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# STUDY ON DIGITAL RIGHTS: ACCESS TO INFORMATION AND FREEDOM OF EXPRESSION IN KAZAKHSTAN



Research results

Prepared by PF “Wings of Liberty” and IWPR  
within the framework of the project  
“Kazakhstan uncensored”, with financial  
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# List of Abbreviations



<b>IWPR</b>	– Institute for War & Peace Reporting
<b>VPN</b>	– Virtual Private Network
<b>MIA</b>	– Ministry of Internal Affairs
<b>Gosinform-zakaz</b>	– state information order
<b>RK</b>	– Republic of Kazakhstan
<b>MM</b>	– Mass Media



## Key

– Outcomes of Expert Interview Analysis



– Expert quotations are presented anonymously and marked only by the type of activity, while the designation of feminine forms means only that the expert belongs to a certain gender, but no generalizations or dependencies on the gender of the experts should be made based on the quotations given (quotes are given only to illustrate the results of the study and are only separate fragments of a larger data array), except when it is indicated directly in the text of the report. Certain quotes have undergone slight editing to ensure the readability of the text. This is because verbatim transcription of spoken language can occasionally pose challenges in written form, potentially including repetitions, grammatical inaccuracies, filler words, and so forth. Square brackets within the text indicate notes provided by the analyst.



# Key Findings and Recommendations

## Legislation in the field of media activities and freedom of speech

Summarizing the study/research, we came to the following conclusions:

- 1** The level of awareness regarding media-related legislation and freedom of speech is insufficient within the professional community. Less than half of the respondents are well acquainted with both Kazakhstani law and international standards. This is particularly evident among more seasoned journalists, who are more informed possibly due to their experience, and thus possess a better understanding of the necessity for legal framework knowledge.
- 2** “The introduction of the new Law on Mass Media and the information doctrine might result in curbing freedom of speech, intensifying censorship, and exerting further control over the media.”
- 3** The desire and formal compliance of the legislation with international standards makes it difficult to apply it and limits freedom of speech in the country.
- 4** National legislation is outdated and does not meet modern challenges.

### Recommendations:

- Efforts should be directed towards enhancing awareness about key regulations governing media activities and freedom of expression within the professional sphere.
- Civil society and human rights organizations need to persist in their endeavors to engage with government agencies, aiming to enhance law enforcement practices and uphold the rights and freedoms of the media within the country.

- It is imperative to halt the development of laws that solely constrain media activities and negatively impact the overall level of freedom of speech.

- Legislative reforms are essential to align the legal framework with modern requirements. To achieve this objective, it is crucial to consider recommendations from international organizations such as the UN, OSCE, and other international agreements ratified by Kazakhstan. Adhering to these recommendations will facilitate the creation of a new regulatory framework, ensuring a balanced legal landscape and safeguarding journalists' rights.

## Gender representation in the media and coverage of gender issues in the media

- The outcomes of the survey regarding the representation of women across various domains revealed variations in participants' viewpoints. A total of 38% perceive women's representation as being less than half, while 26% believe it to be greater than half. Additionally, 21% hold the view that both genders are equally represented.

Experts believe that women predominate in areas related to journalism, civic activism and human rights, but suggest that this phenomenon also has sexist roots (low wages and insufficient prestige of professions).

Thus, the predominance of women in these areas does not prevent the presence of manifestations of sexism in the professional environment. There are still complexities and inequalities in the status of women that require further efforts in the fight for gender equality and overcoming stereotypes.

### Recommendations:

- For the awareness of employees and management, it is necessary for each media outlet to develop a Media Policy on non-discrimination and gender equality.
- Continued endeavors are required to attain greater gender parity, eradicate instances of sexism in this domain, and challenge patriarchal stereotypes within society. These efforts may encompass educational workshops, seminars, and forums designed to highlight issues of gender discrimination and provide insights into addressing them.

## Freedom of speech and perceptions of censorship

- According to the results of the survey, the majority assess the situation in Kazakhstan with freedom of speech low (86%), these data are also supported by expert opinion. Unfortunately, in Kazakhstan, instead of supporting freedom of speech, they seek to control it.

An essential concern lies in the perception of freedom of speech and criticism by authorities as a potential threat. The absence of independent media adversely affects the impartiality of information and journalists' ability to access it.

Censorship continues to exist despite its official ban, especially in the state media. Unjustified harassment and arrests of journalists also create an atmosphere of self-censorship.

Information technology plays an important role in providing access to information and media development. Most survey participants view the digitalization of media positively, asserting that it fosters the advancement of freedom of speech (71%).

Consequently, the study underscores apprehensions regarding freedom of speech in Kazakhstan, underscoring the significance of safeguarding this right, ensuring diverse sources of information, and fostering a more transparent media policy.

## Recommendations:

- It is necessary to carry out measures aimed at strengthening the guarantees of freedom of speech. Mechanisms should be developed and implemented to ensure and support free expression.

- **Ensuring Media Independence:** In order to ensure unbiased information and diversity of viewpoints, it is important to support independent media. The state should create conditions for the development of independent media organizations so that they can work without political pressure and persecution from security and law enforcement agencies.

- **Protecting journalists:** Work should be done with government agencies to ensure that journalists are safe and do not interfere with their work.

- **Support for digital media:** since the state has little interest in the development of independent digital media, international organizations and sponsorship funds should be attracted for their development. Enable businesses to promote their services through the media.

- **Education and awareness:** Conducting educational programs and campaigns aimed at raising awareness of the basics of freedom of speech can help change the mentality of citizens and understand the importance of realizing this right.

## Digital Rights

- The survey revealed that the discourse on digital rights in Kazakhstan is still evolving (69%), and these rights themselves remain incomplete. This is attributed to constraints on freedom of speech, limitations in accessing information, and various restrictions imposed on services offered by Internet providers.

Citizens of the country are limited in their ability to take full advantage of the digital environment, especially in access to resources due to limited Internet access (76%), low digital literacy (73%) and government content blocking (69%).

The presence of a digital divide and the regulation of publications curtails citizens' capacity to freely express themselves. Ensuring widespread, high-quality Internet access across the nation with equitable entry to digital resources and advancing digital literacy are crucial. These efforts will facilitate the actualization of digital rights and establish a conducive atmosphere for the utilization of digital technologies.

## Recommendations (measures necessary to secure digital rights)

- Ensure the technical availability of high-quality Internet everywhere, including in rural areas.
- Stop the practice of blocking the Internet, as even in emergency situations this is not a justified measure and is a violation of digital human rights.
- Demonopolize the telecommunications market, in particular the provision of the Internet. This will foster competition, resulting in enhanced service quality, lowered costs, and equitable Internet accessibility for all citizens. Furthermore, diversifying the Internet services market will mitigate the possibility of complete Internet shutdowns.
- Do not interfere with the activities of digital media. Reduced regulation of content in social networks, instant messengers and so on.
- To provide the population with access to the Internet at an affordable price.
- Systematic information work with people to improve digital and media literacy (including fact-checking and investigative skills), as well as digital etiquette.
- Bilingual content – in Kazakh and Russian.





# Research Methodology

## Background for conducting the study.

This study is carried out within the framework of the project “Kazakhstan without censorship” and is one of the constituent parts of this project. The project aims to promote and protect the fundamental freedom of speech in Kazakhstan, as well as gaining public access to better and more reliable information about their rights as a result of raising the qualifications of the media and civil society.

The desire of the Kazakhstani authorities to control freedom of expression, assembly, print media and more is not limited to the streets, but is increasingly spreading to the digital sphere. With greater monitoring and data processing, journalists, activists and human rights defenders are more at risk than ever before of restrictions from the authorities. The RK Constitution provides for the protection of freedom of speech through the prohibition of censorship, it is still endemic, and the authorities are determined to control information and are ready to use any available means to do this, including arrests, attacks and shutdowns of telecommunications.

The Law of the Republic of Kazakhstan on Mass Media effectively covers all Internet resources, including websites and pages on social networks, which are considered mass media, which gives the authorities the right to control a wide range of traditional and non-traditional media participants.

In parallel, citizens from vulnerable groups also suffer disproportionately from censorship. With lower levels of digital literacy and Internet access, women, as well as rural and non-Russian speaking ethnic minorities, have more limited access to information about their rights, limiting their ability to claim their rights and hold the government accountable for violations.



## Purpose of the study:

Analysis of the perception of the situation with freedom of speech in Kazakhstan by stakeholders who are to some extent affected by the law on the media (a more detailed description of the target audience is given later in the document) in the context of the current legislation and international standards, as well as in the context of censorship, access to information and digital rights in Kazakhstan.

## Description of methodology

To achieve the set goals, it was decided to apply an integrated approach using qualitative and quantitative research methods.

## Research objectives:

To measure the level of awareness and opinion of representatives of media workers and other stakeholders (lawyers, human rights activists, bloggers, activists, etc.) regarding the current legislation on the media and potential changes in it, regarding the implementation of freedom of speech and digital rights in Kazakhstan, as well as their opinions about the existence of censorship and self-censorship in Kazakhstan.

To get an expert assessment of the situation with freedom of speech and the implementation of digital rights in Kazakhstan from human rights activists, lawyers, journalists, bloggers, editors-in-chief of the media, civil activists. The data will be used both in the preparation of the main part of the study and in the development of recommendations.

## Quantitative research

### Online survey among media workers, bloggers, human rights activists and other interested parties.

The survey was conducted using a structured online self-completion questionnaire, which consisted of three main parts:

- awareness and perception of legislation and international standards in the field of freedom of speech
- assessment and perception of freedom of speech and censorship in Kazakhstan
- awareness and perception of digital rights in Kazakhstan.

The full questionnaire is given in the appendix to the report “ 6.1 . Online Survey Questionnaire.

The online survey collects quantitative information about the awareness and attitudes of the target group regarding the current media legislation and potential changes in it, regarding the implementation of freedom of speech and digital rights in Kazakhstan, as well as their opinions about the existence of censorship and self-censorship in Kazakhstan.

### The target audience

Target audience of the online survey: media representatives, journalists or representatives of editorial offices, bloggers, lawyers, human rights activists and other interested parties who are affected by the media law.

### Field work

The approximate duration of the survey is 15-20 minutes.

**Terms of field work** – the survey was conducted from April 27 to July 24, 2023. Most of the questionnaires were filled out by June 30, 2023.

### Sampling

The online survey was attended by **212 people**, representatives of various groups from all over Kazakhstan. Only adults were interviewed.

### Sampling features

Due to the specifics of the research topic and the need to study the opinions of representatives of a certain target audience, a river sampling was used. Thus, the survey presents the opinions of a certain group of people who, to one degree or another, are interested in the subject of this study (due to their professional activities or personal interests). Therefore, in terms of socio-demographic characteristics, the study sampling is not representative of the entire population, and it is not expected that the results of the study will be extrapolated to the general population.

## Distribution of the sampling according to socio-demographic characteristics.

	Number of people	% by column
<b>Total</b>	<b>212</b>	<b>100%</b>
<b>SEX/GENDER</b>		
Women	119	56%
Women	91	43%
Other / Refusal	2	1%
<b>AGE</b>		
18-25	48	23%
26-35	70	33%
36-45	52	25%
46-55	27	13%
56-65	12	6%
66+	3	1%
<b>TYPE OF SETTLEMENT</b>		
City	204	96%
Village	8	4%
<b>NAME OF THE SETTLEMENT</b>		
Almaty	75	35%
Astana	59	28%
Other	78	37%

	Number of people	% by column
<b>OCCUPATION</b>		
Civic activist	44	21%
Journalist	44	21%
Lawyer	12	6%
Human rights organization employee	11	5%
Blogger	10	5%
Editor-in-chief/ media	6	3%
Editor	6	3%
Media worker	5	2%
Other	74	35%
<b>EXPERIENCE</b>		
Less than 1 year	14	7%
1-5 years	77	36%
6-10 years old	38	18%
11-20 years old	47	22%
21 years old and over	25	12%
Refusal	11	5%

### Data collection

We utilized Google Forms for the data collection process. During the information-gathering phase, we adhered to international research standards concerning the safeguarding of respondents' personal data. This online survey refrained from gathering any personal information that could lead to the identification of participants, including their IP addresses.

Before the survey, a database of potential respondents for the survey was prepared.

Publicly accessible data regarding media representatives and other interested individuals, along with databases from the "Wings of Liberty" Public Foundation and personal contacts of the Foundation's staff, were employed as sources. To engage the intended audience, a variety of distribution channels for the online survey links were utilized, encompassing social media platforms, instant messengers (via private messages), targeted email distributions. Additionally, in certain instances, respondents were contacted via phone as a reminder to complete the questionnaire.

### Data processing and analysis

Python, SPSS and Excel programs were used for data processing and analysis. The received data was checked for completeness and logic, cleaning, encoding and structuring of the collected data was carried out.

Python program was used for the initial cleansing and structuring of the raw data received from Google forms. SPSS was used to further code and analyze the data, test hypotheses, identify significant differences, build simple tables and cross-tabs. Excel was used to create intermediate files for importing and exporting to/from Python and SPSS, for the initial screening of incomplete questionnaires, as well as for further analysis and formatting of tables for reporting and storing results.

## Qualitative Research

### Expert interviews with stakeholders.

Expert interviews are a qualitative research method using the technique of in-depth interviews, where the respondents are highly qualified specialists in the field under study – experts or “opinion leaders”. This approach facilitates the acquisition of high-quality insights regarding the subject under investigation, sourced directly from experts within the pertinent field. It also enables the collection of expert evaluations and data concerning the prevailing situation. When conducting expert surveys, the competence of interviewers is important so that they can conduct a conversation on the same level with an expert, so the interviews were conducted by specialists who have the appropriate qualifications and work experience. This approach allowed to get the most out of the interview.

In this study, expert interviews were used to obtain an expert assessment of the situation with freedom of speech and the implementation of digital rights in Kazakhstan from representatives of the target audience (the sample is described in more detail later in the section). The data will be used both in the preparation of the main part of the study and in the development of recommendations.

The interviews were recorded in audio format for subsequent processing and result analysis. Any expert data included in the report were used solely with their consent. Respondents possess the right to retract their permission for data publication at any point and maintain the anonymity of their responses. Several experts expressed a preference for anonymity in their statements; in such instances, the quotes are presented without attribution.

### Field work

**Estimated duration of the interview** is 60 minutes.

**Terms of field work** – expert interviews were conducted from May to July 2023.

For methodological consistency, it is recommended to limit the number of interview moderators. As a result, the majority of interviews were conducted online to streamline the travel time and reduce moderator expenses.

### Sampling and target audience

Nineteen (19) experts participated in the expert interviews, representing a diverse range of backgrounds including human rights advocates, legal professionals, journalists, bloggers, chief media editors, civil activists, and other individuals with vested interest.

	Number of people
<b>Total</b>	<b>19</b>
<b>SEX/GENDER</b>	
Men	10
Women	9
<b>MAIN ACTIVITY*</b>	
Journalists, media editors	12
Lawyers, human rights activists, human rights specialists	6
Bloggers	1
<b>LOCALITY</b>	
Алматы	10
Астана	4
Другое	5

*\*ATTENTION: Some experts may fall under multiple categories of activity (e.g., journalist and blogger, lawyer and civil activist). The table indicates the distribution of experts based on their primary field of activity.*

**The selection of experts** for interviews was conducted based on an expert evaluation by the project coordinators. The primary criterion was the expert’s professional background, encompassing experience in areas such as media, legal advocacy, analysis and implementation of freedom of speech legislation, as well as research and application of civil rights and liberties.



## Detailed Analysis of Study Results

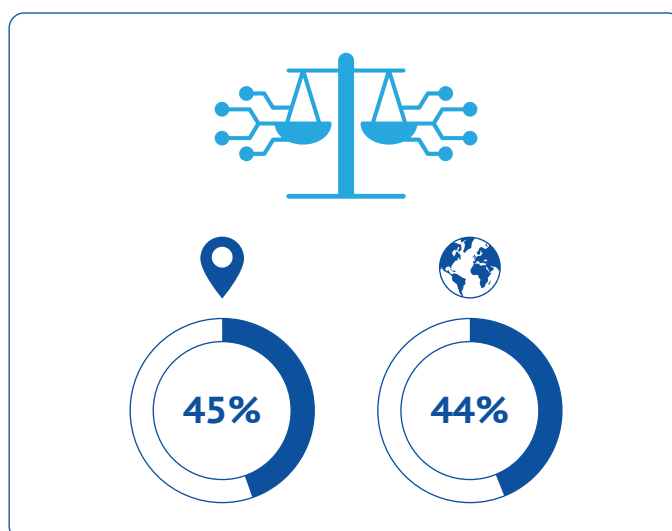
# Assessment of legislation in the field of media activities and freedom of speech

### Awareness of national legislation and international standards in the field of freedom of speech

- In general, the level of knowledge of Kazakhstani legislation and international standards in the field of freedom of speech is not very high. The length of work experience affects awareness: the more experience (more than 10 years), the higher the level of awareness.

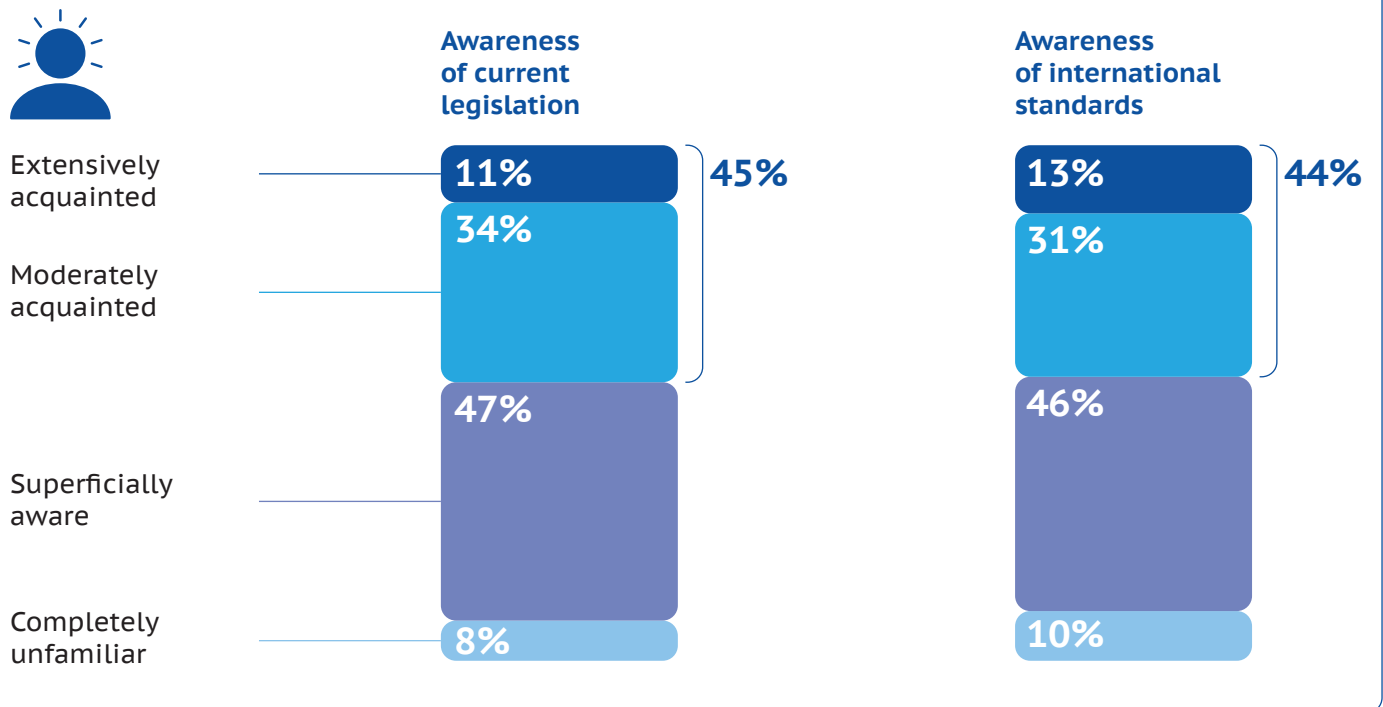
Throughout the study, participants were queried about their level of familiarity with the existing media and freedom of speech regulations in Kazakhstan, along with their awareness of international standards within the realm of freedom of speech.

Most participants possess a basic familiarity with these aspects. **Nonetheless, fewer than half of the respondents perceive themselves as moderately or extensively acquainted with both Kazakhstan's legislation (45%) and international standards concerning freedom of speech (44%).**



**Graph 1. How well do you know the legislation governing the media and freedom of speech in Kazakhstan? Are you familiar with international standards in the field of freedom of speech?**

N=212, all respondents



The tables below show the distribution of answers to these questions by work experience. Henceforth, **light blue color** within the tables indicates that the percentage in this group is statistically significantly higher compared to other groups.

Considering the responses to the question regarding Kazakhstani legislation in relation to work experience, it is evident that among respondents with less than 10 years of professional experience, a significant majority have a superficial familiarity with the legislation (53%). Conversely, respondents with more experience (having worked in their profession for over 10 years) notably more frequently indicated an extensive familiarity with the legislation (19%).

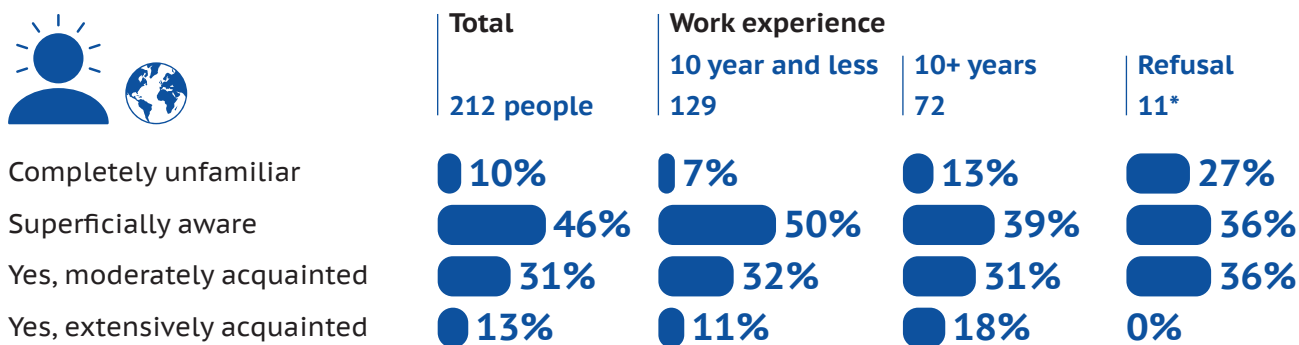
**Table 1. How well do you know the legislation governing the media and freedom of speech in Kazakhstan?**

	Total	Work experience		
	212 people	10 year and less 129	10+ years 72	Refusal 11*
Completely unfamiliar	8%	9%	6%	18%
Superficially aware	47%	53%	32%	64%
Yes, moderately acquainted	34%	31%	43%	18%
Yes, extensively acquainted	11%	7%	19%	0%

In terms of awareness of international standards in the field of freedom of speech, there were no significant differences in terms of work experience. However, it can be noted that less experienced workers also somewhat more often noted a superficial level of knowledge of international standards.

\*Sampling is insufficient for analysis. The data is presented for reference only.

**Table 2. Are you familiar with international standards in the field of freedom of speech?**



\*Sampling is insufficient for analysis. The data is presented for reference only.

## Compliance of Kazakhstani legislation with international standards in the field of freedom of speech

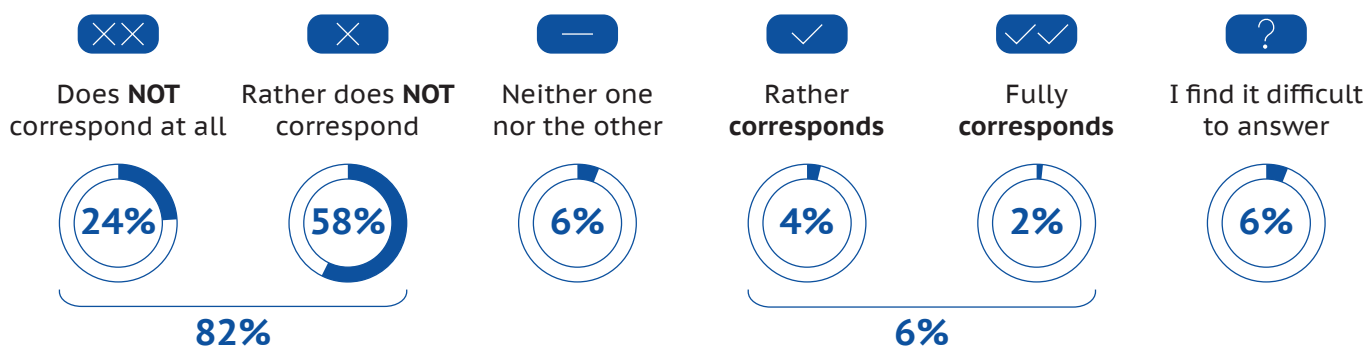
According to the professional community, even if Kazakhstani legislation formally complies with international standards in the field of freedom of speech, the actual application of legislative norms is significantly difficult.

Subsequently, the survey inquired about respondents' perceptions regarding the alignment of Kazakhstani legislation governing media operations and freedom of speech with international standards in the domain of freedom of speech.

A substantial majority of respondents (82%) opined that Kazakhstani legislation does not fully adhere to international standards to varying extents. A mere 6% expressed the view that it aligns with them.

**Chart 2. To what extent do you think the national legislation regulating the activities of the media and freedom of speech in Kazakhstan complies with international standards in the field of freedom of speech?**

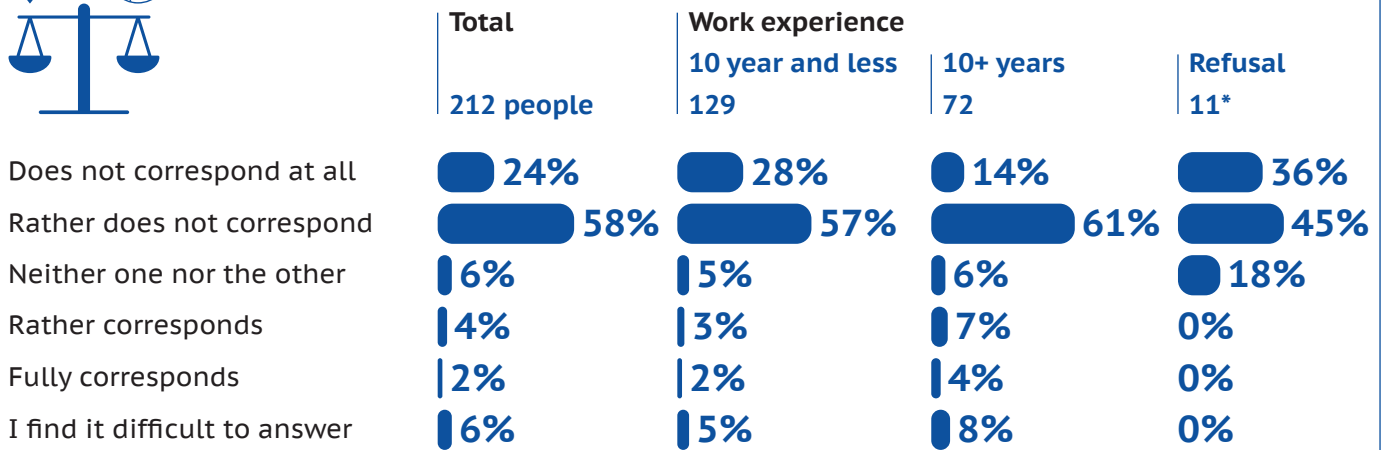
N=212, all respondents



Although there were no statistically significant differences in work experience, respondents with less than 10 years of work experience were more likely to note that Kazakhstani legislation does not meet international standards at all (28%) compared to more experienced respondents (14%).



**Table 3. To what extent do you think the national legislation regulating the activities of the media and freedom of speech in Kazakhstan complies with international standards in the field of freedom of speech?**



\*Sampling is insufficient for analysis. The data is presented for reference only.



As per experts, the present legislation, even if it aligns with **international** freedom of speech **standards**, remains **largely nominal**. While these international standards are incorporated into the legislation, in practice, law enforcement encounters significant challenges, a sentiment echoed by nearly all experts (“There is a lack of both *de jure* and *de facto* compliance”).



*“Our national legislation, especially law enforcement practice, does not correspond at all in its essence and spirit [to international standards]. That is, they can correspond in general terms. The Constitution says that freedom of speech is guaranteed, censorship is prohibited. However, this does not mean that it is taken literally and applied as such.”*

*Journalist*

*“As for law enforcement practice, the situation is even worse there. As for the level of legal literacy of journalists in general and especially of bloggers, the situation there is simply sad.”*

*Journalist, civic activist.*

Experts believe that such a dissonance occurs due to the fact that Kazakhstan seeks cooperation with the countries of the European Union and other developed countries. This forces the authorities to adhere to international standards in the field of freedom of speech, at least in a declarative form, including the guarantee of fundamental rights and freedoms. However, in practice, the authorities of Kazakhstan do not always demonstrate a willingness to adhere to these norms.

A portion of experts asserts that the legislation, taken as a whole, does not align with international standards, particularly on a conceptual basis. This divergence is attributed to Kazakhstan’s authoritarian political framework. Consequently, the legislation operates under the principle of exerting control and mitigating potential challenges to the authority.



The authorities impose restrictions on the activities of the media and on freedom of speech in general. For example, the right to freedom of speech is regulated, among other things, by legislation on peaceful assemblies, according to which the organization of a peaceful assembly requires permission from the competent authorities. These measures also raise questions in terms of international standards.

According to experts, the article of the Criminal Code, which should pursue manifestations of enmity and hatred, inciting hatred, etc., is very widely abused. In Kazakhstan, it is used against citizens and against activists who are just fighting for freedom of speech.



*“Just at the conceptual level, [legislation] is built in such a way as to give the authorities, give the state, law enforcement agencies a maximum of tools for any restrictions and reactions.”*

*Human Rights Activist*

*“In Kazakhstan, everything corresponds conditionally. We want to appear good, but in reality, we imprison and fine everyone.”*

*Journalist*

## Compliance of legislation with modern challenges



Experts point out that the national legislation is outdated and does not reflect modern challenges in the field of freedom of speech in the modern information environment.



Experts assert that the current national legislation inadequately addresses contemporary challenges and interests related to freedom of speech, media operations, bloggers, and social networks. Notably, the latest law governing these matters was enacted as far back as 1999, and it has since become outdated within the swiftly evolving information landscape.



*“In our opinion, the [current] law is a bit of this Soviet type.”*

*Lawyer, human rights activist*

The conceptual apparatus is not always clearly defined in laws, which allows the state to set restrictions at the legislative level, while manipulating definitions (for example, the concepts of “commercial secret”, “extremism”, etc. are not clearly defined). According to some experts, vague wording of terms creates opportunities for power structures interpret the law in their favor.

In addition, journalists also mentioned that disputes often arise related to the interpretation of certain articles of the law (for example, taking photographs and videos).



*“There are some moments that leave room for interpretation. That is, an inaccurately written law allows, for example, corrupt officials to use it in their own interests.”*

*Blogger, journalist*

## Draft Law “On Mass Media”

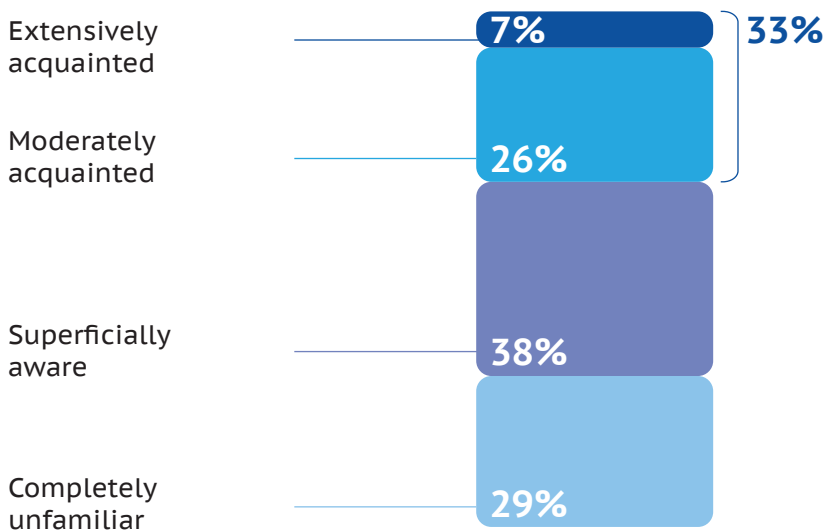
- The level of awareness of both the draft Law of the Republic of Kazakhstan “On Mass Media” (33%) and the adopted Information Doctrine is quite low (23%). Specialists with more than ten years of experience are better aware of innovations in legislation. It is believed that both documents will contribute to the restriction of freedom of speech to a certain extent.

Currently, the draft Law of the Republic of Kazakhstan “On Mass Media” is under development. The survey asked respondents to rate their level of awareness of the bill and its impact on freedom of expression. 67% of the respondents are either only superficially familiar with the draft Law “On Mass Media” or not familiar with it at all.

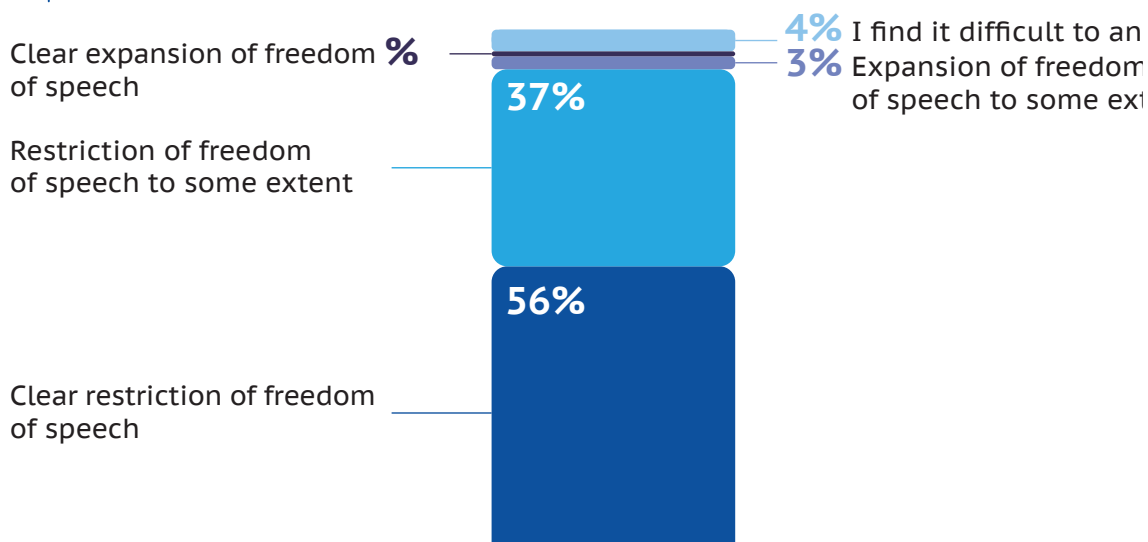
Of those who are at least superficially familiar with the bill, the vast majority (93%) believe that, if passed, it will contribute to the restriction of freedom of speech in one way or another.



**Graph 3. At present, the state has prepared a new draft law on the Mass Media Law, which has come to replace the current law on the media. Are you familiar with this bill?**  
N = 212, all respondents

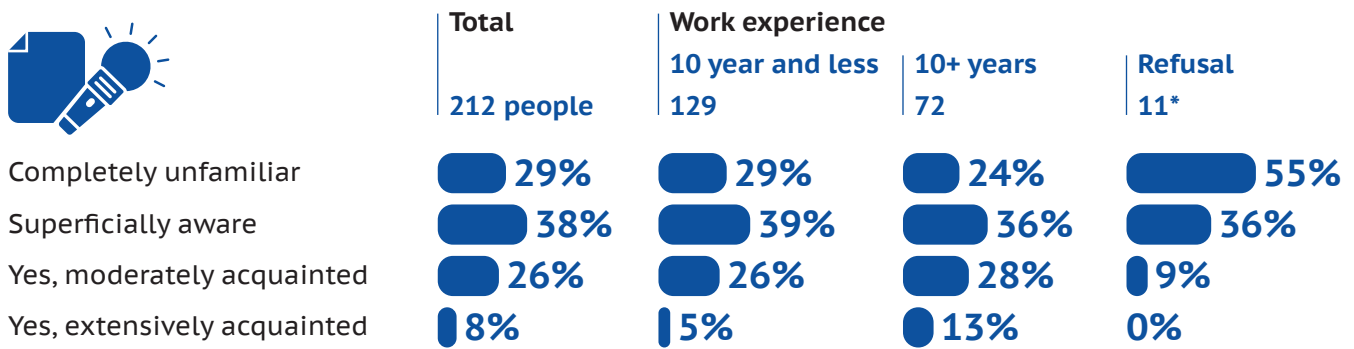


**Graph 4. What do you think, if the new bill of the Law “On Mass Media” is adopted, what impact will it have on the level of freedom of speech in Kazakhstan?**  
N = 151, those who are familiar with the bill at least superficially



There were no statistically significant differences in terms of work experience, however, among respondents with more than 10 years of experience in their field, the proportion of those (13%) who believe that they are very familiar with this draft law is noticeably higher, compared with respondents who have less than 10 years of experience (5%).

**Table 4. Currently, the state has prepared a new draft law on the Mass Media, which has come to replace the current law on the media. Are you familiar with this bill?**



\*Sampling is insufficient for analysis. The data is presented for reference only.

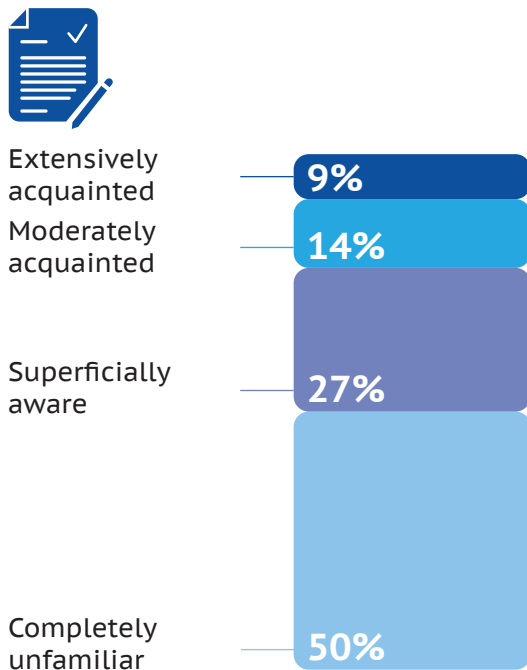
In March 2023, in Kazakhstan, by Decree of the President of the Republic of Kazakhstan No. 145, the Information Doctrine of the Republic of Kazakhstan was adopted (<https://adilet.zan.kz/rus/docs/U2300000145#z10>).

Even though it has been officially adopted, awareness regarding the Information Doctrine is lower

compared to the draft Law “On Mass Media”. Half of the respondents are unaware of it, and 27% possess only a basic understanding. Interestingly, a significant majority (73%) of those who have even a superficial familiarity with the Information Doctrine believe that it to some extent contributes to limiting freedom of speech in Kazakhstan.

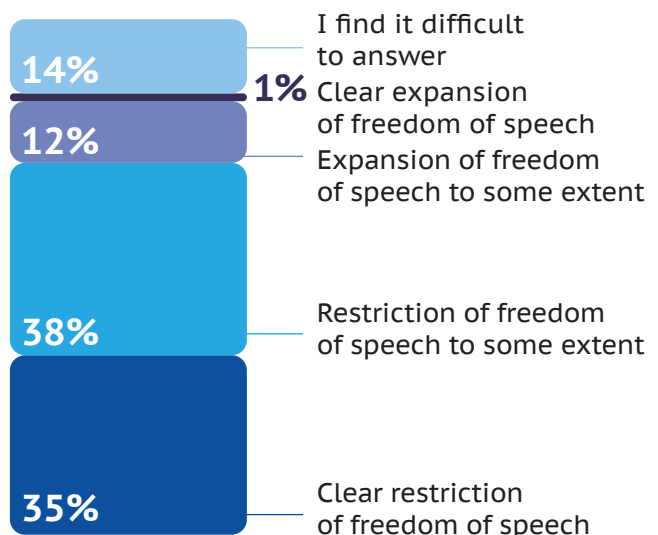
**Graph 5. At present, the State has approved the Information Doctrine of the Republic of Kazakhstan. Are you familiar with this document?**

N = 212, all respondents



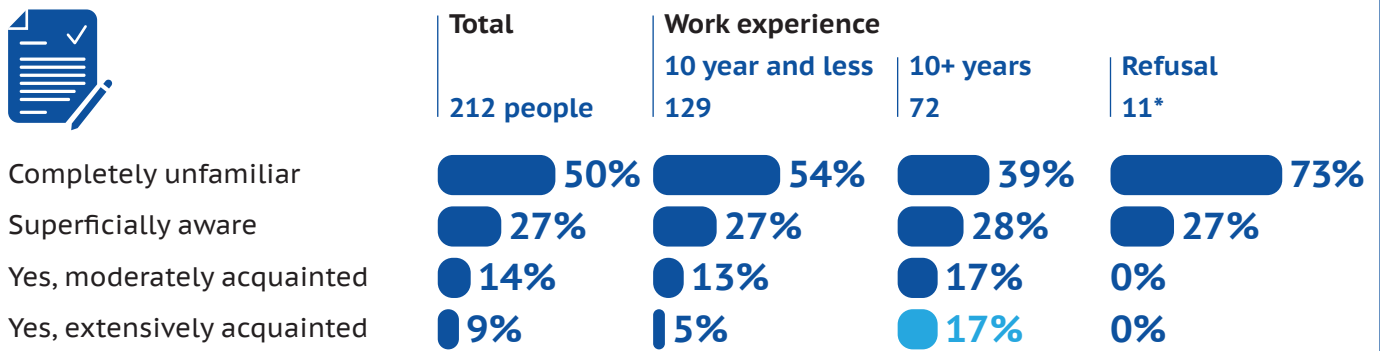
**Chart 6. What impact do you think the approved doctrine will have on the level of freedom of speech in Kazakhstan?**

N = 106, those who are familiar with the Information Doctrine at least superficially



The greater the work experience of the respondents, the higher the level of awareness of the Information Doctrine. Among respondents with more than 10 years of experience, the percentage of those who believe that they are very familiar with the Information Doctrine is significantly higher (17%).

**Table 5. At present, the State has approved the Information Doctrine of the Republic of Kazakhstan. Are you familiar with this document?**



\*Sampling is insufficient for analysis. The data is presented for reference only.



**According to experts, the adoption of the new Law “On Mass Media” will negatively affect freedom of speech in Kazakhstan. In fact, this will mean further strengthening of censorship, increased control over the media, including pressure on bloggers and social networks.**

In general, experts agree that the new law is aimed at strengthening control and regulation over the media and journalistic activities, as well as over the entire Internet space, including bloggers. This bill also simplifies these processes for the state.



*“In our country, the majority of laws are designed for control rather than enabling. These represent two fundamental distinctions. Take the law on peaceful assemblies, for example. It doesn’t grant permission for rallies; rather, it’s designed to control and disallow those gatherings that are deemed undesirable. This same principle applies to the law on mass media.”*

*Blogger; journalist*

Experts believe that bloggers are perceived by the authorities as a threat to freedom of speech. Some attribute this to the fact that today, due to the small number of independent media and journalists, bloggers are gaining more and more influence. In addition, some journalists who are unable to publish what they consider to be important material due to employer policy start personal blogs and write under their own name on topics that they are not allowed to write in the editorial office.

Thus, control over bloggers is the next step in restricting freedom of speech in the country.

Concern was expressed that the new rules could potentially lead to the demise of independent publications, which are already scarce.



*“There are numerous conflicting aspects present that greatly concern me. Frankly speaking, they prompt thoughts about the future of the industry, the future of journalism, and the profession as a whole.”*

*Journalist*



*“They don’t need strong free journalism. I mean journalism in the broad sense of the word, civil journalism as well. They need court parquet journalists of the Soviet type.”*

*Journalist, civic activist*

*“As for the fact that they propose to make changes that everyone is talking about, it seems to me that this is not so that freedom of speech in Kazakhstan is a step higher, but on the contrary, so that there are more pleasing journalists, and undesirable ones are deprived of accreditation.”*

*Journalist*

It has also been argued that imposing controls on social media would harm not only journalists and human rights activists, but also small and medium-sized businesses that use social media to find clients. Thus, the interests of a wide range of citizens will be affected.

Some experts noted that with the help of amendments to the new law, the authorities legitimize the already existing practices of restricting freedom of speech in the Internet space (limiting access to Internet resources). Some experts noted that the new law will provide additional opportunities for authorities to block the Internet.



*“However, [authorities] possess various alternatives, not necessarily within the boundaries of the law. For instance, they can easily throttle [the internet]. It’s known how access to platforms like Facebook has been deliberately slowed down, or any other service. And that’s it, no one will raise any objections... no one will investigate in any manner, because providers like Beeline and such will never admit to being compelled to do so.”*

*Journalist*

According to experts, the impression of a discussion (engaged with civil society and experts) about this draft law was cultivated. However, the end result was the release of a version to the public that hadn’t even been deliberated within the working group. Additionally, the experts who were part of the working group initially lacked comprehensive information about the draft law,

its underlying concept, and they weren’t even acquainted with the law’s official title. The term “mass media” itself has also perplexed some experts, given that it lacks official recognition in the present context.



*“We initiated work within the working group, yet there was a notable absence of comprehensive information about the bill, including its very name. This posed a challenge for the experts in providing any recommendations.... The usage of ‘mass media’ is baffling; this term doesn’t appear in any other laws.”*

*Journalist, civic activist*

It was noted that, since the changes were developed in the context of the January 2022 events, they were largely dictated by the fear of a repetition of such events.

**The need to register bloggers as mass media** without granting them additional privileges that mass media should have (for example, access to information) is considered unfair. In addition, this measure cannot be applied to all bloggers, since different bloggers create content on different topics and, accordingly, the same requirements cannot be imposed on them (for example, bloggers who publish content about needlework should not be subject to the same standards as political bloggers).

Additionally, it’s noteworthy that some specific experts also expressed agreement regarding the need to regulate the actions of bloggers. The primary aim is to prevent the spread of inaccurate information and establish accountability for their content. This measure should particularly extend to bloggers who boast a significant number of followers.



*“There exist individuals [bloggers] who possess a genuine audience and might consider themselves akin to mass media and aspire to operate as such. Conversely, there are those who have no intention of pursuing that route. Consequently, a certain classification should be established for distinct categories. It’s essential to outline their obligations and limitations. Should they shoulder the same level of accountability as online platforms and the like?”*

*Media Lawyer*

*“Bloggers should be covered by the ethical standards that apply to journalists. And, accordingly, there must be some mechanisms, internal mechanisms, professional mechanisms that will regulate their activities”*

*Human Rights Activist*

Some experts believe that the Law on Mass Media **will give officials the right** to allow or not allow materials to be published in an emergency. There were fears that the authorities could abuse this rule and declare emergency any situation at their discretion.



*“Especially the norm where a civil servant must coordinate the material with officials in emergency situations. Well, our government can declare any situation as emergency.”*

*Journalist, political activist*

*“Even in the present scenario, consider a situation where there’s a water spillage, something akin to an annual spring flood. Now, imagine that it becomes impermissible to document and publish such incidents under the law without official consent. In the realm of journalism and for bloggers, timeliness is of utmost significance. ... If a circumstance arises where reporting becomes prohibited, and individuals face consequences for it, we will go deaf and blind.”*

*Blogger, journalist*

The provision regarding the **necessity of acquiring press cards** for journalists is another aspect that raises apprehension within the expert community. The draft law indicates that these cards will be granted by a commission. However, the process for issuing these cards lacks transparency and appears to resemble a kind of censorship.

The criteria for obtaining a press card impose restrictions on work experience and education, as well as the requirement to have an agreement with the editorial office. This will limit the opportunities for young journalists and especially freelancers. Experts are also worried that this system will allow the relevant authorities to selectively exclude “objectionable” media workers and encourage those who adhere to the pro-government agenda.



*“Those who will have press cards will accordingly be favored by the authorities, will have access to all “receptions, banquets, gifts and bonuses”, as well as to information. And those who will not, will not be considered journalists in their essence”.*

*Journalist*

*“(According to the draft Law “On Mass Media”) a journalist is only a person who has an employment relationship with a registered media outlet. But according to the definition of the same UNESCO, a journalist is any citizen who regularly disseminates his own or borrowed information, disseminates it in society using the Internet.”*

*Journalist, civic activist*



There are fears that this law is just another step in the gradual introduction of further control mechanisms, which may lead over time to significant negative consequences, including reprisals (for example, restricting access to information for independent media and their further closure).

Some experts also expressed concern that the new bill is being developed by people who are generally incompetent in the respective fields (i.e., journalism, digital technologies and other relevant areas affected by this bill) without the involvement of the journalistic community and other stakeholders.



*“We’ve witnessed similar patterns unfolding in Russia, where initially there are seemingly minor steps taken, starting with something seemingly inconsequential, and gradually evolving into a well-oiled apparatus of repression.”*

*Human Rights Activist*

*“The new law was developed without taking into account journalistic organizations, specific editorial offices, journalists, human rights activists from the media sphere, and then allegedly given at the mercy of us.”*

*Blogger, journalist*

Experts have repeatedly mentioned the Soviet legacy in the state’s approach to lawmaking and all other political and legal processes. This is explained by the fact that many of the current officials come from the Soviet era, which means they retain the appropriate mentality and approach.

Also, some individual experts expressed the opinion that today the new bill does not pose a threat to journalists and, in fact, changes little.



*“The fact is that our lawmakers, they are practically all from the former Soviet Union. They are all “soviets” and “post-soviets”. That is, in the Soviet Union, it was accepted that a journalist and any media are service personnel who serve the authorities.”*

*Journalist*

## Desired legislative changes



Experts contend that given the antiquated nature of the existing legislation, which fails to align with contemporary requirements, the state requires an entirely new law. However, this new law should not take the shape currently proposed. Simultaneously, it’s imperative to consider the prevailing recommendations from UN entities (including the Human Rights Committee) and other ratified international documents that Kazakhstan is obligated to adhere to.

A fundamentally new law is required (starting with the conceptual apparatus), which will not be of a regulatory nature, but will protect the rights of journalists. It is believed that the media in Kazakhstan is too tightly regulated, and the rights of journalists are often violated. We need guarantees to protect the rights of journalists not only in theory but also in practice. The new law, according to experts, should expand the scope for freedom of speech, for healthy criticism and opportunities for civilian control of the government.



*“Considering the bill’s current disposition towards increased regulation..., where the authorized body takes on a heavier regulatory role. It seems to emphasize state control, state control. We need a law that would speak more about guaranteeing the safety of journalists as a profession, protecting sources, international standards, the public interest, a public figure...”*

*Lawyer, human rights activist*





*“Of course, a separate concept, again on the safety of journalists, which should also amend a number of laws on law enforcement agencies, primarily the prosecutor’s office, the Ministry of Internal Affairs.”*

*Blogger, journalist*

*“In our country, any person, not to mention law enforcement agencies, can calmly prevent a journalist from doing his job, and they will get nothing for it.”*

*Human Rights Activist*

In addition, experts believe that the law should be developed with the participation of journalists, human rights activists and other interested parties who will be affected by this law.



*“Once again, the ‘On Mass Media’ law should be entrusted to journalistic and human rights organizations for refinement. It’s important to acknowledge that these organizations house adept legal professionals who are capable of crafting this bill in a thorough and competent manner.”*

*Journalist*

*“And here, of course, it’s better to untie this link to the old approaches, where new units of control are simply added, let’s say, objects of control in the form of bloggers and so on.”*

*Human Rights Activist*

Some experts suggested, following the example of Britain, the United States and Europe, to adopt an access to information act guaranteeing any journalist/citizen access to information.

Changes that experts would like to see in the legislation:

- Introduce responsibility for the relevant persons for blocking websites or the Internet (for example, in the form of sanctions).
- Introduce liability for civil servants for untimely and/or low-quality responses to journalists’ requests. According to experts, it is not uncommon for a response to a request to not contain a satisfactory answer and is provided only for the sake of appearance.
- The conceptual apparatus should be more precisely spelled out, including, for example, what kind of information is secret and what is not, etc.
- The requirements for press secretaries of state bodies should be increased so that they are people with experience in the media.
- Conduct training of officials, leadership of ministries on the importance of interaction with the media, on the rules of speeches, rules for holding press conferences, on the importance of providing information.

- Experts suggested decriminalizing insults, which are now in the criminal code. Also, to revise the article of the Criminal Code on criminal liability for infringement on the dignity of various deputies, judges.
- Reduce the statute of limitations for journalistic materials. There is no need to additionally regulate this specifically for journalists; one should be guided by the norms of the civil code.
- A few experts also noted that the licensing of the media in the Ministry of Information should be abolished. Registration with the Ministry of Justice should be sufficient.

Some experts believe that there is no need for a mass media law as such, or it should be as simple as possible. In general, the norms of the administrative, civil and criminal codes and other relevant laws, for example, the Communications Law, the tax code and others, should be sufficient (the States were cited as an example, where one constitutional amendment is enough to ensure freedom of speech and freedom of the press).



*“There’s a standard civil code, a civil procedure – that should suffice. Whenever a dedicated media law is introduced, it’s almost certain that this legislation will never truly function to support or advance the media. It’s simply not designed for that purpose.”*

*Human Rights Activist*

*“Numerous insightful individuals, and I concur with them, argue that we don’t require any specialized laws whatsoever. We possess a constitution, a criminal code, civil regulations, administrative provisions – that should suffice.”*

*Journalist, civic activist*

# Perceptions of gender representation in the media and media coverage

## Assessment of gender equality in the media and legal protection sector



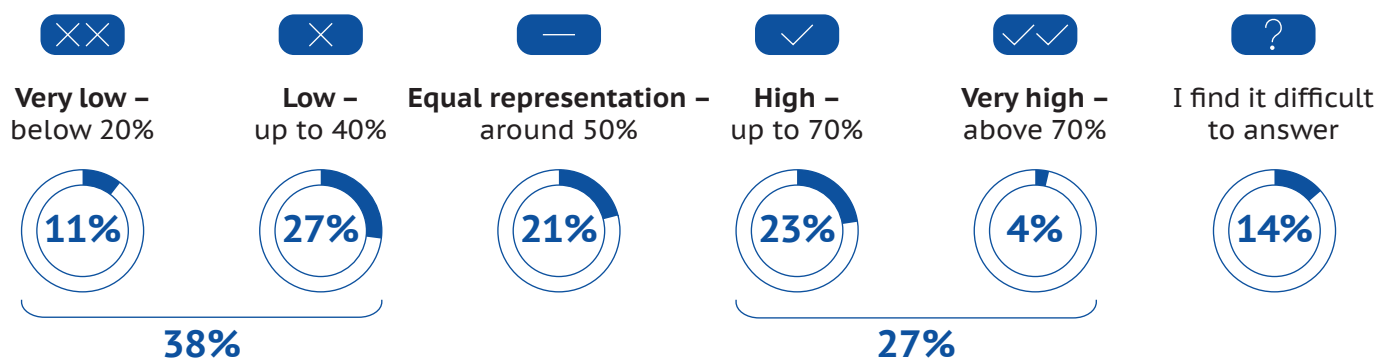
Opinions regarding the level of representation of women in the areas of freedom of speech and human rights were divided. Experts note the predominance of women in this sector; however, existing stereotypes and sexism affect the position of women, including in leadership positions. It is necessary to develop anti-discrimination legislation and maintain appropriate values in society.

During the survey, respondents were asked to assess the extent to which, in their opinion, women are represented among journalists, media managers, experts, human rights defenders, activists, lawyers working on freedom of speech.

There was no unanimity on this issue. 38% believe that there are less than half of women in this area, 27% believe that there are more than half of women. Almost one in five (21%) believes that women and men are represented approximately equally.

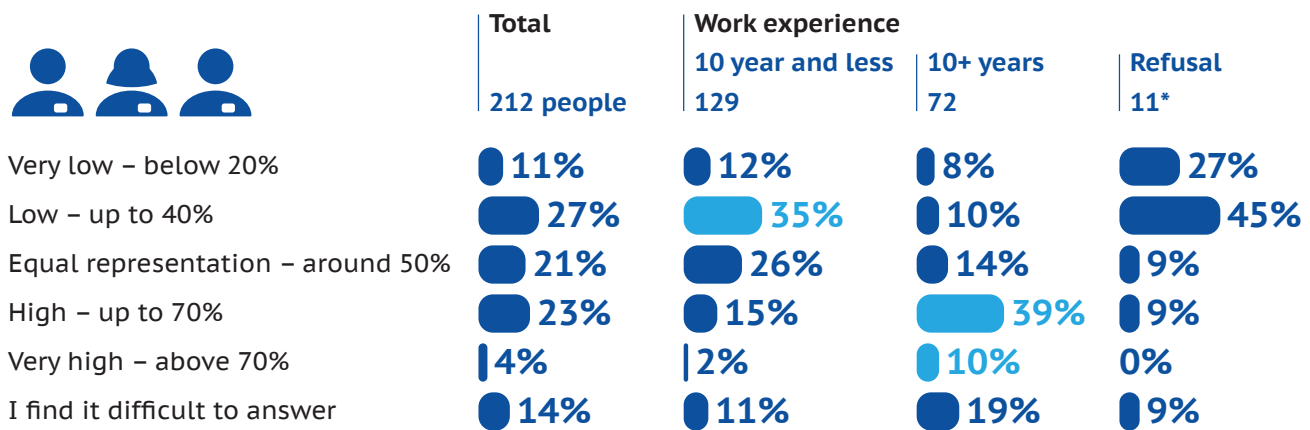
**Graph 7. How high is the representation of women among journalists, media managers, experts, human rights defenders, activists, lawyers working on freedom of speech?**

N=212, all respondents



If we analyze the responses within the framework of respondents' professional tenure, it becomes evident that within the group of individuals possessing over a decade of work experience, a notably larger percentage (39%) believe that the presence of women in these domains is considerable, with an additional 10% considering it to be exceptionally high. Conversely, among those with less experience, a higher frequency of responses indicated a lower representation of women (35%).

**Table 6. How high is the representation of women among journalists, media managers, experts, human rights defenders, activists, lawyers working on freedom of speech?**



\*Sampling is insufficient for analysis. The data is presented for reference only.



Experts opine that within fields like journalism, civic activism, legal advocacy, and more, there is a considerable presence of women. This manifests as an even gender distribution, with either a 50/50 split or a notable prevalence of women over men.

A subset of experts posit that this phenomenon is attributed to the perception that professions like journalism and civic activism offer relatively low compensation and lack prestige. Simultaneously, these roles entail demanding labor, which might deter men from seeking employment in these fields. Instead, they tend to gravitate toward sectors such as business, corporate work, or public service, which are often deemed preferable by them.



*“This situation constitutes a distinctively female predicament. Engaging solely in human rights endeavors doesn’t typically afford the means to fully sustain a livelihood or support a family. Thus, this becomes an avenue predominantly embraced by women, who exhibit exceptional courage and a willingness to take risks. When they make a choice, it’s often driven by passion and an intrinsic desire to confront challenges, rather than a financial incentive.”*

*Human Rights Activist*

*“The representation of women is substantial. Mass media outlets in the provinces readily embrace their presence. One contributing factor seems to be the perception that, in my understanding, they can be compensated with lower pay. Not that it’s admissible, but there appears to be such a mindset.”*

*Blogger; journalist*

*“It seems to me that Kazakhstani journalism generally has a female face. That is, we believe that this profession is for women, probably. Because it’s no secret that this profession is not as well paid.”*

*Lawyer, human rights activist*

As per the insights gathered from the interviewed experts, despite the prevalence of women in these domains, instances of sexism persist. This can be attributed to the prevalence of patriarchal values within society. For instance, although women hold a majority in journalism, leadership positions continue to be predominantly occupied by men.



*“Women encounter this metaphorical glass ceiling. Out of the blue, everyone seems to remember that a woman “lacks managerial skills,” that they’re deemed “emotionally vulnerable,” and so forth. In essence, these stereotypes resurface, while their male counterparts continue ascending the career ladder. Consequently, men tend to receive higher remuneration.”*

*Journalist*

Experts cited the following examples of manifestations of gender discrimination from their practice (women mentioned such examples more often than men):

- Harassment by senior staff, government officials. It is worth noting that in some cases, the experts themselves found it difficult to say whether this or that behavior could be called harassment.
- Disrespectful, frivolous or dismissive attitude towards women in a professional context, ignoring the opinions of women in a professional environment.
- Appropriation of the results of women's work
- Wage difference. It has been repeatedly mentioned that there are cases where men are paid more than women for the same job. Women are also more likely to be deceived by unscrupulous employers.
- Even though women predominate in these segments, some experts noted that there are still cases where women are reluctant to be hired because they can go on maternity leave.

In isolated cases, in interviews with female experts, a certain level of internal misogyny was noted (for example, the opinion was expressed that women themselves "take advantage of the fact that they are women"). Also, some experts (both men and women) made comments of a sexist nature, while the respondents themselves did not always realize that their comments were sexist.



*"I faced harassment in the workplace from male bosses, belittling my work, appropriating the results of my labors. Then with the fact that my salary could be less than that of a male person in the same position."*

*Journalist*

Some experts mentioned that even when situations of gender discrimination, harassment, etc. arise, this is often hushed up, since there is still a stigma towards the victims of such offenses. Or the victims did not see the point in talking about it, because they understood or believed that the situation they experienced would not be taken seriously.

As a measure to protect women, a proposal was made to apply to the labor inspectorate or sue the employer. However, experts acknowledge that labor inspectorates often operate inefficiently and protect the interests of the employer more than the employee.



*"At times, there are instances of what you might call "pick-up lines," or similar behavior. I do recognize that when I respond firmly, it usually stops, because it becomes evident that I won't remain silent about it, and that I'd voice my experiences.... Nevertheless, I believe this is relatively common. It's just that women often stay quiet about it.... In a broader sense, I do believe that harassment is significantly prevalent in our country."*

*Blogger*

*"I was told, 'We offer him a handsome salary because he's a man and needs to provide for his family.' I responded, 'Guys, I'm in the same boat,' yet my salary remained unchanged, so I eventually resigned.... Instead of hiring someone to replace me, they were directed by the boss to find a woman, and pardon my phrasing, preferably with a prominent physique (big \*ss). It's because he took pleasure in such spectacle."*

*Journalist*

*"Moreover, we have organizations that are engaged in recruiting such unrequited graduates and then deceiving them. And almost all of them are girls. Guys have never been "duped" in my memory."*

*Blogger, journalist*

*"I'm well aware that when the editorial team is in search of journalists, they specifically seek out males, as there's a shortage of them. There are several factors at play here. Firstly, the field is predominantly occupied by women, and there's often a scarcity of male perspectives. Secondly, it might be due to the fact that women tend to go on maternity leave, necessitating the search for temporary replacements."*

*Journalist*

The non-discrimination policy is more common with independent publications of the new format, but experts believe that in most cases the media do not have such a policy.

The presence of a non-discrimination policy in the media allows removing restrictions related to gender, as well as ensuring the safety of employees. However, opinions have been expressed that the existence of a policy as such cannot significantly improve the situation, since such policies are often created "for show". Instead, there should be anti-discrimination legislation, as well as the development of appropriate values in society, the development of a culture of rejection of such phenomena.

## Media coverage of gender discrimination



Experts note insufficient coverage of the topic of gender discrimination in the media due to the predominance of patriarchal values in society. In general, the situation in covering the issues of discrimination and violence against women is beginning to improve, but further systemic work is required to effectively address it. Initiatives that combat these issues and create a safe environment for women need to be supported and promoted.

According to experts, in general, this topic is poorly covered due to the lack of traditions of combating discrimination and ensuring equality, since society is still patriarchal.

At the same time, it was noted that in recent years there has been an increase in publications on the topic of domestic violence, harassment, etc. The level of professionalism of journalists on this topic is also growing. However, experts believe that this is not enough.

There is no systematic work to promote this topic, only individual cases.

According to experts, this topic is not covered in the state media, because the new standards are poorly communicated to the state media, because they have their own agenda. Moreover, there are even shows on television that degrade the dignity of women.



*“There are entire segments where they’ve compiled remarks from hosts that degrade the dignity of women. They assert that women are valuable solely for certain roles, reducing them to just being mothers, and so forth.”*

*Journalist, political activist*

Independent online media, as well as those who cooperate with international organizations, are covering more topics of domestic violence. Feminist organizations and activists actively cooperate with them.

Experts believe that it is necessary to cover this topic, because our legislative system does not provide protection for women in our society and in the workplace (“too much discrimination in the workplace”).



*“It’s always baffling to me when our nationalists raise their voices against Kazakh women marrying foreigners. Yet, right next to it, you come across an article about a husband committing acts of violence, even murder, and strangely, no one condemns it. It’s utterly perplexing.”*

*Journalist*

Some experts noted that there are various programs aimed at supporting women. They include comprehensive support, i.e., professional, social and psychological.

Experts believe that educational programs and information campaigns on gender issues should be carried out (for example, to explain what violence is). An example was the action “Do not be silent”, which grew into a fund.

# Analysis of the situation with freedom of speech and perception of censorship

## Assessment of the situation with freedom of speech in the country

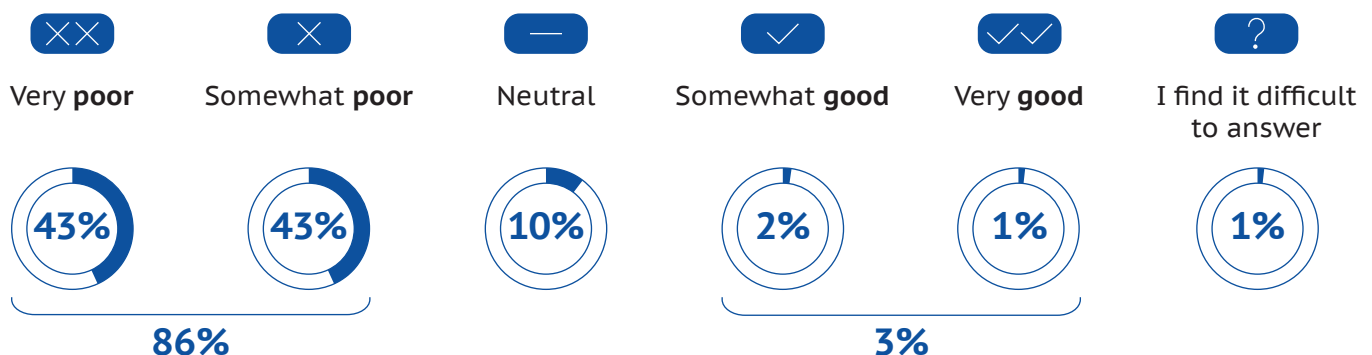


The situation with freedom of speech in Kazakhstan is assessed poorly by both the participants of the online survey and experts. Kazakhstan is characterized as an authoritarian state, where journalists, bloggers and activists are persecuted and unfairly accused. The Internet provides an opportunity for free expression, but government control is increasingly extended to online resources as well.

During the survey, respondents were asked to rate the situation with freedom of speech and expression in Kazakhstan on a 5-point scale. The results showed that the vast majority of representatives of the target audience (86%) assess the situation with freedom of speech in the country as very poor or somewhat poor.

**Graph 8. How do you assess the situation with freedom of speech and expression in Kazakhstan?**

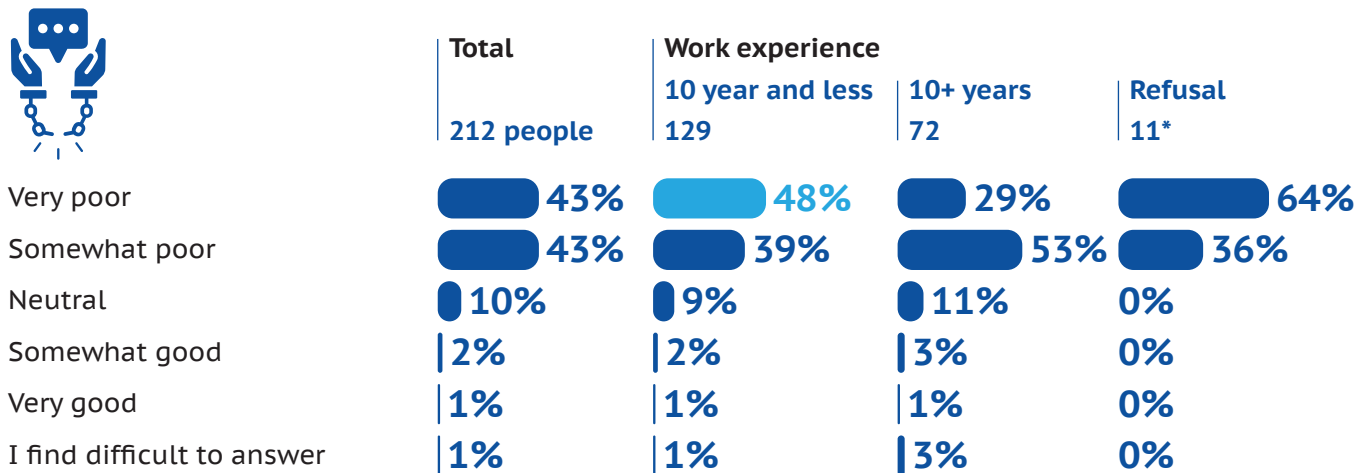
N= 212, all respondents



Respondents with less than 10 years of experience in their field were significantly more likely than others to assess the situation as very poor (48%).



**Table 7. How do you assess the situation with freedom of speech and expression in Kazakhstan?**



\*Sampling is insufficient for analysis. The data is presented for reference only.



According to experts, the situation with freedom of speech in Kazakhstan is deteriorating, especially in the last year. Although there have been some political improvements since the change of president in 2019. In particular, new media emerged and began to cover topics previously banned by the state media. However, over the past year the situation has changed for the worse.

Some experts believe that many processes are being restarted in Kazakhstan, including cases of repression and the suppression of freedom of speech. This is especially noticeable during the pre-election period. Instead of enforcing basic human rights, including freedom of speech, the state, on the contrary, seeks to regulate it.



*“We don’t see any indications of a genuine advancement in freedom of speech or a true prohibition on censorship. Perhaps in 2019, with the arrival of a new president, there was a glimmer of hope as several new media outlets emerged. Even previously hushed protests started receiving peculiar coverage. However, at present, such progress seems elusive.”*

*Blogger, journalist*

*“We work in conditions where there is no freedom of speech, or it is very limited. We work constantly under pressure and danger of persecution.”*

*Journalist*

*“Just like any right, the state should not regulate, but should create conditions for the realization of this right and stop any actions that lead to the violation of this right. In our situation, the state itself violates a lot of international standards in the field of expression. That is why we have such problems with the expression of opinions, one-person pickets and so on and so forth.”*

*Media Lawyer*

Experts often characterize Kazakhstan as a country with an authoritarian regime, where international standards for ensuring fundamental political rights and civil liberties are not respected. Comparisons were made with countries such as Russia, North Korea, Turkmenistan, where freedom of speech is actively suppressed. At the same time,

the study participants believe that the situation in Kazakhstan is slightly better, although there are fears that Kazakhstan may follow the path of these countries, in particular under pressure from Russia.





*“Recently, the freedom of speech index was published, and we found ourselves placed somewhere around Sri Lanka, ranking in the hundred-and-something position. Astonishingly, our situation has even deteriorated over the past year. This leads me to doubt that our freedom of speech is as commendable as we assert on certain international platforms or as our president claims. In reality, on the ground, we’re well aware of numerous instances of journalist harassment.”*

*Blogger*

Some experts also noted that the existence of a conformist mentality in post-Soviet society has a negative impact on the value perception of freedom and one’s own rights. This is clearly manifested in the low willingness of people to fight for their rights and freedoms. Therefore, human rights organizations cannot rely on broad support from the public for the implementation of projects in the field of political and civil liberties.

It should be noted that most experts share the opinion that full freedom of speech is unattainable, since there are certain restrictions that must be adhered to (*“Your freedom ends where my freedom is affected”*). However, it should be emphasized that state bodies and law enforcement agencies often exceed their powers. Examples were unjustified persecution of bloggers, activists, citizen journalists, preventive detentions of journalists before rallies, and so on.



*“Repressions have grown more intricate, and the methods employed have become more sophisticated. For instance, when a journalist participates in a rally or joins a strike, they are detained and only released once the event concludes. Essentially, they prevent the journalist from capturing even a single photograph. The objective is solely to hinder the journalist from carrying out their professional responsibilities.”*

*Journalist, political activist*

Some experts noted that the state invests heavily in propaganda and the practice of bribing bloggers, thereby creating a parallel structure in which organizations and individuals loyal to the authorities provide the illusion of widespread support for the government. It is becoming more and more difficult for journalists to fully carry out their work in these conditions. Such methods lead to a deterioration in the quality of journalism and a reduction in the number of independent investigations (*“the press has now become a rewrite of press releases”*).

With the development of technology and the digitalization of processes, government control inevitably moves into the digital environment. Some experts noted that the state purchases the necessary technologies from nearby countries (for example, Russia and China), which are used to monitor and detect protest activity, as well as to block Internet resources, etc. An example was given of the national video monitoring system, which, most likely has functions related to face recognition.

It is noted that the modern era of digital technologies provides a wide range of opportunities for the free expression of one’s thoughts and ideas. At the moment, the Internet is a relatively free space for expressing one’s opinion. However, it should be noted that digital sources are also subject to influence and control by government authorities. Experts noted the growing desire to manage and impose restrictions on the digital space.

During the interviews, the experts gave examples of violations of freedom of speech that they witnessed or experienced personally:

- Arrests of activists for single-person pickets: activist D. Sharipov was arrested for 15 days for a single picket, activist V. Yermolcheva was arrested for 15 days for a single picket.
- A few experts themselves were victims of unreasonable detentions by the police at rallies despite having all the necessary documents.



*“It happened very quickly, although I had all the documents, I showed everything, and it was obvious that I was doing my job here. Here, I don’t quite get it. I think that the law was supposed to protect me, because it is an obstruction of the professional activities of a journalist, but I very rarely see this law being observed at all.”*

*Journalist*

- Experts also mentioned cases of cyber-attacks on online publications. These can either be attempts to disable the site, or an influx of comments on certain topics from bots.
- Examples were given of physical attacks on journalists or unfair accusations and trials (for example, D. Moldabekov, V. Boreyko, D. Egeubayeva, L. Akhmedyarov, Zh. Mamai M. Kozachkov, A. Ilyashev).



*“There have been numerous instances. For example, Arnur Ilyashev, who merely shared reposts, was accused of defamation. Interestingly, the media he reposted had no grievances against them, but the complaints were directed towards his act of reposting. This highlights the use of double or even triple standards in such cases.”*

*Human Rights Activist*

- Some expert journalists mentioned that law enforcement officers repeatedly tried to steal their phone.
- At the same time, it is worth noting that some experts noted that despite such a situation with freedom of speech, they feel the support of their environment (both professional and social), largely due to social networks.



*“Yes, you do have the legal right to write about all of this. All those rights exist. However, if someone takes issue with what you’ve written, there could be instances of pressure following the publication of such materials.”*

*Blogger, journalist*

*“And I am still a living proof that some form of freedom of speech still exists, because I’m alive, and I don’t have major issues with state authorities. Well, perhaps occasional incidents occur, of course, but at least I haven’t been persecuted, killed, or subjected to “severe attacks”, so to speak.”*

*Blogger*

## Existing free speech challenges



Based on the results of expert interviews, the following challenges for freedom of speech in Kazakhstan can be identified:

- The systemic challenge is that the state considers freedom of speech and any opposition speech as a threat. In authoritarian states, to which Kazakhstan belongs, the authorities strive to control all processes as much as possible in order to maintain their status quo.



*“They (meaning the authorities) fear protests, they fear overly free opinions. However, if they actually promoted, on the contrary, freedom of speech, they could demonstrate that this is the stance of the strong.”*

*Journalist*

*“In our context, the term ‘opposition’ is almost treated as an insult, almost equated to terrorism, as something beyond the legitimate realm. I believe that this notion, this narrative, this discourse is ingrained in people from a young age, that opposition is something to be feared.”*

*Journalist*

- The very appearance of the draft Law “On Mass Media” indicates the intention of the authorities to establish regulation and control over social networks, which confirms their long-term desire in this direction.

*“The truly independent print press was dismantled long ago. Thirty years have gone to waste. Now, the new challenge lies in social networks. These platforms are the digital channels of communication.”*

*Journalist, civil activist*

- The lack of an independent press – according to some experts, up to 99% of the mass media are funded by the state. At the same time, the problem lies not so much in state funding, but in the fact that it is used as a lever of control over the media. Under these conditions, it is difficult for independent mass media to function.
- Lack of security guarantees in the profession of journalists, non-compliance with laws in relation to journalists. According to some experts, independent journalists must work in conditions of pressure and danger of persecution. The need to constantly resist censorship (despite its official ban), which greatly complicates the work of journalists.
- The existence of bot factories / troll factories – various private companies that provide such information services, run factories of trolls, bots and so on. According to some experts, in government tenders one can see applications for generating positive comments to the authorities (for example, akimats, etc.). If journalists had full access to information, then it would be possible to investigate and stop this.
- The use by the authorities of the norms of criminal law for political purposes. In particular, we are talking about Article 174 on inciting hatred, as well as articles on insulting the honor and dignity of officials, slander, which are used to persecute freedom of expression and freedom of speech.
- Some experts believe that Russia has a negative impact on the information security of our country, which, in their opinion, is very vulnerable to external information attacks.
- The fight against fake information and disinformation is also one of the challenges that journalists must face on a regular basis.
- Low awareness of the population about their own rights and the situation in the field of freedom of speech. Experts note that some citizens have an erroneous idea about blocking the Internet: they blame the protesters for them, while the communications are blocked by the authorities.



*“For civil media that do not receive state funding, it is very difficult for them to stay afloat, because this is a matter of competitiveness, this is a matter of advertising, including financial sustainability.”*

*Lawyer, human rights activist*

*“Artificial funding mechanisms have emerged, such as state orders and state purchases, often referred to as the state social order. This involves the government buying a certain number of pages for specific programs and purposes. This practice is not particularly common in democratic countries.”*

*Media Lawyer*

*“The state should cease being the primary player in the market. The media market should ideally be governed by alternative mechanisms rather than relying solely on budget funding.”*

*Media Lawyer*



*“As for the downsides, there are indeed negatives [in the work of a journalist]. These include the standard issues of persecution, threats, and constant risk. Before you leave your house, you glance through the peephole and as you step out of the main entrance, you cast a cautious look around.”*

*Blogger, journalist*



*“And then, of course, the problem of these bot farms, the existence of which cannot be proved, where entire farms, people are sitting, professionally doing this.”*

*Lawyer, human rights activist*

*“If we study the public procurement portal, we will find that there are always lots for the formation of public opinion, up to the fact that “writing positive comments” is written directly in the technical specification. That is, people are paid for writing good comments about the work of akims.”*

*Blogger, journalist*

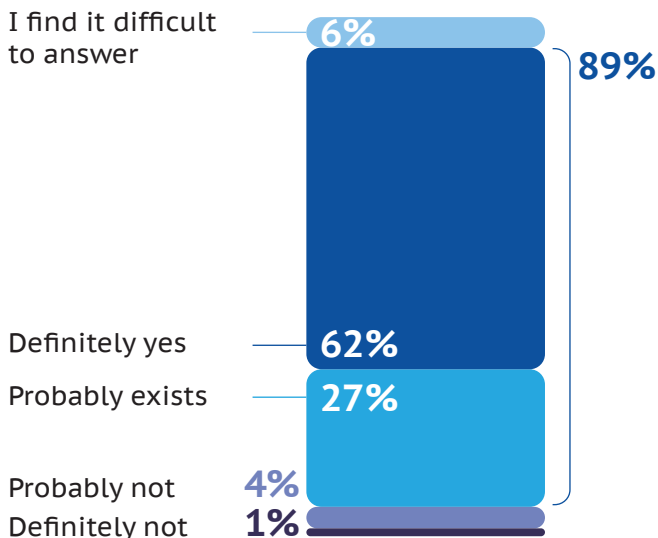
## Censorship and self-censorship

- Despite the official ban on censorship, it exists (including in the form of a state information order). Work experience influences respondents' opinions: those with more than a decade of experience were more likely to mention the absence of censorship. Harassment and persecution of journalists causes fear and self-censorship in the media community.

Along with the low assessment of freedom of speech in Kazakhstan, the majority of respondents are convinced that there is censorship (89%) in Kazakhstan (despite the fact that censorship is constitutionally prohibited) and self-censorship (88%).

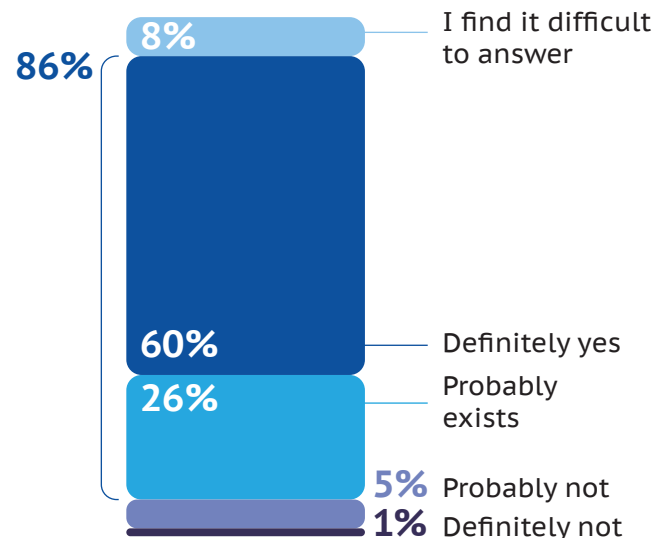
**Chart 9. Do you think there is censorship in Kazakhstan?**

N = 212, all respondents



**Chart 10. Do you think there is self-censorship in Kazakhstan, when the media, bloggers and other actors are forced to limit themselves in their statements?**

N = 212, all respondents



In terms of work experience, among respondents with more than ten years of work experience, the share of those who rather do not have censorship in Kazakhstan is significantly higher (8%). At the same time, it should be noted that the percentage of those who believe that censorship exists is noticeably higher among respondents with less work experience (65%).

**Table 8. Do you think there is censorship in Kazakhstan?**

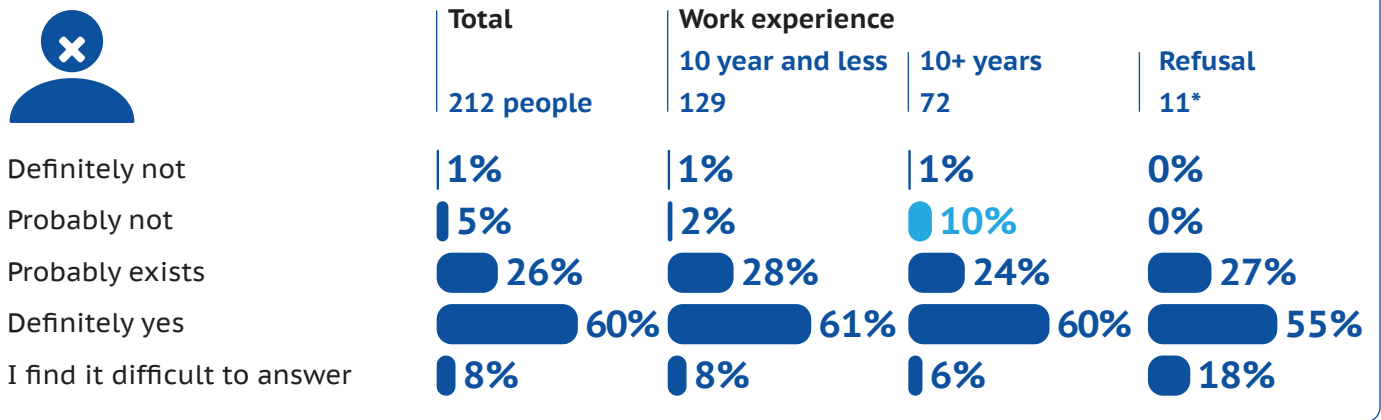


	Total 212 people	Work experience		Refusal 11*
		10 year and less 129	10+ years 72	
Definitely not	2%	0%	4%	0%
Probably not	4%	1%	8%	9%
Probably exists	27%	27%	29%	9%
Definitely yes	62%	65%	54%	82%
I find it difficult to answer	6%	7%	4%	0%

\*Sampling is insufficient for analysis. The data is presented for reference only.

Concerning self-censorship, respondents with more work experience noted that there is probably no self-censorship in the country (10%).

**Table 9. In your opinion, is there self-censorship in Kazakhstan, when the media, bloggers and other actors are forced to limit themselves in their statements?**



\*Sampling is insufficient for analysis. The data is presented for reference only.



According to experts, direct or indirect censorship exists in Kazakhstan, and it has intensified after the events of January 2022. For example, some bloggers noticed that they were less likely to be approached for comment by state media. Examples were given when journalists received calls from the ministry or other authorized bodies, for example, with a demand to remove content.

This is especially true for state-funded media – the materials must be checked by the akimat or the ministry. The very fact that there is a state information order is considered by experts to be a form of censorship. Because of this, many important materials on population issues do not appear in the media. Some experts mentioned that there are certain topics in the state media that are forbidden to be covered. In extreme cases, it comes to criminal charges.



*“But this is the same state information order when materials are being coordinated before publication. It’s an unspoken rule. This you will not prove anywhere, but it exists, and everyone knows about it. When materials are prepared, they are sure to be coordinated.”*

*Lawyer, human rights activist*

*“What I personally encountered when I began to cover the activities of the protests more actively, the editorial offices with which I work began to call and say: “Do not work with her, delete her materials.” Even the case, when the chief editor called me, apologized, and said: “Sorry, they told me to delete your materials”, and all my materials disappeared from the site.”*

*Journalist, political activist*

*“There is censorship. Well, it’s not official, but it’s there. All I can say is that it weakened slightly for a moment. But now there are attempts to ‘tighten the screws’ back.”*

*Blogger, journalist*



*“They claim we don’t have censorship, and they interpret censorship in a Soviet manner, as a pre-publication review of content. No, what we have is post-censorship. They read it after publication and start punishing just in case. Back when we had numerous independent print media outlets, certain methods were employed. Printing houses would suddenly refuse, advertisers would abruptly withdraw in a coordinated manner. And now, this applies to digital journalism as well, particularly concerning advertisers.”*

*Journalist, civil activist*



Self-censorship in Kazakhstan exists at all levels of media workers. According to experts, it arises against the backdrop of cases with journalists who are unjustifiably brought to criminal/ administrative liability or physically attacked. Thus, this creates fear of persecution among journalists and, as a result, creates an atmosphere of self-censorship in the media community. Under such conditions, journalists are forced to consider the possible consequences of their publications and sometimes refrain from publishing certain materials if they feel threatened with persecution.



*“Generally, when I have discussions with editors of certain publications, you can sense that they say things like, ‘It’s better not to touch this person, because they’re known for being capable of taking action.’”*

*Journalist, political activist*

*“Overall, all of us who write regularly are aware that we may have to be accountable for what we write later on. Not necessarily by the law, but more at the level of these unspoken agreements and the pressure that can emerge at any moment.”*

*Blogger, journalist*

*“Self-censorship in our country becomes apparent primarily due to the lack of strong editorial independence and autonomy. Editors and journalists often question themselves whether something might happen or if they’ll face a lawsuit.”*

*Media lawyer*

## Restriction of freedom of speech by the state



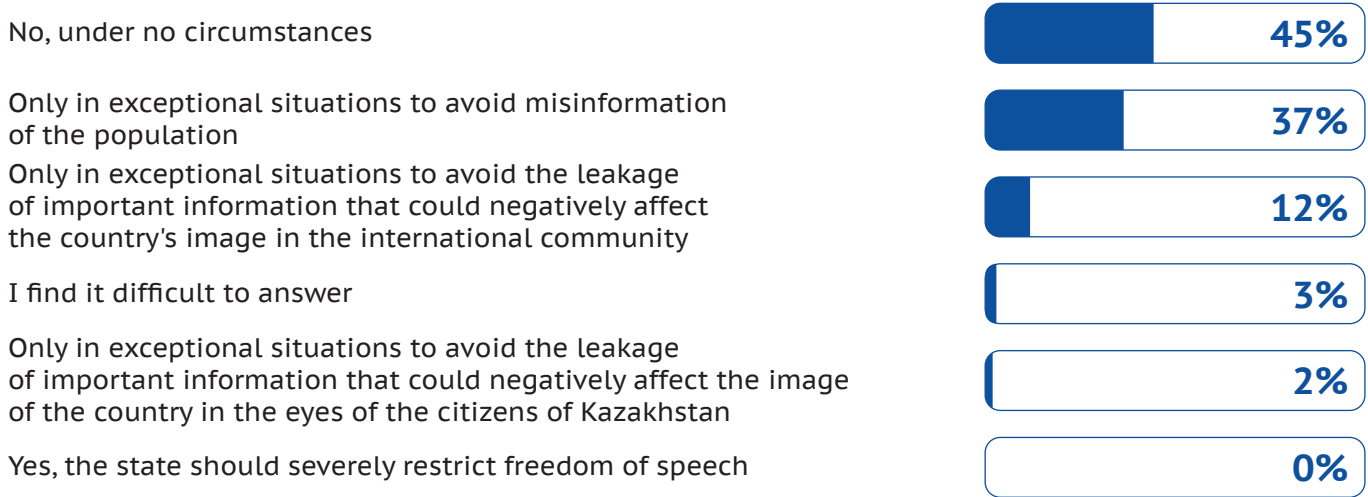
No one supports strict restrictions on freedom of speech by the state. The majority of people believe that the state should either refrain from restricting freedom of speech under any circumstances (45%) or do so only in exceptional situations (37%). According to experts, state intervention in regulating freedom of speech should only occur when there is a clear threat to national security, state integrity, or when there are indications of inciting hatred.

The survey asked respondents whether the state should restrict freedom of speech in certain situations. 45% believe that this should not happen under any circumstances. 37% of respondents think that it is permissible to restrict freedom of speech in exceptional situations in order to avoid misinformation of citizens. At the same time, no one believes that the state should strictly restrict freedom of speech.



**Graph 11. Should the state restrict freedom of speech and freedom of expression in certain situations?**

N= 212, all respondents



In the context of work experience, there were no significant differences on this issue. It can be noted that respondents with less than 10 years of experience were slightly more likely to say that the state should not restrict freedom of speech under any circumstances (47%), while more experienced respondents somewhat more often agreed that freedom of speech can be restricted in exceptional cases in avoiding disinformation of citizens (45%).

**Table 10. Should the state restrict freedom of speech and freedom of expression in certain situations?**



	Total	Work experience		Refusal
	212 people	< 10 years 129	> 10 years 72	
No, under no circumstances	45%	47%	39%	73%
Only in exceptional situations to avoid misinformation of the population	37%	34%	43%	27%
Only in exceptional situations to avoid the leakage of important information that could negatively affect the country's image in the international community	12%	15%	10%	0%
Only in exceptional situations to avoid the leakage of important information that could negatively affect the image of the country in the eyes of the citizens of Kazakhstan	2%	2%	4%	0%
Yes, the state should severely restrict freedom of speech	0%	0%	0%	0%
I find it difficult to answer	3%	3%	4%	0%

\*Sampling is insufficient for analysis. The data is presented for reference only.





According to experts, there should be minimal interference on the part of the state in the regulation of freedom of speech. For example, in cases where there is a threat to national security, the integrity of the state, or there is incitement of hatred that can lead to violence, appropriate measures must be taken. This also applies to provocations from which individuals may suffer. At the same time, it is necessary to adequately assess the situation and apply relevant punishment to offenders.

The experts noted that one should be guided by documents developed by the international community, for example, the principles of the International Covenant on Civil and Political Rights (part two of Article 19).



*“It might be better to handle such matters with stringent criminal charges, specifically related to calls for the overthrow of the constitutional order... However, it’s crucial to clearly differentiate between what constitutes an actual call and what is merely an expression of opinion. There exists a delicate distinction here, such as expressing an opinion that a portion of the Pavlodar region should join the Russian Federation, versus actively advocating for such an action.”*

*Blogger, journalist*

*“Undoubtedly, countering terrorism is crucial, yet there appear to be significant overreaches in this regard. From my perspective, our state’s approach seems more directed not at safeguarding individuals from terrorists and extremists, but rather at inadvertently fostering new extremist sentiments among everyday citizens.”*

*Human Rights Activist*

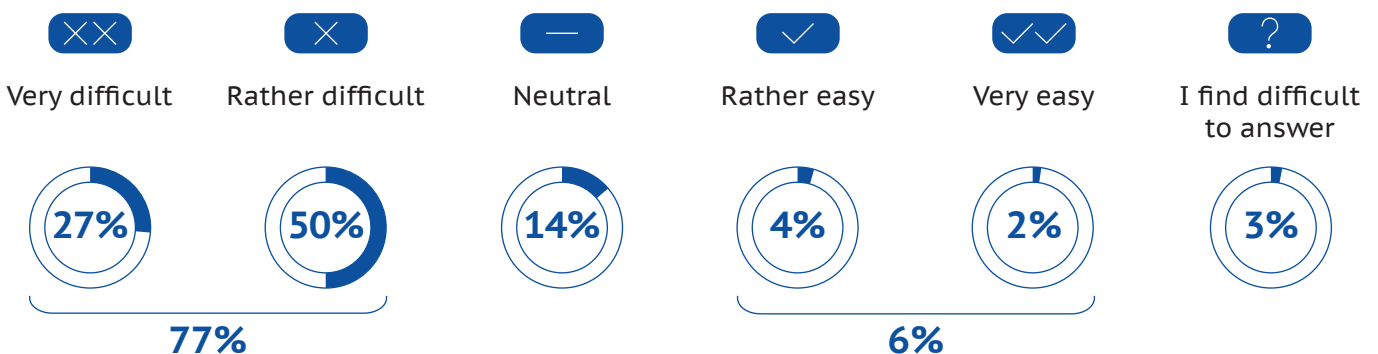
## Access to the information

- Most believe that access to reliable information is difficult, perhaps due to the lack of efficiency and objectivity of state bodies. Independent media and blogging platforms of individuals are the main sources of information that are trusted, which indicates the dissatisfaction of respondents with the activities of government agencies in providing access to reliable information.

The survey also asked respondents to rate how easy it is for the media to access reliable information. The majority believe that access to reliable information is difficult to some extent (77%).

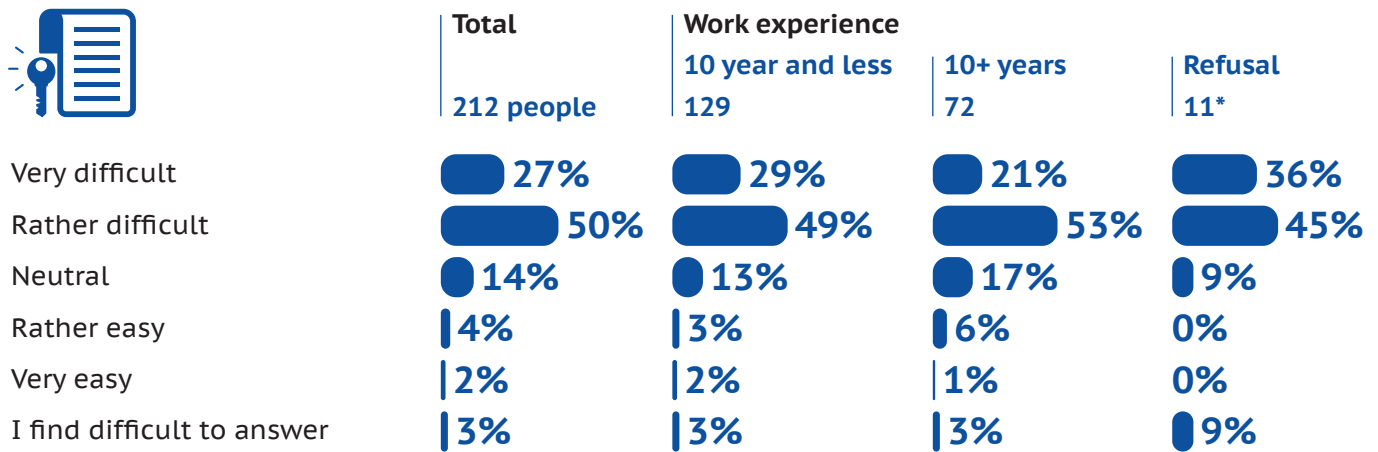
**Chart 12. In your opinion, how easy is it for the media in Kazakhstan to get access to reliable information?**

N= 212, all respondents



In the context of work experience, no significant differences were found on this issue.

**Table 11. In your opinion, how easy is it for the media in Kazakhstan to get access to reliable information?**



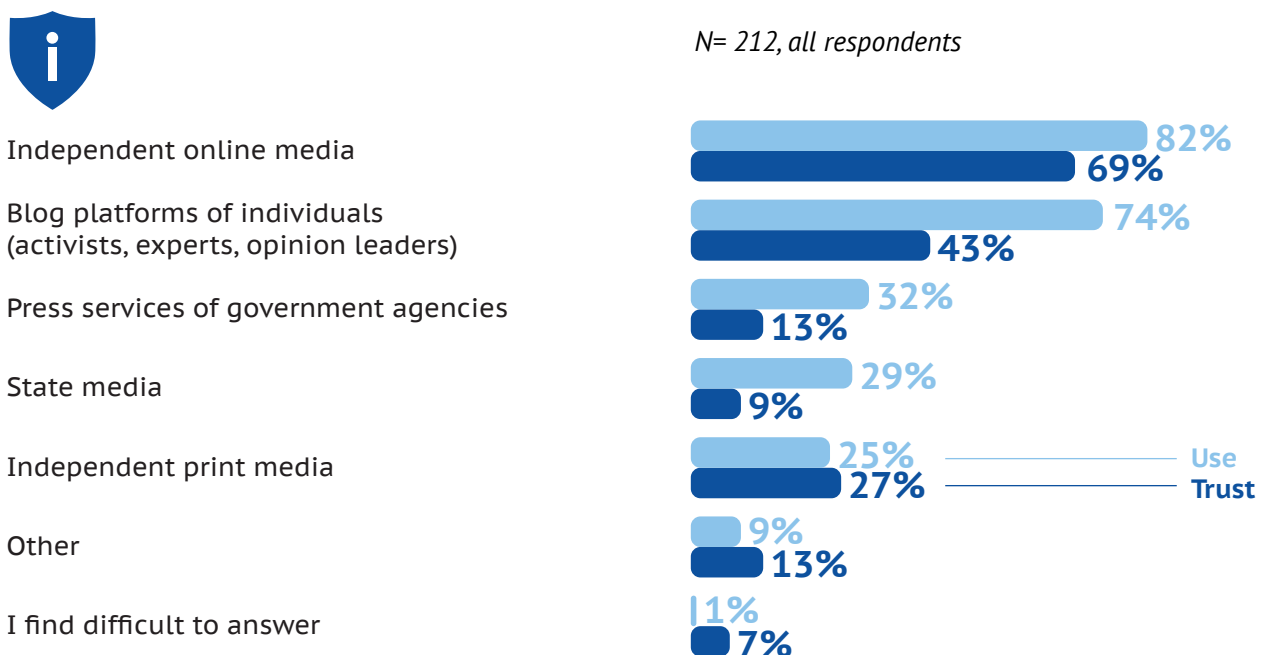
\*Sampling is insufficient for analysis. The data is presented for reference only.



Some experts noted that the reluctance of state bodies to promptly and objectively provide information works against them. This is due to the fact that with a lack of information, there is a higher probability of the appearance of unreliable or distorted information, conjectures.

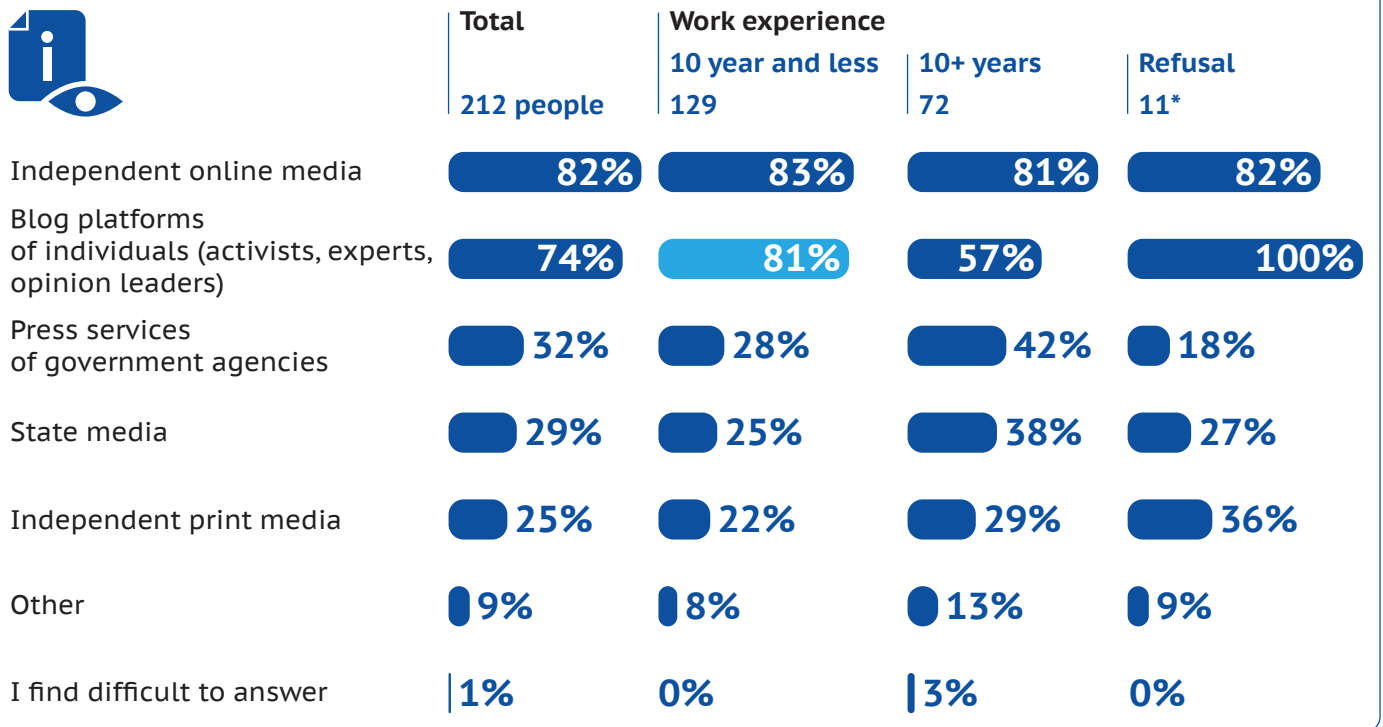
The sources of information that respondents use the most are independent online media (82%) and blogging platforms of individuals (activists, experts, opinion leaders) (76%). These same sources are trusted the most.

**Graph 13. What sources of information do you use in your daily life? What sources of information do you trust?**



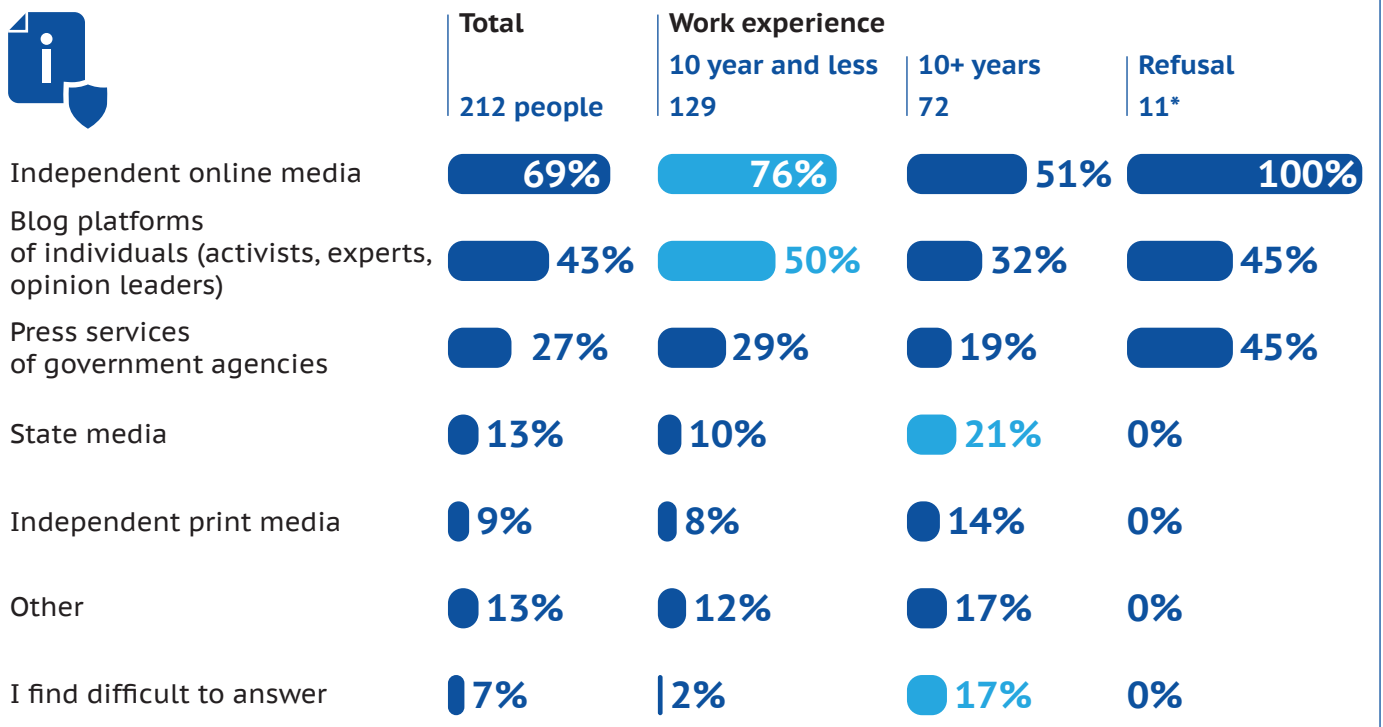
Respondents with less work experience (under 10 years) were more likely to use blogging platforms of individuals (activists, experts, opinion leaders) (81%), compared to more experienced respondents (more than 10 years of work experience).

**Table 12. What sources of information do you use in your daily life?**



If we talk about trust in various sources of information in the context of the groups under consideration, then among respondents with less than 10 years of experience, there are significantly more of those who trust independent online media (76%) and blogging platforms of individuals (50%), while among there are significantly more people with more than 10 years of experience who trust the press services of state bodies (21%), as well as those who found it difficult to name any sources they can trust (17%).

**Table 13. What sources of information do you trust?**



\*Sampling is insufficient for analysis. The data is presented for reference only.

## Media digitalization

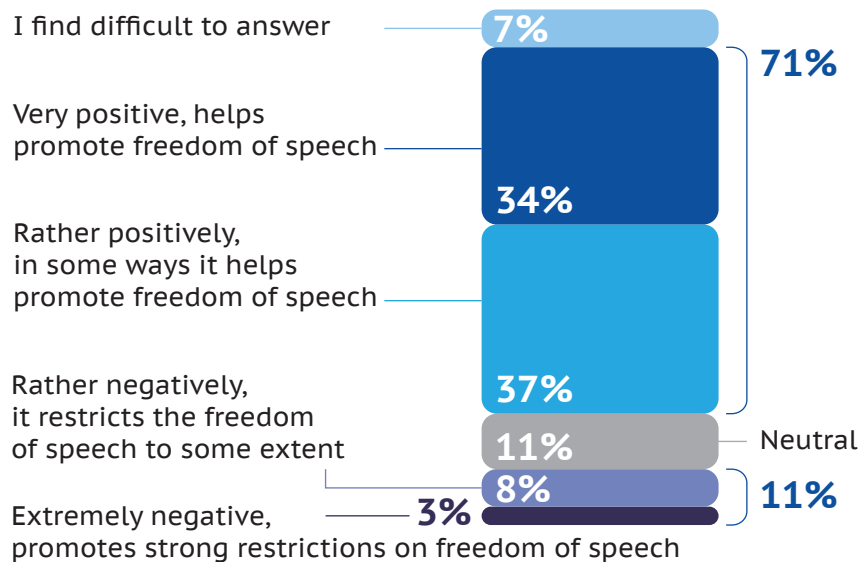
- The digitalization of the media is an integral part of the modern media space and receives a positive assessment from the majority of respondents. It helps to promote freedom of speech by providing quick access to various sources of information. Access to different sources of information through online resources is important for freedom of speech and the possibility of obtaining alternative information. The digitization of the media and online media make it possible to be informed and critically thinking citizens, receiving independent and reliable information.

The majority of respondents (71%) perceive digitalization of the media as a positive development and believe that it helps to promote freedom of speech to one degree or another. Only 11% have a negative attitude towards the digitalization of the media and believe that it contributes to the restriction of freedom of speech.



**Graph 14. How do you think the digitalization of the media and the development of social networks affect the level of freedom of speech in the country?**

N= 212, all respondents



In the context of the work experience of the respondents, no significant differences were identified in relation to the digitalization of the media. However, less experienced professionals are more inclined to consider the digitalization of the media as a positive development (40%).

**Table 14. How do you think the digitalization of the media and the development of social networks affect the level of freedom of speech in the country?**



	Total 212 people	Work experience		
		10 year and less 129	10+ years 72	Refusal 11*
Extremely negative, promotes strong restrictions on freedom of speech	3%	3%	1%	9%
Rather negatively, it restricts the freedom of speech to some extent	8%	7%	7%	18%
Neutral	11%	9%	15%	0%
Rather positively, in some ways it helps promote freedom of speech	37%	34%	43%	36%
Very positive, helps promote freedom of speech	34%	40%	28%	18%
I find difficult to answer	7%	7%	6%	18%

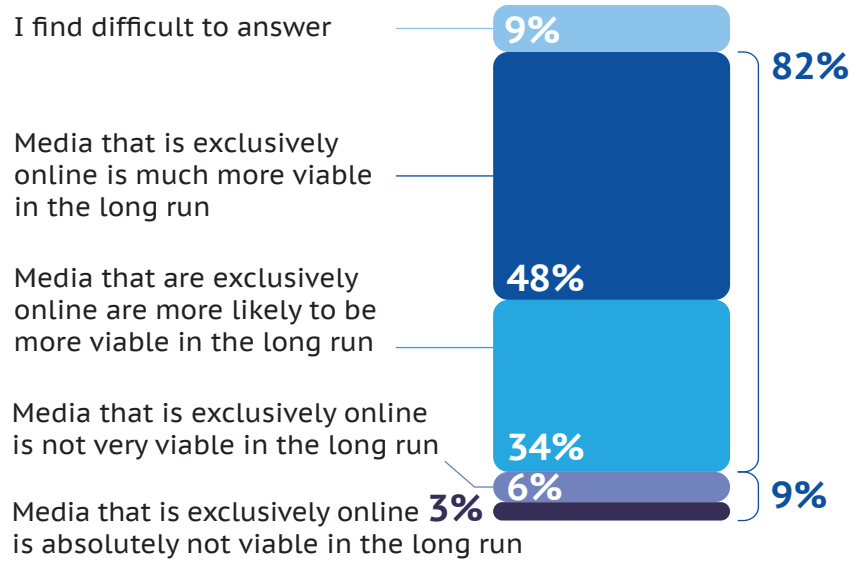
\*Sampling is insufficient for analysis. The data is presented for reference only.

Respondents were also asked to assess the prospects for media outlets operating exclusively online. The majority of respondents (82%) believe that online media are more viable in the future to one degree or another.



**Graph 15. How do you assess the prospects for the development of media that work exclusively online ?**

N= 212, all respondents



If we consider the distribution of answers to this question by work experience, then there is no significant difference between different groups.

**Table 15. How do you assess the prospects for the development of exclusively online media?**



Media that is exclusively online is absolutely not viable in the long run

Media that is exclusively online is not very viable in the long run

Media that is exclusively online is much more viable in the long run

Media that are exclusively online are more likely to be more viable in the long run

I find difficult to answer

	Total 212 people	Work experience		Refusal 11*
		10 year and less 129	10+ years 72	
Media that is exclusively online is absolutely not viable in the long run	3%	4%	1%	0%
Media that is exclusively online is not very viable in the long run	6%	6%	4%	9%
Media that is exclusively online is much more viable in the long run	34%	35%	38%	9%
Media that are exclusively online are more likely to be more viable in the long run	48%	48%	49%	45%
I find difficult to answer	9%	7%	8%	36%

\*Sampling is insufficient for analysis. The data is presented for reference only.



According to some experts, digital media are gaining more and more popularity, while television and other sources of information are fading into the background. The reason for this is not only the speed of online media, but also the need for people to receive reliable information from different sources and be able to get acquainted with a variety of points of view.



*“They’ve come to realize that what’s portrayed on television doesn’t align with what they see outside their windows. They go to supermarkets, shops, schools, and work themselves. As a result, they seek out alternative sources of information.”*

*Blogger, journalist*

*“The Internet is truly a blessing for all of humanity. It provides people with the chance to voice themselves, to listen, to observe others. It’s an unparalleled opportunity to foster critical thinking and promote a healthy sense of criticism.”*

*Human Rights Activist*

The processes of digitalization in the public administration system, according to experts, are a positive phenomenon, since journalists and other interested parties can access various data in the public domain (for example, on the <https://data.egov.kz> portal) and independently conduct analyze the data and publish the results.

In general, people should be able to obtain alternative information from various sources, which is provided by access to online resources.

Digitalization processes have their pros and cons in the context of freedom of speech:

#### Advantages of digitalization:

- + Contributes to the improvement of the situation with freedom of speech in the country, as this allows better dissemination of information. Greater audience reach than print media.
- + Efficiency. By themselves, digital technologies have a positive impact on the development of the media – they allow to process and issue information faster, create better materials.
- + Having feedback from readers
- + Opportunity to see different points of view.
- + Less upfront costs for those who want to produce content (news or otherwise).
- + In the case of the state information order, there is an opinion that the digitalization of processes will help eliminate the influence of the human factor when making funding decisions.
- + Overall, the digitalization of communication and, specifically, the growth of social networks is viewed as a positive trend by experts. It enables direct interaction with certain government officials, facilitating quicker resolution of specific issues.

#### Disadvantages of digitalization:

- Online publications are vulnerable to cyber and bot attacks. In addition, access to the site or social media platforms may be blocked by the authorities.
- Providing access to digital resources depends on the relationship of Internet providers with government agencies. Public authorities are in a position where they can regulate and oversee the activities of Internet providers, have the opportunity to influence the policy of access to digital resources. If the state has leverage on the Internet provider, then this may affect the provision of user access to resources.
- Low awareness of users about the protection of personal data. Users prefer convenience in exchange for security. At the same time, many companies themselves do not understand or do not comply with personal data security standards. People should have basic literacy about how they can control their data (“give consent, revoke, know how data is stored”).
- The development of artificial intelligence technologies allows fake images and videos, contributes to the spread of misinformation and can be used against journalists. At the same time, many do not have the skills to check the authenticity of images and videos.
- The reverse side of digitalization is that the authorities also use the digital space to fight objectionable resources.





*“This (i.e., the digitalization of the media) has created opportunities for our society to become more transparent. If something occurs anywhere, thanks to social networks, the entire Kazakhstan population can be informed within half an hour, particularly when the information is significant and engaging.”*

*Blogger, journalist*

*“Sometimes you observe a situation where after publishing a critical piece or an investigation, for instance, within just a few minutes, say 15 minutes, numerous individuals arrive and comment that none of it is accurate. You’re left wondering. They claim we have a fantastic akim. In reality, it’s not plausible for such a large number of people to react so swiftly.”*

*Blogger, journalist*

*“When you compare print and digital media, with digital, of course, on one hand, you don’t need to invest a lot of money – you start by creating an account and promoting it. Whether it’s a Telegram channel or a YouTube channel, it’s quite straightforward. That’s great. However, on the other hand, shutting down print media is not as simple. It requires a court process, a decision. Whereas in the digital realm, they can just flip a switch, and everything’s gone – there’s no media left.”*

*Journalist, civic activist*

# Assessing the provision of digital rights in Kazakhstan in the context of freedom of speech

## Development of digital rights



The study showed that digital rights in the country are poorly developed and are only at the initial stage of formation. One of the problems is the lack of specialists and the incompetence of representatives of the authorized bodies. With the development of digital technologies, the relevance of the issue of digital rights will only grow. To improve the situation, it is necessary to develop appropriate legislation and attract competent experts.



Experts understand digital rights as a combination of the following elements:

- Human rights arising from the use of digital technologies. Not only the Internet, but digital technologies in general
- Rights related to the search and processing of information on the Internet and social networks (the right to seek information, receive services, express one's opinion on the Internet).
- Guarantee of security and confidentiality, protection of personal data, user identity
- Access to information on the Internet
- Access to high-quality uninterrupted Internet



*"We have various types of neural networks now that can create images and attach something very similar to your voice to it, even replicate your voice. How to protect yourself in this case?"*

*Journalist*

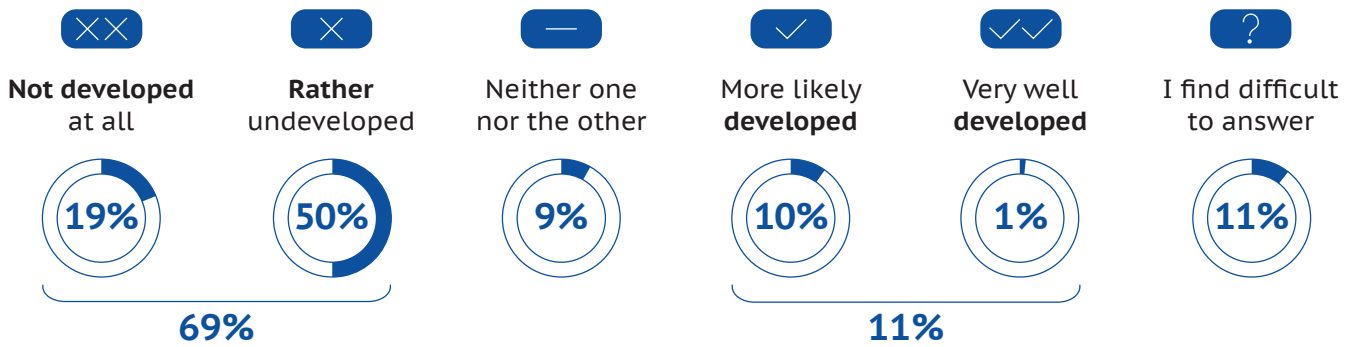
*"Absolutely important, of course, are digital rights. Because, again, they are still, fortunately, not sufficiently regulated by the state. Therefore, this is such a territory of freedom that we need to protect very much."*

*Human Rights Activist*

During the survey, respondents were asked to rate how, in their opinion, the topic of digital rights is developed in Kazakhstan. The majority of respondents (69%) believe that this topic is rather undeveloped or not developed at all.

**Graph 16. In your opinion, how developed is the topic of digital rights in Kazakhstan?**

N= 212, all respondents



In the context of work experience, there were no significant differences on this issue.

**Table 16. In your opinion, how developed is the topic of digital rights in Kazakhstan?**

	Total	Work experience		Refusal
	212 people	10 year and less 129	10+ years 72	
Not developed at all	19%	19%	19%	9%
Rather undeveloped	50%	50%	50%	55%
Neither one nor the other	9%	9%	7%	18%
More likely developed	10%	11%	10%	9%
Very well developed	1%	2%	0%	0%
I find difficult to answer	11%	10%	14%	9%

\*Sampling is insufficient for analysis. The data is presented for reference only.



According to experts, the digital rights community is only at the initial stage of its formation, while the direction itself continues to develop. The norms of digital rights have not yet been fully developed even in international law, and there are various interpretations of this concept. Some experts admit that even among their colleagues in civil society there is a lack of recognition of digital rights or human rights in the digital environment. For this reason, it is important to clarify notions and concepts related to digital rights.

In this area, there is a shortage of specialists and human rights activists involved in digital rights. In addition, some experts point to the problem of the incompetence of representatives of authorized bodies and the legislature responsible for the development of legislation in the field of the use of digital technologies. According to experts, with the development of digital technologies, such as artificial intelligence, the relevance of this issue will only increase. Therefore, experts with relevant knowledge and competencies should be involved in the legislative process.



*“For our, at least, authorities and state bodies, digital rights do not represent a separate concept for themselves yet.”*

*Human Rights Activist*

*“Ideally, as a civil society, we should establish a group of experts who comprehend these matters and can offer guidance to legislators and participate in working committees, particularly concerning intricate subjects. This is especially true for the regulation of artificial intelligence.”*

*Journalist*

According to experts, at present, the legislation does not sufficiently protect digital rights, including the lack of anonymity of users when leaving comments online.

Some experts believe that the current enforcement of digital rights is due to the possibility of using VPN services, which allow to bypass locks and gain access to limited resources.

## Digital rights and freedom of speech

- Digital rights and freedom of speech are closely linked, and, accordingly, social networks play an important role in the implementation of freedom of speech in Kazakhstan. However, the provision of digital rights is at a low level, including due to restrictions from the authorities. It is necessary to strive to create mechanisms that will guarantee citizens full access to the Internet and freedom of expression.



According to most experts, freedom of speech and digital rights are directly interconnected. In the Internet space, citizens should have the same rights as outside it.

The interviewed experts believe that the provision of digital rights is extremely necessary, since at present the Internet is the only opportunity for many to express dissatisfaction, to achieve a solution to any problem.



*“And as practice shows, the more people express their outrage on the Internet, the greater the likelihood that it will draw attention.”*

*Journalist, political activist*

*“We have examples of acquaintances who, while working for state publications, are unable to express certain opinions. However, on the Internet, they are able to freely write about these matters.”*

*Lawyer, human rights activist*

In addition, according to experts, social networks are currently one of the main components of ensuring freedom of speech in Kazakhstan. This is due to the fact that they are outside the jurisdiction of Kazakhstan, so local authorities cannot easily close them (but can use other measures, for example, restrict access to the Internet in general). In this regard, there is an opinion that all efforts of the authorities will be aimed at restricting citizens' access to social networks under any pretexts.

Today, according to experts, the authorities have the ability to restrict access to the Internet, individual sites or completely block the Internet.

This practice not only restricts people's access to information, but also makes it impossible to collect evidence and document violations. This violates a wide range of rights.

Furthermore, the functioning of online sources can be obstructed through orchestrated bot attacks, which can lead to technical disruptions in website operations. In some cases, a surge of complaints can even result in the deletion of social media accounts.

Experts also mentioned the use of Pegasus spyware as one of the tools for violating digital rights and human rights in general.



“Within a matter of minutes, hundreds of negative comments flood the channel. Consequently, due to this on-going barrage of complaints and the ensuing influx, search results plummet, leading to a significant decrease in my viewership.”

Journalist, political activist

“During the events in January, one of the aspects we investigated and found intriguing was the sudden shutdown of internet connectivity. At that time, there were no official documents, no correspondence, nothing. Telecommunications company openly acknowledged that they received a call instructing them to disable the internet, and that was the extent of it. This highlights the way things operate. However, such actions should not occur in a state that upholds the principles of the rule of law.”

Human Rights Activist

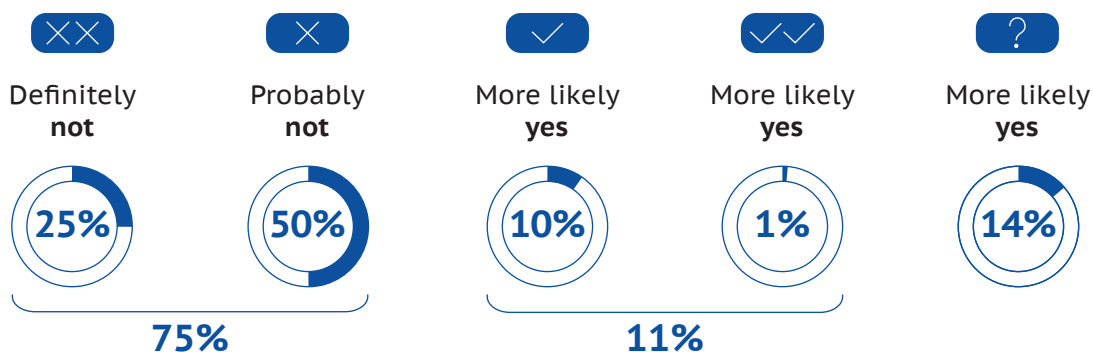
“For a long time now, the state has held the view that everything related to the Internet is problematic. ... As the Internet continues to evolve, the state is consistently contemplating ways to exert some form of regulation over [the Internet].”

Lawyer, human rights activist

The majority of survey participants (75%) believe that digital rights are not fully ensured in Kazakhstan. Only 11% of respondents believe that these rights are respected to a certain extent in Kazakhstan.

**Graph 17. In your opinion, are digital rights fully ensured in our country at present?**

N=212, all respondents



As for the distribution of answers on this question between different groups, among respondents with less than 10 years of experience, there is a slightly higher proportion of those who believe that digital rights are definitely not secured (29%) compared to more experienced respondents.

**Table 17. In your opinion, are digital rights fully ensured in our country at present?**



	Total	Work experience		
	212 people	10 year and less 129	10+ years 72	Refusal 11*
Definitely not	25%	29%	15%	45%
Probably not	50%	47%	57%	27%
More likely yes	10%	9%	11%	9%
Definitely yes	1%	2%	0%	0%
I find difficult to answer	14%	12%	17%	18%

\*Sampling is insufficient for analysis. The data is presented for reference only.

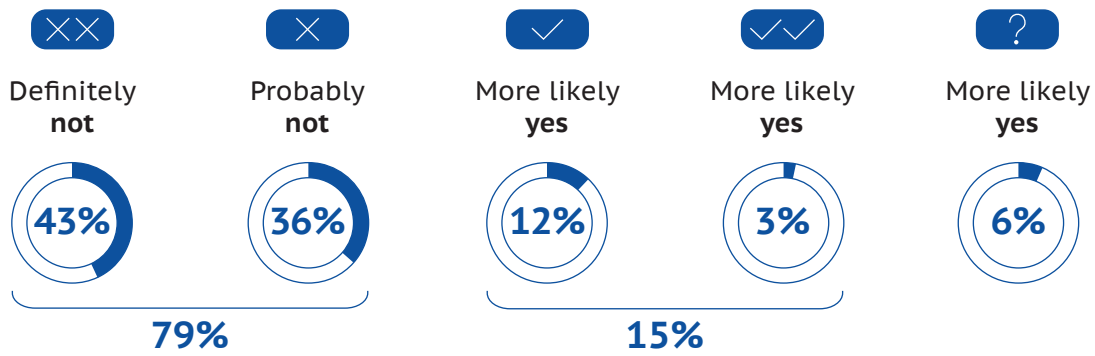
## Access to digital resources

- According to the study, equal access to digital resources is not ensured in Kazakhstan, mainly due to limited access to high-quality Internet, low digital literacy, and content blocking by government agencies. In addition, cases of cyber fraud are increasingly common. It is important to develop access to digital resources, respect the protection of information and personal data, and improve the digital literacy of citizens.

Regarding access to digital resources, the majority of respondents (79%) cannot agree that all citizens of the country have equal access to all digital resources.

**Graph 18. Do you think it can be said that all citizens of the country have equal access to all digital resources?**

N=212, all respondents



Again, among those with less work experience, there are significantly more of those who definitely disagree with the fact that all citizens of the country have equal access to digital resources (52%).

**Table 18. Do you think it can be said that all citizens of the country have equal access to all digital resources?**

	Total 212 people	Work experience		Refusal 11*
		10 year and less 129	10+ years 72	
Definitely not	43%	52%	28%	36%
Probably not	36%	29%	47%	36%
More likely yes	12%	13%	10%	9%
Definitely yes	3%	2%	6%	0%
I find difficult to answer	6%	4%	10%	18%

\*Sampling is insufficient for analysis. The data is presented for reference only.

The main reason why not all citizens can get equal access to all digital resources, according to respondents, is limited access to high-quality Internet (76%), as well as low digital literacy of citizens (73%) and content blocking by government agencies (69%).



**Graph 19. What do you think prevents all citizens from getting equal access to all digital resources?**

N=212, all respondents



Respondents with less work experience significantly more often than others mentioned content blocking by government agencies (75%), low adaptability of online resources for people with disabilities (57%) and the lack of bilingual content (53%) as barriers to accessing digital resources.

**Table 19. What do you think prevents all citizens from getting equal access to all digital resources?**



	Total	Work experience		Refusal
	212 people	10 year and less 129	10+ years 72	
Limited access to quality internet	76%	78%	69%	91%
Low digital literacy of citizens	73%	78%	65%	73%
Blocking of content by government agencies	69%	75%	57%	82%
Passive civic position of citizens	66%	67%	60%	82%
Low adaptability of online resources for people with disabilities	49%	57%	33%	55%
Lack of bilingual content (in Russian and Kazakh)	45%	53%	29%	45%
Other	3%	3%	4%	0%
I find difficult to answer	4%	5%	3%	9%

\*Sampling is insufficient for analysis. The data is presented for reference only.



Experts noted the following factors hindering equal access to digital resources:

- **Internet connectivity.** According to experts, Internet connectivity in Kazakhstan is still very limited, especially in rural areas. This inequality became especially noticeable during the pandemic, when schoolchildren and students switched to remote learning. At the same time, even in large cities there are problems with Internet coverage in some parts of the city. There is an opinion that the authorities deliberately do not allow expanding the Internet coverage.



*“So, the state has essentially implemented an accessibility policy, claiming that there is Internet coverage everywhere. However, I visited a village where Internet access was only available near the school building. They installed Wi-Fi, and it’s assumed that the village has Internet, but in reality, it’s not the case.”*

*Blogger, journalist*

*“Not to mention remote villages. Even when traveling between cities or going underground in the subway, there’s no internet. While in other parts of the world, mobile communication and internet connectivity are available even in subway systems.”*

*Blogger, journalist*

- **Telecom provider monopoly.** Although there are multiple internet providers in the country, in reality, they all utilize the infrastructure of the main provider, enabling centralized communication shutdown.



*“However, we have a mechanism that can instantly switch off the mobile internet, not only at the specific rally location but also within a radius of five or six blocks.”*

*Blogger, journalist*

- **Low adaptability of sites and applications for people with disabilities.** People with visual or hearing impairments often find it difficult to use many online resources. Sites often do not meet the standards that are set in the field of inclusion.



*“I personally came across this issue, and it turns out that individuals with impaired vision and hearing face significant challenges in accessing information about government activities. What might be simple for an average person becomes a problem for them, such as accessing information. Moreover, there’s a broader concern about access to information for everyone, including journalists.”*

*Media Lawyer*

- **Low incomes of the population.** Low-income groups may also be limited in their access to digital resources because not everyone can afford to pay for the internet or even purchase a device/equipment to access the internet.

The increasing pace of digitalization and the emergence of various services, including in public administration, also has consequences and creates new obligations. New, more complex processes are emerging. For example, as technology develops, so does cyber fraud. Last year, a guide to investigating cybercrime, the Cyber Police Pilot Project, was released. However, experts believe that these technologies are used not only to uncover Internet frauds, but also, among other things, to collect personal data against civil society representatives and against journalists.

There are also unclear points in the eGov system. For example, the need to download the NCALayer application. Many do not understand how it works, what functions it performs and whether it threatens the security of the user's computer.

All these phenomena create new obligations, particularly in the area of digital information protection, including personal data. For example, it is common practice to use consumer databases obtained illegally. Even representative offices of international companies were noticed in this.



*“Electronic government is a structured framework that is currently being actively advocated by the Ministry of Digital Development. However, in essence, it remains unclear for the public and even for experts in many respects – how the system operates, its functionalities, and its future implications.”*

*Human Rights Activist*

*“Regrettably, engaging IT professionals and specialists in fields such as cybersecurity in civil society activities is a challenge. This is primarily due to the fact that our country's entire market in these areas is closely linked to the state.”*

*Human Rights Activist*

## Measures needed to secure digital rights



According to experts, the following measures are necessary to fully ensure digital rights:

- Ensure the technical availability of high-quality Internet everywhere, including in rural areas.



*“There were hopes that satellite Internet would help provide access in rural areas. But so far, unfortunately, the forecasts are disappointing, let's put it this way.”*

*Human Rights Activist*

- It is necessary to stop the practice of blocking the Internet, because even in emergency situations it is unjustified and violates digital human rights. People should always have access to information. An independent body should be created to investigate cybercrimes, including internet shutdowns.



*“Such an artificial restriction of communication between people entails even more threats in this regard. Not only is this a gross violation of human rights, digital rights, but also, in principle, it can affect people's lives in a very negative way.”*

*Human Rights Activist*

*“Essentially, blocking the internet violates digital rights. You can't go to an ATM, withdraw money, you can't pay for something.”*

*Journalist*

- Demonopolize the telecommunications market, in particular the provision of the Internet, which will create competition and, consequently, improve the quality of services provided, as well as ensure equal access to the Internet for all citizens. The de-monopolization of the Internet services market will also make it impossible to shut down the Internet everywhere.



*“Remove the monopoly on Internet provision. It’s irrelevant that we have several providers; they still have some level of dependency on Kazakhtelecom. By doing so, we can eliminate the political influence on those controlling the ‘main switch.’”*

*Blogger, journalist*

- The state should not interfere in the activities of digital media. Reduce control over content on social networks, instant messengers and other platforms. To establish interaction with platforms on the terms of equal partnership, and not to manage and control them.
- Provide the population with access to the Internet at an affordable price.
- Conduct systematic information work with people in order to improve digital and media literacy (including fact-checking and investigative skills), as well as digital etiquette.



*“It is now much easier to mislead with the help of technologies, which, among other things, can simulate behavior, appearance, voice and everything else.”*

*Human Rights Activist*

*“It should be a matter of education, digital education. And digital etiquette, which needs to be educated in citizens and welcome independence, maturity and digital maturity in citizens. And not for the state to sit on the “main switch” and turn off the Internet and so on.”*

*Human Rights Activist*

- Bilingual content – in Kazakh and Russian. Experts have repeatedly noted that in order to meet the needs and demands of society, it is necessary to create content in two languages.



*“This is the social life of the country – this is the future. And this is the request of society that there is a request in two languages.”*

*Journalist*

*“Of course, Kazakhstani content should develop and there should be bloggers who write about it, about human rights, about social activities.”*

*Blogger*

- Provide children in rural areas with free access to the Internet and devices for accessing the Internet (computers, tablets, etc.) in schools so that they have the opportunity to study in their free time.



# Conclusions and Summary of the Results of the Study

## 1

### Assessment of legislation in the field of media activities and freedom of speech

In general, the level of awareness of legal documents related to the media and freedom of speech leaves much to be desired. Less than half of the respondents are quite familiar or very familiar with Kazakhstani legislation (45%) and international standards in the field of freedom of speech. Even lower is the awareness of the draft Law of the Republic of Kazakhstan “On Mass Media” (33%) and the Information Doctrine (23%). Work experience is a determining factor in awareness: the more experience (more than 10 years), the higher awareness. This may indicate that, over time, professionals are becoming more aware of applicable laws and international standards, perhaps due to increased responsibility for their publications. There is a need for a more thorough study of these regulations.

It is believed that the new Law on Mass Media and the Information Doctrine will restrict freedom of speech to a certain extent, increase censorship and increase control over the media, including the harassment of bloggers and restrictions on social networks.

According to the opinion of the professional community, with the formal compliance of Kazakhstani legislation with international standards in the field of freedom of speech, the actual application of the law is much more difficult. At the same time, national legislation is generally outdated and does not meet modern challenges related to freedom of speech in the modern information environment.

# 2

## Perceptions of gender representation in the media and coverage of gender in the media

According to the results of the survey, the opinions of respondents regarding the representation of women in the fields of journalism, civic activism and legal protection were divided. 38% believe that women are represented in these areas by less than half, while 27% believe that they are more than half, 21% believe that both sexes are equally represented.

Experts, on the other hand, believe that women predominate in the areas studied, but this, in turn, is the result of a manifestation of sexism, since work in these industries is not distinguished by high incomes and prestige. Thus, in these professions there are also phenomena of gender discrimination in the form of unequal pay for equal work, the predominance of men in leadership positions, the appropriation of the results of women's work, etc.

The emergence of such a situation is explained by the predominance of patriarchal values in society. As a result, despite the efforts of women and increased representation in the fields of journalism, civic activism and legal advocacy, there are still complexities and inequalities towards women in these areas. This indicates the need for further efforts in the struggle for gender equality and overcoming patriarchal stereotypes in society.

# 3

## Analysis of the situation with freedom of speech and perception of censorship

According to the results of the survey, the situation with freedom of speech in Kazakhstan is assessed as bad or very bad by the majority of respondents (86%). The state, instead of enforcing the right to freedom of speech, seeks to regulate it, which causes serious concern. Despite the fact that experts agree on the need for certain limits on freedom of speech, they believe that state bodies and law enforcement agencies often go beyond these limits.

One of the key challenges in this area is that the state sees a threat to itself in freedom of speech and the manifestation of any kind of opposition. The problem is the lack of independent media. State funding of the media significantly affects the objectivity and reliability of information available to the public.

Respondents also point to the existence of censorship (89%), despite its official ban, and self-censorship (88%) in Kazakhstan. This is especially true

for publicly funded media. Almost all respondents believe that media access to reliable information is a problem.

Independent online media (69%) and blogs of individual activists and experts (43%) are trusted and considered as the main sources of information. The majority of respondents consider the digitalization of media to be a positive phenomenon that promotes freedom of expression (71%). This indicates that information technology plays an important role in ensuring access to free information and the development of media space.

Thus, the survey shows high concern about the situation with freedom of speech in Kazakhstan, while pointing to the need to strengthen the guarantees of this right, the diversity of information sources and a more transparent media policy.



# 4

## Assessing the provision of digital rights in Kazakhstan in the context of freedom of speech

The results of the study revealed that the topic of digital rights in Kazakhstan remains underdeveloped (69%), which causes some concern. This has a direct impact on freedom of speech, which directly depends on ensuring the digital rights of citizens. The survey showed that digital rights in Kazakhstan are not fully ensured (79%). This means that the citizens of the country are deprived of the opportunity to enjoy all the benefits of digital resources. Limited access to quality internet (77%), low digital literacy (73%) and government blocking of content (72%) are the main reasons for uneven access.

The digital divide not only hinders the development of society, but also limits the opportunities of citizens for self-development and self-expression. Only ensuring equal access to all digital resources and supporting the development of digital literacy can lead to the full implementation of digital rights in Kazakhstan.

### Measures needed to secure digital rights.

- Ensure the technical availability of high-quality Internet everywhere, including in rural areas.
- Stop the practice of blocking the Internet, as even in emergency situations this is not a justified measure and is a violation of digital human rights.
- Demonopolize the telecommunications market, in particular the provision of the Internet, which will create competition and, consequently, improve the quality of services provided, as well as ensure equal access to the Internet for all citizens. The demonopolization of the Internet services market will also make it impossible to shut down the Internet everywhere.
- Do not interfere with the activities of digital media. Reduced regulation of content in social networks, instant messengers and so on.
- Provide the population with access to the Internet at an affordable price.
- Systematic information work with people to improve digital and media literacy (including fact-checking and investigative skills), as well as digital etiquette.
- Bilingual content – in Kazakh Russian and languages.
- Provide children in rural areas with free access to the Internet and devices for accessing the Internet (computers, tablets, etc.) in schools so that they have the opportunity to study in their free time.



# Appendix

## Online survey questionnaire

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PF “Wings of Liberty”, in collaboration with the Institute for War and Peace Reporting (IWPR), is initiating a study on access to information and digital rights in Kazakhstan. This study aims to explore various aspects of how respondents perceive the state of freedom of speech in Kazakhstan. It will cover topics such as the current legislative framework, the existence or absence of censorship, including instances of self-censorship, the impact of digitalization, and the potential future developments of internet-based media.

We invite human rights activists, civil activists, journalists, bloggers, media managers, media experts, lawyers working in the field of protecting and promoting freedom of speech, as well as all interested and caring citizens, to take part in an online survey.

The link to the survey is in our profile description. The survey will take no more than 10-15 minutes to complete. Each of your responses is very valuable for our study and will help us in formulating recommendations for the protection and promotion of freedom of speech for the government and the expert community.

The study on access to information and digital rights in Kazakhstan is carried out within the framework of the project “Kazakhstan without censorship”, implemented by the Public Foundation “Wings of Liberty” and IWPR with the financial support of the European Union.

For all questions, please contact \_\_\_\_\_, + 7 \_\_\_\_\_ or write to [erkindikkanaty@gmail.com](mailto:erkindikkanaty@gmail.com)

We do not collect personal data; the survey is completely anonymous.

## Introduction

1. Age
  - 1) Under 18 -> FINISH
  - 2) 18-25
  - 3) 26-35
  - 4) 36-45
  - 5) 46-55
  - 6) 56-65
  - 7) 66+
2. Gender. Choose one answer.
  - 1) Man
  - 2) Woman
  - 3) Other \_\_\_\_\_
  - 4) Refusal
3. Please indicate your place of residence
  - 1) City
  - 2) Aul (village)
4. City of your residence. Choose one answer.
  - 1) Almaty
  - 2) Astana
  - 3) Aktau
  - 4) Aktobe
  - 5) Atyrau
  - 6) Karaganda
  - 7) Kokshetau
  - 8) Kostanay
  - 9) Kyzylorda
  - 10) Pavlodar
  - 11) Petropavlovsk
  - 12) Semey
  - 13) Taldykorgan
  - 14) Taraz
  - 15) Temirtau
  - 16) Turkestan
  - 17) Uralsk
  - 18) Ust-Kamenogorsk
  - 19) Shymkent
  - 20) Other (write in) \_\_\_\_\_
5. Select the type of your activity. Choose one answer.
  - 1) Journalist
  - 2) Blogger
  - 3) Media worker
  - 4) Editor
  - 5) Chief editor of the media outlet
  - 6) Lawyer
  - 7) Human rights organization employee
  - 8) Civil activist
  - 9) Other \_\_\_\_\_
6. Please select a time, how long have you been working in your profession? Choose one answer.
  - 1) Less than 1 year
  - 2) 1-5 years
  - 3) 6-10 years old
  - 4) 11-20 years old
  - 5) 21 years old and over
  - 6) Refusal

## Legislation

7. How well do you know the legislation governing the media and freedom of speech in Kazakhstan? ONE ANSWER
  - 1) Yes, very well
  - 2) Yes, quite well
  - 3) Familiar on a very superficial level
  - 4) Not familiar at all
8. Are you familiar with international standards in the field of freedom of speech? ONE ANSWER
  - 1) Yes, very well
  - 2) Yes, quite well
  - 3) Sign(Familiar on a very superficial level
  - 4) Not familiar at all
9. How do you think, to what extent does the national legislation regulating the activities of the media and freedom of speech in Kazakhstan comply with international standards in the field of freedom of speech? ONE ANSWER
  - 1) Does not correspond at all
  - 2) Rather does not correspond
  - 3) Neither one nor the other
  - 4) Rather corresponds
  - 5) Fully corresponds
  - 6) Difficult to answer
10. At present, the state has prepared a new bill of law "on the mass media", which came to replace the current law on the media. Are you familiar with this bill? ONE ANSWER
  - 1) Yes, very well
  - 2) Yes, quite well
  - 3) Familiar on a very superficial level
  - 4) Not familiar at all > GO TO QUESTION 15
11. What do you think, if the new draft law "on mass media" is adopted, what impact will it have on the level of freedom of speech in Kazakhstan? ONE ANSWER
  - 1) Clear restriction of freedom of speech
  - 2) Restriction of freedom of speech to some extent
  - 3) Expansion of freedom of speech to some extent
  - 4) Clear expansion of freedom of speech
  - 5) I find it difficult to answer
12. At present, the State has approved the Information Doctrine of the Republic of Kazakhstan. Are you familiar with this document? ONE ANSWER
  - 1) Yes, very well
  - 2) Yes, quite well
  - 3) Familiar on a very superficial level
  - 4) Not familiar at all > GO TO QUESTION (next question)

- 13.** How can you imagine what impact the approved doctrine will have on the level of freedom of speech in Kazakhstan? ONE ANSWER
- 1) Clear restriction of freedom of speech
  - 2) Restriction of freedom of speech to some extent
  - 3) Expansion of freedom of speech to some extent
  - 4) Clear expansion of freedom of speech
  - 5) I find it difficult to answer
- 14.** How high is the representation of women among journalists, media managers, experts, human rights defenders, activists, lawyers working on the subject of freedom of speech? ONE ANSWER
- 1) Very low – below 20%
  - 2) Low – up to 40%
  - 3) Equal representation – about 50%
  - 4) High – up to 70%
  - 5) Very high – more than 70%
  - 6) Other \_\_\_\_\_
  - 7) I find it difficult to answer

## Freedom of speech and censorship

- 15.** How do you assess the situation with freedom of speech and expression in Kazakhstan? ONE ANSWER
- 1) Very poor
  - 2) Somewhat poor
  - 3) Neutral
  - 4) Somewhat good
  - 5) Very good
  - 6) I find it difficult to answer
- 16.** Do you think there is censorship in Kazakhstan? ONE ANSWER
- 1) Definitely yes
  - 2) Probably exists
  - 3) Probably not
  - 4) Definitely not
  - 5) I find it difficult to answer
- 17.** Can you provide specific examples from your personal practice or from the practice of your colleagues? ENTER
- 
- 18.** Do you think there is self-censorship in Kazakhstan, when the media, bloggers and other actors are forced to limit themselves in their statements? ONE ANSWER
- 1) Definitely yes
  - 2) Probably exists
  - 3) Probably not > GO TO QUESTION 20
  - 4) Definitely not > GO TO QUESTION 20
  - 5) I find it difficult to answer > GO TO QUESTION 20

- 19.** Can you provide specific examples from your personal practice or from the practice of your colleagues? WRITE IN THE SITUATIONS YOU HAVE OR HEARD ABOUT CENSORSHIP OR SELF-CENSORSHIP IN KZ.
- 
- 20.** Should the state restrict freedom of speech and freedom of expression in certain situations? MULTIPLE ANSWERS
- 1) No, under no circumstances
  - 2) Only in exceptional situations, to avoid the leakage of important information that could negatively affect the country's image in the international community
  - 3) Only in exceptional situations, in order to avoid leakage of important information that could negatively affect the image of the country in the eyes of the citizens of Kazakhstan
  - 4) Only in exceptional situations to avoid misinformation of the public
  - 5) Yes, the state should strictly restrict freedom of speech in the country
  - 6) Difficult to answer
  - 7) Other
- 

- 21.** In your opinion, how easy is it for the media in Kazakhstan to get access to reliable information? ONE ANSWER
- 2) Probably hard
  - 3) Neutral
  - 4) Probably easy
  - 5) Very easy
- 22.** What sources of information do you use in your daily life? MULTIPLE ANSWERS
- 1) state media
  - 2) independent print media
  - 3) independent online media
  - 4) telegram channels
  - 5) blog platforms of individuals (activists, experts, opinion leaders)
  - 6) press services of state bodies
  - 7) find it difficult to answer
  - 8) other \_\_\_\_\_
- 23.** What sources of information do you trust? MULTIPLE ANSWERS
- 1) state media
  - 2) independent print media
  - 3) independent online media
  - 4) telegram channels
  - 5) blog platforms of individuals (activists, experts, opinion leaders)
  - 6) press services of state bodies
  - 7) find it difficult to answer
  - 8) other \_\_\_\_\_

24. How do you think the digitalization of the media and the development of social networks affect the level of freedom of speech in the country? MULTIPLE ANSWERS

- 1) Extremely negative, contributes to a strong restriction of freedom of speech
- 2) Rather negatively, restricts freedom of speech to some extent
- 3) Neutral
- 4) Rather positive, helps to promote freedom of speech to some extent
- 5) Very positive, helps to promote freedom of speech
- 6) Difficult to answer

25. How do you assess the prospects for the development of media that work exclusively online?

- 1) I think media that is exclusively online is absolutely not viable in the long term.
- 2) I think media that is exclusively online is not very viable in the long term.
- 3) I think media that is exclusively online are more likely to be viable in the long run.
- 4) I think media that is exclusively online is much more viable in the long run.
- 5) Difficult to answer

## Digital rights

26. In your opinion, how developed is the topic of digital rights in Kazakhstan?

- 1) Not developed at all
- 2) Rather not developed
- 3) Neither one nor the other
- 4) Rather developed
- 5) Very well developed
- 6) Difficult to answer

27. Do you think that digital rights are currently fully ensured in our country?

- 1) Definitely not
- 2) Probably not
- 3) Rather yes
- 4) Definitely yes
- 5) Difficult to answer

28. Do you think it can be said that all citizens of the country have equal access to all digital resources?

- 1) Definitely not
- 2) Probably not
- 3) Rather yes > FINISH
- 4) Definitely yes > FINISH
- 5) Difficult to answer > FINISH

29. What do you think prevents all citizens from getting equal access to all digital resources?

- 1) Limited access to high-quality internet
- 2) Content blocking by government agencies
- 3) Low digital literacy of citizens
- 4) Passive civil position of citizens
- 5) Lack of bilingual content (in Russian and Kazakh)
- 6) Low adaptability of online resources for people with disabilities (for example, for the visually impaired)
- 7) I find it difficult to answer
- 8) Other \_\_\_\_\_

**THANK THE RESPONDENT FOR PARTICIPATION**

# Expert Interview Guide

## Guide for an expert interview for a study on access to information and digital rights in the Republic of Kazakhstan

**NOTE TO MODERATOR:** The expert interview guide serves as a broad outline and not a fixed set of questions. It is designed as a reference for the moderator.

The moderator should avoid strictly following the guide question by question, but rather focus on extracting the intended information throughout the conversation. The guide can be treated as a menu to choose topics and guide the overall direction of the discussion. Respondents' answers can frequently lead the conversation in a new direction or influence the sequence of topics.

The time allotted for each section is approximate and may vary in practice.

### GENERAL ~5'

1. What kind of organization, initiative, media do you represent? Tell us briefly about its activities. If media, check if they work in digital format.
2. How long have you been in the profession? Why did you choose this line of business?
3. Can you tell us a little about the pros and cons of your activity?
  - What are the benefits in your work?
  - What are the restrictions? Why?

### LEGISLATION ~15'

4. Are you familiar with national legislation and international standards in the field of freedom of speech?
  - To what extent do you think national legislation complies with international standards in the field of freedom of speech? Why do you think so? Can you give specific examples?
  - can you talk a little bit about the extent to which the national legislation meets the current challenges and interests in the field?
    - i) freedom of speech,
    - ii) media activities,
    - iii) blogging activities,
    - iv) social networks,
    - v) digital rights?
  - Why do you think so?

5. Are you familiar with the new Mass Media Law bill?
  - If yes, please tell us briefly what you know about the new bill, what changes are being prepared, in particular in the digital sphere?
  - If not, briefly tell the respondent about the upcoming changes.
  - What do you think about these changes? How much do you agree with them? Are they necessary and justified? Why? **MAKE SURE THE ANSWER ADDRESSES THE DIGITAL SPHERE AND DIGITAL RIGHTS. IF NOT MENTIONED SPONTANEOUSLY, FOCUS THE CONVERSATION ON THE DIGITAL SPHERE AND DIGITAL RIGHTS**
  - Are these changes indicative of an expansion or restriction of freedom of speech? Why do you think so? How do they affect the digital realm and digital rights specifically?
  - In your opinion, what changes should be made to the media legislation in order for it to meet international standards in the field of freedom of speech?
6. In your opinion, how high is the representation of women among journalists, media managers, experts, human rights defenders, activists, lawyers working on the subject of freedom of speech? **GET A SPONTANEOUS ANSWER. TRY TO GET THE ANSWER AS A PERCENTAGE OR SHARE (SUCH AS A QUARTER, HALF...). AFTER , MAKE CLARIFICATIONS**
  - **IF LESS THAN HALF:** why do you think there are fewer women? What do you think about it, is it good or bad? Should there be more women? What does it take to have more women? **ASK EVERY SUBSEQUENT QUESTION AFTER THE PREVIOUS QUESTION IS ANSWERED**
  - **IF MORE THAN HALF:** why do you think there are more women? What do you think about it, is it good or bad? Should there be more men? Why? **ASK EVERY SUBSEQUENT QUESTION AFTER THE PREVIOUS QUESTION IS ANSWERED**
  - **IF 50/50:** What do you think about it, is it good or bad? Should there be more men or women? Why? **ASK EVERY SUBSEQUENT QUESTION AFTER THE PREVIOUS QUESTION IS ANSWERED**



7. Do you think that the media operating in the country have a policy on non-discrimination and gender equality?
  - IF NO: why do you think not? Do all media need such a policy? Why?
  - IF YES: Do you think they follow this policy? If not, why not? What does it take to change this?
8. In your opinion, is the media coverage of gender discrimination, misogyny, gender stereotypes, gender harassment adequate? Why is that? How necessary is it? Why?
9. IF THE RESPONDENT IS A WOMAN: Have you personally experienced cases of gender discrimination, misogyny, gender stereotypes, gender harassment in a professional context? (IF NOT PERSONALLY ON YOURSELF, THEN IN RELATION TO WOMEN COLLEAGUES) Give examples. How can you (or female colleagues) protect yourself in such cases, what can be done, can it be prevented? How often does this happen?
10. IF THE RESPONDENT IS A MALE: Have you witnessed cases of gender discrimination, misogyny, gender stereotypes, gender harassment towards your female colleagues in a professional context? Give examples. How do you think your female colleagues can protect themselves in such cases, what can be done, can it be prevented? How often does this happen?

#### **FREEDOM OF SPEECH AND CENSORSHIP ~15'**

11. In your opinion, what are the main challenges currently existing in Kazakhstan in the field of freedom of speech and expression?
12. How do you assess the situation with freedom of speech in the country at the present time?
  - Generally
  - in the context of digital media and digital rights
  - Why do you think so? Can you give specific examples that illustrate this (especially in the context of digital rights)? GET A SPONTANEOUS ANSWER. GIVE EXAMPLES IF THE RESPONDENT DOES NOT ANSWER: e.g., arrests of journalists, attacks on them, disconnections of telecommunications...
  - To what extent do you think freedom of speech should be regulated by the state? Why do you think so?
    - i) Are there any cases in which the restriction of freedom of speech by the state is justified?
13. Do you think there is censorship in Kazakhstan (official / unofficial)? Give examples.
  - In your opinion, is it possible to say that in our country there is an atmosphere of self-censorship, when the media, bloggers and other actors are forced to independently limit themselves in their statements? Why is this happening?

- Have you heard/read about cases related to censorship and/or censorship itself? Give examples.

#### **DIGITAL RIGHTS ~15'**

14. How do you think the digitalization of the media and the development of social networks affect the level of freedom of speech in the country? Why? How?
15. What does the term "digital rights" mean to you?
16. How important do you think digital rights are in the context of freedom of speech, given the development of exclusively online media, "blogging" and the development of social networks?
  - What is the relationship between digital rights and freedom of speech? How can the restriction / non-enforcement of digital rights affect freedom of speech?
  - Do you think that digital rights are currently fully ensured in our country? Why do you think so?
    - i) Can we say that all citizens have equal access to all digital resources? Why?
    - ii) What are the restrictions? Why is this happening?
  - What do you think should be done to ensure that digital rights are fully ensured?

#### **GET A SPONTANEOUS ANSWER**

USE THE LIST FOR HINTS IF THESE ITEMS ARE NOT MENTIONED SPONTANEOUSLY:

- i) Legislative measures – what
- ii) Law enforcement practice
- iii) Provision of necessary infrastructure – (e.g., internet access...)
- iv) Bilingual Content
- v) digital literacy
- vi) Active citizenship of the population
- vii) ....

#### **THANK THE RESPONDENT FOR THE INTERVIEW**



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## **STUDY ON DIGITAL RIGHTS: ACCESS TO INFORMATION AND FREEDOM OF EXPRESSION IN KAZAKHSTAN**

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“Kazakhstan uncensored” project



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