

# **MEDIA SUSTAINABILITY INDEX**

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## **2006/2007**

**The Development  
of Sustainable  
Independent Media  
in Europe and Eurasia**



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The Development of Sustainable Independent Media in Europe and Eurasia  
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KAZAKHSTAN

The new political cycle that Kazakhstan entered following the December 2005 presidential elections has been characterized by the terms “political sustainability,” “social stability,” and “effective economic reforms.” The year started out with the key event in the politics of the preceding seven years—the inauguration of Kazakhstan Republic President Nazarbayev. Since the status quo in the republic’s leadership has been preserved, now the logic of the national development strategies was declared to be “first economics and then politics.” In terms of economic policy, the past year has proved to be more than successful: the GDP growth rate reached 9.5 percent, and per capita GDP rose substantially. Today, significant progress can be noted in macroeconomic changes, which is reflected both in Kazakhstan’s growing world economic ratings and in the optimistic upswing in the way that Kazakhstanis feel about their society.

Certain segments of the media system are also characterized by economic growth. Entertainment publications—the “slick” magazines—are presently occupying new consumer niches and expanding into the markets of neighboring countries. These slick magazines, which have received wide distribution, frequently acquire the significance of status publications, rather than magazines for the masses, although mass magazines do exist. The market of business-oriented media, in which the state cannot exercise serious influence or offer much competition, as it does in the area of the general-purpose media, has been developing.

The dynamics of the general media in 2006 have been somewhat different. Among the significant factors of change in the environment of such media, one can cite the appointment of a new minister of culture and information, who has openly expressed his intention “to defend the government with every possible means,” along with the numerous legislative initiatives seeking to regulate key areas of media activity.

In the experts’ assessment, Kazakhstan’s information law contained a great many restrictive and prohibitive provisions, even before the aforementioned legislative initiatives. Many of these initiatives are contrary to constitutional guarantees of freedom of speech, creativity, and citizens’ right to obtain and disseminate information and are extremely far from international standards.

The Institute for the Problems of Information Law (Moscow) conducted a study of media law in former Soviet states. In the study of 13 of the most fundamental issues for the media in the area of the legislative regulation of the information sector, Kazakhstan received a very low mark (2 points out of 13) and joined the group of countries with the lowest degree of freedom, including such countries as Belarus and Turkmenistan.

# KAZAKHSTAN AT A GLANCE

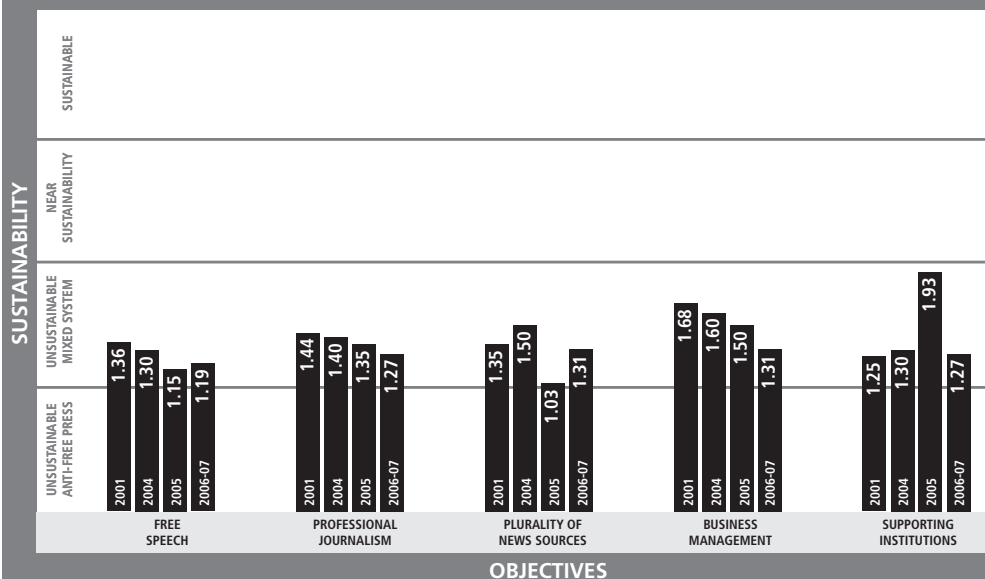
## GENERAL

- > **Population:** 15,284,929 (July 2007 est., *CIA World Factbook*)
- > **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%, Uygur 1.4%, other 4.9% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 47%, Russian Orthodox 44%, Protestant 2%, other 7% (*CIA World Factbook*)
- > **Languages (% of population):** Kazakh (Qazaq, state language) 64.4%, Russian (official, used in everyday business, designated the "language of interethnic communication") 95% (2001 est.)
- > **GNI (2006-Atlas):** \$57.98 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$7,780 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 99.5% (male 99.8%, female 99.3%) (1999 census, *CIA World Factbook*)
- > **President or top authority:** President Nursultan A. Nazarbayev (since December 1, 1991)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** A total of 2,022 active media outlets (of which 514 are state-owned), including 130 television companies and 40 radio stations
- > **Newspaper circulation statistics:** The circulation leaders are the newspapers *Karavan*, *Vremya*, *Kazakhstanskaya Pravda*, *Zhas Alash*, and *Komsomolskaya Pravda* (Kazakhstan supplement)
- > **Broadcast ratings:** N/A
- > **News agencies:** 15 news and information agencies
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 400,000 (2005, *CIA World Factbook*)

## 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.

Before the election, an information campaign was implemented to publicize Kazakhstan's successes in both economic reform and the advancement of its foreign-policy image. Sociologists' opinion surveys note the public's growing satisfaction with the improvement of economic prosperity and a growing unwillingness to risk this prosperity for the sake of democratic values.

In assigning scores for 2006, participants in the panel discussion noted the ambiguous nature of the processes that have been occurring: on the one hand, there has been an indisputable quantitative and qualitative growth in some sectors of the media, along with improvement of the media's technical facilities and an increase in the diversity of their sources of revenue. But at the same time there has been deterioration in the political environment in which the media operate in Kazakhstan. Members of the panel assessed overall trends in the development of the climate for the media as negative, and the average Media Sustainability Index (MSI) score dropped from 1.39 to 1.27. There was a higher rating in terms of plurality of news sources providing citizens with reliable and objective news.

The panelists repeatedly emphasized that free speech is not a value for either the government or the people. A deterioration of the situation with respect to public institutions, and especially the media, against the backdrop of the stabilization and intensification of conservatism in public opinion, was identified by the panelists as the greatest challenge to the democratic process in Kazakhstan in the current year.

## OBJECTIVE 1: FREE SPEECH

### Kazakhstan Objective Score: 1.19/4.00

The legal framework guaranteeing free speech in Kazakhstan includes more than 30 legislative documents,<sup>1</sup> the foundation of which is the Kazakhstan Republic Constitution.

During this past year there was a significant step-up in initiatives for the further development of the legislative framework. Thus, in 2006 amendments to the Law on the Media were introduced twice,<sup>2</sup> and the following bills were introduced:

- On Publishing Activity

<sup>1</sup> Bulletin Rep/2006/#34 of the Center for Journalism in Extreme Situations

<sup>2</sup> At present there is a bill drafted by the Congress of Journalists and submitted to parliament. Consideration of this bill was planned for January 2007. One of the principal persons promoting this bill is the newly elected leader of the Congress of Journalists, Diriga Nazarbayeva.

- On Revisions in and Addenda to Certain Legislative Acts of the Kazakhstan Republic Concerning Increased Liability for Libel and Violence
- On Revisions in and Addenda to Certain Legislative Acts Concerning Advertising
- A decree of the republic president ratified the Basic Concept of Information Security in the Kazakhstan Republic.
- A government resolution made revisions in the Regulations for the Registration of Foreign Media Distributed in the Kazakhstan Republic.
- Draft Regulations for the Licensing of Activities Related to the Organization of Television and (or) Radio Broadcasting also are being advanced.

These changes in law and in public discourse, in the panelists' opinion, are deemed to be a further offensive on the part of the state against the independent media through such mechanisms as increasing the criminal liability for libel and the civil liability for insult. At the same time, such important aspects of journalism as the legal definition of publicly significant information or journalists' social status have remained beyond the realm of legislators' attention.

Law-enforcement practice in Kazakhstan in the current year took great advantage of the opportunity to restrict the media's rights and freedoms. The practice has continued of filing charges against journalists under criminal law for libel and insulting top political figures, and the practice of civil

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

### FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing 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 offended parties 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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*Displeasure with the work of a journalist or media outlet can have consequences not only in the form of court cases, but also outside the realm of the law. Monitoring by the Adil Soz International Foundation for the Defense of Free Speech attests to dozens of instances of attacks on journalists during the current year. Yet there were no convictions.*

disputes over defamation has become more widespread. For example, the journalist Zhasaral Kuanyshelin, who was accused of insulting the country's president, was sentenced to two years' incarceration but fell under an amnesty, and legal proceedings continue with respect to Kazis Toguzbayev, against whom charges of insulting the honor and dignity of the Kazakhstan Republic president were brought by the National Security Committee's department for Almaty. Law-enforcement agencies are given preference in the legal proceedings, and there are already precedents for the conviction of journalists in such cases. That is why it is predicted that the outcome of the case will not be in journalists' favor.

Civil disputes, too, are very often decided against journalists and media outlets. One illustration is the trial this year based on a lawsuit brought by Ye. Abylkasymova, a deputy to the Majilis (lower house) of the Kazakhstan Republic parliament against the owner and editor of the newspaper *Central Asia Monitor* and one of its journalists. Contrary to the opinion of forensic linguistic experts, the court ruled that the information contained in an article defamed and damaged the reputation of the deputy, and it ordered the collection of nonpecuniary damages in the amount of 5 million tenge.

Journalism is becoming an increasingly risky profession in terms of journalists' vulnerability in the face of criminal and civil law. The case brought against six media outlets in Zhambyl Province is indicative. The reason for the case was the distribution of information officially obtained from a government body—the disciplinary council of the Kazakhstan Republic's Zhambyl Agency for Civil Service Affairs. The information concerned instances of corruption by the deputy *akim* (local executive). Although under law media outlets cannot be held liable for the dissemination of official information, the deputy *akim* filed a suit seeking nonpecuniary damages of 22, 400,000 tenge to be paid jointly by the print and electronic media outlets.

The risk is also great in the case of using Internet materials or materials from other foreign sources. Although access itself to various information sources is great,<sup>1</sup> the risk of facing charges for the publication of borrowed information is quite real and great, as the past year's judicial precedents attest.

Displeasure with the work of a journalist or media outlet can have consequences not only in the form of court cases, but also outside the realm of the law. Monitoring by the Adil Soz International Foundation for the Defense of Free Speech attests to dozens of instances of attacks on journalists during the current year. Yet there were no convictions. Threats of reprisal against journalists in connection with their professional activity have become extremely common (these include threats over the phone, in the mail, etc., as well as open meetings with journalists). At the same time, compared with last year, the situation has even gotten worse, since law-enforcement officials frequently refuse to accept complaints in such cases, and fail to respond to them.

The year 2006 was marked by two cases of premeditated murder of journalists—the journalist Altynbek Sarsenbayev, a former minister of information and culture and prominent opposition figure, and the French journalist Gregoire de Bourgues. Although investigations have been completed into these crimes and verdicts rendered, the public has doubts as to the objectivity of the investigation and judicial decisions.

Describing the gap between the laws governing media activity and actual practice, Tamara Kaleyeve, of the Adil Soz International Foundation for the Defense of Free Speech, expressed a pessimistic forecast: "Law-enforcement practice is completely at odds with the law, which declares equal rights regardless of the form of ownership of media outlets. But in 2006 a basis was laid for establishing this inequality in law as well. The general concept of the development of competitive media draws a clear line between government and private media outlets, giving the former preferential status economically through the establishment of support in the form of government subsidies. So the contradiction between the law and law-enforcement practice will soon be eliminated."

The authorities actively engage in dishonest competition by dividing media outlets into "ours" and "not ours," according to the panel. The principle of "ours" constitutes a system of preferences that are granted in exchange for loyalty to the authorities. Exclusion from the list means numerous bureaucratic obstacles and an increased risk that a media outlet will be shut down. The authorities' arsenal includes many administrative tools for "regulating" the media's

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<sup>1</sup>There have been only isolated cases in which websites are blocked or forced to abandon the kz domain.



activities: from outright interference in the operations of nongovernmental media outlets (in Kostanay Province there was a case in which the local government removed the editor of an independent private television station and appointed “its own” person) and the restriction of access to information, to the possibility of putting pressure on a publication through the print shop at which it is printed, or the creation of red tape in issuing a license, the organization of audits of media outlets by the tax services, or combating piracy at private stations, etc.

The electronic media are the most vulnerable, since they must go through a multiple-stage procedure in the process of which they must obtain a license and permission for the use of equipment. In this connection, the requirements of license recipients in terms of qualifications have been formulated, but the rules for granting licenses have not been formalized. The complexity of getting through both the technical and political aspects of licensing procedures accounted for the absence of any bids for media licenses throughout the entire year of 2006. If one considers that the most accessible and used form of media in both the cities and the regions is television, all the complexities related to the opening of private, independent broadcasting stations become understandable. Yevgeniy Zhovtis, director of the Kazakhstan Bureau for Human Rights and the Rule of Law, noted: “Institutionally, the licensing of the electronic media is far from meeting international standards. The procedures for it are not transparent, and one can conclude from the results that there is a lack of fairness. There is not a single television or radio channel that is independent from the state. How can one speak of pluralism of political opinions in such a case?”

The provisions of law do not distinguish the media from other sectors of the economy. Entry into the private media market is determined by conditions that are equal to those governing other business projects. On the whole, in the panelists’ opinion, tax neutrality reflects a low opinion of freedom of speech and the lack of any real support for pluralism in the media.

Since last year, tax preferences (for the value-added tax, or VAT) have been revoked. The upshot, in the panelists’ opinion, is that in reality the nongovernmental media incur greater costs than do other sectors of business: the procedures for getting into the market are lengthy, and the risks are greater. Although registration with the Ministry of Information and Culture today does not appear to be complex, the time established by law for obtaining registration—within 15 days—sometimes proves to be insufficient. The owners of *Novaya gazeta* in Temirtau invested millions of tenge in their news enterprise, but because of a fire in the ministry, its subsequent move, and resulting loss of documents, its registration was substantially

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delayed. The owners of *Nedelya* in Karaganda were able to publish only the first issue of their publication before being promptly shut down. According to the main theory, the reason for its closing was its publication of an article about the activities of the local *akim*. That is, general-purpose publications, as businesses, face greater additional risks compared with other business enterprises. Tulegen Askarov, an economics commentator with the newspaper *Respublika*, characterizes the difference between the information business and other business (such as the oil business) as follows: “Oil fields are sold competitively, while media outlets are sold on the basis of political considerations.”

Furthermore, in contrast with other sectors of the economy, in the information sector the rights of nonresidents and rights to rebroadcast foreign information products are restricted by law.

By virtue of the development of technology, it does not appear possible to restrict the public’s access to diverse sources of information, even for a state that is oriented toward rigid control and the regulation of the media sector in its own interests. The Internet and cable television, satellite broadcasting, and new information products (including journalists’ blogs) are developing rapidly in Kazakhstan, and the state cannot effectively exercise control over these areas.

The low prestige of media work, in the panelists’ opinion, can be attributed to the fact that entering the profession of journalist faces no specific requirements and conveys no special rights. The journalists’ community itself has an interest in raising the professional bar for entering specialized areas of journalism, and in the near future the establishment of professional guilds will become a step toward improving the quality of professional journalism.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Kazakhstan Objective Score: 1.27/4.00

This indicator evoked a difference of opinion among the expert panelists. A number of panelists claimed that by virtue of their preferential treatment, the government media outlets are not greatly concerned with the accuracy of information, while for private independent media it is vitally important to check and recheck information and use various sources for reports.

Nonetheless, most of the panelists concurred in the opinion that commercial media outlets are just as subjective and tendentious as the government media outlets. On the whole, given the unfavorable laws and law-enforcement practice, self-censorship is becoming a way of life for journalists and editors. This is reflected in the continuing low score for this indicator, which has not witnessed progress since the MSI began in 2001.

Askarov spoke of self-censorship: "We know that if you are preparing an article that is somewhat critical for a newspaper, especially a weekly, the editor will telephone Astana and find out whether the thrust of it will get by or not. That is, this is not just the practice of self-censorship, but self-censorship that has been incorporated into a system of government control."

In assessing the political conditions for the operation of the media, Tamara Yeslyamova, editor of the newspaper *Uralskaya nedelya*, said: "Freedom and independence are always related to the personal choice of the editor and

#### 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.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Quality niche reporting and programming exists (investigative, economics/business, local, political).

the journalist. If you tell yourself that you will not practice self-censorship and will do your professional work completely, you are taking all the risks on yourself. You realize that you may be killed or beaten, your family may be killed or beaten, and your fellow staff member may be killed or beaten. That's an extremely grave personal choice."

In the course of the panel discussion, a special case for Kazakhstan—the newspaper *Respublika*—was discussed. Askarov said that, following a certain stage in which opposition media outlets and their journalists were pressured and hounded, a period marked by a certain degree of political freedom from the dictates of the state has begun. In the case of *Respublika*, this could happen only after its offices were burned down, a number of journalists convicted, and the editor forced to leave the country. Now the paper has no offices, as such, but its journalists may write for it without self-censorship, and their articles will go to press without cuts.

However, at most media outlets, for the sake of greater security, the journalists and editors have been forced to avoid "hot" topics and attempt to ensure themselves by settling for official responses from officials, while the latter do their utmost to give strictly perfunctory answers and not to meet the required deadlines for providing information. The results of the monitoring of mass news and advertisement publications conducted by the Center for Legal Assistance to the Media are no accident. Olga Didenko, a lawyer with the Center, had the following to say about those results: "Up to 60 percent of the content of mass publications consists of crime reports." The imposition of taboos on topics and individuals is especially evident in the capital-city and national media, since the regional media have slightly more freedom. It is thanks to the regional media that the republic learned about the Shymkent tragedy, in which dozens of children were infected by medical personnel with the AIDS virus, and about the conflict involving Kazakh and Turkish construction workers, and so forth.

Nonetheless, Tatyana Pak, president of the nongovernmental organization (NGO) Forpost Order for the Defense of Free Journalism, believes that "the freedom of the regional press is highly relative." The economic and political potential of the regional media are even more limited than that of the capital-city media.

The size of their income also substantially reduces the motivation and ability of regional journalists to be objective and professional. As the website *Izdatel.kz* attests, the best financial situations are enjoyed by the staffs of republic-level media outlets—*Kazakhstanskaya pravda*, *Argumenty i fakty*, *Karavan*, *Izvestiya Kazakhstan*, *Megapolis*, and *Info-Tses*. Among the electronic media, the highest wages are those of *Khabar* journalists. But even within the limits of a single

media outlet, pay levels may vary considerably, and the gap is not just between the remuneration of journalists and that of managers and editors, but in the pay of different “ranks” of journalists. On capital-city publications, such gaps can reach critical dimensions. According to the panelists, low wages are not the least factor contributing to the process of pushing talented journalists out into government service.

In discussing the earnings issue, panelist Zhovtis expressed doubts as to the wording of the fifth indicator under the given objective. He justified those doubts with the claim that, unlike government officials, in the case of journalists we are dealing not with corruption but with a different sort of abuse of position that is closer to a violation of ethical standards.

Competitive economic conditions force editors and journalists into even greater tendentiousness. Kaleyeva, citing Russian studies and years of media monitoring in Kazakhstan, characterized the content of today’s media as follows: “The principles of editorial policy are such that a journalist is required to bring in advertisements and required to engage in PR for the economic development of his publication. That is, you get a total mixture of advertising and professional activity. Even in one’s mind there is a mixture, an eclecticism. The existence of commissioned articles results in a situation in which journalism, per se, occupies less than a fourth of print publications, while the rest constitutes the filling of orders—economic, political, and business orders. And this is done under the label of journalistic materials. There is a total lack of ethical standards.”

The republic’s journalists do not have any generally accepted ethical standards and norms, despite the existence of such documents as the Declaration of the Moral Principles of Journalism, which is posted on the Congress of Journalists’ website. Moreover, there are frequent cases of “local information wars” that develop between competing media outlets right on the pages of publications. In such situations, anything goes, and ethical values are ignored.

At the same time, at a number of regional media outlets, editorial ethical codes have developed, and upon beginning work a journalist signs an ethical code along with an employment contract.

In the panelists’ opinion, the influence of level of pay on journalists’ devotion to ethical values and standards is not unambiguous. As a rule, the higher level of earnings in capital-city media outlets is not an obstacle to the appearance of biased, tendentious materials, while regional journalists with relatively low pay do not necessarily personify journalism that has sold out in every respect. For example, at the *Uralskaya nedelya* [Urals weekly] newspaper, an incident occurred in which a journalist chose

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ethical values over considerations of personal gain (a large bribe). This fact is described in detail on the website of the Adil Soz International Foundation for the Defense of Free Speech, but it represents the exception rather than the usual practice of journalists.

According to the legal classification of media, Kazakhstan has government media outlets, commercial media outlets, and the media outlets of political parties. That is, the association of each type of media with certain interest groups is perfectly obvious. In each of the aforementioned media groups, there are also internal divisions and specializations. Depending on the type of media ownership and the specific niche occupied by a specific publication or station, the level of professionalism, accuracy, and objectivity varies. For example, panelist Askarov noted that generalized assessments of the entire media market as being nonobjective, placing a serious overemphasis on advertisements and entertainment and offering a low level of analysis, are not fair today. He said: “A media dialogue was recently held in Almaty with the participation of business circles. The Kazakhstan Press Club was there, public-relations people were there, and the head of the National Bank, the Financial Oversight Agency, and others were there, too. They noted that one sector of print publications in the country already presents fair and objective information from good and diverse sources. We thanked them for the compliment and explained that we were fortunate to have such progressive financial sources. But if we take other sectors (and this was also mentioned in the media dialogue), such as the general-purpose press (including official publications and the aforementioned *Kazakhstanskaya pravda*), it differs strikingly from the business media sector. That is because the information that is presented there is usually unfair and nonobjective, and not always from good sources. The political-party press occupies a totally marginal position, because it gives expression to just one side, the party to which it belongs. All other points are not admitted.”

*The complexities of the development of nongovernmental general-purpose media and the bias in mass tastes toward entertainment account for the fact that the greatest percentage of broadcast time goes to entertainment programs, and in the print-media market, media owners are with increasing frequency reorienting their publications from a general-purpose focus toward television guides, slick magazines, and the specialized press.*

The complexities of the development of nongovernmental general-purpose media and the bias in mass tastes toward entertainment account for the fact that the greatest percentage of broadcast time goes to entertainment programs, and in the print-media market, media owners are with increasing frequency reorienting their publications from a general-purpose focus toward television guides, slick magazines, and the specialized press.

However, the process is not so simple: News media have their own stable niche, and the demand for professional news is expanding. Thus, all the country's television channels (except for Hit FM) have their own news segments, which usually become the biggest revenue-generating part of their broadcasts. A number of television channels have been switching to nonstop news programming and are enjoying considerable success with the audience (Khabar, Almaty, and the regional television broadcast from Kyzyl Ordy). News production in that format demands not only a high degree of professionalism on the part of journalists but sufficient financial resources—an adequate staff and advanced technology. Only a very few media holding companies that possess both economic and government capital can allow themselves that sort of broadcasting format.

### **OBJECTIVE 3: PLURALITY OF NEWS SOURCES**

**Kazakhstan Objective Score: 1.31/4.00**

Of all the means of informing the public, television has the greatest advantage and the greatest reach. The regions have access to local television stations, and the government television channel Khabar offers broadcasting of a national nature. Today the country already has more than 30 television stations that, among other things, offer local news. Public

television does not exist in Kazakhstan, either de facto or de jure, although the question of establishing public television has been actively discussed in the public space.

The rapid growth of personal income has contributed to the public's becoming acquainted with new information technologies. Panelist Pak believes that satellite television has been developing rapidly, and relatively cheap Chinese-made satellite dishes are within the reach not only of city dwellers but of certain categories of rural residents. According to statistics, the circulations of subscription periodicals, both national and local, have been growing, which is due in large part to the development of the advertising market.

However, the media market is not evenly developed among the various regions. First of all, the print market has its limitations. By virtue of the monopoly on the delivery and distribution of print products (*Kazakhtemirzhol*, *Kazakhpochta*), in the regions the national-type newspapers lose their timeliness and attractiveness as news sources. The local general-purpose press continues to experience political pressure and financial difficulties. Over the past year there have been numerous examples, like that of the Pavlodar province weekly *Sobytiya nedeli*, which closed.

A factor impeding the development of the general-purpose press is the continuing trend toward extinction of the culture of reading. Today other forms of receiving information—television and radio—predominate in informing the public. But for the electronic media, all is not well, either, since there are regions (villages) that not only are outside the delivery system for the print media but also have difficulties with electricity and normal telephone service. By virtue

#### **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.

of Kazakhtelekom's monopoly in the area of principal information networks, it has no interest in the emergence of competitors and lowering of prices for services. High Internet charges, the fact that access to it is far from universal among rural residents, and the high cost of cellular phone service mean there are limits on the plurality of news sources for the rural regions and, in general, make access to objective and reliable news more difficult.

Thus, one can say that zones have developed in the country with differing degrees of information density. In Askarov's opinion, "as a result of the high concentration of media outlets in the cities, a kind of super competition is developing in the regional media markets, which is holding down the growth of circulations and revenues of both the local and the nationwide press and giving rise to stagnation in the development of the electronic media, reinforcing their orientation toward the interests of advertisers and the mass consumer."

It does not appear possible for citizens to determine the orientation of the interests of specific media outlets, since information about media ownership is not made public. Whereas with regional companies one can still figure out who the owners are by making reasonable guesses, on the national scale it is impossible to find out information about media outlets' owners. The panelists recalled cases in which court proceedings were instituted against a former ministry of information and culture who dared to publicly identify the news entities included in the media holding company of D. Nazarbayeva, the president's daughter.

In a number of regions the presence of Russian media determines the entire consumer market: Russian television stations often predominate. A number of regions are also within the television and radio broadcasting zones of adjacent states, especially Uzbekistan and China.

The reverse flow of information from the regions to the capital and other big cities and the interregional exchange of information are difficult. The vast majority of newspapers and even news agencies cannot afford to maintain correspondents in the regions. The flow of information from the regions is much weaker than the flow to the regions. Even such market-leading news agencies such as Kazakhstan Today, Politon, and Interfax Kazakhstan do not adequately reflect regional events.

The Internews Kazakhstan News factory project has become a good information source for journalists. Thanks to this project, all the participants—independent media outlets from the regions and the capital—have access to extensive, up-to-date databases from various regions consisting of high-quality journalistic products.

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As Askarov pointed out, on the whole the print market is already polyphonic, and "given the whole abundance of positions, a reader can potentially put together his own version of the truth and analyze the hidden government interests."

Journalism in the languages of the national minorities traditionally has come under even greater pressure from the authorities and has been weaker from the professional standpoint. Thus, despite the relative diversity of print-media outlets in the languages of the national minorities, there is not a single influential one among them. Strict government control and budgetary funding mean that the minority press does not reflect the interests of the minorities but performs decorative functions. For example, most Kazakhstanis of Uighur nationality are concerned about the autonomy issue, but the diaspora media do not cover the issue. As Zhovtis noted, "in the activities of the nationality centers, political aspects predominate. The centers' work is supposed to be seen in terms of harmonized interethnic relations. Raising questions is not politically correct."

Trained personnel are becoming a huge problem for media in the national minorities' languages. Throughout the country as a whole, the personnel problem is fairly acute, but in the media published and broadcast in the languages of the national minorities, the chances of recruiting a talented and professional journalist who writes in one of those languages are especially low. The country's universities offer no professional training of journalists in the languages of the national minorities. In general, the media of the diaspora do not have many readers, since they do not reflect the interests of specific ethnic groups. Kaleyeva offered the following assessment of the work of the media in the national-minority languages: "On the basis of the monitoring of Kazakhstan's media in Uzbek, one can say that all the issues of interethnic

relations are treated in the media of the diasporas in an old-fashioned way, in the spirit of the [Soviet-era] friendship of peoples. Neither the slaughter in Shymkent nor other conflicts nor the urgent needs of the ethnic groups are reflected at all in those media.”

#### **OBJECTIVE 4: BUSINESS MANAGEMENT**

#### **Kazakhstan Objective Score: 1.31/4.00**

The panelists noted aspects of improvement in the situation with respect to this criterion in 2006, acknowledging positive changes in the handling of business not only by media enterprises belonging to oligarch-owned organizations but also by some private publications, especially in the sector of the business press and political-party media.

The dynamics of business management in the information sector are largely related to the development of the market in printing services. In this sense, the greatest capabilities, of course, are those of publications in the major cultural center, Almaty, although full-color presses are developing in regional cities, and competition among publishing services is emerging there. Even in relatively small towns, successful business enterprises are being established that may include the largest-circulation local newspaper, a retransmitting radio station, an ad agency, a print shop, and sometimes even its own television station. For example, that is what the Inform-Byuro-Ekibastuz media holding company looks like today.

Although cases were mentioned during the panel discussion in which, following the 2005 presidential elections, a number of opposition media were refused publishing services, the

overall trend is such that print shops strive to earn a profit regardless of the type of publication involved or its form of ownership. Naturally, if pressure starts to be exerted on a print shop in the form of tax audits, health inspections, and other inspections, the print shop will be forced to give up obvious revenues from printing opposition publications. But on the whole, at this time the denationalization of publishing facilities has contributed to progress with respect to freedom of speech and the plurality of news sources. The panelists noted that the bill “On Publishing Activity” that was introduced by the Ministry of Information and Culture in 2006 may change the situation by introducing covert censorship through the licensing of printing facilities.

The panelists noted that the private media also actively take advantage of such a revenue source as government commissions, in the context of which a media outlet pledges to carry propaganda for certain government programs and projects. Naturally, that sort of media revenue has its drawbacks—freedom can be restricted with respect to certain issues, and sometimes even the structure of a publication is distorted. And although government commissions account for only a relatively small percentage of the total revenues of nongovernmental media outlets (in the estimation of V. Kulikova, president of the Otyrar private television network) and government commissions barely make up 1 percent of media outlets’ total revenues, many nongovernmental media outlets gladly participate in bidding to obtain government commissions.

In the panel discussion, Kulikova gave a positive assessment of the accessibility of government-commission programs to nongovernmental media outlets, noting that this represents great progress in relations with the authorities and a victory for nongovernmental media outlets, which have achieved equality with government media outlets in this respect.

The percentage of government support for government media outlets is, naturally, different: Although government budget subsidies are technically prohibited, it is through the system of government commissions and direct and indirect support that substantial sums of government funds are provided to government media. Askarov cited an example of this: “Many news segments on Khabar or Kazakhstan are done with the support of the Kazakhstan Republic president’s television and radio complex, which technically is not a media outlet and receives direct funding from the government budget. The government also helps its media outlets with equipment, the selection of office buildings, the construction of office buildings, etc.” No small factor for the government media outlets is the persisting practice of compulsory subscription to government publications for employees in the budget-financed sector.

#### **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.

According to the information provided by Didenko, budget infusions into government media will continue to grow: "Next year payments out of the budget will increase manifold. And everyone realizes that the quality of the information product will not be any better."

One of the most important sources of revenue for media outlets, regardless of their form of ownership, type of specialization, or geographical area of coverage, is the advertising market. According to a study of regional press markets in Kazakhstan conducted by the Kazakhstan Association of Newspaper Publishers together with the Simkom LLP,<sup>1</sup> in the media market in Karaganda Province alone, there are 167 regional publications in the media market, of which 23 (or 14 percent) are magazines, and at least 50 extraregional publications, of which 20 are magazines. The total size of the local print-media market is \$10,183,000 per year, of which \$9,636,000 is provided by advertisers, and only \$574,000 comes from the sale of print publications to the public. Those who researched the regional press markets have established that sales revenues constitute no more than 6 percent of a local market, and consequently, the main economic factor in the operation of the print media is seeking and attracting advertisers. The media are developing not as media but as one form of advertising—an advertising channel through the media.

In the estimation of the panelists, overall, even for media outlets that rely on retail sales of their pressruns, 70 percent of revenues come from advertising. The free press gets 100 percent of its revenues from advertising. Didenko, citing the Association of Advertising Agencies, put the size of Kazakhstan's ad market at \$400–\$600 million. And although regulatory limits on the percentage of advertising in the media do exist (especially on television, where it is 20 percent), adherence to these limits is not monitored.

There are no fair and competitive conditions for access to the advertising market. Askarov said: "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 major advertisers' main flow goes to the media outlets controlled by those same circles, and also to government media outlets. An exception is the business media, which by and large work directly with the financial-industrial groups."

Despite the fact that the percentage of advertising determines the viability of media outlets, at most of them, with the exception of the big media holding companies, work with advertisers is far from meeting today's standards.

<sup>1</sup>This study was carried out on a commission from the Kazakhstan Association of Newspaper Publishers. See the website [Izdatel.kz](http://Izdatel.kz).

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The missing link here is professional marketing research and other media research conducted on a systematic basis. Today one cannot speak reliably about the position of any given media outlet in the market, about market share, or about the expectations and tastes of the audience or readership. Ratings companies are just starting to be developed, and the prices for media studies are high.

To this day, media surveys have been done primarily by such research organizations as the Gallup Institute and Kokon Evraziya-2. In the opinion of Oleg Katsiyev, of Internews, in some cases distortions are even presented to suit the client in the results of media surveys conducted by the Gallup Institute.

Despite the high cost of rating surveys, the major media outlets are forced to commission them, since both the cost of advertising in a broadcast network and compensation depend on the ratings. There are cases in which several television channels pool their resources to order such surveys.

Most media outlets lack marketing departments, and the publication of ratings is becoming a tool for the attraction of advertisers and audience. To that end, print media outlets often resort to overstating circulation figures. The overstatement of circulation figures is hardly practiced at all today at nongovernmental publications because of government spot checks at printing facilities and the serious fines for dishonest information concerning circulations in years past. These spot checks by the prosecutor's office and the subsequent imposition of sanctions were based on the Administrative Code. Private media outlets at their own initiative started to appeal to the Chamber of Commerce and Industry for audits of circulation figures. Although the first

attempts have been made, certification standards have not yet been formalized. At this time several organizations—the Association of Advertisers, the Association of Media Distributors, the Congress of Journalists, etc.—are working jointly on the procedures for auditing circulations.

In the panelists' opinion, government media and television and radio companies are guilty of distorting circulation numbers. That is the case even though, for this type of publication, mechanisms do exist that put a stop to dishonest competition. For example, there has been experience in conducting information fairs at which organizations working in support of the media may familiarize advertisers with the actual circulations of local media. Precedents also exist for initiating legal proceedings in cases of dishonest competition; in such cases, the plaintiff and the defendant are competing media outlets.

In summing up the discussion on this matter, Kaleyeva said: "The more diverse the sources of revenue, the more independent the media institutions."

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Kazakhstan Objective Score: 1.27/4.00**

The support system for media institutions in Kazakhstan is broadly developed. It includes a number of professional associations and NGOs working in the area of the protection of human rights, free speech, etc. Unlike in other Central Asian republics, the participants in the information market have been able to unite in professional associations—associations of television broadcasters, radio broadcasters, media distributors, advertisers, PR agencies, regional

### 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 in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

publishers, cable television operators, etc. Such associations are supported not by foreign grants but by the membership dues of their participants.

With every year, the number of such organizations grows, and today one can say that there is already a sizeable regional representation of membership media associations and NGOs. In 2006, the Association of Newspaper Publishers joined this group, and very soon the Association of Internet Publishers will begin to operate. Most organizations indicate in their mandates, first and foremost, the legal support of the association's members, and consulting on a wide range of issues, including legal issues.

A typical example is the National Association of Television and Radio Broadcasters (NAT), a membership organization that provides services to its members, nongovernmental media outlets. An important area of the association's work is lobbying for legislative decisions and providing information and legal and consulting services. For such organizations, the effectiveness of intervening in conflicts and the possibility of influencing the authorities are limited because of regulatory conditions and the distinctive features of law-enforcement practice. For example, NAT intervened in defense of the rights of a television cameraman and the media outlet he represented, since the cameraman had his camera broken while performing his job duties. Thanks to the support of NAT, the case was taken to court, although the outcome was not favorable for the journalist and his organization. Sholpan Zhaksybayeva, a NAT representative, noted: "NAT did not identify any major trials in 2006 with underlying political agendas. This year was largely filled with economic disputes, which, following consultations, were for the most part settled out of court."

Since membership in associations is established for legal entities, and trade-union organization is not a viable organization in all regions of the country, the real need for defense of the rights of specific individual journalists is filled by a number of NGOs.

Despite the pressure of the state, examples still exist of effective and vigorous work on the part of such organizations as the Adil Soz International Foundation for the Defense of Free Speech, Internews Kazakhstan, the International Kazakhstan Bureau for Human Rights and the Rule of Law, and in part, the Union of Journalists. These organizations carry out monitoring of journalists' rights and disseminate the results of it regularly, provide defense attorneys for journalists in court, and provide educational services to journalists and media outlets. That is, organizations that support the media not only identify cases in which journalists' rights are infringed but help them defend those rights.



In commenting on the development of supporting institutions, Askarov said: “Journalists’ associations exist and operate, but not so much as instruments of media pressure on the authorities as in the form of locations for the discussion of various problems.”

The government also takes an active part in the development of professional organizations in support of the media in order to pursue its own interests through them. For example, the government, with the involvement of media institutions and persons, established the Television Association headed by Nazarbayeva, and the Congress of Journalists. In initiating a new bill on the media in 2006, the Congress of Journalists, under the chairmanship of newly reelected Nazarbayeva, may be stepping up its activity. The state controls the activities of a special institutional structure—the Public Council for the Media under the president of Kazakhstan, in which, following the replacement of its leader last year, the positions of journalistic circles were substantially weakened.

The longevity of media trade unions and membership associations is still problematical. Katsiyev, head of Internews Kazakhstan, believes: “All these organizations are in the initial stage of development. But compared with other countries in the Central Asian region, which do not, in principle, have any membership associations in the media sector that are supported by the dues of members with an interest in their activities, in Kazakhstan such organizations have at least been established.”

During the panel discussion the issue of the training of professional journalists was discussed especially heatedly and critically. With an abundance of journalism departments (18 of them in the country), the real turnout of professional journalists is very low. By and large, graduates work in PR agencies, and journalist graduates never make it to the media, especially in the regions. Those who do go to work at media outlets following their professional training in higher schools find themselves absolutely unprepared for work. In the panelists’ opinion, the reasons for this are obvious. As Askarov put it: “The structure of professional training is not complete: practical exercises in the instructional process are either profaned or are conducted by nonprofessionals, the system of mentoring has collapsed at media outlets, and the commercial basis of selection has generally lowered the admissions bar to journalism departments. Even at the best higher schools, such as the Kazakhstan Institute of Management and Forecasting, quality is poor. The general level of students’ education has been declining, the level of mastery of Russian leaves something to be desired, and we have not even developed to the point of handling English and Kazakh.”

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Even worse than the training of journalists is the state of affairs with respect to the professional training of other media specialists—television directors, designers, and publishing specialists. Most of these specialties simply do not exist in higher schools.

Short courses for journalists and other media personnel are greatly needed at media outlets. In the panelists’ opinion, the contribution of Internews Kazakhstan to the professional development of media personnel has been especially valuable. It is there that both young and experienced journalistic personnel have been able to learn the techniques of investigative journalism, media management, and many key skills that are in keeping with today’s international standards in the area of information work. Not all media outlets support the idea of training their employees, although all training courses and other forms of professional training are free of charge. Many editors simply lure away journalists who have been through training and gained experience working on other publications to come work for them for higher pay.

Recently, special forms of short-term professional training without taking time off work—residencies—have become a reality in the life of media outlets. As a rule, residencies are conducted with the participation of Russian specialists in media management and other matters in the media sector. According to the panelists, residencies are highly effective for media outlets. Yeslyamova believes that it was a residency that helped her newspaper find the optimal style and designer look and improved the process of producing news on the paper.

But as Katsiyev emphasized: “Such short-term courses cannot take the place of full-fledged professional education but should support and stimulate the professional growth of good specialists.”

The panelists said that one of the most vulnerable points in the professional training of media specialists is the meagerness of the physical facilities and equipment used in the educational process, and subsequently, the meagerness of

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media outlets' resources. As a consequence, the gap between information technologies and the actual practice of journalists is dramatically widening. Askarov spoke of journalists' functional illiteracy: "We must accept criticism for our failure to take advantage of technical capabilities. After all, there are various levels of capabilities. For example, in disseminating authors' work, one can make use of blogs. And that's not to even mention the fact that there exists a simple piece of equipment, an automated device that provides access to any newspaper in the world and can, in a matter of seconds, print out any newspaper one orders in AZ format. This equipment can render the problem of hauling and distributing publications to the regions irrelevant. Special software packages that make it possible to dictate a text to a computer rather than printing it could substantially ease journalists' life. Today there is another remarkable possibility—access to fresh newspaper material via a cellular telephone. This technology is already being used by *Kazakhstanskaya pravda*."

But for now these state-of-the-art technologies have not become widely used in Kazakhstan, and the problems of sources of paper, printing equipment, and information distribution channels remain acute. In some regions, the printing facilities have not yet become competitive and free of political influence. In the big cities, however, the state cannot so rigidly control the production process. From the economic standpoint, the producers of print products are forced to accept the constantly rising fees for the transporting of paper and of their own products, and price increases for newsprint and other consumables.

A monopoly on the delivery and distribution of print products throughout the entire country continues to exist. In some big cities, an attempt has been made to establish alternative services, such as the Daniker press private distribution service, and form groups of individual distributors. But so

far these initiatives cannot provide real competition to the national companies: Kazpochta, Kazakhstan Temir Zholy, and Kazakhbasmassoz.

Thus, both at the stage of the production of media products and at the stage of their distribution, the state has the institutional capability to control and regulate the flow of news. As the panelists emphasized, this year's legislative initiatives do not make for an optimistic forecast.

## Participants

**Tulegen Askarov**, *Respublika* newspaper

**Sergei Vlasenko**, American Bar Association's Media Support Center and Central European and Eurasian Law Initiative

**Olga Didenko**, Center for Legal Assistance to the Media

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

**Sholpan Zhaksybayeva**, National Association of Television and Radio Broadcasters

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

**Tamara Kaleyeva**, Adil Soz International Foundation for the Defense of Free Speech

**Oleg Katsiyev**, Internews

**Tatyana Pak**, Forpost Order for the Defense of Free Journalism nongovernmental foundation

**Saule Kusayeva**, IREX, Kazakhstan

**Maria Stefaruk**, USAID

## Moderator

**Gulnara Ibrayeva**, Kyrgyzstan