

**Supporting Safety of Journalists' in
Kazakhstan:
an assessment based on UNESCO's Journalists'
Safety Indicators**

Final Report on Journalists' Safety Indicators (JSI) in Kazakhstan 2020

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Foreward

This publication was prepared by the Adil Soz International Foundation for the Protection of Freedom of Speech as part of the UNESCO International Programme for the Development of Communication (IPDC) project "Kazakhstan: Improving Safety of Journalists" aimed at strengthening media development and improving monitoring and reporting systems in Kazakhstan.

The project contributes to the IPDC priority to strengthen the capacity of duty bearers to monitor and report on SDG indicator 16.10.1 and promote the safety of journalists.

The national assessment process in Kazakhstan will result in a national assessment report and to the organization of related events to identify matters related to, or having an impact upon, the safety of journalists and the issue of impunity. Capacity-building and awareness raising activities already took place on this subject, as well as multistakeholder consultations will take place to discuss an issue of impunity, focusing to initiate a national policy framework on safety of journalists.

For two decades, the Adil Soz Foundation has been monitoring the safety of journalists in Kazakhstan, and in this capacity, has regularly worked with data and statistics. This work became the basis for the project, which was submitted to the IPDC and approved by the IPDC Council in June 2020.

Safety indicators play a key role in the development of a national plan for the safety of journalists, the need for which was voiced by the participants during the regional forum organized for the Central Asian and Eastern European countries on 30 April 2021 on the occasion of the World Press Freedom Day.

As the United Nations agency with a specific mandate to promote “the free flow of ideas by word and image”, UNESCO works to foster free, independent, and pluralistic media in print, broadcast and online. The UNESCO Almaty Office will use this publication to continue its work to promote freedom of expression and press freedom in the country.

Krista Pikkat

Director of UNESCO Almaty Office

and UNESCO Representative

to Kazakhstan, Kyrgyzstan and Tajikistan

List of Abbreviations and Acronyms

Executive Summary

The Republic of Kazakhstan declared its state independence on December 16, 1991. To date it is the only state in the area of the former Soviet Union in whose territory armed conflicts have not occurred. Extreme violent attacks on journalists in Kazakhstan are rare. One murder of a journalist in 2009 and attempted murder in 2012 were recorded and investigated. No abductions or disappearances of journalists have been recorded in Kazakhstan since it became a sovereign state.

Nevertheless, in the ratings of international human rights organizations in terms of the level of freedom of expression, Kazakhstan is consistently in the group of “not free countries”.

A large number of attacks on the safety of journalists are recorded in the country every year, including non-lethal assaults, detentions, arrests, court sentences to restraint of freedom of movement and substantial fines. 175 incidents of violations of the security of mass media and journalists in 2020 were analyzed, 93 of them are threats to journalists. In terms of gender, in 2020, 37 women and 56 men faced threats related to the exercise of right to freedom of expression. Threats related to restriction of freedom were recorded 21 times. In 20 (95%) cases bloggers and civic activists had been persecuted. In terms of gender, this type of threat was applied to 2 women and 19 men.

The 84 cases are related to pre-trial and trial prosecution in criminal, civil and administrative proceedings. The largest number of pre-trial and trial persecutions caused by the exercise of the right to freedom of expression, receipt and dissemination of information faced by professional journalists, bloggers and civic activists in 2020 was undertaken within a criminal procedure (37% of the total number).

The Ministry of Information and Social Development is responsible for state regulation of the media. National and international human rights organizations regularly criticize Kazakhstan for excessive state interference in the activities of the mass media. The Law of the Republic of Kazakhstan "On Mass Media" in force since 1999 does not include all of the obligations to media freedom arising from the international treaties ratified by Kazakhstan. While the law does allow freedom of speech, these protections are weakened by disproportionate restrictions of freedom of expression and receipt and dissemination of information that are contained other legislation such as the Criminal, Civil, Administrative Codes, the Laws "On State Secrets", and "On State of Emergency" among others.

The safety of journalists is protected at the legislative level by the Article 158 of the Criminal Code of the Republic of Kazakhstan - "Obstruction of the lawful professional activity of a journalist". It provides for punishment for the "obstruction of lawful professional activity of a journalist by means of enforcement to the dissemination or refusal from dissemination of information, as well as by creating conditions that prevent a journalist from performing his lawful professional activity or completely deprive him of this opportunity", depending on the

severity of the offence, from a significant fine up to imprisonment for up to two years. However, cases under this article were considered by the court only once, in 2005.

There are no programs and institutional frameworks in Kazakhstan that would guarantee the importance of the safety of journalists, provide for raising awareness among the judiciary and law enforcement officials about the duties and obligations to ensure the safety of journalists in the framework of international human rights and humanitarian law.

The State does not develop appropriate mechanisms (agencies, programs and budgets) to monitor and report threats, persecutions and violence against journalists, and there is no specific policy in support of the protection of journalists, reported to independent judiciary and public control, so that interested parties can have direct access to appeal in cases where they believe that their rights have been violated. There are no specialized organizations or departments in law enforcement authorities that would investigate cases against journalists and media. Also, there is complete absence of control over the safety of journalists at both the republican and regional levels. There are no specialized bodies to protect women journalists.

In the National Plan for Development of Sphere of Information for 2020-2022, the problem of the safety of journalists is completely neglected, there is no such mission in other state program documents.

At the same time, national civil society organizations are conducting extensive work to improve the safety of journalists, protect them and address the issues of impunity for crimes against media workers. They cooperate both with state authorities and with international human rights organizations as well as the representative offices of foreign countries. They, in cooperation with governmental structures and parliament, participate in development of media legislation, conduct monitoring of the journalists' rights violations and freedom of speech, organize educational seminars for the media and government officials, and work with universities and academic communities.

CSOs act as defenders of journalists, bloggers and civic activists in cases of persecution and various threats, provide protective equipment for journalists working in conditions that threaten their life and health, and carry out various activities to prevent their safety.

The attitude of journalists and media organizations themselves to the problem of professional safety is ambiguous. The majority of the media actors, including certain journalists, are aware of the safety of digital communications. Editorial boards of sustainable independent media understand the importance of journalists' safety and ensure it, instruct journalists before dangerous assignments and provide with protective equipment. However, rare media have a written and accessible safety policy for personnel, since they do not consider it important. Risk assessment is not maintained to establish hazard levels, the hazard level is determined on the basis of previous practical experience.

Journalists themselves underestimate the necessity to ensure safety and do not impose appropriate requirements on employers. Women journalists have no special protection, freelancers and bloggers are completely unprotected.

There are few professional organizations of journalists in Kazakhstan. Their aims and objectives are of a general declarative nature and are insufficiently supported by practical activities. Probably the reason is that they were established according to the orders imposed from above, and not initiated by the journalists themselves. The aspects of journalists' safety are covered neither by the statutory documents nor by practice.

During the study period, they mainly dealt with issues of developing the professionalism of the media. No trainings and consultations for journalists on matters of stress are conducted. Freelancers and citizen journalists are not supported. There are no programs for women journalists that take into consideration the specific risks they will have to face in performing dangerous assignments.

The media community demonstrates its concern about safety and impunity, mainly in private online communities on the pages of "Journalists of Kazakhstan" of the social network Facebook and through communication with the International Foundation "Adil soz", by publishing information on the Foundation's website.

The Republic of Kazakhstan has unique characteristics of the formation of Internet intermediary market, which are described by the dominant (monopoly) position of the national telecommunication operator – Kazakhtelecom JSC on the backbone network market (approximately 90% of the market (the length of fiber optic communication lines is more than 16,000 km).

Today, the policy of journalists' data protection from hackers' attacks is entirely attributed to the ISPs client, the owner of online media. The policy of the private data transmission to the law enforcement bodies is completely dependent on the Internet intermediary and does not have a clear, transparent definition in the offer agreements with the user.

The Internet intermediaries in Kazakhstan do not have the established practice of periodic reporting to the users regarding the implementation of the journalists' data protection policies and transmission of the private data to the law enforcement bodies. The policy on the protection of personal private for tracking any third-party engagement is the user's (online media owner's) responsibility. The policy to inform users about data requests from the government bodies is applied only in cases of third-party requests regarding the copyright and related rights, the removal of content that does not comply with the legislation of the Republic of Kazakhstan.

Within the country, the international non-governmental organizations promote the journalists' safety. The United Nations and its national agencies within the country monitor and share the information on the journalists' safety and contribute to resolve the problem of the journalists' safety and impunity for crimes against them at different levels and in different directions. For this purpose, they cooperate with the national governmental bodies, international organizations, and the civil sector. The UN system in the country effectively coordinates and responds to the accidents and safety problems, builds knowledge and potentialities within the country.

One of the activities of such work is the identification of the overall picture of the situation with the journalists' safety, which is reflected in this Report.

Introduction

Kazakhstan declared its state independence as the last of all the republics of the Soviet Union (December 16, 1991). Before that, no events attesting the desire of a part of society or certain individuals to separate Kazakhstan from the country of Soviets were observed.

The new state was hurriedly formed by people who achieved great professional success in the conditions of a totalitarian communist system, and on the basis of previous Soviet and legislative framework. Since becoming independent to March 2019, the first president of the country was the former first secretary of the Central Committee of Communist Party of Kazakhstan, Nursultan Nazarbayev. In the years of presidency, he was granted the title of "Elbasy" – the "Leader of the Nation", the right to run for the presidency an unlimited number of times. Any violation of the guarantees of immunity of the First President of the Republic of Kazakhstan - the Leader of the Nation and family members living with him is a severely punished criminal offense.

In March 2019, at the age of 79, N. Nazarbayev voluntarily resigned as president, retaining major influence as the indefinite chairman of the Security Council and the leader of the governing party Nur Otan. The presidential duties have passed to the speaker of the Upper Chamber of Parliament, Kassym-Jomart Tokayev, who was officially elected as the President of the country in June 2019.

Establishment of the new independent state has revived political and civic actions in Kazakhstan, opposition political parties and private media have appeared. Since then, most of them closed or changed their position to the pro-governmental one. The reasons were judicial repression measures and insufficient funding.

For today, Kazakhstan is the only country in the post-Soviet area, on whose territory there have been no armed conflicts. On March 4, the international human rights organization Freedom House published an annual report on political rights and civil liberties. Kazakhstan with a score of 23 - 5 points (with a maximum of 40) for political rights and 18 points (a maximum score of 60) for civil liberties, - as in previous years, is classified under the group of "not free countries"¹.

Extraordinary attacks on the journalists' safety in Kazakhstan are rare. The only murder of a journalist related to his professional activities was committed on December 16, 2009. Then the well-known Kyrgyz journalist Gennady Pavlyuk, bound by arms and legs, was thrown out of the window of the 6th floor of a residential building. In a coma, he was taken to one of the city's clinical hospitals, where he died without regaining consciousness on December 22. On March 24, 2011, the Ministry of Internal Affairs of the Republic of Kazakhstan announced the results of investigation: a Kyrgyz journalist was killed in an attempted robbery. However, in the same year, court proceedings began in the case of Gennady Pavlyuk's murder. On October 11, 2011, the accused - an employee of the Kyrgyzstan State Committee for National Security

¹ <https://freedomhouse.org/country/kazakhstan/freedom-world/2020>

(SCNS) Aldayar Ismankulov and two citizens of Kazakhstan - Almaz Igelikov and Shalkar Orazalin were found guilty of organizing the murder of Kyrgyz journalist.

On April 20, 2012, there has been an attempted murder of Lukpan Akhmedyarov, a journalist of the newspaper "Uralskaya Nedelya". The attackers shot him with a traumatic gun and stabbed him eight times. In November 2012, the police officers arrested four suspected of the crime. On July 10, 2013 Askhat Takhambetov, Mursalim Sultangereev, Manarbek Akbulatov and Almaz Batyrkhairov were found guilty of attempted murder and sentenced to various terms of imprisonment. In August of that year, the director of the Children and Youth Sports School (CYSS) in Equestrian Sports Nurlan Takhambetov was detained. On April 24, 2014, N. Takhambetov was found guilty of organizing the attempted murder of L. Akhmedyarov and sentenced to 14 years in prison. The person who ordered the crime was not identified.

The kidnapping of journalists, their missing have not been recorded in Kazakhstan for all the years of sovereignty.

In 2020, 4,597 mass media outlets were registered in the country, of which 3,432 are periodical printed media, 175 are television channels, 74 are radio, 395 are news agencies and 265 are online publications. The majority of them are privately owned. The information on beneficial owners is not published.

Since 2019, the Ministry of Information and Social Development² (hereinafter - MISD) is responsible for the state regulation of mass media activities. This state body is frequently reorganized: the Ministry of Press and Information (1991-1993), the Ministry of Press and Mass Media (1993-1995), the National Agency for Press and Mass Media (1995-1997), the Ministry of Information and Public Accord (1997-1999), the Ministry of Culture, Information and Public Accord (1999 - 2003), the Ministry of Information (2003 - 2004), the Ministry of Culture, Information and Sports (2004 - 2008), the Ministry of Culture and Information (2008 - 2010), the Ministry of Communications and Information (2010 - 2012), the Ministry of Culture and Information (2012 - 2014), the Agency of the Republic of Kazakhstan for Communications and Information (2014 - 2015), the subdivision of the Ministry for Investments and Development (2015 - 2016), the Ministry of Information and Communications (2016 - 2019).

The MISD's activities cover many aspects of public life: "The Ministry of Information and Social Development of the Republic of Kazakhstan is a state body of the Republic of Kazakhstan that exercises leadership in the fields of information, interaction between the State and civil society, religious activities, state youth and family policy, modernization of public consciousness, charity, volunteer activities, mediation, ensuring internal political stability, inter-confessional and inter-ethnic harmony, as well as, within the limits stipulated by the legislation, - intersectoral coordination and state regulation"³.

The MISD is the state authorized body for regulation of the mass media sector⁴. The field of its competence include, among other: the registration, re-registration of periodical printed

² <https://www.gov.kz/memleket/entities/qogam?lang=ru>

³ <https://www.gov.kz/memleket/entities/qogam/about?lang=ru>

⁴ https://online.zakon.kz/Document/?doc_id=1013966

media, news agencies and online publications; the state control over compliance with the legislation of the Republic of Kazakhstan on mass media; the monitoring of mass media; the issuance of orders in case of violation of the requirements of Kazakhstan legislation on the mass media.

The MISD's official Internet portal has a section "To complain about Internet content"⁵, which anyone could use. Therefore, in April 2020, the International Foundation for Protection of Freedom of Speech "Adil soz" discovered that its website www.adilsoz.kz, continuously functioning since 2000, is listed in the register of Internet resources disseminating illegal information. The own investigation showed that in 2016 the Ministry received some audio material with reference to the Rudny City Court. The author of the complaint and the document itself could not be found. However, the accusation was registered under the number 30-30-5 / 2864-I. And the action was allowed to proceed⁶. After the publication of this episode, by the order of the Deputy Chairman of the MISD Information Committee, Mikhail Komissarov, the website www.adilsoz.kz was removed from the register of blocked Internet resources.

One of the MISD's competencies is the formation, placement and control over the performance of the state procurement order for the implementation of the state information policy at the republican level. In 2020, more than 50 million tenge of budgetary funds were spent on the implementation of the state information policy; including, for the placement of the state information order – more than 47 million⁷.

For example, the Minutes of placement of the state order for Internet resources dated June 17, 2020 contains 28 themes (exactly the same as for newspapers). The first theme is "Informational support and explanation of activities of Elbasy, Head of State, Parliament, Government of the Republic of Kazakhstan, state bodies and representatives of the local self-government organizations", the other 27 themes are also focused on the explanation and informational support of the actions of various state bodies.

It should be noted that the specific recipients of the state procurement order are not named. Explaining this, at the briefing on October 23, the Minister of Information and Social Development Aida Balaeva referred to the international practice and the wishes of partners, that is, the mass media, "that do not want us to announce what funds are allocated to them."

National and international human rights organizations regularly criticize Kazakhstan for excessive government intervention in the activities of the media, but regular amendments to the current Law "On Mass Media" only increase the powers of state bodies. Therefore, in 2020, the Corporate Fund "Media Damyty Kory" was established with 100 percent participation of the State⁸. The governmental media became its official founders. The aims of the Fund are "support and development of the national mass media, the allocation of grants and the implementation of state information policy, improving the quality of national media products

⁵ <https://www.gov.kz/memleket/entities/qogam/report-internet-content?lang=ru>

⁶ <http://www.adilsoz.kz/news/show/id/3161/year/2020>

⁷ <https://kaztag.kz/ru/news/pochti-t242-mlrd-prosit-mior-rk-na-pyat-let-iz-byudzheta-na-provedenie-gosinformpolitiki>

⁸ <https://atameken.kz/ru/news/34081-sozdan-korporativnyj-fond-media-damyty-ory>

and their competitiveness, popularizing national mass media in the Republic of Kazakhstan and abroad" ⁹.

Numerous later amendments and additions to the Law of the Republic of Kazakhstan "On Mass Media" in force since 1999 were introduced without taking into account its aims and objectives, dictated by departmental, momentary and conjunctional interests. It does not reflect the obligations in the field of mass media arising from the international treaties ratified by Kazakhstan. As a result, the Law clearly expresses a disproportion between state guarantees of freedom of speech and restrictions on the right to freedom of expression, the unhindered receipt and dissemination of information in favor of the latter. Disproportionate restrictions on freedom of expression, receipt and dissemination of information are contained in the Criminal, Civil, Administrative Codes, the Law "On state secrets", "On state of emergency" and a number of other laws. The application of these restrictions in practice leads, among other, to the fact that in terms of freedom of speech, Kazakhstan consistently occupies the bottom lines in international ranking¹⁰.

On April 21, 2020, the international human rights organization Reporters Without Borders (RSF) published its annual World Press Freedom Index report. In the organization's report, Kazakhstan ranks 157th out of 180 countries, moving up one line. Reporters Without Borders note that the Internet was often blocked during the moment of transit of power in Kazakhstan, especially the Radio Azattyk website, Google services and the Telegram messenger. RFS believes that it is time for Kazakhstan to get rid of the "legacy of censorship inherited from the previous government"¹¹.

The Minister of Information and Social Development of Kazakhstan, Dauren Abaev, said that he doubted the objectivity of the rating: "The place we now ranked does not reflect the objective reality. I will say more: many representatives of foreign foundations, non-governmental organizations that work in Kazakhstan attest this. Dozens of foreign journalists are accredited in our country. And I am sure that it is much more comfortable for them to carry out their professional activities in Kazakhstan than in dozens of countries that are ahead of us in this ranking. "

In October 2020, the international human rights organization Freedom House published its annual report on Internet freedom - Freedom on the Net-2020. The data from June 2019 to May 2020 were analyzed.

Kazakhstan received 32 out of 100 points in the rating and was recognized as a "country with a non-free Internet". Freedom House characterized Kazakhstan as a country "with frequently blocked internet, social networks and communication platforms", "limited political, social and religious content" and where "bloggers, human rights defenders, Internet users and government critics are often prosecuted, attacked"¹².

⁹ <https://mdq.kz/ru/about-us/>

¹⁰ <https://rsf.org/en/ranking?#>

¹¹ <https://freedomhouse.org/report/freedom-net/2020/pandemics-digital-shadow>

¹² <https://freedomhouse.org/report/freedom-net/2020/pandemics-digital-shadow>

A. General safety indicators

1. Safety and impunity statistics

From 16 March 2020, a state of emergency was declared in Kazakhstan due to the pandemic. This has been extended several times and ended on 11 May. However, quarantine restrictions of varying degrees of severity remain in place. Undue restrictions on freedom of expression related to the pandemic have led to reduced safety for journalists. According to the Justice for Journalists Foundation (JFJ), there was a 34% increase in attacks by judicial and/or economic means in 2020 compared to 2017; there were 6% more non-physical and/or cyber attacks and threats, and 26% more physical attacks and/or threats to life, liberty and health¹³.

RU:

Number and types of killings of journalists

According to available information, no killings or attempted killings of journalists were recorded in Kazakhstan in 2020.

Number and types of threats against the lives of journalists

There are 4 known cases of physical threats to a journalist, blogger, civil activist and human rights defender.

- In May, the husband of the subject of the online article "A recipient of maternity benefits bought a room for USD 800" posted an insulting note on his Facebook page for the author of the publication, journalist of Ratel.kz Sergei Perkhalsky. And in replies to comments, the husband said he regrets that he was "not introduced in person" and for this reason he cannot meet the author "like a man." adding, "physics would have judged who is the fool."

- In July, human rights defender Bakhytzhan Toregozhina reported that she began receiving threats due to publications on the social network - a questionnaire of the members of parliament about where they currently are.

- In December, Kirill Pavlov, a blogger from Shymkent, announced that he received a death threat and the police refused to accept the statement. On December 8, Pavlov wrote on Facebook that five days after filing the statement, he did not see any movement from the police: "During five days, no one even called and asked if I was alive at all ... I don't even know, maybe the statement is already destroyed and the case is closed".

- In December, a civil activist, Doctor of Historical Sciences, Professor Yessengazy Kuandyk, announced that on the night of December 14, unknown persons set fire to his car, parked near the house where he lives. Yessengazy Kuandyk links the possible arson to his civic activism and his posts criticizing the authorities. The last time he published a post on the upcoming parliamentary elections, he criticized the authorities. On the fact of arson, the police initiated a criminal case for willful destruction or damaging to someone else's property.

¹³ <https://jfj.fund/ru/report-2020-2/#kz>

Number and types of non-fatal actual attacks on journalists

Attacks

12 attacks on journalists in the performance of their professional duties were recorded. Most of them occurred when journalists covered unauthorized rallies and protests.

Tamara Vaal, Vlast.kz (Nur-Sultan), Inga Imanbai (Almaty), Botagoz Omarova, 101tv.kz (Karaganda), the Azattyq Ruhy film crew - the journalist Rishat Askarbekuly and the camera operator (Almaty), Saltanat Tashimova, blogger (Almaty), Ulan Shamshet, almakz.info (Almaty), Life09 (Karaganda), Rinat Kibrayev, Valery Kudryavtsev, LIFE KZ (Almaty), Asem Mirzhekeeva, Ratel. kz (Nur-Sultan), Marina Nizovkina, Vitaly Zaintinov, ATAMEKEN BUSINESS television channel (Shymkent), Alima Pardasheva, the-village.kz (Almaty), Saniya Toyken, Radio Azattyk (Nur- Sultan) were attacked.

On March 1, Zhanbolat Mamai, the team leader of the group for establishment of the Democratic Party of Kazakhstan, reported on Facebook about the attack on his wife, journalist Inga Imanbai. A man in civilian clothes who arrived at Mamai's home introduced himself as a police officer of Nauryzbay region and said that he and his wife were being summoned to interrogation in a certain criminal case. Inga Imanbai states that when she tried to video her husband's detention, she was pushed and hit her head on a metal fence. Zhanbolat Mamai reported on the social network that he called an ambulance for his wife. It became known that Ingu Imanbai was hospitalized in a hospital in Kaskelen town. The preliminary diagnosis is a cerebral concussion.

On October 24, 2020, the journalist of Radio Azattyk Saniya Toiken covered an exhibition-fair of objects made by the hands of prisoners. There were "people in civilian clothes" walking around and there were several police cars. They decided that a rally was taking place there. Also, according to Sania Toiken, a blocker for mobile phones worked at the site.

"A middle-aged man in civilian clothes took my phone away from me and threw me to the ground. Nobody helped me, she got up and ran after him for her phone, because the equipment is corporate and I am responsible for it. People were being taken away. One policeman recognized me from the crowd and asked to let me go" Saniya Toiken told an Adil Soz correspondent following the incident.

KazMedia Centre's guards attacked Vlast.kz journalist Tamara Vaal. This happened on January 10 after a briefing at the Central Communications Service, when Vaal tried to record the comment of Deputy Prime Minister Roman Sklyar. After the relevant appeals from the editorial board, the security officers who attacked Vaal were reprimanded by the order of the general director of KazMedia Centre.

Detentions

- 10 of the 12 arrests of journalists and bloggers occurred either during their coverage of protest rallies, or when journalists were on their way to places designated for protest actions. The police officers explained the journalists' detention as being taken to the police station for in connection to criminal or administrative cases, or as detention "by mistake".
 - On February 22, in Uralsk, police officers detained Akmaral Fedorova, a correspondent of the newspaper "Uralskaya Nedelya", while filming the detention of Tlegen Tureshev, who was holding a single-person picket in the city square.

- On February 22, in Uralsk, police detained a journalist of the newspaper "Uralskaya Nedelya" Alexei Vorobyov near the "CityCenter" mall, at the site of the alleged rally.
- On February 22, in Ust-Kamenogorsk, journalist Indira Kakimova (the Agency of Investigative Journalism "Vityaz", a contract employee of 31 Channel TV) was detained by the police officers at the entrance of the house. According to Indira Kakimova, a number of events had been planned in the city to address the issue of rallies. Her aim as a journalist was to record the events with a view to monitoring citizens' rights and compliance with the law.
 - "There were two police officers waiting for me outside my house, they demanded I go with them to the police station. They ripped out my phone, did not answer my questions about the reasons for my detention, did not give me a summons, and kept me at the police station for more than 6 hours, although I warned them that they were interfering with my professional activities", said Indira Kakimova. On March 1, in Almaty, Factchek.kz journalist, member of the organizing committee for the establishment of the Democratic Party, Asel Dzhanabaeva, was detained by the police officers on Republic Square in Almaty. The journalist wore a distinctive sign - a vest with the sticker "Press".
- On March 1, in Almaty, a journalist, the main reader of the newspaper "DAT. Public Position" Yermurat Bapi, along with dozens of other people, was detained on the outskirts of the Republic Square in Almaty.
- On April 11, journalists of the film crew of the KTK television channel correspondent office in Atyrau region - Beken Alirakhimov, Manas Sharipov were detained while filming an interview with doctors on the territory of the regional hospital. The journalists were accused of violating quarantine measures and restrictions on the use of audio, photo and video equipment in medical institutions.
- On June 6, in Semey, the policemen tried several times to detain the correspondent of Azattyk, Khadisha Akayeva, the journalist was covering the detention of protesters.
- On June 6, in Aktobe, blogger, member of the International Federation of Journalists (IFJ) Aktamak Koptleuova was detained at the entrance of the house and forcibly taken to the police station for interrogation in a certain criminal case as a witness. At the police station, Aktamak Koptleuova was rudely treated by the police officers. In addition, the policemen were going to withdraw her press card issued by the IFJ, believing it to be fake. Aktamak Koptleuova spent more than 10 hours at the police station.
- On September 25, in Semey, blogger Daniyar Adilbekov was detained while covering a protest rally and taken to the police station. According to the police officers, he was "brought in to clarify the circumstances." The blogger wore a distinctive vest with the sticker "Press".

-Khadisha Akayeva, Azattyk correspondent for the East Kazakhstan Region, was rudely detained by police in Semey on the evening of 25 September as she was filming the detention of blogger Daniyar Adilbekov by police. The journalist was in possession of her journalist ID and was wearing an identifying waistcoat with "Press" written on it. During the arrest, her phone, with which she was filming, was taken from her.

"When they dragged me to the truck, they hurt my finger, broke my fingernails and pulled out some of my hair," Akayeva said.

The reporter was held in police custody for about half an hour, forced to sign an explanation, then released, saying she had been detained "by mistake".

Later, the Deputy Head of the Department explained that Daniyar Adilbekov and Khadisha Akayeva (Azattyk's correspondent) were similar to the rally participants.

- On November 14, the publisher of the oldest opposition newspaper DAT, journalist Yermurat Bapi, was detained on his way to a rally in Almaty. E. Bapi spent about four hours in the police. The reason for the detention was his participation in the funereal action on the square in front of the building of the National Academy of Sciences on November 13, on the day of 17-year-old Zhanbolat Agadil's funeral.

- Personalized detentions (10 incidents) are applied to journalists, activists, public figures and human rights defenders in connection with the criminal investigations initiated on the facts of Internet publications.

- On the evening of April 17, civil activist Alnur Ilyasheva was detained by the police and, according to the court's authorization of April 18, placed under arrest on suspicion of "disseminating of knowingly false information during the emergency situation." Ilyashev's lawyer Nurlan Rakhmanov said that the charges were based on a 2019 court decision in favor of the Nur Otan party and four party members. The court found that the information disseminated by three civil activists - Alnur Ilyashev, Marat Turymbetov and Sanavar Zakirova, that the "Nur Otan" party was preventing them from establishing the party "Nashe Pravo", was untrue.

- On April 18, a well-known public figure Arman Shuraev was detained in Karaganda on suspicion of disseminating knowingly false information during the emergency situation. An investigation was initiated in connection with his publications on social media. Arman Shuraev was placed in a temporary detention facility. On April 19, well-known Kazakhstan citizens acted as personal guarantors of a former member of the National Council of Public Trust (NCPT) and former head of Qazaq kuresi. On April 20, with the sanction of the court, Arman Shuraev was released on his personal recognizance.

Arman Shuraev is a well-known media manager who has worked for several Kazakh TV channels, and continues his journalism practices with number of online/print media outlets. c. From 2007-2014, he was head of the Commercial TV (KTK - television company). In 2006-2007, he was inspector of the socio-political department of the presidential administration. In 2005, he headed the press service of the republican public headquarters of presidential candidate Nursultan Nazarbayev. (<https://rus.azattyq.org/a/30563048.html>). In 2019, he joined the National Council of Public Trust, created at the initiative of President Kassym-Jomart Tokayev. After two meetings, in March 2020 Arman Shuraev announced that he was leaving the council. One of the reasons for this decision was his disagreement with the draft law on peaceful assemblies, which was discussed in the Tokayev Council and which, according to human rights activists and activists, contradicts international norms (<https://rus.azattyq.org/a/30563048.html>).

Arman Shuraev wrote posts on his Facebook page criticising the authorities, accusing some officials of corruption. Shortly before his arrest, the online media Exclusive.kz published an interview with Shuraev - "Arman Shuraev: the people have been held hostage to theft on a national scale".

- On March 13, in Almaty, two men in civilian clothes detained blogger Azamat Baikenov. As his wife reported Vlast.kz, they "showed him a badge, twisted him and took him away." Almagul Mamekova added that everything happened so quickly that she did not have time to ask where he was being taken. At the time of the arrest, their baby was in a stroller. Azamat Baikenov is a blogger from Petropavlovsk filming videos and writing posts on political themes. The criminal proceeding against Baikenov was initiated due to suspicions of participation in the activities of the DCK.

- On March 28, in Almaty, blogger Diaz Moldalimov was detained and taken to the Almaty Police Department as part of the investigation of a criminal case under the Article 274 part 4 clause 2 - "Dissemination of knowingly false information" wartime, or during public events", aggravated by the dissemination "in a state of emergency or in a battle conditions, or in time of war, or during public events".

- On April 7, in Uralsk, the police detained civil activist and blogger Aslan Sagutdinov near the house where he lives. In the Abay police department of the West Kazakhstan Region, the editorial staff of "Uralskaya Nedelya" were told the reason for the detention of Aslan Sagutdinov was in connection to an administrative case relating to the insulting of the journalist Dana Duysekenova. He was forcibly transferred to the police station because he did not appear according to a court summons.

- On December 13, several unidentified people in civilian clothes without explanations of the reasons forcibly took away the correspondent of "Yuridicheskaya Gazeta", an activist of the Oyan, Qazaqstan! movement, Nagashybek Bekdair from his house and taken to the IAD police station of the Auezov district of Almaty city. During the arrest, the journalist's cell phone was taken away. The journalist spent 2.5 hours at the police station. Only after calling the lawyer N. Bekdair was told the reason for detention, which was allegedly part of a theft investigation that took place in the area where the journalist lives.

- On April 11, the film crew of the KTK television channel correspondent office in Atyrau region correspondent Beken Alirakhimov and camera operator Manas Sharipov - went to film a report regarding the events taking place in the regional hospital.

The journalists managed to record an interview with medical workers when the police officers arrived and forcibly put the film crew in their car and took them to the police sub-stations.

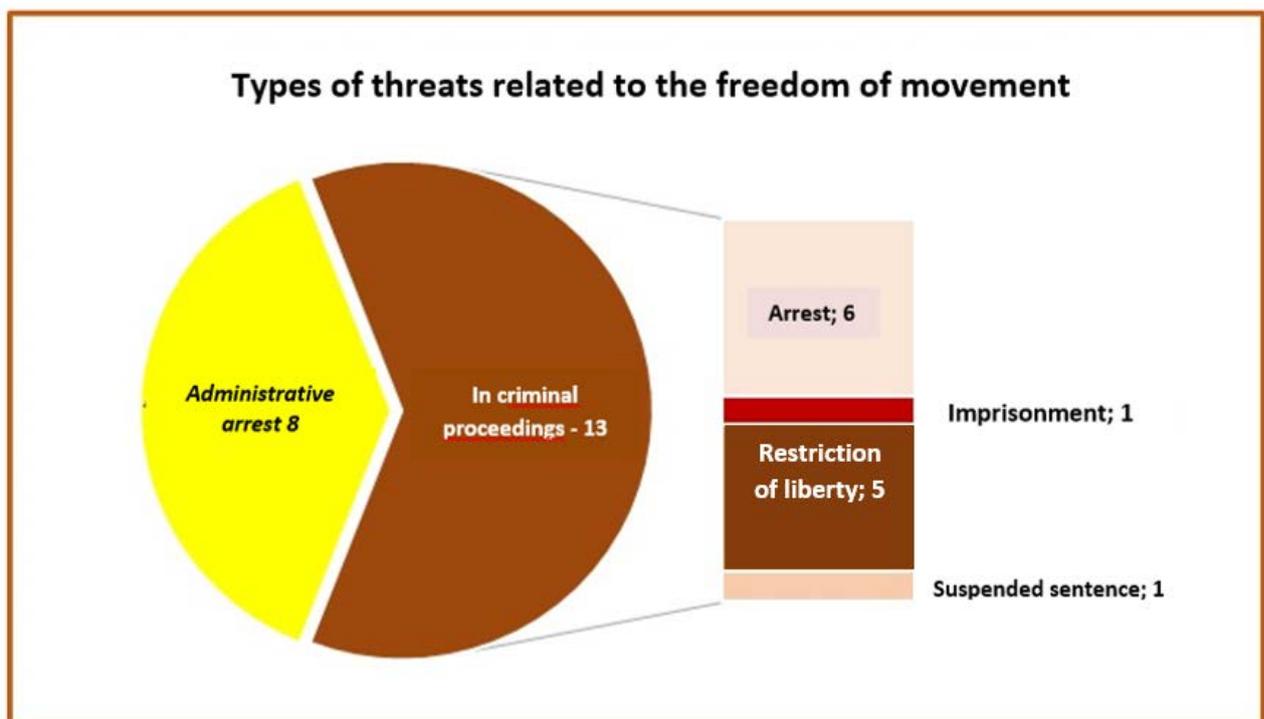
On April 12, the KTK television channel made an official statement regarding the detention of the correspondent office's journalists.

On the same day, the Ministry of Information and Social Development of the Republic of Kazakhstan urged the akimats to treat with understanding the work of mass media. "According to our information, there was no intentional violation of quarantine restrictions by journalists. A state of emergency is not a reason to infringe their rights. Journalists are now working hard,

they are at the forefront, realizing our inalienable right to receive reliable information. " said the Minister of Information and Social Development, Dauren Abayev.

However, on April 24, the Specialized Administrative Court of Atyrau found the journalists of the KTK film crew Beken Alirakhimov and Manas Sharipov guilty of committing an administrative offense under the Article 476 paragraph 7 of the Administrative Offenses Code of the Republic of Kazakhstan ("Violation of a state of emergency") and subjected them to an administrative penalty in the form of a warning.

ARRESTS, IMPRISONMENTS / RESTRICTIONS OF LIBERTY BY COURT DECISION



In 2020, the journalists faced 21 threats to the freedom of movement. Bloggers and civic activists were persecuted in 20 (95%) cases studied.

In terms of gender ratio, this type of threats was applied to 2 women and 19 men.

ARRESTS, IMPRISONMENTS / RESTRICTIONS OF LIBERTY IN CRIMINAL PROCEEDINGS

Type of threat	Amount
Court-sanctioned arrest	6
Imprisonment	1
Restriction of liberty	5
Suspended sentence	1

Pre-trial detentions are intensively used by the state authorities during investigations into criminal charges related to the exercise of the right to freedom of speech, without adequate grounds. In half of the cases studied, the courts rendered judgments of conviction.

On April 20, civil activist Arman Khasenov was arrested for two months according to the sanction of the Karaganda Investigative Court on charges of insulting the honor and dignity of the first president, initiated for a video of "tendentious content" posted on YouTube. In the video, the man criticizes the authorities for the situation in the country, occasionally using profane language.

On June 4, Arman Khasenov was found guilty on the charge according to a court verdict and sentenced to three years of restriction of liberty with the probationary control period of three years. Also A. Khasenov was subjected to forced labor for 100 hours annually for the term of his sentence.

On September 24, by a decision of the district court of the Turkestan region, activist Murat Baydauletov was placed under house arrest on suspicion of disseminating the intentionally false information. However, according to the decision on preventive measures in the form of house arrest, in the period from June 6, 2019 to August 17, 2020, Baydauletov "participated on the territory of the Turkestan and Akmola regions in the activities of the "Democratic Choice of Kazakhstan" and "Keshe Partyasy" movements, prohibited by the Kazakhstan court.

On November 30, civil activist Murat Baydauletov was found guilty of participating in the activities of a prohibited organization and sentenced to one year of restriction of liberty.

For the remaining incidents, the cases are being investigated by the investigating agencies or the examination by courts has not yet been completed.

On September 20, blogger and journalist Aigul Utepova was placed under house arrest for "posting on Facebook" on charges of participating in a prohibited organization. The following restrictions were imposed in relation to Utepova by the court: a total ban on leaving her house, with the exception of visiting medical institutions "for reasons of her health and close relatives." Aigul Utepova must answer the control telephone calls and appear before the investigator.

On September 23, blogger Ermek Taychibekov was detained on suspicion of incitement of discord and in the evening of the same day he was placed in a temporary detention facility in Almaty.

On October 3, blogger Margulan Boranbai, suspected of incitement of discord and propaganda for

- The case of a court decision restricting the freedom of a traditional media worker is related to the charges of contract coercion brought against Lyazzat Asanova, editor of the "Aimak Tynysy" newspaper. On December 7, the court found the editor guilty under the criminal article and sentenced her to one year and 6 months of restriction of liberty with the probationary control for the entire term.

Ruslan Zhanpeisov, a blogger and activist from Shymkent, known as a "police hunter", was sentenced on July 30 to one year in prison. The court found him guilty of "infliction of

moderately serious damage to health" to a resident of Shymkent and "insult to a representative of the authorities" - a policeman.

The court condemned the blogger, a resident of the rural district of the Zhambyl region, Abai Dzhundibayev, to a suspended sentence. On February 26, the court found him guilty of defamation. Akim of the district Beibit Nigmatullaev addressed the demand to bring the villager to the criminal responsibility. According to the official, "Dzhundibayev defamed and insulted" him by distributing a video on YouTube on November 2, 2019, in which he accused the official of illegal felling of elm tree after buying a building in the village. As the Akim told an Azattyk reporter, after the social media posts, "the competent authorities carried out an inspection and found nothing (illegal)".

ARRESTS IN ADMINISTRATIVE PROCEEDINGS

Administrative arrests targeted bloggers (3 incidents) and civil activists (5). In 7 out of 8 cases, this type of administrative sanction was imposed on charges of violating the state of emergency.

On April 10, the Almaty Administrative Court found civil activist and blogger Askhat Zheksebaev guilty of violating the state of emergency and sentenced him to administrative arrest for a period of 4 days. The blogger is accused of violating the restriction on the movement of people in the city without extreme necessity, he moved around Almaty, "carrying out an online broadcasting on a mobile phone through the social network Facebook, he appealed to the deputy Akim of the Auezov district of Almaty and the police officers at a roadblock, in order to receive comments on the state of emergency and quarantine".

On April 14, the Shymkent Administrative Court considered two cases against civil activist Ruslan Zhanpeisov. On charges of violating the state of emergency, the court imposed on him a penalty in the form of arrest for a period of 10 days for violating the requirements of restricting the movement of people and personal transport without extreme necessity.

In the second trial, Ruslan Zhanpeisov was accused of "actions which provoke a violation of law and order in a state of emergency": as a live video stream on YouTube "expressed discontent of the police officers for performing their official duties during quarantine, from his own words he addressed the Head of State, with his own words called upon citizens to prevent officials performing their official duty to protect the public order ... ". The court sentenced him to an administrative arrest for a period of 25 days.

On April 18, blogger Ulan Shamshet was found guilty of violating the state of emergency by a decision of the Almaty administrative court and sentenced him to administrative arrest for a period of 15 days. Ulan Shamshet was accused of being far from his place of residence without extreme necessity. Ulan Shamshet explained that he was in the Medeu district of Almaty, as he plans to move from a rented apartment, which he considers as an extreme necessity.

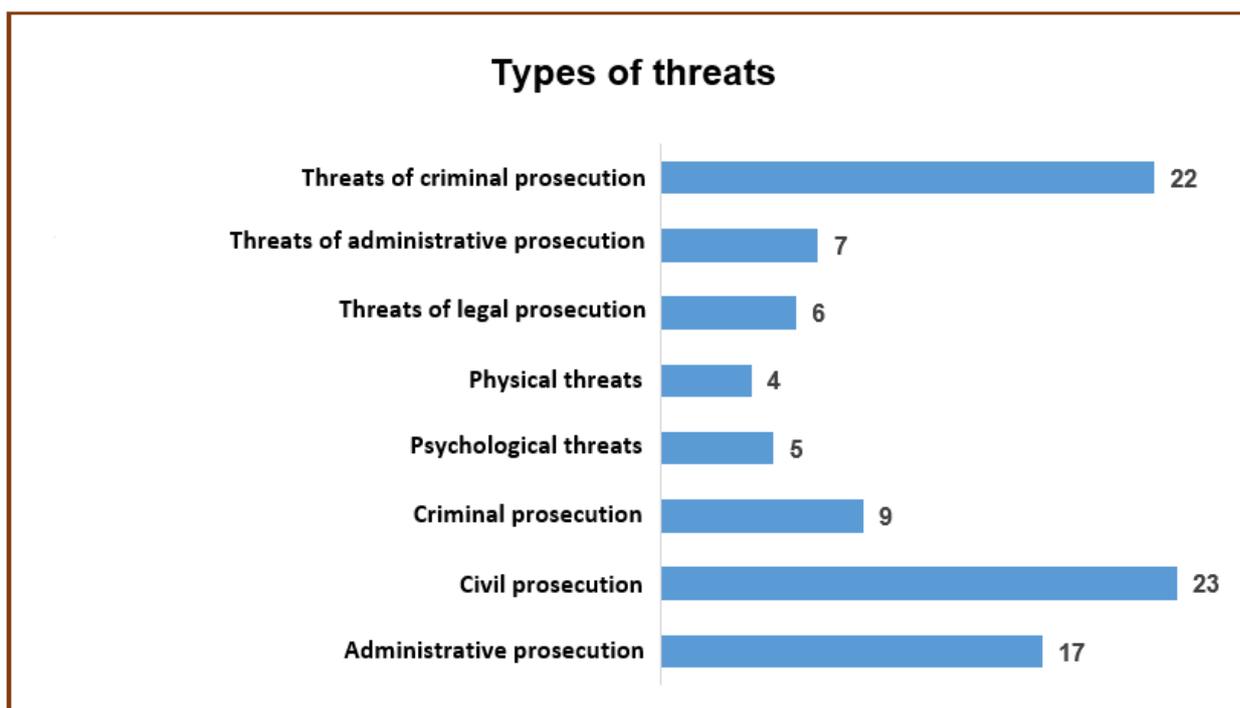
On April 20, civil activist Gennady Krestyansky was arrested for 10 days (later the Board of Appeal reduced the arrest period to 7 days) on charges of committing acts of provoking violation of law and order in a state of emergency. According to the minutes, the violation consisted in the fact that on March 26, 2020, on the territory of checkpoint No. 8 in Almaty city, Krestyansky "expressed persistent disobedience to the lawful demand of the police officer of the Zhetysu district of Almaty to leave the nearby territory of the checkpoint and not pose

challenges to the work". The activist explained: he carried out public control at the checkpoint and broadcast the situation at the checkpoint.

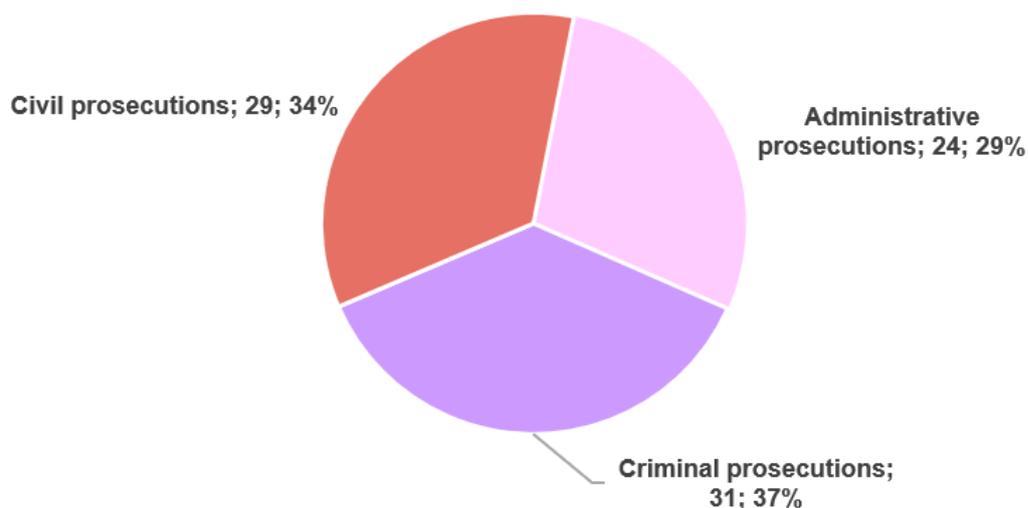
On April 24, a district court of the Turkestan region found civil activist Ruslan Zhanpeisov guilty of committing acts of violation of law and order in a state of emergency and imposed a penalty in the form of arrest for five days. The court ruling states that the civil activist, having arrived at the sanitary post, "began to criticize the special clothing, masks of medical personnel, the work of the government, the State, asking some insulting questions, provoking officers, as well as filming all this by a video camera of his mobile phone" ... By doing this, he actively impeded the police officers from exercising their official duties and disturbed the peace of people at the sanitary post.

On April 24, the Petropavlovsk Administrative Court imposed a penalty of 15 days' arrest on video blogger Yevgeny Lozovoy for violating the state of emergency. On April 23, 2020, Yevgeny Lozovoy filmed a video near the trading house for his Petro TV channel on YouTube, which is not registered as a media outlet. The blogger could not present the required list of documents allowing him to move around the city. The police officers drew up a report of administrative offense.

In terms of gender ratio, in 100% of cases the men were subjected to administrative arrest.



Of the 93 studied cases of threats faced by journalists and bloggers, 84 are related to criminal, civil and administrative proceedings.



Criminal prosecutions

The largest number of pre-trial and trial prosecutions faced by journalists, bloggers and social activists in 2020 was initiated in criminal proceedings (37% of the total number).

The table below demonstrates the composition of criminal charges, as well as the number of pre-trial and trial charges.

Articles of the Criminal Code of the Republic of Kazakhstan	Amount	Including, to:		
		Journalists	Bloggers	Activists/ Public figures/
Article 274 - Dissemination of intentionally false information	9	3	2	4
Articles 130, 131 - Defamation and insult	5	2	3	
Article 147 - Violation of privacy	4	3		1
Article 174 - Incitement of discord	3	1	2	
Article 405 - Participation in activity of prohibited organization	2		1	1
Article 373 - Infringement on the honor and dignity of the First President of the Republic of Kazakhstan	2		2	
Article 105 - Incitement to suicide	1	1		
Article 107 - Infliction of medium gravity harm to health	1	0	1	
Article 248 - Contract coercion	1	1	0	
Article 256 - Promotion of terrorism	1	1	0	

Article 385 - Forgery	1	1		
Article 378 - Insult of the representative of authority	1	0		1
In total:	31	13	11	7

6 out of 9 charges of disseminating of intentionally false information were brought with the aggravating clause of the article - dissemination in a state of emergency. The punishment under this article provides for restriction of liberty for a term of three to seven years or imprisonment for the same term.

- On June 22, civil activist Alnur Ilyashev was sentenced to three years of restriction of liberty on charges of disseminating of intentionally false information in a state of emergency. The court imposed on Alnur Ilyashev an additional punishment in the form of deprivation of the right to engage in public and social activities "on voluntarily serving the political, cultural, professional needs of society", to establish and be involved in the activities of political parties, public associations, foundations for a period of five years.

International human rights defenders criticized Ilyashev's sentence, calling the accusations absurd. In Alnur Ilyashev's support, the statements were made by the international human rights organization Amnesty International (AI), the Bureau of South and Central Asian Affairs of the US Department of State and the international human rights organization Human Rights Watch. Human rights defenders called on the Kazakhstan government to restore the rights of civil activist Alnur Ilyashev.

On July 1, the OSCE criticized Alnur Ilyashev's sentence. "A new [attempt] in a long line of attempts on the OSCE's territory to force to silence the critical voices so important to our democracies" says Ingibjörg Sólrún Gísladóttir, the Director of the OSCE's Office for Democratic Institutions and Human Rights.

Clooney Foundation for Justice (CFJ), founded by Hollywood actor George Clooney and his wife, lawyer Amal Clooney, published a statement and CFJ's advisory opinion on the foundation's website, which A. Ilyashev's lawyer Tair Nazkhanov submitted to the court of appeal. The Clooney Foundation's opinion has been filed to the case.

On September 16, the Clooney Foundation for Justice again made a statement expressing its disappointment with the decision of the Almaty City Court to remain in force the conviction of Kazakhstan activist Alnur Ilyashev for criticizing the ruling party "Nur Otan" on Facebook. The organization also expressed the hope that "the unjust conviction will be revoked".

- On September 17, blogger and journalist Aigul Utepova was placed under house arrest in connection with the pre-trial investigation of a criminal case on charges of participation in activity of prohibited organization. On November 12, the court authorized the placement of Aigul Utepova in a neuropsychiatric dispensary "for a medical and psychological examination." Aigul's lawyer and relatives believe that the attempt to isolate the author of critical posts is behind the court decision. On November 23, the police forwarded A. Utepova

from her house to the dispensary, from where she left on December 11. The doctors attested that she was absolutely healthy.

The international human rights organization Amnesty International called Aigul Utepova a "prisoner of conscience".

Civil prosecutions

In 2020, journalists, bloggers and human rights activists have received 26 claims and pre-trial letters for the protection of honor, dignity and business reputation, 2 for the protection of the right to one's own image, and one claim for compensation for moral damage.



The largest number of civil claims (15) were brought against journalists. In 93% of cases, the media representatives received the requirements to protect one's honor, dignity and business reputation. Demands for refutation, compensation for moral damage are presented after the publications in media and social networks.

- In January, a court of Uralsk initiated civil proceedings against **blogger, non-staff correspondent of the newspaper "Uralskaya Nedelya" Aibolat Bukenov** regarding the claim to protect business reputation of the West Kazakhstan region's Police Department. The reason was the information announced by Bukenov in a news story on one of the television channels. The blogger said that he identified 92 cases of violation of order by the police officers, which he promptly reported to the police department. Representatives of the department insist that over the past two years, the blogger has addressed only five messages. Accordingly, one can talk about only five violations. The police department demanded an official apology and refutation. In March, the court dismissed the claim in connection with a statement of the police department spokesman.

Bloggers, activists, human rights defenders are persecuted for the critical posts on social networks.

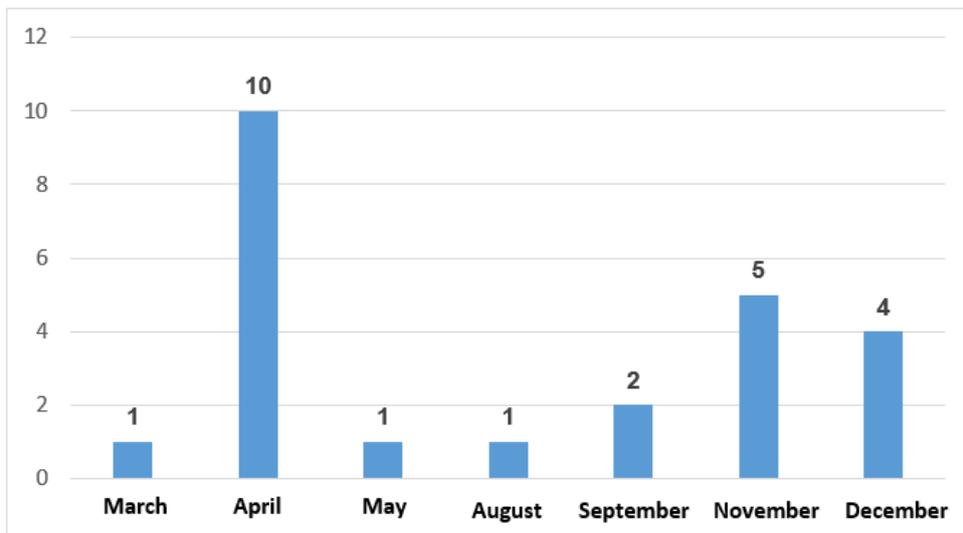
- **Human rights activist Elena Semenova (Pavlodar)**, who works on the rights of prisoners, after publications on the social network Facebook, was accused six times of degrading business reputation. The applicants are institutions of the penal correction system. In 4 cases, the claims to refute the disseminated information were fully satisfied, in two cases the claims were left without consideration due to withdrawal of the statements.

- **Blogger Gulbanu Abenova (Nur-Sultan)** participated in two proceedings as a defendant related to the claims for protection of honor, dignity and business reputation. The claims were

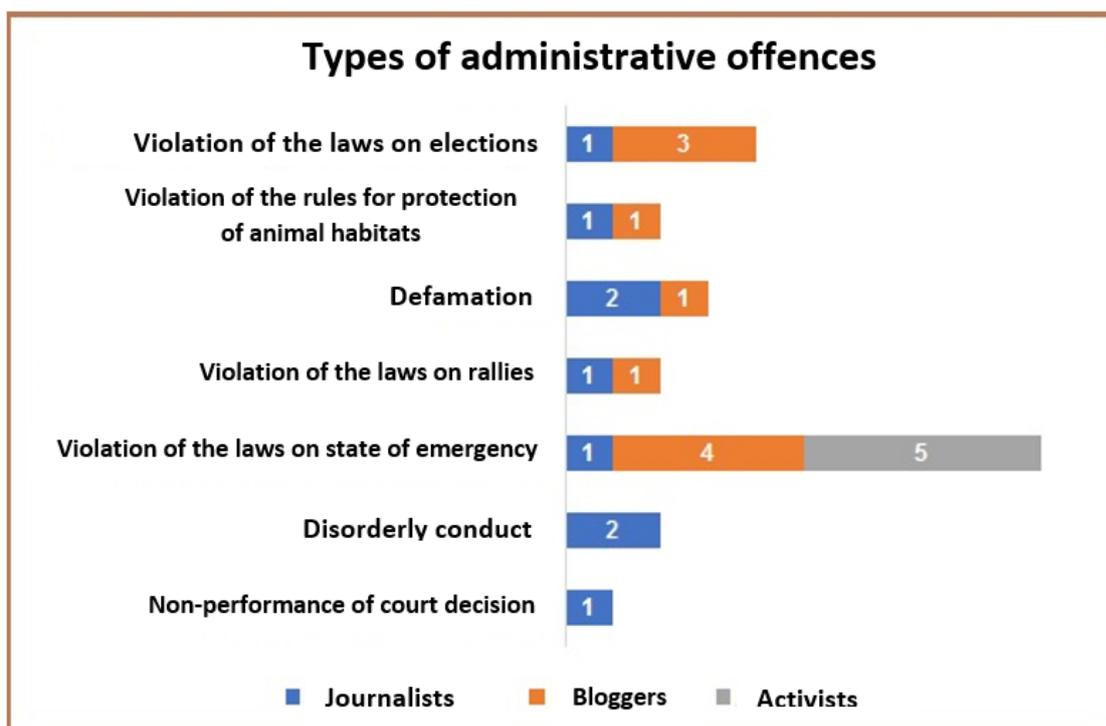
filed by the Department of Asset Management and Public Procurement of Nur-Sultan city and an employee of the Social Health Insurance Fund. In all processes, the claims were denied.

- **Activist Dos Ilyashev** (brother of Alnur Ilyashev, convicted under the article on disseminating intentionally false information) was persecuted by V. Banshchikov, deputy of the Nur Otan party. The reason for the trial was a video posted by Dos Ilyashev on Facebook on March 2, 2020 under the heading on revealing the facts of the state budget's "cut". The deputy claimed to refute the information and compensate for moral damage in the amount of 1 million tenge. The claim was partially satisfied - Dos Ilyashev must publish a refutation and compensate the deputy 50 thousand tenge.

Administrative prosecutions



During the study period, 24 pre-trial and trial charges were brought against journalists, bloggers and activists during administrative proceedings. The greatest number of persecutions against journalists and active users of social networks was recorded in April - the initial period of the introduction of a state of emergency in Kazakhstan and in November-December, when the election campaign in the Mazhilis of Parliament and local executive bodies has started in the country.



Bloggers and civil activists became the leaders in this type of threats - 15 facts of administrative persecution. In 75% of cases, the claims were considered by courts. Bloggers and civil activists were subjected to administrative arrests and fines for the actions provoking a violation of the order in state of emergency (Article 478 of the Administrative Code of the Republic of Kazakhstan).

To clarify **the laws on elections**, bloggers were summoned to the prosecutor's office for a conversation in connection with questionnaires on the upcoming elections published on social networks and messengers. The prosecutor's office warned them about administrative responsibility and requested the explanatory notes. In most cases, protocols on an administrative offense were not prepared. It is known about one court proceeding in relation to violation of the laws on elections.

- Kairat Abdrakhman, a blogger from Taldykorgan, was fined 41,670 tenge by a court decision for a questionnaire posted on the VKontakte social network on November 9. Earlier, the prosecutor's office explained to the blogger that he posted some questions regarding the upcoming parliamentary elections without authorisation under the law "On elections in the Republic of Kazakhstan". In particular, he was reminded that he asked his subscribers the following questions: do they trust the elections and what do they think about the deputies of the city maslikhat?

The first administrative proceedings on charges of **defamation** against a journalist began in September 2020.

Deputy of the Ust-Kamenogorsk city maslikhat Yulia Mironova filed the statement to the police demanding to prosecute **the correspondent of Inbussines.kz in the East Kazakhstan region, Zhanar Asylkhanova**. The reason was the publication "A scandal spreads around new road signs in Ust-Kamenogorsk".

"When publishing the text, there has been an inaccuracy, which was immediately corrected. The phrase "then two signs were made" was corrected to "then two signs for 20 places were made ". The applicant confirmed to the police that the article was corrected, but there was no refutation or apology, the article was reposted by other media and bloggers in the initial form, and all this, according to her, negatively affected her, her health and business reputation" - reported inbusiness.kz.

Y. Mironova requested to bring to justice other persons who published the posts in social networks, mass media, reposted the publication on the scandal around new road signs that were purchased through a public procurement tender.

On 10 November the administrative proceedings were terminated on the basis of a mediation agreement between the journalist and the applicant.

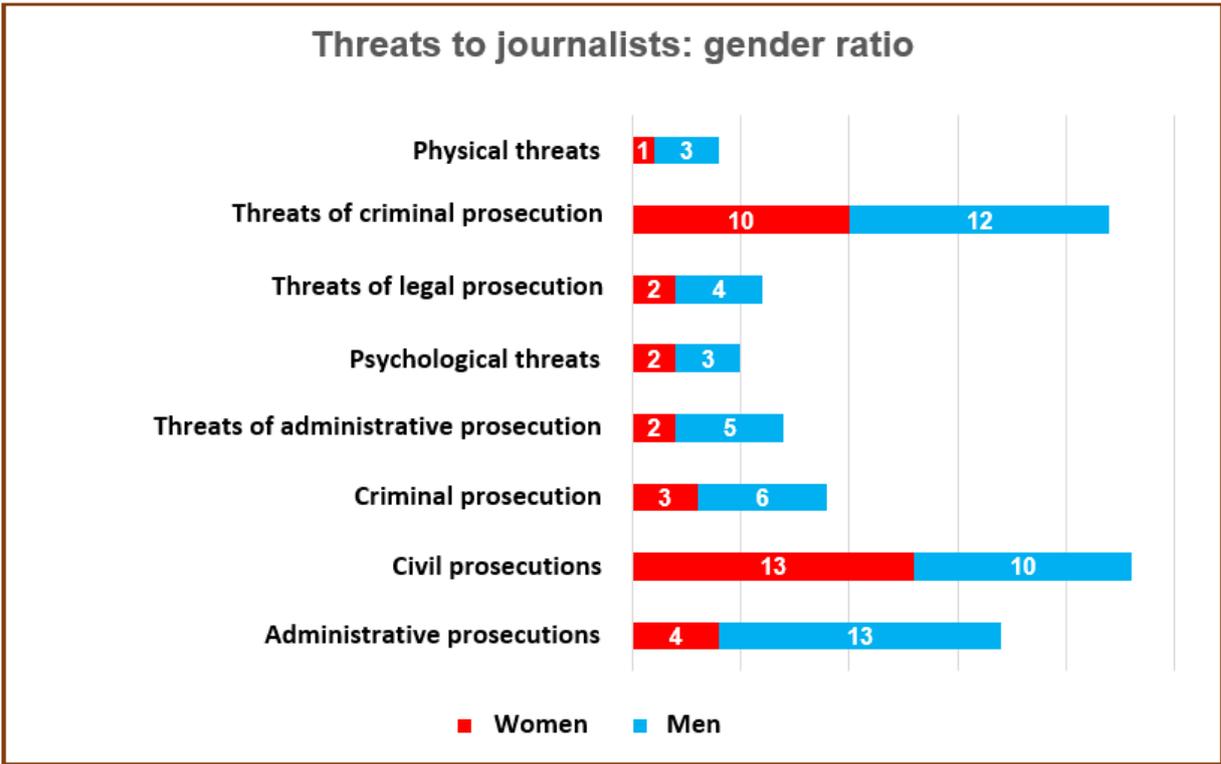
Earlier, on August 15, the deputy Akim of the Karabalyk district in the Kostanay region, Azamat Auzhanov, filed a statement to the Karabalyk district police department to bring **Mirshat Sarsenbayev, the video blogger from Karabalyk village**, to administrative charges under the Article 73-3 of the Administrative Code of the Republic of Kazakhstan (defamation).

On August 14, the blogger posted on his VKontakte page a post named "FOR BEER AND CHECHIL !!! REGIONAL CORRUPTION " accompanied by photographs and video recordings. The text of the post said: "At 18 hours 37 minutes 08/14/2020 - the use of a corporate car for personal purposes, the deputy Akim of the Karabalyk region, Mr. A. K. AUZHANOV. The state number 862 AR _10. WILL OBLIGATORY TRANSFER MATERIALS TO ANTI-COR". On August 20, the Karabalyk District Court terminated the administrative trial against the blogger due to the absence of an administrative offense in his actions.

The psychological pressure faced by journalists and bloggers was expressed in threats to sue, apply to the prosecutor's office, commit suicide, demands to remove publications from the official websites, and forced placement in a psychiatric clinic.

- On November 12, the court granted the investigator's request to send blogger and journalist Aigul Utepova, suspected of participating in the activities of an extremist organization, to a neuropsychiatric dispensary "for a medical and psychological examination" until December 11, 2020. Aigul's lawyer and relatives believe that the attempt to isolate the author of critical posts is behind the court decision.

In terms of gender ratio, 37 women and 56 men faced threats in connection with the exercise of the right to freedom of speech.

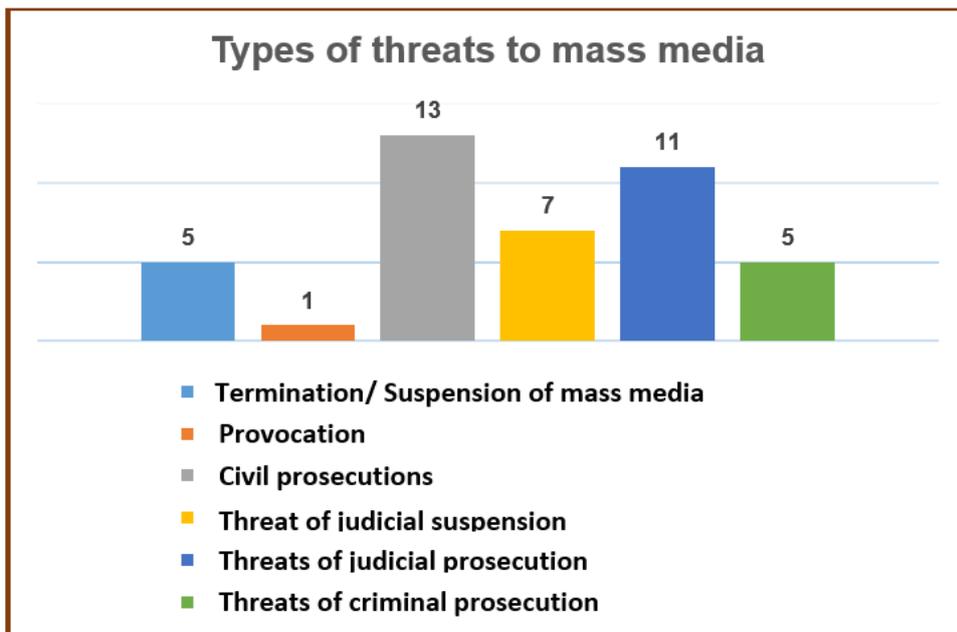


THREATS TO MASS MEDIA

In this report, the term mass media covers:

- editorial offices of traditional mass media and Internet resources of publications;
- online mass media;
- special platforms created by users of the social network, social movements, non-governmental organizations to inform and discuss themes significant for the civil society;
- mass media owners;
- non-governmental human rights and media organizations.

In 2020, 42 facts of threats to mass media were recorded:



The threat to suspend mass media publications was announced during the introduction of the state of emergency and quarantine measures in Kazakhstan related to the spread of COVID-19.

In connection with the introduction of quarantine, the activity of kiosks selling printed products and other newspapers and magazines sale points in the country was suspended, the free movement of citizens was limited.

- On March 31, "Uralskaya Nedelya" informed readers about the suspension of the printed version of the newspaper. "The main and only reason for this measure is the introduction of the special quarantine regime in Uralsk and in the West Kazakhstan region. Under the terms of this regime, many sale points where our newspaper was sold will be closed. In addition, many of our subscribers will physically not be able to reach the editorial office under conditions of special quarantine" the editorial board writes. The technical part of the team was sent on leave without pay.

- On March 31, 6 editorial offices of the region signed an appeal to the local Akim, in which, without denying the importance of introducing quarantine measures underlined that the newspapers cannot be simply classified as non-food products. The editors asked the Akim to request the regional headquarters not to interfere the sale of newspapers in grocery stores.

- On March 31, representatives of 20 publications, two printing companies and four press distributors in Almaty appealed to the Prime Minister of the Republic of Kazakhstan Askar Mamin with a request to provide support to enterprises for the production and distribution of print media in Kazakhstan in the conditions of fight against the developing coronavirus pandemic. The authors of the appeal ask to allow these enterprises to work as usual, to provide support in the distribution and delivery of printed publications with reliable, useful, relevant materials and news to readers, to our socially vulnerable citizens.

- On July 13, the director of the edition Askar Zhabayev announced the reduction of the frequency of publication of the newspaper "Nash Kostanay". "This is related to the fact that journalists, like doctors, are at the forefront of the fight against coronavirus" Askar Zhabayev

told readers. "However, the disease has touched the journalists of our editorial team, and God forbid there will be no victims". The journalists were transferred to the distance work. The newspaper's website <https://top-news.kz/> and its pages in the social network worked as before.

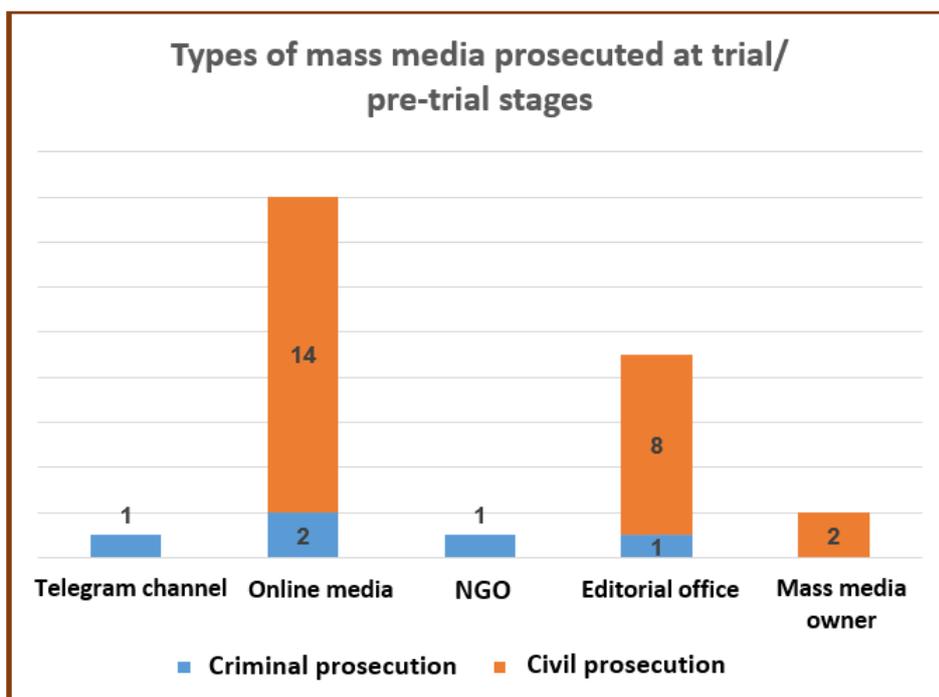
- On July 27, the television channel Tamasha TV, being a part of the republican television and radio corporation "Kazakhstan", terminated broadcasting due to a sharp decline in advertising revenues during the coronavirus pandemic.

On October 21, the President of Kazakhstan announced the upcoming regular elections to parliament and local executive bodies. The elections were scheduled for January 10, 2021. In November, two months before the elections, the pre-election campaign began in the country.

- In November, 7 Kazakhstan non-governmental organizations issued a statement regarding the "attack" by the tax authorities. The question was about the notifications from tax authorities on alleged violations in filling out the information forms - 017.00 and 018.00 of tax reporting, which relate to the timing of notification of receipt of funds from foreign sources and their spending. According to the current Administrative Offenses Code, if false information is detected, NCOs could be fined of more than 500 thousand tenge and should suspend their activities for up to 3 months. The authors of the statement believe: "the tax authorities received "instructions" to find at least something, any inaccuracies, typos, technical errors in these forms, in order to prepare protocols as soon as possible and further have the opportunity to fine and suspend the activities of these organizations". The statement was signed by PF "Erkindik Kanaty", PF "Kadir Kasiet", RPA "Kazakhstan International Bureau for Human Rights and Rule of Law", PF "International Legal Initiative", PF "International Centre for Journalism – MediaNet", PF "Legal Media Center", PA "Echo".

International human rights organizations Amnesty International, Front Line Defenders, Human Rights Watch and the International Partnership for Human Rights issued a statement identifying the pressure on human rights and media NGOs an attempt to "extinguish any criticism at that time when independent opinion matters most".

29 threats to the media are related to judicial, pre-trial prosecutions in civil and criminal orders.



Criminal charges were brought against the mass media in relation to the dissemination of intentionally false information (4 incidents) and incitement of discord (1).

- On February 8, the chairman of the Information Committee of the Ministry of Information and Social Development, Lyazzat Suyndik, in a message sent to the e-mail of IIA KazTAG, invited the agency "to adhere the official information" on the situation in the Kordai district of Zhambyl region" and recalled the criminal liability for disseminating "intentionally false information".

The night when there was a mass brawl in the Kordai region, led to human casualties, the editorial office tried to obtain the information from official sources. However, all attempts to contact government agencies were unsuccessful. The officer on duty of the police department of the Zhambyl region, to whom they managed to get through, replied that he did not have any information.

Amid the silence of official sources, "KazTAG" considered the only correct decision to draw attention to this situation is to report the facts of riots and mass violence. The confirmation of the accuracy of the information disseminated by the agency is not only the testimony of the chairman of the Dungan Association of Kazakhstan, Husey Daurov, but also numerous photographs and video materials received by the editorial office.

- The construction holding BI-Group appealed to the police of Almaty city with request to initiate a criminal proceeding on the fact of disseminating intentionally false information (Article 274 of the Criminal Code of the Republic of Kazakhstan), aggravated by the dissemination in a state of emergency. This was announced by the head of the holding on his Facebook page. The reason was the post published on the Telegram channel "Notes of aksakal" on April 4 "To whom coronavirus, but to Mamin, BI-group and Rakhimbaev - coronabusiness",

which raises delicate questions regarding the construction of hospitals for patients with coronavirus.

In April, the administration of the Qaharman Civil Initiative for Human Rights movement and the Instagram account @qaharman announced the threat of provocation. "We draw the attention of the diplomatic missions and civil society to this fact. We do not exclude the possibility of hacking our account and, as in the case of Anya Shukeyeva's former account, publishing provocative and false materials" Qaharman says.

2. Common understanding and activities of various interested parties

The examination of the attitudes of national stakeholders concerns with the journalists' safety demonstrated that there is a different understanding of the scope and nature of the problems, including total lack of understanding.

There is no national strategy in Kazakhstan that defines the aims and the participants responsible for these issues.

Best practices are disseminated through online and offline networks through the media and by civil society organizations. Information and materials on safety of journalists are available in Kazakh and Russian languages. These same interested parties highlight the safety issues on relevant days and events, for example, they hold public events in honor of the World Press Freedom Day on May 3 and on the International Day of Solidarity of Journalists on September 8. The government agencies rarely collaborate in practice in relation to the major public events.

The Government does not disseminate information about violations of the safety of journalists. The work on the new law "On Mass Communications" is carried out by the government without the involvement of the civil sector. Moreover, the public is not informed about the progress of this work.

The discussion of the journalists' safety on November 2, 2020 at a meeting organized in the context of the project on international communication development program, gave rise to cooperation of various interested parties. These discussions and examination gave rise to an understanding of the development of a national strategy for the journalists' safety, the exchange of experiences, the drafting materials in Kazakh and Russian languages, as well as regular cooperation on key events related to the journalists' safety.

B. The roles and response of state institutions and political actors

1. State has laws which can protect journalists

a) Legal framework of the Republic of Kazakhstan

Article 1 of the Constitution of the Republic of Kazakhstan lays down the fundamental principle "The Republic of Kazakhstan proclaims itself as a democratic, secular, legal and social state whose highest values are a person, his life, rights, and freedoms." In accordance with Article 12 of the Constitution "Human rights and liberties shall belong to everyone by virtue of birth, be recognized as absolute and inalienable, and define the contents and implementation of laws and other regulatory and legal acts."

Article 20 of the Constitution of the Republic of Kazakhstan guarantees freedom of speech to citizens, as well as the right to freely receive and disseminate information in any way not prohibited by law, except for information constituting state secrets.

Censorship is prohibited. Article 39 of the Constitution established an exhaustive list of cases of abuse of freedom of speech. Rights and freedoms of an individual and citizen may be limited only by law and only to the extent necessary for the protection of the constitutional system, defense of public order, human rights and freedoms, and the health and morality of the population.

The main act of Kazakhstani national legislation establishing the legal status of a journalist is the Law of the Republic of Kazakhstan No. 451-I "On the Mass Media" dated July 23, 1999 (hereinafter - the Law on Mass Media).

The preamble to the law on mass media mentions that freedom of speech is guaranteed by the Constitution of the Republic of Kazakhstan; freedom of speech is also mentioned in the title of article 2 and in the first sentence of paragraph 1 of this article.

More than 100 amendments have been made to the law on mass media to date. According to the numerous studies by international and national experts, most of those amendments limit freedom of speech, none of them increase the protection of journalists. For example, Article 2 of the Law on Mass Media "Freedom of speech, receipt and distribution of information" prohibits promotion of narcotic drugs, psychotropic substances, their analogues and precursors, as well as the cult of cruelty, violence and pornography. At the same time, propaganda in the media means the dissemination of views, facts, arguments and other information, including intentionally distorted, to form a positive public opinion about information prohibited by the legislation of the Republic of Kazakhstan and (or) inducement to unlawful acts or inaction of unlimited scope of persons. For all the years of the operation of the law, state bodies have not given an interpretation of what should be understood by the cult of cruelty or violence.

The legal security of journalists is to some extent protected by Article 26 of the Law on Mass Media "Cases of exemption from liability for dissemination of information that is not true".

In accordance with it (clause 4), journalists are not liable for the dissemination of information in the media that does not correspond to reality, if it is the literal reproduction of official speeches of deputies of representative bodies, officials or authorized persons of state bodies, local authorities, individuals and legal entities.

On July 10, 2020, Article 130 of the Criminal Code of the Republic of Kazakhstan "Libel" was decriminalized - "dissemination of deliberately false information discrediting the honor and dignity of another person or undermining his reputation". It has been transferred to the Administrative Code. Now journalists face a serious fine and a maximum of 30 days of arrest for libel, and not three years of imprisonment, as before.

The rights of journalists are protected by Article 158 of the Criminal Code of the Republic of Kazakhstan.

"1. Interfering with legal professional activity of journalist by coercion him (her) to dissemination or refuse to dissemination of information, as well as by creating conditions, preventing to execution by the journalist of the legal professional activity or deprives him (her) of such opportunity, -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. The same action, committed by person with the use of his (her) official position, as well as with use of force or threat of its use in relation of journalist or his (her) relatives or with damaging or destruction of their property, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it. "

Statistics of the Adil Soz Foundation shows that over the years of the country's independence, only one case of interfering with the legitimate professional activity of a journalist came to court and ended with a guilty verdict. It was in 2005.

b) International obligations of the Republic of Kazakhstan

International legal provisions and standards on the freedom of speech are established by the global documents and agreements to which Kazakhstan has adhered, including in the International Covenant on Civil and Political Rights¹⁴ (ratified by the Law of the Republic of Kazakhstan dated November 28, 2005 No. 91-III, entered into force for the Republic of Kazakhstan on April 24, 2006).

Kazakhstan has already reported on its implementation. Paragraph 25 of the Observations of the UN Human Rights Committee on the report on the implementation of the International Covenant on Civil and Political Rights (CCPR/C/KAZ/CO/1; July 29, 2011)¹⁵ stated:

"The Committee expresses concerns at reports that the State party does not respect the right to freedom of expression. The Committee, in particular, expresses concern at reports that threats, assaults, harassment and intimidation of journalists and human rights defenders have severely reduced the exercise of freedom of expression. The State party should ensure that journalists, human rights defenders and individuals are able to freely exercise the right to freedom of expression in accordance with the Covenant. In this regard, the State party should review its legislation on defamation and insults to ensure that it fully complies with the provisions of the Covenant. Furthermore, the State party should desist from using its law on defamation solely for purposes of harassing or intimidating individuals, journalists and human rights defenders. In this regard, any restrictions on the exercise of freedom of expression should comply with the strict requirements of article 19 paragraph 3".

The following response was provided by the Decree of the Government of the Republic of Kazakhstan dated December 3, 2014 No. 1271 "On approval of the second periodic report on the implementation by the Republic of Kazakhstan of the International Covenant on Civil and Political Rights":

"The Republic of Kazakhstan, as a democratic state, has undertaken to respect and ensure to all persons within its territory and under its jurisdiction the right to freedom of expression. It should be noted that the measures implemented by the State to restrict these rights are necessary for respecting the rights and reputation of other persons, protecting state security,

¹⁴ https://online.zakon.kz/Document/?doc_id=1010760

¹⁵ https://online.zakon.kz/Document/?doc_id=31141835

public order, health or morality of the population. This measure is fully consistent with the Article 19 of the Covenant".

In paragraph 261 of the third periodic report on the implementation by the Republic of Kazakhstan of the International Covenant on Civil and Political Rights, approved by the Decree of the Government of the Republic of Kazakhstan dated June 30, 2020 No. 416¹⁶, the following is stated on the matter under discussion: "Freedom of speech, guaranteed by the Constitution and legislation of the Republic of Kazakhstan, also imposes obligations to be objective and honest in work. In addition, the legislation provides sufficient freedom for journalists' activities".

Kazakhstan is a member of the United Nations since 1992. In the Declaration of the President of the Republic of Kazakhstan dated December 31, 1991¹⁷, it was declared that the Republic of Kazakhstan accepts the obligations provided by the Charter of the United Nations and solemnly undertakes to fulfill them.

Accordingly, Kazakhstan must fulfill the documents such as the UN Action Plan on the Safety of Journalists and the Issue of Impunity (2012)¹⁸, Resolutions of the UN Human Rights Council 21/12 dated September 27, 2012, 27/5 dated September 25, 2014, 33/2 dated September 29, 2016 and 39/6 dated September 27, 2018 on the safety of journalists¹⁹, etc.

At the moment, there is no obvious relevance for Kazakhstan of such documents as the International Convention for the Protection of All Persons from Enforced Disappearance (New York, December 20, 2006, ratified by the Law of the Republic of Kazakhstan dated December 15, 2008 No. 104-IV²⁰), the Convention on the Elimination of all Forms of Discrimination Against Women²¹ (December 18, 1979, the Republic of Kazakhstan adhered by the Law of the Republic of Kazakhstan dated 29.06.98, No. 248-1), as well as the Geneva Conventions of August 12, 1949 and their Additional Protocols (Resolution of the Supreme Council of the Republic of Kazakhstan dated March 31, 1993 year No. 2060-XII "On the accession of the Republic of Kazakhstan to the Geneva Conventions for the Protection of War Victims of 1949 and Additional Protocols"²²). However, in certain situations, they can play an important role in ensuring the journalists' safety, since international treaties ratified by the Republic have priority over its laws (Article 4 of the Constitution of the Republic of Kazakhstan dated August 30, 1995²³).

Kazakhstan and UNESCO are actively cooperating within the framework of the 1995 Memorandum of Cooperation between UNESCO and the Republic of Kazakhstan. The Resolution adopted by the 29th session of the UNESCO's General Conference on 12 November

¹⁶ https://online.zakon.kz/Document/?doc_id=36256949

¹⁷ https://online.zakon.kz/Document/?doc_id=33903164

¹⁸ https://online.zakon.kz/Document/?doc_id=31285900

¹⁹ *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53A (A/67/53/Add.1)*, chapter III. Ibid., *Sixty-ninth session, Supplement No. 53A* and corrections (*A/69/53/Add.1*, *A/69/53/Add.1/Corr.1* and *A/69/53/Add.1/Corr.2*), chapter IV, sect. A. Ibid., *seventy-first session, Supplement No. 53A* and correction (*A/71/53/Add.1* and *A/71/53/Add.1/Corr.1*), chapter II. Ibid., *Seventy-third session, Supplement No. 53A (A/73/53/Add.1)*, chapter III.

²⁰ https://online.zakon.kz/Document/?doc_id=30194416

²¹ https://online.zakon.kz/Document/?doc_id=1010712

²² https://online.zakon.kz/Document/?doc_id=1001808

²³ https://online.zakon.kz/Document/?doc_id=1005029

1997 "Condemnation of Violence Against Journalists"²⁴ and the UNESCO Medellin Declaration "Securing the Safety of Journalists and Combating Impunity" (3-4 May 2007)²⁵ should be fulfilled accordingly.

At the OSCE Astana Summit in 2010, Kazakhstan, as an OSCE member, in the Declaration of the OSCE Chairman-in-Office²⁶, reaffirmed its intention to fully implement the obligations undertaken in all three dimensions, including the human dimension and, in particular, recognizing the important role that civil society and free mass media play in helping us fully ensure respect for human rights, fundamental freedoms, democracy, including free and fair elections and the rule of law. Accordingly, the implementation of such a document as the Guidebook on the Safety of Journalists (OSCE. Representative on Freedom of the Media, 2014)²⁷ and other documents adopted on the safety of journalists in the OSCE is relevant.

At the regional level, one can note such documents as the Convention on the Status of the Correspondent Representing Mass Media of the State Party of the Commonwealth of Independent States in other States of the Commonwealth (Cholpon-Ata, April 16, 2004)²⁸, according to which the Parties, according to the national legal system provide to correspondents, in connection with implementation of professional activity by them, protection of life, honor, advantage and property.

Also, in the Agreement between the Government of the Republic of Kazakhstan and the Government of the Russian Federation on the status of mass media correspondents of the Republic of Kazakhstan in the Russian Federation and mass media correspondents of the Russian Federation in the Republic of Kazakhstan (Astana, October 9, 2000)²⁹, the Parties set the objective of the need to ensure that journalists and other media workers have legal protection and favorable conditions for exercising their professional activities.

2. There are appropriate normative statements, policies, and institutional frameworks that safeguard the importance of journalists' safety

To date, Kazakhstan has no policies (programs) and institutional frameworks that would guarantee the importance of the safety of journalists, provide for raising awareness of the judiciary and law enforcement officials on the duties and obligations to ensure the journalists' safety within the international human rights system and humanitarian law;

The State does not develop the appropriate mechanisms (institutions, programs and budgets) to monitor and report on threats, prosecutions and violence against journalists, and there is no specific policy in support of the journalists' protection, which reports to independent

²⁴ https://www.un.org/ru/documents/decl_conv/declarations/violence_journalists.shtml

²⁵ https://online.zakon.kz/Document/?doc_id=31287807

²⁶ https://online.zakon.kz/Document/?doc_id=30930980

²⁷ https://online.zakon.kz/Document/?doc_id=31563369

²⁸ https://online.zakon.kz/Document/?doc_id=1050440 on approval of the Convention, see the Resolution of the Government of the Republic of Kazakhstan dated September 16, 2004, No. 968.

²⁹ https://online.zakon.kz/Document/?doc_id=1022590 on approval of the Agreement, see the Resolution of the Government of the Republic of Kazakhstan dated April 19, 2001, No. 523.

judiciary authority and public oversight, so that interested parties could have direct access to appeal in cases when they believe that their rights have been violated;

The State abstained from direct support or propaganda of threats to journalists, however, there have been cases of pressure on journalists through the judicial, police, tax and administrative systems; Due to the COVID-19 pandemic. So, in July 2020, President Kassym-Jomart Tokayev said in his appeal to the nation of Kazakhstan: “Some people arrange political games, spread rumors, stir up the situation with all sorts of assumptions and appeals, try to incite discord in society. This kind of manipulation is extremely dangerous, so such actions will be given a legal assessment in accordance with the law. ” Deputy Minister of the Ministry of Internal Affairs of the Republic of Kazakhstan Aleksey Kalaychidi, said in response to the question from journalists about fake news concerning COVID-19: “For each such fact, we appoint expert examinations, and here are the results: 86 criminal cases have been initiated, six people have already been convicted. So, the legal consequences are quite clearly defined by the criminal law. Well, the issue of responsibility is already raised with consideration to the harm to society ”.³⁰» .

Police officers are legally prohibited from harassing, intimidating or physically attacking journalists, however, in real life, journalists are attacked by police while covering rallies and other protests ³¹. But there are insufficient communication channels between journalistic organizations and security forces to cover street protests, public events, etc.; (In 2021, UNESCO Almaty Office initiated training for police on protection of journalists during mass public events ³²).

Government officials, law enforcement officers, civil officials and the representatives of the judiciary make statements recognizing the journalists' safety, and the State в предыдущие годы has declared its commitment and support for the journalists' safety at international forums; In 2020, no such actions were recorded, probably due to the COVID-19 restrictions when the number of large-scale public events has dramatically decreased.

At present, the State does not recognize the existence of the problem that women journalists might be at particular risk of sexual harassment and violence, and does not consider it necessary to take special measures to ensure their safety on an equal basis with men;

The State cooperates with NGOs on the issues of the journalists' safety, but does not publicly and systematically condemn attacks, harassment and violence against journalists on the Internet and in real life.

The state does not have sufficient cooperation with NGOs on the safety of journalists. It receives information from NGOs about violations of the safety of journalists, but does not publicly and systematically condemn attacks, harassment and violence against journalists on the Internet and in real life.³ Criminal and civil justice system deals effectively with threats and acts of violence against journalists.

³⁰

<https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.adilsoz.kz%2Fupload%2FCOVMON2020.doc&wdOrigin=BROWSELINK>

³¹ See. A.1, Number and types of non-fatal actual attacks on journalists

³² <http://www.adilsoz.kz/news/show/id/3399>

i. Protection measures are provided to journalists when required in response to credible threats to their physical safety

In Kazakhstan, state protection is not provided specifically for journalists. According to the Law of the Republic of Kazakhstan "On State Protection of Persons Participating in Criminal Proceedings", citizens are provided with state protection if they assist the authorities carrying out operational-search, counterintelligence activities, as well as private prosecutors, witnesses; suspects, accused, defendants, convicted persons, as well as persons in respect of whom the criminal prosecution has been terminated or the court has passed a non-guilty verdict; civil plaintiffs, civil defendants; family members, close relatives of the persons listed above.

Measures of state protection could also be implemented in relation to the persons contributing to prevention or solving crimes in the presence of a real threat of violence against them or other act prohibited by criminal law.

The right to state protection arises in case when there are sufficient grounds that the persons subject to protection are threatened with murder, violence, property destruction or damage or other dangerous unlawful actions, the bodies ensuring the safety of protected persons are obliged, within their competence, to take measures of state protection as provided by law.

Protected persons shall be ensured by: use of the authorized state bodies of safety measures to protect the life and health of protected persons, as well as the preservation of their property; - application of remedies, including providing for criminal liability for infringement of their lives, health and property; - implementation of social protection measures providing for the implementation of the legally established right to financial compensation in the case of their death, the infliction of bodily harm or other injury, destruction, or damage to their property.

Persons subject to the state protection have a right to: know about applied safety measures in their relation; apply for the use or non-use in relation to their specific safety measures; appeal against illegal decisions and actions of officials, carrying out safety measures in higher bodies, ensuring the safety, in the prosecutor office or court.

Consequently, the state protection could be provided to the journalists on a general basis, in cases when they are threatened with murder, violence, property destruction or damage, or other dangerous illegal actions. Until today, almost no measures of the state protection have been applied to journalists.

ii. Where there is violence or threats against a journalist, due account is given by the authorities to any evidence showing linkage to the journalist's professional activities

The Criminal Code of the Republic of Kazakhstan contains the Article 158 "Obstruction of the lawful activity of journalists".

According to the paragraph 1 of the Article 73-1 of the Administrative Code of the Republic of Kazakhstan, intentional infliction of minor harm to the health, resulting in a short-term disorder of health or a slight permanent loss of general working capacity, is punished by a fine in the amount of fifteen monthly calculation indices or administrative arrest for up to fifteen days.

Infliction of grievous bodily harm to a journalist requires multiple qualifications: the Article 158 and paragraph 2 of the Article 106 of the Criminal Code of the Republic of Kazakhstan - "Intentional infliction of grievous bodily harm" - is punishable by restriction of liberty for a period of three to eight years or by imprisonment for the same term.

The lack of investigative and judicial practice of crimes against journalists during the studied period does not allow us to conclude whether the authorities take into account in cases of violence or threats against journalist the evidences of connection with his professional activities.

iii. The State has specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity

Kazakhstan has no specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity.

iv. Investigations of crimes against journalists, including intimidation and threats, are carried out promptly, independently and efficiently

In 2020, the Foundation "Adil Soz" recorded 67 cases of obstruction of lawful journalistic activities, including attacks and threats against journalists. These illegal actions were practically not investigated. Complaints and statements remain without any action or are limited to replies: such as "the facts were not confirmed"³³.

Some examples include:

Attack in the Office of the Human Rights Bureau

On July 22, 2019, at 11 a.m., a press conference scheduled in the Kazakhstan International Bureau for Human Rights was disrupted by a group of aggressive women. They shouted, ripped out cameras from camera operators, cell phones from the audience, fought, forbade filming them, broke expensive equipment and stole smartphones.

As a result of the pogrom, the Radio Azattyk representatives' camera was damaged, the "Almaty" TV channel journalists' camera was also damaged, the cell phones of journalists Sergei Duvanov, Margarita Khodus were stolen, the smartphone and the camera were stolen from the correspondent of IIA "KazTAG".

Bureau employees Dmitry Tikhonov, Sergei Duvanov and Andrei Grishin have also suffered.

The journalists filed a complaint to the police.

Later, the police department reported that an investigation was launched under the Article 389 of the Criminal Code of the Republic of Kazakhstan "Arbitrariness" and that 8 complaints had been received in connection with this incident - five of them from the press conference

³³ <http://www.adilsoz.kz/politcor/show/id/303>

founders and journalists, three from those who were allegedly injured by media workers and representatives of the press conference founders.

The investigation rejected the journalists' and their lawyers' claims for additional qualification of the actions of the attackers under the Articles "Obstruction of the lawful professional activities of a journalist" (Article 158 of the Criminal Code of the Republic of Kazakhstan).

In 2020, this case continued to be investigated. "During the quarantine, all investigative actions were suspended. They were supposed to conduct a face-to-face meeting between those who, presumably, attacked my clients Sergei Duvanov, Andrei Grishin and Dmitry Tikhonov. The quarantine ended, but nothing happened. Therefore, on June 29 [2020], I filed a complaint with the Prosecutor's Office of the Auezov district. It was supposed to be considered no later than seven days, to make a decision based on the results, to take measures in connection with the investigator's red tape and inaction and to the management of the investigation division at the Auezov district police department for the lack of adequate control over the pre-trial investigation. They were supposed to answer no later than seven days, but there is still no reaction" said the lawyer Inara Masanova. To date the case has not come to court.

Case of Radio Azattyk journalists

In June 2019, the employees of Radio Azattyk sent statements and complaints to the police departments and to the General Prosecutor's Office regarding the increased frequency of obstructions of the journalists' professional activities. They provided facts that, when covering the events of March 22, May 1 and 9, June 9, they were obstructed by young people who covered the camera lens with booklets and opened umbrellas. On July 6, unknown persons, also damaged the camera tripod, and then sprayed gas from a cartridge towards the journalists. No action was taken to protect the violated rights of journalists.

In December 2019, in response to a request from the lawyer Aiman Umarova, representing the interests of the journalist Asylkhan Mamashuly, the police department of Almaty city provided that on October 17, 2019, the statement was recorded in the information register of the Almaty police department of the Almaty city, the investigation was entrusted to the district police inspector Elubayev. On the same day, the journalist's statement was left "without consideration" and written off to the nomenclature procedure. The lawyer notes that the applicant was not invited to the police, he was not questioned by the police, and there was no materials inspection. The lawyer sent a complaint in which she asked the court to recognize "the actions (inaction) of the police department of the city of Almaty, including the police inspector of Almaty police Department district Elubayev, illegal and unjustified and oblige them to eliminate the violations", and to initiate the criminal case.

On April 15, 2020, the Almaty Investigative Court partially satisfied the complaint of the Azattyk correspondent's lawyer on the alleged inaction of the police in the case of obstruction by unknown persons of the journalists' work while covering detentions in March 2019. The judge left open the question on initiating the criminal proceeding.

In July 2020, the Almaty Investigative Court recognized the actions of the Almaty police department and the investigator as illegal, requested the police to "eliminate the violations" and

to investigate the statements of the former Head of the Almaty bureau of the Radio Azattyk Kuanyshbek Kari, video operator of the television channel "Nastoyashee Vremya" Pavel Engelgardt on the fact of obstruction by unknown persons of the journalists' work while covering detentions in March 2019. No actions related to the court decision were recorded from the police side.

v. The entire chain of attackers, including instigators / masterminds and criminals are successfully prosecuted for violence and intimidation

Therefore, no one could talk about the prompt, independent and effective investigation of crimes against journalists, as well as there are no examples in the Kazakhstan law enforcement practice of the prosecution of instigators, masterminds and perpetrators for the violence and threats against journalists.

vi. The State establishes specialist units that can deal appropriately with attacks on women, including women journalists

In Kazakhstan, the units of the Internal Affairs Bodies of the Republic of Kazakhstan have been established to protect the women from violence³⁴. It is planned to introduce a specialization for women investigators in relation to the violent crimes committed against women and children.

There are no specialist units for the protection of women journalists in Kazakhstan.

vii. The State monitors the performance of specific state institutions and processes set up in relation to safety at national and local levels

Control over the safety³⁵ of citizens is carried out by the national security system. Public safety³⁶ is ensured by the local representative and executive bodies of the regions (cities of republican status, the capital) within the competencies established by the laws of the Republic of Kazakhstan. There is no control over the journalists' safety at the republican and regional levels.

viii. The State ensures that appropriate training and capacity is provided to police, prosecutors, lawyers and judges

The Law Enforcement Academy³⁷ under the Prosecutor General's office of the Republic of Kazakhstan was established by the Decree of the President of the Republic of Kazakhstan as an educational organization with a special status for the training and retraining of the law enforcement officers and prosecutors. Representatives of the law enforcement bodies and the Academy actively participate in international scientific and practical conferences, round tables, educational seminars and trainings on various topical issues of ensuring regional security, compliance with the rule of law and crime prevention.

The Academy of Justice³⁸ under the Supreme Court of the Republic of Kazakhstan is a higher educational institution, has a special status and implements educational programs of the

³⁴ <https://egov.kz/cms/ru/articles/20rk>

³⁵ https://online.zakon.kz/document/?doc_id=31106860#pos=286;-22 The Law "On National Security of the Republic of Kazakhstan"

³⁶ Ibid.

³⁷ https://academy-gp.kz/?page_id=115&lang=ru

³⁸ <https://academy.sud.kz/rus/content/o-nas>

postgraduate education, provides retraining, advanced training of judicial personnel and carries out scientific activities.

The Republican Collegium of Advocates³⁹ and the regional collegiums of advocates organize training and advanced training for interns and lawyers.

The specialized training in ensuring the journalists' safety is not conducted by the aforementioned educational institutions and the defense attorneys.

4. The State takes other effective measures in regard to journalists' safety

i. The State publishes updated data about attacks on journalists and impunity

The State does not publish outdated or updated data about attacks on journalists and impunity. The data on obstruction of professional journalistic activities, including threats and violence, are not registered in the URPI (Unified Register of Pre-trial Investigations). The "Information"⁴⁰ on criminal offenses, persons who committed them, on the work of the criminal prosecution authorities and committed suicides for 12 months of 2020" available on the website of the Committee on Legal Statistics and Special Accounting does not contain such data.

Since the criminal offenses against journalists are not separated into a special group of statistical data, it can be assumed that this problem does not exist in the country.

ii. The State recognizes that protections applying to journalists may also be required to protect persons who represent sources of information for journalists and human rights defenders.

The only form of protection for persons who represent sources of information for journalists is stipulated by the provision of the Law of the Republic of Kazakhstan "On Mass Media": "a journalist has the right to keep confidential authorship and sources of information, except for cases when this confidential information is made public at the request of a court".

Journalists and human rights defenders who provide information to journalists have no special rights to state protection. This right arises for them on a general basis, that is, as for all citizens: if there are sufficient grounds proving that they are threatened with murder, violence, property destruction or damage or other dangerous unlawful actions, bodies ensuring the safety of protected persons, are obliged, within the limits of their competence, to take the state protection measures as provided for by law.

Without acknowledging the problem, the State does not consult with human rights / other relevant organizations on the relevant policies and mechanisms to counter specific threats to women journalists. Generally, the consultations between the State and human rights defenders take place on the issues of domestic violence against women.

³⁹ <http://advokatura.kz/institut-advokatury-odin-iz-stolpov-na-kotorom-dolzno-derzhatsya-grazhdanskoe-obshchestvo/>

⁴⁰ <https://www.gov.kz/memleket/entities/pravstat/documents/details/54973?lang=ru>

iii. In cases of electronic surveillance, the State respects, and ensures respect for, freedom of expression and privacy, through international standards of transparency, proportionality and legitimate purpose.

The Hikvision company, included in the US sanctions list, has been supplying the cities of Kazakhstan with video surveillance cameras and security equipment for the last three to four years. In May this year Human Rights Watch criticized several countries for "using surveillance cameras made by companies such as Hikvision, violating the citizens' rights to liberty and personal safety. The statement said that Beijing has used such systems to persecute ethnic minorities in Xinjiang.

Some⁴¹ believe that with introduction of the new technologies Kazakhstan authorities will establish massive control over the population, in this way violating the constitutional rights of citizens.

In 2020, the Ministry of Information, together with UNESCO and UNDP Kazakhstan, organized a webinar aimed at the capacity building of information specialists in the governmental agencies and influencing global trends in the field of access to information, open data and the promotion of media and information literacy.

iv. The State reports on attacks to the appropriate UN agencies, including responses to the UNESCO Director-General's requests for information on judicial follow-up to any killing/s of journalists.

The murder of Kyrgyz journalist Gennady Pavlyuk (murdered on December 22, 2009 in Almaty city) was investigated and disclosed by Kazakhstan law enforcement agencies. The Ministry of Foreign Affairs of the Republic of Kazakhstan gave an answer to the Director General of UNESCO on this matter.

The indicator 16.10 "Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements" was approved as a national indicator of the Sustainable Development Goals until 2030, among others. The indicator 16.10.1. includes the number of confirmed cases of murder, kidnapping, enforced disappearance, arbitrary detention and torture of journalists and associated media representatives, trade union officials and human rights defenders in the past 12 months. The indicator of journalists' safety should be monitored by the Bureau of National Statistics, the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan. However, this indicator is assigned category 3 – "to be postponed".

v. The State has measures to support and compensate families of murdered journalists.

⁴¹ <https://rus.azattyq.org/a/kazakhstan-china-survel>

According to the Law⁴² "On the Victims Compensation Fund" the legal representatives are eligible for monetary compensation in the event of the victim's death. Only one compensation is assigned for all family members of the deceased. However, a separate compensation is assigned for each deceased of the same family.

The State has no measures to support and compensate families of murdered journalists.

Findings

In general, today the State does not recognize the problem of the journalists' safety and does not take any measures to solve it.

In Kazakhstan the state protection can be provided to journalists on a general basis, in cases where they are threatened with murder, violence, property destruction or damage, or other dangerous illegal actions. Any evidence proving relation to the journalist's professional activities is not examined.

The criminal liability for violence and threats against journalists is established at the legislative level, however this article is not applied in practice.

There are no special institutions and units in Kazakhstan dealing with investigations, prosecutions, protection and compensation to ensure the journalists' safety and combating such unlawful actions.

Today, there are no successful examples of the prosecution of instigators, masterminds and perpetrators for violence and threats against journalists in the law enforcement practice of Kazakhstan.

Today, there are no specialized units for the protection of women journalists in Kazakhstan. There is no journalists' safety control at the republican and regional levels.

Specialized training on the journalists' safety for the law enforcement bodies, courts and the defense attorneys is not conducted.

The right to the state protection for journalists and human rights defenders providing journalists with information arises on a general basis, the same as for all citizens.

The State does not provide any specific measures to support and compensate the families of murdered journalists; such measures are provided on a general basis.

The state does not conduct any consultations on the issues related to the safety of journalists.

C. The roles and response of civil society organisations(CSOs) and academia

1. CSOs and academia monitor safety and share information

Activity of civil society organizations without official registration are prohibited in Kazakhstan. In total, 22,240 non-governmental organizations were registered (civil society organizations are called NGOs in Kazakhstan). 5,856 NGOs were really acting as of the beginning of 2021. There are several dozens civil society organizations whose charter

⁴² https://online.zakon.kz/document/?doc_id=32981304#pos=96;-38

stipulates the improvement of professionalism and protection of the rights of journalists. It is difficult to determine the exact number of officially registered NGOs working in the media sphere, since special records are not kept. Many of them, however, are in a "dormant" state, i.e., they recruit a team and start working only if they win a competition for projects within the government social-sector procurement and state grant funding. The time frame for implementation of such projects does not exceed 1 year. Improving the journalists' safety has never been included in the list of themes for the government social-sector procurement⁴³ The study covered основные non-governmental organizations that have a permanent staff, including media lawyers.

The only national non-governmental organization that, since 2000, has been systematically monitoring violations of the journalists' safety, is the Public Foundation "International Foundation for Protection of Freedom of Speech "Adil Soz", also the author of this report. The violations monitoring and statistics are published on the website⁴⁴ on a monthly basis, the most disturbing and relevant information is promptly published and disseminated in the form of "hot news" in Russian, Kazakh and English languages.

The following spheres are monitored:

- the amendments to legislation on the receipt and dissemination of information, freedom of expression of one's views and beliefs;
- violations of the journalists, mass media and citizens' rights to freedom of expression;
- charges brought against citizens, journalists and mass media.

"Adil Soz" has its correspondent network in all regions of Kazakhstan. Correspondents monitor almost all mass media: republican, regional, local, in Kazakh and Russian languages, print editions, radio and TV broadcasting, popular network editions. In 2020, a lot of attention was given to the group and individual social media accounts. The accuracy and completeness of the information, if necessary, is checked by interviewing sources and collecting documentary evidence.

The information is also provided by the volunteers, journalists and bloggers. Particular attention is given to the monitoring of arbitrary detentions and arrests of journalists, of trials on new types of crimes and offenses: propaganda of prohibited ideas and phenomena, violation of personal and family privacy, dissemination of intentionally false information. The focus also remains on the accusations of inciting ethnic, religious or social discord and of defamation which was recently changed from a criminal to civil code.

The information is disseminated in Russian and Kazakh languages by e-mail (about 2,000 addresses), to the visitors and subscribers of website www.adilsoz.kz, through publications on Adil Soz Foundation's online pages: Facebook - <https://www.facebook.com/adilsoz.kz>; VKontakte - <https://vk.com/adilsoz>; Twitter - https://twitter.com/soz_adil; Instagram - <https://www.instagram.com/adilsoz2017>.

The information recipients are mass media editorial offices, individual recipients, government agencies, law enforcement structures, members of the Union of Journalists of Kazakhstan,

⁴³ See, for example: <http://infoirc.kz/2020/09/18/нао-центр-поддержки-гражданских-ини-3/>

⁴⁴ <http://www.adilsoz.kz/monitoring/show/id/231>

online media journalists and social media activists, international and national human rights and media NGOs, government decision-making bodies: the Parliament of Kazakhstan, the Supreme Court of the Republic of Kazakhstan, The General Prosecutor's Office of the Republic of Kazakhstan, the Government, including the Ministry of Justice, the Ministry of Information and Social Development of the Republic of Kazakhstan, the Commission on Human Rights, the Commissioner for Human Rights, the foreign states embassies and consulates.

Messages are sent to the international human rights organizations (Office of the OSCE Representative on Freedom of the Media, the Committee to Protect Journalists, Reporters Without Borders, IFEX, "Justice for Journalists", Article 19, etc.

An analytical report on the situation with freedom of speech is annually prepared and disseminated⁴⁵.

The lawyers of "Adil Soz" advise journalists and media managers on legal issues⁴⁶, conduct civil litigation on behalf of journalists and media defenders. There are funds to pay for licensed lawyers in criminal and administrative proceedings on charges of defamation, insult, incitement of discord, etc. The Foundation has a Public Center for Expert Research on Controversial Publications. The Center's specialists conduct, on a contractual basis, research on mass media publications at the request of journalists, lawyers and courts in relation to the presence of insults, incitements of discord and unlawful encouragements in such publications⁴⁷.

"Adil Soz" takes a range of different actions for journalists' protection. For example, when Amangeldy Batyrbekov, a journalist from the city of Saryagash (the Turkestan region) was sentenced to 2.7 years in prison on insult charges, the NGO paid for a lawyer and an expert to analyse the publications. It also dispatched an observer to the trial proceeding in the appellate court. The trial was covered on the organization's website.

At the same time, "Adil Soz" requested support from the Committee to Protect Journalists, Reporters without Borders and Article 19. These respected international organizations made statements in support of Batyrbekov. As a result, in 2020 Batyrbekov was acquitted⁴⁸.

2. National CSOs promote coordinated approaches to journalists' safety A representative office of the international organization Internews Network has been operating in Kazakhstan for a quarter of a century. Internews projects are aimed at improving access to information, increasing the professionalism of the media practitioners and developing media law and media literacy.

In 2020, Internews Network implemented the MediaCAMP program. The program has three main priorities: helping the media to create balanced, information-rich and impartial materials on important political and public themes; increasing the media and information literacy of the audience as discerning consumers and providers of information; developing the legal media

⁴⁵ <http://www.adilsoz.kz/politcor/show/id/306>

⁴⁶ <http://www.adilsoz.kz/consultation/index>

⁴⁷ <http://www.adilsoz.kz/p/polit>

⁴⁸ <http://www.adilsoz.kz/news/show/id/3112/year/2020>

environment. The program provided sub-grants to other media NGOs, for example, the public Association of Young Journalists of Semipalatinsk City, the public association Kazakhstan Media Network, the International Centre for Journalism MediaNet, and the public foundation Legal Media Center.

In 2020, Internews Kazakhstan gave major attention to the journalists' media literacy, both beginners and long-time practitioners. Thus, the possibilities of preparing textbooks on media literacy were discussed together with the teachers of journalism faculties at Kazakhstan universities. In addition, online discussions of this theme were held with the teachers. Eduthon 2020 in Media Literacy was held in February. From October 23 to November 1, a week passed on this theme and the possibilities of avoiding legal proceedings and lawsuits against journalists were discussed.

A number of media law trainings were held on the relevant theme. In July, an online media law marathon was organized and held jointly with the Legal Media Center Public Foundation and at the end of September, a five-day offline school for investigative journalists was conducted. The listeners learned how to protect themselves from the legal point of view and current legislation.

On December 10, an evening of media criticism was held with Julie Salamon, journalist and publicist, chairman of the board of a homelessness NGO. Among other things, the boundaries between personal opinion and objective criticism, which directly affects the journalists' legal safety, were discussed.

One of the major events of 2020 was the adoption of the law on peaceful assemblies, in which the policymakers gave special attention to the role of journalists. In this regard, Internews Kazakhstan conducted interviews, participated in discussions, and after the adoption of the law, financed the releases and organized the distribution of special vests for journalists covering rallies.

Due to the pandemic, many of the planned 2020 events were translated online. The issue of journalists' safety, their advantages for performing professional duties and the risks they endure was raised in connection with the new challenges. The interviews were conducted jointly with the Legal Media Center.

On May 19, Internews Kazakhstan conducted a training on "How journalist can handle the stress" with participation of a psychotherapist Zhibek Zholdasova. Other NGOs did not conduct any activities related to the journalists' psychological safety.

Established in 2004, the non-profit non-governmental organization International Centre for Journalism MediaNet has a priority objective - the media education development in Kazakhstan and staff training for the Kazakhstan and international media sphere.

It annually holds in partnership and with the support of the OSCE Program Office in Nur-Sultan and the Konrad Adenauer Foundation the Central Asian Forum "Development of the Internet Sphere in Central Asia". In 2020, the Forum was dedicated to the theme: Internet during the "plague". Transforming the role of the Internet during the pandemic". The second

day of the Forum was dedicated to the theme: "Digital rights and security". The speakers of the event were experts from the USA, Belarus, Ukraine, Georgia, Tajikistan, Kyrgyzstan, Uzbekistan and Kazakhstan. The Forum was attended by the representatives of government agencies and non-governmental organizations, journalists, bloggers, lawyers, Internet activists⁴⁹.

Since 2005, a Media School has been operating in MediaNet⁵⁰. Those who wish to acquire the profession of a journalist within three months receive practical skills of the profession at the School. The training takes place in the form of practically oriented trainings and master classes, includes the most relevant topics and trends in journalism (fact-checking, creation of infographics and longreads, promotion in social networks, analytics, news journalism, SMM, etc.). In 2020, 105 people became students in the Kazakh and Russian languages. Classes are conducted by leading Kazakhstan journalists from well-known and high-quality media (Vlast.kz, etc.). Due to pandemic, in 2020, the classes were held online. The training programs cover the topics of legal security of published information (protection from accusations of libel, insult, incitement to hatred, etc., in accordance with national legislation. MediaNet conducts the first in Central Asia project named Factcheck.kz⁵¹. The Factcheck.kz project focuses on the legislation of Kazakhstan, international legislation, as well as globally recognized values and ethical standards. The project is an active member of the IFCN (International Fact-Checking Network). In 2020, it initiated the establishment of Eurasian Fact-checking and Media literacy Network (EFMN), a network that brings together fact-checkers, journalists, media literacy experts and teachers to combat disinformation and develop media literacy, especially in post-Soviet countries. Currently, the Network has more than 20 members from Kazakhstan, Kyrgyzstan, Tajikistan, Armenia, Azerbaijan, Georgia, Ukraine, Russia, Bosnia, Germany, Poland. The project is independent, equidistant from political and other "camps".

In 2020, MediaNet also started the MEdiaME course! – a series of weekly webinars in Kazakh and Russian languages⁵². The project is prepared for a wide audience and aims to increase digital, news and media literacy. The priority objectives of the course are: imparting to the audience the skills of basic fact-checking, the ability to recognize fake information, effectively use online opportunities and, in general, adapt to post-crisis realities. A particular feature of the course is the autonomy of themes. Anyone can register and participate in any lesson that is interesting for him. Among the themes of the course are: "Fakes about coronavirus: How not to participate in the spread of disinformation", "Reliable sources of information", "Is it worth believing advertising and in what cases", "Deepfakes", "Propaganda and common sense", "Review of conspiracy theories and prophecies", "How to check photo and video authenticity", "How to use E-gov correctly and safely", "Personal data protection", "Gender-specific etiquette on the Web", "Hate speech during conflicts", "Economic opportunities during the crisis" and others. The project has more than 550 constant participants from all regions of Kazakhstan.

⁴⁹ <https://medianet.kz/internetca-2020/?lang=ru>

⁵⁰ <https://mediaschool.kz/ru>

⁵¹ <https://factcheck.kz/>

⁵² <https://factcheck.kz/category/media-me/>

MediaNet annually publishes and disseminates training manuals for journalists. In 2020, the manual "Environmental journalism. Practical advices"⁵³. Within the MediaCAMP project implemented by the Internews representative office in Kazakhstan, a textbook on media literacy has been prepared for students of grades 9-11⁵⁴.

In 2020, MediaNet also worked on raising the NGOs awareness about legal rights in order to protect their safety. The importance of this project is related to the fact that in recent years some amendments were introduced to the government regulations of non-governmental organizations' activities, that not only complicate the NGOs activities, but also expose them to serious risks. In this regard, an electronic map of the NGOs legislative risks was prepared under the project⁵⁵.

4) The "Legal Media Center" Public Foundation was established in 2004 on the basis of the representative office of "Adil Soz" Foundation. The general mission is the development of a high-quality and professional press in Kazakhstan through integrated education for journalists and promoting the interests of the media community⁵⁶.

In 2020, the "Legal Media Center" investigated the problems of regional journalists. A survey of journalists was conducted from January to May 2020; in total, more than two hundred journalists were interviewed in all regions of the country⁵⁷. The following projects were implemented: "Strengthening the digital, legal and information security of independent media organizations", "Progressive media legislation for professional and responsible press", "Protection of journalists, freedom of speech, development of the media, Improving the legal environment for media in Kazakhstan", "Qualitative improvement of interaction between state bodies, mass media and civil society ", "Training course on modern media law at the universities of Kazakhstan".

Internews, Adil Soz and Legal Media Center actively cooperate with the state bodies, primarily with the Ministry of Information and Public Accord of the Republic of Kazakhstan in the field of improving media legislation. In 2020, these organizations provided comments, participated in joint discussions and made a number of publications on the draft "Rules for Accreditation of Journalists". The Internews and Legal Media Center's lawyers participated in the working group on the draft law on amendments to the Law "On access to information", "On the protection of children's rights from harmful information", on amendments to the legislation on information and informatization. With the IFEX's support "Adil Soz" has started to work on the draft concept of a new Law "On Mass Communication" as a member of the working group of the Ministry of Information and Public Accord.

The same organizations, in the coalition with the national human rights NGOs, systematically participate in the universal periodic review process, providing information in the form of joint

⁵³ <https://medianet.kz/category/library/?lang=ru>

⁵⁴ <https://factcheck.academy/медиа-и-информационная-грамотность-у/>

⁵⁵ <http://ngohelp.kz/>

⁵⁶ <https://lmc.kz/ru/about/nasha-devyatelnost>

⁵⁷ <https://lmc.kz/map/#/situation>

alternative reports, recommendations and comments on state reports about the journalists' safety situation⁵⁸.

In November 2020, seven Kazakh non-governmental organizations issued a statement on the "attack" by the tax authorities. We are talking about the notifications of tax authorities on alleged violations in filling out tax reporting information forms - 017.00 and 018.00, which relate to the timing of notification of receipt of funds from the foreign sources and their spending. According to the Code of Administrative Offenses in force, if inaccurate information is provided, NCOs face a fine of more than 500 thousand tenge and suspension of their activities for up to 3 months. The authors of the statement believe: "the tax authorities received" instructions "to find at least something, any inaccuracies, typos, technical errors in these forms, in order to prepare protocols as soon as possible and further have the opportunity to fine and suspend the activities of these organizations". The statement was signed by PF "Erkindik Kanaty", PF "Kadir Kasiet", RPA "Kazakhstan International Bureau for Human Rights and Rule of Law", PF "International Legal Initiative", PF "International Centre for Journalism – MediaNet", PF "Legal Media Center", PA "Echo".

International human rights organizations Amnesty International, Front Line Defenders, Human Rights Watch and the International Partnership for Human Rights issued a statement identifying the pressure on human rights and media NGOs an attempt to "extinguish any criticism at that time when independent opinion matters most"⁵⁹.

On April 19, 2020 the "Adil Soz" addressed a statement to the General Prosecutor of the Republic of Kazakhstan G. Nurdauletov, in which it expressed serious concern about the emerging campaign of accusing journalists and civil activists of disseminating intentionally false information committed during a state of emergency.

On April 22, 2020 the Kazakhstan International Bureau for Human Rights and Rule of Law issued a statement on the unacceptable direct violation of the UN recommendations to refrain from using the proclaimed emergency situation posed by Covid 19 to suppress any public criticism of the government's actions and persecution of those who exercised their constitutional right to freedom of expression.

The statements of human rights defenders were made in a context of detentions of the civil activists related to the pre-trial investigation on the charges brought against them.

3. CSOs and academia build knowledge and capacity

- i. Academic and other journalists' training courses include adequate professional training on safety issues.

According to the Unified Education Management System of the Ministry of Education and Science of the Republic of Kazakhstan⁶⁰, in 29 out of 30 universities of the Republic of Kazakhstan, where bachelor's students are currently taught journalism with a training period of 4 years, the educational programs for the 2019-2020 academic year have disciplines that are

⁵⁸ https://bureau.kz/files/bureau/Docs/UPR/2019/UPR2019_Rus_Fundamental%20rights_02.pdf

⁵⁹ <https://www.amnesty.org/en/documents/eur57/3426/2020/en/>

⁶⁰ http://esuvo.platonus.kz/#/register/education_program

more or less related to the safety of journalists. Learning from the first steps of mastering the profession of recommendations and methods for protection against various threats is important for every future media employee and the stability of the information industry in general.

Over a four-year period of education, students study at least one subject and a maximum of seven subjects containing questions that directly or indirectly reveal the safety of staff and non-staff employees of traditional and new media. Considering that the semester load is usually six subjects, the proportion ratio of such disciplines could be considered acceptable. The definitions "laws, threats, safety, freedoms" cover thesauri of these subjects taught in Kazakhstan universities on a regular basis.

The theme of the journalists' safety began to be relevant for the universities of Kazakhstan since 1992, when, within the context of development of a national model for media staff education, the issues of access to information, free representation of different points of view, rights and obligations of editorial staff, were raised and became a consequence of the law of the Kazakh SSR "On Press and Other Mass Media" dated 1991.

Since 1997, from the moment of appearance of the first cases of threats, beatings and deaths of editorial staff, media prosecution by courts under various pretexts, their closure on formal grounds and other negative phenomena in Kazakhstan, there has been a need to form among student journalists a compulsory legal level and principles of professional behavior taking into account the increased range of threats. Therefore, after summarizing a large number of proposals to the coordinating body - the Republican Educational and Methodological Council (REMC), the course "Legal Foundations of Journalism" was introduced as a basic discipline into the journalism curriculum of the universities. Later, when in 1999 the law of the Republic of Kazakhstan "On Mass Media" was adopted, the name of the course was changed to the "Legislation on Mass Media". The course was focused on the study of legal norms for the mass media, foreign experience in mass media regulation, judicial practice related to journalists and media collectives, the rights and obligations of the editorial staff, interactions with the state bodies, the specifics of protecting honor, dignity and business reputation, approaches to conflict coverage, work in "hotspots" and the accreditation procedure. The course was the beginning of academic awareness on the guarantees of freedom of speech and the journalists' safety, while, it can be emphasized, it was of a theoretical nature. The practical component of the studied problems was insufficiently expressed. Keeping approximately the same content, but under different titles - "Media legislation and practice", "Media legislation and ethics", "Information security in the media" and other versions, it existed until 2018. Since that time, each university independently establishes the directions and courses according to which the training of future journalists is conducted. It should be noted that in the current decade, in comparison with the previous one, the course "Legal Foundations of Journalism" is no longer the only one, new disciplines with a more diverse approach have been added in universities, including, in particular, the coverage of rallies, criminal events, and corruption investigations, which is confirmed by content analysis within the study.

Considering the safety of journalists as a complex of issues outlined in the Model Course on Safety of Journalists (A Guide for Journalism Teachers in the Arab States) published by

UNESCO in 2017⁶¹, which includes the personal safety, threats to media workers, hygiene and injury in hostile environments, an assessment risks, travel safety, gender, coverage of demonstrations and riots, ethics, investigative journalism and human rights, it is important to note that these areas are logically line up on the basis of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity of 2012⁶² and correlate with the Sustainable Development Goals.⁶³

At present time, an integrated approach, similar to the UN and UNESCO program documents, could be traced in great detail in the disciplines: "Reporting in hazardous areas", "Extreme journalism", "Military journalism". As the closest to the version of the interpretation of the journalists' safety recommended by the international structures in the courses of 29 Kazakhstan universities, it was found that the similar disciplines are taught at Al-Farabi KazNU (Almaty), UIB University (Almaty), Bolashak University (Kyzylorda), Atyrau University named after H. Dosmukhamedov (Atyrau). These courses review historical experience, concepts of covering armed conflicts, international humanitarian law, activities of journalists in a war zone, coverage of demonstrations, riots, acts of civil disobedience, the work of reporters in regions of ethnic conflict, the fight against terrorism and extremism, equipment for work in " hotspots", assessment of life and health risks, overcoming professional stress.

11 universities of Kazakhstan: KazNU im. Al-Farabi (Almaty), Karaganda State University named after E. Buketov (Karaganda), Kazakh-American University - International Educational Corporation (Almaty), International IT-University (Almaty, Nur-Sultan), University named after S. Demirel (Kaskelen) , Shakarim University (Semipalatinsk), Pavlodar State University named after S. Toraigyrov (Pavlodar), East Kazakhstan State University named after S. Amanzholov (Ust-Kamenogorsk), Atyrau University named after H. Dosmukhamedov (Atyrau), Taraz State University named after S. M. Dulati (Taraz), Finance Academy (Nur-Sultan) have included in their programs the course "Investigative Journalism", which deals with the themes similar to the context of the safety of a journalist including the processing a wide range of documents from open and private sources, working with databases, searching for hidden sources, methods of verification, prevention of falsification, possible threats that a journalist faces when conducting a journalistic investigation.⁶⁴

⁶¹ <https://unesdoc.unesco.org/ark:/48223/pf0000248297/PDF/248297eng.pdf.multi>

⁶² http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/official_documents/UN-Plan-on-Safety-Journalists_RU_UN-Logo.pdf

⁶³ <https://www.un.org/sustainabledevelopment/ru/sustainable-development-goals/>

⁶⁴ http://esuvo.platonus.kz/#/register/education_program/application/22870 ;
http://esuvo.platonus.kz/#/register/education_program/application/1191;
http://esuvo.platonus.kz/#/register/education_program/application/19153;
http://esuvo.platonus.kz/#/register/education_program/application/25688;
http://esuvo.platonus.kz/#/register/education_program/application/19817;
http://esuvo.platonus.kz/#/register/education_program/application/28807;
http://esuvo.platonus.kz/#/register/education_program/application/10569;
http://esuvo.platonus.kz/#/register/education_program/application/23231;
http://esuvo.platonus.kz/#/register/education_program/application/26612;
http://esuvo.platonus.kz/#/register/education_program/application/29489;
http://esuvo.platonus.kz/#/register/education_program/application/3095 .

In the journalists training program in the universities of Kazakhstan, there are highly specialized courses that differentiate security problems through various aspects: the discipline "Rights of the child and journalism" is studied in the Karaganda State University named after E. Buketov (Karaganda), the discipline "Sources and risks of international terrorism" is studied in the International IT University (Almaty, Nur-Sultan), the discipline "Human Rights and Democracy" is studied in the University of Foreign Languages and Professional Career (Almaty), the discipline "Criminal journalism" is studied in the Kazakh National Academy of Arts named after T. Zhurgenov (Almaty), the discipline "Information wars" is studied in the University named after Shakarim (Semipalatinsk), the discipline "Mass media and protection of human rights in the UN system" in the Financial Academy (Nur-Sultan). They reveal the principles of supporting freedom of speech, observing human rights and understanding the protection possibilities.

Typically, students weekly attend one lecture and participate in 2-3 seminars of the course, prepare essays, reports, abstracts during the semester, write diplomas on the journalists' safety, thus it could be stated that the problem is studied in universities, but however, it is important to reinforce the theoretical foundations by the formation of practical skills among the students.

To reinforce students' professional practical techniques on the safety of journalists through the regular coordination by the UNESCO office in Almaty, starting from 2018, numerous events are being held with the involvement of the state bodies, public organizations and universities on the issue of the safety of journalists,⁶⁵ as well as master classes and trainings of the International Foundation for Protection of Freedom of Speech "Adil soz" (<http://www.adilsoz.kz/>), the International Organization "Internews Kazakhstan" (<https://ru.internews.kz/>), the International Centre for Journalism "MediaNet" (<https://medianet.kz/>) representatives are conducted on a regular basis.

Since 2014, ENU named after L. Gumilyov (Nur-Sultan) and the Ministry of Defense of Kazakhstan have been holding the training seminar "Military Discourse", where they teach both active journalists and students to work in "hotspots" using real ammunition, weapons, participating in exercises. For several days, officers and soldiers not only talk, but also show what dangers a journalist, in general a civilian, could face in a war zone or at points of escalation of various conflicts.

At the al-Farabi KazNU (Almaty) the representatives of the Azattyk Radio shared their professional experience, explaining how they collect information during rallies in Almaty and other cities in conditions of the Internet blockage, communicate with the police officers, strive to observe objectivity when covering various acts of civil expression of will.

The Director of the Office of the OSCE Representative on Freedom of the Media Andrei Richter conducted master classes at the Al-Farabi KazNU (Almaty) on the techniques of journalists' legal safety, underlying the need for life insurance in case of business trips to hotspots, knowledge of elementary customs of the area, where turned out to be a journalist, prohibition to take arms, knowledge of elementary phrases in the languages of the local

⁶⁵ <http://ru.unesco.kz/almaty-training-on-fostering-the-relationship-between-security-forces-and-journalists>

population, emphasizing that both the editorial office and the journalist himself should be interested in safety.

The representatives of the press service of the National Guard of the Republic of Kazakhstan during master classes in KazNU named after al-Farabi (Almaty) demonstrated how to properly put on helmets, protective vests, how to react to the orders of the military personnel in case of emergency or military actions.

The International Centre for Journalism "MediaNet" organized a fact-checking flash mob with participations of the students from Almaty universities to demonstrate the importance of fact-checking in the face of mass disinformation.

Therefore, the international organizations, professional community and public associations support new generations of journalists in developing their systemic skills of professional and personal safety.

In the interview for this report Gulmira Sultanbaeva, the head of the "Printing and electronic media" department at KazNU named after Al-Farabi (Almaty), professor, doctor of political sciences, reported that the introduction of elements on the journalists' safety into the bachelor's program was the result of a long-term process of awareness and persuasion of the need for graduates of domestic educational institutions to develop such competencies as the understanding of legislation in the field of access to information, methods of preserving life and of survival in extreme conditions including in "hotspots" and will definitely be useful for the professional career.

To summarize, despite the achieved results, the following problems of this area of journalism education could be identified: some disciplines are still highly theorized, taught abstractly, not always with a regional reference to the international experience.

There are no manuals or own research on the journalists' safety, taking into account the Kazakhstan experience.

Since the universities themselves could annually change the program, it would be relevant to prepare a module with two disciplines on the journalists' safety in all universities of the country, where there is still only one discipline. The UN Plan of Action on the Safety of Journalists and the Issue of Impunity, paragraph 5.20, states that it is important to "encourage journalist education institutions in developing curricula, which include material relevant to the safety of journalists and impunity".

Nevertheless, it could be assumed that the current graduates of the most educational programs of universities in the Republic of Kazakhstan will have an idea, as well as practical competencies in the field of the journalists' safety, which are important to maintain and expand in the future.

Summary of Findings

The civil society organizations in Kazakhstan have sufficient resources to work on safety issues. They investigate and monitor issues of the journalists' safety. They provide information to the media and the general public.

CSOs provide information on the safety of journalists to the UN agencies and the universal periodic review process.

National CSOs promote coordinated approaches to issues of the journalists' safety, collaborate among themselves and with other interested parties and undertake significant consultations and coordination with international NGOs.

CSOs effectively cooperate with the State, legislative authorities, the UN and others to promote law and policy development.

CSOs provide journalists with the relevant information, including educational opportunities and resources.

CSOs provide legal advice and services to the journalists on security issues.

CSOs and academia develop knowledge and capacity. Training courses for academic and other institutions include relevant professional training on the safety issues.

CSOs provide legal advice and services to the journalists on safety issues, including advice and assistance to journalists at risk.

CSOs provide to journalists the protective equipment in the form of identification vests, but there are no programmes that provide other safety equipment due to lack of resources..

CSOs assess and report on training and support initiatives undertaken.

In all projects and activities of media NGOs and academia, women journalists were not separately considered since it is believed by default that they are not exposed to specific gender threats .

Due to low incidence of violent attacks, CSOs do not provide asylum for seriously threatened media workers and do not participate in humanitarian assistance for journalists who are under threat or who have been murdered or injured.

D. The roles and response of media actors and intermediaries

1. Media organisations adopt specific measures to protect the safety of journalists.

The issue was studied by the methods of managers and employees interviews for Kazakh-speaking publications and a questionnaire survey for Russian-language publications.

In total: the 108 people participated in the study, of which 58 were Kazakh-speaking journalists and 49 were Russian-speaking journalists. Among them, representatives of the international mass media - 2 people, republican mass media - 37 people, regional mass media - 8, city located mass media - 18 people, district mass media - 15 people, 28 - bloggers.

The interviews revealed the following picture.

Agreement. Personal safety provision

All journalists are in contractual relations, mostly on an individual labor contract (about 90%) and only a few people on a collective contract for a period of one year, which, according to established practice, is typically extended; one person from the international media was on a

service agreement at the time of the study, two bloggers write and raise socially important issues on a voluntary basis, in their spare time from the main teacher's work.

Journalist of the regional newspaper "Saryagash" Gulbahar Tagaeva: *at the editorial office there are two types of contracts at the same time: collective and individual. There was no provision on personal safety in the collective contract of 2006, it is impossible to check any changes, since no employee can get a copy, any interest in the document causes extreme rejection from the management, and there is no such provision in the individual contract.*

In the district newspapers of the Atyrau region, there is a personal safety provision. Probably, this is due to the fact that all seven district newspapers are united under the leadership of Atyrau-Akparat LLP.

Gul Nuralina, editor of the newspaper "Taiynsha Tany" (Taiynshinsky district of the North Kazakhstan region): *although there is no personal safety provision in the contract, all employees signed a safety questionnaire.*

Saniya Toiken, Radio Azattyk: *There is no safety provision in my service contract.*

The major part of respondents considers the terms of the contract acceptable, however 85% do not remember the personal safety provision or confidently say that it is absent. Several bloggers who managed to get answers do not have permanent contractual relations with the media organizations, work in other areas and go to the danger zone at the call of their hearts, in their spare time from the main work. Three heads of the media, on condition of anonymity, replied that they should not be responsible for the safety of bloggers, because they go to danger zones on their own initiative, and not editorial assignment.

Omir Shynybekuly, Shymkent city, a teacher at school, and Meirzhan Temirbek, a mathematics teacher from the East Kazakhstan village, believe that a lot of problems have accumulated in educational sphere that are actually socially important and directly affect their work and life.

Workplace

About 85% of respondents believe that the editorial board or founder cannot fully guarantee the workplace safety from the point of view of the impossibility to influence on natural phenomena or force majeure circumstances, however, they emphasized sanitary and fire safety, which is periodically monitored by the relevant services (SES, Emergency Situations Service, fireguards). In addition, every person on duty at the editorial office has the relevant responsibility.

Ainur Saparova, editorial office of "Ak Zhaiyk", Atyrau: *there is always chlorine, sanitizer in the editorial office, strict observance of the sanitary standards, ventilation of the room. This became more visible during the quarantine and pandemic.*

Murat Zhetekbai, editor of a district newspaper from Mangistau region: *the condition of the workplace must be taken care of by yourself, there is no other way.*

Zukhra Kambarova and Gulbahar Tagayeva, two journalists from the Turkestan regional newspaper "Saryagash": *the workplace is dangerous, during the heating season in the offices*

a constant smell of gas from a gas meter that affects health and well-being. They didn't even wash the floors with chlorine during quarantine period. The employer does not give a guarantee and is not responsible for our workplace.

Two contradictory answers from the same media outlet are given by the employees of the Kyzylorda regional state TV channel: Aigul Tungishbaeva reported that all conditions are normal, and Bolat Zhumabayev and Tazhimurat Alzhanov believe that: *the elementary sanitary standards are not observed, there is no scheduled cleaning of premises, that even wet cleaning with chlorine, especially during the pandemic was not performed.*

Saniya Toiken, Radio Azattyk: *Compared to other international mass media, the workplace was not in satisfying conditions. During the pandemic, all my conditions for the workplace were met.*

Asylkhan Mamashuly, permanent contract, Radio Azattyk: *we have a large room, every morning the security service checks all equipment, all acceptable working conditions are respected.*

Anar Kalzhan, from the city of Aktau, Mangistau region, recently transferred from a regional newspaper to the state structure: *no one could talk about any observance of sanitary standards, elementary cleaning, I worked in the district newspaper for many years. Only in a state organization I have a comfortable workplace that meets all conditions.*

Work Injury Guarantee

The respondents were divided approximately 50/50. Some, without looking at the contract (they do not remember), believe that there is no such provision, others are sure that there is.

Zhanay Amanturlin, chief editor of the district newspaper "Dender": *the contract contains a provision on the insurance guarantee in the event of a labor injury.*

Few people have no guarantee provision in the event of work injury compensated by an insurance policy with an insurance company. The employees of the private newspaper Ak Zhaiyk in Atyrau have such a policy, the permanent employees of Radio Azattyk have a medical insurance policy, and others (under a service contract) are paid in accordance with the principles of labor legislation in case of injury at the workplace or during work. Anar Suleeva, editor of the city newspaper "Temyrkazyk-Oi" and blogger: *there is no safety provision in the individual labor contract, but in the event of a work injury, one-time help is provided.*

Safety policy. Safety measures.

90% of survey participants claim that there is no special safety policy. This issue is not specifically discussed at the editorial office, for example, once a week. There are also no written safety protocol. But in most media outlets verbally, when sending on a special task, the manager (the editor or his deputy), the executive secretary warns that it is necessary to be technically prepared in advance - equipment (camera, video camera, tripod, flash drives, voice recorder, batteries, additional autonomous charge for mobile phones), put to jacket pocket, attach a badge, an editorial certificate, sometimes even personal ID put to the bag, if in winter - additional warm clothes, in case of a flood - change clothes. The driver fills up with full fuel and takes stock. For peripheral journalists, this kind of training is important for completing an

assignment hundreds of kilometers away from the populated areas. The editorial assignment may not be properly completed, but all services (emergency situations, sanitary, fireguards), as a rule, are aware of the journalists' mission to emergency assignment: a flood in a remote village or district, a fire at an oil field, people are stuck in the steppe in frost and blizzard.

Nurlan Kobegenov, editor of the city private newspaper "Ustaz Martebesey" (Kyzylorda): *in case of natural hazards, all groups with assignments are warned in advance not to walk in a flood near the crumbling coast, be only near rescuers and in a safety place.*

Nurbek Urazaev, employee of the regional newspaper "Oral Unure" (WKR): *the editorial office pay attention to the safety. There is a safety policy. The service car takes you and brings you to the place. Also on business trips.*

All means, equipment, documents, vest are provided during the work. As such, there are no dangerous zones in the area.

But this is not the case everywhere. For example, in some editorial offices, even sending people to a conflict, to a protest: a meeting, a picket, provocations, a dispute of residents within a house, a courtyard, they are limited, as Indira Kereeva from "Kerekinfo" writes: *just be careful.*

At the same time, none of the interviewed editorial offices has ordered the special vests for journalists in a particular blue pattern labeled "PRESSA" with silver stripes. Only some journalists in the regions have old-style yellow vests with the "PRESS" identification label, which they plan to use in case of emergency.

70% of the respondents from the regions reported that they have not yet had to go to the shooting in the danger area, that is probably why the editorial office have no safety policy in a broad sense: technical equipment, personal safety and confidence in the traveler's protection.

Precautionary measures. Editorial assistance to the journalist

Some of the survey participants believe that the management or the founder is often indifferent to the difficulties that a journalist will face when completing a task; reporters in the field may stay one-on-one with danger, so many independently consider the possible ways out of emergency situations. In particular, TV journalist Tazhimurat Alzhanov has prepared various rescue operations stories many times: he fell under the ice on the river, fell from a height, overcame high obstacles on the ground: *I am directly involved in a dangerous operation, I myself am telling my impressions to viewers and what lesson I have learned. This is dangerous, so my task is to show and tell the viewer how to save himself in an emergency situation. The management gives the task only during political campaigns like elections. The employer does not care about supporting the journalist in the field, he will not take measures to search. The police know that journalists are working right now "in the field", the regional police management knows journalists by sight, but by their behavior they will demonstrate who is the boss.*

Ainur Tungishbaeva, regional TV, Kyzylorda city sees the situation in a different context: *They warn of possible danger because there were cases of assignments for various accidents: a helicopter, a car. The editors support morally and financially those who are "in the field". Depending on which body performed detention, they turn to the management of the body, then*

to the prosecutor's office and to the lawyers. Trained journalists are sent to the dangerous area. They thoroughly study the situation, are observant, very intelligent.

Gulbahar Tagaeva, journalist of the regional newspaper "Saryagash": sometimes it is quite far on a business trip, we go at our own expense, the editorial office car takes the editor to lunch and on his personal business. A journalist "in the field" relies only on himself, support, oral or written instructions, there is no concern from the management. They don't even give out a fee! Should something happen, the chief editor not hedge or look for a journalist.

As opposed to the state media, small editorial offices of independent publications are always aware of where the journalist is. Since the editors and journalists of such media were often harassed: being brought to the police, courts, multi-million lawsuits from affiliated individuals and legal entities, they have a special concern for each member of the team from the manager's part. For example, the journalist of the "Dat" newspaper Bakhytkul Makimbay: *especially before the rallies, the editorial office is instructed to keep an editorial card, assignment and "PRESS" vest, how to act if they interfere with work, who to call, the frequency of calls with a message about the exact location, the police will not help, on the contrary, only harm. If there was a detention, then immediately sending a message on the social network (Facebook), calling to the chief editor, to the NGO for the protection of freedom of speech.*

The main principle at Radio Azattyk is that the life is above all other things. Therefore, they prepare for special tasks more carefully, remembering the rules: do not take risks, do not be provoked, do not oppose, be patient. At rallies, there are offensive attacks, unauthorized persons (titushki) cover the cameras with paper, umbrellas, are grouped together, blocking the view, touch the journalist's face, touch with their hands and push, in such cases, contacting the police is not useless, on the contrary, tracking the provocateurs movements suggests that "titushki" and law enforcement officers are on the same side.

Asylkhan Mamashuly, in the staff of Radio Azattyk: journalists are always under the editorial office's protection, in difficult situations there is an appeal to the authorities, hiring lawyers.

Sania Toiken, on a service contract with Radio Azattyk: The editorial board does not pay close attention to the issue of safety. The "Safety Policy" applies only to a specific group of employees. When the police confiscated cell phones and computers, after returning them we handed them over to the editorial office. If we find ourselves in emergency situations, we are told: "do not provoke, temporarily stop professional activities, step aside, change your place of residence". All distinctions are given. The vest is not always with me, leaving the house, you do not know what you will meet, what task will be given, it is inconvenient to carry it with you. I cannot say that they are warned every day. But at certain moments, elections, a rally - instructions: put on vests, tie up distinction signs. If they have lost a journalist, they address to the police, NGOs.

Right to refuse dangerous assignments. Gender equality

A journalist has the right to refuse to perform an assignment if he considers it unacceptable due to the fear, principle or for other reasons. Some journalists consider the refusal to be a betrayal of their profession: if a profession is chosen and you work in it, then you must complete the task. The principle of gender equality in the dangerous assignment is respected in Kazakhstan.

The profession of a journalist is equally perceived by men and women, so the majority considered it normal for women to travel to dangerous areas. It is not the gender factor but the personal professional merits of the journalist that is taken into account when assigning tasks. Only a part of the respondents believe that a woman journalist has no place in a dangerous area (for example, in a war zone, where are shells explosions, floods, fires) precisely for the reasons of her safety. When shells exploded in Arys, blogger Omir Shynybekuly went there to see and record what was being done, how problems were solved and reassure residents by giving them correct information. In addition, he helped many people to draw up documents for the repair of houses, construction, benefits registration and constantly reported on this.

Personal safety in dangerous area

Asylkhan Mamashuly: during the interethnic conflict in Saryagash in 2015, there was a curfew time, hired a taxi, entered the aul bypassing, hid a camera and devices. I met the deputy Akim, told him that I knew his father, although I did not know, but read a lot of good things. Because of this, filming was allowed. At the exit, the special forces put me on the hood, they called the headquarters, barely escaped)).

After the explosions in Arys, there was a rally in Shymkent. I was reporting on live TV day and night, someone shouted: "This is Khabar", they wanted to beat me. I managed to answer that it is Radio Azattyk. Reaction: ahh, Azattyk for the truth. I concluded that the official media should be careful.

Sania Toiken, Azattyk radio: I have a microphone with a logo, but even that does not stop the police, at the police station they say that I intentionally did not wear a distinctive vest, although, being in the city, I might not know what was on the parallel street a meeting of large families or a strike of workers. It is often necessary to make the most efforts to get out of the police. I am carefully preparing for the assignment. Even if I really need to type texts anywhere, prepare an article, I don't take my laptop with me because of the police. I leave my personal phones. I only take a corporate phone. I dress warmly in case of detention and standing for many hours. The police do not understand who is in front of him: a professional journalist, a random person or someone else.

According to journalists, when you know in advance where you are going, you prepare yourself: technically, mentally, physically: extra charges for the equipment, warm clothes and even sandwiches with a thermos. The main thing is to get enough sleep. Although the psycho-emotional state is tense.

Digital communications' safety

All respondents, without exception, believe that they know and follow the computer terms of use. About half of the editorial offices (state-owned and partially advanced private or international) have a centralized approach to the hardware and software safety: in the central office of Radio Azattyk - a daily checkup by the security service; in state-owned media (for example, in the Atyrau region, 9 newspapers of the media holding "Atyrau-Apparat", on the Republican State Television "Kazakhstan" - in large cities) - a weekly round by a group of system specialists of all equipment and all computers, checking the software, the same work is carried out in case of necessity.

Nurbek Urazaev, regional newspaper WKR "Oral unure": *The system engineer takes care of the technology and the transfer of information, his job is to monitor the correct operation of the equipment.*

In the most significant mass media as regards the relevance of issues raised, several years ago, during the land rallies, during the still shrouded in secret resignation of ex-Akim of Atyrau region Ryskaliev, numerous DDoS attacks were made on the website of the popular newspaper "Ak Zhaiyk". Under Akim Nogayev in WKR, the "Uralskaya Nedelya" was subjected to the same attacks. This paralyzed the media work for some time and time required to restore the normal functioning of the site. Now, editors have to pay more attention to internal security and software.

Antivirus software: Kaspersky, AVAST, ESET, Microsoft Security Essentials. The Kaspersky antivirus is the most used. Some contract journalists and bloggers buy their own antivirus software and use their personal computers.

Indira Kereeva, Aktobe, "Kerekinfo" newspaper: *the entire photo archive has disappeared due to a virus.*

In this series of more or less favorable situations for journalists, there is also an extremely outdated and backward approach to the technical and software support of employees. Gulbahar Tagaeva, "Saryagash" newspaper, Turkestan region: *I follow the computer security rules, but the computer is more than 14 years old. There is no antivirus software, journalists do not have the Internet. The accountant has the Internet and we ask to her to receive letters and answer. If we need additional information, then we look for it through a mobile phone, this is inconvenient and irrational.*

Anar Kalzhan: *The editorial board had never paid any attention to the computer work safety before. Large materials have gone missing due to viruses. Apparently, the management, as a rule, is the older generation, does not understand that clearance and checking computers should be systematic.*

Account security and hackings

About 80% of respondents are not sure about their accounts, the overwhelming majority uses mail.ru, a small part - gmail.com.

Tazhimurat Alzhanov, an employee of the Kyzylorda regional branch of "Kazakhstan" TV channel: *there are no secure connection and accounts in Kazakhstan.*

Anara Suleeva: *there were 2 attempts of unlawful login. Perhaps this is due to my journalistic activities, as people apply with a large number of documents on the legal violations.*

Asylkhan Mamashuly: *The mail was not hacked. Hackers can open. Akimat of Almaty city reads messages about meetings, about upcoming rallies via messengers.*

Sania Toiken, Azattyk radio: *The account was hacked, for a while gmail, Facebook could not be opened. There is no complete trust in email.*

Omyr Shynybekuly, blogger: *I often change my email password.*

Zhuldyz Abdilda, editor-in-chief of the republican newspaper "Ulan": *gmail is relatively safe, after using, sending and receiving messages, I must go out through the "exit". So far there has been no hack.*

Types of protection in the editorial office, in addition to the digital communications and software

More than half of the respondents do not trust email, because the accounts were established about 20 years ago, since the emergence of the Internet in our country. The messenger has also ceased to be a personal connection tool. Therefore, digital communication does not provide a complete protection until the owner of the name changes his attitude to his security: the password, the account are not changed to the more secure, that are used by international journalists and human rights activists.

The interviewed journalists do not see any additional types of protection, except for those set out in the chapters above.

The state-owned media representatives usually do not experience any difficulties when transferring material or during the live broadcasts, especially in large cities. This is due to the specificities of the technical transferring, carried out from special television towers and receiving a signal from Kazteleradio. Small media and editorial offices, especially private, independent ones - at large events such as a rally, an unplanned demonstration, may experience difficulties due to disconnection of the Internet in the square of the event. The same difficulties arise in places far from the regional centers, in the field, mountains, desert, lowland.

There are many problems related to the internet. These problems arise from the common drawbacks in the communication infrastructure or from local shutdowns of the Internet by the government.⁶⁶ The Internet is the talk of the town. If the Internet speed is satisfactory, then everything could be transferred or broadcasted live, the journalists say. But they are preparing for different developments and therefore carry a supply of flash drives with them to get to the place with the Internet connection and transfer the dailies. Within the same community Nurlan Kobegenov from the Kyzylorda newspaper "Ustaz Martebesy" uses a flashcard: I do not transfer the video; it takes a long time. I use a flash drive, which is convenient and quick.

Sania Toiken: When transferring material, it depends on the Internet, sometimes the police pull the camera out of my hands and destroy the video right away, in Zhanaozen the camera was taken to the chief police officer and were returned with a scandal. The editorial office completely changed the equipment for safety.

The interviewed journalists believe that there is no special or systemic educational program on computer literacy or equipment and software protection in the editorial offices. Everyone referred to an IT specialist, or a system engineer, who is responsible for the equipment and its working condition: *there is no training in computer literacy or in hardware and software protection.*

The Russian-speaking journalists' interview was conducted using the questionnaire method.

⁶⁶ https://freedomhouse.org/country/kazakhstan/freedom-net/2020#footnote2_op7090x

Questions	YES	NO	DON'T KNOW
Is the safety policy written and available at the editorial office? "	23	14	12
Journalists, including freelancers, have contracts with proper terms of employment, including with respect to safety and personal risk.	17	17	15
Editorial board, management of mass media ensure that workplace and working conditions are safe and secure?	44	-	5 of respondents answered that they work remotely from home
Journalists have the right to refuse dangerous assignments. Regardless of gender differences, all respondents confirmed their right to refuse dangerous assignments.	30 answered in the affirmative. There are vests, each journalist receives IDs and editorial assignments when leaving on an assignment		19 respondents know nothing about safety insurance
Editorial office provides journalists with adequate support on potentially dangerous assignments (they are kept under control while staying "in the field", if detained, they contact police, NGOs and the media.	37 are confident in support and receive it when a safety threatening situation arises	8 do not receive such support	Only 4 respondents know nothing about editorial office's support in threatening situation
Do you follow the safety rules when work on the computer?	46	3	
What antivirus software do you use?	46 (Avast, Avira, Kasperski, Mac, Avast, Doctor WEB, EsetNOD 32, Nord,		3

	Aset, Comodo, eNod 34,		
Have you ever faced computer viruses?	40	7	2
Your accounts were hacked by intruders?	27 answered in the affirmative and noted that such cases were more than once, to the point that "almost everything, both on Facebook and on Instagram, has now been blocked on Instagram".	22	0

The questionnaire results correspond to the answers obtained by the interview method.

Findings: The attitude of media organizations to the safety issues is ambiguous. Resilient independent media editorial offices understand the importance of journalist's safety and ensure it, instruct journalists on dangerous assignments and provide protective equipment.

Rare media have a safety policy written and accessible for personnel, since they do not consider it important.

Risk assessment for establishing hazard levels is not conducted, the hazard level is determined on the basis of previous practical experience.

Most media subjects, including individual journalists, are aware of the digital communications' safety.

Journalists themselves underestimate the necessity to ensure safety and do not address appropriate requests to employers.

Women journalists have no special protection; freelancers and bloggers have no protection.

2. Journalists' unions and professional bodies take specific measures to promote the safety of journalists.

The study was conducted by the method of public information analysis and interviews.

In 2020, three professional organizations of journalists were operating in Kazakhstan.

1) The oldest professional association of journalists is the Union of Journalists of Kazakhstan⁶⁷. It was created in 2000 on the basis of the Union of Journalists of Kazakh SSR. From then to the present time, the chairman of the Union is Seitkazy Mataev, who previously worked as the

⁶⁷ <https://kazmedia.kz/index.php/ru/>

press secretary of the President of the country N. Nazarbayev and the press secretary of the Prime Minister.

The Union of Journalists has branches in all 14 regions of the country and has about 5 thousand members. The Charter of the Union states: "The Union of Journalists of the Republic of Kazakhstan has the right to represent and defend, in the prescribed order, the rights and legitimate interests of its members in state and judicial bodies, public associations, other organizations of the Republic of Kazakhstan and other states" ⁶⁸.

On January 20, 2020, the Union of Journalists held a round table in Atyrau city dedicated to the development of the regional press. It was attended by the managers of media holdings and chief editors of newspapers, television, radio and well-known social networks users in the region. "Chairman of the Atyrau branch of the Union of Journalists of Kazakhstan Alma Kalusarieva, chief editor of the "Ak Zhaiyk" newspaper Azamat Maitanov, director of the "Atyrau" TV channel Kanat Auesbayuly, chairman of the "Atyrau Akparat" holding Kairat Abuov, chief editor of the regional newspaper "Atyrau" Isatay Balgambetov, chief editor of the newspaper "Megapolis Atyrau" Dariga Nysangalieva, chief editor of the newspaper "Kulsary" Abdikhalyk Sisenberdiev and others paid attention to the decrease in printing, advertising, but at the same time noted the potential of local publications to maintain connections with the audience due to introduction of new technologies, taking into account social networks, while the main condition is having your own content"⁶⁹. Issues of safety of journalists were not discussed

When journalists apply to the Union of Journalists for legal assistance, they are redirected to the International Foundation for Protection of Freedom of Speech "Adil Soz".

The rest of the Union's events were dedicated to anniversary competitions, honoring veterans of journalism and the award of nomination "Honorary Journalist". Chairman of the Union of Journalists S. Mataev admits that in 2020 the Union was engaged in minimal practical assistance to journalists.

2) On October 3, 2017, the Ministry of Justice of the Republic of Kazakhstan registered the republican public association "Media Alliance of Kazakhstan". Armanzhan Baitasov, a well-known businessman who publishes the licensed magazine Forbes Kazakhstan, became the Chairman of the Board of the MAK.

The main objectives of the Media Alliance are: the development of freedom of speech and dissemination of information as the basic value of an open democratic society, protection of the journalists' rights and freedoms, support of the media independence, and the formation of honest and high-quality journalism culture. The organization announced its intentions to defend the social, professional and creative interests of its members in the governmental bodies, local governments, courts, and to take part in the development of regulations governing the activities of the media community.

⁶⁸ <https://kazmedia.kz/index.php/ru/o-soyuze-zhurnalystov/ustav-soyuza-zhurnalystov>

⁶⁹ <https://kazmedia.kz/index.php/ru/novosti/203-kruglyj-stol-po-razvitiyu-regionalnoj-pressy-proshel-v-atyrau>

In June 2020, congratulating journalists on their professional day - the Republican Day of Journalism, Armanzhan Baitasov said: "The Media Alliance of Kazakhstan has been working for the third year to protect the interests of the media sphere and unite the media community. Our representatives took part in the work of the Parliament when discussing draft laws related to journalism. We appealed to various republican instances and regional departments with a request to protect journalists in the performance of their professional duties. From the first days of the pandemic, we have repeatedly held actions in support of our colleagues who found themselves in difficult conditions during the strict quarantine. We provide legal advice not only to the media, but we also work with governmental bodies on the issues of communication and work improvement with the media, because our main aim is to ensure that information is timely and in high quality available to all citizens of the country"⁷⁰.

The Alliance website, however, does not contain any information on what has been done specifically in these areas.

On August 13, 2020, the Media Alliance of Kazakhstan announced the launch of a project to develop the "Basic Principles of Media in Kazakhstan" - with the aim of supporting the professional activities of journalists and protecting the citizens' right to receive quality information, taking into account the situation with infodemia and falling confidence in the media⁷¹.

"The basic principles are very precisely formulated professional standards, norms of professional ethics in the context of the development of social networks and new channels for the dissemination of information. These basic principles will form the foundation for a new self-regulation system on which media practice in Kazakhstan will be based.

In other words, clearly formulated principles of media activity are required, as well as self-regulation mechanisms that ensure the protection of both professional and civil journalists and other representatives of the media sphere, while observing these principles.

Compliance with the Basic Principles will be entirely voluntary and will not in any way limit or infringe the freedom of speech in our country. On the contrary, the presence of the Basic Principles and their observance will create additional mechanisms to increase confidence in the media, protection of the media owners and audience from authorities' pressure" the announcement says⁷².

On October 15, 2020, in Almaty, the Minister of Information and Social Development of the Republic of Kazakhstan Aida Balayeva met with the Chairman of the Board of the Media Alliance of Kazakhstan Armanzhan Baytasov.

Aida Balaeva told about the measures taken by the Ministry to support commercial mass media during the pandemic, improve legislation in the field of information, plans to increase the competitiveness of domestic media and the quality of human capital. The parties exchanged

⁷⁰ <http://mediaunion.kz/news/kazakhstan/kazhastanskij-media-alyans-pozdravlyayet-rabotnikov-mass-media-s-professionalnym-prazdnikom>

⁷¹ <http://mediaunion.kz/news/kazakhstan/kazhastanskij-media-alyans-obyavlyayet-o-nachale-proekta-po-razrabotke-bazovyh-principov-media-v-kazhastane>

⁷² Ibid.

views on relevant issues in the industry, including the development of domestic media, the necessity to improve the level of journalists' training, as well as to ensure the protection of their rights and freedoms.

During the meeting, Aida Balayeva and Armanzhan Baytasov signed a Memorandum of Understanding and Cooperation between the Ministry of Information and Social Development of the Republic of Kazakhstan and the Media Alliance of Kazakhstan.⁷³

The main directions for cooperation between the parties within the Memorandum are: joint discussion of proposals on improvement of legislation in the informational sphere; issues of training, retraining, as well as advanced training of media specialists; assistance in protecting the journalists' rights and freedoms⁷⁴.

On August 14, the MAK made a public statement in connection with the massive facts of violence against journalists in the Republic of Belarus⁷⁵.

On December 12, on the eve of the republican Independence Day, the Media Alliance of Kazakhstan held an annual award ceremony to honoring the contribution to the development of the media industry.

At the end of the year, instead of Armanzhan Baytasov, a deputy of the Senate of the Parliament of the Republic of Kazakhstan, former journalist Nurtore Zhusip, was elected Chairman of the board⁷⁶.

The chief editor of the newspaper "Komsomolskaya Pravda - Kazakhstan", a member of the board, the former executive director of the MAK Viktor Kiyantsa said in an interview that the Media Alliance has not conducted any intensive activities after Baitasov's resignation.

Any evidence about the Media Alliance of Kazakhstan's activities improving the journalists' safety in 2020 could not be found. There is no information on the MAK's contacts to whom journalists could apply for assistance or urgent help⁷⁷.

3) In August 2020, the Ministry of Justice registered the Industry Trade Union of Mass Media and TV and Radio Broadcasting Workers "BAQ KASIPODAQ". Zeyn Alipbek, TV presenter of the "Khabar" television agency with 30 years' experience, was elected as the chairman of the trade union.

The trade union's website presents the following information: "The main subject of the Trade Union's activities is the protection of labor, social, economic rights and interests of the members of the Trade Union, member organizations, promoting the development of social partnership. The trade union pays special attention to the social sphere, health improvement and recreation of workers and members of their families. Also, the trade union poses an objective of journalist's professional development, his training and employment"; "We have already entered into partnership agreements with a number of human rights organizations

⁷³ <https://www.gov.kz/memleket/entities/qogam/press/news/details/109697?lang=ru>

⁷⁴ <http://mediaunion.kz/news/kazakhstan/kma-podpisal-novyj-memorandum>

⁷⁵ <http://mediaunion.kz/news/kazakhstan/zayavlenie-kazahstanskogo-media-alyansa-v-svyazi-s-massovymi-faktami-nasiliya-v-otnoshenii-zhurnalistov-v-respublike-belarus>

⁷⁶ <http://mediaunion.kz/news/kazakhstan/nrtre-zhsip-azastan-media-alyansyny-zhaa-zhetekshisi>

⁷⁷ <http://mediaunion.kz/pages/contacts>

specializing in legal assistance, both in cases of labor rights' violation, and in cases of obstruction of journalist's professional activity"⁷⁸.

KAZGUU University named after M.S. Narikbayev and the Industry Trade Union of Mass Media and TV and Radio Broadcasting Workers "BAQ KASIPODAQ" signed a memorandum of mutual cooperation.

On December 26, the Republican Scientific-Practical Center "Okulyk" and "BAQ KASIPODAQ" signed a memorandum of cooperation.

The website headings "Activity", "Plans for 2020-2021" do not contain any information⁷⁹.

The chairman of the trade union held a number of meetings with the mass media collectives. Based on the published documents and public speeches of the chairman of the "BAQ KASIPODAQ" trade union, it could be concluded that ensuring the journalists' safety is not his priority.

3. All media actors, including individual journalists, are aware of safety in digital communications.

In 2014, the UNESCO Almaty Office held a three-day workshop on the journalists' safety in Central Asia⁸⁰, which addressed the aspects of journalists' and bloggers' digital safety. Materials on the theme of safety are maintained on a special web page of the Bureau⁸¹, where the digital security section is included in the journalists' training curriculum and is in the process of being translated into the languages of the region.

4. Media actors cover safety issues

The media community demonstrates its concern on safety and impunity issues, mainly in private communities on the Facebook pages of "Journalists of Kazakhstan" and through interaction with the international foundation "Adil Soz" by publishing information on the organization's website. These issues, as being of public interest, are not reflected in the editorial policies and content of most mass media.

5. Intermediary entities respect journalists' safety The open data, information obtained from public organizations, statistical data of organizations responsible for certain services were used for this study.

Protection, safety, self-regulation and disclosure policies were studied on the Internet intermediaries' websites.

This study was prepared on the basis of the obtained data results and the analysis of the legislation of the Republic of Kazakhstan, state bodies and Kazakhtelecom JSC's reports, as well as Internet intermediaries' documents.

User interviews and news reports were not conducted in this study.

⁷⁸ <https://www.baqko.kz/o-profsoyuze-1>

⁷⁹ <https://www.baqko.kz/deyatelnost>

⁸⁰ <http://ru.unesco.kz/safety-of-central-asian-journalists-in-the-focus-of-international-media-development>

⁸¹ http://ru.unesco.kz/tag/_safety+of+journalists_

The pandemic "brought" to the Internet all media outlets, which previously devoted little time to the online market or preferred only traditional methods of information delivery (newspapers, magazines), ensured the widespread online use of information materials, and provided instant benefits for the media operating in the global network. In an instant, the mass media were put in a situation when the Internet became the only channel for delivering information, which provided unprecedented significant opportunities for freedom of expression and the work of independent media.

Obvious fact of explosive consumption of media information is proved by the data of the monitoring system "Mediametrix Central Asia", that is based on special counters installed on online media websites. In April 2020, during COVID-19 restrictions in the Republic of Kazakhstan, media consumption amounted to 72,435,053 views of media information materials on 283 media websites (<https://mediametrics.kz/files/mm.pdf>) with pre-pandemic average values of 28-30 million views per month and post-pandemic ones of 36-40 million views. In this regard, the requirements have increased for all participants in the information delivery process from the creator to the consumer. Direct participants of the information delivery process to the final consumer could be considered:

- legal and regulatory framework within which the media operates;
- media content creator or generator;
- Internet intermediary.

In particular situations, the media's role is undertaken by Internet intermediaries, when the user himself becomes the content creator and generator, and the Internet intermediary only provides a technological platform and software.

Internet intermediaries include Internet Service Providers (ISPs), various software, mobile applications suppliers and designers, and, of course, global transnational search systems. The content creators or generators in the person of the mass media directly depend on Internet intermediaries and during the difficult period of the pandemic they (Internet intermediaries) are the central element in delivering various information to the user.

There is no doubt that the responsibility of Internet intermediaries for freedom of expression and the activities of independent mass media are increasing by many times. The activities of Internet Service Providers in Kazakhstan (ISPs) are regulated by the Laws "On Communications", "On Informatization", "On Operational Investigative Activities" and other regulatory documents.

The Republic of Kazakhstan has some specific characteristics of the Internet market distribution. About 90% of the trunk channels market (the length of fiber-optic communication lines (FOCL) is more than 16,000 km) in the country belongs to the national telecommunication operator Kazakhtelecom JSC, it also owns 76% of the broadband Internet subscribers market, 90% of the fixed-line communications market, 17 data centers⁸².

⁸² Presentation for Kazakhtelecom JSC's investors <https://telecom.kz/ru/pages/11878/171917>

The diagram below shows the country's ability to develop a large number of independent Internet intermediaries.

■ **Developed transport network with a length of over 34,000 km**

- Modern network built for traffic transit purposes
- Taking strategic advantage of the Kazakhstan geographic location, Kazakhtelecom launched the shortest transit route between Southeast Asia and Europe



Figure 1 - Transport network of Kazakhtelecom JSC (July 2020)

There are 58 Internet providers⁸³ offering hosting, colocation hosting servers and other cloud services in Kazakhstan as of 02/01/2021. Only two companies – "PS Internet Company" LLP and "Hoster KZ Company" LLP - jointly own the registration of 90.2% of domains in the KZ zone (Table 1). Accordingly, the share of individual hosting is distributed in the same way among these two companies. ID Host, a 100% subsidiary of Kazakhtelecom JSC, owns only 1.25% of the domain names hosting⁸⁴. Most ISPs have a small number of customers (less than 0.01%).

There is no official state statistics on Internet intermediaries in Kazakhstan, therefore, the information considered below is the data prepared by the association of legal entities "Internet Association of Kazakhstan", that annually updates data through a survey of companies, analysis of open data and financial statements of providers.

Table 1 - List of ISPs owning domain names in KZ zone

№	ISPs' name	Amount of KZ domains	Market share
1	PS	73,733	47.26%
2	Hoster.KZ	66,992	42.94%
3	Megahost	4,910	3.15%
4	iD Host	1,939	1.24%
5	Kaznic	1,717	1.10%

⁸³ Annex 1, List of Internet providers in Kazakhstan

⁸⁴ Kazakhstan Network Information Center, <https://nic.kz/stats>

6	NIT	953	0.61%
7	IT Group Operating	775	0.50%
8	CyberAge	615	0.39%
9	GFX	569	0.36%
10	Information and analytical center	9	0.01%
11	Others		2.75%
	IN TOTAL		100%

Main services provided by ISPs:

- website hosting;
- VPS (virtual servers);
- co-location (web servers hosting on a lease basis);
- cloud services;
- data warehouse.

All responsibility for the information posted, including software, databases, e-mail addresses, on the website rests with the Internet resource's owner. The Internet intermediary does not control and is not responsible for the information content posted by the website's owner as part of the services provided. In addition, the Internet intermediary⁸⁵:

- does not guarantee absolute uninterrupted or error-free services;
- is not responsible for the normal functioning of the Internet, its parts or for the quality of communication lines that are not related to the Internet intermediary's own resources, as well as for their availability for the site's owner;
- does not control the information flow available on the Internet, which may include materials that are undesirable for the site's owner, in particular, of a sexually explicit nature or containing information that is personally offensive to the site's owner, and does not bear any responsibility for them;
- is not responsible for violation of the third parties' rights, as a result of the site's owner actions to post information and / or his other actions performed using the Internet intermediary's services.

5.i Secure facilities that protect journalists' data

Each hosting-provider (ISPs) provides services in accordance with an offer agreement. The offer agreement reflects the relationship between the Internet intermediary and the Internet resource's owner.

⁸⁵ "PS Internet Company" LLP, <https://www.ps.kz/agreements/offer>

Internet intermediaries including ISPs, IT companies, and telecommunication operators provide the necessary secure facilities that protect journalists' data from hackers. However, the right to choose the secure facilities rests with the journalists themselves or with the media resources' owners. As a rule, secure facilities against hackers or unauthorized access provided on a fee basis and there are certain difficulties with installing additional functions. To ensure a secure data transmission channel journalists or website's owners are encouraged to install an SSL security certificate. As practice shows, a security certificate is provided without charge every 3 months, and after which it is necessary to perform the certificate renewal procedure. The security certificate is provided on a fee basis either by an Internet intermediary, or the user should install the security certificate himself. The lowest price for a security certificate is 4,000 tenge per year (appr. USD). Installing free security certificates results in great inconvenience for Internet users, who will have to confirm the certificate reliability every time they enter the website.

Other Internet intermediaries, such as software suppliers and developers, must provide a safe and protected environment for journalists and online media. Experience shows that in most cases of hacking or unauthorized access to the media website's information system, it occurs as a result of programming errors or significant software security problems.

The National telecommunication operator Kazakhtelecom JSC has the capacity to install appropriate technical facilities on core networks in order to protect user's data from hackers or unauthorized access.

5.ii Confidentiality of private data

The Internet intermediaries of Kazakhstan operate in the legal framework of the Republic of Kazakhstan. The Laws "On Communications" and "On Informatization" determine general rules and principles for the services provision by Internet intermediaries and, in particular, by Internet providers. However, the Law "On Operational Investigation Activities" (SOSA) imposes on Internet intermediaries an obligation to respond to the law enforcement bodies' requests regarding the ongoing criminal cases or investigations, including the transfer of private data and requested technical information.

According to the Law "On Operational-Search Activities" (SOSA), Paragraph 1, Article 10, Section 3, the justifications for conducting operational-search activities are:

- a) availability of pre-trial investigation materials;
- b) bodies conducting operational-search activities received information on:
 - prepared, being committed or committed offense;
 - persons hiding from the bodies of inquiry, investigation and court or evading criminal responsibility;
 - unknown absence of citizens and the discovery of unidentified bodies;
- c) investigator written instructions in the criminal cases under investigation;

c-1) decisions of the Prosecutor General of the Republic of Kazakhstan, his first deputy or deputies, regional prosecutors and prosecutors equated to them, as well as written instructions of the prosecutor given in the course of supervision over the legality of operational-search activities;

c-2) judicial acts about the search for a criminal and civil defendant, a person evading a sentence or probation control, as well as court officers' decisions sanctioned by the prosecutor to search for a debtor in enforcement proceedings;

d) requests from the international law enforcement organizations and law enforcement bodies of foreign states in accordance with treaties (agreements) on legal assistance;

e) necessity to obtain intelligence information in the interests of society and the state and to strengthen its economic and defense potential.

Therefore, the Internet intermediaries are obliged to report, upon official requests, to the law enforcement agencies the information and data containing private information.

In cases where the site's owner has his own equipment in the form of web servers, the law enforcement bodies' requests are sent directly to the online media's owner. The media's owner has the right to independently determine the relevant list of requested information for response.

Some concerns have been raised in recent years by digital rights groups that telecommunications companies have fully implemented a large-scale surveillance infrastructure using Russian SORM technology which grants government real-time access to their subscribers' data.⁸⁶

5.iii Transparent and periodic reporting on items 5.i and 5.ii

Transparent and periodic reporting on the law enforcement bodies' requests to the Internet intermediaries in the Republic of Kazakhstan is not provided. The publication of Internet intermediaries reports on the requests of the law enforcement bodies of Kazakhstan has not been encountered in practice until the day of this report, the necessity for such reporting at public meetings or round tables has also not been declared.

Among the Internet intermediaries, only periodic reports from the large multinational companies such as Google with a general report on the number of requests from the government bodies by country could be noted.

5.iv Client data-protection policy

The Internet intermediaries of the Republic of Kazakhstan provide their clients with the opportunity to independently view the tracking of any third-party engagement with their data in the form of relevant visit statistics. Each client is able to view information: who, when visited his personal page with data available only to the client himself.

⁸⁶ <https://freedomhouse.org/country/kazakhstan/freedom-net/2020#C>

In case if the client has his own equipment in the form of web servers, then he, as the website's owner, himself determines the security and data-protection policy. Internet intermediaries as the software suppliers must design and develop products according to the customer-client requirements.

The national telecommunication operator Kazakhtelecom JSC is an organization with a state-owned controlling interest and, accordingly, acts as the state body itself.

5.v Policy to inform users about requests

The Internet intermediaries in Kazakhstan inform their users about data requests by government bodies in cases where such a request does not demand any additional conditions for non-disclosure of the requested information. In all other cases, the Internet intermediaries inform users about data requests by government bodies, including website content requirements, third party copyright or property rights claims, etc.

For clients that have their own web servers, requests from government bodies go directly to the users who independently determine their private data-protection policy.

The national telecommunication operator Kazakhtelecom JSC is an organization with a state-owned controlling interest and, accordingly, acts as the state body itself.

Summary of Findings

There are few professional organizations of journalists in Kazakhstan. Their aims and objectives are of a general declarative nature and are insufficiently supported by practical activities. Probably the reason is that they were established according to the orders imposed from above, and not initiated by the journalists themselves. The aspects of journalists' safety are covered neither by the statutory documents nor by practice.

The aspects of journalists' safety are covered neither by the statutory documents nor by practice.

During the study period, they mainly dealt with issues of developing the professionalism of the media.

No trainings and consultations for journalists on matters of stress are conducted by media outlets for their staff.

Freelancers and citizen journalists are not supported.

There are no programs for women journalists that take into consideration the specific risks they will have to face in performing dangerous assignments.

The Internet intermediaries of the Republic of Kazakhstan presented by the Internet Service Providers (ISPs), software, mobile applications suppliers and designers, global transnational search systems;

The Republic of Kazakhstan's Internet intermediary market is dominated by the state-run monopoly Kazakhtelecom JSC. ISPs are represented on the market by 3 companies that practically own 99% of the hosting market: Kazakhtelecom JSC, "PS Internet Company" LLP and "Hoster KZ Company" LLP;

Today, the policy of journalists' data protection from hackers' attacks is entirely attributed to the ISPs client, the owner of online media;

The policy of the private data transmission to the law enforcement bodies is completely dependent on the Internet intermediary and does not have a clear, transparent definition in the offer agreements with the user.

The Internet intermediaries in Kazakhstan do not have the established practice of periodic reporting to the users regarding the implementation of the journalists' data protection policies and transmission of the private data to the law enforcement bodies.

The policy on the protection of private data for tracking any third-party engagement is the user's (online media owner's) responsibility.

The policy to inform users about data requests from the government bodies is applied only in cases of third-party requests regarding the copyright and related rights, the removal of content that does not comply with the legislation of the Republic of Kazakhstan.

(For a complete list of Internet providers in the Republic of Kazakhstan, see Annex 2)

E. The roles and response of the UN & Other International Organisations (IGOs and INGOs) Addressing Safety and the Issue of Impunity

1. UN within the country monitors journalists' safety issues and shares information

UN system at national level maps relevant instruments, actions and actors, and establishes partnership and communication channels with specialized monitoring organisations (such as in-country IFJ and IFEX members). UN system supports specific projects and activities on building and reinforcing the capacity to monitor and assess safety.

Some examples of such specific projects are given below and also in other sections. However, it should be noted that most of these projects were supported by the International Program for the Development of Communications⁸⁷

To strengthen cooperation between government bodies and the mass media, on December 9, 2019, UNESCO Almaty together with the United Nations Office on Drugs and Crime (UNODC) and the Media Alliance of Kazakhstan held a training workshop in Almaty city (for Kazakhstan and Kyrgyzstan) ⁸⁸This event was held shortly before the reporting period, however, in terms of its importance it should be mentioned as an illustrative example, as well as a reason for further work in this direction. At the training workshop, French journalist Daube Clavo acted as a trainer using examples of the police activities in the USA, France, South Africa and other countries and showed the standards of cooperation between the law enforcement bodies and journalists during various actions, including rallies and protests. During the workshop, it became clear that not all Kazakhstan journalists were familiar with the international standards of work in such conditions, on the one hand, and on the other, the law enforcement officers did not know it either. Unfortunately, the Ministry of Foreign Affairs of the Republic of Kazakhstan was unable to ensure the presence of the relevant representatives

⁸⁷ <http://ru.unesco.kz/launch-of-journalists-safety-indicators>

⁸⁸ <http://ru.unesco.kz/almaty-training-on-fostering-the-relationship-between-security-forces-and-journalists>

from the Ministry of Internal Affairs and the national security bodies at the workshop. However, it should be underlined that the work in this direction has just begun and there is hope for further cooperation and understanding the necessity of mutual education.

UN system at national level has a relevant awareness raising strategy and makes statements about killings of journalists

UNESCO annually raises the theme of killings of journalists for their professional activities. In Kazakhstan, in this regard, there was only the murder of Gennady Pavlyuk (killed on December 22, 2009 in Almaty), a Kyrgyz journalist who also wrote for Russian and Kazakh media⁸⁹ This crime was investigated and resolved by the Kazakhstan law enforcement bodies. The Ministry of Foreign Affairs of the Republic of Kazakhstan gave response on this matter to the Director General of UNESCO. The Action Plan, among other things, includes UNESCO's cooperation with the government bodies, including in the case of accidental journalists' killings. In Kyrgyzstan, Alisher Saipov, a journalist and chief editor of the "Siyosat" newspaper, who criticized violations of human rights in neighboring Uzbekistan, was killed in 2007. The head of UNESCO condemned this murder⁹⁰ however, the crime was not resolved.

Since the cases of journalists' murder in Kazakhstan were investigated, it is not included in the list of the countries that do not respond to the Director General of UNESCO. Therefore, it should be noted that at the level of cooperation with government bodies, the work is conducted at the proper level. But if the murder still takes place, then information about such an incident will pass through the Department of Global Communications in the UN system. Usually, a statement about a journalist's murder is made by the Director General of UNESCO because he has the relevant authority.

UN system at national level publishes information about journalists' safety issue and makes this available in the key national languages.

UNESCO has its own regional strategy. According to it, reports on various themes and directions are published with a certain frequency. This also applies to the journalists' safety – there is a special section on this theme on the UNESCO Almaty website. The reports of the Director General of UNESCO are also annually published on the UNESCO headquarters website. These data (reports) provide comprehensive information on the activities of the UNESCO regional offices, its central office, as well as other UN agencies within the framework of creating a favorable environment for the journalists' safety.

In addition to the Director General's report on Safety of Journalists and Impunity, UNESCO's most recent Global Report on World Trends in Freedom of Expression and Media Development⁹¹ was translated into Russian on September 16, 2020 and discussed with stakeholders at

⁸⁹ <https://rus.azattyq.org/a/24356280.html>

⁹⁰ <https://news.un.org/ru/story/2007/10/1114621>

⁹¹ <https://unesdoc.unesco.org/ark:/48223/pf0000374137/PDF/374137rus.pdf.multi>

several events organized by the UNESCO Office in Almaty, with the participation of the UN Department of Global Communications, UN Women, higher education institutions.

The Introductory Online Meeting on the Journalists' Safety Indicators (JSIs) was held jointly by the International Foundation for Protection of Freedom of Speech "Adil soz" as part of the approved International Program for the Development of Communication (IPDC) project "Kazakhstan: Increasing the safety of journalists"⁹². The event was timed to coincide with the International Day to End Impunity for Crimes against Journalists, celebrated on November 2 around the world. The report was discussed at the Webinar on Access to Information for State Bodies towards the SDGs on November 16 and 20, 2020 in Almaty⁹³.

Promotion takes cognisance of the fact that women journalists may be subject to specific sexual harassment and violence.

When the journalists' harassment is monitored in Kazakhstan, the gender aspect is not taken into account.

The practice shows that, in general, in the post-Soviet area, and especially in the Central Asian region, problems of gender equality are often met with misunderstanding and, in some cases, with strong resistance from the society. In this context, the safety of women journalists does not stand out from the general picture, which is a deficiency of both national state bodies and non-governmental organizations, the media themselves and their employees. However, there has been a tendency for the improvement of the situation on the NGOs' part.

UNESCO Almaty translated into Russian (and Kyrgyz) languages the UNESCO global guide "Reporting on violence against women and girls"⁹⁴ and on November 27, 2020, this was used to discuss the theme "Cyberbullying and online harassment of women journalists" in a webinar, organized by UNESCO Almaty and UN Women, for Central Asian journalists, students and academic institutions.⁹⁵ The webinar was part of a global campaign "16 Days of Activism against Gender-Based Violence", held from November 25 to December 10, 2020).

UN system at national level requests information from the State about the safety of journalists and the issue of impunity.

There is a constant work in this direction put on a systematic level. When sending requests, UNESCO relies on international standards adopted by Kazakhstan. However, the government bodies and their officials are often unfamiliar with these journalists' safety standards and don't know what the conversation is about. To some extent, this could be explained by the frequent personnel rotation in the government agencies and, as a consequence, the professional unpreparedness of the new managers and responsible officers.

In addition, there is a problem of lack of understanding from the part of other government agencies that are not directly related to the media. If the Ministry of Information is a specialized

⁹² <http://ru.unesco.kz/launch-of-journalists-safety-indicators>

⁹³ <http://ru.unesco.kz/webinar-on-access-to-information-for-state-bodies-towards-to-sdg-16>

⁹⁴ <https://unesdoc.unesco.org/ark:/48223/pf0000374625/PDF/374625rus.pdf.multi>

⁹⁵ <http://ru.unesco.kz/almaty-webinar-reporting-on-violence-against-women-and-girls>

(authorized) body and the relevant cooperation is to a certain extent established, then difficulties often arise, for example, with the Ministry of Internal Affairs, whose officers at various levels do not understand that the journalists' safety issues are directly related to their competences. It should also be noted that the coordination between government bodies in matters of the journalists' safety and the relevant UN indicators is problematic.

UN system at national level makes available information on journalists' safety and impunity to the UN at global level.

In 2015, the so-called "Package of Goals" of the United Nations was adopted, in paragraph 16 of which ("Promote peaceful and inclusive societies for sustainable development"), target 10 is declared, which is precisely on access to information. In particular, we are talking about the safety of journalists and human rights defenders (SDG indicator 16.10.1). Today we may come to the conclusion that, unfortunately, not all government bodies are interested in fulfilling this indicator. Therefore, this provision was initially introduced to the UN indicators system. At the same time, many state bodies only after applying to them learn about the existence of the "sustainable development goals" indicator, that statistical bodies should take it into account and provide appropriate reports on them.

The journalistic community itself is also not sufficiently aware of these international standards, how to claim their rights, interact with government bodies and non-governmental organizations, and other.

2. UN system within the country implements effective co-ordination and responses to safety incidents and problems

UN system organisations have joint, complementary and co-ordinated activity in support of the safety of journalists as per the UN Action Plan.

Coordination is being performed at the United Nations country team level, at the level of discussions within the UN system. The direction of discussions and the involvement of special agencies of the Organization depends on the themes, directions and specifics of these agencies. For example, when it concerns the safety of women journalists, then such a structure as UN Women is included in the discussion.

The regional office of UNESCO informs this structure, for example, about the existence of cyberbullying problems in a country, that some campaigns could be organized to discredit women journalists. Or the UN Office on Drugs and Crime may be involved, as in the case of a workshop on the journalists' safety and their cooperation with government bodies during protests, as mentioned above. UNESCO is the main coordinator in this area and is at the forefront of the work. At the same time, the important and substantial support is provided by the Department of Global Communications, headquartered in New York.

In other words, many UN agencies in one way or another may be involved in discussions specific work to improve the journalists' the safety. The most recent example is UNESCO's collaboration with the World Health Organization (WHO) on COVID-19⁹⁶. A guideline on

⁹⁶ <https://journalismcourses.org/course/journalism-in-a-pandemic-covering-covid-19-now-and-in-the-future-ru/>

coverage of problems around the coronavirus infection "Pandemic and Journalism" was released (including in Russian language). Another guideline on vaccination is currently underway (now available in English and Spanish languages). At the same time, the journalists themselves are also at risk in connection with the performance of their professional duties. According to the official data, 160 journalists in the world have died from COVID-19. However, there are no statistics in Kazakhstan on this issue, also because few people associate coronavirus infection with journalistic activities.

UN system encourages multi-stakeholder co-operation with non-UN actors on safety and impunity, and contributes to formulation of national strategies.

When the "Adil Soz" Foundation prepared a project on journalists' safety indicators, all stakeholders were invited to the launching of these indicators. These included government bodies, NGOs, various media organizations, educational institutions and professional associations. The problem of the journalists' safety could not be solved by one side - the joint work of all interested parties, without exception, is necessary. UNESCO in this direction is a kind of coordinator and mediator of such efforts of the human rights organizations, NGOs and the editorial offices themselves. Such multilateral and multidirectional cooperation also implies the involvement of organizations and individuals who are indirectly related to the journalism. As well as much attention should be paid to journalists working outside the editorial offices, freelancers, bloggers and beginning correspondents who do not sufficiently aware about conducting special consultations on a given theme. In addition, it is necessary to pay special attention to the special programs' implementation related to the journalists' safety conducted in specialized universities, which is now being performed by UNESCO in Kazakhstan, with particular emphasis on cooperation with higher educational institutions.

Diverse and comprehensive work is also being undertaken to facilitate the development of national strategies for the journalists' safety. In particular, some Kazakhstan government bodies readily accepted the methodological recommendations on the journalists' safety during various public actions. This resulted in the mandatory introduction of distinctive signs (bright vests and armbands with the words "PRESS") for correspondents covering this type of events, and the relevant provision was introduced into the new Law "On Peaceful Assemblies". There is an understanding that this is only a unilateral measure, introduced practically without the participation of the Ministry of Internal Affairs, but in this case one could come to the conclusion that this is only the beginning of such cooperation and in the future, we can expect the development of mutual understanding.

At the same time, it is necessary to expand the range of stakeholders, including the parliamentary deputies and local self-government bodies, as well as to involve broader layers of civil society.

As noted previously, the UNESCO Office in Almaty organized several events around The Global Report on World Trends in Freedom of Expression and Media Development⁹⁷ to foster discussion among stakeholders, including UN Women, academic institutions.. Also noted above is the Webinar on Access to Information for State Bodies towards the SDGs on

⁹⁷ <https://unesdoc.unesco.org/ark:/48223/pf0000374137/PDF/374137rus.pdf.multi>

November 16 and 20, 2020 in Almaty⁹⁸, an event supported by UNESCO's IPDC and organized by the NGO International Foundation for Protection of Freedom of Speech "Adil soz"⁹⁹

Another example of multi-stakeholder engagement took place in November 2020 when UNESCO Almaty and UN Women Kazakhstan collaborated to hold the a webinar on cyberbullying and online harassment of women journalists.¹⁰⁰ Webinar was attended by journalists, students and academics.

Safety of journalists issues are reflected in the UN Development Assistance Frameworks and other country programming documents, and are discussed within UN Country Teams including both resident and non-resident agencies.

This paragraph refers to the Partnership Framework for Development (PFD)¹⁰¹. The question is how interested the national government will be in the implementation and full support of particular items and provisions of this Framework. At the same time, it should be underlined that UNESCO is constantly promoting this question, and all other United Nations members are aware of the existence of the mentioned Framework and act in accordance with its provisions. In general, it should be noted that in national documents, in particular, in the regulatory legal acts of the Republic of Kazakhstan, these provisions and regulations are not always reflected, but at the same time, UNESCO at the global and country levels continues this work in the field of the journalists' safety and the problems of impunity for crimes against media employees.

UN system organizations at the national level integrate journalism safety into areas in where they work such as the rule of law, environmental protection, sustainable development, etc.

The aforementioned UN Office on Drugs and Crime trains judges as a part of its activities. UNESCO works with this United Nations agency, for example, on the prevention of impunity for crimes against journalists. Another example is joint events with the High Commissioner for Human Rights, whose area of interest includes peaceful assemblies. In this direction, as noted above, a comprehensive work is being conducted in relation to the cooperation of all interested persons and organizations, conducting training seminars, and other. It should be noted that UNESCO Almaty offered to conduct training for legal structures on the basis of materials specially developed by UN agencies. A strategy of work in this direction is currently being developed. An example would be the publication "The Role of Judicial Operators During the COVID-19 Crisis"¹⁰² or "Guidelines for Prosecutors on Cases of Crimes against Journalists"¹⁰³. These methodological proposals will be used by UNESCO in joint events with

⁹⁸ <http://ru.unesco.kz/webinar-on-access-to-information-for-state-bodies-towards-to-sdg-16>

⁹⁹ Adil soz implemented and drafted the report on Kazakhstan's Journalist Safety Indicators

¹⁰⁰ <http://ru.unesco.kz/almaty-webinar-reporting-on-violence-against-women-and-girls>

¹⁰¹ https://www.kz.undp.org/content/dam/kazakhstan/docs/legal%20framework/new-folder/CPAP_signed_RUS_06.03.17.pdf

¹⁰² <http://ru.unesco.kz/protecting-freedom-of-expression-during-the-covid-19-crisis-unesco-issues-guidelines-for>

¹⁰³ <http://ru.unesco.kz/guidelines-for-prosecutors-on-cases-of-crimes-against-journalists>

the relevant government bodies. The objective is to find partners within the UN system who could integrate these events. In this case, they are the Office of the UN High Commissioner for Human Rights and the UN Office on Drugs and Crime.

At the same time, these and other UN structures implement their own programs. Therefore, integration could be called mutual, it is conducted, but at the present time it could not yet be called systematic. On the environmental protection and sustainable development, UNESCO has curricula for journalism faculties. Various trainings on the relevant themes have been specially prepared for them and are regularly held.

In the section "Healthcare and Journalism"¹⁰⁴ you can find the theme "Journalism and Pandemic", which contains a provision on the journalists' safety when covering the COVID theme. On the theme "Elections and the Media", there are directions concerning, for example, threats of violent actions against journalists and other media actors. There is also a Model Course on the Safety of journalists which includes private safety and hygiene as well as injuries that can be sustained in the performance of official duties and travel and gender issues. All of these aspects are directly integrated with the journalists' safety. For example, they may have difficulty preparing content about refugees or illegal migrants. They need to protect themselves when covering environmental problems in places unsafe for human health. If a journalist or any other interested person or just a citizen has a desire to learn something on this theme, he could easily get information on the UNESCO Almaty website in its corresponding sections.

3. UN within the country builds knowledge and capacity

UN system promotes safety issues in contacts with local stakeholders, disseminates knowledge of relevant good practices and encourages local adaptation.

The theme of the journalists' safety was integrated into the resource materials for 55 higher educational institutions of journalism in Central Asia¹⁰⁵ and was disseminated at a number of events. For example, we are talking about a model course on safety of journalists (2019), developed by the UNESCO Office in Beirut and translated into Russian language¹⁰⁶. For Kazakhstan, the issue of safety of journalists covering protests is important¹⁰⁷. Among the broader themes, it should be noted the already mentioned above the "Journalists' Safety Indicators: national level", as well as the "Freedom of Expression and Public Order"¹⁰⁸. Fostering the Relationship Between Security Forces and Journalists" and the "UN Plan of Action on the Safety of Journalists and the Issue of Impunity"¹⁰⁹.

UN system organisations provide advice and capacity building to stakeholders on issues such as the treatment of journalists; investigation of crimes against journalists; and prosecution and protection measures.

Consultations with different organizations and specialists are also one of the important directions, as they may specify the journalists' safety issues. If, for example, we are talking

¹⁰⁴ <http://ru.unesco.kz/#collapseHealth>

¹⁰⁵ <http://ru.unesco.kz/journalism-education-and-training-by-theme>

¹⁰⁶ <https://unesdoc.unesco.org/ark:/48223/pf0000248297/PDF/248297eng.pdf.multi>

¹⁰⁷ https://unesdoc.unesco.org/ark:/48223/pf0000374206_rus

¹⁰⁸ https://unesdoc.unesco.org/ark:/48223/pf0000261467_rus

¹⁰⁹ https://ru.unesco.org/sites/default/files/un-plan-on-safety-journalists_ru.pdf

about online security and the development of technologies, then the relevant NGOs and their components are involved in the discussion - for example, the Internet Association of Kazakhstan (IAK), which includes many organizations that, at first sight, are not related to this problem (for example, the chain of stores Meloman). That is, everything, including this case, requires an integrated approach and the problems of the journalists' safety online and in social networks should not be resolved only by journalists, human rights organizations and state bodies. The same approach should be applied to the theme of investigating crimes against journalists and their judicial protection - in this regard, the consultations are conducted with qualified lawyers.

UN system organisations at national level have, or fundraise, specific budgets for their safety activities.

There is a misconception that the United Nations and its agencies are some kind of donor and grant maker for various projects. This misconception exists at different levels, including among government bodies. Work in this direction is conducted at the level of cooperation with various state, non-governmental and private organizations of the national and international levels. The UN and, UNESCO, accordingly, are coordinators of various specific and systematic projects, including those related to the journalists' safety.

UN organizations provide safety training to journalists such as on reporting in conflict zones, legal rights, self-protection techniques, first aid, etc. and assist with provision of safety equipment.

As mentioned earlier, various UN structures and agencies conduct educational seminars and trainings, each within the framework of its competence and specialization. There may also be complex trainings, in which specialists in various spheres (health, ecology, jurisprudence and law), as well as various coordinators of the law enforcement bodies cooperation, take their parts, and so on.

For example, on December 7, 2020, in connection with the upcoming Parliamentary elections in Kazakhstan (in January 2021), the UNESCO Almaty Office organized a training for journalists on "Elections and Media in Digital Times"¹¹⁰. Also, other abovementioned activities, as well as trainings held outside the reporting period, could be noted in this regard. As an example, the "Case study" reflected in the report of the chairman of Lithuanian Journalists Union¹¹¹ could be given.

UN system has a rapid response mechanism at the national level to assist journalists who are attacked or are under threat.

In the case of Kazakhstan, this provision has not been elaborated. It must be recognized that as of today, at the national level, a rapid response mechanism has not yet been introduced to assist journalists. First of all, this is due to the fact that Kazakhstan has a relatively safe, not so aggressive environment.

¹¹⁰ <http://ru.unesco.kz/call-for-trainers-media-and-elections>

¹¹¹ <http://old.unesco.kz/publications/2020/ci/Case-study-journalists-ru.pdf>

4. Within the country, other international intergovernmental and non-governmental agencies promote safety of journalists

One or more relevant regional intergovernmental organisations promote safety issues in the country. International NGOs support local efforts to promote safety.

Among the professional international organizations, it should be noted such as IFEX (International Freedom of Expression Exchange)¹¹², Article 19 (human rights organization)¹¹³, IFJ (International Federation of Journalists)¹¹⁴, CPJ (Committee to Protect Journalists)¹¹⁵, Reporters without Borders¹¹⁶, GFMD (Global Forum for Media Development)¹¹⁷ and others conduct advocacy, monitoring and other programmatic work to promote safety of journalists in Kazakhstan. With these international NGOs the joint events are conducted, the mutual assistance is provided in collecting materials and facts of journalists' harassment, joint training programs are conducted, etc.

In addition to those who specialize in freedom of expression, cooperation also takes place with a number of other international non-governmental and intergovernmental organizations. For example, the International Association of Prosecutors¹¹⁸, which has not yet begun large-scale activities at the national level, however it is engaged in major work on the journalists' safety issue worldwide. Or the Centre for Law and Democracy, which provides legal advice. It should be separately mentioned, the Rory Peck Trust³⁶ that has well-developed resource materials on the journalists' safety. For example, in relation to the digital security. These and other similar resource materials are part of the UNESCO curriculum that has been promoted among academic institutions in Kazakhstan. There are other examples of cooperation with the international non-governmental organizations, which depend on the current situation and projects implemented by these organizations.

All of them engage with the International Programme for the Development of Communication (IPDC) and work with other other international intergovernmental organizations.

The UNESCO's Multi-Donor Programme on Freedom of Expression and Safety of Journalists, which is helping to bring together the efforts of UNESCO and the International Association of Prosecutors to support the prosecution of crimes against journalists¹¹⁹ should also be noted. At the same time, the International Association of Prosecutors (IAP) is participating in the implementation of the UN Action Plan on the Safety of Journalists and the Issue of Impunity¹²⁰.

In addition to cooperation with similar NGOs, the UN and its agencies (in particular, UNESCO) implement long-term and constant cooperation with the various intergovernmental and other international organizations. Thus, the European Union (EU) is very interested in the

¹¹² <https://ifex.org/>

¹¹³ <https://www.article19.org/ru/resources/hate-speech-explained-a-toolkit/>

¹¹⁴ <https://www.ifj.org/>

¹¹⁵ <https://cpj.org/ru/>

¹¹⁶ <https://www.refworld.org.ru/publisher/RSF.html>

¹¹⁷ <https://www.gfmd.org/>

¹¹⁸ <https://www.iap-association.org/>

¹¹⁹ <https://ru.unesco.org/news/svoboda-pressy-yunesko-i-mezhdunarodnaya-associaciya-prokurorov-obedinili-svoi-usiliya-dlya>

¹²⁰ <https://www.iap-association.org/>

journalists' safety - they have specific projects and directions within the human development framework. There are also separate directions as part of the work with the European Parliament. Within the agreements between the EU and UNESCO, there is a mutual support for various projects and directions, including those related to the freedom of speech and the journalists' safety, in particular.

4.1. These international actors within the country monitor journalists' safety issues and share information

At national level, they map relevant instruments,

The most important instrument is the monitoring of violations of the journalists' rights, in particular the safety related rights. In Kazakhstan, the major work is done by the International Foundation for Protection of Freedom of Speech "Adil soz", which is a member of IFEX. There are other actions being mapped. For example, the UNESCO "Observatories for the Safety of Journalists", which contains detailed statistics on the killings of journalists in certain countries, the investigations of these facts, the responses of the authorized bodies of these countries to the Director General of UNESCO, etc.

They promote the existence and scope of relevant normative standards

It should be emphasized here, once again, that one of the mentioned standards is the UN Action Plan on the Safety of Journalists, that was discussed above. The Journalists' Safety Indicators, on which basis this study is prepared, are also included in this category.

The "Media Development Indicators", that specifically cover the issues of journalists' safety, should be separately considered in this section. There are also the "Internet Universality Indicators", however, unlike most of other directions, they have not yet been translated into Russian language – this work is currently being conducted.

They make available information on journalists' safety and impunity to the UN at global level

As for the global level, we could talk about the various statements, assessments, monitoring, rankings, etc.

4.2. These international actors promote coordinated approaches to safety issues

They have coordinators who periodically communicate with each other. UNESCO, as noted, is the coordinator. These organizations conduct joint, complementary and coordinated activities with the UN and other non-UN actors, including the State, on the journalists' safety issues. These and other actions implemented by the mentioned organizations directly contribute to the development of national strategies. A national strategy for the journalists' safety is being supported. Frequently, they take a direct part in this process – within the framework of their charters and competencies.

UNESCO, for its part, measures the safety performance. The main objective in this process is to trace the indicators trend, on the basis of which it is necessary to conduct certain activities. Among the major actions is anticipating problems that may arise around the journalists' activity sphere. For example, in connection with the upcoming election campaign or protests (peaceful

assemblies). If it concerns elections, then it is necessary to reach agreements with the government bodies on preventing facts of the media work obstruction, establishing mutual contacts, so that these events will be conducted in peaceful ways, without conflicts and threats or sanctions against journalists. In other words, the main objective of UNESCO is to develop an international standard and implement this standard at the national level.

4.3. The international actors within the country build knowledge and capacity

These actors disseminate knowledge of relevant good practices and encourage local adaptation.

These actions represent various advices and capacity building to stakeholders. Each of these organizations, within the framework of its competence and focus, contributes to improving treatment of journalists and editorial offices, complete investigation of crimes against journalists; improving the qualifications of journalists' and media's legal defenders.

Also, these NGOs have or collect funds for specific budgets for their safety activities. These and other funds are used to conduct safety trainings for journalists, such as reporting in conflict zones, legal rights, self-defense methods, first aid, etc. In addition, assistance is provided in the provision of security equipment - in particular, Internews Kazakhstan (USAID) provided Kazakh journalists with distinctive equipment (vests and armbands) to work in the peaceful assembly area.

Recommendations

All the above speaks of the complex steps taken by the UN in addressing the problems of the safety of journalists and the impunity of crimes against them. At the same time, the national (country) factor mentioned in the "Safety Indicators" is also taken into account. However, it should be noted that certain lacunae and shortcomings remained for several factors. In this regard, a number of recommendations have been identified to further improve activities in the area of journalists' safety in Kazakhstan.

One of the key elements identified during the preparation of this report is the lack of coordination among government agencies. In our opinion, it is necessary to develop and enhance activities that are consistent with the directions in which UNESCO is operating – the averting (prevention of) crimes against journalists, their widespread protection, as well as solving the problems of impunity. This work should be complex, and should include not only Kazakhstan and foreign NGOs (human rights defenders) but also government agencies and the editorial offices themselves.

One of the fundamental objectives in this respect is the development and implementation of the "National Plan for the Journalists' Safety". This document should become a kind of consolidating act, in which the vision of the problem of all interested parties - first of all, the journalists and the media themselves and the relevant government bodies - will be harmonized. The process of the "National Plan" preparation will allow to coordinate the work of all parties, identifying problems, including from those points of view that are not yet obvious, as well as providing the grounds for improving other legal and intradepartmental acts. In particular, we are talking about a new mass media law, which is currently under development. Adoption of amendments and modifications to other laws, including those on law enforcement bodies, procuracy bodies, the judicial system, and others, is also possible.

At the same time, it is necessary to understand that significant changes in the journalistic environment are also required. From a legal point of view, this may refer to the corresponding amendments in the "Code of Ethics for Journalists". An important issue in this sphere is the education and improvement of the skills of media workers and independent journalists, who are in any case endangered during the performance of their professional duties. Unfortunately,

it's worth acknowledging the fact that that many journalists and editorial offices do not take due interest in seminars, training programs and various recommendations related to the journalists' safety. This is to some extent caused by the journalist's confidence that he already knows everything, certain professional ambitions and absence of time for this type (educational) events. Therefore, special attention should be given to the necessity of improving skills and professional level.

Prevention of the journalists' safety also includes an educational program for the government bodies, some of whom, based on this study, do not always understand that they are involved in the process. In particular, this applies to employees of the prosecutor's office, the judicial staff, law enforcement bodies and the Ministry of Health. The lack of continuity in these state bodies should also be noted - if the previous management is sympathetic to the problem of the journalists' safety, participating in trainings and seminars, then with the next management the work should be restarted, to convince that the department is directly related to the issue.

Regarding non-governmental human rights organizations, it should be noted that, until recently, "the journalists' safety" was not registered as a separate aspect and was in the general process of monitoring. Therefore, it is necessary to develop new criteria for assessing the situation, bringing them as close as possible to generally accepted (international) standards - so that national and international data do not diverge in numbers.

It is also necessary to give attention to individual criteria for the journalists' safety, taking into account national (country) factors. For example, identify criteria for women journalists, since the nature of threats and attacks against them often differs from similar actions against men.

Of particular importance in Kazakhstan is the problem of impunity for crimes and offenses against journalists. First of all, it concerns the activities of state bodies, which, as noted, in some cases do not fulfill the obligations assumed by the government. It should also be noted that the journalists themselves and their editorial offices are not sufficiently active against such violations – unfortunately, this has become common, and there is practically no faith in justice that the media delay to file claims and statements with the law enforcement bodies. Including, out of concern that it might aggravate the problem. Consequently, there is a necessity to establish new professional organizations and reanimate the work of existing ones, that lack human and material resources.

An important issue in Kazakhstan remains the problem of society's attitude to the problem of the journalists' safety and the impunity of crimes against them. At present, civil institutions and public organizations are not sufficiently aware of the direct connection between the journalists' safety and the implementation of the right to freedom of speech and, accordingly, the freedom of speech with all other civil rights noted both in the Universal Declaration of Human Rights and in the Constitution of the Republic of Kazakhstan.

CONCLUSION

BIBLIOGRAPHY

APPENDICES

Appendix I: Research Methodology

**Appendix II: Survey Questionnaire [CHART FROM ABOVE CAN BE PLACED
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