

THE TAJIK MEDIA NEEDS A NEW LAW THAT “PROTECTS REPORTERS”

By Turko Dikayev, independent journalist, Tajikistan

Once considered the most democratic in former Soviet-Union, the Tajik law on media has to be adapted to the rapidly changing reality in the information field. Reporters in particular have to be guaranteed legal protection in their work.

While meeting with the representatives of the country's intellectuals, President Emomali Rakhmonov of Tajikistan once dedicated part of his speech to the current media situation. He said in particular that an inaccurate impression that the world community and Tajikistan's public gain about the situation in Tajikistan is largely due to the fact that reporting is dominated by the foreign media - a factor which has adverse effects both politically and economically. In contrast to the foreign media, which is doing its job professionally, «Tajik television reporters and their programs are still amateurish.» According to the head of the Tajik state, government officials should give serious consideration to developing the national media and, without restricting the freedoms of foreign media, take steps to enable Tajik reporters to compete with their foreign colleagues. This is a goal to be achieved not only by state-owned media outlets, but also by non-governmental news organizations. «In this respect, I stress the fact that all the republican media agencies active within the Republic of Tajikistan, whatever their ownership, governmental or non-governmental, must strictly observe national laws and equally take avail of the opportunities they have been given,» said

the President of Tajikistan.

Nobody in the journalist corps of Tajikistan challenged the President's strong words. But not everything depends on the reporters themselves. Experts and observers admit that the inadequacy of the media-related legal framework is one of impediments to the development of Tajik journalism. Here's what Harald Hartvig Jepsen, Political and Media Officer of the OSCE Mission to Tajikistan said when asked about the reason why the OSCE Mission is making so much effort and putting so much energy into assisting the drafting and adoption of a new media law: “Assistance in improving legislation that is crucial to any democratic country constitutes an important part of the OSCE Mission's activity in Tajikistan. Democracy presupposes the availability of a strong legislative framework specifying the rights and responsibilities of all citizens”.

NEED FOR PROTECTION

We have been assisting and continue to assist Tajikistan in revising and updating its laws covering various areas, the media being one of them. The media needs a law that clearly establishes and protects reporters' rights to carry out their professional work. To begin with, a journalist must be free to get in-

formation from government officials, politicians, ministerial officers or regional khukumat (administration) executives, or even from the presidential staff. In a word, from all government officials that are, essentially, known servants of the people, that speak on behalf of the people and are paid for by the people.

Free access to information is fundamental to any democracy and all restrictions in this field must be explicitly stipulated by the law and reduced to an absolute and indispensable minimum. Next, the law should reflect the fact that Tajikistan has embarked upon a market economy and it provides for a legal framework authorizing the functioning of the non-state, private press, television and radio stations, print shops and on-line newspapers (news disseminated via e-mail and the Internet). It should also be mentioned that in the modern world, news is a commodity, a freely merchantable asset, which must not be monopolized by the state or its structures. I would remind you that the current media law was adopted as long ago as 1990, during the Soviet period. The world has changed dramatically since then. There has emerged a novel, marvelous news medium called the Internet. This process has touched Tajikistan as well. Two laws and a few ratifications, which in one way or another regulate Tajik journalists' professional work, have more than once been discussed by

MediaInsight, so there's no need to bring this up again. We would only add that the obsolescence of these statutes has started to be discussed at the higher levels. Current references to the temporary nature of steps being taken to this end can no longer convince anyone. «At the time we adopted this law («On the Press and Other Media») it was the most democratic statute throughout the post-Soviet area. Clearly, the law could not keep up with our turbulent times and eventually became outdated. Therefore, as a co-drafter of the initial law I am willingly participating in the development of a new comprehensive bill on the republican media,» says Ibrahim Usmonov, counselor of state, advisor to the President of Tajikistan, and a former popular journalist. «The morning sun never lasts a day, as they say. The times have changed, there are new realities, and the way society treats the media has also changed.

A lot of amendments have been made over the past ten years - in 1992, 1996, 1997 and 1999. Today, though, the very name of the law, «On the Press and Other Media», no longer describes its subject-matter, for the Tajik Republic has passed and put into effect the laws «On Television And Radio Broadcasting», «On the Publishing Industry», «On Informatization», «On Information», «On Copyright and Allied Rights», which to a certain degree regulate

the activities of other media. On the other hand, the law has a number of overlapping articles, which were entered into the text along with amendments (e.g., Art. 6 and 34). The law «On the Press» does not regulate the activities of foreign legal and physical entities in the publishing area while foreign-owned newspapers and bulletins are published in this republic,» believes Abdurahmon Abdumannonov, head of the mass media department, and one of the President's executive staff.

FUNDAMENTAL UPDATE

Will the new law necessitates prompt changes in a series of other media-related laws in Tajikistan? Here's what Jepsen thinks: «The new bill provides basic definitions for all media notions, such as editor, founder, license, etc. In this sense, the bill is conceived as a media constitution. No doubt, some of the other statutes will be revised after this basic law has been passed. The fact that legal experts from a number of relevant ministries have been invited to join the OSCE-sponsored working group is the best guarantee that due regard will be given to the previous drafting experience.» True, says Abdurahmon Abdumannonov, no face-lift measures will help. For clarity sake, let's turn to the law «On the Press». Chapter 3 Article 27 clearly specifies the media's right to get information from government authorities, non-gov-

ernmental associations and officials. As regards the information-giving procedure, the legal provisions have such loose wording that it makes it almost impossible for a reporter to obtain any information from an official. Specifically, it reads "government authorities, non-governmental associations and officials will supply the mass media with evidence they have and will allow access to documents." But what if they won't? What our reporters normally do in situations like this is just complain. And they are wrong, because even this version of the law allows them to go to court. However, our practice knows no precedents like this.

Reporters are either unaware of their rights, mistrust the judiciary, or are afraid of officials taking revenge. As for the officials themselves, many are just ignorant of the legislation, namely the law «On the Press». I have intentionally referred to this argument because access to information is what troubles journalists most of all.

In fact, this criticism also applies to all articles of the law. That's why I've readily responded to the OSCE Mission's invitation to join the working group that was set up to draft an absolutely new comprehensive law on the media. Our next plans include bringing other legislative acts in line with this fundamental law. I think we'll eventually adopt a sort of code of government officials - a document specifying, among other things, their relationship with the media.