

# **The Law on Mass Media**

## **Chapter One**

### **General Provisions**

#### **Article One:**

This Law has been enacted in accordance with Article 34<sup>th</sup> of the Constitution and Article 19<sup>th</sup> of the International Covenant of Human Rights for ensuring the protection of freedom of thought and speech and for regulating the activities of mass media in the country.

#### **Article Two:**

The aims of this law are as follows:

1. Promote and support the right of freedom of thought and speech, defend the rights of journalists and ensure the ground for their free operation.
2. Promote and develop free, independent and pluralistic media.
3. Provide suitable environment for free expression of views and feelings of citizens through speech, writing, drawing, picture, recording, acting, movement and other scientific, artistic, literary as well as printing and broadcasting.
4. Observe the right of freedom of speech and media as enshrined in international human rights convention, taking in to account the true religion of Islam.
5. To support the sound development process of mass media and enable it to become an effective means for promoting the culture in the country and reflect the public opinion honestly and usefully.

#### **Article Three:**

The following terms of this law shall mean as follows:

1. **Media:** Means or instrument of dissemination of information using the following tools:
  - **Visual:** drawings, picture, postcard and poster.
  - **Audio-video (Broadcast):** radio, television, cable network, picture mobile.
  - **Information:** Information and Press Agencies

2. **Press:** pictures and letters printed in a way conveying a meaning or picture and includes all mass media such as daily newspaper, gazette, magazine, booklet, book, preaching outlet as well speech and statement.
3. Mass Media is divided into the following categories in this law:
  - **State-run mass media:** The media that belong to the government offices and are funded and equipped by them.
  - **Organizational mass media:** The media that belongs to political, economical, social and cultural organizations and are funded and equipped by them.
4. **Journalist:** is a professional person whose job is to seek, obtain and publish information through news media.
5. **Printing House:** Economical, technical and incorporeal organization in which daily newspapers, magazines, books, newspapers, books, gazettes, announcements, posters and postcards are published.
6. **Printer:** Real or incorporeal person who, by ownership or representation, is the actual in charge of printing house affairs.
7. **Publisher:** Real or incorporeal person who is authorized to print and publish non-periodic works.
8. **Concessionaire:** Real or incorporeal persons who are engaged in printing and publishing of periodic print media and establishing radio, television, cable network, news agency and print house.
9. **Editor-in-chief:** is a person who is the actual in-charge of managing the affairs related to the media stated in paragraph 8 of this article.
10. **Publishing:** is a process through which the message of print, broadcast as well as audio and video media is conveyed to the public.
11. **Radio:** is an audio mass media instrument.
12. **Television:** is an audio-video (broadcast) mass media instrument.
13. **Cable Network:** is a mass media of audio-video (broadcast), which broadcasts different international information, educational, cultural and entertainment programs to the public through satellite connection.

## **Chapter Two**

### **Rights and Obligations**

#### **Article Four:**

1. Every person has the right to freedom of thought and speech. This right includes seeking, obtaining and dissemination of information and views without interference and restraints by government officials, including freedom of expression and broadcast, dissemination and seeking of information.
2. The government shall support and strengthen the freedom of mass media. No real or incorporeal person including the government and government officials can interdict, prohibit, censor or limit the activities of mass media or interfere in the affairs of mass media through other means. The Media Evaluation Commission enshrined in Article 42 of this law is an exception to this provision.

#### **Article Five:**

Every person has the right to seek and obtain information. The government shall provide the information sought by citizens, except the information sought is a military secret that its disclosure endangers the national security and interests.

#### **Article Six:**

1. Journalists shall come under legal protection while carrying out their professional activities including publishing reports and critique views.
2. Journalists shall have the right to avoid disclosing their source of information, or otherwise an authoritative court issues an order thereof.

#### **Article Seven:**

To defend their class interests the journalists and other members of mass media can establish independent associations according to provisions of this law.

#### **Article Eight:**

1. According to the article (3) of this law the citizens of the country can establish means of mass media.
2. Foreign political agencies, international organizations and their representatives in Afghanistan can print and publish news bulletin, according to diplomatic norms and after obtaining the permission of ministry of information and culture.

## **Chapter Three**

### **Print Media**

#### **Article Nine:**

1. The citizen of the country, political parties, registered national organizations and foreign emigrants can, according to this law and without prior permission, establish print media. Newspaper, periodic publication, and other print media can be established without previous permission.
2. The publications whose circulation is less than (200) number shall not be subject to the provision of article (13) and (28) of this law and shall not need to obtain prior permission and registration.

#### **Article Ten:**

The founder of a print media, upon registration, shall be obliged to provide the following information to the Ministry of Information and Culture:

- (1) Complete identification details and residence address of the applicant.
- (2) The name and the place/ location of the publication.
- (3) The language in which the publication is published.
- (4) The source of funding and the amount of budget.

#### **Article Eleven:**

Print media shall have its name, specified address, location of printing, the name of concessionaire, editor-in-chief and the date of publication.

#### **Article Twelve:**

The identity and the signature of author shall have to exist in the original version.

#### **Article Thirteen:**

According to the provision of this law, every print media shall have a concessionaire and an editor-in-chief.

## **Chapter Four**

### **Printing House**

#### **Article Fourteen:**

Citizens, political parties and government offices shall have the right to establish printing houses, provided that it has obtained the permission of the Ministry of Information and Culture.

#### **Article Fifteen:**

In view of the provisions of Article 24 of this law, the applicant of license for establishing printing house shall present the following information to Ministry of Information and Culture:

1. Full identity and residential domicile.
2. Name and location of the printing press.
3. Language that is used for printing.
4. Type, kind of machinery and printing equipment.
5. Source and amount of budget invested in the establishment of the printing house.

#### **Article Sixteen:**

The transfer of the printing house ownership is permissible. The person to whom the ownership is transferred shall re-adhere to directives stated in article 24 of this law.

#### **Article Seventeen:**

Without a concessionaire and editor-in-chief, operation of printing house shall not be permissible.

#### **Article Eighteen:**

Citizens, political parties, and social organizations that do not have their own printing house, shall have the right to use private and state-run printing house in accordance with financial and accounting regulations of the concerned printing house.

## **Chapter Five**

### **Audio –Visual (Broadcast) Media**

#### **Article Nineteen:**

Citizens, political parties, social organizations and other state-run and private organizations shall have the right to establish audio - visual media in accordance with the provision of this law.

#### **Article Twenty:**

1. The National Commission of Radio & Television Broadcast, which shall be comprised of five members, shall be established for better regulating of audio and visual media.
2. Chairperson and members of the National Commission of Radio & Television Broadcast shall be appointed by the President for a period of two years, the commission's tenure can be extended as required.

#### **Article Twenty-One:**

(1) The National Commission of Radio & Television Broadcast shall have the following duties and authorities:

1. Issuance of license and allocation of frequency to radio and television systems in accordance with the already set out standards.
2. Issuance of professional guidance to political parties as for using radio and television.
3. Issuance of essential guidance to owners of the electronic media in consultation with the media directors and civil society.
4. Monitoring the observation of the provisions of this law by mass media.
5. Determine broadcasting policy of the state-run radios and televisions.

(2) The National Commission of Radio & Television Broadcast is an independent entity and shall report to the President of its activities.

### **Article Twenty-Two:**

The applicant of audio and visual mass media (Radio and Television) license shall be bound to provide the following information to the National Commission of Radio & Television Broadcast, in order to acquire the license.

1. Full identity and residential domicile.
2. Name and the activity location of the audio and visual media.
3. Type of the audio-visual media.
4. Publications goals and objectives.
5. Source and the amount of budget.
6. Quantity and quality of machinery and equipment.

### **Article Twenty-Three:**

Every audio - visual media shall have a concessionaire and an editor-in-chief in accordance with the provision of this law.

## **Chapter Six**

### **Conditions and the obligations of the concessionaire**

#### **Article Twenty-Four**

The concessionaire of a mass media shall meet the following conditions:

1. Hold citizenship ID of the country.
2. Have completed 18 years of age.
3. Have not been sentenced to depravity from civil rights by an authoritative court.

#### **Article Twenty-Five;**

1. The concessionaire of audio - visual media and print media shall be bound to register the media in accordance with the provisions enshrined in this law.
2. If the publication has started prior to registration, the concessionaire shall be bound to register the media within one week, in accordance with the provisions of this law.

### **Article Twenty-Six:**

If the concessionaire believes that the decision of the Ministry of Information and Culture regarding the rejection of issuance of license is in violation of the provision of law, shall refer the case to Media Evaluation Commission, if still not satisfied, the concessionaire can appeal to a court.

### **Article Twenty Seven:**

1. The transfer of the ownership of a publication, mass media, and transfer of copyright shall be permissible. The person to whom the ownership or the right has been transferred shall be bound to re-adhere to the provisions of articles 24 and 28 of this law.
2. The right to establish publication organ and media and the right to print and publish shall lie with the concessionaire. If the right is transferred to any body else, the provision of article 24 and 28 of this law shall re-apply.

### **Article Twenty-Eight:**

The editor-in-chief of a media shall be held responsible for its publication.

## **Chapter Seven**

### **The conditions and obligations of Editor-in-chief**

### **Article Twenty-Nine:**

The editor-in-chief shall meet the following requirements:

1. Hold Afghanistan citizenship ID card.
2. Have completed eighteen years of age.
3. Hold certificate of professional education, or at least three year of experience in journalism.
4. Have not been sentenced to depravity of civil rights by an authoritative court.
5. Being not an official civil servant, unless it is a state-owned publication.

### **Article Thirty:**

The editor-in-chief shall balance the right of the critic and criticized individual in the relevant media.



## **Chapter Eight**

### **Prohibited publications**

The publication of the following matters shall not be allowed in the mass media:

1. The matters contrary to principles of Islam and offensive to other religions and sects.
2. The matters leading to dishonoring and defamation of individuals.

## **Chapter Nine:**

### **Penal provisions**

#### **Article Thirty-Two:**

The concessionaire shall be held accountable in case of violation of the provisions of this law.

#### **Article Thirty-Three:**

1. The real or incorporeal persons that embark on establishing mass media in the Afghan territory, neglecting the provisions of this law shall be sentenced to cash fine.
2. Should the founder or convener of the mass-media be a real person, shall be cash-fined in the following order:
  - Television: fifteen thousands (15,000) Afghanis.
  - Radio: ten thousands (10,000) Afghanis.
  - Information Agency: ten thousands (10, 000) Afghanis.
3. Should the founder or the convener of the mass-media be an incorporeal person, shall be cash-fined in the following order:
  4. Television: seventeen thousand (17,000) Afghanis.
  5. Radio: twelve thousand (12, 000) Afghanis.
  6. Cable Network: thirty-four thousand (34, 000) Afghanis.
  7. Information Agency: twelve thousand (12, 000) Afghanis.

#### **Article Thirty-Four:**

1. The editor-in-chief can avoid disclosing the name of the author. In this case, the responsibility arising from the publication of the subject is directed towards the editor-in-chief.

2. Critic articles with fictitious name of the author shall be allowed to be published in periodicals. The responsibility arising from the article or work lies with the editor-in-chief provided he knows the writer by name and identity.

#### **Article Thirty-Five:**

1. The author shall be prosecuted as the perpetrator of the offence if he/she is found guilty according to the provisions of this law, while the editor-in-chief shall be regarded as the accomplice.
2. Should the author is unknown; the responsibility resulted from the publication of the work lies only with the editor-in-chief.

#### **Article Thirty-Six:**

If the author is sentenced to cash-fine, he/she shall be obliged to pay the amount during the course of one month from the date of sentence, according to the provisions of the law.

### **Chapter Ten**

#### **Final provision**

#### **Article Thirty-Seven:**

Citizens of foreign countries shall be allowed to make cinematography films, on condition of prior permission of Ministry of Information and Culture.

#### **Article Thirty-Eight:**

The activities of the mass medias shall be regulated in a constitution covering objectives, duties, authorities, structure and financial affairs.

#### **Article Thirty-Nine:**

The Ministry of Information and culture is obliged to ensure facilities required for the free operation of local and foreign mass media.

#### **Article Forty:**

The concessionaire and editor-in-chief of the media who have begun their activities prior to the enforcement of this law shall have to adhere to its provisions, within two months of its enforcement date.

#### **Article Forty-One:**

Printing and publication of text and scientific books of schools and higher educational, research and professional institutions shall not be subject to this law.

#### **Article Forty-Two:**

1. An investigation commission shall be established to investigate violations stated in this law. The commission shall have the following structure:
  - Minister of Information and Culture, the chairperson,
  - Representative of Afghanistan Academy of Sciences, as member,
  - Two representatives of Journalism Faculty, as members,
  - Representative of Afghan Independent Human Rights Commission, as member,
  - Two representatives of Journalists Union, as members.
2. This Commission prescribed in the paragraph (1) of this article shall investigate the violations stated in this law. Whenever the matter requires juridical prosecution, it shall refer the case to a judicial authority for further proceedings.

#### **Article Forty-Three:**

This law shall turn in to force from the date of endorsement and shall be published in the Official Gazette. Upon its endorsement, the previous Media Law published in the Official Gazette, issue No. 800; dated 18 Hoot 1380 (Afghan Calendar) shall become obsolete.