

Media Law Dos and Don'ts

Dos:

- Protect the right of journalists to freedom of expression.
- Prohibit prior censorship of media outlets and administrative seizure of newspapers, and provide for sanctions for those who intentionally breach these rules.
- Guarantee the right of journalists to protect the secrecy of their confidential sources of information.
- Guarantee the right of journalists freely to form unions and other associations to advance their interests.
- Ensure that journalists have access to limited space venues – such as Parliament and the courts – through a fair system of accreditation based on objective criteria.
- Provide alternative redress to those whose legal rights have been breached by the media through the rights of correction and reply.
- Repeal provisions in other laws which contain rules which contradict the above.

Mays:

- Establish an independent oversight body, whose membership is controlled by media organs, to develop a code of conduct for the media and to hear complaints that the code has been breached, with limited powers to order media outlets to carry statements recognising that they have breached the code in appropriate cases.
- Impose a technical registration requirement on the print media, as long as the rules do not allow for registration to be refused and are not unduly onerous.

Don'ts:

- Impose civil or criminal-type rules relating to media content.
- Impose obligations on journalists to join any particular union or association.
- Impose conditions on who may practise journalism or be an editor or owner.
- Impose media-type regulation on the Internet.
- Provide for a right of reply beyond cases where the legal rights of claimants have been breached.
- Impose a licensing regime for the print media, or either a licensing or registration regime for journalists.
- Establish regulatory bodies that are not independent of government or give officials powers to intervene in the media.
- Impose particular internal organisational structures on media outlets.
- Provide for takeovers of media outlets during emergencies or require media outlets to carry statements by political figures.