

Islamic Republic of Afghanistan Independent Election Commission

Regulation on Establishment of Media Commission

Legal basis: This regulation has been enacted and approved by the Independent Election Commission (hereinafter referred to as the Commission) based on Article 79 of the Electoral Law

Purpose:

This regulation shall regulate affairs related to the establishment, duties and authorities of the Media Commission during 2014 Presidential and Provincial Council elections under the provisions of Article 61 of the Electoral Law.

Establishment and Composition of Media Commission

Article 1:

(1) The Commission shall establish a Media Commission at least 90 days before the Election Day to supervise fair and impartial reporting and broadcasting of electoral campaigns as well as adjudicate on media offences based on the internationally accepted principles of freedom of expression and access to information and also on commitments of Afghanistan arising from endorsement of International Covenant on Civil and Political Rights.

(2) The Media Commission shall consist of five members (at least one of whom shall be a female) who shall be selected from among the media elites by the Commission based on the principle of professionalism.

(3) The Media Commission's members are required to meet the following requirements:

1. Shall be an Afghan citizen.
2. Shall have higher education in the field of journalism, law and literature.
3. Shall have at least (5) years professional experience in the fields of media and cultural affairs.
4. Shall have academic works or topics
5. Shall have temporarily dismissal from his/her official duty.
6. Shall not have affiliation with political parties (while being on duty)
7. Shall maintain impartiality and not incline towards factional, tribal, linguistic, racial, religious and regional discriminations.
8. Shall not be deprived of civil and political rights by a court.
9. Shall have proficiency in one of the official languages of the country.
10. Shall be committed to the national values and shall abide by the Constitution, the Electoral Law, Mass Media Law and other effective laws of the country and decisions of the Commission.
11. Shall respect and comply with ethical principles of journalism.

- (4) The Chairperson of the Media Commission shall be elected from among its members in its first meeting. If the members do not agree on the election of the chairman, he/she shall be appointed by the Commission.
- (5) The Media Commission shall develop its internal rules of procedure and submit it to the Commission for approval.
- (6) The Media commission, for better implementation of its activities, may hire executive staff through the Commission's Secretariat based on the Regulation on Temporary Staff Recruitment.
- (7) All activities of the Media Commission shall be supervised by the Commission.
- (8) Other activities of the Media Commission shall be organized through the Secretariat.

Duties and Obligations of Media Commission

Article 2:

- (1) The Media Commission shall have the following duties:
 - A. shall prepare and codify internal rules of procedures; guidelines, memorandum of understandings, notes and other legal documents that fall in its scope of authority after the approval of the Commission.
 - B. Shall supervise publication and broadcasting of electoral campaigns through mass media taking into consideration the regulations and procedures of the Commission.
 - C. Shall adjudicate on incoming complaints about media offenses
 - D. Shall give order for correction, issue warning, and impose fines
 - E. Shall introduce violators (legal and natural persons) to the concerned authorities for legal prosecution after approval of the Commission.
 - E. Shall take necessary legal measures against dissemination of unrealistic topics by mass media about electoral issues and the electoral commissions.
 - F. Shall collaborate and cooperate with the government media commission.
 - G. shall submit report to the Commission
 - H. Shall perform other duties and responsibilities assigned by the Commission.
- (2) Shall approve functional and management plans.
- (3) Complaints and topics filed in regard to media offenses shall be adjudicated and followed up in the media commission meetings.
- (4) Shall submit an evidence based request to the Commission on cancellation of accreditation of a media outlet.
- (5) Shall supervise programs and activities of organizations that are partners with the Media Commission.

Duties of Media Commission Chairman

Article 3:

1. Leading meetings of the Media Commission.

2. Managing activities of the Media Commission.
3. Representing the Media Commission in relevant internal and international organizations.
4. Monitoring and evaluating activities of the staff members of the Media Commission.
5. Attending official media speeches and press conferences.
6. Singing official correspondences of the Media Commission sent to other organizations.
7. Reporting to the Commission.

Complaint to Media Commission

Article 4:

1. Any citizen eligible to vote, candidates, agents, political parties, social organizations and other personalities who witness a media violation, may file a written complaint with the Media Commission or the Commission.
2. The method of adjudication on media offenses shall be regulated by the Media Commission through a separate procedure.

End of Activity Period of Media Commission

Article 5:

1. The activity period of the Media Commission shall end 45 days after the announcement of final results of the election and all its affairs shall be transferred to the Commission.

Report

Article 6:

After finishing its work, the Media Commission shall provide the Commission with a final report on its activities.

Entry into Force

Article 7:

This regulation shall enter into force after the date of approval and be published. All previous similar regulations shall be cancelled.