

THE LAW OF THE REPUBLIC OF TAJIKISTAN ON THE PRESS AND OTHER MASS MEDIA

Chapter I General Provisions

Article 1 The Mass Media

The mass media shall be represented by editorial boards of the periodical press, television and radio by news agencies and other institutions engaged in the output of the mass media information.

In conformity with this Law the following shall be regarded as the mass media: newspapers, magazines, bulletins and other periodicals intended for public distribution and issued not less than once every three months, as well as television and radio broadcasts, news-reels, information of news agencies, audio and audio-visual recordings and programmes.

Article 2 Freedom Of the Press

The press and other mass media in the Republic of Tajikistan shall enjoy freedom. Each citizen of the Republic of Tajikistan shall have the right to freely express convictions and hold opinions, to impart them in any form through the press and other mass media. No censorship of the mass information shall be allowed.

Article 3 The Language Of the Mass Media

The mass media shall implement their activities in the languages of the peoples they are providing services to or whose interests they express. The mass media shall have the right to disseminate their information in other languages.

The state shall secure the right of the citizens of the Republic of Tajikistan to use their mother tongue and other languages of the peoples of the Republic to obtain and disseminate the mass media information.

Materials of the mass media published in different languages shall be first written in the state language and then translated and published in other languages.

Article 4 The Mass Media Operation

The editorial board of a mass medium shall be a juridical person and shall act within the competence stated in its Charter.

The editorial office staff shall have the right to carry out production and economic activities on the basis of economic self-dependence and self-support.

The order of the government subsidies' allocations to the mass media shall be determined by the legislation of the Republic of Tajikistan.

Article 5 Responsibility to Supply Information

Governmental, political and public organisations, movements and public officials shall supply the information necessary to the mass media.

Article 6 Inadmissibility Of the Misuse Of Freedom Of Speech

The use of the mass media shall not be allowed to reveal the information which constitutes state secret or other specifically protected by the law secret; incitement to violent overthrow

or alteration of the existing political and social system; propaganda for war, violence and cruelty, racial, ethnic and religious discrimination or intolerance; dissemination of pornography; with a view of committing other acts liable to criminal proceedings.

The use of the mass media for interference into private life of citizens or encroachment on their rights and dignity shall be forbidden and liable to prosecution under the Law.

Article 7 The Legislation Of the Republic Of Tajikistan On the Press and Other Mass Media

The legislation of the Republic of Tajikistan on the Press and other Mass Media shall consist of this Law and other legislative acts of the Republic of Tajikistan issued pursuant to this Law.

Chapter II Organising the mass media operation

Article 8 The Right to Set Up a Mass Medium

The right to set up a mass medium shall be vested in local khukumats and other governmental bodies, political parties, public organisations, mass movements of citizens instituted in conformity with this Law, in labour collectives, as well as individuals coming of the age of 18.

No monopolisation of any mass medium (press, radio, TV, etc.) shall be allowed.

Article 9 The Mass Media Registration

The editorial board of a mass medium shall carry out its activities only upon the registration of the respective mass medium. The mass media shall be registered within a month's term upon the date of submitting the application to the state administration bodies, defined by the Government of the Republic of Tajikistan.

The mass media published on the territory of the Republic of Tajikistan founded by political parties, public associations, mass movements, unions of creative workers, co-operatives, religious institutions and other civic associations, work force collectives or individual citizens of the Republic of Tajikistan shall start their operation only upon their registration by the state bodies of the Republic of Tajikistan.

The right to start the release of the mass media information shall be valid within a year upon the receipt of the registration certificate. In the event of the expiration of the term in question the registration certificate shall be invalidated.

The change of the founder, co-founder, the form of presenting the mass media information, the title and language(s) shall be re-registered upon the application of the founder (co-founder).

Article 10 Application For a Mass Medium Registration

The application for the registration must contain the following information:

- * founder;
- * title, language(s), the mass medium location;
- * target audience;
- * programme aims and objectives;
- * target regularity of issue, size and funding sources.
- * Any other claims to register a mass medium shall be forbidden.

Article 11 Cases Of Disseminating the Mass Media Information Without the Registration

The right for public dissemination of information without the registration shall be vested in bodies of government power and state administration, other state bodies to publish official norm-setting and other acts, bulletins of judicial and arbitrary practice.

Enterprises, organisations, research and educational institutions shall have the right to produce and disseminate informative materials and documentation essential for running their operation without any registration. No registrations shall be required for the production, involving technical facilities, of printed, audio and audio-visual products, which are not intended for public dissemination or which are manifolded under manuscript copyright.

No registration shall be required for the mass media to issue less than one hundred copies of printed matter.

Article 12 Rejection To Register a Mass Medium

The rejection to register a mass medium shall be made on the following grounds:

- * if the title of a mass medium, its programme aims and objectives run counter to provisions of part one of Article 6 of this Law;
- * if a registration authority has earlier issued a mass medium certificate under the same title;
- * if the application has been submitted prior to the expiration of a one-year term on the validation of the decision to discontinue the mass medium activities.

The rejection to register shall be forwarded to the applicant in writing stating the reasons for rejection stipulated by the current legislation.

Article 13 Registration Fees

Charges shall be levied for the issue of registration certificates to the amount defined by the legislation of the Republic of Tajikistan.

Article 14 Discontinuance Of a Mass Medium

The discontinuance of a mass medium issue or publishing might be imposed on the founder's decision, on the notification of the Public Prosecutor or the authority which has registered the mass medium or a law-court.

In the event of a violation by a mass medium of the requirements of Article 6 of this Law the authority which has registered the mass medium or Public Prosecutor shall make a formal notice to the Law transgressor and for a repeated breach of the Law shall discontinue the mass medium activities pursuant to part one of this Article.

The authority which has registered the mass medium shall terminate its issue or publishing in the event of repeated within one year's term breach of requirements set in part one of Article 6 of this Law.

If a mass medium has not been issued or published for a term exceeding one year a new registration certificate shall be required to resume its activities.

In the event of the founder's decision on the discontinuance of the mass medium issue or publishing its editorial office staff or the editor (editor-in-chief) shall have the right of priority to set up a mass medium under the same title.

Article 15 Order Of Appeal Against the Rejection To Register a Mass Medium and Against a Mass Medium Discontinuance

A rejection to register a mass medium, or a violation by a body of government power of a monthly term set for registration, as well as a decision on the mass media discontinuance might be appealed by the founder or the board of editors in a law-court and shall be tried in a law-court, including property disputes, in the manner envisaged by the Civil Code of Practice of the Republic of Tajikistan.

Legal recognition of the rejection to register a mass medium or of the discontinuance of its activities as a transgression shall entail the cancellation of the decisions appealed. A cancellation of the decision on the discontinuance of the mass media operation shall entail indemnity of the loss incurred by the founder, editorial board and publisher including the repayment of the foregone income.

Article 16 Mass Medium Founder, Editor, Editorial Board and Publisher

The founder shall approve of the programme (basic principles) of the mass medium activities. Editorial board or any other institution engaged in the output of the mass media information shall implement the programme on the basis of its professional self-dependence.

The editor (editor-in-chief) shall be appointed or dismissed by the founder of the mass medium or shall be elected and relieved of the post in the manner specified in the charter of the editorial board.

The editor (editor-in-chief) shall supervise the work of the mass medium editorial board and editorial office, represent it in functional relations with the founder, publisher, contributors, governmental bodies, public organizations, other associations of citizens and individual citizens, as well as in a law-court.

The editor (editor-in-chief) shall bear responsibility to fulfil the requirements put forward to the mass medium activities under this Law and other legislative acts.

The editorial board shall be formed in the manner specified in the charter of the editorial board. The chairman of the editorial board shall be the editor (editor-in-chief).

The founder, as well as a publisher or any other juridical person maintaining logistical back-up of the output (printing, putting out) of mass media information can act in the capacity of a mass medium publisher.

Article 17 Charter Of the Editorial Board Of a Mass Medium

The charter of the editorial board of a mass medium shall be adopted by the majority vote of the general meeting of journalists' collective upon the presence of two thirds of the editorial staff and shall be approved by the mass medium founder.

The charter of the editorial board shall regulate functional relations of the founder, publisher, editor (editor-in-chief) and the editorial board, powers of the journalists' collective. The charter shall also include provisions as to the order of the distribution and usage of the income, earned through the mass medium activities and other provisions.

The charter of the editorial board must not run counter to the legislation of the Republic of Tajikistan.

Article 18 Operational, Proprietary and Financial Relations Of the Editorial Board, Founder and Publisher Of a Mass Medium

Operational, proprietary and financial relations of the editorial board, founder and publisher of a mass medium shall be regulated by the current legislation and the contract.

The contract shall define:

- * financial resources to maintain the editorial board;
- * quotas of the income (profit) earned due to the mass medium activities to be allotted in charge of the editorial board, its founder and publisher;
- * liabilities of the founder, publisher to provide proper operational, social and living conditions for the editorial office staff.

Article 19 The Mass Media and Copyright

While using published and broadcasted materials a mass medium must comply with the legislation and international copyright rules.

In the event of the infringement of copyright (plagiarism) the offender shall be brought to justice in conformity with the legislation.

Article 20 Publisher's Imprint

Each issue of a printed periodical publication shall contain the following particulars:

- * publication title;
- * founder;
- * full name of the editor (editor-in-chief);
- * issue number and the date for periodicals, the time of signing for newspapers' output to be added;
- * index for periodicals to be distributed by post offices;
- * circulation;
- * price (for commercial distribution of the publication);
- * address of the editorial office, publisher, printing house;
- * registration certificate number and the name of the authority which has issued the certificate.

An editorial board of television and radio must give the name of the television or radio editorial board at every broadcast, or not less than four times every 24 hours at continuous broadcasting.

Article 21 Control and Editorial Copies

Control copies of periodicals shall be submitted upon their issue free of charge to the Republican Book Chamber, National Library of the Republic of Tajikistan named after Firdavsi, to its founder and the All-Russia's Book Chamber, as well as to the authority which has issued the registration certificate for the publication in question. Control and editorial copies of the publications shall be submitted to other institutions and organisations in the manner specified by the Government of the Republic of Tajikistan.

Article 22 Distribution Of the Mass Media

Distribution of the mass media products shall be implemented by the publisher, post office institutions, other organisations on contractual or other legal terms, as well as by individual citizens.

Distribution of the mass media products without the publisher's imprint shall be forbidden.

Any hindrance to the distribution of the mass media which are maintained on legal grounds, as well as withdrawal of the whole or part of the circulation shall not be allowed except as on the adjudication *res judicata*.

Organisations distributing the press shall have no right to reject for political reasons a contract to distribute the press.

Article 23 Keeping the Published Information and TV and Radio Broadcast Materials

The publisher shall keep manuscripts and copies of the publications issued for a term not less than one year upon the starting date of their dissemination.

TV and radio editorial boards must preserve the materials broadcast for a period of one month upon their broadcasting date, keep register of live broadcasting, which should record the subject of the broadcast, its date, time of its start and finish and the full name of the speaker. The register shall be preserved for a one- year term upon the date of the last entry.

Article 24 The Right To Refute and Reply

Individual citizen or organisations shall have the right to lay a claim to an editorial office to refute the published information, which contravenes the facts of reality or disgraces their dignity and honour.

An individual citizen or organisation in whose regard the information infringing on their rights and legitimate interests has been published by a mass medium shall have the right to the publication of the reply in the same mass medium.

The refutation or the reply shall be published in a special column or on the same page and in the same script as the information denied within one-month term upon the date of laying the claim against the newspaper, or in the forthcoming issue of other periodical publications.

The refutation or reply has to be read out by a TV or radio speaker in the same programme or its cycle, at the same time, not later than within a month's term since the date of submitting the claim. The right to make a reply might be also given to a citizen him/herself or to an organisation representative who have submitted the claim of refutation.

The editorial board shall publish the reply. No editing of the refutation shall be allowed.

Article 25 Official Statements

The mass media set up by the bodies of government power and state administration shall publish official statements of these bodies.

The editorial board shall publish free of charge and within the term defined by the validated decision of a law-court or a state arbitration body containing the order of its publication in a particular mass medium.

Article 26 Law-Court Examination Of the Claim To Refute or Reply

In the event of a rejection by a mass medium to publish the refutation or reply or a violation by a mass medium of the monthly term defined for such publications a citizen or an organisation involved shall have the right to submit their case to a law-court within the term of one year upon the publication date.

A law-court shall examine the claim to the editorial board of a mass medium to publish a refutation or reply in the manner envisaged by the Civil Code of Practice.

Chapter III Fuctional Relations Of the mass media With Citizens and Organizations

Article 27 The Right to Obtain Information Through the Mass Media

Citizens shall have the right to timely reliable information on activities of government bodies, public associations, public officials in the mass media.

The mass media shall exercise the right to obtain such information from bodies of government power, public associations and public officials. Bodies of government power, public associations and public officials shall supply the mass media with the available information, as well as afford them an opportunity to look through the documents.

Bodies of government power, public associations and movements, public officials shall have the right to refuse to supply the information only in the event that the information shall not be subject to publication in conformity with Article 6 of this Law.

The refusal to supply the requested information might be appealed by a mass medium representative to a higher authority or public official and after that in the law-court in the manner envisaged by the Law for appeal against unauthorised actions of bodies of state administration or public officials infringing the rights of citizens.

Article 28 The Use Of Contributor's Materials and Letters

The use of journalistic, literary, artistic or scientific works by the mass media shall be allowed only in compliance with copyright.

Nobody shall have the right to oblige a mass medium to publish the material rejected by the editorial board unless otherwise stated by the Law.

In publishing readers' letters abridgement and editing shall be permissible as long as they do not twist letters' sense.

At reprinting materials from other mass media no distortions shall be allowed.

The reprinting of materials from other mass media, CIS countries as well, shall be allowed only upon their authorisation.

Article 29 Specific Cases Of Non-Divulging Information

A mass medium editorial board, a journalist shall have no right to:

- * name a person supplying information on condition not to divulge his name, except as required by a law-court;
- * divulge information on preliminary investigation without a written authorisation by a prosecutor, preliminary investigator or any other official in charge of the investigation; make public any information which can lead to identification of a minor law-breaker without his/her personal or his/her legal representatives' permission;
- * foreclose in the publications the results of the court proceedings on a particular case or tend to influence the court of trial in any other form prior to its decision or sentence entering into legal effect.

Chapter IV Rights and Duties of Journalists

Article 30 Journalist

«Journalist» in this Law should be the name standing for an individual collecting, editing or preparing material for a mass medium with which the journalist is bound by employment or other contractual relations or is engaged in the stated activities on its authorisation.

Article 31 Journalist's Rights

A journalist shall have the right to:

- * seek, receive and impart information;
- * be received by a public official in connection with exercising of the journalist's professional duties;
- * make any notes, including use of audio-visual technical facilities, shooting and photographing with the exception of cases envisaged by the law;
- * attend natural disaster areas on submission of a journalist identification card;
- * appeal for expertise while verifying facts and circumstances due to the materials obtained;
- * refuse to prepare the material under one's personal hand counter to the personal convictions and principles;
- * call off one's signature under the material the content of which, in the journalist's opinion, was garbled in editing process;
- * stipulate the pledge of authorship secrecy.

A journalist shall also exercise other rights envisaged under this Law.

Article 32 Journalist's Duties

A journalist is bound:

- * to implement the programme of the mass medium activities with which the journalist is bound by employment relations in compliance with the charter of the editorial board;
- * to check on the veracity of the reported information;
- * to grant the requests of persons providing information to state their authorship should the information be made public for the first time;
- * to refuse to fulfil the task assigned by the editor (editor-in-chief) or editorial board if it entails the breach of the law;
- * to respect the rights, legitimate interests, national dignity of citizens, rights and legitimate interests of organisations.

A journalist shall perform other duties implied by this Law.

Article 33 Accreditation Of Journalists

On agreement with governmental, political and public organisations and movements the mass media might accredit their journalists with them.

An accredited journalist shall exercise the right of admission to meetings and other events held by the accrediting organisation, the journalist shall be supplied with shorthand reports, minutes and other documentation in the manner specified by this organisation.

The accreditation of foreign journalists might be ceased by the Ministry of Foreign Affairs of the Republic of Tajikistan for a violation of the Constitution and legislation of the Republic of Tajikistan, repeated preparation and dissemination misleading information on the internal and external policies of the Republic of Tajikistan damaging its interests.

On the official bodies' authorisation the mass media might have their own correspondents in foreign countries.

Chapter V Liabilities for the breach of legislation on the press and mass media

Article 34 Grounds for Liabilities

The misuse of the freedom of speech, dissemination of the information contravening the real facts, bringing disgrace to the honour and dignity of a citizen or an organisation, affecting of court proceedings shall entail criminal and administrative liability in conformity with the legislation of the Republic of Tajikistan.

The offending officials of governmental and public bodies, as well as the editorial board, editor (editor-in-chief) of a mass medium, authors of disseminated information and materials shall bear the responsibility for the breach of the legislation on the press and other mass media.

Article 35 Cases Of Relief Of Liability For Dissemination Of Information Contravening the Facts

The editor (editor-in-chief), as well as a journalist shall be relieved of the responsibility for dissemination of the information contravening the facts in a mass medium:

- * if the information has been contained in official statements;
- * if the information has been provided by news agencies or press-offices of state or public bodies;
- * if the information is a literal rendering of statements by People's Deputies at congresses and council sessions, delegates to congresses, conferences, plenary meetings of public associations, as well as in formal addresses of public officials of governmental and public bodies;
- * if the information has been part of an author's speech which was broadcast without prior recording or has been part of the texts not to be subject to editing pursuant to this Law.

Article 36 Inadmissibility Of Interference Into the Mass Media Activities

Hindrance to journalists' lawful professional activities, coercion of journalists to disseminate or repudiate the information on the part of state and public bodies shall entail criminal liability and shall be subject to penalty to the amount of twelve fixed minimum wages.

Article 37 Liability For Illegal Production and Dissemination Of the Mass Media Information

Production and dissemination of a mass medium products without its registration in conformity with this Law or after the decision on the discontinuance of its issue or publishing shall be liable for administrative responsibility in the form of penalty to the amount of twelve fixed minimum wages imposed by a judge of a People's Court and confiscation of all the copies printed or other products.

A repeated within one- year term breach of the law under part one of this Article shall entail criminal liability and shall be subject to penalty to the amount of twelve fixed minimum wages with the confiscation of the technical facilities owned by the offender and utilised for producing and disseminating of the information or without their confiscation.

Article 38 Indemnification Of the Moral Damage

Moral (non-property) damage inflicted on a citizen due to the dissemination by a mass medium of the information contravening the facts, which bring disgrace to the honour and dignity of citizens or inflict other non-property damage shall be indemnified by the mass medium or by offending public officials or citizens on the court judgement. The amount of the moral damage indemnification in money value shall be defined by a law-court.

Article 39 International Treaties and Agreements

The international co-operation of the mass media shall be regulated by the treaties and agreements concluded by higher bodies of government power and state administration of the Republic of Tajikistan, the mass media, journalists' professional organisations or other unions of creative workers in conformity with the rules of the international law and the legislation of the Republic of Tajikistan.

Should an international treaty or agreement stipulate other rules, than the ones envisaged by this Law the rules of international treaty or agreement shall be applicable.