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IPDC **THE INTERNATIONAL PROGRAMME
FOR THE DEVELOPMENT OF COMMUNICATION**

Interim
Assessment
of Media
Development
in **South Sudan**

Based on UNESCO's Media Development Indicators

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Foreword

Efforts to restore peace are paramount for the future of the world's youngest country and UNESCO is committed to raising support for peace building through a free press and freedom of expression. The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda notes that "the rule of law, freedom of speech and the media, open political choice and active citizen participation, access to justice, non-discriminatory and accountable governments and public institutions help drive development and have their own intrinsic value". It further notes that responsive and legitimate institutions should encourage the rule of law, property rights, freedom of speech and the media, open political choice, access to justice, and accountable government and public institutions.

The media's contribution to the creation and sustaining of functioning democracies and their potential to serve as a catalyst for human development provide the justification for UNESCO's media development efforts. The Assessment of Media Development in South Sudan accompanies South Sudan in the process of democratic transition and contributes to the development of free, independent and pluralistic media. It is based on UNESCO's Media Development Indicators (MDIs), a diagnostic instrument whichwas approved in 2008 by the Intergovernmental Council of UNESCO's International Programme for the Development of Communication. Through a detailed analysis of all aspects of the media landscape, the Media Development Indicators guide the efforts of different actors working for media development, as well as the formulation of policies in this field. They have been recognized internationally by major actors in the media development field, including the United Nations Development Programme, the World Bank, the Council of Europe, the International Federation of Journalists, International Media Support, the Media Foundation for West Africa and the Doha Centre for Media Freedom.

While the analysis is based on international standards and good practices, the recommendations are adapted to the particularities of South Sudan following a National Conference on the Preliminary Findings of the Assessment of Media Development in South Sudan organized on 29 October 2013. The assessment was undertaken between 2012 and 2014, and jointly funded by International Media Support (IMS), UNESCO through the International Programme for the Development of Communication (IPDC) and the Swedish International Development Cooperation Agency (Sida) within the framework of the project "Promoting an Enabling Environment for Freedom of Expression".

The assessment provides the first detailed analysis of the media landscape in South Sudan since its independence. It looks at the legal, regulatory and economic frameworks in which the media in South Sudan operates, their democratic potential, education and training initiatives and the infrastructure that impacts media development in the country. The assessment was carried out in a volatile and fast-changing environment, but will serve as a baseline for media development initiatives in the country by the Media Sector Working Group (MSWG). The MSWG, of which UNESCO serves as Secretariat, coordinates the efforts of all media partners, both nationally and internationally, towards the planning and monitoring of media development activities in South Sudan in line with development goals. The working group advocates for the necessary human and financial resources to address the most pressing priorities facing the public, community and private media sectors.

I am confident that this assessment will help foster a free, independent and pluralistic media in South Sudan that will empower citizens with information that enables them to make informed choices and actively participate in democratic processes.

Salah Khaled
Head of the UNESCO Office in Juba

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Acronyms

ACHPR	African Charter on Human and Peoples' Rights
AWC	African Woman and Child Feature Service
AIM	Agency for Independent Media
AMDISS	Association for Media Development in South Sudan
AMWISS	Association for Media Women in South Sudan
BBC	British Broadcasting Corporation
CORPSS	Committee for the Operation to Restore Patriotism in South Sudan
CPA	Comprehensive Peace Agreement
CPJ	Committee to Protect Journalists
CSO	Civil Society Organization
CTV	Citizen Television
EDC	Education Development Center
FM	Frequency Modulation
GIZ	Gesellschaft für Internationale Zusammenarbeit
GoSS	Government of South Sudan
IFJ	International Federation of Journalists
IMS	International Media Support
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
ICT	Information and Communications Technology
IDP	Internally Displaced Person
INGO	International Non-Governmental Organization
IPDC	International Programme for the Development of Communication
JDT	Joint Donor Team
JICA	Japan International Cooperation Agency
MDI	Media Diversity Institute
MDS	Media Development Strategy
MICT	Media in Cooperation and Transition
MoIB	Ministry of Information and Broadcasting
MSWG	Media Sector Working Group
NCRC	National Constitutional Review Commission

NGO	Non-Governmental Organization
NPA	Norwegian People's Aid
PSB	Public Service Broadcaster
RSS	Republic of South Sudan
SMEC	Sudan Media and Elections Consortium
SPLM	Sudan People's Liberation Movement
SSP	South Sudanese Pound
SSR	South Sudan Radio
SSRP	South Sudan Referendum Project
SSTV	South Sudan Television
SSUJ	South Sudan Union of Journalists
SUDIA	Sudanese Development Initiative
TV	Television
UJOSS	Union of Journalists of South Sudan
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNMISS	United Nations Mission in South Sudan
USD	United States Dollar

Executive Summary

Category 1: A System of Regulation Conducive to Freedom of Expression, Pluralism and Diversity of the Media

A. Legal Policy Framework

South Sudan has not yet joined key human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples' Rights (ACHPR).

The South Sudan Transitional Constitution of 2011 guarantees freedom of expression in Article 24 and the Bill of Rights upholds general rights and freedoms. The right to information is also guaranteed in Article 32 of the South Sudan Transitional Constitution. The draft Right to Information Bill presented to the President for his signature and formal adoption is to give effect to the constitutional right of access to information.

The Government of South Sudan exercises control over information disseminated by the media and there have been cases of media content being censored and journalists being detained for reporting on events in the country.

While the draft Media Authority Bill is to guarantee journalists' right to protect their sources, journalists have expressed concerns about the current situation, mentioning the substantial risk of being forced to reveal their sources.

B. Regulatory System in Broadcasting

There is currently no independent system for regulation in South Sudan and the draft Media Authority Bill does not foresee the establishment of such an independent authority. In the absence of media laws, the authority to grant TV and radio licenses is entrusted to the Ministry of Information and Broadcasting. This is contrary to international standards that emphasize the need for the independence of the regulatory authority to ensure fairness in the allocation of frequencies.

C. Defamation Law and Other Legal Restrictions on Journalists

Outdated laws impose on journalists and media houses unwarranted restrictions on the grounds of defamation. Defamation in South Sudan is currently regulated by the Penal Code Act 2008, which includes several articles excessively restricting freedom of expression. In practice, several cases of defamation have been reported since the country's independence in 2011.

The draft Media Authority Bill states that no government license shall be required from print media outlets once the Bill is signed by the President. At the time of publication, no further information was available with regards to its enforcement.

D. Censorship

The media in South Sudan are not subject to prior censorship in law, but it has been reported that in practice security forces have engaged in prior censorship through harassment and illegal detentions.

Category 2: Plurality and Diversity of Media, a Level Economic Playing Field and Transparency of Ownership

A. Media Concentration

There is no evidence of media concentration in South Sudan. Draft media legislation does not address the issue of concentration of ownership and no regulations exist to preclude this.

B. Diverse Mix of Public, Private and Community Radio

The South Sudan Government is not active in promoting a diverse mix of private, public and community media, and there is no elaborated policy that relates to this. However state, private and community radio are present in the country's media landscape.

C. Licensing and Spectrum Allocation

There are no established criteria for allocating broadcast licenses, but it is relatively easy to obtain broadcast licenses. The draft Media Authority Bill establishes ambiguous criteria for obtaining licenses in the future.

Although the draft Media Authority Bill foresees a State Plan for spectrum allocation and management, there are currently no regulatory requirements for spectrum allocation.

D. Taxation and Business Regulation

There is no preferential tax system for the media. Concessions are made for the print and electronic media which have been designated as priority sectors for investment.

E. Advertising

South Sudan does not have an advertising policy; however, the draft Media Authority Bill foresees Advertisement and Technical Codes.

Category 3: Media as a Platform for Democratic Discourse

A. Media Reflects Diversity of Society

According to the South Sudan Statistical Yearbook of 2011, South Sudan has 64 ethnic and 80 linguistic groups, but the media does not target specific groups in society. The media sector is concentrated in Juba, which is both the most populated and the most sustainable area to cover due to the higher literacy rate and purchasing power of its population.

Women are reported to be poorly portrayed in media content and lack opportunities in obtaining decision-making positions in media institutions in South Sudan.

B. Public Service Broadcasting Model

South Sudan Radio and South Sudan Television are not public service broadcasters, but the draft Broadcasting Corporation Bill aims at the creation of a public service broadcaster.

C. Media Self-Regulation

There is no strong culture of self-regulation amongst the media in South Sudan. That said, a Code of Conduct has been developed in late 2013 by several media organizations including the Union of Journalists of South Sudan (UJOSS), the Association for Media Development of South Sudan (AMDISS) and the Catholic Radio Network (CRN). However, journalists remain largely unaware of the content of the Code of Conduct. Audiences appear to be unaware of public hearing systems in media houses.

D. Requirements for Fairness and Impartiality

There is no broadcasting code in South Sudan. Development partners created in 2009 a Code of Conduct for the Media in Elections. The Association for Media Development in South Sudan (AMDISS) is in charge of implementing the Code of Conduct.

E. Levels of Public Trust and Confidence in the Media

In view of the young media industry in South Sudan, it is difficult to assess accurately how the public feels about the media.

Examples of interactive listeners' programmes can be found at Radio Bakhita and Radio Miraya. Media stakeholders are of the opinion that more broadcasters should provide a platform for such interactive engagement with the media.

F. Safety of Journalists

The safety of journalists is challenging in South Sudan with several incidents reported that relate to unlawful detention and surveillance, attacks on media practitioners, self-censorship and forced closure through economic sanctioning or other kinds of threats. Perpetrators of attacks on media practitioners are generally not prosecuted.

Category 4: Professional Capacity Building and Support for Institutions that Underpin Freedom of Expression, Pluralism and Diversity

A. Availability of Professional Media Training

Professional media training opportunities are limited in South Sudan and those training initiatives that exist are insufficient in terms of content, training techniques, duration and language of instruction. Donors and organizations that offer training provide short training courses that do not meet the primary training needs of journalists.

No formal journalism training institution exists in South Sudan and few local media development organizations receive funding for training from development partners. However a consortium of international partners is planning to set up a Media Development Institute in South Sudan.

Editors and media managers have few opportunities to enhance their skills through training opportunities.

B. Availability of Academic Courses in Media Practice

The University of Juba offers a Bachelor's degree in Communication Media, but its curriculum is in need of a thorough reviewing for it to offer its students up-to-date and relevant training. This translates into limited opportunities for media students to be adequately equipped with skills related to democratic development.

C. Presence of Trade Unions and Professional Organizations

The Government has not interfered with the creation of media unions and associations, and indeed several have been established such as the Association of Media Development in South Sudan (AMDISS), the Union of Journalists in South Sudan (UJOSS) and the Association for Media Women in South Sudan (AMWISS). Even though these organizations are developing, they still lack the capacity and financial means to be fully effective as bodies for the promotion and protection of journalists' rights.

D. Presence of Civil Society Organizations

In spite of early interest in monitoring the media during the 2011 referendum period, the efforts have not been pursued as a result of lack of funding and the lack of CSO experience in this area.

It has also been recorded that there is a notable increase in hostility on the part of the Government toward organizations advocating on sensitive issues. This has led to pressure and restrictions on CSOs to monitor and comment freely on issues related to the media.

Category 5: Infrastructure Capacity is Sufficient to Support Independent and Pluralistic Media

A. Availability and Use of Technical Resources by the Media

The media operates in a harsh environment in South Sudan with under-developed infrastructure and little access to ICTs. The printed media is particularly affected by the limited access to printing press facilities.

These conditions have a negative impact on the media sector, which is already affected by the limited market space available for media. Most members of staff in media houses are of the opinion that facilities in media outlets are insufficient.

Radio stations and South Sudan Television are in a better position than the print media as donor support to the audiovisual sector has been steady.

B. Press, Broadcasting and ICT Penetration

Marginalized groups, especially in rural areas, have limited access to the media as households rarely have access to the Internet, phones and to some extent radios. Despite its low rates of ownership in rural areas, radio remains the main source of information for the people in South Sudan.

One of the missions of the Ministry of Telecommunication and Postal Services of the Government of South Sudan is to improve access to reliable and affordable communication devices and services. A policy still needs to be developed, however, and such a mission would require investment in infrastructure in order to upgrade the current ICT infrastructure across the country. Most of the telecommunication infrastructure inherited from the colonial era was completely destroyed during the long war between the North and the South.

While foreign investment has increased in recent years, ICT networks in South Sudan remain underdeveloped. The development of the telecommunications sector has suffered from the difficulties that foreign investors face in obtaining information and necessary authorizations from the Government of the Republic of South Sudan.

Additional government funds are needed to fuel the ICT sector, which has been neglected in favour of transportation as the main focus of capital investment.

KEY RECOMMENDATIONS

The key recommendations are extracted from the more detailed recommendations at the end of each chapter.

1.   The Government of South Sudan should hasten to ratify international and regional human rights instruments critical to advancing freedom of expression, media freedom and access to information, and submit periodic reports as the conventions may require.

2.   The Government of South Sudan should enact progressive media laws that meet international standards for freedom of expression and take measures for their effective implementation once enacted.

3.   Editorial independence needs to be guaranteed.

4.   The Government of South Sudan should develop a comprehensive media policy in cooperation with media stakeholders and civil society addressing the excessive restrictions on freedom of expression and guiding the implementation of the three Media Bills recently signed into law.

5.   The provisions of the Broadcasting Corporation Bill regarding the system of governance of the South Sudan Broadcasting Corporation should be reviewed in order to ensure complete independence and transparency from government influence in accordance with its Guiding Principles.

6.   The Ministry of Information and Broadcasting should induct public officials on the role of media in society, particularly its security agencies the National Security Service and the Criminal Investigation Department. This should be done in a way that will build and sustain relations between the security services and the media sector. Where there is a breach, these agencies should report to the proposed Media Authority and not make unlawful arrests.

7.   Media development organizations and donors should support media houses to develop strategies to reduce their dependence on external support and ensure their long-term sustainability.

8.   Measures to prevent concentration within and between different media sectors should be strengthened and transparency of ownership should be ensured in media legislation.

9.   The system for regulation of the broadcasting landscape should have as its principal objective the promotion of a diverse mix of public, private and community media.

10.   The planning and allocation of frequencies assigned to broadcasting in the State Plan for spectrum allocation should be under the control of an independent regulatory Media Authority once it is established. Efforts should be made to ensure that the Media Authority is truly independent by revising the provisions for the appointment of board members.

11.   Measures should be taken to promote equal representation of women at all levels of the media including in management and governing boards.

12.   The media should be encouraged to reflect ethnic, cultural and political diversity, and to ensure access to information for all, including the most marginalized.

13.   The Code of Conduct developed by UJOSS, AMDISS and CRN should be widely distributed. Furthermore, specific training should be carried out to help journalists understand the ethical principles set out in the code.

14.   Interactive radio programmes should be further developed so as to enhance citizens' engagement with the media and provide them with channels to express their opinions.

15.   The establishment of the first South Sudanese journalism training centre, the Media Development Institute, will be an important step to address training needs in South Sudan. Links should be established between the Institute and the University of Juba. Training should use a variety of methods and approaches such as in-house mentoring, on-the-job training, exchange programmes, traineeships, training of trainers and accredited academic programs.

16.   The Association of Media Development in South Sudan (AMDISS) should develop a central database of training initiatives in South Sudan and the data should be published in order to encourage higher participation in training sessions. Donors should seek to support long-term training initiatives as opposed to the more common short-term and topical training opportunities on offer. Focus should be on building local training institutions with a national reach such as through establishing partnerships with the Ministry of Information and Broadcasting, media stakeholders, CSOs and the University of Juba.

17.   The University of Juba should extend its range of courses offered to cover specific areas of interest to journalists such as media law, ethics, regulation and public policy.

18.   Better training from experts is needed to provide journalists and other media practitioners with the necessary skills for media management and organizational development in order to ensure viability and sustainability of the media.

19.   Appropriate training material that meets international standards and local needs should be developed and made available. Training should be provided based on real needs as opposed to donors' funding priorities, and should include the needs of media practitioners outside of Juba.

20.   Media development organizations and donors should support private, public and community media to help remedy the lack of basic equipment available to journalists and media professionals and to improve the quality of media in South Sudan. Media development organizations and donors should create a specific fund for the purpose of financing necessary equipment.

21.   National and state Governments should create policies and conditions that will promote the growth of media sector, particularly in rural areas.

22.   Media houses should enhance their marketing strategy to attract investment in both broadcasting and print media.

Introduction

The UNESCO Media Development Indicators are an internationally recognized framework for assessing national media landscapes and identifying media development priorities. They were unanimously endorsed by the Intergovernmental Council of the International Programme for the Development of Communication (IPDC) in 2008. The IPDC Council called for the application of the MDIs in partnership with national stakeholders, with the objective of the Media Development Indicators serving as an analytical tool for all those seeking to develop an enabling environment for free, independent and pluralistic media. The Media Development Indicators assessment in South Sudan was conducted by UNESCO in partnership with the non-governmental organization International Media Support (IMS).

The report is the first assessment of its kind undertaken in South Sudan in terms of its scope and number of participants involved. It should however be seen as an interim assessment of the national media landscape in South Sudan as not all data was collected due to time constraints linked to specific target dates in completing the interim assessment, which were linked to the process of enactment of the media laws that was taking place in parallel to the study. Therefore additional research would be necessary to complete the assessment and fully address all of the Media Development Indicators.

Purpose and justification

The purpose of the assessment is to provide a reliable resource for policy makers, the media, civil society organizations, universities and training institutions to strengthen free, independent and pluralistic media in South Sudan, in accordance with key international standards. It is also intended to provide guidance to donors and media development partners on how to effectively target assistance based on objectively identified priorities and the needs expressed by national stakeholders. The Media Sector Working Group that was established in 2012 coordinates the efforts of all media partners, both nationally and internationally, planning, budgeting, monitoring and evaluating media development activities in South Sudan[1].

The timing of this Media Development Indicators assessment coincides with a tense political climate following bloody clashes in December 2013 between members of the Sudan People's Liberation Movement (SPLM), the current ruling party, and rebel leaders under the leadership of Riek Machar. The violence started in Juba and thereafter spread to the Jonglei, Unity and Upper Nile States. No peace accord has been reached as of December 2014.

Background information

According to the World Bank, the estimated population of South Sudan in 2013 was 8.3 million. It is described as "[a] sparsely populated country with more than 200 ethnic groups and little sense of shared nationhood"[2]. After more than five decades of near continuous war, and following the six-year interim period of the Comprehensive Peace Agreement (CPA) signed in 2005, the Republic of South Sudan was established on 9 July 2011 and formally admitted into the United Nations General Assembly as the 193rd Member State on 14 July 2011 and into the African Union (AU) as the 45th Member State on 15 August 2011[3]. South Sudan has a decentralized government with ten states, including Northern Bahr el Ghazal, Western Bahr el Ghazal, Warrap, Lakes, Western Equatoria, Central Equatoria, Eastern Equatoria, Jonglei, Upper Nile and Unity.

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1   Media Sector Working Group Terms of Reference, 2012

2   World Bank Country overview, 2013: http://www.worldbank.org/en/country/southsudan/overview

3   United Nations Development Assistance Framework For the Republic of South Sudan, 2012-2013

The World Bank further states that: "As a new nation without a history of formal institutions, rules or administration accepted as legitimate by its society, South Sudan is in the process of building new institutions. Core administrative structures and mechanisms of political representation are only beginning to emerge, and the Government still struggles to provide basic services to the population".[4] At present, South Sudan is governed by a Transitional Constitution that will remain in effect until a permanent constitution is adopted.

Within the aforementioned context of a nascent state, the media in South Sudan had until very recently been operating in a de facto legal void. As such, media professionals were not only faced with a lack of formal media institutions, but faced the additional challenge of working in an environment that did not afford them with the basic international standards of rights, protections and assurances to carry out their trade.

In a bid to set the legal cadre of the media industry in South Sudan, three draft Media Bills were presented to Parliament in 2013 for approval. These were the draft Broadcasting Corporation Bill, the draft Right to Access to Information Bill and the draft Media Authority Bill, the objectives of which are detailed below:

- The draft Broadcasting Corporation Bill seeks to promote the development of a public broadcasting service to ensure infomation flow in the public interest in South Sudan;
- The draft Right to Access to Information Bill seeks to give effect to the constitutional right of access to information, promote disclosure of information in the public interest and establish mechanisms to secure the right to information;
- The draft Media Authority Bill aims to regulate and guide the development of the media sector in South Sudan, establish a regulatory Authority to oversee the media and provide for the exercise of powers relating to planning and broadcast frequency management.

Each of these three bills was passed by Parliament in July 2013. They were subsequently signed into law by the President in September 2014, although the final versions of the bills signed into law have not yet been made public.

Methodology

This assessment uses the UNESCO Media Development Indicators to gather information on the various aspects of media in South Sudan. The Media Development Indicator Assessment that has resulted is based on a combination of desk-reviewed research (in spite of the scarcity of reference material) and field research. Both qualitative and quantitative data were collected for the purpose of this study.

The bulk of the assessment was informed by an extensive review of available literature on the media environment in the country. The literature review included an in-depth analysis of the draft Media Bills and a review of existing reports and statistics produced by both local and international organizations. It is important to mention that at the time of publication the three Media Bills (the draft Broadcasting Corporation Bill, the draft Right to Access to Information Bill and draft Media Authority Bill) have been both passed by Parliament and signed into law by the President. The analysis throughout this report is based, however, on the versions of the draft Media Bills passed by the Parliament in July 2013 and presented to the President for signature. The texts have since been signed into law by the President in September 2014. As of publication of this report, it is not known whether the draft Media Bills have undergone any further modifications at the Presidential level as no ratified version of the Bills has to date been made available. All references made to the draft Media Bills are therefore based on latest versions made available, presented for Presidential signature.

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4   World Bank Country overview, 2013: http://www.worldbank.org/en/country/southsudan/overview

Field research was also carried out, but was limited to the Central Equatoria, Western Bahr el-Ghazal, Eastern Equatoria, Upper Nile, Jonglei and Lakes states as a result of budget constraints and logistical difficulties. Before embarking on the field research, a training workshop for four researchers on how to undertake field research was held in January 2013 in Juba. The field research was structured around five sample questionnaires and involved 84 respondents, reaching out to academics, civil society organizations (CSOs), government, media stakeholders, public agencies, representatives of South Sudan Radio and Television, private and donor/NGO-supported media houses, and telecommunication companies.

The field research concentrated on a sample of media stakeholders. A mixture of representatives from government/state, private, and media organizations as well as radio, TV and print media houses were interviewed and surveyed. It is to be noted that not many women responded to the sample questionnaire as women media professionals are not only few but usually occupy lower or insignificant positions in the media. For more detailed information refer to indicator 3.2 on media development organizations' reflection of social diversity through employment practices.

TABLE 1: SAMPLE QUESTIONNAIRE AND TARGET POPULATION

Sample Questionnaire	Target population
SQ1: Editors in media houses	23 (21 men / 2 women)
SQ2: Telecommunication companies	1 (1 man)
SQ3: Media professionals, journalists, and bloggers	37 (30 men / 7 women)
SQ4: Education/Training organizations	4 (3 men / 1 woman)
SQ5: Managers in media houses	19 (18 men / 1 woman)

The survey questions included both structured responses (i.e. yes or no or a rating of 1 to 4) and qualitative responses, whereby respondents provided an explanation for their answers. Respondents were chosen through a purposive sampling strategy, which seemed more appropriate than a random sampling technique. Purposive sampling is a sampling technique that involves a non-representative subset of some larger population, and is constructed to serve a specific need or purpose.

TABLE 2: SAMPLE OF MEDIA HOUSES CONSULTED IN THE ASSESSMENT

Broadcasters	Print media
GOVERNMENT OF SOUTH SUDAN	
Radio Malakal	N/A
Radio Rumbek	
Radio Wau	
South Sudan Radio	
South Sudan TV	
SSTV Juba	
Voice of Eastern Equatoria/97.5 FM	
PRIVATE	
Citizen TV	*The Citizen*
Voice of the People	*The Pioneer*
Liberty FM	*Juba Monitor*
Radio Jonglei	*Juba Post*
Capital FM	*SHE* magazine
NGO/ORGANIZATIONS	
Radio Miraya	*Gurtong* magazine
Radio Emmanuel	
Radio Good News	
Radio Saut al Mahaba	
Radio Voice of Hope	

The preliminary findings of the assessment as well as the draft recommendations were presented and discussed at a multi-stakeholder conference organized on 29 October 2013, bringing together some 50 participants. The feedback received at the conference guided the finalization of the assessment, and provided an opportunity for the recommendations of the assessment to be fine-tuned and validated by a wide range of participants involved in the South Sudan media sector.

This assessment aims as far as possible to limit time-bound statements given the fluid political and legal situation in the country, as exemplified by the series of events which occurred during the drafting of this assessment. These included the passing of the long-awaited draft Media Bills through Parliament in July 2013, and President Salva Kiir's removal of his long-term Vice-President Riek Machar and his dissolution of the entire Government through a presidential decree that same month.[5,6]

Dealing with the challenges of outdated or lacking information as well as non-existent legal norms meant that while every effort was made to conform to the UNESCO Media Development Indicators format, in many cases there was insufficient data to address the nuances of each sub-indicator.

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5   South Sudan's Kiir moves to take down Machar & Amum, Khartoum says accords unaffected. *Sudan Tribune*, 2013: http://www.sudantribune.com/spip.php?article47380

6   Further significant developments occurred after the drafting phase, such as the signing into law of the three Media Bills by the President in September 2014.

Structure

The study is built around five categories of indicators that analyze various aspects of the current South Sudan media environment.

Category one is comprised of indicators that assess existing constitutional and legal guarantees for freedom of expression, pluralism and diversity of the media, and the compatibility of these guarantees with international conventions. It focuses on the legal and policy framework in which the media operate, looking at issues such as freedom of expression and restrictions thereto, the right to information, editorial independence, the right of journalists to protect their sources, and the role of civil society in shaping public policy.

Category two assesses the extent to which the authorities actively promote the development of the media sector in a manner which prevents undue concentration and ensures diversity and transparency of ownership and content across public, private and community media.

Category three analyzes a large range of topics related to the media's role in promoting democracy and dialogue, ranging from the media's ability to reflect social diversity and serve the needs of all members of society, to verifying the existence of a public service broadcasting model. It also covers media self-regulation, public trust in the media and the important topic of the safety of journalists.

Category four looks at the availability and accessibility of training opportunities for media professionals, focusing on both vocational training and academic courses related to media. It also analyzes the presence of trade unions and civil society organizations (CSOs) dealing with media issues.

Category five analyzes the availability of modern infrastructure, facilities and equipment for media professionals, as well as the extent to which all of society, including marginalized groups, has access to modern forms of communication and ICT.

This report provides an interim assessment of the fast-evolving media environment of South Sudan. It offers a baseline for both identifying gaps and assessing changes in view of the implementation of three recently-adopted media bills on public broadcasting, on the right to information and on the establishment of a media authority. South Sudan did not have a specific regulatory framework for the media until the recent adoption of the mentioned bills. UNESCO encourages stakeholders, especially through the Media Sector Working Group, to use this report as an ongoing knowledge resource for individual, institutional and joint initiatives that can promote free, pluralistic and independent media in South Sudan.

Category 1

A system of regulation conducive to freedom of expression, pluralism and diversity of the media

KEY INDICATORS

A.   Legal and Policy Framework
1.1   Freedom of expression is guaranteed in law and respected in practice
1.2   The right to information is guaranteed in law and respected in practice
1.3   Editorial independence is guaranteed in law and respected in practice
1.4   Journalists' right to protect their sources is guaranteed in law and respected in practice
1.5   The public and civil society organizations (CSOs) participate in shaping public policy towards the media

B.   Regulatory System for Broadcasting
1.6   Independence of the regulatory system is guaranteed by law and respected in practice
1.7   Regulatory system works to ensure media pluralism and freedom of expression and information

C.   Defamation Laws and Other Legal Restrictions on Journalists
1.8   The state does not place unwarranted legal restrictions on the media
1.9   Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals
1.10   Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

D.   Censorship
1.11   The media is not subject to prior censorship as a matter of both law and practice
1.12   The state does not seek to block or filter Internet content deemed sensitive or detrimental

Category 1 : A system of regulation conducive to freedom of expression, pluralism and diversity of the media

A. Legal and Policy Framework

Freedom of expression and the right to information require an enabling media environment with strong constitutional and legal guarantees that protect these rights.

1.1 Freedom of expression is guaranteed in law and respected in practice[7]

South Sudan has yet to formally ratify key international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR). In June 2012, the President signed a Refugee Provisional Order containing international standards on refugee rights, and in July 2012 the country acceded to the 1949 Geneva Conventions and their Additional Protocols. In May 2013, the Council of Ministers approved the following international and regional treaties related to Human Rights: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and Peoples' Rights, the Convention Governing the Specific Aspects of Refugee Problems in Africa, the International Convention on Elimination of All Forms of Discrimination against Women and Optional Protocols, the International Convention on All Forms of Racial Discrimination, and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. According to the South Sudan's Transitional Constitution of 2011, all international agreements and treaties need to be approved by the Parliament and signed by the President to be fully ratified.

The National Legislative Assembly has already approved ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child, which are pending signing by the President.

Article 24 of the South Sudan Transitional Constitution 2011 contains provisions for freedom of expression as an essential component of peacebuilding and democratic development. Article 24 states that:

- Every citizen shall have the right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to public order, safety or morals as prescribed by law.

- All levels of government shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.

- All media shall abide by professional ethics.[8]

Article 128 subsection 2k) of the Transitional Constitution states that the Supreme Court shall "uphold and protect human rights and fundamental freedoms" but freedom of expression is not explicitly mentioned.[9]

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7   The headings and sub-headings employed throughout this report are those of UNESCO's Media Development Indicators and do not necessarily reflect the actual media situation in South Sudan.

8   The Transitional Constitution of the Republic of South Sudan. Article 24, 2011

9   The Transitional Constitution of the Republic of South Sudan. Article 128, 2011

The mechanism for the protection of rights in South Sudan is the South Sudan Human Rights Commission, whose functions are laid out in Article 146 of the Transitional Constitution. Its first function under clause (a) is to "monitor the application and enforcement of the rights and freedoms enshrined in the Constitution".[10] It also has a mandate to investigate complaints by any person or group against violations of human rights and freedoms. The second clause of the same Article states that the "Commission shall publish periodical reports on its findings".[11] Since January 2014 the South Sudan Human Rights Commission has issued one public report, several press statements and important position papers.

Another indirect protection of the right to freedom of expression in South Sudan can be found in the Bill of Rights, although freedom of expression is not mentioned explicitly in it. This Bill is designed to be an understanding between the citizens of South Sudan and their government, and constitutes "a commitment to respect and promote human rights and fundamental freedoms enshrined in the Constitution".[12] Its Article 9(1) states that all rights and freedoms "shall be respected, upheld and promoted by all organs and agencies of Government and by all persons".[13]

1.2 The right to information is guaranteed in law and respected in practice

The right to information is guaranteed in limited terms by the 2011 South Sudan Transitional Constitution under Article 32. It states that "Every citizen has the right of access to official information and records, including electronic records in the possession of any level of government or any organ or agency thereof, except where the release of such information is likely to prejudice public security or the right to privacy of any other person".[14] The Article thus stipulates that information may be restricted or denied on the grounds of public security and the right to privacy, but fails at providing clear definitions for these, necessary for effective enforcement of the law.

Among the draft Media Bills recently passed by Parliament is the Right of Access to Information Bill, 2012 (Bill No. 54). Article 3 of this draft Bill outlines that "the purpose of this Act is to give effect to the constitutional right of access to information; to promote maximum disclosure of information in the public interest; to establish effective mechanisms to secure that right; and to provide for incidental matters".[15] Under this draft Bill, there is a provision for receiving and handling requests for information from the public. Additional information is provided on how to respond to and publish certain types of information according to public requests. The draft Right of Access to Information Bill is a positive step in securing the right to freedom of information. While Article 6 of the draft Bill specifies that "every citizen shall have the right to freedom of information",[16] this is a legal classification that could serve to exclude stateless persons, foreign persons and legal entities such as corporations.

One of the functions of the Ministry of Justice includes the duty to "print, publish, gazette, distribute and disseminate all the Government of South Sudan and State laws";[17] however, it was not possible to verify whether all of these functions are in fact carried out in practice.

1.3 Editorial independence is guaranteed in law and respected in practice

While editorial independence of the public broadcaster is guaranteed in the draft Media Authority Bill in Article 13 (k), overall editorial independence is not guaranteed. In practice editorial independence does not appear to be respected and the Committee to Protect Journalists (CPJ) reports a deteriorating situation regarding freedom of press in South Sudan.[18]

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10   The Transitional Constitution of the Republic of South Sudan. Article 146, 2011

11   Ibid.

12   The Transitional Constitution of the Republic of South Sudan. Part II, 2011

13   The Transitional Constitution of the Republic of South Sudan. Article 9, 2011

14   The Transitional Constitution of the Republic of South Sudan. Article 32, 2011

15   The Right to Access Information Bill, Article 3, 2012

16   The Right to Access Information Bill, Article 6, 2012

17   http://www.goss-online.org/magnoliaPublic/en/ministries/Legal-Affairs-and-Constructional-Development.html

18   South Sudan, CPJ, 2013: http://www.cpj.org/africa/south-sudan/

A July 2013 article in the Sudan Tribune reported for example that Nhial Bol Aken, Editor of *The Citizen* and owner of Citizen TV, planned to go into exile as "security agencies put him under strict surveillance for allegedly broadcasting and publishing views critical of the ruling party's (SPLM) performances".[19]

However some rare examples exist where media articles critical of the Government have been published and there have even been instances where these have led to the prosecution of Government officials. This was the case with the former Undersecretary of Ministry of Education, George Justin Achor, who was suspended after the newspaper *The Citizen* published accounts of his alleged use of public funds to pay for his family members' travel expenses.[20]

In the survey carried out among editors in media houses, the opinions of respondents were divided with regards to the frequency of State requests received by journalists to change editorial policies or to disclose their information sources, as illustrated in the table below.

TABLE 3: FREQUENCY OF CASES OF PRESSURE BY STATE TO REVEAL SOURCES OR CHANGE EDITORIAL POLICIES

Responses by editors in media houses (SQ1)	Number of respondents (23)
It happens all the time	5
Fairly common	6
Quite rare	10
Never	2

1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice

Article 13(f) of the draft Media Authority Bill states that "journalists have the right not to reveal the sources of information to which they have promised confidentiality".[21] However, when editors in media houses were asked about the risk of journalists being harassed if they tried to protect their sources, a clear majority (72.7%) of those who answered felt there was at least a substantial risk of harassment, indicating that this right is often undermined in practice.[22]

TABLE 4: RISK OF HARASSMENT IF SOURCES ARE NOT REVEALED

Responses by editors in media houses (SQ1)	Number of respondents (23)
Almost certain to happen	7
Substantial risk of happening	9
Low risk of happening	5
Virtually no risk of happening	1
No answer	1

1.5 The public and civil society organizations (CSOs) participate in shaping public policy towards the media

The Transitional Constitution foresees under Article 202 the creation of a National Constitutional Review Commission with the mandate to review the Transitional Constitution and collect opinions and suggestions from all stakeholders.[23] The National Constitutional Review Commission launched public consultations in July 2013 to gather inputs on what South Sudanese citizens would like to see included in their Constitution. The results of the consultations were not yet available at the time of drafting this assessment.

19   South Sudan newspaper editor says under threat for publishing critical views, *Sudan Tribune*, 13 July 2013: http://www.sudantribune.com/spip.php?article47271

20   South Sudan: Court Dismisses Case By Former Education Undersecretary Achor, *The Citizen*, 12 September 2012: http://allafrica.com/stories/201209060009.html

21   Media Authority Bill, Article 13, 2013.

22   Questionnaire to Editors in media houses, SQ1, 1.3.3

23   The Transitional Constitution of the Republic of South Sudan. Article 202, 2011

The Civil Society Resource Team is an independent civil society organization that undertook research to incorporate citizens' perspectives into the constitutional review process.[24] Despite the last poll having been carried out on 19 July 2013, the Resource Team has not yet released a comprehensive document detailing the citizens' recommendations.

Other civil society organizations such as the South Sudan Law Society and the Community Empowerment for Progress Organization are also engaged in ensuring that citizens have a voice in the drafting of their Constitution and in governance. However, whether inputs from these civil society organizations will be taken into consideration by the National Constitutional Review Commission is yet to be seen.[25]

It is to be noted that the Sudan Tribune reported that President Salva Kiir has affirmed that every person, regardless of ethnicity, gender, education, status or wealth, has the right to voice opinions on the Constitution's evolving text and stated that the participation in this regard would make the country's Constitution stronger.[26]

B. Regulatory System for Broadcasting

1.6 Independence of the regulatory system is guaranteed by law and respected in practice

There are no independent regulatory systems established in South Sudan to date. The draft Media Authority Bill aims to establish such a regulatory system, and to develop and promote an independent and professional media in South Sudan.

The appointment of board members for the planned Media Authority states that the Minister shall submit to the President, in consultation with media associations and civil society organizations, a list of candidates twice the number of available positions. The list of proposed board members is to then be submitted to the National Legislation Assembly for vetting and approval before members' formal appointment by the President.

With regards to the independence of the regulatory system, Article 6(3) under the Guiding Principles of the draft Media Authority Bill cites the Declaration of Principles on Freedom of Expression adopted by the African Commission on Human and Peoples' Rights. It states that the regulatory authorities for the broadcast sector shall be independent and adequately protected from interference of a political or economic nature; that the appointments process for members of such an Authority shall be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party; and that such an Authority shall be formally accountable to the public through the Assembly.[27]

The functions and powers of the Media Authority are spelled out in Article 16(1) of the draft Media Authority Bill, whereby it is said that "the Authority shall oversee media in South Sudan consistent with constitutional and international guarantees of freedom of expression".[28] The Board of the Media Authority should consist of nine members, "at least three of whom shall be women" and "members shall have relevant expertise" outlined in principle 8(3) of the draft Bill.[29]

While the draft Media Authority Bill is a step in the right direction towards the establishment of a regulatory system in South Sudan, many clauses and principles make it unclear if it will remain independent. As pointed out by freedom of expression NGO ARTICLE 19, according to the draft Bill the members of the Media Authority were to be appointed by the joint decision of the Minister for Information and Broadcasting, the Council of Ministers and the President, and could be removed by the President on the recommendation of the Minister. The Media Authority budget was to depend on government approval and was to be able to accept grants from the government, thereby opening the door to undue influence. The draft Bill also gave the Ministry and governmental entities the right to initiate legal procedures with the use of the Authority, which invites politically motivated procedures.[30]

24   The Civil Society Resource Team on the Constitution Review Process upon Completion of the Citizens' Dialogue on the Constitution in all ten states of South Sudan, South Sudan News Agency, 19 July 2013: http://www.southsudannewsagency.com/news/press-releases/the-civil-society-resource-team-on-the-constitution-review-process

25   Sudan: Nimule Declaration By Civil Society Resource Team on the Constitutional Making Process, *Sudan Tribune* , 27 May 2013: http://allafrica.com/stories/201305280286.html

26   South Sudan: UN Official Urges Key Role for Women in Drafting New Constitution, UN News Centre, 7 May 2013: http://www.un.org/apps/news/story.asp?NewsID=44845#.UjAhBs3F-kI.

27   Media Authority Bill, Article 6, 2013

28   Media Authority Bill, Article 16, 2013

29   Media Authority Bill, Article 8, 2013

30   South Sudan: Media Authority Bill Legal Analysis, NGO ARTICLE 19, June 2012: http://www.article19.org/data/files/medialibrary/3387/12-07-26-LA-south-sudan.pdf.

1.7 Regulatory system works to ensure media pluralism and freedom of expression and information

There is an absence of regulatory systems for the media in South Sudan. However Article 7(1) of the draft Media Authority Bill which foresees the establishment of a Media Authority, lists in its Article 12 the following functions for the Media Authority:

- Uphold constitutional principles, and in particular, respect for human rights, democracy and the rule of law;

- Promote freedom of expression;

- Promote a diverse range of quality media services which serve South Sudan's national languages, ethnic, religious and cultural communities; and

- Enhance the right of the public to know through promoting pluralism and a wide variety of programming on matters of public interest.[31]

C. Defamation Laws and Other Legal Restrictions on Journalists

1.8 The state does not place unwarranted legal restrictions on the media

The media in South Sudan previous to the adoption of the draft media bills operated in a legal void. However, according to Section 13 (h) of the draft Media Authority Bill passed by Parliament, "no government license shall be required from any person practicing journalism as a profession [and] the media and all journalists shall adhere to a professional code of conduct in their practice".[32] It further states that the media and all journalists shall adhere to professional codes of conduct in their practice. According to international best practices, adhering to a professional code of conduct should be a matter of self-regulation and therefore done in a voluntary manner rather than imposed statutorily.

Additionally, according to Section 13 of the draft Media Authority Bill, "There shall be no licensing or registration of newspapers, news agencies, magazines, periodicals nor any other printed media, nor of web sites or content sources on the Internet other than that required by law for any business seeking to engage in commercial or non-profit activity. All print media shall be self-regulating, and expansion and use of internet and electronic media shall be encouraged as other means of mass communication media".[33]

1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

Defamation in South Sudan is currently regulated by the Penal Code Act 2008. The Penal Code Act of 2008 presents challenges to the way journalists and media houses report on State institutions or individuals, especially officials, since it imposes restrictions on freedom of opinion and expression which are not in compliance with international standards. The most restrictive articles are 75, 76, 289, 291 and 292.

Specifically, Article 75 lists a number of cases under which the publishing or communicating of information is regarded as "prejudicial to South Sudan", and as such is liable to penal prosecution. These include statements "wholly or materially false" or without "reasonable grounds for believing [them] to be true", as well as those that risk "(i) inciting or promoting public disorder or public violence or endangering public service; (ii) adversely affecting the defence or economic interests of South Sudan; (iii) undermining public confidence in a law enforcement agency, or the Defence Forces of South Sudan; or (iv) interfering with, disrupting or interrupting any essential service [...]".[34]

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31   Media Authority Bill, Article 12, 2013

32   Media Authority Bill, Article 13, 2013

33   Ibid.

34   Penal Code Act, 2008, Article 75

Article 76 imposes additional restrictions that apply with regard to publishing or communicating information about the Head of State. It includes statements "about or concerning the President or an acting President with the possibility that the statement is false and that it may (i) engender feelings of hostility towards; or (ii) cause hatred, contempt or ridicule of the President or acting President, whether in person or in respect of the President's office;" or making "abusive, indecent or obscene" statements concerning the President or an Acting President.[35]

Article 289 of the Penal Code Act 2008 named "Criminal Defamation" defines defamation as the act of making "any imputation concerning any person, intending to harm, or knowing or having reason to believe that such imputation will harm the reputation of such person".[36] Defamation carries a sentence of "imprisonment for a term not exceeding two years or […] a fine or […] both".[37] By criminalizing defamation the draft Media Authority Bill does not align with international standards.

In practice, several cases of defamation have been reported. In November 2011 two journalists were jailed for reportedly criticising the fact that the President's daughter had married an Ethiopian national. Referring to the incident, President Salva Kiir said that "media freedom should not be abused to the extent of attacking personalities. In any case that will be defamation".[38] Such a response meant that the journalists in question were detained on the count of defamation. Other examples include *The Citizen* newspaper and *Al Masir* newspaper, which were fined SSP 100,000 to be paid to SPLM Secretary General Pagan Amum for defamation.[39] Both newspapers were requested to publish a public apology within 15 days or face additional fines.

Journalists are therefore at risk of facing criminal charges for printing allegedly false news or allegedly seditious material. Despite the duties of the journalists stipulated in the Code of Conduct that include "a pure and truthful intention in the performance of their profession",[40] it should be noted that it is not always possible to establish the veracity of some information beyond all reasonable doubt, either due to lack of time or difficult circumstances. In such cases, journalists are forced into taking a professional decision over whether to publish the information nevertheless or not, often taking into consideration the importance of the information to be published.

Under the draft Media Authority Bill it is stipulated that those individuals, legally established businesses and other legal entities who believe they have been defamed by published or broadcast statements have the right to take legal action against the organization or journalist they believe defamed them. Sanctions are provided under Article 47 indicating that fines are assessed only for repeated breaches and are not to exceed 2% of the licensee's total revenue for the previous year.[41]

1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

Under Article 22 of the Transitional Constitution, privacy laws are only vaguely defined: "the privacy of all persons shall be inviolable; no person shall be subjected to interference with his or her private life, family, home or correspondence, save in accordance with the law".[42] The Constitution does not, however, explicitly state what kinds of interferences are to be considered "in accordance with the law".[43]

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35   Penal Code Act, 2008, Article 76

36   Penal Code Act, 2008, Article 289

37   Ibid.

38   South Sudan: 'Freedom is never free.' *The Daily Maverick*, 2011: http://www.dailymaverick.co.za/article/2011-12-01-south-sudan-freedom-is-never-free/#.UevoWM0hwXw

39   Corruption a no-go zone for South Sudan's journalists. CPJ, 28 March 2012: CPJ. http://www.cpj.org/blog/2012/03/corruption-a-no-go-zone-for-south-sudans-journalis.php

40   Code of Conduct, 2009

41   Media Authority Bill, Article 47, 2013

42   South Sudan Transitional Constitution, Article 22, 2011

43   South Sudan Transitional Constitution, Article 22, 2011

The draft Media Authority Bill inhibits public debate about the conduct of officials and official entities. Article 13 (d) of the draft Media Authority Bill states the right of an individual to be protected against hate speech, incitement to violence, defamation and intrusion of privacy.[44] Article 13 (e) states that "any provisions restricting freedom of expression and media shall be incorporated within the law, to be specifically and narrowly defined and subject to tests of necessity, proportionality and pressing social need as defined by courts".[45] This is in line with international legal standards.

There have been reports that press freedom is being compromised through coercion to follow specific agendas, justified in terms of protecting national security. At a training held by Union of Journalists of South Sudan in November 2012, an independent journalist from Central Equatoria, Samson Legge, reported:

> There are senior government officials using the security forces as a remote control to suppress the media. The unabated kidnapping of members of the civil society organizations and the continuous summoning and persistent denial of journalists' right to cover and report on controversial issues is in itself an act indicative of intention by some government officials to control the media.[46]

Clearer definitions are needed in the law to determine national security concerns as well as hate speech, obscenity, privacy, and contempt of court laws. Independent governing bodies of the Media Authority, when put in place, should be able to investigate cases of censorship surrounding perceived breaches of freedom of speech by officials.

D. Censorship

1.11 The media is not subject to prior censorship as a matter of both law and practice

The media in South Sudan are not subject to prior censorship in law as there is no national body mandated to regulate the media. It is reported that security forces engage in de facto censorship through harassment and illegal detentions. Since South Sudan became independent in July 2011, its security forces have regularly intimidated and unlawfully arrested and detained journalists and editors in connection with the content of their reporting.[47]

As an example of such incidents, Human Rights Watch reported that in April 2013 National Security Service officers visited the *Juba Monitor* and told editors to stop printing stories about internal divisions in the Sudan People's Liberation Movement (SPLM) and concerns about criminality in the capital, Juba. They threatened to shut the newspaper down in case of non-compliance with this request.[48]

In October 2012 the National Security Services temporarily prohibited the import of selected foreign newspapers from East African countries such as Kenya and Uganda due to a publication that was deemed offensive to the President of South Sudan. This ban was lifted in January 2013.[49]

In March 2011, Southern Sudanese forces confiscated 2,500 copies of the bi-weekly *Juba Post* because of an article reporting that the militia leader General Athor planned to attack Juba before Southern Sudan's independence in July. According to Southern Sudanese security, the paper was repeatedly warned to stop publication of the story. The Minister of Information defended the measure on the grounds that freedom of the media is subject to limits of ethics and responsibility and that the article was a clear call for war. A similar position was adopted by the Ministry for Legal Affairs and Constitutional Development.[50]

Thus, despite the absence of laws relating to media censorship, it appears that media have faced censorship attempts.

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44   Media Authority Bill, Article 13, 2013

45   Ibid.

46   South Sudan Media Calls for Reflection on 'International Standards' in Draft Bills, *All Africa*, 11 November 2012: http://allafrica.com/stories/201211120711.html

47   Ibid.

48   South Sudan: Stop Harassing, Detaining Journalists, Human Rights Watch, 3 May 2013: http://www.hrw.org/news/2013/05/03/south-sudan-stop-harassing-detaining-journalists

49   South Sudan Presidency, lift a ban on foreign newspapers, *Sudan Tribune*, 25 October 2012: http://www.sudantribune.com/spip.php?article44336

50   Press freedom deeper in limbo after newspaper seizure in Southern Sudan, *The Niles*, 10 April 2011: http://www.theniles.org/articles/?id=695

1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental

The government does not appear to seek to block or filter Internet content deemed sensitive or detrimental, either in law or practice. Online content is not subject to prior censorship, whether by government or by regulatory bodies. There are no laws restricting individuals' or organizations' use of mobile and online Internet content and platforms, whether in terms of accessing or publishing content, and users are not subject to sanctions for accessing or publishing content on the Internet deemed sensitive or detrimental. Most online media enjoy a relatively high level of press freedom, in particular since most Internet websites are hosted outside of South Sudan.

The version of the draft Media Authority Bill presented to the President for signature states under Article 13(h) that "Internet and electronic media expansion and use shall be encouraged and not be restricted as a mass communication media".[51] Furthermore, Article 14 (e) stipulates that "Internet service providers shall be able to offer Internet services without prior approval"; but it is also stated in Article 14 (i) that "to the extent that filtering of pornographic content or material is needed, Internet service providers shall be required to provide, upon request by the end user, filtering software for end user terminals, or equivalent filtering services applied by the service provider before reaching end user terminals".[52]

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51   Media Authority Bill, Article 13, 2013

52   Media Authority Bill, Article 14, 2013

CATEGORY 1 RECOMMENDATIONS

1.   The Government of South Sudan should hasten to ratify international (United Nations) and regional (African Union) human rights instruments critical to advancing freedom of expression, media freedom and access to information, and submit periodic reports as the conventions may require.

2.   The Government of South Sudan should establish an independent regulatory body for the broadcasting sector.

3.   The Government of South Sudan should decriminalize defamation and subject it to civil laws which provide adequate protection and remedies in cases of defamation.

4.   The Government of South Sudan should enact progressive media laws that meet international standards for freedom of expression and take measures for their effective implementation. Civil society organizations and other media stakeholders should continue to lobby and advocate for an enabling environment for independent, free and pluralistic media in South Sudan.

5.   Government, civil society organizations and media stakeholders should work towards effective implementation of the Right of Access to Information Bill and further a culture of transparency, openness and accountability among public officials.

6.   The Ministry of Justice in collaboration with the Association for Media Development in South Sudan (AMDISS) should undertake public education on the Transitional Constitution and freedom of expression in South Sudan through radio and television programmes. The Ministry of Justice should disseminate the media laws widely among media practitioners at all levels.

7.   Editorial independence needs to be guaranteed.

8.   The Government of South Sudan should develop, in cooperation with media stakeholders and civil society, a comprehensive media policy to address the excessive restrictions on freedom of expression in practice.

9.   The Ministry of Information and Broadcasting should induct public officials on the role of media in society, particularly its security agencies the National Security Service and the Criminal Investigation Department. This should be done in a way that will build and sustain relations between the security services and the media sector. Where there is a breach, these agencies should report to the proposed Media Authority.

Category 2

Plurality and diversity of media, a level economic playing field and transparency of ownership

KEY INDICATORS

A.   Media concentration
2.1   State takes positive measures to promote pluralist media
2.2   State ensures compliance with measures to promote pluralist media

B.   A diverse mix of public, private and community media
2.3   State actively promotes a diverse mix of public, private and community media
2.4   Independent and transparent regulatory system
2.5   State and CSOs actively promote development of community media

C.   Licensing and spectrum allocation
2.6   State plan for spectrum allocation ensures optimal use for the public interest
2.7   State plan for spectrum allocation promotes diversity of ownership and content
2.8   Independent and transparent regulatory system

D.   Taxation and business regulation
2.9   State uses taxation and business regulation to encourage media development in a non-discriminatory manner

E.   Advertising
2.10   State does not discriminate through advertising policy
2.11   Effective regulation governing advertising in the media

Category 2 : Plurality and diversity of media, a level economic playing field and transparency of ownership

A. Media Concentration

2.1 State takes positive measure to promote pluralist media

The media sector is not well developed in South Sudan. As the actors involved generally serve the common objectives of providing information for the development of the country, the Government has had no reason to prevent or limit ownership thus far. However, it has been noted by media commentators that the Government has significant influence over the national broadcasters: South Sudan Radio and South Sudan Television. This is also the case at the state level, where state governments control media houses.[53] As of early 2012, the Government had established a strong state-run radio presence with stations in nine of the country's ten state capitals.

Under the Guiding Principles (Article 6) of the draft Media Authority Bill, sub-section 12(f) makes some recognition of anti-monopoly requirements, and states that laws and regulations governing the media industry in South Sudan should "prevent monopolisation of ownership and promote fair competition in the broadcasting media sector".[54] Undue concentration of ownership is to be avoided through the proposed measures:

- No legal or natural person shall exercise direct or indirect control over more than one national free-to-air television service;

- No legal or natural person shall exercise direct or indirect control over a national free-to-air broadcasting service and a national newspaper;

- For purposes of this section, financial or voting interest of 40% or more shall be deemed to constitute control.[55]

Under the draft Media Authority Bill, Article 16 (1) (a) states that the Media Authority "will issue licences for the provision of broadcasting services to the public".[56] There is no specification of the number of radio or television channels a single individual or corporate body can own under the draft Media Authority Bill. It does, however, place restrictions on the issuing of broadcasting licences to political parties or bodies "substantially owned or controlled by a political party".[57] Substantial ownership or control, however, is not defined in the text. The draft Media Authority Bill further states under Article 27(1) that the issue of licenses will take into consideration the effect that concentration of ownership, cross-ownership and fair competition may have on the broadcasting environment. While this acknowledges the need to limit ownership and cross-ownership of media to prevent market dominance, there is no legal norm that defines what this limit is. This leaves licensing open to ad hoc decisions and manipulation.

The draft Media Authority Bill continues stating under Article 27 (3) (c) that "where the applicant is not a South Sudanese, the percentage of shareholding by South Sudanese nationals" will be taken into consideration before issuing a licence.[58] It is not stipulated what the ratio of national to non-national shareholders should be. However, there is a ratio outlined in the Companies Act of 2003 which could provide a guideline, stating that South-Sudanese ownership of medium- and large- size private companies should be of a minimum of 31 per cent of the total.[59] It is not clear whether this applies only to types of media registered under the Company Act (where owners are shareholders) or whether it includes media houses that are registered as NGOs. This is a very important element in need of clarification in the draft Media Authority Bill as the majority of foreign media actors in South Sudan are registered as NGOs.

53   Country Case Study: South Sudan, BBC Media Action, 2012: http://downloads.bbc.co.uk/mediaaction/policybriefing/South_Sudan_FINAL.pdf

54   Media Authority Bill, Article 6, 2013

55   Ibid.

56   Media Authority Bill, Article 16, 2013

57   Media Authority Bill, Article 27, 2013

58   Media Authority Bill, Article 27, 2013

59   Companies Act, 2003

2.2 State ensures compliance with measures to promote pluralist media

As there are no fixed measures in place to promote pluralist media, the Government of South Sudan has not been able to ensure compliance with any set of rules. Once the above-mentioned measures included in the draft Media Authority Bill are put in place, assessments on their compliance will be possible.

The absence of defined anti-monopoly laws to regulate against undue concentration of ownership is important during this early stage of media development in South Sudan. When asked if the Ministry of Telecommunication and Postal Services had refused license requests to avoid excessive concentration of ownership, responses from editors in media houses were almost equally divided between those who didn't know (43,5%) and those who thought that such regulations had not been enforced (52,2%).[60]

In the survey carried out among editors in media houses, just a small minority of respondents were aware of measures in place to limit undue concentration of media ownership, as illustrated in the table below.

TABLE 5: KNOWLEDGE OF MEASURES TO LIMIT UNDUE CONCENTRATION OF MEDIA OWNERSHIP

Responses by editors in media houses (SQ1)	Number of respondents (23)
Don't know	10
Yes	1
No	12

2.3 State actively promotes a diverse mix of public, private and community media

There is little evidence of the Government actively promoting diversity of the media in South Sudan. However, neither is there any evidence of the Government actively blocking the promotion of diverse media houses. Information obtained during the research for this assessment showed that an open process for media registration exists. Media houses are required to obtain a letter of no objection in order to obtain a license from the Ministry of Information and Broadcasting and there have been no reports of any South Sudanese media houses being refused a licence.

Some provisions for diversity are included in the Guiding Principles of the draft Broadcasting Corporation Bill 2013, which state that "the Broadcasting Corporation shall have an overall mandate to provide a wide range of programming for the whole territory of South Sudan that informs, enlightens, entertains and serves all the people of South Sudan, taking into account their ethnic, cultural and religious diversities. The Broadcasting Corporation shall provide innovative and high quality broadcasting reflecting the range of views and perspectives held in society, endeavor to address the diverse needs and interests of the general public in relation to informative broadcasting, and complement private broadcaster programming".[61]

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60   Questionnaire to Editors in media houses, SQ1, MT2.2.1

61   Broadcasting Corporation Bill, Section 6, 2013

B. A Diverse Mix of Public, Private and Community Media

2.4 Independent and transparent regulatory system

The NGO ARTICLE 19 found that the draft Media Authority Bill's rules on frequency planning and licensing procedures strive to fulfill the requirements of transparency, diversity and equal treatment of all the parties as required by international standards on broadcasting regulation.[62] Furthermore, minimum content requirements for tender applications are set out in the draft Media Authority Bill and reasoning is to be provided about the tender decisions to each applicant.[63]

However, ARTICLE 19 suggests inserting guarantees to further ensure that the rights of applicants or licensees are not violated. The NGO suggests that the draft Media Authority Bill declare the following: the "Media Authority may exercise its right to define specific license conditions only prior to announcing the tender. It should explicitly declare the obligation of the Authority to only decide tenders on the basis of the criteria that were defined either in the law or in the announcement of the tender. Amendment of the license conditions at a later point in the tendering phase or during the license period should be explicitly excluded, unless it is mutually agreed by the Media Authority and the licensee".[64]

In terms of promoting pluralistic types of ownership, the Guiding Principles of the draft Media Authority Bill, under Section 12, "encourage creative national media", specifically through the licensing of all three types of broadcasters: public, commercial, and community.[65]

2.5 State and CSOs Actively Promote Development of Community Media

Radio is the main source of news and information for the people in South Sudan. Most of the population now lives within the reach of Frequency Modulation (FM) and Medium Wave (MW) broadcasts. New radio stations have mushroomed in Juba and the state capitals since the Comprehensive Peace Agreement was signed in 2005. By early 2012, there were more than 37 radio stations on air across the country. Many of these were set up by churches and community organizations backed by international donors. Internews has been the dominant provider and supporter of community radio stations, providing training and mentoring in journalism, financial management and institutional development in remote and resource-poor areas in order to meet the demands of local communities.[66] Radio Miraya is operated jointly by the UN Mission in South Sudan (UNMISS) and the Swiss-based Fondation Hirondelle. The Catholic Radio Network is a network of nine local radio stations set up by the Roman Catholic Church since 2006.

Most community radio FM stations are found in Yei, Morobo and Kajo Keki in Central Equatoria state, and Magwi in Eastern Equatoria state.

There is some evidence of states promoting local media development, exemplified by the initiative of the Morobo County authorities (Central Equatoria state) to establish a local radio station in July 2013 with the support of Gesellschaft für Internationale Zusammenarbeit (GIZ).[67] There is no evidence of any broader, nationwide support for community broadcasters through established quotas or targets reserved within the frequency spectrum, nor does there appear to be any preferential pricing rules or subsidies. This is reflected to some degree in the responses provided by the media houses surveyed within the framework of this study.

None of the editors in media houses surveyed for this study felt that the Government was actively supportive of community print or broadcast media, and a very strong majority (84%) felt that the Government provided either 'very limited support' (43%) or 'no support at all' (39%).[68] Such results are indicative of the South Sudanese Government's neglect of this sector.

62   South Sudan: Public Service Broadcasting Bill Legal Analysis, ARTICLE 19, June 2012: http://www.article19.org/data/files/medialibrary/3387/12-07-26-LA-south-sudan.pdf

63   Broadcasting Corporation Bill, Section 12, 2013

64   South Sudan: Media Authority Bill Legal Analysis, NGO ARTICLE 19, June 2012: http://www.article19.org/data/files/medialibrary/3387/12-07-26-LA-south-sudan.pdf.

65   Media Authority Bill, Article 12, 2013

66   Where we work South Sudan, Internews 2013: http://www.internews.org/where-we-work/sub-saharan-africa/south-sudan

67   Morobo in the process to establish community radio station, *The Niles*, 19 July 2013: http://www.theniles.org/articles/?id=1931

68   Questionnaire to Editors in media houses, SQ1, 2.1.9

TABLE 6: GOVERNMENT SUPPORT FOR COMMUNITY PRINT AND BROADCAST MEDIA

Responses by editors in media houses (SQ1)	Number of respondents (23)
Does not support at all	9
Very limited support	10
Moderate support but needs improvement	4
Active support	0

An additional problem for community media are broadcasting costs. The average fee for a radio frequency was reported by most media managers interviewed as being 6000 USD, which is a heavy burden for small community radio stations. Michael Duku of AMDISS acknowledges that the cost "can be difficult for a community radio to raise given the poor economic and living conditions many communities are experiencing in South Sudan". That said, he is of the opinion that this "is not necessarily meant to prohibit stations from obtaining a licence".[69] It is nonetheless likely that such high costs do hinder the development of a diverse array of smaller community and private media broadcasters.

C. Licensing and Spectrum Allocation

2.6 State plan for spectrum allocation ensure optimal use for the public interest

Currently there is no state plan for spectrum allocation in place. The absence of a state plan for spectrum allocation and the lack of any legal norms regulating the distribution of frequencies among the sectors are indicative of a lack of government support for the promotion of diversity of ownership and content, and fail in ensuring optimal use of the spectrum for the public interest.

Article 2 of the draft Media Authority Bill states that a media regulatory body shall be established, comprising of an Engineering and Technical Standards Committee.[70] If established, this Committee will be responsible for creating a "functioning frequency spectrum plan upon which to base the broadcasting licensing system".[71] There is no time frame for when this Committee or the state plan for spectrum allocation should be established once the law is enacted. The draft Media Authority Bill does not stipulate whether the state plan will be in line with the rules of the International Telecommunication Union. Furthermore, it does not foresee consultations with the media sector or with CSOs in the development of the state plan for spectrum allocation.

2.7 State plan for spectrum allocation promotes diversity of ownership and content

As seen under indicator 2.6, there is currently no state plan for spectrum allocation. According to information obtained from Veronica Lucy, Chair of AMWISS and founder of Radio Freedom, a community radio station in Magwi County, "the license process is simple. It depends on whether you have enough money to pay the fees".[72]

The proposed state plan for spectrum allocation in the draft Media Authority Bill does not include specific targets or quotas. However, under Article 23 it is stated that the proposed state plan may reserve certain frequencies for use by specific categories of broadcasters to ensure diversity and equitable access to frequencies over time.[73] Neither the limit on the reservation of frequencies nor the specific categories are stipulated. Under the same Article 23 it is stated that the state plan for spectrum allocation shall be revised "from time

69   Interview for this study with Michael Duku of AMDISS, Juba

70   Media Authority Bill, Article 2, 2013

71   Media Authority Bill, Article 7, 2013

72   Interview for this study with Veronica Lucy of AMWISS

73   Media Authority Bill, Article 23, 2013

to time" to promote the "widest possible broadcasting diversity".[74] It also states that the state plan shall ensure that the broadcasting spectrum is shared equitably and in the interest of the wider public with consideration of the following categories:

- Public Broadcasters.
- Commercial Broadcasters.
- Community Broadcasters.
- Radio and Television Broadcasters.
- Local Broadcasters.
- Regional Broadcasters.
- Broadcasters whose geographic area of coverage extends to the whole of South Sudan.[75]

2.8 Independent and transparent regulatory system

There is currently no independent and transparent regulatory system in South Sudan. The draft Media Authority Bill foresees the creation of a regulatory body for the broadcast media. The Board of the Media Authority shall retain legal powers and its decisions should be transparent, impartial and independent of external influence. It is suggested that part of its functions will be to "investigate any breach of media or access to information laws on its own initiative or initiation by the Ministry, governmental entity or upon complaint of a third party, and [it] shall take appropriate action in accordance with provisions of this Act".[76]

Article 35(1) of the draft Media Authority Bill states that the Media Authority may "from time to time" adopt regulations setting out general license terms and conditions.[77] Article 37 states that the Authority may include the specific conditions "it deems necessary" in the granting of broadcasting service licenses.[78]

D. Taxation and Business Regulation

2.9 State uses taxation and business regulation to encourage media development in a non-discriminatory manner

There is some evidence of the Government using taxation as a means to encourage media development. Concessions are available to print and electronic media, which have been designated as priority sectors for investment. Investors in print and electronic media are entitled to tax incentives that include capital allowances ranging from 20% to 100%, deductible annual allowances ranging from 20% to 40%, and other depreciation allowances ranging from 8% to 20%.[79] In addition, special incentives may be granted by the Board of Directors of the South Sudan Investment Authority to strategic or transformational sectors.[80]

When editors in media houses were asked whether tax policy discriminates against or favours specific media sectors or investment companies, the dominant response was that this was not the case (47.8%) while only 13% considered that tax discrimination existed. That said, the significant proportion of respondents that stated not knowing (39.1%) is indicative of an overall low level of awareness of the media environment even among media professionals, and should be taken into consideration in the interpretation of these results overall.

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74   Media Authority Bill, Article 23, 2013

75   Ibid.

76   Media Authority Bill, Article 35, 2013

77   Ibid.

78   Media Authority Bill, Article 37, 2013

79   Business and Industry Tax System, Government of South Sudan: http://www.goss-online.org/magnoliaPublic/en/Business-and-Industry/Tax-System.html

80   Ibid.

TABLE 7: TAX POLICY DISCRIMINATES/FAVOURS MEDIA SECTORS/ INVESTMENT COMPANIES

Responses by editors in media houses (SQ1)	Number of respondents (23)
No discrimination against media sectors/investment	11
Companies	0
Existence of tax discrimination	3
Don't know	9

It remains unclear whether these Government incentives also apply to media development organizations. Veronica Lucy of AMWISS claims that during the registration of radio stations involving the Catholic Radio Network, "there was no discount, except for the equipment [for which] we did not pay import tax".[81] With regards to business regulation, media houses may register either as an NGO or a private company.

A lack of available discounts, especially on equipment, and other start-up costs are stifling growth and diversity within the media sector. Independent community media suffer from this particularly as they often cannot afford the start-up and maintenance costs required.

E. Advertising

2.10 State does not discriminate through advertising policy

There is no advertising policy in South Sudan and there are no civil society institutions that monitor advertising expenses to ensure fair and transparent distribution of state advertising.

The draft Media Authority Bill outlines in Article 8 prospective Advertisement and Technical Codes to be drawn up in consultation with broadcasters, publishers, journalists and other interested stakeholders, and which should be revised "from time to time".[82] The proposed Advertisement Code does not specify practice or regulation regarding state-funded advertisements and there are no codes of conduct to award public sector advertising.

2.11 Effective regulation governing advertising in the media

Radio and print media rely heavily on donor and state advertising; however, there are no defined regulations for advertising in the media.

The absence of regulation for advertising in the media is reflected in the responses of individuals from media houses, 69.6% of whom reported that there were no agreed advertising limits or agreed times for programming and advertising within broadcast or print media.

Article 41 of the Draft Media Authority Bill outlines some issues relating to print and audio-visual advertising that the planned Advertisement Code (mentioned under 2.10) will consider:

- All advertisements shall be clearly identified as such;

- No printer or publisher or audio-visual licensee shall advertise medicines which are available only with a prescription;

- No printer or publisher or audio-visual licensee shall advertise or promote illegal products, and contents that tend to corrupt public morals;

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81   Interview for this study with Veronica Lucy of AMWISS

82   Media Authority Bill, Article 8, 2013

- The maximum space, daily and hourly advertising which may be carried by different licensed broadcasting services, shall in no case exceed 20% of total daily programming;

- No broadcaster shall carry any advertisement for or on behalf of any political party or candidate for election to political office, except in accordance with the section or in accordance with the law and regulations governing elections.[83]

Article 41 of the draft Media Authority Bill also makes specific reference to the power of the proposed Media Authority to adopt regulations regarding political advertisements during elections. These regulations seek to ensure equitable and non-discriminatory access to media services by parties and candidates.[84]

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83   Media Authority Bill, Article 41, 2013

84   Ibid.

CATEGORY 2 RECOMMENDATIONS

1.   Media development organizations and donors should support media houses to develop strategies that could help them not to be over-dependent on external support. These strategies should aim at providing conditions that foster long-term sustainability.

2.   Measures to prevent concentration within and between different media sectors should be strengthened, and transparency of ownership should be ensured in media legislation.

3.   The system for regulation of the media should be transparent and based on clear and fair rules.

4.   The system for regulation of the broadcast media landscape should have as its principal objective the promotion of a diverse mix of public, private and community media.

5.   Measures should be adopted to ensure the active promotion of the development of community media. Donor organizations and Government both at national and state level should work together to establish a support fund for community radio. This initiative will help boost the access to information in the various communities in South Sudan.

6.   As soon as the draft Media Authority Bill is enacted, a state plan for spectrum management needs to be elaborated.

7.   The planning and allocation of frequencies in the state plan for spectrum management needs to be implemented with clear processes for radio and television registration. It needs to establish a three-tier system of public, private and community broadcasting, and needs to avoid monopoly of ownership or saturation of frequencies by a single entity. Efforts should be made to ensure that the Media Authority is truly independent by revising the provisions for the appointment of board members.

8.   Legislators, CSOs and the public at large should be familiarized with the provisions of the Media Authority Bill.

9.   Broadcast licensing fees for non-commercial and community radio and television services should be reduced.

Category 3

Media as a Platform for Democratic Discourse

KEY INDICATORS

A.   Media Reflects Diversity of Society
3.1   The media – public, private and community-based – serve the needs of all groups in society
3.2   Media development organizations reflect social diversity through their employment practices

B.   Public Service Broadcasting Model
3.3   The goals of public service broadcasting are legally defined and guaranteed
3.4   The operations of public service broadcasters do not experience discrimination in any field
3.5   Independent and transparent system of governance
3.6   PSBs engage with the public and CSOs

C.   Media Self-Regulation
3.7   Print and broadcast have effective mechanisms of self-regulation
3.8   Media displays culture of self-regulation

D.   Requirements for Fairness and Impartiality
3.9   Effective broadcasting code setting out requirements for fairness and impartiality
3.10   Effective enforcement of broadcasting code

E.   Levels of Public Trust and Confidence in the Media
3.11   The public displays high levels of trust and confidence in the media
3.12   Media development organizations are responsive to public perceptions of their work

F.   Safety of Journalists
3.13   Journalists, associated media personnel and media development organizations can practice their profession in safety
3.14   Media practice is not harmed by a climate of insecurity

Category 3 : Media as a Platform for Democratic Discourse

A. Media Reflects Diversity of Society

3.1 The media – public, private and community-based – serve the needs of all groups in society

South Sudan is a newly independent country, and according to the South Sudan Statistical Yearbook of 2011 it comprises 64 indigenous ethnic and 80 linguistic groups.[85] With the 2011 independence, English became the official language of the Government of South Sudan, replacing Arabic, but both languages are used in the media and the Government. Local radio stations outside the capital Juba broadcast mainly in the indigenous languages spoken within their broadcast coverage area.[86] The media is directly affected by inter- and intra-ethnic conflicts as it influences their capacity to operate in the country. Most media do not target specific groups in society and the media sector tends to concentrate on Juba, the most populated area and therefore the most likely to ensure long-term sustainability of media houses. There is one women's magazine called *SHE magazine* that targets women and women's development. Recently, a business weekly newspaper and a sports newspaper have also appeared on the market.[87]

While radio stations have increased, the majority of reports are in either English or Arabic (English being the national language). These, however, "are not widely spoken beyond major cities" in a country with over 50 tribal languages.[88] This is problematic with regard to the ability of significant parts of the population to access information. While there is no available data as to the number of English speakers in the country, the estimated proportion of South Sudanese English speakers is believed to be low. The problem of access to information is compounded by a high level of illiteracy among the population, estimated at 73%.[89]

3.2 Media development organizations reflect social diversity through their employment practices

The situation of women in the media in South Sudan, like in most developing countries, leaves a lot to be desired. Women media professionals are not only few in number but usually occupy lower or less significant positions in the media than men. Reports by women media practitioners of unequal treatment and physical abuse are on the increase. Women are rarely represented in the news and when they are, they are generally portrayed as weak, dependent, passive or victims. Gender mainstreaming in media still has a long way to go.[90]

South Sudan is a country in which gender equality is a significant problem overall. Women are often underrepresented in decision-making processes and have limited access to employment, although the Transitional Constitution reserves a 25% quota system for women in politics.[91,92]

Gender imbalances persist among management boards and in newsrooms of South Sudanese media houses, despite efforts by major international media development organizations to raise the profile of female journalists. The Association for Media Development in

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85   South Sudan Statistical Yearbook, 2011: http://ssnbs.org/publications/south-sudan-statistical-yearbook-2011.html

86   The Transitional Constitution of the Republic of South Sudan, 2011

87   *SHE magazine*: http://shesouthsudan.org/magazine/, http://mrbasouthsudan.com/

88   BBC Media Action 2012. To Progress in South Sudan: An Analysis of current events and economic development in South Sudan: http://toprogress.worldpress.com/2012/06/27/a-review-of-media-in-south-sudan

89   'South Sudan Overview', World Bank: http://www.worldbank.org/en/country/southsudan/overview

90   The Association of Media Women in South Sudan Strategic Plan 2013 – 2015, 2013

91   South Sudan's gender gap still too wide, *IRIN News*, 8 March 2013: http://www.irinnews.org/report/97616/south-sudan-s-gender-gap-still-too-wide

92   Transitional Constitution of the Republic of South Sudan, Article 142, 2011

South Sudan (AMDISS) reported in the survey carried out for this study (qualitative responses) that almost all media houses include women among their staff either at a junior or at senior level. Despite this, the Association for Media Women in South Sudan (AMWISS) maintains that women's participation in workshops and training sessions is uncommon.[93]

There are two media houses, a women's magazine known as *SHE magazine* based in Juba, and Radio Magwi FM 92.5 based in Magwi county Eastern Equatoria state that are owned and managed by female journalists. Data collected for the present assessment among media professionals, journalists and bloggers showed that the majority of responses were split between those who believe that female journalists are 'well' represented across the media industry sector (46%) and those who believe they are unfairly represented (32.4%).[94] When interpreting these results, it should however be noted that most of the respondents to this survey were men, as explained in the Introduction.

TABLE 8: WOMEN'S REPRESENTATION IN THE MEDIA

Responses by editors in media houses (SQ1)	Number of respondents (37)
Very well represented	4
Well represented	17
Unfairly represented	12
Very unfairly represented	4

Data collected from media professionals, journalists and bloggers (SQ3) suggested that diversity through recruitment practices is respected in South Sudan, with a majority of respondents (45.9%) considering journalists from different ethnic, linguistic or religious groups to be 'well' represented across the media industry. A further 21,6% believed these were 'very well' represented. An important minority of respondents, however, were of the opinion that these groups were either 'unfairly' (21.6%) or 'very unfairly' represented (10.8%).[95]

TABLE 9: ETHNIC, LINGUISTIC OR RELIGIOUS GROUPS' REPRESENTATION IN THE MEDIA

Responses by media professionals, journalists and bloggers (SQ 3)	Number of respondents (37)
Very well represented	8
Well represented	17
Unfairly represented	8
Very unfairly represented	4

Among radio stations there appears to be a good balance of cultural diversity, especially outside of Juba. This is because a large number of radio broadcasts outside of the capital are local-based and therefore work closer within these communities. This is also true with regards to their staff recruitment and languages broadcasted in, both of which tend to reflect well South Sudan's overall ethnic, religious and linguistic diversity.[96]

The national state broadcaster has an unclear policy with regards to the hiring of staff. The selection is made by the Ministry of Information and Broadcasting but the standards and procedures remain unclear.

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93   Survey carried out as part of the Interim Assessment of Media Development in South Sudan

94   Questionnaire to Media professionals, journalists and bloggers, SQ3, 3.2.1

95   Questionnaire to Media professionals, journalists and bloggers, SQ3, 3.2.2

96   When does information change lives? An evaluation of community radio development in South Sudan and the Three Areas, Internews, 2011:
      http://www.internews.org/sites/default/files/resources/InternewsWP10Sudan.web_.pdf

B. Public Service Broadcasting Model

3.3 The goals of public service broadcasting are legally defined and guaranteed

South Sudan has not yet established a public service broadcaster, but South Sudan Radio and South Sudan Television operate as national broadcasters. There are no clear legal definitions or body of rules to refer to. However, the 2012 draft Broadcasting Corporation Bill (no. 53) aims to transform national broadcasters South Sudan Radio and South Sudan Television into national public service broadcasters through the establishment of the South Sudan Broadcasting Corporation (SSBC).[97] In July 2013 the draft Bill was passed by the Parliament and presented to the President for its signing into law. The real terms of implementation of this draft Bill, however, remain unclear.[98]

In its current form, the draft Broadcasting Corporation Bill spells out the main purposes and Guiding Principles of Public Service Broadcasting. In particular, the Bill seeks to promote the provision of high-quality broadcast programming to the public at large; the independence of the public service broadcaster from political or commercial interference within a framework of accountability to the public; and stable financing for the public service broadcaster.[99]

The Guiding Principles additionally stipulate that:

> The SSBC has an overall mandate to provide a wide range of programming for the whole territory of South Sudan that informs, enlightens, entertains and serves all the people of Southern Sudan, taking into account ethnic, cultural and religious diversity. [Furthermore] SSBC shall provide innovative and high quality broadcasting, which reflects the range of views and perspectives held in society, satisfies the needs and interests of the general public in relation to informative broadcasting, and complements programming provided by private broadcasters.[100]

The Guiding Principles further state that to meet its further public service broadcasting mission, SSBC shall:

> [S]trive to provide a broadcasting service that:

- Is independent of governmental, political or economic control, reflects editorial integrity and does not present the views or opinions of SSBC;

- Includes comprehensive, impartial, and balanced news and current affairs programming, including during prime time, covering Sudanese, Southern Sudanese, and international events of general public interest;

- Contributes to a sense of Southern Sudanese identity, while reflecting and recognising the cultural diversity of Southern Sudan and its status in Sudan as well as internationally;

- Gives a voice to all ethnic, cultural, and religious communities, including through the establishment of dedicated Programming Services and the provision of programming in all Southern Sudan national languages;

- Strikes a balance between programming of wide appeal and specialised programmes that serve the needs of different audiences;

- Provides appropriate coverage of the proceedings of key decision-making bodies, including the Southern Sudan Legislative Assembly and the State assemblies;

- Includes programmes that are of interest to different regions;

- Ensures the diffusion of important public announcements;

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97   South Sudan Broadcasting Bill passes Second reading, *Gurtong*, 16 May 2013:
http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/11221/South-Sudan-Broadcasting-Bill-Passes-Second-Reading.aspx

98   South Sudan backs plans to boost press freedom, reporters wary, Reuters, 10 July 2013:
http://www.reuters.com/article/2013/07/10/us-southsudan-media-idUSBRE9690GX20130710

99   Broadcasting Corporation Bill, Article 2, 2013

100   Broadcasting Corporation Bill, Article 4, 2013

- Provides a reasonable proportion of educational programmes and programmes oriented towards children;
- Promotes gender equality;
- Promotes programme production within Southern Sudan; and
- Contributes to informed debate and critical thought.[101]

Promotion of South Sudanese programme production is another important goal included in the Guiding Principles, whereby SSBC is expected to "progressively work towards the goal of obtaining 20% of its total broadcasting from independent producers based in South Sudan".[102]

Although the purposes and Guiding Principles of the proposed draft Broadcasting Corporation Bill are overall in line with international standards, it remains to be seen whether and how these will be implemented.

It is important to underline that the draft Broadcasting Corporation Bill is interconnected with the draft Media Authority Bill (no. 52). The draft Media Authority Bill stipulates in Article 13(k) that "the Media Authority shall be responsible for ensuring that editorial independence of the Public Service Broadcaster is maintained and that public service broadcasters adhere to modern democratic standards of public service broadcasting".[103]

3.4 The operations of public service broadcasters do not experience discrimination in any field

Given that a Public Service Broadcaster is not yet in place in the country, it is still too early to assess whether it will face any kind of discrimination or not.

3.5 Independent and transparent system of governance

The Board of Directors is to be the highest policy-making organ of the Corporation and shall exercise oversight authority over the Corporation according to the draft Broadcasting Corporation Bill. Article 8 of the draft Bill spells out the need for the Board members to act impartially, independently and work in the interest of the wider public and in line with the Guiding Principles set out in the Bill.[104] Moreover, the guidelines on Board members' appointment detailed in Article 7 states that it is to be based on an "open nominations process", and that appointments should be made in order to ensure representation of "a wide cross-section of South Sudanese society", with at least three female Board members out of the total nine.[105]

It is not possible however to predict at this stage how the system of governance set out in the draft Public Broadcasting Corporation Bill will materialize in practice in South Sudan.

3.6 PSBs engage with the public and CSOs

The draft Broadcasting Corporation Bill states that the Minister shall, in consultation with media associations and civil society, submit for appointment to the Board of Directors a list of candidates. The candidates will represent twice the number of available positions for nomination as Chairperson and Vice Chairperson.[106] The Members of the National Assembly will vet and approve the proposed appointments.

It will be possible to assess the degree of engagement of the SSBC with the public and CSOs only once it has been established.

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101   Broadcasting Corporation Bill, Article 4, 2013

102   Ibid.

103   Media Authority Bill, Article 12, 2013

104   Broadcasting Corporation Bill, Article 8, 2013

105   Broadcasting Corporation Bill, Article 7, 2013

106   Broadcasting Corporation Bill, Article 24, 2013

C. Media Self-Regulation

3.7 Print and broadcast have effective mechanisms of self-regulation

South Sudan is a new country and the media sector has yet to establish strong mechanisms of self-regulation. The Association of Media Development in South Sudan (AMDISS), the Union of Journalists of South Sudan (UJOSS) and the Association for Media Women in South Sudan (AMWISS) all advocate for media self-regulation. A Code of Conduct for Journalists was developed by a group of editors representing South Sudan's print media in 2007 following a two- day meeting in Juba. Norwegian People's Aid and the NGO ARTICLE 19 supported a review of the Code of Conduct of Journalists organized by AMDISS, which took into account the draft Media Bills. The revised Code of Conduct for Journalists was validated in November 2013.

3.8 Media displays culture of self-regulation

There is no culture of self-regulation amongst the media in South Sudan. Efforts to install a self-regulatory body, such as an ombudsman, have been proposed in 2012 and 2013 as part of an AMDISS, Norwegian People's Aid and International Media Support consortium project under the name of Media Council. However, due to a lack of funding and capacity this project was not realized.

The survey used in this assessment indicates a low awareness of the concept of self-regulation among the profession. The majority of editors in media houses (65%) surveyed stated that a system for hearing public complaints was not in place.[107]

The survey also requested editors to assess if journalists' associations existed and if they were independent and disseminated good practices.

TABLE 10: JOURNALISTS' ASSOCIATIONS AND DISSEMINATION OF GOOD PRACTICES

Responses by editors in media houses (SQ 1)	Number of respondents (23)
Journalists' associations are independent and disseminate good practices	12
Journalists' associations exist but do not disseminate good practices	7
Journalists' associations are not independent and do not disseminate good practices	4

Just over half of the respondents (52.2%) answered positively. A strong minority of 30.4% were of the opinion that associations existed but were not disseminating good practice, while a further 17.4% of respondents answered that no independent journalists' associations existed in South Sudan.[108]

Furthermore, 18 of the editors surveyed (SQ1) confirmed that their media organization/house did have their own in-house code of conduct and editorial guidelines. Among these, six said that the code was disseminated to journalists, debated and reviewed 'annually or more frequently', and a further four responded they did so 'every couple of years'. By contrast, five said that those distributions happened 'once or twice'; and a further three responded that they 'never' took place.

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107   Questionnaire to Editors in media houses, SQ1, 3.5.3

108   Questionnaire to Editors in media houses, SQ1, 3.5.7

D. Requirements for Fairness and Impartiality

3.9 Effective broadcasting code setting out requirements for fairness and impartiality

There is no broadcasting code in South Sudan. However, efforts to establish a code of conduct for reporting during election periods were undertaken in 2009. The resulting Code of Conduct for the Media during elections was developed by NGO ARTICLE 19 with a consortium of five international and local Sudanese partners: International Media Support, Norwegian People's Aid, the Association for Media Development in South Sudan, the Khartoum Centre for Human Rights and Environmental Development and the Olof Palme International Center. It was used during the Sudan National Election in 2010 and the South Sudan referendum in 2011.

3.10 Effective enforcement of broadcasting code

Given the aforementioned development of the Code of Conduct for the Media during elections, a survey was conducted with media professionals, journalists, and bloggers to examine their awareness of the existence of any statutory code of ethics for the media industry. The following results were collected:

TABLE 11: AWARENESS OF FORMAL CODE OF ETHICS

Responses by media professionals, journalists and bloggers (SQ 3)	Number of respondents (37)
Knowledge of statutory code of ethics and editorial guidelines	18
Statutory code of ethics and editorial guidelines disseminated, debated and reviewed annually or more frequently	7
Statutory code of ethics and editorial guidelines disseminated, debated and reviewed every couple of years	5
Statutory code of ethics and editorial guidelines disseminated, debated and reviewed once or twice	3
Statutory code of ethics and editorial guidelines disseminated, debated and never reviewed	2
No knowledge of statutory code of ethics and editorial guidelines	2

E. Levels of Public Trust and Confidence in the Media

3.11 The public displays high levels of trust and confidence in the media

South Sudan is still a very young state and the media is not well developed. South Sudan TV and Citizen TV are the only functioning television stations, and radio is the most widespread and trusted source of information.[109] It is therefore challenging to accurately make assessments on how the general public feels about the integrity of journalists and media. Further research into the matter would be required to fully address this.

That said, this study involved a survey in which media professionals, journalists and bloggers were asked what proportion of the public they thought believe in the integrity of journalists and media organizations.

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109   Media and Telecoms Landscape Guide, INFO AS AID, 2012: http://reliefweb.int/sites/reliefweb.int/files/resources/South%20Sudan%20Media%20and%20Telecoms%20Landscape%20Guide.pdf

TABLE 12: TRUST IN THE MEDIA SECTOR

Media professionals, journalists and bloggers (SQ 3)	Number of respondents (37)
All or nearly all (>90%) of the public believe in the integrity of journalists and the media	5
A majority (>50%) of the public believe in the integrity of journalists and the media	14
A minority (<50%) of the public believe in the integrity of journalists and the media	10
Very few members (<90%) of the public believe in the integrity of journalists and the media	8

Responses varied significantly among respondents. Thirty-eight percent of them stated that over half of the population believes in the integrity of journalists and the media, with a further 13.5% affirming that "all or nearly all of the public" holds such views. In contrast, 27% of respondents were of the opinion that under half of the population believes in the integrity of the media, while a further 21.6% considered that only "very few members" of the public do.[110]

Additionally, media professionals and journalists were asked about their views on whether the media offered an equally balanced output in information (news), education and entertainment.

TABLE 13: BALANCE OF INFORMATION (NEWS), EDUCATION, AND ENTERTAINMENT IN THE MEDIA

Responses by media professionals, journalists and bloggers (SQ 3)	Number of respondents (37)
Yes, the media is balanced	21
The media is biased towards news and information	8
The media is biased towards education	4
The media is biased towards entertainment	3
No answer	1

A slight majority of respondents answered affirmatively (56.8 %), stating that overall the balance was good, versus 40.5% who believed that the media was biased. Specifically, 21.6% of respondents stated that media was biased towards news and information, a further 10.8% responded that the bias was towards education, and a final 8.1% responded that the bias was towards entertainment.[111]

3.12 Media organizations are responsive to public perceptions of their work

Being responsive to the public is essential to foster a vibrant and active civil society. Radio in South Sudan is the primary means of providing information and entertainment. Some radio stations such as Radio Bakhita and Radio Miraya have programmes where listeners are able to call in and express their opinions on societal issues in South Sudan. During the interviews carried out for this assessment, most respondents expressed the necessity for such call-in programmes to continue. They highlighted, among others, the programme 'Miraya Moment' which is broadcast by Radio Miraya from Monday to Friday in the morning and through which the radio station gives listeners a chance to share their views about

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110   Questionnaire to Media professionals, journalists and bloggers, SQ3, 3.7.4

111   Questionnaire to Media professionals, journalists and bloggers, SQ3, 3.7.6

what is happening in their locality. 'Wake up Juba', a programme on Radio Bakhita provides listeners with the opportunity to participate in interactive programmes. It was not possible to determine within the framework of this research exercise the extent to which mechanisms for receiving feedback from the public are in place across the various types of media and whether media organizations carry out audience surveys to identify the expectations of their listeners and readers.

F. Safety of Journalists

3.13 Journalists, associated media personnel and media organizations can practice their profession in safety

Several notable incidents that threaten the safety of media professionals have occurred since the country's independence, including unlawful detentions, arbitrary arrests and harassment by the authorities. A number of senior-level media professionals such as the editor in chief of The Citizen newspaper and the chairperson of the Union of Journalists of South Sudan (UJOSS) have raised serious concerns about the media's ability to freely operate in the aftermath of the 2011 referendum.[112] In its 2013 Press Freedom Index, Reporters Without Borders ranked South Sudan 124 out of 179 countries.[113] The report added that South Sudan "is not currently prey to concerted and systematic harassment of its media," but that "there has been a disturbing accumulation of incidents and isolated acts of repression or intimidation that end up undermining the climate in which journalists and media operate".[114] Similar findings were presented by Freedom House, which ranked South Sudan 130 out of 197 countries in its Freedom of the Press annual index of 2012.[115]

South Sudan has been chosen as one of the pilot countries for the implementation of the UN Plan of Action on the Safety of Journalists, whose long-term aim is "to create a free and safe environment for journalists and media workers". [116]

Despite official statements by the Government of South Sudan and the Ministry of Information and Broadcasting on the need to create a viable, accountable and modern media system, several episodes of harassment, intimidation, killings, detention and threats were observed before and after independence.

In January 2013, a package containing a jawbone, a bullet and a death threat was sent to the office of John Penn de Ngong, a well-known South Sudanese blogger and activist, in Juba. The death threat was signed by a group that called itself the Committee for the Operation to Restore Patriotism in South Sudan (CORPSS). Penn de Ngong posted a picture of the jawbone and bullet on his Facebook site.[117] The case of Penn de Ngong is not an isolated one, with a number of other media professionals having reported also being victims of threats, including John Garang of South Sudan Television.

A number of arrests – most of which without charges – have also been signaled during the period of December 2012 to January 2013. The incidents were reported in Juba, Wau and the Upper Nile state.[118]

On 5 December 2012, journalist Isaiah Abraham was shot dead in front of his home in Gudele, a residential area outside of Juba. Although not proven, South Sudanese and international media believe his killing was motivated by his writings, which were often critical of the Government.[119] The UNESCO General-Director called for an investigation into his killing.[120]

112   South Sudan stop harassing and detaining journalists, Human Rights Watch, 3 May 2013 http://www.hrw.org/news/2013/05/03/south-sudan-stop-harassing-detaining-journalists

113   Reporters without Borders, 2013: http://en.rsf.org/press-freedom-index-2013,1054.html

114   Report - "World's Youngest Country yet to embark on road to civil liberties", Reporters Without Borders, 3 July 2012

115   Freedom of Press South Sudan, Freedom House, 2012: http://www.freedomhouse.org/report/freedom-press/2012/south-sudan

116   South Sudan to be 'pilot country' for new UN initiative protecting journalists, UN, 11 February 2013: http://www.un.org/apps/news/story.asp?NewsID=44110#.UjcEDtJSiSp

117   After a long fight for freedom, South Sudan cracks down on dissent, Reuters, 14 March 2012: http://www.reuters.com/article/2013/03/14/us-sudan-south-media-idUSBRE92D0I720130314

118   Amnesty International, Committee to Protect Journalists and Human Rights Watch Press release 2013:http://www.hrw.org/news/2013/05/03/south-sudan-stop-harassing-detaining-journalists

119   Who killed Isaiah Abraham? Sudan Tribune, 5 December 2012: http://www.sudantribune.com/spip.php?article44756

120   Director-General calls for investigation into killing of South Sudanese journalist Isaiah Diing Abraham Chan Awol, UNESCO, 21 December 2012:
        http://www.unesco.org/new/en/media-services/single view/news/director_general_calls_for_investigation_into_killing_of_south_sudanese_journalist_isaiah_diing_abraham_chan_awol/#.UjGr6NJSiSo

Journalism institutions themselves have also come under attack, as the following extract from the Southern Sudan Referendum 2011 report showcases:

> On 20 February 2011, the premises of the Juba-based newspaper The Citizen were attacked by armed men in plainclothes waving pistols and shouting threats. According to Editor-in-chief Nhial Bol, the men were security officials. He suspects that this incursion was a reaction to his commentary criticising South Sudanese police for inadequate protection of civilians in the semi-autonomous region. Barnaba Marial Benjamin Information Minister of the Government of South Sudan labelled the episode as an 'isolated incident'. However, in March 2011, security forces arrested Nhial Bol in Juba, on the same grounds. He was detained on numerous occasions, as were other journalists in the region.[121]

Overall, the media environment in South Sudan remains particularly challenging. Those committing crimes against journalists are often not held accountable.[122] Michael Duku of AMDISS indicated that not a single person has been prosecuted for unlawful attacks on media practitioners. This creates an environment of impunity for perpetrators of attacks. The chairperson of the Union of Journalists of South Sudan, Oliver Modi, additionally confirmed that there have been many cases of journalist maltreatment by security forces with no police investigation following these incidents.

Media professionals, journalists and bloggers were asked for this assessment what they believed the likelihood was that those who committed crimes against journalists (and bloggers) would be successfully prosecuted. A clear joint majority of 70% responded that it was either 'unlikely' (38%) or 'extremely unlikely' (32%). Just 19% of the respondents said that it was 'likely' that prosecution would be carried out, and 11% stated that it was 'very likely'.[123] The same question was also posed to editors in media houses, 74% of whom stated that it was either 'unlikely' or 'extremely unlikely' that those who committed crimes would be successfully prosecuted.[124]

Editors in media houses and media professionals, journalists and bloggers were also asked whether, in their knowledge, their media house had a policy for protecting the health and safety of their staff, and whether social protection measures were available to all staff (i.e. including temporary or freelance employees). Almost three-quarters of media professionals (73.0%), journalists and bloggers[125] and 56% of editors[126] answered this question negatively.

3.14 Media practice is not harmed by a climate of insecurity

Throughout the research stage, a number of journalists mentioned that they chose not to report on contentious issues such as corruption and the internal politics of South Sudan's ruling party, the Sudan People's Liberation Movement (SPLM). In many cases, journalists have either been warned not to cover those subjects by members of security forces, or they feel intimidated, or fear the possible repercussions of doing so.

According to the Africa Director at Amnesty International, Netsanet Belay, South Sudanese journalists are increasingly engaged in self-censorship because of the harassment they face in connection with their work. "This is deeply worrying and in contradiction with South Sudan's Constitution, which requires the government to guarantee freedom of press", he said. [127]

The survey conducted for the assessment asked two sample groups how likely journalists were to self-censor their work for fear of punishment, harassment or attack.

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121   Southern Sudan Referendum 2011: Monitoring of Media Coverage, http://www.mediasupport.org/wp-content/uploads/2012/11/ims-southern-sudan-monitoring-2011.pdf

122   Questionnaire to Media professionals, journalists and bloggers, SQ3, MJ3.9.5

123   Ibid.

124   Questionnaire to Editors in media houses, SQ1, MJ3.9.4

125   Questionnaire to Media professionals, journalists and bloggers, SQ3, MJ3.9.5

126   Questionnaire to Editors in media houses, SQ1, MJ3.9.5

127   Interview for this study with Netsanet Belay of Amnesty International

TABLE 14: LIKELYHOOD OF SELF-CENSORSHIP SQ3

Responses by media professionals, journalists and bloggers (SQ 3)	Number of respondents (37)
Very likely to exercise self-censorship	8
Likely to exercise self-censorship	17
Unlikely to exercise self-censorship	8
Very unlikely to exercise self-censorship	4

Among the media professionals, journalists and bloggers surveyed, 68% believed that self-censorship is either 'likely' or 'very likely' to take place among South Sudanese media professionals (46% and 22% respectively). Conversely, 22% of respondents answered that they believed self-censorship was 'unlikely' to take place, and a further 11% responded it was 'very unlikely'.[128]

TABLE 15: LIKELYHOOD OF SELF-CENSORSHIP SQ1

Responses by editors in media houses (SQ 1)	Number of respondents (23)
Very likely to exercise self-censorship	10
Likely to exercise self-censorship	11
Unlikely to exercise self-censorship	0
Very unlikely to exercise self-censorship	2

The survey asked the same question to editors in media houses in South Sudan. Their answers reflected a widespread belief in self-censorship being carried out by media professionals. Specifically, 48% believed it was 'likely' to take place, and a further 43% thought it was 'very likely' to take place. Just 9% of respondents stated believing self-censorship was 'very unlikely' among media professionals.[129]

128   Questionnaire to Media professionals, journalists and bloggers, SQ3, 3.9.6

129   Questionnaire to Editors in media houses, SQ1, 3.9.6

CATEGORY 3 RECOMMENDATIONS

1.   The media should be encouraged to reflect ethnic, cultural and political diversity, and to ensure access to information by all including the most marginalized. This includes catering for the public that is not able to speak English or Arabic, and taking into account the high level of illiteracy in the country.

2.   The role of women in media houses should be further developed and strengthened, particularly with regards to media houses' recruitment and employment practices at all levels including the managerial. Furthermore, gender-equal participation in training sessions, workshops, mentorships and internships throughout South Sudan needs to be ensured. Media houses should additionally develop gender-sensitive policies to ensure media content is produced by and caters to the needs of women as well as men.

3.   It is important that CSOs and the media sector engage with the Government to ensure that the public interest is put first in the future establishment and running of the South Sudan Broadcasting Corporation, in accordance with the Guiding Principles detailed in the Public Broadcasting Corporation Bill. The SSBC should enjoy full editorial independence, away from political interference or government control.

4.   Media development organizations that support South Sudan Television and South Sudan Radio should include a strict monitoring system in their programmes in order to account for the allocated resources and technical support, to demonstrate impact, and to be accountable to the general public.

5.   The media sector and the CSOs should advocate for the elaboration of a Broadcasting Code for the audiovisual sector in order to make sure that the broadcasting industry operate according to guiding principles and within the legal framework of the country.

6.   The Code of Conduct for Journalists developed by AMDISS should be widely distributed. Furthermore, specific training should be carried out to help journalists understand the ethical principles set out in the Code and prevent self-censorship.

7.   The role of digital media in supporting interactive radio programmes should be strengthened to allow citizens to become more active media consumers and participants, and to provide them with a platform for expressing their opinions.

8.   Mechanisms to both inform and enhance the safety and security of media practitioners need to be developed. Media houses should design, in cooperation with journalism associations, in-house policies to protect the safety of their personnel. Additionally, training on the basics of the South Sudan Constitution, the existing media laws, norms concerning freedom of the media and freedom of expression, and human rights should be extended to security forces, Government officials and all media practitioners.

9.   The media sector and CSOs should work with the South Sudan Law Society to make sure that cases of unlawful detentions, arbitrary arrests and harassment by the authorities suffered by media sector professionals are adequately addressed in court. A system of registering such cases should also be put in place.

10.   The media sector and CSOs should call for the intensification of dialogue between the media, the security forces and government bodies. The involvement of the senior leadership of the security forces, the Ministry of Defence, Ministry of Interior, Ministry of National Justice and Ministry of Information and Broadcasting should be sought. Priority should be given to the topic of media practitioners' safety and security as well as to the issue of impunity.

Category 4

Professional capacity building and supporting institutions that underpin freedom of expression, pluralism and diversity

KEY INDICATORS

A.   Availability of Professional Media Training
4.1   Media professionals can access training appropriate to their needs
4.2   Media managers, including business managers can access training appropriate to their needs
4.3   Training equips media professionals to understand democracy and development

B.   Availability of Academic Courses in Media Practice
4.4   Academic courses accessible to wide range of students
4.5   Academic courses equip students with skills and knowledge related to democratic development

C.   Presence of Trade Unions and Professional Organizations
4.6   Media workers have the right to join independent trade unions and exercise this right
4.7   Trade unions and professional associations provide advocacy on behalf of the profession

D.   Presence of Civil Society Organizations
4.8   CSOs monitor the media systematically
4.9   CSOs provide direct advocacy on issues of freedom of expression
4.10   CSOs help communities' access information and get their voices heard

Category 4 : Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

A. Availability of Professional Media Training

4.1 Media professionals can access training appropriate to their needs

A 2011 report on the role of the Union of Journalists in skills development in South Sudan points at a lack of skills and basic training for South Sudan journalists as a major obstacle to journalist empowerment in South Sudan. The same report noted that few working journalists are trained in the profession despite efforts by the international community to improve media capacity in the country.[130] Training was found to be insufficient in terms of content, techniques, length and language of training.[131]

Most media professionals in South Sudan lack basic journalistic skills such as interviewing skills. Editors are also poorly trained and are not fully capable of providing guidance and mentoring to media professionals.[132] As a result, professional and ethical standards are low, often leading to inaccurate, libelous or defamatory reporting that reinforces skepticism on the part of Government and the general public about media in South Sudan.[133]

A survey carried out for the purpose of this assessment found that a large percentage of media professionals surveyed did not receive any kind of professional training (43%). Furthermore, among the 57% of those surveyed that did receive professional training, a majority (57%) claimed their training 'did not fully meet the needs of media professionals' and a further 38% claimed their training 'did not meet at all the needs of media professionals'. This is indicative of the gaps in media professional training mentioned above.

TABLE 16: PROFESSIONAL TRAINING OFFERED IN SOUTH SUDAN

Responses by media professionals, journalists and bloggers (SQ3)	Number of respondents (37)
Received professional training	21
• Training received met only some needs of media professionals	1
• Training received did not fully meet needs of media professionals	12
• Training received did not meet at all the needs of media professionals	8
Did not receive professional training	16

Views were also collected among editors on whether sufficient opportunities existed for media workers to upgrade professional skills and knowledge. The majority of those surveyed answered negatively (61%), while 39% were of the opinion that such opportunities were in place.[134]

130   Empowering the Media in South Sudan: A Study of the Role of the Union of Journalists in South Sudan, Integrity Research & Consultancy, September 2011

131   Ibid.

132   Ibid.

133   Ibid.

134   Questionnaire to Editors in media houses, SQ1, 4.1.5

When questioned about aspects missing from current training programmes and ways in which training can be improved, media professionals, journalists and bloggers interviewed (SQ3) indicated training on the following topics was needed: ethics in journalism and rules of conduct, responsible reporting, interviewing skills, editing, computer and digital training, English-language training for Arabic speakers and security awareness training for handling insecure situations.

A 2012 report published by the Fojo Media Institute (a Swedish media development centre for professional journalists) identified the need to prioritize training in the following journalistic skills in South Sudan, in the order presented:

1. Investigative Reporting
2. Writing Skills
3. Basic Journalistic Skills
4. Media Management
5. Newspaper Design
6. Conflict Sensitive Reporting
7. Radio Editing
8. TV Editing
9. Media Ethics
10. Video Filming[135]

At a Training Needs Assessment Workshop held at AMDISS in Juba from 12 to 13 June 2012, the Fojo Media Institute found a need for more training in basic journalism skills. The short-term and subject-oriented training sessions currently offered in the country were viewed as not addressing this issue.[136]

Results of the Report on Training Needs for South Sudanese Journalists carried out by the Union of Journalists of South Sudan indicated a need for coordination among the various organizations providing training in the media sector.[137] This would serve to reduce unnecessary overlap in themes covered, and would help maximize resource and funding allocation. Longer training modules lasting one to three months - or even as long as a year - would be ideal given the identified lack of basic journalistic skills.

A number of short-term training courses provided by a variety of entities (some of which are not media-specific organizations) exist in South Sudan. These courses, however, seem not to be coordinated. This leads both to material overlap and to a same reduced pool of fairly well-trained journalists (mostly Juba-based) attending repeatedly similar courses of offer. Moreover, most of these courses provided are carried out in English, which is a handicap for media professionals from outside Greater Equatoria, despite translators being sometimes made available.

In South Sudan there are few local media development organizations which have received funding for trainings. Among them are the Association for Media Development in South Sudan, the Union of Journalists in South Sudan, the Association of Media Women in South Sudan, the Agency of Independent Media and Gurtong Trust. The training programmes offered have been provided by local and international organizations, including the BBC World Service Trust, Free Press Unlimited, International Media Support, Japan International Cooperation Agency (JICA), the Media Diversity Institute, Norwegian People's Aid, South Sudan Media Forum, the Government of South Sudan, UNDP and UNESCO.[138]

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135   Report on Training Needs for South Sudanese Journalists, Fojo Media Institute, June 2012: http://www.i-m-s.dk/wp-content/uploads/2012/11/ims-fojo-needs-assessment-southsudan-2012.pdf.

136   Ibid.

137   Ibid.

138   Ibid.

A consortium entitled Promotion of Awareness and Civil Society Support for Freedom of Expression in South Sudan, in which the Association for Media Development in South Sudan, the Fojo Media Institute, International Media Support and Norwegian People's Aid take part, plans to develop a Media Development Institute for South Sudan. The institute is to be the first South Sudanese journalism training centre and is resultant of intense consultation with South Sudanese media practitioners. The initiative suggests a shift in the approach to media capacity building in South Sudan, away from the uncoordinated and short-term training opportunities previously offered. It seeks to establish a training institution that offers entry-level education and training in journalism for working journalists. It is to be locally owned and sustainable in the long-term.

According to a 2011 Sudan Media and Election Consortium (SMEC) evaluation report, International Media Support provided training in 2010 and 2011 to media houses in South Sudan. It consisted of workshops and in-house mentoring in English and Arabic by international, regional and South Sudanese media professionals.[139] The SMEC evaluation of the training programme found that the in-house mentorship by media professionals was appreciated by participants for its hands-on approach and for the fact that it was conducted by media professionals.

The standard procedure thus far has been the carrying out of 'briefcase trainings' whereby international trainers are brought from outside to conduct two-day workshops, resulting in a multitude of short, similar trainings with no long-term focus.[140] Furthermore, journalists report having been trained in techniques that were impossible to apply within the South Sudanese context, either due to the restrictive media climate which does not allow media houses to apply all that is learnt or due to lack of equipment.[141]

Quantitative data collected for this assessment suggests that journalists are also not satisfied with the use of local languages in available media training opportunities. Sixty-two percent of media professionals interviewed felt that training was not delivered in local languages, while 27.0% stated there was 'nearly no' training in local languages and 10.8% indicated there was 'some' (<50%).[142]

TABLE 17: USE OF LOCAL LANGUAGES IN MEDIA TRAINING

Responses by media professionals, journalists and bloggers (SQ3)	Number of respondents (37)
Training is not provided in local languages	23
Nearly no training in local languages	10
Some training in local languages	4

There appears to be a high level of awareness on the part of media professionals as to the broad spectrum of skills needed, both short and long-term. There also seems to be a consensus on the fact that training programmes should be progressive in nature so as to allow for media practitioners to gradually increase their capacity.[143]

4.2 Media managers, including business managers can access training appropriate to their needs

The 2012 Fojo Media Institute workshop, which included media managers and editors as well as journalists, concluded that more skills in general management, staff management, financial management, sales and marketing would be beneficial for managers and editors.[144] According to the 2012 Report on Training Needs for South Sudanese Journalists produced by the Fojo Media Institute, editors are overall poorly trained and are not fully capable of providing guidance and mentoring to media professionals.[145] Similarly, Jessica

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139   Empowering the Media in South Sudan: A Study of the Role of the Union of Journalists in South Sudan, Integrity Research & Consultancy, September 2011

140   Report on Training Needs for South Sudanese Journalists, Fojo Media Institute, June 2012

141   Empowering the Media in South Sudan: A Study of the Role of the Union of Journalists in South Sudan, Integrity Research & Consultancy, September 2011

142   Questionnaire to Media professionals, journalists and bloggers, SQ3, 4.1.7

143   Report on Training Needs for South Sudanese Journalists, Fojo Media Institute, June 2012

144   Ibid.

145   Report on Training Needs for South Sudanese Journalists, Fojo Media Institute, June 2012

Gregson of Free Voice/Free Press Unlimited stated that training is urgently needed in financial management and income generation, pointing out the widespread lack of knowledge among media managers on how to generate income other than through receiving grants and equipment from NGOs or intergovernmental organizations.[146] In her interview with Internews Ms. Gregson additionally mentioned the limited skills in terms of writing proposals and reporting held by media managers in South Sudan.[147] Furthermore, NGO Media in Cooperation and Transition recommended that media manager training should incorporate finance, administration, human resource management, copyright, marketing, and product diversification.[148]

Despite Free Voice/Free Press Unlimited conducting a brief training on income generation for radio station managers, it is fair to say that training opportunities for media managers in South Sudan are scarce overall. Internews states that media management training is not regarded as a priority, and the little training offered is said to be under-developed and under-resourced.[149] It claims that the dire need for training of journalists distracts the attention of media development partners from the needs of media managers.[150]

A survey conducted among editors in media houses in 2012 indicated that almost half of respondents (48%) were unaware of any training available to media managers at all.[151] Furthermore, among those that were aware of workshops available, many stated not being able to take full days off to attend these. It is reasonable to conclude, therefore, that there is a need to raise awareness on the existence of training opportunities for media managers, as well as to improve access to and quality of those offered.

Internews considers that the training of media managers in the areas mentioned would help foster more professional and skilled journalism in South Sudan.[152] Moreover, better trained media management particularly in resource management is likely to have positive effects on the long-term sustainability and development of media houses, businesses and sector overall.

4.3 Training equips media professionals to understand democracy and development

There are several training programmes and initiatives that promote an understanding of democracy and development available to media professionals. One such initiative is a set of guidelines for media professionals that was developed in September 2013 by the African Women and Child Feature Service and funded by UNIFEM in the form of a publication titled 'Training Manual for Journalists: Gender and Governance in South Sudan'. The Manual focuses on issues of governance and reminds journalists of the "special watchdog role" that the media plays in democracy.[153] The Manual looks at the barriers faced by women in journalism and on how to mainstream gender in South Sudan's media. Furthermore, it outlines the media's role in enforcing accountability and in monitoring and assessing policy-making and service delivery. The Training Manual also provides practical exercises that demonstrate how journalists can report on governance issues and offers guidance on how to analyze stories relating to governance.[154]

Ascertaining just how effective the concepts from the Training Manual have been in practice requires further research. However, the Manual provides an encouraging basis for the promotion of journalistic capacity and greater presentation of gender perspectives in news stories. It also serves to provide overall guidelines for media professionals to understand the links between democracy, development and the media.

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146   Interview with Jessica Gregson of Free Voice/Free Press Unlimited

147   Ibid.

148   Feedback from NGO Media in Cooperation and Transition

149   Interview with Sonya de Masi, Internews

150   Ibid.

151   Questionnaire to Editors in media houses, SQ1, 4.3.1

152   Interview with Sonya de Masi, Internews

153   Training Manual for Journalists: Gender and Governance in South Sudan

154   Ibid.

B. Availability of academic courses in media practice

4.4 Academic courses accessible to wide range of students

The University of Juba was established in 1976, and has eleven colleges and five centers. There were about 15 000 students and 800 academic staff in 2013. The University's College of Rural Development & Community Studies offers a four-year Bachelor's degree programme in Development Communication, in which 85 students were enrolled in 2013. Courses in this programme include : Introduction to Communication; Reporting, Writing and Editing I and II; Public Relations; Sudanese Press History; Press Translation; Communication Technology; Public Opinion; Communication Law; Writing for Radio and Television; Radio Television Broadcasting; Still and Video Photography; Population Communication; Advertising and Marketing; Disaster Management; Specialized Reporting; Development Communication; International Communication; Media Management; and Language Studies in both English and Arabic.[155]

Upon completion of their Bachelor's degree, students have the possibility to pursue their studies in Development Communication with a one-year 'Honours' course. The College also offers a 3-year Diploma course in Communication and Public Relations. Evening and weekend programmes for practicing journalists and communication practitioners were additionally introduced in 2010.[156] However, the University of Juba does not have sufficient facilities to provide practical training in print and broadcast journalism, and suffers from a general shortage of lecture space.[157] The University is currently struggling with significant internal problems, and it is unlikely it will be able to offer an effective programme without external support.

In light of the limited availability and choice of academic media courses in South Sudan, some of those wanting to study journalism consider the option of studying in Kenya or Uganda. These countries are preferred over others such as Sudan or other Arabic speaking countries due to English being used as the language of instruction. This is particularly desirable for students from South Sudan given that English has become the official language since independence.

4.5 Academic courses equip students with skills and knowledge related to democratic development

The extent to which the educational opportunities offered by the University of Juba equip students with skills and knowledge related to democratic development has not been assessed by this study.

C. Presence of trade unions and professional organizations

4.6 Media workers have the right to join independent trade unions and exercise this right

Before the adoption of the Media Authority Bill in late 2014, there were no legal provisions in place that guaranteed journalists the right to join independent trade unions. In practice, however, the Government did not interfere with the creation of media unions. Indeed several media and journalists' organizations were established. Moreover, although the 2010 Trade Unions Act did not specifically refer to media trade unions, it stated under Chapter II, Article 6, that:

> The activity of federations and trade unions shall be legitimate in regard to all means employed by them to realize the objectives for which they were established, including strikes, in accordance with the provisions of this Act and their statutes. Such activity shall not entail any civil or criminal responsibility.[158]

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155   University of Juba: http://www.university-directory.eu/Sudan/University-of-Juba.html

156   In Service Training Programme for Media Development in Southern Sudan, UNESCO, 2010

157   Ibid.

158   Trade Unions Act, Chapter II, 2010: http://www.ilo.org/dyn/travail/docs/2169/

The draft Media Authority Bill explicitly guarantees media workers in South Sudan the right to join trade unions. In Article 13 (m) it states:

> Journalists have the right to form professional associations to promote professionalism through training, education and the writing of codes of ethics and to advocate for editorial independence, the rights of journalists and the rights of an independent media, and the government shall have no role in this process.[159]

The journalists' organizations in existence are the following:

- Agency for Independent Media (AIM)

- Association for Media Development in South Sudan (AMDISS)

- Association for Media Women in South Sudan (AMWISS)

- Union of Journalists of South Sudan (UJOSS)

They describe their respective mandates and achievements as follows:

Agency for Independent Media (AIM)

AIM was founded in 2006 as a media and human rights networking agency in South Sudan. The AIM mandate focuses on facilitating professional information gathering and dissemination within and outside of South Sudan. The Agency is committed to promoting and defending fundamental human rights, democracy, good governance, the rule of law and press freedom.

Association for Media Development in Sudan (AMDISS)

AMDISS was formed in 2003 by editors and owners of the leading media houses in South Sudan to help address the news and information void in the country and the lack of capacity by local journalists to report on issues of human rights, good governance, freedom of expression and democracy. The poor understanding of the role and responsibilities of the media by many branches of the Government of the Republic of South Sudan is another issue that AMDISS addresses. AMDISS also offers training and mentoring to improve the skills of local journalists; helps develop policy framework and media laws; and will run the Media Development Institute in Juba. Its membership currently includes 19 organizations.

The Association for Media Women in South Sudan (AMWISS)

AMWISS develops, empowers and sustains women journalists so that they can become powerful forces in advocating for issues relating to women and children. It develops and carries out campaigns on gender equality, focusing on issues such as gender-based violence and other socio-economic issues that deny women access to economic empowerment. It conducts advocacy campaigns directed at the Government and political parties with a view to mainstreaming gender in their planning of national development and political party activities.

The Union of Journalists in South Sudan (UJOSS)

UJOSS' vision is to create an independent, ethical union which protects the welfare of journalists and promotes press freedom, access to information, human rights, good governance and the development of the media in South Sudan. It has over 200 members from every state of South Sudan, of which 23 are female. It is headquartered at the Bakhita Radio compound in the capital Juba. Recent UJOSS projects have included the development of Media Observatory Committees in all ten states to monitor and report on violations against the media. It is also in process of joining the International Federation of Journalists.

The Government has occasionally cooperated with some of these media organizations such as the AMDISS and UJOSS to facilitate joint events and activities.

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159   Media Authority Bill, Article 13, 2013

4.7 Trade unions and professional associations provide advocacy on behalf of the profession

Overall, unions and associations of journalists are present and relatively active across South Sudan. They have advocated on behalf of the profession, promoted rights awareness and played a role in advancing the debate on media laws.

Since its creation in 2005, UJOSS has been the main body representing the rights of journalists, with members across the ten states of South Sudan. UJOSS has striven to promote a minimum wage, better working conditions for journalists and the safety of media professionals in the unstable political landscape of South Sudan.[160] The organization has however been struggling in delivering on these objectives in practice, in part due to a number of internal structural and managerial issues.

D. Presence of Civil Society Organizations

4.8 CSOs monitor the media systematically

Since independence, CSO monitoring of the media has not been sustained or funded in a manner that would facilitate a systematic monitoring system. Another hindrance to CSOs' ability to systematically monitor the media is the lack of CSO experience within the sector. The diagnosis of the Joint Donor Team's 2012 civil society assessment in South Sudan was that more capacity and funding for CSOs are needed.[161]

With regard to the operation of civil society organizations (CSOs), a notable increase in hostility on the part of the Government toward organizations advocating on sensitive issues such as corruption and abuse of power by Government officials has been observed. This is restricting the space available for CSOs to monitor, comment and advocate freely on issues relating to the media. Victor Lowilla from the South Sudan Law Society states that "civil society groups which report on contentious issues deemed off-limits by the government do so at the risk of reprisal".[162] This sentiment is supported by the findings of the Joint Donor Team's (JDT) civil society assessment published in 2012, which states that "the environment for civil society and media activists was increasingly insecure as the year [2011] progressed".[163] CSOs' media monitoring was intense in 2010 and 2011, as a result of the media component of the Support to Southern Sudan Referendum Project (SSRP), funded by UNDP with the aim of strengthening the ability of civil society, media, the judiciary and police to perform their functions of oversight and security as per the referendum law. This component was implemented by the Sudan Media and Elections Consortium (SMEC), a group of national and international organizations with expertise in media support that includes the Sudanese Development Initiative (SUDIA), International Media Support (IMS), Norwegian People's Aid (NPA), Osservatorio de Pavia, Arab Working Group for Media Monitoring and the Fojo Media Institute. SMEC established a media monitoring centre in Juba and trained a group of national monitors on media monitoring. During the period between 16 December 2010 and 10 April 2011, SMEC carried out a monitoring exercise on the referendum and published progress reports on media reporting twice a week.

4.9 CSOs provide direct advocacy on issues of freedom of expression

The overall environment for freedom of expression and CSO activities is becoming increasingly restrictive and the means for CSOs to provide direct advocacy on issues of freedom of expression are limited.

However, positive developments can be noted, including the formation of the Civil Society Forum on Sudan and South Sudan, a body comprising civil society organizations from South Sudan and from Africa, the Middle East and Western Europe with a South Sudan/Sudan focus.[164] This forum convened on 16-18 May 2013 and called upon the Republic of South Sudan to "urgently enact laws to protect freedom of expression, media freedoms, establish and regulate the powers of the national security service, especially with regard to the arrest and detention of people, and conduct independent investigations into abuses and killings of journalists, including

160   Union of Journalists in Southern Sudan, NPAID, 23 July 2012:
       http://www.npaid.org/Our-work/Countries/Africa/South-Sudan/Development-cooperation-in-South-Sudan/Partners-for-development-cooperation-in-South-Sudan/Union-of-Journalists-in-Southern-Sudan

161   Annual Report, Joint Donor Team, 2012

162   Interview with Victor Lowilla of SSLS, CIVICUS, 21 May 2013: https://civicus.org/news-and-resources-127/1695-independent-dissent-being-shuttered-in-south-sudan-an-interview-with-victor-lowilla-of-ssls

163   Annual Report, Joint Donor Team, 2012

164   Sudan: Civil Society Forum On Sudan and South Sudan in Addis Ababa, All Africa, 31 May 2013: http://allafrica.com/stories/201305311231.html?viewall=1

the assassination of the late Isaiah Abraham, to ensure that the perpetrators are brought to justice".[165]

Further support for initiatives such as those mentioned above as well as for smaller advocacy groups is needed to protect the right of freedom of expression. More than half (57.9%) of the managers in media houses surveyed felt that there was 'some support' from CSOs in promoting freedom of expression, the right to information and the safety of journalists, while 36.8% felt that they were doing 'nothing or very little'.[166] Granted that this sample is not nationally representative and that further research is needed to confirm these findings, they nonetheless indicate that there is room for improvement in CSOs' support for media rights.

TABLE 18: CSOS' SUPPORT FOR THE MEDIA IN PROMOTING FREEDOM OF EXPRESSION, THE RIGHT TO INFORMATION AND JOURNALISM SAFETY

Responses by managers in media houses (SQ5)	Number of respondents (19)
No or very little support by CSOs for the media	7
Quite rare for CSOs to support the media	1
Some support by CSOs for the media	11

4.10 CSOs help communities access information and get their voices heard

The ability of CSOs to help communities access information and make their voices heard is constrained by the factors outlined in the previous two sections. It is likely that increased funding and capacity building is needed to facilitate this process, but further research is required to better understand the needs.

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165   Ibid.

166   Questionnaire to Media houses, SQ5, 4.5.2

CATEGORY 4 RECOMMENDATIONS

1.   The establishment of the first South Sudanese journalism training centre, the Media Development Institute will be an important step in addressing training needs in South Sudan and creating links with the University of Juba. Training should use variety of methods and approaches, such as accredited academic programmes, in-house mentorship, on-the-job training, exchange programmes and traineeships, as well as training of trainers.

2.   When developing media training programmes it will be necessary to prioritize the needs of media managers – and women media managers in particular. Where possible this should be done using a direct hands-on approach involving mentorships or one-on-one management consultancies from professionals with experience and knowledge of South Sudan.

3.   The Association of Media Development in South Sudan (AMDISS) should develop a central database of training initiatives in South Sudan and the data should be published in order to encourage higher participation in training sessions. Donors should seek to support long-term training initiatives as opposed to the more common short-term and topical training opportunities on offer. Focus should be on supporting local training institutions with a national reach such as through establishing partnerships with the Ministry of Information and Broadcasting, media stakeholders, CSOs and the University of Juba.

4.   Training needs to be available to a wider range of media practitioners. Training programmes should be provided in Arabic and local languages in addition to English to ensure they reach marginalized groups and communities. Balanced gender representation in training programmes should be actively sought.

5.   Appropriate training material should be developed and made available. Training should be based on real training needs as expressed by local stakeholders, including those of media practitioners outside Juba, rather than on donors' funding priorities.

6.   International donors and the Government of South Sudan should provide scholarships and/or funding to promote specialist training in media law by South Sudanese lawyers, so that they can assist journalists and other media stakeholders in need of representation. This is particularly urgent in the light of the worsening context of journalist harassment.

7.   The University of Juba should extend its range of courses to cover specific areas of journalistic interest such as media law, ethics, regulation, and public policy.

8.   The Association of Media Women in South Sudan needs more institutional support so that the Association is capable of promoting the rights of women and other vulnerable groups through projects and initiatives on awareness raising, capacity building, networking, and advocacy for social justice.

9.   The existing Union of Journalists of South Sudan needs to improve on its fundraising, organizational structure, transparency and accountability, managerial capacity and coordination before it can effectively support professional capacity building for the promotion of freedom of expression, pluralism or diversity.

10.   The donor community needs to assist in reinforcing the CSOs that work on freedom of expression in order to increase their capacity to provide direct advocacy on issues of freedom of expression, in particular given the increasingly restrictive environment in which CSOs in South Sudan work.

Category 5

Infrastructural capacity is sufficient to support independent and pluralistic media

KEY INDICATORS

A.   Availability and Use of Technical Resources by the Media
5.1   Media development organizations have access to modern technical facilities for news gathering, production and distribution

B.   Press, Broadcasting and ICT Penetration
5.2   Marginalised groups have access to forms of communication they can use
5.3   The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

Category 5 : Infrastructural capacity is sufficient to support independent and pluralistic media

A. Availability and Use of Technical Resources by the Media

5.1 Media development organizations have access to modern technical facilities for news gathering, production and distribution

One of the main challenges for media houses in South Sudan is access to modern technical facilities. Print media in particular faces challenges that encompass every aspect of the sector, from printing and distribution, to sourcing office equipment and supplies. Printing in South Sudan remains limited and largely unprofitable. As an example, daily newspapers print an average of approximately 2000 copies per edition. This small number is due to low literacy rates and the lack of affordability of newspapers for the average citizen.

The Citizen, the main national newspaper located in Juba, has succeeded in establishing its own printing house and offers printing services to other papers in the area although many media houses still prefer to print in Kenya and Uganda due to the higher quality of print available there.

The Government, with the support of the Joint Donor Team, received printing presses in 2013 for government printing purposes but it is unclear whether it will provide quality-printing services also for independent print media houses. In September 2013 the European Union (EU) Ambassador to South Sudan, Sven Kuhn von Burgsdorff, pledged to work with the Ministry of Information to assist the Government of South Sudan in making operational the Government Printing Press as "most overnment publications are printed from the neighbouring countries of Kenya, Uganda and Egypt thereby making it very expensive".[167]

In spite of private, national and donor efforts to establish printing houses and the necessary facilities, there are still no full-colour offset printing facilities in South Sudan. Two private companies: Afristar International and Mac-Nels Gulf Free Zone Company, launched the process of establishing modern printing facilities from 2010 to 2011 but the project was never completed.

It is unclear to what extent a strong print sector will emerge in South Sudan given the pervasive lack of capacity and funding. Distribution of print media is an additional challenge as there are currently no distribution companies operating in South Sudan. Newspapers are distributed to customers by street vendors in Juba and to a lesser extent in other cities, which serve as the only distribution means. Subscription sales and home delivery do not exist in South Sudan. In fact, many streets remain nameless and house numbers are rarely indicated. Due to the lack of distribution models, many print media houses do not function as mass media since they are only able to reach a limited number of people. The few thousand copies of newspapers and magazines printed often only reach the relatively small number of literate and highly educated South Sudanese or the population of foreigners, and these groups are concentrated in Juba.

Editors in media houses were polled in order to determine their opinion on the technical capacities available within their organizations. Among those to whom this question was applicable, a very clear majority (69%) believed that their media house does not have adequate printing and distribution facilities.[168]

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167   'EU Ambassador Pledges to Solve Problem Delaying the Government Printer', *Gurtong,* 2 September 2013:
       http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/12779/EU-Ambassador-Pledges-To-Resolve-Problem-Delaying-The-Government-Printer.aspx

168   Questionnaire to Editors in media houses, SQ1, M5.1.5

TABLE 19: PRINTING AND DISTRIBUTION FACILITIES OF THE MEDIA

Responses by editors in media houses (SQ1)	Number of respondents (23)
No adequate printing and distribution facilities	11
Yes, adequate printing and distribution facilities	5
Not applicable	7

Office equipment, the most basic of needs, is yet another challenge for print media houses. Private print media houses' offices only have very basic equipment, if the media houses have an office at all. Office rental prices are extremely high, starting at around USD1000 per month. For small private media houses this is a heavy burden. Print media houses with an office are often faced with poor access to electricity, limited-to-no Internet access (journalists use USB dongles), and a lack of computers and laptops. A standard newsroom typically consists of a few tables and chairs.

Broadcast media houses are better off in terms of equipment, mainly because this sector continues to receive donor support. Radio stations are generally equipped with a studio, computers with editing software, a generator that guarantees continuity of power, and air conditioning. Internet access is however still a challenge. Most radio stations have recording devices for reporters.

South Sudan Television and South Sudan Radio offices are located in Juba and operate from their premises opposite the Nyakuron Cultural Centre. South Sudan Television operates mainly in Juba, but has small local television stations in Aweil, Wau, Malakal and Rumbek. South Sudan Radio is the umbrella for a loosely coordinated network of local radio stations across the country, operating local FM stations in Juba, Wau, Bentiu, Malakal, Bor, Torit, Kwajok, Yambio, and Rumbek. Although some quality equipment is available, there is still not enough to make the station fully functioning, and basic materials such as vehicles for reporting teams, tapes, data cards and batteries to run the necessary equipment are lacking. Additionally, some of the equipment such as video cameras is analogue and not compatible with digital equipment. A challenge within South Sudan Television is managing the equipment as in-house technical capacity is lacking. A clear majority (74%) of the editors in media houses surveyed claimed not having secure, reliable, and affordable access to equipment and facilities.[169]

TABLE 20: SECURE, RELIABLE AND AFFORDABLE ACCESS TO EQUIPMENT AND FACILITIES BY MEDIA

Responses by editors in media houses (SQ1)	Number of respondents (23)
No	17
Yes	6

There are four radio networks and two print media with broad coverage across South Sudan that have established websites, even though the websites are not widely accessed.

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169   Questionnaire to Editors in media houses, SQ1, M5.1.2

TABLE 21: ONLINE DISSEMINATION OF NEWS AND INFORMATION BY MEDIA

Media house	Website
Radio Miraya	http://www.radiomiraya.org
Catholic Radio Network (CRN)	http://www.sudancatholicradio.net
Internews	http://www.internews.org
Gurtong Media	http://gurtong.net/
Eye Radio	http://eyeradio.org/
Sudan Tribune	http://www.sudantribune.com/

B. Press, Broadcasting and ICT Penetration

5.2 Marginalised groups have access to forms of communication they can use

Access to any form of media is a significant challenge in the country, especially among marginalised groups. As stated previously, the World Bank estimated in 2013 that only 15% of the South Sudan households owned a telephone.[170] Telephone ownership is far more common in urban areas than in rural ones. This, coupled with the lack of electricity, makes accessing information exceedingly difficult, even in the event of owning a mobile phone.

While radio is often seen as one of the most cost-effective and direct means to connect people in poverty-stricken, war-torn regions, many people living in South Sudan do not even have access to a radio. The National Baseline Household Survey conducted in 2009 by the National Bureau of Statistics (NBS) recorded that 59% of households in urban areas owned a radio/transistor, while ownership in rural households was of 22%.[171] Regardless of low ownership in rural areas, radio remains the main source of information for people in South Sudan. In 2012 there were more than 37 radio stations on air across the country.[172]

There is a large rural-urban divide in South Sudan which often translates into further marginalisation for disadvantaged groups. The most destitute of the population tend to reside in rural areas as the cost of living in urban areas is too high and relocation is costly. In these rural regions, electricity and Internet access are severely limited, making electronic media inaccessible to the vast majority of rural population. Even if the relevant infrastructure was in place, ownership of technology such as televisions, satellite dishes or computers is low. As such, South Sudan records "a low 7 users of the Internet per 100 people", which is in part driven by low literacy rates, and "less than 1%" of the population owning a computer.[173] This lack of technology ownership is highlighted by the 2009 National Baseline Household Survey which shows that "24% of urban households report owning a television/satellite dish, while households located in rural areas report a 1% ownership of the same devices".[174]

Several South Sudan media houses, including Radio Miraya, Sudan Catholic Radio Network (SCRN), and *The Citizen* newspaper, post real-time news on their website. However, access remains limited for the majority of the population, especially rural populations. There are no community-based broadcasters with websites in South Sudan.

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170   World Bank Country overview, 2013: http://www.worldbank.org/en/country/southsudan/overview

171   South Sudan Statistical Yearbook, 2011

172   CDAC: South Sudan Media Overview. Available at: http://infoasaid.org/guide/south-sudan/media-overview

173   The World Bank, Policy Research Working Paper 5814, 'South Sudan's Infrastructure: A Continental Perspective', Ranganathan, R. and Briceño-Garmendia, C. (September 2011). Available at:
        https://openknowledge.worldbank.org/bitstream/handle/10986/3577/WPS5814.pdf?sequence=1

174   South Sudan Statistical Yearbook, 2011

5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

For many countries; both developed and developing - Information and Communications Technologies (ICTs) are a key driver of many sectors of growth, such as education, health, housing, agriculture, power, finances and transportation. South Sudan does not have an ICT policy. However, the Ministry of Telecommunication and Postal Services of the Government of South Sudan states that its mission is "to facilitate access to reliable and affordable communication devices, services and benefits in the country by creating and enabling [a] policy and regulatory environment that encourages fair competition, innovation and investment".[175] The Ministry of Telecommunication and Postal Services proposes to carry out this mission guided by its vision of "an inclusive and empowered, dynamic and prosperous ICT-anchored nation that is an active participant in the global information society".[176] While the Ministry of Telecommunication and Postal Services does not list concrete activities related to fulfilling this mission on the Government of South Sudan's website, the government "recognises that a purely commercial approach in the provision of telecommunication services could marginalise the majority of citizens, especially those living in rural and remote areas, and has therefore made universal access, supported by appropriate interventions, a key objective".[177]

Much needs to be done in order to upgrade the ICT infrastructure of South Sudan. Most of the telecommunication infrastructure that was inherited from the colonial era was completely destroyed during the long war with Sudan. While foreign investment has increased in recent years, the country's ICT networks remain underdeveloped.[178]

Development of the telecommunication sector has suffered, predominantly due to the difficulties foreign investors face in obtaining information and necessary permissions from the Government of the Republic of South Sudan. Additional government funds are needed to fuel the ICT sector, which has been neglected in favour of transportation as the main focus of capital investment.

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175   Ministry of Telecommunications and Postal services, Government of South Sudan: http://www.goss-online.org/magnoliaPublic/en/ministries/Telecommunication-and-Postal-Services.html.

176   Ibid.

177   http://www.motps.goss.org/index.php?option=com_content&view=article&id=54&Itemid=56.

178   https://openknowledge.worldbank.org/bitstream/handle/10986/3577/WPS5814.pdf?sequence=1

CATEGORY 5 RECOMMENDATIONS

1.   Media development organizations and donors should support private, public and community media in addressing the lack of basic equipment needed by journalists and media professionals to improve the quality of media in South Sudan. Media development organizations and donors should create a specific fund to allocate funds for equipment.

2.   National and state Governments should create favorable policies and conditions that will encourage private investment in ICT development and promote the growth of media houses, especially in rural areas. Examples of these to consider include prioritizing the improvement and development of ICT infrastructure across the country, creating conditions favorable to the import of equipment, and providing media houses with tax breaks on the purchase of equipment, among others.

3.   The Government of South Sudan should develop a national ICT policy. The policy should reflect commitments to freedom of the Internet and the right to access the Internet.

4.   Media houses should enhance their marketing strategy to attract investment in all forms for the broadcasting and print media.

Appendix

List of Interviewees and Respondents

Abraham Achien | FM 98 Radio Rumbek

Aciek Mabior Ajak | Radio Jonglei Bor

Ajok Angok | Good News Radio Rumbek

Albino Tokwaro | Bakhita Radio Juba

Alfred Taban | *Juba Monitor* Juba

Alor Deng | South Sudan Radio Wau

Ambrose Amoko | Juba

Amos Logosang | Gurtong Radio Juba

Andrea Mac Mabior | Voice of the People Radio Juba

Anna Miriano | *Juba Monitor* Juba

Anna Nunce | *Juba Monitor* Juba

Ariik Atekdit | Radio Saut Al-Mahabba Malakal

Ayaa Irene | AMDISS Juba

Cathrine Kako | Liberty FM Juba

Ceasar Bernard | South Sudan Radio Wau

Charles Haskins | Fondation Hirondelle Juba

Charles Rihan Surur | *Juba Post* Juba

Clement Lomornana | Gurtong Trust Torit

Dak Arop | SSTV and Radio Malakal

Daniel Juma | Good News Radio Rumbek

Daniel Laat | Good News Radio Rumbek

Dhieu William Goch | Juba

Dut Atem Yaak | *The Pioneer* Juba

Ehklas Saide Juma | SSTV and Radio Malakal

Elena Balatti | Radio Saut Al-Mahabba Malakal

EnricaValentini | Voice of Hope Wau

Ezekiel Thon | FM 98 Radio Rumbek

Florence Mandera | South Sudan Radio Juba

Gabriel Mariu Kenyi | Liberty FM Juba

Garbel Lam Lam Moung | South Sudan Television and Radio Juba

Gasnek Mbowa | MTN Juba

Gibril Robo | SSTV Wau

Jacob Aciek Jok | Radio Jonglei Bor

James Kabaka Quintous | Torit

James Okello | Radio Emmanuel 89.FM Torit

Jennifer Alfred | South Sudan Radio Juba

Jessica Gregson | Free Voice Juba

John Agok | Good News Radio Rumbek

John Alier Gai | Radio Jonglei Bor

John Atem Ajang | Liberty FM Juba

John Chiech | FM 98 Radio Rumbek

John Garang Deng | SSTV Juba

John Kennedy | VOICE OF EES 97.5 FM Torit

John Okema | VOICE OF EES 97.5 FM Torit

John Ruei | FM 98 Radio Rumbek

Johnson Amum | SSTV and Radio Malakal

Johnson Lagu | FM 98 Radio Rumbek

Joseph Gabriel | South Sudan Radio Wau

Lilian Ocho | Radio Emmanuel 89.FM Torit

Luis Peter | South Sudan Radio Wau

Malang Chol | Radio Jonglei Bor

Manyang Mayom | Radio Jonglei Bor

Mayen Mayom | Radio Jonglei Bor

Michael Duku | AMDISS Juba

Millania Itto | Bakhita Radio Juba

Moyiga Nduru | SSTV Juba

Nik Lehnert | MICT Juba

Norbert Otieno | Good News Radio Rumbek

Nyang Touch | SSTV and Radio Malakal

Joseph Nyinypiu | SSTV Wau

Obac Peter Achine | SSTV and Radio Malakal

Emmanuel Ochen | Torit

Olivier Modi | UJOSS Juba

Peter Jacob | Radio Saut Al-Mahabba Malakal

Peter Maliab | FM 98 Radio Rumbek

Rehan Abdelnabi | SSR Juba

Rejoice Tio Samson | Juba

Richard Okot | Ministry of Justice Juba

Samson Ishmael | Juba

Samson Sempaza | Ministry of Justice Juba

Samuel Mach | Radio Jonglei Bor

Santino Lounui | Radio Emmanuel 89.FM Torit

Simon Tongun | Bakhita Radio Juba

Sonya de Masi | Internews Juba

Thomas Wato | South Sudan Radio Wau

Valentino Okongo | Radio Emmanuel 89.FM Torit

Veronica Lucy | AMWISS Juba and Radio Freedom Magwi

Victor Keri Wani | *The Citizen* Juba

Julius Raman Wani | Juba

William Laat | Good News Radio Rumbek

Annet Yobu | *Juba Post* Juba

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