

# Supporting and Establishing Media Development Strategies in Uzbekistan

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## ABSTRACT

*The article discusses the legal support for the media, and the legal procedures of government departments, including the Agency for Information and Mass Communications (AIMC) and the State Information Agency UzA. In order to protect the freedom of the press, the government has a responsibility and must protect all journalists' rights.*

## Introduction

Uzbekistan's mass media market has changed a lot in recent years. Journalists have become more educated on legal knowledge to protect their freedom of expression. One of the basic rights of all humans is freedom of expression and the pursuit of information. The full enjoyment of this right is essential for the development of democracy and the realization of individual freedom, especially in countries transitioning from dictatorship to democracy. Realizing the values of accountability and transparency is a prerequisite for the promotion and defense of all human rights, and these values depend on freedom of expression. The legal analysis in the next section is based on the fact that mass media law interacts with many international human rights treaties. The Broadcast Law, in particular, is protected by the International Human Rights Clauses contained in this section, and other important clauses are also listed. Universal Declaration of Human Rights. While this research recognizes a number of the law's positive aspects on journalist's daily life, and also point out that it is important to evaluate the law's provisions in light of the nation's ongoing limits on the right to free expression and human rights in general. The freedoms of speech and the press are guaranteed by the Uzbek constitution, but in reality, the government of Uzbekistan pays little attention to the law. Even though the government recently made some democratic reform commitments and released some political prisoners, including journalists, the nation nevertheless has one of the worst records in the world for protecting human rights. Despite censorship being expressly prohibited by law and the constitution, several reports unequivocally show that this is not the case. Notwithstanding legal and constitutional prohibitions on censorship, several investigations unequivocally show a gap between the letter and spirit of the law. The law must consequently be understood in light of the nation's current human rights situation. The 1997 law on the Protection of Professional Activities of Journalists was revised in April, 2018 year. And pertinent presidential decrees, such as the Decree on Controlling Foreign

Media, should also be read in conjunction with this document, amended in March, 2018year. Inadequate compliance with international standards for freedom of expression is another issue with the related legislation. According to international standards, restrictions on the right to freedom of expression must pass a "three-part test," which states that restrictions must be:

- Provided for by law; any law or regulation must be formulated with sufficient precision to enable individuals to regulate their behavior accordingly;
- In pursuit of a legitimate aim; which is exhaustively listed as respect for the rights or reputations of others; or the protection of national security;
- Necessary and proportionate in a democratic society; when a less intrusive option can achieve the same result as a more restricted one, it is appropriate and necessary to pick the least restrictive option.

### **The view of the inner insight**

Article 29 of the Constitution of the Republic of Uzbekistan states that "everyone has the freedom to seek, acquire, and disseminate any information;" however, this right is curtailed if it is intended to undermine the preexisting legal framework. For reasons of state and other secrets, the law may limit one's ability to express their thoughts freely. Moreover, Article 67 of the Constitution states that "The mass media are free and act in accordance with the law. They are accountable for the accuracy of the information under the defined procedure. Censorship is prohibited. This norm is expected to be strengthened at the level of the Constitution. Reportedly, it is proposed to add the following addition to this article: "The state guarantees the freedom of media activity, their rights to seek, receive, use and disseminate information. Obstructing or interfering with the activities of mass media and journalists is a cause of liability according to the law. Mass media are responsible for the correctness of the information they present.

### **Misuse of the media's freedom is forbidden**

There are certain content limitations outlined in Article 6 (the regulations on "misuse" of media freedom, unaffected by the April 2018 changes). It forbids, among other things:

1. calls for the ruthless destruction of the Republic of Uzbekistan's territorial integrity and constitutional form of government;
2. dissemination of information that is a state secret or other legally protected secret;
3. dissemination of information intended to incite racial, ethnic, or religious tension;
4. promotion of narcotics, psychoactive substances, and precursors, unless prohibited by law;
5. propagation of war, violence, and terrorism as well as ideas of religious extremism, separatism, and fundamentalism.
6. Promotion of pornography;
7. Other illegal activities;
8. Abuse of citizens' privacy through the media; Publishing inquiry or preliminary investigation records without the prosecutor's, investigating officer's, or interrogating officer's written consent;
9. Predicting the outcome of a particular case before a court decision is made; or Any Other Illegal Activities;

First, we dispute whether any content limits should be included in the Mass

Media Law at all. The inclusion of content limits in statutes with general applications would appear more suitable. It's likely that some of the content limitations establish slight variations on already existing bans or duplicate restrictions found in the civil or criminal legislation. For instance, current

laws currently prohibit the publication of incitement to hatred. 32 It is confusing legally when two sets of laws are applied to the same offense by repeating or slightly altering these sections in the Mass Media Code. Avoiding this consequence would prevent the media from being subject to many laws' worth of overlapping and potentially conflicting content prohibitions. Additionally, it conveys to the media a message that they are the target of extra scrutiny, which is likely to have an unjustified chilling impact on their freedom of expression.

In addition to the issue of whether the Mass Media Law is the appropriate place to include these rules, the research is worried that all of the content prohibitions are overly wide and vaguely written, leaving them vulnerable to exploitation for political reasons. Since the right to free speech is not inalienable, it must nonetheless pass the three-part criteria outlined in the previous section of this analysis.

### **The dissemination of content**

Chapter 4 of the Mass Media Act contains various provisions regarding the means of distribution of media products, including websites, as well as provisions regarding prior mandatory copying. It provides that the Council of Ministers draws up a list of authorities and institutions to be included in the mailing list for legal deposit of printed publications. Section 31, in turn, sets out the conditions for the dissemination of media products from foreign media. In a democratic society, it is not necessary for the law to stipulate how media content should be circulated or to put restrictions on statutory copies, according to article 19. We see that the necessity to deposit publications is typically tied to goals like building libraries, which may be supported by archival interests. In addition to creating a large administrative burden, there is a chance that a regulation like this may be abused to suppress content. This worry is especially acute in this instance because it is utterly unclear why the Cabinet of Ministers decided which authorities should be given statutory copies. If the development of specific archives is required, we suggest that copies of print media outlets can be required only to be sent to the national library in view of its responsibility to protect the national cultural heritage. This is the standard practice around the world.

### **Conclusion**

All individuals, not just media organizations, should have the right to information. No indication is made in the Mass Media Law as to how its protection of the right of the general public to access information varies from that of the right to information under its terms. But there is no reason to treat media organizations any differently from the general public when it comes to the right to obtain information. Information should only be withheld under certain circumstances. Article 351 merely instructs public agencies to "motivate" their refusals. We observe that, according to international norms, public organizations may withhold information only if they can demonstrate that the information only applies to a specific set of circumstances. A thorough freedom of information law ought to be enacted in Uzbekistan. A better option would be to change the Mass Media Law to guarantee everyone's access to information. Any information access limitations should fit international standards.

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