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ARTICLE 19

PRESS RELEASE

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Analysis of Draft Somali Media Law

ARTICLE 19 today released its analysis of the draft Somali Media Law, which seeks to establish a broad regulatory framework for all media in Somalia. Although the draft Law does include some positive features, it seeks to subject all media to a largely government controlled regulatory regime and imposes a number of overbroad restrictions on what may be published or broadcast.

The draft Law, approved by the Transitional Federal Parliament on the first reading in December 2007, starts out with an important statement on freedom of the media which refers to international standards and specifically the *Universal Declaration of Human Rights* as the basis for this freedom. Article 2 also provides that the media shall not be subjected to censorship and shall not be required to carry messages on behalf of either the government or the opposition.

However, the bulk of the draft Law establishes a regulatory framework for the media – defined very broadly to cover not only print media and broadcasters but any system for disseminating messages, including drawings, books and even speeches – which is largely controlled by the government. The members of the National Media Council established by the draft Law are nominated by the private and public media, but formally appointed by the Minister of Information. Key roles, such as registering and authorising media outlets, are undertaken by the Minister, not the Council. Furthermore, the draft Law specifically provides that the Minister is responsible for the State media, which includes radio, television, newspapers, news agencies, a printer and even poets.

The draft Law also imposes a wide range of constraints on media output. The media are called upon to promote a number of general social interests such as Islam, justice, culture, democracy and State unity. They are also subject to a number of prohibitions, such as jeopardising Islam or national unity, endangering national stability, disseminating false information or national secrets, or displaying pictures that ‘can spread shock within the community’. Journalists are also directly subject to similar bans. These restrictions are unduly vague, overbroad and, in some cases, simply illegitimate as restrictions on freedom of expression.

ARTICLE 19 urges the Somali authorities to revise the draft Law substantially to bring it into line with international standards, with a view to promoting the development of a free and vibrant media in Somalia.

NOTES TO EDITORS

- The analysis is available at: <http://www.article19.org/pdfs/analysis/somalia-media-note.pdf>.
- An English translation of the draft Media law is available at: <http://www.article19.org/pdfs/laws/somalia-media-law.pdf>
- For more information, please contact Toby Mendel, Law/Asia Programmes Director, a19law@hfx.eastlink.ca.
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees freedom of expression.