



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

**ANALYSIS AND COMMENTS**

**on**

**Amendments to**

**Law of the Republic of Kazakhstan**

**On Mass Media**

**by**

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## Introduction

In a democratic society, media legislation must be based on the presumption of freedom, including the rights and freedoms laid down in Article 19 of the Universal Declaration of Human Rights, Article 11 of the Charter of Fundamental Rights of the European Union and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Article 19 of the Universal Declaration lays down the principle that:

*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*

Article 11 of the Charter of Fundamental Rights repeats the same principle, but adds:

*The freedom and pluralism of the media shall be respected.*

Article 10 of ECHR proclaims freedom of expression, including the right to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers. These rights and freedoms are to be enjoyed and exercised by everyone. Accordingly journalists and the media do not have special rights and privileges over and above the rights enjoyed by other individuals. If these freedoms are assumed, then it is clear that legislation need only describe rules and procedures for their exercise and lay down such restrictions and exceptions from them, as are acceptable in a democratic society. To the same principle as quoted above, it adds the following provision:

*This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

In the Helsinki Final Act, CSCE countries stated that they:

*Make it their aim to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their profession in another participating State, and*

The document adopted at the October 1991 Moscow Meeting of the Conference on the Human Dimension of the CSCE states that:

*participating States reaffirmed the right to freedom of expression, including the right to communication and the right of the media to collect, report and disseminate*

*information, news and opinions. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards. They further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.*

*They consider that the print and broadcast media in their territory should enjoy unrestricted access to foreign news and information services. The public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards.*

The November 1991 CSCE Seminar of Experts on Democratic Institutions, Oslo, adopted a Report to the CSCE Council which had the following to say on the question of media regulation:

*It was emphasized that a democratic form of government requires freedom of speech, without which its citizens cannot obtain the information necessary for participation in political and public life. A diverse and independent press and broadcasting system has a vital role to play in any democracy. The question of imposing certain regulation on the media was discussed. It was pointed out that some protection was required against excesses of the press. At the same time, it was underlined that freedom of expression should only be subject to such restrictions as are prescribed by law and are necessary in a democratic society (...)*

*Ideally, economic conditions should guarantee complete editorial independence. It was, however, pointed out that State intervention could sometimes be necessary in order to protect the diversity of the press. In this context, it was mentioned that one should also take into account that the press and broadcasting system are parts of the cultural identity of a country.*

As stated in the 1990 Copenhagen Document of the Conference on the Human Dimension of the CSCE Process, any restrictions on fundamental rights and freedoms must be "provided by law and relate to one of the objectives of the applicable law and be strictly proportionate to the aim of the law". They must be shown to be necessary in a democratic society. A pressing social need for such restrictions must be demonstrated and the restriction must be proportionate to the legitimate aim pursued. The reasons given to justify such restriction must be relevant and sufficient.

We will consider the Law of the Republic of Kazakhstan On Mass Media in the light of these international standards of freedom of expression and media freedom.

## **GENERAL COMMENTS ON THE LAW OF THE REPUBLIC OF KAZAKHSTAN ON MASS MEDIA OF 1999**

The law contains basic provisions in a number of areas of media regulation. It thus typically represents an early stage in the development of media legislation in a country, where

many diverse areas are briefly regulated in one statute. No doubt, the regulation will need to be expanded with time and developed into separate laws: press law, broadcasting law, copyright law, freedom of information law, etc.

Application of a law, especially in such a sensitive area as the mass media, depends to a great deal on the legal and political culture of the particular country, and the general state of the rule of law in that country. The more remains to be done in these areas, the greater the need for precise and detailed regulation in the media law, in order to prevent abuse of the law or disregard of its provisions. In this case, the general nature of the provisions means that the loopholes in this law leave the door open to regulation and practices which may run against the general spirit of the Law on Mass Media.

Art. 4 says that media legislation “shall consist of the present law and other normative legal acts of the Republic of Kazakhstan” and many provisions do refer to other unspecified laws as bearing on a particular issue. For example, Art. 21 states that it is the journalists obligation to “carry out other responsibilities laid upon him/her in accordance with the legislation of the Republic of Kazakhstan”. This may potentially pave the way to unacceptable practices of imposing on journalists duties which are incompatible with his/her professional status.

In addition, the law provides few effective safeguards against infringements of media freedom and independence. Art. 25 (“Grounds for responsibility for violating the legislation on mass media”) provides a good example of the approach adopted in this law. It says in para. 3 that “Hindering legal professional activity of a journalist shall entail responsibility established by legislation of the Republic of Kazakhstan”. The proper place for specifying penalties for interference with media or journalistic freedom is precisely in this law. Lack of such provisions may leave the media unprotected especially against infringements of their freedom and independence for reasons and in ways unregulated in media legislation.

This is all the more important given the fact that the “Authorized Agency on Mass Media Matters” mentioned in the law in several places is a government department (the Minister of Information and Social Accord). It is also responsible for handling many different media issues, resulting in direct government involvement in a number of fields of critical importance for media freedom. This Agency is given wide leeway in its activities (see below).

According to available information, a vaguely written law on national security passed in 1998 gave the Prosecutor General the authority to suspend the activity of news media that undermined national security.

A law on state secrets which entered into force in March 1998 criminalized the unauthorized disclosure of a wide range of information, much of which was vaguely defined and left to the interpretation of government authorities. The list of state secrets enumerated in the law included all information about the health and private life of the President and his family. Also defined as state secrets were basic economic information such as the volumes and scientific characteristics of national mineral reserves and the amount of government debt owed to foreign creditors.

Several laws control advertising in the mass media. One law restricts alcohol and tobacco advertising on television. The new media law prohibited violence and all “pornography” from television broadcasts. Another law restricts advertising in each issue of a newspaper to 20 percent of the total material.

All this seems to point to the existence of a scattered body of different regulations concerning the mass media which do not add up to a coherent legal framework.

In the present form, a number of the provisions of the Law on Mass media may raise concerns in terms of media and journalistic freedom.

## **Article 10. Registration of a Mass Medium**

Registration requirements as such are not objectionable as they are in force also in a number of OSCE countries. They are not treated as a curb on media freedom - on condition, however, that registration is routine and is conducted by a body (e.g. a court) which can be seen to conduct the registration procedure in an impartial way.

In Kazakhstan, registration is conducted by an “Authorized Agency” While the law leaves the “Agency” little discretion in handling registration, it does not provide for an appeals process if registration is denied. Accordingly, what should be a routine administrative procedure can easily be abused to curb media activities.

The procedure for registering a foreign medium “distributed on the territory of the Republic of Kazakhstan” is defined “in an order set by the Government of Kazakhstan”. This raises two questions:

- why is the procedure settled differently from that applied to domestic media, and left to the government to define?
- what is meant by “mass media distributed on the territory of the Republic of Kazakhstan”? Does this apply to print media, or broadcast media as well (and if the latter, how is the registration requirement enforced in relation to foreign radio and television stations?).

In any case, this may raise concerns in terms of the right of everyone to “seek, receive and impart information and ideas through any media and regardless of frontiers” which is a fundamental standard of freedom of expression and information.

## **Art. 22. Accreditation of Journalists**

“The rules of journalist’s accreditation shall be asserted by an authorized agency in an established order”, says the article. Moreover, the journalist may be deprived of accreditation if “he violated the rules of accreditation or for dissemination of data, derogating honour and dignity of the government agencies, public associations and organizations that accredited him/her”. This provision is typical of the way the law gives wide discretion to the authorities in dealing with the media.

## **Article 25. Grounds for responsibility for violating the legislation on mass media**

The article states in para 1 that “Disseminating data derogating honor and dignity of a citizen or an organization (government agency, public, creative, scientific, religious or any other association of citizens and legal entities) that does not comply with reality and influencing the court by mass media shall entail responsibility provided in legislative acts of the Republic of Kazakhstan”.

This provision is consistent with a corresponding one in the Constitution which provides for the protection of the dignity of the President.

However, it is incompatible with the accepted international standard which accepts a considerable degree of journalistic freedom in portraying public officials. In the Lingens case,

the European Court of Human Rights clarified in July 1986 the scope of these principles with regard to the press:

*“the limits of acceptable criticism are accordingly wider as regards a politician as such than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance” (§ 42).*

Accordingly, the restrictions imposed in this regard by the law of Kazakhstan can hardly be shown to be necessary in a democratic society.

## **PROPOSED AMENDMENTS TO THE LAW OF THE REPUBLIC OF KAZAKHSTAN ON MASS MEDIA OF 1999**

### **1. Restriction of retransmission of foreign programme services to 20% of air time**

This proposed provision should be examined from a number of different points of view.

#### 1. Freedom of seeking and receiving information and ideas through any media and regardless of frontiers.

According to the text of the proposed amendments, “This requirement does not apply to broadcasting of cable and ether-cable television”. In other words, retransmission of foreign programme services by cable systems and other distribution media will not be affected by it. Similarly, this provision will not affect direct reception of foreign programme services, e.g. by means of satellite dishes.

Technically, therefore, the provision does not affect freedom of reception and freedom of transfrontier communication. Effective enjoyment of this freedom depends, in this case, on the actual availability in Kazakhstan of equipment making possible direct or indirect reception of foreign radio and television programme services.

#### 2. Legitimacy of the imposition of such an obligation on licensed broadcasters

Licensing and the imposition of programming obligations on broadcasters is accepted in view of the fact that broadcasting frequencies are a public resource and a scarce good, and that their use is therefore a privilege. Therefore, it is accepted that the public should get the most benefit from the way this scarce commodity is used. It is legitimate for licensing authorities to require that programming reflect the national and cultural identity of a country, and that broadcasters contribute to audiovisual production.

On the other hand, the freedom of the broadcaster to adopt the programme concept he/she wants must also be respected to the greatest possible degree. For this reason, any restraints on that freedom must be carefully considered.

Above, we listed the conditions which must be met for restrictions on fundamental rights and freedoms to be compatible with human rights. These conditions provide the test by which this proposed provision must be judged.

We also noted that the November 1991 CSCE Seminar of Experts on Democratic Institutions, accepted that “State intervention could sometimes be necessary in order to protect the diversity of the press” and that “the press and broadcasting system are parts of the cultural identity of a country”.

These statements provide more criteria to apply in assessing the proposed provision.

The Law already imposes on broadcasters an obligation to devote at least 50% of air time to programming in the Kazakh language (Article 3), though according to available information this is only sporadically enforced. In 1999, for example, there were no reports during the year of the Government closing stations or failing to renew their licenses if they were not in conformity with the 50% rule, despite government threats in 1998 to do so.

This provision is reminiscent to some extent of the 50% European works quota laid down in the EU Directive (89/552/EEC) “On Television Without Frontiers” and in the European Convention on Transfrontier Television. Moreover, recital 25 of the Directive provides support for programming policy guided by the desire to protect or develop the national language:

*Whereas in order to allow for an active policy in favour of a specific language, Member States remain free to lay down more detailed or stricter rules in particular on the basis of language criteria, as long as these rules are in conformity with Community law, and in particular are not applicable to the retransmission of broadcasts originating in other Member States.*

However, pursuit of such goals need not require a ban on devoting more than 20% of air time to rebroadcasting of foreign programme services.

#### Case 1

The 1998 Danish Broadcasting Act imposes on some categories of local TV stations the obligation to

- 1) daily broadcast at least 1 hour of locally produced news and current affairs programmes or other programmes based on the local community,*
- 2) ensure that a significant element of the other programmes are in the Danish language or produced for a Danish public.*

#### Case 2

Similar provisions can be found in the Irish Radio and Television Act of 1988. It obliges the Independent Radio and Television Commission to consider applications for sound broadcasting licences by taking into account, among other things:

- 1. the quality, range and type of the programmes proposed to be provided by each applicant or, if there is only one applicant, by that applicant;*
- 2. the quantity, quality, range and type of programmes in the Irish language and the extent of programmes relating to Irish culture proposed to be provided;*

3. *the extent to which the applicant will create within the proposed sound broadcasting service new opportunities for Irish talent in music, drama and entertainment;*

All these provisions are designed to serve the promotion of national or regional identity, or a national language and are regarded as legitimate. Moreover, all are “positive” in the sense of promoting (rather than banning) a certain kind of content, and are flexible in terms of the proportion of air time to be devoted to that content, leaving a margin of appreciation to the authorities concerned.

Prohibition of devoting more than 20% of air time to retransmission of foreign programme services is a different matter.

This far-reaching (even extreme) measure might theoretically be justified by the history of Kazakhstan’s relations with its neighbours. However, as one examines broadcasting legislation in other countries which have had a similar historical experience, or may fear undue influence from a neighbouring country which uses the same language, or shares the language with a large minority living in the particular country, such bans on retransmission cannot be found. The contrary is in fact true in the sense that broadcasters are explicitly put under an obligation to provide programming in the language of the ethnic or national minorities in their countries

### Case 3

For example, the 1998 Act on the Amendment of the Act on The Finnish Broadcasting Company Ltd puts the Finnish public service broadcaster under an obligation to:

*to treat in its broadcasting Finnish and Swedish speaking citizens on equal grounds and to produce services in the Same and Romany languages and in sign language as well as, where applicable, also for other language groups in the country;*

On the other hand, in a country where there are few private media, or media not controlled (directly or indirectly) by the power establishment, far-reaching limitations on rebroadcasting foreign channels may lead to reducing the range of content available to the audience.

### **Conclusion**

This proposal should be seriously reconsidered because:

1. It is disproportionate (Art. 3 already provides for adequate protection of the Kazakh language),
2. It may reduce rather than enhance diversity in Kazakh broadcasting;
3. And it is not necessary in a democratic society.

## 2. Increasing the Responsibility of Proprietors and Editors for Unlawful Content

It is proposed to add the following paragraph to Article 25:

*2-1. Proprietor, chief editor (editor) of a mass medium bear set by the legislation of the Republic of Kazakhstan responsibility for dissemination of information, specified in the point 3 of the article 2 of the present law, independent from source of its receipt.*

In itself, this is not really objectionable. The matter is handled in a similar way in many press or media laws.

### Case 1

In several judgments, the European Court of Human Rights expressed the opinion that the fact that a publisher has only a commercial and not an editorial relationship with a newspaper or a journal cannot exonerate him from criminal liability. According to the Court in the Sürek n° 1 case, the applicant, as the majority shareholder/publisher, was to be considered as the owner of the review and “as such he had the power to shape the editorial direction of the review”. The Court was of the opinion that the owner/publisher “for that reason, (..) was vicariously subject to the “duties and responsibilities” which the review’s editorial and journalistic staff undertake in the collection and dissemination of information to the public and which assume an even greater importance in situations of conflict and tension”. The Court decided that the fact that a publisher has only a commercial and not an editorial relationship with a newspaper or a journal, cannot exonerate him from criminal liability. As the owner of a periodical press, the publisher is to be considered as the subject of the “duties and responsibilities” mentioned in Article 10, para. 2 of the Convention.

It is to be underlined that the editor-in-chief and the publisher of a newspaper or journal can also (or exclusively) be held responsible for articles which are written by other persons or readers.

In some cases, the interviewed persons can exclusively be considered responsible for illegal or unlawful content (e.g. incitement to racism), as the journalist only integrated their statements into his article or programme, without the intention to propagate defamatory allegations or racist views.

### Case 2

In Swedish legislation, special liability rules (the Freedom of the Press Act, Chapter 8, the Fundamental Law on Freedom of Expression, Chapter 6) build on the principle of editorial responsibility. In a majority of cases, liability rests with a responsible editor appointed by the owner or his equivalent. This applies to periodicals (the Freedom of the Press Act 8 : 1), to films (the Fundamental Law on Freedom of Expression 6: 3), in general to radio and television programmes (the Fundamental Law on Freedom of Expression 6: 1), and in certain circumstances to sound recordings (the Fundamental Law on Freedom of Expression 6: 3). Liability otherwise rests with the originator (the Freedom of the Press Act, 8 : 5, (the Fundamental Law on Freedom of Expression 6: 4).

### Case 3

In the Press Law for North Rhine Westphalia (Germany) of May 1996, Article 21 (“Responsibility under Criminal Law”) lays down the following rules:

1. *The culpability for criminal offences perpetrated by means of published material is determined by the terms of general criminal law.*
2. *If, through published matter, an offence is constituted under the terms of a criminal law, and if*
  - a. *in the case of periodical publications, the responsible editor or journalist or*
  - b. *in other publications, the publisher**knowingly or negligently violates his duty to maintain published matter free of punishable content, he shall be liable to punishment of imprisonment( ...) or fine...*

Thus, the proposed amendment does not, in very general terms, depart fundamentally from accepted international practice. However, as we argue below, it is unnecessary.

#### **Conclusion**

Article 25 already establishes principles of liability in a sweeping way which makes the addition of the proposed amendment pointless. Any amendments should rather clarify the nature and limits of liability, because the present text of Article 25.2 places virtually no bounds on that liability and penalties which can be imposed.

### **3. Definition of Web-sites as Mass Media**

The proposed amendments include the following:

1. To extend the definition of a mass medium to “web-sites in public telecommunication networks (Internet and other)”;
2. To define a web-site as “a virtual representation page of any physical or legal entity of the Republic of Kazakhstan prepared with assistance of special technical and software means where the owner places information with the object of mass dissemination”;

By the same token, web-sites would become subject to registration under Articles 10 and 11 of the Mass Media Act, and would generally be regulated in the same way as all other mass media.

This approach departs from a growing international trend to apply a different regulatory regime to the Internet than to mass media properly so called, and indeed, to define different regulatory frameworks to content and services carried on the Internet, depending on the nature of the particular service.

### Case 1

At the World Summit for Audiovisual Regulators (UNESCO, Paris, 1999), it was generally agreed that “regulatory authorities’ jurisdiction over the Internet should be defined according to the type of service (electronic business, newsgroups, audio-visual services, e-mail, etc.). In this context, there may not necessarily be a single Internet regulator, given that several types of services are carried, such as private communication, electronic business and “public’ or ‘audiovisual’ or ‘social’ communication” (Preliminary Memorandum: Regulating audio-visual services on the Internet: issues and factors at stake, World Summit for Audiovisual Regulators (UNESCO, Paris, 1999). This approach is widely shared.

### Case 2

The European Union is developing a graduated approach to content regulation according to the level of control exercised by the end user, on a scale going from free-to-air broadcasting to pay services on the Internet.

Since web-sites can hardly be regarded as “public” or “social” communication in the same way as free-to-air broadcasting, and offer a great deal of control to their users over the process of choosing whether to access a web-site, which web-sites to access, what content to watch on the web-site, etc., a much lighter regulatory regime is foreseen and usually adopted for them.

### Case 3

Accordingly, in 1998, the Canadian Radio-television and Telecommunications Commission announced after a prolonged and detailed study of the issue that it would not regulate the Internet because it does not fall under the definition of broadcasting as defined in the country's Broadcasting Act.

### **Conclusion**

The equation made in the amendments between mass media and Internet web-sites is questionable..

Web-sites cannot be subjected to the same regulatory regime as the media of mass communication. CRTC has announced that also online broadcasts from traditional broadcasters, such as radio or television stations, are exempt from regulation. Other countries may view regulation of “public” or “audiovisual” content on the Internet differently, but the World Summit for Audiovisual Regulators concluded that even if regulation of that content on the Internet may be justified, introducing any such regulation is not an urgent matter. Therefore, any new provisions of the Law on Mass Media which concern the Internet should be very carefully considered and drawn up by taking into consideration the developing international approach to the matter.

#### 4. The Requirement to Register Web-sites

This requirement is unusual in terms of the approach prevalent in democratic countries.

##### Case 1

At one time, French legislation required prior declaration (declaration, not registration) of web-sites. That regulation has been removed. A “Policy Paper on the Adaptation of the legal framework in the Information Society”, published in 1999 by the French Ministry of Economy, Finance and Industry, described the change as follows:

*Providers of public communication services on the Internet, Web site publishers in particular, are currently subject to a requirement of prior declaration of Web sites under Article 43 of the law of 30 September 1986. The declaration is filed with the office of the Public Prosecutor and the Conseil supérieur de l'audiovisuel (CSA) [French broadcasting authority].*

*To promote freedom of communication on the Internet and to simplify site creation, the government wishes to eliminate the formality of prior declaration of Web sites. This obligation is removed by an amendment to the bill on audiovisual communication. The amendment was favourably received by the Minister of Culture and Communication and passed at the first reading of the bill at the National Assembly on 27 May 1999 (emphasis added - K.J.).*

##### Case 2

In Germany, a Federal Act Establishing the General Conditions for Information and Communication Services (Information and Communication Services Act) was adopted in 1997. It defines these “teleservices” as “all electronic information and communication services which are designed for the individual use of combinable data such as characters, images or sounds and are based on transmission by means of telecommunication”. This, then, clearly includes web-sites.

§ 4 of the Act (“Freedom of access”) states that “Within the scope of the law, teleservices shall not be subject to licensing or registration”.

##### Case 3

There is no mention of registration of websites, or indeed of Internet Service providers or content providers in Decision No 276/1999/EE of the European Parliament and the Council of 25 January 1999 on adopting a multiannual Community action plan on promoting safer use

of the Internet by combating illegal and harmful content on global networks, or in the Action Plan itself.

## **Conclusion**

The requirement that websites should be registered should be removed from the proposed amendments to the Law on Mass Media.

## **5. Internet Self-Regulation and Co-Regulation**

The features of the on-line environment make it extremely difficult to detect and enforce national laws relating to Internet content. These features include the vast amount of content which is available on the Internet, the international source of much of that content, the fact that the Internet is decentralised, and the inconsistencies in the laws of different countries. For example, material which may be illegal in one country may be stored and subsequently accessed from countries where the material is legal.

It may also be transmitted through a number of other countries, each of which has its own laws regarding the material.

The ability to 'mirror' or copy sites on the World Wide Web can also present difficulties for traditional law enforcement agencies. Sites are often mirrored many times in different jurisdictions around the world to facilitate ease of access to content by users. Where a site is found to contain material which is problematic in one jurisdiction it can be very difficult, if not impossible, to prevent access not only to that site, but also to any number of mirrored sites which may also contain identical content.

The ability to communicate anonymously in the on-line environment, which provides users with a sense of freedom that may not be possible in the off-line world, also means that detecting those providing and accessing material which is prohibited can be difficult. Anonymous re-mailing services can exacerbate this difficulty as Internet messages can be re-routed and copied in such a way that it is not possible to reliably ascertain their source. The encryption of content adds a further dimension to the difficulties of dealing with illegal material in the on-line environment.

For these and other reasons, the usual approach to Internet regulation in democratic countries places main emphasis on schemes of self-regulation or co-regulation.

These include:

- the development of codes of practice for on-line participants, such as service providers and content providers, with varying degrees of governmental input (which this takes place, this is known as "co-regulation", especially when laws are adopted requiring service and content providers to engage in self-regulation. One example of this is the Australian Broadcasting Services Amendment (Online Services) Act of 1999).
- the application of existing legislation or the introduction of specific legislation penalizing dealings with certain on-line content, along with the establishment of e-mail hotlines for reporting 'illegal' content;
- technical developments for controlling children's access to Internet content, including filter software and content labelling; and
- the adoption of programmes for community education.

The operation of these mechanisms requires active cooperation between the authorities designated in appropriate legislation as competent in the matter of the Internet, and

associations of service and content providers in developing standards, codes of practice, etc. In Australia, information reaching the appropriate bodies that illegal content is posted on some web-site can result in a variety of actions, including a “standard accession-prevention notice, or a “take-down notice”. In most countries, however, there is as yet little regulation devoted specifically to the Internet. Some, like the United States or Canada, have left it completely unregulated. Others are only beginning to develop such regulation, mindful of the fact that the development of the Internet is far from complete and it may therefore be too early to introduce any regulation. This also seems to be case in Kazakhstan,

### **Conclusion**

The self- and co-regulation approach could be considered also in the case of Kazakhstan, but that requires a much more developed body of regulation, taking into account the specificity of Internet communications and respecting the fact that it differs considerably from mass communication. If the spread of the Internet in Kazakhstan justifies introducing special regulations for dealing with it at all, and this may be quite premature, it could most usefully be done in a separate legal instrument, containing measures appropriate to the nature of the Internet.