

Canada and Kazakhstan may seem like they are far apart, separated by oceans on opposite sides of the world. But our countries have much in common, and our societies have many shared experiences. These similarities make us natural partners in a globalized, globally competitive world. They give us a solid foundation for partnership that will create better futures for our people and the world.

The Canada in Kazakhstan conference, organized by the Embassy of Canada to Kazakhstan in partnership with the Library of the First President of Kazakhstan, created a forum where students and academics can discuss, debate, and generate ideas for further collaboration between Canada and Kazakhstan. Students, faculty, and independent scholars were invited to submit papers on this topic.

The following is one of the two **3<sup>rd</sup> place papers**:

## **LIBRARIES STRENGTHEN DIVERSITY: DIFFERENCES BETWEEN CANADIAN AND KAZAKH LAWS**

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## INTRODUCTION

The Strengthening diversity is a core value of the Library profession; Librarians strive to be inclusive regardless of social or economic status, culture, race, ethnicity, language, religious background, and gender identity. This paper begins with a discussion of how the values of Librarianship contribute to the strengthening of thought diversity in society by creating educated and empowered citizens. The Canadian Constitution, Copyright, and municipal regulations support Libraries providing access to information to citizens as compared to the implementation of the Kazakh Constitution, Copyright, and State regulations which restrict and conflict with the values of Librarianship and the practices to developing a community with a diversity of ideas. Finally, recommendations for amendments to Kazakh laws to better support Library activities for the strengthening of diversity of ideas in society. This paper is of interest to policy makers, Librarians, or citizens who want to deepen their understanding of the implications of laws that affect access to information and the role of Libraries in society.

## LIBRARIES STRENGTHEN DIVERSITY

Johnson and Griffis discussed that Libraries need to first have high social capital within society to strengthen the thought diversity in society. Libraries build reciprocal trust by providing equal and inclusive access to information. Libraries act as a social bridge and bond within a community for individual citizens to begin trusting each other regardless of their differences. Communities with high social capital have a mutual respect for each other's diversity of ideas forming a knowledge society that is resilient to change, conflict, and uncertainty because citizens can work together towards a common goal and discover creative solutions to problems. With

information access, citizens can use knowledge gained from each other to produce new ideas that contribute to a diverse society (2009, pp. 159-191).

Another mechanism for Librarians to build social capital in society is by valuing the privacy of citizens - what happens in the Library, stays in the Library. This ensures citizens a third place to express a diversity of ideas to engage in democratic activities (Ferguson, 2012, p. 25). A 2008 manifesto published by the International Federation of Library Associations and Institutions (IFLA) expands on this role of Libraries in society by stating, "The information materials and access provided by libraries and information services contribute to good governance by enlarging the knowledge of citizens and enriching their discussions and debates" (para. 3). The IFLA document also discusses the Library role in developing citizen participation for democratic activities as being beneficial to guard against corruption and to ensure government transparency and accountability.

## CANADIAN LAWS AND LIBRARY PRACTICES

### Charter of Rights and Freedoms

In his address to the World Economic Forum in January 2016, Canadian Prime Minister Justin Trudeau said:

We need education to enable people to learn, think, and adapt. We need infrastructure that supports change. We need policies that encourage science, innovation and research. We need societies that recognize diversity as a source of strength, not a source of weakness. And we need governments willing to invest in making all that happen. (para 2)

Federal Canadian laws support these ideas. Firstly, the Charter of Rights and Freedoms, a section of the Constitution guarantees the right to, “Freedom of thought, belief, opinion and expression” and to the “Freedom of peaceful assembly” (1982, s 2 (b)). Secondly, codified in the Library and Archives of Canada Act are the duties required of Libraries to support the, “Advancement of Canada as a free and democratic society” and to facilitate the “acquisition, preservation and diffusion of knowledge” (2004, s 7). Libraries, as public institutions are the infrastructure that puts into practice educating and empowering citizens for diversity as described by the Prime Minister and Canadian laws. The Canadian Library Association published a statement on diversity accepting the mandate of these laws, “The Canadian Library Association believes that a diverse and pluralistic society is central to our country’s identity. Libraries have a responsibility to contribute to a culture that recognizes diversity and fosters social inclusion” (2008, para. 1).

The Toronto Public Library in Ontario has 72% of the city’s population using the Library (2014, para. 1). This makes it the busiest and most diverse Library system in North America. Frederiksen attributes this success to local government support for the idea that Libraries are, “Spaces for social governance, public libraries have traditionally been thought of as open, civic spaces that provide access to information for the self-education of citizens participating in democratic civil society” (2015, p. 144). The Toronto Public Library provides activities such as MAP Family Saturdays. In collaboration with local museums, these programs focus on local program such as canoe building out of local clay, knitting with local yarn, and playing with 19th century toys (2016, para. 1).

Toronto has a diverse population demographic with a diversity of opinions, so this type of library activity facilitates families to come together to build social capital with each other and their diverse community while at the same time engaging in lifelong learning and empowerment. Without these laws, it would be

a missed opportunity for the socialization of children, “That leads towards citizen participation in public life” as the children grow older (p. 148).

### Copyright

Another law that supports the strengthening of diversity of thoughts and opinions is the Canadian Copyright Act. While protecting the creative rights of citizens’ works, the law has exceptions for fair use. This provision is important for citizen education and empowerment by allowing works, “For the purpose of research, private study, education and satire” to be used for criticism, news reporting, and non-commercial content generation (1985, s 29). Libraries are excluded from copyright in instances where a work will be used for purposes of education. This is especially important for university Libraries to be able to reproduce and distribute excerpts, chapters, and articles for class handouts or other teaching materials. Course assessment is also reliant on copyright; without it students could not create multimedia such as videos, podcasts, and images based off of other people’s work. Another important education use for reproducing and distributing copyrighted work is to make information accessible to people with learning and physical disabilities. The University of Waterloo Library provides a service to convert printed text into an accessible format such as braille, audio, and large print. Without the fair use and educational exclusions from copyright, people with physical and learning disabilities are at a disadvantage to equal opportunities for learning and full participation in society (n.d, para. 2).

### Alberta Libraries Act

Besides Federal Laws to govern Library operations, there are also provincial government laws. One example is the Province of Alberta Libraries Act. Two important sections of this act stipulate that Libraries in Alberta must establish policies for the “confidentiality of user records” and that

Library board meeting minutes need reporting to the community (2013, s 10-11). The transparency of confidentiality policies ensures community trust in the Library to protect their thoughts and opinions and by reporting Library minutes, the community knows their personal information is not divulged to government or third parties.

The decentralization of Library policy creation from the State to the Provincial government level ensures that provisions of the law recognize differences in local community needs. Programs at the Calgary Public Library (CPL) exemplify why the confidentiality and reporting laws of Alberta are important to the community. This means they can gain the trust of Syrian refugee newcomers to help provide neutral spaces for Syrian refugee newcomers to discuss issues facing their community. The CPL provides programming to help this community group such as: citizenship and civic participation, coffee and conversation, managing your finances for newcomers, and welcome to Canada: Calgary's school system. The CPL understands the needs of their minority groups to participate in Canadian society while still retaining their cultural identity and practices (2016). The law ensures Libraries will protect the opinions and thoughts thereby acting as a community support to strengthen the diversity of opinions newcomers bring to society.

## KAZAKH LAWS AND LIBRARY PRACTICES

### Kazakh Library History

Before discussing current laws affecting Libraries in Kazakhstan, a historic perspective is of Library practices is required. The country's Soviet history influences current Library practices. As discussed by Emmelhainz and Bukhtoyarova (2016), Libraries were tools to collect one-sided political thoughts and ideas then to disseminate this political propaganda. Librarians restricted information to, "readers' rank, connections, or social status" (p. 19).

Parts of this historic legacy are still in practice which negatively impacts citizens' perception of Library reputation to provide access to information, spaces, and programming. The next sections will discuss Kazakh laws that also impact Library practices.

### Kazakh Constitution

There are several sections in the Constitution of the Republic of Kazakhstan that give citizens the right to access of information. Article 20 of the Constitution of the Republic of Kazakhstan protects freedom of speech and also stated, "Censorship shall be prohibited" (1995, s 20). Undermining the Constitution is a 2011 law enacted by the State, the Law on Religious Activity and Religious Associations. Act 9 effectively gives the State censorship control over religious information. Additionally, internet censorship permanently blocks access to some websites and severely limits internet access during times the State deems a crisis (Anceschi, 2015, p. 277-281). In Kazakhstan there is a difference between written law and State practice.

David Lankes stated, "Bad Libraries build collections, good Libraries build services, great Libraries build communities" (2012, para. 1). By State restriction of physical and online access to information, Libraries cannot succeed at providing good service or great communities with thought diversity. In 2012 the East Kazakhstan Public Library received money to conduct a program to help local youth develop the necessary skills to compete in the global job market. The training included, "internet, social networking, and software skills". Through this project, 55 people found employment and 10 people were accepted for further education at colleges and universities (Electronic Information for Libraries, pp. 1-2). Without this program, the young people would not have been able to compete for jobs, leading to a loss of local thought diversity. However, with religious and internet censorship, particularly of social networking sites like blogs, the participants could not fully access and share ideas globally or with each

other. Libraries should help close the digital divide, not perpetuate it.

Libraries want to provide the access to information, spaces, and programs that are neutral and free from State censorship but the values of Librarianship are in conflict with the law. The Library Association of East Kazakhstan is a member of the International Federation of Library Organization (IFLA). The IFLA Statement on Libraries and Intellectual Freedom describes the values of Librarians:

The right to know and freedom of expression are two aspects of the same principle. The right to know is a requirement for freedom of thought and conscience; freedom of thought and freedom of expression are necessary conditions for freedom of access to information. (1999, para. 4)

The National Academic Library of the Republic of Kazakhstan also links to an IFLA Public Library Manifesto that stated, "Freedom, prosperity and the development of society and of individuals are fundamental human values. They will only be attained through the ability of well-informed citizens to exercise their democratic rights and to play an active role in society" (1994, p. 1). Libraries can use tools such as a VPN to circumvent censorship to help develop citizens, but the State has made them illegal (Freedom House, 2015, Blocking and Filtering section, p. 2). There are other laws that Libraries are in conflict with while trying to provide citizens with access to information, spaces, and programs to increase a community's diversity of thought and ideas.

### Copyright

Article 18 of the Copyright Law creates another conflict between Kazakh laws and the values of Librarianship. Reproduction of works under copyright is legal if reproduced for personal purposes (1996). Before citizens can reproduce, they need to first have access. Articles can cost upwards of 30USD per paper, a cost out of reach for the average citizen and even Kazakh academics. Libraries should be providing this information through

databases, but instead budget cuts in 2015 at the Ministry of Education resulted in the cutting of national licenses for Science Direct and Scopus, two major databases that provided information for the entire country (Nazarbayev University, p. 6). The citizens need for the information doesn't disappear, so Libraries are resorting to helping communities access the information through Pirate Libraries.

Pirate Libraries are online databases where users have crowd sourced the reproduction of millions of copyrighted works. These Pirate Libraries, "Were born to address political, economic, and social issues specific to Soviet and post-Soviet times". Notable examples of these pirate Libraries include lib.ru, lib.rus.ec, and Sci-Hub, as well as mainstream torrent sites (Bodó, 2015, p.101). While Kazakh Libraries are not contributing to these sites, they do use them to provide information to citizens (Emmelhainz, 2016). While Libraries use these databases, they could lose access to subscribed content if discovered that these Pirated Libraries hacked their sites to gain access to other material (Russell & Sanchez, 2016, p. 122). The state defunding of the databases has caused a decrease in access to information that can only decrease of diversity of thought and opinion in the country as citizens lose information necessary for education.

### Law on Culture

The role of Kazakh libraries as set out in the Law on Culture of the Republic of Kazakhstan does not reflect the modern role of Libraries and does not allow for enough flexibility to provide the community with a level of access to information required to strengthen the diversity of ideas in a community. The law gives the state the authority to form and create the rules of public Libraries for the purpose of storing and preserving collections (2016. s 35). As this paper has discussed, the role of Libraries is greater than simply an archive of collected information; Libraries develop educated and empowered citizens for the development of society. The law gives the



authority to the state to govern how Libraries can preserve and use the information as well as how many employees you can hire. This is in contrast to the Canadian model of Libraries forming policies based on the individual needs of the local community.

As it was resolved in 2013 each regional Library is allocated the same number of employees and job roles. This is regardless of population size served or the unique needs of

the community. For instance, a regional Library specializing in visually impaired citizens can hire 3 Librarians for “literature art” and 3 Librarians for “service readers” but a regional Library with no specialization can only hire a 1 Librarian for “literature art” and none for “service readers” (Resolution 597). Further research is required to determine the application of the law and the impact on Libraries providing access to information and services in the community.

## SUMMARY

Table One: Difference between Kazakh and Canadian Library Models

Canadian	Kazakh
<b>Constitution</b> The right to freedom of expression is supported by the State and promoted by Library values and practices.	<b>Constitution</b> Censorship is prohibited but in practice the State controls information access by internet restrictions and religious laws. This conflicts with values of Librarianship and restricts Library practices.
<b>Copyright</b> Information is not censored, and laws for fair use and educational exemptions mean libraries can legally provide information access.	<b>Copyright</b> With internet and information access restricted, Libraries break censorship laws to provide information to the community.
<b>Roles defined by the Province</b> Communities decide the best policies and practices that will support their needs.	<b>Roles defined by the State</b> The State decides one policy for all geographic areas of the country.

## POLICY RECOMMENDATIONS

Libraries strengthen diversity of thought by developing educated and empowered citizens because of the values of providing equal and inclusive access to information. Kazakh Libraries need to overcome the community's perceptions of past soviet Libraries. To do this, Libraries first require access to information. The following are recommendations for revisions to Kazakh Law, policy, and practices.

1. Stop censoring information. Follow Article 20 of the Kazakh Constitution and repeal Act 9 of the Law on Religious Activity and Religious Associations.
2. Provide Libraries with adequate monetary resources to subscribe to content through databases and technology access that is relevant to the community.

3. Give Libraries the autonomy to use monetary resources according to community needs. Do not dictate staff numbers and positions.

## CONCLUSION

Libraries strengthen diversity of thought by developing educated and empowered citizens because of the values of providing equal and inclusive access to information. The Canadian Constitution, Copyright, and municipal regulations support Libraries providing access to information to citizens as compared to the implementation of the Kazakh Constitution, Copyright, and State regulations which restrict and conflict with the values of Librarianship and the practices to developing a community with a diversity of ideas. Revisions to Kazakh Law, policy, and practices can create Libraries that build society through the strengthening of a diversity of thoughts.

## BIO

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