SUMMARY OF MEDIA LAWS AND REGULATIONS IN CENTRAL ASIA

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Central Asia Tech Law or CAT Law is a branch of jurisprudence which seeks to analyze and contextualize the growing impact of technology such as AI, 5G, Cloud Computing, Big Data, Medical Technologies, Privacy and Digitization on the national laws of the Central Asian countries, especially in relation to the technology ethics, regulations, and policy.

In 2019, Ammar Younas (a legal futurist, medical doctor and lawyer by training) coined the term “Central Asia Tech Law (CAT Law)” and started advocating the idea of a “Generalized AI Policy for Central Asia”. Central Asia Tech Law is also a Consulting and Research Center by “Ai Mo Innovation Consultants (SMC- Private) Limited.

The subject matter of “Central Asia Tech Law” includes Technology Law and related fields such as Internet Law, IT Law, Digital Law, LegalTech, FinTech in all five countries of the region – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

This branch of law strives to promote glocalized legal mechanism to treat technology as per the demands of the region and in line with the international standardization.

The Central Asia Tech Law aims at reinforcing the legal principles and rule of law in the countries of Central Asia in accordance with applicable international standards of technology regulations and by correlating with existing laws without compromising the legal sovereignty of Central Asian Law.
Central Asia Tech Law has following goals:

1: Facilitating the creation of a common techno- legal space between Central Asian states and increasing the understanding of technology regulations and ethics.

2: Promoting Tech Law as a reputable field of Legal Sciences in Central Asia

3: Promote efficient digitization of state institutions and public administration services

4: Techno- Legal Capacity building of all the stakeholders.
SUMMARY OF MEDIA LAWS AND REGULATIONS IN CENTRAL ASIA

AMMAR YOUNAS¹

MUKHAMEDNAZAROVA KAMILA RUSLANOVNA²

This study is an attempt to provide a summary of the legal progression related to the Media Laws in Post-Communist Central Asia. This study observes that the ideological context of the legal systems has impacted, not only on substantive components but on the procedural parts of the media laws as well. By using the examples of 5 Central Asian countries, a case has been built to highlight the legal progression in media laws in the region. It can be observed that the procedural matters are designed in a way that they can be seen correlating with the ideological contexts of these countries as well as new innovation technologies.

KAZAKHSTAN

Republic of Kazakhstan has developed a complex legislative entity (legal institution) - legislation in the field of freedom of speech, processing and dissemination of information, organization and activities of journalists and the media. It is in a state of active evolution.

¹ Visiting Professor, Faculty of Private Law, Tashkent State University of Law, Uzbekistan
² BA (Hons) in Commercial Law. Research Assistant to Dr. Ammar Younas
A number of objective factors have a stimulating effect on this process. It include further gradual democratic modernization; the entry of Kazakhstan into the civilized world space, accession to the generally recognized international and regional documents on the rights and freedoms of man and citizen, on the cross-border movement of information, etc.

On the basis, in accordance with and in the development of ideas, principles and norms of the Constitution, various normative legal acts are adopted.

- "On Mass Media" dated July 23, 1999 (with amendments and additions dated February 6, 2009). The subject of this Law is relations on state regulation in the field of mass media (Articles 4-1 - 4-5), on organizing the activities of the media (Articles 5 - 13), on the dissemination of the media (Articles 14 - 16), on the relations of the media with citizens and organizations (Articles 17 - 19), on the rights and obligations of a journalist (Articles 20 - 21) and accreditation of journalists, (Articles 22 - 24) as well as responsibility for violation of legislation on the media mass media (Articles 25 - 26);

- "On informatization" (dated January 11, 2007),

- "On communications" (dated July 5, 2004)

- “On TV and radio broadcasting”

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• “On advertising”,

A special place in media relations is intended to take the Law of the Republic of Kazakhstan dated July 10, 2009 "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Information and Communication Networks", or, as it was abbreviated, "the Law on Internet Regulation". "Internet resources" are equated to a mass media with all the ensuing consequences of restricting the dissemination of information prohibited by law and possible unpleasant consequences for violators. The decision on the imposition of sanctions, including the extreme ones - on the suspension or termination of the publication of a mass media, may be made only by the court.

Also there is Acts of the President of the Republic of Kazakhstan approved by decrees of the Head of State, the Concept of developing the competitiveness of the information space of the Republic of Kazakhstan for 2006-2009 (Decree of the President of the Republic of Kazakhstan dated August 18, 2006), the Concept of information security of the Republic of Kazakhstan (Decree of the President of the Republic of Kazakhstan dated October 10, 2006)

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10 the Concept of information security of the Republic of Kazakhstan accessed at <http://medialaw.asia/document/-1234>
On topical issues of legal provision of freedom of speech and information are held training seminars, round tables such as "Media in the era of new challenges"\(^{11}\) where were discussed the ways of improving media law and the creation of the Information Code of the Republic of Kazakhstan, also was published the Information Bulletin "Legislation and Practice of the Mass Media of Kazakhstan".

Along with short-term trainings, a project of a training course (distance learning program) "Fundamentals of legal regulation of the activities of journalists and mass media in the Republic of Kazakhstan" was developed and implemented. In terms of content, it included the study of seven topics: legislation of the Republic of Kazakhstan on freedom of speech and information; legislative regulation of the right to receive and disseminate information; the rights and obligations of a journalist; legal regulation of the publicity of legal proceedings; coverage of election campaigns by journalists; the right and protection of honor, dignity and business reputation; foundations of state regulation of the organization and activities of the media.

In addition, “Informative Kazakhstan 2020”\(^{12}\) - are the main document reflecting the policy in the field of support, development and financing of the media. The program was approved by the Decree of the President of the Republic of Kazakhstan in January 2013 and is divided into two implementation periods 2013-2017. and 2018-2020.


\(^{12}\) “Informative Kazakhstan 2020” Accessed at <http://adilet.zan.kz/rus/docs/P12000001534>
KYRGYZSTAN

Since independence in 1991, the state of affairs with the protection of the right to freedom of the press and freedom of speech in Kyrgyzstan has changed. However, what happened after the 2010 revolution also generated frustration and discouragement: the press fell prey to numerous targeted actions. One of the steps taken during the transitional administration was perceived as undoubtedly positive: Parliament abolished the criminal penalty for libel.

Nowadays it’s hard to say something precise about the position of the media in society.

Journalists are still attacked and freedom of speech is out of the question.

Existing Media Laws:

- “On Mass Media”¹³
- “On the Protection of Journalist rights”¹⁴
- “On TV and radio broadcasting”¹⁵
- “On advertising”¹⁶

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TAJIKISTAN

The legislation of the Republic of Tajikistan in the field of mass media arose on the basis of the Law of the USSR "On the Press and Other Mass Media" and still operates practically unchanged. The Law of the Republic of Tajikistan

- "On the Press and Other Mass Media" was adopted on December 14, 1990.\(^{17}\)

The numerous amendments introduced are not of a fundamental nature. On the contrary, some of the amendments made worsened the essence of the Law relatively democratically. To date, a significant number of laws have been adopted concerning certain types of media or certain aspects of their activities. These include, in particular: the Law of the Republic of Tajikistan

- "On Television and Radio Broadcasting". \(^{18}\)

A large number of norms affecting the status of the media are contained in the laws of the Republic of Tajikistan

- "On information", \(^{19}\)
- "On advertising", \(^{20}\)

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June 18, 2008, in on the eve of the International Day of Press Freedom, the Parliament of Tajikistan adopted a new law

- "On the Right to Access to Information".  

At first, the appearance of such a law was perceived by the media and journalists as positive news, however, as it turned out, this law not only did not improve the situation with access to information, but even complicated it. So, government agencies are given 30, and if necessary, 45 days to prepare a response to citizens' inquiries. In addition, the law provides for "reimbursement of the costs of providing information", while the legislator has given the opportunity for the ministries and departments themselves to set a price for the requested information. Thus, the law does not contribute to the development of a free press in Tajikistan, since it does not take into account the specifics of journalistic activities.

In addition, there is a draft law called the Law "On the Protection of the Professional Activities of Journalists", which has been lost in the lobby of the Parliament and for unknown reasons has not been submitted for consideration.

Moreover, In February 2019, ARTICLE 1922 (works for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination.) analysed the Law on Mass Media adopted by

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the Tadjikistan Government, and subsequently amended in April 2018, for its compliance with international freedom of expression standards.
TURKMENISTAN

The first *media law* in the history of Turkmenistan came into effect only on 3 January 2013\(^\text{23}\). In principle, it proclaims freedom of expression and bans censorship but it has so far done nothing to narrow the gulf between the official discourse and the reality of one of the world’s most closed and repressive countries. The reign of the arbitrary has prevailed until now in the media domain so the existence of a law is a small step forward but much will have to change before its principles and provisions are translated into facts.

Moreover, on 26 March 2016 came into effect law “*On Advertisement*”\(^\text{24}\). This Law defines the legal, organizational and economic foundations of advertising in Turkmenistan and regulates relations arising in the process of production and distribution of advertising.

On 5 January 2018 came into effect law “*On television and radio broadcasting*”\(^\text{25}\). This Law defines the legal, organizational, economic and social basis for the functioning of television and radio broadcasting in Turkmenistan, regulates relations arising in the field of television and radio broadcasting on the territory of Turkmenistan.

\(^{23}\) Law of the Republic of Turkmenistan “On Mass Media” accessed at <http://www.turkmenbusiness.org/content/zakon-turkmenistana-o-sredstvakh-massovoi-informatsii>


The concept of further deepening into democratic reforms and the formation of civil society in the country, put forward by the first President Islam Karimov, at a joint meeting of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan held on November 12, 2010, states the need to ensure information freedom, turn the media into a platform for free expression by citizens their thoughts and ideas, positions and attitudes towards events in our country etc. Subsequently, the country began to pay special attention to strengthening the material and technical base of the media, equipping them with modern information and communication technologies, creating the necessary conditions and opportunities for activities at the level of modern world quality standards.

There are laws and legislative acts regulating the activities of the media have been adopted, among which are the laws

- "On Mass Media", 26
- "On the Protection of the Professional Activities of a Journalist", 27
- "On Telecommunications", 28
- "On Publishing Activities", 29

• "On Guarantees and Freedom access to information",\textsuperscript{30}
• “On advertising”,\textsuperscript{31}
• “On communication”.\textsuperscript{32}

It should also be noted about the decree of the President of the Republic of Uzbekistan dated December 30, 2011 No. PP-1672 "On the provision of additional tax benefits and preferences for the further development of the media", \textsuperscript{33}which was another important step towards creating additional opportunities for the development of all information structures, printing enterprises, print distribution enterprises and other related enterprises that play an important role in the development of national media.

Moreover, In February 2019, ARTICLE 19\textsuperscript{34} (works for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination.) analysed the Law on Mass Media adopted by the Uzbekistan Government in January 2007, and subsequently amended in April 2018, for its compliance with international freedom of expression standards.

\textsuperscript{30} Law of the Republic of Uzbekistan "On Guarantees and Freedom access to information" accessed at <https://www.lex.uz/acts/2118>
\textsuperscript{32} Law of the Republic of Uzbekistan "On Communication" accessed at <https://lex.uz/acts/2116>
\textsuperscript{33} Decree of the President of the Republic of Uzbekistan dated December 30, 2011 No. PP-1672 "On the provision of additional tax benefits and preferences for the further development of the media" accessed at <https://www.lex.uz/docs/1931323>
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