

Title	Freedom of the Press 2011 - Kazakhstan
Publisher	Freedom House
Country	Kazakhstan
Publication Date	23 September 2011
Cite as	Freedom House, <i>Freedom of the Press 2011 - Kazakhstan</i> , 23 September 2011, available at: http://www.unhcr.org/refworld/docid/4e7c84f3c.html [accessed 21 May 2012]
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Freedom of the Press 2011 - Kazakhstan

Status: Not Free

Legal Environment: 28

Political Environment: 29

Economic Environment: 23

Total Score: 80

Kazakh media remain subject to legal restrictions, prohibitive libel and defamation judgments, self-censorship, harassment, and pressures from partisan owners and politicians. When Kazakhstan took the chair of the Organization for Security and Cooperation in Europe (OSCE) in 2010, the government pledged to improve human rights practices and increase media freedom. The level of press freedom nevertheless declined during the year, as a restrictive internet law passed in 2009 was used to intimidate bloggers and block websites, two independent newspapers were closed, and a journalist remained in jail.

The constitution guarantees freedom of the press but also provides special protection for the president. At least 44 libel suits were launched in the first six months of 2010, about half of them by government officials, according to a local press freedom group. Libel remains a criminal offense despite pledges by authorities during the year to work toward decriminalization, and there are higher penalties for defaming the president, members of Parliament, and other state officials. President Nursultan Nazarbayev in 2010 signed a law stipulating punishments for violations of privacy, but at year's end it did not appear to have been used against investigative journalists. A controversial new Code of Administrative Offenses that included harsh penalties for violating media regulations was proposed in Parliament and later withdrawn, although reportedly not because of criticism from human rights groups. Officials said the bill would be reintroduced after revisions were made. Kazakhstan is one of the few OSCE member states without a freedom of information law. Such a measure was proposed in 2010 by a group of lawmakers and legal experts, and it received the endorsement of the London-based freedom of expression group Article 19.

Journalists and media outlets that were willing to criticize the government continued to face harassment and obstacles to reporting in 2010, including intimidation and physical attacks. In March, a correspondent for an Almaty-based independent weekly was attacked near his home and left with a broken nose, a concussion, and other head injuries. The three attackers told the correspondent, "greetings from Zhanaozen," a southwestern city where he had been covering a large strike by workers for the national oil producer. The correspondent did not file a complaint because he did not trust the

authorities to conduct an investigation, according to local media watchdog Adil Soz. In January 2009, Ramazan Yesergepov, editor of the independent newspaper *Alma-Ata Info*, was seized from a hospital where he was being treated for hypertension; after eight months of detention, he was sentenced to three years in prison and an additional two years of suspension from journalism. Despite repeated international appeals during Kazakhstan's year of OSCE chairmanship, he remained in prison. He was accused of revealing classified information after his paper published internal memorandums from the National Security Committee (NSC) as part of an investigative report on the NSC's alleged pressure on a local prosecutor in a tax evasion case.

Major broadcast media are owned either by the state or by members or associates of the president's family. Government oversight extends to most of the country's broadcast transmission facilities, and it is assumed that the majority of national television broadcasters are at least partly owned by the government. Kazakh law limits the rebroadcast of foreign-produced programming to 20 percent of a station's total airtime, overburdening smaller stations that are unable to develop their own programs. There are well over a thousand daily and weekly newspapers in Kazakhstan. As with the broadcast media, many of them are either government run or controlled by groups or individuals associated with the president, and do not carry critical content. The government controls all of the country's printing presses, and with advertising revenue in short supply, private print media are often forced to rely on state subsidies. *Respublika*, an opposition newspaper with a long history of conflict with the authorities, was forced to publish issues on a photocopier during 2010, as government-controlled printing presses and distribution outlets refused to cooperate with the paper.

Even as officials adopted social media for their own use, promoting state programs and confronting local authorities with incompetence, the state has increasingly contested internet freedom and online alternatives to state-owned news outlets. The internet was accessed by 34 percent of the population in 2010. A 2009 law classified websites as mass media outlets, giving the authorities greater latitude to shut them down under vaguely worded extremism statutes or in the interests of state security. On March 1, 2010, a government official stated that a computer emergency response team had been established and was developing "a blacklist of destructive websites." The country's two largest internet-service providers, KazakhTelecom and NurSat, were reported to have repeatedly blocked access to the LiveJournal blogging platform. Opposition sites like Zona.kz and the sites of opposition newspapers like *Respublika* were frequently blocked or subjected to distributed denial-of-service attacks. *Respublika's* website remained inaccessible for much of the year and was forced to move to various mirror sites and the social-networking site Facebook, losing readership in the process.

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