

In the Name of Allah, the Gracious, the Merciful

Explanatory Memorandum
The Draft of the Press and Printed Press Material Act, 2008

The Draft of the Press and Printed Press Materials Act, 2008 is made to be consistent with the Interim Constitution of the Republic of the Sudan, 2005 where journalism subject was referred to in tables (A), (B) and (C) as a national authority in article (34) on the National Media and Printed Material, and in table (C) as state authority in article (4) on State Media and state Circulations and in Table (D) as a joint authority in article (16) on Media and Printing Material, thus, Journalism is a joint authority. Based on all that the Act draft consists of seven chapters as follows:

Chapter I

Dealt with the preliminary provisions (title and commencement, repeal and saving, application of the Act, interpretation, guiding principles).

Chapter II

Dealt with the Council provisions, its establishment, functions, powers, formation, constitution, and term, organs, financial resources, annual budget, accounts and audition of the same.

Chapter III

Dealt with the issuance and licensing of newspapers, newsletter and printings in the journal.

Chapter IV

Dealt with the work conditions in journalism profession.

Chapter V

Dealt press service centers and press printing houses.

Chapter VI

Dealt with punishments and penalties.

Chapter VII

Miscellaneous provisions, and the power of issuing the by-laws.

Here the draft Act annexed.

Ministry of Information and Communication

In the Name of Allah, the Gracious, the Merciful

The Draft of the Press and Printed Press Materials Act, 2008

Be it hereby made, by the President of the Republic and passed by the National Assembly, in accordance with the Interim Constitution of the Republic of the Sudan, 2005, the following Act:

Chapter I
Preliminary Provisions
Title and Commencement

1. This Act may be cited as the, " Press and Printed Press Material Act. 2008" and shall come into force, as from the date of signature.

Repeal and Saving

2. It shall repeal The Press and Printed Press Materials Act, 2004: provided that all the procedures, by-laws and orders made hereunder shall remain in force, until revoked, or amended according to the provisions of this Act.

Application

3. The provisions of this Act shall apply to all procedures, which are not complete, upon the commencement thereof, and likewise they shall apply to the procedures completed by such date; on condition rectification of the conditions of the press institutions, and the other means of producing newspapers, in accordance with the provisions of this Act, within a period, not exceeding ninety days, of the date of signature thereof.

‘Journalism profession’	‘Court’, means the competent court, established under the provisions of this Act;
‘Distribution house’	means the profession of preparing newspapers and printed materials, editing, issuing, distribution of the same, by any means;
‘Act’	means any body working in the distribution and sale of newspapers and printed materials;
	means the Press and Printed Press Materials Act, 2008;

Guiding Principles
Freedom of Press and Journalists

- 5.
- 1) Without prejudice to public order and morals, press shall practice: Press shall practice its mission freely and independently, and shall aim at developing the society and the welfare of the nation and citizens, and shall commit itself to the protection of privacy, honor, and safety of individuals and security of the society. No restrictions shall be imposed on the press, saving the cases provided
 - 2) by constitution and law. No newspapers shall be subjected to confiscation, and no quarters of the same shall be sealed except in accordance to law.
 - 3) No publisher, or journalist shall be subjected to detention , or arrest based on issues relate to practice of his profession saving the cases provided by law.
 - 4)

Chapter II
The Council
Establishment, quarters and Supervision of the Council

- 6.
- 1) There shall be established a council, to be known as the, "Press and Printed Press Materials National Council", and shall have corporate personality, common seal and the right to litigate in its own name.
 - 2) The quarters of the Council shall be in Khartoum.
 - 3) The Council shall be independent in performing work and in budget.
 - 4) The Council shall be under the supervision of the Presidency which can:
 - a. Notify the Council with the general policies of the State, that is approved in the state strategy with regard to the profession of journalism.
 - b. Request of information and reports from the Council
 - c. Obtain recommendations and proposals from the Council

concerning the work of the same.

Functions of the Council

7. The Council shall have competence on the following:
- a. supervise the general performance of the press institutions and companies, press publishing houses, press printing houses, press services' centers, and news agencies; and review the professional performance thereof;
 - b. help to provide the requirements of the press industry and press printing, and remove such impediments, as may face the same;
 - c. ensure the appropriate minimum limit of wages of journalists and employees of press institutions;
 - d. co-operate, and exchange expertise with the similar councils and organs, in other countries;
 - e. supervise training of journalists, in co-ordination with press institutions;
 - f. enforce public policy concerning journalism and printed press materials, in accordance with the general directives of the constitution;
 - g. strive to promote the journalism profession, and raise the professional standards of those working therein, and commitment to the journalism profession ethics;
 - h. documentation of the history of journalism and press printed materials in the Sudan;
 - i. consider any contravention of this Act unless otherwise is provided for in the jurisdiction of a competent court;

Powers of the Council

8. The Council shall practice the following powers:
- (a) receiving written notification from the newspapers, for the purpose of license acquisition, where the name, nationality, residence of the newspaper proprietor, and the language of publishing, and the name and address of the editor-in-chief and the address of the publisher are included thereof;
 - (b) grant permission to the publishing and distribution houses, and the press services centers;
 - (c) grant the license to press companies and institutions, newspapers, press printing houses, press publishing and distribution houses, and press services' centers;
 - (d) render the necessary support for the progress of the work, and the activity of a press institution;
 - (e) form specialized sub-committees and organize the business thereof;

- (f) accredit press offices and foreign news agencies, and open a roll for the correspondences thereof, without prejudice to the function of the Ministry;
- (g) consider the complaints, represented by those aggrieved by the publication of press materials;
- (h) contribute to settle the disputes inside journalist community, without prejudice to the powers, set out in the Statute of the Journalists General Union;
- (i) establish a General Secretariat for the Council, appoint the personnel thereof and define the terms of services of the same;
- (j) delegate any of the powers thereof to the Chairperson, or Secretary General jointly; provided that their decisions, under the delegation, shall be submitted to the Council, at the first meeting thereof, for approval, or rejection;
- (k) inflict the penalties provided for in this Act;
- (l) auditing the circulation of newspapers and printed press materials;
- (m) forming of sub offices in the states, without prejudice to the exclusive powers of the Government of South Sudan, and delegate any of the Council powers to the same;
- (n) suspension of the newspaper, or the publishing house, in case any contravention of the conditions of the license is committed thereof.

Constitution and term of the Council

9.
 - 1) The president of the Republic of Sudan constitutes the Press and Printed Materials National Council, he thereof, shall consider the representation of the journalists, the publishers, the proprietors of the press printing houses, national figures, and women, and shall also consider the cultural, religious, ethnic, and intellectual diversity;
 - 2) Without prejudice to the provisions of section (1) above, the Council shall be constituted of twenty one members, as follows:
 - a. eight members, to be appointed by the President, with the consultation of the First Vice President, from those proved to be of independence, integrity, neutrality, competence and experience in the field of press and press printed materials;
 - b. eight members representing journalists, to be elected by the general assembly of the Journalists General Union, and the result shall be approved by the Work Organizations Registrar General;
 - c. five members, to be elected by the publishers and the proprietors of press printing houses.
 - 3) The term of the session of the Council shall be four years.

The Council

10. The organs of the Council shall consist of the following:
 - a. the Council's association

- b. the General Secretariat
- c. the Specialized Committees

The Council's Association

11. The Council's Association shall consist of the Chairperson, his Deputy, the Secretary General, and Chairpersons of the Specialized Committees, and shall have competence on the following:
- a. organize the business of the Council;
 - b. co-ordinate between the Council and the specialized Committees;
 - c. propose the internal regulations;
 - d. any other tasks delegated, thereof, by the Council.

Chairperson of the Council and his Deputy

- 12.
- 1) The Council shall have a part-time chairperson, to be elected from among the members, during the first session for the Council, which shall be presided by the eldest member
 - 2) The Council shall elect a part-time Deputy Chairperson, during the same session, after the election of the Chairperson and the undertaking of responsibilities by the same

Tasks of the Council's Chairperson and his Deputy

- 13.
- 1) The Council's Chairperson shall have competence to call on the Council to meet, and to preside and supervise the work process thereof;
 - 2) The Deputy of the Council' Chairperson shall take over the tasks of the chairperson during his absence, and any other tasks delegated to him by the chairperson or the Council.

The General Secretariat

14. The General Secretariat of the Council shall consist of the Secretary-General and staff. The Council shall issue a resolution determining the establishment and functions thereof, where the Secretary General shall be the highest executive and administrative authority.

Tasks and Functions of the Secretary General of the Council

15.
 1. The Council shall have a Secretary General to be appointed by the President of the Republic, with the consultation of the First Vice President upon recommendations of the Council from those of competence and experience and the functions and remuneration and benefits of whom shall be specified by the same. The Secretary General shall be ex-officio rapporteur of the Council.
 - 2) The Secretary General shall have competence to the following:
 - a. undertake the administrative work and supervise of financial and technical affairs;
 - b. prepare and submit to the Council the draft annual budget;
 - c. supervise the General Secretariat;
 - d. call on the Council meeting upon the instruction of the Council's Chairperson;
 - e. taking the minutes of the meetings and maintain the documents and follow up the execution of the decisions of the Council;
 - f. prepare and submit the administrative and financial reports, and the performance reports of the General Secretariat of the Council;
 - g. appoint, evaluate the performance and decide on the discipline of staff;
 - h. perform any other tasks delegated by the Council or the Chairperson thereof.

Meetings of the Council

- 1) The Council shall hold a periodical meeting, at least once every month, and they hold extra-ordinary meetings, by the initiative of the Chairperson, or upon written request of one third of the members.
- 2) The quorum, for the meetings of the Council shall be ensured by the attendance of more than half the members thereof.
- 3) Decisions of the Council shall be adopted by consensus, or the majority of the members present when consensus is not secured. Chairperson shall have a casting vote when votes of member are the equal.

Vacancy of Seat

17.
 - 1) The seat of a member of the Council shall fall vacant in the following cases:
 - a. death; resignation;
 - b. relief, by the appointing, or electing bodies;
 - c. such infirmity, as may disable him to perform the duties of membership;
 - d. absence from three successive meetings, without permission, or excuse acceptable by the Council;
 - e. conviction for an offence involving honesty or moral turpitude, or contravention of this Act.
 - 2) Upon vacancy of a seat, it shall be filled by the appointing, or electing body, as the case may be, within a period, not exceeding sixty days.

Appeal against the decisions and penalties of the Council

18. A person aggrieved by any penalty the Council may inflict, may appeal to the competent Court within thirty days of the date of his notification of the sanctions.

Financial Resources of the Council

19. The financial resources of the Council shall consist of the following:
- a. annual subsidy, as may be allocated thereto by the State;
 - b. fees of licensing and renewal licenses of the newspapers, press printing houses and inputs of the same;
 - c. such donations and aid, as may be accepted by the Council;
 - d. any other resources, as may be approved by the Council.

The Annual Budget of the Council

20.
 - 1) The Secretary General shall prepare and submit the draft annual budget to the Council.
 - 2) There shall be followed, in preparing the draft budget, the financial and accountancy standards of the State.
 - 3) The Council shall pass the draft budget, and submit the same to the Presidency for approval.

Accounts and auditing

21.
 - 1) The Council shall keep regular and sound financial accounts, as to such financial and accountancy standards in use.
 - 2) The National Public Audit Bureau or any independent auditor appointed by Council with the approval of the Secretary General shall annually audit the accounts of the Council within four months of the end of the fiscal year and the Secretary General shall facilitate this process.
 - 3) The auditor shall submit the audit report to the Secretary General who submits the same to the Council.

Chapter III

Issue and Licensing Newspapers, Press Publications and Printed Materials

22. Newspapers are issued by:
- a. a company registered in accordance with the provisions of the Companies Act, 1925;
 - b. any legally registered political organization; on condition that there shall be responsible, for the newspaper, an editor-in-chief,

- satisfying the conditions, set out in article (26) of this Act;
- c. Any social association, scientific institution or government unit, responsible of the promotion of scientific, or Professional activities; on condition that there shall be responsible, for the newspaper, an editor-in-chief, satisfying the conditions, set out in article (26) of this Act;
 - d. Foreign communities, resident in the Sudan, may issue their own publications and printed materials, after obtaining the necessary license, from the Council, as to such conditions and safeguards regulations may specify.

Licensing Newspapers, Press Publications and printed Materials

23.
 - 1) Issuing any newspapers, press publications or printed Material is conditioned on obtaining a license from the Council upon the payment of fees defined by the by-laws.
 - 2) License Shall be renewed annually upon the payment of license renewal fees defined by the by-laws.

Conditions of Granting License for Issuing Newspapers or Press Publications

24. The Council shall grant the license, to issue any newspaper, or press publication, in accordance with the following conditions:
 - (a) Issuing of newspapers, press publications or the industry of press information be among the major purposes of the press institution;
 - (b) The press institution shall deposit in a separate bank account such amount of money, as the Council may specify, in accordance with the Press Development By-Law, with undertaking not to spend, from the deposited amount , otherwise than for the purposes of issuing the publication; and the Council may, by a decision thereof, raise the minimum limit of depositing, whenever circumstances, or the public interest requires the same;
 - (c) The press institution shall contract with a sufficient number of journalists, possessed competence and experience; provided that the number and qualification for the force shall not be less than satisfaction of the minimum limits, set out in the Press Development By-Law;
 - (d) The press institution shall have quarters, for practicing the press activity, and the regulations shall specify the conditions and specifications of the same;
 - (e) The press institution shall have an information center, as the regulations may specify;
 - (f) The newspaper, or press institution shall abide by such specialization, as may have been approved therefore.

Chapter IV
Conditions of Work in the Journalism Profession
Conditions to be Satisfied by a Journalist and an Editor-in-Chief

- 25.
- 1) A journalist, before practicing the journalism profession, shall be required to be enrolled in the Journalists Roll, at the Council.
 - 2) An editor-in-chief of a newspaper shall be required:
 - (a) to be a Sudanese, whose age shall not be less than thirty five years;
 - (b) to have practiced the press work professionally, for a period, not less than ten years;
 - (c) to be in possession of a university qualifications or a diploma in the filed of journalism;
 - (d) to be full time devoted to the press work;
 - 3) The Council may exclude a candidate for the editing-in-chief of a newspaper, from the conditions of experience and university
 - 4) qualification above if he possesses qualifications or distinctive qualitative experiences.
The Council may exclude a candidate for the editing-in-chief of a
 - 5) newspaper, from the conditions provided for the paragraph 2 (a), (b) and (c) above.
not to have been convicted of an offence inconsistent with honor, honesty or contravention of the provisions of this Act.

Responsibility of the Editor-in-Chief.

- 26.
- The editor in chief shall be the first person responsible for the good performance of editing of the newspaper, and shall also be responsible, for all what is published in the newspaper, as an actual perpetrator of the contraventions and offences , committed by the newspaper, without prejudice to criminal responsibility, or any other responsibility of the writer, the one who placed the drawing, the publisher, the printer or distributor, and the responsibility , in such case, shall be a joint responsibility.

Rights and Immunity of the Journalist

- 27.
- 1) A journalist shall enjoy the following rights and immunities:-
 - (a) his non-subjection to any unlawful act, for the purpose of affecting his performance, integrity or commitment to the professional duties thereof;
 - (b) protection of the sources of his press information;
 - (c) his non-subjection to responsibility, upon his communicating information, or expressing opinion, save in accordance with the provisions of the law. Saving cases of red-handedness, no journalist shall be arrested with respect to any charge, as may be

connected to the practice of his journalism profession, save after notifying the president of the Journalists General Union.

- 2) Every public servant, and every person, or body in whose possession of public information, relating to the State, and the community shall avail such information to journalists, unless the same have previously been classified, by law, as being information which shall not be published.
- 3) The Council shall take such appropriate measures, as may guarantee the rights and immunities of the journalist.
- 4) A journalist shall not be dismissed, save after notifying the Journalists General Union, of the justifications of this dismissal. Where the period of one month elapses, and the union fails during the same, to conciliate, between the newspaper and the journalist, both parties shall be governed by the provisions of the Labor Act, 1997.

Duties of the Journalist

28. 1) In addition to any other obligations, in any other law, the journalist shall abide by the following:
 - a. to intend truthfulness and integrity , in the performance of his journalism profession, together with his abidance by such principle and values , as may be contained in the Constitution and the Law;
 - b. not to publish any secret information, relating to the security of the land, or the disciplined forces, as to plans, training and deployment, and the information shall be taken from the official spokesperson of the force concerned;
 - c. not to publish any information, which he knows that they are classified, in accordance with the provisions of section 27(2) of this Act;
 - d. to abide to cause irritation, or exaggeration when presenting the news of crimes or civil offences;
 - e. not to comment on investigation, interrogations, or trials saving after final decision is made thereof;
 - f. not to publish any material not in accordance with religions, values, or traditions, or science, that lead to spread of quackery.
 - g. to abide by the values and rules of professional conduct, set out in the Code of Conduct, approved by the Journalists General Union.
- 2) The duties of a journalist, set out above, shall apply to every person, who assumes, or participates in the editing, publishing or distributing of any printed material.

The Right to Correction

29. 1) An editor-in-chief shall publish, upon the request of any person aggrieved by the publication of any facts, or statements, a correction of such facts, or statements, at the same place of the newspaper, and in the same types, in which the matter subject of grievance is published.
- 2) The correction shall be published, within three days, of the date of receipt of the request, in case of a daily newspaper, or in the first issue,

in case of any other newspaper, or printed press material.

- 3) Publication of correction may be refused, where the:
 - a. request is presented, sixty days after the date of publications;Correction involves violating the rights, or sanctities of others;
Correction has previously been published