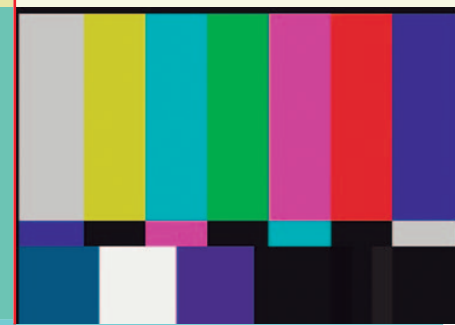
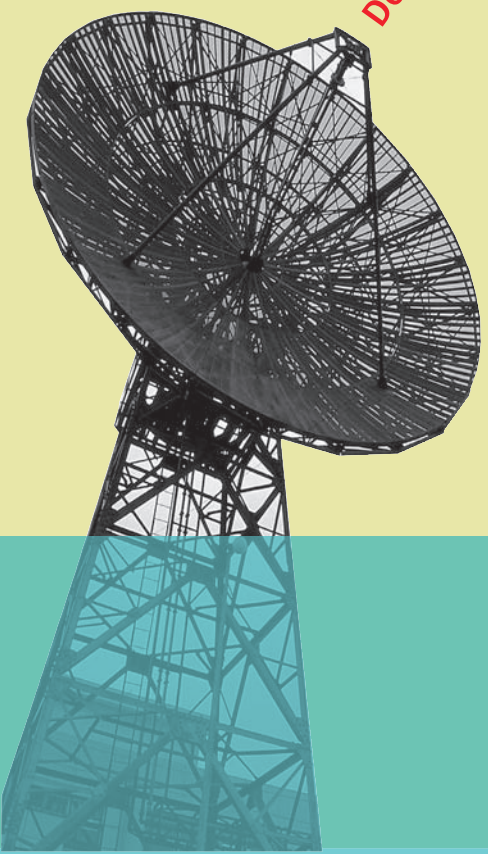


# MEDIA SUSTAINABILITY INDEX

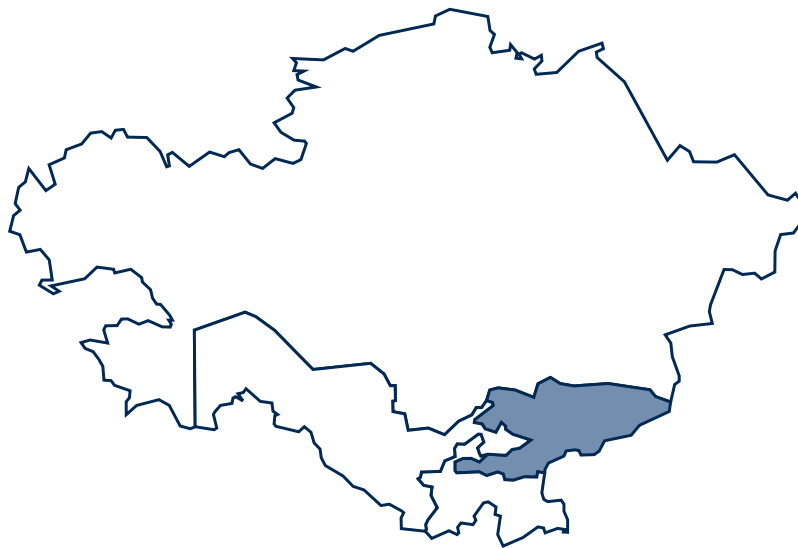
# 2003

*Development of Sustainable Independent Media in Europe and Eurasia*





**“The risk is great that the authorities could resort to tougher control of the media, as they did with the Law on Official State Language. To date, there have been few instances of journalists using the laws for their professional benefit.”**



## Introduction

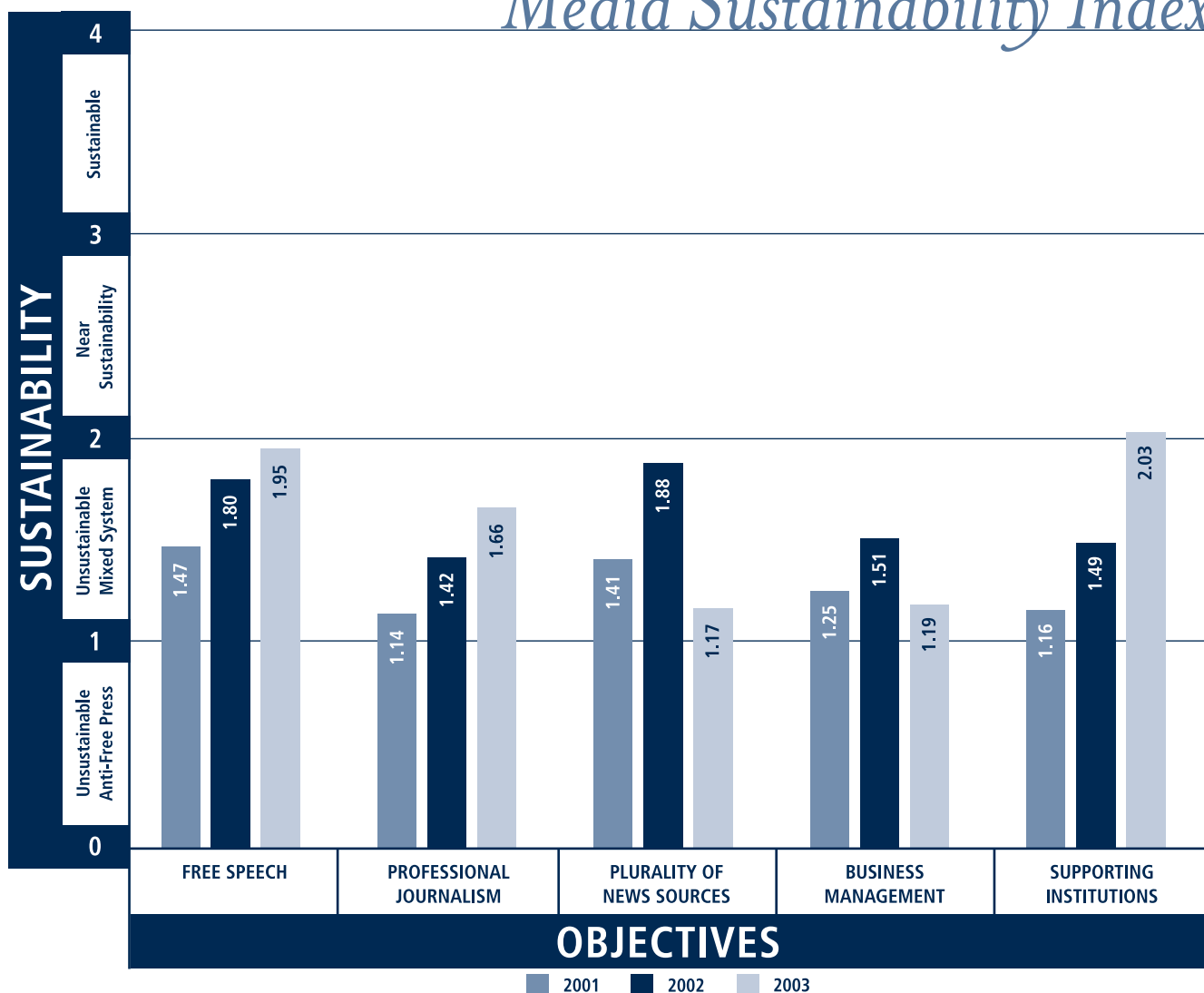
# O

nce considered a model of democratic transition for Central Asia, Kyrgyzstan continued to backslide in 2003. The media sector was no exception, according to the Media Sustainability Index (MSI) panel, as the administration of President Askar Akayev perfected the use of financial and administrative tools to contain the independent media. These included politicized criminal prosecutions and civil litigation. The number of civil court actions launched by government officials doubled from 2002 to 2003, while the number of criminal prosecutions nearly doubled. A reported 28 lawsuits pitting government officials against the independent media were tried in court during 2003. As the result of one ruling that invoked the republic's "honor and dignity" law, the independent newspaper *Moya Stolitsa*, with a record of investigating corruption in government circles and reporting on the opposition, was fined almost \$100,000; the paper's journalists were personally fined \$2,600. The number of suits and level of fines against the newspaper were considered to be part of a politicized attack on the publication, although the government denied this and claimed merely to be pursuing violations of the law. In other cases in 2003, the editorial offices of several independent newspapers were burglarized or ransacked by never-identified perpetrators, and there were several other incidents of harassment or suspected attacks on journalists.

As the media were being silenced through court actions, threats, and violence, the number of truly independent outlets decreased in 2003 after a period of relatively constant development of the sector. Many media professionals feel too constrained or too physically or financially threatened to work effectively even before Kyrgyzstan heads into a new election cycle in 2005, a time that traditionally has seen further crackdowns on the independent media.

# Kyrgyzstan

## 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

### 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

## Objective 1: Free Speech

### Kyrgyzstan Objective Score: 1.95/4.00

The Constitution of the Kyrgyz Republic and the mass media law contain provisions protecting the media. However, these laws are not always enforced, and the various articles that were designed to protect non-state media contain loopholes that are used to circumvent their intent. One member of the MSI panel said that since the legal foundation for media activity was shaped in the early 1990s, implementation has exposed many weak spots, and it might be time for a fundamental review. However, the panelist said, “The risk is great that the authorities could resort to tougher control of the media, as they did with the Law on Official State Language. To date, there have been few instances of journalists using the laws for their professional benefit.”

Broadcasting licenses are issued by the state communications agency, and the right to use a trans-

mitter is granted by the state radio frequency commission. In 1999, Osh TV was issued a five-year license and the rights to a one-year transmission license. This procedure violates the law which mandates that the license and the transmitter rights should be issued for the same period of time. At present, a regulation regarding radio frequencies is being written, but some believe this will result in serious conflicts between the authorities and the independent electronic media.

According to a panel participant, “Licenses are issued without hindrance, but there are restrictions on the frequency range. Having obtained a broadcasting license, the outlets must also receive a frequency range. This applies to independent media only...Therefore, most of the private and independent TV and radio companies are restricted.”

The law guarantees equal tax status to media and other types of business. However, the tax burden for media is very high—20 percent value-added tax (VAT)—compared with neighboring countries like Kazakhstan and Russia, where some media are partially exempted from VAT. This hinders the efforts of the press to offer more affordable products to the public. Media outlets also are subject to the advertising tax.

The state-run media receive guaranteed support from state officials through forced subscriptions. In November 2003, the mayor of Bishkek and the governors of seven oblasts repeated the order that made subscriptions to certain media obligatory for all state institutions and employees. In addition, government officials influence the management of the outlets. “The state-run media are in a position of serfdom with respect to the authorities,” said one panel member. “The editors of

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#### 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.

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The impact of the increase in legal prosecutions of journalists is compounded by the rampant corruption perceived throughout the judicial system. Judges and prosecutors appointed by the president are particularly suspect, and they both

threaten critical journalists with fines and influence the final rulings of the court. According to one panel participant, “Legal actions against journalists and outlets are filed by government officials. They are paying miniscule (legal) fees and claiming fines.”

Defamation cases can be prosecuted under both the civil and criminal codes. In December 2003, President Akayev sent a bill to parliament that would decriminalize defamation and direct all such cases to civil courts. However, the proposal set no upper limit on potential civil court fines upon conviction in these cases, and, as that is the main technique being used to bring pressure on media outlets, many journalists did not find much comfort in the proposed decriminalization. In addition, “There are articles on defamation in the criminal code, but at present they are applied very infrequently,” a panelist said. “The most frequently prosecuted article of the civil code is the protection of honor, dignity, and business reputation.” Furthermore, these prosecutions also are viewed as focusing almost entirely on journalists representing non-state media.

Government-sponsored media have greater access to information concerning the activities of the president and the government offices. A panelist explained that “in regards to the privileges, the state-run media have them, but in the long run they can hardly be called privileges. These privileges are most likely ‘compensation’ for certain restrictions.”

Access to international news is practically unlimited. Unrestricted access to the Internet is also possible throughout the republic. There are media resource centers in the districts, and there is also a network of Internet cafés in all regions. However, poverty significantly limits access to information for people in rural areas.

Entrance to the media profession is unrestricted.

## Objective 2: Professional Journalism

**Kyrgyzstan Objective Score: 1.66/4.00**

Some print media have developed to the point that they offer objective, sourced information. Even in cases when controversy arises, an attempt is made to present balanced coverage. But there are no uniformly recognized professional practices, and some journalists do not try to adhere to international standards. There are also examples of well-sourced and balanced television programming. Alexander Kulinskiy of the private television station Piramida, producer of the show “Nashe Vremya,” was mentioned as an example of how objective and multifaceted coverage is developing slowly but steadily. However, one panelist noted, in general “not all the available sources are being used. Reports are often prepared in a hurry, and subjectivity and bias are the rule rather

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).

than the exception. The points of view of both parties are not always given.”

The trade association Journalists developed a professional ethics code based on European examples, but like several others in force in Kyrgyzstan, it exists mainly on paper and usually is not invoked in any meaningful way. Cases of made-to-order journalism are easily found in the print media, and bribes and other gifts often are accepted. “As for ethical standards, they exist in every outlet,” said a panelist. “It is another matter how effectively they are applied.”

Self-censorship is also widespread, as journalists and editors at some outlets can lose their jobs by openly expressing viewpoints or venturing into territory not approved for their reporting. Moreover, journalists

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receive little remuneration, and do not feel compelled to risk even their meager wages on controversial coverage. According to one panel member, “In the provinces it is very difficult to write on the burning issues of the day. Self-censorship, in particular, prevents that.” There are no officially forbidden topics for media,

but in reality journalists are limited by fear. In particular, journalists are afraid to cover topics relating to the head of the state or his “family.” In addition, there are certain unofficially taboo topics, such as drug abuse, smuggling, and corruption that most journalists simply will not cover. Fearing lawsuits and fines, few journalists would have the courage to exercise their legal protections. Compounding the problem, panelists said, is that the leaders of the state-run media outlets do not consider serving their communities to be their duty. Rather, their priority is to promote the policies of the president and the government.

Many journalists opt to leave the profession for other industries, particularly international organizations, due to the low wages. Other journalists are forced to seek second jobs, produce made-to-order news, or work for foreign agencies on the side. “State-run media salaries are lower than established non-state media,” a panelist

said. “In the press, salaries are higher than for TV and radio professionals. Many journalists are willing to sell their publications to the highest bidder, but there is little demand for them.”

Entertainment programming dominates television, and the news is often the only in-house product made by the local media outlets.

Newspapers are poorly equipped to publish their products. At times, independent journalists do not even have such basic equipment as tape recorders. In recent years, the technical capacities of television stations have improved due to the decreasing costs of digital technologies. However, there are still difficulties in collecting, producing, and distributing information. Communications infrastructure is lacking, only old equipment is available, and circulation or transmission remains difficult. International donors provide some technical equipment to resource centers for regional media.

During the past 10 years, niche reporting has emerged. However, the quality of such coverage is not always highly professional. Specialized reporting is practiced by the large-scale media outlets in metropolitan centers, but the vast majority of provincial media have editorial offices and staff that are too small to allow specialization.

**“As for ethical standards, they exist in every outlet,” said a panelist. “It is another matter how effectively they are applied.”**

### **Objective 3: Plurality of News Sources**

**Kyrgyzstan Objective Score: 1.17/4.00**

Although a range of information sources are available, many people cannot afford to buy print media. While citizens in rural areas have shown increasing interest in media, they often have limited or no choice in newspapers and only access to state-run television and radio stations.

The status of media ownership is murky at best. In most cases, it is almost impossible to uncover the true ownership structure of a media organization. Many owners are camouflaged by the creation of a network of dummy holding companies. “The transparency of media funding is not clear; ownership is limited to a small circle of people connected with the media,” a panelist said. “The general public is hardly aware of who owns what.

**“The transparency of media funding is not clear; ownership is limited to a small circle of people connected with the media,” a panelist said. “The general public is hardly aware of who owns what. But many media outlets now belong to oligarchs.”**

But many media outlets now belong to oligarchs.” The non-state media can be divided into two groups—those allied with the nation’s power-brokers and others that are relatively independent media businesses. Certain media outlets may be owned by a collective of coworkers officially, but in reality, most outlets belong to a business owner

or a high-ranking official. For example, the newspaper *Vecherniy Bishkek*, the television/radio station KOORT, and the cable television station Ala-TV are prominent media outlets known to belong to the president’s family, panelists said.

On the other hand, some private individuals have launched their own publications and/or television or

radio stations as independent media businesses, particularly in the southern part of the country. The panelists mentioned that this private media ownership allows for more social, cultural, and ethnic interests to be represented, and that these independent electronic outlets try to produce their own news programming. However, they can expect harassment from state officials and business interests, and this appears to be a trend on the increase, according to MSI panelists.

At least three news agencies—the state-run Khabar and the private AKIpress and Kyrgyz Info—provide news to the media and the general population, but the financial ability of outlets to subscribe to these services may be limited.

Western newspapers are available, but only a small number are brought to Bishkek, where there are a few English-speaking readers. For the most part, only Russian newspapers are imported. According to a panel participant,

**“In the Republic, access to local and international media is not restricted. However, it should be noted that most of the population subscribes only to Russian newspapers.”**

“In the Republic, access to local and international media is not restricted. However, it should be noted that most of the population subscribes only to Russian newspapers.” It is possible to use the Internet even in the most remote corners of Kyrgyzstan, but access prices are high and connection speeds leave much to be desired.

The law allows media to report in the languages of national minorities. There have been no known cases of harassment of journalists doing so, or of significant problems for those reporting on subjects of concern to these groups. However, the resources devoted to minority issues are very limited.

## Objective 4: Business Management

**Kyrgyzstan Objective Score: 1.19/4.00**

In Kyrgyzstan, the media generally do not operate as commercially viable businesses. The prohibitive tax system and the risk involved in investing in media, as well as the poor overall economic situation in the country, prevent media from developing sound business prac-

### 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.



<b>Independent media are well-managed businesses, allowing editorial independence</b>	
<b>BUSINESS MANAGEMENT INDICATORS</b>	■ 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.

tices. Large subsidies, tax breaks, and printing rates set at lower-than-market prices, especially for state media outlets, distort the media market. Private media outlets have made efforts to diversify their income and currently generate revenue from varying sources such as advertising and sponsors. In addition, grants from international donors remain a major source of income.

Since there are no special advertising agencies in the country, some more proactive media have developed their own advertising services. With virtually no media advertising professionals available, training has been on-the-job. But overall, this independent strategy has proven effective, allowing some publications to draw revenues from their advertising.

Yet, most media underutilize advertising, and the percentage of income from this source supporting Kyrgyzstani media is inconsistent with international standards. Those who try to sell advertising are not equipped with basic research to describe the audience potential customers would reach. Some advertisers do not want to place ads with media out of fear that they are inviting an audit by the taxation agency. Or, they avoid placing advertising where it would not please the authorities. It is also unclear how effective advertising is in various outlets since there is no reliable data. To the degree that there are any estimates, advertising profits appear to be decreasing each year due to political and economic

constraints. For example, the Antimonopoly Committee has restricted ads in the print media to no more than 20 percent of the newspaper's content.

The existing printing presses and distribution network are insufficient and frequently fail to fulfill their commitments. Until late 2003, the state had a virtual monopoly on printing, and the state printing press Uchkun at times refused orders for publications deemed to be critical of the government. However, in October 2003, a US government-backed printing press was opened by Freedom House on the outskirts of Bishkek, breaking the monopoly for the capital. The printing house is open to state media, but its key role is seen as offering an alternative mechanism for printing non-state newspapers. The facilities that control radio frequencies and television transmissions all belong to the state.

Two institutions distribute print media nationwide. State-run Kyrgyzpochtasi operates rather efficiently, but the joint-stock company Kyrgyzbasmasoz performs poorly and is indebted to almost all the newspapers in the country, according to panel members. The revenues owed are a constant complaint from newspaper producers, both state and private. A few independent publications have begun to develop their own local distribution systems, from which they have gained significant independence. Overall, media representatives indicate an ongoing need for a well-managed, reliable distribution system.

Market ratings and circulation research are conducted infrequently and without the use of accepted methodologies. Therefore, it is very difficult to assess media ratings in Kyrgyzstan. The research that is conducted is generally of a relatively low professional standard. It does not contribute greatly to the improvement of the media environment, and leads neither to better-quality information nor to a higher degree of service to audiences.

## **Objective 5: Supporting Institutions**

**Kyrgyzstan Objective Score: 2.03/4.00**

In 2003, a new Trade Union of Journalists was founded. This independent union provides comprehensive assistance to rank-and-file journalists and attempts to build public trust in the media. Nevertheless, one panelist explained, "Attempts to create trade unions and other professional associations take place every year. However, so far the media community has not achieved any significant results." Another "Soviet-style" trade union rep-

**“Attempts to create trade unions and other professional associations take place every year. However, so far the media community has not achieved any significant results.”**

union, the public association Journalists was founded in 1998, and another trade union for journalists was created in 2002. These organizations serve journalists’ professional interests and lobby at the national level. They have been called on to assist in protecting the frequency rights of Osh TV, securing the release of journalists from prison, defending the *Portret Nedeli* newspaper in court,

representing cultural workers can claim some successful cases of protecting journalists’ rights. Otherwise, most of the nongovernmental organizations (NGOs) specializing in the protection of media rights are foreign organizations.

In addition to the new trade

and advocating for journalists’ labor rights. Overall, however, professional associations are small and ineffective. Recently, associations protecting the interests of private media owners have emerged. They have assisted journalists in legal protection and copyright protection issues. One panel participant stated, “We have associations of journalists, but no associations of publishers or radio broadcasters. Noncommercial organizations like the associations Journalists and Journalists in Trouble Foundation, and the Kyrgyz Committee for Human Rights all provide major assistance to journalists.”

A wide range of international organizations support media in Kyrgyzstan, or provide resources for regional training centers. The groups include IREX, Internews, the International Federation of Journalists (of which Kyrgyzstan is the only CIS member), the Eurasia Foundation, and the Soros Foundation.

There are approximately 10 educational institutions that train journalists in Kyrgyzstan. However, most journalism departments do not fully prepare their students to operate professionally. Many graduates leave journalism programs without practical skills or a detailed understanding of the ethical responsibilities of the media sector. Only the Kyrgyz-Russian Slavic University and the American University of Kyrgyzstan have produced a cadre of qualified journalists. “We must admit that the education of journalists is not adequate,” a panel member said. “In this respect, international organizations are more successful. People have a chance to continue their education abroad, but many of them do not come back. This problem is caused by the inability of media outlets to assist in job placement for students.”

With the establishment of the Freedom House printing press, there is now an alternative to the politically influenced state press. However, many other printing presses still prefer state-run media clientele for political reasons. There are a sufficient number of printing plants and publishing firms in Kyrgyzstan; but there remain questions about their level of independence, since they, like broadcast channels, depend on state funding.

Non-state publications are not always available at newsstands, as every clerk is obliged to sell government-supported media first. If any state-funded publications are unsold, deductions are made from the salary of the newsstand clerk or the seller.

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.

## **Panel Participants**

*Alexander Kulinsky*, Piramida TV

*Adelya Laisheva*, Internews

*Kuban Mambetaliev*, Public Association of Journalists

*Ernis Mamyrganov*, Osh Media Resource Center

*Yrysbek Omurzakov*, Tribuna newspaper

*Sergei Rahmatulin*, Almaz-yug Radio

*Bekdash Shamshiev*, Azattyk Radio

*Bolokbay Sherimbekov*, Kyrgyz State TV

*Victor Shloyev*, Moya Stolitsa newspaper

*Marat Tazabekov*, Aki Press

## **Moderator**

*Marfua Tokhtakhodjaeva*, chairperson, Women's Resource Center

## **Observers**

*Chinara Orozbaeva*, country director, IREX/Kyrgyzstan

*Maria Stefurak*, USAID