



## **Protection of children from information harmful to their health and development**

### *Unofficial translation*

Law of the Republic of Kazakhstan of July 2, 2018 No. 169-VI.

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This Act regulates social relations arising from the realization of children's right to receive and disseminate information appropriate to their age and is aimed at protecting children from information harmful to their health and development.

### **Chapter 1. GENERAL REGULATIONS**

#### **Article 1. Basic concepts used in this Law**

The following basic concepts are used in this Act:

- 1) Information products - products of mass media, as well as other audiovisual and (or) printed products intended for an unlimited number of persons;
- 2) Distribution of information products - activities related to the sale, subscription, delivery, distribution, display, rental and (or) rent of information products;
- 3) Distributor of information products (hereinafter - distributor) - an individual or legal entity distributing information products under an agreement with its owner, producer of information products or on other legal grounds;
- 4) information product manufacturer - an individual or legal entity providing material, technical and (or) organizational support for production and (or) manufacturing of information products;
- 5) information products for children - information products corresponding to the direction, subject matter, content and design of the age category;
- 6) Protection of children from information harmful to their health and development - a set of legal, organizational, technical and other measures carried out for the purpose of information security of children;
- 7) the authorized body in the field of protection of children from information harmful to their health and development (hereinafter - the authorized body) - the central executive body in the field of protection of children from information harmful to their health and development;
- 8) children's access to information - the right of children to freely receive and distribute information products for children;
- 9) Information security for children - ensuring protection of their rights and legitimate interests from information harmful to their health and development;

10) age category - category assigned to information products in accordance with the procedure established by this Law;

11) age category sign - graphic and (or) text symbols of age category;

12) age classification - process of assignment of information products of age category;

13) naturalistic description and (or) image - description and (or) image of a person, animal, object, events, phenomena, actions (inaction) and their consequences, fixing the attention of a person on details, anatomic details and (or) physiological or technical processes of the object of image (description);

14) information containing abnormal vocabulary - information containing obscene, vulgar, obscene words, speech and expressions.

## **Article 2. Scope of this Law**

This Law shall not apply to relations related to the distribution of information products:

1) containing scientific, scientific and methodical, educational, educational and methodical, statistical information;

2) relating to cultural values in accordance with the legislation of the Republic of Kazakhstan on culture.

## **Article 3. Legislation of the Republic of Kazakhstan on the protection of children from information harmful to their health and development**

1. The legislation of the Republic of Kazakhstan on the protection of children from information harmful to their health and development is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

## **Chapter 2. PRINCIPLES OF THE STATE POLICY, STATE REGULATION, PUBLIC CONTROL AND PARTICIPANTIES FOR CHILDREN'S PROTECTION FOR INFORMATION ACCEPTING THE HEALTH AND DEVELOPMENT**

### **Article 4. Principles of State policy on the protection of children from information harmful to their health and development**

The state policy in the field of protection of children from information harmful to their health and development is based on principles:

1) ensuring by the state protection of rights and legitimate interests of children taking into account psycho-age peculiarities, vulnerability to negative influence of information environment;

2) the consistency and complexity of state measures to ensure the protection of children from information harmful to their health and development;

3) taking into account historical and other traditions, cultural values of the society and the state for the purpose of proper upbringing and full development of children;

4) the permissibility of the restriction by the laws of the Republic of Kazakhstan of the rights of children to freely receive and disseminate information harmful to their health and development.

#### **Article 5. Competence of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan develops the main directions of state policy in the field of protection of children from information that harms their health and development, and organizes their implementation.

**Footnote. Article 5 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 6. Competence of the authorized body**

The authorized body:

- 1) forms and implements state policy in the field of protection of children from information that harms their health and development;
- 2) carries out inter-sectoral coordination in the field of protection of children from information harmful to their health and development;
- 3) carries out international cooperation in the field of protection of children from information harmful to their health and development;
- 4) Approves the rules and methods of assigning information products of age classification ;
- 5) approve the requirements for the age category sign;
- 6) carries out other powers stipulated by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 7. Competence of State bodies and local executive bodies in the protection of children from information harmful to their health and development**

1. The authorized body in the field of mass media within the limits of its competence:
  - 1) implements the state policy in the field of protection of children from information harmful to their health and development;
  - 2) Monitor media products for compliance with the requirements of this Law;
  - 3) exercises state control over the observance of the legislation of the Republic of Kazakhstan on the protection of children from information harmful to their health and development in the mass media;

4) Exercises other powers stipulated by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. The authorized body in the field of communication and informatization within its competence:

1) implements the state policy in the sphere of protection of children from information that causes harm to their health and development;

2) carries out state control over observance of the legislation of the Republic of Kazakhstan on protection of children from information causing harm to their health and development in telecommunications networks;

3) Exercises other powers stipulated by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. The authorized body in the field of education within its competence:

1) implements the state policy in the sphere of protection of children from information that causes harm to their health and development;

2) exercise other powers provided for by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Internal affairs bodies within their competence:

1) implement the state policy in the field of protection of children from information harmful to their health and development;

2) Exercise state control over compliance with the legislation of the Republic of Kazakhstan on the protection of children from information harmful to their health and development when distributing information products to minors containing information that is prohibited for children;

3) Exercise other powers stipulated by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

5. Local executive bodies of the regions within their competence:

1) ensure implementation of the state policy in the sphere of protection of children from information that causes harm to their health and development;

2) carry out in the interests of local state administration other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

6. Local executive bodies of cities of national importance and the capital, districts, cities of regional importance within the limits of their competence:

1) ensure implementation of the state policy in the sphere of protection of children from information that causes harm to their health and development;

2) carry out state control over observance of the legislation of the Republic of Kazakhstan on protection of children from information causing harm to their health and development, on the corresponding administrative-territorial unit, except for:

mass media, as well as information disseminated through telecommunications networks;

Distribution to minors of information products containing information that is prohibited for children;

3) carry out in the interests of local state administration other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

### **Article 8. Public oversight and participation in the protection of children from information harmful to their health and development**

1. Public control over compliance with the requirements of this Law shall be exercised by individuals and non-profit organizations in accordance with their charters.

2. Individuals and non-profit organizations shall have the right to do so:

1) Monitor the distribution of information products and children's access to information, including through the creation and maintenance of "hotlines", the use of technical, hardware and other forms of monitoring and identification of information, information products and actions of persons causing harm to the health and development of children;

2) to submit information on violations of the present Law to state bodies and local executive bodies;

3) carry out activities aimed at increasing the level of awareness of children about the opportunities, potential, risk and threats of disseminated information, as well as at training parents in the skills of monitoring minors when receiving and using information;

4) Conduct analysis of information literacy among children and parents;

5) perform other actions in accordance with the legislation of the Republic of Kazakhstan.

### **Chapter 3. REGULAR CLASSIFICATION, REGULAR CATEGORY AND REGULAR CATEGORY SIGN**

#### **Article 9. Age classification**

1. The age classification is carried out before the beginning of distribution of information products on the territory of the Republic of Kazakhstan:

1) by the owner of information products manufactured and/or manufactured in the Republic of Kazakhstan;

2) the owner or distributor of information products imported (delivered) to the territory of the Republic of Kazakhstan.

The provisions of this paragraph shall not apply to the age classification of films.

2. The age classification shall be subject to evaluation:

1) Theme, genre, content and design of information products;

2) peculiarities of children's perception of a certain age category of information contained in information products;

3) the probability of harm to the child's health and development.

3. The age classification is carried out by assigning information products of the following age categories:

1) "Up to 6 years of age" - information products for children under the age of 6;

2) "From the age of 6" - information products for children who have reached the age of 6;

3) "From the age of 12" - information products for children who have reached the age of twelve;

4) "From the age of 14" - information products for children who have reached the age of 14;

5) "From the age of 16" - information products for children who have reached the age of 16;

6) "From the age of 18" - information products containing information prohibited for children.

4. Age classification of films is carried out in accordance with the requirements of this Law of the Republic of Kazakhstan "On Cinematography".

**Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 26.12.2019 № 289-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 10. Information products of the age category "under 6 years"**

Information products of the age category "up to 6 years" include information products containing episodic descriptions and (or) images without naturalistic descriptions and (or) images of physical and (or) mental and (or) psychological violence justified by the genre and (or) plot, provided that information products contain the idea of triumph over the evil, compassion for the victim and (or) condemnation of violence.

#### **Article 11. Information products of the age group "from 6 years"**

Information products of the age category "from 6 years old" include information products provided for in Article 10 of this Law, as well as information products that do not contain descriptions and (or) images of accidents, catastrophes, deaths and their consequences, causing fear, panic or horror in children, as well as degrading human dignity.

#### **Article 12. Information products of the age group "from 12 years"**

Information products of the age category "from 12 years old" include information products provided for by Article 11 of this Law, as well as information products containing descriptions and (or) images of accidents, catastrophes, non-violent death without description and (or) images of their consequences, which may cause fear, panic or horror in children.

#### **Article 13. Information products of the age group "from 14 years"**

Information products of the age category "from 14 years" include information products provided for by Article 12 of this Law, as well as information products containing justified genre and (or) plot:

1) episodic descriptions and (or) images of narcotic drugs, psychotropic substances, their analogues and precursors, tobacco products, alcoholic beverages with a reminder of the danger of their consumption, denouncing their attraction to them as provoking anti-social and illegal actions;

2) episodic descriptions and (or) images without naturalistic descriptions and (or) images of human death as a result of the use of force on the way of protection of human rights and legitimate interests of society and the state.

#### **Article 14. Information products of the age group "from 16 years"**

Information products of the age category "from 16 years old" include information products provided for by Article 13 of this Law, as well as information products containing justified genre and (or) plot:

1) episodic descriptions and/or images of suicidal plots and (or) murder of a person, which evoke a sense of compassion for the victims and condemnation of cruelty and violence;

2) episodic descriptions and (or) depictions of sexual relations of people, except for descriptions and (or) depictions of sexual actions.

#### **Article 15. Age category sign**

1. The age category sign is applied to information products or is indicated on them by the distributor by a sign:

1) "Up to 6 years of age" - the sign "6-" in a rhombus and/or a text warning in the form of the phrase "for children under 6 years of age";

2) "From the age of 6 years" - the sign "6+" in a rhombus and/or a text warning in the form of the phrase "for children who have reached the age of 6 years";

3) "From the age of 12 years" - the sign "12+" in a rhombus and/or a text warning in the form of the phrase "for children who have reached the age of 12 years";

4) "From the age of 14 years" - the sign "14+" in the form of a rhombus and/or a text warning "for children who have reached the age of 14 years";

5) "From the age of 16 years" - the sign "16+" in the form of a rhombus and/or a text warning "for children who have reached the age of 16 years";

6) "From 18 years of age" - the sign "18+" in a rhombus and/or a text warning in the form of the phrase "prohibited for children".

2. Distribution of information products without the age category mark in the territory of the Republic of Kazakhstan is prohibited, except for the following

1) Information, entertainment and sports television and radio programmes broadcast live;  
2) periodicals specializing in the dissemination of information of a social and political nature;

3) news, information-analytical and socio-political television programs;

- 4) information products disseminated through radio broadcasting;
- 5) Advertising;
- 6) Internet resources, except for online publications.

The age category sign may be applied to the information products listed in part one of this paragraph or indicated on a voluntary basis.

3. In case of distribution of information products consisting of several parts belonging to different age categories, the age category sign shall correspond to information products for children of older age category.

4. The text warning of the age category shall correspond to the language in which the information products are distributed.

#### **Chapter 4. THE TRIBUTIONS FOR INFORMATION PROJECTION**

##### **Article 16. General requirements for information and information products for children**

1. Information harmful to children's health and development includes information:

- 1) prohibited by the Constitution and laws of the Republic of Kazakhstan;
- 2) prohibited for children by this Law;
- 3) limited for children of certain age groups by the laws of the Republic of Kazakhstan.

2. Information prohibited for children includes information:

- 1) inducing children to perform actions that threaten their life and (or) health, including suicide;
- 2) provoking children to antisocial and illegal actions;
- 3) with a special sexual and erotic nature;
- 4) containing description and (or) depiction of sexual violence;
- 5) containing substandard vocabulary;
- 6) distribution of which among children is prohibited by other laws of the Republic of Kazakhstan.

3. Distribution to minors of information products containing information prohibited for children is prohibited, except for information products distributed via the Internet.

When distributing information products containing information prohibited for children to minors via the Internet, administrative, technical, software or other methods of restricting children's access to information are used.

4. Distribution of information products containing information restricted for distribution among children of certain age groups shall be allowed in accordance with the requirements of Articles 10-14 of this Law.

##### **Article 17. Special requirements for information products distributed through television and radio broadcasting**

1. Information products containing information classified by this Law as "18 years old" shall not be distributed by means of broadcasting from 6.00 a.m. to 10.00 p.m. local time,



except for information products distributed on a paid basis with the use of decoding technical devices.

2. Distribution of information products by means of radio broadcasting, except for the radio programs broadcast live, is accompanied by a report on the age category of the radio program at the beginning of its broadcast.

3. When distributing information products corresponding to Articles 10 - 14 of this Law, by means of TV and radio broadcasting at the beginning of the TV and radio program, as well as at each renewal after its interruption, the sign of age category shall be indicated or the age category shall be reported.

#### **Article 18. Special requirements for information products distributed via telecommunication networks**

Activities to provide children with access to information disseminated via telecommunications networks, including the Internet, provided by a person on a temporary basis by means of hardware and software complex and (or) technologies, shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

### **Chapter five. FINAL PROVISIONS**

#### **Article 19. Responsibility for violation of the legislation of the Republic of Kazakhstan on the protection of children from information harmful to their health and development**

Violation of the legislation of the Republic of Kazakhstan on the protection of children from information harmful to their health and development entails liability in accordance with the laws of the Republic of Kazakhstan.

#### **Article 20. Procedure for implementation of this Law**

This Law shall enter into force six months after the date of its first official publication.

*The President*

*of the Republic of Kazakhstan*

*N. Nazarbaev*