



## On Mass Media

### *Non-official translation*

The Law of the Republic of Kazakhstan dated 23 July 1999 No. 451-I

### Unofficial translation

This Law regulates public relations in the field of mass media, establishes state guarantees of their freedom in accordance with the Constitution of the Republic of Kazakhstan.

#### **Chapter 1. General provisions**

##### **Article 1. Basic definitions, used in this Law**

The following definitions are used in this Law:

- 1) accreditation - procedure for appointment of journalist and recognition of his (her) powers by the state body, public association and organization;
- 2) chief editor (editor) - an individual, heading editorial board of mass media and having the relevant powers for its production and distribution, broadcast;
- 3) mass information - printed, audiovisual and other communications and materials intended for unlimited circle of persons;
- 4) mass media - periodical printed publication, television- and radio channel, documentaries, audiovisual record and other form of periodical or continuous public distribution of mass information, including the web sites;
- 5) media products - circulation or part of circulation of particular number of periodical printed publication or audiovisual program, particular production of radio, television-, newsreel program, information, set on web site;
- 6) authorized body in the field of mass media - the state body, carrying out the state regulation in the field of mass media (hereinafter - authorized body);
- 7) distribution of media products - sale (subscription, delivery, outgiving) of periodical printed publications, broadcast of radio, television- programs, demonstration of newsreel programs and placement of information on web-site;
- 8) editorial board of mass media - an individual or creative team, being structural subdivision of a legal entity, carrying out collection, preparation of materials and production of mass media;
- 9) a journalist (a representative of mass media) - an individual, carrying out the activity on collection, processing and preparation of communications and materials for mass media on the basis of labor or other contractual relations;
- 10) complex - the set of buildings, linked with general designation and being the one structure;
- 11) periodic printed publication - newspaper, journal, almanac, bulletin, annexations to them, having permanent name, current number and produced not less than once every three months;
- 12) cine-, video products of pornographic and special sexual and erotic nature - natural, detailed recording of sexual act or demonstration of naked genital organs in the process of sexual contact, enabling excitation of sexual desire or satisfaction of sexual needs that are not in conformance with moral values, offending honor and dignity of a human;
- 13) official communication - information, presented by state bodies for the purpose of further distribution through mass media;
- 13-1) stationary premises - capital buildings, constructions or their part, having the base, displacement of which is impossible without infliction of harm to their load carrying structure;

14) information, propagating suicide – information, inducing to intended deprivation of own life of a human;

15) distributor – an individual or legal entity, carrying out the distribution of media products under agreement with its owner, publisher or on other legal grounds;

16) television-, radio channel – mass media, representing set of television-, radio programs and audiovisual works, plots and materials, formed in accordance with viewing grid for the following transmission and (or) retransmission;

17) television-, radio, newsreel program – meaningfully finished part of television-, radio channel that has the relevant name, broadcasting time and may be used independently from other parts of television-, radio channel;

18) censorship – preliminary coordination of communications and materials by mass media with the state bodies, officials and other organizations upon their request or on other grounds for the purpose of restriction or imposition of a prohibition to distribute communications and materials or their particular parts;

19) broadcast – transmission of television-, radio programs, audiovisual record with the use of analogue and digital electromagnetic systems;

20) products of erotic nature – printed publication or television-, radio program that demonstrate sexual relations of people, intimate parts of human body, with the exception of genital organs, and do not contain the elements of pornography.

**Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 2. Freedom of speech, receipt and distribution of information**

1. Freedom of speech, creative work, expression of own views and convictions in printed and other form, receipt and distribution of information by any method not prohibited by the Law shall be guaranteed by the Constitution of the Republic of Kazakhstan.

Censorship shall be prohibited.

2. State bodies, public associations, officials and mass media shall be obliged to ensure possibility for every citizen to familiarize with documents, decisions and sources of information concerning his (her) rights and interests.

2-1. Mass media shall be obliged to assist the state bodies, carrying out counter-terrorism.

**Note of RCLII!**

**Paragraph 3 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 No 227-V (shall be enforced from 01.01.2015)**

3. Disclosure of details that are state secrets or any other secret protected by the Law, propaganda and acquitment of extremism or terrorism, distribution of information, disclosing techniques and technical tactics of antiterrorist operations in the period of their conducting, propaganda of narcotic drugs, psychotropic substances and precursors, as well as cult of inhumanity, violence and pornography shall not be allowed.

**Note of RCLII!**

**Paragraph 4 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 No 227-V (shall be enforced from 01.01.2015).**

4. Use of mass media for the purpose of commission of administrative infractions or criminally punishable acts shall not be allowed.

**Footnote. Article 2 as amended by the Laws of the Republic of Kazakhstan dated 08.07.2005 No. 67 (the order of enforcement see Article 2); dated 06.02.2009 No. 123-IV**

(the order of enforcement see Article 2); dated 10.07.2009 No. 178-IV; dated 08.01.2013 No. 63-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 3. Language of mass media**

1. Mass media shall be distributed in official and other languages.

2. The state shall ensure the right of everybody to use first language upon receipt and distribution of mass media in accordance with the legislation of the Republic of Kazakhstan on languages.

3. Is excluded by the Law of the Republic of Kazakhstan dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

Footnote. Article 3 is in the wording of the Law of the Republic of Kazakhstan dated 08.07.2005 No. 67 (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2); dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

### **Article 4. Legislation of the Republic of Kazakhstan on mass media**

1. Legislation on mass media shall be based on the Constitution of the Republic of Kazakhstan, consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If international treaty, ratified by the Republic of Kazakhstan establishes other rules than those, contained in this Law, the rules of international treaty shall be applied.

#### **Chapter 1-1. State regulation in the field of mass media**

##### **Article 4-1. State regulation in the field of mass media**

1. State regulation in the field of mass media shall be carried out by legal groundwork, control of compliance with the legislation of the Republic of Kazakhstan in the field of mass media.

2. State control of compliance with the legislation of the Republic of Kazakhstan on mass media shall be carried out by the authorized body and other state bodies within their competence, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 4-1 as amended by the Law of the Republic of Kazakhstan dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

##### **Article 4-2. Competence of the Government of the Republic of Kazakhstan in the field of mass media**

The Government of the Republic of Kazakhstan shall:

1) develop and ensure implementation of priority directions of the state policy in the field of mass media;

2) determine procedure for carrying out the recording of foreign periodical printed publications, distributed in the Republic of Kazakhstan;

3) is excluded by the Law of the Republic of Kazakhstan dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication);

4) perform other functions, imposed on it by the Constitution, Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 4-2 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

### **Article 4-3. Competence of the authorized body**

The authorized body shall:

- 1) ensure formation and implementation of the state policy in the field of mass media;
- 2) carry out recording of periodical printed publications and information agencies;
- 3)-6) are excluded by the Law of the Republic of Kazakhstan dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication);
- 7) form, place and control carrying out of the state order on conducting state information policy at republican level in the manner, established by the legislation of the Republic of Kazakhstan;
- 8) carry out international cooperation in the field of mass media;
- 9) keep unified register of recording foreign periodical printed publications, distributed in the territory of the Republic of Kazakhstan;
- 10) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 11) determine procedure for storage of records, having historical and (or) cultural value;
- 12) approve the rules of accreditation of journalists;
- 13) coordinate the activity of local executive bodies on carrying out of control of compliance with the legislation of the Republic of Kazakhstan in the field of mass media;
- 14) coordinate the activity of central and local executive bodies on the issues of mass media;
- 15) carry out other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 4-3 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 4-4. Competence of local executive bodies of oblasts (cities of republican significance, the capital)**

Local executive bodies of oblasts (cities of republican significance, the capital) shall:

- 1) implement state information policy through regional mass media;
- 2) carry out recording of foreign periodical printed publications, distributed in the territory of oblast, city of republican significance, the capital;
- 3) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 4) form, place and control carrying out of the state order on conducting state information policy at regional level in the manner, established by the legislation of the Republic of Kazakhstan;
- 5) carry out control of compliance with the legislation of the Republic of Kazakhstan by mass media at the relevant administrative and territorial unit;
- 6) provide information on account of foreign periodical printed publications to

the authorized body, as well as details on compliance with the legislation of the Republic of Kazakhstan;

7) carry out other powers, imposed on local executive bodies by the legislation of the Republic of Kazakhstan in behalf of local state management.

Footnote. Article 4-4 as amended by the Laws of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV; dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 4-5. State control**

1. The goal of the state control is ensuring of compliance with the legislation of the Republic of Kazakhstan on mass media by individuals and legal entities.

2. State control in the field of mass media shall be carried out by local executive bodies of oblasts (city of republican significance, the capital), shall include:

- 1) control of compliance with requirements, provided by this Law;
- 2) control in respect of advertisement, distributed through mass media.

3. State control in the field of mass media, carried out by the authorized body, local executive bodies of oblasts (city of republican significance, the capital), shall be performed in the form of inspections.

4. Verification shall be carried out in accordance with the Law of the Republic of Kazakhstan "On state control and supervision in the Republic of Kazakhstan". Other forms of state control shall be carried out in accordance with this Law.

5. Is excluded by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Chapter 1-1 is supplemented by Article 4-5 in accordance with the Law of the Republic of Kazakhstan dated 31.01.2006 No. 125; as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Chapter 2. Organization of activity of mass media**

#### **Article 5. Right to creation of mass media**

1. Right of creation of mass media belongs to individuals and legal entities in accordance with the legislation of the Republic of Kazakhstan.

Mass media may be created as in the form of legal entity, so in the form of structural subdivision of a legal entity.

The ground for carrying out of production (broadcast) of media products, distribution of communications and materials of informative nature is a certificate on recording of television-, radio channel, periodical printed publication and (or) information agency.

These requirements shall not be applied to web-sites.

2. It is prohibited for foreign individuals and legal entities, stateless persons to possess directly and (or) indirectly, use, dispose and (or) administrate directly and (or) indirectly more than 20 percent of shares (shares, stocks) of a legal entity – a possessor of mass media in the Republic of Kazakhstan or carrying out the activity in this field.

Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 03.05.2001 No. 181; dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2); dated 10.07.2009 No. 178-IV; dated 18.01.2012 N. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

#### **Article 6. Possessor of mass media**

1. A possessor – an individual or legal entity, or unity of individuals and (or) legal entities, carrying out the right of possession, use and disposal of mass media.

2. The possessor of mass media shall have the right to act as editorial board, editor, journalist, publisher, distributor in respect both of own and other mass media on the basis of the relevant agreement.

#### **Article 7. Editorial board of mass media**

1. Editorial board shall carry out preparation and production (broadcast) of mass media under commission of a possessor.

2. Editorial board shall be headed by chief editor (editor).

2-1. The following persons may not be a chief editor (editor):

- 1) citizens, recognized incapable by court;
- 2) citizens, having a record of conviction at the moment of appointment that is not expunged or not removed in the manner, established by the Law;
- 3) foreign persons or stateless persons;
- 4) citizens, being chief editors (editors) of mass media, due to the fault of which the production (broadcast) of mass media was terminated by the court decision within three years from the date of enforcement of court decision.

3. Relations between possessors and editorial board shall be regulated by charter and agreement.

**Footnote.** Article 7 as amended by the Law of the Republic of Kazakhstan dated 8 July 2005 No. 67 (the order of enforcement see Article 2); dated 5 July 2006 No. 156 (the order of enforcement see Article 2).

#### **Article 8. Information agency**

1. Information agency – a legal entity, registered in accordance with the legislative acts of the Republic of Kazakhstan, the activity of which is oriented to collection, processing and distribution of communications and materials of informative nature.

2. Communications and materials of information agency shall be accompanied by its name and date of production.

3. Upon distributing communications and materials of information agency through mass media, the link to information agency shall be required.

4. Effect of Articles 2, 10 of this Law shall be applied to information agency.

#### **Article 9. Publisher of mass media**

1. Publisher – an individual or legal entity, carrying out material and technical maintenance of output of media products.

2. If a possessor is not a publisher of mass media, the rights, obligations and responsibility of a possessor and publisher shall be determined by particular agreement.

#### **Article 10. Recording, rerecording of periodical printed publication and information agency**

1. Periodical printed publication and information agency, affecting in the territory of the Republic of Kazakhstan shall be subject to compulsory recording in the authorized body.

2. For recording, rerecording, the possessor of periodical printed publication and (or) information agency or a person, acting according to its empowerment shall file an application, meeting requirements of Article 11 of this Law.

3. Upon recording of periodical printed publication and (or) information agency, as well as upon receipt of a copy of document, satisfying recording of periodical printed publication and (or) information agency, the fee shall be collected in the manner, determined by the Tax Code of the Republic of Kazakhstan.

4. Application on recording, rerecording of periodical printed publication or

information agency shall be subject to consideration within ten business days from the date of receipt. Following the results of considering the application, the authorized body shall issue certificate on recording to possessor of periodical printed publication or information agency or refuse on the following grounds:

1) if the authorized body issued certificate in advance on recording to periodical printed publication or information agency with the same name and distribution in the same territory or similar till the degree of its mixture with the name of earlier created periodical printed publication or information agency;

2) if the content of application is not in conformance with requirements of Article 11 of this Law;

3) if the fee for recording of periodical printed publication or information agency is not paid;

4) if the number and date of agreement, confirming the transfer of rights of property to periodical printed publication or information agency to other persons are not stated in the application on rerecording of periodical printed publication or information agency due to change of the possessor;

5) if periodical printed publication or information agency with the same name (part of name) and the same thematic scope is filed to recording, the production of which is terminated earlier by court, or the periodic printed publication or information agency, duplicating the name and thematic scope is filed, as well as in case of filing the application by the possessive or chief editor (editor) of periodical printed publication or information agency, the production of which was terminated by court decision within three years from the date of enforcement of the court decision.

5. The possessor of periodical printed publication shall preserve the right to proceed to production release of periodical printed publication within three months from the date of receiving certificate on recording.

The possessor of information agency shall preserve the right to proceed to distribute communications and materials of informative nature within six months from the date of receiving the certificate on recording.

Certificate on recording of periodical printed publication and (or) information agency shall be deemed to have lost force by decision of the authorized body in case of skip of the term of production release of periodical printed publication and (or) information agency, as well as termination of production release of periodical printed publication and (or) information agency within three months, with the exception of cases of suspension of the production of periodical printed publication and (or) information agency by the court.

6. Periodical printed publication and (or) information agency shall be subject to rerecording in cases of change of the possessor or change of legal organizational form, as well as the name of periodical printed publication and (or) information agency, language of publication or materials and communications, territory of distribution, main thematic scope and periodicity of production.

Footnote. Article 10 is in the wording of the Law of the Republic of Kazakhstan dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Note of RCLII!

Article 11 is provided to be amended by the Law of the Republic of Kazakhstan dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after the date of its first official publication).

**Article 11. Application on recording of periodical printed publication and (or) information agency**

1. The application on recording of periodical printed publication or information agency shall include:

1) last name, first name and patronymic (in its existence), unique identification number, place of residence of the possessor of periodical printed publication or information agency – an individual, name, business identification number, location area, legal organizational form of the possessor of periodical printed publication or information agency – a legal entity;

2) language (languages) of periodical oriented publication, materials and communications of information agency;

3) supposed periodicity of production;

4) main thematic scope;

5) territory of distribution;

6) last name, first name, patronymic (in its existence) of chief editor (editor);

7) address of editor board.

2. Submitting other requirements upon recording of periodical printed publication and (or) information agency shall be prohibited.

Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 5 July 2006 No. 156 (the order of enforcement see Article 2); dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2); dated 10.07.2012 No. 36-V (the order of enforcement see Article 2).

**Article 12. Exemption from recording of mass media**

Recording of periodical printed publications shall not be required as follows:  
circulation of which is less than one hundred copies;  
official, regulatory and other acts;  
bulletins of judicial practice.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 03.05.2001 No. 181; dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

**Article 13. Suspension and termination of production of mass media or distribution of media products**

1. Suspension or termination of production of mass media or distribution of media products is possible under decision of the possessor or court.

2. Suspension means temporary termination of production of one or several numbers of publications, broadcast of television-, radio programs, television-, radio channels, as well as distribution of media products. Suspension of production of mass media or distribution of media products shall be allowed for the term not more than three months.

3. Grounds for suspension of production of mass media or distribution of media products in the manner, established by the Law are: disclosure of details that are state secrets or other secret, protected by the Law, distribution of information, propagating suicide, disclosing techniques and technical tactics of antiterrorist operations in the period of their conducting, propaganda of narcotic drugs, psychotropic substances and precursors, propaganda or agitation of the inhumanity and violence cult, social, racial, national, religious, class and generic superiority, distribution of television-, radio programs, television-, radio channels, as well as demonstration of cine and video products of pornographic and special sexual and erotic nature, use of mass media for the purpose of violation of the conditions of conducting election campaign, carrying out of the activity by foreign persons, stateless persons, foreign legal entities and international organizations, impeding and (or) enabling nomination and election of candidates, political parties, nominated party list, achievement of certain result on



elections, conduct of campaigning in the period of its prohibition, compulsion to participation or refuse from participation in strike, violation of the legislation of the Republic of Kazakhstan on procedure for organization and conduct of peaceful meetings, rallies, processions, pickets and demonstrations, on copyright law and allied rights in Internet, as well as violation of requirements, provided by Article 3, paragraph 6 of Article 10, as well as repeated violation of requirements of Articles 15 and 16 of this Law within a year.

4. The grounds for termination of production of mass media or distribution of media products are:

propaganda or agitation of the forced change of constitutional order, violation of integrity of the Republic of Kazakhstan, erosion of the state security, war, propaganda of extremism or terrorism, publication of materials and distribution of information, oriented to incitement of cross-national and inter-confessional hatred, as well as non-elimination of the reasons for suspension of media products in established term.

5. In case of suspension or termination of production of mass media or distribution of media products under decision of possessor or court, the notification shall be sent to the authorized body.

Termination of production of mass media or distribution of media products shall entail annulment of certificate on recording.

Footnote. Article 13 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV; as amended by the Laws of the Republic of Kazakhstan dated 12.01.2012 No. 537-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

### **Chapter 3. Distribution of media products**

Footnote. Title of chapter 3 as amended by the Law of the Republic of Kazakhstan dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2).

#### **Article 14. Distribution of media products**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2).

1. Distribution of media products shall be carried out under decision of the possessor himself (herself) or on contractual or other lawful grounds by editor board, publisher, as well as organizations or citizens.

2. Retail trade of periodical printed publications, publishing materials of erotic nature shall be prohibited:

1) in non-stationary premises;

2) in unsealed transparent packages;

3) in premises and in the territories of educational organizations, child welfare institutions, cult buildings (constructions);

4) for persons not attained the age of eighteen years.

2-1. Before carrying out of the activity on distribution of periodical printed publications, publishing materials of erotic nature, the subjects shall be obliged to notify executive body of oblast, city of republican significance and the capital about this, at the place of carrying out the activity in the manner, established by the Law of the Republic of Kazakhstan "On administrative procedures".

Local executive bodies of oblasts, cities of republican significance and the capital shall keep register of subjects, notified about beginning of distribution of periodical printed publications, publishing the materials of erotic nature.

3. Advertisement of alcohol production shall be prohibited from 1 January 2004. Advertisement of tobacco and tobacco products shall be prohibited.

3-1. Is excluded by the Law of the Republic of Kazakhstan dated 18.01.2012 No. 546-

IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

3-2. Placement of information on vacancies for employment, containing requirements of discriminative nature in the scope of labor shall be prohibited.

3-3. Advertisement of the activity of financial (investment) pyramid shall be prohibited.

4. Impeding of distribution of the media products, carried out on lawful grounds from the side of individuals or legal entities, and equally officials of the state bodies, unlawful confiscation, as well as destruction of circulation or its part shall not be allowed, other than on the basis of enforced court decision.

Footnote. Article 14 as amended by the Laws of the Republic of Kazakhstan dated 03.05.2001 No. 181; dated 19.12.2003 No. 509; dated 19.06.2007 No. 264 (the order of enforcement see Article 2); dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2); dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 No. 106-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 17.01.2014 No. 166-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Article 15. Data output**

1. Every production of periodical printed publication shall contain the following details:

- 1) name of mass media;
- 2) possessor of mass media;
- 3) last name and initials of chief editor (editor);
- 4) number and date of certificate on recording and name of the body that issued it;
- 5) periodicity of publication;
- 6) serial number and date of publication of mass media;
- 7) circulation;
- 8) name of printing office, its address and address of editorial board.

2. Upon every broadcast, and upon uninterrupted broadcasting - not less of four times a day, mass media shall be obliged to announce its name.

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 3 May 2001 No. 181; dated 10 January 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116).

#### **Article 16. Compulsory copies of periodical printed publications and storage of materials of television-, radio programs**

1. Compulsory free copies of periodical publications, including those released from recording in virtue of Article 12 of this Law, on the date of their production shall be directed by possessor of mass media or by third party upon his (her) instruction to the National state book chamber, National library, library of the Parliament of the Republic of Kazakhstan, to the authorized body.

2. Editorial boards of mass media (television-, radio channels) shall be obliged to keep records of own television-, radio programs on-the-air within one month, as well as make their record in register book of own terrestrial work and keep it no less than one year from the moment of the last record in it. Records having historical or cultural value shall be preserved in the manner, determined by the authorized body.

Footnote. Article 16 is in the wording of the Law of the Republic of Kazakhstan

dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

#### **Chapter 4. Relations of mass media with citizens and organizations**

##### **Article 17. Copyright work and letters**

1. Editorial board, possessor of the web-site shall be obliged to comply with the rights to used objects of the intellectual property rights including copyright, allied and other rights to intellectual property.

2. Upon publication of reader letters, the abbreviation and editing of their text not distorting the sense of its content shall be allowed.

3. No one shall have the right to obligate the editorial board of mass media to release material, deviated by it to public, unless otherwise provided by the Law.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 12.01.2012 No. 537-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

##### **Article 18. Official communications**

1. Official communications of the state bodies shall be set in mass media in accordance with the legislative acts of the Republic of Kazakhstan.

2. State bodies shall be obliged to provide information to the representatives of mass media on equal conditions in case of applying, independently from their forms of ownership and accessory, with the exception of one that is the state secret of the Republic of Kazakhstan.

2-1. State bodies and other organizations shall be obliged to provide required information not later than three days from the date of receipt of application or to give a response specifying the term of provision or motive of refusal.

Response for application, requiring additional observation and verification shall be given in term, not later than one month from the date of its receipt.

In case of receipt of application from mass media in state bodies or other organization, the competence of which doesn't include permit of raised questions, this application shall be directed to the relevant bodies informing the mass media about this in term, not later than five days.

3. Refusal in provision of requested details may be appealed by the representative of mass media to superior body or civil servant, or in court in the manner, provided by the Law for appeal of illegal actions of the bodies of state administration and officials, infringing the rights of citizens.

Footnote. Article 18 as amended by the Laws of the Republic of Kazakhstan dated 03.05.2001 No. 181; dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2).

##### **Article 19. Right of refutation**

1. A citizen or a legal entity shall have the right to require refutation of details, discrediting his (her) honor, dignity and business reputation in a judicial proceeding.

2. If the details, discrediting honor, dignity and business reputation of a citizen or a legal entity are distributed in mass media, they shall be refuted gratuitously in the same mass media.

In case, if mentioned details are contained in the document, outgoing from organization, such document shall be subject to substitution or revocation with compulsory notifying of addressees on discrepancy with the reality of details, contained in this document.

Procedure for refutation in other cases shall be established by the court.

3. Requirement of a citizen or a legal entity on publication of refutation or response in mass media shall be considered by court in the case, if a mass media agency

refused in such publication or didn't perform publication within a month, as well as in case of its liquidation.

4. A citizen or a legal entity, in respect of which the details, discrediting his (her) honor, dignity and business reputation are distributed, shall have the right to require compensation for losses and moral harm, inflicted by their distribution together with refutation of such details.

**Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2).**

## **Chapter 5. Rights and obligations of a journalist**

### **Article 20. Rights of a journalist**

A journalist shall have the right to:

- 1) carry out search, request, receive and distribute information;
- 2) visit state bodies, organization of all the forms of ownership and be admitted by their officials due to carrying out his (her) official duties, attend in all events, conducted by the body accredited him (her), with the exception of cases, when decision on conducting closed event is adopted;
- 3) make records, including the use of audiovisual technology, cine- and photographic survey, with the exception of cases, prohibited by the legislative acts of the Republic of Kazakhstan;
- 4) attend in disaster area, in rallies and demonstrations, as well as upon other forms of expression of public, group and personal interests and protest upon presentation of journalist certificate;
- 5) receive access to the documents and materials, with the exception of their fragments, containing the details that are the state secrets;
- 6) check the adequacy of received information;
- 7) apply to specialists upon verification of received information materials;
- 8) distribute communications and materials prepared by them under their seal, under the code name (pseudonym);
- 9) refuse from publication of material under their seal, if its content contradicts the personal convictions of a journalist after editorial correction;
- 10) to protect authorship secrets and information sources, with the exception of cases, when these secrets are released to public upon requirements of the court.

### **Article 21. Obligations of a journalist**

A journalist shall be obliged to:

- 1) carry out the program of mass media activity with which he (she) is in contractual relations, being governed by the legislation of the Republic of Kazakhstan;
- 2) not to distribute information that is inconsistent with reality;
- 3) satisfy requests of persons, provided information, on specifying their authorship;
- 4) respect for legal rights and interests of individuals and legal entities;
- 4-1) **is excluded by the Law of the Republic of Kazakhstan dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2);**
- 5) perform other obligations, imposed on it in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 21 as amended by the Laws of the Republic of Kazakhstan dated 3 May 2001 No. 181; dated 06.02.2009 No. 123-IV (the order of enforcement see Article 2).**

## **Chapter 6. Accreditation of journalists**

### **Article 22. Accreditation of journalists**

1. In coordination with state bodies, public associations and organizations, mass media may accredit upon them its own journalist.
2. State bodies, public associations and organization, upon which the journalist

is accredited, shall be obliged to notify him (her) in advance on sittings, conferences and other events, ensure shorthand reports, minutes and other documents.

3. Accredited journalist shall have the right to attend at sittings, conferences and other events, conducted by the state bodies, public associations and organizations, accredited him (her), with the exception of cases, when decisions on conducting closed events are adopted.

4. A journalist may be deprived of accreditation, if he (she) violated the rules of accreditation or for distribution of details that do not reflect reality, discrediting honor and dignity of the state bodies, public associations and organizations, accredited him (her).

5. Is excluded by the Law of the Republic of Kazakhstan dated 10 January 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116).

#### **Article 23. Accreditation of mass media of the Republic of Kazakhstan abroad**

The possessor of mass media of the Republic of Kazakhstan shall have the right to open correspondent units, accredit journalists in other countries in the manner, provided by the legislation of the Republic of Kazakhstan and countries of stay, unless otherwise provided by international treaties.

#### **Article 24. Activity of the representatives of foreign mass media in the Republic of Kazakhstan**

1. Accreditation of the representatives of foreign mass media and their journalists shall be conducted by the Ministry of foreign affairs of the Republic of Kazakhstan.

2. Legal status and professional activity of foreign journalists and other representatives of foreign mass media accredited in the Republic of Kazakhstan shall be regulated by the legislation of the Republic of Kazakhstan and international treaties, ratified by the Republic of Kazakhstan.

3. For distribution of foreign media products, violating the Constitution of the Republic of Kazakhstan and regulations of this Law, the prohibition shall be imposed in a judicial proceeding and for foreign mass media being the web-sites – suspension of the access to the mentioned web-sites in the territory of the Republic of Kazakhstan.

Footnote. Article 24 as amended by the Laws of the Republic of Kazakhstan dated 03.05.2001 No. 181; dated 12.01.2012 No. 537-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Chapter 7. Responsibility for violation of the legislation on mass media**

##### **Article 25. Grounds of responsibility for violation of the legislation on mass media**

1. Distribution of details that do not reflect reality, discrediting honor and dignity of a citizen or organization (a state body, public, creative, scientific, religious or other association of citizens and legal entities), impact of mass media to court, shall entail responsibility, provided by the legislative acts of the Republic of Kazakhstan.

2. Responsibility for violation of the legislation on mass media shall be borne by guilty officials of the state bodies and other organizations, as well as the possessor, distributor, chief editor (editor) of mass media, authors of distributed communications and materials.

2-1. The possessor, chief editor (editor) of mass media shall bear responsibility, established by the legislative acts of the Republic of Kazakhstan for distribution of communications and materials, containing propaganda or agitation of the forced change of constitutional order, violation of integrity of the Republic of Kazakhstan, erosion of the state security, war, social, racial, national, religious, class and generic superiority, cult of inhumanity, violence and pornography, independently from the source

of their receipt.

3. Impeding of legal professional activity of a journalist shall entail responsibility established by the Laws of the Republic of Kazakhstan.

Footnote. Article 25 as amended by the Laws of the Republic of Kazakhstan dated 03.05.2001 No. 181; dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

**Article 26. Cases of release from responsibility for distribution of details that do not reflect reality**

Chief editor (editor), and equally a journalist shall not bear responsibility for distribution of details in mass media that do not reflect reality:

- 1) if these details contained in official communications and documents;
- 2) if they are received from advertisement and information agencies or press service of state bodies;
- 3) if they are literal reproduction of formal address of the deputies of representative bodies, officials of state bodies, organizations and citizens;
- 4) if they were contained in author performances, going on the air without preliminary recording, or in texts that shall not be subject to editing in accordance with this Law;
- 5) if these details contained in compulsory communications in accordance with Article 18 of this Law.

Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 3 May 2001 No. 181.

*The President  
of the Republic of Kazakhstan*