[KG] Public Television Established

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Dmitry Golovanov
Moscow Media Law and Policy Centre

On 10 December 2005 President Kurban Bakiev of Kyrgyzstan issued a Decree regulating general aspects concerning the establishment of a national public broadcasting company. The Decree endorsed the bylaw of the company.

According to the Decree, the public broadcasting company named “Public Television - ELTR” shall be organized on the basis of the state-run Television and Radio Company “OSH - 3000”, located in the town of Osh. Authorized authorities shall provide the new company with a metric wave frequency covering the whole territory of the country. The Government shall be obliged to carry out organizational, financial and other measures that are subsequent to the Decree and to bring its own acts into accordance with the Decree.

The bylaw of the public broadcasting company endorsed by the Decree regulates its legal status, principles of programme policy, management, as well as its financial activities. The “General provisions” chapter proclaims the main aims of the Company, which are to inform the public in accordance with the highest professional standards of journalism as well as to contribute to the integration and harmony of the society. The Company shall be a legal entity functioning as a state institute. It shall hold its assets and give title to the necessary bank accounts. However, according to Kyrgyz civil law the state shall formally fully retain its property owner's rights (Articles 164, 231 of the Civil Code).

Chapters 2 and 5 of the bylaw provide for the principles, the programme concept and aims of the Company. The main principles shall be: editorial independence, objectivity and balance of information, differentiation between facts and commentaries, plurality, transparency, and audience participation programme making policy (p. 8). The programmes shall serve public interests, and refrain from protecting the interests of any party, group or ideology (p. 32). The Company shall be obliged to disseminate information, social, cultural, youth and children's programmes. One of the few concrete provision states that the amount of programmes in Kyrgyz language shall take up not less than 60 per cent of broadcasting time (p. 34). The bylaw includes a number of provisions protecting the rights of minors and guaranteeing objectivity and impartiality.

According to chapter 3 of the bylaw the Company shall be managed by the Supervisory Board and the Chief Executive Officer. The Board shall include 9

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members to be appointed by the President of Kyrgyzstan according to the recommendations of educational, academic and other non-governmental organizations for a five-year term. Termination of powers of the Board members shall be possible in a limited number of occasions listed in the Bylaw. The Board shall participate in the appointing of the CEO and in drawing up the budget; however it shall have only consultation functions in these matters. At the same time the programme policy making as well as the control over the policy shall be the Board's prerogative.

The CEO shall be appointed by the President of the Kyrgyz Republic with the Supervisory Board's sanction. The competence of the CEO shall include: representation of the Company, operational finance management, day-to-day programme management, employment and dismissal of the Company's staff. The bylaw does not include any grounds for termination of powers of the CEO or any other mechanisms of control over this official activity.

Bylaw's Chapter 4 is devoted to the financing and business activities of the Company. Point 28 here provides for the following sources of the Company's finances: national budget, governmental subsidies, placement of commercials and other permitted sources. The bylaw does not establish minimum amounts of national budget financing or special requirements regarding the amount or content of advertising. The Company shall be obliged to send reports to financial control agencies as any other legal entities do. According to p. 46 of the act the Supervisory Board shall have the right to initiate financial audits of the Company.

"O teleradioveschatelnoi kompanii Kyrgyzskoi Respubliki “Obschestvennoe televidenie - ELTR", 10/12/2005 N 632, Erkin Too 12 /12/2005

Decree of the President of Kyrgyz Republic of 10 December 2005 N 632 "On television and radio broadcasting company of the Kyrgyz Republic “Public television - ELTR" published in official gazette on 12 December 2005

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Bylaw of 10 December 2005 “On television and radio broadcasting company of the Kyrgyz Republic “Public television - ELTR” (not published)

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