

ANNEXE A

Recommendations for media legislation initiatives

Although the authors of this report are not lawyers and do not claim to fully understand all aspects of media legislation, it seems reasonable to summarize some recommendations and suggestions. These indicate the most obvious and urgent changes needed in the sphere of media legislation, and have already been repeatedly formulated by media specialists and lawyers at various levels:

- 1) Urgently revise the 1992 Media Law, which is obsolete and does not meet modern realities. Revision could be:
 - Adoption of a new law, or
 - Adoption of amendments to the 1992 Law.
- 2) Eliminate confusion created by multiple laws adopted at different times and for different purposes by:
 - Ordering and unification of all current laws into a single Code of Laws on Media and Journalists' Activities
 - Adoption of a new Law covering all spheres of activity of all types of media.
- 3) The main changes in legislation should include the following:
 - Clear definition of the concept of "a mass medium"¹
 - Broadening of rights of journalists and media allowing to establish the constitutional principle of freedom of expression and freedom of media in practice
 - A clearer description of interrelation, activity, rights and obligations of all law subjects
 - Clear description of regulatory functions in the media sphere and what agencies should carry them out
 - Exclusion or elimination of limitations on types of published information taking into account application of ethical and self-regulating mechanisms
 - Exclusion of journalists' responsibility for disclosure of any types of secrets – their protection should be a concern of those for whom such secrets are important
 - Effective protection of sources and journalists in conducting journalistic investigations

¹ For example, in the current law books what are defined as a mass medium would in many countries be considered to be a one-time (albeit mass) product. The most important aspects of a mass medium are regularity and periodicity of publication.

- Ensuring a truly applicative and recording character of registration through elimination of the term for document examination and transfer of the registration function to the statistics bodies
- Elimination of criminal libel.

4) Journalists should unite and use their right of legislative initiative for development of a draft media law that would best meet their professional needs and interests. Such a draft law may be presented to the Parliament through the appropriate committee headed by Chair Kabai Karabekov, a former journalist.

5) Develop and apply clear mechanisms for implementation of adopted laws in practice.