

## APPENDIX I

### LAW ON MASS MEDIA OF KYRGYZSTAN

#### **Article 1. Mass Media**

Mass media shall be understood to mean newspapers, magazines or journals, and attachments to them, informational agencies, TV (cable, cable-broadcast TV) and radio broadcast, cinema—documentary publications, electronic—informational communication, and also other print, photo, mechanic, and electronic means of information supply with a constant name.

#### **Article 2. Freedom of Speech and Mass Media**

By this Law and other Legal Acts, mass media in Kyrgyz Republic are free and act according to the Constitution of Kyrgyz Republic.

Everyone has an opportunity to in mass media and expresses their opinion and convictions.

Mass media have the right, without limitations, to collect, search for, receive, distribute information, except the cases, provided by the law.

Mass media have a responsibility for that all the published information is true and authentic in an order, fixed by the Legislation.

No provision shall be made for censorship.

#### **Article 3. Information Inadmissible for Public Distribution**

No provision shall be made for the use by mass media:

- (1) divulging information making up a state or commercial secret;
- (2) propagating war, violence and cruelty, fanning national, religious intolerance or strife to other nations or people;
- (3) encroachment on the dignity and honor of the person;
- (4) distribution of false information;

#### **Article 4. Legislation on Mass Media**

Relations, connected with the activity of mass media are promulgated in accordance with the present Law and the laws of Kyrgyz Republic on “Guarantees and Freedom of Access to Information,” “Protection of Journalist’s Professional Activity,” “Author’s Rights and Adjacent Rights,” “Limitation of Monopolistic Activity, Development and Competition,” “Protection of Consumers’ Rights,” “Electric and Mail Communication” and other legislative acts of Kyrgyz Republic.

#### **Article 5. Right for Establishment of Mass Media**

Juridical and physical entities of Kyrgyz Republic may be a founder of a mass medium.

The following persons and bodies may not act as founders:

- a private citizen who has not reached 18 years of age;
- an individual who serves his order punishment in places of confinement according to the court’s sentence or a person recognized as legally unfit by a court of law;
- an association of private citizens, enterprise, institution, and organization

whose activity is banned by law;

— a citizen of another State or a stateless person who is not domiciled in Kyrgyz Republic.

One or several founders may establish a mass medium.

No provision shall be made for establishment of a mass medium by state departments together with public associations, labor unions, and citizens.

#### **Article 6. Registration of Mass Media**

Founders of a mass medium shall be registered in a set form as a legal entity or individual businessman.

The application for the registration of a mass medium is to be given to the Ministry of Justice of Kyrgyz Republic and to be considered in the period of ten days.

A mass medium shall be deemed to be registered since the issue of a registration certificate.

Mass media shall not act without registration.

The founder shall retain the right to put out its mass medium's products during one year since the day of the issue of the registration certificate.

#### **Article 7. The Application for Registration**

The application for the registration of a mass medium shall indicate:

- (1) information about the founder (co-founders);
- (2) the name of a mass medium;
- (3) language (languages) to be used;
- (4) address of its editor's office;
- (5) a form of periodical dissemination of mass communication;
- (6) the supposed area of the spread of products;
- (7) approximate topics and (or) specialization;
- (8) the supposed periodicity of issue and maximum extent of a mass medium;
- (9) sources of financing;
- (10) information about the mass media in which the applicant is a founder, owner, editor-in-chief in the editorial office or distributor.

The document certifying the payment of a registration fee shall be appended to the application.

It shall be forbidden to make any other demands during the registration of mass media.

#### **Article 8. Re-registration and Notification**

The replacement of a founder, the change of co-founders and the alteration of the name, language, and form of the periodical dissemination of mass communication, the area where the mass medium products are spread shall be allowed subject to the re-registration of this mass medium.

Mass media shall be re-registered in the same order as they are registered.

A mass medium whose activity is terminated by decision of a court of law shall

not be re-registered.

If the editorial office changes its place of location, alters the periodicity of its issue and maximum size, the founder shall be obliged to notify in written form the registration body within a month.

#### **Article 9. The Registration Fee**

For the registration and re-registration fee in the size of 50% of minimal salary shall be collected.

In case of a refusal of registration and equally of a refusal to undergo registration the applicant shall have the right to refund the registration fee.

#### **Article 10. Dissemination of Information Without Registration**

The following bodies have the right to disseminate information without registration: departments of state and executive power, and legal entities that issue official normative documents, bulletins and official documents, court practice and enterprises, institutions and organizations (including scientific and educational institutions), publishing nothing but informational materials and documents, necessary for their activity.

No registration is demanded for print, video, and audiovisual products made with the help of technical means, not for mass dissemination or copied in a written form.

#### **Article 11. Refusal of Registration**

The registration of a mass medium is refused in case if:

- (1) aims and tasks of mass medium contradict Constitution of Kyrgyz republic and the present Law;
- (2) application is filed on behalf of a private citizen, association of individuals, an enterprise, institution or organization not possessing the right of instituting mass media in keeping with the present Law;
- (3) information indicated in an application does not correspond to the reality;
- (4) respective registration body has registered earlier a mass medium with the same name and form of dissemination of mass communication.

A notification about the refusal of registration shall be forwarded to the applicant in written form with the indication of the grounds for the refusal.

Refusal of mass medium registration may be appealed in a court order.

#### **Article 12. Recognition of a Registration Certificate as Null and Void**

A certificate of the mass medium registration may be recognized as null and void by the Ministry of Justice of Kyrgyz Republic in the following cases:

- (1) if a registration certificate has been obtained by fraud;
- (2) if a mass medium does not appear (does not go on air) for a term exceeding one year;

If circumstances appear, mentioned in the first issue of this article, Ministry of Justice of Kyrgyz Republic shall send to mass medium a written notification of providing one month term for registration conformation on legal basis.

If circumstances appear, mentioned in the second issue of this article, Ministry of Justice of Kyrgyz Republic shall send to mass medium a written notification of providing one-month term for beginning activity of mass medium.

The registration fee shall not be subject to return upon the recognition of a registration certificate as invalid.

Decision on registration certificate confession as null and void may be appealed in a court order.

### **Article 13. Termination or Suspension of Activity**

The functioning of a mass medium may be terminated or suspended only by decision of its founder or by a court of law.

Activity of mass medium may be terminated or suspended by the court of law in order civil trial process for momentary violations of article 3 of the present law.

The termination of the functioning of a mass medium may be for the term of not more than 2 months.

The founder shall have the right to terminate or suspend the functioning of a mass medium exclusively in cases and in the order envisaged its statutes or the agreement concluded between the founder and the editorial office (editor-in-chief).

Repeated breaches by the editorial office of the present Law requirements, on whose occasion the registration body or other plenipotentiary bodies have made written warnings to the founder and (or) the editorial office (editor-in-chief) and likewise the non-execution of the court's ruling on the suspension of the mass medium, shall be grounds for the termination of the activity of the mass medium by the court of law.

Only the need for the security for a suit, envisaged by the second part of this article may serve as a ground for the suspension by a court of law of the activity of a mass medium.

The termination of the functioning of a mass medium shall entail the invalidity of the certificate of its registration and the statutes of the editorial office.

### **Article 14. The Status of an Editorial Office**

Legal entity, citizen, association of citizens, or structural department of legal entity that is not a legal entity, carrying out production and issuance of mass medium, can be an editorial office of mass medium.

The editorial office shall carry on its activity on the basis of its professional independence.

The editorial office may act as a founder of mass medium, editor, distributor, owner of editorial office's property.

Legal entity or citizen carrying out material and technical supply of mass media production can be an editor.

Production, property, financial and other relations between the establisher, editorial office, editor and disseminator of mass medium are regulated on the agreement's basis in accordance with the Laws of Kyrgyz Republic.

**Article 15. The Statutes of an Editorial Office**

The editor-in-chief, who takes the final decision on production and issuance of mass medium, shall direct the editorial office. Editor in chief discharges his powers on the basis of the present Law, the office's statutes, the agreement concluded between the founder and the editorial office (editor-in-chief).

The editor-in-chief shall represent the editorial office in his relations with the founder, publisher, distributor, private citizens, legal entities, and state organs and also in court. He shall bear responsibility for the fulfillment of the requirements made on the activity of a mass medium by the present Law and other legislative acts of Kyrgyz Republic.

**Article 16. Publisher's Imprint**

Every issue of a periodical printed publication shall contain the following information:

- (1) the name of the publication;
- (2) the founder (co-founders);
- (3) the full name of the editor-in-chief; the ordinal number of the issue and the date of its appearance and for newspapers
- (4) the time of signing for press (under the adjusted schedule and actual time);
- (5) postal index for publications distributed by post offices;
- (6) total circulation;
- (7) price or the note "free-market price" or "grants";
- (8) the addresses of the editorial office, publisher and the printing house.

The same data are announced for other types of mass media in an appropriate form.

With every airing of a radio or TV program and during the uninterrupted broadcasting at least four times a day, the editorial office shall be obliged to announce the program name.

Reports and materials of a news agency shall be accompanied with its name.

If a mass medium is not released from registration, the import shall also indicate the registration body and the respective registration number.

**Article 17. Control and Deposit Copies**

Free control copies of periodicals shall be sent to the State Book Chamber of Kyrgyz Republic, National Library of Kyrgyz Republic, establisher and to the institutions and organizations according to the list, approved by the Government, editor and editorial office.

**Article 18. The Storekeeping of Radio and TV Broadcasting Materials**

Editorial offices of TV and radio broadcast shall be obliged to store materials of the programs during one month from the day of airing, do registration log of programs that go on air without record done beforehand, where the topic of broadcast, date, time of the beginning and end of the program, name of the anchor

will be fixed. The registration log shall be kept during one year since the date of the latest entry in it.

### **Article 19. Publication of Obligatory Reports, Information, and Announcements**

The editorial office shall be obliged to publish free of charge and in the prescribed period:

- the court's decision that has come into force and contains the demand for its publication in a given mass medium;
- the report on the functioning of an editorial office, received from the body that has registered the given mass medium.

Mass media founded by state agencies shall be obliged to publish free of charge official reports of these agencies.

Urgent information on extreme accidents or reports of plenipotentiary state agencies for operative informing of publicity shall be published in all mass media in spite of the property form.

Any other report, information and announcement shall be published on the basis of the agreement with the editorial office.

### **Article 20. Limitation of Information Distribution**

The distribution of specialized radio and TV erotic programs without signal coding shall be allowed only from 23 hours (11 p.m.) to 4 hours (4 a.m.) local time, unless otherwise stipulated by the local administration.

Distribution of pornography in radio and TV programs shall not be allowed.

Distribution of pornography and erotic materials in the newspapers, magazines, supplements to them, and books shall be allowed in special places, defined by state administration.

Distribution of pornography and erotic materials to the persons, not reached the age of 18 shall not be allowed.

### **Article 21. The Right of Mass Media Agencies to Information**

State organs and organizations, public associations and their officials shall submit information about their activities to mass media in reply to the inquiries of editorial offices, and also by holding press conferences, circulating reference and statistical materials in other forms.

Inquiry is possible in oral and written form. Inquired information should be submitted in the period of one month.

### **Article 22 Refusal and Postponement in Submitting Information**

Refusal in submitting inquired information is only possible when the information contains information protected by the Law.

Refusal or postponement notifications in submitting information must be motivated and handed in to the representative of the editorial office in the period of three days. Refusal or postponement notifications shall have a date and requested

information attached.

Refusal on providing information may be appealed in a court order.

### **Article 23. Use of Author's Works and Letters**

Mass media may use of works of journalism, literature, art, and science if the rights to the used works are observed.

No one has the right to oblige the editorial office to publish the work declined by the editorial office or establisher.

Stylistic changes, specifications, shortenings, and editing to the texts may be used while publishing, unless its meaning is distorted.

### **Article 24. The Right of Refutation**

A private citizen or organization shall have the right to demand from the editorial office disproof of spread information that does not correspond to the reality and denigrates his or her honor and dignity.

A private citizen or organization have a right of publication of the text of refutation in the same mass medium, if the mass medium published information that denigrates his or her rights and legal interests.

The refutation or reply shall be published in a special segment, or in the same strip and with the same print like refutation publication; in the newspapers—no later than one month since the receipt of the demand about the refutation; in other periodicals—in the next issue.

Refutation or refutation text, received by the editorial office of Radio or TV shall be aired in the same program or cycle of programs no later than one month since the receipt of the demand about the refutation.

In case of refusal text's rejection, an interested side has a right to turn to the court.

### **Article 25. Cases of Information non-Divulgence**

Editorial office has no right to:

- announce a person that provided information with a condition to keep his name in secret, except cases when the information is demanded by the Court;
- announce data of inquiry, preliminary investigations, and inquests without a written permission from the inquest organ, investigator, Public Prosecutor, and the Court;
- announce any information, regarding underage offender without agreement from his legal representative.

### **Article 26. Placement of Responsibility for Violation of Law on Mass Media**

The founders, editorial offices and sections, distributors, state agencies, organizations, institutions, enterprises and public associations, officials, journalists and the authors of disseminated reports and materials shall bear responsibility for breaching the legislation of Kyrgyz Republic on mass media.

**Article 27. Absolution from Responsibility**

The editorial office, editor-in-chief, and journalist shall bear no responsibility for the dissemination of information in mass media that do not conform to the reality:

- (1) if this information is available in official documents and reports;
- (2) if this information is received from informational agencies and press services of state and public departments;
- (3) if this information is the literal reproduction of the fragments from the public speeches;
- (4) if this information is to be found in the speeches of the citizens that go on air without preliminary recording.

**Article 28. Indemnity of Moral Damages**

Moral (not property) damage, done to the citizen and, also, to the organization, as a result of dissemination of information through mass media that do not conform to the reality, and discredit honor and dignity of a citizen or organization, or cause of other non-property damage, is indemnified on the decision of the editorial office of mass medium.

**Article 29. Interstate Treaties and Agreements**

Interstate cooperation in the sphere of mass communication shall be effected on the basis of agreements concluded by Kyrgyz Republic.

The editorial offices and professional associations of journalists shall take part in international cooperation in the sphere of mass communication on the basis of agreements concluded with individuals and legal entities from other States, and also with international organizations.

**Article 30. Correspondents of Foreign Mass Media in Kyrgyz Republic**

Foreign mass media have a right to accredit their correspondents on the territory of Kyrgyz Republic, open correspondent offices according to in keeping with appropriate organs of state executive departments of Kyrgyz Republic.

Foreign mass media shall carry out their professional activity on Kyrgyz Republic territory in keeping with the Law of Kyrgyz Republic.

**Article 31. Present Law Introduction**

The present law will be in effect from the day of the publishing.

A. Akaev  
President of Kyrgyz Republic