

# **The Media Law Review Committee**

## **Report on Recommendations for Revising Existing Media and Communications Laws in The Gambia**

**28 May, 2018**

## **ABBREVIATIONS**

ECOWAS	Economic Community of West African States
EU	European Union
GRTS	Gambia Radio and Television Services
GPU	Gambia Press Union
IC Act	Information and Communications Infrastructure Act
ICCPR	International Covenant on Civil and Political Rights
MOICI	Ministry of Information and Communications Infrastructure
MOJ	Ministry of Justice
PURA	Public Utilities Regulatory Authority
ROAM	Rights based, Open, Accessible and Multi-stakeholder (ROAM)
TANGO	The Association of Non-Governmental Organizations

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## **1.0 TERMS OF REFERENCE AND MANDATE OF THE COMMITTEE**

In January 2018, the Minister- Ministry of Communication and Information Infrastructure (MOICI), Demba A. Jawo, given his commitment to creating an enabling environment for freedom of expression and media development in The Gambia, set up a Media Law Review Committee (the Committee), the composition of which, reflected a diverse group of senior representatives of the various media related entities, civil society, the National Assembly, oversight and regulatory agencies, government officials and consultants.

The Committee was set up in a bid to ensure an exhaustive consultative process and holistic approach in line with the new dispensation of The Government of The Gambia, particularly MOICI's commitment to revise media and communications laws of The Gambia.

Prior to setting up the Committee, the Ministry and its partner Article 19 recruited a consultant advisor to identify the media and communications laws which the Government and its stakeholders deem inconsistent with international standards.

The committee was tasked to look into the media and communications laws of The Gambia with a view to making recommendations for amendment or repeal of the provisions of some of these problematic laws, for the perusal of MOICI and the Ministry of Justice (MOJ), and for its eventual submission to the National Assembly of The Gambia for consideration.

### **Launch of the Media Law Review Committee**

The Committee was launched on February 27<sup>th</sup> by the permanent secretary of the Ministry of Information and Communications Infrastructure, Amie Njie.

Whilst thanking its membership for honoring the Minister (MOICI)'s invitation to be part of the committee, Ms. Njie stressed that the new leadership of the Government of The Gambia has taken particular interest in initiatives that promote the respect for the rule of law, human rights and fundamental freedoms. Further, the permanent secretary indicated that the Minister (MOICI) remained deeply concerned about the state of media freedoms in The Gambia.

Members of the Committee commended MOICI for the move to not only ensure reforms of the media, media-related laws but the manner in which the Ministry proceeded with the matter by putting in place a multi-sectoral body which brought together all the relevant stakeholders to deliberate on the salient laws and related issues.

## **1.1 MEMBERS OF THE MEDIA LAW REVIEW COMMITTEE**

Ndey Tapha Sosseh, Special Advisor to the Minister (MOICI) of Information and Communications Infrastructure, Co-Chair

Hussein Thomasi, Special Advisor to the Attorney General and Minister (MOICI) of Justice, Co-Chair

Samuel Sarr, Chairperson, Newspaper Publishers Association of The Gambia, Vice chairperson

Madi Ceesay, National Assembly Member for Serrekunda

Aisha Davies Ann, Director of Information Services

Ebrima Sillah, Director General, Gambia Radio and Television Services

Lamin Jahateh, representing the Gambia Press Union (GPU)

Ya Amie Touray, delegating for Junkung Jammeh, head of Legal Affairs, Public Utilities Regulatory Authority (PURA)

Madi Jobarteh, Programs Manager, The Association of Non-Governmental Organizations (TANGO)

Yusupha Bojang, President, Network of Community Radio Stations of The Gambia

Harona Drammeh, Member of the Broadcasters Association of The Gambia

Muhammed Lang Kinteh, Executive Director, Broadcasters Association of The Gambia

Amprofi Agyemang, Country Representative, Article 19

Poncelet Ileleji, West African Internet Governance Resource Person

Kanni Touray, Senior State Counsel, Attorney General's Chambers and Ministry of Justice

Amadou Nyang, Deputy Director of ICT, Ministry of Information and Communications Infrastructure

## **1.2 MATTERS FOR REVIEW AND CONSIDERATION**

The co-chairs of the Committee noted that the mandate of the Committee was not linked to any specific law, rather, the Committee was tasked to review and make recommendations where necessary to the existing media related laws, in a holistic manner, and to make adequate recommendations to the Minister (MOICI) of Information and Communications infrastructure.

The Committee accepted the proposals of the co-chairs to look into the following laws:

- a) The Information and Communications Act 2009 (As Amended 2013)
- b) The Criminal Code and Subsequent Amendments
- c) The Indemnity (Amendment) Act, 2001
- d) The Newspapers (Amendment) Act, 2004
- e) The Newspapers and Broadcasting Act, 1944
- f) The Official Secrets Act, 1922 (As Amended)
- g) The Gambia Radio and Television Services Corporation Act, 2004
- h) The Telegraphy Act, 2005

Members of the Committee also proposed that it looked into the role of the Public Utilities Regulatory Authority (PURA) and the prevailing regulatory mechanisms governing the media, particularly given the liberalization of the television broadcasting sector.

Beyond the identified laws, the Committee in its deliberations, made reference to provisions of the Constitution of The Gambia, international and regional treaties, the Gambia Press Union Legal Position Paper on the media reforms in The Gambia, Article 19's legal reviews on The Gambia- 2012 and 2017 and the European Union (EU) General Data Protection Regulation (GDPR).

### **Freedom of Expression and Media Freedoms**

Media freedoms are inextricably linked to the right to freedom of expression, which is universally accepted to be a human right of the greatest importance, key to the protection of all other human rights and necessary to maintaining the fundamental dignity of all human beings.

Members of the Committee were of the consensus that access to information and freedom of information would further strengthen our new found democracy in The Gambia and as such, proposed that despite the comprehensive review of the laws above, key to MOICI's overall reform agenda should be the development of a Freedom of Information law, to conform with article 19 of the Universal Declaration on Human Rights, guaranteeing access to information as a fundamental human right: "Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

### **Internet Freedoms**

The committee noted that the internet is a crucial medium through which Gambians at home and in the Diaspora can express themselves and share ideas at a minimal cost. It is also an important tool for mobilizing and advocating for political, social, and economic reforms.

While there has been much discussion of how new media expand freedoms and communications by actors beyond the traditional media, the Committee also discussed at length how the current legal provisions allow for increased incursions into privacy and an expansion of mass and arbitrary surveillance.

Though the Committee noted that there was no known filtering, blocking and shutdown of the internet and related platforms after 19 January 2017, the provisions which allowed the previous Government to block, filter and shutdown social media apps, diaspora and local news websites, mobile networks and general internet access, still exist.

The Committee also raised concerns about the current state of data protection and the overarching reach of the Information and Communication Act as amended in 2013, which gives Government excessive powers with no recourse to legal restrictions as regards accessing, sharing and usage of personal data of persons for other purposes without their knowledge or without prior approval by the Courts.

Members of the Committee proposed that future laws to be worked on by drafters reflect Article 19's global principles on data protection and review of draft media guidelines on ownership, and also reflect European Union's Regulation 2016/679, its new General Data Protection Regulation (GDPR) which regulates the processing by an individual, a company or an organization of personal data relating to individuals in the EU. The committee noted that its recommendations are also to highlight the UN Human Rights Council's 'unequivocal condemnation' of such practices (in A/HRC/32/L.20). The Committee questioned standards related to privacy and to freedom of expression and its links to the "transparency policies" of the Government of The Gambia. Though concerns were also raised about hate speech, the Committee noted that the government must stay away from rhetoric that often simply blamed the internet for particular social ills, calling for the proportional use of restrictions or control mechanisms even in cases where it was deemed necessary to avoid the likely impact on legitimate expression.

### **1.3 REVIEW OF STRUCTURE, NATURE AND SCOPE OF EXISTING MEDIA – RELATED LAWS**

The Committee recognized that the Constitution of The Gambia 1997 makes specific exception by providing for media freedoms and freedom of expression in Section 25 (1) (a), Section 207 (1), (3) and Section 208 thus all reviewed texts, were compared to the provisions therein to ascertain their conformity to the rights contained in these provisions.

The Committee also considered international standards, treaties and conventions to which The Gambia is signatory vis a vis media freedoms and the compliance of the texts under review particularly: the Declaration on Principles of Freedom of Expression in Africa (2002), which calls on State Parties to the African Charter on Human and Peoples' Rights to make every effort to give practical effect to the principles of Article 9 of the African Charter, which states in **Paragraph 1:** that "Every individual shall have the right to receive information" and **Paragraph 2:** that "Every individual shall have the right to express and disseminate his/her opinions within the law."

The African Commission on Human and Peoples' Rights ruled that the provision in Article 9 (2) of the charter, referring to "restrictions by law" constituted a reference to international law (not domestic), meaning that the only restrictions that can be enacted by the relevant national authorities are those consistent with state parties' international obligations.

Therefore, the non-domestication of international laws and provisions into national law would defeat the purpose of the rights and freedoms enshrined in the charter. Thus, the Committee recommends the ratification and domestication of the said laws.

The Committee also noted that the obligations of the Gambia to the rights of journalists was further informed by Article 66 (c) and (d) of The ECOWAS Treaty which urges Member States to ensure respect for the rights of journalists; and to take measures to encourage investment capital, both public and private, in the communication industries in Member States.

The Committee also took cognizance of The Gambia's obligation to Article 19 of the International Covenant on Civil and Political Rights (ICCPR)- the bedrock of the right to Freedom of Speech, which states that "Everyone has the right to freedom of opinion and expression".

The Committee also considered and made reference to the GPU Legal Position Paper of February 2018 and several submissions of Article 19 to the Government of The Gambia including those of 2012 and November 2017.

The Committee looked holistically at each legislation cited above (see 1.2), listing problematic sections and making appropriate recommendations it deems the MOICI can take up, within the shortest possible time in line with the comprehensive review of all laws used in the past to stifle the media and free expression in the Gambia. In the absence of a wider Broadcasting law, the Committee looked at the urgent need to move away from a policy that guide decisions on the sector.

The Committee found the laws and sections highlighted below to be the most problematic and not in line with international norms, standards and the new democratic gains of the Republic of The Gambia. As such, the recommendations below were made in line with the deliberations and other resources that was available for review.

### **1.3.1 The Information and Communications Act 2009 (as amended 2013)**

**Part III, Section 173A- Computer Misuse and Cyber Crime:** which inflicts a 15-year prison term and a fine of (\$86,000) for anyone convicted of using the internet to spread false news, make derogatory statements, incite dissatisfaction, or instigate violence against the government or public officials.

**Section 138– Intercept:** which gives national security agencies, investigating authorities and the Authority (PURA) the powers to intrude on communications for surveillance purposes.

**Chapter IV Regulatory Provisions for Broadcasting Content and Sections 7(2), 22, 23, 27, 215, 226, 230, 232-236:** which gives the Minister (MOICI) of Information and Communication Infrastructure the authority and broad sweeping powers with no mechanisms for judicial controls.

### 1.3.2 The Criminal Code (as amended)

**Prohibition of imported Publications:** Section 46 defines seditious publication. Section 47 gives sweeping powers to the Minister (MOICI) of Justice and the President to prohibit publications which they consider to be contrary to the public interest. Section 48 makes it an offence to breach the prohibition. Section 60 makes it an offence to defame a foreign prince, ambassador or dignitary. The same defamation law should apply to them. As public figures they should be open to public scrutiny.

**Offences related to sedition:** Sections 51, 52, 52A, 53 and 54 of the Criminal Code. **Sections 51** relates to the definition of seditious intention as the intention of making any written or verbal statement that is critical of the government while **section 52** creates the offence of sedition and provides for stiff penalties in the form of fines and imprisonment even for first-time offenders. **Section 52A** makes provision for confiscation of publications and printing machines.

**Section 59:** Creates the offence of publishing false news with intent to cause fear and alarm to the public.

Related to **defamation:** According to **section 178**, any writing, drawing or speech, as well as any "gesture" or "sound," directed against the government is an offence punishable by a one-year minimum prison sentence and a fine of 50,000 to 250,000 dalasis (1,054 to 5,270 euros).

**False Publication: section 181A** creates makes it an offence for a person to publish or broadcast any information or news which is false and the penalty is a fine of D50,000 to D250,000 or a minimum of one in prison or both. The prosecution and punishment of journalists for the crime of publication of false news merely on the ground that the news was false is a violation of human rights.

**Section 114** of the Criminal Code creates the offence of giving false information to a public officer. A 2013 amendment however included in the list of public officers, the President, Vice President, Speaker, Deputy Speaker of the National Assembly, Minister (MOICI)s or member of the National Assembly as 'public officer', effectively bringing these categories under the purview of **Section 114** of the Criminal Code.

However, the classification of 'public officer' remains inconsistent with section 166 (4) of the country's constitution, which does not recognize these officials as public officers.

The provision also legislates for the punishment of a jail term of five years, or a fine of D50,000 for a misdemeanor. This offence previously attracted a jail term of not more than six months or D500 prior to the amendment.

### 1.3.3 The Indemnity (Amendment) Act 2001

The Indemnity Act stipulates that "the President may, for the purpose of promoting reconciliation in an appropriate case, indemnify any person he may determine, for any act, matter or omission to act, or things done or purported to have been done during any unlawful assembly, public disturbance, riotous situation or period of public emergency."

The Act allowed for security officers accused of abuse of power during past demonstrations to be indemnified.

#### **1.3.4 Newspaper and Broadcasting Stations Act 1944 (As Amended 2004)**

The Newspaper Amendment Act 2004 requires all print and broadcast media to register and sign a statement of bond, certifying that they have sufficient funds to pay any penalties that might be imposed by the courts

The Act made the media registration process more onerous and allows the State to impose significant monetary penalties on outlets that failed to meet registration requirements. Media organizations go through a double registration process - registering as a business and securing a license to operate a media house.

The current text of the amendment has its root in the 1944 Act which is also not in conformity with provisions of Sections 207 (1) and (3) of the 1997 Constitution of The Gambia.

#### **1.3.5 The Official Secrets Act 1922**

*Section 3* of the Official Secrets Act makes it an offence for anyone to “sketch, plan, model or note” or to publish or communicate “any secret official code, word, sketch, plan, article, note or other document” which may be useful to an enemy.

#### **1.3.6 The Gambia Radio and Television Services Corporation Act, 2004**

The Committee considered the GRTS ACT of 2004 and expressed concern with the continued need for a state broadcaster as provided for by Section 208 of the 1997 Constitution of The Gambia.

Whereas the Constitution states that all state owned media “shall afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions”, the Committee referred to past incidents where staff of the state broadcaster were sacked for doing just that and instances where the GRTS was used to promote the former regime in a favorable light, vilify the opposition, give skewed coverage to opposition views, and acted as the former regime’s mouthpiece.

#### **1.3.7 Telegraphy (Amendment) Act 2005**

The Committee noted that the Telegraph Amendment Act of 2005 was very technical only referring to fees and charges in a tabular form with no context for explanation and or interpretation.

#### **1.3.8 The Commissioner for Freedom of Expression and Digital Rights**

The Committee noted that the role of the Commissioner for Freedom of Expression and Digital Rights, should reflect the African Union’s position and adoption of the African Declaration on Internet Rights and Free Expression.

## **2. RECOMMENDATIONS OF THE COMMITTEE**

### **2.1 Specific Recommendations**

#### **Specific Recommendation 1: The Information and Communications Act 2009 (as amended 2013)**

A total repeal of Section 173A to conform with the Supreme Court decision on 9th May, 2018.

Whereas the Committee agrees that for investigations purposes, the State may be obliged to access personal data, the committee noted that adequate data protection provisions are lacking. And, recommends that another sub section must be added to **Section 138** subjecting such decisions to judicial oversight; and that a criterion should be established by an independent body for the state or an individual to accept procedures to intercept data (under specific and restricted conditions).

The committee found the texts contained in **Section 165** to be vague and ambiguous. In revising the text, the Ministry should be more specific in limiting the section to information communication technology tools and services.

The Committee notes that the broad powers of the Minister (MOICI) and the Authority in Chapter IV Regulatory Provisions for Broadcasting Content and Sections 226, 230, 232-236, remain a cause for concern, as such the Committee recommends the addition of a section for prior judicial or parliamentary oversight of these powers.

The Committee also recommends that the power to regulate media content as placed within the purvey of the Minister (MOCI), be exercised in consultation with the Media Commission of The Gambia to be established.

#### **Specific Recommendation 2: The Criminal Code**

The Committee recommends that libel, defamation and media-related offenses in general be considered as civil and not criminal offences, and as such in the event of prosecution, should be treated as civil torts.

The Committee is therefore of the opinion that related provisions do not fall in line with provisions in the 1997 Constitution of The Gambia and fall far short of regional and international standards on free expression particularly the African Charter and ICCPR. The Committee further concurs with the Gambia Press Union contention that the penalty provisions for sedition and false news are “severe”.

The Committee further aligns itself to legal reviews of Article 19 (2012) and the recommendations of the Gambia Press Union legal position paper on media reforms in The Gambia, (February 2017) and calls for a complete repeal of all laws stifling media freedoms, freedom of expression and laws which criminalizes free speech. Particularly the following sections of the Criminal Code should be repealed: Sections 46-54, 60, 178-185.

### **Specific Recommendation 3: The Indemnity (Amendment) Act 2001**

Though members of the committee are aware of the likelihood of Government arguing for the case that The Indemnity (Amendment) Act 2001 is not directly linked to the media and journalists, the Committee expressed concern that given the track record of The Gambia where attacks on the press and journalists have never been investigated; and the fact that retaining such legislation may impact negatively on the work of the media and active engagements of civil society organizations, the Committee humbly recommends a repeal of the Act to avoid impunity.

### **Specific Recommendation 4: The Newspaper and Broadcasting Stations Act 1944 (as amended 2004)**

The Committee recommends that as a State Party to the African Charter, the Gambia must uphold the principles to undo “substantive restrictions” on media registrations as this in turn limits the right to free expression and promotes undue political interference.

The Committee also urges the Government to look towards forward thinking West African States where media registration has a minimalist approach and where undue burdens and pressures are no longer imposed on registrants. As such, the Committee calls for a total repeal of the bond for the registration of media and calls on MOICI to push for reforms that will enable the media to implement successful business models.

Members of the committee reached the consensus that the Newspapers and Broadcasting Act of 1944 is archaic and its related amendments of 2004/5 were meant to stifle the independent media. As such, the Committee also recommends for an immediate drafting and submission to the national Assembly for the enactment of a General Media Act that will reflect the current trend in Information and Communication technology trends.

### **Specific Recommendation 5: The Official Secrets Act 1922**

Pending an Access to Information/Freedom of Information Law, journalists reporting on security issues run a high risk of contravening the Official Secrets Act 1922 without any criminal intention on their part. A review of the 1922 Act and its amendments must be undertaken by the Ministry of Justice to ensure conformity with the Constitution of The Gambia and international treaties that The Gambia is a signatory to.

### **Specific Recommendation 6: A Freedom of Information Law**

The Committee is aware of the Ministry of Information and Communications Infrastructure and the Ministry of Justice’s partnership with Article 19 and GPU on the drafting of an Access to Information Law, the Committee is however of the view that there must be an added urgency by MOICI to ensure that the ATI bill is made a reality within by August 2018.

This positive development falls in line with the increasing global recognition that the right to access information through inclusion of Target 16.10 to ‘ensure public access to information and protect fundamental freedoms, in the Sustainable Development Goals which led to the 2015 UNESCO General Conference’s proclamation of 8 September as the International Day for Universal Access to Information (38 C/70).

The Committee is therefore encouraging MOICI to ensure that The Gambia is among the number of progressive African states with freedom of information laws, and, also urges MOICI and MOJ to go further by partnering with the GPU and others in raising awareness on the importance of such laws and their implementation.

#### **Specific Recommendation 7: The GRTS Act 2004**

The Committee recognizes the effort by the management and staff of GRTS in moving towards their defined role in the Constitution which is to afford fair opportunities and to provide divergent views. However, the Committee is also of the view that where GRTS is concerned, the provisions of Section 208 of the Constitution fall more in line with the role of a public service broadcaster.

While calling for a wider broadcasting law, the Committee highly recommends that MOICI work towards re-positioning and strengthening GRTS by converting its status from state to public service broadcaster, with a clearly cut out mission and transparent funding mechanisms.

#### **Specific Recommendation 7: Broadcasting Law**

The Committee is aware that in MOICI's efforts to ensure a more pluralistic media, a Broadcasting Content Policy was put in place November 2017 to allow for the allocation of licenses provisional content provider licenses, the Committee commends the Government for this.

The Committee is also aware that the Newspapers and Broadcasting Act of 1922 is still in the Statute books of the Gambia. However, the Committee concurs with the Article 19 review of November 2017 and recommends that MOICI put in place, within the shortest possible time, a Broadcasting Law that protects licensees, respects international standards on cross ownership of the media; allows for growth and sufficient room for business development.

The proposed Broadcasting Law must consider the international standards of Accessibility (covering affordability, linguistic diversity, gender-sensitivity, and media and information literacy) and, also consider Internet broadcasting under the UNESCO (2015) concept that promotes the internet as human right based on, Open, Accessible and Multi-stakeholder (ROAM) principles.

#### **Specific Recommendation 8: The Telegraphy (Amendment) Act 2005**

The Committee was made to understand that the issues of spectrum fees, signal distribution and interference and related matters was under review by the PURA for recommendations to the Minister-MOICI.

The Committee however deems it necessary to call the attention of the Minister- MOICI to the fact that fees should be affordable to avoid undue financial pressure to allow fully functional business models of the broadcast media. The committee notes that the media is already highly taxed and the charges need to be reviewed.

In calling for a review of the Act, the Committee also noted that clarity must be provided as to the transition towards a 'final' spectrum management mechanism.

The committee also reiterated the importance of strengthening the capacity of PURA or reviewing its role in media regulation in line with international standards.

### **Specific Recommendation 10: The Commissioner for Freedom of Expression and Digital Rights**

The Committee is concerned about the capacity and role of the multi-sector regulatory system in The Gambia, however the Committee is aware that these were World Bank recommendations implemented vis-a-vis the economic realities and population size of The Gambia. As such, the Committee calls for the strengthening of the Regulator (to be referred to as the Commissioner for Freedom of Expression and Digital Rights), and or to identify, within the Government structure an Information Commissioner. The role of the Commissioner will be to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals. Though independent, their decisions may be subject to appeal to the Courts.

The Committee is aware MOICI also sits on the GPU initiated strategy steering committee on media affairs. As such, MOICI and MOJ are encouraged to engage further with the GPU and other stakeholders i.e. the format and nature of the self-regulatory mechanism for the media.

## **2.2 General Recommendations**

The committee, having looked at the Constitution of The Gambia 1997 and its relevant provisions for freedom of expression and the media; Article 9 of The African Charter on Human and Peoples' Rights; The Declaration on Principles of Freedom of Expression in Africa (2002); Article 66 of the ECOWAS Treaty; Article 19 of the ICCPR; and, submissions of Article 19 and the Gambia Press Union on media freedoms, freedom of expression, access to information diversity, pluralism and growth in the media; having considered the remarkable gains in overtures from the new dispensation and Government of the Gambia, particularly from the Ministry of Information and Communications infrastructure and the Attorney General's Office and Ministry of Justice, the Committee urges the Government to go beyond considering the Constitutional provisions and international treaties, to immediately, and without further delay:

- Work towards repealing all laws that impede freedom of expression, freedom of the media and access to information.
- Accept in totality the submissions and recommendations on the way forward of Legal Position Papers from Article 19 and the GPU, on media law reforms in the country.
- To favorably consider the November 2017 proposals of Article 19 on The Gambia: draft regulatory guidelines on media ownership.
- With reference to the above important texts, commence the drafting process for problematic provisions and new laws as reviewed by this committee, having in mind specific and general recommendations put forward in this report by membership of the Committee.
- To continue its current overtures towards the media, particularly face to face engagements with media owners and the GPU and other national and international stakeholders on matters of self-regulation, combating hate speech and generally to improve state-media relations.

### **3.0 CONCLUSION**

It is universally acknowledged that the right to freedom of expression is a fundamental human right of the greatest importance, key to the protection of all other human rights and necessary to maintain the fundamental dignity of all human beings.

The Committee commends MOICI for the move to not only ensure reforms of the media, media-related laws but the manner in which the Ministry proceeded with the matter by putting in place a multi-sectoral committee which brought together all the relevant stakeholders.

The Committee commends Article 19 for providing technical support to the work of the media law review committee.

The Committee is of the hope MOICI will favorably consider all recommendations therein and work to ensure ground-breaking reforms that will strengthen the space for receiving and imparting information with little or no risks to journalists and the public.

**SIGNATURES:**

Signed this day, 28th of May, 2018 by the following members of the media law review committee:

Ndey Tapha Sosseh.....

Hussein Thomasi.....

Samuel Sarr.....

Madi Ceesay.....

Aisha Davies Ann.....

Ebrima Sillah.....

Lamin Jahateh .....

Ya Amie Touray.....

Madi Jobarteh.....

Yusupha Bojang.....

Harona Drammeh.....

Muhammed Lang Kinteh.....

Amprofi Agyemang.....

Poncelet Ileleji.....

Kanni Touray.....

Amadou Nyang.....

## **Annexes**

### **(I) List of Laws Referred to, and Considered for Future Review**

#### **List of Laws Referred to:**

##### **The Constitution of the Republic of The Gambia**

Section 25 (1) (a)

Section 166 (4)

Section 207 (1)

Section 207 (3)

Section 208

#### **List of laws to be considered for future review:**

##### **The Information and Communications Act 2009 (as amended 2013)**

Part III Section 173A : Internet Related Offences Subsection (2)

Section 138

##### **Chapter IV Regulatory Provisions for Broadcasting Content**

Sections 226

Section 230

Section 232

Section 236

##### **The Criminal Code (as amended)**

Section 46

Section 47

Section 48

Section 49

Section 50

Sections 51

Sections 52

Sections 53

Sections 54

Sections 59

Section 60

Sections 178

Sections 179

Sections 180

Sections 181A

Sections 182

Sections 183

Sections 184

Sections 185

Sections 114

**Newspaper and Broadcasting Stations Act 1944 (as amended 2004)**

Section 173A

Section 138

Section 165

Section 226

Section 230

Section 232

Section 236

**The Telegraphy (Amendment) Act 2005**

**The GRTS Act 2004**

**The Indemnity (Amendment) Act 2001**

**The Official Secrets Act 1922**

**The Gambia Radio and Television Services Corporation Act, 2004**

**(2) Other Resources**

Web Page- Attorney General's Chamber and Ministry of Justice (MOJ)

<http://www.moj.gov.gm/>

Web Page- Ministry of Information and Communication Infrastructure (MOICI)

<http://www.moici.gov.gm/>

The Public Utilities Regulatory Authority (PURA)

<http://www.pura.gm/>