

AJEEP Afghan Media Law

Presented by Larry Sokoloff and Halima Kazem-Stojanovic

Course Description

This course will look at the issues raised by having a free press. With such freedom, we also will examine the issues raised by having open and vigorous debate in contemporary Afghan society. Our focus will be on how Afghanistan can honor longstanding cultural traditions while also balancing the impacts of new technology and techniques for newsgathering. We will examine new and proposed laws regarding censorship, libel, privacy, privilege, and freedom of information.

Course Goals and Student Learning Objectives

Students will become well versed in Afghan media law. They will understand key concepts and be able to use this material to teach their own course to Afghan university students.

Course Content Learning Outcomes

Upon successful completion of this course, students will be able to:

LO1 understand freedom of the press, as it relates to censorship and national security issues

LO2 identify and understand key issues in media law, including libel, privacy, reporters' rights at judicial proceedings, and broadcasting regulation.

LO3 identify ethical and legal challenges faced by the press.

LO4 demonstrate an ability to apply existing laws and court rulings to hypothetical situations.

LO5 compare Afghanistan's evolving media laws with that of other nations.

Required Texts/Readings

Textbook

No textbook will be required.

Other Readings

Please see specific class material for suggested readings.

Other Equipment / Material Requirements (Optional)

None

Assignments and Grading Policy

Each week, beginning with the second class, an assignment will be due at the start of the class. Quizzes may be given during live classes. The quizzes may be given at the last minute to see if students are reading and understanding the material. Each lesson plan contains specific articles that students should read in advance of that day's class.

Take home assignments due second through fifth week will be worth 10% each, or 40% of final grade. The final assignment, which is due one week after the sixth class, will be worth 40% of final grade. Participation will be worth 10% of final grade. Any in-class quiz will be worth 5 to 10%. This should total 100%.

There is no extra credit available. Late papers will be marked down, depending on when they are received. A passing grade for the course is 50% of the points in the class.

There is no final exam.

Course Name / Course Schedule

This schedule is subject to change with fair notice, which will be provided via email.

Class	Date	Topics, Readings, Assignments, Deadlines
1		Introduction to course and Freedom of Expression in Afghanistan.
2		Assignment due on journalistic responsibility. Overview of Afghan government and legal system. Discussion of media law in other countries.
3		Assignment due on radio program. Class will focus on censorship and prior restraint.
4		Assignment due on experience with censorship. Libel and defamation is focus of lecture. Begin assignment in class on libel, due following week.
5		Assignment due on libel. Privacy, Technology, and Access to Courts are the topics of class. Class focuses on reporters' rights in covering trials and legal matters.
6		Assignment due on privacy invasions found in the media. Ethics and Freedom of Information Act discussed in class. Final paper assigned comparing Afghan media freedoms with other nations.

Class 1

Topic: Introduction to Mass Media Law and Freedom of Expression in Afghanistan

Instructional Materials: PPT Class Outline, PPT Freedom of Expression and Afghan Media Law in Afghanistan

Reading Due for Next Class: Read article from The Malaysian Insider “Media Law Amended Amid Opposition Uproar for Its Repeal” By Clara Chooi

Assignment Due Next Class: One page essay on journalistic responsibility

Instructor’s Notes:

1. In the first 15 minutes the instructor will introduce him or herself and go over the syllabus and the PPT Class Outline. The PPT identifies the key discussion questions for each class.
2. In the second 15 minutes, students will be asked to introduce themselves. You can ask them to explain why they are interested in this subject, what they do for a living or study, and any experiences they've had in the past with media law. As a way to begin the conversation, you can ask them what they know about the Afghan legal system and what they know about Afghan media law. You can use these questions as a springboard to your overview of the Afghan legal system and media law in general in Afghanistan.

Lecture:

This course is divided into six classes, with each class looking at a general media law topic and relevant cases or examples from Afghanistan and other countries. Going over the course syllabus you will see the first class, which is today’s class, will be an introduction of the general media law topics we will cover and discuss broad questions such as what freedom of the press is and when it should be allowed? In this class we will also look at the history of the free press in Afghanistan and the current Afghan Mass Media Law.

In the second class I will give an overview of media law in other countries including a few examples of Islamic countries.

In the third class we will discuss censorship, which is also known as prior restraint. Censorship is when the government refuses to allow publication of information, including photos. We will look at censorship and times when it may be allowed and other times where it should be fought. We will discuss the Afghan governmental institutions that try to censor media.

The fourth class will be about defamation and libel, which occurs when information is published about a person, which can thought to be damaging to their reputation.

The fifth class will be about privacy and technology. This topic is critical today in Afghanistan because Afghans, especially journalists are using cameras, voice recorder,

mobile phones, and other technological equipment for newsgathering. The fifth class will also look at a journalist's right to protect their sources.

Finally, the sixth class will address media ethics and the areas that the Afghan media law doesn't cover but may fall under general media ethics. In this class we will also discuss the newly drafted Afghan Freedom of Information Act.

Each class will have a set of discussion questions that I will raise in class.

Lecture for PPT Freedom Of Expression and Media Law in Afghanistan

Let's start the class by discussing rights in Afghanistan. What are "rights" and why do they matter in Afghanistan? A *right* is an entitlement held by an individual (or institution) that either permits it to *act* in a certain way or *prevents* it from doing so. Rights include both acts you yourself may undertake and the actions of others that may affect you. Human rights—rights that are said to belong to every human being in every society everywhere in the world. Human rights are based upon the belief that all human beings innately possess the most basic and fundamental rights, which may not be denied by any government.

Rights shape our views of the most basic and fundamental aspects of society: What actions should be allowed? What actions should be forbidden? What institutions are just and legitimate? Rights help us answer these questions.

What has shaped rights in Afghanistan? A number of things have shaped rights in Afghanistan including historical traditions, local customs, Islamic teachings, and philosophical and poetic traditions.

However, in Afghanistan enforcement of rights remains challenging and the reality is that many rights are not adequately enforced or protected. A handful of individual rights guaranteed by the Constitution are enforced in Kabul, but in few other places throughout the country. Many rights in Afghanistan exist only on paper.

How can rights be fully enforced in Afghanistan? What is needed? Human Rights are often protected under Legal Rights. Legal rights are rights that exist under the rules of a legal system. The Constitution of 2004, laws, treaty obligations, and court decisions are sources of legal rights in Afghanistan. Freedom of Expression or freedom of speech is a human right and a legal right.

Recognition of Freedom of Speech/ Expression is enshrined in various international conventions and charters including Article 19 of the International Covenant on Civil and Political Rights, Article 10 of the European Convention on Human Rights, Article 13 of the American Convention on Human Rights, Article 9 of the African Charter on Human and Peoples' Rights.

Freedom of speech is understood as a multi-faceted right that includes not only the right to express, or disseminate, information and ideas, but three further distinct aspects:

the right to seek information and ideas;
the right to receive information and ideas;
the right to impart information and ideas.

In Islamic ethics, the Caliph Umar first declared freedom of speech in the Rashidun period in the 7th century AD.

In Afghanistan, freedom of the press was officially recognized in the 1923 Constitution Article 11 of the 1923 constitution read:

The press and the publication of domestic newspapers are free in accordance with the appropriate press law. The right to publish newspapers is reserved to the government and to citizens of Afghanistan. Foreign publication may be regulated or restricted by the government.

Afghanistan's 1964 Constitution further developed freedom of the press and allowed Afghans to publish their ideas without approval of the government. Article 31 of the 1964 constitution read:

Freedom of thought and expression is inviolable. Every afghan has the right to express his thoughts in speech, in writing, in pictures and by other means, in accordance with the provisions of the law. Every afghan has the right to print and publish ideas in accordance with the provisions of the law, without submission in advance to the authorities of the state. The permission to establish and own public printing houses and to issue publications is granted only to the citizens and the state of Afghanistan, in accordance with the provisions of the law. The establishment and operation of public radio transmission and telecasting is the exclusive right of the state.

The 2004 Constitution elaborated even more on freedom of expression and the press.

Article 34 says:

Freedom of expression shall be inviolable. Every Afghan shall have the right to express thoughts through speech, writing, illustrations as well as other means in accordance with provisions of this constitution. Every Afghan shall have the right, according to provisions of law, to print and publish on subjects without prior submission to state authorities. Directives related to the press, radio, and television as well as publications and other mass media shall be regulated by law.

Article 7 committed the country to various international treaties and conventions that mention freedom of expression. It reads:

The state shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights. The state shall prevent all kinds of terrorist activities, cultivation and smuggling of narcotics, and production and use of intoxicants.

Discussion Questions:**What is freedom of the press?****When should it be allowed?****How willing are you to allow it for opposing viewpoints?**

Article 34 of the Afghan constitution led to the development of the mass media law in 2009. The Afghan Mass Media Law links freedom of thought and speech to the principles of Islam, the Afghan constitution, and the universal declaration of human rights defines media. It identifies rights and obligations of mass media as well as outlines licensing process for media. Now that we know more about the origin of freedom of expression and the purpose of a mass media law, let's look at the language of the Afghan Mass Media Law

Instructor's Notes: Ask a student to stand up and read the following article of the Afghan Mass Media Law. You now want to get students thinking about legal language and what kind of words are being used in the law. They will use this discussion for their homework assignment.

Lecture:

A key section of the Afghan Mass Media Law is Chapter 2 Article 4, which states:

Rights and Obligations Freedom of Thought and Expression**Article 4:**

1. Every person has the right to freedom of thought and speech, which includes the right to seek, obtain and disseminate information and views within the limit of law without any interference, restriction and threat by the government or officials. The right also includes free activity of means of publication, distribution, and reception of information.

2. Government shall support, strengthen, and guarantee the freedom of mass media. Except as authorized under this law, no real or legal person including government and government offices may ban, prohibit, censor or limit the informational activities of mass media or otherwise interfere in their affairs.

As we will discuss throughout this course the Afghan Mass Media law prohibits publication of anything that:

- is explicitly prohibited under the law includes anything,
- is deemed contrary to the principles and provisions of the religion of Islam or to other religions and sects
- is "defamatory, insulting and offensive" to "real or legal persons" and could cause "damage to their personality and credibility"
- is "contrary to the Constitution and" could be considered a criminal action under the Penal Code,
- disseminates or promotes any religion other than Islam;
- reveals the identity of those who have been victims of violent crime or sexual assault in a manner that damages their "social dignity";
- harms "psychological security and moral wellbeing of people, especially children and

adolescents”.

What does insulting mean? What is damage? Is mentioning another religion in a news article considering promotion of that religion? What is social dignity or psychological security? Do you get a clear sense of the meaning of these terms or words from the Afghan Mass Media Law?

Assignment #1 Due for Class #2:

Refer to the Afghan Mass Media Law and write a one page response answering the following questions: Can a journalist report something that is true but also harm the reputation of that person? What if the information that the journalist was reporting on was true and a great benefit to the public?

Malaysia

Media law amended amid opposition uproar for its repeal

By Clara Chooi

Apr 20, 2012

KUALA LUMPUR, April 20 — Parliament approved in a harried fashion early this morning a critical legislative amendment governing media freedom, agreeing to strip Putrajaya of its absolute powers over publishing licences and scrapping the need for annual renewal of the permits.

The Printing Presses and Publications (Amendment) Bill 2012 was approved by the Lower House at 2.15am even after federal opposition lawmakers raged against the inconvenient hour and short time given to debate the law.



Lim Kit Siang (picture) (DAP-Ipoh Timor), who took the floor first to open the policy stage debate, thundered to the Dewan Rakyat that the amendments were merely “baby steps” towards greater media freedom.

The septuagenarian, speaking off-the-cuff with his hands locked behind his back, was in top form as he kicked off his speech by accusing the Barisan Nasional (BN) government of being insincere in its promises to reform crucial policies.

“The Bill, that it has to be debated in such a short time, shows that the government is not interested in political transformation. And it was done without consultation... all this talk of transformation is just political mimicry,” he said.

The experienced Lim, who has seen through the harsher days of Malaysia’s restrictive media laws, said that the PPPA amendments fell short of Datuk Seri Najib Razak’s pledges for media freedom.

“The PPPA in its entirety should be repealed! Abolish PPPA! And newspapers should be free to publish without a need for government permit.

“There are sufficient laws in place to deal with newspapers that publish false news without need for ministerial review,” he said.

Lim then read off a checklist of instances which he accused the government of abusing its powers to usurp press freedom.

“Malaysiakini was again refused newspaper licence — why? Why be so afraid to issue a newspaper licence to Malaysiakini?

“A television cameraman died on duty in hostile conditions, in a needless and showy adventure sponsored by a member of the PM’s Department.

“Nanyang Siang Pau and The Star were hounded by the Home Ministry for errors that impinged on religious sensitivities while Utusan Malaysia whipped up racial and religious sentiments with abandon. Why?” he charged.

“The police hounded a young blogger who made facetious remarks of people in high places when there were reports already carried by other blogs.

“Media Prima took over the New Straits Times Press and PM’s press secretary was appointed to a senior editorial position to supervise NSTP newspapers, further concentrating press ownership and control,” he added.

The DAP adviser also cited statements from the National Union of Journalists (NUJ) and the Centre for Independent Journalism (CIJ), both which had criticised the PPPA amendments as lacking in true reform.

The CIJ, he said, had pointed out that despite the amendments, newspapers would still be required publishing permits and the home minister would still have the power to revoke or suspend them.

“This control would still give powers to the executive to decide who gets the permit,” Lim said.

“We welcome these minor amendments but the fact that the PPPA needs to be amended and the push to do so by the government itself shows that the law is outdated and needs a complete review,” he added.

Further to this, Lim said the PPPA amendments were still silent over media ownership, pointing out that most major Malaysian media are owned by leading political parties.

His comment earned loud table thumps from the opposition bench and shouts of “Yeah!” from those in agreement.

Cutting in, Nurul Izzah Anwar (PKR-Lembah Pantai) told the House that she had earlier received notice that her motion calling for the repeal of the PPPA had been rejected.

“What is your view, do you think there is no political will from the present government to truly implement political reforms as promised a short while back?” she asked Lim.

“Clearly there is no political will to bring political transformation.

“What we are seeing are baby steps. Baby steps towards the coming elections,” Lim responded even as the House erupted with shouts of disagreement from the BN backbenchers.

After several other MPs rose to debate, the Bill, the last of eight slotted in yesterday's Order Paper, was later pushed through committee stage and approved by the Dewan Rakyat by voice vote.

The sitting, said to be the final before elections, had to be extended via a "stop the clock" motion after midnight yesterday to accommodate debates on all the Bills on the agenda.

The PPPA is seen as a major obstacle for press freedom in Malaysia, where most print news media are either owned or indirectly controlled by the ruling coalition.

The amendments passed include a provision "... to remove the reference to the minister's 'absolute discretion' in granting or refusing a printing press licence. This amendment also seeks to remove the power of the minister to specify in the licence the period of validity of such licence".

The amendments also remove the home minister's absolute discretion on whether to allow newspapers from Singapore, so far barred from Malaysia, to be distributed here.

The Bill also adds that "a person who has been granted a licence or permit... shall be given an opportunity to be heard before a decision to revoke or suspend" the permission is made.

Prime Minister Najib announced in his Malaysia Day address last year that Putrajaya would amend the PPPA so newspapers no longer had to apply for a yearly printing permit.

Critics claim the federal requirement encourages newspapers to self-censor and is largely responsible for eroding the independence of the media.

FREEDOM OF EXPRESSION AND MEDIA LAW IN AFGHANISTAN

AJEEP
San Jose State University
July 2012

Halima Kazem

Rights in Afghanistan

What are “rights” and why do they matter in Afghanistan?



Rights in Afghanistan



What are “rights” and why do they matter in Afghanistan?

Rights shape our views of the most basic and fundamental aspects of society.

What actions should be allowed?

What actions should be forbidden?

What institutions are just and legitimate?

Rights help us answer these questions.

What has shaped rights in Afghanistan?

- ❑ Historical traditions
- ❑ Local customs
- ❑ Islamic teachings
- ❑ Philosophical and poetic traditions



Enforcement of Rights



In Afghanistan the reality is that many rights are not adequately enforced or protected.

A handful of individual rights guaranteed by the Constitution are enforced in Kabul, but in few other places throughout the country.

Many rights in Afghanistan exist only on paper.



How can rights be fully enforced in Afghanistan?

What is needed?

A Definition of Rights

A *right* is an entitlement held by an individual (or institution) that either permits it to *act* in a certain way or *prevents* it from doing so. Rights include both acts you yourself may undertake and the actions of others that may affect you.



Definition of Human Rights

Human rights—rights that are said to belong to every human being in every society everywhere in the world.

Human rights are based upon the belief that all human beings innately possess the most basic and fundamental rights, which may not be denied by any government.



Human Rights Protected Under Legal Rights

Legal rights are rights that exist under the rules of a legal system. The

Constitution of 2004, laws, treaty obligations, and court decisions are sources of legal rights in Afghanistan.



Freedom of Expression or freedom of speech is a human right and a legal right.

Recognition of Freedom of Speech/ Expression



The right is enshrined in:

- Article 19 of the International Covenant on Civil and Political Rights
- Article 10 of the European Convention on Human Rights
- Article 13 of the American Convention on Human Rights
- Article 9 of the African Charter on Human and Peoples' Rights

Facets of Freedom of Speech



Freedom of speech is understood as a multi-faceted right that includes not only the right to express, or disseminate, information and ideas, but three further distinct aspects:

- the right to seek information and ideas;
- the right to receive information and ideas;
- the right to impart information and ideas.

Islamic Roots of Freedom of Speech

In Islamic ethics, freedom of speech was first declared in the Rashidun period by the Caliph Umar in the 7th century AD.

On April 15, 2008 the Ministry of Culture and Youth Affairs ordered all private

television stations in Afghanistan to stop broadcasting five Indian soap operas, including Kumkum and Life's Test. The Minister of Culture made his decree after meeting with the Council of Clerics, which expressed concern that the programs conflicted with Islam and Afghanistan's culture. Many members of the National Assembly expressed similar views and urged the Minister ban "offensive" programming. Private television stations, including Ariana and Tolo, complained that the decree was an illegal limitation of their freedom of expression guaranteed under the 2004 Constitution and Media Law. They emphasized the importance of the freedom of speech and argued that the Minister of Culture does not have the power to ban television programs. The soap operas were so popular that they generated enough revenue to fund news broadcasts and public service announcements.

This episode highlights the importance of fundamental rights, such as the freedom of expression, in Afghanistan. It raises important questions about legal rights: This is but one example of how your individual rights are impacted by the government and actions of others.

Discussion Questions



1. Is the freedom of expression important for a stable, secure society? Is it important to you and your friends and family? Why or why not?
2. Should freedom of speech be limited? If so, under what circumstances? How and by whom should it be limited?

Freedom of the press In Afghanistan



1923 Constitution

ARTICLE 11

- THE PRESS AND THE PUBLICATION OF DOMESTIC NEWSPAPERS IS FREE IN ACCORDANCE WITH THE APPROPRIATE PRESS LAW. THE RIGHT TO PUBLISH NEWSPAPERS IS RESERVED TO THE GOVERNMENT AND TO CITIZENS OF AFGHANISTAN. FOREIGN PUBLICATION MAY BE REGULATED OR RESTRICTED BY THE GOVERNMENT.

Freedom of the press In Afghanistan

1964 Constitution

ARTICLE 31

- FREEDOM OF THOUGHT AND EXPRESSION IS INVIOABLE. EVERY AFGHAN HAS THE RIGHT TO EXPRESS HIS THOUGHTS IN SPEECH, IN WRITING, IN PICTURES AND BY OTHER MEANS, IN ACCORDANCE WITH THE PROVISIONS OF THE LAW. EVERY AFGHAN HAS THE RIGHT TO PRINT AND PUBLISH IDEAS IN ACCORDANCE WITH THE PROVISIONS OF THE LAW, WITHOUT SUBMISSION IN ADVANCE TO THE AUTHORITIES OF THE STATE. THE PERMISSION TO ESTABLISH AND OWN PUBLIC PRINTING HOUSES AND TO ISSUE PUBLICATIONS IS GRANTED ONLY TO THE CITIZENS AND THE STATE OF AFGHANISTAN, IN ACCORDANCE WITH THE PROVISIONS OF THE LAW. THE ESTABLISHMENT AND OPERATION OF PUBLIC RADIO TRANSMISSION AND TELECASTING IS THE EXCLUSIVE RIGHT OF THE STATE.

Freedom of the press In Afghanistan

2004 Constitution

Article 34

- Freedom of expression shall be inviolable. Every Afghan shall have the right to express thoughts through speech, writing, illustrations as well as other means in accordance with provisions of this constitution. Every Afghan shall have the right, according to provisions of law, to print and publish on subjects without prior submission to state authorities. Directives related to the press, radio, and television as well as publications and other mass media shall be regulated by law.

Freedom of the press In Afghanistan

2004 Constitution

□ **Article 7**

The state shall observe the United Nations Charter, inter-state

agreements, as well as international treaties to which Afghanistan has

joined, and the Universal Declaration of Human Rights.

The state shall prevent all kinds of terrorist activities, cultivation and

smuggling of narcotics, and production and use of intoxicants.

Freedom of the press In Afghanistan



2004 Constitution

□ **Article 3**

No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan.

Highlights of the 2009 Afghan Mass Media Law

- links freedom of thought and speech to the principles of Islam, the Afghan constitution, and the universal declaration of human rights
- defines media
- identifies rights and obligations
- outlines licensing process for media
- changes Radio Television Afghanistan (RTA) from National broadcaster to public broadcaster
- mandates media to report financial sources
- authorizes the High Media Council and Mass Media Commission
- Introduces the National Radio Television Afghanistan Commission

Afghan Mass Media Law Chapter 2

Rights and Obligations

Freedom of Thought and Expression

Article 4:

1. Every person has the right to freedom of thought and speech, which includes the right to seek, obtain and disseminate information and views within the limit of law without any interference, restriction and threat by the government or officials. The right also includes free activity of means of publication, distribution, and reception of information.
2. Government shall support, strengthen, and guarantee the freedom of mass media. Except as authorized under this law, no real or legal person including government and government offices may ban, prohibit, censor or limit the informational activities of mass media or otherwise interfere in their affairs.

Material explicitly prohibited under the law includes anything:

- Deemed contrary to the principles and provisions of the religion of Islam or to other religions and sects;
- That is “defamatory, insulting and offensive” to “real or legal persons” and could cause “damage to their personality and credibility”;
- That is “contrary to the Constitution and” could be considered a criminal action under the Penal Code;
- That disseminates or promotes any religion other than Islam;
- That reveals the identity of those who have been victims of violent crime or sexual assault in a manner that damages their “social dignity”;
- That harms “psychological security and moral wellbeing of people, especially children and adolescents”.

The Gazette

Mass Media Law

General Provisions

Chapter 1

Preamble

Article 1:

This Law has been enacted, taking into account the principles of the holy religion of Islam, pursuant to Article 34 of the Constitution and Article 19 of the Universal Declaration of Human Rights, to ensure the protection of freedom of thought and speech and regulate activities of mass media in the country.

Objectives:

Article 2:

1. Promote and guarantee the right to freedom of thought and speech;
2. Protect the rights of journalists and safeguard conditions for the free operations of the mass media;
3. Promote and develop free, independent and pluralistic mass media.
4. Provide a suitable environment for free expression of views and feelings of the citizens, and for fair reflection of truth through speech, writing, drawing, picture, recording, acting, movement and other scientific, artistic and literary phenomena as well as printing and broadcasting.
5. Observe the right to freedom of speech and mass media as enshrined in the Universal Declaration of Human Rights, observing the provisions of principles of the sacred religion of Islam.
6. Support the sound development of the mass media in a manner to become effective means for broadcasting of accurate news, information, learning, promoting of knowledge, culture in the country and reflect the public opinions in accordance with journalistic standards, principles and values (honesty, impartiality and balance).

Definitions:

Article 3:

The terms shall have the following meanings in this law:

1. **Media:** means the instrument of disseminating messages, news and information using the following tools:
 - Electronic Media: radio, television, cable network, and the Internet;
 - Print Media: newspaper, magazine (weekly, biweekly, monthly, quarterly, annual), gazette, poster and bulletin;

2. Mass media: is divided into the following categories in this law:

- Public Media: is the media that belongs to the general public and is funded by government and through advertisement.
- Private Media: is the media that belongs to individuals, political, economic, social and cultural organizations and are funded and equipped by them.

3. Journalist: is a professional person who produces and presents content of materials for publishing/broadcasting through media.

4. Printing House (Printing press): is an economical and technical apparatus that offers printing services.

5. Printer: is a real or legal person who by ownership or representation is in charge of printing house.

6. Publisher: is a real or legal person who is authorized to print and publish non-periodical (i.e. martial that is not time-bound) works.

7. Publishing: is the practice of disseminating messages and news through mass media.

8. Movie Production Institution: is an organization, which produces documentaries and movies, pictures and slides in accordance with its charter and objectives.

9. Publishing Institution: is a legal entity established pursuant to a charter and engages in publication and dissemination of works of electronic and print media, periodical or on periodical in line with its objectives.

10. Journalism Training Institute: is an institute that provides short-term or long-term professional trainings in journalism.

11. Translation Center: is a legal entity authorized to translate texts and materials from one language into another in accordance with its charter.

12. News Agency: is a legal person, which works in the field of communications, collecting and dissemination of information.

13. Advertising Company: is a commercial incorporeal entity engaged in advertising and publicity in accordance with its charter.

14. Copyright: means the intellectual property right and privilege of published materials, which will be regulated in accordance with accepted norms by a separate Law.

15. Proprietor: is a real or legal person who sets up and establishes electronic or print medium, news agency, journalism training institutes, printing house, publishing

institution, translation center, news agency, film production institution and advertising company.

16. Editor-in-Chief: is a person responsible for managing the publishing affairs related to institutions as stated in paragraph 15 of this article.

17. Radio: is a means for audio mass media.

18. Television: is a means for audio-visual mass media.

19. Cable Network: is audio and visual mass media instrument that broadcasts various national and international informational, educational, cultural, and entertainment programs to its subscribers.

20. Advertisement: is supply of audio-visual services to real or legal persons in return for money or other similar considerations in the electronic and print mass media.

21. Donation: is provision of any types of assistance by real or legal persons for material or moral strengthening of mass media.

Chapter Two

Rights and Obligations

Freedom of Thought and Expression

Article 4:

1. Every person has the right to freedom of thought and speech, which includes the right to seek, obtain and disseminate information and views within the limit of law without any interference, restriction and threat by the government or officials. The right also includes free activity of means of publication, distribution, and reception of information.

2. Government shall support, strengthen, and guarantee the freedom of mass media. Except as authorized under this law, no real or legal person including government and government offices may ban, prohibit, censor or limit the informational activities of mass media or otherwise interfere in their affairs.

Seeking Information

Article 5:

Every person has the right to request and receive information from the state. Government shall provide the information sought by the citizens, unless the information sought is confidential and its disclosure endangers the security, national interests and territorial integrity of the country, or damages the rights of other people.

Legal Protection

Article 6:

1. Journalists shall enjoy legal protection in carrying out their professional activities, including publishing reports and critical views.
2. Journalists shall have the right to avoid disclosing their source of information, except that a competent court orders the disclosure.

Right to Respond**Article 7:**

1. Every real or legal person who is attacked by mass media, and his personality, good standing or material interests are damaged, has the right to refute it in the same media.
2. The concerned media shall, without delay and free of charge, publish the response in the upcoming edition or broadcast of the same media outlet.
3. The response provided shall have no criminal nature and refers exclusively to the allegation in the media, and it shall be in written form signed by the affected person or his lawyer and presented to the editor in chief.
4. Any complaints about non-publishing of response shall be referred to the relevant Commission.
5. The right to respond shall not apply to the reports from the sessions of National Assembly and open trials unless the reports from the sessions mentioned above are transposed by media.

Non-publication of Response**Article 8:**

Mass media may refrain from publishing a response in the following cases:

1. The response is outside the point of discussion.
2. The response is received more than ninety days later by the media.

Establishment of Union**Article 9:**

In order to defend their guild's rights, journalists and other members of mass media may establish associations, unions, or other independent guilds in accordance with the provisions of law.

Chapter Three**Establishment of Print Media**

Article 10:

1. Citizens of the country, political parties, social organizations, non-governmental organizations, foreign refugees and government organizations may establish printing media, in accordance with the provisions of this law.
2. Subject to compliance with diplomatic norms, foreign political agencies based in Afghanistan may publish newsletters.
3. International and inter-governmental agencies may perform academic research, and publish and distribute periodicals and non-periodicals within their area of activity subject to prior approval of concerned ministries and institutions.
4. Reporting and academic research shall be subject to prior approval of concerned ministries and institutions.
5. Foreign non-governmental organizations (NGOs) established in accordance with the provisions of law, may publish within their specialized area of activity and subject to authorization by Ministry of Information and culture, and under the editorship of an Afghan citizen, periodical and non-periodical.
6. Print media mentioned in paragraph 2 of article 3 of this law may be established and published without prior registration. In case a publication is published without prior registration, the proprietor is obliged to get his/her publication registered within two weeks in accordance with the provisions of this law.

Address and other specifications**Article 11:**

A printed media shall contain the name of the journal, specific address, name and location of the printing center, name of the proprietor and editor and date of publication.

Chapter Four**Establishment of Electronic Mass Media****Establishment of Electronic Media****Article 12:**

Citizens of the country, political parties, social organizations, national non-governmental organizations, private companies, and government institutions can establish electronic mass media in accordance with the provisions of this law.

Public Electronic Media**National Radio Television Afghanistan**

Article 13:

National Radio Television Afghanistan is a mass media that belongs to the Afghan nation and shall perform, as an independent directorate, within the framework of the Executive Branch and its budget shall be provided by the government, and through advertisements and provision of services.*

Article 14:

The Headquarter of National Radio Television Afghanistan (NRTA) shall be located in Kabul city and its local stations shall be located in the provinces.

Duties and Responsibilities:**Article 15:**

National Radio Television Afghanistan is obligated to adjust its programs in the light of the principles and provisions of the holy religion of Islam, national and spiritual values of the Afghan nation and in its programs shall consider dissemination of information, promotion of religious education, science, culture, economy, moral and psychological security (wellbeing).

Religious and National Programs:**Article 16:**

National Radio Television, in compliance with full impartiality in the interest of promoting national unity and strengthening religious and national values of the country, must organize its programs in such a way to reflect the culture, language and religious beliefs of all the ethnic groups residing in the country.

Operation of RTA in the Cases of Emergency:**Article 17:**

In case of emergency, National Radio Television shall operate under full supervision of the President.

Keeping of Programs:**Article 18:**

National Radio Television is obligated to keep all its recorded programs in the archive of National Radio Television.

Non-governmental Electronic Media:**Article 19:**

* The High Council of Supreme Court through its judicial ruling No. 6 dated April 15, 2009 considered paragraph 2 of Article 13 which reads "Director of RTA shall be appointed by the President and approved by Lower House of parliament," as 'inconsistent with the Afghan Constitution'.

Private radio and televisions shall carry out their activities in light of the provisions of this law.

Observation of Principles:

Article 20:

Private radio and televisions are obligated to observe the principles and provisions of the holly religion of Islam, and national, spiritual and moral values and the psychological security of the Afghan nation in their programming.

Freedom of Private Radio and Televisions:

Article 21:

Private radio and televisions shall have freedom in production and compiling of their programs, in compliance with the provisions of this law.

Maintaining Balance:

Article 22:

Private radio and televisions shall maintain balance relating to the adversary positions taken by political groups and personalities against each other, and broadcast the views of the parties involved impartially.

Maintaining Recorded Programs:

Article 23:

Private radio and televisions shall keep their recorded programs in the respective archives for at least three years.

Right to Claim:

Article 24:

If a real or legal person claims in writing that his rights have been affected by a mass medium's program, he may take a copy from the archive of that media at his own expenses and use it.

Obligations of the Editor-in-Chief of the Electronic Media:

Article 25:

(1) Editor-in-chiefs of electronic mass Medias shall include issues of religion and moral, health, environment, importance of education, harms of cultivation, production and consumption of drugs and narcotics in their educational programs.

(2) Editor-in-chiefs of the electronic Mass Media are obligated to broadcast five times Azan (Call for prayer), through their networks and should observe the sacred Islamic religious days and the holy month of Ramazan, in their programs.

Chapter Five

Financial Sources of the Mass Media

Financial Sources:

Article 26:

(1) Mass media can finance based on the provisions of this law as follows:

A- The private mass media may publish the advertisements, messages, and political, religious and social programs of real and legal persons, national and international manufacturing and trading companies, political and cultural entities, and political parties.

B- Receiving contributions from or real legal persons and national and international donor organizations, who work for development of mass media.

(2) Editors-in-chiefs of mass media are obligated to report their annual financial report to the High Media Council and Ministry of finance.

(3) The source and amount of contribution shall be clear and transparent.

(4) Providing professional and specialized services to the real or legal persons in return to money.

Establishing of printing houses and cultural Institutions

Right to Establish:

Article 27:

Citizens of the country, political parties, social organizations, national and international nongovernmental organizations, national and international private and personal companies, and government institutions have the right to establish printing houses, film production centers, publishing entity, journalism training institute, translation centre, news agency and companies for publicity and advertisements, in accordance with the provisions of this law.

License:

Article 28:

If citizens of the country, political parties, social organizations, national and international non-governmental organizations, national and international private and personal

companies, and government institutions wanting to establish the organizations set forth in Article 27 of this Law shall obtain license from the Ministry of Information and Culture.

Chapter Seven

Proprietor, Qualifications and Obligations

Proprietor:

Article 29:

The mass media and organizations set forth in article (27) of this law shall have proprietors.

Qualifications of Proprietor:

Article 30:

The proprietors of mass media and organizations set forth in article (27) of this law shall meet the following qualifications:

a. Real persons shall:

1. Hold a national identity card
2. Having completed age 18
3. Not been deprived of civil rights by ruling of competent court.

b. Legal persons shall:

1. Be registered with the relevant government institutions
2. Have their Afghan identity verified by the relevant institutions. Persons and institutions mentioned in the paragraph 2 and 3 of article 10 are exempted from this provision.
3. Not been deprived of civil rights by ruling of competent court. Foreign persons and agencies shall have the national identity of their relevant countries.

Article of Association:

Article 31:

Proprietors of mass media and organizations set forth in article (27) of this law are obligated to organize the required information on the activities of their media or institution in their respective articles of association, including the objectives, structure, authorities, duties, amount of capital and financial source.

Registration of Private Media and Cultural Organizations:

Article 32:

The proprietors of mass media and organizations set forth in article (27) of this law shall register their media and organizations in accordance with the provisions of this law.

**Provision of information for Media
Registration and Cultural Organizations:**

Article 33:

The proprietors of mass media and organizations set forth in article (27) of this law shall submit a statement containing the following information for registration purpose to

Ministry of Information and Culture:

- 1- Full names of proprietor.
- 2- Type of activity.
- 3- Name of media
- 4- Location of activity
- 5- Objectives and aim of activity
- 6- Funding source and amount of capital
- 7- For printed specifying the quantity, language, type of contents, period of printing, and print layout.
- 8- For electronic media and organizations set forth in article 27 of this law specifying the quantity and quality of the machineries and equipments.

Address and Logo:

Article 34:

The mass media and organizations set forth in article (27) of this law shall have specific address, stamp and logo.

Right to Court Referral

Article 35:

In case a proprietor finds the decision of the ministry of information and culture regarding non-registration or issuance of license contrary to the provisions of law, he may refer to the relevant commission. If not satisfied, the proprietor may file a lawsuit before court.

Article 36:

1. Transfer of ownership and rights (sale, gift and inheritance) of the mass media and organizations set forth in article (27) of this law is permissible.
2. The ownership and rights may be transferred to a person who meets the criteria established by this law.
3. In case of sale or gift of assets or right of the mass media and above-mentioned organizations to another person, the procedure established by this law shall be reapplied.
4. In case a proprietor dies or ceases to have the required legal qualifications, the material and intellectual ownership shall be determined in accordance with the provisions of the

Civil Code and this law, and shall be transferred to the person agreed upon by the heirs and meeting the criteria established by this law.

Chapter Eight

Qualification and Obligation of Editor-in-Chief

Having an Editor-in-Chief

Article 37:

Mass media and the institutions mentioned in article (27) of this law shall have editors-in-chief.

Qualifications of Editor-in-Chief:

Article 38:

Person who is appointed, as editor-in-chief shall meet the following requirements:

1. Have a national identification card
2. Have completed age 21
3. Holds a professional degree or three years of professional experience
4. Not been deprived of civil rights by ruling of competent court

Responsibility for Published Material:

Article 39:

Editor-in-chief shall be responsible for published articles, contents of the programs, production of artistic, educational and advertising programs in mass media or the agencies mentioned in article 27 of this law.

Observe the Right of the Critic and the Recipient of Criticism:

Article 40:

Editor-in-Chief is obligated to observe the right of the critic and the criticized in the printing and electronic media.

Chapter Nine

High Media Council

Article 41:

(1) For purpose of developing media policy, a High Media Council comprising of Culture

Minister, Technical Deputy of Communication Ministry, one representative from the Supreme Court, one representative from the ministry of justice, two representatives from MJ, two representatives from WJ, one religious scholar from the Ulema Shura, two experienced professionals in the field of Journalism and two representatives of the civil society, proposed by them, shall be established for a period of (3) years.

(2) One person shall be chosen through free election from amongst the members of the HMC as chairperson.

(3) The mechanism for the election of four people, 2 journalists and 2 civil society reps, as members of the HMC and the functions of the council shall be regulated by separate rules of procedure [*or code of conduct*].

(4) High Media Council shall have the following duties and authorities:

1. Planning and approving of long-term media policy;
2. Propose appointment of chair and members of the Mass Media Commission and Commission of National Radio Television from amongst the professional, independent, and reputable personalities to the President.
3. Proposing National Radio TV's budget to the government and submitting annual activities report to National Council.

Mass Media Commission:

Article 42:

(1) For the purpose of appropriate regulating of activities of the mass media, a Mass Media Commission shall be established comprising of (7) members selected from amongst professional people, with higher education and experienced in the field of journalism taking into account the ethnic and gender balance.

(2) Four members of the commission shall be elected for a period of (3) year and 5 others for a period of (2) year.

(3) Members of the commission shall not be elected for more than two rounds.

(4) The salary of the commission members shall be paid in accordance with the law from the budget of Ministry of Information and Culture.

(5) Method of work and activities of the commission shall be regulated by separate bylaw.

Duties of Mass Media Commission:

Article 43:

The Commission under Article (42) of this law shall have the following duties and authorities:

1. Review application for print media and agencies set forth in article 27 of this law, and proposing their registration and issuance of license to Ministry of Information and Culture.
2. Review application for electronic media and propose to the Ministry of Information and Culture for approval after assigning of frequency in agreement with Ministry of Communications.
3. Monitor the activities of the mass media.
4. Review the complaints by the mass media and solve their legal disputes.
5. Refer mass media violations with criminal nature to justice institutions.
6. Provide technical consultations to the officials of mass media.
7. Supervise the financial, administrative and broadcasting affairs of the National Radio TV.
8. Scrutinize annual budget of the National Radio TV and submit it to the HMC.
9. Submit annual report to the High Media Council.

National Radio Television Afghanistan Commission:

Article 44:

(1) For better regulating of administrative affairs of the National Radio Television, a National Radio Television Commission shall be established composing of seven members for a period of 3 years.

(2) The commission set forth in paragraph 1 of this Article shall include one religious personality, one lawyer, one engineer, one journalist, one professional artist, one representative of the civil society and one representative of NRTV taking into account the ethnic and gender balance.

(3) The Commission set forth in paragraph (2) of this Article shall have the following duties and authorities:

1. Protect the independence, impartiality, and professional reputation of NRTA.
 2. Monitor implementation of NRTA budget.
 3. Submit annual activities report of the RTA to the Mass Media Commission.
 4. Attract internal and external assistance for the strengthening of the RTA.
 5. Monitor implementation of the rules of the RTA's bylaw and other relevant laws.
 6. Monitor implementation of the broadcasting policy set forth by the HMC in a manner to reflect the ethnic, language and cultural diversities of all people of Afghanistan.
- (4) Members of the NRTA Commission in accordance with the law shall be entitled to appropriate wage which will be paid from the budget of NRTA.

Chapter 10

Works and Materials Prohibited to be Produced, Printed and Published/Broadcast

Materials prohibited to be broadcast:

Article 45:

Production, reproduction, print and publishing of the following reports and material in mass media, and agencies mentioned in article (27) of this law are not permissible:

1. Works and materials those are contrary to the principles and provisions of the holy religion of Islam.
2. Works and materials which are offensive to other religions and sects.
3. Works and materials which are defamatory, insulting and offensive to the real or legal persons.
4. Works and materials which are considered libelous/defamatory to real and legal persons, and cause damage to their personality and credibility.
5. Works and materials which are contrary to the Constitution and are considered crime by the Penal Code.
6. Publicizing and dissemination (promoting) of religions other than the holy religion of Islam.
7. Disclosure identity and broadcasting of pictures of the victims of violence and rape in a way to damage their social dignity.
8. Works and material that harm psychological security and moral wellbeing of people, especially children and adolescent.

Bakhtar News Agency:

Article 46:

It is a mass media agency, working within the Ministry of Information and Culture to communicate, collect and deliver information, being funded by the same ministry.

Revocation of License:

Article 47:

1- The license of real or legal person who register a media or institution with Ministry of Information and Culture, shall be revoked if the print media does not start its activity within one year from registration date, and the electronic media and institutions set forth in article (27) of this law does not start its activity within two years from registration date.

(2) A proprietor of media or institution, who stops its activity after a period of operation, shall resume the activity of print media within one year and the electronic media and institutions set forth in article 27 of this within two years otherwise their license shall be revoked. In case of resuming activities, the person shall obliged to go through the procedures set forth in the articles (31) and (34) of this Law.

(3) In case of violation of the provisions set forth in this law by the proprietor the relevant Court can order the revocation of the license.

Chapter 11

Miscellaneous Provisions

Right of Film Production of Foreign Citizens:

Article 48:

Foreign citizens may produce documentaries and feature films in Afghanistan provided they have obtained an introductory letter from the Ministry of Foreign Affairs and a prior permission from Ministry of Information and Culture.

Article of association amendment:

Article 49:

1- Managers and directors of mass media and institutions mentioned in Article (27) of this Law are obliged to notify the Ministry of Information and Culture of any changes in

their activity or cessation of activity, address and charter and other requirements set forth in this law.

2- Managers and director of mass media and institutions mentioned in Article (27) of this Law shall notify, for statistical information purposes, Ministry of Information and Culture of the continuation or cessation of activities at the beginning of each year.

Obligation of Foreign Media and News

Agencies:

Article 50:

1- Representatives of foreign media and news agencies intending to operate inside Afghanistan shall obtain introductory letter from Ministry of Foreign Affairs of Islamic Republic of Afghanistan and inform, in writing, the Ministry of Information and Culture of their country of origin, and the type, duration and place of activities, and obtain special press card.

2- Representatives of foreign media and news agencies set forth in paragraph (1) of this Article shall abide by the provision of Article (45) of this law.

Registration of Books and Booklets:

Article 51:

Book or booklet shall be registered with Ministry of Information and Culture after publication and the proprietor shall provide two copies each of the book, booklet or publication to the Ministry of Information and Culture and the Public Library.

Laws Enactment:

Article 52:

Laws regarding the copyright, establishment of unions, punitive rules for media violations, advertisements, and seeking [access to] information shall be enacted in separate laws.

Payment of Tax:

Article 53:

Tax shall be levied on the profits of mass media and other institutions mentioned in Article (27) of this Law, in accordance with the provisions of Law.

Periodical and non-periodical Print publications are exempted from this provision.

Date of Entry into Force:

Article 54:

This law shall enter into force after publishing in the Official Gazette, following which the Mass Media Law published in the Official Gazette No. 871 on 15 Jady 1384 shall be nullified.

Class 2

Topic: Comparative Media Law – United Arab Emirates, Malaysia, United Kingdom

Instructional Materials:

Readings Due for Next Class:

Associated Press “Afghan Media Refuse to Censor Election Reporting” by Rahim Faiez & Heidi Vogt

Amnesty International, “Afghanistan: Protect Media Freedom from Intelligence Agency Interference” July 31, 2008

Islamic Republic of Afghanistan, Guidelines for Media, June 2006

Assignment Due Next Class: Listen to a controversial radio program and write one page essay

Instructor’s Notes: You can take the first 10 minutes of class to discuss assignment #1. You can ask if anyone has an example of a situation where a journalist reports something that is true but the information can also be considered to harm the reputation of an individual. Take one or two quick examples and then ask what the complexities of the situations are.

Today’s class will have two sections; one section to introduce examples of media law in other countries and a second section to review Afghan legal institutions. The latter is useful for students who haven’t taken any general law or government classes. Even if students say they know this material, it is useful to review it in class.

Lecture:

Many countries struggle with issues of media law, since they touch on important issues of freedom of expression. It is important to look at how other countries frame their media laws and how they apply them.

The **United Arab Emirates** is composed of seven states. Two of them, Dubai and Ras Al Khaima have their own judicial systems. The constitution says there is freedom of the press, but many things cannot be criticized, including the rulers of the federation or the rulers of its states. The Muslim religion cannot be criticized, also. In the UAE, Dubai has the most press freedom.

The UAE is considered one of the freer parts of the Arab world, but many commentators think that press freedom has shrunk in recent years. Defamation (also known as libel, or damage to reputation) is considered a criminal offense, meaning a reporter can go to jail for this. In most Western countries, jail terms for libel are very unusual.

The exact wording from the UAE Constitution on press freedoms is from Articles 30 and 31, which state:

Article 30

Freedom of opinion and expressing it verbally, in writing or by other means of expression shall be guaranteed within the limits of law.

Article 31

Freedom of communication by post, telegraph or other means of communication and the secrecy thereof shall be guaranteed

The current press laws are considered very restrictive. In worldwide ratings, the press here is not considered free. In July 2012, a cyber activist was arrested and deported.

Malaysia has an interesting hybrid legal system. It is a heavily Muslim country, but it is part of the English commonwealth. Its courts use English common law, but there are also Sharia courts for family law and religious issues involving Muslims.

The country does not have much press freedom, and most print news media is either owned or indirectly controlled by the government. The government controls licenses for newspapers, under a law known as Printing Presses & Publications Act. Under this law, a newspaper needs to annually renew its license. Journalists have to censor themselves, not wanting to lose their licenses. There have been some efforts in the past year to change this law, but change comes slow in Malaysia. In the meantime, in 2012, journalists have been attacked for covering anti-government riots. And a website that provided a key source of news was denied a license to publish in the country. It is still available online at Malaysiakini.com.

Having mentioned all the problems faced by the press, there are many laws on the books about defamation and other press freedom topics. But enforcing them is the problem.

England allows reporting on matters of public interest. But if you've ever seen the scandal-driven newspapers in this country, you understand that many unsavory things are published. The country is currently rocked by a scandal involving hacking of cell phones of newsworthy subjects. The country's laws may change as a result of this huge breach of privacy of individuals. Already, the country has a law giving individuals the right to privacy, a law that is not common in many countries.

The current laws of England require the press to practice what is called "responsible journalism."

England is also known for its libel laws, which make it easy for citizens all over the world to sue and win there, claiming their reputation has been damaged. It's so rampant that international figures sue there under what's become known as "libel tourism." This means they are only in England to sue someone for libel. England's law on damage to reputation will make more sense after this class examines libel in greater detail, but the person who is being sued must prove that the statement that was made was true. In other countries, such as the United States, the person who is suing must prove a statement is false.

England's parliament began debating changes to its laws on libel in 2012. The end result may be an end to libel tourism and also may require plaintiffs to show real harm before suing for defamation. The law being considered is called the Defamation Bill, and HC5. It can be found at www.parliament.uk.

Implementing the media law or any formal law requires a functioning and independent judiciary. In Afghanistan this is still a challenge because many districts throughout the country do not have courts and judges. In other areas where courts do exist, many people don't take their legal issues to the courts because they view judges and other court personnel as incompetent or corrupt. Many reports have been written about Afghanistan's struggling judiciary and legal system.

Before we delve into each media law topic, it is helpful to review Afghanistan's legal institutions.

Show PPT: AJEEP Media Law Module – Overview of Afghanistan's Legal Institutions

The Afghan government is composed of three branches: the executive, the legislature, and the judiciary. Each branch is made up of many governmental institutions. The structure of the government is outline in the Afghan constitution, which is the supreme law of the land and serves as the legal framework between the Afghan government and Afghan citizens.

The Afghan Constitution has 160 Articles and was developed in late 2003 through a Constitutional Loya Jirga. It is very difficult to change or amend the constitution. Certain provisions of the Constitution may be suspended – but not amended – during a “state of emergency” declared by the President and endorsed by the National Assembly, but this intended to be a rare occurrence (Art. 143-148). The constitution may be amended by a two-thirds majority vote of the Loya Jirga (Art. 150).

Three forms of laws or legal codes are used in Afghanistan. They are Sharia or Islamic Law, secular law, and tribal codes such as Pashtunwali or Shia Laws.

The executive branch is lead by the President. He is the Head of state and the commander in chief of the armed forces. The president appoints ministers, the attorney general, Supreme Court justices, the head of central bank, governors, and some member of the upper house of parliament. The president supervises the implementation of the Constitution. The Executive Branch also includes 25 ministries, which structure much of the day-to-day lives of the people of Afghanistan by setting policies.

The Ministry of Justice has the primary responsibility to uphold the rule of law. Although most people don't realize this, the Afghan National Police is part of the executive branch and actually the most visible segment of this branch. The ANP operates under the Ministry of Interior and has the primary duty to discover crimes. The Attorney General's Office is also a part of the executive branch. The AGO is responsible for the investigation

and filing of cases against the accused in court. The AGO has three units - Civil, National Security, and Military units – and more than 2200 prosecutors. The Central Prison Department is part of the executive branch as well. It is the largest department of the Ministry of Justice and is responsible for all detention centers and prisons.

The National Assembly is the legislative branch of Afghanistan's government. It is divided into two houses. The Wolesi jirga is the house of the people and has 249 members who are directly elected and serve for 5 years. The WJ bears greater burden of law making. The Meshrano jirga is the house of elders and has 102 members who are elected by different groups/bodies and selected by the President for 5-year terms. Both houses pass, modify, and abrogates laws. The parliament also approves government budgets and various executive appointments.

The Loya Jirga is the highest manifestation of the people of Afghanistan. (Art. 110) It is not a standing institution but can be convened by the president. The LJ can be convened to amend the constitution, dealing with a state of emergency, prosecute the president, and decide on high-level matters of the state. The LJ is composed of all members of the parliament as well as the chairpersons of the provincial and district councils.

The Afghan judicial branch is composed of various courts including the Supreme Court, court of appeal, primary courts, and juvenile courts. The Supreme Court is the highest judicial organ in the country. It reviews all statutory laws, legislative decrees and international treaties and agreements for compliance with the constitution (Art. 121) The Supreme Court has a chief justice and 8 other justices. All justices are appointed by the president for 10-year terms and must gain consent of Wolesi Jirga before taking the position. The Supreme Court is divided into four departments or dewans: general criminal, public security, civil and public rights, and commercial. The central primary courts have general jurisdiction but there are primary courts with specialized jurisdiction (eg. Juvenile primary, commercial primary, district primary, family primary). A central primary court has 5 departments or dewans: general criminal, civil, public rights, public security, and criminal traffic. Usually 3 judges at the primary court must decide on a case. The appeal courts are structured much like the primary courts but they may affirm, reverse, and/or remand the case to the primary court. The losing party at the court appeals may further appeal to the Supreme Court.

According to Article 128 of the constitution, all trials are to be open to the public and transparent, with all final decisions available to the public. Additionally, Article 31 of the constitution provides that each person is entitled to a defense attorney. This concludes the overview of the legal institutions of Afghanistan.

Discussion Questions:

Is the media law of Afghanistan similar to any of the countries we reviewed today?

Why or why not?

How does the development of Afghan legal institutions affect the press freedom?

Assignment #2 due for class #3:

Assignment for the third class is to listen to a controversial radio program. Try to listen to a program where you think you will disagree with the commentator. Listen to the program for at least 15 minutes, and maybe as long as 30 minutes. Be prepared to report on what you hear. What is your reaction to having to listen to an opposing viewpoint? Was it hard? Was it easy? Do you think the program should be allowed to be broadcast? Why or why not? If you had the power to censor this program, what reasons would you give? Would this program seem more dangerous if it were on television, as opposed to radio. Write at least one page.

Afghan media refuse to censor election reporting

By Rahim Faiez And Heidi Vogt, Associated Press Writers
August 20, 2009

KABUL – Afghan journalists charged Wednesday that their government was violating the constitution by trying to censor reports of violence on election day, and they vowed to flout the order issued by an administration that appears increasingly hostile toward the media. The Taliban have ramped up attacks ahead of Thursday's presidential vote and threatened to attack polling stations on the day itself. Fearing that reports of violence could dampen turnout, the Foreign Ministry issued a statement Wednesday saying that news organizations should avoid "broadcasting any incidence of violence" between 6 a.m. and 5 p.m. on election day "to ensure the wide participation of the Afghan people."

Even before the ban went into effect, police beat back journalists arriving at the scene of an attack on a Kabul bank Wednesday. The English version of the document said media "are requested" to follow the guidelines. But the version in the Afghan language Dari said broadcasting news or video from a "terrorist attack" was "forbidden." A previous version in Dari had more strongly said that such reporting was "strictly forbidden" and called for a blackout until 8 p.m. Meanwhile, a separate statement from the Interior Ministry said journalists should stay away from the scene of any attacks until investigators have a chance to collect evidence.

Journalists who rushed to the bank were threatened by police, who pointed loaded guns in their faces and hit others with batons and the butts of rifles, according to journalists from The Associated Press. One officer yelled, "Your pictures help the enemy! Why are you helping them?" at an AP reporter as he shoved him back. Over the last few days, journalists responding to attacks in the capital have reported increasingly rough treatment. On Tuesday, a police officer beat a photographer with his pistol at the site of a bomb attack on a NATO convoy, according to an AP photographer who witnessed the act. Afghanistan's local media — the country has a host of newspapers, radio stations and television news outlets — condemned the statement as stifling freedom of the press that was supposed to have returned after the ouster of the Taliban in 2001.

"We will not obey this order. We are going to continue with our normal reporting and broadcasting of news," said Rahimullah Samander, head of the Independent Journalist Association of Afghanistan. U.S. Embassy spokeswoman Fleur Cowan said the U.S. acknowledged the sovereign rights of the Afghan government but believed that free media reporting "is directly linked to the credibility of the elections."

Foreign Ministry spokesman Ahmad Zahir Faqiri said the order was made to "benefit national interest and national security." "If anyone broadcasts or gives news about any movements or activities of terrorists, domestic media offices will be closed and foreigners will be kicked out of the country," he told AP in a phone interview. Media watchdog groups condemned the order. Reporters Without Borders said in a statement that it "not only violates media freedom but also the fundamental right of Afghan citizens to know what is going on in their country." Robert Mahoney, deputy director of the New York-based Committee to Protect Journalists, said the move echoes attempts by security forces in Iraq to eliminate negative press in 2007 and 2008 by blocking

journalists from covering attacks. The AP said it would protest the ban as an infringement of the free flow of information. "If authorities impose a gag on international news organizations inside Afghanistan, there is no doubt that reports of any violence will be spread by rumor and word of mouth, which may be more chilling," said John Daniszewski, the AP senior managing editor overseeing international news in New York. He also said he was troubled at early reports that journalists were being harassed and intimidated in the run-up to the vote. "People around the world have a keen interest in election news from Afghanistan on this important day."

Samander, of the journalist association, said a presidential spokesman called him Tuesday night to tell him to inform members not to report violence on election day. He refused. When there are rumors of violence, "the first thing they do is turn on their radios or TVs, or go on the Internet to read news," he said. "If the people aren't able to find information, it will be very difficult for them to participate in the election. If there is, for example, an attack on a highway going to a polling station, the people should know about it. It may be dangerous for them to use that highway."

Fahim Dashti, the editor of the English-language Kabul Weekly newspaper, called the demand "a violation of media law" and a constitution that protects freedom of speech. "If some huge attack occurs, of course we are obliged to cover it," he said. But the appeal may embolden security forces who have already been increasingly hostile to journalists trying to cover attacks in recent days.

On Wednesday, at least one photographer's camera was broken in the scrum of police and journalists, during which police also attacked civilians. One officer used the butt of his rifle to beat a man with a crippled leg, according to an AP photographer on the scene. Saad Mohseni, the owner of a media conglomerate that includes the country's most popular television channel and radio station, said Afghan news outlets must consider how their reporting would affect voter turnout, but "to try to enforce it through some sort of presidential decree is bizarre."



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Press releases

31 July 2008

Afghanistan: Protect media freedom from intelligence agency interference

The Afghan government must prevent the country's intelligence agency, the National Security Directorate, from suppressing media freedom, said Amnesty International today.

Region [Asia And The Pacific](#)
Country [Afghanistan](#)
[Media Centre](#)

On Monday 28 July, NDS agents briefly detained Mohammad Nasir Fayyaz, presenter of the popular programme *The Truth* on Ariana TV.

The following day, Tuesday 29 July, NDS agents again detained Fayyaz and released him after one night. According to the Afghan Independent Human Rights Commission, Fayyaz was detained for "misrepresenting" government officials on his programme on Sunday 27 July.

The NDS, according to Ariana TV, stopped the broadcast of the programme during which Fayyaz questioned the Minister of Urban Development, Youssef Pashtun, and Ismail Khan, the self-styled Emir of Herat and currently the Minister of Water and Power, about the involvement of government officials in illegal land grabbing.

According to a media report, Fayyaz has been charged with demanding 24-hour electricity for his home from Ismail Khan and "demanding a bribe" from Commerce Minister Mohammed Amin Farhang. His case has been referred to Attorney General's office. Abdul Qadir Mirziz, spokesperson for Ariana TV, reportedly dismissed these charges as unfounded.

"The NDS has no right to interfere in this case and its involvement signifies an unwarranted government intrusion on Afghanistan's media," said Sam Zarifi, Amnesty International's Asia Pacific Director. "The NDS should not become a tool for the government to intimidate its critics."

Officially the NDS only has the authority to address national security threats. The lawful grounds for, and scope of, its powers are not publicly available.

Amnesty International urged the Afghan government to comply with the 1995 Johannesburg Principles on National Security, Freedom of Expression and Access to Information -- standards drafted by international legal experts and endorsed by the United Nations special rapporteurs on freedom of expression and on the independence of judges and lawyers.

Principle 2 (b) of the Johannesburg Principles states that "... a restriction sought to be justified on the ground of national security is not legitimate if its genuine purpose or demonstrable effect is to protect interests unrelated to national security, including, for example, to protect a government from embarrassment or exposure of wrongdoing, or to conceal information about the functioning of its public institutions..."

In 2007 the NDS detained Kamran Mir Hazar, editor of an online news website, [kabulpress.org](#), apparently for publishing articles critical of the government's performance. In April 2007, at the instruction of the former

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Attorney General, Abdul Sabit, police officers raided the offices of Tolo TV to arrest journalist Hamed Haidary as well as the station head, for "incorrectly" reporting Sabit's words in a news bulletin.

In June 2006, the NDS issued a directive demanding that media outlets restrict their reporting activities, including a restriction on coverage that is vaguely and broadly described as "against the national interest."

"It seems that Fayyaz' arrest had nothing to do with national security, and everything to do with officials violating human rights in promotion of their own personal, and possibly illegal, interests. Every incident like this sends a chill through the spines of Afghan journalists, who are already very vulnerable to violence and intimidation," said Sam Zarifi.

Background

Journalists and media workers in Afghanistan have come under increasing threats and attacks by both state and non-state actors and several journalists have been killed. The government, in particular the NDS and the Ulama Council (council of religious scholars), have attempted to reduce the media's independence.

University student and journalist Perwiz Kambakhsh was sentenced to death on a charge of blasphemy by a provincial court in Mazar-e Sharif in Balkh province on 22 January 2008, for allegedly downloading material from the internet that examined the role of women in Islam.

Media freedom in Afghanistan could be further restricted by a revised media law that currently awaits President Karzai's approval. It contains several ambiguous provisions that could be used to restrict freedom of expression far beyond restrictions allowed under international human rights law, including a prohibition on content that is "contrary to the principles of Islam."

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Islamic Republic of Afghanistan

The public media as bridge between people and government has a significant role. Although the rule of press justifies and directs of their activities, in the current circumstances, it is important that the media must ban or restrict broadcasting those materials which deteriorate the morale of the public, cause security problems and which are against the national interest. The following must be banned or restricted:

- Publication and broadcasting of provocative statements of armed organizations and terrorist groups.
- Broadcasting and publications of reports which cause irritation, any exaggerated reports against national unity, or against peace throughout the country and those report that cause intolerance of language, religious, ethnic and local diversities.
- Conducting interviews with high ranking well known commanders of terrorist groups those who have participated in armed conflict against the government, and filming or photographing them, and broadcasting or publication of those reports that have been prepared in the favor of and in order to bolster the morale of the enemies of peace and security.
- News of terrorist activities must not come as the lead story of the news.
- Those materials that deteriorate people's morale and cause disappointment to them, and publication and broadcasting of gossip and rumors which are against the security and welfare of society.
- Broadcasting and publications of religious decrees of terrorists and enemies that are against the tranquility of the people.
- Negative propaganda, interviews and reports which are provocative or slanderous and which are against the presence (in Afghanistan) of the international coalition forces and ISAF.
- Broadcasting and publication of any views of the people's enemies who want to represent that Islamic Republic of Afghanistan is not Islamic, or combating terrorism is a kin to combating Islam.

- Those reports that aim to represent that the fighting spirit in Afghanistan's armed forces is weak.
- Broadcasting and publication of provocative articles which are against the Mujahideen and call them "warlords" and those which call technocrats as "Westernized" and subjects of this nature which create division and conflict.
- Broadcasting reports, subjects, articles and discussions which endanger territorial independence, territorial unity and national sovereignty of the state.
- Avoidance or abstinence from exaggeration of accidents and terrorist acts.
- Reports relating to riots and violence which are provocative should not be published and violence should be condemned.
- Broadcasting and publication of programs and subject matters which are against the morals, religious and accepted customs of the public which provoke people and cause security problems.
- The use of titles of respect such as warriors, resistance, peace keepers etc should not be used to describe terrorists and killers.
- Broadcasting and publication of interviews and reports that are inaccurate, undocumented, harsh and slanderous which are defamatory specifically against important figures, and in accordance with article 2 provision 33 of the Press Laws are forbidden.
- Live reports from meetings and ceremonies that disclose confidential governmental and military secrets and cause a deterioration of relations among three branches of state and results in reduction of the prestige of the government and parliament.
- Broadcasting and publication of those reports and interviews that are against the government's foreign policy in regard to neighboring countries that puts the government in conflict with neighboring countries.

In the following cases, we ask cooperation of mass media.

- Improvement in the method of news, sentences and words used in news of incidents related to the armed forces.
- Disclosure of the real face of terrorists and their isolation from the people.
- Dissemination of the spirit of resistance and the bravery of the armed forces in the capital and provinces and particularly, in the country's border areas.
- Disclosure of the propaganda of the enemy of peace and security and adopting a defensive policy against this type propaganda.
- Dissemination of reports by the media relating to activities of terrorists which are inhumane, and which uncover and disclose their criminal activities.
- Strengthening of relations and improvement of cooperation between public relations and spokespersons and the media.

In observing and executing the above, according to directions of the leaders of the government, we want the cooperation of all media organizations and their responsible personnel.

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Class 3

Topic: Censorship (also known as prior restraint)

Instructional Materials:

Readings Due Next Class: NAI Media Watch – Cases of Afghan Journalists accused of Defamation or Libel

Assignment Due Next Class: One page on experience with censorship

Instructor's Notes:

You can take the first 10 minutes of class and discuss assignment #2. Ask the same questions you asked for the assignment. Take two examples and discuss with class. What is your reaction to having to listen to an opposing viewpoint? Was it hard? Was it easy? Do you think the program should be allowed to be broadcast? Why or why not? If you had the power to censor this program, what reasons would you give? Would this program seem more dangerous if it were on television, as opposed to radio?

Lecture:

Censorship and prior restraint. These two terms describe the same thing: when the government refuses to allow publication of information, including photos. A truly free press does not have censorship. The only exception is when national security is at risk (examples might be at times of war, when the military is about to invade another country, location and positioning of troops or of weaponry). Not surprisingly, governments claim that anything they want to censor is because of national security issues. Sometimes, the real issue is the government doesn't want to be embarrassed or held accountable for its actions, and would rather operate in secret.

Article 4, Chapter 2 of the Afghan media law states that there shall be "freedom from interference, restriction and threat by government." This can be interpreted as strong language against censorship. But other parts of the law may make it harder to avoid government censorship. Such things as a registration requirement for journalists, and the creation of a mass media commission suggest at least some government oversight of the media. In addition, many types of offensive material are prohibited, again involving the government in dissemination of information. Two examples of this are limits on libelous speech and privacy. We will discuss these terms in future classes.

There is no country in the world where the press and the government don't argue over censorship issues. In some countries, the press self-censors itself, meaning it chooses not to publish certain information, because it is afraid that the government will step in and try to stop the article or stop the press from being in business.

In some countries, such as the United States, the general rule is to allow the publication of anything and allow upset parties to sue after the fact for such things as libel or invasion of privacy. This favors newspapers, magazines and the Internet, which are not licensed

or regulated by the government. Sometimes the government will go to court and ask the court to immediately stop publication of some information in an emergency type situation. But usually once the information is published, the government doesn't get involved.

However, there are stricter rules for what can be broadcast on television and radio. Most of these rules involve what is appropriate to be heard by children, and are not about restricting news reporting. There are several reasons behind the restrictions on broadcast media. One is these technologies were developed later in history, another is both are licensed to be on the broadcast airwaves. And finally, because the broadcast media is thought to have more influence than a written article, because it can be seen and heard so easily.

Your readings for today's class included a list of restrictions released by the Afghan National Directorate of Security in June 2006. The NDS is the national intelligence agency in Afghanistan and journalists have accused the NDS of directly and indirectly trying to censor them. This extensive list of restrictions was seen as an attempt by the Afghan government to control the media environment, which had greatly expanded from the fall of the Taliban regime in 2001. The list included 18 restrictions and 6 recommendations or requests for cooperation from media outlets. Many of the 18 restrictions were prompted by increased coverage of violence caused by the Taliban or other insurgent groups. These groups have over the years had established contacts with Afghan and international media organizations and provide them with information and interviews from their viewpoint. This has created a propaganda war between the Afghan government and the anti government groups.

Discussion Questions for readings

Let's look at the list of restrictions and see which ones pertain to activities or information provided by anti government groups?

Do you agree with any of the restrictions listed?

Since 2006, attempts by the NDS to censor the media have increased. In July 2008, NDS agents detained a presenter of a popular television program on Ariana TV, called the Truth. NDS officials said Mohammed Nasir Fayyaz was detained for one night because he misrepresented government officials on his program. The accusations proved baseless but the incident created fear amongst media outlets in Afghanistan, which has led to a level of self-censorship amongst Afghan journalists.

In August 2009, days before the presidential elections, the Afghan ministry of foreign affairs issued a statement saying that news organizations should avoid "broadcasting any incidence of violence" between 6am and 5pm on election day to "ensure the wide participation of the Afghan people." To avoid criticism from the international community and human rights organizations, the English version of the statement presented the statement as a request to journalists to follow the guidelines but the Dari version of the statement used more direct language, saying coverage of violence was "strictly forbidden." Despite this attempt, media watchdog groups protested the restrictions.

Reporters without borders said in a statement that the restrictions “not only violates media freedom but also the fundamental right of Afghan citizens to know what is going on in their country.”

Discussion questions

When should censorship be allowed?

When should it be fought?

Who gets to decide what is censored?

How effective is censorship in an era of mobile phones?

Assignment # 3 due for class #4: Now that you know more about censorship and the various ways the government can try to censor media, please write one page on your experiences with censorship. While reporting on a story, have you faced direct or indirect censorship? Please describe. If you haven't had any issues with censorship, write one page describing the difference between direct and indirect censorship.

Cases of Afghan Journalists accused of Defamation or Libel

Source: NAI Media Watch

Nasto Nadiri, Noorin TV presenter, released after 18-day detention

NAI May 2012

Noorin TV presenter Nastoo Naderi, who hosts a program called Sar Zameen-e Man, was arrested on the orders of the attorney general on April 21 for insulting the Kabul mayor. He was detained for 18 days on May 9, but his case is still being reviewed.

After his release Mr. Naderi told Media Watch that after the critical program aired, the lower and upper houses of Parliament summoned the Kabul mayor for questioning. Mr. Naderi said that the attorney general then summoned him, at which time he was arrested. He condemned his arrest as illegal. Afghanistan has a Media Violations and Complaints Assessment Commission that was tasked with reviewing complaints against media outlets and workers. If media laws are violated, the commission is tasked with referring the case to prosecutors. This procedure was by-passed in Mr. Naderi's case.

Some commissioners agree that Mr. Naderi's arrest violates the Mass Media Law. Commissioner Wahid Gharwal said: "Sometimes judicial and legal agencies take action by referring a case to the commission. It is better that a case be processed in a legal way."

Mr. Naderi says he was held alongside violent criminals in austere conditions. He claims that he was not allowed to contact family and friends during his detention. Media Watch condemns Mr. Naderi's arrest, which was illegal, and we view the Media Violations and Complaints Assessment Commission's action as unlawful. The complaints commission is not legal per the current law and a Mass Media Commission (which has not been established) is supposed to assess media violations. The Information and Culture Ministry has not dissolved the former commission, which referred Mr. Naderi's case to prosecutors without a legal basis.

These kinds of illegal arrests create doubts for media personnel who will come to view the government's actions as trying to impose restriction on independent media in Afghanistan.

Daad Weekly staff allegedly beaten and threatened by MP

Abdul Samad Hamed Poya, editor-in-chief of Daad Weekly, spoke to Media Watch claiming Fardeen Atayee, sub-editor, was beaten by the guards of Mrs. Freshta Amini, representative of Nimroz province in Parliament. He went on to claim that other employees, including himself, are often threatened by people associated by Mrs. Freshta.

Mr. Poya believes the reason behind these actions is that their Weekly published a document that shows that Mrs. Freshta is from Iran not Afghanistan. The picture, published in the second edition of Daad Weekly on 18th March, 2012, shows an Iranian national identification card where we can see Mrs. Freshta's photo under the name of Freshta Sajahee.

Mr Poya told Media Watch that his colleagues, including Bahram Nekzad, the deputy editor-in-chief of the Weekly, Fardeen Atayee and himself have been threatened by security guards of Mrs. Freshta. The perpetrators demanded that they disclose the source of their information.

But Mrs. Freshta Amini rejects all the claims of the Daad Weekly and found them unrealistic. She also claimed that the photo which was published does not relate to her. Mrs. Amini told Media Watch that when the photo was published in Daad Weekly she was out the country and none of the staff of this Weekly told her anything about publishing this.

Mrs. Amini claimed that none of the representative of this Weekly had contacted her, in contradiction to statements made by Daad Weekly. Mrs. Amini told Media Watch that she is an Afghan and was born in Nimroz province and completed her higher education in Iran. She added, "Media should not publish untrue news and stories to gain fame and for selling their publications." 8

But Daad Weekly officials say that whatever they have published is true and they have documents that prove this. Media Watch condemns the beating of journalists from anyone and considers it against the law. In addition, Media Watch asks from all free media to pay great attention to what they publish and should avoid publishing news and stories which lacks evidence and documents.

Chief Editor of Sarnawesht Daily Asadullah Waheedy freed after 30-hour detention

On January 9, 2011, the Editor-in-Chief of Sarnawesht Daily Asadullah Waheedy was detained by order of Attorney General's Office following a complaint filed by national security advisor Rangin Dadfar Spanta. He was freed after 30 hours.

Waheedy was arrested after Spanta filed a complaint with the Media Violations and Complaints Assessment Commission, claiming the newspaper mentioned his name in a report about the formation of illegal armed groups in Herat Province by Spanta's brother. Waheedy explained: "As soon as I arrived in the attorney general's office I was arrested right away and was sent to a detention center. They did not let me call my family members or colleagues. They seized my phone."

Waheedy complained that they put him in a room with war criminals and smugglers. Mr. Waheedy stressed that the reason for his arrest was not that report; rather, it originated in the biased behavior of the ministry of information and culture against some journalists and media outlets.

"We have seen and heard several reports in which the names of relatives of a person are mentioned for better identification of the person," Waheedy said. A member of the Media Violations Commission at the Ministry of Information and Culture said: "After reviewing the report published in the newspaper, the commission sent it to the attorney general's office for investigation and documentation. "The members of the commission agreed that crime is a personal phenomenon and the newspaper should have avoided frequently mentioning Spanta's name in the report."6 Media Watch was unable to get a response from the attorney general's office.

Class 4

Topic: Defamation and Libel

Instructional Materials:

Readings Due Next Class: Tolo News, “More than \$1 Million Deposited into Finance Minister’s Account”, August 1, 2012

Assignment Due Next Class: Read Hand Out - Fact Scenario and identify major issues:

Instructor’s Notes:

You can use the first 10 minutes of class to discuss assignment #3 about censorship. Have one student describe their experience with censorship and have another student describe the difference between direct and indirect censorship.

Lecture:

Defamation and Libel

This is something that is often used against the press. Information published about a person, or sometimes a group of persons, can be thought to be damaging to their reputation. We allow people to sue each other if they are injured when they are hit or kicked and injured. Here in the area of defamation and libel, we are allowing people to sue others for injuries due to hurting their reputation.

Some of the things that might be considered to damage a reputation are claiming that someone has done something illegal or criminal, such as stealing money or giving special favors to someone who gave them a bribe. It might be damaging to a reputation to learn about someone's sexual behavior outside of a traditional marriage. Also damaging to a reputation is learning that someone has a feared disease, perhaps one that is sexually transmitted, or learning the person is an alcoholic or has mental illness.

These kinds of accusations can cause others to avoid that person, or at least make them less likable. It may make it difficult to get hired for a job, or if they are famous, it may hurt their ability to do advertisements for products. Certainly, some of this information can be embarrassing.

Does everyone who sues for libel win? No. But if the press thinks it will be sued for libel, it might not print information. Or it might fear the cost of hiring lawyers to defend it against a lawsuit.

In order to even sue for libel, many attorneys will want to be sure that there is a real case of libel. In some countries, they will look for whether six elements are met before filing a lawsuit. These are the six elements:

1. Is the statement defamatory? Usually saying someone is not nice is not grounds for libel. But saying someone is connected to a criminal gang or has AIDS might be a reason to sue.
 2. Is the statement true? If it can be proven that a person is a member of a criminal gang or has stolen money from the government, then it is not libel. The media can print the truth.
 3. Did the statement cause damage? You would have to show that you lost something of monetary damage in most instances. Perhaps a statement caused an employee to be fired from a job or for tenants to move out of a building.
 4. Is the victim identified? If a person is identified, then it is easy to show this element. If an article reads that "a certain resident of Kabul is a thief," it is unclear who is being mentioned, and there will be no libel.
 5. Was the information communicated to a third party? Publication in a newspaper or on a website is this kind of information. But telling your friend about someone is usually not sufficient.
 6. Was this information published with the intent to deliberately harm someone, or was it a harmless error? This could be something that helps a judge decide on how to punish someone. Reporters are expected to get their facts right, so they might need to prove they checked out their information before publishing it.
- If these elements are met, a person can sue for libel in many places. However, there are ways for the press to defend itself when sued or threatened with a lawsuit.

The defenses for the press are:

1. It is true? It helps to have documents or pictures or evidence to prove it's true.
2. It is someone's opinion? You can say you think a government official is not doing his job, or an actress did not do a good job in her latest movie. A free and open society allows people to express themselves.
3. A statement is not libelous if said in a government proceeding, or in a government document. This kind of information helps the public understand how their government works, or what kinds of disputes are being decided in a courtroom. So, court documents are usually considered something that the press can publish, and does, in places like India. And what is said in a legislative debate does not have to be tested for truth in order to be published in most places. The important thing is to report what the government is saying.

Right to reply

The **right of reply** is the right to defend oneself against public criticism in the same venue where it was published. There are two basic categories of the right to reply. The first is when someone asks a media organization to correct a mistake in a news story that has affected their life or reputation. Newspapers and magazines usually have a section for correction in the first couple of pages of the publication. Corrections are usually placed with letters to the editor or close to the table of contents. For television or radio news programs, the correction can come be placed anywhere during the news program. The second category of the right to reply is a right of the aggrieved individual to demand newspaper space or broadcast time from the media outlet in order to tell his/ her side of

the story or to set the record straight. This kind of request can result in the aggrieved individual given space in a newspaper to write a letter to the editor or an opinion editorial. This kind of request can also lead to another article to be written about the issue or person. The article would include quotes from the aggrieved individual, ones that explain his side of the story.

The right to reply is a highly controversial area of media law. Some see it as an interference to freedom of expression and an impermissible restriction on editorial freedom. However other's see it as a way to hold media organizations accountable for mistakes in news stories and ensure that journalists use information they obtain in a responsible way.

Article 7 & 8 of the Afghan media law addresses this issue. It states:

Right to Respond

Article 7:

- 1. Every real or legal person who is attacked by mass media, and his personality, good standing or material interests are damaged, has the right to refute it in the same media.*
- 2. The concerned media shall, without delay and free of charge, publish the response in the upcoming edition or broadcast of the same media outlet.*
- 3. The response provided shall have no criminal nature and refers exclusively to the allegation in the media, and it shall be in written form signed by the affected person or his lawyer and presented to the editor in chief.*
- 4. Any complaints about non-publishing of response shall be referred to the relevant Commission.*
- 5. The right to respond shall not apply to the reports from the sessions of National Assembly and open trials unless the reports from the sessions mentioned above are transposed by media.*

Non-publication of Response

Article 8:

Mass media may refrain from publishing a response in the following cases:

- 1. The response is outside the point of discussion.*
- 2. The response is received more than ninety days later by the media.*

However in Afghanistan, the right of reply is not widely used because most people don't know that they have this right and some believe that responding to a mistake or criticism about them only perpetuates the situation.

In your readings for this class, you read about three cases where Afghan journalists were accused of defamation or libel. These cases were reported to Nai, an Afghan media watchdog group that documents violence and harassment of Afghan journalists.

In the first case, Nasto Nadiri of Noorin TV was arrested for allegedly insulting the mayor of Kabul city. Nadiri was illegally detained by police for 18 days. This case highlights an important and controversial part of the Afghan Mass Media Law, the

development of the Mass Media Commission. This commission has yet to be established, but in 2010 the Ministry of Information and Culture formed the Media Violations and Complaints Assessment Commission to review complaints made by journalists about government officials as well as any complaints against media outlets and workers. In the case of Nasto Nadiri, the Media Violations and Complaints Assessment Commission should have received a formal complaint from the Kabul City Mayor. Then the commission should have reviewed the complaint and assessed if a violation occurred. If the commission determined that the Mass Media Law was violated, they should have referred the case to the police and judiciary. According to Nai, this procedure was not followed in the Nadiri case and many other cases since 2010. Nai and other media rights activists claim that the Media Violations and Complaints Assessment Commission is not a legal mechanism under the Afghan Mass Media Law and does not replace the Mass Media Commission outlined in the law. According to a leading media defense attorney, since 2010, the Media Violations and Complaints Assessment Commission has not been contacted in many cases where journalists or media workers have been accused of violations. Some have said that the commission lacks legal authority while others have said that the commission is not independent and often takes the side of the government.

In the other two cases documented by Nai, the editors were beaten or detained as a result of allegations that they defamed public figures. Going back to the first writing assignment of the course, let's discuss the case of Fardeen Atayee, an editor of Daad Weekly, and Freshta Amini, a parliamentarian. Can a journalist report something that is true but also harm the reputation of that person? What if the information that the journalist was reporting on was true and a great benefit to the public?

If you were on the Media Violations and Complaints Assessment Commission, what would you ask Fardeen Atayee, regarding accusations and the story he wrote?

Instructor's Notes:

You want students to explore ideas around documentation and evidence for stories. What types of documentation should they have to back up a statement they have made in their story? Journalists generally follow the two-source rule, where two independent sources need to give you the same information. The sources can't have received the information from each other. You also want to express to students that documenting times and dates of interviews or meetings will help should any legal issues arise.

Discussion Questions

Can anyone sue for libel?

Should you be able to sue someone in another country for libel?

Will the threat of libel lawsuits make the press do a better job of reporting?

Assignment #4 due for class #5: Libel assignment

Please read the following fact scenario and identify the major issues:

Two teaching colleagues at a university in are mad at each other.

Mark Martin thinks that his colleague Mike Smith stole his textbook ideas.

Mark Martin had once told Smith that he could use any of his teaching materials that Martin had left behind in his old office, which Mike Smith had moved into. Mike Smith finds some chapters of a textbook that Martin has written, and uses those materials in his classroom. Because of the way he teaches, he is named teacher of the year, and an article is published about him in the local daily newspaper. He gets a raise due to all of this.

Martin wants to let the world know that Smith has become well respected by using his materials without giving him credit. Mark Martin starts a website called www.mikesmithsteals.com. He also hands out bumper stickers for cars that read "Mike Smith steals--boycott the University."

His website says Smith is so stupid he doesn't know what long division is, and is a crook, a criminal and a jerk.

The local daily newspaper does an article on the website. In the article, Smith said he is so embarrassed that he refuses to leave his apartment. He tells the paper that Martin is insane and a perjurer.

If Mike Smith sues Mark Martin, what does he have to prove to win his libel case?

If Martin wants to fight the lawsuit, does Martin have any defenses?

Identify the facts that help here, along with the law that we have studied. Your answer should be at least one page long.

More than \$1 Million Deposited into Finance Minister's Accounts

Wednesday, 01 August 2012 18:19

Written by TOLONews.com



A recent TOLONews investigation revealed that more than USD \$1 million was deposited into the bank accounts of Afghanistan's Finance Minister, Hazarat Omar Zakhilwal, over the past five years.

While some funds were deposited into Zakhilwal's accounts at Standard Chartered Bank and Alfalah Bank in Kabul, most of the money was transferred to other bank accounts outside of Afghanistan.

Zakhilwal claims that he has numerous sources of income, such as consultancies with World Bank.

"Before I came back to Afghanistan, I was a lecturer of Economics in Canada and [as a consultant] I had good sources of income too because of \$1,500 per day." Zakhilwal told a TOLONews reporter.

He explained that he has had consultancies with the World Bank and has published many research papers, which can be found on the internet.

Large deposits to the Minister of Finance's personal bank accounts are from private companies and personal figures, rather than consultancies and universities. In August 2009, \$200,000 was deposited to Zakhilwal's Alfalah account by the private Safi Landmark Company.

According to a document from the Standard Charter Bank, in January 2007 Zakhilwal transferred USD \$50,000 to another country. In July 2007, he transferred \$100,000 to a Washington Mutual Bank in Canada to buy a house subsequently transferred another \$50,000 and \$70,000 on two separate occasions. The last amount was sent to his sister, "Malalai Zakhilwal.

In 2009, Mr. Zakhilwal transferred \$67,000 to his bank account at Royal Bank of Canada.

Another document obtained by TOLONews from Standard Chartered Bank shows that in April 2006 Zakhilwal transferred USD \$6,741 from his Da Afghanistan Bank to Standard Charter Bank. The flow of money continued until after four months Zakhilwal had USD \$109,000 in his Standard Chartered Bank account.

When he first opened his Alfalah account in 2007, he had \$50,000 in the bank.

The monthly salary of a minister is \$2,000 with \$1,400 food allowances, according to the Afghanistan's High Office of Oversight and Anti-Corruption.

The Office of Oversight is investigating the matter.

When asked about these funds, the Minister said, " I was happier when I was working in roles outside of the government because there were less conspiracies surrounding me."

Class 5

Topic: Privacy and Technology & Access to Courts

Instructional Materials:

Readings Due Next Class: Draft of Afghan Freedom of Information Act, RTNDA Code of Ethics

Assignment Due Next Class: One page Essay identifying three situations where privacy has been invaded

Instructor's Notes:

You can use the first 10 minutes of class to discuss the Mark Martin and Mike Smith libel case. Ask students if Martin wants to fight the lawsuit, does he have any defenses? Identify the facts that help here, along with the relevant law(s).

Lecture:

Privacy

This is a subject that arose over a hundred years ago when for the first time, technology could capture photographs and recordings of people. Gradually people started being concerned about whether private information about them would be revealed. Laws were passed in many countries to protect privacy. Can you think of what kind of private information people would want to protect?

It could range from information about a person's health, to their income, to relationship status (yes, it is easy to find this on Facebook, but some people don't want to reveal it). People don't want cameras following them into their homes, into their bedrooms or toilets. We have the technology now that pictures and recordings can be taken just about anywhere.

The press and media wants pictures, films and recording of people in order to show their viewers the whole picture. Maybe by looking at a person we feel we can understand them better. If we see how they stand or if they refuse to look at the camera, we might feel that we have a better idea of who they are.

Most people do not go out seeking fame or riches. If they do, and become a celebrity, they can expect less privacy. We are also curious about people who suddenly become famous, perhaps because they have done something heroic, like saving the lives of people in a disaster. We want to know more about them. So they can expect less privacy. In the United States, we refer to people who are well known as public figures. Everyone knows who we are talking about when we mention a famous actor or baseball player. Because they have more money, they should pay extra to have tall fences placed around their houses to keep their privacy, and for bodyguards and such. Who in your own country is a public figure?

Another group that may have less privacy is government officials. These people work for the government, their salaries are paid for through taxes, and the feeling is they need to be accountable for their behavior.

That doesn't mean we should invade the privacy of their home or their car or their office, but when these people are out in public, they probably have less privacy. Photographers may want to take their picture when they leave a building.

The easiest way to protect a person's privacy is to stay at home and not be involved in public life. But once you run for elected office, or go to work for the government, or become a famous athlete or actor, you are going to have less privacy.

If you feel your privacy has been invaded, you can sue for what we call invasion of privacy. There are a variety of ways under American law where you can sue for invasion of privacy. If someone breaks into your house and takes photos of you, you could sue.

If someone publishes private facts about you that cause you embarrassment, you can sue (an example might be that you were fired from a previous job or that you are being treated for alcoholism).

Another invasion of privacy in the United States is if someone uses your picture or voice in an advertisement without your permission, you can sue. The thinking is you own this right to whether you want these things used. This is usually only an issue for a celebrity, since their name, picture and voice are worth money in advertisements.

In some places, it is illegal to tape record an interview without a person's consent. What is the case in Afghanistan? Should it be legal or not? Where can cameras be allowed? Is it okay for a photographer to take pictures outside a business they are reporting on, but not inside it?

In the United States, a criminal defendant (the person charged with committing the crime) is almost always tried in an open courtroom (with exceptions made for dangers to national security, and for juveniles). National security reasons for closing courtrooms are obvious. Courts are closed to reporting about juveniles because the feeling is that the criminal defendants are too young to have these crimes follow them forever. Otherwise, it is very difficult for judges to close courtrooms.

There are many situations where participants in a trial want the press to be excluded from a trial or courtroom proceeding. Prosecutors do not want potential jurors to hear information through the media first, and then have made up their minds as to a defendant's guilt or innocence before they get to the courtroom. Judges don't want reporters mentioning that they can't keep control of the courtroom. It makes the judges look bad.

Judges also think that the media won't understand the finer points of the case and will focus on the most disturbing parts of a case. That is often true, but it is the reporter's right to express what they see.

Defendants and their attorneys don't want the press in the courtroom if something embarrassing will be discussed in court. Even if the defendant is found not guilty, this embarrassing information could follow the defendant around for the rest of his life. The press will argue that they have a right to be in the courtroom for several reasons. One, courtrooms in the U.S. are supposed to be open to the public. The press argues that it represents the public. Most members of the American public do not have time to go to court and watch trials, so the press is there as their representative. The press also argues that the freedom of the U.S. press means they can write about court cases. The press says that they are the ones who can point out when judges and attorneys and juries do not do their jobs properly.

Afghan laws protect the right of the public, including journalists, to observe court proceedings and trials.

The 2004 Afghan Constitution states:
Article 128

In the courts in Afghanistan, trials shall be held openly and every individual shall have the right to attend in accordance with the law. In situations clarified by law, the court shall hold secret trials when it considers necessary, but pronouncement of its decision shall be open in all cases.

The right is also recognized in the **Law On Organization And Jurisdiction Of Courts. It states:**

Article 8:

Open Trials: Trials in the Afghanistan courts shall happen in open procedure in which everybody may attend, subject to law. The court may convene the trials in a close procedure only if they are legally required or that it is deemed necessary. Making notice of the final decision shall always be open to public.

In the last couple of years some journalists have attended trials and even videotaped court proceedings. Some journalists see this as progress and say they would like to see judges, public defenders, and court personnel cooperate with them more. Other journalists say that the courts only allow journalists and the public into trials that show the Afghan government in a power position.

Discussion Questions

When should courtrooms be open?

When should a judge exclude public and press from courtroom?

When should the press be forced to turn over documents and notes to the court?

Assignment #5 due for class #6:

Please identify three situations where you feel a person's privacy has been invaded. This will require some research in a daily newspaper, or on the internet. You should consider whether a person is a public figure or public official, or a private individual. This assignment should be at least one page long.

RTDNA Code of Ethics and Professional Conduct

PREAMBLE

Professional electronic journalists should operate as trustees of the public, seek the truth, report it fairly and with integrity and independence, and stand accountable for their actions.

PUBLIC TRUST: Professional electronic journalists should recognize that their first obligation is to the public. Professional electronic journalists should:

- * Understand that any commitment other than service to the public undermines trust and credibility.
- * Recognize that service in the public interest creates an obligation to reflect the diversity of the community and guard against oversimplification of issues or events.
- * Provide a full range of information to enable the public to make enlightened decisions.
- * Fight to ensure that the public's business is conducted in public.

TRUTH: Professional electronic journalists should pursue truth aggressively and present the news accurately, in context, and as completely as possible.

Professional electronic journalists should:

- * Continuously seek the truth.
- * Resist distortions that obscure the importance of events.

Clearly disclose the origin of information and label all material provided by outsiders.

Professional electronic journalists should not:

- * Report anything known to be false.
- * Manipulate images or sounds in any way that is misleading.
- * Plagiarize.
- * Present images or sounds that are reenacted without informing the public.

FAIRNESS: Professional electronic journalists should present the news fairly and impartially, placing primary value on significance and relevance.

Professional electronic journalists should:

- * Treat all subjects of news coverage with respect and dignity, showing particular compassion to victims of crime or tragedy.
- * Exercise special care when children are involved in a story and give children greater privacy protection than adults.
- * Seek to understand the diversity of their community and inform the public without bias or stereotype.
- * Present a diversity of expressions, opinions, and ideas in context.
- * Present analytical reporting based on professional perspective, not personal bias.
- * Respect the right to a fair trial.

INTEGRITY: Professional electronic journalists should present the news with integrity and decency, avoiding real or perceived conflicts of interest, and respect the dignity and intelligence of the audience as well as the subjects of news.

Professional electronic journalists should:

- * Identify sources whenever possible. Confidential sources should be used only when it is clearly in the public interest to gather or convey important information or when a person providing information might be harmed. Journalists should keep all commitments to protect a confidential source.
- * Clearly label opinion and commentary.

- * Guard against extended coverage of events or individuals that fails to significantly advance a story, place the event in context, or add to the public knowledge.
- * Refrain from contacting participants in violent situations while the situation is in progress.
- * Use technological tools with skill and thoughtfulness, avoiding techniques that skew facts, distort reality, or sensationalize events.
- * Use surreptitious newsgathering techniques, including hidden cameras or microphones, only if there is no other way to obtain stories of significant public importance and only if the technique is explained to the audience.
- * Disseminate the private transmissions of other news organizations only with permission.

Professional electronic journalists should not:

- * Pay news sources who have a vested interest in a story.
- * Accept gifts, favors, or compensation from those who might seek to influence coverage.
- * Engage in activities that may compromise their integrity or independence.

INDEPENDENCE: Professional electronic journalists should defend the independence of all journalists from those seeking influence or control over news content.

Professional electronic journalists should:

- * Gather and report news without fear or favor, and vigorously resist undue influence from any outside forces, including advertisers, sources, story subjects, powerful individuals, and special interest groups.
- * Resist those who would seek to buy or politically influence news content or who would seek to intimidate those who gather and disseminate the news.
- * Determine news content solely through editorial judgment and not as the result of outside influence.
- * Resist any self-interest or peer pressure that might erode journalistic duty and service to the public.
- * Recognize that sponsorship of the news will not be used in any way to determine, restrict, or manipulate content.
- * Refuse to allow the interests of ownership or management to influence news judgment and content inappropriately.
- * Defend the rights of the free press for all journalists, recognizing that any professional or government licensing of journalists is a violation of that freedom.

ACCOUNTABILITY: Professional electronic journalists should recognize that they are accountable for their actions to the public, the profession, and themselves.

Professional electronic journalists should:

- * Actively encourage adherence to these standards by all journalists and their employers.
- * Respond to public concerns. Investigate complaints and correct errors promptly and with as much prominence as the original report.
- * Explain journalistic processes to the public, especially when practices spark questions or controversy.
- * Recognize that professional electronic journalists are duty-bound to conduct themselves ethically.
- * Refrain from ordering or encouraging courses of action that would force employees to commit an unethical act.

- * Carefully listen to employees who raise ethical objections and create environments in which such objections and discussions are encouraged.
- * Seek support for and provide opportunities to train employees in ethical decision-making.

Class 6

Topic: Media Ethics & Freedom of Information Act

Instructional Materials:

Assignment Due one week from 6th class: 3 page paper on how Afghan media law compares to other countries

Instructor's Notes:

You can use the first 10 minutes of class to discuss assignment #5. Ask two students to identify three situations where they felt that a person's privacy has been invaded. Identify the person in each situation or case as a public or private individual.

Lecture:

Media Ethics

Media ethics refers to a system or a set of guidelines that help media professionals determine right from wrong in their voluntary conduct. Media ethics is a broad area and includes broadcast media, film, theatre, print media, and the Internet. Journalism ethics and standards is branch of media ethics and refers to a system of guidelines to help journalists determine right from wrong in their news story selections, sources, interviewing techniques, terminology, use of video, and many other areas.

News can manipulate people's thinking and affect the choices people make. At the same time governments, corporations, and even media outlets can manipulate news. Without specific journalistic ethical guidelines and standards, it would be difficult to tell the difference between news and advertising.

In Afghanistan, development and implementation of journalistic codes of conduct have begun but only 1-2 or two news outlets actually have a written code. Often times owners and editors will say their journalists follow their judgment and know what is right or wrong, but when a code of conduct is not written down it is difficult to implement. One of the best examples of a code of conduct the Radio Television Digital News Association's (RTDNA) Code of Conduct. RTDNA is a US based organization and the world's largest professional organization exclusively serving the electronic news profession. RTDNA consists of more than 3,000 news directors, news associates, educators and students.

For your reading for this class, you read the RTDNA Code of Conduct. Let's review the main elements of the code:

Public Trust

Truth

Fairness

Integrity

Independence

Accountability

We know what these concepts mean in general but what do they mean together? The preamble of the RTDNA Code of Conduct uses all of these concepts in one sentence. “Professional electronic journalists should operate as trustees of the public, seek the truth, report it fairly and with integrity and independence, and stand accountable for their actions.”

Going over each term:

“Public Trust: Professional electronic journalists should recognize that their first obligation is to the public.”

Journalists are trustees of the public. That means that the public relies on journalists to provide them a full range of information to enable them to make enlightened decisions.

“Truth: Professional electronic journalists should pursue truth aggressively and present the news accurately, in context, and as completely as possible.”

Journalists are truth seekers. Often times the truth isn't obvious therefore a journalist must work hard to find the truth. Three other parts of reporting the truth are being accurate, in context, and as complete as possible.

“Fairness: Professional electronic journalists should present the news fairly and impartially, placing primary value on significance and relevance.”

Journalists have the responsibility to seek all sides of a story and make sure a story is balanced. This can be challenging for journalists because they have to put aside their own beliefs and viewpoints about a group of people, a company, a court case, or other event. Fairness also applies to seeking and interviewing sources, especially when seeking information from children. Children can be good sources for some stories but journalists need to be responsible in how they interview and identify children in their stories.

“Integrity: Professional electronic journalists should present the news with integrity and decency, avoiding real or perceived conflicts of interest, and respect the dignity and intelligence of the audience as well as the subjects of news.”

When journalists accept gifts or services from their news sources, they are compromising their journalistic integrity. The situation can cause them to write a story favoring the person or company that gave them a gift, this maybe intentional or unintentional. Protecting confidential sources is also part of integrity.

“Independence: Professional electronic journalists should defend the independence of all journalists from those seeking influence or control over news content.”

Maintaining independence is one of the most important tasks of being a journalist but in some countries it can be one of the most challenging standards to keep. Reporting the news without fear of government interference is an every day challenge in Afghanistan. Recently Afghan news organizations have been criticized for receiving money from foreign governments and compromising their independence by reporting on news stories in a way that favors the country's political positions.

“Accountability: Professional electronic journalists should recognize that they are accountable for their actions to the public, the profession, and themselves.”

The Afghan Mass Media Law hold journalists and media workers accountable for their actions but it is important for journalists to hold themselves accountable first. A well-written code of conduct can do just that.

Freedom of Information Act

In the US the Freedom of Information Act, which requires the government to turn over documents and information that it produces. The rationale behind the law is that the taxpayers have paid for this information, and deserve to see it. It is also designed for taxpayers to keep a watchful eye on government, and learn how money is spent and decisions are made.

FOIA has existed in the United States since 1966. In addition to the federal government, local and state governments have adopted similar laws, giving the people the right to access government documents at the local level.

Students will discuss whether this is a good idea or not. They can come up with their ideas on exceptions, to when the government does not have to provide this information. In the United States, there are nine exceptions, when the government does not have to provide public information. These include national security discussions, personnel records of government employees, and personal information filed with the government, such as tax information.

A group of media defense lawyers along with Nai, a media watchdog group have drafted a freedom of information act for Afghanistan. The bill is currently is being finalized by this groups and is expected to be submitted to the Afghan Ministry of Information and Culture by the end of August 2012. (More to come on this as draft of bill is circulated)

Discussion Questions

Do Afghan media have a code of ethics?

What do other countries do?

What is your own personal code of ethics?

Do media ethics differ for journalists, compared to advertisers or public relations?

What are problems with Freedom of Information Act – type laws?

Assignment #6 due one week after class 6 – Final Assignment

After studying media law, please write a paper at least three pages long, double-spaced, on how Afghanistan's media law compares to other nations. What have you learned? Please identify at least three areas of law where Afghanistan either differs or agrees with other nations. You can read important courts cases from other countries if you'd like, and research the laws of other countries. Can you come up with any conclusions on why press freedoms differ between countries? Can you come up with suggestions on what press freedom laws should be changed? There will be more in-class discussion on this assignment to make sure students understand it.