

## Kazakhstan

**Status: Not Free**

**Legal Environment: 26**

**Political Environment: 30**

**Economic Environment: 22**

**Total Score: 78**

Survey Edition	2004	2005	2006	2007	2008
Total Score, Status	74,NF	75,NF	75,NF	76,NF	78,NF

Our examination of the level of press freedom in each country currently comprises 23 methodology questions and 109 indicators divided into three broad categories: the legal environment, the political environment, and the economic environment. For each methodology question, a lower number of points is allotted for a more free situation, while a higher number of points is allotted for a less free environment. Each country is rated in these three categories, with the higher numbers indicating less freedom. A country's final score is based on the total of the three categories: A score of 0 to 30 places the country in the Free Press group; 31 to 60 in the Partly Free press group; and 61 to 100 in the Not Free press group.

While Kazakhstan's media environment displayed familiar obstacles to independent reporting in the form of legal restrictions, self-censorship, and harassment in 2008, political events underscored the overwhelming extent of partisan ownership and presidential influence. The country's constitution guarantees freedom of the press but also provides special protection for the president, and in practice the government uses numerous tactics to control the media and limit freedom of expression. While a new draft of the Law on Publishing was proposed in the second half of the year, no real progress was made and the restrictive 2006 amendments to media legislation remained in force, imposing costly registration fees for journalists, broadening criteria for the denial of registration, requiring news outlets to submit the names of editors with registration applications, and necessitating reregistration in the event of a change of address or editor. The 2008 draft is the second attempt at legislative regulation of publishing activities in Kazakhstan—a previous draft was introduced in parliament in April 2007. While the proposed amendments are less restrictive than the current law, media groups remain concerned at the intended level of government control over a wide range of publishing activities which would effectively eliminate any pretense at independence. While the incidence of libel suits decreased slightly in 2008 they continued to be a hindrance for journalists. On September 18, a judge heard libel charges against Victor Miroshnichenko, a correspondent for *Vremya* newspaper that had been brought by Sarsenbay Davetov, deputy chief of the Department of Internal Affairs. Miroshnichenko had written an article in July accusing Davetov of accepting bribes. This was the third libel case brought against the journalist—the two previous cases were dismissed when he was able to prove that his accusations were based in fact.

Journalists and media outlets willing to criticize the government continued to face harassment and obstacles to reporting, including intimidation and physical attacks. During the overnight hours on March

31, the offices of independent newspaper *Taszhargan* were fired upon and pelted with stones resulting in physical damage to the office structure but no injuries. *Taszhargan* is the oldest opposition paper in Kazakhstan and has previously endured harassment in the form of arson and burglary. In September a driver for the independent media group *Aygak* was assaulted and the vehicle he was driving set on fire. The most serious attack of the year occurred on December 30 when two men approached journalist Artyom Miusov outside of a supermarket in Almaty and stabbed him three times in the abdomen. Miusov, a reporter for *Taszhargan*, sustained serious internal injuries. No progress was made in the disappearance of Oralgaisha Omarshanova, an investigative reporter for *Zakon i Pravosudiye* who had written about ethnic clashes and dangerous conditions in mines, who went missing in March 2007.

Major broadcast media remained either state run or controlled by members or associates of the president's family. The government controlled nearly all broadcast transmission facilities and media observers believed that most of the seven nationwide television broadcasters were owned wholly or partly by the government. Furthermore, Kazakh law limits the rebroadcast of foreign-produced programming to 20 percent of a station's total airtime, overburdening smaller, stations who are unable to develop their own programs. There are well over one-thousand daily and weekly newspapers in Kazakhstan. Like the broadcast media, many of them are either government-run or else 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 the private print media is often forced to rely on state subsidies.

The internet, which had provided a refuge of sorts for Kazakhstan's beleaguered independent press, was increasingly a source of contestation. On October 7, the country's two largest ISPs, KazakhTelecom and NurSat, began blocking access to the LiveJournal blogging platform. Neither company gave any explanation for the blocking and KazakhTelecom never acknowledged that the filtering was occurring; however, it is widely believed that the government ordered the blocking in an attempt to restrict access to the blog of Rakat Alyev, the president's former son-in-law, who blogs using the platform. The block remained in place at the end of the year. ISPs are required to obtain a license from the Agency for Information and Communication, and one condition for obtaining this license is that the ISP use at least part of the KazakhTelecom network, which is entirely state controlled. Nevertheless, the internet was freer than print and other broadcast media, although even the most optimistic estimates put the proportion of internet users in the country at only 12.4 percent of the population.