

MAPPING DIGITAL MEDIA: KAZAKHSTAN



Mapping Digital Media: Kazakhstan

A REPORT BY THE OPEN SOCIETY FOUNDATIONS

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Mapping Digital Media

The values that underpin good journalism, the need of citizens for reliable and abundant information, and the importance of such information for a healthy society and a robust democracy: these are perennial, and provide compass-bearings for anyone trying to make sense of current changes across the media landscape.

The standards in the profession are in the process of being set. Most of the effects on journalism imposed by new technology are shaped in the most developed societies, but these changes are equally influencing the media in less developed societies.

The **Mapping Digital Media** project, which examines the changes in-depth, aims to build bridges between researchers and policymakers, activists, academics and standard-setters across the world. It also builds policy capacity in countries where this is less developed, encouraging stakeholders to participate in and influence change. At the same time, this research creates a knowledge base, laying foundations for advocacy work, building capacity and enhancing debate.

The Media Program of the Open Society Foundations has seen how changes and continuity affect the media in different places, redefining the way they can operate sustainably while staying true to values of pluralism and diversity, transparency and accountability, editorial independence, freedom of expression and information, public service, and high professional standards.

The Mapping Digital Media project assesses, in the light of these values, the global opportunities and risks that are created for media by the following developments:

- the switch-over from analog broadcasting to digital broadcasting;
- growth of new media platforms as sources of news;
- convergence of traditional broadcasting with telecommunications.

Covering 60 countries, the project examines how these changes affect the core democratic service that any media system should provide—news about political, economic and social affairs.

The **Mapping Digital Media** reports are produced by local researchers and partner organizations in each country. Cumulatively, these reports will provide a much-needed resource on the democratic role of digital media.

In addition to the country reports, the Open Society Media Program has commissioned research papers on a range of topics related to digital media. These papers are published as the **MDM Reference Series**.

Mapping Digital Media: Kazakhstan

Executive Summary

Oil-rich and ruled by an uncontested leader, Kazakhstan has in recent years moved further in the direction of restricting press freedom while the government's grip tightens on the media market. At the same time, digitization offers a freer and more diverse space for news and public debate. The story of Kazakhstani media is of two contrasting dynamics: the increasingly controlled and innovation-shy offline space, and the vibrant, less restricted digital environment.

Television is, by far, the most popular platform for news consumption, and also the most heavily state-controlled type of media. Both phenomena originate in the analog era and have remained prominent into the digital age, even more so than before, largely due to the persistent favoring of government-controlled channels in spectrum allocation and also to the government's handling of digital switch-over and investment in satellite broadcasting. Public service outlets remain non-existent, and there have been no significant attempts to start a public discussion about the need for them.

The institutions in charge of the transition have changed, along with the framework documents and priorities. The Ministry of Communication and Information, initially responsible for the process, adopted the Strategic Plan for 2011–2015, which outlined a roadmap for digital terrestrial broadcasting. However, this document was made obsolete in 2012. Likewise, the initial vision of the switch-over changed abruptly; what was scheduled to be the first stage of terrestrial transition was replaced with a new component—the introduction of digital satellite broadcasting. Throughout these alterations the public remained largely unaware of the transition and its implications.

Currently, the basic framework for digital switch-over is the hastily adopted Law on Broadcasting (2012), criticized by the leading civil society groups as “too generic” and inviting restrictive interpretations, which may lead to shrinking pluralism and further entrench the dominance of state-controlled channels. Public interest remains undefined in the new law and does not feature as a key criterion in the provisions related to digital transition; there are no safeguards for editorial independence, and the regulator—dominated by political appointees—has broad powers over the broadcasting sector.

The inclusion of private regional broadcasters (which tend to be more independent and more trusted as sources of news) on digital multiplexes was not originally stipulated in the law; a provision to this effect was added later, after lengthy and extensive advocacy by broadcasting industry bodies. Nonetheless, it remains to be seen whether regional stations will be able to retain their places in digital multiplexes as the government continues to expand its own channels—a process that started with the introduction of an unprecedented number of new state-run niche channels in 2012.

While terrestrial television is the most popular platform, satellite and cable have grown significantly, partly as a result of the government's altered switch-over priorities and determined push into the satellite market in 2011. A country with a vast territory and very sparse population, Kazakhstan has patches of weak terrestrial signal (in some areas, only two channels are available) and the expansion of satellite was meant to address this. The less explicit reason was what the government calls “information security”: the satellite news menu was dominated by channels from neighboring Russia, received via unlicensed dishes, which did not offer access to any local channels.

The arrival of state-owned OTCU-TV in 2011 marked a change in terms of access and package composition, but this was not the only outcome. OTCU-TV provides the basic package of local channels for free and also offers subsidies for equipment to low-income families; it claims to have gained 100,000 subscribers within one year of operation and to have reached areas previously underserved by terrestrial television. Yet, greater choice does not translate into greater plurality of voices: the free package offers 39 channels, most of which are state-run or state-controlled. Critics point out that the expansion of satellite further entrenches the almost unchallenged dominance of the government and politically-affiliated channels over broadcasting.

The print sector is likewise dominated by state-controlled media outlets, along with local editions of popular Russian dailies such as *Komsomolskaya Pravda* and *Izvestiya*. Independent publications have low circulation and routinely face political pressure and state interference. The most outspoken, *Golos Respubliki*, was forced to cease printing in 2012 as a result of a government-initiated lawsuit; it is now available only online.

The party line in traditional outlets has hardened in recent years. After the financial crisis, the state became the largest advertiser and it now influences media market through the practice known as *goszakaz*, meaning the state procurement of media services. *Goszakaz* comes with strings firmly attached: generous contracts are awarded in exchange for a pro-government editorial line.

The picture is slightly more encouraging in the online environment. Computer ownership and internet access have increased significantly; the latest available figures (2011) show that 7.8 percent of the population had access to fixed wired internet. The figure is low, particularly compared to Russia where the percentage is eight times higher, but it is much greater than the 1.9 percent of 2005.

Over 40 percent of the population uses the internet regularly, but mostly through mobile connections (38 connections per 100 people as opposed to the single-digit subscriptions to fixed internet). Mobile telephone usage tripled between 2006 and 2011, but 3G is a relative latecomer and was only introduced in 2011.

In contrast to television and print, online space is not dominated by government-controlled outlets and provides the most diverse sources of news. The number of online news resources unaffiliated with tightly-controlled legacy outlets is growing, and some of the most outspoken independent outlets—such as the website of *Respublika*—have a strong and cutting-edge online presence (unlike many government-controlled traditional outlets, which tend to operate sites with minimal tools and interactivity).

Although independent outlets find that it is much harder to silence them online than off, content blocking, filtering, and *distributed denial-of-service* (DDoS) attacks are common and have increased since the adoption of the Law on the Internet in 2009, which equated all internet resources, including user-generated content, social networks and blogs, with mass media that are a subject to heavy restrictions. This law makes it easier to block critical voices on the internet and has led to increased self-censorship and removal of comment function, among other things. Libel, still a criminal offence in Kazakhstan, has been extended to the internet. It is worth noting that it was this very platform, the internet, where protests against the new legislation originated and where opponents of the bill—online businesses, media and civil society organizations—mobilized and coordinated their efforts. Although online political activism remains rare, fundraising and digital mobilizations around social and environmental issues are a growing phenomenon as is the online presence of marginalized voices, such as the LGBT community.

Overall, then, the rise of digital media has yielded benefits for citizens and democracy, albeit these are limited by the dominance of one political party and its leader. Nevertheless, media remain constrained and state interference remains prominent.

As opportunities for working directly with policymakers in Kazakhstan are limited, the report calls for civil society organizations to step up their awareness-raising efforts and bring the threats stemming from restrictive legislation and the lack of regulatory independence to public and international attention. It also calls for a debate about the need to reform the publicly funded broadcasters so that they serve the public interest.

The three areas where the report does see an opening for cooperation with policymakers are *spectrum* and the *digital dividend* (where legal provisions are needed to ensure transparent and fair allocation), and *public awareness of digital switchover*. It is the government's duty to ensure that citizens are aware of the general advantages of digital broadcasting, and know how to use digital television.

Context

Kazakhstan declared its independence from the Soviet Union and became a sovereign nation on 16 December 1991. The largest landlocked country in the world and the ninth-largest overall, it has a vast territory of 2,724,900 km²¹ and a population of 16.878 million people, giving it an average population density of fewer than six people per km². Kazakhstan borders China on the east and shares a 7,591-km border with the Russian Federation to the north. Southwards there are former Soviet republics—Turkmenistan, Uzbekistan, Kyrgyzstan and Tajikistan—together forming the historical and political region commonly referred to as Central Asia.

Home to more than 100 ethnic groups, Kazakhstan has a diverse population including significant numbers of Russians, Ukrainians, Tatars, Uzbeks, Uighurs, and others. In 1991, ethnic Kazakhs were in the minority. But owing to the wave of emigration of many non-Kazakhs in the 1990s and the ongoing state-supported influx of *oralmans* (ethnic Kazakh repatriates) currently Kazakhs make up 63 percent of the population, with ethnic Russians forming the largest minority.²

A non-sectarian nation, 70 percent of the population is Muslim and 26 percent Christian. In 2011, the country adopted the controversial Law on Religion that reduced the number of officially recognized religious groups from 46 to 17 and, as of the end of 2012, left approximately one-third of all the country's religious organizations at risk of closure. Although the law has been promoted as an attempt to curb religious extremism, critics say it does little to achieve that goal, and rather is being used to target “non-traditional” religious groups.³

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1. See official website of President Nursultan Nazarbayev, at <http://www.akorda.kz/ru/category/kazakhstan> (accessed 7 January 2013).
 2. Agency of Statistics of the Republic of Kazakhstan, National Census of the Republic of Kazakhstan 2009, at http://www.stat.kz/p_perepis/Pages/default.aspx (accessed 3 October 2012).
 3. J. Lillis, “Kazakhstan: Religion law restricting faith in the name of tackling extremism?,” EurasiaNet.org, 12 November 2012, at <http://www.eurasianet.org/node/66167> (accessed 9 January 2013).

The country is divided into 14 regions or *oblasts* and two cities of “national status” (the largest cities, enjoying the same political and economic status as *oblasts*), Almaty and Astana. In December 1997, the capital was moved from Almaty, the country’s largest city and business center, to Akmola, a purpose-built city closer to Russia. The capital was renamed Astana in June 1998. The reasoning behind moving the capital was to establish firmer control over the northern regions of the country, which had long been subject to Russian economic and linguistic influence and also have the largest share of the ethnic Russian population. More than a decade later, the nation’s media space is still heavily dominated by Russian-language content, of which a large share is produced in Russia.

Although the country has an enormous territory, the landscape and climate make it fairly harsh for habitation: approximately 60 percent of the territory is desert or semi-desert, and 10 percent is mountains. In the 1950s, the steppe or virgin lands were chosen by the Soviet leadership for massive grain-growing. This helped Kazakhstan to further develop agriculture, which had previously been focussed on livestock, and to become one of the world’s major wheat producers.

Kazakhstan enjoys abundant and diverse subsoil reserves. Recoverable hydrocarbon resources, a key to the country’s rapid macroeconomic growth between 2002 and 2007, amount to 5.5 billion tonnes of oil and there are prospective oil reserves of 17 billion tonnes.⁴ In addition to its fossil oil reserves, Kazakhstan is among the world leaders in uranium deposits, a primary raw material for nuclear energy, and also in many other minerals.

Kazakhstan is ranked 133rd among 174 countries in Transparency International’s Corruption Perceptions Index for 2012, down from 120th in 2011.⁵ The World Economic Forum’s Worldwide Governance Indicators studies highlight Kazakhstan’s poor performance in areas including political participation; accountability and control of corruption; rule of law, and efficiency of government bodies.⁶

The country’s economy is driven by extractive industries and it has largely recovered from the economic crisis of 2008. Although diversification of the economy has been a declared government priority since 1997 when the “Strategy of Development of Kazakhstan: ‘Kazakhstan-2030’” was adopted,⁷ this remains a challenge. Since its implementation, diversification strategies have changed almost annually (examples include import substitution, industrial innovation development, cluster approach, breakthrough projects, and others). The latest program focusses on innovative industrial development.

4. Information and Analytical Portal of Sovereign Wealth Fund Samruk-Kazyna JSC, “Oil and Gas,” n.d., at <http://sk.kz/page/oil-and-gaz> (accessed 7 January 2012).

5. Transparency International, “Corruption Perceptions Index 2012,” at <http://www.transparency.org/cpi2012/results> (accessed 23 December 2012); Transparency International, Corruptions Perceptions Index 2011, at <http://cpi.transparency.org/cpi2011/results/> (accessed 3 October 2012).

6. World Economic Forum, Worldwide Governance Indicators, “Global Competitiveness Report, 2011–2012,” Geneva, 2011, at http://info.worldbank.org/governance/wgi/sc_country.asp (accessed 7 January 2013).

7. N. Nazarbayev, “Strategy of Development of Kazakhstan: ‘Kazakhstan-2030,’” October 1997, at http://mod.gov.kz/mod-ru/index.php?option=com_content&view=article&id=187&Itemid=149 (accessed 7 January 2013).

The Soviet-era transport infrastructure has long since been outdated and has seen little investment despite the oil-driven economic boom. Although the telecommunications network has been improved through investment both by private companies and the state, there is still much to be done in the provision of affordable and diverse communication services.

President Nursultan Nazarbayev, born in 1940, was leader of the Kazakhstani branch of the Communist Party between 1989 and 1991, at the end of the Soviet era. When the country gained independence, he made the transition from party leader to president in an election in which he was the only candidate. Since then, he has been re-elected several times and never faced more than token competition. In 2010, amendments to the Constitutional Law on the First President of the Republic of Kazakhstan—the Leader of the Nation of 20 July 2000 No. 83-II (hereafter, Law on the Leader of the Nation)⁸ granted him full legal immunity. Mr Nazarbayev is also the leader of the ruling People’s Democratic Party Nur Otan (hereafter, Nur Otan), which holds an overwhelming majority in the legislature (the remaining seats are held by members of other pro-government parties.) At the early presidential elections held on 3 April 2011 Mr Nazarbayev received nearly 96 percent of the vote. According to election observation missions conducted by the Organization for Security and Cooperation in Europe (OSCE), none of the presidential elections held in Kazakhstan since independence has been conducted freely and fairly in compliance with democratic standards.^{9, 10, 11}

Kazakhstan’s constitution establishes the principle of separation of powers. However, it also endows the presidency with overarching authority over the legislative and judicial branches: as Central Asia specialist Sally N. Cummings puts it, “the president is at the epicenter of all state- and institution-building efforts, and presidential office and executive order have come to dominate all branches of government.”¹² Moreover, local government heads are not elected officials but appointed by the executive. There have been several hesitant attempts by the government to gradually reform the system and introduce experimental elections of heads of several rural districts and minor towns, but this experiment has not developed into practice.

In 2010, Kazakhstan became the acting chairman-in-office of the OSCE, the first former republic of the Soviet Union to hold this position. In 2012 the country was elected to a seat on the UN Human Rights Council. Despite these prominent international successes, the country is frequently criticized for its human rights record at home, particularly with respect to free speech and political freedoms.

8. Amendments to the Constitutional Law on the First President of the Republic of Kazakhstan—the Leader of the Nation No. 83-II, 20 July 2000, 14 June 2010, at <http://www.inform.kz/rus/article/2278166> (accessed 7 January 2013).

9. Organization for Security and Cooperation in Europe (OSCE), “The Republic of Kazakhstan Presidential Election 10 January 1999 Assessment Mission,” Warsaw, 5 February 1999, at <http://www.osce.org/odihr/elections/kazakhstan/14771> (accessed 7 January 2013).

10. OSCE, “Republic of Kazakhstan Presidential Election 4 December 2005 OSCE/ODIHR Election Observation Mission Final Report,” Warsaw, 21 February 2006, at <http://www.osce.org/odihr/elections/kazakhstan/18153> (accessed 7 January 2013).

11. OSCE, “Republic of Kazakhstan Early Presidential Election 3 April 2011 OSCE/ODIHR Election Observation Mission Final Report,” Warsaw, 16 June 2011, at <http://www.osce.org/odihr/elections/78714> (accessed 7 January 2013).

12. S.N. Cummings, *Power and Change in Central Asia*, Routledge, London, 2002, p. 63.

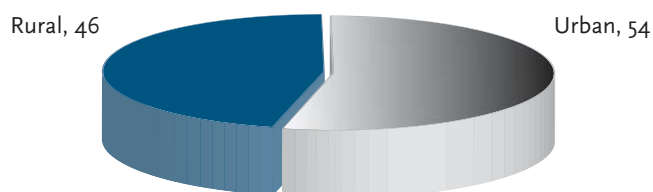
The mass media environment in Kazakhstan is characterized by lack of pluralism and prevalence of pro-government outlets, especially among the broadcast media, which often are either directly owned by the state, or by highly loyal government officials or businesses affiliated with them. Critical news outlets face continuous pressure. Fines are frequently used as a pressure tool on print publications, but there have been cases of shutdowns by court decisions, too. Defamation is a criminal offence in Kazakhstan.

Social Indicators

Population (number of inhabitants): 16.878 million (2010)

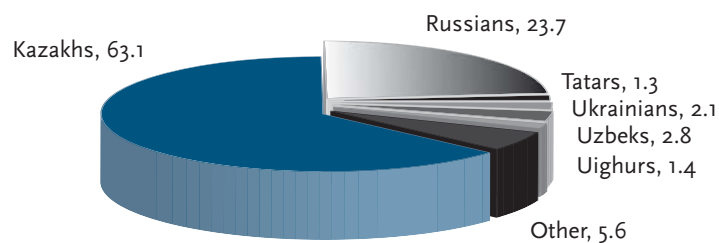
Number of households: 4,391,759 million (2009)¹³

Figure 1.
Rural–urban breakdown (% of total population), 2009



Source: Agency of Statistics of the Republic of Kazakhstan, National Census of the Republic of Kazakhstan 2009, Astana, 2010

Figure 2.
Ethnic composition (% of total population), 2009



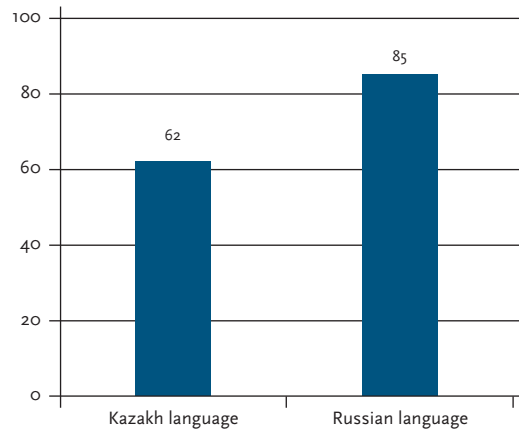
Note: The category “Other” includes Koreans, Poles, Germans, Chechens, Kurds, and other smaller ethnic groups

Source: Agency of Statistics of the Republic of Kazakhstan, National Census of the Republic of Kazakhstan 2009, Astana, 2010

13. Agency of Statistics of the Republic of Kazakhstan, “Households of the Republic of Kazakhstan. Results of the National Census of the Republic of Kazakhstan 2009,” Vol. 2, Astana, 2011, at <http://bit.ly/117OmFt> (accessed 7 January 2013).

Figure 3.

Command of Kazakh and Russian languages (% of total population),* 2009



Note: * The proportion of people with good command of the Kazakh and Russian languages (“fluently read and write”)

Source: Agency of Statistics of the Republic of Kazakhstan, National Census of the Republic of Kazakhstan 2009, Astana, 2010

During the Soviet era, the Russian language came to dominate politics, business, education, and media. The current situation reflects that legacy. Although the share of ethnic Kazakh population is steadily growing, many people still prefer using Russian in everyday life and for news consumption. According to the constitution, Kazakh is the official state language while Russian is an official language of “inter-ethnic communication,” and along with Kazakh is an official language of use in state institutions and local self-government bodies. The State Program on Functioning and Development of Languages for 2011–2020¹⁴ (established by the Decree of the President No. 110, 29 June 2011)¹⁵ aimed to increase the proportion of the population speaking Kazakh to 95 percent. (According to the National Census of 2009, the figure stood then at 62 percent.)¹⁶

Although the many ethnic groups in Kazakhstan often speak languages other than Russian or Kazakh, the government does not gather statistics on the usage of these languages. One way to gain some insight into the linguistic diversity in Kazakhstan is through minority-language study in schools. Article 9 of the Law on Education stipulates that “all educational institutions regardless of their ownership are required to provide all students with knowledge of Kazakh as a state language, Russian along with another foreign language.”¹⁷ For

14. Today.kz, “Project of the State Program on Functioning and Development of Languages for 2011–2020,” 29 July 2010, at <http://www.today.kz/ru/news/kazakhstan/2010-07-29/27249> (accessed 7 January 2013).

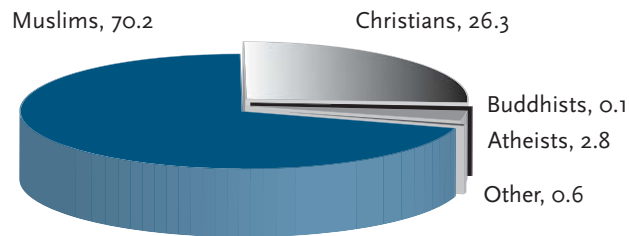
15. Decree of the President of the Republic of Kazakhstan No. 110, 29 June 2011, “On the State Program on Functioning and Development of Languages for 2011–2020,” 29 July 2010, at <http://journal.zakon.kz/223537-utverzhdjena-gosudarstvennaja-programma.html>. (accessed 7 January 2013).

16. Information Agency Novosti-Kazakhstan, “More Than 60 Percent of Kazakhstan Citizens Speak Kazakh Fluently; Russian About 85 Percent—Census Data,” 12 November 2010, at <http://newskaz.ru/society/20101112/921425.html> (accessed 7 January 2012).

17. Law of the Republic of Kazakhstan on Education No. 319-III, 27 July 2007, at http://online.zakon.kz/Document/?doc_id=30118747#sub_id=10000 (accessed 7 January 2013).

smaller minorities, after-school classes and Sunday schools may be organized in secondary schools. In January 2012, media reported that in the academic year 2011–2012 there were lessons in Dungan (4,853 students), Turkish (4,291), Uighur (4,076), Polish (728), Kurdish (463), Azeri (385), Korean (228), and Tatar (109), both as optional classes and full courses within the framework of the secondary-school curriculum.¹⁸

Figure 4.
Religious composition (% of total population), 2009



Source: Agency of Statistics of the Republic of Kazakhstan, National Census of the Republic of Kazakhstan 2009, Astana, 2010

18. Nur.kz, “In Kazakhstan, 3,843 Kazakh-language and 1,508 Russian-language Schools Registered,” 25 January 2012, at <http://news.nur.kz/207313.html> (accessed 3 October 2012).

Economic Indicators

Table 1.
Economic indicators

	2005	2006	2007	2008	2009	2010	2011	2012 ^f	2013 ^f
GDP (current prices, US\$ billion)	57.12	81.00	103.14	135.22	115.30	148.04	186.19	200.64	220.14
GDP (current prices, US\$), per head	3,753.4	5,261.8	6,626.2	8,570.6	7,118.5	9,008.6	11,167.0	12,021.2	13,176.2
Gross National Income (GNI), (current US\$), per head	7,880	8,690	9,550	9,720	10,080	10,620	11,310	n/a	n/a
Unemployment (% of total labor force)	8.1	7.8	7.2	6.6	6.5	5.7	5.4	5.4	5.3
Inflation (average annual rate, % against previous year)	7.6	8.4	18.7	9.5	6.1	7.8	7.4	5.6	6.5

Notes: f: forecast; n/a: not available

Sources: International Monetary Fund (IMF) (GDP, unemployment, and inflation figures); World Bank (GNI)

1. Media Consumption: The Digital Factor

1.1 Digital Take-up

1.1.1 Digital Equipment

Statistical data on ownership of equipment suggests that recent advances in digital uptake are making Kazakhstan's households better prepared to access content provided by digital media, but still have significant progress to make.¹⁹ According to the World Economic Forum's *Networked Readiness Index 2012*,²⁰ Kazakhstan, followed closely by Russia and Azerbaijan, is the top-ranked country of the Commonwealth of Independent States (CIS) in terms of information and communication technologies (ICT) and digital uptake, and 55th out of 142 countries overall. Kazakhstan's position on the list was significantly bolstered by improvements in the affordability of ICT, though hampered by its political and regulatory environment (92nd place), and in particular lack of judicial independence and poor protection for intellectual property. In 2005, there were only 23 computers for every 1,000 people in the country. By 2009, this figure had almost tripled to 62 computers per 1,000 people (figures on further years not available).²¹ The proportion of internet users in the population grew from 1.1 percent in 2008 to 49.5 percent in 2011.²²

The government has made the development of digital information technologies a national priority. Among other goals, the State Program "Information Kazakhstan—2020" says that by that year 100 percent of Kazakhstani households should have the opportunity to access ICT infrastructure; 75 percent of the

19. Finding reliable statistical data is a challenge in Kazakhstan, as national agencies responsible for producing such information have not always provided clear and consistent data. This is particularly problematic for researchers trying to understand trends or to make reliable comparisons on the basis of statistical information. In this section, this problem comes across very clearly in the gaps in charts meant to compare the data over time.

20. The World Economic Forum, *The Networked Readiness Index 2012*, at http://www3.weforum.org/docs/GITR/2012/GITR_OverallRankings_2012.pdf (accessed 17 April 2013).

21. Government of Kazakhstan, "Statistical Compendium: Transport and Communications in the Republic of Kazakhstan, 2005–2009, Astana 2010," at http://www.stat.kz/publishing/Pages/sborniki_2010.aspx (accessed 17 April 2013).

22. Agency of Statistics of the Republic of Kazakhstan, The Information Society, "Internet users per 100 inhabitants," at www.stat.kz/digital/inf_obshestvo/Pages/default.aspx (accessed 3 October 2012).

population should be using the internet; digital broadcast signals should cover 95 percent of the territory; and 100 percent of educational institutions should be connected to a single national research and education network.²³

Television ownership in Kazakhstan is very high, according to the Agency of Statistics of the Republic of Kazakhstan (or Agency of Statistics), which set the figure at 97 percent of households in 2009. The International Telecommunication Union (ITU) set the figure substantially lower, at 86.79 percent. It is unclear why there are discrepancies between the ITU's and Kazakhstani figures, particularly considering that ITU receives its figures from the government. The available figures do not currently extend beyond 2010. According to ITU, there has been a significant increase in the total number of television households, from 1,893,542 in 2006 to 3,480,850 in 2009. Data for radio ownership appear not to have been gathered at all in the years covered by this research.

Table 2.
Households owning equipment, 2006–2010

	2006		2007		2008		2009		2010	
	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH
TV set	1,893	49.0	n/a	n/a	n/a	n/a	3,561	86.7 ²⁴	n/a	n/a
PC	n/a	n/a	631	15.6	748	18.3	888	21.6	882	25.1

Note: HH: total number of households owning equipment; THH: total number of households in the country; n/a: not available

Sources: International Telecommunications Union data for Kazakhstan, January 2010, January 2012 (PC); Agency of Statistics of the Republic of Kazakhstan, *Statistical Compendium: Transport and Communications in the Republic of Kazakhstan*, Astana 2010

1.1.2 Platforms

Television is by far the most popular platform for media consumption. An increasing number of people receive their television through a cable or satellite subscription.

Over the past several years, satellite and cable reception have made inroads into the previously dominant position of terrestrial broadcast as the favored mode of television reception. In 2006, almost two-thirds of television was viewed through terrestrial broadcast, while cable and satellite transmission combined represented just over one-third of television viewers. By 2010, however, a progressive decline in the percentage of terrestrial broadcast compared with cable and satellite viewers left the three modes of television almost at par. (See Table 3.)

23. Government Decree No 957, 4 December 2012, "About the Order of the President of the Republic of Kazakhstan on the State Program Information Kazakhstan—2020 and on making additions to the Decree of the President of the Republic of Kazakhstan No. 957, 19 March 2010. On approval of the list of government programs, Government of the Republic of Kazakhstan, 4 December 2012, No. 1534," at <http://medialawca.org/posts/24-12-2012/67995.html> (accessed 17 April 2013).

24. International Telecommunication Union (ITU), December 2010. (The Agency of Statistics provides a higher figure, setting television ownership for 2006 at 97 percent of households.)

In 2006, cable reception was the main platform for accessing television in 14 percent of homes, but by 2009 that figure had more than doubled. Some cable operators in big cities had started offering digital cable packages in the mid-2000s. Currently in Almaty a variety of cable packages are available, with some home packages as inexpensive as US\$5.50 (KZT 830) per month for 24 channels, and other packages carrying in excess of 130 channels for approximately US\$18 (KZT 2,719) per month.

The overall sparse density of population as well as the selection of a variety of international channels may in part explain the popularity of satellite reception. Cable is generally restricted to urban areas and terrestrial broadcast, too, is limited outside cities because of the difficulty of delivering a signal to sparse populations over large areas. People mostly prefer satellite dishes that can receive multi-feed signals from several Russian (Yamal, Express) or European (Eutelsat, Hot Bird) satellites with no regular payments except for the installation fee.

At the time of reporting, digital broadcasting is at an early stage of development; digital cable, satellite, and Internet Protocol Television (IPTV) are emerging but not yet well established. The internet penetration rate has shown substantial growth, particularly from 2009 to 2011.²⁵ The magnitude of internet access is increasing dramatically, and the ways users can access the internet are becoming increasingly diverse. Today, the internet in Kazakhstan can be accessed not just through fixed analog or broadband connections, but also through wireless, mobile telephone, cable modem, and other types of connection.

Substantial advances have been made in bridging the digital divide in recent years. In 2011, 45 percent of the population was reported to be internet users,²⁶ and across the country regional internet usage is reported at 40 percent of the population or higher in all but two of the country's 14 *oblasts*.²⁷ Each of these measures represents a significant advance over recent years. The country also reports increasing levels of computer literacy of computer users, both nationally and regionally. In 2006, 10.7 percent of computer users in Kazakhstan were described as "experienced users,"²⁸ compared with 65.1 percent in 2011.²⁹ In December 2010, the then Minister of Communication and Information, Askar Zhumagaliyev, announced the successful completion of Kazakhstan's program for bridging the digital divide when the proportion of users exceeded 20 percent of the population.³⁰

Class, gender, and ethnicity do not appear to be considered issues for examining the digital divide in Kazakhstan. According to the national provider, Kazakhtelecom (51 percent owned by the state, 16.8 percent and 9.6 percent shares owned by two offshore companies registered in The Netherlands, and the rest traded

25. The statistics provided by ITU and the Kazakhstani government do not distinguish between analog and digital penetration rates.

26. ITU data on Kazakhstan, January 2012.

27. Agency of Statistics of the Republic of Kazakhstan, The Information Society, "Internet users per 100 inhabitants," at http://www.stat.kz/digital/inf_obshestvo/Pages/default.aspx (accessed 9 January 2013).

28. Individuals with extensive experience with popular programs and special software, for example, Corel Draw, MS Project, AutoCAD, SPSS.

29. Agency of Statistics of the Republic of Kazakhstan, The Information Society, "Level of computer literacy," at http://www.stat.kz/digital/inf_obshestvo/Pages/default.aspx (accessed 9 January 2013).

30. Interfax Kazakhstan, "Kazakhstan's internet users doubled in four years," 6 December 2010, at http://www.interfax.kz/?lang=eng&int_id=in_focus&news_id=392 (accessed 14 January 2013).

publicly on the stock exchange), their expansion of the digital network in Kazakhstan (which is carried out under guidance of the government) takes place “independent of social factors.”³¹

Table 3.

Platform for the main TV reception and digital take-up,* 2006–2010

	2006		2007		2008		2009		2010	
	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH
Terrestrial reception	1,200	63.4	n/a	55.6	n/a	46.0	1,210	34.0	n/a	34.8
Cable reception	276,378	14.6	n/a	19.8	n/a	25.5	1,064	29.9	n/a	34.9
Satellite reception	416,46	22.0	n/a	24.6	n/a	28.5	1,285	36.1	n/a	30.3
IPTV	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Total**	n/a	100.0	n/a	100.0	n/a	n/a	n/a	100.0	n/a	n/a

Notes: * The figures refer to the main TV set in the households for multi-TV households; ** Rounded-up figures
HH: total number of households; TVHH: television households; n/a: not available

Source: Agency of Statistics of the Republic of Kazakhstan, The Information Society, “Kazakhstan, 2006–2010, Structure of ICT used in households in Kazakhstan,” Astana, 2011

Kazakhtelecom is by all measures the largest telecoms company in Kazakhstan. The company holds a 73 percent share of the market for internet and data communications³² and offers broadband internet access in all major cities and *oblasts* through its Megaline service.³³ It is the primary service provider in the country and operates the national backbone network, providing internet access directly to consumers and to resellers. (According to company data, in 2011 Kazakhtelecom had 2,697,032 total internet users, of whom 2,449,779 (or almost 91 percent) were broadband subscribers.³⁴

In 2011, as part of the State Program of Forced Industrial Innovative Development of the Republic of Kazakhstan, Kazakhtelecom launched a project on constructing a home fiber-optic network to expand access to high-speed broadband data communication services. The company states it has significantly expanded broadband access in Kazakhstan since 2010 in response to government instructions.³⁵

In February 2009, Kazakhtelecom launched IPTV services in 11 of the 14 regions of the country under the brand iD TV. By the end of 2009, the number of subscribers was 8,910, or 0.26 percent of television households. The number of subscribers grew to 33,078 in 2010, 84,959 in 2011,³⁶ and an estimated 159,240

31. Email communication from Y. Isakova, Head of Public Relations, Kazakhtelecom, 12 January 2013.

32. Kazakhtelecom, “2011 Annual Report,” Astana, 2012, p. 47, at http://www.telecom.kz/download/000docs/02-11-2012_GO_RU_3010_2012%28eng%29.pdf (accessed 22 December 2012) (hereafter, Kazakhtelecom, “2011 Annual Report”).

33. Kazakhtelecom, “2011 Annual Report,” p. 50.

34. Kazakhtelecom, “2011 Annual Report,” p. 39.

35. Kazakhtelecom, “2011 Annual Report,” p. 17.

36. Kazakhtelecom, “Results as of 2011 and 1Q 2012” (presentation slides), 2012, p. 7, at <http://www.telecom.kz/page/single/prezentatsii-dlja-investorov> (accessed 28 December 2012).

subscribers for 2012.³⁷ Session Initiation Protocol (SIP) telephone services were launched by Kazakhtelecom in February 2009 under the brand iD Phone. There were 9,208 subscribers in 2009, growing to 28,750 in 2010 and 48,000 in 2011.³⁸

Mobile telephone usage has seen enormous growth in recent years, going from a penetration rate of 35 percent in 2005 to 155 percent in 2011, making it the only communication medium not only to come close to but actually to significantly outpace the high usage levels of television in Kazakhstan.

These numbers signal a weakness of statistics on technology penetration rates; however, the rate apparently exceeds 100 percent of the population because each active SIM card is counted as one user. Many mobile users have more than one active SIM card. So while we do know that there has been a substantial growth of numbers of mobile phones (or at least SIM cards) in usage, without clearer information it is impossible to be sure in real terms how many individual people are actually using mobile phones. The same caution should hold true for penetration rates of internet and television.³⁹

Although mobile operators said they were ready to launch 3G services as early as 2007, the introduction of 3G services in Kazakhstan did not take place until 2011. One source of delay was the slow process of making available frequencies previously under control of the military. A second issue was that operators said that the fees demanded by the government for allocated frequencies were too high. 3G services were eventually launched in January 2011.

There has been a significant jump in the reported numbers of internet users in recent years, a period during which the cost of internet access has dropped significantly and the number of options for going online has increased dramatically. According to ITU, in 2006 only about 3 percent of the population was using the internet. At the time, the monthly subscription cost of a fixed wired broadband connection was KZT 19,900 (about US\$ 165). The following year that cost dropped dramatically, to KZT 3,800 (about US\$32).⁴⁰ Over the next several years, the reported percentage of individuals using the internet grew to 11 percent (2008), 18 percent (2009), 31.6 percent (2010), and 45 percent (2011). The ITU data suggest that most of the connections used to access the internet, at least since 2010, are mobile connections. In 2011, there were only a reported 7.8 wired internet connections per 100 inhabitants of the country. That same year, there were more than 38 active mobile broadband subscriptions per 100 people.⁴¹ Separate data reported by the Agency of Statistics show that in 2011 78.6 percent of people accessing the internet were using wired connections,

37. Kazakhtelecom, "9 Months 2012 Results" (presentation slides), 2012, p. 4, at <http://www.telecom.kz/page/single/prezentatsii-dlja-investorov> (accessed 28 December 2012).

38. Kazakhtelecom, "Investor presentation 2011" (presentation slides), at <http://www.telecom.kz/download/Presentacia1.pdf> (accessed 12 October 2012).

39. K. Pearce, "Tangled Web: Why technology penetration rates are worthless," Radio Free Europe/Radio Liberty, 21 December 2012, at <http://www.rferl.org/content/why-technology-penetration-rates/24805097.html> (accessed 28 December 2012).

40. Figures based on a 2007 exchange rate of approximately 120 tenge (KZT) per US dollar.

41. ITU, January 2013 telecommunication data on Kazakhstan.

while 60 percent of users accessed the internet through wireless connections (the discrepancy in these figures is discussed below).⁴²

There is no reason to doubt that there has been substantial growth in access to the internet as well as significant improvement in the speed of internet connections. However, it is difficult to reliably assess the relationship between reported figures of internet and mobile penetration in terms of the actual numbers of people in the population. For example, the 2011 mobile telephone penetration rate of 155.74 percent significantly exceeds the number of people in the population, while the reported figures on how people access the internet show a total of nearly 140 percent of internet users. This suggests that data collected in Kazakhstan probably count each point of access an individual has to a technology as a separate individual user.

Of those people in Kazakhstan who have access to the internet, home is the most popular point of access: nearly half get access from home, a third from work, and the remainder is almost evenly divided between schools and other locations.⁴³

Table 4.

Internet penetration rate (total internet subscriptions as % of total population)
and mobile penetration rate (total active SIM cards as % of total population), 2005–2011

	2005	2006	2007	2008	2009	2010	2011
Internet	1.9	2.0	4.4	4.5	4.8	9.6	7.8
– of which broadband	0.019	0.199	1.755	2.2	3.6	8.9	7.4
Active mobile broadband	n/a	n/a	n/a	n/a	n/a	23.1	38.4
Mobile telephony	35.5	50.8	79.9	96.0	95.9	121.07	155.74
– of which 3G ¹⁷	0	0	0	0	n/a	n/a	n/a

Note: n/a: not available

Sources: ITU data on Kazakhstan, January 2013; ITU ICT Statistics Database (ICT Eye Indicators at <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>); Agency of Statistics of the Republic of Kazakhstan, The Information Society (for fixed-wired internet)

1.2 Media Preferences

1.2.1 Main Shifts in Media Consumption

A lack of systematic and reliable data on news consumption and audience makes it impossible to draw conclusions on the main digitization-related shifts in news and information consumption in the period studied. What scarce data there are, however, suggest that television has been and remains by far the dominant

42. Agency of Statistics of the Republic of Kazakhstan, The Information Society, “The Use of Communications Technology to Access the Internet, 2011” (graphic), at http://www.stat.kz/digital/inf_obshestvo/Pages/default.aspx (accessed 9 January 2013).

43. Agency of Statistics of the Republic of Kazakhstan, The Information Society, at http://www.stat.kz/digital/inf_obshestvo/Pages/default.aspx (accessed 3 October 2012).

mass medium for news consumption. However, there is a vibrant and growing community of internet users in Kazakhstan and the number of online news sources catering to them is also on the rise. Although internet rankings are highly volatile, a handful of online news resources commonly appear in the top 25 ratings of Zero.kz, a site that measures statistics for websites in Kazakhstan.⁴⁴

The absence of reliable data on circulation complicates the task of mapping the recent trends in newspaper consumption. The government licenses print media, and a license specifies the number of copies authorized for printing. This number, which is printed in the publication along with licensing information, is not necessarily the actual number of copies printed. It is the number of copies a publication is authorized to produce, and the actual number printed may be lower (see section 1.3.1). Furthermore, the circulation numbers of state media are often boosted through a process known as mandatory subscription, in which public offices and schools are required to subscribe to certain state publications, significantly boosting their subscription numbers (see section 7.3.1). Larger circulation numbers, whether for state or private publications, also allow charging higher advertising fees.

Many newspapers are developing their online presence, with some, such as the critical paper *Golos Respubliki* (The Voice of the Republic), making extensive use of social networks (*Golos Respubliki*'s print edition was closed as a result of a court order in December 2012; the case is examined in detail in section 4.1.1). Many of the television news organizations have also launched websites, although their quality and features vary; and many of their sites that have been launched lag behind other mass media sites in popularity. One exception is the site run by KTK Television, which ranks high among Kazakhstani sites.⁴⁵ The KTK site has an attractive, professional design and offers features, including video news segments posted online, a user forum, and links to the station's accounts on the social networks of Facebook, Twitter, VKontakte, and YouTube.⁴⁶

Local radio stations have established websites and all top-rated stations (see Table 7) provide live-streaming of broadcasts, but there are no figures on the popularity of this service. Generally, radio is focussed on entertainment and is not a prominent source of news programming.⁴⁷

1.2.2 Availability of a Diverse Range of News Platforms

Domestic news is not highly diverse and overall tends not to challenge the ruling power. The broadcast environment is tightly controlled; national broadcast channels are either directly controlled by the government or are owned by pro-government figures. Print sources are more diverse, with some prominent critical newspapers in operation. Cable and satellite television offer some diversity as they bring news from abroad, though little of it is focussed on Kazakhstan. The internet is the most diverse source of news, though blocking,

44. Count Zero rating, at <http://zero.kz/rating> (accessed 17 April 2013).

45. KTK comes second on the Zero.kz list of most popular Kazakhstani news and mass media websites for 12 October 2012, and takes the 22nd place in the overall list for the same day: see <http://zero.kz/rating> (accessed 12 October 2012).

46. See <http://www.ktk.kz> (accessed 17 April 2013).

47. MediaNet International Center for Journalism, "Internet in Kazakhstan, 2009," at www.zero.kz/rating (accessed 16 October 2012); www.alexacom/topsites/countries/kz (accessed 16 October 2012).

filtering, and denial-of-service attacks are common and often aimed at critical websites (see section 7.3.1). Critical media face frequent pressure from the government, and what little pluralism there is, Kazakhstani media suffered a serious blow at the end of 2012 when the government moved to close several critical print and online media outlets.

Opposition or critical opinion is fully excluded from the national broadcast media, which are owned by the government, are part of the ruling party's media conglomerate, Nur Media LLP (see section 6.1), or are controlled by current or former political elites, loyal to the ruling power. The government strongly influences media not only through ownership but also through the practice of media content procurement called *goszakaz*, by which generous contracts are awarded to outlets that adhere to a pro-government editorial line. (See section 7.3.1.)

Language is a major issue, with Russian- and Kazakh-language broadcasts and publications seen not just as reporting in different languages, but actually reporting on different issues and reflecting different concerns. According to a report by the MediaNet International Center for Journalism, these media exist almost in "parallel worlds." The report notes there is no cooperation between Russian- and Kazakh-language news media, except in the case of a few bilingual print news operations, and even there interaction between the two is minimal.⁴⁸ Although in the post-Soviet period, and particularly in recent years, the Kazakh language has become more prominent in all spheres, Russian still appears to be the language of preference for most media consumption.

Kazakhstan's Law on Broadcasting requires that all broadcasters offer 50 percent of their content in Kazakh and 50 percent in Russian and that a significant proportion be generated locally (only 20 percent of re-broadcast content is allowed), though this regulation is not always strictly observed.⁴⁹

Cable and satellite television are often seen as a means for people in Kazakhstan to access news from abroad, primarily from Russia. One can infer from the increase in satellite and cable subscriptions that there are better opportunities to access diverse news sources. However, while foreign satellite packages may offer a wider channel selection, they do not carry local channels available through terrestrial reception and limit access to local content. (The state-run OTC TV has introduced a Kazakhstani satellite package along with internet and cable packages, which provide a mix of local and international channels, see section 2.1.2). Similarly, the increase in computer and internet usage may bring about a greater possibility of access to more diverse news. Still, the lack of clear comparative data on the audience as well as the lack of data specifically on digital sources makes it impossible to draw straightforward conclusions.

48. MediaNet International Center for Journalism, "Kazakhstan mass media: Key participants, possibilities, needs, and risks," 2010, at http://www.soros.kz/en/publications/monitoring_and_researches/results-research-%E2%80%9Ckazakhstan-mass-media-key-participants-poss (accessed 17 October 2012) (hereafter, MediaNet, "Kazakhstan mass media").

49. MediaNet, "Kazakhstan mass media."

1.3 News Providers

1.3.1 Leading Sources of News

1.3.1.1 Print Media

Newspapers are published both nationally and locally. Regions and cities throughout the country have their own newspapers serving the local market. The larger national periodicals based in Astana or Almaty, such as *Vremya* (Time) and *Kazakhstanskaya Pravda* (Truth of Kazakhstan), have regional offices and deliver electronic copies of their publications to those offices to be printed and distributed in regions. Papers without this facility may send their publications physically to other regions. Smaller publications may rely on the internet or email distribution to get their publications to smaller cities. Larger print publications are usually available in smaller communities, though they may be distributed later than they are in larger communities.

National print publications tend to be either owned outright or closely aligned with the State or with interest groups. According to Diana Okremova, president of an Astana-based non-governmental organization (NGO), the North Kazakhstan Legal Media Center, there are no truly independent national print media in Kazakhstan. She says that there are, however, independent print publications at the regional level.⁵⁰

The actual circulation numbers for newspapers are very difficult to obtain (they are not required to be publicly available). Although papers publish the number of copies their licenses authorize them to produce, as mentioned above, this does not necessarily reflect their real circulation. The Kazakhstani Association of Newspaper Publishers complained in 2006 that the practice of exaggerating circulation rates causes problems for publishers and advertisers alike and distorts the market; they called for establishing a verified national audit of actual circulation.⁵¹ Six years later, no such audit has been established and this problem still persists. According to Ms Okremova:

The law is not the watchdog over the validity of circulation rates. Publishers and media owners are on their own. Although information on circulation rates may confuse the readership and advertisers alike, still this issue is not regulated under the [national] legislature. State-owned publications tend to bump up these numbers to create a [false] impression of their prominence and popularity. In reality, though, these numbers are achieved through the mandatory/enforced subscription, and their circulation is small.⁵²

According to the market research company TNS Central Asia, the most widely read daily periodical, by a wide margin, is a paper consisting exclusively of classified advertisements, *Iz Ruk v Ruki* (From Hand to Hand). Other top dailies (whose circulation has varied little over the past three years) include two national state-owned newspapers (the Russian-language *Kazakhstanskaya Pravda* and its Kazakh-language partner,

50. Interview with Diana Okremova, president, North Kazakhstan Legal Media Center, Almaty, 20 December 2012.

51. Kazakhstani Association of Newspaper Publishers, "Unreal Circulation Poses a Real Problem," *ZonaKZ.net*, 2 February 2006, at <http://www.zonakz.net/articles/13715> (accessed 16 October 2012).

52. Interview with Diana Okremova, president, North Kazakhstan Legal Media Center, Almaty, 20 December 2012.

Egemen Kazakhstan (Independent Kazakhstan)), one municipal state-owned newspaper, *Vecherniy Almaty* (The Evening Almaty), and one national newspaper, *Izvestiya Kazakhstan* (News of Kazakhstan), which is owned by the dominant state political party Nur Otan. There is a small number of general newspapers in the top 10, including the tabloid *Vremya* and the critical Kazakh-language daily, *Zhas Alash* (Sapling). The top 10 also include sports and entertainment papers. About 80 percent of the top-rated newspapers are published in Russian, 20 percent in Kazakh.

To give some sense of the problem with circulation numbers, the top-rated daily periodical *Iz Ruk v Ruki* has had a rating ranging between 5.79 percent and 10.07 percent for each of the past three years (see Table 5). Its published national circulation rate is 60,000 copies. In contrast, the state newspaper *Kazakhstanskaya Pravda*, which at times ranks second or third on the same list for the same years and with a rating ranging from 3.12 percent to 6.34 percent, has a daily circulation of more than 100,000 copies. The published circulation numbers might suggest that *Kazakhstanskaya Pravda* is significantly more popular than *Iz Ruk v Ruki*, but the ratings suggest otherwise.

Table 5.
Top 10 daily newspapers by ratings (%), 2009–2011

2009			2010			2011		
Title, language	Description	Rating	Title	Description	Rating	Title	Description	Rating
<i>Iz Ruk v Ruki</i> (RUS)	Classifieds	6.41	<i>Iz Ruk v Ruki</i>	Classifieds	5.79	<i>Iz Ruk v Ruki</i>	Classifieds	10.07
<i>Kazakhstanskaya Pravda</i> (RUS)	State newspaper	5.45	<i>Vremya</i>	News tabloid	2.94	<i>Kazakhstanskaya Pravda</i>	State newspaper	6.34
<i>Komskomolskaya Pravda</i> (Truth of Komsomol) (RUS)	Entertainment tabloid	4.11	<i>Kazakhstanskaya Pravda</i>	State newspaper	3.12	<i>Vremya</i>	News tabloid	3.52
<i>Egemen Kazakhstan</i> (KAZ)	State newspaper	2.0	<i>Komskomolskaya Pravda</i>	Entertainment tabloid	2.52	<i>Komskomolskaya Pravda</i>	Entertainment tabloid	1.93
<i>ProSport</i> (RUS)	Sports newspaper (private)	1.27	<i>Egemen Kazakhstan</i>	State newspaper	1.53	<i>Egemen Kazakhstan</i>	State newspaper	1.84
<i>Express Kazakhstan</i> (RUS)	Current affairs newspaper	1.23	<i>Vecherniy Almaty</i>	Municipal government newspaper	1.24	<i>ProSport</i>	Sports newspaper (private)	1.63
<i>Sport Express</i> (RUS)	Sports newspaper (private)	1.19	<i>Zhas Alash</i>	Opposition newspaper	0.97	<i>Vecherniy Almaty</i>	Municipal government newspaper	1.59
<i>Vecherniy Almaty</i> (RUS)	Municipal government newspaper	1.17	<i>ProSport</i>	Sports newspaper (private)	0.87	<i>Zhas Alash</i>	Opposition newspaper	1.54
<i>Izvestiya Kazakhstan</i> (RUS)	State-controlled newspaper ⁵³	1.09	<i>Izvestiya Kazakhstan</i>	State-controlled newspaper	0.75	<i>Express Kazakhstan</i>	Current affairs newspaper	1.22
<i>Zhas Alash</i> (KAZ)	Opposition newspaper	0.93	<i>Sport Express</i>	Sports newspaper	0.73	<i>Sport Express</i>	Sports newspaper (private)	1.01

Source: TNS Central Asia Daily Edition: Top 10, 2009, 2010, 2011

53. *Izvestiya Kazakhstan* is part of the Nur Media holding owned by the state and by Nur Otan.

The top weekly periodicals include the private newspapers *Caravan*, *Argumenty i Fakty* (Arguments and Facts), *Vremya*, and *Svoboda Slova* (Freedom of Speech). The last of these has been considered as a critical paper; however, its critical character lessened substantially after the resignation of the chief editor, Guljan Ergalieva, in January 2011. Other top weekly periodicals include entertainment, advertising, and women's publications. All the weekly periodicals on TNS Central Asia's top-10 list for the past three years are published in Russian, not in Kazakh. Like the top dailies, the list of top weekly publications varies little from year to year.

Table 6.
Top 10 weekly newspapers by ratings (%), 2009–2011

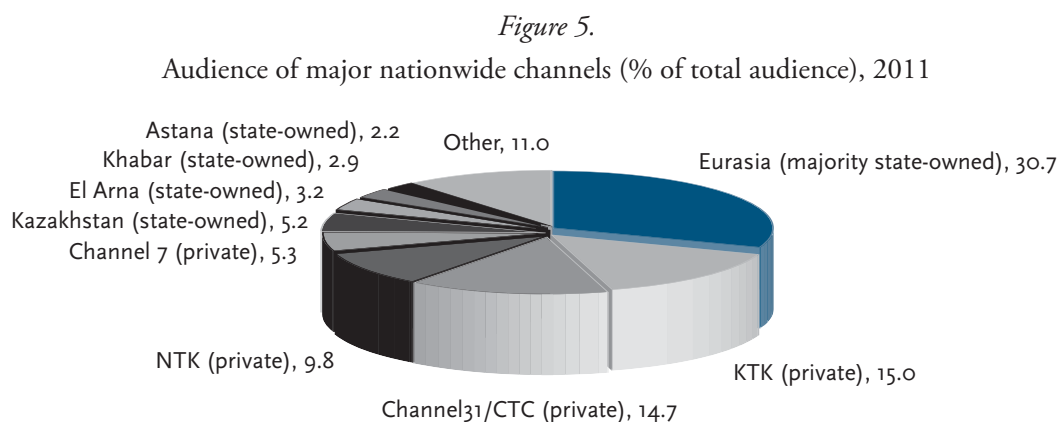
2009			2010			2011		
Title, language	Description	Rating	Title	Description	Rating	Title	Description	Rating
<i>Caravan</i> (RUS)	Current affairs newspaper, private	10.62	<i>Argumenty i Fakty</i>	Newspaper, private, local edition of the Russian weekly	5.72	<i>Caravan</i>	Current affairs newspaper, private	12.9
<i>Argumenty i Fakty</i> (RUS)	Newspaper, private, local edition of the Russian weekly	6.06	<i>Caravan</i>	Newspaper, private, local edition of the Russian weekly	4.37	<i>Argumenty i Fakty</i>	Newspaper, private, local edition of the Russian weekly	9.68
<i>Liza</i> (RUS)	Women's magazine	4.32	<i>Liza</i>	Women's magazine	3.79	<i>Liza</i>	Women's magazine	7.68
<i>Zhizn</i> (RUS)	Entertainment tabloid	3.86	<i>Svoboda Slova</i>	Oppositional newspaper	2.98	<i>Otdokhni</i>	Entertainment magazine	6.95
<i>Vremya</i> (RUS)	Current affairs news tabloid	3.79	<i>Vremya</i>	Current affairs news tabloid	2.94	<i>Moya Semya</i>	Tabloid	5.93
<i>Moya Semya</i> (RUS)	Tabloid	2.77	<i>Otdokhni</i>	Entertainment magazine	2.91	<i>Vremya</i>	Current affairs news tabloid	4.33
<i>Antenna</i> (RUS)	Advertising and television listings	2.68	<i>Moya Semya</i>	Tabloid	2.65	<i>Kolesa</i>	Car sales adverts	3.86
<i>Svoboda Slova</i> (RUS)	Critical newspaper	2.54	<i>Antenna</i>	Advertising and television listings	2.43	<i>Auto Mir</i>	Car sales adverts	3.09
<i>Otdokhni</i> (RUS)	Entertainment magazine	2.45	<i>Kolesa (vehicle advertisements)</i>	Car sales adverts	2.27	<i>Antenna</i>	Advertising and television listings	2.96
<i>Ya Pokupatel i Sobstvennik</i> (RUS)	Advertising	2.4	<i>Ya Pokupatel i Sobstvennik</i>	Advertising	2.18	<i>Svoboda Slova</i>	Critical newspaper	2.66

Source: TNS Central Asia

1.3.1.2 Television

One of the most popular television channels for news is First Channel Eurasia, a Kazakhstani channel owned 80 percent by the government of Kazakhstan and 20 percent by the government of Russia.⁵⁴ In spite of this, the content of its programming does not strongly indicate state control. The channel retains the image and legal status of a private channel despite being state-owned. It combines original Kazakhstani content with re-broadcasts from the Russian state-controlled First Channel (Pervyi Kanal), the largest and wealthiest television company in the post-Soviet space. The privately-owned KTK, with highly rated programs such as the weekly news show “*Portret Nedeli*” (Portrait of the Week) is also a popular news channel, and other stations attract significantly smaller audiences for news. The flagship state-run channels, such as Khabar and Kazakhstan, are less popular (state-administered broadcasters are discussed in detail in section 2.1.1). This pattern holds true with some minor variation over the past several years: the flagship state channels consistently rank low in the ratings while commercially-oriented channels, led by First Channel Eurasia, command much higher audience shares.

A poll of more than 2,000 people conducted by the MediaNet International Center for Journalism noted that Kazakhstanis significantly more trust information they receive from television (44.7 percent) than from internet news websites (17.4 percent), newspapers (14.5 percent), radio (4.7 percent), and magazines (2.5 percent). The poll also found notable differences in preferences for television news stations by city, with 39.6 percent of citizens in Almaty, for example, following news on television, and preferring the channels KTK, First Channel Eurasia, Khabar and Russian NTV, and Russia and REN TV. In contrast, 54 percent of residents of Astana, the seat of national government, report that they prefer the channels Kazakhstan, Khabar, Channel 7, KTK and First Channel Eurasia.⁵⁵



Source: TNS Central Asia, Audience of TV Channels, 2011

54. Interview with Anton Shin, chair of the Executive Council of the International Association of Cable Operators Asia, Astana, 25 October 2012.

55. Tengrinews, “Majority of Kazakhstanis Trust Television More Than Print Media,” 17 July 2012, at <http://en.tengrinews.kz/markets/Majority-of-Kazakhstan-citizens-trust-TV-more-than-printed-media-11523> (accessed 12 November 2012).

The issue of commercial and good-quality news is of only partial relevance in Kazakhstan. There are no news media to compare with well-known good-quality news outlets in the West. However, it is possible to identify the Kazakh media outlets that put more emphasis on news and less on entertainment. For example, the second-ranked channel KTK produces news programming that, in terms of content and visuals, is of quite high quality. Astana, Channel 31, and Channel 7 all position themselves as good-quality news broadcasters. Notably, 20 percent of Channel 31, which was seen as the most independent news provider in spite of its affiliation with a top official, had been purchased by the Russian entertainment-centered holding CTC in 2008, and the news component was removed from the programming schedule. Nevertheless, several months after the closure of “*InformBureau*,” the channel’s popular evening newscast, it was returned to air due to popular demand. Its apparent relative independence seemed to stay intact.

By contrast, Khabar and El Arna, both government-supported, in an attempt to win more audience have prioritized light programming by investing vast funds in the production of franchised sitcoms and amusement shows, and thus may be described as more commercial outlets in terms of style and content. In September 2012, Channel 31 introduced a new investigative program, “*Chas Benditskogo*” (Benditsky’s Hour), hosted and produced by Gennady Benditsky, an investigative reporter who previously worked for *Vremya* newspaper.

1.3.1.3 Radio

Radio is primarily entertainment-driven rather than news-oriented. News is limited to very brief segments of a few minutes punctuating entertainment programming. Information for these segments is usually obtained through news agencies instead of through original reporting. Speaking about the quality of radio programming in Kazakhstan, Svetlana Velitchenko, professor at Al-Farabi Kazakh National University, told the attendees of Media Kuryltai-2011, a major national media conference in Kazakhstan: “We have nothing to offer to our listeners. There are not many [quality] programs, if any; only entertainment and musical minimalism. Talk shows, which any reputable radio station has, simply do not exist in Kazakhstan.”⁵⁶

Tengri FM, a relatively new station, is an exception to the tendency of radio not to produce original news content. The station is part of Alash Media Group, a media holding, which also includes the news websites Tengrinews.kz and Vesti.kz, the national television station Channel 7, and the Kazakh-language newspaper *Alash Ainasy* (Mirror of the People). Properties in the Alash Media Group share their news resources, and so does Tengri FM, though it follows the pattern of interspersing brief news programming between longer entertainment programs and original news content.

TNS Central Asia lists 11 major radio stations in the country, 10 of which broadcast in Almaty (the largest city in the country). Six of those stations also broadcast in the regions, and one station (the state-owned Astana) broadcasts only in the capital, Astana. The most popular of these stations are Radio RETRO FM Kazakhstan (the perpetual front-runner, usually commanding an audience share of approximately 40 percent)

56. S. Velitchenko, as cited in “Media Kuryltai-2011, Materials for the Fourth Conference on Mass Media in Kazakhstan,” 11 October 2011, p. 10.

and Russkoye Radio Asia (Russian Radio Asia), which often appears in second place. Other stations generally have a significantly lower share.

As a legacy from the Soviet Union, some areas in Kazakhstan still have cable radio networks (distinct from radio through cable television), known by their Russian-language nickname as *tochki*.⁵⁷ In Soviet times, a cable radio set serving both broadcasting and civil defense functions was present in almost every urban household. Kazakhstan still has an active *tochka* subscription radio service, which carries a few stations including two state radio stations, Radio Shalkar and Kazakh Radio. Both stations broadcast nationwide in Kazakh and offer programming, including government news, information bulletins, and national music. Both of them are also available through the standard radio broadcast. There are no data available on how many households still have active cable radios.

Table 7.

Top five radio stations by monthly reach (% of total audience), 2008–2012

August 2008		August 2009		August 2010		August 2011		August 2012	
Radio NS (State)	77.6	Radio NS	78.1	Russkoye Radio Asia	69.5	Radio RETRO FM Kazakhstan	67.7	Radio RETRO FM Kazakhstan	68.7
Radio Europa Plus (private)	76.3	Russkoye Radio Asia	77.8	Radio Europa Plus	65.6	Russkoye Radio Asia	62.0	Russkoye Radio Asia	61.9
Russkoye Radio Asia (private)	76.0	Radio Europa Plus	76.2	Radio NS	64.8	Radio NS	53.2	Radio NS	56.1
Radio RETRO FM Kazakhstan (private)	19.4	Radio RETRO FM Kazakhstan	20.8	Tengri FM (private)	35.4	Radio Shalkar (state)	38.3	Radio Shalkar	34.6
Hit FM (private)	18.3	Hit FM	19.6	Radio RETRO FM Kazakhstan	13.9	Kazakh Radio (state)	32.5	Kazakh Radio	23.8

Note: Tengri FM first launched in 2010

Source: TNS Central Asia, “Radio coverage of the audience over the last month”

1.3.1.4 Online

Most major mass media now operate their own websites, and many are also active on social networks. Many of the top-rated user-generated sites, including forums and social networks, are often used for distributing and discussing news, even if they may not be identified as dedicated news sites (see section 3.1.2).

Censorship of online resources, many of these critical of the government, is a serious issue. According to the Adil Soz Foundation, in 2011 alone access to more than 200 websites was restricted or blocked permanently.⁵⁸ The OpenNet Initiative has found selective filtering of websites in Kazakhstan, often directed against

57. In Russian, *tochka* is a dot or point.

58. Adil Soz, “Monitoring of Violations of Freedom of Speech in Kazakhstan in 2011,” at <http://www.adilsoz.kz/en/category/monitoringen> (accessed 20 January 2013).

politically-oriented websites, and a low level of transparency in how internet access is managed.⁵⁹ Owners of critical media websites, including both legacy media (i.e. *Golos Respubliki's* online resources and Radio Free Europe/Radio Liberty's Azattyq.org) and online-only resources (Guljan.org, Stan.tv), have suffered technical censorship such as blockings and distributed-denial-of-service (DDoS) attacks, as well as legal actions. If not entirely effective, such actions seriously affect a publication's ability to reach its audience. Publishers use a variety of circumvention methods, ranging from publishing information about circumvention tools to distribution through e-mail lists and social media.

On the internet, the top sites accessed from Kazakhstan are mainly owned by companies based in Russia and the United States, while the sites based in Kazakhstan show markedly lower popularity rates. Internet rankings are highly volatile, but generally Kazakhstani sites do not even appear in the Alexa.com list of top 10 most popular sites accessed from Kazakhstan. The top foreign sites in Kazakhstan that carry news content are Mail.ru, Google.kz, and Yandex.ru, but news is just a small part of their services. The top-rated Kazakhstani sites on this list include the auto sales site Kolesa.kz (affiliated with the highly-rated weekly newspaper of the same name and currently ranked 12th) and the internet portal Nur.kz (currently ranked at 13th). The highest-ranked dedicated news site on the Alexa.com list is Tengrinews.kz, which is currently the 58th most-accessed from Kazakhstan.⁶⁰

Another service, Zero.kz, provides rankings for websites located in Kazakhstan. Their data is not comprehensive as the meter only ranks the sites that have joined the service, but it provides a valuable insight into the comparative popularity of local websites. A recent snapshot examination showed Tengrinews.kz as the top-ranked news website at Zero.kz, holding the 8th place overall. Also among the top 10 news and mass media sites were Guljan.org, a critical site run by the former editor of the newspaper *Svoboda Slova* (sixth place for mass media sites and the 19th overall); the website of the weekly West Atyrau newspaper *Ak Zhaiyk* (The Ural) (2nd/25th), as well as other independent, web-only news sources. Among the top 10 news and mass media sites concurrently listed, only two belong to dominant traditional news organizations (the websites of KTK Television and the tabloid *Vremya*) and one to the government news agency, Kazinform. Over time, internet ratings are more volatile than those of other mass media, and sites that are popular one year may not exist the next, but with the maturation of Kaznet (as the collection of sites populating the .kz domain are known locally) many top-rated sites such as Kolesa.kz, Nur.kz, Zakon.kz, and Tengrinews.kz appear consistently high on the list.

59. OpenNet Initiative, "Kazakhstan," 9 December 2010, at <http://opennet.net/research/profiles/kazakhstan> (accessed 7 January 2013).

60. Alexa.com, "Top Sites in Kazakhstan," at <http://www.alexa.com/topsites/countries/kz> (accessed 15 October 2012).

Table 8.

Top 10 websites and news websites, by monthly unique visitors, October 2012

Top websites overall				Top news and mass media websites		
	Website	No of unique users	Description	Website	No of unique users	Description
1	Kolesa.kz	8,635,672	Car sales	Tengrinews.kz	1,118,219	News website
2	Nur.kz	3,317,389	Multi-function portal	Azh.kz	371,418	Ak Zhayik, West Atyrau newspaper website
3	Zakon.kz	2,059,205	Legal news	Ktk.kz	328,634	KTK Television website
4	Krisha.kz	1,989,817	Home sales	BNews.kz	307,782	News website
5	Slando.kz	1,678,987	Classifieds	Inform.kz	305,984	Kazinform government news agency website
6	Vse.kz	1,599,710	Forum	Guljan.org	288,493	Critical news site
7	Kiwi.kz	1,521,329	Video sharing	Nomad.kz	275,377	News forum
8	Tengrinews.kz	1,118,219	News website	Today.kz	261,746	News website
9	Kino.kz	979,957	Online movies	Time.kz	252,410	Vremya newspaper website
10	Namba.kz	908,675	Social network	Zona.kz	232,850	News website

Note: Zero.kz traffic meter only covers websites that are based in Kazakhstan (with .kz domain extension) and are registered with Zero.kz

Source: Zero.kz, as of 19 October 2012

1.3.2 Television News Programs

As is the case with ratings for television news channels, the ratings for television news programs show relative stability. The dominant channel First Channel Eurasia consistently takes the top two or three slots, with the programs “*Novosti*” (News), “*Novosti Spetsialniy Vypusk*” (News Special Edition), and *Vremya* overshadowing their nearest competitors. Almost all top-rated news programs are in Russian, with the exception of two programs in Kazakh which appear at the bottom of the chart for 2010. News programming appears in the morning, at noon, and in the evenings, though the most popular news programs air in the prime-time evening hours.

The government has taken steps to promote Kazakh-language broadcasting, including requiring that all channels (including commercial channels) broadcast 50 percent in Kazakh, developing new Kazakh-language channels, and promoting Kazakh-language programming. Some Kazakh or Russian and Kazakh programs do appear among the top-rated shows, but Russian-language programming still predominates on that list.

Table 9.

Top rated news programs, by audience share, 2010 and 2011

7–13 June 2010			6–12 June 2011		
Program	Channel	TVR, %	Program	Channel	TVR, %
“Vremya”	First Channel Eurasia	8.00	“Novosti KTK Itogoviy Vypusk”	KTK	7.28
“Novosti KTK Itogoviy Vypusk”	KTK	4.20	“Vremya”	First Channel Eurasia	6.85
“Zhanalyktar” (KAZ)	KTK	1.08	“Informbureau” (KAZ)	31/CTC	3.05
“Segodnya”	STV/Rakhat	0.84	“Zhanalyktar” (KAZ)	KTK	1.67
“Novosti 7”	Channel 7	0.72	“Novosti 7”	Channel 7	1.35

Notes: TVR: average daily viewer ratings

Source: National Media Association, Television program ratings, at <http://www.nma.kz/?p=2023> (2010, accessed 17 April 2013); <http://www.nma.kz/?p=4694> (2011, accessed 17 April 2013)

1.3.3 Impact of Digital Media on Good-quality News

We cannot judge the full impact of digitization at this point: the process of digital broadcasting is only starting in Kazakhstan. Although access to the internet has grown significantly in recent years, its impact overall is unclear due to the lack of systematic and reliable surveys. There is no clear indication that digitization has had a significant overall impact on quality or style of mainstream news. At this point, the quality of news is more affected by state ownership and control of the media and self-censorship practices than it is by any considerations of technology, media-business models or consumer demand.

1.4 Assessments

What little data are available about media audiences do not suggest that digitization has had a significant and measurable impact on news content. Traditional media are slow on the digital uptake. If they do offer new digital services, they are not cutting-edge or widely used. Nevertheless, some notable changes have started emerging in recent years: the number of internet subscribers is steadily increasing; more news websites unaffiliated with traditional media outlets are making a mark.

The significance of online developments is determined partly by the fact that, unlike legacy media, online outlets are not tightly controlled by the ruling power or by businesses affiliated with it and thus beat the general trend. Although the government has engaged in significant online censorship and attempts to block content are common, the internet has managed to offer a richer news agenda and to invigorate discourse among the community of active internet users. It has also created new opportunities for producing, distributing, and discussing news, even if those opportunities are exercised, for the most part, off the dedicated news sites.

For those who have access to the internet, the emergence of news websites has offered an alternative to the

strictly-controlled offline media, but there is no evidence of digitization contributing to higher quality of news output. Government control or ownership remains a key factor in news quality. The government also remains the main agenda-setter when it comes to news. It increasingly controls television, the currently unbeatable leader among news sources.

2. Digital Media and Public or State-administered Broadcasters

2.1 Public Service and State Institutions

2.1.1 Overview of Public Service Media; News and Current Affairs Output

Public service media are not present in the mass media system in Kazakhstan. There are no media in Kazakhstan, whether private or state-owned, nor are there any programs in private or state broadcast media, nor any provisions in broadcast regulation, that could be described as having a public service character.

Sergey Vlassenko, a Kazakhstani lawyer with expertise in mass media, says public service television and the public interest are not defined or mentioned in the country's media law and the only case when the word "public" is used is "in the moment when mass media are registered, such as upon registration of a 'public-political newspaper' or 'public-economic newspaper.'" But here the term "public" is a formality, he stresses.⁶¹

Over the past decade or so there have been a few attempts to put the development of public service media on the government's agenda. These have been supported by inter-governmental organizations (UNESCO and OSCE), by international and local NGOs, and by opposition and some pro-government political figures. Such figures have included, for example, Dariga Nazarbayeva, daughter of President Nazarbayev, then head of the Khabar Agency (before it was fully nationalized) and leader of the pro-government political party, Asar (Good Service). For Asar, development of public service media was a platform position. Asar has since merged with Nur Otan.

Despite these attempts, the issue has not gone beyond the initial discussion stage. No concrete proposals have been drafted and there has been no serious move by the government even to consider establishing public service. The declaration coming from the OSCE's 10th Central Asia Media Conference, broadly identifies public service broadcasting as "one of the basic tools of democracies," but does not offer specifics on its implementation.⁶²

61. Interview with Sergey Vlassenko, Kazakhstani media law expert, Almaty, 7 October 2011.

62. OSCE, Representative on Freedom of the Media, "Declaration: The future of public service broadcasting in Central Asia," Almaty, 16–17 October 2008.

As an endorser of UNESCO's 1992 "Alma-Ata Declaration Promoting Independent and Pluralistic Media," Kazakhstan was among the UNESCO member states to formally declare their commitment to take practical steps to promote free, independent, and pluralistic media. Among these was a commitment "to encourage the development of journalistically independent public service broadcasting in place of existing State-controlled broadcasting structures, and to promote the development of community radio."⁶³

Notwithstanding this commitment, there has been no action toward developing such media. Various NGO supporters of a public service media model in Kazakhstan have told us that, unless and until the government takes an interest in promoting public service media in Kazakhstan, the issue is dead. Given the government's persistent intransigence on the issue, they express great pessimism that the situation will change in the foreseeable future. Oleg Katsiyev, regional director for Central Asia of Internews Network, is skeptical about the prospects of introducing public broadcasting in the current political climate: "There is no way to [develop public service broadcasting] in Kazakhstan right now, because the Government is not at all interested in developing public service, public television or radio. There were some discussions in the past, maybe eight to 10 years ago. It was an issue for some oppositional leaders some years ago ... they did not have any way to express their opinion, they thought it would be a good possibility to create at least one public service company in Kazakhstan. But the Government is not ready to discuss this issue."⁶⁴

Several of the experts interviewed for this study agreed that the lack of political will on the part of the government is the primary obstacle to establishing public service broadcasting in Kazakhstan.

Although they are not popular with viewers, state media make up a significant portion of the broadcast environment. There are nine state-run television stations broadcasting nationwide in Kazakhstan, including one satellite channel available both domestically and internationally. There are also 14 regional affiliates of the nationwide state channel, which rebroadcast the main station's programming and add a small amount of their own regional content (usually one or two hours per day). According to the media experts interviewed for this study, state broadcast media, like other mass media, are perceived as representing the narrow interests of their proprietors, in this case the government, rather than any general or public interest (see section 2.2.1).

Like privately held media, many state-owned media are organized in media holdings, which often include a variety of media businesses. The flagship state media holdings controlling television stations are:⁶⁵

- Khabar media agency, including the television channels Khabar, El Arna, and 24 KZ, the satellite television channel Kazakh TV (formerly CaspioNet before being rebranded as Kazakh TV in September 2012), and the Hit FM radio station. Khabar television is accessible to 98.3 percent of the population,

63. UNESCO, "Alma-Ata Declaration Promoting Independent and Pluralistic Media, 9 October 1992, endorsed by the General Conference at its twenty-eighth session, 1995," at http://www.unesco.org/webworld/fed/temp/communication_democracy/almaty.htm (accessed 29 December 2012).

64. Interview with Oleg Katsiyev, regional director for Central Asia, Internews Network, Almaty, 20 July 2011.

65. Even among state-owned media in Kazakhstan, it is difficult to reliably assess the exact ownership because the law does not require that ownership of media be made public. .

while El Arna is accessible to 85.7 percent. Although Khabar is owned entirely by the government, until 2008 a 50 percent stake in the company was privately owned. Those shares were purchased by the government in 2008 for US\$ 100 million (KZT1.5 billion).⁶⁶ Although the identity of the persons from whom the shares were purchased was not made public at the time, they were reported by Freedom House as being “widely seen” to have belonged to Dariga Nazarbayeva (the president’s daughter) and her ex-husband, Rakhat Aliyev.⁶⁷

- Kazakhstan Television and Radio Corporation, including the national television channel Kazakhstan, the television channels Madeniet (which carries cultural programming), the children’s channel Balapan, and the science channel Bilim Arnasy; and the radio stations Kazakh Radio, Shalkar, and Astana. The television channel Kazakhstan is accessible to 87.5 percent of the population.⁶⁸ Since September 2011, Kazakhstan television station has been broadcasting exclusively in Kazakh.

Another state media holding, Nur Media, is reportedly owned 51 percent by the government and 49 percent by Nur Otan. Founded at the initiative of Nur Otan, the holding includes one television station (Astana channel), two radio stations (Radio NS and Delovaya Volna), and eight newspapers with a cumulative weekly circulation of 440,000 copies: *Strana i Mir* (The Country and the World), *Dala men Kala* (Country and the World), *Aikyn* (Evidence), *Liter* (Letter), *Nur Astana* (Sunrays of the Capital), *Izvestiya-Kazakhstan*, *Turkistan* and *Kazakhstan Temirzholshysy* (Kazakhstan Railway Worker), as well as magazines and websites.

Nur Otan is the only political party in Kazakhstan with a national broadcast channel and the only party with a media holding spanning a broad range of mass media. In an interview on “*Saigez* (Arrow Hitting the Target),” an internet television public affairs talk show produced by Internews Kazakhstan, Yermukhamet Yertysbayev, a former advisor to the president, acknowledged that having the holding gave Nur Otan a competitive edge in recent elections: “I will not deny that the party of the President [Nur Otan] had a significant advantage in the information space. At the starting point [of the election campaign], the Nur Otan party was ahead of its competitors. Nur Otan is the only political party that owns a media conglomerate, consisting of television stations, newspapers, magazines, and websites. Therefore, from a standpoint of equal opportunities, I do not see whether it is possible to put everyone under absolutely equal conditions.”⁶⁹

Despite the large number of state-run broadcasting outlets, overall the flagship State channels (those most clearly affiliated with the state, such as Kazakhstan and Khabar) are less popular than major private or commercially-oriented channels. From January through December 2011, the most-watched flagship state

66. M. Baymukhamedova, “Kazakh state tightens grip on media,” Institute for War and Peace Reporting, 4 April 2008, at <http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch-Archive/Detail/?lng=en&ots627=fce62fe0-528d-4884-9cdf-283c282cf0b2&ots736=4888caa0-b3db-1461-98b9-e20e7b9c13d4&cid=52059> (accessed 9 October 2011); “The Biggest Media Holding Celebrates 15th Anniversary,” Zakon.kz, at <http://www.zakon.kz/187812-segodnja-krupnejshemu-informacionnomu.html> (accessed 5 October 2011).

67. B. Dave, “Nations in Transit: Kazakhstan,” Freedom House, 2007, p. 337, at <http://www.unhcr.org/refworld/pdfid/4756ad587.pdf> (accessed 8 October 2011).

68. Kazakhstan Television and Radio Corporation, “About the company,” at <http://www.kaztrk.kz/rus/corporation/o-korporacyi/> (accessed 5 October 2011).

69. “The role of television in civil society,” 8 April 2012, “*Saigez*,” at http://www.youtube.com/watch?v=q_fChr-oQGQ (accessed 28 December 2012).

channel, Kazakhstan, drew only 5 percent of the country's viewership. By comparison the top-rated channel overall, First Channel Eurasia, a commercially-oriented channel partly owned by the state, had more than 30 percent of the total viewership, while several private commercial channels also fared relatively well: KTK and Channel 31/CTC held approximately 15 percent each, NTK 9 percent, and Channel 7 drew 5 percent.

It is difficult to generalize about the quality of state broadcasting in Kazakhstan. In part this is because state media holdings are so extensive. News on government channels is, not surprisingly, pro-government. But channels also provide entertainment programming, and a number of innovative state-run niche channels are being developed.

In a statement in early 2013, the MP Dariga Nazarbayeva, daughter of the president and well known as having had substantial television holdings of her own, criticized the level of state involvement in administering broadcast media in Kazakhstan and particularly the allocation of public funds to media. The 2012 budget, she reportedly said, allocated more than KZT25 billion (approximately US \$167 million) to media. "The reality is that the state media, particularly broadcast media, are unpopular with viewers," she said.⁷⁰

The Law of the Republic of Kazakhstan on Broadcasting No. 545-IV (hereafter, Law on Broadcasting) was adopted on 18 January 2012, to take effect the following March. (The law is discussed in detail in Section 7.)⁷¹ The Law on Broadcasting is based on the rationale that the new digital environment requires a new legal framework for managing broadcast media. The experts interviewed for this study pointed out that development of the new law presented an opportunity for the government to develop public service broadcasting in the digital environment, but despite the fact that non-governmental participants of the working group concerned with the law raised the issue, there was no apparent interest from the government in considering it. The law currently contains no provisions for public service media. Unless this changes, there will be no legal provisions for public service media in digital broadcasting, and so the status quo will be maintained.

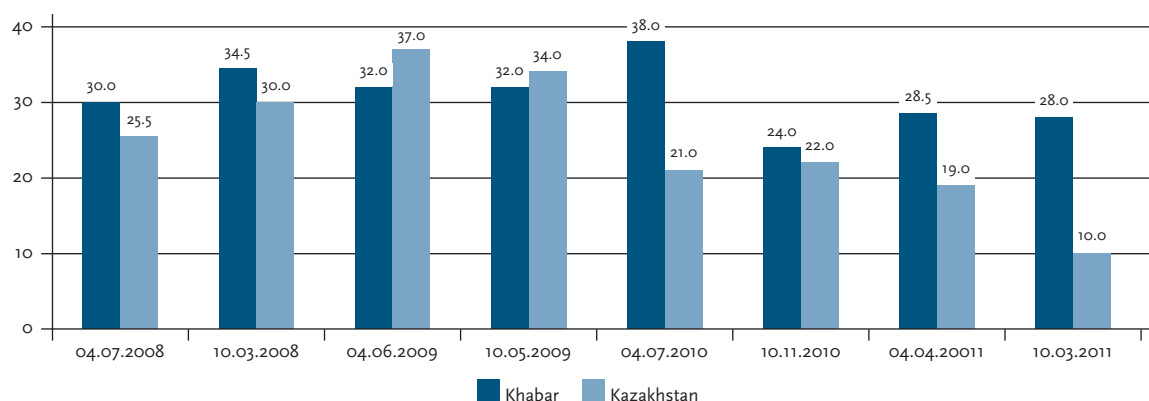
There are no data available on the structure of state broadcasters' programming. A snapshot analysis of programming records for the two major state-owned television stations, Khabar and Kazakhstan, suggests that news and current affairs programming of the former occupies approximately 30 percent of its programming, while Kazakhstan usually covers somewhat less (see Figure 6).

70. A. Tulekbayeva, "Practical administration of state media requires revision, Deputy Nazarbayeva," *Kaztag.kz*, 4 February 2013, at <http://www.zonakz.net/articles/62596> (accessed 5 February 2013).

71. Law of the Republic of Kazakhstan on Broadcasting No. 545-IV, 18 January 2012, at http://online.zakon.kz/Document/?doc_id=31114820&mode=all (accessed 12 June 2012).

Figure 6.

News and current affairs in daily programming (%), [add date/s]



Source: Calculations by the reporters, based on *Vremya* newspaper television listings

The lack of systematic data on news output makes it impossible to gauge trends. According to Mr Katsiyev, “Probably the amount of news programming is the same over the past five or six years. News production costs a lot.”⁷²

2.1.2 Digitization and Services

Because digital terrestrial broadcasting in Kazakhstan is in its early stages (the timeline for digital transition is discussed in section 7.1.1), there are as yet no new digital broadcast television services. However, the government has recently launched four new state channels. Balapan, a Kazakh-language children’s channel, which, according to then Minister of Communication and Information Askar Zhumagaliyev, is intended to instill in young people “high human values and love of their homeland,” was launched in September 2010;⁷³ the cultural and educational channel Madeniet was launched a year later, in September 2011 (Madeniet broadcasts 80 percent of its air time in Kazakh and the other 20 percent in foreign languages);⁷⁴ the scientific-educational channel Bilim Arnasy and the news channel, 24 KZ, launched in September 2012. Bilim Arnasy is a project of the Ministry of Culture and Information in partnership with the Educational and Science Ministry.⁷⁵ A state-run sports channel has also been announced, though it is unclear when it might launch.⁷⁶ As of November 2012, the must-carry package (see section 7.1.1.3) for cable television includes the state channels Kazakhstan, Khabar, El Arna, Kazakh TV, Bilim Arnasy, Madeniet, Balapan, 24 KZ, and Astana, as well as the privately owned KTK, NTK, Channel 7 and Channel 31.

72. Interview with Oleg Katsiyev, regional director for Central Asia, Internews Network, Almaty, 20 July 2011.

73. Kazinform, “First children’s TV channel Balapan marks first anniversary,” 26 September 2011, at <http://www.inform.kz/eng/article/2407810> (accessed 29 January 2012).

74. Kazinform, “Madeniet TV channel to broadcast 16 hours a day,” 26 September 2011, at <http://www.inform.kz/eng/article/2407802> (accessed 29 January 2012).

75. Kazinform, “Kazakh scientific-educational channel to start broadcasting in 2012,” 3 November 2011, at <http://inform.kz/eng/article/2416700> (accessed 29 January 2012).

76. Kazinform, “Two new TV channels to be launched soon in Kazakhstan,” 25 April 2011, at <http://inform.kz/eng/article/2374298> (accessed 8 February 2012).

In January 2011 the state-owned Kazteleradio launched OTAU TV, a satellite broadcast platform with digital capacity.⁷⁷ Kazteleradio controls broadcast transmission facilities throughout the country; it provides the transmissions of all television and radio services and its network is comprised of 1,214 transmission sites transmitting from more than 3,500 transmitters.⁷⁸ OTAU TV entered the market with a strategy of expanding television coverage to under-served areas of the country and offering low subscription fees to expand satellite viewership (see section 7.1.1 for more detail).

As of September 2012, OTAU TV carries 110 channels, including high-definition and standard-television signals as well as radio signals. Channels are organized in several tiers at different tariff levels, with the basic package, available without a subscription fee to users who have purchased one of the company's satellite dishes, carrying 39 channels (nine state-run national television channels; 13 state-run regional channels, all of them affiliates of the state broadcaster Kazakhstan; three state-run radio channels; 11 private television channels, and three private radio stations). After one year of operation, OTAU TV announced it had gained 100,000 subscribers and that its signals could potentially reach half the population of the country. (The company has plans to expand its signals to reach 95 percent of the population by 2014.) Eighty percent of current OTAU TV viewers subscribe at the basic, no-fee tier and 4,000 low-income families have received free hook-up to the system.⁷⁹

OTAU TV's strategy of offering a free package of predominantly state channels and focussing on bringing satellite access to communities under-served by broadcast or cable television expands the potential for Kazakhstanis in remote areas to access broadcast media. Terrestrial reception in remote areas of the country is very limited. Although two major state channels, Khabar and Kazakhstan, are available to almost 100 percent of the population, the most popular commercial channel, First Channel Eurasia, reaches only about 80 percent.

Although they do not question the value of bringing programming to remote regions, critics such as Sholpan Zhaksybaeva, executive director of the National Association of Broadcasters of Kazakhstan, suggest that OTAU TV's privileging of state media, particularly in the free package, further entrenches a model in which the state dominates broadcasting. Although commercial broadcasters are part of the basic OTAU package, the tier has 24 channels set aside for state transmission (including 14 largely redundant regional television channels) and only 14 for private broadcasters—and no guarantee that incumbent commercial broadcasters will stay in the tier as new state-run channels are introduced.⁸⁰

77. Government officials have described OTAU TV as a "digital satellite network," but at this point it has more analog than digital channels. However, the network is planned to go fully digital by 2015: see Kazworld, "New minister of culture and information presents results, priorities," 3 February 2012, at <http://kazworld.info/?p=19522> (accessed 28 May 2012).

78. DigiTAG (Digital Terrestrial Television Action Group), "The Status of Digital Terrestrial Television (DTT) in the Former USSR Republics," at <http://www.digitag.org/MembersOnly/Reports/Post-Soviet%20Report%20Version1.2.pdf>, pg 33 (accessed 10 March 2012).

79. Kazteleradio and OTAU TV, "The Number of Subscribers to Satellite Television has reached 100,000," at <http://kazteleradio.kz/rus/2012/02/17/количество-абонентов-национального>, 17 February 2012 (accessed 17 April 2013).

80. Interview with Sholpan Zhaksybaeva, executive director, National Association of Broadcasters of Kazakhstan, Almaty, 15 February 2012.

The government has recognized the need for traditional mass media to develop an online presence. Karim Massimov, prime minister from 2007 until 2012, has said that Kazakhstan's traditional media face increased competition from the internet and must adapt accordingly. "I think in three or four years the entire media market will change drastically," he said in a statement advising mass media to focus on developing their digital portfolios.⁸¹

The state-owned mass media have some online presence, though the depth and quality of that presence varies from outlet to outlet. State broadcasters are far from being leaders in digitization, but they have nevertheless begun to heed the prime minister's call and appear increasingly to see the internet as an important platform through which to connect with their audiences. Khabar Television's main website offers users access to archived clips of television news segments, as well as additional content and opportunities for interaction: a blogs section features weblogs by Khabar journalists and also allows users to create their own weblogs; a forum section invites discussion of current news and programs; the site also makes use of RSS feeds and has an archive section. There is no option for users to post comments directly on news stories, although there is a link inviting them to discuss issues in the forum. The main Khabar website offers links for Kazakh, Russian, and English versions.

In addition to its own website, Khabar is active in social networks including the Russian-language VKontakte, as well as Facebook (with more than 5,000 friends) and Twitter (with nearly 5,000 followers), where it maintains active accounts and regularly posts links to stories. Khabar does not have an account in the Kazakhstani blogging platform Yvision, although prominent staff members do maintain private accounts and post regularly there.

Kazakhstan Television's website offers well-developed broadcast features. The site offers links to current and archived broadcast material, RSS feed, and specific links for the various outlets managed by the Kazakhstan Television and Radio Corporation. The website does not have interactive features (no commenting, for example). Although Kazakhstan Television does maintain accounts in social networks (Twitter and Facebook), these serve simply as alternative methods to provide links to their broadcast content and do not promote conversation with the audience.

A digital project unattached to any of the state broadcasting outlets is Baq.kz, an online news portal funded by the government which aggregates Kazakh-language content from 94 different media sources.⁸² The name "Baq" is an acronym for a Kazakh phrase meaning "mass media." The concept of aggregating Kazakh-language media in one place is that it will increase its popularity and the quality of Kazakh-language media content. But its impact is limited: on 16 March 2012 Baq.kz rated 76th among the most popular Kazakhstani sites overall and was the 20th most popular legacy media site.⁸³

81. "Kazakhstan's traditional mass media may lose out to online media, PM," Interfax.kz, 10 January 2011, at http://www.interfax.kz/?lang=eng&int_id=in_focus&cnews_id=425 (accessed 8 February 2012).

82. See <http://www.baq.kz> (accessed 17 April 2013).

83. See <http://www.zero.kz> (accessed 16 March 2012).

2.1.3 Government Support

There is no publicly available detailed information on the government's planned support for digitization of broadcasting. However, a presentation by Kazteleradio delivered in May 2012 provided some insight into the overall levels of planned investment. According to the presentation, the government has earmarked KZT 51.358 billion (approximately US\$34.2 million) to expand broadcasting, out of which KZT25.8 billion (approximately US\$17.2 million) will be spent on equipment for multiplexes and satellite antennas.⁸⁴

According to the North Kazakhstan Media Legal Center, based in Astana, which in July 2012 launched an online database of state subsidy recipients among local and national media,⁸⁵ a lion's share of state support for the media—over US\$ 133 million out of US\$ 152 million—is distributed annually among three national television stations: Khabar, Kazakhstan, and Mir.⁸⁶

2.1.4 Public Service Media and Digital Switch-over

Although we do not have data that clearly quantify the expansion of Kazakhstan's state media, there are reasons to suggest state media are expanding their potential audience by increasing the number of state outlets, and by promoting state outlets online and in other developing digital environments. A few state broadcasters reach 85 percent or more of the territory of Kazakhstan with their over-the-air broadcasts. In establishing OTAU TV, the government has expanded the reach of many other broadcasters, who now also have the potential to reach almost the entire country via satellite (see section 2.1.2).

2.2 Public Service Provision

2.2.1 Perception of Public Service Media

The data on the perception of public service media in Kazakhstan are thin: there are no systematic surveys or research that addresses this issue. We were forced to rely on interviews with media experts and on occasional news reports. Overall our experts say that the perception of public service media in Kazakhstan is confused, people generally do not fully understand the concept and the primary public concern appears to be with financial aspects of public service media—in other words, people do not want to have to pay a fee for public service media. Mr Katsiyev believes there is little general interest in the issue:

I think the general public is not interested at all [in public service media] because they do not see the advantages of it. There were no open public discussions [about development of public service media] ... Only opposition, the Government, and NGO leaders were involved

84. Kazteleradio, "Prospects for the Development of Digital Broadcasting in Kazakhstan," presentation at conference in Almaty, 10 January 2012 (available in hard copy).

85. See <http://legalmediacenter.kz/2012-10-04-10-02-31.html> (accessed 17 April 2013).

86. T. Mikhailova, "State Subsidies Given as Orders," *Respublika* (The Republic), 15 August 2012, at <http://respublika-kz.com/news/politics/24645> (accessed 1 October 2012).

in the discussion. Journalists are also not interested. And the Government is not interested because they think it is a danger to informational policy, for the President's team. Television broadcasting is the main source of information here in Kazakhstan, and to let somebody tell something without any governmental control is dangerous for them.⁸⁷

The experts interviewed for this study said that the government has expressed both a lack of willingness to consider developing public service broadcasting and also a fundamental lack of understanding about what public service broadcasting is. One interviewee told us that government officials seem both unaware of existing public service models worldwide and unwilling to consider adopting public service. Marzhan Elshibaeva, executive director of Internews Kazakhstan, described for us a May 2012 conversation with a high-ranking representative of the Ministry of Culture and Information on the issue of establishing public service broadcasting:

We directly asked her about public TV and she said, "No." And she is a very clever woman. She said, "OK, we can make this [public] TV, but it will be a fake. We will invite a lot of people from civil society, some well-known people, we can invite a lot of people and this public TV channel will be fake, not real." And that is what her answer was, "No." And unfortunately there is no political will. If we had political will, we would have public TV. But now there is no political will.⁸⁸

Media NGOs including Internews Kazakhstan, MediaNet, and Adil Soz, as well as the National Association of Broadcasters (NAB) have all made statements in media and personal appeals to the government to promote public service broadcasting. However, our conversations with these NGOs suggest that they have concluded the environment is not primed for a change in policy on this issue and so at present they are focussing their energies elsewhere.

2.2.2 Public Service Provision in Commercial Media

There are no public service provisions in the legal framework of Kazakhstan in general, and consequently no specific provisions for commercial media. But there are advocates for introducing them.

For example, Ms Zhaksybaeva, an outspoken advocate of independent broadcasting, believes that the most realistic opportunity at this point for creating public service in the country would be to develop provisions providing incentives for commercial broadcasters to create or broadcast public service content rather than immediately working to create a dedicated public service outlet. "I think this model is most feasible for Kazakhstan and most desirable for Kazakhstan. If public service is created on the basis of commercial television and the state will help with the content that will be interesting for all the society."⁸⁹

87. Interview with Oleg Katsiyev, regional director for Central Asia. Internews Network, Almaty, 20 July 2011.

88. Interview with Marzhan Elshibaeva, executive director, Internews Kazakhstan, Almaty, 24 May 2012.

89. Interview with Sholpan Zhaksybaeva, executive director, National Association of Broadcasters of Kazakhstan, Almaty, 15 February 2012.

2.3 Assessments

Critics of the recently passed Law on Broadcasting suggest that the government has used the new digital environment to increase state control of the broadcast environment. In recent years, it has invested heavily in satellite broadcasting providing packages that are dominated by state-run channels, and it also launched an unprecedented number of niche terrestrial channels, which will have to be given space in the first must-carry multiplex, likely leaving more independent voices behind the gate.

Pluralism may suffer further due to the changes in licensing practice. In the analog era, commercial media had perpetual licenses which could only be revoked through court action; in the digital era, these licenses will be converted to registration certificates, which can be revoked by order of the Ministry of Culture and Information. This will make it more difficult for foreign and commercial media to participate in the digital broadcast environment, limiting audience's viewing choices.

Legal provisions for public service broadcasting have not changed in recent years in Kazakhstan; there were no such provisions in the past, and there are none now. The possibility of transforming the unreformed state broadcasting outlets into public service broadcasters is currently less than earlier in the decade: there is little political will for a change, and little understanding of the concept. Local media NGOs that support the idea of public service media are also pessimistic about the prospects for developing the model in the current political environment.

3. Digital Media and Society

3.1 User-Generated Content (UGC)

3.1.1 UGC Overview

User-generated content (UGC) features heavily in both global and local websites preferred by internet users in Kazakhstan. Of the 10 sites worldwide most accessed by users in Kazakhstan, all incorporate UGC in some way and about half are primarily UGC sites.⁹⁰ Similarly, of the 10 most accessed sites in the .kz domain space, almost all contain substantial proportions of UGC.

The top 10 websites among internet users in Kazakhstan (according to the rankings of Alexa.com) are dominated by international and multifunctional sites, several of which make extensive use of UGC content. The top performers at the time of publication are Mail.ru, a Russian-based email service incorporating news, social networking, and other functions; five multifunctional search engine sites run by the U.S.-based provider Google and the Russia-based Yandex (Yandex incorporates UGC functions as part of its services); the U.S.-based UGC video hosting service YouTube; and three dedicated social networking sites, the Russia-based VKontakte (In Touch) and Odnoklassniki (Classmates), and the U.S.-based Facebook, all of which make extensive use of UGC. Although internet ratings overall tend to be highly volatile, the list of the 10 most accessed from Kazakhstan over the past several years has consistently included many of the aforementioned sites. The U.S.-based UGC website, Wikipedia, currently ranked 11th, also frequently appears in the top 10 list.

Of the top 10 sites, five are run by and associated with companies based in the United States and five with companies based in Russia. Two sites, Google.kz and Yandex.kz, use Kazakhstan's .kz domain extension, but they are not Kazakhstani-owned and they are associated with their American and Russian owners. Google and Yandex both automatically redirect users in Kazakhstan who visit their .com extension sites to their .kz pages, so it is unclear how many users of Google.kz actually type Google.kz, for example, rather than Google.com. This is of interest because of the emphasis placed in Kazakhstan on the .kz domain, the Kazakhstani web space known as KazNet. Although not in the top 10, two popular Kazakhstani websites, Kolesa.kz and Nur.kz, are close, appearing in spots 12 and 13 in the Alexa.com rankings.⁹¹

90. Statistics on site traffic generated by users in Kazakhstan from <http://www.alexa.com/topsites/countries/kz> (accessed 29 March 2011).

91. Alexa.com, at <http://www.alexa.com/topsites/countries/kz> (accessed 15 October 2012).

Seven of the current top 10 sites most accessed from Kazakhstan are multifunctional services combining email, UGC, and non-UGC content (such as aggregated news). The lack of detailed information about specific online activities of local users makes it difficult to ascertain the prominence of UGC in site traffic or exactly how local users might be using UGC. To our knowledge, there are no studies that address this issue. Similarly, while top spots on the list are occupied by sites that emphasize UGC, a considerable proportion of material appearing on those sites is either not UGC or is content re-posted from non-UGC sources.

Kazakhstan's own internet services are still developing and have not yet achieved the popularity among the country's internet users of the top-rated US- and Russia-based services. The popularity of sites with the .kz extension is growing among users in Kazakhstan, however, according to Stanislav Ignatov, founder of Kiwi.kz and Yvision.kz,⁹² and the most popular sites produced in Kazakhstan make extensive use of UGC. One such site is Kolesa.kz (ranked first in the Zero.kz ranking, accessed 19 October 2012). Kolesa.kz is a site dedicated to sales of vehicles and related goods and services, and makes extensive use of UGC, such as photos, user classifieds, discussion, and so on.

Table 10,
Top 10 websites, by monthly unique users, 2012

Website	Description	Ranking among Kazakhstan sites accessed by users from Kazakhstan (Zero.kz)	Overall ranking among sites accessed by users from Kazakhstan (Alexa.com)	No. of unique users from Kazakhstan (Zero.kz)
Kolesa.kz	Car sales (UGC advertising)	1	12	8,635,762
Nur.kz	News portal (UGC)	2	13	3,317,389
Zakon.kz	Legal news and discussion portal (UGC)	3	36	2,059,205
Krisha.kz	Housing sales (UGC advertising)	4	84	1,989,817
Slando.kz	Classified ads (UGC advertising)	5	27	1,678,987
Vse.kz	Forum (UGC)	6	38	1,599,710
Kiwi.kz	Video service (UGC)	7	26	1,521,329
Tengrinews.kz	News website (minimal UGC, moderated comments)	8	53	1,118,219
Kino.kz	Online movies (UGC)	9	144	979,957
Namba.kz	Multifunctional portal (UGC)	10	43	908,675

Notes: This table provides the Zero.kz ranking of the 10 most accessed sites in Kazakhstan based on unique users over the past 30 days. This ranking includes only sites in Kazakhstan that participate in Zero.kz rankings. For comparison, the second column provides Alexa.com's rankings of the same websites based on user traffic and ranked among all websites accessed from Kazakhstan.

Sources: Alexa.com and Zero.kz, accessed 19 October 2012

92. C. Gumarova, "Do Me KazNet," *Capital*, 29 December 2011, <http://www.profit.kz/articles/1727-Sdelaj-mne-Kaznet/#.UIT8gmfhcS9> (accessed 23 October 2012).

In news services, the pure-play (unattached to a traditional media outlet) news sites Nur.kz (2, in Zero.kz ranking), Zakon.kz (3), Tengrinews.kz (8), Resurs.kz (16), Nomad.su (28), Today.kz (31), and Gazeta.kz (36) all make use of UGC through features such as commenting, posting, and sharing news stories, and user forums. These news portals generally have significantly more site traffic than the websites maintained by news media that also work in traditional formats, print or broadcast. Exceptions are the sites of the newspapers *Vremya* (Time.kz, 31) and the broadcaster KTK (Ktk.kz, 21), which, like the pure-play services above, rank among the top 50 sites at Zero.kz. Another popular pure-play news site, ZonaKZ (Zonakz.net, 34), usually ranks in the top 25 spots on Zero.kz.

In general, the top-ranked news websites allow users to comment on stories, while many also maintain user forums or otherwise invite more substantial input from users. Exceptions to this include two state-owned publications, *Kazakhstanskaya Pravda* newspaper's website (Kazpravda.kz, 78) and the state information agency website Inform.kz (24), which provide a variety of news related to government policy and other issues, but do not provide for user interactivity. Some of the online versions of print publications disabled comments on their websites after the adoption of a set of amendments into media legislation in 2009, and more were voicing an anxiety over stricter moderation that would entail extra costs. (See section 7.1.2 for more details on internet regulation.)

One highly rated site with substantial UGC is Kiwi.kz (seventh in Zero.kz ratings), a video hosting service similar to YouTube, which allows users to upload and download videos and to comment on videos. They also host channel pages for traditional and online-only television and radio stations, and users are allowed to comment on those pages. Namba.kz (10) is a web 2.0 platform incorporating blogs, file hosting and other features. Kino.kz (10) provides information about cinemas in Kazakhstan and related activities, and provides a review section where users can post their evaluations of films. Another movie site, Kinomir.net (17), provides unlicensed online viewing and downloading (via torrent) of movies and television programs, and provides user discussion through forums. The online forum Vse.kz provides extensive opportunity for users to participate in discussions on a wide variety of topics and share photos and other material. Among this group, most are focused on entertainment or commercial issues, with only Vse Vmeste (All Together), formerly Centr Tyazhesti (The Center of Gravity, ct.kz), serving occasionally as a platform for activism and discussion of news.

The variety of UGC sites popular in Kazakhstan demonstrates that internet users here are taking advantage of a wide range of types of UGC. Sales and entertainment seem to be the most popular uses of UGC. Video-sharing, whether of user-created or user-procured material, is very popular. Kazakhstani internet users participate actively in commenting at a range of sites, including news sites and forums. Participation in social networks is growing, and users take part actively at sites allowing them to maintain weblogs, post photos, organize groups, and so on.

3.1.2 Social Networks

Social networking has shown tremendous growth in recent years. To give just one example, in March 2011, Facebook had 268,160 Kazakhstani users; by April 2012, that number had increased to 435,020 users; and in October 2012, Facebook was reported to have 616,120 registered users in Kazakhstan, more than

doubling its user base in 18 months.⁹³ Social networks are increasingly used here not just for socializing and entertainment, but also for professional development and for discussing and sharing news (see section 3.1.3). As with websites in general, the most popular social network sites accessed from Kazakhstan include a majority of sites originating in the United States and Russia, though a small number of sites located in Kazakhstan are also popular among social network users in the country.

Table 11.
Top 10 social network sites among Kazakhstani internet users, August 2012⁹⁴

Website	Host country	Number of Kazakhstani users	Alexa.com rank among Kazakhstani users	Reach (% of all internet users in Kazakhstan)
Moi Mir (Mail.ru)	Russia	2,500,000 ⁹⁵	1	39.2
Odnoklassniki.ru	Russia	1,250,000 ⁹⁶	8	25.2
Vkontakte (Vk.com)	Russia	2,500,000 ⁹⁷	5	23.3
Youtube.com	United States	n/a	3	20.7
Facebook.com	United States	616,120 ⁹⁸	9	14.5
Twitter.com	United States	n/a	16	7.37
Fotostrana.ru	Russia	n/a	23	5.95
Kiwi.kz	Kazakhstan	483,304 ⁹⁹	26	5.48
Centr Tyazhesti (Ct.kz)	Kazakhstan	324,210 ¹⁰⁰	126	2.84
My-hit.ru	Russia	n/a	108	2.77

Sources: Kazcontent.kz, “Top 10 social networking sites in August 2012,” (reach); Alexa.com (country rankings for Kazakhstan); B. Kisikov, “Not the Kazakhstan Internet,” *Vlast*, at <http://vlast.kz/?art=407> (accessed 17 April 2013); Social Bakers, “Kazakhstan Facebook Statistics,” at <http://www.socialbakers.com/facebook-statistics/kazakhstan> (accessed 17 April 2013); Kiwi.kz; Centr Tyazhesti (ct.kz)

Gathering data on the number of Kazakhstani users of social networks requires combining figures from different sources with no certainty that the data are have been gathered consistently. However, given that limitation it is still possible to get an insight into what the most used social networks in the country are.

93. “Kazakhstan Facebook Statistics,” Social Bakers, at <http://www.socialbakers.com/facebook-statistics/kazakhstan> (accessed 31 March 2011, 11 April 2012, and 20 October 2012).

94. Table 11 is intended to provide a visual representation of relevant data to help understand the relative popularity of the most used social network sites in Kazakhstan in 2012. It ranks social network sites according to the coverage data presented by Kazcontent, a state-held joint stock company promoting Kaznet, http://kzcontent.kz/rus/top_10_socialnyh_setej_za_avgust_2012 (accessed 29 October 2012). Additional data about users and traffic were gathered as noted in the footnotes.

95. B. Kisikov, “Not the Kazakhstan Internet,” *Vlast*, 11 May 2012, at <http://vlast.kz/?art=407> (accessed 17 April 2013) (hereafter, Kisikov, “Not the Kazakhstan Internet”).

96. Kisikov, “Not the Kazakhstan Internet.”

97. Kisikov, “Not the Kazakhstan Internet.”

98. “Kazakhstan Facebook Statistics,” Social Bakers, at <http://www.socialbakers.com/facebook-statistics/kazakhstan> (accessed 20 October 2012).

99. The number of active users; see “Statistics,” Kiwi.kz, at <http://kiwi.kz/statistics/> (accessed 21 October 2012).

100. See <http://ct.kz> (accessed 21 October 2012).

Of the most popular social networks among users in Kazakhstan, the top sites generally fall in Alexa.com's top 30 list of sites accessed from Kazakhstan: Mail.ru, whose social network service Moi Mir (My World), (2,451,000 registered users in Kazakhstan¹⁰¹) is integrated into all user accounts and is almost invariably the top site on this list. However, the traffic levels associated with the site include all uses of Mail.ru, and not just social networking.

Vkontakte.ru is a dedicated social networking site similar to Facebook, and is the top-ranked such site in the Russian-speaking world. VKontakte reports approximately 1,320,000 registered users in Kazakhstan, with 46 percent of these active users.¹⁰² Like Facebook, VKontakte allows users to identify a network of contacts and join groups, send messages, play games and so on. Both sites generally rank in the top 10 on the Alexa list.

Another popular network is Odnoklassniki.ru, a Russian social network site geared to allowing users to find and keep in contact with classmates from school or university. It does not play much of a role in dissemination or discussion of the news. It reports a much higher number of registered users in Kazakhstan than VKontakte (nearly 3 million) with 40 percent of those active users.¹⁰³ The Yandex social networking site, Moi Krug, reports 73,000 users registered in Kazakhstan. However, it does not report numbers of active users. Like Moi Mir on Mail.ru, Moi Krug (My Circle) is also integrated into all Yandex user accounts.

LiveJournal, initially a U.S.-based blogging and networking platform but now Russian-owned with a strong presence in the Russian-speaking world, reappeared in Alexa's top 20 ranking for Kazakhstan around early 2011 after approximately two years of being blocked by the authorities. It used to be a top service to host the most popular blogs in Kazakhstan, as well as a place where bloggers were creating thematic communities on political topics or based on geographic principle, i.e. discussing local news and problems. However, LiveJournal does not currently appear in the list of top 10 social networks in Kazakhstan and is reported to be blocked again in Kazakhstan. The on-again, off-again blocking of LiveJournal is reportedly a result of trying to block specific politically-oriented blogs on the site. (For more detail and background on the blocking of LiveJournal, see section 7.1.2.2.)

Twitter is less popular than these services, but seems to be quickly gaining in popularity and has lately been ranked in the top 20 sites on Alexa's list of websites most accessed from Kazakhstan. There are politicians (the former prime minister, Karim Massimov, the MP, Murat Abenov), public figures (like the television journalist Erzhan Suleimenov), celebrities (TV host and singer Dinara Satzhan), as well as businesses and governmental institutions among the constantly increasing number of Twitter accounts registered from Kazakhstan.

Recent local trends in Twitter also include fake accounts that satirize politicians or state bodies. Such fakes have included purported accounts of Mr Massimov and President Nazarbayev, and others.¹⁰⁴ According to

101. Email interview with Yana Morozova, Mail.ru spokesperson, 28 March 2011.

102. Email interview with Mikhail Koval, Vkontakte, and an Odnoklassniki Kazakhstan spokesperson, 11 January 2011.

103. Email interview with Mikhail Koval, Vkontakte, and an Odnoklassniki Kazakhstan spokesperson, 11 January 2011.

104. I. Glushenko, "Kazakhstan Twitter Fakes," Yvision.kz, n.d., at <http://yvision.kz/post/129041> (accessed 31 October 2012).

a report on Tengrinews.kz, Kazakhstan's Committee on Traffic Police was able to get a spoofed traffic police Twitter account suspended and blocked from view.¹⁰⁵ Kazakhstanian users make use of most of the services available on Twitter, Facebook, LiveJournal and so on, including sharing news items, photos, and videos.

Although it is clear that international social network sites still dominate the market, use of new, domestic alternatives do appear to be growing. The current leading social network site is the video-sharing service Kiwi.kz. Another popular site, Yvision.kz, combines features of weblogging, social networks, and other services. Yvision, which saw substantial early growth, has worked hard at offline promotions of the site. In three months in early 2011, it increased the percentage of global internet users accessing the site by 26 percent and went from ranking below 100th to inside the top 20 on the Alexa.com list of sites most accessed from Kazakhstan.¹⁰⁶ In 2011 the site reported approximately 21,000 registered unique users, with 18,000–19,000 of these active users, although they said their UGC content is contributed primarily by approximately 1,500 very active bloggers.¹⁰⁷ In 2012, their rank on Alexa.com dropped to 46, and their content appears more commercially oriented than before.

Two other sites on the list are the dedicated social network site On.kz and the web portal and information resource Nur.kz, whose social network service Moi Nur is integrated into all user accounts. Users at these sites create content in both Russian and Kazakh. There are also a few dedicated Kazakh platforms that have developed, although they do not rank among the most popular sites. Kazakh platforms include the internet publication Abai.kz and a new Kazakh social network, Kerekinfo.kz.

3.1.3 News in Social Media

There are no statistics on news consumption and personal communication on social network sites and weblogs. However, our expert sources indicated that they observe a trend toward greater use of social networks and blogs for producing, sharing, and commenting on news, with the balance among internet users being perhaps about 30 percent news consumption and 70 percent personal uses.¹⁰⁸ Yvision.kz in particular was singled out as a site where users frequently share and discuss issues related to newsworthy events, though they indicated this trend can be seen across a range of social networks popular with users in Kazakhstan.

There has also been an apparent increase in the use of social networking sites by news media outlets. Sometimes it is simple posting of links to stories on a news organization's main website. Many journalists and news organizations have begun to use social network sites for professional interaction through dedicated journalism groups on social networks or as a tool for doing journalistic work, according to informal research carried out by the media NGO Internews Kazakhstan and published in a series of blog posts.¹⁰⁹

105. L. Buran, "Traffic police have achieved a lock on @zholpolice account on Twitter," Tengrinews, 7 November 2011, at http://tengrinews.kz/kazakhstan_news/komiter-dorojnoj-politsii-kazahstana-dobilsya-blokirovki-akkaunta-zholpolice-203286 (accessed 31 October 2012).

106. Alexa.com, at <http://www.alexa.com/siteinfo/yvision.kz> (accessed 31 March 2011).

107. Email interview with Samson Bezmyatezhny, Yvision.kz founder, 13 January 2011.

108. Interview with Olga Kaplina, TV-Exchange Project Manager, Internews Kazakhstan, Almaty, 14 January 2011.

109. The last article in this series contains links to other entries: "Kazakh internet media in social networks," Internews, 14 December 2009, at <http://www.internews.kz/newsitem/14-12-2009/9945> (accessed 1 November 2012).

Key trends observed include local reporters using social networks and weblogs as sources of news; more attention to online publishing by news organizations needing to publish their stories before bloggers do so; journalists engaging in blogging, and newspapers sometimes drawing on material from weblogs and comments for use in their print editions. They also observe that bloggers locally are beginning to learn from journalists and develop better news writing skills. These trends have continued since their research began in 2009. Many news organizations are not only using social networking sites, but promoting their social network accounts on their main websites.

Top-ranked news and mass media websites, including Tengrinews.kz, Guljan.org, Ktk.kz, and others are all using social media now at least to promote their news offerings, if not to engage their audience in other ways. (However, this is not true of all media outlets, many of which still do not embrace the internet even in the form of offering an online version of print editions.)

Some critical news organizations, often subject to restrictions by the government, have made extensive use of the internet and social networks. Interesting examples include the newspapers *Golos Respubliki* (Voice of the Republic) and *Vzglyad* as well as Stan.tv online television, which are very active online. *Respublika*'s (The Republic) website, which also incorporates videos from Stan.tv, has been inaccessible for more than a year to users in Kazakhstan due to internet blocking. The paper uses social networks, particularly Facebook and LiveJournal, though also Twitter, as platforms through which they can still reach their readers online, publishing information from the paper and also engaging directly with their readers. All three of these resources were banned as a result of a court action in December 2012, though at least *Respublika* still has an active online presence in social networks and its foreign-based website.

3.2 Digital Activism

3.2.1 Digital Platforms and Civil Society Activism

There are a number of examples of people in Kazakhstan using the internet as a platform to draw attention to and perhaps to influence social and political policy. This activism has taken place across a number of platforms, but those platforms are by no means used exclusively, or even primarily, in this way.

In late 2006 the government announced a law banning the import of vehicles with steering columns on the right-hand side. (In Kazakhstan vehicles drive on the right side of the road and generally have the steering column on the left, though there is a visible minority of imported cars with steering columns on the right.) It also announced its intent to create a separate law that would prohibit use of such vehicles in the future, and thus require current owners of the right-hand-drive (RHD) vehicles to have their cars refitted in order to continue driving them legally.

The announcement sparked much discussion on the online forum Centr Tyazhesti (Ct.kz), which was the focal point for the organization of a series of non-violent protest actions in opposition to the prohibition. Perhaps most noteworthy, one of these actions involved participants slowly driving their RHD vehicles

around the main square in Almaty, and honking horns to express their opposition. Discussions happened on other online platforms too (Friends.kz, VKontakte.ru, Moi Mir) and the opposition also formed an organization with its own dedicated website (no longer active). The protests sparked substantial coverage in the local mass media and the bill was eventually withdrawn by the government.

Opposition to the Internet Law

In 2008, the government announced a draft bill for internet regulation that, among other provisions, would classify websites as mass media (making them subject to strict regulations applied to broadcast and print media) and make site publishers liable for comments or other UGC material posted on their sites. (The law is discussed in more detail in section 7.1.2.) Opposition to the law was widespread among internet users, online businesses, media, and NGOs. There were various forms of engagement on the issue, including a series of meetings between government officials, media, and NGOs.

Two loose coalitions of activists (one of which was closely associated with the local opposition newspaper *Respublika*) developed and used the internet as both an object and a means of social protest. They used email and text messaging services to inform constituents on issues and actions; they used social networks to build coalitions of interested people, and they used online video services to distribute videos of protests as well as videos intended to engage and inform viewers about the issues at stake in the internet bill. In this case, the internet was a supplement to other forms of mobilization and protest, and served to increase the speed and extent of communication by activists and to draw further attention to their actions.

Opposition to the bill was also made visible by people not necessarily affiliated with either of these coalitions, and included use of social networks, weblogs, and organizational and personal websites to share news and engage in discussion. Online-only activities included a protest action in which people and organizations opposed to the bill observed a one-hour blackout of the .kz domain on 13 May 2009. Participants posted a logo voicing their opposition to the bill, and otherwise refrained from using their sites for the duration of the protest. This act was also picked up by people using social media, with some posting the logo as their profile photo and staying off their accounts during the action.

The opposition to the internet law was covered in local opposition media and, in some cases, drew coverage in international news media and weblogs run by reporters in the UK and the United States. However, it is not possible to attribute such coverage simply to online actions, as the coverage generally addressed offline events. In any case, the opposition to the bill did not significantly alter it, and it became law in 2009. The effects of the law are still a frequent topic of discussion at local media and internet events.

One effect of the 2008 economic crisis in Kazakhstan was that many housing construction projects were halted prior to completion, leaving people who had bought into these projects without prospects either of receiving the units they had paid for, or of receiving a refund on their investments. The situation provoked a number of protest actions in Almaty and Astana and it became a prominent topic in the media. The online forum Centr Tyazhesti was the site of a great deal of discussion, with people focussing their discussion threads on a particular construction site or company, developing joint positions with respect to a company or the authorities.

Another example related to the economy is Dmitry Potashov's weblog. Through the month of June 2010, the Almaty resident Dmitry Potashov conducted a social experiment by living on the state-set minimum monthly subsistence wage of KZT 13,000 (approximately US\$86) and documented his experiment on a weblog he posted at Yvision.kz.¹¹⁰ The weblog became popular, drawing a quite a high number of comments and page-views, and also generated coverage in local print, broadcast, and online media. A resident of Kyrgyzstan later recreated the experiment there. Although it did not result in any changes in government policy, the experiment is a good example of online activism and commentary generating coverage in mainstream news media. Mr Potashov continues to update his weblog with commentary on economic affairs and policy .

In May 2010, the journalist, blogger, and media expert Yerzhan Suleimenov used social networks, including Yvision.kz and Facebook, to organize a flashmob to protest against Almaty Circus hosting "Dolphinarium," a show whose main stars were two dolphins who were transported from Russia to Almaty (the closest cities in Russia are approximately 750 km from Almaty) by bus in small containers of water. The flashmob was held near the circus and brought together very few participants, but still sparked further discussion and distribution of videos in social networks as well as some coverage in mainstream news sources.

One area online activists point to as an example of success is in online charity actions in which people try to collect goods or money to help those in need. Charity actions have been organized to help individual children needing medical treatment and other support, groups of needy children, and others. Such actions do not take on a political character as such, but rather try to engage individuals to contribute money or other support to benefit other people. For example, the Mercy Volunteer Society (MVS) describes itself as a group of volunteers who formed the organization in 2006 as a result of interactions on the Centr Tyazhesti forum. Through the organization they work to help orphans and critically ill children in need of funding for medical treatment. They maintain a website, Dedom.kz, on which they post photos and stories about children with health problems needing financial support. Donors can contribute to MVS itself or directly into the bank accounts of families of children being supported by the organization. MVS publishes reports on its website describing how much money it has gathered for children. As of October 2012, they say they have raised more than US\$2 million or KZT 300 to pay for children's surgery alone. Similar actions also happen on social networks.

110. Dmitry Potashov's blog is at dmitrius.yvision.kz.

Some other examples of online social activism in Kazakhstan include Doroga.nv.kz, a website hosted by the Karaganda news site Nv.kz. Doroga.nv.kz (meaning “road”) is an initiative similar to the British site for reporting local problems, www.fixmystreet.com: it has a map with a commenting option where users can report places where roads are in need of repair.¹¹¹ Two websites, K-Zh.kz and GreenSalvation.org, and associated social network groups are dedicated to raising awareness and opposing a plan to build a ski resort in the Kok-Zhailau national park outside Almaty.

Social activism, and particularly charity actions and local and hyper-local initiatives seem to be the most successful forms of mobilization in Kaznet. Although political activism is present and can be effective, there is a tendency among Kazakhstanis to avoid any actions that seem too political. However, often there is a fine line between non-political activism on social issues and activism on social issues that has direct implications for policy. Popular online discussion spaces, where the focus is not necessarily on activism, seem to provide opportunities for people with shared concerns to engage in digital discussions and mobilizations. Centr Tyazhesti has been one such platform, though there are others and increasingly social networks seem to be the site of choice. In one of the few substantial academic studies on internet use in Kazakhstan, the authors describe Centr Tyazhesti as a “secretly political” space in which various publics can discuss topics ranging from everyday concerns to political issues.¹¹² According to the independent journalist and blogger Askhat Yerkimbay, this secretly political nature of online space is not so prevalent in the Kazakh blogs, where, he says, people “are discussing politics openly.” He points particularly to Abai.kz, Jaqsy.kz, and Azattyq.org as sites where discussion is very openly political.¹¹³

The recent year has seen some change in activism online. Irina Mednikova, an experienced activist and reporter, and director general of the Public Fund Youth Information Service, has noticed that youth organizations whose online presence, just two years ago, was “pretty weak,” have embraced social networks: “During this past year ... the number of participants in social networking groups has nearly doubled, and youth have become more active, coming from the internet to work on our projects as well as to volunteer in the organization itself ... This year I have also noticed a surge in the socio-political content among students, particularly in the Vkontakte social network, which is used mostly by students, in contrast to Facebook, and was previously marked by political apathy ... Since Spring there [on Vkontakte] has been more socio-political content.”¹¹⁴

An example of the trend mentioned by Ms Mednikova is a Facebook group, Nesoglasnye Kazahstana (The Dissenters of Kazakhstan),¹¹⁵ established in the wake of the deadly riots in the remote desert town of Zhanaozen. In December 2011, the workers of an oil company in Zhanaozen called a strike demanding

111. “The Black Hole,” at <http://doroga.nv.kz> (accessed 17 April 2013).

112. I. Shklovski and B. Valtysson, “Secretly political: Civic engagement in online publics in Kazakhstan,” *Journal of Broadcasting and Electronic Media*, 56(3) (2012), pp. 417–433.

113. Email interview with independent journalist and blogger, Askhat Yerkimbay, Almaty, 30 October 2012.

114. Email interview with Irina Mednikova, director general, Youth Information Service of Kazakhstan Foundation, 27 October 2012.

115. Nesoglasnye Kazakhstan Facebook group, at <http://www.facebook.com/groups/nesoglasnyekz> (accessed 9 November 2012).

better pay and conditions, but the oil company responded by sacking them. The protests that followed broke into a riot and clashes with the police, leaving 15 people dead and more than 100 wounded, both policemen and rioters. A YouTube video showing police violence against unarmed protestors galvanized public opinion and sparked discussions on social networks. Nesoglasnye Kazahstana was used both for discussion and to help in drawing participants to a series of unauthorized protest rallies held in Almaty. Among a number of opposition figures and activists arrested or detained for organizing the rallies was Bakhytzhan Toregozhina, an active member of the Facebook group.¹¹⁶ The group is still active, with more than 7,000 registered members.

3.2.2 The Importance of Digital Mobilizations

In most of the cases cited above, the impact of internet activism is difficult to gauge, as is whether the internet was the starting point for activism. Activists online tend also to be activists in other spheres, and they use an array of communication tools to engage others. When actions have had greater online participation, attracted significant attention in other forums, or arguably resulted in policy shifts, the internet has just been one of several platforms of public discussion and it is difficult to attribute any clear results specifically to online activism.

Most activists who provided us with their evaluations of online activism are skeptical about the impact of the internet in mobilizing people for political action. This is largely to do with the overall environment of nominally recognized, but de facto restricted, freedoms. “Opportunities for Kazakh citizens to participate in social and, especially political activism are limited by legislation,” says Ms Mednikova. “For example, the right to peaceful assembly is limited by the law stating citizens should get prior permission from local authorities. Depending on the topic raised by an activist group, citizens might be subject to prosecution by the law enforcement authorities.”¹¹⁷

But they do see it as an efficient tool for promoting discourse of civic engagement among internet users, conducting online petitions, and similar activities. “Digital communication has enhanced mobilization opportunities for Kazakh citizens. People can join groups based on their interests, get involved in online discussions, inform other citizens about problems, organize, and sign online petitions,” says Ms Mednikova.¹¹⁸

3.3 Assessments

Users are taking advantage of the opportunities digitization provides them to discuss and share news. Social networks are increasingly prominent in Kazakhstan, and people use them for discussing and even producing news. Increasing numbers of media organizations are using social media as communication channels. However, when assessing this sphere of online activity, it is important to keep in mind that the overall level

116. Radio Azattyq, “Civic activist Bakhytzhan Toregozhina detained,” 24 March 2012, at <http://www.eurasianet.org/node/64919> (accessed 1 November 2012).

117. Email interview with Irina Mednikova, director general, Public Fund Youth Information Service, Almaty, 27 October 2012.

118. Email interview with Irina Mednikova, director general, Public Fund Youth Information Service, 27 October 2012.

of internet penetration remains low, which constricts the range of online communities producing valuable content.

Whether the current situation makes more news available is not entirely clear. It may bring news to new audiences, who may be exposed to this information because of things posted by members of their networks, rather than because they sought out that information directly. This effect is difficult to measure and does not necessarily suggest a greater availability of news, but instead shows that networking may still expose people who might not otherwise have seen it to news that was readily available to them through other sources.

People rarely provide the news through citizen journalism, but perhaps more importantly, digitization has provided users with the opportunity to use information in the news, sharing links, reposting news content, discussing issues, and so forth. Although difficult to quantify at this point, what we may be seeing in Kazakhstan is that the internet is enabling users to develop habits of engagement in a variety of areas, one of which seems to be discussing the news.

It is clear that bloggers and social media enthusiasts in Kazakhstan as a group do discuss issues of social and increasingly political relevance and are not simply limiting themselves to socializing or entertainment. It is also clear that some activists are making systematic use of internet resources to organize constituents and to draw attention to issues ranging from internet regulation to fundraising for sick children to police brutality. It is less clear what the impact of such engagement may be. In part this is because the most urgent issues discussed online are also discussed in broadcast and print media and in other formats as well, making it difficult to attribute specific impacts to one or another specific source. This is particularly true of more prominent political and social issues. Where digital mobilizations seem to have had a more obvious impact is in a few examples of actions that clearly began online and later garnered attention elsewhere.

In addition to the lingering digital divide that makes online activism an elite phenomenon in Kazakhstan, there is a strong generational bias: internet activism, as the internet itself, tends to be dominated by the young. Activists themselves are generally skeptical of the possibility that engaging Kazakhstanis online has significant tangible effects, or will inspire them to engage in further activism in other arenas more than offline forms of engagement. Moreover, in the current political environment, any form of civic activism remains limited. However, activists still use the internet and see value in many of the opportunities for engagement it provides and see it as a fairly free space for public debate.

4. Digital Media and Journalism

4.1 Impact on Journalists and Newsrooms

4.1.1 Journalists

Interviews with more than a dozen Kazakhstani journalists and editors whose years of professional experience ranged from a few years to more than 20 years revealed that digital tools now permeate the work of journalists.

Several interviewees indicated that digital tools are very beneficial in helping journalists gather, process, and disseminate news. Aigerim Agyltayeva, a broadcast journalist, believes that in addition, “people now have a bigger idea of the world, because now you have bloggers who help us know the problems of people, so you can relate.”¹¹⁹ In other words, bloggers offer additional information and interpretations about problems faced by Kazakhs, beyond that of official and mainstream media. Overall, the interviewees agreed that digital tools enhance the work of journalists, but also increase the demands on them. Improvements to their work are manifold: they can gather information from a distance and from a variety of sources; quickly write, edit, and send reports; invite responses from readers and experts about facts and conclusions; have a much wider range of access to audiences, through mainstream and online platforms including UGC; and save information in convenient and accessible forms, such as online archives.

Along with such facilitation, journalists also suggest new problems. The radio editor Tatiana Rau suggested that gathering information and conducting interviews at a distance makes journalists lose a sense of the character of their sources.

In my opinion, digitization has worsened the quality of media product that we create—programs, interviews, and publications. Previously we had to meet [a subject] in order to conduct a [face-to-face] interview; we could feel the person, and decide to be more open or not. Personal communication is a very important element for journalism—the human factor—and with huge usage of digital media, when interviews can be done via e-mail or phone, such a factor is being lost. I think, while using digital means of information search, a

119. Interview with Aigerim Agyltayeva, editor and anchor, Kazakhstan Television, Almaty, 12 October 2012.

journalist is more likely to add his own information to the material, or, take the information from a source on the internet, which may not be reliable. Thus, speed of information delivery wins over quality and reliability.¹²⁰

Another negative effect is increased workload. The online news editor Aizhan Tugelbayeva told us that she must file 16 stories each day, four of which must be based exclusively on first-hand reporting, and the other 12 should be original writing based on secondary sources.¹²¹ Kamila Zhussupova, a journalist and blogger who heads an NGO involved in media research and in training journalists in the use of digital tools, points out that “the expectations of audiences are very different now—readers can read 20 articles a day and, for journalists, it is really difficult to write that much.”¹²² Several other interviewees also indicated that digital tools are providing new ways to gather information quickly, but that they are in turn expected to produce both more, and more varied, information.

Another concern related to workload is how much a journalist’s work is worth. According to the long-time financial journalist Tulegen Askarov, this complicates the management of employees in journalism organizations: “The biggest problem in HR policy in media businesses today ... is how much to pay a journalist, because he is not only a journalist now. He has become a blogger, a photographer, and a cameraman at the same time. ... How can we evaluate each of these roles?”¹²³ Asked what a good journalist with five years of experience and multimedia skills might expect to make in Almaty, Askarov adds, “\$1,000 and even \$1,500 is quite reasonable for both sides—employer’s and employee’s.”¹²⁴

Older journalists and younger ones with little or no training in technology have a very clear working disadvantage compared with younger journalists who are much more technology-savvy. While virtually all journalists can now at least use a computer to collect, write, and send material, younger journalists can use a much broader array of digital tools. As Ms Zhussupova put it, “Technology is a bigger problem for older journalists, but I think today the market of journalism pulls them to try new things.”¹²⁵ While most professionals have integrated email, internet news gathering, and other digital tools into their work, younger journalists confidently use social networking sites and other information innovations. Among older journalists, some understand little even about their own outlet’s use of new platforms; they tend to be more skeptical of digital tools, particularly those that change the ways the audience and the news organization might interact.

According to Gulim Amir Khanova, formerly of Internews Kazakhstan, who coordinated, who coordinates the Newreporter.org project aimed at helping journalists learn new tools, “People in charge of the media still share a conservative mindset. More often, these are people of an older generation. It is hard for them to see

120. Interview with Tatiana Rau, chief editor, Radio NS, Almaty, 1 March 2011.

121. Interview with Aizhan Tugelbayeva, writer-editor, *Tengrinews*, Almaty, 5 March 2011.

122. Interview with Kamila Zhussupova, CEO, Media Standards Institute Public Foundation, Almaty, 6 October 2012.

123. Interview with Tulegen Askarov, president, BizMedia Center for Business Journalism, Almaty, 25 March 2011.

124. Interview with Tulegen Askarov, president, BizMedia Center for Business Journalism, Almaty, 25 March 2011.

125. Interview with Kamila Zhussupova, CEO, Media Standards Institute Public Foundation, Almaty, 6 October 2012.

the internet as a platform for doing journalism as opposed to using it for entertainment purposes only.”¹²⁶ It seems likely that in the near future the digital gap will narrow. Ms Zhussupova expects that the coming years will bring the retirement of pre-digital journalists; she imagines that this will reduce competence disparities, at least those attributable to training before and after the influx of digital technologies.¹²⁷

Another emerging gap mentioned by some interviewees, closely related to the level of digital skills, is between journalists who work in large urban areas compared with small and medium-sized towns. This is especially relevant with digital technology, since access to new equipment and broadband lines is much better in large urban areas.

Audience expectations and reading habits have substantially reduced article length. While journalists were once expected to write long articles, these no longer attract most readers. According to Ms Zhussupova, journalists must write shorter stories on a wide range of topics: “They have to write much more now because audiences will only read a short article—not because journalists have become lazier, but ... because the audience is ... changing today.”¹²⁸ The huge range of potential reading material online and other factors, such as the ability to quickly move between websites, indicate that digital technology is an important part of this trend.

Not all recent changes in Kazakhstani journalism are attributable to digitization. Several experts indicated issues such as changing economic demands and political pressures were just as responsible as technological change for increased demands on journalists.

The experience of critical media may shed some light on the ways that economic, technological, and political issues can come into play in Kazakhstani journalism. According to Oksana Mukushina, formerly deputy editor of *Golos Respubliki*, the paper first began to focus on innovative internet-based publishing as a business decision and only later did it become a necessity for dealing with censorship. The paper experienced political pressure including confiscation of press runs, pressure on printing houses, and legal actions that forced it to dissolve as a company and re-emerge under another name. As a result of adapting to a combination of pressures, *Golos Respubliki* has been a technological innovator in Kazakhstan’s online publishing environment.¹²⁹ And the online environment allows the newspaper to be more adept at circumventing censorship. According to Tatiana Trubacheva, former editor-in-chief of *Golos Respubliki*, with the internet the situation with censorship is much better. “Now, with the help of the internet, it is impossible to silence *Respublika*,” she says.¹³⁰

126. Interview with Gulim Amirhanova, New Reporter project coordinator, Internews Kazakhstan, Almaty, 28 May 2012.

127. Interview with Kamila Zhussupova, CEO, Media Standards Institute Public Foundation, Almaty, 6 October 2012.

128. Interview with Kamila Zhussupova, CEO, Media Standards Institute Public Foundation, Almaty, 6 October 2012.

129. Interview with Oksana Makushina, formerly deputy editor of *Golos Respubliki* (The Voice of the Republic) newspaper, Almaty, 11 April 2011.

130. Interview with Tatiana Trubacheva, former editor-in-chief, *Golos Respubliki* newspaper, Almaty, 29 December 2012.

Golos Respubliki (as well as other critical news resources) was closed as a result of legal action undertaken by the government in late 2012. Although the print version is no longer published, it appears online through their website (whose servers are based outside Kazakhstan) and through social network site accounts.

Economic pressures influence journalism through increased competition, growing demand as more outlets try to attract a relatively static number of readers who spend less time with mainstream media, and the recent economic slowdown, which has decreased advertising spending. Political pressure arises from increased government attempts to control the media, alignments between commercial owners and parties (media ownership is discussed in Section 6.1), especially the dominant Nur Otan party, and as a reflection of efforts by the government to reduce opposition or independent parties and information about them, especially positive information.

4.1.2 Ethics

In late October 2012 a state ethics code for journalists was introduced. The code was designed and adopted unanimously by a group of journalists working on the instruction of President Nazarbayev, and is not legally binding.¹³¹ Despite being presented by state media as having the full support of the journalism community, there is in reality some controversy around the code. According to a report on *Registan.net*, a website where experts cover issues related to Central Asia and the Caucasus region, the code has been opposed by some of Kazakhstan's journalism community because of the lack of independent journalists in the working group. The report concludes, "Given that the Code was developed at the President's direction, it is reasonable to expect the codex will be used to continue to suppress unflattering reporting."¹³²

Overall, while ethical behavior in journalism has changed little over recent years, most of the changes that did happen were negative. Most of the interviewees did not attribute the changes specifically to digitization: they are mainly related to pressure to serve the interests of the owners or the government rather than those of the audience. As a former deputy editor of *Vremya* newspaper, Vadim Boreyko, put it, "If a journalist is unprofessional, modern technical devices are not likely to help him become ethical and qualified."¹³³ However, digital factors have amplified some manifestations of lack of ethics or professionalism.

The experts interviewed point out that while digital tools themselves may not cause mistakes, the speed at which reporters are forced to work increases the chance of mistakes, as may the fact that reporters increasingly post information directly to websites without passing the material through editors.¹³⁴ And once a mistake is made online, as online editor Zhanna Prashkevich points out, it is very difficult to correct as it tends to spread very fast.¹³⁵

131. CaspioNet, "Code of journalism ethics adopted in Kazakhstan," 30 October 2012, at http://caspio.net.kz/eng/general/Code_of_journalism_ethics_adopted_in_Kazakhstan_1351662884.html (accessed 17 April 2013).

132. C. Ranson, "Kazakhstan's Union of Journalists and head Editor's Club adopt ethics Code," *Registan*, 1 November 2012, at <http://registan.net/2012/11/01/kazakhstans-union-of-journalists-and-head-editors-club-adopt-ethics-codex> (accessed 2 November 2012).

133. Interview with Vadim Boreyko, former deputy editor, *Vremya* newspaper, Almaty, 9 March 2011.

134. Interview with Aizhan Tugelbayeva, correspondent-editor, *Tengrinews*, Almaty, 5 March 2011.

135. Interview with Zhanna Prashkevich, PR specialist, GOOD Agency, editor, *Nur.kz*, Almaty, 14 March 2011,

Ms Zhussupova agrees: “Unfortunately, there are a lot of mistakes because there is so much data, rumors.”¹³⁶ Ms Zhussupova has observed that fact-checking has become less rigorous: “A journalist should check his information from other sources before he writes, but they do not, not at all. Somehow they do less checking because there are more sources than they had. Before, we only had to check one or two, or three maximum, but today we have a lot of sources of information.”¹³⁷

Another ethical concern Ms Prashkevich connected with the speed and accessibility of online communication is “copy-paste,” the practice of copying material from another source to use in one’s own material. Of course digital tools make it very easy to copy material and the demand on journalists to gather larger amounts of more varied material in shorter amounts of time puts pressure on them that may encourage copying. But she sees this as a temporary problem whose solution lies in part with digital tools themselves:

When the audience will be fed up with copy-paste materials, it will need something else. Business owners will ask editors to make their own materials without copy-paste. . . . Internet journalism cannot [ignore] SEO technologies, search engines optimization. If a search engine will see copy-paste material on a website, they will place it to the bottom of the search results, and will not count the rating. As soon as the website has its own original materials, the search engine [ranks it higher]. These are very intelligent machines. Copy-paste will always be there, but for successful mass media it will not work, and it will be necessary to review approach to work—this is the way of improving quality.¹³⁸

Overall, the interviewees agreed that knowledge of ethics has much less influence on a journalist’s work than the pressure to produce news quickly. In other words, there is a substantive gap between the ethics people understand and the ethics they follow. The owners try to ensure that their personal priorities are accommodated in journalistic reports. Thus, any information that benefits their personal and professional interests is included, while any that challenges them is excluded. (Government pressure is discussed in section 7.3). No interviewee indicated that digital technology has had a strong role in changing the view of journalism as a means of promoting owners’ interests.

Another major ethical concern is the practice of hidden advertising or *zakazukha*.¹³⁹ For many years news organizations have accepted or even demanded payment from news sources if they are mentioned favorably in news stories, or to publish stories at all. Typically this payment goes to the publisher or owner of the outlet. With the emergence of blogging and of blog platforms, it is unclear how this model might change or adapt and continue. In the new media environment editorial controls are reduced, leaving proprietors less opportunity to extract such payments.¹⁴⁰ Individual bloggers have reported being approached by advertisers

136. Interview with Kamila Zhussupova, CEO, Media Standards Institute Public Foundation, Almaty, 6 October 2012.

137. Interview with Kamila Zhussupova, CEO, Media Standards Institute Public Foundation, Almaty, 6 October 2012.

138. Interview with Zhanna Prashkevich, PR specialist, GOOD Agency, editor, Nur.kz, Almaty, 14 March 2011.

139. From the Russian *zakazat*, to place an order.

140. Interview with Tulegen Askarov, president, BizMedia Center for Business Journalism, Almaty, 25 March 2011.

and even said that they accept payment from advertisers for material they write on their blogs. In other words, there are efforts to extend *zakazukha* online, with mixed results because of the independence of producers of blogs and social media. (The practice of hidden advertising is discussed further in section 7.3.1).

4.2 Investigative Journalism

There seems little doubt among the experts interviewed for this study that in Kazakhstan investigative journalism in the Western sense of the term is virtually non-existent, especially in the mainstream media. “The genre of investigative journalism in Kazakhstan is almost dead,” said Ms Mednikova. “There is no resource that publishes investigative material in significant amounts, regularly, and [is focused on] this genre.”¹⁴¹

Mr Boreyko says that there is only one reporter in the entire country who does “true investigative journalism:” Gennady Benditsky, who worked for *Vremya* at the time of our interview. Mr Benditsky now has a weekly investigative television show, “*Chas Benditskogo*” (Benditsky’s Hour) on Channel 31.¹⁴² Mr Boreyko said investigations are carried out by the opposition newspapers *Svoboda Slova* and *Golos Respubliki*, but in his opinion they lack credibility. “Their materials are based on some anonymous letters or even emails.”¹⁴³

Generally, investigations are absent from the mainstream media. Given the control of government and powerful pro-government owners, few institutions have the desire to investigate controversial or challenging issues. When they do, they face clear pressure. One journalist, who requested anonymity, said:

When I made a social program my channel was a government channel, so I wanted to get information from the opposing side and I tried to also get independent positions, and it was all okay, but then I had a problem with it—the problem was the owner, who did not like me including opposition and independent comments. He could not say “You can’t do that,” but instead, said that it was like advertising for these other groups, like PR for them, but it was not. They were really saying that we should only make PR for the government.

In Kazakhstan any type of critical reporting involves risks. “My assessment of investigative journalism—it has developed badly. Probably, because journalists are just afraid to work in this genre,”¹⁴⁴ says an online news editor, Aizhan Tugelbayeva.

The legal context for investigative reporting is affected by laws enacted after 2010, which have increasingly worked against freedom of expression. The law on “amendments and additions to some legislative acts of the Republic of Kazakhstan on issues of information and communication networks” specifically treats internet

141. Email interview with Irina Mednikova, director general of the Public Fund Youth Information Service, 13 March 2011.

142. Interview with Vadim Boreyko, former deputy editor, *Vremya* newspaper, Almaty, 9 March 2011.

143. Interview with Vadim Boreyko, deputy editor, *Vremya* newspaper, Almaty 9 March 2011.

144. Interview with Aizhan Tugelbayeva, correspondent-editor, Tengrinews Information Agency, Almaty, 5 March 2011.

sites as roughly equivalent to broadcast and print news outlets, in effect increasing regulations and constraints (the law is discussed in detail in section 7.1.2.1).¹⁴⁵ The Law on National Security of Kazakhstan, amended in July 2012, increases the powers of officials to directly control the media in the name of national security.¹⁴⁶ These laws do not specifically address investigative journalism.

According to one legal expert, journalists who do investigations run considerable legal risk. Neither the media legislation nor the owner of a news outlet can guarantee security for journalists. Any sort of exposé involves the risk of being blamed for defamation. “International standards do not apply,” says Ganna Krassilnikova, director for Legal Services department at the Adil Soz Foundation.¹⁴⁷

Ms Prashkevich emphasized that market pressures were an obstacle to producing investigative journalism in Kazakhstan. “It is not a cheap pleasure for mass media and publishing houses to conduct such investigations. Investigative journalism requires more time and contains more risks.”¹⁴⁸ She suggested that online communication opens opportunities for investigative practices that journalism sources cannot or will not cover.

4.2.1 Opportunities

Although there is very little investigative journalism by traditional media outlets, digitization has provided it with new means and tools that may help it to develop, since it offers increased access to multiple sources of information and new access to readers, especially through new media that are less controlled by the authorities and commercial, government-friendly owners (see section 4.2.3).

Digitization has made researching investigative articles easier; however, on controversial and challenging topics (such as government malpractice) such research remains a challenge. It is possible for investigative journalists to gather information from online databases, but few offer the full set of information that allows an in-depth investigation.

One project that does stand out for its potential to inform investigative reporting is the Astana-based North Kazakhstan Legal Media Center’s database on payments made to media as part of the government’s state order program.¹⁴⁹ The database is the only substantial example we have located of a resource that might enable computer-assisted investigative journalism. The database lists all recipients of state order payments for the past three years and facilitates searching for data using several different variables. Unfortunately, according to the Legal Media Center president, Ms Okremova, local journalists have not yet taken advantage of the site as a resource for investigative reporting.¹⁵⁰

145. Comport.region.kz, “The Law that Regulates the Internet in Kazakhstan: Background and Timeline,” 22 January 2009, at <http://comport.region.kz/forum/viewtopic.php?p=19960> (accessed 17 April 2013).

146. Law on National Security of Kazakhstan, No. 527-IV, 6 January 2012, at http://online.zakon.kz/Document/?doc_id=31106860 (accessed 17 April 2013).

147. Interview with Ganna Krassilnikova, director for Legal Services department, Adil Soz, Almaty, 4 November 2012.

148. Interview with Zhanna Prashkevich, PR specialist, GOOD Agency and editor, Nur.kz, Almaty, 14 March 2011.

149. North Kazakhstan Legal Media Center, Database on recipients of state order in the media, at <http://legalmediacenter.kz/2012-10-04-10-02-31.html> (accessed 29 December 2012).

150. Interview with Diana Okremova, president, North Kazakhstan Legal Media Center, Almaty, 19 December 2012.

4.2.2 Threats

The internet in Kazakhstan not only offers a comparatively free platform for debate and activism (see section 3.2), it also helps investigative journalists disseminate their stories and interact with audiences. However, the government has become adept at noticing and dealing with new technological options, and increasingly exercises a hardware approach to undesirable content, mainly by blocking it. They also use lawsuits and other forms of pressure to deal with unwanted content (government interference is discussed in section 7.3).

In addition to legal challenges and extra-legal obstacles offline, independent and critical voices, including *Golos Respubliki*, Radio Azattyq, Guljan.org, and others have all been subjected to blocking or DDoS attack. Although the source and motivation of such actions are difficult to prove, sometimes the time at which a site becomes inaccessible suggests a possible motive. The critical news website Zona.kz was blocked in 2007 after posting recordings of telephone conversations between political leaders;¹⁵¹ in 2011, the Guljan.org editor Guljan Ergalieva reported she believed DDoS attacks against the site were a response to their publication of materials critical of the authorities,¹⁵² and during the run-up to the 2011 presidential elections, the website of Radio Azattyq (the Kazakh Service of Radio Free Europe/Radio Liberty) was blocked by the state internet providers KazTelecom and Nursat.¹⁵³

A more mundane issue, though perhaps at least as significant in deterring the development of investigative reporting in Kazakhstan, is the lack of openly available, reliable data on a range of issues. These kinds of data sources are often essential to the best of investigative journalism elsewhere, and developing such sources may be one of the most important steps toward enabling true investigative reporting in Kazakhstan.

4.2.3 New Platforms

Our sources offered various opinions of blogs as sources of investigative reporting. Several mentioned the blog platforms Yvision.kz and Newreporter.org as places where investigative reporting is taking place, though the examples they reported suggest that what they call investigation may more accurately refer to citizen reporting of events that had previously gone unnoticed in traditional mass media sources. One such example was a report about a move by students at the national university to remove the dean of their journalism program.

Asked to identify online sources of investigations, the reporter Ms Mednikova pointed to Azattyq's Blogistan weblog, but is hard-pressed to identify good examples of investigative reporting. "Sometimes I find critical questions and analysis of problems in some posts of particular journalists and bloggers like Alisher Yelikbayev,

151. R. Van Horn, "Central Asia: Censorship 3.0 and the struggle for online free speech," Eurasianet, 7 November 2011, at <http://www.eurasianet.org/node/64461> (accessed 17 April 2013).

152. Adil Soz, "Website of Guljan Ergalieva was blocked by Kazakhstan's DDoS attacks," 21 July 2011, at <http://www.adilsoz.kz/en/newsen/website-of-gulzhan-ergalieva-was-blocked-by-kazakhstans-ddos-attacks> (accessed 17 April 2013).

153. Radio Free Europe/Radio Liberty, "On eve of election campaign, RFE's websites blocked in Kazakhstan," 4 March 2011, at http://www.rferl.org/content/press-release_rfe_websites_blocked_kazakhstan/2326174.html (accessed 17 April 2013).

Olga Kaplina, Marat Shibutov, Roman Raifeld, and Alexey Goncharov,” she said. However, she cautions, even these cases are not fully investigative reporting.¹⁵⁴

The fundamental issue appears to be that it is difficult for journalists in general to produce investigative content. According to Mr Askarov, this difficulty is greater for bloggers than it is for mainstream media organizations, not because bloggers lack the ability or desire to do such investigations, but because they lack institutional connections that could otherwise provide them with financial support, credibility, and a small amount of protection in their work.¹⁵⁵ Bloggers face the traditional dilemma of either supporting the government in order to have access to information for their work, or questioning official sources and therefore being denied access and blocked.

4.2.4 Dissemination and Impact

Dissemination of journalistic information, in particular investigative reports, is arguably the greatest shift in journalistic activities in Kazakhstan. Most interviewees indicated that digital platforms have helped to broaden and increase the circulation of news, and has therefore increased the opportunity for people to locate and engage with issues on a range of topics.

Although there are no web platforms that the experts identified as specifically investigative, they noted that internet users are actively using online forums (Centr Tyazhesti, Vse Vmeste), websites (Azattyq.org, Yvision.kz, Voxpopuli.kz) and social networks (Facebook, YouTube, Kiwi) as platforms for consuming and producing news, including material that could be termed in some respects investigative. For example, the investigative reporter Gennady Benditsky, when he worked for *Vremya*, had his own page on the *Vremya* website with page views sometimes exceeding 10,000 hits on individual stories.¹⁵⁶

International NGOs that have offices in Kazakhstan (such as the Soros Foundation and Freedom House), are free to gather and distribute information critical of the government. They therefore serve as a valuable channel between locals who have direct information and both national and international journalists and audiences. Blogs and social media, while not immune from official control, have considerable freedom simply because of their flexibility and low cost. One example of an investigative story is a report by the journalist Ardak Bukeyeva on a corruption scheme involving the Kazakhstani energy company, KazMunaiGaz. Soros Foundation Kazakhstan provided training and support for the investigation, and the story was carried in the opposition newspaper, *Golos Respubliki*, because other news outlets refused to publish it.¹⁵⁷

154. Email interview with Irina Mednikova, director general of the Public Fund Youth Information Service, 13 March 2011.

155. Interview with Tulegen Askarov, president, BizMedia Center for Business Journalism, 25 March 2011.

156. G. Benditsky, “The Bloody Cordon”, *Vremya*, at <http://www.time.kz/index.php?module=news&search=c2e7ff161400c0a71865794892345f16> (accessed 1 November 2012).

157. A. Bukeyeva, “KazMunaiGaz buries money in Borjomi,” *Golos Respubliki*, 27 January 2012, at <http://www.facebook.com/notes/газета-республика/как-казмунайгаз-зарывал-деньги-в-боржоми/318501358192031> (accessed 1 November 2012).

4.3 Social and Cultural Diversity

4.3.1 Sensitive Issues

Kazakhstan is a multi-ethnic, multi-linguistic, multi-denominational country with a population of approximately 130 different ethnic groups. The largest are Kazakhs, Russians, Uzbeks, Ukrainians, and Uighurs (see Context). It is the most economically developed country in the region, and attracts immigrants from other countries in the five-nation Central Asian region. Despite many immigration controls (such as the need for employer support, strict border and visa controls, and enforced police registration), many workers come to Kazakhstan, notably Uzbeks from Uzbekistan and Uighurs from northwestern China. Given the wide range of identities and beliefs among Kazakhstanis and the presence of large numbers of immigrants of varied backgrounds, ethnic identity ranks highly among issues of general social concern.

The government has officially stated its commitment to inter-ethnic and inter-cultural harmony: a national holiday was recently initiated, called the “Holiday of the unity of the people of Kazakhstan” (1 May), and from time to time a major conference is held in Astana dedicated to religious pluralism. However, the true picture is less positive than that presented by officials. A 2010 report by the United Nations independent expert on minority issues described some of the challenges facing the country with respect to ethnic and religious minorities.¹⁵⁸ The report, based on a fact-finding mission to Kazakhstan, identified several issues of concern, including: lack of effective political representation for minorities; tensions over the effects of Kazakh-language policies; rising Kazakh nationalism; pressure on minority religious groups, particularly “non-traditional” groups (such as Jehovah’s Witnesses); ethnic stereotyping; and occasional incidents of inter-ethnic violence.

Tolerance is much less publicly embraced for Lesbian, gay, bisexual, and transgender (LGBT) individuals and groups. Although homosexuality was decriminalized shortly after independence, LGBT issues receive little news coverage or public comment, and the government does not actively discourage discrimination against them. One reason for this is religious, based partly on Islamic traditions. Additional factors are the Soviet legacy (homosexuality was illegal in the USSR, and gay people actively oppressed) and the traditions of Kazakh male-dominated culture. As a result, homosexuality is inwardly rejected but outwardly, mostly ignored. This seems to be more or less equally true at every level of power, in general society and in the media, and across the lines of other social identities. As a consequence, there seems very little constituency or pressure to change attitudes toward LGBT issues.

4.3.2 Coverage of Sensitive Issues

Although there is no explicit censorship limiting the ability of the media to report on sensitive issues, the government has on occasion intervened with the mass media to guide its coverage of sensitive issues, which in

158. UN Office of the High Commissioner for Human Rights (OHCHR), “Report of the independent expert on minority issues,” Mission to Kazakhstan, 1 February 2010, at <http://www.ohchr.org/EN/countries/ENACARRegion/Pages/KZIndex.aspx> (accessed 1 November 2012) (hereafter, OHCHR, “Report on minority issues,” Mission to Kazakhstan).

turn promotes self-censorship. The government has urged the media not to over-emphasize the inter-ethnic nature of occasional clashes, but to report them as routine domestic crime.

According to the UN report, the government “reportedly placed restrictions on media coverage of ethnic clashes. Civil society representatives suggest a State policy of downplaying ethnic tensions by the Government in order not to damage a carefully cultivated perception of inter-ethnic harmony.”¹⁵⁹ The report also indicated that media may sometimes contribute to inter-ethnic tensions: “There may be critical issues simmering beneath the surface that must be addressed in an open and transparent manner in order to guarantee that inter-ethnic harmony is maintained. Aggressive manifestations of nationalism and incitement to racial or religious hatred in the media and elsewhere must be met with appropriate responses.”¹⁶⁰

State intervention in media coverage of inter-ethnic issues is enabled by laws against violating state integrity, promoting “extremism,” inciting “inter-ethnic, social, and other discord,” and “undermining state security,” and by targeted use of other laws and extra-legal methods to stifle unwelcome perspectives in media.¹⁶¹ These regulations have been repeatedly used to silence the critical media both online (Posit.kz) and on television (Art-TV, Karaganda). In both cases the content in question was not editorial, but user-generated.

Generally though, the official policy of harmony and tolerance is followed in the media, especially for ethnic groups. There is no explicit rejection of any group, unlike strong sentiments in neighboring Kyrgyzstan against ethnic Russians. There is a general but inconsistent tension between ethnic Russians and ethnic Kazakhs, apparently because of bias toward ethnic Russians during the Soviet era that many people still remember. Some cities, such as Almaty and Pavlodar, used to have predominantly Russian populations that are now overwhelmingly Kazakh. News reports do not often raise group issues in a negative way. Positive coverage of ethnic identity and culture is more common, but still rare. Inter-group tensions tend to operate much more on cultural, individual, and implicit levels.

The International Center for Journalism, MediaNet, published in 2011 a report that appears to be the only comprehensive study on this topic.¹⁶² The report notes the multi-ethnic, religiously diverse population of Kazakhstan and the fact that mass media are constrained by government pressure over their reporting on minority issues. The report found that in the estimate of minority representatives, NGOs, and mass media representatives, coverage of minority issues in Kazakhstani media is generally neutral (55 percent) with 20 percent indicating coverage is positive, and 25 percent indicating coverage is negative.

159. OHCHR, “Report on minority issues,” Mission to Kazakhstan, p. 18.

160. OHCHR, “Report on minority issues,” Mission to Kazakhstan, pp. 21–22.

161. International Media Support (IMS), “The examples of Kazakhstan and Kyrgyzstan: Political extremism, terrorism, and media in Central Asia,” in cooperation with the International Foundation for Protection of Freedom of Speech, Adil Soz (Almaty, Kazakhstan), and the Public Association of Journalists (Bishkek, Kyrgyzstan), Copenhagen, August 2008, p. 17, at <http://www.is.dk/files/publications/1353%20CentralAsia%20GB.web.pdf> (accessed 17 April 2013).

162. MediaNet, “Mass Media Approach to Cover Minorities’ Issues in Kazakhstan,” Almaty, 2011, at <http://www.mediaalliance.kz/70> (accessed 17 April 2013).

4.3.3 Space for Public Expression

Recent trends in broadcast media do not suggest that digitization of broadcast media will lead to greater space for expression by minority groups. Although Russian-language broadcasting continues to be strong and Kazakh is greatly expanding with the support of the government, the UN report states that broadcasting in minority languages has “significantly declined,” and pointed out that in 1998 Kazakh state television carried three hours of Uighur-language programming per week, a figure that had been reduced to only 15 minutes by 2010.¹⁶³ Similarly, while there are Russian-based Orthodox Christian and local Islamic channels broadcast in Kazakhstan (both distributed via cable networks), the many minority religions are not represented in broadcasting.

According to Ms Prashkevich, commenting is an important feature for minority group discussion and an indicator of attitudes toward minorities. “Online media are still censored media and they have their editorial policy,” she says. “There is no full freedom of speech, as some journalists want to have. I can judge about minorities’ issues through observation of the comments, because comments can show a lot, even though they are [moderated]. In Kyrgyzstan there was a conflict about Uighur minority, the case was published in traditional and online media, and through comments it was visible how seriously the situation has worried Kazakhstani people. Comments just have to be properly analyzed.”¹⁶⁴

The LGBT group Amulet, an Almaty-based NGO promoting equal rights regardless of sexual preference and providing support for the LGBT community, has a website, Amuletlgbt.kz, that links to their accounts on Moi Mir (a closed group with 251 members), Facebook, Twitter, Vkontakte, and other social networks. Ms Prashkevich notes that members of the LGBT community are active online. “The internet is their great helper, because they are very isolated, living all over Kazakhstan and cannot communicate by other means.”¹⁶⁵

4.4 Political Diversity

4.4.1 Elections and Political Coverage

The chief law governing elections in Kazakhstan is the Constitutional Law on Elections in the Republic of Kazakhstan, adopted in 1995 and last updated in 2007.¹⁶⁶ Digitization has not been mentioned explicitly as a reason for changes in the regulation of election coverage, but the internet is an important part of the legal situation in Kazakhstan. Although the authors do not have access to discussions within the government on its legal and political positions vis-a-vis the media, it seems very likely that it is extremely aware of the unique and growing importance of the internet in political discourse, for two reasons.

163. OHCHR, “Report on minority issues,” Mission to Kazakhstan.

164. Interview with Zhanna Prashkevich, PR specialist, GOOD Agency and editor, Nur.kz, Almaty, 14 March 2011.

165. Interview with Zhanna Prashkevich, PR specialist, GOOD Agency and editor, Nur.kz, Almaty, 14 March 2011.

166. Constitutional Law on Elections in the Republic of Kazakhstan N 2464, 28 September 1995, at <http://www.akorda.kz/ru/page/440> (accessed 24 April 2013).

First, some prominent government officials have gone to great lengths to take advantage of the internet for political purposes (see section 4.4.2). Second, the recent media laws all acknowledge and reflect the role of the internet, and include provisions related to it, usually to reduce its independence and treat online content as much as possible like the heavily and increasingly regulated traditional media. These laws link internet content and operations with important issues such as national security, making internet content producers, particularly bloggers—a popular source of seemingly uncensored information—vulnerable to state interference (see section 7).

4.4.2 Digital Political Communications

Political communicators in Kazakhstan are embracing the internet, though they do not seem to be doing so in an effective manner. Most political parties have websites and several individual politicians maintain at least some online presence in social networks. Discourse on political issues is increasingly available online. A few political leaders are very popular on Twitter and in blogs, both those on political websites and in general websites. Of particular note are the former prime minister Karim Massimov's Twitter accounts, which drew 69,895 followers in Russian-language and 6,308 in English (data of 4 February 2013). Although the number of followers of his accounts suggests they are popular, Mr Massimov's Twitter feeds usually offer bland messages such as congratulating people on public holidays, and offer little or no substance. And the accounts have become largely inactive since his resignation in September 2012.

The effectiveness of online political communication varies widely. The main website of the ruling Nur Otan party, Ndp-nurotan.kz, for example, shows remarkably little attention either to the interactive or the aesthetic potentials of online communication. Although frequently updated, information on the website comes primarily in the form of positive news related to the party, actions of the government, or other relevant news. The website also provides information on the party structure, how to become a party member, and so on. But it is practically devoid of interactive features or graphic elements, and overall leaves the impression that the party is sufficiently comfortable with its position that it does not need to engage in effective online communication.

The website of the Communist People's Party of Kazakhstan, Knpk.kz, is not an exemplar of web-savvy design either, but shows much more effort to embrace the communicative potential of the web. It uses animated design, photo and video, RSS feeds, interactive features, and links to various social networks. Similarly the website of the opposition youth organization Rukh Pen Til (Rukhpentil.org) features photo slideshow headlines, embedded video, a user forum, and links to the group's pages at Facebook, Yvision.kz, and other Web 2.0 sites.

In general, it seems that fringe or opposition groups and organizations are more likely to adopt innovative uses of the internet than are their mainstream counterparts. Still, although use of the internet may allow groups more potential visibility, the political environment in which parties and other organizations operate often constrains the emergence of new entrants.

4.5 Assessments

Digitization has had a number of contrasting impacts in Kazakhstan. On the positive side, it allows journalists to access information from almost anywhere, use that for their reporting, and then make it available almost anywhere, including via online platforms that are freer than the heavily government-controlled traditional formats. It also provides them with new openings to communicate with sources, and use a wider variety of them. The lower cost of gathering and disseminating information has also had a positive impact. The interactivity of new media changes the relationship between audiences and news providers, providing the former with opportunities to be both sources and watchdogs of journalistic content.

Digitization has also widened the number of platforms through which wrongdoings are exposed. Though not necessarily qualifying as journalistic investigations, materials published on blogs and social networks offer an alternative to the pro-government, investigation-free mainstream media. In general, investigative journalism in Kazakhstan remains risky and underdeveloped.

Negatively, digital technology makes it much easier to borrow the words and ideas of others without attribution. Additionally, digitized newsrooms have reduced face-to-face encounters with sources and weakened the journalists' community spirit, as it places bigger emphasis on technology.

The quality of journalism in Kazakhstan has not improved with digitization. Arguably, it has exacerbated the range of pressures already faced by journalists. In addition to the ingrained political pressures which are now beginning to extend to online platforms, journalists are expected to manage more information and produce more material in less time, at times sacrificing depth and quality for speed.

The opportunity to use the internet as a platform for political communication has been employed by political actors, albeit unevenly. Mirroring the trend in the media where opposition outlets tend to be more web-savvy than the heavily government-controlled ones, the ruling party too is less sophisticated in using digital tools than smaller political actors.

The internet has also provided a variety of minorities with an opportunity of expression and communication, including LGBT, a community almost entirely ignored by the mainstream media.

5. Digital Media and Technology

5.1 Broadcasting Spectrum

5.1.1 Spectrum Allocation Policy

The switch-over process in Kazakhstan is at its early stages, with only the general legislative framework introduced, and some regulations remaining under development. Digital terrestrial broadcasting was launched in the five cities of Almaty, Astana, Karaganda, Zhezkazgan, and Zhanaozen in July 2012. Zhanaozen, where a long labor strike led to deadly clashes with the police in December 2011 (see section 3.2.1), was included in the pilot project in May 2012.¹⁶⁷

In the analog era, the government agency in charge of spectrum allocation was the Committee for Information and Archives (the Committee) under the Ministry of Culture and Information. The Committee supervised the Commission on Facilitation of Competition for Receiving the Right for Terrestrial Broadcasting (the Commission), which was responsible for issuing licenses to terrestrial broadcasting companies. The Commission was first established by government decree on 11 February 2002.¹⁶⁸ Membership of the board of the Commission has changed several times since then, but it has always been dominated by members from the government. The minister chairs the Commission and selects participating members. The number of members is not fixed, and numbers have ranged from about 16 to 23 members. There were two civil society representatives on the Commission until June 2012, Sholpan Zhaksybayeva, executive director of the National Association of Broadcasters of Kazakhstan and Namazaly Omashev, professor at Gumilev Eurasian National University. Then the government decided to extend the number of members to 23 and allocate seven seats to NGOs.

In 2011 the Commission was renamed the Commission for Development of Broadcasting. Candidates for the board are proposed by the Ministry of Culture and Information (until January 2012, the Ministry of Communication and Information) and approved by the government.

167. Kazteleradio.kz, "Kazakhstan: In Five Cities Launched Digital Broadcasting," 16 July 2012, at <http://kzteleradio.kz/rus/2012/07/16/в-пя-ти-городах-казахстана-начало-веща> (accessed 12 January 2013).

168. Decree of the Government of the Republic of Kazakhstan No. 203 of 11 February 2002 on the "Creation of Commission for Holding Tenders on the rights for terrestrial broadcasting in the Republic of Kazakhstan", at <http://medialawca.org/document/-2409> (accessed 24 April 2013).

Media NGOs requested that the proportion of civil society representatives on the panel be increased to half the membership, which in their understanding would guarantee independent status for the Commission. However, this recommendation is not reflected in the Law of the Republic of Kazakhstan on Broadcasting No. 545-IV (Law on Broadcasting), adopted 18 January 2012.¹⁶⁹

The new Commission is in charge of submitting recommendations for digital spectrum allocation and the composition of digital multiplexes (MUXs). The Commission's decisions are subject to final approval by the government.

In the analog era, the general procedure for obtaining the right to carry out terrestrial broadcasting activity in Kazakhstan was a two-stage process. To participate in the tender for frequency acquisition, an applicant submitted registration documents of a legal entity; a plan for the use of frequency with technical, financial, and content specifications; and a business plan. At the next stage, a separate license granting the right to “exercise broadcasting activity” was issued only to winners of the tender.

Analog-era licenses were issued for an indefinite period of time. In the 1990s, private broadcasters paid US\$ 50,000–80,000 (KZT 7.5 to 12 million) for the analog licenses granting them the right to broadcast in a particular municipality.¹⁷⁰ There was no fixed price, no clear methodology and no transparent regulation for calculating the price. Tariffs varied by station, and were not publicly available. Ruslan Nikonovich, CEO of Novoe TV, a private station in Karaganda, who went through the licensing process in the late 1990s, says, “After paying off a certain fee, we were given proper documentation providing the right to use the frequency for an indefinite period of time. However, how those fees were calculated, I do not know.”¹⁷¹

By the end of 2011, the possibility of incumbent broadcasters losing their analog frequencies without due process became one of the major controversies among the authorities and leading media NGOs, including the NAB, Adil Soz, and Internews Kazakhstan, with the private broadcasters joining the debate.

At various stages of the stand-off, the NAB suggested four scenarios for managing this problem:

1. Broadcasters retain their frequencies in order to create their own, private MUXs later on, or sell them to the interested parties;
2. The government buys out the frequency by reimbursing the broadcasters' costs;
3. The government annuls the license, takes away the frequency, but in return guarantees the broadcaster space in the MUX, nationally or locally, according to the revoked license, for an indefinite period of time.
4. In exchange for the analog frequency, broadcasters become shareholders of Kazteleradio.

169. Law of the Republic of Kazakhstan on Broadcasting No. 545-IV, 18 January 2012, at http://online.zakon.kz/Document/?doc_id=31114820 (accessed 8 January 2013) (hereafter, Law on Broadcasting).

170. Interview with Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan, Almaty, 8 November 2012.

171. Interview with Ruslan Nikonovich, CEO of Novoe TV, Almaty, 9 January 2013.

Although the government did not approve any of the reimbursement schemes, it agreed that each broadcaster holding an analog license would have a slot in a MUX free of charge for the duration of the transition period. At the end of the transition period, a new tender would take place.

According to the Law on Broadcasting, the list of must-carry channels, taking up the first MUX, is determined by the Commission “only once every three years”¹⁷² (see section 7.1.1.3), whereas a competition for the free-to-air (FTA) package is required to take place “no less than once every three years.”¹⁷³

This seemingly insignificant difference in wording raises concerns, says Ms Zhaksybaeva, who argues that loose definition opens room for possible misinterpretation of the law. “This could imply several things,” she said. “First, a competition could happen more than once in three years. Second, new state-owned niche channels ... could possibly replace the existing regional private channels’ slots in the FTA MUX.”¹⁷⁴

According to the Law on Broadcasting, after the complete switch-over, the analog licenses will be terminated, and television channels will be required to register as a mass media outlet with the regulatory ministry within a year.¹⁷⁵ At the moment, the media are regulated by the Ministry of Culture and Information.

5.1.2 Transparency

Licensing regulations constitute only one part of the broader system of political restrictions imposed on the media in Kazakhstan. In the 1990s, along with the growing presence of state-run national stations, more independent local players, such as ART TV (now Novoe TV) in Karaganda, Otyrar TV in Shymkent, TVK-6 in Semey, and Alau TV in Kostanay entered the broadcasting market.

As government control over the media started growing, licensing procedures became more obscure. In a series of repeated tender competitions in the late 1990s, a number of independent television and radio stations—Totem, Radio Max, and TV-M—lost their licenses after reapplying for them. Eventually, all of them shut down.¹⁷⁶

Since then, the information space (especially among the broadcast media) has been divided between the government and a few loyal interest groups, dominated by the one closest to the president’s family. For instance, until 2007, Dariga Nazarbayeva, daughter of the president, and her then husband Rakhat Aliyev controlled Radio Europa Plus, Russkoye Radio, Hit FM, and Radio Caravan, along with the newspapers *Caravan* and *Novoye Pokolenie* (New Generation), among other outlets.¹⁷⁷ In this respect, one cannot say

172. Law on Broadcasting, Article 12, provision 6.

173. Law on Broadcasting, Article 13, provision 2.

174. Interview with Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan, Almaty, 8 November 2012.

175. Law on Broadcasting, Article 42, provision 3.

176. Tol.org, “Going Digital, Playing Politics,” 1 November 2012. at <http://www.tol.org/client/article/23443-going-digital-playing-politics.html> (accessed 15 January 2013).

177. BBC News, “Kazakhstan Country Profile,” at http://news.bbc.co.uk/2/hi/asia-pacific/country_profiles/1298071.stm (accessed 15 January 2013).

that the licensing regulator is favoring a certain group and sidelining the other because nearly all applicants seeking licenses tend to be affiliated with the ruling elite.

There are other, more recent instances of non-transparent practices. For example, in August 2008, Era TV, an Astana-based channel with citywide coverage, was granted the nationwide coverage (it was later re-branded as Channel 7, which now broadcasts nationally). In this case, the tender was held in 18 different cities, and in only three of them were there competitors other than Era TV. Ms Zhaksybaeva notes that having only one contender violates the principle of fair competition and the guidelines of competition for tenders.¹⁷⁸

Similarly, in April 2009 a new company, Elorda Tynysy, obtained frequencies and the right to broadcast in 18 cities.¹⁷⁹ But even before receiving frequencies, Elorda Tynysy had been granted a general broadcasting license, which contradicts the tender guidelines. This prompted questions about the overall transparency of the procedures.¹⁸⁰

Currently there are no publicly available data on the number of frequencies allocated for broadcasting. Also, media NGOs have not been able to get a public response from the government on how the digital dividend will be distributed.¹⁸¹

At this point, it is difficult to assess how transparent the tender process will be in the future because there is no clarity over how the spectrum allocation procedures will be modified.

5.1.3 Competition for Spectrum

As long as the state keeps tight control of the spectrum allocation procedures, genuine competition is unlikely.

In the present political environment, it is also difficult to expect that diversity of news might increase. Political opponents of the ruling elite and its critics have been effectively kept out of the broadcast media since the early 2000s. The introduction of digital broadcasting is a centralized process managed through the national broadcast operator Kazteleradio, which holds a monopoly on satellite and terrestrial networks both locally and nationally. Moreover, the Law on Broadcasting grants Kazteleradio the right “to utilize the frequencies without any competition.”¹⁸²

178. Interview with Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan, Almaty, 8 November 2012.

179. Kazinform, “At MCI, a committee meeting on the right to terrestrial broadcasting in Kazakhstan,” *Zakon.kz*, 29 April 2009, at <http://www.zakon.kz/kazakhstan/138929-v-mki-sostojalos-zasedanie-komissii-po.html> (accessed 4 January 2013).

180. Interview with Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan, Almaty, 8 November 2012.

181. Interview with Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan, Almaty, 8 November 2012.

182. Law on Broadcasting, Article 42, p. 6.

5.2 Digital Gatekeeping

5.2.1 Technical Standards

Despite the lack of a concept, a national strategy or an action plan for the switch-over, and the absence of an open public debate on the issue, in April 2010 a working group addressing technical standards (consisting of government officials, several field experts, and the NAB, a total of 21 members were on the panel) issued a recommendation to use DVB-T2 for terrestrial broadcasting.¹⁸³ Thus, previous plans to establish the DVB-T format, which was introduced in the CIS countries, such as Russia, Uzbekistan, and Kyrgyzstan, were cancelled.

The then Deputy Minister for Communication and Information, Saken Sarsenov, who chaired the meeting of the working group, defended the choice by arguing that “The switch-over is to take place in 2012–2014 and thus it is reasonable to introduce a more advanced format.”¹⁸⁴

In November 2010, DVB-T was tested in Almaty and Astana. But the main testing ground for the DVB-T2 was the Karaganda *oblast*, because of its diverse geographical landscape.¹⁸⁵ On 27 December 2010, the Commission on Broadcast Frequencies approved DVBC-2 for cable, DVB-T2/MPEG-4 standard for terrestrial, and DVBS-2 for satellite.¹⁸⁶

5.2.2 Gatekeepers

Because the transition to digital broadcasting is at an early stage, with most of the details still unclear, it is difficult to suggest what would be the structure of gatekeepers and the principles of their collaboration with the broadcasters, and how this practice would differ from the analog era. Taking into account the fact that programming of the first two MUXs will be designed by the government on the recommendations of the government-controlled Commission, it is likely that the government will be the ultimate gatekeeper for the “must-carry” and “free-to-access” MUXs, along with Kazteleradio, which will be responsible for the technical side of gatekeeping. At this point, it is hard to say to what extent the government will get involved in controlling private operators’ activities if they decide to launch their own MUXs.

5.2.3 Transmission Networks

Due to Kazakhstan’s large territory and the high cost of launching an alternative terrestrial transmission network, it is unlikely that alternative operators will emerge at the national level and in most of the country’s provinces; thus, entitling Kazteleradio to establish a market monopoly.

183. “Expertise of the National Association of Broadcasters of Kazakhstan of 8 January 2010” (copy provided by Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan, 15 January 2013).

184. “Information on the meeting in Astana on 9 April 2010,” press release by the National Association of Broadcasters (copy from Sholpan Zhaksybaeva).

185. Interview with Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan, Almaty, 8 November 2012.

186. Protocol of the Commission on Broadcast Frequencies No. 007-934.07-121, 27 December 2010 (copy provided by Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan, on 15 January 2013).

Meanwhile, ministry officials, including Abai Kadrallyev, chair of the Executive Council of Kazteleradio, emphasized that Kazakhstan's anti-monopoly legislation will apply to prevent high tariffs for accessing the transmission network.¹⁸⁷

It is still unclear how regional broadcasters will manage to set up local transmission services. Valentina Kluchnikova, Department Chair for Strategic Development of Kazteleradio, does not exclude the possibility that Kazteleradio, which is fully owned by the state, may offer access to its network to any private MUX operator on a competitive basis, so long as it “does not contradict the information policy and legislation of the state.”¹⁸⁸

Given the increasing penetration of cable and satellite, transmission of terrestrial broadcasting is likely to lose popularity.

5.3 Telecommunications

5.3.1 Telecoms and News

The main player in the telecoms sector, Kazakhtelecom, launched an IPTV service in the summer of 2010. It goes under the brand of iD TV and so far remains the only IPTV service provider on the market.

Currently, all three GSM providers—Kcell, Beeline, and Tele2—offer 3G services, but to date none of them has launched mobile television.

The 134 cable operators in Kazakhstan, all private entities, prioritize foreign, mainly Russian, programming in their packages. The major players among the cable operators are Alma TV, Digital TV, and ICON. In the mid-2000s, operators in Almaty and some other cities began providing internet access; some of them set up free content-sharing hubs online, mainly for games and entertainment, not for news content. None of the operators has yet developed its own online news outlets or cable television channels.

There has been a rise of local niche channels that distribute their programs only via cable television networks in recent years: a sports channel, a music and a religion channel (all private). The state-owned niche channels Madeniet and Balapan are distributed through the national satellite television network OTAU TV and also by most of the cable television providers. Smaller private television channels that broadcast in provinces or cities are usually included in the packages of cable operators in the areas of their reach, although there is no specific regulation requiring this.

187. Internews Kazakhstan, “Kazakhstan Planning to Move to a New Format in Broadcasting, an interview with Sarsenov and Kadrallyev,” 11 May 2012, at <http://www.internews.kz/newsitem/11-05-2012/18527> (accessed 19 October 2012).

188. Interview with Valentina Kluchnikova, Department Chair for Strategic Development of Kazteleradio, Almaty, 10 January 2013.

5.3.2 Pressure of Telecoms on News Providers

In the past, cable operators were not legally required to provide a full range of local nationwide television channels. As a result, some state channels were demanding fees from the cable operators for distributing their programming. Cable operators believed that the content had already been paid for by taxpayers; therefore, it should be provided for distribution free of charge.¹⁸⁹ At the same time, other cable operators demanded that channels pay for distribution (for instance, ALMA TV charged one commercial channel up to KZT 1.2 million (US\$ 8,000) per month).¹⁹⁰

Anton Shin, Chair of the Executive Council, International Association of Cable Operators Asia, says legal relationships between cable operators and television channels depended on negotiations in every individual case: sometimes broadcasters paid the operator to enter the package; on other occasions the operator paid the channel to carry its content in the cable package.¹⁹¹ In general, the larger the entity (whether a cable operator or a channel) the more likely it would demand a payment either for supplying or carrying the content. For instance, prior to January 2013 when the must-carry regulations were enacted, a regional cable operator paid a monthly fee of KZT 22,000 (US\$ 145) for a package of four state channels, consisting of Khabar, Kazakhstan, El Arna, and Kazakh TV.¹⁹²

In 2010, the conflict reached Parliament, when the then MP Daria Klebanova urged the government to introduce must-carry rules for local channels.¹⁹³ Must-carry rules were introduced in January 2013 (see section 7.1.1.3 for more detail).

There are several instances when cable operators were filtering foreign content, including a television broadcast of the controversial film *Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan*, which was not officially banned in the country, but the Ministry of Foreign Affairs had suggested movie distributors “responsibly refrain” from bringing the “insulting film” to Kazakhstan.¹⁹⁴ Given there was no official prescription to censor the film, Mr Shin suggested self-censorship or copyright may have been issues in this case. He said self-censorship makes operators refrain from adding controversial channels to their packages, but adds that copyright is also often a problem when there is a possibility of removing whole channels or parts of their programming.¹⁹⁵

189. Interview with Anton Shin, Chair of the Executive Council, International Association of Cable Operators Asia, Almaty, 4 January 2013.

190. Tengrinews.kz, “Kazakhstani Television Channels See Fees Charged by Alma TV Prohibitive”, 7 September 2012, at http://m.tengrinews.kz/ru/kazakhstan_news/220311 (accessed 17 October 2012).

191. Interview with Anton Shin, Chair of the Executive Council, International Association of Cable Operators Asia, Almaty, 4 January 2013.

192. Interview with Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan, Almaty, 8 November 2012.

193. Tengrinews.kz, “MP Urges the State to Control Cable Channels,” 12 November 2010, at http://tengrinews.kz/kazakhstan_news/68815/ (accessed 7 June 2012).

194. Gazeta.ru, “Borat’s Enemy, Nomad,” at http://www.gazeta.ru/culture/2006/09/25/kz_857491.shtml?kz857491 (accessed 19 October 2012).

195. Interview with Anton Shin, Chair of the Executive Council, International Association of Cable Operators Asia, Almaty, 4 January 2013.

The Law of the Republic of Kazakhstan on Mass Media¹⁹⁶ (Law on Mass Media) and the Law of the Republic of Kazakhstan on Advertising¹⁹⁷ (Law on Advertising) put restrictions on the content of ads in the broadcasts of foreign channels (e.g., restriction on commercials about alcohol, cigarettes, etc.), but they are too difficult to monitor, says Mr Shin. Contractual obligations permitting, cable operators insert their own ads to replace those that are at odds with the local legislation. The law also requires media outlets to notify local governments concerning certain sexual content.¹⁹⁸

5.4 Assessments

The spectrum allocation process in Kazakhstan cannot be referred to as politicized for the simple reason that there has been no real competition for frequencies since the early 1990s. Then, when a competition-free political system in Kazakhstan was established, broadcast media, the main source of news for the scattered population, were put under strict control by the authorities, with a handful of independent channels being pushed out of the market. The broadcast media are now owned by the state or by functionaries and businesses close to the ruling power. The new television and radio channels that have been launched in the past five years are also believed to be controlled by the ruling elite.

Thus, there have been no independent contenders for frequencies for more than a decade, and institutionally, the process of spectrum allocation is vulnerable to interference from the authorities. The Commission for Development of Broadcasting responsible for holding tender competitions is a rather politicized institution, and is subordinate to the regulating body, currently the Ministry of Culture and Information.

However, the rise of platforms alternative to FTA broadcasts—particularly cable and satellite—has somewhat diminished the effectiveness of such restrictive spectrum allocation policies.

It is likely that the spectrum allocation regulations will remain very similar to that in the analog era, and that digitization will hardly take into account public interest. It is still unclear how the digital dividend will be allocated.

If the existing practices of dealing with the broadcast media persist, especially in spectrum management, civil society and business participation in decision-making will be minimal. The politically skewed composition of the Commission for Development of Broadcasting suggests there is little political appetite for increasing the NGOs' presence.

Taking into account the almost complete lack of public awareness of digitization, it is difficult to expect that the wider public will engage in debate over these issues.

196. Law of the Republic of Kazakhstan on Mass Media of 23 July 1999 No. 451-I (with alterations and amendments as of 7 October 2012), at http://online.zakon.kz/Document/?doc_id=1013966 (accessed 7 January 2013) (hereafter, Law on Mass Media).

197. Law of the Republic of Kazakhstan on Advertising No. 508-II, 19 December 2003, at http://online.zakon.kz/Document/?doc_id=1045608 (accessed 7 January 2013) (hereafter, Law on Advertising).

198. Law on Mass Media, Article 14, provision 2.1.

6. Digital Business

6.1 Ownership

6.1.1 Legal Developments in Media Ownership

There is no separate law or legal provision governing media ownership. Article 6 of the Law on Mass Media¹⁹⁹ broadly defines who is considered a media owner, and what other responsibilities a media owner can take on (journalist, editor, publisher or distributor).²⁰⁰ The number of media outlets that a citizen or a legal entity can own is not limited, and there are no legal provisions requiring the disclosure of the ultimate beneficial owners. This makes media ownership virtually unrestricted and non-transparent.

However, media owners are still subject to some general laws on ownership. According to the Civil Code of the Republic of Kazakhstan (Civil Code), all business owners (not just owners of media businesses)—whether entities or individuals—are required to abide by tax and anti-monopoly laws. The Civil Code also requires business owners to respect individual and state rights and interests that might be harmed by their monopolistic or otherwise dominant position²⁰¹ (the law does not specify what constitutes a dominant position). No cases have been recorded of mass media outlets being charged with violation of this provision.

In 2004 the Ministry of Culture, Information and Sport initiated a bill on Guarantees of Freedom of Speech. According to Article 16 of the draft law, media companies would be required to publish, annually, information on their owners and any changes in their ownership structure. No action was taken to submit this draft to Parliament, and it has stayed shelved since 2005.²⁰²

The lack of specific regulations restricting concentration of media ownership has permitted the domination of the country's media market by a few influential figures. The media experts interviewed for this study agreed, as Adil Jalilov, Chair of the Media Alliance of Kazakhstan put it, that the media market is “largely

199. Law on Mass Media

200. Law on Mass Media, Article 6, provisions 1–2.

201. Civil Code of the Republic of Kazakhstan, Article 188, at <http://www.pavlodar.com/zakon/index.html?dok=00002> (accessed 3 October 2012).

202. Draft Law of the Republic of Kazakhstan on Guarantees of Freedom of Speech in Kazakhstan, 23 July 1999, at http://www.natkaz.kz/doc/zp_svs.pdf (accessed 9 January 2013).

uncompetitive and hardly profitable.”²⁰³ The majority of media owners are not in the business to make a profit, according to Erzhan Suleimenov, expert at the NGO Institute for Media Standards, “as they may already be prominent figures on the political scene or in the industrial sector; rather, political interests seem to be the driving force behind most of the big media projects.”²⁰⁴

Media ownership is even less clear in the online sector. Existing laws do not clearly articulate who is considered owner of a given website: the owner of the domain name, of the server or of the content of the website. This shortcoming came into play in 2010 when two owners of Kazakhstan’s most popular online forum Centr Tyazhesti (Ct.kz) went to court in a dispute over the ownership rights to the website. Dmitriy Zimin created the forum in 2000 but teamed up with Erzhan Isabaev in 2007 to further develop the project. Together, they established LLP New Line Media and then registered the Centr Tyazhesti domain and trademark under the company name. In 2009, Mr Zimin registered Centr Tyazhesti under his own name, cutting off his partner. In 2011, after a year-long legal battle, the two sides finally signed an agreement, following which all ownership rights were restored to Mr Isabaev.²⁰⁵ This case is notable as it revealed the lack of understanding of online media ownership among all stakeholders: the government, individuals, internet users, and the media.

There is little public debate about improving legislation on media ownership issues. During the debate on the Law on Broadcasting,²⁰⁶ in 2010–2011 media NGOs raised the issue of media concentration, among other problems. After the adoption of the law in January 2012 (which, according to an OSCE assessment, “did not address the issue of media concentration”²⁰⁷), civil society groups continued advocating, among other issues, for provisions preventing media concentration. According to Ms Zhaksybaeva, “provisions restricting media concentration should be included in the regulation that governs the work of the Commission for Development of Broadcasting²⁰⁸ ... to prevent granting 18–20 frequencies to private companies nationwide, which verges on recklessness.”²⁰⁹

The importance of preventative measures for media concentration was also highlighted at the conference, “Regulation of Television Sector in the Interests of Industry and the Public,” organized by the National Association of Broadcasters on 30 May 2012. Among more than 30 recommendations, the conference participants (media experts, broadcast media professionals, and NGO activists) called on the government to “develop a normative legal act preventing excessive concentration of assets in the sphere of broadcasting, and

203. Interview with Adil Jalilov, Chair of Media Alliance of Kazakhstan, Almaty, November 2010.

204. Interview with Erzhan Suleimenov, Expert, Media Standards Institute Public Foundation, Almaty, November 2010.

205. Nur.kz, “Conflict Surrounding ‘Centr Tyazhesti’ is Over,” 15 March 2011, at <http://news.nur.kz/178890.html> (accessed 29 March 2011).

206. Law on Broadcasting No. 545-IV, dated 18 January 2012, at http://online.zakon.kz/Document/?doc_id=31114820&mode=all (accessed 12 June 2012).

207. Andrei Richter, “Legal analysis of the Draft Law of the Republic of Kazakhstan ‘On television and radio broadcasting’ (April 2011 with addendum of September 2011),” 2011, p. 26, at <http://www.osce.org/fom/85484> (accessed 3 October 2012).

208. The Commission’s status and remit is mentioned in the Law on Broadcasting, but more specific regulations are spelled out through government decrees and the Ministry of Culture and Information decisions.

209. Zakon.kz, “Law as Means of Strangling,” at <http://www.zakon.kz/4468835-zakon-kak-sredstvo-udusheniya.html> (accessed 21 June 2012).

promoting development of pluralism.”²¹⁰ At the time of reporting, the government had not responded to the recommendation and no anti-monopoly provisions had been incorporated into the legislation.

6.1.2 New Entrants in the News Market

The most important new entrants in the news market in the last five years are Elorda Tynysy and Alash Media Group. Several mass media and web-based projects have been launched by these companies, whose ownership most of the experts interviewed for this study connect to a group affiliated with the former prime minister, Karim Massimov (as of September 2012, head of the administration of the president). The same claim was published in the media,²¹¹ but as is typical of media ownership issues in Kazakhstan, there is no incontrovertible evidence for this claim.

In 2008, the Agency of Informatization and Communication held a tender to redistribute radio and television frequencies²¹² (see section 7.2.3). Experts and media observers agree that it is then that the interest group represented by Alash Media Group bought the local television company Era, based in Astana. Before the acquisition it was a private channel, owned by a limited liability partnership without any political connections. Era’s programming was aired in Astana and included a strong news reporting component. Alash Media Group managed to secure two frequencies for its broadcasting, a local one for Astana and a national for the new Channel 7, which was developed on the infrastructure of Era. Soon afterward, new media outlets emerged, namely, *Focus* daily newspaper, the national television outlet Channel 7, Vesti.kz news website, the national radio station Tengri FM, the Kazakh-language newspaper *Alash Ainasy* and a number of news websites. Notably, all of these media companies, although separate and independent entities, occupy office space in the same building and belong either to Elorda Tynysy or Alash Media Group.

Lack of ownership data prevents us from stating it with certainty, but it appears that the only foreign media company working in the broadcast media sector in Kazakhstan is the Russian CTC Media, a large corporation producing entertainment programs, which in 2007 bought a 60 percent share in Channel 31, a private television station in operation since 1993. Since 2011, it broadcasts in all *oblast* centers. According to Kazakhstani legislation, a foreign entity cannot own more than 20 percent of any media company in Kazakhstan. To be able to control more than half of the shares, CTC Media acted indirectly, via majority shares in affiliated firms.²¹³ The deal was not questioned by the authorities, which in itself highlights the flaws in the legislation. As a result of the takeover by the entertainment-oriented CTC Media, Channel 31 lost a number of analytical programs, particularly weekly analytical programs with talk-show elements “Sostoyanie.kz” (State of Affairs) and “V centre vnimaniya” (At the Center of Attention), which were replaced

210. Internews Kazakhstan, “Recommendations of the Conference, ‘Regulation of the Television Sector in the Interest of Industry and Public,’” at <http://www.internews.kz/newsitem/13-06-2012/18863> (accessed 10 October 2012).

211. I-News.kz, “An Apple Does not Fall Far From the Tree,” at <http://i-news.kz/news/2011/02/15/4073438.html> (accessed 10 October 2012).

212. “The New ‘Era’ of Karim Massimov,” *Svoboda Slova*, 21 August 2008, at <http://izdatel.kz/news/digest/1176120677-svoboda-slova-novajajera-karima.html> (accessed 29 March 2011).

213. Zona.kz, “CTC Media signed the final agreement on a 60 percent purchase of Kazakhstan’s Channel 31,” 4 February 2008, at <http://www.zonakz.net/articles/?artid=20874> (accessed 29 March 2011).

by entertainment television shows and soap operas, most of them produced in Russia by CTC. However, in September 2012, Channel 31 launched a weekly current affairs program, “Chas Benditskogo,” which it positions as a show that reviews political events and conducts journalistic investigations (see above).

6.1.3 Ownership Consolidation

The majority of recent consolidations of ownership have been detrimental to pluralism and diversity in the country’s news market. Straightforward political news and analysis have largely moved off television screens, newspapers, and radio on to the internet, which is now virtually the only place where occasional open discussions happen. However, even internet sources cannot boast high-quality, impartial journalism.

The most significant media market development is a trend toward concentration of ownership, including government ownership. The government has established a stronger media presence by creating Nur Media. Founded in 2008 by Nur Otan, the holding took over a number of state and independent print, television, and radio outlets, some of which previously belonged to Rauan Media Group, a media holding that belongs to the national oil company KazMunaiGas.²¹⁴ The party controls 49 percent of the shares in Nur Media, while the sovereign wealth fund Samruk-Kazyna²¹⁵ controls 51 percent. The creation of this holding alone did not significantly influence pluralism and diversity. Most of these media outlets used to belong to financial industrial groups loyal to the president and their content was pro-government. Under the new ownership, the editorial angle remained the same, but putting them all under the same umbrella enabled the government to further cement its control over the information space.

Another curious attempt by the government to control the media landscape was the creation by government decree²¹⁶ of the national media holding company Arna Media, which existed from 2008 through March 2010, subordinate to the Ministry of Culture and Information. The holding was allegedly formed with the goal of improving the competitiveness of state media outlets.²¹⁷ However, it failed to do so and in December 2009 the state audit office of Kazakhstan published its annual report where it noted the “low efficiency of using state funds” by companies of the holding and stated that, among other things, the money earmarked for investment in the broadcast transmission network had not been used for the original purpose.²¹⁸ Shortly afterward, in March 2010, the holding was closed and the ministry undertook direct supervision over the outlets owned by the holding.

214. T. Trubacheva, “Seven newspapers, two radio stations and a TV channel,” 2 February 2009, at <http://nomad.su/?a=10-200902020028> (accessed 29 March 2011).

215. A joint stock company fully owned by the state, which manages state shares in the country’s major companies.

216. Government Decree No. 668, 3 July 2008, “On creation of joint stock company ‘National Information Holding Arna Media,’” at http://online.zakon.kz/Document/?doc_id=30192375&sublink=0#SUB0 (accessed 3 October 2012).

217. Zakon.kz, “Manager of Arna Media Holding Appointed,” at <http://www.zakon.kz/118621-naznachen-rukovoditel-kholdinga-arna.html> (accessed 3 October 2012).

218. Vesti.kz, “Arna Media Holding Accused of Inefficient use of State Funds,” at <http://vesti.kz/media/35080> (accessed 3 October 2012).

6.1.4 Telecoms Business and the Media

Other than through IPTV, the country's telecoms industry has not yet engaged in the media sector. The majority state-owned national operator Kazakhtelecom,²¹⁹ by all measures Kazakhstan's largest telecoms company, held a stake of 49 percent in GSM Kazakhstan, and was also a parent company to another GSM carrier, NEO. In March 2010, the Swedish company Tele2 bought 51 percent of Kazakhtelecom shares in NEO for US\$76.8 million (around KZT1.16 billion) (the remaining 49 percent belong to the private company Asianet Kazakhstan).²²⁰ In December 2011, Kazakhtelecom sold its 49 percent stake in GSM Kazakhstan to the Finnish company TeliaSonera for US\$1.5 billion (about KZT 227 billion).²²¹ These deals do not, however, appear to have any clear implications for the independent performance of media.

6.1.5 Transparency of Media Ownership

Media ownership in Kazakhstan is completely non-transparent. Nobody can ever tell with any certainty which media outlet belongs to whom. Article 15 of the Law on Mass Media requires all print media to include ownership information in each publication, for television programs to show the official logo, and for broadcast media to announce its name on air at least four times a day.²²² Media organizations comply with this requirement. However, officially available information does not reflect reality: the de jure owners are not the ones who fund and control these outlets in practice; in other words, the ultimate beneficial owners remain hidden.

In the past there have been unsuccessful attempts to shed light on the true owners of the media. For instance, in 2001 the Internews Network published an article stating that the president's daughter and her then husband Rakhat Aliyev owned a media holding. Mr Aliyev filed a protection of honor and dignity lawsuit against the organization, claiming that the allegations were false and the article was defamatory, and won the case. An independent assessment by the Guild of Linguistic Experts for Documentation and Information Disputes found no defamatory language in the article in question; however, the court ruled that the article had caused moral damage to the plaintiff's honor and dignity.²²³ Several years later, Mr Aliyev publicly admitted that he and his wife did, indeed, hold shares in a number of media outlets such as the national weekly newspaper *Caravan*, the national television channels Khabar and KTK, and the information agency Kazakhstan Today.²²⁴

219. Kazakhtelecom presentation, "Kazakhtelecom JSC—national operator of telecommunications in Kazakhstan," 2011, at <http://www.telecom.kz/download/Presentacia1.pdf>, pg. 22 (accessed 24 January 2012).

220. Vesti.kz, "Swedish Tele2 bought Kazakh cellular operator NEO," 17 March 2010, at <http://vesti.kz/economy/43928> (accessed 6 June 2012).

221. Nur.kz, "Kazakhtelecom sold its stake in Kcell to the Swedish company," 22 December 2011, at <http://news.nur.kz/204394.html> (accessed 6 June 2011).

222. Law on Mass Media.

223. Internews Kazakhstan, "'Internews Kazakhstan' does not agree with the decision of Almaty city court on Rakhat Aliyev complaint and appealed to the Collegium for civil cases of the Supreme Court," 6 June 2002, at <http://old.internews.kz/rus/bulletin/138/page01.htm> (accessed 29 March 2011).

224. Zakon.kz, "Answers of Rakhat Aliev to questions of 'direct internet-line' participants," 23 February 2007, at <http://www.zakon.kz/83052-otvety-rakhata-alieva-na-voprosy.html> (accessed 29 March 2011).

The lack of transparency notwithstanding, the identities of the beneficial owners of major media outlets are common knowledge among civil society and media organizations. The information about the individuals behind the media comes from a number of sources: insider's information, media content analysis, and expert observations. At the same time, the general public does not have a clear vision of who the major players are and can only guess. Occasionally there are articles in the opposition press speculating on the identities of true media magnates, but journalists and their sources are very careful in their suggestions because of a lack of factual evidence.²²⁵

In the period surveyed, there have been no major NGO-initiated campaigns for greater media ownership transparency in Kazakhstan.

6.2 Media Funding

6.2.1 Public and Private Funding

Similarly to other markets in the region, private funding in the media had been on the rise until 2007 and then sharply dropped following the global financial crisis. After the crisis state funding of the media started growing rapidly, doubling between 2008 and 2010. The total net advertising expenditure has fallen from its peak at US\$ 305 million in 2007 to US\$ 150 million (KZT4.6 to 2.2 billion respectively) in 2009.²²⁶

In 2010, the business weekly *Panorama* reported that “almost every media outlet—print, television or radio—fully experienced the costs of the crisis: advertising revenues have decreased significantly.”²²⁷ The newspaper quoted TNS Central Asia's Tatyana Startseva, who said advertising in all types of media shrank by up to 40–45 percent. Assel Karaulova, president of the Kazakhstani Press Club, whose organization conducted a poll of media owners and editors in late 2009 added: “According to the poll, 58 percent of the media market players estimate the market condition as bad, though not hopeless. Negative influence is caused by the financial crisis, harsher pressure on content by the state, the so-called holdingization [concentration of media in holding companies], the crisis of credibility and larger share of state procurement contracts in the media sphere.”

Advertising spending started slowly picking up in 2010 as the economy as a whole began to recover. However, Ms Karaulova notes that the crisis has modified the way mass media operate, and now many media businesses are looking for ways to get funding directly from the state and from businesses rather than through advertising.²²⁸

225. Contur.kz, “Massimov is out of focus”, 16 August 2010, at <http://contur.kz/node/1419> (accessed 29 March 2011).

226. D. Rakhimov, “Kazakhstan and World Media Advertising Market,” 12 November 2011, http://www.pressclub.kz/images/rahimov_kr10.pdf (accessed 29 March 2011).

227. A. Shaternikova, “Mass Media and the State,” at <http://panoramakz.com/archiv/2010/01.htm> (accessed 8 October 2012).

228. Interview with Assel Karaulova, president of the Kazakhstan Press Club, Almaty, November 2010.

Over the last five years, state spending on the media has been dominated by the practice of government procurement of media services for coverage of state policy and promotion of the issues declared by the government as priority topics. At least once a year, the relevant ministry (now the Ministry of Culture and Information, though this was previously managed by the now eliminated Ministry of Communication and Information) organizes public tenders for mass media to cover state policies, the president's addresses to the nation, propaganda activities, and other such. *Akimats* (municipal districts) also hold such tenders for the local media. According to 2010 research by MediaNet International Center for Journalism, since 2008, the share of media receiving state procurement contracts has increased from 33 percent to 65 percent.²²⁹ In other words, in the space of two years almost 70 percent of mass media in the country have, at least once, received a state contract. A survey carried out in 2012 by the North Kazakhstan Legal Media Center showed that, of 23 regional newspapers surveyed, 15 said they received funding through state procurement contracts²³⁰ (this practice is discussed in more detail in section 7.3.1).

In 2009, the ministry awarded altogether about US\$13 million (KZT1.9 billion) to print media and about US\$2 million (KZT 302 million) to digital media publications.²³¹ In 2012, the annual government procurement plan assigned US\$67 million (around KZT1 billion) to the state broadcaster Kazakhstan and US\$66 million (KZT0.9 billion) to Khabar in procurement for the “conduct of state policy.”²³²

According to Tulegen Askarov, president of BizMedia Center for Business Journalism, “the financial and advertising crises radically changed the editorial policies of most media. One more source of big changes is the online media sector, which is rapidly developing now, grabbing some part [though not yet significant] of ad revenues. The largest advertiser is now the state, and it influences all segments of the media market through *goszakaz*. It makes media incapable of criticizing the state.”²³³

6.2.2 Other Sources of Funding

Other sources of private funding have not emerged in the period under discussion. The practice of appealing to audiences and asking for donations to a particular outlet or program is not used in Kazakhstan. And international donors working in Kazakhstan do not include financial support to independent media in their portfolio.

229. MediaNet, “Government procurement in the Kazakhstani mass media: helpful or detrimental?,” at <http://www.internews.kz/newsitem/22-10-2010/13038> (accessed 11 October 2012).

230. North Kazakhstan Legal Media Center, “The results of expert survey of editors and mass media owners in Kazakhstan,” Astana, 2012 (hereafter, Legal Media Center, “Results of expert survey”), at <http://legalmediacenter.kz/2012-10-04-11-17-13.html> (accessed 24 April 2013).

231. Legal Media Center, “Results of expert survey.”

232. See http://www.mk.gov.kz/index.php?lang=rus&cid_open_rubric=805 (accessed 12 June 2012).

233. Email interview with Tulegen Askarov, president, BizMedia Center for Business Journalism, 14 January 2013.

6.3 Media Business Models

6.3.1 Changes in Media Business Models

The lack of public trust in national mass media, the concentration of ownership, the expansion of the government's presence in the market, the financial crisis, along with the steadily growing pressure on journalists (state interference is discussed in detail in section 7.3) have all had a major detrimental impact on mass media in Kazakhstan over recent years.²³⁴ The experts interviewed for this study point out that just before the crisis, in 2007, Kazakhstan's mass media had finally started functioning like real businesses that can generate profits and sustain themselves rather than serve as loss-making mouthpieces of their owners. However, the economic crisis nipped that development in the bud. As a result, numerous media publications went out of business while the rest learned how to survive by modifying their business models in two major ways.

First, media companies' marketing and advertising departments underwent considerable cuts. Today, on average, ad revenues comprise 15–40 percent of the total budget.²³⁵ In 2009, a survey of chief editors from 60 national and regional media outlets reported they had laid off up to 50 percent of their marketing staff and up to 70 percent of their advertising staff.²³⁶ These cuts and lay-offs are indicative of the changes in business models: unable to rely on revenues from advertising, the media have increasingly turned to other, more stable sources. In Kazakhstan, the state, large private and state-owned companies, and influential hidden owners of the media continue to be these stable sources providing direct subsidies.

The increased reliance on paid-for editorial content is the second major change in the business models of the media. A regular practice in the Kazakh-speaking media market is that a large portion of ads are not clearly defined as such. Ms Karaulova expresses concern that media do not differentiate sponsored materials from other content: “The practice of paid publications, not marked by a special disclaimer, endangers the main asset of the media—its reputation ... and misleads information consumers ... The content contracted by state procurement should be publicized with special disclaimers and not as editorial material.”²³⁷

6.4 Assessments

Two key developments in media ownership in Kazakhstan in recent years are the concentration of large media assets in the hands of decreasing numbers of owners affiliated with the ruling elite and the growing addiction of media outlets to *goszakaz* (state procurement of media services). This, combined with the continuing lack of transparency of media ownership, has significantly slowed down movement toward a free media market, something that seemed within grasp before the financial crisis.

234. Interview with Assel Karaulova, president of Kazakhstan Press Club, Almaty, 21 January 2011.

235. Interview with Assel Karaulova, president of Kazakhstan Press Club, Almaty, 21 January 2011.

236. Materials of the 2nd conference on development of the Kazakhstani media market, “Media-Kuryltai ‘09,” 25 November 2009, Almaty, 2010, p. 9.

237. See <http://wfin.kz/node/756> (accessed 17 December 2012).

The market is now dominated by the state and powerful owners and, moreover, the majority of the media in the country have received state funding in the form of *goszakaz*. The state procurement is conditional: it requires editorial support for government policies and discourages journalists from carrying on in-depth investigations or covering a wide scope of topics. Media freedom activists are unanimous that *goszakaz* is detrimental to independence, diversity, and pluralism.

No alternative funding models for producing news content have emerged in the surveyed period.

Digitization has not significantly changed how ownership affects the performance and independence of the media. Ownership structures in online media are equally non-transparent and even less regulated than those of traditional outlets and digital media, too, are among the recipients of state aid.

7. Policies, Laws, and Regulators

7.1 Policies and Laws

7.1.1 Digital Switch-over of Terrestrial Transmission

In the immediate years after the Geneva 2006 Agreement (GE06)²³⁸ the process of digital switch-over in Kazakhstan was marked by lack of action. Until the summer of 2010, there were only two policy documents setting the legal framework for digital broadcasting: the “Concept for Developing Competitiveness of the Information Space of the Republic of Kazakhstan for 2006–2009”²³⁹ and the “Strategic Development Plan of the Republic of Kazakhstan to 2020,” which envisioned completion of the switch-over to digital terrestrial broadcasting by 2015.²⁴⁰

In 2011, the government adopted the “Strategic Plan of the Ministry of Communication and Information of the Republic of Kazakhstan for 2011–2015,” which outlined a plan for digital terrestrial broadcasting to cover 95 percent of the territory by 2015.²⁴¹ This document was made obsolete in January 2012 when implementation of digital broadcasting was transferred to the Ministry of Culture and Information and the Ministry of Transport and Communications. Each of the ministries then developed its own set of strategic plans to address the switch-over.

The basic framework document for digital switch-over is the Law on Broadcasting, adopted in 2012.²⁴² Civil society actors have voiced concerns about the rushed process through which the law was developed and about the content of the law itself. The international organization for free expression Article 19, in an analysis of the draft law, pointed out that the law “favors government intervention and fails to provide guarantees

238. PT Forum, “Overview of the Geneva 2006 Agreement (GE06)”, Oslo, 16 October 2006, at <http://www.nettvett.no/ikbViewer/Content/Jan-Doeven-CEPT.pdf?documentID=50378> (accessed 15 January 2013).

239. Decree of the President of the Republic of Kazakhstan No. 163, 18 August 2006, on “Concept for Developing Competitiveness of the Information Space of the Republic of Kazakhstan for 2006–2009,” at <http://www.zakon.kz/kazakhstan/141566-ukaz-prezidenta-respubliki-kazakhstan.html> (accessed 8 January 2013).

240. Decree of the President of the Republic of Kazakhstan No. 922, 1 February 2010, on “Approval of the Strategic Plan for the Development of the Republic of Kazakhstan until 2020,” at <http://www.zakon.kz/162098-strategicheskijj-plan-razvitija.html> (accessed 8 January 2013).

241. Decree of the President of the Republic of Kazakhstan No. 43, 29 January 2011, on “Strategic Plan of the Ministry of Communication and Information of the Republic of Kazakhstan for 2011–2015,” at www.kazpravda.kz/_pdf/feb11/120211decision.pdf (accessed 8 January 2013).

242. Law of the Republic of Kazakhstan on Broadcasting No. 545-IV, 18 January 2012.

for individual rights.”²⁴³ The report said the draft “subjects the broadcasting sector to strict State control,” making the government a regulator with “broad and unlimited powers related to broadcasting,” and that these “command and control powers in the broadcasting field are in conflict with Kazakhstan’s commitment to promote and protect media freedom.”²⁴⁴ Key failings of the draft law signaled in the report include: too much state power over broadcasting; direct government control over broadcasting; failure to ensure public accountability of the broadcast regulator; failure to recognize promotion of diversity as a key concern for broadcast regulation; no protection for editorial independence; no mechanisms to ensure the fair and equal treatment of broadcasters; too much control over foreign media; continued presence of state broadcasters; and no provision for public service broadcasting.

In an interview with the news agency Interfax Kazakhstan, Adil Jalilov, Chair of the Media Alliance of Kazakhstan, a coalition of NGOs concerned with media protection, warned that the law “may have dire consequences for Kazakh television, [its] audience and the entire industry. It seems that the sole purpose of the lawmakers was to make Kazakhstan’s television a fully government-controlled media.” He also criticized lack of transparency in producing the law, pointing out that when President Nazarbayev signed the law in January 2012, the final version had not even been made public. Mr Jalilov also pointed out the failure to include a provision for public broadcasting in the law, and expressed frustration with its lack of public accountability: “Unfortunately, our broadcasting committee is a mere consultative and advisory body with a predominant opinion of the government, with no public and private interests taken into regard.” Mr Jalilov said the law overall “will make the domestic TV market deteriorate and shrink. We will see [fewer] private television channels, less pluralism, [fewer] critical opinions, less creativity, [fewer] new TV projects, but more bribery and corruption.”²⁴⁵

Other critics say that the Law on Broadcasting, which contains 43 articles and requires more than 20 bylaws, is over-complex and poorly constructed. Ms Zhaksybaeva called the law “too generic,” and pointed out that while the Law on Broadcasting at least was developed with some external expertise from civil society, the development of the bylaws had been done without such participation.²⁴⁶ A prominent media lawyer, Igor Loskutov, said, “Time will put this law to the real test. Otherwise, it is too early to assess its impact because the bylaws are still pending approval.”²⁴⁷

7.1.1.1 Access and Affordability

In 2010, the government announced digitization would be a multi-stage process, beginning with the introduction of digital satellite broadcasting, followed by the installation of the digital terrestrial broadcasting infrastructure, and finally ensuring the nationwide distribution of digital programming. The first stage began

243. Article 19, “Kazakhstan: Draft Law on Broadcasting,” September 2011, provision 2, at <http://www.article19.org/resources.php/resource/2733/en/kazakhstan:-draft-law-on-broadcasting> (accessed 10 January 2013) (hereafter, Article 19, “Kazakhstan: Draft Law on Broadcasting”).

244. Article 19, “Kazakhstan: Draft Law on Broadcasting,” provision 4.

245. Interfax Kazakhstan, “The Broadcasting Law may have dire consequences for Kazakhstan’s television and its audience,” February 2012, at http://www.interfax.kz/?lang=eng&int_id=13&category=exclusive&news_id=63 (accessed 11 February 2013).

246. Interview with Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan, Almaty, June 2012.

247. Interview with Igor Loskutov, CEO of UrInfo, LLP, media lawyer, Almaty, 14 January 2013.

in 2009–2010 when Kazteleradio merged with a privately owned satellite television provider, Katelco Plus. Kazteleradio then launched a new brand OTAU TV and set a goal to ensure that national channels become accessible in remote rural areas (for more detail on OTAU TV services see section 2.1.2). The first stage of digitization was officially declared complete in January 2011.²⁴⁸

According to the Ministry of Transport and Communications, in November 2012, the number of OTAU TV subscribers reached 200,000,²⁴⁹ up from 130,000 in May. Among those gaining access were 5,500 households in 617 towns that previously did not receive analog signals of national channels.²⁵⁰

Digitization of broadcasting was set as one of the key priorities by the ministry in the Sectorial Program for ICT Development 2010–2014.²⁵¹ As Kazteleradio reported in 2012, digital switch-over will involve four stages:²⁵²

1. launching digital terrestrial broadcasting in five cities: Almaty, Astana, Karaganda, Zhezkazgan, and Zhanaozen by the second quarter of 2012 (launched in July 2012);²⁵³
2. covering 14 *oblasts*, with 56 percent reach of the population, by 2012–2013;
3. covering the border regions, with 80 percent reach of the population, by 2013–2014;
4. covering the inland regions, with 95 percent reach of the population, by 2015.

On 27 August 2011, the Minister of Finance, Bolat Zhamishev, said the government would allocate KZT 57 billion (approximately US\$ 387 million) for the launch of digital terrestrial broadcasting in 2012–2014.²⁵⁴ Estimating the total cost of the switch-over for the same period of time, Kazteleradio cited a figure of KZT 51,358 billion (US\$ 340 million).²⁵⁵

According to Abai Kadraliev, Chair of the Executive Council of Kazteleradio, digital terrestrial broadcasting opens access to nearly 30 channels. Before 2012 when digital broadcasting was first introduced, more than 50 percent of the population could watch only four channels, or fewer.²⁵⁶

248. Khabar.kz, “Nursultan Nazarbayev Launched National Satellite Broadcasting,” 18 January 2011, at http://www.khabar.kz/rus/politics/Nursultan_Nazarbaev_zapustil_nacionaljnuju_setj_sputnikovogo_veshtanija.html (accessed 12 June 2012).

249. Otautv.kz, “In Kazakhstan, 420 Towns Got Access to Digital Broadcasting,” 9 November 2012, at http://otautv.kz/?page_id=51&cid=743 (accessed 8 January 2013).

250. Kazteleradio.kz, “OTAU TV has 130,000 subscribers,” 31 May 2012, at <http://kzteleradio.kz/rus/2012/05/31> (accessed 9 January 2013).

251. Government Decree No. 983, 29 September 2010, “On Adoption of the Program on Development of Information and Communication Technologies in the Republic of Kazakhstan for 2010–2014,” at <http://kzcontent.kz/files/zan/postanovlenie.doc> (accessed 9 January 2013).

252. “Development of Digital Broadcasting in Kazakhstan,” presentation by Abai Kadraliev, Chair of the Executive Council of Kazteleradio, at the conference entitled “Regulation of Broadcasting in the Interests of Society and Industry,” 30 May 2012.

253. Kazteleradio.kz, “Kazakhstan: Digital Broadcasting Launched In Five Cities,” 16 July 2012, at <http://kzteleradio.kz/rus/2012/07/16/v-pяти-городах-казахстана-начало-вещи/> (accessed 12 January 2013).

254. Gazeta.kz, “In Three Years, Kazakhstan Will Allocate 57 Billion Tenge for Digital Broadcasting,” at <http://news.gazeta.kz/art.asp?aid=347568> (accessed 9 January 2013).

255. Kazteleradio, presentation at the conference entitled “Prospects for the Development of Digital Broadcasting in Kazakhstan,” Almaty, 10 January 2012 (available in hard copy).

256. Kazteleradio.kz, “By 2015, Digital Broadcasting Will Be Accessible to 95 Percent of Kazakhstani Population,” at <http://kzteleradio.kz/rus/2012/08/23/> (accessed 9 January 2013).

While the Law on Broadcasting provides extra space for locally produced content, it limits access to foreign channels. For foreign channels distributed in Kazakhstan it sets new procedures requiring them to register with the government within one year of the law coming into force (2 March 2012).²⁵⁷ If channels do not register they will be ineligible for transmission in Kazakhstan after 2 March 2013. This may reduce the offerings of existing cable packages, which depend heavily on foreign channels (up to 80 percent).²⁵⁸ At the time of reporting, about 70 percent of the foreign channels currently transmitting in Kazakhstan were not registered.²⁵⁹ There is no evidence at this point that a selective process is being applied to registration.

There are three ways in which the authorities in Kazakhstan have addressed access and affordability. First, the provision of digital signals nationwide increases access, particularly considering the fact that the signal is becoming available in areas that previously had only a handful of broadcast channels available. The second example is the provision of free set-top boxes by OTAU TV to low-income viewers. The third example is the establishment of a free-tier MUX on the OTAU TV subscription, so that viewers with the OTAU set-top box can view basic channels without paying a subscription fee.

7.1.1.2 Subsidies for Equipment

The Law on Broadcasting sets the framework for providing the population with the equipment to access digital television. Article 42.2 stipulates that the entire population of Kazakhstan must have access either to digital terrestrial or satellite broadcasting before complete switch-over.²⁶⁰

Provision 9 requires local executive bodies in Astana, Almaty, and 14 *oblasts* to provide and distribute set-top boxes to socially vulnerable members of the population (defined by level of income). However, procedures for this have not been yet announced.

7.1.1.3 Legal Provisions on Public Interest

The concept of public interest is neither addressed in the Law on Broadcasting nor is it present in other legislation. Instead, the law refers to “socially significant information” and to home-grown news programming that has to compete with popular foreign channels (mainly from Russia).

According to Article 12 of the Law on Broadcasting, a must-carry package should include a set of “socially significant information” that “has to ensure the right to information, free speech, freedom of expression and foster pluralism of voices.”²⁶¹ The must-carry package should be “selected on the basis of competition ... once every three years”²⁶² and approved by the government. The first such list, approved on

257. Law on Broadcasting, Article 42, provision 7.

258. Almatv.kz, “Cable Packages,” at <http://www.almatv.kz/almaty/services/digitaltv/channels/> (accessed 7 February 2013).

259. Zakon.kz, “Sholpan Zhaksybaeva: They Use Our Own Money to put a Lock on our Television Sets and Suggest Buying the Key from Kaztelerradio,” 28 January 2013, at http://www.zakon.kz/top_news/4537867-sholpan-zhaksybaeva-za-nashi-zhe-dengi.html (accessed 12 February 2013).

260. Law on Broadcasting, Article 42.2.

261. Law on Broadcasting, Article 12, p. 1.

262. Law on Broadcasting, Article 12, p. 2, 6.

9 January 2013,²⁶³ consists of eight state and six private channels, which are set as mandatory for nationwide distribution.²⁶⁴ Those channels will be given the priority for inclusion in the first MUX of the DVB-T2 standard, which has the capacity to carry up to 18 channels.

Although civil society pushed for their inclusion, no regional private channels were included in the must-carry package. Instead, the must-carry package leaves some space on the first-tier MUX so that a few additional channels might be added in addition to the must-carry channels.

The discussion of the inclusion of regional channels in the MUX is worth examination. On 25 February 2011, at a roundtable discussion on the issue organized in Astana by the NAB, Nurai Urazov, then Vice-Minister of Communication and Information, said the government would not guarantee the inclusion of private provincial channels in MUXs since they lack competitive advantage over national stations and their local affiliates. One way for them to stay on the market, according to Mr Urazov, was to become cable-only or to go fully online.²⁶⁵

The government was reluctant to include local television channels in digital multiplexes, says Ms Zhaksybaeva, a strong advocate of private regional broadcasters. The government did not seem to rely on audience preferences, she said.²⁶⁶ A survey, released by the NAB in March 2011, showed viewers' strong preference for local channels (73 percent of respondents in a sample of 500) as sources of reliable information in the regions.²⁶⁷ It has to be noted that local television stations that serve as key sources for local news content in the *oblasts* often enjoy more freedom than national state channels. If the reach of the former is diminished as a result of the switch-over, that would hurt independent voices and affect the pluralism of the media.

A turning point in the discussion on the inclusion of local channels came in June 2011 when the Ministry of Communication and Information amended the draft Law on Broadcasting by adding a provision guaranteeing the inclusion of regional broadcasters in the MUX.²⁶⁸ The NGOs involved in discussions on the legislation saw this as a success, because initially the government had perceived local television stations as lacking a competitive edge due to the perception that they rely heavily on re-broadcasts. Although there are no publicly available data showing how much re-broadcast content regional channels carry, the experience of one station suggests the perception that they rely heavily on that material may be mistaken. Vyacheslav Schwartz, Executive Director of Otyrar-TV, a Shymkent-based private television station, said their share

263. Government Decree No. 1713, 28 December 2012, "On Approval of the List of Must-Carry Channels" (copy provided by Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters of Kazakhstan).

264. Azattyq.org, "Fourteen Channels to Broadcast Free-of-Charge," 10 January 2013, at <http://rus.azattyq.org/content/tv-channels-list-to-broadcast-free-of-charge/24819433.html> (accessed 10 January 2013).

265. Azattyq.org, "Regional Channels Are Fearful of the Digital Switch-over," 28 February 2011, at http://rus.azattyq.org/content/television_kazakhstan_media/2323148.html (accessed 12 June 2012).

266. Interview with Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters, Almaty, March 2012.

267. National Association of Broadcasters of Kazakhstan (NAB), "Role of Local Television Channels and the Public Take on Digital Switch-over," Almaty, March 2011 (available in hard copy).

268. Law on Broadcasting, Article 42, p. 4.

of rebroadcasted programming does not exceed 20 percent. Broadcasting 24/7, the station produces nine newscasts daily. The rebroadcasted material, Russian REN TV-produced documentaries and science-fiction dramas and documentaries, is mostly shown on weekends.²⁶⁹

7.1.1.4 Public Consultation

In 2009, a working group under the Ministry of Culture and Information began drafting the “Concept of Transition to Digital Broadcasting (The Transition Concept),”²⁷⁰ which was supposed to spell out technical procedures for the switch-over to digital broadcasting. The 23-member group had only one civil society representative, Ms Zhaksybaeva.

Ms Zhaksybaeva said that between 2008 and 2010 there were about a dozen drafts of “The Transition Concept.” According to her, instead of improving a single draft by addressing the recommendations from the working group members in revisions, the government appeared to create a brand-new document with each subsequent version.²⁷¹ In the end, the final draft was never adopted.

Public participation and discussion increased with the drafting of the Law on Broadcasting. In the spring of 2011, when drafting the Law on Broadcasting was under way, the Ministry of Communication and Information invited Ms Zhaksybaeva, Tamara Kaleyeva of Adil Soz Foundation, Marzhan Elshibaeva of Internews Kazakhstan, and Mr Shin of the Association of Cable Operators Asia to take part in the working group. Ms Kaleyeva noted that she would often receive invitations at short notice to the meetings held in Astana, 1,200 km from Almaty, where the great majority of NGOs are based. Ms Kaleyeva thought that this signaled reluctance to allow civil society to take part in decision-making.²⁷²

A coalition of three NGOs—the NAB, Adil Soz, and Internews Kazakhstan—together submitted eight sets of recommendations. Some of their suggestions which made their way into the final bill provided leverage and support for private broadcasters during the transition period.

NGOs stressed that the government was very reluctant to listen to their arguments on several matters of principle. On 6 September 2011, days before the bill went for review to the lower chamber of Parliament, a group of signatories, led by Adil Soz, the NAB, Internews Kazakhstan, and the Cable Operators Association, released a statement calling for parliamentarians to include representatives of their organizations in the working group. They voiced their objections to the state monopoly on digital signal delivery and criticized the panel of the Commission for Development of Broadcasting for its low number of civil society representatives, arguing that broader participation of the NGOs would help to reduce the risk of corruption and excessive state control.

269. Telephone interview with Vyacheslav Schwartz, Executive Director of Otyrar-TV, 6 February 2013.

270. Natkaz.kz, “Concept of Transition to Digital Broadcasting,” at www.natkaz.kz/doc/DTV_concept.doc (accessed 14 January 2013).

271. Interview with Sholpan Zhaksybaeva, Executive Director of the National Association of Broadcasters, Almaty, 21 November 2011.

272. Interview with Tamara Kaleyeva, president of Adil Soz Foundation, Almaty, 14 May 2012.

In November 2011, these advocates joined the working group. However, there were no meetings of the working group in the lower chamber of Parliament because it was dismissed. Formally, five meetings of the working group were held in the Senate, but the NGO coalition was invited to attend only the third one, on 5 December 2011.

In effect, technically civil society organizations were allowed to participate in the development of the framework, but this participation was limited, as was its effect.

The general public awareness campaign and a wider public debate have so far been limited too. “Besides a few 30-second commercials on national television, a comprehensive information campaign has not yet picked up speed,” says Ms Zhaksybaeva.²⁷³

7.1.2 The Internet

7.1.2.1 Regulation of News Content on the Internet

In 2009, President Nazarbayev approved a set of restrictive amendments to the legislation on information and communications networks (hereafter, the Law on the Internet).²⁷⁴ Legislators replaced the conceptual definition of the website with the broader term “internet resource,” and equated all internet resources, including social networking websites and personal blogs, with mass media. Thus, UGC became subject to state regulation along with the content supplied by mass media.²⁷⁵ The amendments further held that, like professional mass media, amateur online authors and publishers could be held liable for committing administrative or criminal offenses. According to section 2.1 of Article 25 of the Law on Mass Media, both the owner and editor-in-chief of a media outlet bear responsibility for “dissemination of statements and materials containing propaganda or agitation to overthrow the constitutional order, to undermine the integrity of the Republic of Kazakhstan, to undermine state security, to incite war, social, ethnic, national, religious, class and birth status supremacy, cult of cruelty, violence and pornography regardless of its initial source.”

The law was passed on the eve of Kazakhstan’s chairmanship at the OSCE and was harshly criticized by OSCE, civil society actors, international observers, and the media.²⁷⁶ Critics urged President Nazarbayev to veto it, arguing that it would affect Kazakhstan’s efforts toward the democratization of media governance by restricting the freedom of the internet and media freedom in general.²⁷⁷

273. Interview with Sholpan Zhaksybaeva, National Association of Broadcasters of Kazakhstan, Almaty, October 2012.

274. Law of the Republic of Kazakhstan on Introduction of Amendments to the Legislative Acts of the Republic of Kazakhstan on Information and Communication Networks No. 178-IV, 10 July 2009, at http://online.zakon.kz/Document/?doc_id=30447840 (accessed 10 January 2013).

275. Committee to Protect Journalists (CPJ), “Disdaining press freedom, Kazakhstan undermines OSCE,” at <http://cpj.org/reports/2010/09/disdaining-press-freedom-kazakhstan-undermines-osc.php> (accessed 1 November 2012).

276. Andrei Richter, “Comments to the Draft Law of the Republic of Kazakhstan on Introduction of Amendments to the Legislative Acts of the Republic of Kazakhstan on Information and Communication Networks,” <http://www.osce.org/ru/fom/36861> (accessed 1 November 2012).

277. OSCE, “OSCE media freedom representative urges Kazakh President to veto new Internet law,” 25 June 2009, at <http://www.osce.org/fom/51086> (accessed 12 June 2012).

7.1.2.2 Legal Liability for Internet Content

The Law on the Internet imposes legal responsibility (civil, administrative or criminal) on the owner of an internet resource, its editor-in-chief, and the author of a post or comment. As a result, according to Mr Loskutov, there are few options for a website owner who wants to reduce susceptibility to charges based on content posted by users: “He or she should turn off the comment option, avoid creating forums, blogs, and chats on the website, or exercise absolute censorship,” he says.

The courts are in a position to decide on the degree of individual responsibility on a case-by-case basis. The owner and the editor-in-chief are liable for the published content regardless of the original source of information or the original author of the article or the comment. Exceptions listed in Article 26 of the Law on Mass Media include information distributed by government agencies, public speeches by government officials and citizens, and statements in live broadcasting.²⁷⁸ Moreover, the law does not clearly define the owner of the internet resource.

The growing use of social networking websites complicates the issue even further. For instance, the law does not draw a clear distinction between the owner of the social networking website as opposed to the owner of the personal account. Mr Loskutov believes the existing gaps in the law are related to the legislators’ and the government’s lack of understanding of internet terminology and the intricacies of online communication.²⁷⁹

Prior to the passage of the Law on the Internet, government agencies undertook efforts to regulate internet content. In 2007, website blocking was used as a measure to terminate the dissemination of information on corruption cases. As Adil Soz reports, in October 2007, Kazakhtelecom blocked access to four major critical websites—Zonakz.net, Kub.kz, Geo.kz, and Inkar.info—which were alleged to be publishing tapped telephone conversations of Kazakhstan’s top officials.²⁸⁰ Public exposure of these facts forced authorities to undertake legal procedures to silence the critical voices.

For example, later on Kub.kz was shut down on legal grounds. The government regulator withdrew the registration of Kub.kz due to the fact that this server of a .kz domain website was physically located outside Kazakhstan, which is prohibited by Kazakh legislation.²⁸¹ In July 2008, Kazakh authorities created a precedent by closing Posit.kz on account of a comment to one of the articles published on the website, which was perceived as an incitement to inter-ethnic hatred.²⁸²

278. Law on Mass Media.

279. Interview with Igor Loskutov, CEO of YurInfo, Almaty, 15 January 2013.

280. Adil Soz, “Monitoring of the Internet condition and violation of rights of the Internet users in Kazakhstan in October 2007,” October 2007, at <http://old.adilsoz.kz/index.php?lan=russian&id=702> (accessed January 13 2013).

281. Freeas.org, “KUB is prohibited in Kazakhstan right after Borat,” 23 October 2007, at <http://www.freeas.org/index/stats.php?nid=7468> (accessed 13 January 2013).

282. Zakon.kz, “Press Release of the Office of Prosecutor General,” 4 July, 2008, at <http://www.zakon.kz/115515-o-priostanovlenii-sajjta-www.posit.kz.html> (accessed 13 January 2013).

Another case was the blocking of the popular blogging platform LiveJournal (Livejournal.com). LiveJournal was first blocked back in 2008 without any legal grounds before the introduction of the Law on the Internet.²⁸³ It was unblocked in November 2010 when the blog of Rakhat Aliyev (where he published tapped phone conversations of Kazakhstan's top officials and documents exposing corruption cases) was frozen by the LiveJournal administrators.²⁸⁴ However, in August 2011, access to LiveJournal was blocked again by the court order stating that some accounts were disseminating religious extremism.²⁸⁵ Svetlana Ivannikova, a LiveJournal spokeswoman, claimed that the company had never received any official notice from the government identifying certain accounts as extremist and requesting their removal.²⁸⁶

According to the lawyer Abdelmazhit Dzhumagulov, prior to filing a lawsuit against a media outlet for disseminating illegal information, the plaintiff (whether the government or a private citizen) should send a written notice to the website administrator explaining the situation with a request to delete the content in question. If the requirement is not fulfilled, one can address the request to the owner of the website or the owner of the domain name. The next step would be filing a complaint to law-enforcement agencies, such as the Prosecutor's Office or the Ministry Department of Internal Affairs.²⁸⁷

In April 2012, the Yessil District Court of Astana upheld the lawfulness of the blocking while considering an appeal by a citizen, Anatoly Utbanov, who claimed that blocking the whole website was a disproportionate measure, because the court decision concerned only one blog. During the court hearing, a representative of the Ministry of Communications and Information cited the lack of technical capacity to filter separate accounts as a reason for these actions, but said that this would be feasible in July 2012.²⁸⁸ No official reports have been made public since then on whether such technologies were introduced. In October 2011, according to Kazakhstan's Security Council spokesperson, Tanirbergen Bapanuly, access to 125 websites has been blocked for carrying content deemed extremist.²⁸⁹

Regarding the law, a main concern of media freedom organizations was the *de facto* equating of internet users with journalists, even though *de jure* these two terms are different, because the Law on Mass Media defines a journalist as an individual contracted for gathering, processing, and preparing reports and materials for a media outlet. And their concerns proved to be justified: in January 2013, two internet users were found guilty of defamation and received a one-year suspended sentence. In June 2012 two employees of Zhetysu

283. Lenta.ru, "Kazakhstan blocks access to LiveJournal," 9 October 2008, at <http://lenta.ru/news/2008/10/09/kazakh/> (accessed 13 January 2013).

284. Adil Nurmakov, "Kazakhstan: LiveJournal Unblocked After 2 Years of Filtering," Global Voices Online, 17 November 2010, at <http://global-voicesonline.org/2010/11/17/kazakhstan-livejournal-unblocked-after-2-years-of-filtering/> (accessed 1 November 2012).

285. Neweurasia.net, "Kazakhstan blocks websites to battle religious extremism," 9 September 2011, at <http://www.neweurasia.net/media-and-internet/kazakhstan-blocks-websites-to-battle-religious-extremism/>, (accessed 24 January 2012).

286. See http://www.ifex.org/kazakhstan/2011/09/02/livejournal_suspended (accessed 17 April 2013).

287. Nomad.su, "Defamation Online," 30 January 2013, at <http://www.nomad.su/?a=13-201301300007> (accessed 6 February 2013).

288. Zakon.kz, "Court Confirmed Legitimacy of Blocking LiveJournal," 18 April 2012, at <http://www.zakon.kz/4485779-sud-podtverdil-zakonnost-blokirovki-zhzh.html> (accessed 6 June 2012).

289. Tengrinews.kz, "Kazakhstan closed access to 125 websites," 1 October 2011, at http://tengrinews.kz/kazakhstan_news/198106 (accessed 24 January 2012).

District Tax Administration published an anonymous statement on the blog of the chairman of the Tax Committee of the Ministry of Finance, Anuar Dzhumadildaev, accusing the management of Zhetysu District Tax Administration of corruption. Law enforcement bodies were engaged in a full investigation of the case. Policemen traced the IP address of the computer (located in an internet café) the statement was published from and examined CCTV footage to identify the publishers of the statement.²⁹⁰

Another new important provision of the Law on the Internet captured less attention. This provision gives the judicial branch the power to stop the dissemination of a media outlet on the territory of Kazakhstan if its content violates existing legislation.²⁹¹ This provision permits the control of the content of foreign websites as well as local ones.

The legislation does not have a mechanism for the out-of-court settlement of disputes unless a media outlet agrees to publish a correction. Once a lawsuit is filed against an internet resource, it can be suspended for up to three months or closed down, depending on the gravity of alleged offence, or in case of failure to clear the violation. This could mean losing a significant share of the audience.²⁹²

As Mr Loskutov points out, the question of sharing responsibility between owners and users of a website was not elaborated either in legislative or regulatory compliance practice, so it is not clear who bears responsibility²⁹³ However, attempts to share responsibility were made by some of the website owners and editors. The editor-in-chief of the internet newspaper *Zona.kz*, Yuriy Mizinov, following the passage of the Law on the Internet introduced a user agreement which suggests a shared responsibility for UGC published on the website.²⁹⁴ It is not clear whether that or a similar policy has been tested in court yet.

The year 2009 was marked by the heavier use of self-censorship and content removal being practiced by host companies. Many internet resources disabled comment functions at once,²⁹⁵ while most online content providers intensified their moderation practices to monitor and censor content that might lead to a lawsuit. Following the passage of amendments to the Law on the Leader of the Nation in July 2010, introducing legal responsibility for public insult and damage of the images of the First President,²⁹⁶ self-censorship grew stronger. UGC websites—for example, the leading blogging platform *Yvision.kz*—increased the number of staff moderators and tested various models of sharing responsibility with their users.²⁹⁷

290. Nomad.su, “Defamation Online,” 30 January 2013, at <http://www.nomad.su/?a=13-201301300007> (accessed 6 February 2013).

291. Law on Mass Media.

292. V. Fomicheva, “Internet in Kazakhstan,” Almaty, 2010, pp. 70–114, at http://www.mediaalliance.kz/download/253/IssledovanieinternetV_KazakhstaneKazakhstanskiyKontentKazakhstanskayaInternet-ekonomikaKazakhstanskoeInternet-pravoKazakhskoyazychniySegment.pdf (accessed 1 November 2012).

293. Interview with Igor Loskutov, CEO of YurInfo, Almaty, 15 January 2013.

294. *Zona.kz*, “User agreement,” at <http://www.zonakz.net/blogs-license.php> (accessed 15 January 2013).

295. Carl Schreck, “Kazakhstan Puts Pressure on Bloggers,” *The National*, 25 August 2009, at <http://www.thenational.ae/apps/pbcs.dll/article?AID=/20090825/FOREIGN/708249847/1140> (accessed 1 November 2012).

296. Amendments to the Constitutional Law on the First President of the Republic of Kazakhstan—the Leader of the Nation, No. 83-II, 20 July 2000, 14 June 2010, at <http://www.inform.kz/rus/article/2278166> (accessed 13 January 2013).

297. Interview with Stanislav Ignatov, owner of *Yvision.kz* website, Almaty, November 2010.

7.2 Regulators

7.2.1 Changes in Content Regulation

Article 20 of the constitution guarantees freedom of speech and creative activity, forbids censorship, and grants the right to receive and disseminate information by any lawful means.²⁹⁸

The constitution allows all mass media to receive and disseminate any information that does not reveal state secrets or otherwise violate the law. However, since 1999 when the Law on Mass Media was first adopted, dozens of legislative acts and decrees regulating both print and online media content have been either introduced or amended.²⁹⁹ The majority of those changes increased restrictions on the freedom of speech.

Since 2005, the Law on Mass Media alone has been amended five times. Following the 2005 presidential elections, the government adopted a series of laws, which increased the regulation of the media in various ways. Three additional Articles (4.1, 4.4, and 4.5) provide local executive bodies (not just national bodies) with oversight of and the ability to investigate mass media in their jurisdictions, including conducting inspections and raids on media organizations; fines were introduced for mass media that disseminate information without valid state registrations; a requirement of 50 percent Kazakh- and 50 percent Russian-language usage was introduced for broadcast media, and a requirement was introduced requiring a media outlet to re-register in case of change of ownership, major personnel, name or working language.³⁰⁰

The regulatory structure has changed several times over the last few years. The most recent shift, in January 2012, gave the responsibility for the technology sector to the newly established Ministry of Transport and Communications (hereafter, MTC), while assigning information-related regulation to the Ministry of Culture and Information. Until then, both functions had been performed by the former Ministry of Communication and Information, whose head, Askar Zhumagaliyev, became minister of the new MTC, which oversees digitization and internet infrastructure.

According to government officials' public statements, one of their responsibilities is to prevent ICT-related threats, such as tracking websites, disseminating harmful content (viruses, phishing software, etc.), illegal websites (pornography, extremist, terrorist, etc.), blacklisting websites for blockage by the ISPs and/or administrators at public service institutions, and combatting "destructive content" and "political extremism."³⁰¹

The broadcasting regulatory bodies are currently represented by two ministries. First is the Ministry of Culture and Information, which is responsible for content and the composition of the MUXs because the

298. See official website of the President of the Republic of Kazakhstan, "Constitution of the Republic of Kazakhstan of 30 August 1995," last updated 2 February 2011, at <http://www.akorda.kz/ru/category/konstituciya> (accessed 11 January 2013).

299. Law on Mass Media.

300. Medialaw.kz, "The Adopted Amendments to the Law on Mass Media will be Effective from 1 January 2007," at <http://medialaw.kz/index.php?r=85&c=2074> (accessed 12 February 2013).

301. Nur.kz, "Checks of 'undue' websites started in Kazakhstan," 1 March 2010, at <http://news.nur.kz/144920.html> (accessed 24 January 2012).

Commission for Development of Broadcasting, which makes these decisions, has remained in the structure of this ministry. The MTC supervises the technical side of broadcasting and the switch-over.

As a further step to openness, Ministry of Culture and Information established the Council for Mass Media, whose mandate is to develop suggestions on a wide range of issues; however, its decisions are not binding. Chaired by the Minister of Culture and Information and three other top ministry officials, the Council's panel is predominantly comprised of the institutions loyal to the ruling power (state-owned television stations, news agencies, newspapers, and government-controlled NGOs) and has only a few independent voices: the Chair of the Executive Council of the Journalists' Union Kazakhstan, Seitkazy Mataev, the president of Adil Soz, Ms Kaleyeva, and Mr Katsiyev, Regional Director of Internews Network in Central Asia.

7.2.2 Regulatory Independence

There are no mechanisms to ensure the independence of digital regulators from the government and political parties. The Ministry of Culture and Information regulates the media. The minister is appointed by the president, deputy ministers are appointed by the prime minister, who is nominated by the president and appointed by Parliament, which in turn is dominated by the president's party, Nur Otan (83 out of 107 MPs).³⁰²

The Commission for Development of Broadcasting, a 23-member regulatory body, is a consultative body which provides recommendations only. The prime minister has the authority to make binding decisions regardless of the Commission's recommendations.

7.2.3 Digital Licensing

There are two stages of broadcast licensing in Kazakhstan: issuing a license for television or radio broadcasting by registering with the Ministry of Culture and Information, as stipulated in the Law on Licensing,³⁰³ and granting a permit for broadcasting (i.e. the right to use a frequency) through public tenders, which are announced to compete for a placement in a MUX.³⁰⁴ Both procedures are supervised by the Ministry of Culture and Information.

Although the ministry maintains full authority and control over licensing, it is not that the system *de jure* favors one group over another. There is no evidence of a procedure being proved discriminative based on the applicant's political affiliation, because the current political environment provides little opportunity for a group not loyal to the ruling power to start a television or radio company. There have not been any attempts either, because the chance of winning a license in such conditions remains slim.

302. See official website of Parliament, "History of Parliamentary Development in Kazakhstan," at <http://www.parlam.kz/ru/history> (accessed 6 February 2013).

303. Law of the Republic of Kazakhstan on Licensing, 11 January 2007, No. 214-III at <http://www.zakon.kz/141150-zakon-respubliki-kazakhstan-ot-11.html> (accessed 15 January 2013); Zakon.kz, "Is Lawsuit a Noble Act?," 16 September 2009, at <http://www.zakon.kz/147367-samoregul-jacija-smi-v-kazakhstane-jeto.html> (accessed 15 January 2013).

304. Law on Broadcasting, Article 42, provision 6.

7.2.4 Role of Self-regulatory Mechanisms

Although there has been discussion of developing media self-regulation, this has not gone very far. It is controversial because it would be relatively easy to set up a pro-state so-called self-regulatory body that gave the appearance of self-regulation but actually increased state pressure on media. One recent example is the recent development of an ethics code for journalists in Kazakhstan, introduced in October 2012. The code was developed by a group of journalists working under the direction of the president. Although widely publicized when it emerged, the code was criticized by journalists specifically because it was developed by state and pro-state media, without input from critical voices. Though it is still early to tell, there is no indication that the code, which is not legally binding, has had any impact on journalists so far. (see also section 4.1.2).

7.3 Government Interference

7.3.1 The Market

In 2008, the government began providing state subsidies for the media (*goszakaz*). The Ministry of Culture and Information organizes public tenders among the media to provide news coverage on important political and social issues. *Akimats* hold similar tenders for the local media.

According to the North Kazakhstan Legal Media Center's electronic bulletin, from the beginning of 2013 the government allocated KZT48 million (US\$ 320,000) in tenders for the media, and more than KZT31 million (US\$ 207,000) are pending approval.³⁰⁵

In February 2013, the newly appointed Minister of Culture and Information, Mukhtar Kul-Mukhamed, called for revisiting criteria and procedures for state subsidies. "To attract a greater number of non-state media, tariffs [for releasing news stories] need to be increased," he said. Currently, the government pays KZT 120,000 (US\$ 800) for one hour of programming, which, according to the minister, does not fully cover the production costs of national television stations.³⁰⁶

In 2012 alone, the total cumulative budget in state subsidies was KZT 20,346,000 (US\$ 136 million), of which 89 percent (KZT 22,666,000 [US\$ 150 million]) was earmarked for Kazakhstan Broadcast Corporation, Khabar, and Mir "for carrying out information policy."³⁰⁷

With the financial crisis hurting the media market, the majority of editors and journalists interviewed for the International Center for Journalism MediaNet's study said the subsidies helped them stay afloat (see section

305. North Kazakhstan Legal Media Center, "Electronic Bulletin on State Subsidies for the Media," 7 February 2013 (available through an email distribution list).

306. Interfax Kazakhstan, "Kazakhstan-MCI-Media-Goszakaz," 4 February 2013 (available in hard copy by subscription).

307. North Kazakhstan Legal Media Center, "Research on State Subsidies for the Media," at <http://legalmediacenter.kz/2012-10-04-11-17-13.html> (accessed 15 January 2013).

6.2).³⁰⁸ In outlining the flaws of the state program, respondents contended that the authorities mainly in *oblasts* tend to favor state-owned media. Moreover, they noted that the process itself lacks transparency: the selection criteria are not clearly specified; and the public information on the funding provided for the media is published partially, or the data available in the public domain are not easily searched.

The MediaNet analysis also shows that government subsidies incite self-censorship. Editors and journalists interviewed for the study admit that receiving state support holds back the media from presenting news in a negative light.³⁰⁹

7.3.2 The Regulator

According to those working in critical media outlets, regulatory actions are often carried out against media that are out of favor, as a way of exerting pressure. Selective tax inspections are sometimes used to paralyze the work in the offices of critical media. One recent example was the tax inspection of the office of the video portal Stan.TV, which was subjected to tax audits and financial police interrogations for over six months.³¹⁰ Although no violations were found, staff correspondents were still summoned to answer questions.

Often regulating bodies use formal meetings with media representatives and issue official statements in order to launch mechanisms of self-censorship in media outlets. The most vivid example here is concerned with quotations from the book, *The Godfather-in-Law*, by President Nazarbayev's former son-in-law in exile, Rakhat Aliyev, published in 2009, which exposes corruption among Kazakhstan's top officials.³¹¹ Once the book was published, the Office of the Prosecutor General released an official communication to the media, in which they were warned not to cover or publish any information disseminated by Rakhat Aliyev. As Adil Soz reports, in May 2009 the Office of the Prosecutor of Almaty city invited the editors of the newspapers *Respublika* and *Vzglyad* (Gaze) for a conversation. At the meeting the Deputy Prosecutor, Bagban Taimbetov, presented an official document warning the editors against publishing any information from *The Godfather-in-Law*.³¹²

It has also been common practice during the most recent national election campaigns for the Office of the Prosecutor General and the Central Election Commission to release joint warnings for the mass media against "aggravation of the social-political situation,"³¹³ thus promoting self-censorship ahead of elections.

308. MediaNet, "Government Purchases on the Media Market of Kazakhstan: Is It Good or Not?" at <http://www.mediaalliance.kz/download/135/AnaliticheskiyObzorMezhdunarodnogoTsentraZhurnalistikiMedianetgoskazVSmiKazakhstanaPol'zalliVred.pdf> (accessed 1 November 2012).

309. Interview with Eduard Poletaev, chief editor of *Izvestia Kazakhstan* newspaper, Almaty, November 2010; interview with Adil Jalilov, founder of International Center for Journalism MediaNet, Almaty, November 2010.

310. Radio Free Europe/Radio Liberty, "Journalists of Stan.TV Complain About Increasing Pressure From the Authorities," at http://rus.azattyq.org/content/stantv_Alexander_Gabchenko_/2189582.html (accessed 1 November 2012).

311. Fergananeews.com, "The prohibited book of Rakhat Aliyev does not pose as much hazard," 26 May 2009, at <http://enews.fergananeews.com/articles/2537> (accessed 15 January 2013).

312. Adil Soz, "Mass media in Kazakhstan: Laws, conflicts, violations—2009," Monitoring Report, p. 6, at http://www.adilsoz.kz/book_pdf/28.pdf (accessed 17 April 2013) (hereafter, Adil Soz, "Mass media in Kazakhstan").

313. Adil Soz, "Mass media in Kazakhstan."

7.3.3 Other Forms of Interference

According to Adil Soz, which monitors violations of freedom of speech, there is a growing tendency to obstruct professional journalistic duty. In 2009, the number of such cases increased almost twofold compared with the previous year.³¹⁴

Violent physical attacks against journalists often take place. According to Adil Soz, on average there are 15–16 attacks against journalists every year.³¹⁵ In October 2011, journalists and a cameraman from Stan.TV were assaulted by unknown assailants with baseball bats when visiting West Kazakhstan to report on the oil workers' strike.³¹⁶ In that instance, the authorities launched an investigation into the assault, identifying two suspects reportedly wanted by the police.³¹⁷

Reporters Without Borders ranks Kazakhstan 162nd out of 179 countries in its Press Freedom Index (2011), where it noted that the state “has proved to be powerless” to find the perpetrators of several violent attacks on journalists in Kazakhstan.³¹⁸

The so-called “telephone law,” a phone call from a government official, is another form of pressure. For instance, *Golos Respubliki*, a weekly newspaper critical of the government and the president, could not get published for nearly two years and printed its weekly issues in a *samizdat* format (on office equipment).³¹⁹ But since late 2011, the newspaper has been printed in Russia and then imported to Kazakhstan.³²⁰ The pressure became apparent after the 2009 trial of *BTA Bank v. Golos Respubliki* (at the time called *Respublika*). BTA Bank, which is by 97 percent owned by the state, won a US\$ 400,000 defamation suit against the newspaper for running a story about allegations about alleged financial problems at the bank that led to mass deposit withdrawals amounting to billions of tenge. The former editor-in-chief Tatiana Trubacheva, said in a personal interview that this case was the government's attempt to shut down the newspaper.³²¹ Although other outlets had covered the story, she suggested, the newspaper was targeted for a lawsuit in order to silence a critical voice.³²²

Aside from *Golos Respubliki*, there are other examples of newspapers occasionally being turned down by printing houses. *Uralskaya nedelya* (The Ural Week), a local weekly published in Western Kazakhstan

314. Interview with Tamara Kaleyeva, president of International Foundation for Protection of Freedom of Speech Adil Soz, Almaty, November, 2010.

315. Interview with Tamara Kaleyeva, president of International Foundation for Protection of Freedom of Speech Adil Soz, Almaty, November, 2010.

316. Kaztag.kz, “Attack on StanTV Journalists Caused by Their Activity,” 27 October 2009, at <http://www.kaztag.kz/en/top-news/71426> (accessed 1 November 2012).

317. Aktau-News, “Two Suspects in Search Attacking Stan TV Journalists,” 9 November 2011, at <http://aktau-news.kz/?p=7600> (accessed 24 January 2012).

318. Reporters Without Borders, Kazakhstan, at <http://en.rsf.org/report-kazakhstan,112.html> (accessed 1 November 2012).

319. J. Lillis and D. C.K. Cox, “Kazakhstan: Keeping the Presses Rolling,” EurasiaNet.org, 29 March 2011, at : <http://www.eurasianet.org/node/63182> (accessed 12 January 2013).

320. See <http://cpj.org/reports/2010/09/disdaining-press-freedom-kazakhstan-undermines-osc.php> (accessed 17 April 2013).

321. Interview with Tatiana Trubacheva, former editor-in-chief, *Golos Respubliki* newspaper, Almaty, 29 December 2012.

322. Interview with Tatiana Trubacheva, former editor-in-chief, *Golos Respubliki* newspaper, Almaty, 29 December 2012.

province, and *Molodezhnaya Gazeta* (The Youth Newspaper) from Karaganda experienced problems with printing houses in 2010³²³ and 2011,³²⁴ respectively.

Legal actions against critical mass media are also quite frequent. The Law on Mass Media, and civil and criminal codes provide numerous opportunities for individuals and legal entities to file lawsuits against media outlets. For instance, libel and defamation lawsuits are widely used to silence critical voices.

According to Ms Trubacheva, the types of pressure put on crucial outlets have changed over the years. Prior to 2001, she says, “criminal methods were used to scare people out,” such as setting fire to the office or sending funeral flowers to editors. Later on, she says, criminal prosecutions and lawsuits became common. And once her newspaper went online, it started experiencing DDoS attacks.³²⁵

7.4 Assessments

The process of digital switch-over is gathering speed even in the absence of a thorough legal framework, and many decisions are taken in the corridors of government, with minimal transparency. Uncertainty over the government’s plans is aggravated by the fact that the initially outlined vision of the switch-over was abruptly changed and the first stage turned from being a preparatory phase for terrestrial digital broadcast into a brand new satellite-based component of the process. The legal basis for this change was adopted hastily, as has been the case with many other elements of the legal framework for digitization, most notably, the Law on Broadcasting. Although civil society did take part in the drafting process, its impact on the final text of the law was very limited. All interviewed representatives of three major media advocacy NGOs—Adil Soz, Internews Kazakhstan, and NAB—cited little efficiency in interaction with the government bodies even when they included NGOs in the working groups for developing official documents or draft laws.

The formation of digital multiplexes will be taking place on a competitive basis, but as the government-controlled Commission for Development of Broadcasting is in charge of the procedure, it is likely to lack transparency and public accountability.

The recent changes in legislation regulating mass media have been mostly restrictive and have imposed extra responsibility on the journalists and media outlets for content, including that which is user-generated. Minor improvements in the legislation are believed to be a result of the international pressure and concessions of the Kazakhstan authorities ahead of the country’s OSCE chairmanship. On the whole, the regulatory background still remains repressive and arbitrary, and it is unlikely that there is going to be enough political will to change this situation any time soon.

323. Bibo.kz, “Printhouse Polygraphservis refuses to publish ‘Uralsya Nedelya’ Newspaper,” 30 April 2010, at <http://internet.bibo.kz/395942-tipografija-poligrafservis-otkazyaetsja-pechatat.html> (accessed 1 November 2012).

324. Guljan.org, “Big Problems of a Small Newspaper,” 8 August 2011, at <http://www.guljan.org/ru/news/informblok/2011/August/391> (accessed 12 June 2012).

325. Interview with Tatiana Trubacheva, former editor-in-chief, *Golos Respubliki* newspaper, Almaty, 29 December 2012.

The broadcast media market on the national level in Kazakhstan is monopolized and divided between the state-owned outlets and those controlled by the higher officials (some independent channels have survived in the regions). In this regard, it is hard to consider the decision to include all nationwide channels in the satellite must-carry package as a step to ensure diversity in news delivery. Furthermore, concerns are raised over the lingering institutional complexity and opacity in the system of government bodies and enterprises. Particularly, the structure of management in institutions such as Kazteleradio and the ownership structure in enterprises such as Katelco, Khabar, and First Channel Eurasia remain unclear. Transparency is also lacking in the use of public finance allocated for the costly process of switch-over.

The state's interference in the media over the last five years has remained an issue, with an ever-increasing focus on the internet and new media. In general, violence against and outright pressure on the journalists is giving way to a broader use of economic tools, consisting of both pressure (bankruptcy following inflated fines in lawsuits) and encouragement (government procurement of media content).

8. Conclusions

8.1 Media Today

The media and journalism are heavily conditioned by the political environment, whose main features are the dominance of one political figure and one party, a narrowing space for public policy and debate, and a highly restrictive legislative framework, which has been moving toward stricter limitations in the surveyed period. Lack of transparency in media ownership and the total lack of regulatory independence further characterize the media market.

8.1.1 Positive Aspects

In 2007 came the downfall of the president's son-in-law Rakhat Aliyev, an oligarch and a politician who used to own vast media assets. His hugely influential media were either nationalized or changed ownership, both in non-transparent ways. Although this development did not lead to greater independence and pluralism, it nevertheless contributed to making the media field minimally more diverse.

The new entrants are linked to top officials and close affiliates of the regime, and no independent news provider has emerged in recent years. However, these companies clearly position themselves as competitors to the state-owned media and the government-controlled Nur Media, though they cannot be considered critical media. The new entrants are trying to employ new formats and most of them declare good-quality news their priority at least at the offset, although a drift toward more entertainment-oriented content can be observed.

Two-digit economic growth, fueled by high oil prices, increased extraction, and a real-estate bubble, provoked a severely sobering crisis in late 2008. The crisis had a significant impact on the media market. That impact continues to be felt, particularly in the lack of advertising spending. Despite this, infrastructural investment continues, new standards and services have been introduced, and tariffs have been reduced, thus making cable and satellite television and up-to-date internet connections more affordable.

The migration of the audience and media to the internet is gradual and modest in terms of pace and quality, but consistent. Growth of web-based professional and citizen media is accompanied by the emergence of online versions of mainstream media, albeit of varying degrees of sophistication. The importance of new media and of the use of the internet by mainstream media was even voiced by the former prime minister,

Karim Massimov, while several most well-known examples of migration of Kazakhstani media to the internet are connected to politically motivated restrictions against traditional formats or shutdowns by court rulings. The internet is assuming a leading role in giving critical voices an opportunity to speak out, although there are still not too many important online media that produce good-quality journalism using innovative tools. The community of consistently writing bloggers, citizen journalists, and thoughtful commentators is still embryonic, although growing rapidly.

The established media freedom organizations have had a few successful victories at lobbying, but overall the influence of civil society on media-related decision-making remains nominal. Likewise, digital mobilizations are of limited impact, although the internet, so far the freest platform for debate, has helped to raise awareness of the issues of regulation, particularly internet regulation.

8.1.2 Negative Aspects

The media environment remains unwelcoming for good-quality news content, analysis, and journalistic investigations. Self-censorship is widespread and there is a general understanding that there are taboo topics, such as criticism of government policies, the personalities of the president and his family, and top-level corruption, among other subjects. Editorial policies at the national level are replicated at the local level by regional journalists. A handful of newspapers, sponsored by the opposition, fail to produce good-quality criticism based on analysis or investigation.

The continued practice of silencing critical voices (even during the country's presidency of the OSCE in 2010) promotes further self-censorship. Legal proceedings on defamation remain the principal tool for bringing critical outlets to bankruptcy by means of disproportionate damage payments. Critical media face court-ordered bans on operation resulting in seizure of property, denied access to printing houses, and seizures of publications. Trials against journalists and editors, as well as sporadic violent attacks on them, still take place, though less frequently than in the early 2000s.

Broadcast media were put under strict control by the state and the ruling regime's cronies in the late 1990s and no major changes have occurred in recent years. Moreover, spectrum allocation procedures remain highly non-transparent. The switch-over process is at an early stage of implementation and includes a limited public debate, and the legal and procedural framework for switch-over lacks public input.

The legal framework has continued to move toward greater restrictions on freedom of expression. There are concerns about possible arbitrary interpretations of the new Broadcasting Law and bylaws yet to be developed. Various changes in laws have imposed extra restrictions on free speech, as have extra-judicial administrative practices of the Prosecutor's Office. Even more disturbingly, the Law on the Internet provides for the government's right to filter online content almost ubiquitously. Blockages of various internet resources by ISPs, particularly by the national operator Kazakhtelecom, occur regularly and in an arbitrary way.

Finally, the media market remains distorted because of funding practices. Those outlets outside direct government ownership or control can only choose between direct funding from the owner or sponsor, state

procurement orders, or massive reliance on PR articles and other types of hidden advertising. None of these practices foster greater independence or pluralism.

8.2 Media Tomorrow

The development of the media is extremely likely to continue being a hostage to the political milieu. The fact that there is a virtually uncontested political power, a weak parliament, non-transparent decision-making practices, and a restrictive framework for mass media all signal lack of political will for greater media freedom and pluralism.

The media tomorrow will be directly affected by the dubious legislative process, which has already produced problematic legislation concerning internet regulation, among others. The participation of non-governmental stakeholders is a mere formality, and is likely to remain so. Most developments in the media sector, including administrative decisions and ownership-related shifts, will still be politically motivated or pursue vested interests, or both.

The stagnant political outlook represents a serious weakness, especially against the background of strengthened elite groupings, which are taking over media assets. The majority of the media will continue to perform their role of news delivery poorly, sticking to the established practice of producing either openly pro-government or, at best, neutral content. The trends may turn out to be different in the regions, given the generally freer environment there and the audience's increasing preference for timely and topical local news over politicized nationwide content.

The switch-over process is set to be finished by 2015, but the detailed legislative framework has yet to be developed. Continuing practices suggest that in developing further regulation the government will keep its focus on maintaining control of the information space. Digitization will provide for further consolidation of state control over news distribution, and is unlikely to take into account public interest, a term which is not even defined in Kazakhstani law.

The information field will continue to be dominated by foreign, primarily Russian media, delivered via cable, IPTV, and satellite subscriptions. At the same time, the state will continue injecting investment into the development of local content, especially in the Kazakh language, both through state-owned media and via state procurement schemes.

An increase of internet penetration is certain; similarly the number of new media projects will be growing, but with the political environment as it is, few of them will provide substantial news value. Still, the internet will remain the freest space for public debate and is likely to grow in prominence as a news source.

9. Recommendations

9.1 Policy

9.1.1 Media Policy

9.1.1.1 Legal Framework for Digital Switch-over

Issue

The main framework document for the process of digital switch-over in Kazakhstan is the Law on Television and Radio Broadcasting, adopted hastily in 2012, after minimal civil society input. The law does not include provisions for public interest, is vague, and carries a risk of arbitrary interpretation, a routine tool of government interference.

Recommendation

The government should ensure the substantive participation of civil society in preparing bylaws related to digital switch-over. These bylaws should define the public interest and place it at the center of the switch-over process, introduce stricter safeguards for editorial independence, and provide for the fair and equal treatment of broadcasters. In addition, an advisory body comprising NGO activists, industry actors, and technical experts should be established under the auspices of Parliament, to monitor the implementation of digital switch-over.

9.1.1.2 Public Awareness Campaign on Digital Switch-over

Issue

The transition to digital terrestrial broadcasting is scheduled for completion by 2015, and is already under way in some regions. To date, however, there have been neither information campaigns nor public debates on the process of digitization. There is very limited public awareness and understanding of the forthcoming change, and its purpose, pace, and implications.

Recommendation

The Ministry of Culture and Information should develop and carry out campaigns promoting the purpose and general advantages of the digitization of broadcasting, and providing practical advice on the use of digital television. The ministry should disseminate information about the progress of digital switch-over via different media platforms, including a dedicated website and social networks.

9.1.2 Spectrum Policy

9.1.2.1 Transparency of Spectrum Allocation

Issue

In line with the broader system of political restrictions imposed on the media, the process of licensing in the analog era has lacked clear criteria and transparency, and favors pro-government channels. Given that the framework for and the process of digital switch-over have, thus far, mainly accommodated the interests of state-controlled channels, these features are likely to persist in the digital era.

Recommendation

Parliament should amend the Law on Broadcasting to establish transparent criteria for spectrum allocation in the digital era. The terms of tenders and tender applications should be made public by the Commission for Development of Broadcasting.

9.1.2.2 Transparency of Digital Dividend Allocation

Issue

The government has not published information on how the digital dividend, the spectrum freed up by the transition to digital broadcasting, will be used. There is no public discussion on the allocation of this public good.

Recommendation

The Ministry of Culture and Information and the Ministry of Transport and Communications should publish proposals on the allocation of digital dividend, and ensure civil society participation in relevant debates and public consultations.

9.2 Media Law and Regulation

9.2.1 Regulation

9.2.1.1 Independence of Media Regulators

Issue

There are no mechanisms to ensure the independence of the broadcasting regulator from the government. Lack of independence is ingrained in the system, as regulation is performed by the Ministry of Culture and Information rather than a separate body and members are appointed by the president or Parliament, which is controlled by the president's party, Nur Otan. There is no debate in society about a need for transition to independent regulatory bodies.

Recommendation

Media advocacy organizations should initiate a series of awareness-raising events to stimulate public and professional debate about regulatory independence, and start advocating for legal changes aimed at introducing independent regulatory bodies.

9.2.1.2 Internet Regulation

Issue

A set of amendments to the media-related laws commonly referred to as the Internet Law has defined all internet resources—including social networking websites and other outlet for UGC—as mass media. This ensures that all internet content remains subject to the country’s restrictive media regulation, which helps the authorities to silence critical outlets; the new law has already been used on a number of occasions to muzzle dissent online.

Recommendation

The stakeholders who led protests in 2008 against the Internet Law—including media NGOs, online businesses, independent media, and individual internet users—should maintain pressure for internet freedom, raising the issue in the media and at internet-related forums, particularly international events. Instances of content-blocking and filtering should be widely publicized, with civil society campaigning for the reasons behind each instance to be made public, as well as using strategic litigation to challenge decisions to block sites.

9.3 Public Service in the Media

9.3.1 Transition to Public Service Broadcasting

Issue

Despite repeated urging by inter-governmental organizations, Kazakhstan has not initiated the transition of state broadcasters into public service media. There are no legal provisions for public service in the law.

Recommendation

The government should—in consultation with civil society organizations—prepare a statute on public service media and related bylaws, in order to define public service in the media, establish the legal basis for transition to public service media, and regulate the structure of public oversight, the funding model, and the structure of public service media companies. The law should take into account the requirements of the digital era and the resulting need for public service media to be available on a variety of platforms.

List of Abbreviations, Figures, Tables, and Companies

Acronyms and Abbreviations

3G	Third generation of GSM mobile telephone technology
CCTV	Closed-circuit television
CEO	Chief Executive Officer
CIS	Commonwealth of Independent States
DDoS	Distributed denial-of-service
DVB-C2	Digital video broadcasting—second generation cable
DVB-S2	Digital video broadcasting—second generation satellite
DVB-T	Digital video broadcasting-terrestrial
DVB-T2	Digital video broadcasting—second generation terrestrial
FTA	Free-to-air
GSM	Global system for mobile communications
HR	Human resources
ICT	Information and communication technologies
iD TV	Integrated digital television
IPTV	Internet protocol television
ISP	Internet service provider
ITU	International Telecommunication Union
JSC	Joint stock company
KZT	Kazakhstani tenge
LGBT	Lesbian gay bisexual transgender
LLP	Limited liability partnership
MCI	Ministry of Communication (now Culture) and Information
MP	Member of Parliament
MTC	Ministry of Transport and Communications
MUX	Digital multiplex
MVS	Mercy Volunteer Society

NAB	National Association of Broadcasters
NGO	Non-government organization
OSCE	Organization for Security and Co-operation in Europe
PR	Public relations
RHD	Right-hand-drive (vehicles)
RSS	Reach Site Summary
SEO	Search Engine Optimization
SIM	Subscriber Identity Module
SIP	Session initiation protocol
UGC	User-generated content
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
USSR	Union of Soviet Socialist Republics

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Companies

Ak Zhaiyk
Alash Media Group
ALMA TV
Arna Media
Asianet Kazakhstan
BTA Bank
Channel 31
CTC Media Inc
Digital TV
Egemen Kazakhstan
Elorda Tynysy
Europa Plus
Eutelsat
Facebook
Google
GSM Kazakhstan
ICON
Kazakhstan National Broadcast Corporation
Kazakhstanskaya Pravda
Kazakhtelecom
KazMunaiGas
Kazteleradio
Khabar Agency
Kolesa
Mail.ru
Megapolis
Moya Semya Publishing House
MTV Russia Broadcast Company
New Line Media
NTK TV channel
Nur Media
OTAU TV
Radio RETRO
Rauan Media Group
REN TV Broadcast Company
Samruk-Kazyna
Teliasonera
TNS Central Asia
Twitter
VKontakte
Vremya Publishing House
Vecherniy Almaty
Yandex
Youtube
Yurinfo Company
Zhas Alash

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2. Thailand
3. Mexico
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5. United Kingdom
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12. Latvia
13. Serbia
14. Netherlands
15. Albania
16. Hungary
17. Moldova
18. Japan
19. Argentina
20. South Africa
21. Turkey
22. Lebanon
23. Macedonia
24. Bosnia and Herzegovina
25. Poland
26. Montenegro
27. Georgia
28. Nigeria
29. Colombia
30. Croatia
31. Slovenia
32. China
33. Peru
34. Chile
35. Spain
36. Kenya
37. Bulgaria
38. India
39. France
40. Estonia

Mapping Digital Media is a project of the **Open Society Media Program** and the **Open Society Information Program**.

Open Society Media Program

The Media Program works globally to support independent and professional media as crucial players for informing citizens and allowing for their democratic participation in debate. The program provides operational and developmental support to independent media outlets and networks around the world, proposes engaging media policies, and engages in efforts towards improving media laws and creating an enabling legal environment for good, brave and enterprising journalism to flourish. In order to promote transparency and accountability, and tackle issues of organized crime and corruption the Program also fosters quality investigative journalism.

Open Society Information Program

The Open Society Information Program works to increase public access to knowledge, facilitate civil society communication, and protect civil liberties and the freedom to communicate in the digital environment. The Program pays particular attention to the information needs of disadvantaged groups and people in less developed parts of the world. The Program also uses new tools and techniques to empower civil society groups in their various international, national, and local efforts to promote open society.

Open Society Foundations

The Open Society Foundations work to build vibrant and tolerant democracies whose governments are accountable to their citizens. Working with local communities in more than 70 countries, the Open Society Foundations support justice and human rights, freedom of expression, and access to public health and education.

For more information:

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