



**ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ
ЕҚЫҰ ЖАНЫНДАҒЫ ТҰРАҚТЫ ӨКІЛДІГІ**

**PERMANENT MISSION
OF THE REPUBLIC OF KAZAKHSTAN TO THE OSCE**

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**Statement by the Permanent Representative of Kazakhstan,
Ambassador Kairat Abdrakhmanov
at the 769th Permanent Council meeting
16 July 2009**

Madame Chair,

The purpose of the Law "On amendments to some legislative acts of the Republic of Kazakhstan concerning information and communication networks" is to secure legal mechanisms of regulation of the issues of information distribution through Internet resources with a view to protect constitutional rights of the citizens and legal entities in this sphere of public relations.

Improvement of legislation is directed to reduction of the crimes quantity connected to the use of information and communication networks. This complies with the Article 29 of the Universal Declaration of Human Rights which reads as follows: "Everyone has duties to the community, in which alone the free and full development of his personality is possible. In the exercise of his rights and freedoms everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations".

Moreover, Article 20 of the International Covenant on Civil and Political Rights says that "Any propaganda for war shall be prohibited by

law. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, shall be prohibited by law."

Also, the Constitution and numerous other laws (on mass media, national security, Civil Code, etc.) of the Republic of Kazakhstan stipulate prohibition of propaganda or agitation for a violent change of the constitutional order, infringements of the integrity of the Republic, undermining state security. It is also forbidden to execute rights and freedoms of a person and a citizen with infringement of the rights and freedoms of other persons, to infringe upon constitutional order and public morality.

Therefore this law is aimed at filling in the gaps in our legislation, establishment of the mechanism of maintenance of a due recognition and respect of rights and freedoms of other citizens and satisfaction of fair moral requirements, social order and the general well-being in a democratic society.

The law does not provide restriction of access to foreign mass-media and to foreign Internet resources from the territory of Kazakhstan. It envisages only restrictions to the information distribution by Internet resources, including the foreign ones, which breach basic principles of the Constitution of the Republic of Kazakhstan and our national legislation.

It in no way abrogates the right of citizens on freedom of search, obtainment and distribution of the information and ideas by any means.

As it was mentioned above, the law only limits or, to be more precise, is directed to prevent from any propagation, including of war, racial or religious hatred, discrimination, violence, pornography, etc.

Today we witness that Internet is utilized for the purpose of coordination of mass riots and other illegal actions.

At that I would like to note international practices in the given sphere. By the example of the majority of the European countries suspension, termination of media's release, or restriction of access to separate Internet resources, are being done for the purpose of protecting public order and national security; compliance to the principle of nondiscrimination on the grounds of race, gender, religion, belief and

ethnicity; prevention of distribution of a child's pornography, and Internet fraud.

Also, the legislations of some EU countries stipulate filtration of the Internet content, including prohibition of access to obscene photos of children and sites with racist, anti-Semitic and neo-fascist implications.

Allow me admit once more that a current legislation on the Internet regulation does not infringe the freedom of expression, but is aimed at fixing a purely technical point, i.e. actualization of the notion of "Internet resource", which had been formulated with taking into account forecasts of further medium-term development of Internet technologies.

In conclusion I would dare to state that sooner or later all countries would come to regulating the Internet in order to have it tackled in a proper way, which Kazakhstan is trying to do in its own way, just moving to a new civilized level of regulation of this fast developing sphere and, at the same time, protecting the rights of its citizens.

All concerns expressed here will be delivered to the relevant Kazakhstani authorities.

Thank you.