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KAZAKHSTAN

In 2009, the Organization for Security and Cooperation in Europe (OSCE) selected Kazakhstan to assume the rotating chair for 2010. As the first former successor state of the USSR to have this honor, Kazakhstan had potential momentum for a new democratization. Citizens anticipated the enhancement of democratic reforms and legislative amendments in the sphere of civil society and media development.

Instead, this year proved disappointing for civil activists and media practitioners. Just before taking the OSCE chairmanship, Kazakhstan adopted two laws on Internet regulation and on recognition of private life immunity. The first law equates the Internet with mass media (with all the disadvantages as written in Kazakh law), while the second law provides for up to five years of imprisonment for the publication of “illegally collected information” on a person’s private life. In addition, the state reshaped restrictive amendments into, as journalists described it, a “patched” law on mass media.

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Various media-related protests and large media forums colored the year also. The politicized manslaughter trial of human rights advocate Evgeny Jovtis served as a rallying point for proponents of enhanced civil rights. The Eurasian Media Forum annual conference, chaired by the president’s eldest daughter, convened in April. According to its website, the forum “facilitates the professional development of the Eurasian media and promotes international public understanding of Eurasian issues,” among other goals. During discussions of Internet regulation at this meeting, members of the “For Free Internet!” movement picketed near the forum. Almost all of them were arrested. The delegate from *Respublica*, Evgeniya Plakhina, rushed the conference hall and told the international delegates of the legislative changes described above.

In a positive development, 2009 saw the convening of the second annual Media Kurultai, a professional conference for media, NGOs, and officials. This was an important step for the dialogue between the authorities and media; it allowed the NGOs to describe their work and challenges, and the problems of Kazakh-language media were spelled out for the first time.

KAZAKHSTAN AT A GLANCE

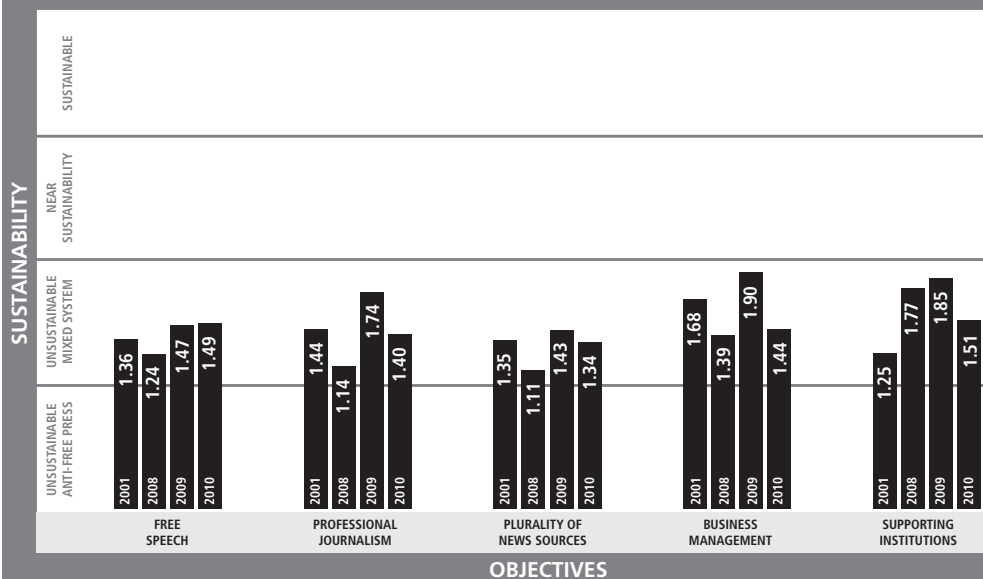
GENERAL

- > **Population:** 15,399,437 (July 2009 est., *CIA World Factbook*)
- > **Capital city:** Astana
- > **Ethnic groups (% of population):** Kazakh 53.4%, Russian 30%, Ukrainian 3.7%, Uzbek 2.5%, German 2.4%, Tatar 1.7%, Uyghur 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 64.4%, Russian (official) 95% (2001 est., *CIA World Factbook*)
- > **GNI (2008-Atlas):** \$96.24 billion (World Bank Development Indicators, 2009)
- > **GNI per capita (2008-PPP):** \$9,690 (World Bank Development Indicators, 2009)
- > **Literacy rate:** 99.5% (male 99.8%, female 99.3%) (1999 est., *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:** Print: 937 total, 5 main daily papers, 6 other main weeklies; Radio: 4 main stations, over 40 total; Television Stations: 14 local cable networks
- > **Newspaper circulation statistics:** Top three: *Vremja* (private, Russian language), *Karavan* (private, Russian language)
- > **Broadcast ratings:** Top four television stations: Khabar TV, Kasakh TV (Kazakhstan 1), KTK (Kazakh Commercial TV), El-Arna
- > **News agencies:** Kazinform (state-owned), Interfax Kazakhstan, KazTAG, Kazakhstan Today
- > **Annual advertising revenue in media sector:** \$60 million (2007, Video International Analytical Center)
- > **Internet usage:** 2,300,000 (2008 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Kazakhstan Objective Score: 1.49

Legal provisions regulating mass media activities in Kazakhstan are controversial. The constitution supports freedom of speech, but law enforcement is based on other key legislation that restricts this freedom. Authorities can detain journalists and sentence them to imprisonment, based on the criminal code; a civil code provides broad opportunities for officials to ruin media companies; and an administrative code empowers authorities to close media companies and confiscate their property. According to the panelists, if 20 percent of all norms protect freedom of speech, 80 percent threaten it.

"Everything is relative; we can compare the situation with even more closed and totalitarian regimes in our region and see that our situation is still more or less free. But if we speak about true freedom and mechanisms of its protection, the tremendous gap between Kazakhstan and countries with developed democratic institutions becomes obvious," panelist Tamara Kaleeva said.

Kazakhstan has legal norms that place responsibility on officials to refrain from obstructing professional activity and providing false information. But according to the panelists, journalists did not take advantage of these provisions in 2009, nor did they attempt to lobby for adoption of the law on access to information¹ to protect broadcast journalists. "In 2009, Kazakhstan started developing a new information law.² Officials indicate this law is going to be progressive; however, NGO experts involved in the bill's development are less certain," panelist Olga Kaplina said.

Practically speaking, Kazakhstan has no social mechanisms to protect freedom of speech. The panelists expressed the belief that freedom of speech is an abstract value for civil society, and the wider public is not ready to fight for it. When authorities manage to suppress media freedoms, citizens just vote against biased media with their remote controls, switching to foreign television through cable or satellite.

Panelist opinions were split on the development of the online protest group "For Free Internet!" Some of the more optimistic panelists believe that this civil movement, which emerged in response to the law on Internet, helped unify

¹ The Law on access to information is included in the state plan until 2014. Public discussion is conducted around broader access to information, rather than around access to socially important information in journalism. Within the frame of the projects supported by the international organizations, officials went to foreign countries to become familiar with European practice. However, despite this investment, a quality law has still not been developed.

² <http://www.medialawca.org/document/-1833>

journalists, bloggers, and the public into a social force. The more pessimistic panelists said that acknowledging a social group, or speaking of any real level of solidarity, would be premature. "I think that to mention blogs as a type of civil journalism is too early. This is a crowd of disconnected users, who prefer gossiping or cursing, rather than fighting for their rights. And the existing movement 'For Free Internet!' is perceived by many as technically illiterate and noisy, rather than a real social force," panelist Yaroslava Naumenko said.

At the end of the year, official applications from bloggers and other citizens registered online, in accordance with the newly adopted law on the Internet, surprised local officials.

The Ministry of Culture and Information still issues licenses, and according to Naumenko, "television broadcast licensing remains a closed and corrupt sphere in Kazakhstan." During 2009, the license competitions committee conducted just one contest, distributing 18 FM radio channels in large cities and four regional radio channels. After the contest, the government suspended issuance of frequencies pending the transition to digital broadcasting. However, the panelists are not convinced that the moratorium can hold out until digitization takes place. As panelist Beisen Kuranbek stated, likely this limitation would be released first, as happened in Russia, and frequencies would be "unfrozen."

Kazakhstan's approach to digital conversion has raised many questions and objections, according to the panelists. The state has repeatedly referred to an absence of radio frequencies, but an air of secrecy surrounds government allocations. Even the members of the frequency distribution committee have no information on the availability of frequency bands. Panelists also questioned the concept development and the main stages of program implementation (such as creation and maintenance of multiplexes, purchase of set boxes, and training of personnel). The state-owned Arna-Media is entrusted with those responsibilities.

According to panelist Sholpan Zhaksybaeva, executive director of the National Association of Television and Radio Broadcasting Companies of Kazakhstan (NAT), "the holding consisting of Kazteleradio, other public channels, and newspapers will not promote the interests of non-state broadcasters. Any enterprise, whether it is public or private, tends to gain profit. Since it is obvious that Arna-Media will not gain profit from its own media companies, its whole profit will be gained from private and non-state media companies exclusively."

Zhaksybaeva also lamented the lack of citizen input in the conversion process and the related possible consequences for private media. "There has been no public discussion on the transition to digital television in Kazakhstan. It is presented

as a small technical innovation. Not a single dialogue took place between the state, broadcasters, civil society, and the public, outside of the conference of NAT Kazakhstan 'Digital Broadcasting: Technical Revolution and the Interests of Society.' The public's lack of awareness will facilitate easy repression of any dawning of non-state television in Kazakhstan."

Aside from the issues they identified around future digitization, the panelists said that the current practice of frequency band allocation is problematic. They charged that a contest conducted in April was fraught with multiple violations, many centering around TOO Elorna Tynsy, a newly established company viewed as pro-government. TOO Elorna Tynsy received all 18 frequency bands, and according to the panelists, it is affiliated with the television and radio company Era,³ which obtained frequency bands despite violations last year. The panelists took special note that the company obtained its license for broadcasting two weeks before the formal contest for frequency bands allocation. Technically, the company obtained its frequency band legally, since other contenders failed to prepare their documents to the correct specifications (some applicants failed to number the pages of their proposals, others failed to bind the pages properly, etc). Criteria such as experience, the company's reputation, and the high quality of broadcasting content in other cities were not taken into consideration as important factors, panelists claim.

Kostanai TV, a very reputable company with five years of operational history, lost the 2009 competition based on formalities. The contest committee includes only two representatives of civil society: one is a representative of NAT, which protects the interests of its members; and one usually represents a government-owned NGO.⁴ Only the NAT representative can present objections—which typically do not carry any weight. NAT and other media organizations have attempted and failed so far to remove the licensing function from the Ministry of Culture and Information and facilitate a transparent process for issuing frequency bands.

For now, cable and satellite television appear to present more development opportunities. Media companies can raise signals to Yamal, Intelsat, or Sputnik satellites. In addition, a foreign television channel, K+, broadcasts via satellite to Kazakh territory.

³ There are rumors that the television station Era actually belongs to the prime minister, Masimov Karim. According to panelists, the management composition in the new company Elorna Tynsy matches Era. Therefore, the fact that this company got its frequency band was not just coincidental. That is why Masimov Karim is against the proposed version of "Concept for transition to digital broadcasting," according to which withdrawal of the frequency band is possible.

⁴ The composition of the contest committee is determined by the ministry.

Kazakh law treats media businesses like any other type of business, without providing any preferences or imposing any additional requirements, according to the panel. Several years ago, media companies received a customs break on the importation of media equipment. This privilege allowed media companies to import expensive equipment, although it quickly became obsolete and needed frequent replacement. Later on, this critical privilege was canceled, and despite lobbying from NGOs and business associations, a return looks unlikely. "The customs benefit for media companies is crucial. After all, media equipment must be replaced more frequently, as opposed to, for example, vehicle repair equipment," panelist Gulnara Asanbaeva said.

Recently, the state applied a zero VAT rate for media enterprises, which stirred up controversy and provoked different reactions from various outlets. In autumn 2009, an anti-crisis council of media managers⁵ was established to unite large media companies. The council applied to the government to return the zero VAT rate. Some media NGOs objected: The president of the Kazakhstan Association of Newspaper Publishers, Sergey Mirolyubov, stated that such a privilege could indirectly cause growth of salaries of mass-media partner companies.⁶ Private media companies with relatively low revenue also objected, since payments other than VAT impact their bottom line. They argued that large media companies that also had a zero VAT rate would get additional power, and could force small media companies out of business.

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.

Detailed content regulation (on the basis of language, for example) is another feature that separates media enterprises from other businesses. For these reasons, the panelists evaluated this particular indicator fairly low, and agreed that despite the appearance of legislative equality between media and other businesses, media outlets face unique obstacles in practice.

Threats and attacks against journalists seen in recent years did not subside in 2009. Such incidents are not generally investigated, and if an active investigation is declared, the case will usually remain unsolved. One official strategy is to portray attacks on journalists as unrelated to their professional activity, even when connections are obvious. Kazakhstan's monitoring of free speech, such as that conducted by Adil Soz International Foundation for Protection of Freedom of Speech for many years, describes various such cases in 2009. In one example from Adil Soz: "On September 22, unknown assailants beat the journalist and human rights activist Ainur Kurmanov near his house. He was hospitalized with serious head and hand injuries. Doctors evaluated his condition as medium grave. His colleagues believe the attack was planned with the purpose of intimidation and was related to human rights protection and professional activity of the journalist."⁷

In another example, authorities found no connection with professional activity in the murder of Sayat Shulembaev, a journalist with the video information portal Stan.TV who was killed in his apartment in December 2009. However, some of his colleagues stated that they believe that he was targeted because of his work.

In 2009, bloody fighting erupted between law enforcement organizations, including the National Safety Committee (NSC), the finance police, and the Office of the Public Prosecutor. Journalists who covered this fighting faced raids, threats, and other forms of pressure, yet it is clear that none of these violations were recorded. Attacks on camera crews and photographers also grew common, yet authorities did not investigate or initiate proceedings.

Sometimes, law enforcement bodies treat journalists aggressively as well. Panelists recalled that when staff of Stan.TV covered mass riots in Sary Arka, police destroyed their equipment. A public apology from the head of the police station settled the case.

Adil Soz monitoring reported another incident on September 24. Unknown intruders broke into the print house Kometa S, which prints *Golos Respubliki* (*Voice of the Republic*, a pseudonym for the troubled weekly *Respublika*). They

roughed up one of print house staff members, three staff members were taken away, and several staff members were locked in the building of the print house and denied access to lawyers or members of the media. Copies of *Golos Respubliki* were removed from the printing press and taken away. Adil Soz reported that this incident was perpetrated by the Finance Police.

The authorities favor "quieting down" journalists with legal tactics. In early January 2009, authorities detained Ramazan Esergepov, the editor-in-chief of *Alma-Ata Info*, straight from an Almaty hospital, with no regard for his health condition. The authorities deemed Esergepov's publication of the article "Who rules the country—president or NSC?" a criminal act, invoking the provision against "illegal collection and dissemination of information containing state secrets" and "abuse of power." The court found him guilty and convicted him to three years in prison. Appeals failed.

By law, there should not be any advantages for either state or independent media. However, in practice, public/state media and private media companies linked to key politicians enjoy considerable advantages. According to panelist Erjan Suleimenov, "Dariga Nazarbaeva [the eldest daughter of the president] has media holdings that distribute products at very low prices, and related enterprises enjoy privileged tax rates."

Naumenko agreed and provided another example. "State newspapers receive tremendous amounts of money, and this information is not available to the general public. Let's say in Pavlodar, where the average salary is KZT 30,000 [\$200], a journalist from *Zvezdy Priirtyshiya* received KZT 100,000 [\$675] before the crisis, and a column writer who wrote brief articles once every two weeks received KZT 70,000 [\$475]. In state newspapers, the rates are even higher. Of course, the work of journalists should be compensated, but not from the pockets of taxpayers. Some of these journalists go on assignments all over the world, eating well at the expense of taxpayers, but they write incoherent materials that nobody needs. This is the shame of Kazakhstan's journalism."

Suleimenov said that the state uses multiple mechanisms to weaken private media. "Everybody is equal before the law. But in practice, the conditions that private media companies operate under, in terms of obtaining licenses and frequency bands, channels of official information, and subsidies for state media, kill private outlets," he said.

Other perks of state media include steady funding streams, the continuing practice of forced subscription to state periodicals, a greater share of advertising revenue, privileged access to information, opportunities for plum assignments, and state awards.

⁷ www.adilsoz.kz

With regard to libel and defamation law and court cases involving the media, Kaleeva noted that officials enjoy greater legal protection than regular citizens. Kazakh law has several provisions that protect the honor of the president, prime minister, judges, and law enforcement bodies. Defamation is a criminal offense, while the civil code provides liability for damaging honor, dignity, and business reputation. Procedurally, the criminal code provides that the claimant should prove his or her claims, while in the civil code, equality of the parties is established.⁸ Legislation does not take into account the initial source of information or a quote. Regardless of the original source, media companies are always accused or are co-defendants.

Criminal and civil pressure on Kazakh journalists increased in 2009. Three times more defamation cases were recorded in 2009 than in 2008, with some cases involving huge amounts of claims against journalists and media outlets and some resulting in prison terms. Examples include a lawsuit against *Respublica* filed by BTA-Bank that led to a KZT 60 million (\$400,000) judgment for the plaintiff; the trial of TOO Tengizneftstroy against *Uralskaya Nedelya* and journalist Lukpan Akhmedyarov that resulted in an award of KZT 70 million (\$466,000) for the former; and a lawsuit filed by a subsidiary director of copper giant Kazakhmys against the editor of *Nashe Vremya* for KZT 1 million (\$6,700). Regarding this last case, panelists said that it was written based on strict documentary evidence of established environmental law violations.

Naumenko said that Internet writers likely will be targeted next. "With amendments introduced into the law on Internet regulation, a blogger could, in principle, be convicted just by presenting a printout of a disagreeable comment to the court. I am confident that pretty soon we can expect to see bloggers on trial."

According to Kaleeva, the situation in the regions is in no way more liberal. She said that even a regular citizen can be charged. For example, Alpamys Bekturganov, an *aksaka*⁹ from West-Kazakhstan oblast, was convicted and sentenced to a year in prison for a press conference speech in which he spelled out regional problems.

In August 2009, in a show of solidarity, more than 30 leading media companies and media organizations from Kazakhstan's journalism community presented a statement against the unjustified toughening of judicial standards towards journalists. The statement read in part: "...Judicial decisions contradict fundamental values of Kazakhstan society. In a country that declared the right to freedom of

speech and creative work, it is intolerable to criminalize and deprive of freedom those people who publicly expressed their opinions and beliefs. Collection of billions and millions of tenge for moral damage compensation should not be acceptable in a society that respects the right for freedom of opinions and convictions."

The statement demanded from the government and the president several immediate measures:

- For the Parliament: Decriminalize defamation, regulate amounts of moral damage compensation, and restrict judicial suspension and closing of media to exclusive cases only as provided for by the Constitution;
- For the Supreme Court: Summarize the practice of judicial decisions on protection of personal non-property rights to be in line with constitutional rights for freedom of opinion and conviction, freedom of speech, and creative work;
- For the Office of Public Prosecutor General: To initiate review of cases against journalists sentenced to prison for performing their professional duties, as well as citizens criminally punished for public presentation of their opinions and convictions.

In addition to charging journalists under defamation laws, authorities use other laws and legal cases to punish critical journalists as such opportunities arise. One 2009 case involved Tohniyaz Kuchukov, a journalist from *Vremya*, and another involved the human rights activist Evgeniy Jovtis.¹⁰ Public opinion was split regarding the guilt of the accused and the fairness of the court's decision; some considered the sentence related to imprisonment fair, while others believed that the police saw an opportunity to put a troublesome journalist and human rights activist behind bars. Panelist Shoplan Zhaksybaeva said, "Guilt has not been proven in the case of Jovtis. Everything depends on who is accused. In a similar case, the son of large construction company director got into a car accident in Almaty and three students were killed. He escaped abroad, and the case gradually faded."

Kazakh law formally provides for public access to official information. However, officials have many loopholes through which they can dodge compliance. For example, they might refer to official, professional, and state secrets, which

⁸ According to amendments to Criminal and Civil Codes as of 2008

⁹ *Aksakals*, or elderly men, in Kyrgyz and Kazakh traditions symbolize wisdom and knowledge and demand cultural respect.

¹⁰ The accused were involved in similar car accidents with pedestrians while they were driving, and in both cases the victims died. Law enforcement practice in these cases normally follow this pattern: upon public forgiveness of the representatives of the suffered party and upon payment of compensation, the sanction in the form of imprisonment is not applied. The court usually suspends the sentences, or sometimes closes the case. Yet when Evgeny Jovtis got into such a situation, after official forgiveness from the mother of the person who died, the sister and uncle were assigned as official representatives instead. The Kuchukov trial occurred at the same time. Both were convicted.

are protected by law. The law on state secrets is applied extensively; newspaper editor Ramazan Esergepov received a three-year jail sentence in August 2009 under its terms.

In fairness, it should be noted that journalists do not always employ all legal methods at their disposal to access information. For instance, although *Evening Taldykorgon* fought with local authorities to gain access to socially important information, no media companies or journalists initiated trials to enable access to closed information, according to Adil Soz.

Often *akimats* (local government officials) deny access to information for regional private media companies, openly stating absolutely illegal reasons to deny private outlets information. On one hand, the legal illiteracy of local officials is obvious; on the other hand, such cases demonstrate a deepening trend of centralization of authority.

Legislative restrictions on information access also obstruct investigative journalism. The sale of special equipment, such as concealed cameras, is under strict control of the state. Last year, a young boy found with a video camera hidden in a pen was convicted and detained for violation of these provisions of the law.

Nonetheless, new technologies are making access to pre-cleared information easier. "The development of electronic government tools in Kazakhstan improved information access for journalists. Sites of public organizations are updated fairly regularly," Kaplina said.

Opportunities to subscribe to foreign press materials are limited only by financial resources and editorial priorities. Tougher copyright regimes and recent staff reductions result in many regional and national newspapers publishing digests of reports from international media. The Internet presents more opportunities to access free video materials. A majority of websites are accessible, but the main provider, Kazakhtelecom, blocks some of them (e.g., Live Journal). Lack of knowledge of foreign languages, especially among older professionals, is another barrier to the use of foreign media sources.

Admission to the occupation is unrestricted. A journalist is not required to obtain any special license; no bodies are tasked with certifying journalists. However, the editorial line of a journalist's parent organization influences his or her inclusion into the pool of reporters covering certain officials.

This sphere has seen some disturbing developments with regard to entrance, though. In particular, some notorious MPs suggested introducing mandatory psychiatric exams for journalists to be permitted to work. Fortunately, such proposals did not elicit much response. As Kaleeva noted, the status and the image of the parliament is so low that

the MP statements had little effect. However, there is always a danger that the suggestion could be taken up by officials with more influence.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.40

Objective coverage is an unrealizable dream for journalists in Kazakhstan, according to the panelists. Asanbaeva said that people who are tired of the propaganda glorifying Kazakhstan found on Khabar television channel, for example, or in *Kazpravda*, joke that they would really like to live in such a remarkably successful country. Almost all media outlets exhibit an inclination towards either the state or towards the opposition. As Kaleeva said, "The political engagement of media owners, and the economic dependence of editors on the state budget or on opposition financing, deprive the public of objective coverage."

Panelists agreed that the media clearly do not refer to several sources. Often, pieces are presented without even one source, with just the opinion of a journalist, and in some publications, the journalist just introduces minimal changes into press releases. This can be attributed partially to laziness and low professionalism, panelists said, but some journalists rationalize their careless approach by blaming the difficulties in obtaining information from several sources and the limited circle of experts on certain matters. Panelists understand that these excuses, while not acceptable, have an element of truth. Key official sources, including the majority of ministers, prime ministers, and the president of the country, are closed from access. Ministers became even more inaccessible

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).

to journalists after Nazarbaev's speech last year, when he denied the economic crisis and accused "incompetent members of the government and irresponsible journalists" of disseminating such rumors.

The panelists also discussed the problem of turnover in journalism and the need to develop mentorship programs. On television, and especially at Kazakh-language channels, journalists tend to be rather young, new to the profession, and completely ignorant of ethical standards and principles of balanced journalism. As panelist Beisen Kuranbek stated, "A journalist older than 35 in the leading Kazakh-speaking television companies is already a dinosaur. The trend toward hiring young, glamorous journalists resulted in the rupture of editorial traditions. The journalists lack basic knowledge; they support their owner's objectives without question. Before, we called such journalists 'shameless.'"

Although the professional community has not adopted a general code of journalistic ethics, the media sector has drafted various documents, such as the Declaration of Moral Essential Principles of Kazakhstan Journalism and the Ethics Code of Kazakhstan Journalists. The documents were signed and adopted by several media companies, but they have neither formal nor practical effect.

Several panelists said that they believe that these efforts are just another attempt by authorities to apply more pressure on journalists. According to the panelists, some international organizations may have been misguided in their advocacy for ethics initiatives for Kazakhstan. Their first step was to develop projects to promote ethical standards, and the second step was to lobby for their adoption among media companies and journalists. The organizations also did not factor in the lack of media freedom, and started imposing ill-fitting versions of ethical standards and institutions based on the model of European media, which enjoy greater freedom. All these attempts failed because journalists were not on board.

According to the panelists, it is unnecessary to adopt ethical standards in order to protect the rights and dignity of regular citizens. As Kaleeva stated, "First of all, regular citizens are not interesting for media. News subjects are mostly high-ranking officials, and they are protected from criticism from the part of media by various legal mechanisms. Second, such cases as coverage of HIV-infected children and similar problems are made by specially trained journalists quite ethically. There is not a single case recorded in relation to violation of the rights of children or parents."

At the same time, 2009 brought examples of scandalous violations of ethical standards in terms of judicial and criminal current events coverage. Khabar television transmitted

specially produced films during judicial proceedings about groups of accused people who were called criminals even before court decisions had been made; these people were denied the presumption of innocence.

Another example is the treatment of a murder case of a woman with three children in Astana. Law enforcement bodies were still carrying out the investigation when an MP appeared on the air, named the murderer, declared him guilty, and demanded the death penalty for him. A media chorus supported the MP's assessment, and only one journalist from Astana raised the possibility of the accused person's innocence and that the court had failed to present indisputable evidence of his guilt.

Self-censorship was already intense in Kazakhstan, but the toughening stance of law enforcement practices has increased the pressure on journalists. "Self-censorship is a major problem for journalists in Kazakhstan," Kaplina said. "Very often the owners of media demonstratively punish those journalists who fail to obey internal secret rules, to teach them a lesson. Thus, in Uralsk, TDK-42 television channel director Likpan Akhmedyarov asked an oblast *akim* an 'inconvenient' question. After that the owner arranged a demonstrative investigation into [his] television company and blamed the journalist, accusing him of exposing the whole team [to repercussions]."

A journalist who writes objectively, openly, and without censorship about key problems of society, about real political and economic processes, and sometimes even about social and cultural issues, faces serious risks. Punishment could be a prison sentence for slander; paying millions in fines for the damaging honor, dignity, or business reputation; or disciplinary action by the outlet's owner. Owners, grasping the extent of co-responsibility for their content, try to play safe. According to panelists, often conflicts and controversy happen inside editor's offices, when the editors censor materials or change them significantly. The journalists of *Liter/Akyn* many times challenged the editor-in-chief because of censorship. However, the owners did not support the protest of the journalists.

In another example, imprudent management by TV-Art, a Karaganda television company, led to its closure and a warning to other media. On June 10, a court decided to block this channel's transmission and to annul its registration. During an on-air SMS chat, where the audience sent messages from their mobile phones, a text appeared in the Kazakh language containing a call for international dissent. The management of the channel cited a technical error, as the moderator did not know the language and did not follow instructions on clearing any questionable messages with the management. The company disciplined the moderator.

However, the supervisory body demanded the channel's closure. According to Beisen Kuranbek, this case forced many regional television companies to halt interactive communication and all types of live chats.

Sharp self-censorship and other repressive tactics prevent journalists from covering the most important events and topics in the country. According to Asanbaeva, with most media outlets, "news content does not differ from the official interpretation of events." The most urgent economic, political, and international problems remain beyond the scope of attention of most media outlets. For example, the Kazakh government is rumored to have sold a million hectares of land to the People's Republic of China, yet the media are silent on this topic. The media has paid scant attention to the economic crisis.

Kazakh law does not provide a clear enough definition of the topics that should be closed to the public, or what constitutes "socially important" information. The understood list of universally prohibited topics is broad, however. All information related to the president's family is secret; media are prohibited from writing about his illegitimate children or his health, or adultery by the president's family members. Panelists mentioned various sanctions towards *Megapolis*, which published material about scandals involving Goga Ashkenazi and the president's son-in-law.

The information related to Rakhat Aliev, the president's former son-in-law, has become an especially prohibited topic in Kazakhstan. According to the panel, only on channel K+, which broadcasts via satellite from abroad and on YouTube, is it possible to mention his name. Kazakh websites are programmed to omit his name automatically, whether authors are presenting positive or negative information about him. In addition, there have been attempts to jam K+ channel's signal. Thus, according to Adil Soz monitoring results, "from October 26, the website of K+ [www.kplus-tv.net], with direct Internet broadcasting from Hot Bird satellite, appeared to be inaccessible for Kazakhstan's population using the services of Nursat and Kazakhtelecom providers. According to its owners, the site was blocked after its television signal was blocked from Yamal-200¹¹ satellite.

But journalists can never be sure whether a given topic might suddenly become closed for discussion. Thus, when an accident involving exploding ammunition occurred in Arus, it turned out that shooting footage and presenting this news would involve disclosing state secrets. It is dangerous as well to bring up prohibited topics in casual social networking sites on the Internet. For instance, after adoption of the new Internet law, authorities began monitoring the Internet site www.Zona.kz,

¹¹ www.adilsoz.kz

which earlier had a reputation for unruliness. The website then dropped coverage of political scandals and prohibited topics.

The Ministry of Culture and Information has tried to meet the requirements of various media by disseminating a list of topics "recommended for coverage" on a weekly and monthly basis. For instance, adoption of abandoned children is the most recommended topic at the moment.

Interestingly, Kazakh-language media permit critiques of international relations in a historical sense: Soviet history in these periodicals is a very popular topic and practically always is described as "genocide" and occupation of Kazakhs by Russian imperial authorities. The Russian-speaking media, as a rule, do not refer to the recent historical past or the Soviet era.

Panelists questioned the wording of the indicator assessing pay for journalists. Kaleeva argued that officials of different ranks receive much higher salaries for their work, but this has not prevented corruption, and independent journalists lack enough power to even have opportunities to profit illegally. Some panelists, however, did find a correlation between pay and corruption. "Journalism salaries are inadequate in all regions," Antonenko observed. "The practice of gifts, selling of air time, and ordered materials flourishes. Salaries in state-owned and private media are about the same, but in the first case, the reporter is protected from possible troubles related to professional activity."

In 2009, for many journalists and other specialists, salary rates fell—both in state-owned and private media companies. Some companies turned to layoffs. The unexpected devaluation of the Kazakh tenge by almost 25 percent in several days hurt the financial standing of most media companies, especially private ones. Royalty payments, upon which many media outlets depend to boost incomes, fell as well, and influential politicians cut back on their funding of media outlets. Even state-owned outlets that receive significant sums of money from the state budget were affected by the economic crisis. According to expert observations, leading media outlets, including the television and radio companies Khabar and Kazakhstan, reduced managements considerably. The owner of *Karavan* proposed an alternative to his staff: either reduce staff by 30 percent or reduce salaries by the same amount. The journalists agreed to reduce their salaries, provided that all staff members could keep their jobs. Channel 31, after selling its main holdings to a Russian company, reduced its staff almost by 70 percent.

Kaplina noted, "The crisis equalized average salaries in the sector with that in other fields. The journalism profession is no longer considered a highly paid one, which caused an outflow from the profession." However, panelists said that the economic crisis affected partner professional spheres, too;

thus, a significant number of journalists who left for public relations jobs were forced to return to journalism.

Regional journalists, as a rule, receive less pay. Distinctions exist among media outlets as well as internally, as payment is made on an individual basis using a merit-based system, rather than by seniority. Also, the gap in income depending on language persists: Russian-speaking journalists traditionally receive higher pay than their Kazakh-speaking colleagues. The disparity is related primarily to the fact that Kazakh-language media receive a lesser share of advertisements. State efforts to support Kazakh-language media and align incomes have failed. However, the career development prospects of Kazakh-speaking journalists are much stronger than those of Russian-speaking journalists.

Some panelists described a more positive scenario. According to Beisen Kuranbek, journalists in his area of Taldykorgan are well compensated. "On average, salaries in other professions are about KZT 25,000 [\$165], while in our television and radio outlet, the average salary is about KZT 55,000 [\$365]. In addition, a good journalist can receive additional payments up to KZT 100,000 [\$665] as a bonus for extra work," he said.

The trend away from news and toward entertainment continued in the past year. The largest television channels canceled a significant number of information analysis programs. For example, by 2009, only two news programs (one in Russian and one in Kazakh) remained at Channel 31, RNR closed its *Reporter* program, and some companies even took a two-month break from news programs. Meanwhile, television and radio company Khabar and other news programs in state broadcasting did not reduce news programs but significantly increased the volume of its entertainment programs. News programs return lower ratings and are unprofitable. Suleimanov noted, "A drop of public interest in news occurred in September. This was recorded not only by a Gallup survey, but also by the research-analytical organization OIK. The president had publicly denied the economic crisis in the country. The population understood the lack of usefulness of such news; it is like a weather forecast that never comes true. Does it make any sense to watch it?"

State policy to support Kazakh-language broadcasting also resulted in more entertainment programs. With the amendment introducing language percentages and monitoring, Kazakh-language programs must be broadcast during prime time. But often they are endless concerts and other "traditional" and often low-quality products. Kazakh-produced entertainment programs are not very popular; the only exception is the music contest *Eki Elduz (Two Stars)*, which mimics a Russian program. Other programs that copy Russian programs receive poor ratings; Russian-produced entertainment programs are much more popular.

A majority of large television and radio companies have continued their technical modernization despite the economic crisis. Channel 7 was equipped in 2009 according to the most advanced multimedia standards. State-owned channels, with solid investments from the state, also continue to be able to upgrade their equipment. This past year, state-owned television channel Kazakhstan purchased 18 remote trucks; some were transferred to its regional branches.

In order to compete with the well-equipped regional offices of the largest television and radio companies, local stations also need to upgrade their facilities. Even small private regional television and radio companies, which naturally do not have much money to buy remote broadcasting equipment, manage to find cheaper, yet effective alternatives, working with municipal services to craft their own mini mobile stations.

Specialized journalism is practically non-existent, with the possible exception of economic news. The crisis stirred up interest in economic journalism even more, and some international organizations have supported the development of economic journalism. While not fully developed as a genre, economic news became an integral part of all news on television and in some specialized periodicals. Otherwise, opportunities for journalists to specialize are limited by lack of funds to hire and support development of specialized staff, and by political factors such as restricted access to public information and the wide range of prohibited topics.

Current conditions do not support the development of investigative journalism at all, according to the panelists. Asanbaeva noted that under the investigative journalism heading in a legal newspaper, a reader finds official press releases with slight adjustments. Furthermore, programs are designed based on the will of the owners, commercial profit, and the whims of channel management. "As a result, almost no quality children's programs, education programs, or documentaries are produced. The only sector well covered in media is economics," Kaplina said.

OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.34

The number of media companies in Kazakhstan, both private and state-owned, is rather significant and continues to grow. However, whether or not Kazakh media adequately addresses the needs of certain social groups is questionable.

Some panelists said that the Internet is quickly filling any gaps on that front. Kaplina commented, "There are indeed many media companies in Kazakhstan. The launch of SMS

news distribution from KazTag news agency is a positive development in 2009... Every year, the users of social networks such as Twitter and Facebook grow. In Kazakhstan in 2009, several portals were created that post news and blogs and are essentially social networks, such as kaztube.kz, yvision.kz, and nur.kz.”

In addition, mobile networks have begun to develop news services, and though they are not yet widely in demand. Information service packages are including brief versions of news.

However, officials have shown a willingness to block websites. Naumenko gave one example: “Blocking of the blog platform livejournal.com, due to the blog of disgraced relative Nazarbaev Rakhar, is another shame for the country and evidence of narrow-mindedness of officials.”

Diana Medvednikova Okremova was another of the panelists with a more negative assessment. “There are very few sources of information and they are not objective,” she said. “The Internet is still expensive, not all have access, and sites often are blocked. Television channels offer polluted journalism. But the main issue is that society is often not even interested in what is happening politically. Few people know what stands behind certain media, who finances them, and for what; people are not interested. They are consumed by social problems: paying their mortgages, keeping their jobs, and bringing up children.”

Cost remains a major hurdle for many. After a jump in inflation in spring 2009, newspaper prices went up significantly. Specialized media were the first to be closed during the crisis. They are practically absent now, while glossy periodicals flourish. The expense of cable television, Internet access, and print periodicals force citizens to buy cheap Chinese satellite dishes that provide pirate signal reception with a strange package of channels, including NTV, DTV, some regional Russian channels, Turkmen channels, MTV, and fashion channels.

Although the conventional knowledge was that cable television usually develops in large cities, studies show a different picture. In Almaty slightly more than 60 percent of households are connected to cable, but in small cities such as Aktau or Atyrau, 90 percent of the population watches cable television. Despite the high prices of cable broadcasting, viewers must switch to those services because they cannot receive signals through regular antennas.

Currently, cable television has become more problematic, as legislative initiatives are underway to influence cable packages. The Ministry of Culture and Information has already started to control content, under the pretext of protecting people from pornography, terrorism, and other

types of extremist ideologies. Behind these moves, panelists see the intent of state structures to force cable networks to include in their packages such television channels as Khabar and Kazakhstan.

In general, access to domestic and foreign media is still unrestricted, aside from financial limitations and language limitations. There have been exceptions, including the blocking of Life Journal and satellite channel K+. Officials claim that they have nothing to do with these cases. For example, in the case of the television channel Kazakhtelecom, officials blamed “unknown hooligans.”

State media simply express the official point of view and do not act in the public interest. Furthermore, despite significant state subsidies, they do not broadcast enough educational programs, and there is no state children’s channel or even a state channel with a notable segment devoted to children’s programming. During 2009, media advocates spelled out repeatedly the need for a separate educational channel, but this has not materialized.

Kazakhstan has seven active news agencies: Kazakhstan Today, Kaz Info, Kaz TAG, Interfax, www.vesti.kz, www.gazeta.kz, www.inform.kz, and Ria-News (Russian; registered locally). Foreign news agencies include Associated Press and Reuters. Only Ria-News, Associated Press, and Reuters Video provide video materials. Most agencies work on a subscription basis, but the prices are not affordable for all media companies. The active development of electronic government resources also cost news agencies business.

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.

Media companies do not always acknowledge materials obtained from news agencies; reference is made only in scandals or in political news, when media companies would like to reduce risk by pointing to another outlet as the primary source.

A new information portal, Bnews (<http://www.bnews.kz/>), was created last year. Positioned primarily as a business news agency, it publishes information on other sectors as well, and offers both print and video news. However, the panelists consider it rather one-sided and government-leaning.

Some media companies had to reduce or stop producing their own programming as a result of the 2009 economic crisis. The television channel Turan Turkistan, for example, stopped producing news. Practically all radio stations either removed news from the air completely or replaced it with news from agencies.

At the same time, some regional television channels were able to continue producing some news programs facilitated by regional news-sharing initiatives (described in Objective 5). In principle, for the regional television channels, news is the only unique product; regional companies try to differentiate themselves from the news of large national channels and to speak more to local populations and their problems. Still, all regional stations reduced their own programming in the past year. A majority of them dismissed news journalists and hired Internet researchers as replacements. These staff members collect news briefs from the Internet resources at minimal cost. Radio stations can no longer be considered media outlets, panelists said, as most of their airtime is filled with music.

According to a majority of the panelists, even specialists in the media sphere cannot always guess media ownership. Ownership information is not accessible anywhere in official channels, and rumors spread broadly. The origin of the many media entities owned by Dariga Nazarbaeva or her ex-husband Rakhat Aliev is not clear. However, the readers of newspapers usually can guess ownership based on the interests advocated.

As Naumenko stated, "Citizens in Kazakhstan do not know who owns media companies. As a rule, [companies] are not registered by the true owners or firms, and there are no laws that would require disclosure of the actual founders. Moreover, Nazarbaev's family most often owns resources—although this is impossible to confirm—or large financial-industrial groups, which keep media to lobby their interests exclusively."

Kazakhstan has some minority-language periodicals, including in Uzbek, Korean, and Uigur. These newspapers are funded fully by the state. Programs in German, Korean,

and Ukrainian remain on state channels, but their political or economic impact is negligible. Minority-language media exists only to perpetuate the desired image that Kazakhstan is a model of ethnic friendship. Other social minorities have few opportunities to express their interests in the media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.44

Most media companies in Kazakhstan are focused on politics, not making money, and few outlets are profitable. According to the panelists, "no more than 20 percent of private media companies in Kazakhstan are economically independent."

Local media outlets, and especially television, are more likely to turn a profit. Each region has private television and radio stations and newspapers that enjoy a near-monopoly in terms of audience coverage and advertisement volume. Examples include Taldykorgon's main newspaper, *Talgykorgon*; Otrar's *Rabat*, which now sponsors TV Otrar and is an example of a highly effective enterprise; and *Novy Vestnik*, which is published in Karaganda by a former citizen who now lives in Canada. *Novy Vestnik* is profitable to the extent that its owner does not intend to close his troublesome but very profitable enterprise. Some radio stations report high income, such as Russian radio, Europe+, and Radio NS. Their cumulative share in the advertising market is 77 percent.¹²

A small number of television channels do not receive subsidies from shareholders and owners. They include STV (former Rakhat channel), which minimized its costs for media content production; and STS (formerly Channel 31), because costs for producing media content and advertising competition have changed.

Preferential treatment for state media companies especially hinders private large media enterprises. Public media companies affect the overall advertising market by offering heavy discounts, and private outlets cannot compete. Suleimenov provided an example: The annual budget of the state television channel Kazakhstan in 2009 amounted to about \$60 million—comparable to the entire advertising market—while the annual budget of the television channel Khabar (half-owned by the state) made up about \$40 million.¹³

According to TNS Gallup monitoring results, the advertising market grew 3.6 percent in 2009. Advertising revenue is the biggest source of revenue for private media enterprises. Private media outlets still may receive state money based

¹² www.tns-global.kz TNS Gallup Media Asia

¹³ According to Video International, in 2009, total advertisement market in Kazakhstan made up of \$80 million.

on tenders to cover specific social-political problems, but accepting state subsidies is fraught with serious consequences that lead to dependence on the authorities. State media companies receive huge amounts of money, and an even greater share of the advertisement market and public relations budgets. According to Kaleeva, "Income sources are diversified; however, advertisement income is not sufficient. Income from the state limits editorial independence."

The television channel Kazakhstan once did not show any advertisements, since 100 percent of all costs were covered by state subsidies.

Given the overall reduction of advertising revenue,¹⁴ many media companies again returned to such services as private advertisements, condolences, or announcements on private events. The television channel KTK continued to invest in cinema production in 2009. This year, that experience was rather successful: the series *Kara—Champion* was produced for KZT 30 million (\$200,000) and brought KZT 50 million (\$330,000).

For the regional television channels, traditional concerts brought significant money. According to Kuranbek, as soon as he was assigned as the manager of Jetysu Television he stopped showing the concerts, but letters flowed, asking to return them to the air. There were even calls from the local "white house" with the same request. "It turns out that this is our ethnic tradition," Kuranbek said. "In addition, these concerts bring some money to the company."

Print media suffered the most from the jump in inflation and the economic crisis in general. Apart from income from sales and subscriptions, state subsidies provide the biggest portion of revenue for newspapers. Both private and state print media companies compete for state funds. Often in such contests, the most effective and popular private periodicals win.

Advertising agencies in Kazakhstan are quite developed. The advertising market of the country before the economic crisis was considered to be the third among CIS countries (after Russia and Ukraine). In 2009, the advertising market fell by 18 percent compared to 2008. According to the data from TNS Gallup Media Asia during "Media Kurultai-2009," print media and radio suffered the most. Even with the downturn, the total volume of the advertising market was \$471.6 million.¹⁵

According to the panel, the advertising market in the largest cities underwent a period of division and weeding out of non-professionals. The economic crisis only intensified this

¹⁴ Total volume of advertisement costs, according to official price lists, reduced by 18.3%. Maximum reduction of budgets occurred in press. www.tns.-global.kz TNS Gallup Media Asia

¹⁵ Evaluation of the market was presented by TNS Gallup Media Asia and includes four spheres: television, radio, print media, and outdoor advertising.

process, and network agencies won. Arna-Media and Video International are the largest network agencies. Due to the fall in the market, agencies developed so-called "anti-crisis packages" to stimulate small and medium business. TNS Gallup research identified several general trends: the volume of advertisement dropped considerably for all media companies, but especially for print and radio; the diversity of advertisement messages decreased in all media; and the average advertisement output did not change significantly.

Large advertising agencies are still reluctant to operate in the regions. The process of market centralization and monopolization at the regional level is hindered due to poor knowledge of local media influence and a lack of reliable ratings and research.

Additionally, regional advertisement agencies are not always professional. One panelist described a shocking advertising campaign against alcoholism. On huge billboards in Taldykorgon, a child is shown with visible physical development problems and the headline "Mother, why am I a monster?" But for the most part, large agencies work creatively and professionally. There are wonderful examples of advertisement campaigns as well, including those addressing social topics such as combating drug addiction and reducing child abandonment.

Article 9 of Kyrgyzstan's law on advertising stipulates, "advertisements in television and radio programs... should not exceed twenty percent of the total volume of broadcasting per day, except for scrolling script [tickers]." For print periodicals, there is no such threshold for the volume of advertisement. Article 8 of the law indicates that "... subject matter should be determined by print periodicals

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.

independently. Print periodicals distributed by subscription should indicate thematic area of the periodical in the condition of subscription.” The legislation prohibits only advertisement of alcohol products, breast milk substitutes, tobacco products, and certain restricted goods and services.

Non-governmental media companies receive funding from the state to support implementation of public information policy. In 2009, 44 newspapers, 46 magazines, 19 television channels, three radio stations, and one news agency received state funds. Half of those receiving state funds are private, including some large and well-known newspapers such as *Vremya*, *Izvestiya Kazakhstan*, *Moscow Komsomoletz in Kazakhstan*, *Komsomolskaya Pravda in Kazakhstan*, and regional media including small outlets such as Alva (a television channel in Zhyranovsk, East-Kazakhstan oblast). State subsidies often allow smaller media to survive; however, local administrations often consider subsidies *carte blanche* to interfere with the news and editorial policy of private outlets.

At the same time, procedures for allocating state funds are not transparent. Private media companies usually win competitions that offer scant production funding, which results in poor-quality programs. Taking this into account, along with the pressure from the authorities that accompanies state subsidies, many media companies stated that they would not compete for state funding in 2010.

Marketing studies are more popular today; even some regional media companies now pursue this research. However, there are very few research organizations that provide quality marketing studies and consulting services. Academics from various local universities—and even some people and institutions that have no familiarity with survey methodologies at all—try to fill the empty niche of market research experts and sociologists. Most often, they employ primitive surveys conducted by asking people in the street.

Medvednikova described cases in which media outlets spent considerable amounts for marketing studies and were left disappointed. “Study results were absolutely obvious, at the level of common sense, with no practical ideas on what should be changed. There are no reliable research agencies that would be trustworthy; they are corrupt and will provide the results they believe are desired.” Kaplina also noted, “It is impossible to calculate incomes, and the agencies sometimes provide made-up figures.”

Regarding print research, Naumenko commented, “Few periodicals conduct marketing studies and identify their group of readers. It is unclear why. Most likely it is because state newspapers receive their money anyway, and private newspapers will receive money from their founders—oligarchs—while others will be closed.”

TNS Gallup has more or less established audience surveys, and most media companies, public and private, perform marketing studies regularly. However, during the discussion at the annual Eurasian media forum, a TNS Gallup representative said that investing in the publication of study results does not make sense, because media do not buy or use them to plan their programs. (There are some exceptions; for example, Channel 31 forms its broadcasting program based exclusively on popularity ratings.) It is more likely that for most media outlets, such studies are symbolic. For example, at Khabar television, the economic program *Your Entrance* has one of the lowest ratings among all its programs, and a psychological talk show draws a large and stable audience, according to the survey. Yet the economic show remained and the psychological show was canceled.

No organization audits the circulation of print media. Panelists doubted the reliability of the circulation figures published by leaders of the print market, and in particular of *Karavan*.¹⁶ The lack of reliable data was cited as one of the reasons that almost 30 percent of advertising companies turned from print journalism to websites. However, Naumenko had the opposite view. “Advertisers do not demand true figures. In this respect, online periodicals can provide some perspective, but unfortunately, Kazakh advertisers treat those with skepticism because the Internet audience is still small,” he said.

In 2009, media companies with established online social networks (e.g., Otyrar-TV in Shymkent and radio station NS) started using Internet resources to study their audience.¹⁷ Many regional media even formed some “pools of readers” to assess and to adjust their broadcasting.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 1.51

In 2009, the number of trade associations did not change. Kazakhstan has two television and radio broadcasting associations: NAT, which has been active for many years as a membership organization; and the Association of Television and Radio Broadcasters of Kazakhstan (ATRB). Some panelists described ATRB as an organization existing only on paper,

¹⁶ This is the old title, at the moment the title of the newspaper is in the form of a slogan that starts from *Karavan* word; the change of the title did not cause changes of the staff and the strategies of this periodical.

¹⁷ See more details in the following Internet sources: Kazakhstan television channels in social networks. <http://www.internews.kz/newsitem/02-12-2009/9810>; Kazakhstan radio stations in social networks. <http://www.internews.kz/newsitem/07-12-2009/9856>; Kazakhstan newspapers in social networks. <http://www.internews.kz/newsitem/10-12-2009/9916>

but last year it did convene a conference for journalists, and the government designated it as the civil society structure to develop and strengthen media outlets. Also recently established are the Kazakhstan Association of Newspaper Publishers and a professional association of Internet publishers that has not yet begun operations.

Panelists described a case that resulted in some criticism of NAT. In 2009, ART was facing closure and the withdrawal of its license and frequency. ART's journalists asked NAT for help in starting a campaign to protect the staff and company and to draw nationwide attention to its plight. Other media outlets stood ready to support the campaign. It appears that NAT did reach out to the head of the station to help, but the owners deferred, believing that the station would be saved anyway. When those hopes proved false, the owners attempted to mobilize the campaign with NAT, but it was too late. ART's journalists later blamed NAT management, saying, "We trusted you and paid our membership fee, and you did not protect us and we lost our jobs."

Internews Network has proven valuable in supporting news distribution across Kazakhstan. Internews helped to organize regional television companies to devise a pilot satellite-based news sharing pool beginning in autumn of 2009. This initiative began spontaneously when Taldykorgon media shared with other local networks its footage of a fire. Then, during a gas crisis, regional companies came to appreciate footage-sharing arrangements when colleagues in Astana provided simultaneous translation from government officials commenting on the problem. Each regional television and radio company provides coverage from at least one local news item per day, which is believed to have regional reach. In addition, Internews publishes relevant Russian material, facilitating inter-regional integration and providing citizens with more exposure to local news. Panelists said that this cooperative effort has resulted in improved news coverage.

According to the panelists, Kazakhstan has a limited union presence. "Unfortunately, human rights lawyers have not managed to establish a trade union. Journalists appeared to be passive in this regard. There are no specialized unions of bloggers and journalists," Naumenko said.

Although not a union, a club of editors-in-chief was established in 2009. Some panelists referred to the trade union of television and radio company Jetysu as the only positive example of Kazakh unions. Jetysu's union monitors labor rights and provides support to members in difficult situations. Members pay membership fees—a sign of their trust in the union.

The Union of Journalists in Kazakhstan intensified its activity in the past year, after a long dormancy. The union

participated in lobbying for a bill advancing the interests of journalists and media owners, and in campaigns to protect oppressed journalists Lukpan Akhmedyarov and Ramazan Esergepov. However, as panelists stated, these were just first steps by the organization, which for many years existed in name only. In many respects, the union is still pro-government and does not meet the requirements for a real trade union.

Kazakhstan lacks self-regulatory bodies for the journalism community. Interest in this issue is growing in Kazakhstan's journalism and legal circles, though, with journalists mostly supportive of the notion amid skepticism from the government.

Media NGOs constitute the broadest and most active network for protection of the rights of journalists and freedom of speech in the country. The Media Alliance of Kazakhstan was established in early 2009, including about 10 Kazakh NGOs from different regions. Its purpose is to develop the media sphere of the country, to enhance professionalism, and to strengthen legal support of journalists. In addition, the public foundation Institute of Media Standards was established in 2009, providing strategic management training programs for media leadership.

The publicly funded Adil Soz International Foundation for Protection of Freedom of Speech, Medianet, Media-Center, and Media Life are active in cities and in the regions. Media NGOs provide legal advice to journalists and editors. However, few journalists and editors actually apply for advice and support, despite the pressure and risks they face. Suleimanov, coming from his own experience with judicial proceedings as a co-defendant in a slander lawsuit, assumed that journalists often do not apply for legal advice since they are fearful of acting apart from their company's management.

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.

In 2009, in an extraordinary development for students and teachers of journalism, a ministry grant established professional multimedia studios at the Kazakhstan Institute for Management, Economics, and Strategic Research (KIMEP) and at Kazakhstan State University (KazSU). These advanced facilities could significantly change the character of professional training of students.

Traditionally, potential employers have skeptically viewed graduates of journalism departments. Graduates are assumed to be poorly trained and unprepared for the professional world, while teachers blame the outdated equipment. Many panelists expressed concern that trainers themselves lack understanding of how to operate modern equipment; the overwhelming majority of trainers are not technically adept and have never worked in practical journalism.

In addition, more journalists are trained in universities than the field can employ. According to the panelists, annually about 500 journalists graduate, but at a time when many professional journalists are losing their jobs, the chances are slim for newcomers to find good positions. The absence of mentorship programs, the low entry-level salaries, and the difficult and risky nature of journalism cause high turnover rates among young journalists.

Existing journalism academic programs need to be analyzed critically and reformed, according to the panelists. KIMEP and UNESCO have launched a pilot effort with this mind, aimed at the convergence of economic journalism, political communication, and online technologies. Other NGOs also have turned their attention to university journalism students: Dessenta started training students from eight regional universities with a grant from the European Commission.

At the end of 2009, based on an order from the education ministry, an evaluation of chairs and departments of journalism training programs was carried out.¹⁸ According to the results, the five top institutions included Almaty State University, KazSU, LN Gumilev Eurasian National University, KIMEP, and Kostanai University.

The panelists said that practicing Kazakh journalists have sufficient opportunities to attend seminars, conferences, and other training programs, both through international organizations and with the support of companies. In 2009, short-term training sessions were conducted on subjects such as linguistic issues; social topics including HIV/AIDS, domestic violence, alcoholism, and drug addiction; environmental journalism; and training for lawyers of media entities. Adil Soz received grants from the state for the second year for the legal education of journalists. The Soros Foundation-Kazakhstan has

supported more training programs on economic journalism, and Internews held training programs for managers and program directors to aid in addressing the economic crisis.

The panelists identified only the journalism school Medianet as working systematically and providing different types of training to journalists. These programs are not academic ones, and so do not provide any status to graduates. Some media companies, which are seriously concerned by the shortage of qualified personnel, also run practical “journalism schools” to quickly train young professionals. Panelists gave higher marks to residential training programs, believing their format to be ideal—the whole journalist team being trained along with the management, rather than journalists alone, since they lack decision-making power.

However, the panelists cited a shortage of multimedia training opportunities, especially given that many donor organizations that have been working in this area have curtailed training programs. (Panelists pointed to Internews as an exception; it has offered regional training for journalists.) Many organizations conduct trainings that do not meet professional standards, panelists added, and some managers are more inclined to pay for training of their advertisement and ratings specialists than technical crews.

Printing enterprises are subject to political factors. For example, the weekly *Respublika* has been forced to use pseudonyms such as *Golos respubliki* (*Voice of the Republic*) and *Moya respublika* (*My Republic*) in order to be printed. According to a February 20, 2010 report by RFE/RL, *Respublika*'s editors think that the government has ordered printers not to offer their services to the weekly. On the other hand, state-favored print houses receive numerous benefits: preferred orders of glossy expensive magazines, state orders for printing particular products, etc. Panelists claimed that print houses allow periodicals to provide false circulation statistics.

Media distribution channels are not totally free. Half of the country's television transmitters belong to the state, and Kazakhtelecom enjoys a 70 percent share of the ISP market. In 2009, the authorities did not allow cable television providers to show the film *Borat*,¹⁹ which was being broadcast on MTV. One cable operator had to cite “technical difficulties” for its failure to show the film, while the owners of other cable networks did not comment. Given the coming digitization, an even deeper monopoly might become possible, as media observers anticipate that multimedia platforms will belong to the state.

¹⁹ The 2006 Sacha Baron Cohen film *Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan* was perceived as a humiliating derision of Kazakh culture. There were no official opinions, but this film was secretly blocked from distribution in Kazakhstan.

¹⁸ A total of 23 universities train journalists in the country.

List of Panel Participants

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Erjan Sulejmenov, general director, Media Standards Institute, Almaty

Galija Azhenova, director, Public Center of Expertise, Adil Soz International Foundation for Protection of Freedom of Speech, Almaty

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Olga Kaplina (Groznaia), project manager, Internews Network, Almaty

Sholpan Zhaksybaeva, executive director, National Association of Television and Radio Broadcasting Companies of Kazakhstan, Almaty

Tamara Kalejeva, president, Adil Soz International Foundation for Protection of Freedom of Speech, Almaty

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The following participants submitted a questionnaire but did not attend the panel discussion.

Andrej Antonenko, news manager, TAN TV, Almaty

Yaroslava Naumenko, blogger and journalist, Almaty

Moderator and Author

Gulnara Ibraeva, chair, Social Technologies Agency, Bishkek, Kyrgyzstan

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