

KAZAKHSTAN

INTRODUCTION

While independent media in Kazakhstan have aided the country's progress toward democracy after 11 years of independence, the media sector is far from sustainable. On the positive side, a certain degree of press freedom has developed, despite the fact that governing institutions have not rid themselves of the stringent management methods of the past. There are notable occasions when media have acted as "the fourth power," and even the staunchest opponents of democratic reforms have been forced to contend with the independent media on some issues. There are independent publications and television and radio stations that have the capacity to serve as a source of alternative news, and there are examples of excellence in journalism.

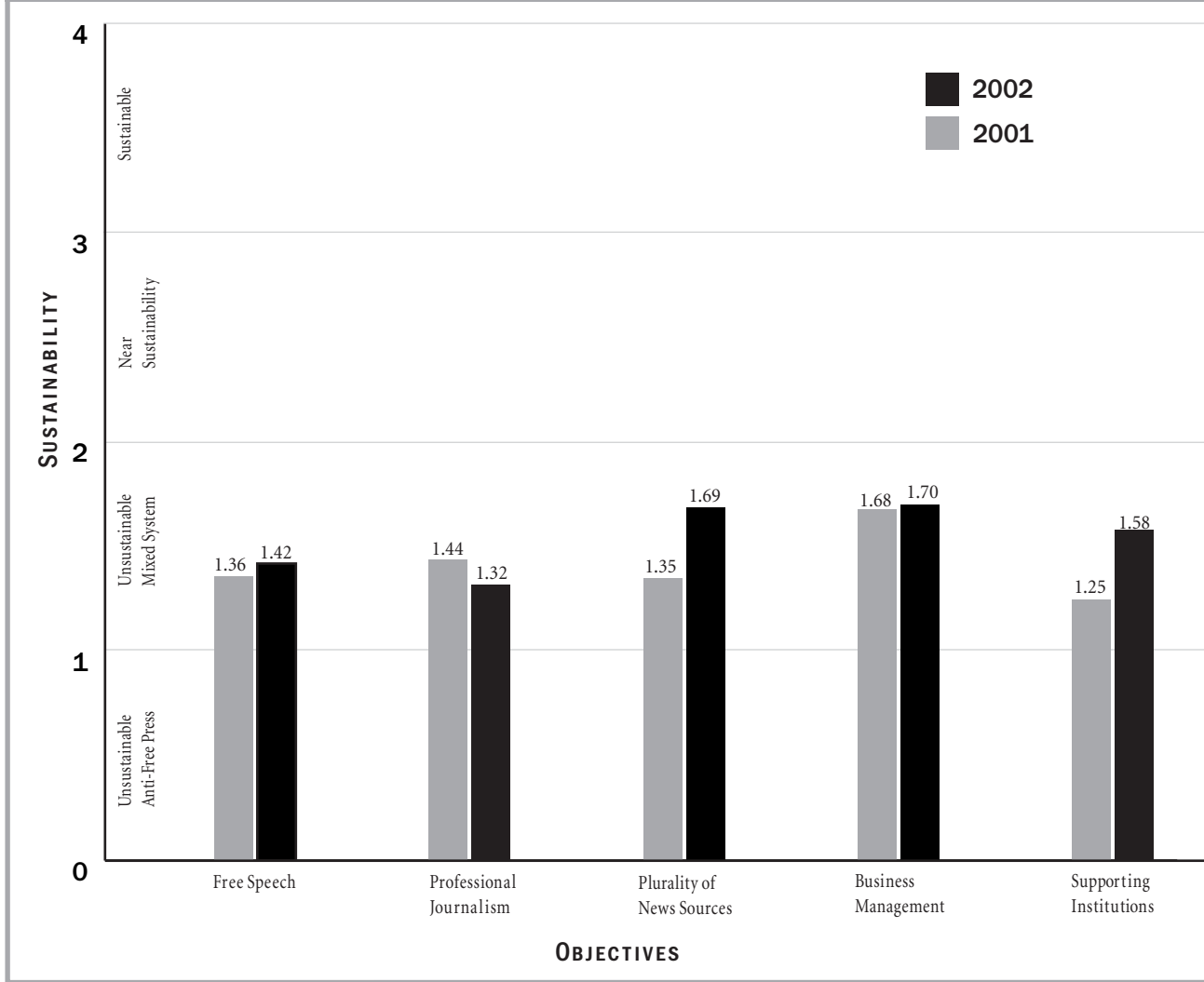
However, independent media still face a number of obstacles in Kazakhstan. While some non-state media outlets have emerged, publications or broadcasts containing content contrary to the interests of the ruling individuals and entities have been suppressed and individual journalists have been persecuted. State authorities have also exerted increasing pressure on the independent media sector in order to protect their power and to contain public criticism of their policies and practices. Through the adoption of restrictive amendments to the existing media legislation or outright censorship and persecution of journalists, the state has been effective in controlling public access to information.

Another machination used to maintain the state monopoly on information is support for the ownership of major media outlets by the presidential family. With President Nursultan Nazarbayev and his immediate family controlling the majority of media interests, outlets deemed loyal to the opposition have, for the most part, been eliminated or forced underground. State-owned or -affiliated advertising agencies and printing plants have lists of undesirable clients with whom they will not work. Censorship is banned by legislation such as the Constitution and the Law on Media, which guarantee the freedom of speech in the nation. However, the state is still able to restrict information to protect national security or state secrets.

Instances of journalists being beaten and taken into custody for allegedly having committed crimes are still taking place. This affects the

The notion of earning a profit is practically nonexistent in Kazakhstani media, since tax legislation forces media to operate at a loss in order to avoid the high corporate income tax.

KAZAKHSTAN-MEDIA SUSTAINABILITY INDEX



OBJECTIVE SCORING

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

3 and above: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government is not fully supportive

0-1: Country meets few indicators; government and society actively oppose change

Note: The 2001 scores for the four Central Asian countries in this MSI have been modified from last year's report to more accurately reflect benchmark data compiled by IREX and USAID in 2001.

INDICATOR SCORING

Each indicator is scored using the following system:

0 = Country does not meet indicator; government or social forces may actively oppose its implementation

1 = Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change

2 = Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces

3 = Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability

4 = Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

behavior of publishers and journalists concerned about their security and the threat of closure of their publications. Such political pressure, coupled with economic instability, results in editorial staffs and journalists that often practice self-censorship out of fear of punishment or persecution. To compound this problem, a considerable portion of the population does not have opportunities to regularly receive objective and reliable information.

Despite the abundance of private publications, their circulation is not widespread. Moreover, private publications are not always independent, and opposition media are notable for their one-sided coverage of events. The private publications use unverified information to attract readers. Yellow journalism is becoming a norm in Kazakhstan.

OBJECTIVE 1: FREE SPEECH

Kazakhstan Objective Score: 1.42/4.0—Panel participants believe that despite the fact that the Constitution and the Law on Mass Media defend the freedom of speech in theory, it does not mean that it is defended in practice. Authorities' unwillingness to enforce free-

dom-of-speech legislation unfortunately means that people are afraid to express their opinions. Government inaction also hinders the public's ability to obtain information from multiple alternative sources, to criticize the government or public figures, and to question government decision-making.

In recent years, many normative acts and amendments to the Law on Mass Media have been adopted that restrict the freedom of media. Today, the legislative framework for the media sector is only in its formative stages. Many normative acts such as the Code of Administrative Legal Relations and the Civil Code actually limit the freedom of the media.

The government keeps licensing under tight control. The practice of conducting tenders for radio frequencies in 1998–2002 has shown that the procedures for ensuring fair distribution of radio and television frequencies do not exist. The licensing of television and radio broadcasting is controlled by two ministries, the Ministry of Culture, Information and Public Affairs, and the Ministry of Transport and Communications. Since licensing is subject to the interests of the authorities, a truly competitive licensing process is not possible. Licenses are in no circumstances granted to companies affiliated with the opposition. The Law on Licensing clearly declares that obtaining a broadcasting license is a public and transparent process, but reality indicates otherwise. Several broadcasters in Temirtau and Karaganda (TV 29, TKT, 31st Channel–Karaganda, 43rd Channel, and so on) have rebelled against the government's unfair licensing practices through court proceedings.

The notion of earning a profit is practically nonexistent in Kazakhstani media, since tax legislation forces media to operate at a loss in order to avoid the high corporate income tax. Therefore, the media are not financially transparent. For newspapers, advertising profits are usually the main source of income (at least 80 percent), whereas subscription and other income sources constitute the minimum. Electronic media owners are now exempt from the radio frequency fee, and tax and value-added tax (VAT) rates tend to vary depending on the owner.

Judicial protection of the media is provided for in principle, but is generally ineffective because the judicial branch is only nominally independent of the executive branch. The number of legal actions directed against media is growing rapidly, and the number of claims against journalists is increasing as well. There are precedents for the criminal prosecution of journalists. If

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/social protections of free speech exist and are enforced.
	Licensing of broadcast media is fair, competitive, and apolitical.
	Market entry and tax structure for media are fair and comparable to other industries.
	Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

an independent media outlet comes forward with criticism of government officials and state structures, the outlet is subject to intimidation and potential closure. For example, the television stations Irbis in Pavlodar, TV Tan in Almaty, and newspapers *The Evening Atyrau* in Atyrau, *Vremya Po*, *Delovoye Obozrenie Respublika*, *Respublika*, and *Sol DAT* all underwent varying degrees of political pressure. Journalists themselves are often persecuted, as was the case with G. Ergaliyeva, I. Petrusheva, N. Abliazov, E. Bapi, J. Dospanov, B. Makimbay, and others. The arrest and trial of journalist Sergei Duvanov is one of the most prominent examples of this type of persecution. Duvanov, who wrote and published a series of articles critical of the Nazarbayev administration, was tried for rape in 2002 amid intense international criticism and a widely held belief that the charges were politically motivated.

As media have been increasingly suppressed, journalists have realized that they are unprotected against such attacks. Moreover, crimes against journalists are becoming more frequent, and the nature of these crimes is becoming more sophisticated and cruel. Such crimes include attacks directed against the association Rifma, Sergei Duvanov, journalists from the television station Irbis, and others. These crimes against journalists are not causing any palpable public reaction because the authorities are trying to conceal this information, and the cases remain largely unsolved. The pressure on investigative journalists is exerted not only by the government authorities, but also by business interests. As a result, the number of analytical materials and investigative reports has declined significantly.

The repression of media by law-enforcement and taxation authorities, as well as by other local government bodies, is growing. As competition between business interests intensifies, and as the government struggles to control the private sector, the media are often victimized. Until the state realizes that journalists perform a crucial civic duty by informing the population, and at the same time jeopardizing their personal safety, crimes against journalists will continue to take place.

To compound the problem, journalists often put themselves in a vulnerable spot by publishing or broadcasting content that is often not fact-based, objective information. The Kazakhstani public today is no longer outraged at freedom-of-speech violations because unprofessional or unethical journalism remains a problem in light of laws that mandate the criminal liability of journalists for libel.

Socially significant information is unavailable to a vast majority of people. In theory, journalists are in a privileged position, as they can obtain and disseminate information as they choose. However, in practice, journalists are bound to the ownership of their media outlet, directly affecting their ability to obtain information or accreditation.

The state limits access to varying sources of information. It has restricted the re-transmitting of foreign television programs and maintains control of Internet access. On the other hand, regional journalists and media seldom use the Internet to obtain local news or other resources. Very few journalists use the Internet because of the high access costs.

Laws on national security, state secrets, commercial secrets, and others limit access to information. Government press services also attempt to limit the access to information in some cases, or to benefit by granting access to information in other cases. Journalists of state-run media have privileged access to government officials. Independent journalists struggle against such restrictions but have not yet unified to demand greater access to information.

There are no restrictions on entering the journalism profession, although there are serious deficiencies in the quality of education and the availability of professional faculty members.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.32/4.0—It is the panelists' opinion that although journalists verify their information, there are still shortcomings in presenting information objectively. There is a growing emphasis on objective reporting, but it is often adversely affected by the media owners and government authorities. Journalists cannot use all of the available sources due to understaffed editorial offices and weak logistical planning. Commercial topics in the media are balanced with actual news, but the news often contains hidden advertisements. Journalists seldom reflect varying viewpoints on an issue. While today's newspaper articles and radio and television reports are getting better, the competition in the media market dictates the necessity of improving journalism standards.

Unethical reporting features prominently in the media of Kazakhstan. There is no code of ethics to guide the practices and behavior of Kazakhstani jour-

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.
	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 exists (investigative, economics/business, local, political).

nalists. Made-to-order coverage of events in exchange for bribes or gifts remains a common practice, and is encouraged both by business and political interests.

Self-censorship is a common phenomenon, even in the opposition media. It is not even a question of the fear of being fired, or working under pressure from the publisher/editor. Instead, self-censorship is based on a falsely construed notion of “the team.” Journalists are afraid to let their teammates down. Journalists also avoid “hot” issues in order to avoid any possible legal claims against them. The same fear applies to the editors. Self-censorship is quite widespread, especially when government officials, political figures, and prominent businesspersons are involved. Self-censorship is also extremely prevalent since there are many unjust court decisions against media. Legislation makes journalists vulnerable, as they are held criminally liable for libel, and are obliged to prove their innocence in civil court.

There are no specialized journalists in local outlets because the news staffs are very small and the talent pool is quite shallow. This is especially obvious in the regional media, where fierce competition forces journalists to write about crime in the morning, sports in the daytime, and medicine in the evening. The professionalism of regional journalists is poor, resulting from low education standards, the lack of a practical

journalism program, and the absence of schools for the advanced professional development of regional journalists.

Events are covered selectively. First of all, journalists refrain from investigating high-level corruption. The personal lives of the president’s family and leading entrepreneurs and politicians are off-limits, as well as activities of the secret service. In some cases, journalists were banned from covering a certain topic, and then fired. Important events receive better coverage in large-scale national media.

In recent years, journalists’ salaries have increased, but they are still low compared with business wages. Most journalists in the regions make less than \$100 per month, which is not considered to be a good salary. Therefore, journalists generally prefer to work for the press services of companies and state agencies, as well as for advertising firms and other businesses. There is a salary gap between the state-run and private media outlets, but the state-run media pay more heed to labor legislation and other social guarantees. The income discrepancy between the print media and television in the private sector is not so significant. Journalists are forced to sell their publications to politicians and businesspersons more often than not.

Entertainment often supplants the news. News programs comprise no more than 10 percent of broadcasts, whereas the entertainment programs, especially television shows, make up almost all of the television programming on some channels. The news that is produced by private media focuses on local, national, and world issues. This tradition results from a relatively well-educated public. A considerable part of the urban population can afford to buy private newspapers, as the average wage amounts to approximately \$135 per month. The rural audience has more difficulty buying newspapers and other publications, while Internet and satellite television are accessible to only a small percentage of the population.

In big cities there is no shortage of technical resources. Practically all the established newspapers are computerized and have their own computer centers. Regional media are quite another matter. The level of technical equipment of most television stations in small towns is extremely poor. This discrepancy results in a significant difference in the quality of the media in Almaty versus rural media. In fact, various media are accessible in big cities. As for the rural areas, citizens have few available news sources. They have neither Internet nor telecommunication lines.

There is no independent news agency in Kazakhstan.

In the panelists' opinion, electronic media have always been and will always be controlled by the state, as maintaining the airwaves is a valuable resource.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Kazakhstan Objective Score: 1.69/4.0—While there are quite a few information sources in Kazakhstan, they cannot accurately be called diverse. The majority of information sources are state-owned and pro-government. Opposition media are persecuted, the authorities hamper the distribution of their productions, and opposition websites are blocked. Access to foreign electronic media is restricted by law. There are virtually forbidden topics, like criticizing the president. Not only the state-run media, but also a considerable number of independently owned media solely reflect the government interests. The actual ownership of most media is carefully concealed, with owners belonging to the ruling elite.

There are minority-language newspapers, but they do not have any considerable effect on public opinion. The issues of national minorities are raised only in a positive light. The management of these publications

is lacking. In the regions, several minority-language newspapers are state-funded, although these outlets would not survive as sustainable businesses without the state subsidies.

Regional media generally present information mostly about local events. Rural citizens have access to more than one source of local information, including regional television, newspapers, and radio. Access to broader information is more problematic, and the ability to obtain information is more limited for regional residents than for metropolitan area residents. Perhaps, the media industry itself is not ready to satisfy a broader audience. However, considering the way the local authorities limit the information the independent media obtain, one can conclude that the regime itself is not interested in a diverse media landscape.

While there are quite a few information sources in Kazakhstan, they cannot accurately be called diverse. The majority of information sources are state-owned and pro-government.

Legislative efforts have not settled the issues of transparency of media ownership and the monopolization of the media market. Media ownership is not transparent. The public knows what belongs to whom, but not from official sources. Neglecting these issues could significantly hinder the development of the media industry in Kazakhstan.

Today the state-run media, especially newspapers, express the interests of their owners. But there are some exceptions. For instance, *Khabar* represents many political forces. But in the regions, the local authorities dictate their will to the directors of the regional newspapers. Journalists are still rather afraid to openly oppose government policies. Even though citizens talk a great deal about politics, it is just superficial information that is exchanged. Very little time is given to educational and cultural programs.

The state-run public media serve the particular interests of the authorities and the business circles closely connected with them. For example, the statements and materials of the Otan party and the Civil party are regularly published, whereas the opposition Ak-Jol party gets practically no coverage by the state-

Multiple news sources provide citizens with reliable and objective news.	
Plurality of News Sources Indicators	A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
	Citizens' access to domestic or international media is not restricted.
	State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
	Independent news agencies gather and distribute news for print and broadcast media.
	Independent broadcast media produce their own news programs.
	Transparency of media ownership allows consumers to judge 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.

run media. The editors and publishers of such media closely follow the directives of the government, and are quite biased in their coverage. Opposition groups are denied access to such media. One of the advantages of the state-run media is that official documents are regularly published. State authorities also give consideration to educational and cultural programs.

Independent television and radio broadcasts are available, but mostly in big cities. The independent television and radio stations produce their own news, including featuring local and national events. Television stations in the regions produce independent news programs, but not all media can access them.

Special editorial offices have produced the independent news programs by electronic media for quite a long time. At the same time, these media also have an opportunity to use various information agencies, including foreign press.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.70/4.0—The economy of Kazakhstan is strong enough to allow media to operate as sustainable and profitable businesses. However, the presence of media owners and managers with significant political influence creates unfair competition.

Independent media are well-managed businesses, allowing editorial independence.	
Business Management Indicators	Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	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 at commercial outlets.
	Independent media do not receive government subsidies.
	Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	Broadcast ratings and circulation figures are reliably and independently produced.

The structures supporting the media, such as printing plants, television towers, distribution networks, and newsstand networks, exist as commercial enterprises and are rather self-sufficient. State influence is exerted only when those media-related firms oppose

Advertising affects all aspects of the media's activity, since the advertising market is not very developed, and the loss of even one advertiser might adversely affect the financial status of the media market.

the government agenda. The number of these “media support structures” is low, and they are practically monopolies in the regions. The distribution of print media is extremely expensive. Distribution can increase subscription costs by more than one-third. This high price serves as an obstacle to media development. In recent years, retail distribution has also become an instrument of political pressure on some media. Kazpochta and Kazbaspasoz have monopolized the market. The few privately owned printing companies that do exist are experiencing severe government pressure. Independent regional printing firms like in Aktoyuy and Kostanay lack customers, because most media clients prefer state-owned printing plants in order to avoid conflicts with the government. To develop the media industry, it is necessary to increase the number of printing plants, distribution networks, newsstands, and so on.

The technical resources and management of the media-supporting structures leave much to be desired, although small improvements are taking place. On the whole, the publishing business is profitable. There have not been many bankruptcies of such companies, except for when some of them were closed down by the authorities. There are both private and state-run electronic media in Kazakhstan, and private broadcasters continue to obtain state funds through a system of government contract work.

Advertising proceeds are one of the main income sources of the non-state media. Contacts with specialized advertising agencies are widespread. Fair competition for advertising does not exist, however. The

quantity of ads depends on the political and financial power of the media owners.

A considerable part of “non-state” media are funded through government contract work. The distribution of state contracts depends on the publication’s degree of political reliability. Many non-state media are funded by so-called foundations, which belong to certain oligarchs. Therefore, these foundations serve the interests of their sponsors.

The regional media in most cases have several income sources such as product sales, advertising, subscription, PR, and aid from patrons. It is difficult to estimate how much advertising accounts for in total profit for media. There are media whose main income is derived from subscription, the prices for which have considerably increased. For media funded by oligarchs, advertising and subscription income is not important. But on the whole, advertising income amounts to practically 100 percent of the income for most media. This allows them to sell their products at prices below their production cost in order to gain market share. Advertising affects all aspects of the media’s activity, since the advertising market is not very developed, and the loss of even one advertiser might adversely affect the financial status of the media market.

Although the advertising market’s volume is already rather sizable, it still cannot match the level of developed countries. Moreover, advertising agencies work first with the state-controlled media, and secondly with private media. The agencies do not work with opposition media at all. It is difficult to assess the amount of advertising in television programs, but time restrictions are allotted to on-air advertising, as well as to advertising sections in newspapers. Advertisements make up 20 percent of the total on-air broadcasting.

The advertising market in the regions is underdeveloped. There are neither technical resources nor professional personnel, although large-scale media concerns, as a rule, have their own marketing companies. Conducting market research is a necessity for the regional media. However, due to the absence of marketing services or agencies in the regions, such data remain inaccessible to regional media and most media cannot conduct it themselves. However, the first attempts at market research have already been made in southern and eastern Kazakhstan.

Most of the media are forced to randomly prepare their reporting through guesswork. Not many media can afford such research.

Compiling television ratings is very expensive. It is important to note that the agencies conducting mar-

keting research are not always independent. Meanwhile, circulation numbers are unreliable, and the ratings are often tailored. There are no specific circulation services or rating agencies.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 1.58/4.0—At present, the number of professional associations and human-rights organizations that support media is growing. However, more are needed, and many of the existing groups have been created by the authorities. In essence, they imitate nongovernmental organizations (NGOs). One such organization is the Union of Journalists of Kazakhstan. This union is the only legally registered national trade union of journalists and is headed by former state functionaries who favor the government. This union has not yet shown it is an influential force, and most journalists are not members of this union.

On the other hand, there are good examples of more effective organizations such as the International Foundation for Protection of the Freedom of Speech, Adil Soz, the Center for Legal Assistance to the Media, the Foundation for Journalists in Distress, and the Atyrau Center for the Promotion of Democracy. These organizations provide legal assistance and consulting, conduct professional development of media employees through training and seminars, and participate in work

Supporting institutions function in the professional interests of independent media.	
Supporting Institutions Indicators	Trade associations represent the interests of private media owners and provide member services.
	Professional associations work to protect journalists’ rights.
	NGOs support free speech and independent media.
	Quality journalism degree programs that provide substantial practical experience exist.
	Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.	

groups that review legislation. However, they remain fragmented and tend to lobby the authorities on behalf of their members rather than seeking to protect general corporate interests.

There are also international organizations that support the media. As a result, the professional level of journalists is gradually improving. However, private organizations, primarily media distribution channels, are controlled by the family of N. A. Nazarbayev.

A variety of training is available for media professionals, although training opportunities in the regions are still inadequate. It is necessary to establish specialized training centers that would function on a long-term basis with the participation of local and foreign specialists. Otherwise, the training simply cannot involve enough journalists, especially those from the rural areas. Locally operated training centers are also

needed. So far, training is conducted mainly by international organizations.

The issue of professionalism training is one of the major issues for media today. There are 18 university journalism programs in the country, but the lack of media professionals indicates that the graduates are poorly prepared. Most of the advanced professional training of journalists is conducted by NGOs supported by foreign donors. At the higher-learning institutions in the regions, the instruction and resources available to students are very poor.

In fact, with such poor training offered by the journalism departments, practically no one wants to work as a journalist. And since the media outlets do not offer placement opportunities to the graduates, the level of professionalism suffers all the more.

PANEL PARTICIPANTS

Tulegen Askarov

Editor
Respublika, Almaty

Saule Barlibayeva

Media Support Program Coordinator
Soros Foundation, Kazakhstan

Baldjan Beysembekova

Executive Director
National Association of TV and Radio Broadcasting

Olga Didenko

Director
Center for Legal Support of the Mass Media, Karaganda

Tamara Kaleyeva

President
Adil Soz, Almaty

Oleg Katsiyev

Director
Internews, Kazakhstan, Almaty

Bakhytjan Ketebayve

President
TAN TV, Almaty

Valentina Kulikova

Otrar TV, Shymkent

Tamara Simakhina

Lawyer
Ekspress-K, Almaty

Alexander Tiumenev

Executive Director
Kazakhstan Association of Newspaper Publishers,
Karaganda

Dmitry Zinevich

GALA TV, Almaty

PANEL MODERATOR

Marfua Tokhtakhodjaeva

Chairperson
Women's Resource Center, Uzbekistan

OBSERVERS

Azamat Junisbai

Media Development Specialist
USAID

Galiya Khasanova

Country Director
IREX/Kazakhstan