# [KZ] Amendments to Information and Communication Law

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On 10 July 2009 Kazakhstan President Nursultan Nazarbaev signed into law the Statute “On Amendments to Some Legislative Acts of the Republic of Kazakhstan concerning Information and Communication Networks”, earlier adopted by the national legislature.

In particular, amendments are introduced into the provisions of the 1999 Statute “On Mass Media” (see IRIS 2001-7: 10). While earlier mass media were defined inter alia as “websites” in open telecommunication networks, now the term has been replaced with “Internet resource”. This potentially puts into the category of the mass media blogs, forums, chats and other resources available on Internet. This confers specific rights and imposes obligations on their writers, owners and editors. The creation and maintenance of any resource, as well as any informational activity by means of telecommunication networks, now falls under the jurisdiction of the governmental regulatory body in charge of mass media activities.

The new Statute broadens the grounds for suspension of mass media activity, e.g., in cases of violations of the orderly conduct of peaceful marches and of election campaigns. It also broadens the list of grounds for a total ban on a mass medium to include ethnic and confessional hate speech (Article 13). For Internet-resources the ban means an annulment of the domain name.

The amended Statute “On Informatization” (2007) now defines “Internet resource” as an “electronic Information resource, technology of its conduct and (or) use, that functions in an open information-communication network, as well as the entity that provides for informational interaction”. In cases where courts announce that information in an Internet-resource violates Kazakhstan law, operators and owners of the Internet resource shall immediately suspend or stop dissemination of such information in Kazakhstan. Procedural changes were made to the codes of the country.

The Office of the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE) issued its Commentary on the Draft Law “On Amendments to Some Legislative Acts of the Republic of Kazakhstan concerning Information and Communication Networks” in which it criticized the bill from the viewpoint of the country’s obligations as an OSCE Member State.

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***“ О внесении изменений и дополнений в некоторые законодательные акты Республики Казахстан по вопросам информационно-коммуникационных сетей ”***

http://www.adilsoz.kz/site.php?lan=russian&id=664&pub=863

*Statute of the Republic of Kazakhstan On Amendments to Some Legislative Acts of the Republic of Kazakhstan concerning Information and Communication Networks was officially published in dailies « Егемен Қазақстан » (in Kazakh) on 18 July 2009 and in « Казахстанская правда » (in Russian) on 22 July 2009*

***КОММЕНТАРИЙ К ПРОЕКТУЗАКОНА РЕСПУБЛИКИ КАЗАХСТАН«О внесении изменений и дополнений в некоторые законодательные акты Республики Казахстан по вопросам информационно-коммуникационных сетей»***

http://www.osce.org/documents/rfm/2009/04/37231_ru.pdf

*Commentary on the Draft Law “On Amendments to Some Legislative Acts of the Republic of Kazakhstan concerning Information and Communication Networks” of the OSCE Representative on Freedom of the Media*

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