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KYRGYZSTAN

Though few, changes in the regulatory system of Kyrgyzstan in 2011 had significant impact—or potential impact. The government adopted a number of laws related to the media, including amendments to the penal code regarding defamation and plans for the transition to digital broadcasting. The government also laid down precedents in terms of the nationalization of media ownership with the Nationalization of the Channel Five Joint Stock Company Act. As a presidential election year, 2011 also ushered in changes in the electoral law that affected the media. The media community speculates that there are parliamentary initiatives under way as well for a draft law on regulating the Internet.

Of all the legislative changes, the panelists expressed the most concern over the Channel Five Joint Stock Company Act, with historical roots in the provisional government's decree in May–July 2010. The Act is aimed at transforming the Channel Five Joint Stock Company into a state parliamentary television channel. It followed mounting hostility between parliament and Channel Five, when parliament maneuvered to withdraw Channel Five's accreditation; Channel Five responded with critical coverage of parliamentarians. The panelists object most vigorously to the fact that the adoption of the bill violated the laws in force, ignoring the legal procedures for the adoption of legislation.

Previous MSI studies reported that the Kyrgyz government was doing little to advance plans for digital transformation; plans were finally developed this year. However, the plan failed to define any regulatory bodies or put in place a system to monitor progress toward the switch, and the panelists also fear that because of practical challenges, a significant number of both television and radio broadcasters will go under because of the switch—while state-owned channels prosper. Another concern is the lack of information shared with the Kyrgyz people about the switch. Several groups are working on a special law on digital broadcasting to address these concerns.

Kyrgyzstan's relatively high Internet penetration (according to some reports, the highest in Central Asia at nearly 40 percent) and the fact that a large proportion of the population has access to satellite communications do give the public alternatives to state television. More than 91 percent of the population has access to mobile communications, and the vast majority uses the mobile Internet actively. Subscribers of several services can receive Kush Kabar SMS news on their cellphones free of charge. In 2011 there was a real boom in Kyrgyz-language news content on the Internet as well, and blogs brought many interesting shadings to the information kaleidoscope, providing a more or less stable beginning for investigative journalism.

Overall, in 2011 Kyrgyzstan received very contradictory ratings in regard to the freedom of speech: some MSI panelists felt that in 20 years of independence freedom had never been greater, while others believed that there were plenty of episodes in 2011 where freedom was being throttled. The cornerstones for the panelists' assessments of media freedom were the nature of the changes that occurred in the legal foundations and in legislative practice.

# KYRGYZSTAN AT A GLANCE

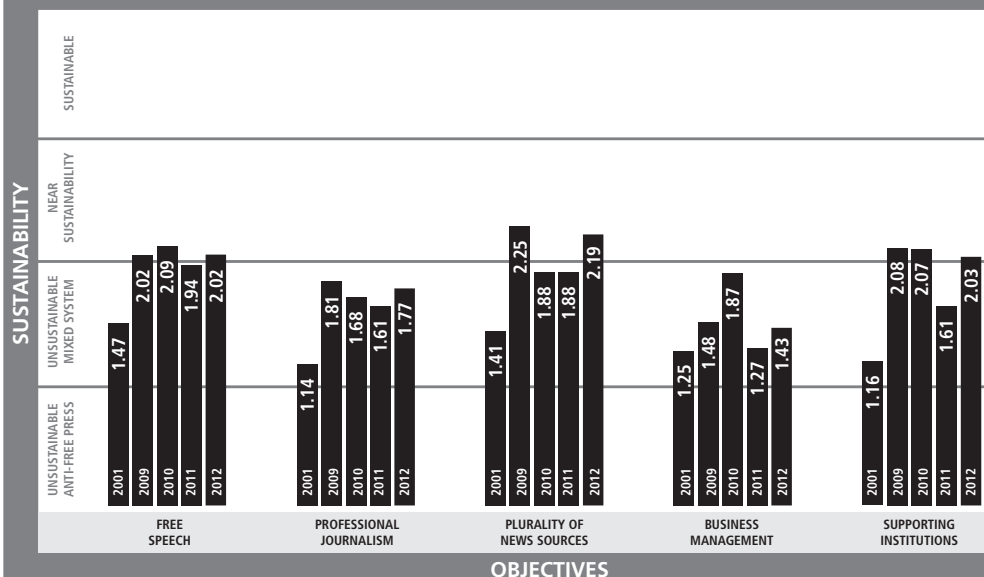
## GENERAL

- > **Population:** 5,496,737 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Bishkek
- > **Ethnic groups (% of population):** Kyrgyz 64.9%, Uzbek 13.8%, Russian 12.5%, Dungan 1.1%, Ukrainian 1%, Uyghur 1%, other 5.7% (1999 census)
- > **Religions (% of population):** Muslim 75%, Russian Orthodox 20%, other 5%
- > **Languages (% of population):** Kyrgyz 64.7% (official), Uzbek 13.6%, Russian 12.5% (official), Dungan 1%, other 8.2% (1999 census)
- > **GNI (2010-Atlas):** \$ 4.701 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$2,180 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 98.7% (male 99.3%, female 98.1%) (1999 est., *CIA World Factbook*)
- > **President or top authority:** President Almazbek Atambaev (since December 1, 2011)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:**  
Print: 250 including 4 main dailies and 4 other major papers; Radio Stations: 6 main stations, 31 others; Television Stations: 7 main stations, 3 local cable networks
- > **Newspaper circulation statistics:** Top four by circulation: *Super Info* (circulation 80,000, private, Kyrgyz language), *Vechernij Bishkek* (circulation 50,000, private, Russian language), *Pyramid* (circulation 40,000, private, Russian language), *Defo* (22,000, private, Russian language)
- > **Broadcast ratings:** Top two: National TV and Radio Broadcasting Corporation (state-owned, both languages), 5th Channel (private, Russian and Kyrgyz)
- > **News agencies:** Kabar (state-owned), AKIpress (private), and 24.kg (private)
- > **Annual advertising revenue in media sector:** Estimated \$5 million in 2008
- > **Internet usage:** 2.195 million (2009 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: KYRGYZSTAN



Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscores.xls](http://www.irex.org/system/files/EE_msiscores.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

### Kyrgyzstan Objective Score: 2.02

Daniyar Sadiev, program coordinator of the Batken Media Resource Center, summed up the state of Kyrgyzstan's legal climate for the media: "On the whole, Kyrgyzstan does have legal rules to protect the freedom of speech, but the implementation of those rules is highly uneven. In practice, implementation depends directly on the authorities' political will. The authorities can use a variety of pretexts to change the actual situation of freedom of speech and freedom of the media. A very recent example is the nationalization of two television and radio broadcasters, Pyramid and Channel Five, under the pretext of national security." Sadiev added, "There is practically no judicial investigation of breaches of the freedom of speech."

Several new laws related to the media were adopted in 2011, including Decree No. 692 on the switchover to digital radio and television broadcasting in the Republic of Kyrgyzstan, on November 2, 2011; amendments to the penal code of the Kyrgyz Republic Act (particularly to article 127 of the code, on defamation); and the Nationalization of the Channel Five Joint Stock Company Act.

#### 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 of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties 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.

Other new legislation related to the media was passed as well, including the Publishing Act; the Constitutional Law on the Elections of the President of the Kyrgyz Republic and of Deputies to the Jogorku Kenesh (the National Parliament); and the Constitutional Law of the Kyrgyz Republic of June 13, 2011, on the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic.

According to the panelists who participated in the discussion, it was obvious that lingering opposition to media freedom, combined with Kyrgyzstan's weak legal culture, contributes to the fact that all laws, even the most seemingly liberal, in practice provide opportunities for the authorities to exert pressure. Previously, the media community generally felt that tampering with the Mass Media Act, in force since 1992, would be fraught with dangers for freedom of speech. But Alexandr Kulinskiy, executive director of the TV-Club youth association and program presenter of At Bashat, on Kyrgyzstan National Television and Radio News Corporation (OTRK), shared that in December 2011 a seminar sponsored by Internews brought together journalists and media lawyers to analyze the challenges and advantages of Kyrgyzstan's media legislation. The participants examined the nuts and bolts of the Mass Media Act, in force since 1992, and found that even that law could be dangerous. In December 2011, the parliament justified their fears, when it scrutinized amendments to the legislation to ensure harmonization between existing legislation and newly adopted legislation. The discussion of the draft amendments to article 20 of the Mass Media Act took a rather reactionary turn, with parliamentary ministers attempting to lengthen the list of types of classified information and increase the levels of responsibility of journalists, etc.; However, it amounted to nothing in the end.

Despite the damage to free speech that each step toward "improving and developing" the legislation seems to inflict, the panelists agreed that the legal framework does call out for several key changes. For example, the panelists expressed concern over intellectual property rights—an especially urgent question for online journalism—and the ever-increasing numbers of freelancers. Noted Almaz Ismanov, publishing editor of online Radio Liberty-Kyrgyzstan, "In principle we have normal laws, but they were almost all written in a different era, when circumstances were different. That is why they all contradict each other. For example, practically no laws address freelance journalists, who find it practically impossible to access information or get into a government press conference or into parliament, because everywhere you go they demand your documents showing your media affiliation."

Previous MSI studies reported that the Kyrgyz government was doing little to advance plans for digital transformation,



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but in the past year fresh attention to the Geneva Agreement<sup>1</sup> breathed life into the long-awaited digital broadcasting plans that had been undergoing drafting and discussion within the government, in consultation with media experts. However, the government signaled that rolling out digitalization is not a high priority by not offering the package up to parliamentary debate; rather, it was adopted by government decree. The decree approved a plan for the switch to digital radio and television broadcasting in Kyrgyzstan and described a regime for allocating frequencies (multiplexes).

The plan also addressed technical questions surrounding the choice of digital formats and the standard for television set-top boxes, and it managed to turn its back on establishing a single, unified conditional access system—which would have inevitably led to a monopoly of signal providers. The Plan of Action for the switchover designates the Ministry of Transport and Communications and the government’s State Communications Agency as the main players.

However, the plan failed to define any regulatory bodies or put in place a system to monitor progress toward the switch. Another drawback is the lack of information shared with the Kyrgyz people about the switch, even though the switch will affect everyone. Precisely because of these and other shortcomings, the media community began talking about the need to develop and adopt a special law on digital broadcasting. Several groups, including parliamentarians and media experts, are working to develop such a bill.

As mentioned above, the panelists expressed the most concern over the Channel Five Joint Stock Company Act, aimed at transforming the Channel Five Joint Stock Company into a state parliamentary television channel. The introduction and adoption of the Act stemmed from a feud that developed when parliament tried to withdraw the accreditation of Channel Five and the Institute for War and Peace Reporting (IWPR). Parliament’s efforts failed, because the president and the government backed Channel Five. Withdrawal of accreditation would have limited the access of journalists from these outlets to key information from parliament’s speaker. In response, Channel Five’s journalists began a campaign of critical coverage of individual parliamentarians, which escalated into a war between parliament and Channel Five carried out in the news.

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<sup>1</sup> Agreement of 2006, Geneva, concluded by the Regional Radio Communication Conference for planning of the digital terrestrial broadcasting service. The agreement allocates radio frequency resources enabling national coverage across Kyrgyzstan, and the new technology will facilitate 100 television and at least 250 radio channels nationwide.

constituting a gross violation of fundamental constitutional rights and freedoms. Furthermore, they believe that the poor-quality drafting of the Act will lead to problems with its implementation, and they are concerned also with the development of mechanisms to merge different owners and transfer them into state ownership. They believe that the Act creates precedents for the forcible seizure of private property and eliminates political checks and balances on the branches of government. However, one ray of hope panelists pointed to was that at the time of the MSI panel, the executive branch was blocking the Act.

As a presidential election year, 2011 saw changes in the electoral law that also ushered in changes for the media. The Constitutional Law on the Elections of the President of the Kyrgyz Republic and of the Deputies to the Jogorku Kenesh of the Kyrgyz Republic introduced censorship of electronic media, as set forth in paragraph 16 of article 22 of the Constitutional Law: “Electioneering in foreign media distributed within the Kyrgyz Republic is prohibited. During the conduct of the elections, retransmissions of foreign television and radio programs must be registered. Retransmission of television and radio programs disseminating information defaming the honor, dignity, or business reputation of the candidates is prohibited. In such cases, liability for the dissemination of such information shall be borne by the local media.” The legislation was a reaction to the experience of external news/information influence on the 2010 elections, when Russian television channels championed the Ar Namys party and tried to discredit the Ata-Meken party. In fact, the leader of the Ata-Meken party initiated the bill.

According to some of the panelists, alongside its drawbacks, this law presents some positive potential, such as improving access to information, including elections records for media. However, the panelists remarked that no media had fully capitalized on the provision, taking an old-fashioned approach to the election campaign instead—relying on information released officially by the Central Election Commission (CEC). The only information innovation related to the 2011 elections was the open platform [map.inkg.info](http://map.inkg.info), a website developed using the Ushahidi open-source mapping software platform. The Ushahidi system made it possible to collect reports from various sources, including blogs, social networks, and traditional media, and to classify and map them. The map showed polling stations, real-time information about admitted irregularities, data on the election campaign trail, and voter turnout.

Another noteworthy legal development in 2011 involved the application of article 299 of the penal code, which provides for criminal penalties for hate speech and inciting ethnic,

racial, religious, or interregional strife. The president's office organized several meetings with journalists and state officials who expressed the desire to study media propaganda on interethnic relations and to enforce the law (the government initiated the idea, and it was especially supported by media NGOs and Russian-speaking journalists, who assume that Kyrgyz-language journalism is much worse in this dimension). Some panelists agreed that even though in 2010 the Kyrgyz-language press was the epicenter of publications steeped in national intolerance and hatred, using the penal code article proved not only difficult but impossible in practical terms, given the article's vague wording.

The panelists agreed that enforcement is a problem in many areas of media law, and they expressed little faith in Kyrgyzstan's judiciary. Alina Saginbaeva, director of Central Asian news service CA-News at AKIpress, Bishkek, said, "The implementation of constitutional rights, when such matters come before the court, may be incomplete. The courts, because they are corrupt, may decide in favor of companies or the authorities. Moreover, there is no legally sanctioned confidentiality for sources of information."

According to the panelists, the process of allocating analog frequencies and licensing in Kyrgyzstan has never been transparent or free of political influence. A number of laws guide broadcast licensing: the Television and Radio Broadcasting Act, the Electric and Postal Communications Act, the Mass Media Act, the Licensing Act, the Culture Act, and, new in 2011, the action plan for the switchover to digital broadcasting.

The state bodies involved in regulating the Kyrgyz radio spectrum include the Ministry of Transport and Communications, the State Commission on the Radio Spectrum (SCRS), the government's State Communications Agency (SCA), the State Communications Agency Licensing Commission (SCA-LC), and the State Communications Agency Consultative Council (SCA-CC). In addition, the SCA assigned a range of nominal frequencies for a specific class of stations, primarily related to national security and defense interests. Access to the register of free and occupied frequencies is restricted.

In November 2011 the director of the Civil Initiative on Internet Policy, Tattu Mambetalieva, spoke at a press conference to appeal to the State Security Committee to limit its management of frequencies to those with military purposes alone, and to transfer all others to SCA—a necessary condition for the independent regulation of the communications sector.

The adoption of the digital broadcasting program set a deadline for the completion of the conversion from analog to digital frequencies: September 1, 2012. It also defined

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the frequency allocations to follow the switch, designating two frequency allocations throughout Kyrgyzstan (except for the Batken area) for local private television broadcasters and one frequency for the development of educational television, to be allocated competitively. Three to 10 more frequencies will be allocated competitively or by auction. One frequency allocation throughout the country is reserved for the implementation of the state, and four frequencies will be allocated to Kyrgyztelecom Open Joint Stock Company without competition.

The panelists feel that this plan essentially legitimizes the inequality in the field by awarding the lion's share to Kyrgyztelecom, which is the only telecom provider with a well-developed and focused infrastructure for distributing television and radio. At the same time, this was not the first year that the government had been planning to sell off the state's package of shares in Kyrgyztelecom; earlier a government ordinance set forth the unbundling of the Republican Production Association for Radio and Television Broadcasting Relay Routes (RPO RMTR) from Kyrgyztelecom in order to transfer all the multiplexes into its control.

In this scheme, the fate of existing television and radio broadcasters remains problematic. According to the Telecommunications Act and the digital switchover program, they would have to receive a replacement of equal value and would be invited to address network development issues. Together they would have to take steps to develop standards for managing the multiplexes. But the panelists feel this will be difficult to achieve in practice, and they predict that a significant number of both television and radio broadcasters will go under because of the switch.

The judicial authorities still carry out registration of print media, in accordance with the Media Act; the process typically takes a month. However, in many instances the authorities take advantage of loopholes to substantially delay registration when the outlet clashes with political interests.

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Internet television channels being rolled out by the Aknet and Kyrgyztelecom companies, with calls to consider them full-fledged television media in terms of licensing.

In terms of entry into the media field, the legislation does not give the media special treatment, nor does it impose any business restrictions on media. However, the state does distort the media market by providing support, including financial support, to the state media and by exerting political pressure against non-state, opposition media. Also, comparing the media business with other types of businesses reveals additional drawbacks in the area of business entrepreneurship. The primary factor holding media businesses back is the sensitivity of the legislation and the media area to political fluctuations. Changes in the country's political direction, in its institutional arrangements, and in its leadership have repercussions that inevitably give rise to changes in the area of media regulation.

For example, the panelists believe that in 2011, the Constitutional Law on the Elections of the President of the Kyrgyz Republic and of Deputies to the Jogorku Kenesh of the Kyrgyz Republic substantially affected market competition conditions for media and related businesses. In particular, article 5 of the law prohibited the retransmission of foreign radio and television programs to prevent the dissemination of information that would impugn the honor, dignity, or business reputation of candidates, significantly impacting communications operators. Cable television companies that relayed foreign channels suffered most, requiring significant financial outlays in order to comply with the law and sustaining financial losses as a result of breaches of retransmission and live broadcast contracts with foreign and domestic companies. The censorship introduced by the Constitutional Law led to the cutoff of retransmission of Russian-language channels, the Euronews channel, and others for an entire month—a breach of consumers' rights as set forth in their bilateral contracts. The law also confronted those companies with the need to expand their efforts to monitor content and assess its legality.

In addition, the pre-election News and Advertising Activities Act threw the media market out of balance, imposing tariffs and rates on the electronic and print media and forcing them to either lower their potential profits from campaign advertising or break the law. The Act did not cover news agencies, on the other hand, giving them an advantage by not restricting them in the prices they set for placing campaign material or in their production of campaign advertising products.

Political diktats presented another barrier to free-market regulation in advertising and significantly reduced the

opportunities for the development of the country's media market. The advertising market from time to time came under the unspoken, monopoly patronage of politicians and those close to them. The panelists believe, for example, that the mayor of Bishkek, Isa Omurkulov, runs the capital's advertising market.

Another factor holding back the media business relates to the production and distribution of media products. For many years, the print media had raised the issue of double taxation of business products: paying VAT (value-added tax) first in the purchase of paper, often imported from Russia, and again for services provided by printing houses. Both manufacturers and consumers bear the burden of double taxation.

Yet another factor holding back the media business is political interference in the supply and distribution of signal for the digital media. To free the development of the electronic media from political pressures, a number of NGOs, led by the Kyrgyzstan Association of Communications Operators, initiated the development and promotion of a new Electronic Communications bill that would return the functions of antitrust regulation to the SCA and take SCA out of the government's ambit.

Regarding violence against journalists, there were 13 confirmed attacks on journalists, including seven instances of street crimes ("hooliganism"), one robbery, and one assault in 2011, according to the Kyrgyz Media Policy Institute's website. Out of five pending criminal cases, three had been suspended, although the investigations to find the guilty parties remained active.

The panelists reported that aggression in the society against journalists appears to be growing. Often, it is difficult to establish how the attacks are linked to journalists' professional activities. The attacks were carried out both by the authorities and by various groups from local communities, with the authorities doing absolutely nothing about them. For example, a cameraman (Igor Bezborodov) and two correspondents (Chinara Sydykova and Aizhan Ismailova), of NTS in Osh, were beaten up by an aggressive crowd while recording a rally in support of parliamentary deputies Kamchibek Tashiyev and Zhyldyzkan Dzholdoshovoy of the Ata-Zhurt faction. However, not only did the journalists not succeed in getting any support from the authorities during the attack, but they did not even succeed in their attempts to report the attack to the Internal Affairs (police) office in Osh.

Muzaffar Tursunov, a freelance journalist in Osh, noted, "The former interim president used to talk about the growth of the freedom of speech in our country. For me, to say such a thing is tantamount to blasphemy. Crimes against journalists are a taboo subject. Nowadays it is impossible to cover openly

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what we are living through in the south. For the rest of the world we appear democratic, but internally we are very closed. Problems of attacks on journalists are not discussed. In a closed society, by definition, there can be no open media.”

In 2011, despite a perceived expansion in the breathing space for freedom, government officials continued to target some media representatives for various reasons. For example, the former head of the National Commission for the Development of the State Language, Azimzhan Ibraimov, stirred up a witch hunt against *Vechniy Bishkek* (*The Evening Bishkek*) Russian-language daily newspaper columnist Dina Maslova by playing the “language” and “national” cards. His public threats and demands for her to leave the country, amounting to harassment, did not arouse the interest of any senior person in the oversight bodies, nor did anonymous threats from self-described “patriots,” who forced Maslova to hire bodyguards, at her own expense.

Some members of the ruling political parties have also begun to feel above the law. According to the Kyrgyz Media Policy Institute, 15 members of the Asaba party, headed by Salmoorbek Dyykanov, crashed the office of the 24kg news agency in May, insulting journalists and threatening to burn the houses of managers because the agency had posted information that, in the assailants’ opinion, was not reliable. The Office of the Prosecutor-General found nothing criminal in the actions of the Asaba party members and refused to initiate criminal proceedings against them. Sometimes, the authorities themselves are behind illegal practices; for example, they searched the office of the local Associated Press correspondent, Abdurahman Aripov, and seized video material without any explanation. They later returned some of Aripov’s material, without any apology.

Threats against journalists remain common. In fall 2011, Kyrgyz public television OTRK’s national audience witnessed ambiguous threats voiced live on air by presidential candidate Kamchibek Tashiev against Dinara Suymalieva, the host of the television debates and director of the local subsidiary of the interstate television channel Mir. In another case, a law-enforcement officer took responsibility, in a private conversation, for the assault on journalist Kubanychbek Zholdoshev and still won one of the top posts in Kyrgyzstan’s Ministry of Internal Affairs.

Still, compared with previous years, the panelists highlighted some positive signs. Although previously there was complete impunity for crimes against journalists, and the authorities generally did not bother to inform either the public or the media concerning the progress of their investigations, in 2011 a few cases were publicized. For example, in the case of NTS television cameraman Timur Ismanbekov, who was murdered in spring 2010, the court found defendants Kaskar Katzhekov

and Sergey Chikhryakov guilty of “hooliganism” under article 234 of the penal code and sentenced them to nearly two years in a penal settlement (which media NGOs protested as too lenient).

Additionally, the panelists often feel that journalists themselves are to blame for the attacks on them because they lacked awareness of—or simply did not follow—the basic safety rules when working in hot spots, situations of mass unrest, conflict, etc.

In summer 2011, the Organization for Security and Co-operation in Europe (OSCE) Academy in Bishkek held a discussion: “Safety of Journalists: An Aggressive Society or Unethical Journalists?” In this meeting, government representatives, civil society, and the media community agreed to set up a quadrilateral working group on crimes against members of the media that would be made up of the law-enforcement agencies, deputies of the Jogorku Kenesh, the Ministry of Internal Affairs Public Supervisory Council, the State National Security Committee, the Ministry of Culture and Information, and media- and human-rights NGOs. The agreement set plans to bring in media- and human-rights NGOs to investigate attacks on media workers and to revise various laws that affect the safety of journalists. For example, they agreed to review article 151 of the penal code, entitled “Obstruction of the lawful professional activities of journalists,” with a view to producing a more accurate characterization of crimes against media professionals. The working group also approved Ministry of Internal Affairs orders to better ensure the safety of journalists and media workers during mass gatherings and to improve attention to complaints by journalists. It also approved an ordinance from the Office of the Prosecutor-General to strengthen prosecutorial oversight of allegations of crimes against journalists and media workers by law-enforcement officers.

The panelists noted that Kyrgyzstan’s laws protect the editorial independence of state or public media. In practice, however, government officials and politicians constantly put pressure on the media. The state media are on a short leash, held tightly by the authorities, because their funding comes from the state budget and they benefit from compulsory subscription fees, etc.

The vast majority of Kyrgyz media have not developed editorial policies. Therefore, the OTRK Supervisory Council’s approval of an editorial policy in April 2011 was an important symbolic event; OTRK stands alone among Kyrgyzstan’s state and public media in that respect. However, beyond adopting the document, little else has happened. Journalists and editors themselves do not understand the value of the editorial policy or the role of the Supervisory Council. They perceive the latter as a censorship committee, and they react negatively



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to all of the Council's recommendations. Moreover, efforts by members of the steering committee to explain the benefits of the editorial policy for journalists, or to ensure that it will help protect their rights and interests, have had no effect.

However, the editorial policy does not prescribe a commitment to the public interest, nor professionalism, impartiality, and editorial independence, and in practice OTRK broadcasts sometimes violate flagrantly the rights of ordinary citizens and serve the interests of those in power. For example, in the run-up to the elections, OTRK provided Almaz Atambaev of the Social Democratic Party with quite simply barefaced PR, for free, and maligned the activities of parliament without restraint. Even worse, some members of the OTRK Supervisory Council abuse the editorial policy, using television and radio broadcasting time for commercial purposes or using airtime free of charge for their own PR campaigns.

At the same time, OTRK news is rife with civil-rights violations. To illustrate, Kulinskiy described an OTRK news bulletin in June 2011 dedicated to children with TB that publicized the names and addresses of the children. Kulinskiy complained to the OTRK Supervisory Council about this and received no response.

In 2011 the Amendments to the Penal Code of the Kyrgyz Republic Act recognized that the Code's article 127, on defamation, had lost its effectiveness. Therefore, all possible cases of litigation concerning offenses against the freedom, honor, or dignity of a person were redirected to the penal code's article 128—which, contrary to the expectations of the media community, remained in the penal code, unchanged—and also to articles in the civil code, on compensation for moral injury and protection of the honor, dignity, and business reputation of the citizen or of the business reputation of legal entities.

To date, as the panelists noted, only a few journalists were convicted under the now invalidated article of the penal code; no journalists were imprisoned for libel in 2011. The panelists' assessments of the amendments to the penal code regarding the decriminalization of defamation varied widely. Some of the panelists, mainly representatives of foreign media institutions and organizations, were inclined to consider this significant progress in enhancing freedom of speech, whereas the other, local experts were very restrained in their reaction. For example, Gulnara Toraliev, head of Mass Media and Journalism, American University of Central Asia, Bishkek, "The change is more of a symbolic step; over the past 20 years the article has been used only twice for political purposes as a means of putting pressure on journalists and the media, and that was back during the reign of the first president of the republic. Articles 128 and 142 of the penal code (insulting an official) and certain other

articles that can be used just as effectively to put pressure on the media and on journalists have not been decriminalized." In fact, in 2011 parliamentarians attempted (unsuccessfully) to extend the penalties under article 128 and expand the definition of defamation.

In accordance with the civil code's principle of the presumption of guilt, the burden of proof rests with accused journalists or media representatives. The legislation did not distinguish between moral (non-pecuniary) injury to a public person or an ordinary citizen, and the civil code is based on a presumption of moral injury. At the same time, there were problems in the very wording of the articles of the Penal code and civil code of Kyrgyzstan, which lack clear and precise criteria for what constitutes an insult and/or a statement or communication discrediting the honor, dignity, or business reputation of a citizen or the business reputation of a legal entity, and what it was important to classify as being in the public interest.

Saginbaeva noted, "Cases in defense of honor and dignity against the media are most often lodged against the editors. In Kyrgyzstan, there are no standards whereby officials are liable to society for their actions, and against an official you need more serious evidence of defamation than in other cases. Many cases end up with the journalists and editors being fined for 'erosion of reputation' or 'infliction of moral injury.' Internet sites can be held liable and be penalized for the content of sites and forums, although their registration as media has not been legally recognized."

The panelists commented that the legislation does not clearly define the criteria for determining the amount of the fines in a given case or the criteria for measuring the extent of a moral injury.

Despite the wording in the legislation, the practice in the courts reveals that the honor and dignity of those in power were most often considered much more "valuable" than the dignity of ordinary citizens. It was precisely thanks to lawsuits brought by individuals affiliated with the government in previous years that more than one media outlet had been brought to the verge of bankruptcy or beyond, or had been closed down. Also, lower courts usually awarded very high damages, which were reduced every time the case went to higher court after higher court on appeal. According to some panelists, in the past year the average amount of damages awarded against media for moral injury (over and above the fines within the legally prescribed range) were between KGS 10,000 and 20,000 (\$215–\$430). However, cases against the editors of Radio Liberty-Kyrgyzstan, AKIpress news agency, and *Zhany Agym* set damages of between KGS 50,000 and 100,000 (\$1,075–\$2,150) against them in cases heard over the past year.

Recognizing the media's responsibility to comply with the law and professional standards, the panelists expressed concern over the discriminatory nature of oversight. Thus, despite the fact that many media feature insulting language, and publish unverified and unreliable information, the Office of the Prosecutor-General and the courts generally respond only to these offenses when handed a political order to do so.

However, the panelists also noted positive trends. For example, according to the State Committee for National Security, the government blocked access from Kyrgyzstan to 12 sites containing extremist content. However, not one provider had been given even a verbal warning, and no one had taken any action against any communications operator for illegal content.

Access to information by journalists is strained, and the timeframes stipulated by the Access to Information Held by Public Bodies and Local Authorities of the Kyrgyz Republic Act do not correspond to the specific needs and timeframes of journalism; procedures for extracting a response can be drawn out. "Many laws, especially those concerning access to information of public significance, were written more for the ordinary citizen than for the media; they do not take into account the specific requirements of the media, for example, in terms of the time required for a response," Ismanov said.

State bodies, for the most part, do not work transparently, and the panelists said that in the past year, parliament proved especially guilty of acting with great secrecy and obstructing restrictions on access to information. It deployed a variety of methods—banning entry to its hall, banning the work of committees from view, prohibiting the taking of pictures (still or video), and concealing documents, including texts of the legislation it had adopted.

New parliamentary procedural rules that came into effect at the end of the year raised hopes that access to information might improve, such as the use of stenographers to provide real-time transcripts of parliamentary sessions. In addition, with support from a joint United Nations Development Program (UNDP) and European Union project, the [www.terezekg.org](http://www.terezekg.org) site was launched to provide public access to parliament; it posts a key statistical database on the activities of the deputies and parliament.

The panelists complained that journalists have difficulty finding the addresses for the websites of government bodies; there is no central database of such sites. Most sites launched by government departments and agencies, though they technically exist, have not been updated for years.

Assessing the change in the quality of access to information held by public bodies and local authorities, the panelists agreed that there are positive developments to note. A

number of ministries, such as the Ministry of the Interior, the State National Security Committee, the Office of the Prosecutor-General, and others, have improved their communication strategies, and their press services have begun to work more in real time, quickly providing information on request. The re-launched website and the information policy of the State National Security Committee and the State Service for the Implementation of Court Sentences are especially significant breakthroughs. Similarly, the press service and departmental website of the Supreme Court had also begun to operate more in real time, and more openly.

Despite this progress, the panelists saw no systemic changes, nor any strong leadership. For example, the panelists noted that the Ministry of Health, which replaced an efficient and experienced press secretary, negatively impacted access to quality information from the department. Another problem is the existence of personalized departmental websites that focus exclusively on promoting the image of the head of that department. For example, the Emergencies Ministry had three sites—each created, one quickly after the other, under a newly appointed minister.

The panelists said that increased public accessibility and transparency at a number of ministries appears to stem more from the reaction of the state services to public pressure. Thus, the very strong criticism of a number of Supreme Court decisions and the demonstrations against them in high-profile political trials, expressed in the form of organized picketing and rallies against the composition of the Supreme Court in 2010–2011, inspired government departments to revise their approach and opt for more open interaction with the media. The same thing happened with the State Service for the Implementation of Court Sentences: prison riots, mass disturbances by prisoners' relatives, and the demands for the newly appointed management of the service to be replaced proved to the Service how important it is to work with the media and the public.

The Access to Information Act had been very helpful to bloggers in their activities. In 2011 bloggers actively sent requests to the various organs of the state authorities and tended to take a positive view of access to information from state bodies and local authorities, because they were not under the same time pressure as the traditional media and were not planning to produce media products. In addition, the Kloop online journalism school portal actively trained dozens of young people and teenagers to work with state bodies and to compile their requests in the correct form. The growth in influence of citizen journalism in Kyrgyzstan is evident as well. In all probability, its proactive nature motivated a number of state bodies to develop electronic public front offices and work more actively with the public.

The restriction of access by the media and audiences to foreign television and radio during the presidential election campaign, under the 2011 Constitutional Law on the Elections of the President of the Kyrgyz Republic and of Deputies to the Jogorku Kenesh, turned out to be irrelevant, considering how information is consumed in the present day, and ultimately had little effect. In fact, given Kyrgyzstan's relatively high Internet penetration, and the fact that a large proportion of the population has access to satellite communications,<sup>2</sup> barring public access to foreign broadcasts proved impossible in practice.

However, the government, specifically the CEC, forced the local media to cut relay services and, in some cases, even completely abandon them. For a whole month, Euronews was not broadcast on the EITR public television channel. OTRK, to reduce the financial cost of producing news, gave up its subscription to the Reuters news feed, and in practice all media limited their consumption to local news agency products and self-produced news content to cut costs.

Entry into the journalism profession in Kyrgyzstan remains unrestricted, and no new permit or licensing requirements have been introduced. At the same time, a few bloggers and freelance journalists pointed to the emergence of a number of problems in obtaining accreditation and gaining access to official functions, as all state bodies ask journalists for proof of ID from their editorial office.

The panelists did note that the 2011 presidential election changed things somewhat. In October 2011, parliament decided to change the unrestricted principle of access to obtaining information by adopting rules for the accreditation of journalists. The deputies gave themselves the right to deprive journalists of accreditation "if they or their editorial offices disseminate information that does not correspond to the reality and impugns the honor and dignity of the Jogorku Kenesh, the majority coalition, factions, committees, or deputies."<sup>3</sup> This regulation enabled parliament, immediately after the order was adopted, to suspend the accreditation of Channel Five and IWPR. Also in October, the CEC withdrew accreditation from the Kyrgyz-language *Sayasat Press*, which belongs to the Butun Kyrgyzstan political party, without trial or investigation. *Sayasat Press* had identified violations of electoral law and black PR against the candidate Almazbek Atambayev. Panelists also pointed out that the CEC set the period for media accreditation long before the election campaign, back in July—and some feel that was a way to refuse a few media, such as Chalkan.kg's newspaper, their

<sup>2</sup> The cost of a counterfeit Chinese satellite dish is KGS 1,000 som (\$20), and each additional receiver head at KGS 500 (\$10) increases the number of bundles that can be received. There are dozens of channels in each bundle.

<sup>3</sup> See [www.knews.kg/ru/columnist/4099/](http://www.knews.kg/ru/columnist/4099/) (in Russian).

accreditation for the campaign. The official refusal read: "Based on the fact that the deadlines for media accreditation set by the Central Election Commission have long passed." However, the paper had previously submitted its application three times.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Kyrgyzstan Objective Score: 1.77

Throughout the year, flashpoints of conflicts rooted in accusations of bad faith and lack of objectivity periodically flared up, and the October 2011 presidential election marked the low point.

Early on, civil-society institutions, together with media experts, organized an ad hoc staff to advocate for public control of the election campaign in the media. Regarding the last presidential election, the coordinator of the ad hoc staff, Tattu Mambetalieva, said, "All the media, with few exceptions, behaved abominably during the campaigning period. They produced a stream of unchecked information, 'black PR,' heightening the tension and attempting to foment ethnic and religious strife." In the first week of the campaign period alone, the CEC issued 10 warnings to specific media; the media failed to react. Print media monitoring data from the presidential election period revealed that 5 percent of articles were based on rumor and hearsay, 72 percent cited a specific source of information, and 23 percent provided no source.<sup>4</sup>

<sup>4</sup> The Media Policy Institute Foundation, with the support of the democratic commission of the US Embassy in Kyrgyzstan, carried out a print media monitoring project during the election period, covering 21 print editions in both Kyrgyz and Russian.

#### 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.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Monitoring carried out for the Center for Information Law project in partnership with the Journalists' Association<sup>5</sup> also found bias in various media channels and publications, expressed in biased material, skewed advertising volumes, and in the failure to reveal information about paid-for campaign material. The election-focused volume also identified which candidates led in terms of the volume of their advertising/campaign material. The panelists feel, however, that many of the media were guilty of unreliability and bias even outside the election period, with some panelists singling out the 24kg news agency and the Kyrgyz-language newspapers.

Research by the Journalists' Association into OTRK's content over two weeks in September 2011<sup>6</sup> revealed hidden advertising, a lack of objectivity, and poor quality of analysis; failure to comply with ethical standards and failure to rely on at least two sources of information are the major violations.

The fact that certain topics are taboo in the media did not help strengthen media freedom, either. Mainstream media do not cover ethnic and sectarian relations, or regionalism, and the panelists said it is hard to imagine objective coverage being given to those topics presenting the views of each of the sides. The media continued to depend on a limited pool of experts in the various fields. Furthermore, many journalists believe that the quality of expert opinions is poor; they also feel it is incapable of meeting the needs of the audience or improving journalistic material.

Sadiev expressed the dominant view among the panelists: "A large proportion of publications do not adhere to generally accepted standards, journalistic or ethical, for journalists in Kyrgyzstan." In his view, the worst offenders are the Kyrgyz-language print media, although others disagree. Kulinskiy added, "This is a country where unlawful and illegal methods continue to be the most effective...Journalists have learned how to manipulate situations and people, too... Often, journalists themselves provoke conflicts."

One of the initiators of the Kloop news platform, Bektur Iskander, created a buzz by carrying out a very unusual experiment: he put together a press release for a fictitious organization, holding a fictitious event featuring an invented foreign expert. He created a logo for the fictitious organization and distributed this "canard" to all the news

agencies. The very same day, one of the most respected news agencies, AKIpress, published his fictitious press release in full. Iskander then publicly revealed the hoax and organized a discussion about how the mainstream media do not operate professionally by failing to verify information before publishing. According to one of the panelists, this incident split apart blog journalism and the mainstream media, exposing the need to examine and define clearly the ethics of interaction between new and traditional media. It also prompted serious discussion among the panelists about the functions of news agencies and other media. Some panelists feel that timeliness is the most important function of the news agencies and assume that the newspapers are responsible for verifying the information received from news agencies. Other panelists, while not denying the importance of getting news out quickly, believe that both the agencies and newspapers should be responsible for the accuracy and reliability of the information.

Also during the election period, a civic activist subjected the Kloop news site to an experiment by sending in some nonpolitical material about a trend for couples engaged to be married in Osh to take helicopter flights. The publication, complete with photos and quotes, looked professional. However, immediately after it was published, one of the people allegedly interviewed for the article went to the site portal and indignantly demanded a retraction from the editors. It turned out that all the details in the publication were no more than a skillful fiction, using very real first and last names.

Regarding the ways that the development of new media is changing professional standards, Aibek Baratov, blogger and managing partner of BandA creative agency, remarked, "More and more journalists are starting to use social networks and extract a huge quantity of newsbreaks from the online environment. That, in turn, causes them to deviate further and further from the principles of professional journalism, because of their specific audience. And in general, the concept of 'professional standards of quality' seems to me to be a very mutable indicator."

Generally, Askerbubu Sakybaeva, editor-in-chief of *Zhany Agym*, commented that international organizations and NGOs suggest that there are more rumors right now than real information, but she pointed out the challenges journalists face in verifying information when access to information is hampered. Sometimes newspapers would like to clarify rumors, but official sources refuse to comment. To illustrate, she said, "Recently we tried to obtain information about explosives left at police headquarters, but the police said there that they were prohibited from giving out such information and referred us to the Ministry of Internal

<sup>5</sup> Carried out with funding from the Danish International Media Support organization (IMS) and Soros-Kyrgyzstan, the monitoring covered 13 Kyrgyz and 11 Russian-language newspapers, eight electronic media, five online publications, and also regional publications—including public and private media. For more details, see S. Zhumagulov, K. Chekirov, I. Kochkarova, M. Tokoev: *Report on results of monitoring and content analysis of OTRK TV programs*, Bishkek, Maks-print, 2011 (in Russian).

<sup>6</sup> S. Zhumagulov, K. Chekirov, I. Kochkarova, M. Tokoev, *Report on results of monitoring and content analysis of OTRK TV programs*, Bishkek, Maks-print, 2011 (in Russian).

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Affairs. We went out to the Ministry, but none of the officials who could comment on the situation appeared. The Ministry representatives constantly referred us to the press service, but the press service will only give you some sort of dry information after two or three days.”

The panelists also underscored the trend of clan journalism. Whereas the media were previously divided into pro-government and opposition camps, they are now divided into a multitude of camps defending the clan interests of elite groups. The panelists feel it is clear that in serving clan interests, by definition it becomes impossible for journalism to be objective, accurate, or professional.

Several attempts by media experts and international organizations in recent years for the entire journalism community to develop and adopt a journalistic code of ethics have failed. A number of media, during the last congress of journalists, adopted ethical standards for journalists, and Center for Information Law representatives visited editorial offices to explain international standards. However, this did not lead more media outlets to adopt the Code of Ethics; nor did it spur development of a culture of compliance surrounding the Code. For example, one Kyrgyz-language newspaper experimented with compliance by avoiding the “black” technologies of manipulation and propaganda, trying to observe neutrality with respect to the heroes of its publications. The public responded immediately by reducing demand for the publication. The panelists said that not only is it profitable financially to produce fictitious, unverified, unethical material, but politicians demand such material and do not hesitate to use the media as a weapon.

The panelists identified plagiarism as the most important ethical issue. Borrowing photos or text from the Internet, a newspaper, or an electronic medium, without permission or without citing a source, is common practice in absolutely any and every medium one cared to name. Notably, only a very few media keep a photojournalist on their editorial staff or under contract—yet all print media are abundantly full of pictures, as a rule with no credit printed beneath the photos. Radio and television companies and newspapers, almost without exception, take news from the AKIpress and 24kg agency news feeds and almost never give credit. In recent years, the newspapers and news agencies also actively plagiarized material from bloggers—often without changing a single word, except the byline. However, so far there had not been a single public accusation of plagiarism, let alone a court case on authors’ rights.

Another problem is the concealment of paid coverage. Practically all media outlets in the country are guilty of concealing sources of bias from the public, the panelists said. For example, despite the manifestation of the commitment

to ethical standards of online journalism on the face of the Kloop web portal, in practice, violations of its ethical characteristics are not uncommon. For example, the Kloop news ticker might enthusiastically present a Eurasia Foundation project, even while the Eurasia Foundation is a key donor for Kloop.

The panelists feel that journalists commonly accept bribes and use their profession and position for blackmail and extortion. According to the panelists, such practices are particularly common among OTRK and EITR journalists. The panelists also said that in the regions, journalists from the Ala-Too and Zaman programs, reputedly well practiced in the field of extortion and blackmail, inspire fear among citizens and authorities alike.

Self-censorship persists as well. Commenting on the situation in the local media after the turmoil of summer 2010 in the southern regions of Kyrgyzstan, Ismanov and Tursunov agree: the people of Kyrgyzstan are still living under postwar conditions, and some journalists could still not speak openly and without censorship about many things surrounding the uprising.

As one indicator that censorship is thriving, the panelists pointed to the long sentences handed down in 2011 to the former owners of the OshTV television channel, Khalil Khudayberdiev, and the Mezon TV television company, Zhavlon Mirzakhodzhaev. The Committee to Protect Journalists (CPJ)<sup>7</sup> found, after a special investigation, that the two were convicted on the grounds that “in the spring of 2010, their channels aired live a protest rally against the deposed president, Kurmanbek Bakiyev, at which leaders of the Uzbek diaspora urged Uzbeks to refrain from violence and to support the transitional government of Roza Otunbaeva.” The local media chose not to comment on the case. In the national media, journalists treated the case as practically taboo, failing to note its relationship either to their colleagues who had been forced to emigrate or to the court verdict finding both ex-editors and media owners guilty in absentia.

Most of the Kyrgyz-language newspapers were silent on the events in Andarak and Zhany Zher villages in Batken province, where ethnic clashes had occurred. The main state-controlled medium, *Kyrgyz Tuusu*, and a number of news agencies—AKIpress, Kabar, 24kg, and Knews—covered it in a very limited manner, reflecting only the official point of view.

A significant proportion of journalists took another approach, allowing no constraints, including ethical constraints, to impede their work and felt above the law, with publications

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<sup>7</sup> See [www.24.kg/community/114385-kzzh-obvinieniya-v-otnoshenii-yeks-vladelcev-smi.html](http://www.24.kg/community/114385-kzzh-obvinieniya-v-otnoshenii-yeks-vladelcev-smi.html) (in Russian).



full of hatred and ethnic intolerance. For example, in 2011 some journalists organized an anti-Semitic campaign. *Zhanyryk Apta* published an article entitled “Sabbath for Jews on Kyrgyz Soil” (October 2011); *Maydan.kg* published material on the same subject under the heading “Parasitic Worms” (November 2011); *Achyk Sayasat* published an article “We must stop this: Kyrgyzstan is our common home” (December 2011), etc. This did generate a major discussion, and some media—*polit.kg*, for example—accused these media of anti-Semitism.<sup>8</sup>

As always, the issue of self-censorship among journalists generated a great deal of discussion. In a situation where there is no effective editorial policy, journalists must be guided by their own concept of ethics and the principle of “do no harm.” The journalism community launched several initiatives to introduce self-censorship in 2011: for example, there was a call by a group of journalists to stop using words denoting a division between south and north. On assuming office, President Atambaev also called on the country’s journalists to make use of the principle of abstinence: “Give me two or three months to work; do not criticize.” Not all newspapers complied, such as *Jany Ordo*, *Achyk Sayasat*, and *Uchur*, which belong to the opposition.

Baratov shared his own practice of self-censorship. While working on investigative material on corruption among the traffic police, he shot a great deal of video and still photo material depicting bribes and other offenses committed both by traffic police and car drivers. However, he retouched the faces and other identifying details before posting. Explaining why, he said: “My goal was to fight the corruption that affects the entire system. I did not want anyone featured in my posts to become ‘scapegoats,’ to be fired or punished. The important thing is discussion and action to make the system more lawful.”

The panelists pointed to the growing strength of blogs, noting that they are providing a foundation for investigative journalism. The Kloop platform played a particularly strong role in this. In addition, unlike mainstream journalists, Kloop’s civic journalists investigate not only purely political and criminal issues, but social issues, and took on the air of civil activists. Examples that particularly resonated with the public include a photo journalism piece about the shooting of street dogs; investigative work on restrictions on internal migrants and their need for residence permits; and the use of mobile phones and cameras at polling stations during the presidential election.

According to Saginbaeva, “Journalists cover all major events and topics in the country. There are no topics or events that

<sup>8</sup> See <http://polit.kg/print/2/194> for details (in Russian).

*According to data provided by Sadiev, “all the newspapers in Batken province do their print runs either in Osh or in neighboring Tajikistan. The provincial Batken Tany is printed in Bishkek. This affects how up-to-date the newspapers can be, and their cost.”*

could lead to undesirable consequences for the editors and journalists if they are covered. On the contrary, keeping quiet about the main topics can lose you your audience.”

However, even the most cursory analysis of newspapers or television channel websites shows that most media, even when looking at such areas as religion, the government, interethnic relations, economic development, and budget processes, try to avoid acute problems and conflict situations by limiting themselves to the official government positions. The most sobering example of this was the story of the delivery of radioactive coal from Kazakhstan, with the complicity of Kyrgyz officials, to Bishkek’s combined heat and power station. Practically all media sang the same tune set by the government press service’s press release. Not one media outlet investigated how such a criminal deal could have been struck, which government leaders sanctioned the deal, who exactly profited from it and how much, why no one was punished, who would rectify the error, and how much cleanup would cost.

In 2011 bloggers were the most up-to-the-minute and reliable in their coverage of a number of situations. For example, they were the first to inform the public about a plane crash in Osh at the end of December, and a split among the political parties came out first in blogs. A blogger’s video helped expose the truth regarding the singer Ukashev’s fault in a car accident.

According to the two-week study on OTRK’s content by the Journalists’ Association, journalists’ and editors’ choices of topics are not always based on the principles of public interest and meeting the needs of all segments of the audience, but possibly on the basis of the minimum professional, creative, financial, and technical resources needed.<sup>9</sup>

Pay levels for journalists remain critically low, especially in the country’s regions. Despite the high level of inflation, even experienced journalists in the regional press receive no more than KGS 2,000 to KGS 3,000 (\$43–\$65) per month, while the top salaries for journalists in the capital are approximately

<sup>9</sup> *Ibid.*, Report on results of monitoring and content analysis of OTRK TV programs.

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\$500 per month. Even in highly profitable media companies, such as Superinfo, the journalists earned KGS 10,000 (\$215) or less—leading to high turnover in the editorial team. On these salaries, most journalists cannot even afford to buy laptops and must be on constant lookout for additional ways to earn money.

Saginbaeva said, “Pay levels for journalists basically remain low. There are a few major newspapers, television channels, and news agencies that can afford to pay good salaries to journalists and editors. But basically, novice journalists receive from \$100 to \$200, then they try to get on the staff of these major media outlets, where experienced journalists are paid from \$500 and up, and the result is that journalists ‘run’ from one media outlet to the next, regardless of whether it is a state media outlet or private. Naturally, many people want to escape from this circular round and try their hand in other areas. Some try working as press secretaries in companies and state bodies.”

It is hard to compare journalists’ incomes with those of workers in other occupations because of the massive, all-pervasive nature of corruption and abuse of office for personal gain. For example, with all the similarities of the official incomes of teachers and journalists, in practice, teachers, at least in the capital, draw a not inconsiderable salary in the form of “black cash.”

The practice of handing out part of media salaries “in brown envelopes” is also not unknown but occurs to a more limited extent. Well-known journalists and editors pull in certain “dividends” from their professional activities, have access to limited resources, have less trouble getting hold of permits or “negotiating” with tax officials if they have their own business ventures, and so on.

The ratio of news to entertainment programs and publications in all types of media is skewed in favor of entertainment. The Journalists’ Association analysis on OTRK television programs over two weeks in September 2011<sup>10</sup> showed that entertainment programs far outstripped news and political/economic programs, especially in Russian-language programming.

Despite the increase in entertainment programming, the volume of political news and information/ analytical programming is still quite high, reflecting the high level of politicization of the society. However, Kyrgyz society has long lamented the poor quality of analytical content, even though during the election period the volume of such content increased significantly.

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<sup>10</sup> Ibid., *Report on results of monitoring and content analysis of OTRK TV programs.*

Nevertheless, the panelists see an obvious trend toward entertainment content, especially for online journalism and print media. Online, social and entertainment themes prevail. According to Saginbaeva, many new entertainment newspapers and websites draw top rankings, which she attributes to the fact that Kyrgyzstan’s Internet audience is predominantly young. A purely entertainment channel, Komuz TV, appeared in the AlaTV cable television bundle, positioned as a youth, music, and entertainment-based channel broadcasting music videos and entertainment programs made in Kyrgyzstan.

Not all media enterprises have been able to keep up with the pace of technology and upgrade their facilities, and those that have been able to have done so only to a limited extent. The regional media are still most in need of news-gathering and production equipment. Many print media, as their owners value them more as political tools than commercial enterprises, have minimal equipment. From one political event (typically elections) to another, two or three journalists languish in such media outlets, with the minimum required to keep the newspaper alive. Not all editorial offices have permanent access to the Internet, especially broadband. In the regions, landline Internet access is so slow that if mobile networks did not provide an alternative means of access, few would use the Internet.

The immediate future of Internet technologies appears rather optimistic. In December 2011, IT professionals and owners, developers of software products and services, and political figures convened for the second Kyrgyzstani Information Technologies Forum (KIT) to discuss problems and how to create the right conditions for successful IT development in Kyrgyzstan. During the KIT Forum, the LTE 4G network, based on the technical resources of Saima-Telecom,<sup>11</sup> began operating in the capital and suburbs, and another company, GlobalAsia Telecom Ltd., announced the launch in the Kyrgyz Republic of WiMAX 802.16e mobile network broadband technology.

Research carried out by the Siar-Bishkek company shows that Kyrgyzstan is seeing a mobile Internet explosion. New technologies are being rapidly introduced into the mobile networks, and customers are being offered more and more new services, including 3G and 4G. The mobile network company Megacom was on the verge of announcing the launch of mobile television, but it failed when market analysis showed that the existing fleet of cellphones could not support the technology.

For the upcoming switchover to digital broadcasting, whether traditional television companies can re-equip and roll out

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<sup>11</sup> Saima-Telecom has called its new project SAIMA4G. The equipment supplier is Huawei Technologies (People’s Republic of China).

their networks is proving a critical challenge—insurmountable for some. Only a handful seem capable of pulling off the digital transition in the near future.

In terms of printing services, most print media are forced to go to the capital or other large urban centers. According to data provided by Sadiev, “all the newspapers in Batken province do their print runs either in Osh or in neighboring Tajikistan. The provincial *Batken Tany* is printed in Bishkek. This affects how up-to-date the newspapers can be, and their cost.”

Even the state’s Channel One is poorly equipped. According to the Journalists’ Association analysis of OTRK’s programming, obsolete technical equipment at OTRK is not the least important factor behind the poor quality of its programs. For example, journalists use normal microphones when lapel mikes would work much better, and they have no technical capacity to archive content. Furthermore, camera-control engineers and video editors, due to their low motivation and poor mastery of the technologies, are not taking advantage of even what limited technical capabilities the channel offers.

Niche journalism has still not developed in any significant way in Kyrgyzstan; a few isolated tendencies in individual media do not add up to niche journalism, panelists said. For a few years now, OTRK has aired a health program; among the print media there is only one journalist, Nina Nichiporova, who is positioning herself as *Vechniy Bishkek*’s specialist on medical topics. Economic journalism is limited to two or three journalists: Larisa Li (*MSN* Russian-language weekly and online newspaper), Dina Maslova (*Vechniy Bishkek*), and the economic commentators at AKIpress news agency. On the eve of the presidential election, economic journalism received a shot in the arm from the political party press, but almost immediately after the elections ended it was once again put on the back burner, until the next election.

The panelists said that niche journalism cannot develop until demand in the media market goes up and publishers have the financial capacity. Most media outlets cannot afford to hire niche journalists and keep two or three “omnivorous” journalists instead. At the same time, the available resources for preparing material on various topics are limited.

However, the Russian-language social and political city newspaper *Vesti* is an exception. The owner of the publication, Ivan Kutimov, believes that it is precisely specialization/niche journalism—as a city newspaper—that created demand and allowed it to have a stable circulation of no fewer than 3,000 copies over many years now.<sup>12</sup>

<sup>12</sup> Please see [www.open.kg/ru/theme/blitz/?theme\\_id=114&id=954](http://www.open.kg/ru/theme/blitz/?theme_id=114&id=954) (in Russian).

## OBJECTIVE 3: PLURALITY OF NEWS

### Kyrgyzstan Objective Score: 2.19

According to the Ministry of Justice database, almost 1,500 traditional media establishments are registered in Kyrgyzstan, about a third of which are currently operating; of those, about 150 are electronic media, and 70 percent are Kyrgyz-language.<sup>13</sup> Of that third, about 150 are electronic media, and 70 percent are Kyrgyz-language. The vast majority (over 300) of media outlets are concentrated in the capital, with about another 100 in Osh.

Among the electronic media, OTRK and EITR have the widest coverage with their distribution networks, but they still fall short of nationwide coverage. During the implementation of the digital broadcasting project in Batken province (2009–2011), out of 211 villages, coverage could be extended to only 154, cutting off over 62,000 citizens from the television broadcasts of their own country. There are many potential roadblocks in the transition to digital, and there is a serious risk that people will either not pay, or be unable to pay, for e-content made in Kyrgyzstan.

Another picture emerges in the field of new media and mobile Internet users. Over 91 percent of the population

<sup>13</sup> The database has not been updated since 2009, so the ratio of print to electronic media may have changed, given the recent boom in electronic and online media.

## 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) exist 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 nonpartisan, 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.

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has access to mobile communications, and the vast majority uses the mobile Internet actively. And, thanks to the Door Media Foundation project, Megacom, Beeline, and Foneks subscribers can receive Kush Kabar SMS news on their cellphones free of charge. The future and projected upgrading of the telephone fleet by the cellular operators will lead to a quantum leap in news consumption, and the telecom operators will be able to provide services in the 4G broadband television broadcasting format. Even now, Internet service providers such as Aknet and Kyrgyztelecom have opened IP video service.

Overall, Internet access in Kyrgyzstan, according to Internet World Stats, had grown by June 2010 to just shy of 40 percent, reaching 2,194,400 users.<sup>14</sup> Of these, approximately 878,000 (or 14 percent) use social networks, primarily Facebook and Twitter.

In 2011 there was a real boom in Kyrgyz-language news content on the Internet. The most telling indicator is the rising number of visits to Kyrgyz-language news resources. For example, the largest news portal in Kyrgyzstan, Barakelde.org, grew by 81 percent in 2011, with 2,037,000 visits by 268,000 visitors (statistics from Google Analytics).

All of these media sources present differing political views and target specific consumer groups (differentiated by age, status, and regional origin), and people have differing levels of confidence in them. According to the panelists, the mainstream media, especially the Kyrgyz-language newspapers, do not enjoy the trust of the population, which, incidentally, did not make them less popular. The market for Kyrgyz-language print media is hardly in decline. In terms of television, most people trust the state channels, primarily OTRK and EITR, less than Azattyk and other private channels (on cable in the capital or on satellite), such as K+.

People show a high level of trust in social networks. Thus, a peculiar trend evolved for politicians to “live” in blogs, especially during the run-up to the elections. As well-known bloggers joked, in their blogs you can find graveyards belonging to politicians who opened a blog for PR purposes and dropped it after the race.

Despite the large gap in access to information between the capital and the regions, cellular networks and satellite dishes help with the colossal task of equalizing information density and pressure. The state is unable to look out for its own interests in the information flow on satellite television or through the mobile Internet. In practice, access to foreign media is not limited by anything except cost. But thanks to the production and supply of counterfeit Chinese satellite

dishes, the population does not have problems accessing information. In the absence of electricity, people living near mountain rivers are showing their ingenuity in setting up their own mini-hydroelectric power plants.

There were barriers to access only on individual foreign media; for example, a number of blog platforms were closed for Kyrgyzstan, as Internet traffic out of Kazakhstan was cut. Also in June 2011 parliament ordered several government agencies to block public access to the information site Fergana.ru to “protect the interests of the state.” The parliamentarians felt the site was fueling ethnic strife in the country and that its postings did not reflect reality.<sup>15</sup> International organizations, including Human Rights Watch, came to the outlet’s defense.

Public media still do not exist in Kyrgyzstan, despite the fact that two channels are labeled public. OTRK is the leader and standard-bearer of the Kyrgyz state media, and in 2011 the state provided, one could safely say, unprecedented financial investment in the television channel. OTRK content is definitely changing for the better, and the programming schedule improved. Nevertheless, at moments of political crisis, in the election campaigns, and in everyday news and analytical content, the style and approach had definitely not changed: OTRK continues to serve the interests of the authorities. Although the authorities’ palette now has more diverse colors on it and the government system has a semblance of checks and balances between the parliamentary and the presidential authorities, the most important vector is now the dominant party group. As in previous eras, this channel has an unspoken list of people who must not be allowed on air, and stigmatized portrayals of opponents of the authorities continue. There was a case last year when the program “Zhany Bashat,” produced with grant support from the National Democratic Institute (NDI), presented a critical interview with the Russian expert Arkadiy Dubnov. The journalist who did the interview almost got fired because the expert voiced doubts about the legitimacy of the election results.

The number of social programs on OTRK remains small, but for the second year in a row, broadcasting for children and young people increased.

In the field of print media, the main trend is the disappearance of confrontation between the state and opposition media. The newspapers now stand for the protection of clan and regional interests. That, for all the variety of choice that exists, makes it difficult to say that those media serve the public interest.

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<sup>14</sup> Internet World Stats, Kyrgyzstan. Available at: <http://www.internetworldstats.com/asia/kg.htm> (accessed March 7, 2012).

<sup>15</sup> *Fabula* newspaper no. 38 of June 10, 2011/p. 5 (in Russian).

A wave of new news agencies in 2010 and 2011 led to greater competition among agencies and a wider choice of information and approaches. On the eve of the last election, 10 news agencies opened almost simultaneously, including polit.kg, K-news.kg, bulak.kg, vesti.kg, time.kg, report.kg, and NEWS-ASIA (the Central Asia news portal came online in 2010, but not until 2011 in Kyrgyzstan).

For the time being, the leading news agency is AKIpress, which has already implemented 15 or more projects, from economic to entertainment sites, and a video portal. However, the new agencies present a serious alternative to the established AKIpress and 24kg, especially as, for the time being, they offer their content free of charge. For example, the K-news agency, set up in summer 2011, confidently and quickly became the leader in the network among the Kyrgyzstani media with a Facebook page, and it is the only Kyrgyz media with a Wikipedia page. K-news offers a range of services, including PR services, advertising services, and interactive functionalities, including video and still photo material, and informational graphics.

A whole range of information sites offer a language choice. Some sites endeavor to occupy a more up-to-the-minute niche. Each of the news agencies is privately owned, excluding state-owned Kabar. Many new agencies were set up by foreign proprietors, making them more independent politically. The great variety of news agencies and their functioning in the kg zone, which is very cheap in contrast with the external Internet, improves the chances that the news-agency sector will continue to develop. Today, both national and local media hardly use feeds from foreign news agencies, with few exceptions (only EITR has an ongoing contract with Euronews). Reuters, formerly a popular news agency on National Television and Radio Channel One (now OTRK) and on Channel Five, is no longer being used. With the available information resources from local news agencies, the local media do not consider using the Reuters news feed, which is far from cheap, to be a rational proposition.

It is becoming increasingly rare for private media to produce their own news. Even *Zhany Agym*, which joined the most financially successful conglomerate, produces only a paltry fraction of the news, and news items occupy no more than 15–20 percent of the newspaper's column inches. It is particularly difficult, but at the same time important, to capture news from the regions. Editors of private newspapers in the capital understand that the lack of regional news severely restricts the size of their readerships. However, having one's own correspondents in all the regions is beyond the means of any publication, although a few leading newspapers—for example, *De-facto*—decided to open up their

own correspondence outposts in the country's south, adopting one of the local journalists as their special correspondent.

The number of radio stations that still produce their own news could be counted on the fingers of one hand, with the radio channels of media groups based in Europe being the exception to the rule. Without much regard for the country's authorities and their wishes, the satellite television channel K+ puts out news segments. OTRK, meanwhile, produces 70 percent of its own content, while about 22 percent is retransmitted material, and 8 percent is outsourced products from production studios.

Questions of ownership in the Kyrgyz Republic, including media ownership, are among the least open to the public. The legislation does not oblige the media to disclose their owners. The public can only guess at ownership by analyzing the content. Although media experts often say that everyone knows what company belongs to whom, in fact, the panelists noted that opinions on the ownership of specific media ownership were very contradictory and limited—especially in broadcast media.

The civil code provides against foreign ownership of media in the Kyrgyz Republic, and non-residents may not establish their own publications, but no one can be sure that these provisions of the law are actually being upheld. According to unofficial information, a whole list of media represent investments of foreign capital, including the Azattyk media, *Argumenty i Fakty Kyrgyzstan*, KirTAG Kyrgyz Telegraph Agency, and NBT Independent Bishkek Television.

From time to time, journalists from various media look at questions of media ownership and publish their information on the true owners of various media. As a rule, none of the people identified as owners respond to such material; they either do not want to confirm that the allegations are true by reacting to them, or they are simply ignoring them.

There is no monopoly on the production of information in Kyrgyzstan; the last attempt to create a mega-media holding company ended with the Bakiyev regime. The state owns a few newspapers and a couple of television channels. After Channel Five was nationalized, *de jure* the state (in the form of various branches of the government) had in its hands all the country's major television channels. But parliament has so far not succeeded in taking hold of Channel Five as the parliament channel, and Pyramid has still not been nationalized, as the government is blocking the implementation of the relevant Act.

In 2011 there was wide-ranging debate about two alternative concepts of Kyrgyzstan's national policy. The two concepts represent two different approaches in all areas of interaction



*After Channel Five was nationalized, de jure the state (in the form of various branches of the government) had in its hands all the country's major television channels.*

among citizens of different ethnicities and states, including in the media sphere. The first program relies on promoting the dominant Kyrgyz language and culture. In this case, in relation to the media in minority languages, an observation was made on the level of an objective to be fulfilled: "To promote and create conditions for the use of the languages of ethnic groups in the field of culture and the media." The second program, which put forward detailed analysis of the underrepresentation of minority-language media, proposed developing multicultural media samples. In particular, the website [www.literatura.kg](http://www.literatura.kg), "in which all the basic information is given in two languages (Kyrgyz and Russian) and there is also a heading for literary publications in languages of the country's ethnic communities (Uzbek, Tajik and Uighur)," was seen as the germ of the future.

A review of the media in minority languages shows that the likelihood of ethnic minorities having media in their own languages drops significantly every year. In particular, there is already no Uzbek, Uighur, German, or Dungan broadcasting on OTRK. The last stronghold of Uzbek media product, on OTRK, was shut down in 2011.

Private print media in Uzbek published before the June 2010 interethnic conflict, including the newspapers *Akhborot (Information)*, *Diydor*, and *Mezon*, dropped out of publication because of the criminal prosecutions of their publishers and/or the forced emigration of their editors and owners. The situation with regard to Uzbek-language journalism is actually much worse than even in the recent past, before the clashes in 2010. For example, *Osh Shamy* used to be published in two languages and was founded as an instrument for integration and intercultural interaction after the Kyrgyz-Uzbek clashes in 1991; now it has been very thoroughly forced to overcome the "problem" of bilingualism, because of aggression and non-acceptance from both ethnic groups.

With the assistance of international organizations, a bulletin called *Sodeystviye (Cooperation)*, was issued for six months of 2011 in the south of the country in three languages, including Uzbek. It is noteworthy that before the project to publish the bulletin was launched, promo clips in the three languages were prepared for distribution on local television. Putting them on the air proved to be contentious because of the

presence in the "package" of an Uzbek version in Uzbek, and in the end they were not aired.

Practically all minority-language media are newspapers of national diasporas, with the exception of two low-circulation state provincial newspapers in Uzbek (*Osh Sadosi* and *Jalalabad Tongi*) and one regional newspaper (*Dostlik* in the Aravan region). National diaspora newspapers that were more or less stable include *Ilchi Edinstvo* (Korean), *Payomi Ala-Too* (Tajik), *Khueymin Bo* (Dungan), *Ittipak* (Uyghur), and *Maayan* ("Menorah," Society of Jewish Culture in Kyrgyzstan).

In terms of the media's coverage of social issues, traditional journalists expanded their coverage, including a series of recent reports about the homeless, orphaned children and their adoption problems, and the problems of the development of civil society and its prospects. Furthermore, panelists noted, social networking activists did not just inform the public about the most pressing problems of society but also organized lobbying campaigns. For example, a Twitter campaign to save snow leopards spread quickly across the networks and also became a top issue on Facebook before crossing over into the mainstream media. The wave of information contributed to the adoption of decisions to invest in the conservation of snow leopards.

Concerning whether the media provide news coverage and information about local, national, and international issues, the panelists noted that for many years now, the trend has been toward a regional split in the information sphere. Information about events in one province in practice does not reach any other province, and the population in the provinces knows less and less about the lives of their compatriots in other parts of the country. Such ignorance is the basis for the development of regionalism and interregional conflicts.

Regional information scarcely makes it into the national media, especially in print. OTRK, in addition to its own real-time information products about the regions and from the regions (thanks to posting correspondents in the provinces), outsources production of the Aymakty Kozdoy program about the regions. On EITR, the Osh office makes up at least one-third of its airtime from the southern provinces. A Kabar news agency also produces a large volume of regional news, focusing on events in state bodies.

New media outlets talk about the regions and people's daily lives much more actively. Thanks to a few schools of online journalism organized by the Kloop portal, in the regions there has also been an upsurge in youth citizens' journalism. The Journalists' Association help found an educational and news blog, Aimak News, on the Kloop platform back in 2009 "to promote an increase in news about the life of the regions, and to help young regional journalists to improve

their ability to prepare news material.” However, the blog was not successful. In 2011 it was revived in the context of the OSCE Center in Bishkek and USAID to help provide reliable and accurate information to the various communities in the southern region. News was prepared in Kyrgyz, Russian, and Uzbek and was also printed in the bulletin “Peace to your home,” which was distributed to the population free of charge. This project, which ran from April to November 2011, achieved greater success because it was distributed separately to different ethnic groups.

Access to international news through Internet resources is not restricted, as a large package of news information is available to the public through EITR television, which relays on a systematic basis programs by Euronews, Deutsche Welle, and also TV Suar (Xinjiang Uygur autonomous region television). Also, China Central Television (CCTV) operates in Kyrgyzstan as the only 24-hour Chinese television channel.

#### OBJECTIVE 4: BUSINESS MANAGEMENT

### Kyrgyzstan Objective Score: 1.43

In most cases, Kyrgyz media are kept by their owners as tools of political influence and are not treated as businesses. As Saginbaeva said, “The media in Kyrgyzstan are not efficient or well-managed companies. Very few publications treat their activities as a business.”

An example of the value of media as political tools can be seen in the financially efficient media group VB’s (Vecherniy Bishkek) acquisition of *Zhany Agym*, which had been unable

#### 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.

to sustain itself after the fall of the Bakiyev regime. However, the growing importance of media in the Kyrgyz language is an important factor for a media group made up of Russian-language media.

Sakybaeva, speaking as editor-in-chief of *Zhany Agym*, believes that the media’s financial status is shrouded in even more mystery than their ownership. According to calculations for an independent printing and typesetting house (by the Media Support Center, with support from Freedom House), in Kyrgyzstan a publication becomes self-supporting at 10,000 copies, most often with a very small editorial team (up to 10 people). However, most media boast circulations of between only 2,000 and 3,000, yet they employ dozens. No one can say where the editorial offices get the funds to maintain this level of staffing, or how much they pay in taxes.

Over the past few years, national newspapers, including *Vecherniy Bishkek*, *Superinfo*, *Avtogid (Auto Guide)*, *Delo No. (Case No.)*, and the nationally distributed school newspaper for all students, *Klasstash (Kyrgyz for Classmates)*, have proved highly profitable. For the regional media, success has been harder to grasp. Only a few publications have done so: the regional advertising and information newspaper *Dlya Vas (For You)*, the Kara-Balta city newspaper *Vesti*, and the Osh city advertising and information newspaper *Oshpark*. As a rule, the success of these regional newspapers is linked with their having their own printing presses, or with the publications’ being part of a media group, optimizing the resources of several media outlets. Sakybaeva noted, “In the private media, there are associated companies, as the existence of the newspaper itself does not cover its costs; this is done by other types of business, too.”

The most profitable media are the radio stations; they minimized their costs by producing little of their own news or other journalistic products and basically morphed into relays for wall-to-wall music and entertainment.

The state print publications, for the most part, eked out their existences, because they neither received special subsidies from the state nor were set free to sink or swim. Of course, they reaped certain benefits as state media, including subsidized rent; they received priority when pools of journalists were formed to cover important political events, and state journalists were guaranteed inclusion in government delegations abroad, with their travel costs subsidized.

In 2012 OTRK presented its budget to parliament, asking for KGS 619 million (\$13.3 million) for current expenses, and the Ministry of Finance approved KGS 342.5 million (\$7.4 million). But neither the requested nor the approved budgets were geared toward the development of the company and did not include budget lines to replace

*However, most media boast circulations of between only 2,000 and 3,000, yet they employ dozens. No one can say where the editorial offices get the funds to maintain this level of staffing, or how much they pay in taxes.*

aging technology and equipment; rather, they covered only the payroll and employees' social fund contributions and the annual subscription fee for retransmission to the RPO RMTR company, amounting to KGS 180 million (\$3.9 million).<sup>16</sup> Company representatives say that the state covers expenditures only up to 60–70 percent, with advertising covering the remaining costs. In 2011, after the presidential election, OTRK pulled in KGS 60 million (\$1,290,322) in advertising revenue, of which \$400,000 was allocated to updating the television studio and studio equipment. In recent decades, OTRK has perpetually sounded the alarm about a financial crisis; no matter what the company takes in from subsidies or advertising, it always claims it is on the brink of financial disaster. So far, neither the Supervisory Council nor the organization's management has come up with a sound strategic development plan.

Although they could not point to reliable information about news agency profits, the panelists said that during the last presidential election, in 2011, the news agencies were able to make good on the electoral campaign because they were unencumbered by restrictions on the tariffs and rates they could charge.

Most media companies are not self-sufficient and live off their founders or grants. As the media do not have many sources of funding to ensure their editorial independence, they suffer from excessive influence from their founders or sponsors. Traditionally, the print media draw income from three key sources: about 25 percent from advertising revenue, about 20 percent (at best) from subscriptions, and no less than 55 percent from sales. Depending on their financial capacity, newspaper owners seek to expand their media businesses, bringing in, as their capacity allows, printing presses, PR and advertising services, satellite video channels, conference services, or a news agency. Many private media outlets also participate in competitions for grants to attract funds to upgrade their technology and equipment.

The trend toward the centralization of all kinds of advertising streams and the creation of an advertising monopoly

<sup>16</sup> From OTRK head, K. Otorbaev, reporting on the corporation's finances: report.kg news agency, June 21, 2011(in Russian).

established in the last years of the Akayev regime ended with the revolution of 2010. Since then, the various segments of the advertising field work independently.

In 2011 a struggle for the redistribution of outdoor advertising space took place, invisibly to the citizens, in the capital city. According to information from private media and the media experts, once he had settled into his post as mayor, Omurkulov began to concentrate a share in the outdoor advertising business under his own control. No one could provide any reliable information as to whether part of the advertising market was becoming the mayor's personal property, or municipal property. But bearing in mind the examples of previous mayors, all so-called municipal subjects of the advertising business turned out to be de facto the private property of former mayors. Whatever the case, as a result of the struggle, in 2012 some panelists said that almost all the billboards in Bishkek had become the property of the mayor.

There are many specialized media advertising agencies that offer their services to the media, but not many media companies take them up. On the one hand, there is a whole range of large companies buying ads that prefer to work directly only with certain media, most often the most influential and popular media. On the other hand, many media find the cost of advertising agency services too high, and they prefer to create their own advertising departments instead.

State bodies provide advertising and other announcements mainly to the state newspapers and OTRK—a preference not regulated by law but well-established. The highest rates in radio and television and radio broadcasting are at OTRK. One minute of advertising time is calculated at an average of approximately KGS 70,000 (\$1,500). A full-page advertisement in the country's highest-circulation newspaper, *Superinfo*, costs the same. At the other state television company, EITR, advertising volumes are much lower than at OTRK,<sup>17</sup> forcing the channel to adjust its prices downward to hold on to customers and stay competitive.

Interestingly, in addition to conventional forms of advertising, OTRK and EITR television channels have preserved an archaic advertising services method: offering personal announcements and greetings at advertising rates. They have tried to turn their backs on this method, but people are very fond of the format.

Traditionally, the key advertisers are the mobile network and other communications operators, but in an election year, the main stream of advertising came from political advertising.

<sup>17</sup> Even though, according to sociological research by M-Vector, in 2011 EITR's audience equaled OTRK's in many regions, or even exceeded OTRK's in the southern regions, the companies' advertising charges and overall advertising flows differ quite significantly.

After the government introduced restrictions on advertising tobacco products in 2010, tobacco manufacturers lost their spot as one of the top advertisers.

In general, it can be said that there is a downward trend in advertising volume in Kyrgyzstan, resulting from the intensification of pressure from the advertising markets in Russia and Kazakhstan, as well as the political crises and mass disturbances of the past two years. The market in advertising producers has diversified; in the past year; the number of production studios has grown, but Raketa (Rocket) TV and Ordo are still the major players.

The Advertising Act regulates the maximum volume of advertising in the electronic and print media, but state oversight and control over the implementation of the Act is clearly insufficient. In practice, the media place as much advertising as they are able to attract (as evidenced by *Vecherniy Bishkek*) and long, repetitious OTRK commercial breaks. In the newspaper advertising market, the “natural” monopoly remains in the hands of *Vecherniy Bishkek*, which gives up to 70 percent, and on Fridays up to 90 percent, of its space to advertising.

In 2011, during the presidential election campaign, the state regulated payments for placing campaign ads, limiting the media’s arbitrary behavior by establishing maximum tariffs and rates for campaign material. Yet oversight of the implementation of the Act was not organized effectively, and the most popular media raised their prices as high as they liked. In addition, the CEC registered 135 different media outlets, many of which had essentially not been operational before the election, making it difficult to establish their pre-election base rate. The major advertisers disperse their advertising and PR products mainly among the three television channels—the private NBT and NTS channels<sup>18</sup> and state channel OTRK. However, during elections, OTRK and E1TR led in terms of advertising volume in the electronic media.

Among the radio stations, the leader in advertising volumes is consistently the Europe Media Group, which includes radio Europe+, Retro FM, and Kyrgyzstan Obondoru. Taken together, the media group’s audience is up to 80 percent of the country, excluding Batken province.

Regional press and regional radio and television studios received a very small fraction of campaign money, and the flow of advertising in these media and on a daily basis is also limited. Consequently, it can be said that there is an uneven and centralized advertising market in the mass media in Kyrgyzstan. Moreover, the panelists see the trend for

<sup>18</sup> The area covered by these channels is restricted to the capital and its suburbs, but its audience is competitive in size with OTRK’s in this region.

advertising volumes to overflow into neighboring Kazakhstan as strengthening. There were even examples where the audiences for the leading television channels in Kyrgyzstan were included in contracts between Kazakh media and major advertisers as a “bonus” for Kazakhstan’s advertising market.

The state supports its print publications in the form of subscription campaigns, perks for their journalists, and the continuing practice of exclusive placement of advertising by state bodies. OTRK and E1TR still receive substantial amounts of funds, and differences between the state and the private media undeniably distort the market. Sakybaeva said that while the government does not directly fund some state media, it does give them support, as the media need them “to carry their spears.” She added, “Those media live off sales and advertising, because fortunately for them most state-owned enterprises will give their advertising only to them.” By continuing to drip-feed dying, uncompetitive media, the state spends more resources, but to minimal effect.

Kulinskiy explained, “Currently, the state artificially supports those mass media which are doomed to failure. Whether we like it or not, sooner or later they will cease to exist. Our national public television will die—we have already lost it, because, especially when digital broadcasting comes in, nobody will watch it. The example for this is Ukraine, where the switchover to digital broadcasting resulted in the death of the biggest local broadcasters.<sup>19</sup> Because digital television is not free, when people start to pay for television, they will start to choose only higher-quality content. And the state must make a choice: to continue to support nonviable state media, and by doing so drag out the degeneration and decay of the market, or to create conditions in which people will compete and the market will regulate what happens in the media arena.”

In 2011 the marketing company M-Vector carried out comprehensive market research in the media sphere, with support from USAID.<sup>20</sup> The study made it possible for the first time to learn about media consumption for each media type; to determine the actual time of prime time and its duration; and to explore the main forms of television viewing, radio listening, and reading of newspapers or online material. Despite the traditionally skeptical assessments by media experts, the research introduced a degree of definiteness and provided specific criteria to assign advertising rates and to guide the strategic planning of network broadcasting.

<sup>19</sup> Panelists contributing to the Ukraine MSI study blamed licensing procedures for shutting local stations out of receiving digital frequencies.

<sup>20</sup> The research is freely accessible in Russian and English: [www.m-vector.com/en/news/?id=253](http://www.m-vector.com/en/news/?id=253).

In addition to the comprehensive study, M-Vector produces weekly cross-sections of media consumption based on representative surveys of the population. The data for those surveys are not publicly available, but they are sold commercially.

In Kyrgyzstan, there is no history of using market research to adjust strategic media development plans. The first attempt of that kind was the experiment on creating an OTRK development strategy, when the Supervisory Council ordered research into the channel's audience beforehand and an assessment of the channel's main programs and headings. Proof that the network is not sensitive to its audience's changing interests is that the OTRK website has no feedback option for viewers' ratings and their comments on the programs they have watched. The EITR channel does not have a website at all, and its management does not consider sociological or market research to be of any value.

Sakybaeva commented that although "our advertisers recognize the size of newspapers' circulations and their reputations, and the size of the audiences and the geographical coverage of other media," in practice, the market demand for research remains underdeveloped, which also explains the lack of market research offerings. No surveys of the potential and actual capacity of the advertising market in Kyrgyzstan have been carried out.

However, the various counters that determine website rankings and audience size are not subject to pressure from the political parties and the authorities. The counting process is online and therefore is transparent. All media recorded with specific rankings can freely obtain real-time information about where they stand. Advertisers depend on this data widely and use it to set advertising rates.

Various independent companies, both local (www.net.kg) and international (Google Analytics, SocialBakers.com, and webomer.ru.) measure Internet ratings. Although Internet usage statistics are thoroughly reliable and transparent, a number of online newspapers and news agencies try to manipulate them: for example, when introducing a group of independent commercial projects, AKIpress gives the figures for each of its project areas and the total for all their Internet resources. A number of other media and news agencies do the same.

Only the independent printing press of the Media Support Center lists newspaper circulation figures, and that printing press fights for output data to be given in good conscience. None of the print media that use other printers have such a requirement (other than the standards laid down in the Media Act), and one may therefore come across inflated circulation figures, an absence of output data on print runs, etc.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Kyrgyzstan Objective Score: 2.03

Despite the changes in the media legislation, 2011 was not an active year for the trade associations of media owners and managers. The Association of Radio and Television Broadcasters did not get involved actively in the development of the strategy for the switchover to digital broadcasting; instead, representatives from media NGOs and the OTRK Supervisory Council provided the voices of electronic media managers and owners.

Similarly, the Association of Printed Product Distributors barely functioned. No legal obstacles at all hindered its activities, but it lacks leadership and enthusiasm. The high degree of fragmentation of the media community and the many conflicts within the media are other factors that stand in the way, holding back development of solidarity in the media sphere.

Considering itself the true heir of the Soviet-era Union, the longstanding Union of Journalists of Kyrgyzstan did not improve its game during the past year, either. If not for the well-established practical function of this institution—handling government awards for journalists—it could be considered non-existent. Moreover, during the past year, at a regular forum of media organizations, a heated discussion blew up around the leader of the organization, who was accused of paying more attention to his career in service to

#### 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 (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.



the state than working on the development of trade unions. The panelists expressed their opinion that new leadership is needed and called for new elections. They also underscored the inadmissibility of a conflict of interest on the part of the union's leader, who is also a member of the civil service. However, legally speaking, the Charter of the Union of Journalists authorizes only the members of union cells to participate in votes of confidence in the leader, as well as in elections and re-elections. The absence of such cells creates a stalemate.

However, with support from the Journalists' Association, the first trade union organizations were created in 2011 based on collectives of media companies: four in Naryn, two each in Osh and Jalalabad, three in Batken, and one in Bishkek.

Media NGOs had a very intense and productive year. Various media NGOs together achieved the legislative transition of national Channel One into a public broadcaster; previously it was the National Kyrgyz Television and Radio, now renamed Public Television and Radio Broadcasting Corporation of the Kyrgyz Republic. They also provided free advocacy services in the courts and prepared analytical briefing papers and grounds to introduce certain standards or, conversely, to oppose amendments to media legislation in various cases. NGOs also made great contributions in training journalists and media executives not only in professional technologies but also in the special features of working in conflict zones, learning peace-building skills, and understanding diversity.

Media NGOs and other human-rights advocates showed strength in defending the rights of journalists. They organized symbolic actions in memory of journalists who had become victims of the political regime, and they labored to reduce conflict in the media community itself and build a sense of solidarity, as evidenced by their work to develop independent trade unions for journalists.

Sakybaeva commented, "We have the Journalists' Association and the Institute of the Media Representative working well here, and another few organizations associated with NGOs that also stand up for journalists' rights. I should especially like to highlight the work of the Institute of the Media Representative; lawyer Akmat Alagushev last year defended about a dozen different media in the courts, including three disputes involving *Uchur*. As we know, these organizations are sponsored by foreign grants, which is why they can defend media for free."

A number of NGOs that used to work actively with the media dropped their activities significantly in the past year or ceased to exist altogether. Sakybaeva noted, "NGOs as centers of the struggle for human rights and freedom of the press have historically been very strongly developed

in Kyrgyzstan; thanks to them, activity at the level of democracy and media freedom here has been much higher than in other countries in the region. However, in 2011 I did not feel their presence in helping protect the freedom of speech and media independence. It was as if they had lost their effectiveness." Challenges in legitimizing decisions by the Commission on Media Complaints among editors and journalists led to that organization's demise. At the same time, a new social organization, TV Club, was very active in the past year; it helped organize two parliamentary hearings on media issues and carried out the groundwork for lobbying for pro-media provisions in the concept for the switchover to digital broadcasting.

Nothing has changed for many years in the process of training journalists in the Kyrgyz Republic. A total of 13 journalism schools produce media specialists, often in the complete absence of technical training and weak instructors. It is obvious that after "higher education" of that kind, graduates do not meet the requirements of the media market and stand little chance of being hired. A not insignificant factor in the quality of the vocational training of graduates of journalism colleges is the low prestige of the journalism profession and the low level of wages in the media sphere.

Only two universities have a strong technical base for training journalists: the American University of Central Asia (AUCA) and the Kirghiz-Turkish Manas University. However, graduates of the AUCA Department of Mass Communications and Journalism are more focused on working in PR and advertising, or abroad in English-language media. Within Kyrgyzstan, the most highly rated are graduates of Manas University.

Under the auspices of the Soros-Kyrgyzstan Media Support Fund, long-term work was carried out with the staff of the journalism departments of state universities and institutes on the development of modern curricula and standards. Instructors used a model curriculum developed by UNESCO and were able to see the curriculum at work as part of a study tour to Georgia. The curriculum is under administrative discussion and approval at each of the universities.

Parallel to this, the Ministry of Education worked actively on a Concept for Higher Education in the Kyrgyz Republic that formulated market categories and criteria for the vocational training of students in various fields, including journalism. The project specified qualification requirements for graduates of journalism schools to optimize the learning process once the Concept is adopted.

There is no state or alternative system to upgrade journalists' qualifications in Kyrgyzstan. However, various short-term courses and training programs exist for various target groups, and training services are offered by various

media organizations. For example, twice yearly Internews selects students at journalism faculties and departments by competitive examination. The online journalism schools organized by the founders of the Kloop online platform—with support from international organizations, such as the Eurasia Foundation, and with the participation of foreign media experts—have already become a tradition. Also, a series of seminars on various topics took place based on the OSCE Academy, initiated and supported by the OSCE Center in Bishkek.

In the past year, Internews held several residential teaching courses: at the Osh newspaper *Bashat* and at OshTV, at Channel 7 in Jalalabad, and at the Domzhur (the Journalists' Center) in Karakol. A major theme in Internews trainings in 2011 was talk-show production. On the initiative of the Door Media Association, master classes were held in photography, television journalism, directing, and the art of the cameraman in documentary. A number of media organizations and media outlets, including the analytical portals tazar.kg, region.kg, and Kabar news agency—supported by the Ministry of Youth, Labor, and Employment, the Public Department of Sport and Physical Education, and the Soros-Kyrgyzstan Media Foundation support programs—ran training courses in analytical skills for young journalists.

Opportunities for training in media management technologies and media design and layout are provided on a fee-paying basis through the independent printing press of the Media Support Center.

Printing facilities are diversified and not political. The presence of multiple alternatives in print production deters political pressure. Printing facilities are gradually developing, not only in the capital but also in the regions. At the same time, the optimal combination of service quality and pricing policy in the independent printing house of the Media Support Center encouraged many regional media outlets, despite the transport costs, to take their printing to the capital. The state printer, Uchkun, cannot compete with private or public printers in either their technical equipment or in terms of their customer-service culture. Competition in the printing industry and a corresponding improvement in service quality have been noted with the emergence of the new Rubicon printing house in the Vecherniy Bishkek media group.

Other resources for producing printed materials, including paper and consumables, are also not monopolized. In the past year, in connection with the entry of Russia and Kazakhstan into the customs control zone, supplies of paper and stacking equipment from these countries became infinitely more expensive. In the future, planned accession of Kyrgyzstan to the Customs Union will most likely impact this area of media activity positively, allowing local suppliers to buy paper from

Russia on a duty-free basis. Joining the Customs Union will be a challenge for the domestic printing industry because the markets offering printing services in Kazakhstan and Russia will put very strong pressure on demand in the local market. Technological advantages may be a very important factor in the upcoming competitive struggle for small printers in Kyrgyzstan.

The distribution system for the periodical press and the system for delivering media to regional consumers in the Kyrgyz Republic are monopolized by the state companies Kyrgyzbasmaz and Kyrgyzspochtasy, respectively. Both companies are financially unprofitable and owe other state bodies and their own clients huge debts for energy, communications, and other things. In the case of Kyrgyzspochtasy, legal action by the media to demand the money for media products that have been sold is unthinkable. However, the situation does not change from year to year. Print editions with local distribution (e.g., in the capital and suburbs) have a great alternative in the form of private individuals: wholesale buyers. However, the delivery and distribution of the press in the country's regions is fraught with serious difficulties.

Last year, City Hall in Bishkek once again began to put pressure on private entrepreneurs providing services as an alternative to Kyrgyzbasmaz. First in line are the companies Periodika (Periodicals) and Bereke Press.<sup>21</sup>

Relay services in the television broadcasting system for OTRK and EITR are monopolized and very expensive. The difficulty is that the RPO RMTR Company, which provides the services, is part of the Kyrgyztelecom closed joint stock company. The state share in Kyrgyztelecom is not transparent, and payments for services are very high. Future prospects in connection with the switchover to digital broadcasting will be very negative if RPO RMTR remains part of a non-state agency with the ability to monopolize the multiplexes.

In the past year, a public debate was initiated about how the programs put out by OTRK and EITR could not be seen by citizens of the country throughout the Republic, since the frequencies have been taken by Russian channels, such as First Channel (ORT), RTR (Russian Television and Radio Broadcasting Company), and RTR-Planeta. OTRK and EITR managers began fighting for the use of these frequencies to broadcast state television programs rather than foreign broadcasts. The matter is unresolved, and the disputes continue among OTRK, EITR, RPO RMTR, and the SCA.

The Kyrgyz Internet market is at a dynamic stage of development. The Internet, especially in its mobile version,

<sup>21</sup> "Have the capital's authorities declared war on the kiosks?" See (in Russian): [www.msc.kg/index.php?option=com\\_content&view=article&id=411%3A2011-10-04-11-09-22&catid=14%3A2011-03-01-12-04-52&Itemid=20&lang=ru](http://www.msc.kg/index.php?option=com_content&view=article&id=411%3A2011-10-04-11-09-22&catid=14%3A2011-03-01-12-04-52&Itemid=20&lang=ru).

has become part of the daily lives of at least half the people living in Kyrgyzstan. The increasing territorial coverage of the providers is contributing to the growth in the number of Internet users and also to the increase in the number of local resources on the global Internet. In mid-2010, according to data from the SCA, Internet penetration stood at 40 percent—the highest penetration rate in Central Asia.<sup>22</sup> The main providers in the country are Kyrgyztelecom, Elcat, Saimanet, and Aknet. Moreover, they are long-distance operators and also work with retail clients using a variety of technologies: dial-up, ADSL, Metro Ethernet, WiFi, and EV-DO and LTE mobile Internet technology.

All Internet functionalities—both in terms of technology and in terms of choice of provider—are concentrated in Bishkek. In the regions, there is still a monopoly by individual providers, most often Kyrgyztelecom. Moreover, the quality and speed offered for Internet traffic are very poor and do not contribute to the development of the media sphere or citizens' journalism. In addition, the low level of competition and the state of monopoly keep prices for Internet traffic in the regions very high. Nevertheless, the development of the Internet in the Kyrgyz Republic has a very upbeat tempo. Among Internet users, file-sharing resources, video portals, social networks, and other WEB 2.0 technologies are the most popular.

Data from the webomer.ru Internet consumption site provide consumer ratings: in first place is mail.ru, followed by the social network Odnoklassniki (Classmates). Third in line is the search engine Google (google.kg), and in fourth place is namba.kg—the first 100 percent Kyrgyzstani resource.

The most powerful impetus to the development of local resources, in the panelists' view, came from the cost of "external" Internet. For a long time it was kept high, generating a rise in demand for Kyrgyz sites. The fact that internal traffic was cheap stimulated the development of local resources. In that context, in the Kyrgyzstan area Kyrgyz-language Internet resources developed the most. The very rapid development of the Kyrgyz-language Internet in 2011 occurred thanks to people living in the regions of Kyrgyzstan, especially in the south, and also thanks to Kyrgyz migrants abroad (Russia, Kazakhstan, Turkey, USA), who make 32 percent of all visits to Barakelde.org.

Compared with the Russian-language audience, the "Kyrgyz Internet" is more consolidated and politicized. On average, readers are 30 percent more likely to leave comments, look for more news, and return more often to the site after every visit.

There was remarkable growth in the mobile Internet over the past year. According to the research group Promotank

HQA LLC, mobile traffic grew 400 percent. Mobile networks and the mobile Internet are also the best alternative to wired and wireless Internet in the regions. Even now, according to Promotank HQA LLC, 48 percent of all Internet users can access it using cellphones. Saginbaeva said, "Mobile communications are working well, and there are some mobile-communications operators who because of the competition are constantly improving their communications quality and making it accessible. One of the problems, though, is the lack of Internet coverage in rural areas and also slow Internet service, which makes it difficult to play streaming audio or video over the Internet."

Cable networks are widespread only in Bishkek and Osh. Consequently, there is a substantial gap between the capital and the major cities and the country's regions in ensuring access to information and communication technologies.

## List of Panel Participants

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<sup>22</sup> Internet World Stats