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INFORMATION AFFAIRS AUTHORITY, ON BEHALF OF THE GOVERNMENT OF BAHRAIN**

BICI RECOMMENDATIONS NO 1724(A-C) & 1725(B)

MEDIA REFORM PLAN

(MRP)

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I. Introduction

A. The Guiding Principles of the Media Reform Plan

The Information Affairs Authority (*IAA*) has developed the Media Reform Plan (*MRP*) as part of the continued implementation of the Kingdom of Bahrain’s media strategy for 2011-2016. The media strategy was introduced by the IAA in June 2011, with the first main strategic objective to accomplish social partnership through “consolidating the principles and values of the national identity” in media programs, and develop common values on the basis of respect, professional commitment, quality, creativity and cooperation.

The global media landscape is in full transformation. Legislation and regulation relative to the media practices must evolve simultaneously with technological innovation and the changing habits of society. The government of the Kingdom of Bahrain (*GoB* or *Bahrain*) has decided to provide the Kingdom with a new legislative and statutory framework which takes these evolving behavioral patterns into account.

This new framework should also be accompanied by the recognition and implementation of the recognized international standards of professionalism expected of all journalists. In order to guarantee the independence of journalists and to encourage pluralism in media content generally, the regulation of the media sector will be entrusted to an independent authority.

As the Media Experts highlighted, “[t]his policy can—and must— be implemented, while taking into account the specificities that apply to Bahrain: respect for the monarch, the State religion, and the integrity of the national territory. It must also be inspired by the country’s tradition of openness and respect for other cultures and beliefs.”

These reforms will be implemented **as soon as possible**, in order to contribute to the process of national reconciliation and to promote the anticipated economic growth by the creation of private channels and the opening of the Media City.

B. Background to the MRP

In preparing the MRP, the GoB carefully considered the BICI Recommendations No 1724(a-c) and No 1725(b), the Recommendations of the National Commission and the Recommendations of the Media Experts.

1. BICI Recommendations

No 1724(a-c)

(a) To consider relaxing censorship and allowing the opposition greater access to television broadcasts, radio broadcasts and print media. The continuing failure to provide opposition groups with an adequate voice in the national media risks further polarising the political and ethnic divide.

(b) To establish professional standards for the media and other forms of publications that contain an ethical code and an enforcement mechanism, designed to uphold ethical and professional standards in order to avoid incitement to hatred, violence and intolerance, without prejudice to internationally protected rights of freedom of expression.

(c) To undertake appropriate measures including legislative measures to prevent incitement to violence, hatred, sectarianism and other forms of incitement which lead to the violation of internationally protected human rights, irrespective of whether the source is public or private.

No 1725(b)

In general, the Commission recommends to the [Government of Bahrain] GoB the development of a national reconciliation programme that addresses the grievances of groups which are, or perceive themselves, to be deprived of equal political, social and economic rights and benefits across all segments of Bahrain's population.

2. Recommendation of the National Commission

The National Commission was established pursuant to BICI Recommendation No 1715 “with a view to making recommendations to the legislature for appropriate amendments to the existing law and the development of new legislation, in particular with respect to legislative reforms as contained in this recommendation.” The Chairman of the National Commission is Mr Ali Saleh Al Saleh, who also the Chairman of the Shura Council.

The National Commission has formulated the following recommendations with regard to Recommendation No 1724(a-c):

1724 - The Commission makes the following recommendations with regard to <i>media incitement issues</i> .	
Resolutions of the National Commission	Response of the Esteemed Government
Providing the National Commission with the actions taken or to be taken in the future to implement this recommendation. This was stated in each item of this recommendation.	
<i>A) To consider relaxing censorship and allowing the opposition greater access to television broadcasts, radio broadcasts and print media. The continuing failure to provide opposition groups with an adequate voice in the national media risks further polarising the political and ethnic divide</i>	
Resolutions of the National Commission	Response of the Esteemed Government
Providing the National Commission with the actions taken or to be taken in the future to implement this recommendation. The resolution was made on 24 December 2011, and a letter was sent to HH Deputy Prime Minister on 25 December 2011.	- In process of being implemented. The GoB and the IAA have taken the initiative. French media experts were assigned to provide proposals to the GoB, as well as consultations related to the development of professional standards for the Bahraini media, in addition to the amendment of media laws and regulations to ensure compliance with international standards. These experts are part of IMCA, a well-known media consultant, headed by Pascal Joseph, who is considered to be a highly experienced organizer. He held many top level positions, including CEO of French television channel TF1, and French Radio and Television. He will be assisted by Didier Saboh, former Deputy Director of French Ministry of Telecommunications and Secretary General of the French Television. The team will include experts in the field of state of the art digital technology, radio broadcasting, audience measurement and analysis. IMCA helped many countries through their transitional phases to achieve media openness. IMCA had in particular worked with 11 governments in Eastern and Central Europe to reform their laws and management plans in compliance with the highest international standards, a prerequisite for the accession of those countries to the European Union. The experts will be in Bahrain for a period of one week starting Sunday 22 January 2012. The response was given on 10 January 2012.
Approval of the following items: 1. Assigning the Media Affairs Authority to develop a national media strategy based on consolidating common national values and calling for reconciliation in all aspects which contribute to the benefit and development of the country. 2. Adopting a fair, professional and balanced media policy towards the opposition, by ensuring that the media adopts points of view related to expediting reform at the legislative and executive levels, and catering to more of the living requirements of citizens. The official media organizations should announce the programmes to gain the confidence of citizens. This cannot be done without allowing all the political and social powers which constitute Bahraini society to appear in the official local media. 3. Diagnosing and remedying any government discrepancies towards	

<p>citizens through television and radio programmes.</p> <p>4. Covering seminars and events organized by political associations, focusing on their content in the media, and addressing them objectively. This would give the all parties responsibility of addressing those issues, provided that such actions are in compliance with Bahrain's Constitution and applicable laws.</p> <p>5. Qualifying media personnel to gain skills commensurate with international standards, in order to create specialized media expertise, focusing in the coming period on personnel concerned with political and social affairs to ensure their neutrality and mature performance.</p> <p>6. To stop all actions which could incite sectarian feuds and conflicts in official media. The resolution was made on 27 December 2011, and a letter was sent to HH Deputy Prime Minister on 3 January 2012.</p>	
<p>Further to the letter of HH Deputy Prime No. NRW/34/2012 dated 10 January 2012:</p> <p>*Arrangements for certain National Commission members to meet with the delegation of French media experts to discuss and clarify any ambiguities pertaining to the implementation of media related recommendations. The resolution was made on 17 January 2012, and a letter was sent to HH Deputy Prime Minister on 18 January 2012.</p>	<p>A meeting will be held on 25 January 2012 between a group of National Commission members and the French media delegates. The response was given on 24 January 2012.</p>
<p>The National Reconciliation Team made several decisions to be presented at the main Commission meeting to be held on 24 January 2012, as follows:</p> <ul style="list-style-type: none"> • The team emphasized the importance of meeting with the IMCA experts appointed by the GoB to provide proposals and consultations to closely identify the nature of their mandate in developing professional standards for Bahraini media, and amending media supervisory laws and regulations in compliance with international standards. 	

<ul style="list-style-type: none"> • The team recommends writing to the GoB requesting information on action taken to diagnose and rectify GoB remissness vis-à-vis citizens in television and radio programs, as provided in National Commission proposals for the implementation of the aforementioned recommendation. • On media supervision, the team proposed writing to the esteemed GoBt, to follow up the Commission's views on the implementation of the aforementioned recommendation, to reduce censorship of websites. 	
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<p><i>B) To establish professional standards for the media and other forms of publications that contain an ethical code and an enforcement mechanism, designed to uphold ethical and professional standards in order to avoid incitement to hatred, violence and intolerance, without prejudice to internationally protected rights of freedom of expression.</i></p>	
Resolutions of the National Commission	Response of the Esteemed Government
<p>Providing the National Commission with the actions taken or to be taken in the future to implement this recommendation. The resolution was made on 24 December 2011, and a letter was sent to HH Deputy Prime Minister on 25 December 2011.</p>	<p>- In process of being implemented. As aforementioned, the team of experts will review this organizational aspect of the media as provided in the recommendations of the report (See Comments in 1724(A)). The response was given on 10 January 2012.</p>
<p>Approval of the following items:</p> <ol style="list-style-type: none"> 1. To expedite the process of issuing draft laws on the regulation of the print, audio and visual printing and publishing industry, both traditional and electronic, to consolidate the constitutional principle guaranteeing the freedom of expression, without prejudice to the unity of the people, and without inciting sectarian division, taking into consideration the events which took place in Bahrain and resulted in the existing sectarian prejudice, in which information and social media played a role. This item is to be moved to become Item 7 of Paragraph (A) of Recommendation No. 1724. 2. To urge the Bahrain Journalists Association to formulate and adhere to a media code of ethics designed for the national reconciliation phase, to encourage writers to promote public opinion calling for reconciliation and tolerance and rejecting division and extremism, emphasizing the necessity of compliance by all journalists. 	

<p>3. To emphasize joint causes which consolidate national unity and call for sectarian tolerance, shedding more light on such causes in all programs and reconciling differences.</p> <p>4. To re-organize official media agencies, and attract information and media talent capable of building a media organization that meets international standards in this field. The resolution was made on 3 January 2012, and a letter was sent to HH Deputy Prime Minister on 4 January 2012.</p>	
<p>The National Reconciliation Team made several decisions to be presented at the main Commission meeting to be held on 24 January 2012, as follows:</p> <p>1. On expediting action to issue draft laws for the regulation of the print, audio and visual printing and publishing industry, both traditional and electronic, to consolidate the constitutional principle guaranteeing the freedom of expression, without prejudice to the unity of the people, and without inciting sectarian division, taking into consideration the events which took place in Bahrain and resulted in the existing sectarian prejudice, in which information and social media played a role.</p> <p><u>The Teams Comment:</u></p> <ul style="list-style-type: none"> • To review a copy of the draft laws related to regulation of the printing and publishing industry, in order to assess the extent of their achievement of the objective of the recommendation. <p>2. On urging the Bahrain Journalists Association to formulate and adhere to a media code of ethics designed for the national reconciliation phase, to encourage writers to promote public opinion calling for reconciliation and tolerance and rejecting division and extremism, emphasizing the necessity of compliance by all journalists.</p> <p><u>The Teams Comment:</u></p>	

<ul style="list-style-type: none"> • To review the journalists code of ethics which was recently signed. • The team also reviewed the concept of creating the Supreme Media Council to perform a regulatory role. The team will provide the Commission with its view on this subject at a later date. Mr. Ahmed Al Saati expressed his readiness to provide more information on this concept. 	
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<p><i>C) To undertake appropriate measures including legislative measures to prevent incitement to violence, hatred, sectarianism and other forms of incitement which lead to the violation of internationally protected human rights, irrespective of whether the source is public or private</i></p>	
Resolutions of the National Commission	Response of the Esteemed Government
<p>Providing the National Commission with the actions taken or to be taken in the future to implement this recommendation. The resolution was made on 24 December 2011, and a letter was sent to HH Deputy Prime Minister on 25 December 2011.</p>	<p>- In process of being implemented. As aforementioned, the team of media experts will provide proposals on how to implement this recommendation. (See Comments in 1724(A)). The response was given on 10 January 2012.</p>
<p>Assigning concerned government agencies to provide international standard definitions of the term “to incite hatred and sectarianism”. The resolution was made on 24 December 2011 (the general committee re-approved the recommendation of the legislative team – referred to above – on 27 December 2011). A letter was sent to HH Deputy Prime Minister on 11 January 2012.</p>	

The GoB carefully considered these recommendations in preparing the MRP as set out below.

3. Recommendations of the Media Experts

The Media Experts were contacted to propose reform suggestions to assist the GoB in the implementation of the recommendations of the BICI in the media sector. In order to develop recommendations tailored to the specific situation of Bahrain, the experts conducted a series of meetings during two visits to the Kingdom between 21-26 January and 9-15 February 2012.

The following institutions and people were consulted:

- H.E. IAA’s President, Sheikh Fawaz bin Mohammed Al Khalifa;
- IAA Managers and officials;

- Bahrain Media Correspondents Club;
- Telecommunications Regulatory Authority;
- Al Watan;
- Al Ayam;
- Al Wasat;
- Akhbar Al Khaleej;
- various journalists;
- The Parliament; and,
- The National Commission.

In fulfilling their mandate, the Media Experts made the following recommendations:

a) The Creation of the High Media Board:

The Media Experts recommended the creation of an independent entity, the High Media Board (**HMB**), comprised of individuals appointed by the His Majesty for a four-year term. The Media Experts recommended that the HMB be responsible for ensuring that various principles are respected: application of ethical rules relating to content, respect for the guiding principles, oversight of the professional activities of journalists, monitoring advertising, and the receipt and processing of complaints. It was recommended that the HMB would have the power to enforce penalties of varying severity on media players.

The GoB has accepted this recommendation and will soon begin implementation with the help of international experts as set out below.

b) Media Law:

The creation of the HMB would lead to a reform of the laws governing the media by transferring the supervisory and regulating power of the IAA to the HMB. This reform will be carried out by modifying the current draft laws relating to the press and audio-visual media and consolidating the two current projects into one law (the Media Law). The Media Law would also create the HMB.

The GoB has accepted this recommendation and has begun implementation as set out below.

c) Training, Code of Ethics and Professional card:

The experts recommended the creation of a world-class educational institute to train future journalists and other communication professionals; this institute would also help increase Bahrain's international prestige. The GoB is considering this long-term proposal. In the meantime, concrete steps have been taken to increase the training of media professional.

In order to protect and promote journalism as a profession, the experts recommended that the journalists' Ethical Charter be incorporated in the Media Law and its implementation be the responsibility of the HMB. The experts also recommend the creation of a professional card for journalists issued by a joint professional committee of the media outlets' representatives and representatives of the journalists.

The GoB has accepted this recommendation and has begun implementation as set out below.

d) National Reconciliation Measures:

The Media Experts have also recommended other supporting measures relating to radio and television broadcasts to provide opportunities for discussions and expressions of all opinions that promote national reconciliation.

For example, in order to learn from past events, it was suggested that all of Bahrain's journalistic community be invited to participate in a conference and workshops, run out of each media outlet, that address the more thorny ethical issues arising in times of civil unrest. Each journalist would need to reflect on his own individual contribution. The organization of the conference and workshops would be entrusted to the International Journalist Association.

The GoB has accepted these recommendations as set out below and it has already begun implementation by commissioning television programmes that provide opposition groups with a greater voice in the national media.

e) Other Supporting measures:

The Media Experts also recommended certain supporting measures. These are currently under consideration and will form part of the continuing reforms undertaken by the GoB to liberalise the media sector in Bahrain.

II. The Media Reform Plan

A. National Legislative Media Reform

1. Creation of High Media Board by law

Guiding Principles

The creation of the HMB will be established by law as an independent authority. It will guarantee the freedom of communication for all electronic and printed press and publications, in accordance with conditions defined in the proposed Media Law. The HMB would guarantee the independence and impartiality of all media. The role of the HMB will not extend to imported media content.

The driving principles in determining the method of appointment was to guarantee a plurality of views and opinions, and to strengthen the independence of the appointed members.

Appointment and composition

The HMB will be composed of seven members, appointed by His Majesty to a four-year, once renewable, term:

- Four members, including the president, would be directly appointed by His Majesty;
- One member would be appointed by His Majesty on the proposition of the Prime Minister;
- One member would be appointed by His Majesty on the proposition of the President of the Shura.
- One member would be appointed by His Majesty on the proposition of the President of the Council of Representatives.

The members of the HMB will be “qualified” individuals. “Qualified” individuals will be defined in the Media Law as people with diverse and extensive professional experience—not necessarily in the media sector, but, for example, in the university, cultural, and various other sectors. Furthermore, the members of the HMB will not be permitted to have any conflicts of interest.

Finally, the members of the HMB will be adequately financial compensated so as to reduce all risks of temptations or justifications to obtain remuneration from other impermissible sources.

Role and Power:

The HMB will be entrusted with the responsibility to ensure the respect of pluralistic expression of ideas and opinions in radio and TV programmes, particularly regarding political information programmes. It will ensure that objectivity and freedom of expression of political opinions and ideas are respected in the printed press and publications, in accordance with the provisions of the Media Law, subject to the penalties outlined below. During electoral campaigns in coordination with the High Committee for Elections, the HMB will establish the rules relating to the conditions of production, programming, and broadcasting of programmes to guarantee fair access to all media outlets.

The HMB will, in particular, ensure that there is no incitement to hatred, violence, and intolerance on the grounds of race, religion or sect, gender, or nationality. The HMB will ensure that religions and cultures are respected in radio and TV programmes, newspaper articles and publications. The HMB will contribute to actions that support social cohesion and fight discrimination. It will, in particular, intervene with the publishers of audio-visual communication services, given the nature of their programmes, to ensure that the programming reflects the diversity of Bahraini society.

The HMB will be empowered to make recommendations to editors and distributors of communication services that relate to the principles stated in the Media Law. The HMB will ensure that the ethical codes of all media professionals are respected. The GoB may refer to the HMB to make recommendation on draft legislation. Furthermore, the GoB may request the HMB to opine on any requests for a licence.

Pursuant the principles set out above, which will be incorporated in the Media Law, the HMB will have the power to supervise and control, by all appropriate means, the subject matter, content, and programming modalities of advertising programmes broadcast by the audio-visual communication services, as well as advertisements published in the printed press in Bahrain and on internet services. Furthermore, the HMB will receive and process any complaint from any natural or legal persons relating to media content. The HMB will benefit from appropriate support of administrative services placed under the authority of its President.

The HMB may decide the following sanctions on editors and distributors of communication services and satellite networks:

- a) warning by letter; or
- b) warning, with the obligation to publish a communiqué, or for a communiqué to be read out on a radio or TV station; or
- c) other sanctions, including financial sanctions when appropriate.

The HMB would publish these formal notices.

A decision to issue a sanction (other than (a) and (b) above) will be subject to an appeal before national courts within 30 days. Any appeal will suspend the enforcement of the decision of the HMB.

The Media Authority will prepare a public report once a year that will present its activities.

International experts are assisting the IAA in drafting the relevant sections of the law governing the creation of the HMB.

2. Relaxed censorship in existing laws

The GoB has proposed to Parliament the alleviation of criminal liability for felonies arising from publications in newspapers, as part of the GoB's amendments of Decree Law 47 for 2002 on the regulation of journalism, printing and publishing, currently under review by the Parliament, and in particular the removal of the penalty of imprisonment of journalists. This should open broader avenues for freedom of the press, and safeguard the journalist's right of expressing his/her opinion freely, safely and independently, without any pressures or threats.

3. Creation of new legislation

a) TV Audio-visual draft law

A draft TV Audio-visual law has been proposed by the GoB and is being currently reviewed by Parliament. This draft includes provisions and rules governing the broadcast and re-broadcast of audio-visual programs, with the aim of developing and regulating the audio-visual media sector and the creation of an investment climate in this sector. This draft upholds the principles of freedom of expression and pluralism. The regulation of the content of these audio-visual broadcasts will be under the supervision of the HMB.

b) Internet Regulation

As part of the amendments on the Press Law, the Government has proposed provisions enabling the IAA to regulate internet media content in accordance with the same provisions and principles of freedom of expression as set out in the Press Law. The content of these publications will be under the supervision of the HMB.

The IAA is working on the formation of a joint committee consisting of representatives of the IAA and the TRA to develop specific standards on the regulation of websites.

c) Regulation of Newsletters

The IAA has prepared a draft ministerial resolution to extend the obligation to obtain a licence to news bulletins, newsletters, as well as the broadcast of audiovisual products via electronic media. The content of these publications will be under the supervision of the HMB.

4. Consolidation of all media-related law into one law (*Media Law*)

The IAA is currently reviewing the preparation of the Media Law integrating draft laws related the creation of the HMB, the draft Press amended law, and the TV Audio-visual draft law, as well as the draft ministerial resolution on electronic publishing, to enhance freedom of opinion and expression under the recent constitutional amendments, and in accordance with international law on constraints and standards, in light of the Kingdom's accession to international conventions. International experts are assisting the IAA in this regard.

B. Professionalization of the Media

1. Creation of a joint professional committee and the Professional Journalist card

The HMB will be in charge of defining the creation and the management of the Joint Committee composed of journalists and employers of journalists. The Joint Committee will regulate the rules governing journalists. In particular, it will supervise the implementation of the Ethical Code for all journalists. It will use as a first draft for discussion the “Journalism Code of Honor” issued on 20 January 2011 by the Bahraini Journalists Association. This code emphasizes the importance of the role of free and honest expression and objective opinions in the development of society, in consolidating national unity, and in unifying the media on the basis of mutual respect and amicable sentiments, in order to promote journalistic and media performance, uphold professional ethics, and protect the rights of journalists and society under the rule of law.

The Joint Committee will create a professional card for journalists that will guarantee adhesion to the Ethical Code and certain standards of professionalism. This card will attest to the journalist’s status as a media professional and provide professional recognition. The Joint Committee will also determine the rules governing the necessary training and academic credentials for journalists to obtain this card.

The journalists will be allowed to appeal to the HMB against any decisions of the Joint Committee.

2. Codes of Ethics for both press journalists and TV media personnel

As set out above, the Joint Committee will issue an Ethical Code binding on all journalists under the supervision of the HMB. In addition, the IAA has signed a memorandum of understanding with the Management Consulting Center of Excellence to prepare a Media code of honour for Bahrain Radio and TV, to ensure the respect of a media code of conduct, within a framework of pluralism, neutrality, credibility, rule of law, and preserving national unity.

3. Increase in training programs

Finally, the GoB is committed to increasing the training of media personnel and journalists. For example, the IAA signed of a memorandum of understanding with the University of Bahrain on 21 February 2012 to use the (Bahrain Media Facilities Center) to organize training courses, to positively promote standards in the media profession. Furthermore, the IAA has entered into agreements to train Bahrain Radio and TV personnel through BBC (TwoFour54 in Abu Dhabi, UAE) and Radio France programmes. The GoB s also considering a long-term plan that would establish a world-class educational facility.

C. Liberalization of the Media

1. Opening access to all on Bahrain Radio and TV (BRTV)

The IAA has committed itself to opening access to all on Bahrain Radio and TV under the supervision of the HMB. In particular, the HMB will oversee that Bahrain Radio and TV will:

- Increasing the percentage of political content in Bahrain Television programs, to express the views of all segments of the Bahraini people.
- Increase the participation of all associations and political powers in radio and television programs and the coverage of their events, in compliance with the provisions of the Constitution and Laws.
- Prepare and broadcast new radio and television programs focusing on issues related to politics, democracy, and human rights, with the participation of various political and social powers, such as: (9 PM), (National Forum), and (Issues and Views), on Bahrain Television, in order to enrich the dialogue and analytical content in news broadcasts and radio talk programs, in addition to the existing programs.

In particular, the IAA has requested the assistance of an international organisation called “Search for Common Ground” from Washington, USA, to provide guidance in assembling television programmes which will ensure the representation of all of Bahrain’s society and political views. Their first visit to Bahrain will take place on 4-5 March 2012. TV talks shows (both social and political) and soap operas are currently being considered by the IAA.

2. Creation of a Media City

IAA is endeavouring to establish an integrated media city to attract Arab and international radio and television media companies, to develop Bahraini media in partnership with the private sector and pave the way for the establishment of private satellite channels, following completion of the appropriate legislative and regulatory framework. On 2nd February 2012, H.E. President of the IAA signed two memoranda of understanding to make Bahrain the headquarters of the Arab News Channel, and the corporate head office of Rotana Network, effective as of 12 December 2012.