

2020

Media Reform Roadmap for Sudan



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Introduction

Following the signing of the August 2019 Interim Constitutional Declaration and formation of the transitional government, the Minister of Culture and Information engaged UNESCO Khartoum office to conduct a review of the state of the media sector in Sudan using the UNESCO Media Development Indicators (MDI). The purpose of the project, in accordance with UNESCO's mandate, is:

To accompany Sudan in the process of democratic transition by contributing to the development of free, independent and pluralistic media through a comprehensive Assessment Report on the national media landscape based on UNESCO's Media Development Indicators and the provision of a Roadmap for Media Reform.

The objective of the Media Landscape Assessment is to identify gaps to be addressed, and to provide recommendations for policy, law and regulatory reform. The objective of the Media Reform Roadmap is to list appropriate tasks and sequence them for the implementation. The main gaps to be addressed are summarized below followed by the recommended priority areas for action by government and an indicative list of priorities for support by NGOs and international partners. It is further noted that the constitutional reform process provided for in the Constitutional Declaration 2019 to be conducted over the next three years provides an opportunity to review and strengthen Sudan's foundational guarantees of media freedom and the right to freedom of expression.

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Gaps to be addressed

Legal and regulatory framework

The Interim Constitutional Declaration has weak guarantees of the right to freedom of expression and the legal and regulatory framework currently in place is not consistent with those guarantees or with international human rights standards including treaties to which Sudan is a signatory. Substantial reform is needed to align Sudan's media laws with international standards including amendment or repeal of existing laws and the introduction of new laws. The authorization of new radio and television services and the regulation of broadcasting in Sudan remains under government control. The Sudanese Radio and Television Corporation lacks a statutory legal framework to assure editorial independence. Journalism has been constrained by laws and practices which have been misused to suppress the reporting of news and opinion that is critical of the authorities, including the use of criminal

defamation laws, prior censorship of newspapers, and editorial interference by the security services in the broadcast media. There is no functional access to information law.

Media plurality and diversity

There is a lack of plurality in the media. Broadcasting has been dominated by government-controlled services. Most of the private broadcasters and a large proportion of the press remain owned by those close to the former ruling party. There is a need to diversify the media landscape through the introduction of new media owners including independent private media and community media, while ensuring editorial independence and ethical journalism including fairness and accuracy in reporting. There is a need to promote greater diversity of content including culture and languages and to increase the range and diversity of local media outside the capital including in rural areas.

Media as a platform for democratic debate

There has been a lack of open democratic debate in the media, complementing by an absence of appropriate effective and efficient social practices and generally accepted rules of conduct during such debates, although this has changed to some extent since the fall of the previous regime and the appointment of the transitional government. Much more needs to be done to increase the quality of democratic debate in the public media and to support new voices in the media landscape that add to the range of opinions and expression.

Education, skills and employment

The higher education curriculum is in need of substantial modernization with better access to practical skills alongside media theory. Critical understanding of the media, including social media, has been absent from the school curriculum. There is no system in place for the continuing training and professional development of journalists. There has been a crisis of legitimacy for the official journalists' association due to it not being sufficiently independent from the former ruling party. Journalists, especially women journalists, experience low levels of pay and poor conditions of work including harassment in the workplace. Safety of journalists is a concern particularly in conflict areas and there is no national mechanism in place for the safety and protection of journalists. There has been a lack of access to continuing professional development for journalists and other media workers. Civil society organizations lack capacity to work effectively with the media sector.

Infrastructure

There is a need for significant investment in and modernization of public broadcasting equipment and facilities to increase technical quality and to improve the production environment. Outdated production equipment in public radio and TV contributes to low technical and creative standards. There is a lack of good local and regional media infrastructure outside of Khartoum and a lack of choice and quality in the range of services available. There is a need to increase the reach and diversity of broadcast media relevant to populations in the regions including rural areas. Mobile and internet infrastructure is widespread but there is a significant digital divide with rural and low income communities remaining at risk of exclusion from communications and data services.

Priority areas for government action

1. *Legislative and regulatory reform*

- 1.1 Establishment immediately of a transitional “Commission for Media and Information Reform” composed of independent experts from media, law and academia. The purpose of such a transitional commission would be to advise on new media laws, to provide independent scrutiny of existing public bodies with responsibilities in the media field, and to consider and make interim recommendations on proposals for the licensing of new broadcasting services. This Commission would be of a temporary nature for a fixed term to be replaced, after enactment of legislation, by (a) an independent and permanent authority for the regulation of broadcasting; (b) a new public corporation to oversee Sudanese radio and TV; (c) a self-regulatory body for press regulation and (d) an independent oversight mechanism on access to information.
- 1.2 Drafting of a new law for the independent regulation of broadcasting with a principle objective to serve the public interest with a range and diversity of public, private and community media in all regions of the country and providing for an independent regulatory body for broadcasting responsible for the authorization of broadcasting services and overseeing development of and compliance with a broadcasting content code including rules on fairness and accuracy.
- 1.3 The planning and allocation of frequencies assigned to broadcasting in the national frequency plan to be placed under the control of the independent regulatory body for broadcasting.
- 1.4 The adoption of policy, legal and regulatory measures to ensure independently governed and transparent funding and technical resources for the development of community media including the use of spare capacity on FM radio.
- 1.5 Legislative and regulatory measures to ensure transparency of media ownership, including the ultimate control of media organizations, and to prevent excessive media concentration.
- 1.6 Drafting of new legislation to establish Sudanese Radio and TV as a public corporation with a guaranteed mechanism for financing of its core activities and an oversight board that is independent of government and reflects a diversity of interests and experience.
- 1.7 Legislative amendments to remove or replace laws that are not consistent with international human rights standards and which have been used to suppress media freedom and to criminalize journalists including the relevant articles of the Criminal Act 1991, the National Security Forces Act 2010 and the Informatic Offences (Combating) Act 2007.
- 1.8 Repeal of the Press and Publications Act 2009 and replacement with a new law guaranteeing press freedom, protection of journalists and a mechanism for self-

regulation of the press and journalism that is designed to promote ethical practices and professional standards.

- 1.9 Drafting of a new law to provide guarantees on access to information held by public authorities together with the setting up of an independent oversight mechanism drawing, for example, on the recommendations of the Model Law for Access to Information in Africa 2013.

2. Institution building and restructuring

- 2.1 Operational establishment of and vesting of powers in the new independent regulatory authority, with a governance structure autonomous to the Executive branch of government, for broadcasting with sufficient resources to employ a high level professional team to administer the licensing of broadcasting services and to regulate content standards.
- 2.2 Restructuring of Sudanese Radio and Television Corporation to place existing facilities, personnel and other resources under a new public broadcasting corporation with guarantees of editorial independence from the government and the promotion of fair and accurate reporting.
- 2.3 Measures to be adopted to ensure the appointment of the directors of the public media is through an open and transparent process, based on merit and independent of government.
- 2.4 Support for journalists, media managers, and all other types of media workers, who work in the press and electronic publishing, to put in place a system of self-regulation consistent with international norms and standards.
- 2.5 Operational establishment of a new Information Commissioners Office with administrative systems and decision-making process to adjudicate on matters of access to information.
- 2.6 Measures to be developed and implemented to encourage the media to reflect the ethnic, religious, cultural and political diversity of society and to ensure giving a voice to the most marginalized.
- 2.7 Measures to be developed and implemented to promote the equal representation of women at all levels of the media, including management and government levels.
- 2.8 Processes should be put in place to measure press circulation and broadcast audience reach, as well as statistics about use of Internet services and platforms, with independent audit and publishing.
- 2.9 Creation of an independent agency to oversee state advertising according to non-political criteria, that are clear, fair, transparent and objective.

- 2.10 Measures to be adopted to reduce or suspend current taxes and tariffs on private newspapers pending a comprehensive review into the economic conditions of print and publishing (UNESCO's Media Viability Indicators are a useful tool here)

3. Education, training and employment

- 3.1 Media literacy and practical media skills should be embedded in youth work and the school curriculum to promote critical awareness and understanding of media and communications.
- 3.2 Comprehensive review of the higher education curriculum for the media to promote specialism in journalism, to develop critical thinking, to nurture practical skills including digital production, and to develop a new generation of journalists, media producers and media managers.
- 3.3 Support for continuing professional development across the media sector including development of professional standards and support for training centers to improve journalistic standards and to develop a culture of democratic journalism serving the public interest.
- 3.4 Economic measures in supporting media should be administered transparently and by an agency independent of the Executive branch of government, covering such issues as a media viability, and improving living and working conditions for journalists and other media workers.
- 3.5 Adoption of measures to assure the safety of journalists particularly but not limited to those working in conflict conditions and including relevant training for police, military and security services and special mechanisms for the quick reaction and comprehensive investigation of attacks on journalists.

4. Investment in technical infrastructure

- 4.1 Support should be provided for the upgrading and modernization of the public broadcasting facilities to increase the technical quality and to improve the production environment.
- 4.2 Support should be provided to extend the coverage of existing local radio services accompanied by commitments from these services to better reflect the diversity of their audiences.
- 4.3 The telecommunication companies should be required, as a condition of their licenses, to meet ambitious targets for the roll out of 4G mobile to all parts of the country including rural areas.
- 4.4 In parts of the country where significant humanitarian relief operations, the telecommunication companies should provide free mobile access including data services for IDPs and refugees.

Priorities for NGOs and international partners

- 5.1 Technical support for media law reform and institutional capacity building.
- 5.2 Support for an independent civil society body to undertake systematic monitoring of freedom of expression violations and to produce regular published reports and analysis.
- 5.3 Support for the development of professional organizations including training and capacity building to enable them to better serve the interests of journalists and other media workers.
- 5.4 Training to ensure safety of journalists, media workers and media organizations against threats, harassment and physical assault, especially women and those working in conflict conditions.
- 5.5 Training and capacity building to improve journalism standards including specialisms.
- 5.6 Training and support for the development of women moving into media management.
- 5.7 Support independent media start-ups – print, radio, TV and online – including community media and access to the media for rural and low income communities and for IDPs/refugees.
- 5.8 Support for civil society actors working in media monitoring and media development.
- 5.9 Supporting production of media content that promotes public debate and civic engagement.
- 5.10 Supporting media / civil society co-productions that contribute to peace building, social and economic development, health and wellbeing, cultural diversity, environmental protection
- 5.11 Strengthening of the media production and distribution infrastructure outside Khartoum

Constitutional reform

- 6.1 Chapter 2 of the Constitutional Declaration 2019 specifies the functions of the transitional period as including establishing mechanisms to prepare for writing a permanent constitution and to hold a constitutional convention. This process should include review and strengthening of constitutional provisions on human rights consistent with international law and including the strengthening of constitutional guarantees of the right to freedom of expression. Matters to consider include (a) ensuring the primacy of international law as set out in treaties to which Sudan is a signatory; (b) strictly limiting the constraints on freedom of expression to those matters which are permissible in international law; and (c) provision to confer constitutional status to guarantee the independence of the proposed regulatory body for broadcasting.

Indicative timeline for government action

Action \ Timeline	2020 M7 – M12	2021 M1 – M12	2022 M1 – M12	2023 M1 – M12
1. Legislative and regulatory reform				
1.1 Establishment of a transitional “Commission for Media and Information Reform”				
1.2 Drafting and adoption of a new law for the independent regulation of broadcasting				
1.3 Frequency allocation for broadcasting to be assigned to the broadcasting regulator				
1.4 Policy, legal and regulatory measures to promote community media				
1.5 Legislative and regulatory measures to ensure transparency of media ownership				
1.6 Drafting and adopting of a new law on Sudanese radio and TV				
1.7 Repeal of laws used to suppress media freedom and to criminalize journalists				
1.8 Repeal of the Press and Publications Act 2009 and replacement with a new press law				
1.9 Drafting of a new law to provide guarantees on access to information				
2. Institution building and restructuring				
2.1 A new broadcasting regulator established with a diverse and independent board				
2.2 Restructuring of Sudanese Radio and Television Corporation				
2.3 Open and transparent appointments process for directors of the public media				
2.4 Journalists and media managers supported to put in place a system of self-regulation				
2.5 Operational establishment of new Information				

Commissioners office				
2.6 Promotion of ethnic, religious, cultural and political diversity in the media				
2.7 Promotion of gender equality in the media including in management and governance				
2.8 Measuring press circulation and broadcast audience				
2.9 Independent agency to oversee state advertising according to non-political criteria				
2.10 Reduce or suspend taxes and tariffs on private newspapers pending a review				
3. Education, training and employment				
3.1 Media literacy and practical media skills embedded in youth work and schools				
3.2 Comprehensive review of the higher education curriculum for the media				
3.3 Support for continuing professional development across the media sector				
3.4 Economic measures to improve a media viability, living and working conditions for media workers.				
3.5 Measures to assure the safety of journalists including those working in conflict zones				
4. Investment in technical infrastructure				
4.1 Upgrading and modernization of the public broadcasting facilities				
4.2 Extend the coverage of existing local radio services				
4.3 Increase targets for the roll out of 4G mobile to all of the country including rural areas				
4.4 Support humanitarian relief by ensuring free mobile services for IDPs and refugees				