

## **On Mass Media**

### *Unofficial translation*

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

#### **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;

5-1) media monitoring - process of collecting and analyzing mass media products for their compliance with the legislation of the Republic of Kazakhstan;

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;

8-1) online media - an Internet resource that has passed the registration procedure with the authorized body, the information and communication infrastructure of which is located in the Republic of Kazakhstan;

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;

10-1) a fund - a structural unit of a legal entity administered by an authorized body that carries out activities to implement projects aimed at supporting the media and promoting the professionalism of Kazakhstani journalists (hereinafter - the Fund);

10-2) state order for the implementation of the state information policy - an order for the provision of services at the expense of the republican and local budgets for the implementation of the state information policy;

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) an official message - information provided and (or) distributed through the media by the information holder established in accordance with the Law of the Republic of Kazakhstan "On access to information";

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 Law of the Republic of Kazakhstan № 546-IV dated 18.01.2012 (shall be enforced upon expiry of thirty calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 36-V dated 10.07.2012 ( shall be enforced upon expiry of ten calendar days after its first official publication); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); № 479-V dated 29.03.2016 (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication) ; № 28-VI dated 22.12.2016 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No 128-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.07.2018 № 170-VI ( shall be enforced upon expiry of six months after the day of its first official publication); dated December 30, 2020 № 394-VI (shall be enforced ten calendar days after the day of 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.

3. Disclosure of information constituting state secrets or other secrets protected by law, propaganda and justification of extremism or terrorism, propaganda of narcotic drugs, psychotropic substances, their analogues and precursors, as well as the cult of cruelty, violence and pornography shall be prohibited.

4. The use of the media for the purpose of committing criminal and administrative offenses shall be prohibited.

**Note.** For the purposes of this Law, propaganda in the media shall mean the dissemination of views, facts, arguments and other information, including intentionally distorted, to form a positive public opinion about information prohibited by the legislation of the Republic of Kazakhstan and (or) inducement to unlawful acts or inaction of unlimited scope of persons.

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

Article 2 for the order of enforcement); № 178-IV dated 10.07.2009; № 63-V dated 08.01.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 227-V dated 03.07.2014 (shall be enforced from 01.01.2015); No 128-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 2-1. Basic principles of activity of the media**

The main principles of activity of the media shall be:

- 1) objectivity;
- 2) legality;
- 3) reliability;
- 4) respect for the private life, honor, dignity of man and citizen.

Footnote. Chapter 1 shall be supplemented by Article 2-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of 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 Law of the Republic of Kazakhstan № 546-IV dated 18.01.2012 (shall be enforced upon expiry of thirty calendar days after its first official publication).

Footnote. Article 3 is in the wording of Law of the Republic of Kazakhstan № 67 dated 08.07.2005 (see Article 2 for the order of enforcement); as amended by Laws of the Republic of Kazakhstan № 123-IV dated 06.02.2009 (see Article 2 for the order of enforcement); № 546-IV dated 18.01.2012 (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.

3. The legal relations regulated by this Law in terms of placing a state order for the implementation of state information policy at the republican and regional levels are not subject to the legislation of the Republic of Kazakhstan on public procurement.

Footnote. Article 4 as amended by Law of the Republic of Kazakhstan № 28-VI dated 22.12.2016 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated December 30, 2020 № 394-VI (shall be enforced ten calendar days after the day of its first official publication).

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

State regulation in the field of mass media is carried out through legal support, state control over observance of the legislation of the Republic of Kazakhstan on mass media.

Footnote. Article 4-1 in the new wording of Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

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

The Government of the Republic of Kazakhstan shall develop and assure the implementation of the main state policy directions in mass media.

Footnote. Article 4-2 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

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

The authorized body shall:

- 1) form and implement the state policy in mass media;
- 2) carry out registration, re-registration of periodicals, news agencies and online media;
- 2-1) maintain registers of registered periodicals, news agencies and online media;
- 2-2) maintain the register of subjects distributing periodicals or Internet resources that publish erotic materials;

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

7) forms, places and controls the implementation of the state order for the implementation of the state information policy at the republican level in the manner prescribed by the legislation of the Republic of Kazakhstan;

7-1) develops and approves the rules for placing a state order for the implementation of state information policy at the republican and regional levels;

7-2) develops and approves a methodology for determining the cost of services purchased for the implementation of the state information policy in the media at the republican level;

7-3) develop and approve a standard methodology for determining the cost of services purchased for the implementation of the state information policy in the media at the regional level;

8) carry out international cooperation in the field of mass media;

8-1) keep record of foreign periodicals distributed in the Republic of Kazakhstan;

9) keep unified register of recording foreign periodical printed publications, distributed in the territory of the Republic of Kazakhstan;

10) is excluded by Law of the Republic of Kazakhstan № 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);

11) shall be excluded by the Law of the Republic of Kazakhstan dated November 24, 2021 № 75-VII (shall be enforced ten calendar days after the day of its first official publication).

11-1) develop and approve, in agreement with the authorized body in the field of permits and notifications and the authorized body in the field of informatization, the rules for accounting for foreign printed periodicals distributed in the territory of the Republic of Kazakhstan;

12) approve the rules of accreditation of journalists;

12-1) approve the model regulation on an authorized person (unit) for interaction with the media;

12-2) approve the rules for interaction of an authorized person (unit) for interaction with the media with the authorized body;

12-3) approve the rules for providing official messages to the media in case of violation of the living conditions of the population in a certain territory;

13) exercise state control over compliance with the legislation of the Republic of Kazakhstan on mass media;

13-1) carry out media monitoring;

13-2) approve the rules for monitoring the media distributed on the territory of the Republic of Kazakhstan, and the methodology for its calculation;

13-3) approve the rules for formation of an electronic archive of mandatory free copies of periodicals;

13-4) approves the rules for the activities of a journalist (representative of the mass media) present at peaceful meetings, the forms of distinctive signs of a journalist;

14) coordinate the activity of central and local executive bodies on the issues of mass media;

14-1) issue instructions in case of revelation of violations of the requirements of the legislation of the Republic of Kazakhstan on the 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 Laws of the Republic of Kazakhstan № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); № 546-IV dated 18.01.2012 (shall be enforced upon expiry of thirty calendar days after its first official publication); № 36-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); № 479-V dated 29.03.2016 (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication); № 28-VI dated 22.12.2016 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No 128-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 08.01.2019 № 215-VI (shall be enforced upon expiry of three months after the day of its first official publication); dated 25.05.2020 № 334-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated December 30, 2020 № 394-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated November 24, 2021 № 75-VII (shall be enforced ten calendar days after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

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

Footnote. The title of article 4-4 as amended by the Law of the Republic of Kazakhstan dated 28.12.2018 № 210-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

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

- 1) implement state information policy through regional mass media;
- 2) is excluded by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016);
- 3) is excluded by Law of the Republic of Kazakhstan № 36-V dated 10.07.2012 (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;
  - 4-1) develop and approve a methodology for determining the cost of services purchased for the implementation of the state information policy in the media at the regional level, based on a standard methodology for determining the cost of services purchased for the implementation of the state information policy in the media at the regional level;
  - 5) is excluded by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016);



6) is excluded by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016);

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 Laws of the Republic of Kazakhstan № 258-IV dated 19.03.2010; № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); № 546-IV dated 18.01.2012 (shall be enforced upon expiry of thirty calendar days after its first official publication); № 36-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); dated 28.12.2018 № 210-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated December 30, 2020 № 394-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 4-5. State control over observance of the legislation of the Republic of Kazakhstan on mass media**

Footnote. Title of Article 4-5 as amended by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

1. Is excluded by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

2. Is excluded by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

3. State control over compliance with the legislation of the Republic of Kazakhstan on the media shall be carried out by the authorized body in the form of inspections and preventive control with a visit to the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan, as well as in the form of preventive control without visiting the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Law.

4. Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

4-1. The object of preventive control without visiting the subject (object) of control in the field of the media shall be the activity of periodical print media, television, radio channels, documentary films, audiovisual recordings and other forms of periodic or continuous public distribution of the media, including Internet resources.

The subjects of control shall be the owners of the media.

The objectives of preventive control without visiting the subject (object) of control shall be the timely suppression and prevention of violations, provision of the subjects of control



with the right to independently eliminate the violations, identified by the authorized body based on the results of preventive control without visiting the subject (object) of control, and reduction of the administrative burden on them.

Preventive control without visiting the subject (object) of control shall be carried out by analyzing the information, obtained from various sources of information, including in the manner determined by the rules for monitoring the media.

In case of revelation of violations following the results of preventive control without visiting the subject (object) of control, the authorized body shall send a recommendation to the subject of control no later than five working days from the date of revelation of the violations.

The recommendation should be handed over to the subject of control personally against signature or in any other way confirming the facts of its sending and receiving.

A recommendation sent by one of the following methods shall be considered to be delivered in the following cases:

- 1) on purpose - from the date of making a note in the recommendation on receipt;
- 2) by post - from the date of notification of receipt of the postal item by registered mail;
- 3) by electronic means - from the date of sending by the authorized body to the electronic address of the subject of control indicated in the letter upon request from the authorized body.

The recommendation to eliminate violations identified following the results of preventive control without visiting the subject (object) of control should be executed within ten working days from the day following the day it was delivered.

In case of disagreement with the violations specified in the recommendation, the subject of control shall have the right to send an objection to the authorized body that sent the recommendation within five working days from the day following the day the recommendation was delivered.

Failure to comply with the recommendation on elimination of violations identified following the results of preventive control without visiting the subject (object) of control within the established time frame, shall entail the appointment of preventive control with a visit to the subject (object) of control by inclusion in the semi-annual list of preventive control with a visit to the subject (object) of control.

Preventive control without visiting the subject (object) of control shall be carried out no more than once a day.

**5. Is excluded by Law of the Republic of Kazakhstan № 378-IV dated 06.01.2011 (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 Law of the Republic of Kazakhstan № 125 dated 31.01.2006; as amended by Law of the Republic of Kazakhstan № 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); dated**

24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 1-2. Some issues of state information policy at the republican and regional levels**

Footnote. The law is supplemented by chapter 1-2 in accordance with the Law of the Republic of Kazakhstan dated December 30, 2020 № 394-VI (shall be enforced ten calendar days after the day of its first official publication).

### **Article 4-6. Republican Commission on State Information Policy**

1. In order to take into account and protect public interests in the implementation of the state information policy, as well as to meet the needs of the population for information, the Republican Commission on State Information Policy is created under the authorized body.

2. The main functions of the Republican Commission on State Information Policy are:

1) consideration of the list of thematic areas of state information policy at the regional level and development of proposals in accordance with the procedure determined by the authorized body;

2) consideration of applications of applicants for obtaining a state order for the implementation of state information policy at the republican and regional levels and development of proposals in accordance with the rules for placing a state order for the implementation of state information policy at the republican and regional levels;

3) exercise of other powers provided for by the regulation on the Republican Commission on State Information Policy.

3. The authorized body approves the regulation on the Republican commission on state information policy and its composition, as well as the model regulation on regional commissions on state information policy.

### **Article 4-7. Regional Commissions on State Information Policy**

1. In order to take into account and protect public interests in the implementation of the state information policy, as well as to meet the needs of the population for information, local executive bodies establish regional commissions on state information policy.

2. The main functions of regional commissions on issues of state information policy are:

1) consideration of applications of applicants for obtaining a state order for the implementation of state information policy at the regional level and development of proposals in accordance with the rules for placing a state order for the implementation of state information policy at the republican and regional levels;

2) sending applications of applicants for receiving a state order for conducting state information policy at the regional level for consideration by the Republican Commission on State Information Policy and for receiving recommendations in accordance with the rules for

placing a state order for conducting state information policy at the republican and regional levels;

3) exercise of other powers provided for by the model regulation on regional commissions on issues of state information policy.

3. The regional commission in its activities is guided by the model regulation on regional commissions on issues of state information policy.

## **Chapter 2. Organization of activity of mass media Article 5. Right to creation of mass media**

1. Natural and legal persons have the right to create mass media in accordance with the legislation of the Republic of Kazakhstan.

Mass media can be created both as a legal entity and as structural subdivision of a legal entity.

The basis for publication (broadcast) of media products, dissemination of reports and information materials is a certificate of registration of a television-, radio channel, a periodical, news agency and (or) online mass media.

These requirements shall not apply to Internet resources.

2. Foreigners and foreign legal entities, stateless persons shall be forbidden to directly and (or) indirectly own, use, dispose and (or) manage more than 20 percent of the shares (shares, units) of a legal entity – owner of a mass media in the Republic of Kazakhstan or carrying out activities in this area.

The provision of part one of this paragraph shall not apply to Internet resources intended for electronic commerce.

**Footnote. Article 5 as amended by Laws of the Republic of Kazakhstan № 181 dated 03.05.2001; № 123-IV dated 06.02.2009 (see Article 2 for the order of enforcement); № 178-IV dated 10.07.2009; N. 546-IV dated 18.01.2012 (shall be enforced upon expiry of thirty calendar days after its first official publication); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of 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 Law of the Republic of Kazakhstan № 67 dated 8 July 2005 (see Article 2 for the order of enforcement); № 156 dated 5 July 2006 (see Article 2 for the order of enforcement).**

#### **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. Registration or re-registration of a periodical, news agency and online mass media**

1. Periodical print media, news agencies operating in the territory of the Republic of Kazakhstan shall be subject to mandatory registration.

Registration of an Internet resource as an online publication shall be carried out voluntarily.

2. For registration or re-registration, the owner of a periodical, news agency and online mass media or his/her authorized person submits an application meeting the requirements of article 11 of this Law.

3. A fee shall be collected in the manner determined by the Code of the Republic of Kazakhstan “On Taxes and other obligatory payments to the budget” (the Tax Code) for either registering a periodical or news agency or online mass media or for issuing a duplicate of a document certifying the registration of a periodical or news agency or online mass media.

4. An application for registration or re-registration of a periodical or news agency or online mass media is subject to consideration within ten working days from the date of its receipt. Based on the results of the application’s consideration, the authorized body issues a certificate of registration or re-registration to the owner of a periodical or news agency or online mass media or refuses on the following grounds:

1) if the authorized body has earlier issued a certificate of registration or re-registration of a periodical, news agency and online mass media with the same name and distribution in the same territory, or the name of an earlier created periodical, news agency and online mass media is confusingly similar;

2) if the content of an application does not comply with the requirements of article 11 of this Law;

3) if the fee for registering a periodical, news agency and online mass media has not been paid;

4) if, in case of the change of ownership, an application for re-registration of a periodical or news agency or online mass media does not contain the number and date of a contract confirming the transfer of ownership of the periodical or news agency or online mass media to another person;

5) if a periodical or news agency or online mass media seeking registration have the same name (part of it) and same thematic scope as the media, the publication of which was earlier terminated by a court, or a periodical or news agency or online mass media duplicate the name and thematic scope, and also if an application was submitted by the owner or editor-in-chief (editor) of a periodical or news agency or online mass media, the publication of which was terminated by a court decision, within three years from the date of entry into force of the court decision.

5. The owner of a periodical reserves the right to start the production of a periodical within three months from the date of receipt of the registration certificate.

The owners of a news agency or online mass media reserve the right to start the dissemination of reports and materials within six months from the date of receipt of the registration certificate.

The authorized body may invalidate a certificate of registration of a periodical or news agency or online mass media by its decision, if a periodical or news agency or online mass media missed the production deadline, and also in case a periodical or news agency or online

mass media have stopped production for three months, except for cases of suspension of publications by a periodical or news agency or online mass media under court decision.

The certificate of registration of online mass media may be invalidated by the decision of the authorized body, if, following the results of state control, the information and communication infrastructure of the owner of online mass media is found outside the Republic of Kazakhstan.

In the event that the certificate of registration of a periodical, news agency or online publication is declared invalid by the decision of the owner or the court, the media shall cease to release.

6. The periodical, news agency and online mass media are subject to re-registration in cases of the change of owner or change of its name, as well as title, language of publication or materials and reports, territory of distribution, main thematic scope and frequency of publication.

**Footnote. Article 10 in the new wording of Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); No 128-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 11. Application for registration or re-registration of periodicals, news agencies and online mass media**

1. An application for registration or re-registration of a periodical, news agency and online mass media shall specify:

1) the last name, first name and patronymic (if it is indicated in the identity document), individual identification number, place of residence of the owner of the periodical or news agency or online mass media, who is a natural person; name, business identification number, registered address of the owner of the periodical or news agency or online mass media that is a legal person;

2) the language (s) of the periodical or materials and reports of the news agency or online mass media;

3) the expected frequency of publication;

4) the main thematic scope;

5) the territory of distribution;

6) the last name, name, patronymic (if it is indicated in the identity document) of the editor-in-chief (editor);

7) the address of the editorial office.

2. It is prohibited to impose other requirements for registration or re-registration of a periodical, news agency or online mass media.

**Footnote. Article 11 in the new wording of Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).**



## **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 Laws of the Republic of Kazakhstan № 181 dated 03.05.2001; № 546-IV dated 18.01.2012 (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 the release or distribution of the media products registered in the authorized body shall be possible by the decision of the owner or the court.

2. Suspension shall be the temporary cessation of the release of one or more issues of publications, the broadcasting of television, radio programs, television and radio channels, temporary suspension of the activities of an online publication, as well as the distribution of media products until the reasons for suspension are eliminated.

Suspension of the release of the media or distribution of the media products shall be allowed for a period not exceeding three months.

3. The grounds for suspending the release of mass media or distribution of mass media products in the manner established by the laws of the Republic of Kazakhstan shall be: propaganda or agitation of the cult of cruelty and violence, social, racial, national, religious, class and clan superiority, disclosure of information constituting state secrets or other secret protected by law, dissemination of information advocating suicide, propaganda of narcotic drugs, psychotropic substances, their analogues and precursors, distribution of television, radio programs, television, radio channels, as well as demonstration of film and video products of a pornographic and special sexual-erotic nature, use of mass media information in order to violate the conditions of election campaigning, implementation by foreigners, stateless persons, foreign legal entities and international organizations of activities that impede and (or) promote the nomination and election of candidates, political parties that nominated a party list, achievement of a certain result in elections, campaigning during the period of its prohibition, forcing to participation or to non-participation in a strike, violation of the legislation of the Republic of Kazakhstan on the procedure for organizing and holding peaceful assemblies, on copyright and related rights on the Internet, as well as violation of the requirements provided for in paragraph 6 of Article 10 of this Law.

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.

6. In the event of suspension or termination of publication of mass media or mass media products by a final judgment of a court, if this mass medium is an Internet resource, authorized state bodies, owners of Internet resources are obliged to suspend or terminate the publication of mass media or distribution of mass media products in the Republic of Kazakhstan.

7. The entry into force of a court decision to suspend the distribution of mass media products or publication of a mass medium, if this mass medium is an Internet resource, entails prohibition to use a domain name with the same or duplicate name for a period not exceeding three months.

A court decision to stop distributing mass media products or publishing mass media, if a mass medium is an Internet resource, entails cancellation of the registration of the domain name and ban on the use, within one year, of a domain name with the same or duplicate name, the registration of which was canceled by a court decision.

**Footnote.** Article 13 is in the wording of Law of the Republic of Kazakhstan № 178-IV dated 10.07.2009; as amended by Laws of the Republic of Kazakhstan № 537-IV dated 12.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 546-IV dated 18.01.2012 (shall be enforced upon expiry of thirty calendar days after its first official publication); № 227-V dated 03.07.2014 (shall be enforced from 01.01.2015); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); No 128-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated May 25, 2020 № 334-VI (shall be enforced ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced ten calendar days after the date of its first official publication).

### **Article 13-1. The Foundation**

The Foundation shall:

- 1) carry out projects for training and professional development of Kazakhstani journalists;
- 2) organize and hold national and regional fora;

3) is excluded by the Law of the Republic of Kazakhstan dated 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after the day of its first official publication);

4) is excluded by the Law of the Republic of Kazakhstan dated 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after the day of its first official publication);

5) be involved in identifying staffing needs in the field of journalism and in drawing up curricula of journalism faculties of Kazakhstani higher educational institutions;

6) conduct research in the field of mass media;

7) implement projects aimed at promoting the image of Kazakhstan in the international arena;

8) promote information culture among children;

9) is excluded by the Law of the Republic of Kazakhstan dated 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after the day of its first official publication).

Footnote. Chapter 2 is supplemented by Article 13-1 in accordance with Law of the Republic of Kazakhstan № 479-V dated 29.03.2016 (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication); in the new wording of Law of the Republic of Kazakhstan № 28-VI dated 22.12.2016 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).; dated 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after the day of its first official publication).

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

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

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

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

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.

1-1. The media shall not need a consent of the portrayed person in the preparation, publication, reproduction and distribution of media products in the following cases:

1) if this person is present or participates in spectacular cultural events, socially significant in the field of culture, mass sports events, peaceful meetings and other public events;

2) if the disseminated information contains an image of a person and information related to the official and (or) public activities of that person, and is also published by the person himself, his legal representative or authorized person in sources, access to which is not limited;

3) if the image of the person depicted is used in order to protect the constitutional order, public order, human rights and freedoms, health and morality of the population.

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. Prior to the commencement of dissemination of periodicals or Internet resources posting erotic materials, legal persons shall notify the authorized body of it, according to the legislative acts of the Republic of Kazakhstan.

3. Advertising of alcoholic products, products imitating alcoholic beverages is prohibited. Advertising of tobacco and tobacco products is prohibited.

Advertising of a trademark and (or) the name of wine produced in the territory of the Republic of Kazakhstan is carried out in accordance with the requirements of the Law of the Republic of Kazakhstan "On Advertising".

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

3-4. It shall be forbidden to disseminate in the media or telecommunication networks the personal and biometric data of a person, including information about his parents and other legal representatives, other information that allows to establish an identity about:

- 1) a child injured as a result of illegal actions (inaction);
- 2) minors, suspected and (or) accused of committing administrative and (or) criminal offenses.

The effect of subparagraph 2) of part one of this paragraph shall not apply to minors convicted by the court of serious and (or) extremely serious crimes, including information about their parents and other legal representatives.

The restrictions established by this paragraph shall not apply to cases provided for in part two of paragraph 2-2 of Article 25 of this Law.

3-5. It shall be forbidden to post information on goods (works, services) for the purpose of sale with the indication of price (tariffs, prices, rates) that is not in tenge.

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 Laws of the Republic of Kazakhstan № 181 dated 03.05.2001; № 509 dated 19.12.2003; № 264 dated 19.06.2007 (see Article 2 for the order of enforcement); № 123-IV dated 06.02.2009 (see Article 2 for the order of enforcement); № 354-IV dated 23.11.2010 (shall be enforced upon expiry of ten calendar days after its first official publication); № 546-IV dated 18.01.2012 (shall be enforced upon expiry of thirty calendar days after its first official publication); № 36-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 106-V dated 21.06.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 166-V dated 17.01.2014 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); No 128-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication; dated 08.01.2019 № 215-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 25.05.2020 № 334-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated December 30, 2020 № 394-VI (shall be enforced ten calendar days after the day of its first official publication).

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

1. Each issue of a periodical shall contain the following information:
  - 1) the name of the periodical;
  - 2) the owner of the periodical;
  - 3) the last name and initials of the editor-in-chief (editor);
  - 4) the number and date of the certificate of registration or re-registration and the name of the issuing authority;
  - 5) the frequency of publication;
  - 6) the serial number and date of issue of the periodical;
  - 7) circulation of this issue;
  - 8) name of the printing house, its address and address of the editorial office.
- 1-1. News agencies and online mass media shall upload in a specially designed section:
  - 1) the name of the news agency or online mass media;
  - 2) the last name and initials or the name of the owner of the news agency or online mass media;
  - 3) the last name and initials of the editor-in-chief (editor);
  - 4) the number and date of the certificate of registration or re-registration and the name of the issuing authority;
  - 5) contact information of the editorial office (postal address, telephone number, e-mail address).
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 Law of the Republic of Kazakhstan № 181 dated 3 May 2001; № 116 dated 10 January 2006 (see Article 2 of Law № 116 for the order of enforcement); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); No 128-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 16. Compulsory copies of periodicals and storage of TV and radio programs**

1. Mandatory free copies of periodicals, including those exempted from registration under Article 12 of this Law, or their electronic digital forms, certified by the electronic digital signature of the editor-in-chief, within fifteen calendar days from the day they are issued, shall be sent by the owner of the media to the national libraries, the National State Book Chamber of the Republic of Kazakhstan.

Electronic-digital forms of mandatory free copies of periodicals, including those exempted from registration under Article 12 of this Law, certified by the electronic digital signature of the editor-in-chief, within fifteen calendar days from the date of issue, shall be sent to the state library of a region, city of republican significance and the capital, which received the status "central".

Electronic-digital forms of mandatory free copies of periodicals, including those exempted from registration under Article 12 of this Law, certified by electronic digital signature of the editor-in-chief, shall be sent to the authorized body on the day of their publication.

2. Editorial offices of mass media (television and radio channels) are obliged to keep recordings of their own television and radio programs, which have been broadcast, within six months and also to fix them in the broadcast register, which shall be kept for at least one year from the date of the last entry in it. Records of historical or cultural value are preserved in the manner determined by the legislation of the Republic of Kazakhstan on the National Archival Fund and archives.

3. The authorized body shall compile an electronic archive of mandatory free copies of periodicals.

Footnote. Article 16 in the new wording of Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); as amended by Law of the Republic of Kazakhstan № 60-VI dated 05.05.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No 128-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Chapter 4. Relations of mass media with citizens and organizations Article 17. Copyright works and letters**



1. The editorial office, the owner of the Internet resource shall be obliged to comply with the rights to the used objects of intellectual property rights, including copyright, related and other intellectual property rights, as well as the processing and protection of personal data in accordance with the legislation of the Republic of Kazakhstan.

2. When publishing readers' letters, including information posted by users on an Internet resource, the reduction and editing of their text shall be allowed without distorting the meaning of its content.

3. None shall have the right to oblige the editorial office of the media to publish the material rejected by it, unless otherwise provided by this Law.

It shall not be allowed to post readers' letters in the media, including information posted by users on the Internet resource containing information prohibited by the laws of the Republic of Kazakhstan.

**Footnote. Article 17 shall be in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 18. Official messages**

1. An official message may be distributed orally or in writing, including in the form of an electronic document.

Dissemination of an official message orally may be carried out via the public speaking of the head or an authorized official of the information holder.

When distributed in writing, including in the form of an electronic document, the official message must be signed by the head or an authorized official of the information holder (in the case of an electronic document - certified by an electronic digital signature).

2. An official message shall be provided to the media on equal terms, regardless of their form of ownership and affiliation.

3. The information holder shall be obliged to submit a response to a written request from the media to clarify the official message provided no later than two working days from the date of registration of the request in the manner established by the legislation of the Republic of Kazakhstan, or to give a response, indicating the time period for its submission or a reasoned refusal.

For a written request for clarification of the provided official messages, requiring additional study and verification, the review period may be extended once by the head of the information holder for no more than fifteen calendar days, of which the media is notified within two working days from the moment of extension of the review period.

4. If the information holder receives a written request from the media for clarification of the provided official messages, the competence of which does not include resolving the issues raised, no later than two working days this request should be sent to the relevant authorities with a notification of the media.

Media requests for clarification of the provided official messages, submitted in written and (or) in the form of an electronic document, shall be sent signed and (or) certified by electronic digital signature of the editor-in-chief (editor), an authorized person or an accredited journalist.

5. Responses to requests for clarification of the provided official messages, submitted in writing or in the form of an electronic document, shall be submitted in the language of reference.

Responses to requests for clarification of the provided official messages shall be presented in the form of a request received, unless otherwise specified in the request itself.

6. A refusal to provide the requested information may be appealed by a representative of the mass media to a higher body, an official, to a court in the manner prescribed by the laws of the Republic of Kazakhstan.

**Footnote. Article 18 shall be in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).**

#### **Article 18-1. Requests for provision of information not included in official messages**

1. The media shall have the right to contact the information holder with requests for provision of information that is not included in the official message.

A media journalist, when contacting the information holder with an oral request by phone, must introduce himself and inform about the audio recording of the conversation if it is conducted.

Media requests for provision of information submitted in writing and (or) in the form of an electronic document shall be sent signed and (or) certified by an electronic digital signature of the editor-in-chief (editor), authorized person or accredited journalist.

The response to the request shall be submitted within seven working days from the date of its receipt in the form and in the language of the request, unless otherwise indicated in the request.

In cases where the requested information is within the competence of several information holders and in response to a written request it is required to obtain information from other information holders, the period of consideration may be extended once by the head of the information holder for no more than fifteen calendar days, of which the media is notified within two working days from the moment of extension of the review period.

2. The request for provision of information shall be refused:

- 1) if the content of the request is not within the competence of the information holder to whom the request was addressed;
- 2) if the request does not meet the requirements of this Law;
- 3) if the requested information relates to information with limited access;

- 4) until a decision shall be made on the results of state control;
- 5) before making a final decision, developed on the basis of inter-departmental and intra-departmental correspondence or meetings in government bodies;
- 6) before adoption of a mutual agreement on the conditions for the disclosure of documents received from foreign states or international organizations.

3. For failure to submit or untimely submission of a response to a request from the media, officials of state bodies shall bear responsibility established by the laws of the Republic of Kazakhstan.

4. A refusal to provide the requested information may be appealed by a representative of the mass media in the manner established by the laws of the Republic of Kazakhstan for appealing against illegal actions of government bodies and officials that infringe on the rights of citizens.

**Footnote.** Chapter 4 shall be supplemented by Article 18-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021); dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 18-2. Obligatory messages**

1. The authorized state bodies of the relevant industry, within their competence and (or) local executive bodies, in case of violation of the living conditions of the population in a certain territory, shall be obliged, no later than three hours after the occurrence of the event, to provide the media with official messages on the current situation in accordance with the procedure defined by the authorized body.

For failure to provide or untimely provision of official messages, officials of state bodies shall be liable under the laws of the Republic of Kazakhstan.

2. The media editorial offices shall be obligated to publish free of charge:
- 1) a court decision that has entered into legal force, if it contains a requirement to publish a response or refutation in the media, which was a defendant in this lawsuit;
  - 2) official messages about the introduction of a state of emergency in accordance with Article 5 of the Law of the Republic of Kazakhstan “On the state of emergency”;
  - 3) official messages of authorized state bodies provided for in Article 47 of the Law of the Republic of Kazakhstan “On civil protection”;
  - 4) official messages of the authorized state bodies provided for by paragraph 2 of Article 15 of the Law of the Republic of Kazakhstan “On countering terrorism”;
  - 5) official messages of the authorized state bodies provided for by paragraph 1 of this article.

3. Obligatory messages shall be published:

- 1) by television and radio channels that go on the air daily - during the day;
- 2) by the media with a different frequency or time of publication (broadcast) - within the time period established by the authorized state bodies or by the court for such publications.

**Footnote. Chapter 4 shall be supplemented by Article 18-2 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 18-3. An authorized person (unit) for interaction with the media**

1. In the central state and local executive bodies, departments, as well as state bodies directly subordinate and accountable to the President of the Republic of Kazakhstan (except for the State Guard Service), an authorized person shall be appointed or an authorized unit shall be established for interaction with the media, which disseminates information on the issues related to the competence of the state body, as well as its activities.

An independent structural authorized unit and (or) a full-time position shall be created within the limits of staff numbers approved in accordance with the legislation of the Republic of Kazakhstan, and also report directly to the first head of the state body.

In the state bodies referred to in part one of this paragraph, with a staffing of less than twenty-five people, the functions established by paragraph 2 of this article shall be assigned to one of the employees of the state body without exemption from his main functional duties.

2. The main functions of an authorized person (unit) for interacting with the media shall be:

- 1) providing the users with reliable and necessary information on the issues related to the competence of a state body, as well as its activities;
- 2) assistance in the preparation of interviews, comments, publications in the media;
- 3) conduct of temporary or permanent accreditation of journalists and other representatives of the media, as well as assisting them for the most complete and widespread dissemination of information on the issues within the competence of the state body, as well as its activities;
- 4) organization of press conferences, briefings, interviews and meetings of officials with representatives of the media;
- 5) development and introduction of proposals on the technical support of the Internet resource, its comprehensive reconstruction, improvement of design, modernization and introduction of new technologies;
- 6) preparation of timely responses to the incoming requests of information users;
- 7) posting of information on the Internet resource of a state body and (or) its first head;
- 8) other functions that contribute to the maximum disclosure of information on the issues within the competence of the state body, as well as its activities, except for the information prohibited or otherwise limited to dissemination by the laws of the Republic of Kazakhstan or judicial acts that have entered into force.

3. The authorized unit for interaction with the media shall carry out its activities on the basis of a regulation developed on the basis of a model regulation approved by the authorized body, taking into account the specifics of the activities of special state bodies and the National Bank of the Republic of Kazakhstan.

4. The authorized person (unit) for interaction with the media shall interact with the authorized body in accordance with the procedure determined by the authorized body.

5. An authorized person (employees of the unit) for interaction with the media shall take advanced training courses in the manner determined by the legislation of the Republic of Kazakhstan.

6. An authorized person (unit) for interaction with the media shall not be subject to job cut (exclusion) in terms of the number of employees (from the staff list) of the state body specified in paragraph 1 of this article, except for the cases of liquidation (elimination) or reorganization of the state body.

**Footnote. Chapter 4 shall be supplemented by Article 18-3 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 18-4. Applications to address cyberbullying on Internet resources against a child**

1. Should acts of cyberbullying be detected in relation to a child, a citizen or a lawful guardian of the child may make a written or electronic request to the competent authority to report acts of cyberbullying against the child, indicating the name of the Internet resource where the illegal actions are taking place.

Applications submitted in writing or in the form of an electronic document shall be signed and/or certified by means of an electronic digital signature.

An allegation of cyberbullying against a child shall be dealt with by a panel within three working days of its receipt.

The order of the establishment of the expert group, as well as the examination of the application on cyberbullying against a child shall be determined by the competent authority. The response shall be given in the national language or language of application.

Where the information requested falls within the competence of more than one holder of information and the response to the application requires information from other holders of information, the period of review may be extended once by the competent authority for a maximum of fifteen calendar days, and the applicant shall be informed within two working days of the extended period of review.

2. The application shall be refused if the content of the application does not specify the Internet site where the cyberbullying is committed against the child.

3. Officials of authorised bodies shall be held responsible under the laws of the Republic of Kazakhstan for failure to respond or late responding to a citizen's or child's legal representative's cyberbullying allegation.

4. Refusal to consider an application may be appealed by a citizen or the child's lawful representative under the procedure prescribed by the law of Kazakhstan.

Note. In the context of this Article, cyberbullying shall be understood to mean systematic (two or more times) humiliating, harassing and/or intimidating actions against a child, including those aimed at forcing a child to commit or refuse to commit an act, using an Internet resource.

Footnote. Chapter 4 as supplemented by Article 18-4 under Law № 118-VII of the Republic of Kazakhstan dated 03.05.2022 (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 19. Right to refutation or response**

1. A citizen or legal entity shall have the right to demand from the media to refute information that is not true and discredits his honor, dignity and business reputation, which was disseminated in the given media. Representatives of a citizen or legal entity shall also have this right.

If a citizen or legal entity applies for refutation, the editorial office of the media, which does not have evidence that the information disseminated by this media is true, shall be obliged to refute it in the same media.

2. The request for a refutation must be made in writing, indicating information that does not correspond to reality, the time and method of its distribution by this media.

The refutation in periodicals must be published in the same font and placed under the heading "Refutation" in the place where the refuted message or material was located.

The refutation must be broadcast on radio and television at the same time of day and in the same television or radio program as the refuted message or material, and in cases of closing the specified television or radio program, - in another television or radio program with an appropriate thematic focus.

The volume of the refutation cannot exceed twice the volume of the refuted message or material.

3. A citizen or legal entity in respect of which the media have published information that violates his rights or legitimate interests, shall have the right to publish his response free of charge in the same media.

The response in the periodicals should be published in the same font and placed under the heading "Response" in the place where the refuted message or material was located.

On radio and television, the response must be broadcast at the same time of day and in the same television and radio program as the refuted message or material, and in cases of the closure of the television and radio program, - in another television and radio program with an appropriate thematic focus.

The volume of the response may not exceed twice or more the volume of the refuted message or material.



The response of a citizen or legal entity or its representative shall be published or broadcast:

in the media published daily (on air) - within five calendar days from the date of receipt of the request for the right to respond from a citizen or legal entity or its representative;

in the media with a different frequency or time of publication (broadcast) - in the next planned issue.

The media shall have the right to refuse to publish a response if the response of a citizen or legal entity or their representative contains information the dissemination of which is prohibited by the laws of the Republic of Kazakhstan or otherwise violates the rights and legitimate interests of individuals and (or) legal entities or the state.

4. The request of a citizen or legal entity to publish a refutation or response in the media shall be considered by the court if the media refused to publish it or within a month did not publish a refutation or response, as well as in the event of the liquidation of the media.

5. A refutation or response distributed in pursuance of a court decision that has entered into legal force shall be published:

1) in the media published (broadcast) at least once a week - within two days from the date of receipt of the request for refutation, unless otherwise specified by the applicant;

2) in the media with a different frequency or time of publication (broadcast) - in the next planned issue, unless otherwise specified by the applicant.

6. A citizen in respect of whom the information has been disseminated defaming his honor, dignity and business reputation, shall be entitled, along with the refutation of such information, to demand compensation for losses and non-pecuniary damage caused by its dissemination.

A legal entity in relation to which information is disseminated that discredits its business reputation, shall be entitled, along with the refutation of such information, to demand compensation for losses caused by its distribution in the manner determined by the legislation of the Republic of Kazakhstan.

**Footnote. Article 19 shall be in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **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) be present in the area of natural disasters, at peaceful meetings, as well as at other forms of expression of public, group and personal interests upon presentation of a journalist's certificate, a distinctive sign;

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.

**Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated May 25, 2020 № 334-VI (shall be enforced ten calendar days after the day of its first official publication).**

## **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;

1-2) take measures to verify the reliability of the information distributed by sending requests to relevant individuals and (or) legal entities or in other ways not prohibited 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;

3-1) obtain consent from an individual and (or) legal entity or their representatives for distribution in the media of personal, family, medical, banking, commercial and other secrets protected by law, unless the information is specified in official messages and (or) distributed by the individual and (or) legal entity or their representatives in sources, access to which is not limited;

4) respect for legal rights and interests of individuals and legal entities;

**4-1) is excluded by Law of the Republic of Kazakhstan № 123-IV dated 06.02.2009 (see Article 2 for the order of enforcement);**

5) perform other obligations, imposed on it in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 21 as amended by Laws of the Republic of Kazakhstan № 181 dated 3 May 2001; № 123-IV dated 06.02.2009 (see Article 2 for the order of enforcement); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 6. Accreditation of journalists Article 22. Accreditation of journalists**

1. The media, in agreement with information holders, public associations and organizations, may accredit their journalists in them.

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 violates the rules of accreditation or for disseminating untrue information discrediting the business reputation of the state bodies, public associations and organizations that accredited him.

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

Footnote. Article 22 as amended by Law of the Republic of Kazakhstan № 116 dated 10 January 2006 (see Article 2 of Law № 116 for the order of enforcement); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated December 30, 2020 № 394-VI (shall be enforced ten calendar days after the day of its first official publication).

## **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 representative offices of foreign media and their journalists shall be carried out by the Ministry of Foreign Affairs of the Republic of Kazakhstan in the manner established by it.

2. Legal status and processional 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 Laws of the Republic of Kazakhstan № 181 dated 03.05.2001; № 537-IV dated 12.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Chapter 7. Responsibility for violation of the legislation on mass media Article 25. Responsibility for violation of legislation of the Republic of Kazakhstan on the media**

**Footnote. The title of article 25 shall be in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

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.

2-2. The owner, editor-in-chief (editor), journalist of the media, including individuals or legal entities using Internet resources, shall not be entitled to disclose the information in messages and materials, specified in paragraphs 3-4 of article 14 of this Law, except if the dissemination of such information is carried out in order to protect the rights and legitimate interests of a child who has suffered as a result of unlawful actions (inaction), and minors, suspected and (or) accused of committing administrative and (or) criminal offenses, except for the minors, convicted by the court of serious or especially serious crimes, including information about their parents and other legal representatives.

The information specified in part one of this paragraph may be disseminated in the media with the consent of:

- 1) a minor who has reached the age of fourteen, who has suffered as a result of unlawful actions (inaction), and his legal representatives;
- 2) legal representatives of a minor under the age of fourteen who suffered as a result of unlawful actions (inaction);
- 3) a minor who has reached the age of sixteen, who has committed administrative and (or) criminal offenses, and his legal representatives.

If one of the persons specified in part two of this paragraph does not give his consent to disseminate information in the media, the dissemination of this information shall be prohibited, except for the following cases:

- 1) without the consent of a minor who has reached the age of fourteen and who has suffered as a result of illegal actions (inaction), or his legal representatives, if the legal representative is suspected or accused of committing these illegal actions (inaction);

- 2) with the consent of one legal representative of the injured minor, if the second legal representative is outside the Republic of Kazakhstan and his consent cannot be obtained.

2-3. The media shall have the right, in order to facilitate the investigation of the crime, to establish the persons involved in the commission of the crime, to search for missing minors, in the amount necessary to achieve these goals, and in compliance with the requirements established by the Criminal Procedure Code of the Republic of Kazakhstan, on the basis of procedural documents received from bodies conducting criminal proceedings, to disseminate information in the media relating to a minor, without obtaining consent from the persons, established by part two of paragraph 2-2 of this article.

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 Laws of the Republic of Kazakhstan № 181 dated 03.05.2001; № 546-IV dated 18.01.2012 (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Article 26. Cases of exemption from liability for dissemination of information that is not true**

The media, as well as its editor-in-chief (editor), journalist shall not be liable for the dissemination of information in the media that does not correspond to reality, if it is:

- 1) contained in official messages;
- 2) contained in the response to the request of the media or obtained from the materials of an authorized person (unit) for interaction with the media;
- 3) received from advertisers and advertising producers;
- 4) the literal reproduction of official speeches of deputies of representative bodies, officials or authorized persons of state bodies, local authorities, individuals and legal entities, except for the dissemination of information prohibited or otherwise restricted to the dissemination by the enacted judicial acts or laws of the Republic of Kazakhstan;

5) contained in the author's speeches, broadcast without prior recording, or in texts that are not subject to editing in accordance with this Law;

6) contained in messages, materials or their fragments distributed by another media registered in the authorized body, provided that the message refers to the media that distributed this message, except for the distribution of information prohibited or otherwise limited for distribution by the enacted judicial acts or laws of the Republic of Kazakhstan;

7) contained in obligatory messages established in accordance with article 18-2 of this Law.

**Footnote. Article 26 shall be in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

**The President  
of the Republic of Kazakhstan**