



Freedom of the Press 2016 - Kazakhstan

Press Freedom Status: Not Free

Legal Environment: 28 / 30 (↑1) (0 = best, 30 = worst)

Political Environment: 33 / 40 (0 = best, 40 = worst)

Economic Environment: 33 / 30 (0 = best, 30 = worst)

Press Freedom Score: 84 / 100 (↑1) (0 = best, 100 = worst)

Quick Facts

Population: 17,544,274

Net Freedom Status: Not Free

Freedom in the World Status: Not Free

Internet Penetration Rate: 54.9%

Overview

The Kazakh government continued its steady repression of the media in 2015, as economic uncertainty grew and the country held a presidential vote in April. Although the government passed a long-awaited freedom of information law, it remained to be seen how the legislation would be implemented in practice. Meanwhile, a new law against the spreading of false information was used to detain and prosecute journalists in retaliation for their work.

Key Developments

- The editor and owner of Nakanune.kz, an independent news website, was among 18 people charged with spreading false information during 2015.
- The magazine *ADAM* was shut down in October based on an alleged violation of the terms of its registration.
- Authorities blocked a number of online news sources during 2015, in some cases to suppress information about the Syria-based Islamic State (IS) militant group.

Legal Environment: 28 / 30 (↑1)

The constitution guarantees freedoms of speech and the press, but the government severely restricts these rights in practice. Defamation is a criminal offense, with specific bans on defaming the president, members of Parliament, and other state officials. Under amendments to the criminal code that took effect in January 2015, the new offense of spreading false information carries fines and up to 10 years in prison.

In June 2015, a court in Almaty ordered Guzyal Baydalinova, editor and owner of the independent news site Nakanune.kz, to pay 20 million tenge (\$100,000) in damages for an article that allegedly defamed Kazkommertsbank. Police raided the outlet's offices and the homes of Baydalinova and a colleague in December, seizing equipment and documents. Baydalinova and journalist Rafael Balgin were then detained on charges of spreading false information about the bank, and they remained in custody at year's end. A total of 18 people were charged with spreading false information during 2015, according to the advocacy group Adil Soz.

In October, editor Yaroslav Golyshkin of the Pavlodar-based newspaper *Versiya* was sentenced to eight years in prison on extortion charges. The case stemmed from the paper's investigation of an incident in which the regional governor's son was accused of rape. After Golyshkin interviewed the victim, the governor claimed that the editor had demanded money from him in exchange for suppressing the story. Reporters Without Borders described the extortion charges as politically motivated.

Adil Soz documented a total of 110 civil cases against journalists and media outlets in 2015, compared with 106 in 2014. Most were for alleged defamation. There were 35 criminal defamation cases during the year, up from 20 in 2014. While the courts frequently rule in favor of media outlets, the threat of substantial penalties and protracted court cases may contribute to self-censorship. Truth is not a defense in defamation cases, there is no statute of limitations, and the law automatically targets both the writer and the publication in which the article is published.

In November 2015, President Nursultan Nazarbayev signed a long-awaited freedom of information law. Adil Soz noted that the law holds the leaders of state agencies accountable for ignoring information requests from journalists, but also restricts access to state secrets. While the legislation drew praise for imposing new transparency obligations and applying them to additional state and some private entities, it lacked a supervisory body to address complaints, and the quality of implementation remained unclear at year's end.

Government ministries, rather than independent regulatory bodies, oversee media licensing and regulation. Online media, including blogs and discussion forums, are regulated as mass media under a 2009 legal amendment. Amendments to a communications law that were signed in 2014 allow the prosecutor general to temporarily shut down – without a court order – websites and entire communication networks based on vaguely worded criteria, such as potential harm to the interests of individuals, society, or the state, or incitement of extremist or other activities "carried out in violation of the established order."

Rules for the accreditation of foreign journalists include vaguely worded restrictions barring hate speech and speech that undermines national security and the constitutional order. A law that took effect in 2012 requires owners of internet cafés to obtain users' names and monitor and record their activity, and to share their information with the security services if requested.

Political Environment: 33 / 40

The government and its allies dominate the media landscape, with state-owned and friendly private outlets promoting the government's views in their news coverage. In December 2015, a London-based correspondent for the state television channel Khabar and its 24.kz website resigned from her position, complaining publicly that the channel's content often amounted to "disinformation."

Ahead of the early presidential election held in April 2015, private media received official "recommendations" for preelection coverage that were designed to bolster public confidence in the incumbent leadership. Election observers from the Organisation for Security and Co-operation in Europe reported that mainstream media content clearly favored President Nazarbayev.

The few independent print outlets and news websites have been under severe pressure from the state since a deadly police crackdown on striking oil workers in 2011. In 2012, the courts banned dozens of leading opposition outlets for "extremism," and further closures were reported in the subsequent years. Opposition-leaning publications *Pravdivaya Gazeta*, *Assandi Times*, *Respublika*, and *ADAM bol* remained shuttered in 2015, and authorities revoked the registration certificate of the popular but critical *ADAM* magazine in October 2015, closing the outlet for failing to publish in both Russian and Kazakh as indicated in its registration.

Online news sources based abroad are subject to blocking. In November 2015, access to the popular blogging platform LiveJournal was restored after roughly four years of obstructions. However, other services that were temporarily blocked during the year included video-hosting site Vimeo, which carried images of executions by IS in the Middle East, and Radio Free Europe/Radio Liberty's Kazakh service, which reported on a video that showed Kazakh militants seeking recruits for IS.

Independent journalists and outlets continued to face physical attacks and other obstacles to reporting in 2015. According to Adil Soz, the situation regarding violence toward journalists improved, with the number of attacks on media offices and workers declining to 9, from 16 in 2014. Threats also declined, from 13 to 6, while arbitrary detentions remained steady at 8. In one prominent case, journalists investigating a fire at the National Academy of Arts in March were physically obstructed and threatened by faculty members. In October, journalist Bota Zhumanova was badly beaten outside her home in Almaty. Security camera footage of the attack circulated on the internet, and the assailant was ultimately arrested and sentenced to three years in prison for attempted robbery, though he did not take any valuables.

Economic Environment: 23 / 30

As of 2015, there were 1,367 newspapers, 531 magazines, 260 online media outlets, 95 television stations, and 58 radio stations registered in Kazakhstan.

Major broadcast media, especially national television networks, are partly or wholly owned by the state or by members or associates of the president's family. Television remains by far the most popular source of news, and it is also the most tightly controlled. Government oversight extends to the country's broadcast transmission facilities.

Kazakh law limits rebroadcasts of foreign-produced programming to 20 percent of a station's total airtime, burdening smaller stations that are unable to develop their own programs. Foreign ownership of Kazakh outlets is capped at 20 percent. Nevertheless, Russian television and radio broadcasts are popular and influential in Kazakhstan, reaching viewers partly through cable and satellite services. Legislation adopted in October and November 2015 will ban such services from carrying advertising on foreign channels and tighten the registration requirements for foreign channels distributed in Kazakhstan, partly by requiring them to establish offices in the country.

As with broadcast media, many print outlets are either run by the government 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. The Soviet-era practice of compulsory subscriptions to state-run newspapers persists in parts of Kazakhstan.

Internet use in Kazakhstan continues to grow, reaching almost 73 percent of the population in 2015. The government holds a majority stake in the largest service provider, Kazakhtelecom, which is especially dominant in the fixed-line market but also offers mobile internet services.