ARTICLE 19

Somalia: National Communication Act 2015

July 2015

Legal analysis

Executive summary

In July 2015, ARTICLE 19 analysed the Draft National Communication Act (the Draft Act) of Somalia (version dated of 15 May 2014) for its compliance with international freedom of expression standards.

The analysis builds on the earlier analysis of previous version of the Draft Act. ARTICLE 19 appreciates the willingness of the Somali Government to adopt some of our previous comments in this Draft Act. We also find that the Draft Act represents a comprehensive effort to lay the ground for the regulation of both the telecommunication industry and the broadcasting sector in the country.

However, ARTICLE 19 maintains a number of concerns about several provisions of the Draft Act. Our main concerns relate to the independence of the projected National Communication Commission (NCC), the protection of pluralism, and the broad, vague wording of a number of restrictions on freedom of expression. In this respect, there are major flaws in the Draft Act which need to be corrected in order to bring it into line with international standards on freedom of expression and information.

ARTICLE 19 hopes that the Somali Government will consider our recommendations, and will incorporate them into the final version of the Draft Act. We also call on civil society and other stakeholders to advocate for the most progressive legislation in this important area, and to ensure that regulation of the communications sector fully complies with international freedom of expression standards.

Key recommendations

1. An unambiguous adherence to international freedom of expression standards should be inserted in the beginning of the Act (at Article 2, Article 6, or in a new provision); the Act should explicitly confirm that all powers of the public authorities and the NCC shall be exercised in conformity with international freedom of expression standards;

2. Vague, overbroad terms should be eliminated from the Act; the reference to religious law should be removed from the Act;

3. The Act should clearly provide for the independence from state, political and commercial influence of the NCC. In particular:
   - The NCC should be removed from the management of the Minister for Communications and no member of the NCC Board should come from the Ministry for Communications;
   - The nominations of the NCC Board should be solicited from the public at large, including from civil society and professional organisation;
   - The processes of nomination and appointment of the NCC Board should be transparent and open to public participation;
   - The appointments for the NCC Board should be made by a qualified majority vote of the plenary Parliament or of a cross-party committee;
   - The procedure for the removal of a Board member of the NCC should be fully described in the Act and comply with fair trial requirements under international law;

- The NCC should be guaranteed to receive a sufficient and foreseeable level of funding in order to be able to fulfil its missions;
- The Act should specify that any grant or any other source of income should not give rise to conflicts of interest and that, if they do, they should not be accepted before an independent panel has examined the issue of the possible threat to the independence of the regulatory authority.
- The Act should provide that no grants or any other income from one private donor should not constitute more than a given percentage of the global budget of the NCC (for instance, 10 %).
- The conflict of interest rules for the NCC should explicitly exclude professions, positions and financial interests related to the sectors of broadcasting and telecommunications, as well as employees of political parties and civil servants.

4. There should be a legal duty for the NCC to write and publish its comprehensive annual report;

5. The Act should make the promotion of diversity and also the availability of a wide range of information and ideas explicit objectives of broadcast regulation by the NCC. Diversity should be defined as including pluralism of broadcasting organisations, of ownership of those organisations, and of voices, viewpoints and languages within broadcast programming as a whole.

6. The Act should describe with detailed precision the procedures that apply to decision-making by the NCC.

7. The Act should include general principles relating to the rules on allocation of licences, interconnection, or any other matter where the NCC is given the power to issue rules, in order to describe the general framework that constraints the power of the NCC to decree rules. In that sense, the characteristics and duration of the different types of licences should be fixed in the law.

8. The Frequency Allocation Table should be developed in an open and participatory manner, and designed in order to maximise pluralism and diversity. It should be developed with the view of allocating frequencies for broadcasters among the three tiers of broadcasting (public, commercial, community), the two types of broadcasters (radio and television), and the geographical reach (national, regional and local);

9. The legislators should ensure consistency of the Act with other legislation;

10. The mandatory registration of all SIM cards should be abolished.

Table of contents

Introduction

In July 2015, ARTICLE 19 analysed the Draft National Communication Act (the Draft Act) of Somalia which was recently submitted to the Parliament (version dated of 15 May 2014). The analysis builds on ARTICLE 19's previous work on the earlier version of the Draft Act from March 2012.[1]

The analysis reviews the Draft Act for its compliance with international standards on freedom of expression,[2] in particular those set by the International Covenant on Civil and Political Rights (ICCPR),[3] the African Charter on Human and Peoples' Rights,[4] the Declaration of Principles on Freedom of Expression in Africa,[5] the joint declarations of the international mandates on freedom of expression, and recommendations on broadcasting regulations developed by ARTICLE 19.[6]

ARTICLE 19 continues to appreciate the willingness of the Somalia Government to adhere to international standards relevant for this law and to review the draft text based on our recommendations. We find that the Draft Act represents a comprehensive effort to lay the ground for the regulation of both the telecommunication industry and the broadcasting sector in the country.

The Draft Act includes a number of positive features, in particular:

- The Draft Act pursues strong, positive aims such as the "facilitation of the development and the use of the Internet", "the development of information communication technologies for the promotion of a knowledge-based society", and "the licensing and regulation of broadcasting and the development of an open, free and vibrant broadcasting sector for Somalia" (Article 2.2).

- The Draft Act also promotes participatory and open governance by entrusting the National Communications Commission (NCC) with the responsibility to organize public consultations (Article 22, 3) and public hearings (Article 25), as well as by providing for the dissemination of public information on the NCC's website (Article 24). It further aims at promoting sound governance by defining and prohibiting conflict of interest (Article 31).

Our main concerns about the Draft Act, however, relate to the independence of the projected National Communication Commission (NCC), the protection of pluralism, and the broad, vague wording of a number of restrictions on freedom of expression. To that respect, there are major flaws in the Draft Act that need to be corrected in order to bring it into conformity with international standards on freedom of expression and information.

[1] ARTICLE 19, Somalia: Draft Communications Act, March 2012, available at: http://bit.ly/1C4Zffv.
[2] For a detailed list of these standards, see *ibid.*
[3] Somalia acceded to the ICCPR on 24 January 1990.
[4] Adopted on 27 June 1981, in force since 21 October 1986. Somalia signed the Charter on 26 February 1982 and ratified it on 31 July 1985.
[5] Declaration of Principles on Freedom of Expression in Africa, adopted by the African Commission on Human and Peoples' Rights, 32nd Session, 17-23 October, 2002, Banjul, The Gambia (FOE African Declaration)
[6] ARTICLE 19, Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation London, March 2002, available at http://www.article19.org/pdfs/standards/accessairwaves.pdf (Access to Airwaves).

ARTICLE 19 hopes that the Somali Government will consider our recommendations, and will incorporate them into the final version of the Draft Act. We also call on civil society and other stakeholders to advocate for the most progressive legislation in this important area, and to ensure that regulation of the communications sector fully complies with international freedom of expression standards.

Analysis of the Draft Act

Position of international standards under the Draft Act

ARTICLE 19 notes that the Draft Act refers to international laws on freedom of expression in relation to the drawing up of a broadcasting code of conduct as one of the responsibilities of the NCC (Article 66.7). Namely, it provides that the responsibilities of the NCC shall include:

> Protection and safeguarding of laws of the country and the international laws of the personal freedom of speech and opinion, if not in conflict with good manners and Islamic Sharia (Law) and at the same time is not in conflict with the related International Conventions.

Although we welcome the explicit reference to international standards, we insist that freedom of expression constitutes the general framework for all restrictions on freedom of expression and that the inclusion of an unambiguous reference to this is of the utmost importance. We suggest that such a statement could find its place in Article 2 (Purposes of the Act) and Article 6 (Responsibilities of the NCC). Alternatively, it could be the object of a new provision inserted in the beginning of the Draft Act.

ARTICLE 19 observes that in Article 66.7, the protection of international law may be read as being qualified with reference to 'good manners and Islamic Law.' Similarly, we note that a number of provisions of the Draft Act are extremely vague:

- The Ministry of Communication is responsible for "the proper usage" of telecommunication services and the Internet (Article 4.6);
- Members of the Board of the NCC should be of "good manners and behaviour" (Article 13).
- The NCC holds the power to oversee that service providers do not engage into behaviour that "is in conflict with good behaviour and the manners of the nation" (Article 22.15). "Good behaviour" is defined by a reference to "the good and acceptable manners of society and the principles of the Islamic Law and "anything that is in conflict with the culture of society and Islamic Law is bad behaviour" (Article 62). Under these provisions, companies should cancel the access to telecommunication / Internet services used by a person whose behaviour is "in conflict with social norms". The NCC may issue rules to "protect the good manners of broadcasting services in the country" (Article 66).

ARTICLE 19 underlines that terms "good manners", "good behaviour" or the "culture of society" are notions which evolve constantly over time. They are also inherently open to subjective interpretation. Generally, such terms are considered too vague to meet the requirements of international standards on freedom of expression.

While the protection of public morals may be a legitimate goal under Article 19 para 3 of the International Covenant on Civil and Political Rights, all restrictions on freedom of expression must still be finely tailored to meet the other requirements of the three part test, including the requirement of legality and legal certainty.

Besides this, we emphasise that protection for freedom of expression under international standards extends to the right to express or disseminate content or information that some may find offensive. In that sense, discussion of religious matters, including in a critical perspective, is legitimate expression and protected by international human rights law. Open

debate between competing ideas about public issues is the hallmark of democracy; there is no justification to give certain ideas or beliefs special immunity from discussion or criticism simply because they happen to be grounded in religion rather than in secular beliefs. The freedom to debate all topics, including religion, is demonstrative of a healthy society debating matters of clear public interest peacefully.

Recommendations:

- An unambiguous adherence to international freedom of expression standards should be inserted in the beginning of the Act (at Article 2, Article 6, or in a new provision), and the Act should explicitly confirm that all powers of the public authorities and the NCC shall be exercised in conformity with international freedom of expression standards;
- Vague, overbroad terms should be eliminated from the Act as they do not meet the requirements of international standards on freedom of expression;
- The reference to religious law should be removed from the Act.

Independence of the NCC

Article 7 of the Draft Act defines the NCC as an "autonomous body" that "shall come under the management of the Minister responsible for the country's communications." The President holds the power to appoint members of the Board on the basis of a list submitted by the Minister responsible for telecommunications to the Council of Ministers. The composition includes two members from the Ministry, three members from the business community, and two members from the lawyers' association (Article 12). The Minister should "ensure the independence of the Commission" (Article 33, 3).

As ARTICLE 19 previously highlighted, one of the most essential requirements under international standards relevant to telecommunications is that regulatory bodies should independent, both from the government and the sector they regulate. This requirement is expressed in the Declaration of Principles on Freedom of Expression in Africa[7] as well as in other international standards.[8]

ARTICLE 19 reiterates that the independence of the regulatory authority is a necessary condition for the effectiveness of democratic regulation of broadcasting and telecommunication.[9] The Draft Act contains a number of positive provisions to that effect.

---

[7] FOE African Declaration, *op.cit.* Principle VII(1) states "Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature."

[8] For example, the need for independence of broadcasting regulatory bodies and their protection against political or commercial interference was specifically stressed in the 2003 Joint Declaration of the UN Special Rapporteur on Freedom of Expression, the OAS Special Rapporteur on Freedom of Expression and the OSCE Representative on Freedom of the Media; 2003 Joint Declaration on regulation of the media, restrictions on journalists and investigating corruption; available at http://bit.ly/1HQCrSZ. For a comparative perspective, see also the Council of Europe, Committee of Ministers, Recommendation (2000) 23 on the independence and functions of regulatory authorities for the broadcasting sector, 20 December 2000, available at http://bit.ly/1LAeOJ5 and its Explanatory Memorandum, available at http://bit.ly/1CGZsjP; and the Declaration of the Committee of Ministers on the independence and functions of regulatory authorities for the broadcasting sector, 26 March 2008, available at http://bit.ly/1T1ou6F.

[9] ARTICLE 19, Access to Airwaves, *op.cit.* Principle 10 states that **"**All public bodies which exercise powers in the areas of broadcast and/or telecommunications regulation, including bodies which receive complaints from the public, should be protected against interference, particularly of a political or commercial nature. The legal status of these bodies should be clearly defined in law. Their institutional autonomy and independence should be guaranteed and protected by law, including in the following ways:

- specifically and explicitly in the legislation which establishes the body and, if possible, also in the constitution;

Notably, it does so by making the NCC an autonomous legal entity, by providing for transparency through the publication of various categories of information, by prohibiting interference from other government institutions and by prohibiting conflicts of interest. However, we insist that the requirement of independence of regulatory bodies under international standards on freedom of expression calls for the insertion of additional safeguards. In particular, the Draft Act should include a stronger, explicit provision in the legislation that regulatory bodies be independent from public and commercial interference.

The Draft Act provides for certain accountability mechanisms. In order to reinforce them, the NCC should be under an obligation to write and publicise an annual report.

One of the key elements to the independence of regulatory authority is its financial autonomy. Article 19 of the Draft Act stipulates that the budget of the NCC and its Board acquires a percentage of income generated by the allocation of licences, grants or other income. We observe that in order to contribute to the independence of the regulatory authority, the Draft Act should guarantee a sufficient level of funding and the foreseeability thereof. Where the existence of a number of sources of income may contribute to reducing dependence on allocations from the national budget, the Act should specify that any grant or generally any source of income received by the NCC should not threaten its independence. For this reason, the Draft Act should include a provision that specifies that:

- grants or any other income from one private donor should not constitute more than a given percentage of the global budget of the NCC (for instance, 10 %);
- grants or any other income should not give rise to any conflict of interest or, when they do, should not be accepted before an independent panel has examined the issue of the possible threat to the independence of the regulatory authority.

Recommendations

- The independence of the NCC should be clearly provided for in the Act. Under no circumstances should the NCC fall under the management of the Minister for Communications;
- There should be a legal duty for the NCC to write and publish its comprehensive annual report;
- The Act should guarantee the principle that the NCC should receive a sufficient and foreseeable level of funding to fulfil its mission.
- The Act should specify that any grant or any other source of income should not give rise to conflicts of interest and that, if they do, income should not be accepted before an independent panel has examined the issue of the possible threat to the independence of the regulatory authority.
- The Act should provide that grants or other income from a single private donor, should not constitute more than a given percentage of the total budget of the NCC (for instance, 10 %).

Composition of the Board

The independence of a regulatory agency relies foremost on the quality, independence and dedication of its members. For this reason, ARTICLE 19 considers that the appointment

- by a clear legislative statement of overall broadcast policy, as well as of the powers and responsibilities of the regulatory body;
- through the rules relating to membership;
- by formal accountability to the public through a multi-party body; and
- in funding arrangements."

process and the composition of the Board of the NCC need to be further improved in order to reinforce the Board's effective independence.

In the previous analysis, ARTICLE 19 highlighted that actual decision on appointments to the broadcast regulator should be taken by a body independent of the government. Although sometimes the actual appointment is made by the government or, more commonly, the head of state, this should be a mere formality. We have recommended a significant overhaul of the appointments process, in particular:

- Nominations to the NCC should not be made by the government but should be solicited from civil society or professional organisations. Alternatively, nominations could be invited from the public at large through advertisements in leading media.
- The appointments should be made by a qualified majority vote of the plenary Parliament, or of a cross-party committee. Prior to making the final selections, a shortlist should be published and public comment should be sought on the candidates, to ensure maximum transparency.
- Consideration should also be given to putting in place a requirement to ensure that the NCC membership represents, as far as possible, a broad cross-section of Somali society.

ARTICLE 19 regrets that the Draft Act has not reflected on these recommendations and reiterates them for the consideration of the drafters. In addition, we insist that no representative of the Ministry should be a member of the Board (Article 12, 5).

Article 14 of the Draft Act currently outlines the justifications for ending a mandate on the Board of the NCC: in addition, the procedure for the removal of a member of the Board should be included in the Draft Act. The Draft Act should specify the competent authority (generally the body that appointed the Board). The procedure should fully comply with the requirements of the right to a fair trial under international law, and the decision should be subject to judicial review.

We also recall our earlier recommendations on provisions related to conflict of interest for members of the NCC. In particular, persons who hold a position in or have significant direct or indirect financial interests in the broadcasting or telecommunications sector should not be eligible to serve. Although the Draft Act already bars NCC members from working on any specific matter in which they face a financial conflict of interest, persons who are invested in the sectors which the NCC regulates should not be appointed at all since they face a permanent conflict of interest. Furthermore, employees of political parties and civil servants should be disqualified. To ensure that these rules do not narrow the field of qualified candidates too far, the Act could provide that any candidate who makes it to the shortlist will be given a reasonable time to eliminate any barrier to his or her appointment.

ARTICLE 19 recommends that the rules on conflict of interest be reinforced as described above.

Recommendations:

- No member of the Board of the NCC should come from the Ministry for Communications;
- The nominations should be solicited from civil society and professional organisations and/or from the public at large, rather than limited to the business community and the lawyers' association;
- The processes of nomination and appointment should be transparent and open to public participation;

- Preferably, the appointments should be made by a qualified majority vote of the plenary Parliament or of a cross-party committee;
- The procedure for the removal of a member of the NCC should be fully described in the Bill and the decision about the removal should be subject to judicial review. It should fully comply with the requirements of fair trial under international law;
- The rules on conflict of interest should explicitly exclude professions, positions and financial interests related to the sectors of broadcasting and telecommunications, as well as employees of political parties and civil servants.

Pluralism and diversity

The Draft Act provides for a robust defence of open market and competition. However, under the international standards on freedom of expression and freedom of information, regulation should also aim at promoting pluralism and diversity of content and of viewpoints.

ARTICLE 19 recalls that in our earlier analysis, we highlighted a number of objectives of broadcast regulation that should be mentioned expressly in the Act.

- The promotion of diversity: the radio frequency spectrum is a public resource that should be managed for the benefit of society as a whole, and this should be an explicit objective for the NCC's work. Diversity implies that the NCC should strive for pluralism of broadcasting organisations, of ownership of those organisations, and of voices, viewpoints and languages within broadcast programming as a whole, such that all parts of society are well- served, including vulnerable or marginalised groups.

- Although it is part of the broader notion of diversity, separate mention should also be made of promoting the availability a wide range of opinions and information to the public. One of the biggest risks of regulation always is capture of the broadcasting sector by the ruling party or a dominant business group. Ensuring that all social and political groups have equitable access to the broadcasting sector should be an explicit objective for the NCC.

We also reiterate that the Declaration of Principles on Freedom of Expression in Africa deals with the obligation of States to ensure diversity and the availability of a wide range of viewpoints, as follows:

> Freedom of expression imposes an obligation on the authorities to take positive measures to promote diversity, which include among other things-:
> - availability and promotion of a range of information and ideas to the public;
> - pluralistic access to the media and other means of communication, including by vulnerable or marginalised groups, such as women, children and refugees, as well as linguistic and cultural groups...[10]

These recommendations have to be addressed in the current version of the Draft Act in order to make it compliant with the international standards.

Recommendations:

- The Draft Act should make the promotion of diversity and the availability of a wide range of information and ideas explicit objectives of broadcast regulation by the NCC.

[10] See the Principle III of the Declaration, *op.cit.*

- Diversity should be defined as including pluralism of broadcasting organisations, of ownership of those organisations, and of voices, viewpoints and languages within broadcast programming as a whole.

Procedures before the NCC

Another important omission in the Draft Act is a guarantee of due process of law for proceedings at the NCC. Wherever the NCC is given decision-making powers on requests or complaints (Article 22.10, Article 29 and Article 30), the procedural rules should be described in the Act with further specification. These should include the time limit for the NCC to reach a decision, the conditions for hearing the plaintiffs and parties, the obligation to provide a detailed, written explanation of the reasons for the decision, and all guarantees that constitute the right to a fair trial under international law generally.

ARTICLE 19 reiterates that in the area of broadcasting, the most important requirement is that sanctions should be proportionate and designed to protect the public interest. In most cases sanctions should be applied in a graduated fashion, for example starting with a warning or fine. Suspension or revocation of a licence is a very heavy sanction and should be used as a last resort.

The members of the Appeal Board (Article 30) should present higher guarantees of independence and impartiality. The Bill provides for the possibility of an appeal before the country's High Court where the decision of the Appeal Board is "not convincing". Judicial review should be available generally and not dependent upon vague, subjective terms such as "convincing."

Recommendations:

- The Act should describe with detailed precision the procedures that apply to decision-making by the NCC or the Appeal Board.

The allocation of licences

Furthermore, ARTICLE 19 recommends that wherever the NCC is entrusted with the power to issue rules on licences, interconnection or other matters (Article 38. 2, Article 41.3, and Article 48), at least the general principles should be set in the law in order to increase their foreseeability.

When developing the national frequency allocation table, the NCC should take into account the requirements of pluralism and diversity as described above. The process of development of the frequency table should be open and participatory. In addition, the frequency table should be developed with the view of allocating frequencies for broadcasters among the three tiers of broadcasting (public, commercial, community), the two types of broadcasters (radio and television), and the geographical reach (national, regional and local).

Recommendations:

- The Act should include the general principles relating to the rules on allocation of licences, interconnection, or any other matter where the NCC is given the power to issue rules, in order to describe the general framework that constraints the power of the NCC to decree rules;
- In that sense, the characteristics and duration of the different types of licences should be fixed in the Act;

- The Frequency Allocation Table should be developed in an open and participatory manner, and designed in order to maximise pluralism and diversity;
- The frequency table should be developed with the view of allocating frequencies for broadcasters among the three tiers of broadcasting (public, commercial, community), the two types of broadcasters (radio and television), and the geographical reach (national, regional and local).

Registration of all SIM cards

Article 68.4, states that telecommunication service providers should register all SIM cards in order to allow the NCC to establish a national subscriber registry.

ARTICLE 19 observes that this provision may infringe upon privacy and freedom of expression. It prevents mobile phone users from communicating anonymously and allows for tracking and monitoring of all users, enabling the State to create comprehensive profiles of individual users.

As noted in a 2013 study of the GSM Association:

> To date there is no evidence that mandatory registration leads to a reduction in crime. (…) An analysis of case studies and media reports in countries where mandatory registration of prepaid SIM users has been introduced shows that such a policy may also lead to unintended negative consequences including (…) [i]ncrease in mobile users' concerns over their privacy and freedom of speech, particularly in the absence of any national laws on data protection and freedom of expression.[11]

It has been also observed that the common justification for such requirement, namely preventing the abuse of telecommunications services for the purpose of criminal and fraudulent activity – are unfounded. As stated by Privacy International:

> SIM registration has not been effective in curbing crime, and instead has fueled it: States which have adopted SIM card registration have seen the growth of identity-related crime, and have witnessed black markets quickly pop up to service those wishing to remain anonymous (for example, in Saudi Arabia). SIMs can be illicitly cloned, or criminals can use foreign SIMs on roaming mode, or internet and satellite telephony, to circumvent SIM registration requirements.
>
> Because of its ineffectiveness and exclusionary impacts, SIM registration has been rejected after consultation in Canada, Czech Republic, Greece, Ireland, the Netherlands and Poland.[12]

The Somali Government should take these issues into the consideration in the Draft Act.

Recommendations:

- The mandatory registration of all SIM cards should be abolished.

[11] GSMA, White Paper on the Mandatory Registration of Prepaid Sim Cards Users, 2013, available at http://bit.ly/18zF9ZE.
[12] Privacy International, Submission to the UN Special Rapporteur on freedom of expression – anonymity and encryption in digital communications, February 2015.

Consistency with other draft legislation

ARTICLE 19 observes that the Media Law was passed by the Council of Ministers of Somalia in July 2013 (ARTICLE 19 previously analysed the draft of this Law).[13] While the Media Law aims at governing a range of media matters, we draw the attention of the authorities and Parliament of Somalia to the necessity of ensuring consistency between both pieces of legislation.

Recommendations:

- The legislators should ensure consistency of the Act with other draft legislations.

[13] ARTICLE 19, Somalia: Draft Media Law, July 2013, available at: http://bit.ly/1LQZOwu.

About ARTICLE 19

ARTICLE 19 advocates for the development of progressive standards on freedom of expression and freedom of information at the international and regional levels, and their implementation in domestic legal systems. The Law Programme has produced a number of standard-setting publications which outline international and comparative law and best practice in areas such as defamation law, access to information and broadcast regulation.

On the basis of these publications and ARTICLE 19's overall legal expertise, the organisation publishes a number of legal analyses each year, comments on legislative proposals as well as existing laws that affect the right to freedom of expression. This analytical work, carried out since 1998 as a means of supporting positive law reform efforts worldwide, frequently leads to substantial improvements in proposed or existing domestic legislation. All of our analyses are available at http://www.article19.org/resources.php/legal.

If you would like to discuss this analysis further, or if you have a matter you would like to bring to the attention of the ARTICLE 19 Law Programme, you can contact us by e-mail at legal@article19.org. For more information about the ARTICLE 19's work in Kenya and East Africa, please contact Henry Maina, Director of ARTICLE 19 Kenya and East Africa, at henry@article19.org.