



Freedom of the Press 2014 - Kazakhstan

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2014 Scores

Press Status: Not Free

Press Freedom Score: (0 = best, 100 = worst) 85

Legal Environment: (0 = best, 30 = worst) 29

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

Economic Environment: (0 = best, 30 = worst) 23

The Kazakh government's media crackdown continued in 2013. Throughout the year, journalists and news outlets were subjected to legal restrictions, prohibitive libel and defamation judgments, censorship, and intimidation.

The constitution guarantees freedoms of speech and of the press, but the government severely restricts these rights in practice. Defamation remains a criminal offense, with higher penalties for defaming the president, members of Parliament, and other state officials. Such laws are regularly used against independent and critical journalists. In 2013, several rights groups put forth new proposals to decriminalize defamation, but the prosecutor general's office replied that such a step would only result in a surge of slander against the country's citizens.

According to the press advocacy group Adil Soz, in the first 11 months of 2013 there were 14 insult and libel charges initiated and 79 lawsuits filed over the protection of "honor, dignity, and business reputation." The lawsuits together sought about 2.47 billion tenge (\$16 million) from defendants, according to Adil Soz. 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 libel cases, there is no statute of limitations, and the law automatically targets both the writer and the newspaper in which the article is published. In July 2013, the head of a regional traffic police department sought some \$32,000 in damages from local newspaper *Vecherniy Taldykorgan* and its publisher for a story about the official's alleged traffic violations. A regional court ruled in favor of the plaintiff, awarding him roughly \$3,000. The outlet was also required to publicly renounce the story.

Kazakhstan remains one of the few member states of the Organization for Security and Cooperation in Europe (OSCE) without a freedom of information law, despite ongoing discussions – begun in 2010 – on developing such legislation. Rules for the accreditation of

foreign journalists include vaguely worded restrictions barring hate speech and speech that undermines national security and the constitutional order.

Throughout the year, the authorities used existing criminal laws and worked on passing new ones to legitimize their attacks on free speech. In January 2013, President Nursultan Nazarbayev signed amendments to the country's counterterrorism legislation that activists said could be used against government critics. The revised law grants additional powers to security bodies and requires all mass media outlets to "assist" state bodies involved in counterterrorism, without defining the nature of the assistance. The same month, the government unveiled draft amendments to the criminal and administrative codes. A coalition of media rights groups that included Internews Kazakhstan, MediaNet, and Adil Soz warned that the amendments, if passed, would tighten an already strict libel law by providing a legal justification for blocking websites, handing out longer prison sentences, and ordering larger fines. OSCE media freedom representative Dunja Mijatović voiced her concern over the provisions in September 2013, while Human Rights Watch expressed similar concerns in a separate letter to the prosecutor general.

A 2012 law requires foreign broadcast media to register with the government, and all television and radio providers to broadcast in digital format by 2015. The switchover so far has been controversial, according to a 2013 report by the Open Society Foundations' Mapping Digital Media project. The report cites a lack of public consultation and transparency on the part of government officials as major flaws in the process. Moreover, once the digital switchover goes into effect, television channels will be required to register as mass media outlets, making them subject to stricter regulations and oversight, according to the report. Rights groups have also questioned both the cost and funding of the switchover.

The internet continues to be the main platform for diverse viewpoints in Kazakhstan, despite stepped-up attempts by the government to monitor and restrict online speech. A 2009 law classified websites as mass media outlets, giving the authorities greater latitude to arbitrarily shut them down under vaguely worded extremism statutes or in the interests of state security. The law also requires internet service providers (ISPs) to give the authorities access to their networks and assist law enforcement officers in investigating their users. 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.

In 2013, the courts upheld prison sentences for those convicted in the aftermath of violent clashes between the police and striking oil workers in the towns of Aktau and Zhanaozen in December 2011, despite trials that were widely condemned by human rights groups as flawed. Following the clashes, the government had launched a fierce crackdown on independent and opposition media that reported critically on the events. By late December 2012, virtually all independent media outlets had been ordered blocked or shut down on charges of "extremism." The crackdown continued into 2013; in March, the independent internet-based broadcaster Stan.kz, whose newsroom was raided and equipment confiscated during the December crackdown, was finally forced to close, following months of harassment by government officials.

The media attempted to recover in 2013, with new outlets emerging, though the authorities were quick to stifle them, often through fines and restrictions based on minor procedural violations. In August, the newspaper *Pravdivaya Gazeta*, which launched in April 2013, was suspended for printing 7,000 copies instead of the 8,000 specified under its registration terms. The paper's court hearing lasted less than 10 minutes, with no media representatives present. *Pravdivaya Gazeta* faced various other fines during the year for infractions such as publishing ahead of scheduled release, not coming out regularly, and carrying unclear information on its masthead.

Several other newspapers were closed, suspended, or fined. The independent paper *Molodezhnaya Gazeta*, which reported on trade union activism and protests at the British-based copper mining company Kazakhmys, was closed in January 2013. Another independent paper, *Ashyk*

Alang/Tribuna (bilingual Kazakh and Russian), and the Communist Party weekly *Pravda Kazakhstan* were both suspended on several occasions. *Ashyk Alang/Tribuna* was barred from publishing in September and fined over \$1,000 for technical irregularities, including not publishing enough copies. As a precaution, the paper's founders had earlier registered another paper with a similar name, *Sayasat Alangy*, and published under this name following the suspension rather than fight the politically motivated court ruling.

The embattled independent weekly *Respublika* remained a target of Kazakh authorities. Shut down in 2012 on politicized charges as part of the wider government crackdown, it was relaunched in January 2013 under the name *Ripablik*. In February, Almaty prosecutors set their sights on the paper's journalists, handing out official warnings that banned them from publishing. They also conducted a raid on the newsroom and threatened former *Respublika* editor in chief Tatyana Trubacheva with criminal prosecution for alleged violation of the 2012 order.

Independent and critical journalists continued to face physical attacks over their reporting in 2013. According to Adil Soz, at least 11 journalists who were known for covering sensitive issues were violently assaulted during the year. Among them was Igor Larra, a correspondent for the newspaper *Svoboda Slova*, who was beaten unconscious with a tire iron shortly after leaving a friend's home in August 2013. Larra and Adil Soz alleged that the attack was connected to his critical reporting on the local governor and other sensitive topics. In June, reporter Denis Khusainov of the news portal Tengrinews TV was assaulted when he went to cover a fire on a local transport bus in Almaty. Khusainov's camera was damaged in the incident and his memory card taken. Police who were standing by at the time of the attack made no attempt to interfere. Khusainov later filed a complaint against his assailants, who were fined.

There were no journalists in prison in Kazakhstan as of December 1, 2013, according to the Committee to Protect Journalists (CPJ). However, journalists continued to be subject to detentions. Aleksandr Kharlamov, who wrote extensively about government corruption, religion, and atheism, was arrested in March and detained for six months on a charge of "inciting religious discord." In April he was sent to a psychiatric clinic and placed under forced observation for a month before being returned to criminal detention. He was released from prison in September but remained under house arrest.

In July, the courts sentenced four men to prison terms ranging from 11 to 15 years for a brutal attack on journalist Lukpan Akhmedyarov in April 2012. The accused were also ordered to pay 4 million tenge (\$22,000) in damages. Those who ordered the attack remained free, though an investigation was ongoing, according to CPJ.

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. According to the government, there are 250 television and radio stations in the country. Television remains by far the most popular source of news, and it is also the most controlled. The president's daughter Dariga Nazarbayeva and her husband own the influential Khabar Agency, which runs several television channels. 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, overburdening smaller stations that are unable to develop their own programs. There are well over 1,000 daily and weekly newspapers in Kazakhstan. As with the broadcast media, many of them 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 still exists in parts of Kazakhstan, further extending government influence over public opinion.

Internet use in Kazakhstan continues to grow; the internet was accessed by 54 percent of the population in 2013. The government has increasingly turned to the internet and social media to

advance its own agenda, while moving to restrict online freedom for independent outlets. The government holds a majority stake in the largest ISP, Kazakhtelecom, which controls 70 percent of the internet market.

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