



Somaliland Non State Actors Forum

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Civil Society Position Paper on Freedom of Expression and Media Regulation

The Somaliland Non-State Actors Forum (SONSAF)¹ has a longstanding record of advocacy supporting press freedom and media-state relations, including spearheading initiatives to address the critical needs and challenges facing Somaliland's media sector. As a result of several occasions worrying instances of unlawful detention of journalists and the forced closure of media houses, in clear violation of the Somaliland's constitution and press law (Law No.27/2004), as well as international norms related to freedom of expression. It is the belief of Somaliland's civil society that developing a functioning media sector is imperative not only to promote citizen participation in policymaking, but also to contribute to the process of building strengthening democratic processes and holding state actors accountable.

As a result, SONSAF sponsored several consultative meetings involving a wide range of media-related stakeholders over the period between January and April 2014. On Participants identified four key factors inhibiting the media sector from playing their integral role within these democratic processes. These are: increasing instances of arrests and detention of journalists; the forced closure of several media establishments in recent months; a lack of a comprehensive legal framework; and the absence of regulations and oversight to ensure the professional qualifications, ethical standards and accountability of journalists and news outlets. Pointing towards a way forward, these consultative meetings concluded with an agreement on the need to revise and

¹Somaliland Non-State Actors Forum aims to strengthen non-state actors in Somaliland to engage in domestic and international policy dialogue and decision making to bring about a secure and peaceful future for the people of Somaliland. We speak on behalf of a broader Somaliland constituency on issues such as poverty reduction, development, good governance, democracy, peace and security.

expand upon the current press law; introduce timely revisions to relevant media regulations; and establish ethical standards and a code of conduct to guide media performance. Such a reform programme will require the participation and buy-in of all relevant stakeholders, including a clear commitment from the country's legislative organs and from the media sector.

SONSAF has developed a strong and productive working relationship with the legislative branch, concerned government ministries and the media. From this position and a neutral and trusted facilitator and mediator, SONSAF hopes to act as a key driving force in accelerating initiatives aimed at reaching plausible solutions to the key challenges impacting the media in Somaliland. SONSAF welcomes the commitment of the House of Representatives' Social Affairs Sub-committee Chairman Mr. Hassan Awale Aynan to collaborate with civil society and the media to revise and implement the existing press law (No. 27/2004), and the endorsement of this position by the vast majority of the media individuals, institutions and other general participants of these meetings.

As an outcome of the series of consultations, SONSAF presents below the main recommendations recorded and documented throughout the proceedings, which were validated by all participants during the final session of consultations. These recommendations are as follows:

- The House of Representatives' Social Affairs Sub-committee should follow through on its expressed commitment to revise Somaliland's media law in an inclusive and participatory meaningful platform for participation and dialogue given to the media and civil society in general.
- To support this process, the government as a whole, as well as civil society and media institutions, must prioritize the reconsideration, revision, dissemination and implementation of the current media law in order to alleviate the continued challenges faced by the media in Somaliland.
- Greater focus should be placed on building the capacity of the media to perform their necessary democratic functions for society, especially through institution-building, improvement of facilities, technical and vocational skills training, and the development of internal codes of ethics and professionalism.
- The government must unconditionally release all journalists currently unlawfully detained and publicly commit to ending the practice of unlawful arrest and detention of journalists and forced closures of media houses, and restate their

commitment to respecting the rights set out in Somaliland's Constitution and laws particularly Article 28 (1&2) on the Right to Sue and Defend.

- Security forces in Somaliland must understand and work to protect the rights and roles of the media in Somaliland, and its leadership should take measures to prevent all security personnel from pursuing arrest or interference without official order, due process or legal cause and investigate all allegations of such behavior promptly. A National Media Committee should be established to regulate the media sector and oversee government interventions into the sector, as well as a School of Journalism that can produce skilled media personnel based on standardized and verified qualifications.
- The international community, which has been an important force in bringing media rights to the forefront of national discussion, should demonstrate their further commitment to addressing this problem by providing assistance to the Somaliland stakeholders in developing a more desirable media climate through by supporting media capacity-building, institutional development and legal reform.

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