

**Islamic Republic of Afghanistan
Ministry of Information and Culture
Media Law Advisory**

Draft of Mass Media Law

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Chapter 1

General Provisions

Preamble

Article 1:

This Law has been enacted, taking into account the principles of the holy religion of Islam, pursuant to Article 34 of the Constitution and Article 19 of the Universal Declaration of Human Rights, to ensure the freedom of thought and speech and regulate activities of mass media and media institutions set forth in the Article 4 of this law.

Objectives:

Article 2:

- 1- Protect and guarantee the right to freedom of thought and speech;
- 2- Protect the rights of journalists and safeguard conditions for the free operations of the media and media organizations set forth in the Article 4 of this law;
- 3- Promote and develop free, independent and pluralistic mass media.
- 4- Provide a suitable environment for expression of thoughts and views of the citizens.
- 5- Provide opportunities needed for fair reflection of truth through mass media.
- 6- Observe the right to freedom of speech and mass media as enshrined in the Universal Declaration of Human Rights, having in mind the principles of the sacred religion of Islam as well as the provisions of the laws enforced in the country.
- 7- Support the sound development of the mass media in a manner to become effective means for broadcasting/publishing of accurate news, information, learning, promoting of knowledge and culture in the country.
- 8- Reflect the public opinions and provide information in accordance with professional standards of journalism (honesty, accuracy, impartiality and balance).

Definitions:

Article 3:

The terms and their meanings in this law:

- 1- **Media:** An instrument of disseminating messages, information, news as well as of learning using: Radio, television, cable network, internet, newspaper, magazine (weekly, biweekly, monthly, quarterly, annual, poster and bulletin), news and information services.
- 2- Mass media is divided into the following categories in this law:
 - **Public Media:** is the media that belongs to the general public and is funded by government, and through advertisement and donation.
 - **Private Media:** is the media that belongs to individuals (real persons), political, economic, social and media organizations and are funded and equipped in accordance with provisions of this law.
- 3- **Journalist:** is a professional person who produces and presents content of materials for publishing/broadcasting through media.
- 4- **Printing House:** is an economical and technical apparatus that offers printing services.
- 5- **Printer:** is a real or legal person who by ownership or representation is the owner and operator of a printing house.
- 6- **Publisher:** is a real or legal person who is authorized to print and publish periodical and non-periodical (i.e. martial that is not time-bound) works.
- 7- **Publishing:** is the practice of disseminating messages and news through mass media.
- 8- **Movie Production Institution:** is an organization, which produces documentaries and movies, pictures and slides in accordance with its charter and objectives.
- 9- **Publishing Institution:** is a legal entity that publishes, disseminates and reproduces works of electronic media, and periodical or non-periodical works of print media.
- 10- **Journalism Training Institute:** is an institution that provides short-term or long-term professional trainings in journalism.
- 11- **Information Center:** is a part of mass media which operates in the area of communication, collecting and dissemination of information.
- 12- **News Agency:** is a mass media, which works in the field of communications, collecting and dissemination of information.

- 13- **Advertising Company:** is a legal and commercial entity engaged in advertising and publicity in accordance with its charter.
- 14- **Proprietor:** is a real or legal person who sets up and establishes mediums, journalism training institutes, printing house, publishing institution, film production institution, and advertising company; as well as imports press, audio and visual related works from outside the country.
- 15- **Editor-in-Chief:** is a real person responsible for managing the professional and administrative affairs of mass media and media institutions stated in the paragraph 14 of this article.
- 16- **Radio:** is an audio means which provides learning, entertaining, communication and mass information activities.
- 17- **Television:** is an audio-visual means which provides learning, entertaining, communication and mass information activities.
- 18- **Cable Network:** is audio and visual mass media instrument that offers various national and international informational, educational, cultural, and entertaining programs to its subscribers.
- 19- **Website:** is a collection of files such as text, photos, graphic, video and audio which are designed and maintained as a data package on a server by real or legal persons, and accessed by all people through internet.
- 20- **Advertisement:** is supply of audio-visual services to real or legal persons in return for money or other similar considerations in the electronic and print mass media.
- 21- **Donation:** is provision of any types of assistance by real or legal persons for material or moral strengthening of mass media.
- 22- **Civil Society:** is a complex of non-governmental social institutions, associations and organizations which, independently and outside from the framework of the government and political power, play an effective role, through civilized approaches, in formation of the political power, monitoring over performance of the governmental offices, improvement of the human rights' situation and strengthening of the rule of law.
- 23- **Media Policy:** is a set of principles approved by the High Media Council which guide decisions, actions, and professional activities of the media institutions. The basis for these principles includes the Afghan constitution, this law, and other media related legislative documents and international agreements, to which Afghanistan is a signatory.

Abbreviations

Article 4:

Printing house, journalism training institute, publishing institution, movie production institution, advertising company, and the company importing press, audio and visual related works from outside the country are called as the media institutions in this law.

Primary executive Body**Article 5:**

- (1) Ministry of information and culture is the primary executive body to apply this law where relevant.
- (2) Public media set forth in the chapter 6 and 7, and media institutions set forth in the chapter 10 of this law are also the executive bodies to apply the provisions of this law.

Legality**Article 6:**

Mass media and media institutions are obligated to observe provisions of the constitution, this law and all legislative documents enacted in the country including those approved by the high media council, where relevant.

Provisions of this law shall be applied to:**Article 7:**

Provisions of this law shall be applied to all mass media and media institutions which operate in Afghanistan in accordance with the law.

Legal personality**Article 8:**

Unless the law says otherwise, the legal personality of mass media and media institutions shall only be confirmed when their bylaws have been prepared and registered in line with provisions of this law, and their license has been issued by the ministry of information and culture.

Cooperation**Article 9:**

Governmental and non-governmental offices, mass media and media institutions are obligated to cooperate with the ministry of information and culture as well as with other media organizations stated in this law, in accomplishing the objectives of this law, where relevant.

Chapter Two

Rights and Obligations

Freedom of Thought and Expression

Article 10:

- (1) Every person has the right to freedom of thought and speech.
- (2) The right to freedom set forth in clause (1) of this article includes the right to seek, obtain and disseminate information and views through mass media within the limit of law without any interference by the government authorities or officials. The right also includes free activity of means of publication, distribution, and reception of information.
- (3) The right to freedom set forth in clause (1) of this article shall be exercised through speech, writing, drawing, picture, tape recording, acting, movement, indication and other scientific, literary, artistic, printing and publishing facilities in the country, except things contrary to the basic rights and freedom of others or public interests as regulated by law.
- (4) Media and media institutions in the country have the right to produce, print, broadcast, publish and disseminate materials, without prior submission of them to the government authorities, in accordance with the law. Once materials have been disseminated, any violations caused by them shall only be addressed by the authorized bodies, in compliance with provisions of law.
- (5) Government shall support, strengthen, and guarantee the freedom of mass media and media institutions. No real or legal person including government and government offices may ban, prohibit, censor or limit the free and legal activities of mass media and media institutions or otherwise interfere in their affairs. Assessment of violations and imposing precautionary measures on real and legal persons who commit a breach of law is exempt from this provision, in accordance with the law.

Freedom of Publication, broadcast and dissemination in common languages

Article 11:

- (1) Private mass media and media institutions may in addition to the official languages, also publish and broadcast openly in all languages common in the country, in conformity with the provisions of this law and those of the other laws enacted in the country.
- (2) Public media shall under the provisions of this law and those of their bylaws and procedures, publish and broadcast in the official languages and those languages enshrined in the constitution, as provided for in the relevant legislative documents.

- (3) Subsequent to an approval from the high media council and pursuant to the related procedures, public dailies and weeklies may also publish in foreign languages.

Seeking Information

Article 12:

- (1) Mass media and journalists have the right to seek, receive and disseminate information, in accordance with the law.
- (2) Governmental and non-governmental offices are obligated to provide the information sought by the mass media and journalists, consistent to the provisions of the law.

Legal Protection

Article 13:

- (1) Journalists shall enjoy legal protection in carrying out their professional activities including publishing/broadcasting programs, reports and critical views, in line with the provisions of this law.
- (2) Journalists and media shall have the right to avoid disclosing their source of information, except that a competent court orders the disclosure. When under order of a competent court, journalists and media disclose their source of information, the disclosure may not be considered as an evidence for a case before the court.
- (3) Cases involving a violation of freedom of speech shall be investigated and prosecuted by the authorized bodies in accordance with the law.

Right to Respond

Article 14:

- (1) Every real or legal person who is attacked by mass media, and his personality, reputation or material and intellectual rights are damaged, has the right to refute it in the same media.
- (2) In the event of the case set forth in clause (1) of this article, the concerned media shall, without delay and free of charge, publish/air the response in the upcoming edition or broadcast of the same media outlet.
- (3) The response set forth in clause (2) of this article, shall be published or aired by media outlets under the following conditions:
 1. Shall have no infringement and criminal nature.
 2. Shall exclusively refer to the allegation in the same media.
 3. Shall be in written form signed by the affected person or his lawyer and presented to the editor-in-chief.

4. The response shall in 90 days since the case set forth in clause (1) of this article has been published or aired, be submitted to the media.
 5. Other conditions stated in the related procedures.
- (4) In case, the rebuttal (response) has not been presented in compliance with the conditions enshrined in clause (3) of this article, the pertinent media may, by providing legal reasons, refrain from publishing/broadcasting it.
- (5) The right to response shall not apply to the following cases:
1. Reports from the sessions of the Loya-Jirga (Grand Council).
 2. Reports from the sessions of the Wolesi-Jirga (Lower-House), Meshrano-Jirga (Upper-House), or joint sessions of the both houses of the National assembly.
 3. Reports from open trails.
 4. Other conditions stated in the related procedures.

The right to establish unions

Article 15:

In order to defend the material and intellectual rights of their guilds, journalists, other members of mass media and media institutions, and proprietors set forth in this law, may voluntarily establish associations, unions, or other independent guilds in accordance with the provisions of law.

The right to defend

Article 16:

- (1) The right of mass media and media institutions to defend themselves is protected, when complaints are filed against them.
- (2) Media violations commission is, under relevant procedures, obligated to create the needed opportunities for mass media and media institutions to defend themselves in reply to the complaints filed against them.

Right to Claim:

Article 17:

- (1) If a real or legal person claims that his rights have been affected by a mass medium's program, the pertinent medium is obligated to, as restitution, publish/broadcast the claimed rights of the claimant free of charge.
- (2) In case, the obligations stipulated in clause (1) of this article have not been met, the claimant may refer his/her complaint to the commission stated in article 64 of this law.

Journalism National Code of ethics

Article 18:

- (1) Journalists, through their associations and unions, have the right to design, approve and amend the national code of ethics of journalism in compliance with procedures approved by the high media council.
- (2) Journalists, within their area of activity, shall morally respect the code of ethics set forth in clause (1) of this article, as a nationally reliable journalistic document.
- (3) The code of ethics stated in clause (1) of this article may not be in contradiction to the provisions of this law.

Chapter Three

Establishment of Mass Media and Media Organizations

Establishment of print media

Article 19:

- (1) Citizens of the country, political parties, civil society and social organizations, national non-governmental organizations, government organizations, and foreign refugees may establish printing media, in accordance with the provisions of this law.
- (2) Foreign non-governmental agencies (NGOs) operating in Afghanistan in accordance with the law, may, within their specialized area of activity and under the provisions of this law, establish and publish printing media such as magazines and newsletters.
- (3) Subsequent to the first publication, the proprietor is obliged to get his/her publication registered within two weeks in accordance with the provisions of this law.

Establishment of Electronic Media

Article 20:

- (1) Citizens of the country, political parties, civil society and social organizations, non-governmental organizations, national private companies, and government organizations may establish electronic media, in accordance with the provisions of this law.
- (2) Legal and real persons stated in clause (1) of this article, and foreign agencies may establish websites, in accordance with the law.
- (3) Citizens of the country, non-governmental organizations and national private companies may establish cable-networks, in accordance with the law.

Foreign media agencies, publication and broadcasting:

Article 21:

Foreign media, through establishment of their agencies, setting up their frequencies, and after obtaining an introductory letter from the Ministry of Foreign Affairs and receiving their license from the Ministry Information and Culture, may engage in publishing and broadcasting activities, in accordance with this law and other legislative documents enacted in the country.

The right to establish media institutions

Article 22:

- (1) Citizens of the country, political parties, civil society and social organizations, international and national non-governmental organizations and private companies, may establish media institutions, in accordance with the provisions of this law and the other related legislative documents.
- (2) If there is a need for establishment of more media institutions in the country than those set forth in article 4 of this law, the legal and real persons stated in clause (1) of this article may establish such media institutions provided they are recognized as such under the relevant procedures enforced by the Ministry of Information and Culture, in accordance with the provisions of the law.

Country office

Article 23:

- (1) Mass media and media institutions whose headquarters are based outside the country, may establish their representative office inside the country provided the proprietor of their office is an Afghan national, in accordance with provisions of this law.
- (2) The representative office set forth in clause (1) of this article shall abide by provisions of this law.

For-profit and non-for-profit mass media and media institutions

Article 24:

Legal and real persons stated in clauses 19-23 of this law may establish for-profit or non-for-profit mass media and media institutions.

Licenses

Article 25:

Legal and real persons set forth in articles 19, 20 and 21 of this law, shall obtain license according to the provisions of this law and relevant legislative documents before starting their media activity, unless it is mentioned otherwise in the law.

Chapter 4

Print Media

Public Newspapers

Article 26:

- (1) Daily and weekly newspapers being published under the control of government in the capital and provinces shall observe this law and will perform their activities according to the procedure approved by High Media Council.
- (2) Print Media set forth in clause (1) of this Article, are public media and are related to the people of Afghanistan.

Public Newspapers Obligations

Article 27:

- (1) Daily and weekly public newspapers set forth in article 20 of this law, excluding those daily and weekly newspapers that have publications in foreign languages, besides providing news and information are responsible to publish the following matters:
 - 1- Struggle against inadmissible etiquettes;
 - 2- Publishing contents on human rights, especially women rights, rights of children and people with disability and other vulnerable people of the society;
 - 3- Topics on environment, education, civil edification, health and public services;
 - 4- Cultural, historical and political information;
 - 5- Publication of texts of country's essential documents, if its publication is allowed according to the provision of law;
 - 6- Publishing constructive criticism intending to improve organizations' performance by observing provisions of this law;
 - 7- Other responsibilities set forth in the relevant legislative documents and policy of the country in regard to media
- (2) In addition to providing information and publishing news, other responsibilities of newspapers and gazettes set forth in article 26 of this law and have publications in foreign languages will be organized in compliance with the provisions of this law and procedures ratified by Media High Commission.

State owned Print Media

Article 28:

- (1) State owned print media works according to provisions of this law, legislative documents and relevant bylaws for the purpose of public awareness and broadcast of related contents.
- (2) The obligations of the media institutions set forth in clause (1) of this article, are as follows:
 - 1- Publication of professional and informational topics in the working area of related organizations;

- 2- Publication of contents which are good for improvement and reform of related organization;
- 3- Publication of duties, authorities, activity reports about related organization for the purpose of public awareness and in line with provisions of law;
- 4- Publication of legislative documents such as laws, legislative decrees, rules, bylaws, descriptions, and procedures relevant to the affairs of the relevant organization;
- 5- Description and analysis of legislative documents set forth in paragraph 4 clause (2) of this article for the purpose of public awareness;
- 6- Other obligations set forth in the legislative documents relevant to the organization by observing provisions of this law.

Private Print Media

Article 29:

Private print media that belong to legal and real persons have the liberty to provide and present contents by observing provision of this law.

Specification of Print Media

Article 31:

Print media institutions clarify the following points about specifications of their publication:

- 1- Name of the publication;
- 2- Address;
- 3- Phone number and email address;
- 4- Name and location of printing house;
- 5- Names of proprietor and chief editor;
- 6- Publishing date;
- 7- Serial number;
- 8- Web page (web site), if exists;
- 9- Names of members of board of editors;

Observing phraseology and orthography guideline

Article 31:

- (1) Print media and websites shall observe the only guideline of phraseology and orthography which has been determined by an authorized committee according to an approved procedure by combined board of High Media Council, High Council of Ministry of Higher Education, Academic Council of Ministry of Education and High Council of Academy of Sciences of Afghanistan.
- (2) Membership of independent experts, writers, linguistic researchers and prominent scholars from universities and higher education institutes set forth in clause (1) of this law, according to the procedure, is considered necessary. Two representatives from civil society organizations will be selected according to the procedure set forth in clause (1) of this article and will participate as monitoring members in this committee.

- (3) The only guideline of phraseology and orthography set forth in clause (1) of this article is also observed in text books, all publications by Academy of Sciences and other research centers as well as in non-periodical publications of country's organization.

Chapter 5

Electronic Mass Media

Public Electronic Mass Media **National Radio Television of Afghanistan**

Article 32

- (1) Radio Television of Afghanistan as a public media belongs to Afghan nation and shall perform, as an independent directorate according to the provisions of law and relevant bylaw.
- (2) RTA's budget shall be provided through national budget, advertisements, providing services and donation.

Appointing chairman for RTA

Article 33:

- (1) The chairman of RTA shall be appointed from among experts with higher education and at least five years work experience in the field of journalism, according to paragraph 3 of article 63 and by observing conditions set forth in clause (1) of article 73 of this law for the period of 4 years.
- (2) A person cannot be appointed as the chairman of RTA for more than two periods.
- (3) The chairman of RTA can submit his written resignation to the High Media Council. After approval by majority of High Media Council members, the resignation of mentioned person shall be sent for the approval of the president of country. In case president approves, the new chairman shall be appointed according to the provisions of this law.
- (4) Whenever the chairman of RTA loses his job by any reason, the new chairman shall be appointed within 30 working days according to the provisions of this law.

Location of RTA

Article 34:

The Headquarter of RTA shall be located in Kabul city and its local stations shall be located in the provinces.

Duties and Responsibilities

Article 35:

RTA shall fulfill the following duties and responsibilities:

- 1- Make its programs in the light of the principles and provisions of the holy religion of Islam, national and spiritual values of the Afghan nation;
- 2- Dissemination of information, teaching religion, science, culture, economy and ethics through its programs;
- 3- Presenting programs to reflect culture and opinions of all Afghans according to the provisions of this law to ensure national unity of the country;
- 4- Broadcast of opinions and political parties political stands against other countries by observing accepted journalistic criteria (balance, integrity, and impartiality) according to the provisions of this law;
- 5- Broadcast of balanced programs and news in both official languages of the country from central studios;
- 6- Broadcast of programs and news in addition to languages set forth in paragraph 5 of this article, in other languages set forth in article 16 of constitution according to bylaw;
- 7- Broadcasting news bulletin in some foreign languages after the approval of High Media Council;
- 8- Keeping all recorded programs in the relevant archive;
- 9- Duties and responsibilities given to RTA by High Media Council or RTA commission by observing provision of this law;
- 10- Other duties and responsibilities set forth in this law and related bylaw.

Emergency

Article 36:

In an emergency situation, the president shall make necessary decision about RTA according to constitution.

Government bodies' web pages

Article 37:

- (1) All government bodies which have been recognized as a single government body based on the provision of law, government academic centers and some parts of government bodies shall have web pages (website).
- (2) The web page set forth in clause (1) of this article have the following responsibilities:
 - 1- Publishing information about the related organization, according to provision of law;
 - 2- Publishing information set forth in paragraph 1 of this clause, in official languages of the country.

- (3) This organization can also publish contents in its web page in foreign languages as far as possible.

Freedom of Private Electronic Media

Article 38:

- (1) Private radios and televisions have freedom in producing, combining and broadcasting their programs, by observing provisions of this law.
- (2) Private web pages and cable networks are free to publish their contents by observing the provisions of this law.
- (3) Publishing foreign web page, on the server is free in Afghanistan, provided that its contents are not against the provisions of this law.

Responsibilities of cable networks and web pages

Article 39:

- (1) The proprietor of cable network is responsible to submit an application for registration and license to the relevant organization attached with a list of local and international channels that he/she wants to broadcast through his/her network.
- (2) An organization can publish local and international radio and television programs in its web page which are in line with provisions of this law, provided that this organization has mentioned the name of those international radio and television with an agreement letter of those radio and televisions attached with a request of registration to the related office of Ministry of Information and Culture.
- (3) Registration of international radios and televisions which have been registered according to provisions of this law and have permission for broadcast, will not be included in provision set forth in clause (2) of this law. But their written agreement is required.
- (4) The organization clarifies the following points in its web page:
 - 1- Name of the proprietor
 - 2- Name of chief editor
 - 3- Telephone number
 - 4- E-mail address
 - 5- Address of location

Obligations of Privat Radio and Televisions

Article 40:

Private radios and televisions have the following responsibilities:

- 1- Observing balance among political stands of political parties and political figures and broadcast of opinions in an impartial manner and by observing provisions of this law;
- 2- Keeping broadcasted programs at least for one year in related archive;
- 3- Other responsibilities set forth in this law and relevant legislative documents.

Chapter 6

News and Information agencies

Public news agency

Bakhtar news agency

Article 41:

- (1) Bakhtar news agency is a public media which works in the field of communications, gathering and delivering information as an independent organization, according to provisions of law and relevant bylaw.
- (2) The budget of Bakhtar news agency is funded through national budget, advertisements, providing services and donations.

Appointing chairman of Bakhtar news agency

Article 42:

- (1) The chairman of the Bakhtar news agency will be appointed from among experts with higher education and at least five years work experience in the field of journalism, according to paragraph 3 of Article 63 and by observing conditions set forth in clause (1) of article 73 of this law for the period of 4 years.
- (2) A person cannot be appointed as the chairman of the Bakhtar news agency more than two periods.
- (3) The chairman of the Bakhtar news agency can submit his written resignation to the High Media Council. After approval by majority of High Media Council members, the resignation of mentioned person will be sent for the approval of the president. In case of President approves, the new chairman will be appointed according to provisions of this law.
- (4) Whenever the chairman of Bakhtar news agency loses his job by any reason, the new chairman will be appointed within 30 working days according to the provisions of this law.

Duties and Responsibilities:

Article 43:

Bakhtar news agency will fulfill the following duties:

- 1- Gathering information, preparing news and information, according to relevant bylaw;
- 2- Keeping all recorded information in the relevant archive;
- 3- The duties which have been given to Bakhtar news agency by High Media Council or by Bakhtar news agency's professional board by observing provisions of this law.
- 4- Other duties and responsibilities set forth in this law and related bylaw.

Private news agencies

Article 44:

- (1) Private news agencies have freedom in gathering information, producing news, giving information by observing provisions of this law.
- (2) Private news agencies have freedom in gathering, providing and delivering news by observing provisions of this law.
- (3) Agencies set forth in clauses (1 and 2) of this article, as a mass media, besides responsibilities set forth in this law are responsible to archive all information or recorded news and keep it for at least a year.

Chapter 7

Financial Sources

Funding Sources

Article 45:

- (1) Mass Media and media institutions, according to provisions of law, can be funded from the following sources:
 - 1- Broadcasting advertisements, messages and programs from real or legal persons according to the provisions of this law;
 - 2- Receiving donations from real and or legal local persons;
 - 3- Receiving donations from local and international organizations that are working for the development of mass media and media institutions, provided that the expenditure of this grant is in the authority of the media or media institution;
 - 4- Providing professional and specific services to the real or legal persons for a price.
- (2) Media and media institutions owned by political parties cannot get fund from foreign sources.

Transparent financial system

Article 46:

Media and media institutions are responsible to create a transparent financial system in the areas of funding resources, income and paying taxes.

Chapter 8

Proprietor, Qualifications and Obligations

Proprietor and their Qualification

Article 47:

The proprietors of mass media and/or media institutions shall be qualified as follows:

(1) Real persons:

- 1- Having Afghan citizenship;
- 2- Having completed age 18;
- 3- Not being deprived of civil and political rights based on the order of a competent court.

(2) Legal persons:

- 1- Being registered in the relevant government body;
- 2- Not being deprived of civil and political rights based on the order of a competent court.

(3) Expatriate real persons set forth in chapter three of this law, in addition to terms set forth in paragraph 2 and 3 of clause (1) of this article, are responsible to present their citizenship documents of their own countries.

(4) Expatriate legal persons set forth in chapter three of this law, in addition to terms set forth in paragraph 1 and 2 of clause (2) of this article are responsible to present their legal identification of their own countries.

Having a bylaw

Article 48:

(1) The proprietor is responsible to have his/her bylaw before being registered and start his/her media activity.

(2) Bylaw set forth in clause (1) of this article are including as follows:

- 1- Name and goals;
- 2- Organizational structure,
- 3- Area of activities, duties and authorities

- 4- Work and activities procedures,
- 5- Financial sources,
- 6- Procedures for amending and changing the bylaws,
- 7- Terms of dissolution and/or clearance of the financial issues

Notification on changes

Article 49:

- (1) Proprietor is obligated to inform, in writing, the ministry of information and culture, about any type of amendments and changes he makes in any of the specifications (set forth in article 48, 50 and 55).
- (2) Amendments and changes set forth in the first clause of this article shall register with the ministry of information and culture, in accordance with the provisions of law. In case of dissatisfaction, proprietor can refer to authorized bodies, in accordance with the provision of article 55 and 52 of this law.
- (3) In case of transfer, dismissal, resignation or any other circumstances that causes the chief editor of a media outlet or institution lose his job, proprietor is obligated to inform, in writing, the ministry of information and culture, and is obligated to present, in 30 days, a statement which state that the new editor-in-chief accepted responsibilities, and all information set forth in the provision of this law. During this period of time, media related affairs shall be supervised by someone who has Afghan citizenship. Otherwise, all legal responsibilities of editor-in-chief will fall to the proprietor.

Providing Information for registration

Article 50:

- (1) Proprietor is obligated to provide a statement containing the following information, to the relevant department of Ministry of Information and Culture through mass media commission:
 - 1- Complete biography of the proprietor and editor-in-chief, with a particular attention to the terms set forth in this law,
 - 2- Media name or media institution name,
 - 3- Type of activities,
 - 4- Place of activities,
 - 5- Funding sources,
 - 6- Capital amount, press media and website are exempt from this rule,
 - 7- Investment license, press media and website are exempt from this rule,
 - 8- In the print media: number, language and type of broadcast contents, printing date, cutting and binding,
 - 9- In electronic media and media institutions: verification of quality and quantity of all related machineries and equipments.
- (2) For the purpose of verification, the proprietor shall provide bylaws, Chief editor's statement of accepting responsibilities and a sample of stamp/signature (set forth in article 51 of this law) to the related organization combined with a statement (set forth the in clause 1 of this law).

Providing specific address and stamp

Article 51:

- (1) Mass media and media institution are obligated to provide specific address and stamp.
- (2) Proprietor is obligated to register stamp (set forth in clause (1) of this law) officially with the relevant department of the MoIC prior to obtaining license.

Right to refer to authorized bodies

Article 52:

- (1) When applicant finds the decision of the ministry of information and culture regarding non-registration or issuance of media license or media institution license contrary to the provision of law, he may refer to high media council within thirty days after receiving a notification based on demand refusal.
- (2) In the condition set forth in the clause (1) of this article, media high council shall take decision (based on the provision of law and legislative documents) to refuse or confirm the decision made by the institution belonging to the MoIC within thirty official days.
- (3) In case, the decision of the institution belonging to the MoIC is refused by the media high council, the institution is obligated to issue license for the applicant in accordance with the decision of the media high council and the provisions of law within five official days. Otherwise proprietor of internal media and media institution can start providing services in accordance with the provisions of law prior to obtaining license and obtain license within 15 official days.
- (4) Whenever, the institution belonging to the MoIC verify (in the period set forth in clause (1) of this article) the media activities contrary to the media law, the institution belonging to the MoIC can refer this matter to the media violation commission. Otherwise, the institution belonging to the MoIC is obligated to issue media license or media institution license to the proprietor set forth in clause (1) of this article.
- (5) In case of dissatisfaction on the decision of media high council based on the confirmation of the decision of the institution (set forth in clause (1) of this article), applicant can refer to authorized court. The rule of the court of jurisdiction in accordance with the provisions of law would be final and compulsory.

Transfer of ownership and the right to operate

Article 53:

- (1) Transfer of ownership and the right to operate of mass media and media institution are allowed, taking into account the following condition:
 - 1- Transfer of ownership and the right to operate of mass media and media institution, in the form of sales, donation, heritage, loan and pawn,
 - 2- Transfer of the right to operate, to eligible people set forth in this law,

- 3- Actions shall be taken, in case of the death or lose of legal eligibility of the proprietor, with respect to his transfer of the physical ownership and intellectual property to an eligible real or legal person (set forth in this law) after taking the written approval of his heirs. In case of inexistence of heirs, actions with respect to the intellectual and physical ownership of the proprietor shall be taken, in accordance with the provisions of the laws in effect.
- (2) In case of the transfer of ownership and the right to operate of the proprietor to another person, the license that was issued by the first proprietor's name is not transferable to the new owner. The new proprietor is obligated to obtain his own license in accordance with the provisions of law.

Different separate activities and license

Article 54:

According with the provision of law, Proprietor can obtain license of separate activities for more than one media or media institution. But he can't obtain license for one media or media institution to work for another media or media institution.

Chapter 9

Editor in Chief, terms and responsibilities

Editor in Chief related terms

Article 55:

- (1) Qualifications of Editor in Chief of mass media and media institution include the followings:
 - 1- Having Afghan Citizenship,
 - 2- Should at least age 25 years,
 - 3- Should have a degree in higher education or three years of experience in the relevant field,
 - 4- Not to be deprived of civil and political rights based on the verdict of court of jurisdiction,
 - 5- Not being among the officials (set forth in article 150 and article 2 of constitution) and among all other officials (set forth in law),
- (2) One person can't be Editor in Chief of more than two media outlets or media institutions or one media outlet and a media institution at the same time.

Proprietor as the Editor in Chief

Article 56:

A real person, who is the proprietor of a Media outlet or media institution, can be at the same time Editor in Chief of the same media outlet or media institutions, provided he has the qualifications set forth in the article fifty four of this law.

Editor in Chief's responsibilities and authorities

Article 57:

(1) Duties and responsibilities of Editor in Chief of mass media or media institution's are:

- 1- To publish topics, subject matters and program's contents, and to produce art, education and advertisement programs in relevant areas,
- 2- To provide equal playing field to both critic and criticized, including print and electronic media,
- 3- Provision of the annual financial report of the media outlet or media institution to mass media commission and ministry of Finance,
- 4- Report's text (set forth in paragraph 3 of this article) includes revenues, expenditures and income or financial sources,
- 5- Provision of written notification to the Ministry of Information and Culture at the beginning of every year about whether they will or won't resume their media activities,
- 6- Observance of the provisions of this law, legislative document and media policy of the country with respect to vocational and administrative affairs of the pertinent media or media institution,
- 7- To conduct awareness programs for media or media institution's employees, on relevant provision of this law and on all legislative documents implemented in the country,
- 8- Being accountable and accepting responsibility against all authorized legal bodies, with respect to published subject matters and in case of not fulfilling the obligation set forth in paragraph 2 up to 7 of this clause,
- 9- Complying with all duties and responsibilities set forth in relevant legislative document, and job description of the Editor in Chief.

(2) Editor in Chief would not be deemed accountable and responsive under the following circumstances:

- 1- When the Chief Editor (Editor in Chief) is absent in accordance with the provisions of law and someone else takes charge of his responsibilities in his behalf
- 2- When a proprietor emphasizes on print, broadcast and publication of a subject matter and the chief editor once regards it to be contrary to provisions of law in writing but the proprietor despite the opposition of the chief editor still emphasizes in writing on the publication, broadcast and print of it.
- 3- When an authorized official issues an order, in writing, on the behalf of a legal person and his order is regarded contrary to the law by the chief editor in writing and once again the aforementioned official emphasizes on the execution of his order.

- 4- Participant phone calls and their repetitive statements which are contrary to this law are exempted in the same time; in case, roundtable participants and interviewees infract the provision of law during live broadcast in electronic media.
- 5- Responsibilities and accountabilities refer to relevant persons, in cases set forth in paragraph 1 up to 4 of this clause.

External media or media institution's Editor in Chief

Article 58:

Mass media and external media institutions' editor in chief (set forth in this law) shall be afghan citizen, and shall be qualified (set forth in article 55 of this law), except expat-run print media outlet.

Chapter 10

Media high council and the entire organizations of the media

Media high council

Article 59:

- (1) Media High Council will emerge as the highest decision making body with respect to media related affairs of the country to achieve law's related objectives, and to codify and approve media policy, in accordance with the provision of this law.
- (2) Media council members would be as below:
 - 1- Minister of MoIC as a director,
 - 2- Professional Deputy Minister of Justice as a member,
 - 3- Technical Deputy Minister of Communication and Information Technology as a member,
 - 4- An excellent Muslim religious scholar as a member,
 - 5- Two members of the Wolosi Jirga as members,
 - 6- Two members of Mashrano Jirga as members,
 - 7- A representative of high court as a member,
 - 8- Two professional and experienced journalists of journalist's society as members,
 - 9- Two representatives of civil society as members.
- (3) Methods for selection of members (set forth in paragraph 4, 6, 7 and 9 of clause (2) of this article) shall be regulated by Media High Council's procedure.
- (4) Members (set forth in paragraph 4, 6, 7, and 7 of clause (2) of this article) shall be introduced to Media High Council by relevant institutions.
- (5) Members (set forth in paragraph 5, 6, 8 and 9 of clause (2) of this article) shall be introduced, taking into account the gender.

Service period of Media High Council

Article 60:

- (1) Service period of members (set forth in paragraphs 4, 5,6,7,8, and 9 of clause (2) of article 59 of this law) is three years.
- (2) Someone else shall be assigned instead during one month in according with the provision of law , in case, a member (set forth in paragraph 4, 5,6,7,8, and 9 of clause (2) of article 59 of this law) dies or resign, or lose membership of Media High Council by any other reason prior to complete of service period.

Media High Council's duties and responsibilities

Article 61:

Media High Council has the following duties and responsibilities:

- 1- To design, approve and modify country media policy, taking into account the provision of this law,
- 2- To present and select these members for the president approval: qualified members (set forth in this law) for commissions (set forth in this chapter) and for technical board of Bakhtar news agency, except non-elected members. The way to present these members is going to be clear in Media High Council,
- 3- To present RTA and Bakhtar news agency director's appointment and deposition for the president's approval,
- 4- To present budgets for Media High Council, RTA, Bakhtar news agency, mass Media Commission and Media Violation Commission,
- 5- To approve RTA's policy that represents ethnical, verbal and cultural varieties of all Afghans,
- 6- To present, modify and add materials in this law and all legislative documents for authorized bodies in the area of media activities and media means.
- 7- To approve guidelines and procedures which MIC and all media organizations (set forth in this chapter) will send them to Media High Council, in according with the provision of this law and all media relevant legislative documents,
- 8- To publish Media High Council's decisions through mass media for public awareness, if necessary,
- 9- To refer concern issues to relevant bodies,
- 10- To enforce and approve internal duties' procedure for the purpose of regulating, expending and betterment of the council's related duties, authorities and type of activities,
- 11- To present annual report to the president and national council of the country,
- 12- To perform all duties and responsibilities (set forth in this law and in all relevant in effect legislative documents of the country),

Mass Media Commission

Article 62:

- (1) Mass Media Commission established - In order to better regulate its activities - including seven independent members, taking into account ethnic and gender composition.
- (2) Members of the commission (set forth in paragraph (1) of this article) are as below:
 - 1- Two persons representing journalist,
 - 2- Two lawyers,
 - 3- Two persons representing civil society organizations,
 - 4- An expert of information and technology,
 - 5- An expert of financial affairs.
- (3) Four members of the commission shall be chosen for a period of three years and three others for the period of two years. Next appointments of the commission shall be for three years,

Duties of Mass Media Commission

Article 63:

Commission (set forth in article 62 of this law) has the following duties and authorities:

- 1- Assess request of mass media activities applicants and request of media institutions to refer them to MIC for the purpose of registration,
- 2- Assess application for electronic media and propose to the Ministry of Information and Culture for approval after assigning of frequency in agreement with Ministry of Communications.
- 3- Monitor the activities of the mass media.
- 4- Monitoring the ways the rights and benefits of the employees are observe, in according with procedure,
- 5- Monitoring Transparency of media and media institution's sources, in according with procedure,
- 6- Present necessary consults and plans for Media High Council in the area of media status betterment, and on the amendment of this law and in all related legislative documents,
- 7- Presenting annual report of performances, including mass media activities in the country, to Media High Council,
- 8- Other duties set forth in this law, and other related legislative documents,

Media Violation Assessments Commission

Article 64:

- (1) In order to respond to the complaints of real and legal persons in media violations and its assessment, Media Violation Commission consist of the following members' combination:

- 1- Deputy Minister for publication of MIC,
 - 2- Authorized representative of ministry of justice,
 - 3- Authorized representative of science academy of Afghanistan,
 - 4- Authorized representative of Afghanistan Independent Human Rights commission,
 - 5- Authorized representative of journalism faculty of Kabul University,
 - 6- Authorized representative of Afghanistan Lawyers Association,
 - 7- Authorized representative of Afghanistan Independent Bar Association,
 - 8- Authorized representative of Journalists Union,
 - 9- Authorized representative of movie maker union,
- (2) Media Violation Commission, expert member (set forth in paragraph of clause (1) of this article), shall be introduced by academic centers and shall be assigned in according with the provision of this law,

Duties and Responsibilities of the Media Violations Commission

Article 65:

The commission set forth in article 64 of this law shall have the following duties and responsibilities:

1. Assessment of media violations, and enforcement of precautionary measures on those who violate the law, pursuant to the provisions of this law.
2. Implement complaint-related procedures and internal guidelines, and assess them;
3. Assess and reconsider previous decision of the commission;
4. Refer media violation cases to juridical institutions, in accordance with the law;
5. Submit annual activities report of RTA to High Media Council;
6. Other duties and responsibilities set forth in this law and other concerned legislative documents enacted in the country.

The Commission of the National Radio Television of Afghanistan (NRTA)

Article 66:

(1) In order to better regulate the affairs of NRTA, the NRTA commission shall be established, taking into account the ethnic and gender balance, including the following seven members:

1. Chairman of NRTA;
2. One religious scholar;
3. One lawyer;
4. Two journalism experts;

5. One Information Technology expert;
 6. One representative of the civil society organizations
 7. One marketing management expert;
 8. One professional artist.
- (2) Apart from the member set forth in paragraph / clause (1) of this article, other members of the NRTA Commission shall be appointed shall be appointed by observing the following steps, in accordance with the provisions of this law:
1. Five members for three years;
 2. Three members for two years.
- (3) Subsequent appointments of commission members set forth in paragraphs 2 to 8/ clause (1) of this article shall be for three years.

Duties and Responsibilities of the NRTA Commission

Article 67:

The commission set forth in article 66 of this law shall have the following duties and responsibilities:

1. Protect the independence, impartiality, and professional reputation of the NRTA;
2. Monitor implementation of the administrative and budget affairs of RTA;
3. Confirm RTA's budget and present it to the High Media Council for further proceedings;
4. Acquire assistance for strengthening of RTA, in accordance with relevant procedures;
5. Propose amendment of RTA's bylaws and process it through High Media Council to the authorized bodies;
6. Monitor the implementation of the provisions of bylaws and other relevant legislative documents of RTA;
7. Monitor implementation of the RTA editorial policy;
8. Confirm draft of guidelines, procedures and editorial policy of RTA and present it to the High Media Council for their approval;
9. Approve guidelines for better implementation of bylaws, guidelines, procedures and the editorial policy of RTA;

10. Adopt measures to improve the skills of RTA staff and ensure professional trainings for them;
11. Provide annual activity report to the High Media Council;
12. Other duties set forth in this Law and other relevant legislative documents.

Professional Board of Bakhtar News Agency

Article 68:

(1) In order to better regulate the affairs of Bakhtar News Agency, the professional board of Bakhtar News Agency shall be established, considering ethnic and gender balance, including the following seven members:

1. Chairman of the Bakhtar News Agency;
2. Two journalism experts;
3. One representative of Civil Society organizations;
4. One lawyer;
5. One IT expert;
6. One marketing expert.

(2) Except for the member set forth in paragraph 1/ clause (2) of this article, the term for the members of the professional board of Bakhtar News Agency shall be as follows:

1. Four professional board members, for three years;
2. Two professional board members, for two years;
3. Subsequent appointment of the members set forth in paragraph 1 and 2/ clause (2) of this article shall be for three years.

Duties and Responsibilities of the Professional Board of Bakhtar News Agency

Article 69:

The professional board set forth in article 68 of this law shall have the following duties and responsibilities:

1. Protect the independence, impartiality and professional reputation of Bakhtar News Agency;
2. Monitor the budget implementation of Bakhtar News Agency;
3. Confirm the budget of Bakhtar News Agency and present it to the High Media Council for further proceedings;

4. Monitor the financial, administrative and broadcasting affairs of Bakhtar News Agency;
5. Attract the assistance for strengthening Bakhtar News Agency in accordance with procedures;
6. Monitor implementation of the provisions of bylaws and other relevant legislative documents of Bakhtar News Agency;
7. Confirm draft of the guidelines, procedures and policy for the professional affairs of Bakhtar News Agency and present it to the High Media Council for their approval;
8. Propose amendment and modification of the Bakhtar News Agency's legislative documents to the High Media Council for further proceedings;
9. Impose procedures for internal duties, and prepare guidelines for better implementation of bylaws, directives and procedures of Bakhtar News Agency;
10. Adopt measures to improve the skills of Bakhtar News Agency's staff, and ensure professional trainings for them;
11. Submit annual activity report to the High Media Council;
12. Other duties set forth in this law and other relevant legislative documents.

Appointment of the Chairman

Article 70:

- (1) Every commission and professional board set forth in this chapter shall have a chairman who shall be appointed from among their members by voting.
- (2) If the members of commissions and professional board set forth in this chapter, under provisions of this law, disagree on appointment of their chairman, their chairman shall be appointed by the High Media Council from among the members of the relevant commission or professional board, in accordance with the criteria mentioned in the related procedures.

Working Procedure

Article 71:

- (1) Working procedure of each commission and professional board set forth in this chapter shall be regulated under separate procedures for internal duties.

- (2) Procedure set forth in clause (1) of this article is enacted and drafted by relevant commission or professional board. The procedure may not be enacted contrary to the provisions of this law.

Independence of Performance:

Article 72:

High Media Council, commissions and professional board set forth in this chapter, may act independently in performing their duties and making decisions, in line with the provisions of law and other relevant procedures.

Membership Conditions

Article 73:

- (1) Elected members of the High Media Council, Mass Media Commission, NRTA Commission and the Board set forth in this chapter, in addition to the conditions enshrined in this law, shall also meet the following requirements:
1. Having citizenship of Afghanistan;
 2. At least 25 years old;
 3. Having at least a bachelor degree;
 4. Having five years academic or practical experience;
 5. Not convicted for any crimes or deprived of civil and political rights, based on the order of competent court;
 6. Having a good reputation.
- (2) The members of media violations commission may not be appointed as a proprietor or chief-and- editor of media and media institutions.

Conditions for Losing the Membership:

Article 74:

- (1) The elected members of commissions and professional board set forth in this chapter shall lose their membership under the following conditions:
1. Written resignation which is approved by the President of Islamic Republic of Afghanistan;

2. In case of violating one of the conditions stated in article 73 of this law;
 3. Incurable and continued illness preventing the members from participating in the meetings.
- (2) If the members set forth in paragraph 1, 2, 3/ clause (2) of article 59; the members set forth in paragraph 1/ clause (1) of article 64, paragraph 1/ clause (1) of article 66 and paragraph 1/ clause (1) of article 68 of this law; and the members of Media Violations Commission, by any reason and under provisions of law, lose their job in the relevant institutions they represent, they shall also lose their membership in the relevant commission or professional board set forth in this chapter.

Conditions for Termination of Members:

Article 75:

- (1) Elected members of High Media Council, commissions or professional board set forth in this chapter shall be dismissed on the basis of factual and clear reasons, under the following circumstances:
 1. Perform given duties insufficiently ;
 2. Without reasonable excuses, miss four regular sessions or eight different sessions in a year.
- (2) The elected members of commissions and professional board set forth in this chapter shall be terminated based on a recommendation by two-third of the members of the relevant commission or professional board, after confirmation by the majority of High Media Council members and approval of the President of Islamic Republic of Afghanistan.
- (3) The elected members of High Media Council shall be terminated based on a decision by the majority of two-third of its own members.

Resignation

Article 78:

- (1) High Media Council members set forth in paragraph 5, 6 and 7/ clause (2) of article 59 in this law may present their resignation to the concerned institutions. After approving their resignation, the institutions shall officially inform the High Media Council and introduce another person as their representative to the council.
- (2) High Media Council members set forth in paragraph 4, 8 and 9/ clause (2) of article 59 in this law may also present their resignation to the High Media Council. After approval of their resignation by High Media Council, other eligible persons set forth in this law shall be appointed as council members, in accordance with the High Media Council's procedures.
- (3) Mass Media Commission members, elected members of Media Violations Commission, NRTA Commission and the professional board set forth in this chapter may present their resignation to the High Media Council. After confirmed by the council, the resignation shall be presented to the President of Islamic Republic of Afghanistan for approval.

Appointment of the New Members

Article 77:

- (1) When a member of one of the commissions or professional board set forth in this chapter loses his membership under any circumstances, another person shall be appointed in a month to complete the remaining term of more than one year, pursuant to the provisions of this law. This period shall be included in the term of a new member too.
- (2) When a year or less than a year remains for the term of a member set forth in clause (1) of this article to complete, a new member shall be appointed for the full term, in accordance with the provisions of this law.

The Members Shall not be Terminated

Article 78:

Members of the High Media Council, commissions and professional board set forth in this chapter may not be dismissed until the end of their term, unless under the conditions enshrined in this law.

Term

Article 79:

- (1) Elected members of the High Media Council, commissions and professional board set forth in this chapter may only be appointed for two terms (consecutive or non-consecutive).
- (2) When one of the members set forth in clause (1) of this article loses his membership under any circumstances, but in the same time, he is appointed as a member of the institution for the second term in accordance with the provisions of this law; his period of services shall be considered as two terms, unless the first period of his service is less than a year.

Duties and Responsibilities of the Chairman

Article 80:

- (1) The chairman of the High Media Council shall have the following duties and responsibilities:
 1. Leadership and management of the High Media Council;
 2. Chairmanship of High Media Council sessions;
 3. Make sure approvals and decisions of the High Media Council are applied to the relevant areas;
 4. Use his authority set forth in clause (3) of article 83, if votes cast by members for decisions end up equal;
 5. Other duties and responsibilities set forth in the High Media Council procedures.
- (2) Duties and responsibilities of the chairman of the commission or professional board stated in this chapter are set out in the procedures of the relevant commission or professional board.

Sessions

Article 81:

- (1) Quorum for the sessions of the High Media Council, commissions and professional board set forth in this chapter shall be completed when the majority of the members from each relevant institution are present:
- (2) Decisions at the sessions of institutions set forth in clause (1) of this article shall be made based on the majority votes of the members present. Unless otherwise is mentioned in this law and other relevant procedures.
- (3) In case of equal votes, those members' decision which the chairman casts his vote for, shall be considered the majority.
- (4) Regular sessions of the High Media Council, commissions and professional board stated in this chapter shall be held in every 15 days. Special sessions of the council are held upon request by the chairman, four members from the High Media Council or three members from the relevant commission or professional board.
- (5) High Media Council, Mass Media Commission and Media Violations Commission may invite activists, experts or chief-and- editor of a public or private media or media institutions to their sessions for discussion on the subject matters.
- (6) NRTA Commission and Professional Board of Bakhtar News Agency may also invite activists, experts or officials from relevant institutions to their sessions for discussion on the subject matters.
- (7) Persons stated in clauses 5 and 6 of this article shall only have the right to express their opinions in the sessions, in accordance with the relevant procedures.
- (8) When the members of the High Media Council, Mass Media Commission and Media Violations Commission are, under any circumstances, the beneficiary of media or media institutions, they shall not participate in the decisions regarding the same media or media institutions.

Secretariat

Article 82:

- (1) The Publication Department in the Ministry of Information and Culture is responsible for affairs associated with the Secretariat of High Media Council, Mass Media

Commission and Media Violations Commission. Duties of the Secretariat shall be included in the procedures of the relevant institutions.

- (2) Secretariat affairs of the RTA Commission are undertaken by one of the RTA's departments, and the Secretariat affairs of the Professional Board of Bakhtar News Agency are undertaken by one of the sections (enshrined in relevant procedures) of the Bakhtar News Agency. Duties of both of the secretariats shall be regulated in the procedures for internal duties of the relevant commission and board.

Membership Wages

Article 83:

- (1) Members of the High Media Council, commissions and professional board set forth in this chapter are entitled to membership wages which shall be paid to them in accordance with the procedures of the relevant institutions and by observing the provisions of clause (2) of this article.
- (2) Membership wages for the members of the High Media Council, Mass Media Commission and Media Violations Commission shall be paid from the budget of the Ministry of Information and Culture. Membership wages for the members of the RTA Commission shall be paid from the budget of the RTA. And membership wages for the members of the professional board of Bakhtar News Agency shall be paid from the budget of the Bakhtar News Agency.

Vocational Institute of Journalism

Article 84:

- (1) Ministry of Information and Culture shall establish Vocational Institute of Journalism - in order to develop the professional skills and talents of the youth in the field of the modern journalism, and to build the capacity of the professional journalists.
- (2) Institute set forth in clause (1) of this article shall operate in line with its bylaws and shall regularly have short-term, medium-term and long-term (One and a half year) educational programs.

Chapter 11

Materials Prohibited to Broadcast and Disqualification of Operation

Materials Prohibited to Broadcast

Article 85:

Production, reproduction, printing and publishing and broadcasting of the following materials shall not be permissible in mass media and media institutions:

1. Works and materials contrary to the principles and tenets of the sacred religion of Islam;
2. Blaspheme other religions and faiths;
3. Disclose family secrets, intervention in private life of the people, defamation, accusation, hatred or abusive speech and unreal information causing material or intellectual damage to the real and legal persons.
4. Publicity and promoting of religions other than the holy religion of Islam.
- 5- Disclosure identity and broadcasting of pictures of the victims of violence and rape in a way to damage their social dignity
- 6- Works and materials which are opposing to social security, psychological security, enacted laws of the country and policies ratified by the High Media Council.

Disqualification

Article 86:

- (1) Proprietors whom are registering their media or media institution with the Ministry of Information and Culture shall start broadcast within 6 months from registration date; otherwise, issued licenses shall be known as invalid. In case of justified reasons, however, the period shall be extended for further 3 months.
- (2) If a proprietor stops his/her activity after a period of operation, he/she shall resume the operation within 6 months; otherwise their licenses shall be revoked.
- (3) In the case of resuming the operation the proprietor set forth in clause (1, 2) of this article whose license has been cancelled, shall take a new license for resuming his/her operation.

- (4) If the management or the manager of media or media institutions is found to have violated the provisions of this law, Media Violations Commission may, taking into account the intensity and moderation of the violation, apply the measures stipulated in article 92 of this law to the legal and real persons being involved.
- (5) Whenever proprietor's license in accordance with provision of this law is disqualified, proprietor has the right to refer to the court of jurisdiction.

Chapter 12

Assessment of Media Violation

Media Violations

Article 87:

- (1) Activities mentioned below are deemed to be media violations and shall be assessed by the Assessment Commission of Media Violation according to the provision set forth in the law:
 1. Inobservance of accuracy, balance and impartiality while broadcasting news and programs;
 2. Avoiding to broadcast the refutation of legal or real person;
 3. Broadcasting and disseminating distorted information and contents;
 4. Inobservance of clause (2) of article 17 of this law in respect to adjudication of violated rights of real or legal persons in mass media programs;
 5. Infringement of authorities set forth in relevant bylaws;
 6. Illegal broadcast of foreign programs via electronic media frequencies;
 7. Media or media institutions that operate without being registered or having gained license unless it is mentioned otherwise in the law
 8. Verification of falsely recorded information about the provisions and conditions set forth in this law in order to establish a media or institution, or changes in their specifications or amendments in their related bylaws to relevant institution by proprietor;
 9. Provision of false information and incorrect documents during assessment of media violation
 10. Production, reproduction, print and publishing of materials which are contrary to the article 87 set forth in this law
 11. Other infringements that have been drafted in the procedure by Media Violation Commission and have been ratified by the High Media Council.
- (2) Whenever a real or legal person perpetrates many media infringements set forth in clause (1) of this article, based on the situation, he/she shall be separately prosecuted, as per the provision of the law.

Submission of complaint and its Investigation

Article 88:

- (1) Any legal or real person offended from the broadcast of the contents, publication and reproduction of mass media and media institutions in contradiction with the provision of this law, he/she can submit their complaint to the Media Violation Commission.
- (2) No any other governmental organization in the first place except for the Media Violation Commission, have the right to investigate or make decision on media violations. However, investigation of election process and infringements of the intellectual property right of the author (copyright) according to its related laws, are exempt from this law.
- (3) Whenever the offended is a real person and, based upon the situation set forth in clause (1) of this article, has passed away or is unable to submit his/her complaint to Media Violation Commission, he/she can submit his/her complaints via a third person who is reiterated in the procedure of commission.
- (4) Whenever the offended is a legal person and his/her administrative existence has been revoked before the occurrence of the situation set forth in the clause (1) of this article, on behalf of the legal person the complaint shall be presented by the presenter of the affairs, who work for the legal person in the relevant administration, in accordance with the Media Violation Commission procedure.
- (5) Media Violation Commission investigates received complaints in accordance with their own procedures and adopts decision as per the provisions and procedures of the law.
- (6) In case of dissatisfaction in respect to the decision of the Media Violation Commission, both parties within seven working days after the first decision can apply for reassessment of the complaint and shall submit it to the Media Violation Commission. Media Violation Commission is obliged to assess them in accordance with the procedures and announce the results to both sides. In case both parties' satisfaction upon the last decision of Commission, the newly announced decision is final and implementable.
- (7) Should both the parties disagree with decision set forth in clause (3) of this article, they can refer to court of jurisdiction within 15 working days.

Precautionary Measures of the Commission

Article 89:

- (1) In case mass media and media institutions commit violation in respect to the provision of this law and other legislative documents, Media Violation Commission based on the situation may adopt the following:
 - 1- Verbal advice;
 - 2- Written advice;
 - 3- Directions/instructions for modification and correction;

- 4- Perpetrating the infringer to apologize;
 - 5- Issuance of written warning letters;
 - 6- Propose to the Ministry of Information and Culture regarding the disqualification of media or media institutions activity.
- (2) If Media Violation Commission's assessment set forth in clause (1) of this article reports that perpetration of violence is beyond the limits of media violation and requires legal prosecutions, Media Violation Commission in order for legal prosecutions refers the case to the relevant bodies.
- (3) Provisions set forth in clause (1 and 2) of this article considering the circumstances shall be equally implemented upon both legal and real infringers.

Announcement of Decisions

Article 90:

- (1) Media Violations Commission's decisions shall be announced in writing to both parties and the present members of the commission in its relevant meeting are required to sign it.
- (2) Media Violation Commission members have the right to vote declined ballot, dissenting vote or vote in favor while making decision. In case members use dissenting vote, they are required to provide reasons in writing which oppose the decision of the commission.
- (3) Entire Decisions of Media Violation Commission in order for public access shall be disseminated in mass media. Unless the commission by observing the provisions and procedures otherwise decides.

Revocation or Implementation of Decisions

Article 91:

- (1) The final and deliberate decisions of Media Violation Commission in respect to media infringements set forth in this law and procedures can only be abrogated by a court of jurisdiction in line with the law.
- (2) The disagreement arose between both parties owing to the decision set forth in clause (1) of this article and is not submitted to a court of jurisdiction within the period set forth in article 91 clause (1) of this law, the decision shall implement. In case, if both parties do not follow the decisions made by the commission, it shall then be prosecuted in accordance with the procedures of Media Violation Commission; and if necessary, infringers shall be introduced for legal prosecution.

Chapter 14

Media Legal and Judicial System

Media Attorney

Article 92:

- (1) Infringement cases that are referred by Media Violation Commission in accordance with the provision of this law shall be assessed, investigated and prosecuted by Media Attorney, which is formed in capital and provinces according to the provision set forth in this law.
- (2) Unless Media Violation Commission provide their official decision in writing, attorney has no right to directly take legal actions against media infringers or on the basis of a competent court decision in respect to cases which are of disagreement for complainant and respondent owing to the final decision of Media Violation Commission and has been provided to the attorney and requires legal prosecution.
- (3) In addition to the conditions enshrined in this law, professional attorney members mentioned in clause (1) of this article shall have professional education in respect to media rights.
- (4) Prior to the decision of Court for the arrestment of real person; media tribunal has the right to propose other alternatives instead of the arrestment of media violation accused.

Media Tribunal

Article 93:

- (1) Media Tribunal in accordance with the provisions of law shall address media cases.
- (2) Media Tribunal shall be established in primary courts of capital and provinces in accordance with the provisions of organizational law and authority of the courts of judicial power.
- (3) Supreme Court, when required, has the right to address media cases in the appellate session and shall create media tribunal in the appellate court of Kabul Province.
- (4) In addition to conditions set forth in the organizational law and authority of judicial courts, judges shall also have professional education in respect to media rights.
- (5) In order to better insure justice, cases set forth in article 97 of this law shall be addressed in three phases (Primary court, Court of appeal and Supreme Court) in accordance with the provisions of relevant laws.

Addressable Cases

Article 94:

- (1) Media tribunal under the provisions of this and other relevant laws addresses those cases in respect to media, media institutions, author and publisher's copyright that are presented by legal or real persons.

- (2) Cases addressed by Media Tribunal comprise the following:
- 1- Infringements perpetrated by media and media institutions;
 - 2- Cases related to non-registration and issuance of media and media institutions licenses;
 - 3- Cases related to disqualification of media and media institutions operations;
 - 4- Cases of infringements and legal disputes related to author's copyright in accordance with the law;

Media Tribunal Precautionary Measures

Article 95:

- (1) In case of media violations set forth in article 95 of this law, Media tribunal adopts the following measures against media infringers.
- 1- Advice in writing;
 - 2- Directions/instructions for modification and correction;
 - 3- Issuance of warning letters in writing;
 - 4- Imposition of fine to 100,000 Afghanis ,based on the situations, upon legal and real persons who commits violation;
 - 5- Disqualification of media and media institution operation that commits violation;
 - 6- Other precautionary or disciplinary measures enshrined in the law accordingly in respect to infringers.
- (2) Whenever perpetration of crime by legal or real person is beyond violation and according to the law the infringers is found to be guilty and his/her crime is also proved; the perpetrator shall be punished in accordance with law.

Reconsideration

Article 96:

- (1) Considering the changes in behavior and corrigibility of a guilty, competent court has the right in accordance with law to reconsider imprisonment determined by the law.
- (2) Competent court also has the right to reconsider, reconsideration set forth in clause (1) of this article, based on the demand of Civil Society Organization monitoring media rights and freedom of speech in country.

Chapter 15

Miscellaneous Provisions

Non-responsibilities or Responsibilities of Proprietor

Article 97:

- (1) Proprietor has no responsibility before Media Violation Commission and Legal and Judicial bodies in respect to contents broadcasted by media or media institution and issues related to the administrative and professional affairs of media or media institution unless it is mentioned otherwise in the law.
- (2) Responsibilities in respect to broadcasted contents, administrative and professional issues of media or media institution in the following cases relate to proprietor.
 - 1- Whenever related administration is insisted in writing to operate against in respect to provision of this law and other legislative documents;
 - 2- Works as editor-in-chief of the media or media institution;
 - 3- Cases mentioned in this law and other legislative documents in this regard.
- (3) Infringements in respect to inobservance of responsibilities set forth in this law and other legislative documents related to proprietor are exceptions for provisions mentioned in clauses (1, 2) of this article.

Right of film production of foreign citizens

Article: 98

Foreign citizens may produce documentaries and feature films in Afghanistan in accordance with its related legislative documents provided they have obtained an introductory letter from the Ministry of Foreign Affairs and a prior permission from Ministry of Information and Culture.

Radios and televisions foreign program broadcasts

- (1) Radios and television foreign produced programs and broadcasts except for exclusive programs cannot exceed 30%. Broadcast, dubbing and translation of foreign programs into common languages of Afghanistan and cable network broadcasts in accordance with the observation of provision of this law are exempt from this provision.
- (2) Foreign programs periodical broadcasts through RTA frequencies require certification of Radio and Television of Afghanistan (RTA), High Media Council acknowledgement and approval of Ministers' council respectively.
- (3) Radios and televisions except for those related to political parties can broadcast and publish inside Afghanistan through their frequencies after obtaining the agreement of Ministry of Foreign Affairs and broadcast license from Ministry of Information and Culture in respect to observation of this law provisions and other enacted laws of the country.
- (4) Media outlets set forth in clause(1) of this article are obliged to submit copies of all the documents related to the contracts between them and foreign media outlets to Ministry of Foreign Affairs, Ministry of Information and Culture and Ministry of Finance.

Printing media relating to foreign organization

Article 100:

- (1) Foreign political agencies in Afghanistan by observing provision of the law can have publication of newsletters without registering them. However, if the opposite country has imposed conditions on the political agency of Afghanistan in their country, so in this case similar conditions shall be applied.
- (2) Representatives of international and intergovernmental agencies, based on prior information to Ministries and relevant institutions, can run academic research, have periodical and non-periodical publication and broadcast.
- (3) Provision and broadcast of research and academic reports, based on prior information to ministries and institutions, shall take place in accordance with law.
- (4) Representatives of foreign media and news agencies intending to operate inside Afghanistan shall obtain introductory letter from Ministry of Foreign Affairs of Islamic Republic of Afghanistan, in writing, and shall register in Ministry of Culture and Information in accordance with provisions of this law in order for operation.
- (5) Media and media institutions set forth in the clause (4) of this article are obliged to observe the provisions of this law in their working area.

Registration of Books and Booklets

Article 101:

Book or booklet shall be registered with Ministry of Information and Culture after publication and the proprietor shall provide two copies each of the book, booklet or publication to the Ministry of Information and Culture and the Public Library.

Broadcasts Exclusive for Children

- (1) Mass media set forth in this law broadcasts children exclusive programs in respect to children physique, psychological safety and growth by observing provision of this law.
- (2) Media, to a possible limit, set forth in the clause (1) of this article in order for children mental growth and rotation publishes the contents, which are provided by children, in observance to the provisions of this law.
- (3) Radio and Television of Afghanistan (RTA) is compelled to observe clauses (1 and 2) of this law.

Exclusive Logo and Stamp

Article 103:

High Media Council, Commissions, Professional board and Institute set forth in chapter 10 of this law hold specific logo and stamp.

Relevant Legislative Documents

Article 104:

Affairs related to operations of private mass media and media institutions such as journalists and workers rights and obligations, wages of services, operations of common mass media and advertizing tools in observance of provisions of this law are arranged in line with separate regulations.

Payment of tax

Article 105:

- (1) Tax shall be levied on the profits of mass media and other institutions mentioned in accordance with the provisions of law.
- (2) Periodical and non-periodical print publications, media and non-profit media organizations are exempted from clause (1) of this article. This provision doesn't contain income of the mentioned media and media organizations' workers.

Department of Registration and Issuance of Licenses

- (1) Ministry of Information and Culture for the registration and issuance of licenses to mass media and media institutions and for its relevant affairs establishes department of registration and issuances of licenses.
- (2) Types of activities of administration set forth in clause (1) of this article are arranged through different procedures.

Regulations, Bylaws, Directives and Procedures

Article 107:

- (1) Ministry of information and culture in order to well implement the provision of this law in its designated areas, can process regulations, bylaws and can arrange and impose directives and procedures.
- (2) RTA and Bakhtar News Agency can also propose draft of regulations, directives and procedures for the purpose of implementation of provision of this law in the relevant areas in accordance with law.

Preference

Article 108:

- (1) Whenever a provision of other laws and legislative documents exists in contradiction with a provision of this law, the provision of this law in the area of media and media institution is of preference.
- (2) Whenever a provision of this law exists in contradiction with international pacts and conventions that Afghanistan in accordance with its constitution is compel to observe, materials of relevant pacts and conventions are of preference.

Establishment of Media Organizations

Article 109:

After the enactment of this law, Media institutions set forth in chapter 10 of this law are established in course of maximum 6 months and media institutions duties established in compliance with previous law ends up.

Date of Entry into Force

Article 110:

(1) This law shall enter into force after publishing in the Official Gazette, following which the Mass Media Law published in the Official Gazette No. 986 on 15 Saratan 1388 shall be nullified.