

Prohlášení

Statement

Déclaration

Vienna 7 May 2009

Permanent Council No. 760 EU Statement on Kazakhstan

The EU recalls its statement of 12 February to the Permanent Council concerning new media legislation in Kazakhstan, in particular with reference to the draft Law on Information and Communications Networks. At that time we called on Kazakhstan to remedy the shortcomings, taking into account suggestions offered by the Representative on Freedom of the Media.

It is with great concern, therefore, that we have learnt that this legislation was given its first reading in the lower house of Parliament on 29 April. Among other provisions, this law, if enacted in its current form, would extend the existing regulation of traditional media types to encompass all Internet resources and enable prohibition of access within the country to foreign-based Internet-resources. It would also broaden the lists of grounds for suspension or closure of media and empower the Prosecutor General to suspend the work of media or distribution of media products.

The Representative on Freedom of the Media has previously made known his view that this legislation would limit freedom of the Internet, and media freedom in general, in Kazakhstan. For its part, the EU considers that this draft law may impose constraints on freedom of expression in Kazakhstan and would represent a retrograde step with regard to its compliance with OSCE commitments. In this regard we recall Permanent Council Decision 633 of 11 November 2004 which decided that "participating States should

take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression, as enshrined in the Universal Declaration of Human Rights.”

The EU emphasises the vital necessity of an adequate legislative framework to enable full implementation of OSCE commitments. To achieve this, it is essential that the advice offered by the OSCE Institutions, including the Representative on Freedom of the Media, should be taken into account during the legislative process. We would ask the Kazakh Government to amend this draft law in the light of the expert opinion that has been offered by the Representative on Freedom of the Media and would be grateful to hear Kazakhstan’s views in response to this statement and that of 12 February.

In conclusion and as stated previously, the European Union stands ready to support Kazakhstan in this process and in its preparations for the 2010 Chairmanship. At the same time however we expect Kazakhstan to live up to the assurances it gave at the Madrid Ministerial Council to demonstrate to the OSCE family its unqualified adherence to OSCE values and to act as a role model for all participating States.

The candidate countries CROATIA* and FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, the countries of the Stabilisation and Association Process and potential candidate countries ALBANIA, BOSNIA AND HERZEGOVINA and MONTENEGRO, the European Free Trade Association countries and members of the European Economic Area ICELAND and NORWAY, as well as the REPUBLIC OF MOLDOVA align themselves with this statement.

*Croatia and Former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.