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BEFORE YOU PUBLISH: MIDDLE EAST AND NORTH AFRICA LEGAL PRE- PUBLICATION REVIEW GUIDE FOR JOURNALISTS

A guide to minimise liability before publication in MENA



REUTERS/Caren Firouz

INTRODUCTION

Independent journalism is a key pillar of any free, fair and informed society with journalists playing a key role in the functioning of democracy. They bear an obligation to provide citizens with information and with a platform for the exchange of ideas, which is crucial to the development of a democratic culture. To effectively do this, journalists must act with courage, integrity, and responsibility and ensure truthfulness, accuracy, and fairness in their reporting.

However, the [law is increasingly being weaponised around the world](#) to silence public interest reporting. While some cases brought against journalists are legitimate, many are not. For example, some cases known as Strategic Lawsuits Against Public Participation (SLAPPs) are deliberately brought to silence or intimidate journalists. The fear of retaliation or costly lawsuits may discourage publication or cause a journalist to remove a story. This has the effect of chilling speech and may undermine public discourse, often on matters of public interest. In other instances, journalists may inadvertently violate their ethical and legal responsibilities, potentially exposing themselves to consequences such as defamation claims, the removal of their content from online publications, or being required to issue apologies.

This Guide has been published in response to this context. It aims to assist journalists to minimise their legal liability by providing a checklist of factors to consider before publishing a story. While this may not prevent SLAPP suits or other legal attacks on journalists, this Guide seeks to assist journalists in acting ethically, limiting their legal liability, and ensuring that they may raise a reasonable defence before a court to avoid unfair legal sanctions.

It is important to note that this Guide cannot fully reflect the nuanced ethical and legal pre-publication review (PPR) factors that apply across jurisdictions. It should be read alongside country-specific press codes and guidelines, where they exist. However, many of the general PPR factors detailed in this Guide apply across jurisdictions.



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HOW TO USE THIS GUIDE

This Guide is sub-divided into nine sections with a legal thematic focus. This will enable any journalist to review their article drafts, addressing potential legal risks arising from the following themes:

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Each section contains questions and explainers for legal terms which help elaborate the context underpinning each question. Practical guidance is also provided in some areas to help facilitate legal compliance.

Go through each question carefully and consider if you can answer ‘Yes’ or ‘No’ in relation to the story you are developing. If you check the ‘No’ box to answer any question, this means you might be opening yourself up to legal liability. If this is the case, you should make the necessary changes within your story or way of working to be able to answer ‘Yes’ to the question. If this is not possible, seek legal counsel to further understand how you can mitigate the risk of legal liability.



KEY:



Question



Explanation of legal terms or practical guidance facilitating legal compliance

YES

If you tick this box, you are answering YES to the question, meaning you have minimized the risk of legal liability.

NO

If you tick this box, you are answering NO to the question, meaning you may be at risk of legal liability.

Consider each question carefully within each section or selectively work through the sections where you may feel the legal risk is higher for a particular story. While the Guide does not outline nuanced differences for each country across the MENA, it draws out common themes observed across the region to help journalists proactively minimise legal liability for their publications. The primary aim is to help journalists feel confident and emboldened to undertake all types of reporting within or concerning jurisdictions in the MENA region.

ADDITIONAL GUIDANCE FOR CERTAIN MENA-BASED JOURNALISTS

Journalists reporting in Israel may find it more useful to refer to Europe-focused pre-publication legal review **Resources** (below). Israeli law derives from the common law legal system of England and Wales and so the Israeli legal system is more aligned with European laws than other jurisdictions within the MENA region.

There are financial free zones within the UAE and Qatar (such as the Abu Dhabi Global Market and the Qatar Financial Centre) where federal, civil, and commercial law does not apply, and the free zones can create their own legal and regulatory framework for all civil and commercial matters. Journalists publishing in these jurisdictions should therefore ensure that they are observing the correct applicable laws.

TRANSLATIONS

This Guide is available in Arabic and English to make the information accessible to as many journalists in the MENA region as possible. Supporting media organisations and journalists, particularly young journalists in the MENA region, forms a key part of the Thomson Reuters Foundation's mission to bolster the resilience of independent media.

MENA PRE-PUBLICATION REVIEW CHECKLIST

1 Journalistic Ethics and Best Practices

The best way for journalists to minimise legal liability is by acting ethically and adhering to best practices and editorial standards. Most countries and newsrooms have a set of standards that govern the conduct of journalists which are aimed at ensuring the credibility and integrity of the media. The following factors constitute the general principles which inform journalistic ethics and best practices.

RELIABILITY OF SOURCES		YES	NO
?	Have you verified your story through sources with direct, first-hand knowledge who are not biased and are not acting with ulterior motives?		
	i This is particularly important where claims could be considered defamatory (see Section 2), or doubts exist about the source's credibility.		
?	If you are concerned about the potential bias or ulterior motives (such as personal, financial or professional interest) of a source, particularly if the source is anonymous, have you reached out to other relevant sources?		
	i This will ensure that your story is based on the objective evidence of multiple credible sources.		
?	Where a source has requested to remain anonymous, have you clearly stated the reason for this in your story?		
	i Generally, the principle in reporting is that everyone, including sources, is named unless there is a very good reason not to. If this is the case, make sure to mention the reason, for example by stating that the source 'goes by another name which is not mentioned to help protect their safety'.		

?	Where a source has provided you with information, have you taken steps to verify that the information is authentic, accurate, and up to date?		
	i Generally, source triangulation requires, at the very least, two independent sources or one named authoritative source supported by documentation to verify information and ensure accuracy.		
DOCUMENTARY EVIDENCE AND RECORD KEEPING		YES	NO
?	Have you secured documentary evidence to help back up the claims within your story?		
	i While written documents are generally preferable, the appropriate type of evidence will depend on the source and the nature of the information relied upon. Journalists should therefore ensure that claims are supported by appropriate evidence available to them, whether documentary or otherwise (e.g., credible sources, witness accounts, or other verifiable material).		
?	Where electronic evidence is used (e.g. emails, recordings, or images), have you preserved the original versions where possible?		
	i While written documents are generally preferable, the appropriate type of evidence will depend on the source and the nature of the information relied upon. Journalists should therefore ensure that claims are supported by appropriate evidence available to them, whether documentary or otherwise (e.g., credible sources, witness accounts, or other verifiable material).		
?	Have you created and kept clear, dated records of any research and information-gathering for story production?		
	i These records (including records of attempts to communicate, responses received, and research relied upon) can be vital in demonstrating good faith in news gathering and to establish a reasonable belief in service of the public interest through the story publication. This ensures the journalist can demonstrate the basis of their reporting if challenged.		

GOOD FAITH, FAIRNESS AND BALANCE		YES	NO
?	Does the presentation of the story make it clear that you have acted in good faith throughout the process of gathering information, writing, and editing it?		
	i Acting in good faith requires behaviour and conduct based on honesty, integrity and openness. For a journalist, acting in good faith includes reporting news truthfully, avoiding biased language and obtaining information from sources in an ethical way. Courts assess good faith and diligence by reference to the sources, evidence, and verification steps relied upon. i Particular care is required when relying on whistleblowers or confidential sources, including those subject to non-disclosure agreements. While such information may serve a public interest, journalists should assess the lawfulness of the disclosure, verify the information independently, and ensure that publication is justified. i As noted in Section 2 (Defamation and Insult), reliance on unverified or improperly obtained information may increase legal risk.		
	If you refer to an individual or a company within your story, particularly in a way that is negative or could harm their reputation, have you requested a comment from them to include in the story prior to publication?		
	? If a response was received, was its essence included within the story? ? If no response was received, was this noted in the story? ? A request for comment should be made in a timely and meaningful manner, allowing a reasonable opportunity to respond. It should not be made merely as a formality shortly before publication. Courts may consider whether the request was genuine and whether sufficient time and context were provided for an informed response, as part of the assessment of fairness and good faith.		

?	If the story includes information or statements from a source, whether quoted directly, paraphrased, or translated, have these been presented carefully and accurately ensuring that the original meaning is not lost or distorted?		
	i <i>Journalists should clearly distinguish between direct quotes and paraphrasing. Direct quotes (in quotation marks) must reflect the source's words verbatim, subject only to minor edits that do not change meaning. Paraphrasing involves using the journalist's own words and must faithfully convey the substance and intent of the source.</i> i <i>Where translation is involved, particular care should be taken to preserve the original meaning, tone, and context. Courts may assess whether any translation, paraphrasing, or summarising has distorted the meaning or created a misleading impression.</i>		
?	Have you verified that the statements of fact in your story are accurate?		
	i <i>In journalism, statements of fact are those which can be objectively proven true or false. This includes statements of fact that you have repeated from other stories or third-party sources.</i>		
?	Are all opinions distinguishable from factual statements?		
	i <i>Opinions should be clearly identifiable and not presented as facts. Journalists should avoid presenting their own views as background or context, and ensure that (i) the opinions of sources are clearly distinguished from their factual statements, and (ii) their own views are not inserted into the reporting.</i>		
?	If your story is an opinion or editorial piece, have you clearly and prominently marked it as such and distinguished it from non-opinion content?		
?	If your story is not an opinion piece or editorial, does your story rely primarily on statements of fact, rather than on statements of opinion?		
	i <i>Statements of opinion offer a view, judgment or perspective on a story. Statements of opinion are not inherently problematic for non-opinion pieces. However, a non-opinion story should be grounded primarily on verifiable facts.</i> i <i>Where opinions are included, including those of experts or sources on the record, journalists should not treat them as established facts. Such statements should be assessed for plausibility and, where appropriate, supported by underlying evidence or corroborated through independent sources.</i> i <i>Care should be taken to present opinions clearly as opinions and to avoid framing them in a way that could mislead readers into treating them as factual assertions.</i>		

?	If your story is an advertorial that has been commissioned by a third party to advertise a product or a service, have you made this clear in the story?		
OTHER CONSIDERATIONS		YES	NO
?	Does the publication of the story serve a legitimate public interest?		
	i <i>This ensures that the exercise of freedom of expression is justified by public interest considerations.</i>		
?	Have you considered whether you or your newsroom need to follow any local ethical guidelines?		
	i <i>This <u>could</u> include a regulatory body that oversees journalistic activity in your country or an ethical code of conduct which your newsroom may have opted to follow.</i>		
?	If there are any applicable ethical or regulatory rules/guidelines, have you complied with and documented the steps that evidence your compliance?		
?	Have you received any benefit from a source or a third party that creates a conflict of interest and could influence your ability to report fairly and without bias?		

2 Defamation

In general terms, defamation is the act of making (or repeating) a false statement about someone that harms their reputation, and that is published “with fault” – that is, as a result of negligence or malice. For example, if a journalist publishes a story that states that a politician made nepotistic appointments, but the journalist made it up or misreported the position, the politician may be able to successfully sue the journalist for defamation. Defamation is a criminal offence in many MENA jurisdictions, meaning that it can attract imprisonment and other criminal punishments. There are many defences to a defamation claim, especially where a journalist is sued for reporting facts. The primary defence is that a statement is true and in the public interest. However, this is not always the applicable threshold in all jurisdictions, and you should consult your editors and lawyers to better understand the specific defamation laws in your country. It can also be helpful to understand whether the country in which you intend to publish your story has a history of using defamation or other laws to silence journalists, to make informed decisions about managing the associated legal risks.

Insult is a related but distinct concept, referring to expressions that are abusive, degrading, or offensive and that undermine a person’s dignity, without necessarily alleging specific facts. Like defamation, insult is a criminal offence in many MENA jurisdictions and may attract fines or imprisonment. While some jurisdictions recognise defences such as truth and public interest, these are not applied uniformly. In certain legal systems, liability may arise even where a statement is true or made in good faith.

MITIGATING RISKS OF DEFACTION		YES	NO
?	Have you taken reasonable steps to apply journalistic ethics and best practices to your story, including assessing whether the content may harm the reputation, honour, or dignity of any identifiable person under applicable law?		
?	Have you considered legal risks and mitigation strategies if you are publishing a story in a country whose penal code imposes criminal punishment for defamation and/or insult?		
?	If it does, have you engaged with your editors and/or lawyers to ensure that the risk of criminal sanction has been properly considered and mitigated?		
i	In some MENA countries, it is common for penal codes to contain significantly harsher financial penalties and prison sentences for repeated offences. Care should be taken to ensure that if there are previous charges brought by the subject of your story on the grounds of defamation or insult against you or your publication that you have properly considered the legal risks and mitigation strategies.		

?	Are all statements of fact (including repetition of statements previously made by a third party) supported by evidence that verifies their accuracy?	
	i <i>Note that in some jurisdictions truth is not always a defence to defamatory or insulting statements.</i>	
?	Are all opinions included in the story clearly distinguishable from factual statements, and are they honestly and reasonably held?	
	i <i>This is a legal standard and can help defend a defamation claim. Where an opinion is included, it is important to ensure that the factual basis for the opinion is also included. It is also important that any biases are avoided to the extent possible and that you have considered whether a reader would view the opinions presented in the story as ones that are sensible within the story's framing and context.</i>	
?	If you believe that your story relates to a matter of public interest, have you documented reasons for this belief in line with any internal record-keeping processes?	
	i <i>A matter of public interest could include for example exposing or detecting organised crime, corruption or injustice, reporting on the environment, protecting the public from being misled by an action or statement of an individual or an organisation, protecting people's health and safety and disclosing information that assists people to better comprehend or make decisions on matters of public importance. Note that public interest is not necessarily the same as what the public are interested in (e.g. gossip).</i> i <i>The defence of public interest reporting is not recognised in all MENA countries.</i>	
?	Have you considered whether any subjects of the story could be considered controversial or risky, such as organisations or individuals with a track record of suing journalists or topics that have recently invited legal action (e.g. reporting on government corruption)?	
?	In your story, have you been careful in crafting any criticisms of individuals, organisations, the state, ruling families, religions, public officials, public institutions, or the government in a way that is not overly critical, biased or negative beyond what the facts gathered support?	
	i <i>It is important to avoid causing undue reputational damage to the subject of a story particularly if it would likely impact their honour or the dignity or reputation of their family.</i> i <i>Practically, it may be helpful to consider whether the topic has been covered in a similar manner and tone by journalists in the MENA region.</i>	

?	Have you ensured that your intentions when making any accusations against individuals, organisations, the state, ruling families, religions, public officials, public institutions, or the government are not to cause them harm or damage?	
	i <i>The intentions behind a story should be rooted in the public interest and in undertaking journalism with integrity. It can be helpful to understand the scale of the impact of the issue that a story is seeking to address, whether it constitutes a genuine matter of public interest or a purely private dispute.</i>	
?	Do you intend to publish or disseminate the story online or via social media? If so, have you checked whether cybercrime prevention laws in your jurisdiction impose additional sanctions for defamatory or insulting content, and have you considered any additional legal risks that this may pose?	
	i <i>Cybercrime prevention laws aim to reduce illegal online activity and can target the spread of content deemed harmful, defamatory or insulting. Care should be exercised in considering the risk of being held liable under cybercrime prevention laws when publishing a story online.</i>	

3 Privacy

The right to privacy is recognised as a fundamental human right and needs to be balanced against a journalist's right to freedom of expression. For example, if a journalist breaks into a politician's home and obtains access to their medical records, which they then publish, not only is this act a serious breach of journalism ethics, burglary and theft, it is also a violation of their right to privacy and a data protection breach (because they accessed and shared the politician's personal data). In ensuring that a story meets legal and ethical standards, the way a journalist accesses information is an important consideration.

Many MENA jurisdictions have laws protecting individuals from unjustified intrusion into their private life, including through the disclosure of their private information by journalists. When disclosing information about an individual's private life, it is important to consider whether this is necessary for the story and, if so, whether the individual's right to privacy is outweighed by other interests, such as the public's interest in receiving the information. Factors to consider include whether the individual is a public figure, whether the information is already publicly available, how sensitive the information is, and whether it relates to a matter of public interest. However, always bear in mind that in some MENA countries the defence of public interest.

PRIVACY OF INDIVIDUALS REFERRED TO IN THE STORY		YES	NO
?	If the story contains private information about individuals identified in it, have you considered whether such disclosure is justified as a legitimate limitation on the right to privacy?		
	i You should consider factors such as the nature and sensitivity of the information, the circumstances in which it was obtained, any public, political, cultural or religious function of the subject and whether the information is already publicly available.		
?	Where there is no justification for limiting the right to privacy, did you obtain consent for the disclosure of such private information and do you have evidence to prove that you obtained consent?		
?	Have you avoided unnecessarily referring to information about a subject that is particularly sensitive (e.g. sexuality, political opinions, ethnicity, religious beliefs, refugee status etc.)?		
	i Such sensitive information tends to have higher legal protections under privacy (and data protection) laws. Journalists should aim to report appropriately and not sensationalise or add unnecessary colour to the content by referring to sensitive personal information unless crucial to the story.		

?	Have you avoided identifying an individual as being under investigation or arrest by law enforcement authorities (at least until they are formally charged with an offence)?	
	i <i>In some countries, the fact that an individual is under investigation is private information and is not generally outweighed by factors such as the public interest.</i>	
?	Have you avoided referring to an individual's criminal conviction where that conviction has been rehabilitated under national law?	
	i <i>A rehabilitated conviction means that it is no longer considered part of the person's criminal record and so should not be brought up if irrelevant to the story.</i>	
?	If your story includes images of an individual, have you sought consent for use of the image or considered another basis for including the image, such as the public interest or a journalistic exemption in instances where consent cannot be obtained?	
	i <i>Privacy laws vary across countries. In some countries, use of images of individuals in public places may be lawful while in others it may violate local privacy laws. It is important to understand what is permissible within local privacy laws in your country to know when to seek consent for image use in a story or to explore if other reasons may justify image use (for example, if it is an image of a monarch performing their duty in public).</i>	

4 Data Protection

Many MENA jurisdictions also have data protection laws, which vary in complexity, and which regulate the use of information about individuals (including in journalism). As public life has increasingly moved online, it has become more important than ever for journalists to be sensitive in handling personal information. In this context, *personal information* (or personal data) refers to any information that can be used to identify an individual. This includes names, email addresses, identification numbers, location data, online identifiers, and any other information that, directly or indirectly, would enable a third-party to identify a person. It is this information that data protection laws seek to protect by requiring compliance with certain principles.

Note: Data protection laws often give rise to many of the same considerations as privacy law. Those considerations are not repeated here so please also refer to the above bullet points.

DATA PROTECTION REGULATIONS		YES	NO
?	If the country from which you are reporting has a data protection law and a regulatory body that enforces it, have you sought or received training on how to comply with data protection law in the context of journalism?		
	i Does your story fall within any journalistic exemptions provided for in the relevant data protection laws?		
?	Where there is no national data protection framework or where the law does not include a journalistic exemption, have you taken steps to ensure that the story complies with data protection principles?		
	i Some of these principles include using data lawfully, fairly, and transparently, which can be supported by following the above guidance on journalistic ethics and best practice, defamation and privacy. The principles also include using only data that is required for the story, using data for a specific legitimate purpose, not keeping data for longer than necessary, and keeping the data securely and allowing access where necessary.		
?	If you are a newsroom based outside the MENA region, have you checked whether you are processing personal data of individuals located within the MENA for writing your story?		
	i If your story requires processing of personal data of individuals based in the MENA region, you will likely need to comply with the data protection laws of the relevant MENA countries.		
?	Where personal data is published online, have you assessed the increased legal exposure resulting from “public communication through digital means”?		

?	If relying on the journalistic exemption, have you ensured that the processing is strictly limited to journalistic purposes and does not infringe laws relating to privacy, reputation, or the right of reply?		
?	Does your story involve sensitive personal data (such as information revealing, directly or indirectly, an individual's health status, sexual life, biometric or genetic data)? If so, have you ensured that its use is strictly justified and falls within permitted exceptions?		
	i <i>The processing and publication of such sensitive personal data is generally restricted due to the heightened risk to individuals' privacy and dignity. It may be permitted only in limited circumstances, such as where the individual has given clear and explicit consent, has manifestly made the information public, or where publication is otherwise justified by a legitimate public interest and complies with applicable laws. Journalists should ensure that any use of such data is necessary, proportionate, and limited to what is strictly required for the story.</i>		
?	If relying on public availability of the data, have you verified that the information was genuinely made public by the individual concerned and not disclosed unlawfully?		
	i <i>The exception applies only where the individual themselves made the data public; reliance on unlawfully disclosed data may still give rise to liability.</i>		
?	Where no exception applies, have you refrained from collecting, using, or publishing such sensitive data?		
	i <i>In the absence of a valid exception, processing such data is a breach and exposes the journalist to liability.</i>		

5 Confidentiality and Information Gathering

The issue of confidentiality arises when a source is bound by a non-disclosure agreement (NDA) that is relevant to the nature of the story. This often occurs when a source is acting as a whistleblower. An NDA is a contract in which parties agree not to share confidential information. If you obtain and publish information that is subject to an NDA, you would likely be placing your source at legal risk for breaking their contractual obligations (a ‘breach of contract’). You may also place yourself at legal risk for inducing your source into a breach of contract and for a breach of confidence. If a party, such as your source, breaches an NDA, they may be held legally liable.

Confidentiality also arises where a journalist is required to protect the identities of their sources, especially when the information provided could expose the source to risks such as retaliation, loss of employment, or personal harm. The promise of confidentiality encourages sources to come forward with important information that is often in the public interest. If this confidence is breached, it may result in a loss of trust between journalists and their sources and have a chilling effect on freedom of expression and on the willingness of individuals to speak out on important issues. Such a breach may also result in legal consequences.

In most jurisdictions, only a court order may compel a journalist to disclose their source.

NON-DISCLOSURE AGREEMENT		YES	NO
?	Have you taken reasonable steps to confirm that your source does not have an existing non-disclosure agreement (NDA)?		
	i There are legal exceptions that may permit the publication of information subject to an NDA (such as public interest, whistleblowing, court-ordered disclosures, and protecting the rights of others). In some circumstances, you may still wish to publish information that is subject to an NDA. In such situations, it is important to seek legal advice to make an informed decision.		
?	Have you asked the source directly whether they are subject to any confidentiality obligations that could expose them to legal or professional consequences if the information is published?		
	i For example confidentiality obligations arise from client-lawyer or Doctor-Patient relationships, employment contracts, non-disclosure agreements, financial or banking obligations, government or national security classifications, or professional codes of conduct in fields such as accounting?		
INFORMATION GATHERING FOR THE STORY		YES	NO
?	Have you clearly identified yourself as a journalist to the source you have interviewed or obtained information from?		

?	Have you agreed with your sources whether they and/or the information they have provided is on-the-record, off-the-record, or provided on a confidential basis?		
?	Have you clearly agreed with your source (on-the-record, off-the-record) how their information will be used if they want to keep it confidential? This means:		
	i On the record – The source has consented to being quoted by name, and the information they have provided may be published and attributed directly to them. i Off the record – The information is shared solely to aid your understanding or guide your reporting. It cannot be published or used in any form, and the source's identity must remain completely undisclosed. You may only use it to seek confirmation from other sources. i On background – The information may be published and used in your reporting, but the source cannot be identified by name. They may be referred to in general terms, such as "a senior official" or "a source familiar with the matter". i On deep background – The information may inform your reporting and can be published, but it cannot be attributed to any source — not even anonymously. The information is presented as the journalist's own knowledge, with no reference to a source whatsoever.		
?	Have you excluded all information from your story that the source may have shared with you which is unrelated to the story, including sensitive or personal information, that would not serve the public interest or is irrelevant to the story?		
?	Have you avoided referring to any confidential information that you received from a source, unless you obtained consent from the source or determined that there is an overriding public interest in publishing the information?		
	i Where a source shares internal emails marked "confidential", you should not quote or publish them unless the source clearly agrees or there is strong public interest (e.g. exposing serious wrongdoing). i If a source gives you off-the-record background information – you should use it for context only, not for publication. i If a source provides medical, legal, or personal records about themselves – you should not refer to them unless the source gives informed consent and the information is essential to the public interest.		

?	Were all the methods used to obtain information lawful?		
	i <i>Unlawful information gathering methods include trespass (including by misrepresenting the reason for being in a certain place), tapping telephones, covert filming, hacking computer systems or other similar activities.</i>		
?	Have you secured consent if you intend to make and use the recording (video or audio) of an interview with a source or with any other individual or organisational representative as part of fact-finding for your story?		
	i <i>This means that consent should be documented in a form that can be produced if your reporting is later challenged. Acceptable evidence includes:</i> ○ <i>A signed written consent form identifying the source, the interviewer, the date, the subject matter of the interview, and the intended use of the recording (for example, internal fact-finding only, broadcast, online publication, or archival).</i> ○ <i>An audio or video recording in which the source, at the start of the interview, clearly states their full name, the date, that they understand they are being recorded, and that they consent to the recording and to its intended use.</i> ○ <i>A clear written exchange (email or messaging platform) in which the source acknowledges that the interview will be recorded and confirms their consent before the recording begins.</i> i <i>Verbal consent given off-record, implied consent, or consent inferred from the source's willingness to speak is not sufficient.</i>		
?	Have you sought legal advice if you require any film-making permit or authorisation in case you are working on a documentary film?		
	i <i>For example, foreign production companies, news outlets and independent journalists seeking to film in many MENA jurisdictions must obtain the necessary shooting permits and approvals through authorised entities, such as the Egyptian Media Production City (EMPC), to ensure compliance with local regulations.</i> i <i>When filming in private places, you will also need to request permission from the property owner, who must sign a location release.</i>		

?	Have you taken reasonable steps to verify the accuracy of the information provided by your sources before publication?	
	i <i>The steps required will depend on the nature of the information, but it is generally risky to simply take a source at their word. In all cases, you should consider taking steps such as:</i> - o <i>corroborating the information against other sources (for example, checking statistics against public databases, checking employment histories with an employer or checking information about legal proceedings against public court documents)</i> - o <i>ensuring that historic information or information provided some time ago is still up to date</i> - o <i>identifying and eliminating bias in your source's presentation of information.</i> i <i>You should be wary of using AI tools for the purposes of verification (see section 7).</i>	

6 Copyright

Copyright law protects original works created in any medium, including images, literature, music, and audio recordings. It is globally recognised through various international treaties and enforced at the national level. Violating copyright is a criminal offence in many MENA jurisdictions. Journalists must ensure that their reporting complies with copyright law, either by securing consent for any copyrighted work that they use in their reporting, or by ensuring that the use of the work is legally permissible.

CONTENT CREATION, USE AND DISTRIBUTION		YES	NO
?	Have you considered legal risks and mitigation strategies if you are publishing a story in a country whose penal code imposes criminal punishment for copyright violations?		
?	Have you taken steps to verify who owns the copyright for the material you are considering including in your story?		
	i It can be helpful to test any assumptions of copyright ownership. For online content, practical digging may be required to understand who owns the copyright and who is using it without permission, particularly on digital media platforms.		
?	Do you have written consent or permission from the copyright owner to republish or redistribute the copyrighted content, including recordings, pictures, videos, or the likeness of individuals for your story (a 'copyright licence')?		
?	If so, have you ensured that you have not exceeded the terms of that licence?		
?	If you do not have consent, have you checked if you have another legal basis for using copyrighted material?		
	i There are some exceptions and limitations to copyright, such as use of copyrighted material without permission for educational and journalistic purposes (referred to as 'fair dealing' or 'fair use') or under creative commons licences. Fair use covers images used for news reporting or illustration, rather than for standalone commercial exploitation. You should seek legal advice to ensure that any use of copyrighted works without permission from the copyright owner falls within the legal exceptions.		
?	Is the work you are showing (such as architecture, artwork, sculptures, murals, photographs, or applied art) permanently located in a public place that is open to everyone? Was the image captured from a lawful public viewpoint, without accessing private property or restricted areas?		

?	Where you have a legal basis for using copyrighted material (through owner consent or legal exception), have you retained the original meaning and integrity of the works?	
	i <i>Integrity of the copyrighted works means that the form and/or substance of the original work is not altered such that it portrays a different meaning or message.</i>	
?	Does the story properly and accurately acknowledge sources and authors, where appropriate, through clear attributions, citations, and credits? Specifically, you should consider:	
	i Attribution of information – Is every significant claim, fact, or finding attributed to the source it came from? Readers should be able to identify where key information originates. i Citation of written sources – Are external reports, studies, articles, court documents, or other written materials properly referenced and credited, so that readers and editors can verify the information independently? i Credit to original reporting – If the story builds on or references reporting done by other journalists or publications, is that work explicitly acknowledged and credited to avoid any suggestion of plagiarism or misappropriation? Note that in some instances sources will need to remain anonymous for their protection.	
?	Have you also considered whether you wish to take steps to protect or register your own materials under local copyright laws?	
?	Have you considered the copyright protection guidelines of any conventions or treaties that the country you are publishing your story in may be a signatory to (such as the World Intellectual Property Organization Copyright Treaty and the Berne Convention)?	
	i <i>These may impose additional legal obligations beyond those found in local law and so it is important for you to consider if they would apply to your story publication.</i>	

7 AI and the Media

Generative AI is rapidly changing how news content is created and consumed. Journalists may use AI technologies to enhance efficiency, creativity, and innovation in newsrooms. However, the benefits of AI must be balanced against the risks and challenges that such technology may pose. To mitigate such risks, journalists should adhere to specific principles that guide the responsible use of this emerging technology.

USE OF AI WHEN REPORTING		YES	NO
?	Are there any existing internal newsroom policies or local guidelines relating to the use of AI? If so, have you complied with them?		
	i For more information and guidance on the development of such policies, see TRF's three-step guide to developing AI policies for newsrooms .		
?	Have you checked the accuracy of AI-generated content and ensured that sources relied on by your AI tool are correct and properly attributed? In particular:		
	?		
	?		
?	Have you ensured that any use of AI tools in your story is transparently communicated to the reader?		
?	Have you ensured that your story reflects meaningful human editorial input rather than relying primarily on AI generated text?		
	i AI tools may misuse such information and commit “hallucinations” or provide “fabricated facts”.		
?	When using AI tools for <u>content creation</u> , have you ensured that no personally identifiable information, sensitive, or confidential information was entered into AI prompts?		
?	When using AI tools for <u>content creation</u> , have you avoided entering information into AI tools that could identify a confidential source, even indirectly?		
	i AI tools may be using prompts for training, thus collecting the data inputs. This may expose such data to cybersecurity risks.		

?	When using AI tools <u>for research</u> , have you ensured that any personally identifiable or confidential information entered into AI prompts during the research phase has been omitted from the final story before publication?		
?	Have you ensured that you have not relied substantially on AI-generated material when writing your story?		
	i <i>If you do so, this may prevent you or your organisation from claiming copyright over the final publication.</i>		

8 Safeguarding and Protection of Children, Vulnerable Individuals and Sources

These are some practical steps which you can take to mitigate the risk of causing inadvertent harm to children, vulnerable individuals or sources through your reporting.

CONSIDERATIONS WHEN REPORTING ON CHILDREN UNDER THE AGE OF 18 YEARS AND VULNERABLE INDIVIDUALS		YES	NO
?	Have you secured internal approvals and followed legal guidance when interviewing a source who is vulnerable or a child under the age of 18?		
	i Vulnerable sources may include individuals who may have limited capacity to provide informed consent or who may be at greater risk of harm as a result of participating in the interview. This could include minors, victims/survivors of abuse or violence, refugees, individuals with disabilities, persons experiencing mental health challenges, detainees.		
?	Does the story name any children under the age of 18?		
	? If so, have you obtained written, clear and informed consent from the child's parent or legal guardian?		
	? Have you also obtained the informed consent of the child referred to in your story, reflective of the child's evolving capacity? You should consider the child's age, maturity, and growing ability to understand. For example, a 14-year-old may be expected to give their own informed consent in addition to their parents.		
?	Does the story respect and protect the identity of any vulnerable individuals, such as victims of a serious crime?		
	? When reporting stories that include graphic photographic content, journalists should be careful to refer only to relevant information and to protect the vulnerable individual from further harm or exposure to trauma. It also helps limit your own liability in case any harm is sustained by a source due to your story publication. Did you clearly explain to the vulnerable individual or the minor (and their guardian, where applicable) how the information would be used?		
?	Have you taken reasonable steps to ensure that your story does not publish a child's photograph, name, or details of investigations or court proceedings involving a minor?		

?	If a court case involving a child is covered, have you ensured that no identifying details are published and that initials are used where judgment reporting is permitted?		
?	Is a parent, guardian, or responsible supervisor present when the child is interviewed or filmed?		
?	Have you considered whether this story genuinely serves the child's best interests, rather than exposing them to harm, stigma, or long-term consequences? Could publishing this story interfere with a child's or vulnerable individual's privacy, dignity, or reputation?		
?	Does the story avoid unnecessary detail that could expose the child or vulnerable individual to future harm?		
PROTECTION OF SOURCES		YES	NO
?	Have you taken proper security measures and followed internal protocols to protect the identity and information provided by confidential sources or whistleblowers?		
	i This could include measures such as encrypted communication channels, secure data storage, and restricted access to sensitive information.		
?	From an ethical standpoint, and prior to conducting the interview, have you discussed with your sources the possible risks that may arise from their disclosing confidential information?		
	i Make sure your source understands the following potential risks and, where appropriate, advise them to seek independent legal advice on such risks, and on available protections and remedies (such as whistleblower protection): 1. Legal exposure: Civil, criminal, regulatory, or disciplinary consequences arising from the disclosure of national-security information, confidential, sensitive/secret personal data and information, employment-related, or professionally protected information. 2. Employment consequences: such as disciplinary measures (including dismissal), or other workplace retaliation. 3. Identification and digital traceability risks: identification through contextual clues, access records, metadata, communications, workplace systems, or other traceable evidence linking the source to the disclosure.		

4. Safety and retaliation: pressure, harassment, threats, surveillance, reputational attacks, coercion, or physical safety risks affecting the source or their family.

5. Limits of confidentiality: no guarantee of absolute anonymity, legal immunity, protection from court orders, leaks, hacking, third-party identification, or newsroom error.

6. Post-publication fallout: internal investigations, litigation, regulatory scrutiny, criminal complaints, public attention, retaliation, or efforts to identify the source.



The discussion should happen **before any substantive disclosure is made**, or at least before the source provides documents, names, recordings, or detailed factual allegations. If new risks emerge during the reporting process, the journalist should return to the source and discuss those risks before publication.

9 Other legal considerations

These are some further considerations to bear in mind when including certain types of content in your story. Where the story or the content creation process covers any of the topics below, you should seek legal or editorial advice. Usually, the story can still be published, but it requires careful consideration of risks and implementation of mitigation measures.

SENSITIVE TOPICS		YES	NO
?	Does the story deal with topics that may be subject to specific restrictions or be perceived to be controversial in the MENA region?		
	i Some MENA countries have legal sensitivities on insulting the ruling family, monarchic institutions, public officials, national symbols or religion (in particular Islam) through publications. It is important to consider any legal risks when reporting on such sensitive topics, and to be particularly aware of any such national or local sensitivities.		
?	Could any of the information you are publishing be said to relate to the subject's private life or be damaging to the reputation of their family? If so, is there any doubt as to the availability of public interest defences in the relevant jurisdiction?		
?	Does your story touch on topics that are particularly sensitive, such as religion, ethnicity, political party leaders, which could constitute "نعرات طائفية" "sectarian incitement"?		
?	Have you considered whether the language, framing, or tone of the story could be interpreted as insulting, provocative, or undermining respect for religious beliefs, sects, or national institutions?		
?	Have you carefully reviewed headlines, images, captions, and social-media excerpts to ensure they do not amplify sensitivity or provoke tension beyond the substance of the story?		
?	Does the story include information about an individual's private or family life? If so, have you assessed whether the information serves a legitimate public interest, or could it unnecessarily harm the reputation of the individual or their family?		

HATE SPEECH/DISCRIMINATION		YES	NO
?	Does the story risk infringing laws on hate speech or discrimination (such as prejudice based on race, gender, disability, religion or sexuality) or risk inciting criminal acts such as destruction of government property?		
	i Directly quoting a source who uses hate speech does not protect the reporter from legal liability or accusations of spreading hate speech. The framing and context in which such statements are presented must be carefully constructed to avoid any interpretation that the publication endorses or normalises the views expressed.		
?	Does the story avoid unnecessary detail that could expose the child or vulnerable individual to future harm?		
COURT REPORTING RESTRICTIONS		YES	NO
?	If restrictions exist on reporting court proceedings (such as a ban on naming a party in a legal matter), have you carefully considered these restrictions as part of story writing?		
	i When reporting on legal proceedings with restrictions, it is important to understand the specific court-ordered limitations. Avoid references that may lead to the indirect identification of restricted parties. Be transparent that your reporting is limited due to court-ordered restrictions, so audiences understand any omissions in your story.		
CLASSIFIED/PROHIBITED INFORMATION		YES	NO
?	Does the story disclose any information that is classified or prohibited from being disclosed based on a national security law?		

GOVERNMENT AUTHORISATION		YES	NO
?	If the disclosure of information in a story requires government authorisation, have reasonable measures been taken to obtain it pre-publication?		
	<i>i This includes information that is classified, restricted, sealed, confidential by law, or provided on an “embargoed” basis (shared with journalists or media on the condition that they do not report, quote, post, or otherwise disclose it until a specified time, date, or event).</i>		
?	Do you have documentation of authorisation steps taken and any responses received?		



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RESOURCES

JOURNALISTIC ETHICS AND BEST PRACTICES

[International Federation of Journalists, 'Global Charter of Ethics for Journalists' \(2019\)](#)

[United Nations Communications Group, 'Ethical Guidelines for Journalists' \(2016\)](#)

DEFAMATION

[Global Investigative Journalism Network, 'Media Defense Guide for Investigative Journalists' \(2022\)](#)

[Article 19, 'Defining Defamation: Principles of Freedom of Expression and Protection of Reputation'.](#)

PRIVACY

[Article 19, 'The Global Principles on Protection of Freedom of Expression and Privacy'](#)

[Media Helping Media, 'Respecting Privacy as a Journalist'.](#)

CONFIDENTIALITY AND INFORMATION GATHERING

[Digital Media Law Project, 'Practical Tips for Protecting Your Sources and Source Material' \(2023\).](#)

[Blueprint for Free Speech, 'The Perugia Principles for Journalists Working with Whistleblowers in the Digital Age' \(2018\).](#)

[UNESCO, 'Protecting Journalism Sources in the Digital Age' \(2017\).](#)

COPYRIGHT

[Society of Professional Journalists, 'A Beginner's Guide to Copyright for Freelance Journalists' \(2018\).](#)

[First Draft, 'A Journalist's Guide to Copyright Law and Eyewitness Media' \(2016\).](#)

[Center for Social Media, 'Set of Principles in Fair Use For Journalism' \(2013\).](#)

AI AND THE MEDIA

[Thomson Reuters Foundation, 'Three steps to an AI-ready newsroom: A practical guide to responsible policies'.](#)

[Thomson Reuters Foundation, 'Data and AI ethics principles'.](#)

SAFEGUARDING AND PROTECTION OF CHILDREN, VULNERABLE INDIVIDUALS AND SOURCES

[Committee on the Rights of the Child, 'General Comment No.25 \(2021\) on children's rights in relation to the digital environment' \(2021\).](#)

[UNICEF, 'Ethical reporting guidelines. Key principles for responsible reporting on children and young people'.](#)

[Global Investigative Journalism Network, 'Reporting Guide to Investigating Disability Issues' \(2024\).](#)

[S Ricchiardi, 'Ethics for protecting vulnerable sources' International Journalists Network \(2024\).](#)

[United Nations, 'Responsible representation and reporting of violence against women and violence against children. Guidelines for media professionals.](#)

SAFETY OF JOURNALISTS

[UNESCO, 'Basic Texts Related to the Safety of Journalists' \(2024\).](#)

[MISA, 'A Survival Toolkit for Journalists: How to Protect Yourself Against Digital Surveillance' \(2022\).](#)

[Reporters Without Borders, 'Safety Guide for Journalists' \(2015\).](#)

[UNESCO, Thomson Reuters Foundation, 'Practical Guide for Women Journalists on Responding to Online Harassment' \(2023\).](#)

OTHER PRE-PUBLICATION REVIEW RESOURCES

[Thomson Reuters Foundation, 'Before You Publish: A Journalist's Guide to Safer Reporting' \(2025\).](#)

[Thomson Reuters Foundation, 'Before you Publish: Europe Legal pre Publication Review Guide for journalists' \(2025\).](#)

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