

DRAFTING NOTE

MEDIA FREEDOM AND ACCESS TO INFORMATION ACT

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed Assembly Act. It identifies the legislative need, the relationship with earlier Eritrean law, the principal matters retained, the modernization choices made and the place of the draft within the emerging constitutional statute book. The instrument remains a consultation draft and should be finalized only after legal, institutional, fiscal and public review.

2. Legislative need and prior law

The draft replaces Press Proclamation 90/1996 and the censorship, licensing and monopoly practices associated with the closed information order.

3. What the draft retains

It retains ordinary liability for unlawful threats, serious privacy violations, defamation under law, child protection and transparent use of public resources.

4. What the draft updates and modernizes

It protects publication without journalist licensing, plural ownership, sources, public broadcasting independence, access to government information, online speech, correction and reply, narrowly tailored restrictions, independent regulation and judicial remedies.

5. Constitutional, code and treaty fit

The draft is framed under the Constitution of Eritrea 1997 and must be read with the Civil Code, Penal Code, Civil Procedure Code and Criminal Procedure Code of Eritrea 2015 where those Codes govern. It is also coordinated with the other institutional, financial, commercial, land, labour, administrative and sectoral drafts in this collection. References to international or regional standards guide compatibility and implementation; they do not bypass the Treaty-Making Act or convert an unincorporated instrument into domestic law.

6. Scope and organization

The principal divisions address preliminary provisions; freedom of expression and media; journalistic sources, searches and records; media establishment, ownership and broadcasting; standards, responsibility and unlawful content; online media and intermediaries; right of access to information; media and information commission; exemptions from access; access procedure, review and remedies; transitional and final provisions.

7. Transition, implementation and consultation

The draft preserves lawful accrued rights, completed transactions, pending proceedings and institutional continuity where appropriate, while preventing temporary savings from preserving unconstitutional coercion or indefinite executive discretion. Before enactment or issuance, authentic predecessor instruments and amendments should be verified, cross-references and fiscal capacity confirmed, implementing regulations and digital systems prepared, and affected institutions, professions, communities and the public given a practical opportunity to comment.

CONSULTATION DRAFT — NOT ENACTED LAW

ACT NO. ____ OF 2026

MEDIA FREEDOM AND ACCESS TO INFORMATION ACT

(ASSEMBLY ACT)

AN ACT TO PROTECT FREEDOM OF EXPRESSION, FREEDOM OF THE PRESS AND OTHER MEDIA, AND THE RIGHT OF CITIZENS TO ACCESS INFORMATION; TO PROVIDE FOR INDEPENDENT AND PLURALISTIC MEDIA, PROTECTION OF JOURNALISTIC SOURCES, TRANSPARENT PUBLIC BODIES AND FAIR ACCESS-TO-INFORMATION PROCEDURES; AND TO PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Article 19(2) of the Constitution guarantees every person freedom of speech and expression, including freedom of the press and other media, and Article 19(3) guarantees every citizen access to information;

WHEREAS Articles 18, 24, 26 and 28 of the Constitution protect privacy, fair administration, narrowly defined limitations and effective enforcement of fundamental rights;

WHEREAS democratic government requires criticism, investigation, diverse ownership, access to public records and institutions that answer the public rather than control public discussion;

WHEREAS digital technology enables inexpensive publication and broad access while creating new responsibilities concerning privacy, children, transparency and unlawful content;

NOW, THEREFORE, the National Assembly of Eritrea, acting under Articles 19 and 32 of the Constitution, enacts as follows:

CHAPTER I
PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the “Media Freedom and Access to Information Act 2026.”

Article 2 — Purposes

1. to protect independent expression and journalism in every medium;
2. to prevent prior censorship, political licensing and retaliation for lawful criticism;
3. to promote pluralistic, competitive and transparent media ownership;
4. to establish enforceable access to public information and proactive publication;
5. to balance expression with privacy, reputation, child protection and other constitutional rights through narrow lawful measures; and
6. to establish independent review and effective remedies.

Article 3 — Application

1. This Act applies to print, broadcast, online, audiovisual, community, public and other media and to every public body holding information.
2. The protection of expression applies to every person and is not limited to professional journalists or citizens.
3. The access right under this Act may be exercised by any person, although Article 19(3) of the Constitution independently guarantees the right to citizens.
4. A special secrecy provision prevails only where it states a specific protected interest and satisfies the Constitution and the public-interest test in this Act.

Article 4 — Interpretation

In this Act, unless the context requires otherwise—

1. “Commission” means the Media and Information Commission established under Article 44;
2. “information” includes a document, data, recording, image, communication, sample, model or knowledge recorded in any form;
3. “journalist” means a person who regularly or substantially gathers, verifies, produces or disseminates information to the public, whether employed, independent or community-based;
4. “media” means any means of communicating information, ideas or expression to the public;
5. “personal information” means information relating to an identified or reasonably identifiable natural person;
6. “public body” includes every branch, ministry, agency, commission, authority, public corporation, local government and private person performing a public function or using substantial public funds;
7. “public media” means media owned, funded or controlled substantially by the State or a public body;
8. “publish” includes make available by print, broadcast, electronic network, performance, display or another public means;
9. “source” means a person who provides information to a journalist or publisher with an express or reasonably implied expectation of confidentiality; and
10. “third-party platform” means an electronic service hosting, transmitting or indexing content supplied by users.

Article 5 — Interpretive principles

1. Freedom of expression protects information and ideas that offend, disturb, criticize or challenge a government, institution or majority.
2. A limitation shall satisfy Article 26 of the Constitution and shall be prescribed by clear law, pursue a permitted purpose, be necessary, proportionate and preserve the essential content of the right.

3. Public officials and institutions shall tolerate greater scrutiny concerning public functions than private persons.
4. National security, public order, morality and misinformation shall not operate as undefined grounds for censorship.

CHAPTER II FREEDOM OF EXPRESSION AND MEDIA

Article 6 — Freedom to publish

1. Every person may seek, receive, create, edit, print, broadcast, display and distribute information and ideas through any lawful medium.
2. No person requires a license to be a journalist, author, publisher, photographer, commentator or online speaker.
3. No public body shall require political approval, professional ideology, party membership or loyalty declaration as a condition of publication.
4. The State shall not monopolize printing, distribution, broadcasting, news supply, internet access or advertising.

Article 7 — No prior censorship

1. Prior censorship and pre-publication approval are prohibited.
2. A court may restrain publication only to prevent a specific, imminent and serious harm that cannot reasonably be addressed by a less restrictive remedy.
3. The applicant bears the burden and the journalist or publisher shall receive notice and an urgent hearing, except for a strictly temporary order where notice would defeat protection.
4. An interim order expires within forty-eight hours unless confirmed after hearing.

Article 8 — No imprisonment for publication offences

1. A person shall not be imprisoned merely for defamation, insult, criticism, false news or publication of information.
2. Intentional incitement to imminent violence, a true threat, child sexual-abuse material and another independently defined serious offence remain governed by law.
3. A content offence shall require clear elements, appropriate fault and proof beyond reasonable doubt.
4. A public official shall not use criminal process to suppress criticism or avoid civil scrutiny.

Article 9 — Newsgathering and public places

1. A journalist and member of the public may observe, record and report events in a public place subject to lawful and proportionate restrictions.
2. Police, military and public officers performing public functions have no general right to prevent recording.
3. A restricted area shall be designated by law or a specific safety need and shall not be expanded to prevent scrutiny.

4. Accreditation may facilitate access to limited space but shall not determine who is a journalist.

Article 10 — Editorial independence

1. An owner, advertiser, government, donor or other person shall not compel a journalist to publish as independent reporting material known to be political or commercial direction.
2. Sponsored content and State-funded communication shall be identified clearly.
3. Public funding shall be allocated through objective, transparent and viewpoint-neutral criteria.
4. Employment and professional standards may govern accuracy and ethics without requiring political conformity.

Article 11 — Protection against retaliation

1. No person shall be dismissed, denied a public service, investigated, detained, taxed selectively or otherwise penalized for lawful expression or journalism.
2. A public officer, employee or contractor disclosing wrongdoing may invoke whistleblower protection under applicable law.
3. A threat, attack, disappearance or unlawful surveillance directed at a journalist shall be investigated promptly and independently.
4. The State shall protect a journalist facing a specific serious threat without controlling the journalist's work.

Article 12 — Right of reply and correction

1. A person materially affected by a significant factual error may request a prompt and proportionate correction or reply.
2. Opinion, satire and fair comment are not corrected as factual error merely because they are disputed.
3. A correction shall receive reasonable prominence and shall not require the publisher to adopt the claimant's opinion.
4. Dispute may be referred to the Commission or a court for proportionate relief.

CHAPTER III JOURNALISTIC SOURCES, SEARCHES AND RECORDS

Article 13 — Source confidentiality

1. A journalist and media organization may refuse to disclose a confidential source and information capable of identifying the source.
2. Protection applies to notes, communications, metadata, devices and unpublished material.
3. Protection survives employment, publication and the death or withdrawal of the source.
4. A contract or employment policy shall not waive the public-interest protection without the source's informed consent.

Article 14 — Exceptional disclosure order

1. Only the competent regional court may order source disclosure.
2. The applicant shall prove that disclosure is strictly necessary to prevent imminent serious harm or determine a serious offence, the information is essential, and every reasonable alternative has failed.
3. The Court shall balance the public interest in source protection, press freedom, justice, safety and the likely harm to the source.
4. An order shall be narrow, reasoned and subject to appeal before disclosure where practicable.

Article 15 — Search and seizure

1. Search of media premises, a journalist, device or record requires a judicial warrant based on probable cause and particular description under Article 18 of the Constitution.
2. The court shall consider less intrusive means, source protection, privilege and risk to unrelated material.
3. An independent officer or special master may separate responsive material and protect confidential sources.
4. A general search, newsroom raid for intimidation or seizure preventing continued publication is prohibited.

Article 16 — Surveillance

1. Targeted surveillance of a journalist requires the same legal authority and safeguards applicable to the most protected confidential communication.
2. Journalistic work, criticism or contact with a source is not probable cause.
3. Emergency surveillance shall receive prompt judicial review and shall cease where standards are not satisfied.
4. A person unlawfully surveilled is entitled to notice when doing so no longer creates a specific serious risk and may seek a remedy.

CHAPTER IV MEDIA ESTABLISHMENT, OWNERSHIP AND BROADCASTING

Article 17 — Establishment of media enterprise

1. A media enterprise may be formed under the Commercial Code or applicable law without a special political license.
2. A simple public registration may require name, service address, responsible legal person and ownership information necessary for accountability.
3. Registration shall not examine viewpoint, ethnicity, religion, editorial policy or government support.
4. Failure to register does not criminalize individual expression.

Article 18 — Ownership transparency

1. A media enterprise shall disclose direct and beneficial owners, controlling interests and material State or foreign funding.
2. Disclosure shall be publicly accessible and updated after material change.
3. Privacy of minor non-controlling investors may be protected where accountability is not impaired.
4. Concealment of control may result in proportionate civil remedy after due process.

Article 19 — Pluralism and concentration

1. Competition law applies to media ownership, advertising, distribution, telecommunications and digital markets.
2. The Commission may recommend sector thresholds necessary to prevent a person from controlling an excessive share of public information markets.
3. A threshold shall consider market size, language, medium, audience, entry barriers and editorial diversity.
4. Divestiture or structural remedy requires law, evidence, proportionality and independent review.

Article 20 — Foreign participation

1. Foreign investment in media is permitted subject to transparent national laws of general application.
2. A narrowly tailored ownership limit may be enacted to protect pluralism or security but shall not be used to exclude independent viewpoints.
3. Foreign funding shall be disclosed where material.
4. Editorial decisions remain subject to Eritrean law and professional responsibility.

Article 21 — Broadcast spectrum authorization

1. Use of scarce radio spectrum requires authorization under the electronic-communications law.
2. Authorization shall be issued by an independent regulator through transparent, objective, competitive and viewpoint-neutral criteria.
3. Criteria shall promote pluralism, community service, national and local coverage, Eritrean languages and efficient spectrum use.
4. A license shall not be suspended or revoked for lawful criticism.

Article 22 — Community and non-profit media

1. Spectrum and public-support policy shall reserve fair opportunity for community, educational and non-profit media.
2. Requirements shall be proportionate to scale and shall not force community media into commercial structures.
3. Communities shall control editorial priorities subject to law and rights.

4. Application and technical assistance shall be accessible outside Asmara.

Article 23 — Public media

1. Public media shall serve the public rather than the Government or a political party.
2. Its governing board shall be independent, pluralistic and appointed through transparent merit and Assembly approval.
3. Public media shall provide accurate news, diverse views, equitable electoral coverage, cultural and educational programming and service in Eritrean languages.
4. Editorial appointments and content shall not be directed by the President, a minister, military, intelligence service or political organization.

Article 24 — Public media funding

1. Funding shall be adequate, transparent, audited and protected from retaliation for editorial content.
2. The National Assembly shall approve the public-media budget under objective multi-year principles where practicable.
3. Commercial revenue and sponsorship shall be disclosed and shall not compromise editorial independence.
4. The Auditor General shall audit finances but shall not direct content.

CHAPTER V STANDARDS, RESPONSIBILITY AND UNLAWFUL CONTENT

Article 25 — Professional standards and self-regulation

1. Media organizations and journalists may establish independent ethical councils and codes.
2. Standards may address accuracy, correction, privacy, conflicts, children, discrimination and separation of advertising.
3. Membership shall be voluntary unless an Assembly Act establishes a narrowly tailored co-regulatory system consistent with this Act.
4. Ethical breach alone does not create criminal liability.

Article 26 — Civil defamation

1. A person may bring a civil claim for a false statement of fact causing serious reputational harm.
2. The claimant shall prove falsity, reference, publication and serious harm.
3. A public official or public figure shall also prove knowledge of falsity or reckless disregard concerning public conduct.
4. Truth, honest opinion, fair report, privilege, reasonable public-interest publication and innocent dissemination are defenses.

Article 27 — Proportionate remedies

1. A court shall prefer correction, reply, declaration or apology where sufficient.
2. Damages shall be proportionate to proven harm and shall consider mitigation, resources, public interest and chilling effect.
3. Punitive damages require intentional malicious conduct and shall remain exceptional.
4. An order shall not close a media organization or prevent unrelated publication.

Article 28 — Privacy and dignity

1. Publication intruding on privacy is lawful where consent, public record, protection of rights or a substantial public interest justifies it.
2. Public interest includes exposing wrongdoing, protecting safety, informing democratic choice and correcting significant public deception.
3. Curiosity, humiliation or commercial attraction alone is not public interest.
4. Remedies shall consider truth, method, vulnerability, prior conduct and availability of less intrusive reporting.

Article 29 — Children

1. The best interests, dignity, safety and evolving capacities of a child shall guide publication concerning the child.
2. Identity shall be protected in sexual, family, protection and criminal matters unless lawful consent and public interest justify disclosure.
3. A child's informed views shall be considered according to age and maturity.
4. Reporting on children shall avoid stigma, exploitation and foreseeable serious harm.

Article 30 — Incitement and threats

1. Intentional advocacy directly inciting imminent violence or discrimination likely to produce serious harm may be restricted by law.
2. The decision-maker shall consider context, speaker, intent, content, reach, likelihood and imminence.
3. Mere offense, historical discussion, artistic expression, religious disagreement or criticism of a group is insufficient.
4. A restriction shall target the responsible expression rather than suppress an entire medium or community.

Article 31 — National security information

1. Publication may be restricted only where it creates a specific and demonstrable risk of serious harm to a legitimate national-security interest.
2. Embarrassment, exposure of wrongdoing, political criticism or information already lawfully public is not national-security harm.

3. A journalist is not liable for receiving or publishing classified information in the public interest unless the journalist participated in unlawful acquisition beyond ordinary newsgathering and serious harm was intended or recklessly disregarded.
4. The State bears the burden in any restriction proceeding.

Article 32 — Election coverage

1. Public media shall provide equitable and impartial coverage under electoral law.
2. Private media may adopt editorial positions but shall disclose paid political advertising and its sponsor.
3. A blackout or silence period shall be narrowly limited to voting integrity and shall not prevent reporting of genuine urgent news.
4. Election authorities shall not censor criticism under the name of fairness.

CHAPTER VI ONLINE MEDIA AND INTERMEDIARIES

Article 33 — Online publication

1. Online speakers and publishers enjoy the same constitutional protection as other media.
2. A website, blog, podcast, channel or social-media account does not require media licensing.
3. A general internet shutdown, platform blocking or network throttling is prohibited.
4. Targeted restriction requires a court order, clear law, necessity, proportionality and technical precision.

Article 34 — Intermediary protection

1. A third-party platform is not liable merely for transmitting, caching, indexing or hosting user content without knowledge and control sufficient to establish responsibility.
2. Removal may be required by a specific court order or a lawful notice concerning manifestly unlawful material under published procedure.
3. A platform shall provide notice and a fair counter-notice process where practicable.
4. General monitoring of all users is not required.

Article 35 — Platform transparency

1. A large platform operating materially in Eritrea shall publish understandable content rules, advertising transparency, complaint procedure and periodic enforcement statistics.
2. Government requests to remove, restrict or identify content shall be recorded and published unless a court permits temporary secrecy for a specific risk.
3. Automated moderation materially affecting Eritrean public discussion shall provide reason and appeal.
4. Trade-secret claims shall not conceal systemic rights impacts from an independent regulator or court.

Article 36 — Digital identity and anonymity

1. A person may speak anonymously or pseudonymously.
2. Identity disclosure requires lawful authority, necessity and proportionality, ordinarily through a court order.
3. Anonymity does not immunize crime or civil wrong proven through lawful process.
4. A platform shall protect identifying data from unauthorized access.

CHAPTER VII RIGHT OF ACCESS TO INFORMATION

Article 37 — Right of access

1. Any person may request information held by a public body without stating a reason.
2. The right applies to information created, received, controlled or held for the public body.
3. A private body performing a public function or receiving substantial public funds is covered to that extent.
4. Access includes inspection, copy, data export and accessible format where reasonably available.

Article 38 — Duty to assist

1. A public body shall assist a person to identify records, make a request and obtain accessible information.
2. A request shall not be rejected for imperfect wording where the information can reasonably be identified.
3. Language, disability, literacy, location or lack of technology shall receive reasonable accommodation.
4. Requests may be oral where writing would impose a substantial barrier.

Article 39 — Time for response

1. A public body shall decide a request within fifteen business days.
2. The period may be extended once for no more than fifteen business days for volume, consultation or retrieval complexity, with written reasons.
3. Information concerning life, liberty, urgent health, imminent environmental harm or a current election shall be provided as soon as practicable.
4. Silence after the deadline is a refusal subject to appeal.

Article 40 — Fees

1. No fee shall be charged for making a request, search, review or electronic delivery.
2. A reasonable reproduction or physical-delivery cost may be charged after estimate.
3. Fees shall be waived where disclosure is in the public interest, the requester is indigent or the record concerns personal rights.
4. Prepayment shall not be used to obstruct access.

Article 41 — Proactive publication

1. Every public body shall publish its mandate, structure, officials, powers, laws, procedures, services, forms, fees, budgets, procurement, contracts, audits, decisions and complaint mechanisms.
2. Publication shall include data reasonably necessary to evaluate performance and public expenditure.
3. Information shall be current, searchable, accessible, reusable and available without registration where practicable.
4. A public body shall maintain an information-publication scheme approved by the Commission.

Article 42 — Open meetings and records

1. A governing meeting of a public body shall be open unless a specific lawful ground requires a closed portion.
2. Notice, agenda, supporting public documents, decisions and minutes shall be published promptly.
3. Closure shall be voted and reasons recorded.
4. A closed meeting shall not discuss a matter outside the stated protected ground.

Article 43 — Records management

1. A public body shall create, classify, preserve, search and lawfully dispose of records under approved schedules.
2. Destruction, concealment or alteration intended to defeat access, audit, litigation or accountability is prohibited.
3. Electronic systems shall preserve metadata and version history necessary for authenticity.
4. Missing records shall be reported and investigated.

CHAPTER VIII MEDIA AND INFORMATION COMMISSION

Article 44 — Establishment and independence

1. An independent Media and Information Commission is established.
2. The Commission shall not be subject to direction by the President, a minister, the Authority, military, intelligence service, political organization, media owner or advertiser.
3. Its budget shall be approved by the National Assembly and audited by the Auditor General.
4. The Commission shall act transparently and publish reasons.

Article 45 — Composition and appointment

1. The Commission consists of seven members with experience in law, journalism, broadcasting, technology, records, human rights and public administration.

2. The President shall appoint members from a public merit list prepared by the Civil Service Administration Commission, with approval of the National Assembly.
3. Membership shall reflect gender, linguistic, regional and professional diversity.
4. A current party officer, elected official, senior government official, intelligence officer or controlling media owner is ineligible.

Article 46 — Functions

1. The Commission shall—
 - a. protect media freedom and monitor threats;
 - b. decide access-to-information appeals;
 - c. oversee proactive publication and records compliance;
 - d. advise on media pluralism, public media and digital-platform transparency;
 - e. promote voluntary ethical and literacy initiatives;
 - f. conduct inquiries and publish reports; and
 - g. refer offences or systemic violations to competent bodies.
2. The Commission shall not censor content or license journalists.

Article 47 — Powers and limits

1. The Commission may require records, summon witnesses, inspect public information systems and issue compliance orders within jurisdiction.
2. It may not compel disclosure of journalistic sources except through Article 14.
3. It may not impose criminal punishment or determine defamation damages.
4. Its orders are subject to review by the competent regional court.

Article 48 — Tenure and removal

1. A member serves one non-renewable term of six years, with initial terms staggered by law.
2. Removal requires incapacity, serious misconduct, conflict, conviction for a serious offence or persistent failure of duty.
3. The member shall receive notice, hearing and reasons, and removal requires approval of the National Assembly.
4. A vacancy shall be filled through the original process.

CHAPTER IX EXEMPTIONS FROM ACCESS

Article 49 — General test

1. Information may be withheld only under a specific exemption in this Chapter.
2. The public body bears the burden of showing foreseeable substantial harm to the protected interest.
3. Only the protected portion may be withheld and the remainder shall be disclosed.
4. Every exemption is subject to the public-interest override in Article 56 unless expressly and constitutionally unavoidable.

Article 50 — Personal privacy

1. Personal information may be withheld where disclosure would unreasonably invade privacy.
2. Disclosure may be made with consent, for the person concerned, under law or where public interest outweighs privacy.
3. Public officials have reduced privacy concerning qualifications, public duties, expenditure, conflicts and misconduct.
4. Sensitive health, child, biometric and family information receives heightened protection.

Article 51 — National security and defence

1. Information may be withheld where disclosure would create a specific, foreseeable and substantial risk to defence, lawful intelligence operations or protection from serious threats.
2. The exemption does not cover illegality, corruption, human-rights abuse, environmental harm, public expenditure or information already public merely because it is classified.
3. Classification is evidence but not conclusive.
4. Historical information shall be reviewed and declassified when harm no longer exists.

Article 52 — Law enforcement and fair trial

1. Information may be withheld where disclosure would materially prejudice an active investigation, reveal a protected source, enable evasion, endanger a person or deny a fair trial.
2. The exemption ends when the risk ends and does not conceal completed misconduct or statistical accountability.
3. A person's own arrest, detention, charge and case information shall be accessible subject to legitimate protection of others.

Article 53 — Commercial and economic interests

1. A genuine trade secret or confidential commercial information may be withheld where disclosure would cause substantial competitive harm.
2. The exemption does not conceal public contracts, beneficial ownership, subsidies, licenses, taxes, environmental effects, corruption or performance of a public function.
3. Macroeconomic information may be withheld temporarily where premature disclosure would cause serious demonstrable harm.
4. The affected third party may be consulted but does not control the decision.

Article 54 — Deliberative process and legal privilege

1. Pre-decisional advice may be withheld temporarily where disclosure would seriously inhibit candid deliberation.

2. Facts, evidence, final decisions, reasons, adopted policy and records of improper influence shall be disclosed.
3. Legal professional privilege is protected according to law but shall not conceal the fact, cost or general subject of public legal work.
4. Privilege does not protect communication made to further illegality.

Article 55 — Safety, heritage and environment

1. Information may be withheld where disclosure would create a serious risk to a vulnerable species, cultural site, critical infrastructure or personal safety.
2. The public body shall consider controlled access, aggregation, delayed release or redaction.
3. Environmental emissions, contamination and imminent public-health risk shall not be withheld.

Article 56 — Public-interest override

1. Information shall be disclosed where the public interest in disclosure outweighs the protected harm.
2. Public interest includes exposing illegality, abuse, corruption, danger, environmental harm, misuse of funds, misleading government statements or serious rights violations.
3. The status or motive of the requester does not reduce public interest.
4. A reasoned balancing analysis shall accompany refusal.

CHAPTER X ACCESS PROCEDURE, REVIEW AND REMEDIES

Article 57 — Information officer

1. Every public body shall designate a trained information officer and publish contact details.
2. The head remains responsible for compliance and adequate records systems.
3. The officer shall maintain a request log without recording unnecessary requester identity.
4. Performance shall not be measured by refusal rates.

Article 58 — Form of refusal

1. A refusal shall identify the record, exemption, material facts, harm, public-interest analysis, severability and appeal procedure.
2. A public body shall confirm whether a record exists unless confirmation itself would cause the protected harm.
3. A blanket or formulaic refusal is invalid.
4. A refusal based on another body's interest remains the responsibility of the body receiving the request.

Article 59 — Internal review

1. A requester may seek internal review within thirty days.
2. A senior officer not involved in the original decision shall decide within ten business days.
3. Failure to decide permits immediate appeal to the Commission.
4. Urgent information may bypass internal review.

Article 60 — Appeal to Commission

1. A person may appeal refusal, delay, excessive fee, inaccessible format, incomplete search or proactive-publication failure.
2. The Commission may inspect any disputed record, including confidentially, and the public body bears the burden.
3. The Commission may order search, disclosure, correction of procedure, fee waiver, publication or records improvement.
4. An appeal shall be decided within thirty days and urgent cases promptly.

Article 61 — Judicial review

1. A party may seek review in the competent regional court.
2. The Court may examine the record and determine legality, constitutional compliance, harm and public interest independently.
3. The Court may order disclosure, injunction, declaration, correction, compensation where authorized and other effective relief.
4. Proceedings shall be expedited where information loses value with time.

Article 62 — Protection for good-faith disclosure

1. A public officer is protected from civil, criminal and disciplinary liability for good-faith disclosure under this Act.
2. Protection extends to reasonable disclosure of wrongdoing where internal or official channels are ineffective or dangerous.
3. Knowingly false disclosure or unlawful revelation causing serious harm remains subject to applicable law with appropriate intent.

Article 63 — Criminal referral concerning records and obstruction

1. Evidence of knowing destruction, falsification, concealment or unauthorized alteration of a record to defeat this Act shall be referred where the conduct may constitute an offence defined and classified by the Penal Code or another Assembly Act.
2. Threatening or retaliating against a requester, journalist, source, information officer or Commission witness is prohibited and may attract institutional, civil or administrative remedies.
3. Criminal liability requires the elements prescribed by the governing criminal law and shall not punish a good-faith records error.

4. Institutional remedies and discipline do not exclude criminal accountability under the governing law.

CHAPTER XI TRANSITIONAL AND FINAL PROVISIONS

Article 64 — Transition from prior press regime

1. A newspaper, publisher, journalist, broadcaster or media body operating at commencement may continue without political relicensing.
2. A prior registration shall be converted to the simple registration in Article 17 without substantive reapplication.
3. A broadcast spectrum authorization continues temporarily subject to conversion under transparent communications law.
4. A prior censorship, closure, banning or political accreditation order ceases upon commencement unless a court confirms a restriction under this Act.

Article 65 — Release and return of materials

1. A public body shall review seized publications, equipment, archives and records within thirty days.
2. Material not required as evidence under a valid court order shall be returned promptly.
3. A banned archive shall be transferred to a lawful public or private custodian and made accessible subject to narrow rights protections.
4. Compensation for unlawful seizure or destruction remains available under law.

Article 66 — Implementation timetable

1. Public bodies shall appoint information officers within sixty days.
2. Proactive-publication schemes shall begin within six months.
3. The Commission shall become operational within six months, and the competent regional court may exercise urgent functions in the interim.
4. Public media governance shall be brought into conformity within nine months.

Article 67 — Regulations and Commission rules

1. The President may issue regulations concerning access forms, electronic publication, reasonable reproduction costs, media registration and administrative implementation.
2. Regulations shall not license journalists, authorize censorship, expand exemptions, create content offences or control editorial decisions.
3. The Commission may issue procedural rules and non-binding guidance after public consultation.
4. Technical standards shall preserve low-bandwidth, disability and non-electronic access.

Article 68 — Repeal

1. Press Proclamation 90/1996 and its amendments and implementing instruments are repealed.
2. Any other inconsistent press-control, censorship or access restriction is repealed only when identified by verified number, year and title in the statute-law revision schedule.
3. Lawful accrued rights, contracts and pending civil claims are preserved subject to this Act.
4. A prior political ban, censorship instruction or unpublished restriction is not preserved.

Article 69 — Commencement

1. This Act enters into force thirty days after publication in the Gazette.
2. Articles 6 to 16 and the prohibition against prior censorship apply immediately upon commencement.
3. Access requests may be filed immediately, whether or not a public body has completed its publication system.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA