

STATUTORY INSTRUMENT

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THE INDEPENDENT MEDIA COMMISSION (PRINT AND ELECTRONIC MEDIA) REGULATIONS, 2022

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THE INDEPENDENT MEDIA COMMISSION ACT, 2020
(ACT NO. 5 OF 2020)

The Independent Media Commission (Print and
Electronic Media) Regulations, 2022

Short title

In exercise of the powers conferred upon him by section 43 of the Independent Media Commission Act, 2020, the Minister, after consultation with the Commission and the Sierra Leone Association of Journalists, hereby makes the following Regulations—

PART I—PRELIMINARY

1. In these Regulations unless the context otherwise Interpretation.
requires -

"Act" means the Independent Media Commission Act, 2020 (Act No. 5 of 2020);

"commercial radio or television station" means a commercial radio or television station that is in the business of broadcasting for profit but is not exempt from public service responsibility under the Act and these regulations;

"community radio or television station" means a community radio or television station which is for and about the community, whose ownership, governance and management is representative of the community, follows social development agenda and is not for profit;

"direct to home broadcast service" means a broadcast service that is a registered business entity in Sierra Leone providing direct to home broadcast services;

"electronic media" includes radio, television and direct to home;

"magazine" means a registered institution that is responsible for producing a particular publication, publishes at least one publication per quarter, has a single point of editorial control and is aimed at a general audience, regardless of whether it covers a wide range of subject matter including news and comment or more specialised interest;

"media institution" means an institution licensed or registered by the Independent Media Commission to offer newspaper, magazine, on-line, on-demand and broadcast services to the public;

"newspaper" means a publication by a registered institution that meets the following criteria -

- (a) regular publication for at least once a week;
- (b) a single point of editorial control;
- (c) covering a wide range of subject matter including news, articles, editorials and commentaries aimed at a general audience;

"on-demand services" means a service that is free-to-air or supported by subscription or other sources of public or commercial funding, offered by a media institution which makes audio-visual content available via the internet at a time and on a device of a recipient's choice;

"on-line service" means a website and related content services distributed via the internet which fall under the editorial control of a media institution, containing material created by the media institution that is also distributed via third-party aggregators or social media, including material specifically created for a third party that is under the editorial control of the media institution, but does not include material made and distributed by journalists or other individuals in a purely personal capacity expressing their personal opinions such as personal blogs, social media posts etc., unless they are directed or under the control of the media institution;

"public service broadcast radio or television station" means a public radio or television station with nationwide coverage set up by legislation, accountable to the public through an independent board, protected against interference of a political or economic nature, with editorial independence and adequately funded in a manner that ensures objective and balanced reporting and protects it from arbitrary interference;

"print media" means communication based on printed materials that have a physical presence such as newspapers and magazines;

"reasonable steps" mean steps taken by a media practitioner or institution to inform the subjects of its investigations to seek consent, arrange interviews or give advance warning of publication;

"rebroadcast station" means a rebroadcast radio or television station that is set up by international radio and television stations or national, public broadcasting service to rebroadcast their programmes in Sierra Leone;

"religious radio or television station" means a religious broadcasting or television station that is set up purposely for religious broadcast, not exempted from public service responsibility under the Independent Media Commission Act, 2020 and is not-for-profit and is not-for-profit;

"teaching radio or television station" means a teaching radio or television station that is set up by the Ministry in charge of education and an accredited academic institution, for training purposes, not exempted from public service responsibility under the Independent Media Commission Act, 2020 and is not-for-profit and is not-for-profit;

Application. 2. These Regulations apply to media practitioners and institutions in Sierra Leone.

Guiding principles. 3. The activities of a media practitioner or institution in Sierra Leone shall be guided by the following principles-

- (a) democratisation;
- (b) freedom of expression;
- (c) equality in access to information and communication;
- (d) professionalism and responsibility;
- (e) pluralism and diversity; and
- (f) cultural preservation and promotion.

Object. 4. The object of a media practitioner or institution in Sierra Leone shall be to -

- (a) support national development initiatives and programmes to improve the quality of life of Sierra Leoneans through systemic and effective use and coordination of mass communication strategies and activities;
- (b) promote national dialogue by the citizenry that is consistent with democratic culture and constitutionalism;
- (c) facilitate access to information and communication infrastructure and technology in rural areas;
- (d) promote national cultural heritage and identity;
- (e) support timely, orderly and effective growth of information and communication institutions and professions;
- (f) promote regional and national cohesion and international cooperation.

PART II - REGULATION OF PRINT AND ELECTRONIC MEDIA

5. (1) A media practitioner or institution shall -

- (a) take reasonable steps provide accurate, balance and credible information to the general public;
- (b) not air live phone-in programmes unless he has call delay equipment to screen in-coming calls before putting the caller on air.

Responsibility to provide accurate, balanced and credible information.

(2) A person who contravenes sub-regulation (1) is liable to a fine of 5,000.00 Leones and suspension from practice if fine is not paid within 30 days, until such fine is paid.

Broadcast of untrue information.

6. (1) The Commission shall, where a media practitioner or institution publishes or broadcasts information that is untrue or affects peace and national security, order an immediate retraction.

(2) A media practitioner or institution that publishes or broadcasts information that is untrue shall, within a reasonable time or when called upon to do so or when ordered by the Commission -

- (a) accord an opportunity to offended party to reply immediately or in the next publication or broadcast; or
- (b) make a retraction in equal measure as the offending publication or broadcast.

(3) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 5,000.00 Leones and suspension from practice if fine is not paid within 30 days, until such fine is paid.

Copyright infringement prohibited.

7. (1) A media practitioner or institution shall not publish material culled from another publication or broadcast unless -

- (a) on the written permission or consent of the original publisher;
- (b) the original publisher is acknowledged or credited.

(2) A person who contravenes sub-regulation (1) is liable to a fine of 5,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

(3) Notwithstanding sub-regulation (2), a copyright infringement shall be subjected to the penalties imposed under the Copyright Act, 2011 (Act No.8 of 2011).

8. (1) A media practitioner or institution shall not publish information which -

Protection of privacy.

(a) constitutes an intrusion into a person's private life; or

(b) discloses the location of a person's home or family.

(2) Sub-regulation (1) shall not apply where a media institution -

(a) publishes with the consent of that person; or

(b) can justify that the publication is warranted in the public interest.

(3) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 10,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

9. (1) A media practitioner or institution shall not obtain or seek to obtain information including pictures through harassment or intimidation.

Harassment and intimidation prohibited.

(2) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 5,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

10. (1) A media practitioner or institution shall not publish gruesome images of victims involved in accidents, injuries, mutilations, disfigurements or those involving grief or shock unless with the expressed authority of the victim or his family.

Publication of gruesome images prohibited.

(2) A media practitioner or institution shall, in cases involving grief or shock, approach the victim or his family or make enquiries with empathy and discretion.

(3) A person who contravenes sub-regulation (1) or (2), is liable to a fine not exceeding 5,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

Consent of parent, guardian, etc. required.

11. (1) A print media practitioner or institution shall not interview, film or photograph a child without the consent of his parent, guardian or institution in charge of the child.

(2) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 5,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

Identity of children in sexual or criminal cases not to be disclosed.

12. (1) A media practitioner or institution shall not identify children under the age of 18 who are involved in cases concerning sex or criminal offences whether as victim, witness or perpetrator.

(2) A person who contravenes sub-regulation (1) and is liable to a fine not exceeding 10,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

Identification and permission required for hospitals, etc.

13. (1) A media practitioner or institution shall not make enquiries at hospitals or similar institutions without identifying themselves and obtaining permission from the hospital or similar institution.

(2) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 3,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

14. (1). It is an offence for media practitioners or institution to identify relatives or friends of persons convicted or accused of crimes without their consent and this extends to children.

Identify of relatives or friends not to be disclosed.

(2) A person who contravenes sub-regulation (1) liable to a fine not exceeding 3,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid

15. (1) A media practitioner or institution shall not obtain or seek information or material by pretending to be someone else and misrepresenting themselves unless there is real public interest.

Obtaining information by pretence or misrepresentation

(2) A breach under sub-regulation (1) will result to a fine not exceeding 5,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

16. (1) A media practitioner or institution shall not share nude or pornographic materials including nude pictures and video images

Nude and pornographic images prohibited.

(2) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 10,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

17. (1) A media practitioner or institution shall not identify victims of sexual assault or publish or broadcast materials likely to contribute to such identification.

Identification of victims of sexual assault prohibited.

(2) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 10,000.00 Leones and suspension from practice if fine is not paid within 30 days.

Prejudicial or prerogative reference to a person prohibited.

18. (1) A media practitioner or institution shall not make prejudicial or prerogative a person's colour, ethnicity, religion, sex, political reference to affiliation or individual lifestyle, or to any physical or mental illness of disability, unless these are directly relevant to the story.

(2) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 3,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

Publication or broadcast of smear campaign stories prohibited.

19. (1) A media practitioner or institution shall not publish or broadcast stories containing personal attack, smear and unjustified harming of a person's or institution's good name and also campaign includes the use of language, picture cartoons, commentaries, analysis, stories editorials, depictions or new that can damage someone's reputation.

(2) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 20,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

Threats, abuse and indecency prohibited.

20. (1) It is an offence for a media practitioner or institution to -

- (a) use bad taste, threatening and insulting details that are not essential to the story reported;
- (b) use abusive language and statements that is likely to cause ethnic and religious dissatisfaction.

(2) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 10,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

21. A media practitioner or institution shall not disclose the confidential source of his information under any circumstance except when ordered to do so by a court of law.

Disclosure of confidential source of information prohibited.

22. (1) A media practitioner or institution shall not refuse to diversify news sources in stories and refuse to include female sources in the news to ensure gender sensitive reporting.

Refusal to ensure gender sensitive reporting prohibited.

(2) A person who contravenes sub-regulation (1) and is liable to a fine not exceeding 10,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid

23. (1) A media practitioner or institution shall issue an employee a letter of appointment stating the conditions of service with a salary not less than the minimum wage and other allowances.

Statement of employee conditions to be issued.

(2) A person who contravenes sub-regulation (1) is liable to such penalty as may be imposed under the National Social Security and Insurance Trust Act, 2001 (Act No. 5 of 2001).

24. (1) A media practitioner or institution shall take particular care when gathering material in potentially sensitive situations such as emergencies, accidents, ambulances, people in a state of distress, hospitals, schools, prisons, police stations

Care to be taken in potentially sensitive situations.

PART III - REGISTRATION OF PRINT MEDIA AND ELECTRONIC MEDIA

25. (1) A person shall not establish or operate a print media institution in Sierra Leone unless that print media institution -

Registration of print media.

- (a) is registered with the Commission in accordance with the Act; and
- (b) has paid such annual registration or renewal fee, as may be determined by the Commission.

(2) A print media institution registered under subsection (1), shall, in the execution of its functions-

- (a) ensure protection of the exchange of ideas and information to facilitate accurate and balanced reporting;
- (b) uphold the principle of plurality of ownership and control of print media resources and infrastructure in Sierra Leone;
- (c) promote African perspectives by reflecting national and African concerns, aspirations, values and cultural traditions in their coverage and content;
- (d) promote the development of the quality, accessibility and viability of the print media in Sierra Leone.

Responsibilities of Commission to print media institutions. 26. (1) The Commission shall, in the implementation of laws that promote free and balanced flow of information, -

- (a) support initiatives for the development of community and indigenous languages in print media;

- (b) advocate for the reduction of import and excise duties on print media equipment and materials; and
- (c) encourage the practice of self-regulation; and
- (d) publish an annual report of the state of print media in Sierra Leone.

27. (1) An electronic media institution shall not operate in Sierra Leone unless it is licensed with the Commission.

Registration of electronic media institutions.

(2) An electronic media institution registered under subsection (1), shall, in the execution of its functions -

- (a) ensure that radio, television and direct to home broadcast service be made accessible and affordable to Sierra Leoneans based on the availability of spectrum;
- (b) promote professional ethics;
- (c) preserve and promote Sierra Leone's culture and values;
- (d) observe professional practice regarding news and news related programmes as non-commercial items;
- (e) enhance national capacity for producing high quality indigenous broadcast programmes;

- (f) encourage an environment conducive to growth, profit and service delivery;
- (g) promote development of public and private broadcasting;
- (h) promote convergence and consolidation of broadcasting and other communication services; and
- (i) promote and project Sierra Leone's domestic and foreign policies internationally, with a view to attract goodwill, development and inflow of investment in the country.

(3) Electronic media institutions required to be licensed under sub-regulation (1) include -

- (a) community radio or television stations;
- (b) commercial radio or television stations;
- (c) public radio or television stations;
- (d) religious radio or television stations;
- (e) teaching radio or television stations;
- (f) rebroadcast radio or television stations and any other category approved by the Commission.

(4) The electronic media shall practice self-regulation based on these regulations and Sierra Leone Association of Journalists Code of Ethics.

28. (1) The Commission shall, in the implementation of laws that promote free and balanced flow of information, ensure -

Responsibilities of Commission to electronic media institutions.

- (a) that broadcast programmes reflect the various shades of opinion and interests in the society;
- (b) the promotion and development of community broadcasting;
- (c) the allocation of specified percentage by broadcast stations of their airtime to local production.

(2) For the purposes in enforcing its responsibilities under sub-regulation (1), the Commission shall establish, -

- (a) a point-based system showing the number of electronic media institutions that an individual or institution can own;
- (b) content regulation policies that accommodate the country's cultural diversity to promote national unity and cohesion;
- (c) minimum standards for broadcast equipment specifications, installation and operational environment.

Specific responsibilities for radio, television and direct to home services.

29. (1) A radio, television or direct to home broadcast service shall -
- (a) maintain and publish a quarterly schedule of their programmes and submit, at least 2 copies, to the Commission.
 - (b) promote Sierra Leonean arts and culture as a means of sustaining national cohesion and unity in diversity.
 - (c) devote at least 10 hours a week to public service broadcasting which shall include national, regional and local issues, including programmes on central and local governance, education, health and human rights issues, persons with disabilities among others.
 - (d) not broadcast -
 - (i) programmes that are violent, pornographic or obscene in character or will tend to lead children to crime and anti-social behavior or portray smoking, drinking or illegal drug-taking;
 - (ii) before the watershed period, materials depicting strong sexual nature or sexual stimulation;
 - (iii) materials depicting but not limited to offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory language or treatment;

- (e) include parental guidance, age limits, warning about strong content and strictly adhere to the watershed time.

(2) The Commission shall, in determining whether a content is justified before broadcast, take the following factors into consideration-

- (a) the editorial content of the programme;
- (b) the service on which it is carried including the existence of subscription or other means of selecting the audience;
- (c) the time of broadcast and the nature of other programmes or content adjacent to it;
- (d) the likely composition and expectations of the audience;
- (e) the degree of harm or offence likely to be caused.

(3) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 10,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid

30. Television programmes shall be categorised into- of television

- (a) G- general audience;
- (b) GP- general, but parental guidance needed because of violence and nudity;

Categories of television programmes.

- (c) RV- restricted viewing, not suitable for viewers under the age of 18.

Live and phone-in programmes.

31. (1) Live radio, television or direct to home broadcast programmes, including phone-in programmes shall –

- (a) be managed in such a way as not to incite violence, instability and public disorder.
- (b) not be conducted unless the broadcaster has the capacity for delayed broadcast and to screen in-coming calls before putting a caller on air.

(2) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 10,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

Obligation to record programmes.

32. (1) Radio, television or direct to home broadcast programmes shall be recorded, archived and made available on demand to the Commission.

(2) A person who contravenes sub-regulation (1) is liable to a fine not exceeding 5,000 .00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

PART IV –COMPLAINTS POLICY AND PROCEDURES

Complaints procedure.

33. (1) The Complaints Committee appointed under paragraph (b) of subsection (1) of section 19 of the Act shall determine complaints referred to it by the Commission within 1 month unless it requires further investigation.

(2) Complaints under sub-regulation (1), include complaints

- (a) against media institutions for publications by newspapers or broadcasts by radio or television stations;

- (b) against persons engaged in media services for breach of these Regulations;

- (c) for breach of conditions attached to licence or registration of media institutions;

- (d) for breach of the Act.

(3) The Complaints Committee shall receive complaint referred to it by the Commission, inquire into the complaint and make recommendations to the Commission.

(4) Hearings of the Complaint Committee shall be conducted in public.

34. (1) Complaint to the Commission shall be -

Complaints Committee.

- (a) filed to the Commission in such form as may be specified by the Commission;
- (b) accompanied by an affidavit setting out the facts on which the complaint is based; and
- (c) lodged within 6 months of the offending publication or broadcast.

(2) Complaints shall be arbitrated between the complainant and the person against whom a complaint is made, in the presence of their legal representative who may only be heard on matters of law and editorial issues.

(3) A media practitioner or institution that refuses to respond to the subpoena of the Complaint Committee without a valid reason and refuses to send a representative to the Complaint Committee, is liable to -

- (a) a fine not exceeding 1,000.00 Leones for each sitting in which he is absent; and
- (b) suspension of his licence if he is absent for 3 consecutive sittings.

(4) Where a media practitioner or institution fails to appear before the Complaint Committee, the Committee shall, after an affidavit of service has been filed, proceed to hear the complaint as if the media practitioner or institution is in attendance.

(5) Witnesses and evidence are only allowed at the discretion of the Complaint Committee.

(6) The Complaint Committee shall, at the determination of the complaint, submit a report containing its recommendations to the Commission.

(7) The Commission shall, on receipt of the recommendations of the Complaint Committee under sub-regulation (6), -

- (a) issue a warning;
- (b) order media practitioner or institution concerned to publish or broadcast an apology, a retraction;
- (c) reprimand the media practitioner or institution concerned; or
- (d) impose such fine as prescribed in these Regulations.

(8) Where a party fails to pay a fine imposed by the Commission, the Commission shall suspend the registration and licence of the person or media institution concerned until they comply with the order.

(9) A media practitioner or institution aggrieved with the decision of the Commission under sub-regulation (7), shall appeal to the High Court within 30 days provided that such appeal shall not act as a stay of the decision of the Commission.

MADE THIS *4th day of October, 2022.*

MOHAMED SWARAY
*Minister of Informations and
Communications,*

FREETOWN,
SIERRA LEONE,