[KZ] New Code on Administrative Offences

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On 30 January 2001, the Republic of Kazakhstan's new Code on Administrative Offences was signed into law by the President of the Republic. General provisions of the Code introduce new forms of administrative sanctions such as the confiscation of the means used in committing an offence, and the revocation or suspension of licenses or other form of special authorisation to engage in a certain type of activity. These sanctions can be used complementary to the imposition of other administrative sanctions such as fines, warnings, etc.

Chapter 23 of the Code deals with administrative offences in the mass media field. It stipulates the application of these sanctions to the broadcast and print media outlets. Article 342, which primarily deals with broadcasting, e.g. penalises the airing of programmes in a non-state language when the time volume of such programmes excedes that of programmes in the state language (Kazakh).

Authorizing of broadcasts that advertise or promote tobacco or alcohol products outside of the timeframe permitted by law can result in the imposition of a fine on the offending company's persons in charge (Art.349). Violations of the prescribed order for keeping logs and recordings of TV and radio broadcasts are also punishable under the Code.

Repeated violations committed within a year after an administrative sanction was imposed may lead to a more serious punishment, namely an increased fine, suspension of the mass media company's activities (for up to 6 months) and confiscation of technical means (including broadcasting facilities) used for production and dissemination.

Under the new Code, the courts have jurisdiction in regard to administrative offences committed in the media field (Art.541), but the Ministry of Culture, Information and Public Concord (the executive regulatory body in the media field in Kazakhstan) may initiate proceedings on its own motion by issuing a protocol on the administrative offence (Art.634-636) thus obtaining discretionary powers in bringing media companies to court.

Code of the Republic of Kazakhstan on Administrative Offences, Russian Kazakhstanskaya pravda daily, 13-15 February 2001

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