



**Organization for Security and Co-operation in Europe**  
**The Representative on Freedom of the Media**

**SUMMARY AND RECOMMENDATIONS**

Legal review of the draft law of the Republic of Uzbekistan “On Broadcasting”

Having analyzed the draft law of the Republic of Uzbekistan “On Broadcasting” in the context of the provisions of the Constitution of the Republic of Uzbekistan, as well as international standards on freedom of expression, the expert came to the general conclusion that the draft law demonstrates progress in the development of legislation on television and radio broadcasting and its direction towards harmonization with the principles of international law and international standards. At the same time, despite the correct basic principles being laid down, as well as some very significant advantages, the draft contains potentially negative provisions for the freedom of the media in the Republic of Uzbekistan, and includes a significant number of provisions that contradict each other. The document’s provisions require redrafting and clarification regarding some of the rules.

The main recommendations, based on international law and principles, are as follows:

1. To carry out harmonization of the terms and notions in the draft;
2. To regulate the status of public broadcasting organizations in a more detailed way, providing the necessary level of guarantees for their activities:
  - To guarantee the principle of editorial independence by the law;
  - To establish a subscription fee and/or the state budget as a source of financing with a designation of guarantees for obtaining sufficient cash and material resources for public service broadcasting organizations, including ensuring the issuance of a broadcasting license without a tender;
  - To introduce the reference provision to enact a set of documents detailing guarantees of the independence of the public broadcaster;
3. To abandon the parallel functioning of governmental television channels and radio stations with public services, completely switching to public broadcasting. To introduce transitional rules for the activities of state broadcasting organizations until they receive the status of public broadcasters;

4. To clarify the restrictions imposed on foreign broadcasters, and eliminate unnecessary restrictions and prohibitions on the activities of foreign television and radio companies;
5. To harmonize the status of the regulatory body (Council) within the draft framework. It must be adjusted in order to ensure its independence and normal functioning. In order to implement this proposal, the following amendments are needed:
  - to provide for the formation of the Council by the main governing bodies of the country, representing the citizens: Parliament and the President. Determine that the Council reports on its activities to Parliament;
  - to present in the law draft the more detailed procedure for the formation of the Council: its composition, the rules for representing the industry and governing bodies, and rotation of the Council should be introduced;
  - To guarantee the funding of the regulatory body in an amount sufficient enough to carry out its functions (potential sources are the state budget or subscription fee);
6. To review the licensing provisions proposed by the draft law:
  - The list of licensed activities should be clarified: instead of activities related to the design, construction, operation, and provision of television distribution network services, a broadcasting activity should be introduced in license;
  - The procedures for obtaining broadcasting licenses in resource-limited environments should be competitive; the rules for conducting tenders should be transparently specified in law;
  - The list of documents required to obtain a license should be reduced, at least the potential licensee should not provide the documents that he received when registering a legal entity with the authorities;
  - The law should establish transparent court procedures for suspension and cancellation of a license;
  - The law should include guarantees for prompt judicial review of appeals about suspension of a license;
7. To exclude the rules on abuse of freedom of broadcasting in cases where violations are not dangerous for society or can be ceased using other procedural rules (distribution of programs that could harm children, distribution of knowingly false, defamatory information), to specify mechanisms for the liability of broadcasters, namely, to establish the possibility of suspension or cancellation of a license only in cases of abuse of freedom of broadcasting;
8. To introduce into the draft law the rules that exclude the liability of broadcasters for distributing illegal content in cases where: i) the sources of information are not the

broadcasters themselves and; ii) they are not to verify information because of the presumed reliability of the source of such information.