

In The Name of Allah The Most Compassionate and The Most Merciful

The Law on Mass Media

Chapter One

General Provisions

Article One:

This Law has been enacted in accordance with Article 34 of the Constitution and Article 19 of the International Covenant of Human Rights for ensuring the freedom of thought and expression and for regulating the activities of mass media in the country.

Article Two:

The objectives of this law are as follows:

1. To promote and support the right to freedom of thought and expression, and to defend the rights of journalists and ensure the conditions for their free operation.
2. To promote and develop free, independent and pluralistic media.
3. To provide an appropriate environment for the citizens of the country to express their thoughts and feelings through speech, writing, drawing, pictures, recording, acting, movement and other scientific, artistic, literary means, including printing and broadcasting.
4. To observe the right to freedom of expression and mass media contained in the Universal Declaration of Human Rights, taking into account the true religion of Islam.
5. To support the proper development of mass media in a way that it becomes an effective means for promoting culture in the country, and reflecting public opinion honestly and usefully.

Article Three:

The following terms in this law shall have the following meanings:

1. **Media:** Means or instrument of disseminating information using the following media:
 - **Visual:** drawing, picture, postcard and poster.
 - **Audio-visual:** radio, television, cable network and picture mobile.
 - **Information media:** information and press agencies.

2. **Press:** shapes and letters printed in a way conveying a meaning or picture, and includes all mass media such as newspaper, gazette, magazine, booklet, book, preaching outlet as well speech and statement.
3. **Mass Media:** is divided into the following categories in this law:
 - **State-run mass media:** The media that belongs to state offices, funded and equipped by such offices.
 - **Organizational mass media:** The media that belongs to political, economic, social and cultural organizations and are funded and equipped by them.
4. **Journalist:** a professional person engaged in seeking, obtaining or imparting information through a news media.
5. **Printing House:** an economic, technical and incorporeal organization in which newspapers, magazines, books, gazettes, announcements, posters and postcards are printed.
6. **Printer:** a natural or legal person who, by ownership or representation, is immediately in charge of printing house affairs.
7. **Publisher:** a natural or legal person authorized to print and publish a non-periodic work.
8. **Proprietor:** natural or legal persons who are engaged in printing and publishing periodical printed media, and establishing radio, television, cable network, news agency and a printing house.
9. **Editor-in-chief:** a person who has the immediate responsibility of managing affairs related to the media mentioned in paragraph 8 of this article.
10. **Publishing:** is an action through which the message of printed media, broadcast and audio-visual media is conveyed to the public.
11. **Radio:** is a means of audio mass media.
12. **Television:** is a means of audio-visual mass media.
13. **Cable Network:** is reflective audio-visual mass media that transmits different international informative, educational, cultural and entertainment programmes to the subscribers through satellite connection.

Chapter Two

Rights and Obligations

Article Four:

1. Every person has the right to freedom of thought and expression. This right includes seeking, obtaining and disseminating information and views without interference and restraints by government officials. It also includes freedom of expression and means of broadcast, dissemination and seeking information.

2. The government shall support and strengthen the freedom of mass media. No natural or legal person, including the government and government offices, can ban, prohibit, censor or restrict the activities of mass media or otherwise interfere in the affairs of mass media and informative broadcasting. The Media Evaluation Commission mentioned in Article 42 of this law is an exception to this provision.

Article Five:

Every person has the right to seek and obtain information. The government shall provide the information sought by citizens, except when the information sought is a military secret the disclosure of which would endanger national security and interests.

Article Six:

1. Journalists shall be protected by the law in conducting their professional activities, including publishing critical reports and views.
2. Journalists shall have the right to avoid disclosing their sources of work, unless an authorized court orders the disclosure thereof.

Article Seven:

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

Article Eight:

1. The citizens of the country can establish the means of mass media contained in Article (3), according to provisions of this law.
2. Foreign political agencies, international organizations and their representatives in Afghanistan can print and publish news bulletins, observing diplomatic norms and after obtaining permission from the Ministry of Information and Culture.

Chapter Three

Printed Media

Article Nine:

1. Citizens of the country, political parties, registered national organizations and foreign emigrants may, according to provisions of this law, establish printed media. Newspaper, periodic publication, and other printed media can be established without prior permission.

2. Publications with a circulation of less than (200) copies shall not be subject to the provisions of article (13) and (28) of this law and shall not require prior permission and registration.

Article Ten:

The founder of a printed media, when registering his publication, shall provide the following information to the Ministry of Information and Culture:

1. Full identification and residential address of the applicant.
2. Name of the publication and the place of printing.
3. The language in which the publication is published.
4. The source of funding and the amount of capital invested.

Article Eleven:

Printed media shall contain its name, specified address, location of printing, the name of proprietor, editor-in-chief and the date of publication.

Article Twelve:

The original version of a publication shall bear the identity and signature of the author.

Article Thirteen:

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

Chapter Four

Printing Houses

Article Fourteen:

Citizens, political parties of the country and government offices may establish printing houses, provided that they have obtained a license from the Ministry of Information and Culture.

Article Fifteen:

Subject to the provisions of Article 24 of this law, the applicant for a license to establish a printing house shall provide the following information to the Ministry of Information and Culture:

1. Full identity and place of residence.
2. Name and location of the printing house.
3. Language in which the printing takes place.
4. The types and variety of machinery and printing equipment.
5. The source and the amount of capital invested for the establishment of the printing house.

Article Sixteen:

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

Article Seventeen:

The start or continuing of a printing house without a proprietor and an editor-in-chief shall not be permissible.

Article Eighteen:

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

Chapter Five

Audio –Visual Media

Article Nineteen:

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

Article Twenty:

1. In order to better regulate the activities of audio-visual media, the National Commission of Radio & Television Broadcast, comprising of five members, shall be established.
2. The Chairperson and members of the National Commission of Radio & Television Broadcast shall be appointed by the President for a period of two years, the Commission's tenure may be extended as required.

Article Twenty-One:

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

1. Issuing licenses and allocation of frequencies to radio and television systems in accordance with existing standards.
2. Issuing professional guidelines to political parties for their use of radio and television.
3. Issuing essential guidelines to owners of electronic media in consultation with media directors and civil society.
4. Monitoring the implementation of the provisions of this law by mass media.
5. Determining broadcasting policy of the state-run radios and televisions.

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

Article Twenty-Two:

The applicant for establishing mass audio-visual (Radio and Television) media shall in order to obtain a licence provide the following information to the National Commission of Radio & Television Broadcast:

1. Full identity and place of residence.
2. Name and location of the audio -visual media operation.
3. Type of the audio-visual media.
4. Goals and objectives of broadcasting.
5. Source and the amount of capital investment.
6. Quantity and quality of machinery and equipment.

Article Twenty-Three:

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

Chapter Six

Conditions and the obligations of the proprietor

Article Twenty-Four

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

1. Must hold a citizenship document of the country.
2. Must have completed 18 years of age.
3. Must not be deprived of civil rights by an order of an authoritative court.

Article Twenty-Five

1. The proprietor of audio - visual and printed media shall register his media in accordance with the conditions provided in this law.
2. If the publication is published before registration, the proprietor shall register his media within one week, in accordance with the provisions of this law.

Article Twenty-Six:

If the proprietor considers the decision of the Ministry of Information and Culture not to register or issue a license is in violation of the provisions of law, he may refer the case to Media Evaluation Commission. If not satisfied, the proprietor can bring an action before a court.

Article Twenty Seven:

1. The transfer of the ownership of a publication office, mass media, and of copyrights is permissible. The person to whom the ownership or the right is being transferred shall re-adhere to the provisions of articles 24 and 28 of this law.
2. The right to establish a publication office and mass media and the right to print and publish shall belong to the proprietor. If the right is being transferred to other persons, the provisions of articles 24 and 28 of this law shall re-apply.

Article Twenty-Eight:

The editor-in-chief shall, in the meantime, be responsible for publications of his media.

Chapter Seven

The conditions and obligations of the Editor-in-chief

Article Twenty-Nine:

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

1. Must hold a citizenship document of the country.

2. Must have completed eighteen years of age.
3. Must hold a certificate of professional education, or at least three years experience in journalism.
4. Must not be deprived of civil rights by an order of an authoritative court.
5. Must not have official employment with the government, unless the relevant publication is state-owned.

Article Thirty:

The editor-in-chief shall observe the equal rights of the person criticizing and of the person being criticized in the relevant media.

Chapter Eight

Prohibited publications

Article Thirty-One:

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

1. Subjects that are contrary to principles of Islam and offensive to other religions and sects.
2. Subjects that lead to dishonoring and defamation of individuals.

Chapter Nine:

Penal provisions

Article Thirty-Two:

The proprietor shall be responsible for his acts contrary to the provisions of this law.

Article Thirty-Three:

1. The natural or legal persons that embark on establishing and convening mass media in the Afghan territory, neglecting the provisions of this law shall be sentenced to cash fine.
2. Should the founder or convener of the mass-media be a natural person, shall be sentenced to cash-fine as set out below:
 - Television: fifteen thousands (15,000) Afghanis.

- Radio: ten thousands (10,000) Afghanis.
 - Information Agency: ten thousands (10, 000) Afghanis.
3. Should the founder or the convener of the mass-media be an legal person, it shall be sentenced to cash-fine as set out below:
- Television: seventeen thousand (17,000) Afghanis.
 - Radio: twelve thousand (12, 000) Afghanis.
 - Cable Network: thirty-four thousand (34, 000) Afghanis.
 - Information Agency: twelve thousand (12, 000) Afghanis.

Article Thirty-Four:

1. The editor-in-chief can avoid disclosing the name of the author. In this case, the responsibility arising from the publication of the subject is directed towards the editor-in-chief.
2. Critical articles may be published in periodical publications under a fictitious name of the author. If the name and identification of the author is known to the editor-in-chief, the editor-in-chief shall bear the responsibility for the article or work.

Article Thirty-Five:

1. If an author is found guilty under the provisions of this law, he/she shall be prosecuted as the perpetrator of the offence, and the editor-in-chief shall be regarded as the accomplice.
2. If the author is unknown, only the editor-in-chief shall bear the responsibility for the publication.

Article Thirty-Six:

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

Chapter Ten

Final provisions

Article Thirty-Seven:

Citizens of foreign countries may produce cinematographic films in Afghanistan, provided that they have obtained prior permission from the Ministry of Information and Culture.

Article Thirty-Eight:

The activities of mass media shall be regulated by a constitution covering their objectives, duties, authorities, structures and financial affairs.

Article Thirty-Nine:

The Ministry of Information and Culture shall provide possible facilities for the free operation of local and foreign mass media.

Article Forty:

The proprietors and editors-in-chief of mass media that have commenced their activities prior to the enforcement of this law shall adhere to its provisions, within two months from the date of its enforcement.

Article Forty-One:

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

Article Forty-Two:

1. In order to investigate the violations contained in this law, an Evaluation Commission with the following structure, shall be established with the Minister of Information and Culture as chairperson:

- A representative of Afghanistan Academy of Sciences, as member,
- Two representatives Faculty of Journalism, as members,
- A representative of Afghan Independent Human Rights Commission, as member,
- Two representatives of Journalists Union, as members.

2. The Commission prescribed in paragraph (1) of this article shall investigate the violations stated in this law. Whenever the case requires juridical prosecution, it shall be referred to a judicial authority for further proceedings.

Article Forty-Three:

This law shall come into force from the date of endorsement and shall be published in the Official Gazette. Upon its enforcement, the previous Media Law published in the Official Gazette, No. 800; dated 18 Hout 1380 (Afghan Calendar) shall be abolished.