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KAZAKHSTAN

Kazakhstan's rotation chairing the Organization for Security and Co-operation in Europe (OSCE) shaped events in 2010. In 2007, the election of Kazakhstan—described by the Committee to Protect Journalists as one of the region's worst press freedom violators—raised objections from many civil society, media, and human rights organizations. The rotation proceeded amid the hope that Kazakhstan would comply with concrete steps spelled out in Madrid in 2008, pointing Kazakhstan on a path toward greater freedom for the media and democratization.

Ultimately, the government dashed such hopes, and promises of legislative changes to support the freedom of speech faded. Not only did Kazakhstan fail to introduce legislation approaching international standards, such as decriminalizing libel and improving access to information, it introduced fresh repressive measures. For example, the new Leader of the Nation law gives President Nursultan Nazarbayev lifetime immunity from prosecution. It also restricts considerably the rights of journalists—stipulating criminal liability for journalists that make any missteps in authorities' eyes while covering the interests of the president or his family members. Thus, in her speech at the OSCE Summit, Dunja Mijatović, the OSCE representative on Freedom of the Media, said that the media in Kazakhstan have actually deteriorated and they fail to comply with international standards.

The MSI panelists expressed concern that the journalism profession is eroding in status; one blogger on the panel went so far as to say that the profession is collapsing. The public does not appear to have much appetite for news, and they do not react when authorities attack or persecute journalists. Another panelist commented that a decrease in libel lawsuits only means that self-censorship prevails; fewer journalists are taking risks to cover politically difficult stories.

The panelists called 2010 the year of Kazakh blogging, with many Kazakh-language blogs appearing. Bloggers are more accepted and now join traditional journalists on various trips and events. They have the same rights on paper to obtain information—and run the same risks. Kazakh authorities do not hesitate to block websites or blogs that criticize the government, and they maintain strict control over Internet platforms. Increasingly, though, the development of new technologies is broadening the scope of available information. Sources of information are growing more diverse, and journalists are beginning to make more use of social networking platforms in their reporting.

Despite the problems, the overall score for Kazakhstan increased modestly, from 1.44 in 2010 to 1.68 this year. This is the result of a relatively strong increase of 0.45 in Objective 3 (plurality of news) and medium increases ranging from 0.20 to 0.28 for Objective 1 (freedom of speech), Objective 2 (professional journalism), and Objective 5 (supporting institutions). Details for each objective are provided below. However, worth noting is the fact that of the 11 panelists participating in this year's discussion, six participated last year; for each objective that showed notable improvement, as a group the returnees provided a higher score than they did last year. Nonetheless, all objective scores remain firmly within the "unsustainable, mixed system" score category.

KAZAKHSTAN AT A GLANCE

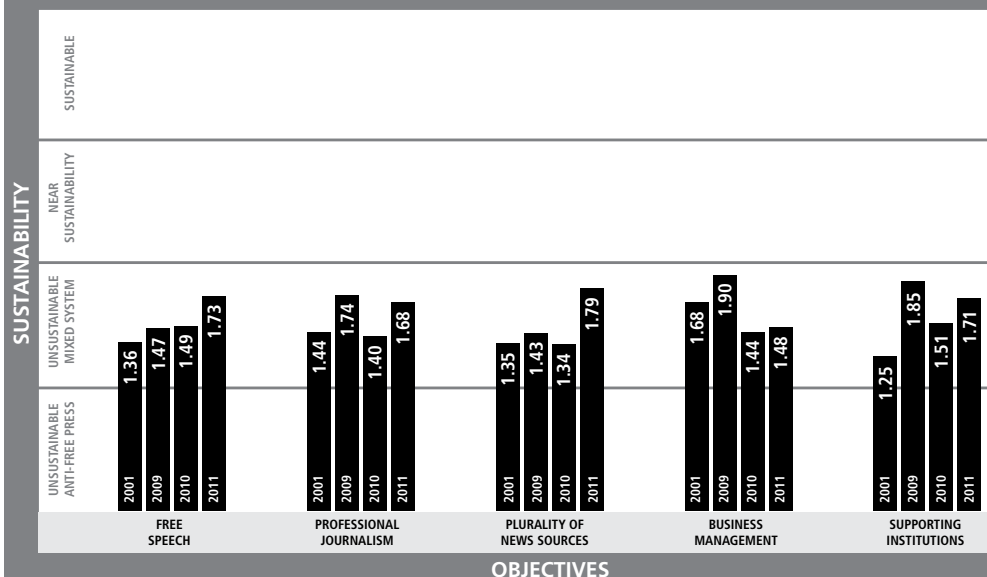
GENERAL

- > **Population:** 15,522,373 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Astana
- > **Ethnic groups (% of population):** Kazakh 53.4%, Russian 30%, Ukrainian 3.7%, Uzbek 2.5%, German 2.4%, Tatar 1.7%, Uygur 1.4%, other 4.9% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 47%, Russian Orthodox 44%, Protestant 2%, other 7% (*CIA World Factbook*)
- > **Languages (% of population):** Kazakh 64.4%, Russian (official) 95% (2001 est., *CIA World Factbook*)
- > **GNI (2009-Atlas):** \$110.0 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$10,320 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 99.5% (male 99.8%, female 99.3%) (1999 est., *CIA World Factbook*)
- > **President or top authority:** President Nursultan A. Nazarbayev (since December 1, 1991)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:**
Print: 937 total, 5 main daily papers, 6 other main weeklies; Radio Stations: 4 national stations, over 40 total; Television Stations: 3 national channels, more than 100 other terrestrial channels, 14 local cable networks
- > **Newspaper circulation statistics:** The top two newspapers are *Vremja* (private, Russian language) and *Karavan* (private, Russian language)
- > **Broadcast ratings:** Top four television stations: Khabar TV, Kasakh TV (Kazakhstan 1), KTK (Kazakh Commercial TV), El-Arna
- > **News agencies:** Kazinform (state-owned), Interfax Kazakhstan, KazTAG, Kazakhstan Today
- > **Annual advertising revenue in media sector:** \$60 million (2007, Video International Analytical Center)
- > **Internet usage:** 5.299 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN



Scores for all years may be found online at http://www.irex.org/system/files/EE_msiscscores.xls

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Kazakhstan Objective Score: 1.73

Panelists this year provided better scores for three indicators, which accounted for most of the increase in objective 1. These indicators are: indicator 2 (media licensing), indicator 3 (market entry and taxation), and indicator 4 (attacks on journalists). Indicator scores showed significant variation. On the high end, indicator 3 and indicator 8 (media access and use of domestic and international news sources) scored about a point higher than the objective score; indicator 9 (free entry into the journalism profession) score about two-thirds of a point higher. Indicator 6 (libel laws) and indicator 7 (access to information) both fell short by about three-quarters of a point. Other indicators scored near, but below, the objective score.

At a 2008 ministerial meeting in Madrid, prior to Kazakhstan's OSCE chairmanship, OSCE established the Madrid Commitments concerning democratization in the country. According to the document, one of the most crucial undertakings assumed by the country would be its desire to "incorporate various proposals into a consolidated bill to amend the media law, which will reflect the OSCE recommendations as well." Thus, the journalistic community and media experts expected liberalization of the media law and positive shifts in the relationships between authorities

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Zhaxybaeva continued, "The law really stipulates many things. The Soviet constitution was among the most democratic ones in the world—on paper. But reality is different. Formally, what Klebanova said is true. Censorship occurs through non-official, informal channels."

and the media. To that end, several legislative developments were underway at the beginning of 2010, including amendments to the criminal code regarding decriminalization of libel claims; changes to the Law on Access to Information; and deliberations over some new draft laws, such as a draft Law on Television and Radio Broadcasting.

Civil society representatives and media experts got involved in the development of these draft laws. According to Sholpan Zhaxybaeva, executive director of the National Association of Television and Radio Broadcasters of Kazakhstan, "In 2010, the authorities adopted a more consumerist approach to civil society. They view NGOs as a free resource to use for their purposes. They set the task, we fulfill it, impregnating it with our understanding and content. This is where our cooperation ends."

One panelist gave the example of when civil society representatives, media representatives, and the authorities worked on two draft laws on television and radio broadcasting in March. Later, to their surprise, the representatives learned that the final draft law was turned over to the Ministry of Justice without their review—and the Ministry of Communications refused their request to see the final draft. The panelists underlined the media NGO community's serious questions about which standards ended up in the final version, and expressed concern that despite this, the draft will be billed as developed in cooperation with NGOs. Another panelist commented, "While we are learning how to work with the government, the government 'has already learned' how to work with us." The government has a new strategy of appointing "agreement committees" in its work with civil society, in order to prevent the development of alternative draft laws and other documents.

Despite the efforts undertaken in order to change the media law, nearly all the amendments and new draft laws have been turned over to parliament for consideration. The only exception is the draft Law on Access to Information, which the government filed with parliamentary committees and was recalled in November. The issue of amending it was shelved until 2012. Overall, the situation with media legislation

Antonenko commented, "Media 'sterility' and loyalty are the main prerequisites, with a few exceptions among periodicals. Media licensing and registration rules are stipulated quite clearly, but the emergence of a new player in the Kazakh media market is hard to imagine. The market is stable and divided among financial powers, so changes are almost impossible."

could be considered the same as before if not for the newly adopted Leader of the Nation law.

Olga Kraus, editor-in-chief of Karaganda's *Novyi Vestnik*, commented on the limitations of the current media law. "The media law exists, but its primary goal is to restrict the rights of media. We can hardly speak of freedom of expression in the context of virtually complete control by the authorities. In Karaganda, this control is, in fact, conducted through government contracts. The government pays media for certain information services and, in exchange, gets the right to control the content of journalistic publications." She noted that her own paper is much less affected, as it does not bid on government contracts, but added, "Smaller periodicals can hardly survive without such subsidies; therefore, they have to play by the rules imposed on them."

Zhaxybaeva pointed out the differences between the legal guarantees for media freedom and the reality. He said, "The issue of censorship was raised at the Media Kurultai [the annual conference on media development] by one minister, Darya Klebanova, who dismissed the question as irrelevant. Censorship is prohibited by Kazakhstan's constitution; besides, there is no body for its enforcement, and self-censorship is the real problem." Zhaxybaeva continued, "The law really stipulates many things. The Soviet constitution was among the most democratic ones in the world—on paper. But reality is different. Formally, what Klebanova said is true. Censorship occurs through non-official, informal channels."

Kamila Zhusupova, a blogger and television host, described a related case that ended up affecting all media. "This year, several independent newspapers were arrested for publishing letters in which Mukhtar Ablyazov, the former Chairman of BTA Bank, accused Timur Kulibayev [President Nazarbayev's son-in-law] of corruption. The subsequent court rulings impacted all media regarding publication and dissemination of any information that might discredit Kulibayev's honor and dignity," he said.

A couple of court cases in 2010 tested the court's independence. A precedent was set in spring, when several journalists, bloggers, and public figures filed a claim against the Ministry of Communications and Information, blaming the government for restricting public access to information and accusing authorities of nonfeasance against other bodies that restrict access to socially important information. The court claimed that too many people participated in the action against the ministry; thus, nobody was punished. The only outcome was that the court sent the minister to meet with one of the groups and promise not to restrict access.

In another case, civil society activists tested the government's ability to communicate with citizens electronically, and the results were not promising. Journalist Eugenia Plakhina filed a lawsuit against the Ministry of Communications and Information, and an Almaty court rejected the requests and decided in favor of the defendant—citing supportive articles of the Law on Communication and the Law on Information. Another court hearing listened to Plakhina's claim against the Ministry of Communications and Information for nonfeasance, regarding a prolonged blockade of *Respublika's* Internet portal, along with its forum and several mirror portals. The court decided that it could not detect those responsible for the cut-off, and was not in a position to make any determination regarding the procedure of Internet blockades in Kazakhstan.

Limitations to freedom of speech do not arouse much protest from the public, with the exception of the "For Free Internet" social movement, which protests the blockade of Internet resources actively. The KGB "invited" these activists to interviews several times, including after a symbolic observance of the protection of children's rights in Uralsk. The authorities arrested and fined Irina Medvednikova and Janna Baitelova, two other members of this movement.

Although the panelists said that in many cases, the authorities conduct licensing and registration in compliance with legal norms, the process is not simple for socio-political media outlets—or where a founding editor has been "noticed" for political disloyalty to the government. Andrey Antonenko, a TAN TV news host, said that the authorities refuse licenses and registration for unwanted media outlets for a number of invented reasons—or without any explanation. Thus, *Respublika*, well known for its oppositional attitude to the government, had to apply to the Ministry of Justice four times within one year to upgrade to a weekly newspaper, and it is still published as a monthly. The Ministry provided "cooked-up" reasons, such as orthographic mistakes in the application, as an excuse for returning the documents after a long period of consideration in its bureaucratic echelons. The last, fourth time, the clerk who received the revised

application lost the documents. The editorial board filed a court claim for the ministry's negligence of its responsibilities, but the *Respublika (The Republic)* staff attribute their misfortune with the ministry only to political expediency.

Notably, responsibilities for registration and licensing, formerly handled by the Committee for Archives and Information of the Ministry of Culture of Kazakhstan, moved to the Ministry of Communications of Kazakhstan—switching mass media from the competence of an ideologically-bound ministry to the jurisdiction of a technical body. While this may ease the government's communication with the media, it does not imply any changes to registration and licensing procedures.

Looking ahead to the forthcoming transition to digital broadcasting, the government suspended allocation of frequency bands and issued no tenders for the whole year. At the same time, the Ministry of Communications sent tender-regulation amendments for designated frequencies to the licensing committee members for their approval. Concerned about the amendments, the National Association of Television and Radio Broadcasting Companies of Kazakhstan (NAT) sent an inquiry to the ministry and the president's administration asking about the aims of these proposed changes and the general intention to distribute frequencies in the future. NAT has received no feedback, and Zhaxybaeva said that he suspects that the ministry is preparing secretly the further distribution of the leftover frequencies.

At the same time, Balapan, the state-owned satellite television channel for children, launched in 2010, and according to hearsay, the government is designing its own economic and cultural channels. These developments may be viewed as proof that the government is creating a state-owned digital "multi-complex." The panelists expressed considerable concern about the fate of independent non-governmental and regional television channels—specifically that the digital package that the state intends to provide may not leave room for the channels. Zhaxybaeva noted that although no concept exists of transition to digital technologies, an experimental package of 20 satellite channels was set to launch in December 2010—and, as the Ministry of Information and Communications has not released any information, questions swirl regarding which channels are included and how the government chose them.

Upon assuming its new duties, the Ministry of Communications initiated public debates (including some at Media Kurultai) on satellite dishes—specifically, whether or not to limit the population's use of satellite dishes. The debates explored implementing compulsory certification and licensing of dishes, using certain technical and sanitation norms as decision-making

Gulim Amirkhanova, a blogger and columnist, speculated that the indifference is related to the decreasing prestige of journalism. "We may say our profession is collapsing. Just recently, the audience expected journalists to perform acts of bravery and publish sensational materials. Nowadays people seem not to need it, they do not trust us, and the officials could not care less about it.

criteria. The panelists noted that most rural people use satellite dishes made in China, and amid fears that some of those dishes could be harmful to health, the new regulations might have a serious impact on television consumption in rural areas. While the panelists are sure that communication officials have no illusions regarding the possibility of closing satellite television access to public, they understand that the government's goal is to limit the package and control it. As Chinese dishes have high resolution, they receive a wide range of channels—but if certification is applied, less powerful dishes will become the norm, limiting the available package of video channels. At this point, authorities have circulated no draft regulations, and whether the government will push this point forward remains to be seen.

The state has no procedure to register blogs or online newspapers, despite stirrings in the Ministry of Justice about creating a registration procedure similar to that of newspapers. As of the end the year, however, no changes had occurred. The authorities sometimes intervene in other ways, however. According to Tulegen Askarov, an economic observer at *Golos Respubliki (The Voice of the Republic)* and a journalism instructor at the Kazakh-British Educational Institution (KIMEP), "The day after registering the domain name papa.kz, one of my acquaintances received a phone call demanding him to close this domain. He was also asked why he had registered it. When he replied he wanted to create a website about parents, he was advised to change its name to otec.kz or roditel.kz. As "papa" is President Nazarbaevam's nickname, Askarov speculated that the KGB expected to find political oppositional content on a site by that title.

Entering the market or paying taxes is not problematic for media outlets—provided that they do not appear politically oriented. Antonenko commented, "Media 'sterility' and loyalty are the main prerequisites, with a few exceptions among periodicals. Media licensing and registration rules are stipulated quite clearly, but the emergence of a new player

On another positive note, governmental press officers do not question the notion of releasing information to bloggers.

in the Kazakh media market is hard to imagine. The market is stable and divided among financial powers, so changes are almost impossible.”

Purely business media projects are not subject to any censorship filters, but media outlets with a socio-political format face much greater skepticism, and sometimes tax authorities harass them. Diana Okremova-Medvednikova, director of North Kazakhstan Legal Media Center, commented, “Right before the OSCE summit, the tax authorities scoured many regional media outlets. Officially, no one linked the screenings to the summit, but the fact is that the authorities only subjected private media to such check-ups.”

Kazakhstan’s entry into the Customs Union with Russia eased problems with newsprint paper import considerably, entitling newspaper publishers to zero VAT rate. But as discussed in last year’s MSI, the Association of Newspaper Publishers and others in the media community object to this development. They expressed the belief that this move hindered relations with some related businesses, while some smaller, private media outlets fear that it does not help them as much as it benefits bigger companies—giving their primary competitors yet another advantage.

Near the end of the year, measures took effect that moved cable operator initiatives to under the law on electronic media. Now operators will have to provide equal representation of Kazakh and Russian languages in their broadcasting. The panelists fear that recognizing cable operators as mass media outlets will threaten their existence. Media experts’ arguments that cable operators are simply carriers, not content providers, fall on deaf ears.

The state has oppressed cable operators for a long time. Since last year, the government has required them to include the Khabar TV channel in their packages, and demanded payment of KZT 13,000 (just shy of \$100) to broadcast it. A group of cable operators supported by NAT Kazakhstan sent a letter to the Ministry of Communications and Information, in which the operators requested relief from administrative pressure and offered a compromise: broadcasting this channel free of charge. The response from a high-rank official was surprisingly “compassionate.” The minister explained that Khabar is a joint-stock company, and its editorial board earns its living by placing advertisements, as

the government subsidy is too small. Thus, cable operators need to “show understanding” for Khabar, against their own business interests.

Regarding violence against journalists, the attack on journalist Igor Larra proved to be one of 2010’s most serious cases. Larra worked for *Freedom of Speech* and covered an oilfield workers’ strike in Zhanaozen, and is certain that he was attacked in connection to his story, because one of his attackers said “best regards from Zhanaozen” before starting to beat him. Other victims of attacks included a TAN TV cameraman and a reporter for Channel 31, as reported by Adil Soz (the International Foundation for Protection of Freedom of Speech). None of these crimes were solved.

Overall, according to the panelists’ estimate, 2010 saw fewer gravely serious attacks on journalists—yet other “punishments,” such as refusal to provide information, proved more frequent. For the first nine months of 2010, Adil Soz recorded 193 cases of refusing to provide socially important information, according to the terms of the law; 38 cases of obstructing the legal professional activity of journalists; and 81 cases accusing media of impinging upon someone’s honor, dignity, and business reputation. A number of journalists who clashed frequently with the authorities found themselves in hot water not in their capacity as journalists, but in their roles as civil activists. The authorities detained journalists Zhanna Baytelova and Sergey Duvanov several times (often without any reason), and several human rights advocates that also write for the media were persecuted.

Furthermore, the Kazakh people do not respond with outrage to violations of journalists’ rights. Gulim Amirkhanova, a blogger and columnist, speculated that the indifference is related to the decreasing prestige of journalism.

“Unfortunately, the status of journalists is clearly getting worse from year to year and has sharply deteriorated—even in comparison to five years ago,” he said. “We may say our profession is collapsing. Just recently, the audience expected journalists to perform acts of bravery and publish sensational materials. Nowadays people seem not to need it, they do not trust us, and the officials could not care less about it. Perhaps, this is why our public does not react if a journalist gets beaten or even killed. Kazakh viewers grieve for the murdered Russian journalist Oleg Kashin, but they are not concerned about the fate of journalism in Kazakhstan because there is no one to worry about. There are no ‘heroes of the pen’ anymore.”

Despite the fact that most media outlets in Kazakhstan are independent, the great bulk of them are loyal to the government. There are various reasons for such loyalty: government authorities’ engagement of media owners, the

enticement of state funds, or attempting to avoid political repercussions and run a media business without obstacles. According to the official rhetoric, media outlets are equal whether they are state-run or private. However, in practice, state-owned and affiliated media outlets receive multiple benefits, while independent and politically oppositional media suffer hardship. For example, the government might limit access to information for some outlets while providing access to loyal outlets. Askarov noted, "...state-owned media are on the government administration mailing list, so they receive official documents from the government—including those marked 'not for public use' that are naturally beyond the reach of private media outlets." State-sponsored journalists also receive better equipment, guaranteed salaries and royalties, and bonuses and other incentives.

None of the state-owned and affiliated media outlets publish their financial information, making it impossible to estimate the scope and patterns of use of funds. Not even joint-stock media outlets publish annual financial reports, despite the law mandating it. The editorial policies of state-owned media are not constructed to help protect the independence of editorial boards or journalists.

The trend toward government-purchased material in the media market increased in 2010. This includes state-commissioned coverage of topics that the government would like to promote, such as support for the state language, and what amounts to propaganda. In contrast to previous years, when media outlets that complied with pre-set criteria won tenders, in 2010 few non-governmental media managed to receive any of these government contracts in free competition. The situation was especially difficult for non-governmental television companies bidding in regional tenders, as they accepted such funding to help improve their facilities.

Some in the media community, however, recognize that this system pollutes the standards of objectivity. The third Media Kurultai conference addressed government coverage contracts, and most experts agree that government contracts remain one of the most "cloudy" areas in the Kazakh media business. Although authorities should discuss tender bids for government contracts in the presence of NGO representatives, the composition of such supervising committees is never published, and NGO members never have voting rights. The lack of transparency in government contract allocation raises a number of questions, and opens the door for the government to control private media that believe that they cannot afford to lose government contracts. Aside from the question of whether or not the state distributes the contracts fairly, the media's failure to reveal to readers which articles are government-commissioned is troublesome.

With media advocates campaigning to liberalize criminal law in accordance with international standards, the issue of decriminalization of libel and defamation has become more relevant. The year began with high hopes due to Kazakhstan's OSCE chairmanship, as well as the public and cooperative work of teams of experts engaging to liberalize legislation. But in fact, they failed in their attempts to lobby for limiting the fines for impinging on the honor, dignity, and business reputation of individuals.

According to panelists, even an amendment to the article on defamation would not lead to a dramatic change, because the newly adopted Law on the Leader of the Nation, along with additions to laws protecting private life immunity, are very efficient tools to restrict freedom of speech. The panelists said that the new law on private life immunity is more repressive, allowing for increased fines and up to five years of imprisonment. Given the court's history of bypassing requirements that place the burden of proof on plaintiffs, media experts predict serious threats to freedom of speech. Kraus described a case in which a judge rejected the plaintiff's claims—yet still made the newspaper pay compensation to the "victim"—in this case, a security guard that attacked journalists and damaged their camera, then filed a lawsuit after the journalists published a report on the incident.

Adil Soz reported nine cases of journalists charged with libel. Although overall numbers of criminal persecution and lawsuits have decreased considerably (18 vs. 42 cases in 2009), journalists still run a high risk of being accused of libel. According to Erzhan Suleimenov, general director of Institute of Media Standards Social Fund and creative director of Media Service Agency, "The reason behind the air of stability and the decrease in lawsuits lies in the fact that journalists stopped writing risky articles. In practice, the rights of journalists and media are violated thousands of times over, but no legal claims follow."

The panelists discussed the outcome of a libel case, filed in August 2009, by a construction firm against Lukpanov, a writer with *Uralskaja Nedelja* (*Uralsk Weekly*). He was charged after he wrote about the hidden mechanisms of tenders. In 2010, at the end of a long court process, the court decision compelled the journalist and the newspaper to pay KZT 20 million (\$140,000) for libel and damaging a business reputation—sending the newspaper into bankruptcy proceedings. At the last moment, in December 2010, the plaintiff abandoned its claims and dropped the case, saving the paper. The panelists also pointed to a case decided in favor of journalists: The court threw out a libel claim against Erlan and Ongara Tazhiev that a popular politician filed because he was offended by their publication.

By law, access to information is open to all media and journalists—but challenges persist, and the past year saw both positive and negative developments on this front. According to Amirkhanova, now authorities include bloggers along with traditional journalists for various trips and accredited events. On another positive note, governmental press officers do not question the notion of releasing information to bloggers. The development of new technologies is broadening the scope of available information as well, and referencing social networks as sources of information is now accepted practice.

One hitch is that Kazakhstan’s media law does not define “socially important information,” prompting officials to claim that requested information is “not socially important” whenever they do not want to comply. Combined with conservative court practices, this ambiguity complicates journalists’ ability to get the information they need. As mentioned above, Adil Soz reported an uptick in cases of refusal to provide official information. Furthermore, independent social-political media outlets are now on the list of media that most often experience problems with information access and other rights violations. They include *Respublika*, *Golos Respubliki*, *Vremya (The Time)*, *Uralskaya Nedelja*, and others. This list reflects official government bodies’ unwillingness to cooperate with critically-spirited and oppositional media.

In June 2010, journalists from Azattyk radio and *Golos Respubliki* tried to gain access to a group of women conducting a hunger strike near an official building in Atyrau. Police arrested journalists after they attempted to interview some of the women, and moved the protesters to a court building, where they barred journalists from entering. The police even tried to seize one journalist’s Dictaphone. In another case, journalists from *Megapolis* asked the Ministry of Foreign Affairs for information about a fine paid by members of a diplomatic mission in London. A press officer rejected the request because of a minor inaccuracy in the formulation of the question. *Megapolis* finally got a limited, late answer after submitting a third request.

The authorities have long filtered or block foreign websites such as Fergana.ru, livejournal.com, the Blogpost platform (where former Kazakh presidential son-in-law Rakhat Aliev, who lives in self-imposed exile after falling out favor, posts his blog). All the blocked sites were opened before the OSCE summit, although the media is limited to reprinting and rebroadcasting only 20 percent foreign content.

Admission to the profession remains unrestricted.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.68

This objective scored better compared with last year due primarily to panelists awarding higher scores to indicator 4 (journalists cover key events), indicator 5 (pay levels for journalists), and indicator 6 (balance of news and entertainment). Most indicators scored close to the objective score, with two exceptions. Indicator 3 (self-censorship) lagged behind by half a point, while indicator 7 (modern facilities and equipment) exceeded the score by about two-thirds of a point.

According to the panelists’ assessment, professional journalism continues to decline. The practice of replacing journalism with text lifted from press releases is on the rise, along with failing to prepare for interviews. Amirkhanova commented, “As far as I can judge, professional standards of quality take up ever-decreasing room in the minds of modern Kazakh journalists. None are required for creating propaganda materials...why should one strive to meet them?”

One panelist pointed to an interview with Russian journalist Yulia Muchnik, a multiple winner of TEFI (Russian television award), to illustrate sinking standards among local journalists. When Muchnik visited Kazakhstan five years ago, *Novyi Vestnik* published an extensive interview with her, delving into freedom of speech in Russia and Kazakhstan, political forecasts, and journalism trends. In 2010, the newspaper interviewed the journalist again—this time asking her where and how she prefers to spend her vacations, what her

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well-sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption and retain qualified personnel within the media profession.
- > Entertainment programming does not eclipse news and information programming.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

favorite food is, and other “lovely” questions—even though the journalist conducting the interview is a professional previously known for hard-hitting journalistic investigations.

Panelists attributed the decline in standards to the decreasing number of experts in various subjects, especially in Kazakhstan’s regions. For example, when the only expert on lay life and religion, Anatoly Maysyuk, left Karaganda, no one could take his place and comment on religious topics. Some spheres are particularly short of specialists capable of presenting their competent judgment, with no one available across the whole republic. For example, for several years now, only a few experts (Nurmatov, Bezmyatezhny, Tuzekbayev), whose views are well known to the public, comment on blogging and information technologies. But the panelists also expressed the belief that journalists do not seek new experts or spark new “stars” of commentary, which could significantly improve the professional quality of media materials.

On the other hand, a new trend is developing: Experts are not waiting until the media shows interest in them—they start working independently on their own blogs. For instance, “Your Vision” blog has a sub-forum called “Expert,” which is frequented by lawyers. As a result, journalists have an opportunity to enrich their materials by incorporating experts’ opinions and positions posted in social networks.

Along with falling professional practices, the panelists noticed a decline in the observance of ethical standards. Suleimenov commented, “Professionalism is closely linked to ethical norms, and the absence of ethics is a sign of media sphere degradation.” In most media outlets, editorial policies are either not spelled out or exist for cosmetic purposes, so media appear more “democratic.” Accepting gifts and other incentives for favorable coverage has become the norm. Journalists no longer weigh carefully their handouts from the government; without any deliberation, they grab whatever is given. Zhaxybaeva recalled a recent story heard in Astana about a journalist invited to an agricultural services event. He received five kg of raw meat as an “incentive” to write an article—probably in a major-key tonality. Suleimenov commented, “If journalists receive a contract for writing about someone in a biased way, they would undoubtedly accept it upon the editor’s order. Journalists of state-owned and oppositional media outlets do not live by ethical norms, but rather by the demands of their editorial boards.”

Additionally, editorial boards publish promotional materials without distinguishing them from pure journalism. Some editions fearlessly publish four or five articles in a row with hidden advertising, although the law prohibits hidden advertising and requires distinct notification that certain materials are promotional.

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Corruption on editorial boards has become the norm, and they base relationships explicitly on business concerns. As a manager of the grant committee tasked with allocating government contracts with media, one of the panelists personally encountered this approach when several television channels offered her rewards and kickbacks in exchange for her loyalty in the grant allocation process. According to the regional ZET TV Company, there are unspoken “tariffs” for such a bribe: 10 percent of the grant funds.

Due to the global economic crisis, some small editions and television companies are cutting their journalists and replacing them with copywriters, who simply rewrite material posted in social networks and other sources and pass them off as the work of a journalist. Television displays ethical lapses, as well: even the republic’s central channels such as KTK and Khabar do not consider it unethical to show the faces of people detained for commercial sex, dismembered corpses, or the faces of HIV-positive children.

Frequently, editors give journalists instructions to stigmatize and discredit the authorities and owners of other media outlets—which hurts the media’s reputation in general. In 2010, the readers of two independent newspapers, *Respublika* and *Golos Respubliki*, had to follow the exchange of mutually unflattering barbs between the editors and owners of the two papers.

Despite the fact that websites are now recognized as mass media outlets, the panelists said there is no such thing as ethics on Kazakh blogs and web forums. Often new media express democratic “courage” in the form of obscene and discriminatory texts, because no one controls blog posts—except for those blogs and platforms that the government filters and blocks. Several scandals arose in 2010 related to the nur.kz platform, which regularly posts news without reference to authors; as well as the “Your Vision” blogging platform, where discriminatory comments are not rare. Such hosts are deleted, but the blogging community itself cannot

As Amirkhanova noted, "If you are a blogger, you stand alone. You have no team, no trade union that can protect you, and you can be sued and charged for any comment you make. Therefore, you have to practice self-censorship, and sense which borders can and cannot be transgressed."

decide how to censor such comments, so discriminatory and obscene comments continue to appear.

The degree of censorship and self-censorship of journalists and editors varies from region to region and depends on the head of the region's personality. In some regions, local administrations intervene actively in media strategies and content by addressing the founders and "recommending that they avoid touching upon the interests of certain groups and individuals. In other regions, local authorities allow a certain degree of criticism and tolerate private media independence.

Olga Kaplina, project manager for Internews Network Inc. in Kazakhstan, described another force behind self-censorship. According to the survey conducted by Medianet International Center for Journalism this year, journalists from media that receive government contracts choose to write their materials on government activities in a kind, supportive, and positive way, she said.

Summarizing the results of the year 2010, the "Moy Mir" ("My World") social network and "Your Vision" network platform conducted an expert survey on breakthroughs and failures in the media. The most significant trend marked as "failure" was increasing self-censorship. This makes sense, recalling that one of the major events of the year was the large number of lawsuits accusing journalists of libel and infringing upon the honor and dignity of citizens and companies. Alongside journalists and editors of the traditional media, bloggers are succumbing to self-censorship as well. As Amirkhanova noted, "If you are a blogger, you stand alone. You have no team, no trade union that can protect you, and you can be sued and charged for any comment you make. Therefore, you have to practice self-censorship, and sense which borders can and cannot be transgressed."

Journalists of all media work around a ban on criticizing the government. Furthermore, the definition of "criticizing the government" appears to be expanding, and has become almost synonymous to negative news in general—except for some natural or other extraordinary disasters, which are

still risky to cover. The same stands for corruption scandals, the poor work of administrative offices, and even discussion of severe weather in Astana. Government officials equate mention of these topics with criticism of the government, and consider media outlets and journalists who dare to publish such material to be oppositional to the state.

The unspoken list of restricted topics includes interethnic relationships, conflicts, and national security. Those who dare to write about these topics can be sued and convicted under clauses against revealing state secrets. In January 2009, the authorities called upon this law to imprison journalist and editor Ramazan Esergepov, who wrote an article that questioned whether the president or the KGB rules the country.

The only thing upon which the media can report without any barriers is accidents that do not involve the authorities—leaving an impression that nothing important is happening in the country. However, professional journalists are getting involved more in social networks, and allowing themselves a bit more freedom on those platforms. For example, in an interview about bloggers, one of the leaders of the social movement "For Free Internet" pointed out an active online discussion of events surrounding the Uyghur community in China—and not only did citizens share their opinions, but they used the networks to arrange meetings and activities offline.

As before, salary rates for journalists and other media specialists depend on the region—with Astana and Almaty in one category and the rest of Kazakhstan in another. Officially, salaries and bonus systems have not changed, but in fact, the economic crisis has affected journalists' incomes, especially in the regions and provincial towns. In particular, print media journalists are earning much less; this is clear by the number of professionals leaving the journalism field, mostly to work in public relations.

Serious gaps in labor remuneration are due to other factors as well. The minimum salary of a beginning journalist might be about \$200 per month, whereas top personnel of central media outlets might make up to \$5,000 per month. The average salary rate for television journalists is \$600 to \$800 per month; opposition media pay more due to the multiple risks. Antonenko commented, "Television studio staff, cameramen, and technical personnel are paid such low salaries that they must look for additional income elsewhere. This might include shooting and editing wedding and holiday videos, creating corporate and commercial films, attempts to sell air time 'off the books,' etc. Media administrators are aware of these violations, but often turn a blind eye. It is profitable for them to allow making a little money on the side, not to pay properly, and thus avoid taxes."

The bulk of television channels choose to increase entertainment content over news, for several reasons. Firstly, leading television companies, including Khabar, launched new entertainment projects instead of business news. The launch was the result of a well-publicized campaign to enhance Kazakh electronic media and displace the main Russian television channel ORT-Eurasia by transferring ORT's broadcasting to cable networks only. The highest ratings winners are entertainment programs, according to a survey conducted on social networking platforms.

Another reason is that producing interesting and dynamic socio-political news programs is almost impossible, given the pervasive censorship in the country. The panelists said that KTK is the only television channel that expanded its range of news programs in 2010; however, not all of its news programs can be considered purely news. The panelists noted also that social apathy in the country does not promote demand for sharp social-political news. Finally, the lack of personnel is an acute problem as well—especially in regional media outlets. Many outlets do not have journalists capable of producing high-quality news programs. Radio news programs are shrinking, too; only rare exceptions exist, like the talk-show *Tenure*.

In general, panelists assessed the technical equipment of media outlets as satisfactory and enabling efficient collection, production, and dissemination of news. One panelist noted that state-owned television and radio channels use “just a fraction of their equipment’s technical capacity, but even this is enough for achieving any goals set for television.”

Private television channels use relatively worn-out equipment, but they have not yet had any considerable technical failures or cancellations of shootings caused by technical failures or lack of equipment. Most outlets have quite modest computers, with limited possibilities to transfer mobile data, but this has not hindered journalists’ work. In newspaper outlets, regardless of whether they are state-owned or private, each journalist has a computer, a digital camera, and a voice recorder; access to Internet traffic is also granted.

In 2009, some media outlets managed to invest in technical modernization, and unlike 2008, a trend emerged toward creation of multimedia convergent outlets. There is also a tendency to promote traditional media, especially in social networks. Many well-known journalists actively work and develop in social networks, and leading television channels, such as Khabar, have posted “add to blog and “add to Twitter” options to their websites. Khabar is also experimenting with online broadcast technology for iPhone and iPad owners, and is working actively with blogs. The Kazakh-language blogs on the Khabar portal are the most popular and fast developing kinds of new media.

Antonenko commented, “Television studio staff, cameramen, and technical personnel are paid such low salaries that they must look for additional income elsewhere.”

Due to global economics, mobile networks in Kazakhstan became widespread. Nowadays, even residents of the most remote villages have become Internet users via the messenger program M-Agent, based on Russia’s mail.ru. Possibilities available to clients are expanding; slide casts and video, access to other traditional media, and Kazakhstan citizens’ multimedia consumption is growing intensively.

Even the most state-of-the-art technology is becoming more and more available for such media companies as Khabar, Kazakhstan, and El Arna. Several electronic media companies are on the verge of introducing high-tech editorial offices, and even regional media outlets are undergoing major technological changes: for instance, Alau television in Kostanai launched satellite broadcasting—filled completely with its own content.

According to media managers and editors, the introduction of new technologies in media organizations is hindered not by financial resources, but by conservative attitudes among their personnel. Most journalists lack skills in working with social networks, and often consider the Internet a source of entertainment more than a professional tool. Experts attribute the technological and rating lag of many Kazakh-language media directly to the conservatism of old-school editors and journalists. Kaplina commented, “Unfortunately, traditional media are not prepared to use the opportunities provided by new media. Most editors, especially those in regional media outlets, think their readers and users do not have Internet access, and therefore think posting information on the web is unnecessary. As far as I can judge, this makes traditional media unable to meet competition. Traditional media do not pay attention to new possibilities provided by flip cameras and USB modems; they do not know how to use this equipment and do not understand the benefits it brings.”

However, Kazakhstan is being introduced slowly to new standards of technology. Suleimenov added, “In 2010, state-owned television channels launched a number of outsourced television series and shows, enriching our television with international standards and new technologies. This brings enormous benefits professional cameramen, sound and light operators, directors, and scriptwriters, who are

However, a sharp increase in the number of blogs and bloggers has led to a new trend: bloggers' publications are losing their diary format and becoming full-fledged civil reports.

finally in demand. Such professionals and their equipment are in short supply.”

Investigative journalism as a genre does not exist at all. No one explores political issues or conducts thorough investigations of ordinary municipal and social problems, etc., as even these topics can lead to political problems.

According to panelists, the continuing interest in economic news did not lead to the development of high-quality specialized journalism in this sphere. Journalists write specific financial and economic reviews, narrowly oriented toward certain business sectors, but outlets offer no economic reviews for the general public. There is demand for specialized magazines, but the media sector has no manpower for them. According to editors and media business managers, finding a movie critic is extremely difficult, and the sector has no journalists that specialize in literature or newly published books.

Specialized blogs, however, are being developed actively, and include cycle touring, gadgets, cooking, social issues—their scope is quite broad. The most popular topic is prospects for development of the Kazakh language. Science-oriented format is gaining ground in the blogosphere as well. And though these innovations have not yet entered the content of traditional media, the first quotations have already appeared in the traditional media.

OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.79

Most indicators in this objective received better scores this year, pushing the objective score up by nearly half a point compared with last year. Indicator 4 (news agencies) and indicator 5 (private media produce their own news) both scored more than half a point higher than the objective. The new indicator 8 (media report on local, national, and international news) scored above the objective, adding about 0.05 point to the objective score. The two indicators that did not improve are the perennial laggards in this objective: indicator 3 (public media are nonpartisan), which scored

more than a point lower than the objective, and indicator 6 (transparency of ownership), which was about three-quarters of a point lower.

According to data from the Ministry of Justice, Kazakhstan has more than 2,970 registered media outlets—including 200 electronic outlets. Many newspapers are in print, and more than 85 percent of periodicals are non-governmental. Several major television companies—Khabar, El Arna, and Kazakhstan—cover the whole territory of the country and compete with local television and radio channels.

About 97 percent of Kazakhstan's population has access to mobile telephone service, and mobile networks are helping to promote active development of the Internet. About 1.5 million citizens use broadband Internet. Competition between Kazakhtelecom and Goldentelcom encourages both the increase in technical possibilities (e.g. speed of traffic) and the launch of new services. For example, Kazakhtelecom has allocated three powerful video hosting servers. The development of Internet service—and the growing affordability of access—are behind the growing popularity of new media among the public. A well-known MP, Murat Abenov, quotes blogs often in his public speeches and refers to Twitter as a reliable source of information. Currently, citizens all over the country can receive news in SMS format on their mobile telephones, but this service is not yet very popular.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, internet, mobile) exists and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are non-partisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.
- > The media provide news coverage and information about local, national, and international issues.

In general, the type of ownership and political positions of media channel owners are of crucial significance for their efficient and unimpeded operation. According to Kraus, state-owned and independent media express different viewpoints, but often they face huge difficulties. She said, "For example, the newspaper *Respublika* exists, but it cannot find a publishing house willing to print it—and is issued 'on a staple,'" meaning that it is published (copied) with outdated Rotaprint technology, and pinned together with a paper clip.

According to some panelists, print media remain the most objective sources of information among mass media in Kazakhstan. Television is far more subject to pressure from multiple sources: owners, founders, government authorities, and advertisers. As for online journalism, one panelist expressed the opinion that no one expects to see conscientious journalism in blogs because most bloggers are amateurs interested in promoting their own opinions. However, a sharp increase in the number of blogs and bloggers has led to a new trend: bloggers' publications are losing their diary format and becoming full-fledged civil reports. Blogger Dmitry Potashov conducted a social experiment to see whether it is possible for Kazakhs to survive on the minimum subsistence income, while other bloggers tested electronic government services.

Panelist opinions diverged on the potential for common citizens to find media outlets that explore different viewpoints. Antonenko, a news host at *TAN TV Channel*, expressed the belief that television studios have more freedom than newspapers. Other panelists did not share his optimism, believing that despite the quantitative abundance of options, the spectrum of opinions and positions is not very diverse.

According to sociological surveys conducted by SANGE Research Center, most citizens of Kazakhstan receive information on current events from the traditional media—television overwhelmingly. Media consumption patterns depend partially on the habits of the audience, as well as limitations based on cost, geography, and educational levels. According to the panelists, newspaper popularity falls proportionally alongside decreases in literacy and education status.

Access to information is more diverse in the cities. Most urban dwellers can afford Internet and cable television; furthermore, each year the number of subscribers grows and the price falls. The range of traditional media—especially print—is also broader in cities than in rural areas. However, provincial media are trying to expand their reach. Thus, in addition to its traditional print newspaper in the Karaganda region, Akim has launched a blog. However, Internet access and operation in the capital and in Almaty differs from the

Noted Antonenko, "The issue of independence from the 'state and the ruling party' is out of question. State-owned media are practically press centers of the ruling party and government offices of various levels. For example, no one is ashamed of calling Almaty TV 'Akimatov's.'"

situation in provincial cities. A Kazakhtelecom representative, Aliya Dalabayeva, revealed once that not everyone can access Internet at any time, because there are not enough ports for subscribers in Almaty. Although the problem is being addressed, a solution will take time. In addition, the challenge of maintaining old networks is a major restraint to Internet use in the regions. Tekeli residents, for example, receive only a small fraction of the advertised speed.

Kazakh legislation, along with the relationship between the authorities and the media, continue to limit citizen access to information as well. In 2010, several foreign and local websites and blog platforms, as well as Internet TV K+, were inaccessible throughout Kazakhstan—until the OSCE Summit in Astana began. In addition, legislation hinders mobile news service development, as currently the service must be routed via an Internet provider to a cell phone operator. Another example is the Ministry of Communications and Information's attempt to initiate licensing of satellite dishes.

As the government's loudspeaker, state-owned media mainly reflect the position of the authorities—whereas non-governmental outlets do not dare express alternative opinions and positions. Therefore, reports on political life are quite monotonous and biased, panelists said—as illustrated by coverage of the revolution in Kyrgyzstan and the subsequent interethnic conflict. Kaplina explained, "Many readers and viewers received information on what was going on in Osh and Bishkek from the Russian media. At that time, in my opinion, the most important source was the Internews project, News Factory, which allowed 20 non-government regional television companies in Kazakhstan to receive objective information from the neighboring country." Panelists pointed out also that it is partially true that state-run television helps to fill a gap in promoting cultural and education programs.

Yet there is no doubt that the government controls the state-run media. Noted Antonenko, "The issue of independence from the 'state and the ruling party' is out of

Kraus commented, "The public rarely knows who really owns a given private media outlet. On paper, its founder is usually some unknown enterprise."

question. State-owned media are practically press centers of the ruling party and government offices of various levels. For example, no one is ashamed of calling Almaty TV 'Akimatov's.'" As state-owned enterprises, news agencies offer relatively poor, but steady news. Kraus added that state-owned media always express the same "politically correct" viewpoint.

More than 10 news agencies work in Kazakhstan. They include KazInform, Interfax-Kazakhstan, KazTAG, Gazeta.kz, Vesti.kz, and DK-news (which just received its license in 2010). The central offices of most agencies are based in Almaty, except for the state-owned KazInform and RIA-News (Kazakhstan), which are located in Astana, the country's political capital. The most popular foreign agencies are a joint Russian-Kazakh agency—RIA-News and British *Reuters*, which reduced its staff in the local office and shrank the volume of its news reports covering local events. Several aggregating agencies, such as *lenta.ru*, operate in Kazakhstan as well. The biggest state-funded agency, *KazInform*, offers its customers news reports in three languages—Kazakh, Russian, and English. Most agencies offer free information reports, although some require subscriptions. In 2010, government offices began to actively explore developing a correspondent network abroad to provide all state-owned media with consolidated materials, but the plan did not get off the ground.

Regional media in particular are embracing the trend of preparing their own news programs; they realize that they can compete with better-equipped national media only by producing news with a local bent that differs from the information package broadcast from the capital city.

Several of Kazakhstan's major media corporations are owned by financial industrial groups or prominent business owners. State-owned media outlets are incorporated into holdings also. The leading Nur Otan party owns many media outlets, including Arsan television; NS and RDV radio stations; and *Liter*, *Aikyn*, and *Turkestan* newspapers. These corporations dominate the media space and exert pressure on other media organizations. Other media holdings are not formally recognized as corporations. Kraus commented, "The public rarely knows who really owns a given private media outlet. On paper, its founder is usually some unknown enterprise."

Although some media outlets report on the political or financial ties of other outlets, the public does not have definite information on who owns what. The lack of transparency includes not only government-controlled private and state-owned media outlets but even those owned by opposition groups. Kazakh law places a limit of 20 percent on the foreign share of a media outlet's capital. However, except for occasional leaks, information on certain foreign investors and their entry into the market never specifies their shares in the properties.

Kazakhstan's media coverage of ethnic minorities is expressed by the print media of cultural diasporas and national channels that broadcast a few separate television and radio programs in the languages of ethnic minorities. Although most print media are privatized, the essence of their media content has not changed. It is taboo for ethnic minority-language media to speak about problems of minorities. These media adhere to an unspoken principle: Show the happy life of national minorities in one of the most advantageous and prosperous countries in the world, and share their pride in living in Kazakhstan and ability to preserve their own cultural traditions while feeling united with other nationalities.

This concept is guarded by the law, which broadly and foggily interprets the notion of propagating ethnic discord. As one example, in response to the Uyghur uprising in Xinjiang (China) in 2010, Kazakhstan's Uyghur-language media did not allow themselves to print a single line—not even a neutral reprint from national newspapers or news agencies, although many Uyghurs in Kazakhstan have either recently emigrated from there or have close relatives living in the autonomous region in China.

Other social minorities are just beginning to appear in the media landscape. Even though no special media are devoted to sexual minorities, an information campaign against sexual minorities was conducted in Karaganda media, including on *Asyl Arna* television and on a Muslim website. Several religious media outlets emerged, including *The New Life* television channel for Protestants.

Ethnic minority-language media are not financially successful. Financial hardship prevents them from developing technologically, or even becoming strategically competitive in their particular niche in the media community.

As mentioned, national media do not devote enough room to regional life, and they show an obvious misbalance toward focusing on emergencies and disasters in the regions. Reflection of current political life also leaves a lot to be desired. Even the OSCE forum was covered only fragmentarily in leading media outlets—and many aspects of this forum fell into an information vacuum. The media's poor coverage of

the Summit of the Group of Twenty (G20) points to problems reporting on international events as well. The panelists speculated that perhaps this explains why 65 percent of the rural population responds to the local and national media's irrelevant information picture by refusing to subscribe to them, focusing instead on programs broadcast by satellite television channels.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.48

Objective 4 is the only objective that did not experience a visible improvement in score. The very slight move upward resulted from small improvements in several indicators, but this was mostly offset by a lower score for indicator 5 (government distortion of the media market). This indicator also scored slightly more than half a point behind the objective. Indicator 3 (the advertising market) led all indicators in score, coming in slightly more than half a point ahead. The rest of the indicators scored very close to the objective score.

Most media outlets report themselves to tax authorities as money-losing ventures. And though media companies engage in some hidden bookkeeping for these reports, the real percentage of not-quite-successful media outlets is considerable. However, the majority of these unprofitable enterprises function quite efficiently as vehicles for propaganda.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and internet statistics are reliably and independently produced.

Radio and television media profits come mainly from advertising, but the presence of a "monster" such as ORT-Eurasia lowers the likelihood of television channels to turn a profit from advertising.

According to Amirkanova, management has always been the weakest link in Kazakhstan's mass media. Loyalty is preferred over experience every time in management hiring decisions. On the other hand, she noted, the mass media are making a significant move in jurisdiction from an ideological agency to a technical ministry. "The new minister...criticized the work of national channels and demanded that they start orienting themselves towards high ratings—and this helped to get the bulky, rusty national television machine moving," she concluded.

Mass media outlets can be profitable businesses under certain conditions, particularly when managers or shareholders are friendly with government officials. "Editorial independence is not a result of commercial success, and vice versa," said Antonenko. "The more independent the media outlet is, the more difficult it is to function and earn money." Other profitable segments of the media include specialized print media in car sales, services, and real estate—although profitability has declined sharply even in these segments due to the financial crisis. Where once a new publication could cover all its start-up costs in a year, it now takes three to five years. On the television side, the only markedly profitable company is KTK, which aims to expand its business and be more than an "ideological tool."

In tough financial situations, media businesses find it hard to maintain editorial independence. Many are willing to forego their principles for a slice of the social procurement pie, or to back certain political or business groups to gain financial support. Nonetheless, a small group of independent media outlets remains that covers the "costs" of independence through additional business in printing, photography, or advertising.

On management and editorial boards, an actual management expert serves as head only rarely. Professional journalists who are unfamiliar with media management often fill those roles. One panelist noted an interesting trend at many leading national media outlets: top managers are shuffled from one outlet to another. One manager, the so-called "media killer," has now chaired six key state-owned media outlets, managing to turn each into a propaganda-oriented machine.

The government's distribution of financial incentives to the media is fair and transparent according to the law. In practice, however, political motives and corruption win out.

Radio and television media profits come mainly from advertising, but the presence of a "monster" such as ORT-Eurasia lowers the likelihood of television channels to turn a profit from advertising. According to experts, 60 to 70 percent of the country's advertisement market (about \$100 million a year) goes to ORT-Eurasia. Accordingly, 2010 saw serious battles on how to "neutralize" the Russian giant by relegating it only to cable outlets or by banning it from showing advertisements.

Many regional media outlets report losses stemming from the economic crisis—some closed a number of television programs or cut the number of printed pages; others had to reformat their media. With few exceptions, regional talk radio programs did not survive. The newspaper medium was another big loser in the economic crisis, due to the loss of advertising—its main source of income. For small-circulation newspapers, subscription sales had been slightly higher than advertising, but that changed during the crisis: 30 percent of print advertisers cut budgets sharply, with many switching to the Internet. Although the Internet share of the Kazakh advertising market is not at subsistence levels, trends are changing fast.

In this environment, bloggers have seized upon various strategies to turn a profit. One disturbing trend is blackmail blogs that accept money from local businesses in exchange for positive reviews—or write negative PR if they do not support the blogger. Popular bloggers receive some revenue from advertising and by placing links on their sites.

According to panelists, the advertisement market is recovering gradually. Many of the smaller advertising agencies went out of business during the economic crisis. The media market in Kazakhstan is well developed and divided among several advertising agencies. Videointernational and TV Media still exist, and after the closure of Arna Media, all the national media outlets that used to be its subordinates were turned forcibly into Arna Advertisement shareholders. The biggest advertisers consist of soap and detergent producers and distributors, banks, cell phone operators, and big retailers. Mega-companies such as Chevron do not advertise directly, although media outlets are beneficiaries of their "philanthropic" investments.

Advertisement agencies and production studios did well in 2010 due to several international events conducted in Kazakhstan, including the OSCE summit and the Asiada winter Asian games competition. The Ministry of Foreign Affairs alone spent KZT 486 million (\$3.41 million) for "services related to implementation of information and image projects in mass media in Russia and CIS countries" and KZT 140 million (\$983,000) for advocacy of foreign policy in Kazakhstan's mass media. Meanwhile, the government required all television channels to show free of charge various promotional videos about these important political events. Experts note that the expanding market and rising production values mean the price of producing an original advertisement now exceeds \$70,000.

Advertising pricing varies wildly. State-owned national newspapers, like *Egemen*, can price themselves attractively because they receive powerful financial flows from the government in addition to their own revenue. "Advertising revenue is a major source of income for private media outlets, but is not a priority for state-owned media," Kamila Zhusupova noted.

Usually, major advertisers check the ratings in big cities. They use mainly those based on TNS Gallup Media surveys. However, there are few people meters in small towns, and big advertisers do not advertise at the regional or local level. Some advertising reaches local media via small re-distribution agencies, which purchase ads from big network agencies.

The law restricts the amount of television and radio advertising to no more than 20 percent of the daily volume of broadcasting, while print media are able to determine their advertising levels individually. In practice, advertising accounts for 20 percent of television and radio income and 60 percent in newspapers. Losing subscribers as well as government contracts has forced the print media to increase advertising revenues, which the accounting committee and prosecutor's office monitor strictly. The rest of the revenue comes from sales, subscriptions, and grant investments or funds for fulfilling government contracts. Kraus commented that in her region, Karaganda, the client is usually the state or a big enterprise—the real media outlet owner that subsidizes the publication. In the private media, she noted, thanks to considerable advertising revenue, the level of any one entity's influence is much lower.

Media outlets still receive huge sums from government-commissioned media, but the overall level of that funding is hard to assess because little data exists. Grants to independent media outlets have also shrunken sharply. The government's distribution of financial incentives to the media is fair and transparent according to the law. In practice, however, political motives and corruption win out.

Due to the constant financial flow from the state, media that serve as ideological tools are able to survive despite lagging sales revenue. The media that receive government contracts range from the state-owned newspapers *Egemen* and *Kazakhstanskaya Pravda*, Khabar TV Company, and Kazakhstan TV and Radio Company to private media outlets *Express K*, *Central Asia Monitor*, and *Vremya*. Arman Shurayev, the director general of the KTK TV channel, compared government contracts to drugs: a much-needed financial fix that can compromise editorial integrity.

Last year, the government made a big investment into the development of a Kazakh Internet zone. Kazcontent JSC was created under the auspices of the Ministry of Communications and Information, and the state has allocated it almost KZT 200 million (\$1.4 million) over the last two years.

In terms of market research, TNS-Gallup Media conducts audience surveys twice a year. The company is also planning a considerable increase in the number of people meters, to better measure media consumption and preferences. However, Kaplina said that the market research, sociological surveys, and ratings methods are the source of constant dispute. "People meters are still installed in big cities only, and the opinion of those in towns of less than 100,000 people are not considered," he said. Furthermore, the journalistic community gives little credence to government-initiated surveys, and the data have little practical impact. TNS-Gallup Media monitors ratings constantly for television and radio programs broadcast by national and big regional media outlets, but media managers and the journalistic community take these findings with a grain of salt, too. "There is almost no doubt that media ratings correlate with the fee paid to the researchers," Antonenko said. "The research market is a monopoly, and professionally analyzed comparative results are impossible. Nevertheless, ratings drive broadcasting schedules and salaries."

Newspaper circulation is monitored as well, although the Circulation Committee no longer exists; now the Association of Newspaper Publishers and Printed Press Distributors or the Chamber of Commerce and Industry support such audits. Zero.kz, Mail.ru, and Google Analytics provide Internet ratings, which advertisers and media industry representatives respect as reliable.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 1.71

The growth in Objective 5's score is mostly attributable to better scores for indicator 2 (professional associations) and

Advocacy of human rights and social protection, which can be considered close to journalism, are the main goal of less than 10 percent of NGOs.

indicator 6 (access to media equipment and printing). Most of the indicators scored more or less the same as the objective did, although indicator 4 (academic journalism programs) and indicator 7 (apolitical distribution channels) lagged behind by nearly three-quarters of a point each.

The Kazakh media sector has several business associations that represent the interests of owners and managers, including the Association of Newspaper Publishers and Printed Press Distributors, the Association of Kazakh Broadcasters (founded and supported by the president's daughter, Dariga Nazarbayeva), NAT, and the Association of Television and Radio Broadcasters of Kazakhstan. Olga Kraus commented that many of these organizations are independent and cooperate with international organizations, and noted that a specialized association defended the interests of the ART channel at a court hearing on its closure.

NAT is still the most active among these groups. Last year, it spoke up to defend cable operators, co-developed a draft law on television and radio broadcasting, and fought for transparency in decision-making concerning the distribution of frequencies. NAT's executive director, however, said that

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (e.g., kiosks, transmitters, cable, internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

as soon as NAT begins lobbying for an important decision on behalf of its target groups, officials accuse it of playing political games or being linked to the opposition. Business organizations in the media sphere are considered inseparable from political factors.

The panelists noted that in 2010, a group of journalists working for one of the television companies that NAT represents asked the association to exert influence on their management and to help protect employees' rights. Despite her sentiments, Zhaxybaeva, the executive director, had to follow NAT's charter, which supports the interests of the media business enterprise rather than individual members or personnel—and accepts requests only from administrators.

In 2010, journalists of several media outlets felt sorely the lack of active and functional professional unions capable of protecting their rights. In one instance, journalists in the b-news agency complained of labor law violations. Ahead of the OSCE summit, per an agreement with b-news administrators, journalists worked overtime and without time off for several days in a row. According to the arrangement, managers were to reward journalists for overtime work with bonuses right after the summit. However, once the summit was over, the administration claimed that it did not have funds for bonuses. Instead, administrators offered each journalist the chance to write a self-addressed thank-you letter, which the manager would sign. Many employees considered quitting, but with the worsening economy, most of them decided it would be more rational to keep quiet and keep their jobs. No professional associations got involved on behalf of the employees.

Another news agency, Kazakhinform, experienced a labor conflict also. After not being paid for three months, its journalists had no choice but to go on strike. Eventually the administration gave in to the employee's demands and paid what they owed, but delays with payment persisted.

"Despite outrageous violations of the journalists' labor rights, they remain passive and indifferent to their further fate," Askarov commented. "There are no shifts toward the development of institutions that support journalists and professional organizations of journalists. The rejection of any community-based organizations is still strong among journalists because most of the organizations are founded upon directions 'from above.'"

The journalist Ludmila Ekzarkhova has been nurturing the idea of an operative trade union for several years already. This year, she tried to summon her colleagues in order to discuss the Trade Union Charter, but only two out of 50 invitees attended. The existing trade union—the Union of Journalists of Kazakhstan—is perfunctory, and has no impact

either on the employers or the journalistic community. The union focuses its activities mainly on organizing celebrations on birthdays of famous former journalists, arranging funerals, and other ceremonial duties.

Other associations work in the media field, but function more as clubs than as a source of pressure on the government. The overwhelming majority survive on grants, do not collect membership fees, and exert very little influence. The Regional Media Forum was founded in September 2010, but it has not begun work yet. Only a few journalists' associations advocate on behalf of oppositional media and are not eager to defend the interests of the journalistic community in general.

According to gazeta.kz, NGOs in Kazakhstan deal mainly with health, environment, and youth issues. Advocacy of human rights and social protection, which can be considered close to journalism, are the main goal of less than 10 percent of NGOs. The most prominent and influential NGOs include: Internews-Kazakhstan, Adil Soz, and Media Life NGO. These organizations are the engines behind all important changes. In 2010, they worked actively on the development of a whole range of draft laws regarding media regulations, conducted monitoring, and organized various media forums. However, the influence of all these organizations was not enough, even in the year of Kazakhstan's OSCE chairmanship, to set free journalist Ramazan Esergenov, a prisoner of conscience charged with making secret materials public. He submitted an unsuccessful clemency petition in September 2010 after serving a third of his sentence.

In terms of NGO outreach to rural communities, Adil Soz developed several autonomous branches in regional cities. In addition, Internews works mostly with regional television and radio companies in small cities.

Until recently, the media community complained frequently about the quality of academic journalism degree programs, as well as an overabundance of graduates and consequent unemployment in the media sphere. Last year, several universities introduced some reforms. The Kazakhstan Institute of Management (KIMEP) Faculty of Journalism launched a new academic program adapted to meet a curriculum developed under the auspices of UNESCO. Additionally, last year a number of journalism departments modernized their technical equipment and laboratories. Today, the students of journalism at Kazakh State University, KIMEP, Eurasian University, the University in Ust-Kamenogorsk, and others enjoy state-of-the-art studios and participate in master classes with practicing journalists.

The first results of these improvements in practical preparation of journalism students are visible, including a new channel, kepter.kz, launched in the ICON cable network.

The channel combines all the student-produced university television programs in Almaty and Astana. Also of note regarding the past year, a critical mass of graduates of foreign universities began working for in journalism programs.

These positive trends are not keeping up with demand, however. Despite the large number of graduates of journalism programs (each of the 17 journalism schools graduates at least 50 journalists annually), many media outlets, especially big national ones, experience personnel shortages.

The options for supplementary, short-term professional training are decreasing. The numbers of experts-in-residence workshops in editorial offices, once extremely popular, have dropped. There has been only a single series of residencies in radio, by an expert from Kyrgyzstan with organizational support from Internews. Seminars for journalists have declined. An initiative to launch the Center for Economic Journalism, in Pavlodar, fell apart after editorial boards as well as journalists refused to pay tuition.

Kraus recalled that Media Life used to fight with founders in order to train advertising professionals and media managers. Panelists described this mentality as media owners and managers being reluctant to think in investment terms. They are ready to invest in expensive equipment, but not people.

The sources of newsprint, printing equipment, and print houses are considered private and independent, and their number is sufficient. However, the government uses a traditional toolkit for blocking undesirable media and greenlighting state-owned and loyal print media. For example, for the entire year, all printing houses rejected *Golos Respubliki*. At the Media Kurultai, in presence of the OSCE representative for the freedom of speech and other high-ranking officials, *Golos Respubliki* Editor-in-Chief Tatyana Trubacheva said that President Nazarbaev's adviser on political issues, Ermuhamet Ertysbaev, leaked word that the owners of print houses are afraid of printing her newspaper. The only director of the print house who had dared print a part of its circulation received a call from the local administration and was threatened, she said.

The state owns key print media distribution channels, including the national companies Temir Zholy, KazPost, and local kiosk distribution networks.

The main lever of state control over Internet is Kazakhtelecom, a national company that dominates the national and international landline and mobile telephony. The government is capable of controlling distribution of independent newspapers and access to their Internet portals in accordance with its own interests. However, online media outlets and bloggers are free to choose from available software and platform options.

According to the official statistics, there are 3.9 million Internet users in Kazakhstan, and in 2010, telecom companies launched pilot projects to develop access to 3G, WiMaX, and LTE technologies. To attract more clients, cell phone operators are developing new services, including mobile news access. In addition, national television channels KTK, Khabar, and Kaspionet have begun broadcasting programs online. And although regional media are still not very strong in the use of these technologies, the general media market trend promises an even better convergence of the traditional and new media.

Most broadcasters own their own transmission equipment. As mentioned, Internet providers may block access to networks and other Internet subjects. Fourteen Internet sites were blocked before the OSCE summit, for example.

List of Panel Participants

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Beishen Kuranbek, director, *Zhetysu TV*, Taldykorgan

Diana Okremova, director, North Kazakhstan Legal Media Center, Astana

Erzhan Suleimenov, general director, Institute of Media Standards; creative director, Media Service Agency, Almaty

Gulim Amirkhanova, blogger; freelancer journalist, Almaty

Kamila Zhusupova, blogger; television host, Almaty

Olga Kaplina, project manager, Internews Network-Kazakhstan, Almaty

Olga Kraus, editor-in-chief, *Novyi Vestnik*, Karaganda

Sholpan Zhaxybaeva, executive director, National Association of Television and Radio Broadcasters of Kazakhstan, Almaty

Tulegen Askarov, economic analyst, *The Voice of Republic*; instructor, Journalism Program, Kazakh-British Educational Institution, Almaty

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The Kazakhstan study was coordinated by, and conducted in partnership with, Innovative Solutions Inc., Bishkek, Kyrgyzstan. The panel discussion was convened on December 8, 2010.