

In the Name of Allah, The Most Gracious, the Merciful  
**Press and Publications Act, 2009**

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In the Name of Allah, The Most Gracious, the Merciful  
**Press and Publications Act, 2009**

(05/07/2009)

#### Chapter I

#### Preliminary Provisions

##### Title

1. This Act shall be called the “Press and Publications Act of the year 2009”.

##### Repeal and Saving

2. The 2004 Press and Publications Act shall hereby be repealed provided that all procedures, regulations and order issued under the said repealed law remain applicable until duly revoked or amended under the provisions of this law.

##### Application

3. The provisions of this Act shall apply to all procedures that had been otherwise not completed at the time it entered into force; they likewise shall

apply to procedures that have been rendered complete at the said date provided that established press houses and other similar entities are made to meet the conditions set forth in this Act with 90 days of the date of its commencement.

### **Interpretation**

4. The following terms shall have the meanings assigned to them hereunder unless otherwise indicated in the context of this Act:

Council	The National Council on Press and Publication (established under article 6 of this law
Social Association	Any social organization that is duly registered or licensed under the provisions of this law
Scientific Organizations	Any scientific or research-based entities
Government Unit	Any government administrative or occupation body or company where the state has a majority share
Newspaper	All media that has written scripts or recordings that are published periodically/ regularly for public perusal, excluding wall exhibits (murals) or academic/ scholarly or specialized periodicals/ journals that are issued by social, scientific organizations or government units
Journalists	Qualified individuals who practice journalism as an occupation, and who are duly registered with the General Federation of Sudanese Journalists under the provisions of this Act
Press Company	Entities that are officially licensed companies to issue newspapers under the provisions of this Act
Print editions	Any means of press publication where idea, words or meanings are written down in whatever possible form
Service Centres	Any institution or facility involved in the business of producing or distributing press-related material
Advertising Agencies	Offices working in the advertisement and publicity business that produce, disseminate, publish or broadcast related material
Printing Press	Any device or machine used to print a newspaper or press publication
Publisher	Owner of the press institution or company
The Minister	The Minister designated by the President of the Republic

The Court	The competent court as specified under article 34.1 of this Act
Journalism	The profession of preparing, editing, issuing and distributing newspapers and publications using whatever possible means
Distribution House	Any entity that works in distributing and selling newspapers and publications
The Act	The 2009 Press and Publications Act
Code of Conduct	The journalist code of conduct as approved by the General Federation of Sudanese Journalists

### **Political Principles of the Freedom of the Press and Journalists**

5. (1) The Journalism shall– freely and independently – be practiced without prejudice to the constitution and law while maintaining the public good, individual rights and privacies and without infringement upon public morals.
- (2) No restrictions may be applied to the freedom of journalistic publishing save as maintained in this Act with regards to national security protection, public order and health; newspapers shall not be confiscated or shutdown nor shall journalists and publishers be imprisoned on issues pertaining to their practice save under the provisions of this Act.

## **Chapter II The Council**

### **Establishment and Seat**

6. (1) A Council shall be hereby established and called “The National Council on Press and Publications” (NCPP) and it shall have a corporate legal person, official seal and litigation rights.
- (2) The seat of the Council shall be based in the national capital.

### **Supervision and Oversight**

7. (1) The NCPP shall be under the supervision/ oversight of the Office of the President that shall to this effect:
  - a) Notify the NCPP of the overall state policy trends vis-à-vis press and journalism;
  - b) Request access to NCPP information and reports;
  - c) Receive NCPP recommendations and proposals with regards to its mandate.
- (2) The NCPP shall be independent in performing its business and budget thereof; and
- (3) The minister shall act as a liaison between the NCPP and the President without having the right to intervene in the Council’s mandates and powers.

### **NCPP Competence**

8. The NCPP shall have the following competence and mandates:

- a) Oversee the overall performance of the journalistic institutions and companies, publishing houses, presses, service centres, news and, advertising agencies and professional review thereof;
- b) Help provide the requirements of the press industry and remove of obstacles that might hinder performance and expansion of its base;
- c) Work to promote the practice and improve the staff qualification levels for a better service that satisfies the readership as well as to offer journalist training in coordination with the line institutions;
- d) Conduct and commission press-oriented research and studies, including the documentation of the history of Sudanese Journalism;
- e) Protect and support the freedom of the press through offering advice to the various state agencies on their relations with the practice, as well as to develop bills or draft laws that support journalism the way it should be in a pluralistic society;
- f) Enforce the press-related public policies while invoking the community values under the Act and Constitution;
- g) Address violations of the provisions of this Act with regards to areas not identified under the jurisdiction of the competent court;
- h) Engage in a collaborative manner the other sister organizations (councils) abroad to share experience; *and*
- i) Ensure that the minimum wage is achieved for journalists and workers in press institutions.

#### **Powers of the Council**

9. The Council shall be mandated with exercising the following powers:

- a) Develop the professional standards and conditions required to register journalists in collaboration with the Federation
- b) Issue practice-related approvals for the press companies, institutions, presses, publishers, distributors, service centres and advertising agencies.
- c) Offer needed support for the flow of business and activities of the press institutions.
- d) Form specialized subcommittees and regulation of functions thereof.
- e) Accredite newspaper and foreign agency offices and correspondents in coordination with the line entities.
- f) Receive complaints and published material-related grievances.
- g) Contribute to the settlements of disputes within the journalist community without prejudice to the powers and mandates listed within the statutes of the General Federation of the Sudanese Journalists (GFSJ).

- h) Establish a secretariat general at the Council, and recruit staff as well as to regulate terms of service thereof.
- i) Delegate powers to the Chairperson and Secretary General provided that the decisions they both make under such delegation of powers is presented before the Council in its first meetings pending approval or objection therein.
- j) Apply penalties as per the provisions of this Act.
- k) Verify the newspaper and publication dissemination/penetration.
- l) Form branch offices across the states in Sudan without prejudice to the exclusive powers of the Government of South Sudan and delegation of powers therein.
- m) Suspend the newspaper or publisher if found in violation of any of the terms and condition of the practice.

### **Council Composition and Term of Office**

10. (1) The President of the Republic forms the NCPP provided that journalists, publishers, printing house owners, distributors, national figures and women are represented and while observing the diversity of the Sudanese community.
- (2) Without prejudice to the provisions of Article 1, the Council shall be composed of 21 members as follows:
  - a) Six members – including the Secretary General – are appointed by the President from among the experts and specialists in consultation with his first vice president
  - b) Five members to be elected by the National Council from amongst its members
  - c) Eight members that should represent the journalists, and to be elected by the General Assembly of the GFSJ – election outcomes should be pending approval by the Associations Registrar.
  - d) Two members that represent the publishers, press house owners to be elected by the GA of their respective associations pending approval by the Association Registrar.
- e) The NCPP term of office shall be four years.

### **Council Bodies**

11. The Council shall be made of the following bodies:
  - a) The Board
  - b) The Secretariat General
  - c) *Ad hoc* Committees

### **Board Formation and Powers**

12. The Council Board shall be formed of the Chair, deputy chair, SG and chairs of the ad hoc committees; the Board shall have the following powers or mandates: :
  - a) Organize the Council business
  - b) Coordinate the relations between the NCPP and committees
  - c) Introduce executive regulations or bylaws

d) Other tasks delegated by the Council

#### **NCPP Chairperson and Deputy**

13. (1) The Council shall elect one of its members as the Chairperson – to be available on a part-time basis – during its very first session which shall be chaired by the eldest member.
- (2) The Council shall elect a part-time deputy chair during the same session once the Chair has been elected and commences his office.

#### **Mandates of the NCPP Chair and Deputy**

14. (1) The Chairperson calls the Council into order, chairs the sessions and oversees the process of its functions
- (2) The Deputy Chair shall act on behalf of the Chairperson when the latter is absent

#### **Council Meetings**

15. (1) The Council shall hold a monthly meeting; it can hold emergency (extraordinary) meetings if so decided by the Chair or upon written requests to be made to this effect by two thirds of the members.
- (2) Quorum shall be constituted by attendance of more than half of the council members.
- (3) Council decisions shall be taken by consensus; should that become unattainable, decisions shall be taken by the majority of two thirds of the attending members – the Chairperson shall have the casting vote in case of a tie.

#### **Vacancy of Seats**

16. (1) A member's seat in the council shall fall vacant in any of the following cases:
  - a- Death
  - b- Resignation
  - c- Upon being relieved by the appointed or elected body
  - d- Infirmary that might render the members incapable of performing his/her duties
  - e- Failing to attend three consecutive meetings without permission or excuse the council finds acceptable
  - f- Conviction in a crime of moral turpitude or that violates the provisions of this law
- (2) When a seat becomes vacant, the appointed or elected body shall see to it that a replacement is found within no more than 60 days.

#### **Appeal of Penalties**

17. Within 30 days of being duly notified of any NCPP penalties issued, the aggrieved may appeal at the competent court

## **Chapter III**

### **Secretariat General**

### **Composition/ Formation**

18. The Secretariat General shall be formed of the SG and staff therein; the NCPP shall issue a decision to the form the secretariat where the SG shall be deemed as the highest executive and administrative authority therein.

### **SG appointment, powers and tasks**

19. (1) Following consultation with the first vice president, the President appoints an NCPP Secretary General from among the members of the council; by virtue of his position, the SG shall act as NCPP rapporteur and coordinator
- (2) The SG shall be mandated with the following powers:
- (a) Perform administrative tasks and oversee financial and technical affairs
  - (b) Develop and submit to the Council its annual budget
  - (c) Oversee the functions of the Secretariat General
  - (d) Call into order the council upon duly being instructed by the Chairperson
  - (e) Keep minutes of sessions, meetings and documentation as well as to follow up on the implementation of council decisions
  - (f) Develop and file administrative and financial reports to the secretariat general
  - (g) Appoint, evaluate the performance of and hold accountable the staff members
  - (h) Other tasks as instructed by the council of chair

## **Chapter IV**

### **Newspapers, Publications and Print Materials**

#### **Newspapers**

20. Newspapers may be issued by:
- a. Companies that are licensed and registered under the 1925 Company Law
  - b. Legally licensed political organizations provided that an editor-in-chief is appointed in charge of that newspapers under article 23.ii
  - c. Duly licensed social and scientific institutions, or government units – that seek to develop scholarly or specialized activities – provided that an editor-in-chief is put in charge of the newspaper as per article 23.ii.
  - d. Expatriate communities residing in Sudan may issue their own publications pending approval of the NCPP as per the terms and conditions set in the executive regulations

#### **Approvals and Licenses**

21. For newspapers and other forms of press-related publications to be duly issued, the following requirements shall be fulfilled:
- a- Obtain NCPP approval to this effect following the payment of fees as provided for in the regulations

- b- Approvals/ licenses may be renewed on annual basis following the payment of the fees as provided for in the regulations

### **Terms and Conditions to Obtain Licenses**

22. The NCPP may license newspapers and other journalistic publications upon fulfilment of the following terms and conditions:
- a- issuing newspapers, press publication or information industry shall be among the key objectives of the press institution.
  - b- The press institution shall be required to deposit in an independent account an amount of money to be specified by the Council in the regulations on improving the journalistic profession; the institution shall also undertake not to disburse amounts from the said accounts for purposes other than issuing the newspaper. The NCPP may so decide to increase the minimum required deposit whenever deemed necessary as per the circumstances or public interest.
  - c- The press institution shall contract a sufficient number of qualified competent journalists provided that the available human resources are not less than whatever is required by the regulations on improving journalism as a profession
  - d- The press institution shall have a designated quarters or premises whose terms and conditions shall be provided in the regulations
  - e- The press institution shall have an accredited information centre whose terms and conditions shall be provided in the regulations
  - f- The newspaper or press institution shall abide by the specialization it was licensed for.

## **Chapter V**

### **Requirements of the Practice**

#### **Journalists and Editors-in-Chief**

23. (1) Prior to joining the practice, journalists shall be required to be accredited by the GFSJ.
- (2) An Editor-in-chief shall:
- a- Be a Sudanese national and has attained the age of 35 years;
  - b- Has practiced professional journalism for at least ten years;
  - c- Hold a university degree;
  - d- Be available on full-time basis; *and*
  - e- Not have been convicted of an offense of moral turpitude, breach of trust or violating the provisions of this Act
- (3) The Council may so decide to waive items “b” and “c” above should the candidate editor-in-chief demonstrate outstanding calibre and quality experience

### **Liability of the Editor-in-Chief**

24. The editor-in-chief shall be the first person responsible for the editorial performance of the newspaper; he shall be held liable criminally or otherwise for all content published in the newspaper without prejudice to other legal liabilities of the journalist, writer, artist, printer or distributor.

### **Journalist Immunity and Rights**

25. (1) Journalists shall enjoy the following rights and immunities:
- a. Not be subjected to acts that would compromise their performance, integrity or commitment to their professional obligations
  - b. Protection of his sources
  - c. Save when caught in *delicto flagrante*, not to be apprehended on charges related to practice of the profession and after duly notifying the GFSJ.
- (2) Journalists shall have the right to access information from official sources under the provisions of the law.
- (3) The NCPP shall put in place all appropriate measures to guarantee journalist rights and immunities.
- (4) Journalists shall not be dismissed from office save after due notification of the GFSJ about the rationale behind such an action; should the period of one month elapses and the Federation fails to reconcile the journalists and the newspaper, both parties may then settle the case under the provisions of the applicable labour code.

### **Duties of Journalists**

26. (1) without prejudice to other commitments provided for in other laws, journalists shall adhere to the following:
- a. keenly observe honesty and integrity when performing their professional duties while observing the values and principles enshrined in the constitution and laws
  - b. refrain from disclosing information on national security and operation, actions and plans of the armed forces save when duly authorized by the competent authorities
  - c. refrain from obstructing the course of justice when covering the court proceedings or investigations conducted by the police or public prosecutors.
  - d. avoid stirring commotion or exaggeration when covering or presenting crime-related news or civil violations
  - e. Not to comment on inquiries, investigations or trials save upon final adjudication or conclusion thereof
  - f. refrain from publishing material that is anti-religious or in contradiction with the noble beliefs, norms or scholarly knowledge to spread sorcery or quackery
  - g. abide by the values and rules embedded in the professional code of conduct approved by the GFSJ.
  - h. not to stir faith-based, racial or ethnic turmoil, or incite violence or call for war

- i. respect and protect public manners, morals, religious values, individual honour, privacy and sanctity as well as to refrain from offending public decency.
  - j. Avoid undermining the society's best interest when addressing the negative phenomena and covering of crime-related news.
  - k. refrain from receiving foreign funds or donations that would undermine their integrity or impartiality
- (2) The duties listed above shall apply to all individuals who are in charge or partially involved in editing, publishing or distribution of the print material.

### **The Right to Correct and Rectify**

27. (1) Upon so being requested by the aggrieved, the editor-in-chief shall publish – using the same space and font size, rectification of facts or statements that caused the damage.
- (2) rectification shall be published within three days of receiving a request to this effect – in the case of newspapers – or in the first next issue of other forms of publication
- (3) correction or rectification may not be published if:
- a. the relevant request is made after 60 days of publishing the original article or story
  - b. it includes violation of other people's rights and privacy
  - c. it has already been published
  - d. it is of a primarily commercial advertisement or promotion
  - e. it involves violation of the provisions of this Act
- (4) The Council may impose penalties provided for in this Act should the newspaper abstain from publishing the correction after duly being so obliged but without prejudice to the legal rights of the aggrieved.

### **Conditions Publishers Should Satisfy**

28. Publishers shall be Sudanese nationals of natural or corporate legal personality with the required competence and experience

### **Publisher Duties**

29. Publishers shall:
- a. Allocate a designated percentage of the press institution funds for training purposes to be specified by the Council in the regulations for the development of the profession
  - b. put in place procedures that guarantee rewarding remuneration for journalists working at the institution under fair standards provided for in the 1997 labour code or any other law for that matter
  - c. Display in legible clear manner the names and addresses of the publishers and printers as well as the date of publishing on the first and last pages
  - d. Deposit with the NCPP secretariat general a number of issues they publish – to be designated by the Council – as per the regulations

- e. Submit the financial statements and accounts for review and audit by the National Audit Bureau

## **Chapter VI**

### **Service Centres Printing Houses**

#### **Licensing**

30. (1) Owning service centres or printing houses shall not be allowed save after obtaining licenses in due process as per the regulations
- (2) Licenses may be annually renewed upon payment of the fees designated by the regulations

#### **Import of Foreign Publications**

31. (1) Any individual may apply for a license to import foreign publications with the NCPP that maintains the right to oversee and supervise.
- (2) All importers of foreign press publications shall deposit copies thereof with the NCPP secretariat

#### **Giving Up Licenses (Waiver)**

32. Pending the NCPP approval, a licensee may so decide to relinquish or give up the license provided that the new holder is found eligible under the licensing conditions in this Act

## **Chapter VII**

### **Disciplinary Actions and Penalties**

#### **Sanctions**

33. (1) The NCPP may decide to impose the following sanctions if the licensed natural or corporate persons under this Act are found guilty of violating the provisions:
  - a. making it mandatory for the newspaper to apologize or publish the NCPP decision about the violation
  - b. issuing notices or warning
  - c. publishing reprimands
  - d. suspending the newspapers for a period of no more than three days
- (2) Prior to deciding on disciplinary actions, the person(s) shall have to the right to defence and setting the record straight
- (3) The NCPP Chair may advise the publisher or editor with regards to content that might be found in violation of the provisions of this Act
- (4) Aggrieved persons may appeal the NCPP action within 30 days of being duly notified
- (5) The NCPP may so delegate its powers to the ad hoc committees to impose the actions

#### **Competent Court**

34. (1) The Chief Justice designates the competent court to deal with crimes and violations perpetrated under this Act

- (2) All press and publication cases shall be expedited

#### **Penalties**

35. Whoever is found of violation of this Act or its ensuing regulations shall be liable to any of the following penalties:
- a. a fine – to be designated by the court upon conviction
  - b. suspending the print media for the period designated by the court
  - c. suspend the practice license in case of recidivism for a period to be designated by the court
  - d. suspend, for a period to be decide by the court, the editors-in-chief, publishers or journalists who are found to be in violation of this Act
  - e. revoke or freeze the journalist license for a period designated by the court in the case of recidivism

### **Chapter VIII**

#### **Diverse Provisions**

##### **Financial Revenues**

36. The NCPP revenues shall be made of the following:
- a. annual allocations from the President
  - b. license and renewal fees
  - c. grants, endowments and assistance the Council receives
  - d. other sources the NCPP may approve

##### **Annual Budget**

37. (1) The SG develops and submits to the Council the annual draft budget  
(2) The draft budget shall be developed as per the financial and accounting procedures applicable in the country  
(3) The NCPP passes the draft budget before submitting it through the minister to the Presidency of the Republic for approval

##### **Accounts and Audit**

38. (1) The NCPP shall keep regular financial records and books as per the applicable fiscal and accounting standards.  
(2) The National Audit Bureau or any certified auditor the NCPP appoints under approval of the Auditor/ Comptroller General annually reviews/ audits the NCPP accounts within four months of the end of the prior fiscal year, and the SG shall facilitate such a process  
(3) The auditor submits the report to the SG who forwards it to the Council

##### **Issuing Regulations**

39. (1) The NCPP may issue regulations to regulate its work and enforce the provisions of this Act  
(2) Without prejudice to the general provisions under item (1) above, the regulations shall regulate the following:  
a. development of journalism  
b. license terms, conditions, renewal and waiver thereof

- c. requirements and controls of the profession
- d. regulate the work of the Council and ad hoc committees
- e. penal procedures
- f. tenure and service conditions at the secretariat
- g. financial procedures
- h. training
- i. NCPP member selection and election