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Freedom Of The Press - Kazakhstan (2010)

Status: Not Free

Legal Environment: 26

Political Environment: 30

Economic Environment: 22

Total Score: 78

The main obstacles to independent reporting in Kazakhstan in 2009 were legal restrictions, prohibitive libel and defamation judgments, self-censorship, and harassment, as well as the overwhelming extent of partisan ownership and presidential influence in the media sector. The constitution guarantees freedom of the press but also provides special protection for the president. A new privacy law signed by President Nursultan Nazarbayev in December mandated jail time for violations of privacy, a provision that critics warned could be used to discourage investigative journalism. Libel suits ending in prohibitively expensive judgments affected two media outlets in 2009. A US\$200,000 judgment against *Taszhargan*, the oldest opposition newspaper in Kazakhstan, led to the closure of the paper. And a US\$400,000 judgment against *Respublika*, an opposition newspaper with a long history of conflict with the authorities, left the weekly in dire financial straits. In September, the government seized its print run and froze all of its associated bank accounts. In both cases, the judgments appeared to be motivated by a desire to punish the newspapers for critical coverage. The country's 2010 chairmanship of the Organization for Security and Cooperation in Europe (OSCE) prompted pledges from the Nazarbayev administration to loosen media restrictions. This effort included the removal of the government registration requirement for broadcast outlets. However, legislation to restrict internet media was approved during the year.

Journalists and media outlets that were willing to criticize the government continued to face harassment and obstacles to reporting, including intimidation and physical attacks. In January, Yermek Boltay, a website editor for Radio Free Europe/Radio Liberty, was beaten in Almaty; the next month, opposition journalist Bakhytzhan Nurpeisov was similarly attacked and beaten. Ramazan Yesergepov, editor of the independent newspaper *Alma-Ata Info*, was sentenced in August to three years in prison for revealing classified information after the paper published internal memos from

the National Security Committee in the course of an investigative report on corruption. Gennady Pavlyuk, a journalist from Kyrgyzstan, was murdered while in Almaty in December, though the killing was almost certainly linked to his journalistic activities in Kyrgyzstan, not Kazakhstan.

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 partially government-owned. 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. Like the broadcast media, many of them are either government run or controlled by groups or individuals associated with the president. 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 state has increasingly contested internet freedom, as the internet represents a growing alternative to state-owned outlets. Most estimates put internet penetration at approximately 34 percent of the population. In July, Nazarbayev signed legislation that classifies websites as mass media outlets, giving the authorities greater latitude to shut them down under vaguely worded extremism statutes. On various occasions the country's two largest internet-service providers, KazakhTelecom and NurSat, have blocked access to the LiveJournal blogging platform. Opposition sites like Zona.kz and the websites of opposition newspapers like *Respublika* experienced cyberattacks in 2009. Nevertheless, the internet remained freer than print and broadcast media.