

Law of the Republic of Kazakhstan on Mass Media

The present Law regulates public relations in the sphere 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 concepts used in the present Law.

The following concepts are used in the present Law:

- 1) Mass information is printed, audiovisual and other messages and materials intended for an unlimited group of people;
- 2) Mass medium is a periodical print edition, radio and TV program, cinema documentary, audio visual recording and other form of periodical and continuous public dissemination of mass information, including WEB-sites in public telecommunication networks (internet and other)*;
- 3) Periodical print edition is a newspaper, magazine, almanac, bulletin, appendixes to them that have a permanent name, current number and that are issued at least once in every six months;
- 4) TV, radio, video, newsreel program that is an aggregate of periodical audio visual messages and programs that has a permanent name and is aired at least once a year;
- 5) Broadcasting is transmission of TV, radio programs, audio visual recording with usage of analogous and digital electromagnetic systems;
- 6) Product of a mass medium is circulation or part of circulation of a separate issue of a print edition or audio visual program, a separate issue of a radio, TV or newsreel program, information, placed on WEB-site in public telecommunication networks;
- 7) Official statement is information provided by government bodies and intended for further dissemination via mass media;
- 8) Dissemination of mass medium product is sales (subscription, delivery, distribution) of periodical print editions, broadcasting of radio and TV programs, demonstration of newsreel programs;
- 9) Mass medium editorial office is a natural person or creative group, which is a structural subdivision of a legal person and that maintains collection and preparation of materials for a mass medium on the basis of labor agreement or other contract relations;
- 10) Editor-in-chief (editor) is a natural person who heads mass medium editorial office and possesses of respective rights for its issue, dissemination and broadcasting;
- 11) Journalist (mass medium representative) is a natural person maintaining activity on collection, processing and preparation of messages and materials for the mass medium on the basis of labor agreement or other contract relations;

12) Distributor is a natural or legal person who maintains dissemination of a mass medium product on the basis of agreement with its owner, publisher or on other legal basis;

13) Censorship is a preliminary concordance of messages and materials prepared by mass media with government bodies, officials and other organizations at their demand or on other basis with an intention to restrict or impose prohibition to disseminate messages and materials or their separate parts;

14) Adult material product is a print edition or TV, radio program that in general and systematically exploits interest towards sex.

15) WEB-site – is an electronic representative page of natural or legal entities of the Republic of Kazakhstan, prepared with assistance of special technical and program means, where an owner places information with a view of mass dissemination;

16) retransmission – is a receipt and simultaneous, or in recording, independent from use of technical means full and partial dissemination of television and radio programs (totality of television and radiocasts) of another mass medium;

17) complex – is a totality of buildings, connected by common earmarking and constituting a unified structure;

18) accreditation – is a procedure of appointment of a journalist and acknowledgement of his authorities by state body, public association and organization;

19) authorized body on mass media affairs (further authorized body) – is a central executive body, which fulfils state regulation of activity of mass media and information agencies of the Republic of Kazakhstan”.

Article 2. Freedom of speech, receipt and information dissemination

1. Freedom of speech, creative work, expression of one’s views and beliefs in printed or other form, receipt and dissemination of information in any legal way shall be guaranteed by the Constitution of the Republic of Kazakhstan. Censorship shall be prohibited.

2. Government bodies, public associations, government officials and mass media shall be obliged to provide an opportunity for each citizen to become familiar with documents, decisions and information sources affecting his rights and interests.

3. Use of a mass medium for propaganda or agitation of forced change of constitution order, infringement of integrity of the Republic of Kazakhstan, detriment of national security; war, social, racial, national, religious, class or patrimonial superiority, cult of cruelty and violence, pornography and dissemination of data forming state secret of the Republic of Kazakhstan and other registered secrets shall be barred.

Article 3. Mass media language

1. Mass media shall be disseminated in the state and other languages.

2. Volume of broadcasting in the State language via TV and radio broadcasting channels despite the form of ownership shall not be less than total volume of broadcasting in other languages.

Article 4. Legislature of the Republic of Kazakhstan on Mass Media

1. Legislature on mass media shall be based on the Constitution of the Republic of Kazakhstan and shall consist of the present Law and other normative legal acts of the Republic of Kazakhstan.

2. If an international treaty sets other rules than contained in the present Law, then the rules of international treaty are used.

Chapter 2. Organizing the mass media activity

Article 5. The right to found a mass medium

1. The right to found a mass medium belongs to natural and legal persons in accordance with legislation of the Republic of Kazakhstan. Mass medium may be found in a form of a legal person as well as in a form of structural subdivision of a legal entity.

Certificate of registration of a mass medium is a basis for realization of broadcasting (airing) of mass media products, dissemination of reports and materials of informational character. The given requirement does not apply to Web-sites".

2. It shall be prohibited for foreign natural persons and legal entities and persons with no citizenship to own directly or indirectly, use, dispose and/or manage more than 20 percent of stocks (shares) of a legal entity that owns a mass medium in the Republic of Kazakhstan or maintains activity in this sphere.

Article 6. Owner of a Mass Medium

1. Owner is a natural person or a legal entity or an association of natural persons and (or) legal entities exercising the right to possess, use and dispose of the mass medium.

2. Mass medium owner shall have the right to function as an editorial office, editor, journalist, publisher, distributor in relation to his own mass medium as well as to other mass media on the basis of a respective agreement.

Article 7. Mass Medium Editorial Office

1. Editorial office shall maintain preparation and issue (broadcasting) of a mass medium on behalf of the owner.

2. Editor-in-chief (editor) shall manage the editorial office.

3. Relations between owner and editorial office shall be regulated by charter and contract.

Article 8. Information agency

1. Information agency is a legal entity registered in accordance with legislative acts of the Republic of Kazakhstan, activity of which is directed at collection, processing and dissemination of messages and materials of information character.

2. Messages and materials prepared by an information agency shall be accompanied with its name and date of issue.

3. Mass media shall be obliged to make reference to information agency when disseminating messages and materials prepared by an information agency.

4. Articles [2](#) and [10](#) hereof shall apply to information agencies

Article 9. Publisher of a mass medium

1. Publisher is a natural person or a legal entity that maintains material and technical supplying of mass medium production.

2. If an owner of a mass medium is not at the same time a mass medium publisher, rights, duties and responsibility of the owner shall be determined in a separate agreement.

Article 10. Registration of a Mass Medium

1. Mass Media distributed on the territory of the Republic of Kazakhstan regardless the form of ownership shall be subject to mandatory registration with an authorized agency on the matters of mass information of the Republic of Kazakhstan (further referred to as Authorized Agency).

2. In order to get registered, an owner of a mass medium or his/her designee shall file an application that meets requirements set in the Article [11](#) of the present Law.

3. Application for registration of a mass medium shall be subject to reviewing within 15 days from the date it was filed. In the upshot of reviewing the application the Authorized Agency shall give the owner a registration certificate or a denial on the following grounds:

1) if an Authorized Agency has earlier issued a registration certificate to the mass medium with the same name and distribution on the same territory;

2) if the contents of application do not meet the requirements of Article [11](#) hereof;

3) if the application is filed before one year has expired since the date when a court decision to suspend issue (broadcasting) of a mass medium.

3-1. Owner of periodical printed edition reserves a right to begin production output of a mass medium within six months from the day of receipt of certificate of registration.

Owner of television, radio-, video-, newsreel program, information agency reserves a right to begin production output of a mass medium, dissemination of reports and materials of informational character within one year from the day of receipt of certificate of registration.

In case, production output was not begun during the specified period, certificate of registration by decision of authorized body is nullified.

3-2. A mass medium, an informational agency is subject to repeated registration in cases of change of an owner or its organizational legal form, denomination, as well as name of a mass medium, change of language of publication or broadcasting, territory of dissemination, main thematic direction.

Repeated registration of a mass medium or informational agency is realized in the same order, as initial registration.

4) Registration of foreign mass media distributed on the territory of the Republic of Kazakhstan shall proceed in an order set by the Government of the Republic of Kazakhstan.

Article 11. Application for Registration of a Mass Medium

1. An application for registration of a mass medium shall contain:

- 1) name, location, organizational and legal form of ownership of a mass medium;
- 2) language (languages) of the mass medium;
- 3) supposed periodicity of issue;
- 4) major thematic direction;
- 5) territory of reach.

The application shall enclose:

For natural persons—a document certifying the right for entrepreneurship;

For legal entities—copy of registration certificate of a legal entity.

2. It shall be prohibited to set other requirements while registering a mass medium.

Article 12. Exempt from registering a mass medium

Periodical printed editions:

With circulation less than 100 copies;

Official, normative and other acts;

Television, radio, video, newsreel programs, disseminated on cable networks, if service zone is limited by one building or complex;

Court practice bulletins shall be exempt from registration.

Article 13. Suspension and termination of issue (broadcasting) of a mass medium

1. Suspension or termination of issue (broadcasting) of a mass medium shall be possible at the decision made by owner or court.

2. Suspension shall mean temporary discontinuance of issue of one or several edition releases as well as broadcasting of radio and television programs, issue of other mass

media. Suspension of issue (broadcasting) of a mass media shall be admissible for three months at the most.

3. Court shall suspend issue (broadcasting) of a mass medium in events of violation of Articles [2](#), [14](#), [15](#) and [16](#).

4. Basis for suspension of issue (broadcasting) of a mass medium shall be a recurring violation of requirements set in Article [2](#) hereof by the mass medium as well as discontinuance of owner's activity in accordance with legislation of the Republic of Kazakhstan.

5. In event of suspension or termination of issue (broadcasting) of a mass medium at the decision made by owner or court a notification shall be sent to the Authorized Agency on the matters of mass media.

Termination of issue (broadcasting) of a mass medium shall entail annulment of registration certificate.

Chapter 3. Mass Media Distribution

Article 14. Distribution of a Mass Medium

1. Distribution of a mass medium shall be accomplished at owner's decision by the owner or by editorial office, publisher, organizations or citizens on contract or other legal basis.

2. Retail sale of periodical print editions publishing adult materials shall be admissible on the specially provided premises, location and sales guidelines of which shall be set by local executive bodies.

Broadcasting radio and TV programs and demonstration of cinema and video products of pornographic and special sexual and erotic character as well as propaganda of cruelty and violence cult shall be prohibited.

3. Broadcasting television and radio programs and commercials promoting tobacco and alcohol containing products shall be admissible at 11:00 PM through 6:00 AM of local time.

Advertisement of alcohol and tobacco products in mass media shall be accompanied with easily distinguishable text about harm of their abuse.

3-1. Retransmission of television and radio programs of foreign mass media shall not exceed from January 1 2002 fifty per cent, from January 1 2003 - 20 per cent from the total broadcasting volume of telecasts on television and radio broadcasting channels.

The given requirement does not apply to broadcasting of cable and on-air-cable television.

4. Hindering mass medium distribution accomplished on legal basis by natural persons or legal entities as well as by government officials, illegal confiscation and extermination of circulation or its part shall not be admissible other than on the basis of court's decision in legal force.

Article 15. Issue Data

1. Every issue of periodical print edition must contain the following data:

- 1) name of a mass medium;
- 2) owner of a mass medium;
- 3) last name and initials of editor-in-chief (editor);
- 4) number and date of issue of registration certificate and of agency that issued it;
- 5) periodicity of publication;
- 6) ordiecutive number and date of issue of the mass information;
- 7) circulation;
- 8) name of printery, its address and address of the editorial office.

2. Mass medium shall be obliged to announce its name every time it goes on the air or at least 4 times a day if it broadcasts continuously.

Article 16. Mandatory copies of periodical publications and storage of TV and radio program materials

1. Mandatory free copies of periodical publications including those exempted from registration by Article 12 hereof shall be sent to the National Book Chamber, National Library, Library of the Parliament of the Republic of Kazakhstan and to the Authorized Agency on the Matters of Mass Media by owner of the mass medium or by third person on his behalf on the day they are produced.

2. Editorial offices of mass media (television and radio broadcasting) shall be obliged to retain recordings of their own broadcast programs for one month and record them in registration book of air broadcasting and retain the registration book for at least one year after the last recording in it is made. Recordings of historical and cultural value shall be retained in an order set by an authorized agency.

Chapter 4. Relations between mass media and citizens and organizations

Article 17. Author's works and letters

1. Editorial office shall be obliged to comply with rights for used works including copyright and other rights for intellectual property.

2. When publishing readers' letters abridgement and text editing that does not change the idea of contents shall be admissible.

3. No one shall have the right to oblige mass medium editorial office to publish material rejected by it if the Law provides no other.

Article 18. Official statements

1. Official statements by government bodies shall be placed in mass media in accordance with legislative acts of the Republic of Kazakhstan.

2. Government bodies shall be obliged to provide mass media representatives with information on equal basis regardless of their form of ownership and affiliation excluding information that constitutes state secrets of the Republic of Kazakhstan.

2-1. State bodies and other organizations are bound to present requested information no later than three days from the day of receipt of an address or give an answer with indication of term of presentation or motive of refusal.

Response to an address, which requires additional examination and checking, shall be given on term no later than one month from the day of receipt.

In case an address from a mass medium is received by state bodies or other organizations, which terms of reference do not cover resolution of set issues, on term no later than 5 days the given address should be forwarded to proper bodies with informing of a mass medium.

3. Refusal to provide the requested data shall be appealed by mass medium representative to superior agency or official and then in the court in an order provided by the Law for complaints against illegitimate actions of the state executive agencies and officials infringing rights of citizens.

Article 19. Right to refutation

1. Citizen or legal entity shall have the right to demand refutation of data derogating his honor, dignity and business reputation in court, if the person that spread this information is not able to prove that information is true.

2. If data derogating honor, dignity and business reputation of citizen or legal entity is disseminated in mass media, it must be refuted in the same mass media free of charge.

If a document coming from an organization contains the mentioned data, such document shall be subject to replacement or recall with mandatory notification of addressees about non-compliance of the data contained in this document with reality.

3. Demand of a citizen or legal entity to publish refutation or responsibility in a mass medium shall be processed in court in event when a mass medium refused to make this publication or if it didn't make this publication within one month and in event of its liquidation.

4. Citizen or legal entity, in relation to which data derogating his honor, dignity and business reputation was spread, shall have the right to demand compensation of losses and moral harm caused by initiator as well as refutation of such data.

Chapter 5. Rights and duties of a journalist

Article 20. Rights of a journalist

Journalist shall have the right:

- 1) to accomplish research, request , receive and disseminate information;
- 2) to visit government agencies, organizations with all forms of ownership and to be received by their officials in relation to maintenance of their business responsibilities, be present at all events held by agency that accredited the journalist excluding events when a decision was made to hold a private event;
- 3) to make recordings including use of audiovisual equipment, cinema and photo shooting except events prohibited by legislative acts of the Republic of Kazakhstan;
- 4) to be allowed upon presentation of journalist's credentials in the regions of natural disasters, at meetings and demonstrations and at events with other forms of expressing public, group and personal interests and protest;
- 5) to have access to documents and materials except their fragments containing data that is a state secret;
- 6) to check trustworthiness of received information;
- 7) to address specialists when checking received information materials;
- 8) to disseminate his/her messages and materials under his/her signature and conditional name (pseudonym);
- 9) to refuse to publish material under his/her signature if its contents after editing contradicts his/her personal beliefs;
- 10) to keep the secret of copyright and information sources except for events when these secrets are published at court's demand.

Article 21. Duties of a Journalist

Journalist shall be obliged:

- 1) to implement the program of a mass medium activity, which he/she has contract relations with, in accordance with legislation of the Republic of Kazakhstan;
- 2) not to disseminate information that does not comply with reality;
- 3) to satisfy request of persons that granted information to mention their authorship;
- 4) to respect legal rights and interests of natural persons and legal entities;
- 4-1) to receive consent for use of audio- or video recording, upon conduction of interview with citizens;
- 5) to carry out other responsibilities laid upon him/her in accordance with legislation of the Republic of Kazakhstan

Chapter 6. Accreditation of journalists

Article 22. Accreditation of Journalists

1. Upon concord with government agencies, public associations and organizations mass media shall accredit its journalists with them.
2. Government agencies, public associations and organizations, with which the journalist is accredited, shall be obliged to notify him/her in advance on sessions, meetings and other events, provide him/her with verbatim, protocols and other documents.
3. An accredited journalist shall have the right to be present at session, meetings and other events held by government agencies, public associations and organizations that accredited him/her except for events when a decision was made to hold a private event.
4. Journalist may be deprived of accreditation if he violated the rules of accreditation or for dissemination of data, derogating honor and dignity of the government agencies, public associations and organizations that accredited him/her.
5. Rules of journalists' accreditation shall be asserted by an authorized agency in an established order.

Article 23. Accreditation of mass media in the Republic of Kazakhstan abroad

Owner of a mass medium in the Republic of Kazakhstan shall have the right to found press stations, accredit journalists in other countries in an order provided by legislation of the Republic of Kazakhstan and of the country of stay if international agreements provide no other.

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

1. Accreditation of foreign mass media representative offices and their journalists shall be held by the Ministry of Foreign Affairs of the Republic of Kazakhstan.
2. Legal status and professional activity of foreign journalists and other foreign mass media representatives accredited in the Republic of Kazakhstan shall be regulated by legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.
3. For dissemination of products of foreign mass media, which violate Constitution of the Republic of Kazakhstan and norms of the present law, is prohibited in legal form.

Chapter 7. Responsibility for violation of legislation on mass media

Article 25. Grounds for responsibility for violating the legislation on mass media

1. Disseminating data derogating honor and dignity of a citizen or an organization (government agency, public, creative, scientific, religious or any other association of citizens and legal entities) that does not comply with reality and influencing the court by

mass media shall entail responsibility provided in legislative acts of the Republic of Kazakhstan.

2. Responsibility for violation of legislation on mass media shall be taken by the guilty officials from the government agencies and other organization as well as the owner, distributor, editor-in-chief (editor) of a mass medium, authors of disseminated messages and materials.

2-1. An owner, chief editor (editor) of a mass medium bear responsibility, set by legislative acts of the Republic of Kazakhstan for dissemination of reports and materials, containing propaganda or agitation of forced modification of constitutional regime, crippling of the Republic of Kazakhstan, undermining security of the state, war, social, racial, national, religious, class and ancestral superiority, cult of cruelty, violence and pornography, independent from source of their receipt.

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

Article 26. Cases of exemption from responsibility for dissemination of data that does not comply with reality

Editor-in-chief (editor) equally with a journalist shall not carry responsibility for dissemination of data that does not comply with reality in the mass media:

- 1) if official messages and documents contained this data;
- 2) if the data was received from advertisement and information agencies or press services at government agencies;
- 3) if the data is an exact quotation of official statements made by deputies from representative agencies, government officials, organizations and citizens;
- 4) if this data was in author's speeches that were broadcast with no preliminary recording or in texts that are not subject to editing in accordance with the present Law;
- 5) if this data was in mandatory in accordance with Article 18 hereof messages.