

DRAFT

THE REPUBLIC OF SOMALILAND

**MEDIA AND ACESS TO
INFORMATION LAW**

LAW NO: XX/2011

Preliminary Note

The purpose of this Law is to introduce a democratic framework for regulation of the media, in particular the print media, in Somaliland. The 2004 Press Law does not fully conform to international standards on press freedom and is also not comprehensive enough. Among other things, it fails to give effect to the right to information.

This Law provides strong protection for freedom of the media, as well as the right of journalists to keep their sources of information confidential. It puts in place a developed system for access to information (freedom of information), in line with developments in other democracies. It establishes an independent National Media Board, and gives it the power to register journalists and print media outlets, and to develop and apply a code of conduct for the media.

The current draft of this Law is the continuation of a process that began with a workshop held in the fall of 2010 at the Imperial Hotel in Hargeisa. The Workshop rejected the media law proposed by the government of former President Riyale and called for the reinstatement and improvement of the 2004 Press Law.

This was followed by a process leading to the drafting of a new law. A draft of the law was the subject of consultation during a workshop in Hargeisa on 25 January 2011. As part of the process, an international consultant who is an expert in freedom of expression was hired to amend the draft. This draft was discussed during a mission of the consultant to Hargeisa in February 2011, and it takes into account concerns raised with the earlier draft by local journalists and other stakeholders.

THE REPUBLIC OF SOMALILAND

MEDIA AND ACCESS TO INFORMATION LAW, LAW NO: XX/2011

Preamble

The Somaliland House of Representatives:

Having seen: Article 32 of the Constitution which guarantees freedom of expression, specifically by stating:

(1) Every citizen shall have the freedom, in accordance with the law, to express his opinions orally, visually, artistically or in writing or in any other way.

(2) The press and other media are part of the fundamental freedoms of expression and are independent. All acts to subjugate them are prohibited, and a law shall determine their regulation.

Recognising: That the establishment, advancement and development of an effective and free media is necessary for the realisation of the exercise of freedom of expression, and that a free media contributes to the formation of public opinion, to holding the powerful to account and to combating corruption;

Having considered: That freedom of the media not only provides a vehicle for citizens to express their opinions but also plays a prominent role in the protection of the rights of all persons, and in the advancement of democratic traditions, provides opportunities for the social expression of informed views about significant issues, as well as for the articulation of opinions about how the affairs of the nation are conducted;

Has passed this Law:

Part I DEFINITIONS

Article 1: Title

This law shall be known as the “Media and Access to Information Law”.

Article 2: Definitions

For the purposes of the application of this Law the terms set out below shall have the meanings appearing opposite them:

- (a) “Board”: Means the National Media Board established by Article 20.
- (b) “Commissioner”: Means the Information Commissioner established by Article 16.
- (c) “Code of Conduct”: Means the Code of Conduct established by Article 32.
- (d) “Committee”: Means the Discipline Committee established by Article 30.
- (e) “Information”: Anything which communicates meaning that has been recorded, regardless of the form in which it is recorded, including in written and/or electronic form, drawings, maps, writings, charts, photographs, films, microfilms, microfiche, audio recordings, video recordings, graphs, correspondence, computer tapes and disks, memoranda, minutes, or in any other form whether now known or hereafter devised.
- (f) “Information Officer”: Means the Information Officer established by sub-Article 18(2).
- (g) “Journalist”: Any person who is regularly and professionally engaged in preparing material for publication in the media, as defined in sub-Article (h).
- (h) “Media Outlet”: Entities, regardless of size, format or nationality, which are engaged in the professional activity of providing the whole public or a section thereof with information and entertainment on a regular basis in either print or broadcast form, such as newspapers and magazines, and radio and television stations.
- (i) “Personal Information”: Information about an identifiable individual about which it is reasonable to have an expectation that the information will not be publicly shared, such as information about the individual’s race, ethnicity, marital status, health and financial status, and contact information; provided that information about an individual who has been deceased for more than twenty (20) years is not personal data.
- (j) “Public authority”: Any government ministry or other official body, including municipal bodies, the legislature and the judiciary, any body that is created by law, any body that is controlled or owned by a public authority, and any body that is publicly funded or carries out a public function, to the extent of that function.

**Part II
FREEDOM OF THE MEDIA**

Article 3: Freedom of Expression

The right to freedom of expression is recognised in accordance with the Constitution of the Republic of Somaliland and international law, and is a respected and valued human right in Somaliland which protects the right of everyone to hold opinions without interference and to seek, receive and impart information and ideas orally, in writing or in print, in the form of art, or through any other media of his or her choice.

Article 4: Freedom of the Media

In accordance with Article 3, freedom of the media is a key part of the right to freedom of expression which guarantees the following rights to everyone:

- (a) to disseminate information and ideas of one's choice and at one's discretion to others through any form of media or distribution system;
- (b) to engage in or carry on any media activity, either solely or jointly with others, including by owning a media outlet or by practising the profession of a journalist;
- (c) to engage in the sale or distribution of publications, media or other forms of expression;
- (d) to gather news, including from confidential sources, to create, store and process information and ideas, and to decide whether or not to publish this information;
- (e) to enjoy editorial independence and the promotion of pluralism in the media;
- (f) to provide information to the media;
- (g) to criticise political leaders and others in the public interest;
- (h) to express one's opinion about one's belief, conscience, ideology, cultural and social affiliation, background, marital status, property and title;
- (i) for journalists to form professional journalists' associations and/or unions, and to be free to decide whether or not to join them;
- (j) to gather news and information and/or report on any local or international event regardless of the nature of relations between the country in which that event occurs and the Republic of Somaliland; and

(k) not to have taxes or customs charges imposed on the importation of items and equipment for the media which exceeds the level of those imposed on other entities or persons engaged in other enterprises.

Article 5: Prior Censorship and Seizure

1. There shall be no prior censorship of the media and no official body shall review media content prior to publication or dissemination.

2. No media content or newsgathering materials, regardless of whether such newsgathering materials led to or resulted in any dissemination of media content, shall be seized or confiscated except in accordance with a valid court order based on a law which is consistent with the Constitution and the principles set out in this Law.

Article 6: Discretion to Refuse

Journalists have the right to refuse to prepare, investigate, or publish content that is in conflict with their beliefs or views, or offends their conscience as journalists.

Article 7: Restrictions on Freedom of the Media

1. The right to freedom of the media is not absolute but any restrictions on this right must be provided for by law and those laws must, in accordance with the Constitution and international law, meet the standards set out in this Article.

2. Any restriction must be narrowly set out in the law in a sufficiently clear manner such that it is possible to know in advance, with some degree of certainty, exactly what is prohibited; vague phrases or provisions that allocate discretion to officials in the interpretation of the law do not meet this standard.

3. The restriction must be necessary to protect one of the following public or private interests, namely the rights or reputations of others, national security, public order (order public), public health or morals.

4. For purposes of sub-Article (3), necessary implies that:

(a) the restriction is necessary in the sense that it is nearly indispensable for the protection of the interest in question;

(b) no reasonable alternative measure exists to protect the interest which is less intrusive to the right to freedom of the media;

- (c) the restriction is carefully designed to impair the right to freedom of the media as little as possible;
- (d) no one should be criminally convicted for publishing material unless he or she did so with the specific intent of committing a crime; and
- (e) taking all of the circumstances into account, the restriction is proportionate in the sense that the benefits of protecting the interest outweigh the harm done to freedom of the media.

Article 8: Applicable Interpretive Principles

Any person, body or court entrusted with applying a restriction on freedom of expression or of overseeing compliance with this Law should, when doing so, bear in mind that freedom of the media is fundamental to a free society, and direct his or her attention first to whether application of the restriction is appropriate rather than to the illegality of the expression, to the aim rather than the manner of presentation and, in case of doubt, refuse to apply the restriction.

Article 9: Recourse to Courts

1. Everyone shall have the right to bring a case before the courts to prevent or stop an infringement of the rights defined and protected by this Law, or to submit a claim for redress and restoration where such a right has been illegally breached.
2. No journalist or media worker shall be imprisoned or otherwise sanctioned on account of undertaking media activities or for the content of a statement which he or she has published except as ordered by a court in accordance with a valid and binding law which is consistent with the Constitution and the principles set out in this Law.

Part III
PROTECTION OF CONFIDENTIAL SOURCES

Article 10: Right to Gather News from Confidential Sources

Journalists have the right to obtain information from confidential sources, and to decide in their sole discretion whether or not to publish this information.

Article 11: Protection from Compulsory Disclosure of Confidential Sources

Journalists have the right not to reveal the information obtained from and the confidential identity of their sources, unless the party seeking to compel disclosure thereof proves to the satisfaction of a court all of the following:

- (a) the information sought from the source is highly relevant to dispositive issues in a pending or potential case and is critical to a determination of dispositive issues such that the case “rises or falls” based on the information;
- (b) the information sought from the source is not available from alternative sources, the search for which has been exhausted;
- (c) the information is needed for purposes of the protection of the rights of the accused or for the prosecution of a serious criminal offence.

Part IV ACCESS TO INFORMATION

Article 12: Right to Information

1. Everyone, including journalists, has the right to access information held by public bodies, including in response to a request for that information, regardless of the source of that information, subject only to the regime of exceptions set out in Article 15 of this Law.
2. Where this Law conflicts with provisions in another law restricting access to information, the rules in this Law prevail over those in that other law.

Article 13: Requests for Information

1. A request for information must be in writing, including in electronic form, and must provide a contact address for receipt of that information, which may be an email address, and a description of the information sought in sufficient detail to enable an official to identify that information.
2. Where a requester is unable to describe the information in sufficient detail, or otherwise needs assistance, including because he or she is unable to make a request in writing, the official receiving the request shall provide such reasonable assistance as may be necessary to resolve the problem.
3. Where a public authority receives a request for information under sub-Article (1) it shall respond to the request as soon as possible and in any case within twenty calendar days, which may be extended by another twenty calendar days, upon providing notice to the requester, where the request is for a large number of records

or requires a search through a large number of records, and where compliance within twenty days would unreasonably interfere with the activities of the authority.

4. No fee shall be charged for making a request but, where information is provided to the requester, a fee which shall not exceed the reasonable cost of copying and sending the information to the requester may be charged.

5. Where a request for information is refused, in whole or in part, notice must be provided to the requester indicating the reasons for this, including the exact provision(s) in this Law relied upon to justify the refusal.

Article 14: Proactive Disclosure

1. Every public authority shall, on a proactive basis and even in the absence of a request for information, publish the following information:

- (a) a description of its structure, functions, duties and finances;
- (b) relevant details concerning any services it provides directly to members of the public;
- (c) any direct request or complaints mechanisms available to members of the public regarding acts or a failure to act by that authority;
- (d) a simple guide containing information about its record-keeping systems, the types and forms of information it holds, and the procedure to be followed in making a request for information;
- (e) a description of the powers and duties of its senior officers, and the procedure it follows in making decisions;
- (f) any regulations, policies, rules, guides or manuals regarding the discharge by that authority of its functions;
- (g) the content of all decisions and/or policies it has adopted which affect the public, along with the reasons for them, and any important background material; and
- (h) any mechanisms or procedures by which members of the public may make representations or otherwise influence the formulation of policy or the exercise of powers by that authority.

2. The Commissioner shall publish a guide on minimum standards and best practices regarding the duty of public authorities under this Article.

Article 15: Exceptions to the Right of Access

1. A public authority may refuse a request for information where the disclosure of the requested information would, or would be likely, to cause significant harm to:

- (a) national defence and security;
- (b) the health or safety of any individual;
- (c) relations with another State or intergovernmental organisation, where the information was provided in confidence by that State or intergovernmental organisation;
- (d) the prevention or detection of crime, the apprehension or prosecution of offenders, the administration of justice, the protection of the identity of a confidential source of information to which law enforcement personnel have promised confidentiality, the assessment or collection of any tax or duty, or the assessment by a public authority of whether civil or criminal proceedings, or regulatory action pursuant to any enactment, would be justified; or
- (e) the success of a policy, by premature disclosure of that policy, the deliberative process in a public authority by inhibiting the free and frank provision of advice or exchange of views, or the effectiveness of a testing or auditing procedure used by a public authority, provided that this does not apply to facts, analyses of facts, technical data or statistical information.

2. The exceptions in sub-Article (1) do not apply to information which is more than twenty years old.

3. A public authority must refuse a request for information where:

- (a) the disclosure of the requested information would involve the unreasonable disclosure of personal information about a natural third party, provided that this shall not apply where the individual concerned has consented to the release or the information is relevant to a public duty, function or position held by that individual;
- (b) the information is privileged from production in legal proceedings, unless the person entitled to the privilege has waived it; or
- (c) the information was obtained from a third party and to communicate it would constitute an actionable breach of confidence, it contains a trade secret, or to communicate it would, or would be likely to, seriously prejudice the commercial or financial interests of that third party.

4. The exceptions in this Article only apply where the harm to the protected interest outweighs the public interest in disclosure.

5. The exceptions in this Article do not apply where the information is already publicly available.

6. Where only part of the information requested falls within the scope of an exception, the information which is not subject to an exception shall, to the extent it may reasonably be severed from the rest of the information, be disclosed.

Article 16: The Information Commissioner

1. An Information Commissioner shall be appointed by an absolute majority vote of the House of Representatives after a process which ensures participation by the public in the nomination process; transparency and openness; and the publication of a shortlist of candidates.

2. No-one may be appointed Commissioner if he or she holds an official office in, or is an employee of a political party, or holds an elected or appointed position in central or local government, or has been convicted, after due process in accordance with internationally accepted legal principles, of a violent crime and/or a crime of dishonesty or theft.

3. The Commissioner shall hold office for a term of six years, and may be re-appointed to serve a maximum of two terms, but may be removed by the President upon a recommendation passed by an absolute majority vote of the House of Representatives for cause.

4. The Commissioner shall enjoy operational and administrative autonomy from any other person or entity, including the government and any of its agencies, except as specifically provided for by law, and shall have all powers, direct or incidental, as are necessary to undertake his or her functions as provided for in this Law, including full legal personality, and the power to acquire, hold and dispose of property.

5. The funds for the operation of the office of the Commissioner shall be voted by Parliament and the Commissioner shall be paid a salary equal to the salary of a judge of the Supreme Court.

6. The Commissioner shall, within three months after the end of each financial year, lay before the Parliament a report on the activities of his or her office and audited accounts for the office for that financial year.

Article 17: Complaints to the Commissioner

1. Any requester who believes that his or her request for information has not been treated in accordance with the provisions of this Law may lodge a complaint to that effect with the Commissioner.

2. The Commissioner shall come to a decision on a complaint – after giving both the requester and the concerned public authority an opportunity to be heard – as soon as possible and in any case within thirty days, provided that the burden of proof in such cases shall be on the public authority to show that it has acted in accordance with this Law.

3. In investigating a complaint, the Commissioner shall have the power to issue orders requiring the production of evidence and compelling witnesses to testify, and to examine any record to which this Law applies, and no such record may be withheld from the Commissioner on any grounds.

4. In deciding a complaint, the Commissioner may reject the complaint or he or she may order the concerned public authority to provide the requester with the information or to compensate the requester for any losses suffered.

5. In appropriate cases, the Commissioner may order a public authority to appoint an information officer, to improve the state of its record management, to provide further training to its officials, to publish certain information proactively and, in egregious cases, to pay a fine.

6. Where a public authority does not comply with a decision of the Commissioner within thirty days, the Commissioner may register his or her decision with the courts, and a failure to comply with it shall be treated as a failure to comply with a court order.

Article 18: Promotional Measures

1. The Commissioner shall compile a clear and simple guide informing individuals about their rights under this Law, and containing practical information to facilitate the effective exercise of those rights, and shall disseminate the guide widely in an accessible form.

2. Every public authority shall appoint a dedicated Information Officer who shall be responsible for receiving requests for information directed to that public authority,

and generally for ensuring that the public authority complies with its obligations under this Law.

3. The Commissioner shall, in consultation with the civil service, publish and from time-to-time amend a Code of Practice setting minimum standards relating to the keeping, management and disposal of records, which shall be binding on all public authorities.

4. Each public authority shall ensure that appropriate training is provided to its staff regarding the fulfilment of its obligations under this Law.

5. Each public authority shall provide an annual report to the Commissioner outlining the steps it has taken to implement this Law, including a description of all requests for information it has received and how they have been dealt with.

6. Based on the reports provided under sub-Article (5), the Commissioner shall produce a global annual report on measures taken to implement this Law, and identifying challenges to its implementation, to be laid before Parliament.

7. In addition to any other powers and responsibilities provided for in this Act, the Commissioner shall, to the extent of the resources available to him or her:

- (a) monitor and report on the compliance by public bodies with their obligations under this Law; make recommendations for reform;
- (b) co-operate with or undertake training activities for public officials;
- (c) refer to the appropriate authorities cases which reasonably disclose evidence of criminal offences under this Act; and
- (d) publicise the requirements of this Act and the rights of individuals under it.

8. All public authorities shall cooperate with the Commissioner in the discharge of his or her responsibilities.

Article 19: Sanctions and Protections

1. It is a criminal offence wilfully to obstruct access to information, to destroy records without lawful authority, or to hinder the performance by a public authority or the Commissioner of a duty under this Law.

2. No one, including the Commissioner and his or her staff, shall be subjected to civil or criminal action, or any employment detriment, for anything done in good faith in

the exercise, performance or purported performance of any power or duty in terms of this Law, as long as they acted reasonably and in good faith.

3. No one may be subject to any legal, administrative or employment-related sanction, regardless of any breach of a legal or employment obligation, for releasing information on wrongdoing, or that discloses a serious threat to health, safety or the environment, as long as they acted in the reasonable and good faith belief that the information was substantially true and disclosed evidence of wrongdoing or a serious threat to health, safety or the environment.

PART V NATIONAL MEDIA BOARD

Article 20: Establishment and Composition

1. The National Media Board is hereby established.
2. The Board shall consist of thirteen members all of whom shall have some expertise, by virtue of their education or experience, in the areas of broadcasting, policy, law, technology, journalism and/or business, and who shall be known for their high moral standards, integrity, impartiality and competence.
3. The members of the Board shall be nominated as follows:
 - (a) two distinguished scholars nominated by the Minister of Information;
 - (b) three representatives nominated by journalist associations and unions;
 - (c) two individuals nominated by the associations of proprietors newspapers, and radio and television stations;
 - (d) one lawyer nominated by the Somaliland Law Society;
 - (e) two members of the public nominated by the Parliament who are persons of proven integrity and good repute;
 - (f) one prominent writer or poet nominated by the Writers Union;
 - (g) one religious scholar nominated by the Minister of Religious Affairs; and
 - (h) one academic nominated by the Somaliland Union of Universities.
4. At least one of each of the individuals nominated under sub-Articles (2)(a), (b), (c) and (e) shall be women (i.e. at least four members in total).
5. No-one may be appointed Commissioner if he or she:

(a) holds an official office in, or is an employee of a political party, or holds an elected or appointed position in central or local government, or is employed in the civil service or any other branch of government;

(b) has been convicted, after due process in accordance with internationally accepted legal principles, of a violent crime and/or a crime of dishonesty or theft; or

(c) holds interests in, or has relationships with, media interests which represent a conflict of interest with his or her duties as a Member of the Board.

6. The members nominated in accordance with sub-Article (2) shall be formally appointed by the Parliament, provided that the Parliament shall have no discretion to refuse to appoint individuals who are validly nominated in accordance with this Article.

Article 21: Tenure of Board members

1. Members of the Board shall hold office for a period of five years, and shall be eligible to be re-appointed for a maximum of two consecutive terms.

2. A member of the Board may resign his or her office at any time by notice in writing to the Board.

3. A member of the Board may be removed by a two-thirds vote of the remaining members where he or she:

(a) has failed, without a reasonable excuse, to attend three consecutive Board meetings;

(b) falls foul of the prohibitions in Article 20(4) and two months have passed without this being resolved;

(c) is no longer able to perform his or her duties effectively, whether due to physical or mental disability or any other cause; or

(d) acts in a manner which is clearly and seriously incompatible with the position of a member of the Board.

4. Where a member of the Board resigns or is removed in accordance with this Article more than six months before the expiry of his or her term, the authority which initially nominated him or her shall be promptly notified, and he or she shall be replaced in accordance with the process for appointing members set out in Article 20.

Article 22: Remuneration

Members of the Board shall be paid remuneration and allowances in accordance with those paid to a judge of the Supreme Court.

Article 23: Legal Status of the Board

1. The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
2. The Board may acquire, hold, manage and dispose of any property, movable or immovable, and enter into contracts or other transactions and do any thing which may, in law, be entered into or done by a body corporate.
3. The Board is an independent institution which is accountable to the people of Somaliland through Parliament.
4. The Board shall enjoy operational and administrative autonomy from any other person or entity, except as specifically provided for in this or any other law and the autonomy of the Board shall be respected at all times and no person or entity shall seek to influence its members or staff in the discharge of their duties, or to interfere with its activities, except in the discharge of a specific authority or duty provided for by law.

Article 24: Functions of the Board

The functions of the Board shall be:

- (a) to promote freedom of the media and the free flow of information and ideas;
- (b) to encourage, train, equip and enable journalists to play their role in society;
- (c) to establish and maintain professional standards for journalists;
- (d) to register and accredit journalists;
- (e) to register, monitor and oversee media outlets;
- (f) to arbitrate disputes between the public and the media and the State and media, including by deciding complaints;
- (g) to establish and maintain mutual relationships with international journalists organisations and other organisations with a view to enhancing the objects of the Board; and
- (h) to exercise any function that may be authorised or required by the law.

Article 25: Reporting of the Board

The Board shall, within three months after the end of each year, submit an annual report on all of its activities, along with audited accounts, simultaneously to both houses of Parliament and the Council of Ministers.

Article 26: Meetings of the Board

1. The Board shall meet for the discharge of its duties at least once a month, or upon a request by at least one-third of the members of the Board. Meetings of the Board shall take place at the headquarters of the Board, unless otherwise agreed upon and shall be convened by the Chairperson, or in his or her absence the Vice-Chairperson.

2. The time and place of the meeting shall be notified to the members at least ten days before the meeting, provided that in case of an emergency, a shorter notice may be given.

3. The Board shall elect amongst its members a chairperson, vice-chairperson, secretary and treasurer, who shall form the Executive Committee of the Board.

4. The chairperson shall preside at all meetings of the Board and in his absence the vice-chairperson. In the absence of both the meeting shall appoint one of its members to preside. The validity of the proceedings of a meeting shall not be affected by the absence of the chairperson and the vice-chairperson.

5. Seven members of the Board shall form quorum.

6. Decisions of the Board shall be determined by a simple majority vote of members present. In the case of equality of votes, the chairperson or person presiding at the meeting shall have the casting vote.

7. Subject to the provisions of this Law, the Board may regulate its own procedures.

8. The secretary of the Board shall cause to be recorded and kept minutes of all meetings in a form approved by the Board. The minutes shall be submitted to the Board for confirmation at its next meeting, and when so confirmed shall be signed by the chairperson and the secretary in the presence of the other members present at the meeting.

9. A member of the Board who is present at a meeting of the Board and who has, directly or indirectly, an interest in a matter under discussion by the Board shall disclose the fact and nature of his or her interest to the Board as soon as practicable after the commencement of the meeting, and he or she shall not take part in any consideration or discussion, or vote on any question relating to that matter. The disclosure of interest made by the member shall be recorded in the minutes of the meeting.

Article 27: Funding for the Board

1. The funds of the Board shall consist of:
 - (a) grants from the government;
 - (b) fees and other charges paid for services rendered by the Board;
 - (c) grants, gifts and donations from other sources acceptable under the law;
 - and
 - (d) loans from public or private banks.
2. All the funding of the Board shall be managed through a Fund to be established by the Board. The Board shall operate a bank account in a bank determined by the Board in a manner decided by the Board.
3. Three months prior to the end of each financial year, the Board shall submit to the government for its approval a budget statement for the following financial year, including any operating funds requested by the Board from the government.
4. The government shall table the budget statement before the Parliament for its consideration prior to approving, rejecting or modifying the statement.
5. The financial year of Board shall coincide with that of the government. The Board shall keep proper books of accounts and prepare annual financial statements of accounts for the proceeding financial year not later than three months after the end of that financial year.
6. The books and accounts of the Board shall be submitted to the Auditor General within three months after the end of each financial year, to be audited.
7. The Auditor General shall auditing the accounts of the Board within three months of receiving them from the Board, and shall lay the audit report before Parliament.

Article 28: Regulation of the Practice of Journalism

1. The Board shall establish and keep a General Register of Journalists in Somaliland, listing all journalists who have been issued with a Practising Certificate, and this Register shall be open for inspection by the public.
2. No person shall practise journalism, defined as being paid on a regular basis by a media outlet for the gathering, processing, publication or dissemination of information, unless he or she is in possession of a valid Practising Certificate, issued by the Board.
3. Being issued with a Practising Certificate is a form of technical registration which shall be granted to any person practising journalism upon the payment of the prescribed fees, without any discretion vested in the Board to refuse registration.
4. Any person who has been issued with a Practising Certificate shall be entered into the General Register of Journalists.

Article 29: Registration of Media Outlets

1. A proprietor of a media outlet shall register his media outlet with Board, against the payment of the prescribed fees
2. Registration is a technical process which shall be granted without discretion to refuse upon provision of the following particulars:
 - (a) the name, address and proof of identity of the owner;
 - (b) the name, address and general scope of activities of the media outlet;
 - (c) the main sources of funding for the media outlet;
 - (d) the name, address, proof of identity, and the Practising Certificate, issued by the Board, of the editor; and
 - (e) such other particulars as may be prescribed by the Board.
3. The proprietor of a media outlet shall notify the Board within thirty days of its coming to his or her notice of any substantive change in any of the particulars referred to in sub-Article (2).
4. The Board shall keep a Register of all registered media outlets, and this Register shall be open for inspection by the public

Article 30: Disciplinary Committee

1. There is hereby established a Disciplinary Committee composed of five individuals elected by the Board from among its members, not including the chairperson, secretary or treasurer, but including at least one lawyer.
2. The Committee shall have a chairperson and a secretary, and three members of the Committee shall form the quorum.

Article 31: Complaints to the Disciplinary Committee

1. Anyone may lodge a complaint in writing with the secretary of the Committee alleging that a media outlet or practising journalist has, within the last 30 days, operated in breach of the Code of Conduct.
2. Upon receipt of a complaint, the secretary of the Committee shall, within one week, refer the matter to the Committee.
3. Where a complaint is manifestly unfounded, the Committee may reject it without going through a formal process of consideration but, otherwise, the Committee shall furnish both the media outlet and/or journalist against whom the complaint is directed and the complainant with all relevant documents, including a copy of the complaint, and give both parties an adequate opportunity to be heard.
4. When considering any complaint, the Committee may administer oaths or affirmations, compel the production of witnesses and documents, and interview and correspond with any person as it may deem necessary.
5. The Board shall come to a decision in relation to a complaint within two months.
6. To facilitate the consideration of complaints, media outlets shall retain copies of all newspapers published and/or recordings of all material broadcast for sixty days, provided that if the material is the subject of a complaint, it shall be retained by the media outlet until the complaint has been resolved.

Article 32: Code of Conduct

1. The Board shall, after consultation with interested stakeholders, publish and from time-to-time update and amend, a Code of Conduct setting out standards deemed to represent professional conduct by media outlets and journalists.
2. The Code of Conduct shall at least address the following issues:

- (a) accuracy and impartiality in the presentation of news and current affairs programming;
 - (b) appropriate methods of gathering news, including in relation to using subterfuge (pretence) or covert recordings, listening devices, threats or coercion, or engaging in trespass to obtain information;
 - (c) protection of children under the age of 15, and of other vulnerable individuals/groups;
 - (d) reporting on crime and anti-social behaviour;
 - (e) keeping within accepted boundaries of taste and decency, including in relation to the portrayal of sexual conduct and violence, the use of strong or abusive language;
 - (f) respect for privacy; and
 - (g) the treatment of religion and respect for the Islamic creed.
3. The Code shall also address the following issues regarding advertising:
- (a) all advertisements shall be clearly identified as such;
 - (b) no media outlet shall carry advertisements for medicines which are available only with a prescription;
 - (c) the maximum daily and hourly advertising which may be carried by broadcasters, which shall in no case exceed 20% of total daily programming;
 - (d) rules regarding political advertisements during elections, provided that these rules shall be based on the principle that parties and candidates should be granted equitable, non-discriminatory access to licensees.

Article 33: Decisions of the Committee

1. After considering a complaint, the Committee may dismiss the complaint if no breach of the Code of Conduct has been proven.
2. Where the Committee upholds a complaint, it may impose any one or combination of the following penalties:
 - (a) issue a warning to the media outlet and/or journalist indicating that the behaviour is unprofessional and should not be repeated;
 - (b) require the media outlet to carry a statement by the Committee indicating that it has breached the Code of Conduct and how, which shall be given similar prominence to the offending piece where relevant;
 - (c) imposing a fine not exceeding three million Somaliland shillings on the media outlet and/or journalist; and/or

(d) requiring the responsible media outlet or journalist to pay appropriate compensation to a complainant who has suffered a direct material loss or injury as a result of the breach of the Code of Conduct.

3. A media outlet, journalist or complainant aggrieved by the decision of the Committee may appeal against such decision to the court within thirty days from the date on which the decision of the Committee was delivered to that media outlet, journalist or complainant.

4. Subject to any appeal pursuant to sub-Article (3), the decisions of the Committee shall be legally binding. Where a media outlet or journalist does not comply with a decision of the Committee or lodge an appeal within thirty days, the Board may register the decision of the Committee with the courts, and a failure to comply with it shall be treated as a failure to comply with a court order.

Part VI MISCELLANEOUS PROVISIONS

Article 34: Repeal

1. Any law, decree, circular or order which is in conflict with this Law shall, to the extent of that conflict, be deemed null and void when this Law comes into force.

2. Article 452 of the Penal Code, providing for criminal defamation, is hereby repealed.

Article 35: Penalties

1. It is an offence to impose prior censorship on a media outlet, contrary to Article 5, or to imprison or otherwise sanction a media outlet or journalist contrary to sub-Article 9(1), which may be sanctioned, upon conviction, by a fine not exceeding three million Somaliland shillings and/or to imprisonment for a period not exceeding two years.

2. Anyone who commits an offence under sub-Article 19(1) shall be liable on summary conviction to a fine not exceeding three million Somaliland shillings and/or to imprisonment for a period not exceeding two years.

3. It is an offence to practise journalism without being in possession of a valid Practising Certificate, contrary to sub-Article 28(2), or for an owner of a media outlet not to register a media outlet with the Board, contrary to sub-Article 29(1), which may be sanctioned, upon conviction, by a fine not exceeding three million Somaliland shillings, and in case of failure to pay the fine to imprisonment for a period not exceeding three months.

3. It is an offence to refuse to implement a penalty imposed by the Committee pursuant to sub-Article 33(2), which may be sanctioned, upon conviction, by a fine not exceeding three million Somaliland shillings, and in case of failure to pay the fine, to imprisonment for a term not exceeding three months.

Article 36: Implementation of this Law

1. This Law shall come into force on its signature by the President, after its approval by Parliament, and it shall be published in the Official Bulletin.

2. In any disputes about the interpretation and meaning of any provision of this Law, the English language text shall be considered as the official one.