

MEDIA

SUSTAINABILITY

INDEX

2005



IREX

IN THE PERIOD PRECEDING THE DECEMBER 2005 PRESIDENTIAL ELECTION, IN WHICH PRESIDENT NURSULTAN NAZARBAYEV WAS THE ODDS-ON FAVORITE TO BE RETURNED FOR A THIRD SEVEN-YEAR TERM, RIGID DIVISION OF THE MEDIA TOOK PLACE.



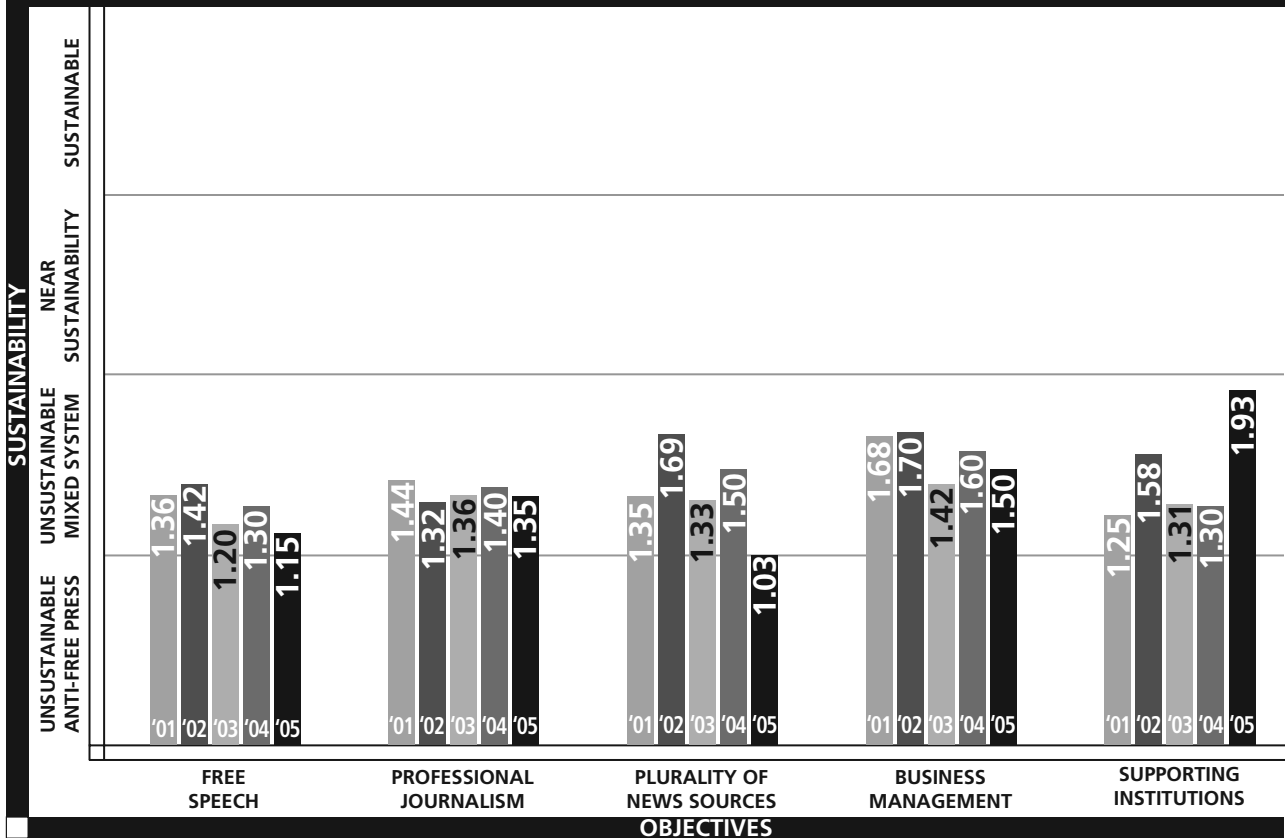
The consolidation of opposition forces in the run-up to the presidential elections and the government response distinguished 2005 in Kazakhstan. Fairly prominent figures with rather substantial financial resources came together with a coordinated and aggressive opposition strategy, particularly in the area of the media. Six private media outlets lent support to the opposition, a development seen as causing concern to the government, which had established control over the electronic media and then started exploring options for dealing with the independent print media. For example, according to the 2005 Media Sustainability Index (MSI) panelists, illegal confiscations of the pressruns of opposition newspapers became increasingly frequent starting in the spring and, as the December election approached, so did harassment of journalists.

The country continued to develop economically, although macroeconomic structural reforms progressed more quickly than the sluggish growth of small and medium-sized business. Social stratification and disparities continued to grow. The polarization of opinion between government supporters and opponents was reflected in the operation of the media, which lined up between the two political viewpoints. Declared to have been liberalized and appearing outwardly to be free, the media market in fact continues to exist under conditions that prevent it from functioning normally. The state strictly controls the electronic media, the MSI panel said, and the authorities' outlets engage in dishonest competition with respect to private newspapers.

However, there are also cases in which media outlets, unable to survive competition under market conditions, seek underlying political motives for their problems rather than economic causes. Attributing their problems to pressure on the opposition press, these outlets demand more favorable and preferential treatment from the state.

Although there are constitutional free-speech guarantees, Kazakhstan has a Law on the Mass Media and various other provisions of civil and criminal

MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN



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.

law that are restrictive in nature, the MSI panelists said. The judicial defense of free speech is virtually nonexistent because in the vast majority of cases the courts, which are under the authorities' political control, render decisions in favor of the plaintiff—the government. There are no broadly accepted ethical standards covering the work of journalists in Kazakhstan. Crimes against journalists are not uncommon and go unpunished, while journalists are subjected to both legal and criminal harassment.

In the period preceding the December 2005 presidential election, in which President Nursultan Nazarbayev was the odds-on favorite to be returned for a third seven-year term, rigid division of the media took place. MSI panelists estimated that in 95 percent of publications, coverage of political and social topics presented opportunities to deliver propaganda for the merits of the incumbent president. The positions of opposition forces are either poorly represented or entirely absent, the panelists said.

There are no genuinely public media in Kazakhstan, and private media reflect the views of the government, with the exception of the few opposition newspapers. The dissemination of information is uneven, with the urban population having greater access to various sources of information than the residents of outlying regions.

No progress was seen in advancing the media sector in Kazakhstan during 2005. All objectives were seen as declining, with the exception of the measure of the performance of supporting institutions. There was a particularly severe decline in the plurality of news sources available to citizens. Overall, the rating of the strength of the media sector declined to 1.39 from 1.42 in 2004, a drop that would have been more severe were it not for the advance in support to the media through new nongovernmental organizations (NGOs).

OBJECTIVE 1: FREE SPEECH

Kazakhstan Objective Score: 1.15 / 4.00

On the whole, the provisions of law with respect to free speech poorly accord with international standards, the MSI panel concluded, with registration of media made difficult and journalists subject to being held liable for unintentionally causing moral damage. Television broadcasting licenses in Kazakhstan are issued on an unfair, noncompetitive basis, with a view to political interests, the panelists said. Technically, the treatment of owners of the media is no different from those of businesses, but their situation is significantly more complicated because of the high degree of politicization in the media sector.

Freedom of speech is declared as protected in the Constitution, but in practice it is restricted by a large number of provisions of civil and criminal law. Galina Dyrkina, deputy editor-in-chief of the *Respublika* newspaper, said the “code of administrative infractions, civil code, and criminal code contain about 40 articles stipulating certain sanctions for media outlets and journalists, including criminal liability for infringement of the honor and dignity of the country’s president and for libel.” Moreover, she said, the Law on the Mass Media contains an article stipulating penalties for media outlets, up to and including being shut down, for the abuse of free speech, the definition of which is ambiguous and open to interpretation by the courts. Journalists are left to feel they can be charged with various violations at any time.

According to the MSI panelists, in cases of the infringement of free speech, citizens may turn to the courts for protection, but when the judiciary is rendering decisions on the basis not of law but of orders from higher up, there is no real legal protection. “Article 155 of the criminal code stipulates liability

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.

for interfering with a journalist's professional activity, but it has not been invoked even once," said Tamara Kaleyeva, president of the Edil Soz International Foundation for Protection of Free Speech. "On the whole, the possibility of judicial protection for media outlets and journalists is limited by the arbitrary and subjective actions of judicial bodies."

Society is not prepared to defend freedom of speech, either. This is evident in the lack of public concern over the harsh measures taken against a number of independent media outlets, even when the media environment in the country draws the attention of the international community for failing to meet democratic standards.

Galina Dyrkina, deputy editor-in-chief of the Respublika newspaper, said the "code of administrative infractions, civil code, and criminal code contain about 40 articles stipulating certain sanctions for media outlets and journalists, including criminal liability for infringement of the honor and dignity of the country's president and for libel."

The issuing of television broadcasting licenses is controlled by the Ministry of Culture, Information and Sports (MCIS), which belongs to the executive branch of government and is under total political control. "The participation of certain representatives of journalists'

organizations and public figures on the judging commission makes its decisions slightly more transparent and substantiated, but it does not remove the political bias," said Yevgeniy Zhovtis, director of the Kazakhstan International Bureau for Human Rights and the Rule of Law. Tamara Kaleyeva noted as an example that for two years, an application by Rifma independent radio, which was shut down in 2002, has not been considered, but several frequencies were immediately granted to the AS-TV television network, a private company affiliated with Timur Kulibaev, vice president of the national KazMunaiGas company and the husband of President Nazarbayev's younger daughter.

Since 1998, there has been no genuinely independent television or radio in the country, Galina Dyrkina said, because "all the electronic media outlets are in the hands either of President Nazarbayev's family members or of his closest aides who have demonstrated their loyalty, although there is no provision in the country's

laws barring the fair and competitive licensing of television broadcasting." These private television and radio companies, in concerted fashion, either do not cover social and political problems or practice strict self-censorship in order not to lose their licenses, the panelists said.

Media outlets function in the business environment on equal terms with other participants in the market. Current law guarantees all businesses free entry into the market, but in practice all manner of obstacles are placed in the way of private media outlets, from the refusal of printers to take their work to the illegal removal of these publications from sale by the police and other security and law-enforcement agencies. According to Tulegen Askarov, economics commentator with the *Respublika* newspaper, "Just before the election campaign, opposition media were denied access to printers that are technically private but are actually under the strict control of the authorities. In order to control the media market, the authorities often employ the services of oligarch-owned entities that are affiliated with them, or use the financial potential of national companies and republic state-owned enterprises."

Kazakh journalists feel unprotected, the MSI panelists said. Fear of losing their jobs leads journalists working for pro-government media outlets to go against their own principles, practice self-censorship, and distort information. Journalists with the non-state *Respublika* have worked under extreme pressure, putting out every issue of their newspaper as though it were their last—and in fact seeing their publication shut down various times during the past several years and re-emerging in different forms.

The journalists say they are unable to rely on the courts because the judges and prosecutors side with the authorities. "Since these actions (against media) are usually carried out by personnel of the law-enforcement agencies or prosecutor's office, the investigations of such violations of law usually do not end in the journalists' favor," Yevgeniy Zhovtis said. "A similar situation occurs when the attacks are committed by criminal elements, who often act under the shield of the authorities or circles close to the authorities."

In the first six months of 2005, the Edil Soz International Foundation for Protection of Free Speech recorded nine attacks on media personnel, and not a single perpetrator has been found and punished, the organization's president said.

There are no media outlets serving the public interest in Kazakhstan. There are media outlets that are either

partially or fully funded out of the state budget, and are therefore dependent on the orders of the government, officials, pro-government politicians, and business entities that are intertwined with the government. Although laws make no provision for preference to government or government-related media outlets, in practice they enjoy considerably better access to information compared with private media, especially opposition outlets. Often the latter are not even able to obtain accreditation to cover official activities, briefings, or press conferences. Galina Dyrkina recalled that *Respublika* journalists were not allowed into a meeting with US President Bill Clinton when he visited Almaty, although the US Embassy had sent a request to President Nazarbayev's press service for the journalists to receive accreditation. *Respublika* personnel also never have been accredited to cover activities of the Almaty local government or activities involving the president, she said.

Although the law states that government agencies are required to provide publicly important information to all media outlets, panelists noted that no official has been punished for refusing. Independent journalists and NGOs have worked with limited success to fight this practice, including appealing to multilateral organizations monitoring international conventions in areas such as the environment.

Libel in Kazakhstan is prosecuted under the criminal code, which contains six articles dealing with charges of libel and insult. Journalists have not been imprisoned, to date. The civil code also contains articles on derogation of honor and dignity, protection of the right to depiction, and the collection of moral damages. In a criminal trial the plaintiff must prove media guilt, while in a civil trial the journalist must prove it. Derogation of the honor and dignity of the president or a deputy to parliament, as well as insulting a government official, are criminal offenses, and there are cases in which citizens have been convicted under the criminal code. According to the panelists, lack of accountability in the courts and prosecutor's offices in Kazakhstan affects all implementation of the laws.

Access to international news is open, but the authorities attempt to restrict those that contain a negative view of the Kazakh leadership, and monitors report that local Internet service providers have at times blocked opposition websites. For example, according to Galina Dyrkina, her newspaper's site is "practically inaccessible to Kazakhstan residents." Tamara Kaleyeva noted that "reprinting news from the Internet with a citation of the information source does not relieve media outlets of liability." The Law

on the Mass Media contains provisions restricting the rebroadcast of foreign television channels. According to Sergei Vlasenko, a media law specialist with the American Bar Association's Central European and Eurasian Law Initiative, the rebroadcast of foreign media must not constitute more than 20 percent of a radio or television station's total broadcasting.

The authorities have various means of removing a journalist from the practice of journalism. They can shut down media outlets—not by court order, as the

law requires, but by order of the Ministry of Culture, Information and Sport—or they can include in a law a provision prohibiting foreign citizens from being media editors. Accreditation is required, for example, to cover Kazakhstan's parliament, and independent journalists may have difficulty obtaining this permission to work.

Entry into the profession is not restricted by the requirements of having a license, passing qualifying exams, or the like. However, according to Yevgeniy Zhovtis, one university administration is known to have barred students in the journalism department from interning with opposition media outlets.

"Article 155 of the criminal code stipulates liability for interfering with a journalist's professional activity, but it has not been invoked even once," said Tamara Kaleyeva.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.35 / 4.00

Most media outlets belong to one oligarch's group or another and are therefore forced to serve their owners' interests, precluding objectivity and the careful checking of information for accuracy. As a result, the MSI panel reported, media professionalism continued to decline in 2005. Established ethical standards are pro-forma and constantly violated in the interests of the government and media owner, with gifts and other benefits in exchange for positive articles welcomed. Self-censorship thrives everywhere out of fear of legal prosecution, physical reprisal, or dismissal.

It was noted during the MSI discussion that in most cases journalists try to use diverse information sources, including international ones. However, bias is evident in the coverage of events by both government and nongovernmental media, particularly during the presidential election campaign. "And so more than

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assessments by the Edil Soz International Foundation for Protection of Free Speech.

Repeated attempts have been made to adopt an ethical code, but no single document has been accepted by the journalistic community. Even the proposal of the Congress of Journalists, the organization of the president’s daughter, Dariga Nazarbayevam, did not take hold. “Journalists definitely accept payment and gifts for covering events in a certain way,” Galina Dyrkina said. “Official media outlets have a system for providing bonuses to journalists. And in all competitions for the media conducted by government agencies or pro-government entities, the winners are invariably pro-government media outlets and journalists who work for them, so that too is a kind of a gift—for loyalty.”

Self-censorship is widely practiced by all journalists except those at a few opposition media outlets, who

are subjected to harassment as a result. “Self-censorship has become a mass phenomenon, since media outlets strive to avoid a negative reaction not only on the part of authorities, but on the part of private entities and certain individuals, since Kazakh law makes it possible to claim both moral and financial damages from media outlets,” said Tulegen Askarov, economics commentator with the *Respublika* newspaper. The self-censorship leads to selective coverage of key events and trends, in Kazakhstan and internationally, as well as dissenting views. Topics that might be covered internationally are not probed in the country, including investigations of high-ranking Kazakh officials and the subject of property owned by the members of the president’s family. “By a court decision, the owner of the newspaper *Respublika* was punished for reprinting an interview with Vladimir Zhirinovskiy conducted by the Ekho Moskvyy radio station, although that interview had public significance for all of Kazakhstan,” Galina Dyrkina said.

Journalists’ pay levels vary extremely widely, from \$50 monthly for district newspaper correspondents to \$1,500 for top figures at national publications. The panelists also believe that the compensation of journalists working for government media is higher because these outlets, in addition to receiving support from the government budget, also can work with major advertisers, which the independent media outlets cannot do. According to the panelists, virtually all journalists seek to earn extra money through covert advertising in their articles. In Vlasenko’s opinion, “The low salaries are often a factor destabilizing personnel policy on various media outlets. Personnel turnover, in turn, affects the fact that such media outlets lack their own distinctive personalities, and such media outlets, as a rule, are not popular with the public.”

Since virtually all the television and radio companies are under the direct or indirect political control of the authorities, they do not risk raising controversial social and political problems. Consequently, entertainment programming clearly eclipses information and sociopolitical programming, the panelists said. There are virtually no political debates or live broadcasts on television. Tatyana Pak, president of the FORPOST Order for the Defense of Free Journalism nongovernmental foundation and a journalist with the *Gorod 326* newspaper, said: “Media outlets that have a good financial base can afford to carry an equal mix of entertainment and news programming. But one can see a trend toward news being displaced by entertainment programs.”

Lately the government has made a noticeable effort to modernize the look of the media outlets under

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).

its control, particularly the *Kazakhstanskaya Pravda* newspaper and Khabar TV. At the same time, the independent media outlets have made some advances, although their resources are insufficient for them to make a qualitative leap forward by, for example, switching newspapers completely to color. The technical facilities at the disposal of journalists working in Almaty and Astana are fairly modern and meet the necessary standards. That is not true at all regional media outlets, some of which are in need of modern printing equipment, distribution systems, and vehicles.

In the opinion of most panelists, quality reports on specialized topics are more the exception than the rule. In most cases, coverage is fairly superficial, routine, and colored by ideology, but there are periodicals that write only on economic or legal topics, cover local problems, or publish articles especially for entrepreneurs. Among the electronic media outlets, Channel 31 is distinguished for producing higher-quality reports, the panelists said. Indeed, despite the partiality and the technical difficulties, there are journalists capable of producing quality material, including investigative reporting. But the multiple pressures tend to result in journalists choosing the least controversial topics, or criticizing that which permission has been granted from on high to criticize. A vivid example cited by the panelists was the case of Gennadiy Benditskiy, a journalist with the newspaper *Vremya*, who they said was saved only by his personal acquaintance with President Nazarbayev from being criminally prosecuted for a journalistic investigation he conducted into a corruption case. At *Respublika* during 2005, Galina Dyrkina said: "For conducting a journalistic investigation of the alleged theft of funds Kazakhstan received from Russia for the lease of the Baikonur Space Center, the newspaper found itself on the verge of being shut down ... Officials who were too big found themselves in the zone of the newspaper's attention."

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Kazakhstan Objective Score: 1.03 / 4.00

The 2005 MSI panelists were particularly concerned by the decline in news sources available to the people of Kazakhstan, and the score for this objective declined to 1.03 from 1.50 in 2004. International media, including the Internet, is practically unrestricted, although some websites are blocked, but this is more a theoretical option than a realistic one for most people due to price and accessibility. The government media do not reflect the whole political spectrum. Members of opposition parties and movements either do not appear on

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.

television or the pages of state newspapers, or their activities receive only negative coverage. There are not many local independent agencies in Kazakhstan, and there are no public television and radio outlets at all.

The low purchasing power of a substantial percentage of the population—one-fifth of which lives below the poverty line—does not permit the broad development of a media market, especially outside urban areas. Rural people are largely limited to the Khabar Television Network, which is headed by Dariga Nazarbayeva, Galina Dyrkina said. The independent press by no means reaches all communities, and with television under pro-government control, people are likely to be exposed only to one-sided information. Many outlying regions still cannot receive television broadcasts, and for all intents and purposes fall outside the delivery system for print media.

The same applies to the Internet, since many communities do not have telephone service. For those who can access the Internet, some websites, including the www.eurasianet.org site, are blocked at times in Kazakhstan. The government also attempts to control the granting of domain names, the panelists said. Cable television is no panacea, either, Sergei Vlasenko noted, because "any time any channel can be cut off,

and the explanation will be that this has been done for technical reasons.”

Although taxpayers support the official media, they generally are not provided with information about views in opposition to the government position. According to the panelists, the opposition was even refused the broadcast of paid campaign materials during election campaigns. During the 2004 parliamentary elections, several television networks refused to carry paid ads for the election bloc formed by the Kazakhstan’s Democratic Choice People’s Party and the Communist Party of Kazakhstan. For the most part, private media outlets also try to reflect state interests, with the exception of just a few opposition outlets. There are no public television and radio networks in Kazakhstan, and the private ones produce their own news programs, but within the limits of strict self-censorship.

“Many media outlets have even developed a mandatory sequence for the presentation of news: the president, the government, the parliament,” Tulegen Askarov said.

The news agencies supply their news to all media outlets without discrimination, on a paid basis, but their operations also depend on the will of the current

government. The independent broadcast media outlets differ little from state television in the concept and content of their news and analysis programming, because television licenses are granted based on loyalty. “Many media outlets have even developed a mandatory sequence for the presentation of news: the president, the government, the parliament,” Tulegen Askarov said.

Information about the owners of media outlets is, for all practical purposes, secret, and attempts by journalists to illuminate this issue may result in lawsuits. Kazakhstan has no laws requiring that information concerning the actual owners of media outlets be made public. And the public at large does not know to whom big media holding companies and individual media outlets actually belong. “Business circles that control broadcast media outlets do not want to be transparent and open owners,” Tulegen Askarov said. “All this results in reducing the public’s trust in the media, in general.”

In 2005, Galina Dyrkina said, “The Khabar Television Agency brought suit against Altynbek Sarsenbayev, a former information minister and now an opposition leader, for the fact that he had stated in an interview that Khabar belonged to a media holding company.

Despite the fact that Sarsenbayev submitted documents confirming this fact to the court, the court ruled for the plaintiff and required Sarsenbayev to compensate Khabar for moral damages to the tune of 1.5 million tenge (\$12,000).”

Panelists said there are media monopolies in Kazakhstan and, in particular, the one to which Khabar belongs owned by Dariga Nazarbayev, but it is taboo to discuss who might own various other outlets. Other taboos pertain to reports on the opposition, crimes of corruption by high-ranking officials, civil rights violations in Kazakhstan, and negative assessments of the situation in Kazakhstan on the part of international public opinion. Most of the panelists agreed that the motivation for this control is to prevent objective information from fueling opposition and protests.

There are media in the languages of minority nationalities, and they are accessible without restriction. “A citizen of Kazakhstan of any nationality may publish a newspaper in any language; the only restrictions are in television and radio, where he is required to provide proportional programming—50 percent in the state language and 50 percent in other languages,” Sergei Vlasenko said. Although few in number, newspapers in the languages of minority nationalities are accessible, including in Ukrainian, Korean, German, and Hebrew. However, Yevgeniy Zhovtis observed: “The subjects of relations among nationalities and of ethnic minorities are among the subjects in which self-censorship is practiced. In the opinion of the authorities, these subjects should be treated only in a positive light, and reporting on any problems draws an aggressive reaction on the part of both the authorities and the Kazakh-language press.”

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.50 / 4.00

Attempts by media outlets to become efficient *media* businesses generally are thwarted by the whims of owners, who see their enterprises as tools for their other economic and political interests. Further, the printing presses and distribution systems, including private distributors, are either directly or indirectly controlled by the authorities. In the opinion of most of the MSI panelists, media outlets in Kazakhstan should be regarded as businesses that are auxiliary to their owners’ principal activities and do not necessarily need to produce profits. “It is becoming prestigious to own a media outlet, and when necessary an owner can use it to advance his interests,” Sergei Vlasenko said. Added

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.

Tatyana Pak: "From the outset media outlets are put under the sort of conditions that they need government support in order to be profitable. And therefore, either commercial media outlets or those that are loyal to the state become winners in the media market."

It is impossible to overcome the lack of media freedom through better management, Galina Dyrkina said. "Any media outlet or any publishing house, no matter how well it is managed, no matter what marketing research is conducted, no matter how well organized the media distribution system is, always faces the threat of pressure from the government, or even of destruction." Her newspaper, *Respublika*, is the successor to the *Assandi Times*, which closed in August 2004 after being unable to pay a fine for allegations it made concerning the forces behind the publication of a fake edition of the newspaper.

Tulegen Askarov also noted that due to the interference in the industry by the authorities, "a super-competitive situation is created in the urban media markets, which holds down circulation growth and the revenues of the regional and national press and also causes stagnation in the development of the electronic media."

Pressure is applied not just for political reasons, but also out of a desire on the part of well-connected people to take over that business, the panelists said, citing what they believe to be attempts to do

this in the city of Aktyubinsk. Moreover, advertisers are afraid to place ads in opposition media outlets. Tamara Kaleyeva said the authorities in the West Kazakhstan local government "did some 'work' with local businessmen to keep them from advertising in the local independent newspaper, *Uralskaya Nedelya*, which has a circulation of 10,000." Consequently, many independent media outlets operate at a loss. According to the panelists, at present the authorities interfere with the businesses of the newspapers *Apta. Kz*, *Epokha*, *Azat*, *Data Nedeli*, *Pravda Kazakhstan*, and *Svoboda Slova*, as well as *Respublika*.

Printing presses are discouraged from handling opposition newspapers, or their press runs may be confiscated, the panelists said. *Respublika* had printing interruptions from May 2005. However, according to Tamara Kaleyeva, when the printer *Vremya* refused to print six opposition newspapers in September, the Dauri printer immediately signed a contract with them.

The private media outlets are, by and large, funded by their owners, with advertising coming in second among funding sources, and sales third. Since oligarch-owned entities loyal to the government or controlled by the closest aides of the country's high-ranking officials own the leading advertising agencies, the main flow of major advertising goes to the media outlets controlled by those same circles, and also to state-owned media outlets, according to the MSI participants. Officially, the government provides no subsidies to the media. But in actuality, the panelists said, the authorities accomplish this through the system of government contracts, the bidding for which is won by the media outlets that are controlled either by the authorities or by oligarch-owned entities that are close to them, or that follow editorial policies loyal to the government.

In the media outlets themselves, with the exception of the large media holding companies, work with advertisers is far from meeting present-day standards. However, market research is coming to be used more widely and professionally by large media outlets, although most regional publications, which usually cannot afford such services, rely instead on personal observations and experience. Newspapers for the most part supply accurate circulation data due to enforcement of harsh penalties for false claims that

"It is becoming prestigious to own a media outlet, and when necessary an owner can use it to advance his interests," Sergei Vlasenko said.

are provided for in the administrative code, according to Tamara Kaleyeva. "It is harder to verify the ratings of television and radio programs, and the distortion of such ratings does not bring administrative penalties. So there may be more abuses there," she said. The ratings results also meet with skepticism because in Kazakhstan rating companies have just begun to be established, and the prominent public-opinion research agencies are controlled by the oligarchs.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 1.93 / 4.00

Associations of publishers and of radio and television broadcasters do exist in Kazakhstan, and in principle they attempt to defend and lobby for the interests of their members with government agencies. However, linked to the direct or indirect dependence of media outlets on the authorities, these associations, like the media outlets themselves, are forced to constantly maneuver and thus are rather limited in their ability to exert influence. The independent NGOs that advocate for free speech and defend journalists and the independent media are fairly active, but are subject to the resistance by government agencies.

The two journalists' associations—the Union of Journalists of Kazakhstan and the Congress of

Journalists of Kazakhstan—do not much influence the situation with respect to free speech and of the media, the MSI panelist said. "The Union of Journalists is an organization completely independent of the government that exists so long as it keeps quiet and does not oppose government policies," Galina Dyrkina said. "And the Congress of Journalists is the organization of the Kazakhstan president's daughter, Dariga Nazarbayeva, which was established to give an appearance of democracy and operates in collaboration with the regime." Membership in the associations is unrestricted, but they do not come out in defense of opposition media.

Tulegen Askarov said journalists for the most part "simply do not realize the potential that the concerting of efforts could give them." There are human-rights organizations that do help independent media outlets by providing legal support, monitoring infringements of free speech, informing the world of the situation with respect to the media and free speech in the country, and conducting seminars and trainings for journalists. They include the Edil Soz Foundation for Protection of Free Speech, the Kazakhstan International Bureau for Human Rights and the Rule of Law, the Journalists in Trouble Foundation, and the American Bar Association's Media Support Center. Among the NGOs that defend media interests, Edil Soz and Internews Kazakhstan especially stand out. However, the organizations' influence on the government is not very great, either. A typical symptom of the intensification of government control over the activities of the media was a change in leadership of the Kazakhstan president's Public Council on the Media, whereby Setkaza Matayev, who is highly regarded in journalist circles, was replaced by State Secretary Oralbay Abdykarimov.

In the MSI panelists' opinion, these organizations' capabilities are limited because under the existing judicial system it is impossible to defend the rights of the media and journalists in court, no matter how skilled lawyers may be. These NGOs are unable to exert influence to improve media laws, although they do a huge amount of work in this area. "Evidence of this can be seen in the amendments that were made this year in media laws, supposedly in the interests of national security," Galina Dyrkina said. "One of the amendments, to the effect that foreign citizens may not be the editors of Kazakhstan media, was specially introduced because of *Respublika* editor Irina Petrushova, who is a citizen of Russia. Moreover, these NGOs themselves come under harsh pressure. This year three NGOs at once were subjected to special inspections by the prosecutor's office. The purpose of such actions is clear: to make the NGOs be more obedient and shut up."

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.

Nonetheless, Tamara Kaleyeva said: "New NGOs have been springing up, for example, in Kustanai, Pavlodar, Taraz, and Almaty, and have been quite active."

The training of journalists in institutions of higher learning is unsatisfactory, in the panelists' opinion. "In the universities there are few practicing journalists among the professors and instructors, especially in the fields of business and political journalism, and there is not enough up-to-date equipment," Galina Dyrkina said. "The system of internship for future journalists in media outlets has been destroyed."

Even as the journalists grow professionally, as a rule, the best of the specialized correspondents are lured away financially by the press services of companies and banks, or are invited to join government agencies. Establishment of new business media recently has kept some specialists working as journalists, the panel said.

It has proved possible to improve journalists' professional skills through various short-term trainings to which media staffs readily send their employees. Valentina Kulikova, president of the Otyrar private television network, for example, considers the international organization Internews' training to be of high quality. Media outlets do encounter financial and personnel problems during the time instructional seminars are being held. Sergei Vlasenko noted that "they have to pay for their journalists' travel, and during their absence someone has to do their work. Therefore, work on holding seminars locally, on location in outlying regions, would be more efficient and productive."

The printing presses and channels of media distribution, whether state-owned or private, are dependent on the government, as is any business

in Kazakhstan. Presses can be forced not to print any publication. As an example, the panelists mentioned the Vremya company's September 2005 cancellation,

simultaneously, of contracts to print a number of leading opposition publications. The panel suggested the reason was the desire of the owners to have their paper, which has the same name, keep a government contract to publish in every issue a column called "Open Rostrum," which is devoted to lauding the government's accomplishments or disparaging the opposition.

The only major press distributor, the state-owned Kazbaspasoz enterprise, is managed in the same way. For example, more than a year ago it unilaterally canceled a contract with *Respublika* and has refused to make a new one. All television and radio transmitters are controlled by the state, and the television towers are all state-owned. For the Internet, the main lever of government control is the Kazakhtelekom national company, which also dominates the market of landline long-distance and international telephone service, as well as the cellular phone market. As a result, the government also can control access to media outlets' Internet portals, the MSI panelists noted.

"The Union of Journalists is an organization completely independent of the government that exists so long as it keeps quiet and does not oppose government policies," Galina Dyrkina said.

Panel Participants

Tamara Yeslyamova, Editor-in-Chief, *Uralskaya nedelya* newspaper

Tamara Kaleyeva, President, Edil Soz International Foundation for Protection of Free Speech

Sergei Vlasenko, Senior Legal Specialist, Media Specialist, American Bar Association's Central European and Eurasian Law Initiative

Valentina Kulikova, President, private Otyrar television network

Tatyana Pak, President, FORPOST Order for the Defense of Free Journalism nongovernmental foundation; Journalist, *Gorod 326* newspaper

Vladimir Mikhaylov, Director, Rifma LLC

Galina Dyrkina, Deputy Editor-in-Chief, *Respublika* newspaper

Yevgeniy Zhovtis, Director, Kazakhstan International Bureau for Human Rights and the Rule of Law

Tulegen Askarov, Economics Commentator, *Respublika* newspaper

Moderator

Yelena Buldakova, Kyrgyzstan

Observer

Maria Stefurak, Media Development Specialist, USAID

KAZAKHSTAN AT A GLANCE

GENERAL

(source: CIA World Factbook)

■ **Population:** 15,185,844 (July 2005 est.)

■ **Capital city:** Astana

■ **Ethnic groups (% of population):** Kazakh (Qazaq) 53.4%, Russian 30%, Ukrainian 3.7%, Uzbek 2.5%, German 2.4%, Tatar 1.7%, Uyгур 1.4%, other 4.9% (1999 census)

■ **Religions (% of population):** Muslim 47%, Russian Orthodox 44%, Protestant 2%, other 7%

■ **Languages (% of population):** Kazakh 55%, Russian 100% (inasmuch as the country's entire population knows Russian), Uighur 3.7%, Ukrainian 3%, German 5%, Uzbek 5% (All numbers are approximate.)

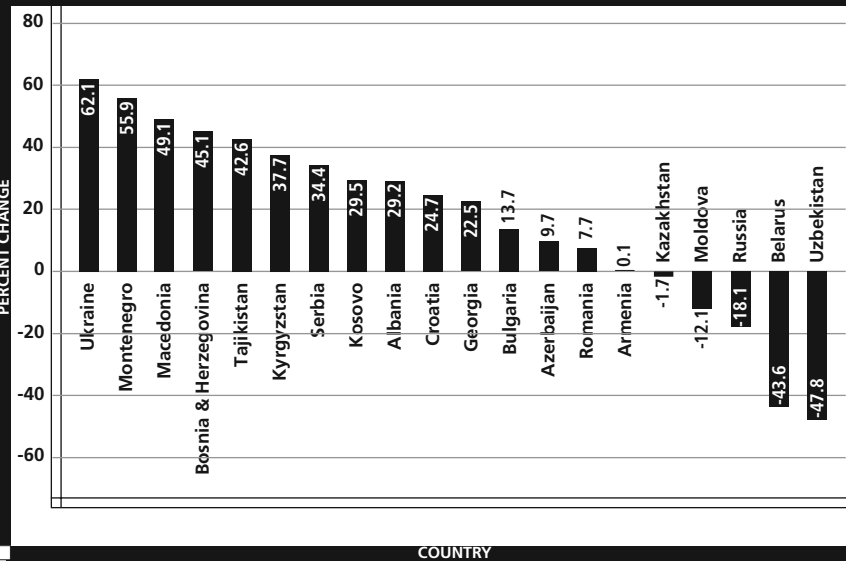
■ **GDP:** \$118.4 billion (2004 est., ppp)

■ **GDP per capita:** \$7,800 (purchasing power parity) (2004 est.)

■ **Literacy rate (% of population):** 98.4%

■ **President or top authority:** President Nursultan Nazarbayev (elected by popular vote for a seven-year term; election last held January 10, 1999, a year before it was previously scheduled [next election: 2006]; President Nazarbayev's previous term was extended to 2000 by a nationwide referendum held April 30, 1995; prime minister and first deputy prime minister appointed by the president)

MSI AVERAGE SCORES—PERCENT CHANGE 2001–2005



■ **Next scheduled elections:** Presidential elections were scheduled to be held on December 4, 2005. The National Assembly elections are to be held in 2006.

MEDIA-SPECIFIC

■ **Newspaper circulation statistics (total circulation and largest paper):** Kazakhstan has 1,824 functioning media outlets: 1,202 newspapers, 483 magazines, 124 television and radio stations, 15 news agencies. The circulation leaders are the newspapers *Karavan*, *Vremya*, *Kazakhstanskaya Pravda*, *Zhas Alash*, and

Komsomolskaya Pravda (Kazakhstan supplement).

■ **Broadcast ratings (top three ranked stations):** Television: Channel 1—Eurasia (formerly Russian Public Television, Kazakhstan) 43.1%, Khabar 42.2%, KTK 30.7%. Radio: NS, Radio 31, Avtoradio. *Center for Social Strategies survey (September 25–October 5, 2005)*

■ **Number of print outlets, radio stations, television stations:** As of June 1, 2004, 5,495 media outlets were registered, but only 2,022 of them are active. Of this amount, 514 are state-owned and 1,508 are private. Television companies: 130; radio stations: 40.

■ **Annual advertising revenue in media sector:** NA

■ **Number of Internet users:** 250,000 (2002) *CIA World Factbook*

■ **News agencies:** 15 news and information agencies

MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN

