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ЕҚЫҰ ЖАНЫНДАҒЫ ТҰРАҚТЫ ӨКІЛДІГІ

PERMANENT MISSION
OF THE REPUBLIC OF KAZAKHSTAN TO THE OSCE

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**Statement by Permanent Representative of the Republic of Kazakhstan to
the OSCE, Ambassador Kairat Abdrakhmanov
at the 760th meeting of the OSCE Permanent Council
7 May 2009**

Current issues

Madame Chair,

Thank you for your attention to the situation with regards to mass media in my country. Mass media, like in other countries, is one of important institutions of the society. This is why in Kazakhstan we observe an rapid development in this sphere, in particular in the field of e-Media.

The deputies of the lower house of the Kazakh Parliament have approved the first reading of the draft Law on Information and Communications Networks, proceeding exclusively from the national interests.

The main goal of this legislation is consolidation of legal mechanisms of regulation of the issues on placement of information in the Internet resources for the purpose of protection constitutional rights of citizens and juridical entities within this field of social relations.

While evolving the said draft Law, there was analyzed the experience of the international standards on regulation of the segment of Internet network, as well as numerous document were taken into account. Among them are:

- [Universal Declaration of Human Rights](#) adopted by the 3rd Session of the UN General Assembly on December 10, 1948;
- International Covenant on Civil and Political Rights adopted in New York on December 16, 1966;

- Amsterdam Recommendations "Freedom of the Media and the Internet" as of June 14, 2003;
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography adopted in New York on September 6, 2000;
- Legislation adopted by the Senate of France on March 19, 2000, which binds providers to render data about the authors of the websites to any interested third party;
- Experience of the Internet Watch Foundation (IWF) - The UK Hotline for reporting illegal content;
- Experience of the Governmental Organization of Germany that deals with immoral editions for the youth, and other.

These international papers, for the purpose of protection of human rights and freedoms, call all countries for impeding any statements, which are in favor of national, racial or religious hatred, incitement of different kinds of discrimination and other negative actions by production of illegal content in e-Media. These very documents call for obstruction of the said actions by means of laws, which envisage such measures as legal prosecution for cybercrimes committed in one country but having an impact on other states, as well as for the responsibility of providers that disseminate illegal content.

On the basis of the said above norms, there is a conclusion that the issues of placement of information in the Internet has to be duly regulated.

The essence of the draft Law on Information and Communications Networks approved by the Kazakh Parliament is not that it meant for the vexations to be put on e-Media, but for facilitation peace and stability in my country.

The approved amendments read that suspension or cessation of mass media circulation is possible not only upon the verdict of the Court, but by the owner's own will too. As for the Prosecutor General, he just may only **suspend** the distribution of media products and only within the compliance to laws. However, the final decision is to be taken not by the Prosecutor General but by the Court.

Moreover, the draft Law does not envisage prohibition of access within the country to foreign-based Internet-resources. It just sets certain limits to distribution of information, including by foreign Internet-resources, which

contravenes the basic principles of the Constitution and laws of the Republic of Kazakhstan.

The point at issue is that the state does not control Internet, but introduces certain forms of regulation regarding distribution of information in the global network.

In our view, enactment of the Law will lead to qualitative change of the principles of legislative regulation of relations within the process of transfer of data by means of information and communication networks. In particular, it will facilitate informational transparency with regards to spreading information being placed in the domestic and foreign Internet resources.

In conclusion I would like to underline that a dialogue with the OSCE is useful for Kazakhstan. Life forges ahead. I hope that during further discussions of the issues related to mass media we would come to a real understanding of the situation.

Thank you for your attention.