[KG] PBC Statute Adopted

IRIS 2010-6:1/36

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On 30 April 2010 the Provisional Government of the Kyrgyz Republic adopted a Decree on establishing the Public TV and Radio Broadcasting Corporation of the Kyrgyz Republic, which entered into force immediately. The Provisional Government by its own decree No. 1 of 7 April 2010 took upon itself the power of the parliament and the president of the republic, thus its decrees can be considered as national statute law.

The Decree of 30 April ordered the transformation of the State-run National TV and Radio Corporation into the “Public TV and Radio Broadcasting Corporation of the Kyrgyz Republic” (PBC). The decree stipulates that the first Supervisory Board of 15 members be appointed for a period of 3 years by the Provisional Government from among the candidates presented by NGOs. The Director-General of the PBC is to be appointed by the Supervisory Board for 5 years.

The Decree approved the Statute of the Public TV and Radio Broadcasting Corporation which in itself presents a detailed piece of legislation. The Statute is an almost verbatim replica of the Statute of the Kyrgyz Republic “On the National Radio and Television Broadcasting Corporation”, which was adopted by the Zhogorku Kenesh (parliament) on 8 June 2006 and signed into law on 2 April 2007 (see IRIS 2007-6: 14/21). This Statute was then annulled by the introduction on 2 June 2008 of the Statute “On television and radio broadcasting” adopted by the parliament on 24 April 2008 (see IRIS 2008-9: 16/25). The difference lies only in the new name of the Corporation.

The new Act determines the main provisions concerning the legal status of the Corporation, the financial aspects of its activity, programming, and questions of advertising and sponsorship. The PBC has the legal status of a State agency: its rights and freedoms are guaranteed by the State. At the same time the Government may not interfere in the operation of the PBC.

Among the goals of the Corporation are the maintenance of national interests, national culture and traditions, the formation of a common information and broadcasting space, the creation of a positive world image of the Kyrgyz Republic as a democratic country, as well as the production of high quality programmes on socially important issues. At the same time the Statute demands that news and current affairs programmes be produced objectively in the spirit of the best

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journalistic culture. It stipulates protection of journalistic sources and the need for the code of practice with some of its provisions already included in the text of the Statute.

The management and control of the Corporation shall be the responsibility of the Supervisory Board and the Director-General. The Supervisory Board is the supreme body of the PBC; it consists of 15 members elected for five years by the parliament, five from among the ten candidates proposed by the president, five from among the ten candidates proposed by the parliament itself, and five from the ten candidates from civil society, that is “academic institutions, public associations, the mass media, etc.” (Art. 13). As here the Statute contravenes the Decree, the Decree shall be in force but only in relation to the first call of the Supervisory Board.

The Director-General is the executive manager of the PBC and is elected by the Supervisory Board in an open contest.

The activity of the Corporation is based on the principles of transparency. Its annual report shall be delivered to the president and parliament and be published in the press.

According to Article 20 of the Statute the main source of financing of the Corporation comes from the national budget (this budgetary finance shall be protected from appropriation for other purposes), as well as income from its commercial activity, the sale of intellectual property, advertising and sponsorship.

Article 9 contains provisions on advertising. It imposes limits of ten per cent of both the daily and hourly broadcasting time used for advertising. Advertising of tobacco and alcohol products shall be forbidden. Many provisions of the rules of advertising and sponsorship, as well as the right of reply are not dissimilar to those in the European Convention on Transfrontier Television.

Article 7 allows the Corporation to offer for tender up to 30 per cent of the broadcasting time for independent producers. Only 40 per cent of all programmes broadcast can be supplied by foreign producers. Moreover a minimum of 50 per cent of all programmes shall be in Kyrgyz.

Декрет Временного Правительства Кыргызской Республики о создании Общественного телерадиовещания в Кыргызской Республике

Decree on establishing the Public TV and Radio Broadcasting Corporation of the Kyrgyz Republic of 30 April 2010

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Положение Кыргызской Республики "Об Общественной телерадиовещательной корпорации Кыргызской Республики"

Statute of the Public TV and Radio Broadcasting Corporation of the Kyrgyz Republic

Legal review of the Decree on Establishment of Public Television and Radio Broadcasting in the Kyrgyz Republic

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