member of the public requires assistance in accessing information, he or she finds help on the website of the Information Commissioner's Office, an independent body established to "uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals".

The website provides advice on how to make and formulate a freedom for information request, how to access your personal information, and how to make a complaint in case the request is refused.

Source: www.ico.gov.uk

- 2. If an "Official Secrets Act" or similar legislation is in place, is it only used in exceptional situations, such as those menacing national security, and not as a means to secure censorship of the media by government? What is the procedure for determining whether a specific piece of information may be kept secret?**

Unless freedom of information legislation is properly implemented, public oversight, which is at least partly ensured through the media, and participation in decision-making cannot function properly. It is therefore imperative to make as many information as possible accessible to the public. However, there will sometimes be cases where doing so could be problematic or even dangerous, for example when information has national security implications.²

It may therefore be necessary to keep certain information secret. This should not be decided at the discretion of the government, but always be defined by a law – in many countries such legislation is called an "Official Secrets Act". This law should clearly and exhaustively list the circumstances in which freedom of information may be restricted. In principle, information held by all public authorities should be accessible, with restrictions only exempting narrowly-defined types of documents. Exemptions for an entire body or authority should not be made.

² See Rick Stapenhurst (2000), *The Media's Role in Curbing Corruption*, World Bank Institute Working Papers, p. 13, for a discussion of permissible reasons for restricting information.

Article 13 of the United Nations Convention against Corruption defines acceptable justifications for keeping information – related to corruption – secret as follows: “freedom [of information] may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary: (i) for respect of the rights and reputations of others; (ii) for the protection of national security or *ordre public* or of public health or morals.”

Examples of Official Secrets Acts

Whereas many countries have official secrets legislation, it is not always a standalone law or called “Official Secrets Act”. For example, Canada used to have an Official Secrets Act, which was then replaced by the Security of Information Act. It can be accessed here: <http://laws-lois.justice.gc.ca/eng/acts/O-5/FullText.html>.

The United Kingdom has an Official Secrets Act as well. The following list of its first eleven sections (out of 16) provides the reader with a quick overview of the act’s structure:

1. Security and intelligence
2. Defence
3. International relations
4. Crime and special investigation powers
5. Information resulting from unauthorised disclosures or entrusted in confidence
6. Information entrusted in confidence to other States or international organisations
7. Authorised disclosures
8. Safeguarding of information
9. Prosecutions
10. Penalties
11. Arrest, search and trial

Source: www.legislation.gov.uk/ukpga/1989/6/contents.

3. Is freedom of expression ensured and are libel laws used only in adequate cases and not to censor media and curb the dissemination on corruption cases?

The media having access to information can only support the fight against corruption if press articles, broadcasts, and online contributions are free from censorship. The government therefore needs to ensure freedom of expression, as defined in Article 19 of the Universal Declaration of Human Rights (UDHR): “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.”

As justified by UDHR Article 29, freedom of expression can be limited. Freedom of expression is often limited by defamation and libel laws to protect from unjustified attacks on others. However, it is important to make sure that exceptions to freedom of expression are narrowly defined in order to protect the privacy of others. Exceptions may not be used in combination with harsh penalties (including imprisonment) that aim to deter the media from reporting on corruption cases. Even non-penal libel laws often result in media self-censorship and must therefore be designed as carefully and clearly as possible.

Licenses can have a detrimental effect on media freedom as well. If the government does not apply solely professional criteria, it can exert undue influence which may result in media self-censorship. As few as possible licensing requirements should therefore be put in place. Broadcasting requires the distribution of frequencies and might thus require licensing, but print and internet media could simply be asked to register, without the government being able to reject it.

With the ever growing relevance of the Internet and social media, it is crucial to ensure that not only traditional media benefit from wide-ranging freedom of expression but also these new forms of disseminating information. Governments should adapt existing freedom of expression legislation, so that its regulations and restrictions apply to the new media. Only then it can be realised what UNESCO neatly summarizes as “freedom of expression off-line applies on-line”³. Issues unique to the Internet, such as filtering of web content, need to be addressed and added to existing legislation.

³ See Dutton, William et al. (2011), Freedom of Connection, Freedom of Expression. The Changing Legal and Regulatory Ecology Shaping the Internet, UNESCO Publishing, Paris, p. 8, and www.unesco.org/new/en/media-services/single-view/news/universal_human_rights_reaffirmed_at_wsis_10_review_event.

Criteria for Press Freedom

The World Press Freedom Committee has been advocating for far-reaching press freedom since the early 1980s. Besides the 1992 Charter for a Free Press, they have also developed a list of 20 criteria to evaluate the level of a country's press freedom. The criteria approach the issue of press freedom quite broadly and therefore touch upon many of the other questions in this chapter.

- “1. Are there restrictive press laws?
2. Who owns the media, print and broadcast? Private, government or both?
3. Are journalists prosecuted for what they write?
4. Are journalists in jail? Reasons
5. Is libel a civil or criminal offense?
6. Are journalists required to have a government-enforced license to work?
7. Do journalists have unrestricted access to government proceedings?
8. Are journalists harassed while covering the news?
9. Does the government pay journalists?
10. Are newspapers or broadcasters subsidized?
11. Is there government-supported censorship? Is there self-censorship?
12. Are there restrictions on the means of production, such as government allocations of paper, control of distribution systems and ownership of printing facilities?
13. Is government advertising allocated fairly?
14. Is there a legally mandated right of reply, which includes government officials?
15. Are insult laws routinely used to shield officials' conduct from public scrutiny?
16. Are courts able to judge news media cases independently?
17. To what extent are media outlets owned by political parties, government-linked entities or others desiring to control content?
18. Are crimes against journalists prosecuted by authorities?
19. Are the activities of government -- courts, legislature, officials, records -- open to the press?
20. Do journalists themselves consider themselves free to write or broadcast the news as they find it?”

Source: www.wpfc.org/index.php?q=node/37#Criteria.

Media Ownership

4. Is there a mix of privately-owned and publicly-owned media and is the latter independent from government control as to editorial control? If so, how is editorial independence ensured?

A plurality of media owners helps to ensure that one single actor – be it an entrepreneur or government – does not dominate public opinion. Relying solely on publicly-owned media makes it difficult to gauge whether reporting on the government, including reporting on government corruption, reflects an unbiased view. “Indira Gandhi famously stated in 1975 that All India Radio was a ‘government organ’, it was ‘going to remain a government organ’. A government organ is unlikely to criticize the government.”⁴ On the other hand, relying solely on privately-owned media may result in media ‘moguls’ who use their position to exert undue influence on reporters and the content of the news.

Therefore, opting for and promoting a mix of both public and private media appears to be the most sensible approach.⁵ Ideally, public and private media would each act as a check on the other, enabling them to perform together the media’s watchdog function.

To further strengthen the independence of the public media, governments should relinquish their influence over what the media report. Article 6 of the Charter for a Free Press consequently stipulates that “[g]overnment media must enjoy editorial independence and be open to a diversity of viewpoints. This should be affirmed in both law and practice.”⁶

⁴ See Arnold, Anne-Katrin and Sumir Lal, Using Media to Fight Corruption, Partnership for Transparency Fund Working Paper Series 1/2012.

⁵ See Stapenhurst, Rick (2000), The Media’s Role in Curbing Corruption, World Bank Institute Working Papers, p. 11.

⁶ See www.wpfc.org/index.php?q=node/11.

The International Research and Exchange Board's Media Sustainability Index

Together with USAID, the International Research and Exchange Board (IREX) has developed the Media Sustainability Index, a tool that aims to measure how well a country's media can fulfil its role as the "fourth estate". One of the five areas covered is dedicated to media variety that contributes to credible reporting. The area's sub-indicators reflect the most relevant requirements for this to happen:

"Multiple news sources provide citizens with reliable, objective news.

1. Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
2. Citizens' access to domestic or international media is not restricted by law, economics, or other means.
3. State of public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
4. Independent news agencies gather and distribute news for media outlets.
5. Private media produce their own news.
6. Transparency of media ownership allows consumers to judge the objectivity of news; media ownership is not concentrated in a few conglomerates.
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.
8. The media provide news coverage and information about local, national, and international issues."

Source: www.irex.org/resource/media-sustainability-index-msi-methodology

5. Is there competition within the (a) print media, (b) television, (c) radio, (d) web? Do antimonopoly laws exist to secure competition and, if so, are they enforced?

This question is closely linked to the one above on the need for a mix of public and private media. Both this mix as well as competition between different media outlets aims to ensure the public is provided with a wide variety of perspectives. Transparency International has explained the relevance of media competition for the integrity context: "A free, privately-owned media is only possible when there is meaningful competition in the media marketplace. Rivalry in the market makes the corrupt newspaper owner fearful of exposure, just as it serves as deterrent to

the corrupt public office holder.”⁷ Since the different types of media fulfil slightly different functions and reach different audiences, it is important to ensure competition within each of them: print media, television, radio, and Internet. Attention should also be paid to the distribution channels, e.g. news kiosks for print media or broadband connectivity for internet media.⁸

Governments can contribute to competition among the media by reducing the share of public media to a reasonable amount while at the same time providing an accommodating legal framework for the private media. Antimonopoly laws should be put in place – and uniformly enforced – to maintain a diversity of ownership.⁹ Governments can further contribute to healthy competition by advocating wages for journalist that pay a living.

UNESCO International Programme for the Development of Communication

“UNESCO assists developing countries in strengthening their communication capacities by developing independent and pluralistic media and improving media access to ICT, in particular through the International Programme for the Development of Communication (IPDC).

The Organization focuses on enhancing the impact of communication and information for development by supporting broad-based participation in media operations. It encourages the development of independent and pluralistic media, especially in conflict and post-conflict areas and in post-disaster situations. In particular, UNESCO supports the setting up of media facilities that can provide non-partisan information, offers advisory services on media legislation and helps in the rebuilding of media infrastructures.

UNESCO's strategy in this area takes into account the possibility of innovative application of ICT to reinforce media pluralism and to address the critical needs for building capacities among media professionals, including women.

UNESCO helps to strengthen the capacities of communication institutions, to improve the training of media professionals and to raise awareness among the public in making best use of communication resources.”

Source: www.unesco.org/new/en/communication-and-information/media-development/communication-for-sustainable-development

⁷ See Transparency International (2000), p. 121.

⁸ See High Level Group on Media Freedom and Pluralism (2013), p. 23.

⁹ See Stapenhurst (2000), p. 11.

6. Do laws or procedures exist that oblige media owners to reveal their business interests (and business that such owners may have with government) to the public?

With their influence over print, broadcasting, or major news websites, media owners can shape public opinion. For the public to evaluate the objectivity of specific media outlets and for the government to evaluate media diversity, business interests of media owners should be transparent and accessible to all. If the media owner does business with the government, transparency is even more relevant to prevent any form of undue political influence.

Media owners should therefore be required by law to disclose their business interests to an independent regulator, directly to the public, or ideally to both. In case of multiple owners, this requirement should apply to all owners with a considerable stake in the media company.¹⁰ Arguments that information on shareholder structures would not help the public as they might be too complex are unfounded. The publication of this information would allow law enforcement or investigative journalists to look for and detect illicit behaviour.

Access Info Europe¹¹ suggests that the following information be made public so that ownership can be established:

- “Name, address and contact details of media outlet
- Name and contact details of the owner
- Beneficial ownership
- Those with an indirect control or significant interest of a media outlet
- Size of shareholding over 5% threshold
- Interests of owner in other media organizations
- Interests of owner in non-media organizations

¹⁰ For more detailed recommendations, please see Access Info Europe (2012), Transparency of Media Ownership in Europe, available at www.opensocietyfoundations.org/sites/default/files/Transparency_Media_Ownership_Europe_20121217_0.pdf.

¹¹ Ibid.

- Subsequent changes in ownership (resulting from a merger or acquisition by other entities, etc.)
- Sources of media revenue”

Presenting and Using Information on Ownership

An example of how information on media ownership can be processed in order to provide readers with a simple overview of media concentration is Free Press’s website ‘Who Owns the Media’.

The website does not name the people behind the companies, nor does it seem to list the companies’ complete non-media interests, but it does list the major US news corporations’ stake in the media market, thus providing information on the concentration of the US media market. This could serve as a model for more even more comprehensive illustrations of media ownership in the future.

On a case by case basis and not limited to media ownership, business persons’ stakes in or relations to other companies are successfully analysed by investigative journalists. The ‘Organised Crime and Corruption Reporting Project’, for example, used this type of information to reveal insider deals in Azerbaijan’s Transport Ministry.

Source: www.freepress.net/ownership/chart and <https://reportingproject.net/occrp/index.php/en/ccwatch/cc-watch-indepth/1907-azerbaijan-insider-deals-thrive-in-ministry>.

7. Do the foreign media have the same rights as the domestic media to cover and report stories?

Reforming the domestic media landscape can be a lengthy and cumbersome process. Especially in former authoritarian regimes, where independent private media were only recently allowed and public media lack experience in exercising their watchdog role, foreign media can help speed up the development. More generally, foreign media add different viewpoints and focus on other topics, thus adding to the diversity of the media landscape. In the context of increasing integrity, foreign media and media operating across borders might be better positioned to discover internationally-operating corruption schemes.

For foreign media to be able to fulfil their role, they need to enjoy the same rights as domestic media. Principle 8 of the Charter for a Free Press stipulates that

“[n]ational frontiers must be open to foreign journalists. Quotas must not apply, and applications for visas, press credentials and other documentation requisite for their work should be approved promptly. Foreign journalists should be allowed to travel freely within a country and have access to both official and unofficial news sources, and be allowed to import and export freely all necessary professional materials and equipment.”

Suggestions for a fitting example or an interesting case study would be very welcome.

Investigative Journalism

8. Do laws protect the safety of individual journalists who expose corruption or investigate the interests of powerful private and public sector leaders?

Investigating corruption can be a very dangerous undertaking. According to the Committee to Protect Journalists, 978 journalists have been killed between 1992 and April 2013, 20% of which were investigating corruption.¹² Many more are being injured, harassed, threatened or illegally detained¹³. Governments should redouble their efforts, including legislative ones, to protect journalists.

Another important factor for protecting journalists is to stop impunity and to prosecute those who have attacked journalists in the past. In about 90% of the cases, perpetrators are not charged for their crime.¹⁴ Governments should make sure that attacks on journalists are publicly condemned and adequately prosecuted. If necessary, law enforcement needs to be given additional resources.

UNESCO and OSCE undertake many efforts to improve the safety of journalists. For more information, please visit [www.unesco.org/new/en/communication-and-](http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists)

¹² See <http://cpj.org/killed>.

¹³ See www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists.

¹⁴ See UNESCO (2012), United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, p. 1.

[information/freedom-of-expression/safety-of-journalists](#) and have a look at OSCE's Safety of Journalist Guidebook: www.osce.org/fom/85777.

International Day to End Impunity

The impunity issue has become so problematic that IFEX, a global network for defending and promoting free expression, has instituted the 'day to end impunity'.

"The International Day to End Impunity, launched on 23 November 2011, marks the anniversary of the 2009 Ampatuan massacre in the Philippines, when 32 journalists and media workers were murdered.

The goal of the Day is to achieve justice for those persecuted for exercising their right to freedom of expression by drawing global attention to the issue of impunity.

The Day not only raises public awareness about what creates and sustains a culture of impunity, it also prompts concerned citizens world-wide to take action, make their voices heard and demand justice."

Source: <http://daytoendimpunity.org>.

9. Are journalists guaranteed to keep their information sources private? If so, how is this ensured?

It can be dangerous for members of the public to provide journalists with information, especially if that information denounces serious misbehaviour or pertains to corruption. That is why people often only agree to speak up anonymously. The journalists can then use the information but will not make the name of this source public. However, once a corruption case has been brought to light by a journalist, law enforcement has an incentive to discover the anonymous source(s). While the source might indeed be valuable for the case in question – either by providing additional information or through being a witness in court – forcing the journalist to reveal the source would often be short-sighted. With chances being high that anonymity might be lifted, less people will risk disclosing information to journalists in the future. Revealing sources limits the ability of people to impart information and reduces the ability of the public to receive

information, both of which are rights granted by Article 19 the Universal Declaration of Human Rights.

Journalistic sources should therefore be protected by law. This should not only include the journalists' contact persons but also their own workspace and research. Exceptions should only be granted by a judge and only for "key witnesses and serious crimes".¹⁵ It is very important to clearly specify those restrictions, so that journalists can reliably inform their potential sources about the risks involved.

In 2000, the Council of Europe issued a recommendation of how to design legislation to protect journalistic sources¹⁶. Permissible exceptions were defined as follows:

"The disclosure of information identifying a source should not be deemed necessary unless it can be convincingly established that:

- i. reasonable alternative measures to the disclosure do not exist or have been exhausted by the persons or public authorities that seek the disclosure, and
- ii. the legitimate interest in the disclosure clearly outweighs the public interest in the non-disclosure, bearing in mind that:
 - an overriding requirement of the need for disclosure is proved,
 - the circumstances are of a sufficiently vital and serious nature,
 - the necessity of the disclosure is identified as responding to a pressing social need, and
 - member states enjoy a certain margin of appreciation in assessing this need, but this margin goes hand in hand with the supervision by the European Court of Human Rights."

¹⁵ Nuutila, Ari-Matti (2013), Key findings of the initial desk review of existing measures, practices and experiences on UNCAC, Presentation held during the International Expert Group Meeting on Promoting Responsible and Professional Reporting on Corruption, Vienna, 10 April 2013, Slide 7.

¹⁶ Council of Europe (2000), Recommendation No. R (2000) 7 of the Committee of Ministers to member states on the right of journalists not to disclose their sources of information, available at <https://wcd.coe.int/ViewDoc.jsp?id=342907&Site=CM>.

Case Law on the Protection of Journalistic Sources

The European Court of Human Rights has published a Fact Sheet on the Protection of Journalistic Sources. Referring to Article 10 (Freedom of expression, including protection of sources) of the European Convention on Human Rights, the fact sheet lists disputes concerning the revelation of journalistic sources brought before the Court.

For each case, the fact sheet provides a quick description and its ruling. This non-exhaustive document might therefore be of interest to investigative journalists and potential sources.

Source: www.echr.coe.int/NR/rdonlyres/0856B8A0-D3A1-47B4-B969-6250E84F9F3D/0/FICHES_Protection_des_sources_journalistiques_EN.pdf.

10. Have the media put in place any form of self-regulation (e. g. codes of conduct, press councils) to ensure media ethics and accountability?

The earlier questions have shown that the government needs to put in place a variety of measures to allow the media to fulfil their role. At the same time, the media should ensure that they exercise this role in an ethical and accountable manner. This should be regulated by the media themselves to avoid any suspicion of government influence. A government-imposed mandatory code of conduct, for example, could be perceived as and indeed constitute a form of censorship.

Possible ways to ensure media ethics include codes of conduct, designed by the media themselves, and press councils. Codes of conduct are often applied at the company level and should be accessible online. A selection of ethics codes that might illustrate which elements are usually covered by those codes can be accessed at www.journalism.org/resources/ethics_codes.

Press councils can help to promote media ethics, e. g. through specialised trainings, requiring a media outlet to run a correction, or through developing and upholding codes of conduct. They also contribute to the media's accountability by handling complaints from the public. For example, the Australian Press Council defines its role as being "responsible for promoting good standards of media practice, community access to information of public interest, and freedom of expression through the media." The Council "is also the principal body with

responsibility for responding to complaints about Australian newspapers, magazines and associated digital outlets.”¹⁷

The Report of the High Level Group on Media Freedom and Pluralism

In 2011, the European Commission established an independent High Level Group on Media and Pluralism. Its mandate “was to draw up a report for the Commission with recommendations for the respect, protection, support and promotion of pluralism and freedom of the media in Europe.”

One of the group’s recommendations, presented to the Commission in January 2013, concerned codes of conduct: “To ensure that all media organizations follow clearly identifiable codes of conduct and editorial lines, and apply the principles of editorial independence, it should be mandatory for them to make them publicly available, including by publication on their website.”

Source:

http://ec.europa.eu/information_society/media_taskforce/doc/pluralism/hlg/hlg_final_report.pdf.

¹⁷ See www.presscouncil.org.au.

Further Resources

INSTRUMENTS AND STANDARDS

Universal Declaration of Human Rights, Article 19

United Nations Convention against Corruption, Article 13

Charter for a Free Press (1992)

The Johannesburg Principles on National Security, Freedom of Expression and Access to Information (1995)

Commonwealth Parliamentary Association and World Bank Institute, Recommendations for Transparent Governance (2004)

TOOLS, GUIDANCE, MANUALS

Conference of the State Parties to the UN Convention against Corruption, Promoting Responsible and Professional Reporting on Corruption on the Basis of the United Nations Convention against Corruption (UNCAC), Draft 7 April 2013, Vienna.

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